

Kristen Zebrowski Stavisky: Commissioner Kellner, I think, your, this is an extension of our last...

Commissioner Kellner: I think Commissioner Kosinski can do this one.

Commissioner Kosinski: Well, I think Commissioner Kellner called the meeting, so why don't we let Commissioner Kellner run the meeting. Go ahead Commissioner.

Commissioner Kellner: I called the meeting, alright.

Commissioner Kosinski: That's what I understand, that's what I was told.

Commissioner Kellner: Okay. So, we have all four Commissioners present, so, I call the meeting to order. We have Commissioners Kosinski, Anthony Casale, Andrew Spano. We have just one item on the agenda which is a proposed resolution. Does somebody want to explain the resolution?

Brian Quail: The proposed motion that's attached to the agenda would authorize Council of the State Board of Elections to make an application to the Steuben County Supreme Court which would set the August primary date and the application would ask that court to set a cutoff date of no later than August 12th for changes of enrollment, and then those changes of enrollment would become effective seven days after the August primary. In like manner to how changes in enrollment with respect to the June primary would have been, would have experienced a significant cutoff period prior to that election would not become effective until and did not become effective until seven days after the June primary. That's the upshot of what the application would be and what it would ask the Board to do in its capacity as the entity that set the calendar. We view this as something that's related intimately to the calendar the court originally set, and functionally would restore some portion of the status quo ante with respect to how enrollment changes are designed to work in New York, so as to protect parties in their ability to have closed primaries and prevent party raiding by voters. I'm now quoting the Court of Appeals from 1974 "whereby voters in sympathy with one party designates themselves with voters of another party so as to influence results of the other party's primary." The application would be designed to prevent that from happening in similar manner to how current governing law does that and did that with respect to the June primary.

Commissioner Kellner: Thank you. Is there a motion and a second?

Commissioner Spano: I move the question.

Commissioner Kosinski: Second.

Commissioner Kellner: I asked simply so that I can go on record with respect to this. I have always supported closed primary elections. I don't think that the public is well served by allowing people to switch parties to vote in primary elections. And when this was first presented

after Judge McAllister's initial ruling, I supported including on the list of changes that we asked Judge McAllister to consider, extending the blackout period. And Judge McAllister did not take up the State Board's suggestion to extend the blackout period. We alerted the legislative leaders that this was an issue and asked the legislature to extend the blackout period and they declined to do so. And given that history, I am very weary of seeking to change the rules for conducting an election just two weeks before the start of early voting, less than two weeks before the start of early voting. And so, for that reason I oppose this motion. Does anyone else want to speak on it?

Commissioner Kosinski: Yeah, I'll speak to it for a minute. We do have rules here in New York, the rules that apply to June are not now currently being applied to August. I think that's a big problem. I think consistency in applications of the law is very important. I think that we should have consistent rule regarding primaries. In essence what they've done is they have sliced off two offices for different primary dates, the Senate and the House of Representatives by pushing it to August. This unintended consequence I believe, has changed the rules for voting from August, from what was in occurrence of June. I think that to have that kind of a bifurcated election with bifurcated rules is not in the best interest of the state, not in the best interests of the voters of the state. I think we should have consistent rules across the elections. This particular motion will make the August primary consistent with the June primary in that the rules for changing parties will be the same. I think that's an important principle for the state to uphold, and I support asking the judge to impose this kind of rule in August as it was in June.

Commissioner Casale: I would like to add something Doug.

Commissioner Kellner: Go ahead.

Commissioner Casale: I don't think anyone knows why Judge McAllister did or did not address this particular subject at the time, but I see nothing wrong with us suggesting to the Judge, which is what this letter does, is basically looking at it one more time and giving it consideration. It's up to the Judge to make the decision not us necessarily. But I do support it and I think that the Judge has an opportunity to look at it again and I agree with Commissioner Kosinski, this was a loophole in the law and it's our responsibility to at least bring it to people's attention so the loophole can be closed.

Commissioner Spano: Yeah, and I'd, I'd like just wanted to say something. It's just simply that the intent of the law is to make sure that this didn't happen if we had a regular primary. This is an unintended consequence and I think we should go back to where we're supposed to be and make sure that we don't have an open primary when we didn't actually vote for to have any more, providing here.

Commissioner Kellner: Okay. I'm sympathetic to all of those arguments and I've already indicated my concern is just changing the rules so close to the start of early voting. If there is no one else wants to say anything else, we can take a vote. Those in favor?

Commissioner Casale: Aye.

Commissioner Spano: Aye.

Commissioner Kosinski: Aye.

Commissioner Kellner: Those opposed say nay. That's me. So, it carries three to one. Is there any further business? Hearing none is there a motion to adjourn?

Commissioner Casale: So moved.

Commissioner Spano: Second.

Commissioner Kellner: Those in favor say aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Spano: Aye.

Commissioner Kellner: Opposed? We stand adjourned. Thank you very much.

Commissioner Casale: Thank you.

Kristen Zebrowski Stavisky: Thank you