

>>DOUGLAS A. KELLNER: All right. I called the meeting to order. My name is Douglas Kellner,

Co-Chair and next to me is Greg Peterson and Evelyn Aquila who are commissioners.

We start today's meeting with the sad news to report that Neil Kelleher passed away yesterday.

Neil had been--was appointed by Governor Pataki to the Board of Elections in 1998 and served for 10 years and he really made a very substantial contribution to our agency.

And also on a personal level, I think that it was a pleasure working with him because of the high standards that he had for dealing with all of us and we will miss him.

Evelyn?

>>EVELYN J. AQUILA: Well, I worked with Neil for the whole 10 years and I can say first about him, he was a true gentleman.

And sometimes, we could lock horns in this room but the minute we walk out that door, we were friends again.

We knew the difference between being a professional and not being one.

He was always concerned about the people of the State of New York and I think that's the highest test and that we protect the ballot.

It was always important to him.

And he always also had a pleasant smile, a good story once in awhile.

And he was a man everyone would like to call a friend and I hope I can say that.

And we shall miss him.

We have thought of him often since he retired.

I'd even exchanged a card once or twice with him and I was so sorry to hear of this news.

Not only the Board of Elections but New York State will feel the lost of this tremendous human being.

And I send, I'm sure the board's sympathy, to his wife and his family and to the people of his county who also respected Neil very much.

And I think Todd Valentine might like to join us in a word or two.

>>TODD D. VALENTINE: I would.

I mean, it's--words don't really--can't do justice to anything.

I mean, his life and the work that he did really speak from themselves a lot.

He was definitely our friend in addition to our commissioner and our colleague.

He's going to be missed and clearly, he's in our thoughts and our prayers are with his family, his wife and his children.

And there's really not a lot in this time to add to that.

>>EVELYN J. AQUILA: Todd, I just wanted to ask one thing that I really--I think I forgot.

He had great respect for our staff.

>>TODD D. VALENTINE: Uh-huh.

>>EVELYN J. AQUILA: He admired their professionalism and he worked very closely with them.

And I just wanted to mention that because I think that's important that he worked with the staff, admired their good work and frequently said so publicly.

>>TODD D. VALENTINE: Yes.

>>EVELYN J. AQUILA: And I think that was very important also.

>>TODD D. VALENTINE: That's true.

>>DOUGLAS A. KELLNER: With that, I'd ask that we observe a brief moment of silence in his honor.

Thank you.

And now we'll start the formalities of the meeting.

We'll ask those present to identify themselves.

We'll start with you this time, Stanley.

>>STANLEY L. ZALEN: Stanley Zalen, Executive Co-Director.

>>LIZ HOGAN: Liz Hogan, Enforcement Counsel.

>>WILLIAM MCCANN: Will McCann, Deputy Counsel.

>>GEORGE STANTON: George Stanton, ITU Director.

>>BOB BREHM: Bob Brehm, Public Information, NVRA.

>>PAT CAMPION: Pat Campion, Special Projects.

>>ANNA SVIZZERO: Anna Svizzero, Election Operations.

>>PAUL COLLINS: Paul Collins, Special Counsel's Office.

>>KIM GALVIN: Kim Galvin, Special Counsel.

>>TODD D. VALENTINE: Todd Valentine, Co-Executive Director.

>>DOUGLAS A. KELLNER: Terry?

TERRY GREEN: Terry Green, Election Operation.

BOB WARREN: Bob Warren, Election Operation.

>>DOUGLAS A. KELLNER: [SOUNDS LIKE] Go ahead, Greg.

GREG JONES: Greg Jones, Commission on Quality of Care and Advocacy for Persons with Disabilities.

>> - - Coordinator, - -.

BILL MAHONEY: Bill Mahoney, - -.

AMY ALMO: I'm Amy Almo, League of Women Voters of New York State.

>> Barbara: - - Voters from New York State.

GREG LYNCH: Greg Lynch, NYSO.

LYNN LUCAS: My name is Lynn Lucas, I'm--General Public.

DONALD LUCASS: Hello, I'm Donald Lucas.

I'm here for the ruling on the acceptance and authorizations.

>> [OVERLAPPING] from the Division of the Budget.

>> - -.

BARBARA MURPHY: Barbara Murphy, Saratoga County League of Women Voters.

>>DOUGLAS A. KELLNER: - -.

>> - -.

>> - -.

>> - -.

>> Bob - -, NYSTEC.

>> Rob - -, NYSTEC.

>> Neil - -, NYSTEC.

>>DOUGLAS A. KELLNER: Thank you all for coming and you're welcome.

First order of business is the approval of the minutes of July 22nd.

Are there any changes?

Those in favor of approving the July 22nd minutes as written, say "Aye."

>>EVELYN J. AQUILA: Aye.

>>GREGORY P. PETERSON: Aye.

>>DOUGLAS A. KELLNER: Opposed?

On the next order of business is the August 4th, 2008 minutes and there were two typos to correct the spelling of Barren and Facie and then I had a question.

In the August 4th Minutes, we have the minutes simply say, "The Commission has approved the resolutions," without setting forth the resolution in the minutes.

Do we actually have the text of all these resolutions that will be attached to the minutes when they're posted on the Internet?

>>BOB BREHM: That's what we wanted to do is to attach it.

>>TODD D. VALENTINE: Yeah.

>>BOB BREHM: Specific resolutions that you had as opposed to retyping them.

But we can do it either way.

>>TODD D. VALENTINE: Yeah, that's the normal procedure is that it's an attachment.

>>DOUGLAS A. KELLNER: Alright, well, I just wanna make sure that the minutes don't get separated from the attachments

because I'm really uncomfortable with it just to say, "They voted on the resolution..."

>>EVELYN J. AQUILA: Right.

>>DOUGLAS A. KELLNER: ...when the resolution is separated from the minutes.

Because then the minutes don't--

>>TODD D. VALENTINE: it is getting [OVERLAPPING]

>>DOUGLAS A. KELLNER: I mean that's the one thing that we do, right, when we approve a resolution we're acting in.

>>EVELYN J. AQUILA: Yeah.

>>DOUGLAS A. KELLNER: And so, that's the most important thing that needs to be in the minutes in my view.

Alright, with those two typographical changes in the note that the resolutions need to be attached to the minutes, I move the adoption.

>>EVELYN J. AQUILA: May I make just one remark?

I am rarely absent from this board but I was absent from that meeting because my brother had passed away two

days previous to the meeting and I was sorry I could not be here but my place was at home with his children.

Thank you.

>>DOUGLAS A. KELLNER: Certainly we all understand.

>>EVELYN J. AQUILA: Yeah.

DOUGLAS KELLNER: And we sympathize.

>>EVELYN J. AQUILA: So I vote in favor with the minutes.

>>DOUGLAS A. KELLNER: Alright.

>>GREGORY P. PETERSON: In favor.

>>DOUGLAS A. KELLNER: Alright, minutes are adopted.

So then we will turn to the report of the Executive Directors.

>>TODD D. VALENTINE: Your turn this time.

>>STANLEY L. ZALEN: Thank you, Todd.

We met with representatives of the State Division of Homeland Security.

They are going to--it was a good meeting.

They're going to assist us in updating our own security committee.

And they're going to involve us at our choosing in various conference calls that they make that have something impact on our work.

They invited us to see their resources and their facilities in the State Campus, as well.

And we'll try to work with them to firm up any security needs that we have relating to elections.

Of course, we've had experiences, as we all know.

And so it's a continuing concern and it's good to be prepared.

In addition, the Co-Executive Directors had rejected several travel vouchers for expenses from Bo Lipari, a member of the CMAC committee.

Mr. Lipari asked for a review and we have reviewed.

And we've made a determination to reimburse Mr. Lipari for those expenses that have already been submitted.

Any further claims would have to have prior authorization from the Co-Executive Directors.

Okay?

>>EVELYN J. AQUILA: Can I ask you a question about the Homeland Security?

Is that Federal or the State?

>>STANLEY L. ZALEN: No, this is state.

This is for the strictly a state.

>>EVELYN J. AQUILA: Alright, I just--I didn't know which--thank you.

>>TODD D. VALENTINE: It was Homeland Security Base the Office of State Emergency--the State Emergency Management Office...

>>EVELYN J. AQUILA: Alright, [OVERLAPPING] immediately.

>>TODD D. VALENTINE: ...in conjunction to it.

>>EVELYN J. AQUILA: I just didn't know.

>> Alright, thank you.

>>EVELYN J. AQUILA: Thank you.

>>DOUGLAS A. KELLNER: Okay, anything else, Todd?

>>TODD D. VALENTINE: No.

>>DOUGLAS A. KELLNER: Alright, then we'll do the report of the legal unit.

>>KIM GALVIN?

>>KIM GALVIN: Paul and I have been working together to handle the list that I'm about to set forth and Paul can add anything that I might inadvertently omit.

We've had a lot of county questions about the recent Court of Appeals decision in Price versus the

New York State Board of Elections in which the court ruled that County Committee Election should be included on absentee ballots.

It's our reading and Todd actually argued the case so he can correct me if I'm wrong, that it's our reading that that decision is not

in effect as of yet because it was remanded to the District Court for order and implementation and that the holding was

narrow with specifically to the County of Albany.

But there's been a lot of--I know Anna's fielded a lot of calls, there's been a lot of calls on that.

But that's the position I think that we really have on that case at the moment.

>>DOUGLAS A. KELLNER: I would agree that--my suggestion would be that we as an agency take the position that the holding applies just to that case.

And that it is not an order directed to the State or to the County Boards that they have to change their policies in that regard.

But I would suggest also that it does mean that the county could determine that they--

>>DOUGLAS A. KELLNER: It opens the door for the county to determine that they are in a circumstance similar to Albany

County in which it would be unconstitutional for them to refuse to put the county on the absentee ballot.

>>TODD D. VALENTINE: Yeah, I mean the next step really, the only thing we have to analyze 'cause that was the decision by the 2nd Circuit Court of Appeals is we can

always seek reargument to the full panel as an option 'cause it was a split decision. Two to three--

>>EVELYN J. AQUILA: Two to one, yeah.

>>TODD D. VALENTINE: Or two to one, rather.

Two to two, if we count the District Court judge.

The other--that's one option.

The other option is it's possible to think about seeking an appeal from the Supreme Court, we have to apply for a certiorari.

>>STANLEY L. ZALEN: We are in a roll.

>>EVELYN J. AQUILA: [OVERLAPPING]

>>TODD D. VALENTINE: That becomes quite a Herculean effort and we really had to take a serious analysis as to your chance for success at that.

>>DOUGLAS A. KELLNER: I would not do that.

>>TODD D. VALENTINE: Yeah--

>>KIM GALVIN: There is some indication that the case maybe withdrawn.

>>TODD D. VALENTINE: And it's possible that the plaintiffs may just withdraw the case and then it still leaves that possibility where we are today [OVERLAPPING]

>>EVELYN J. AQUILA: You're probably right.

>>DOUGLAS A. KELLNER: The one thing that I'd shared with you is that I don't know that--and perhaps it's just because it was Albany.

In New York City, the cost of doing this would be very substantial, literally, millions of dollars.

And what's remarkable is that the cost of doing absentee ballots for county committee primaries would be more than the entire cost of the rest of the election, but even more than that,

it's more than the cost of actually running the county committees than doing it that, in effect, just this one little narrow requirement of putting the county committee on the

absentee ballot would perhaps double or triple the total expenditures of even having county committees.

And I don't know that the court really considered that.

>>TODD D. VALENTINE: Right.

>>DOUGLAS A. KELLNER: And maybe they did...

>>EVELYN J. AQUILA: You know...

>>DOUGLAS A. KELLNER: ...as a reason for narrowing [OVERLAPPING]

>>EVELYN J. AQUILA: ...you really only run when you're challenged.

I ran for county committee...

>>TODD D. VALENTINE: Right, right. You don't have a partner.

>>EVELYN J. AQUILA ...at least nine times and I was only challenged twice in those years.

But I will tell you, you would love to have it go all the way.

You'd feel like, "Well, why am I not on the absentee ballot?"

>>TODD D. VALENTINE: Then, that was [OVERLAPPING]

>>EVELYN J. AQUILA: And so, I'm very prejudiced in that thing.

I think to have it--you go to all that trouble, you have a big election.

I mean, I got like 40,000 or 50,000 votes.

It wasn't just a little roll of the rock and you got eight votes.

I mean, we had as many votes as the [INDISCERNIBLE]

So I mean, it can be a very big election in Kings County.

They don't fool around and probably in Nassau County, too.

>> Nassau County, too.

>>EVELYN J. AQUILA: And so, if you're the candidate seeing from the candidate's eyes, you say, "This is a great ruling."

Seeing from the auditor's eyes and from the other people who aren't a bit interested don't even know what a country committee

person is. You say, "Why should we spend this money on this little unimportant party position?"

>>TODD D. VALENTINE: Yeah.

>>EVELYN J. AQUILA: So I can see both sides, and whatever the judges say in the end, I think the end will probably be,

unfortunately, that they will go on the ballot when there is a reason for them to go on the ballot.

>>TODD D. VALENTINE: - - yeah.

>>DOUGLAS A. KELLNER: Well, are we in agreement that we should accept Kim's recommendation that the board's position for now should be that this case is limited to--

>>EVELYN J. AQUILA: Oh, yes, yes. Absolutely.

>> Absolutely.

>>EVELYN J. AQUILA: Absolutely.

>>DOUGLAS A. KELLNER: All right, so.

>>EVELYN J. AQUILA: - -

>>DOUGLAS A. KELLNER: We'll ask that the minutes show that.

Anything else, Kim?

>>KIM GALVIN: Thank you, Commissioner.

>>EVELYN J. AQUILA: [OVERLAPPING]

>>KIM GALVIN: Yes, there are several other things.

We've been meeting and working with the AG's office on several pending matters that they're defending us on--most primarily, the CIBER lawsuit.

They're in the process or they have answered that and we've been, again, working with election operations trying to

put together all the documentary materials that go along with that.

There's other several pro se matters that Paul and I have been following and monitoring.

>>DOUGLAS A. KELLNER: The CIBER lawsuit is CIBER's...

>>KIM GALVIN: Claim.

>>DOUGLAS A. KELLNER: ...action against us in the Court of Claims to be paid under their contract for testing that we eventually suspended.

>> Yes.

>>KIM GALVIN: We have two pending petition cases for the independent petition file: one in Albany and one in Erie.

Both are kind of on hold pending the board hearing on the specifications that we have not yet held.

We've just received the specification--the specs on the one in Buffalo today and at the board's we're gonna have to start on those.

We continue to do the weekly calls to the Department of Justice on both the machine progress and the HAVA complaint issues surrounding the board.

Mr. Heffernan from the Department of Justice will be here on September 16th for a full day's--we just set the date--series of meetings on those topics.

And as all the other units, we are answering the routine many constituent and county calls on various ballot access questions or petition questions.

Do we have anything else specifically?

>>PAUL COLLINS: No, I think you've amply covered it.

It's just general work that we're doing and...

>>KIM GALVIN: Yup.

>>PAUL COLLINS: ...of course, obviously, at this point in time, everyone is gearing up for the primary and we're getting calls on variant issues that come up on the 11th hour.

>>KIM GALVIN: Almost everything. Can I--

>>PAUL COLLINS: Yes.

>>KIM GALVIN: And then the last thing that I have is the vote--I don't know where it is.

>>TODD D. VALENTINE: It's separate.

>>KIM GALVIN: It's separate agenda.

I mean, all right, we'll come back to that.

>>PAUL COLLINS: Kim, the only other issue and I believe that the commissioners or at least the co-chairs may have received a couple of letters from folks...

>>KIM GALVIN: From [OVERLAPPING]

>>PAUL COLLINS: ...who have complaints about the administration of the elections thinking that we can pick up the phone and direct and dictate to the county that they've gotta do X, Y and Z.

>>KIM GALVIN: Yeah, they just do it today.

>>PAUL COLLINS: Yeah. So I'm not sure we have that authority at all.

>>TODD D. VALENTINE: Is that [INDISCERNIBLE]

>>EVELYN J. AQUILA: You're looking at us?

>>PAUL COLLINS: No, no.

No, no.

>>DOUGLAS A. KELLNER: Let's say we don't--if we have it, we don't generally use it. [OVERLAPPING]

>>PAUL COLLINS: Yeah [OVERLAPPING]

>>EVELYN J. AQUILA: It's not something that we exercise freely, yeah. [OVERLAPPING] like that.

>>DOUGLAS A. KELLNER: Alright.

So, thanks very much, Kim and Paul.

We'll turn to election operations, ANNA SVIZZERO.

>>ANNA SVIZZERO: Thank you, commissioners.

Independent petition summaries that filing period has been completed.

We received five petitions for president and vice president.

We have 10 petitions for various other offices, Congress, Senate Assembly.

We have received 126 corresponding acceptances.

We had 12 sets of objections; seven of them had been perfected.

So, we're working through those as we speak.

Our status meetings continue with NYSTEC and SysTest.

We're also doing vendor phone calls several times a week as necessary, at least once a week with the consultants with our

own team here at the State Board, and the vendors in those calls are individual calls with the vendors not group calls.

We have completed acceptance testing and all 4,506 image test ballot marking devices were acceptance tested and delivered;

2,559 AutoMARK devices were acceptance tested and delivered.

We're efforting now trying to get more information from counties as to systems that they might have actually rejected and

not just pondered rejection for either cosmetic reasons or whether they actually rejected them for functional reasons.

They have not all sent us the various checklists and signoffs that would give us that information in a very easy-to-understand way.

So our team is following up--excuse me--on the documents that we did get in trying to fill in those gaps so that we can get some kind of a report together for the board.

We did provide all the counties now with their asset management spreadsheets.

We are gonna be monitoring the use of those.

The information that's required in them and take a look at the feedback that we get so that we can determine how to modify them

so that we can do our overview work, our troubleshooting work and our support work, since obviously, we don't have the manpower to do that work.

We're hoping that the document helps us a great deal in that regard and that would help us define what a permanent solution might

be, based on the real use at the county level and not just us trying to anticipate every single nuance of that document.

We have been working with counties and vendors to make sure that they get all their supply orders.

Apparently, there have been some delays with various suppliers for the privacy screens and the privacy sleeves for ballots.

In some cases, that involved the headset ear covers and other pieces of equipment.

So we've certainly made our own store of supplies available if counties are in that desperate need but the vendor does seem

to be delivering daily what the counties ask for albeit late but, nevertheless, it is trying work through those issues.

We conducted test tech training classes at our testing site here in Albany and 33 counties were represented.

We gave the counties handouts.

Unfortunately, for budget reasons, we weren't able to--and even for timing reasons--we had wanted to produce a CD

that would accompany the documents so they could use that as a tutorial.

And we weren't able to produce that.

We had hoped to do that for the general election, but now we have funding issues.

So we're trying to look for a source of revenue to create that CD that the counties have asked for.

We offered it.

We totally were looking at it.

They said it would be very helpful.

Unfortunately, we have to find a way to make it happen.

But the documents that we used were very detailed, the handouts, the PowerPoint presentation.

And we're providing those to all the counties so that they have the backup and the counties that weren't able to come will have that as well.

We completed the security procedures for ballot marking devices.

We sent out very detailed instructions as to where security seals and tags needed to be, and we also created a report that is

going to be packed in the suitcases for the inspectors so they can record seals in the morning.

The county board, obviously, populates that with the seals that were on the device when it left the board and that can be used in the opening of polls and also with the closing of polls.

And, again, we're looking for feedback so that we can continue to improve that sort of document.

The ballot marking device procedures, all of the staff around the table, for the most part, participated in drafting those.

They were drafted, posted, edited.

Comments were received; comments were reviewed.

The document was revisited and the co-executive directors approved it in its final form.

It appears on the website as final and you do have an item under old business to ratify them as such.

We are working with VA administrators.

There is an effort, federal effort, to encourage voter participation by veterans who are either being served through the VA

facilities in the states or are actually residents in facilities.

So we've been working with those site directors to get voter at registration information to those persons and absentee

pursuant to the requirements that we have in the statute.

I think that we'll be working with council's office to put a memo together to send up to the county boards that's actually have VA

facilities in their county because the election law is very clear on how the outreach should be conducted and we just need to

remind the counties that they should be either expecting a call or perhaps reach out to the VA facilities.

We're also working with the Federal Voters Assistance Program on a daily basis for voters who are living abroad and also voters serving in the military.

That's something that we've taken to heart here--that was one of Neil's pet projects as well, so it's kind of ironic that it comes up today.

But it is something that we worked with him on.

We mediate with the voters abroad and with the county boards and try to expedite all of their issues.

Tuesday is primary day.

Ten counties in the state do not have a primary--everyone else does.

Some just County Committee race in one or two ED's days, and some are countywide races, so there's a variety of activity we are expecting.

As far as BMD's go and all of the support that Election Ops offers, we'll have people here in the office from 5:30 in the morning through the close of polls.

And we're gonna have vendor context for own supports so the counties can reach out to us for whatever issue they may have and if we don't have an answer, we'll get them one.

Other than that, I think that is it for Election Operations.

DOUGLAS KELLNER: Quite a bit.

>>EVELYN J. AQUILA: Oh, yeah, I'm thinking that.

>>ANNA SVIZZERO: It is indeed, thank you.

>>DOUGLAS A. KELLNER: All right, Bob Brehm for Public Information.

>>BOB BREHM: Hello, couple of things from our unit.

We just completed our visit at the New York State Fair

It was very busy 11 days for many of us.

We appreciate the help of the people in the building and the county commissioners and most notably Onondaga County Commissioners Higgins and Ryan.

They do a great deal of help to staff the booth with local individuals.

They take all of the forms back to their county, time-stamp them and distribute them to the rest of state for us so that on a

regular basis, we're able to keep up with that flow.

We registered over 2700 people during our 11 days at the fair this year and distributed another 2000 absentee valid applications,

and they were very busy with applications this year, not to mention the other forms.

The other item that we launched at the same time as the state fair is our voter education website--is up and running,

vote-ny.com, and it lists at that site information on a new voting machines, voters can select their county, understand

what machines are available in their county and actually how to use those machines on election day, and I put behind you is our website for the benefit of the camera.

We've also started on August--

>> This could be [OVERLAPPING]

>>BOB BREHM: August 25th.

>> It's good.

>>BOB BREHM: We started our statewide radio campaign.

It's a 10-week program to lead us from primary through the general election to help the public to understand, if they have

questions, on what machines will be used in their polling place and even if they're registered and where the polling site is located, they can go to that site.

I know Commission Aquila heard our radio ad twice, and we've had calls from different parts of the state, so we know it's starting to have an effect.

>>EVELYN J. AQUILA: And may I say, Bob, it's an excellent ad.

Excellent.

>>BOB BREHM: We're able to have the radio ad in both English and Spanish versions now throughout the state and we hope that it has the intended results for us.

We completed during August NVRA Agency Supervisor Training, Greg Fiozzo went through the regional training that we conduct in the fall and that took place during August.

We're starting to notice a large increase in the mail, which tends to happen in a presidential election year, as an example.

In August, we processed a little under 3800 applications through the unit, of that we've-- the mail comes in and we process.

But this Tuesday when we came in, we had five cases of forms and they were just under 3500 forms that came in on Tuesday alone this week.

So it's starting to pick up as we expect and we--everybody in the building helps to process that level of activity.

The county HAVA funds program is ongoing.

One of the items that took place during August is the legislature, when they met in special session, reduced one of our funds.

The state Aid To Localities portion of the money to improve poll site access was reduced by a percentage.

We recalculated the funds that were available to the county just so we could re-index all of their accounts to make sure that

we don't spend more than we have authorization to spend and reduce by \$288,000 the amount of money that we had out of that 5 million fund, so...

So it was prescribed specifically for the amount of money that was not yet spent by the counties to reduce it by a percentage.

So that's what we did, and notice went out to the counties with their new cap.

So that took place last week and I think that's our list of items.

>>DOUGLAS A. KELLNER: Thank you, Bob. We turn to Elizabeth Hogan for Campaign Finance.

>>ELIZABETH HOGAN: Thank you, commissioners.

The first thing I would like to address is that, with the primary this year, certainly the filing requirements have increased dramatically.

The statute requires that a 32-day pre-primary Financial Disclosure Report as well as an 11-day pre-primary, a 10-day post-primary be filed here.

As to the July periodic that is a standard filing, we're waiting for the judgement to be signed in that lawsuit.

The 32-day pre-primary filing for those who neglected to file their financial disclosure is set for a signature on the order to show cause on the 11th of September.

As the 11-day pre-primary for failure to file, five-day letters we're mailed yesterday to encourage communication with the Board in terms of filings being made.

As a result of the five-day letters, a list will be generated eventually as to non-filers and

an order to show cause then scheduled to be presented for signature on the 24th of September.

So those lawsuits for failure to file in those instances will proceed.

Additionally, in the election, the requirements exist that a 32-day pre-general Financial Disclosure Report

be filed as well as an 11-day pre-general financial report, additionally, a 27-day post-election report.

All those reports in this particular year because of the election year are in addition to the January and July periodic filing that are standard requirements.

Between now and the end of January then, we anticipate an additional four lawsuits for failure to file financial reports.

Those additional reports have generated a lot of working campaign finance.

The telephone volume is greatly enhanced.

We've been fielding a lot of phone calls from people in trying to assist them to make their filings, and in addition the lawsuits have already been processed.

There's been a great influx of calls and there's been a lot of give and take between people who are being sued for non-filing

because our goal--no matter what the status or what the places in the lawsuit process, our goal is always to get the filing made.

So we go out of our way in terms of phone calls, no matter where we are in a lawsuit process, to get people to make their filing.

It's generated a lot of work.

I'd like to give a lot of credit to Bill McCann who really has directed the staff in these lawsuit processes.

He's done a really great job.

Our staff has done a terrific job.

And in the context of this increased amount of work in terms of these filings, I would also like to point out to the commissioners

that these telephone calls that are being received by our unit, and I previously, on several occasions, pointed out to the

commissioners that these six people who formed our telephone center were down to two.

We have four people that the positions exist and we need to fill those positions.

My understanding is there's a civil service list for review and I'm anxious--very anxious to proceed on filling those positions, we very much need them.

>>DOUGLAS A. KELLNER: Is there anything that we can do to assist with that or is that under control?

>>ELIZABETH HOGAN: I spoke to Tom Jerosse and the administrator--well, I actually sent--exchanged e-mails this

morning with him, asking him if we did have a civil service list that was in place now, and he said, "Yes."

He was waiting for the authority to canvass the list.

So he's waiting for direction from the executive directors.

So I'm anxious that that be considered because we--those four people, missing those four people is very, very important in our unit.

Additionally, the project that has been discussed for many months, in terms of putting our filings, our paperwork in an electronic file unit.

Basically, I got an e-mail from the contractor who indicated that it was his understanding that that contract was ready to go.

I sent an e-mail to our liaison at OGS asking him about the status of that contract.

He's out of the office this week but that is on the table in terms of a project that is being considered at this point.

We're ready to go with it.

The issue, of course, is the financial position of the Board and whether we're going to actually proceed with it.

I understand it's a trade-off but we're inundated as you can imagine with an excess of 9,000 filers, and I actually think it's over 9,200 filers at this point in time.

We're inundated with paperwork, and so, I really think it's a project that really is necessary in terms of effectuating what the purpose of our unit is.

It isn't a fluff project; it's very integral to the work product.

So, that's the status of that.

I'd also like to just briefly mention that the--over the past year--well, actually, probably the past maybe nine months or so,

with staff that we have hired, breaking them down into two units, the educational and training people that we now have onboard

have been spending a great deal of their time in assessing how campaign finance can reach more people who need it.

How can we reach people who really do want to do the right thing?

They don't know how to do it, or they get confused or they get overwhelmed, or they're afraid of the Board, and so we spend a lot of time.

We've got three people working in that unit and they have spent a lot of time analyzing and trying to figure out how are going to get

to these people who aren't traditionally part of the seminar process that we have conducted in the past, and, you know,

people who are--need it most that we haven't been able to reach.

So, we're working on that.

They've been working very hard, and actually we have a meeting scheduled for them to present some ideas to Bill and me as to how we're going to go forward.

One of the things we're interested in doing is the web-based tutorial and, in addition, an actual outreach program, you know, in some way, and working with the counties and getting them to

help us, maybe getting point people in the county Boards who can assist us in reaching people that we haven't traditionally been able to reach.

The other groups of people who have helped us tremendously are the audit staff that we have.

They're working very hard in a very consistent manner to implement and integrate a consistent and routine process

of analyzing certain functions in our office in terms of things like over contribution projects and review issues.

They work very hard to make that a routine issue, whereas in the past when we had to try to take people from--when we could, it

was very difficult to put these things on the table in a manner that they consistently were part of the function everyday.

So, this group of people has really, really contributed in how are we going to integrate this into a routine application, and I give them a lot of credit.

They're doing really, really good work.

Additionally, you know, we have a number of projects that I've talked about in the past that are ongoing.

All our staff is involved in analyzing the procedures of our unit so that we can create a document that ensures a routine and

consistent application of all the functions that we provide.

That's ongoing and that's going very well.

Everybody is contributing.

Additionally, our staff has worked very hard to help Anna and Kim in the petition process.

We've tried to contribute as much of a way as we could, and I'm grateful to our staff, you know, for all the work they've done in that process.

Bill, do you have anything you want to talk about?

>>WILLIAM MCCANN: No, you've told me very well.

>>ELIZABETH HOGAN: Okay.

That's it, commissioners.

>>DOUGLAS A. KELLNER: Thank you.

Information technology, George Stanton.

>>GEORGE STANTON: Thank you, Commissioner.

I'll just hit the high spots.

All of those--you know, we're feeling the effects of all those campaign filings also over in our unit.

Obviously, we get about the same number of calls for technical help and we load all of--we receive and load all of the reports as they are incoming.

So, this kind of a year, you know, we always see it and I gotta give accolades to my staff, too, because I've been down to two help desk people all summer and they've been

doing a yeoman's job, keeping up with all the calls, loading the document, or loading the reports and all of the other responsibilities they take on in my unit also.

So, I'm thankful to have them.

As far as other highlights, mostly NYS Voter.

As you know, the last time we met, we were--we have been doing the re-verifications of voters that meet certain criteria.

We have finished the entire state other than New York City quite a while ago.

We started New York City and I've got some numbers on that, and the re-verification process is the re-verification of people that

meet certain criteria, and what the criteria was that they--they had to have either a DMV, a driver ID, or a social security number existing in their record.

They were registered after 12/31/2002 and their ID met with set to known.

In other words, they will set their show ID at the polls.

We're almost complete.

Out of 81--a total of 81,196 records that met that criteria, 51,268 have been identified as complete matches.

That's about 63%.

28, 589 are partial matches.

About 1% is--contained bad data and we have 1,377 records remaining to be matched, which is about another 1%.

They should be completed by midnight tonight.

So, we've really--we've cut down at least over 50,000 people that will have to be required to show ID at the polls in New York City over the last few weeks.

I've spent quite a bit of time over the last couple of weeks working with Patrick and Vicky on running some reports and giving them--keeping them supplied with all the information they've needed on how to go about auditing the work of the counties and the NYS Voter system.

So we've been--that's been ongoing and I'm sure Patrick and Vicky can report on what they've done.

They--actually, we did a visit to one of the--a couple of the counties.

We've got an ongoing knowledge transfer process between my staff and the SABER staff in preparation to eventually take over the entire system.

That is our hope and our goal.

The one thing I do need a motion on, I guess, is the--is to extend the SABER con--maintenance contract for another year.

Hopefully, beyond that point, we'll be able to take it over on our own, and I've got language for you if you'd like.

DOUGLAS KELLNER: I'm gonna add it on the agenda after--as the third item of new business.

>>GEORGE STANTON: Okay.

And I guess other than that, unless you have any questions, that's about--those are our highlights.

Oh, wait a minute.

I do have one more thing.

I just wanted to say we ran some reports--

DOUGLAS KELLNER: But then George, may I remind you, you know, when you do that, you're supposed to circulate those.

I think the Executive Director said the deadline, right, for getting them on the commissioner's agenda?

>>GEORGE STANTON: Well, this all happened yesterday.

DOUGLAS KELLNER: All right.

>>GEORGE STANTON: I mean, we've been working hard on it all weekend.

DOUGLAS KELLNER: That's fine.

>>GEORGE STANTON: We hope to get it out.

DOUGLAS KELLNER: We'll take it up.

Go ahead and finish your report.

DOUGLAS STANTON: But the only other thing I've had was we ran some reports this morning on our web application, and it's really spiked over the last month.

August has seen a doubling, basically, of visits.

We've got...let's see.

About 13,931 individual people during August looked up their voter registration,

and probably--and roughly the same amount visited the website, so it's doubled it.

The total of that would be double for the visit to the website, and about half of them apparently are looking up their voter registration on our look-up site.

DOUGLAS KELLNER: Wait till the first week of November.

>>GEORGE STANTON: Well--

DOUGLAS KELLNER: They'll increase by a thousand fold.

>>GEORGE STANTON: Yeah, it usually does.

I mean, we see it from this time of year go up through September and November up and then all of a sudden drop off.

>>BOB BREHM: If we can then--the info@elections email account and the telephone calls that we've been getting at

the public information office and I'm sure it's the same part of the building, you know,

we will get 100 emails or calls a day, just, “How do I look this up?” and “How do I do something?”

And Hope, in the last couple of days, updated our homepage on the website to put this critical--this is the number one thing you see on our website.

“How do I look up my registration?”

“Where do I vote?”

“If I’m not--the information is not current, how do I get an absentee ballot?”

“If it is, how do I register from the--?”

And that--just that change alone has had a very positive impact on--you know, we’re down to perhaps a dozen emails asking us this question, which is a huge

improvement, and the phone calls, at least, we can easily direct people to, you know, “Here’s the spot. You’ll get the information.

If you verify it, wonderful. If you need to file a piece paper, here’s the next button, push.”

And it’s really helped us, so we appreciate Hope’s help in doing that.

EVELYN AQUILA: Well, Bob, I think on the public service message, that’s one of the things I say.

You can check your registration.

I thought that was terrific, you know.

And by dialing the...

>>GEORGE STANTON: Yeah.

EVELYN AQUILA: ...Vote New York, www--

>>GEORGE STANTON: Well, it’s one more way to get there.

It’s the link...

EVELYN AQUILA: Vote.

GEORGE STANTON: ...we did to NYS Vote about this.

DOUGLAS KELLNER: Vote, Vote--dash.

Vote-dash, New York, right?

EVELYN AQUILA: No.

I think it was great that it's on that message.

Congratulations.

DOUGLAS KELLNER: All right, so thank you all for the reports.

Let's start with the business items.

The first is the vote on the Part 6210 Regulations.

Kim, do you want to explain what we're doing?

>>KIM GALVIN: Actually, Bob is the herculean part of the work, so...

>>BOB BREHM: Okay.

>>KIM GALVIN: ...so I'm punting to Bob.

>> [OVERLAPPING] I'm sure.

EVELYN AQUILA: Well, we have more written out here for us, too.

>>KIM GALVIN: That's right.

DOUGLAS KELLNER: Well, Bob, I guess the thing is to explain where we stand, right, that we...?

>>KIM GALVIN: Right.

DOUGLAS KELLNER: We've had draft regulations posted now for a year.

>>KIM GALVIN: Oh, my.

>>BOB BREHM: More than a year.

DOUGLAS KELLNER: So, would you explain what we're going to do in order to comply with the State Administrative

Procedure Act that will lead towards the ultimate enactment of these regulations?

>>BOB BREHM: Well, we have a couple of issues.

The only change that people will see, and mostly the commissioners, is in the security area on page 28 and 29, and that was

based on the comments the county commissioners gave to this last version that was outstanding, especially the larger counties.

We had indicated that no networking could take place on any portion of the voting system.

What we allow in working with the people from NYS Tech and our staff is we've come up with a closed network only for the EMS

system for those counties that are large that need more than one workstation to be able to do all the ballot programming.

So, in section G of the security area, there's that change.

That's the significance from the last time we met to look at this.

>>DOUGLAS KELLNER: And we underscore that the Election Management System is only the system that aggregates the vote totals that are supplied by each precinct.

>>BOB BREHM: Right.

>>DOUGLAS A. KELLNER: And each precinct's vote or election district's vote totals are already available at the election

district, and so that's a separate verifiable input that goes into this network election management system.

>>BOB BREHM: Correct.

>>DOUGLAS A. KELLNER: And it has to be a closed network and...

>>BOB BREHM: Correct.

>>DOUGLAS A. KELLNER: ...still can't be hooked up to the internet.

>>BOB BREHM: So, we add a new definition, five, that defines closed network and we address it in the security area Section G.

We believe we are--we have consensus here in the building to move forward with the

version--well, with all of the parts except for the audit provisions at this time and that is found in 621018.

So, our recommendation is to pull that section out.

We will need to get its own calendar through the regulatory process that we can continue to make those edits amendments

to that section and approve 6210.1 through .17 and .19 which are the area numbers and the number of privacy votes.

So we--and they really have two different issues so we have two resolutions that we need to devote on if you so inclined.

>>DOUGLAS A. KELLNER: No, that's fine.

>>BOB BREHM: And I laid that out in the memo that's right there.

>>EVELYN J. AQUILA: It begins at 32.

>>DOUGLAS A. KELLNER: All right, all right, all right.

So the first resolution is the vote to approve Part 6210 Sections 1 through 17.

>>EVELYN J. AQUILA: Right.

>> Right.

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

>> Aye.

>>EVELYN J. AQUILA: Aye.

Very clear written, too.

I congratulate you.

>>DOUGLAS A. KELLNER: And at this time, it's the staff recommendation that we hold off on posting a new version of Section 18?

>>BOB BREHM: Correct.

>>DOUGLAS A. KELLNER: Which is the audit section?

>>EVELYN J. AQUILA: Right.

>>BOB BREHM: Correct.

>>DOUGLAS A. KELLNER: All right.

And then--so the next resolution is to approve Part 6210 Section 19...

>>EVELYN J. AQUILA: - -.

>>DOUGLAS A. KELLNER: ...which appears in pages 53...

>>EVELYN J. AQUILA: Fifty-three. Right.

>>DOUGLAS A. KELLNER: ...to 55 of our binders.

Those in favor say aye.

>>EVELYN J. AQUILA: Aye.

>> Aye.

>>DOUGLAS A. KELLNER: Opposed?

All right.

So--

>>EVELYN J. AQUILA: Kim and Bob, it's a very good job.

>>KIM GALVIN: All right.

>>EVELYN J. AQUILA: I thought it was the clarity, that's what I liked about it.

Instead of reading and saying, "Now, what was that?"

I mean, I think anyone could [OVERLAPPING].

>>DOUGLAS A. KELLNER: All right.

Anna, you wanna present your resolution on Replenishing Vendor Escrow Accounts?

>>ANNA SVIZZERO: I'd like to do that in Executive Session 'cause there are some contractual issues that I think that we need to discuss.

So if the board is amenable to that?

>>DOUGLAS A. KELLNER: All right.

We'll--

>>ANNA SVIZZERO: But under old business, we do have ratification of the Ballot Marking Device Counting procedures.

>>DOUGLAS A. KELLNER: Thank you.

All right.

So I understand that the executive directors came to agreement on the final text which was posted.

So I make a motion that the commissioners approve that text.

And I guess I'd make one suggestion is that we take the word "Final" off the title.

>> That's not [OVERLAPPING].

>>BOB BREHM: The one that is--

>>ANNA SVIZZERO: The version that I have here--the one--version that's posted on the web does not say "Final"...

>>BOB BREHM: Right.

>>ANNA SVIZZERO: ...and it is captioned with "Approved by co-executive directors..."

>>DOUGLAS A. KELLNER: All right.

>>ANNA SVIZZERO: ...September 2nd '08.

>> All right.

>>DOUGLAS A. KELLNER: All right.

Well...

>>ANNA SVIZZERO: That's the version you want?

>>DOUGLAS A. KELLNER: All right.

So--yes.

Thank you and I move that we--that the commissioners approve that and then you can add on the line under the executive directors the date of the commissioner.

>>ANNA SVIZZERO: Very good.

>>DOUGLAS A. KELLNER: All right.

Those in favor say aye.

>> Aye.

>> Agreed on.

>>DOUGLAS A. KELLNER: I did raise a question about it is my view that we need to seek preclearance from the Department of Justice pursuant to Section 5 and it is a

change in voting practice or procedure and so--and since we are adopting it as opposed to the counties, I think we have to put [OVERLAPPING].

>>EVELYN J. AQUILA: That's the reason?

>>DOUGLAS A. KELLNER: I don't think it's a big preclearance but it...

>>KIM GALVIN: Oh, [OVERLAPPING] we talked...

>>DOUGLAS A. KELLNER: ...requires solution.

>>KIM GALVIN: ...we talked extensively about this on our polls - - but I'll double back.

>>DOUGLAS A. KELLNER: All right.

I would appreciate it if you just...

>>KIM GALVIN: Okay.

>>DOUGLAS A. KELLNER: ...follow up on it.

All right.

Next is vote on resolution for funding for BMD temporary workers.

>>ANNA SVIZZERO: There is a resolution and you can't get--we estimated as best we could at the time that the temporary help worth that was necessary would amount to about \$312,000.

We're a little shy of that amount by almost \$25,000 in change so we're asking in the resolution for \$25,500 to--we've tried to get

the invoices in early and we've spoken to the Kelly Services firm to make sure that we're going to get bills for everything they've

verbalized to us and we're in that vicinity of \$25,500.

So that's the additional money that we need to make the cost of doing the acceptance testing whole.

I think we used those people--

>>DOUGLAS A. KELLNER: And that's gonna come out of - - funds, right?

>>ANNA SVIZZERO: Yes, there is an account that's designated for that purpose and the money would come from that account.

>>KIM GALVIN: If I can just add one thing to that.

Bob Warren and his team did a fine job on the estimates and I think we probably, actually, if it weren't for the vendor delays and the multiple deliveries increasing the

amount of time and the overtime and the working of Saturdays and everything that they did to get it done but I think, as Anna

pointed out, we're pretty close notwithstanding all the external factors that we couldn't control.

>>EVELYN J. AQUILA: I could--Kim, \$25,000 didn't seem like enough, you know.

That was just at the top of my head.

I certainly didn't do--

>>KIM GALVIN: [OVERLAPPING] the extra.

>>EVELYN AQUILA: I certainly didn't do the mathematics behind that or the figuring on it that I just do it to myself.

Is that, you know, in this day's market, is that enough money to do what we have to do?

>>TODD VALENTINE: Well, that's just--that's just the--

>>KIM GALVIN: That's the extra.

>>TODD VALENTINE: That's the extra.

Those are--that's based upon the anticipated invoices.

EVELYN AQUILA: I know.

It's added to what we've already--I know a lot of it, but I just--it just didn't seem to me much.

ANNA SVIZERRO: It might be that but for the delays that Kim pointed out, we might have

come in right on which we we've been refreshing in the election operations.  
[OVERLAPPING]

Nothing - - comes right in on budget around time but--

EVELYN AQUILA: No, I have no problem, you know.

>>DOUGLAS A. KELLNER: Actually, Anna, you underrate yourself.

ANNA SVIZERRO: Yeah.

>>DOUGLAS A. KELLNER: You really do an excellent job and I think most of the stuff that you do outside of voting certification does come in on time - -

ANNA SVIZERRO: Well, thank you - -

And that's the truth of all of the staff.

I mean, I know everybody's been patting their staff on the back.

I certainly don't wanna be [PH] remissed...

>> Right.

ANNA SVIZERRO: ...in doing the same.

I think everybody does yeoman's work here and so much of this was unknown territory for us that I think...

>> Right, of course.

ANNA SVIZERRO: ...everybody rose to the challenge.

And I think everybody in the agency that helped us cover our gaps while our team was out at the testing sites certainly--it's nice to see this agency come together like that.

I think we're pretty good people who were across the board in that regard.

But in any event, 25-5 [OVERLAPPING]

>>DOUGLAS A. KELLNER: Anything else on the resolution?

ANNA SVIZERRO: [OVERLAPPING] Kelly happy.

>>DOUGLAS A. KELLNER: Those in favor of the resolution, say aye.

>> Aye.

>>DOUGLAS A. KELLNER: Opposed.

The resolution is adopted.

ANNA SVIZERRO: Thank you.

>>DOUGLAS A. KELLNER: Right now, the next one is Replenishing the Escrow Accounts.

>>Move to that - -

ANNA SVIZERRO: That's the one for Executive Session.

>>DOUGLAS A. KELLNER: Oh, I'm sorry.

ANNA SVIZERRO: It's okay.

>>DOUGLAS A. KELLNER: Going in circles here.

>> - -

>>DOUGLAS A. KELLNER: All right.

George, your resolution on CIBER?

>>GEORGE STANTON: Actually, my resolution went out the door to be typed and hasn't come back yet.

>>DOUGLAS A. KELLNER: All right, then we'll take that up later.

And I understand that's just to--well, why don't you explain it?

>> - - now, yeah.

>>DOUGLAS A. KELLNER: Yeah, we--

>>GEORGE STANTON: It's to extend the support and maintenance contract for CIBER.

The total amount of the contract is \$612,000 and what we've budgeted for \$462,000 of that, so the goal is to stay within that

\$462,000 unless there's an emergency which the co-executive directors would have to approve any expenditures beyond that \$462,000.

>>DOUGLAS A. KELLNER: And it's my understanding the goal is that this is to start phasing this out...

>>GEORGE STANTON: Yes.

>>DOUGLAS A. KELLNER: ...but to make sure that we have enough in there so that we'll be able to carry through election day right after that.

>>GEORGE STANTON: Right.

And there's also some in there, \$150,000 in there, in case we have to by law or some other reason, make some enhancements to the system, so.

>>TODD VALENTINE: Then have a contingency?

>>GEORGE STANTON: But-but--

>>DOUGLAS A. KELLNER: Right.

>>GEORGE STANTON: My plan right now is to phase out the environmental support by the end of this fiscal year and the support

for the maintenance, hopefully, for the hardware and all of that kind of stuff by the end of next year or by the end of the contract - -.

>>DOUGLAS A. KELLNER: All right.

So, we'll vote on as soon as we get the text.

All right, let--then let's turn to the petition rulings, Kim and Paul.

>>KIM GALVIN: I think that--commissioners, in your packet, I think you have...

>> - -

>>KIM GALVIN: ...two documents.

I thought there were three of them.

>>TODD VALENTINE: Right, 10 and 5.

>>KIM GALVIN: Yeah, one, the first titled "No Acceptances Received," that should have been updated until today 'cause we actually had a change this morning.

If you have that document in front of you, the last item on that, 1st Congress 26th District, Save Jobs and Farms, Jack Davis.

>> Yes.

>>KIM GALVIN: That was actually--we had a hand-delivered acceptance arrived today, so we're gonna scratch him from that list and

add him on to the next one; but other than that, there are no changes to that document.

Basically, these are petitions that were filed and no acceptances were filed for them so the staff is asking you to consider a vote to invalidate the underlying petitions.

>>DOUGLAS A. KELLNER: Any comments on either - - ?

Right, those in favor of approving the "No Acceptances Received" list dated September 2, 2008, with the amendment, say aye.

>>Aye.

>>DOUGLAS A. KELLNER: Opposed.

All right.

The list is approved.

>>KIM GALVIN: The second document set to court on the prima facie review as of today, if we could add onto the bottom of it,

the type of document acceptance, the candidate's name, Jack Davis--well, we don't have - -.

>> Okay.

>> No, it's the second page.

>>EVELYN AQUILA: Second--next page.

>>KIM GALVIN: There it is.

They're not - - ?

I don't know why that's in there.

The second page that you have, except pieces not in compliance...

>>EVELYN AQUILA: Yes.

>>KIM GALVIN: ...we're gonna disregard for now 'cause we moved them over to the prima facie list which is your third--

>> That's fine.

EVELYN AQUILA: Oh, now they're prima facie.

Okay.

All right.

>> All right, now--

>>KIM GALVIN: This is it?

>> All right.

So, now where is the prima facie list?

EVELYN AQUILA: It's right underneath.

The prima facie list, I don't seem to have here.

I gave it to Donna.

Complaints not to be primed preliminary determinations.

Is this prima facie?

>>DOUGLAS A. KELLNER: No.

>>KIM GALVIN: No.

>>DOUGLAS A. KELLNER: No - -

EVELYN AQUILA: I don't think so.

>>KIM GALVIN: It looked like this document.

Perhaps it's in your packets that Donna added to this.

EVELYN AQUILA: Oh, it is somewhere.

I saw that when I went through.

>>KIM GALVIN: It only got finished today so it might be in your--

EVELYN AQUILA: Yes, yes.

I got it in [OVERLAPPING]

>> Why don't you just sit here?

>> Oh.

>> Sit here, if you don't mind.

EVELYN AQUILA: I don't think I brought it in.

Donna brought it to us, yeah.

>>KIM GALVIN: And I think that's the second page.

>>GREGORY P. PETERSON: Get the second--see the second - -.

>>KIM GALVIN: There we go.

I'm sorry.

I'm sorry.

>>DOUGLAS A. KELLNER: There you go.

Oh, okay.

All right.

EVELYN AQUILA: It's a missed one.

It's a missed one.

Maybe, okay.

>>KIM GALVIN: Basically, this report, if you see the type of document, whether in a petition...

>>EVELYN J. AQUILA: Yeah.

Yes.

>>KIM GALVIN: ...or an acceptance, then you have the candidate's name, office; the vote would be to accept the staff

recommendation to invalidate the document itself, whether it be a petition--what you see as listed, as many have insufficient

signatures, or acceptances that are late, or not acknowledged.

And that's where we could--we need to add on the acceptance from the other paid Jack Davis in the 26th congressional district...

>>DOUGLAS A. KELLNER: Right.

Okay.

>>KIM GALVIN: ...because that just arrived today, 9-5.

>>DOUGLAS A. KELLNER: It's a little late.

>>KIM GALVIN: The staff recommendation there would be invalid.

>>DOUGLAS A. KELLNER: Alright.

Kim, can I just clarify that when we write on this list "insufficient signatures," it's my understanding that the board doesn't

actually count signatures, but that sort of has a weight test, so that if--for example, in office that requires 1000

signatures, and we only get one page, then we know just from looking at it that it's insufficient.

>>KIM GALVIN: That's right.

>>DOUGLAS A. KELLNER: But--

>>KIM GALVIN: Specifically for these, like--

>>DOUGLAS A. KELLNER: But we only will actually count if somebody files objections.

>>KIM GALVIN: Right.

>>EVELYN J. AQUILA: Right.

>>KIM GALVIN: But to be clear with these, I mean, they were--

>>DOUGLAS A. KELLNER: Right.

>>KIM GALVIN: We counted up the number of pages, multiply it by the number and they were still deficient.

>>DOUGLAS A. KELLNER: Right, exactly.

>>KIM GALVIN: So, the rest--

>>TODD D. VALENTINE: That's the way--

>>DOUGLAS A. KELLNER: That's what I wanted to--

>>TODD D. VALENTINE: That's the way it is.

>>EVELYN J. AQUILA: That the total number was still deficient.

>>KIM GALVIN: Yeah.

>>EVELYN J. AQUILA: Yes.

>>DOUGLAS A. KELLNER: Alright.

>>KIM GALVIN: Even if every one of them was perfect...

>>EVELYN J. AQUILA: Right.

>>KIM GALVIN: ...we still don't have enough.

>>DOUGLAS A. KELLNER: Right.

Okay.

I--ready to vote?

Any other questions on the list?

Those in favor of adopting the staff report on Prima Facie Review, as amended, say "Aye".

>>KIM GALVIN: Aye.

>> Aye.

>>DOUGLAS A. KELLNER: Opposed?

Alright.

Anything else?

Or, did we finish that?

>>GEORGE STANTON: There's no objection, Mr. Chair.

>>KIM GALVIN: The third thing that is stated on the agenda says "Rulings on objection--the hearings," but we haven't completed

any of them yet, so we do not--we anticipate and we might have some for you to consider, but they have not been completed as of yet.

>>DOUGLAS A. KELLNER: Alright.

George, do you have your resolution?

>>GEORGE STANTON: Yes, I do.

>>DOUGLAS A. KELLNER: Okay, why don't you just read it to us?

>>GEORGE STANTON: Resolution to approve extension of the Saber contract, where as the nearest State Board of

Elections, here and after the Board requires the continued services of Saber for maintenance and support of NYS Voter.

Whereas the total contract amount for Saber is \$612,000; whereas any amount over \$462,000 budget will be under the guidance and approval of the co-executive directors.

Now, therefore it be resolved that the Board does hereby approve a request of the above-referenced request of the information technology unit and authorizes the funding

for a sum not to exceed \$612,000 for payment of maintenance and support of NYS Voter by Saber.

>>DOUGLAS A. KELLNER: Any other questions?

Those in favor say "Aye".

>> Aye.

>> Aye.

>>DOUGLAS A. KELLNER: Alright, the resolution is approved.

Before we go to the executive session, does anyone want to discuss any of the complaints in executive session, or are we in a position to approve them as reported?

>>GREGORY P. PETERSON: I don't have any comments, so...

>>ELIZABETH HOGAN: Could we look at ruling for undetermined without hearings and then [OVERLAPPING]

>>DOUGLAS A. KELLNER: That's what I'm on now.

>>ELIZABETH HOGAN: Oh, okay.

>>DOUGLAS A. KELLNER: That is--are there any of them that you wanna discuss...

>>ELIZABETH HOGAN: No.

>>DOUGLAS A. KELLNER: ...in executive session?

>>ELIZABETH HOGAN: No.

>>DOUGLAS A. KELLNER: Alright, so the motion is to approve all of the staff reports that are listed on the agenda for complaints not requiring preliminary determination.

>> Right.

>>DOUGLAS A. KELLNER: Those in favor, say "Aye".

>> Aye.

>> Aye.

>>DOUGLAS A. KELLNER: Opposed?

Alright.

So we have two items for executive session.

The discussion on Saber, and the discussion on pending HAVA complaints and HAVA complaint enforcement issues.

>> Yeah.

>>KIM GALVIN: Vendor Escrow. too. Vendor Escrow.

>>TODD D. VALENTINE: - - SysTest- -

DOUGLAS KELLNER I'm sorry, SysTest, right.

>>GREGORY P. PETERSON: You just didn't see [OVERLAPPING]

>>DOUGLAS A. KELLNER: No, I know what I did wrong.

I'm sorry, I've been very confused.

It's my fault here.

I was confusing my notes with George's resolution.

So the two items that we're doing an executive session are to discuss the Vendor Escrow issue and to discuss HAVA complaint enforcement issues.

Alright.

So one is exempt because it's a contract issue, and the other is exempt because it's a litigation.

>> Right.

DOUGLAS KELLNER: Those in favor of going into executive session--I'm sorry.

And the other thing we should do, so people don't have to wait, since we all have no other business--have we agreed on a tentative date for our next meeting?

>>TODD D. VALENTINE: I think we could narrow it down to the 17th...

>>GREGORY P. PETERSON: Seventeenth?

>>TODD D. VALENTINE: ...of September.

The 16th, we have a meeting scheduled with the Justice Department.

>>DOUGLAS A. KELLNER: Okay, so that's good.

EVELYN AQUILA: What day when--

A Wednesday, okay.

>>DOUGLAS A. KELLNER: Alright, so we're tentatively on...

>>TODD D. VALENTINE: And we'll deal fully on with the--

GREGORY PETERSON: We'll check t [OVERLAPPING]T

>>TODD D. VALENTINE: Commissioner Walsh.

GREGORY PETERSON: ...Commissioner Walsh.

>>DOUGLAS A. KELLNER: Right, right.

So we're tentatively on for Wednesday, September 17th--

>>EVELYN J. AQUILA: And once we get into October, Wednesday is bad for me.

I have--

>>DOUGLAS A. KELLNER: Alright, well, you're doing your Wednesday quota now.

Alright.

So the motion is to go into executive session for the contract and litigation matter.

Those in favor, say "Aye".

>> Aye.

>> Aye.

>>DOUGLAS A. KELLNER: Opposed?

Alright, thank--