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## PART 6212

## PROCEDURES FOR DIGITIZING VOTERS' SIGNATURES

(Statutory authority: Election Law, §§ 3-102, 5-506)

## Sec.

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## Section 6212.1 Definitions.

The terms used in this Part shall have the significance herein defined unless another meaning is clearly apparent in language or content.

(a) Computer registration file means a data base of voter registration information stored and maintained on computer which includes, inter alia, a computerized image of the voter's signature.

(b) Ledger means the binder, or notebook, in which registration poll records for an election district are stored.

(c) Registration poll list means a printed list of voters in alphabetical order for a single election district generated from a computer registration file for each election and containing, for each voter listed, a facsimile of the signature of the voter. Such a list may be in a single volume or in more than one volume. In any election district in which there are two voting machines, there must be two volumes (A-L; M-Z). The list is utilized, in place of registration poll records, to establish a person's eligibility to vote in the polling place on election day.

(d) Registration poll record means an original voter registration application, or card, or the document which replaces it because its election day sign-in section is filled to capacity, utilized to establish a person's eligibility to vote in the polling place on election day. Often referred to as "buff card".

(e) Source document means an original record from which a computer-stored image is created, or from which data is entered into a computer data base.

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6212.2 Applicability. These rules are applicable to the process by which a county board of elections in New York State, in accordance with the provisions of section 5-506 of the Election Law, discontinues preparation, use and maintenance of registration poll records and prepares, uses and maintains instead a computer registration file (hereinafter sometimes referred to as "the file") which includes, inter alia, a computer-stored image of the signature of each voter and from which the registration poll list for use at each polling place on election day shall be produced.

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## 6212.3 Initiating the process.

(a) Before purchasing any equipment to be used to create a computer registration file and/or to produce registration poll lists, contracting for service to be rendered in connection with that process, or embarking on the conversion of the existing records, the county board shall submit to the State Board of Elections:

(1) A statement of goals and intentions for the creation of a computer registration file which will include a signature facsimile for each voter and from which registration poll lists can be produced to replace registration poll records at the polling place on election day.

(2) A copy of any proposed solicitation document (Invitation to Bid, Request for Proposal, etc.) to be published and circulated for the purpose of procuring goods and services. The document shall include a draft schedule for conversion of the existing records which is consistent with the demands of the election calendar during the period of conversion and shall require the following:

(i) training of all personnel needed for creation of the file and for operation of the system to be purchased;

(ii) reference materials for use by staff after the training has been completed;

(iii) detailed specifications for all hardware;

(iv) complete documentation for all software;

(v) escrow of all software with an agent approved by the State Board of Elections; if software in use by a county is modified, the State Board shall be notified and the modified version along with documentation therefor shall replace the version then on deposit with the escrow agent; and

(vi) if the original voter registration records are to be removed from the board office for the purpose of creating the file, a stipulation that the vendor may not retain in his possession a copy, on any medium, of any of the original records or of information contained in the original records.

(3) If the original voter registration records are to be removed from the board office during conversion or maintenance, a written plan for guaranteeing the safety and integrity of records while they are outside the board office.

(4) A written plan for secure delivery of the registration poll lists to the polling places for use on election day and for their return to board custody following election.

(5) A written plan for replacement of a registration poll list in the event it is lost or damaged.

(b) Within 10 working days after receipt of the material specified in subdivision (a) of this section, the State Board shall either approve or disapprove of the submission and shall notify the local board of its decision. In the event of disapproval, the State Board shall specify what modifications must be made to qualify for its approval. The county board may not disseminate the solicitation document and proceed with the project until the submission is approved.

(c) Before entering into any contract for goods or services for such a computerized registration file, the county board shall submit a copy of such contract to the State Board for review. It shall contain, inter alia, the requirements of the approved solicitation document (see paragraph (a) (2) of this section) and a plan for acceptance testing of the system by the county board after delivery by the vendor. (See section 6212.6 of this Part for detail of acceptance testing.) Within 10 calendar days after receipt of the proposed contract, the State Board shall complete its review and notify the county board of its approval or

disapproval. In the event of disapproval, the State Board shall specify what modifications must be made to qualify for its approval. In its review, the State Board shall act expeditiously so as not to delay unnecessarily the progress of negotiations between the county board and the vendor.

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## 6212.4 Characteristics of the system.

In writing specifications and/or making a decision for purchase of a system, the county board shall take the following into consideration:

(a) Speed for creation of computer-stored images of voter signatures and, if applicable, of the full voter registration document.

(b) Ease of operation of all equipment and understanding of all software.

(c) Capability to obtain satisfactory images from documents to be used as source documents.

(d) Time required for correction of images deemed to be unsatisfactory.

(e) Capability to accommodate the various source documents to be used for imaging, including all versions of original voter registration cards, documents of different background colors, different inks used for voter signature, varying layout, etc.

(f) The quality of the facsimile signature produced by the system when projected on a computer terminal screen or when printed for such purposes as a registration poll list, should be such that the person utilizing the facsimile to determine if it does represent or replicate the actual signature can make that judgment readily. Copying or reduction of the image should be permitted only if the ability to make such a judgment is not impaired thereby.

(g) Capability to meet the schedule established for conversion of the records and creation of a computer registration file.

(h) Capability to perform the work of the board in maintaining the file after conversion and to meet the requirements of peak load activity, including processing of all new voter registrations and changes to existing voter registration records as well as production of the registration poll lists for each election day.

(i) In the event of a system malfunction, availability of backup facilities and/or service.

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## 6212.5 System management.

(a) The county board shall have primary responsibility for all aspects of the creation, maintenance and use of the file. Although support, guidance and assistance may be obtained from the State Board, a vendor or vendors or other outside sources, the county board of elections is responsible for ensuring compliance with the Election Law and for carrying out these regulations and any relevant directives of the State Board.

(b) The county board shall prepare a work plan for conversion of the existing registration poll records to a computer registration file with signature images and use of that file to produce registration poll lists for the polling places each election day. The work plan shall include a schedule for conversion of the existing records with estimates of resources required and data on which those estimates are based and a calendar for completion of the work with interim milestones indicated. The work plan shall be amended as necessary during the course of conversion.

(c) The board shall write and adopt procedures for all tasks in the process of conversion to, or maintenance of, the file and shall modify and amend those procedures as experience dictates. The procedures should provide for quality control, particularly at points in the process known to be error prone. Personnel employed in conversion or maintenance shall be trained in the procedures and required to follow them.

(d) The processes of conversion to and maintenance of the computer registration file shall be fully documented. Logs shall be maintained indicating what was done, when and by whom. Such documentation is subject to review by the State Board.

(e) Access to computer file in which signature images are stored shall be limited to those persons authorized for access by the county board and a written plan for accomplishing that purpose shall be adopted by the board. Each access to the file other than inquiry shall be recorded. Such records shall include date and time of such access and the name of the person accessing. The board shall designate a person or persons to be responsible for controlling, recording and monitoring access to the file. That person or persons shall immediately report any unauthorized access to the board.

(f) The board of elections must maintain, as public records at the appropriate office of the board, a complete and current hard copy alphabetized list of all registered voters which includes the address, town or city, assembly district or ward, where appropriate, election district, registration serial number, party enrollment, date of registration, sex and date of birth of each such voter and a complete and current hard copy list of all registered voters which is arranged by election district and which contains all the information required to be included for each voter on the registration poll list prepared for use at an election, together with the facsimile signature of each such voter. The county board shall ensure that voter registration lists on any medium, which are sold or distributed, other than for use by the board or to comply with the order of a court of competent jurisdiction, do not include facsimile voter signatures or the capability to generate facsimile voter signatures, but do include all other data contained in those records.

(g) A complete list is printed not less than once per year following completion of the purge and is updated weekly by a reprinting of the complete list or by the printing of supplements showing additions or deletions to the master file occurring during the preceding week.

(h) As soon as feasible following the first use of registration poll

lists in an election, the county board shall convene and conduct an evaluation of the project, including all aspects of contract administration, creation and maintenance of the computer registration file, training of personnel including poll workers, utility of the registration poll lists, public understanding and acceptance of the system, etc. The State Board shall participate in the evaluation. A report of the evaluation shall be written and filed with the State Board.

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## 6212.6 Acceptance testing.

(a) All hardware and software purchased shall be tested following delivery. The purpose of the acceptance testing is to determine if the hardware, software, documentation and other materials delivered meet the terms of the contract.

(b) Acceptance testing shall be performed in accordance with the plan submitted to and approved by the State Board as part of the proposed contract before purchase, except that other requirements may be added to the plan if, at the time of delivery or in the course of testing, the county board or State Board deems it advisable to do so.

(c) Acceptance testing shall include but not be limited to the following:

(1) Examination of the manufacture's specifications for all hardware delivered in order to confirm that the equipment supplied is that which was promised and described in the contract.

(2) Functional testing of the system, hardware and software, by county board personnel with instruction and assistance of vendor personnel. The functional testing shall be performed with actual source documents, including specimens of all the varying types of such source documents that will be used in the conversion and maintenance. Special attention shall be given to such factors as the speed of the equipment, ease of understanding and operation, the adequacy of the software documentation, capability for accommodating the variety of source documents and quality of signature facsimile both on the screen and on hard copy. The testing shall not be cursory but shall be as extensive as possible and shall take into consideration the response of the system at times of high stress.

(d) The process of acceptance testing shall be documented by the county board of record all testing performed and the findings therefrom.

(e) The county board shall certify to the State Board that acceptance testing has been completed and shall supply to the State Board a copy of the documentation of that testing.

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## 6212.7 Training.

(a) The county board shall assure that all personnel assigned to work on creation and maintenance of the file, or on the production of registration poll lists and other documents generated from the file, are thoroughly trained in their responsibilities. Initial training shall be provided under the contract by which the system is procured and the terms of the contract shall not be deemed to have been fulfilled until the board is satisfied that the training specified therein has been completed. Additional training in use of the system shall be provided by the board as needed to assure continuing satisfactory performance.

(b) During both conversion and maintenance, the board shall monitor and evaluate the procedures and the performance of the staff and shall modify procedures and provide additional training to the staff where, in the board's judgment, the operation can be improved.

(c) A written summary of the training shall be filed with the State Board at time of making application for discontinuance of registration poll records (see section 6212.12 (a) of this Part).

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6212.8 Record processing during conversion and maintenance.

(a) The county board shall adopt, and ensure compliance with, procedures to guarantee the security and integrity of registration poll records during conversion and maintenance. A copy of these procedures shall be filed with the State Board at time of making application for discontinuance of registration poll records (see section 6212.12(a) of this Part.)

(b) When such documents are removed from ledgers, they shall be maintained and processed in uniquely identified batches. Each batch and each document therein shall be accounted for through use of logs which record every processing transaction in which it is involved, from the time of removal from the ledger until returned to the ledger. For each transaction the log shall indicate the action taken, date, time and by whom.

(c) Any of the following may be used as a source document for a voter signature image:

(1) The original registration poll record or a replacement registration poll record created because the preceding one was filled to capacity. A signature appearing either on the front or on the back of a registration poll record may serve as the basis for the computer image.

(2) Any other original voter registration record including school board registration, military registration, special Federal registration, change of name registration and Federal Post Card Application (FPCA).

(3) Absentee voting application.

(4) Absentee ballot envelope.

(5) Affidavit ballot envelope.

(6) Registration poll list or the challenge report used in connection with that list.

(7) Special form, card, or letter mailed to a voter for the purpose of obtaining a signature.

(d) Standards for quality of the signature image and facsimile shall be established by the board and applied by staff in producing the signature image for the file. Such standards shall include, but not be limited to, provisions to assure:

(1) that the image produced for a particular voter's registration record is the signature of the voter;

(2) that the image is properly positioned; and

(3) that the quality of the image on the screen is such that a hard copy facsimile generated from it will enable an election inspector to make a comparison between the facsimile and the signature the voter signs on election day.

(e) If, in the judgment of the board, the quality and usefulness of a signature image in the file can be improved by substituting therefor one created from a different signature of the same voter, that substitution may be made.

(f) All records in the computer registration files shall be verified by the local board before they are used to generate a registration poll list. That verification process shall include at least the following:

(1) confirmation that every eligible voter is on the file; and

(2) confirmation that the signature facsimile included in each record is the correct signature for that voter.

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6212.9 Registration poll list.

(a) For each election, a registration poll list shall be prepared in alphabetical order for each election district which shall include the name and other information required by the law and these regulations relating to each voter eligible to vote in that district in that election. The pages of the list shall be bound or fastened so that all pages are securely held together and the list shall be identified as an official document of the county board.

(b) For each individual voter, the following information shall be in the registration poll list:

- (1) name;
- (2) street address;
- (3) date of birth;
- (4) height;
- (5) eye color;
- (6) party enrollment;
- (7) month, day and year of registration;
- (8) facsimile of the voter's signature printed or an indication that the voter is unable to sign his name;
- (9) a place for the voter to sign his name or to make his mark in the event he is unable to sign his name; and
- (10) a place for the inspector to record the voting machine number, the public county number and the number of any paper ballots given to the voter.

(c) Each page of the registration poll list shall contain:

- (1) The number of the election district, assembly district, legislative district, town, ward, etc. in which such election district is located.
- (2) Date of the election for which the list is prepared.
- (3) Page number. The last page of the list shall be so marked.
- (4) Range of names listed on that page.

(d) Prior to the first election in which a registration poll list is used to replace the registration poll ledger, the State Board shall review and approve the content, format and layout of the registration poll list, as well as the adequacy of the facsimile signatures included in it. For that purpose, the county board shall submit a specimen registration poll list containing the records of at least 500 voters. At the same time, the county board shall certify to the State Board that the verification of the file required by section 6212.8(f) of this Part has been performed.

(e) Registration poll lists shall be preserved in secure storage by the board until the end of the fourth calendar year following the election in which they were used.

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6212.10 storage of computer readable records.

(a) The complete, current computer registration file shall be produced periodically in duplicate on electronic storage medium.

(b) One copy of the file shall be stored in a different building from the other copy. If one or both copies is stored in a location not directly under the board's control, the board shall provide for security of such copy of the file and shall ensure that access to it will be limited to those authorized by the board. Conditions in a facility used for storage of a computer registration file shall meet generally accepted standards for storage of data on electronic media.

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6212.11 Storage of original voter registration records.

(a) Original registration poll records shall be maintained in their ledgers, emplaced as they have been when used in polling places, and available for reference until after the board has successfully conducted an election in a county or portion thereof using registration poll lists with voter signature facsimiles, and the State Board has approved discontinuation of the preparation, use and maintenance of registration poll records by that board.

(b) Following successful use of the registration poll lists for one election and State Board approval of the county board's application to discontinue preparation, use and maintenance of registration poll records, the registration poll records in the ledgers may be removed therefrom. They shall be preserved, along with original voter registration records received after conversion of the file, for as long as registration records are otherwise preserved, organized and labeled in such a manner so that they are available for examination.

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6212.12 State Board responsibilities.

The State Board shall:

(a) Prepare and distribute to the county boards of elections procedures for a county board to initiate and carry out the process of creating a computer registration file with signature images and to apply to discontinue preparation, use and maintenance of registration poll records and substitute therefor registration poll lists with voter signature facsimiles.

(b) Review and approve:

(1) The documents submitted to initiate the process under section 6212.3(a) of this Part.

(2) Any proposed contract submitted by a county board under section 6212.3(c) of this Part; such contract must include a plan for acceptance testing.

(3) The certification that the acceptance testing has been carried out as required by section 6212.6(e) of this Part.

(4) The specimen registration poll list and the certification of the verification of the file as required by section 6212.9(d) of this Part.

(5) An application for discontinuation of preparation, use and maintenance of registration poll records by a county board which has successfully conducted an election using registration poll lists (see subdivision (a) of this section). Before granting such approval, the State Board shall be satisfied that the county has met the requirements of the Election Law and this Part.

(c) Adopt and apply standards for clarity and speed of the printer to be used for printing registration poll lists.

(d) Monitor and, when appropriate, assist and support county boards in conversion to and maintenance of computer registration files including assistance to a county board in obtaining compliance with any contract entered into in connection with such work.

(e) On request of a county board, supply specimen forms, materials and procedures for guidance in planning conversion and maintenance.

(f) With respect to ongoing use of a computer registration file, order compliance with law and regulations when it finds that a county board has not so complied. If the county board fails to comply, the State Board shall withdraw approval for use of registration poll lists and require such board to resume preparation, use and maintenance of registration poll records.