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>>: DOUGLAS KELLNER: Good afternoon, everyone.

My name is Douglas Kellner, co-chair of the State Board of Elections.

Call the meeting to order.

Ask everyone to introduce themselves.

>>: James Walsh.

>>: Evelyn Aquila.

>>: Greg Peterson.

>> DOUGLAS KELLNER: Ask our staff to introduce themselves and then our guests.

>> Bob Brehm

>>: Liz Hogan.

>>: Bill McCann.

>>: George Stanton.

>>: John Conklin.

>>: Pat Campion.

>> Anna Svizzero

>>: Joe Burns.

>>: Paul Collins.

>> Kimberly Galvin

>>: Todd Valentine.

>>: Bob ... Stan Zalen.

>> DOUGLAS KELLNER: Welcome, Stanley!

(Chuckles.).

Folks from NYSTEC.

>>: (Off microphone.)

>>: Amy

>>:

>>: Nelson.

>>: Marcia

>>: NYSTEC.

>>: (Off microphone.)

>> DOUGLAS KELLNER: Welcome to our guests.

## Approval of Minutes

The first order of business is approval of the minutes from September 10 and October 6, 2009.

Is there a motion?

>>: So moved.

>> DOUGLAS KELLNER: Those in favor of approving the minutes say aye?

(All members responded "aye.")

>> DOUGLAS KELLNER: Opposed?

(There is no response.)

>> DOUGLAS KELLNER: Minutes are adopted.

## Unit Updates

Unit updates, start with Todd Valentine and Bob Brehm, our co executive directors.

## Executive Unit

>> BOB BREHM: We completed a successful pilot program and later operations will give a report on what that included.

Generally we were pleased with the activity, the observations and the comments that we've received in a preliminary way.

And there will be more information as we go forward.

The staff had a conference call on October 20th with a review committee of the election Commissioners association.

They appointed six members to serve as a review committee and to give us their feedback.

So we had a preliminary phone call on October 20.

We will have a follow up conference call meeting with them mid December.

They recommended we hold it December 17.

There are observations on how the machine worked, what the acceptance of the systems were and where we need to make modifications either with legislation or programs or regulations that we adopted.

That's ongoing.

We had the special election also conducted on the, in the 23rd district on Election Day.

We were asked by the clerk of the house to provide unofficial results, which we did on November 6.

We provided that information to them.

We also participated as an agency for the first time in the single state audit because the level of activity that we received in federal funds and spent in the last fiscal year.

The exit conference was yesterday and there were two minor, two findings which the division of budget indicated to us for an agency participating for the first time in an audit, they thought that was pretty successful, that we only had two.

One of the findings was pretty obvious to everybody.

We haven't completed our certification program.

So that was not shocking to us.

The second was something that we've already taken action on, that's the notification that we are required to give to the counties as far as their obligation to provide to us a copy of their county audit and how they account for the monies they spent under federal programs, which we've already started that process.

As well as our need to conduct on site monitoring of the counties, which is part of our onsite monitoring program.

We will provide feedback to those two issues, but still it was I think a successful participation in the program.

The last item that I want to mention is there are a series of public hearings during October.

The state Senate held a hearing on October 9th in New York City to discuss issues related to the pilot program and the new voting equipment, and also the Assembly held a hearing on October 22nd.

I participated myself and on behalf of Todd brought the letter that included his comments to both those hearings.

The Senate election law committee also has scheduled a hearing for the 12th of November in New York City, and the 30th in Albany.

I plan on attending the one in Albany to, again, the agenda has further information on the participation in the pilot program.

Other than the unit reports you'll hear for the other activities in the agency.

>> TODD VALENTINE: We gave you copies of the budget that the final version of the budget we submitted to the governor's office from OGS and Bob and I are in the process of putting in what we call a side letter to make sure that we highlight the issues that are going to be unique to us coming up in the next year and why it's important that we be fully funded.

It's not more than we can use, but along those lines, we are planning to submit that and make copies available.

>> DOUGLAS KELLNER: Maybe rather than the word fully funded is to make sure that the governor's office is aware of all the additional mandates that have been put on us and that they make a conscious decision that, what they are not going to fund.

>> TODD VALENTINE: I think you're right.

It's really a process of making them aware of the layers that have been added.

As recently as just last month, October 28 or 29th, the president signed new legislation with regard to military voters for electronic transmission of election materials, which is a whole new level of thing we never had to do before, all in time supposedly for next year's election.

>> DOUGLAS KELLNER: Not supposedly. We have to get a plan together.

>> TODD VALENTINE: Yes.

>> DOUGLAS KELLNER: And we have to have that plan together in order to apply for the waiver.

Otherwise we will be required to move our primary date.

>> TODD VALENTINE: The waiver deals with the mailing out of the ballots, which is another aspect of it.

But...

>> DOUGLAS KELLNER: I see two key components of the law that affect us.

One is that the law says that you have to mail out absentee ballots 45 days before the election, but provides for a waiver.

>> TODD VALENTINE: Right.

>> DOUGLAS KELLNER: And assuming that we do what is necessary to qualify for the waiver, then we would not have to change our primary date.

If the waiver is rejected, then somebody could go to court and compel a change in the primary date so that we would be able to comply with the 45 day mandate which would be impossible with the current...

>> TODD VALENTINE: As it exists now, yes.

>> DOUGLAS KELLNER: So then the other aspect, as you pointed out, is that we have to provide for electronic transmission of ballots.

Now, the federal law only applies to the federal races.

So that's Congress and for Presidential elections.

But based on my discussions, I believe that everybody assumes that New York is going to provide a full ballot and not just a federal ballot to comply with that requirement.

>> TODD VALENTINE: Yeah, we've never done a split ballot before.

>> DOUGLAS KELLNER: I would agree with it and it does require a fair amount of effort and full warning because I want to discuss with you as we get through the reports that it means that we will have to get a PDF file of every ballot from every county board.

The county boards will have to notify us which election districts each ballot style applies to.

And then we have to have a system together that will be able to identify a voter to the election district in ballot style and then we have to be able to let the voter download that ballot and provide adequate instructions to the voter so that they can also fill out the outer envelope form.

And, of course, we have to do that in all four languages and it's not something that you can just snap your finger at.

It requires planning and resources.

>> EVELYN AQUILA: My only concern over is the 45 days because, you know, we also know that people go to court with one another, about the ballots beforehand.

We have had ballots that we didn't have until the night before election, people were in court.

That's my concern about the 45 days, you know.

In getting these ballots, too.

I want every service man to have a ballot, don't get me wrong.

But we have a problem.

There could be on different elections a problem on the fact that we have candidates who are in court with one another and nobody outside of us cares about the 45 days.

And you know that.

You know, people go in as long as, they'll fight as long as they can fight.

So I guess these are all, the ITU unit is going to have to work, we are all going to work on this as soon as we get clear of the machines, with the help of God.

It is not a little thing. When I was reading about it, you know, I said holy smokes, it looks easy on paper.

If we wanted to give a fractured ballot, which I thought New York State never did.

>> DOUGLAS KELLNER: I'm not suggesting we do it.

>> EVELYN AQUILA: I don't think we should; I don't think we should.

We could get a Congressman to come over..

>> DOUGLAS KELLNER: If there's no funding for the agency, somebody here has to actually do it.

It is not going to happen all by itself.

>> BOB BREHM: There is a funding mechanism in the bill that put this mandate

Well, there's a mechanism.

It requires that the 2010 requirement payment be used for the implementation of the move act.

Right now the House of Representatives has an appropriation of $100 million that they are considering in the budget. The Senate has $50 million.

We like the House number better.

But for New York, that would be somewhere between 3.2 and $6.4 million that will come to the state and the law that the president signed requires that the 2010 requirement money be used for this purpose.

We could use other requirement money if it's necessary, but this money needs to be used for this purpose.

>> EVELYN AQUILA: I don't know if it's enough.

>> BOB BREHM: Well, at least there's some.

There's something.

>> EVELYN AQUILA: It still has to be printed.

>> DOUGLAS KELLNER: That's a good discussion, but we should move on.

We'll turn next to the legal department, Kim Galvin.

## Legal Unit

>> KIM GALVIN: The legal department, we, you know, we touched base on a lot of the issues that the other units will give a more detailed update on.

We had several pre-election day calls and coverage.

The board was named as a party in at least three lawsuits since we last met which we are in the process of handling or have handled.

We continue to monitor the machine testing and progress and report the same to the Department of Justice.

The good, the bad, and the ugly there.

And we've also participated in some calls, additional calls with the Department of Justice on the overseas ballots as we were discussing and also the, another issue that may or may not come up today, antitrust issue involving some voting machine vendors.

The Department of Justice was very interested in the 23rd Congressional race.

We provided them with a lot of information about how the counties were getting their ballots out in a timely fashion and what time frames they were going to meet.

Other than that we've just been doing the routine business the unit, getting ready for the next legislative agenda that should be coming up at the beginning of the year.

>> DOUGLAS KELLNER: Great.

>> EVELYN AQUILA: Thank you, Kim.

>> DOUGLAS KELLNER: Any questions?

(There is no response.)

>> DOUGLAS KELLNER: I think it would be helpful if we could get a draft of the legislative proposals for the December meeting.

>> KIM GALVIN: I was hopeful for the December meeting.

I don't know how much will be involved in the reporting machines and all that, but I'll do my best, we'll do our best to get you that draft.

>> DOUGLAS KELLNER: All right.

Next is Election Operations.

Anna Svizzero.

## Election Operations Unit

>> ANNA SVIZZERO: Commissioners, start with Election Day.

We think it was relatively uneventful.

We did encounter some issues with voting machine failures, but they were pretty much across the board.

We had certain more leverage machine problems than BMD and scanner issues.

We are getting reports in from the county boards and will have a detailed report to you.

We only have preliminary results from a handful of boards so far.

Obviously they are busy with the audits and canvassing procedures.

We do feel comfortable that their issues, apart from one, are related to paper jams and inexperience with the systems.

And that those issues will be overcome with more time.

I think the pilot, we collectively think that the pilot was very successful.

We certainly want to tip our hats to the counties that did it county wide.

They embraced a lot, met the challenges that they had to encounter head on.

We are happy that the counties took our pre-election testing to heart.

In one of those instances they did discover a ballot issue that was resolved prior to Election Day.

It was done in a timely way so that the additional pre-election testing could be done.

In those instances where the problem came up on election day, certainly the end result was that ballots had to be hand counted, but that is certainly one of the assets of the paper ballot is that there will never be a vote that's lost.

You'll always have in your custody exactly the document that the voter executed.

There's a tremendous safeguard in that process.

We did have

>> DOUGLAS KELLNER: Would you just elaborate on just where we had locations where the scanners were not functional and they had to do hand counts?

>> ANNA SVIZZERO: We had some issues with a ballot, it was almost like a perfect storm kind of scenario.

There was a memory issue in the way that the ballots were programmed in a multiple vote for office.

So that if the test votes were cast in a certain way, the machine would freeze up and it would not permit you to move forward.

So there were no votes calculated on the voting machine and those ballots are the ones that had to be hand counted.

In reviewing the county ballot styles, the vendor located the ten counties where that change had to be made and it was made prior to Election Day.

But in that it was humans reviewing those ballots, there were a couple of those ballot styles that were missed.

In the field on Election Day the problem did arise, the scanner did freeze up.

>> DOUGLAS KELLNER: Where did that happen?

>> ANNA SVIZZERO: In Lewis County, in Seneca County, Schuyler and Jefferson, I think, was another one.

In those instances, those ballots are now being counted as part of the re canvass.

Again we'll get a full report from the vendor and also from the counties involved so you'll know exactly how that scenario played out on Election Day.

Again, it was

>>: It was just a few machines.

>> ANNA SVIZZERO: Right, it wasn't county wide.

It was a handful of machines within those counties.

Kim makes a good point.

It was not a catastrophic failure, we were pleased that the testing caught it, but we missed a few ballot styles and those were a handful of counties where the ballots were required to be hand counted.

We will certainly be following up with all of those boards.

We will be making sure that the tests were reviewed properly, were executed properly, to review the procedures with the boards to make sure no steps were missed and again getting the information from the vendor to make sure that the issue is resolved.

The change was made in the source code that is being certified right now so that this problem doesn't appear again.

But I think it's important to point out that our biggest jurisdictions were not part of the pilot project, so that once we certify systems, there are scenarios that one could envision manifesting themselves that are going to have to be addressed.

And we'll just have to deal with those as they present themselves.

>> DOUGLAS KELLNER: Well, I apologize if I'm getting ahead of myself.

You know, I spent the day in Erie County where half the county used the ES&S machines.

As far as I know, I'm not aware of a single machine problem with the ES&S machines.

All of the problems were centered with the Dominion Image Cast and this configuration file.

Is that your understanding?

>> ANNA SVIZZERO: It is to date.

I don't have any information empirically from Erie or Albany or Schenectady, but did not get adverse information from staff or others.

We did visit the Albany and Schenectady operations.

We had 14 teams on the road on Election Day, but to date we haven't been able to review their notes and report to you any specific issues.

Primarily the issue from all of the staff anecdotally has to do with the polling place privacy boots and placement of the booths and the perception of the public that people can see ballots that are being cast.

Something in our visits at the general election we asked staff to take pictures of the inside of polling places so we could see how systems were placed and follow up with the boards personally or somehow make it a conference topic in January if they are willing to accommodate that issue.

So that we can address the public's concerns.

If the public is concerned, that will certainly affect how they perceive their vote being cast in any election.

>> EVELYN AQUILA: Anna, may I go?

Anna, I was very pleased on Election Day.

I was in Albany and Schenectady and in Saratoga County.

Pat Campion came with us and Stanley showed up to come along for the ride and he was excellent.

We saw the polling places.

We saw, we went to Bethlehem middle school in Albany County.

The poll worker there who brought us around was Ed Firth.

Everything was going very smoothly there.

There wasn't heavy turnout.

We can't say, well, this is a gubernatorial election, a lot of people were out.

It was not a heavy turnout.

The people, the poll workers themselves, wherever I went I talked to all the poll workers.

They told us they felt their training was excellent.

They were comfortable.

The voters themselves were very comfortable.

I'll tell you about the ballot marking device at the end because it was universal what I had heard about that.

After Bethlehem middle school, and we stayed quite a bit of time in the Town Hall in Saratoga County where we met Diane Raid and Bill Pritchey were there and a couple of the candidates were there which made me uncomfortable, but it's tradition, I guess.

They had, they thought, they had a good day.

They thought things were moving sometimes slowly, but it didn't matter because there wasn't a heavy turnout, although they did say a reasonable turn out.

Diane and Bill were excellent and helped us with everything while we were there, said it was a reasonable turnout and they were satisfied with it.

Poll workers again were comfortable and the people voting were, you know, everything

They had a good experience.

We also went to the Schenectady High school, I guess it is.

It's a magnificent school, where we met up with the people from the EAC.

We met up with Brian Hancock and he had with him James long, who is a computer engineer, Joshua Franklin, another computer engineer, and Dawn Millhouse, I hope I'm pronouncing the name right, technical reviewer from California.

She is also, works for the EAC.

They were comfortable with

They had been seeing everything from 6:00 o'clock in the morning.

We started out driving, so we weren't in the polls as early as they were.

They were saying that the, as for representatives of EAC, they were very satisfied with whatever they saw.

Things were going far more smoothly than they had anticipated.

You know, they felt like I don't know why we're here almost.

So that was good, you know.

I think at the Schenectady high school.

We also did speak to a poll worker, a site coordinator there.

We didn't want to go by other people's word and Diane Mozello, who also was shocked, knew what she was sharp

She knew what she was doing.

Big beautiful school.

She was comfortable.

The most important thing, the voters were comfortable.

The ballot marking devices , there were problems, small problems.

Nothing that held up the voting, but it could be voter perception.

Number one, the name of the candidates was very small on the ballot, they felt too small if you had any kind of impaired vision to read.

They also felt that the privacy booths gave them no privacy.

Whether that's a perception again, they were placed sometimes in awkward situation.

They were placed two this way and two that way, four in the box.

Some of the people in booth A felt the people in booth B could just look over and see who they voted for.

I don't know if that's true or not true.

Others felt that people online could see what they were marking on their ballot and they were uncomfortable with that.

That's the American idea, you must have a secret ballot.

The truth is, I don't know what people could see because the complaint was that the box was too small.

You couldn't see the box.

So if the person, you know, 5 feet behind you online could spot what you're marking on the box, pretty good.

Voters have the feeling they want to feel comfortable.

Evidently they weren't.

So maybe that's something we can share with the counties.

>> ANNA SVIZZERO: It is a big transition from the monster curtain to the little booth.

>> EVELYN AQUILA: The curtains are saying they're very expensive unless we get somebody to hold them up for us.

All in all, I thought it was a very good day.

Wherever we went I thought there was a good feeling.

It was good that the people from the EAC, unless they give a different report than they verbally gave to us.

It was nice to see, they didn't really know we were coming.

We ran into them.

It was nice to see that the county Commissioners were in schools.

Visiting to see what was going on, too.

As I said, it was good, Diane was in the Town Hall in Saratoga.

We had Bob F-- in the Bethlehem school.

We went to the board in Schenectady and met Brian Quail and Commissioner Brassard and they had been out already and we talked to them for a long time and they asked us to come in and sit down in the conference room and they went through a lot of things they had been concerned about and that they felt everything they saw from 6:00 o'clock in the morning on went very smoothly and they were very happy on that.

That's a reflection on your work, Anna and the County Commissioners who were doing this.

>> ANNA SVIZZERO: It has been a team effort.

Everybody did yeoman's work to get to the counties and be creative about how we resolve issues.

>> EVELYN AQUILA: One little thing I forgot, the party emblem, they felt, was right below where they marked their ballot.

And which they said in certain light, those lights, those lines would disappear that marked the box where they filled in.

They said sometimes looking down the ballot you would see the party emblem and think you had already voted for that person because you would just catch the party emblem which they had put right underneath the box.

Maybe it should be

It would be good to take it away, but I understand we can't.

It's already on the line going in.

>> DOUGLAS KELLNER: It's prescribed by statute.

>> EVELYN AQUILA: It is by statute.

>> DOUGLAS KELLNER: It's a criticism that has been made.

>> EVELYN AQUILA: Maybe we can move it over or something, put it in the opposite corner of where you mark your ballot.

>> ANNA SVIZZERO: We had comments from the county boards in the audit because as they are following along looking for a ballot mark, they come across the emblem and misread that as a mark and now you're stuck with, do I take the chicken scratch away or add one, and it created a bit of an issue.

And it has come up as an issue.

>> EVELYN AQUILA: Instead of putting it right underneath where you vote, put it over on the other side.

Maybe that's

I don't know, some kind of a solution could help if people really think when they vote for six people, oh I must have voted for them all because I see a mark there and they are missing one because it's the party emblem, okay?

>> ANNA SVIZZERO: Very good.

>> EVELYN AQUILA: Thank you, Anna.

I thank you for all the work you you've done.

It wouldn't have gone so smoothly without your work.

>> ANNA SVIZZERO: We're a good team.

We're lucky.

Hopefully they'll stick with us through the certification and we'll see what happens.

They may have added by then.

We are sending staff out to two counties this week to watch them do the 3 percent audit so we can review how the procedures are being implemented and also the sample forms that we provided, whether they are useful or not and get some feedback so that we can make those sorts of changes.

We are continuing with meetings with SysTest and NYSTEC.

Testing is completed.

However, those preliminary results are being reviewed so that we can determine if there's any additional testing that needs to be done or re done.

So we are expecting that we will be getting reports by November 18.

We asked that as the reports are done and NYSTEC reviews them that we get those so we can make the most of the very limited time we have to review those reports and put our own executive recommendations together for the board to consider in December.

Also within that time frame we are going to be meeting with not only NYSTEC and SysTest face to face but also both of the vendors and the CEMAC committee to review those reports with them.

As to election operations work, we provided whatever support the counties needed, absentee requests, voter processing, voter and candidate questions and whatever else they had a need for.

We did think we would be more involved in the 23rd Congressional race.

It started out with an impound order. That was withdrawn shortly after the election.

We didn't have to do a lot of data collection other than the initial collection of when the UOCAVA ballots had been sent to the voters.

Other than that, anything else?

>> EVELYN AQUILA: Anna, I forgot something.

Pat Campion was with me and he was talking to a lot of people.

Maybe Pat saw something that I didn't that he might want to share.

>> PAT CAMPION : I think you covered it very well.

The only thing we had was the traffic flow and the lighting were issues in a lot of places.

They can think for the next election, where to put the privacy booths, the flow from the privacy booth over to the voting machine and the lighting in the privacy booth itself, they will be addressing that going forward.

Other than that, you hit it on the head there.

It was good.

Good day for everybody.

>> ANNA SVIZZERO: We think so.

>> DOUGLAS KELLNER: Anna, are you going to go through precisely what the schedule is for the next month on the certification process and what the consultation plans will be?

>> ANNA SVIZZERO: Well, between the 18th and the end of November we expect to conduct those meetings with the vendors and with CEMAC and initially Bob Warren and his team are going to review the reports that do come in.

They will prepare something for Joe and I to look at and Kevin Paul, since they are reporting to justice.

We will be turning those reports into a summary that we will provide to you in the board packet.

I don't know if the Commissioners wanted some sort of workshop with us to review anything in that context prior to a formal report coming in a board packet.

I don't know what the wishes of the board are, but we can certainly talk about that.

The time is very limited.

>> DOUGLAS KELLNER: Let's just go through where we stand now.

Basically, the actual tests that SysTest has done have been completed.

In other words, the test plans have been executed and so SysTest has reams of raw data that come from those tests.

NYSTEC has been reviewing with SysTest that raw data and we are talking about the 18th that we are going to have a written report from SysTest with copies of the test cases?

>> ANNA SVIZZERO: Yes, the 18th is when all of their reports are due to us.

>> DOUGLAS KELLNER: How detailed do you anticipate those reports are going to be?

Are they going through the 3500 criteria that were set out by NYSTEC and the...

>> ANNA SVIZZERO: We are expecting every requirement in the matrix to be addressed.

What we are trying to avoid is where one requirement was tested in several instances that we don't just get a repeat of the same test result, good or bad, whatever that may be.

We are trying to consolidate those so that the report makes more sense and we are not tripping over those kind of requirements constantly when they have already been reported once.

>> DOUGLAS KELLNER: Then I take it that the results will be categorized into, how significant?

I mean, if they pass, there's no issue?

If they don't pass on a particular criterion, then we have to evaluate how significant the criterion is and whether it should affect certification either by leading us to reject certification or to certify with a requirement that that issue be addressed?

>> ANNA SVIZZERO: Right.

We will be looking for recommendations from SysTest in a few instances, NYSTEC from others and our own team.

For those instances where a requirement, perhaps, is not met but there are compensating conditions that would enable the board to, from a functional perspective or some other perspective, approve that requirement with that condition and if there's an outright failure, we are looking at documentation issues that I think the board has to come to some understanding of.

>> DOUGLAS KELLNER: So for my own part, I would like to get a copy of that report at that stage so I can begin to review it and make comments on it.

And I think that that's the time when it would be appropriate to make that available to the citizens' election modernization advisory committee so they can

>> ANNA SVIZZERO: Once there is the initial review of them, it will go out to anybody.

We are happy to send them along to you or any of the Commissioners that want to see it.

That was our first goal.

We wanted to take a first pass at it.

We know elections and these people don't.

No other way to say it. They don't.

>> DOUGLAS KELLNER: When you say these people?

>> ANNA SVIZZERO: SysTest, NYSTEC is learning an awful lot.

But I think we put a whole different perspective into what a finding truly is and what it means to the process.

>> DOUGLAS KELLNER: You gave me some examples this morning that are probably worth repeating for the meeting right now.

>> ANNA SVIZZERO: Well, the findings of ballot confidentiality, that a ballot isn't confidential because it leaves a BMD.

Of course it does, it has to be scanned.

How could you fail that requirement?

I mean, some of those things in black and white in the letter, maybe it reads that way, but in the real world that's just not the way the system is intended to work.

BMD isn't even a voting machine.

It's a ballot marker.

There are issues applied across the board and they are not really applicable.

We wanted Bob and his team and we are all participating in it, to look at those at first blush to really try to put everything in an elections perspective and not just a straight up square widget in a square hole kinds of certification.

It is elections and it needs to be understood that way.

Once we do the preliminary review, we can get back to CEMAC and the Commissioners and obviously sharing them with the vendors and we would be looking for the face time so they can perhaps point out something we might have missed or redirect us in some area.

>> DOUGLAS KELLNER: All right.

So we are on target for having a Commissioner determination on certification at our December meeting then?

>> ANNA SVIZZERO: We are.

We are optimistically hopeful.

(Chuckles.)

>> ANNA SVIZZERO: There're just a lot of reports.

These reports are massive.

There's so much data in them and it's really giving them the time they need to be reviewed and then all of those other levels, CEMAC and the vendors and the others to review them as well.

We are all geared up for that.

We are, no vacations are scheduled and we are planning on that presentation to you at the 15th.

>>: You're able to review those things that you just mentioned that frankly in the real world, you know, are one way and in a testing world are really, my interpretation is, how many angels can dance on the head of a pin.

We are spending a lot of time, tremendous amount of money to determine that when as a practical matter, hey, you put the thing in, it's open.

It's not a security thing.

>> ANNA SVIZZERO: Ultimately the ballots are counted by the machines.

We have to look at security issues, but you make a valid point.

We keep everything in the right context.

>>GREGORY PETERSON: I would suggest that you emphasize that to some of the people that you're discussing it with, that our patience on issues like that are kind of wearing thin.

at the end of this thing, December 15 we want to make an intelligent decision and I don't want to sit here and decide that there's a security problem which is, winds up being something that is so obvious in the practical world and just doesn't make any sense.

>> ANNA SVIZZERO: Very good.

We'll make that clear.

>>KIM GALVIN: May I add one thing at this juncture?

If there's anything that any of the Commissioners wants specifically in the reports, it would really make Anna's life and all of our lives easier ahead of time instead of reworking it to put it in a format that is more usable.

From what we spoke of here, I know there are probably executive summaries, recommends and the actual reports.

If there's anything more specific, let us know because it is crunch time.

So we don't have to go back and rework it.

That might be running into trouble.

>> DOUGLAS KELLNER: Kim, since you asked, I think that at the same time on the one hand we are doing the certification report and the other hand we're trying to get these studies out of the pilots.

>> KIM GALVIN: Right.

>> DOUGLAS KELLNER: And for the jurisdictions that have not yet made their purchasing decisions, I think it's important that we get both of those reports out on December 15.

They are under very tight timeline that they have to make their purchasing decisions in just three or four weeks themselves.

That we provide the data on the machine breakdowns from the pilot.

Because it's relevant.

>> KIM GALVIN: Yes, I know that.

Just on a related matter, I know that the Department of Justice is very concerned, as you said, with the jurisdictions that have not made their decisions because the timeline is so tight that it would require choice and then obviously production of the machines to, deployment, acceptance testing and deployment to the counties in a time that is reasonable for the 2010 elections.

Everyone is watching very, very closely.

If there's anything that anyone can think of that would America it more streamlined or something that's specifically needed, if they can let Anna know, she can take care of it.

(Laughter.)

>> ANNA SVIZZERO: I'll help.

Joe and I have a pot brewing in the law library.

>> DOUGLAS KELLNER: Turn to public information, John Conklin.

## Public Information / Voter Registration Unit

>> JOHN CONKLIN: Thank you very much.

Good afternoon, Commissioners.

The public information officer experiences like every other unit in the building a lot of activity on Election Day.

I want to note that.

I have final costs on the legal notices that were published for the constitutional ballots or the ballot propositions on the constitutional amendments.

We initially got a quote of approximately $80,000 for this year and the final or very close to what the final is going to be is just under $57,000.

So that is as a result of taking a look at the newspapers that we're using, whittling them down to ones that specifically cover every county in the state and not having redundancies.

We did have to do the extra language requirements in New York City.

So we did publish in Korean, Chinese and Spanish and that added a little bit to what our total could have been.

That number could have been a little lower.

We are able to save significant money this year in this area.

For some of the Web site, a little bit of an update on our Web site, we've fallen a little bit behind in posting transcripts for the board meetings.

We are up to date through July and we will be up to date through October by the end of this week.

It takes a little bit of time to go through the transcripts and identify, we would like to put them in a format and make sure we properly identify who is speaking in the transcript and if there's any discrepancies, to sort that out a little bit for the people who are going to be reading them after the fact.

But the webcast is always available virtually immediately.

If anybody needs to look at a board meeting and watch it or see what happened during it, that webcast is there for them.

But the transcript is an extra thing that we provide.

We also have done some modifications to the Freedom of Information Law section of the Web site.

We needed to add some extra detail there about how the process worked, who the individuals are involved, we've detailed the process all the way up through the appeal now.

But it was also brought to my attention that we needed to have a subject matter list there as well which we did not.

So the public information office had a subject matter list.

It just wasn't posted, but it did need to be significantly revised and updated.

We now have an updated version of the subject matter list on the Web site as of October 23rd.

I'll update it again on January 1 and do it annually thereafter as the statute requires.

So other than that, I would say the routine operations of the office and I will be happy to take any questions.

>> DOUGLAS KELLNER: Has any decision been made on whether the public information office will be the principal department doing the military voting?

>>TODD VALENTINE: No.

>> DOUGLAS KELLNER: That's something that you and Bob, the Executive Directors need to get together on.

>> TODD VALENTINE: Yes.

>> DOUGLAS KELLNER: Okay. Right now you do the military voting, right, John? No?

Is that Anna?

>>TODD VALENTINE: Hybrid.

>> JOHN CONKLIN: When you say do the military...

>> DOUGLAS KELLNER: Who does the coordination now with the defense Department military voting board?

>> JOHN CONKLIN: It's a bit of a hybrid, but I would say it's predominantly Anna.

I helped out where I could, but it's predominantly Anna.

>> DOUGLAS KELLNER: Did that go smoothly this year?

>> ANNA SVIZZERO: I think so.

I think they were trying to anticipate this new federal legislation and kept inserting instructions in sections that weren't pertinent.

It was a struggle with them, but we have not had issues with the FVAP.

They have been interested in what New York is doing and very helpful.

We have good communication with them; always have.

>>JOHN CONKLIN: For purposes of the military ballots, for this election, we had a 32 day total turn around which was a slight improvement over the...

>> KIM GALVIN: They didn't require a consent decree.

>> JOHN CONKLIN: It was the 20th CD earlier in the year.

>> DOUGLAS KELLNER: Thank you, John.

>> JOHN CONKLIN: Sure.

>> DOUGLAS KELLNER: Elizabeth Hogan for campaign finance?

## Campaign Finance / Enforcement Unit

>> ELIZABETH HOGAN: Thanks, Commissioner.

A few things about the things we are doing in the unit.

As I indicated at the last meeting, things were moving at a, an increased level of demand and it continues.

For the month of October our call volume is maintaining at approximately 11 or so percent over October of last year.

So we have that increased number of volume.

As of the 5th of November, the board had 11,630 registered committees and candidates.

We received as of the 5th of November, 24,889 filings.

And which at this point is significantly more than the total amount of the filings that were due, that we received in all of 2008.

We additionally have one more filing due on November 30th, which is the 27 day post general report.

We are looking at updates to our handbook.

This is something we do annually.

In the last, in the last year there have been a few things that have changed.

We amended our regulation relative to filing in terms of duplicate filing between the state and county boards.

That kind of thing is what we like to put in our handbook so that people are up to date as to what they have to final and where they have to file.

Our training unit is looking at a proposal to provide supplementary education in the next filing year because it's a State filing year.

So they are looking to develop a focused educational component that is supplementary to what we do already directed to the State filers.

We are working on creating a couple of new forms and to updating into a more user friendly version.

The current forms that we have now.

The units have submitted for the most part a relatively finalized draft of procedures that Bill and I are now going to get involved in looking at to determine whether they are in the state and the completeness that we would like to see.

So they have done a very good job on providing a kind of turnaround in terms of the procedures.

Relative to E bills, this was the electronic filing cabinet that we had talked about for such a long period of time and finally contracted for in February of last year.

We had, the years 2001 and forward, we had paper documents here in the office that we have completely turned around into electronic versions.

And we had those were for state filers.

For local filers, from the time they first started coming to us, so we had some 2005 and onward paper documents that we put into the this electronic filing cabinet.

We are totally up to date in terms of being able to use this filing cabinet of historical documents for us that we refer to in our, and our staff refers to every day.

It has worked out very well.

Where we are now in terms of monthly maintenance, where we maintain a file drawer and probably what we are going to do, I think, is every month send documents to be scanned.

So that's where we are now.

We have had a few glitches with the system.

One of them was that we were, the quality of the print that we were getting when we printed out of the electronic filing cabinet.

I have to say, I have to give kudos to Dennis C-- from George's shop who worked very, very hard with the folks at eBiz to resolve this issue.

We couldn't figure out why the quality of the print was so poor.

It created issues when we took a photocopy and somebody else had to take a photocopy.

For example if we respond to do a subpoena we put together a binder, we would have a photocopy and send it out and they were photocopying and it lessened the quality of the print.

Dennis was instrumental in helping us with that.

He has been great.

The staff has completed the 2008 corporate audit of corporate contributions.

They've given a final staff version of the draft to Bill and me and we will look at that next.

They are working on the statewide, the '06 statewide that is almost complete.

They are working on the '08 legislation over contribution audit at this time.

They have also taken on projects that have existed that we hadn't had time to do and they are trying to do them as they can.

For example, we have a number of committees that have been placed on administrative hold by us for some reason and we are trying to review those and determine whether the holds are appropriate or what should the next step be to resolve, you know, this committee status.

So they've taken on projects like that.

You know, we looked, we had somebody take a look at electronic exemptions, filing exemption that is we had granted and to determine what the status of those, whether they should still be in effect.

Those are the kind of small day to day projects that we work on that, you know, they are not huge and they are not, you know, seminal in terms of, you know, a huge report to you, but it's the kind of thing that we work on in the unit every day that makes the work better.

I think that's about it.

Bill, anything to add to that?

>> BILL McCANN: Sure.

Couple of points. Number 1, it's important to note that the agency is very cognizant of any costs that are associated with projects.

Liz mentioned what the education, outreach and training sub-unit is looking at, now we have staff in the capacity that we never had before.

They are looking at next year, since it's a statewide year, having supplemental training that is earmarked to state filers.

It's important to note that the training will be held here in Albany and there is no additional cost for the program.

We are cognizant of...

I know Todd and Bob Brehm expressed concerns as they looked at our programs that we want to be, especially with potential further cuts in the budget, that we want to be cognizant of that fact.

But I wanted to make it clear that we have staff that we didn't have before in certain places.

We want to make sure we use them.

They are very energetic and we are happy to have them and we want to put them to work if they are willing to work and they are clearly willing to do that.

Working with the county boards in the EOT unit, one of the programs we set up was a campaign finance liaison program where the people in the unit worked specifically with liaisons that were designated by the county boards to address specific campaign finance training issues and concerns.

Two of the things that we identified that are institutional not, also locally are issues concerning candidates that have to make their own files but they do that without a committee.

The issue is, how do we register them?

We didn't have a form, quote unquote, that allow them to do a filing since the vast majority that come through have a committee to do that for them.

It was a need identified internally with the staff.

We never got to do it.

We set up an intermediate step.

With the EOT, we have seen initial draft of a candidate registration document.

The other one that the county boards had been asking for several years, frankly, is the exemption form.

A number of Article 14, particularly for candidates in committees who are running for offices in the town, village and, city, with a population under 10,000, the law specifically exempts them from having to register or file at all if they don't razor spend over 1,000.

In some of the more rural counties, that is a large number of people.

Counties, have a form that would allow us to address that issue so they don't have to register and file, it would be nice if they told us that, if basically they are exempt and letting us know we are claiming the exemption.

Again that's something we have looked at for a few years and now that we have the staff in that unit we identified some of these niches that we haven't gotten around to in the past historically with the staff.

But again, there's no associated additional cost with that.

It's a benefit we will derive from that, not only for ourselves but the counties.

They are a great unit and also one of the things we do, we want to, kind of from the institutional miles we have, we are setting up and working with the sub units, that they interact with one another on all these projects so that the people at the ELT can get the practical experience that the people on the other side have.

That's a benefit we haven't had the opportunity to use before.

We are excited about that opportunity.

>> EVELYN AQUILA: Sounds good.

>> DOUGLAS KELLNER: Anything else?

(There is no response.)

>> DOUGLAS KELLNER: All right.

Then we will turn to George Stanton for information technology.

## Information Technology Unit

>> GEORGE STANTON: Afternoon, Commissioners.

We have had over the last month what I consider pretty normal election year.

We have handled about 500 campaign finance help desk calls.

Received and loaded about 5,748 individual filings.

As far as the NYSVoter database goes, we spent time assisting the counties to complete the audits so they could print their poll books.

Spent time assisting Pat and Vikki doing the reports and audits of the NYSVoter system.

Most recently we ran the voter enrollment counts and got those formatted and posted to the Web site on the 2nd of November.

Internally, as far as the local area network, we did upgrade our e-mail clients to do away with some issues we were having basically from the last upgrade we ran.

Pretty much for the last month that's what we have done.

As far as the UOCAVA legislation that was talked about earlier, I did do some preliminary analysis on that and sent my comments and questions to Bob and Todd and I believe we have that on our agenda for the Steering Committee meeting which if I recall is Thursday.

>> DOUGLAS KELLNER: Is there anything new to report on NYSVoter with respect to New York City doing list maintenance?

>> GEORGE STANTON: No.

>> DOUGLAS KELLNER: Has New York City responded to the letter that the Executive Directors sent?

>> GEORGE STANTON: Not to me. I don't believe they have.

>> DOUGLAS KELLNER: Is there a plan in the works on how to deal with New York City's lack of response?

>> BOB BREHM: I was told by Steve Richmond at the public hearing here on the 22nd of October that they were sending us a response.

I haven't received it yet or we haven't received it.

>>: (Off microphone.)

>>TODD VALENTINE: They were waiting for the election but they sent no response.

>> DOUGLAS KELLNER: I'm not sure a response is required.

What is required is that they do the list maintenance so that particularly as it affects the suburban counties, that are not able to clean up their lists because New York City has not done its processing.

>> EVELYN AQUILA: Of course. Yes.

>> DOUGLAS KELLNER: And I think we do need to follow up on this. That we just can't be passive about it.

>>PAUL COLLINS: Commissioner?

The Department of Justice may well follow up and I certainly would rather be a co-moveant than a co-respondent.

>> DOUGLAS KELLNER: Yes, I think we need to take an active role in this.

>> BOB BREHM: We can send a request

>> DOUGLAS KELLNER: I suggest at the least you send a letter today or tomorrow following up on the fact that they haven't responded to the last letter.

And that...

And the issue is not, we are not calling for a response.

We are calling for compliance with the regulation and the statute.

This isn't optional.

There's a statute.

There's a regulation and New York City is not complying with it.

We have to insist that they comply.

>> EVELYN AQUILA: I think we have been very, very patient. I think beyond patience.

I mean, the counties are complaining.

>> DOUGLAS KELLNER: Alright. So let's move to old business.

## Old Business

## Discussion of Post-Election Audit Proposed Regulation 6210.18

The post election audit today, proposed regulations?

Mr. Valentine, we are waiting for a draft from the Republicans to respond to our proposal.

>> TODD VALENTINE: Well, Bob said he was in contact with the Election Commissioners' Association and they had some issues that they were putting together.

So that's kind of where we're at.

>> DOUGLAS KELLNER: That's not where I'm at.

Where I'm at is I have a draft on the table that I'm prepared to vote for.

It is not everything that I want, but it was the compromise that I had agreed to earlier in the year.

And we do need to move forward on these regulations.

And I am not waiting.

I can vote on mine. I don't have anybody else putting anything on the table and I find that very troubling because these are regulations that we are required to adopt.

And...

>> EVELYN AQUILA: I will support...

>> DOUGLAS KELLNER: At every meeting I am going to raise this and say: Where is the Republican proposal?

And you're saying right now you still don't have one.

Okay, we'll move on.

>> JIM WALSH: If we're waiting for an Election Commissioners report and we're sending timely letters, send one to them.

We are going to move on the 15th of December, with or without a response.

>> EVELYN AQUILA: We have to. As it is, I support what he said. We don't have what we need.

At the same time we have to give people a chance. Election commissioners say they have issues, let's hear what they have to say an get it done, unfortunately, or we'll have someone else doing it for us.

## Discussion of Formal Opinion Regarding Village of West Hampton Beach

>> DOUGLAS KELLNER: Alright. Next is the opinion regarding the village of West Hampton Beach.

Paul or Kim?

>> PAUL: Well, I have three drafts and I think it's ready to go. Great answer.

>> TODD VALENTINE: I had comments back to you last week and there were questions involved in that, but I still didn't get any response to those.

>> PAUL COLLINS: Excuse me?

>> TODD VALENTINE: The ones from the end of last week, I had a redraft of that with issues.

>> PAUL COLLINS: Your comments are not substantive. It's like we are running laps.

>> DOUGLAS KELLNER: Is there a draft? Text changes that you want to make?

>> EVELYN AQUILA: The one that we have ...

>> PAUL COLLINS: If you want to do it, we'll do it.

>> TODD VALENTINE: There would be, but the issues I raised were and they haven't been addressed.

There were 15 questions asked in the initial letter.

They were reduced to six questions.

One issue I had which was not answered, which questions did you combine with what and what was answered?

The second thing was, the distinctions that the New York Conference of Mayors already provided in their response to the village and, while they are a private entity, they are the entity which villages look to for advice on elections.

They provide the calendar, advice to the villages, hold training seminars and sessions.

It would not be good for villages statewide if we come out with anything inconsistent with the Conference of Mayors without addressing that.

I asked Paul, did you do an analysis to see what the inconsistencies with that?

That did not come back.

Quite frankly, as I analyzed the report, as I analyzed the draft opinion that Paul put together, it was unclear to me what we were actually, the board was actually being asked to do.

Was not really providing an opinion but rather summarizing statutory citations and existing case law rather than issuing or clearing up any inconsistencies in any area of law. Again I put that in the report I gave to Paul.

I didn't get a response.

>> DOUGLAS KELLNER: Can I get a copy of that.

>> PAUL COLLINS: Absolutely, sir.

>> DOUGLAS KELLNER: And we can...

>> TODD VALENTINE: I thought that's where we were at.

>> DOUGLAS KELLNER: I think the reason motivating this is because the response provided by the committee of towns...

>> TODD VALENTINE: Conference of Mayors.

>> EVELYN AQUILA: Conference of Mayors, yes.

>> DOUGLAS KELLNER: It is erroneous.

So we need to correct that and I certainly agree with you that we should address what is erroneous.

>> TODD VALENTINE: That may have to be done separately from the letter to the village.

I'm not sure who the NYCOM opinion went to beyond the village. So if that is spreading wider than we have a bigger issue.

>>PAUL COLLINS: If someone has words and phrases other than mine, I'm happy to look at it.

>> DOUGLAS KELLNER: What we should do is circulate the opinion so we can try to resolve this before the next meeting.

But it would be helpful if the Commissioners had the draft so we can start to look at them and talk about them.

>> EVELYN AQUILA: Talking about this, I seem to have a vague memory...

I could be wrong...

That we had the issue with the Conference of Mayors some years back, this very same issue.

And you know, I think it could have been ten years ago, but it rings a bell with me somewhere.

If we can find out their last position on this, just for curiosity.

This was asked of them and it was, it wasn't West Hampton Beach village.

I can't think.

I have been going through my brain for the last couple of days saying: Who was the one who brought this issue to the Conference of Mayors in the past?

Maybe it's not hopeful at all, because it may not have been a good solution, but I think the Conference of Mayors had a position out there on this.

I don't know if it's worth asking them for it or looking for it or just ignoring them and doing what we think is right according to the law, but I think this issue has been on the table once before.

I could be wrong.

## New Business

## Consideration of Resolution Allocating HAVA Requirements Funds

>> DOUGLAS KELLNER: We'll move on to the next item, which is the resolution allocating $8,018,952 in HAVA requirement funds for use by the county boards.

We had the resolution in tab 2 of the binder.

>> EVELYN AQUILA: Yes.

>> DOUGLAS KELLNER: I don't think any explanation is necessary.

It's just the formal approval of the distribution of the funds to the counties.

>> JIM WALSH: So moved.

>> DOUGLAS KELLNER: Those in favor say aye?

(All members responded "aye.")

>> DOUGLAS KELLNER: Those opposed?

(There is no response.)

## Discussion of Acquisition of Premier Election Solutions by ES&S

>> DOUGLAS KELLNER: The next is a resolution that I drafted that asks the U.S. Attorney General and the New York State Attorney General to intervene in the antitrust litigation regarding the acquisition of Premier by ES&S.

And I'll move the resolution.

>> DOUGLAS KELLNER: Is there a second?

>> EVELYN AQUILA: I second it.

>> DOUGLAS KELLNER: Tab 3.

>> TODD VALENTINE: We have a session, but we don't have

>> EVELYN AQUILA: Here's the copy of it.

>> DOUGLAS KELLNER: Well, I think we've talked about the background, that the acquisition of Premier Voting Solutions by ES&S, which is the largest election vendor in the country and one of the principal vendors in New York State, I believe has an anti-competitive impact and that the...

Especially if the allegations that are spelled out in the antitrust suit brought by Hart InterCivic..

If the allegations are true, that Hart was willing to make the same offer that ES&S made, that having the largest vendor with 60 percent of the market buying Premier, which had about 15 percent of the market, creates an anti-competitive situation and that that should be discouraged and that because of the short time available that legal action is required immediately because you have ES&S in the, basically dismantling Premier through the acquisition.

If it's not enjoined soon is not going to be something that can be undone in order to encourage competition in the market.

So.

>>GREGORY PETERSON: So what about the certification now?

>> DOUGLAS KELLNER: I don't think it affects certification now.

I think it's a long term consideration that certainly you do have the fact now that with ballot marking devices you had some Premier ballot marking devices.

Now they will be looking to ES&S for that.

The long term situation is that when we get to the next round, when we have to replace this equipment, are we going to have competition in the marketplace?

Or are we going to be looking at just one or two vendors?

And it was competition that really brought us to this level.

The fact that we had initially seven or eight different systems that were going into the process for bidding and certification.

I think that resulted in a good outcome for us.

And allowing the market to be consolidated down without making any...

I mean, it is the State that is the purchaser.

So we are the actual victim here.

I realize it's not our money.

It's tax payer money that is at issue.

But if we don't speak up, we are the ones that have principal standing in the litigation.

So, that's why I'm urging that we go forward and do something on this and not sit back passively and watch the market be consolidated.

>> TODD VALENTINE: I think, we did have, you know...

We did have a discussion about this with the Department of Justice.

They did call and ask for our opinion.

Obviously the board hadn't taken any position on it at that point.

So obviously we couldn't espouse anything about that.

We talk about the factual nature of where we are now with the procurement.

Apparently the people in the antitrust division don't talk to the people in the voting machines section.

We spent a great deal of the time doing background on what it is we actually have been doing for the last couple of years that they have been suing us on.

Anyway.

I guess the issue that I might have and I haven't had a full time to discuss that with Commissioners Peterson and Walsh on there, so I don't know if they are prepared to vote on the resolution today, is clearly the would be thing that the state procurement law asked for and the State has supported is a competitive environment whenever you are procuring anything.

I don't think anybody would disagree with that.

>> EVELYN AQUILA: That's right.

>> TODD VALENTINE: I don't think there's any question

I don't think anybody disagrees with the underlying sentiments.

>> EVELYN AQUILA: That does not belong here?

TODD VALENTINE: It's hard thing to say.

Good question.

The resolution as drafted does ask it to be expanded beyond the Department of Justice which is already undertaking

>> DOUGLAS KELLNER: It's specifically asking the Department of Justice and the state Attorney General to intervene in the pending litigation.

So to go beyond the investigation stage, we...

I mean, we had the information available to us and as I say, it is the state and the county governments which are the main purchasers in this market.

So it's incumbent upon us to speak up on this.

If we don't speak up, there will be less incentive for the other public officials to get involved.

>> JIM WALSH: I agree. Call the vote.

>> DOUGLAS KELLNER: Thanks very much.

Those in favor say aye?

(All members responded "aye.")

>> DOUGLAS KELLNER: Oppose the?

(There is no response.)

>> DOUGLAS KELLNER: Okay.

Does anybody want to discuss any of the individual items on the campaign finance preliminary determinations?

>> BOB BREHM: I don't think they were...

>> DOUGLAS KELLNER: I'm sorry.

>> BOB BREHM: On the resolution, I know ops raised a discussion on the need to consider expanding the contract for SysTest because we are at the cap.

>> TODD VALENTINE: Do you want to discuss that contractual issue in executive session?

>> BOB BREHM: It's on the agenda to put it in there. It's something to do in executive session.

## Consideration of Preliminary Determinations by Enforcement Counsel

>> DOUGLAS KELLNER: I don't have any comments on any of the preliminary determinations.

>> EVELYN AQUILA: No.

>> DOUGLAS KELLNER: Alright.

We move the adoption of the preliminary determinations and complaints not requiring preliminary determinations as listed on the agenda.

Those in favor say Aye?

(All members responded "aye.")

>> DOUGLAS KELLNER: Opposed?

(There is no response.)

>> DOUGLAS KELLNER: Alright.

Then I would propose that we go into executive session.

So we have this contract issue.

I would also like to ask campaign finance to report on the pending investigations to us.

And then I have a personnel matter to discuss.

>> EVELYN AQUILA: Okay.

>> DOUGLAS KELLNER: So those in favor of going into executive session say Aye?

(All members responded "aye.")

>> DOUGLAS KELLNER: Opposed?

(There is no response.)

>> DOUGLAS KELLNER: Our next meeting date we agreed was December 15.

>> EVELYN AQUILA: Yes.

>> JIM WALSH: We 're not going to have to vote on anything?

>> DOUGLAS KELLNER: It is possible we may have to come back in to vote, but I would not, I would urge our guests not to wait around.

At best it would be one personnel matter and formal approval of the contract extensions.

## Executive Session

End of Video