

**Minutes of the New York State Board of Elections
February 3, 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 Douglas Kellner. Commissioners present were James Walsh, Evelyn Aquila and Gregory Peterson. Staff members present were: Stanley Zalen, Todd Valentine, Kim Galvin, Paul Collins, William McCann, Anna Svizzero, Joe Burns, John Conklin, Robert Brehm, George Stanton and Patrick Campion. The guest list is attached.

Minutes of January 6th, 2009 – 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 Statewide HAVA plan. Stanley Zalen reported that it should be completed within the next couple of months.
- Todd Valentine spoke about the Election Commissioners conference and that our conference will be the end of April and we need to start working on an agenda.
- Stanley and Todd will be attending the National Association of State Election Directors in Washington DC the first week of February.

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.
- We have been responding to calls related to village elections and the vacancy in the NYS 20th Congressional District.
- The status of the litigation between Ciber and the State of New York.

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

- Staff has been processing year-end surveys provided to us by county boards, with over 20 counties reporting to date. Reminder notices will be sent out requesting outstanding data.
- Status meetings with NYSTEC are ongoing and they are continuing to work with SysTest on test cases. The State Board has provided voting system vendors with 6 test cases and we continue to work on the remaining 3.

- SysTest's appointment with the on-site EAC team is re-scheduled for February 18th.
- There was a discussion concerning the certification testing program.
- We are working to schedule orientation sessions to introduce county boards to ballot programming procedures and requirements.
- Work continues with OGS and NYSTEC on an invitation to bid, which hopefully will result in a state contract for privacy booths and voting system seals, from which county boards will be able to purchase supplies using their HAVA appropriations.
- Bob Warren and John Ferri presented a workshop at the Election Commissioners Association conference on the basics of ballot programming.

PIO/NVRA – John Conklin reported on several ongoing projects in the PIO/NVRA unit.

- The Federal government has increased the 2003 grant funds by \$339,000 to eliminate a deficit that existed after the grant expired on October 1st. 2008.
- The deadline for the application for poll site access improvements has been extended past March 31, 2009. There are two outstanding counties which have yet to complete their applications.
- The staff met with the New York State Broadcasters Association to discuss the voter outreach education and advertising program for 2009.
- John Conklin and Bob Brehm met with representatives from SOE Software to discuss a proposal to update and expand the poll worker training and voter education curriculum.
- There drafted voter registration form including the organ donor information has been forwarded to DOH for their comments and reaction.
- The unit is working on the agenda for the NYSBOE April Conference.

Campaign Finance – Bill McCann reported on several ongoing projects in Campaign Finance and Enforcement, including:

- The scanning project contract has been approved and now they will finalize the internal processes to get the project fully implemented.
- A meeting with GORR is scheduled for February 5th to address any issues GORR may have with respect to the regulation regarding duplicate filing issues.

ITU – George Stanton reported on several issues, including:

- NYSVoter was shut down last Saturday to enable the staff to apply patches and security updates from Microsoft's Windows Server Update Services (WSUS). These updates make it easier for us to manage security updates and performance updates to our computer systems.
- NYSVoter knowledge transfer efforts continue between Saber and IT. IT has taken over the weekly maintenance reboot and is going to try to reboot on a monthly basis in the near future.
- There was a lengthy discussion on the status of the Board of Elections in the City of New York relating to their use of the NYSVoter interface. Commissioner Kellner asked how we get the information from the NYS Department of Health

concerning the lists of deceased voters. George Stanton indicated that he received a phone call from Steve Ferguson at the City Board and that he is hopeful that this contact will start to get things moving with NYC becoming compliant with NYSVoter.

Old Business: None

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

- Kim Galvin presented a resolution to increase the State Board voting machine examination account. There was a motion to approve additional funding not to exceed \$150,000 from the State Operations/State Certification Fund for generic voting system certification expenses (copy attached). **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- The Commissioners next considered a resolution related to expanding the original SOE Software Corporation scope of work to modify existing ballot marking device education and training materials and migrate to New York’s new optical scan voting systems; to authorize the transfer of \$115,000 from the Federal HHS Fund – 265 Poll Site Accessibility Account to the State Operations Account; and, to transfer \$115,000 from the Federal 290 HAVA Implementation Account to the State Operations Account (copy attached). **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- The Commissioners next considered a request by Bill McCann to adopt the New York State Dispute Resolution Association (NYSDRA ADR) panel. There was a motion to accept. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Commissioner Kellner spoke about his attendance at the US Election Assistance Commission (EAC) conference on voting machine certification issues. The EAC is looking to work with a group of states to coordinate testing so that the states would not be forced to duplicated testing and incur expenses for doing so. The Commissioners agreed that it New York should and to an extent has already worked with the EAC on certification.
- Next on the agenda was the Board’s legislative package. Kim Galvin presented to the Commissioners a list consisting of 22 issues, which was followed by a lengthy discussion.

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

The Commissioners then made a motion to go into Executive Session to discuss voting system contract issues; enforcement cases; and issues related to New York City and NYSVoter compliance. **(Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No)**

The meeting went into Executive Session at 1:25 p.m. The meeting went back into regular session at 2:05 p.m.

- There was a motion to accept counsel’s recommendation to close the following 43 Enforcement Cases; and to accept counsel’s recommendation to close, as modified by the Board: CMP06-81, CMP06-84, CMP07-60 and CMP07-67:

CMP06-39	CMP07-15	CMP07-35	CMP07-51
CMP06-55	CMP07-16	CMP07-36	CMP07-52
CMP06-63	CMP07-17	CMP07-37	CMP07-53
CMP06-73	CMP07-18	CMP07-39	CMP07-54
CMP06-77	CMP07-20	CMP07-40	CMP07-55
CMP06-80	CMP07-21	CMP07-41	CMP07-57
CMP06-87	CMP07-22	CMP07-44	CMP07-59
CMP06-88	CMP07-23	CMP07-45	CMP07-62
CMP07-07	CMP07-24	CMP07- 47	CMP07-63
CMP07-09	CMP07-25	CMP07-49	CMP07-65
CMP07-13	CMP07-29	CMP07-50	

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 2:10 p.m.