

**New York State Board of Elections
Annual Report
2004**

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To: The Honorable George E. Pataki, Governor
and Members of the New York State Legislature

We are pleased to submit to you the New York State Board of Elections' 2004 Annual Report. This report provides a comprehensive review of board programs and accomplishments during the calendar year 2004.

During 2004, staff continued working with the Legislature and the Governor's Office to fashion legislation needed to implement the Help America Vote Act of 2002. Some success was attained, but much work remains to be done during the next year in order to meet the Act's mandates.

We look forward to working with the Legislature in formulating the remaining legislation which will make possible implementation of the first major changes in election administration in the 21st century. We are confident that the New York State Board of Elections can meet these challenges and continue to serve as a national leader in the field of election administration.

Respectfully submitted,

Neil W. Kelleher
Co-Chair

Evelyn J. Aquila
Commissioner

Helena Moses Donohue
Commissioner

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Timothy J. Mattice, *Coordinator of Special Projects*
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Phil Jorczak, *Voting Equipment Specialist 1*
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Lisa L. Shaw, *Principal Clerk*

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Colleen Koch, *Secretary 1*
Daniel E. Valvo, *Supervisor of Data Processing Services*
Frank DeNucci, *Data Base Programmer Analyst 2*
Maureen M. Cahill, *Supervisor of Data Processing Services*
Elizabeth Mowrey, *Data Communications Specialist 1*
Hope Hardwick, *Information Technology Specialist 2*
Dennis Girard, *Information Technology Specialist 2*

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Cheryl S. Hauk, *Calculations Clerk 2*
Ellen R. Snyder, *Clerk 2*
Joanna Markessinis, *Agency Program Aide*

Investigations

Javan E. Owens, Jr., *Senior Election Law Enforcement Investigator*

Administrative Office

Patricia L. Tracey, *Administrative Officer*
John K. Vinson, *Stores Clerk 2*

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COUNSEL'S OFFICE

Legal Opinions

The Office of the Special Counsel is responsible for preparing responses to requests for formal opinions from the board. These formal opinions serve to further clarify certain sections of the Election Law. The Board issued no formal opinions in 2004.

Copies of individual opinions, or a complete set of opinions, may be obtained by visiting the Board's website or by contacting the Office of the Special Counsel by telephone at 518-474-6367.

Legislative Activities

Counsel's office, in consultation with the executive staff, regularly monitors all legislative action which could impact the Board and the election process in New York. Such activities include attending legislative committee meetings, responding to inquiries regarding legislation, and responding to requests for comments on legislation. In addition, Counsel's office is responsible for drafting any legislative proposals of the Board.

The following is a brief summary of important Election Law Legislation for 2004:

Chapter Number	Summary
Ch. 77	This bill extends for one additional year the provisions of chapter 92 of the laws of 2001. That chapter added a new subdivision (3) to 7-114 of the Election Law empowering local boards of elections -- when necessary for reasons of ballot configuration and efficient election administration -- to provide write-in vote opportunities in elections for party positions only when a valid petition for an opportunity to ballot is filed. Write-in vote opportunities must always be provided with respect to each contested nomination for public office. Section 2 of that chapter amended paragraph a of subdivision 2 of section 9-102 of the Election Law to allow local boards the option of canvassing write-in votes at the time of the canvass.
Ch. 420	Provides that when a voter registers to vote by mail and has not previously voted in an election for federal office, the voter must provide a valid and current photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. This brings the State into compliance with the federal Help America Vote Act.

Election Law Inquiries

General questions on election law, excluding enforcement matters, are handled by the Office of Special Counsel. Local boards of elections, town clerks, elected officials, candidates, political committees, and involved citizens all rely on the expertise of the board's attorneys in interpreting the law. In 2004, the Office of Special Counsel received and responded to approximately 3,600 inquiries regarding administration and interpretation of the Election Law.

Litigation

The Office of Special Counsel represented the Board in 46 new court actions in 2004 in both State and Federal Courts.

The following is a brief summary of the significant litigation activity in 2004:

LITIGATION SUMMARY
<p><i>United States of America v. New York State Board of Elections</i> The National Voter Registration Act requires states to provide opportunities for individuals to complete voter registration forms when applying for services at state agencies which primarily provide services to the disabled. This case, brought in the Federal District Court for the Northern District, sought to challenge the manner in which the State University of New York and the City University of New York have implemented the federal legislation in disabled student services offices on their campuses. Discovery was conducted throughout the summer and fall of 2004. Motions for summary judgment were filed and a decision is expected in 2005.</p>
<p><i>Hayden v. Pataki</i> Under Section 2 of the Voting Rights Act a challenge to New York State's felony disenfranchisement law was brought in 2003 in Federal District Court for the Southern District. The Court ruled in 2004 that the Voting Rights Act doesn't apply to felon disenfranchisement statutes; and dismissed the remainder of complaint as insufficient as a matter of law. Plaintiffs have appealed the decision.</p>
<p><i>Lopez Torres v. New York State Board of Elections</i> A challenge was brought in the Federal District Court for the Eastern District against the judicial nominating convention process - the method used by political parties to nominate candidates for the office of Justice of the Supreme Court. Essentially, plaintiffs claimed that the current system denied them access to the ballot. After a short period for discovery, a hearing on a motion for a preliminary injunction was conducted in August and September. Final oral arguments were heard by the Court in November. A determination on the preliminary injunction is expected sometime in 2005.</p>

AGENCY-BASED REGISTRATION (National Voter Registration Act of 1993)

Since 1995, the New York State Board of Elections has been assisting and guiding participating state agencies in understanding and executing their voter registration responsibilities mandated by the National Voter Registration Act of 1993 (NVRA) and its corresponding state laws. The intent of the program is to target individuals or disenfranchised groups typically lacking opportunities to register to vote, and offer them that opportunity as they apply for or renew a driver's license, or when they apply for services at any of the over 700 offices that participate in the program.

Including the Department of Motor Vehicles, 15 New York State agencies participate in the agency-based voter registration program. Designated as state agencies which provide public assistance are the Department of Social Services and the Department of Health. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the Department of Labor, Office for the Aging, Division of Veterans' Affairs, Office of Mental Health, Office of Vocational and Educational Services for Individuals with Disabilities, Commission on Quality of Care for the Mentally Disabled, Office of Mental Retardation and Developmental Disabilities, Commission for the Blind and Visually Handicapped, Office of Alcoholism and Substance Abuse Services, Office of the Advocate for the Disabled, State University of New York Disability Offices, and City University of New York Disability Offices, and certain offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration sites are the Department of State and the Division of Workers' Compensation.

Impact of the Program

Statistics show that, during 2004, 532,480 voter registration applications or transactions were received by county boards of elections which resulted from the efforts of state agencies and programs in offering voter registration opportunities in accordance with program provisions. The Department of Motor Vehicles yielded the highest volume of registration applications among the various agencies mandated by the NVRA, accounting for 79% (420,914) of the total number of voter registration applications or transactions in the state. The remaining agencies/programs participating in the program accounted for 20% (108,747). During 2004, public assistance agencies accounted for 17% (90,876) of this figure, State designated agencies tallied 1.7% (8,968) of the total, and disability services agencies brought in an additional 1.7% (8,903). Armed services recruiting offices accounted for 341 applications. Voter registration applications and transactions incorrectly sent to the state board by mail and forwarded to the county boards of elections accounted for 2,478 of the above total.

Sources of Voter Registration

	Total Applications	
	2004	1995 - 2004
Motor Vehicle	420,914	3,962,349
Public Assistance Agencies	90,876	1,176,342
State Designated Agencies	8,968	246,844
Disability Agencies	8,903	119,420
By Mail	2,478	44,697
Armed Services	341	1,806
Total	532,480	5,551,458

Agency-Based Voter Registration Statistics

Year	New Registrations	Address Changes	Enrollment Changes	Name Changes
1995	316,627	64,005	23,108	4,644
1996	326,356	132,169	33,855	6,356
1997	273,190	171,275	32,773	8,164
1998	238,961	160,474	36,635	9,205
1999	220,771	156,619	40,089	9,400
2000	194,170	135,255	25,270	9,322
2001	191,403	129,267	26,550	10,496
2002	179,684	123,636	30,290	10,354
2003	187,100	125,627	31,403	10,949
2004	217,289	137,926	38,691	12,359

TRAINING

The State Board of Elections is responsible for the development of training materials and presentation of training programs on the requirements and implementation of the agency-based voter registration program. In March 2004 and August/September 2004, the bi-annual regional agency-based voter registration training offerings were presented to the participating NVRA sites in New York State. The following is a listing of the dates and locations of the agency-based training that was provided in March and August/September 2004.

Bi-annual Agency-based Voter Registration Regional Training

<u>DATE</u>	<u>LOCATION</u>	<u>AGENCY</u>
3/1/04	Buffalo	Varied
3/2/04	Rochester	Varied
3/3/04	Syracuse	Varied
3/4/04	Binghamton	Varied
3/8-10/04	New York City	Varied
3/15/04	Ronkonkoma	Varied
3/16/04	Elmsford	Varied
3/18/04	Albany	Varied
8/30/04	Buffalo	Varied
8/31/04	Rochester	Varied
9/1/04	Syracuse	Varied
9/2/04	Binghamton	Varied
9/20-22/04	NYC	Varied
9/27/04	Ronkonkoma	Varied
9/28/04	Elmsford	Varied
9/30/04	Albany	Varied

Four hundred and eighty two (482) individuals attended these training sessions. Additionally, State Board staff continues to provide updated training and reference materials as well as on-going telephone guidance and support to agency program liaisons, site personnel in all offices offering agency-based voter registration, as well as to county boards of election.

NVRA INFORMATIONAL NEWSLETTER

An NVRA Newsletter continues to be published bi-annually by the State Board of Elections and distributed to each participating voter registration site. In addition, the newsletter is mailed to every state election director in the United States. The purpose of the newsletter is to provide program and training information to agencies participating in the agency-based voter registration

program. The newsletter contains pertinent agency-based registration guidelines, procedural recommendations, voter registration deadlines, and upcoming training information. This bulletin has been a proven tool for periodically communicating useful information and guidance to NVRA sites.

As of December 2004, the State Board of Elections has distributed approximately 193,200 copies of the newsletter to participating New York State agencies and out-of-state election officials nationwide since inception of the agency based voter registration program.

Agency Oversight

The success of the agency-based registration program relies on cooperation among the participating state agencies, county boards of elections, and the New York State Board of Elections. To date, no legislation has been enacted which mandates authority to the state board to enforce compliance of the NVRA in state agencies. Due to the numerous and unique differences in clientele and services provided by each of the agencies, the administrative policies at each agency's participating offices and programs are conducted at the discretion of each individual state agency, under the guidance, input, approval and support of the State Board of Elections. Also, NVRA staff respond to all inquiries, and act to assist agency program coordinators, site personnel, and county board staff in resolving administrative and procedural issues in an effort to ensure effective and efficient operation of the agency-based registration program in New York State.

In addition, statistical reports containing data on voter registration activity for all agency-based sites are mailed to agency commissioners and program coordinators each month. Review of these reports enables program coordinators to monitor voter registration activity and program compliance, as well as identify inconsistencies at each participating office. This information also assists the State Board of Elections in evaluating the workload placed on county boards of elections offices by NVRA program requirements.

Distribution of NVRA Program Supplies

Supplies for the agency-based registration program are shipped weekly by NVRA staff as requested by participating sites. Constant tracking of supply order and shipping dates is made possible by a computerized supply order and inventory system specifically developed for monitoring distribution of NVRA program materials. The system also provides staff with current inventory balances to ensure that supplies are reordered as needed. The New York State Board of Elections processed 2,889 individual supply shipments to participating NVRA sites during 2004.

In addition, the State Board of Elections provides "read only" copies of the NYS voter registration form in both braille and large print formats. Copies of both versions as well as a poster-sized version of the agency-based voter registration form are provided to agencies and programs participating in the NVRA program that serve people with disabilities upon request.

The State Board also distributed mail registration forms to institutions of the State University of New York for inclusion in admission and orientation packets of students enrolling in the January and September 2004 semesters.

Voter Registration Cancellations

When New York State residents relocate to another state or when out-of-state residents move into New York State and subsequently register to vote, a notice of registration cancellation is returned either to a county board of elections or the New York State Board of Elections so that voter registration rolls may be updated. In 2004, staff at the State Board of Elections processed 84,125 New York State and out-of-state registration cancellations and forwarded them to the appropriate county board of elections or state election official.

DMV Address Change Requests

The New York State Board of Elections assists the Department of Motor Vehicles with the distribution of customer address change requests resulting from licensing or driver I.D. transactions by counting, sorting and forwarding them monthly to county boards of elections. Also received from the Department of Motor Vehicles and processed by state board staff, are the new DMV Internet change of address request forms which have been down loaded by customers, completed, and forwarded to DMV. The state board distributed 63,803 address change requests received from the Department of Motor Vehicles to county boards during 2004.

2004 Monthly Summary

DMV/Internet Change of Address Requests

Month	Requests Mail/Internet
Jan	4,776
Feb	2,805
Mar	4,399
Apr	5,209
May	4,937
Jun	4,852
Jul	4,834
Aug	10,412

2004 Monthly Summary

Voter Registration Cancellations

Month	In State	Out of State
Jan	2,360	1,890
Feb	3,397	1,644
Mar	3,982	1,801
Apr	3,334	1,963
May	4,105	1,043
Jun	3,836	1,197
Jul	5,973	2,240
Aug	5,316	1,939

Sep	5,945
Oct	7,927
Nov	3,994
Dec	3,713
Total	63,803

Sep	10,145	3,794
Oct	6,537	2,784
Nov	6,588	2,366
Dec	4,480	1,411
Total	60,053	24,072

**1995-2004 Annual Comparison
DMV/Internet Change of Address Requests**

**1995-2004 Annual Comparison
Voter Registration Cancellations**

Year	Requests Mail/Internet
1995	80,903
1996	67,195
1997	68,407
1998	88,269
1999	78,138
2000	78,817
2001	70,956
2002	65,271
2003	62,988
2004	63,803
Total	724,747

Year	In State	Out of State
1995	39,329	6,626
1996	74,745	18,645
1997	38,986	13,492
1998	38,264	14,213
1999	38,700	13,788
2000	59,391	16,266
2001	38,702	9,845
2002	37,959	12,130
2003	37,015	16,090
2004	60,053	24,072
Total	463,144	145,167

Election Operations and Services

The Election Operations and Services Unit at the New York State Board of Elections has, among others, two prime areas of responsibility, which include the oversight and support of the State's 62 County Boards of Elections, voting equipment certification and support, as well as the facilitation of New York's ballot access efforts.

Ballot Access

In 2004, traditional even-numbered year ballot access efforts were amplified considerably, because of the increased activity related to the races for candidates wishing to become delegates to national presidential conventions, as conducted at the primary election held on March 2. The primary for all public offices and certain party positions, was held on September 14, and the general election at which the 44th President of the United States was chosen, was held on November 2. Additionally, the Office of United States Senator was also on the ballot in November of 2004.

Races appearing in each even-numbered year include Member of Assembly, State Senator and Member of the House of Representatives. In addition to filings related to those offices, the State Board is also the repository for petitions filed which accommodate the selection of delegates and alternates delegates to Judicial District Conventions. These persons will nominate candidates for the office of Justice of the Supreme Court, from each of twelve such districts in the State. Additionally, petitions for those seeking to become State Party Committee Members, representing certain Assembly and Congressional districts, are also filed with the State Board.

Ballot access activity, relating to the public, party and judicial offices described above, and involving data entry and the creation and dissemination of corresponding acknowledgments, consisted of the following:

For the March Presidential Primary, the following petitions were filed:

- 6 statewide petitions for the office of President
- 73 petitions for the office of delegate and alternate delegate to a National Presidential Convention, representing approximately 539 Delegates and 93 Alternate delegates.
- 590 approximate number of delegate and alternate delegate candidates named on petitions filed at the county board level, which were certified to the State Board and processed by Unit staff.

With respect to the September primary and the subsequent general election, the following petitions were filed:

- 95 petitions were filed for Congressional offices
- 111 petitions were filed for State Senate offices
- 164 petitions were filed for State Assembly offices
- 40 petitions for State Committee positions
- 86 petitions for Judicial Delegate and Alternate Delegate positions.

Additional filings related to petitions were received, posted and acknowledged, and consisted of:

- 10 Certificates of Declination
- 7 Certificates of Substitution
- 217 Acceptances (certificates required to be filed by candidates designated or nominated by parties other than their own)
- 193 Authorizations (certificates required to be filed by party officials, relating to the nomination or designation of candidates who are not members of the party).

Independent petitions may be filed for public office, and they also require acceptance by the candidate being nominated, as well posting and acknowledgment. The 2004 Independent filing season saw the submission of:

- 5 Petitions for the office of President, which must also include a list of Presidential Electors
- 4 Petitions for the office of U.S. Senate
- 3 Petition for a Congressional office
- 3 Petitions for State Senate offices
- 7 Petitions for State Assembly offices
- 1 Petition for Justice of the Supreme Court

Documents corresponding to these independent filings included the following:

- 92 corresponding acceptances.

Some State Senate and Assembly districts, and some Congressional districts, are wholly contained by county boundaries. In these cases, candidate filings are made in those counties, however the County Board of Elections must notify the State Board of any such activity. This is the method used to prepare and certify a complete list of candidates for all offices to be elected at the November election.

- 1800 represents the approximate number of names contained in petitions filed at the county board level for public offices and party positions, which were certified to the State Board, and processed
- 10 represents the approximate number of names contained in independent petitions filed at the county board level for public offices and party positions, which were certified to the State Board, and processed

Ballot access filings are not validated by the State Board of Elections, however the validity of a filing may be challenged by persons choosing to do so. Challenges require the filing of an initial notice, indicating that a detailed list of specific objections to the filing will be submitted to the Board. Staff then reviews each specific and itemized objection, notes their findings on a reporting form, and submits same to a hearing officer for review. Determinations are then made by the Commissioners of the State Board, and notice of those determinations is made, to all participants. Objections to party petitions and corresponding specifications received, posted, and researched, were as follows:

- 136 objections filed
- 26 sets of specifications filed
- 20 specifications required 'line-by-line' research
- 271 people requested to view original filing documents
- 139 people purchased copies of original filings.

Objections and specifications can also relate to independent petition filings. The process of determining the validity of these specific objections is identical to that used in the party petition process, noted above. This year's independent initiatives resulted in the receipt of:

- 13 objections filed
- 4 sets of specifications filed
- 2 specifications required 'line-by-line' research
- 53 people requested to view original filing documents
- 32 people purchased copies of original filings.

Vacancies were certified in ten of the State's twelve Judicial Districts. Delegates and Alternate Delegates were notified by their respective parties, to attend conventions, which were convened in the latter part of September. From those ten Judicial Districts, a total of 23 nominations were received, posted and acknowledged, representing the designation of 77 candidates for the office of Justice of the Supreme Court.

Two special elections were called by Governor George Pataki, to address vacancies in two Assembly districts. As directed by the Governor's proclamation, both special elections were held

on March 9, 2004, as follows:

In the 5th Assembly District, due to the resignation of Hon Steve Levy

In the 12th Assembly District, due to the resignation of Hon. Steven Labriola.

All candidate filings related to these two seats were made at the Suffolk and Nassau County Boards of Elections, respectively, as the seats are wholly contained therein. The filings, as well as the results of the special elections, were forwarded to us, and same were certified by the State Board.

County Board Support

Support of County Boards of Elections, in the area of not only elections, but general day-to-day operations as well, is a prime focus of this Unit. Support is provided in a number of ways, including individualized workshops for specific counties, conference presentations, and appearances at regional meetings of the Election Commissioners' Association. Additionally, memoranda are prepared, dealing with topics of interest and necessity, and distributed to all County Boards. A workshop which targets new Commissioners, is presented at the State Board's Annual Conference. It is offered just prior to the commencement of the Conference agenda, so that new Commissioners do not have to miss any of the Conference presentations.

In the area of phone support, over 13,200 calls were handled in 2004 by the Unit Director and staff members. These calls included questions about policy, Election Law, ballot layout, voter registration, voter list maintenance, and other matters relating to board procedures. The Unit Director, and certain staff members (when appropriate), are available to speak with County Legislators, Supervisors, County Managers, County Attorneys, Data Processing personnel and others, who are responsible for understanding, evaluating, supporting, and in some cases, approving of County Board spending plans and funding requests for upgrades to various computer systems and other initiatives County Boards may choose to implement.

Certain supplies used by County Boards are provided by the State Board, specifically, voter registration applications. Unit staff prepared shipping labels, and provided same to the agency's shipping personnel, who then shipped over one million English registration forms and 174,000 Spanish forms. The State Board also supplies national registration forms, which are accepted by every state in the country, and federal forms, which are used by persons in the military and by United States citizens living abroad. The State Board distributed 114,360 federal voter registration applications.

The State Board continues to provide National Change of Address information to all of the State's 62 counties. This service is required as part of New York's voter registration list maintenance procedures, and helps to ensure that voter addresses are in synchronization with information on file

with the US Postal Service. In 2004, over 10 million records were matched to postal information, and resultant data was returned to County Boards for use in updating, where appropriate and for notification purposes and other similar tasks.

The Unit continues to support county board initiatives to move to new and better voter registration systems, with a specific focus on moving boards into full-document imaging platforms. This technology enables boards to capture not just a voter's signature, but their entire voter registration record. Each voter would then be represented by a virtual 'folder', into which the board scans not only the registration document, but any other filings a voter may chose to make, including address changes, returned mail, absentee ballot applications - any document which prompts a change to a voter record or triggers the performance of a list maintenance task. With this system enhancement, document retention and archival concerns are eliminated, as source documents are destroyed after two years, thus considerably improving this aspect of board operations.

Voting System Support

The State Board conducts acceptance tests, upon the delivery of hardware and software, to ensure the accuracy and performance standards of the system. Unit staff participates in vendor training, and is specifically responsible for test deck training - a required procedure which ensures that the County Board's ballot requirements are properly programmed and thoroughly understood by the system. Unit staff is also required to supervise, and assist as necessary, in a public test of the system, as required by law. All candidates are provided with this opportunity to view a demonstration of the system, using exact programming and test ballots that mirror the election-specific counting process. Additionally, Unit staff provides on-site Election Day support in those counties where ballots are counted on Election night, as well as on-site support at the County's 7-day count (ballots postmarked by the day before Election Day are counted, provided they arrive at the Board within seven days).

Unit staff successfully supported the acquisition of an optically-scanned absentee ballot voting system in St. Lawrence County, and no longer have punch card voting systems in use in New York. This conversion was successful, and welcomed by the board and voters alike. In Saratoga County, the Town of Clifton Park continued its ongoing acquisition of electronic voting machines, as did the Town of Halfmoon, bringing the total number of machines in Clifton Park to 34 and in Halfmoon, 6.

Public Election Services

Additional services provided by Unit staff include responding to general inquiries from the public, and the distribution of information relating to those inquiries. Unit staff responded to over 5,425 such phone calls, and in response, distributed the following:

20	Assembly, Senate and Congressional maps
258	Copies of the New York State Election Law
1,054,770	Voter Registration Forms
1,520	pieces of general information, including election results, (current and previous), political calendars, candidate lists, and other data related to elections

Unit staff is responsible for transcribing calls made to the State Board's toll-free voter registration application request number (1-800-FOR-VOTE). Persons may also access the State Board's website, to receive voter registration applications, by clicking an icon which will deliver their address information to the 1-800 system. In exceptionally busy periods throughout the year, support staff from other units assists in this process. In 2004, their combined efforts produced the transcription of:

32,496	calls, of which, 335 calls accessed the Spanish-speaking component of the toll-free system, and 15,586 calls were website accesses. This activity resulted in the shipping of:
89,437	English forms
65,443	Spanish forms.

General Unit Initiatives

With deadlines related to the implementation of historic federal election reform legislation on our immediate horizon, Unit staff spent considerable time anticipating legislation and attempting to plan accordingly. Among many other requirements, the Help America Vote Act requires that lever-style voting machines used in New York, be replaced with more modern voting technology. Unit staff attended in-house meetings on the creation and implementation of a statewide database, providing insight on this topic from a county board perspective. Additionally, many unit meetings were held to discuss possible voting machine changes which might be entertained by the State Legislature, and how same might be implemented. The year ended with no resolution of these issues by the Legislature. However, planning meetings continued, as did the deliberation of contingency plans, and other anticipatory tasks which could be conducted, continued.

Significant staff resources were devoted to supporting the State Board's internal initiatives. These tasks included the refinement of enrollment and registration data collection programs, ensuring that reporting is accurate and consistent with the needs of County Boards and the electorate. Unit staff also supported the redevelopment of the State Board's web site, with the inclusion of a wide range of data imported from the Unit's data collection files.

Presidential elections require the production of unique documents which are used in the

conduct of the Electoral College, which was held on December 13. The Secretary of State convenes this important session, however the necessary documents are the obligation of the State Board. Subsequent to the adjournment of the Electoral College, executed documents were forwarded by the State Board, as required, to the Archivist of the United States, located in Washington, DC.

The Unit strives to anticipate needs and set goals, and works diligently at these various efforts, to achieve those goals. Unit members are pleased that a number of their efforts have been of use to other states, and have been requested on numerous occasions, to share publications, procedure outlines, training materials and other data of a similar nature. The Unit is not only dedicated to its own prime objective of County Board assistance, but to the support of the Agency's overall agenda, as well. Unit staff works with other Units and at such other tasks as identified by the Unit Director and prioritized by Agency management.

Information Technology Unit

The Information Technology Unit is responsible for the development, implementation, maintenance and support of all election information systems for the State Board of Elections. This includes the storage, processing, security and accessibility of election-related data, as well as, keeping the Board current with emerging technology and maintaining the Agency's major applications and systems.

Additionally, the Agency's Chief Information Officer represents the Board of Elections on the New York State CIO Council and serves on the CIO Council's technology committees. The Agency's Information Security Officer oversees all aspects of network and Internet security and represents the Board of Elections on the New York State ISO Council.

Computing Environment and Infrastructure

The New York State Board of Elections operates in a Novell NetWare networking environment using Microsoft Windows PC client operating systems on the desktop. All database applications are run on an Oracle 9i Relational Database System and Application Server which operate on a Storage Area Network. The Information Technology Unit designs, installs, configures, and maintains the network, servers, databases and client PCs, as well as, the Intranet and Internet infrastructures. Backup, disaster recovery and network security also fall under the auspices of the Information Technology Unit.

Financial Disclosure Administration System (FIDAS).

The Financial Disclosure System is a network-based system used by auditing and enforcement staff for the management of the financial disclosure reports for committees and candidates. The Information Technology Unit develops and maintains the database and applications associated with the administration of campaign finances. The Agency's Electronic Filing Software was developed and is maintained by the agency's IT staff. The filing software underwent a major revision which was released in the spring of 2004 as EFS version 4.0.

Even-numbered years are very active years for campaign financial disclosure reporting. More than 7,500 individual financial disclosure reports containing nearly a half million records were processed for more than fifteen hundred registered filers during 2004. All of these filings were made available to the public on the State Board's web site within 24 hours of filing.

National Change of Address Processing (NCOA)

NCOA processing was coordinated by the State Board as required by the National Voter Registration Act. The voter registration name and address data is collected from the counties. A file with all the names and addresses is forwarded electronically to an NCOA vendor for processing against the U.S. Post Office's Change-of-Address database. The resulting matching file is retrieved electronically by the State Board where it is parsed and redistributed to the individual counties of origin. The NCOA processing for 2004 included over 10,200,000 voter records from sixty-one counties. Centralizing this NCOA processing through the State Board, as opposed to the processing by individual counties, provides the counties with a substantial savings in revenue due to the economy of scale that the State Board is able to leverage.

Election Operation Support

The Information Technology Unit provides support to the Election Operations Unit in the form of the Candidate Petition Administration System (CAPAS) which is used to administer the candidate petition process, as well as, create correspondence, ballots and reports pertaining to elections.

Even-numbered years are busy election years, and 2004 was no exception. Voter records were collected from the counties in July to prepare a petition checking database for the 2004 elections. This data was loaded into the State Board's Oracle database. A desktop application, created by the Information Technology Unit, was used to query the database which assists State Board staff in verifying voter registration information during the petition checking process.

A total of 7,383 petitions were entered into the CAPAS. One hundred fifty-seven objections were filed and entered into the system. These objections, along with the accompanying specifications, are the basis for the petition checking process previously outlined.

Agency-Based Voter Registration/Public Information

The Information Technology Unit supports the database applications used by the Voter Registration Unit to manage the registration sites and transactions. There is also a supplies inventory system created and maintained by the Agency's IT staff.

The Public Information Officer has oversight of the content on the Agency's web pages. The Agency has adopted a policy of making as much information as possible available electronically thus cutting the cost of printing and reproduction. The Information Technology staff works closely with the Public Information Office to oversee the technology, design and application development associated with the Agency's Internet site.

During 2004, the Agency launched the New York State Board of Elections Portal using Oracle Corporations portal technology. This technology allows the seamless integration of web design and database connectivity for ease of disseminating public information, already stored in the Agency's database, to the public over the Internet.

Help America Vote Act

As part of the Federal Help America Vote Act (HAVA), legislation that was passed in 2002, the State Board of Elections will be required to create a statewide voter registration database. ITU management led both an in-house database steering committee and a statewide database focus group for preparing for the statewide database. ITU management also acted as a resource for Agency management and legislators as state legislation was crafted to meet the statewide database requirements of HAVA.

Information Technology staff, in cooperation with staff from the Department of Motor Vehicles, developed and implemented an interim process for verifying driver identification numbers for the 2004 Federal Election. This was necessary for the 2004 election year due to the absence of a statewide voter registration system. The interim process uses state of the art web services and extensible markup language (XML) to forward requests to DMV and receive the processed results that DMV provides in return. Reports from county Boards of Elections indicated that early verification of voter applicants decreased the number of voters who were required to show identification at the polls for the 2004 election. Most counties reported an 89 to 95 percent successful match rate. When the statewide database system is developed this process will be incorporated as a permanent part of the system.

Election Law Enforcement and Investigations

The Board's Enforcement Counsel Unit consists of the Enforcement Counsel, Special Deputy Counsel, and Confidential Secretary. In addition, the Enforcement Counsel supervises the Investigative Unit.

The Investigative Unit has one employee. The unit conducts all investigations ordered by State Board Commissioners, including alleged violations in relation to petitions, illegal voting and registration, campaign finance reporting, and the conduct of elections.

The Board enforces campaign finance reporting requirements through civil proceedings. If the required campaign financial disclosure report is not filed, the candidate or committee is notified of the failure to file via certified mail. If the filing is not received within five days of receipt of the letter, the board initiates a civil action requesting the court to assess a monetary penalty, court costs and issue an order demanding that the required filing be made.

In 2004, the enforcement unit initiated seven lawsuits, and obtained judgments against 385 candidates and committees for failure to file campaign finance reports. At the end of the year, 111 judgments had been satisfied and \$28,682 collected in fines.

The Board received a total of 81 complaints alleging violations of the election law in 2004. The enforcement unit reviewed 36 complaints, some of which were carried over from 2003. The Board closed 2 final determinations on investigative cases and referred one case to the District Attorney for prosecution.

CAMPAIGN FINANCE UNIT

The Campaign Finance Unit consists of a Senior Accountant, two Finance Analysts, a Clerk II and a Keyboard Specialist I.

The Campaign Finance Unit (CFU) is responsible for receiving and processing state, federal, and various county campaign financial disclosure reports. There was a total of ten filings for the election year 2004, as follows: January and July periodic filings, two special election filings, three primary election filings and three general election filings. This year, we had 1,716 active filers. A total of 8,935 New York State financial disclosure statements were received in 2004. Of these, the Unit received and processed 1,196 paper filings and 735 diskettes. The CFU staff members are all responsible for data entering paper reports and reviewing data entry for accuracy. Reports received on diskettes are first processed in the unit and then sent to Information Technology Unit (ITU) for uploading. The remaining 7,004 reports were filed electronically through ITU via e-mail or through the Board's web site. All filings are made available to the public for viewing on the Board's web site.

In 2004, there were 121 federal filings and 83 county filings received. These filings are strictly on paper and are maintained for public viewing and/or copy requests.

The Campaign Finance Unit provides the public, all filers with the State Board of Elections, and filers with the county boards of elections with any information regarding campaign finance. During 2004, the unit responded to 12,875 telephone inquiries, and filled a total of 238 form requests from the public, state filers and the county board of elections. This resulted in a total shipment of 9,348 forms and handbooks. Staff also assisted 196 persons who visited our public view area and processed 45 copy order requests.

CAMPAIGN FINANCE COMPLIANCE TREND					
YEAR	2004	2003	2002	2001	2000
Reports required	7,553	3,573	6,434	2,435	5,996
Late Notices	1,562	774	1,945	481	1,431
Judgements obtained	385	197	487	212	322

Financial disclosure statements are reviewed for compliance with the New York State Election Law, Article 14 and 6200 of the Rules and Regulations. This year, the Unit reviewed committees with negative cash balances and those that were placed on administrative hold. A total of 3,332 original filings and 486 amendments were reviewed, resulting in a total of 162 committees being terminated and 62 committees satisfactorily resolving their negative cash balance issues.

There were 249 new committees registered in 2004. A letter was sent to each new committee confirming of their new registration. The letter provided the committee identification number, treasurer’s personal identification number and other information relating to filing requirements and obligations of the treasurer.

Other unit responsibilities include the publication of the campaign financial disclosure filing calendar, the calculation of the contribution limits as set forth in Article 14-114, and revisions of the campaign financial disclosure handbook, and related forms. In April, all filers with the State Board of Elections were provided with an annual update (“Filer Update 2004”) on campaign finance.

The unit conducted campaign financial disclosure seminars in 14 locations throughout the state in May and June in order to instruct candidates for state and local offices, and committee treasurers in the preparation of financial disclosure statements.

2004 CAMPAIGN FINANCE SEMINAR	
May 17, 2004 Monday	Ithaca/Tompkins County
May 18, 2004 Tuesday	Elmira/Chemung County
May 19, 2004 Wednesday	Rochester/Monroe County
May 20, 2004 Thursday	Lockport/Niagara County
May 21, 2004 Friday	Syracuse/Onondaga County
May 25, 2004 Tuesday	Watertown/Jefferson County
May 26, 2004 Wednesday	Elizabethtown/Essex County
May 27, 2004 Thursday	Cooperstown/Otsego County
May 28, 2004 Friday	Albany/Albany County
June 08, 2004 Tuesday	Mineola/Nassau County
June 09, 2004 Wednesday	Hauppauge/Suffolk County
June 10, 2004 Thursday	White Plains/Westchester County
June 11, 2004 Friday	Kingston/Ulster County
June 16, 2004 Wednesday	Manhattan/New York City

PUBLIC INFORMATION

Media Relations

The public information officer serves as the board's spokesperson and is responsible for handling all press inquiries. In 2004, the Public Information Office received approximately 9,000 requests from reporters, interested parties and the general public seeking information on election results, voter registration, campaign finance, enforcement matters, election law and board policies. The public information officer also produced press releases and advisories throughout the year which provided information on these topics to the press corp and the general public. This information was also made available to the Internet through the board's web site along with a wide range of election related data of interest to citizens all over the world.

Freedom of Information Law

The public information officer also serves as the board's records access officer. He is responsible for processing all FOIL requests received by the agency. In 2004, 14 requests were received by the records access officer. Seven requests were granted, one was partially granted, two were forwarded to other offices and four were denied pursuant to the provisions of Section 87 of the Public Officers Law.

Registration Hotlines

The board's automated hotline(1-800-FOR-VOTE) and the board's web page on-line registration system(www.elections.state.ny.us) provide a dependable, efficient and convenient way in which citizens may request voter registration application forms. The hotline remains a positive component of the board's outreach program and the web page continues to capture a larger share of the program as more of the population comes on-line.

Annual Conference

The board held its Annual Conference for county election commissioners this spring in Saratoga Springs. The annual conference provides a forum for election officials throughout the state to learn and exchange ideas on election laws and administration. Over 280 people attended the three-day event and took advantage of several meetings to discuss, among other topics, the proposed New York State Implementation Plan required by the Help America Vote Act of 2002.

AGENCY ADMINISTRATION

The Board's Administrative Office consists of two staff members. The duties of this unit include the preparation of all budget and fiscal records and reports, all personnel administration, purchasing, mail and warehouse operations and workplace maintenance. The agency has recently entered into a Host Agency Relationship with the Office of General Services for Purchasing and Payment of Vouchers.

Fiscal Operations

The Board began the new fiscal year with an appropriation of more than 3.6 million and an authorized staffing level of 41 full time positions, plus Temporary Staff for petition-processing.

Personnel Administration

The Board has classified six new Information Technology positions in anticipation of approval to begin work on the Statewide Voter Registry Database in connection with the Help America Vote Act of 2002. The remainder of the agency remains unchanged in their staffing levels.

As a result of the 2003-2007 negotiated agreements with NYS Bargaining Units, the staff was paid a statewide salary increase of 2.5% in annual salaries.

REVENUE FOR 2004

JUDGEMENTS	28,093.74
AUDIT PHOTOCOPIES	1,151.85
ELECTION OPERATIONS PHOTOCOPIES	6,049.89
LAW BOOKS	0.00
DOCUMENTS	0.00
ESCROW AND OTHERS	6,150.93
TOTAL	41,446.41

TOTAL ENROLLMENT STATEWIDE

November 1, 2004

County	Rep	Dem	Ind	Con	Lib	Rtl	Gre	Wor	Blank	Total
Albany	50473	100401	7515	3167	1020	535	1192	531	46767	211601
Allegany	15964	7741	918	442	258	158	125	89	5074	30769
Broome	54324	48527	4331	1614	1156	547	847	421	25052	136819
Cattaraugus	21634	18573	1646	1133	502	383	171	165	9933	54140
Cayuga	20687	17246	1979	1482	466	209	219	139	9956	52383
Chautauqua	32417	32636	4548	2153	902	511	310	236	20518	94231
Chemung	25147	18087	2251	679	522	343	177	138	10613	57957
Chenango	15256	8261	1240	505	332	162	184	104	6392	32436
Clinton	17897	17784	2132	448	674	198	263	95	10571	50062
Columbia	14259	12108	1899	1420	295	152	326	75	11907	42441
Cortland	12940	10236	1382	489	206	56	186	74	8126	33695
Delaware	15817	8879	1183	578	257	118	153	49	6170	33204
Dutchess	59791	53693	6510	3599	1317	974	890	409	49546	176729
Erie	190970	332201	1 8642	14277	6191	4434	2395	1636	108231	678977
Essex	14685	6902	1337	215	251	92	147	31	4955	28615
Franklin	11746	10590	1301	389	221	119	146	53	5174	29739
Fulton	18332	7548	993	399	240	115	102	79	4701	32509
Genesee	18109	10961	1359	969	446	287	115	98	8281	40625
Greene	14445	7307	1143	913	204	172	126	65	8473	32848
Hamilton	3476	1063	126	58	18	19	12	4	558	5334
Herkimer	22234	11632	1659	538	327	147	132	76	6637	43382
Jefferson	31046	20032	2725	972	672	305	178	149	14642	70721
Lewis	10068	4769	533	239	146	79	35	29	2525	18423
Livingston	19027	11262	1456	821	398	213	211	80	8882	42350
Madison	20414	12339	1940	961	471	224	227	125	10216	46917
Monroe	155755	168993	1 3776	8352	3023	1707	1808	914	109088	463416
Montgomery	12747	11723	1189	644	332	182	83	66	6014	32980
Nassau	362038	318554	1 7838	10049	5037	3373	1669	1205	194717	914480
Niagara	56589	67880	4134	3225	1938	1516	499	494	27446	163721
Oneida	52928	43912	4630	1604	984	550	293	219	22035	127155
Onondaga	105974	100835	1 0565	4984	2273	1482	1585	1014	78113	306825
Ontario	30672	20771	2675	1337	648	287	391	112	16105	72998
Orange	81235	69311	6827	3907	1313	1074	826	428	46482	211403
Orleans	12812	6641	781	527	262	146	69	79	5659	26976
Oswego	45147	23013	3335	2171	957	463	315	190	19744	95335
Otsego	15937	11410	1451	475	327	163	258	86	8128	38235
Putnam	24371	18152	2455	2618	396	369	225	116	17277	65979
Rensselaer	30300	28828	5118	5208	816	414	487	661	34074	105906
Rockland	46292	82744	4395	3957	989	812	432	372	43220	183213
Saratoga	70709	35378	5780	1893	970	372	683	223	35638	151646
Schenectady	33684	37266	3807	2624	763	433	390	251	24197	103415
Schoharie	7912	5050	722	301	145	67	108	26	4264	18595
Schuyler	5846	3834	469	227	158	87	114	54	2958	13747
Seneca	9219	6699	636	503	238	163	121	52	4039	21670
St. Lawrence	26300	24198	2434	763	616	255	306	120	12703	67695
Steuben	32405	15010	1887	802	534	306	226	164	8990	60324
Suffolk	348036	278414	2 6931	21517	6731	5553	2614	2277	241409	933482
Sullivan	17460	22602	1583	1213	413	311	297	101	14440	58420
Tioga	18010	9942	1365	472	306	204	170	87	7154	37710
Tompkins	17737	27723	2022	394	458	151	1498	142	15450	65575
Ulster	36985	40671	4002	2923	1154	627	1421	293	42038	130114
Warren	23532	10199	1609	573	385	148	299	89	8309	45143
Washington	18777	9445	1565	613	385	168	166	94	8499	39712
Wayne	26573	14830	2246	1505	607	371	199	155	14388	60874
Westchester	167872	256836	1 7311	11520	3103	2069	1473	1358	142252	603794
Wyoming	13179	7238	916	515	242	211	72	59	5555	27987
Yates	8349	3904	525	253	131	105	73	39	2564	15943
Total Outside NYC	2646540	2572784	225727	136129	54126	34691	28039	16490	1626849	7341375
Bronx	55326	512290	13761	4042	4461	2384	631	1963	101026	695884
Kings	133701	920446	26771	5555	7303	3253	5154	3212	224329	1329724
New York	132394	727071	28615	2461	6083	1709	4926	1442	204965	1109666
Queens	160136	682929	21711	7474	6642	2926	2038	2083	206323	1092262
Richmond	80985	119054	6478	4676	1729	1063	434	742	50817	265978
Total NYC	562542	2961790	97336	24208	26218	11335	13183	9442	787460	4493514
Statewide Total	3209082	5534574	323063	160337	80344	46026	41222	25932	2414309	11834889