

2009 Annual Report

INTRODUCTION

Though the Tompkins County Board of Elections is swamped with voter registrations, absentee applications and hundreds of voter questions in Presidential election years, what many people don't realize is that the three years in between present their own unique challenges. For example, while there were no state or federal offices on the ballot in 2009, there were 66 local offices up for election in November. That meant 129 candidates and their supporters who required our help navigating the sometimes confusing and complicated course of the election process.

2009 was also a year of critical transitions for us. New York State has been attempting to fully comply with the 2002 Help America Vote Act (HAVA) for a number of years. The biggest challenge was finding and certifying a voting system that would meet all the Federal requirements, as well as the more stringent NY State requirements. In December the State Board of Elections finally certified two optical scan voting systems – one from ES&S, and one from Dominion.

We had purchased 45 voting machines in 2008 from Sequoia (Dominion took over their NY operations in 2009), in order to comply with the Federal mandate that we provide a Ballot Marking Device (BMD) to help a voter with disabilities generate a ballot in privacy. Besides the BMD component, the machines contained an optical scanner, and our expectation was that eventually the entire machine would be certified for use by all voters, allowing everyone to vote on a paper ballot.

PILOT PROJECT

For the Fall elections of 2009, under pressure from the Federal government to show progress in meeting our HAVA mandates, the State Board encouraged counties to implement a pilot project, using the optical scan component of the new machines. Voters would fill out a paper ballot, and then insert the ballot into the scanner. The scanner would then read and tabulate the ballot.

We agreed to try the new system in the November General Election for all City of Ithaca election districts. This meant we now had to set-up and test three distinctly different voting systems – the old mechanical levers machines and the Ballot Marking Devices for sites outside the city, and the Optical Scan machines for in the city. That also meant three different training programs for poll workers.

Though our pilot roll out only required the full use of a few machines, it meant an immense effort in the preceding months, as we (and everyone else in the State) were now in uncharted territory. This wasn't simply a "new and improved" voting machine, but a whole new way to run an election. Unlike the old, completely mechanical voting machines, the new machines are electronic, and require a completely different approach. Firmware and software must be loaded and checked, and often updated. Security and maintenance mandates are much more stringent. Pre-election maintenance, programming, testing, and post election auditing require hundreds of extra man hours compared to the mechanical machines. We're now dealing with an electronic, computer-based system, as opposed to a simple, mechanical adding machine model.

As mentioned, no one anywhere has ever used the particular system NY required. And although the State Board mandated many benchmarks to ensure security and accuracy, the actual procedures to achieve these were often only in draft form. Thus, we had to spend many hours creating the procedures, checklists, forms and training material to ensure that the technicians, poll workers and the voters all would be able to correctly use the new voting system. We were also required to document and submit our Security Procedures to the State Board. We strove to create transparent and detailed processes and procedures so that we, and more importantly, the voters, could trust the privacy, accuracy and security of this new way of voting.

Even something as simple as poll site layout required reevaluation and very careful consideration. Voters would now mark the ballot in a portable voting booth, and then take the ballot to the scanner. In addition, accommodations needed to be made for any voters with disabilities. Voter privacy and efficient use of space were our prime concerns.

Our techs used a very inexpensive shareware program (about \$30) called "CadStd Pro" to create detailed drawings of each poll site, showing doors, windows, electrical outlets, and the placement of tables, chairs, voting booths and voting machines. Thus we were able to provide poll workers a well thought-out template for setting up the poll site on Election Day. We also conducted a post-election analysis based on what we learned from the sites, and will make modifications as needed.

Staffing of the poll site was another area of much careful thought and consideration. The new voting system, with different requirements for voters and inspectors, led to our consolidating some positions and the creation of two "Poll Site Managers" for each site. All inspectors receive training on processing voters and handling ballots, but Poll Site Managers receive extra training strictly related to machines and related problems. This approach allows inspectors who are good at processing voters but uncomfortable with the new technology to continue to work.

In the end, we'd have to say the Pilot Project was quite a success. No serious problems arose on Election Day, and most voters navigated the new system just fine. We learned

quite a bit by going through the limited implementation, and are thus in a much more knowledgeable position as we implement the new voting system countywide in 2010.

ELECTIONS

On March 18 we ran Village Elections in Cayuga Heights, Dryden, and Groton. April 28 we ran the Village of Lansing election.

On September 15 there was a Primary election for Republicans in Enfield and Democrats in County Legislative District 11, which was decided by a 6 vote margin. One of the Enfield Republican Committee races was decided by just one vote, again proving that “Every Vote Counts” is not a mere platitude.

The General Election, held November 3, had 66 local offices on the ballot, as well as two proposals in Caroline, and two statewide propositions. Quite a few high profile offices were on the ballot, including the District Attorney and all the County Legislature seats. Several races were decided by only a few votes. As mentioned above, we also had the challenge of running the “Pilot Project” in all the city poll sites.

We also helped quite a few school boards and fire districts with their elections, providing voter lists, poll books, and support. As usual, our two Senior Election Clerks, Laura Norman and Jennifer Terpening, visited local nursing homes to assist voters with their absentee ballots.

EDUCATION AND OUTREACH

In the months preceding the November Election we held nine hands-on voting machine demonstrations at various locations in the City of Ithaca. The events at McGraw House, Titus Towers, and Lifelong were particularly well attended, perhaps an indication that senior voters were most interested in trying the new way of voting. In addition, we kept a machine ready in the office for anyone who wanted to stop by and try it.

We also created short DVDs to explain the new voting procedures. (See “Lights, Camera, Action Vote” below). Using TV monitor/players purchased with voter education grants, we played the DVDs on a constant loop at the poll sites that had new voting machines. We also posted the videos on our web site.

We published a number of press releases and the Commissioners conducted numerous interviews with media to help get out timely election information.

In 2010 we will hold more hands-on demonstration at locations outside the City, to allow all county voters a chance to see and try out the new voting system.

In June we hosted a Campaign Finance Seminar taught by staff from the State Board of Elections. The seminar addressed current campaign finance laws and included a detailed session on using the reporting software required for certain filers.

TEST DECKS

A key part of ensuring the accuracy of the new machines is a mandated pre-election process called “test decking.” Test decking means trying out a prescribed routine of voting patterns and looking at the results to make sure the machine is programmed and tabulating correctly.

Test decking is a very labor intensive, time consuming process. One ballot configuration can require 50 or more individual test ballots to ensure accuracy. Technicians spent many, many hours creating the decks following formulas provided by the State. Then, we had to bring in a dozen or so techs and inspectors to do the actual testing at our warehouse on Hanshaw Rd.

The importance of test decking was underscored when our techs detected an anomaly with the BMD portion of some ballots. It was not a fatal flaw, but could have caused confusion and problems for certain BMD voters attempting to vote in a certain way. We notified the vendor, and it was determined that there was a software issue they would correct in the future, but were unable to change for this election. So we printed out the work around instructions for the poll site managers to give to any BMD voters.

We also later learned that some counties in the pilot project had problems on Election Day that would have been discovered ahead of time had they rigorously followed the test deck procedures. (This has been attributed to a lack of adequate staff to completely carry out the time-consuming required testing.)

AUDITING

While test decking should ensure that the machines are set up and working correctly, the real assurance comes from the required post-election audit process. An audit compares the results of the actual paper ballots with the scanner totals. State law specifies, at minimum, a “3%” audit, which didn’t sound too onerous. (This escalates if a problem is found.) However, “3%” in practice may result in having to hand count ballots from half or more of the machines used, which proved to be the case for us.

We were able to successfully complete our audit in one day, using members of our staff and teams of technicians and inspectors. We notified candidates and the general public that they were invited to watch the proceedings, conducted at our warehouse on Hanshaw Rd. We were pleased to have Assemblywoman Barbara Lifton show up to observe part of the proceedings. In the end, the audit confirmed 100% accuracy of the machines tested.

PAST ELECTION RESULTS PROJECT

We were very fortunate to have the use of an intern, Megan Smith courtesy of Work Force NY for a few months. We had her work on a project to convert old handwritten election results into an electronic format.

Up until 1990, election results were handwritten into books. This made looking up past results a rather tedious task, and also meant that any damage or loss of these books would severely compromise our election history. By putting information into an Excel database, results could be more easily found, and provide a more safe and secure way to store this invaluable information. It would also allow researchers a much easier way to study and manipulate the data.

We expected Megan to complete perhaps a few decades. But she totally exceeded our expectations and managed to input our entire handwritten results history, from 1989 all the way back to 1915, with the exception of 1934 to 1952. The books for these years were lost in a fire decades ago, which only underscores the need to preserve this valuable information in an electronic format that can be backed up.

We currently post all results back to 1990 on our web site. In 2010 we plan to post the older results that Megan entered, too.

OPEN PROJECT

Our office tries to utilize checklists and planning tools as much as possible. Each election, though unique in the specifics, requires a lot of standard procedures, often driven by uncompromising deadlines. Deputy Tom Paolangeli began using a free project management program called "Open Project" to aid the office in our election planning. (The commercial version, Microsoft Project, costs over \$500.)

As Tom's time was limited, we were extremely pleased when one of our temporary techs, John Yaley, volunteered to help with this project. We were able to fund some of his work, but he put in many hours of free labor. For that, we are extremely grateful.

The result is an extremely impressive, well-thought out task and timeline chart that we can now use as a template for future elections. There are over 150 tasks documented, and countless more subtasks, all assigned to the appropriate personnel. As we've done with other in-house projects, we will share John's hard work with other County Boards at a future Election Commissioner's Association conference – we know many will be quite excited and grateful to receive such a unique election planning tool.

LIGHTS, CAMERA, VOTE

Though NY State offered some online resources for poll worker training and voter education, we felt they didn't address all our specific needs. In particular, we wanted to develop short DVDs to help teach Poll Site Managers their job, and to briefly explain the new voting system to voters. Our Senior Techs, Catherine McGrath and Jim Nocek, worked closely with the staff to develop the scripts, and then Machine Tech Tim Larkin filmed and edited the videos.

We also wanted DVDs for outreach to voters with disabilities, and for training inspectors to work with those voters. In previous years Larry Roberts from the Finger Lakes Independence Center has helped us address these needs, and once again he and his staff rose to the occasion. They helped us develop the material, Larry himself hosted the videos. Once again Tim Larkin did the filming and editing. The "How to Vote" and Larry's video were posted on our web site.

The inspectors thought the training videos were well done and very helpful. They reported, however, that there didn't seem to be a lot of interest in watching the "How to Vote" videos at the poll sites.

We are very thankful for the support we received with these projects from the county's Public Information Office. Marcia Lynch and Jim Blizzard were extremely supportive and helpful.

Using State Voter education grants, we later purchased our own camera, inexpensive editing software and a DVD copier, so we will be able to continue to refine or create our own low-budget training and educational DVDs in the future.

SENIOR TECHS

As mentioned, the changeover to a new voting system means more than just a new piece of hardware. The whole process, including storage, maintenance, programming, testing, training and post election procedures, had to be rethought.

Anticipating a huge increase in the workload, in 2009 we were able to fund two part-time Senior Technician positions to work with us year round. Since the weeks leading up to and following an election call for above the normal work hours, we tried to balance this by having them work less hours during "off times." We're very appreciative of the County Legislature's support in providing this funding.

Jim Nocek was appointed Senior Republican Technician, and Catherine McGrath was appointed Senior Democratic Technician. They received training and technical certification by the voting machine manufacturer. In addition to carrying out machine maintenance and set ups, they were tasked with helping us develop our new policies,

procedures, and all the various spreadsheets and forms needed. Weekly meetings were held with the Commissioners and Deputies to help guide the process.

The Senior Techs really rose to the challenge. There is absolutely no way our limited permanent staff could have taken on the new machine implementation without them. The Senior Techs also supervised our two dozen or so temporary Machine Technicians. The Machine Techs primarily work in the weeks surrounding an election, helping with voting machine set up and testing, inspector training, as well as providing Election Day support and troubleshooting. We feel fortunate to have such a dedicated and talented crew to assist us.

STAFF TRAINING

Commissioner Stephen DeWitt and his Deputy Tom Paolangeli also attended the Voting Machine Tech training course with our Senior Machine Technicians. Stephen and Tom also completed Level I of the county's Supervising for Success course.

Tom Paolangeli completed training in Dreamweaver CS3 Levels II and III (web software).

In August several staff members traveled to Albany for preliminary training in the use of the Election Management System (EMS) that we are required to deploy in 2010 system. (See "Looking Ahead" for more information about this system.)

Commissioner Elizabeth Cree once again led the Program Committee for the State Election Commissioner Association, bringing in Gary Poser, Minnesota Director of Elections, to share his state's experience and recommendations about optical scan voting and recounts.

WEB SITE

Our website, votetompkins.com, run in-house by Deputy Tom Paolangeli, continued to be a well-used resource for voters, candidates, and the media. Though we didn't surpass the record visitors and hits set in 2008, a presidential election year, we still managed an impressive 602,261 hits from a total of 24,418 users. November, of course was the busiest month, with 5,392 visitors making 122,999 hits.

The use of the web site pays off in many ways: fewer phone calls to process in our office, less expense for mailing forms and information, and better customer service for voters. Being able to instantly download a form, especially near cut-off dates, can make the difference between being able to vote or not. Our web presence is such that we sometimes get calls from voters from other counties seeking information.

CUSTOMER APPRECIATION

Following the November election we were pleased to see the following items in the Ithaca Journal:

“Laurel: From Susan Henninger of Trumansburg and Kathleen Yen of Ithaca on behalf of the Tompkins County League of Women Voters to the following groups for making the first "Take Me to Vote!" program a success: the Board of Elections Commissioners Elizabeth Cree and Steve DeWitt and all the dedicated poll workers in Tompkins County; the league's Voter Service Committee for providing helpful feedback every step of the way; school districts in Dryden, Groton, Newfield and Trumansburg as well as Immaculate Conception and the Ithaca City School District for distributing voting information and TMTV certificates to teachers and children.”

And on Nov. 20 we got a nice mention in Larry Roberts' *Independent Living* column. He asked colleagues about things that were getting better or things to be thankful for, and Teri Reinemann, statewide systems advocate, said "It's wonderful that finally the state has begun to implement the Help America Vote Act (HAVA) allowing people with disabilities, especially people who are blind, to vote privately and independently. It's great that the Tompkins County Board of Elections has been so proactive and has taken the lead in assuring that people can vote easily."

We were also honored with a Professional Practices award from New York State for our presentation on working with the Assessment departments to share and save mailing costs.

NEW EQUIPMENT

The switch to the new voting system was responsible for almost of all our new equipment expenditures in 2009. We were required to install a security system at our Hanshaw Rd. facility. This was not just to protect the half million dollar inventory from theft, but to enable us to track individuals as they entered and left the building, thus assuring that when we're in election mode, only bi-partisan teams are in the building at any time.

We also purchased portable voting booths, magnifying screens and ballot bags for use with new machines. As mentioned previously, we bought a small video camera, editing software, and DVD copier. We purchased a used van from Weights and Measures to allow us to transport machines to voting demos, and furnished Hanshaw Rd. with used desks and furniture from other departments.

LOOKING AHEAD

2010 will see the final and complete implementation of the new optical scan voting system. This is the culmination of a process that started in 2002 with the passage of the Help America Vote Act (HAVA), and the passage of New York State's Election Reform and Modernization Act (ERMA) of 2005. The lessons learned from our '09 pilot project have given us a good place to start from.

As part of the complete implementation, we are required by law to take over the actual ballot design and programming for the new machines. The good news is, this saves us the thousands of dollars it previously cost to have an outside agency do it. But it doesn't come with out a cost: approximately \$75,000 for hardware, training, and 5 year license for an Election Management System (EMS).

At the end of 2009 we worked closely with Greg Potter and his staff in IT to find cheaper alternatives to the hardware required than what the vendor was offering, saving us thousands of dollars. IT will also allow us to host out server in their server room, saving us the cost of creating our own separate, secure space.

Although the upfront EMS costs are covered by Federal and State money, the extra staff hours now required to use this system are not. Staff training on the EMS system took place in February, and our plan is to program the March and April village elections ourselves.

In the broader perspective, Election Commissioners across the State are calling for a number of changes to election law, as detailed in Addendum A, the ECA 2010 Legislative Agenda. With the introduction of the new voting systems, there are a number of ways we could make the process more efficient, but are constrained by antiquated laws written to reflect the use of the old voting systems.

Legislation passed last year at the State and Federal level will impact us in 2010: new voter registration cards that require us to ask and track organ donors, there are changes to Military voter's access to absentee ballots (The MOVE Act), and campaign finance reforms.

Another area we will concentrate on is assuring the security of the paper ballots. We anticipated and addressed many of these concerns in our Pilot Project, but we want to continue to refine our procedures to be sure that every ballot is accounted for, whether voted or not, and make sure we have complete integrity and security of the ballot box.

BY THE NUMBERS

As is usual following a presidential year, we saw a slight decrease in Active registered voters (from 52,553 to 50,153), closely matched by an increase in the Inactive status (from 5,671 to 8,434). This can be attributed to our transient student population. Many

register to vote here for the presidential election, but after they graduate and move, it can take awhile for us to receive confirmation that they are no longer living in Tompkins County. A few statistics are presented below. See our State Board Surveys for more detailed information.

Voter Database:

Active Voters	50,153
Inactive Voters	8,434
New Registrations Processed	1,965
In County Address Changes	3,595
Enrollment Changes	437
Name Changes	468
Registrations Cancelled	1,727

Inspectors:

Inspectors Appointed & Trained	400
Classes Held	22

Mailcheck:

(Used to verify voter's residence and mailing address, notify them of election dates and their polling site, and recruit inspectors.)

Mailed out	51,722
Returned	5,088

Absentee Ballots Out:

Sept. Primary	101
Nov. General	838

Petitions Received:

Designating	125
Independent	29

Addendum A
**Election Commissioners Association of New York State
2010 Legislative Agenda**

- Proposal 1: Assembly Bill 2482.** Relates to the appointment of commissioners of elections; provides that once a party recommends a person for commissioner of elections the local legislative body automatically approve the appointment of such person.
- Proposal 2: Assembly Bill 8692/Senate Bill 5989.** Relates to consolidation of election districts; provides that deployment of voting systems, election workers and election resources shall be in sufficient number to accommodate the numbers of voters eligible to vote in such polling place; repeals certain provisions of the election law.
- Proposal 3: Assembly Bill 5881.** The bill would designate Election Day a school holiday.
- Proposal 4: Assembly Bill 1941/Senate Bill 3236.** Eliminate the need to publish the residence address of candidates.
- Proposal 5:** Repeal Section 4-118 and 4-120 regarding publication notices in newspapers.
- Proposal 6:** Allow Boards of Elections to be the exclusive authority on creating/amending the boundaries of Election Districts and increase number of voters in an election district.
- Proposal 7:** Change the need for number of inspectors in consolidated poll sites (Section 3-400)
- Proposal 8:** Amend Section 6-158(1) to start the designating petition process 30 days earlier.
- Proposal 9:** Change the requirements for the location of poll sites. Would allow a Board to have voters from a contiguous district vote outside its town or city.
- Proposal 10: Assembly Bill 1308/Senate Bill 1836-A.** This legislation would permit Boards to use half day Inspector shifts with proper adjustments. (This bill passed the Assembly in 2009)
- Proposal 11: Assembly Bill 2483.** The legislation would standardize Commissioners appointments to a 4 year term statewide.
- Proposal 12: Assembly Bill 2399.** Amend the law to disallow fusion voting in New York.
- Proposal 13:** Prohibit candidates from being poll watchers in districts where they are running.