

Douglas Kellner: Good afternoon, everyone. My name is Douglas Kellner I'm Co-Chair of the State Board, joined by my fellow Co-Chair Peter Kosinski, and Commissioner's Anthony Casale and Andrew Spano. So, I will call our meeting to order. As a matter of privilege, I'd like to just take a moment at the beginning of our meeting to pause to recognize Timothy James, who is a Queens Voting Machine Technician who died on Saturday from COVID. He's the fourth New York City Board of Elections employee to die of COVID and in the case of Mr. James, it appears that it was an outbreak that spread in the Queens Voting Machine facility. And I want to thank him and all of the thousands of election workers throughout the state who are essential employees who have been committed to keeping our democracy functioning during the time of this pandemic and to recognize that they had been making a sacrifice to perform their key functions and I did want to just at least acknowledge that we recognize their contribution and thank them and all of the election workers throughout the state and throughout our country who are making this sacrifice during the pandemic to keep our democracy functioning. So, thank you very much.

The first item on our agenda is approval of the minutes from December 3rd and January 14th. Is there a motion?

Andrew Spano: I make that motion.

Anthony Casale: Second.

Douglas Kellner: Those in favor of approving the minutes as drafted say aye.

Anthony Casale: Aye.

Andrew Spano: Aye.

Peter Kosinski: Aye.

So, the minutes are approved. Then we'll move to our unit updates, and we'll start with our co-executive directors, Bob Brehm and Todd Valentine.

Bob Brehm: Hello Commissioners, I hope you can hear me all. I think it is interesting to note that it's February 10th and this is our fourth meeting this year of the Commissioners, our second full meeting, and we had the meeting to deal with voting system resolutions and to amend the certification in the 22nd Congressional District. Also, on January 28th, the Governor signed Chapter 22 of the Laws of this year that amended filing deadlines for designating petitions and reduced signature requirements. Co-executive directors got that communication out that day to the counties with the amended calendar and PIO posted calendar to the website, so that's what we know. I know there are some other bills floating around that would cause us to make further amendments to the calendar, so we'll continue to monitor those activities and make necessary adjustments when they are actually adopted. Some of the other activity, we did have the virtual winter conference of the Election Commissioners Association which the State Board participated in one way or another, either to listen in to the information from the Commissioners, but also a

number of units made a series of presentations to the counties at that session. So, while we're limited because of COVID in in-person training, we're trying to take advantage of as much teleconferencing that we can, to get that information out.

With regard to the budget, we shared the data that we got as to our position with regard to the budget. Tom and I discussed earlier today how best to respond. Sometimes we go to the budget hearings, most times we're not invited so we have to ask to be invited. So, we're going to cover that, I think more appropriately with the time we all have and everybody working remotely through a joint letter that we'll send out later this afternoon highlighting what we submitted in the budget and what the programs are that would be affected by not having the funds. We're going to do that in a joint letter. There also will be a portion with regard to the Secure Election Center. We have funds to do some additional work in the Secure Election Center, we haven't quite got all the approvals to use those funds, so we wanted to also make the point as to what is the impact on secure election activities? So that will be going with it this afternoon.

In our January meeting, you asked us to send a communication to the Division of Budget with regard to resources and to ask for a meeting. We sent that letter in January, I think it went out on January 21st and we followed up with a phone call to see if there was any response or availability to schedule that conversation. While they answered the phone, they didn't follow up yet to tell us basically any acknowledgement of the letter or when we can schedule a call. But we did follow up with it as recently as yesterday. And I think some of the other programming issues, the other units will cover, so I don't want to necessarily give their report for them, so I think that's kind of the high level of where we're at today, and then the rest will be filled in by the units. Todd?

Todd Valentine: Yeah, the only thing to add to that, is we did ask with Risa's retirement we are arranging to set up a meeting with I guess the highest-ranking employee in there. We're scheduling that for tomorrow in the afternoon. We asked her if she wanted to come to the Board Meeting today and she declined. So, there will be no Enforcement person on the Board.

Bob Brehm: Any questions?

Douglas Kellner: So, we'll proceed with our Counsel's and Compliance Unit Kim Galvin and Brian Quail.

Brian Quail: Good, it is afternoon, just barely afternoon. Good afternoon this is a somewhat truncated report, as a lot of the statuses in our cases and otherwise are the same, but a few very significant things have happened since the last meeting; one of which is that in the Sugarman case, Sugarman vs. the New York State Board of Elections, the regulations of the State Board in relation to the Enforcement process were upheld as valid expressions of State Board's regulatory authority and function and specifically the appellate division held that the Enforcement Division does not operate independently from the State Board but rather it operates within the State Board and it is an interdependent relationship, not an independent relationship. And every aspect of the Board's regulations were upheld. None of them were struck down. There was a turner claim that we had made to compel the filing for some task reports that were owed, and the counter

claim was denied. But the appellate division reminded the (enforcement) Division that their decision should not be construed as permitting petitioner, which would be Chief Enforcement Counsel, to disregard the mandatory recording position of 9NYCRR 5203.4. So, I think it's obviously a significant decision that defines the relationship between the Division and Board going forward and fully in mind with the position that you have taken.

Also, today, we received word that the second circuit had affirmed Judge Koeltl's decision in the lower court that upheld your process for party qualification and independent party ballot access in particular the 2% threshold or 130,000 votes for the party's nominee for Governor, new party status at a presidential or gubernatorial election was upheld. The court noted that your process in terms of signature thresholds is about middle of the pack for the roughly three dozen states that provide similar mechanisms for ballot access and that is a very significant decision by the second circuit that should have implications in other ongoing litigation as well.

The Counsels Unit participated in the ECA conference as did the Compliance Unit making presentations on election law update, on list maintenance, and campaign finance. And significant amount of time and energy were devoted to preparing for that and presenting those materials and answering those kinds of questions. We continue to work on issues related to Public Campaign Financing which will come up at the next meeting. And continue to be in discussion with respect to potential settlements in the Hernandez case and League of Women Voters 2 related to the successful absentee ballots and secure process. I think that is pretty much it for me. Kim did you have anything to add?

Kim Galvin: No, you didn't mention CD22, but as people know Mr. Brindisi conceded and Ms. Tenney will be seated on Thursday is that today, no tomorrow. So, there will be no appeals which I am thankful for so that case seems to be over.

Douglas Kellner: Haven't heard anything about the Compliance Unit.

Brian Quail: Oh, I'm sorry. The Compliance Unit has continued to do its work and the total number of reports that have been processed to date roughly 107,800 and the July periodic report on the 15th, obviously was filed and brought in a trench of new filings. Obviously, they're working on reviewing. And they have been using, for some time now, the new system, which is working well for the work of the unit.

Kim Galvin: And the training unit has started their online trainings for treasurers and filers for this upcoming local election.

Brian Quail: I believe that they completed more than a dozen training videos and those will, if they haven't already, be posted and there have been robust numbers of people signing up to participate in the webinars.

Douglas Kellner: Alright, thank you. Are there any other questions? Then we'll move to the Election Operations Unit, Tom Connolly, and Brendan Lovullo.

Tom Connolly: Thank you, Commissioner. The Operations Unit collected their statements of canvass from the eight counties of the 22nd congressional district for the office. The results were just certified on Monday. We then followed up by getting the proper documentation to the clerk of the US House. We were also working with some of the counties to receive any updates to the other contests as a result of the litigation of the CD22, and we'll bring these and all other amended results before the Commissioners at the next meeting for certification. We are nearing completion of the collection of data in our annual fiscal survey of the counties. We're also using information to complete the Election Administration and voting survey which is a survey that's conducted by the federal Election Assistance Commission every other year. We posted the resolutions that were previously passed for both of the recent Dominion and ES&S commission on our website. Those are in the same location as the Help America Vote Act, the HAVA Voting Systems where the testing reports were posted. We do continue our conversations with some of the voting system vendors regarding new submissions that were entertained this year. That includes Democracy Live, Clear Ballot, HART and Dominion. We've also continued our conversations with ES&S as they seek to address the discrepancies enumerated during the testing of the ExpressVote XL. We have received an application from the New York City Board as they submitted the RCV with the rank choice voting universal tabulator software for certification testing. We are scheduling a call with all the involved parties this week to kind of go over the process and determine if any documentation or other materials are needed to proceed with the testing. We will be engaging with NYSTEK and FLI compliance our testing labs, as we normally do to conduct any testing or review of previous testing documentations that's been done. We continue to work with NYSTEK and IT to formalize and document a process for Voter Registration systems to come online with NYESS Voter. We did receive a very preliminary draft of that document and we will have a meeting either tomorrow or Friday to kind of share some of our comments. At this point I do think I have spoken to the timeframe that we had to try to have it done by around the end of the first quarter and I don't see any reason why we still can't aim for that.

In addition, Brendan and I along with some of the others from the agency will be reviewing and evaluating bids for procurement related to online voter registration system programmings some day next week. And I think that pretty much covers everything since last meeting. Brendan did you have anything?

Brendan Lovullo: No, I think that's it, thank you.

Douglas Kellner: I have a couple questions; first, with the online Voter Registration System are we on track to proceed with that or is that still being held up because of issues with the Division of the Budget?

Bob Brehm: There are no longer Division of Budget fiscal hold ups, its just we're working as hard as we can to catch up. As you know, the original statute said that we needed to build this and put it in place within two years, but it took one year to get funding, and another six or seven months to be able to use that funding. So right now, the project timetable has us rolling out automatic voter registration with online voter registration I believe in the middle of 2022 assuming that there aren't any further delays.

Douglas Kellner: And then the timeline for New York City's Rank Choice Voting submission is that still on schedule that they should be able to get this done in time for the June primary?

Tom Connolly: That's my understanding right now. Based on previous testing that has been done, I see no reason why our testing labs can't follow a similar timeline which would be about anywhere from 4 to 6 weeks for the completion of all the testing.

Douglas Kellner: And then with respect to the Special Elections, has the city submitted any procedures for its use of Rank Choice Voting in the special elections? We had one where it wasn't necessary to go to second choices, but I think we have several upcoming special elections within the next month and...

Tom Connolly: They have not submitted the procedures but certainly we can request them again especially this week when we have our meeting on the testing of the utility as well.

Douglas Kellner: Well, I would appreciate a written request to them, that they submit those procedures, so that they could be made public, and we should insist that they do this. This is not a, to me, it's not a minor issue, that the candidates, their attorney's and the public are entitled to know what those procedures are, and they should be written in advance so that there's no partisan issue in the event that there should be a close contest and disputes arise. I think that that's critically important that those procedures be written in advance and public.

Tom Connolly: Okay.

Douglas Kellner: I would ask the Commissioners to confirm that it's a bipartisan consensus.

Peter Kosinski: I'm sorry Commissioner, maybe you could clarify what we're consenting to?

Douglas Kellner: Well, that the city has public procedures for how it's going to conduct its Rank Choice Voting canvass.

Peter Kosinski: Okay. Well as you know, I have issues going forward with this. I've articulated them in the past Board Meetings. I continue to have those legal issues, but I certainly do endorse the concept that whatever voting system is being used by any jurisdiction, they should make public how they're conducting it so that people know ahead of time exactly what the process is.

Anthony Casale: And I agree.

Douglas Kellner: And Commissioner Casale do you want to add anything?

Anthony Casale: I concur with Commissioner Kosinski about the legality of it all, but I do believe the transparency trumps all, so they need to be transparent in their process and make it public.

Douglas Kellner: Thank you. And then, I for one, also urge them to make the cast vote records available at the soonest possible point in the process again, as a matter of transparency so that candidates, their attorney's and the public, can independently check on the canvassing steps that go on. And it's my understanding that it's not technically feasible to release the cast vote records with the election night unofficial returns, but that it should be feasible to make those cast vote records available 2 or 3 days after the election once the machines are returned to the voting machine facilities. So, I realize that's just my point of view on this, but I want to publicly urge them to do that. Alright well are there any other questions for the Operations Unit? Then we'll proceed with Public Information John Conklin and Cheryl Couser.

John Conklin: Thanks very much, Commissioner. The Public Information Unit continues to be busy, lots of questions about different things. At this time, we've sort of gone back to more normative questions for this time of year, a lot of questions about petitions and the local calendar and deadlines and party enrollment change deadlines and the last lingering questions about New York 22.

The unit processed 129 FOILS in January. As the other units mentioned already, we did participate in presentations at the ECA January Conference. We did a presentation on list maintenance. As Tom mentioned also, we continued to have group meetings on automatic and online voter registration. Cheryl and I are also evaluators for the minibid process that's underway. We continue to have meetings to update the NYESS voter manual. In terms of the website, we posted a draft regulation for the Cures procedure. We posted the certified results for New York 22. We posted the webcast for the January 14th, January 28th and February 5th board meetings. And as Tom mentioned, we also posted the resolutions from the Board Meeting with regard to the voting machine vendors. With regard to NVRA, we're finalizing plans to have remote Board visits with the NVRA unit since the in-person ones obviously have not taken place for a while now. So, we're working on finalizing those plans. Cheryl, do you want to do a recap for grants?

Cheryl Couser: In addition to the list maintenance presentation at the ECA conference, we also presented grant administration, and going back to list maintenance, we covered transfers, list maintenance and national change of address. PIO did execute the National Change of Address files on February 1st. We received the results from Anchor Computing and distributed those results to all the county boards between February 2nd and 4th. Onto grants: we continue, administration is a regular function of the unit. We had a report due to the Election Assistance Commission on the HAVA CARES funding. It's due at the end of the month and we're meeting to finalize that report and close out that grant program. Similarly, the private grant that we had received that everyone is well aware of from the Center of Election Innovation and Research has closed out. We just received the final executive summary and report from OpAd media, I will be distributing that to the Commissioners and various stakeholders so people can have much more awareness on our voter education and awareness campaign. On that campaign, we spent \$4.8 million of the \$5 million granted. A letter was sent to the Center of Elections Innovation and Research requesting that we maintain the \$200,000 to increase voter awareness and education by updating our website and we have not received their response to that request. That eligible expense period for the New York State Early Voting Aid to Localities and Capital Grant

Programs have ended. We continually ask for claim of payments by February 28th to meet the deadline of March 31st. It is important to note though, that both those grant programs have been reallocated or re-appropriated, excuse me, in the Executive Budget that was proposed. PIO will continue outreach on the Cybersecurity remediation grants. The last report I believe we had fifty outstanding contracts, we're down to twelve and the good news is that we have received six claims for payments, counties are engaging in their cyber remediation plan and executing on those, and we will be processing those soon. That's all I have for now.

Douglas Kellner: Are there any questions? Alright then we'll move to Information Technology Bill Cross.

Bill Cross: Good afternoon, Commissioners, start off with CAPAS-FIDAS – I'm happy if not ecstatic to report that the system went live on our target date of January 25th. This was for all parties internal SBOE staff, county boards, filers, and the public, which I do want to publicly thank my team for this herculean effort. It's been a long time in the making. We've had over five thousand filers already access the system to verify their credentials, and as of this morning four hundred eighty-five filings through the system successfully, four hundred seventy-three new, twelve amendments. Also, since go live we've been collecting feedback particularly with regard to public reporting and are working hard to resolve any issues there and incorporate suggestions. We have to fix one particularly visible bug regarding the Google type search where the dropdown suggestions or hits were displayed, but if the user presses enter, they receive no records found. That's been resolved; that update will be posted today. Likewise, we plan to continue to make updates and improvements and we'll be posting updates on a weekly release schedule of I believe Wednesdays.

We've been also working with the Open Data group for New York State to make the new system dataset available and replace the old one. The old one was updated; I believe on a monthly basis so that was the goal. The new one, the goal is to update it on a daily basis. We will form an export of the candidate and filing information and post that on a daily basis to that platform. So, I will pause there with anticipated questions.

Peter Kosinski: Well, I don't really have a question Bill, I just am glad the system is up and running. I am aware that there's some issues. We've received some communication from some people primarily from the public about some of the issues I think you've identified. I'm happy to hear that you are working on them. It's clearly not a perfect system and there are improvements that I think still need to be made. I'm particularly concerned or interested in the public access of data and information from the website, I think that's been a major problem with our prior system that it was difficult for the public to use and clearly, the intent of this new system was to make it easier for the public to access information regarding campaign finance filings. So, anything we can do to enhance that, I think we should do, and I've read some of the comments from different groups about some of the limitations that are out there right now in the system and I'm happy to hear that you're working on those, and I would anticipate this would improve as time goes on. I think you're actually right, the idea of a Google search is really I think what our goal is so that people who are used to using Google searches can use our system in a similar way and that makes it much more intuitive for the public to go on our system to use it, rather than having to

learn a whole system and how it works, so that you can access information. So, I think it's important that we try to achieve that goal. I can hear from you that that is a work still in progress but at least the system is up and running, which is definitely a big step forward, no question. I look forward to your improvements and addressing the issues as they arise which any new system is going to have, I understand that. But you know it's a good time right now. It's not the busiest season, it's February, and we do have primaries coming up in June, so I think our goal has to be to make sure the system is robust and working properly for the primary season which will be coming up really April in that timeframe I think we'll start seeing filings regarding the June probably May, June primaries so we think any improvements we should target that timeframe to try to get them in place. And hopefully we can do that. But I applaud you for getting it up and running Bill.

Bill Cross: Thank you Commissioner I mean we did choose this timeframe specifically for that to give us some buffer period. This is a version 1 of the system; it's a very large system. We anticipated having some issues out of the gate. I know we anticipate the next real area in terms of being busy will be the 32-day pre-primary in May, so we do have some time to address these, and we are actively, I mean we are taking the feedback constructively and trying to address them as we receive them.

Peter Kosinski: That's my understanding. And talking to the staff, that's my understanding and I am hopeful this will get resolved and will be improved and looking better and better as time goes on.

Douglas Kellner: I agree with Commissioner Kosinski's remarks and also emphasize that connecting to the State's open data system needs to be a priority so that that data there is usable by the public.

Bill Cross: We have reached out and they are actually going through an upgrade of that platform. I think their target date is February 17th, but this is to them, this is considered a new dataset as opposed to just an update to our old one because it's a different format. So, we are going through what their application process is. We had actually started at the beginning of the week with them to fill out their paperwork. So, we're going through that process. I anticipate, I don't know if it will go live on the current platform before their upgrade or after February 17th, but we will make that determination pretty quickly. But we're moving forward with it right away.

Peter Kosinski: Bill have you heard from the filers? Are there issues on that end of the process? Are filers able to use this easily, or are they having issues or what's going on in the end?

Bill Cross: We received no negative comments that I've been aware of from the filers. The EFS portion has been very smooth. We have a range of filings, I mentioned a total of I think four hundred eighty-five, but they go across, of those two hundred forty-one were itemized, no activities to twelve, in lieu of is ten, I mean the whole list and in particular some of the findings that they couldn't do online before we now made available with the new system. So, feedback there has actually been positive. We realize this time of year isn't the highest point for filings, there's four hundred seventy-three new or obviously, late filings. The amendments have been

twelve. But, no, feedback there has been actually very good. It's a vast improvement to what they had before in terms of the old desktop software that was continuously buggy, particularly with new--every time Windows updated, or the Mac updated, we had issues with that. So, I think new web base interface there is a huge, huge improvement for filers and that's essentially the feedback we've received.

Bill McCann: Commissioner also, I had attended the webcast the other day for the training, it was excellent. And looking at the Chat feature, which with the comments and the filers, there were things that you would anticipate, but I think all things being equal, it was very positive. Obviously with a new system they have to learn the nuances of it, and how it's changed from the old software. Certainly, as Bill said, the ability to be able to do it on any laptop or desktop or wherever you go, you're not hostage to having your desktop with the software on it. You can do the reports anywhere as long as you have the information to put in the system. And the system is a data form, so in essence people had concerns about, would people be able to see my reports in essence before I submitted them and things like that? And the system is designed specifically so that the public cannot see any reports until they're formally submitted. So, it has a lot of good features. I think once people give it a test drive and work out their kinks about how it flows, etc. I think it will be a positive result. So, on the user-side from a filing standpoint, it seems very robust. People just have to get used to it. Even the issues on the public side, IT will certainly work them out with the staff. I know they're working very hard on it now.

Bill Cross: Yeah, and I give a lot of credit to our training group, they have done an excellent job in creating training videos for this, I mean they're simple to understand. They're at the right pace, they've done an excellent excellent job with putting them together as well as the live outreach and video sessions I was doing with the training, they have done a fantastic job which really contributes to the success on that side of it.

Bill McCann: Yeah, there's over twenty videos and they're almost three hours in total, so they cover every little aspect of the filing so people can really drill into something as specific as a question as opposed to having to meander through a whole big one-unit video if you will, that's separated over twenty of them.

Bill Cross: Right, they can drill down exactly to what they need. They've done an excellent job. They are available on our website as well as on Youtube under the Board of Elections site on Youtube.

I'll move on then with the Online Voter Registration – it's been mentioned previously but the bids for software analysis and development were due back on February 5th. We've been notified by the Office of General Services that we have three bids. We will receive those next week and begin evaluation. I think Tom had mentioned that is with IT will be doing it in conjunction with Operations and PIO.

For NYSVoter we are currently working on several enhancements including displaying the local ballot information on voter look ups. We've done an internal demo of that this past month and incorporating feedback.

In terms of security, Secure Election Center has now completed the development of new cyber regulation that's before the Board today. As I reported previously, we worked very closely with our partners on this, particularly the large group of county IT directors and administrators. I think what we have is a set of requirements that will significantly enhance security of elections at the county level, but I think more importantly it's an achievable baseline, a baseline that counties can achieve both large and small in this. As Tom mentioned, we're also continuing to work on the development and documentation of standards for Voter Registration Systems, both new and existing, and that's three levels; they include functional standards in terms of what the system must do. Communications, how the system will talk to the Statewide system and, of course, security standards in terms of what they have to adhere to for security requirements.

Elections infrastructure – we've kicked off a new project with the SUNY Center for Technology and Government to envision the future of Elections Infrastructure. Currently, most of our efforts, particularly at the county level but both internally have been focused on identifying and fixing existing issues, gaps, problems. This effort begins to look forward to what improvements we can do as a whole to make secure elections end to end. What should the new infrastructure of elections look like, so we have some uniformity, visibility into security from end to end eliminate potentially what the black box is to us at the county level currently. So, we had a kickoff for that and I'm excited to move that project forward.

We also continue to work with NYSTEK and various counties on the remediation plans and efforts. And as Cheryl reported we've now begun to receive our first requests for reimbursement which is excellent to know that that work is being done. And always we continue to make improvements to our own infrastructure. We continue to work on one particularly large effort that I mentioned last month that vastly improves our view into security of our own systems.

In terms of website, I think I reported last month that website traffic has basically settled back down to post election levels. This month there were approximately two hundred ninety-five thousand viewers to the main site. That's pretty much normal range but it does represent about hundred thousand more than last month and it looks like that's increased traffic to the Register to Vote page which was about forty-five thousand on its own which is essentially thirty thousand more than last month. That is my report, any questions?

Douglas Kellner: Thank you very much, Bill.

Bill Cross: Thank you, Commissioner.

Douglas Kellner: Our next report is for the Division of Election Law Enforcement and as most know, Risa Sugarman has retired. Do our Counsels have a view of who is in charge of Election Law Enforcement now?

Kim Galvin: No. I mean their statute didn't have a place holder for a Deputy or a continuity of service or anything of the such. I believe we understand it to mean that Carla is authorized to "keep the lights on" and move the routine operations of the unit forward but as far as I know

personally, I have not heard of a replacement coming, or anything that would indicate what happens next with the unit.

Douglas Kellner: How many staff are on the payroll?

Kim Galvin: I think there's five left.

Douglas Kellner: Five altogether? That includes clerical personnel?

Kim Galvin: Five or six? Todd? I don't really know.

Douglas Kellner: And what are they actually doing day to day?

Todd Valentine: Well, that's why we were trying to set up a meeting to find out what it is they're actually doing.

Kim Galvin: Well, we know they are processing some judgments, things like that. There are routine e-mails that we get about some of the older enforcement judgments that are trying to be resolved and things of that nature, but as was the case when Ms. Sugarman was there, we don't know what the unit is doing as far as the Counsel's office is concerned.

Douglas Kellner: Or anybody else that reports to the Commissioners, is that correct?

Andrew Spano: What was the original complement of individuals in that unit?

Kim Galvin: I think it was eleven or twelve at one point.

Bob Brehm: Civil Service originally classified twelve positions, but they never fully staffed to twelve, I think the highest was 11 and then in the first year, the turnover rate was about 60% and after second, two years, it was almost 80%. So, people came and left, and certain positions were not refilled.

Peter Kosinski: Is there anything in the statute that would prevent the appointment of a deputy in that unit?

Kim Galvin: I don't think, I mean Brian can correct me, I don't believe there's anything, the Enforcement Counsel was authorized to do all hiring and firing classification, so when there was an Enforcement Counsel I believe probably, technically, she could have appointed a deputy, but to the best of my knowledge or our knowledge, I don't believe that she did, and because the statute is specifically set out so that the Enforcement Counsel his or herself has the authorization to do certain things, that authority doesn't necessarily flow to just a staff person that hasn't been put in that official position.

Peter Kosinski: Gotcha.

Douglas Kellner: I agree with that.

Peter Kosinski: Well I would just make the comment that I think the new Enforcement Counsel whomever that is, should seriously consider appointing a deputy so that there is some continuity within the office if a vacancy occurs at the Enforcement Counsel level, or the Enforcement Counsel is unable to perform for some reason, due to vacation or whatever, but having a Deputy in that office would seem to make sense and certainly in this circumstance it would be helpful to have someone in charge over there that we could talk to, as well as the staff could look to for some leadership. So, I would just urge that whoever the new person is, they should consider appointing someone into that position. So, I am going to make, while we're at it, I'm just going to make one other comment if I can. I know or I assume they're in the process of looking for a new Enforcement Counsel, that would be the governor and the legislature, I would just urge that in the appointment process that they get some assurance from the new Counsel that they will in fact pursue these failures to file that we've had such trouble having the Enforcement Counsel pursue for all these years. It seems to be that's such an important function of that office that would behoove all of us to have some assurance from the new person that they will in fact pursue those matters like our Board used to pursue them when we were in charge of the Enforcement Unit to make sure that people cannot just flout the law and just ignore making any filing whatsoever, and that they actually pursue people that don't make filings. So, I would hope that they would take that up with whoever they're looking at as a new Enforcement Counsel get some insurance that that will be pursued.

Douglas Kellner: I would agree with both of those points, and I guess I make the observation that from our point of view, the fact that the position is vacant doesn't seem to affect the status quo before she retired which is that there is no perceptible work going on in that office except some minor tinkering. And I just question the expenditure of the State funds to keep a payroll of 5 who are doing nothing but minor tinkering. But I hope we can discuss some of these issues in Executive Session later on. I have some thoughts I want to share. I believe that concludes our reports if no one else wants to add anything. We don't have any old business; we have one item of new business which is draft regulations for Cybersecurity requirements for all Boards of Elections. Who wants to give a brief explanation of the draft regulation?

Bob Brehm: I can start from my highly technical background and hopefully Mr. Cross can join in if he needs to. But as we've discussed with you last summer, the need for regulations, we gave some thought to an emergency regulation last year, but with everything that was going on it turned into a directive from the co-executive directors to a very small group of things that were achievable with the time and the resources under the pandemic. And we used the intervening period of time to put more meat on the bones of a group of recommendations that are in the form of achievable goals for Cybersecurity. And in addition to getting our collective thoughts, we reached out to a number of groups, the county IT Directors Association. We certainly wanted to get their input, because they pretty much are the vendor to the county boards of elections. They are the technical support staff to the boards of elections, so we had a series of meetings with them to go over some of these concepts and ideas. We also reached out to a webinar with the county boards of elections. We shared a draft of the regs last summer and then another round recently of the regulations so that they could review them. And then there's a number of other

sources, the Governor's Advisory Taskforce, a number of them we talked to about regulations since 2018 and we just recently had a session that we participated in last week. We had some very positive feedback, that they thought, that they were focused and achievable types of events that if the counties were able to address in a meaningful way, would do an awful lot to help to improve the posture. And some of these not only improve the posture for election infrastructure but would also make the counties a little bit better, stronger for the other departments that we have no oversight of. Bill, how did I do?

Bill Cross: I think you covered most of it. I would only comment that it's achievable. Again, I keep using that word because that was our goal. We don't want to create this gold standard that's great, but not achievable. It's a baseline, and I think that's where a lot of the collaboration paid off with the IT directors in establishing here is the baseline that's expected. You can certainly go above it. We've actually worked with several directors in an individual basis to address things with their county as to how they actually get from point A to point B.

The other piece I just want to mention is there's several things in the regular that they're already doing, that it just solidifies what they're doing correctly and continue doing. And there's some other basic things in there that some counties are doing but some aren't. So, I think for just one example I'll take, is most everyone performs backups of data, but they don't always test that those backups work, are you going to be able to restore from that and become operational from your backup? So, we identified some things in there that seemed like common sense but should be done and this was a little more prescriptive of how often they should do it and when. I think that really basically summarizes it.

Douglas Kellner: Well, I want to emphasize two points; one that these will make binding minimum-security standards, that the boards must conform to, as opposed to the current situation where we have guidelines and good practices but they're not necessarily mandatory on the boards. And so, this will mandate minimum standards that every county board of elections will have to follow. But the second point is just as important, is that this is not an unfunded mandate. That for as much criticism as I give the Division of the Budget, this particular security mandate has been fully funded by the budget, so that there's really no excuse for any county not to meet these minimum standards. If I'm not correct about the funding, I would like someone to contradict me.

Bill Cross: You are basically correct, Commissioner. The funding that's available through the remediation plans, many of the items that are on those plans are also in this regulation. There may be some items particularly around governance and things like that, that may not be covered in the remediation plans but many of them are, particularly the ones that are going to have the highest dollar result. For example, network segmentation is on almost every county's remediation plan so that would be funded.

Bob Brehm: I just want to also point out the \$9 million paying for those grants is through the federal grant program under the federal 2018/2020 HAVA Cybersecurity grant. It's allowable expense that we carved out money and it's part of a multiyear package that started with the Grant Thornton Baseline Risk Assessment and then working with our staff and NYSTEK and the

counties to put together response plans to that risk assessment, and then those plans have all been approved, and now we're in the place of paying the claims that counties have submitted, the work that they've done to make those improvements. So, the 20% state match is in the budget through the OVR program. We worked with the Division of Budget to make sure that that was in place, and both are working. What I want to, if I could just point out, the cyber positions that we are still trying to get filled are really the critical ones where these regulations would require certain documents and certifications to come to our staff. Not having trained people in those seats early doesn't put us in the best position to make sure that the investment of these dollars is being properly done because we need those individuals to review, to make sure that the expenditures line up, and that the certifications that we received for written procedures and backup plans, etc. Those we still need people to review them, and that's why the plan that we ventured on with your support, with conversations since last March was for the positions to also be ready for the regulation so that as these documents and artifacts are filed with us that we have the people here that can promptly review them. It does us no good to receive them if we can't review them. So that's still a risk that's out there that we need to work on.

Bill Cross: If I could also contribute to that very quickly, it's the staff members not only reviewing that, but actually providing hands on assistance to the counties and implementing the regulations. Several options of how they can implement these to be able to consult with the counties and provide guidance in how to meet the requirements.

Douglas Kellner: And Bob, is it true that we've actually proposed staff people?

Bob Brehm: Well, some yes, we have proposed, some are reshifting a few and then back filling them to recognize that they're working already a little bit out of title and to bring in I think five new people and we've actually offered some people positions that have been waiting for months.

Douglas Kellner: And when did we submit that to the Division of Budget?

Bob Brehm: It's in the copy of the letter um I believe...

Todd Valentine: It's in the letter we sent to the...

Douglas Kellner: I understand, I'm trying to get you to...

Bob Brehm: I don't have the date, but I do have the number of days. It was over one hundred sixty days ago.

Douglas Kellner: And these are appropriated funds that the Division of Budget is just holding up the personnel, is that right?

Bob Brehm: This is federal money, so it's not State money, federal dollars.

Douglas Kellner: So, it's kind of silly not to be filling these positions because it doesn't adversely affect the state budget and yet the Division of Budget is holding up approval is that your understanding?

Bob Brehm: Well, someone is, and I don't know who particularly, but I can tell you that Todd and I focus on trying to figure that out regularly. But I don't know whose desk it's on. I only know that it is being held up and it doesn't need to be. But both from a statutory point of view and from a program point of view. The budget says it's the majority vote of the commissioners, and the statute says it's a decision of the Commissioners with the funds that are available so its in the bipartisan hands of the four of you.

Douglas Kellner: Well, I will simply repeat what I've heard Commissioner Spano say several times, which is well, why don't we then just do it?

Andrew Spano: Well, you can win the battle and lose the war. And I think that's a significant conversation we should have with the appropriate people and try to develop a system that's appropriate for both sides. There are some administrative aspects to this that have to get done, but they don't have to get done in 6 months, they can get done in 2 weeks and if we could reverse the process with notification and doing that paperwork, that would be helpful to everybody. Sometimes that's more important than budget. You've got that budget money sitting there and now you've lost it for 6 months so what good is having it?

Douglas Kellner: Thank you, Commissioner. So, I know that we're all focused on this, and I just wanted to at least make part of this public so that people realize that the Board is trying very hard to implement this, and we have not gotten adequate explanation from the Executive Chamber on why this is not moving forward.

Andrew Spano: Well, I think we should clarify the situation just for the public or anyone listening is that we do have the legislative power to do that. I mean that we have that, and that we're trying to operate within a framework of cooperation where we are mostly the cooperatives and that's not fair.

Douglas Kellner: Right. Okay does anybody else want to say anything on this subject? Alright, we have a resolution....

Peter Kosinski: I guess it kind of puts is in an awkward position, doesn't it, that we are asking the counties to do things that we are unable to do because we can't get the necessary sign offs?

Douglas Kellner: I agree, I mean we're starting the process here, so these regulations won't go into effect for several months.

Peter Kosinski: No, fair enough, I understand that, and I think its good we're putting them out...

Douglas Kellner: and I think what we've said here that this is not the way to run a government.

Peter Kosinski: Right, okay.

Andrew Spano: Yea Peter, I share your concern about mandates, you know having experienced the wait of mandates at the local level.

Peter Kosinski: I'm sure you do as former County Executive.

Andrew Spano: We're in sync here.

Peter Kosinski: I'm sure we are. I'm sure we are. But I just feel a little awkward that we're putting all these burdens on our counties and seems we're having trouble ourselves getting the necessary sign off to do our end of the deal, and you know I just want to know that we're putting out regulations that we can in good faith enforce, and have the ability to enforce, because we're putting a lot of burdens here, I'll call them burdens or obligations at least, on the counties through these regulations to do certain things which I think are good things, but I understand there are some limitations people have to implement programs they think are good and some of it's dependent upon budgetary signoff by other entities. It's not all under the control of say the Board of Elections even in the counties. Notwithstanding, I know the legal status, but as Todd mentioned, sometimes you win the battle lose the war, you can push the fact that you have some autonomy here but ultimately, we are dependent on the legislature, and in our case, the Governor to approve monies for our needs.

Andrew Spano: I think the conversation, a really good conversation, could iron this out. I don't think there's a tremendous awareness at this particular point in the powers that be that we have to deal with. They're too distracted. But if we sit down in a reasonable situation and have a discussion, I think we can work something out.

Douglas Kellner: Let's continue to work in that direction. Now we have a resolution before us, is there actual discussion on the resolution itself? Hearing none, I'll call for a vote. Those in favor of the resolution as drafted say aye.

Anthony Casale: Aye.

Andrew Spano: Aye.

Peter Kosinski: Aye.

Douglas Kellner: So, it's adopted unanimously. We are at the conclusion of our agenda. I make a motion that...

Anthony Casale: Doug, Doug, Doug...excuse me, Mr. Chairman?

Douglas Kellner: Go ahead, Commissioner.

Anthony Casale: I'd like to bring up another item under new business, please.

Douglas Kellner: Sure.

Anthony Casale: Well now that the New York 22 race has been certified and it appears from our Counsels that there's no longer going to be any litigation, I think we have to turn our attention to another issue which has gotten the attention of public officials, public interest groups, the news media and even the judge who presided over the case and that is the situation with respect to the Board of Elections in Oneida County. Yesterday, the Oneida County Executive formally requested that the Governor remove the two Commissioners. That is certainly within his prerogative, and I think it makes a great deal of sense that he be the person making the request, because in fact, they are employees of his county and he's the official responsible for providing the taxpayer dollars to run that agency. Even though anyone who wishes can make such a request, but I think coming from the County Executive that was a pretty powerful statement, and I think that at some point in time, if the Governor is considering this, there's a question where he may ask where the New York State Board of Elections stands, and I think before that happens I think we need to take action today to inform the Governor that while we're not going to weigh in on the merits of the case, that's his prerogative, that we support the request of the County Executive for him to consider the removal of the two Commissioners in that county.

Douglas Kellner: Well Commissioner, I'm wondering why you haven't referred to our Executive Session that we held on Monday...

Anthony Casale: I'm not referring...I would never discuss anything that happens in Executive Session.

Douglas Kellner: Well now that you've raised the issue, I think people should know that we discussed this extensively on Monday, and we determined to take action, and we could discuss what action has preceded based on our actions on Monday in public, or I was going to do it in Executive Session, but the one thing where I decent from your remarks is that, as we discussed on Monday, that if the State Board is going to ask the Governor to formally remove the Commissioners that we should in fact present the very detailed evidence of the basis for removal. That we should take an affirmative position, and say that it should be removed, and indeed give the Governor the option of having us conduct the hearing required under Public Officer's Law section 34 in order to accomplish that removal. Well as we discussed on Monday, the evidence is overwhelming on why the Commissioners should be removed. Do we want to discuss this further in public or should we do this in Executive Session?

Anthony Casale: I'm not an expert in the Open Meetings law but I'm not sure if this really is something that is Executive Session material. I'm not sure under what basis we would go into Executive Session.

Douglas Kellner: Well, it's a personnel matter and I have no objection to doing this in public.

Anthony Casale: Well, my concern is I'm not sure it is a personnel matter, when in fact the individuals we're discussing are not the employees of our agency. They're not, we have no

jurisdiction over them, and we have no say over their hiring, firing and so forth. I don't see where it's personnel. They are not one of our employees is what I'm saying, but they are an agency over which we're to provide oversight and administration, and I think that's a public matter.

Douglas Kellner: I have no problem proceeding further and, on that basis, I would ask Commissioner Kosinski if you want to speak, I'll wait.

Peter Kosinski: No, just, I would just mention I mean we can go ahead if we'd like, we did have a discussion of this the status has been disclosed. I think we put a process in place that we were prepared to go forward with. I think that process has been--is ongoing, and part of it is what Commissioner Kellner alluded to, which was putting together some information for us to see regarding this issue of specifics, and issues that are before us. I have not seen that specific information yet. I know there's been newspaper articles, I've read some things, but I have not seen an outline of exactly what issues would warrant this kind of action. I did read the County Executive's letter and I didn't see anything in there that really went into specifics and, of course, that's within his prerogative to do as he chooses, but I think we discussed putting together a process where we would actually create a document that we could look at regarding the specific issues that would arise in this context. And I've not seen that yet.

Douglas Kellner: Alright well I'm going to ask Kim Galvin and Brian Quail to report on what happened following our meeting.

Kim Galvin: Brian, I'll go if you want.

Brian Quail: That's fine.

Kim Galvin: As we were directed, we called the two Commissioners in Oneida, we told them what the Board's decision was in Executive Session, and that we would keep it private pending their decision. So, we gave them a week to get back to us, or a few days to get back to us about the one-week determination and they listened, and they took it surprisingly well. And we executed the Board's directive for us to do.

Peter Kosinski: So, you're saying Kim, in your conversation with them, you gave them one week to make a decision regarding their status before we would act?

Kim Galvin: Yeah, that's what Commissioners told us to do in Executive Session and that's what we did.

Peter Kosinski: Okay. Okay. Well, it seems to me we've made a commitment there.

Douglas Kellner: Right.

Peter Kosinski: Is that fair to say that you made a commitment to those Commissioners regarding a timeframe, and it seems to me we should honor that.

Kim Galvin: In my personal opinion, and Brian obviously has his own, but in my personal opinion, we made a commitment.

Brian Quail: I completely agree. We indicated that we would schedule the letter for a week from when we had the conversation.

Douglas Kellner: So, well, as I say, I'm interested in more than a letter, and I think Commissioner Kosinski also raised in the Executive Session that he wants to see the evidence. That I think we need to assemble the evidence. Fortunately, that's not all that difficult because we have the trial record before Judge Delconte as well as Judge Delconte's own decisions.

Kim Galvin: Commissioner Kellner, not to interrupt you, obviously, but Brian and I had spoken late yesterday as well about reaching out to the parties. I was planning on reaching out to the parties to get copies of the actual transcripts that I know they ordered specifically relating to the Oneida County testimony and remarks and that was going to be underway as soon as this morning so that we would have complied the information to present for the Commissioners and a letter draft. So.

Peter Kosinski: Okay. I think that's in compliance with what we spoke about on Monday as I recall our conversation.

Douglas Kellner: Okay

Peter Kosinski: I mean the Commissioner's conversation I'm talking about.

Douglas Kellner: So, I think it's clear that what we're going to do, and I thank Commissioner Casale for publicly disclosing this. I still have one other item I'd like to discuss in Executive Session with respect to the Enforcement Unit. And I would propose that we hold that Executive Session after the meeting of the Public Campaign Finance Board.

Peter Kosinski: That's fine, I would just ask, are we going to have any public meeting of this Board after that Executive Session or would that be...

Douglas Kellner: No, I don't anticipate that.

Peter Kosinski: Okay.

Douglas Kellner: Alright those in favor of going into Executive Session following the Public Campaign Finance Board Meeting say aye.

Peter Kosinski: I'm sorry Commissioner, did you say it was a personnel matter or what would be the matter that would be appropriate for Executive Session, just the generic topic?

Douglas Kellner: It's both personnel and litigation.

Peter Kosinski: Okay fair enough so we'll go in to discuss those two items. I would agree with that.

Andrew Spano: And we're going into the Campaign Finance Meeting now after this one?

Douglas Kellner: We'll vote on the resolution to go into Executive Session, we'll hold the Public Campaign Finance Board meeting and then we'll do Executive Session.

Andrew Spano: Okay, great.

Peter Kosinski: Okay.

Brian Kolb: Okay.

Douglas Kellner: Alright so those in favor of the Executive Session following the Public Campaign Finance Board Meeting say aye.

Andrew Spano: Aye.

Peter Kosinski: Aye.

Anthony Casale: Aye.

Douglas Kellner: Opposed? Alright so that's adopted. So, the meeting of the commissioners is recessed, and the Commissioners of the State Board of Elections is recessed, and I'll call to order the Meeting of the Public Campaign Finance Board, in particular, we welcome new Commissioner Brian Kolb. I was particularly pleased to learn of your appointment and look forward to working with you on this new endeavor.

Brian Kolb: Thank you very much, it's a pleasure to join all of you hard working folks on behalf of the State of New York, I look forward to it.

Peter Kosinski: And on behalf of myself, I'd like to wish Commissioner Kolb the best, we're thrilled to have you, and we've worked together before, when you were a member of the Assembly, and I think we're very well served with Brian onboard, so I'm looking forward to working with you.

Brian Kolb: Thank you, Peter.

Douglas Kellner: And of course, we want to also comment on the presence of Commissioner Ekow Yankah. And...

Ekow Yankah: Forgive me over-decorating the point, but I think because Commissioner Kolb was kind enough to reach out to me when he was appointed, let me also say congratulations.

Brian Kolb: Thank you.

Douglas Kellner: So, I think it's appropriate that our first order of business actually be the organization of the new board, and the statute requires that the Chairman be one of the three public members which means Commissioner Yankah, Commissioner Kolb or the vacant slot that the Governor has not filled. So, I will entertain nominations for Chairman of the Public Campaign Finance Board.

Peter Kosinski: I guess anybody can do this. I have a proposal that we could maybe go forward with, so we now have two of the three Commissioners of the new Campaign Finance Board onboard, and I think it would be appropriate to appointment one of those Commissioners as Chairman, I'm sorry, I agree. I think we've seen the import of having some continuity. Right now, Commissioner Kellner and I share this, so that we have the ability to go forward if one of us isn't available, but I think it would be helpful if we had both a chair and a vice chair of this new commission. So, if there's a meeting that needs to be held either one of those members could call it if the other member isn't available. So, I would like to just throw that concept out there and see if that's something people are interested in.

Douglas Kellner: Absolutely. I think that that's the way that we should proceed. And since no one else is doing it...

Peter Kosinski: We'll so move that Commissioner Yankah be appointed the Chair and Commissioner Kolb be appointed the Vice Chair.

Douglas Kellner: I second that nomination. Are there any other nominations? Hearing none, all those in favor say aye.

Andrew Spano: Aye.

Anthony Casale: Aye.

Douglas Kellner: Opposed? So, Commissioner Yankah is our newly designated Chair and Commissioner Kolb is our Vice Chair and in view of that, I will turn over the gavel to Commissioner Yankah.

Ekow Yankah: I mostly just want to say, "thank you". Obviously, I've wanted to grab this position since I was 15. All teasing aside, I'm thrilled, I'm honored to serve, and Commissioner Kolb and I along with all the other Commissioners have spoken about how important we find it to work in a bipartisan manner that this be a commission structure that ultimately the citizens of New York will feel great confidence in and so far all our meetings have been in that spirit, and I have no reason to think they will not continue as such. Well, let me let Commissioner Kolb say a few more things, and then I think we just have to start touching on our priorities.

Brian Kolb: Actually, just congratulations Ekow, I look forward to serving with you and the rest of the board, and Commissioners, and we've got a lot of stuff to get done, and I know we'll do a

great job, because we've got great people working on behalf of all of the, those that are interested in elections throughout our state, so we'll just roll up our sleeves, and get to work, and I've gotta say one more thing, that the election results of Ekow being Chair and myself being Vice Chair was so much easier than my first election in the State Assembly, when Kim Galvin was one of my attorneys, and we won by a whopping 10 votes and it took the court of appeals to elect me back in the year 2000. So, this was a real breeze compared to 2000.

Kim Galvin: Seven votes, Commissioner.

Brian Kolb: No, it was officially 10, Kim.

John Conklin: How long after Election Day were you certified?

Brian Kolb: About 90 days.

Ekow Yankah: To be sure, I've already mailed Kim a check to put her on retainer in case this went sideways.

Douglas Kellner: Commissioner Yankah, there was an item that was on our agenda for the Public Campaign Finance Board and that was the approval of the minutes of the last meeting, and I move that those minutes...

Ekow Yankah: You were cut off for a moment, did you move, or shall I move those minutes?

Douglas Kellner: I just moved. You're the chair.

Ekow Yankah: I am happy to second that. Does this need a vote, or shall I just approve it?

Douglas Kellner: No, you should, you need to call for a vote. You're the chair now.

Ekow Yankah: The power, it's taking me a while to wield the power. I call for a vote to approve these minutes. All in favor say aye.

Andrew Spano: Aye.

Peter Kosinski: Aye.

Anthony Casale: Aye.

Douglas Kellner: Aye.

Brian Kolb: Aye.

Ekow Yankah: Aye. Any opposed? Hearing none opposed, the minutes are approved. With that, I think the only thing that actually would be productive at this very moment is Commissioner

Kolb already mentioned it, just for us to perhaps take just a short moment to touch upon the priorities and the urgency of the Public Campaign Finance, I don't want us, I think many of us on this call share this feeling, so we needn't overdo it, but Commissioner Kolb did you want to speak? We have exchanged some thoughts on this. Let me start by saying I think three things need to be mentioned; one is that despite the fact that the actual elections that this Financing Board will govern seem quite far away, the applications under the system are actually racing towards us at great speed, and I think many of us feel the need to have that system more solidly in place, have personnel in place. I'm sure that people who are running for election, well I'll make it two-fold, both that the public feels confident that we are taking care of the public fisc but that also we have the personnel so that people who are running the system, can be guided and not feeling trapped so that enforcement's fair, but wise. And the second thing, of course, is related to that, finding space and a place for our personnel to sit. And I think we all feel the urgency of those two priorities among others. I don't want to go on and on I want to turn it to my Vice Chair just to listen to his thoughts.

Brian Kolb: Well, the only thing I think the two priorities for me is: number one, is that in our total approach that it is bipartisan in nature, and with the ultimate goal of providing trust and integrity in the entire process so there's no one out there that believes that the system is rigged. To favor one political party or any political interest, and I think if we always operate under those guidelines, I think we'll be in great shape.

Ekow Yankah: To be sure... Would anybody else like to speak?

Douglas Kellner: Can you report on the status of drafting the regulations which are due by July 1st?

Kim Galvin: I mean, I can give a report. Are you looking to the Commissioners to give the report or the staff to give a report or?

Peter Kosinski: Well, I've seen a draft of something and maybe the staff put something together as a draft document to start with if you want to report on that.

Kim Galvin: Well, just basically, I think Brian Quail if you don't mind, now I have two Brians. Basically, it's a little bit on the back burner, one because we had no funding which has now appeared in the Executive budget and two, we've been very busy. So, we were also waiting for the SAM decision thinking that the Executive Office might be, because these 2 were inexplicably intertwined in the new threshold with the Public Financing Program we thought there might be some hesitancy in waiting for that decision. Now that it has come down today, we are affirming the new threshold for the parties and the independent nominations. We put together just a barebones draft that we sent to you. We included some of the back and forth among the staff to show that we have a keen interest in actually putting forth a product that we've thought about, that will work. We have to take a deeper dive into obviously all of those subdivisions. One thing that Brian Quail and I, and the rest of the staff agree upon, however, is in order to fully develop the regulations in a way that actually works, we need to go hand in glove a little bit with software development. So, in my opinion that has become a primary focus or should be because

the software and how the software works you can also build the regulations to make sure that they function and work appropriately. So those are our two priorities now assuming the money survives the 30-day amendments, I think we will turn our focus on, CD 22 ended and 1 day later we can turn our focus to Campaign Finance Software but that's our full intent and our plan. We don't have any specific Public Financing Staff, but we have excellent, excellent, excellent compliance staff and leaders, and they are going to undertake this process with us and we will be starting that and have a fuller update I believe at the next meeting.

Brian Quail: I would echo that I would also just note as Commissioner Kellner said the deadline to complete them is July 1. Obviously there needs to be broad input on the final product but even with that in mind, I think that we are currently on schedule. As I always remind my colleagues its important to have thorough and good regulations as we all agree, but the minute, they're promulgated, they're subject to amendment, and this is certainly going to be a work in progress as we figure it out. But I think we're in a very good way in terms of where we're currently at with the regulations, given the work that's been done so far particularly by Mr. Cartagena has spent a lot of time with this issue, also with Kim. But on our side, Nick has done a great job on setting the table to be able to do this in a productive manner, quickly.

Douglas Kellner: And could we ask Todd and Bob to just report very briefly on the space issue?

Bob Brehm: I'm sorry I couldn't hear you, Commissioner.

Douglas Kellner: Can you just very briefly give a report on the space issue?

Bob Brehm: So certainly, in addition to the work on the regs, this panel, the Commissioners submitted a budget request for positions, it was about 49 positions including the Commissioners back in September. We had worked with the Office of General Services and the agency with the space in this building, the space on this floor, and OGS staff worked with us to identify an area that would work for both the combined Board and Public Finance Board. And that was in September. We have not since September received any response to our request to further conversation of that plan. I sent out a reminder, we've raised it in telephone calls we've had with the Chamber, and with e-mail reminders as continuing weekly, since September, and we still haven't received an answer, but I see two critical paths as we put into effect the positions that we put in the budget to get those classified, get those advertised and start to hire, that's probably a 2 to 3 month period of time on a good day, assuming we get approvals to actually fill, that don't take long to fill. So that would probably put us to May 1st, say. But by April 1st, we really need to have space identified, so that IT can run the computers and the phones and the wires so that the employees can actually function. So that's a pretty aggressive schedule and we have not yet had approval from anyone to talk to us from the Division of the Budget of the General Service or the Chamber. But we continue to press for that.

Ekow Yankah: First of all, thank you for that, but there are two more things on my mind and certainly other people should chip in as they wish. Could you speak a little bit more about the, you mentioned it briefly, just to highlight the number, and the process it would take for the civil classification of all the employees?

Bob Brehm: Okay, last year the budget received about \$2.5 million to get started this year, and that would have brought on more project planning and at higher levels to design a system a project plan, and then use that better budget for us. We did not get any of that money, so we had to use our existing staff in addition to everything else they were doing to come up with this year's budget proposal. You approved that on December 3rd when we sent it to the Division of Budget for the \$7.3 million that is in the Governor's Executive Proposal. And in there there's a number of positions, both from an IT perspective to help design build a system is a few, but mostly those positions are related to Public Financing at the higher levels due to design a system. It dealt with both a phase 1 and phase 2. Once you design the system, and you start getting closer to training the staff, just to reach out and support the candidate and the filers, more people would come in the next fiscal year. But the barebones of the structure was to deal with this brand new, people that make the decisions, the business world. How do you deal with the audits that are new? How do you deal with the filing requirements? Designing the business world so that IT can make either equipment, hardware, software programming needs, in order to build the system. So, it's pretty much at a high level. We did it in our budget proposal and I think we did it in quite a pretty good level of detail. So, I think it lays out the map. So, for each of those titles, it takes, you know civil service is going to have to classify job descriptions that we come up with in order to allow us to hire people, and then we also would do the recruiting so once we got those classifications, we can appoint people to those jobs.

Kim Galvin: And just if I may add, the HR department that we're working with has started to provide us certain job classifications from other agencies that have already been developed and are in place in the civil service structure and in addition as to what Bob Brehm has said, it's difficult just as the regulations work with the software, the staffing goes with the program. So, to look at something in a complete vacuum without getting into the nuts and bolts of it, it's very difficult to know exactly what staff titles you might need. We put those few things out there to try to generate some high-level interest and get some high-level people in to start to work to develop this, but hopefully we won't be wed to those particular titles as we move forward and understand that we need flexibility to develop the program in a way that works. And also, one thing we have to look towards is the organizational structure of this particular program, where it lies within the agency proper itself, in the New York State Board of Elections. Does it sit next to Compliance? Is it its own unit, do we have an umbrella structure? Do we have an individualized structure? So those are all decisions now that we get into this development that we're going to have to work closely with all the Commissioners on and the staffing to figure out the best way to do this to make it work in the short time we have available.

Andrew Spano: Is that better?

Kim Galvin: Yeah.

Andrew Spano: Are they considering more generic titles, I'm sorry something happened here.

Kim Galvin: We are, I think I can answer your question, Commissioner Spano. We are looking at generic titles, and then develop the qualifications as they develop underneath, like Unit

Manager, or Program technician, or things like that, outside of the specific IT requirements, those are far more detailed and particular apparently through the civil service classification system, than the regular workers bees that will make the unit function. So, we are looking as general as we can with enough qualifications to get the right people in there, if that answers your question?

Andrew Spano: Yes, it does.

Bob Brehm: If I could just also agree with Kim in this regard. When we proposed a small number of people to help design and do a more detailed deeper dive in planning, in this year's budget that was not supported we would have had a more thoughtful and probably we could have told you what more specific we needed. But because we are going to have to pretty much build it, staff it, fund it, in one year, and that's kind of unprecedented, we're going to need flexibility, we're going to need more generic positions. We're going to need to bring people in with skills, and we're going to have to fine-tune it as we go. So, can't really, we don't have the luxury of the planning to say, "I need one of these and one of these". We need generic titles so we can bring people in and generic responsibilities and then refine down from there.

Cheryl Couser: And just to echo the point that Kim made, with the deadline for July 1st regulations, the regulations really do layout, and you want to consider the software needs that you have. You're not only auditing, but you have accounting, and you have the distribution of public funds, and you have to make sure it's timely and there isn't a wait. There is a lot of technical resources behind that, and the training and education components that you really have to get that staff on board.

Kim Galvin: Well, just one of the main things that we see as a primary function is not only the software development because the regulations are clear, but there are certain things that our Public Financing program will do, that no other Public Financing program in the nation does, with the twelve to one match, and in district, and the AMI classifications. Now redistricting is happening so we can't do that AMI classification until the new districts have happened. But the one piece that I'm looking at, I don't know how it happened that my life is thinking about public financing night and day, but the one thing that we have to think about is with the Comptroller's office, that is going to be an instrumental part, and setting up the program so that once and they can be prickly those comptroller people, they can be prickly. So setting up, once our people on this side say, okay Kim Galvin is qualified for this amount of match, and then we have our secondary people come in and audit that and check that match, and we push the button or whatever that mechanism is to then indicate to the Comptroller's office that that amount of money has to be paid, that is just as critical in my opinion, as the software set up, to make sure that once we can do it right with our software and we can check it and verify it that the money does flow immediately in the sense to the Comptroller's office for authorization to get out to the candidates. So those are the two critical pieces that we see. I mean obviously we have a great training unit, all of the relevant staff that we think might be coming over to this unit have seen the regulation draft with marks for action item, action item, action item, just so they can start thinking about how best to do this. So, we have good staff, so in my opinion, the software and the comptroller piece are the pivotal piece. We can staff it, we're good staff.

Peter Kosinski: Is the expectation that we're going to outsource the creation of the software for the system?

Kim Galvin: That has been, I don't know if Todd and Bob want to speak to this, I'm sorry.

Todd Valentine: For the timeframe, because we've lost a full year, we tried to do this in-house, while we're still trying to support CAPAS-FIDAS would be challenging. Certainly, we'll have to have in-house people as Kim referenced to try to do the development, and Bob's staff for the business roll, so a lot of work goes into the development before you can get anybody to build anything, and if we can leverage an existing system. I know there's one in New York City, Connecticut also has a system, so to the extent that we can leverage existing software, or pieces of it, then we're certainly going to try to do that, but first things first is to get the people on board that can help us do that analysis, to the extent that we can't. Some of it's technical, some of it's business rules.

Kim Galvin: I mean many of the good government groups have reached out to me, just as a carryover from the Commission I was on, and have indicated a willingness to put our board in touch with software developers and things that have done this around the country, and have brainstorming thoughts with them and that sort of thing, and now that we have the money funded, we can start to begin to undertake those conversations and identify you know there maybe someone out there that has done this, and can do it, and could meet our statute itself, and make everybody's life a lot easier. So those are the conversations we're going to start to undertake now.

Ekow Yankah: And I will mention that I've had an opportunity to speak to some people who have more experience with New York City structure, including at least contacts, and the people who built the guts of these things. So, I have a list of names that I was waiting until my counterpart, my colleague, showed up. So, I think Commissioner Kolb and I have to reach out to them mutually maybe take meetings. One of the few benefits of our new strange world is that we can all meet from anywhere and start those conversations. And I think, we will obviously invite everybody, so that these meetings aren't repeated over and over, but rather we're efficient. So, we can hopefully get those things started.

Kim Galvin: Yeah, one of the primary functionality issues that we're going to have with the new software development, in my opinion, and Bill Cross knows I am not Steve Jobs as I comment on this, but if we have an independent separate person build the software, the bridge into the CAPAS-FIDAS system is going to be critically important, because not everybody that files with us will be in this system, but I foresee if we take the whole race let's say candidate A is running for Assembly and if Campaign Finance takes that, and is using the Public Financing System, and then the Public Financing Division takes that whole race, all the candidates whether they're in or without, they have the constant oversight and the constant monitoring you know, you're going to have some people filing in one system, some people filing in another so that bridge to the two systems is going to be a critical thing if we can't develop it all together. So, there's a lot of things to be done.

Bob Brehm: Certainly, Kim and Brian bring the nuts and bolts of the program with others, but from a procurement perspective and a staffing perspective, I'm not sure which takes longer, but generally speaking, if we want to procure someone to build something, it takes roughly the state eight, nine months to a year, once you know what you want to build. So, getting that team assembled to make the procurement, the statement of work that you want to put out and then get OGS to proceed...

Kim Galvin: Don't be a bummer, Bob.

Bob Brehm: To do it. I'm just saying from a planning point of view, you're really got to upfront that a lot. Cause if we talk to OGS because they do our procurement for us, we want to buy something. What do you want to buy? If we say we don't know they're going to go away and they're going to say, "When you know call us." And they're not going to lift a finger till we get there. So, it's a significant lift on top of the resources that are already doing a number of other things, that really needs a lot of attention up front, and when I say "a lot," it needs a lot of specificity if we're going to procure someone. It's going to take the same amount of work if we're going to build something but I'm just saying you're got to upfront a lot of it if you are going to buy something.

Ekow Yankah: So, I think off the top of my head I would think an e-mail to Brian Q, Brian K and Kim starting to brainstorm when we can have the meetings with people who have done this before and people who are guiding us would be at least a plausible first step. Does that sound good to you two--three?

Peter Kosinski: Are you asking me, Ekow?

Ekow Yankah: I said Brian Q, Brian K and Kim.

Peter Kosinski: Oh, I'm sorry, I apologize.

Ekow Yankah: Everybody would be welcome; I'm just trying to make this efficient to start landscaping.

Kim Galvin: Whatever you and Commissioner Kolb want, we'll be happy to do.

Ekow Yankah: So, we'll make sure everybody's Brian Q are you okay with that.

Brian Quail: Absolutely, sounds like a plan, that's what I said.

Ekow Yankah: So, these will be open to any Commissioner, but we'll start getting some landscaping done with Bob's, shall we say, sobering words.

Douglas Kellner: Can I raise another organizational issue which is, is the Public Campaign Finance Board going to have a separate website or is it going to be through the State Board

website? And if so, how soon can we get it set up, and at the very least have the new Commissioner's listed somewhere?

Ekow Yankah: I admit I have not given that a moment's thought. Do other people have an instinct on this?

Douglas Kellner: John Conklin, you run the website, right?

John Conklin: Yeah, that's true, and I was actually thinking this morning about we should get some information out about the commissioners and the substance of the meeting. I mean I don't have a strong feeling either way whether it should be a separate website or a subdivision of our website, maybe that's easier, and more clear for people to find. We can discuss it internally here. I haven't discussed it with Bob or Todd at all, Kim, or Brian, or even Bill Cross at this point, so.

Douglas Kellner: My suggestion, is that for now, for example on the Public Information Page about the State Board of Elections it lists the Commissioners and Executive Directors, that maybe add a paragraph about the Public Campaign Finance Board and list the Commissioners there with the Chair and the Vice Chair.

John Conklin: Yep, that was my thought as well.

Douglas Kellner: And I would suggest that whoever keeps the big book for the State Government Organization Chart, make sure that this new agency is included in the chart. I know New York City has a green book that includes all of the state agencies, but I think they get their information from some source in the state. And then the last thing John, is that I hoped that you and Cheryl could just put together a joint press release on the election of the Chair and Vice Chair and distribute that to the press.

John Conklin: Sure, we can absolutely do that.

Ekow Yankah: I only have one last thing and I think we'll agree on this quickly. In terms of our meetings, I suggest that we continue to meet in conjunction with the general meeting after or before depending on the agenda, what's more convenient. Sometimes before might be more convenient so people don't have to wait for a long meeting. we can decide that altogether, but I suspect Commissioner Kolb and I we should also sit down and find a schedule where we're meeting more consistently as we have much to do.

Brian Kolb: Works for me.

Ekow Yankah: That's all I had, if I missed anything, I'm happy to hear it. I always ask my students "have I missed anything," and I don't mind, so feel free.

John Conklin: You forgot to give us homework.

Kim Galvin: No, we have plenty of homework.

Ekow Yankah: Exactly, you gave us plenty of homework.

Todd Valentine: Did you want to set another meeting date?

Ekow Yankah: Why don't we have this next meeting be attached to our next meeting in the same structure we have now, and then Commissioner Kolb and I can put our heads together as to a more regular schedule.

Bob Brehm: I don't think we've scheduled another meeting beyond today.

Ekow Yankah: Oh, forgive me.

Bob Brehm: So, what would you like?

Ekow Yankah: Do we not have another general meeting scheduled?

Todd Valentine: Nothing scheduled yet.

Douglas Kellner: So how about mid March. Monday, March 15th, Tuesday March 16th?

Kim Galvin: The Ides of March.

Ekow Yankah: Monday would work much better for me, for what it's worth.

Brian Kolb: Yeah, I'm open.

Peter Kosinski: Yes.

Bob Brehm: Monday, March 15th? I just want to throw out we will need a meeting prior to April 28th in order to clear up any filings, although I'm not sure how much filing comes here this year, but just keep an eye on your calendar we may need a commissioners' meeting before the 28th.

Todd Valentine: And did you want to do the Public Campaign Finance Board meeting first?

Douglas Kellner: That makes sense.

Ekow Yankah: I take it that way--yes, why don't we just do that.

Todd Valentine: Did you want to do that at noon?

Ekow Yankah: Noon works for me. I'm flexible on Mondays. Anybody else?

Brian Kolb: I'm good.

Peter Kosinski: That's good.

Ekow Yankah: Alright, I think we're meant to go, or some of us are meant to go into Executive Session, so I take it if we're okay with Monday March 15th we can close this section of our meeting.

Peter Kosinski: I'll make a motion we adjourn the meeting till March 15th.

Andrew Spano: Second.

Ekow Yankah: All in favor?

Peter Kosinski: Aye.

Douglas Kellner: Aye.

Brian Kolb: Aye.

Anthony Casale: Aye.

Andrew Spano: Aye.

Ekow Yankah: All opposed? All that's left for me is to say thank you to everybody and express again that I'm honored.

Peter Kosinski: Thank you Commissioner.

Bob Brehm: For those Commissioners staying for the Executive Session, I understand that Courtney will simply move you into the group so that you...

Peter Kosinski: So, I don't have to do anything?

Bob Brehm: That's my understanding.

Peter Kosinski: Okay.