

Commissioner Kosinski: Good afternoon, I'd like to welcome everybody to the meeting of the State Board of Elections here on May 2nd. I'm Peter Kosinski. Joining me today are Commissioner's Kellner, Casale, and Spano. And we'll open up today's meeting with the minutes from the March 14th, meeting. Are there any questions? Or is there a motion to adopt?

Commissioner Kellner: I move that we adopt the minutes.

Commissioner Casale: Second.

Commissioner Kosinski: All in favor? Aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Nays? That passed unanimously. And we'll go the ballot access determinations. We have some petitions that were filed here, related to judicial delegates for this year's elections. We have several , or we have one sheet of paper that gives us several recommendations from the staff on different petitions that were challenged, and that report is before the Commissioners. Is there any discussion or any motion?

Commissioner Spano: I move we accept the recommendations.

Commissioner Kosinski: Moved to accept, is there a second?

Commissioner Casale: Second.

Commissioner Kosinski: Seconded. All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Opposed? All in favor, so that is unanimously adopted as well. Next, we'll move onto unit updates. The Executive Kristen Stavisky.

Kristen Zebrowski Stavisky: Good afternoon, Commissioners. We've worked with staff throughout the agency as well as coordinating with county boards since our March 2023 Board meeting, and I have several updates for you. OVR-AVR our interim online Voter Registration system, is scheduled to go live at the end of this month. It's currently undergoing testing and we're working with county boards, county IT, and the Voter Registration vendors to ensure that counties are ready to digest that data into their own systems. We are close to finalizing a solution for Automatic Voter Registration and the Clearinghouse necessary to transfer the information efficiently between the State board, the county boards, and the agencies. The RFP was officially cancelled after the tentative awardee was being nonresponsive. But we are aggressively pursuing an internal agency option and we will get back to you with further information.

The Public Campaign Finance Board, the software procurement, the internal evaluation team completed a review on the four proposals. In late April, we viewed demonstrations on those four and sent those additional scores to General Services. The Office of General Services is currently combining those scores, I think the technical has 700, the demonstrations were 200, and the cost for both is 300. So, as soon as they have completed that process, which should be approximately a week, we will have a tentative awardee. And in the meantime, as you know, Public Campaign Finance has created a manual solution to handle all the matching claims in August, as we await the final software.

Space planning, the bid for the 5th floor was awarded and the vendor is finalizing plans, actually as we speak, our administration and also Public Campaign Finance Directors are on our biweekly space call with General Services. They began the work on the 5th floor in the pipe room, which is sort of beyond this wall and they did some abatement. It's going to be an extra storage space for ops and the different machinery we test here. So, that should be completed in a week or two, and we're probably about four weeks out from the first phase of this floor which is really the north side of the floor, as you know from our last report, the staff has been packing, and scanning, and shredding and getting rid of all documentation that can be removed from this floor and kept electronically, so that we're ready to vacate half the floor in June. The furniture order is placed, the alternative space is being vacated currently by ITS on the first floor, we're looking forward to moving our IT unit and everyone on the northside down there as soon as that is ready.

Commissioner Kosinski: So, the goal is to keep the entire staff in this building ultimately, or is that unrealistic? Or what do you think?

Kristen Zebrowski Stavisky: well, you know, I don't know if it's realistic, because later in my report I talk about the 54 additional spots that we got in the budget for Public Campaign Finance. I would think that the area on the first floor we might be close, but it's not going to accommodate everyone. So, we are actually in the process of reaching out to the space planners. I know that Cheryl and Carl did already e-mail them and reached out to them, and after the budget is completed, we'll reach out again to set up a meeting. Because I think we have to think about that space too. This renovation is on track for the 5th floor, and obviously, we have to do that. It's been quite a few years where we will get more space on this floor, but I think we do need to

think about whether it's everyone in this building, or whether some people will move to another spot.

Commissioner Kosinski: So, you think it's a possibility that we'll move people to a different location?

Kristen Zebrowski Stavisky: I don't know. I think that right now, I think we could find space in this building, if everyone sort of moved and was efficient about where they are, but that's really something we have to work out with General Services. So, I would hope, I mean my preference obviously, is for us to all be in one place because I think that's the best way.

Commissioner Kosinski: That would be our preference too.

Commissioner Casale: I've had it both ways. I ran an agency before with just regional offices and then one here.

Commissioner Kosinski: You know we used to have a regional office when I first started here in New York City. And we also really closed it ultimately because of the lack of management or any supervision over those people. It was a nice idea to have people out like that, have a whole office separate from us in the City, but ultimately it just became such a burden administratively to try to oversee that number of people at an off-site location. Now that was New York City, not Albany, but I still think logistically it's difficult to manage people when they're off-site. So, I'm hoping that OGS would be sensitive to that, and will be willing to give us the space here so that we can have everybody in the same building. I think that would be much to our advantage.

Kristen Zebrowski Stavisky: Oh absolutely, I mean we will advocate for us to stay together. And just even the casual conversations, walking the floor and speaking to somebody, you would lose that if you had some people in another location so, we'll do everything we can to get there and obviously, we'll keep control of the calendar because we have deadlines that we've explained to them the Presidential year is extremely busy here, and we can't be stepping over jackhammers and other equipment. So, we are cognizant of that and looking out for it.

Commissioner Kosinski: I'm sure you are.

Kristen Zebrowski Stavisky: Okay. As we mentioned previously, the Governor's Executive Budget did fully fund our request, and the legislature also showed a commitment to the Agency by giving an additional \$50 million in capital funding to assist counties with the purchase of voting machines. So, as they are finalizing the budget this week, that's good news for the counties. Most of their scanners and ballot marking devices are approaching the end of life and this will assist them as they seek to procure replacement systems. The budget again provides funding for counties for postage, which is also good news and reflects support for the Public Campaign Finance Board by allocating those 54 additional positions we talked about. The website redesign. WebNY completed an inventory of our site. We are moving forward with their vendor to redesign the entire website. PIO is cataloging the pages and information we have on

our site, which as you know is quite extensive. We have a project kickoff on May 11th, and obviously our goal is to create more user friendly experience and to make it more intuitive as to where you can find information and applications on the site. We expect to complete the website in time for the 2024 Presidential election year, so it's safe to say January of that year, it will be ready to launch.

We continue biweekly meetings with the Division of Budget, the Office of General Services, and the Enforcement Unit. We also meeting biweekly with the Executive Branch, and we continue our monthly conference calls to the Election Commissioners Association. Our next one is this Friday; we will be talking about the certification of the ballots, and absentee dates, reports due to the state, independent nominating petitions, and our interim online voter registration system. They continue to receive at the county voluminous FOIL requests, and we continue to update them with guidance and offer our assistance. Recent guidance that we released, have to do with village elections, whether they're run by the counties, the villages, or the counties on the day of the General Election, and DMV documents and incomplete registrations to help counties navigate the different pieces of paper that come their way and how they should handle them within their voter registration system. We continue working with the Center for Technology and Government at SUNY Albany on phase two of Envisioning an elections future. As I mentioned last time, we set up a Digital Transformation Executive Committee which is all the unit has in deputies to better manage our technology projects across the agency. We worked on a project inventory that's in one place, and everyone can see and share so that there's more information available on all projects and we can get input across the whole agency.

Finally, earlier this year, HR began to review years of service by the employees which was spearheaded by Scott Clark in Administration, and we implemented an award to acknowledge the significant work anniversaries. April 14th, we held a breakfast celebrating those individuals with at least five or more years of service. And we're going to continue to have these gatherings on a regular basis so that we can recognize work milestones. We recognized 17 employees over five years, 6 employees over ten years, 6 with fifteen years or more, and 4 with over twenty years of service. And I will mention our longest serving employee started with us in 1994 as a keyboard specialist, and currently serves as Deputy CIO of the IT Department, 28 years, and 10 months of service and that's Hope Hardwick. And in all, we honored 33 employees that have served the Board of Elections with over 410 years collectively. So, it was a really nice morning. It was an opportunity to really celebrate the staff, and as you see from the numbers, we have people that really put down roots here, it's an extended family, a great event, and Brendan will agree with me we really enjoyed doing it.

Brendan Lovullo: Especially with people on different floors that we had down. It was nice to get everyone together in a big room and celebrate all the work they have done, especially over the course of the years, with all the challenges that we've had thrown with us, it was very nice, and I think everyone liked it.

Commissioner Kosinski: That's great.

Kristen Zebrowski Stavisky: That's all I have. I don't know if Brendan wants to add anything?

Brendan Lovullo: No, I just wanted to make sure that we mentioned that with all the employees and HR did a great job of putting all that together as well.

Commissioner Kosinski: Alright. Before we leave, the Executive Director, I just want to make mention that Ray Riley is here with us today. Commissioner Casale and I have appointed Ray as the new co-executive director here at the State Board of Elections. He hasn't actually started yet cause his paperwork hasn't gone through all the necessary approvals at the Governor's office and Budget Division, but once he does, he'll come on board here. He did come up today to meet with the staff and come to our meeting and I would like to welcome Ray and we're thrilled to have him, and excited to have him come on, and we're hopeful that happens sooner rather than later. So, I'd just like to make mention Ray is here with us today.

Kristen Zebrowski Stavisky: Welcome Ray, we look forward to working with you.

Brendan Lovullo: Sooner than later.

Commissioner Kosinski: Nobody more than Brendan. Are there any other questions for the Executive Directors? If not, we'll move on to Election Operations and that's Tom Connolly and once again, Brendan filling those roles even though I know...

Brendan Lovullo: Just waiting on paperwork.

Commissioner Kosinski: But we appreciate your doing both jobs. Go head.

Tom Connolly: Thank you, Commissioner. So, generally speaking, obviously as we started off with the ballot access rulings, we were busy with accepting ballot access documents for judicial delegates, alternate judicial delegates, and state committee people. We did prepare those recommendations which you previously voted on. We conducted a drawing for ballot placement back on April 25th, and we've preparing the certification for the June primary election which we will send out to the counties not later than tomorrow, as that's the deadline. The counties will then certify their own ballot the following day, and then we will move towards getting the ballots ready for the next deadline which would be getting it out for military and overseas voters.

We did facilitate an online demo of enhancements for the statewide portal, used for accessible absentee voting, for counties to preview, and for new staff to become familiar, with as that will be the next step after the ballots are uploaded for military and overseas voting, we will have the counties upload the ballots for city testing portals so that anyone who is requesting an accessible absentee ballot, can access and mark their ballot using the statewide system that we have in place. Staff has also been out to do some acceptance testing at counties. We did 200 machines in Oneida County, 70 in Niagara County, and we actually did the first installation of the Hart, which is the newly certified system in New York State. One of our staff went out to Herkimer County and was there when they were installing the election matching system software. The

machines for the Hart system will be coming a little bit later this month, and we will be out in person to obviously help the county receive those and make sure that they are installed with the proper software. And then Brendan and I also just got back yesterday morning from a special workshop that was conducted by the Election Center in Houston. It focused on developing and facilitating statewide training programs for Election Administrators. I thought it was a good experience and a good opportunity to meet with local and state administrators from across the country, and see how they do things in their states, and share with them how we do things here.

With regarding to voting systems, Dominion – so all the testing has been completed for the Dominion system, and we are currently reviewing all the deliverables, as is NYSTEC. We are doing final edits and review of the testing reports. Once the testing reports have been completed, we will get them ready for posting on the NYSBOE website for at least 2 weeks before any future meetings or certification vote takes place. We did do an initial, as part of our regulations, we're required to do a public demonstration of all voting systems that are under testing. We had done one back for Dominion in February. We had done it in person. We had also recorded it and livestreamed it, and put it on our Youtube account. We did receive feedback and some I'll say some criticisms, but constructive criticisms from outside entities who wanted more accessible online demonstrations. So, we actually did conduct two demonstrations, two more just at the end of March, March 31st for Dominion, we did a morning one which was in person and then we did a dedicated livestream one, a virtual one later in the afternoon, where we had ASL interpreters, we had captioning, we had the opportunity for people who were watching remotely to kind of sign into a special link so they could ask questions in real time, so we really tried to take that feedback that we had received and implement that into our new demonstrations.

With regard to ES&S, testing is expected to be completed this week. We'll be getting together with NYSTEC and also SLI our testing lab to discuss any open discrepancies. The source code review is completed and sent over to CyberCAST Dealum which is NYSTEC's third party vendor for source code review. So CyberCAST Dealum is going to review the work that SLI did as to the source code itself.

Likewise, we did two public demonstrations of the new ES&S system; one in person and one virtual, similar to the way it was described before for the Dominion one. That was held on April 27th. With theirs, also training going on currently in Schenectady County for the ES&S system and we have staff that are going over there as Schenectady graciously extended an invitation for us to kind of piggyback. So, we're just trying to make sure our staff is properly trained on all the different systems, and the latest and greatest.

Clear Ballot – again, we have two different things going on with Clear Ballot. We have Clear Ballot 2.2.5 which is just an update to the Central Count software. The testing of that is done, so we are just reviewing the testing reports. Again, we will post those on the website for at least 2 weeks and then there could be a certification vote at a future meeting on that. Clear Vote 2.4 which is the full precinct level system for which would be the first time it's in use in New York State. That's also testing on the way, and scheduled to be completed this week. Same thing, once the testing is completed, we will review any discrepancies that there may be with our testing lab

with NYSTEC and then also the vendor to get any additional information that we may need, and then once the reports are done, we'll post those on our website and then a certification action could be taken at a future meeting.

We're also doing a demonstration of the Clear Vote system on the 5th, which is Friday. So, we'll do the same thing. We'll do an in person and then we'll have a virtual one for people if they want to watch from home.

And then lastly, on voting machines regulations, we are in the process of revising our regulations around the voting system testing so that they can be harmonized with the newer adopted VVSG the Voluntary Voting System Guidelines version 2.0. Those are the guidelines that are promulgated by the Federal Election Assistance Commission. I know at least one of our Commissioners, I'm not sure if the other Commissioners have been receiving a slew of e-mails from individuals who have been wanting additional days for comment period, but have also in their letter suggested that the testing that we're doing in the state is being conducted to older standards. I just want to provide some clarification on that. So, even though the VVSG 2.0 has been approved by the EAC, the EAC then had to wait, the process was one of the two federally certified testing labs had to be certified by the EAC to test to the newer standards that did happen with SLI, who's actually our testing lab, and upon the certification of SLI to test to those standards, a one year clock then started ticking from which the Federal Certification will then review the VVSG 2.0. But that doesn't happen until mid-November. So, until mid-November, the federal certification is still being based on the same guidelines that our own certification is based on. So, we're trying to get our regulations updated by the end of this year so that by the time the federal certification is looking at the newer guidelines, and so are we.

And then lastly, regarding the testing labs, every couple of years we do have to go out for an RFP. There are two federally certified voting systems testing laboratories or VSTLs. We did put in an RFP for bids for one of them for us to work with. We did receive bids back, Brendan and I and one of our staff will be evaluating the bid that was received, and we would finalize that so that we have continually have a testing lab in place for us to work with for our voting system testing.

With regard to the Electronic Poll Books, we have a resolution on the agenda later on for approving updated configurations for all three systems. KnowInc did have a configuration that was approved last meeting. This one for this meeting later on is just an update to the underlying operating system on the iPads. There was no change to the application. And then the other two vendors, Tenex and Robus did submit changes to their configurations which are also included in the resolution for later. And then lastly, on E-poll books, we did send some of our staff down to Tampa to go to Tenex headquarters and get more intensive training on the E-poll book system. That came out during early voting of the last General Election, I went out to about 15 counties in the western part of the state, and from a lot of the Tenex counties, they had some desire to know how to do certain things better, because they were being reliant on the vendor too much, so they wanted to kind of be able to do certain tasks independently. So, Brendan and I spoke about how could we better position our staff to help teach the counties how to fish themselves, so they were

able to handle things on their own and not get anxious about when they were reliant on deliverables from some third party. So, that was just a couple of weeks ago, and it went fairly well. So, we'll see how that pans out for us.

And then lastly, just for the rough technology projects, we continue to work with IT and other units. As Kristen mentioned with regard to the interim OVR and also the AVR system as we move forward, and also with IT we work with them ensuring that all of the voter registration systems that are used throughout the state are in compliance with the Voter Registration System requirements that we promulgated, and also are prepared to receive the files once our interim OVR is at the end of this month. That's all I got.

Brendan Lovullo: Yea, one thing. I do want to add due to the recent law changes; a lot of boards have had to redo the way that they've done objections and specs this year, we've spent a lot of time walking them through the process. I think they've all done a very good job, especially with everything that's been thrown at them this year. We have sent out guidance as well and had to amend that as things have gone on. But that was one big hurdle for the boards this year that some of them have never had to do before. So, I think they all did again, a good job, and it's going to be a process going forward that they'll keep up and get better as things go on.

Commissioner Kosinski: Any questions? Commissioner Kellner, do you have a question?

Commissioner Kellner: Well, I just wanted to add to expand just a little bit on Tom's report with respect to the Voluntary Voting Systems Guidelines that two weeks ago I attended the meeting of the US Election Systems Commission Standards Board as the New York State representative. Brian Abrams, the Commissioner from Chautauqua County also attended as the representative of the county commissioners. The principal topic of that meeting was the implementation of the new VVSG 2.0 standards, and as Tom pointed out: systems that are currently in testing at the federal level are being tested to the 1.1 standards, and the Election Assistance Commission has enacted a recycle policy that essentially grandfather's those machines. But based on my review of the differences between the current standards and extra provisions that New York already had in place, that there are very minor discrepancies that these new systems that are being tested in New York to New York standards should easily comply with the 2.0 standards if they were required to do so, and I guess that's what Tom and Brendan are addressing in the updates to our regulations. But I think we can still claim that New York is the gold standard for voting system testing and certification, that we can keep that mantle.

Commissioner Kosinski: Thank you. I have a question, how many of our counties are looking to buy new voting machines right now, do you know?

Tom Connolly: I think all of them are dealing with end of life systems, and so they may not be looking at buying an entirely new vendor system, but let's say with Dominion, there are a lot of counties for example like Oneida that has 200 ICE machines. That is likely because they were replacing the older ICP systems. So, the ICE machines are still working on the existing voting system's that have been certified, but Herkimer is the only county that has moved to the new

horn system. I think that all of the counties are certainly looking to figure out how best to mitigate an aging fleet of those machines, whether it be by slowly like a school district model of slowly replacing a few buses at a time, or trying to find out, it's difficult, because it is a big capital investment and going around to talk to counties like when I went out and did my early voting visits, I think Herkimer has been actually working with their legislature for some time on building up that fund, knowing that it was coming down the line at some point. I don't think every county has had that relationship with their legislature or has had that opportunity to kind of buildup that funding. So, hopefully, they're speaking with their legislators to let them know it is coming, if it's not already here, and then certainly we will help any county that wants to have that conversation with their legislature or their county executive to explain that this is not just some sort of willy-nilly need for funding, that it actually is very important that they invest in it.

Commissioner Kosinski: How many machine vendors do we have certified in New York right now?

Tom Connolly: Three or four. Three have polling based systems.

Brendan Lovullo: Clear Ballot is certified as a central count and an audit tool, but that's not at the polling place.

Commissioner Kosinski: So there are three poll site vendors right now for voting machines?

Brenda Lovullo: Yes.

Kristen Zebrowski Stavisky: And it does take some planning ahead. Because if you need to work with the legislature, because if you're planning on changing, you can't phase it in, you really would have to, whereas if you're going to stay with your vendor, you might replace 1/3 one year second third.

Commissioner Kosinski: How many vendors can a county have in a fleet?

Tom Connolly: I believe the current law states that you can't use more than two.

Commissioner Kosinski: Two, right? So if you have Dominion right now, you could have one of the others, but you can't have all three.

Tom Connolly: Correct.

Commissioner Kosinski: But you could potentially if you had Dominion go out and buy a Hart machine to replace it if Dominion was in your county. But there is some competition out there right now with most of the vendors, there's are least 3 to choose from?

Tom Connolly: There is at least three to choose from and then obviously, the full ES&S and Dominion are two currently certified vendors have new systems in the pipeline which are nearly

completion on testing, and I know they're eager to try to hopefully get certified so they can try to sell their newer systems to the counties. As is Clear Ballot, like Brendan said, they are only currently certified as a central count or an audit tool, and I think a lot of counties are somewhat, I won't say clamoring, but they're certainly eager to see what options they have, especially as we move toward the Presidential year, because I think...

Commissioner Kosinski: Does Clear Ballot have a poll site machine?

Tom Connolly: They do but not certified in New York. But it is under testing, so they're looking to have it as well. So, if that were to be also certified, then we'd have four vendors.

Commissioner Kosinski: Okay, so these vendors have been in the state what is it 15 years now?

Tom Connolly: Dominion and ES&S have been in...

Commissioner Kosinski: So, are we then telling everybody that the life expectancy of our voting systems are 15 years? When you buy a new system you should plan on buying it once every 15 years now, is that sort of.

Tom Connolly: I think 15 years even now is somewhat pushing it. I think most of the time we're dealing with 10 because a lot of these systems also even though the EMS the backend system where the elections are programmed and ballots are designed, is Arigap and so it's somewhat insulated from external threats. It is often running outdated versions of windows. So, some of the current systems right now are running Windows 7, which you probably would not find on any desktop in the county. But the newer versions of the software that's currently under testing do bring up the windows version of Windows 10 and/or 11. So, that's constantly a concern because software is always getting updated. We have this problem even now with E-poll books because that is a connected system. We have no control over when the 3 systems which will use Apple iPad, Apple is constantly pulling newer and newer versions of their software for vulnerabilities and security protection. Since these devices are indeed connected to the Internet, it's really important for those devices to stay updated. So, that's somewhat of a challenge for us in detail with updating and reviewing and testing the E-poll book configurations, because as soon as we receive one, there could be a newer version of the underlying operating system 2 weeks later.

Commissioner Kosinski: So, when you talk about connecting to the Internet, you're talking about E-poll books not recording machines, right?

Tom Connolly: Right.

Brendan Lovullo: Correct.

Kristen Zebrowski Stavisky: Now, I mean, also correct me if I'm wrong, but Commissioner, if you were to have two different voting systems you would need two backend systems. So that's complicated.

Tom Connolly: Correct

Commissioner Kosinski: More expensive.

Tom Connolly: Yea, it's unlikely that you would have, not that it's impossible, but it's only because the County would want to run two separate EMS's for poll site systems. That's why the ones that use two systems now its typically either Dominion or ES&S, and then they're also using Clear Ballot for their audit or their central count. So, they're not designing the ballots, they're kind of bringing the election information into Clear Ballot so they can then use it for the secondary group.

Commissioner Kosinski: Thank you. Anything else? No? Thank you. Then we'll move onto Counsel Brian Quail, Kevin Murphy.

Brian Quail: Thank you Commissioners. First, it's worthy of note that we have presently no ballot access application at the State Board of Elections for 2023. That may change after today's meeting, but I think right now, we're at none. In the Brooklyn NAACP case, we have indeed entered into a discovery phase and Counsel's office is fine with the discovery environments in that case. The Upstate Jobs party case is at the Second Circuit on May 10th. This was mentioned at the last meeting, we are represented by the Attorney General's Office in that case. The Compliance Unit has published a revised contribution limits pursuant to the formula calculations in 14-114. The training handbook has been updated and the training season is well under way by the training unit. The unit has also added two staff members since the last meeting, confidential secretary and a confidential clerk, Emily McGrail and Vicky LaFleur respectively. The Unit has completed 2,238 compliance reviews since the last Board meeting and also 234 candidate and committee records have been terminated since the March meeting bringing the 2023 total up to 939. After the last meeting, the Chief Enforcement Counsel sent correspondence with a follow up list pursuant to their recent outreach to nonfilers indicating instances of where they had had bad e-mail addresses, certified return receipt returned without having actually been able to effectuate the delivery of the certified mail, and a few other categories of information in terms of committees that had been defunct for a significant period of time or not made filings in a significant period. There were 1,078 total committees that were provided on the Enforcement List back to Compliance. Systematically, Compliance has examined materials that were returned, which included for each instance of a bad e-mail, looking at documents that have been filed to make sure that the e-mails were correctly entered into the system, and in some instances, they were not, and obviously, those corrections were made. Similarly, with addresses, double checking the addresses that were sent to make sure that the issues did not relate to incorrect or not updated addresses for the appropriate principals of the committees, and appropriate changes there, have also been made. But fundamentally, the process has also revealed about 1/3 of the 1,078 committees that were referred pretty clearly have been defunct for an extended period of time and had very small balances, and those committees have been entered into the administrative termination process and the dormant committee review process and/or should result in a substantial number of them being shuttered in due course. The total number of reports that are reviewed by the unit so far since inception is 210,456 and currently there are 6,422

reviews that have been assigned to be done. There is no change in status for Internet digital advertisements since our last meeting.

Commissioner Kosinski: Anything else? Nothing? Any questions for Counsel? Thank you, no questions, we'll move onto Enforcement, Mike Johnson.

Mike Johnson: Hi, can you guys all hear me? Ok, great. There are a bunch of closed cases that we did for this particular quarter, roughly, I want to say at least fifteen or so, but you guys should have that list. And as far as our quarterly report is concerned, for our quarter ending this particular quarter, the first quarter of this year, the total number of complaints that the Division received by mail, e-mail, fax, phone, any other means for the first quarter of '23 was 67. Now the numbers that I'm going to read out to you guys include cases that came in and were disposed of the first quarter and also some that spilled over the last quarter of 2022. Now, the number of cases that were examined on their face and to not warrant any further investigation, was 44. Cases that are still pending review are 0. Cases that are under active investigation are 23. During that period, the end of December and this particular first quarter, we closed a total of 48 cases. And as far as referrals for further action, at this point, there are none at this juncture.

Hearing officer proceedings that were initiated for the first quarter of 2023 so far there is one and that's with a hearing officer and we're still waiting on that decision. There were no settlement agreements that were entered into for this quarter. Monies that were collected for all judgments for the first quarter of 2023 was \$7,247. Now, that amount represents all monies that were collected for outstanding judgments that were entered into prior to the creation of the Division of Election Law Enforcement. In the first quarter of 2023, the Division received a total of 277 deficiency referrals from the Compliance Unit. Out of those 277 deficiency referrals, 180 were from the first quarter of 2022 and we received that the beginning of January and the remaining 97 referrals were received from the second quarter of 2022 in March. And all of those are currently under review. We are sending out letters to all of the individuals letting them know exactly what the deficiencies were that were brought to our attention and the steps they can take in order to affect a remedy on those. As far as the nonfilers are concerned, on January 30th, the Division sent out a total of 3,320 e-mails to committees that were on that 2023 January nonfiler list. Of those 3,320 committees 168 had no e-mail addresses, and as of March 9th 255 we got bounced back e-mails. Also as of March 9th, there were a bunch of other responses that stated things such as, "I'm not the treasurer" or "That committee closed years and years ago" or "I already filed" or "Thank you for the reminder, I'll file promptly." Now, the certified letters, we then followed up with certified letters and in February we sent out roughly 2,467 certified letters and as of March we got about 545 back. As of March 9th, there were still 1,891 committees that were still on the January nonfiler list who we're currently still looking at. Since the January 30th nonfiler e-mail was sent, there've been a total of 1,429 committees that filed due to our efforts with regard to sending out the e-mails and sending out the letters. Brian spoke about our joint effort in terms of forwarding the information to the Compliance Unit regarding the committees that were either defunct or bad e-mails or just the bounce backs, and those that had been defunct apparently for a number of years. And based on the work that the Compliance folks are doing, we're hoping to see a significant reduction in the amount of nonfilers the next time around.

We're still following up on the LLC project we started on. With regard to the LLC project, just as a point of reference, as far as those individuals and those committees that received over contributions from the LLCs which we're still pursuing, I'd roughly say at this juncture, we've been able to, the amount that's been refunded to LLC's just conservatively, I'd say is probably about \$75,000 or so. We're also looking at individuals with regard to where they don't list who the contributors are with regard to the LLCs. And that's still an issue because you still have some committees that are saying, "Well, we're trying to get the information from the LLCs but either the LLC won't give it to them, or the LLCs haven't filed with the State Board yet." So, that's something that we're still working on. Other than that, that's basically my report that I have for you guys.

Commissioner Kosinski: Any questions?

Commissioner Casale: Michael, in the report the written report you sent the other day with the case closed, some of these go back to '21 and '22. Is this part of the backlog you've been trying to clean up?

Michael Johnson: Yes, every once in a while, we will stumble upon yet here is another case. So, that's still I mean I'd be remiss to say if I said, and I've said in the past, yeah, we've pretty much cleared that total backlog, but yet every once in a while we find yet here's another old case that's still outstanding. So, that's what they are. And sometimes...

Commissioner Casale: I'm sorry, and how do you find them?

Michael Johnson: How do we find them? Well, there's situations where they've been ongoing and we will hear from someone who will say, "You know, it took me a lot of time to get this information, but I finally find it." And we've been presented with information, sometimes unfortunately, it can take a year, it takes two years before we finally are able to get the information from folks to be able to come to a resolution on some of these cases.

Commissioner Kellner: I just wanted to ask about the new regulation which I guess is in the process of going through the publication process, what is the schedule when we will be able to finally adopt that regulation and ask the Chief Enforcement Counsel what his plans are in terms of implementing that new procedure once it's in effect?

Brian Quail: I can answer the first part of that. I believe that, if memory serves, I could be a few days off, but I think that that regulation is live for adoption as of on or about May 26th or 29th.

Commissioner Kellner: So, at our next meeting then?

Brian Quail: Yes.

Michael Johnson: And once the regulation becomes live, what I will then do is simply sit and look at, right now look at the process in terms of what's needed for the hearing officer cases, and

then look at how we can sort of streamline that to be able to put together more than just one case. Put together several cases and proceed with going to court and handling it on that level, and I'm hoping it results in a much speedier and more efficient process than what we have now.

Commissioner Kellner: Michael, so you're talking about doing it on still a relatively small scale, not like the old system where we would do 1,000 at a time?

Michael Johnson: I think that no, what I'm looking to do is start with you know a small amount, to make certain the process has been streamlined and works. Once we see we're okay, here's what we have, now if we can do several hundred at a time, that's where we want to get to, that's the plan to get back to like you say the way it used to be where you could do several hundred at a time, and be able to because we're still getting money in with regard to those judgments back then. So, I didn't think it's a way to at least short circuit the process that we have in place right now.

Commissioner Kosinski: Ok. Any other questions?

Commissioner Spano: I have a question. Michael, in reading through this stuff that you sent us, I noticed that as you clear a case, the case has no relevance to the Election Law. And at the bottom it says that it has no relationship to the Education Law and consequently is not part of your jurisdiction. However, the incidents mentioned in the complaint look like they belong somewhere other than you.

Michael Johnson: Those types of cases, and sometimes we do get cases and we get complaints where they are for instance school board elections and what we do is we will refer individuals to for instance State Education, and explain to them that's more the proper agency to handle those types of a complaint where you're talking about school boards.

Commissioner Spano: Thank you for that answer, but its not indicated in the report that we got sent. If you're doing that, that's okay.

Michael Johnson: Yeah.

Commissioner Spano: I just thought that when someone tells you it's not part of the Election Law and therefore, I can't handle it, sometimes it would be better to say but if you go to the Board of Education or wherever it is, it would be helpful.

Michael Johnson: Yeah, that's what we do. We let folks know this is the type of cases that we can handle, these are the types of cases that we will guide you to what other entity may be best appropriate to handle that particular issue.

Commissioner Spano: Thank you.

Michael Johnson: You're welcome.

Commissioner Kosinski: Ok. Any other questions? No, then we'll move onto NVRA/PIO, Jennifer Wilson.

Jennifer Wilson: Thank you. Good afternoon, Commissioners. In the Month of March the PIO unit processed 134 FOILS, in April: 103. On the website following the amendment of the petition filing period, we posted the new political calendar. We also issued a notice on the website regarding the deadline. We published the Who Filed page on the website as well so everybody can see the candidates that are filing with our office specifically, for judicial and committee positions. For Compliance, we published updated Campaign Finance disclosure handouts, the 2023 contribution limits as well as the updated 2021/2022/2023 LLC statement of identity list. And links to the upcoming training webinar registration. We also published four HAVA determinations and we assisted Operations in streaming the two voting machine demos, which Tom went over. For our website accessibility, our contract with our prior vendor Level Access has ended. So, we have a new vendor on board now Helen Keller Services for the Blind. We had a kickoff meeting with them, and we have already assigned them some work to do. They are already getting to work for us. They're working with us on our ADA compliance accessibility standards for our new OVR portal, so they're working on that right now.

For our Early Voting Communication plans, we are continuing to collect those from the counties. They were due yesterday on May 1st, and we have about more than half now that have been collected, so we will be doing initial outreach this week. These counties are also due to certify their early voting location for the primary election. The general election was today. The primary will be May 13th, we will be following up with them on that. And additionally, with the counties, we are conducting a website review of all county boards currently. The staff is looking to make sure that counties have updated to reflect the new pending voter registration, as well as remove any mention of the absentee excuse being applied to COVID, temporary illness, to make sure everyone has correct information for the upcoming election. We're also looking at their websites. There is a new law that was passed that mandates them to publish district maps on their website in a downloadable format. That will go into effect on May 22nd. We just want to make sure they're prepared to meet that deadline and they have everything they need.

NVRA and NYSVoter reviews the staff ended at Fulton and Schoharie Counties to conduct reviews, upcoming May they've already scheduled Otsego, Rensselaer, Delaware, and Columbia. And we have 37 counties that are due to be visited in 2023 and we are going to try and wrap that up before 2024 so that we don't have to worry about that next year. Our Voter Registration form print update, if you recall, we had to rebid for our printing of our voter registration forms and we had a successful rebid this time. we had two vendors that have submitted successful bids. Both of them look great, we're going to meet with OGS later this week to figure out next steps. If you also recall, we had placed a temporary discretionary order I guess is to about 50% of our needs, and as soon as we have the new vendor on board, we will submit the rest of that request and hopefully have all of our forms very, very soon. Discretionary ones are going to be here by the end of this month, which is great.

We also launched an e-mail service at the end of April. This is something we discussed in a few meetings that a lot of people are interested especially in voting machine demonstrations as well as Commissioner meets. So, we did launch that at the end of April. We launched it on April 24th. We had 77 people so far as of this morning who have signed up for that. It is optional, nobody has to, but they have the option to sign up and get alerts. People have the option to sign up on our social media, it is also on our website and we sent our first e-mail last Friday, which included the announcement of this Commissioner meeting, this coming Friday is Clear Ballot demonstration, as well as just a reminder about the deadlines for the June primary, and we're working on additional content for this month and June around the primary, and we're looking to ultimately expand this to have a sign up for candidates, a sign up for PCFB, and a sign up specifically for those interested in voting technology so that people can go ahead and sign up and get alerts on all of those different things. And if you're a member of the public listening, go to our website elections.ny.gov and go to the sign up for e-mail alerts right on the home page and you can sign up and get those alerts as well.

For media work, we responded to inquiries about the petitioning deadline change, OVR and AVR and Public Campaign Finance, and we also issued a press release regarding the appointment of our new co-executive director. For social media, we published 15 tweets in March and April. We posted on Facebook, five separate posts and the content included deficient filing dates, notices about machine demonstrations, and announcements of the e-mail sign ups, and we also officially created an Instagram, PCFB had previously created Instagram, and seems to be doing quite well, so we decided SBOE should have one too. And again, we're working towards creating all this content ahead of 2024 so that way, next year when people are really interested in the election, it will be already ramped up and have lots of information for them for that.

For grants, we submitted our semi-annual federal reports to the EAC for our 3 federal branches our HAVA shoebox, Cybersecurity, and poll site improvement and/or education grants, and we're awaiting passage of the budget, although it looks like we have been reappropriated all of our longstanding grants, our Early Voting, our Technology, and Resource, as well as our absentee postage as Kristen mentioned, we're going to get an additional \$4 million for that, and we're also getting an additional \$15 million for our technology and election infrastructure funding. So, we're just waiting for all of those to finish passing, but it's pretty promising, it's exciting when members of the counties get new money, we always like that. So, hopefully, they can use those funds again looking ahead to 2024. And that's all for PIO.

Commissioner Kosinski: Ok. Any question? Thank you. Then we'll go on to ITU with Mike Haber.

Mike Haber: Thank you, Commissioner. Good afternoon. So, we did earlier discuss the online Automatic Voter Registration project which has been a major focus of ours over the past few months. Certainly, development continues on that solution. Our development team, our structure team, and security teams are all actively engaged. We are having regular and frequent technical sessions being held with our cloud vendor and other involved partners for testing and build out of

the environment and securing it. We are fully committed, I'm happy to say and confident, that we will be live by the end of the month with that interim solution. As was also earlier mentioned, we are working on parallel tabs for developing the Automatic Voter Registration Clearing House Services in order to find the most expedient and efficient manner to do that. In addition to that, we are working on Enforcement has been involved in the space build out, participating in meeting with OGS. The IT unit has met internally to make preparations for the rebuild and for moving people to various other spaces as needed. Additionally, we're consulting with the State Office of ITS on network haven to other floors in this building in which BOE has a presence. We did also cover the website refresh which we've been actively involved in. We continue to work with the ITS web services group, as was mentioned a project kick-off meeting is scheduled for next week. Parallel to that effort, we've also engaged a third-party vendor on improvements to display historical information on our site. That work is also in process, and we expect to have progress to review in the next few weeks. That project is anticipated to be complete later this year, probably December. Together those efforts, of course, are meant to streamline and improve usability of our website and we anticipate all that being done by the end of this year.

As was also mentioned, the Public Campaign Finance bid responses have been reviewed. Our technical evaluation scores were submitted. IT took a leading role in evaluating those responses, along with representatives from several other units. And we continue to participate in the discussions with external stakeholders such as the Statewide Financial Systems will interface with the Public Campaign Finance.

Commissioner Kosinski: Michael, what's the timeframe for letting that bid on PCFB contract?

Mike Haber: Well, I don't know that we have an exact timeframe, but we would anticipate fairly soon getting the responses from OGS. We, of course, submitted our technical evaluation scores and they are reviewing that.

Commissioner Kosinski: What is OGS's role in this then as far as letting it?

Mike Haber: They are our agent we're interacting with.

Commissioner Kosinski: You submitted your recommendations, your evaluation to them, what then do they do with that?

Kristen Zebrowski Stavisky: They are the ones that have the price, right, we don't see that, that's not part of the bid process. So, they will take power points together with whatever the pricing structure, and then they'll tell us who the tentative awardee is.

Commissioner Kosinski: Okay.

Kristen Zebrowski Stavisky: As Michael said, we don't have exact dates, but we should have that, I would say within a week based on their timeline. Then, they'll negotiate with the vendor on the contract, we get a signed contract, it then goes to the Attorney General, they do a review,

and then it goes to the State Comptroller. So, I think we were hoping August we would get a vendor on board to match the timeline.

Commissioner Kosinski: And in your estimation, is that time enough to get the program up and running for next year or what's your sense of timeframe here?

Mike Haber: Well it should be, yes. It is a build out over several years, because it's more than just the Public Campaign Finance System, this is also going to act as a refresh on all of our CAPAS-FIDAS. So, based on the prioritization of work, it will be anticipated the vendor being able to have the Public Campaign Finance Systems up and running in a timely manner. Exact project plans will be negotiated and determined once the vendor is onboard.

Kristen Zebrowski Stavisky: But the team has built a manual solution to be able to do that now with the numbers, they should be in good shape.

Commissioner Kosinski: Thank you.

Mike Haber: We'll switch hats to security for a moment. The Secure Elections Center responded to a widespread phishing campaign originating from a trusted third party. There was an e-mail that was distributed that sought credentials and also had a potentially malicious download. The third party was notified, and an alert was distributed to all the county boards. Some county boards did receive the e-mail, however none reported actually clicking on it. So, that's positive for the training that's been done up to this point.

Secure Election Center also, as was mentioned, supported Election Operations team in completing E-poll book vulnerability scams. This year, the federal government's Homeland Security grant program included Elections as a national priority area, and required a 3% minimum spend by each state. So, the New York State Department of Homeland Security and Emergency Services runs a grant program for counties to pass through these funds. The State Board submit the grant application to DHSES seeking funding to cover the non-elections portion of county security monitoring, to ensure we continue to maintain the same level of monitoring coverage that existed prior to the segmenting of the election systems in county networks. The State Board also notified county boards of the program to ensure they work with their county leadership on potential grant opportunities.

We also, in terms of security, are expecting an RFQ to be released shortly to continue the security monitoring and alerting services that have been provided to the counties for the last few years. We've been engaged with both our county and state partners to ensure we provide effective services while also coordinating with the deployment of the state's new joint security operations center. As a follow up to the original risk assessments which were previously conducted by county boards, Secure Election Center recently completed work with our partners at NYSTEC to develop a framework for reassessing county security posture validated against their attested compliance with Cybersecurity regulations. So, we'll be piloting that assessment with 3 counties later this month. We'll fine tune the assessment accordingly, and expand to

remaining counties. Long-term, we plan to establish a regular cadence for these reviews similar to those conducted by PIO for NVRA.

And lastly, our Chief Information Security Officer, Ben Spear's currently in Syracuse attending the New York State Local Government IT Records Association spring conference. There he will be engaging with county IT Directors on a variety of topics including continuing security monitoring and the Cybersecurity regulation and assessments. And that concludes my report.

Commissioner Kosinski: Any questions for Michael? If not, okay, thank you. That concludes the Unit reports for this meeting. the next we'll move onto old business. Is there any old business to come before the Board today? I'm not aware of any. So, we'll move onto new business. We have a number of new business items, some which were referenced earlier, but we'll start with the regulation 6214. So, the first one is the contribution limits, which I think we actually didn't we do an amendment emergency before this, this is the final adoption of something we actually did in January. This is pursuant to statute. It's really just a formula in the statute right that we just compute, so there's no real discretion here. And we just did it in January, and now we're affirming it. Is there any discussion on this or is there a motion to adopt? There's a motion to adopt. Is there a second.

Commissioner Spano: Second.

Commissioner Kosinski: All in favor aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye. Opposed, that was passed unanimously. And the next resolution regarding poll books. This is something I think Tom mentioned earlier and we'll just go over it for a minute here. So, these are upgrades to our poll books. Do you want to talk anymore about it? I think you spoke about it earlier, briefly.

Tom Connolly: This kind of goes with what we try to do before every election event or at least twice a year is we give the opportunity to the vendors to update their systems, so that the counties can have the latest and greatest up to date software. So, they don't always avail themselves of that opportunity but the vendors all three of them did some revisions to their configurations that are used in New York State. And so, what the resolution would do, would approve the configurations that we've tested and would also require county boards to upgrade their systems to the latest version, if not for the primary election, then not later than for the General.

Commissioner Kosinski: So, are they mandated to do it for the General?

Tom Connolly: If they don't update it for the primary, yes.

Commissioner Kosinski: Okay, so they are mandated to do it by November.

Tom Connolly: And the idea behind that is like as I mentioned before, these are connected systems so making sure that they have more up to date software is really important.

Commissioner Kosinski: Right, fair enough. Okay, are there any questions about this resolution? No questions, I would entertain a motion to adopt.

Commissioner Spano: So moved.

Commissioner Kosinski: Moved and seconded, all in favor, aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye. Opposed? Again, unanimously carried. That concludes the new business before the Board. Is there any other business to come before the Board before we adjourn, and I think for the next meeting, we sort of agreed to discuss it, going to hold it open.

Brendan Lovullo: PCFB and the loan meeting.

Commissioner Kosinski: I know that but as far as the Board goes, we don't have a date we have to meet is that true? We just need to meet.

Commissioner Kosinski: Okay.

Kristen Zebrowski Stavisky: There will be regulations that will be ready for final adoption, I believe in June.

Commissioner Kosinski: Alright, well I think the Commissioners should discuss about a meeting schedule after this. Any thoughts on this Commissioner?

Commissioner Kellner: That's fine but I want to emphasize that there really needs to be sufficient time for public comments on the certification of new voting systems and two weeks is a bare minimum, it really ought to be a whole month and just emphasize to Tom and Brendan that it's important to get those reports out, and circulated, so that the public has a meaningful opportunity to comment on them. As you know, at least I've gotten more than 1,000 e-mails asking for the hearings and public comments. I'm not sure that a public hearing is productive. If

the comments suggest that there is a matter of genuine scientific controversy, then maybe I would ask for a public hearing. But I just want to emphasize that for my part, getting the information available to the public sooner rather than later, is very important.

Commissioner Kosinski: Fair enough. Duly noted. Before we adjourn, I'd just like a minute of personal privilege. Last week, we lost a member of our Elections community, Jeff Beale. Jeff and I went back a long way. I've known Jeff since law school, worked with Jeff a lot over the last 30 years. I very much miss him, and I just wanted to make mention of it here today in our meeting. I know a lot of you've had contact with Jeff. He's one of the good guys, easy to work with. I think both sides of the aisle got along with him, and I just wanted to note his passing last week and how much I'll miss him, and I know others will too. I should also note at the same time the passing of Jim Wong back in March, another good Elections lawyer, a good friend, and he too will be missed. But I wanted to mention both of those here at today's meeting. So, with that, we'll make a motion to adjourn. All in favor, aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye. Okay, meeting is adjourned.