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JAMES WALSH: Good morning. Good afternoon, everyone. I'm Jim Walsh.

I have the honor of conducting our meeting today. And I'd like to introduce my fellow commissioners to my right...

DOUG KELLNER: Douglas Keller.

EVELYN AQUILLA: Evelyn Aquilla

JAMES WALSH: And to my left

GREGORY PETERSON: Gregory Peterson.

TODD VALENTINE: Todd Valentine

Kimberly Gavin.

Joe Byrne

Anna Svizzero.

Pat Champion.

Bob Brehm.

Dan Valvo

John Conklin

Bill McCann

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Liz Hogan

STANLEY ZALEN: Stan Zalen.

Bob Warren, election operations.

Sean Murray --

JAMES WALSH: Thank you, all, and welcome.

Unit updates. The co-executives.

DOUG KELLNER: I have to make an announcement.

JIM WALSH: OK make the announcement.

DOUG KELLNER: At the last meeting Stanley Zalen announced he would be retiring as co-executive director and Commissioner Aquila and I met this morning in accordance with the election law and have designated Robert Brehm to be the co-executive director commencing October 1 of this year.

So congratulations, Bob.

[Applause]

EVELYN AQUILA: May I say a few words?

I've worked with Bob I guess eight or nine years now and I have known him for longer than that.

Bob has worked for Assembly Tonka(PH)- who later became Congressman and he became his chief of staff.

Then he became county Commissioner of Schenectady County Board Of Elections After that chair of the County Commissioner's organization, I think that's the right title.

I'm not sure.

He came to the board eight years ago and now he's in the office of information and has been there for some time yet during many times Bob has been a right hand to Stanley and Stanley would be the first to say that.

He knows election law like very few people and on many election days, we have gone to county to county together and I have been -- first I went with Stanley and I've always been surprised at how much these men know. We have visited on election day, over the

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years, Nassau County, Westchester County, Kings County, Queens County, New York County, Richmond County, just to mention a few.

I think October will begin a new faze in Bob's career as our executive director and I look forward to Bob making a marvelous name for himself compatable with Stanley's across the state.

I want to thank you very much and of course I want to say something about Stanley.

Stanley, we are so sorry that he will be leaving but we know that you are only a few moments away and that I hope you'll be stopping in to check on us to make sure we are doing what we're supposed to do.

So congratulations, Bob, and I just wanted people to know that you come with a long background in elections and we are happy that you accepted our -- extended the proposal to you that you become or executive director.

Thank you.

DOUG KELLNER: I would like to add my comments, I have known Bob on and off for quite some time now.

I am very impressed with his knowledge of the election law the job he has done in Schenectady and the job he has done here and I have a soft spot for county chairmen, I know what that job is like You are a hero and you have made it to here. I know you will do a great job and you are filling big shoes of a very fine man and very qualified Stanley and I welcome you and I wish you the best of luck and look forward to working with you.

You will be a great addition to the staff at that level. Thank you and Congratulations.

BOB BREHM: Thank you

JAMES WALSH: Updates speaking of Stanley.

Co-executive director Stanley Zalen and Todd Valentine.

Gentlemen.

Executive Unit

TODD VALENTINE: A few things.

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We followed up with we talked about the federal single audit last week, we had a follow-up letter we sent out to the counties apprising them of the grant numbers to them, that has gone relatively smoothly.

Few questions and they are passing information along and we should be getting the reports we need at the end of this year.

We had a conference call just this week with the EAC, number of staff on it as -- didn't have all 50 states but there was a large number of states as well as our own. We invited our own budget people from the division of budget to talk.

They were talking about the 5% match requirement that is an issue we have had with the EAC over the years.

They have actually come around to our way of thinking on that, that it doesn't have to be put in an account and it can be -- you can actually pay out the money directly, don't have to go to an interest-bearing account which was an issue we had with them because we were having the counties pay it directly.

It never went into this fund because it didn't -- okay, we lose interest but on the other hand it was more convenient for us administratively.

They have a new person running that.

STANLEY ZALEN, Dr. Mark Abbott.

TODD VALENTINE: We all agreed it was a good conference call.

We also talked about maintenance of effort, an issue we've been facing also which requires -- there's a minimum spending requirement tied to the year 2000 which was originally specified half of because the idea was you can't replace your local or state funds with federal funds, you had to continue paying at whatever you were paying for that activity tied to the year 2000. Well, calculating that becomes a problem because the burden is on the state.

We weren't spending any money so we didn't have a lot of expenditures in more registration or voting machines whereas counties did. So figuring that out became a very big issue for the EAC and we think they have come around to what I think is a reasonable interpretation of the law that works.

It works for us but all the other states have the same problem.

Nice to see they are starting to apply a little bit of reasonableness to interpreting the statute.

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We did have a conference call with Nassau County and I don't know if Anne is going to go into more of this.

They had a particular issue about the chain of custody for repairs and upgrades of voting machines and reacceptance testing that we had to do.

Stanley and I put together a letter in response to explain how we believe the statute applies to that.

So that should work for them.

I haven't really heard any response back for them and I don't know if Anne has talked to any folks down there or not.

Lastly, just as an FYI, this may not impact the commissioner as much but it may impact the staff here, our lease ends in 2011 so this is something Bob has to look forward to. We have to renegotiate that 12 to 14 months before, this October. We try to do a simple extension, it wasn't simple, we try to maintain the space we have here, the landlord according to OGS is not willing to do that extension for us because we wanted a very long extension because it's easier for us not to move because we have invested a lot of infrastructure in the physical plant here, particularly for the database servers and cooling and environment we had to build for that.

We can't really pull it out, it's attached to the building.

Not without at great cost so we wanted to extend it and give us an option in the event we ever do get full funding for the positions we needed the right of first refusal for at least one additional floor.

Right now the landlord is not willing to do that extension so we must go through the process or just begin the process because it's their lease, not ours, to seek bids for other properties that may work and that will take some time over the next year to analyze that.

It's not really an impact to you because we'll move the meeting wherever we go, but for staff who is here, moving is disruptive, I've only done it once.

We've done it three times in the past 12 or 13 years.

TODD VALENTINE: Always a problem for small agencies because they are more portable.

They tend to get pushed around or moved around so it's not something to look forward to but, you know, there's good office space in Albany so finding a space won't be a

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problem, it's just finding it in a configuration that we are pleased with that will be the issue.

Even the way we are divided here has its own issues on three different floors.

We've made it work and we've invested a lot in the infrastructure of the building.

That is coming down the pipe.

Last thing is the governor's recent announcement on the budget.

There was no announcement on budget cuts so that has not been an issue directly for us but, again, that's still a possibility as they go through the end of the fiscal year that another round of cuts come and our cash ceiling -- the cash we get to spend in a month which is lower than our budget is always tightly controlled by the division of budget depending how much cash the state gets in because you have to pay the salaries are in cash so you can only pay out what the state actually takes in so that's how they control your budget because your budget is never the full -- you never get the full amount that's adopted because there's usually not enough cash in the state to cover everybody's budget.

It's just the way it works in bad years.

In good years sometimes there's more but that remains -- that continues to haunt us as an issue, particularly in a small agency where we don't have that many positions and --

EVELYN AQUILA: Can I ask a question?

Don't mean to be doom-and-gloom but you should be aware.

Can I ask a question about moving and rent?

Is this a problem of rent that the owner of the building wants more money from us than we are able to pay?

TODD VALENTINE: I don't know exactly.

I think -- I'm sure that's one factor.

We have OGS does the negotiating because it's their lease, not ours.

We specify here is the space we need, here is the amount of people, here are the requirements we have.

They do the lease negotiations directly.

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There is ancillary stuff we ask for that we have requirements like the heating and cooling for the servers are our particular issues we have negotiated extra.

That's one of the factors.

Extension was certainly we wanted a ten-year extension.

Why not ask for as much as you can get?

I don't know if he's willing to go to less than that, but.

EVELYN AQUILA: It's not over yet, right?

TODD VALENTINE: By no means.

That was the simplest route and that was OGS wanted to tell us right away the simplest route is not available.

Right now it's not available.

But it could open up at any time.

STANLEY ZALEN: I have been informed that the event we paid for our space is more than we should be paying for this kind of space.

I have been uninformed unofficially strictly by somebody familiar with rents but again as Todd says we didn't negotiate it, OGS did, so the landlord might be reasonable eventually.

By the way, we moved five times since we've been in existence.

If we have to move again, it will be the sixth time.

EVELYN AQUILA: It Costs a lot of money to move. Not cheap.

VALENTINE: And it is disruptive. Yes.

AQUILA: And it is expensive for the government.

VALENTINE: Yes, it is. To move us, not cheap.

VALENTINE: I would rather not do it but, again, it's not in our hands.

AQUILA: I know.

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JAMES WALSH: Anyone have any questions for our executives?

Legal.

Kim Galvin.

Legal Unit

KIM GALVIN: Thank you, Commissioner.

Paul and I worked with Anna and Joe to develop the list that we'll be taking up later regarding the petition, petitions filed and going hand in glove. We've answered numerous calls from the candidates and the county boards of elections regarding petitions just recently filed, challenges thereto and in anticipation of the independent petitions being filed shortly.

We have monitored the machine and participated in a lot of the machine meetings which is a requirement, something we must do in order to keep the Department of Justice apprised of where we are in testing and just to comment on something that Todd indicated, for example, the interplay between the call with Nassau and the Department of Justice.

They are very interested in Nassau's chain of custody arguments because Nassau is now saying the upgrades wouldn't be in time to get even the balloting marking devices out to the polling places for the primary or general elections so we have a lot of give-and-take on a lot of issues that are intertwined that they are monitoring.

They also have a relatively keen interest in some of the draft regulations that we have pending at the Department of Justice.

To that end, Paul and I have participated in a variety of meetings, answering and clarifying some of those draft regulations and participating to a lesser extent than Anna and Joe but to some extent on the pilot procedures and the tally sheets and things being developed for use in this fall's elections.

We work with the Office of General Services on a lot of machine issues, contract ads or some of the assignment questions that they have regarding the machine vendors primarily.

We've started to work with the Conference of Mayors on their village calendar which is seems like such an easy thing but it's --

VALENTINE: Supposed to be easier. Former council it was easier.

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KIM GALVIN: So many questions, we verify dates and things for their upcoming village elections, turns into quite an issue.

Recently I learned it's the council's job to package all election laws that were passed this last legislative session ask put them in little packages and send them out to the counties so we have begun to look at that and we'll have that -- they're still coming in in dribs and drabs out of the Senate so we'll prepare that and get that out.

ZALEN: Within the agency?

KIM GALVIN: Distributed within the agency, yeah.

And.

ZALEN: Who is the counsel at the Conference of Mayors?

KIM GALVIN: It's a new woman.

Last year it was Wade and this year it's Katie O'Neill, she's new.

VALENTINE: Long time counsel, like two years ago. Start the new process over.

It was a big deal last year, now we were running through it all again.

KIM GALVIN: Yeah but, you know, generally just doing the work of the unit and participating in a lot of ancillary things with the other unit.

JAMES WALSH: Any other questions? Thank you.

Election Operations, Anna.

Elections Operations

ANNA SVIZZERO: Thank you, Commissioners.

We continue with our certification issues.

Bob Warren and the team will be going to Colorado on Monday, trusted bills will be happening and we have other projects we can work on on-site while we do that so that will be beginning on the 10th which appears to be on time.

Our issues with vendors and with labs and even our own decision-making process always affects the timeline but it does appear the ground can be made up if we get some good luck and some good forward motion and we can keep it going forward.

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We do expect that will still happen on time.

We have posted new procedures to the county board Web site.

We notified them by e-mail if the documents are small, we attach them, otherwise, we direct them to the location on that secure Web site for new forms.

We have been getting feedback from the county boards on those and we expect it will continue through the conduct of the pilot elections.

We actually have -- one of these that Todd referred to earlier on my desk this morning from a county board, so that message was received loud and clear and we'll be forwarding those to Pat Tracie or whoever was supposed to get those.

That may take effort at the county board level because it's new at least to the county board of elections.

We are also making final arrangements for the public tests we'll be conducting here in Albany, part of the certification, part of the run for records, so we're working out the last of the logistics.

We do have to come up with dates for that that are good for our team here and the team from Colorado that's going to come out and the NYEC team as well.

We have completed acceptance testing on the ES&S scanners, there were about 300 left from the last meeting, those have been done and delivered.

We have approximately 80 dominion scanners that will begin to acceptance-test shortly.

We are also working on permanent asset tags.

We did purchase a more viable, more sustainable asset tag to in a way respond to the single audit process we had but also to make what we did last year initially a little more permanent for the county board. So if we had units in-house when these tags arrived and the system set up, we have been applying them ourselves and for those units already in place in the county boards we will be sending instructions and the asset tags right out to the county boards so they can attach those themselves.

I'm happy to tell you we got budget approval to fill the three staff positions we have been talking about for quite some time and you approved last October.

That's not too bad.

One person is on staff right now.

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Two more will start next week and we are looking to get them trained so they can provide the test -- help desk services we initially anticipated for them and also we want to deploy people on both primary day and general election day in the pilot counties so we need to give them a decent background so they will actually be of value if they are posted out in the county boards.

ZALEN: Anna, excuse me. Are those the three people you originally wanted?

ANNA SVIZZERO: Yes, we were very fortunate in that regard, they were all still available, and one had been working with us through the Kelly Services project even now so did work on the functional testing and has a little more of a hit the ground running kind of status than the other two.

As for our other work and election operations we do find time to do that as well as the certification work.

We have been providing guidance to county boards on all their issues related to petitions and candidates and other issues that come before them.

There are so many new Commissioners out there and this is very new to them.

There is a fair amount of work in council's office and our unit as well and their work and no doubt in campaign finance.

As for our own petition, finally we got about 75 petitions filed here.

Two declinations, one substitution, we had no objections or specs filed but we have prima facie issue that counsel's office will bring up later on in the agenda.

Other than that, I think that's it for us.

Joe, do we have anything else?

KELLNER: Just one comment and my guess is you just forgot to mention is that when we set the dates for the functional testing, that the Citizens' Election Modernization Advisory Committee also be involved in this, right?

SVIZZERO: Yes. Yes.

AQUILA: May I make a comment?

Anna, I was very, very pleased at the reports from the local news papers and these counties that we are going to do the pilot program.

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It all seems to be very positive from the county commissioners and anybody who has anything to do with the pilot program and that's a very good sign.

I was very pleased with that.

SVIZZERO: The Commissioners that chose to work through the pilot I think have embraced it.

Their biggest struggle is this save the lever effort that's out there.

AQUILA: I know that!

ANNA SVIZZERO: This has caused heads to butt between the county legislatures and boards of supervisors and the county board of commissioners but they are standing their ground and moving forward so they deserve to be commended for that fight as well and I'm sure they will appreciate.

AQUILA: I saw that save the lever, we get many, many letters with people that want to save the lever and there are people, my own neighbors who say the same thing, why are you doing this to us, we want our lever machines.

I understand that.

It was a trusted machine, I cared for it myself but time marches on, you can't be stuck in some kind of a time warp.

I'm sure these positive remarks we read in these local newspapers have a lot to do with you and your office and I wanted to say thank you.

SVIZZERO: Thank you.

JAMES WALSH: Thank you, Anna.

Public Information, John Conklin.

Public Information/ NVRA Unit

JOHN CONKLIN: Thank you very much, good afternoon, Commissioners.

We have the two constitutional amendments that were approved at the last meeting for the November ballot. They have been sent to the New York press service to make arrangements for publication so we'll get a cost estimate and invoice for them.

Translation et cetera, so that's moving apace.

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The Usability expert we brought in to review voter registration form will be making presentation for us on Monday here on the suggested revisions. So we are looking forward to that.

SOE was here last week to conduct a filming for the video training on the machines and I'll let Bob talk about that.

BOB BREHM: We had a two-day session with the crew, SOE software . The first day with the assistance of the commission on quality of care and they were very good to get volunteer actors to help us do the portions of the training related to disability access to the equipment and how that interaction works.

We appreciate their help for voters with visual disabilities, mobility disabilities as well as cognitive and other issues related to the interaction with voting equipment.

That went very well.

Day 2 we did some of the filling in the gaps for the videos.

Our schedule is still for them to take the videotape back to the studio and splice it all together in a meaningful way and in order to squeeze things in, the narration was being recorded while they were shooting the video so we can have that all come together.

Again, trying to squeeze it in with a version after the June 8 approval to make sure we are all talking about -- instructing the poll workers and public on how to use the actual equipment that will be available on September 15.

Our target date is the last week of August and we're confident we should be able to make that and hopefully earlier.

JAMES WALSH: Any questions?

Campaign finance, Elizabeth Hogan.

Campaign Finance Unit

LIZ HOGAN: Thank you, Commissioner.

Good afternoon.

Having several weeks ago at the last board meeting given I think a fairly comprehensive report about what we're doing in campaign finance, I'm just going to concentrate on several things that have happened since the last board meeting just to make you aware.

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I did indicate at the last board meeting we had been very busy on the phones and want you to know in July mostly part of the reason because it's a local election year, we responded to almost 2600 telephone inquiries, staff did a very good job.

This year regarding committees I'd like you to know there are 2,136 new committees registered since January 1.

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 so we are fast approaching 11,000, and in context if you will recall that prior to the locals coming here in 2005 we had roughly 1600 filers.

Our training staff has implemented a new aspect of the education and training component we are trying to put into effect here.

We had the first instance of what we're calling internally train the trainers and you know traditionally what we do is provide seminars where our staff goes out to the county boards or locations that the county people help us set up and we try to provide assistance.

We have people who are responsible for making filings come in to try to assist them.

This new approach we are trying to integrate and that we -- the staff actually has set up a prototype for yesterday at Putnam county board was train the trainers, create an intermediary group of people who will assist us in carrying out what we have done through the seminar process traditionally.

As I said, it was just yesterday, wasn't it -- yes, we haven't had time to sit down with them to evaluate what was right, what could be improved upon but we'll do that next week probably.

They indicated just anecdotally it went very well and the people at the Putnam County board were very receptive to the type of training.

The July periodic filing was due on the 15th.

Since that time, I think it was July 24 we sent out more than 3,500 letters relative to failure to file.

And next week on the 13th, the order-to-show-cause we presented for signature on close of business Wednesday, Bill will prepare the paperwork for the order to show cause to go over to the court.

Since the last meeting that's what we've been doing.

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We continue of course to do the projects that I have enumerated for you over the course of time and specifically at the last meeting so that's it basically at this point.

Any questions?

ZALEN: I want to make one comment if I could, Commissioner.

Variously, you and Bill have estimated that the number of additional committees as a result of our being required to deal with local committee filings would be five times and six times and seven times as many committees as we currently had.

In fact with your new commitments it's more than 13 times as many committees that are local as new state committees.

If anything, you were underestimating the amount of the enlargement.

HOGAN: We have a lot of committees. As I said we are fast approaching 11,000. That is a very significant figure.

WILLIAM MCCANN: I would just add. I know this touches on it again but we have a phenomenal staff and our phone ops do an incredible job, also in IT and we really appreciate all their hard work, at crunch time it gets a little crazy.

WALSH: We all appreciate it. Thank you.

AQUILA: Yes, we understand that, Bill, you and Liz have a lot on your plate and you are doing it well so keep up the good work.

MCCANN: Thank you.

JAMES WALSH: All right.

ITU, Dan Valvo.

Information Technology Unit

DAN VALVO: I'm here.

Since George is out, but staff is still busy providing support to the IT units. July processed or loaded 5,483 reports in the database for financial disclosure filings.

We assisted CFU with both Liz and Bill mentioned with -- and help desk handled 751 calls besides handling our in-housework.

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George mentioned last -- at the last board meeting about the system-neutral version of the VFS and basically the base system is completed for that.

That includes the embedded database to the system, user interface and the various tools with the system.

There is some ancillary development for reporting tools and file export tools that are still in development and we need more testing but soon the beta product should be released.

Also -- application provided by Microsoft to manage operating systems to keep the systems updated to current levels.

And that relieved a big burden from us. It's a Windows system update service, a free adaptation provided by Microsoft and it allows us to manage 140 servers and work stations which the board uses.

We plan to upgrade our e-mail system in the near future from version 7 to version 8, we completed testing.

We have to pick a time when we can do that upgrade and as far as NYCE voters go, the system appears to be operating smoothly.

I know there's a contract issue coming up and I have to defer those questions to the steering committee.

But otherwise that's my report.

On short notice.

JAMES WALSH: Thank you.

Appreciate that.

Any questions?

I'm not aware of any old business.

New Business

New business.

Vote on petition rulings.

Kim Galvin.

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KIM GALVIN: As I touched upon in our -- the unit update, I believe that you have in your packets a chart that hasn't been updated since you received it.

No deletions or additions to it.

Basically Anna and Joe and to a lesser respect Paul and I went over and this is the staff's recommendation with regard to the petitions received.

KELLNER: I move the adoption of the report as proposed by counsel.

WALSH: Second.

[chorus of Ayes]

WALSH: Carried.

Vote on Saber contract.

Who will be handling that?

KELLNER: I think we have the proposals have been distributed to us.

VALENTINE: Yes, resolutions in the packet.

I don't know if you have any questions about the details.

KELLNER: I'll move adoption of it and I just had one comment which was that when we initially approved the Saber contract, in 2006, it was presented to us that saber would eventually be phased out and replaced by our own in-house staff and I still think that should be a priority and that I would urge the IT department and our executive directors to still push in that direction but in view of the representations that staff has made to me that they still need this backup in order to make sure the system remains functional, I will support renewal of the contract but I would hope that we can accelerate the phase out of Saber.

ZALEN: I'll just comment --

KELLNER: They've done a great job so it's not directed as a criticism to saber but always that the plan has been to replace Saber.

VALENTINE: They can't be there for ever.

AQUILA: That's what we had said, I was surprised they still --

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ZALEN: I agree with you but I will just point out that the amount of the contract is substantially less than the last time.

AQUILA: Yeah.

I see that.

WALSH: Do we have a motion made and seconded.

All in favor.

[Chorus of Ayes.]

WALSH: Opposed and carried.

Vote on the final adoption of amending the state board regulation part 6200.1?

KELLNER: I move adoption.

These are the campaign finance regulations, draft has been circulated for more than a year now, and the -- they have been formally published in the 45-day period has expired so we can adopt this.

WALSH: All in favor.

[Chorus of ayes.]

WALSH: Opposed?

It carries.

Any need for executive session today?

KELLNER: No.

Could I just make one comment because I think some people will ask that we have also published the amendments to the -- published the adoption of the audit regulations which is part 6210 section 18.

And the 45 days has expired for that.

We have received a number of comments from the counties as well as some government groups and other public comments and I wanted to say I know I'm speaking for myself here but I think the staff is also carefully looking at those comments.

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My own intention is that we would adopt the regulations as drafted so we have formal regulations in place for the primary, but that continue to look carefully at the comments so that we can do a new round of amendments to further tweak the audit regulations to address some of the concerns that people have raised.

But my understanding --

AQUILA: I suppose that... That was a resolution, I didn't know how we were going to handle that.

That's a good solution.

KELLNER: We'll take that up at our next meeting to just go over that.

I guess the real issue is do we not adopt the regulations but start the redrafting process again or do we put something in place so that we have some regulations on the books while we then move to amend?

AQUILA: I think that's a good solution.

KELLNER: I agree.

VALENTINE: We have time.

WALSH: Shall we set the next meeting for the September date.

Ready?

KELLNER: Are we ready? What do you have in mind?

WALSH: Well, there were some requirements we have, executive directors, that we have to --

GALVIN: 7th.

VALENTINE: Well, we have Labor Day on the 7th of September, typically we don't usually see independent petitions in off years like this but just so you are aware we would normally meet somewhere in the first, one of those first two weeks in September in the event petitions do file, occasionally a Supreme Court candidate will file a petition and sometimes there are objections so just you should be aware of that.

Labor Day is the 7th, of course, so.

AQUILA: Possibly meet on the 8th?

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VALENTINE: That 8th, 9th, 10th.

WALSH: Can't make the 8th.

AQUILA: In September --

KELLNER: 10th sounds good.

AQUILA: Another Thursday?

Not good for me.

WALSH: You are pushing for the 9th?

GREGORY PETERSON: 9th is fine.

KELLNER: Wednesday, 9th?

PETERSON: Yes, 9th is good.

GALVIN: Bill's birthday is the 10th.

VALENTINE: Thursdays we have a lot of standing meetings we must rearrange.

KELLNER: I do thank the Commissioners for accommodating me and rearranging the meeting this week.

Thank you.

WALSH: Okay.

We'll adjourn to September 9th, same place, same time, unless something else should direct us differently.

[Garbled.]

WALSH: Motion to adjourn?