
Commissioner Kosinski: Good morning. My name is Peter Kosinski, I'm a Commissioner of the State Board of Elections, I'm joined by Commissioner Tony Casale, and Commissioner Essma Bagnuola. And we are here today to actually conduct two meetings. Our first meeting will be a Board of Canvassers to certify the election in Congressional District 26, Special Election; on the second [meeting], as the Board of Commissioners and Board of Elections. So, I will open the meeting of the Board of Canvassers, and before us today is a certification of the Congressional Special Election in the 26th CD, and I would entertain a motion to adopt the certified results from that Election.

Commissioner Casale: So moved.

Commissioner Kosinski: Moved.

Commissioner Essma Bagnuola: Second.

Commissioner Kosinski: Seconded. Any discussion? If not, all in favor say aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye. And those opposed nay. I believe that completes the agenda for the Board of Canvassers. So, we'll move right into the Board of Commissioners of the State Board of Elections. And today's meeting, joined by the same two commissioners, and we will be considering ballot access issues for independent candidates who submitted independent petitions for ballot access for this fall's election. And we have a report from the staff of several different petitions that have been deemed insufficient to quality for the ballot, and I can just go through those quickly.

Let me just read these off. We have these are for office of President, do I have the oh, I'm sorry. So, the independent body is Dr. Shiva. The second one is for the Green Party, the third one is a petition Justice for All, the fourth is a petition for the Libertarian Party, those are all for President. Then we have several Congressional: from the 21st we have the Common Sense Party, from the 22nd the Libertarian Party, from the 25th the Libertarian Party. Now, we are into the Assembly District: the 107th Libertarian Party, 124th Assembly Libertarian Party, 127th Assembly Libertarian Party, and 144th Assembly Libertarian Party. All of these petitions were deemed insufficient by the staff. So, we will entertain these as a group, if that is the wish, that's the way the report was submitted to us, is as a group, and I would entertain the entire group as one document and for one motion. I am aware that we have one of the candidates, specifically Jill Stein for the Green Party who would like to present to the Board today, prior to our vote. And I believe we also have a letter from a Libertarian Party challenging the outcome. That letter, I don't believe any one is appearing today, but that letter was submitted to the Board by the Chair of the Libertarian Party in New York State. And that has also been given to the commissioners for their consideration. But prior to our vote, I would open the floor without objection from any

of the Commissioners. I believe Ms. Stein is on video, in fact I see her, so I know she is, and I believe she wants to present something to the Board, and we'll give you a few minutes. I can't say we're going to give you all the time you want necessarily, but certainly we'd entertain whatever comments you want to make to the board now.

Mrs. Stein: Thank you very much. I really appreciate a moment to share our view of the outcome as we understand it, the denial of not only our petition, but all other petitions that were not funded by either large political machines or billion-dollar donors and supporters, and our overarching feeling is that this is very much a predictable consequence of a law that very much stands in opposition to the urgently felt needs of the American people, who by large numbers, now feel that the two major parties do not provide sufficient political choice according to a Gallup poll we repeat it every year. It's now 63% of the American people that feel that the two major party choices are not sufficient. I would add to that, that in many ways this referendum, this election is something of a referendum on our foreign policy, of this war, and in particular, the genocidal war taking place in Gaza, and American people fervently would like an opportunity to debate that, and address that in this election. We would be in New York the only really strongly pro-worker and pro-climate choice on the ballot. All these are urgent issues that the American people very much want to have debated. It's unfortunate that the law was changed and turned into really, arguably the most difficult ballot access requirements among the 50 states and consequently, New York will have the most restrictive set of choices, with only three options basically between different candidates on the ballot, at a time when the American people are really clamoring for more choices, New York has effectively shut down on those choices, and this was done in a way that was not open to public input and discussion as part of an emergency COVID budget bill, where the public was not aware that its choices were being shut down in the course of that. So, we think that from the get-go this has been extremely problematic. And then, I'll just say briefly that I know that our attorney, Howard Graubard has registered his concerns about the legal issues, and I understand that this commission is very much limited to precedent and existing law. Our challenge really exists at the level of what we feel is a law that is extremely misconstrued, which we took to court in advance of the election. And now that there is evidence that this law is as averse to the public interest as it has turned out to be, we hope to be taking this back to the court again. So, we feel it is full of booby traps with no logical public policy basis, including the invalidation of all signatures of a petition witness, if they turned out to have signed the petition of another candidate for the same office. And indeed, the preposterous requirement which was tripled from the prior requirement has led to the consequence that only one candidate with very deep funding, extremely unusual for independent and third-party candidates; only one was able to qualify. All of the other campaigns were able to collect less than 4,000 signatures, our campaign collected some 42,000 signatures, a sign I think of the enormous public support for the kinds of issues that we would be bringing to the debate and discussion. But the fact that all of the participants, all of the nonballot status parties were only able to collect less than 1/10th of the required signatures, I think is really an indication of what an extremely restrictive ballot law this is. I'll hold my comments at that point, and I appreciate the chance to have been heard here, thank you.

Commissioner Kosinski: Okay. I appreciate your comments. I am just going to note for the record what the report of the staff shows regarding your particular petition. Our report shows that you submitted 34,120 signatures. As you know, the statutory requirement in New York State for statewide ballot access is 45,000 valid signatures, I'll call them. That was increased, you're right, recently, by the State Legislature, and that is the current statutory requirements in New York State. I would also note that our staff found that some of your petitions were filed untimely, some came in late, and that would also invalidate them, and in addition, there was a failure to list electors. Our statutory requirement in New York as presidential candidate, at the time the independent petitions are submitted, must include a list of the electors that would be dedicated to that particular party's candidate for president. And that was also not submitted. So, I'm just going to note for the record, that our staff found three separate deficiencies in your petition. You did note the signature requirements have been increased, that's true, but I would just note to you that that is the current statutory requirement in New York State.

Mrs. Stein: May I respond briefly?

Commissioner Kosinski: Sure, go ahead.

Mrs. Stein: Just to note that in fact the statute requirement was tripled, and our understanding is that requirement is intended to show that there is a modicum of support for the candidates that are seeking to participate in a democratic process, albeit democratic process of our elections. And there's no indication that the prior requirement of 15,000 signatures which had to be collected also in 6 weeks, that was not a lax standard, that was an extremely difficult standard at that point, and certainly candidates were not appearing in a frivolous way, or candidates did not have some basis of support. So, we really challenged the whole basis on which that requirement was raised, especially in a way that was out of view of the public, and in which the public did not have an opportunity to participate, because certainly people are clamoring for more choices, not fewer. And then also, we tried to show the receipt from UPS that showed in fact that those petitions were filed on time and for whatever reason their arrival might have been delayed, but we understood that the requirement was that they would be postmarked at the time by which they were postmarked. And again, the submission of the electors, again, we would add, we would consider that one of the booby traps put into the law, which certainly does not serve logical public policy. There's no really logical reason why the electors' names who are completely unknown to the public, have to be printed on every petition. It was also ambiguous in the statement of the law. The statement of the law itself does not clarify that those electors' names have to be printed on every petition. So again, we would call into question the justification for that requirement. And argue that the real imperative here, is to ensure that there is a democratic process that engages the American people that provides them with the choices that they so urgently need, especially at this time when 50% of Americans do not identify with either of the major parties. Twenty-five percent identify as Democrat, 25% as Republican. So, if the public interests were being served here, one would want to see erring on the side of a more democratic process.

Commissioner Kosinski: Fair enough. I believe Commissioner Casale you had something.

Commissioner Casale: I just wanted to reiterate for the record, this is not a decision made by the State Board of Elections. You're in the right town, but you're in the wrong part of the city. You have to go up the hill to the Capitol and talk to the State Legislature. They set the rules, and we administer them as fairly as we can, and that's the fact of life. So, you should take your argument where it could possibly be effective.

Mrs. Stein: Exactly, and we're trying to bring it into the court of public opinion, and we greatly appreciate the opportunity, knowing the limited framework within which this board has to function, we understand that, but given that this is the moment for public comment, we think it's really important that this issue be brought to the public through every possible venue. And we will be pursuing both legislative and remedies in the courts as well.

Commissioner Casale: Fair enough.

Commissioner Kosinski: Fair enough. And I would just reiterate what Commissioner Casale said, we are a ministerial body. I think some of your arguments would be better made in a court of law. I would note there was a challenge to the 45,000-signature requirement when it was first implemented by the legislature and was upheld by the courts, but certainly, you're welcome to raise it again in this context to a judge if you so see fit. But just note for today, we are a ministerial body, our job is to administer the law as written, whether we agree with it or not, frankly. And so, that's our job here today. So, I don't want to engage too deeply into some of these discussions, cause I think they're better addressed to a court of law, if that's your wish, you certainly have a right to do that, and others have done it. Others on today's list may do the same, I might add, that if they disagree with the statute or if they disagree with our decision, they have the right to go to court and to challenge this. I just note that the letter from the Libertarian Party raises some of the issues that you've raised, and I don't know what their intentions are, but as you may have noted in today's list, Libertarian Party had several candidates that did not meet the statutory requirements, not just for presidential statewide candidacy, but also for congressional and assembly candidacies as well. And in large part, those were signature failures, that's in large part what people's petitioning did not meet, I wouldn't call it a technical flaw, I would call it a substantive flaw, in the sense that there is a requirement for a certain number of signatures to qualify for a particular office, and none of these petitions met that threshold. So, that's the basis, really upon which we are ruling here today. And I appreciate your comments and I appreciate your thoughts here today. I have nothing else myself, and I don't think the other commissioners have any other comments? If not, I would entertain a motion, again, I think we'll take these as a whole, because they are all presented to us as one document, unless somebody wants to separate out a particular petition, I would entertain a motion to take the report of the staff as a whole, and rule on them as one document. Is there such a motion?

Commissioner Essma Bagnuola: So moved.

Commissioner Casale: Second.

Commissioner Kosinski: And seconded by Commissioner Casale. Having no further discussion, all in favor aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye. Opposed, nay. I believe that is unanimous, 3 to 0. As far as I know that's all of the business that we have before us here today, unless somebody else has some other business they want to bring before the board. We do have our next board meeting is scheduled for June 27th; I believe. Commissioner Casale, go ahead.

Commissioner Casale: I just want to thank the staff for the tremendous work they did. This is a big effort to get all of this paperwork done to get these reviews made, and the decisions written prior to the meeting. So, I want to thank the staff for the hard work they've done, and I'll now move to adjourn.

Commissioner Kosinski: And I will, of course, second Commissioner Casale's. Thank you to the staff. I'm sure Commissioner Bagnuola feels the same, having been a staff person at a board, all the hard work that goes into these petitions and the challenges, and all the work they do to check and double check, and make sure they're doing a proper analysis of every petition. So, I appreciate that as well. But I have motion to adjourn until the 27th, is that correct? Our next meeting? Is there a second?

Commissioner Essma Bagnuola: Second.

Commissioner Kosinski: Hearing a second, all in favor aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye. We are adjourned.