
Commissioner Berger: I call to order the New York State Board of Elections. Let the record reflect that we have full attendance: myself, Commissioner Berger, Commissioner Kosinski, Commissioner Casale, and Commissioner Bagnuola. The first order of business is the approval of minutes. We have minutes for May 1, 2024, May 22, 2024, and June 13, 2024. Are there any additions or amendments or corrections to the minutes? Seeing none, do I have a motion to approve those three sets of minutes?

Commissioner Casale: So moved.

Commissioner Kosinski: I'll second.

Commissioner Berger: All those in favor please indicate aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. Any opposed? The minutes are approved. We will now have unit updates. We will ask the co-executive directors, Kristen Zebrowski Stavisky and Raymond Riley, III, to please provide Executive updates.

Kristen Zebrowski Stavisky: Thank you, Commissioner. Welcome to all the commissioners, I'm sorry I'm not there with you today, I will give this report. The co-executive directors have worked with staff throughout the agency, as well as coordinating with County Boards and other state agencies on several issues since the last report on our May 1, 2024, Board Meeting. Tuesday's election, the Primary Election on June 25th, went smoothly. As always, we supported county boards throughout early voting and election day. The work to certify that Primary Election continues and the counties will be submitting absentee and early mail voters, voter history, and affidavit information to the State Board that is all due tomorrow, and we will continue to support and assist the County Boards as they complete the recanvass, the 3% audit, and any statutorily required manual recounts. As always, our Secure Elections Center coordinated with our federal, state, and local partners for daily security check-ins. These partnerships continue to grow, and they provide critical support and response for emergent situations. As you are aware, there were text messages sent from an independent company with an erroneous poll site information. This went to voters in several counties throughout the state. Our Public Information Office immediately engaged with the vendor, who issued a corrective text to all voters who had received information and a press release, and we were able to make sure that they in turn directed all of those voters to the trusted source, the State Board or the County Boards of Elections. So, we appreciate the quick work by our PIO unit in alleviating any concerns around that information.

Let's talk about OVR, Online Voter Registration, and Automatic Voter Registration for a moment. Since the May 31st deployment of the State Board's portal, and simultaneously that same day, the New York City portal, 67,738 New Yorkers have utilized online systems to register. 33,144 for New York City, and 34,594 through the State Board of Elections. We continued to monitor the usage and seek to raise awareness so that more residents know about and access the system. The numbers are continuing to rise. We will work on enhancements; particularly within the context of our agency's software that is currently under development. Our goal is to streamline systems to provide the most efficient, effective systems we can for all of our constituent groups: voters, county boards, the general public interested in public reporting, and our governmental partners.

Automatic Voter Registration, our partnership with the New York State ITS continues to implement AVR in the clearinghouse necessary to transfer information efficiently between the State Board, the County Boards, and AVR agencies. We meet weekly. Our technical teams also have a regular meeting cadence. The work is underway, and we are in the final stages of gathering business requirements. We continue our contact with the AVR agencies, including the Department of Labor, Department of Health, the New York City Housing Authority, and the Office of Temporary Disability Assistance. Outreach to SUNY and CUNY is also underway. Our focus right now is on the Department of Motor Vehicles, which is the first AVR agency to go live. We meet weekly with DMV, and they are finalizing their internal project schedule to enable AVR and to connect to our clearinghouse so that registration information may be communicated to and ingested by the County Boards.

We're still on track to complete phase 1 of AVR at the end of Quarter 1, 2025, and we're hoping that phase 2 will follow shortly behind in Quarter 2. We have drafted regulations for Automatic Voter Registration to guide the agencies through this process, and we expect to have those. We're still working out the final draft, and we expect to have those to you shortly, so that we can enable adoption at an upcoming board meeting. I mentioned earlier our integrated State Board and PCFB software solution, MTX our vendor, has been on-site since March and is working closely with Laura Baker and our IT unit to finalize the tech stack, work through the business requirements, and develop the software. A note about Laura, our CIO, as you know we introduced you to her during our May 1st meeting, that was one day before her actual start date. Laura came to us from Schenectady with a wealth of experience, and she immediately hit the ground running, and is working closely with MTX on this software solution, and with NYS ITS on AVR. The entire ITU team is working together with a technical expertise necessary to ensure this software positions us for the future of elections in New York State. So, a big thank you to Laura, to Ben Spear, Hope Hardwick, and the entire team including Shaikh Chirag, Eric, Ryan, and Creighton. Everyone that is, it's really been a joy to see the tech team working together and exploring the solutions that will move us into the next phase of elections, and make sure that we are providing the best experience for New York State.

Space planning – Commissioners, after a six-year process, I am pleased to report construction on the 5th floor is just about complete. We had our final biweekly job meeting with OGS and our vendors, the final punch list items are being addressed, and we expect to move back into that side

of the floor within the next several weeks. So, we can look forward to welcoming you back to the 5th floor Boardroom, hopefully for our next meeting. As you know, our fill level for the 24-25 budget fiscal year was 218. This is a critical point in the growth of our agency, and between the 1st, 5th, and 7th floors, I can say that we finally have the space required to efficiently carry out our duties. Most importantly, the project accomplished our primary goal, which was extremely important to the commissioners, that the agency remain together in one location. So, a thank you to the Division of Budget, and to the Office of General Services for the hard work it took to ensure that we had the resources necessary to complete our mission.

Petitions, with three elections during the Presidential year, we have been processing petitions and ballots, ballot access determinations continually. While prima facie determinations for independent nominating petitions were completed during your last meeting, work on objections for other independent nominating petitions continues. Just a kudos to the staff for the many long hours they are putting in to complete this process.

We continue to meet biweekly with the Division of Budget and the Office of General Services. Unfortunately, Enforcement has been unavailable during our biweekly meeting time. We hope to resume those meetings shortly. We meet weekly with the Executive Branch, and we continue our monthly conference calls with the Election Commissioners Association. Our next call is actually scheduled for tomorrow at 10:00 a.m. We work on training and guidance to provide the County Boards with the resources and the tools necessary to carry out their duties, and we're looking forward to the August 2024 conference, and we will work closely with the Election Commissioners Association Program Committee to draft a robust training program. We continue to meet regularly with state and federal agencies, and our ongoing partnership with the Cybersecurity and Infrastructure Security Agency, which is part of the Department of Homeland Security, we will be hosting with them tabletop exercises across the state from July 22nd to the 26th. We'll have sessions in Westchester, Saratoga, Rochester, and Buffalo, and we're partnering in that with both the local County Boards, their county IT professionals, and any communication professionals they work with in the county. We have over 200 reservations thus far, and they really are a great way to bring the agencies and jurisdictions together to tackle some hypothetical problems that could arise during elections, so that we have all of the tools necessary to ensure that we can respond, and it allows for better coordination and communication.

Presidential year brings a lot of activity. Certainly our Public Information Office has been active on social media, trying to sort of unlock the mystery of elections so that voters and the general public have information of the procedures that we take. They understand that we are the trusted source, and what County Boards do to actually ensure the integrity of every election. There is also increased interest and increased phone calls, they have been fielding all of those. In addition, Operations, and all of the other units, have an increased volume of phone calls assisting county chairs and answering questions. We will continue that work. As I reported last time, we've begun the development for the State Board of Elections training institute established by Chapter 477 of the Laws of 2023, and this directs us to develop a curriculum for the poll workers. We will be working on that once the election is over, we will shift that into higher gear, and we'll really have the Train the Trainer Program so that the counties can certify their professionals, and train

all of the inspectors throughout the state. Our goal is to have all voters in New York to have the same seamless experience and be able to access the polls without issues or complaints. I thank you for your listening and your support, and I would just turn it to Ray to see if he has any additional comments.

Ray Riley: Thanks, Kristen. The only thing I'll add is just, I know you mentioned partnerships with the state and local partners, as well as CISA. Our partners from the federal government were actually with us in the building on Tuesday during Primary Day. We continue to partner with our state and local partners. We have daily touch points during election events. These elections are a team effort. We had a very successful Tuesday, and Early Voting period, and it's in no small part to the staff here. Our partnerships at both the federal, state, and local level, but also the hard work of the County Boards and their poll workers and their staff. So, I just want to add my thanks and my appreciation to all those individuals for their hard work in ensuring our election security and administration.

Commissioner Berger: Thank you both. Commissioners, are there any questions for our Co-Executive Directors? Hearing none, we will now hear from Election Operations, Jude Seymour, and Amy Hild, you're on.

Amy Hild: Thank you, Commissioner. The Operations Unit received and entered ballot access documents related to independent nominating positions for the November General Election. We are, of course, continuing to work with other units to coordinate our communication with the counties in order to provide relevant guidance and to collect data and surveys. Staff is continuing acceptance testing and will continue through at least July and August. Since January, over 22 counties and over 2,000 new voting machines, and over 2,000 machines have been upgraded. We have been working with Counsel and other units on independent nomination objection review and research process. We supported counties in the run up to the June primary elections and we'll continue to work with them on all post-election tasks. We're currently compiling voter history and collecting their absentee, early mail, and affidavit data for the statewide match, which will be completed this weekend in time for affidavit canvassing to begin on Monday.

For voting systems – One of our voting system vendors have submitted for a part, that is currently in testing with our federal testing lab.

For voter registration systems, during our last report we did mention that one of our voting registration vendors had announced that they would be discontinuing service by the end of the year. So, we've been meeting with them weekly, and with counties who currently use that system to coordinate the transition to a new voting system vendor. At this point, we have six counties transitioning in July and August, and the remaining two will be transitioning in December. Operations has been working successfully with our ITU and others to ensure a smooth transition for all of the counties before the November election.

For electronic poll books, KNOWiNK requested that the State Board review a software and hardware package that will allow counties a solution to update 32 e-poll books simultaneously.

Staff of both Secure Elections Center and Operations participated in a demonstration and review of the poll sync solution, its documentation and related security practices. We have determined the solution is de minimis in nature, would not negatively impact the functioning of approved configurations, and is allowable for use by counties. As part of our review, our team put forth requirements for the installation and operation of the poll sync solution, which counties must follow when using the poll sync system. Then last week, KNOWiNK submitted version 3.6 for testing. However, Operations was not able to begin testing of the new software until Apple first approved the application from their end, which has now occurred this week, which will allow the testing process to begin and move forward.

Commissioner Berger: Thank you. Jude, do you have anything to add?

Jude Seymour: I have nothing to add; thank you very much Amy for our report.

Commissioner Berger: Thank you, both. Moving onto Counsel and Compliance Brian Quail, and Kevin Murphy, I'm not sure who's going first.

Brian Quail: I'll go first. So, the Compliance Unit has been very busy with the MTX process, working obviously with ITU, and PCFB as Kristen and others have mentioned, that has consumed a great deal of the team's time and energy on that work. The Compliance Unit has also worked closely with the Operations Unit in gathering data from the County Boards of Elections, have identified 157 local candidates as being in the Primary, who are not otherwise indicated by having filed committee registrations with the New York State Board of Elections. Also, has been mentioned, the petition review process was rather large with independent nomination petition that is under view has occupied the vast majority of the staff's time since the 11th of June and continues to be. Also, I would just want to point out that the staff and Compliance Unit are working on the 4th Quarter deficiency referral, which we are going to review at this point, there are 257 deficiencies. The total number of deficiencies referred to date is 4,333. The Compliance Unit has reviewed since 6/26/2024, 2,925 filings, bringing the total number that has been received now at 242,444; so we are approaching the quarter million mark. And since the last board meeting, the Compliance Unit has registered 299 candidates and sixty-three committees. The Compliance Unit has also completed 29 treasurer registration renews, and 178 committee records have been terminated along with 1,921 candidate records.

In the Counsel Unit, there are a number of cases that are still pending and at various stages in litigation process. On May 30th, the line-warming case dealing with the constitutionality of 17-140 culminated in a district court decision that the application of 17-140 line-warming was unconstitutional. We have pending still on a motion to dismiss, in federal court, in the eastern district, the Castronuova vs. New York State Board of Elections case, and in that case the court prevailed on the plaintiff's motion to preliminary injunction. Preliminary injunction was denied, but the case itself is still alive. Also, we have two cases regarding, actually excuse me, one case regarding the constitutionality of our independent nominating processes in federal court, brought by Team Kennedy. As the New York State Board of Elections, that case was filed in May, but we have not been served yet. In the Byrnes case, related to the ballot proposition that the

legislature passed to go on the ballot this year, the Fourth Department reversed the Supreme Court and held that the question should go on the ballot.

In terms of ballot access cases, we have stemming from the Board's last meeting, one challenge for determination thus far in the form of Scott Lewis vs. New York State Board of Elections, dealing with his congressional petition, and that is an Order to Show Cause, returnable on Friday, tomorrow. We also have two invalidating cases with respect to the Robert F. Kennedy independent nominating position; one is in Dutchess County, and one is in Nassau County, and motions to consolidate venues are pending in those cases. Longstanding, we have the Stefanik case that the Department recently upheld the Early Vote by Mail constitutional, an appeal is pending in the Court of Appeals which has taken the case, and there's a briefing scheduled in that case. I think it will be heard quite soon. And similarly, in the third department, not in the court of appeals, the Amedure case is on appeal, and briefing there will culminate in that case being heard on August 15th. We just heard that yesterday. Then longstanding, outstanding, we have the Upstate Jobs Party case still pending in the second circuit and the Schmidt case still pending in the district court. That's the case in which the statement of witness in the independent nominating petitions held to be too constraining on the constitutional rights of nonregistered voters to circulate petitions. And we have been implementing a preliminary injunction order in that case to provide for an alternative independent nominating witness statement for persons who are not registered to vote.

And in the voting machine realm, the Common Cause case, where the Board's approval was upheld, there is a motion practice still occurring and appeal has been taken but not perfected. And that's where we're at. Kevin, do you have anything to add?

Kevin Murphy: Only to express the same appreciation previous speakers have mentioned for the continued hard work from the entirety of the staff, relating to the review of the specification of objections for the Kennedy petition, it's obviously a pretty massive undertaking and we're just very appreciative that they have been working so hard on it, and hopefully, we'll be done with it and have it behind us sooner rather than later, but that's all I've got, thank you.

Commissioner Berger: Thank you both. Now we'll hear from Enforcement, Michael Johnson please.

Commissioner Casale: Hold on. May I ask a question?

Commissioner Berger: Please.

Commissioner Casale: This so-called line-warming case. By the way, I stopped at my voting place on Primary Day, no warming was necessary. Anyway, what's the status now of that, as far as it affects the County Boards, and affects the operations?

Brian Quail: In the, the case itself, it deals with the provision of sustenance and drinks and things like that to voters who are, and potentially others, but the way we've interpreted it, in proximity

to the 17-140 of the Election Law basically, the long-standing provision of the Election Law was sort of designed to sort of prevent carnival-like atmosphere surrounding poll sites. You know, in antiquity, there are several other sections of the law around it that ban for example electioneering within a hundred feet of the polling place. Those other provisions of the law also include giving consideration for the franchise are still very much enforceable and in effect. But the 17-140 states then that it would have been deemed in the past to preclude someone from providing drinks or a piece of pizza or something like that, as they're in line waiting to vote. The court held that that was expressive conduct, and that the state did not have a narrowly tailored basis to circumscribe that conduct in a way that 17-140 currently does. So, I think where it leaves us is, it leaves us still with the other provisions of law that deal with electioneering and consideration for the franchise is still very much in effect, and I think it leaves the legislature in a position to look at the decision the report rendered, and determine whether or not, and how, they would like to amend that section to more narrowly tailor it, and provide for the intent of the section. Because I don't think anyone who reads that section would think that it's well written. It has been cobbled together over multiple amendments, over a very long period of time, and I think fundamentally, it's a specific thing that was regulated by the 17-140, 17-142, and 17-144 provisions, I think it is in the legislative realm at this point.

Commissioner Casale: What would the effect be to this coming November? Because obviously, the legislature is not going to act before November.

Brian Quail: The theoretical impact for November is that line-warming activity could occur.

Commissioner Casale: Now, say in line waiting to vote, does that mean within the 100 feet or only outside the 100 feet?

Brian Quail: I think it would be applicable within and without the 100 feet. But to extent you have conduct that would impose the line-warming and electioneering, electioneering would still be banned within 100 feet.

Commissioner Casale: So, someone would pass out a bottle of water and say, "Would you like the bottle of water?" that's one thing. But if I said, "It's a bottle of water and by the way John Smith provided the water to you, and he's running for Town Council".

Brian Quail: That would be problematic. We have opined when you provide something that has the name of a candidate that's on the ballot, that's within 100 feet of, that is in and of itself is electioneering.

Commissioner Casale: Well, my concern is if I'm in line waiting to vote, let's say, I'm just at the door, within 100 feet, and handed a bottle of water, I grab a cookie or something, are people allowed to carry it inside the polling place? It's going to cause a lot of confusion, and a mess, if people are allowed to eat while they're voting. And that's what I'm concerned about.

Brian Quail: I actually have to be honest with you, I have not considered the actual consumption...

Commissioner Casale: Well yeah, some of these voting polls are very small, I mean it's just going to be a total nightmare for these inspectors to keep things neat and orderly.

Brian Quail: I think the good news is, I mean, we don't know exactly what organizations will take up this line-warming activity, but for the most part, in most places, there isn't a lot of line-warming that's necessary in New York. We have a very good record and most places at most times have a very, very low wait time for voters. There are some exceptions, and they are significant where the activity might be more likely to occur, and in a theoretical sense be more necessary, and working through the logistics of what will happen, I think it's something we really should be looking at, as we move into November and document exactly what happens, to the extent that the point it could be a legislative redress in this, I think it would be important to see what actually happens.

Commissioner Casale: Alright, fair enough.

Commissioner Berger: Michael Johnson, can you give us an update on Enforcement?

Michael Johnson: I can give you folks an update with where we are in regard to our mass filing, court documents for our non-filers. We proceeded service of approximately 176 non-filers. Out of that 176 approximate number: 137 were served, two were not served because we confirmed they were deceased, five were not served because it was out of the scope of the contract, which does not allow New York process service out of state, and the interesting thing is the rule requires that the bank needs to be in New York, not the treasurer. So, what we need to do, is in looking at that contract, make certain that it is written in such a way to utilize it to serve the people who are out of state right now, like I said the contract doesn't allow for that. We also have 32 who were not served because we could not locate the treasurer at the address of record. Additional due diligence will continue to see if we can locate those individuals, and we'll also go to court to seek a discontinuance without prejudice in the cases we haven't located the individuals, we will continue action. Again, as far as settlements go, we've gotten 11 fully settled, 10 settlements waiting for papers to be signed, and there are 20 we're negotiating for failure to file in order to settle. Some of the committees, like twenty plus committees, were administratively terminated after we commenced the actions. So, we're working with those folks in terms of just because your committee is terminated, does not relieve them of the Enforcement action and I still may need you to make your filing, so we're working with those committees on that. And we're doing the outreach to attempt to get these individuals to cure their failure to file. We hope to have that done pretty much within the next two weeks. And as far as moving forward is concerned, there are 84 of the non-filers who did not appear in court, attempted a cure, or reached out in response to come to some sort of settlement. So the respondent's deadline to file opposition papers is the 31st of July. Our deadline to file reply papers for a return date, which is the 9th of August. Depending on the progress between now and the end of next week, we may request from court an adjournment to push this out a little bit further, so we can figure out where

people are in terms of trying to cure or what further steps, we need to do. If we have not been able to cure, then we will be preparing judgement papers against the remaining individuals. So, that's where we are with that, and as far as cases go, we've got a whole bunch of cases that I will speak to when we have our discussion.

Commissioner Berger: Thank you, any questions? Seeing, none, we'll move onto NVRA and PIO, Kathleen McGrath, Jennifer Wilson.

Kathleen McGrath: Good morning, commissioners. To start with our general public information functions, since the most recent board meeting when we had unit updates on May 1st, we received 339 FOIL requests and we have filled 327 of them, that leaves 12 remaining outstanding and in process during that time. As I reported the last meeting, we had really ramped up FOIL fulfillment during the designating and independent nominating position period, and hopefully that is settling down slightly, but we're still responding in good time for those. PIO has been very busy updating both the State Board and PCFB websites. We're continually publishing updated information since our last meeting. We've published things like our ballot determinations and certification, our certified results to both the Presidential Primary, and the April 30th Special. We've added a new NVRA site coordinator's page, updated HAVA determinations, worked with IT on sample ballots in the voter lookup applications, the election night reporting site for just a few days ago, and updated board meeting information for both today and past meetings. On the PCFB side, we published public fund payment documents, as well as provided a new enforcement determinations page, and the revised program calendar and board meeting information as well. We continue to work with our outside vendor, as well as with ITS, to ensure our website meets and exceeds the standard for accessibility.

In terms of County Board outreach, PIO has worked to ensure that the federal surveys related to both the Presidential Primary and the June Primary, were completed and submitted to the State Board in a timely fashion. We ensured that our County Boards uploaded their early voting and poll site information for the Primary, and now we are beginning our reach out to them in terms of making sure all their voter histories are uploaded properly post-election. Both Dawn Metzler and Dan Toomey have been very busy conducting county visits. In fact, since our last update on May 1st, they visited seventeen County Boards, included a big sweep of western New York and the southern tier, as well as a trip through the North Country. On each visit, they go over multiple NYSVoter reports, and review processes and procedures performed by the County Boards. They also talk to them about grants, and their requirements under NVRA. We designed and printed materials, posters, and postcards that we've distributed to the County Boards for them to distribute including voter registration options, election deadlines, and poll recruitment worker postcards. Of course, we continue to engage with the County Boards on the Civic Roundtable platform.

For NVRA, Dan Toomey has one agency training scheduled for August with the Department of Health (WIC) and two scheduled in September with the New York City Department of Social Services Human Resource Administration. He continues to reach out to a number of other agencies to ensure they are properly reporting and documenting their NVRA requirements. And

we do have a new page on our website specifically for resource materials for those NVRA site coordinators within the agency.

In terms of our public outreach, we've been very busy with traditional media. Since we last spoke, we issued two press releases since the last board meeting; one was PCFB authorizing its first matching funds payments back in May, and then as Kristen alluded to earlier, and I'll mention a little bit more in a moment about warning voters about those text messages with incorrect polling places. On top of that, we responded to inquiries and sat for interviews regarding a huge variety of issues, including Primary Election ballot certification, those independent nominating petitions and the objections received specifically those related to US President, Congress, prima facie determinations for the General, campaign finance issues, voter technology questions, felon voter rights, and detailed early voting numbers for the Primary. On the PCFB side, we've been responding to a number of inquiries related to payment dates, matching funds recipients and amounts, and contribution verification and audit processes.

Under our social media, our Fun Fact Friday series recently taught followers that the beaver is the official state mammal of New York State and introduced our new friend Ballot the Beaver as the State Board mascot as part of our 50th birthday celebration. We also ran a "finals week" series in June at the end of school which gave five days of questions and answers under different school subjects, answering questions about elections in New York State. We've been active on X/Twitter, Facebook, and Instagram – publishing 16 tweets and posts on all of those sites. We've increased our engagement, as well as our numbers of followers on all three of those platforms. In addition to the Fun Fact Friday and finals, we had posts about board meetings, pre-registration, early voting for the June Primary, Primary Election Day information, and today's board meeting.

Our constant contact e-mail service continues to grow. We've actually grown 5.4% since last month's board meeting. Now, we have a total of 2,350 subscribers, and we've sent out 3 blast e-mails since May 1st, celebrating our 50th birthday, a PCFB program update, and then June Primary information and deadlines.

As Kristen did mention earlier, in terms of mis and disinformation earlier this week, we certainly had our experience with misinformation. As she mentioned, the national grassroots "get out the vote" organization sent text messages to New Yorkers with June Primary poll site names, addresses, and even a photo of the site. But, unfortunately, many of these sites were incorrect and caused much confusion. After we heard reports from several County Boards, the State Board jumped right in to take swift action to address the issue. We crafted and disseminated a press release as well as social media information, encouraging people to go right to the State Board's voter lookup or their County Board. We communicated with the County Boards, and we also made direct contact with the organization to make the text messages stop, to ask for a remedial text message to be sent out and determine the cause and scope of the problem. I am pleased to report that the organization did admit fault and apologized. They did send out that remedial text to their entire distribution list, and they even posted their own press release on their own website directing to the State Board. So, media across the state picked up on the story, and while this

particular incidence did not appear to be nefarious, this shows how quickly misinformation spreads and the confusion and harm it can cause.

Commissioner Kosinski: Kathleen, do you know how many of those went out?

Kathleen McGrath: How many bad text messages or how many total text messages? I have not gotten an updated number from the CEO of the company. I do know they sent their entire distribution list to about 140,000 text messages, some of them got the correct poll site information, but there was a scattering across a number of counties where it was a data sort issue, but they did send the remedial test to all 140,000 folks that they had originally texted.

Commissioner Kosinski: But you don't know how many bad ones went out.

Kathleen McGrath: I do not have that number, no.

Commissioner Casale: Did we determine who they are and why they're doing this? Is this on behalf of the organization? Did somebody hire them?

Kathleen McGrath: This is an organization that's a national grassroots effort, their goal is to increase voter turnout. So, they were providing people on their distribution list what they thought was good information.

Commissioner Casale: It's a "Turn Out To Vote" effort.

Kathleen McGrath: Yes, it's a GOTV campaign, national, in New York they had sent out what they thought were helpful texts to direct people to their polling places for the June Primary, and a certain percentage of those went...

Commissioner Casale: So, it wasn't a particular party, particular candidate, it was just a general...

Kathleen McGrath: It's an outside group, correct. It wasn't on behalf of...

Commissioner Casale: ...just to get the...

Kathleen McGrath: Yes. My conversation with the CEO was quick, he responded to an e-mail very quickly. And they did immediately cease text messages, they did send out the remedial apologizing, taking ownership of it, and directing people right to Voter Lookup on our website, and as I mentioned, they did post a press release on their site as well, which complemented ours that we had put out. While it wasn't the most pleasant experience, I guess it was a good and effective dress rehearsal for any future issues, and this is what we're always standing guard on in PIO, particularly because even when the intent is not bad, I don't ever want to speculate on intent, the effects can be to cause confusion and harm voter turnout. So, this summer, we have social media campaigns planned to provide facts about elections and voting. The first one will be

about voting technology and the testing involved in their certification and use. So, that continues our process. Our coordination with the National Association of Secretaries of State about their Trusted Info 2024 campaign, and hopefully we won't have to experience this again.

A couple miscellaneous items before I pass over to Jenn. The entirety of PIO staff has been reviewing those independent nominating petition objections to ensure the work of the agency is done in a timely fashion. For cybersecurity, at the recommendation of our Secure Elections Center, Jennifer and I are completing a 28-hour SANS Institute cybersecurity training to help us to best understand the technology that we are dealing with, and especially in the midst of disinformation space. And at the very tail end here, I would be remiss to log this report without thanking the New York City Board of Elections and their mascot Ellis, the Pidgeon, for sending us a cake today to celebrate our 50th birthday. So, thank you to the New York City Board, Ballot the Beaver appreciates it. So, on that note, I'll send it over to Jenn to talk about money.

Commissioner Bagnuola: Thank you. Can I just ask one question about the grassroots? Do we know where they received their information? Like the distribution?

Kathleen McGrath: They got it from the State Board, and they missorted it basically, and that's the problem with data manipulation. It was human error is what the company described to me. They did get correct information, but a human error in data sorting. You know, if you sort wrong columns, and that's what made it obviously wrong. It wasn't sending me to a polling place like two blocks, like people like in Suffolk got a polling place in Rochester, but I'm like mixing up the details, but they were very obviously wrong on some regards, and it was a human error.

Commissioner Kosinski: But they were targeting certain groups from what you're saying because they only sent out 140,000.

Kathleen McGrath: I think it's a progressive organization, and so I don't know what they use for their matrix of who they sent it out to.

Tom Connolly: The only thing I would add is that, as far as the information that we give out, we give out information on poll sites. An organization like this, and there's lots of organizations, when I was in PIO, I would often find websites that gave wrong information about who was on the ballot. It's always a struggle of making sure that they're getting the right information out there. Obviously, we're not giving out people's cell phone numbers, so they're usually also combining multiple lists, and trying to make like a holistic thing that they can send out these. That's one of the reasons why at least with the poll site information, we also provide that information from the state to the Voting Information Project, which is an entity that through the Google Civic API and feeds most of the major social media platforms, so at least we know that if you're going to Twitter or X or Facebook or on Instagram, it's asking you to check where to go to vote, they're actually getting that data straight from the State Board.

Commissioner Bagnuola: And it's updated?

Tom Connolly: Yes.

Kathleen McGrath: Any other questions? Jenn?

Jennifer Wilson: Good afternoon, commissioners. Since our last board meeting, the grants team has had contract extensions to County Boards that have remaining funds on our absentee technology innovation, election resource, HAVA cybersecurity, electronic poll book, early voting extension, early voting extension, age to locality, HAVA shoebox grant. Counties need an extension to spend down those grants. The good news is we do not have too much remaining in those. They are doing a good job in spending those down, the one that has the most left is their absentee listed 31% remaining, but the rest are quite low around 20% or less. That's great. We sent out approximately 150 extensions and we've already been receiving those extensions back. While we were revising our existing grant contracts for the new extensions, we were also able to get approval from the Office of General Services to align the end date for all of our grants. Previously, each of these grants had a different ending, some of them ended at the end of the calendar year, some had an arbitrary end date, some ended in March, and we were able to align them all to end at the state fiscal year, so that counties have more time to spend on them, and they're not going to be wondering if they get the approval from the budget. They'll have plenty of time to spend them at the end of the fiscal year. Easier recordkeeping for us, easier record keeping for the State Board.

For our new grants, in June we drafted contracts and documentation for our community grants that is our electronic poll books, mail ballot, and 2024 General Election grants. Those proposals were submitted to the Office of General Services so they can be approved and reviewed by the Office of the State Comptroller. We're still waiting for final approval for those proposals, but we have sent the preliminary information and tentative budget, allowable expenses. and contract terms to the County Boards, so they can correct their budget planning. We expect to have approval soon, and we'll be sending letters to the Division of Budget and Assembly Ways and Means, Senate Finance committees, describing the final approved programs once the Comptroller signs off, we are required to do that for the statute. So, we will keep you posted, hopefully by the next board meeting, we'll have the final approval, and we'll have a lot of details for you, but that's all for today. Thank you.

Commissioner Berger: Any questions? Seeing none, we'll move onto ITU now that you are fully settled in and you know everything that's going on, you can update us.

Laura Baker: Thank you very much for that vote of confidence. I want to thank everyone for the welcome that I've received upon starting at the Board of Elections, roughly 2 months ago. I'm excited to join the Board and continue on this journey with all of you. Starting, one of the first initiatives was to evaluate internal controls, policies, and procedures that were already in place. and in conjunction with the Secure Elections Center, we have started drafting changes to the existing policies, and we've initiated a few changes within the internal controls. Currently, ITU is conducting a refresh of our network infrastructure, and the architecture that currently exists in support of the future goals that the Board of Elections has in its digital transformation journey.

We are also, as Kristen pointed out, supporting the Automatic Voter Registration project, Public Campaign Finance Board project. We've identified internal subject matter of experts within the unit that are now dedicated and focused to those two projects, ensuring that they complete on time and are successful. The staff in both of those units has started some in-depth training in the new technologies, and while still maintaining the current state of our existing applications. We are providing, obviously, support in moving all of the units to their new homes on the 5th floor, or wherever they may be. We also successfully launched an update to our NYSVoter system, in order to make looking up of voter signatures faster and more efficient, in order to support PIO and Legal in their spec review. The Secure Elections Center, to second what Ray mentioned earlier, we also would like to thank the Cyber Infrastructure and Security Agency for being here in person on Tuesday night to show their support for secure elections. We also, as Kristen mentioned, we're putting together the final touches on the roadshow that will take place in July, with the four municipalities you mentioned, with 214 attendees right now, and we would encourage anyone who hasn't registered to reach out to the Secure Elections Operation Center to get more information. I'm very short.

Commissioner Berger: Thank you. Thank you all for offering your reports and thank you to the entire staff for the work you are doing. I believe we have no old business, so let's proceed to new business. The first item of new business is Public Campaign Finance certification of the maximum General Election 2024 funds by the State Board of Elections. This is Resolution 24-12, and would the co-executive directors please provide the background for this resolution.

Kristen Zebrowski Stavisky: Yes, thank you, Commissioner. As you know, the Public Campaign statute requires that the co-chairs of the New York State Board of Elections certify the maximum funds for each election event. This amount would be, if all program participants by party get the maximum amount. And this is using a formula moving forward from the Primary, only one candidate moved forward, and that's the max number of participating candidates, and then they are assumed to receive the maximum for office sought. If a program participant is unopposed, no funds would be given out. So, this resolution, and I know you've been given backup materials, provides a ceiling of funds for Senate candidates of \$27,375,000 and the ceiling for Assembly candidates, \$23,275,000. I don't know if Ray wants to add anything or if you have any questions.

Ray Riley: I have nothing to add.

Commissioner Berger: So, the resolution is 24-12 and it reads, but now that perfect resolve the co-chairs of the State Board of Elections certify the \$50,650,000 is necessary for funds of payments pursuant to Title 2 of the Election Law. I will move that resolution, co-chair Kosinski, do you second it?

Commissioner Kosinski: I can, I guess I have a procedural question. Does the full Board approve this or is it just Henry and I that do this?

Commissioner Berger: Just the two co-chairs.

Commissioner Kosinski: So, we just sign a document, it's done?

Kristen Zebrowski Stavisky: Just the co-chairs vote, Commissioner Kosinski, yes, it's not the full Board.

Commissioner Kosinski: So, the two of us actually vote on this and then we sign something after we vote on it? Is that fair to say?

Ray Riley: I don't know if there's a written component necessary.

Commissioner Kosinski: So, there's nothing else we do. We just do this right here, but we do it at a board meeting for some reason, even though the rest of the Board isn't involved?

Ray Riley: Yes.

Commissioner Kosinski: Hmm, okay.

Commissioner Bagnuola: Can I just point out that the two amounts do not match and when we vote the resolution, can we just fix that?

Commissioner Kosinski: Yes. That's a very good point, I didn't even notice that, but there's a \$500 discrepancy there. Which amount is correct?

Kristen Zebrowski Stavisky: Are the directors of the Public Campaign Finance there? It could just be an addition problem.

Commissioner Kosinski: Yeah, they are. Cheryl.

Kathleen McGrath: The one with \$500 on it is correct one.

Commissioner Kosinski: So, the "therefore" is incorrect?

Kathleen McGrath: Correct.

Commissioner Kosinski: Cause the therefore needs to be corrected to include the \$500. So, do you want to move the amended resolution?

Commissioner Berger: Yes.

Commissioner Kosinski: Okay, and I'll second it.

Commissioner Berger: Any other questions or discussion? Let's proceed to a vote. I vote aye.

Commissioner Kosinski: I'll vote aye, as well.

Commissioner Berger: The resolution is adopted.

Commissioner Kosinski: Good job, Henry. I'm just speculating, but we could do this outside the board meeting if we had to sometime, because I don't know why we need a full board meeting for something just Henry and I are doing.

Commissioner Casale: We like to watch.

Kristen Zebrowski Stavisky: Commissioner, we could have Counsel review that if you'd like.

Commissioner Kosinski: Yeah, would you mind? That'd be great. I don't want to waste the Board's time for something Henry and I are doing, that's all.

Commissioner Berger: The next item is the Fair Campaign Code complaint, dispositions, and the Counsels' recommendations. I'll ask Counsel to provide the overview of these items.

Kevin Murphy: I can do it. Thank you, these three complaints were lodged with the Board alleging certain violations of the Fair Campaign Code. Following review of the submitted materials, Counsel's office determined that these complaints did not rise to the level of an actual violation of the Fair Campaign Code. The information provided to the Board, as well as the Counsel memorandum with our recommendations, have been provided. All three, the recommendation of Counsel's office would be to move and close these complaints without holding a hearing, as no permutation of the facts alleged a sustained Fair Campaign Code violation. I'm happy to go into a little more detail about the three but, at this point, the recommendation would be to close all 3 complaints.

Commissioner Berger: Thank you. Is there a motion to adopt the Counsel recommendations in these three matters.

Commissioner Bagnuola: So moved.

Commissioner Casale: Second.

Commissioner Berger: I got a motion, I hear a second, any discussion or questions? None? Let's proceed to a vote. All those in favor, please so indicate aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. Any opposed? The motion carries unanimously. And since there is no further immediate new business, so I will take a motion to go into Executive Session to discuss...

Commissioner Casale: So moved.

Commissioner Berger: Enforcement matters. Is there a second?

Commissioner Bagnuola: Second.

Commissioner Berger: Is there any opposition? Seeing none, we will now go into an Executive Session for the purpose of discussing an Enforcement matter, and if there is any action taken, we will come back into public session to report any action. I would anticipate adjourning immediately thereafter. For now, go into Executive Session, please.

We have reconvened in public session.

During the Executive Session, on the request of Enforcement Counsel pursuant to Election Law 3-104 sub 5D, on a motion to nominate E012024. The New York State Board of Elections authorized the referral of a matter to prosecutorial agencies. The vote in Executive Session was unanimous. There being no further business before the Board at this meeting, I will entertain a motion to adjourn.

Commissioner Casale: So moved.

Commissioner Berger: Second? All in favor please indicate aye.

Commissioner Bagnuola: Second.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. The motion is carried; the New York State Board of Elections meeting is adjourned and the meeting of the PCFB will begin momentarily. Thank you, all.