

Douglas Kellner: ...Co-Chair Peter Kosinski, to my right is Commissioner Andrew Spano. Since the resignation of Commissioner Peterson, that seat remains vacant. We await the appointment of his replacement.

Peter Kosinski: I would just like to take a minute and note that Commissioner Peterson left at the end of the year and has not been replaced but we'll miss the Commissioner, he's been here since late 2011 and spent a number of years with the Board. And I always enjoyed working with Greg, he's a great Commissioner. He had a long and very storied service in Nassau County, and continued it up here at the State level, and I think he's decided to return to his roots in Nassau County, but I just wanted to make mention, he'll be missed, and I appreciated serving with him.

Douglas Kellner: I think we all share that sentiment. Alright so let's turn to our agenda. The first item on the agenda is the adoption of the minutes and Executive minutes from the meeting of December 12th. Is there a motion?

Andy Spano: So moved.

Peter Kosinski: Second.

Douglas Kellner: All those in favor say aye.

(Chorus of ayes) Alright. Those minutes are approved. So now we'll proceed with the unit updates. We'll start with our Co-Executive Directors Bob Brehm and Todd Valentine.

Bob Brehm: We were going to ask if we could take the Ballot Access rulings out of order maybe and do those first. There are two reasons; one it would help us get the notices out and I think one also is...

Kim Galvin: ... In court right now soon in Judge Lynch's chambers.

Bob Brehm: So at least we could say what we've done if we can do those first.

Douglas Kellner: Alright well if everyone agrees, we will start with the Ballot Access rulings. So, we've been given written reports. Let's make sure we're all looking at the same piece of paper.

Bob Brehm: We have two pages, there are seven items, four with regard to Prima Facie review, two with regard to objections and specifications, one that resulted in a hearing and then there is a sheet with regard to 1, 2, 3, 4, 5, 6, 7, 8 Libertarian candidates who applied to be on there.

Douglas Kellner: So, let's just briefly go through the ruling. So, in the Prima Facie you have...

Bob Brehm: The Presidential petition with regard to Elizabeth Warren, we received an addition to a full set of petitions a three-page petition which is insufficient on its face. That's the first one.

Douglas Kellner: Alright but the thing to stress there is that Elizabeth Warren will be on the ballot by the large petition that this was just this stray separate petition that's being ruled invalid.

Bob Brehm: Correct. It's the same issue on the next one down, issue #2 a congressional delegate slate that starts with Assembly member Stack in the 20th Congressional District. There is a full set of delegates pledged to Mr. Sanders is this one, but they also filed a separate single page petition with it so it's insufficient on its face from that one page. The third one is a delegate named Pasquale in the Second Congressional District. The Part A of the chapter that we are under for the Presidential requires us to do a Prima Facie review to ensure they're enrolled in the party and also a resident of the congressional district. This individual is not enrolled anywhere in the state or registered. So that means that they cannot be on the ballot. The fourth one Mr. Mensa is a delegate in the 17th Congressional District; he lives in the 16th so he's not eligible to be a delegate in the 17th. Mr. Armstrong is a Libertarian candidate filed petition for president and individual filed general objections, never followed up with specifications but the general objections themselves were late and the individual is not an enrolled member of the party eligible to bring the objection. The next one is Whitmore is the candidate, it's a Libertarian in Congress District 27 special election, we have a qualified objector, we have a timely notice but the underlying issues that they're raising are in court, we first served those papers, we sent a copy to...

Douglas Kellner: Alright just on that, on that issue the objection specific objection raises factual issues that we would have to rule on that ordinarily the Board would not get into?

Bob Brehm: Correct.

Douglas Kellner: And so that's the reason, it's not because it's in court that we're not ruling on it, it's because typically we decline to exercise jurisdiction where a fact hearing is required. Okay.

Bob Brehm: And then the seventh one is Mr. Delafuente, Republican Candidate for President. The requirement is to have 5,000 valid signatures, 5,204 were filed an objection was made, a hearing was held, and the staff recommendation is that the petition only has 4,111 valid signatures and therefore the petition does not have enough to sustain the nomination.

Douglas Kellner: Okay so is there anybody here who wants to be heard on any of those 7 items? Alright then, I would move that we adopt the report as prepared by the staff.

Peter Kosinski: I'll second that.

Douglas Kellner: Those in favor say aye.

(Chorus of ayes) opposed? Alright so the report has been adopted by the Commissioners. Now on page two, you have a chart of candidates who have applied to be listed on the Libertarian Party Presidential Primary Ballot and the Libertarian party has adopted the selected the alternative procedure in Election Law 2-122b which provides among the options for getting on the ballot that the Commissioners rule that they are nationally known. And you want to just summarize the report?

Todd Valentine: Yeah, what the report lists are obviously the name of the candidate and then the request that they had asked and in addition, there is a requirement under that section of law that any candidate seeking on the alternative methods as you said would have to file a complete slate of alternate in delegates with their request or by the same deadline that their request is due. Listed we had Ken Armstrong listed as nationally known as we referred to, he did file a petition and he did file a slate of delegates, but that slate was not filed timely. So, we recommend denial. Dan Berman also claimed in his letter to be nationally known. He did not file the required slate of delegates. Lincoln Chaffee also requested nationally known and again did not file the complete slate of delegates. Jacob Hornberger did file letter as nationally known, did file a complete slate of delegates and the recommendation would be to approve. Adam Kokesh filed a nationally known letter, did not file a slate of delegates. Sam Robb also claimed nationally known, did not file a slate of delegates. Vermin Supreme also nationally known and again did not file a slate of delegates by the deadline and just this morning Mark Whitney filed a letter nationally known which would be both the request and there was no slate of delegates. So, the request would be late, it was due on the 25th.

Douglas Kellner: So, seven of the eight are essentially prima facie invalid; have not complied with all the requirements of the stature.

Todd Valentine: That is correct, that would be the recommendation.

Douglas Kellner: And then Jacob Hornberger has complied with the statute and submitted evidence of national recognition so the recommendation then is that he be left on the ballot, and he would be the only candidate in the Libertarian Presidential Primary.

Todd Valentine: That would be correct.

Douglas Kellner: Alright so I'll move that...

Peter Kosinski: Just spend a minute going over this thing. Okay so as I understand it, all the delegates applied or all those candidates applied as nationally known, but the finding of seven of them isn't whether they're nationally known, its just they didn't file the delegates so we really don't have to make a determination of whether or not we would find them nationally known. We're making a determination that the failure to file the

delegate list is a fatal flaw, so they are not eligible to appear on the ballot for that reason. So, Mr. Hornberger is the only one who complied with the delegate requirement and then he has to also establish that he's nationally known. And from what I've seen and been told, he has qualified in a number of states around the country to be on the ballot for their primaries and is apparently nationally known, at least within Libertarian party circles as opposed to necessarily other circles. But that he would comply as nationally known for those reasons. His eligibility for other state ballots and that reason. So that's the reason he would then be allowed on the ballot? Is that a fair...

Douglas Kellner: That's my understanding. I agree with everything that you've recorded.

Peter Kosinski: Okay.

Douglas Kellner: Okay so the motion before us then is to approve this report which is ruling seven candidates invalid for failure to comply with the statutory rules and finding that Jacob Hornberger did comply and is nationally recognized.

Andy Spano: Second.

Douglas Kellner: Those in favor say aye.

(Chorus of ayes) opposed? Alright. Are we finished then with the Ballot Access rulings?

Peter Kosinski: Well, we have one last and I guess that's on the republican side which I will speak to.

Douglas Kellner: Which you alone have the authority.

Peter Kosinski: I do, and pursuant to the statute again, the same statute that Commissioner Kellner referenced 2-122b that is the Accessibility of the ballot portion of the Republican Party Presidential Primary. In that context, the way the statute is written, it's the obligation of the Commissioner of that party, in this case me, to make a determination of which candidate or candidates are eligible for the President Primary on the Republican side this April. In that context, we had four requests for access to the ballot; one being from Donald Trump who requested to be included for purposes of the statute as nationally known, also as meeting the requirement of being eligible for federal matching funds and he did file a complete list of delegates and on that basis, he is qualified to appear on our ballot for the Presidential Primary. The next one is William Weld. William Weld also filed a letter requesting that he be on the ballot. He has filed a request under both nationally know and the matching funds. The determination here is that he does meet the matching funds requirement, and he filed a list of delegates, but the list was incomplete. Under the statute, there is a window within which the candidate who files an incomplete delegate list has an opportunity to cure; it's a three-day window. That three-day window started yesterday. He was noticed, the campaign was noticed, that they did not have a complete list of delegates and they are given till Monday to rectify that

shortcoming. So that opportunity will end at the end of the day on Monday and then on Tuesday, we will make a determination of his eligibility to be a candidate for the Presidential Primary. That will be really determined based on what their campaign does to cure the defects of the delegate list that was filed with this Board earlier. So, we'll know by the end of business on Monday, and we will have a public meeting where we will make a determination of William Weld's eligibility to serve but that will depend on what information this Board receives between now and Monday regarding those delegates. Mr. Delafuente who was referenced earlier filed a petition that was ruled invalid. He also filed a request to be included as a nationally known candidate but again, failed to file any delegates and thus is ineligible to appear on the ballot. And the final candidate was a Joe Walsh. Joe Walsh had filed a letter with the Board requesting he be included as a nationally known candidate but again, failed to file any delegates with the Board so he again is ineligible to be on the ballot for the Republican Party. So, the status right now is that Donald Trump is eligible to be on the ballot and we will know by the end of business Monday and then Tuesday whether William Weld will appear and there will be a formal public announcement of the findings of the Board regarding that.

Douglas Kellner: And am I correct that the significance is that if William Weld does not cure the defect, then Donald Trump will be deemed elected as the only candidate in the Republican Presidential Primary and therefore there won't actually be a Republican Primary...

Peter Kosinski: Like all of our primaries, there's only a primary if there's an actual contest.

Bob Brehm: As delegates will be deemed to go to the convention.

Peter Kosinski: Right. I guess you're right. The distinction here is this isn't for the president this is for the delegates to the national convention. So, you're not actually primarying for President per se, you're primarying to be a Delegate, and in the Republican context, it's three delegates and three alternates per Congressional District. So, it's a total of eighty-one delegates and eighty-one alternates that have to be filed here that meet the qualifications of office which are that you be a member of the party from the congressional district that you're seeking to be a delegate from. So that's the requirement that each of the candidates have to meet. As I said, Donald Trump had met that requirement, and as of today William Weld has not, but they're in the process of potentially curing that.

Douglas Kellner: Alright well thank you. So, does that conclude the Ballot Access issues? Alright, so then we'll start with the Unit updates, and ask Todd Valentine and Bob Brehm to report.

Bob Brehm: Well, it's certainly been a busy start to the year. We have had a successful January conference with the Association. We saw the proposal of the budget. We did make a recommendation during the 30-day amendment period of time in the budget for

supplement-an amendment to the proposed budget that would fully fund the staff salaries for the State Board. We're still, this budget as proposed is about a little over \$1.5 million deficient. Most of that is personnel funding and a little bit is technology related funding. There are some small amounts of leverage left to us that we haven't exhausted this year for a little bit of maybe leeway I would say probably not more than \$200,000 within whatever is left which is very little for that big of a number so we still are facing what could be a 1.5 when you round the numbers issue in the budget. There are other funds that have been appropriated; there \$16 million in there for the online Voter Registration Project and part of that fund would also cover the 20% required local match for the federal Help America Vote Act, Cybersecurity money. It's a 20/20 program signed by the President I think on December 29th and New York State's share of that grant is just shy of \$22 million and the budget provides the authority for the State Board to apply for and receive that money and to expend it. So, part of the application process is a plan that we worked to prepare a plan for your consideration today; so that we can then make application for that money. In addition, the general items that are on the list of things for you to consider; we've all worked hard on and if I go through my normal litany of what they are then they will generally be covered by the units that helped us prepare them also, so I'll let them give that part of the report.

Todd Valentine: The only thing I would add is in the context of the budget is we are exploring actually planning to add additional space because we've been in a tight space situation. So, we are seeking to get additional space in this building on the 10th floor and we've been working with OGS real estate section to recognize that with the advent of the public campaign financing when that piece starts to go to fruition there will not be enough space in this building for us. So, we're exploring a new office space that may take over the next year. We are in that process.

Kim Galvin: There's no money in there for the new space.

Andy Spano: As an addition or to take the whole thing out?

Todd Valentine: We would probably move the entire agency.

Kim Galvin: We're already split on two floors.

Todd Valentine: It's going to be three now plus an off-site data storage center, two data storage centers actually, so we're pretty spread out. But we've run out of room and there's no more, other than the extra space that became available on the 10th floor, there's no room in this building.

Douglas Kellner: Okay. Any questions? So, we'll now turn to the Counsel's, Kim Galvin and Brian Quail.

Brian Quail: Thank you Commissioner. I'll start off with a discussion of cases and litigation matters as they stand presently. We have currently three pieces of litigation

related to either ballot access or ballot access related matters. In Albany Supreme Court there is a challenge to the Libertarian nomination in the 27th congressional district related to whether or not the Libertarian Party is correctly following their rules. We also have litigation on Ballot Access in Nassau Supreme Court related to the Libertarian Party rules generically, who actually is the Libertarian Party? And in the Albany County Supreme Court we also have an invalidating proceeding Kim referenced at the beginning related to the Delafuente petition. And we have several other matters pending in federal court and state court also; most notably perhaps actually is the state court matters in Niagara County regarding the New York State Public Campaign Finance Commission and whether or not it's properly constituted in other ancillary matters. They expect a decision on that eminently. Since the last meeting of the Commissioners, we received a decision in the Common Cause case directing that lists of inactive voters be provided in poll sites in New York starting immediately and we have moved to comply with that order. The Board issued appropriate advice and direction to the county boards of elections to facilitate that occurring and it will occur. The Board was also served and sued...

Peter Kosinski: Before you pass on that, can we just talk about that for a minute? So that case was one about whether inactive voters should be at the poll sites for purposes of having a list available to the inspectors at the poll site of who's inactive. Inactive voters right now are those who are not eligible to vote on the machine but are inactive because there's reasons to believe they might have moved and so they are voting on an affidavit ballot?

Brian Quail: That is correct.

Peter Kosinski: Does this change that at all?

Brian Quail: No, the case sought a great deal more but distilled to exactly what you just said, the court ordered that the list of inactive voters we provided to poll workers at poll sites so that a voter who's on the inactive list, while they would still vote by the affidavit process, just as before, no change, we would be able to be aware of the fact that the Board had a record for them, that they were inactivated so they would offer that voter some context to why they were voting on an affidavit ballot, and also assist the poll workers in being able to determine the correct course for that subset of voters. It is also true that those other voters, for example voters who move from one place in New York to another place in New York and are eligible to vote at a new poll site by virtue of the fact that they moved in since the last election, they would not appear on an inactive list but those voters, just as before are eligible to cast an affidavit ballot and it would be a valid one also. So, the only fundamental thing that the case changes is that a piece of information that is a voter status is inactive in a particular poll site in a particular election district must be provided to the poll workers in that election district and the list consulted by the poll workers at the point in time in which they don't find the voter on the active list of voters. So, I think that's a pretty concise description of what it is. I want to make sure; I think you were right to query me because I may have caused...

Peter Kosinski: No, I just think it's a change and people should understand what the impact is and that while it changes the process of the Board it doesn't really change the status of the voter themselves. So, I don't want voters to be misled into thinking this somehow changes their status. They're still in that inactive, meaning that they can vote but they must vote on an affidavit ballot and there must be some demonstration that they're still eligible to vote from that address before the vote would be cast.

Brian Quail: Yes, by virtue of signing the affidavit ballot and saying that's where they live, yes. And two other federal cases discovery is continuing. Also, in the Sugarman v. NYSBOE matter in which the Board received a very favorable decision, we made a motion in that case for a more specific order. The Chief Enforcement of Counsel has responded, and we are awaiting a decision there. I would also note that in the third department, the 60 days to perfect the appeal that is the normal timeframe has lapsed but the appeal is not dismissed until 9 months. So, the question is how the Board may want to proceed in this context of again, reinforcing the court of the exigency of moving the case along.

Peter Kosinski: I'm sorry, can we just go over that a minute. So, you're saying that there was a ruling in favor of the Board regarding the Enforcement Counsel's obligations to comply with the regulation that's in place.

Brian Quail: And that, of course, was quite some time ago and then the last meeting we determined to make a motion for an order that could potentially support a contempt application on account of the fact that Chief Enforcement Counsel has failed under her obligations under the regulations to file reports to the Board of her activities.

Kim Galvin: And that is a court order.

Brian Quail: And so, in order to be able to potentially pursue contempt remedies we have asked the court to just issue a more specific order that in its four corners would more easily support a contempt application. And as an aside, I just note that from when the notice of appeal was filed in the Third Department, it is typically a 60-day timeframe to perfect the appeal, which is to file a brief; that has not occurred. But...

Peter Kosinski: The 60 days has expired?

Brian Quail: The 60 days has expired. The case however remains alive for 9 months. So as long as the appeal is perfected within the 9 months, then the case can go forward. But a party who would be the respondent, which would be us, is capable of asking the court to compel that filing sooner, so that we don't have to wait for the 9 months to elapse. And that's something the Board may want to consider doing. And as far as cases, that's that.

I thought I mentioned the Sam case but the Sam party case in federal court, whether the mechanisms for party status that were adopted by the New York State Public Campaign

Finance Commission are valid, was commenced against the Board and the Board is in the process of retaining Counsel and the answer in that case is due or a motion is due by March 12th.

And then with respect to the Compliance Unit's metrics, always an exciting topic. We've had no hearing officer cases for 2020. There were two in 2019 and a total of twenty-six since 2015. We stand at having received 171 e-mails with Paid Internet Digital Advertisements from ninety-four different independent expenditure committees and the 2020 January periodic, as of the 26th of this month, there were 3,392 filings that were due that have not been received.

Douglas Kellner: Three thousand?

Brian Quail: Yeah.

Douglas Kellner: That's a record, isn't it?

Brian Quail: It's a big number. And...

Peter Kosinski: Are you finding that your numbers of noncompliance are increasing?

Kim Galvin: Yes.

Peter Kosinski: You are finding that?

Kim Galvin: Yes.

Peter Kosinski: Would you attribute any of that to the failure of the Enforcement Counsel to pursue failures to file?

Kim Galvin: Well, you can't really say why people aren't filing, but it's certainly since there's been no enforcement on it, they have increased steadily.

Brian Quail: I concur completely.

Peter Kosinski: So those two things seem to be connected at least?

Kim Galvin: The compliance thing is also you know starting to panic because 3,300 and that just keeps filers that need to be contacted that you know are missing reports for the next report and so it's flooding the system with bad filers.

Brian Quail: I think that's it for me.

Douglas Kellner: Alright any questions? Then we'll go to Election Operations, Tom Connolly and Brendan Lovullo.

Tom Connolly: Thank you Commissioner. With the Presidential Primary and the special election both being held on April 28th, we've been busy lately with a lot of candidate filings. Received filings for 23 candidates for President and more than 700 for delegates and alternates. For the special election, we received filings for both the 27th congressional district and the 50th senate district to file here. There are two other assembly districts for a special election that file locally. With regard to the voting systems, currently we still have the ES&S Express vote that's under evaluation for certification. The current status of that is that NYSTEC who is our independent security expert, are presently reviewing the work of SLI which is one of the two certified testing labs. SLI had done source code review and other review of the express vote unit. NYSTEC has been reviewing that work in conjunction also with another group called ATSEC. We have SLI is normally the testing lab that we use to review the vendors testing lab, but since in this case SLI was the vendors testing lab, we couldn't have them check their own work, so we worked with NYSTEC to get any additional set of eyes. Kind of checking the checkers. SLI did provide some additional documentation to NYSTEC last week. NYSTEC has been reviewing that information. They expect to have it done by the end of this week. So, we'll be speaking with them at the beginning of the week next week to see what NYSTEC's findings were, if there's any additional documentation that may be required for SLI or ES&S to provide. At the same time, from this process, there have been some changes that ES&S is going to be making to their source code. They've made us aware that they have what they call a code drop they plan on providing to SLI that addresses some of the issues that have been raised both by NYSTEC and then just kind of by us in general. That has not been submitted to SLI yet but once it is, it will follow the same process where SLI will review the source code, they'll provide a report to us of their findings, and we will have NYSTEC take a look at that to make sure that it is sufficient. We also recently on Monday, actually going back a little bit further since the last meeting we had was in December, on January 14th, we held a public demonstration of the express vote XL here at the Board. That was well attended. One of the requests that came out of that demonstration from Disability Rights of New York, was that we try to provide another opportunity with individuals with disabilities to have more time to just kind of interact with the system. We did schedule that and held that this past Monday. We had 2 machines set up in this room, we had more than a dozen attendees come. There was an overview given of the voting system. It was an opportunity for individuals to ask questions about the voting system, and then we made sure that everyone who had attended who wanted to interact with the system had an opportunity to try it out, we had it both in tabulation mode and also in ballot marker mode. There was feedback that was given that was good, and also some feedback for some changes, that was given to ES&S, and Brendan and I were here, but overall, I think it went very well.

With regard to Dominion, Dominion did submit a modification. Not much is changing, but they are changing out the ballot printer that's in the ICE machine, because the printer hardware that's currently in there, they can't find it anymore, they can't buy it, so it's just kind of replacing out the hardware one printer for another. They added a software utility for the ICE machines that also makes it a little bit of an easier process for confirming or

checking the hash values of the software that's contained on the machine to make sure that it is indeed the trusted build that we give out to the counties. And then lastly, they were making a software change to improve image processing on the ICP, the older machine. So, they've submitted an application for that modification. We've requested some additional information from them. SLI will be doing the source code review and then the review of any other documentation that will determine what additional testing might be necessary. And then, as I've mentioned in the previous meeting, I think, we have been discussing both Hart Intercivic and Democracy Live are two voting system vendors. They are not presently certified, and don't have any systems certified in New York State but they've expressed an interest in potentially submitting systems for consideration. Hart InterCivic would be considering submitting a complete voting system. Democracy Live right now has a ballot-marking device that is capable of printing ballots that can then be scanned on either an ES&S or Dominion system which are certified systems. I did have a phone call online demo with Democracy Live yesterday as well about that. One of the issues that they had last go-round when they came here to show us the hardware was that it would produce a ballot which could then be put onto a scanner but there was no way for the voter to verify that ballot. So, to my understanding, since then they've added now a new scanning hardware component to the system so that verification can take place. I've asked them to set up a demo for Brendan and I at least video wise to see this in use, and then to ask any additional questions we may have before they decide to formally submit their system or not.

Peter Kosinski: Tom, is Hart or Democracy Live, are they in other states?

Tom Connolly: Yes.

Peter Kosinski: Do you know how many other states?

Tom Connolly: I do not know how many other states that either one is in.

Douglas Kellner: Hart is the third largest in the country.

Tom Connolly: And Democracy Live doesn't, they do the ballot-marking device, but they don't have an actual voting system itself, like for a precinct and they do other tools like accessible online ballots.

Peter Kosinski: But they have been certified for use in other states around the country?

Tom Connolly: I believe, in term of the ballot-marking device they are Omni Ballot product I believe it has because it's in use.

Brendan Lovullo: We can get you the list of that information.

Tom Connolly: But Hart definitely, as Doug said, it's the third largest. Some of their systems have been certified in other states.

Otherwise, Electronic Poll Books for KNOWiNK. We do have something on the agenda later on. They did submit a modification to their configuration to include bulk new hardware, the most recent set of E Poll Book configurations at least for those that were using Apple iPads or using the 6th generation. Those are harder to buy now. If you're buying new, they're up to the 7th generation with the new piece of hardware. There's also a new operating system on those devices, so no one can submit a configuration of their application with some changes running on the new hardware and on the new operating system. So, we've provided reports and a resolution for your consideration later in the meeting. We continue to work with both other vendors Tenex and Aerobis on making updates to their systems. Tenex also uses the iPad is looking to submit some modifications to their system to run on the new hardware and the new operating system. They're also looking to add another thermal printer, a small receipt printer to their system just to kind of replace an older one. Robis which runs on Windows platform is looking to update the build of Windows that their system is running on. So, we're going to be reviewing that more working with them to get us everything we need to kind of do our review of it. As far as other things, we are preparing for the receipt and review of various documents from the county boards relating to early voting as far as the network security checklist, as well as the site security for the physical site security early voting sites. We continue to work with various units on the CAPAS update and some various Cybersecurity projects and update some procedures as a result of the legislative changes from last year. We will be providing guidance and holding at least one conference call with counties with regarding to both programming the Presidential Primary ballot, and also for those counties that might be holding the Presidential Primary and the special election on the same day. And we've been working with the Office of General Services or OGS on a new voting system contract language because the old one is expiring, so we had a call yesterday, we were discussing various items that we might want to change as far as the language in the contract. Other than that, do you have anything?

Brendan Lovullo: No, you're good.

Douglas Kellner: I have a few questions about the Express Vote Certification process. So, what is the current timeline for having a report on the certification application?

Tom Connolly: It's hard for me to say at this point because we haven't completed the first review of the code, and we've already been made aware that there's going to be a second set of code to review, and we haven't been made aware what the totality of those changes there are, yet, because it hasn't been submitted to us. As far as Brendan and I are concerned, whenever people ask us how long is it going to take, the answer is usually, "As long as it needs to." So, we're going to make sure that we're relying on our independent security expert NYSTEC to kind of review the findings of the testing lab to make sure that it was done, and we have to make sure that they have everything that they need in order to do their job. So obviously, we're looking to kind of move the process along at a natural rate but without cutting any corners.

Douglas Kellner: What is the earliest possible time when there would be a report ready for the Commissioners? If everything clicked and there were no further delays, what would be the earliest date?

Tom Connolly: I would have to say if everything clicked and the code drop and we did a review then we would do functional testing, probably within 2 or 3 months?

Douglas Kellner: And then, what documents are publically available now so that for people who are interested in reviewing, members of the public who are interested in reviewing the application so far, what documents would be available to them to request to review?

Tom Connolly: Well, I think they could probably request any publicly available testing documents. I think a lot of the reports that we receive both from SLI and NYSTEC would have to be reviewed just to make sure that there's nothing from a system security standpoint that might need to be redacted. I don't think there's anything necessarily that would need wholesale, not provided.

Douglas Kellner: But there have been preliminary reports from SLI and NYSTEC?

Tom Connolly: Yes.

Douglas Kellner: Okay, and the vendor is required to submit a complete technical data package, right; and has that submission been completed?

Brendan Lovullo: Initially, yes, and then they would most likely have to make some type of amendments when they drop the next set of code at that time.

Douglas Kellner: Okay and then Common Cause sent at least the Commissioners a letter I believe indicating that they had an objection that the verifiable ballot that would be printed out or displayed by the Express Vote was only in English. Have you, are you aware of that objection that they've made?

Tom Connolly: That came out of actually Susan Lerner was here on Monday at the demonstration that we held for the Individuals with Disabilities. There was a question that was raised about supportive languages and what languages were displayed in various parts on the screen. The answer to that that was given from ES&S was that although there maybe a potential for some support as far as the paper of printing English and Spanish, that was the extent of what they could provide as far as languages go. Now the system itself does provide support for additional languages but unlike, for example in New York City where one might receive a ballot that contains English but then also additional languages like Chinese or Bengali, and the voter who would need that translation might be able to see the information in that language on the screen of the Express Vote itself. The actual paper document which is being tabulated only contains English. So, if they are

unable to read English, they would be unable to verify the competence of that piece of paper.

Douglas Kellner: Is the vendor arguing that that complies with this New York Statute that requires a voter verifiable paper audit trail?

Tom Connolly: I don't know if I would want to speak for the vendor as far as that but like I said this kind of just came up on Monday.

Douglas Kellner: Is that something that should be pointed out?

Tom Connolly: Oh yeah, absolutely. We have actually had some staff from ES&S on-site this week since that demo and we've been working with them on some of the things that came out of that meeting and also other things that we've been noticing.

Douglas Kellner: And I appreciated your report on other vendors who are considering submitting applications of equipment for certification. Do the counties realize that the vendor really doesn't have an incentive to seek certification unless the counties of interest have indicated an interest in purchasing the equipment?

Brendan Lovullo: I don't know if it's just the counties that do this, I think the general public has a misconception on how the process works in general but we're, as we've said from the get-go, we're interested in talking to any of the vendors that certainly want certification for their machines in general. I don't know what conversations that either of these vendors have had with any of the county boards.

Douglas Kellner: Brendan, so for example I noticed that there have been some arguments that the current ballot marking devices can no longer be supported whether it's the image cast precinct or the automark and these other vendors could be offering alternative solutions to that?

Brendan Lovullo: Yes.

Douglas Kellner: And do you want to elaborate further on discussions between the counties and these other vendors and your office in terms of how this is being pursued and how the certification process relates to it?

Brendan Lovullo: Well, both of those vendors were at the winter conference and meeting with any of the county boards that were there showing off their wares. Obviously, neither Democracy Live nor Hart are certified at this point, but they have brought machines in to show the different county boards to the extent of what their outreach outside of that is I can't speak to that. What counties they've met with. I know that some of them do show up at some of the regional meetings where a group of counties would get together to do that, much like what the poll book vendors did last year around the initial process once we were doing the approval process for that too. I believe that it was Democracy Live

that met with New York City to show off their products for them. We also had a meeting with Hart, we also had an initial meeting with Hart a month or two ago to go over their system, some of the information that they had questions with as well.

Tom Connolly: But I think generally speaking, whether its at the conferences that are held by the ECA here in the state, like I know Democracy Live was also at the summer conference last year where if I happen to be somewhere else in the country and speaking with different machine vendors, I encourage them to try to interact with the counties like Brendan said some of the regional meetings or even coming to the conferences to see if there is a potential clientele. Obviously, what we've been seeing the past year or so is around the age of the voting equipment that's out in New York now there are a number of counties that are looking to add to their fleet or to kind of refresh their fleet and so I think that's one of the reasons why we have additional interest from vendors as far a potentially going through the certification process. Because there is going to be, I think increasing clientele for that as far as replacing voting systems.

Douglas Kellner: Well, thank you.

Kim Galvin: Can I just add one thing? I know you're talking about the ES&S machine may be relevant that Senator Myrie is holding a hearing on that machine itself, right? He hasn't scheduled it yet. He said after the budget and there's also a bill introduced banning systems that utilize bar codes was introduced last week. So, I know they're paying a lot of attention up the hill as well to the certification effort.

Douglas Kellner: Yes, indeed. Cause I'm getting many, many phone calls from members of my associates. Okay, anything else? So, we'll go to Public Information John Conklin and Cheryl Couser.

John Conklin: Thank you Commissioner. The Public Information Office continues to be very busy. We've had a lot of inquiries since last meeting about Presidential Primary. I think everything in the building is probably dealing with questions along those lines. E Poll Books, Early Voting, the Campaign Finance report in January, petitions in general, enrollments, those are some of the big topics that we have been addressing from increase for the public and the press. As Bob mentioned, the Election Commissioners Conference was in January. The PIO unit made two presentations there on the national change of address procedures, and also on public grants. We also participated in the monthly ECA calls in January and February. We've processed 107 FOILS in December and 148 in January. Excuse me. The unit also assisted in preparing Bob and Todd's testimony before the State Legislature's Budget hearing. We continue to participate in meetings on online voter registration and the development of that system. We've prepared the NCOA files from the postal service for the county boards to conduct their list maintenance obligations under the election law. And we participated in a meeting with the New York State School Board's Association and the State Education Department to draft an absentee ballot application for school districts, which is in your packet, I believe, is one of the things you're going to approve today.

So, with regard to the website, we posted official enrollments on February 21st which was the new statutory deadline. We posted, since the last Board meeting it's been a while, we posted official results for the 2019 General Election. We posted updates to the Running For Office page, the 2020 political calendar. We posted a calendar for the special election for New York 27, SD 50 and the 3 assembly districts 12, 31 and 136. We have posted ballot access filings for the Presidential Primary on the website. Nomination filings for the 4/28 Special. The Campaign Finance filing calendar for 2020. We've taken down some regulations that were no longer up for comment. With regard to NVRA, Michael and Patrick visited Clinton, Broome, Essex, Warren, Oswego, Tompkins, Lewis, and Putnam Counties since the last meeting. That's approximately 2,200 miles they traveled for NYESS Voter Board Reviews. All counties were found to be compliant.

Do you want to talk about the HAVA grants or the grants, Cheryl?

Cheryl Couser: Sure, as of January agency grant administration has been consolidated under the Public Information office. There are five grants in total; submission of HAVA, operation expenses by DOE or shoebox, HAVA education and training, New York State Poll Site Improvement, and Early Voting Capital Grant and Early Voting Aid to Localities grants. The HAVA Education and Training and New York State Poll Site Training grants and shoebox contracts are currently being renewed with the applicable counties for the new contract year which will be in effect April 1, 2020, through March 31, 2021. For the Early Voting Capital Grant Program, contracts were out on April 2nd to the County Boards of Elections; one contract is outstanding. We rechecked with the county. They're working on it. We hope that they have that contract in soon. To date, we have 25 reimbursements, 23 of which have exhausted the grant funds in total. For Aid to Localities, the contracts were sent to the County Boards on September 27th. All but 8 contracts have been received. We've rechecked with 8 counties that have not submitted those contracts, again some are in county government different levels, they're working on them, they're aware of it, and we just spoke about it yesterday again at the conference call with all the counties. Of those for Aid to Localities, 18 reimbursements have been submitted, 13 of those exhausted all the contract funds.

Peter Kosinski: Cheryl what's the contract, what are you talking about contract with the counties?

Cheryl Couser: So, each year for the HAVA funds, they were implemented in 2006 and each year we have a contract we just have to renew it.

Peter Kosinski: Well, what's the contract between the State Board and the county for...

Bob Brehm: It's a mechanism to pay them the...

Peter Kosinski: So, does that give us a contract of what they're going to use the money for and that's their contractual obligation is, if we give you this money, you'll use it for this purpose?

Bob Brehm: It's a reimbursement grant so it does outline the allowable and what expenses are not allowable.

Peter Kosinski: So, there's a two-step process? First you enter into a contract for that and then on the second basis, you'll get reimbursed if you legitimately use your own money for this purpose?

Bob Brehm: Correct.

John Conklin: And OGS are the holding agency, so they have to approve the contract and then the State Comptroller has to approve the contract because they release the payment.

Cheryl Couser: And the Early Voting Grants do not need to be expended. Those are different. We confirmed that with OGS. They actually, the eligible expenses for those Early Voting Grants are April 12, 2019, to December 31, 2020, and they claim for payments, the deadline is March 31, 2021. They don't need to be renewed.

Peter Kosinski: What period of time does that cover then that the counties can get reimbursed for? Is that last year's Early Voting or is it this year's Early Voting?

Cheryl Couser: Last years.

Peter Kosinski: So, this would have to be incurred during 2019.

Bob Brehm: It allows expenses for Early Voting through December 31 of this year, and we gave them until the end of the fiscal year March 31st to get their claims in and get paid.

Peter Kosinski: Okay so if they incur costs this year for 2020 elections there is money available for them to get reimbursed?

Cheryl Couser: If they have money left over, yes.

Peter Kosinski: If they have money left over, and as I recall there was an allocation per county that we approved.

Bob Brehm: Most counties we're seeing what claims we've been given; the counties identified their local costs were far beyond what we made available. So, they will tell us perhaps they spent \$250,000 but our grant is only \$110.

Peter Kosinski: So, we're not fully reimbursing these counties for their expenses?

Bob Brehm: They are identifying what qualifying expenses they had and we're reimbursing for the qualified expenses under that grant program, up to the maximum amount of the grant. So capital, is more equipment related, the Aid to Locality can pay for consumables and people and things that a capital grant can't be used for.

Peter Kosinski: So, is there money that you anticipate being available for 2020 for the same purpose?

Bob Brehm: There is no new money made available in this budget. The money that is being talked about was made available last year wasn't in a proposed budget it was at the end of the budget process. It came together in the final budget. So, we have heard talk about a number. We have not seen the one house budget bills haven't passed yet. It's a conversation we had with the county boards of elections; what do they think they're going to need? It would be very important for them to articulate a number. We have not heard a number from them yet. I know PIO and others have worked to try and create a list of the expenses that the counties have reported to us from last year. It's been tough. I think we're down to 3 counties are outstanding. I know 2 of them if I remember I'm not sure of the third.

John Conklin: Albany, Columbia, Nassau.

Peter Kosinski: Have not reported?

Bob Brehm: So, certainly when Todd and I went to the budget hearings, the question that was asked of us was how much did they spend last year? We were at 30 some at that period of time so it was hard to give them a number but we're hoping we're closer now. Nassau is a big number, Albany is a real number, Columbia too, so if we can get that information, it would help us to share it.

Peter Kosinski: And that would be last years' expenditures. Now last year there were two elections where Early Voting occurred? Just the one, so we only did it for the November. So, this year there will be three, right, so their costs arguably will triple.

Kim Galvin: At least 3.

Peter Kosinski: At least 3, so the arguably triple this year from last year so if you took last year's money, you'd have to triple it or maybe more to actually get...

Bob Brehm: I would think it would be more than more because as we learned in having done this in our conversations with the counties at those roundtable discussions, they realized that they needed more equipment. They estimated last year to cover whether they be ballot marking devices, ballot on demand printers, workstations, voting equipment, ballot marking devices, they all came back and said, "Oh I think we need

more” and last year we had 3,000,000 voters, this year we could have well over 8,000,000.

Peter Kosinski: What was last year’s allocation?

Bob Brehm: It was \$10 million Aid to Localities and \$14 million under the Capital.

Peter Kosinski: 24 total.

Bob Brehm: But they really identified in many instances they needed more voting machines especially if there are many laws that are being considered to expand the number of early voting sites that need to be opened. That will put pressure on county governments to also need money for additional capital improvements in order to need people, money to help run them. So certainly, articulating there is certainly a dollar amount the Association of Counties has sent us a letter including all of this and that they’re annual conference passed a resolution to urge the legislature to fund the costs associated with early voting and specific and the election reforms in general.

Peter Kosinski: Okay.

Douglas Kellner: Anything else? Alright well then, we’ll...

Bob Brehm: Legal of Women Voters also joined us in that too while they’re sitting.

Douglas Kellner: So next is Information Technology William Cross.

William Cross: Good afternoon, Commissioners. I’ll do projects first. For CAPAS-FIDAS very happy to announce we’ve actually set a go-live date of May 4th. There is obviously significant work to be completed prior to that date so we expect to make a final go-no-go decision by March 30th. In the meantime, we’re proceeding with roll out preparations includes testing, data collection from the counties and training materials, outreach, etc.

Douglas Kellner: Major milestone!

Peter Kosinski: What will happen on May 4th under your scenario?

William Cross: So, May 4th will be actually the weekend prior to May 4th it’s a Monday, the weekend prior will be an actual cut over of all existing legacy data from the old system to the new.

Peter Kosinski: If I go onto the State Board of Elections website and go to Financial Disclosure will I see a brand-new presentation of financial disclosure reports?

William Cross: Yes. The whole interface for queries and reports and updates on the website. Of course, that's just the public facing portion of it. The whole backend pieces for filing for treasurers and county interface will all be at that point.

Peter Kosinski: So, this is all going to come together at once?

William Cross: Yeah, it has to, it's kind of a big bang.

Douglas Kellner: And there's a rationale for that date is that correct?

William Cross: You know it occurred to me afterwards but yeah "May the 4th May the force be with you" yeah.

(Everyone laughing).

Bob Brehm: Todd and I and certainly the Compliance units and larger list of FIDAS and operations with the CAPAS component we certified the candidates for the June primary not later than April 29th, and we also wanted to implement this at a time not at a periodic report where everybody would have to do it all at once, this will at least give us a period of time to test the financial disclosure in time and also to make sure that we can have the June primary candidates certified under the old system and then go to the new system. so, it was a timing issue, assuming everything works as planned, that's why we have a...

Douglas Kellner: That might be a big assumption.

Bob Brehm: Well, we met regularly to review those risks and whether or not we're ready and that's why if we're not ready on March 30th that would be the no-go, if we are still on track at that point it will be a go.

Peter Kosinski: So, you're going to know by March 30th if you believe if you're ready to go?

William Cross: Yes.

Todd Valentine: And doing it preprimary it's a smaller unit of filing so that helps with those. It also allows because we, starting on May 4th also deals with campaigns, we get amendments quite often so there will be a series of amendments always coming in starting prior to the 32-day preprimary. And it also gives the advantage that right after candidates have got on the ballot so they're new to the system, for new candidates they only go into the new system you don't have to do one file in the old system if we did it in July there would be a transition period. So, this helps with our new candidates going in so there's a lot of plans and things that do have to go in motion, and why we're sharpening up the go-no-go date for the end of the month.

William Cross: There's no ideal time this is one of the better ones given where we're at being on schedule.

Peter Kosinski: That's great by the way, that's great, I hope that's true, and I'm looking forward to it.

William Cross: Okay I'm done. (Laughing) Online voter registration, we've also had significant progress on analysis and development requirements for the new system for the online voter registration and clearinghouse function. We're currently on schedule to go out to bid through the OGS PEBITS process in April. Also, as part of this effort, also we've got a working group with the Voter Registration system vendors in the 3 counties with own grown systems in a collaborative effort in working towards the system because it will require modifications to their system as well. So far, we've had two very productive sessions with them and we're going to continue that cadence.

Accessibility, striving to meet our December 31st deadline, IT completed remediation of all primary website content as well a voter look-up, election night reporting. Upon completion of CAPAS-FIDAS we will be fully compliant across the whole public facing presence. I'll note for Voter Look up we took the opportunity to completely rewrite that application to not only make it accessible, but also mobile friendly so now renders small screen phones, tablets, as well as standard PCs. Because as we watch metrics on election night and leading up to election night it's been very apparent what those devices are being used to access our site. So, we're trying to adjust them accordingly.

Security – IT Secure Election Center is working almost with everyone in Executive, PIO, Admin and others developed the 2020 Cybersecurity plan which we'll have later for the new HAVA funds. The County Board Risk Assessment, as of this week, all county board reports have been completed and distributed to the counties. New York City's report is also completed and we're working with them to get it to them securely. Mitigation – as our next step we're working to define a scope of work to help the counties address the items that are identified in those reports, this includes information security consulting services or what we call SCSO on demand to help them develop remediation plans to address high risk and high priority items as well as maybe potential reimbursement program for hardware, software upgrades, and replacements. Also, to assist in this effort, we've worked with the Center for Technology and Government to create a working group with County IT Directors in this effort. And that's also been productive. SAMS training, we worked with PIO office to release this years new Cybersecurity users training curriculum to the county boards as well as county IT to support them and our own state board staff. The Managed Security Services with our partner SIDERA, we've now completed implementation in 34 counties. That was the optional service they could utilize for log consolidation, monitoring and alerting and things like that. Thirty-four counties took advantage of that, and it's been implemented. So that along with the intrusion detection and the training are all on our plan to continue as part of the 2020 HAVA funding. We've also begun planning for a new series of regional tabletop exercises to be held in the July timeframe coming up.

Secure Election Center has also started a series of Cybersecurity newsletters to the county board. So far, we've released 3 of them on topics of Cybersecurity trends, ransomware, protecting election's websites and we have a new one going next week for social media. We've received nice feedback on those. And as always, we're continuing to work on our own multiple security improvements internal for our infrastructure. This particular period we've made some pretty significant improvements in refreshing our legacy environment as well as our own security posture internally.

Website analytics – pretty normal for nonelection period, about a quarter million views per months on our website.

Douglas Kellner: Anything else? Great so then our last report is from our Enforcement Counsel, Risa Sugarman who, of course, is not here. So, let's just go over her activities. Has she given any reports to the staff at all since our last meeting?

Brian Quail: No.

Douglas Kellner: And has she met with the staff since our last meeting at all?

Brian Quail: No. And we have not sought to either.

Bob Brehm: We had the ones that are regularly scheduled but that was I can't remember during December if it was cancelled by us or her.

Douglas Kellner: And then I apologize if I'm repeating what you reported earlier Brian but have there been any Enforcement proceedings started with a hearing officer?

Brian Quail: Nope, none in 2020. There were two in 2019.

Douglas Kellner: Two in the whole year?

Brian Quail: Correct.

Douglas Kellner: Okay and have there been any criminal referrals made?

Brian Quail: They would have to come through the Commissioners, and none have been recommended.

Douglas Kellner: None in 2020, none in 2019.

Brian Quail: That is also correct.

Bob Brehm: Last one was 2018.

Douglas Kellner: Okay. And subpoenas issued, have there been any requests for subpoenas?

Brian Quail: There have been none.

Douglas Kellner: None in 2020, none in 2019 at all?

Brian Quail: Correct.

Douglas Kellner: And the number of outstanding referrals from Compliance to Enforcement can you report on that?

Brian Quail: In terms of the nonfiler number, I actually did not bring with me the totality of it but its in the many, many thousands. In terms of deficiencies there are 1,319 that remain deficient.

Peter Kosinski: I'm sorry what was that number?

Brian Quail: 1,319.

Douglas Kellner: And in the last 14 months she's acted on two of those, is that you're understanding?

Brian Quail: In terms of moving to the hearing officer process, that is absolutely correct.

Douglas Kellner: Okay alright. I think it speaks for itself.

Peter Kosinski: It does and as much as I'm troubled by the lack of activity, which I am, I'm also troubled by the lack of accountability, and I think the failure of the Enforcement Counsel to come to these meetings to provide any kind of reporting at all to this Board and to the public in general of what's going on in her unit is deeply troubling. I think part of the regulation that we approved was an effort to get some accountability of what's going on within that unit. I think we've seen in other areas of government that lack of accountability is a big problem. I think it exists right here, so I just wanted to mention I think that's another very troubling area here.

Douglas Kellner: Okay so that concludes our unit update reports and we will turn to old business and the first item on our agenda is the formal resolution to adopt a Use of Force policy for special investigators employed by the State Board of Elections as required by Part ZZ Chapter 55 of the Laws of 2019. We did adopt a prior resolution on the subject, but this is the formal Use of Force policy that basically says that Board of Elections Investigators are not authorized to use force.

Peter Kosinski: I would move its approval.

Andy Spano: I'll second that.

Douglas Kellner: Those in favor of adopting the resolution say aye.

(Chorus of ayes) opposed? Alright so our Use of Force policy is adopted.

Andy Spano: How is the Use of Force policy communicated to the people who work in there?

Bob Brehm: Generally, our policies are posted on an internal website available to all employees including Commissioners and communication goes out when an amendment is made or a new policy is added to that list to all the employees that, "Here's a copy of it and if you need another one"...

Andy Spano: Well part of this policy says that the peace officer would have their guns taken away from them, correct?

Bob Brehm: Yes.

Brian Quail: We did it at the last meeting and...

Andy Spano: my point is it's on paper. Has that happened?

Brian Quail: Yes. Oh, excuse me in terms of the transmittal of the policy that last resolution indicated that it was to be delivered to Chief Enforcement Counsel within 24 hours and it was delivered.

Andy Spano: So, do they still have their guns?

Brian Quail: I don't know.

Andy Spano: Well, who's in charge of looking at that?

Brian Quail: Ordinarily, we would assume good faith on the part of somebody who receives a lawful regulation by a governing body, but you're absolutely right. Do we have reason to be concerned that your directive may have...?

Andy Spano: I mean you want a report, but you don't get it. You want this done; you don't get it. Why do you think this is going further?

Brian Quail: It's one of those rule of law questions.

Douglas Kellner: Well does it make sense for this resolution in the Use of Force policy be personally handed to each of the persons who has investigator status?

Bob Brehm: That's two in the agency now. Based on the list that you originally voted.

Kim Galvin: We can send over a copy.

Andy Spano: Do they purchase their own guns?

Bob Brehm: They purchased; I don't know if they have their own guns but generally, we had guns prior to so the Legacy trade moved them to...

Andy Spano: My point is this is why I asked the question.

Brian Quail: It's a good question. I mean obviously...

Andy Spano: I mean you know this is a piece of paper.

Kim Galvin: If we own the guns, we should just ask for them back.

Bob Brehm: Well, the State of New York owns them.

Kim Galvin: Well then, they should ask for them back.

Andy Spano: That's my point.

Brian Quail: Excellent point.

Todd Valentine: Yeah, she should give ah when firearms are turned in there's a...

Bob Brehm: They go to the State Police.

Todd Valentine: Right, there's a specific surplus property procedure for that.

Douglas Kellner: So, I think we should ask our Executive Directors to follow up on this point and if there are only two people involved that doesn't sound very onerous.

Andy Spano: Does that include the Enforcement Counsel?

Bob Brehm: Yes, that's one of the two. Well, that was the first peace officer status that was granted by the Board and then there were others at the time, but only one of those employees is still here. Everyone else is gone.

Douglas Kellner: Well, I don't think it's particularly onerous for you to approach that other person as well as Ms. Sugarman and to say, here's a copy of the policy adopted by the Commissioners.

Andy Spano: Here's the point, every year we all take 13 courses in whether we can put our socks on or whatever. This is a policy, how is it being communicated so if there is a lawsuit or anything else like that and they go to our and say, "No one ever told me about this. I didn't know about this" so how do we protect ourselves against that?

Douglas Kellner: I agree.

(Everyone talking)

Brian Quail: I completely agree. We did communicate the prior policy...

Bob Brehm: Now that we have an adopted policy, we will certainly take care of that.

Douglas Kellner: Next: are the formal adoption of the procedures for early voting. Does somebody want to just give us a 2 cents explanation please?

Brian Quail: Yes, so this particular regulation has been in place by emergency adoption I believe on three prior occasions. This particular version has some minor changes that are for the purpose of effectual waiting, standardizing when various items under the policy are required to be filed, some other common sense changes; for example, the deadline for filing early voting sites was changed from 45 days before the election to 46 because 45 days always falls on a Saturday and didn't make any sense to have a filing deadline that always fell on a Saturday and rolled over to a Monday. And all of the other changes I believe are related to standardizing when things are filed on harmonizing dates.

Douglas Kellner: Have you received any comments on the regulations?

Brian Quail: The Board did receive comments on the regulations. We've responded to comments I believe in the last emergency adoption.

Nick Cartagena: The last filing we were required to do an assessment of public comments which we did.

Douglas Kellner: Do you want to summarize that?

Nick Cartagena: There were comments related to, one comment was related to the number of how to determine the number of sites whether it's the number of, for primaries, the number of general enrolled voters or the number of the party, which number to use. And the comment urged that we use the not the party enrollment, but the enrollment of general enrolled voters and we determined that, that was unreasonable, that a reasonable reading of the statute and its intent would be to use the number of party enrollment otherwise for example in the SAM party primary would require potentially a large number of early voting sites.

Peter Kosinski: What was the argument?

Nick Cartagena: That the statute has drafted required that you use...

Peter Kosinski: You mean just a straight reading of the statute not a practical impact.

Nick Cartagena: Correct. That was the most substantive comment to my recollection that we received. We also received from Disability of Rights related to providing enough notice to voters of like when polling hours are open essentially. And we addressed that, and we believe that the regulations sufficiently addressed notice.

Douglas Kellner: Mr. Berg did you want to comment on the regs?

Mr. Berg: I'd like to. So, hi folks, Jared Berg from Vote Early NY thank you for the opportunity, thank you for all your hard work and it's definitely imperative that this state and the counties have requisite funding to carry out their many duties this year. So, on this issue, on this reg, I would describe it as a programmatic wrinkle created by this reg and not in the statute and it really does go to the determination of how many sites should be required in a primary. So, it's created by this reg in 6211.1B2 by a phrase that does not appear anywhere in the statute. It says, "Eligible to participate in the election" as opposed to and departing from the first provision 6211.1B1 that tracks the statutes "Registered voters in each county".

Douglas Kellner: 1B2?

Mr. Berg: And I know you folks are familiar with this stuff of course, so I don't need to use shorthand, but I would urge the Board to extend this Reg and slightly revise just that phrase rather than do final adoption today. And there's a reason why. For one thing, I do understand the practical goal of the provision in the statute, and I would say it's already available and remains available to the Board were they to just follow the statute and keep that standard at registered voters. Because that paragraph says that a given Board can vote, can do a resolution and reduce that number. So that's already available to a given Board should they decide in a special or primary less numbers, less sites on that required would be...

Douglas Kellner: What are you—actually, what language you want?

Mr. Berg: Sure, so in 6211.1B2 there is a phrase that...

Peter Kosinski: Oh, we see where you are, what are you suggesting here?

Mr. Berg: "Eligible to participate in the election."

Peter Kosinski: I got that, what's your problem with that?

Mr. Berg: For one thing if there's no basis for that, in the statute it must be registered voters. The statute itself allows a reduction in the primary were to be the SAM party or some other third party, we understand that the goal is economy, resource economy. So, they can already reduce that.

Peter Kosinski: You mean a county board can?

Mr. Berg: A county board sure.

Peter Kosinski: On their own?

Mr. Berg: County board, already can on their own, based on the very language in the statute.

Douglas Kellner: So why is this problematic for you?

Mr. Berg: So that's problematic for a couple of reasons. 1) it's unnecessary because the statute already gives them the ability without that language to do the very goal that that would be to achieve which would be to have less sites available if there were very few voters or very low interest election and they weren't needed. And actually, since it was brought up here, the idea that a special election could land on the day of a primary, I would suggest that, in that case that you are all now facing, that would create two standards on the same day. And common sense would say, of course, since every voter can vote in a special, it would have to be registered voters because primary is a totally different number. You're not going to have different amounts of sites, but you will have for administrators saying, "Wait there's no Republican Presidential Primary, what do we need all these sites for" and that number should be eligible to participate in the election would be what only the registered democrats and we're talking 1 per 50,000 registered democrats in the county. So that's like a very practical on our doorstep reason why we shouldn't do that. I would say it's illegal under the statute. The statute says, 1 per 50,000 registered voters and Commissioners can agree to reduce that in the case of a primary or special so long as they can still meet the needs of the voters. That's the law today that's what it says now. So, you don't actually need this reg. I would just add one more thing, as a policy matter of the 16 plans that we've seen so far for 2020 that are public, and of course, they're not due yet, so there's a few more weeks for Boards to decide what they're doing, Boards actually aren't dramatically reducing and expanding the amount of sites or hours for these three election events. They seem to be agreeing with our view that that would create a lot of confusion and instead they're sort of designing a plan to go the whole way with the permissions that the statute already gives them to expand and tweak that plan. But in any case, I'd say we get it. The goal is you need a mechanism to reduce the sites if there were to be not that many voters or contests where there's only a few voters, they already have that permission. So, I'm not sure where this language "eligible to participate in the election" comes from, the statute does outline this that it must be registered voters. But even in this coming April, I don't see how it's workable.

So, thank you for the opportunity and I would like to mention something on vote centers compliance, but this is not before the Board now so thank you.

Douglas Kellner: I'm prepared to go with this language as drafted I don't think we should change it now and one of the things...

Bob Brehm: Maximum of 7...

Douglas Kellner: Can I just finish? So first of all, I don't think we need to change the language from what's in here now, but in any event, there are many bills in the legislature to change the early voting statute and I strongly suspect that some of them are going to get adopted probably in the budget and there may be others that could adopt it outside of the budget. So, we're going to have to revise the regs again anyway.

Peter Kosinski: Yeah, I'd like to say from my perspective I just don't see any harm in having an eligible to participate standard as it relates to how many voting sites, you're going to have whether it's a special, primary, general, it really doesn't matter to me. I think that eligible to participate standard is a very reasonable one because that's really what we're talking about how many voters might show up at a particular voting site for a particular election and they need to be serviced by a particular number of voting sites. So, I don't see the harm. I mean you may, I'm not sure about your argument about the technicalities of the way the statute reads but I just think on a practical level, if you use an eligible to participate standard, I think that's a very reasonable one and very workable.

Kim Galvin: Counties could always do more.

Peter Kosinski: Yeah, I mean it may not comport with the statutory language exactly, but I think it gets us where we want to be which is to have these voting sites based on that number those eligible. Again, whether it's a general, special or primary, that seems to me a very reasonable standard.

Douglas Kellner: Bob, I cut you off before.

Bob Brehm: Even if the max is 7, counties have done more, so counties can do more if the circumstances of the Special being added. And a good example is in Monroe County, the Special election for congress in Monroe County for the 27th is just a corner of the county so they may have to do something different if they want to cover those two towns or just like those two towns that there wasn't a site in those two towns before they put it elsewhere. But they'd have to look at their totality and then they added a special assembly in the same Monroe County. So certainly, there's a number of factors that go into it that I know Mr. Berg has spoke to us here and in our other conversations, that counties have to consider both transportation, participation, does it make sense to put more in. So certainly, the counties know they can have more, and many have endeavored to do that.

Todd Valentine: Well and they did that we had well more than 100 sites than were required by the minimum based on the statute and regulations last year alone. And we don't have the designations in for this year, but as you said, the legislature is looking at fine tuning that so the standard wasn't to reduce the sites the standard was to scale the sites to the people who can participate, the voters that are eligible to participate in the election.

Peter Kosinski: I think we're trying to standardize this as much as we can statewide to give equal access to voters across the state. I mean I know I've been somewhat troubled by the implementation of this cause I think some of the Upstate counties because of their far distances have not had enough sites really because people even though they're not densely populated, are having to travel very long distances to get to these early voting sites because the statute is based on number of eligible voters but that upstate is clearly different from a geographic standpoint than it is in the more populated areas. So, while there may not be as many voters in some of these upstate counties, they do have to travel long distances to get to some of these sites and that's a problem that also exists. I know there's been for example a piece of legislation that was going to force I think counties to put them in their most populous city or town or whatever it happens to be. To me that's all well and good but you've also got this other issue that doesn't seem to be talked about much which is if I live in a rural area, I may have to drive 20 miles or more to get to my early voting site where the guy that lives in the city, he has to go 3 blocks. Is that fair? So, we can all agree that the number of voters serviced might be the same, but the reality is in an upstate county, I mean where I'm from, the southern tier, you have relatively rural populations which have 1 or 2 voting sites for a very vast area and that problem doesn't seem to be talked about much or addressed anywhere, or anybody seems too concerned about it. But I think that's a concern we should also be looking at beyond just, is the guy in the city getting serviced here? So, I think that's something else they should talk about.

Douglas Kellner: Agreed. Alright we ready to vote on this.

Andy Spano: I'll move it.

Douglas Kellner: Those in favor say aye.

(Chorus of ayes) opposed? Alright so those are adopted.

Next is approval of the school district absentee ballot application. Is there anything controversial in this?

Andy Spano: You talked to the school people, right?

Kim Galvin: Yes.

Brian Quail: This involved conversations between staff of the Board and staff of the State Department of Education and the State School Board's Association.

Andy Spano: I'll move it.

Douglas Kellner: Alright those in favor say aye.

(Chorus of ayes) opposed? That is adopted. Next is the resolution approving the 2020 Cybersecurity Plan. And the purpose of the plan is in order to qualify for federal funding, right?

Todd Valentine: That would be correct. This is the plan that is required to be submitted as we alluded to earlier in Executive report of the federal law that passed providing additional grants for Cybersecurity but as well as the improvements of federal election. It's a little over \$19 million plus the matching funds would add to approximately \$26 million to make available. The bulk of the funds are, from the last grant in 2018 and to this grant in 2020 are going towards supporting the counties. I mean we have to do our own Cybersecurity of course, but a large bulk of that gets pushed down to services that we're either buying directly for the counties or providing access to some funds in other ways. For example, the risk assessment that we did on-site in every county that we finally finished was something that we paid for that the counties really had not gotten before and its of good value to them, plus the monitoring services that we're also going to extend out, and of course, this plan can be amended if we see a need. This puts us in position when the budget is adopted because the federal funds is in there once the budget is adopted that will allow us to actually spend the funds. So, we can't spend the funds until the budget is adopted. So, assuming the budget doesn't change.

Bob Brehm: So, it's to apply for the money the last 2 resolutions would allow to expend funds, the 20% match comes from the online voter registration capital appropriation. So, it's certainly subject to the budget passing is the wording we put in here. So, it allows us to receive and spend matching funds which is necessary to qualify for the federal money.

Andy Spano: So moved.

Peter Kosinski: Second.

Douglas Kellner: Those in favor say aye.

(Chorus of ayes) opposed? It is adopted. Next is the approval of our legislative proposals for this year. Basically, many of our proposals last year were adopted.

Peter Kosinski: So, it could be chapters they adopted last year wasn't quite enough for them.

Kim Galvin: That was my point, my suggestion was going to be that we have so many to implement and not enough money or not enough staff we shouldn't recommend anymore but I was stopped in that effort.

Douglas Kellner: But these are actual...

Kim Galvin: Yeah, and if they pass then we still have less money and less staff.

Peter Kosinski: A lot of these have been on our...

Douglas Kellner: Some of these are to urge to reduce the burden on us, right?

Peter Kosinski: A lot of these are old and have been on our list, are there new ones that are new this year?

Douglas Kellner: So, Kim I'm trying to exposure your comments as tongue in cheek.

Kim Galvin: No, I was quite literal, actually.

Douglas Kellner: So, you think that we should not be allowed to...

Kim Galvin: No, not allowed. I think that we should have sent the letter that said we don't have enough money and enough staff to do what you've already required us to do.

Bob Brehm: Todd and I testified to that in November.

Kim Galvin: Right, so I would overrule...

Douglas Kellner: Are you seriously suggesting that we should not be proposing to eliminate the outdated and costly requirement of certified election results being printed in every local newspaper?

Kim Galvin: Well, practically, I suppose we should; but realistically, I know that has a snowballs chance in actually getting passed for the various reasons we all know.

Douglas Kellner: It has zero chance if we don't ask.

Peter Kosinski: Is time off to vote in there?

Kim Galvin: No, I added it.

Peter Kosinski: Can you talk about that for just a second? So, what are we proposing? I know that's been a big problem.

Kim Galvin: The only ads that we have in here, two of them when I was overruled on my letter saying we shouldn't get anything more to do came from our side said the time off to vote we received I don't know hundreds if not thousands of questions and calls from businesses, the Department of Labor won't help us, nobody will give us guidance, there's no place to put this to. Businesses are crazy because now there's 9 extra days and the requirement for time off to vote has been expanded so they don't know how to do it. So, if we were going to recommend things, I would urge that we recommend that we fix that error from last year or confusion, and go back, I opened the book in 2010 and that is the proposal that you have that goes back to 3 hours without a loss of pay if the voter does not have sufficient time to vote on election day.

Peter Kosinski: So, go back the way it was?

Kim Galvin: Yeah, because now we have 9 extra days to vote.

Brian Quail: It does a little bit more than that though, previously there was a standard in the statute that sufficiency basically was when you didn't have 4 hours outside of your working time, so this does exactly what Kim said but I would just for completeness note that it removes the definition of what sufficient time is.

Kim Galvin: No and that was when we had 1 day to vote as well. That old standard.

Brian Quail: But it would still apply to sufficient time on election day so under this if it were to occur there was found entitlement to have enough time on the day of the election to vote, sufficient time is not defined but it would continue a statutory right to have sufficient time to vote and be able to get up to 3 hours off without loss of pay.

Peter Kosinski: But limited to election day as opposed to the election season.

Kim Galvin: Well, that's how we interpreted the broader change last year, but I mean no one would labor, no one would help us to go on the record.

Peter Kosinski: I know it's been a big, I mean I've read a lot of stories about it too.

Douglas Kellner: And...

Brian Quail: It's a starting place for a discussion.

Douglas Kellner: Yes, and I think there's a pretty good chance that there will be a revision this year. But it's not our decision. All we can do is make a recommendation, but I think it's helpful to have a bipartisan formal recommendation coming from our agency.

Peter Kosinski: I do too, and also with the LLC issue which I know we've talked about here that LLCs don't have to disclose their information till the end of the year...

Douglas Kellner: It's a technical glitch...

Peter Kosinski: I think technical, but I mean on a practical level...

Douglas Kellner: I don't think they do it on purpose.

Peter Kosinski: But you're having a lot of problems.

Kim Galvin: Yeah, we're having a lot of problems. But now it would be to be filed within 7 days of actually making a contribution. And to provide it to the committee to which you provide the contribution so that they can do their filings appropriately.

Brian Quail: This is a transparency measure, or it expands transparency and also deals with an administrative problem.

Douglas Kellner: Alright, so I move the adoption of our election law...

Kim Galvin: There is one more.

Douglas Kellner: Well may I make a suggestion though that the three new ones be moved up to 1, 2, and 3 when we number them?

Brian Quail: That's fine by me if it's fine with everybody else.

Douglas Kellner: Does that make sense though in terms of getting people to read them?

Kim Galvin: Should we keep them in red as well or should we...

Douglas Kellner: Well, I'm willing to authorize our staff to tweak the order of the proposals so that they can make a presentation that they think would be most effective and actually getting the legislature to adopt.

Peter Kosinski: That's fine.

Douglas Kellner: Alright so with that let me just ask for formal approval of the...

Peter Kosinski: I think you've already moved.

Andy Spano: Second.

Douglas Kellner: Alright those in favor say aye.

(Chorus of ayes) opposed? Alright next is opinion on the Sheriff. The proposed advisory opinion. Kim, is this yours?

Kim Galvin: Well, it's everyone's. A Sheriff that ran for election was elected 3 times that had a bachelor's degree. He thought that he should move on to his master's degree after his first election, didn't want to pay for it out of his campaign account because he didn't think he had enough money at that time or some particular rationale that he had and now he had asked if he could retroactively go back and pay for his master's degree that he earned and for the two reasons set forth; one that changes to your filings have to be made contemporaneously when they are expended and also it's a conversion to personal use in the staff's eyes if retroactively paying for a degree that wasn't required to hold the office that you're holding that we would deny his request to pay for the degree. Now we do understand that there are certain instances where a course or certification or a CPR or something like that may actually relate directly to the office that you're holding. And this opinion does not address those issues, but this is the degree the master's degree as a whole according to the findings.

Douglas Kellner: Alright I support the opinion. Alright so moved and is it seconded?

Andy Spano: Seconded.

Douglas Kellner: Those in favor say aye.

(Chorus of ayes) Opposed? The opinion is adopted and then the Know, Inc. E Poll Book update. Tom or Brendan do you want to just explain why we need to vote on this?

Tom Connolly: Well as part of the language that allowed for electronic poll books the State Board was tasked with promulgating a list of approved devices and configurations for use in the state. We've done so since then, approving not only the three original systems but also at least one subsequent modification. As I mentioned during my unit report, Know, Inc. one of those three vendors has submitted a modification to their system to us which includes both hardware and software changes. We did do the same process that we followed initially which is we reviewed it for compliance with roughly 150 different requirements that we have. We utilized NYSTEC to do some vulnerability and security scanning of those devices. That information was provided to all of the Commissioners, and it is at this point the recommendation of our unit that the new continuation be approved.

Kim Galvin: Wasn't this to check for the inactive voters too?

Tom Connolly: No, the inactive voters can be handled already.

Douglas Kellner: Well, you want to address that because a lot of people have asked us about that. Can they comply with the court order on the inactive voters by having the electronic systems provide that list?

Tom Connolly: The guidance that was provided to the county stated that although counties can certainly keep a separate paper list of inactive voters and that would comply

with the courts order. If they wanted to include the information of inactive voters on the same device whether or not that was possible and with the 3 currently improved vendors, all three systems are able to follow our guidance which is to kind of make sure that the inactive voters themselves are distinguished in some way from the list of active voters and that again, that there is no difference to the workflow as I think Brian mentioned before that the inactive voters follow. So, if a poll worker were to find an inactive voter in this list of inactive voters that is supplied, that individual would only still be able to file the affidavit ballot process.

Kim Galvin: But they wouldn't be able to sign in the electronic poll book.

Tom Connolly: Correct.

Douglas Kellner: So that's already done and that doesn't require Commissioner approval.

Tom Connolly: Correct.

Douglas Kellner: Alright good. Alright so I move the adoption of the resolution on the Know, Inc. update.

Peter Kosinski: Second.

Douglas Kellner: It's seconded. Those in favor say aye.

(Chorus of ayes) Opposed? That's adopted. Jared, did you want to say something else you said on vote centers but please keep it very, very brief.

Jared Berg: Thank you, very brief. So, the Board is aware that 54 of the 59 jurisdictions adopted vote centers or 62 jurisdictions last year. There are 3 counties putting aside New York City that haven't, Albany, Westchester, and Orange. At this point we're trying to figure out exactly why because they're required to have vote centers unless there's an exception. In the case of Orange County, they responded to a FOIL saying they didn't have a basis last year or this year that they relied on that for. Westchester and Albany did not respond to the FOIL but in Albany's case they have a very successful pilot program for where they had one countywide vote center and then several that were regionalized or assigned. So, if that worked well in 2019 the question is what is the basis that they wouldn't roll that out countywide this year which the law requires so long as its feasible? In the case of Westchester, we know that they beta tested both centers during the election. That is, they actually had people sort of secretly working for the Board go and try to vote at one that they weren't assigned as just to make sure it worked. I think that's unorthodox, and I wouldn't have suggested that that's a great way to test the system, but to the extent it worked, and these counties are all using equipment that is the same as the other counties that have vote centers.

Douglas Kellner: Could I just interrupt you that with respect to Westchester it's my understanding that they are going to vote centers and you're just saying they haven't told you that yet.

Jared Berg: Well sure, you know these plans aren't due for a few weeks and they're not present on the website, and we haven't had a meeting or made any announcements.

Douglas Kellner: One more minute.

Jared Berg: That's it, there's 3 counties and so...

Douglas Kellner: And then New York City hasn't done it yet.

Jared Berg: That's right and I put them to the side cause there's several technical requirements and they haven't spoken on the record about those and the challenges there. But the point is that in the case of these three counties, they haven't stated a basis for not doing vote centers so we expect all of them will follow the law this year, but they have about two weeks to put out their plan. So, we're looking at those issues and I guess I was wondering if the Board has information on those counties. We're thrilled to hear that at least one of them is planning to do vote centers.

Douglas Kellner: Alright Tom or Brendan do you just want to comment on that? Do you have any more information that that? On Orange or Albany...

Brendan Lovullo: Not that we've received any of...

Douglas Kellner: Alright great. Next was to just discuss our next meeting day.

Peter Kosinski: I have one more thing before that. I have one more issue I wanted to bring up bring up under new business. So, this actually relates to one of the lawsuits that was commenced against us. This is the SAM lawsuit that was brought against us and the context of that suit it was disclosed in that suit that the SAM is an abbreviation for Serve America Movement that being the name of the party. New York law has a prohibition in it on using the work American or any abbreviation thereof. It seems to me that that party is in violation of that statute its 224 which prohibits a party from using the words American, United States, National, New York State, Empire State or any abbreviation thereof. It's certainly my opinion that the word America is an abbreviation of the word American and should not be allowed to be used as the name of a party in this state. I'm looking for the...

Douglas Kellner: Yeah, the name of the party is the SAM Party.

Peter Kosinski: Well according to the lawsuit it says in the context of it that SAM an abbreviation for the Serve American Movement and then it goes on to talk about what they want in the lawsuit. But its their abbreviation for Serve America Movement. So, it

seems to me the official name of the party is Serve America Movement and as I said, American...

Douglas Kellner: Except that it isn't.

Peter Kosinski: I'm not sure what you mean by "isn't".

Douglas Kellner: The official name of the party is SAM.

Kim Galvin: On the rules that they filed here their organization.

Andy Spano: And we approved that here, right?

Douglas Kellner: No.

Peter Kosinski: Well, I will say in the rules I mean this is the first it's come to my attention this is their name. I will say in the rules file here it didn't make mention of this but now in this lawsuit that's what they're asserting is that it's an abbreviation for Service America Movement. So that's to me the official name of the party is Serve America Movement they must have abbreviated it down to SAM, but the official name is Serve America Movement, and we have a prohibition on the word American I don't know how we allow that to stand.

Douglas Kellner: Well, my suggestion is we take this under consideration, and we could revisit this next month. I'm not prepared to vote today.

Andy Spano: Yes, I agree with that. I would just like to, not at this moment.

Peter Kosinski: I mean it just seems to me we should raise it now because it's come to our attention now at least my attention and I think, well I mean I think as a Board we have an obligation to enforce the statute as written by the legislature and this is in violation of that. So, if you guys want to think about it, it's fine I get that, but I do want to raise it because I think it's an issue that needs to be dealt with here at the Board.

Andy Spano: I know there's no legislation prohibiting this, but you've got this Independence Party on the ballot and that's right out there.

Peter Kosinski: Well, that's a different issue.

Andy Spano: And then you've got 99% of the people who vote on the SAM line or look at the SAM line and they're not going to understand that means anything but SAM that's the way I look at it. I mean that's the way I look at it now, I don't mind looking at it just in general.

And then the issue between American and America, isn't that a legal issue I mean I don't know.

Peter Kosinski: Well, it does say in the statute...

Andy Spano: I mean I wouldn't have caught on it right?

Peter Kosinski: It does say in the statute or any abbreviation thereof. It seems to me that that would cover America as well as American so I think within the statutory language it's pretty clear that its not just American but an abbreviation thereof which you might argue America is, but I think it's covered so.

Andy Spano: I'm not against this...

Peter Kosinski: I understand.

Andy Spano: I'm just throwing things out there. I calculated 1, 2, 3 parties if that's it I'm fine.

Douglas Kellner: Alright so we'll at least, so that has been considered as new business and if you want, we can leave it as old business for the next agenda, and we were talking about dates.

Peter Kosinski: You're talking meeting dates?

Douglas Kellner: Sure.

Bob Brehm: We need to certify the June primary not later than Wednesday April 29th, April 28th is Presidential primary and the various specials.

Todd Valentine: And the last day to file designated petitions is April 2nd.

Douglas Kellner: So, I think we were tentatively talking about the week before.

Bob Brehm: 24th is the Friday.

Andy Spano: We're talking about April 24th, right? Do we need a meeting in March?

Bob Brehm: I don't think we do.

Douglas Kellner: I don't need to meet in March but if you want to meet, we're suggesting Wednesday March 25th yeah. But I don't think we need, I don't think there's anything pressing but if we, why don't we leave that as a tentative date...

Peter Kosinski: the 25th in case...

Douglas Kellner: so, we block that out and then...

Andy Spano: And then the 24th the other date April 24th?

Douglas Kellner: So, we'll tentatively say March 25th and April 24th, so we keep those dates free.

Todd Valentine: Well on that April date, the only concern we have is because of the timeframe from April 2nd as being they don't really allow you less than 3 weeks. So, the general objections and its only a very narrow time period to do all the specific objections which we really do need as much time as we can but recognizing that.

Peter Kosinski: When do you certify?

Todd Valentine: The 29th is the certification date, April 29th. So, and I know the day before that is the primary so...

Bob Brehm: That's many moving parts done in one day to certify.

Todd Valentine: We may need to consider if we do meet on the 24th we may need to have it open for something to address on a...

Douglas Kellner: So maybe we should also block out the, well except we could do it by phone.

Todd Valentine: Right, there may be things that just the times tight that's all I'm saying. I can't guarantee that we'll have everything done by the 24th because I don't know...

Bob Brehm: Right, there certainly will be litigation that extends beyond this.

Todd Valentine: Oh yes.

Peter Kosinski: Well, we can't control that.

Andy Spano: I could probably do the 28th remotely.

Todd Valentine: Well, if you had that and the 24th first and 28th remote that would allow us in the event that we needed a week to get the last pieces of the puzzle.

Douglas Kellner: Does the State Board staff have things that relate to the primary if we did it the 27th?

Peter Kosinski: The 28th.

Douglas Kellner: No, the 28th is primary day, obviously you can't do the 28th.

Andy Spano: Why don't we say the 27th? Well, the 24th and 27th that's close enough.

Peter Kosinski: Yeah, I can do any of those days.

Douglas Kellner: I'm just asking I understand that we really shouldn't do it on the 28th because that's primary day.

Andy Spano: Let's say the 27th if that's comfortable with everybody?

Todd Valentine: Yeah, that would be the best, that would work. Cause that would give us the weekend and that's what we're really concerned about.

Douglas Kellner: And I'm just asking if that interferes with pre-primary duties?

Todd Valentine: Well, we have...

Bob Brehm: The majority of everybody in the building's energy in that month is to deal with all of the ballot access, I mean for many years we got by because congress was separate from everybody else. Putting them altogether means we are going to be swamped so everybody in the building helps.

Douglas Kellner: And this gives you the weekend to...

Bob Brehm: We've used those before.

Todd Valentine: We have, and as far as preprimary, at that point in the schedule, obviously early voting has begun, so we'll be in the process of early voting, we will be in the middle of our pre-election security check-in phase where we're monitoring whether other issues have come up for adjusting for incident responses. So.

Andy Spano: the 25th is tentative in March.

Peter Kosinski: Okay got it. Absolutely. Yes, the 27th is okay.

Bob Brehm: If you want to the next time, we have to certify is for the general so just keep your eyes open for the first week of September.

Peter Kosinski: I'll make a motion we adjourn unless there's something else.

Douglas Kellner: Thank you. Alright so we stand adjourned.