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

Peter Kosinski welcomed the attendees, thanked them for their attendance, and introduced the theme for this session - the budget - including the methods by which the state intends to fund, then monitor, the requirements specified in HAVA. He opened the public comment period, for general remarks:

Flora Jones of Beacon, in Dutchess County, asked if there will be hearings in the Hudson Valley Area. Mr. Kosinski advised her that there are hearings scheduled in Albany and NYC. She asked the group to consider holding hearings in the Hudson Valley area.

Jillian Matundan with Citizen's Union urged the group to look more closely at their process, as the group will be held accountable. She then asked about the balance of the process, and Mr. Kosinski responded that it is his intent to have the draft report written by State Board staff, by May 1. It will be distributed to task force members, whose comments are welcomed, with same being taken into consideration by staff, through May 13. This will allow until May 20 for staff to reflect comments. The report is expected to be released for the public period, on May 23, to be followed by public hearings in NYC, Albany, Syracuse, Buffalo and possibly Rochester. Staff will have from June 25 through July 15 to review public comments, as the report must then be published in the Federal Register. The final plan is due on September 1, to generate the initial receipt of funds.

Aimee Allaud was glad to hear the details as laid out by Mr. Kosinski, and asked that the draft plan be delivered to task force members 10 days before the release to the public. She would also like a meeting to be held, to accomplish a goal of consensus. Such an interim meeting will allow the task force to consider the plan as drafted by State Board staff. She asked if the group looking into the state database will meet again, and will that information get back to the group. Mr. Kosinski advised that the group had already met once, and expects those same people will meet several times, to consider respective technical issues. In late April, the county board commissioners will have another opportunity to share their views on this topic, since it directly affects them and their operations. He does not expect a formal report from this group, but does expect the group to continue to develop ideas and address pertinent issues, as they arise. Ms. Allaud wants

the task force to be notified of any such meetings. She is concerned that her name and that of the group she represents, and their credibility, be better served, as same will appear in the plan to be published. Mr. Kosinski stated that issue will be addressed within the parameters of the HAVA bill, and further noted that county boards have great concerns for the disruption of their existing processes, but the federal law is clear on this and in other areas.

Anne McShane also asked that another meeting be held after the release of the plan. Mr. Kosinski told her he had not anticipated another session, and realizes that issues remain, however Section 254 also anticipates this. The bill expected states to identify in a plan, how a state will accomplish tasks, and not identify the actual decisions a state may opt for. He urged task force members to contact him with any comments, so that task force ideas are fully incorporated into the document.

Assembly Member Keith Wright joked at being teary-eyed at this last meeting, and expressed his feelings on the inroads and progress the group had made, with regard to meeting space, transcriptions, and public comment periods. He added that he was happy to learn of Mr. Kosinski's plans for public hearings, feeling they would be helpful. He then distributed a schedule of Assembly hearings, and reiterated his invitation to all task force members to participate. He continued that he still finds the group lacking in diversity, calling it "too pale and too male and not reflective of the great state of NY". He closed noting that he was glad for those inroads that had been made, as described by him in his opening remarks.

Helen Kiggins distributed a letter from the New York State Association of Election Commissioners regarding the need for one state voting system, and the centralization of election services and operations in each county board. She noted for the group that she had read of the passing of an anti-smoking law in 2 hours, but the legislative proposals to which the letter and her comments referred, from the State and the Association, had been on legislative desks for 2 years. She continued that centralization will serve to continue to professionalize county board operations and the delivery of election services.

There being no further comments, Mr. Kosinski advised the group that Tom Wilkey was in Alabama, working with his colleagues on voting system standards, then introduced the meeting's theme - budget. He noted that on the task force, and at the table, there were state personnel with expertise in budget and related issues, such as Keith Stack with the Department of State, who has expertise in the distribution of federal dollars to local entities and Jerry Minot-Scheuermann who has expertise in matters of budget.

Mr. Kosinski then reviewed Section 254.2, noting again that the plan requires a view of not only how the state will spend its' allocation of federal dollars, but also how it will monitor the use of those dollars. He then introduced Mr. Minot-Scheuermann, who acknowledged some of his associates as having expertise the State Board would find helpful. Mr. Minot-Scheuermann continued with some general observations, noting that state and federal

budget dates must coincide. Mr. Kosinski told the group that at a recent meeting in California, the senate and house negotiators of HAVA, met with election officials, to provide insight on the development and intent of HAVA. At that session, NY's allocation was identified but he noted that the amounts discussed were those authorized, but not allocated. Subsequent to that meeting, where a 1.48 billion dollar appropriation was discussed, today's discussions of a dollar amount are vague, with the amount itself in flux, due to the fact that the federal budget is in flux. The figures discussed today are the best estimates available at the time.

Mr. Minot-Scheuermann distributed a copy of the executive budget, noting preliminary figures and respective line items. He told the group that the State Board had received an initial appropriation of \$3 million, marked for use on the state registration system project.

Keith Stack with the Department of State told the group that his agency was responsible for administering federal programs on behalf of local governments, such as the coastal management program. Kym Landry, also with the Secretary of State's office, is responsible for programs to monitor the use of federal dollars, as distributed. She discussed their grant applications, which must explain a program and provide funding information. Formula grants allow for a check direct to a local entity, but in most cases, the State Comptroller requires a grant application/contract with locals. Their approval process involves the Attorney General and the State Comptroller. She continued that in some cases, it is possible to receive advance money, up to 25% of the grant, to eliminate the need for locals to come up with front money. Her monitoring programs include quarterly reporting from locals to the state. Program sign-off is needed, and forms are provided, with a voucher sent to the Comptroller. Ms. McShane asked about time lapse, and Ms. Landry reported that vouchers can be turned around in 2 to 3 days, once a contract is finalized with the locals. To help the process along, the Department of State gets the form of the contract approved by the Comptroller, so that all that is left to be approved by that office is the dollar aspect of the budget request. Mr. Stack stated that timing is key, as is uniformity.

Doug Kellner asked who will decide under HAVA, how much money county boards are to receive. Greg Jones asked if the state's plan required any specificity or was it just to define method. Mr. Kosinski told the group that Mr. Jones' description of the plan was accurate, reiterating the concept he explained earlier in the meeting. To Mr. Kellner's question, Mr. Kosinski replied that decisions would be made and money would flow through the State Board, within the guidelines of the state's budget process. Mr. Wright asked if there was any certainty on this point. Mr. Minot-Scheuermann stated that the state budget process determines how the agency will implement their program. Mr. Wright stated that this whole process is new for all of us, but Mr. Minot-Scheuermann replied that the concept is not new to the state.

Ms. Landry continued with a general description of a request for funds, to include who the money will go to, how it will be distributed, how goals will be achieved and how the money

is to be spent. Mr. Minot-Scheuermann said the State Board will determine method of distributions, either by need, or by formula, but always within the requirements of the bill - for example, number of machines per district, etc.

Mr. Kellner stated that there is not enough federal money to pay for everything, but Mr. Kosinski disagrees. It is his intent to have federal money cover all machines, the state database, etc., absent any concrete decision on how much money we are to get.

John Haggerty suggested that the Department of State method can serve as a model for the State Board to adopt, to which Mr. Kosinski replied that these persons were appointed, so that their expertise could be tapped. Mr. Haggerty also asked if a formula would be based on the number of enrolled voters, etc. Mr. Kosinski replied that the bill's requirements would provide guidance, as would the state's plan, and that no one would be left out, as we must ensure all will meet HAVA requirements.

Brad Williams is concerned for the disabled community, and wants to be sure that an accessible machine for each district is purchased. He does not want to see money run out, so that some areas will not see an accessible machine until year 3 of the program. He continued that at the local level, no one should be able to supplant these dollars. How will any maintenance of effort be expressed.

Ms. Landry explained that any concerns the State Board might have can be put into contracts, such as no personal services money, no travel expenses, or any other items the State Board sees fit. She also added that the formula concept might not work in this project, because of the different dynamics in any given area or board - the formula concept simply may not meet the State Board's needs. She suggested one set of criteria for round 1 of voting machines and 1 set of criteria for training, for example.

Mr. Williams wants all issues addressed in the plan's budget component. Mr. Jones brought up the issue of 3 levels of funding over 3 years, with respect to the accessibility of polling sites. He feels the burden of this obligation would then fall to the State Board and their allotment of funds. Mr. Kosinski explained that such funds are intended in the bill, to flow through the disabled community via Health and Human Services Agency, but that these funds have been significantly cut.

Mr. Stack feels Mr. Kosinski has developed a skeletal plan, and the Department of State can be helpful fleshing out certain aspects of the State Board's plan. Mr. Kosinski responded to a general question about the dedication and use of funds, indicating that money would flow through the State Board. The federal audit of fund use and problems discovered in our own monitoring efforts, would require the refund of those dollars. Mr. Williams stated that he wanted to be part of Mr. Kosinski's budget process.

Mr. Minot-Scheuermann told the group the state has resources for how to get the best out of any procurement process, and introduced Robert Fleury with OGS. He explained that

the state engages in procurements just as municipalities do, and the process is set in statute. At the state level, you can centralize the process, with 1 contract available to any agency to procure from. By way of example, he noted that school buses, road salt, other equipment and even training programs, are purchased in this manner, which means locals don't have to reinvent the process. Mr. Fleury told the group that municipal law 104 provides the authority for subdivisions to take advantage of procurement opportunities at OGS. There is value in using a state contract, and leveraging purchasing power yields pricing value and provides efficiency. Contracts can incorporate all sorts of features, such as maintenance and training. Volume will drive a price down. The use of standard contract terms will benefit all contract users. Options in the method by which contract is set up will also benefit the ultimate user. Procurement guidelines are set in statute, and can be reviewed at the OGS website, along with samples and other details of interest.

Mr. Kosinski asked Mr. Fleury about the advantages and disadvantages of a state contract for a single voting system, as has been advocated by the Election Commissioners' Association - should the state purchase machines and distribute or negotiate the price and have locals purchase from that state contract, individually. Mr. Fleury replied that the value is in the eye of the user. Different options could be selected by the user if the contract generates access for acquisition only. If the state were to purchase, questions arise as to how the voting equipment would be delivered, insured to point of delivery, liability, and other similar concerns.

Mr. Williams told Mr. Kosinski that he wants his people to test equipment when it is purchased. He feels the extra step is important to his group. Mr. Kosinski asked if this means he is uncomfortable with the federal standards that have been passed, and with which all states must comply. Mr. Williams said it would not hurt to have him test equipment, even though it has been seen and reviewed by advocates. Mr. Kosinski told Mr. Williams that any assurances with regard to any voting system would be needed sooner, rather than later.

The representatives from OGS stated they could be helpful in setting up demonstrations or displays. Mr. Kosinski told the group that vendors will have systems available for viewing, at the State Board conference at the Gideon, April 23 and 24.

Mr. Jones is concerned that in order to have the widest range of options available, the full face requirement must be eliminated. Mr. Kosinski told the group that manufacturers are looking at all aspects of NY requirements.

Ms. Landry noted again, that if the state were to buy all the voting machines to be used in the state, they would have to come into the State Board's inventory, and then be redistributed throughout the state. It would therefore be easier for locals to do their own purchasing from the state contract.

Mr. Haggerty told that group that he concurred with remarks made earlier by Ms. Kiggins,

with regard for the need for counties to own and control equipment. Centralization of boards is critical for success. Mr. Kosinski advised Mr. Wright that acquisition and monitoring of equipment is much easier from a 62-county perspective. Mr. Wright feels there is consensus on this point, with the Assembly and Senate, and he is moving forward on this topic. Mr. Kellner offered that not only should county boards be centralized, but that the state should purchase equipment, to eliminate 58 separate local appropriations. The State can simply buy equipment and turn it over to locals.

Ms. Allaud asked about page 4 of the Robert Montjoy article on state plans, and the term 'election fund'. She said the plan had to have a description of how such a fund was to be established, wondering if we needed legislation to meet this aspect of the process. Mr. Kosinski told the group a fund is already established in the state budget, and pointed to the document distributed by Mr. Minot-Scheuermann. This component becomes fact when the Assembly and Senate vote on the budget. It is separate from the plan process, but is dealt with in the budget itself.

Mr. Kellner understands Mr. Kosinski's plan to circulate the draft, receive task force comments, which staff will then consider for inclusion. He asked if the State Board's commissioners would be voting on the plan. Mr. Kosinski said the plan will reflect the consensus of the staff. Mr. Kellner continued that he is uncomfortable with this concept, and feels the State Board Commissioners should sign-off on the plan, or that the task force should. Mr. Kosinski replied that the Chief Election Officer is responsible for the plan, therefore he feels the staff is best equipped for providing a broad perspective. Mr. Kellner disagrees with Mr. Kosinski's legal interpretation of HAVA, and said Mr. Kosinski's authority comes from the State Board, therefore he cannot have more authority in the federal bill or be given any by the Governor, than he does within his own job. Ms. McShane, Mr. Wright and Ms. Allaud agreed with Mr. Kellner.

Mr. Kosinski opened the closing comment period with his own comments, thanking the task force members for their time in helping determine how New York plans to move forward. The plan will inform the public on how New York plans to proceed, but more decisions will be made in the future. The plan is not an end product, but a beginning. He thanked Anna Svizzero of the State Board for keeping the group's minutes, which he feels are essential for staff to consider in developing a strategy and a plan. He thanked the State Board staff, especially Tom Wilkey, for his expertise in helping all of us to understand HAVA and its implementation. He continues to aim for the completion of the plan by the end of April, and advised the group that notices will be found on the web, on any public hearings or meetings, as well as the plan itself. Anyone is welcome to contact Mr. Kosinski or the State Board, concerning this project.

Rose Marie McCaffery shares Mr. Kellner's concerns, and also has concerns toward the nature of and not just the definition of disabled. She feels Hart's Intercivic machine is the one they liked best. She feels it is arrogant to think we can understand the nature of disabilities in just 12 hours of sessions. Her group will be watching this plan, and they will

speak with one voice to Congress and the White House, about their problems.

Larry Adamczyk spoke on the use of State Board staff to develop and write this plan. He told the group he has been involved with the Erie County Board of Elections since 1979, and has dealt with the State Board on numerous occasions. He has complete faith in the staff's ability to understand the process and overall concerns, and reflect same in their plan. Ms. Kiggins agreed with Mr. Adamczyk.

Ms. Allaud said she did not mean to diminish the integrity of the staff, but that the task force, under the bill, have input and representation.

Clifton Perez asked group members and attendees to not use the word 'handicapped' as was used today by several speakers. He continued that many polling sites are still not accessible, and asked that these sites be looked at and that these issues be more closely examined. With regard to the full face ballot issue, he feels we need to be more flexible. With only 2 companies, and possibly a third having a solution, options are limited. 2 separate machines is not a solution as they will segregate groups of voters. Making voting easier for everyone, starting with accessible sites and including accessible machines, is the goal here. On the matter of county or city/town ownership of machines, he feels the bottom line is that a single entity is accountable for the machines and their ongoing maintenance. Mr. Kosinski replied that the state is sensitive to issues of accessible equipment, but noted that not all sites are accessible, though we continue to work on this issue.

Ms. Jones of Beacon in Dutchess County, appreciated today's discussions, and thanked the group for its work. She is concerned with diversity, and with issues of the disabled. She feels people must come first, and that attention be given to the possibility for people to vote when they appear at the polls, as she was turned away because she had no ID. She told the group she has heard much through the grapevine and hopes we will do away with untruths in public.

Ludovic Blain with DEMOS said the process is Kafka-esque, and does not represent New York in any way. He was struck by the process as it was explained today, in that the task force will not have a report and added that dictators rule by decree, and democracy happens with more input. He is concerned that the group get the plan at the same time as the public, and feels the timing is not set in stone, asking the group to have another meeting to vote on a final report, that those in the group should make a motion to do so, and that if the chair and staff do a plan, consider that another group do a task force report. He urges a very participatory public hearing process, and that he is making his comments in a positive way, and does not criticize our ability to do the job, but has problems with the process itself.

Rachel Leon with Common Cause echoes Mr. Blain's comments, and feels the report should come after the public hearings. She feels the time frame is arbitrary, in her opinion, and

urges the group to develop a more inclusive process. She added that democracy is messy and tough, but the group should take its responsibilities, urging the group to take its time with this monumental opportunity.

Ms. Matundan with Citizens' Union, thanked the chair for progress to date, but shares concerns of Mr. Wright and other speakers, on the issue of diversity. Her comments are not meant to be a question of competency, but one of composition, noting that there have been no decisions on ID requirements, voting machines, etc. She feels stakeholders and New Yorkers have a right to be heard.

Mr. Kosinski responded that the Assembly has 3 hearings scheduled, and hopes that information garnered there will be shared so that the State Board can include that information in its drafting of the plan. Time frames in the federal bill are short and the mandatory comment period and publication time in the federal register, compound the need for action. He continued that our plan is not very different from what other states have done, to date, adding that our process has been inclusive and transparent, and that the public will have opportunities for comment, and those comments will be helpful to the State Board staff and the process itself, as it moves forward.

Mr. Kosinski continued, that the State Board is cognizant of the importance of this project in New York. Our Election Commissioners take voting very seriously, ensuring that it is open to every eligible voter. To suggest otherwise, he added, is unfair to the county boards of elections and their commitment as election professionals. He is comfortable that the process is open, with opportunities for public comment. As the process proceeds, he encourages comments, and will solicit comments.

Ms. McCaffery stated that websites are not as accessible as one may think, in that some software is not compatible with the readers some must use. Mr. Kosinski replied that the web is not the only way, but just one of many of the avenues available for that access and sharing.

meeting adjourned 1:15