

**New York State Board of Elections  
Annual Report  
2007**

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Douglas A. Kellner  
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To: The Honorable David Paterson, Governor  
and Members of the New York State Legislature

We are pleased to submit to you the New York State Board of Elections' 2007 Annual Report. This report provides a comprehensive review of board programs and accomplishments during the calendar year 2007. The Board's mission consists of the oversight of each County Board of Elections and the Board of Elections in the City of New York, as well as statewide compliance with the Help America Vote Act and the National Voter Registration Act. The Board administers several critical programs, including the statewide voter registration list (NYSVoter), agency-based registration, and the voting system certification program. In addition to ensuring fair and broad ballot access for hundreds of candidates from throughout the State, the Board is committed to the active investigation of election law violations, and vigorous oversight of enforcement of campaign financial disclosure filing requirements.

Toward that end, 2007 had a particular emphasis on the certification of new voting systems for use in New York State. Work was also completed during the first nine months of 2007 to build the statewide voter registration list (NYSVoter) to comply with both state law and the Help America Vote Act.

In Chapter 53 of the Laws of 2007, the State Legislature passed a new appropriation, creating a new Program: Investigations of Campaign Financing. The unit will be responsible for increasing the audit and investigations capacity of the Board as well as enhance the education and outreach that the Board engages to relative to campaign financial disclosure. This program is intended to support an increased level of compliance with statutory requirements of Campaign Finance provisions. In areas such as education of mandated filers, timely review of questions and problems, provision of support to filers, and greater general enforcement of the mandates, the Board anticipates a significantly higher likelihood of meeting its obligation of public inspection of financial filings that accurately depict the raising and spending of money by and for candidates for public office.

The New York State Board of Elections has worked diligently to embrace each of the new programs it has faced, and is recognized on the national level as a leader in enhancing the participation of eligible voters to the elective franchise. Its commitment to providing open, accessible and accurate elections is without equal.

Respectfully submitted,

Douglas A. Kellner  
Co-Chair

Evelyn J. Aquila  
Commissioner

James A. Walsh  
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Gregory P. Peterson  
Commissioner

## PERSONNEL DIRECTORY

### **Commissioners**

**Douglas A. Kellner**

*Co-Chair*

**Neil Kelleher**

*Co-Chair*

**Evelyn J. Aquila**

*Commissioner*

**Helena Moses Donahue**

*Commissioner*

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**Stanley L. Zalen**

*Co-Executive Director*

**Donna Mullahey**

*Secretary*

**Peter S. Kosinski**

*Co-Executive Director*

**Maryellen Reda**

*Secretary*

### **Office of the Special Counsel**

Todd D. Valentine, *Special Counsel*

Paul Collins, *First Deputy Counsel*

### **Office of the Enforcement Counsel**

Elizabeth C. Hogan, *Enforcement Counsel*

William J. McCann, Jr., *Special Deputy Counsel*

### **Campaign Financial Disclosure**

Patricia M. Lloyd, *Associate Accountant*

Josephine T. Jackson, *Senior Accountant*

### **Public Information**

Lee K. Daghlian, *Director of Public Information Services*

Robert A. Brehm, *Deputy Director of Public Information Services*

### **Agency-Based Voter Registration**

Gregory Fiozzo, *Coordinator of NVRA Operations*

Deirdre L. Hammer, *Coordinator of Special Projects*

### **Election Operations and Services**

Anna E. Svizzero, *Director of Election Operations*

Allison Carr, *Deputy Director of Election Operations*

### **Information Technology**

George E. Stanton, *Chief of Data Processing Services*

Daniel E. Valvo, *Manager of Data Processing Services*

### **Administrative Office**

Patricia L. Tracey, *Administrative Officer*

Thomas Jarose, *Administrative Assistant*

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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 2007.

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 2007:

Chapter Number	Summary
17	Moved the spring primary for the election of delegates to national party convention up one month from first Tuesday in March to the first Tuesday in February.
49	Changed the date for the 2007 primary elections to September 18, 2007 and further provided that the 2007 judicial district convention shall be held no earlier than September 20, 2007 and no later than September 28, 2007. This law sunset on December 31, 2007.
99	Extended 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. 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 re-canvass. This law will sunset on July 10, 2008 (7 years after Chapter 92 of 2001 became effective).

228	Provided for the election of delegates to a national party convention. This law will sunset on December 31, 2008.
254	Extended to December 31, 2008 the provision in the Election Law that provides that military ballots will be cast and counted if signed and dated by the voter and one witness and extends the time for receipt of a general election ballot to 13 days after the election, as compared to 7 days for a primary or special elections.
397	Extended the sunset of the Citizens' Election Modernization Advisory Committee from April 30, 2006 to July 1, 2010.
506	Amended chapter 181 of the laws of 2005 to extend deadline for replacing exiting voting machines from September 1, 2007 to until their replacement is possible.
590	Raised the per diem compensation for New York City election commissioners from \$125 to \$300 for each day's attendance at meetings of the board or any of its committees and raised the maximum salary proportionally from \$12,500 to \$30,000 per year.

### **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 12 new court actions in 2007.

The following is a brief summary of the significant litigation activity in 2007:

### LITIGATION SUMMARY

#### ***Lopez Torres v. New York State Board of Elections***

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. Arguments before the Supreme Court were heard in October 2007. In January, 2008, the Supreme Court overturned the Second Circuit Court of Appeals find that the judicial nominating convention process is constitutional.

#### ***United States v. New York State***

The United States Department of Justice brought suit against the State of New York And the State Board of Elections to enforce provisions of the Help America Vote Act. The State Board and the Department of Justice established a consent decree with the Court setting forth a plan which would bring the State into compliance as soon as possible. Monitoring by the Department of Justice is ongoing.

#### ***Price v Albany County***

In a challenge in Federal Court to the constitutionality of the New York State statutory proscription against issuing absentee ballots for county political committee contests, the District Court found that there was a sufficient basis to uphold the statute. Plaintiff's filed an appeal in the Second Circuit Court of Appeals. Argument was heard in March, 2008. A decision is expected some time in 2008.

# Voter Registration Unit

## Agency-Based Voter Registration

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 approximately 650 offices that participate in the program.

Including the Department of Motor Vehicles, 16 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, 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 2007, 355,823 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 68% (243,419) of the total number of voter registration applications or transactions in the state. The remaining agencies/programs participating in the program accounted for 31% (111,406). Armed services recruiting offices accounted for 0 applications. Voter registration applications and transactions incorrectly sent to the state board by mail and forwarded to the county boards of elections accounted for 998 of the above total.

### Sources of Voter Registration

Motor Vehicles	243,419
Public Assistance Agencies	102,121
Disability Agencies	8,049
State Designated Agencies	1,236
By Mail	998
<u>Armed Services</u>	<u>0</u>
<b>Total</b>	<b>355,823</b>

**Agency-Based Voter Registration Statistics**

<b>Year</b>	<b><u>New Registrations</u></b>	<b><u>Address Changes</u></b>	<b><u>Enrollment Changes</u></b>	<b><u>Name Changes</u></b>
<b>1995</b>	316,627	64,005	23,108	4,644
<b>1996</b>	326,356	132,169	33,855	6,356
<b>1997</b>	273,190	171,275	32,773	8,164
<b>1998</b>	238,961	160,474	36,635	9,205
<b>1999</b>	220,771	156,619	40,089	9,400
<b>2000</b>	194,170	135,255	25,270	9,322
<b>2001</b>	191,403	129,267	26,550	10,496
<b>2002</b>	179,684	123,636	30,290	10,354
<b>2003</b>	187,100	125,627	31,403	10,949
<b>2004</b>	217,289	137,926	38,691	12,359
<b>2005</b>	147,792	106,395	19,569	9,314
<b>2006</b>	144,977	94,685	15,912	8,452
<b>2007</b>	166,341	89,779	18,113	9,665

**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 2007, 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 2007.

**Agency-Based Voter Registration Regional Training**

<b><u>DATE</u></b>	<b><u>LOCATION</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION</u></b>
3/8-9/07	New York City	10/1-2/07	New York City
9/25/07	Buffalo	10/5/07	Albany
9/26/07	Rochester	10/10/07	Ronkonkoma
9/27/07	Syracuse	10/11/07	Elmsford
9/28/07	Binghamton		

## **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, staff responds to all inquiries, and acts 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 957 individual supply shipments to participating NVRA sites during 2007.

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 2007 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 2007, staff at the State Board of Elections processed 41,285 New York State and 33,098 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 DMV internet change of address request forms which have been downloaded by customers, completed, and forwarded to DMV. The state board distributed 89,201 address change requests received from the Department of Motor Vehicles to county boards during 2007.

### **County HAVA Funds Program**

The Help America Vote Act (HAVA) has provided funds to the State of New York for poll worker training, voter education, and poll site accessibility. Since June 2006, the State Board has been overseeing the grant application process, as well as the disbursement of federal and state funds, to further the HAVA mandates. The Poll Site Access Program provides funds to county boards of elections to assist them in ensuring that all New York polling places are accessible and provide the same opportunity for all voters to participate in the election process. The Voter Education and Poll Worker Training Program provides funds to county boards of elections to implement programs to educate poll workers and the general public on the proper use of new voting systems.

### **Poll Site Access Program**

The New York State Board of Elections has received \$5 million in State appropriations and \$2.5 million from the Department of Health and Human Services to establish, expand, and improve access to and participation by individuals with a full range of disabilities in the elections process. The polling place access improvement funds will assist county boards in undertaking minor construction or renovation projects, and the purchase of proper signage, materials, and low-tech devices to help assist persons with disabilities on election days and to assure voter privacy and independence. The funds may be used to make polling places, including parking, the path of travel, door hardware, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities (e.g. impairments involving vision, hearing, mobility, dexterity, emotional, or intellectual) through the use of varied accessibility tools (e.g. ramps, handrails, and signage).

## **Poll Worker Training and Voter Education Program**

The New York State Board of Elections has received \$10 million in HAVA funds to be dispersed and used by county boards for the specific and limited purpose of advancing Voter Education and Poll Worker Training. County Boards will implement programs to educate individuals on the proper use of new voting systems, including ballot marking devices. These efforts are intended to help bolster public confidence in the election process by providing information to election administrators on methods for keeping the process secure while ensuring that every eligible voter can cast a vote and have that vote counted. Training and education must extend to all voters, including those with a full range of disabilities, as well as those with language barriers.

The State Board of Elections in conjunction with the New York State Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD) plan to provide counties with additional Train the Trainer programs. The training will teach individuals designated by the County Board of Elections and provide them with up to date information and awareness on assisting individuals with disabilities. This includes making polling places more accessible, the most current information on the voting process, as well as information regarding specific voting equipment purchased by county boards of elections.

The State Board began creating the On-line Poll Worker Training Project as a supplemental means to training poll workers. A Request For Proposal was issued and our selected solution provider, SOE Software, has begun the process of accumulating existing training materials. The project is an inclusive effort to deliver training to poll workers through both a written manual and an online training platform. SOE Software has collaborated with the State Board to select a bi-partisan Advisory Group consisting of seven counties and the New York City Board of Elections.

## **Election Operations and Services**

The Election Operations and Services Unit of the New York State Board of Elections major area of responsibility is 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 broad array of election-related topics. Impacting all aspects of the Units work, 2007 had a particular emphasis on the certification of new voting systems for use in New York State.

### **Statewide County Board of Elections Operational Support**

In addition to election assistance, support to County Boards of Elections in the area of daily operations represents a key focus of the Unit.

County Boards receive support in a myriad of ways, from personalized workshops tailored to individual counties, to informative conference presentations, participation in and appearances at Election Commissioners' Association regional meetings, topical memorandums, and a workshop designed for new Commissioners presented at the agency's Annual Conference.

Over 4,000 telephone calls were handled in 2007 by the Unit requesting information and guidance on subjects ranging from Election Law, ballot layout, voter registration, HAVA, voter list maintenance, policy and procedure, and other operational matters. The Unit is an essential resource for County Board Commissioners and staff, 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 initiatives, upgrades to various computer systems, and other programs that the County Boards may choose to implement.

Voter registration applications are also provided to County Boards by the Unit. Staff prepared and shipped approximately 1.3 million English registration forms and 118,000 Spanish registration forms in 2007. Further, 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. 48,200 Federal forms used by military personnel and United States citizens living abroad were also sent to county boards of elections.

County Boards continued to benefit from ongoing guidance and assistance provided by the Election Operations Unit, concerning compliance with the "Help American Vote Act" (HAVA) in 2007. The Unit regularly conducts and/or participates in numerous internal work groups on matters relating to HAVA implementation.

The State Board also 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 synchronized with information on file with the U.S. Postal Service. There is a considerable economy of scale in the State Board's program, saving County Boards thousands of dollars across the State. This process is further enhanced as data is processed more uniformly, via the newly-implemented statewide database. In 2007, approximately

11 million records were matched to postal information, and resultant data was provided to County Boards for use in updating records, notification purposes, and other list maintenance tasks.

## **Election Services**

Additional services provided by Unit staff include responding to general inquiries from the public, and distributing of related information. In 2007 the Unit responded to over 1,633 such phone calls and distributed the following:

- 287 Copies of the New York State Election Law
- 238,641 English Voter Registration Forms
- 4,225 Spanish Voter Registration Forms

An additional 176 pieces of general information were distributed, including election results (current and previous), political calendars, candidate lists, SBOE's Running for Office booklet, election law books, and other information and data related to elections and the election process.

This Unit also has responsibility for managing the State Board's toll-free voter registration application request number (1-800-FOR-VOTE), and fulfilling requests submitted via the agency website. In 2007, 2,562 calls were transcribed, of which 90 calls accessed the Spanish-speaking component of the toll free system, and 2,314 calls were website requests.

This activity resulted in the shipping of:

- 24,195 English forms
- 135 Spanish forms

## **Candidate Ballot Access Process**

In the summer of 2007, ballot access activity was focused on the petition filing for the selection of delegates and alternate delegates to Judicial District Conventions. Delegates nominate candidates for the office of Justice of the Supreme Court, from twelve districts in the State, at fall conventions.

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

- 85 Petitions for Judicial Delegate and Alternate Delegate positions.

Some filings related to the party position candidacies previously described 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. 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. They are presumptively valid when filed, however the validity of a filing may be challenged by persons choosing to do so. Challenges require the filing of an initial objection within three days of the filing, followed by specific objections within five days. When the specifics are filed – the itemization of objections – staff reviews each specific itemized objection, notes their findings, and submits a reporting form 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 the objector as well as the candidate. In 2007, 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, their administrative review, and the objection filing procedures, the following resulted:

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

Vacancies existed in eleven of the State's twelve Judicial Districts, accounting for 30 vacancies on Supreme Court benches. Delegates and Alternate Delegates were notified by their respective parties to attend conventions, which were convened in September.

A total of 30 nominations were received, posted, and acknowledged, from each of the eleven Judicial Districts, representing the designation of 79 candidates for the office of Justice of the Supreme Court.

In addition to the Primary and General Elections for calendar year 2007, the Governor declared a total of seven Special Elections based on vacancies in one Senate District and six Assembly Districts, as follows:

- 7th Senate District – February 6, 2007
- 16th Assembly District – March 27, 2007
- 61st Assembly District – March 27, 2007
- 62nd Assembly District – March 27, 2007
- 94th Assembly District – May 1, 2007
- 65th Assembly District – June 5, 2007
- 105th Assembly District – July 31, 2007

Special elections are conducted when vacancies occur in certain offices and the Governor issues a proclamation, declaring a specific date for the conduct of the special election. The results of such elections are collected and processed, then certified by the Commissioners of the State Board.

Post-election tasks include the collection, recording, and validating of all election results corresponding to the offices noted above. Certificates are prepared for signature by the State Commissioners in their capacity as the State Board of Canvassers.

## Voting System Certification Activities

Beginning in 2005, the Unit has undertaken a significant body of work, relative to implementing compliance with the Help America Vote Act (HAVA). Toward that end, in 2007 the Unit led the following activities, and others, to certify new voting systems for New York State, and ensure the necessary supporting procurements, attendant policies and procedures, and ongoing strategic planning:

- Procurement of Ballot Marking Devices (BMD's) and voting systems – including development of a Request for Proposal (RFP), and participation in individual contract negotiation sessions with proposers.
- Procurement of an Independent Testing Authority (ITA) – including RFP development; bid solicitation; participation as members of the technical evaluation committee; site visits around the country; development of an award recommendation; participation in the contracting process; and, subsequent development of numerous administrative processes to support effective contract management, including: status meetings; deliverables submission, review, & acceptance procedures; invoicing process; and project kick-off sessions.
- Development and finalization of multiple policies and procedures for Unit and County Board use, including those for the certification process itself, County Board Voting System Facility Storage and Transport Guidelines, formal Requests for Interpretation by vendors process, acceptance testing, building test decks, and numerous other documents aimed at outlining in very specific ways, how the consistent delivery of voting equipment implementation services and ultimate compliance with HAVA should be achieved.
- Participation in Election Management Software (EMS) training for Unit staff by vendors: training and familiarization with all voting systems and related peripherals.
- Providing support in the form of research, benchmarking with other states, participating in analysis and discussion on numerous associated matters, including software source code escrow requirements; privacy booths; digital signature requirements; random sampling audit methods; and others.
- Hosting of ongoing vendor conference call meetings with voting system vendors. Regular communications with the vendor community was designed to ensure an open process that allowed for the routine sharing of information and developments.
- Collaborative undertakings with host agency the Office of General Services on an array of tasks, including instructions to County Boards for the ordering of systems and supplies, and fund apportionment data.
- Preparation of weekly HAVA implementation progress reports to the U. S. Department of Justice.
- Arranging demonstrations of voting systems for the Citizen's Election Management Advisory Committee (CEMAC), New York State Commission on Quality of Care and Advocacy for Persons with Disabilities, the media, and other interested groups.

- Development of an internal documentation management strategy in preparation for the volumes of technical documents submitted by vendors, test and status reports from the ITA, and others, in response to certification activities.
- Work with the NYSTEC consultant group on requirements matrix development and analysis; numerous procedural documents; and overall project management.
- Delivery of format-appropriate documents for publication to the Agency's website, including position papers, applications for certification, status reports, timelines, and other data of general public interest.
- Researching and analyzing asset management system needs and available products to support statewide monitoring of voting systems maintenance, usage and trouble-shooting information. Accurate and robust methodologies for gathering data that can be used to accomplish Unit monitoring and support of county board efforts, will result in cost-efficient and effective ways to enhance the Unit's oversight capabilities, concerning the deployment and use of new voting equipment.
- Defining a concept for and piloting the single-site acceptance testing of BMD's – including: identifying basic requirements for space, security, access, power, storage, staffing, and funding. This initiative required holding strategy sessions and conducting follow-up research and activities on acceptance testing planning, including collaboration with OGS; developing the roles and responsibilities of Unit and County Board staff, the procurement of temporary employees, and coordination with vendors.

### **Additional Unit Initiatives**

Beyond responsibilities relating to providing operational support to County Boards of Elections; public election services; ballot access; and voting system certification, the Unit also engaged in many other endeavors during 2007, such as:

- Assisting the Public Information Office with preparations for the Annual State Board of Elections Conference in Syracuse, NY.
- Developed a voting system vendor dedicated email address, created to enhance communications with the vendor community.

## **Information Technology Unit**

The Information Technology Unit (ITU) 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.

### **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. 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.

ITU is responsible for receiving electronic filings and loading them into the Campaign Financial Disclosure Database. In 2007 these filings reached an all time high of 23,494 due to the requirement for certain local candidates and committees to file with the State Board of Elections. In addition to the handling of reports, ITU support staff handled 5,000 calls to the help desk.

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

NCOA processing was coordinated by the State Board as required by the National Voter Registration Act. 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 2007 included approximately 11,000,000 voter records from sixty-two counties.

## **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. The year 2007 was not a major election year so support requirements were minimal for CAPAS.

## **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.

## **NYSVoter Statewide Voter Registration Database**

As part of the Federal Help America Vote Act (HAVA), legislation that was passed in 2002, as well as New York State election law changes, the State Board of Elections was required to create a statewide voter registration database. This required integration with the disparate Voter Registration /Election Management (VR/EMS) systems from 57 County Board of Elections and the New York City Board of Elections.

An RFP was developed by NYSBOE staff in the first quarter of 2006. The chosen vendor, Saber, and the SBOE project team began work in October, 2006. The last quarter of 2006 was spent in joint application design (JAD) sessions and developing the final functional requirements documentation as well as the detailed design documents required by county vendors and IT staff to build the county interfaces to the statewide database.

The Statewide Voter Registration Database, NYSVoter, was developed and implemented in record time during the first nine months of 2007. A very efficient governance model and effective project teams for SBOE and Saber Corp. made this effort possible. In just nine months:

- The application was developed, tested and implemented.
- Interfaces to DMV and the Social Security Administration were developed and tested.
- The State side communication interface was completed.
- Counties and/or their VR/EMS vendors completed development and compliance testing according to SBOE development specifications.
- The SBOE data center was upgraded with additional air conditioning and power.
- A backup site was located and upgraded to meet power requirements.
- Data Center hardware and software was procured, delivered, installed and configured.
- Data was migrated from county VR/EMS systems to NYSVoter.
- Counties were brought on line as their data was migrated.

NYSVoter has been functioning since September with 62 counties interacting and sending data in near real time. Subsequently, several enhancements have been implemented, including a public web interface where voters can look up their voter registration information and polling site location. This project was not only accomplished in a short time, but was also completed below budget.

## **Election Law Enforcement and Investigations**

The Board's Enforcement Counsel supervises the Enforcement, Investigative and Campaign Finance Units.

The Enforcement Unit consists of the Enforcement Counsel, Special Deputy Enforcement Counsel, and Confidential Secretary.

The Board enforces complaints of violations of the Election Law, as well as campaign finance reporting requirements through civil proceedings brought by the Enforcement Unit. If a required campaign finance disclosure report is not filed, the candidate or committee is notified by Certified and First Class mail of the failure to file. If the filing is not received by the Board within five days of receipt of the letter, the Board initiates a civil action requesting the Court to order the filing be made, as well as to assess a monetary penalty and court costs. In 2007, the Enforcement Unit initiated three (3) lawsuits and obtained 491 judgments against candidates and committees for failure to file campaign finance disclosure reports. By year's end, 132 judgments were satisfied and \$34,716 in fines and costs was collected.

Additionally, the Board referred 14 Corporations to District Attorneys for review of 2005 contributions in excess of the \$5000 annual statutory limit.

In 2007 the Board received 165 complaints alleging violations of the Election Law. The Enforcement Unit reviewed 45 complaints, some of which were carried over from 2005 and 2006. Two of these were referred by the Board to the Investigative Unit.

The Investigative Unit has one Investigator. The Unit conducts any investigation of alleged violations of the Election Law ordered by the Board, including in the areas of campaign finance financial disclosure, petitions, illegal registration and voting, and the conduct of elections.

## Campaign Finance Unit

The Campaign Finance Unit (CFU) is headed by the Enforcement Counsel who, with the Special Deputy Enforcement Counsel, supervises a campaign finance staff of 12: an Associate Accountant, a Senior Accountant, a Clerk II, a Keyboard Specialist, 6 Campaign Finance Analysts (one was added in 2007.) With the tremendous increase in the number of filers required to file with the Board since January 1, 2006, and the oversight needed, the CFU was reconfigured in 2007 to provide for an Intake and Processing subunit, as well as an Audit subunit. As a result, 2 Confidential Auditors were added in 2007.

The CFU/Intake and Processing is responsible for receiving and processing campaign financial disclosure reports. In 2007, there were a total of thirteen filing dates for the year 2007 as follows: January and July Periodic filings, five special election filings, three primary election filings, and three general election filings. In 2007, there were 8,860 active filers, up 133% from the previous year. A total of 24,864 New York State financial disclosure statements were received by the Board in 2007, consisting of 7,260 from state filers and 17,604 from county filers: 23,181 electronic submissions, 504 diskettes, and 1,179 paper filings. All filings are available for public viewing on the Board's website. If a mandated filing is not made, the candidate or committee is notified by Certified and First Class mail of the failure to file. In 2007, the CFU sent in excess of 4000 such letters. Subsequently, lawsuits were initiated by the Enforcement Unit and a resulting 491 Judgments for failure to file were entered.

With the change in law effective January 1, 2006, the number of active filers (those registered on our system) has increased in dramatic fashion. The following shows the breakdown of filers:

	2004	2005	2006	2007
State Filers	1,716	2,295	2,564	2,159
County Filers	0	976	4,094	6,701
<b>TOTAL FILERS</b>	<b>1,716</b>	<b>3,271</b>	<b>6,658</b>	<b>8,860</b>

In 2007, 4,332 new committees were registered with the Board. With each new registration, the CFU sent a confirmation to the treasurer, providing the committee identification number, the treasurer's personal identification number, and other information relating to filing requirements and obligations. There were 890 committee/candidate terminations processed in 2007, an increase of 193% from the previous year.

Other CFU responsibilities include:

- Publication of the campaign financial disclosure filing calendar.
- Calculation of the contribution limits as set forth in Election Law Article 14.
- Revision of the campaign finance filer Handbook.
- Providing annual Filer Update to all filers.
- Conducting Seminars throughout the State to provide information as to the requirements of financial filing, and applicable Election Law provisions.

- Providing the public, as well as all filers with the State Board or County Boards of Elections, with information regarding campaign finance. In 2007, the staff responded to 18,635 telephone inquiries, up 132% from the previous year, and filled 1,862 requests for campaign finance forms and materials. Staff also assisted 163 people who visited our public view area.

Additionally, the CFU/Audit is responsible for regularly reviewing filings for compliance with statutory mandates. In late 2007 the Board added 2 Confidential Auditors to staff this subunit.

## **Public Information**

### **Media Relations**

The public information officer and the deputy information officer serve as the board's spokesperson and are responsible for handling all press inquiries. In 2007, the Public Information Office received over 10,000 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 officers 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 2007, 311 requests were received by the records access officer. The number is a major increase from previous years due to the ability of the public to make FOIL requests by e-mail and most requests were for data and records from the New York State Board of Elections statewide database of registered voters. Two hundred and ninety nine requests were granted, 3 were partially granted, 3 were forwarded to other offices and 2 were denied in accordance with the provisions of Section 87 of the Public Officers Law. In 4 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. Approximately 300 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 local board commissioners and staff from every county board in New York.

## **Agency Administration**

The Board's Administrative Office consists of four 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 a Host Agency Relationship with the Office of General Services for activities related to Purchasing and Payment of Vouchers.

### **Fiscal Operations**

The Board began the new fiscal year with an appropriation of more than \$7,230,000 million in General Funds and \$23,500,000 in Federal Funds and \$8,600,000 in Special Revenue Funds.

In 2007 the agency was appropriated an additional \$5,000,000 of Federal Funds for the State Certification expenses, \$3,500,000 for services and expenses related to the alteration of poll sites to provide accessibility for disabled voters, \$15,000,000 Aid to Localities from the interest earned from the Federal Funds to implement the Help America Vote Act.

A new program for Investigations of Campaign Finance was passed in Chapter 57 of the Laws of 2007, with a funding level of \$1,500,000 and increasing the agency's staff by 21 positions.

The Board was granted the following reappropriations for the Fiscal Year:

- \$5,000,000 in General Funds/Aid to Localities for expenses related to the alteration of poll sites to provide accessibility for disabled voters
- \$20,000,000 in Federal Funds/State Operations for expenses related to the Help America Vote Act
- \$12,000,000 in Federal Funds/Aid to Localities for expenses related to the implementation of the Help America Vote Act
- \$10,000,000 in Federal Funds/Aid to Localities for expenses incurred for poll worker training and voter education efforts
- \$190,000,000 for services and expenses related to the purchase of new voting machines and voting systems

### **Personnel Administration**

The agency has classified twenty-one new positions for the program Investigations of Campaign Finance. We are currently authorized a staffing level of 83 full time positions, plus Temporary Staff for petition-processing.

As a result of the 2007-2010 negotiated agreements with NYS Bargaining Units, the staff was paid a statewide salary increase of 3% in annual salaries effective April 1, 2007.

## Total Enrollment Statewide November 1, 2007

COUNTY	DEM	REP	IND	CON	WOR	GRE	LBT	RTH	SWP	BLANK	TOTAL
Albany	95,240	45,586	8,143	2,979	614	807	26	0	0	43,623	197,018
Allegany	6,989	14,414	967	390	130	89	8	0	0	4,815	27,802
Broome	44,605	48,672	4,717	1,471	560	572	38	0	0	22,611	123,246
Cattaraugus	17,304	20,223	1,796	1,025	229	139	5	0	0	9,951	50,672
Cayuga	16,858	19,855	2,207	1,349	186	181	7	0	0	10,238	50,881
Chautauqua	30,619	30,172	4,494	1,970	363	245	22	0	0	20,462	88,347
Chemung	17,184	23,555	2,434	611	203	154	11	0	0	10,342	54,494
Chenango	8,161	14,307	1,316	478	145	168	11	0	0	6,610	31,196
Clinton	18,226	17,385	2,581	445	167	227	9	0	0	11,814	50,854
Columbia	13,765	14,453	2,520	1,416	176	285	16	0	0	12,766	45,397
Cortland	9,194	11,514	1,289	432	121	130	1	0	0	6,686	29,367
Delaware	8,072	14,069	1,213	482	83	149	2	0	0	5,659	29,729
Dutchess	54,147	57,306	7,334	3,405	573	626	38	0	0	48,734	172,163
Erie	331,839	185,885	22,432	13,765	2,606	0	0	0	0	120,479	677,006
Essex	6,606	13,643	1,537	196	47	105	4	0	0	4,895	27,033
Franklin	10,026	10,602	1,317	318	82	105	6	0	0	5,091	27,547
Fulton	7,538	17,463	1,198	401	115	77	3	0	0	5,011	31,806
Genesee	9,794	16,758	1,448	848	151	93	10	0	0	7,713	36,815
Greene	7,352	13,678	1,385	853	100	103	3	0	0	8,120	31,594
Hamilton	1,062	3,297	153	48	4	11	1	0	0	581	5,157
Herkimer	10,900	20,605	1,876	509	112	98	3	0	0	6,668	40,771
Jefferson	17,131	27,127	2,611	776	193	141	7	0	0	12,586	60,572
Lewis	4,558	9,546	596	238	44	38	3	0	1	2,593	17,617
Livingston	11,169	18,212	1,593	775	120	165	14	0	0	8,797	40,845
Madison	11,377	18,206	2,321	819	185	169	3	0	0	9,449	42,529
Monroe	165,664	145,386	14,714	7,883	1,210	0	0	0	0	107,620	442,477
Montgomery	10,913	11,830	1,333	603	109	74	5	0	0	6,365	31,232
Nassau	328,731	350,215	22,173	9,761	1,871	0	0	0	0	202,827	915,578
Niagara	58,462	48,439	4,675	2,675	809	397	10	0	0	23,683	139,150
Oneida	44,184	52,307	5,545	1,580	377	220	1	1	0	23,351	127,566
Onondaga	99,908	98,283	11,473	4,726	1,288	1,139	82	0	0	76,532	293,431
Ontario	19,635	28,544	2,886	1,194	163	270	11	0	0	15,381	68,084
Orange	69,097	76,430	7,676	3,545	625	691	15	0	0	45,971	204,050
Orleans	6,369	12,252	896	489	140	65	6	0	0	5,682	25,899
Oswego	19,399	38,32	3,242	1,725	314	204	8	0	0	16,388	79,601
Otsego	10,889	14,730	1,591	436	125	204	1	0	0	7,475	35,451
Putnam	17,390	22,868	2,595	2,220	150	190	11	0	0	16,059	61,483
Rensselaer	29,162	29,399	6,070	5,090	1,144	423	32	0	1	33,628	104,949
Rockland	80,628	44,570	5,006	3,678	456	314	2	0	0	41,660	176,314
Saratoga	36,998	69,194	6,769	2,006	367	571	48	0	0	36,303	152,256
Schenectady	35,064	29,839	4,117	2,884	604	280	3	0	0	22,898	95,689
Schoharie	5,031	7,931	934	333	71	0	0	0	0	4,597	18,897
Schuyler	3,573	5,364	519	203	73	95	3	0	0	2,734	12,564
Seneca	6,611	8,783	711	458	93	84	5	0	0	4,193	20,938
St. Lawrence	22,614	23,944	2,613	714	206	215	7	0	0	12,248	62,561
Steuben	15,016	31,322	2,117	781	199	187	13	0	0	9,396	59,031
Suffolk	272,509	323,711	29,314	20,306	3,248	2,099	139	0	3	238,344	889,673
Sullivan	23,309	17,436	1,944	1,200	182	254	5	0	0	15,355	59,685
Tioga	8,771	15,514	1,332	365	116	118	6	0	0	6,175	32,397
Tompkins	26,102	15,646	2,042	349	204	970	36	0	0	13,812	59,161
Ulster	40,364	34,471	4,562	2,704	459	1,265	40	0	0	40,265	124,130
Warren	10,042	22,051	1,887	573	144	212	8	0	0	8,308	43,225
Washington	8,959	17,512	1,794	571	157	152	2	0	0	8,046	37,193
Wayne	13,978	24,812	2,322	1,362	208	149	9	0	0	13,978	56,818
Westchester	268,985	166,048	19,922	10,821	1,585	1,242	1	0	0	147,244	615,848
Wyoming	6,620	12,186	966	464	86	0	0	0	0	5,377	25,699
Yates	3,598	7,565	546	233	63	50	1	0	0	2,498	14,554
TOTAL OUTSIDE NYC	2,538,291	2,493,436	253,764	127,931	24,155	17,011	761	1	5	1,620,687	7,076,042
Bronx	485,376	49,121	12,537	3,480	2,510	455	9	0	0	94,336	647,824
Kings	886,943	123,932	24,362	4,756	4,286	3,129	57	0	0	214,309	1,261,774
New York	689,695	113,311	26,235	2,044	1,778	2,705	79	0	0	184,369	1,020,216
Queens	622,339	139,990	20,272	6,185	2,659	1,438	12	0	0	191,898	984,793
Richmond	113,597	77,718	6,654	4,193	933	299	12	0	0	51,163	254,569
NYC TOTAL	2,797,950	504,072	90,060	20,658	12,166	8,026	169	0	0	736,075	4,169,176
STATEWIDE TOTAL	5,336,241	2,997,508	343,824	148,589	36,321	25,037	930	1	5	2,356,762	11,245,218