

**Minutes of the New York State Board of Elections
January 6, 2009**

The meeting of the Commissioners of the New York State Board of Elections held at the offices of the New York State Board of Elections, 40 Steuben Street, Albany, New York in the 4th Floor Conference Room and was called to order at 12:00 p.m. The meeting was chaired by Commissioner James Walsh. Commissioners present were Douglas Kellner, Evelyn Aquila and Gregory Peterson. Staff members present were: Stanley Zalen, Todd Valentine, Kim Galvin, Paul Collins, Elizabeth Hogan, William McCann, Anna Svizzero, Joe Burns, John Conklin, Robert Brehm, George Stanton, Patrick Campion, and Gregory Fiozzo. The guest list is attached.

Minutes of December 4th, 2008 – Minutes were accepted. **Commissioners Walsh, Kellner, Aquila and Paterson all voted to accept; 4 Yes and 0 no.**

Unit Updates:

Executive – Stanley Zalen and Todd Valentine reported on several issues including:

- The status of the internal controls report and also the employee handbook.

Legal – Kim Galvin and Paul Collins reported on activities related to the Legal Unit including:

- The weekly telephone conference calls with Department of Justice are ongoing.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on several ongoing issues including:

- We have been concentrating on year-end tasks, one of which is to have our county board year-end surveys out to county boards by the end of this week.
- Status meetings NYSTEC are ongoing and a meeting with SysTest is planned for this week to see where they are with the restoration of the accreditation and the status of test case preparation.
- SysTest did not have an appointment with the on-site EAC team on January 5th, and we don't expect that to happen until February, which delays restoration of their accreditation.
- There was a lengthy discussion concerning the certification testing schedule. Anna Svizzero reported that she doesn't see a run for the records happening before June. Commissioner Aquila asked how far the problems with SysTest have set us back; Anna replied it has been about a year.

PIO/NVRA – Robert Brehm reported on several ongoing projects in the PIO/NVRA unit.

- The status of the Health and Human Services Agency (HHS) recalling the unspent portion of the 2003 grant funds (approximately \$215,000) and several outstanding invoices from the Counties in the amount of about \$12-\$15,000 that remain unpaid.
- Reminder that the deadline for the County HAVA grant contracts to reimburse the counties for poll site access improvement is March 31st.
- The unit is also working on amending our contract with SOE Software to develop and implement updated poll worker training curriculum and voter education materials. We hope to have a proposal available for consideration by the commissioners at your next meeting.
- The 2008 Voter Outreach program was a success and staff are working on developing a 2009 Voter Outreach plan to be presented to the commissioners at a future meeting.
- The unit is also working with the Counsel's office to update the voter registration form to provide an opportunity for a person to enroll as an organ or tissue donor.

Campaign Finance - Elizabeth Hogan reported on several ongoing projects in Campaign Finance and Enforcement, including:

- Bill McCann is working on preparing documentation to send to the Governor's Office of Regulatory Reform (GORR) concerning minor language changes to the Part 6200 rule amendments before they are passed onto the Department of State.
- Liz Hogan and Bill McCann will be making a presentation at the Election Commissioners Association meeting to talk about the rule changes for local filers who have to file here at the State, a new enhanced efforts to and the need to prospectively address the application of tis in our handbook.
- Work is also being done on what the training needs to be on the HAVA mandate to the arbitration group that is on retainer who will be arbitrating HAVA Complaints.
- The 2006 corporate audit has been completed by staff and they have finalized a report for review by Bill and I. The 2006 statewide office audit has begun.
- The 2007 corporate over-contribution audit has also begun and there is a projected finish date of February 3rd.
- The scanning project contract is still at the Division of the Budget and we continue to push for approval as this is a very important project to the functioning of campaign finance and the productive and efficient use of time in being able to work.
- We are preparing for the January 15th Periodic Campaign Finance Report filings.

ITU – George Stanton reported on several issues, including:

- Work continues on the development of the new software-neutral filing program which we hope to have available later this month to show to the campaign finance unit.
- NYSVoter is working fine. There are still issues related to the use by the Board of Elections in New York City of interactive part of NYSVoter.

- NYSVoter knowledge transfer efforts continue between Saber and IT to learn the system. We have taken over the weekly maintenance reboot and are now focusing more on the applications.

Old Business: None

New Business: The Commissioners took action on several issues including:

- Bill McCann presented a proposed modification to section NYCRR Part 6217.5 sub 3 which has to do with the bipartisan processing of voter registrations. It needs to be submitted to GORR for processing and then to the Department of State for publication. There was a vote to submit section 6217.5 sub 3 to GORR. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The next board meeting was tentatively scheduled for Tuesday, February 3rd.

There was a motion to accept counsel's recommendation to close Enforcement Cases: CMP07-05 and CMP07-11; and to open an investigation on CMP-06-85. **The Commissioners voted unanimously to approve the motion. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The Commissioners then made a motion to go into Executive Session to discuss enforcement cases. **(Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The meeting went into Executive Session at 1:06 p.m. The meeting went back into regular session at 1:23 p.m..

There was a motion to accept counsel's recommendation to close Enforcement Cases: CMP06-40 and CMP06-58. **The Commissioners voted unanimously to approve the motion. (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**

The meeting was adjourned at 1:26 p.m.