
Commissioner Kosinski: Good afternoon, this is the meeting of the New York State Board of Elections, here on February 6th, 2024. I'm Peter Kosinski Co-Chairman of the Board, with me is Tony Casale, a fellow commissioner. We have two new Democratic commissioners today joining us, although they're not here, but they are joining us remotely, and I'd ask them to introduce themselves and maybe tell us a little about themselves. Henry, maybe we can start with you.

Commissioner Henry Berger: Hi, I'm Henry Berger. Sorry, I can't be with you. I tested positive for COVID yesterday and felt it better not to inflict that on all of you. I have a long history as an election lawyer, I have appeared before this Board several times, and I'm glad as I move along, I can still continue to participate with you this time in a different capacity.

Commissioner Kosinski: Great, and Essma, you want to introduce yourself?

Essma Bagnuola: Sure. Hi, everyone, I'm Essma Bagnuola, I am the former Chief Clerk of Nassau County Board of Elections. I've worked very closely with the State Board for years and I'm excited to join the team. I'm sorry I can't be there; I'm excited for the future, in person ones.

Commissioner Kosinski: We will look forward to meeting you when you do make it up, and we're glad you could join us today as well. So, we'll start today's meeting with the, I guess just before we start, I just want to make note that Brian Kolb is here from our Public Campaign Finance Board. He is joining us today although the Public Campaign Finance Board isn't meeting, but Brian is here. Brian, did you want to say anything? You're just here today to sit in on our meeting.

Brian Kolb: Yes, thank you. Just very quickly, coming from the angle of the Public Campaign Finance Board because the public finances this program.

Commissioner Kosinski: Brian, maybe you want to come around here? You're not on video, and I don't know if you want to be on video, so people can see who's talking. No, come back here. So they can see; we can't.

Brian Kolb: Again, I will be brief, but I think it was important today to be here. Several weeks ago, we had scheduled the Public Campaign Finance Board Meeting to precede the need of what's going on today, because the entire Board consists of three PCFB Commissioners, and then, of course, the rest of the BOE as far as on that Board. And my concern is, the fact that we did not meet as the PCFB, because this is a public program. This year it's \$100 million in taxpayer money that's being spent on a brand-new program for the New York State Legislature, and our statewide offices. And transparency, for public view, for fiduciary responsibility, I think, we should've had that meeting today. Whether we have something to vote on or not is immaterial, because of the significant nature of this program, we have staff issues, we have space issues, we have registrants that have to be in place by February 26th, and I want to stress this, I think the staff on both sides of the aisle has done a tremendous job getting this program ready to be implemented in 2024. So, I think really the staff has done a terrific job, and I think they

should've been allowed to report to the public about the status of all the major issues, and programs regarding the PCFB. So, really my basic message, I don't understand why the other two commissioners for the PCFB aren't here, or why they couldn't have been here remote, because all I've heard is, "Well, we didn't have anything to vote on" and I think that's not a responsible response when we should have a report to the public, because it's a \$100 million program in its first year of implementation, and that's why I think it's so important that we should've had the meeting. So, I appreciate you listening, appreciate the opportunity to share a few words, and with that, I will disappear out of the camera sight.

Commissioner Kosinski: Thank you, Brian. I hope you can stay for the meeting. You're always welcome. I have feedback here, it's very disruptive. There's a lot of chatter on our line here, is there any way to cut that down before we continue? It will be very distracting.

Tom Connolly: Whoever is currently speaking, your audio is actually coming through. SO I'm not entirely sure who was currently speaking; we're just trying to...

(inaudible crosstalk)

Commissioner Kosinski: I want you to know that doesn't normally happen at Board of Election meetings. First off, I don't want you to think this happens regularly, it doesn't. Clearly something to do with you guys. Don't do it again. So, at any rate, we'll start with the minutes of the December 7th, 2023, meeting. And is there a motion to approve?

Commissioner Casale: I'll move to approve.

Commissioner Kosinski: I'll second it since I was here, and I guess neither one of you were, so I don't know that you, I guess you almost have to vote to get it done, but I understand you weren't here. Is there any discussion? All in favor say aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Bagnuola: Aye.

Commissioner Kosinski: Essma, I think you have to vote, if you're prepared to vote.

Essma Bagnuola: Yup, aye, sorry. I didn't do it fast enough.

Commissioner Kosinski: Okay, and that is a vote, so the minutes are approved. The next order of business are ballot access determinations, and we have four prima facie cases before us. Two are for presidential candidates, one is for delegate for a presidential candidate. These are all

determined insufficient, all three filings based on a prima facie review by the staff. I think we all have the report in front of us. Are there any questions on this report? Hearing none, I would entertain a motion to approve the report as submitted by staff.

Commissioner Henry Berger: So moved.

Commissioner Casale: Second.

Commissioner Kosinski: All in favor?

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Alright, then that's approved as well. Alright, then we'll move onto unit updates. So, unit updates will begin with the Executive Unit, Kristen and Ray go ahead.

Ray: Good afternoon, Commissioners, and welcome to our new Democratic Commissioners. The Co-Executive Directors worked with staff throughout the agency, as well as coordinating with the county board of elections and other state agencies on several issues since the December 7, 2023, board meeting. Most recently, the New York State Board of Elections have accepted filings for the ongoing special election in the 3rd congressional district, as well as nomination for President of the United States from both major parties. Filings were uneventful and went very smoothly. Last month, the Election Commissioners' Association of New York held their winter conference in Albany. Commissioners from across the state met to exchange information, received updated guidance on several changes to election law, and provide multi-jurisdictional support. These twice-a-year conferences provide both the State and County Boards a vital opportunity to interact in person on a large scale. The New York State Board of Elections took a leadership role in this conference and provided presentations from each department of the agency. We provided a full panel of discussions on the 2023 elections, as well as preparations for the 2024 elections, and we held an open Q&A session with the County Boards. An often talked about topic here has been space planning and I'm happy to report that since our December meeting, we've had some real and significant progress, both in construction projects on 5, as well as acquiring additional space inside the building. Working with our partners at OGS, we were assigned the 7th floor of this building in addition to maintaining the 5th. Staff that was temporarily relocated from space on the 1st floor, have been relocated to the 7th floor as of this moment. Additionally, PCFB staff that was assigned to the 5th floor, has now been moved up to 7, so that they have a full space to work with. The 5th floor construction phase 1 is in its final steps. We're hoping to move staff over to the completed half in the next few weeks, allowing for

construction to begin in phase 2. We continue to have biweekly meetings with the agency and the four contractors to coordinate as we progress.

OVR and AVR, happy to report Online Voter Registration continues to be effectively deployed across the state since May 1, 2023 inception, including the separate New York City system. We have seen a total of just over 21,000 transactions through February 4th, and we continue to work closely with County Boards, county-based IT, and voter registration vendors to ensure processing of the data. And we continue to monitor usage and seek to raise awareness so that more residents can access the system.

As for Automatic Voter Registration, as we have spoken about several times in previous meetings, we have partnered with New York State ITS to implement AVR and the clearinghouse necessary to transfer information between the state, the counties, and the various agencies. Work continues to be ongoing. We expect to be signing off on a final schedule in the coming weeks. Currently anticipate a phase 1 completion of Q4 '24 and a final completion in Q1 to quarter 2 of 2025.

The PCFB, SBOE integrated software solution which had originally started as a PCFB only solution, continues to make its way through procurements. The project currently sits with the Office of State Comptroller awaiting their sign off. It has made its way through OGS approval. We have communicated with OGS to answer questions from Office of State Comptroller several times in the last few weeks, and we're hopeful that we will get sign off in the coming weeks. As stated previously, PCFB has created a manual solution to handle matching funds and audits as we await the software solution.

We continue to meet biweekly with the Division of Budget, Office of General Services, Enforcement, and the Executive Branch. Co-directors and staff continue our monthly conference call for the Election Commissioners' Association, and we continue to work on training and guidance to provide CBOEs with the resources and tools to carry out their statutory duties.

Looking forward to April. With the conclusion of this meeting, SBOE can send out certification of ballot for Presidential primaries scheduled for April 2nd. And we stand ready to assist all the counties as they need for that election.

Finally, I want to acknowledge Jude Seymour, our candidate for Deputy Director of Operations. Jude has been the Jefferson County Republican Elections Commissioner since February of 2015. During that time, he's managed election administration for the county, accumulating knowledge in voting systems, ballot access, list maintenance operations, and election law. He's presented numerous times at the New York State Election Commissioners' Association conferences and served as the NYSECA Program Committee co-chair since 2020. Later in this meeting, we will be asking the Commissioners to adopt a resolution appointing him to the position. I want to welcome Jude again, and I think I speak for everybody when I said we're looking forward to working with him and having the Deputy Director of Operations filled here at the State Board. With that I pass along to Kristen for any additional comments she may have.

Kristen Zebrowski Stavisky: Thank you. I just wanted to take a moment to welcome our new Commissioners on the Democratic side: Commissioner Berger and Commissioner Bagnuola, I'm thrilled to have you here, thrilled that you are a part of our team, and I look forward to working closely with you. I'd also like to welcome Jude. I worked with him for many years on Election Commissioners' Association, and we do have a bit of a dream team here at the State Board. I think some of the counties that we, maybe they would term it poached from, I would not, I would say we're moving them up with their knowledge and they will, I'm sure, have replacements that will take on those roles in the ECA, and I thank you very much. I would just add that, as of today, we have the Public Campaign Finance Board has 207 registered committees which is excellent, 171 of those are certified in the program. There has been outreach to candidates, there has been outreach to county party chairs, I believe there'll soon be outreach to state party chairs, and there is an ongoing media campaign to make sure that all are aware of the February 26th deadline to certify in the program. But in addition to the PCFB staff, that staff and our State Board staff has really done a phenomenal job over the past few months and under difficult circumstances, with space and we are nearing the end of that journey. We're looking forward to a very busy presidential year. And just if I may take a moment, Commissioner Spano has asked me to read some comments to you, and to the public. This is, I will read it in Commissioner Spano's voice:

I would have liked to have done this in person at the last meeting, but I had promised to stay on until a new appointment was made. And my previous experience was that these things took time. I thought it would've been awkward attending meetings having already said my good-byes. I just wanted to say how I've enjoyed my ten years on the Board and how much I have appreciated working with the various commissioners over those years. We had disagreements that were discussed professionally and civilly. We agreed 99% of the time, I believe we all truly tried to protect the integrity of the system. I really appreciated the staff. Whatever gauntlet the commissioners or legislators threw down at them, they responded professionally and competently. Too bad the public can't see in an objective way the complexity and challenges of what is done here, and the work ethic of the people who guard this most critical part of the democracy. I would like to single out my Democratic colleague Doug Kellner. I had not anticipated that we would leave at the same time. He was a mentor to me and gave much to his responsibility as commissioner for 18 years. He devoted a great deal of his time and his professional knowledge to the election process in an unselfish way. I enjoyed his passion on many issues, even though we didn't agree sometimes. My congratulations to the new board members, I'm sure their expertise and experience will be an asset to the Board. I know this year is not going to be easy, and I hope that however contentious the campaigns may be that when it is all over, we come together as a state and a nation. Thank you. Life goes on.

And I would just like to say thank you to Commissioners Kellner and Spano for their service to the Board, and to the voters and people of the State of New York.

Commissioner Kosinski: Fair enough, and I'm sure Commissioner Casale and I join you in thanking them for their service. That was very nice of Commissioner Spano to send us that little note in his absence. So, we wish him well in his retirement. Are there any questions for either of

the Executive Directors from any of the Commissioners? Hearing none, we will move onto Election Operations and that's Brendan and Amy.

Amy Hild: Thank you, Commissioner. Welcome Commissioners, welcome Jude, we're really excited. The Operations Unit has received filings and prepared the certification for the presidential primary. We presented training and participated in the New York State Election Commissioners' Conference training conference this past January. We continue to work with other units to coordinate our communication and provide assistance to counties and collect required surveys and data. We've been compiling the data from counties for the 2023 annual statistical survey. We have six remaining that we will continue to assist until we receive those. There have been revisions to the 2024 federal survey, so we have revised our survey and we'll be sending those surveys to the counties and vendors later this week with the new questions highlighted, so that they will be prepared to collect that information.

Staff conducted acceptance testing for several counties and since our last meeting, we've conducted acceptance testing on almost 3,000 new voting machines. We'll continue acceptance testing likely at least through the June Primary.

We assisted in the revision and development of new absentee and early voting applications. We're happy to report that all counties are participating on the Civic Roundtable platform. There are two special elections on February 13th: Assembly District 77 and Congressional District 3, and we continue to provide support to those counties. Additionally, we received a resignation from Congressional District 26, so we expect that another special election will be announced shortly.

We're working with the Office of Court Administration on certification of the judicial vacancies. As soon as we have that certification, we will share.

For voting systems, we've been working to review and revise the voting system regulations. It's taken a little longer than expected, but we're hopeful to have proposals to you later this month. We've continued to work with voting system vendors on some programming changes and enhancements. For voter registration systems, we've met with vendors to discuss upcoming dates and requirements, and we continue to work with our electronic poll book providers on updates to their operating system, and their applications for the upcoming election. Brendan?

Brendan Lovullo: Yeah, I just wanted to actually echo Commissioner Spano's comments and thank the staff. I know we've had some new people in Operations that have really stepped up to the plate to do this. We've had some people that have left Operations, that have come back to assist, so it's really been a team effort, and I just want to thank all the staff for putting all this together, too.

Commissioner Kosinski: Any questions for Amy or Brendan from the Commissioners? None, okay, then we'll move on to Counsel/Compliance it's called, and that is Brian and Kevin.

Kevin Murphy: Thank you. Again, welcome to the new Commissioners. For their benefit, but also for the benefit of all, I thought it might be a good idea to do a more thorough rundown of our current litigation and a number of the decisions that we're still waiting on, just for a fuller picture of all that matters that are still outstanding. So, first, a few that have more recent developments. In *Stefanik v. Hochul*, which is the challenge to the early mail voting statute, that case, the motion to dismiss was granted yesterday. So that case has been dismissed, and the statute has been deemed constitutional. I would anticipate an appeal of some form in that matter, but we are not yet aware of that, so we will keep everyone apprised. In *Common Cause v. Kosinski*, this is the case challenging the certification of the Express Vote XL voting machine, that return date is this Friday, February 9th. A motion to dismiss has been filed by the Attorney General's Office on our behalf. We are represented by the AG in that matter. *NAACP v. Kosinski*, this is the challenge and what's colloquially referred to as the Line Warming Ban. A bench trial has been set in that matter for March 4th. That is an SDNY case. We are continuing to work with outside counsel in preparations for that trial. Obviously, it is a month away, but that month will pass very quickly. So, that is right around the corner. In *Burns v. State of New York*, this is the challenge to the process by which the, what's referred to as the New York State Equal Rights Ballot Measure, would be placed on the ballot for this fall. That return date was moved up from its original spot on the calendar to March 19th. The Board has filed a no position letter in that matter, but we'll be keeping track, obviously, of any developments in that case. Those would be the four with the most recent actions. However, there are a number of cases that we remain awaiting a decision on, or any sort of movement, depending on the case. Just a quick rundown of those: *Castro v. New York State Board of Elections*, the federal lawsuit relating to the qualifications of President Trump to appear on the ballot based on the 14th Amendment. That has been filed in federal court, in the northern district. The State Board has filed a no position letter in that, and as everyone is probably aware, Supreme Court intends on hearing similar matters for that issue on Thursday, February 8th. So, we anticipate that will be resolved in some fashion by the Supreme Court's ruling. In *Amedure v. State of New York*, this is the challenge to the absentee ballot canvassing statute that was recently changed, somewhat recently changed. A hearing was held in court on that in early October. We await a decision on that matter. It has been some time, so we are hopeful that we'll have a resolution on that in short order. *Frentzel vs. Mohr*, this is a challenge in federal court to the change to the OTB statute which requires votes for an OTB to be run within the party itself, that outside party members are no longer eligible to participate in an OTB election. We filed a no position letter in that matter. The preliminary injunction to prevent it from going into effect was denied back in September. An appeal from that preliminary injunction has been filed, but that appeal is moving at I would say standard federal lawsuit speed, so that's as far as we've gotten on that. *Schmidt v. Kosinski*, that was the Libertarian Party challenge relating to out of state witnesses to petitions. All papers were filed in that matter, actually in late September of 2022, and how we've been operating on that was based on the preliminary injunction that was granted initially in that case, but the decision on the merits of that matter is still outstanding a year and a half later. So, we're hoping for some movement on that at some point.

Commissioner Kosinski: Where is that, Kevin?

Kevin Murphy: I believe that was SDNY, but I will...

Commissioner Kosinski: But that was in federal court? That was in Manhattan?

Kevin Murphy: Yes, I believe so.

Commissioner Kosinski: Brian, do you know off the top of your head?

Brian Quail: Yeah, it's either SDNY or EDNY and I can't recall.

Kevin Murphy: I think it's SDNY because one of the other, no, you're right, that was EDNY, that's eastern district, yes, sorry.

Commissioner Kosinski: So that was what you said, September of '22?

Kevin Murphy: Correct.

Commissioner Kosinski: And it's now I think November of oh I'm sorry, it's February of '24 now?

Kevin Murphy: Yes. That is correct. So, the last couple here, *Fossella v. Adams*. This is the New York City noncitizen voting statute that was challenged. The argument in the second department on the appeal was heard on June 23rd of 2023. And the second department has yet to issue a decision in that matter. And then finally, similarly, *Upstate Jobs Party v. Kosinski*. This is the federal case regarding nonparty contribution limits for contribution limits in housekeeping accounts for nonmajor parties. The oral argument was held on appeal in the second circuit on May 10th of 2023, and we are still awaiting a decision on that matter as well. So, a number of lawsuits outstanding that we are hoping to have movement on, hopefully sooner rather than later, but I would be happy to answer any questions on any of those matters, if anyone has any. Happy also to provide any information, as I'm sure Brian is, to our new Commissioners, relating to any background on those.

Commissioner Kosinski: Any questions for Kevin? Brian, did you have anything you wanted to add?

Brian Quail: I do not.

Kevin Murphy: More for the report, I just wanted to take a break from the litigation. Just pausing to get through the litigation. Just wanted to take a brief moment to discuss the fact that, obviously, redistricting, the process continues based on the court order. Maps are due to the Legislature by the Independent Redistricting Commission by February 28th. We will be keeping a close eye on that, as depending on how the timing works in that process, obviously, there will have to be a discussion about the petitioning process and the timeframes, and that related timeframe.

Commissioner Casale: Do you want to opine as to what we would consider the drop-dead date by which either maps are drawn, or which it the calls for a different Primary or change the election law somehow? What's the timetable there?

Brian Quail: I don't have a thought on what a drop-dead date is. I think that as we get close to the beginning of the process, there would need to be some legislative adjustments, and historically speaking, that's happened in any number of ways. We've seen in certain extreme instances where the Primary has been moved such as a Harkenrider context, where literally the ballot access has completely been completed for the upcoming Primary before the decision came in or was within a day or two of being completed and necessitated an additional Primary. But typically, when the Legislature makes adjustments, they will do everything they can to keep the Primary in place and make adjustments in the timetables surrounding the petitioning process and the related procedures. And that would potentially be an option as well. And I honestly don't know if there's a possibility that the Redistricting Commission will get its work done sooner or later, and the Legislature will obviously, if the work is not done in a sufficiently timely manner, will need to tell us what accommodations they're going to make in terms of alterations to the process, if any.

Commissioner Casale: I appreciate that. We have some time on this, but I think we ought to give some thought because if it gets to a point where a Congressional Primary would have to be moved, I'm going to take a position asking the Legislature to move all the primaries to avoid having four elections in one year. That's something we should think, I don't think we need to discuss it today, but I just throw it out as a suggestion, an idea that we think about that we at least weigh in as to whether or not we want to have four elections this year. It's a big burden on the counties, obviously.

Brian Quail: I think we would definitely not want an additional Primary.

Commissioner Casale: I understand. Expressing a thought or an opinion as to whether or not we believe that there ought to be, all primaries should be moved, and not just the Congressional.

Kevin Murphy: Well, your point is definitely well taken about the timing, because if I'm not mistaken, the February 28th deadline for the maps to be delivered is a day into the current petitioning period. I believe it starts on the 27th. So, it definitely needs to be taken into account.

Commissioner Casale: ...take a position. We're asked our opinion, what we think.

Kevin Murphy: So, we will be sure to keep everyone apprised on that with any developments as soon as they come up. And then finally, just a few matters relating to Compliance. I would like to state that the total number of active filers on the compliance end is currently 8,385 filers. Since the last Board meeting, staff has completed 6,637 reviews, we've registered 232 candidates as well as 105 committees, while simultaneously terminating 404 committee and candidate records. Through the CFINFO e-mail address, since the last board meeting, about 675 e-mails

have been processed through that account by staff providing varying levels of assistance related to filing. Obviously, that number is a bit higher than average, but that is in track with the fact that we had the January Periodic report this past month that went in, so we can get a pretty big burst of e-mails around that time. And I believe that is it for me unless Brian has anything to add.

Brian Quail: I have nothing.

Commissioner Kosinski: Any questions from the Commissioners for either Counsel? Good. Then, we'll move on to Enforcement with Michael Johnson.

Michael Johnson: Good afternoon, welcome to the new Democratic Commissioners. I look forward to working with both of you and especially looking forward to getting together with you. The last time that I spoke at this meeting, I talked about our steps that we were going through with regard to non-filers. We started off with a test to see how the process was going. We started off with 25 nonfilers. It took us approximately six weeks for everyone to get served by our process servers, and out of those 25, 16 people have settled, four are in the middle of negotiations, five we've not heard from, three we're probably just going to wind up with default judgments against them, and two, my suspicion is that those were just bad service, so we'll wind up probably moving those into our next batch. The next step, I sent the list to Counsels' office of 200 individuals, 200 committees, and this was sent in for an extension for aggregation (inaudible) nonfiling matter, for the purposes of administrative adjudication. We looked at 500 confirmed delivery addresses that we had, and based on a random selection, we came up with 200. We came up with 200 in part because looking at how much the contract has left on it with regard to the process servers, between the 25 we've already used up, these 200, and the hearing officer matters that we've submitted to Counsels' office, we will be pretty much close to, if not the end of that contract limit. We're in the process of starting to do a whole new contract for process servers, one that will be tailored more to what we need and get things done. Also, as far as the nonfilers coming up, we got a list from Compliance/Counsels' office and actually we matched it against what we ran, it was only off by one, and it turned out it was one because someone filed after we received their list. Approximately 3,300 e-mails were sent out to nonfilers. Those e-mails were sent out on the 26th of January. As of yesterday, roughly, we now have 2,265 nonfilers. So, between the time we sent out our e-mail and as of yesterday, roughly about 1,000 people have made their filings. On Monday, we plan on sending out the 2,265 certified letters to the nonfilers and also, we will send out letters to candidates just letting them know your treasurer didn't make the filing and you probably should touch bases with your treasurer to see what is going on. We also have been giving the treasurers we're giving them roughly a two-week window with which to make their filings and to come to get things up and running on that note. Other than that, that's basically where we stand right now.

Commissioner Kosinski: Okay, any questions for Michael? So, I appreciate what you're saying that you're starting to process these, so you can file more actively and more comprehensively than before and that's good to hear. I just have a couple of questions about, I've looking at your settlements that you've been giving us, that you've made with various committees, and I just have some questions. As you know, I have raised before issues of equal treatment, and I mean

that's, I understand you have to pursue people, but I want to just ask a couple of questions about the way these settlements are playing out. So, for example, the settlement, I'm not going to give the names here necessarily, but there's a settlement you reached with a committee that failed to file five reports for \$5,500. And then there's another committee that also failed to file five reports and settled for \$500. There is a report here, failure to file nine reports, they got a \$4,000 settlement, and yet here is another one failed to file ten reports, no penalty at all. I see one where they filed 25 reports, failure to file \$6,500, 28 reports \$12,500. It seems to me like there is a disparity here between what they failed to file, number of reports, I understand you have the authority, I believe to get \$1,000 for a failure to file 1 report, and \$10,000 I believe for three failures, and I understand if you have to settle, but I'm looking at the settlements and the equity of them. It seems like you've got treasurers who have made, as I mentioned, five reports \$5,500, another one five reports \$500, why the disparity? Why would one that filed, I miss five reports he missed five reports, I get a \$5,500 he gets a \$500, I'm trying to understand the rationale behind these disparate settlements that you've having, for what I would say are similar, if not the same, violations.

Michael Johnson: I mean, not every circumstance is the same. Not every fact pattern is the same. Some of those settlements are the result of it going to a hearing officer, and the individual realizing, okay, I'm going to contest this, then they realize, okay it's in front of a hearing officer, now I have to hire an attorney. Then, we get to that point where the settlement can potentially be higher, or you have someone who says, okay, I don't want to go to a hearing officer, let's settle it right here and now. So, if there's a great effort extended on our part in terms of getting a hearing officer, putting the papers together, the attorney in the office doing the legwork, that has to be taken into consideration. So, there are numerous things that get taken into consideration when we're looking at these. A lot of those settlements like the ones that are in front of you, I don't have them in front of me, but the lower amounts, a lot of times people simply decide, I'm not going to contest it, I don't want to have a hearing officer, and they simply will say, okay, let me settle it.

Commissioner Kosinski: So, a report, a failure to file ten reports gets zero penalty. Can you give me a fact pattern where that's justified?

Michael Johnson: Again, I don't have it in front of me.

Commissioner Kosinski: I know you don't, I'm just trying to...

Michael Johnson: Okay, I'll give you a fact. A situation where someone had a treasurer who died, and no one made the filings, and they couldn't find any of the materials to make the filings, and finally it got done. I can't decide, I don't want to penalize them because someone died, and no one knew about it or took steps to make those filings.

Commissioner Kosinski: Okay, here's a filing 15 reports \$7,500, 25 reports \$6,500. I'm seeing a lot of disparities here. And I think they need to be explained.

Michael Johnson: There are a lot of disparities when it comes to the fact patterns.

Commissioner Kosinski: Well, I think those need to be explained better, because I'm not seeing those explanations in your settlements, I'm just seeing you laying out the facts, failed to file, failed to do this, penalty is X, and I don't think you're giving much justification for the kinds of disparities we're seeing here in these settlements. And that's troubling to me and those fact patterns may be that, but I think it would be better if you gave a more detailed fact pattern to help people, not just myself, but the public understand why these distinctions occur in these particular settlements, cause it smacks of unequal treatment of a similarly-situated situation, and I think that's troubling, certainly it is to me, and I think it would be troubling to anybody, that some people with the same violations are being treated from others with those same violations. And I think it's important to make sure that the public is assured that there is not this disparity of treatment without some legitimate explanation. So, I think it would be helpful if you gave those kinds of explanations in the context of your settlements, for the public settlement, I mean I'm talking about the settlement that goes public. There's a portion of this that becomes a public record, and I think in that public record it's important to establish those kinds of disparities so that people understand why different people are being treated in different ways.

Michael Johnson: Duly noted.

Commissioner Kosinski: Duly noted, does that mean you'll help us do that, or are you just going to take that under consideration now or how do you feel about it?

Michael Johnson: I'll take it under consideration.

Commissioner Kosinski: Best we're going to get. Okay, alright, fair enough. Are there any other questions?

Commissioner Casale: I went through the list of closed investigations, and it occurred to me, these are all saying there was a complaint filed usually by e-mail. Now, I know you don't get the name of the complainant, we don't expect that, but are you aware of who these complainants are when they come in or are they all anonymous?

Michael Johnson: Very few, I would say pretty much, more than 90% of the complaints that come in, we know who the individual is because they identify who they are.

Commissioner Casale: My concern is this, and I remember going back years ago when we were doing in the Legislature, frivolous lawsuit legislation in the civil courts. It seems a lot of these complaints really are very frivolous. When someone claims a candidate doesn't expect to win, what kind of complaint is that? And complaints about people, so and so didn't file, and all of a sudden you find they did. You settled them all. I agree with your settlements, don't get me wrong, but I'm wondering is there anything we can do, or you can do to discourage the frivolous complaints? You can't penalize someone for a frivolous complaint, can you?

Michael Johnson: No.

Commissioner Casale: It seems like all the work that we expect you to do, this is kind of a waste of your time in some cases, it's a waste of your time, your staff time.

Michael Johnson: There are complaints that I have to...

Commissioner Casale: I understand. I understand.

Michael Johnson: There are way more than what you see in front of you that have absolutely no merit, but I still have to do that research.

Commissioner Casale: Okay, understand, thank you.

Commissioner Kosinski: Any other questions? Hearing none, we'll move onto NVRA PIO, Kathleen and Jennifer.

Kathleen McGrath: Thank you, Commissioners. And I'd would like to extend a welcome to our new Commissioners. I look forward to working with both of you. Starting with our general public information functions, since the last Board meeting on December the 7th, we had a ton of FOIL requests in December, we received and completed 101 requests. In January, we received 148, 136 of those are completed with 12 still in progress. And in February through this morning, we received 24 requests, 19 of them are already filled. So, the total since our previous Board meeting: we received 273 requests, 256 of those are completed and we continue to work with the various units here at the Board to fill and respond to those FOILs. Big news from PIO, since our last Board meeting was the launch of the website refresh for the State Board's website. I am pleased to share we had a successful and on-time launch on January 23rd last month. Prior to launch day, we conducted demonstrations both internally for SBOE staff, as well as for County Boards of Elections. The launch went off very smoothly, and I just want to take a moment to say that I'm very grateful to our partners at ITS and WebNY and internally to our IT unit for all their help in creating this new website, allowing easier access to the updated information about elections and voting in the state, and a lot of gratitude from Jenn and I to the entire PIO team because this was the bulk of our work in December and January.

In terms of the website, both to the old one prior to the kick over to the new one, we published a lot of updated information since our last Board meeting, including certified results from November, presidential primary documents for 2024 including ballot access procedures, who filed, and the political calendar, the full 2024 political calendar, as well as political calendars related to the special elections that are happening on February 13th. We've put up more information about early mail ballots, early vote by mail, that went into effect on January 1. We put up new commissioner information, updated board meeting information today, and we've been doing a lot of tweaks to the new website since its launch based on feedback to where we can put information so it's most easily accessible both internally for staff, for County Boards,

and the public. We continue to work with our accessibility vendors to ensure that all of our website pages meet and exceed the standards required for accessibility.

In terms of applications, PIO along with our IT unit has been involved in work with Civera, which is our new election results application vendor, which allows for more visual and interactive display of our election results. We are currently making customizations and modifications to meet our needs here at the State Board, and I do anticipate linking that Civera application to our new website in the near future. We have done a lot of County Board outreach since the last Board meeting, for the counties that are involved in these February specials. We've worked to ensure that their poll sites, both Early Voting and Election Day, are properly uploaded, as well as their military and overseas voter ballots are prepared and sent out. The counties did successfully complete the 45 day and 30 day move surveys.

We in PIO have begun sending NCOA (National Change of Address) data to counties to comply with the statutory deadline to send that change of address in February. We are working with counties towards the February enrollment deadline, and changes needed to be implemented in NYSVoter, because of that, due to any change in district lines.

We have been recently in the process of checking all the County Boards' websites to ensure that any links they have to the State Board website are not broken now that we've launched the new site, and we're reaching out to the counties to make sure that those links are updated so that the County Boards are linking to the appropriate material on our site.

Visits to County Boards by our Special Projects Coordinator and NVRA Coordinator are resuming this month. The first visit for Dawn Metzler and Dan Toomey is going to be to the Delaware County Board in a few weeks, and more are going to be scheduled soon. PIO is also regularly engaged in the Civic Roundtable platform that Amy mentioned earlier to provide updated information and timely updates to the County Boards about anything that we're sending out to the public. As far as NVRA goes, the new internal NVRA application was tested and deployed, and has even been enhanced based on suggestions from our NVRA Coordinator, Dan Toomey. He continues to reach out to counties and agencies to ensure proper reporting and documentation as required under the law. In terms of voter registration, we did assist in the revision and translations of revised absentee and early vote by mail forms. We've also placed our order for new voter registration forms with our vendor. We are ordering 860,000, I believe in preparation for the increased demand from the Presidential Primary, and we're current awaiting an estimated delivery date from the vendor for those.

As has been mentioned a few times by my colleagues, PIO participated in all sessions of the ECA conference last month, and we ourselves conducted three presentations. We did one presentation entitled "*Threats to Democratic Elections, Mis, Dis and Mal-information.*" We did our normal PIO presentations about grants, NVRA, NYSVoter, list maintenance, NYSBallot and NCOA, and we also conducted a demonstration of the new website.

In terms of media, for traditional media since our last Board meeting, PIO issued three press releases, two for SBOE, one for PCFB. The two for SBOE we launched our 10 days of election security social media campaign in December, and then last month, we issued a press release announcing our website launch, and kind of joining that together introducing our 50th anniversary logo. This is the 50th year of the Board as an executive department agency, so we have incorporated that into a lot of our content. For PCFB, we put out a release, it was actually the first of this month, celebrating that 200 committees had registered with the program.

Outside of the press releases, we've responded to numerous inquiries regarding a wide variety of issues, including 2023 voter turnout, OVR statistics, candidate filing deadlines, a lot of presidential primary ballot access procedures and deadlines, efforts to dispel mis- and disinformation, campaign finance filings, information about the 2 specials slated for February 13th, including early voting numbers, PCFB deadlines and procedures, and the early mail ballot information.

For social media, we've talked about it in previous meetings, we did launch that Fun Fact Friday series back in August, and that is ongoing. It is our way of sharing important factual information with the hopes of dispelling and diluting misinformation that's out there. Topics covered since our last Board meeting including poll worker recruitment, that 50th anniversary, and the party enrollment change deadline. Piggybacking off an effort by the National Association of Secretaries of State, we launched that social media campaign in December, 10 days of election security, while providing daily factual information about elections to voters. One fact a day for ten days, and we plan to do similar things later this year.

For our three social media accounts, on X or Twitter, we have published 22 tweets since our last Board meeting, and a lot of these in addition to Fun Fact Fridays have been about website maintenance, the EAC's Help America Vote Day, and special election deadlines. We have 3,944 followers on X, that's an increase of 27 from our last Board meeting. And we had over 33,000 impressions on X. On Facebook, we've published 20 posts, content is very similar to the X posts. We have 4,101 followers on Facebook which is an increase of 86 since our last Board meeting, and there were 8,900 impressions on Facebook since our last Board meeting. And we regularly see County Boards and other government and election related groups share our content to reach an even greater audience. On Instagram, our posts are copied basically directly from Facebook. We have 158 followers which is an increase of 25 since our last Board meeting, and there were 853 impressions on Instagram. For our e-mail service, we've grown to having 2,131 subscribers, that is a 17.4% growth since last board meeting in December, and we sent out three blast e-mails since that last board meeting: the ten days of election security, the new website launch and 50th anniversary, and then announcing today's Board meeting as well.

The last thing I want to cover before handing it over to Jen to talk about grants, is about mis- and disinformation. As you know, and I continue to stress, this is a big priority for PIO. We continue to work closely with other units to prioritize this issue throughout the busy election year. As, just doubling back on some of the efforts that have been done since the last board meeting, that includes that ten days of election security, our ECA presentations, our new website includes

pages related to election technology and security, to be very transparent about the technology that goes into the voting process, and we've responded to media claims about dispelling online false claims about elections. So, we continue to brainstorm and develop more ways to provide that factual information, to dilute the inaccurate information that's circulating, especially online. So, that is my update. I will pass it to Jenn for grants update unless you have any questions beforehand.

Commissioner Kosinski: Jennifer, go ahead.

Jennifer Wilson: Good afternoon, Commissioners. Since our last meeting we had five grants, excuse me, administered our five state grants and our four federal grants. Four of our grants have expired since our last meeting: early voting expansion, E-poll book, and early voting grants all expired the end of January. Those grants only had between 1 and 7% of funds remaining, so there's not much money left. Our cybersecurity grant also expired on December 31st. There is significantly more money left in there – about 25%, \$2.3 million of the original \$9 million in funds, 44 counties have funds remaining. Staff have sent notices to all of the counties that had funds remaining just reminding them these are expiring, 90 days to submit claims for those. And the good news is that the Governor in her budget proposal has put in reappropriations to go ahead and extend those grants. She also put in extensions for our other two grants, our absentee postage and TIER grants, as well as our three federal HAVA grants, and she also included new appropriations - \$7.7 million for counties for costs associated with early vote by mail, and \$14.7 million to cover costs associated with E-poll books and on demand printers. So, we're hoping the Legislature will keep those funds in, especially the E-poll books and on demand printers, because a lot of counties are already aging out, so we hope to see those funds included in the final budget. We will know more in April. For our federal grants, we submitted our annual reports for our cybersecurity, HAVA shoebox, HAVA poll site improvement and education grants, and we also submitted a second FFR (Federal Financial Report) for our cybersecurity grant, we have to do extra reporting for that. Those were all submitted, and they were all accepted.

From our last meeting, we also mentioned that we were exploring submitting for an open grant for funding to support student poll worker recruitment. This was an open grant from the EAC; it was a competitive grant. There was a million dollars available. It was very competitive; over 30 applications were submitted. The State Board did submit an application with a proposal for a poll worker marketing campaign, targeting SUNYs and CUNYs. We were hoping to work directly with SUNYs and CUNYs to also print out some paper material like bookmarks and postcards, that we were hoping the campuses would help distribute, that had poll worker information on there. Unfortunately, we did not win that grant, so that stinks. We are still going to do the non-cost prohibitive aspects of it, so creating some marketing things around poll worker recruitment, not just for students, but for the entire state, though. No new money yet, but hopefully at the next meeting we'll hear more about those two new grants, but hopefully we're going to see it in the final budget.

Commissioner Kosinski: Thank you. Any questions for Kathleen or Jennifer? Hearing none, we'll go on to ITU, Mike Haber.

Michael Haber: Thank you. Good afternoon commissioners, and welcome to our new commissioners, who probably cannot see me, but believe me, I exist. I'm right over here. So, by way of a brief overview, I'll just briefly explain at a high level what some of the functions of our Board of Elections Information Technology Unit here are. We essentially have three primary subunits which are Infrastructure, which maintains our network both on premise and in the cloud, our desktop support, and other hardware. We have Development, which creates new applications and maintains existing applications such as CAPAS, FIDAS and NYSVoter, and oversees the installation of software from third party vendors, and of course, Cybersecurity, which includes all of our secure elections center activities, which we'll discuss in a moment, supporting County Boards as well as close interaction with our Infrastructure team for supporting the security of our elections.

Some of the projects that we have been heavily working on have already been touched upon. For example, our space expansion here in the building, as was earlier mentioned, we've expanded to take over an additional floor in this building. After extending our network to the new floor and moving approximately 90 staff in the past week or so with more to come, we now maintain an active presence of our network on five floors in this building. As discussed at previous Board meetings, we are also reviewing some enhanced audiovisual capabilities as part of our move, which probably is particularly pertinent to mention today. Our team is exploring a variety of options there.

As the Board continues to grow in numbers of staff, our Infrastructure team has been busy supporting the onboarding and offboarding of new personnel, in addition to regular maintenance and upgrade activities and deploying new laptops and related equipment to all SBOE personnel. In the Automatic Voter Registration project, we continue to engage with the rapid development team of New York State's office of ITS to develop and deploy the AVR clearinghouse services. A revised draft project schedule was recently provided to us and is under review. Our IT unit team continues to work with business users both internal to the agency and with other agencies on requirements for that development.

At the beginning of January, we deployed an early mail voting request portal at a fairly tight turnaround from the law going into effect till go live. We did successfully develop and deploy that by the January 1st start date, with a smooth and on-time roll out.

As Kathleen mentioned earlier, working closely with the PIO unit in particular, the agency was able to successfully deploy our new website by the target rollout date this month. This included significant involvement from the IT side on our development team, our security team, and our infrastructure teams as part of its success. We also continue to work with the procurement for the integrated software PCFB and other units' integrative software. One of the core systems used by the agency here currently, both internally and externally is CAPAS FIDAS, that is the Candidate and Petition Administration System, and Financial Disclosure Administration System, I'm not going to expect you to have to remember that, which was launched three years ago. The integrative software will replace the CAPAS FIDAS system, and that procurement initially grew

out of a response to add additional functionality for the Public Campaign Finance Board. The contract for that procurement continues to make its way through necessary approvals and in preparation for the system build out, we are pursuing relevant training for our ITU staff in expectation of supporting the development and maintenance of that system. In order to allow the PCFB to successfully operate prior to implementation of this new system, our development team continues to work every day to enhance the existing CAPAS FIDAS systems to accommodate new functionality for the Public Campaign Finance Board. Our developers meet regularly with the PCFB business users to document and code those requirements, often with tight deadlines, and of course, changes due to statutory or operational needs. Redistricting has also been mentioned, so we do continue to work with counties and the business users internally on redistricting updates to our several systems.

Just to go over a little bit about our Secure Elections Center, and some of the current activity going on related to cybersecurity. That Secure Elections Center was set up in 2018, a response to increasing risks facing election offices, following the 2016 election, led by our Chief Information Security Officer, Ben Spear. The SEC has a two-pronged role addressing security both internally at the State Board, and externally working with the County Boards and IT directors to mature their security posture. The SEC was set up as a cross-unit team within the agency consisting of members from not only ITU, but also the PIO and Operations Units. Internally, SEC is primarily driven by ITU and focused on policies, practices, and tools to secure the agency, externally SEC elements across teams are responsible for assisting with related grants, evaluating election technology and vendor security practices, providing security tools, and training to counties and consulting on county security practices. Currently, the SEC is working with our partners at NYSTEC to conduct a compliance review for Part 6220 which is the cybersecurity regulation. Counties are required to attest to compliance every year, but this more in-depth review follows up on initial assessments conducted in 2019 to verify compliance and identify how counties have matured after several years of security initiatives and funding. Two counties have completed the assessment and 19 are in review. The remaining counties are working with NYSTEC to collate their responses.

State Board staff recently completed mandatory cybersecurity awareness training, and 80% of County Board staff have also completed the training program at this time. Training is quite comprehensive and covers a range of topics. We're exploring options to alternate training approaches in future years to keep users engaged and stay on top of the changing threat environment. We also presented to the County Boards at the recent ECA conference as did other units, of course. The SEC contributed to the security review for the ES&S Power Profile System before the Board today and will be conducting vulnerability testing of E-poll books with Election Operations in advance of the April Primary. The SEC is currently working on finalizing operational coordination planning with our state level partners surrounding the 2024 election period and putting together a security exercise and education workshop for County Boards to be conducted later this year.

And lastly, I do have some website analytics for the past 2 months since those reviewed at our last Board meeting. Without going into extreme detail, the BOE website was visited by

approximately 50,000 users in December, approximately 66,000 users in January. The primary pages that were visited included voter registration, our online voter registration system, requesting a ballot, and our campaign finance site. And that concludes my report. Are there any questions?

Commissioner Kosinski: Any questions from the Commissioners? Thank you, Michael. That concludes the unit reports for today. So, we'll move onto old business. Is there any old business to come before the Board here today? No. So, we'll go onto new business. And we will now do new business. Our first point of business is the appointment of Jude Seymour as Deputy Director of Election Operations. I believe Ray did a thorough job in giving his resume, his qualifications, his outstanding service to Jefferson County, I think we all agree. And we, as the Republican Commissioners would like to move his appointment, I agree, Commissioner Casale and I. Are there any questions regarding this appointment? If not, I would ask for a vote, all those in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? I believe it's unanimous. Congratulations to Jude. He's here with us today. Jude, if you just want to introduce yourself, maybe to the other two commissioners. Jude's here in the room. He will be joining us I hope every month. I don't know if we have a start date for Jude, but hopefully he'll be here at our next Board meeting as a full-fledged staff member, so congratulations.

(applause)

Commissioner Casale: I've known Jude for a very long time, and I'm very happy he's with us, but I want to say something about Brendan as well. People may not realize, but Brendan's been doing double duty, and there was a period of time when he was doing triple duty when our previous Executive Director left. I want to thank Brendan for the great job. And you're not going any place, so stay right here.

Commissioner Kosinski: Alright, so the next order of business is Resolution 24-02, which is the revised absentee ballot application. So, somebody on staff can just tell us what the revision is, that would be helpful. Ray, are you going to do that?

Ray Riley: Yea, sure. There are two revisions to the application. The first is based on a change in Election Law requesting a change to the receive date for application by mail from 15 days to 10 days. Additionally, due to the fact that there is a Presidential Primary Election this year, we've

added that as an option on the absentee ballot application. This became more of a concern because of the changes in the canvass law with 9-209. Prior to that, somebody requested an absentee ballot for multiple primaries, even if they got the ballot for let's say April and June, they could still go to the poll site. Now, if they requested a ballot for April and only check Primary, we will then be obligated to send them the June ballot without the clarifier, and then those voters would've been prevented from voting on a machine on Election Day. So we've added the Presidential Primary, so as to avoid unnecessarily delaying voters who may only want to participate via mail ballot or absentee ballot in one of those elections. Those are the two issues.

Commissioner Kosinski: So, is that provision then for the Presidential Primary going to go away after this year, are we going to take it off the application or what?

Ray Riley: That would be the expectation, so yes, after this year...

Commissioner Kosinski: So, it's a one-year application.

Ray Riley: The change to ten days is obviously permanent, the addition of the Presidential Primary will be for this year only, and that would be in line with other states similar canvass.

Commissioner Kosinski: So, we'll have to do a different application for subsequent years, off presidential years, is that your idea that we wouldn't have that little line in there for future?

Kristen Zebrowski Stavisky: Yeah, so maybe we would approve another resolution for the other three years on the application that includes every four years.

Ray Riley: In the event that there is a Presidential Primary.

Commissioner Kosinski: I don't know if we need a resolution to that effect. I think that just makes sense but that's good. Okay. Any other questions on this particular resolution? I'd ask for a motion to approve.

Commissioner Berger: So moved.

Commissioner Kosinski: Seconded. All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? I hear no opposition. I believe that's unanimously approved. The next resolution is 24-03 which is the early mail ballot application. That was discussed earlier in the context of that lawsuit., Will the lawsuit affect this potentially?

Kevin Murphy: Yes, but as it stands right now, the law has been upheld. The next 3 resolutions are the early mail ballot applications as required by statute: the general early mail application, but then a specific one for school districts, and then villages as they also are specified in the statute to be required.

Commissioner Kosinski: So, these would've been subject matter of that lawsuit, as we heard earlier that lawsuit was dismissed earlier today, yesterday. So, we'll go ahead with these particular applications. So, the first one is an early mail ballot application. Does somebody want to speak to this or just let us know what it is? So this is for whom? Who qualifies for this?

Ray Riley: Any registered voter who wishes to request an early mail ballot would fill out this application, if they chose to do so on paper and submit it to their County Board of Elections. Early mail ballot as described in the statute. So, this particular form would apply to County Boards of Elections, for any election that they administer.

Commissioner Kosinski: Okay, are there any questions regarding this? If not, I'd ask for a motion to approve.

Commissioner Berger: So moved.

Commissioner Kosinski: Second? Not hearing a second.

Commissioner Bagnuola: Second.

Commissioner Kosinski: All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Opposed? That is also approved. The next one is that same early ballot application, however, that's for school districts. I guess we need a separate distinct application just for school districts.

Kevin Murphy: The statute specifies separate application for school district elections as well as village elections.

Commissioner Casale: Somebody should tell school districts that.

Commissioner Kosinski: Gotcha, that's why we're seeing all three, okay. Alright, any other questions? If not, I'd entertain a motion to approve Resolution 24-04.

Commissioner Berger: So moved.

Commissioner Bagnuola: So moved.

Commissioner Kosinski: I hear a motion and a second. All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? No opposition, that is also approved. Next will be the early mail ballot applications for villages. Questions?

Commissioner Casale: I should know this; I live in a village. But does this apply to all village elections or just those held in November?

Kevin Murphy: This would be all village elections run by the village clerk.

Commissioner Casale: So, if there's an election going on for village mayor and trustee right now, is early voting taking place?

(inaudible)

Ray Riley: Early mail applies, but early voting in person does not. So, this process would apply but the nine days of early voting.

Commissioner Casale: The early mail says, I just want a ballot?

Ray Riley: Correct.

Commissioner Kosinski: Is there a distinction between an early mail ballot and just a general election ballot?

Brendan Lovullo: The ballot itself would be the same.

Commissioner Casale: They changed the law so anybody can apply for a ballot whenever they feel like it.

Ray Riley: Yes. Generally.

Commissioner Casale: I'm just concerned, I don't know, well somebody better tell the villages, that's all I'm going to say, I don't think they know.

Kevin Murphy: We've been in communication with them.

Commissioner Kosinski: Any other questions on that? If not, I'll entertain a motion to approve.

Commissioner Berger: So moved.

Commissioner Bagnuola: Second.

Commissioner Kosinski: Seconded. All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? I hear no opposition; that is also approved. The next is the ES&S PowerProfile Voter Registration System developed by ES&S, and someone could maybe speak to that, what we're approving here today. Brendan?

Brendan Lovullo: The IT unit and Elections Ops unit have similar processes that we had with the other voter registration systems. This is an updated system that ES&S is presenting us. There are other counties in the states that use their older system. Once this is approved, they can switch to this new system as well. It has gone through all the testing and everything else that we have on reports, and the resolution in front of you here today.

Commissioner Kosinski: Okay. Any other questions regarding this resolution or this new system?

Tom Connolly: Thank you, sir. I was just wondering if we could just make it clear in the resolution at least. I know it's on the agenda, probably it is in the report, that the approval is for version 15.3 of the system. I don't see it clearly in the resolution.

Commissioner Kosinski: It is on the agenda; it should be in the resolution you're saying. So where would you insert that, Tom?

Tom Connelly: At the very end, I would say, we hereby approve the ES&S PowerProfile Voter Registration System, Version 15.3.

Commissioner Kosinski: Version 15.3, so, okay thank you. Are there any other questions? If not, I'd ask for a motion to adopt the resolution as amended.

Commissioner Berger: So moved.

Commissioner Bagnuola: So moved.

Commissioner Kosinski: I guess that's a move and a second. All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? I hear no opposition. Okay that's the end of that. So, the next two resolutions are regarding our former Commissioners, and I just have, obviously a good idea we're commending our former commissioners for their service on the Board, Doug Kellner, and Andy Spano, well deserved. I would just make note that the Board hasn't done this before for former commissioners. I don't want former commissioners to take this the wrong way. I served myself with former commissioners Greg Peterson who left when Tony Casale came on. You know Greg was a great commissioner, had a great history in politics, served as Town Supervisor in Hempstead. He served as Deputy Chair of the Nassau County Republican Party. He did lots of great, a great guy, we didn't do a resolution for him. I just don't want people to misinterpret this in any way that these former commissioners don't deserve the same treatment. Jim Walsh, who I replaced, another terrific guy, former chair of the Rensselaer County Republican Party, he was a top manager at Niagara Mohawk for many, many years, served at this Board twice, actually, I think he's the only commissioner that had two different stints here at the State Board of Elections, which is kind of unique for him, but he was so good that we brought him back when there was a vacancy, and he had that kind of reputation as well. So, while I'm in favor of these resolutions, I don't want people to misinterpret that we're adopting these resolutions at the expense of other commissioners. Other commissioners have served here for many, many years. They didn't get the honor of having a resolution passed by the Board when they left, but they certainly deserved it, and we just have never done this before. So, while I'm fine with doing it, I'm in favor of doing this kind of stuff, I think I just wanted to make mention that there are other

commissioners who served here with distinction, and the fact that we hadn't done a resolution on their behalf is no reflection on their service. They served very honorably, very well, had great distinguished careers: in politics, in government, in private industry, and many other walks of life. So, they deserve recognition as well. So, I will entertain these two, I don't know if you want to take them separately, I guess you can. The first one is for Doug, Doug Kellner, the resolution of, I believe we put it down, appreciation for his long service here at the State Board, which I know he did, and I think 18 years, and he also served at the City Board for I think 10 years. So, he had a long service as well. So, if there's any other comments or anybody wants to say anything, that's fine, or I would just entertain a motion to approve. There's Henry Berger with his hand up, so I know he wants to say something right now.

Commissioner Berger: I agree with everything you said. I think this is a great tradition, maybe it should have been started earlier but it hasn't been. We should not reject wisdom just because it comes late. I hope as all of us now on the Board move along, we will get such appreciations at the end of our service, but it is with great pleasure that I move this resolution.

Commissioner Kosinski: Is there a second?

Commissioner Casale: I'll second.

Commissioner Kosinski: Any other comments? All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: And we all are in favor of that, and next of course, Andy Spano another commissioner who left, as he mentioned, and Kristen read his statement earlier which we all I think can hear Andy's voice. But this resolution, I don't think was prepared by Andy, but maybe it was. It sounds like it was prepared by Andy. But Doug sounded like he prepared his too, so, you know. But does anybody want to say anything about Andy as well, that goes beyond what the resolution says which I think lays out his large personality.

Commissioner Casale: Andy's had a tremendous career, and he deserves our thanks for a lot of things, not just for here, but for service to the county and the state.

Commissioner Kosinski: Any other comments? I'll entertain a motion to approve.

Commissioner Casale: So moved.

Commissioner Kosinski: Second.

Commissioner Bagnuola: Second.

Commissioner Kosinski: I know you meant that. All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Okay great. So, we approved those two, I believe that is the end of the agenda that I have in front of me. I have no other business to come before the State Board of Elections here today. We do not have another meeting scheduled, but we will. I certainly want to again extend my welcome to the two new commissioners. If you have any other comments you want to make before we adjourn, I'd welcome them. But in the meantime, what we'll do, and this is our normal practice, we will discuss a future meeting date, and we will all get together and have that meeting date agreed to by staff and commissioners, and at that point we will hold another meeting. But I don't have a date right here right now.

Kristen Zebrowski Stavisky: I'd say the end of April, beginning of May is when we will have business to do.

Commissioner Kosinski: That's a general rule. We try to wait for business to be transacted here. So, probably that timeframe works, but if something comes up in the meantime, of course, we would meet and do our business as necessary. But for planning purposes, if you guys want to just look at your calendars, and then we can have discussions about a future meeting date. So, again, I welcome Henry and Essma to this Board, and that we look forward to meeting them again.

Commissioner Bagnuola: Thank you so much.

Commissioner Kosinski: Any other business to come before the Board? If not, I'd entertain a motion to adjourn.

Commissioner Casale: So moved.

Commissioner Berger: Second.

Commissioner Kosinski: All in favor? Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? The meeting is hereby adjourned.