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Commissioner Kosinski: We are going to open up the Board of Elections meeting for May 2<sup>nd</sup>, 2022. I'm Peter Kosinski, I have Commissioner Casale and I have Commissioner Kellner, and I have Commissioner Andrew Spano is online. I want to make sure everybody is here. And we'll open up today with the minutes from March 4<sup>th</sup>, 2022. Is there a motion to approve?

Commissioner Kellner: So moved.

Commissioner Casale: Second.

Commissioner Kosinski: All in favor?

Commissioner Kellner: Aye

Commissioner Casale: Aye

Commissioner Spano: Aye

Commissioner Kosinski: Aye

Commissioner Kosinski: Opposed? Our next order of business are our ballot access determination. So the staff over the last couple of weeks has been going through petition challenges that were submitted and petitions themselves that were submitted to the Board. And with the hearings, we have before us a report of the staff on those hearings and their recommendations for the status of the petitions involved. So we have a document that we can consider as a whole, which I think is what we will do if that's okay with all the Commissioners and we will rule on them all at once. So before we start, are there any comments that any of the Commissioners want to make on this or any issues? Okay. I do see we have people here in the room today and I don't know if you're here for that particular purpose but if you are, you're welcome to make some comments regarding any specific item that's on this list. I don't know if you've seen the list but if you're here you're probably here because of a hearing and if you want to make a comment regarding the status of a particular petition, you're welcome to do that, at this point the Commissioners are amendable to that. I'm not sure who is here if someone wants to identify themselves.

Michael Grace: I'm Michael Grace.

Commissioner Kosinski: Okay Michael we'll give you the first go ahead.

Michael Grace: I appreciate the audience and it's very important to me and I think for both parties of the State of New York but on Friday, I was here for my hearing in terms of my petition challenges lodged by two objectives and my challenger for the nominal of Lieutenant Governor. At that point in time, I was advised on Thursday that I needed to have my comments in by Thursday at 12:00, I showed up here on Friday morning at the hearing I think it was at 12:00. At

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that time I had not been given any tally of what the staff of BOE believed were the number of signatures I produced nor was I given a tally of the number of signatures found out. I was also not given a certain worksheet by the staff in regard to their findings. The first item of business was the number of signatures. I was advised that I qualified in terms of the number of signatures required in the congressional district and there wasn't an issue attached. The only issue was the raw number. I was given a raw number by the hearing officer of I believe 14,829 which departed from my tally of my campaign tallies of over 16,500. Unfortunately, I wasn't given the opportunity to see how they tallied their numbers and why there was a discrepancy. I objected to their numbers at the time saying their numbers were wrong and also to the number of signatures that were out. Having left I had other issues with some of the petitions that they ruled out, however the raw numbers was the most important to me because that was the basis on which they were invalidating or making recommendations for you to invalidate my petition. Over the weekend, I was able to do an excel spreadsheet. I used their worksheets, their tallies on their worksheets, not only the total tallies but every individual line tallies added them all up 2 or 3 times and come out with a number that was completely different than the BOE staff numbers. I came in early this morning and had a discussion with Mr. Valentine and asked him if he could do me the courtesy of just rerunning the number of outs because that was, I think they had 4,000 no excuse me 1,468, their worksheet tally totaling totals came up to 1,369 totaling the individual lines totaled to 1,396. That's their own numbers, their number of signatures was 16,385 not I think 16, 297 was their total. I just asked them if they can do anything because my objectives aren't here to be heard. I said I'm not asking you to make a qualitative decision as to the signature or petitions I'm asking you to redo the math. Based upon the math the number of signatures is completely different when we ran the numbers over and over and over again. I was told then that the worksheets that I have are not the worksheets that they work over, there is another set of worksheet but I never got those worksheets. So I don't know if I'm misinterpreting them, are they saying there are other worksheets that I didn't get? I was told somehow, I asked them "Well how did you get the numbers to put on the hearing officer's report?" They told they were told that by staff. I said, "Well did they tell you verbally or did they write it down?" They wrote it down, I think I was entitled to see what objections they sustained to the signatures. So, that is that in terms of the signatures. I also, in order to qualify and it the margins I will grant you that but I need 15,000. There are two sheets in addition to the miscalculation of signatures that put me over 15,000. One of them is a sheet that they disqualified upon the subscribing witness had put their address in the subscribing witness statement and put their zip code after Yonkers, New York 10705 they didn't like the way the zero was written after the one saying it was also alterations to the address of the witnesses. If the zip code which is superfluous information and does not have to be included in the witness statement at all and alteration to an extraneous piece of information would just confirm that the witnesses from Yonkers shouldn't be a basis to disqualify that sheet as false signatures. Another signature page that notary notarized above the notary signature on the statement is the number of signatures that he notarized which was 20 signatures. The 20 signatures line is written in the line of subscribing witness not necessarily in the line for where the notary would otherwise put it but all the pertinent information to verify that the notary actually sworn in 20 Republican voters and got 20 signatures is on that and on its face. This is not a qualitative judgment these are honestly all valid signatures. Based upon the discrepancy using the BOE's own worksheet numbers, not

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my numbers, their numbers, numbers they used to make a recommendation to you to invalidate my petition those numbers are mathematically wrong. Plain math, are wrong and the other two I am over the 15,000 and I would like the Board at least dynamically to ask the staff to rerun the numbers. If Mr. Guilani is going to speak by the time he's done speaking they could have the numbers back. All I'm asking for again, we're in an age where we're looking for transparency, we're looking for voter participation. We're looking to actually make every voters vote count. But also we're looking to engage our Republican face in the process. We want people to be engaged in the process. We feel like we have people going out and collecting signatures in March in Upstate New York is not a pleasant thing to do and given the weather, we have everybody out there. I have over 16,000 Republican registered voters that would like to see my name on the ballot to have a choice for the Office of Lieutenant Governor. We are here to promote that. This is your job to promote that engagement by each and every voter and member of our party. You have somewhat archaic rules, we will be challenging; the disqualification of signatures where there is a wrong town or city entered but there's a post office address. There is a good case law that would say that the town, the issue of the information that the town is only important for a post office address may encompass more than one political subdivision but you don't know whether that registered republican voter is qualified to vote in the primary for which the nominating petition is circulated. In a case of the statewide office, anyone that is registered with a post office address in the State of New York and is a Republican qualified to vote in the primary June 28<sup>th</sup> and their signature is made valid. Not to do so is a grave misinjustice both to the State of New York and most importantly to our party which I'm a member which is the Republican Party. That choice should be made. You are the last stop that I have before I go to court and quite frankly the difference between going to court with a petition that in all rights should be validated declared valid as opposed to a petition where I have to go bring an order to court to validate has a both sustenance procedural difference that can affect the outcome. And I have been in public office, I've been a Town Supervisor, I'm been in executive positions and they all have staff do their job especially under very fine conditions. But I am not asking them to do mine. I told them I could do the calculation here for you on my iPhone and show you that the number is wrong it's not credible, the number of signatures qualifying signatures that I submitted is not right, there is a miscalculation on that as well. You do it I only need 15,000 but when you redo the at 15,001 and taking the other two sheets 15,033, 15,000 is all I need and that's what the law requires. I'm looking for the due process and I'm hoping that you as a Commission also has deep respect for the due process legal aspect going forward.

Commissioner Kosinski: Thank you. I just want to note for the record that this particular petition, Mr. Grace indicated needed 15,000 signatures. The numbers that were filed according to our numbers were 16,398 and then after the hearing and the objection process the result of valid signatures was 14,829 which as noted is short of the 15,000 and thus that is the report we have in front of us. And so staff, I don't know if you have any comments regarding Mr. Grace's assertions regarding the calculations.

Todd Valentine: We would make one change to that calculation that the number filed would be 16,297.

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Commissioner Kosinski: I'm sorry its not 16,398, its 16,297.

Todd Valentine: Which is over the 15,000.

Commissioner Kosinski: So the number submitted was slightly less okay. What was the number unvalidated.

Kristen Zebrowski Stavisky: 1,468.

Commissioner Kosinski: Right that's what I have and based on that calculation its 14,829 is that still correct or is that different? So the 14,829 is correct.

Kristen Zebrowski Stavisky: Yes.

Commissioner Kellner: Who actually did the count?

Todd Valentine: Several different people. Four or five staff members in addition to Ms. Zebrowski Stavisky and then myself confirming it.

Commissioner Kosinski: And the worksheets will be available?

Todd Valentine: They are available.

Commissioner Kosinski: Okay anything else? Did you have a response to that? You looked like you wanted to say something. We're going to keep it short.

Michael Grace: I really, the number out makes no sense whatsoever I don't know where they got it I went over with people on numerous occasions the 1,396 number , but you're giving 16,398 as the actual number found out, I qualify. All I'm asking for is, they produced no data. They told me they did this on a tape. We did it with a spreadsheet using their numbers and their entries and unless they have a second set of papers I didn't get.

Commissioner Kosinski: How many staff have looked at this?

Kristen Zebrowski Stavisky: Five to ten.

Commissioner Kosinski: And they've each looked at it independently and confirmed our numbers is that a correct statement or no?

Todd Valentine: That is a correct statement.

Commissioner Kosinski: So the 14,829 was the number which is the critical number here the number valid, 14,829 is the number that the staff has validated as valid.

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Todd Valentine: That's correct.

Commissioner Kosinski: I would note to Mr. Grace, certainly some of the arguments you're making here today are really more appropriate for a court action. I mean you're contesting I think the legitimacy of certain signatures based on whether its error or whether it's a correction, things the courts specifically weigh in on and have weighed in on over the years and we follow the directions of the court. As you might imagine, we're an administrative agency, our job is to take the petition in, look at the law and then apply the law to the petition. Your arguments are arguments, the law is not. Those are arguments for court. Those aren't things we can consider here today. So I just wanted to note that to you.

Michael Grace: All I'm asking for is mathematical additional and subtractions and asking that the just show how they came upon that. They said they couldn't, they said they think they used a calculator, they should be using Excel spreadsheet because it does math as you go along. I can't believe the BOE and State election system uses a calculator punching in numbers because I'm telling you right now the numbers are wrong and all I ask for believe me, if you go though the numbers counted out it would literally take I think it's a matter of 32 or 35 numbers to add up I can do it right here for you that they're wrong. Unless they have a sheet with different numbers that they've never given me. But literally you can ask them, go out, take the numbers and add them up and if I'm wrong, I will apologize for having wasted my time with any of yours, I really will.

Commissioner Kellner: So I just want to join in Commissioner Kosinski's remarks that as a ministerial agency we really have to apply the statue as it is written. I think you make two interesting points to raise in court on the alteration of the zip code but it is an alteration to the witness statement and the law is pretty clear that alternations to witness statements need to be initialed by the subscribing witness. And then there have been court rulings that have gone both ways on the issue of including the proper town in the petition so you may be able to convince a judge to do that but the statute hasn't been amended and there are cases that still have been upholding the statutory requirements. And as to the count, I'm inclined to take at face value the report of our senior staff who spent time going over this and doing the count. But I want to assure you that you are entitled to all of those worksheets and if there is an error in the calculation then you should point it out to us but given the time and the fact that you aren't in court I agree that what the staff has done should be upheld by the Commissioners.

Michael Grace: I then ask can I be produced with the number found out, their calculation sheets and their actual calculations because I have never gotten it. So, supposedly there's gotta to be a second bunch of them out there because their numbers are, they've got two different numbers and as to what is qualifying and unqualifying. I understand all your fine points of law but you're right you're an administrative body the question is...

Commissioner Kellner: And you're entitled to the worksheet.

Kristen Zebrowski Stavisky: It's thousands and thousands of pages so we can scan them.

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Commissioner Kellner: Is that okay?

Kristen Zebrowski Stavisky: Yeah, that's okay.

Commissioner Kosinski: Yeah, you're entitled.

Michael Grace: Thank you for your time and hopefully we will be all set.

Commissioner Kosinski: We have some other members here from the public, is there anybody else that wants to be heard on a specific finding regarding the petition matters?

Andrew Giuliani: Commissioners, Andrew Guiliani running for Governor agree with Mr. Grace. As many of you know in March in New York going around we had some wonderful days, but we certainly had some cold days.

Commissioner Kellner: Mr. Giuliani so you can appear on the video, stand over here.

Andrew Giuliani: No problem. I want to thank you very much for your time. I want to thank you for the suggestion on Friday after our hearing, that the Commissioners uphold our ballot access. As I said I certain commensurate with Mr. Grace as I know this is a process about the will of the people. And I understand that is your mission and that is your job to make sure that all New Yorkers have a choice whether that choice be on June 28<sup>th</sup> or whether it be at some point in August which we may find out and we may be doing this dance all over again. I will keep this very brief. I want to make sure and put in a word for all the people who ended up coming out there and not just volunteering but working and signing for us. I think of the original 24,579 signatures at our hearing the other day, about 4 were excluded by candidate Zeldinski. It's an honor to have a team that is that confident and that efficient to submit that so I'm very excited about the possibility but I will focus back on this. All I ask of the Commissioners is that they adopt the findings from the hearing that we be on the ballot for this designated position for the Republican Party.

Commissioner Kosinski: Okay thank you. Any questions? Thank you. Any other comments then regarding, I would note we have on this sheet that you filed 24,579 signatures. I'm sorry, somebody identify yourself.

Paul Nichols: Paul Nichols, also a candidate for Governor for the Democratic Party I haven't even got a face for radio. Again, thank you for the time and opportunity to be able to present before the Board. I bring a few concerns about facts and law with respect to the public with respect to the underlying preliminary hearing. We submitted over 19,000 signatures for ballot access and in the preliminary hearing we raised some serious concerns of law that respectfully weren't seriously considered. The points of law that we raised in specific was lack of the Board to have jurisdiction to be able to determine the specific objectives. The basis of that was the objectives not complying with Title 9 of the Codes of Rules and Regulations section 52-04 when

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it comes to service. In order for, as the law says, no specifications of objections and petitions will be considered by the Board unless the objectives filing the specifications personally delivers or mailed by Registered Mail or Certified Mail a duplicate copy of the specifications. Specifically, it talks about proof of service and it's a legal term when service is registered by mail it has to be validated by a stamp of the United State Postal Service. It was raised in this preliminary hearing and the exhibits were attached that the objectors did not comply with this section of the law that would grant jurisdiction of the Board to be able to rule on those specifications. So that preliminary hearing error in that again, those specifications should have made again based on the law as not being accepted in the 19,000 signatures. Additionally, there was a conversation about the determination that the petitions weren't timely. We followed all of the regulations that were put forward in terms of the post marking by the deadline which was April the 7<sup>th</sup>. It was done by the prescribed method of mailing which was a method that was chosen by the candidacy with a two day mailing option and it was brought to our attention by the United States Post Service that the Board initially had mail redirected away from 40 Pearl Street and at the time which it was being delivered it was rerouted away from 40 Pearl Street and was left at the post office which the Board was put on specific notice by myself the other day on the 11<sup>th</sup> of April and notified them. I spoke to one of the staff members and let them know they took in the tracking number. They did see that there was something there and they said that they were going to work on it. We called back probably a little bit later have actually submitted to the preliminary hearing, a record of the phone call. They said they were working on it. Someone was going to be taking care of it and that we were going to get a call back. Never back. We submitted some case law to the preliminary hearing officers that indicated that where the candidacy had potentially placed it in where the candidacy had essentially done everything that they were supposed to do by law, it was now in the actions of the Board that would be unreasonable to hold the candidate responsible for access solely within the Board's power to perform, in the safe retrieving delivery of timely mail. The case went on to say that to hold otherwise would risk having a candidacy initiated by inadvertent, carelessness, misfeasance, malfeasance or partisan policy by Board of Elections. None of which we're alleging here today for the record. But it's very important that again, the law that put down in the Codes and Rules and Regulations are strictly adhered to because a number of the premises that some of the signatures were being invalidated specific points of law was very important. So, in order for this Board to have jurisdiction, the law had to be complied with. We provided exhibits that showed that the objectives did not comply with the law and that did not rise for jurisdiction with this Board and then we also showed that the application in addition to message was timely which would make the application and message timely as well. So, again, these are serious points of law that were not considered with specific exhibits again, provided that to the Board to the Commissioners here today but we can't overlook. The people of New York are depending on the Board to be the arbitrator of fairness. Be arbitrators not in certain instances and ruling on illegible signatures or things that are missing, these are bigger broader points that need jurisdictional arguments. People in the State of New York are looking for fairness, they're looking, as the Lt. Governor Candidate said, open participation, encourage candidates for participation. Again, it was very difficult in March to be out there getting signatures but we did it and we want to make sure that again, the process if followed as close as it can so that way those 19,000 signatures can be upheld by this Board. Thank you very much.

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Commissioner Kosinski: So as I see this on our sheet, Mr. Nichols filed a Democratic designated petition with 19,786 signatures that's correct and then after a hearing we found 11,767 were valid. As I understand, Mr. Nichols is raising 2 procedural issues; one being whether the petition was filed on time, there is a contention it was not? I don't see it on here.

Todd Valentine: The petition was filed.

Commissioner Kellner: So the timeliness of the petition is not an issue is that correct? Okay. So the second issue...

Paul Nichols: The timeliness would go back to the date of April 11<sup>th</sup>. April 11<sup>th</sup> would be the final day of timeliness, final petitions according to the law.

Brian Quail: So there was an issue with the timeliness filing of the petition but there was some ambiguity on the point so the Board proceeded with specifications of objection. The petition was timely placed into the mail stream by Mr. Nichols' agent or his campaign. And pursuant to 1106 of the Statute when you mail something to the Board it has to arrive no later than 2 business days after the last day to file. The last day to file was Thursday the 7<sup>th</sup> so it needed to arrive by the following Monday and in fact we did not take possession of the document until Tuesday. The Board had indicated to the postal service that the Board would be picking up it's mail in order to get the mail timely into the building. Staff went to the post office at 10:00 a.m. as has always been the tradition of the staff to do. That gives the postal service plenty of time to have cased all of the mail that has been received until that point and then we receive the mail. Mr. Nichols petition was not there when the staff went to pick it up.

Commissioner Kosinski: Which date was that?

Brian Quail: That would have been on Monday.

Commissioner Kosinski: Monday at 10:00 a.m. They went to the post office and it wasn't there?

Brian Quail: Right. So then the records at the post office indicated that they had placed Mr. Nichols petition out for delivery in the wee morning hours. I think if memory serves around 6:00 a.m. was out for delivery.

Commissioner Kosinski: Delivery to this office?

Brian Quail: Indeed it was and so our staff went to get it, it wasn't at the post office. Presumably the post office had it out on a truck. At some point or another after staff returned on Monday, the documents went back to the post office. And then when the Board went to pick the documents up on Tuesday the documents were in fact there. We have discussed potentially amending our policies as a result of this but we did not take physical possession of the document until Tuesday and the postal service had the document in their possession in Albany as of 5:00



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a.m. in the morning on Monday and such as it was. There being this potential issue with some ambiguity on this point due to unique facts and circumstances, the Board did proceed to the line by line on the specifications in this matter and the numbers are recited on the ultimate findings.

Commissioner Kosinski: Okay so as I understand it, what we're considering here today is not the timeliness of the petition itself, but the sufficiency of the signatures filed. So that issue is not before us today because the hearing officer did not find the petition invalid for ...

Brian Quail: But I think the

Commissioner Kellner: It's listed on the prima facie account. And I don't see a list on the objection.

Commissioner Kosinski: Yeah, there's one here.

Brian Quail: It was within the hearing.

Commissioner Kellner: Oh I see.

Commissioner Kosinski: I'm sorry it's also on the prima facie. So did the hearing officer find that this petition was late?

Kristen Zebrowski Stavisky: We did not rule on that. It was only line by line.

Commissioner Kosinski: So why is it on the prima facie?

Brian Quail: The prima facie review was done at the time that it was taken in by the Operations Unit so when that occurs, the issue does not advance to the hearing officer.

Commissioner Kellner: I have the definitive staff report. Alright here's a Nichols.

Commissioner Kosinski: I only have one Nichols in mine.

Commissioner Kellner: I only have one.

Commissioner Kosinski: Oh you only have the prima facie? It says prima facie review and hearing.

Commissioner Kosinski: Yeah but I have a hearing held that was showing me, if there is a prima facie wouldn't have bothered to do a hearing would you?

Kristen Zebrowski Stavisky: No.

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Commissioner Kosinski: So I have the hearing was held and the signatures were reduced from 19,786 to 11,767.

Commissioner Kellner: But why is yours at the top and mine is on line 3?

Commissioner Kosinski: Well that's a good question. What do you have above it.

Kristen Zebrowski Stavisky: I think I gave you my old copy that's a working copy, do we have it?

Commissioner Kellner: Yeah but I think if we're ruling on these that there ought to be a definitive copy. Is this the same as what the other Commissioners had?

Brian Quail: It should be on the bottom it should be indicated as hearing court 5.2.22 10:00 a.m.

Kristen Zebrowski Stavisky: I handed you mine and then Brian went to make copies.

Commissioner Kosinski: Okay so I have Mr. Nicholas here on the hearing.

Commissioner Kellner: So now they raised this question of whether the certificate of service of the specs was adequate?

Commissioner Kosinski: Right.

Commissioner Kellner: So what's the story with that.

Brian Quail: So, I'll start on that and Tom can provide additional information if necessary. So when the specifications or objections come in, they are reviewed by the Operations Staff bipartisan to make a determination as to whether or not service is adequate. The document was reviewed on a bipartisan basis, and they indicated the proof of service via certified mail they found adequate and I don't think there's much more to say.

Commissioner Kellner: So certified mail and he's saying that there was no post office stamp but if it's certified not registered the post office doesn't require...

Brian Quail: I don't know them by cities but I know they provided

Kristen Zebrowski Stavisky: There were four different objectives. I believe he alleged that to one objective.

Paul Nichols: So, four different objectives; two objectives did not follow the stamp post office receipt which is required by again Title 9 section 62 04 and then subsection with respect to the stamp. The other two the timeliness going back to April 11<sup>th</sup> the statute says you have three days

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after the application is filed which again the idea was to make sure it was here on the 11<sup>th</sup>. The general objections were following the Friday which was outside of the timeliness.

Commissioner Kellner: But the Board didn't get it till Tuesday and frankly, my view is that unless we affirmatively did something with the post office where we...

Paul Nichols: That's what happened

Commissioner Kellner: now please don't interrupt me Mr. Nicholas because I'm really talking to the staff people because I think it's factually important. If the post office made a mistake then that's on the candidate because we don't want, I mean we prefer that candidates file their petitions in person. And so the question is, did we do anything that caused the delay in receiving the petition on Tuesday as opposed to Monday?

Brian Quail: In my opinion no.

Commissioner Kosinski: Well, I get that if we did anything based on the description I'm getting is we went to the post office at 10:00 a.m. and if we'd gone at 4:00 p.m. it would have been there is that true?

Commissioner Kellner: But we're not required because the deadline was already past.

Commissioner Kosinski: No, no, no, I'm talking Monday now.

Kristen Zebrowski Stavisky: The post office, for some reason we can't ascertain, they put it on a truck.

Commissioner Kosinski: I got it, but you don't know when I came back to the post office, if we'd gone down at 5:00. We were there at 10:00 we don't know what time it was there Monday?

Kristen Zebrowski Stavisky: 11:00.

Commissioner Kellner: You say early but that's our normal time.

Commissioner Kosinski: I'm not disputing that I'm just saying there was an issue we went early it wasn't there.

Commissioner Kellner: Are you saying we should go at 5:00?

Commissioner Kosinski: I don't know.

Commissioner Kellner: I guess what I'm saying is that if you use the post office then you bear the risk of it not being delivered on time.

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Commissioner Kosinski: Sure I get it I guess the issue to me is if we didn't get it till the 12<sup>th</sup> to hold the objector to Thursday like they, the idea is the objector should know, I've got this petition here on day 1 and by day 4 I have to file my objections ,right? So as a candidate or as an objector I'm using that date that I get it, the date the Board gets it. The objector doesn't know its at the post office. So he gets it on the 12<sup>th</sup> when we got it and he or she uses until Friday or whatever the date was Friday, three days, I think that's the objector's side.

Commissioner Kellner: And I guess what I'm adding to this is that unless we, and agree with that the in fairness the objector should have 3 days...

Commissioner Kosinski: to be fair to you and the objector

Commissioner Kellner: But unless we did something negligent or wrong to delay the delivery that risk is on the candidate. And my advice is that candidates should not use the post office for delivery of petitions which is something we've been as an agency trying to encourage people.

Commissioner Kosinski: I just think balancing it. You're getting the benefit in my view of even though we got it the day late we're still accepting it because we acknowledged it was lost in the mail somehow that 11<sup>th</sup> and we didn't get it on time and should have.

Commissioner Kellner: And I'm saying if it was lost in the mail that makes it prima facie.

Commissioner Kosinski: You would say its prima facie, I got you.

Kristen Zebrowski Stavisky: But regardless there was one for sure, I believe two of those objections were dated that Thursday, not the Friday. Not all the objections they just came in earlier.

Commissioner Kosinski: So there are two objectors Thursday, two objectors for Friday.

Kristen Zebrowski Stavisky: There's one for sure, I'm almost positive there's two.

Commissioner Kosinski: So we have at least one objector that met the Thursday deadline right.

Paul Nicholas: And the ones that missed the Thursday deadline are the ones that did not follow, it was not validated by the post office.

Commissioner Kellner: There's no real issue then to more than 3,000 signatures short anyway.

Commissioner Kosinski: No, you're not contesting the finding.

Paul Nicholas: We're not contesting the finding, it's a procedural question. The other question is a question of law in terms of witness registry that is required and again the Board, again we're

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more than willing to go to court on that issue. There is the jurisdictional issue but then there are other procedural points that that were deficient with the specifications. The law does require a duplicate copy to be mailed so one of the objectives that did get their objection in time they did not send a signed duplicate copy of the objection. So the cover sheet was basically different, one was not, I included two exhibits; one was a signed copy that was sent to the Board the other one was a copy that there were numbers written in the objective line where a signature should have been where the case law specifically requires an exact duplicate copy be served to the candidate. Again, which would remove the jurisdictional basis for even reviewing the specifications again.

Commissioner Kellner: I got you for that objective.

Commissioner Kosinski: I gotcha and that was one of the Thursday objectives?

Paul Nichols: No, that was one of the Friday. So the idea again, and I recognize the position of fairness however again the law does require 3 days from when it was filed and to the Commissioner's point, I appreciate the point of understanding I absolutely assume the risk of sending it in the mail but when the Board affirmatively says, we're not going to, I'm coming to give you the package. The package is going to be filed when we get it but we're saying we're not taking it.

Commissioner Kellner: Nobody said that.

Paul Nichols: No the postal service specifically said and I have the record. For the week of when the petitions were due, the Board of Elections has the mail redirected, pushed away from 40 North Pearl Street and the reason why it was on the truck is that it was headed towards 40 North Pearl and the Board said, "No we don't want it here" and now it's placed solely in the hands of, essentially that's what this is saying. We have to go and affirmatively get it. I'm not alleging the post office breakdown or lost in the post office because the law is clear on that. If the post office messed up that's on the candidate. But it was there from 11:00 there was instructive notice and actual notice. I spoke to the same representative twice to say there is something there. They took the tracking number. They said, we're working on it. So other than me driving from New York City and saying I'll pick it up for you and getting it over there, there's affirmative behavior from the post office which is Nafalie vs. Green case says, it's unfair for the candidate to have the Board perform, at that point it's called a miniscule duty of picking up the mail. And again, the difference between 10:00 and 11:00 it was there from 11:00 in the morning having been redirected away from the Board.

Commissioner Kosinski: Are you saying that we on petition filing week say to the post office don't bring us the stuff we'll pick it up at the box? We'd rather pick it up at the box than have you bring it to the office?

Brian Quail: Regular mail we pick up. Priority mail and express mail still gets delivered here. Why it went on the truck and wasn't delivered I have no idea. Any priority and express mail gets delivered by the post office. They still deliver to us just regular mail we pick up so we can pick

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up on our time schedule after they've done the sort. It normally would have been out for delivery.

Commissioner Kosinski: So you're saying that should have been delivered?

Kristen Zebrowski Stavisky: They should have delivered it, yes.

Todd Valentine: And the reason it went out on the truck for delivery I don't know why the postal service...

Kristen Zebrowski Stavisky: Why it went out on the truck and then came back.

Commissioner Kosinski: Okay they should have delivered it though? It wasn't per our instructions?

Todd Valentine: No.

Paul Nichols: That's not what the post office said but I'll leave that. And then the last point, again, if the Board does adopt the position of and this would be contrary to the law of whenever the Board makes the applications available that's when the 3 days clock starts. That's contradictory to the law and I understand standards and balance, but something should be filed in the Board.

Commissioner Kellner: But we didn't receive it.

Kristen Zebrowski Stavisky: It wasn't filed here until Tuesday, until we have those papers we can't stamp them in and file them.

Paul Nichols: And I understand that position but it's outside the scope of what the law would require. We're saying that we can get it in on a Tuesday and then for whatever reason we're not talking about negligence or malfeasance we're not alleging here, they could come up. We're just talking about theory as opposed to how they law works, if they didn't put it up until Wednesday that clock doesn't now start until...

Commissioner Kosinski: No, I got your point.

Brian Quail: We have appellate division authority that the three-day objection timeframe begins when we physically receive it not when its post marked.

Paul Nicholas: No, we're not talking about the postmark, the filing day. Because if you're going to accept it at the same time you file it that will be 11.

Commissioner Kosinski: We understand. Did you raise these issues at the hearing?

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Paul Nichols: I did.

Commissioner Kosinski: Okay thank you. Alright is there anyone else here who would like to speak on any of the petition hearings that are in front of us today?

Henry Berger: Henry Berger.

Commissioner Kosinski : Henry Berger, we see you now, I'm sorry Henry go ahead

Henry Berger: I'm here with Gregory Sumas on behalf of objectors Diamond, Walsh and Carney to the Democratic designated petition of Khalid Salem. We request that the Commissioners confirm the clerks report and we're really here to answer any questions you might have about the petition which was an unusual petition.

Commissioner Kosinski: Let me just note that that was a petition that was filed here needed 15,000 signatures, 24,970 were filed, and at the end of the hearing 11,741 were deemed valid. So the recommendation is to invalidate.

Henry Berger: I would just note that those numbers reflect the staff having assiduously worked three of the five volumes, they never worked the first and the fifth because they didn't have to because you were already below. There was an issue on the first volume in that the purported subscribing witness submitted an affidavit saying he never got the signatures, that's not his signature and our contention on that which we will raise appropriately later is that that entire volume should be invalid also but the clerk's report is sufficient invalidate the designated petition.

Commissioner Kosinski: Okay Mr. Berger thank you. Is there anybody here for Mr. Salem arguing that his petition is valid? No, okay. Alright thank you. Any questions for that? Any comments on that? Anything else then regarding any other petition that's on this sheet that we are looking at here?

Commissioner Kellner: With that I'm prepared to move the staff report which is the one that's marked 5/2/22 10:00 a.m.

Commissioner Kosinski: Correct, that's the one we all have. Is there a second to that?

Commissioner Casale: Second.

Commissioner Kosinski: Anymore discussion, Mr. Spano? Nothing okay. Then we can take a vote all in favor say aye.

Commissioner Kellner: Aye

Commissioner Casale: Aye

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Commissioner Spano: Aye

Commissioner Kosinski: Aye

Commissioner Kosinski: Opposed? And that's carried unanimously. So that's the status of these now candidates as we all have noted that may have been validated today are welcome to go to court. They can certainly challenge whatever findings we made in court. They have 3 days from today. And those who are successful, I assume won't go to court.

Andrew Guiliani: Sorry, I just want to assume that the...

Commissioner Kosinski: I'm sorry for your petition, it was approved.

Andrew Guiliani: Thank you very much for your time.

Commissioner Kosinski: Okay thank you. Alright that's the first order of business and we wanted to get that out of the way because we knew we had some public interest in that and we will now go back into our regular session. We'll start with unit reports. We can get you something of our finding today. You will get a formal finding.

Commissioner Kellner: Yeah, we can get you something with our findings today, a formal one page finding. It should go out this afternoon. But you should not wait for that to start your court.

Commissioner Kosinski: Okay so we're going to go onto unit updates and we'll start with the executive, Kristen Zebrowski Stavisky and Todd Valentine.

Todd Valentine: As you can tell, we've been busy with ballot access process during this time period. Pretty much the last two weeks or month it's taken up our time. In between that we have been working on other long-term projects including working on procurement for the online voter registration system, obviously coordinated with the Public Campaign Finance Board for their solicitation they do for their software. And just quick summary, space planning is moving forward. We're working with OGS, it's better, it's improved no question about it. They are more attentive to us in terms of giving us information. Occasionally they do forget to tell us things but we do learn to remind them that they should tell us and then we've had OGS Commissioner support on that they are very supportive so that's been helpful.

Budget wise, obviously the budget was adopted as Cheryl mentioned during the Public Campaign Finance Board Meeting, we got the full appointment we had asked for. In addition there was another grant program that was added to support the counties in the new absentee ballot postage program so we are starting to get the contracts together. That would be in effect July 1<sup>st</sup>. So we're going to get the contracts together. It's a reimbursement program so we're telling the counties, save your receipts on postage that you pay for delivery and return mail. So



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we'll just put together the basis for how we're going to distribute that so. Ballot access we did a lot.

Commissioner Kellner: Now I understand that you suspended the ballot access ruling for senate and congressional cases?

Todd Valentine: Well we felt we had to because the court of appeals said, and that wasn't until after the court of appeals rule that they did rule the lines were unconstitutional. And at that point we were stuck because there could be no primary for them so to us it didn't make any sense to make rulings on something which there is no primary for. The lines ...

Commissioner Kellner: Most of that, most of that work was close to completion. You still have all your work papers?

Todd Valentine: Yeah, we still have all the records we just I would say a half a dozen hearings that we hadn't concluded and easily could be done in a few days you know we'd have to provide notice to improve the process. We reserved all of the records.

Kristen Zebrowski Stavisky: We also encouraged the county boards, we told them we'll be here to help them through this process because obviously they weren't asking for direction and we asked them to preserve everything that they had just put it in the filing cabinet and leave it.

Todd Valentine: And we have a call scheduled to City Board sometime tomorrow to specifically address any of their issues

Commissioner Kellner: I understand the City Board actually finished theirs.

Kristen Zebrowski Stavisky: Well if they're trying to work toward the primary.

Todd Valentine: Their concern is they're scheduled for now but now that the district court judge has issued the August 23<sup>rd</sup> primary, they're interested in the interplay with that. We did advise the county board that had come down at our office on Thursday and the City Board wanted time to schedule just to walk the various issues. I don't know exactly what issues they would have other than what timeframe would they need in order to migrate the voters from the old line to the new line? Previously, they told us anywhere from possibly three weeks it takes to move the entire voter files but this would be a subset of that so it would be a little bit different than what you would normally do on redistricting. So, it lends that question depending upon when changes occur with the ballot access for the August primary you also have change of enrollment period that kicks in after the June primary what one would gather in the June primary so that may overlap. It may not.

Commissioner Kellner: Well, you could call the August 23<sup>rd</sup> the June primary.

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Todd Valentine: Well, it's one of those issues the county board could raise but it does make a significant difference depending upon voting in the August primary and for ballot access to the August primary whether or not you could have a second bite of the apple. But those kind of issues we expect to talk with them. Other counties have similar issues but obviously that's our largest issue.

Commissioner Kellner: And the other issue is if they had to change ED boundaries you'll be running the June primary with different boundaries than August.

Kristen Zebrowski Stavisky: Also get in touch with Voter Registration vendors because of the time it will take for the county to move the voters. Obviously maybe they're going to have a week to get it done. Our staff is working closely with them during this process.

Commissioner Kosinski: Okay. Anything else from the Executive? No, any other questions? If not we'll move onto the Election Operations which I think has a similar issue right Tom? So we have Tom Connolly and Brendan Lovullo.

Tom Connolly: Thank you Commissioner. Obviously as said before ballot access was definitely consuming most of our time. We received over 1,500 individual ballot access documents in a very short period of time and I wanted to take obviously an opportunity to thank all of our staff in operations and staff in other units to really pitch in and help us get through not just the intake but also the objection process. From an Operations standpoint obviously, we prepared the prima facie determination list which the Commissioners took action on. We held a webinar on the guidance for the counties with regard to the new early canvassing law. We had prepared guidance that we circulated to all of them. We held a webinar where we went over that guidance and provided them with an opportunity to kind of ask any questions they may have about change. We've been collecting copies of pertinent information in the network security surveys, the procedures to prevent early release of results and the early voting security documents as we do before every election in the counties. We did provide a new template for candidate notices based on some of the changes that were made especially for the early canvassing law. And we've been collecting those documents from the counties so that we have a full set to know when certain tasks are taken place in each county. We've also been collecting and entering the local file alert information that we receive from counties into the CAPAS system. Obviously, most of the ballot access for State Legislature and Congress and the State-wide come here. There are some that still do file locally so we've been collecting that information from those of the larger counties so that we could have the full set of data here. And obviously, there are a lot of operational questions with regard to the August primary. We've been trying to think those through and as Kristin said I have reached out to the Voter Registration System vendors. Obviously not all of them may have the technological capacity to maintain two sets of specific times so trying to figure out how the county boards are going to execute that is certainly going to be challenging but I'm trying to really wrap my head around the technology, what its capable of and what its not capable of and try to find options for managing this. That's it folks, thanks for coming in. With regard to voter system.

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Commissioner Kosinski: I just have a question. So the new procedure I mean if the June 28<sup>th</sup> primary continues what's the first day for this?

Tom Connolly: Well May 13<sup>th</sup> is the 46<sup>th</sup> day before the election which is the state statute for military and overseas. So that would be the deadline by which they have to send those out. Obviously they'd be giving up canvassing depending on when the first ballots would come back from that batch. Probably sometime in the next week would be the earliest.

Commissioner Kosinski: Are the boards going to like tell us what their process is under this new law they have this 4 day window to process each absentee ballot as its received. Are they giving any indication of how they're going to, are counties submitting plans on how to do this or do we know how they're going to do it? Are they just on their own now to determine how they want to do it as far as timing? Do they do it every day, do they do it every third, I mean how do we know?

Tom Connolly: So, what I would say is that for us there's two parts of the information that they have to provide to us; number 1, simply when they're doing the scanning of those early processing absentees which happens twice before Election Day. How do they prevent the release of those results? That would be included as kind of an appendix or just an add-on to what they currently provide us now for early voting and how do they prevent their voting results from the early voting process. With regard to the candidate notice, it does state in the candidate notice when the Boards are going to be doing their canvassing. It would be in that document that any specific word would probably lay out to the candidates how they're going to go about it. We did explain to them on the conference calls on a number of different occasions that they could do it every day if that's their desire or they could do it Mondays, Thursdays, as long as it could be done within a four-day window. And that certainly means that they may convene so there is a regular schedule doesn't mean that there's necessarily ballots for them to process but then at least the candidates know what the schedule should be. So if I show up on Thursday and the board said, "We're here to look at ballots but we haven't received any in the last four days" then that would be the case I would say adjourned to the next scheduled date.

Commissioner Kosinski: Are there any leeway say within a plan that maybe early because you're not getting many in you do it every 4<sup>th</sup> day but as you get closer and you're getting a large volume of absentees in you might want to ramp it up and do it every 2 days or something more often so that 4<sup>th</sup> day you're not swimming in absentees to deal with. Is there anything like that going on?

Kristen Zebrowski Stavisky: They're giving notice to the candidates, so they really need to stick to that...

Commissioner Kosinski: Stick to that notice, right

Kristen Zebrowski Stavisky: So the candidates could be there. They would just say we're here and we're...

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Commissioner Casale: But if there's times there's nothing to count?

Kristen Zebrowski Stavisky: They would just adjourn and skip to the next one.

Commissioner Casale: Could notify people or whatever from the website. We did send them guidelines, correct?

Tom Connolly: Correct.

Kristen Zebrowski Stavisky: We did send them guidelines.

Commissioner Casale: Just to be clear, the choice is a multiple one as long as they stay within the statute.

Tom Connolly: As long as they stay within the 4-day processing window, 4 days from when they received it.

Kristen Zebrowski Stavisky: And we do get copies of those letters so we know what they're sending out and what they're scheduled for.

Tom Connolly: Okay, with regard to voting systems obviously we're also busy on that front as well. Dominion and Hart are currently going through testing. Dominion is I guess going through it's normal courses. Hart is current in the middle of a federal certification for the system that they're submitting to New York. They're wrapping up that federal certification at the end of this month and then they will start working on the Delta for any additional New York specific requirements that would be required for us afterwards. We don't have a timeframe yet for when that would come before the Commissioners fully tested. With regard to Clear Ballot, again, there are two things; there's Clear Count 2.2 which is just an update to the current central count software. We are nearing completion on that testing and we would hope that there's the possibility of having a Commissioner's meeting at the beginning or early in June so that we could bring that before you for potential certification. I know there are certain counties that would be interested in using that update for the central count software. In addition, Clear Ballot has Clear Vote 2.4 which is their full precinct voting system. That is still in the application process. We have reviewed their ballots, waiting for them to provide us with some results from a test that's part of the process. We anticipate that before or at the next meeting we would have a resolution for the Commissioners to permit Operations Unit to move forward with testing of that system. And ES&S did submit an application for a full voting system. We've been working with them. We have some questions for completeness and we would anticipate along the same timeframe as the Clear Ballot 2.4 which is at the next meeting we will probably have a resolution for you to permit us to move forward with the testing of that system.

Commissioner Kellner: And what is the ES&S system?

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Tom Connolly: ES&S System it's a complete voting system.

Commissioner Kellner: Express Vote or...

Tom Connolly: The Express Vote XL is one of the hardware components of the system. The previous one that was certified was 6041 this one is 6301 that is a brand new EMS running on Windows 10. It has the DS200 which many counties have now. Also the DS300. It has, the Express Vote XL, has a PS950, the 450 and 850 were previously certified the 950 is the newest piece of hardware but all three of those central count scanners are being included in the submission as well so it is a full sweep of the voting system.

Male Outside Room: Just wanted to thank you for your hard work but just to say hi while I was here. Thank you very much.

Tom Connolly: With regard to the Electronic Poll Book Systems unless there's any questions on voting machines?

Commissioner Kosinski: I don't think anymore but we should expect at our next meeting we're going to see some of these new system applications?

Tom Connolly: The next meeting for Clear Ballots full system and the ES&S submission we will have resolutions as we have had in the past for Hart and Dominion just stating that we received your application, we reviewed it.

Commissioner Kosinski: Just to give you approval to go ahead.

Tom Connolly: Correct. And the only thing would be the Clear Count 2.2 we would be looking for a vote on...

Commissioner Kosinski: Nothing's ready to be recertified now or certified?

Tom Connolly: Just the Clear Count 2.2 modification.

Commissioner Kosinski: That is ready to go?

Tom Connolly: Well it will be ready to go by the next meeting.

Commissioner Kosinski: Okay.

Tom Connolly: With regard to the Electronic Poll Book Systems, we did get submissions from all three vendors for review of their updated configurations for use at the primary election. We went through the testing process. We utilized internal staff, staff from IT and also NYSTEC. We did complete that testing. We provided reports to the Commissioners for their review and we have a resolution later on in the agenda seeking approval of those three configurations.

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A couple miscellaneous items; continue to work with IT and PIO on the absentee tracker to kind of help shepherd that along and make sure that the Voter Registration System vendors who are providing that information to the State Board for it's tracker are on schedule to provide the full slate of data elements that were required in the bill. We have researched and identified a vendor that will allow for the aggregation of Clear Ballot results and either Dominion or ES&S on Election Day. One of the questions that came up with some counties with regard to the early canvass bill is that they wanted to use their Clear Ballot Central Count System for canvassing of the absentee ballot and they wanted to use obviously their normal Dominion or ES&S systems for early voting on Election Day. The Early Canvassing Bill required that the results from the early canvass absentees be included on Election Night results. Obviously, they can't do any of that work until the earliest 8:00 p.m. on Election Day and the systems don't necessarily speak to one another very well so it would have required a lot of manual intervention between the county boards to kind of input the information from one system into another in that kind of 1 hour window or 2 hour window to get the 10:00 at night on Election Day which is when they send us our first set of results. There was a vendor that did a project in New Jersey that had something similar where New Jersey had early voting money to buy new systems. They bought one set of systems from one vendor and they had another Election Day systems from another vendor and they were able to use this utility top aggregate those results for Election Night. So we are working on a procurement with that vendor to offer that service to the counties, there's about 23 of them that are looking to use this tool to aggregate those results on Election Night.

And then, last but not least, I'm sure Michael probably mentioned it but ENI and Ben Spear our CISO will be presenting at NYSLGITDA conference later this week in Syracuse as we tend to do every year. We like to practice what we preach with county boards having good relationships with their local IT resources and so at the State level we like to take the opportunity to go to their conference. Just kind of give them an update on a number of things that are likely going to be impacting the IT directors themselves whether it be our Cyber Regs, remediation grant and/or activities that we're doing and they're usually very keen for an update on election hardware and technology update. That's all I have. Brendan.

Brendan Lovullo: Thank you.

Commissioner Kellner: Your report on the status of the Westchester report and the 2020 returns.

Tom Connolly: So we did obviously reach out to Westchester and we did receive two boxes of documentation that I will be happy to tell you that I have not been able to kind of essentially go through just yet. Obviously with Ballot Access, it is sitting in my office. I will take a look through it. It does look like they did try to provide us documentation on all the things that we had requested; the logic and after received testing, their post election audits, everything that we kind of asked them so we can do a thorough look into their processes to see why if there is any reason we can come up with why there were those perceived anomalous numbers from the 2020 election.

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Commissioner Kellner: Thank you.

Commissioner Kosinski: Anything else? Hearing nothing, we'll move on to the Council's office Kim Galvin and Brian Quail.

Kim Galvin: Thank you. I'm going to echo everyone else's sentiments about Ballot Access and how hard all of the staff has worked. In addition we had about 25 ballot access losses. Most were near completion or completed when the court of appeals came down with the ruling. It did cause a bit of confusion with the judiciary and the candidates and there was lot of arguments whether or not the judges should continue with the cases. Most, to the best of my knowledge, stopped and held them in abeyance pending I don't know further direction. I think the contingent is going to continue until we get deeper into the August primary and the calendar dates that may be developed in the Ballot Access requirements. I know that we're going to discuss the redistricting litigation more specifically but, just generally for the people that might be listening, Brian Quail and I have had two conference calls with the judge in Steuben County. We have another call scheduled. We've spoke with the Department of Justice twice, we have another call scheduled and that people might not know that there was an order to show cause intervene seeking to invalidate the assembly lines yesterday or last evening. I haven't checked the docket to see if anything has happened with that. So that's keeping us busy up until this point.

In other litigation that you may be interested in, we pursued in the eastern district of New York by the Libertarian party Schmidt v NYSBOE regarding the use of nonresidents to be petition witnesses. If it rings a bell, it's because they did it before and that case was only moved by the fact that they met the requisite voting requirements and actually became a party. I believe that case is being argued the PI on that today at some point today. We filed a declaration and opposition to the case basically stating, they waited until the very day, the day before these independent nominating petitions were supposed to be circulated before they brought it and citing confusion because some had already been out circulating independent nominating petitions at the time of this litigation and now I would argue that there's even more confusion regarding everything. So the Attorney General's Office is representing us on that. I don't know if Brian has heard anything back yet today but I suspect we'll hear how that argument went in short order.

We were also notified on April 19<sup>th</sup>, although we haven't been served yet that we're going to be brought into the Casella v Adams which is the noncitizen voting case litigation in Staten Island. Thankfully that hasn't hit our desk as of yet. Motion dismissed has been filed in the and I lost the NYSBOE feed but I'll keep talking, a motion to dismiss has been filed in the Brooklyn NAACP line warming case. Plaintiff response is due 5/24 and the D Triple C matter regarding cures and primarily the wrong church issue the motion to dismiss was filed and the plaintiff's opposition memo is due mid May. With regard to the other work of the unit, the compliance staff were now working specs as continued normal work, reviews, meetings, FOILs, several subpoenas, the new contribution limits have been posted in the training unit as well into the campaign finance seminars. We've also had two retirements in the past few weeks so I'd like to

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wish Mark Popp and Kathleen Pachoka well and tell them that I'm jealous as they enter into their well deserved stage in their lives. And lastly, the Council's Office has participated in the variety of meetings and calls that we always do. So if there are any questions, I'd be happy to answer them otherwise I think we're planning on talking more about the redistricting matter later in the program here but other than that if there's any questions I'd be happy to answer them.

Commissioner Kellner: Can you give us any information on activities in the Compliance Unit?

Kim Galvin: Well, Brian has the numbers. I have asked for numbers just understanding that they were obviously working the petitions and the specifications of objections almost full time for the past few weeks but Brian has some numbers for us.

Brian Quail: So since inception the total number of reports received is 187,574, and currently there are 10,823 out for assignment so that would be the number that hasn't been placed into another category as of yet. Since the last meeting, 3,534 reviews were completed and since January 2022, 1,326 committees and 1,239 candidate records have been terminated. And in engagement with the last Board Meeting 478 terminations by committees and 167 candidate records terminated. That would be the 50,000 quick view of the work of the unit and then as Kim mentioned, the bulk of the Unit's work in recent weeks has been on review specifications of objection.

Commissioner Kosinski: Any other questions for Council? If not we'll move onto Enforcement Michael Johnson.

Michael Johnson: Hi everyone, I'll give you guys a sort of a heads up overview of what the Unit's been up to thus far. We've relocated, we are now on the tenth floor and there are still a few things that we are working on. The end of last week we got out furniture and we now have phones so that's great. There are a few things that still need to be addressed, primarily doors and locks so that hopefully should be addressed soon. Those outstanding issues still being addressed, we coordinated the move, of course, with OGS, ITS, Davey's Office Furniture, R&Off Moving. There were a lot of moving pieces and at this point I'm just glad that we actually have phones and places to sit so that's great. As far as our case management program is concerned, we've been looking at different case management programs and thus far what we have seen doesn't quite meet our needs or the price is just astronomical. So, we are still pursuing a sort of an in-house type of situation which I think will probably wind up working for what we need. And it will take a couple of tweaks with that. We're still working with ITS. We're developing a whole judgment database so we can track better the judgments that we do get. I've presented to the Board our quarterly report so you guys have that. There's a handful of hearing officer cases that are now in the works.

Commissioner Kosinski: Michael I just have to stop you for a second there. The quarterly report that you alluded to, I don't have that. Did you give it to staff or, it didn't make it to me at least or any of the commissioners, I guess. After the meeting could you just make sure that we get ...



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Michael Johnson: Yeah, I'll make certain you guys get that after the meeting.

Commissioner Kosinski: That would be great.

Michael Johnson: I was hoping that by this Board meeting we would have our website that we spoke about up and running but our Enforcement Tech Specialist, he's had a medical situation and he's actually I don't know when but at some point today he's actually undergoing surgery. So, we've kind of moved that on the back burner and that will hopefully get done sooner than later. As far as staffing goes, we are unfortunately losing one of our associate councils so that will take on a whole process of putting out feelers for a new council. And other than that I will give you guys an update on where we are with our LLC project.

Now as you know, in February we started our LLC process and what we did is we had identified all the transactions that had been reported by committees where the contributor type was an LLC. Once we did that, we did compare the list of all the filed LLCs to the list of LLCs that were reported as contributing to a committee. That resulted in roughly 3,841 LLCs that did not have a statement of interest on file. We took those numbers and all the unmatched reported LLC contributions were combined into a single list. We did a manual review and removed some duplicate entries. Based on that we identified 3,706 entities that were reported as LLC, as contributing LLCs that did not have an SOI on file. That was the number of letters that we mailed out. As of the 27<sup>th</sup> of April, we had contact with roughly 520 entities regarding the LLC letters and I'm talking about phone conversations and e-mails back and forth with regard to whether or not they were LLCs. Now of that 520 number, 409 of them confirmed that they were in fact an LLC. That number factored in as roughly 78%. We used our contacts and applied that to the total number of letters we sent out and it came out to about 78%. So we used that 78% as a sample of entities that probably were LLCs. So if you apply the 78% to all the letters we came out, we anticipated getting roughly 2,890 entities that were LLCs. As of April 10<sup>th</sup>, the State Board had a total of 3,446 statement of interests on file. That's 2,516 more that were on file on February 10<sup>th</sup> when we first started the project. And that number is directly related to the letters that we sent out. Now the number that we started looking at in February, that number was 930; that's how many statement of interests that were on file. So even though you had that number of statement of interest on file, not all of those LLCs actually came up in our review as making campaign contributions. Now that was a little bit interesting because what that showed was by filing a statement of interest, an LLC is almost self reporting that they made a contribution during the applicable year. Now this disparity was pointed out to us was that the committee either intentionally or not misreported the contribution as coming from an LLC. So that was one of the issues that we managed to fine. Now all...

Commissioner Kosinski: Michael I have a question. So this filing that the LLC makes what do they tell us in that filing?

Michael Johnson: Are you talking about...

Commissioner Kosinski: the SOI I guess you're calling it. What is on that filing?

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Michael Johnson: The Statement of Interest basically states that they are an LLC and it gives a breakdown of who is made up of that LLC and this way the committees can attribute the contributions to the apportioned share of the individuals who make up that LLC. That's essentially what the Statement of Interest tells you.

Commissioner Kosinski: So the LLC filing does not indicate on it who that LLC gave to?

Michael Johnson: I don't understand the question Peter.

Commissioner Kosinski: The question is if I file as an LLC at the end of the year I don't have to, it lists on there the contributions I made that year.

Michael Johnson: No that's not what the Statement of Interest lists.

Commissioner Kosinski: I see that so now you've got a situation where some LLCs file and you don't have any record that they, I mean wouldn't it be helpful if that filing told us who they gave to that year? That would be a helpful part of that filing by the LLC. Since they're not doing that till the end of the year they could do that for us right?

Michael Johnson: Yes, they could I mean essentially, I have the Statement of Identity in front of me. It gives you the legal name of the LLC, the names of all the direct owners, the names of the indirect owners and it gives you a percentage. It does not tell you anything about how much the LLC contributed and to who.

Commissioner Kosinski: I mean would we considered adding that? I know it's a bone of contention about when they file, we all agree they should be filing at the beginning of the year and not at the end of the year but since they are would it be helpful if that filing gave us the information we want which is who did you give to?

Michael Johnson: Oh yeah, absolutely.

Commissioner Kosinski: So, are we looking at changing the form to address that to include that?

Michael Johnson: We could look at changing the form, it might be more helpful if the statute required that.

Commissioner Kosinski: I agree with you but I'm just saying that we could ask for that even if it doesn't ask for it. I mean I think we have two statutory issues with a flaw; one is the timing and secondly it's the lack of penalty for failure to file. At least I have those problems...

Michael Johnson: I think you're absolutely right.

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Commissioner Kosinski: The filing should be done earlier and there should be a penalty if they don't file but right now we don't have a statutory penalty but I'm just asking if it would be helpful or better if they gave us more information when they do file at the end of the year.

Michael Johnson: Oh yeah it would be helpful not only to the Board but it would actually be helpful to the committees because if for instance if a committee received a contribution in May and they don't get the allocation information at that time, then they have to under the law they have to wait till the end of the year to get the information. This prevents the committee from being able to identify and prevent over contributions from the owners of the LLC. So what can happen is, you have a committee that spends the contributions and then at the end of the year they determine the owner of the LLC might have contributed in their own name as well, as well as the LLC and now they have a situation where they have an over contribution. If the committee has already spent those funds, now the committee needs to come up with the over contribution amount to make a refund on that. So that's another issue that we manage to find during our whole LLC process.

Another issue that was found, and a lot of these issues that we find, if you're doing say for instance if you want to do an analysis of all the LLCs and over contributions, while your analysis and whatever methodology you use might be correct, the data may not be. So, even though your numbers the way you've added and subtracted is correct, it's the data that can very well be problematic. Another instance that we ran into was where you have a PAC that was reporting contributions as coming from LLCs and they were actually not coming from LLCs you had sort of situations where you had trade organizations that were collecting membership dues and Brian Quail and his folks were great at sending out letters to people to point out how to remedy the situation. So you had people making membership payments and because they did not know they were supposed to opt out, their membership dues were considered political contributions and that's why they were reported. And that was yet another thing that we stumbled upon that cause the information to be quite misleading when you just look at a committee's filings and make a determination on how the LLCs. What we also did was in our review there was a disproportionate amount of sort of "mom and pop" type LLCs that were making contributions. And its my guess in just what we've looked at, a lot of the contributions that we've been hearing about coming from large organizations we've actually stumbled into a couple where LLCs had ownership in the name of a corporation. And because the law doesn't require the allocation to be broken down if the owner is a corporation, that was another issue that we happened to find out. And because there's no requirement for the committees to return a contribution if the LLC fails to file a Statement of Interest, what we have to do is essentially you'd have to go after a committee for filing false information because there's no allocation information there. There are a lot of issues with regard to different human factors that we call them in terms of the name of the LLC vs. how its listed vs. you may have an entity that owns a bunch of different nursing homes and they may come in as the Doing Business name of the LLC and not under the LLC exactly. So that is another issue that we have encountered and we are working on that. Now that the letters have gone out, our next step is to start looking at the LLCs that have Statement of Identities forms on file but yet there is nothing showing in committees as far as contributions from these LLCs. And just the few that we started looking at for whatever reason, the

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committees did not list their contributions as coming from LLCs, they listed them as coming from corporations. What we are going to be doing is doing that whole process of looking at the hundreds of LLCs that have Statement of Identity on file but yet no corresponding contributions in committees that list them as LLCs.

Commissioner Kosinski: Let me ask a question. Brian, are we finding a lot in compliance are we finding a lot of failures list LLC information on their filers filings that they don't have the information? How to get it out is that a common compliance issue?

Brian Quail: It is a relatively common compliance issue. I don't recall the specific numbers. Previously last year, we had identified LLC contributions for which the committees had not given the necessary attribution information on the attribution schedule and had reached out to committees and sought compliance from them, it was in the hundreds. And the work that unfortunately the Enforcement Council is doing now are more comprehensive on the LLC side exclusive because we didn't do anything to reach out to the LLCs via compliance. But we have definitely, because we do publish the list of Statements of Identity and we've been updating them I believe weekly, it has been helping committees come into compliance because there is a much greater reservoir of LLCs that have published that information so to the extent that they were being recalcitrant when the committees reached them, they seemed to be more responsive when Mr. Johnson reached out to them. And we are thankful.

Michael Johnson: Glad to help Brian. So I mean essentially what we've and the thing is if there is no LLC in the name and that's another thing that we've picked up, if there's no LLC in the name it might possibly not get flagged by compliance and that would be sort of an issue with regard to how the committee enters the information. Sometimes they don't necessarily always enter in that it's an LLC even though the check itself might say LLC on it. So there are a lot of different steps that we are going through to sort of get a handle on how to sort of drill down further, if you will, in terms of the issue.

Commissioner Kosinski: Okay well keep us apprised. I appreciate your report.

Michael Johnson: Thank you.

Commissioner Kosinski: Are there any questions for Michael on that or anything else?  
Commissioner Kellner stepped out but if he has a question I'm sure he'll raise it when he comes back. Thank Michael, I guess we'll move on then. Are you done sorry?

Commissioner Spano: Can you hear me? I was muted sorry about that. Yeah I'm listening to this and this gets very complicated because there's all these LLCs out there with the names, etc, etc. I always thought that when I was dealing with this because it's a pain in the neck to get a letter that you owe X number of dollars at the end of the year out of your campaign. Why don't we have a discussion and see if its possible with the Secretary of State and I always thought that ownership should have a designation either a number or something and when they contribute they have to contribute with that number. The number we would have a permanent relationship

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with what that number meant to that particular LLC would be simple so that the issuance would be when a new LLC gets issued, each member of the LLC gets a campaign contribution number and the same would go for existing ones and after a while it would be easy to track them, also save a lot of time putting the same address down all the time on your forms. But I know that's long range and esoteric, but I think it would work if you could get it done. You could do the same with corporations and where their addresses are. I think it can be done. I think it should be talked about but it would go a long way to solving some of these problems, but nothing would work unless you have a penalty attached to it.

Michael Johnson: Absolutely, I agree 100% Commissioner. And at the last Board Meeting Commissioner Kosinski talked about a potential penalty for LLCs who don't file their Statement of Identity which I fully support and Commissioner Kosinski, if I'm not mistaken, I think you had also suggested that these Statement of Identity forms should be filed earlier that would go very far in alleviating a lot of the issues that we have come up against and it would be even more helpful to all of the different committees who have to wait until the end of the year to get the information. So, I mean I think those are two things that would be a huge help if we can get them done.

Commissioner Kosinski: Agreed. Did you have something else Michael?

Michael Johnson: No, that's essentially it.

Commissioner Kosinski: Commissioner Spano are you satisfied or another question?

Commissioner Spano: Yeah, I know how tough all this stuff is. It's not easy to get it done but I remember the LLC thing was like the Wild West 10 years ago. Some guy would have 10 LLCs and they were all over the place.

Commissioner Kosinski: Fair enough. Anything else for Michael Johnson? No. Michael thank you for that we'll go on to NVRA/ PIO it's John Conklin, Jennifer Wilson. I believe John is out and Jennifer.

Jennifer Wilson: Good afternoon Commissioners. I just want to echo the statements that have been already made regarding the staff and their handling the ballot access. It really was incredible, my first time doing it so it was very exciting to see and the effort that was put in there. The PIO unit has been extremely busy the last 2 months handling a lot of requests related to redistricting and also ballot access. We received in March 171 FOIL requests, in April 266, all of those were related to voter data as well as FOIL requests for petitions and also seeing who's on the ballot, a lot of phone calls related to those issues as well, as well as redistricting. Our website, we posted our statement regarding the redistricting case. We've also updated it since Friday. We posted the 'Who Filed' page, the revised 2022 Election Law book as well as the Special Election calendar for Assembly District 58, Election Night reporting for Special Elections for Assembly District 20 and 43 and we also held meetings with the Campaign Finance Board related to their website as well. A lot of press increase as you could imagine this month or

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last monthly mainly. The beginning of April we issued a press release regarding the new absentee ballot tracker that did receive some attention. We also issued our statement regarding the redistricting court decision, and both John and I have been handling a lot of press inquiries regarding redistricting, regarding who's on the ballot, regarding ballot objections. Something else we've been working on recently as well to increase our presence on social media with our Cybersecurity election analysts they have been working on a plan to increase our social media presence so we can quickly get out information especially in light of the redistricting case to make sure that voters are abreast on exactly what's happening, exactly the deadlines they need to be following. Our Twitter page has been getting a lot of traction. Last month we had 12,000 profile visits and our tweets received 172,000 impressions. An impression is basically anytime someone sees a tweet and those tweets were all related to the launch of the 'Who Filed' page as well as our information on redistricting and the new absentee ballot tracker. Our Facebook wasn't quite as impressive but its something that the staff is going to be working on going forward. NVRA and NYSVoter in 2022 so far the staff have done 12 visits and reviews. They're going to continue to work on that although now with the new primary, they are going to make sure that they're not going to be putting too much burden on the counties and they're looking ahead to that so they're working on a schedule now.

NVRA the PIO unit conducted NVRA training for SUNY with 50 individuals representing SUNY schools from around the state on that. It was very, very successful. The staff did a great job.

Grants has been extremely busy as well. Our three early voting grants the Early Voting Expansion Grant, the E-Poll Book Grant and our Aid to Localities Grant were all extended in the State budget and so now we will be extending those for counties to continue to submit claims for payment to help pay for early voting coming up. So, for the Early Voting Expansion Grant we have \$297,000 remaining; the E-Poll Book Grant \$273,000 remaining, and our Aid to Localities Grant we have \$97,000 remaining. Also very exciting, we have a new grant that is going to be coming out we will have a \$4 million prepaid postage grant that we are working on finalizing figuring out how we will be distributing that. There is a new law related to requiring prepaid postage for absentee applications and absentee return ballots that will go into effect on July 1. So we are determining how exactly that \$4 million will be divided among the counties, and we will be issuing contracts with counties on that as well.

From our federal grants we submitted our semi-annual reports for our Shoebox, Poll Site Improvement, Education, and Cybersecurity grants. We are getting some new Cybersecurity money \$3.2 million which we will be using for our internal Cybersecurity system and we're finalizing the grant narrative and budget for that right now. And then just quickly as far as the money we have left education and training we have \$1.2 million remaining, our Poll Site Improvement \$988,000, our Shoebox \$5.5 million and our Cybersecurity Remediation \$2.5 million. And I am happy to take any questions related to any of these issues.

Commissioner Kosinski: Are there any questions? Good job. I don't hear any questions, must have been completely. Thank you. And now we'll move onto ITU, Michael Haber.

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Michael Haber: Good afternoon Commissioners. So, I'll give some brief updates on our IT activities since the last meeting. First, given the recent district court decision the IT staff over the last 2 days have reviewed potential impacts where there are various applications and processes and we are there to support the addition of the second primary as needed and support a repeat if needed of the redistricting uploads by county boards. In terms of CAPAS FIDAS we continue our regular internal meetings with the several business units on enhancements and other updates. We are also working on an additional import capability underdevelopment for the electronic filing system to allow the import of independently created files such as the excel files with appropriate validation. The CAPAS FIDAS team continues to make updates with ES&S in support of the Public Campaign Finance System, as an interim solution until the final solution can be procured as discussed earlier. That work is proceeding as planned. We have continued to support Public Campaign Finance in terms of requirements gathering and review of the scope of work and those reviews with OGS. And the new website for PCFB that's under development with IT assistance which will be hosted by IT web services group. So training for our staff on their content management system is done. In terms of the online voter registration and automatic voter registration systems, the procurement, as you may recall, we submitted a vendor after careful review by the BOE evaluation team, contractual discussions and conducted by OGS. Though the contract has not yet been worded. Given some of those delays, we have begun reviewing the potential for several backup options as a precaution such as internal development and the possibility of obtaining modifying existing software that is used elsewhere in New York State or beyond. We also continue in OVR AVR to have regular meetings with several participation AVR agencies as well as ITS and account Voter Registration vendors and look forward to resuming the county board working group that had been previously established.

As was mentioned earlier, the absentee ballot request portal is currently up and running as is the absentee ballot tracker which was successfully deployed by the April 1<sup>st</sup> target date and we are currently able to display all the required data elements which are provided by the various local board registration systems. We've also provided support on space expansion. At this point we completed network activity for all the new locations on the additional floors. In addition, the phone connectivity has been established for all the occupied areas on those floors thanks to our team providing some significant support to ITS. And we have begun efforts to perform an infrastructure refresh upgrade, much of our server and storage infrastructure both in our data center and in our disaster recovery location. In terms of security, given current events in particular, we do continue to receive regular information and updates from our Cybersecurity partners at the state and federal levels. And we also continue to make ongoing improvements in security to our network. Our secure election center team regularly monitors traffic on our network and reviews anything that looks out of the ordinary. I should also mention our security staff provided vulnerability scanning and related supports to operations and are reviewing the updated E-poll book systems and continue to review cyber regulation reporting of local county boards. We also continue to work with NYSTEC and numerous counties on implementation of their risk remediation efforts. As was mentioned previously, the grant deadline for those remediation plan efforts has been extended and we also further extended the cyber advisory

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services that will help and we continue to work with the SUNY Center for Technology and Government on their elections infrastructure review project.

And lastly, as Tom had mentioned, we represented in presenting this week at the Spring Conference for the New York State Local Government IT Director's Association with an update on BOE initiatives that affect county IT networks. We have found them to be a very productive partner to work with over the past year. Are there any questions?

Commissioner Kellner: Are we on schedule for implementation of the Online Voter Registration and Automatic Voter Registration Programs by next year.

Michael Haber: I will say that no, I frankly do have some concerns about that given the delays in procuring contracts and that's why we have pursued some of these potential backup methods. I do have high confidence that if needed, we could have a simple system that would meet the basic requirements of the statute that we would be able to develop internally. Whether we did that starting with an existing software that we procured some place else such as was used elsewhere in New York or perhaps used by another state or even if we did need to start essentially from scratch. So, I do have confidence in our team being able to do that by the date provided. However, that, of course, was not our A plan. Our A plan was to procure software through the extensive RFPs that we undertook last year.

Commissioner Kosinski: Any other questions for Michael? No. Thank you. That completes the staff reports so we will move onto the next agenda item which is old business. Is there any old business to come before us? I guess the answer is no. Alright then is there any new business to come before us. So, we have regulations and I think the first one we'll take up is 22-06 which is the Early Voting regulation and does someone want to just explain that quickly to us so we know what we're talking about?

Brian Quail: Absolutely. This is an updating of the regulation to apply changes in the statute for the numbers applicable to the number of early voting sites; to change it from the current formulation that deals with one for every full increment of 50,000 to the formulation that for counties over 500,000 its 1 for every 40,000 and then for counties under 500,000 the law now requires that an early voting site be provided for every full increment of 30,000. So, we had a very helpful chart in the regulations for counties based on their voter population how many voting sites they needed and that needed to be updated with the statutory change. And there were also some other changes to the statute in terms of the requirement for the largest city to have an early voting site, in as much as we had placed all of the other standards from the statute in the regulations, subdivision on the second to last page, we found it appropriate to just add that into the regulation as well so that all of the relevant rules would be in one place for any county telling them what to do. So this is pretty much a conforming set of changes to the early voting site regulations to conform with statutory changes.

Commissioner Kosinski: Brian when you say pretty much is there anything in there that goes beyond the statute?



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Brian Quail: I don't think so.

Commissioner Kosinski: You think, is this just a resuscitation of what the statute amendments were?

Brian Quail: Yes, and I'll be honest with you, the only thing that I have some question about is and I'm noticing that we set the deadline for the designation of the poll sites to 30 days before instead of 46 and off the top of my head I don't remember if that particular change in 'A' was driven by the statute or just practicality.

Commissioner Kosinski: Okay.

Brian Quail: Yeah it's not driven, it may be driven by a statutory change but the reason for it is because we now have special elections that can occur not in the 70 to 80 days timeframe but in the 40 to 50 day timeframe because they truncated them for assembly and senate special elections so we would have had the perversity of having a designation of early voting site designation to actually be a proclamation that's why that change. But I don't think that's statutory.

Commissioner Casale: Brian I understand #3 basically you're just repeating the statute. You have no regulation pertaining to this citing a polling place in the city.

Brian Quail: Yes, there is no part of that that is our determination. That is restating the statutory requirements. You're not endorsing it.

(Everyone laughing)

Commissioner Casale: I also understand that this legislation may carve out a couple more places so.

Brian Quail: There are a few yes and then as those are adopted...

Commissioner Casale: This is more difficult with this whole notion of one size fits all doesn't work and I just wish the legislature would understand that. I got personally involved with trying to help a county commissioner find a place, almost impossible to find small communities places available for 12 days in a row, virtually impossible. It worked out but still.

Commissioner Kosinski: Okay any other questions on this regulation or a motion?

Commissioner Kellner: I move adoption of resolution 22-06.

Commissioner Kosinski: Is there a second? All in favor aye.

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Commissioner Kellner: Aye

Commissioner Casale: Aye

Commissioner Spano: Aye

Commissioner Kosinski: Aye

Commissioner Kosinski: Opposed? Carried unanimously. And we'll go onto the next regulation which is the 6215.2(d) and that is about independent signatures. Somebody maybe could just briefly explain that one.

Brian Quail: Yes, this change is also a result in the statutory change, the statutory change is a little bit older but in the changes to the independent nominating statewide signature requirement which increased the signature requirement from 15,000 to 45,000, the number of valid signatures from at least one-half of each of New York Congressional Districts were independent nominating positions increased from 100 to 500 and we have a reference in our regulation relating to cover sheets which touches on the distribution schedule and we again, so that people would not be misled felt it was important to make this statutory conforming changes and regulation as well. There is no, beyond the statute substantive change in the resolution to my thinking.

Commissioner Casale: I move.

Commissioner Kosinski: Is there a second? All in favor aye.

Commissioner Kellner: Aye

Commissioner Casale: Aye

Commissioner Spano: Aye

Commissioner Kosinski: Aye

Commissioner Kosinski: Opposed? That I also adopted unanimously. Next order of business is the appointment of the Division of Election Law Enforcement Special Investigator status and I believe Michael Johnson requested this. It confers Special Investigator status on one additional person within the Division of Law Enforcement.

Commissioner Casale: Moved.

Commissioner Kosinski: Is there a second to that one?

Commissioner Spano: Second.

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Commissioner Kosinski: And all in favor. I'm sorry any questions and all in favor?

Commissioner Kellner: Aye

Commissioner Casale: Aye

Commissioner Spano: Aye

Commissioner Kosinski: Aye

Commissioner Kosinski: Opposed? And that's also carried unanimously. Next is the upgrade to the Electronic Poll Books. This is resolution 22-08 again I would ask for a brief explanation.

Tom Connolly: Commissioner all three approved local vendors have submitted updated configurations for their customer to use at the June 28 primary election. We did do our full suite of testing as we normally do. We provided reports on that testing and it is the recommendation of the Operations Unit that you approve the three configurations.

Commissioner Kosinski: Any questions or motion?

Commissioner Spano: So moved.

Commissioner Kellner: I would just add that the reports are fairly detailed and distributed to the Commissioners and the public should be aware.

Commissioner Kosinski: And they're available to the public.

Commissioner Kellner: Right.

Commissioner Kosinski: I heard a motion from Commissioner Spano. Is there a second? All in favor aye.

Commissioner Kellner: Aye

Commissioner Casale: Aye

Commissioner Spano: Aye

Commissioner Kosinski: Opposed? Again, that's carried unanimously. So that completes the business before the Board. There is a request for an Executive Session I believe to discuss litigation.

Commissioner Kellner: I move that we go into Executive Session to discuss litigation.

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Commissioner Kosinski: And I think as noted earlier, as far as electing a Board Meeting date we'll have to maybe weight how our calendar plays out before we can do that. So we'll put that off to a later date. I have a motion to move into Executive Session to discuss litigation, is there a second.

Commissioner Spano: Second.

Commissioner Kosinski: All in favor?

Commissioner Kellner: Aye

Commissioner Casale: Aye

Commissioner Spano: Aye

Commissioner Kosinski: Aye

Commissioner Kosinski: Opposed. I will say for the public we will not be coming back into public session after this so that's the end of the public session.