



FREDERIC M. UMANE  
PRESIDENT

JULIE DENT  
SECRETARY

JOSE MIGUEL ARAUJO  
JUAN CARLOS "J.C." POLANCO  
JAMES J. SAMPAL  
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NAOMI C. SILIE  
J.P. SIPP  
GREGORY C. SOUMAS  
JUDITH D. STUPP  
COMMISSIONERS

## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
(212) 487-5300  
FAX (212) 487-5349  
[www.vote.nyc.ny.us](http://www.vote.nyc.ny.us)

MARCUS CEDERQVIST  
EXECUTIVE DIRECTOR

GEORGE GONZALEZ  
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS  
ADMINISTRATIVE MANAGER

### AGENDA COMMISSIONER'S AGENDA TUESDAY, JUNE 30, 2009 AT 1:30 P.M.

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1. Minutes
  - a) 06/16/09
  - b) 06/23/09
2. Marcus Cederqvist
  - a) HAVA Update
  - b) Vacancy in the 38<sup>th</sup> Assembly District
  - c) Request from Office of the City Clerk for assistance verifying petitions for voter initiative for November 2009 Election
3. Steven Richman
  - a) State Legislative Update
  - b) Report on 2009 Election Commissioners' Association Summer Conference
4. Rosanna Rahmouni
  - a) Draft Equipment and Staffing Allocation Plan for New Poll Site Voting System
5. John Ward
  - a) Comparative Expenditures
  - b) Fiscal Year 2009 Budget

#### **For Your Information**

- NYS Board of Elections Weekly Status Report for the Week of June 25, 2009
- Notice of next meeting of the Voter Assistance Commission
- Proposed amendments to SBOE Rule 6210

#### **News Items of Interest**

- *The Daily News*: Public Servants at Play



**THE CITY OF NEW YORK  
OFFICE OF THE CITY CLERK  
141 WORTH STREET  
NEW YORK, N.Y. 10013**

**MICHAEL McSWEENEY**  
CITY CLERK, CLERK OF THE COUNCIL

TEL: (212) 669-8898  
FAX: (212) 669-3300  
E-MAIL: [mmcaweeney@cityclerk.nyc.gov](mailto:mmcaweeney@cityclerk.nyc.gov)  
WEBSITE: [www.cityclerk.nyc.gov](http://www.cityclerk.nyc.gov)

VIA FAX 212 487-5349

June 23, 2009

Mr. Marcus Cederqvist  
Executive Director  
Board of Elections  
32 Broadway, 10<sup>th</sup> Floor  
New York, New York 10007

Re: Petition

Dear Mr. Cederqvist:

We are expecting a petition to be delivered to our offices on Wednesday, June 24, 2009 at 11.00 a.m. We are formally requesting your assistance in the validation of this petition.

The Office of the City Clerk will reimburse the Board of Elections for any costs and expense incurred in the verification process including costs related to overtime for staff as well as photocopying. It would be helpful if you could give us an estimate assuming we receive 500,000 signatures.

Please direct any further questions to the undersigned at 212-669-8898 or to our general counsel, Patrick Synmoie, at 212-669-2610.

Sincerely,

Michael McSweeney  
City Clerk  
Clerk of the Council

RECEIVED  
GO. BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK  
2009 JUN 23 PM 2:09

**Marcus Cederqvist**

---

**From:** Synmoie, Patrick [PSynmoie@cityclerk.nyc.gov]

**Sent:** Wednesday, June 24, 2009 12:13 PM

**To:** Marcus Cederqvist

**Cc:** George Gonzalez

Mr. Cederqvist: The City Clerk's letter to you yesterday requesting BOE's assistance contained a typo. The number of signatures we are expecting is 50,000 not 500,000. I hope the typo was apparent to you.



**STATE BOARD OF ELECTIONS**

James A. Walsh  
Co-Chair

Gregory P. Peterson  
Commissioner

Todd D. Valentine  
Co-Executive Director

40 STEUBEN STREET  
ALBANY, N.Y. 12207-2108  
Phone: 518/474-6336 Fax: 518/474-1008  
URL: <http://www.elections.state.ny.us>

Douglas A. Kellner  
Co-Chair

Evelyn J. Aquila  
Commissioner

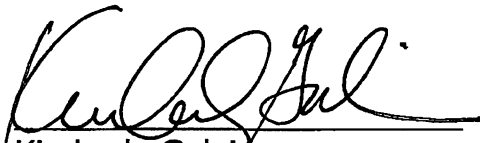
Stanley L. Zalen  
Co-Executive Director

**CERTIFICATION OF VACANCY**

To the Board of Elections:                      New York City (Queens County)

*We certify, under Section 4-106(4) of the Election Law, that a vacancy in the office of Member of Assembly from the 38<sup>th</sup> Assembly District occurred on June 23, 2009, due to the resignation of Assemblyman Anthony S. Seminerio.*

**GIVEN** under our hands and official seal of office of the State Board of Elections at the City of Albany, this 24<sup>th</sup> day of June, Two thousand nine.

  
Kimberly Galvin  
Special Counsel

  
Anna E. Svizzero  
Director of Election Operations

KG/AES/lis

*Karen*  
**RECEIVED** *IR/SS*  
*Dean*  
JUN 22 2009 *Jw*

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

**SPEAKER SHELDON SILVER**

COMMITTEES  
Banks  
Cities  
Governmental Employees  
Pension & Wagering  
Rules

June 22, 2009



ANTHONY S. SEMINERIO  
38<sup>th</sup> District

PLEASE REPLY TO:

ALBANY OFFICE:  
Room 818 LOB  
Albany, New York 12248  
518-455-4621  
FAX: 518-455-6301

DISTRICT OFFICES:  
107-05 Jamaica Avenue  
Richmond Hill, New York 11418  
718-847-0770  
FAX: 718-847-9346

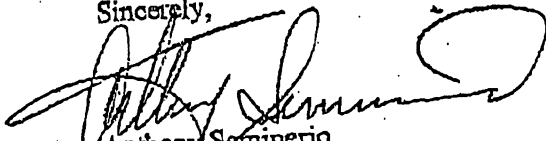
88-28 Myrtle Avenue  
Glenside, New York 11388  
718-366-6726  
FAX: 718-366-6751

Honorable Sheldon Silver  
Speaker of the Assembly  
Capitol  
Albany, New York 12248

Dear Speaker Silver:

Please accept this as my letter of resignation for my Assembly seat, 38<sup>th</sup> District, effective June 23, 2009. It has been my honor and a distinct privilege to have served in the Legislature for the last thirty years.

Sincerely,

  
Anthony Seminerio

Com mtg  
FYI

## Steven H. Richman

**From:** Kathleen O'Keefe [okeefek@assembly.state.ny.us]  
**Sent:** Monday, June 22, 2009 6:10 PM  
**To:** Douglas A. Kellner (external address); STAN ZALEN; LIZ HOGAN; PAUL COLLINS; Robert Brehm; Anna Svizzero; Steven H. Richman  
**Subject:** [Fwd: Assembly Election Law Bills that have passed the house]

FYI

----- Original Message -----

**Subject:** Assembly Election Law Bills that have passed the house

**Date:** Mon, 22 Jun 2009 18:08:34 -0400

**From:** Kathleen O'Keefe <okeefek@assembly.state.ny.us>

**To:** Toombs, Bernadette <ToombsB@co.tioga.ny.us>

Hi Bernadette,

**I am very happy to report that we passed all of the following bills in the Assembly this session:**

A8525 (Russell) appointment of BOE commissioners when there is no caucus (ECA)  
A1002 (Paulin) streetfinders required at polls  
A2481-a (Pretlow) check cards b/t August 1st and August 5th (ECA)  
A4962 (Lopez) right church, wrong pew rule re affidavit ballots (SBOE)  
A5707 (Weinstein) removes application only to cities over 100,000 - use of buildings for poll sites under EL 4-104 (SBOE)  
A584-a (Cahill) accessible poll sites required (SBOE program codified) (SBOE)  
AA4467 (Brotsky) 17 year old poll workers (SBOE)  
A1308 (Wright) 1/2 shift poll workers allowed (ECA)  
A1436 (Wright) petitions may not contain candidates for same office in different political subdivisions (NYC BOE)  
A1559 (Colton) Russian language in NYC  
A2266-a (Wright) felon notification re voting rights  
A3910 (Gabryszak) special ballots for domestic violence victims  
A4959 (Lopez) nominating petition cleanup re witness (SBOE, ECA)  
A6825 (Wright) Gelb bill re write in votes (NYC BOE)  
A7016 (Eddington) keep domestic violence victim election records confidential with court order (SBOE)  
A8492 (Ramos) consider when machines can handle more than 1 ballot  
A8526 (Gordon) optional email on registration form  
A8527 (Skartados) paper ballot cleanup/update (SBOE)  
A8540 (Hyer-Spencer) NYC BOE acts as purchasing agency (NYC BOE)  
A8541 (Lifton) enrollment list published on April 1st every year (SBOE)  
A8693 (Stirpe) changing committee address with SBOE/depository name and address from candidate (SBOE)  
A1224-c (Jeffries) 2nd referendum required to extend term previously limited by referendum  
A8902 (Silver ) public financing of statewide and state legislative campaigns

**Paper Ballot Reform Package:**

6/29/2009

A3367-a (Englebright) absentee ballots for caregivers of ill or disabled (SBOE)  
A4015-a (Kavanagh) affidavit ballot envelop = voter registration/enrollment (SBOE)  
A5276-a (Galef) streamline absentee ballot requirements and application (SBOE, ECA, NYC BOE)  
A7347 (Galef) request absentee ballot by fax or email  
A8376 (Silver) military/overseas ballots by fax or email, longer return time (SBOE)

**Already Chaptered:**

A1001 (ch 40 of 2009) (Paulin) abreviations and customary titles on petitions okay if signature corresponds with record

There remains a number of election law bills on the floor today, or in the rules committee, that may yet pass in our house before we adjourn. I will update the list if necessary when I see you in Geneva on Wednesday. Please pass this list on to you members.

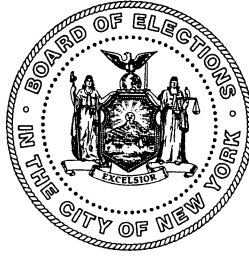
Regards, Kathleen

--

Kathleen O'Keefe, Esq.  
Team Counsel  
Program & Counsel Staff  
New York State Assembly  
AES Office Building, Suite 1147  
Albany, NY 12248  
Phone: 518/455-4313  
Fax: 518/455-3669

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Kathleen O'Keefe, Esq.  
Team Counsel  
Program & Counsel Staff  
New York State Assembly  
AES Office Building, Suite 1147  
Albany, NY 12248  
Phone: 518/455-4313  
Fax: 518/455-3669



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ADMINISTRATIVE MANAGER

JOHN J. WARD  
FINANCE OFFICER

**DATE:** June 30, 2009

**TO:** Commissioners

**FROM:** John J. Ward  
Finance Officer

**RE:** Comparative Expenditures

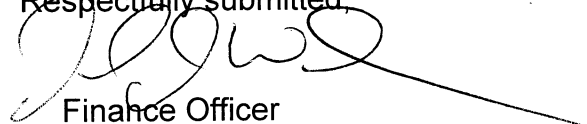
FY09	P.S. Projection through 6/26/09 Payroll:	\$19,455,500
FY09	P.S. Actual through 6/26/09 Payroll:	<u>\$25,265,405</u>
	Difference	(\$ 5,809,855)

Overtime pays two weeks ending 6/12/09

### OVERTIME USAGE

General Office	42,794
Brooklyn	17,905
Queens	14,660
Bronx	9,758
New York	2,778
Staten Island	<u>263</u>
Total	\$88,158

Respectfully submitted,

  
Finance Officer





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

James A. Walsh  
Chair  
Douglas A. Kellner  
Chair  
Gregory P. Peterson  
Commissioner  
Evelyn J. Aquila  
Commissioner

40 STEUBEN STREET  
ALBANY, N.Y. 12207  
Phone: 518/474-6367 Fax: 518/486-4546  
website: www.elections.state.ny.us

Todd D. Valentine  
Executive Director  
Stanley L. Zalen  
Executive Director  
Kimberly A. Galvin  
Special Counsel  
Paul M. Collins  
Deputy Counsel

June 26, 2009

Honorable Gary L. Sharpe  
United States District Court  
for the Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

Re: *United States v. New York State Board of Elections, et al.*  
Civil Action No. 06-CV-0263 (GLS)

Dear Judge Sharpe,

We enclose herewith Status Report of the Defendant New York State Board of Elections for the week ending June 25, 2009.

Respectfully submitted,

s/ \_\_\_\_\_  
Kimberly A. Galvin (505011)  
Special Counsel

s/ \_\_\_\_\_  
Paul M. Collins (101384)  
Deputy Special Counsel

**HAVA COMPLIANCE UPDATE**  
**Activities & Progress for the Week of 6/19/09-6/25/09**

Following is a detailed report concerning the previous week's progress in implementing the terms of the Court's Orders.

**PLAN A**

**Overall Compliance Status Summary**

Overall, activities and progress toward HAVA compliance are on schedule as outlined in the most recent time line.

**Contracting with Voting System Vendors**

Status of tasks in this category: on schedule

**Testing, Certification, and Selection of Voting Systems & Devices**

Status of tasks in this category: in jeopardy but on schedule with the most recent time line.

- Testing is proceeding on schedule
- Meetings continue between the vendors, SBOE and NYSTEC.
- Acceptance testing on the new voting machines has started at the warehouse in Albany.
- Functional testing of both voting systems has started.

**Delivery and Implementation of Voting Systems & Devices**

Status of tasks in this category: on schedule

- ES & S scanners delivered on Monday, June 22 which enabled Acceptance Testing to begin, as noted above.
- Additional Dominion and ES & S units have been ordered, and corresponding purchase orders will be processed at OGS, accordingly
- The bulk of new Policies and Procedures related to implementation of new voting systems have been shared with County Boards of Elections and have been posted to a CBOE portal for easy reference.

**HAVA COMPLAINT PROCESS**

**NYC HAVA Complaint**

SBOE staff has made a determination on how to proceed and is awaiting a Board meeting to obtain an approval for same.

F.Y.I.



**CITY OF NEW YORK  
VOTER ASSISTANCE COMMISSION**

VAC Bi-Monthly Open Meeting

HOSTED BY: Mayor's Office of Veterans' Affairs

Wednesday, July 1, 2009, 1:00 p.m. – 3:00 p.m.

Mayor's Office of Veterans' Affairs, 346 Broadway, 8 West (across Federal Plaza)  
Conference Room 801

**Chair**  
Dr. Jeffrey F. Kraus

**Vice-Chair**  
Jane Kalmus

**Commissioners:**  
Robert J. McFeeley  
Morshed Alam  
Nayibe Nunez-Berger  
Glenn D. Magpantay  
Loretta E. Prisco

**Ex-Officios:**  
Hon. Carol Robles-Roman  
Hon. Marcus Cederqvist  
Hon. Betsy Gotbaum  
Hon. Michael A. Cardozo  
Hon. Mark Page  
Hon. Joel I. Klein  
Hon. Joseph P. Parkes, S.J.

**Executive Director**  
Onida Coward Mayers

**Office Manager**  
Bibi N. Yusuf

**Agenda:**

Roll Call

Approval of Minutes (March 25 Meeting)

Executive Director's Report

Onida Coward Mayers

NYC Board of Elections Report

Marcus Cederqvist

Campaign Finance Board

Jihee Suh

Department of Education

Melissa Gendler

Old Business

New Business

Public Comment

Adjournment

**Speakers:**

Stacey Cumberbatch – 2010 Census

Carmen Matias – 2010 Census

Erika Wood, Deputy Director – Brennan Center

**Testimony:** Anyone who wishes to testify, please call Ms. Bibi Yusuf at (212) 788-8384. Please note that, due to the expected volume of testimony, we asked that one person per organization testify and testimonies must be kept less than four (4) minutes.

Entrance: 346 Broadway (persons with Mayor's Office ID), (108 Leonard Street, general public)

**Subways:** 4, 5, 6 to Brooklyn Bridge/City Hall; N, R, 6 to Canal Street; 1,9 to Franklin Street; 2, 3, A, C, E to Chambers – All within walking distance to location.

**Buses:** M1 or M6, southbound to Broadway and Leonard Streets or north bound to Worth and Church Streets

**By Car:** Due to heavy traffic, street closings due to construction and parking difficulties, driving is not recommended.

F.Y.I.

Public Comments Pertaining to  
Proposed Amendment to  
Subtitle V of Title 9 of the Official Compilation of Codes,  
Rules and Regulations of the State of New York  
Repealing Part 6210.18 and  
Adding thereto a new Part, to be  
Part 6210.18 Three-Percent (3%) Audit

Written Comments: NYS Board of Elections  
(Mail to) Attn: Proposed Audit Regulations  
40 Steuben Street  
Albany, NY 12207

or

E-mail Comments: [pc6210@elections.state.ny.us](mailto:pc6210@elections.state.ny.us)

1 **Subtitle V of Title 9 of the Official Compilation of Codes, Rules and Regulations of**  
2 **the State of New York is hereby amended by repealing Part 6210.18, and by**  
3 **adding thereto a new Part, to be Part 6210.18, to read as follows:**

4  
5 **Section 6210.18 Three-Percent (3%) Audit**

6 (a) As required by NYS Election Law Section 9-211, the board of elections or a  
7 bipartisan team appointed by such board shall manually count all votes of the  
8 voter verifiable paper audit trail (VVPAT) from no less than 3% of each type of  
9 voting machine or system used within the county, provided, however, that there  
10 shall be a manual count of at least one of each type of voting machine or system  
11 used therein for each public office and any questions or proposals appearing on  
12 the ballot. The conduct of such random audit shall be in a manner consistent  
13 with procedures prescribed by the State Board of Elections.

14  
15 (b) The voting machines or systems to be audited to meet the county-wide minimum  
16 requirement set forth in Subdivision (a) herein shall be selected by lot through a  
17 transparent, random, manual process where all selections of machines or  
18 systems used in the county are equally probable. The voting machines or  
19 systems to be audited to meet the requirements for a specific contest set forth in  
20 Subdivision (a) herein shall be selected by lot through a transparent, random,  
21 manual process where all selections of machines or systems used in the contest  
22 within each county are equally probable. The county boards shall adopt one of

1 the random, manual selection methods prescribed by the State Board of  
2 Elections or such county board may submit for approval by the State Board a  
3 proposed alternative random, manual selection method. County Board adoption  
4 of the prescribed random, manual selection method shall take place not later  
5 than 45 days after the purchase of a voting system and notice by the County  
6 Board of the adoption of such random, manual selection method shall be filed  
7 with the State Board.

8 (1) As required by NYS Election Law Section 9-211, not less than five days  
9 prior to the time fixed for the random selection process, the board of  
10 elections shall send notice by first class mail to each candidate, political  
11 party and independent body entitled to have had watchers present at the  
12 polls in any election district in such board's jurisdiction and to the State  
13 Board. Such notice shall state the time and place fixed for such random  
14 selection process. Such random selection process shall not occur until  
15 after election day. Each candidate, political party or independent body  
16 entitled to appoint watchers to attend at a polling place shall be entitled to  
17 appoint such number of watchers to observe the random selection  
18 process and the subsequent audit.

19 (2) Such notice shall also announce the date, time, and location that the  
20 audit shall commence, information on the number of audit teams which  
21 will conduct such audit, and such other information that the County Board  
22 deems necessary.

1           (3)    The county board shall at a single session randomly select from all  
2                    machines and systems used within the county in the election so that no  
3                    further drawings are required if anomalies are encountered during the  
4                    manual audit. The audit shall commence on the same day as the  
5                    random, manual selection process.

6           (4)    Prior to auditing the audit records, the county board shall distribute to  
7                    those in attendance at the audit session, copies of the list showing the  
8                    number of machines and systems needed to meet the audit requirement  
9                    for each contest and any questions or proposals, and the unofficial vote  
10                  results per voting machine or system selected for audit.

11

12   (c)    For each voting machine or system subject to be audited, the manual audit shall  
13            consist of a manual tabulation of the voter verifiable paper audit trail records and  
14            a comparison of such count, with respect to all candidates and any questions or  
15            proposals appearing on the ballot, with the electronic vote tabulation reported for  
16            such election district.

17           (1)    A reconciliation report, on a form prescribed by the State Board of  
18                    Elections, that reports and compares the manual and electronic vote  
19                    tabulations for each audited candidate for each contest and any question  
20                    or proposal from each machine or system subject to the audit by election  
21                    district, including tallies of overvotes, undervotes, blank ballots, spoiled  
22                    ballots and rejections recorded on the VVPAT, along with any

1           discrepancies, shall be prepared by the board of elections or a bipartisan  
2           team appointed by such board and signed by such members of the audit  
3           team.

4           (2) Any discrepancies between the corresponding audit results and initial  
5           electronic vote counts shall be duly noted, along with a description of the  
6           actions taken by the county board of elections for resolution of  
7           discrepancies. The number and type of any damaged or missing paper  
8           records shall be duly noted.

9           (3) If any unresolved discrepancy is detected between the manual count  
10          described in Subdivision (c) above and the machine or system electronic  
11          count, even an unresolved discrepancy of a single vote, the manual count  
12          shall be conducted a second time on such machine or system to confirm  
13          the discrepancy.

14  
15          (d) The reconciliation report required in Subdivision (c) above shall be transmitted to  
16          the County Board commissioners or their designees upon completion of the  
17          initial phase of the audit for determination on the expansion of the audit  
18          conducted pursuant to Subdivisions (e) through (g) herein.

19  
20          (e) The county board shall aggregate the audit results reported pursuant to  
21          Subdivision (c) (2) herein that are applicable to any contests, questions or



1 proposals. The aggregated results for each contest, question or proposal shall  
2 be used to determine whether further auditing is required as follows:

3 1) For any contest, question or proposal, an expanded audit will be required  
4 if either or both of the following criteria apply to the aggregated audit  
5 results:

6 (i) Any one or more discrepancies between the confirming manual  
7 counts described in Subdivision (c) (3) herein and the original  
8 machine or system electronic counts, which taken together, would  
9 alter the vote share of any candidate, question or proposal by one  
10 tenth of one percent (0.1%) or more of the hand counted votes for  
11 respective contests, questions or proposals in the entire sample; or

12 (ii) If discrepancies of any amount are detected between the  
13 confirming manual count described in Subdivision (c) (3) herein  
14 and the original machine or system electronic count from at least  
15 10% of the machines or systems initially audited then the board or  
16 bipartisan team appointed by such board shall manually count the  
17 votes recorded on all the voter verifiable paper audit trail records  
18 from no less than an additional 5% of each type of the same type  
19 of voting machine or system which contains any such discrepancy  
20 or discrepancies.

21 (iii) When determining whether discrepancies warrant expanding the  
22 audit, the percentage-based thresholds in this section shall be

1 rounded down by truncating the decimal portion (with a minimum of  
2 1).

3  
4 (f) A further expansion of the audit will be required if either or both of the following  
5 criteria apply to the audit results:

6 (1) For each contest, question or proposal, the county board shall aggregate  
7 the results from the initial audit as required in Subdivision (a) above and  
8 the expanded 5% audit. If, such aggregated results of unresolved  
9 discrepancies satisfy the criteria in Subdivision (e)(1)(i) above, a further  
10 expansion of the audit will be required.

11 (2) For each contest, question or proposal, the county board shall take the  
12 results of the 5% expanded audit under Subdivision (e) above, and, if  
13 such results of unresolved discrepancies satisfy the criteria in Subdivision  
14 (e)(1)(ii) above, a further expansion of the audit will be required.

15 (3) When an expanded audit is required for a contest pursuant to this section,  
16 each county board or bipartisan team appointed by such board shall  
17 manually count all voter verifiable paper audit trail records from no less  
18 than an additional 12% of each type of the same type of voting machine  
19 or system which contains any such discrepancy or discrepancies.

20 (4) When determining whether discrepancies warrant expanding the audit, all  
21 percentage-based thresholds in this section shall be rounded down by  
22 truncating the decimal portion (with a minimum of 1).

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22

(g) A further expansion of the audit will be required if either or both of the following criteria apply to the audit results:

(1) For each contest, question or proposal, the county board shall aggregate the results from the initial audit as required in Subdivision (a) above and the expanded audit as required in Subdivision (e) and (f) above. If, such aggregated results of unresolved discrepancies satisfy the criteria in Subdivision (e)(1)(i) above, a further expansion of the audit will be required.

(2) For each contest, question or proposal, the county board shall take the results of the 12% expanded audit under Subdivision (f) above, and, if such results of unresolved discrepancies satisfy the criteria in Subdivision (e)(1)(ii) above, a further expansion of the audit will be required.

(3) When an expanded audit is required for a contest pursuant to this section, each county board shall manually count all voter verifiable paper audit trail records from all the remaining unaudited machines and systems where the contest appeared on the ballot.

(4) When determining whether discrepancies warrant expanding the audit, all percentage-based thresholds in this section shall be rounded down by truncating the decimal portion (with a minimum of 1).

1 (h) The standards set forth in Subdivisions (a)-(g) above are not intended to  
2 describe the only circumstances for a partial or full manual count of the voter  
3 verifiable paper audit record, but instead are designed to set a uniform statewide  
4 standard under which such hand counts must be performed. The county boards  
5 of elections, as well as the courts, retain the authority to order manual counts of  
6 those records in whole or in part under such other and additional circumstances  
7 as they deem warranted. In doing so, they should take into consideration: 1)  
8 whether the discrepancies were exclusively or predominantly found on one type  
9 of voting machine or system; 2) the size of the discrepancies; 3) the number of  
10 discrepancies; 4) the percentage of machines or systems with discrepancies; 5)  
11 the number and distribution of unusable voter-verified paper audit trail records as  
12 described in Section J below; 6) the number of cancellations recorded on the  
13 voter-verified paper audit trail records reported pursuant to Subdivision (c)(1)  
14 herein; and 7) whether, when projected to a full audit, the discrepancies detected  
15 (no matter how small) might alter the outcome of the contest, question or  
16 proposal result.

17  
18 (i) If the audit officials are unable to reconcile the manual count with the electronic  
19 vote tabulation on a voting machine or system, then the board of elections shall  
20 conduct such further investigation of the discrepancies as may be necessary for  
21 the purpose of determining whether or not to certify the election results, expand  
22 the audit, or prohibit that voting machine or system's use in such jurisdiction.

1

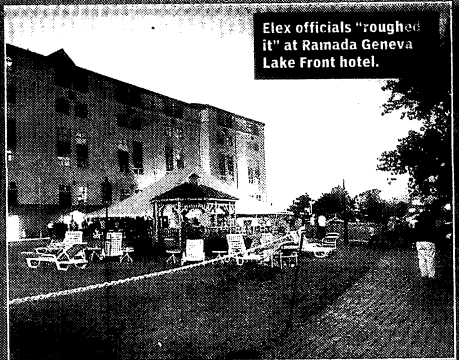
2 (j) If a complete audit is conducted, the results of such audit shall be used by the  
3 canvassing board in making the statement of canvass and determinations of  
4 persons elected and propositions approved or rejected. The results of a partial  
5 audit shall not be used in lieu of voting machine or system tabulations, unless a  
6 voting machine or system is found to have failed to record votes in a manner  
7 indicating an operational failure. When such operational failure is found, the  
8 board of county canvassers shall use the voter verifiable audit records to  
9 determine the votes cast on such machine or system, provided such records  
10 were not also impaired by the operational failure of the voting machine or  
11 system. If the voter verified paper audit trail records in any machine or system  
12 selected for an audit are found to be unusable for an audit for any reason  
13 whatsoever, another machine or system used in the same contest shall be  
14 selected at random by the county board to replace the original machine or  
15 system in the audit sample. All such selections shall be made randomly in the  
16 presence of those observing the audit. The County Board shall inquire in an  
17 effort to determine the reason the voter verified paper audit trail records were  
18 compromised and unusable and such inquiry shall begin as soon as practicable.  
19 The results of the inquiry shall be made public upon completion.

20

21 (k) Any anomaly in the manual audit shall be reported to and be on a form  
22 prescribed by the State Board and shall accompany the certified election results.



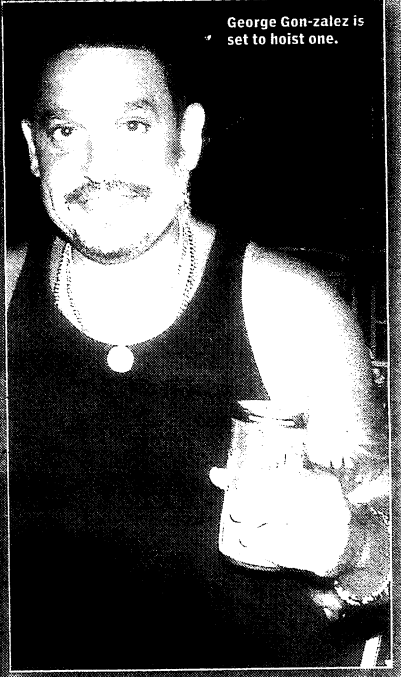
Steven Richman will drink to that. Photos by Enid Alvarez/Daily News



Elex officials "roughed it" at Rainada Geneva Lake Front hotel.



It's the big tent theory at work as election officials party-hearty.



George Gonzalez is set to hoist one.

# PUBLIC SERVANTS AT PLAY

## As Albany burns, elex officials wine, dine and frolic at posh upstate resort

BY TINA MOORE  
DAILY NEWS STAFF WRITER

A STATE BOARD of Elections conference may sound dull — but not in New York.

Up to 180 elections commissioners and staffers wined, dined and danced under the stars last week at an annual conference in the scenic Finger Lakes.

Commissioners and employees spent four workdays at a conference at the Ramada Geneva Lake Front, which included plenty of eating, boozing, golf and touring.

All this while Gov. Paterson is urging state agencies to limit "nonessential" travel to help close the budget gap.

City and state rules let workers attend "professional development" confabs. Taxpayers usually cover hotels, travel and food.

At this conference, vendors seeking business with election boards across the state clocked up the tab for food and open bars.

State regulations advise employees it may be improper to accept gifts and that "prior approval and written disclosure" may be required.

New York State Election Commissioners Association President William Scriber acknowledged vendors paid to hawk their wares at the conference — and the money was used to pay for open bars and other expenses.

Still, he defended the conference as necessary.

"We're probably going to go through one of the most difficult

election years in the state," he said, explaining that most counties would be using new voting optical scan technology. Companies that make the technology were at the conference.

State rules also recommend only two employees attend such events at a time so as not to deplete the staff.

State Board of Elections spokesman John Conklin said six people with the his board attended the conference, which was "extremely helpful."

The New York City Board of Elections also blew off the rule, sending eight staffers, including three of the top four employees.

All together, between 150 and 180 people attended, each paying about \$117 a night for room and board — about \$351 a person for the entire event.

The city's bill to the taxpayers for three nights, two dinners and two lunches came to \$2,808, not counting travel and other meals, a city spokeswoman said.

Last year, the Daily News found city commissioners and board employees were reimbursed in 2007 and 2008 nearly \$58,000 for multiple expenses, including hotels, meals and travel to upstate conferences.

A News reporter and photographer observed this year's Geneva jaunt unnoticed.

After check-in Tuesday, attendees went to a 45-minute meeting, then a two-hour welcome reception including an open bar.

At nightfall, many gathered

SILVERMOUNTAINCONFERENCE

*Election Commissioners Association of the State of New York*



*Tuesday, June 23  
Friday, June 26, 2009  
Ramada Geneva Lake Front  
Geneva, New York*

under a white, lakeside tent where they drank beer, wine and liquor and smoked cigars. Liquor flowed freely each night in the Seneca Room that opened up to the giant white tent.

"You girls want to party?" an upstate election board staffer named Scott asked a News reporter and photographer about

9 p.m. Tuesday.

Scott brought the two drinks and introduced the women to an upstate commissioner named Anthony, who was smoking a cigar and drinking a Michelob Ultra.

The Republican commissioner said the annual getaway was one of the perks of the part-time political appointment that pays \$30,000 annually.

Inside the private club room, a makeshift bar was laden with bottles of vodka, rum, gin and tequila — some of it top shelf. New York City board employees were seen drinking from plastic cups.

On Wednesday, commissioners and staffers attended work sessions about paper ballots, vendor contracts and other election issues. At one point, Sequoia and ES&S — two companies vying to supply electronic voting machines to election boards across New York — pitched their wares.

Meetings were scheduled through 4 p.m., but by 2:30, about a dozen participants were teeing off at the nearby Seneca Country Club. Others took a vineyard tour of the region known best for its white Rieslings.

Boating was available on Seneca Lake, and one commissioner said he planned to go fishing.

At the hotel, vendors hawking graphics and ballot and voting machines filled a crowded corridor. One of them, a ballot vendor, even threw a party Wednesday night, complete with disk jockey,

roast beef, shrimp and open bar.

Several women donned poolside skirts and ponytails for the '50s theme party. A commissioner dressed like Elvis, and other men wore faded jeans and T-shirts.

As the party ended, some revelers re-created a scene from "Animal House" by jumping up and down, yelling "Shout!" to the Lsley Brothers' hit.

Scriber said he didn't know which vendor paid for the private party room and liquor and had "no recollection" of who threw the costume party. A hotel sales rep did not return calls.

On Thursday, the city Board of Elections staff gathered for lunch, chatting on cell phones around an outdoor table. Board lawyer Steven Richman drank a rum-filled piña colada, an employee said, while someone else at the table drank a Bloody Mary.

They were joined by Deputy Executive Director George Gonzalez, who drove his black GMC Yukon Denali XL truck 300 miles from the city. Gonzalez was seen at the party the night before drinking a can of beer.

Administrator Pamela Perkins, who approved previous conference expenses, lunched with the group on the sunny afternoon.

City board spokeswoman Valerie Vazquez said eight employees went to the conference to get ready for next year's elections.

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