

Commissioner Kosinski: Alright, now that we've adjourned the Public Campaign Finance Board, we're going to convene as the New York State Board of Elections. My name is Peter Kosinski, I'll be chairing today's meeting. Joining me today are Commissioner's Spano, Casale, and Kellner. I would just note that we are doing this remote. We're doing this due to the State of Emergency that's been declared by Governor Hochul for the Albany area, and so we will be doing this remote today. The first order of business today is to approve minutes from the meeting of December 15th and the meeting of January 17th.

Commissioner Kellner: I move that we approve the minutes.

Commissioner Kosinski: I have a motion, is there a second?

Commissioner Casale: Second.

Commissioner Spano: Second.

Commissioner Kosinski: All in favor? Aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? That is carried unanimously. Our first order of business are unit updates. And we will begin with the unit update of Executive, Kristen Zebrowski Stavisky.

Kristen Zebrowski Stavisky: Thank you, Commissioner. We've worked with staff throughout the agency, as well as the county boards of elections and other agencies since our January meeting on a number of projects, and I will go into several of them. Online Voter Registration and Automatic Voter Registration, as we continue the procurement process, we have worked in-house to develop an interim online Voter Registration application that is expected to launch in May of 2023. And much work has been done internally. We have several meetings per week on this application. Voters will have the ability to upload a signature, sign a pad, or give consent for us to use their signature from DMV or other state applications. And that work is ongoing. The staff has been dedicated to that, and we look forward to hopefully being able to show you some screen demos very soon.

Public Campaign Finance Board, five bids were received in January, four were deemed responsive by OGS, which means they met the minimum qualifications outlined in our request for proposals. The internal evaluation team and advisors to that team have been meeting since

January. We expect to complete our evaluations here I believe they will go over to OGS next week, and then OGS will combine the technical and the cost proposals, and from there, we will schedule demonstrations with the bidders.

As far as space planning goes, the bid was awarded for the 5th floor construction, and the vendor is currently finalizing the plans with OGS. So, we are about, at this point, 6 weeks out from construction which will be divided into two phases on this floor. For the past month or so, the staff has been busy packing, scanning, and securing documents, and materials so that they can vacate the north side of the floor. We did place the furniture order, and alternate space on the 1st floor is expected to be vacated by ITS just right before we are ready to start the construction. So, we will be able to move people down to the 1st floor, sort of that up the stairway from when you walk into the building. And that area was previously wired for our network, so, we will be able to access that space as soon as they vacate.

Members of some of the PCFB and the IT staff have modified their schedules to allow for some remote work, so that will free up some space during the construction. We may have a situation where certain employees are on three days home, remote two, and then switching the following week. But, of course, we know that our complex calendar and deadlines, we will ensure that operations are not impacted and that the public face of the board is not impacted in any way.

As Cheryl mentioned in the PCFB meeting, the Governor's Executive Budget did fully fund our request, and we are right now, obviously waiting for the one house bills, so we will have more news on the budget after the April 1st enactment, and when we get the one house budget.

The website redesign process is beginning. Web and wide did complete an entire inventory of our website. We're ready to move forward working with them. Our goal is to create a more user friendly experience and to arrange the information and applications in a more intuitive way so that visitors to the site can more easily access the data and information they need.

Ongoing meetings, we continue to meet biweekly with the Division of Budget, the Office of General Services, biweekly with Enforcement, and with the Executive Branch. We will continue our monthly conference calls with the Election Commissioners Association, the next call is scheduled for March 23rd, and we will cover topics such as petition filings, the new guidance we gave out on objections to petitions and financial disclosure requirements, mail check, local limits on the sites, just keeping them up to date with everything they have to know. The 2023 Election Law books are here, so you should be receiving your copies and they are currently being distributed to the county boards. They continue to receive, at the county boards, FOIL requests and we continue to update our guidance and aid them with questions as they contact us. We also, as I mentioned, just released guidance on the specifications of objections for petitions. We got a lot of good feedback on that. We are currently finalizing guidance on village elections to help counties distinguish between elections run by the village, run by the county on a day other than the general election, and run by the counties on the day of the general election. And we are reviewing guidance on DMV registration and documents. And it has been really a pleasure to

work across the aisle as we get together and work on the guidance, and it's been well received by the counties.

Our work with the Center for Technology and Government at the University of Albany continues. We are on phase 2 of envisioning an elections future, exploring the technology policy management and legal environments on voter registration, and we instituted a digital transformation executive committee which consists of all the unit heads and the Deputy even helps us to better manage and talk about our technology projects across the agencies to make sure that all the units have an understanding and knowledge and have an impact, and are able to give feedback to us about technology projects.

That is the end of my report. I'll turn to Brendan Lovullo and see if he has anything he'd like to add.

Brendan Lovullo: No, I think you nailed it. You were very thorough.

Kristen Zebrowski Stavisky: Thank you Commissioner.

Commissioner Kosinski: Okay. Any questions of Kristen or Brendan? Hearing no questions, we'll move onto our next report Election Operations from Tom Connolly and once again, Brendan Lovullo.

Tom Connolly: Thank you, Commissioner. We have been working with the data that we have collected on our annual fiscal survey from the counties, which we do every year. And every two years, we complete the federal EAV survey which is the election administration and vote survey. So, we are currently working with the federal government the EAC specifically to kind of finalize our submission of that data for New York. As Kristen mentioned, we have been working with the other units on a number of different guidance topics. And also a description of the construction project, staff has been looking to identify and organize materials that we have here and both with regard to county documentation and also ballot access documents, just so that we can make sure that things are being properly retained and stored, while we move them for the construction project. Operations staff did go out and perform acceptance testing for 113 machines in Niagara and Orange counties. Also, I attended the 2023 winter conference for NASED which is the National Association for State Election Directors. I did give a presentation on statewide implementation of an accessible absentee voting.

With regard to voting systems, Clear Ballot has as in the case for the past couple of meetings, has two different offerings in the hopper; one is a modification to their existing central count system which is Clear Count 2.2.5. It is a very minor modification. The testing was finalized, and the testing has been completed. Staff and NYSTEC are completing the review of the reports and would consider bringing it before the Board for action at the next meeting. Their full presync voting system Clear Vote 2.4 the testing approach and scope has been finalized, but the plans are still under discussion. There have been some technical changes to the system which may merit some changes to the testing plan. So, therefore we are still working that out. So, testing has not

begun on that system. With regard to ES&S, the test points have been finalized. The test case development is largely finalized, NYSTEC is still to review the security functional test cases for approval, and functional testing, actually began last week for the ES&S system. For Dominion, we are expecting the initial reports on the source code review, the security source code review, security functional testing, and also functional testing sometime next week. There was a public demonstration of the system, which took place on February 7th. That demonstration was held here at the Board offices. It was also livestreamed, and a recording was posted to our Youtube account. Recently, the State Board received a letter from Smart Elections as pertains to the testing of the Dominion system specifically the ICX, which is the ballot marketing device component of the system. In the letter, they had made a number of specific requests and I just wanted to address the four requests that they made.

One, that the approval process be paused immediately, to which my response was simply that the certification process is currently underway, and the Operations Unit does not believe that any information provided in the letter supports a pausing of the process. We do attempt to stay aware of all issues that are being experienced by other jurisdictions across the country, as it pertains to any sort of voting technology that's used here in New York State, whether it be voting systems, E-poll books, voter registration systems, etc. So, we are aware of the issues that were raised specifically by CSISA which is the Cybersecurity Infrastructure Security Agency. So, that's part of the Department of Homeland Security. So, we were aware of that information from I think last year. We did raise it with the vendor when we first received it. We had a call, we went over each of the items, we then also went over it with our testing lab SLI and our independent security researcher NYSTEC, and we have asked them to make sure that they address that information specifically in their testing reports. So, we feel that the controls will be addressed during the normal testing process. This way we think that there is no reason for the pause.

They did also request that a public comment period be established, that includes a hearing, to which my response was simply that the public is always welcome to engage with the Operations Unit in order to ask questions regarding any of the systems currently under review by the board. They're also free to submit comments on any such systems which will be passed along to the Commissioners for their consideration prior to any certification action being taken. It is our position that the Commissioners believe that a formal hearing is necessary, they can request that such a hearing be held as has been done in the past.

Their third request was that any such hearing be fully accessible and whereas the issue of holding a hearing itself has already been addressed, I would like to take a moment to state that the Operations Unit has endeavored to expand access to the public demonstration process by first providing recordings of the demonstrations being held on-line on our Youtube channel, and then also most recently, by livestream demonstration. We acknowledge that there could be improvements to the process, which could make such demonstrations more interactive and accessible, and appreciate the feedback that we've received to date, on how we can accomplish that, and we will try to do so with the comments received. We have also offered to hold additional demonstrations at the Board's offices in Albany, and may consider another livestream demonstration with some improved features, for those unable to make the trip. We will confirm

the dates of these events, and we will ensure that they are posted on the website at least 2 weeks in advance to provide sufficient notice. We will also provide information directly to the parties who've inquired to provide feedback recently regarding our demonstrations.

And then the last request of the State Board of Elections, take these public comments into account, and as has already been previously discussed, we welcome comments from the public. The Elections Operations Unit will continue its practice of reviewing comments to ascertain whether there are any changes or additions to the testing process as needed, and as has already been stated, comments received regarding the voting system testing will be provided to the Commissioners for their consideration before any certification actually is testing—taken, sorry.

And then lastly, under voting systems, as it was mentioned the last meeting, we have undertaken a project with NYSTEC to review and make changes to our regulations specifically 6209 as it pertains to voting system certification, so that we can be sure we can harmonize those regulations with the adoption of version 2.0 of the Voluntary Voting System Guidelines or the VVSG. We expect that project with NYSTEC to be completed later this year. Before I move onto E-poll books, are there any questions about voting systems?

Commissioner Kellner: Tom, just to clarify, I think that we're committing that the test reports will be distributed to the public at least 2 weeks before the Commissioners would vote so that people will have time to make public comments, am I right on that?

Tom Connolly: Yes.

Commissioner Kellner: And that there will be another demonstration prior to that.

Tom Connolly: At least one. I mean, we will have another one for those who want to attend physically, and then we will probably also do another one dedicated to just livestreaming it because some of the feedback was that we received had to do with the fact that we were livestreaming a demonstration that was being given to people who were actually also physically present. And so, it was kind of difficult to kind of split the audiences. So, we would do one that would be dedicated to those who are watching remotely. So, we would have likely two additional demonstrations of the system for the Dominion system within the next month.

Commissioner Kellner: Thank you.

Tom Connolly: Sure. With regard to the E-poll book systems, we did ask has been our practice, all of the vendors that they expected to submit a revision to their configuration which is used in New York State. We normally do so 90 days before an election giving the Operations staff roughly 45 days to do any necessary testing, so that we can bring it before the Commissioners, and they will hopefully approve a new configuration not later than 45 days before an election to provide the counties sufficient time to update their fleet of devices prior to the next election. Right now, for this meeting, KNOWiNK. they did submit their poll pad 3.4.0 version which is their new application which is run the latest operating system for the iPads which is iPad IOS

16.3.1. Operation staff has done the necessary functional and security testing, and has provided the resulting reports to the Commissioners and a resolution to approve this configuration is on the agenda for later in the meeting, with regard to the other two approved vendors Tenex and Robus. We will be testing submissions from these two vendors in the coming weeks, and we'll look to have resolutions for their approval on the agenda for the next meeting.

Lastly, with regard to technology projects, we've been working with IT and other units for the development of the interim on-line Voter Registration System. As Kristen mentioned, we are working very diligently so that we can be sure that we make the May 2023 deadline. Also, we continue to work with IT and counties to monitor the process of their migration of voter registration systems, as some counties are moving from their legacy vendor to a different vendor, and we're also working to ensure that the existing systems show full compliance with the requirements of the security function and communication requirements that the State Board has promulgated for such systems. We do have four resolutions on the agenda later on to address four existing voter registration systems which have shown compliance with all other requirements promulgated by the State Board. And that's all I have. Brendan, you got anything?

Brendan Lovullo: I was just going to say for the Know, Inc. people, I think we'll be sending something out so they can begin their upgrades if the resolution is approved later on to help them prepare for the June primary.

Tom Connolly: Any other questions from the Commissioners?

Commissioner Kosinski: Hearing no other questions, we'll move on. Thank you guys, Tom and Brendan. We will go onto our Counsel Compliance Unit, Brian Quail, and Kevin Murphy.

Kevin Murphy: Thank you. Good afternoon, Commissioners, we'll start with a summary of some recent developments in our litigation. In the matter Hernandez v. the New York State Board of Elections, our accessible absentee ballot case, a settlement agreement has been reached with the plaintiff's regarding damages and fees relating to their claim of breach of contract. The stipulation for that settlement was filed with the court on March 8th, and that system development is ongoing.

With regard to DCCC v. Kosinski, the wrong church case, that matter has been voluntarily dismissed by the plaintiff's, by a stipulation that was filed on March 2nd. It is important to note that the preliminary injunction in that matter regarding the absentee ballots without postmark have expired as they were applicable only to the primary and general elections in the 2022 cycle.

Brooklyn NAACP v. Kosinski, otherwise referred to as the Line Warming case. Our motion to dismiss was denied on nearly all claims in that matter, save for our motion with respect to the as applied claim for vagueness. So, the lion's share of that matter is moving forward. Our answer was filed on March 9th. We are now entering into the discovery phase of that litigation. We will keep everyone apprised of any further developments in that.

In *Upstate Jobs Party v. Kosinski*, the nonparty contribution limits case, our argument in the Second Circuit appeal is scheduled for May 10th of this year. We are represented by the Attorney General in that matter.

Turning to legislation and regulatory changes, it's worth noting there's been a significant amount of discussion regarding the new notary regulations per the Department of State's recent guidance, specifically with regard to identification and record keeping requirements. We continue to be in contact. Discussions are ongoing with all parties regarding implementation and potential changes or amendments, but as of now, there is nothing to report on that front, so those regulations remain in effect, and we are continuing to provide guidance as requested to parties in that matter.

Regarding some notable legislation, Chapter 77 of 2023 which was signed on March 3rd, implements provisions that provide for electronic correspondence for objections to political petitions. That is part of a regulation we will be passing later on in this meeting. Chapter 89 of 2023 also signed on March 3rd, related to accessibility of election district maps that are provided online and the format to provide those digital files. And then just another note, Senate bill 615, which is also Assembly bill 2556, regarding reimplementing local contribution limits has passed both houses, most recently passing the Assembly on March 9th. It has not yet been delivered to the Governor, but we are keeping an eye on that and hopefully that will occur shortly.

On the Compliance front, I would like to report that 180 first quarter deficiency referrals have been made to Enforcement along with 97 second quarter deficiency referrals, 2,286 reviews have been completed since our last Board meeting with 705 candidate and committee records terminated so far in 2023. We have 243 total independent expenditure committees, 142 of them active, and 65 of those IE committees have file 633 paid internet digital advertising files with our office. And I believe that is everything I have, unless Brian has something to add.

Brian Quail: I do not have anything to add, Kevin, great job.

Kristen Zebrowski Stavisky: I just want to add Commissioners, that we did also after working with Counsel, we did send an advisory on the notary to the counties so that we gave them suggestions for record keeping as we continue talks and negotiations.

Kevin Murphy: That is true, and we may receive some further inquiries with regard to that. I know I personally received finally a letter from the Department of State informing me of these new requirements that went into effect almost 2 months ago, so, we may be receiving some new inquiries as those letters are just going out. But we will keep on top of that.

Commissioner Kosinski: Commissioner Casale.

Commissioner Casale: I just want to clarify what our responsibility as a State Board or what the county board's responsibilities are regarding the enforcement of this notary regulation.

Kevin Murphy: Regarding enforcement of the regulation, we don't really have a role to play. Our role has been simply to inform the parties, and again the counties that these regulations are now in place. But any enforcement with regard to those come from the Department of State.

Commissioner Casale: Okay, so to clarify, if a candidate presents a petition to a county or state board and it's noted that some of the pages were witnessed by a notary, there's no requirement for the county board or state board to ask questions such as, "Do you have a log, do you have a record?" There's no responsibility whatsoever?

Kevin Murphy: That's correct.

Commissioner Casale: Thank you.

Brendan Lovullo: That would be something that would be, some type of an objection that would be handled.

Commissioner Casale: I understand, I understand but at the same time yeah. I just don't want to put any more burdens on our county boards right now, especially with so many local races this year.

Kristen Zebrowski Stavisky: No, they would have no responsibility and they would do their regular petition filing.

Commissioner Casale: Thank you.

Commissioner Kosinski: I guess in conjunction with that question, I'd ask with the failure of a notary to comply, would these regulations have an impact on the petition itself.

Brian Quail: This is Brian speaking, I do not believe so. In our conversations with the Department of State, they seemed to very clearly be of the view which I think we share that the issues of noncompliance with notary record keeping would potentially affect the licensure of the notary, it would not go to the validity of the signatures that they gather, even if they don't comply with the rule. So, it's a matter of professional conduct as opposed to substantive validity of the document.

Commissioner Kosinski: I mean is this worthy of us putting out an opinion or something formal that would in essence hold harmless the petition from the regulations that Secretary of State's office is putting out. I guess I'm asking the Counsel that question.

Brian Quail: Commissioner, I don't think that the regulations that the Department of State has published in any way go to the validity of documents. And I think they've made that clear, and that the sanctions for noncompliance with the Department of State regulations with respect to the notary keeping a log and that sort of thing, would be on the notary's status as a notary potentially, and a license revocation or a proceeding before a hearing officer in the Department

of State. And that was to echo your point, that was exceedingly important to us, to make sure that it was their understanding that the regulations that they promulgated do not go to the substantive validity of signatures gathered by notaries, or the validity of the notarization themselves.

Commissioner Kosinski: And has that advice been forwarded to our county boards? Cause I know this year it's a local year and our county boards will be dealing with a lot of petitions and is that the advice that we're giving formally to our county boards now?

Brian Quail: Yes, it is. My recollection is that there is a sentence in the advisory that we put out at the end that said that the regulations do not have a substantive impact on petitioning. Functionally speaking, the law what is a valid signature on a petition is exactly the same as the day before the Department of State issued those regulations.

Commissioner Kosinski: Okay, thank you. Any other questions of our Counsel? Hearing no other questions, we'll move onto our next unit and that's the Enforcement Unit, Michael Johnson.

Michael Johnson: Hi, Commissioners how are you? The Enforcement Division, we just recently completed our no-filer project. On the 30th of January, the division sent out roughly 3,320 e-mails to committees that was on the 2023 January no-filer list. Of the 3,320 committees 168 had no e-mail addresses listed. As of March 9th, there have been 225 bounced back e-mails, there have been 78 other responses that we received regarding the e-mails that were sent out. A lot of those with responses were things like, "I am not the treasurer", "The committee closed years ago", "I already filed, and thank you for the reminders." We then sent out certified letters. We followed up the e-mails with certified letters on February 10th. We mailed out roughly 2,467 certified letters. As of March 9th, 545 certified letters have been returned and the return, there are reasons for the returns, and one of the reasons apparently is people, and I think I might have mentioned this previously, when people get certified letters, a lot of times, they don't want to go pick them up because they don't know what's in it, and especially if it's from the Division of Election Law Enforcement. They won't go get the certified letters. As of 10:00 on March 9th, there were roughly 1,891 committees on that non-filer list. So, since the sending out of the e-mails, roughly 1,429 committees have filed due to the Department's efforts. Of those committees that filed, 1 committee had a bad e-mail address, 31 had no e-mail addresses, 30 of those that filed had certified letters returned. So, they filed based on our e-mails, not receiving the certified letters. Of the committees that are still on the non-filer list as of March 9th, we have 7 committees that were not even on our February non-filer list. So, apparently those are committees that I don't know, for whatever reason, didn't make the list but still never made their filings. We also then have out of the 1,884 committees from February, 117 committees had a bad e-mail address, 207 committees had a bad e-mail address, and 395 committees had their certified letters returned. A total of 719 committees on March on the non-filer list had either a bad or no e-mail address, returned certified letters or both. That represents a total of 38% of all of the non-filers that made the list. To basically summarize all that up, you had from the 9th of March 1,884 non-filers, you had 117 bad or no e-mail and certified letters returned, as far as only bad or no e-mails we had 207, that remains 1,165 e-mails. So, taking into consideration all of the committees that are on

that bad list, you still have 1,075 that we've identified as problematic. This includes committees with no e-mail addresses, potentially outdated e-mail addresses, committees that were previously identified as most like defunct, inactive, or nonoperational and this goes back to 2018. So, there apparently is a very large number of committees that still need to be looked at and simply closed, because these are probably committees that are never going to make their filings. If they've not made filings since 2018, they're probably not going to make their filings now. And what we're going to be doing in the next several days, is presenting to Brian and Kevin a list of all of the committees that have bad e-mail addresses and addresses that are incorrect, or things that we've gotten back from the post office that says, "Undeliverable" or things like that. Any questions?

Commissioner Casale: Yes. Mr. Johnson have you examined any of these committees to determine what the scope is? Are they large amounts of money, are they actually writing checks currently? Is there any way of finding that out?

Michael Johnson: Are you talking about the ones that don't make their filings?

Commissioner Casale: So, called problematic. What I'm aiming at is if you have 1,000 that are problematic and it seems to be a waste of your staff's time and state's money to keep sending things to people who don't respond and keep playing with this, I would suggest that you just try to close them out if possible but before you do that, are these large bank accounts that you know of?

Michael Johnson: Well, I mean that's a good question to raise Commissioner because a lot of these committees have not made any filings in years. So, we don't have any information that's up to date that would show us whether or not they're still active.

Commissioner Casale: And I would assume that none of these are, you could look at the list of names to determine if any of them are currently sitting in office. If they're current office holders, they ought to be filing.

Michael Johnson: Absolutely. And a lot of them, there are not any, that I'm aware of committees that you have people actively in office. Most of them have been dormant for years.

Commissioner Casale: Thank you.

Commissioner Spano: Is there any way we could consider amnesty in this, and you know get this all taken care of, and then start fresh and go forward?

Michael Johnson: Well, what I'm planning, like I said earlier what we're going to do is present compliance with a list of committees that have not made any filings, or they've been nonoperational or defunct to simply say, these committees have not made filings in years, there's been no activity in years; they should be closed.

Commissioner Spano: Are any candidates on that list to your knowledge have passed away?

Michael Johnson: That might be possible, but again, I don't know if compliance gets death certificates or anything like that. I have to look at it and go, well, there's been literally no activity for the last 5 years, they've been defunct. Whether or not the committee has money or spending money, if they've not made any filings, it's not showing.

Commissioner Kosinski: Any other questions? Is that the end of your report or do you have more?

Michael Johnson: No, that's it Commissioner.

Commissioner Kosinski: Alright no other questions, we'll move onto the next unit update and that NVRA PIO, Jennifer Wilson.

Jennifer Wilson: Great, thank you, Commissioner. I want to start off my report with a big congratulations to our former Director, John Conklin, he retired this past month. We sent him off with a lovely party and it's a well-deserved retirement. He was an amazing public servant, I only got the chance to work with him for a short amount of time, but I learned a lot from him in that short amount of time so. We miss him a lot. Every time I get a FOIL request, I miss him even more. So, we wished him all the best. I'm sure he's doing much better things than watching this, but a big congratulations to John Conklin.

Commissioner Kosinski: Jennifer, that was nice of you to say, and I think the Board joins you in wishing John well in his retirement.

Jennifer Wilson: Great, so onto the FOIL requests: we received in January 188 requests, February 118, our website Tom mentioned about streaming the Dominion demonstration. We did post that video to the website as well. We also posted to our website and social media about the February 14th enrollment change cutoff, and we worked with DMV to ensure that their website was also up to date regarding that. We posted the voter enrollment totals for February. We also posted updates to compliance documents including revised CFO5 exemption forms and the draft 2023 Campaign Finance Filing calendar. Kristen mentioned that we have decided to go with SiteFactory for our new website. We are very excited about that. We are also currently waiting for quotes from a vendor we had a demo on for a new service, a new CRM service, an e-mail delivery service for our constituencies, voters, and candidates which is something that I know a lot of groups are excited about to potentially have some sort of e-mail service set up, so we are looking into that. The law book was printed, we also have the PDF version that is currently getting accessibility revisions, we're expecting to have that by the end of this week and have that posted to the website. On the National Change of Address comparison, we completed our comparison at the beginning of February per the statutory requirements, and those potential matches were sent out to the counties the first week of February so they could undergo their list maintenance before the blackout period. This year the blackout period will be between June 1st

and go through the election and the mail check period for this year is going to be April 18th to May 12th.

Moving onto our poll site designation. The counties are mandated to do that by tomorrow, March 15th, so we just sent them a reminder to make sure that their polls are designated for the primary and general election. We also sent them a reminder about their early voting communication plans which are going to be due on May 1st. Our staff conducted some county visits regarding NYS Voter and NVRA reviews, they visited New York City, Wayne, Rockland, Tompkins, and Tioga counties. We have 39 counties that are due for a visit this year, so we will be trying to get through that list quickly before the primary. We also translated the Voter Registration form and affidavit envelopes per the changes that made this year, and those translations have been sent to the counties for printing. Speaking of printing, our Voter Registration form printing for ourselves, we had updated in the last few meetings that we're having an issue with the contract. We are working towards a resolution with those issues to hopefully get a full-time vendor. But in the meantime, we placed a discretionary order with our prior vendor that will get us to about 62% of our actual total need for forms, so it's not perfect, but it's better than nothing and we expect those to be shipped by the end of May. And around that same time we expect to have our contract out there and get some bids back so that we can move ahead and get a full-time vendor, so we don't have to worry about this next year.

And speaking of forms, we also printed our federal postcard application form. We print that through OGS because there is no special provision for it, and those came back, and those got sent out to the counties so that any military or overseas voters that need to reup their two federal cycles, will be able to get a form and send those back. And we're also working with the Federal Voting Assistance Program on reviewing their guidance for New York State on their website and also what they send out in preparation for 2024.

On traditional media, we responded to inquiries about the enrollment change deadlines in OVR and AVR and Public Campaign Finance, and Tom Connolly mentioned that he was at NASED, he also had an interview with ABC that went really well where he talked about lessons learned from the 2022 election. We posted that onto our social media. We also posted on our social medial the political calendar, several posts about the Dominion demonstration on livestream and a reminder to voters about the enrollment cutoff and we also shared some PCFB posts.

Moving onto grants, we have a few grants set to expire this year. Our three Early Voting grants, our Absentee Postage grant, and our Technology Innovation and Research grant are all set to expire. The Governor did include in her Executive Budget reappropriations for all those grants and we're hopeful that they will be reappropriated. So any money that will be left, the counties will actually be able to spend. Our audit of our HAVA Cybersecurity grant is continuing with the Office of the State Comptroller. Their office came and met at our office with our grant staff, and also our cybersecurity staff. They wanted to review some documents and talk about the process in person. As a reminder, this is a follow up audit, so we already had the audit. This is a follow up. We got A+ on our first audit, and we're hoping to get an A+ on the follow up. They're going

to be speaking to a few counties coming up about how they're spending their funds, we're helping them to organize that. We are also going to be getting some new HAVA cybersecurity money. We're going to be receiving \$3.2 million from the Election Assistance Commission. We will also provide a 20% match giving us \$3.8 million total for these new funds. We will be using this to continue a number of our cyber remediation projects, including renewing interest and detection, managed security contracts, and also conducting some additional cybersecurity assessments of the county boards, hosting regional workshops on cybersecurity, and soliciting potentially a vendor to assist with monitoring voter registration changes and patterns in the voter registration systems. And then finally on grants, we're exploring an addition grant opportunity through the Federal Voting Assistance Program to potentially update our current military and overseas electronic portal for any voter who receives their ballot via e-mail. And that's all I have. Happy to answer any questions.

Commissioner Kosinski: Are there any questions for Jennifer? Hearing none, thank you, we'll move on to ITU with Mike Haber.

Mike Haber: Thank you, Commissioner. As has been previously mentioned, the IT Unit team has been very actively involved as developing continues on the interim solution for the on-line Voter Registration System as we move to ensure availability as planned by May of 2023. Regular technical meetings are being held internally and often daily with our cloud vendor as our infrastructure team builds out the support environment and application screens are being reviewed internally. As space expansion moves forward, the IT Unit team has been meeting to make preparations for the 5th floor rebuild which is targeted to begin, as was said, in several weeks. This includes moving equipment, confirming network status for the identified space on the 1st floor. Also with regards to the agency, we are in the process of expanding our phone network capability by adding additional equipment over approximately next week.

As the website refresh moves forward, we continue to work with the ITS web services group on that redesign, architectural and content review of our existing site has been done by the corresponding teams and platform as was mentioned earlier, has been identified. In parallel to this effort, we have also engaged a third party vendor on improvements of display of historical information on our site. That work is also in process, and we expect to have progress to you within the next several weeks. Together these two efforts should streamline the process of making updates to the website, as well as improving searchability more used by the public and provide a fresh look to the site as well. As discussed earlier regarding Public Campaign Finance, evaluations continue on the vendor responses. The RFP that was released for that system. IT is taking a leading role in evaluating those responses from a technology and security perspective along with representatives from several other units for functionality. IT is also participating in leading discussions with external stakeholders such as the Statewide Financial System and the State Commission on Ethics and Lobbying will interface with the PCFB systems.

In terms of cybersecurity, the Secure Election Center worked with the Operations Unit to complete E-poll book cyber scanning and that has recently wrapped up. Our Secure Election

Center has also completed security review of existing voter registration systems which will be coming before the Board today. Preparations continue as we move forward with the renewal of several security systems, both internally as well as cybersecurity monitoring, we provide to the county boards of elections. We are coordinating these procurements and activities with reciprocal activity from our state and federal partners. We also continue actively working on our Future of Elections infrastructure projects with the State University of New York Center for Technology and Government. Several related informational videos have been developed for county board staff, and are being reviewed internally here. Our IT team also completed several key upgrades to our agency infrastructure recently, and continue to support ongoing maintenance and hardware updates, as well as supporting activity of all business units on a daily basis.

And finally, in terms of website analytics, we had approximately in January approximately 150,000 views of our website and approximately 125,000 views in February. In addition to the home page, the top pages visited include Campaign Finance, Registering to Vote, Elected Officials, and District Maps, and Running for Office. Thank you, Commissioners, that's the end of my report.

Commissioner Kosinski: Any questions for Michael? Hearing none, that completes the unit updates for today, and we'll move on to our next item of business which is old business. Is there any old business to come before the Board? Hearing none, we'll move onto new business. There are a number of new business items. The first one is resolution 23-05 NTS Apex Version P5. And I think maybe we could have an explanation, Brendan, or Tom; do you want to just speak to this?

Tom Connolly: Sure, it's up to you, but if you want to take the four of them at the time, you could. As part of the changes that we made to the regulations specifically 6217.3, the State Board formally promulgated requirements around Voter Registration Systems used by the counties. They found three different categories; one is the functional requirements where basically everything required by the statute. There are requirements surrounding the communication with the Statewide Voter Database, known as NYSVoter. And then lastly but surely not least, we developed new security requirements around voter registration systems. And so, after having done so, it was decided that any new vendor that was trying to bring their software into New York for use by a county would have to show compliance of all requirements before being allowed to be used by any county. And then for those existing vendors that were already in place, they would be given some time to show compliance with all the requirements. So, these four resolutions are the like? So, these are four of the existing vendors that are currently used by a number of counties. Their systems have largely already complied with the communication and functional requirements because they've been doing so for the previous years. So, the focus was largely on their compliance with security requirements. So, Mike and Ben Spear and their staff had taken a look at these four systems mentioned in each of the resolutions and have determined that they now show compliance with all of the requirements needed.

Commissioner Kosinski: Okay, I will just note then that what Tom's referring to, we have four resolutions before the Board at this point, all regarding the Voter Registration Systems that Tom alluded to. One is from NTS, one is from NTier Avid, one is just one applicable to Essex County, and then the other one is ES&S. We can take these individually or as a package, it's up to the Board Commissioners.

Commissioner Casale: I would move the adoption of all four.

Commissioner Kosinski: We have a motion to adopt all four and that's second by Commissioner Kellner. Ok, are there any questions then on any one of them? If not, I'll take a vote, all in favor say aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: So all four of those resolutions are adopted as a package. That then has us move onto the next resolution which is the KNOWiNK E-poll book system upgrade, resolution 23-09, again, I would defer to Tom and Brendan to give the Board a summary of these.

Brendan Lovullo: So, we have the KNOWiNK's submission came in early. Our staff went and reviewed it and did all the appropriate testing as we have in the past, and we're going to get this out so the counties can have the opportunity to begin upgrading of their poll books because this will be on the new version of IOS software. So, they'll be able to get a head start on upgrading and being prepared for the June primary.

Commissioner Kosinski: Brendan, how many of our counties will be using KNOWiNK?

Brendan Lovullo: I think about 30 or so.

Commissioner Kosinski: So, it's a pretty large number of the counties that are using this. Can you just, I mean is there anything in the upgrade that occurred here or just a general upgrade for the system itself?

Brendan Lovullo: Yes, so they did upgrade to the new operating system, and we wanted to make sure that the application worked on the new system, because when the new operating system initially came in, their old application would not work on it, so we had to go through and do some testing for that. And New York City is one of the bigger counties that has this, so this will obviously be beneficial for them to begin the process of turning over all of their poll books,

which I believe they have about 10,000 of or so. So, it's not an easy lift for them. So, the more time that we can give to them to accomplish this, the better.

Commissioner Kosinski: So, this will allow them to use it for the June primary?

Brendan Lovullo: Yes.

Commissioner Kosinski: I'm sorry, I interrupted, go ahead.

Brendan Lovullo: No, I was just going to say so we did all the testing on the operating system and the application in order to confirm that everything did work.

Commissioner Kosinski: Okay, are all of our counties using electronic poll books now?

Brendan Lovullo: All except for one.

Commissioner Kosinski: All except for one, okay, well that's good. Alright are there any other questions or is there a motion regarding this? Commissioner Kellner has a question, go ahead.

Commissioner Kellner: So, I just wanted to mention that there is a pretty thorough report from the Operations Unit on the KNOWiNK upgrades. Ordinarily I would have asked that that report be distributed publicly before our Commissioner's meeting, but because it is an upgrade and these upgrades really are necessary, that it makes much more sense to get the upgrades moving and allow public comments later. One of the things that I looked at in going through the report is that glitches in other jurisdictions with KNOWiNK poll books have been reported, but the report does address how these upgrades deal with what other jurisdictions have experienced. So, I think it's very important that we allow the upgrades as soon as possible, and for the public to let them know that there is a report if they want to look at it and review it themselves.

Commissioner Kosinski: Okay, with that comment, is there a motion to approve?

Commissioner Spano: I make a Motion to approve.

Commissioner Kellner: So moved.

Commissioner Kosinski: Moved by Commissioner Spano, seconded by Commissioner Kellner. All in favor?

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? And that's unanimously carried. The next resolution before the Board is an appointment of hearing officers. We have a number of hearing officers who I believe are currently on staff but have their term expired. Am I explaining that correctly?

Kevin Murphy: Their terms are expiring at the end of April, so this is just to make sure that they're reappointed before the next board meeting, should that occur after the end of April.

Commissioner Kosinski: So, these are not new hearing officers, they're just reappointments of existing hearing officers?

Kevin Murphy: Correct.

Commissioner Kosinski: Okay, again, are there any questions regarding this reappointment.

Commissioner Kellner: Just for the record, how many hearings have we had this year, how many hearings have we had last year, and how many did we have in 2021?

Kevin Murphy: I defer that question to Michael Johnson regarding those hearings.

Commissioner Kosinski: Michael, did you get the question?

Michael Johnson: I did, off the top of my head; I did, off the top of my head, I do not have those numbers at my fingertips here at home.

Commissioner Kellner: I think it's my understanding that there were five last year, I'm not aware of any this year. There were none in the year before. Of course, in previous...

Michael Johnson: That's right Commissioner, you're right, there was five last year. From what I can recall, there is currently 1 pending now with a few more to come.

Commissioner Kosinski: Okay, any other questions or is there a motion to approve?

Commissioner Spano: Motion to approve.

Commissioner Kosinski: Motion by Commissioner Spano. Second?

Commissioner Kellner: Second.

Commissioner Kosinski: Second by Commissioner Kellner. All in favor say aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? Again, that's unanimously carried. Next, we have some personnel issues or personal appointments I will say, not issues. We have three appointments that we're looking to do today. The first one is to appoint Tom Connolly as a Deputy Director going from his current position to Deputy Director. Is there a question or a motion?

Commissioner Kellner: I'll second it, but I think we should vote on the three together.

Commissioner Kosinski: Alright, then we'll do all three together. There is a resolution to appoint Brendan Lovullo also as a Deputy Director to the Board, and there's also a resolution to appoint, who is the other one, I apologize. Amy Hild, I'm sorry, I apologize, Amy Hild to the position that Tom Connolly is vacating, to take his position **so he really** hasn't vacated it yet. We will make all three appointments at the same time if that's okay with the Board. I would entertain a motion for all three appointments.

Commissioner Casale: So moved.

Commissioner Kosinski: And second?

Commissioner Spano: Second.

Commissioner Kosinski: Second. All in favor, aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? And our congratulations to all three of those appointees to their new positions, and we welcome Amy to the Board itself. Amy is in Schenectady County, is that correct?

Kristen Zebrowski Stavisky: Yes, Amy is actually here right now, Commissioner.

Commissioner Kosinski: Welcome, and not a big move, I know you're pretty close to us, so it won't be a big move for you, but welcome and I notice your position, you don't have a start date, that's to be determined, I guess you three are going to work out the start dates of these particular appointments, but I'm sure you can work out amongst yourselves, so. Okay, congratulations from us to all three of you.

Next, we have a resolution, we have some changes I believe to the Election Law that we're trying to incorporate into our regulations that came up and the first one is the change the Specs and Objections. I think there were some changes that were being imposed on the county boards as far as how they handle Specs and Objections. Up until now, it's my understanding that the State Law was really silent on exactly how Specs and Objections to petitions would be handled. The State Board has always had a process where we imposed requirements on the objector to do certain service requirements, certain dates they had to meet. Those were in the law, but we had certain obligations that our regulations put on them. The state law has been changed to put some of these requirements into law so they are imposed so they will not be undertaken by just the State Board, but they'll be also imposed on the county boards. I don't know if Brian or Kevin, you want to go through some of this. Maybe you can just touch on a little bit of what some of this is requiring them to do.

Kevin Murphy: Sure, happy to do that. Brian can jump in if there's anything that I'm missing here, but as you mentioned it is combining the statute requirements of some of our preexisting requirements. It is also implementing a couple of other small changes specifically replacing references to registered or certified mail with the phrase "Overnight mail" and also is amending our sample cover sheet regulation to include the e-mail notification option that I previously referenced the new chapter. And also, we make a recommendation in this regulation regarding font size and the formatting for the pages for the objections, however, do specify those objections not in compliance with those provisions, would not be a failed defect, just a recommendation relating to some very small text that we received in the last cycle of objections. Brian, do you have anything else you wanted to add in that regard?

Brian Quail: I do not, Kevin. I think that's a thorough description of what the amendment does.

Commissioner Kosinski: And my understanding is that these changes have been gone over with the county boards to inform them of the changes so they're aware of what's coming and their obligations under these new regulations.

Kristen Zebrowski Stavisky: Yes.

Kevin Murphy: That's correct, yes.

Commissioner Kosinski: Okay, any other questions about the new regulation? If not, I'll entertain a motion to approve.

Commissioner Casale: So moved.

Commissioner Kosinski: Moved by Commissioner Casale. Second. Commissioner Spano. All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? Unanimously carried. The next resolution is regarding Party Positions Determined by Gender, it's 2314. I know this is a regulation, and in essence a conform for the new state law regarding how Party Positions by Gender are dealt with, and I don't know if anybody wants to, Kevin or Brian do you want to touch on this or you just want to. It's pretty minor, I think but go ahead if you want to say anything, or not.

Kevin Murphy: Yep, it's like you said, very straightforward in conforming regulation, well fairly new law require state committees who's rules provide for party positions to be divided by gender, to adopt rules which permit nonbinary individuals to stand for election to such party positions. This is a conforming regulation implementing those provisions into our regulations from the statute.

Commissioner Kosinski: Okay, are there any questions or a motion to approve?

Commissioner Kellner: So moved.

Commissioner Kosinski: Moved by Commissioner Kellner. Is there a second? Second by Commissioner Spano. All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? That is carried unanimously as well. and that brings us to our final resolution or regulation I guess in this case, and this is the filing of campaign receipts and

expenditures. There were some changes. I believe this goes to the village requirements. Again, I'd ask if there's a quick explanation of just what this does from the Counsel's Office.

Kevin Murphy: Sure, this is once again, a conforming regulation. This stems from the new statute requirement under which local candidates would file financial disclosure statements with the State Board of Elections, and make specifications in regard to the places for those filings, fairly straightforward.

Commissioner Kosinski: Is this one primarily, am I correct in that this one is primarily targeted at Village offices?

Kevin Murphy: I believe so. Brian, that's correct, right?

Brian Quail: It does deal with the Village issue, I'm sort of restating it, but this regulation change to conform with the statute is sort of long overdue. We had defined in the regulation where things get filed and then over time, as local filers moved to the State Board in the main, but not village filers with respect to elections held by the village clerk. The place of filing regulation in the statute had parted company for far too long. So, this regulatory amendment literally just brings the regulations into compliance with the statute. The other thing that it does, is the Board took action some time ago pursuant to a new state law that allows candidates that file with the CFB to no longer have to do duplicate filings here. So, that also is now reflected in this regulation, it doesn't change the rule, but it puts who files where all in one place, so that it's much more user friendly to the regulated public.

Commissioner Kosinski: Okay, thank you. Commissioner Casale.

Commissioner Casale: Brian, with respect to Village elections, this only applies to elections that are not run by the village clerk, right?

Brian Quail: The rule that it articulates is if the village clerk is running the election, the Campaign Finance disclosure filings will continue to be filed with the village clerk, and if the Board of Elections conducts the election whether it's in March, June, or November, then the filings would come to the State Board of Elections.

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

Commissioner Kellner: And that's already the law, right, and this is just conforming the reg to law?

Brian Quail: Yes.

Commissioner Kosinski: Okay, is there a motion to approve. Moved by Commissioner Kellner. Seconded by Commissioner Casale. All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? All in favor, it's unanimously carried. That is the agenda that I have unless there is an executive session that is requested by any Commissioner. If not, then I would entertain a motion to adjourn. I would just note that at this point, I think for our next meeting, I know we have some obligations to meet regarding objections potentially to this year's petitions, although there are very few that will be coming to the State Board this year because it is a local year, but there will be some. So, I think we're in somewhat on-call to make sure that we deal with our obligations that way. But I think other than that, we should look at our calendars and then make a determination of when our next meeting should occur. I know we discussed this earlier at the Public Campaign Finance Board meeting as well. We would like to do it in conjunction with them because that also includes us. So, I would just ask that we all look at our calendars and try to come up with a date that works for everyone. Commissioner Kellner.

Commissioner Kellner: So, we started discussing this yesterday afternoon after the Governor cancelled our in person meeting, and we had to start for example, I had to actually put a date on my train ticket rather than forfeit it. And so, Commissioner Gaskins-Nathan has relatively limited availability and the only date when Commissioner Lifton, Commissioner Gaskins-Nathan, and I would be available was May 4th. So, obviously, if that doesn't work for the other three Commissioners or four Commissioners, we'll have to figure out what to do.

Commissioner Kosinski: Okay, well we'll try to accommodate the two commissioners, but I just am not prepared today to do that. I just need to look at my calendar. I think the other commissioners would like to, but I appreciate you're telling us that upfront, so we know what our target will be if we can possibly accommodate it.

Commissioner Kellner: Great.

Kristen Zebrowski Stavisky: Commissioner's, we did check the calendar last night after our conversation, and we have to certify on the 3rd, so we would have to meet on or before that. So, we can talk about other dates and possibly the end of April, but you should all look at your calendars and then we'll be back in touch.

Commissioner Kosinski: Well, let's have that ongoing discussion and we'll try to figure out a date that works for everybody and also works for the political calendar. With that in mind, unless there's other business that Commissioners want to bring before the Board, I would entertain a motion to adjourn.

Commissioner Casale: So moved.

Commissioner Spano: So moved.

Commissioner Kosinski: All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Thank you and I do want to before we leave, just thank the staff that did come in today. I know it's a very difficult travel day in Albany and I thank you for coming in to accommodate us with this Board Meeting. I would just say be safe going home.