

Warren County Board of Supervisors

Committee: **SUPPORT SERVICES**

Date: **April 5, 2006**

Committee Members Present:

Supervisors Sheehan
Monroe
Gabriels
Kenny
VanNess
Girard

Committee Members Absent:

Supervisor Mason

Others Present:

Representing Board of Elections:

Mary Beth Casey, Commissioner
William A. Montfort, Commissioner
Robert Metthe, Director, Information
Technology
Patricia C. Nenninger, Second Assistant
County Attorney
Joan Parsons, Commissioner of
Administrative & Fiscal Services
Supervisor O'Connor
Supervisor Barody
Supervisor F. Thomas
Supervisor Bentley
Joan Sady, Clerk of the Board
Debra L. Schreiber, Legislative Office
Specialist

Mr. Sheehan called the meeting to order at 10:08 a.m.

A motion was made by Mr. Girard, seconded by Mr. Gabriels, and carried unanimously to approve the minutes of the March 2, 2006 meeting, subject to correction by the Clerk.

Rather than have the Information Technology Committee meet for one matter, Mr. Sheehan suggested Mr. Metthe come before the Support Services Committee with his request. Mr. Metthe requested a contract extension through October 26, 2006 with Pae Tec Communications since it was determined they then needed to go out to bid.

Motion was made by Mr. Kenny and seconded by Mr. Gabriels to approve the request to extend the contract with Pae Tec Communications until October 26, 2006.

Mr. Gabriels queried if the fee for services was the same and Mr. Metthe responded they requested the contract extension so the fee would remain the same. Mr. Girard said he assumed during this time period Mr. Metthe would prepare the necessary RFP for the same work and Mrs. Nenninger stated there would be a bid process.

After discussion, Mr. Sheehan called the question and the motion was carried unanimously approving the request as outlined above. The necessary resolution was authorized for the April board meeting. A copy of the resolution request is on file with the minutes.

Mr. Metthe and Supervisor Barody exited the meeting at 10:10 a.m.

Privilege of the floor was extended to Mary Beth Casey, Commissioner of the Board of Elections, who distributed copies of the Agenda packet to members of the committee, a copy of which is on file with the minutes.

Mrs. Casey commenced her presentation by referring to the Rental Agreement between the Glens Falls Civic Center and Warren County for the voting machine demonstration. Since the hockey team was still playing, an additional \$3,100 would be incurred to lay the floor over the ice; therefore, she said, they decided it would be more cost effective to use Heritage Hall. Mrs. Casey stated the entire Board of Elections staff, elected officials and supervisors were invited to attend the demonstration between 10:00 a.m. and 12:00 p.m. to view the equipment and thereafter it was open to the public from 12:00 p.m. to 7:00 p.m.

Mr. O'Connor queried if this equipment was similar to what they viewed a while ago. She remarked one of the pieces came from the same company, a couple optical scan companies, and a company demonstrating the auto-mark, a ballot marking device, that was submitting an application to the State for certification. She commented none of the machines had been certified by the State because the election commissioners at the State level had not yet approved the rules and regulations these companies had to abide by. Mrs. Casey apprised the companies were required to meet the 2005 federal standards in addition to the NYS requirements. Rather than not do anything, the State Board of Elections suggested they participate in machine demonstrations and hopefully all companies would be certified once the rules and regulations were published. She commented her department had prepared surveys for their potential voters including questions for the physically challenged people and rating the different equipment.

Mrs. Casey apologized that she did not have more concrete information. Mr. Kenny said he thought the machines should be certified first rather than picking a machine that did not get certified. She responded her department originally anticipated waiting until certification of the machines had been completed before

allowing the voters to view the equipment but they were instructed to move forward with the demonstrations.

Mr. Monroe inquired about the status of the federal/state lawsuit and Mrs. Casey replied the lawsuit was currently with the Department of Justice (DOJ). She further stated the deadline for the State Board of Elections response was April 10, 2006.

Mrs. Casey expounded Warren County was asked to do a survey on improvements that could assist the disabled voters for the 2006 election cycle. Originally she said, the State Board of Elections said something would have to be done in every polling location but later revised it to the best plan of action for Warren County. She said the most economical, feasible and potentially well run election system for a disabled voter would be a single voting system in their office. She stated training their office staff was possible but training 37 or 38 sets of election inspectors would be next to impossible. Mrs. Casey added they would do whatever needed to be done and whatever they were told to do to the best of their ability.

Referring to the letter from Ontario County, Mrs. Casey said she believed the letter was done prior to the survey. Their opinion/view was similar to other counties, she noted, but at this point, it was in the hands of the Department of Justice.

Mrs. Casey commented that the New York Association on Independent Living, Inc. and the American Association of Persons with Disabilities (AAPD) had put in multiple writings that they did not like either system New York State (NYS) was suggesting they use for 2006. She added that one group recommended NYS not do anything for 2006 for the disabled voters because rather than have it done badly, they would rather have their community continue to use the system they were accustomed to and comfortable with.

Mrs. Casey stated as commissioner, neither of the two systems being considered for 2006 offered the disabled voter the ability to vote independently. They would still need assistance, whether it was feeding a ballot into a marking device or having to do a dial-up telephone conference, she noted. Unfortunately, now that the Court was involved, she said, there was no way of knowing the outcome.

Mr. O'Connor commented based on his prior experience with the State, the machine that became certified would not be the one chosen by popular vote or be user friendly.

Mr. Montfort explained the DOJ (Department of Justice) requested every district have an auto-mark but that would be a costly one year solution. If Warren County

had their way, Mrs. Casey remarked it would have been handled three years ago, going into 2006 in full compliance. The biggest concern was their inspector base as it was important they not bring in a machine that was not inspector friendly, mentioned Mrs. Casey. At this point, she said she believed the State realized it could not be done with 100% compliance. As a long-time inspector, Mr. O'Connor said he estimated losing approximately one inspector per district. Mrs. Casey anticipated utilizing a DRE (Direct Electronic Recording) system, which was similar to the machine that was previously provided for demonstration. She said they would rather have a piece of paper with 15 names for the 15 offices that were being voted versus an optical scan ballot which would give you 15 offices times 8 parties and all those bubbles on every single sheet. She said it was her opinion the optical scan ballot had more potential for human error.

Mr. Gabriels said he understood which system they did not prefer; however, had the Warren County Board of Elections made their recommendation to the state or expressed it to the judge. Mrs. Casey stated they recommended the DRE voter verified receipt if certified and approved because the voter could use the system independently.

Mr. VanNess entered the meeting 10:30 a.m.

Motion was made by Mr. Kenny, seconded by Mr. Gabriels and carried unanimously to approve the request to enter into a rental agreement with the Glens Falls Civic Center for a voting machine demonstration as outlined above. The necessary resolution was authorized for the April board meeting. A copy of the resolution request is on file with the minutes.

Mrs. Casey and Mr. Monfort exited the meeting at 10:33 a.m.

Mr. Sheehan stated the third item on the Agenda related to the employment history of a particular individual. Motion was made by Mr. Kenny, seconded by Mr. Gabriels and carried unanimously, that executive session be declared pursuant to Section 105 (f) of the Public Officer's Law.

Executive session was declared from 10:34 a.m. to 10:50 a.m.

Committee reconvened.

Mr. Sheehan noted that no action was taken during executive session.

There being no further business before the Committee, on motion by Mr. Kenny and seconded by Mr. Monroe, Mr. Sheehan adjourned the meeting at 10:50 a.m.

Respectfully submitted,

Debra L. Schreiber, Legislative Office

Specialist