
Commissioner Kosinski: Good afternoon, I'd like to welcome everybody to the meeting of the State Board of Elections. I'm Peter Kosinski. Joining me today are my fellow commissioners, Henry Berger, Tony Casale, and Essma Bagnuola, and our staff. So, we open up today's meeting first as a Board of Canvassers, and we have to certify the Primary Election results for the June 25th Primary Election. We have before us the results of that, and I think these probably are the election results. So, we have several. We have a document that the staff have provided us with several contests around the state that were crossing county lines. These are the ones we're certifying. I would entertain a motion to certify those election results.

Commissioner Berger: So moved.

Commissioner Casale: Second.

Commissioner Kosinski: Any discussion? All in favor, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Anyone opposed? That is carried unanimously. And that is all the business we have before the Board of Canvassers, so we will go out of the Board of Canvassers and come into session as the Board of Commissioners. Our first business is the proposed minutes from the June 27th meeting. And again, I'd entertain a motion to approve.

Commissioner Casale: So moved.

Commissioner Berger: Second.

Commissioner Kosinski: If no discussion, all in favor, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Any opposed? Those are also approved unanimously. Our next piece of business to come before the Board are the ballot access determinations. We have a report again

from the staff. We have two petitions. These are independent petitions we're talking about now, and there were two petitions that were objected to here at the Board: one is Mary Finneran for Member of Assembly. There was a declination that was challenged. The other is the independent petition of Robert Kennedy. The staff recommendation on both of those is that the declination is valid, and the petition is valid. I'll entertain a motion on those if anyone wishes.

Commissioner Berger: So moved.

Commissioner Kosinski: And a second?

Commissioner Bagnuola: Second.

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

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Opposed? And that is unanimously carried. We will now move onto unit updates. We have Kristen Zebrowski Stavisky and Raymond Riley who will be presenting the Executive Directors' report. I don't know which one of you wants to go.

Raymond Riley: I'll take this one. Good afternoon, Commissioners. The Co-Executive Directors worked with staff throughout the agency, as well as coordinated County Boards of Elections and other state agencies on several issues since the June 27th board meeting. I want to start by talking about some New York State tabletop exercises. Last week, the State Board, partnering with the Cybersecurity and Infrastructure Security Agency, organized tabletop security exercises with the County Boards of Elections and county governments throughout the state. These exercises provided our County Boards with an important opportunity to interact with their state and federal partners, and the ability to continue to collaborate with their county governments. We also provided them with the opportunity to learn and interact with each other, not an easy task given both the size of the state, as well as the difficult schedules we all face, especially in a year as busy as this. We held these events in Westchester, Saratoga, Onondaga, and Erie. We had hundreds of attendees and close to full participation from all local County Boards. This event was a resounding success. I want to thank federal, state, and local partners for their participation and coordination. Additionally, I want to thank the staff here at State Board for their work. These events take months of planning, and as always, our team rose to the challenge. In the coming weeks, the State Board will be partnered with the Executive Chamber to conduct a similar exercise with our state partners. Our top priority for 2024 is a safe and secure election event.

Regarding OVR and AVR, since May 31st of last year, deployment of OVR for both the state portal and the New York City portal, 93,339 New Yorkers used the online portal to register, 41,685 for the City and 51,654 through the state. This represents roughly a 37% increase in the last 30 days. So, online voter registration is picking up as we approach the 2024 General. We continue to monitor usage and seek to raise awareness, so more residents access the system. As I said, the numbers utilizing OVR continue to rise. We continue to work on enhancements to the system, particularly within the context of the agency-wide software currently in deployment. Our goal is to streamline systems to provide the most efficient effective systems for all of our constituent groups: voters, County Boards, the general public interested in public reporting, and our governmental partners.

In terms of Automatic Voter Registration, our partnership with New York State ITS to implement AVR and the clearinghouse necessary to transfer information efficiently between the state, the counties and the agencies continues. We meet weekly. Our technical teams also have regular meeting cadence. The work is underway, and we're in the final stages of finalizing business requirements. We continue our contact with AVR agencies. Phase 1 remains on track for Q1 of 2025, with Phase 2 scheduled to deploy Q2 of 2025. PCFB-SBOE integrated software, MTX has been on site since March, and working closely with Laura Baker and our IT unit to finalize the tech stack, work through business requirements, and develop the software. MTX has already scheduled demos for executive review this week, so that work is moving quickly, and we look forward to continuing our partnership with them.

In terms of space planning, I am proud to report that space planning project is officially complete as evidenced by the fact that we are back in the boardroom. Staff moved into their spaces, and we once again want to thank DOB and OGS for all their hard work it took to ensure that the State Board has the space and resources necessary to complete our mission.

With reelections during the presidential year, we have been processing petitions and ballot access determinations continually. Ballot access determinations for today's meeting involved the herculean effort by the staff, having to work a petition of over 145,000 signatures, twice, due to two separate specific objections filed. As always, the staff rose to the challenge and completed the task in a diligent manner.

For ongoing meetings, we continue a biweekly meeting scheduled with the Division of Budget, and the Office of General Services. We continue to meet biweekly with the Executive Branch. The Co-Executive Directors and staff continue on monthly conference calls with ECA of the State of New York. The Division of Election Law Enforcement has not met with SBOE executives since March 6th. Our biweekly meetings remain on the schedule and the Co-Executive Directors look forward to their resumption, and we continue to work on training and guidance to provide to County Boards with resources and tools to carry out their statutory duties. We look forward to the August 2024 ECA Conference, and the staff has worked with the program committee to draft a robust training program for that conference. So, over to Kristen if she has any additional comments.

Kristen Zebrowski Stavisky: I would just reiterate what Ray said about the tabletop exercises. It was an amazing experience across the state, and I will say that, in 2018 when we first did this, I was on the other side as Commissioner in a county, and I remember being a bit overwhelmed. But it's really wonderful to see years later, we are building a foundation of knowledge for elections and security, and the Commissioners are much more comfortable with all of these terms. All of our partners were wonderful, but in particular, DHSES – the Department of Homeland Security for the State – and the State Police. It was really wonderful to see the way they were interacting and their openness, and all of them said, “A call to any of us is a call to all of us.” There's a real good partnership. The only other thing I would add is that the Executive Chamber and OGS have also offered through OGS Media some resources for us to amplify our most important message this election: that the State Board and the County Boards are the trusted source for election information. So, that's helpful and as Ray said, we will be doing that tabletop for them, just to make sure the entire state stands at the ready to make sure the election is smooth and safe, and we feel very good about that going into this Presidential General.

Commissioner Casale: You're fairly comfortable that the counties are really on board now?

Kristen Zebrowski Stavisky: I am. I am, and I think when you first come into this, if you look at, first of all, we have a lot of new Commissioners, but you look at the last 15 years, and to say there's been a sea change in elections doesn't even really cover it, right, because you have some people who went from a lever machine to scanning, tabulators, but also having to really look into all of these cybersecurity issues and understand how everything works, and I think they are all really rising to the occasion.

Commissioner Casale: For the most part, the relationships between the County Boards of Elections and the IT Director of each county is pretty solid, do you think?

Kristen Zebrowski Stavisky: Yeah, because of us, I believe, because of what we have done to really create that relationship, but before Ray and I were here that started. And I think there's a lot in 2018, I remember Tom saying to me, “Oh you came with your IT.” A lot of people didn't even know their IT department in the county before that point, and now to see them coming together; we expanded it to Emergency Services, which I think was excellent. The participation from all of those people at these tabletops was great. The Emergency Services saying, “Hey, let us know when things are happening because we can help you too,” and that was really nice to see.

Raymond Riley: In terms of the IT, I would say the two groups that we saw the most of the last week were obviously County Boards of Elections and the County IT Departments. So, they are taking that partnership seriously on both sides and collaborating pretty well. And again, our IT Department does a lot of interaction with County IT as well as the County Boards. So, it's been going very smoothly.

Kristen Zebrowski Stavisky: And our staff was fantastic. I mean they literally went across the state for four days, it was a lot, it was tiring. We walked into every room, and everything was done, set, smooth, so I can't say enough about our staff.

Commissioner Kosinski: Anything else for the Executive Directors? Okay, we'll move onto the Election Operations, Amy Hild and Jude Seymour.

Amy Hild: Thank you, Commissioner. So, during this past month, we have received declinations and substitutions post-Primary Election. We have continued to work with other units and the County Boards coordinating our communication with counties to provide relevant guidance and collect data for surveys. Our staff is continuing acceptance testing and will continue: we're scheduled through the first week of September. And since January, we have an updated number for you, we've visited 25 counties and over 4,100 new and upgraded machines for acceptance testing. After the Primary, we did compile the voter history for absentee, early mail, and affidavit for the statewide data match and provided that...

Commissioner Kosinski: Amy, can I just stop you there for just a second? You said you're looking at new voting systems that counties have purchased.

Amy Hild: Yes.

Commissioner Kosinski: Which machines are you seeing the most of?

Amy Hild: Um, I don't know that there is any kind of shift, I can certainly get you that data as...

Commissioner Kosinski: That's okay. Just curious what we're seeing out there for the new systems out in the counties. Are many of them changing what they have or are a lot of them sticking with what they have?

Amy Hild: About half of the counties have upgraded their existing equipment, and about half of the machines we've tested have been upgrading their existing equipment and half are new purchases. So, a little over 2,000 of each. About 125 this last month. But we can get you some stats on that next month. We collected the Primary results which you voted on earlier today. We have compiled a list of judicial delegates for rollcalls for the upcoming judicial nominating conventions that will be held between August 8th and August 14th. And we're preparing to receive the certificates from those conventions. We, of course, also participated in the tabletop exercises throughout the state, and it really was just such a great experience and I think so valuable for us and the counties.

We have already begun preparing materials for the General Election, including certification, getting prepared to certify our ballot, and prepare all the necessary surveys that counties will send to us, that we'll then collect all of the data for us. We also had our kickoff meeting for our federal survey that will be due early next year. So, we'll be working on that as well. We are preparing for the ECA Conference next week. We'll be presenting on a number of topics, with

large focus on preparedness, so being prepared for the General Election and preparing for the volume, and all of the tasks necessary to carry out that election.

For voting system vendors, we did receive a submission from Hart which is currently being tested by SLI, and we expect to be able to report to you next month on that process. Voting registration systems: we've been continuing our meetings with NextVote and counties that are currently using that NextVote system, that are going to another voting system vendor. As we mentioned in an earlier meeting this year, NextVote is discontinuing service of their voter registration system, so we have eight counties total transitioning, three are on their way right now: one today, one tomorrow, and one within the next couple of weeks; three in August, and then two more in December. So, we are continuing to support them and working, of course, with ITU and the counties to ensure smooth transitions there. And the ITU team has been wonderful in those conversations, meetings, assisting the counties.

And then, for our electronic poll books, as we mentioned at the last meeting, KNOWiNK submitted their version 3.6 for testing. That testing is now complete and included in today's packet for your consideration. The update includes the addition of functionality that is optional. So, the county can opt in or not, but what that does is there's a prompt that will come up for the poll workers and it will allow them to predict wait times. So, I know that New York City uses this functionality outside of their electronic poll book system now, but this will allow them to do it right in their electronic poll book system. A prompt will come up for the poll worker, the interaction takes approximately 5 seconds, and they'll be able to tell about how long each wait time is at that poll site. So, New York City provides a map that allows voters to look to see how wait times are at all of their poll sites.

Commissioner Kosinski: Is it real time?

Amy Hild: It is, yes, Commissioner.

Commissioner Kosinski: So, before you're at a poll site, I'll know I have to wait a half an hour or whatever.

Jude Seymour: Or I might be able to go to another poll site where it's not so long a wait.

Commissioner Kosinski: Or I can select which one I want to go to based on wait time. So, the City is going to implement this?

Amy Hild: I believe New York City is already doing it with a different vendor.

Raymond Riley: The City does it for Early Voting currently, and they do it through an internal survey system. Just to clarify, the City of New York's Early Voting system is poll site-specific. So, it's not that they can choose to go to another poll site, but they can always choose another time or another day, when a specific early polling site is busy. My understanding is that I think

they're looking at implementation for the General, but I don't want to get ahead of them. So, I'm sure once they have everything worked out, I'm sure they'll announce.

Tom Connolly: And this would also obviously allow other counties outside of New York City to have this functionality.

Commissioner Kosinski: New York City seems to be our biggest problem with wait times, though, right?

Tom Connolly: Yes.

Commissioner Kosinski: So, it would be most helpful for the City?

Commissioner Berger: Indeed.

Kristen Zebrowski Stavisky: It would also be helpful for you for most of the counties where you can go to another site, so you could say, "Alright, well, I'm going to office, I'll go to this site since it's only ten minutes."

Commissioner Kosinski: Right.

Tom Connolly: I mean one of the other things where this would also be helpful is this is now recording data about wait times so that County Boards can look at this data for the next go around and say, this is where our biggest peaks are, so we should prepare for that.

Commissioner Berger: Has there been any progress in New York City on the poll site-specific issue for the Early Voting?

Raymond Riley: I haven't been in any conversations with them recently about that. I know from my experience down there, the biggest issue with implementing countywide voting in the City of New York is the Ballot Marking Devices' ability to handle the languages because it ends up ballooning to I think they would need something like 10 or 15 Ballot Marking Devices per Early Voting polling site because the data of the English, the Spanish in Brooklyn and Manhattan, the Chinese in Queens, then you're adding Korean and Bengali. The current certified machinery does not allow for that to be on one device for the entire county.

Tom Connolly: It largely is the audio recording because there's so many different languages, just the Ballot Marking Devices that are currently used in New York City are quite old.

Raymond Riley: Yes.

Commissioner Berger: Is that a software issue ultimately?

Tom Connolly: I think it's actually more because the memory that the audio is stored on is literally soldered onto the board so I don't think it's something you can swap out.

Commissioner Bagnuola: (*inaudible*)

Raymond Riley: Yes, it is the most updated version of a Ballot Marking Device that you can use with the current voting system in New York. They have not been provided with an opportunity for an upgrade or anything to certify so.

Commissioner Kosinski: Sorry Amy, we sort of hijacked. You're not done, I take it.

Amy Hild: I am, I just wanted to offer Jude, if you had anything to add?

Jude Seymour: No, I would just echo what Amy had said about the coordination, not only within our unit, for the judicial delegates. I know that was a heavy lift for us but also for the staff with ITU and the coordination with NextVote, to get those counties transitioned to their next vendor. It has not always been easy, but we made it our purpose to make sure that we can facilitate that as much as humanly possible.

Kristen Zebrowski Stavisky: I will say, Commissioners, that Operations has been having weekly meetings with all of the counties that are transitioning, and I think that was a great thing to do and it's been very helpful for those counties.

Commissioner Kosinski: Okay, any other questions? Then we'll move onto Counsel and Compliance with Brian Quail and Bill McCann. I note that Kevin is on family leave, so Bill will be pitch-hitting. Who is going to? Brian?

Brian Quail: Absolutely, thank you, Commissioner. In the litigation realm, in terms of just some of the active cases related to ballot access: there are two cases the Commissioners are aware of with respect to the candidacy of Mr. Kennedy as an independent nominating candidate for President and Electors, and the Dutchess County Supreme Court transferred venue in that matter to Albany County Supreme Court and a trial is suspected to get underway the week of August 5th. The Nassau County Supreme Court denied a venue change; that's pending appeal in the Second Department, and the precise timeline for that case unfolding, we don't know, but we will make sure that the court and all parties are well aware of the timing restrictions we have to ensure a timely ballot in those respects. And we have a single matter on appeal related to a Congressional nomination and a determination of the Board at the last meeting. The Supreme Court ruled for us, and a Notice of Appeal has been filed in the Lewis matter, but as of now has not been perfected, and the preference has not been requested.

In the ballot access arena, knock on wood, we are in a pretty good spot at this particular moment. Obviously, as the Commissioners know, that can change in the blink of an eye.

With respect to Compliance, there were 2,997 failures to file as of July 24th. The Compliance Unit had completed 223,311 reviews as of yesterday, which was 2,298 since the Commissioners' last meeting, and that number is substantially down simply because literally the entire work of the unit for a significant portion of time was working on the ballot access and then catching up with matters afterwards.

Thirty-eight treasurer resignations were processed by the Compliance Unit and eighty-two terminations of either committee records or candidate records were also effectuated in that. And that's it.

Commissioner Kosinski: Bill, do you have anything or just give us a thumbs up?

Bill McCann: Thumbs up.

Commissioner Berger: Mr. Chairman, I have one issue with the ongoing litigation on ballot access. This happens all the time. It could extend on. We don't know what the schedule is as long as nobody escapes certification of the ballot, my understanding is we can just continue forward until the court tells us otherwise. I know in the past we've had this litigation go on until days or weeks before the election. We just have to move forward and if we have to make a change at the last minute (well, no longer the last minute, but after we certify the ballot), we can do an amendment.

Brian Quail: Yes, and we don't stand enjoined in any of those matters either, which is good.

Commissioner Kosinski: What's the timeframe, when is the ballot going to be printed? I mean the courts are aware of these timeframes, and what is the drop-dead date you would say?

Brian Quail: The certification, I think is on or about September 11, and the deadline to transmit to UOCAVA voters is September 20th, that's an absolutely critical non-moving deadline.

Commissioner Kosinski: So, there are several weeks left before we have to...

Brian Quail: Yes.

Commissioner Berger: If you all and we all are ready to certify the ballot prior to September 11th, if everything else has been done, we can certify it earlier? My only concern is purely selfish: I'm going to be out of the country for most of September.

Commissioner Kosinski: Oh, no, we'll handle that. No problem. We will work with you, hand in glove.

Commissioner Berger: Unless we can make the next meeting happen in Lisbon.

Commissioner Kosinski: We if it takes that, we're gonna do it. That's how dedicated we are. If we have to go to Lisbon to make it happen, we're gonna do it.

Brian Quail: We'll begin the memo on the extraterritoriality of our meeting.

Commissioner Kosinski: That's right. Okay, I guess we will move on from Counsel and we'll move onto Enforcement with Mike Johnson.

Michael Johnson: Yeah, on July 15th, the periodic reports filing reports were due and on the 22nd of July, the Division sent out delinquent filing emails to roughly 3,353 committees and candidates that appeared on the 2024 July Periodic delinquency filer report. As of Friday, we got 68 bounced back bad email addresses that had been returned. Those are still being researched to figure out why they got bounced back. Was it incorrect input or was the number a factor, something transposed, so we're looking at that. Once we figure out what the issue was, we'll provide that information about those committees to Compliance a little bit later. After all the emails were sent out, we received quite a few inquiries from candidates who received the email, but apparently their committees had been terminated. It was our understanding that there was some sort of technical issue that resulted in previously terminated candidates being erroneously reactivated. Us working, our IT person, working with IT and Compliance, apparently, they have resolved what the issue was. I can't speak to exactly the ins and outs of what that issue was technically, but I believe the issue has been identified and has been or probably already is remedied by both IT and Compliance. And based on the latest information I received, the delinquent filer was corrected, and the no filer letters that we sent out, usually we send the emails out first, and we send out the letters to both the candidates and the committees. That is scheduled to go out on Wednesday the 31st of July. And what we did is, as of today, I checked, and there's a total now of 2,240 something odd non-filers. So, just from the time we sent the email out until today, that number has gone down quite a bit. And what we're planning to do tomorrow is send out an email to candidates and committees letting them know, "Hey, there was an error," especially the ones that got the email and we found out their committees were erroneously reactivated. Those people will get emails specifically alerting them to there was a problem and you can ignore our email with regard to, "You needed to make the filing." So, that's where we are with regard to the thing that is most in front of us right now, is the non-filers.

Commissioner Kosinski: Henry, go ahead.

Commissioner Berger: Not on that, but I reviewed the Enforcement matters that you sent and that are within your jurisdiction, I just have a couple of thoughts I want to share which is there were a couple where there were a failure to provide an attribution on literature and the mailing had been done by a group called *Every Door Direct Mail*, and the determination was the unit was unable to determine who had actually sent the mailing. The matter was dismissed, and I'm just wondering whether, in the future a situation like that, a subpoena might not be appropriate whoever the actual mailing house is, to try to find out who the client is to see if we can dig deeper on it, because I just think attribution on literature is very important. I want to share that with you. I had one other issue on number three, where the Orange County Board of Elections

had disqualified a candidate for a wrong address. I just had two thoughts on that; one is that kind of matter I think isn't even within our jurisdiction. That's something that is a problem with Orange County, and if there's any problem with their decision, the candidate has a right to litigate. But on a broader issue, I raise this: under NVRA if a Board gets notice of a new address, they're supposed to update their records and I believe that a candidate filing a petition or an individual signing a witness statement on a petition is notice to the Board of a new address, and they should be updating their records and not disqualifying the candidates or signatures on that case. As I said, this is an issue that will come up and will ultimately be resolved in the courts unless the Boards start looking more closely at NVRA. But in a case like this, it's not a State Board issue, it's not something we can deal with cause it's really a local County Board issue. And the remedy after that is for the candidate or witness to go to court and try to resolve the issue. But other than that, I really appreciate getting all of those determinations and it's helpful to see what the unit is doing. I share my thoughts in case anybody is listening as we move forward, the law evolves and hope it will evolve out in the right direction.

Michael Johnson: The issue that we talk about with regard to finding out who mailed something. Now, with the evolving technology, it's much more difficult trying to figure out like who mailed something in terms of who paid for postage or something like that. It's gotten, typically, you could go to the post office and find out, okay who paid for this, if it's a bulk mailing or something like that. But because now a lot of things have gone online and sometimes done through two or three different levels, it gets harder to try to track. We've got a bunch of different tools at our disposal to track that stuff, and it's fairly complex actually. Sometimes there are things that I mean I look at and go I don't even know if a subpoena is going to help us, because you need to know who you're going to send the subpoena to. So, I hear exactly what you're saying but we've run into issues where it's sometimes a person who the literature belongs to, it's like three and four levels removed in terms of who did the mailing or who paid for it. But again, that's something that as technology keeps evolving, as we keep getting more and more tools to be able to do that kind of research, we're hoping we can come to some sort of understanding where we can track this kind of stuff down a little bit better.

Commissioner Berger: Well, we have the subpoena power and I think we can use it a little more aggressively than we have.

Michael Johnson: I agree.

Commissioner Berger: Thank you, Counsel.

Commissioner Kosinski: Mike, I noticed from the Executive Directors' report that you haven't met with them since March. Is there a problem scheduling or is there a reason you guys aren't meeting anymore?

Michael Johnson: No particular reason.

Commissioner Kosinski: No? Because I think it's helpful if the Executive Directors meet with our unit heads to make sure that they are all on the same page with things. So I think it would be helpful if you guys got together.

Michael Johnson: I'll keep that in mind.

Commissioner Kosinski: Okay, we'll go on from there to NVRA/PIO, Kathleen McGrath and Jennifer Wilson.

Kathleen McGrath: Good afternoon, Commissioners. To start off with our general public information functions, since the last board meeting on June the 27th, in terms of FOIL requests, for the last few days of June, we received and completed nine requests at that time. So far in July we have received 159 requests and completed 139 of them. So, a total since the previous of 168 received and 148 requests completed. Twenty remaining outstanding and in process. We work diligently on those for both SBOE and PCFB. For the State Board and PCFB websites, we continue to publish updated information. Since the last meeting, we have published proposed statement ballot proposition language for public comment period, information about multiple PCFB payment date authorizations, upcoming campaign finance filing deadline information, and guidance for the electronic filing system software. We also updated information for today's Board Meeting and the documents for it. We continue to have regular meetings with our accessibility vendor to ensure we are meeting and exceeding the standards as required.

In terms of County Board outreach, we work to ensure that the federal post-election surveys related to the June Primary Election were completed and submitted to the State Board. We had worked with County Boards to upload their voter histories-

Commissioner Kosinski: Kathleen, what's that survey you were talking about?

Kathleen McGrath: So, we are required to complete federal surveys – two pre and one post – about overseas and military voters; the number of ballots requested and sent out.

Commissioner Kosinski: Just statistics? Is that a survey of statistics?

Kathleen McGrath: Correct, submitted back to the DOJ, yes. We are also working with the County Boards to make sure that the poll sites are uploaded for both Early Voting and Election Day for the General Election.

You may recall at the last meeting, I noted that Dawn Metzler and Dan Toomey visited seventeen counties in the month of May. This month they only visited one, but they've been busy with other things. So year-to-date, they have visited twenty-two counties across the state. And as a reminder...

Commissioner Kosinski: Kathleen, can I ask, is there a schedule we have of trying to visit every county every year, every two years?

Kathleen McGrath: Every 2 to 3 years the goal is to get every county, yes.

Commissioner Kosinski: 2 to 3 years.

Kathleen McGrath: Yes, the goal is two but yeah, there was some time off with COVID that delayed things. But we ramped up now that Dawn and Dan are well into their roles, and they chug out a lot. They did a whole trek across Western New York in May, up north also in May. And it's tough to time those and schedule those because, obviously, County Boards are busy at certain times. We don't want to get in the way, but it's important that we go over that list maintenance, talk to them about their grants, so they are constantly working with NYSVoter and maintaining those lists.

In speaking of NVRA, as a reminder Dan Toomey does have one agency training scheduled in a couple of weeks with the Department of Health, and he has two scheduled for September, as well. So, he is continuing those agency trainings.

In terms of our public outreach for traditional media, we have responded to inquiries and sat for interviews regarding a wide variety of issues since our last board meeting including: the June Primary Election results, the independent nominating petitions that have been referenced, and the objections received thereto, what makes a political organization an official party, the AVR project timeline, local voter registration day requirements, and the draft statewide ballot proposition language. For PCFB specifically, I have responded to a number of inquiries regarding payment dates, matching fund payments, contribution verification, and audit processes. We have not released any press releases since we last met on 6/27 but one is actually scheduled for tomorrow to go out to what Kristen and Ray discussed about the cybersecurity events we did last week, and everything that came out from those.

For social media, since we last met, we did a what is called *Camp Cast Your Voter* series in July. It was seven days of facts regarding Logic & Accuracy Testing that's done on voting technology across the state with the goal of demystifying the process and combating any mis- and disinformation that is out there about voting machines.

On our social media platforms, Twitter, Facebook, and Instagram, in each case, we have published ten posts or tweets since the last board meeting. In addition to the *Camp Cast Your Vote* series, there was a post about the Board's 50th birthday celebration, the July Periodic deadline, and today's board meeting. We have increased followers on all three of those platforms as well. We have social media outreach plans through the end of summer including information for college students as they head back to school, information about becoming a poll worker, and the return of Fun Fact Fridays, and Ballot the Beaver will make appearances soon too.

For our email service...

Commissioner Kosinski: That's comforting.

Kathleen McGrath: Everyone's favorite woodland creature!

Our email service contact list has grown 2.4% since we met a month ago. We have not sent out any blast emails since that last board meeting four weeks ago, but later this week, we will be sending one out about National Poll Worker Recruitment Day which is this Thursday, August the 1st. And we have one also planned for National Voter Registration Day, which occurs in September. We encourage anyone watching today's meeting to sign up to receive those email alerts from the State Board.

Commissioner Kosinski: How is the poll worker recruitment going in general, would you say?

Kathleen McGrath: I think counties communicate that it is a struggle sometimes to get poll workers, especially in a year like 2024 when you have just election after election after election, and days of Early Voting associated with all of the elections. I know our County Boards are working really hard to train their poll workers and to recruit new and retain ones that have come back. So, before last meeting, we developed some materials that can be handed out, shared electronically as well and handouts to help recruit poll workers.

Commissioner Kosinski: Do we get reports from the counties on how many poll workers they actually are able to find per election?

Kathleen McGrath: It's part of their annual report afterwards. Yes.

Commissioner Kosinski: And what's our sense of it? Are they able to fill all the slots generally or is that a real, cause I know they bumped the pay, I know they've done some things to try to attract, I just didn't know how successful they were.

Kristen Zebrowski Stavisky: It's a struggle. My experience in a county was we were able to cover what we needed to cover, but filling every slot...

Commissioner Kosinski: not going to happen, right?

Kristen Zebrowski Stavisky: No, very hard.

Tom Connolly: We've also seen a lot of County Boards suggesting alternate staffing plans, trying to figure out how they operate poll sites with fewer staff members.

Kathleen McGrath: There's definitely a concern, I think, about safety. Folks when they are considering signing up – we want to encourage the poll workers with the training they get, not only are they paid for the training, but are also paid for the days that they work, and to communicate all safety and security issues. They will be taken care of as they're helping their neighbors vote.

A couple more things I might add in terms of mis- and disinformation, as has been mentioned a couple of times already, PIO participated in and presented at all four of the Election Security Workshop & Tabletop Exercises with the other units last week across the state. We presented about mis-, dis- and malinformation and responding to FOIL requests, specifically about election technology. And we used the errant text message situation from the June Primary as a case study of how we dealt with and reacted to misinformation in real time. And that *Camp Cast Your Vote* series I mentioned was really aimed at dispelling misconceptions about voting technology by explaining how testing occurs. That's one of the goals: if we can explain it, everyone in this room has a lot of knowledge about elections and voting technology, but your average New Yorker may not, so, if we can demystify it a bit and explain it, I think it becomes, um, they're inoculated a bit against the misinformation at that point.

The last thing before I send it over to Jenn: The ECA Conference, as mentioned, is next week. PIO will present on a number of topics there including a more complete presentation about FOIL, grants, list maintenance, social media and media, and mis-, dis-, and malinformation. So, a complete line up of PIO topics for our County Boards next week. And unless anyone has any questions for me, I will pass it over to Deputy Director Jenn Wilson for our grants update.

Jennifer Wilson: Thanks, Kathleen. Good afternoon, Commissioners. Not much to report on grants since our last board meeting. We continue to receive our contract extensions and plans for payment for our nine state and federal grants. In July, we submitted our quarterly FFR, that's our Federal Financial Report to the EAC for the HAVA election security grant. And then we are just still waiting for final approval on our three new grants: that's our electronic poll book grant, postage for mail ballot grant, and 2024 General Election grant for our allowable expenditures, county fund distribution, and timeline. We're just waiting for approval from the Division of Budget. I am really, really hopeful we are getting it this week, and then we will be able to officially announce it at the Conference, so the Commissioners know exactly what they can spend money on. That's it for grants for this one.

Commissioner Kosinski: Thank you, any questions? Okay, then we'll move onto ITU, Laura Baker.

Laura Baker: Hello Commissioners. A lot of mine has been covered. We want to thank the Secure Elections Center for putting on the roadshow that they put on last week. Ben Spear and his team worked very hard. We also want to thank the PIO team for all the printing and stuffing of materials that went out to all of the attendees and obviously wanted to thank our friends at CISA for coordinating the whole tabletop exercise for four days. It was very exciting, and we look forward to doing it again. As a reminder, CISA is putting on their own tabletop exercise the week of August 22nd and that is a nationwide tabletop, for anyone who's interested.

Commissioner Kosinski: Do we have more of these scheduled, the tabletops or are we done?

Kristen Zebrowski Stavisky: For this year, we're done for this year.

Laura Baker: But the plan is to try and do these every two years, but not every single county; we're going to break it up half and half.

Commissioner Berger: So, what's the meeting in August, you said?

Laura Baker: The one in August is a national tabletop. It's going to be attended by states and counties nationwide; it's virtual. While we were away, our Deputy CIO coordinated the moves that all of us are experiencing. So, everyone is in their offices and their meeting rooms are functioning, which is fantastic. We've also launched a ticketing system within the IT unit that's assisting not only us in evaluating some of the requests that come through, but we're assisting Admin. in tracking contracts, purchase orders, and things of that nature in an attempt to not only track what people are doing, but also reduce paper and automate approvals, so we're not pushing paper around. So, in our soft launch, we had 349 tickets throughout the unit, we've closed 289 of those. And my last part is we were not unaffected by the event of July 19th, the Friday tech outage heard 'round the globe. The ITU unit was notified about 4:00 in the morning that there was an incident unfolding. We were able to coordinate all the team and prioritize mitigation efforts using our still-in-draft format incident response claim which worked out very well. So, we had mentioned critical function was restored by 8:00, 9:00 in the morning and the entire agency was fully restored by 4:30 in the afternoon. I want to thank the ITU staff profoundly for all of the work that they did during that day. It was unprecedented, but they handled it with professionalism and perseverance. So, thank you to them.

Commissioner Berger: Thank you.

Commissioner Kosinski: Any questions? Hearing none, we'll move onto old business.

Commissioner Berger: I don't think there is any.

Commissioner Kosinski: Hearing none, we'll move onto new business. For new business, we have several items. Our first one is Resolution 24-13, and this is about early voting sites. This is an amendment to that, and I'm sure there is someone here on staff that will explain this in some detail for the Commissioners.

Brian Quail: Happy to explain it in some detail. The short amendment, it is a very short amendment, and more-or-less self-explanatory. What it does is, it takes a provision in the current regulation that sets a 30-day blanket deadline for pre-election for establishing Early Voting sites and conforms it to the three iterations that are in the current version of the statute. And in order to, obviously, have the two things match, and what it also does is it uses plain English so that someone who is in the regulation and following it in order to comply with relevant requirements for Early Voting will know exactly what they need to do as opposed to using cross-references to other portion of the state statute. It really is a conforming amendment designed to make regulation readable and usable by county persons.

Commissioner Kosinski: So, there's no substantive change?

Brian Quail: There is no substantive change with respect to the requirements of the statute. It would appear on its face to be a substantive change with respect to the regulation itself but the regulation itself obviously has already superseded by the statute.

Commissioner Kosinski: So, this is confirming to the state.

Brian Quail: Yes, Commissioner.

Commissioner Kosinski: Okay. Any questions? If not, I'll entertain a motion to adopt.

Commissioner Berger: So moved.

Commissioner Casale: Second.

Commissioner Kosinski: Moved. Seconded. All in favor, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Opposed? That is passed unanimously. That takes us onto Resolution 24-14, and that is an electronic poll book upgrade. I think we should have an explanation. We have lengthy documents here. It's KNOWiNK's upgrade. Who wants to do that? Amy?

Amy Hild: I'd be happy to, Commissioner. This is the upgrade I spoke about during the unit report that adds wait time functionality within the electronic poll book system so the counties that have the KNOWiNK system would be able to enter right through the system about how long the line is or about how long the wait is.

Commissioner Kosinski: That's what it's about, the whole upgrade is just about that real time wait.

Amy Hild: Yes, Commissioner. There are also some minor fixes that don't impact New York, that are some printers that are utilized outside of the state, but yes.

Tom Connolly: I also just want to point out that you'll see a lot of numbers at the bottom of the first page, which largely are just the underlying operating system on those iPads. The goal is now it is functional on the most up-to-date iPad OS, as these are connected devices. It is important that we try to keep them as updated as possible, the underlying operating system of the

manufacturer. So, this brings KNOWiNK up to 17.5.1 which is the current release. And just as another point, the Tenex is also operational on 17.5.1, so right now the E-poll books, if this gets passed, across the state should be able to be updated to the latest version of the software.

Commissioner Kosinski: Now, how many counties are using KNOWiNK?

Amy Hild: I believe it's about half of the counties.

Commissioner Kosinski: Now, for the counties that don't use KNOWiNK, will not have access to that sort of functionality of keeping track of poll site activity?

Jude Seymour: It actually exists within Tenex.

Commissioner Kosinski: It does, currently?

Jude Seymour: Yes.

Commissioner Kosinski: So, you can do it with Tenex too?

Jude Seymour: It was offered; I don't know if it any counties have done it.

Commissioner Kosinski: Did we certify that for New York?

Tom Connolly: So, typically we wouldn't certify that sort of functionality. If it was part of a previous release, it was just kind of a bell-and-whistle that came along with it.

Commissioner Kosinski: Tenex offers this too, is that true?

Tom Connolly: Yeah, Jefferson was a Tenex customer.

Jude Seymour: I was a Tenex customer. It was offered to me; they showed it to us; they showed us how it works. It looked like it would be actually pretty helpful.

Commissioner Kosinski: Yeah, I see that. That's nice, okay. Um, any other questions about this? If not, I will entertain a motion to adopt.

Commissioner Casale: So moved.

Commissioner Bagnuola: Second.

Commissioner Kosinski: Moved. Seconded. All in favor, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Opposed? That is also adopted unanimously. Our last item under new business is the certification of the statewide ballot proposal. And that is Resolution 24-15. That language has been put out for public comment, I know, earlier this month. It was put out for three weeks for public comment I believe, and I know we got a lot of comments, 1500 or something is that correct, comments? They sent them onto us we've had a chance to review them. But today, the Board is tasked with actually approving the language that will go on the ballot for the ballot proposal for this fall. That's what we have in front of us today. So, what's in front of us is what was put out for public comment back in, what day was it?

Kathleen McGrath: July the 5th.

Commissioner Kosinski: July 5th, the day after the 4th, and this is the ballot prop that amends the New York State Constitution.

Commissioner Casale: I move the adoption of Resolution 24-15.

Commissioner Kosinski: Is there a second? I will second it. So, before I call for a vote, are there any questions, comments?

Commissioner Berger: I'd like to make a statement on this very important issue, and I want to get it right, and Counsel will correct me if I make any mistakes, please. The law requires the Board to certify language for ballot proposals no later than three months before the General Election. As required by recent adopted changes to the ballot proposal process, the Board is now responsible for publishing a proposed form of question and abstract four months before the General Election and taking public comments. We did that, and note that the Attorney General proposed language in May, which would have included the word "abortion" and the descriptor "LGBT" in place of the more legalistic words in the text of the amendment to the Constitution. The Board's staff, however, did not recommend either the term "abortion" or "LGBT." In absence of such consensus, they defaulted to the language from the amendment itself in their form of question and abstract. So advances the draft which is now before us for consideration. We have received more than 1,500 public comments, in addition to the Attorney General's advice. Overwhelmingly, I assert the term "abortion" is more completely understandable than "reproductive healthcare and autonomy", and more importantly, the legislative history clearly establishes – as a letter signed by thirty-one State Senators attests – that the amendment was spurred by a desire to protect abortion rights in the Constitution of this state. Similarly, the words "protects LGBT people" more clearly conveys protecting persons on the basis of sexual orientation, gender identity, and gender expression. I would ask my colleagues that after having received and considered the many comments, if they would be willing to entertain using the

Attorney General's proposed language for the form of the question. If there is no such willingness, I understand our obligation to adopt the language timely, but I also understand our language may be reviewed in court. I am going to vote for this proposal because it's our obligation to do so, but I understand that our word may not be the last word on this, and we will move forward. But I will vote for the proposal.

Commissioner Bagnuola: I agree.

Commissioner Kosinski: You agree with Henry?

Commissioner Bagnuola: I agree.

Commissioner Kosinski: Any other comments about...

Commissioner Casale: The only thing I want to say is that the Legislature gave us the statute; we took the wording from the statute and placed it into the proposition. I understand there is concern about readability, but the statute itself the readability is 35, I understand that's an issue. I also understand that if the Legislature wanted to do so, the Legislature could have prescribed the exact wording of the proposition, as is their right to do so. And they did not do so. So, accordingly, I'm voting for this, because as far as I'm concerned, the proposed language of the proposition mirrors very closely the language of the statute and the language of the statute becomes it's part of the New York State Constitution, as they sent to us.

Commissioner Kosinski: Any other comments? Anything else? I think we've got it out there. So, the proposed resolution is to adopt the language that was put out for public comment by staff, and I believe there is a motion and a second to approve. So, I will call the question and vote. All those in favor, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye.

Commissioner Kosinski: Opposed? It's unanimously carried. Alright, so that completes today's public record unless there is a need for Executive Session? Anybody have a need for Executive Session? If not, I think we're done for the day, and public hearing and I will entertain a motion to adjourn until our next meeting.

Commissioner Casale: Are we going to set a date for...

Raymond Riley: The certification of the ballot language is done by the Co-Executive Directors, in the event there are ballot access determinations needed for judicial delegate conventions, we will likely be calling a meeting the last week or second-to-last week of August, depending on when they come in. If none come in, there is no reason for an August meeting, and we will probably resume in October or so.

Commissioner Kosinski: Well, why don't we leave it open unless somebody...

Commissioner Casale: We don't need a meeting to certify the ballot?

Raymond Riley: No, the certification of the ballot is done by the Co-Executive Directors.

Commissioner Kosinski: We'll just stand adjourned until we agree on the next meeting sometime in the future. Thank you.