

Douglas Kellner: Well good afternoon everyone.

Jim Walsh: In addition, good afternoon everyone. My name is Jim Walsh, it's my honor to be conducting the meeting today. I'd ask my fellow commissioners to introduce themselves before we start.

Douglas Kellner: Douglas Kellner

Andrew Spano: Andy Spano

Gregory Peterson: Greg Peterson.

Jim Walsh: And around the table please.

Todd Valentine: Todd Valentine

Kim Galvin: Kimberly Galvin

John Conklin: John Conklin

Tom Connolly: Tom Connolly

Joe Burns: Joe Burns

Anna Svizzero: Anna Svizzero

Bill McCann: Bill McCann

Kathleen O'Keefe: Kathleen O'Keefe

Bob Brehm: Bob Brehm

Jim Walsh: Thank you. Our guests please.

Elizabeth Kellner: Elizabeth Kellner

Jim Walsh: Elizabeth pleased to meet you.

John Sherman: John Sherman

Laura Berman: Laura Berman with the League of Women Voters

Elizabeth Palmer: Elizabeth Palmer

Frank Hoare: Frank Hoare

Susan Lerner: Susan Lerner, Common Cause New York

Josh Ehrlich: Josh Ehrlich

John Lentz: John Lentz

Bob Warren: Bob Warren election Operations

Jim Walsh: Thank you all. Our first item of business is to address the minutes. Does anyone have any additions or subtractions? If not, we'll accept a motion to approve them.

Douglas Kellner: So moved

Jim Walsh: Second?

Andy Spano: Second

Jim Walsh: All in favor?

[chorus of ayes]

Opposed? Carried.

And with your permission if you have no objection, one of our staff has to leave before this meeting is over with and we'd like to move item #4 up to the present.

Douglas Kellner: 4A. So moved.

Jim Walsh: Yes thank you. Any objections? So moved.

Kim Galvin: Commissioners what you have before you is a document because we added an addendum to the petition section of this. This document is the presentation review suggested determinations by the staff regarding all the petitions, specific objections, hearings, etc. that we've done since we last met. As you can see, it's been a great deal of work. We're doing each and every piece of information that's come through the door, holding hearings on the same. There's 17 intended court cases many of which are still pending which one is at 1:00 today. If you have any questions we'd be happy to explain it to you. As you can tell the report is very well done and has much more information because Anna did it and not me so she gets all the credit for that but for any questions, we can answer at this point. Otherwise I would just respectfully request that the document be moved in its entirety except accepting all the staff recommendations as a result of this

determinations in various forms of correspondence need to be sent out and it's quite a lot of work for the staff.

Douglas Kellner: Alright just because people who are watching around the state don't have the document in front of them, if you could bear with me and let me just read it quickly.

The staff is recommending that the following petitions be declared invalid: Racquel McPherson for Governor, Democratic Primary. Pete Bujanow for delegates and alternates in the 107th Assembly District Democratic Primary. Pete Schick slate of delegates and alternates in the third judicial district 101st Assembly District Democratic Primary. Steve Fonseca delegates and alternates slate for the 9th Judicial District Independence Primary. Fonseca slate for State Committee in the 39th Senate District Independence Primary. Sakima Green-Brown assembly 104th District Conservative Party. Joseph DiFalco State Senate 46th district Independence Party. Jay Wisnweski delegate slate 3rd Judicial District 103rd Assembly District Working Family's Party. Kay Moultrie delegate 3rd Judicial District 110th Assembly District Working Family's Party. The Millbower delegate slate 5th Judicial District 118th Assembly District Working Family's Party. Team Weisbeck State Committee 146th Assembly District Democratic Party. Schaeffer judicial delegate third Judicial District 111th Assembly District Working Family's party. James Skoufis assembly 99th Assembly District Democratic Party. Emmett Smith 146th Assembly District Democratic Party. Kevin Cahill

Bob Brehm: Wait, that one is valid.

Douglas Kellner: Okay thank you, thank you...

Kim Galvin: I don't have the same list.

Bob Brehm: Right that's out of order. That's page 4 but its stapled wrong. I'm sorry.

Douglas Kellner: Alright let me go to page 2. Alright so it's in certificates of authorization or acceptance. Now are these all separate from the list we've already read so I need to read these again on page 2?

Kim Galvin: Well you're missing one of the petitions I believe.

Jim Walsh: Sam Sloan?

Kim Galvin: Yeah

Douglas Kellner: Go ahead read it.

Kim Galvin: Sam Sloan, Nita Bach, Gita Rankoff and Neil Grimaldi insufficient signatures so invalid petition.

Douglas Kellner: Now you've got 7 authorizations invalid for 62nd Senate District Conservative Party Gia Arnold, 94th Assembly District Independence Party Steven Katz, 100th Assembly District Conservative Party Eileen Gunther, 108th Assembly District Working Family's Party John T. McDonald, III, 116th Assembly District Conservative Party John L. Burn, III, 140th Assembly District Independence Party William J. Reese, 147th Assembly District Independence Party David J. Pietro. So those are all out for no certificates of authorizations.

Then the staff is recommending that 3 sets of objections be dismissed because of invalid specifications and that's the objections to, so in this case the candidate stays in, it's the objections that are getting thrown out, 98th Assembly District Republican Primary Kevin Hudson, 98th Assembly District Republican Primary Michael Morgillo, 98th Assembly District Conservative Primary David Castricone, Daniel Castricone.

Then we have summary of staff findings but there are not prima facie right? These are...

Kim Galvin: They were where specs were filed but there was no hearing required based upon what the specifications

Douglas Kellner: Should I be reading them now or should we be making the motion to adopt the prima facie list first?

Kim Galvin: Which ever you prefer Commissioner. We could make a motion to adopt the prima facie and keep them separate for purposes of that.

Greg Peterson: So moved.

Andy Spano: Second

Douglas Kellner: So Mr. Chair we need to take a vote on the motion to adopt the prima facie list as reported in writing and as I just read.

Jim Walsh: All in favor?

[Chorus of ayes]

Opposed? Carried.

Sam Sloan: Can I say something. I noticed that you have an addendum list that wasn't read in the original report. These candidates have not received any objections, and there are no objections to them and I don't think under section 16-102 of New York Election

Law you can throw candidates off the ballot if there have been no objections received for those candidates.

Douglas Kellner: We're throwing them off for a prima facie because the petition on its face was insufficient.

Sam Sloan: Well shouldn't you have notified these candidates of...

Douglas Kellner: Well they'll get notice after today's meeting.

Sam Sloan: But nothing before?

Douglas Kellner: Well because the petitions were not filed they did not meet the threshold to trigger 6-154 of the Election Law where objections are not required because the petitions on their face are invalid.

Sam Sloan: Alright. And what was the objection to Rachel McPherson?

Douglas Kellner: There are insufficient signatures. It's obvious that they are insufficient signatures.

Bob Brehm: There was one more issue with hers...

Douglas Kellner: missing an address. There is no address of the candidate.

Already we already voted on that. So now we need to vote on the rest of the reports. Do you want me to read them or do you want to read them Kim?

Kim Galvin: Oh I can just set them out for you quickly. If you want me to read the individual ones I can. The next section deals with specific objections that were filed but required no hearing. So basically it was objection to seating of the office or generally it was insufficient signatures. Would you like me to go through them individually or?

Douglas Kellner: Yes please just so that people who are watching on the Internet know what we're doing.

Kim Galvin: Okay. The first is Nolan Simmith [sounds like] delegates for the 8th JD 147th AD independence party. Carol Sheehan. Oh I'm sorry. Specific objections okay I'll start over.

Specs have been file and no hearing was required. The first candidate Joseph Defalco member of senate 46th Senate District Independence Party. Gita Rankoff for comptroller Democratic Party. Neil Grimaldi for Attorney General Democratic Party. Scott Del Conte et al for JD delegates and alternate delegates in the 5th JD 120th AD Democratic

Party. Alan Trombley et al JD delegates 5th JD 118th AD Democratic Party. Peggy Bochard et al JD alternate delegates for the 5th JD 118th AD Democratic Party. T. Ehlers Earls et al JD delegates and alternate delegates JD 148th AD Independence Party. Steven Katz member of assembly 94th AD Independence Party.

Bob Brehm: I'm sorry that Ehlers if valid.

Douglas Kellner: The report is that it's valid. All the others were invalid.

Kim Galvin: Okay I'm sorry that one is valid, sorry. Steven Katz member of assembly 94th AD Independence Party. And again, we started with the petition being invalid at this point. Zephyr Teachout for Governor on the Democratic Party remains valid. And Moreta Forde member of assembly 95th Assembly District on the Republican Party is invalid.

Douglas Kellner: And just to note that the report on the objections to the Teachout petition was that the specs are based on the candidates residency qualification which is beyond the ministerial scope.

Kim Galvin: Right. There is a litigation proceeding I think as we speak in Brooklyn regarding that legal issue outside the board's scope.

The next section is hearings conducted. We actually notified the parties, they came in had a hearing on the specs. The first one is Nolan Simmith JD delegates 8th JD 147th AD Independence, the petition remains valid. Carol Sheehan JD delegates 8th JD 139th AD Independence, the petition remains valid. Kenneth Smith member of assembly 146th AD Democratic Party, petition remains valid. Kevin Cahill member of assembly 103rd AD Independence, the petition is invalid. Susan Zimet member of assembly 103rd AD Democratic Party, petition is invalid. Andrew Falk member of assembly 94th AD Independence Party, petition remains valid. Raymond Walter member of assembly 146th AD Independence Party, the petition remains valid. Christopher Farber member of assembly 101st AD Independence Party, the petition remains valid. Donna Held member of senate 38th SD Republican Party, petition remains valid. Richard Cocchiara member of assembly 99th AD Independence Party, petition remains valid. Ruth Hassel Thompson member of the senate 36th SD Democratic line, petition remains valid. Denver Jones member of the senate 52nd SD Republican line, petition is invalid. Jacqueline Romaine member of assembly 98th AD Democratic line, petition is invalid. Elisa Tutini member of assembly 98th AD Independence line, the petition is invalid. Bob Castelli member of the senate 40th SD the Republican line, the petition remains valid. Pordum et al JD delegates and alternate delegates 8th JD 147th AD Democratic line, the petition remains valid. Meyer et al JD delegates and alternates in the 8th JD 146th AD on the Democratic line, the petition is invalid. And lastly, an OTB petition for member of the senate in the 8th SD for the Green party line, the recommendation is that the petition is invalid.

Douglas Kellner: Alright I move the adoption of the staff report as drafted and read.

Greg Peterson: Second.

Jim Walsh: All in favor?

[Chorus of ayes]

Opposed? Carried. Thank you. Kim thank you. Commissioner Kellner thank you for your assistance.

Alright, back to the beginning. Executive updates. Bob Brehm and Todd Valentine.

Todd Valentine: Yeah well what you just read was what we've been busy with since our last meeting. To longer less degrees there were 18 hearings on petitions that involved notices for that. Of course there was all the time spent by the staff in taking the documents, reviewing them and having to go into more details about the numbers that were filed. But that's what we do this time of year and we are moving forward. We're actually in another filing period at this point, the filing period for independent petitions for congress is ongoing as we speak through next Tuesday and an independent petition filing period for the state and local offices begins on August 12th.

Jim Walsh: Bob?

Bob Brehm: In addition to that information, I know new Commissioners have joined us, we want to at least add them to the list, and I'll start behind me if we could. Mr. Ward.

Dennis Ward: Dennis Ward from Eric County Board of Elections.

Bob Brehm: And our new Commissioner of Genesee...Lori, Genesee County

Bob Brehm: So as some of you know, I mean I know 3 were able to attend the most recent election commissioner conference just ended this morning in Lake George. I was happy, Todd and I had a chance to get away for a little while on Wednesday to go up to the conference to be there in person. The rest of the staff we web conferenced them in so the Association was very helpful in setting that up so that we could in one way or another be there. It's difficult with the political calendar in an even year for us to be as well represented as we would like to be, but certainly it was nice to meet with everybody and to have a few minutes to share some ideas and find out what's on their mind.

We do have a new slate of officers and enjoyed getting a chance to swear them in last night so Michael Northrop is the new President, Jenny Bacon is Vice President, Vicky Olen is the Second Vice president and I was a little surprised the Third Vice President a friend who I thought was retiring but apparently he's decided to stick it out, Tom Burke

is the Third Vice President. So he's in it for another term there. And also they appointed Nancy as the Executive Committee Chair, Nancy Levin. She has been the Chair. We work with her to set up the monthly telephone calls so it's nice to see that. And Mr. Ward is now the Chair of the Legislative Committee and I'm sure we will hear some wonderful and interesting ideas on how to make the election law better, even from an Erie County point of view.

So other than that, I want to also welcome at our first meeting Kathleen as a new appointee. I know we appointed her at the last meeting. I appreciate that and also she was able to start in that period of time and to join our team and we continue to make some changes as far as filling positions where we can and a few people are retiring, most notably we still have the IT director that we're working on. I think that's probably one of the more key positions. It's a civil service position. Todd and I have been reviewing the resumés. We finished the canvass and we're trying to meet with Dave Loomis who did agree to help us with the recruiting. We're meeting with him on Tuesday to go through and come up with a schedule of interviews so that we can make a recommendation because it's one of the more key positions that we are looking to do and I know the staff has really been great to step up and help us in his absence.

Jim Walsh: How many people have shown an interest in the job?

Bob Brehm: Well it's a canvass so we have the respondents to the canvass were about 8 to 10 but it's also at ray point so who is reachable is closer to 5 or 6. Some are transfers so that's a different eligibility so we have to go through the list to see if they're interested and if any are reachable. I have to say when we interviewed for Dave, I think we had interviewed over a dozen people to find him and he was certainly stood out as a natural choice having gone through that list. So we are hopeful that there will be another standout that just comes to mind because we think he is going to be a very difficult person to replace because he was such a valuable member of our operation.

Douglas Kellner: The legislature just as they are getting ready to adjourn passed a bill extending again for another year the use of lever voting machines for school board, village and other district elections and in the bill this time they put in a mandate that the State Board of Elections prepare a comprehensive report on how the phase out of lever voting machines can be implemented in a way to minimize problems with those districts that are now using them. So I was just wondering whether the Executive Directors have conferred yet on how we are going to prepare that report and whether we anticipate scheduling hearings around the state to try to solicit input in a way that we can come up with a positive report that will both convince the effective districts and the legislature that there's no need to continue using lever voting machines.

Bob Brehm: That's a good question.

Todd Valentine: It hasn't been signed into law yet. It has not gone to the governor yet and there's no...

Douglas Kellner: I think there's a pretty good bet that the governor is going to...

Bob Brehm: I think generally, it hasn't gone to the governor yet, I do anticipate that he will sign it. I anticipate that doesn't mean I...

Douglas Kellner: Right, I'm still opposed to it and I have submitted letters to the governor opposing the bill prior to its extenders.

Bob Brehm: Certainly if we started to anticipate the need to do the report and if we not signed, certainly we could stop that effort. But we could look to how best to fit it into our calendar because I think the report is due sometime early January and I think if we don't at least calendar some way of putting it into our existence, we're going to be pretty busy through the first week of December certifying the election, conduct elections, so I don't want to star it then, but certainly we could meet and talk and come up with, I think it speaks to actually reaching out to certain constituency groups to get their input so we should at least come up with a calendar that can best accommodate us knowing how busy we will be with the primary and the general election and the petition reviews.

Kim Galvin: I guess the answer is no they haven't met yet.

Bob Brehm: We could recommend at your next meeting a strategy and...

Douglas Kellner: I really appreciate that. I just want to keep it on the agenda. I think that my perception is that most of the leadership is against extending it but they're continuing to do this because of people from these constituencies are complaining and part of it may be that they just need that little push just like we needed it because we were under a federal court order and found out that it really wasn't all that bad. It wasn't all that terrible when we switched with the lever voting machines.

Jim Walsh: Well I think that answer was fairly clear.

Jim Walsh: Continuing the council's report, as Bob already mentioned this is Kathleen O'Keefe's first meeting with us. Welcome and we look forward to working with you.

Kathleen O'Keefe: Thank you very much Commissioner.

Jim Walsh: It's your opportunity now to make your first report.

Kathleen O'Keefe: Well it's been very busy as has already been stated. I have not really been involved much in the petition process. Kim has that process very well oiled and working like a machine and it worked out really well. I've sort of been observing and I

plan to obviously take a much better role the next time around. What I have focused on has been the existing complaints that have continued to be in the unit as well as some of these new programs, the compliance unit I think is up and running very well. I have to give the staff a lot of credit for that. It was already operational when I came on. They are doing what they're supposed to do. It is a new world so the candidates and the treasurers have a lot of questions. We have repeatedly told them that we now have resources to offer assistance that we are actually functioning as a partnership with the committees, the treasurers and the candidates. There's a lot of questions because they're getting letters they haven't seen before and we are in a new world. It's a new paradigm but it is going well so far. We also have our independent expenditure piece that we're working on and continuing to finalize that as well as the public financing program which we'll talk at a later part of the agenda.

Douglas Kellner: Could you please summarize what the new differences are for people who are filing?

Kathleen O'Keefe: Okay yes I certainly will. So the way that this new process is working is that when a filing comes in, a member of the staff will be assigned and they will go through the entire filing in a facial manner. So that, for instance, if you have, for 20 years which we're getting a lot of comments like this, for 20 years somebody's been making a certain filing on a certain schedule but it was the wrong schedule. In the past there really wasn't the resources available to get back to everybody that used the wrong schedule and say, "You need to put it on this other schedule." Now we are attempting to do that. On a facial review of the filing we can see, are they missing addresses? Have you used the wrong schedule? Is there an over contribution? And so forth if you have a perfect filing. And about a third of the folks actually do. Then you are not going to hear from us. Your filing was good and we're just going to continue on with the next filing that we have to review. If you have issues that we are calling training issues that have to do with things like using the wrong schedule, so you've provided the information that you needed to provide but it's on the wrong schedule, then you will get what we are calling a Training letter which basically instructs you for the next filing how to do it correctly. The training letters go out on Wednesday every week, so we are now in our third week and training letters went out on Wednesday. The training letters basically say, "Please amend" but they don't say must amend because it's really an instructional letter. Then we have the third category which is a deficiency of some sort. Deficiencies include for instance a credit card that was paid but it wasn't itemized what the credit card was used for and there's a variety of other types of issues that are considered deficiency issues. If you have a deficiency issue you will get a letter that goes out on Friday. Now if you have training and deficiency issues those letters go out on Friday and they cover both of those categories. When you get a deficiency letter, basically, and I'm paraphrasing, but it says, "You must amend your filing, you have 30 days to do it. The respond by date is here on the letter." There is a person that signs the letter that has actually done the review of the filing. We want people to reach out if they have questions. Once they get this letter and they're going to get a very elaborate check list of

what's actually the concerns and then people can reach out to the person that did the review persistence on how to actually comply with those filings and the issues that have been raised in the deficiency letter. Our hope is that everybody in a perfect world responds within those 30 days, everything is corrected, and we basically consider you in complete compliance. The letter does say however that if you do not comply there is a possibility that there may be an enforcement proceeding or some type of enforcement steps taken against the committee. So that's it in a nutshell and it's kind of a long nutshell but that's how this program is intended to work and I have been telling folks that I talk to we are friendly. We are a friendly compliance unit. We are here to assist and we want to do what we can to make you have filings that are accurate, transparent and timely.

Douglas Kellner: But September 1st Risa Sugarman starts who is our new Director of Campaign Finance Enforcement and anyone who has not responded to a deficiency letter within the deadline on the letter then that file immediately goes to enforcement. Is that right?

Kathleen O'Keefe: Well the process is really not clear to us. I mean we do have the statute and that gives us some indication of how this is supposed to work. Obviously Risa has not come on yet. There is plenty of opportunity, I believe Kim and I will sit down with her and try to sort out exactly how those processes will work. Clearly she has a mandate from the legislature and the governor to take a more aggressive stand when it comes to enforcement issues, and I think as a result of the legislature doing that, they were very smart to create the Compliance Unit which is looking to minimize the types of serious allegations that may have to go to the Enforcement Unit. So I think we're in a new day and we are working those details out as we go along.

Kim Galvin: Just with regard to the 30 day, I mean there is a 30 day compliance but what we had discussed internally and we will discuss with her is, you know, if you have someone actively trying to fix their filing for 28 days or 29 days and they're 98% there, we're going to continue on the 31st or 32nd day to bring them into full compliance. Its not like, "Hey you did 95% of your work and you're really doing well and blow the whistle and off they go." So well of course we have to work out those processes with her but she has the ability to come in and take them, but we'll have to work it out.

Jim Walsh: Thank you. Anymore questions?

Kim Galvin: And with regard to the, as Kathleen said, I don't know if you could have come in at a busier time. I don't know there has been a busier time since I've been here for 7 years but with regard to the cases I mentioned and the prima facie report, I think there were 17 cases many of which are still pending, simply waiting for the Board to meet today and to see the determination. We have one at 1:00 today so that's where I'll be headed. But the basic routine campaign ballot access issues. There's nothing really out of the ordinary.

Douglas Kellner: Well I think we do owe some gratitude to Kim for getting this all done in a timely manner because I think this was much heavier than any year that I've seen since I've been Commissioner and you got it all done in time which is great.

Jim Walsh: I think we all agree on that. Thank you very much.
Compliance - Bill McCann please.

Bill McCann: Thank you Commissioner. Just to follow up on Kathleen and Kim's report this again we're in the process of implementing the new Compliance Unit which is essentially going to be under the co-leadership of Kathleen and Kim. The Compliance Unit and Council's Office have been merged under the new plan and so they are in the process of overseeing that transition so that's going well and again, the other issues that they raised were all proceeding, so that's essentially what I have to report.

Jim Walsh: Any questions? Thank you. Election Operations, Anna please.

Anna Svizzero: Thank you Commissioner. We've been busy in ops, everybody's been busy. Everybody's been helping everybody else so I think universally we're all grateful for the assistance everybody provides at this time of year. Ops has been busy on a parallel course with all the ballot access tasks with continuing to update all of our procedures. We have another group of procedures that I expect will go up to Boards next week. We post them. There's an informational portal that the Commissioners have login rights to and all of the revised procedures are there. Once they are revised, we're revamping that whole site so that it's a lot more usable for the Commissioners to get to and download forms or review processes or make sure that they understand something clearly or can call us to discuss anything that's there. So we will continue to do that and when we revise that next batch of procedures, we'll provide them to you as well so that you have them handy if you want them, and I can certainly give you all login credentials if you'd rather get that information that way.

Our clear ballot vendor who was proposing a Central Account System through the statewide Contract Process at OGS has decided to withdraw from that statewide contract however they continue to seek certification, their source code, their software is being reviewed now and we expect them to receive a certification from the State Board and then they'll have to go through local procurement for any county that wants to purchase that system and follow, obviously, state laws and local procurement laws to do that. The issue with the statewide contract clearly is a performance one and things like that. That you're limited resources that you put into a contract that over \$75 million is a little difficult for a start up company that is going to have a limited exposure here. But they do want a New York State certification, they feel there is much value to that not only in New York but where else they can take that. So we expect to see their product moving towards certification certainly long before the end of the year. They'll be on site next

week to take our team through all of their configuration and requirements so that we know how the vendor proposes the system be set up and operates. If any of you are in the area and want to see that I'll get you an exact date if you're interested.

I would like, on a side note, with Clear Ballot to at some point get back on the table the discussion of using an automated tool to assist with the post election audit that the statute requires and Clear Ballot was the firm that we did several pilot projects with at the county level to see if there was value to that and the counties that we're involved in the pilot project certainly felt that there was. So we need to get that discussion back before the Commissioners when the rest of this dust settles.

We are working with the IT Unit and staff in the building and the consultants they've hired to revise this ballot access process to make the notices to candidates that the system produces a little easier to deal with. Making small changes now you have to go to IT and revamp the whole system as opposed to just fixing a typo in a standard mail merge kind of letter. So we're working with IT in those areas. We did conduct our ballot drawing so today's certification, which we hope we'll get to this afternoon after today's meeting will reflect the placement of candidates on the ballot as the positions were drawn. We did that drawing on Wednesday.

We welcomed, with the assistance of the Schenectady County Board, a delegation from the Philippines. It involved their House of Representatives Tribunal, Supreme Court Judges, and the Consulate from New York. They were very interested in how optical scan voting equipment is used in New York. How the public has accepted. What sorts of issues there are? So they wanted to come to Albany since we don't specifically run an election, we set them up with Schenectady. They were using similar equipment and John Ferry from our staff met the delegation there as did Josie Jackson who is in our Compliance Unit. Josie is from the Philippines so it was nice that she could go there and see those people and that's the photograph that's in our monthly report for you. They were very impressed with our security procedures, they have none. They were very surprised at the steps that we take to protect the data that builds the election and then all of the various steps that follow from pre-election right through the audit, that kind of thing. So they took back a lot of information and our sample forms, and certainly the conversation that the Commissioners in Schenectady shared with them was really nuts and bolts ground level what they needed to hear. So we thought that was very helpful and they seemed very pleased with the opportunity.

Other than that, I do not think we have anything to add. We have a summary in our report of the petitions, 427 petitions were filed with us for statewide petitions and acceptances 188 acceptances, 162 authorizations. We've had 12 declinations but only 9 substitutions and then the objections and specifications are just aggregated here on the report but clearly the prime facie report addresses the disposition of all of those objections and specs. Joe do you have anything you want to add to this?

Kim Galvin: Could I add something to Anna's report? Sorry Anna. Basically I just wanted to say that all the specs that come in the building, the Council's Office has now 3 people, it would have been absolutely impossible to do without staff from every unit spending a great deal of their time in working the specs and you know some worked them better than others, so a special thanks goes out to those that actually worked very hard. And one particular issue that I think is necessary to raise that hopefully we can discuss at some later point is we were faced with an unusual situation this year in that a huge set of specs came in against a petition that had preprinted objections on many of the pages. And when it's preprinted what you're dealing with, we probably didn't look through everyone and then type it in in black ink yourself and then write the additional objections. So I think it was an off-handed way for that objector and I said so in court when I appeared to get us to do that particular work. I was very strong that we can change our process in the middle of a cycle and ignore what we knew were to be less than honest specific objections, but I think moving forward the Board and the staff should look to make a recommendation that when someone comes, because it took many, many people, many, many, many days of time to work through, and then the candidate remained on by well over 2700 signatures when they only needed 1000 and at the end of that whole day a small number were thrown out. But yet it occupied a great deal of staff for a great number of days. So I think moving forward we probably need to come up with a policy when something is so flagrantly, and Commissioner Kellner is raising his hand.

Douglas Kellner: I raise and certainly Kim knows that I circulated two e-mails strongly opposing even working this specifications because in my view the specification is frivolous when they have a preprinted form that raises an RNE on every signature. Because what they are trying to do is make us do their work for them and it's not in fact a specification, because they're just saying we're raising everything, you figure it out.

The City Board of Elections long ago 1995, 1996 something like that adopted a provision in their rule that made it clear that the City Board will not work specifications that they regard as frivolous. I don't think a written rule to that effect is even required. I think that if somebody makes a filing that is frivolous we shouldn't work it. But certainly if you want to draft a formal resolution or a formal proposal to the rules to submit to the Commissioners, we could do that at the next meeting.

Greg Peterson: I would suggest that to go along with that I think it would be the consensus of the Commissioners that we don't have to formally adopt a policy, let see how it works, but certainly, I don't want to speak for everybody but certainly myself to entertain spurious objections which are just going to eat of a lot of time should be thrown out.

Anthony Spano: I saw the numbers on this one it was ridiculous and what'd you throw out a couple of signatures. Thousands were valid. But what happens if someone prints something and we throw it out because it looks frivolous and it's not? So I would just

ban this altogether. I would just say you can't do it this way you have to do it another way by writing out...

Kim Galvin: My issues was with those preprinted, there were also additional written in ones and I thought and I was pretty strong on the issue that it would have been, because it was such a change in policy from doing all specs in the middle of a cycle it would have been somewhat unfair without any notice, so I tended to agree along the lines of we've already started this, we're 6 days into it. With regard to your suggestion, I mean if they're all printed, you can understand but these were so blatantly frivolous and issues like that we could probably come up with a policy where you know, you spot check 5 on every page to see if there's any validity to them to verify because I certainly wouldn't want to discount specific objections that were otherwise valid that just looked bad.

Anthony Spano: Some people like to be neat.

Douglas Kellner: And that is what this, that is what New York City does is that they take for a position of this size, they would have randomly picked about a dozen and looked them up and if all 12, and if it was clear that, in other words, the objector would have had to get close to all of those dozen in order to overcome the presumption that it was frivolous.

Kim Galvin: But even if we could do more but I know that Anna raised it at the hearing, you know you're basically trying to get us to do your work, and I told the court in front of everyone that the Board looked at these as frivolous. We did them because I had a sense of obligation to do them, but moving forward I think we need to come up with some sort of balance. Because it really did take like 12 people 5 days or 6 days.

Anna Svizzero: It would have been easier to just find, you needed 1000 signatures to get on the ballot. It would have been easier to validate the first 1000 good signatures that were on and forget everything else.

Kim Galvin: Because the person is an incumbent senator that filed four times.

Andy Spano: Well I saw it before you worked on it and I saw it later.

Bob Brehm: The difficulty with the validating is just then say 1000 do it and there's two court cases an invalidator and a validator. So that is not necessary... in court and it sets us up for bad court...

Anna Svizzero: We just raised it as a time, you could manage time. It takes X people this much time to do and...clearly that's an issue.

Douglas Kellner: When they preprint a...

Kim Galvin: an NRNE

Douglas Kellner: an NRNE on every page and for some reasons...

Anna Svizzero: and I challenged them on it and...

Douglas Kellner: And it actually wasn't every one of them because there were some pages where they had Fs on every page but

Kim Galvin: Luckily I guess...

Douglas Kellner: I didn't agree with your decision to go ahead and work it but I would hope that the Commissioners if you want to vote should do so

Kim Galvin: Luckily it came in first so there was nothing else to do but...

Jim Walsh: I think you can see we have unanimous decision from the Commissioners

Kim Galvin: Yeah we're going to have to think it through at a staff level and gets because had that not been first and coming in the middle of the cycle, it could have very well delayed the work on the real specs that needed to be done before the board appearances. No we don't have too many extras.

Jim Walsh: Bring something back in the future.

Kim Galvin: Okay.

Jim Walsh: NVRA PIO John Conklin please.

John Conklin: Thank you Commissioner. Well as Todd said we're seeing what everybody's doing in the agency and there's always questions from the press and the public about the petitions, we've been very busy with that. But at the same time the July periodic for this year was due in the middle of that and that's probably the biggest financial disclosure filing the agency gets so there were lots of questions about what people were filing with regard to their financial disclosure so we had many, many questions about that as well. We had 51 FOIL requests in July. We also remotely participated in the Q&A for the Election Commissioners Association Conference yesterday. Greg and Patrick in our Unit made a presentation on HHS money for that conference and were available for questions. In addition we posted the results for the June 24th federal primary to the website and as a part of the petition process we posted a list of who's filed petitions for state and local primary. Do you have anything to add Tom?

Tom Connolly: Well I think just building on what a lot of people have been saying about working the specs and what you were saying about answering a lot of questions. We've received a lot of questions along the petition process timeframe about various questions about what constitutes a valid objection or how to even properly fill out their petition. You know we usually direct people to the Running for Office guide that we have on our website that Election Operations has put together. I think just one of the telling members is that out of 427 plus the 4 statewide petition, the 431 petitions, more than 93% were valid straight off the bat and then only a total of like just over 6% ended up being invalidated and that kind of got split between 13 that were invalid just from the prima facie review and the other 15 were a result of either the specs being worked or the outcome of the hearings. So I think that kind of really speaks to the quality of the information that Anna's team has put together that we direct people to that have those questions.

The other thing that we will bring up is that obviously next Friday is the deadline for Military ballots to go out to voters regarding the state and local primary. So we will be working with the county boards to make sure they get all their ballots prepared and uploaded in time for that and mailed out obviously.

Then upon certification of the language for the ballot propositions when that happens we will work with our IT department to get that up online as quickly as possible. John and I have also had discussions with our translation vendor and also the vendor we use for publishing the legal notices which will be required come this fall. So we'll be working on that as soon as that language is approved. We'll be working on getting that translated both in text form but also audio form for the ballot marking devices and getting all the information ready to go for publishing required legal notices.

Jim Walsh: Very good thank you. Any questions? Thank you Tom. Mike to you.

Kim Galvin: Please excuse me I have to go.

Jim Walsh: Dan Valvo, Elizabeth Mowrey?

Elizabeth Mowry: Dan's not here. As Bob mentioned we are in need of an IT director and as he also mentioned Dave Loomis will be difficult to replace. He has a lot of skills that we could use. So in the meantime we are working on keeping our projects moving forward and continuing supporting the agency with the services and systems that we now maintain. And that's about it.

Douglas Kellner: You're working on upgrading the Campaign Finance filing system?

Elizabeth Mowry: Right.

Douglas Kellner: Can you tell us where that contract stands?

Elizabeth Mowry: That we actually have our project manager onsite now so that is moving. They're working on the scope document and the business rules with our IT staff and our NYSVoter Refresh, we're waiting for the contract to be signed on that so we can move forward with that as well.

Jim Walsh: Any further questions?

Bob Brehm: With regard to the Candidate Management I know we worked hard, the money was identified for the Candidate Management Campaign Finance both in our budget and in the statewide Office of Information Technology Services. The assistance we have to get the initial phase is the IT budget and I know Dave, before he left, worked very hard to get all the approvals in place once the budget was in place to get the project manager and the technical lead. We did succeed in offering a position through IT for the Project Manager. We also selected a technical lead but he also got offered apparently a better offer somewhere else, we can't believe that. So I know from our plan we had hoped to have one start a little bit earlier than the other and they would have started together based on the need to rush but it will end up being one after the other. So we're still looking for technical lead person. Dave still comes back to help us to manage this project. We're meeting again next week because the state information technology Dave is part of the transition team to the new employee, we are still trying to work to get some additional project management support that can be a liaison between our staff, Dave and IT. We had hoped to have that in place already but the state IT department has identified a few people to do that work and they are also applying for multiple jobs and every time they identify someone for us, they are also on many other lists that are hiring at the same time. So it's a very fluid situation, we hope to narrow it down as soon as we can but it's not the best time for us to start to see our staff and sit in a room in a think tank kind of environment to come up with business rules when you consider we're starting this major project in July and the staff is busy because the biggest filing we have is in July to do Campaign Finance filings. We have this brand new program for compliance that started in July. We have a brand new program called Public Financing that started in July and we have a new program that's called Independent Expenditures that started in July and it's also a federal year that we have multiple things going on. So it's not the most ideal time and we say this publicly to let everybody know, we've said it privately, we anticipate a little bit of project creep because we started this in February we think we'd have the staff available to do it on a regular basis, now we're trying to fit it in as best we can because all those other priorities are very time sensitive also. So we're doing the best we can but we're just acknowledging to the world, the estimated number of days to get it done had we started it any other time of the year but now might have been good, and we're pretty bad on estimating time. But we know now it's not our ideal time to start and I just want to make sure the people understand that. But we're doing the best we can and everybody's chipping in.

Jim Walsh: I think we've heard that all through the day here people doing more than their normal job duties and going far and beyond the call of duty and it showed off in some of the reports the amount of work that's been accomplished over a short period of time. So it's appreciated by everyone.

We go to item 4b on our agenda please. Vote on certifying the ballot proposals for 2214. Anyone care to speak on it?

Anthony Spano: Yeah it's going to be on propositional #1 on revising the state redistricting procedures. Now the Attorney General sent us some wording that we looked at and it was sent out I think by one of our Commissioners to a number of people and organizations to look at and we had some recommendations made and I would like to submit some new wording with some of the recommendations that were made. Does anyone have a copy of this just so when I reference it you can see it?

On the fourth line, on the third line where the sentence starts, for clause amendment establish an independent commissioner every 10 years beginning with 2020 with and it says members appointed, we would like it to say 2 members appointed by each of them. And then it said by the 4 legislative leaders, it should say we think, by each of the 4 legislative leaders and 2 members selected by the 8th legislative appointees and then in addition it would say, prohibits legislators and other elected officials from serving as Commissioners. So it clarifies the whole thing. It doesn't change anything specifically but it makes it more specific and goes more with intent of law.

The other change goes down to the ninth line and, the Commissioners redistricting, legislative provides and in addition it says, provides that the legislature may only amend the redistributing plan according to the established principles if the Commission's plan is rejected twice by legislature. In the previous wording by the Attorney General's Office it establishes a legislature as the equal restricting body and the word default throws us back to where we were in the beginning rather than making this any different than what it was before. So those are the suggested change. These changes to give credit, they're not mine, were submitted by the Citizens Union and League of Women Voters so I want to give them some credit. There were a number of organizations that submitted things, but these seemed to be appropriate. So I'd like to submit that as a motion.

Jim Walsh: Yeah we'll vote these one at a time. Any moved? Second?

Douglas Kellner: So we're moving the Attorney General's abstract and then this alternative form of submission. We have to vote the abstract and the form of submission.

Anthony Spano: Well we're changing the abstract, we're deleting certain things.

Douglas Kellner: The abstract we're leaving the same. So we leave the abstract as drafted by the Attorney General and we're revising...

Anthony Spano: We're revising the states redistricting

Sue Lerner: Can somebody from the public be heard?

Jim Walsh: Briefly yes.

Sue Lerner: Okay so we don't support the changes. We don't have a significant objection although we don't think they're necessary. We do have a significant objection to the description of the redistricting commission as independent and we note that there's an important provision which has not been described in the description which we would add after the commissions redistricting plan to legislative enactment, we would add with rules that vary depending on the party control of the legislative houses which is a very unique aspect of the proposal and has not been identified to the voters. We believe this is necessary for an accurate description.

Anthony Spano: I'd like to submit what I just read.

Douglas Kellner: Alright, I second Commissioner Spano's proposal.

Jim Walsh: Other questions? All in favor?

[Chorus of ayes]

Opposed? Carried.

2. Permitting electronic distribution of State Legislative Bills.

Bob Brehm: On the State Legislative Bills there were no changes that were recommended to us from the Attorney General. The advice we received from the Attorney General with regard to the abstract or the form of submission Anna was this related to the typo or is it the next one? The typo that we fixed?

Anna Svizzero: It was the other one.

Bob Brehm: Sorry so this is the recommendation of the Attorney Generals.

Douglas Kellner: Well I move we adopt the Attorney General's abstract and form of submission proposal for proposal #2 the amendment to the constitution regarding permitting electronic bills for the legislative.

Jim Walsh: Second? All in favor?

[Chorus of ayes]

Opposed: Carried.

Item 3 -Smart Schools Bond Act of 2014.

Douglas Kellner: This one the legislature actually put the form of submission of the proposal in the text of the Smart Schools Bond Act of 2014. The Attorney General proposed deletion of a phrase. My view is that since the legislature and the governor had already agreed on the wording that it really wouldn't be appropriate for us to change that wording. So my motion is that we adopt the abstract as drafted by the Attorney General's Office and the form of submission for proposal #3 be in the form provided in the text of the legislation.

Anthony Spano: So moved.

Greg Peterson: Second.

Jim Walsh: All in favor?

[Chorus of ayes]

Opposed? Carried.

Anthony Spano: Now we dealt with these in the order of appearance right that will occur on the ballot 1, 2 and 3 right?

Douglas Kellner: Yes which was the order of the second passage for the constitutional amendments and adoption for the Smart Schools Bond.

Bob Brehm: So the Redistricting is #1, the permitting electronic distribution of state legislative bill is number 2 and the Smart School Bond Act is #3. And with your amendments, it will just take a few minutes after the meeting will require the 2 co-chairs to sign so we will make sure we write the substitution that you had made and get those signed. Our plan is to post them to the website today and certify to the county boards today.

Jim Walsh: Alright. Thank you. The next item of business is C – vote on a resolution certifying Robert T. Antonacci, II as participating candidate in the Matching Fund Financing pilot program for the Office of State Comptroller for the year 2014. Do I have a motion?

Douglas Kellner: I so move. We've received all the paperwork, this is actually the first candidate to be certified to receive state public matching funds so it's somewhat of a historic moment.

Jim Walsh: I second this most historic moment. All in favor?

[Chorus of ayes]

Opposed? Carried.

Bob Brehm: I think it's important to point out that under our program the deadline to submit a certificate, what's the proper word Bill to call

Bill McCann: the participating candidate

Bob Brehm: The participating candidate to elect. I think we've mentioned several times its important to mention since today's the deadline in case anybody is out there and still has time to do it. we are following the Campaign Finance model as to a deadline for a candidate to say, "I'm interested in joining this program" and the deadline we've picked, and we talked about now I think this will be the third meeting is today, August 1st. So whether or not they are running as an independent candidate or any other format or whether or not they meet all of the criteria to actually get the money is a second issue. Today is the deadline for a person to apply and we've been reminding people since it is the last day, we are approving this one but I just want to say one more time that today is the last day. They have until the end of the day if anyone else is thinking of joining.

Jim Walsh: End of the day is what time?

Bob Brehm: 5:00 p.m.

Bill McCann: And think about this point this is just one of the thresholds to receiving money. It doesn't mean that they qualify for money. It just means that...

Anthony Spano: They have to declare via whatever the mechanism is is that today's if they would like to.

Jim Walsh: Our next Board meeting is scheduled for Thursday September 4, 2014.

Douglas Kellner: We have to vote on the Campaign Finance stuff and I don't feel we need Executive Session. We'll just vote unless someone wants to talk about something.

Jim Walsh: Will you make a motion?

Douglas Kellner: I move that we adopt the proposal submitted by our co-councils with respect to the disposition of the Campaign Finance Compliance cases that are outstanding. Bill you want to put my resolution in proper language?

Bill McCann: I think it's adopting the recommendations of staff on those matters.

Douglas Kellner: Right. And is it just this piece of paper?

Bob Brehm: No there are three reports.

Douglas Kellner: Well I just want to make sure it's clear on the record what we've done. So there are 4 cases that are being referred to Elections Operations. There are cases that are being referred to the new Compliance Unit for addressing filing deficiencies in the manner that council explained during the reports before. And then there are 3, 4, 5, 6, 7, 8, 9, 10 cases being closed as not raising violations of the election law. Alright so that's what we're moving.

Greg Peterson: Second.

Jim Walsh: All in favor?

[Chorus of ayes]

Opposed? Motion to adjourn?

Douglas Kellner: So moved.

Greg Peterson: Second

Jim Walsh: All in favor?

Adjourned to the 4th of September. Thank you all.