

**New York State Board of Elections  
Annual Report  
2005**

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State of New York  
**STATE BOARD OF ELECTIONS**

**Neil W. Kelleher**  
Co-Chair

**Helena Moses Donohue**  
Commissioner

**Peter S. Kosinski**  
Co-Executive Director

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**Douglas A. Kellner**  
Co-Chair

**Evelyn J. Aquila**  
Commissioner

**Stanley L. Zalen**  
Co-Executive Director

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' 2005 Annual Report. This report provides a comprehensive review of board programs and accomplishments during the calendar year 2005.

During 2005, staff continued working with county boards of elections, the State Legislature and the Governor's Office to fashion legislation needed to implement the Help America Vote Act of 2002. That legislation was passed and the business of drafting regulations to implement the voting machine certification process was commenced, as well as the complicated task of building a statewide database of registered voters. Much work remains to be done during the next year in order to meet the Act's mandates.

We are confident that the New York State Board of Elections can meet the challenges of HAVA implementation while continuing to provide secure and trouble free elections in New York.

Respectfully submitted,

Douglas A. Kellner  
Co-Chair

Evelyn J. Aquila  
Commissioner

Neil W. Kelleher  
Co-Chair

Helena Moses Donohue  
Commissioner

# PERSONNEL DIRECTORY

## Commissioners

**Neil W. Kelleher**  
*Co-Chair*

**Douglas A. Kellner**  
*Co-Chair*

**Evelyn J. Aquila**  
*Commissioner*

**Helena Moses Donahue**  
*Commissioner*

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**Peter S. Kosinski**  
*Co-Executive Director*

**Deborah West**  
*Secretary*

**Stanley L. Zalen**  
*Co-Executive Director*

**Donna Mullahey**  
*Secretary*

## Office of the Special Counsel

Todd Valentine, *Special Counsel*  
Patricia L. Murray, *First Deputy Counsel*  
Maryellen Reda, *Secretary*

## Office of the Enforcement Counsel

Michael L. Johnson, *Enforcement Counsel*  
William J. McCann, Jr., *Special Deputy Counsel*  
Javan E. Owens, Jr., *Senior Election Law Enforcement Investigator*  
Dawn C. Hewitt, *Secretary*

## Agency-Based Voter Registration / Public Information

Lee K. Daghlian, *Director of Public Information Services*  
Robert A. Brehm, *Deputy Director of Public Information Services*  
Gregory Fiozzo, *Coordinator of NVRA Operations*  
Timothy J. Mattice, *Coordinator of Special Projects*  
Mary Longacker, *Secretary 1*  
Eric W. Halliday, *Confidential Aide*

## Election Operations and Services

Anna E. Svizzero, *Director of Election Operations*  
Allison Carr, *Deputy Director of Election Operations*  
John C. Ferri, *Voting Equipment Specialist 2*  
Phillip Jorczak, *Voting Equipment Specialist 1*  
Raymond Cecot, *Senior Administrative Assistant*  
Lisa L. Shaw, *Principal Clerk*

## Information Technology

George E. Stanton, *Chief of Data Processing Services*  
Daniel E. Valvo, *Manager of Data Processing Services*  
Maureen M. Cahill, *Supervisor of Data Processing Services*  
Elizabeth M. Mowrey, *Supervisor of Data Processing Services*  
Frank DeNucci, *Data Base Programmer Analyst 2*  
Dennis J. Caro, *Associate Computer Programmer Analyst*  
Phillip E. Perry, *Associate Computer Programmer Analyst*  
Dennis P. Girard, *Information Technology Specialist 2*  
Hope M. Hardwick, *Information Technology Specialist 2*  
Joyce G. Bush, *Information Technology Assistant*  
Monica V. LaGue, *Information Technology Assistant*  
Colleen M. Koch, *Secretary 1*

## Campaign Financial Disclosure

Josephine T. Jackson, *Senior Accountant*  
Nancy A. Rao, *Agency Program Aide*  
Kathleen A. Ryan, *Agency Program Aide*  
Cheryl S. Hauk, *Calculations Clerk 2*  
Ellen R. Snyder, *Clerk 2*

## Administrative Office

Patricia L. Tracey, *Administrative Officer*  
Thomas Jarose, *Administrative Assistant*  
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 2005.

Copies of individual opinions, or a complete set of opinions, may be obtained by visiting the Board's website.

### 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 2005:

<b>Chapter Number</b>	<b>Summary</b>
23	Established an administrative complaint procedure pursuant to the Help America Vote Act of 2002
24	Created a statewide voter registration list which shall serve as the official list of registered voters throughout the state.
140	Amended Chapter 92 of 2001 which extends certain provisions relating to the election ballot for an additional year with respect to the canvassing of write-in votes.
160	Amended Chapter 420 of 2004 to provide that persons who register to vote by mail and present either a valid NYS driver's license or DMV non-driver ID number with the registration are exempt from having to provide any further identification.
179	Provided for the verification of a voter's identity; the sharing of information databases; agreements with department of motor vehicles and the social security administration relating to verification of a voter's identity; registration and change of enrollment; restrictions on the availability of voter information to the public.

180	The Election Consolidation and Improvement Act of 2005 provided for the ownership, maintenance and transportation of voting machines by county boards of elections, rather than by town and cities outside of the city of New York; requires boards of elections to pay voting machine custodians, election inspectors, poll clerks and election coordinators; requires annual training of election inspectors, poll clerks and election coordinators; provides for the creation, consolidation, division and alteration of election districts by boards of elections; provides for the determination of polling places by the board of elections.
181	Enacted the Election Reform and Modernization Act of 2005; relating to ballots, voting machines or voting systems; contracts for the purchase of voting machines, escrow requirements, elimination of punch cards, procurement process, and audit of voter verifiable audit records; appropriates \$190,000,000 therefor.
220	Created Co-Chairpersons and Co-Executive Directors at the State Board of Elections and amended the process for appointment of members to the state board of elections.
237	Provided that not later than seven days following the day of a primary or special election and not later than thirteen days following the day of a general election or a primary election selecting delegates and alternate delegates to a national convention are to be cast and counted; provides that military ballots be printed and signed with the date the ballot was mailed.
406	Required campaign finance information of local candidates or committees who raise or spend more than \$1000 are to be filed by electronic reporting process to the State Board of Elections as well with the relevant local boards of election.

### **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.

## Litigation

The Office of Special Counsel represented the Board in 13 new court actions in 2005 in both State and Federal Courts.

The following is a brief summary of the significant litigation activity in 2005:

LITIGATION SUMMARY
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<p><b><i>Lopez Torres v. New York State Board of Elections</i></b></p>
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<p>In 2004 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 2004. In January 2006 the District Court issued a preliminary injunction declaring that the judicial nominating convention process was unconstitutional. An appeal was taken and in August 2006 the Second Circuit Court of Appeals affirmed the District Court's granting of the preliminary injunction. A Petition for Certiorari was filed with U.S. Supreme Court in November 2006.</p>
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## **Agency-Based Voter 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 offer individuals the opportunity to register to vote, when they apply for or renew a driver's license, or when they apply for services at any of the over 650 offices that participate in the program.

Including the Department of Motor Vehicles, 14 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 and Advocacy for Persons with Disabilities, Office of Mental Retardation and Developmental Disabilities, Commission for the Blind and Visually Handicapped, Office of Alcoholism and Substance Abuse Services, 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.

### **Registration Statistics**

During 2005, 367,159 voter registration applications or transactions were received by county boards of elections which resulted from the efforts of state agencies. The Department of Motor Vehicles yielded the highest volume of registration applications among the various agencies mandated by the NVRA, accounting for 76% (278,052) of the total number of voter registration applications or transactions in the state. The remaining agencies/programs participating in the program accounted for 24% (89,107). Armed services recruiting offices accounted for 1 application. Voter registration applications and transactions incorrectly sent to the state board by mail and forwarded to the county boards of elections accounted for 1,291 of the above total.

#### **Sources of Voter Registration**

Motor Vehicles	278,052
Public Assistance Agencies	77,251
Disability Agencies	9,251
State Designated Agencies	1,314
By Mail	1,291
Armed Services	1
<b>Total</b>	<b>367,159</b>

### Agency-Based Voter Registration Statistics

<u>Year</u>	<u>New Registrations</u>	<u>Address Changes</u>	<u>Enrollment Changes</u>	<u>Name Changes</u>
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
2005	147,792	106,395	19,569	9,314

### 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 2005, the bi-annual regional agency-based voter registration training offerings were presented to the participating NVRA sites in New York State. 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. The following is a listing of the dates and locations of the agency-based training that was provided in 2005.

### Agency-based Voter Registration Regional Training

<u>DATE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>LOCATION</u>
2/28/05	Buffalo	8/29/05	Buffalo
3/1/05	Rochester	8/30/05	Rochester
3/2/05	Syracuse	8/31/05	Binghamton
3/3/05	Binghamton	9/1/05	Syracuse
3/7-9/05	New York City	9/12/05	Ronkonkoma
3/14/05	Ronkonkoma	9/13/05	Elmsford
3/15/05	Elmsford	9/15/05	Albany
3/18/05	Albany	10/25-26/05	New York City

## **NVRA Informational Newsletter**

An NVRA Newsletter continues to be published bi-annually by the State Board of Elections every January and July 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.

### **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 660 individual supply shipments to participating NVRA sites during 2005.

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 September 2005 semester.

### **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 60,053 New York State and 24,072 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 downloaded 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
Sep	5,945
Oct	7,927
Nov	3,994
Dec	3,713
<b>Total</b>	<b>63,803</b>

### 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	10,145	3,794
Oct	6,537	2,784
Nov	6,588	2,366
Dec	4,480	1,411
<b>Total</b>	<b>60,053</b>	<b>24,072</b>

## **Election Operations and Services**

The Election Operations and Services Unit at the New York State Board of Elections has one prime area of responsibility - the oversight and support of the State's 62 County Boards of Elections. Other key Unit responsibilities include the facilitation of ballot access efforts by candidates, and day-to-day communication with the general public on a variety of election-related topics.

### **Ballot Access**

In the summer of 2005, ballot access activity tracked a traditional, "off-year" path, and consisted primarily of the filing of petitions relating to the selection of delegates and alternate 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, at conventions to be held in the fall.

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

71      Petitions for Judicial Delegate and Alternate Delegate positions.

Some filings related to the party position candidacies described above are made at the local level, as some of the districts in which those persons run are wholly contained by county boundaries. In these cases, information concerning candidate filings which are made at the county level, must be shared with the State Board. This is the method used by the Operations Unit to prepare and certify a complete list of candidates for offices to be elected at the November election. These local certifications are forwarded to the State Board, and become part of our statewide certifications to party committees and others who have need of or interest in this information.

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. When the specifics are filed – the itemization of one's objections – staff 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 a notice of those determinations is made to all participants. In 2005, objections to petitions and corresponding specifications received, posted, and researched, were as follows:

6      objections filed  
5      sets of specifications filed

From the initial filings, the administrative review of same, and the objection filing procedures, the following resulted:

- 5 hearings were conducted
- 3 petitions were determined invalid at said hearings
- 3 petitions were administratively declared invalid

Vacancies existed in eleven of the State's twelve Judicial Districts, accounting for 32 vacancies on Supreme Court benches. Delegates and Alternate Delegates were notified by their respective parties to attend conventions, which were convened on various dates in September. From each of those eleven Judicial Districts, a total of 33 nominations were received, posted, and acknowledged, representing the designation of 92 candidates for the office of Justice of the Supreme Court.

In addition to the Primary and General Elections for calendar year 2005, the Governor declared a total of six Special Elections based on vacancies in one Senate District and five Assembly Districts. These elections were held during the months of May, June, September, and November.

### **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 personalized workshops for specific counties, conference presentations, and appearances at regional meetings of the Election Commissioners' Association. Additionally, memoranda are prepared which deal with topics of interest and necessity, and are 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 5,000 calls were handled in 2005 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 County Board administrative agendas, spending plans and funding requests for systems, tasks, 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 approximately 1.4 million English registration forms and 264,571 Spanish forms. The State Board supplied all County Boards of Elections with a master of the national registration form which is accepted by every state in the country. Also, federal forms, which are used by persons in the military and by United States citizens living abroad, were sent upon request (12,175

shipped).

The 2005 season continued to have a need for County Board support which was directly related to the passage of a federal law entitled, the “Help American Vote Act,” or HAVA. HAVA requires a new perspective on voter registration processing and further requires that voting systems presently used in New York be exchanged for systems and devices which are more accommodating for persons with disabilities. During 2005 there were numerous strategic meetings held focusing on the many HAVA related issues. These meetings included State Board staff, County Board representatives, as well as special interest groups and the general public.

Considerable time and effort on the part of Unit staff was spent providing election-related and moral support to County Boards throughout the evaluation of HAVA. State’s voter registration applications were sent to County Boards, as needed, and the Voter’s Bill of Rights was resent to ensure that all counties had this to post at all poll sites on Election Day.

The Unit Director and various staff members participate regularly and diligently in numerous in-house work groups on topics such as the creation of a statewide data base, evaluation of federal legislation, drafting of implementing state legislation, and related aspects of HAVA.

The State Board provides National Change of Address information to all of the State’s counties. This service is required as part of New York’s statutory voter registration list maintenance procedures, and helps to ensure that voter addresses are in synchronization with information on file with the U.S. Postal Service. If address change information is not processed by the State Board, a county must make arrangements for independent address processing. There is a considerable economy of scale in the State Board’s program, saving County Boards thousands of dollars across the State. In 2005, nearly 10.5 million records were matched to postal information, and resultant data was returned to County Boards for use in updating records, where appropriate, and for notification purposes and other similar tasks.

To supplement voter list maintenance at the county level, Unit staff distributes to County Boards, on a monthly basis, data which identify persons who are deceased (as provided by the State Department of Health), those who have been incarcerated subsequent to a felony conviction (as provided by the State Office of Court Administration), and those who have surrendered their New York Driver’s License (as provided by the State Department of Motor Vehicles).

Visits to County Boards are a way in which the State Board not only monitors activity within the boards, but also makes recommendations on ways the County Boards may improve their daily activities. A visit is often a mutual exchange of information which is of benefit on both levels. During calendar year 2005, thirteen County Boards were visited and reports produced.

## **Voting System Support**

The Unit continues to support County Board efforts to upgrade to electronic voting machines for Election Day use, or to acquire automated absentee ballot voting systems. Only systems which have successfully completed rigorous certification testing can be sold in New York.

Contracts for voting system acquisitions must be submitted to the State Board for review, and approval is required prior to purchase. Once a notice of contract approval is transmitted to a County Board, Unit staff begins to schedule various events, in conjunction with the County Board, to ensure the smooth implementation of any system. The State Board performed acceptance testing of four new voting machines in Saratoga County during 2005.

Unit staff continued to provide support and related elections expertise to St. Lawrence and Westchester Counties in their effort to move away from punch card systems to optical scanning technology for absentee and paper ballot facilitation.

## **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 5,170 such phone calls, and in response, distributed the following:

10	Assembly, Senate, and Congressional maps
107	Copies of the New York State Election Law
94,360	English Voter Registration Forms
578	Spanish Voter Registration Forms
317	pieces of general information, including election results (current and previous), political calendars, candidate lists, our Running for Office booklet, law books, 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 application 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 assist in this process. In 2005, combined efforts produced the transcription of:

2,051 calls, of which 7 calls accessed the Spanish-speaking component of the toll-free system, and 2,314 calls were website accesses. This activity resulted in the shipping of:

13,068	English forms
14	Spanish forms

## **General Unit Initiatives**

Significant staff resources were devoted to supporting the State Board's internal initiatives. Unit staff continues to support the ongoing redevelopment of the State Board's website, with the inclusion of a wide range of data imported from the Unit's data collection files. Additionally, staff continues to be responsible for the design, development, and testing of internally self-checking database applications for the reporting of election results.

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 projects 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 may be identified by the Unit Director and prioritized by Agency management.

## **Information Technology Unit**

The Information Technology Unit is responsible for the procurement, operations and maintenance of all computing systems for the State Board of Elections, including development, implementation, maintenance and support of all election information systems for the agency. The Information Technology Unit is responsible for the data 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.

The Chief Information Officer and the Information Security Officer develop and implement policies and procedures for the use of computer systems and networks.

### **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 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.

Information Technology management is responsible for developing an Annual Technology Plan (ATP) and submitting the plan to the Division of Budget and Office for Technology for review. IT Management is also responsible for obtaining purchase approval for all technology purchases by submitting "Intent to Purchase" documentation and submitting requisitions for purchase to the finance/procurement officer.

### **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 for statewide office. The Information Technology Unit develops and maintains the databases 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.

Legislation was passed in 2005 requiring committees and candidates for local offices to file electronically with the State Board of Elections beginning in January 2006.

The Information Technology Unit modified the FIDAS system to accommodate the registration of these local filers. Information Technology staff also assisted the Campaign Finance Unit in identifying and inventorying the local offices for inclusion into the system.

Since the addition of local filers would increase the number of filers from 1,500 to a total of more than 4,000 filers per year, additional programming and help desk staff were added in Preparation for the January 15<sup>th</sup> 2006 periodic filing. Modifications to the system will continue in 2006 to accommodate the needs of the Campaign Finance Audit Unit for handling the local filings.

### **National Change of Address Processing (NCOA)**

NCOA processing was coordinated by the State Board as required by the National Voter Registration Act. The voters' 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 2005 included more than 11,000,000 voter records from sixty-two 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. Among the other Election Operations responsibilities supported by the ITU were the semiannual collections of enrollment statistics and calculation of signature requirements for campaign petitions.

### **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 site. 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 web site. The site served an average of 1.3 million requests per month during 2005.

## **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. Currently There are 58 separate voter registration systems throughout the state - one in New York City and one in each of the other 57 counties. These 58 systems are all stand-alone voter registration systems and are required by HAVA and New York State statute to be integrated into one centralized, statewide database.

ITU management worked with executive management, legislators and partner agencies to support the legislative and budget processes required to get the statewide voter registration database project initiated.

The Agency contracted with Gartner as an expert advisor for the selection of a statewide voter registration system. The agency's project director worked closely with Gartner's Project team and county election commissioners to evaluate the current status of voter registration in the state and develop a strategy for implementation of NYSVoter, a statewide voter registration database that integrates with all of the county voter registration/election management systems.

The project team identified a statewide system developed by the state of Washington as a system that could be transferred to New York, modified for New York's unique requirements and implemented as the State's solution to HAVA compliance. In December 2005 the Board unanimously voted to leverage the work of Washington and accept transfer of their system.

An RFP will be developed in early 2006 to procure a system integrator to modify and implement the transferred system in New York.

## **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 and the Campaign Finance 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 2005, the enforcement unit initiated two lawsuits, and obtained judgments against 162 candidates and committees for failure to file campaign finance reports. The enforcement unit also referred 71 committees and their treasurers to the Albany County District Attorney. At the end of the year, 124 judgments had been satisfied and \$22,346.90 collected in fines.

The Board received a total of 90 complaints alleging violations of the election law in 2005. The enforcement unit reviewed 63 complaints, some of which were carried over from 2003 and 2004. Six of these complaints were referred to the investigative unit by the Board.

## **Campaign Finance Unit**

The New York State Election Law was amended to require candidates and committees for local elections who file with a county board of elections or with the NYC Board of Elections (The Board) that raise or expend, or expect to raise or expend more than \$1,000 in any calendar year, to file their campaign finance statements in electronic format with the New York State Board of Elections and to continue to file on paper format or electronic format with the county board of elections or with the NYC Board of Elections, as the case may be. The law does not apply to candidates or committees that are required to make their filings with a village clerk.

In 2005, there were staffing changes in the Campaign Finance Unit. In the beginning of 2005, the Unit consisted of a Senior Accountant, two Campaign Finance Analysts, a Clerk II and a Keyboard Specialist, for a total of five (5) employees. In May of 2005, the Keyboard Specialist was replaced with a Clerk II, and in June, one of the Campaign Finance Analysts left the unit, temporarily bringing the Unit to four (4) employees. A Campaign Finance Analyst was hired in August to fill the vacancy and another Analyst was hired in December, to assist with the increased workload from local filings, bringing the staff total to six (6).

The Campaign Finance Unit (CFU) is responsible for receiving and processing state and various county campaign finance disclosure reports. There were a total of ten filing dates for the election year 2005 as follows: January and July periodic filings, two special election filings, three primary election filings, and three general election filings. We had 3,271 active filers, up by 47.5% from 2004. A total of 6,293 New York State financial disclosure statements were received in 2005. Of these, the Unit received and processed 621 paper filings, 414 diskettes, and 5,258 electronic submissions. The CFU staff members are all responsible for data entering paper reports, and reviewing data for accuracy. Reports received on diskettes are first processed in the Unit and then sent to the Information Technology Unit (ITU) for uploading. Reports filed electronically are processed in 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.

The Campaign Finance Unit provides the public, and all filers with the State or County Boards of Elections, with any requested information regarding campaign finance. During 2005, the Unit responded to 12,920 telephone inquiries, and filled a total of 541 requests for Campaign Finance forms and materials. This resulted in a total shipment of 16,760 forms and handbooks. Staff also assisted 106 persons who visited our public view area and processed 30 copy order requests.

<b>CAMPAIGN FINANCE COMPLIANCE TREND</b>					
<b>YEAR</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
Reports required	3,796	7,553	3,573	6,434	2,435
Late Notices (5 Day Letters)	679	1,562	774	1,945	481
Judgements obtained	162	385	197	487	212

There were 1,341 new committees registered in 2005. A letter was sent to each new committee confirming their new registration. The letter provided the committee its identification number, treasurer's personal identification number, and other information relating to filing requirements and obligations. There were 704 committee/candidate terminations processed in 2005.

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 2005") on campaign finance.

The Unit conducted campaign finance disclosure seminars in 18 locations throughout the state in May and June in order to instruct the public, including candidates for state and local offices, and committee treasurers, about campaign finance and the preparation of financial disclosure statements.

<b>2005 CAMPAIGN FINANCE SEMINARS</b>	
May 16, 2005 Monday	Buffalo (Erie County)
May 17, 2005 Tuesday	Rochester (Monroe County)
May 18, 2005 Wednesday	Lyons (Wayne County)
May 19, 2005 Thursday	Penn Yan (Yates County)
May 20, 2005 Friday	Owego (Tioga County)
May 23, 2005 Monday	Albany (Albany County)
May 24, 2005 Tuesday	Monticello (Sullivan County)
May 25, 2005 Wednesday	White Plains (Westchester County)
May 26, 2005 Thursday	Poughkeepsie (Dutchess County)
June 06, 2005 Monday	Lake Pleasant (Hamilton County)
June 07, 2005 Tuesday	Malone (Franklin County)
June 08, 2005 Wednesday	Syracuse (Onandaga County)
June 09, 2005 Thursday	Utica (Oneida County)
June 10, 2005 Friday	Fort Edward (Washington County)
June 15, 2005 Wednesday	Manhattan (New York City)
June 16, 2005 Thursday	Hauppauge (Suffolk County)
June 17, 2005 Friday	Mineola (Nassau County)
June 24, 2005 Friday	Geneva (Ontario County)

## **Public Information**

### **Media Relations**

The public information officer serves as the board's spokesperson and is responsible for handling all press inquiries. In 2005, the Public Information Office received approximately 9,700 requests from reporters, interested parties and the general public seeking information on election results, voter registration, campaign finance, enforcement matters, election law, implementation of the Help America Vote Act 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 2005, 19 requests were received by the records access officer. Eleven requests were granted, one was partially granted, one was forwarded to another office and two denied in accordance with the provisions of Section 87 of the Public Officers Law. In four instances no records were found.

### **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](http://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 Syracuse, New York. The annual conference provides a forum for election officials throughout the state to learn and exchange ideas on election laws and administration. Over 270 people attended the three-day event and took advantage of several meetings to discuss implementation in New York of the Help America Vote Act of 2002. The seminar attracted several state and national election experts as speakers and many voting system manufacturers.

## **Agency Administration**

The Board's Administrative Office consists of three 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 3,700,000 million in General Funds and \$220,000,000 in Federal Funds and \$7,700,000 in Special Revenue authorized staffing level of 47 full time positions, plus Temporary Staff for petition-processing.

### **Personnel Administration**

The agency has classified several new positions to support the implementation of the Help America Vote Act and have recruited staff to support changes that have occurred in Campaign Finance Law.

As a result of the 2003-2007 negotiated agreements with NYS Bargaining Units, the staff was paid a statewide salary increase of 3% in annual salaries.

### **REVENUE FOR 2005**

JUDGEMENTS	18,469.50
AUDIT PHOTOCOPIES	300.50
ELECTION OPERATIONS PHOTOCOPIES	1,350.00
ESCROW AND OTHERS	1,783.20
TOTAL	21,903.20

## Total Enrollment Statewide

November 1, 2005

County	Rep	Dem	Ind	Con	Wor	Gre	Lib	Rtl	Mar	Lbt	Other	Blank	Total
Albany	50,169	101,888	8,223	3,196	577	1,094	939	478	0	15	95	46,647	213,321
Allegany	14,767	7,101	855	407	102	92	197	124	0	5	6	4,441	28,097
Broome	52,369	46,814	4,481	1,545	478	757	962	460	0	20	34	23,158	131,078
Cattaraugus	21,531	18,315	1,735	1,120	189	168	473	350	2	3	7	9,824	53,717
Cayuga	20,486	17,040	2,061	1,420	151	209	430	194	0	5	15	9,697	51,708
Chautauqua	31,036	31,360	4,492	2,054	292	287	787	445	3	10	14	19,437	90,217
Chemung	24,467	17,656	2,316	632	157	152	457	282	0	4	0	10,105	56,228
Chenango	14,863	8,189	1,271	488	124	175	292	138	1	7	2	6,262	31,812
Clinton	17,496	17,779	2,276	437	114	238	622	186	2	3	12	10,186	49,351
Columbia	14,466	12,840	2,093	1,424	96	307	293	145	0	6	3	12,142	43,815
Cortland	12,070	9,433	1,260	456	95	160	180	55	0	1	1	6,921	30,632
Delaware	15,600	8,792	1,219	548	60	168	236	108	0	1	3	6,060	32,795
Dutchess	59,185	53,885	6,726	3,520	466	795	1,167	912	2	22	4	48,032	174,716
Erie	191,247	333,881	20,170	14,068	2,073	2,283	5,782	4,174	35	41	103	108,452	682,309
Essex	14,277	6,744	1,401	199	40	136	221	73	0	2	3	4,720	27,816
Franklin	11,489	10,453	1,321	367	62	138	209	120	1	5	7	5,121	29,293
Fulton	18,181	7,618	1,085	407	98	92	226	101	1	2	3	4,710	32,524
Genesee	17,206	10,104	1,375	876	122	114	357	237	3	8	0	7,388	37,790
Greene	14,314	7,366	1,221	893	71	125	188	163	0	2	5	8,310	32,658
Hamilton	3,375	1,044	141	54	3	14	15	11	0	0	0	561	5,218
Herkimer	21,476	11,269	1,727	507	91	114	288	125	1	1	5	6,346	41,950
Jefferson	28,780	18,043	2,567	822	171	171	542	228	1	3	20	12,885	64,233
Lewis	10,179	4,823	569	246	33	42	139	79	0	2	0	2,592	18,704
Livingston	18,757	11,107	1,491	798	96	187	360	178	1	7	12	8,491	41,485
Madison	19,478	11,795	2,140	884	155	215	396	190	0	1	7	9,478	44,739
Monroe	154,245	170,935	14,545	8,271	1,055	1,699	2,797	1,600	62	70	204	108,039	463,522
Montgomery	12,585	11,587	1,248	629	87	82	302	165	0	4	0	5,993	32,682
Nassau	358,848	324,406	19,621	9,880	1,498	1,595	4,634	3,173	4	30	144	194,016	917,849
Niagara	51,052	60,810	4,126	2,859	600	487	1,473	1,145	0	3	28	22,992	145,575
Oneida	51,986	42,843	4,886	1,559	255	242	829	467	0	0	129	21,138	124,334
Onondaga	102,476	99,253	10,820	4,874	1,114	1,379	1,982	1,297	1	31	54	74,369	297,650
Ontario	29,852	20,197	2,783	1,272	142	378	563	237	0	7	2	15,428	70,861
Orange	80,158	69,744	7,094	3,792	535	815	1,190	995	0	12	221	45,682	210,238
Orleans	12,977	6,727	854	520	106	72	256	144	0	4	6	5,740	27,406
Oswego	42,409	21,706	3,445	1,937	263	305	788	365	0	8	11	17,970	89,207
Otsego	14,829	10,674	1,445	412	104	236	240	138	2	0	12	7,012	35,104
Putnam	24,726	18,584	2,570	2,549	133	227	369	352	0	3	11	17,256	66,780
Rensselaer	29,369	27,971	5,378	5,147	793	457	702	347	1	21	6	32,445	102,637
Rockland	45,534	81,346	4,592	3,822	419	393	832	752	0	2	30	41,559	179,281
Saratoga	69,246	35,203	6,039	1,954	275	643	839	337	1	21	14	34,499	149,071
Schenectady	31,878	35,562	3,842	2,600	364	354	641	358	0	3	65	22,622	98,289
Schoharie	7,908	5,023	806	323	44	96	121	60	0	3	15	4,260	18,659
Schuyler	5,922	3,939	518	224	60	114	153	84	0	1	0	2,978	13,993
Seneca	9,098	6,568	650	491	68	104	213	128	0	5	5	3,868	21,198
St. Lawrence	25,429	23,556	2,538	736	164	273	547	233	0	3	2	12,161	65,642
Steuben	32,375	15,110	1,983	791	192	219	508	285	0	2	3	8,961	60,429
Suffolk	342,316	279,658	28,213	20,857	2,711	2,486	6,119	5,186	8	78	498	236,905	925,035
Sullivan	17,800	23,315	1,754	1,217	131	281	396	299	0	5	11	14,749	59,958
Tioga	16,228	8,961	1,297	381	102	153	230	169	0	4	7	6,104	33,636
Tompkins	16,806	26,777	1,964	367	169	1,248	384	127	0	25	27	14,312	62,206
Ulster	34,824	38,496	3,990	2,697	359	1,321	885	526	4	25	37	38,030	121,194
Warren	22,971	10,186	1,688	576	116	269	338	129	0	3	10	8,121	44,407
Washington	19,008	9,646	1,714	638	121	162	373	155	0	2	5	8,598	40,422
Wayne	26,265	14,692	2,313	1,476	196	193	570	328	3	5	7	14,141	60,189
Westchester	168,298	263,299	18,281	11,262	1,426	1,391	2,911	1,996	0	0	31	142,142	611,037
Wyoming	12,429	6,732	902	479	72	57	190	177	0	0	4	4,991	26,033
Yates	7,955	3,710	498	238	46	67	104	86	2	0	7	2,418	15,131
<b>Total Outside NYC</b>	<b>2,595,066</b>	<b>2,562,555</b>	<b>236,613</b>	<b>132,198</b>	<b>19,636</b>	<b>26,031</b>	<b>48,237</b>	<b>31,396</b>	<b>141</b>	<b>556</b>	<b>1,967</b>	<b>1,581,465</b>	<b>7,235,861</b>
Bronx	53,678	504,639	13,198	3,833	2,235	570	3,934	2,062	5	4	81	96,422	680,661
Kings	131,209	904,075	25,313	5,243	3,695	4,251	6,302	2,819	10	34	249	214,465	1,297,665
New York	127,605	716,557	28,235	2,323	1,615	4,158	5,239	1,482	12	55	683	195,366	1,083,330
Queens	154,681	666,729	21,336	7,014	2,392	1,817	5,817	2,552	2	11	183	196,837	1,059,371
Richmond	80,342	117,215	6,600	4,481	818	395	1,576	957	0	4	24	49,837	262,249
<b>Total NYC</b>	<b>547,515</b>	<b>2,909,215</b>	<b>94,682</b>	<b>22,894</b>	<b>10,755</b>	<b>11,191</b>	<b>22,868</b>	<b>9,872</b>	<b>29</b>	<b>108</b>	<b>1,220</b>	<b>752,927</b>	<b>4,383,276</b>
<b>Statewide Total</b>	<b>3,142,581</b>	<b>5,471,770</b>	<b>331,295</b>	<b>155,092</b>	<b>30,391</b>	<b>37,222</b>	<b>71,105</b>	<b>41,268</b>	<b>170</b>	<b>664</b>	<b>3,187</b>	<b>2,334,392</b>	<b>11,619,137</b>