

Approved September 10, 2009

**Minutes of the New York State Board of Elections
August 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, Elizabeth Hogan, Dan Valvo, Anna Svizzero, William McCann, Joseph Burns, John Conklin, Robert Brehm, and Patrick Campion. The guest list is attached.

Commissioner Kellner made an announcement that he and Commissioner Aquila in accordance with the election law have designated Robert Brehm as Co-Executive Director to replace Stanley Zalen who will be retiring September 30, 2009. Robert's term will become effective on October 1, 2009. The Commissioners then said a few nice words about Robert and Stanley.

Unit Updates:

Executive: Stanley Zalen and Todd Valentine spoke on a few issues:

- A letter was sent out to all counties concerning the single state audit and the related grant fund amounts. The county commissioners had few questions and the reports from the counties concerning this requirement will be completed by the end of this year.
- A conference call with the Election Assistance Commission (EAC) was held this week with representatives from all over the country. The conference call was to discuss the 5% match requirements. The maintenance of effort was also discussed during this conference call.
- A conference call was held with Nassau County concerning the chain of custody for repairs, etc. of voting machines. A letter was sent from the Co-Executives Directors in response to their concerns.
- Todd Valentine commented on the fact that the lease to the office space ends on 2011. Negotiations will begin around October.

Legal: Kim Galvin reported on a few issues:

- Kim Galvin and Paul Collins have been busy with the petitions and handling numerous phone calls from candidates, etc.
- Participated in ongoing phone conferences with the Department of Justice and also numerous meetings concerning the voting machine certification effort and the related amendments to voting system regulations.
- We are working with the Conference of Mayors to update the village calendar.
- Copies of all new Election Law Chapters from the 2009 Legislative Session are in the process of being copied for distribution within the Agency and to the county boards of elections.

Election Operations: Anna Svizzero reported on a few issues including:

- We continue with our voting system certification testing. Bob Warren and a team including NYSTEC representatives will be going to Colorado on Monday to witness the trusted builds and other related certification test efforts.
- New procedures and forms have been posted to the county board procedures portal.
- The unit is working on the last of the logistics for the public testing that will be conducted here in Albany.
- The acceptance testing on the ES&S scanners are complete. Testing will begin on about 80 Dominion scanners shortly.
- New, permanent asset tags have been purchased and have been sent out to the county boards to apply to the units already in place. All units in-house will be applied here.
- Petition filing: we have received 75 petitions, 2 declinations and 1 substitution during the time period for designating petitions. Prima facie issues will be presented by counsel's office later in the meeting.

Public Information: John Conklin reported on a few issues including:

- We have the two constitutional amendments that were approved at the last meeting for the November General Election ballot. They have been sent to the NY Press Service to make arrangements for publication. We have requested a cost estimate and an invoice.
- Translation of the two proposals into Spanish is underway.
- The usability experts (AIGA - Design for Democracy) which were brought to assist in updating the voter registration application will be making a presentation to us on Monday including proposed revisions.
- SOE Software was here last week to film the video for the Poll Worker Training program and the Voter Education program.

Campaign Finance: Elizabeth Hogan reported on a few issues:

- The unit is very busy with phone calls from all different committees do to the fact that it is a local election year. Staff did a very good job responded to almost 2,600 telephone inquires in July.
- This year regarding committee registrations, we have 2,136 new committees registered since January 1st. Of that total, 161 are state filers and 1,975 are local committees.
- So far this year we have terminated 696 committees and as of yesterday we had 10,634 active filers. We are fast approaching 11,000 active filers – which compares to 1,600 active committees in 2005.
- The first train the trainer seminar was held in Putnam County which will create an intermediary group of people to assist us in carrying out our campaign finance seminars.
- The July Periodic campaign finance filing was due on July 15th. Since that time, more than 3,500 letters relative to failure to file were sent out. On August 13th, the Order to Show Cause is expected to be presented for signature as part of the ongoing enforcement effort.

ITU: Dan Valvo commented on a few issues:

- The unit is busy providing support to the units. During July, staff assisted in processing or uploading 5,483 reports in the database for financial disclosure filings.
- We continue to work with the Campaign Finance Unit on the development of the system-neutral version of the Financial Disclosure Administration System (FDAS).

Old Business: Nothing to report

New Business:

- Kim presented the staff recommendation concerning prima facie review of designating petition issues. It was the recommendation to adopt the report proposed by counsel. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No). The report was approved.**
- There was a motion to approve the resolution to accept the Saber contract for NYSVoter system maintenance and support. **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No). The resolution was adopted.**
- There was a motion to adopt the campaign finance regulations concerning duplicate local filing of Campaign Finance Disclosure Reports (Part 6200.1). **The motion was approved unanimously (Commissioners Kellner, Walsh, Aquila and Peterson voting in the affirmative; 4 Yes and 0 No). The regulations were adopted.**

The next board meeting is scheduled for September 10th.

The meeting adjourned at 12:43 a.m.