

Commissioner Kosinski: We're going to open up the meeting of the State Board of Elections today. I'm Peter Kosinski. With me is Commissioner Kellner, Commissioner Casale and Commissioner Spano. The first item of business today are the minutes of July 12th, and July 26th. Is there a motion either discussion or a motion on those two sets of minutes?

Commissioner Kellner: I move adoption of the minutes.

Commissioner Casale: Second.

Commissioner Kosinski: Moved and seconded, all in favor?

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: So moved. And we'll move on now to unit updates. And our first one is Executive Kristen Zebrowski Stavisky and Todd Valentine.

Todd Valentine: Well, we just finished the filing period with regard to its report. Things were still coming in the mail today. So, that's there. Early voting obviously began on Saturday for the August primary. Turnout slightly below the numbers that were for the first two days of the June primary but as of this morning, we didn't have the New York City numbers yet, so.

Kristen Zebrowski Stavisky: Yes, we do, that's 33,000 statewide.

Todd Valentine: So, we're running about on par. And we have numbers available also if you're interested for the special elections, the national special elections that are running, hard to tell if we're above or below, but it's low. And that will continue, obviously through Saturday or Sunday rather through the next Sunday through this weekend, and then the primary will be on Tuesday and we, the staff has put together our standard procedure for you know, securing the election itself both on the physical side and the cyber side. So, those will check in with our partnership teams which would include Department of Public Service, the Division of Homeland Security, you know, just be apprised of any situations that occur. It was a quiet weekend, so they didn't have calls, otherwise we have a call scheduled every morning at 10:00 and we cancel it if there's nothing going on. And that's a lot. And we did mention it during the Public Campaign Finance Board because it does affect State Board obviously is just the space planning. We have a series of meetings with Office of General Services with our space planner.

We're still on target to construction is supposed to be beginning at the end of February beginning of March of next year. We're still looking to finalize the furniture order itself that will replace these tables, these chairs, and all new carpeting. So, that will be finalized. In short order, we're just waiting for the final tally on that. So, we'll have all of that ordered in place. What we don't have is space for the entire staff to leave the floor at this point in time. So, right now, we have about enough for half of the staff to leave the floor, so construction may have to adjust depending upon how much space we can clear out. They are still trying to find space but, so far, they haven't, and we have finished this on add very quickly, we did finish the renovations on the first half, front half of the first floor. They are scheduled to move back in on Wednesday, so that was one project that we got done which did add additional seating downstairs, so that was a good project to have done. They are doing the cleaning today or tomorrow, and then they'll move back in on Wednesday. That's our facilities for now. Kristen?

Kristen: No I think that you just about covered it.

Commissioner Spano: How difficult is it going to be to operate while that's all going on?

Todd Valentine: They'll set up temporary spaces and what we've put to them is depending upon which section you do when, when we have to have an operation. So, right now, that occurs in March. We would have petition filing the first week in April. So, we would have a spot, we need to create a spot for people to come and file petitions. Now granted it is not a big year for us, primary delegate state committee, but we would still need a front counter. So and they said they would work as to which, they're not even sure which part they want to do first. So, we should be able to figure out some type of organization. Now, the problem is going to occur when we get to board meetings because if this room is not available, we will have to move down to the third floor, they have a meeting space that we can use. You know, so we have plans in place, but right now they'd like to vacate the entire floor in which cause then, we would have to have, well where is that other floor? And then find out where people would come to drop off stuff. And it's not just petitions. We get a lot of in person people who drop off registration documents for Campaign Finance Committees, mail, lawsuits. We get a lot of stuff in the mail, a lot of voter registration forms come in the mail. Next year should be relatively quiet. Like I said, it's our big year that drums up sports. So, that's the biggest worry we have is you know, being operational during the construction period. It is expected to last through most of '23.

Commissioner Spano: How are they bidding this out? If you have so many variables coming close to the office.

Todd Valentine: Well, the bidding is, the furniture, there is no bid on that. It goes to Kopac so that's the way it is. The bidding itself was already done because there is a vendor that OGS had already provided for contractors so...

Commissioner Spano: You believe the bidding has an unframe work and work framework?

Todd Valentine: Yep, it will have that in there.

Commissioner Spano: And when you vary it, you get change orders and now you're into more money.

Todd Valentine: Yes.

Commissioner Spano: Why isn't it better just to get a bigger space for more money right away and avoid all that?

Todd Valentine: That's an excellent idea it just hasn't happened, because as they explained to us, they've renovated the rest of this building over time. We're like the last floor and parts of the first floor that have never been renovated. So, and it's more cost effective long-term because we don't pay rent here, the state owns the building. So, they're rather extend the renovation, keep us here rather than leasing space. And even for a short term, they really don't want to lease space either, they want to find underutilized or nonutilized state spaces to temporarily move us into, as they did when the other floors had been filled. Now, they had different operational needs than we do. We need a presence where people can actually physically find us. You know, the IT unit moves somewhere else, they can operate more remotely, they don't have the public coming in to see them. they don't have the same needs we do. And the same thing with the other programs, they don't get the public coming in, maybe once in a while they wander in. So you know we have suggested that, but that's the rationale that they've given us, it is cost effective to stay here for the renovation and long-term they have a more useful space.

Kristen Zebrowski Stavisky: We were also told that it will, will take what, 18 to 24 months to do a lease agreement.

Commissioner Spano: With another facility.

Kristen Zebrowski Stavisky: But every other floor did completely move out. They were given additional space. We're hopeful that they will do the same for us.

Commissioner Spano: So, if they go to a smaller government, they can do this.

Kristen: Yeah.

Todd Valentine: We still have a consider footprint.

Commissioner Spano: Yeah, I know it's just, you know? I've been through it and it's not easy. It screws everything up and the money starts going this way.

Todd: Yeah.

Commissioner Kosinski: We're all in agreement. I guess there's nothing we can do.

Todd: I've tried to get a space that works.

Commissioner Kosinski: OGS is working on this I'll assume as to how this actually works?

Todd Valentine: It is, but we've been very strong about what our needs are, and you know we have office, and we need office space for enforcement attorneys. Office space for attorneys. We need meeting space that works, and is adaptable for both Boards, obviously we have facilities that we need to accommodate for our IT team. We need activity to those. You know it's off site so we've been very pushy about what it is we need in getting the size of the workstation as best we can for the workload that different people within the different units use. So, we have a variety of sizes, and then also try to accommodate the environmental factor. So, one of the things that we're doing for that is to not necessarily lower the cubical walls but to take the tops foot and make them glass, so more like more light can come through and that will help. So, we've been pretty pushy actually.

Commissioner Spano: How long did you say this would go?

Kristen Zebrowski Stavisky: The project?

Commissioner Spano: Yeah.

Kristen Zebrowski Stavisky: Well, that's not really clear because they had given us, I think 7 to 8 months when the understanding was that this entire floor would be vacated. So, I would have to assume that it would add time and money to do it partially. But we have a new project manager for the fifth floor, so we started a transition to meetings with him. We had our first one, it will be 2 weeks ago. We will meet 5 weeks with him, and he seems responsive. Every meeting we talk about space, we need space. We are very forceful.

Commissioner Spano: And how many people on staff could do their work from home? Productively?

Todd Valentine: Well, certainly large chunks of that it's not really an option. Because if we have to take petitions, they're all physical items that have to be here, the voting system and all the folks operations unit, those are all physically here. Even the Campaign Finance both on the Public Campaign Finance side and the regular campaign side, the initial intake are all physical documents that have to be reviewed. So, once they're in, then reviewers can do some of that work at home but then they would be relying upon

their resources to connect with activity they have at home and that exacerbates our security needs.

Commissioner Spano: I understand.

Todd Valentine: Because once we go that way, so it's doable and to the extent feasible. We've had remote working, but it does make it much more challenging on certain activities.

Commissioner Spano: When this is all over, is there any thought of looking at the structure what we have and moving into more remote work and stuff like that?

Todd Valentine: Well, we're going to build the facilities going forward that will make it easier for that. Cause right now, in order to work remotely, you have to have a hard, a workstation here a physical presence here and that's just by design of the network. We always did that way for security purposes, and we maintained that when we started with COVID. Going forward what we want to do is cut that tie to the physical space here and migrate more of that computer use into the cloud so that we have that flexibility. Can't do it right now but that's the next generation of our workstations that we're going to go to that will give us that ability, either use a waterfall hoteling stations where people can park here physically and then have a regular workstation, they'll have a hoteling station where they can come and go. And we've incorporated those into the furniture design. So, we did that on the first floor, we have more of those workers that come and go with our contractors, so they don't get a full-blown cubicle like a workspace where they can come when they need to. That's something that we're putting into the design. Looking forward the numbers at this point when it will occur. So, we're trying to plan for it, yes.

Kristen Zebrowski Stavisky: There are several in the Public Campaign Finance that I think they work like 2 days a week remote, so they have started to try to implement that wherever it is feasible.

Commissioner Spano: Yeah, but it's just as long as the thinking is going on that's fine.

Kristen Zebrowski Stavisky: Mhm.

Commissioner Spano: There isn't one corporation, one business that I know that isn't doing something like this. But, of course, they can move at different speeds. But I understand. But I think that you, and you have no idea what technologies are going to be available in even 2 years from now. Those ones you hedge into I think it's okay.

Commissioner Kosinski: You all set Kristen? Or I mean, commissioner. Okay. Then we're done with the Executive report, and we'll move onto the Election Operations, Tom Connolly, and Brendan Lovullo.

Tom Connolly: Thank you Commissioner. As Todd mentioned, early voting has started and that's going so far so good. We have been providing support to the county boards both on the run up to early voting and also throughout the process. We did receive filings for supreme court. We did receive 22 in total nominations. All of the districts were represented. There are no vacancies in the 6th Judicial District. All of the other districts we received nominations from the Democratic, Republican, and Conservative parties, we received only one Working Families nomination, that was for the 8th JD. We have been collecting statements of canvass for the June primary and other election related documentation for both the June and the August primary as we typically do. We did hold a WebEx with 25 counties to talk to them about using the vendor solution that we first used in the June primary for aggregating results. This was a need that came out of the change of in law about the canvassing of absentee ballots prior to election day and the inclusion of those results in election night reporting. So, what the system does is it allows counties, since they are not really allowed to work with results until at the earliest 8:00 p.m. on election night, it allows them to take the results from two different systems in the case that we're dealing with at least the 25 counties, they're using the Clear Ballot system for central counting of absentee ballots and they're using Dominion for their early voting election day ballots. This allows them to kind of marry those results together very quickly so that they can provide all of that information to us on election night. The first go round worked very well. This go round we added a couple of counties that did not use it in June yet, but hopefully it will also go smoothly. Coming out of some litigation that I'm sure Counsel can address; we have also procured a successful absentee portal. This came out of the Hernandez litigation. We've been working with the counties for both the June and August primaries to follow the procedure that was put in place for successful absentees which largely consisted of the county boards getting all their ballot PDFs made accessible. And then when a request came in for an accessible absentee from a voter, they would e-mail the voter that accessible PDF along with some, easier to call it origami envelopes that they could print out and fold if they wanted to create an envelope to return their ballot. The Boards also have to mail out a physical packet of envelopes for the voter to use to return if they should so choose. This will be the new absentee portal will be in place for the general election. It will be a different kind of model where the Boards will be required to upload the ballot information that will be more similar to the military and overseas voting. And then, any voter who has requested an accessible absentee will be able to access that portal and will be able to go through the different contests and candidates that they are eligible to vote for, so make their selections and be presented with an accessible marked PDF that they can then return by mail to the County Board. So, we are currently working with the vendor in getting the statewide site set up as far as customizing the user interface to make sure all the language is New York specific. We will be working with the counties in the first two weeks of September after the August primary has been finished to kind of get them up to speed with how to use this new portal, so that when it comes time for us to certify mid-September, they will be ready to upload their information to the new system. I will also be heading out this week to visit 11 of the 22 counties that have both the special election along with the primary election, so I'll be hitting the special for the CD 23 on Wednesday I will be in 6 counties there.

And then 5 counties in the old CD 19 just to kind of see how it's being done, how that's being implemented.

With regard to voting systems, again, we have four vendors currently under certification testing; Dominion we are still just finalizing testing plan. You will hear this on some of the other systems. Basically, what we do is we have two testing partners; we have SLI which is one of the two federally certified testing labs for voting systems, and we also use NYSTEK for independent security consultant. What we do is we have SLI do the first pass as far as determining what are the different requirements under New York State Election Law that might apply toward the system and how they're going to go about testing it. We then make sure we pass that through NYSTEK and make sure they agree with that assessment and that they believe the testing approach is correct. And then once we're all settled, we can kind of move forward with each individual system. So, for Dominion, the testing plan is currently being finalized. We expect to receive hardware for all the new equipment here next month. The equipment that was submitted has already been given to the testing lab, so they already have that on hand. With regard to Clear Ballot, there are two flavors of Clear Ballot that are currently being looked at, one is 2.2 which is really just for the central count. I would expect that we would have the resolution for you to consider at the next meeting along with all the testing documentation. That was just an update to the existing central count software, largely having to do with New York City because there was a limitation in the old software with regards to the number of ballot styles that the software could handle. And New York City in the general election would typically go beyond that number. So, they've been fine for the June and August primary, but they would definitely be looking to hopefully be able to use the software for the general. The testing partners at this point are finalizing their reports. Once they provide them to us, we'll put them together with an executive summary and we'll provide them for you for your review. And then like I said, we would anticipate having a resolution at the next Board Meeting for 2.2.

2.4 is actually Clear Ballots full-fledged voting system. They have never had one in the state before, so this is for use at the pole site. We have been discussing with them, because there is some shared code between 2.2 and 2.4, we do believe that there are some changes that need to be made for 2.4 before it can really get tested. So, they will be working on some of those source code changes. We may move ahead with some other testing, environmental testing, what they usually refer to as Shake and Bake because they actually will heat up the room and do some shaking of the equipment to make sure that actually could stand up to certain criteria. So, we can do that while they're working on the any kind of updates to the source code. We can try to keep our overall proper timeline for that in place.

Hart, also a new vendor to New York. They did complete and get federal certification for the system that they're submitting to the State Board. So, we will be providing them what we call transfer credit for any testing that they did at a federal level that could be used for the state testing. Otherwise, we will be working on doing the Delta, so that's being kind of finalized what remains to be done and any New York State specific requirements. As

far as ES&S goes, they did come back at the beginning of August, they brought all their equipment in, and they did a demonstration for our staff and for NYSTEK. So, we were able to have kind of a hands-on with the new equipment, asked a number of questions, get a demonstration of the basic overview of the system. So, that's still at the very, very beginning of the process, but we will be working on figuring out what the testing for it should look like. A lot of this hardware has already been tested under the previous submission which was 6041. This new submission is 60301. So, ES&S will be putting together some documentation as to what they believe can be used from prior testing for this new system so as to kind of I guess be as efficient as possible, what testing we do have to do.

And then as far as the E-poll books, we will be reviewing and testing configurations from all three E-poll book vendors. We did just receive two of the three last week, we're expecting the last one today. The goal would be that, again, for us to have the testing done and completed and reports and resolutions for approval before you at the next Board Meeting so that county boards have enough time to update their fleet of equipment for the general election. And beyond that, I think that's all I have. Brendan, have you got anything?

Brendan Lovullo: I'm good, thank you very much.

Tom Connolly: Any questions?

Commissioner Kosinski: I have something.

Tom Connolly: Sure.

Commissioner Kosinski: One of the things you talked about earlier was you're going to go out to some of the counties that are running both the primary and a special, what kind of issues are you looking at when you visit these counties?

Tom Connolly: Well, we try to provide guidance for the counties ahead of time both with regard to the programming of their ballots, because we knew that it wasn't likely that any of these counties had enough machines to have separate sets for each election. So, we provided them with guidance on how they can program their ballots so that the ballots for the special and for the primary could be right on the same machine. Then we also followed up with some guidance with regard to the electronic poll books because it could be done in a couple of different ways. There are obviously different considerations that have to be considered because of the different cut off for voter registration, with the special election being 10 days before the election and the primary being 25. So, each of the different systems have different ways of going about it and all three poll book systems are involved in at least one of the counties the 22 and some of the counties also, it's a lot easier because they were wholly contained in all districts, so every voter gets a special election ballot. There were far fewer but still a handful of counties where only part of the county was in the all district. Some of them were actually in old election

districts which no longer exist because of redistricting this year. So, it definitely is a unique situation. So, I think the Boards have been doing their best to try to figure out how to administer the election. It is my goal to go out there and just kind of see how it's actually being implemented on the ground. Is it being clearly communicated to voters as they come in, that there are two elections that they are able to do? Some boards are using ballot on demand printing. So, a voter might go in, check in once and be handed two ballots. So, I'm kind of curious to see the different choices that all the counties made.

Commissioner Kosinski: Anything else? Okay. Thank you.

Tom Connolly: Thank you.

Commissioner Kosinski: The next is Counsel, Kim Galvin, and Brian Quail.

Brian Quail: Thank you Commissioner. We did a little reprise of our ballot access litigation season for lack of a better word, and we had 46 cases relating to what I would say our garden variety ballot access matters and roughly half of those cases that related to circumstances that came about as a result of the Harkin Ryder order and I'm pleased to report that as of right now, we have no cases pending with the state board as a defendant that would imperil the ballot. We still have potentially future cases to come with respect to Supreme Court. We certainly have cases potentially related to the result of the August primary, but ballot imperiling cases have been resolved. And that is frankly, in a better position that we're in right now than I might have anticipated. There is one ballot access case actually that we are technically a party to in Erie County related to a nomination for a judicial position at the county level. And we are only a party to that case because the rules of the party are filed here and also with their local Board of Elections. But it's fully expected that that case will resolve itself and only involve elections in Erie County.

There are, of course, a number of cases that are continuing to be pending, and actually before we get to those, I would note that at the last Board Meeting, the Board authorized Counsel to make an application to ask Supreme Court of Steuben County for a cutoff date for voter registration excuse me, for party enrollment changes with respect to the August primary. Within a few hours of the Board Meeting, we made that application and the court the next day ordered the party enrollment change cutoff for the August primary to be August 11th. And that I think alleviated a number of the concerns that the Board expressed of all the concerns the Board expressed at that meeting that precipitated that application.

As far as cases go, in the Libertarian Green Party case, as you know involves party qualifications, signature requirements on statewide independent nominating petitions. That case, all of the briefs have been filed and oral argument has been scheduled for September 6th. In the D triple C case vs the State Board of Elections in relation to a number of aspects of the lease that was bought by the D triple C, there was one component relief ordered that we discussed before with respect to mature process being applicable when postmarks are not on absentee ballots between the second and seventh

day post primary. At this point, all proceedings in that case have been stayed until after the general election. So, more to come on that case but right now it's in a holding pattern. In the Hernandez case, the State Board is issuing weekly reports to the court, submitted reports ordered related to the status of implementing voter access voting by mail process for voters with certain disabilities. That process, as Tom mentioned, unfolding, we are very much on schedule for that to be fully implemented for November. In the Brooklyn NAACP case referred to as the Line Warming case, we filed a motion to dismiss back in June and we are awaiting the determination of that motion. Similarly, in Upstate State Johnson's last meeting similar to the Green Party case, we filed what should be an ultimate appellate brief round there and at this point the oral argument has not been set but we expect it after the September term. In the, what I will refer to as the League of Voter's Women case, related to the challenge under the State Constitution the 25-day voter registration cutoff, in that case limited amount of discovery will continue, but hopefully that case mooted out if legislation upon the Governor's task with respect to rule of administration cutoff from 25 to 10 days on the assignment so that case may go away.

In the Judicial Watch lawsuit federal case, we have until October 3rd to answer that case. That case basically deals with list maintenance processes in New York City and the conversations between all the parties are continuing, and the case is on hold. The Schmidt case, which is the case related to the Out of State Witnesses having the ability to sign an affidavit and subject themselves to New York jurisdiction and thus allow them to be witnesses on independent petitions, that case continues, we lost the P I in that case, but it progresses. Most, recently we have a Cavalier case which essentially is a challenge to 8400 of the Election Laws provision that times out at the end of this year and allows for absentee ballots for concerns related to contracting a communicable disease. The case is very similar to the Ross case last year. Our answer is due on 8/25 and at this point, we fully expect the Attorney General to intervene in defense of the statute. Unlike the Ross case where the only state parties in that case, whereas in Ross there were any number of stakeholders defending the statute, not so in Cavalier, thus the likely Attorney General intervention.

In the Harkenrider case, there has been a motion to intervene on the part of the parent party was denied at the Supreme Court level appeals to the 4th department and the decision of the Supreme Court's attorney was upheld. Just Friday we did receive the motion on the part of the interveners appeals to be court of appeals. So that case has reopened a little bit, and we will meet that motion appropriately.

The Compliance staff worked directly with staff in the Enforcement Division to get failure to file lists in sync. It is very clear that we have learned from past experiences, and I think that process for the July nonfiling information that Enforcement needed to do their work, that it went very well. There was excellent communication between Enforcement staff and compliance staff back and forth to handle those issues. That was very good. And the unit continues to process a great number of FOILS, also work on various subpoenas, per usual, and the general work of the unit in reviewing reports that are filed with us continues. We are roughly speaking at 169,000 reports reviewed and the rough math

there are about 12,000 reports in cue that still need review. Also, for this time of year about enforcement. And finally, the staff informs me that the July periodic, we referred 3,137 of the ones nonfiling on or about the 26th of July and staff reports to me that candidates and committees that have not filed as of 8/14 has dropped to 1,864, which from a historical context, that is good, and I think it reflects both the outreach of the Compliance Unit but significantly the communications of the Enforcement Unit. And that's my report.

Commissioner Kosinski: Any questions? No? Okay, thank you. We'll move on then to the Enforcement Unit and that is Michael Johnson.

Tom Connolly: Michael, you're muted. Still muted. Looks like you are back to being muted. Now you're unmuted but it's possible that your microphone is set to something that is not the right microphone or you dialed into the wrong phone.

Commissioner Kosinski: How about while we wait for Michael and go onto the next unit. John Conklin and Jennifer Wilson on the NVRA-PIO.

Michael Johnson: Can you hear me now?

Commissioner Kosinski: Oh I'm sorry, yes, we can hear you now.

Tom Connolly: Still can't hear me?

Michael Johnson: Yup, now I can hear you.

Commissioner Kosinski: Yes, we can hear you now.

Commissioner Kellner: Let's go ahead. We should ask him to come down.

Commissioner Kosinski: Yeah, I think that's best.

Tom Connolly: We can hear you we just need you to reactivate your video.

Commissioner Kellner: Actually Michael, I think we would prefer if you would just take the elevator downstairs.

Commissioner Kosinski: Maybe somebody could tell Mike, we'd just as soon he came down rather than going through this if somebody could do that. In the meantime, we'll move onto NVRA PIO, Jennifer.

Jennifer Wilson: Thank you Commissioner. In July, PIO processed 126 FOIL requests, in August 27. We had these by phone calls for the past 2 months, a lot inquiries about the primary, a lot of inquiries about the party change rules and changes to that and you'll hear in this report a lot of what we did was related to that making sure folks new about

the new deadline. On the website we made some updates for the new deadline. We also worked with DOD to ensure that their online portal reflects that the deadline actually a day earlier through the DMV portal. We made some cleans up to the home page...

Michael Johnson: Can you hear me now?

Kristen Zebrowski Stavisky: Michael can you come downstairs? We moved onto NVRA and PIO and the Commissioners would prefer if you just come down.

Tom Connolly: I don't think he can hear us.

Michael Johnson: Can you hear me now?

Todd Valentine: We can hear you, but can you hear us?

Michael Johnson: I can hear you.

Commissioner Kosinski: Okay great. Michael, is there a chance you could come downstairs, so we don't have to go through this?

Michael Johnson: Okay, I'm ready. Picking up from where Brian Quail left off.

Commissioner Kosinski: Michael, Michael, Michael hold on.

Michael Johnson: What? What? What?

Commissioner Kosinski: Can you hear me hold on just a second. We were in the middle of a report just now Michael. Jennifer why don't you finish and then we'll go back to Michael, go ahead.

Jennifer Wilson: Okay, alright thank you. We also received a letter from the advocacy groups regarding a public reporting tool recommending we make some changes, so we are currently looking at that working with IT. On the Move Act, we submitted the 45-day UAHAVA compliance reports to the Department of Justice. We are also continuing to fill increase of oversea voters who are looking to vote in the August primary. On early voting, over the weekend, staff was on-call to field any early voting increase. We are also currently tracking the early voting polls from counties. On traditional media, recalling the fourth quarter we issued a press release regarding the new party enrollment deadline change and we also responded to a lot of inquiries about that with media.

On social media, in July we held a training for county boards on some of twitters advanced tools, and we got some great feedback from that. We are also currently in conversations with twitter to hold a more twitter basics training for counties that don't have any twitter presence at the moment. We are going to schedule something after the primary for that. In July and August we our used social media to further inform about the

primary and also about the early enrollment change and we posted 16 tweets to twitter, and Facebook in July and August and we are continuing to inform about early voting. On the new ballot proposal, we added a section to the website for the 2022 Clean Water Clean Air Green Job Bond Act. We had the language translated as well into the four mandated languages. We are currently in conversations with press services to get our ads out there in time for the stature requirements to be posted in all 52 county papers. On NVRA, the staff held a training for the New York State Department of Health providers to review their procedures for NVRA processing agency-based registrations. There were 220 participants on that training, staff did a great job, and the training was also recorded so that anyone who wasn't able to attend was able to watch it out after.

And then on grants, our new postage grant OGS finally approved our \$4 million postage grant for the pre-paid return envelopes that was implemented this past year into law. We're still waiting for those final contracts, but I have been told they are approved so counties should be expecting them in the next few weeks, that way they can get a piece of that \$4 million provide funding for their postage paid return envelopes. And then I have I have some grant totals here, but I think Michael Johnson will want to let him go. So, if you have any questions, I'd be happy to respond to them.

Commissioner Kosinski: Any questions? Okay, Michael we're back to you then.

Michael Johnson: Okay, great. I'll pick up from where Brian Quail left off with regard to the nonfilers. On July 25th, we sent a total of 3,842 e-mails to nonfilers. As of today, once we sent those e-mails out as of the 11th of August, we got approximately about 257 or so bounce back and that was either the e-mail address was bad, it was misspelled, or the recipient server rejected the e-mail. In working with the Compliance Unit, the compliance folks were great in terms of us working together to get an accurate list out. What we did is we're still working on getting an accurate list. It's not 100% perfect yet, but we're really, really close to getting an accurate list all around. And what we did from that is from the 25th through the 31st of July, there were approximately 934 2022 July periodic reports that were filed. Of those, 330 were itemized reports and 604 were no activity reports. We then got another list from the Compliance Unit on the week of August 1st, this resulted in a list of 2,291 served by nonmailer letters that went out. They were sent on August 2nd. Now between August 2nd and the 11th, there have been an additional 425 July, July periodic reports filed. Out of those, 146 were itemized and 279 were no activity reports. As of the 11th, there are still 1,615 committees that are still on the no filer list. Right now, it's a little too early to compare this list with the returns that we have been receiving back because we've been receiving certified letter returns on a daily basis. A lot of those returns are for bad addresses, most of them tend to be for bad addresses or from people who have moved, and the forwarding address instructions have expired. So, that's where we are with the no filer project. As far as our LLC project is concerned, I'm in the process of reaching out to Compliance to set up our next steps, because I know they're still constantly updating the LLC list in terms of the LLCs that are filing their statements of interest. So, we need to still coordinate with them to find out how many are still outstanding, and then we'll take our next steps on that. To help with the, I know Peter

you had a question with regard to, you know, cases that were still outstanding and best as we could, we put together something for you guys with regard to the inactive cases, closed cases, and if you take a look at that, what you find is the division itself had a total of 357 cases that were open before the effective date of the regulation that called for the previous Chief Enforcement Counsel to give notice to the Board that cases were being closed. So, like I said, you had 357 of those cases that she closed with no notice to the Board. After the regulation took effect, and you have all of the other cases that came on board and you have that complete list in front of you of all the cases that were closed after the regulation, but the previous Chief Enforcement Counsel deemed those cases inactive. So, you've got that list in front of you of all of those cases that were deemed inactive.

Commissioner Kosinski: Michael, maybe you could explain that term inactive.

Michael Johnson: Well, I will explain it as best I can from the folks who were here. My guess is inactive was a case that was deemed to have no further action was needed by the previous Chief Enforcement Counsel. That's important to remember it was her that reviewed all those cases that made the determination as to their inactive status. And she, my guess is the inactive category was used if cases were either referred to a hearing officer, referred to an outside entity, or if she deemed no further action was going to be taking place on the matter.

Commissioner Kosinski: So, that's different from closed.

Michael Johnson: Yes, it is.

Commissioner Kosinski: But it may also include closed.

Michael Johnson: It very well may, again, this was Risa's determination as to whether or not a case was inactive and since I really can't speak for her, nor have I really have talked with her, I can only tell you what I'm guessing to why she used inactive.

Commissioner Kosinski: So, is it fair to stay from your standpoint, those cases there will be no further work done on those cases?

Michael Johnson: That is correct, Peter. Now, since I came on board, there have been a total of 175 cases. Out of those 175 cases, 101 have been closed and I provided you with a list of all the closed cases to date. And a lot of those cases that were closed were cases that also during my tenure were administratively closed and those cases which were administratively closed were closed because either no action was taken within 2 years, they were administratively opened erroneously, and they were subsequently closed administratively. Or it could even be duplicates and that's why they would have also been administratively closed.

Commissioner Kellner: It's just a number, doesn't really give us any information.

Commissioner Kosinski: No, there's nothing here. So, you've got 3 categories; you've got closed, you've got inactive, and then active?

Michael Johnson: No, you've got closed cases, you've got inactive cases, and then you've got administratively closed cases. The inactive cases, that was a creation of the prior Chief Enforcement Counsel, I have not used that designation.

Commissioner Kosinski: So, maybe you can help me with something. What's the difference between a closed case and an administratively closed case?

Michael Johnson: A closed case takes place when an investigator or an attorney reviews the matter, does the investigation, finds out that there simply is not enough to sustain an allegation of an election law violation, or the matter has gotten resolved and then the case is closed. As far as an administrative closed case is concerned, that could be a situation where you've got a duplicate matter that has since come in and we've already addressed it and its just got administratively closed. Or you could have like I said, multiple complaints for the same issue, or you could have a situation where someone looked at a matter and I took a look, a second pair of eyes, and made a determination no, it should not be a case. Now during the time when there was no Chief Enforcement Counsel, I have come across quite a few matters that were opened that should not have been cases and I administratively closed them.

Commissioner Kellner: So, how many open cases are there now?

Michael Johnson: Right now, there are approximately...so it's approximately 80 cases.

Commissioner Kellner: Have you made any progress on drafting proposed changes to the statute governing your operation?

Michael Johnson: Ah yes, actually I have. We've talked, the staff has raised a couple of issues. We're still working through a couple of them so, I hope to have something for you guys probably by the next Board Meeting in terms of just ideas or thoughts we've been thinking about with regard to different changes. For instance, one, and I know I might have brought it up to Peter, also Doug, I think I might have brought it up to you as well. One change that we had been looking at is adding the ability to send regular first-class letters with regard to the nonfilers instead of just simply certified letters because I think that in this day and age, you have a lot of people who are more receptive to regular mail than certified letters. And also, we've had great success with regard to sending e-mails. So, off the top of my head, that's one in particular that I would like to see a change with regard to the statute.

Commissioner Kellner: I think another area that might be productive is to have a more expeditious procedure for fining nonfilers.

Michael Johnson: Yes, that's sort of something that we have talked about, and the staff has looked at other states in terms of, because New York is one of, you have more states that actually have fee structures for fines with regard to nonfilers. So, we have been looking at that. We've been looking at what would be considered you know, a fair in terms of across the Board, how we would break it down, how far in advance do you need to give notice to folks. We've been looking at things like that. Also, we're looking at, as far as the fines are concerned, how the intake would work out. So, we're looking at that as well. We are also looking at any possible changes to the hearing officer process to help streamline that a little bit better because we have started bringing some hearing officer cases, so we'd like to try to streamline that a little bit more. And also, I'm taking a look at, I know we generate the quarterly reports, and I know Peter you had some questions with regard to the numbers in the quarterly reports, and the issue with the quarterly reports it that it's not like a snapshot in time. The quarterly report will show you for instance how many cases are open and how many cases get closed. And the cases that get closed its sort of like not right then and there that might be a case that we took in a couple of months ago. So, sometimes those numbers don't always line up in terms of how many cases came in vs. how many cases get closed.

Commissioner Kosinski: Okay. Anything else? Okay, Michael I just noticed just for administrative, so on these cases closed document that you gave me you marked it confidential is this confidential information. You marked all those pages confidential, I'm just curious, is that something that is confidential, the fact you closed a case?

Michael Johnson: No, that was just a computer glitch on my part.

Commissioner Kosinski: Okay alright nothing else, thank you. Then, we'll move onto ITU Michael Haber.

Michael Haber: Thank you, Commissioner. Good afternoon, commissioners so, recently IT spent much of our time in preparation for the elections this summer and activity. As for now, in the August election cycle as Exec mentioned earlier, our normal practice is daily touch wind views in our various security partners working it by our Chief Information Security Officer Ben Spear. We also supported and coordinated to have comprehensive IT coverage both on Election night and early voting timeframe. In terms of ongoing projects, we'll start with our online voter registration and automatic voter registration. Signed contract as you may recall was signed here, approved by the Attorney General has been sent to Comptroller for final review and approval. Looking forward to moving on that. We've also had dialogue and demonstration for the state currently using software on which our system will be based. We have a draft, and we'll get that. We continue to also have regular meetings at several participating automatic voter registration agencies as well as state ITS and the counting voter registration vendors.

On other projects, the modified absentee ballot request portal, of course, has been up and running throughout this process, this period. We have added modifications and enhancements. The absentee ballot tracker was successfully deployed earlier this year,

and we are currently in discussion with all of the voter registration systems to get them to be sending us all of the both required and the desired to feed into that. In terms of state expansion, we discussed that at length earlier. IT continues to work as a part of that team supporting agency. Filled out the assessments mentioned nearly completes the previously existing space on the first floor and our IT development teams will be moving back there this weekend from their temporary swing space. We also are in the process of an infrastructure refresh, making preparations for it. We have done those efforts to upgrade much of our server and storage infrastructure which will be done with minimum amounts of down time. CAPAS-FIDAS, there were several updates that are in the process for enhanced usability for the public reporting site. Working on that with PIO and Compliance. There was recently added additional import capability for the electronic filing system to allow imported independently previous files such as cell with appropriate validation. And electronic filing system updates have also begun in support of Public Campaign Finance as an interim solution so that procurement is fully realized. We do continue to support Public Campaign Finance in a variety of ways, much of which was mentioned in the previous meeting. In particular, I'll note again the successful development and deployment last month of website there which we are using as a model for how we may enhance our existing website for the entire State Board while utilizing content management system and perhaps hosting by the State ITS services.

In terms of security, in addition to what was already mentioned, this month the Secure Election Center staff spent much of July contacting county boards and county IT staff regarding the Cyber Regulation reporting which was due on August 1st. The submissions that were received are under review and working with local staff reaching out any related questions to that. We continue to review options for continuing the intrusion detection and managed security services contracts which we had in place for several years with county boards. That's a very successful program. We also continue to work with NYSTEK and counties on implementation of their Risk Mediation Plan efforts. And we are continuing to actually work with the SUNY Center of Technology and Government as the future of election infrastructure project along with a percentage of different unites of the agencies.

Finally, I'll note that last week Ben Spear and I attended Summer Conference of the Multi-States Information Sharing and Analysis Center and the Elections Structure Information Sharing Analysis Center hosted by Center for Internet Security. There were positive interactions with many folks from both Cybersecurity elections professionals from across the country and we got a lot of information to share. End of the report.

Commissioner Kosinski: Okay, thank you. Any questions. Must have been a great report if there are no questions. Okay, so we'll move on, our next is any old business? I don't think so. Any new business? I don't think so.

Brian Quail: A very, very minor item. During the fire meeting UCFD public hearing conducted by staff in relation to the approval and resolution on the Open Meetings Law Provisions, I'm assuming that this Board would want to actually hand them out that

process for import as well properly and appropriately for you to indicate the same sort of benefits in this meeting as indicated in the last.

Commissioner Kosinski: Any objections to that? Okay, with that said, I don't have any other new business unless somebody else does. If not, the next meeting I guess is the topic. I was told September 12th. Everybody on board with that?

Commissioner Spano: It's a Monday.

Commissioner Kosinski: Mhm.

Tom Connolly: It will also be to certify the general election ballot.

Commissioner Kosinski: I don't think we do that. Okay, so, the 12th is the next proposed meeting. And with that in mind, if there is no other business, I would entertain a motion to adjourn.

Commissioner Spano: So moved.

Commissioner Kosinski: I'll second it and all in favor?

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: So, we are adjourned until September 12th. And thanks everybody for coming.