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HELP AMERICA VOTE ACT
TASK FORCE MEETING
WEDNESDAY, MARCH 5, 2003

Peter Kosinski opened the meeting, and referred to correspondence from the previous meeting, at which a request was made to allow for public comment both before and after meetings. After some discussion, the group agreed to 15 minutes of comment at the beginning of sessions, and 30 minutes at the end of sessions. Assembly Member Keith Wright raised the issue of needing transcriptions of the task force meetings. Mr. Kosinski offered that transcription had not been planned for, but that minutes would be taken. Mr. Wright offered that the Assembly and Senate could provide stenographers. Michael Melkonian, representing Senator Morahan, offered that he could not comment on behalf of the Senate, with regard to the issue of transcriptions, but did agree with the concept of the public comment periods, as proposed. Mr. Wright and Assembly Member RoAnn Destito again raised the issue of meeting in a place other than the State Board offices. Mr. Kosinski stated that space had been sought on the Concourse, but that none was available. Mr. Wright suggested space in the Legislative Office Building. Mr. Kosinski replied that he felt the group was accommodated adequately here, but that the idea could be explored, if such was the wish of the whole group.

Doug Kellner suggested that the State Board's website might include the HAVA legislation, the two briefing memos as prepared by Mr. Valentine and Ms. Murray. He also noted the call by the League of Women Voters, for two public hearings. Mr. Wright suggested the need and desirability of more than just two public hearings. Ms. Destito noted that a letter from the Assembly had been provided, and rather than discuss each of the several issues contained therein, perhaps Mr. Kosinski could review same on his own - he replied that he would do so.

Tom Wilkey introduced Jim Dixon, as noted advocate of the disabled, who has worked extensively at the national level on both the NVRA and HAVA. Mr. Kosinski introduced the Commissioner of Motor Vehicles, Ray Martinez.

Neil Rosenstein of NYPIRG asked if the public comment period, as proposed earlier, would begin with today's session or at the next meeting. Mr. Kosinski replied that they could commence with today's session.

Mr. Wright introduced himself as Chair of the Assembly's Election Committee, and expressed the need for more diversity in the group assembled for these discussions of HAVA. Mr. Kosinski offered that it was his intent to assemble a diverse group, to which Mr. Wright replied that he would have additional comments on this topic.

Mr. Kosinski, in opening the comment period, reiterated his position that he was always available to anyone in the group, at any time, for purposes of sharing comments. Ms. Destito explained that comments needed to be heard by the entire group, and not just Mr. Kosinski. She also joined Mr. Wright's comments, on the need for transcription.

Aimee Allaud asked what sections of her letter, and that of the Assembly, would be implemented. She commented that the website carried no information on the task force or its' meetings, etc. She also about asked what rules would the group follow. Mr. Kosinski explained that the group would have open discussion, with a goal of consensus.

Mr. Rosenstein read the names appearing on the letterhead of correspondence provided to Mr. Kosinski explaining that they had interests in the proceeds of this group, but that their interests were not represented here. He claimed a lack of diversity and a cloud of partisanship over the makeup of the group. He asked that Mr. Kosinski go back to the Governor, to revisit the constitution of the group. He continued that with regard to a statewide database, he feels other groups' databases can be used, in addition to that of DMV. He provided figures indicating that 53% of New York City residents had drivers' licenses, as opposed to an upstate figure of 93%. He stated that he did not intend to be confrontational, but that he continues to feel that partisanship is driving the group's focus.

Jason Tarricone, a policy analyst with DEMOS, seconded the positions stated by Mr. Rosenstein, and expressed concern that young people are not represented on the task force, nor are those with minority languages. He stated that Rhode Island has already had 5 hearings on the topic of HAVA. He urged the group to make use of the advocates in the room as resources, as they know the bill inside and out.

Jillian Matundan added her voice to those of the two previous speakers, stating that the task force had an historical opportunity, and should use it to involve more people to achieve goals to change how we vote in New York. New Yorkers should not be handcuffed to the status quo.

Mr. Kosinski closed the comment period, and began a review of Section 303 of the bill, which deals with the creation of a state database of voters. He explained that the ID requirements in this session would be dealt with later in the group's discussions. He continued that the bill contains key language in how the state must proceed, in that we do not have a system in place at present. The law mandates a single system, which is the core concept of what must occur at the state level. A handful of states already have state systems, and the balance of them are working towards that goal, as are we.

Mr. Kosinski explained that voter registration systems at the county level contain more information than simply what appears on a registration form (forms were distributed). He continued that we are aware that many of our counties use vendors for registration system services, and others have in-house systems - such as New York City and Suffolk counties, among others. We need to bring all the various systems under one roof, which is a massive challenge. This issue has been, and will continue to be taken up by State Board staff, in-house. The effective date of this provision is January of 2004, which drives an ambitious schedule, requiring that we get a system developed, and up and running. Mr. Wright asked that since the law provides for a waiver through January of 2006, was a waiver to a date other than that, possible. Mr. Kosinski indicated that any date prior to the January 2006 could be applied for, for purposes of a waiver.

Mr. Kosinski stated that the state database impacts the voter identification piece of the bill, as it will enable us to diminish the instances requiring polling place voter ID.

A review of the bill requires that there be in place a single system, that it have names and voter registration information, it provides a unique identifier for each voter, that it coordinates its list with those of other state databases, that election officials have immediate access to these files - the role of county boards is not altered by this bill, as voter registration is conducted there - and that data be entered into the system electronically, which means real-time processing.

A question was raised as to the use of other databases such as those of the paratransit program or medicaid, to which Mr. Kosinski replied that the value of that concept would be reviewed by staff. Mr. Wilkey felt that the bill sought to use file comparisons to address the situations where first time voters register by mail and do not provide ID at the time they do so. Ms. Destito asked who this provision affects, and it was explained that existing voters are not affected, nor are those registered in a county and moving from one address to another. Mr. Kosinski advised the group that the current registration form is being revised, to allow for the capture of information required by HAVA. Mr. Wilkey amplified his explanation of what coordinating databases accomplishes. The State Board's goal is to keep to a minimum the number of people who need to show ID when they vote. This goal can be accomplished with revisions to our form.

Jim Dillon offered that the utilization of the databases of other entities may not be as easy as one might expect.

Anne McShane inquired as to the process of registering new voters. Helen Kiggins responded to her question, and then asked if the comparisons with other databases would happen constantly (in real time) or periodically throughout the year? Mr. Kosinski replied that staff would address this issue, but the goal would be real - or as close to real time - as possible.

Ms. Destito asked if the list would be maintained by the State Board. Mr. Kosinski

explained that the state will not be processing voters, as the county boards have that responsibility.

Some general concern was indicated, for obvious problems when matching only the name and address of a voter, particularly in instances such as when these two items are shared, for example father/son, mother/daughter, etc.

Ms. Allaud asked about the need for persons registering at a registration drive to show ID when they voted. A discussion ensued, with Ms. Kiggins and Larry Adamczyk and Mr. Kosinski, expressing several views.

#7 of this section requires that the Chief Election Officer help counties
#8 states that the state's list is the official list of voters, and any exemptions provided for in this section refer only to those states that have no voter registration requirements.

The bill further requires that list maintenance continues to be done by counties, under the provisions of the NVRA, and that the state is to coordinate same. For example, our state process would continue, for the identification of felons, adjudicated incompetent and those names of the deceased, as provided by the Department of Health. Mr. Wright began a brief discussion regarding the requirements and procedure for felons to re-register, which was joined by the county board commissioners who explained their processes. Mr. Kosinski reiterated the bill's intent that compliance with the NVRA remains essential.

Ms. Destito asked Mr. Dillon to compile a list of state databases

Mr. Kellner suggested considering the reinstatement of the transfer process of voters, but raised the issue of sharing signatures. He offered that more information is better, but that security is an issue.

Mr. Kosinski continued, by stating that technical security at the state level is imperative and we are assuming minimum standards for accuracy. The topic of access by the public has been explored by State Board staff - for example, voter status and polling place, with county board phone number provided, where additional information could be obtained.

Skip to 5B - The goal of this section is the verification of accuracy, which the bill - and we - intend to accomplish through the use of the DMV files, which already interface with social security administration files. Mr. Kellner asked about the integration of our files with DMV, and both he and Ray Martinez shared that files are never 100% accurate. In this discussion Mr. Martinez explained, for example, that the deceased are not deleted from DMV files, as that information is not collected. Data there is not changed unless a client provides a form on which some service is requested. Mr. Wilkey explained the history of the provisions for accuracy, which were aimed at a number of states, such as Florida, where files were not updated. He made it clear that his was not the case in New York, as we already had implemented list maintenance procedures many years ago, and those

procedures continue today. The use of DMV information continues to be in the best interest of county boards.

Mr. Dillon offered that on the list of databases he prepares, he will identify any confidentiality issues.

Mr. Kosinski continued that database matches will include name, address, date of birth, and social security information. The review of the legislation ended with this topic, however confidentiality is obviously a huge issue, particularly with those on law enforcement who might be compromised by the broad and general availability of this information. The State Board has tried to address this topic with proposed legislation, but same has not been introduced or acted upon by the legislature. There remain concerns about web access, thus the topic of public access will continue, and will include issues such as whether you can access anyone's data or only your own.

Mr. Kellner expressed interest in the computer architecture, and offered that since the City's had spent several million dollars and its' system integrated data for 5 boroughs, it was a model system. Mr. Adamczyk expressed his feeling that their vendor has just as ably satisfied the needs of his county, and he would prefer to not have their operations disrupted. Other county board persons at the table shared Mr. Adamczyk's opinion. Steve Ferguson offered that although he has not yet had detailed conversations with the State Board, felt confident that there are non-disruptive ways to share data and achieve mutual goals.

Mr. Kosinski stated that the law envisions one system, and our goal is not to be disruptive, however the law is clear on what the federal mandate is.

Mr. Dillon offered that there are different issues to be dealt with, in managing information, a database approach and a network approach. All agree that the definition of the word 'interactive' which appears in the bill, is important.

Mr. Kellner asked if geographical concerns are to be taken into consideration, to which Mr. Kosinski replied that they had been at the staff level, and would in the future.

George Stanton, the State Board's Supervisor of Information Technology discussed some of the details of in-house conversations on the concept of a state system, and offered a concept of front-end interface by existing system vendors, which would diminish disruption at the county level but ensure objectives of the federal bill.

Ms. Destito asked about the change of address process for forms completed with DMV, which was explained by Anna Svizzero, Director of Election Operations for the State Board.

Mr. Ferguson offered that in general, volume will be key to the system's success. Ms. Kiggins offered that agencies which continue to 'hoard' forms, affects timely processing.

Mr. Kosinski offered that uniformity is our goal, and is key to the success of the law's intent.

The county board commissioners asked if their wishes for more data beyond registration data, affect the state's database. Mr. Adamczyk stated that the extra information a county may want is key to running successful elections.

Mr. Kellner suggested that the computer-savy people need to meet to work out certain issues. Mr. Kosinski reiterated that these conversations have been going on at the State Board, and a meeting has been scheduled for March 11, at which time, representatives of the state's vendors - namely ES & S, and NTS would meet with the State Board's in-house group, along with Mr. Ferguson of the City Board's IT Department and representatives of the Suffolk County Board.

Ms. Destito asked if HAVA money would be available for counties with in-house systems to migrate to a vendor system. Mr. Kosinski indicated that such reimbursements might be possible, as money was not an issue at the present time. Ms. Allaud asked if spending money on these issues would take money away from other projects. Mr. Kosinski reiterated that this was not the case. At this point, she also for asked a list of task force members to be provided to the group.

Mr. Wilkey explained to the group that there were a number of problems across the country with state systems, and felt that our approach was keeping us far away from experiencing any similar problems here in New York.

Mr. Adamczyk stated that the two-fold problems for a county board - those being technical and implementation-related nature, need to be addressed. Mr. Kosinski explained that a meeting with the executive and legislative committees of the Election Commissioners' Association, was scheduled for March 20, at which time those concerns would be addressed.

Mr. Kosinski stated that the in-house sessions on this topic would continue, and would include conversations with appropriate personnel, as needed. Mr. Kellner expressed concern for the success of such an approach. Ms. Allaud explained that she would need considerable expertise before she could make her decision on this issue. Mr. Kosinski continued, that the State Board would continue to work within the established deadlines, and get information to the group. Mr. Adamczyk expressed confidence, on behalf of the commissioners, for the State Board's approach.

Mr. Ferguson asked if a specific plan would come out of the tech-group's conversations. Mr. Kosinski stated that the level of specificity is contingent upon the time frame within which we must act, and other related parameters. He pointed out that the plan can be amended, if necessary. He also explained that the federal government's audit of its' distributed funds and a state's use of those funds pursuant to their plan, would keep the

project on track.

The group recessed for 20 minutes, for lunch and reconvened for additional discussion.

Mr. Kosinski reiterated the State Board's plans for technical conversations to occur in the session on March 11, and the session for representatives of the Commissioners' Association was scheduled for the 20th.

Ms. Allaud suggested to the group that we might consider the proposal made by various civil rights groups, for the placement of lap top computers in polling places, for the use of inspectors. The commissioners at the table seriously questioned the feasibility and usefulness of this concept. Ms. Kiggins pointed out that no information on the lap top would allow inspectors to process voters in any way other than that provided for in statute. Mr. Kellner questioned the cost of such a venture, and offered that even the use of cell phones in polling places was of limited value. Mr. Adamczyk agreed with both speakers, on the procedural and practical value of Ms. Allaud's suggestion. Mr. Kellner explained the process followed in NYC for the processing of voters who might be in an incorrect polling place, and Ms. Kiggins also pointed to provisions in the statute that govern how such persons are processed.

Mr. Kosinski stated the theme for next week's session - voting system standards, and advised the group that voting machines would be available for demonstration prior to and during the meeting. He then opened the session to the 30-minute public comment period:

Jim Dixon, Vice President of Americans with Disabilities and Co-Chair of the Leadership Forum on Election Reform, asked to address the group. He suggested that Congress, in its debate, intended to make it easier for people to vote, and harder for people to cheat. Today's discussion seemed to him to be heavy on cheaters and not enough on making it easier. He suggested that searching databases should identify potential voters. He offered that the state should make all agencies NVRA sites, and questioned the registration requirement that voters re-register when moving from one county to another. He questioned how a database would handle voters who had simply transposed digits in ID numbers they were providing to registrars. Further, he feels that the state's full-face ballot requirement discriminates against those with disabilities, including learning disabilities, stating that legal action is not prohibited on this topic. He feels public hearings should include voting system demonstrations. Mr. Kellner asked if he had any suggestions, with regard for equipment for blind persons. Mr. Dixon suggested that such systems have a human voice and not an automated one. There should be enough talk to get through the ballot, but not chatty enough to create more voter problems and even longer lines, considering the fact that the use of such systems will inherently take more time than it takes at present, to cast a vote. He continued that multi-language ballots would also be helpful.

Mr. Rosenstein of NYPIRG seconded Mr. Dixon's thoughts, and felt that databases could

and should identify and enfranchise more voters. He also felt today's session was a good step forward.

Jason Tarricone of DEMOS expressed concern for the use of social security numbers on registration forms, especially in NYC. He claims a questionable database at the Social Security Administration, which could lead to problems.

Mr. Dixon asked to speak again, and offered that in the spirit of saving money, a recording service for the blind, dyslexic and others, is in New Jersey, has studios in New York, and they may be available for contract services for the production of voting system ballot voice accompaniments.

2:45, session was adjourned