
Douglas Kellner: Good afternoon. Call our meeting to order. Since we don't have the video today because the video operators were unavailable, we will have the tape of the meeting. All 4 Commissioners are present and since we all know each other I don't think we need to go through the usual introductions that we do on the video.

The first item of business is the Board of Canvassers to amend the certification and election results of November 06, 2012 general election. It's my understanding that these are being amended because the New York City Board of Elections discovered additional ballots recently and reported those ballots and have forwarded us amended certification for New York City.

Evelyn Aquila: Do we decide if it's a runoff or is that their decision in New York City?

Douglas Kellner: They decide. We have nothing to do with it.

Evelyn Aquila: Okay I should know that but I wasn't sure. That's what I thought.

Douglas Kellner: So those in favor of the amended certification say aye

Chorus of Ayes

Douglas Kellner: We circulated the paperwork and Anna you will make sure that the National Archives gets it as well as the Secretary of State

Anna Svizzero: Yes sir

Douglas Kellner: So that the historic returns for President are as accurate as possible.

Bob Brehm: They report to us every time we do that, that unless we get the Governor to amend the certificate of ascertainment they won't do anything with it but

Douglas Kellner: Well we should send it to the Governor then. Alright so that concludes the business before the Board of Canvassers and we will now commence the regular meeting of the Commissioners.

The first item on the agenda is approval of the minutes of July 29, 2013. Those in favor of the minutes say aye

Chorus of ayes

Douglas Kellner: Opposed? Minutes are adopted. We'll have the unit updates.

We'll start with our co-executive directors, Bob Brehm and Todd Valentine.

Bob Brehm: Sure. I think there are a few items to go over from our written report and a few probably we won't. We the staff of the agency met with representatives at the Department of Health that were responsible for the setting up of the agency's health benefit exchange program to generally discuss what implication it may have for NVRA which is pretty much our ministerial role of training people, assigning numbers and tracking and coordinating with people to set up the program. The Department of Health is already a covered agency so there is already an NVRA designated coordinator. So on July 31st we met a number of people in the room here are representatives of the Department of Health. They generally told us what they were thinking about doing but said they would get back to us with a plan so that we could review it. We have not yet heard back from them as far as if there are any changes that we need to make from what the services we already provides to the numbers, the sites, etc. We did reach out to them to set up that meeting because we were reading in the paper and other places that they were heading down that path, just to make sure we were doing everything we needed to do as an agency to carry our responsibilities in the agency. So we think we at least met that due diligence by meeting with them, talking to them, but haven't, I don't know of anything more that we need to do until we hear from them, review their plan, but certainly if there's training involved or resources, we said we're review them and provide the appropriate response to it. At the present time I think it's still in their hand to give us their plan and where we need to provide any additional services.

We've had effort with material, with conversations we've had with the county boards of elections for our monthly conference calls. I think they're very helpful from our perspective and the Commissioner's and the Offices of the Association, monthly. Todd and I had a call with your officers the day before to review agenda items, what we bring to the table, what they would like. Questions they're hearing that we could help to clarify and then we put them on the next day's agenda and have a conversation with all of the counties. One item that we talked about the last, in addition to the one chapter law, there are only two election law chapters this year and one was the ability to use the laborers in the City of New York and the second one was I think signed the day of our last call and we brought to everyone's attention that the update for the canvass procedures had just been sent to the governor I think the day before our last call and apparently now that we actually had the chapter was signed that day. So we forwarded that information to the counties, the draft of the bill and we followed up with everybody when we had noticed that the Governor signed it because the effective date means that the changes are allowed at the November general election. So we wanted to make sure all the counties had a copy of it, with the effective date and then we followed up about a week later with a summary of the provision of the statute so that we made sure all the counties had that information.

And most of the changes are authorized the county boards to change their procedures, the only one that I think is different requires that they post election results on the website and from our surveys and operations, it's really a small number of counties that hadn't done that, 5 or 6, a big one is New York City. But, we spoke with Dawn and Pam at the City level and they indicated that they thought they could not get it done with a primary or their runoff because of the work they were doing, but they didn't think it would be a problem to get it done for the general election. So, we've sent that out to people and we

continue to provide whatever answers we need to. There is also a requirement that they give us a copy of those results. We're one of the few states, if not the only state that really has no results on election night. So we are working with Dave and our team to come up using this year's state propositions as a test what can we do to set up using that set of information, so going into the future if the information comes to us, can we have aggregated results for the state offices at our office? And then assuming we start, we learn to crawl before we walk and then we can provide a more expansive service if that's necessary, that we'd like to be able to provide some system of results for the unofficial results that allow us to know, especially across counties, you know, who won in these races that goes beyond the county? So, we're working on that and hopefully we'll have positive results and some of the other items are distribution work that we're doing. Todd do you have others?

Todd Valentine: Yeah we continue to cooperate with the Moreland Commission for the documents that they've sent. They have scheduled public hearings for originally the 17th, 18th, and 24th, and we inquired if we would be testifying at that and they told us no, that that they would be scheduling another hearing to deal with the Board issues sometime in October, although we're still trying to confirm if we're not the subject for the 17th and the 24th, then what is, and we still haven't got an answer to that. We've asked again as late as yesterday. So we're certainly going to go down to the hearing to hear the testimony. We're not sure that it will be webcast but we like to know what is going on so we may have to drive down. The one on the 18th was originally in Buffalo but I understand that that was postponed. The 17th is the New York City at Pace University and the 24th hearing is up here in Albany. They're all in the evening, so that's where we are going with that.

Douglas Kellner: I had one questions which was the status of the calendar for the congressional primary. I understand that a draft was circulated three or four weeks ago and I really do think that we should be finalizing that calendar very soon so that we can get court approval and get the, and make the public aware. And I think it is also important that we just keep the issue of the calendar in the public eye, because if the legislature is going to move the date of the Primary in 2014, they really should do it in the first week or two of January, because petitioning should start in the first week of March. If it is not moved and then I think that we do a disservice by delaying the publication of the calendar. So I would, you know, if there are any comments on why it isn't ready yet, I'd be interested to hear them, but I certainly think that the Commissioner should be talking about whatever the substance of issues there are so that we can docket the calendar and make a motion to Judge Hart.

Todd Valentine: We're looking at it.

Douglas Kellner: Alright, well you know, I am going to put it on the Agenda for the next meeting, so let's just say, so that if there are issues, let's bring them to a head and talk about them publically. I am now aware of any issues or any reason why we shouldn't be adopting the calendar now.

Evelyn Aquila: So is there a deadline that you have given for that, a specific deadline?

Todd Valentine: No, there is no deadline.

Evelyn Aquila: No, I just wanted to know.

Todd Valentine: We adopt the calendar before the process starts obviously, but...

Douglas Kellner: Well I think we, as I said, I think it's in the public interest that we lay it out now so that everybody knows what the rules will be and to the extent that there is any public pressure to change the dates of the 2014 Primary, that the discussion should be ongoing now so that it's done in a timely manner for proper election.

Evelyn Aquila: It's a busy year.

Bob Brehm: But by court order, the date is the fourth week in June unless, in an even year, unless until legislature adopts something that is compliant.

Douglas Kellner: But we have to have a petition schedule of all the intermediate dates and I guess we're not technically bound by the statute although the draft proposal that we circulated would generally adhere to all of the standard dates, I think with the exception of the independent nominating petitions.

Bob Brehm: There's a way we supersede the same area we recommend to proceeding to the, in the draft that we did in 2012. The only thing we added and what I want to talk to Todd about was generally putting in there was the independent petition. We didn't move that last time and it was a big pressure on us to get that done so that you had a chance to make a determination so we could certify the federal, you know, independent candidates by that deadline several days after the primary in September and it's just not a lot of time between when its filed, when they can object, how they can object. If you're objecting to a petition with 3 or 4 thousand signatures, it's usually a long work for the staff and it just didn't work. So I know I think that's the area that we modify, the approach in that we need to do something differently. The other thing that is a change, is when we did the 2012 calendar that we had to get to the court, we didn't have congressional lines for dates, so everything was kind of chopped as to fewer days, fewer signatures, so we just went back to the normal number of days, the normal number of signatures, so it adjusts the calendar assuming it didn't start earlier. So that's the start, I don't think there are a lot of new concepts in there other than, you know, keep what we did last time, but there are adjustments because we don't have redistricting this year. But that was the draft. So the significant change would be, we would take congressional, independent out of the queue and then leave the regular state and local in its normal calendar.

Evelyn Aquila: It's going to be a busy year.

Douglas Kellner: Well, it's not on the Agenda for today, but I did want to raise it because I just want to make sure that Commissioners have it on their radar screen

because I do hope that we will be ready to have a substitute discussion on it at the next meeting.

Evelyn Aquila: (Unclear)

(Laughter)

Douglas Kellner: We'll fix your laptop.

Douglas Kellner: Alright, so is there anything else for Todd or Bob? Then we'll turn to Counsel Kim Galvin.

Kim Galvin: Thank you Commissioner. Paul and I have been answering your variety of calls on almost every issue, but it's really been the routine work of the unit. There's, we've participated in the Moreland Committee discussion and some of the other discussions in calls from counties, but it's really nothing significant to add to the written report.

Douglas Kellner: Alright, any questions? Election Operations, Anna Svizzero.

Anna Svizzero: Thank you Commissioner. We two have been busy with the routine work of pre-election tasking, so that's been maintained by Bob Warren and his team, helping wards build ballots, etc., and the rest of us fielding phone calls on any number of topics associated with the primary and also with the independent petition filing period. We did have one independent petition that was filed. It's on the prima-facie report that special counsel has for you later on the Agenda. We have processed alternate delegate, excuse me, delegate announcement, delegate information from the county boards as well as that which was filed here for the purposes of creating roll calls for the upcoming judicial district conventions. Those will be held this month, between the 17th and the 23rd of September. So we have provided those roll calls to conveners. Where we don't have conveners, we have provided them to party leaders, etc. We are waiting for results of primaries for some of those delegate and alternate delegate positions so that those party calls can be completed where there were primaries or amended, hopefully that won't be required, but in any event, we're prepared to do that. We are doing the same thing with information concerning republican state committee seats that have been sought through the petition process so that we can provide that roll call to Todd and his team for their reorganization meeting. We are conducting acceptance testing in county boards around the state that have purchased the Dominion Central Count Voting System and part of that acceptance testing is a bit of orientation on how to use the system. It's pretty easy, but hopefully the information Dominion leaves with the county board and the information that our team leaves with them, will help them out, and we are always available, if we need to. Part of that acceptance testing is sharing the audit procedures with them to make sure that they understand that the post-election audit is, that it pertains also to central count systems and not just Election Day systems. So the counties have been receptive to that. We're not getting any pushback on that issue. We did have a deminimus voting system update. Our rules require that we advise you of that. We determined, we were

advised by Dominion that a third party software that's responsible for capturing the ballot images in the central count system was upgraded, so we provided, we conducted functional testing, provided the results of that to our lab, and they determined it was deminimus and, again, we're just required to tell you and it does not affect the voting system at all, so that issue has been addressed, that upgrade has been dealt with. We still can't have a lot of conversation concerning the vendor responses to the RFP because that procurement is still open, but we had no new vendors responding to the RFP. The two existing vendors have, so they are in conversation with OGS at this point to clarify some items in the proposals and we should be getting some closure to that and some negotiation dates set up for new contracts. As soon as OGS is done doing whatever it is OGS does.

Listing of Supreme Court vacancies to be filled at the general election was amended again. There was a retirement in the 10th JD, so we submitted that to Nassau and Suffolk so that they have a current list of vacancies.

We have completed our reports for the EAC on the two grants that we were provided. The grants concerned pre-election testing and post-election audit processes. We have, we will be providing those to the EAC and will make them available on our, to John and Todd for posting on our website. We're happy to share copies with anybody who wants one. We have a couple of DVDs. One is a training DVD that we created using the grant program for the creation of Test decks and we also have an orientation DVD that was created by Clear Ballot, who was the group that we worked with on responding to the grant. The title of the grant that we were awarded was, How to do a cost-effective and efficient post-election audit. So that was the topic of our report and the DVD compliments that, so, we're pretty pleased with the results of that, I think. We may have some conversation at some point concerning the feasibility of conducting or adding automation or machine-assisted audit capabilities to our statute and our regulations, but we're not prepared for that conversation yet. We are happy to have the conversation, but we don't have anything to bring to you for that purpose, but that would be the next step as a results of that grant and the information that we collected. Again, we provided those amendments from New York City and was, and we're working with New York City to try to figure out what exactly goes on there and why we keep having these issues. We had a very pleasant conversation with them on the phone with their new Executive Director and their executive team and their amenable to us going down and having some conversation. Their conversations have been very candid. They've sent a number of procedures for use to look at, they're lengthy, and they're 10-point font. There's a lot of work there to get through but that's certainly our next project is to become familiar with their procedures. They seem open to suggestions on reviewing those and perhaps even amending them. So that was, I thought that phone call was very good. A number of us were on that conference call and it was very positive.

Evelyn Aquila: You know Anna, if they need more employees, which I think they do, we should back them up on that, after you've examined everything. I don't want to talk over your head, but they certainly are in need of assistance there. Not brains, they've got the brains. They need the bodies.

Anna Svizzero: I think they need a little bit of everything, but we're, they seemed open to having that conversation and you know, we've always got a bright idea, whether anybody agrees with us or not, is another story (LAUGH). But we're happy to share those ideas.

Evelyn Aquila: I worked with the Brooklyn Board for years and they were wonderful, just wonderful. But never, never in my lifetime have I seen them have enough personnel. It always was, well you know, the sewers need more people, the schools need more people, everybody else needs more people. So they are at the bottom of the list, really to be thought of then. If that comes out, you'll work with them. I certainly would be willing to sign a letter to the Governor and to the Mayor, letting them know that I think that these boards need more help.

Anna Svizzero: Well, as long as the Mayor signs a letter that says we need more help, we'd be all set.

Evelyn Aquila: I mean, they have been neglected for along time. They have been getting more new voters. People who are very new to the system. People who speak very poor, broken English, for the most part, and sometimes one person can come into that, one of those boards in the City and spend two or three people helping them for like four hours. So, I mean, people don't understand the grasp of the needs that they have.

Anna Svizzero: Duly noted.

Evelyn Aquila: I'm sorry, I shouldn't have butted in.

Anna Svizzero: No, that's quite alright. Thank you though, I appreciate that. We do have an issue that I didn't put in the report. We've been having conversation with a couple of our Boards concerning postmarks. There are some new stamps that you can buy at the post office that the post office does not cancel. This is a problem for absentee applications, it's a problem for absentee ballots, it's a problem for people who get to the post office and have to post mark something before midnight, whether it's a petition or an authorization...

Evelyn Aquila: That's bad.

Anna Svizzero: or acceptance. It's primarily...

James Walsh: Taxes.

Anna Svizzero: Good point, thank you. (Laughter). See, I have a one track mind, it's all about elections, but you're right.

Anna Svizzero: We've been in touch with, Monroe County is working through Louise Slaughter's office and we've been talking to people from the post office here. We've had some conversation with Doug Lewis at the Election Center, to see if there is some national concern. I would think that is, because it seems to be primarily with these stamps that you can buy in the post office when you're running in and it's closed, that you buy in a vending machine. They seem very concerned about putting the date on that you buy the stamp but not about cancelling it. Somehow there is some kind of ink on there that their computer will read that tells them what they need to know, but they pretty much don't care who else needs to know about it. And they have been very dismissive about the fact that our statute relies so heavily on post marks and has for quite sometime.

Kim Galvin: Yes, very dismissive. Like we aren't going to change it.

Anna Svizzero: Exactly. Get over it.

Bob Brehm: On primary day we did here, Doug Lewis we heard from a number of people, mostly it started with Monroe County and when Monroe County reached out to use and tried to talk to the local post office. And we have some experience in the modern day post office which is also struggling with their fiscal challenges; it is very hard to talk to a live person at the post office.

(Laughter)

Bob Brehm: So that is why the Monroe County board talked to their congressional representative, because usually the Federal Government is more responsive to their federal reps than they are to anybody else, so while we went our path, they went their path. And that was generally got the initial response from the Post Office, that the cancellation mark on a piece of mail was never put there to help anybody other than the post office. The fact that we all have developed policies and procedures and basically relied on that function of the Federal Government to put into statute things was of no consequence to them. So they're on their way. So I put a call into Doug Lewis, who is with the Election Center, NASED and we are a member of state and just a couple of things. Are we the last people to hear about this post office issue or have you heard about it. He said, oh this is news to me. He said, we have some contacts at the central office of the post office that we always go to on election related matters, let me try them. And he did, and on Election Day, we heard back from him that he had received a response from the group that they are looking, that they acknowledged this type of stamp is not part of the process to get a cancellation. There was no short term solution other than people using these stamps that rely on a cancellation should get in line at the post office and still hand cancel it for them. Then why am I buying them though a vendor machine a stamp and that they are looking at where they might be able to make a change in their procedure to add this class of stamp to get a cancellation. So, I thought that was more positive. The questions is, will they really do it and how long does it take them to do it, and what do we do in the meantime. And there are more and more counties that are starting to see this issue because, especially now as it's post-election. Post-primary Day there will be, there'll very well may be returned absentee ballots with no cancellation so you don't

know what day it entered the stream. The only date that those stamps print on them when you buy them, is the month and year. There is not even a day that you can see with the naked eye. And there is a 3-digit barcode and god knows what phosphorus ink that they put on it. But they know how to use it. So it is a concern of us, but I'm happy that at least Doug Lewis, you know, reached out on our behalf and continues to reach out. We shared the information on Primary Day that, well we at least, it's no longer a no and the questions is will they really do it and what do we do in the meantime. The alternative is if it is always a no, it's a serious issue for us to deal with, because it all about access issues by mail, and it's all of the, more of consequential to voter registration deadlines, absentee application deadlines, and whether they count or not.

Evelyn Aquila: You go into the post office. You know, you're going to be in there and hour before your get out and I can see a lot of people going into wanting to take advantage of this mail in ballot.

Jim Walsh: I realize that at this point this is an impossible questions to answer, but the possibility looms out there for mail to be coming in that needs to be registered at a certain date and time in order to meet the requirements for voting, and it will happen very possibly, someone must be preparing legally, how are you going to be handling this. So are we going to fine these people not voting properly.

Kim Galvin: Well you could modify it to make it a receipt date as opposed to a postmark date.....

Douglas Kellner: Right now, I think our rules are pretty clear. I mean, I think the laws and case law is very clear. If there is no postmark and it's received after the date then it's invalid. So a lot of voters are potentially going to lose their votes. I mean, that has happened in the past. There have been absentee ballots that have come in without a legible postmark.

Kim Galvin: It's tough to differentiate it also when you get a certain number of days away from the primary to ensure that it was mailed prior to the election. So there is a frontend concern as well. It's a problem.

Jim Walsh: You can bet it will be an election that is extremely close and many ballots....

Bob Brehm: Maybe even for a federal office, you never know.

(Laughter)

Kim Galvin: Even the Mayor of New York City.

Douglas Kellner: New York is one of the few states that will count absentee ballots that are mailed before the deadline but received after the deadline. Most states just have received deadlines. And it's interesting that a number of states have been talking about

copying the New York rule. California is the most significant where there is legislation pending to allow absentee, vote-by-mail ballots that are post marked before the election.

Evelyn Aquila: I think in Brooklyn or the Bronx, I don't think the mail doesn't move that fast.

Bob Brehm: It's not all stamps. It's these special stamps with the 3-digit barcode. So if you use what looks like a normal stamp, you won't lick them anymore, but what looked a stamp you used to lick, peel and stick on, those are still in the queue to get cancelled. It's the...

Anna Svizzero: Or newer stamps that don't have the ____ on it.

Douglas Kellner: There has always been the possibility there has always been some illegible cancellations or lack of cancellations.

Anna Svizzero: And we have dealt with those and there hasn't been that many. Now it is potentially on a larger scale and affects a lot more people.

Evelyn Aquila: The date on the ballot when you open it up is also, you know...

Jim Walsh: It is not unusual for local elections

(Multiple conversations – Unclear)

Jim Walsh: We have one in Troy right now with a one vote difference.

Bob Brehm: Wow.

Bob Brehm: So, it started with a deadline to register before the primary where they had 18 with this type of stamp on it, and they tried everything at the post office. Can you tell me is there any fancy little code, this barcode thing here, is there a date in here? They said no, that's what mail site it came to and this is where it goes to. That's what we need. So there was nothing about that that we could get for county boards that would allow them to read it. So, you know, we are reaching out to people and again I appreciate, so far any of the other groups, the post office was not responsive, but Doug Lewis got us into the right people, at least, because that is the only group that hasn't said no. Everyone else was, just No. So, it's hopeful...

Kim Galvin: But you're right, how long will it take?

Bob Brehm: Well it could be a year, it could be we agree to do it but now we need money. I don't know what issues

Kim Galvin: Yeah, we are moving into a big season.

Bob Brehm: Yeah, so it's out there.

Douglas Kellner: I have a couple of other issues to raise with Anna. So, on the EAC Grant Reports Pre-Election Testing and Post-Audit, I take it those reports are now public.

Anna Svizzero: We haven't sent them to the EAC yet. We are packaging them up today.

Douglas Kellner: Alright, so I would like to know when they become public. Obviously the EAC should get them before we make them public.

Anna Svizzero: Right.

Douglas Kellner: You know, please let me know, because there are a number of people who were interested in them and I have not shared the drafts with anybody. So I would like to do that, and to John and Todd, it would be helpful to get them posted because there is some national interest in the reports, because people have been following what New York and Florida have been doing with machine-assisted audits, and as I say, there is a high level of interest among election administration geeks on that subject, so if you could get them posted promptly once they are public and let me know the links, I would like to distribute them.

Tom Connolly: Sure.

Douglas Kellner: Next, New York City Election Procedures. Anna, I have been asking for months to get a comprehensive set of the current New York City Election Procedures and I will publically state my annoyance that I have still not yet received them, notwithstanding the Election Law Provisions that basically mandate that the City provide those procedures to us. And your comments about the phone call struck an optimistic tone where I am very annoyed that I have not been able to get those procedures yet.

Anna Svizzero: I have requested procedures a number of time. I have not been provided with a We, I, I don't want to use the word I and get into more trouble, but, we have asked for these procedures. We were provided with the procedures that were sent for pre-clearance back in 2010, that were useless. The Chief Clerk in the Manhattan Borough, Greg Lehman, provided Canvas Procedures that are current relating to these issues. He broke out pages that were in specific response to questions and then provided the entire procedure. From stem to stern, we do not have a full set of current procedures from New York. We have been told that they are drafting them, revising them. We have not seen those drafts. We have not been provided with final copies. So I will continue to work along those lines.

Kim Galvin: Clarifying question. You mean all of their procedures or are there specific procedures? I haven't been involved, so I'm going to try to help.

Douglas Kellner: The answer is yes. All of their procedures. It's roughly 1,000 pages. When I was Commissioner, I had a complete set of them. They've been modifying them without providing us with copies of them. And I would like to be following along with all of the procedures.

Kim Galvin: Like whatever they gave Mike Ryan, when he sat down at his desk?

Doug Kellner: Yes, and what they give the Chief Clerks, and what they give the Candidate Records Unit.

Kim Galvin: Okay.

Douglas Kellner: I was testifying in Court as an expert witness on a case dealing with a Petition Cover Sheet regulations, and notwithstanding the procedures that Anna had given me three weeks before my testimony, the City says, Oh no, those aren't the procedures. We adopted them at the Commissioner's Meeting at the same time that they were sending Anna the old procedures that were ten years old, and.....

Kim Galvin: And many people have the same frustration.

Douglas Kellner: Well, except ...

Bob Brehm: Well, they sent us the ten year old one and that's when Anna might have used, brought that to my attention.

Kim Galvin: I know that a lot of people think that there should be a requirement that the county post the procedures on their websites.

Douglas Kellner: Well, I think that is a good one, but there is a requirement in the statute, that they provide the procedures to the State Board of Elections and the State Board of Elections is instructed by the statute to provide guidance to the county boards.

Anna Svizzero: I was advised...

Douglas Kellner: I'm sorry Anna, if you wanted to comment on that, I just wanted to move on to the subject of their draft procedures. That's a separate issue. One issue is the procedures. There is no question that under the statute, they must give us their procedures. It is not optional. It's not when they get around to it. They have to send us their procedures. And I think it would be helpful to have the procedures for all of the county boards, but in New York City where there are all these issues, and where I'm spending a lot of time trying to go over them and work on them, it's particularly important that we have the same materials that they're actually working with, and the statute requires it.

Anna Svizzero: I was advised...

Douglas Kellner: I would like to be a little bit stronger on this issue to make sure that they actually comply with the law and provide us with their current procedures.

Evelyn Aquila: May I speak in their defense. Just very, I think that we're asking for, I'm sure they have them, and we will look at them and we might what to suggestions to them, but I really believe that this is such a bad time, because they have all these elections. Some of the counties in New York City are as big almost as states with the number of voters that they have. We should, you know, we could put Nevada probably up against one of them and Brooklyn might be bigger. So we have to realize that they have a tremendous amount of work there to stop and just get us something when we want it like that. And you say, they should just go to the file and take it out and put it in an envelope. I'm sure they want to look it over to make sure what they are sending us is up-to-date and accurate. I won't be so harsh with them at this time of year. Truthfully, we should have asked like January, when.....

Douglas Kellner: We did ask in January.

Evelyn Aquila: I don't know if we got to them in January.

Anna Svizzero: With all due respect to all of you and to all of them, we have been asking for these procedures for over a year and one-half. I was advised verbally on more than one occasion that they are not allowed to provide procedures to me even if they are draft procedures because they keep saying, we are working on them to update them. But they are not allow to provide draft procedures to us until they have been approved by Counsel and voted on by the board. Which means, we are not getting drafts and not being able to comment on them or help them out in the first place, we are getting them after the fact. But even if we got them after the fact, it won't stop me from having something to say if we, I think there is something, or any of you, if you're looking at them. So they have been asked, requested for quite some time, and again, I am hoping that some new leadership there and some cohesiveness at the Executive level, that maybe this policy can be revisited and they can share in a more in a more collegial way and we won't have these issues. But I would never, ever ask a Board in the middle of an election to send me something that is just late night reading for me. That's not what this is about.

Evelyn Aquila: Personally, you would think that the procedures would be a file and you could take them out and put them in an envelope.

Anna Svizzero: If this was any other board, that's exactly what we would say. Go to the drawer, take the procedure out and send it to us. When it is New York, they have these other internal policies that govern what they do and when they can make it available. Again, hopefully with a new management team there and a new focus, I am hopeful that things will change and will be a little more, have a little more relationship, the same we have with other counties. We talk to them, we talk about what they do and how they do it. We suggest changes, they either tell us to get lost or they tell us, Thank you very much, or they say, really, we'll do it that way that sounds good, until something else happens.

Kim Galvin: It's a disadvantage to other people too. They go before the board for a particular issue and they say, no we changed our process or we changed our procedures. There is no notice. There is nothing on their website. It's a wide-spread problem that a lot of people have expressed concern about.

Evelyn Aquila: They do like to act autonomously.

Douglas Kellner: I would like to follow up on that and remind people that the statutes specifically says that the State Board of Elections should visit the county boards and examine their procedures and records and direct that any such procedures be modified in any manner consistent with the provisions of this chapter. The statute gives us pretty clear authority in this area and that leads me to the next issue which is their drafts. I would like to ask that they share their draft of the proposed canvass procedure so that we can provide comments on them in advance of their adopting and hopefully to try to work out in advance so that there is not a public dispute over them, the way it became when the City adopted the very convoluted canvass procedures that provided for cutting up the results tapes and creating a really very difficult and unnecessarily complicated procedure for their poll workers. And if we can work on them in advance with them, it may be much more constructive in the long run, and so I would ask that the staff work with the new leadership at the City Board of Elections, to try to get those Canvass Procedures done. So that we can review them in advance and we don't have to publically criticize them after they have been adopted or that people dig in their heels because they have already been publically committed to a particular way of doing things, and with difference to your remarks Commissioner Aquila, right now is the time the City is doing the revised Canvass Procedures because of the new statute and they have to be adopted in place for the November election and in time for Inspector Training. So literally everyday that goes by before they draft, before they adopt those new Canvass Procedures makes it more difficult to implement them in a proper manner. You know, I would ask that senior staff talk with their counterparts at the New York City Board to get those drafts of the new Canvass Procedures and let's hope that they can come closer to conforming with the other counties are doing to make a more efficient process for their poll workers that complies with the statute.

Evelyn Aquila: Can I ask a question that has nothing to do with this?

Douglas Kellner: One more thing, one more thing on this. And the other thing is that the New York City Board has to provide in their post-election procedures now, a process for getting the results tape not only to the press, which actually they seem to do a pretty good job of that, but now posting them on the internet. And I am not sure how complicated that process is, but it would be helpful if we could review it and give them the necessary push to make sure that they understand that that's a requirement that's in place for November now, and if they need assistance, that what their needs are identified now so that the right people can address them so that this is in place for the November Elections.

Evelyn Aquila: I only have a quick questions. I was surprised when I went to vote that we had lever machines, and I guess that was all through the City, I really don't know.

Evelyn Aquila: I loved them because I like the lever machines. It was nice and easy.

Evelyn Aquila: Did any of us know that, that they were still using the lever machine?

Douglas Kellner: Yes.

Evelyn Aquila: They probably told us.

Douglas Kellner: Evelyn the State Board took a position on that. They basically, the staff and some of us were against going to the lever machines....

Evelyn Aquila: Well, they have the other machines....

Douglas Kellner: But ultimately, the legislature recognized that the City Board has to run the elections and that the City Commissioners believed that using the levers was the least dangerous of all the bad options that they thought that they....

Kim Galvin: They seem to have the worst-cast scenario down there right about now.

Douglas Kellner: Well....

Kim Galvin: I was just making a general comment. I wasn't trying to make a statement.

Evelyn Aquila: It was a very low turnout.

Douglas Kellner: I don't want to go back to that debate because we ultimately agreed that they had to run the election and we let them do it their way.

Kim Galvin: That's right.

Evelyn Aquila: But, I didn't expect to see levers....

Douglas Kellner: But I do believe that even in this scenario that the recommendations that Anna had done and some of the remarks that I made would have adequately dealt with that scenario.

Evelyn Aquila: I thought that they could use it as a last result, I didn't realize that they could use it, you know.

Douglas Kellner: Alright, well, thank you for listening to me again, but these are important issues that I'm trying to spend time on and am very frustrated at the lack of information that has been forthcoming from the City Board, that I think hampers me from doing my job and hampers us as the State Board of Elections from doing our job.

Douglas Kellner: Public Information. John Conklin.

John Conklin: Thanks Commissioners. I will just do a couple of highlights from our written report. Lots of routine matters, phone calls in to public information, a lot of questions about candidates, campaign filings, and things like that at this time year. We also have a lot of questions about the state-wide ballot propositions. I neglected to put in the written report that we did actually post them in the Web, they're on the home page. There is a special page devoted to all of the ballot propositions, so it's there for everybody to see the questions, the abstract, and the joint resolution that was passed by the Senate and the Assembly for each Constitutional Amendment.

We're also in the process of assembling quotes for the legal ads that we have to do for the six Constitutional Amendments. At the moment, we are somewhere between 180 to 200 Thousand Dollars, but that still does not include the minority language translations that aren't completed yet, so we don't know what there're going to cost to be put in the papers yet in the areas that we have to put those. So that is going to push that up a little bit, but that's where we are at the moment for that.

We did post a filing calendar memo for the possibility of a New York City runoff that Campaign Finance had drafted. We still aren't sure if that's going to be necessary or not, and then...

Kim Galvin: Yes there is, Public Advocate.

John Conklin: That's right, I'm sorry, the Public Advocate, that's correct. So, and that's about it for us.

Douglas Kellner: Any questions?

(Silence)

Douglas Kellner: Alright. Campaign Finance, Liz Hogan.

Liz Hogan: Thank you Commissioner. I apologize for not having a written report in the package. I ended up having a little hospital stay last for a little bit, and I didn't get one written. I just wanted to give you a couple of the statistics and just touch on a couple of things that we're doing. You know, as I usually do in the written report, I give you an update on the basic day-to-day work relative to intake and processing and registrations and terminations, and that kind of thing, and what I will do is that I will put that in a written report to be submitted into the packet. But for now, I would like you to be aware that in the four, basically four people that we have to answer telephones in Campaign Finance, relative to calls that come in, you know, about committees and filings and registrations, we are in excess of 10,000 so far this year. We have four people who do that. These numbers are getting up there. As of right now, or as of the end of August, we had in excess of 13,600 active filers. So that number keeps rising as well. I wanted you

to be aware of that, and as I said there are some other numbers that I am going to put in a written document to be submitted after, but they'll reflect the statistics as I get them from the units.

I would like you to know that our seminar schedule has been completed for this year. The team reached out and actually conducted educational components to representatives of 32 of the counties. We had an excess of 700 attendees. We gave out 54 CLE Certificates, which Commissioner Kellner that has always been an interest of yours, so our seminars we offered several seminars that were specifically CLE related and got a good turnout from them. You know, I was actually pleased at the number of counties that we were able to outreach into. They did a very good job.

The audit, I just wanted you to be aware that as I think I indicated at the last meeting, that there are a couple of audits ongoing now. Both of them are scheduled to be completed probably toward the end of October. One is the 2012 Corporate Contribution Audit. You know, we've sent out the letters, we're doing the follow-up calls and that kind of thing at this point. The other is the 2012 Legislative Over-Contribution Audit for that statewide election cycle. Those letters have gone out as well and we are in the process of dealing via e-mail and phone calls with people who have responded to us.

Additionally, there are just a couple of matters that I would like to just touch on that Bill can update you maybe at the next meeting on further. One is that, our Processor Server Contract expired this year and we, Bill and I, have been involved with OGS since January in trying to get another contract in place in time to go forward with the lawsuit for the non-filing of the July periodic, and we have selected a vendor, but we don't have a contract in place. But OGS advises that we would be able to use a Purchase Order for this particular lawsuit. What we have done, is we have pushed our lawsuit back two weeks to enable to try to accommodate this on-going uncertainty and as it stands now, we will be doing it by PO and it will be accomplished, but it will be a little bit later than it was exhibited originally on the Enforcement Calendar.

The other thing that expires relatively quickly is the Scanning Process. Five years ago, we entered into a contract with a preferred vendor to provide us with electronic scanning of our historical documents that we had, and on an ongoing basis in putting our regular documentation because we were so overloaded with paper, into an electronic format. Basically, all of our stuff is in electronic filing cabinets. So our contract with him is going to expire in February, and you know, we are working on getting a new contract in place before the expiration of that contract. There is one issue that we face just with this last scanning process through them, and maybe Dave can touch on this a little bit better, but in my technology-deficient world, basically the issue was what they scanned for us from paper, when into some version, some kind of a version of software that our system doesn't accept, and we can't, and there is no support for it, so we took the discs. We have the information, but we couldn't put it into our system. So we are working on how we are going to address that. We have in our five year contract, I think we have something in the nature of about 60 or 65 thousand dollars left in our contract

availability, and we're looking at purchasing some new software that will be supported, you know, with the money that we have left in that contract before that expires.

We are continuing to work with IT as well in developing a new software and fixing by topic as they come up, problems that we have with the software now, our current software, the staff meets with IT, I think we have it like every two weeks there's a meeting and as issues come up, we try to deal with something at that time to try to put a fix on something or whatever. So we are continuing to deal with that. We have spent a great deal of time in complying. The staff was really put to the task to comply with the paper, hard copy response to the subpoena by the Moreland Commission. We had a lot of paper that had to be complied and sent to them. And what we are working on now and what we anticipate having a meeting with staff about on Monday, is the electronic response of all of our electronic documents, e-mails, or whatever. So we should be able to hopefully be in compliance with that section of that subpoena starting on Monday.

We also have an ongoing Federal Lawsuit that we have been involved with and I know you Commissioners are aware of. That continues, I expect that this is the last report that I will give you, and that Bill will update you at next meeting as to what is going on with that. And I think, is there anything else that you, Bill that you can tell them.

Bill McCann: No. Well, we did cooperate, just to touch on a couple of things. The New York City runoff, we worked specifically with the Campaign Finance Board to be able to accommodate the mandated Runoff Reports and working with them. There is a four-day pre-runoff and a 10-day post. We worked with them and we are going to waive the 10-day post and have that data combined into the 32-day pre-general and 11 pre-general. We have some technological issues in the data base that caused difficulties with that, so, but because of those reasons, we were able to come to an accommodation with them. On a positive note, on the processor server, we were able to work with OGS to, I know it's being delayed, but an expedited process, it's going to be an MWB contract. I know Todd and Bob are happy that we will be able to move a great percentage of our contracting towards the goals that the state requires on that. We are hoping, frankly, that since there is a cap on how much can be expended on that, that they purchase order of this big Order to Show Cause will not count towards that cap, so in many ways it may be a blessing that we'll have a larger amount of flexibility of what our costs are and the process server, Order to Show Cause costs, and so, other than that, nothing.

Douglas Kellner: What is the status of complying with the Commissioners directive to do judgment collections?

Liz Hogan: It is in the process, Commissioner. I have....

Douglas Kellner: What specifically has happened since the last meeting?

Liz Hogan: We have met internally. We have identified documents that need to be formatted for our purpose in sending them out to the banks and the judgment debtor.

And we have actually identified the group that we are going to send them to. So it's just a matter of putting the, getting the stuff together at this point.

Douglas Kellner: And when is that going to actually happen?

Liz Hogan: I think probably within the next week or two. I don't know, maybe next week the letters.

Douglas Kellner: I'm sorry, the letters?

Liz Hogan: Well, the documents that have to go to the bank and the judgment debtor. Those will go next week that process.

Douglas Kellner: The restraining notice with the information.

Liz Hogan: We are ready to proceed with that. We've got it lined up.

Douglas Kellner: I noticed that there were no reports on complaints for this meeting. Does that mean that we are completely current now?

Liz Hogan: I think we have about 14 open complaints at this point of time. I could provide you with a list if you wish.

Douglas Kellner: And none from 2002?

Liz Hogan: 2002?

Douglas Kellner: I mean, 2012.

Liz Hogan: I think that there are maybe two.

Bill McCann: No, I think for 2012, I believe there are seven.

Liz Hogan: Oh, there are that many?

Bill McCann: Yeah, and I think that through the current, most recent complaints, would be relative to this election.

Liz Hogan: Yes, we have received documents that aren't

Douglas Kellner: Right, now, two meeting ago, I asked that the Commissioners be given a list of any of the complaints that were left open from 2012.

Liz Hogan: Oh, I didn't recall that. I would be happy to give that to you.

Douglas Kellner: I didn't get that list for this one, and I would ask at the next meeting.

Liz Hogan: I will give that to you today, before you leave here.

Douglas Kellner: Alright, but I would the reports, not just the list, but the reports on these seven items that are still open from 2012.

Liz Hogan: You mean the documents themselves, you would like to see?

Douglas Kellner: Like the status reports, because if you guys aren't going to do it, I've said that the Commissioners themselves should sit down with the files and get them done, because they just shouldn't sit there and languish, and....

Bill McCann: Commissioner, with all due respect, you know, the Enforcement Agency has been swamped especially with the compliance on the Moreland Commission. It's not that we're not doing our day-to-day work. In the history that I have been here thirteen years, this is the smallest amount of complaints that we've had pending, so I would say please understand, we're certainly interested in it, it's not due to a lack of concern, it's just that we have other things that are more pressing at the time. So, I certainly understand the Board's directive that we proceed with those matters, but we are certainly not ignoring them, we are doing with the daily work that we have to do and we are working in a very constraint circumstance relative to our compliance. So we have lots to do with very few people. I mean, I know, we understand your concern, but again, this is the smallest number we have ever had pending and I understand your desire to get that to move along, but we are certainly not ignoring them. Good, so I want to make that clear.

Douglas Kellner: I appreciate that. I'm just trying to stay on top of it to keep the pressure on to keep the unit current and not to create a new backlog. Do we have any pending investigations at this time?

Bill McCann: Yes, well I would be happy to discuss any of these. I know we will be going into an Executive Session, so I would be happy to discuss those in greater detail, but...

Douglas Kellner: Okay, how many do we have pending at this time?

Bill McCann: There would just be one.

Douglas Kellner: Alright, thank you and I want to acknowledge that this is Liz Hogan's last report to the Commissioners. Liz has announced her retirement in two weeks, is it?

Liz Hogan: It is, 10 days.

(Laughter)

Anna Svizzero: X-hours, X-minutes, or tomorrow

Liz Hogan: In about two weeks.

Evelyn Aquila: She's not in a hurry to go.

Douglas Kellner: Notwithstanding sometimes my harsh tone, I want to express my sincere appreciation for your efforts, because I know that you've worked hard and very diligently under very trying circumstances with very limited resources, and I believe I speak for the other Commissioners who can speak and add for themselves, but I very much appreciate your tremendous contributions since you have come here. And in many ways, you have turned the Unit around, that you have added a number on innovations during your tenure here and as Bill has just pointed out, notwithstanding, the very limited resources and the substantial increase in the number of filers, you have brought down the backlogs, with many fewer people, you have been able to handle increased number of inquiries and continued our priorities, which is to make it as easy to file as possible so that we encourage voluntary compliance.

Evelyn Aquila: Can I just add to that? Thank you so much for all that you did for us and we will miss you.

Liz Hogan: Thanks.

Evelyn Aquila: And I am always so proud to see a professional women who does so well.

Liz Hogan: Thank you.

Evelyn Aquila: God Bless you and have a wonderful retirement.

Liz Hogan: Thank you.

Jim Walsh: I'll give my two cents too. When I first came here, I had been in politics since I was before I was old enough to vote, so I should know better, but I honestly didn't know who was Republican or who was Democrat and I could not tell by the conversations, reports, or discussions or debates going around the table. I think that is a compliment to you, because a lot of the work that we were depending on the information was coming from you, these complaints that come in are sometimes very complex, require a lot of time, a lot of energy, and I am not an attorney, so I need someone to help me interpret the law a little bit more that I may know myself. So for me, it was fairly easy for me to come to the conclusion that you were telling we that I should be coming to as a result of your investigation, and I had no debate, in most cases. They were well presented and well done, and sometimes it would take awhile and you would say to that that this is just a little bit more complex, I'm not going to be able to give you that answer today or next week maybe. And you also, I like you did it again today, we have gone thought this many times, the fact that we are losing employees and the workload continues to go up. It goes up dramatically and your bringing that up is not informing us and the public with the problem that we are seeing here, but t is showing your concern for

your own work unit, and that is a compliment to you and the people that with you and for you. I like to see that in people and your leaving you still are worried about your people and the workload going up and the number of employees going down. And I understand that you have been considering this for over a year, so this isn't that the job is a hack and you decided to retire and run away. I wish you the best of health and happiness. You're a great person to work with, a professional, and a fine lady.

Liz Hogan: Thank you Commissioner, I appreciate it very much.

Gregory Peterson: I would like to add my two cents as well. First of all, I would like to ask you're advice on how you can do it within a year to retire. I want a copy of...

(Laughter)

Liz Hogan: It was very detailed and organized.

Anna Svizzero: We have that procedure.

Gregory Peterson: But you have, you certainly, and I have been in politics all my life, and you have, I'll echo basically what Commissioner Walsh has said too, that you've been a total professional in every sense of the word and you know I found out a little bit about your background as a former prosecutor and you worked with the legislature, you've had a stellar career, and you've carried yourself forward in a way that makes everybody proud. And when you talk about the Republican, Democrat or whatever, you handle I think every questions that we had and every case that you came across in a very professional manner. I had no disagreements with some of the decisions that you have made and I just congratulate you. You have been a delight to work with and I wish you well in Florida. God Bless you.

Liz Hogan: Thank you so much, thank you very, very much.

(Clapping)

Liz Hogan: I appreciate it.

(Laughter)

Kim Galvin: Nothing to add to your report Dave?

(Laughter)

Douglas Kellner: Alright Dave.

Dave Loomis: I have my instructions. Thanks, but I don't have anything to add at this time.

Douglas Kellner: Dave, in this season, at least in the, with lots of local elections, you have lots of volunteers treasurers, and many of them call me up complaining about our computer system. It would be helpful if you could give us a quick summary of your understanding of the deficiencies of the current Campaign Finance Disclosure computer system and in a broad view, what it is we are asking for funding to develop, to replace it.

Dave Loomis: Sure. The, right now we have two stand alone computer systems that we put out for treasurers to use. So we have an older system that was written in the 1990s, which is what the majority of the filers are using, and then we have a system that we released at the end of last year, beginning of this year, which is a system written in the Job application. Both stand alone systems and not something that most people, everyday people, at their computers, are used to using. No longer do people expect to have to install large systems on their computers. They want to be able to use a web-based application that you go on to the web and you know, everything else that you do, you file electronically over the internet, and you want to be able to do that. So what we need to do, is to get from where we are today where we are putting out very large programs and installing it on computers and not knowing much about those computers, but having to support those 10,000 computers that are sitting out there, all different operating systems, all different ranges of people who are able to use those systems and unable to use different components of it, not knowing what else they have installed on those computers, and not being able to really maintain what's out there. We have all that sitting out there right now. We need to move to a system that, where it is service based from our own system, so that we don't have 10,000 installations. We have one installation that somebody comes in and says okay, I want to file my whatever report I need to file, they can go onto the website and they can file it or we can integrate with other systems, if there are bigger systems out there that exist, but on a standard basis too, there is nothing, right now, we don't have a real standard out there for systems other than what we're using. So, we need to get to that next, you know, to the systems that built for today's use, not what was built in the 1990s. So, that's where we are, we are just starting off on that redesign effort, because part, that one part of it is actual acceptance of those filings, but having the infrastructure in place for them to be able to report on those filings and to be able to do the kind of complicated and reports that people are asking of our data, that modeling that data is where we are focusing now. You know, how you design a data base that can respond to the kind of questions that we know we are going to get, and we do get, and at times can't answer. So, those, that's where the bigger initiative is. The design of this whole system and technically how do we implement it. Those are all things that certainly have to get worked out as well. But, you know, obviously those cost money and cost....

Douglas Kellner: Are we talking about \$2 Million? It is my understanding.

Dave Loomis: That is the number that we have been working with DOB on and trying to refine that as we can.

Douglas Kellner: The biggest complaints that I hear from treasurers, is that they can't just take a spreadsheet and file it. So they can't just build an Excel spreadsheet or take

something that is output from say Quicken, and file it. And the other complaint is that, and I don't know whether it's accurate or not, because I haven't been a treasurer in along time now, that if they make a mistake in the middle of preparing the report under the current system, that they have to start over again from the beginning. That they can't just delete the mistake and correct it, that they have to reenter all of the data.

Dave Loomis: I haven't heard that, Liz and Bill might know the specifics, but I'm not surprised. The software that most of the filers are using are written it, it's written in the 1990s. We don't have, we couldn't fix it if we wanted to. So, that's why we have this interim application, but basically just a second version of what was sitting there. You know, so things that the people expect to do today, which are legitimate things, like all the points that you made. You just don't...

Liz Hogan: And also, it's not just what the filers expect to do, but it's what people who are looking at our data expect to be able to get out of it. That's becoming an even bigger issue for us. It is true what you asked Dave, if someone wants to change one figure, they have to reenter everything, because when you put the one figure in, all the other fields are blank and you have to enter the whole thing basically.

Bill McCann: Well, they can do that. The long and short of it, and you see this, the problem is that when you go to file and amendment, for instance, if you want to change one thing, you just send that one thing in. The system overwrites all the old data. So we see that constantly where people make that mistake and all you will see is one schedule, or literally one line of data. Now when you go to save the amendment on the old software, you save the file as an amendment and then you have to, it's not that necessarily you have to enter all the data again by the time you manipulate it to send it that causes the problem. But there is no question...

Liz Hogan: It has to be included.

Bill McCann: John Conklin said, the software is old enough to vote. I mean it's a long, it's out of date and

(Laughter)

John Conklin: You know what, I couldn't get Jim O'Dato to put that in the article though. He liked the line but he wouldn't put it in the article.

(Laughter)

Douglas Kellner: I apologize to the Commissioners, because I know you all know this, but I just want to keep saying it for the record, that we have to keep getting this message out, that almost all of the filers are volunteers. The majority of the filers are filing for losing candidates who are performing a public service by running for office. And we don't make this easy for them, and to me I'm completely converted to the view that our proper priority is to assist the people who are filing and to encourage voluntary

compliance. And doesn't mean to say that we shouldn't be doing enforcement for the one or two percent who don't pay any attention to the rules. But it's not a simple process now for the several thousand people who volunteer to be treasurers for candidates who volunteer to run for office knowing that they are going to lose.

Liz Hogan: But also Commissioner, I mean there are significant legal consequences for these people too for not doing it right. It isn't just the matter of you know, you make a mistake, and that goes to what you are talking about our view, Bill and I have always been in sync on this, is that we are not out to punish you for making a mistake, you have to make knowing and willful violation in the election law to violate the election law. But people make mistakes all the time in the way they do things, and that's a huge problem, because there's significant legal consequences. You get sued, and you get referred, and people don't realize that, they really don't realize it.

Bill McCann: And it goes right to political spectrum because, you can't go to a political event without a county chairman or town chairman complaining that people don't want to be treasurers, they want to resign, they get this nasty letter in the mail, they're getting sued. Believe me, there's a lot of road blocks people have to fulfill service and certainly, and the other thing is in this day and age, even when we first went to electronic filing, there was a skew where the older population were the ones that weren't computer literate. No pretty much everyone is computer literate. You don't see that 10 years later. But when people have iPads, and they can flick their thumb across the screen and they can do all these things and our system is based upon 20 year old technology, you know, people just can't fathom why that is, especially when other, frankly other agencies, whether it's JCOPE where you have to do your online filing, they have these data farms, they have web based filing, all these things we would love to have, except for the money. And it's not like we haven't asked. We have asked incessantly for the money to do those things, let alone the staff requirements that we have. But certainly, people have in this day and age, an expectation that we can't fulfill and people expect that we should be able to do that, which is totally unreasonable.

Douglas Kellner: Well, it is only unreasonable, because the powers of people won't fund it.

Bill McCann: Right. It's not though a lack of...

Douglas Kellner: That's why, you know, and my apologizes for prolonging our meeting a few minutes here, but I just think it's worth repeating and making sure we are all on the same page, because what they are spending on JCOPE could have been spent, you know, in terms of improving the system and providing the resources for real enforcement and certainly we are going to do everything we can to cooperate with JCOPE and hopefully the result of JCOPE will be...

Bill McCann: The Moreland Commission

Douglas Kellner: I'm sorry, thank you. So hopefully the result of the Moreland Commission will be a greater awareness of the need for resources to do what the public is asking here. Alright, well thank you. Alright, that concludes the unit updates, there is no old business. For new business, we have the prima facie determinations relating to the independent nominating petitions, which have been distributed. Does anybody want to say anything about them?

Bob Brehm: This is a group that came before you last year, they ran as a Democrat. Sorry Kim. And they submitted a petition to run for Trustee of the Long Island Power Authority. They still a section of the election law how many signature one needs to run for this office, however, as a number of years ago, the statute was amended and they are no longer elected, they are appointed, so we invalidated their petition last year. I think a day after we took that step, there was also the court case that referenced in this, in the paperwork before you. So they also went to court. But this year, they have come back as an Independent candidate, the facts are the same, so it's the same recommendation. This is not an elected office. It's appointed and you can't get on the ballot for an office that doesn't exist. Perhaps next year we can ask our legislature to this line, I mean it was one of the conversations we had in omnibus bill that didn't get included. But I think we should on our, just say for our own sanity to having to say next year, maybe move to repeal this one line and hope that the legislature would consider it.

Douglas Kellner: Alright, so on the motion to adopt the Staff Report on prima facie review. Those in favor, say Aye.

(Chorus of Ayes)

Douglas Kellner: In the regulation, the draft to amend Part 62-10 and repeal Part 62-11 regarding the Central Count Absentee Voting System.

Anna Svizzero: I am happy to answer questions if any one has them. This was discussed somewhat at the last board meeting. We were asked to bring it back to you so that you could direct Counsel's Office to being that amendment process. The summary one page document that is in your Board packet, articulates the two major changes that we would be making. We had to tweak a definition. We also explained, we added the word Precinct-based scanner to the explanation where our regulations require that boards create model voting systems, clearly you don't need a model voting system for Central Count System. Voters will never encounter it. So we are synchronizing the process whereby ballots that can't be scanned are no longer to be remade. They must be hand counted so that would bring the Central Count Voting process into sync with what happens on election days, so that ought to make Canvass Teams and candidates, and attorneys and others, to expect the same result from the same sort of issue that might arise in the counting of ballots. There's also, now that the post-election audit is clear, the county boards, that needs to be conducted in our old regulations, we had no post-audit election process, so you were required to conduct your pre-election testing pursuant to regulation, but then conduct that pre-election test again when you were done counting ballots to prove that the voting system worked the way it was suppose to. So now we're

suggesting that that second pre-election testing be eliminated from the processing and that the post-election audit naturally takes it place, which is consistent with the statute. And again consistent with the way that Election Day ballots are treated. So we are suggesting that the Board consider these recommendations and direct Counsel's Office to being the process of amending.

Todd Valentine: And then they will come back at a point for adoption of the draft, in the future?

Anna Svizzero: Right.

Doug Kellner: So we're not approving it for publication yet.

Evelyn Aquila: Should we wait until the next meeting?

Todd Valentine: Well, the draft still needs work, because it is not in a format that's ready for publication at this point. There are still some questions regarding some of the issues that are in the draft but I don't think that they're insurmountable.

Douglas Kellner: Okay, so I guess there's consensus that we will have Counsel proceed so that we have formal text ready perhaps for the next meeting.

Evelyn Aquila: (Unclear)

Douglas Kellner: I guess it's really the Counsels working with the Election Operations here.

Evelyn Aquila: We don't need a vote on this?

Douglas Kellner: No, I think a consensus is good. Alright, so there is a request that we go into Executive Session to discuss pending litigation.

Bob Brehm: There is one more discussion.

Douglas Kellner: Oh, I'm sorry. Oh the 62-6. Okay.

Bob Brehm: There not an actual draft in there, it's just, similarly there is a draft that staff is working on, just so you know that it's coming. Similarly, we want to make sure that the draft level is successful and you're on the right path and that way when Counsel gets it, they're doing do the core related, put in the right form, and bring it to you for that passage, so that if have a problem with policy, it goes back to the unit...

Douglas Kellner: So what are the issues? Why are we amending it?

Bob Brehm: In general, the reg still provides for the old waiver, you know, how does a county approve waivers that sites don't meet accessibility, but the Chapter Law Title

505, the laws of 2010, I think it was the last chapter that Governor Patterson signed, requires that all polling sites by now to be accessible. So what we're doing, is taking out that which can't happen anymore, looking to take out that which can't happen, and put in the stuff that we need, which is the timeliness to getting the information for what polling sites that you have and there is a requirement that we have a copy of the surveys that go with those sites. So we're looking at a number of meetings that EIO and ...

Douglas Kellner: Why do we want the surveys?

Bob Brehm: The statute requires that they give it to us.

Douglas Kellner: Oh, it does?

Tom Connolly: It calls for an actual survey you have on file at the county board but for them to also provide a copy of it to the State Board.

Douglas Kellner: Does New York City actually provide the copies of the surveys?

Tom Connolly: Yes.

Bob Brehm: That was a big task that our summer interns put them all in order and put them in a place...

Douglas Kellner: Because the district leaders can't get them. So maybe we can provide them to the party district leaders. Who are the ones that actually have to recruit the poll workers?

Evelyn Aquila: It won't be hard there is a shortage of poll workers in New York City.

Bob Brehm: Well, I am hoping we're designing a system in way, that's our goal.

Douglas Kellner: They send them to you via e-mail, or do you get them by hardcopy?

Tom Connolly: I actually get them nowadays, because we had older surveys that I know we had hardcopies of. More recently we have been getting DVD's of the surveys themselves, containing like a word document and then there is usually at least one accompanying photograph.

Evelyn Aquila: May I tell you, some of the public schools have quite large staircases to get into the school and they do have an elevator. Let me say that the elevator is after your climbed the stairs, for the most part, because that is restricted entrance mostly for teachers. If you have voting going on, school is going on and you're going to walk up these steps. It's not hard to do. If I've got a bad knee and I can do it, but I'm telling you a lot of people do complain about that, that the elevator is not accessible. I'm just

throwing it out there before you put it on the table. And that's probably like 75 schools, not one.

Tom Connolly: The law basically says that all poll sites that had to have substantial compliance with the regulations with those guidelines that we approved here at the board. And the person that would determine that substantial compliance had to be trained and we provided for, we worked with various partner agencies and organizations throughout the state and we provided, I think, 13 different training sessions throughout the state, a number of them down in the City, and then throughout all the different section, which were very well attended, and so it was those people who were then going out and performing the surveys, were training the board staff on how to go out and perform the surveys. So at this point, it is just really a matter that all boards are suppose to have surveys for all of their poll sites, but all of their poll sites have to be assessable at this point. They are supposed to have them for public record, locally at the board, they are supposed to provide a copy to us as well.

Douglas Kellner: How do we, I mean do you keep electronic files of those or you say they are on discs and you just leave them in a drawer?

Tom Connolly: Well, they are currently, we've worked with IT to develop a system so that I can kind of store them, and then you can kind of search by those counties, so that we know that we have a good inventory.

Douglas Kellner: How hard would be to put that online for the public to access? And I am really thinking of party district leaders who have to organize the poll workers and poll sites for their districts, that that might actually be a resource for them. And if we have the means to put it on line and let them access it on line that might be helpful.

Dave Loomis: Well, we haven't made it part of the NYSVoter system, and so counties, once they have uploaded it and they can use the system to upload their...

Douglas Kellner: The counties can do it.

Dave Loomis: Right.

Douglas Kellner: I am talking about...

Kim Galvin: There is a lot of information.

Evelyn Aquila: When we get to the General, they do their best to comply. I'm not so sure about the other elections.

Douglas Kellner: Why don't we talk about that ...?

Douglas Kellner: Yeah, I just raised it. This is the first that I realize that you actually had it, but you know, I hear from District Leaders all the time complaining about the poll site change procedures and their difficulties in getting current poll site information.

Tom Connolly: And I think that that is one of our issues that we are looking at as well, because we're trying to make sure that we are getting updated poll site information from the counties as they designate poll sites. I mean now, as you designate a poll site, it has to be accessible from day one. And we're just trying to make sure that we are getting that information, because we use that information not just for the poll site look-up for voters when they look up where to go to vote, and we've been getting a lot more information from New York City as of recent as far as getting up-to-date poll sites even when they make changes to them. So that's good, but I think we are just trying to make sure that before we put information out there that it is still representative of the latest and greatest.

Evelyn Aquila: I just want to say this, I think that when it comes to the public schools, which must be 60% of the poll sites in New York City. I mean the custodians have to realize that it has to be accessible, because I can tell you, I go, I went around on Tuesday, I went to two schools in Queens and I think six school in Brooklyn, and I would say that only half of them were really accessible. Others were, not by anybody's fault, if you had to go in, not by anybody's fault, half of them you really had to walk up big flights of stairs to get into the school and you know, before you could. It didn't bother me, but I'm sure, you know, it was a good day, had it been really raining out, maybe my rheumatism would have been hurting. And since many of the voters are senior citizens, I see a concern there. That's all I'm saying. That if they had a sign, Elevator Entrance. That's all I'm saying, have it in the same school, but have a sign. People don't mind if they walk all the way around the hall to get into the rooms.

Douglas Kellner: They're required to do that.

Evelyn Aquila: I didn't see one sign, that's it.

Tom Connolly: We need to draft additional, revised training material that we provide to the board to provide to their poll workers so that they would understand what to look for to make sure that things on election day, like trash cans don't get in the way of accessibility or make sure that all the signs are where they need to be, being the doors can be opened, things like that.

Evelyn Aquila: I can't swear how they pick the rooms or anything where you find, it always seems to be a different one, but often it's the auditorium. But I would say that it's the custodian who has so much to say about this. I think that when the machines arrive, they say, put them all in that room, and that's it. I think that somehow, the Board of Election in New York City should know that they have to contact a reliable person who is going to understand that it has to be very open to the voters to get in and out. I didn't see that the other day. I wish I had. I used to do that you know, go around to all the polls, I don't know if I'm going to be doing that anymore. But it was, there were some of them that were not really accessible, enough with signs, plenty of signs, plenty of direction, but

the direction was up this flight of stairs, down this hall, you know. I saw people turn away in one school.

Douglas Kellner: There is a federal monitor in New York City now who is responsible for enforcing the corridor.

Evelyn Aquila: I didn't even know that.

Douglas Kellner: Alright, anything else? The motion, so let's talk about our next meeting date before we go into the Executive Session. September 30th? Which we need to do because that is the date for setting the ballot.

Bob Brehm: We can try to make it as late as possible or as early as possible, but the JD. Right, in upstate, they put in the mail on the 24th which I believe is the Tuesday, right Anna?

Anna Svizzero: Excuse me.

Bob Brehm: The deadline to send us the material is the 24th and we then we have to receive it and people have a change to object, so we are putting it as late as we can.

Douglas Kellner: And that's the last day to set the ballot?

Bob Brehm: And that's the last day to set the ballot.

Douglas Kellner: So September 30th and then do you want to pick an October date now? Do you have any issues in October?

Bob Brehm: I just don't know when Moreland Commission....

Evelyn Aquila: Not on Wednesday. I've got 42 kids in my class.

Douglas Kellner: How about Tuesday, the 29th?

Evelyn Aquila: In October?? Okay, that sounds good to me. That good for Jim?

Bob Brehm: Do we want to pick the December, I mean November is November, depending on what day you pick. But, we have to meet on a particular date in December which is usually close to the 15th, which is on a Sunday.

Douglas Kellner: So like the 10th of December??

Evelyn Aquila: When is the date again...?

Bob Brehm: If we move too early, we have no way...

Evelyn Aquila: October 30th

Bob Brehm: Don't we have to meet by December 15th in a non-presidential...

Bob Brehm: So you want to do Friday the 13th?

Evelyn Aquila: September 30th.

Kim Galvin: Let's not tempt fate.

John Conklin: 10th or the 12?

Kim Galvin: October 29th, Commissioner. Did you get that one?

Anna Svizzero: That's a Tuesday.

Douglas Kellner: September 30th, October 29th

Bob Brehm: December 12th, that's a Thursday.

Anna Svizzero: That's a Thursday.

Evelyn Aquila: September 29th, right,

Bob Brehm: September 30th, October 29th, yes that's right and then that's just to certify the general election.

(END OF VIDEO)