

Commissioner Kosinski: Okay, so we're going to open up the meeting of the State Board of Elections here on August 30th, 2021. I'm Peter Kosinski, I have Commissioner Kellner, Commissioner Spano, Commissioners Casale here with me and we will begin today meeting with the minutes from I guess there are two sets of minutes, one is August 2nd, one is July 28th of this year. Is there any discussion or?

Commissioner Kellner: I move adoption of both minutes as drafted.

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: Opposed? So those are adopted. We will now go on to Unit updates and we'll start with Kristen Zebrowski Stavisky and Todd Valentine.

Todd Valentine: Well first, we do welcome Kristen at her first full meeting as Co-Executive Director. Certainly, has hit the ground running and big shoes to fill, but so far so good.

This month, obviously we're focused on certifying the ballot, part of the minutes one piece of that was the ballot proposals that we have to certify. We're just finishing getting the translation sent off there will be more to that with candidate layouts, those will go out on time. We're due to do that by September 8th so it looks like we're ready to get that on time and ready to go. We have been meeting on space planning, this was alluded to during the Public Campaign Finance Board. We're actually taking, just to clarify, we're talking about space planning through Public Finance, but it also impacts the rest of the agency. So, as the plan currently is, as we currently have it, we have space on the 5th floor of the building, we have space on the 1st floor of the building, we're going to continue to have space on the 1st floor, we may get additional space to help us move temporarily while we're doing the renovations on-site but either way, we're going to permanently be on the first floor. We may grow in size over time. We have also added space on the 10th floor which is, at this point because of the configuration of the space and size, will just fit the Enforcement Unit. So, they will be moving up to the 10th floor. We'll connect obviously our network will connect with them electronically for what they need to do. So that's also been part of the space planning. Right now, what we have done is focused on the 5th floor to ensure that we have sufficient seating. So, in total, the plans that we currently have will give us 158 seats on the floor, currently we have 81 people currently

and that gives us room for growth for Public Financing and we also have identified a possible space not this year but next year cause it still would have to be renovated for us, but there is a little more room to grow in the building so looking forward it's good, it just is taking time. And part of that time is since we're dealing with an existing floor plan, we can't just gut the whole floor cause there's nowhere for us to move, that was another problem. So, we have to do it in sections, meaning that certain things have to stay where they are; for example, this Boardroom will stay where it is. The law library which is next door will stay where it is. So, we're planning around things that aren't going to move and adding additional offices to acquire space with the new Counsel's that we've added and directors in addition to sufficient workstations for additional employees that are expected in Public Financing and also IT to support them as well as Human Resources.

Commissioner Spano: So when you move, the Enforcement Unit moves up to the 10th floor right is that before your renovation here?

Todd Valentine: No, that will be step one or two. Alright. The next plan is once we finalize the basic layout is going to go first. And most likely it's going to be moving the Enforcement Unit up to the 10th floor but there's renovations, some minor renovations that need up there first and electrical work that has to be done.

Commissioner Spano: Doesn't that change give you a vacancy now to enlarge your program.

Todd Valentine: Sort of because we're actually going to start doing construction right in that zone because we're leveraging some of the existing space to provide offices. We're using some of the walls to provide offices so that's one of the first spots we're going to start construction once they exit. So, yes, it does but no, it doesn't. So, after we've done the basic planning, we're almost done with that. We're still tweaking a few locations for a couple of extra workstations that they're in the right spot, copiers are in the right spot so they can give us a wiring plan. We expect after that they'll do a more detailed plan which will come back and give us cost estimate. They are reluctant to give us ballpark but knowing the cost for floors that were fully gutted in this building previously, we expect the renovation somewhere to be in the \$1.5 to \$2 million range that would include new furniture, wiring, construction, you know, they will detail that out. They're hoping it's closer to the \$1.5 million and as far as funding, for this fiscal year we are in a good position for that because of obviously getting things started, there are funds that are available both in Enforcement can cover some of its own cost for nonpersonal service funds, as well as some of the costs that we can contribute to Public Campaign Finance. They will not have been able to spend all their funds this year so there's some funds available. And we do have funds available, if need be, although we'd rather not spend them first in the Capital Grant Program. That will increase our infrastructure in the capital venture. So, and we've identified those to Budget, and they said, "Well give us a cost estimate and we can come back and see where it's coming" because this project will span this fiscal year and the next fiscal year. So, their schedule that they again, are reluctant to pin down on is OGS construction, is somewhere in the 30-week range. What

that doesn't include is problems that have arisen in the last year for furniture deliveries, furniture being the workstations – they're made of cloth that are very specific to the furniture. They have experienced in another project some delays in getting those, but they don't know how that's going to impact us at this point until we go in the ordering process. So, hopefully it doesn't delay us that much, but it could have an impact.

Kristen Zebrowski Stavisky: It's been a busy year.

Todd Valentine: And it goes into a busy year so that's always been something we laid out to OGS and so pretty much Budget and anybody who would listen. We laid out an entire year's calendar, here's the events that occur month by month as you go through the Election process not just for ballot access but also for Campaign Finance, Compliance Unit when filing occur so they understand when we actually get physical documents. So that's one of the things we do, I wouldn't say a vestige but it's how we operate it. Ballot Access is a physical document that comes here it's not electronic. The Public Campaign Finance and the current Campaign Finance, not Campaign Finance, but the Enforcement Program always starts with some type of an original document and there's always something original to start so we have to some availability for the public to come in and give us a physical document. So, we will have a front window. We're going to move it a little bit. So, that makes it difficult because we're always going to need people here at certain points of the year on-site to accept those physical documents and enter them into the system. We have proven, if nothing else, over the last two years that we are able to do some remote work so we're not discounting it, but right now we're planning for the size we're getting right now, people who think we know we'll have on-site. What that next phase will be when Public Campaign Finance is fully operational is still something that has to be considered as they go forward into that time period. And OGS is mindful of that. They don't want to build empty seats. We don't disagree with them, but we projected out we need at least 100. Our goal is like 130 to 140 seats they gave us 158 so that gave us a little buffer at least over the next two years. After that, we're going to have to evaluate that as we go through it.

Commissioner Spano: Let me ask you the same question I asked Cheryl at the other meeting, are we considering any remote situations? Because you don't have the training problem that she has.

Todd Valentine: Well, we consider it. I mean our basic program is because of the artifacts that have to get filed here and security needs for being here, we've always felt on-site work was the most effective for again, for documents coming in. We don't have, it would be hard for us to do an agency wide program without somebody here on a regular basis. And what's coming into the mix is, I mean this will probably change, but the current plan was for all agencies to go back to fully in person the first week in December. Now that is being reevaluated by the new Governor so we're not sure what's going to happen with that, and we have not received any additional guidance from them on that other than we're reevaluating it. So, is it something to consider? We could do it; it was difficult through last year, but we got lucky because we were able to get the physical supplies for

that but then once you connect to outside that really increased our security risk posture because of the remote working and because, obviously the petition people are very difficult because they need work on their physical document or at least one that's on-site. But for the Campaign Finance, they could do some reviews, but they still had to have access to a lot of the, the documents that are scanned in and aren't necessarily filed electronically. So it makes its challenging and what's even going into the mix now is getting additional hardware is now proven to be a little more difficult than it was last year.

Commissioner Spano: That all sounds like it makes sense, but it doesn't make any sense. You're looking at things the way they are. I mean every year; every month things change very significantly. The types of machines that we have available to us. I mean in my own house I have something that didn't exist four years ago. You know and improved something tremendously. But I had to research a lot and keep my ears open and my eyes open. And I think it's illogical to say that this is the way we have to be. I'm not saying the way you should be is exactly the way you should be, but I don't think you can say this is the way we have to be.

Todd Valentine: I don't disagree with that. And having talked with Bill Cross, what he's envisioning, because right now our current structure was always designed to be on-site and we migrated to some of that to a certain extent. But that also, in order for somebody to do remote work, you had to have something here to remote work from.

Commissioner Spano: I understand that.

Todd Valentine: So, what he's looking at is, and this is not this year and may not be next year, more likely the third year down the line, is to expand to more of a cloud-based computing that allows less time in physical infrastructure. But I've gotta deal with here and now. So, for now we've gotta plan for that. But then he also is looking towards the future so that we can ease up a little bit if you want to say that to allow for more remote work. But it's still something that people are still evaluating how to work, and government is a little different than business.

Commissioner Spano: Listen, I ran a government, and I had a lot people doing remote work and that was ten years ago.

Kim Galvin: I've been a remote worker due to a lot of family health issues that I have, and I've found that actually I'm much more productive at home. But you do have to, there are times when you physically have to be here and have a place in the building. It doesn't have to be as extensive as the one we currently have.

Commissioner Spano: You don't mind me having this conversation?

Commissioner Kosinski: Go ahead.

Commissioner Spano: If you have someone that has to be here ten hours a week or five hours a week, you can't maintain an office for that person or a workstation for that person. It could be a workstation for five of them that work that day and just dovetail them out. You can't say to me, "Well the law says we can't do that." Well then you go talk to some of the legislatures and you get a law changed. And that's my point, it requires that kind of look at the situation. There or talk to the unions because if they trip at their home is it Workman's Comp and that kind of stuff too. I've been through it all so I can tell you about it. But it can be done, and it really diminishes the space. Cisco – big corporation got rid of 50% of its real estate. I mean and they're still working. And you know, it's a hit on government all the time when we have the attitude, no we're not a business I know that, forget about it, but we can do things a lot quicker, a lot better, a lot differently. You can reconfigure the way our digital stuff is uploaded. We just did that took us ten years, but you know...

Kim Galvin: Especially since the Courts have now gone all electronic filing and the State courts and things like that, we don't have to run out as much paper anymore.

Commissioner Spano: And I'm not saying do it now. You can't even get a chip to do anything right now. I'm just saying, I just think that the head ought to be into it 24/7 as we work.

Commissioner Casale: What I understand talking to Todd, I'm sure they're thinking this way but they're acting the way the law and the current administration is acting. I'm reminded when Governor Al Smith proposed a new office building across the Capital, they laughed at him and said, "You'll never fill it with enough state workers."

Commissioner Spano: And I appreciate that, and I understand it, but I like to make sure what I say is public. That's all.

Todd Valentine: Okay thank you. Kristen over to you.

Kristen Stavisky: Thank you. I first of all want to thank Todd and everyone for welcoming me. I've been here almost a month and it's been a great experience thus far. We have done a lot to set up cadence for meetings with the Department of Budget, meetings with OGS, meetings with Michael Johnson in Enforcement and I think that we're working very productively and doing well together. We also both attended the virtual NYSET conference. And let's see, what else? I think Todd did a lot of it, I'm not going to belabor the report but we're also attending the Election Commissioner's Association conference beginning tonight for two days this week and we will be presenting every districting and the staff will be presenting on recent impending legislation and grants and absentee canvas reforms and election law and updated case law. It's been a pleasure thus far so thank you.

Commissioner Kosinski: Okay any questions? Nope, alright we'll move onto Counsel Kim Galvin and Brian Quail.

Kim Galvin: Thank you. We're prepared a lot of the documents that will be presented at the conference including legal updates, legislative updates, lessons learned from CB22. Continue to work on the parolee guidance that's due in early September. At first, I just thought it was instructions for the person leaving the prison or the facility, but we also have to do a direct guidance to judges and OCA and things like that, it's specific. So, we should have that done anytime now. We met with ES&S and the Operations Unit to go over the fixes that they have to the certification issues that were raised when they were before you for certification. The party threshold cases, the accessible absentee cases and the western New York absentee ballot illness cases they're all moving forward through the System of Public Financing with the regulations specifically enforcement we've worked on. We've have meetings with Michael Johnson on how to clean up the lists and deal with some of the dormant committees but I'm sure he'll speak to that.

We've attended various other meetings with units when requested to do so. Compliance is a little bit underwater. They're pulling double duty with a lot of the people that retired that we're in the process of replacing. Some people have moved over to Public Financing and the Enforcement action has created a great stir of productive activity with treasurers and candidates and committees all calling what we thought we were doing 5 years ago. And we're like, "Well you know it's not that simple." So, it's a lot of work but it good work and we're looking at ways to you know clean those up as quickly as possible. They aren't stunned many of the callers and compliance and the rest of us also attend meetings with IT on the software and the folks facing CAPAS-FIDAS applications.

Commissioner Kellner: You breeze through with a sentence on meeting with ES&S with our certification issues.

Kim Galvin: Well I thought that was probably obvious. But Nick and I did attend. They requested that people from the Counsel's office be there as well.

Commissioner Kellner: Alright, we can wait, I'm patient.

Kim Galvin: I mean, just to add it because I feel like it was forever ago. There was a lot of people there. They did a nice presentation. I think...

Commissioner Kellner: they as ES&S?

Kim Galvin: Yeah ES&S and their new lobbying folks. They did a nice job. How long ago was that now three weeks?

Brian Quail: August 10th.

Kim Galvin: August 10th.

Commissioner Kosinski: Do you want to talk about that now or when your report is due?

Kim Galvin: I'm done, sorry.

Tom Connolly: It's on my report.

Commissioner Kosinski: Let's wait for Tom's report. Brian, do you have anything, Kim you're done?

Kim Galvin: I am.

Brian Quail: I have very little to add. I would just note that we had for the July periodic we had 4,439 committees that had not filed in a very brief period of time 988 have found reasons to do so, that still leaves 3,451 out there that clearly are being worked on and examined, but it is a breath of fresh air.

Commissioner Kellner: We'll wait till Michael Johnson's report, but I am interested again in the procedures for closing down or writing off committees, but maybe we should wait for...

Kim Galvin: Well we did a few years ago before Michael started a dormant committee review with certain parameters and just went through and administratively terminated a lot of these committees and what we're hearing from the staff is that many, many, many over the years were in for one race, they didn't raise much money, they thought they were done. So we're looking to work with Michael again and set some new parameters. We think we can get rid of, not rid of but close down many, many committees that have just been sitting in the system for the past five years or so and the staff is working on the parameters now based upon the calls and what they're saying and that we're going to meet again and, in that run, and close them out. What we do is we send the committee, we don't just for anyone listening, we don't just terminate the committee we correspond to the committee and say, "It's our understanding your committee is dormant. If you do not want us to close down a committee reach out to us." And sometimes a few committees do but for the most part people are just relieved to have the defunct committee closed out and out of the system.

Commissioner Casale: I think from my experience personally I've had a couple of calls from people I know personally, they thought they had filed their discontinuance in one case, and I said, "Who's the treasurer", "My sister" and you know she thought she had, and she hadn't. I think a lot of it is just unintentional and overseen.

Kim Galvin: Well people don't realize too there's certain steps that you have to execute in order to officially be terminated in the system. So that's what I said when I said the upticks for the Compliance people have been substantial, that's what they're doing now. So many of those committees still not terminated yet I believe are in constant contact with staff now trying to work through a lot of those issues.

Commissioner Spano: What happens to a committee, we have a person isn't running but they question about expenditures and so on. Now that committee is sitting there and five years out some a little longer than that.

Kim Galvin: Well there are a lot of committees that are many years old that have funds in them that are used lawfully.

Commissioner Spano: I'm talking about funds that have already been used and we have questions about.

Kim Galvin: Well, if there was a complaint or something like that or if anyone wanted us to look into, we would dive deeper but for now we would just review the filings for what they are unless it says, "Unlawfully used funds" we probably aren't going to pick it up in a random review. But if there's a complaint or something like that.

Commissioner Spano: I imagine there's one or two of them.

Kim Galvin: I would imagine there's going to be more. I don't know.

Commissioner Spano: Now if they're dead.

Kim Galvin: It has to be closed within two years. We've already had a few of those.

Commissioner Spano: I know that.

Commissioner Kellner: And if they don't close it, we can close it for them and take their money.

Kim Galvin: Correct if there's any money in there. One of the problems that we found in this review was a lot of the old New York City Campaign Finance people that were audited and reviewed at their end and shut down their committee before we made it a single filing up here, there are a lot of the people over the past five years that the staff is dealing with that ran in New York City. They were done with New York City and thought they were done up here so. It's just a lot of moving parts but it certainly sparked a great deal of activity on filing so we're happy for that.

Commissioner Kosinski: Any more questions? Okay thanks. We'll move onto Election Operations Tom Connolly, Brendan Lovullo.

Tom Connolly: Thank you Commissioner. As Todd mentioned, we've been working on preparing the certification for the November general election. We received the ballot access filings from the traditional conventions. There is no prima facie determination for the Commissioners to vote on because there were no objections made to any of the filings. I believe at this point we do probably have all the materials that we need to send to help between the Supreme Court races which we often do the layouts for the Boards so

they know how to place the name on the ballot and with the propositions we have not just the written translations but also provide audio recordings of the propositions so that we can use those kind of throughout the state, which also are ready to go. So we'll send out all the materials to the county boards, so they have all the information they need from us for November 2. We've been collecting candidate notices from the counties to make sure they comply with all the various actual statutes. We contain a receive interview with all of the different plans that went to the State Board for the Early Voting. Security plans network checklist and the prevention for early release of voting results. With regard to the voting systems, as Kim mentioned, ES&S did come to the Board on August 10th to have a discussion regarding the discrepancies that were cited in the last testing report which prevented the Express Vote XL from being certified. They made some of the changes. They wanted to show us some of those changes and also discuss some of their thought process. Their plan is to, at least that was described to us, was to submit a whole new version of the software in beginning of 2022. That would address, seemingly address the discrepancies that were like I said cited in the report. One other thing that it would also address is it would run on a Windows 10 operating system that we have been requesting. The last version of their software that they had submitted still ran on Windows 7 which is end of life. So, we will see what happens. We'll see what comes of that. We'll have to see what they actually submit. I imagine it's going to be a whole new software release and we'll have to go through a whole new barrage of testing for the source code at the very least. And they're also looking at submitting another piece hardware one of their other models of their central account standards. They have a 450 and 850 they've submitted already; I believe they were going to submit a 650 which is kind of between the two.

Commissioner Kellner: Can I just ask a few questions on that? So why were the lawyers present?

Tom Connolly: I believe it was just a request from the lobbyist for the company. They wanted to...

Kim Galvin: I think ES&S got the crazy impression that sometimes the lawyers were the impediment ones in things moving forward. So, I think they just wanted to present to everybody at once. They just made a simple request and we complied.

Commissioner Kellner: Who were the lobbyists?

Kim Galvin: Greenberg Traurig, Hardy and Oppenheimer.

Commissioner Kellner: I monitor the Sunshine Fund did you file your Sunshine reports?

Kim Galvin: I did not.

Brian Quail: Nor did I.

Kim Galvin: We had a failure of sunshine.

Commissioner Kellner: So, I would appreciate that that be done in the future on a timely basis, so we know what's going on that's why the rule exists. So, roughly how much did ES&S pay for certification so far on the XL does anybody know?

Tom Connolly: Honestly, I don't have the numbers off the top of my head it was I believe over a million dollars.

Commissioner Kellner: Okay and they would have to basically do that again?

Tom Connolly: Yes, to the extent they could leverage any previous testing they would. It really depends on how much of the code base they're going to be changing but it probably will be somewhat significant as we are moving to a newer operating.

Commissioner Kellner: Okay. I appreciate it. So, at least to the extent the public is concerned, we're not looking at XL certification until spring of 22 would be our earliest?

Tom Connolly: The very earliest. If they're submitting it in the first quarter of 2022, I can't imagine it's going to be done.

With regard to other vendors, we continue to have all the conversations that we've been having, some of the vendors are more active than others. I know that I said in previous meetings that we've had conversations with Dominion, Hart InterCivic, Clear Ballot and Democracy live with regard to submitting new systems for verification testing. At this point we've only received an application from Democracy Live but we're still kind of in the early stages of that process, having conversations with them. They have not submitted any software or hardware for us to review. We did have a conversation with Clear Ballot last week and they have not submitted any kind of application, but I think they've been asking a lot of questions about compliance with various aspects of law because I believe they're looking to make a significant amount of changes or step of release just for New York before they actually submit it. Operations staff also visited Columbia, Chautauqua and Cattaraugus Counties doing extensive testing on new equipment. Referred to earlier Electronic Public Systems we have been working on testing for the two submissions that we received from KnowInk and Tenex. We did provide the testing reports to the Commissioners and a resolution for the adoption, the approval of those configurations that were submitted is slated for later in the meeting.

With regard to technology projects, we've been working with IT to improve and try to streamline the process by which we receive contest and candidate information from the counties for their local contests. One of the reasons being is that the Compliance Unit needs it in the FIDAS end of the system; the other being that there is a new law that went into effect last year that requires the State Board to publish that information on their website so we've been trying to figure out how best to get that information out of the

local systems how they are keeping it and in a way that we can then provide to the voters on our website in an accessible manner.

We've also been looking to finalize the process and requirements by which a new voter registration vendor can be approved previously by a county board. There is a resolution amending our regulations also for later in the meeting. We continue to be involved in the OVR and NVR projects internal staff and external stakeholders and Brendan and I are both evaluators and are looking to attend an OGS kickoff meeting on September 13th about reviewing the bids for the program. I think that's all I have.

Commissioner Kosinski: Any other questions for Operations?

Commissioner Kellner: So you haven't mentioned the investigation of the Westchester anomaly from the, I mean this is a longtime pending now. But I wanted to indicate publicly that the draft that I thought was submitted was lacking in any persuasive explanation and basically missing forensic evidence. So that I think it's important that the Operations Unit follow up on this. That there is a possibility that there could be a problem with the machines that has not been previous diagnosed and by doing a proper investigation, we will gain greater confidence that the machines are working or that we can improve to make them work better. Or that the procedures at the Westchester Board may need to be improved and that they are addressing the procedures. And then to go on further that I hope that the presentation about the 22nd congressional district issues will generate a discussion among the Commissioners, county commissioners as well as the state commissioners on how to improve the oversight of the county operations, which is difficult because the counties are pressed with limited resources and the Operations Unit has been doing an excellent job with respect to voting machine issues but has very limited resources in terms of dealing with the counties. I think we need to address that and make the legislature aware of it.

Commissioner Kosinski: What are you suggesting?

Commissioner Kellner: Well, with respect to Westchester specifically is that I personally reject the report, it is inadequate. It just does not feel, it does not provide an evidence-based explanation for the anomaly. And that doesn't mean that there isn't a perfectly understandable explanation. But it is not done with a proper forensic analysis. A good example would be what was done in Lyndon, New Hampshire earlier this year where they discovered that the number of ballots in their audit, that the votes in the audit were significantly different and so they brought in a team of investigators who determined that the scanners were counting the folds on the ballot and that this created anomalous results depending on the position of the ballot. In Westchester, I mean I could go through the report paragraph by paragraph, but the explanation does not flow logically, and it basically says, "Ah trust us, it's okay" without any critical analysis. Ultimately it may be go back to the ballots and those EDs and rescan them and see if they still match. The report doesn't even review whether any of the audits covered those four elections. And I realize the odds are when doing a 3% audit that those districts may not have been

addressed and also the report suggests that the errors came from the scanning of the absentee and affidavit ballots and if that's the case, well all I'm saying is to go back through it and do it logically. And I'm prepared to spend time going through it paragraph by paragraph to say well this does flow from there.

Commissioner Kosinski: You guys went to Westchester, right? You guys met with the Commissioners, right? What did you guys come away with?

Tom Connolly: We had gone down to have a meeting with them because subsequent to their letter that they submitted, or they gave to County Legislative Marr explaining the issue. We had felt at that time that it didn't really clearly provide all the information one would need. I believe I mentioned at the last meeting, their explanation that they gave to us there was that the error itself was based of ballots being scanned under a header card for a different election district but that the election district that received those ballots in error shared the same ballot style as the one that...

Commissioner Kosinski: Same candidates

Tom Connolly: Right that it should have been attributed to so that did not necessarily affect the outcome of any race or the results of any race but rather the blanks and void votes that belonged in one election district apparently attributed to another one which is why you saw some that had more than what would be expected as far as the average for that county and for any of the other contests. So they also had some other issues that they had raised was simply a matter of what they admitted being overwhelmed by some of the, the amount of paper that they had to deal with and what they said was constrictions with space for handling those ballots but also for scanning those ballots and the way the whole thing was kind of set up, because they're on different floors and some people were bringing the ballots down to a different floor and that room where they were doing scanning was very cramped and one small table set up in the middle of it and so there was kind of a couple reasons why an issue could have occurred and not been caught. There was also the issue with cross training that they need to do more of even though they strove to do some of that obviously, they were just kind of overwhelmed by their own admission. But to the extent of getting additional information, been working with Brendan to try to come up with a list of some of the forensic information as far as just documentation on pre-election laws and actuary testing of the equipment, the post-election audits on the central count because they should have done at least 3% of the districts. They did mention in their letter that the audit did prove that the machines worked properly but, to your point Doug, they did not state that whether or not these election districts were included in that audit. So, we are going to be asking them for all that information. The procedures and then a couple of narratives both on how did they come to the conclusion that they conveyed to us at the meeting, which staff were involved in determining that. Did they look at ballot images? How did they verify all the ballots, the votes were truly tabulated correctly because of the similar ballot style?

Commissioner Kellner: That last question is the key question. Did they go back and confirm that that explanation is consistent? In other words, they say it didn't affect the results, but how do they know?

Tom Connolly: So we are going to be requesting formally them to provide all that information to us and we'll amend and revamp the report.

Commissioner Kellner: And I do accept that this does not affect the outcome of any contest. It is simply a matter of evaluating whether there is an issue with the features of the machines that needs to be addressed. In 2012, a review of under vote in the Bronx disclosed a problem that if the machines were not warmed up, they did not pick up the intensity of a mark so that when they did logic and accuracy testing, they did not pick up what effectively is a wrong calibration of the machine. And so the result is a large number of over vote I mean under votes and that caused New York City and the SNF to change their procedures for doing the logic and accuracy testing for the machines. And I'm just suggesting that when we see an anomaly like this, the anomaly is not just that these districts had a higher rate of under votes than adjacent districts which is the fundamental thing to tell but Westchester County itself has almost double the rate of under votes than the rest of the state and there is no other county close to Westchester's number of rate of under votes. So that again, just raises a question. Is there something about the Westchester procedure that leads to significantly more under votes than other counties? And I'll say that the answer could be varying. So I tell the story of Charles Stewart who is a professor at Harvard who does research on Election Data Analysis, contacted us to indicate that there must be a mistake in the New York Presidential votes because Orange County has seven times the rate of under votes for President as the rest of the state. And I said, "Yeah I see that that's something we should follow up on." So I called Sue Barron who is the Orange County Commissioner and I said, "Sue what's the story here you know, have you looked into this?" And she says, "Yes. I've looked into it. We know and its not just that just Orange County is seven times the rest of the state, the over vote comes from just four election districts where the rate of under votes for President is 40%" which is a phenomenally high number for President. But those four election districts were Kiryas Joel, and it turns out that one of the rabbi's was advising people not to vote for President. And so, it was a perfectly rational and verifiable explanation for the large number of under votes in Orange County. So, I'm not suggesting that just because there are a large number of under votes that something is wrong, it just calls for a more thorough investigation than to just say, "Oh this is what it is."

Commissioner Spano: Are you going to send this in a written form to the county and say, we have these questions, dadadada.

Tom Connolly: There will be a formal request for the itemized documentation.

Commissioner Spano: Why don't you show Commissioner Kellner and see if he wants to add something.

Commissioner Kellner: Okay, well thank you.

Commissioner Kosinski: Anything else for the Operations Unit? Any other questions? You guys are done? Okay. Thank you then we'll move on to NVRA PIO John Conklin.

John Conklin: Thank you Commissioner. The Public Information Office has remained busy since the last election. We've answered a lot of questions about ballot props, campaign finance filings for governor candidates, still some lingering questions about the primary, the July periodic report and how to run for various offices including how to run as a write in candidate. With regard to the ballot props, we did get a quote from the New York Press Service to publish five ballot props in various newspapers around the state as required by the statute, came in around \$63,000 and change plus the translation costs which is another \$2,300 so we will proceed with that shortly. As Tom said, we have the translation for the ballot props for the county boards and also got audio versions for the ballot marking devices for voters with special needs. So, we also worked with the Counsel's Office on the updates for parolee restoration.

Commissioner Kosinski: John let me stop you right there. Let's go back to this, so the newspaper is going to publish. Did we talk about the electronic...

John Conklin: Oh I'm sorry that's right I had a note here that I looked right past. So, you did ask, my apologies, you had asked about whether the individual newspapers included legal ads in their online publication. Most of them do if they have an online version; only three of them charged extra for the online publication. It was about \$90 total for all three of them. It was like the Hamilton County Express, the Staten Island Advance, and the El Diario which is one of the Spanish language papers in New York City. So, we will include that cost we'll probably pay that out of our pocket because the Office of General Services has informed us that they're only going to pay for things the statute requires which we view as in print version of the add. So, for whatever extra cost there will be since they're so minor, we can pay for that out of our pocket.

Commissioner Kellner: Are we putting this online as well?

John Conklin: It's already online. The five ballot proposals that's a little further down...

Commissioner Kellner: The translations?

John Conklin: We will put the translations up where necessary.

Commissioner Kellner: Now in prior years we have circulated the translations to organizations that could check on the translations before we commit to publishing. Has that been done?

John Conklin: That has not been done I'd be happy...

Commissioner Kellner: In particular all deaf, the Asian-American Legal Defense from time to time provided us with well-founded corrections. I take it there's nobody here capable of checking the translations.

John Conklin: Well, we do have a new hire Gabriella who probably could do at least the Spanish version. I understand she speaks seven languages but beyond Spanish I don't know what the other six are.

Cheryl Couser: I don't believe it's Bengali, Korean, or Chinese.

Commissioner Kellner: I mean if you send me the translation, I'll forward it, but I think it avoids potential embarrassment because sometimes the translators make mistakes. That reminds me.

Commissioner Kosinski: What languages do we translate into John?

John Conklin: Spanish, Bengali, Chinese traditional and Korean. So, I'm happy to do that Commissioner.

Commissioner Kosinski: I'm sorry John I interrupted your...

John Conklin: No that's fine, that's fine. So, as I said so the online versions, we'll pay for whatever the extra cost is. We had worked with the Counsel's office on discussions with the Department of Corrections and Community Supervision about the parolee restoration stuff. We're going to arrange a call with the Sheriff Association also, they're the ones who run the local jails, so they're included in that legislation.

Commissioner Kosinski: So how does that work now as far as restoration of their rights? How does that work under the statute?

Kim Gavin: As soon as you're discharged from a facility you can register...

Commissioner Kosinski: Automatically even though you're on parole?

Kim Galvin: Yep.

Commissioner Kosinski: So you don't have to complete parole anymore?

Kim Galvin: No.

Brian Quail: You have to be out of the facility.

Commissioner Kosinski: So, we have to be noticed that they've been released?

Kim Galvin: No, it can come at a time the Office of Compliance officers or whoever at the facilities to provide them with a registration form and the instructions.

Commissioner Kosinski: Oh, I see so they have to reregister. So, the person exiting has to file a registration form?

Kim Galvin: No, no, they just give them the form...

Commissioner Kosinski: No, I mean the individual has to take that form and...

Kim Galvin: Has to be an affirmative registration.

Commissioner Kosinski: Gotcha.

John Conklin: If there's any questions by the local board whether the person is on parole, they can look them up in the Community Supervision look up.

Commissioner Kosinski: As long as you're released. So, if somebody walks in my door, I don't have to check on their status. I know they walked in my door, they've already been released, you're registered to vote now.

Kim Galvin: The problem is going to come from the revocations and then if they're reincarcerated and we're not going to know if they...

Commissioner Kosinski: Their voting, so they could be voting from the prison.

Kim Galvin: Well presumably if you get an absentee ballot or something you wouldn't send it.

John Conklin: But there is one additional wrinkle, the statute that set up the original felon revocation process had OCA send us a list once a month of those who were sentenced to felony convictions. There is no list that we get from them saying that these people have been released. So, if they go and register at their local board, NYS voter could still flag them and then the county board should then take the extra step of looking them up to say, "Oh yes, they have been released. They're on parole, they're eligible to register."

Kim Galvin: Yeah, and they register in the community look up.

John Conklin: Because there was no additional amendment requiring OCA to issue another list or the Department of Corrections to issue another list to us.

Kim Galvin: And judges have to notify people now at the time that they're sentenced that they will be forfeiting their right to register to vote but that it will be refunded, is the wrong word, but reestablished upon their release from custody. A lot of tricky words.

Commissioner Casale: So, if someone is incarcerated, they're released, they register, they get put back in, they come out do they have to register again a second time they come out?

Kim Galvin: When they get put back in, they should be cancelled because they should be flagged with a felony.

Commissioner Kellner: And how would we know that? How would the county know that?

Kim Galvin: Because OCA sends us a list.

Commissioner Kellner: When it's revoked?

Kim Galvin: No when the felony is imposed when they're sentenced.

Commissioner Kellner: When they're re...

Kim Galvin: We have no idea.

Commissioner Kosinski: So the revocation we have no knowledge of?

Kim Galvin: No, when the Governor's office was sending the pardons, they would send us a list of parole revocation, pardon revocations.

Brian Quail: Which essentially is the same list and we've raised that issue with our colleagues in corrections to find out how we would be able to get the list. That list being the second list. The revocations right.

Commissioner Kosinski: The revocations?

Brian Quail: Right.

Kim Galvin: The reincarceration.

Brian Quail: What had happened previously is the Governor was issuing these voting pardons pretty much per force automatically. But there were a few folks that didn't get them and when someone who had received one of these voting pardons went back into custody, the Governor sent us a list of revocations, pardon revocations. It's a very similar list that we still need. The issue now is just more binary. Either you're in or you're out but we need to know when you're back in. We're working on that data stream. But the current data stream has never been perfect.

Commissioner Casale: So, if someone is released, registered, gets revoked, they're back in, we don't catch it, they can apply for an absentee ballot? Or someone apply in their place and get it to them?

Kim Galvin: Theoretically the county board wouldn't know.

Brian Quail: Right, that would be true to anyone who should be cancelled but wasn't.

Kim Galvin: But the attribution is on the request that you're not incarcerated for a felony conviction.

Commissioner Kosinski: Right so that's part of what you sign right?

Brian Quail: There is some protection.

John Conklin: If you request to have your absentee ballot sent to Attica that might be a red flag.

Commissioner Casale: What if they have it sent to their home address and a relative then transfers it to the prison for them?

Kim Galvin: No.

John Conklin: I don't think we have any way to catch that. And the county jail is now an eligible address too because you could be waiting trial on a sentencing, or you can be less than a felony in the county jail and serving your time there and you'd be eligible for an absentee ballot.

Kim Galvin: The county jail is actually very few people that would even qualify upon their release.

Brian Quail: And it's a similar issue too when someone has moved, and they may be voting from an address they don't actually live at. The system has never been completely perfect but for all of the disqualifications that do exist, we have the most robust infrastructure for this particular qualification. Thank you.

John Conklin: So, the unit did 126 FOILS in July, we continue to be part of the AVR OVR conversations and meetings. We continue to have weekly meetings with IT compliance on the public reporting page. For the website, as mentioned a few minutes ago, we did publish the five ballot props on the website. We updated the home page by removing a number of things that were stale; the 2020 election spot was completely removed. And most of the things that were in there are either somewhere else on the website or you can get by asking for them. So, we added a pull-down menu on the left side under Campaign Finance so you can go either to the main Campaign Finance page or directly to the Public Reporting page without having to go through two other clicks to get to the Public Reporting page. And lastly, we posted the webcast for the July 28th and August 2nd meetings. So, Cheryl, do you want to add anything?

Cheryl Couser: Simply that our team will be presenting a grant administration presentation on September 1st through the Election Commissioners Association.

John Conklin: That's Wednesday morning, so that's my report.

Commissioner Kosinski: Any questions? Okay thank you and we'll move onto ITU and Bill Cross.

Bill Cross: Good afternoon, Commissioners. I'll start with projects simply CAPAS-FIDAS we continue to make numerous updates and improvements to that system. As John indicated we have internal meetings at least weekly with representative groups for that system and staying to our committed biweekly release schedule. And also incorporating feedback we received as well as continue to work with Microsoft on system improvement. For online voter registration and automatic voter registration, as I believe was already previously mentioned, the RFP deadline was Friday. As we were notified this morning by the Office of General Services, we have received four responses to that RFP. They still need to be evaluated for minimum qualifications and SBOE, we will receive them September 13th as Tom indicated and go through their process for receipt and their training for evaluating although this team has already done those evaluations previously.

Last week we provided a project update to the Chamber, legislative members, Budget, State Comptroller, Office of General Services, and State IT regarding the project scope, the budget, the timeline, some other aspects of the project, just a general overarching update.

We are also continuing to plan county board outreach sessions for OVR, AVR. These were to be in person, they will now be virtual. We are currently determining what that agenda will look like and the timing for that, but we expect that we will have four sessions of the course over two weeks.

The Absentee Ballot portal, request portal, we continue to process requests through there. Currently approximately 2,400 since its reimplemention and we are currently looking into the new tracking requirements around absentee ballot requests. And we will be working with vendors and county boards to determine what data we need to exchange between county and state board for that tracking. We also continue working with the team of executives at Admin on space planning needs for the agency. It was indicated in the previous board for Public Campaign Finance, IT is working with Public Campaign Finance management and interviewing project positions as well as review of Connecticut's program earlier this month.

For security, I'm happy to announce we've filled the Chief Information Security Officer position, Ben Spear who will serve as the Director of the Secure Election Center. He possesses a Masters of Public Administration and is the former director of the National Elections Infrastructure ISAC or Information Sharing and Analysis Center. Federal

regulations with a publication in cyber regulations at the last meeting. We used as a reporting tool for the counties, to facilitate submissions to the State Board. We also continue to work with the New York State Local Information Technology Director's Association or NYSLGITDA that represents IT Directors and CIO's for the counties covering topics of that regulation and will be presenting at their fall conference in October as well as the new cover as part of our update as the TA conference on Wednesday. I am also happy to report we worked with Office of General Services and Division of Budget to successfully review the security systems that we put in place for the counties three years ago, intrusion detection and security monitoring. Those are now being renewed for an additional two years. We also continue to work with NYSTEK with numerous counties on the implementation of their Risk Mediation Plan. And we are reviewing reimbursement for those efforts. We have worked with Operations on the Voter Registration System standard. We continue to work with SUNY Center for Technology and Government on the future Elections Infrastructure Project. We will be working with them to finalize a report for that project in the very near future. And, as always, we continue to work on multiple security improvements to our own infrastructure. We are also currently in the process of inquiring new equipment for a refresh for our own environment here for servers and storage, etc. as Todd mentioned we have to address Commissioner Spano's comments previously, part of that specifications for that infrastructure the purchasing will be to accommodate greater remote access through that, so we have the capability to do so more efficiently.

For the website, we basically returned to normal levels following the June primary approximately 120,000 page views per month for June, July, and August.

Commissioner Kosinski: Are you done?

Bill Cross: I am.

Commissioner Kosinski: Are there any questions for Bill? I'd just say Bill, I know you've got a lot on your plate, you always seem to think the whole agency revolves around you now and so you know, do you have enough, I mean from a staffing standpoint, what's your current staffing?

Bill Cross: With permanent, we I'm about a 50/50 split between permanent positions and contractors. We rely heavily on our contractors.

Commissioner Kosinski: Okay.

Bill Cross: Not my preference but we do, and we actually have fairly good ones. Altogether now, but I have a few vacancies still, we are high 30s, we should have around 42 and with the new OVR AVR we're adding four, additional two of each. Continued we've actually had better luck recently with filling some of those positions than we have had in the past and we certainly struggled initially with the CAPAS-FIDAS trying to get people in those positions and that took quite a while. We have had success in filling the

positions particularly though, most of them have been contractors which are easier to fill but come with their own set of issues in terms of continuity and compatibility.

Commissioner Spano: You use contractors, is that based mostly on the fact that you can't fill positions or that you don't have to?

Bill Cross: A little of both. It's difficult to get permanent positions classified and filled and funded going forward. The contractors are more NPF's or services that come out of a fiscal budget as well can fill them, just a little easier to fill them.

Commissioner Kosinski: Do these people work remote your contractors or are they in office contractors?

Bill Cross: They are, they are currently in office. They have worked from home before when we went through what we did previously, many of them worked remote. Some obviously still need to be hands on equipment still here and in this location. But where at all possible, we did utilize remote for them.

Commissioner Spano: From a cost benefit situation. Would you prefer more in-house people than contractors? And would that be less costly and accomplish the same thing than having what you have right now?

Bill Cross: We pay more for the contractors, I mean part of that is also no benefits, so we do not pay state although it does tend to be a more, it depends on the position. In most cases its more expensive for the contractors but that's not always the case. The state in terms of what they have what is called HBITS, hourly IT contractors. They are new contracts, actually the rates actually went down for them. We were paying more under the previous contract. So, they're a little more expensive. I would always prefer permanent positions because the contractors are a maximum of 30 months that I can get them for, for a longer-term project such as our OVR AVR things along those lines and we are in a position that that 30 months there is not a renewal process available. We have to go back out for an order now that same contractor may show up on our list again or may not. But we are losing that knowledge, knowledge gained in the process, it's just difficult, particularly when you have something that's specific to the system.

Commissioner Spano: What about flexibility and change orders?

Bill Cross: For project wise or...

Commissioner Spano: Yeah, you hire, you get a contractor in, you hire them for this, this, and this then you look at it and say, now I need this, a little of this, they charge you more, correct?

Bill Cross: No, it's usually by title and we can utilize, of course the project, if need be, that way is at our discretion though. If we find that that particular title or person is not needed...

Commissioner Spano: so the contractor is a title it's not a...

Bill Cross: Well, we hire them in any certain title, and we assign them to a project we have but we have flexibility...

Commissioner Spano: I was thinking of the project itself hiring...

Bill Cross: yeah, so these are hourly-based contractors. The State does have a process for what's called PBITS or Project Based IT and that works that well.

Commissioner Kosinski: Thank you. Alright then we'll move onto Michael Johnson in Enforcement. And I note you gave us a report today Michael and first of all, I want to thank you for providing that report because I believe this is the first report, we've received like this from Enforcement, so I'm interested in hearing your comments.

Commissioner Spano: Nice to see you!

Michael Johnson: You know, I gave you guys a breakdown of the monthly statistics of July in terms of e-mails received and calls things of that nature. But the big issue that we worked on with regard to the Enforcement Unit dealt with the nonfiler letter. Now as far as the data is concerned with regard to the nonfiler letters, we got a list from Compliance and the list that we got contained 4,439 committees that were on that nonfiler list. On that list, 4,067 committees had an e-mail address listed and we sent an e-mail to those committees in lieu of these certified letters and that was done basically because in the interest of time to get a certified letter out which was physically impossible. So, I made the determination that the best way to actually reach out to these nonfilers and the quickest way is by e-mail and that's what we did, we sent an e-mail. Out of those e-mails that we sent, those 4,067 e-mails that we sent, 479 e-mails were bounced back for failed e-mail addresses. Out of the letters, we would up mailing a total of 854 letters, and I've got to thank Todd for his help in getting those letters out because we were able to find a way to get them out first class, so he did that. Now those letters that were mailed, those included committees that didn't have an e-mail address on the nonfiler list and the bounced back e-mails that had bad e-mail addresses. Of those letters, which we made a present and given to you guys, we got back 108 letters that were returned undeliverable. And various reasons included bad addresses, no such building, no such number, forwarding mail time expired to name a few. And we still have a few more letters to get. We received a voluminous amount of telephone calls. I have on this 148 but I know that number was much, much bigger. We received seven e-mails although the e-mails that we sent out with no reply we received replies. And I don't know if we forwarded that to you guys or not. We also got many letters where they actually sent us the letters in terms of, "Hey here's my filing" and they sent that to us, and we passed it on to you guys. In

looking at the letters, we discovered quite a few anomalies which we actually wound up talking with you guys about. One of the things we found out the candidates who didn't have or didn't file a CF-03 you know for an authorized committee or candidates who were not associated with a multi candidate committee where a CF-16 was filed, they were not on this list. So, even though I say this number is 4,439, I honestly don't really know what that universe is in terms of the numbers. But now Kim touched on earlier us needing to close committees. Based on this, there are a host of committees that really should be closed. They have been dormant for years and as a result of this, a lot of them had no idea they needed to file. A lot of committees thought, "Well, my treasurer was taken care of everything, and I have not heard from the treasurer in five years." So, a lot of people just assumed their responsibility was done. So, what now is past in terms of the Enforcement Unit is trying to come up with a criteria with Kim and Brian, how are we going to administratively close these committees? Now if you're a candidate or you're a committee and you can show me you've got a zero balance, okay fine we can administratively close it. But if you've got even if you've got a negative balance, I'm going to assume there's probably some sort of bookkeeping error. Where the issue comes into play is where I've got a committee that's got a balance of \$6,000 to \$10,000 and neither the candidate has any idea why there is a balance and they've not talked with their treasurer in five or six years and maybe they can't even get a hold of their treasurer. Now it's up to me to try to figure out what criteria am I going to use to close an account? Now if you ask me to close your committee and I'm looking through it and all of a sudden, I happen to notice, okay maybe there are a few things that should have been filed on a different schedule but that can be dealt with in terms of me fixing it. That's one thing. But then when I come into a situation like Commissioner Spano pointed out where there are issues in terms of why am I seeing three payments going out saying for loans, but you don't show any loans coming in? Those are things that make it really hard. Now I can't just simply administratively close that account and you are going to unfortunately have to either A) get in touch with your treasurer to figure out what happened or B) you're going to have to go out and hire someone to do some sort of forensic analysis to figure out what the issues are. So right now this I mean this has been great in terms of us getting letters out and things like that. But it has also opened up a whole issue in terms of making people realize you've got committees out there. You have a responsibility that they either need to A) be closed or B) you need to make these filings. And to the extent that I'm willing to be fair with any and every one to help them clear up their committees, I can't just administratively close committees that I know there are issues. So, right now that's the biggest thing that we at the Enforcement Unit are dealing with. I mean we're moving to the 10th floor which is great and wonderful. I'm looking at bringing on new staff because the people that were there have gone above and beyond trying to figure out how to handle a lot of these issues that they've never had to deal with or never saw before. So it's new and its interesting for them even and as far as you know the other issues are concerned, we're still working out cases. Any issues with the present cases I'm more than willing to discuss in Executive Session for you guys but right now, the biggest thing on our plate is the nonfilers information and making a determination to go after them. And we have another filing in October. So, I'm making certain, for instance, that we're on Wednesday I'm having a meeting with Pitney Bowes to figure out what's the best

scenario for us in terms of getting the letters out and getting the large amount of letters out that we have on this certified basis. I've reached out to OGS. They don't mail out certified letters. So, they've recommended post office, but we've actually reached out to post office and that's going to require one of us to physically be there to put the labels on and everything else which we might as well figure out what we can do with Pitney Bowes. So that's where we stand right now.

Commissioner Kosinski: Well I appreciate that, and you've had a lot of work I suspect since nothing was done with this for five years so I'm suspecting there's a lot of backlog that you're having to deal with. I mean, how far back, are you going back into the filings that were not made over the last five years that were ignored by the previous Enforcement Counsel or are you just trying to cope with what you have in front of you since the July report that came in this year.

Michael Johnson: Well for instance I was looking at one of the nonfilers on the list who were talking about they didn't make filings from 2014, 2015 so I'm going that far back to try to figure out with this particular individual, here are your issues. You've got a large enough balance that I fundamentally just can't administratively close. I understand you're not talking with your treasurer. I understand you may not know where your treasurer is, but you have a responsibility to either A) make the filings, B) incur a substantial penalty or C) I'm more than willing to work with you to try to come to some sort of middle ground for a payment so we could actually close this because it's to your benefit to close it and to our benefit. I don't want to keep sending you nonfiling notices. So, I mean in some cases, yes, I'm going back three, four, five years, it just depends on how I mean since this nonfiler list has been generated and we sent the letters out, I guess this would be the first time in a long time that it's been done, that's how far back I'm looking.

Commissioner Kosinski: I presume you're dealing with a lot of non-office holders, people that ran lost.

Michael Johnson: Exactly and that is unfortunately what you find is those people who have run in the past maybe didn't win or decided to just give up after they decided to retire, to them there's really no, no interest to file. So, trying to explain to them what the filing is and why you have to file. You know, it can be an interesting conversation then you run into situations where the treasurer may have passed which, if that's the case, then I'm going to be a little bit more sensitive to that and figure out, okay if you can't get in touch with your treasurer or if your treasurer is deceased, let's figure out a way to work this out. Or if the candidate is deceased, well then at that point yeah let's see what it is and if the treasurer is saying, he did his best then we will administratively close it is what we recently did. So that's sort of how I'm approaching things right now.

Commissioner Kosinski: Okay. Any other questions for Michael?

Bill Cross: If I may, I actually left something off my list, one of my other pieces for CAPAS-FIDAS was to reach out and work with Mike for the collection requirements for Enforcement.

Michael Johnson: Right and you guys did mention that, and you were more than gracious to say, hey let's work out and figure out what we need to do.

Commissioner Spano: Is money collected now just \$370.00?

Michael Johnson: Yeah, that's the number that I got from them because I'm trying to find out, you know, there's got to be more than this.

Commissioner Spano: That's why I'm asking.

Michael Johnson: But this is the number that they provided to me and it's the result of I'm still looking through things that...

Kim Galvin: Isn't that just this month though?

Michael Johnson: No.

Kim Galvin: Oh because you have a lot more money collected than that.

Michael Johnson: Yeah, we have a lot more collected than that but that the number they have I'm sure that number is definitely much bigger it's just a question of saying, okay let's look in places we've not looked at before to get a real number. Because like I said, this last month July yes more money and that was one of the reasons we were able to...

Commissioner Spano: I'm surprised at this one because I think John Collander has been dead for a long time.

Michael Johnson: And again that sort of, that's what I mean, there's a lot of these committees where you have to tell if they're deceased and for whatever reason these committees have not been terminated. And that's sort of what I've got to really start doing because there are a lot of committees especially committees on the list that should have been there.

Commissioner Casale: Michael, are you able to distinguish currently between those kind of inactive dormant entities as opposed to existing committees we know are still active, we know people are still around and just aren't filing. You have to go case by case and check every one of them.

Michael Johnson: What I do right now is the people who are there I will sort of in trounces say, "Okay would you guys look at these" give them sections of committees just to quickly look and after a while you can see if there's been no activity for 4 or 5 years

then I would ask okay who is that candidate? Who's the treasurer? We do our due diligence to find out. Is this candidate still politically active or have they opened other committees? Those are the things we do.

Commissioner Casale: Do you take the same approach towards county committees, town committees, village committees that have been formed over the years?

Michael Johnson: If they haven't made their filings, yes.

Commissioner Casale: Do they get the dunning letters as well?

Michael Johnson: Yes, as long as they're on the no filer list yes and that sort of what we're working...

Kim Galvin: Another line of demarcation too is the committees were never required to give you an e-mail address until the new system came out so those without e-mail addresses are probably really old compared to the ones that when they bounce back, we have people searching running them down, getting updated e-mails provided. So there are little things like that that differentiate the age.

Commissioner Casale: I should know this, but do we still require them to file both the treasurer and assistant treasurer?

Michael Johnson: No, I think it's just the treasurer.

Commissioner Casale: I think it's a federal requirement. Somebody requires the both so there's never an excuse if the treasurer is absent.

Kim Galvin: Well, they passed a law recently where you can replace your treasurer. That hasn't been for a long time.

Michael Johnson: And we run into situations where a treasurer thought they resigned but they did not so then that requires the candidate to actually reach out to the treasurer to say, "You didn't resign" and at least based on my experience that turns into a whole other issue in terms of who wants to talk to who and who's not talking to who and who's accepting responsibility. So those are the things that I'm running into.

Kim Galvin: Yeah, he's also going to run into a new treasurer wanting to take over an old committee for a treasurer he can't find because the new people don't want to get saddled with all those filings not knowing what's in it or that haven't been made. So, it's a whole host of fun.

Michael Johnson: Exactly where I've had a treasurer who will say, "I'm the new treasurer but how do you make it so that I'm not responsible for all the old filings?" So those are things that you kind of have to...

Commissioner Casale: If the job were easier anybody would be doing it.

Commissioner Kosinski: I appreciate your effort. We've waited a long time to have somebody actually take an interest in this again and I'm glad you're doing that it's an important process that needs to be done here and I think having failures to file is as bad as it gets in Campaign Finance, and we've had a long time of failures to file around here with absolutely no follow up, so I appreciate you doing what you're doing. Anything else?

Commissioner Spano: No, just reiterate what you said. I mean, this was bad for us and for the people that didn't file, especially the ones that you know made a mistake or something like that could have been corrected a long time ago.

Commissioner Kosinski: Oh absolutely no, the longer it lingers the harder it's going to be to rectify no question about it. And listen especially the public who didn't have any idea what these people were doing, or these campaigns were doing because the filings just weren't made and that's shameful.

Commissioner Spano: This is like the squeegee issue. If you don't take care of it other things happen.

Commissioner Kosinski: Well that and I mean this is really important to me because I think you know failure to file is just a total disregard for the law. I mean that's as bad as it gets, you're just not even trying apparently to comply. You know if you make a filing with mistakes on it, at least you tried. These guys aren't even trying.

Michael Johnson: Well as one person said to me, "No one ever told me I was supposed to and I'm not running for office anymore and I stopped filing and stopped hearing from my treasurer."

Commissioner Kosinski: Well that's true. If you're a candidate and you haven't heard from anybody in five years, you can reasonably conclude that you, you're done.

Michael Johnson: Right and his answer was as far as he was concerned the ownness was on the Board of Elections to let him know he didn't make his filing. I don't know how it got there.

Commissioner Kosinski: Well, people like to shift blame.

Michael Johnson: Right.

Commissioner Kosinski: Okay good. Anything else. Michael, do you have anything else?

Michael Johnson: No, that was it.

Commissioner Kosinski: Alright. So, if that's it that's all the reports from our staff and we move onto old business. Is there any old business? I don't have any listed. Anybody have any old business? I guess not. Move onto new business and under new business we do have some items and first one is the regulation for 6217 County Voter Registration Systems, and I'll go back to Tom and Brendan. Do you want to go through this for a minute? So we can...

Tom Connolly: Sure 6217.3 allows the Board of Elections to approve any county's voter registration system before it can be connected to the statewide database. That regulation was put in place at the NYESS Voter was first put up, that system with the county voter registration systems that were in place seem to be the ones that are still in place with there being interest in new vendors coming in, having interest in bringing their software into the scene and also like I said these regulations are somewhat outdated or at least old, technology has certainly changed and we took it as an opportunity to look back at the requirements that are put on those county voter registration systems themselves. Previously the requirement that they were to comply with under 6217.3 were largely focused around the ability to communicate with NYESS Voter itself and what we did was we kind of expanded those requirements to three different areas. There is the functional area just to make sure that the voter registration system would allow the county boards to do all of the things that are required of them under law. The second is the technical aspects of the communication which was the original requirements. And lastly but not least was the security requirements around voter registration systems themselves, especially after you start looking at some essential vendors that are looking to host some of the data in the cloud whereas now, we just dealt with locally hosted systems. So we've been working with NYSTEK and with IT and Election Center and UPS to come up with new center requirements that will apply to both new vendors and also to the existing vendors. The changes to the regulation kind of memorialized the somewhat expansion of the requirements in those three different categories and also allows the State Board to set a timeframe for any of the existing systems that might have to come into compliance with the newer requirements. So, this way all of the voter registration systems will be on the same playing field with the given amount of time that we get to set.

Commissioner Kosinski: How many vendors do we have now?

Tom Connolly: At the moment we have three counties that have built their own systems. There are 50 counties that rely on the NTS system I believe there are four counties that use ES&S mega profile system, and then the five boroughs of New York City use the N-Tier.

Commissioner Kosinski: So, we have a lot of, well not that many but...

Tom Connolly: well I usually say for the 62 counties we're happy to only have to deal with six different systems. But yes, and Schoharie is moving from their homegrown system but they're looking to move onto NTS, but I do know that there are a number of

counties that have expressed interest in some of the newer vendors who are looking to kind of bring their software into the state.

Commissioner Kosinski: Any questions on this? Is there any interest, a motion or anymore discussion?

Commissioner Kellner: I move it.

Commissioner Kosinski: Second and all in favor?

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: Okay well we're done with that then we have another resolution this is 2115 this is regarding electronic poll books. I believe it's back to you.

Tom Connolly: Yeah, so as I mentioned earlier...

Commissioner Kosinski: Do you want Brenden to do this one? It's up to you?

Tom Connolly: As I mentioned during our unit meeting unit report, we received two submissions from our E-poll book vendors one from Tenex one for Knowing. The one from Knowing was just updating the underlying IOS system for their Apple iPad. The Tenex was an application update itself. We received the software. We did the testing in those environments with the help of members from our IT unit and we provided you with those testing reports as we tend to do. It is our recommendation that the Commissioner approve those configurations. In the resolution, the counties who use those systems have the option of either updating immediately or if they don't, because sometimes logically its difficult to update all of the different iPads and get them rolled out in time for the election, if they choose to continue to use the existing configuration, they can do so but then they would have to update their systems before they use those iPads in the next election.

Commissioner Kosinski: Okay any questions? Is there a motion anybody?

Commissioner Kellner: So moved.

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: Opposed? Good to go. That ends the new business. Executive Session I don't believe is necessary to the best of my knowledge, so I believe that concludes the meeting unless someone wants to bring something up that they thought of while I was talking. Nope. If not, I'll entertain a motion to adjourn.

Commissioner Spano: So moved.

Commissioner Kosinski: All in favor?

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: We will meet again on October 4th.