

Commissioner Kosinski: Okay. I'm going to open the meeting here of the State Board of Elections here on October... I'm sorry, February 25th. My name is Peter Kosinski, Commissioner. I'm joined today by Commissioners Henry Berger, Tony Casale, Essma Bagnuola, and our staff. So we'll open first as a Board of Canvassers. We have some amendments to the November 5th, 2024 election results, which we have to affirm today. Who, at the staff, wants to explain these amendments?

Amy Hild: I'm happy to Commissioner.

Commissioner Kosinski: Go ahead, Amy.

Amy Hild: Thank you, Commissioner. We received amendments from six counties to their 2024 General Elections after our last meeting and those have been added to the totals. There are summary pages in the packet, they are pages 254 and 255 that spell out each of the changes. It certainly did not change any winners, but we present it for your consideration today.

Commissioner Kosinski: Okay. Are there any questions of Amy of this topic? If not, I'll entertain a motion to approve the amended certification.

Commissioner Casale: So moved.

Commissioner Kosinski: Second?

Commissioner Berger: Second.

Commissioner Bagnuola: Second.

Commissioner Kosinski: We have a second. Motion is second. Any questions? No questions. All in favor, aye?

Commissioner Casale: Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye. Opposed? And that's passed unanimously. That's all we have before the Board of Canvassers today. So we'll go out of the Board of Canvassers meeting and into the Board of Elections. Our first order of business of the Board of Elections there, approval of minutes of the December 9th, 2024 meeting. I assume all the commissioners have received a copy of that. Is there a motion to approve?

Commissioner Berger: So moved.

Commissioner Casale: Second.

Commissioner Kosinski: Second. All in favor?

Commissioner Bagnuola: Aye.

Commissioner Kosinski: All in favor signify by Aye? Aye.

Commissioner Casale: Aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: And any opposed? Hearing none, it's approved unanimously. We will move on to unit updates. We have Kristen Zebrowski Stavisky, Ray Riley, whoever wants to start.

Raymond Riley: Thank you, Commissioner.

Commissioner Kosinski: Ray, you start. Ray, why don't you start?

Raymond Riley: Thank you, Commissioner.

Commissioner Kosinski: Okay, my pleasure.

Raymond Riley: The Co-Executive Director has worked with staff throughout the agency, as well as coordinated with county boards of elections on several issues since the December 2024 board meeting. We have had several Special Elections that have happened, are planned, and are expected so far in 2025. I first want to say happy first day of designating petitions to all of the election administrators. Petition period runs through the first week of April. Final dates are March 31st through April 3rd. And we remind all candidates to check the state board website for where your designating petitions should be filed. In other news about the staff, six members of the State Board staff are working towards a certified elections registration administrator certification from the election center. This is the nation's first professional certification program for election and voter registration professionals. This program provides additional training and for competencies for election professionals and provides us with an opportunity to interact with administrators from across the country.

I want to do a final, final update on the November 5th, 2024 election. At our last December meeting, we certified our results and following that, we sent certificates of ascertainment to Washington, D.C., as well as to the Secretary of State. On December 17th, the New York Electoral College met senior members of the State Board who were in attendance to watch the proceedings. Following the meeting, all necessary documents were sent to Washington to ensure

compliance with federal law. I just want to thank the Governor's office as well as the Secretary of State's office for their partnership in these post-election activities.

Moving on to OVR and AVR, since May 31st, 2023, deployment of online voter registration both here at the State Board and the New York City Board, I've had 432,230 New Yorkers use the online portals to register, 180,846 through New York City, 251,384 through the state board. Since our last unit report, 36,645 New Yorkers have registered through the online portals. We continue to monitor usage and seek to raise awareness so that all residents can access the system. We're working on enhancements to the system regarding the agency-wide software currently under development and we work to streamline the system.

In regard to AVR, our partnership with ITS to implement AVR in Clearinghouse is going exceptionally well. We meet more than weekly, teams are having regular meetings and testing for phase one is ongoing, but hopefully coming to a close soon. And we still have a schedule for a completion of the SBOE phase one for the second order of this year. When phase one is complete, agencies will be able to connect to our Clearinghouse to electronically transmit registrations directly to those county boards, and all paper forms that there will be will be included in phase two, which is currently in the early stages of development.

On to the PCFB SBOE integrated software, MTX continues to work with SBOE on the software solution for both Public Campaign Finance Board and the State Board of Elections. We once again want to thank Laura Baker, Ben Spear, Hope Hardwick for their work on this project. It's taken a lot of hours and a lot of time, and they have been on top of it from start to finish, so we appreciate the work they're doing. They still expect a functional version of the software to be from mid-2025 for PCFB to get work on 2026 election cycle. Cheryl touched on this briefly in the last meeting, but the governor's proposed budget was released earlier this year, and did provide full funding for SBOE and PCFB. As budget negotiations continue, we will continue to monitor any changes. Just want to touch on some updates regarding some of our federal partners in the cybersecurity and elections space. With the new administration in Washington, the executive branch has begun an evaluation of programs across all aspects of government. This process includes review on all election work from CISA and that's expected through March 6th of this year.

As was confirmed by our partners from NASED, the pause does not affect CISA incident responses or automated services, and regional directors are still available as a state resource. However, CISA did fully terminate funding for the election infrastructure information sharing and analysis center. The multi-state information sharing, and analysis center will remain funded and there is no indication of any changes to that. The MS-ISAC and EI-ISAC are holding the meeting currently and we will have more details on real-world impacts of that hopefully later today or tomorrow. NYS BOE has routinely partnered with CISA on multiple tabletop exercises since its creation in 2018, including five separate tabletop exercises in New York state last year. While we await the impact of these changes, the state board and our state partners remained committed to ensuring secure elections in New York State.

Earlier last month, the January Elections Commissioner's Association biannual conference took place in Albany. This four-day conference is an opportunity for both new and long serving election commissioners and staff to interact and present on various topics. As always, SBOE was available to answer questions and presented. The August conference is scheduled for Lake Placid this year. In regard to our ongoing meetings, we continue with meetings scheduled with the Division of Budget and with the Division of Election Law Enforcement here at the State Board. We continue to meet biweekly with the Executive branch. We meet monthly with Office of General Services regarding procurement and bimonthly with the New York State Internet Technology Services. Co-Executive Directors and staff continue our monthly conference calls with the Election Commissioner's Association at the State of New York, and we continue to work on training and guidance of county boards and provide them any resources or tools that they may need. I'm going to pass it over to Kristen for any additional comments she may want to add or any questions the commissioners may have.

Kristen Zebrowski Stavisky: Thank you. I just want to add to the update with our federal partners. I cannot say enough: security is not a partisan issue, and the partnership we have had with CISA and the EI-ISAC has been invaluable. In addition to the tabletops, they have given us many materials, mail handling materials. They have come here and done an evaluation of the physical and cybersecurity safety of this building. They have given constant support and materials printed about what to do if there's an emergency to us, to the county boards. They've also been available to actually go into counties and evaluate poll site safety and their election offices and warehouse facilities.

I'm happy that NASS and NASED, the National Association of Secretaries of State and the National Association of State Election Directors has actually done a bipartisan letter asking that the services remain and highlighting how important they are. And I will say that when you have an Election Security Advisor on the phone with you, one minute after you've called 911 while your staff is standing there with mail that they've opened that has an identified white powder in it, with tears streaming down their face, it's pretty nice to know we can pick up the phone and have a federal partner right there telling us what to do.

So I can't say enough about these professionals. It has never been about a partisan effort. It has been about safe and secure elections, and I really do hope that the end of the review on March 6th is a positive one for these organizations. And I thank all of the staff for their hard work for last year and as we go on. We're already in another cycle. But we went into that presidential year completely prepared from a security and cybersecurity perspective and that is because of our federal and our state partners, and we owe them a debt of gratitude.

Commissioner Kosinski: Okay. Any questions for either one of the Executive Directors? Hearing none, we'll move on to Election Operations with Amy Hild and Jude Seymour.

Amy Hild: Thank you, Commissioner. Since our last meeting, we worked with county boards to complete and collect their annual surveys. And we completed our draft EVE survey and submitted that earlier this month with our final version due next week. We also worked with PIO on their portions of the survey and compiled that. We prepared the amended certification for the

General Election, which was presented to the Board of Canvasses earlier today. We received and disseminated some party calls and prepared the certification of offices to be filled with the next General. We coordinated with our Compliance unit to help collect local filer information for village elections. We have continued acceptance testing of new voting equipment at counties. Since our last meeting, we've tested approximately 1,750 machines in several counties including Suffolk, Monroe, Chautauqua, Cattaraugus, and Delaware, with Schuyler and Broome counties scheduled for later this week. We prepared a disseminated draft calendar for 2025, including a very detailed informational calendar that are very helpful for county boards that are monthly.

We presented and participated in the Election Commissioner Conference last month. And later this week, we will begin a monthly training with new commissioners. Of course, all commissioners and deputies and other staff that they think should attend are welcome to attend the training. We'll be working with PIO on this, and this month's focus will be on giving an overview of the State Board, reviewing resources available to county boards, and looking at the Guide to Running a Board and the upcoming calendar. By way of voting systems and voter registration systems and electronic poll books, the only thing to report is two electronic poll booths, both Tenex and KNOWiNK, we have approved de minimis changes and ES&S has indicated to us earlier this week that they will be submitting a new e-poll book for testing and consideration next month, and with the hopes that testing could be completed and presented for consideration before the June primary. And Jude, I don't know if you-

Jude Seymour: I have nothing else to add, Commissioners.

Commissioner Kosinski: That's it? Okay then. Any questions for either Amy or Jude? Hearing none, we'll move on to the Counsel Compliance office. Brian Quail and Kevin Murphy.

Kevin Murphy: Thank you, Commissioner. We'll start with an update on some litigation that is still outgoing. First, some good news in that the Upstate Jobs party matter, which was the contribution limits and housekeeping challenge for independent bodies, had worked its way through the Federal Courts. Cert was denied by the Supreme Court yesterday morning, which closes the book on this longstanding matter, and just as a reminder to those in the room that were here at that point, that complaint was originally received by the board in April 2018. So we've been able to close the book on that matter now. In-

Commissioner Kosinski: Kevin, maybe you could just quickly say what the matter was about.

Kevin Murphy: Sure. There was a challenge that, effectively, an individual brought a challenge claiming that independent bodies should be able to avail themselves of the contribution limits and housekeeping accounts that are afforded to the parties in New York state without having to meet the requirements to be recognized as a party under the statute, the revised statutes that changed those thresholds for the number of votes that needed to be received in the previous election. In the federal court, it was kind of a split between being granted the housekeeping account but not the contribution limits. But then Second Circuit, upon review, reversed and found that they were entitled to neither housekeeping accounts nor the contribution limits, and the Supreme Court declined to hear the case following that. So the Second Circuit's decision

stands, and the status quo is effectively maintained for independent bodies not being able to avail themselves of those accounts.

Commissioner Kosinski: Okay. Thank you.

Kevin Murphy: Thank you. In *Fossella vs. Adams*, the New York City non-citizen voting case, the Court of Appeals held the oral argument in that matter on the 11th of this month. We are awaiting a final decision in that matter. In *Walden vs. Kosinski* is the challenge to the restriction on party naming using the word “independent” or “independence”. A preliminary injunction has been filed in the Eastern District of New York. That motion has been fully briefed as of the seventh of this month, so we are awaiting a decision by the Eastern District on that and hope to have that shortly, which effectively leaves two other cases that we are still working through in the long-term. The first being *Common Cause vs. Kosinski*, the Express Vote XL challenge. The appeal from that continues in the Third Department. This was effectively seeking to force the Board to revisit its approval of the machine. That was denied in the trial court and an appeal has been taken from that decision. The most recent development in that is a 30-day extension was sought by multiple parties as of February 10th. So this is still very much ongoing. We'll keep everybody apprised of any developments there.

And then finally, in *Frenzel vs. Moore*, is the federal challenge in the Western district to the OTB write-in statute. This is also a long-term one that has been lingering. We have taken no position in this matter. An interlocutory appeal was denied by the Second Circuit from a previous motion, so this is still lingering in the Western district, the most recent filing having been from last September. So we are simply waiting on any developments in that regard.

In the line warming case, we have completed settlement negotiations and finalize those through our outside counsel, Harris Beach, who have done a phenomenal job in assisting with those... Well, leading those negotiations. We came to an agreement in that regard, and we are completing the processing of payment to the other side with assistance from the Attorney General's office, which brings us to some broader picture items.

Primarily, the Voting Rights Act that has been enacted requires language assistance to be provided in certain jurisdictions where certain qualifications are met regarding those populations that primarily use another language and would require that kind of assistance. We're required to do an analysis that breaks that data down all the way to the town and village level. We have retained a subject matter expert to assist the Board in doing these calculations to help us determine which jurisdictions are going to fall under these requirements. We retained this individual actually yesterday, I believe officially. He previously did a very similar line of work in the state of Connecticut, so we are looking forward to completing that work with him. Similarly, another recently enacted statute, the Judicial Security Act whereby judges are able to have their personal information made confidential in the voting database. We continue to work internally with IT and externally with both OCA and the federal court system to ensure that that is enacted properly. We still have some technological hurdles we're trying to get through internally and we are also working with the courts on how best to streamline that process to make sure that everything moves as swiftly as possible as the statute requires action to be taken within a fairly short period of time once those requests are received. Speaking of legislation, we

will be covering our legislative agenda later on in this meeting, but we do continue to closely track bills that are passing in the current legislative session for any developments in that regard. And we are finalizing the proof for final submission for the 2025 Election Law book, which will have a nice vibrant yellow cover that will surely stand out on all bookshelves.

Turning to the Compliance unit, since the last board meeting, about 4,200 reviews have been completed since the last board meeting with about 800 currently outstanding. The unit has registered 348 candidates and 197 committees while terminating 400 records of committee candidate records. We have also processed 530 emails through the CF info account providing various levels of assistance depending on the requests that have been made. We have about 4,400 non-filers for the January periodic that we continue to work through to try to bring those individuals into compliance and have conducted two live Winding Down the Campaign Webinars since the last Board Meeting that had a total of 170 attendees. And in that regard, I just want to follow up that Compliance report with a heartfelt thank you to the Compliance staff. We had a very busy 2024 that required a significant amount of work and just have a really strong team that allows Brian and myself to provide these reports and make things look easy on our end. So just a very heartfelt thank you to the compliance staff for all their hard work over the last year. We look forward to continuing that work in this local election cycle, particularly with the county match program that we continue to work through. That is all I have, and I'm happy to hand it off to Brian if he has anything to add.

Brian Quill: I have nothing to add.

Kevin Murphy: Thank you.

Commissioner Kosinski: Thank you, Kevin. I want everyone to be assured that the Commissioners are well aware of who does the hard work at the Board. So we'll move on now to... Are there any questions for Kevin or Brian? None. Then we'll move on to Enforcement and Mike Johnson.

Michael Johnson: We've been undertaking... Following up on what Kevin mentioned, we've been following up on the non-filers. And our numbers, as far as the non-filers go, for the July... Excuse me, the January of non-filers, we sent out approximately 1,500... Excuse me, 1,505 letters to the committees, the non-filers and to the candidates, the candidate letters, because we send out letters to both the committees and the candidates. We sent out 1,061 letters to the candidates. We also follow up with emails as well. The emails that we sent out for the January 2025 non-filers, the total emails that were sent out were 2,422. Now the number of committee letters that went out in July of 2024 was 1,964. The numbers in terms of non-filers who we send letters to and pursue in terms of non-filing, the number is continually going down. Now since the July periodic, the 1,964 certified letters that were sent out, at the previous board meeting, Commissioner Berger, you asked how many were still left out of that July number?

And the numbers that we show that people that still hadn't filed was 871. That's the number that's still outstanding. And as far as how many of those people were still on our January non-filer list, that number is down to 767. But if we were to take Enforcement action against that 871, 396

committees certified letters were returned to us. No, they didn't accept it, so they were returned. Now out of that remaining, there's 475 committees. Now our experience with the last couple...

Our experience with the last mass non-filing proceedings, typically only 45% had verifiable delivery to addresses, which means if I look at the numbers, it's approximately 215 we'll be able to have verifiable delivery of the service. And at this point, out of that pool of 215, before issues with process servers, we're still looking at: how are we going to proceed with regard to the issues that we run into with the court system? We have met with the court system, once in particular, and we've outlined our issues that we have with regard to our mass filings, especially the last round of 175 or so.

One of my Counsels here, James Barron, he's been particularly responsible for trying to work with me, James Barron, and our IT specialist, Dennis Girard, working with the court system to try to come up with a solution that's going to allow us to do mass filings. For instance, the way the Tax and Finance department does. We're still working through it. They've told us that a lot of the work has to be done by us because it will require programming and things like that. Is it impossible? No. They tell us that it will require healthy amount of work on our part to be able to do a mass filing where we could file 200, 300 judgments at a time.

Commissioner Berger: Have you consulted at all with the Tax department to see how they're able to do this on a much larger scale? Is there a way to use their experience to expedite this so we can begin to do this again?

Michael Johnson: We actually asked that question of the court system; how do they do it? How did they work this out with Tax and Finance to be able to do that? Do you want to explain?

James Barron: So Tax and Finance does these mass filings of tax certiorari, tax cert, cases where, it's Tax versus whoever it is on their platter, based on the file processes. It's on a mass filing basis. The system's been around for more than a decade and was a result of, apparently, a legislative action. And apparently, as I was able to ascertain, Tax basically paid for the development of its own system, and the courts just allowed their system to push into their existing electronic filing system. So the same deal could essentially be taken for us, except we haven't developed a system to do so. And this goes back to, you know, electronic filing is going to be the future. Right now, certain cases are exempt unless you choose to file that way, but we took the approach of filing these cases as a trial. The first case of 25 was a pilot. The second case of 176, apparently one of the treasurers had two committees, was to see what problems we would face when we scaled it up, and...

Michael Johnson: We did face a lot of problems.

James Barron: We had a lot of problems. I got timed out when I was trying to input the larger batch of 176. So we asked the Court to just do it for us. It took three individuals at the Court's IT *[inaudible]* division to do it in concert in order to get 176 done in one day. They were doing them in batches of 25, just like how I was able to do with the original 25. But just once you hit a certain point, the actual filing system itself may time out on you, and to a certain point you're

forced to input the names and titles and addresses of the respondents five at a time, save, move forward, another five at a time. And it just became a very time-consuming thing. It's not impossible, but unless you're clicking on a keyboard, you're going to get timed out by the security features of NYCEF's filing system. So for the 176, we had to coordinate and ask for the department's help. We did, and we'll continue to work with the IT department to try to figure out that new solution to *[inaudible]*.

Michael Johnson: What they did is they provide us with certain web platforms that integrate with their system. So we are looking at that and figuring out what kind of program would be needed and then we'd be able to integrate it with support systems. So for us, it's not impossible, it's just going to take a little bit more time.

Commissioner Berger: Do you have the IT support you need to bring this to fruition?

Michael Johnson: Well, we've looked at that. Our IT specialist, he's looking at it because as he said to me, I'm not... I don't really... Programming is what he has to look at and see how much of a hurdle is it for him. And what we've also done is we use, for our law research and things of that nature, we use Thomson Reuters. So we've been using them and consulting with them in terms of can they provide us with some sort of programming or a solution to help us? They're not certain, they're looking into it.

So that's where we are with us. The court system, I will say, they've been wonderful in terms of helping us. And we've done video conferencing and what they've said is anytime you have any questions, just reach out, set up a meeting because at the end of the day, it helps both of us. It helps us because our numbers go up as far as electronic filings is concerned and it can provide you guys with a much, much easier process to get this done.

Commissioner Berger: I'd like to think that if you need more IT support, you'd like to make sure that you get it, to get this thing actually moving, get back on top of it.

Michael Johnson: What I'm going to, in talking with Dennis, I'll have him provide us exactly from an IT perspective, what do we need to get that done? Does he need any more help? Does he need any outside help? Is there any help within the board itself that might be able to help him? So once I get that information, I'll come back to you, to co-executive directors and see if we can actually work something out.

Commissioner Berger: Mr. Chairman, that's all I have at the moment.

Commissioner Kosinski: Thank you, Commissioner Berger. Are there any other questions? Hearing none, we'll move on to NVRA and PIO with Kathleen McGrath and Jennifer Wilson.

Kathleen McGrath: Good afternoon, Commissioners. To start off with a FOIL update of where we are in our general public information function. Since the December 9th board meeting, PIO has received 447 FOIL requests, of which 439 of them have been completed, leaving eight remaining outstanding or in process. In terms of the State Board and PCFB website, we've done

a number of additions and updates to both of them since our last meeting. For the SBOE site, we added our certified results from the 2024 General. We've removed all the information about 2024 Elections and added information about the 2025 Primary and General, including registration, deadlines and voting information. We've published both the 2025 political calendar as well as the 2025 campaign finance filing calendar.

Commissioner Kosinski: Kathleen, I'm sorry to interrupt. Can you help me for just a minute here? I know that we try very hard to put all of our information up on our website and I think you do a good job of it, but you're telling me you've gotten over 400 requests, FOIL requests. Why are you getting so much FOIL requests? Is this information that's not on our website?

Kathleen McGrath: Yeah. Most of the FOIL requests we process are either voter lists or requests for voter records. So while publicly available, you have folks looking for voter lists, whether it's candidates running for office, parties, or other groups that seek to track that sort of thing. You have folks looking for their own individual voting record. Those are the majority of the FOIL requests we receive. We also receive things for party bylaws, petition copies, but the vast majority are for voter lists that IT is super helpful with providing for us. So that's not something that is defaulted to being public on the website but is certainly publicly accessible.

Commissioner Kosinski: Okay, thanks.

Kathleen McGrath: Of course. At the beginning of the year, we turned back on our ballot request portals for both absentee and early mail ballots. We updated our voting technology information pages for various county boards. We've added some new educational materials both in English and Spanish. And just last week, added the new enrollment figures based on the February 14th enrollment change deadline. For the PCFB website, I know this was covered a bit in the earlier meeting, but we did conduct the post-election audit lottery, published the results and created a page where all those lotteries will be available. We've added final determinations, the final public matching fund disbursement, as well as new filter page that disposes all of their public matching funds for a better user experience. We've updated their training information as well as their primers and published the end of cycle report that Cheryl referenced earlier. And of course, on both sites, board meeting information for today is published.

In terms of county board outreach, we did ensure that all our county boards uploaded their voter histories after the conclusion of the 2024 General. As has been mentioned, we did participate as well in the January ECA Conference in Albany, presenting on grants, voter list maintenance, FOIL and communications best practices. We have transmitted the national change of address files to all the county boards as required to be done every February. In terms of county visits, since we last chatted on December 9th, we've only had one county visit by our team and that was to Washington County, but we have 14 more visits coming up in the next month or two. So our folks will be on the road to talk to county boards about their list maintenance and grants. And we regularly engage and post on Civic Roundtable to communicate with our county boards and we provide them regular guidance about FOIL requests as well.

We are in ongoing communication with DMV to streamline how it is submitting voter registration information and updates to boards of elections. And since our last board meeting, our NVRA coordinator, Dan Toomey, has been working with the New York City HRA, that's the Human Resources Administration, to update their agency's list and sites and work out a training schedule for all of their subunits or their branches of their organization. In terms of media, certainly quieter than around the election time, but we've responded to a number of inquiries regarding a wide variety of issues for SBOE that includes the General Election results Certification, Electoral College procedures, AVR, enrollments, the earlier Onondaga County backlog in its year-end report to us, a local Special Election in Saratoga County last month. The potential Special election may occur in Congressional District 21, write-in procedures for ballots and campaign finance reports. And for PCFB, we've responded to inquiries regarding surplus calculations, audit processes, its end of cycle report, and contribution limits.

For social media, we did a series in mid-December called the 12 Days of Election Security, which we posted about giving facts about elections and voting. We had done 10 days in previous years, so we upped it by two days and had 12 days of Election Security this year. We posted about the January Period Campaign Finance Disclosure report reminders, notices of website and application maintenance. We shared an op-ed from the Times Union that was written by a poll worker about how working the elections proved to them that elections were secure and safe and information about party enrollment deadlines and board meeting info. We continue to have presence on Facebook, Instagram, and X or Twitter. Since our last meeting, we've published 19 posts. We have had a small uptick in followers on both Facebook and Instagram. However, a small decrease, 1.4% of followers on Twitter, and I will say that the loss of followers isn't surprising with the recent exodus from the platform, but we continue to have engagement on there. It's certainly worth the Board's time to disseminate information that way.

We're currently drafting content for the upcoming spring months. Our email service contact list has grown 4.4%. Since the December meeting, we now have just shy of 3,000 subscribers and we've sent out two blast emails since that last meeting. One, introducing the 12 days of election security and one about the enrollment deadline back on Valentine's Day. Just a couple of miscellaneous things I want to cover before I pass it over to Jennifer. First, since our last meeting, we have instituted, along with the Co-Executives an Employee of the Month Program here at the State Board, employees are encouraged to nominate a colleague who they feel goes above and beyond their service to the Board and the voters. One individual has chosen each month and recognized agency-wide for their hard work. And we've really seen as the State Board has increased in staff and size of its staff over time, it's more important than ever to have these intra unit communications.

So all staff understands the other functions of the Board's units. And personnel in PIO, bit of personnel news. Since the last board meeting, we have onboarded our temporary employee to a full-time position. Jordan McCann is now an assistant PIO, language access specialist. She's a fantastic addition to not only our team but also to other units within SBOE as well as the county boards as we try to increase our presence and communications in more than just the English language. So very lucky to have Jordan on board. If there are no questions for me, I will pass it over to Jennifer for the grants update for this meeting.

Kristen Zebrowski Stavisky: Can I say something about Jordan?

Kathleen McGrath: Yes.

Kristen Zebrowski Stavisky: Commissioners, recently, Jordan actually reached out proactively on Civic Roundtable to ask the counties what materials they might be interested in in Spanish. And I just wanted to... I thought that was a great move, and that I think shows us we should do more of that. Right?

Kathleen McGrath: Absolutely.

Kristen Zebrowski Stavisky: It was nice.

Commissioner Kosinski: Are there any other questions for Kathleen? If not, we'll move on to Jennifer has a report on our grant. Is that right?

Jennifer Wilson: Yep. Good afternoon, Commissioners.

Commissioner Kosinski: Go ahead.

Jennifer Wilson: Okay, thanks. The Grants team is continuing to collect and submit grant contracts extensions and claim for active state and federal grants. Currently, we're waiting to see whether our grants are going to be re-appropriated in the state budget for fiscal year '25-'26. The proposed executive budget did include re-appropriations for all of our current grants, along with the new \$5 million grant for Ballot by Mail Postage. But we are still waiting for the one house budgets for the Senate and Assembly to be released. We will not know whether or not our funds are going to be re-appropriated until the final budget is passed, but we remain very hopeful that we are going to see all of those funds re-appropriated. For federal grants, in January, we submitted our semiannual FFR for our HAVA election security grant to the Elections Assistance Commission. Our grants team's also worked on a review of our HAVA purchased equipment to ensure compliance with federal reporting and tracking and that review is ongoing.

And then just one more final note on federal grants. In January, there was an order to freeze federal grant funding. There has been no impact on the State Board of Elections, federal grants following that freeze and unfreeze. When we do get new funding allocated to the state board, we immediately issue a letter requesting to have those funds released. And at this point, all of our funds have been released to the state. So all of our active federal grants have received those funds and there has been no disruption in the spending of those funds. If that does change, we will certainly let you know and keep you advised. And that's all I have for Grants. Thanks.

Commissioner Kosinski: Okay, any questions for Jennifer? Hearing none, we'll move on to ITU and Laura Baker.

Laura Baker: Hello Commissioners. In addition to the AVR update that was already given by the

Executives in the MTX project, the IT unit has undertaken something we're calling the Systems and Application Modernization Project. It's a whole lot of words for basically we've inventoried how we've been doing purchasing over the last however many years, and how many applications we've purchased and inventoried them all, determined what's doing similar things, what can we use, how we're scheduling hardware refreshes. So we managed to get all of our hardware on a refresh cycle of every five years. We've consolidated multiple applications into either some managed services or into one application while letting some of the other things lapse. This helps with our staff being able to maintain and keep track of all of these applications that are mission-critical to us.

In the last two-day weekends... Three-day weekends, our infrastructure team has been here or at one of the other two data centers replacing all of the network hardware that was now running this meeting, and that we use to serve up all of our applications to the public. They deserve a huge kudos. That was an enormous amount of work. We saw very little downtime, so we thank you to all of them for all the hard work that they did. The Secure Election Center is going to be hosting in-person cybersecurity training starting next month. They'll be introducing at that time everyone should have received an email with the new policies and governance in IT policy that's been accepted by the board. This is something that we've been working on for about the last six months. We've also, in conjunction with that, there's an updated incident response plan and now they're undertaking the revamp of the disaster recovery plans that always have to be updated every time you change any hardware, software, or any business processes. So those are what's going on in the SEC.

They're also doing outreach to the counties, asking about their needs in light of our sunseting the IDES project and an upcoming project that we'll be doing where we're replacing our network endpoints in all of the counties as they're all end life. So the Secure Election Center is very busy. And other than that, our infrastructure team, again, the help desk has been supporting office moves as the office continues to grow and PCFB is aligning their employees. And that's all I have.

Commissioner Kosinski: Okay. Thank you, Laura. Is there any questions for Laura? Hearing none, we're going to move on on our agenda. We're now down to old business. Old business. Any old business? Hearing none, we'll move on now to new business. New business. So new business, we have several items. So we'll start off with the voter registration form. There's been a change to the form, and I think our staff may want to just uprise us of it, but it's here for our approval today.

Raymond Riley: Commissioner, the previous New York State voter registration form had a box in the optional questions number 15 that used to provide voters with an opportunity to request an application for an absentee ballot upon registering to vote with the passage and then the court being finalized for early mail ballots and there being multiple options. We are replacing the term absentee ballot with mail ballot on the form so that they can apply that. This will obviously give the voters the same opportunity to get a ballot and also will minimize any technical changes to online voter registration systems by maintaining a single question so that they can simply

continue to pass the information through as they currently do, which is changing the work. If there's any questions, I think we're happy to take them, but that is the only change.

Commissioner Kosinski: Okay. Yeah. I just have a question about the process. So if I check that box that will trigger the Board of Elections that sees my voter registration application to then send me a mail ballot application?

Raymond Riley: That's correct.

Commissioner Kosinski: And how long will that mail ballot application be good for?

Raymond Riley: Mail ballot applications are good for, depending on what date the voters select, they could be good for any election up to the end of that calendar year.

Commissioner Kosinski: Okay. So it's good at a maximum for the calendar year in which the voter registration form is submitted. Is that accurate?

Raymond Riley: It would be good for the calendar year with which the then subsequent mail ballot application is submitted, not the registration. So then whatever... We'll send them the application, if they decided to return it-

Commissioner Kosinski: I guess, my question is, does this checkbox trigger the board to send out a mail application every year to that voter?

Raymond Riley: No. Just the one.

Commissioner Kosinski: Just for that first year?

Raymond Riley: Yes.

Commissioner Kosinski: Okay. And then subsequent to that, if the voter wanted a mail or a mail ballot, they'd have to submit another mail application. And that mail application is available on our website?

Raymond Riley: The application is available on our website. The portal exists where they can apply. I will say that in the annual information notice that the boards are required to send to voters every year. We give them information about the portal and about applying for a mail ballot. So they'll get the first one off of this. And then if they choose to reapply on any subsequent year, we are physically mailing them that information every year.

Commissioner Kosinski: Okay. Is that part of the voter check card?

Raymond Riley: Yes.

Commissioner Kosinski: Okay. But those were my questions. Any other questions? If not, I'll entertain a motion. Whatever the commissioners want to do.

Commissioner Berger: I move resolution 25-01.

Commissioner Kosinski: We have a motion here.

Commissioner Casale: Second.

Commissioner Kosinski: We have a second. No questions. All in favor, aye.

Commissioner Casale: Aye.

Commissioner Bagnuola: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye. Opposed? And that is carried. We'll move on to the second item under new business. And that's a new affidavit ballot envelope with some changes. And again, I would ask the staff to go over those changes with the commissioners.

Raymond Riley: So following the introduction of early mail and a number of other legislative changes, the affidavit ballot acknowledgement and affirmation was out of date on the previous form. It did not account for early mail ballots, and did not account for absentee ballots. The form did not account for the need to vote by affidavit if you were missing your signature as two examples. So we took it upon ourselves to update that language.

Additionally, following both some legislative changes in 2019 and 2020 to 9209, requiring substantial compliance. And then also following a very specific court ruling out of the Tenney Congressional race, whereby the courts were very specific that the checkboxes that were on the forms are no longer required, and that the only information required for a affidavit to be valid is simply the ability to find the voter in the system and confirm their eligibility, we have then since removed the checkboxes from the forms as they're no longer required. So those are the changes to the affidavit form.

Commissioner Kosinski: Okay. So once a voter... So they go into their poll site, their name isn't in the book, or they've been identified as having moved or maybe having received an absentee ballot, they would be then given an affidavit ballot if they so choose?

Raymond Riley: Yes.

Commissioner Kosinski: Okay. So once that ballot is marked and then cast by the voter, it goes back to the Board. Then what does the Board do?

Raymond Riley: So the Board will traditionally research the envelope for any and all variables. So there's no limitation on what the checkbox was on what the Board is doing research. They're

doing all research for every affidavit. So if I get an affidavit ballot and the voter, let's say, said that they got an absentee, I'm still putting them in the statewide match to make sure that they haven't voted anywhere. I'm still confirming that they are a duly registered voter inside the county. I'm still checking to make sure that they didn't cast and canvass an affidavit ballot. And those are just some of the steps. But those are taking place regardless of the reason, or in many cases, where no information in section B is provided at all. And in many cases, that box, those boxes would just be left blank by voters.

Commissioner Kosinski: So the elimination of those boxes doesn't change what the boards do with these affidavit ballot envelopes?

Raymond Riley: No.

Commissioner Kosinski: Okay. Okay. Are there any other questions?

Commissioner Casale: No.

Commissioner Kosinski: No other questions. I'll entertain a motion.

Commissioner Casale: So moved.

Commissioner Kosinski: Moved to adopt. Is there a second?

Commissioner Bagnuola: Second.

Commissioner Kosinski: Seconded. All in favor, aye.

Commissioner Casale: Aye.

Commissioner Bagnuola: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye. Opposed? Okay, then that's the second item. So the third item on our agenda are the hearing officers. We're looking to reappoint. So these are reappointments I understand, not new appointments of three people who are apparently currently hearing officers. Am I correct on this?

Kevin Murphy: That's correct.

Commissioner Kosinski: Okay. And we're just reappointing them. So what do they...they serve a term? Is that how this works?

Kevin Murphy: Yes. Is it annual?

Aaron Suggs: Two years.

Kevin Murphy: Two years. Sorry. Two-year term. And these three hearing officers are up at the end of April and to ensure that we were not up against our next Board Meeting in terms of reappointment, we wanted to do that at this meeting.

Commissioner Kosinski: Okay. So we're appointing them for a two-year term beginning April, or actually May 1st, 2025 and expiring April 30th, 2027. Correct?

Kevin Murphy: Correct.

Commissioner Kosinski: Okay. And these hearing officers do what?

Kevin Murphy: When we have a matter... Well, for any number of reasons relating to not following the requirements under our campaign finance regulations, these may be requested by the Chief Enforcement Counsel in order to basically hear the facts of the matter and make a factual determination as to whether a violation has occurred, which would then permit the Chief Enforcement Counsel to pursue judicial remedies or enter into settlement negotiations accordingly.

Commissioner Kosinski: Okay. Do you know how many hearings we've had in 2024?

Kevin Murphy: Hearings, so assigned to hearing officers?

Commissioner Kosinski: Yep.

Kevin Murphy: I would say, probably about maybe 10, a dozen.

Commissioner Kosinski: Okay. Okay. Now these three, are these all of our hearing officers, or are there more than these three?

Kevin Murphy: There is one more. We currently have four hearing officers employed by the Board.

Commissioner Kosinski: Okay. And that person's term is not up?

Kevin Murphy: He was reappointed last year; I think last fall.

Aaron Suggs: It's up at the end of the December.

Kevin Murphy: So his term will be up at the end of this year. This year.

Commissioner Kosinski: Okay. So we'll have four hearing officers... We'll continue to have four hearing officers available. And that seems to be serving its need? That's a sufficient number?

Kevin Murphy: It is currently. We have had up to six, and we do actually currently have an active posting on the state job board soliciting additional applications. But I believe we have yet to receive any applications as a result of that posting.

Commissioner Kosinski: And these people are paid hourly, I understand?

Kevin Murphy: Yes.

Commissioner Kosinski: So they're only paid when they're working?

Kevin Murphy: Correct.

Commissioner Kosinski: Got you. Okay. Any other questions? If not, I'll entertain a motion to approve.

Commissioner Berger: So moved.

Commissioner Casale: Second.

Commissioner Kosinski: I hear a motion and a second. All in favor, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Opposed? That is also carried. We're going to move on to our fourth item. Actually, I believe that's an item that only myself and Commissioner Berger will consider. Am I correct on this?

Commissioner Berger: Yes.

Commissioner Kosinski: Yes. So this is a resolution that's... And frankly, Henry, you may have known more about this than I do. I don't really know what this is about. Why do we do this?

Commissioner Berger: Because the State Finance Law requires us to do it.

Commissioner Kosinski: Well Henry, you must know more than that about this because you were on that commission, I believe. Why did they go through this process of us approving some dollar amount here?

Commissioner Berger: When the program was adopted, there were a series of meetings with the Controller's office, the State Finance on how the monies would be transferred. And State Finance wanted us, the Board, to have specific authorizations for each allocation of money. And the final

solution was just to have the two chairs do it and not require it to go to the whole board. It certainly is not the most efficient way to do it, but it's what the State Finance law says. At this point, I don't think it's worth fighting about. At some point, we can go back and try to-

Commissioner Kosinski: No, I'm not going to fight about it. I'm just curious why we're doing this, because it seems to me there's a budgetary amount that's been allocated for this program in the State Budget. That money is appropriated for this specific purpose. And it's seeming like that was the necessary authorization that the PCFB had to spend money on behalf of these candidates. And it's just not clear why we're involved in doing a second round of appropriations here. So I guess, we do this just for the potential Specials coming up, and then we'll have to do another appropriation next year during the regular election cycle.

Commissioner Berger: Yes. We'll get a new estimate for expected program costs, and then we'll have the appropriations.

Commissioner Kosinski: Yeah. And the \$5 million just sort of popped in someone's head or where did we come up with that?

Raymond Riley: I think it's a ceiling. I think we wanted to ensure, based on the unknowns of Special Elections in New York state, that we wanted to not have to bring you back again, Commissioner, and just do one now until April of next year.

Commissioner Berger: Staff looked at Special Election histories over the last few cycles, and they expect that worse this year. We could have two Special Senates and four Special Assemblies, and this money will be more than enough to cover that.

Commissioner Kosinski: Okay.

Commissioner Berger: If there's a flurry of extra Specials, we may have to take on the onerous task of doing this again, but I don't think that that will happen.

Brendan Lovullo: We'll have time to prepare though, at least 60 to 70 days.

Commissioner Kosinski: Okay. Okay. Well, Commissioner, do you want to make the motion?

Commissioner Berger: Yes. I move that you and I approve.

Commissioner Kosinski: And I'll second it, and I'm in favor, and I'm sure you are too. Am I correct? I knew you would be. So that's approved and we'll move on and not waste the other Commissioner's time with any more on that. So let's move on to our 2025 Legislative packet, which is, I believe, the last item on today's agenda. And there's a packet that we submitted by the staff to the Board. I believe this is a lot of proposals that have been out there for years and not taken up by the legislature. And so we're resubmitting them again to the legislature for their consideration. Are there any questions or comments? And I see Commissioner Casale?

Commissioner Casale: Maybe the staff could tell me. To whom do we submit this request?

Brian Quail: So what we do with these is we take the adopted version that the Board has provided and all the backup, bill language, and we send it the leadership in the Assembly and the Senate. I believe we also send it to the Minority as well.

Raymond Riley: Yes.

Commissioner Casale: And we leave it to them to decide whether or not to introduce these bills?

Brian Quail: Yes. It's up to them as to whether or not to introduce them because they're not technical.

Commissioner Casale: Are we in a position to submit departmental bills?

Brian Quail: We don't do departmental bills. So this is the statutory mechanism that we use and the Board dictates whether or not to submit them. These don't go through any review at the Executive level on the Second Floor in the Capitol. These come directly from you and go directly to the legislative views.

Commissioner Casale: And just off the tops of your heads there, in previous years, how many of the bills or proposals we submit have actually been introduced?

Brian Quail: I don't have direct statistics. There are a fair number depending on the year.

Commissioner Casale: I guess the question is do we actually reach out? Do we do anything proactive asking various legislators or committee chairs to introduce these bills on our behalf?

Brian Quail: Yes.

Commissioner Casale: We do. Okay.

Commissioner Kosinski: Okay. Anything else about this packet? Any proposals anybody wants to talk about? Apparently not. Okay. Then I would entertain a motion. I guess the commissioners have to approve this before the staff takes them across the street and submits them to the legislature. Is there a motion to approve?

Commissioner Berger: So moved.

Commissioner Kosinski: And a second?

Commissioner Bagnuola: Second.

Commissioner Kosinski: And we have a motion a second. All in favor?

Commissioner Casale: Aye.

Commissioner Bagnuola: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye. It's moved. I believe everyone's in favor. So we'll see what happens this year. Yeah, I mean my experience with this is we don't have a lot of luck over there, Commissioner. Typically, the legislature has their own ideas of what they want to do in the election arena and-

Commissioner Casale: Tough bunch. Tough bunch.

Commissioner Kosinski: I know, I know. And they don't necessarily take our advice, but it's worth submitting stuff anyways, just to see. I know the local commissioners also do the same thing. They have a little packet they submit. I don't know what kind of luck they have, but probably no more than we do. At any rate, that's the end of the meeting unless there's an Executive Session needed. I don't think there is. I'm not aware of one. That's okay. So we're not going to have one of those, so the meeting can be adjourned. Now, I'm hearing rumors about an April 28th meeting date. Is that true?

Kristen Zebrowski Stavisky: Yes. That's tentative. And we'll make sure you have a full year schedule, which I-

Commissioner Kosinski: Okay. I appreciate that. Well, then we will talk about that going forward. But tentatively, that's our next meeting and if nobody has any other business come before the board, I would entertain a motion to adjourn.

Commissioner Berger: So moved.

Commissioner Casale: So moved.

Commissioner Kosinski: And I hear many motions to adjourn, so we'll just take it at that, and we'll all vote on that one. All in favor, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Aye. And all in favor. Thank you again for coming to the meeting.

Commissioner Casale: Have a good evening, everyone.

New York State Board of Elections
Commissioners Meeting
February 25, 2025

Page 22 of 22

Commissioner Bagnuola: Thank you everyone.

Commissioner Kosinski: You too.

Kristen Zebrowski Stavisky: Thank you.

Commissioner Kosinski: All right.