

**New York State Board of Elections
Annual Report
2006**

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To: The Honorable Eliot Spitzer, Governor
and Members of the New York State Legislature

We are pleased to submit to you the New York State Board of Elections' 2006 Annual Report. This report provides a comprehensive review of board programs and accomplishments during the calendar year 2006.

During 2006, Agency staff was increased to facilitate the additional duties associated with implementation of the Help America Vote Act of 2002. Consultants and testing laboratories were hired and the voting machine certification process commenced during the year. A vendor was chosen to build the statewide database of registered voters. Much work remains to be done during the next year in order to meet the Act's mandates.

We are confident that the New York State Board of Elections can meet the challenges of HAVA implementation while continuing to provide secure and trouble free elections in New York.

Respectfully submitted,

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Co-Chair

Evelyn J. Aquila
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MaryBeth Melber, *Information Technology Assistant*
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Campaign Financial Disclosure

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Cheryl S. Hauk, *Calculations Clerk 2*
Ellen R. Snyder, *Clerk 2*

Administrative Office

Patricia L. Tracey, *Administrative Officer*
Thomas Jarose, *Administrative Assistant*
John K. Vinson, *Stores Clerk 2*

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Counsel's Office

Legal Opinions

The Office of the Special Counsel is responsible for preparing responses to requests for formal opinions from the Board. These formal opinions serve to further clarify certain sections of the Election Law. The Board issued no formal opinions in 2006.

Copies of individual opinions, or a complete set of opinions, may be obtained by visiting the Board's website.

Legislative Activities

Counsel's office, in consultation with the executive staff, regularly monitors all legislative action which could impact the Board and the election process in New York. Such activities include attending legislative committee meetings, responding to inquiries regarding legislation, and responding to requests for comments on legislation. In addition, Counsel's office is responsible for drafting any legislative proposals of the Board.

The following is a brief summary of important Election Law Legislation for 2006:

Chapter Number	Summary
147	Amends Chapter 92 of the Laws of 2001, amending the election law relating to the election ballot, canvassing write-in votes and providing for the repeal of certain provisions relating thereto, in relation to extending the expiration of the provisions of such chapter through 2007.
222	Authorizes county boards of elections to create, consolidate, divide or alter election districts under certain circumstances when the legislative body of a city or town fails to do so when so required.
447	Adds the feminine pronoun wherever the masculine pronoun appears in provisions of law relating to the form of statements of witnesses for designating petitions and nominating petitions for elective offices.
528	Amends chapter 237 of the laws of 2005 amending the election law relating to military voting, in relation to extending the expiration of the provisions of such chapter through 2007.
684	Requires the village board of trustees to conduct run-off elections in the event of a tie; further provides for the run-off election to be waived and the selection made by lot if the person receiving the equal number of votes shall file with the village clerk a written notice of consent.

Election Law Inquiries

General questions on election law, excluding enforcement matters, are handled by the Office of Special Counsel. Local boards of elections, town clerks, elected officials, candidates, political committees, and involved citizens all rely on the expertise of the board's attorneys in interpreting the law.

Litigation

The Office of Special Counsel represented the Board in 73 new court actions in 2006. The following is a brief summary of the significant litigation activity in 2006:

LITIGATION SUMMARY
<p><i>United States v. New York State</i> The United States Department of Justice brought suit against the State of New York and the State Board of Elections to enforce provisions of the Help America Vote Act. The State Board and the Department of Justice established a consent decree with the Court setting forth a plan which would bring the State into compliance as soon as possible.</p>
<p><i>Kermani v. New York State Board of Elections</i> The Chairman of the Albany County Republican Committee brought suit challenging the statutory ban in Election Law section 2-126 on the use of party committee money in a primary election. The Court found that such a restraint violated the constitution and struck the provision down.</p>

**Agency-Based Voter Registration
(National Voter Registration Act of 1993)**

Since 1995, the New York State Board of Elections has been assisting and guiding participating state agencies in understanding and executing their voter registration responsibilities mandated by the National Voter Registration Act of 1993 (NVRA) and its corresponding state laws. The intent of the program is to offer individuals the opportunity to register to vote, when they apply for or renew a driver's license, or when they apply for services at any of the approximately 650 offices that participate in the program.

Including the Department of Motor Vehicles, 16 New York State agencies participate in the agency-based voter registration program. Designated as state agencies which provide public assistance are the Department of Social Services and the Department of Health. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the Department of Labor, Office for the Aging, Division of Veterans' Affairs, Office of Mental Health, Office of Vocational and Educational Services for Individuals with Disabilities, Commission on Quality of Care and Advocacy for Persons with Disabilities, Office of Mental Retardation and Developmental Disabilities, Commission for the Blind and Visually Handicapped, Office of Alcoholism and Substance Abuse Services, State University of New York Disability Offices, City University of New York Disability Offices, and certain offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration sites are the Department of State and the Division of Workers' Compensation.

Registration Statistics

During 2006, 331,686 voter registration applications or transactions were received by county boards of elections which resulted from the efforts of state agencies. The Department of Motor Vehicles yielded the highest volume of registration applications among the various agencies mandated by the NVRA, accounting for 74% (245,167) of the total number of voter registration applications or transactions in the state. The remaining agencies/programs participating in the program accounted for 26% (85,570). Armed services recruiting offices accounted for 0 applications. Voter registration applications and transactions incorrectly sent to the state board by mail and forwarded to the county boards of elections accounted for 949 of the above total.

Sources of Voter Registration

Motor Vehicles	245,167
Public Assistance Agencies	76,255
Disability Agencies	8,139
State Designated Agencies	1,176
By Mail	949
Armed Services	0
Total	331,686

Agency-Based Voter Registration Statistics

<u>Year</u>	<u>New Registrations</u>	<u>Address Changes</u>	<u>Enrollment Changes</u>	<u>Name Changes</u>
1995	316,627	64,005	23,108	4,644
1996	326,356	132,169	33,855	6,356
1997	273,190	171,275	32,773	8,164
1998	238,961	160,474	36,635	9,205
1999	220,771	156,619	40,089	9,400
2000	194,170	135,255	25,270	9,322
2001	191,403	129,267	26,550	10,496
2002	179,684	123,636	30,290	10,354
2003	187,100	125,627	31,403	10,949
2004	217,289	137,926	38,691	12,359
2005	147,792	106,395	19,569	9,314
2006	144,977	94,685	15,912	8,452

Training

The State Board of Elections is responsible for the development of training materials and presentation of training programs on the requirements and implementation of the agency-based voter registration program. In 2006, the bi-annual regional agency-based voter registration training offerings were presented to the participating NVRA sites in New York State. State Board staff continues to provide updated training and reference materials as well as on-going telephone guidance and support to agency program liaisons, site personnel in all offices offering agency-based voter registration, as well as to county boards of election. The following is a listing of the dates and locations of the agency-based training that was provided in 2006.

Agency-based Voter Registration Regional Training

<u>DATE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>LOCATION</u>
5/23-24/06	New York City	9/20/06	Rochester
9/12/06	Albany	9/20/06	Romkonkoma
9/14/06	Syracuse	9/21/06	Binghamton
9/19/06	Buffalo	9/21-22/06	New York City
9/19/06	Elmsford		

NVRA Informational Newsletter

An NVRA Newsletter continues to be published bi-annually by the State Board of Elections every January and July and distributed to each participating voter registration site. In addition, the newsletter is mailed to every state election director in the United States. The purpose of the newsletter is to provide program and training information to agencies participating in the agency-based voter registration program. The newsletter contains pertinent agency-based registration guidelines, procedural recommendations, voter registration deadlines, and upcoming training information. This bulletin has been a proven tool for periodically communicating useful information and guidance to NVRA sites.

Agency Oversight

The success of the agency-based registration program relies on cooperation among the participating state agencies, county boards of elections, and the New York State Board of Elections. To date, no legislation has been enacted which mandates authority to the State Board to enforce compliance of the NVRA in state agencies. Due to the numerous and unique differences in clientele and services provided by each of the agencies, the administrative policies at each agency's participating offices and programs are conducted at the discretion of each individual state agency, under the guidance, input, approval and support of the State Board of Elections. Also, NVRA staff respond to all inquiries, and act to assist agency program coordinators, site personnel, and county board staff in resolving administrative and procedural issues in an effort to ensure effective and efficient operation of the agency-based registration program in New York State.

In addition, statistical reports containing data on voter registration activity for all agency-based sites are mailed to agency commissioners and program coordinators each month. Review of these reports enables program coordinators to monitor voter registration activity and program compliance, as well as identify inconsistencies at each participating office. This information also assists the State Board of Elections in evaluating the workload placed on county boards of elections offices by NVRA program requirements.

Distribution of NVRA Program Supplies

Supplies for the agency-based registration program are shipped weekly by NVRA staff as requested by participating sites. Constant tracking of supply order and shipping dates is made possible by a computerized supply order and inventory system specifically developed for monitoring distribution of NVRA program materials. The system also provides staff with current inventory balances to ensure that supplies are reordered as needed. The New York State Board of Elections processed 656 individual supply shipments to participating NVRA sites during 2006.

In addition, the State Board of Elections provides "read only" copies of the NYS voter registration form in both braille and large print formats. Copies of both versions as well as a poster-sized version of the agency-based voter registration form are provided to agencies and programs participating in the NVRA program that serve people with disabilities upon request.

The State Board also distributed mail registration forms to institutions of the State University of New York for inclusion in admission and orientation packets of students enrolling in the September 2006 semester.

Voter Registration Cancellations

When New York State residents relocate to another state or when out-of-state residents move into New York State and subsequently register to vote, a notice of registration cancellation is returned either to a county board of elections or the New York State Board of Elections so that voter registration rolls may be updated. In 2006, staff at the State Board of Elections processed 70,923 New York State and 27,124 out-of-state registration cancellations and forwarded them to the appropriate county board of elections or state election official.

DMV Address Change Requests

The New York State Board of Elections assists the Department of Motor Vehicles with the distribution of customer address change requests resulting from licensing or driver I.D. transactions by counting, sorting and forwarding them monthly to county boards of elections. Also received from the Department of Motor Vehicles and processed by state board staff, are the new DMV Internet change of address request forms which have been downloaded by customers, completed, and forwarded to DMV. The state board distributed 76,566 address change requests received from the Department of Motor Vehicles to county boards during 2006.

Election Operations and Services

The Election Operations and Services Unit at the New York State Board of Elections has, among others, two prime areas of responsibility, which include the facilitation of ballot access efforts, and the oversight and support of the State's 62 County Boards of Elections.

Ballot Access

In 2006, traditional even-numbered year ballot access efforts were amplified considerably, because of the increased activity related to the races for the offices of Governor and Lieutenant Governor, Comptroller, Attorney General and United State Senate.

Races appearing in each even-numbered year include Member of Assembly, State Senator and Member of the House of Representatives. The State Board is also the repository for the filing of petitions relating to the selection of delegates and alternate delegates to Judicial District Conventions. These persons will nominate candidates for the office of Justice of the Supreme Court from each of twelve such districts in the State. Additionally, petitions for those seeking to become State Party Committee Members, representing certain Assembly and Congressional districts, are also filed with the State Board.

Ballot access activity, relating to the public, party and judicial offices described above, is extensive, and involves not only data entry of all petition and certificate information, but also the creation and dissemination of corresponding acknowledgments and other related documents. In 2006, the filing season consisted of the following:

- 512 Petitions for Public Offices, of which;
 - 1 Petitions were filed for the office of Governor
 - 3 Petitions were filed for the office of Attorney General
 - 90 Petitions were filed for Congressional offices
 - 121 Petitions were filed for State Senate offices
 - 182 Petitions were filed for State Assembly offices, with
- 40 Petitions filed for State Committee positions, in addition to
- 74 Petitions for Judicial Delegate and Alternate Delegate positions.

Additional filings related to petitions were received, posted and acknowledged, and consisted of:

- 7 Certificates of Declination
- 4 Certificates of Substitution
- 235 Acceptances (certificates required to be filed by candidates designated or nominated by parties other than their own)
- 207 Authorizations (certificates required to be filed by party officials, relating to the nomination or designation of candidates who are not members of the party).

Independent petitions may be filed for public office, and they also require acceptance by the candidate being nominated, as well as posting and acknowledgment. The 2006 Independent filing season saw the submission of:

- 6 Petitions for Governor/Lt. Governor
- 4 Petitions for Comptroller
- 4 Petitions for Attorney General
- 6 Petitions for US Senate
- 6 Petitions for Congressional office
- 1 Petition for State Senate offices
- 6 Petitions for State Assembly offices
- 1 Petition for a Congressional office

Some State Senate and Assembly districts, and some Congressional districts, are wholly contained by county boundaries. In these cases, candidate filings are made in those counties; however, the County Board of Elections must notify the State Board of any such activity. This is the method used to prepare and certify a complete list of candidates for all offices to be elected at the November election.

Ballot access filings are not validated by the State Board of Elections; however, the validity of a filing may be challenged by persons choosing to do so. Challenges require the filing of an initial notice, indicating that a detailed list of specific objections to the filing will be submitted to the Board. Staff then reviews each specific and itemized objection, notes their findings on a reporting form, and submits same to a hearing officer for review. Determinations are then made by the Commissioners of the State Board, and notice of those determinations is made to all participants. Objections to party petitions and corresponding specifications received, posted, and researched, were as follows:

- 139 Objections filed;
- 37 Sets of specifications filed.

Objections and specifications can also relate to independent petition filings. The process of determining the validity of these specific objections is identical to that used in the party petition process, noted above. This year's independent initiatives resulted in the receipt of:

- 37 Objections filed;
- 5 Sets of specifications filed

Vacancies existed in eleven (11) of the State's twelve Judicial Districts. Delegates and Alternate Delegates were notified by their respective parties, to attend conventions, which were convened on various dates beginning on September 19, and running through September 25. From each of those eleven Judicial Districts, a total of 34 nominations were received, posted and acknowledged, representing the designation of 57 candidates for the office of Justice of the Supreme Court.

Post-election tasks are significant, and include the collection, recording and validating of all election results corresponding to the offices noted earlier in this report. Certificates are prepared for the State Commissioners, to certify, in their capacity as the State Board of Canvassers. Once certified, appropriate certificates are prepared for candidates, and for delivery

to the respective legislative houses in Albany and Washington, DC.

Special Elections are conducted, once the Governor issues a proclamation in which the date of that election is provided. In 2006, eight such special elections were called, for which certifications and corresponding calendars were prepared, and for which candidate information was collected and processed, as described above. The results of those special elections were also collected and processed, then certified by the Commissioners of the State Board.

Special elections were conducted on February 28, as follows:

in the 60th Senate District, due to the resignation of Byron Brown
in the 8th Assembly District, due to the resignation of Thomas Barraga
in the 17th Assembly District, due to the resignation of Maureen O'Connell
in the 59th Assembly District, due to the resignation of Frank Seddio
in the 67th Assembly District, due to the resignation of Scott Stringer
in the 74th Assembly District, due to the resignation of Steve Sanders
in the 139th Assembly District, due to the resignation of Charles Nesbitt

Also, a special election was conducted on May 2,

in the 142nd District, due to the death of Sandra Lee Worth.

County Board Support

Support of County Boards of Elections, in the area of not only elections, but general day-to-day operations as well, is a prime focus of this Unit. Support is provided in a number of ways, including individualized workshops for specific counties when necessary or appropriate, conference presentations, and appearances at regional meetings of the Election Commissioners' Association. Additionally, memoranda are prepared, dealing with topics of interest and necessity, which are then distributed to all County Boards. A workshop which targets new Commissioners, is presented at the State Board's Annual Conference. It is offered just prior to the commencement of the Conference agenda, so that new Commissioners do not miss the Conference presentations.

Support of County Boards can be provided by phone, with over 4,000 calls handled in 2006 by the Unit Director, Co-Executive Director and staff members. These calls included questions about policy, Election Law, ballot layout, voter registration, voter list maintenance, voting system certification, other matters relating to board procedures. Additionally, responses were provided for numerous phone calls and e-mails on the topic of interim, accessible voting systems to be used in the 2006 elections. The Unit Director, Co-Executive Director, and certain staff members (when appropriate), are available to speak with County Legislators, Supervisors, County Managers, County Attorneys, Data Processing personnel and others, who are responsible for understanding, evaluating, supporting, and in some cases, approving of County Board spending plans and funding requests for upgrades to various computer systems, program features and other initiatives County Boards may choose to implement.

Certain supplies used by County Boards are provided by the State Board, specifically, voter registration applications. Unit staff prepared shipping labels, and provided same to the

agency's shipping personnel, who then shipped over 360,000 English registration forms and 20,000 Spanish forms. The State Board also supplies national registration form master booklets (75 sent in 2006), from which forms may be reproduced locally, on demand, and which are accepted by every state in the country. Additionally, federal voter registration forms are provided, (17,800), which are used by persons in the military and by United States citizens living abroad.

The State Board of Elections provides National Change of Address information to all of the state's counties. This service is required as part of New York's statutory voter registration list maintenance procedures, confirms that voters still reside at the addresses on file at respective county boards of elections, and provides boards with information that can be used to move voters to their new addresses, where a move has been indicated. This processing helps ensure that voter addresses are in synchronization with information on file with the Postal Service and that addresses are properly formatted, resulting in more accurate mail delivery. If this address change information is not processed by the State Board, counties would be required to make individual arrangements for independent address processing. There is a considerable economy of scale in the State Board's program, saving county boards thousands of dollars across the state. In 2006, over 11,700,000 records were matched to postal information, and resulting data was returned to county boards for use in updating voter address, as appropriate, for notification purposes, and other similar list maintenance tasks.

During the 2006 General Election, unit staff provided not only election-related support to County Boards throughout the canvass process, but was also responsible for the collection of miscellaneous data and interim vote results, by way of gathering and sharing information from the various counties involved in several court-ordered impoundment matters. The various data, which included quantifying the number of ballots to be counted, and those still outstanding, was used to keep all of the parties informed of the status of the canvass process in the impounded districts. Once collected, information was compiled, and distributed to the Agency's Commissioners, Executive Directors, Agency counsels, and to candidates and their attorneys.

Voting System Certification

In response to the federal law suit brought against the State of New York by the US Department of Justice, for its failure to comply with the Help America Vote Act (HAVA), (see the Counsel's Office component of this annual report), the State Board sought and received proposals from several vendors who could provide ballot marking devices to County Boards of Elections, which could allow voters with disabilities to cast their votes in private and in most circumstances, without assistance. Five products were submitted, in what has come to be known as Plan B, which were reviewed and tested by the State Board, to ensure the systems could produce a ballot which accurately reflected a voter's selections. As these ballots would not be counted by the system itself, but rather, would be hand-canvassed, the five systems were authorized for use in 2006, after having been tested, but were not certified, as would be the case with permanent voting system solutions.

Once selected by county boards of elections, Plan B voting devices were deployed in a range of manners, from a single device centrally located in accessible board of elections offices, to multiple devices placed strategically throughout counties. These devices were well received, but used only by a minimal number of voters, despite significant voter outreach efforts.

Subsequent to Plan B processes, voting system vendors submitted products which the State could evaluate, in their efforts to certify fully-featured and HAVA-compliant voting systems, in response to the requirements of the federal HAVA legislation, New York's own new statutes, and the federal law suit. Eleven voting systems were initially submitted, however only five were able to move forward with certification efforts. At the time of this report, the certification process was still ongoing, and details such as regulations to which the State Board is testing, time lines, and other related information, is available at the State Board's website: www.elections.state.ny.us.

Though the certification process is briefly summarized in this report, the tasks related to same have been significant, and began with the creation of regulations, and included the review of almost 1,500 recommendations and comments received from the public. The Unit then took steps to procure the services of two consultants to serve as independent testing authorities for this project, and began to develop policies and procedures for counties to follow once systems are selected, acquired and deployed. Consultants crafted management plans which will help ensure the secure and efficient deployment of over 20,000 voting systems throughout the State.

The Unit anticipates a continued, heightened interest in the voting system certification processes, as well as in the acquisition and deployment processes. HAVA will continue to have a significant impact on the Election Operations Unit, throughout the remainder of the certification process, and in our mission to provide support for and monitoring of voting system use in the years to come.

Voting System Support

New York has only one certified optical scan (OpScan) absentee ballot voting system. Staff support extends to counties looking to acquire the OpScan system, and to those counties who already have the system in place, but need assistance in areas of pre-election testing or ballot counting. Steps in the acquisition of the OpScan absentee system include contract review and approval by the State Board. Once a notice of contract approval is transmitted to a county board, staff begins to schedule various acquisition tasks, in consultation with the respective county, to ensure the smooth implementation of any system.

The State Board conducts acceptance tests upon the delivery of hardware and software for all voting equipment, to ensure the accuracy and performance standards of the system. Unit staff participates in vendor training, and is specifically responsible for test deck training - a required procedure which ensures that the County Board's ballot requirements are properly programmed and thoroughly understood by the system. Unit staff is also required to supervise, and assist as necessary, in a pre-election test of the system, as required by law. All candidates are provided with this opportunity to view a demonstration of the system, using exact programming and test ballots that mirror the election-specific voting and counting process. In 2006, Unit staff provided all of the above services to the Albany County Board of Elections, which successfully used this absentee ballot system in their Primary and General elections.

Public Election Services

Additional services provided by Unit staff include responding to general inquiries from the public, and the distribution of information relating to those inquiries. Unit staff responded to over 1,250 such phone calls, and in response, distributed the following:

12	Assembly, Senate and Congressional maps
287	Copies of the New York State Election Law
217,013	English Voter Registration Forms
50	Spanish Voter Registration Forms
303	pieces of general information, including election results, (current and previous), political calendars, candidate lists, and other data related to elections

Unit staff is responsible for transcribing calls made to the State Board's toll-free voter registration application request number (1-800-FOR-VOTE). Persons may also access the State Board's website, to receive voter registration applications, by clicking an icon which will deliver their address information to the 1-800 system. In exceptionally busy periods throughout the year, support staff from other units assists in this process. In 2006, their combined efforts produced the transcription of:

7,276 calls, of which, 141 calls accessed the Spanish-speaking component of the toll-free system, and 2,977 'calls' were via website access. This activity resulted in the shipping of:

14,193	English forms
866	Spanish forms.

The Unit strives to anticipate needs and set goals, and works diligently at these various efforts, to achieve those goals. Unit members are pleased that the results of certain of their efforts have been of use to other states. We have been requested on numerous occasions, to share publications, procedure outlines, training materials and other data of a similar nature. The Unit is not only dedicated to its own prime objective of County Board assistance and support, but to the support of the Agency's overall agenda, as well. Unit staff works with other Units and at such other tasks as may be identified by the Unit Director and Deputy Director, and those prioritized by Agency management.

Information Technology Unit

The Information Technology Unit (ITU) is responsible for the procurement, operations and maintenance of all computing systems for the State Board of Elections, including development, implementation, maintenance and support of all election information systems for the agency. The Information Technology Unit is responsible for the data storage, processing, security and accessibility of election-related data, as well as, keeping the Board current with emerging technology and maintaining the Agency's major applications and systems.

Additionally, the Agency's Chief Information Officer represents the Board of Elections on the New York State CIO Council and serves on the CIO Council's technology committees. The Agency's Information Security Officer oversees all aspects of network and Internet security and represents the Board of Elections on the New York State ISO Council.

The Chief Information Officer and the Information Security Officer develop and implement policies and procedures for the use of computer systems and networks.

In 2006, ITU was kept extremely busy, not only with the routine business of the State Board but, with additional new major projects such as the HAVA statewide voter registration database and the addition of local campaign financial disclosure reports.

Computing Environment and Infrastructure

The New York State Board of Elections operates in a Novell NetWare networking environment using Microsoft Windows PC client operating systems on the desktop. The Information Technology Unit designs, installs, configures and maintains the network, servers, databases and client PCs, as well as, the Intranet and Internet infrastructures. Backup, disaster recovery and network security also fall under the auspices of the Information Technology Unit.

Information Technology management is responsible for developing an Annual Technology Plan (ATP) and submitting the plan to the Division of Budget and Office for Technology for review. IT Management is also responsible for obtaining purchase approval for all technology purchases by submitting "Intent to Purchase" documentation and submitting requisitions for purchase to the finance/procurement officer.

Financial Disclosure Administration System (FIDAS).

The Financial Disclosure System is a network-based system used by auditing and enforcement staff for the management of the financial disclosure reports for committees and candidates for statewide office. The Information Technology Unit develops and maintains the databases and applications associated with the administration of campaign finances. The Agency's Electronic Filing Software was developed and is maintained by the agency's IT staff.

Legislation requiring committees and candidates for local offices to file electronically with the State Board of Elections beginning in January 2006 caused an increase in the number of filers from 1,500 to a total of more than 6,000 filers per year. It is anticipated that 2007, being the

first local election year since the local filing legislation, will increase the number of filers to about 10,000

National Change of Address Processing (NCOA)

NCOA processing was coordinated by the State Board as required by the National Voter Registration Act. The voters' registration name and address data is collected from the counties. A file with all the names and addresses is forwarded electronically to an NCOA vendor for processing against the U.S. Post Office's Change-of-Address database. The resulting matching file is retrieved electronically by the State Board where it is parsed and redistributed to the individual counties of origin. The NCOA processing for 2005 included more than 11,000,000 voter records from sixty-two counties. Centralizing this NCOA processing through the State Board, as opposed to the processing by individual counties, provides the counties with a substantial savings in revenue due to the economy of scale that the State Board is able to leverage.

Election Operation Support

The Information Technology Unit provides support to the Election Operations Unit in the form of the Candidate Petition Administration System (CAPAS) which is used to administer the candidate petition process, as well as, create correspondence, ballots and reports pertaining to elections. Being a Gubernatorial election year, 2006 was a busy year for Election Operations activities. Among the other Election Operations responsibilities supported by the ITU were the semiannual collections of enrollment statistics and calculation of signature requirements for campaign petitions.

Agency-Based Voter Registration/Public Information

The Information Technology Unit supports the database applications used by the Voter Registration Unit to manage the registration sites and transactions. There is also a supplies inventory system created and maintained by the Agency's IT staff.

The Public Information Officer has oversight of the content on the Agency's web site. The Agency has adopted a policy of making as much information as possible available electronically thus cutting the cost of printing and reproduction. The Information Technology staff works closely with the Public Information Office to oversee the technology, design and application development associated with the Agency's Internet web site. The site served an average of 1.3 million requests per month during 2005.

Help America Vote Act

As part of the Federal Help America Vote Act (HAVA), legislation that was passed in 2002, as well as New York State Election Law changes, the State Board of Elections will be required to create a statewide voter registration database. Currently there are 58 separate voter registration systems throughout the state - one in New York City and one in each of the other 57

counties. These 58 systems are all stand-alone voter registration systems and are required by HAVA and New York State statute to be integrated into one centralized, statewide database.

In December 2005, the Commissioners of the State Board of Elections adopted the process of procuring the statewide database solution from the State of Washington. This would allow the State to leverage work that was already done in Washington to build a bottom-up system like the one required by New York statute.

To accomplish our goals the system would require modification to make it fit New York's unique requirements. An RFP was developed by NYSBOE staff in the first quarter of 2006 to procure a system integrator to modify and implement the transferred system in New York. A vendor selection committee was formed, proposals were reviewed and by August, Saber, a Salem Oregon based IT system integrator was selected to perform the New York State work.

As soon as the contracts were approved by the Office of the State Comptroller, Saber and the SBOE project team began work. The last quarter of 2006 was spent in joint application design (JAD) sessions and developing the final functional requirements documentation as well as the detailed design documents required by county vendors and IT staff to build the county interfaces to the statewide database.

Quotes for data center upgrades, hardware and software were obtained and orders were placed in preparation for pilot programs and full implementation that is anticipated for the summer of 2007.

The ITU department also developed an Interim solution for a HAVA compliant statewide voter registration database in the second quarter of 2006. The interim database was a requirement of a court action by the Department of Justice for 2006 HAVA compliance and was completed by July. It will continue to receive daily uploads from county boards of elections until replaced by the new NYSVoter database.

Election Law Enforcement and Investigations

The Board's Enforcement Counsel Unit consists of the Enforcement Counsel, Special Deputy Counsel, and Confidential Secretary. In addition, the Enforcement Counsel supervises the Investigative Unit and the Campaign Finance Unit.

The Investigative Unit has one employee. The unit conducts all investigations ordered by State Board Commissioners, including alleged violations in relation to petitions, illegal voting and registration, campaign finance reporting, and the conduct of elections.

The Board enforces campaign finance reporting requirements through civil proceedings. If the required campaign financial disclosure report is not filed, the candidate or committee is notified of the failure to file via certified mail. If the filing is not received within five days of receipt of the letter, the Board initiates a civil action requesting the court to assess a monetary penalty, court costs and issue an order demanding that the required filing be made.

In 2006, the Enforcement Unit initiated seven lawsuits, and obtained judgments against 308 candidates and committees for failure to file campaign finance reports. The enforcement unit also referred 36 committees and their treasurers to the Albany County District Attorney. At the end of the year, 50 judgments had been satisfied and \$12,757.00 collected in fines.

The Board received a total of 100 complaints alleging violations of the Election Law in 2006. The Enforcement Unit reviewed 92 complaints, some of which were carried over from 2004 and 2005. One of these complaints was referred to the investigative unit by the Board. The Board closed 6 final determinations on investigative cases and referred one case to the District Attorney for prosecution.

Campaign Finance Unit

The New York State Election Law has been amended to require candidates and committees for local elections who file with a county board of elections or with the NYC Board of Elections that raise or expend, or expect to raise or expend more than \$1,000 in any calendar year, to also file their campaign finance statements in electronic format with the New York State Board of Elections and to continue to file on paper format or electronic format with the county board of elections or with the NYC Board of Elections, as the case may be. The law does not apply to candidates or committees that are required to make their filings with a village clerk.

In 2006, there were staffing changes in the Campaign Finance Unit. In the beginning of 2006, the Unit consisted of a Senior Accountant, 3 Campaign Finance Analysts, a Clerk II and a Keyboard Specialist, for a total of six (6) employees. In 2006 two (2) additional Campaign Finance Analysts were hired, along with an Associate Accountant, to assist with the increased workload from local filings, bringing the staff total to nine (9).

The Campaign Finance Unit (CFU) is responsible for receiving and processing state, federal and various county campaign finance disclosure reports. There were a total of ten filing dates for the election year 2006 as follows: January and July periodic filings, two special election filings, three primary election filings, and three general election filings. This year we had 6,658 active filers, up 104% from last year. A total of 16,809 New York State financial disclosure statements were received in 2006, consisting of 7,136 county and 9,673 state. Of these, the Unit received and processed 1,239 paper filings, 516 diskettes, and 15,054 electronic submissions. The CFU staff members are all responsible for data-entering paper reports, reviewing data for accuracy, and assisting filers with the process. Reports received on diskettes are first processed in the Unit and then sent to the Information Technology Unit (ITU) for uploading. All filings are made available to the public for viewing on the Board's web site.

The workload has increased, as shown below, as a direct result of the new law requiring local filers to file with the State Board. In 2004, we had 1,716 active filers, all state filers. In 2005 we had 3,271 active filers, up 91% from 2004. For 2006 we had 6,658 active filers, up 104% from 2005. An active filer is registered on our system.

The breakdown of these filers is as follows:

2004		2005		2006	
Total Filers	1,716	Total Filers	3,271	Total Filers	6,658
State Filers	1,716	State Filers	2,295	State Filers	2,564
County Filers	0	County Filers	976	County Filers	4,094

In addition, there are another 790 filers reported to us by the counties, with 8 counties left to report, who still need to file with us, per the county. Of these, approximately 100 have filed with us to date. Therefore, we anticipate another 650 to 1,000 filers from the counties who have not yet filed with us.

The Campaign Finance Unit provides the public and all filers with the State Board or County Boards of Elections any information regarding campaign finance. During 2006, the unit responded to 13,961 telephone inquiries, and filled a total of 1,862 requests for Campaign Finance forms and materials. Staff also assisted 190 persons who visited our public view area.

CAMPAIGN FINANCE COMPLIANCE TREND					
YEAR	2006	2005	2004	2003	2002
Reports required	10,776	3,796	7,553	3,573	6,434
Late Notices	2,089	679	1,562	774	1,945
Judgements obtained	308	162	385	197	487

A letter was sent to each new committee confirming their registration. The letter provided the committee identification number, treasurer’s personal identification number, and other information relating to filing requirements and obligations, to the treasurer. There were 461 committee/candidate terminations processed in 2006, with the appropriate checks of termination requirements performed.

Other Unit responsibilities include the publication of the campaign financial disclosure filing calendar, the calculation of the contribution limits as set forth in Article 14-114, and revisions of the campaign financial disclosure handbook, and related forms. In April, all filers with the State Board of Elections were provided with an annual update (“Filer Update 2006”) on campaign finance.

The Unit conducted campaign finance disclosure seminars in 25 locations through out the State in May and June in order to instruct candidates for state and local offices, and committee treasurers in the preparation of financial disclosure statements.

Public Information

Media Relations

The public information officer and the deputy information officer serve as the Board's spokesperson and are responsible for handling all press inquiries. In 2006, the Public Information Office received approximately 10,000 requests from reporters, interested parties and the general public seeking information on election results, voter registration, campaign finance, enforcement matters, election law, implementation of the Help America Vote Act and Board policies. The public information officers also produced press releases and advisories throughout the year which provided information on these topics to the press corp and the general public. This information was also made available to the Internet through the Board's web site along with a wide range of election related data of interest to citizens all over the world.

Freedom of Information Law

The public information officer also serves as the Board's records access officer. He is responsible for processing all FOIL requests received by the agency. In 2006, 22 requests were received by the records access officer. Twelve requests were granted, two were partially granted, two were forwarded to another office and one was denied in accordance with the provisions of Section 87 of the Public Officers Law. In five instances no records were found.

Registration Hotlines

The Board's automated hotline(1-800-FOR-VOTE) and the Board's web page on-line registration system(www.elections.state.ny.us) provide a dependable, efficient and convenient way in which citizens may request voter registration application forms. The hotline remains a positive component of the Board's outreach program and the web page continues to capture a larger share of the program as more of the population comes on-line.

Annual Conference

The Board held its Annual Conference for county election commissioners this spring in Syracuse, New York. The annual conference provides a forum for election officials throughout the state to learn and exchange ideas on election laws and administration. Over 280 people attended the three-day event and took advantage of several meetings to discuss implementation in New York of the Help America Vote Act of 2002. The seminar attracted several state and national election experts as speakers and many voting system manufacturers.

Agency Administration

The Board's Administrative Office consists of three staff members. The duties of this unit include the preparation of all budget and fiscal records and reports, all personnel administration, purchasing, mail and warehouse operations and workplace maintenance. The agency has a Host Agency Relationship with the Office of General Services for activities related to Purchasing and Payment of Vouchers.

Fiscal Operations

The Board began the new fiscal year with an appropriation of more than \$4,600,000 million in General Funds and \$220,000,000 in Federal Funds for the following purposes; \$10,000,000 for poll worker training, \$20,000,000 for state operations related to the Help America Vote Act and \$190,000,000 for the purchase of voting systems that are in compliance with HAVA. The Board also has also been appropriated \$7,700,000 in Special Revenue for the 5% match required by HAVA for Title II funds.

In Chapter 108 of the Laws of 2006 the Legislature appropriated an additional \$5,000,000 in Aid to Localities from the General Fund for services and expenses related to the alteration of poll sites to provide accessibility for disabled voters and another \$12,000,000 Aid to Localities from the Interest earned on the Federal Funds for services and expenses related to HAVA.

The Board will also be disbursing funds from four grants from the Department of Health and Human Services total \$2,500,000 for services and expenses related to the alteration of poll sites to provide accessibility for disabled voters.

Personnel Administration

The agency has classified several new positions to support the implementation of the Help America Vote Act and have recruited staff to support changes that have occurred in Campaign Finance Law. We are currently authorized staffing level of 62 full time positions, plus Temporary Staff for petition-processing.

As a result of the 2003-2007 negotiated agreements with NYS Bargaining Units, the staff was paid a statewide salary increase of 3.5% in annual salaries.

Revenue for 2006

Judgements	8,823.00
Audit Photocopies	440.25
Election Operations Photocopies	3,321.50
Escrow and Other	5,636.77
Total	18,221.52

Total Enrollment Statewide

November 1, 2006

County	Rep	Dem	Ind	Con	Wor	Gre	Lib	Rtl	Mar	Lbt	Other	Blank	Total
Albany	50,068	103,487	8,785	3,185	648	1,079	881	451	0	22	138	47,451	216,195
Allengany	14,781	7,140	925	396	120	96	188	114	0	0	7	4,533	28,300
Broome	52,160	47,340	4,772	1,559	540	746	918	433	0	29	41	23,464	132,002
Cattaraugus	21,768	18,475	1,873	1,113	208	173	460	332	2	5	17	10,076	54,502
Cayuga	20,190	16,879	2,134	1,376	173	192	409	180	0	5	27	9,646	51,211
Chautauqua	31,141	31,335	4,669	2,026	339	284	757	423	3	20	16	19,632	90,645
Chemung	24,553	17,756	2,441	635	180	178	441	270	0	6	1	10,194	56,655
Chenango	14,824	8,285	1,341	492	133	171	279	132	2	9	4	6,366	32,038
Clinton	17,585	18,080	2,447	442	141	239	609	174	2	9	407	10,481	50,616
Columbia	14,475	13,167	2,205	1,422	128	297	283	137	0	13	8	12,166	44,301
Cortland	11,946	9,451	1,278	449	114	155	171	49	0	1	4	6,890	30,508
Delaware	14,722	8,393	1,190	512	85	167	205	87	0	2	11	5,720	31,094
Dutchess	59,434	54,873	7,138	3,521	526	754	1,077	868	2	33	20	48,710	176,956
Erie	189,475	333,095	21,545	13,909	2,353	2,180	5,456	3,913	39	60	118	108,761	680,904
Essex	14,190	6,782	1,487	201	49	131	208	69	0	3	5	4,767	27,892
Franklin	11,467	10,531	1,421	361	82	126	207	115	1	5	36	5,274	2,966
Fulton	17,941	7,619	1,135	404	108	88	208	93	0	3	5	4,780	32,384
Genesee	17,350	10,188	1,455	884	142	111	344	232	2	9	15	7,482	38,214
Greene	14,340	7,529	1,316	894	91	117	174	155	1	2	9	8,324	32,952
Hamilton	3,370	1,038	144	49	4	14	12	10	0	1	0	570	5,212
Herkimer	20,984	11,086	1,793	499	103	110	269	111	1	3	7	6,340	41,306
Jefferson	29,002	18,329	2,712	820	198	171	516	215	1	5	26	13,195	65,190
Lewis	9,682	4,588	539	234	34	39	120	68	0	2	0	2,392	17,698
Livingston	18,704	11,246	1,577	797	112	178	336	174	1	11	18	8,558	41,712
Madison	19,507	12,063	2,348	870	178	213	372	181	0	2	15	9,608	45,357
Monroe	147,483	162,194	14,120	7,877	1,101	1,497	2,334	1,354	62	105	237	100,871	439,235
Montgomery	12,111	11,135	1,252	618	92	80	275	149	0	4	0	5,955	31,671
Nassau	354,718	326,411	21,042	9,793	1,691	1,524	4,323	2,977	4	45	257	193,962	916,747
Niagara	51,453	61,629	4,564	2,857	724	462	1,398	1,086	0	8	43	23,405	147,629
Oneida	52,404	43,187	5,141	1,560	293	236	798	449	0	0	146	21,566	125,780
Onondaga	102,067	100,870	11,245	4,871	1,228	1,365	1,885	1,260	1	49	87	75,134	300,062
Ontario	29,981	20,443	2,938	1,277	160	349	541	224	1	10	8	15,655	71,587
Orange	81,194	71,771	7,680	3,796	598	795	1,134	945	0	13	272	46,819	215,017
Orleans	12,831	6,657	905	505	122	69	233	127	0	5	9	5,649	27,112
Oswego	42,401	22,071	3,586	1,956	298	293	751	357	0	7	20	18,514	90,254
Otsego	14,907	10,800	1,534	421	118	238	226	126	2	2	19	7,126	35,519
Putnam	24,201	18,348	2,632	2,414	149	212	339	328	0	6	38	16,681	65,348
Rensselaer	29,608	28,584	5,749	5,134	946	437	665	324	0	0	0	32,625	104,072
Rockland	46,085	82,417	4,866	3,810	445	385	798	725	0	3	39	41,980	181,553
Saratoga	68,865	35,596	6,287	1,977	310	596	740	308	1	40	28	34,369	149,117
Schenectady	31,628	36,368	4,146	2,946	473	335	599	345	0	4	101	23,033	99,978
Schoharie	7,926	5,005	887	325	56	89	114	61	0	4	22	4,314	18,803
Schuyler	5,707	3,799	528	211	69	114	0	72	0	137	20	2,795	13,452
Seneca	8,946	6,440	661	472	84	81	191	109	0	5	7	3,810	20,806
St. Lawrence	25,249	23,661	2,678	733	181	264	514	217	0	6	10	12,295	65,808
Steuben	31,552	14,790	1,992	764	184	199	457	258	0	9	7	8,625	58,837
Suffolk	345,657	287,769	29,859	2,128	3,150	2,456	5,866	4,995	9	107	125	242,196	943,416
Sullivan	17,722	23,487	1,848	1,194	158	269	373	288	0	5	24	14,817	60,185
Tioga	16,295	9,085	1,372	378	111	141	223	166	0	4	13	6,148	33,936
Tompkins	16,341	26,671	2,027	369	194	1,151	352	120	0	36	41	14,019	61,321
Ulster	34,340	38,682	4,180	2,662	408	1,279	811	489	4	31	54	37,853	120,793
Warren	22,901	10,328	1,826	590	129	264	321	115	0	4	13	8,306	44,797
Washington	18,993	9,745	1,819	632	138	171	359	147	0	1	9	8,642	40,656
Wayne	25,684	14,420	2,348	1,430	198	186	513	295	3	6	8	13,821	58,912
Westchester	168,006	266,630	19,173	11,053	1,559	1,363	2,787	1,928	0	0	131	142,885	615,515
Wyoming	12,263	6,621	943	472	78	54	170	159	0	0	5	4,941	25,706
Yates	7,732	3,607	520	230	48	57	96	74	2	1	14	2,375	14,756
Total Outside NYC	2,580,910	2,577,976	249,018	131,605	22,282	25,020	45,086	29,563	146	917	2,762	1,586,566	7,251,851
Bronx	54,338	511,642	13,487	3,832	2,490	546	3,738	2,054	6	9	29	98,320	690,491
Kings	133,273	915,597	25,992	5,258	4,178	4,125	6,047	2,983	9	43	41	219,924	1,317,470
New York	129,207	725,909	29,320	2,352	1,822	4,017	5,006	2,186	10	75	62	199,061	1,099,027
Queens	151,342	658,506	21,293	6,731	2,614	1,717	5,386	2,550	2	12	22	195,509	1,045,684
Richmond	81,052	118,298	6,847	4,423	903	379	1,499	942	0	5	9	50,693	265,050
Total NYC	549,212	2,929,952	96,939	22,596	12,007	10,784	21,676	10,715	27	144	163	763,507	4,417,722
Statewide Total	3,130,122	5,507,928	345,957	154,201	34,289	35,804	66,762	40,278	173	1,06	2,925	2,350,073	11,669,573