

# March 25, 2009 State Board of Elections Meeting Transcript

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(Hearing on specifications for Eric Sundwall Independent Petition to get on the ballot for 20<sup>th</sup> Congressional District Special Election.)

DOUGLAS KELLNER: Good afternoon everyone. My name is Douglas Kellner, co-Chair of the State Board of Elections. I'm joined by Jim Walsh who is also co-Chair.

And, go ahead Evelyn.

>>EVELYN AQUILA: Evelyn Aquila.

>>GREGORY PETERSON: Gregory Peterson.

>>DOUGLAS KELLNER: And I'll ask our staff to identify themselves.

>> Stanley Zalen.

>> Liz Hogan.

>> Bill Mccann.

>> Bob Brehm.

>> Pat Champion.

>> Anna Svizzero.

>> Joe Burns.

>> Paul Collins.

>>DOUGLAS KELLNER: And would our guests please introduce themselves.

>> Mike DeMartino --

>> I'm Jeff Russell here on behalf of Eric Sundwall.

>>Taryn Fitsik, Channel 10.

>> I'm Curtis Scmiek, Channel 9.

>> Bob Gronczniak, NYSTEC.

>> Rob Zeglen, NYSTEC.

>> Nils Ekberg, NYSTEC.

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>>DOUGLAS KELLNER: Thank you and welcome to our guests.

This is a special meeting to deal with the ballot challenges for the special election of the 20th congressional district.

We will not be following the usual meeting format. We will start directly with the report on the ballot challenges.

Who are the hearing officers for the hearing?

>> TODD VALENTINE: That was Paul and I.

>> DOUGLAS KELLNER: You want to give us the report?

>> PAUL COLLINS: Yes.

The report, as agreed to by the two hearing officers, was that the number of signatures required for this office was 3,500.

The number of signatures submitted was 6,730. The number of signatures objected to by the objector was 6,362.

The number of invalid signatures that the hearing officers ruled on the basis of a strict reading of the statute was 3,786.

The total number of valid signatures was 2,944.

There were 365 signatures reserved but they were counted as good signatures in any event and would not further deprecate the petition.

>>DOUGLAS KELLNER: Paul, most of the signatures were invalidated for technical reasons.

>>PAUL COLLINS: We followed the strict language of the statute that required that the witnesses state their correct town.

There are court cases that go both ways on that.

And there's one in the-- department, but my understanding, and I think Mr. Valentine agrees with me, that we are obligated at this level, at least on a hearing level, to follow the statute's mandate.

And that is the basis of the determination that we both agreed on.

>>DOUGLAS KELLNER. So that is the report of the hearing officers. Is there a representative of the candidate who wants to be heard?

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>> JEFF RUSSEL: Yes, I would like to be heard. -- . My name is JeffRussell.

I have worked for the Sundwall campaign. I'm also a registered voter in the 20th congressional district.

I'm also someone who signed the petition and someone who collected signatures.

As you heard these gentlemen say, most of these signatures were thrown out on technicality.

I think it would be outrageous to throw Mr. Sundwall off the ballot just because of these technical violations.

It would disenfranchise, literally thousands of voters, especially our military voters, because the military ballots have already been sent out.

There's no way those ballots can be called back in time and replaced with proper ballots.

All our service men and women overseas would be disenfranchised by this, and it would be an outrageous thing to do.

I am going to call Mr. Sundwall as soon as a decision is made here.

>> DOUGLAS KELLNER: You understand that from our point of view this is purely a legal matter.

I think some of us may actually agree with you that the - it's not right when legitimate voters actually sign the petitions that the signatures be declared invalid because of technical issues.

But as counsel has reported to us, we are bound to apply the election law as it is written, and of course the candidate has his writs in the courts to seek remedy or additional relief from the court.

Commissioner Aquila?

>> EVELY AQUILLA: Thank you. I have always been concerned about that town issue.

It has bothered me since years ago when I did petitions myself

And I have always felt - I always felt if someone could receive their mail at an address why that signature wasn't good enough for us.

But I know - today I'm going to - I have to reflect the state law. But I think it's time to look to the state law and try to correct it ourselves

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Because it is - I do find it very, very, somehow bothersome to me that if a person writes the address down, if they receive all their mail at, have always been known as living at, that they get thrown out because they didn't include the town.

So I just wanted to say I will vote the way I'm supposed to. I will honor the state law.

But I think it's time in our legislative agenda put in a correction for that. Thank you.

>> DOUGLAS KELLNER: Does anybody else want to say anything?

Alright. I think we're ready to vote. Those in favor of adopting the report say "aye".

>> ALL MEMBERS: Aye.

>> DOUGLAS KELLNER: Opposed? Okay so the report is adopted and the candidate is removed from the ballot.

The next is a motion to go into executive session where we will discuss investigation cases and pending litigation.

>> JAMES WALSH: So moved.

>> DOUGLAS KELLNER: Those in favor say "aye".

>> ALL MEMBERS: Aye.

>> DOUGLAS KELLNER: Alright so we stand adjourned until our - we will be meeting in executive session.

I don't think we'll be coming back into public session to take any further action.

And I think we have tentatively agreed our next meeting is April 7th?

Alright, so thank you all.