
Commissioner Kosinski: Alright so now we will convene as a Board of Canvassers of the State Board of Elections to amend our certification from the November 3rd, 2020, election. Bob or Todd you want to just give us a synopsis of what we're approving here today?

Todd Valentine: The updates that we received from the counties of Congressional District 22 that when we did the original certification, they had not finished canvassing those ballots, so this by and large is an amendment to that canvass.

Commissioner Kosinski: Is there more than CD 22 here?

Bob Brehm: Yes, there are just a few because when we were, when you were voting on December 3rd for the original certification, shortly thereafter we got an amendment from a couple of counties so there's probably 3 other counties other than CD 22.

Commissioner Kosinski: Okay nothing that changes result I take it the only one that has any impact on the results would be CD 22?

Bob Brehm: Nothing changes any of what you did prior and then CD 22 is pretty much settled we just need you to vote on the other items.

Commissioner Kosinski: I think the Commissioners have received this is there a motion to approve?

Commissioner Kellner: I move that we approve the revised canvass report as circulated.

Commissioner Spano: I second the motion.

Commissioner Kosinski: Second, I hear a second. All in favor say aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Opposed? Hearing none, it is approved. I believe that's all the business we have in front of the Board of Canvassers, and I'll entertain a motion to adjourn out of the Board of Canvassers and enter as the Board of Elections.

Commissioner Kellner: So moved.

Commissioner Spano: Second.

Commissioner Kosinski: All in favor?

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: So, now we're convening as the Board of Commissioners of the Board of Elections. Our first order of business is to approve minutes. We have several minutes to approve from the past. We have minutes from January 28th, we have two sets of minutes from February 8th and two sets of minutes from February 10th. Are there any corrections, amendments, changes to any of those minutes?

Commissioner Kellner: I move the approval of all of the minutes, and I have one suggestion which is that neither of these executive minutes for the two executive meetings that we had have anything that is now confidential, and I would suggest that we make those executive minutes public as well as the rest of the minutes.

Commissioner Kosinski: Is there any opposition to making all five sets of minutes before us today public? Hearing none, we would adopt the minutes as proposed and release all five as public minutes. Is there a motion to that effect?

Commissioner Spano: So moved.

Commissioner Kosinski: And second?

Commissioner Kellner: Second.

Commissioner Kosinski: All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Opposed? Hearing none the minutes are approved from those five different meetings and that will complete the minutes and now we're onto unit updates. Our first unit is Bob Brehm and Todd Valentine from the Executive.

Todd Valentine: Well, we already touched on the one issue that was earlier with regard to the budget, obviously what we got over the weekend and have circulated a summary memo of the one house bills that have been introduced. They do add additional funds in slightly different

ways and provide some additional funding for the counties. We're hoping along the lines of what we had originally asked for in our budget submission so...

Commissioner Kosinski: Todd maybe you could be a little bit more specific than that. What do you mean they're looking for additional? Can you give us a little more specific on what they're offering out?

Todd Valentine: Yep. You know for State Operations you know the Assembly included an additional \$2 million for personal services under Regulation of Elections. The Senate included an addition \$1.5 million for personal service and \$500,000 for additional contractual services. The capital, the Assembly included an additional \$30 million with approximately 23.5 targeted to the county boards and 6.5 for the State Board of Elections. It was a carve out of a larger appropriation and then the Aid-to-Localities the Senate had included an additional \$4 million for use by the counties which would be a reimbursement for early voting programs. So, they're not exactly the same at this point but it shows an interest to cause our proposal going back to the operations fund those would fill in the money that we had originally asked for above and beyond the budget. And Bob if you wanted to go more into that.

Bob Brehm: I think that from an operation, the Senate and Assembly would fund the budget that the State Board submitted earlier in the fall and the only other item is the Article 7 Public Protection Bill. The Senate did not include in their budget proposal the parts of that bill that had an impact on all elections. The Assembly version of that same bill left in part S as in Sam and that was the additional hours for early voting. But the other proposals they agreed with the Senate and did not include them in their budget proposal for the Article 7.

The only other item I saw in the Transportation Bill I think in the Senate was language that there is a potential that will add an Environmental Bond Act this November that got delayed from last November but I'm not sure I see that everywhere yet.

Commissioner Kosinski: Okay thank you. Any questions about that from the Commissioners on the budget? Hearing none I'll just go-ahead you guys if you have more to report.

Todd Valentine: Well the other thing I wanted to mention that has a very large impact obviously is serving for election workers is that beginning on Wednesday it opens up the pool of those public employees that are eligible for COVID vaccine to any of those that have a public facing role and specifically the Governor included election workers who certainly advise the counties that regardless of age or comorbidity so it would expand that pool of those persons eligible for that and we're hoping that they take advantage of that. Again, the signup would begin on Wednesday. And then also we haven't mentioned it yet, but tomorrow is one of the village election days. We will be here for helping. We've been working with the counties as we always are trying to answer the questions, although the counties don't run all of the village elections so that is always a challenge. And then last, we did get our delivery of the 2021 Election Law books came in by shipper today, so we started sending those out to the county boards today as well. Bob over to you.

Bob Brehm: I don't think I have much more to add other than we do continue, I mentioned the employment situation has gotten a little better. We have not succeeded in getting the new hires in secure election but the civil service positions they allowed us to do those promotions and now we are requesting the civil service list to be able to back fill those positions within the agency. They're still holding up the secure election for the emcee positions for monitoring social media for misinformation. We continue to raise it both in the context that we need to resolve it and get an answer now but also from a public finance point of view, it's a similar process that we're going to have to go through and that we just can't wait once we get the money and the position, we have to work out a process that will fill these in a more reasonable period of time. We continue to raise that with the Chamber. We just haven't gotten an answer to it yet as well as the space. Space is going to be a big issue because we aren't getting answers. We're told we're going to see a proposal.

Commissioner Kosinski: Bob haven't they identified a building to which we can move?

Bob Brehm: Well, we had a building identified at 150 Broadway based on 6 or 7 months of work between our office and the State's planning team at OGS that's when Commissioner Destito claims we agreed to put that on hold and as soon as we heard that Todd and I both quickly responded to everyone at no time have we ever put that project on hold. We've been requesting a meeting teleconference, phone any way to discuss it. We were supposed to move in February when we had time in this year's calendar...

Todd Valentine: it was more than just the building we had a complete plan in place, and we were ready to begin construction and as Bob said, planned to move this past February but they just stopped the project and wouldn't tell...

Commissioner Kosinski: Do you know if the building is still available?

Todd Valentine: They won't tell us that either.

Commissioner Kosinski: Have you gone up there to look to see if anybody's moved into the space we were looking at?

Todd Valentine: We don't have access to the building.

Commissioner Kosinski: Oh, you don't have access to the building. Isn't it a state building?

Bob Brehm: That would be leased space.

Commissioner Kosinski: Leased space and we can't get in to see, I mean I'm just curious if that's even still available at this juncture and whether that's still on the docket. You don't know the answer to that?

Todd Valentine: We do not.

Commissioner Kellner: Well, the next step is for Commissioner Kolb to call Commissioner Destito and I hope Todd and Bob will follow up with that.

Commissioner Kosinski: It's frustrating not to be able to get an answer. Okay anything else from the Executive?

Bob Brehm: Nope.

Commissioner Kosinski: Any other questions from the Commissioners? Okay then we'll move onto the Counsel Kim Galvin and Brian Quail.

Kim Galvin: Well, we've gone over Public Financing so there's no reason to do anymore update there. With regard to the cases, we are still negotiating potential settlements on the absentee cures case. We have a status conference with the court in mid April. We're working with the plaintiffs. Accessible ballots Hernandez we have a March 22nd status update required with the court. We have another call with the plaintiffs on March 18th. The Green and Libertarian case they had a conference with the court or our attorneys on March 10th. In summary judgment motions are due on April 9th. League of Women Voters won on the registration cut off deadline. We are in a discovery phase working back and forth on that issue. We had been working on two, well aside from the Public Financing we've been working on two regulation drafts; one on the mandatory recount legislation that goes in effect I think July 1st, 120 days after January whatever that is. And another regulation to try to expand that we've had a lot of discussions on the highest population for an early voting site whether that means inside where there's an actual election or in the county as a whole. We've done some follow up with Oneida County quietly. I know a lot of people have asked us, reporters and things what we're doing our position is to basically just help them on a quiet front. Ops has more with them than we have so I suspect that will be in their report. We've received a lot of, obviously, ballot access calls. The village elections are tomorrow. A lot of language in getting the portal back up and running which is difficult because the county boards of elections only run some village elections, so the portal only applies to those village elections.

Let's see, our Training Unit has 12 training events scheduled for March. There are also 24 training videos online for people to refer to in specific issues that they may have. They're doing a very good job as always. Some of the...Bill and Nick interviewed a slate of candidates for hearing officers in the hopes that when, when if there is a new Chief Enforcement Counsel appointed, and they undertake their jobs in such a way as to utilize the statute, we suspect there will be an uptick in hearing officer requirements.

On a personnel note, and I know this person doesn't like to be set out, but Sheryl Houk will be retiring from the Board after 42 years. She has been an example for all of us on work ethic and diligence and attendance and she will be missed. So, I just wanted to recognize her. And that's all I have right now unless I've forgotten anything Brian?

Commissioner Kosinski: Apparently not. You're muted Brian.

Brian Quail: Is that better? I have to unmute in two places when using the phone. I just said I was just going to add some top line compliance numbers otherwise I don't have anything to add to this report. We have received an aggregate 163,280 reports, reviews have been completely on 146,800 of those which is a little bit bigger of a backlog than we had been seeing shortly after going into the pandemic but not significant. We're moving those pretty quickly. The total number of deficiencies deferred is the same as the last meeting somewhere in the neighborhood of 2,828 with 1,398 remaining deficit. I'm told that the unit is working on a new transmittal to enforcement imminently. And there are no substantive changes in the numbers of failures-to-file from the last meeting. We have not received any Paid Internet Digital Advertisement e-mails since December.

Commissioner Kosinski: Okay is that it? Are there any other questions or any questions by the Commissioners? I'd just like to note on a personal note Sheryl Houck I had the opportunity to work with Sheryl for a lot of years and I want to personally wish her well in her retirement, it's well deserved. Good for her and just on behalf of myself and I'm sure the Board, we'd like to wish her well in her retirement after many years of service. Okay if there's nothing else from Counsel then we'll go onto Election Operations Tom and Brendan.

Tom Connolly: Thank you Commissioner. Just to kind of give you a quick recap what we've been working on since the last month we did receive and aggregate those amendments to the canvass which the Board of Canvassers did just certify earlier in the meeting. We will be preparing to receive petitions for judicial delegates and alternates here at the State Board starting next week. We have completed our collection of annual statistics from all of the counties. We have also submitted a complete response for the federal E survey the Election Administration and Voting Survey which we do every other year. As Kim mentioned, we have been working with Oneida County since the resignation of the two commissioners. Aside from the number of conference calls that we've held with the deputies, Brendan and I also went out on March 1st to meet with them along with some other county staff including the County Attorney. We've been working with them to make sure that they have all the support that they need with additional training for the staff for some of the Voter Registration Vendor. Last week, the Oneida County Board of Legislators did approve a Democratic Commissioner, Sarah Boreman who is starting, and I have been communicating with her. They are still waiting for a Republican nominee to be provided for the Board of Legislators to act on. We will continue to provide them with whatever support they need as they go through their administration of village elections, the continuing of Voter Registration, Ballot Access and any other things that they're handling we are there to provide them with operational support.

We are also continuing our conversations with the various voter system vendors who are looking to submit new systems in 2021. In addition, we continue our conversations with ES&S as an effect of the last certification vote, they are looking to address the discrepancies that were enumerated during the testing of the ExpressVote XL. We are also the going through the testing of the Ranked-Choice voting system as submitted by the New York City Board is underway and

is making progress. Out testing lab SLI developed a testing matrix which NYSTEC then reviewed and approved. They've been moving forward with the testing. We do have to kind of arrange for secondary source review. We had originally thought that we would be able to do what was done previously by one of the other testing labs Pro B&B, but they had done it to a different set of the voluntary voter system guidelines than what is required in our regulations. So, we are having NYSTEC look into having their subcontractors that we've used in the past to do a secondary source code review for that utility. We've also received submission from all 3 E poll book vendors for testing and we held meetings with them last week to kind of go over the change notes. There are no significant changes to their systems but obviously we asked for it in time for us to do the proper amount of testing review so that if approved they can be given to the counties with enough time for them to deploy for the primary election.

And then lastly, we've also been working with NYSTEC and the IT Unit to formalize a document to create a process to test potential new voter registration systems. That's all I have Brendan did I miss anything?

Brendan Lovullo: Good, I think.

Commissioner Kellner: Are we, what is the current schedule for finishing the certification of the Ranked-Choice Voting module?

Tom Connolly: At this point I think we're probably still at least about a month out. The last I heard from SLI the testing lab is it would take them 3 to 4 weeks to complete the full testing of the source code and additional functioning testing. The secondary source code is a subset of the code so it shouldn't take that long at all. So, I would probably say closer to the 4-week depending on what additional functional testing might be required by the testing.

Commissioner Kellner: So, we're talking mid-April?

Tom Connolly: At this point, yes.

Commissioner Kellner: And obviously this is particularly time sensitive because it needs to be in place for the June primary.

Tom Connolly: Correct.

Commissioner Kellner: Okay, and then so do we have a pending application for certification of ExpressVote XL by ES&S or is it still just in a discussion phase?

Tom Connolly: It's still just in the discussion space, Commissioner. They've been asking more questions and because of their dev team tasks they have not really provided us with anything beyond questions that they may have about how to go about fixing the errors that came out of the last certification or program.

Commissioner Kellner: And are there any other voting system certification applications pending besides ES&S and the New York City Rank Choice System?

Tom Connolly: We have technically received an application from Democracy Live, but they have not submitted any additional hardware or software. At this point we've been kind of going back and forth with them just regarding some questions so that they fully understand what's required of them under New York regulations so they can take the next step. But at some point, once they are confident, they do want to proceed with the certification testing, we would provide an Executive Summary and bring it before the Commissioners to proceed.

Commissioner Kellner: So, what is Democracy Live proposing to submit?

Tom Connolly: The system that they're looking to submit is basically just a ballot-marking device. Their ballot-marking device is Apple based. It can work with other certified voting systems so in the case of New York it can work with the election data that comes out of either the Dominion or the ES&S voting systems. It would just be basically a replacement for either the BMD part of the ICE in the Dominion world or the Automark in the ES&S.

Commissioner Kellner: Thank you.

Commissioner Kosinski: Okay any other questions for Tom or Brendan? Alright hearing none, we'll move onto NVRA and PIO John Conklin and Cheryl Couser.

John Conklin: Thank you Commissioner. The Public Information NVRA Unit continues to be busy. We've been answering a lot of questions about petitions and signature requirements and changes to that and Executive Order, the village elections as well. changes of party enrollment that were filed in February, the January periodic report and, as previously mentioned in the earlier meeting, issues around the Campaign Finance Disclosure Public Reporting page. The unit processed 124 FOIL requests in February. We also participated in continuing meetings on online Voter Registration and Automatic Voter Registration development. We met with IT and Compliance on the FIDAS upgrades as discussed again, with the public reporting, Campaign Finance Disclosure page. We had meetings on accessibility for CAPAS and FIDAS and as part of the FIDAS updates, we have offered to have a meeting with the Reinvent Albany Group and also with the New York Press Association, so we're waiting to hear back from the Press Association and we're working on scheduling something with the Reinvent Albany Group.

On the website we took down the election night reporting page once New York 22 is certified. We posted the village absentee ballot portal and the accessible absentee portal. We've done updates to the absentee voting page and the Campaign Finance page. We've posted updates to the 2021 political calendar as necessary as the petition dates and signature requirements were changed. We posted the webcast for the February 8th and February 10th meetings. We have also created a separate page for the Public Campaign Finance Board, the Commissioners are posted there, webcast, a couple of press releases, and the OpEd was that drafted are all posted on that website.

For NVRA we've conducted our first virtual board review with Franklin County. They were the guinea pigs. They were found to be compliant. I believe Cheryl sat in on the call. It went very smoothly so we're working on formulating a schedule to do a group of other boards as a consequence for that so we should have that shortly. I know we have some dates already, but I don't have that in front of me.

For website accessibility coordinator, we continue to have internal meetings with IT and our vendor level access to continue other parts of the website. The next website accessibility coordinator report is due to the Executive Team on May 15th. Cheryl, do you want to do a recap on grants or anything else I might have left out.

Cheryl Couser: Certainly. And we do have five NYSVoter training programs, previous NYSVoter reviews setup through the end of March. They worked nicely. The count was prepared with questions, and they had the power point, the manual and procedure ahead of them and it was a very good discussion. In terms of grants, we compiled and submitted the Election Assistance Commission HAVA CARES report that was due on February 28th. We participated in two training programs to close out the HAVA CARES grant and we have a semi-annual report due on March 31st. For the Aid-to-Localities Early Voting Expansion grant and the E-Poll Book capital grant we're waiting on the re-appropriation on the budget and hopefully we can update and send out any remaining funds left there. And for the Cybersecurity Remediation contract, we reached out to all the county boards that did not submit a fully completed contract, that is 7, 2 are within a county legislature to get approved, 2 are being sent in and 1 was submitted today and has to go back and get a couple of signatures. So, we are following up make sure everyone has a contract in place because they have to have the funds spent down by December 31st. We received the first 6 submissions for the Cybersecurity Remediation grant, and we have a good process with ITU the Secure Election Center. We at PIO we reviewed all the parameters of the grant and Secure Election Center to actually make sure it's mapped to the Cyber Remediation Plan, and we are going to use a line-item function there so it pinpoints where the plan is covered and then we can process those grant funds. That is all. We did send a letter to the Sear Grant and that was the group that allocated \$5 million of private funds to the State Board for our medial campaign. We had roughly a little more than \$200,000 left over to return. We asked them in a letter if they would consider allowing us to maintain those funds to update the website and they're looking for more information on that. So, we did receive a partial response and there is some interest there. That's all that I have right now.

Commissioner Kosinski: Okay thanks. Are there any questions of John or Cheryl? Hearing none we'll move onto ITU and Bill Cross.

Bill Cross: Good afternoon, Commissioners I apologize in advance as some of this is repetitive, but I'll go through my notes anyways. Since we go live with CAPAS-FIDAS team had made updates and several improves into the system, particularly the one most visible issue we had was the record not found on public report, that has been resolved and that was issued shortly after the last board meeting. In general, we're trying to make the result broader, a little like the previous

version that the users were used to seeing and to that end we've made a lot of the field that we previously had as required on the search now optional so they can get some broader results and have more of the information they're seeking.

In general, though, the overall approach is the team has established a weekly cadence of internal meetings strictly with PIO and Compliance to make any weekly updates based on those meetings to the public reporting site every week making fixes and improvements. We've also begun so users can see what is being done, we've published release notes to the site as one of the menu items so they can see on a weekly basis what changes we are actually making and improvements we're making. That is now out and available for users to see. We're also reinstating the, as mentioned earlier, the external user group to solicit direct feedback from the primary users of the site and suggestions as well as working internally to develop, start developing some training materials for the external public reporting to provide some additional instruction on its use and the functionality. We also are continuing working with the New York State Open Data Group publication of the dataset from the new system. These are currently a test. They were put out and tested late last week, we are reviewing them. I would expect them to go live next week. That would provide the whole dataset that we have out there for public consumption on that framework. For Online Voter Registration, as I indicated last meeting, we have received three bids for development of the OVR and AVR system. However, each of these bids had some reliance on other software or external software that was not included in the bid. Upon review, the State Office of General Services indicated that the bid should be reissued because of that, the external dependency and we're currently working with them on options.

NYSVoter we're working on additional enhancements as well including the...

Commissioner Kosinski: Bill can I interrupt just a minute? So, on the Online Voter Registration so you're saying that we put out bids, the three responsive bids were not responsive, or they were not sufficient to provide them with a contract?

Bill Cross: So, essentially yes. There was one that was definitely nonresponsive in that it required the Board in addition to the bid to go out and acquire a commercial off-the-shelf product that they would customize. However, you can't compare apples to apples in terms of what the cost was because that's an external acquisition that would have to go through competitive...

Commissioner Kosinski: I'm not necessarily looking why they weren't I'm just trying to understand. So, if those three responses were not adequate are we now going to have to rebid?

Bill Cross: In some form yes. OGS has provided three options of potential avenues for that and we're in discussions with them of which one of those would be best suited to get this done the quickest and the most complete.

Commissioner Kosinski: Where does that put us, I guess that's my ultimate question Bill, where does that put us as far as the timeframe goes and getting the project completed in a timely fashion?

Bill Cross: So, each of those three options they provided is different timeframes. The best case is a few weeks the worst case is several months. So, one is just reissuing – well I won't go through the options here because they're fairly detailed.

Commissioner Kellner: Bill when you say a few weeks or several months you mean in addition to the year or more it will take. Were you saying that as soon as this is awarded, we'll get a system in a couple of weeks?

Bill Cross: Oh, that would be nice but no, no that is the delay we would encounter with reissuing a bid. It could be anywhere from a few weeks to I think the other estimate was 2 ½ months. Depending on what avenue we have to go.

Commissioner Kellner: But the point and Commissioner Kosinski I apologize if I'm...

Commissioner Kosinski: Alright go ahead.

Commissioner Kellner: The point I'm trying to make is that there is no way that we're going to comply with the statutory deadline because we've lost more than a year because of the delay in funding the project so we're now talking about many months perhaps even more than the year after the deadline before this system will be ready is that a correct understanding?

Bill Cross: Yes, depending on the options provided. We went down the path for this initial bid to recommend the path that OGS has provided us to us this process to which we did. And then now after it is brought to light this one particular respondent was nonresponsive, they looked at the bid and said, "Well that was possibly not the way to do it. Here's going forward." So, it is definitely frustration in terms of the process but the only options we have is what they are providing us, and we are having those conversations with them right now as to what we can do to move I forward...

Commissioner Kosinski: So, what you're suggesting Bill is the reason these were nonresponsive is that the language in the bid itself that we put out was in correct to they were responsive to it but that wasn't really the way it should have been characterized?

Bill Cross: No, I think there is language in our bid that now after the fact OGS has indicated was in conflict with the pre-existing contract vehicle that they had told us to use. But it's still not exactly clear if the language is in conflict. They were seeking internal Counsel's advice on it still. If it is not, we have the opportunity to potentially rework some wording. If it is, then we have to go a different path. But yes, that's the frustration.

Commissioner Kosinski: Well, I guess the issue here and Commissioner Kellner sort of touched on it is that we're behind schedule, we have a statutory obligation to put the system up and running by a date certain, this also affects the public in a very public way giving them access to a process that is supposed to be accessible to the public. So, I guess we need to be clear as to how

we are going to implement this in a timely fashion and if not, why not? And if not, when? So, it seems like we need to sort of establish those dates and give some explanation for why we may not meet the date. And I agree with Commissioner Kellner a lot of this has to do with just lack of funding upfront which we are experiencing in both the Public Campaign Finance realm and also in the Voter Registration realm. So, it's not that we dragged out feet, its that the legislature didn't give us adequate funds to do it but nonetheless, the reality is we have a statutory date, and we have to try to meet it and just trying to understand kind of where we are and what our expectations should be realistically to get the program up and running.

Commissioner Kellner: I endorse all those comments except that the legislature provided the funding it was the Governor's Office that I forget what the correct word is, Bob will tell me, impounded the funds, wouldn't let us spend the appropriated money.

Commissioner Kosinski: I'm sorry so either way we didn't get the money that we needed to actually go forward with the program. So, I just feel we need to make it clear as to what's happened, why we're where we are and again looking forward what are our reasonable expectations? And I think we should make people aware that if we're not going to meet the deadlines, what deadlines we think we are going to meet and why and then I think that's something we should let people know so that a year from now they're not saying, "Hey why isn't that Voter Registration Program up and running that we wanted up and running by 22" we should tell people earlier rather than later here's what's going on, here's why we're not going to meet it. So whatever timeframes you can give us Bill would be helpful. And I totally understand that this is none of your making and that it's something that outside entities whether it's the Governor's Office and OGS have impacted on this in a way that has delayed it's limitation so we should just make sure that people are aware of that so that they're not looking to us for answers.

Bill Cross: Agreed. As I indicated, the three options they provided us right now have a varying time length in terms of what the potential delay is. We are currently discussing with them; I would expect by our next meeting we would have a decision of which of those vehicles that we can actually move forward with and then I can provide at that time what the expectation of time delay is based on that option chosen.

Commissioner Kosinski: Okay that'd be great, that'd be helpful. Okay sorry to interrupt. I know you were onto, I just wanted to clarify that one before you moved on.

Bill Cross: Absolutely, I appreciate it. For NYSVoter I think I started on this one, we're working on several additional enhancements including local ballot information but also allowing the counties to directly upload their poll site and early poll site locations into the system, so they'll be available to look up on the Voter Look Up site. And update it potentially more current because they'll update them themselves.

The Absentee Ballot portal was mentioned earlier. We implemented the portal this month for village elections, the ones run by county boards. While we made updates to the system to incorporate the other statewide election types particularly special primaries in general as well as

provide, as we do on the paper application the date range for absentees. We expect that update to go live this week I believe for that one.

For security, the Cyber regulations the Secure Election Center has based on the input from internal staff as well as partners made several revisions with Cyber regulations. Therefore, it's before you again for approval before it's made officially available for comment. The Voter Registration System that Tom mentioned, we continue to work with Operations and NYSTEC with standards for those systems. As well as election infrastructure, we continue to work with Center for Technology in Government and SUNY on the project for envisioning the future elections infrastructure.

We also continue to work with NYSTEC on the various and numerous counties on the Risk Remediation Plans and efforts in that regard in terms of advice and how to implement those plans and potential technology solutions. And always, we continue to work on our own internal security issues improvements.

For the website pretty normal at post election levels with approximately 200,000 views for the main site this month last month in February. Any questions?

Commissioner Kosinski: Okay are you done Bill is that your full report?

Bill Cross: Yes, that's it.

Commissioner Kosinski: Okay thank you. Commissioners do you have any questions for Bill? No other questions, okay thank you Bill. We will move onto Enforcement. I know the Enforcement position is vacant, I don't know if anybody wants to raise anything in that context here today.

Bob Brehm: Todd and I had attended over many years to have biweekly meetings with Enforcement and certainly in the last year the Enforcement Counsel did not want to meet during the pandemic even by phone or video, but we have had several biweekly meetings with the staff that remains with Carla DeMarco and Geraldine Pomerantz, so I thought that that at least was productive compared to, I guess, 6 years. And not that they have the authority to make decisions but at least we can deal with ongoing issues related to how they fit into the agency and certain activities as we're rolling out these new programs, making sure they have access etc. we did ask about the reports that are due based on the regulation and the staff indicated that the research or the organization of the documents in order to complete those reports was not something that Risa familiarized them with so they are on their own just trying to make sure they understand what's in the office and what's coming into the office on an interim basis but they didn't think they had any authority as the staff based on the structure to make any new settlements or any new decisions, they were mostly trying to keep status quo until a new Chief Enforcement Counsel is appointed. Todd did I summarize that correctly?

Todd Valentine: That sounds accurate. So right now, they're just trying to keep the lights on so to speak. There's a couple of minor administrative issues we're trying to work out with them but they're still in kind of a holding pattern until an appointment of a Chief Enforcement Counsel.

Commissioner Kosinski: Okay any questions about that? Not hearing any we are done with unit updates, and we'll move onto old business and that I believe is the regulations that Bill Cross just alluded to and that's the Cybersecurity requirements. I understand that these have already been sort of out there but not officially and is it my understanding that what's before us today is to publish them for comment? Is that correct?

Bob Brehm: That's correct. You had given us that authority in the week since that meeting, there are comments that we've received, Counsel's office through Nick Cardijena was ready last week to publish them but we figured the nature of the changes that we wanted to make it would be more efficient to wait till today, ask you to authorize the amendments so that it was a 60 day comment period and we wouldn't have to add another 30 days after that if we made the changes at the time you were adopting them.

Commissioner Kosinski: Fair enough. Is there anybody that wants to give an overview of what these regulations are about?

Commissioner Kellner: We went into this at our last meeting Commissioner. But to briefly summarize it's to take the best practices that our Cybersecurity people have been recommending to the county boards and put them into a mandatory set of regulations so that there will be a basis for reviewing county compliance and also for the county boards to go to their county legislators and say, "Look this is not voluntary, we're required to do this." So, I'll move adoption of the resolution.

Commissioner Kosinski: Is there a second?

Commissioner Spano: I'll second but I'd like to say something. There is an annual certification of compliance in there and there's also a designation of two bipartisan election system security officers which you know you and I always have a problem with mandates through localities and certainly this is necessary I'm not questioning that, but it is another mandate, and it requires a lot of effort no the part of the counties. And like two and it says designate so we're not appointing someone, it doesn't say two jobs. Is that the impression you want to give that they could designate in some way someone already there or could they be creative about the designation of these two people or two persons?

Bob Brehm: The requirement that they designate has been in the procedure since I think 2009 so we don't its not a new, well we knew that it's in the regulation, but it had been there informally in the procedure.

Commissioner Spano: Well you know because I remember being in a convention I think it was two years ago, three years ago where I had suggested and had sat down with the two sides and

talked to them about designating people like this in the board so there didn't seem to be a knowledge of someone like this and I just see, I mean if someone feels this is a lot of work and goes to their board and says, "I need two guys ah two positions and I've been ordered to do this by the state and I've got three people on my staff" that's a big deal and I just think I don't know I just think we should make it clear that we're talking about designating somebody and that the actual work to accumulate all this stuff can be done by other departments in the government and this is just the person that has to coordinate and bring it back, especially if they're dealing with an IT department.

Bob Brehm: I think what we're describing is the responsibility of the Board to know that they have this work to do and that they're part of the team with the IT because they're generally the technical people. But the board staff can't say it's all theirs and we take no, and I'm not a technical person I can say this but still the staff at the board and the bipartisan way needs to meet with the IT directors depending on the size of the county and the staff know that they are covering the plan and join with them in articulating to us annually that they've completed it.

Commissioner Spano: Okay I just you know, having spent 12 years experiencing things like this and I know this is absolutely necessarily, I mean I know but you're sitting there, you're doing your budget, you get your budget together you get it all together you break it down and then someone tells you you have to do this and you've got to add something else, and its usually very difficult. That's all I'm saying. And I think we should try to make this as easy as possible for the counties to make sure they comply. I think this should be a whole digital process somehow, and we should guide them in how they do the annual report, etc. etc. and make it easy for them to do that so all they're doing is aggregating what they're doing with their IT departments and everything and make that easy. That's all.

Bill Cross: Commissioner if I could, we intend, and we've already started to put together a reporting form for them which will be a template. Basically, for most items on here it's just an attestation that they're doing it. It's not a burden of providing a lot of the information to us upfront and for the items that we are asking for, we're providing a template, basically a fill in the blank template for them to provide it to us. On the security office designation, as is indicated number 2 of the item underneath these are designated points of contact and not really thrust upon them to do this work. Obviously, its our point of contact for feedback in terms of either clarifying items through here, ensuring that they're complete, working with these two bodies. So certainly, most of this is IT. And in terms of funding, some of the items that are already in this regulation are already done. These are solidifying things that are already complete or already in place particularly things that we've actually provided for in terms of like monitoring and things along those lines. And this, as I said before, much of this has actually been done in conjunction with a large representative group of the county IT to ensure that we weren't far off on things that were going to be impossible or costly to implement. And the last piece in terms of funding, many of the items in here have already been included in the county remediation plan that we have put grant funds behind. So, they'll be able to use those grant funds to implement...

Commissioner Spano: ...one shots, that's one thing, but they put a grant fund in, grant funds go away.

Bill Cross: Understood.

Commissioner Spano: I just want to bring it up because there are things, we can do to make this much simpler, cheaper, etc. for people to do in an adequate kind of way. Now for instance if I were a Board of Elections and I had a particular item on my report sheet, that was the responsibility for the IT department, maybe they could just fill it right in from the IT department and I don't have to fill it in myself down here so that the report is aggregated even for that 3 different departments doing the certification of it. So, I just wanted to mention, it just bothered me that's all.

Bill Cross: Agreed. Most of the things that they're reporting are based on the attestations that they have done. So, they can certainly do that in conjunction with their IT and IT can provide information for it.

Commissioner Kosinski: Thank you Commissioner and you're right I am sensitive to what I consider to be unfunded mandates and I think this can fall into that category. I just have a and Bill you sort of alluded to it but there is funding available to the counties to implement some of these protocols that we're now requiring to adhere to this new Cybersecurity?

Bill Cross: Yes, there are. So, several of the items listed in here are things that are in parallel to the remediation plan that they've produced. So, line item per line item is not a line item to line-item match but it does go hand in hand with the plans they outlined that they'll receive reimbursements for initial implementation of. And many of these things are just that, it's an initial implementation, and the management cost is negligible. It's a practice they'll have to carry forward on.

Commissioner Kosinski: Okay I appreciate that. Are there any other questions regarding this as we do have a motion in front of us on this particular proposal?

Commissioner Spano: I'll second it yeah.

Commissioner Kosinski: All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Opposed? And, it's unanimously adopted. That brings us to the end of our agenda unless there's some new business. Now I did note that I think Kim you alluded to a

couple regulations you're working on I know I've seen drafts on both of them is this something we should talk about? Is this something you want to continue to work on and share with us? I don't know exactly the timeframe for these two whether it's the I guess the automatic manual recount requirement which I know may affect the primary, and also the early voting which may affect the primary. I don't know if we need to do something, how soon we need to do something if we're going to do something in this arena? Is this something we need to discuss today or what's the status as you see it? Kim I'm throwing that to you. I think you're muted. She's still muted. Alright I'll throw it maybe to Todd or Brian or who's involved in drafting what I've seen, where are we at a time issue and is this something the board needs to entertain today or what do you think. Kim, I think you're unmuted now.

Kim Galvin: I am unmuted I was going to defer to Brian. I mean we discussed it the one regulation about the high density early voting site, and it was my understanding that our commissioners weren't prepared to do that today. So that...

Commissioner Kosinski: I'm not prepared to do it today I'm prepared to discuss it if that's helpful. If not, we can discuss it further amongst ourselves and then come back at a board meeting with a formal proposal. Whichever way works is fine with me I just didn't know what was needed to move this along as far as time. It is March and I know these will be impacting elections this year.

Bob Brehm: I think Commissioner from the staff point of view, we're looking at drafts and getting just our own understanding if we like the wording, etc. and then reach out in the climate of the other reforms that are happening. But I think if we tentatively can have a meeting in April that we need to have anyway before we certify the June primary ballot, that we should be able to share a draft of regulations for you to consider and maybe especially with regard to something like recount. Normally we like to share it with the counties maybe get their input before we ask you to vote on something so that we can take into consideration any changes they recommend but I think we can do that in time for the April meeting if that would help.

Commissioner Kosinski: That's fine if that's the timeframe you want to use. Commissioner Casale did you have a further comment? Commissioner Casale I think you're muted. Still muted.

Kim Galvin: I had to click on my picture Commissioner Casale.

Commissioner Casale: No, really for the high-density municipal, the high-density municipal requirement, the new statute I'm not sure if we can fix that by regulation. I think it requires a legislative step and I'm recommending, and that's one of the reasons I didn't want to do it today. I think we should recommend to the various counties if they have a problem, they go back to their state legislators. I know there have been individual bills put in for specific counties but that was a very straightforward piece of legislation, and I don't know how we can change that by regulation and how we can plan for every contingency. Every county is different. Every county had issues. I've had a couple of counties contact me where moving the current early voting site

to a larger municipality maybe within 2 miles still causes a problem because the other large municipality doesn't have a large size facility. So definitely I think with that particular statute we ought to send it back to the legislative and let them fix it legislatively.

Commissioner Kosinski: Okay fair enough. I mean I guess both of these regulations, there's some statutory issues we're trying to deal with as I understand it in the sense that implementation of the statute in its current form would cause some issues with the implementation at the county level and as I understand it, these regulations are an attempt to address those issues through regulation. And what Commissioner Casale is suggesting, is that it's really better to be fixed by the legislature because the legislative enactment doesn't necessarily anticipate this board changing the requirements in order to accommodate what have been identified to use as problems in implementing this particular or these two brand new laws that have to be put into place this year. It's clearly a way to do it if the legislature would do that but if not, I guess we'll have to discuss what we're prepared to do. So I'm prepared to put this off I don't mean we have to talk about it today but I do understand that there are timeframes we have to deal with and I don't want to wait till the last minute to deal with this cause I share some of Commissioner Casale's concerns by the way about our ability to change really statutory language or implement something that really doesn't adhere to the statutory language in order to accommodate issues that we've now come to identify after they've passed the law and it was signed and now we're trying to sort of deal with issues ourselves. But I think we have some limitations there as a board to do things that go outside the language of the statute. So, I share that concern just so you know as you're crafting these things. I don't know if there's any other discussion any of the Commissioners want to add today but I will take Bob's suggestion that there will be something for us in April to review formally but I would suggest to the staff based on my comment and Commissioner Casale's comments at least that you take what we said into consideration as you're drafting these and looking at them. So, is there anybody else that has any new business they want to bring before us today? If not, I would entertain a motion to, well I guess my other question is there any need for an Executive Session? Hearing nothing then I would entertain a motion to adjourn I guess what we need to do is pick a date for our next meeting which we should try to do before we adjourn. I think we had already talked about a meeting in April, and I believe it was April 22nd, was it?

Bob Brehm: April 22, I think.

Commissioner Kosinski: April 22 so it's April 22 is the proposed date.

Commissioner Kellner: That's okay with me.

Commissioner Kosinski: Okay I think everybody's good. So, April 22nd will be our next meeting and I think I don't know if the Public Financing Commission is going to meet that same day. You can talk to the other two Commissioners, maybe the staff should. We can meet that day or another day if they, I'm sorry what was that?

Bob Brehm: Commissioner Yankah said he was available that day so if we can just confirm with Commissioner Kolb.

Commissioner Kosinski: Okay so we'll try to do that hopefully we can coordinate those again. But we'll at least have ours on the 22nd. So, with that concluded I would entertain a motion to adjourn until April 22nd.

Commissioner Kellner: So moved.

Commissioner Kosinski: Second? All in favor?

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Thank you and we'll see you next month.