



2006

THE ECA REPORTER Election Commissioners' Association of the State of New York

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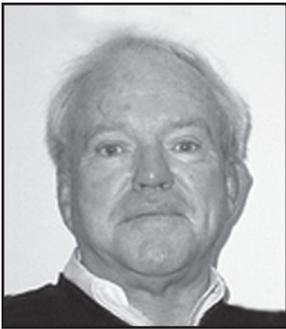
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The NYS-ECA-Reporter

January 2006

A Message From the ECA President

By Thomas Burke, Greene County, President ECA



As the clock winds down on another challenging year, it's clear that the race to implement the remaining provisions of "HAVA" has gone into "sudden death overtime." And whether we're using new election machines and accessing the

statewide database or asking the old lever machines to kick one more field goal, our citizens will be voting in November for the candidates of their choice.

The members of the New York State Election Commissioners' Association have done a tremendous job during the past several years in researching and providing accurate and objective information relative to the dozens of issues associated with "HAVA." The men and women of our County

Boards of Elections continue to be the most knowledgeable and professional group in existence when it comes to the business of elections. The fact that some crucial "HAVA" deadlines may not be met is not because our voices have been silent.

We have accomplished much and should be proud of our individual and collective efforts in preparation for inevitable changes, whenever they may come.

Financial Disclosures Must Be Filed Electronically

The New York State Election Law has been amended to require candidates and committees for local elections who file with a county board of elections that raise or expend more than \$1,000 in any calendar year to file their campaign finance statements in an electronic format with the Board of Elections. They must continue to file on paper format with their county board of elections.

For information see the NYS BOE website at www.elections.state.ny.us

The new law takes effect in January.

Heading up the state's efforts to enact and implement these new filing requirements will be Michael L. Johnson, enforcement counsel.

"As the new enforcement counsel here at the New York State Board of Elections, I am happy to join you as a member of New York State's election administration team," Johnson said recently in a letter to all commissioners.

The NYSBOE will be scheduling seminars on the electronic

filing across the state in 2006. This will affect all constituted committees (party committees), candidate committees and political action committees.

CONFERENCE DATES

ECA Winter Conference
January 17-20, 2006
Cooperstown, NY

ECA Summer Conference
June 25-28, 2006
Thousand Islands, NY

Be Careful What You Ask For...

ECA Legislative Committee Chairman's Report
William W. Scriber, Oswego County



For a number of years the Election Commissioners' Association has in one way or the other advanced the concept that county boards needed to consolidate elections. This was like Don Quixote jousting at windmills, as many in state and county government saw it as a non-issue. During this last legislative session, with the short time period of implementation and the need for centralized control of the distribution of the new voting machines and voting machine technology, the state legislature saw only one way to accomplish this — centralized county board control of all elections operations.

As often is said, be careful what you ask for as it might come true — well, that seems to be on the lips of many county boards as we try to implement this new state law, in many cases with the involvement of county legislatures, administrators and county executives.

A few county legislatures have bravely embraced this new responsibility and made the planning and

budgeting adjustments, while other counties have met it with outright reluctance and stubbornness. Many county legislatures are still fighting the battle they lost last year when the state legislature passed the Election Improvement and Consolidation Act of 2005.

The bottom line is that counties must clearly see that the elections process is a fundamental building block of a free, democratic society. It is just as important as snow removal, highways and planning departments. People must feel that their election system is both fair and also funded to the level that gives them confidence that the system works. The wrangling over funding for items, which are now mandated by state and federal law, does a disservice to both the voters and county residents. The election system in each county should not be held hostage to some legislature's inability to come to terms with the reality that the state legislature has mandated how the election system will work. Just like other services and departments in county government that are required by law to exist in the county structure, we, the Board of Elections, have a clear and important mandate that must be funded to ensure all the democratic process is guaranteed to work.

Legislative Draft Preview

1.) Split Shifts for Election Inspectors

(Addition to New York State Election Law Section 3-400)

PROPOSAL:

Permit Boards of Elections to employ election inspectors for half-day shifts with proper adjustment to canvass sheets and procedure.

2.) Eliminate the Costly and Unnecessary "Residency Address" in Board Notices

(Amend New York State Election Law Section 4-122)

PROPOSAL:

Boards of Elections are required in their official publications of candidates to state the "home address" of the candidate. This creates an unnecessary addition in line space in advertising and increased advertising cost and additional security concerns.

3.) County Elections Commissioners Assurance of Appointment

(Amend New York State Election Law 3-204 (4))

PROPOSAL:

After 30 days of submission of a certificate of nomination by an authorized county committee for appointment and without action of the county legislature said nomination shall be deemed valid and commissioner appointed.

From the Editor:

"Thank you" for the articles received that made this issue possible. Shame on those that did not send an article.



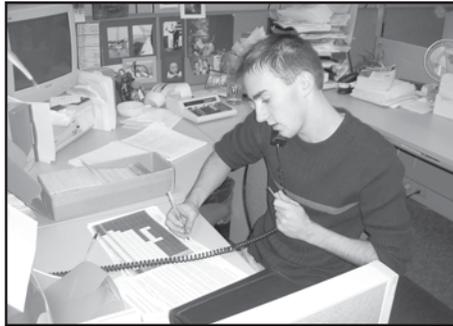
Student Interns

By Sue Fries, Cattaraugus County

The Cattaraugus County Board of Elections and the Allegany-Cattaraugus BOCES Student Government Intern Program have joined together on election night for the collection of the results. About 20 student interns volunteer to answer the telephones and receive calls from our 79 election districts and distribute results to the Information Services Department for posting on the internet.

It usually takes less than an hour to have all our districts called in and posted on the county web page.

The students have made several suggestions to make the process more accurate, such as both inspector and student should use the same result sheet. This has been implemented and resulted in



fewer problems.

The election workers are happy they can get through to a live person after working 15 hours or more. They can go home sooner instead of having to get busy signals or being placed on hold. Some interns act as runners carrying the results between those answering the calls and the BOE staff and data processing department downstairs.

There have been years when we have had bad weather on election day and wonder how we're going to get the results using the office staff only, but the interns have always been reliable.

The student interns get credit towards their Student Government class for volunteering. We could not get the results out as fast as we do without them. The cost is also favorable as the interns are volunteers, but the legislature provides some funding to the intern program, which is assigned a teacher through the Board of Cooperative Educational Services or BOCES.

If you need inexpensive, reliable labor on election night, consider teaming up with students in your area.

Election Commissioners' Association of New York State Regions/Chairpersons

Region 1

Chairman:
Tony Scannapieco,
Putnam
Susan Bahren,
*Orange****

Orange
Dutchess
Nassau
New York City
Bronx
Kings
New York
Queens
Richmond
Putnam
Rockland
Suffolk
Sullivan
Westchester

Region 2

Chairman:
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Saratoga
Cathleen Rogers,
Hamilton

Albany
Columbia
Essex
Fulton
Greene
Hamilton
Montgomery
Rensselaer
Saratoga
Schenectady
Schoharie
Ulster
Warren
Washington

Region 3

Chairman:
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St. Andrews
*St. Lawrence****
Deborah Pahler,
St. Lawrence

St. Lawrence
Clinton
Franklin
Jefferson
Lewis
Oswego

Region 4

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*Otsego****
Edward Szczesniak,
Onondaga

Onondaga
Broome
Chenango
Delaware
Herkimer
Madison
Oneida
Otsego

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Chairman:
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Cortland
Ruth Same,
Seneca

Tompkins
Cayuga
Chemung
Cortland
Schuyler
Seneca
Steuben
Tioga
Yates

Region 6

Chairman:
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Monroe
Peter Quinn,
Monroe

Monroe
Allegany
Cattaraugus
Chautauqua
Erie
Genesee
Livingston
Niagara
Ontario
Orleans
Wayne
Wyoming

*** notifies other counties

Computer Crash

By Norm Green, Chautauqua County, 2nd Vice President

The axiom about computers is that it's not *if* the computer is going to crash, but rather *when* the computer will crash.

We in the election business only hope that the computer crash doesn't come on election night, election eve or, for that matter, any time in or around any election.

Unfortunately for the Chautauqua County Board of Elections, we had our computer crash on September 13, 2005—Primary Election night. And worse yet, the crash took place on our internet web site that was reporting the election night results.

It was awful, and it was a mess!

Regrettably, while we had the results absolutely correct at the Board of Elections on our internal election tabulation program, our election night website www.votechautauqua.com was having a translation problem and was misreporting results for a Republican primary.

Our local cable news channel was reporting a big upset in the Republican race for district attorney, and one local radio station was calling the result "unbelievable."

Since we first started publishing the results on the web site in 2000, the local media has become very reliant on our website election night numbers. As a matter of fact, they depend on the unofficial results that we provide. The days of reporters hanging around outside of our elections office seem a distant memory.

The truth was that we anticipated the September Primary night

disaster, and we planned for it, while hoping it would never happen. While we did not have the plan on paper, we had talked out the big crash and knew where we were headed on that night.

First call was to our webmaster and then our information services technician. All were working off site from the county seat campus. While beads of perspiration were streaming down our faces, (no, make that *sweat*), we kept our cool and went to work to determine if we could correct what was immediately wrong.

We could not!

First action was to turn off the live file feed to the web site, and we then relayed the grand total results manually to our webmaster for his manual posting to the website. Sometime after 10:30 p.m. we had the fully correct results on the web. While the web results were missing the usual detail, it was now precise and correct.

In the meantime, we contacted the two local daily morning newspapers to report that the website was wrong. They patiently waited and correctly reported the results in their a.m. editions. Unfortunately, the local stringer for the Buffalo News had an early deadline for his morning newspaper. Thus, the winning candidate had a Harry S. Truman "Dewey Wins!" article for his scrapbook, and the losing candidate had an article about what could've been. The local radio stations had it right for the 11 p.m. news. Lamentably, the local cable television reporter was long

finished with his election night special when he found out about our goof, and several months later is still a little miffed with us.

There is a moral to this story. Yes, things will go wrong, and yes, those of us in the elections business need to have a disaster plan in place for every eventuality. However, just because technology failed us one time on one night, (due ultimately to a series of human errors not worth rehashing), we still must trust technology. We can't go backwards, nor do we want to. Certainly the media which depends on us for the election night news does not want to see us go backwards to the days when final results came long after midnight and were reported on tear sheets hung in the county office building hallway.

In 2006, we will have a lot of technology issues to face with the implementation of the Help America Vote Act. There are many who do not trust any new technology. Our duty as Election Commissioners is to be prepared to stand fast as we each take New York State elections forward into the 21st century.

Finally, I proudly report that the Jamestown Post-Journal gave the Chautauqua County Board of Elections a thumbs up on their editorial page for our excellent election night reporting on our website following the November 8th General Election.



Where Does The Day Go???

By Carolee Sunderland, Westchester County



The election time of the year is becoming an all year around affair. Still, particularly from September to November, all Commissioners ask the same question – Where does the day go? It seems it was only 9 a.m. a short time ago. It is now 6 p.m. or later and I haven't even had lunch! Murphy's Law is exemplified at least once a day. This is on top of phone calls from candidates, leaders, clerks, candidates, voters, county attorneys, budget analyst, candidates, campaign managers, media/reporters and more candidates.

You have given an "OK" to all of the candidates' names for the ballots, all changes in materials to be

used at the election that have a date correction are complete, and you have signed off on next year's budget. At least three staff members have complained about — you name it. Maintenance came and explained why the bathrooms are a problem in the building, and you still had time (HA, HA) to look up past election information for some of those earlier phone calls we talked about. Don't forget the meetings with county officials, U.S. Justice Department and outside groups to continue to discuss HAVA and the WHEN, HOW and WHERE of it.

There is always that short time frame between the Primary Election and the General Election. Staff members are working on double jobs, early mornings and late nights to prepare and send out ALL voting materials for ALL of the districts in your county. (The ALL will be good for another article in the future!) If we are lucky, we get to either do an Inspector Training

Class, attend a meeting or go to a function after having had lunch at 6 p.m. Where does that time go?

After getting home, well after the normal dinner hour, which you probably have not had, it is now time to look through your personal mail, see what your appointments are for tomorrow, and check your answering machine, knowing you have to return those calls. Now you say to yourself (and sometimes out loud) "who could be calling now?" You have spoken to everyone who called during the day. These are new calls: your children, dentist, friends who are not "in" the elections time cycle.

However, don't hit the delete button on the answering machine just yet. You still have to return new calls to — SEE FIRST PARAGRAPH, LAST SENTENCE! I thought I answered all their questions during the day.

WHERE DOES THAT DAY GO?

Statewide Voter Registration Database

By Thomas F. Turco, Ulster County, 1st Vice President

Could it be, something positive regarding the Help America Vote Act (HAVA)?

As we all know, the implementation of HAVA has been anything but smooth in New York State. The delay in implementation, with the possible loss of federal funds; mandatory machine re-placement, which many in New York State think is unnecessary; budget increases, and who shall pay; machine certification, purchase, delivery, education, and training; not much positive

has been expressed regarding HAVA.

The Statewide Voter Registration Database (Database) could reverse the trend. The Database, as you know, will provide removal of duplicate records, more accurate registration totals, elimination of duplicate voting, and offer the opportunity for voters transferring within the State an efficient transition as to not jeopardize their right to vote. A number of issues brought before the courts this past election here in Ulster

County would have been eliminated with an operational Database.

The Database will not meet the January 1, 2006 deadline. No miracle here, Virginia. However, the project has made tremendous progress. Led by the State Board of Elections, under the guidance of George Stanton, the Gartner group, our independent consultant, and input from the Advisory Committee and each County, we are pursuing a model that could have a system up and

(Continued on next page)

Getting Ready For Consolidation in Onondaga County

By Helen Kiggins, Onondaga County, 3rd Vice President

Our budget needed to be submitted to the County Executive in early June. As you all know, the state did not adopt any HAVA implementing legislation until mid-June. We were able to get an extension and submitted our best estimate budget in late June. We began working with the budget department on a number of issues. What do we pay inspectors, custodians and technicians? Where are we going to house the voting machines? Is the County going to charge back the 19 towns and the City of Syracuse for election costs? What are we going to do with the lever machines we are going to own on January 15, 2006? Who is going to train the inspectors and the public on the new voting system? What new voting system is best for the County?

We were able to resolve a number of issues. We agreed on a salary for inspectors, technicians and custodians and a fee for polling places. We determined that HAVA money would pay for people to train inspectors and the public and came up with a fee to pay them. The county legislature decided NOT to charge any election costs to the 20 municipalities in the County.

The County Executive's office decided this project was too much for our department to take on and assigned us a project manager. Our project manager coordinates our needs with other county departments. He worked with the facilities department, and they found us

County-owned space to house the new voting machines. This space needs to be renovated, and our project manager is overseeing this task.

We have contacted the 20 municipalities in Onondaga County and asked them to do a number of things. First, we asked them to keep the lever machines where they are (in case we need them next year). Second, we asked that they strip the front of the machines and zero out the backs before we take ownership in January. Third, we asked for a list of polling sites with contacts.

We are currently working with a disability advocacy group to determine the accessibility of existing polling sites. Our intention is to keep the good sites and eliminate the ones that have problems. We also plan on eliminating stand-alone polling sites. We would like each location to house at least two election districts. This would allow us to share poll workers and voting machines and would be easier on technicians on election days.

What we have found is that every time we answer one question, we discover two or three more. This is a true learning experience for our staff (which remains the same size and at the same salaries). Our goal is to be able to look back at 2006 and say we did the best job that we could. With a lot of hard work and luck – such as early voting machine certification – we will be successful.

Commissioner Kellner Named to State Board

Governor Pataki has appointed Douglas A. Kellner (D-New York County) as one of the four commissioners of the New York State Board of Elections on the recommendation of Assembly Speaker Sheldon Silver and Senate Minority Leader David Patterson.

"I hope that you will save my e-mail address and that you will feel free to share all of your thoughts and ideas regarding the State Board," said Kellner. "I served as the Manhattan Democratic Commissioner on the New York City Board of Elections since 1993, and I have learned how important it is for the State Board to work with and respond to the county commissioners who are responsible for actually running our elections. I look forward to working with you."

Kellner's email address is: dak@khgflaw.com

Statewide Voter Registration Database (continued)

running by September 2006. The model is patterned after a Database implemented in the state of Washington. Washington's process and requirements are very similar to New York. This model, due to the before-mentioned similarity, will also help us financially.

Stay tuned for further progress. I hope everyone had a relaxing Holiday season. The year 2006 will be a very challenging, and hopefully, rewarding year for us all.

ELECTION COMMISSIONERS' ASSOCIATION OFFICERS JUNE 2005-2006

<i>Office</i>	<i>Name</i>	<i>County</i>	<i>Phone #</i>	<i>Fax #</i>
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1st Vice President	Thomas Turco	Ulster	845-334-5470	845-334-5434
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3rd Vice President	Helen Kiggins	Onondaga	315-435-3312	315-435-8451
Secretary/Treasurer	William Fruci	Saratoga	518-885-2249	518-884-4751

Executive Committee

Ralph M. Mohr, Chairman	Erie	716-858-8891	716-858-8282
Carolee Sunderland, Vice-Chair	Westchester	914-995-5703	914-995-3190
Sue A. Fries	Cattaraugus	716-938-9111x2405	716-938-6347
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Robert C. Howe	Cortland	607-753-5032	607-758-5513
Donald Wart	Oswego	315-349-8351	315-349-8357
Susan Bahren	Orange	845-291-2440	845-291-2437
Laura Costello	Madison	315-366-2231	315-366-2532
Stephen DeWitt	Tompkins	607-274-5521	607-274-5533
Thomas Ferrarese	Monroe	585-428-4550	585-428-2590
William Montfort	Warren	518-761-6456	518-761-6480
Janette Gadson	Kings	718-797-8800	718-834-9215

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Cathleen Rogers	Hamilton	518-548-4684	518-548-6345
Nancy Smith	Niagara	716-438-4040	716-438-4054
Fran Knapp	Dutchess	845-486-2473	845-486-2483
Mary Beth Casey	Warren	518-761-6456	518-761-6480
John Graziano	Albany	518-487-5060	518-487-5077
Nancy Mottola-Schacher	New York City	718-797-8800	718-522-6227
Michael Northrup	Ontario	585-396-4005	585-393-2941
Scott Kiedrowski	Niagara	716-438-4040	716-438-4054
Lewis Wilson	Schoharie	518-295-8326	518-295-8419

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It Was a "Special" First Year

By Kevin Burleson, Cattaraugus County, Editor

As I moved from being a daily newspaper publisher and editor in the newsroom into the hallowed halls of government, I expected there to be some changes.

On Jan. 3, I asked my staff to take care of something. Back at the newspaper we worked on deadline every day, and when I barked a command, it had to be done expeditiously – translation: within 10 minutes. So I expected a similar response as a new elections commissioner.

The response was "We'll get to it a day after tomorrow."

Humm! Things don't work the way they did in the private sector.

So as I adjusted to the election life, I complained about how boring things became following the March village elections, not that they were a great amount of work. It was a chance to learn the processes for elections, understand the complex election laws (the rules are different for villages), and finally to recanvass the results. So it was in late April that I wished for something more to do, as if worrying about HAVA wasn't enough. (You can read Carolee's column else-

where in this edition about the busy day of the commissioner's life. I don't disagree with her assessment preceding the November election.)

So lo and behold, our state senator died. Then it was that I heard those dreaded words "special election."

"Good," I thought, "Now we'll have something to do."

That election was scheduled in mid-May. There was a less than 30-day whirlwind campaign in which the incumbent assemblywoman moved onto the Senate. Did I say the incumbent assemblywoman? Yes, she won after spending \$500,000-plus for a one-year, 6-month vacancy that pays about \$110,000.

Now that meant we had to have our second "special election" in another 30 days to fill her Assembly seat. That was set for late June. Petitions for the fall campaigns needed to be ready before we finished certifying the results of the second election.

We tracked our expenses, heard complaints from election workers that had to man two machines in some districts, even though the

turnout for the first race was just over 20 percent and the voter turnout for the second race was a meager 12 percent.

We had expenses for printer packs for the now-outdated lever machines, the printing of the ballot faces, the paper ballots for absentees, and our towns had expenses for election custodians and poll workers. All told, each election cost our county (including town and city costs) over \$52,000 each.

Then we had the petition process in July and August, the candidates wanting information and assistance and then the Primary Election in September. Finally on to the big show in November. Everything is old hat now.

And as December snows fall, the sun sets before we leave the office at 5 p.m., and I can finally take a breath — except for the deadline regarding this edition of the ECA Reporter.

So, after five elections, when I am asked "How was your first year as elections commissioner?" I just say, "It was special."

**Election Commissioners' Association
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