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HELP AMERICA VOTE ACT  
TASK FORCE MEETING  
WEDNESDAY, FEBRUARY 26, 2003

Meeting was convened by Peter Kosinski, Deputy Executive Director at the New York State Board of Elections, and the designated Chief Election Officer, responsible for the State's implementation of the Help America Vote Act, commonly referred to as HAVA.

Task force members were asked to introduce themselves, and identify the entity on whose behalf they were in attendance.

Mr. Kosinski introduced Thomas Wilkey, Executive Director of the State Board of Elections, who briefed the group on the history, enactment and contents of the federal election reform legislation. Mr. Wilkey explained that the amount of specially-designated funds intended to be made available to New York, for the purposes of replacing lever machines, may be known by mid-March. Start-up funds are expected to proceed to states quickly. The new federal commission responsible for portions of HAVA has not yet been appointed, but the President is expected to name members by the end of March.

Senator Thomas Morahan asked Mr. Wilkey if this bill addresses federal elections only, and also, will there be 2 types of voters in New York. Mr. Wilkey suggested conforming state law to the federal bill, and further clarified that all voters on rolls at present are grandfathered. New requirements will affect new voters only.

Mr. Wilkey continued, that Title I money was approximately \$65 million, which required no matching of state funds. Funds beyond those designated for the replacement of voting machines will require 5% matching funds, and will become available after the state has submitted its implementation plan (August 15). The new federal commission will delegate these funds.

Mr. Kosinski explained that this federal bill does not fit perfectly within each of the 50 states. Some of HAVA's provisions are already part of the election process in New York, but other components will be new to us. New York has a very short time frame to address the various topics with which the group must contend, in order for its report to be published by May 1. He expects the group to meet regularly, to allow sufficient time to write the implementation plan by the end of April.

Although the bill is lengthy, only certain components deal with state implementation, and four areas have been identified. These will serve as the four topics the group will address, one each week. Task force members who have an interest in a specific topic may choose to attend those sessions, as not every issue may be of interest to each member. The group is scheduled to meet each Wednesday at 11:00, for the next four weeks. Assembly Member RoAnn Destito offered that meetings might be moved to an alternate site, to allow for maximum participation. Mr. Kosinski offered to explore that suggestion.

He continued that the financial commitment made by the federal government is unprecedented, and we must seize all opportunities which are in the best interest of New York, within the federal guidelines.

Aimee Allaud asked about the August date for the plan to be submitted. Mr. Kosinski described the various tasks required prior to the submission of the plan, including publication for public comment, pre-clearance by the Justice Department, and other similar issues, which would require our completion of the plan, in April.

Mr. Kosinski proceeded to review the bill, beginning with Section 255, which addresses the process of developing a state plan, beginning with the appointment of a task force. Section 254.1 explains how Title III will be implemented. The four areas of concern are the following: voting standards, statewide voter data base, provisional voting, and voter information and education. He proceeded to detail each subsection:

- .2 explains how state will distribute money and monitor it, as well. Further, it must have a plan to monitor the performance of the local government receiving the funds.
- .3 concerns itself with how New York will provide programs for voter education, election workers and board employees
- .4 identifies voting system guidelines
- .5 how the state will establish a fund for administering state activities
- .6 proposed state budget for the costs of HAVA's requirements and activities
- .7 state must maintain budget levels apart from the federal funds - a state cannot supplant state dollars with federal dollars
- .8 the adoption of performance goals and a system for monitoring same, and the identification of which official will be held responsible if goals are not met
- .9 a description of the state's complaint process
- .10 a description of how any Title I money will affect the plan's activities
- .11 the ongoing management of the plan and how it can be amended
- .12 update the plan each year, describing how the state succeeded in carrying out its plan during the previous fiscal year
- .13 required a description of the committee that devised the plan.

Mr. Kosinski reiterated that only Section 254 and Title III concern this group. He expects New York will be in compliance with HAVA's requirements by 2004. He encouraged group members to review the memos in their briefing packets, including the time line identified therein.

Mr. Kosinski identified the topics for the next four meetings:

March 5	statewide voter registration database
March 12	voting machines (Section 301)
March 19	administration - affidavit ballots, polling place information, identification requests, etc.
March 26	implementation management, funding, and budget issues

Mr. Kosinski fielded questions from the group:

Evelyn Aquila - What happens to parts of the plan that are in conflict with state law? Mr. Kosinski explained that his reason for legislative representatives on the task force was to help identify such areas of concern. Both Assembly representatives expressed concern for such conflicts and their resolution, and in response Mr. Kosinski stated that this bill is a federal law, and in certain areas it supercedes state law, and it must be implemented.

Doug Kellner urged the group to focus on a single group of voters eligible to vote in all elections, rather than separate state and federal groups of voters. He is also concerned with how the identification requirements for voters will be implemented.

John Haggerty suggested that group members read the Governor's Task Force Report on Modernization. Mr. Kosinski offered copies to the group, available at the table upon their departure.

How is the term 'interactive' with regard to the state's database, defined? Mr. Kosinski stated that no definition has been determined, as the commission responsible for such direction, has not yet been empaneled.

Carol Berman asked if the plan would be submitted to the Legislature and the Governor. Mr. Kosinski stated that the plan is submitted to Washington. Problems with a plan that presumes changes in state law are major, and places New York in jeopardy of receiving no money for the plan's requirements. We must, therefore proceed with the law as it exists. HAVA is a federal blueprint for funding, and if the funds are not spent in accordance to the plan, we will have major problems.

Commissioner Kellner expressed interest in and concern for the 2 machines available for purchase immediately and offered that the Governor's task force did not adequately address the use of scannable ballots on election day. He would also like a voting system to have a voter verifiable audit trail.

Ms. Destito expressed concern for the old and odd practice of who owns, buys and maintains voting machines.

Peter Johnson responded that the Governor's Task Force, which he chaired, did address paper ballots, but the topic failed to garner support as an alternative. He also offered that there is bipartisan agreement, stemming from the submission of the task force report, on some issues such as ownership of machines. Terrence Tolbert suggested that if such was the case, perhaps the governor's program bills should be delivered quickly.

Some general comments were offered, concerning how decisions might be reached. Mr. Kosinski explained that consensus is the goal, but everyone should understand that this may not always be possible. In such cases where consensus is not possible, the majority position will be reported.

Mr. Kosinski indicated he would be available to any and all group members, as would other staff members, for questions or other direction. He was asked if taped or stenographic records of meetings would be made. He replied that minutes would be taken, and made available. Luncheon was provided, to which all in the room were invited.

List of attendees is attached, along with 2 pieces of correspondence for the task force.

1:30, session was adjourned