
Commissioner Berger: Good afternoon, I'd like to welcome everybody to the meeting of the State Board of Elections here on December 9, 2024. My name is Henry Berger, I'm Co-Chair of the State Board of Elections. I'm joined by other Commissioners, Co-Chair Peter Kosinski, and Commissioners Essma Bagnuola and Anthony Casale. We'll start today as the State Board of Canvassers for the purpose of certifying the November 5, 2024, General Election results. Can I ask staff to review the paperwork necessary for this time to certify the election results.

Kristen Zebrowski Stavisky: Commissioner, we have Presidential Electors, United States Senate, Justices of the Supreme Court, Representatives in Congress, State Senate, and Assembly. We've aggregated all the results received from the Statements of Canvass provided to us by each of the counties of New York, and we have provided the documentation to you, Commissioners, to show you those results and the winners of each of those contests for your review and certification.

Commissioner Berger: And there are several contests where we have received certifications from the county boards of elections, and the margins are less than ½ of 1% or 20 votes triggering a manual recount, is that correct?

-Amy Hild: Yes, Commissioner, that's correct. Several counties are still conducting manual recounts, so we could see some amended certifications.

Commissioner Berger: Okay, we anticipate there will be amended certifications, and we will deal with them appropriately. Alright, with that understanding, is there a motion to certify on the state level the canvass that has been circulated to the Commissioners?

Commissioner Casale: So moved.

Commissioner Berger: Is there a second?

Commissioner Bagnuola: Second.

Commissioner Berger: Thank you. Is there any discussion relating to the certification? Hearing none, we'll proceed to a vote. Commissioners, all those in favor please indicate, aye.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. Any opposed? Hearing none, we will proceed to the signing of the necessary documents. The Certification of the Presidential Election but also be signed by the Governor and the Secretary of State and must be sent to Washington immediately. We will continue on camera, but we will mute our microphones while we finalize the certifications.

Before we sign, I believe that is all the business before the Board of Canvassers, so I'll entertain a motion to adjourn as the Board of Canvassers.

Commissioner Bagnuola: So moved.

Commissioner Berger: Is there a second?

Commissioner Kosinski: Second.

Commissioner Berger: Any objections? Hearing none, we are going to go on mute for a little while, while we sign all the necessary papers.

Commissioner Berger: Thank you. Good afternoon. Welcome back everybody. I call to order the meeting of the New York State Board of Elections. My name is Henry Berger, I'm Co-Chair of the State Board. I am joined by the other Commissioners, Co-Chair Peter Kosinski, Commissioners Essma Bagnuola, and Anthony Casale. The first order of business is to approve the Minutes to the July 29, 2024, and September 12, 2024. Are there any amendments to the minutes prepared by the staff? Seeing none, do I have a motion to approve?

Commissioner Kosinski: So moved.

Commissioner Casale: Second.

Commissioner Berger: Any discussion? Hearing none, we proceed to a vote. All those in favor?

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. Any opposed? This motion is adopted unanimously. We will now move to unit updates. The Executives are Kristen Zebrowski Stavisky and Raymond Riley. Who is going first?

Kristen Zebrowski Stavisky: Thank you, Commissioners. The Co-Executive Directors worked with staff throughout the agency, as well as coordinated with County Boards of Elections and other state agencies, on several issues since we last gave a unit update which was July 29th. First of all, the November 5, 2024 Election went well. We entered the early voting period confident and prepared after a year of work and coordination to ensure a safe and secure Presidential Election. As you know, prior to each election event, the Secure Elections Center convenes our federal, state, and local partners for a coordinated approach. After the initial kick-off, we have a daily check-in for law enforcement, transportation, utilities, Chamber, etc. and if issues arise the standing meeting time is activated. The Presidential Election warranted more intensive efforts. We spent the last year working closely with Chamber, the New York State Division of Homeland Security and Emergency Services, the New York State Police, and our federal partners. As we discussed in July, we partnered with the Cybersecurity and Infrastructure Security Agency for tabletop exercises held throughout the state. In August, we continued that collaboration for a special exercise with the Executive Chamber, DHSES the Department of Homeland Security and Emergency Services, the New York State Police. We also developed an extensive playbook so that we shared materials across agencies, and we were ready for any type of event. We also shared with the County Boards, and we are particularly proud of the Frequently Asked Questions guide that was created by the Public Information Office. They provided media templates for the counties and the feedback I got from the counties was very positive. Finally, the Executive Chamber worked on a media campaign that was meant to amplify our message that the State and County Boards are the trusted source for election

information. Agencies throughout the state encouraged voter registration and amplified our social media posts. Several did videos, encouraging people to register to vote, encouraging people to go to the State and the County Boards for information. So, I just want to thank our federal, state, and local partners for their participation and coordination. A shoutout to CISA that Cybersecurity and Infrastructure Security Agency, and also the FBI New York Election Security Taskforce. We held meetings throughout the year. Special thank you to our state partners. We were prepared, we appreciated the support and partnership, and finally, I want to thank the staff here at the State Board. This was a challenging year. There were some news reports that you might have seen, but staff rose to the occasion as they always do, and I'm honored to really work with the whole team.

Online Voter Registration and Automatic Voter Registration: Since the launch of our Online Voter Registration, which also coincided with New York City's launch, 405,523 people have registered to vote online. That consists of in New York City since the inception 161,845, and through the State Board 243,678. Since our last unit report in July, 163,436 New Yorkers registered through our portal alone. We continue to monitor the usage. We seek to raise awareness so that more residents access the system. Numbers continue to rise. Obviously, there are fluxes; as we go out of a Presidential year, the numbers will go down, registrations on the portal will not be as heavy as they were this year, but still, we're seeing some interesting numbers as well. I think the other day we had 84 which honestly, you're past a Presidential Election, and for a one-day registration online, that to me is pretty good. Our goal is always to streamline the systems, provide the most efficient, effective systems we can for all of the voters, the County Boards, the general public interested in our public reporting, and for our governmental partners.

On the Automatic Voter Registration (AVR) front, our partnership with New York State ITS to implement the Automatic Voter Registration in the clearinghouse necessary to transfer the information efficiently between the State Board, the County Boards, and the AVR agencies continues. We meet weekly. Our technical teams have regular meetings. Phase 1 is underway and this week we commenced business requirement sessions for Phase 2. We continue our contact with the AVR agencies, and DMV will deploy in Quarter 2 of 2025. The integrated software that hopefully is for PCFB and also all of the State Board functions, the candidate access, the financial filing, public reporting, our vendor MTX has been on-site since March. They're working closely with Laura Baker and our IT on the tech stack, the business requirements, and the software development. MTX now holds biweekly software demonstrations for the senior staff and the PCFB and units of the state board. They are bringing on additional developers for the project, and I would be remiss if I did not give a special thanks to Laura, Ben Spear, and Hope Hardwick for their work reviewing the proposed technology components to ensure the best possible development for our system that will be flexible in accommodating for future projects.

Coming up in 2025, Train the Trainer. We're pleased to report our procurement is complete for the State Board of Elections Training Institute. This was established by Chapter 477 of the Laws of 2023. It directs the State Board to develop a curriculum for certified poll worker training and

Train the Trainer programs. The curriculum will relate to a diverse electorate, special delivery of services, providing assistance to voters with disabilities and limited English proficiency, voting systems that would utilize industry proven, training techniques. County Boards will enroll at least two trainers to the program to come and maintain certified poll work instruction status. The institute will enable us to also make sure there's uniform statewide curriculum and that every voter has the same experience statewide. We look forward to working with the vendor on this project.

The other 2025 project that's underway is the voting and elections database. Chapter 56 of the Laws of 2024 established the database. It will be at the New York State Board and during the coming year, we will procure software and finalize our plans to coordinate with counties, towns, villages, school districts, etc. to gather data.

Ongoing meetings: We continue to meet biweekly with the Division of Budget. We meet biweekly with the Executive Branch. We meet monthly with the Office of General Services to discuss any procurement needs. We meet bimonthly with the New York State ITS. We continue our monthly conference calls with the Election Commissioners Association of the State of New York - our last one was last Thursday, and the Division of Election Law Enforcement met with us recently, and our biweekly meeting remained on the schedule. We continue to work on training and guidance to provide the County Boards with resources they need to carry out their statutory duties. We look forward to the January 2025, Election Commissioners Association Conference, and I will turn it over to Ray for additional comments.

Raymond Riley: Thanks, Kristen. I don't have much. I just want to mention in a way of thanking our SBOE staff, several staff members have been out to counties in the last several months going back to September, October. Obviously, that is time away from home, many days on the road, so we exceptionally appreciate their efforts and problem solving throughout the state, as it were. We'll have Ops talk more a little more about what they did when we get to that. I do want to take a minute and thank the County Boards of Elections. They are the ones you know that are on the ground running elections. We had an exceptional election in November from my point of view, with minimal issues throughout the state. Elections are never going to be perfect, but in terms of elections without issues, this was about as good as you're going to get for a Presidential Election, due to a lot of their hard work on the ground, managing poll workers, managing staff, certifying times, so I just want to take a moment to thank the County Boards for all of their hard work. That's all I have.

Commissioner Berger: Are there any questions for our Directors?

Commissioner Kosinski: Yea, I just have a question about the software that's being developed for PCFB and the Board. What's the status? What's our expectation for when this will actually be usable? I guess I'm specifically referencing PCFB because I know how important it is to their function.

Raymond Riley: So right now we're looking at a timetable to have PCFB functionality for the 2026 cycle, for lack of a better term. We're looking at May of '25, and that should bring on necessary functionality in order for the PCFB program to be able to operate. I think it will not be full, right, it will be based on needs, so we can move forward as they continue but that's our current conversation with expectations.

Commissioner Berger: So, that's before the July reporting date?

Raymond Riley: That's the goal.

Kristen Zebrowski Stavisky: Yes, and can I speak also, Commissioner; that's primarily why their bringing on additional developers, because of that need.

Commissioner Berger: Thank you. Anything else? Thank you, Directors. Let's go to Operations, Jude Seymour, Amy Hild, who goes first?

Amy Hild: Thank you, Commissioner, I'll start. So, a large portion as was indicated by the Executive Directors, a large portion of our time has been spent providing support to each of the counties leading up to the General Election. We also assisted our friends in PIO with answering phones for voters and supporting counties throughout the early voting period. Our staff visited 13 counties during Early Voting and on Election Day. We prepared the materials we saw earlier today for certification, as well as the resolution for your consideration for an electronic poll book and conducted that testing. We are working on annual surveys for the counties to compile the data necessary for the federal EAVS survey. We also have already resumed acceptance testing of new and upgraded voting equipment, so this year so far, 32 counties and almost 4,700 new and upgraded machines have been acceptance tested by our staff. Our team has already started scheduling for the rest of this year and into January. We prepared draft calendars for 2025, and we will now begin working on ECA presentations for January. For voter registration systems, there are two counties currently transitioning from the NextVote System to their new voter registration vendor, so that will be complete by the end of the year. For Electronic Poll Books, we did approve a couple of de minimis changes, one for KNOWiNK and one for Tenex. We also, as I indicated, received ES&S Electronic Poll Book Systems submission, that has been tested and is on the agenda later for your consideration. With that, Jude.

Jude Seymour: Thank you very much, Commissioners. It's been a couple of months since we were able to give a unit report, so I want to highlight something significant that Director Hild and myself, and our staff, were able to accomplish in the month of October. As you may be well aware, the Onondaga County Board of Elections reported to us in mid-September that they had an excess of 23,000 unprocessed forms dating back to the second week of August. We had given them some recommendations and some direction. They were unable to clear that backlog by themselves, and so, after an initial site visit by myself and Director Hild on October 3rd, we sent an envoy of nine individuals from the New York State Board of Elections, seven from the Operations Unit and two on loan from the PIO office to help clear that backlog or address that backlog. After that, the backlog did not reoccur, but we did send a series of eight

recommendations to the Onondaga County Board of Elections. Those were mostly management recommendations, but there were some functional and organizational recommendations that we made as well, and the reason I raise this, not only because we have an opportunity to talk about this, but also because there's an upcoming report. In the October 23rd letter, our Co-Executive Directors directed the Onondaga County Board of Elections to provide a comprehensive report that provides an analysis on what caused the backlog, and the Board's plans to address the management concerns as well as the organizational structures we had recommended. So, I just wanted to make you aware that we are fully anticipating that report coming from the Onondaga County Board of Elections by month's end. So, I wanted to highlight the good work that was done, and the participation of our friends in the PIO unit and give a little kudos to our staff as well for rising to that unique challenge.

Commissioner Berger: You're a little modest. You went over there, and you cleared it in a little over three days?

Jude Seymour: Yes, it was two. It was part of three days I would say by the time we got up and running, and we left early, it was about two days.

Commissioner Berger: That's just amazing.

Amy Hild: And I would like to additionally, if I may, thank our Chief Information Officer, Laura Baker and our CISO Ben Spear for bringing up equipment that we needed to do the work because the equipment provided did not allow us to complete that work. So, they drove 20 monitors to Syracuse for us to use. So, incredibly grateful to them as well. And our staff was tremendous.

Commissioner Berger: And when is their report due to us?

Jude Seymour: It's due December 31st according to the letter that we gave them.

Commissioner Berger: Have you got indications from the Board that will be forthcoming?

Amy Hild: We have not.

Commissioner Kosinski: Have you heard back at all from the Board about this topic since you've gone there? I mean, are they making the changes you've recommended? Things like that, or do you know?

Jude Seymour: I don't have any insight on that, sorry Commissioner.

Commissioner Kosinski: I mean it's a concern I think we all have, because obviously sending nine staffers from this board out to a County Board to resolve a problem is something we can't do all the time. We don't have the staff here to fix issues that come up like that at these board levels. I think, my problem with reading over the correspondence you had was, there was some

assertions that this was a staffing problem out there like they didn't have enough staff, and it seemed to me there was more than that going on. Your letters indicated there were some administrative issues that needed to be resolved, and I'm just concerned that these are being resolved, and that we won't have a reoccurrence of this again.

Jude Seymour: Yes, as I indicated the eight recommendations, I felt were largely planted in the management leadership specter. There were certainly some organizational things that we had touched on in terms of the processing of mail and cross-training some employees and stuff, but a lot of it derives from proper management.

Amy Hild: And as I understand it, from their budget, four new positions have been adopted, so they will have four additional personnel joining them in January. They had just temporary staff this year, so it does take a little bit to train folks. The software is specific and unique to what we do, of course. So, we will certainly, when we receive that report on the 31st, we will review it and if there are further recommendations, we stand ready to assist.

Commissioner Kosinski: And you'll forward that to the Commissioners when that comes in?

Amy Hild: Of course.

Commissioner Kosinski: Great.

Commissioner Casale: A suggestion, if my colleagues agree maybe, this is what the 6th, 7th, 8th, middle of the month, send a reminder letter to the two Commissioners and I would cc the County Executive, the Majority Leader, the Chairman of the Legislature, and the Minority of the Legislature just so they're aware there's a deadline and vote, unless you disagree with that.

Commissioner Berger: I think this is, I think we have to keep the pressure on. Certainly, on January 2nd, if that report is deficient, we have to decide what we're going to do.

Commissioner Kosinski: We have to take appropriate action.

Commissioner Berger: No, I hate leading with "take appropriate action," but I think we've gotta make sure that if it's not done by December 31st, we have to know it's in process, and if not, then we have to do something about that. Any further questions for Operations? Hearing none, Compliance Counsel, Compliance, Brian Quail, and Kevin Murphy. Who's going first?

Brian Quail: I'll start, and Kevin will add and fill in as needed. The things I would just like to note I've been here since 2014, and this is the lightest year for post-election litigation since then. (*inaudible crosstalk*) So, we had two election related actions, one actually was commenced before the election, but an untimely effort to have the qualifications of a candidate, well after the limitations period lapsed, and Mr. McCann who was not with us, who made a contribution to me earlier, was absolutely essential in that litigation with representing the Board and dealt with. And also, in post-election, the only action that we had was Ryan vs Paro which was a very close

contest in Senate District 50. Ultimately the action was discontinued as the process satisfaction of parties made clear about who she was. In other litigation matters, most everything is in the same posture or unfolding pattern as was the case at the time of the last meeting. With respect to the Workman NAACP litigation, we are in the post decisional fee application part of that litigation. It is obviously winding down. The Common Cause litigation, certification of a voting system, we won in Supreme Court and is now on appeal, and that is unfolding a case, and obviously there are any number of lawsuits that either we are named in, but not actively participating in, or we are not named in that affect election administration that we continue to monitor. With respect to the Compliance Unit, very appropriately the calendar for Campaign Finance Filings in 2025, has been promulgated and posted to the website regulated in the community. The Training Unit, since the last meeting, processed 652 e-mails through the CFINFO mailbox, and there were seven Campaign Finance Update webinars and quite a few on the docket for after the 1st of the year. Significant part of the work of the Compliance Unit leadership has been working with the development of new software that Commissioner Kosinski referenced a short time ago, and they are attending those meetings and make sure the new products will be of use to both the PCFB but also Compliance. So that work is ongoing and significant. With respect to quarterly deficiencies, there was a deficiency referral made on December 4th. Currently, in terms of Compliance Reviews of filings, we are at 254,000 received, 234,000 reviews have been completed, and in queue - meaning to be completed - in the realm of Compliance staff, reviews are 685. We are now up to having had 785 PIDAs, these are Paid Internet & Digital Ads, filed with the Board related to Independent Expenditure activities. The Compliance staff is engaged robustly in the process of identifying local candidates on the ballot, who should be filing something that indicated they don't have a filing obligation of making a campaign financial disclosure, a fairly labor-intensive process. The IT unit has been fantastic, providing tools to help that process along but it's still pretty intensive and we're in basically the third iteration of that, and (*inaudible*). The Compliance Unit has registered 98 candidates and 152 committees since the last meeting. We have processed 132 treasurer resignations; 339 committee records have been terminated along with 235 candidates. That's all I've got.

Kevin Murphy: I can jump in with just a couple additional pieces of information. Going back to our litigation, just so that we have just a couple of things I wanted to mention. With the cases, we are party to Priscilla vs Adams, the New York City non-citizen voting case, the argument has been scheduled in Second Department on appeal for February 11th of next year, so that will be argued then, and regarding the Upstate Jobs Party case, the nonparty contribution limits case, the plaintiffs after losing in the Second Circuit have attempted to seek cert from the Supreme Court. We have been asked to provide a response to their filings. We are working with the Attorney General on putting those together, and we'll keep you updated on that. We are hopeful that that will be a denial of cert that matter. Just to go back to the Compliance Unit, I just wanted to echo Brian, the general sentiment about the appreciation for our respective units. Our Compliance Unit is working very hard, and we have a great team on both sides of the aisle, and we have completed, the Compliance Unit alone has completed over 8,500 reviews since the last time we reported to this Board, and as of this morning, basically, comprised only a little over 10% of the compliance reviews to be outstanding reviews that there are to do. So, we have a great team and

I'm just very appreciative of that crew and how well they have been working, so I just wanted to say that.

Commissioner Berger: Any questions for Compliance? Seeing none. Enforcement Counsel, Mr. Johnson.

Michael Johnson: Since the beginning of Early Voting to the General Election we took in well over 400 complaints with regard to Election Day, sometimes before Election Day. What we've done is we've started compiling a report that we're going to present to both Co-Executive Directors, highlighting all of the different issues that people raised with regard to poll sites. There weren't necessarily Election Law violations per se, but they were more issues that people had at poll sites with regards to poll workers. And the report that we've put together so far, just to give you a heads up is about 23 pages long and it's broken down by county, and to the extent that we have the information, what poll site, what happened at each poll site. And by preparing it to the Co-Executive Directors, they can use it with regard to reaching out to the different County Boards in case there's any type of training that may need to be done with regard to poll workers. Again, a lot of the complaints that we got in weren't necessarily Election Law violations, they were things like electioneering, and like I mentioned earlier, a lot of times people get confused with electioneering because the question is where is the 100-foot marker? Is it at the front of the entrance of the building, or is it at the back of the building where you're actually going to vote? So, there's a lot of those types of complaints that we've gotten in. We got a lot of complaints in where people called and say, well, how do I know my vote counted? Well, you just don't put your name on your sheet, so I can't tell you whether or not your vote counted. I could look and see yes, you cast a vote but if you want to know specifically, my one complaint was, "Well, I did a write in. I want to know if that actually counted." Well, I mean, we could look at the tallies, it's as simple as that. So, we get a lot of questions that get asked of us that aren't poll site related. A lot of complaints came to us because people said, "No one told me that the proposals, the propositions, were on the rear of the ballot, so I want to be able to recast my vote." I can't do anything about that, that's not an Election Law violation. So, a lot of the complaints that did come in were not necessarily Election Law related. Those that actually had merit, that's the stuff that will be in the report for the Co-Executive Directors. There were a lot of issues with regard to absentee voting, and that's a little bit more involved in terms of the type of research that we have to do. And myself, my IT person, and Senior Investigator, we met with the two Co-Executive Directors and they shared what they needed in terms of tools to help us gather information for absentee ballots and not only be forthcoming, so between that and the information that we're going to be sharing with the Co-Executive Directors, it's been pretty busy for us with regard to the election and the aftermath in terms of following up now with all this.

Commissioner Berger: What's the progress on the nonfiler, late filer enforcement issues?

Michael Johnson: We're still doing the mass judgments that we've been doing, and I send you guys like when we get settlements, we send those to you guys. Because, and I don't quite understand it, but there's a little quirk in terms of the electronic filing now, so that we may have to instead of doing like the last batch we did was 175, we may be limited to like batches of 100.

I'll have to check with the court on the number, because I'm just a little confused as to why we may have some sort of limits. I don't know if it's a technical thing or what, but we're still doing that and like Brian mentioned earlier, we just got the deficiency report from them. I want to say that's roughly about 150, 160 committee names that are on that list, starting tomorrow at our regular meeting, our staff meeting, we go over that and sort of dispense amongst the staff in terms of the deficiencies.

Commissioner Berger: A couple of meetings ago you mentioned that there were as many as 2,000 nonfilers from previous periods, is anything being done about those?

Michael Johnson: The numbers have gone down. What the number is off the top of my head, I honestly don't know, I can get that number to you, but it's gone down significantly because people are realizing we've been ramping up our efforts more and more in terms of going after the nonfilers.

Commissioner Berger: And even if you can only do 100, when do you do it, when do you anticipate your next batch will get into court and that, if you can only do 100, can you do a 100 on Monday, and another 100 on Tuesday? I mean, how can we move these along? As I read your reports, to catch somebody in 2023 and you go back and they also haven't filed in '22 and '21 and '20, and sometimes even further back. Sometimes you've got 8 or 9 unfiled reports. So, when does the next batch get into process?

Michael Johnson: I would say we're probably ramping up to do at least another 100 within the next couple of weeks because we needed to reach out to OGS, to have more monies for the process servers because we had run out of funds. Now, that's been replenished, so we can start using the process servers again, which is what we use to go after the nonfilers, we use a process service for that. So, again, I expect that to happen pretty soon, in terms of going after large numbers of people. What I think we may want to do is 100, 100 like maybe 100 every week, and again it depends on what we come up with, working out with the court system. But I would like to get it going a little bit quicker. One issue that we have kind of noticed is the minute nonfilers know that we're coming after them, they will terminate their committees. And in their minds, "Well I've terminated my committee, and now I can't make my back filings because the committee has been closed." And some of them have said, "Well, downstairs have told us we don't have to make our filings". I don't believe that because I don't believe the people downstairs would simply say, "Okay, it doesn't matter anymore," and what I have told people is, just because their committee has been closed, does not relieve you of filings that you did not make. So, we're still having to go after those people, and how they make their filings, that's sort of something they will have to work out with Compliance downstairs. Once they've closed their committees, what steps need to be put in place for them to be able to make their filings that they've missed?

Commissioner Berger: I can't imagine that would be a problem for the Compliance Unit.

Brian Quail: No, it wouldn't be a problem for the Compliance Unit to figure out. And we have seriatim circumstances to figure that out. Generally speaking if a committee is terminated, it prevents from them having to make any prospective filings. And generally speaking the criteria for terminating a committee is a lack of activity over an extended period of time usually exceeding limitations period if possible. Enforcement activity based on criteria that historically have been shared with the Enforcement Unit.

Commissioner Kosinski: Yea, I have a question. Since you're doing these in batches, how do you decide who gets priority to actually sue?

Michael Johnson: How do I give priority to?

Commissioner Kosinski: to the committees that you're suing?

Michael Johnson: Not really priority, it's basically, here's a list of 2,000 people who haven't filed, okay, here is 100, second 100, third 100.

Commissioner Kosinski: So, how do those get prioritized, who's the first 100, who's the second 100, who's the third 100?

Michael Johnson: It's not really prioritized by any, it's just basically we look at the complaints that have come in, who've not made their filings. We look at the deficiency report, we look at who's made their filings and who's missed, and we send out the letters. So, it's whoever that universe is, how it lines up is how we send it out. We don't look at well, this person hasn't made their filings, or this person is in other groups; that's not something we tend to look at with the nonfilers. It's just that who's in this world of nonfilers and that's who we send it out to.

Commissioner Berger: On that first batch of 170 some odd, how many of those remain unresolved at this point? How many have been resolved at this point?

Michael Johnson: I want to say at least we've probably resolved about a 100 or so. So, we resolved a good amount, and we still have a few who still owe us checks that we're waiting on.

Commissioner Berger: And you've still got 70 that haven't even reached that stage yet.

Michael Johnson: Oh, no, out of that whole 170, everyone's in either they've settled, we've reached out to them, and they are sending checks in, or they are working on past filings because we required them to make their past filings as well. I can think of only one off the top of my head and there may be more, but right off the top of my head where there is ongoing litigation with this one particular campaign.

Commissioner Berger: Anything more, Commissioners? Hearing none, we'll move onto NVRA and PIO, Kathleen McGrath and Jennifer Wilson, who's going first?

Kathleen McGrath: Good afternoon, Commissioners. Starting with our general public information functions, as has been mentioned last time gave a full unit update was back on July 29th. And it would be an understatement to say that PIO has been extraordinarily busy in the lead up to the General Election, just from the general PIO phone number and info e-mail address, in the lead up to the General Election, we were fielding hundreds of phone calls and emails a day; very, very busy helping voters across the state, covering weeknights and weekends. And I certainly want to take a moment to thank the Election Ops staff, as well as the Compliance staff, both of which stepped up to help with retrieving voicemails and returning phone calls. We consider that a paramount responsibility in the lead up to the election, to help people find their voting information, their ballot information. And luckily that calmed down after Election Day. In terms of FOIL requests, again covering August, September, October, November, and the first few days of December, PIO has received a total of 816 FOIL requests; 809 of those are completed. Right now, we do pride ourselves on a very quick turnaround, commissioner. So, seven remain outstanding for what has been received during that time. A lot of those will lead up to the election, the voter lists, things like that, and also people looking for their own voter record to see their General Election voter history upload since the election. In terms of the State Board and PCFB websites, numerous updated information went up in the last several months in terms of our certified results from the June Primary, the ballot proposition language that was finalized at the last meeting, lots of compliance information, and plenty of information about the General Election including voter registration deadlines, mail ballot request deadlines, voter look up tools, and election night reporting. We did in the leadup to the General Election add an FAQ page to our website, providing answers to the most commonly asked questions we were getting on the phone and via e-mail, and we provided that actually in both English and Spanish on our website. In terms of PCFB, updated a lot of information about deadlines, payment dates, and authorizations, as well we public comment periods. We have regular meetings with our accessibility vendor still to make sure both of those websites exceed standards, and in our two-year review of the PCFB website with the ITS Digital Team, we were again awarded the Accessibility Achievement Award for achieving high standards on our website in terms of accessibility.

For County Boards prior to the General, we did confirm that all poll sites for the General were properly uploaded by the counties. We worked with the OSCE to coordinate international observers with the County Boards that they would be visiting during the General Election. We've worked to ensure that all the federal surveys from the County Boards had been returned both pre- and post-election. And we worked with the County Boards to ensure that they had uploaded their voter histories since November the 5th.

In terms of voter registration/NVRA, we did place additional orders for voter registration forms since we last met, to account for increased demand in the busy Presidential year and disseminated them to the County Boards. And since our last board meeting, Dan Toomey in PIO has conducted five NVRA agency trainings with the Department of Health/WIC, Workers' Comp Board, New York City Human Resources Administration, Commission of the Blind, and the Office of Addiction Services and Support. We continue to chat with those agencies especially as we move toward AVR in the future.

With the statewide ballot proposal, upon certification of the language, we did coordinate the written and audio translations of the proposal, and disseminated those to the County Boards, as well as worked with the New York Press Service to have these proposals published in the newspapers across the state, as is our requirement in the Election Law.

In terms of traditional media, we have responded to inquiries and sat for interviews regarding a wide variety of State Board of Elections issues including preparations in the General Election, campaign finance issues, ballot prop language, ballot certification, registration and ballot deadlines, early voting numbers, enrollments, and the results certification that had happened earlier today. We have released four press releases since our last meeting here; one was recapping the election security workshop series that we did over the summer; one was for National Poll Worker Recruitment Day; one was for National Voter Registration Day; and one was in regard to suspicious mail that we did receive here back in September at the State Board. We were one of a number of states to receive similar or identical mailings. Fortunately, it ended up being an unharmed substance, but it's a great thing that we have these procedures in place. All procedures were followed to a T that day. We were able to communicate out with the public and luckily no one was harmed, and we were able to move forward easily.

In terms of social media, we've been very, very busy on social media with poll worker and voter reg days, we did a series about dorm room democracy for students, talking about what makes someone qualified to register to vote. We did a series on the journey of a mail ballot and what it goes through, as well as how ballots are dealt with when we vote in person. We did daily posts during Early Voting, a bunch of Election Day announcements, and post-election we did what was called a, "What Happens Now" series. So, what happens under Election Law from the moment the polls close up until today's certification, outlining that process that the Boards go through.

On Facebook we have had a 17% increase in followers since our last meeting, we now have over 5,000 followers - up 750 from our last meeting. And there were over 36,000 impressions on Facebook with the content we produced since then. On Instagram, we more than doubled our followers since last meeting. We've reached about 5,400 accounts with our content. On X or Twitter, we have just shy of 4,000 followers. We actually lost about 30 followers since the last meeting that we had, which is not surprising since there has been a bit of an exodus from the platform in recent months; so, we increased followers on the other platforms, but X we did lose a few. We have created a bit of Spanish language content. We do have a staff member in PIO, Jordan, who is fabulous and been able to up our content that we're putting out in Spanish language. We have social media plans through the end of the year, including another election security series that will be going up starting next week. Our e-mail service contact list has grown to 2,822 subscribers, that's a 17% growth since the last board meeting at the end of July, and we sent out 9 blast e-mails to those subscribers since then.

Lastly, that I will cover before passing it to Jenn, in terms of mis and disinformation, this has certainly been a big topic leading up to the General Election, and we focused much of our energy

in terms of social media and website on disseminating those facts. And we worked with the Governor's office and other state level agencies to direct New Yorkers to Boards of Elections for accurate information. That's always our goal, we want the folks going to State Board or the County Boards to get the correct information about elections and voting. And now, if there are no questions for me, I will pass it over to Jennifer Wilson for the grants update.

Jennifer Wilson: Thank you, Kathleen. Good afternoon, Commissioners. Since our last Board Meeting the grants team finalized contracts with the Office of General Services and State Comptroller for our three new state grants for fiscal year 2024-2025. These grants are the \$5 million General Election Grant, our \$7.7 million Ballot by Mail Grant, and our \$14.7 million Electronic Poll Book Grant. Our office sent letters to the State Finance Chair, Assembly Ways and Means Chairs, and the Budget Director describing the Grant Program and methods to determine the funding distribution schedule. This was required for in statute; we do this with all of the grants that we receive. And as with all of the grants we received, these are reimbursement grants where the counties are going to have to spend the money ahead of time and then we will reimburse them after. We did determine the funding schedule based on total enrollment so that way it was fair across the board. At the Summer Conference in August, we provided the counties an overview of their allowable expenses, as well as the timelines and the grant submission deadlines for those. We're receiving contracts back from the County Boards for those, as well as for our six existing state grants on an ongoing basis. On our federal grant in November, we submitted our annual federal financial report and grant narrative showing expenditures for our HAVA Election Security, Shoebox, Voter Education, and Poll Worker Training Grant to the Election Assistance Commission. These are annual reports that we need to provide every single year. And right now, we have been our grants team undertaking a pretty big project of looking back at all of our federal grants and reviewing equipment that was purchased by the counties. A lot of counties are currently getting rid of equipment that they purchased with HAVA grants. We want to ensure that they are disposing that in compliance, not only with our state requirements, but also the Federal HAVA requirements, so that is an ongoing project. And that's everything for grants.

Commissioner Casale: Are most of the counties taking advantage of the grants, the funds encumbered?

Jennifer Wilson: It's hard to say right now. We're starting to see claims come in, but because they have to spend them first. Now that the election is over, they're finally like getting their receipts together.

Commissioner Casale: They're all well aware that the money is available?

Jennifer Wilson: Oh yes, oh yes.

Commissioner Casale: The County Boards are all aware.

Commissioner Berger: Kathleen, language accessibility, which is something I worked on in the city with the City Board, are we doing anything beyond English and Spanish?

Kathleen McGrath: So, for our general website, we use a Site Factory platform, which is from ITS and actually can translate any page on our website into I think it's 12 or 14 languages that the entire site can be translated into. On top of that, we do extra content in English and Spanish, and then NVRA requirements are that certain areas of the state also have information in Korean and Bengali, and Chinese. So, depending on the enrollment in that area. So, we do have a number of languages, but the Site Factory platform is fantastic, in that with a simple click of a button, you can change all of our content to I believe it's 14 languages.

Commissioner Berger: That's great. Anything else for NVRA? Let's go to ITU Tech, what's happening.

Laura Baker: Good afternoon, Commissioners. So, I want to echo the thank you for the Secure Elections Center and Ben and his team, everyone here, all of the people that supported the election, all of our state partners. One of the newer initiatives that we did this year, we worked with the New York State GIS project, and we had them geo code all of the poll sites for Early Voting and day of. And that passed to us, and we passed it to the 911 centers around the state and called that out in our annual meeting extremely helpful, and a lot of the calls that came in did come through those 911 centers. So, we want to make sure we say thank you to them. Now that the election's over, IT gets to work. We're not allowed to touch anything during elections. So, for the next 2 months, we will be doing a massive infrastructure refresh. This will be the backbone infrastructure that runs all of the networks in both our data centers and here. That's going to be kicking off probably this week. The other thing that I've been focused on is consolidating a lot of the tools. It's very easy, the tools kind of spin out of control and become what is called tech debt, so we are bringing in, for instance a ticketing system that we use for ticketing, inventory, contract management, purchase ordering, inventory response to all of our FOIL requests, and our techs can use it for remote assistance. We eliminated a lot of standalone systems, and to date we have filed 2,225 tickets within the system to support not only internal but external; we can actually support people out in the field. The Secure Elections Center took that to heart, and they replaced the system that was in-house that took an awful lot of time for our staff to manage. We outsourced it to a management service provider, so now we actually have a 24/7 monitoring system looking over our shoulder and alerting us when something suspicious comes in. They let multiple people on our staff know. We did that while reducing the overhead cost of the initial system and reducing the infrastructure reliance that supported that. In addition to the day to day, we have rearranged some of our staff to create upward mobility and staff retention and we are actually hiring two new business analysts who are going to be starting with us on the MTX and AVR projects. MTX, we, through our partners at NYSTEC, we brought in a Salesforce architect who was working on behalf of the Board to help oversee the entirety, entire scope of the project to make sure that we do not put ourselves in a situation where we're too narrow and we can't use the system for something else. He has been an enormous help in the two weeks that he's been here. Our staff finished a 6-week training, intensive training in salesforce, and we hope to expand that, also starting to work on our own piece of this project being that it's

going to be the next use, like the Poll Worker Training Institute is what we're focusing on internally. So, this is separate from ITS. And for AVR, Kristen already gave an update on that. Our group is working on testing plans, it should be ready to kick off January 6th.

Commissioner Berger: Any questions for ITU. Thank you.

Commissioner Casale: I get tired listening to these people.

Commissioner Berger: I'd like to thank...

Commissioner Casale: Lot of hard work...

Commissioner Berger: ...the entire staff...

Commissioner Casale: They do a great job, they really do.

Commissioner Berger: ...this was a very busy period, we know it's been successful, you can count your successes by the limited number of bad press we got throughout the year, and I think you've done amazing jobs this year, it's a lot of work and we got through a very tough year. And it looks like we're moving forward in the right direction.

Raymond Riley: Thank you, Commissioner.

Commissioner Berger: Thank you. Okay, I don't think we have any old business, so let's try some new business. The first item of new business is Regulation Part 6223 AVR Resolution 24-17. Can the Counsels' office walk us through this and tell us what we're doing?

Brian Quail: Yes, Aaron is going to offer up the Resolution.

Aaron Suggs: Sure Commissioners. These regulations help implement the Automatic Voter Registration program which has certain designated agencies integrate voter registration information into their paper and electronic forms. These regulations elaborate on the responsibilities of the State Board and the agencies under the program, including having the State Board provide requirements for transmission of the voter registration information, having agencies provide which agency transactions are subject to AVR, providing timeframes for the transmission of the voter registration forms to SBOE, providing signature upload mechanism for agencies to use, and details on the mechanisms for the State Board to approve agency forms.

Commissioner Berger: And what's the schedule on submitting this so that we can start the comment period?

Brian Quail: I can answer that question. I mean we would anticipate that it would be published in the register as quickly as possible, and the process can go through the Rules and Regulatory Review Unit to get it published, and as soon as we've gone through that process, it would be

published and the formal comment process will begin then, but we would ask PIO to put it on the website as soon as possible after meeting and informally comments would be considered in the same way, could begin immediately.

Commissioner Kosinski: And so this will come back to us for final approval?

Brian Quail: Yes, sir.

Commissioner Kosinski: And so the comments we'll see?

Brian Quail: Yes.

Commissioner Berger: I'll entertain a motion on this please.

Commissioner Casale: So moved.

Commissioner Bagnuola: So moved.

Commissioner Berger: Second, I hear one. Is there any further discussion? Hearing none, we'll proceed to a vote. All those in favor please so indicate.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. Any opposed? Hearing none, this matter is adopted unanimously. Next item of business is the ES&S ExpressPoll Version 7.2.7.0. We have already been provided with a testing report and the resolution. Election Operations, can you give us an overview?

Thomas Connolly: They are no longer here.

Kristen Zebrowski Stavisky: It's going to be the Deputy Directors, because we had to coordinate the signing for the National Archives and the Senate, so they went up to get the Governor's and Secretary of State's signatures for those documents.

Brendan Lovullo: Be that as it may, we won't disappoint.

Thomas Connolly: So, basically ES&S, which is already a voting machine vendor in the State of New York, submitted their electronic poll book system for the first time to be considered. There are currently three existing vendors for poll books in New York State; this will now be the fourth, if approved. We have come through the normal requirements of testing to different security that we have set forth for e poll books and as you said, you have the reports. There's both

the public, which will be posted on the website, and the confidential, which will share a little bit more of the security information in regard to what was done with the assistance of the IT Unit, but the resolution before you is to approve the ES&S poll book system for use in New York.

Commissioner Casale: Very extensive report.

Commissioner Berger: Yes, you're going to be tested on it. Alright, can I have a motion on Resolution 24-18?

Commissioner Bagnuola: So moved.

Commissioner Casale: Second.

Commissioner Berger: Is there any further discussion on this? Hearing none, let's proceed to a vote. All those in favor please so indicate.

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. Any opposed? Hearing none, this resolution is adopted. I just have one question. If a county adopts a poll book or any other item and a municipality within the county wants to use something different, are they allowed to, are they permitted to, or are they locked into whatever the county does?

Thomas Connolly: So, I think you're getting into the laws as far as what is the municipality that you're speaking of. The Board of Elections, or the County Board of Elections, runs the election, they would be using the equipment that they decided to use for all elections. If there are other municipalities or jurisdictions within that county, that may not fall under the purview of the County Board of Elections, such as some villages or school districts, they would be bound by their own law, which often requires the use of a certified voting system but not necessarily the one that a County Board uses. And obviously in the case of school districts, school districts can often span multiple counties, so there could be, very well be different systems at play, so that's why it's up to the school districts to decide which one.

Commissioner Casale: So it's based on who runs the election.

Thomas Connolly: Correct.

Commissioner Berger: But on a countywide election, everybody uses the same equipment?

Thomas Connolly: If it's run by the County Board of Elections, yes.

Commissioner Casale: Yes. In some cases, the school utilizes the county.

Commissioner Berger: Is there any other new business? Hearing none, is there a motion to go into Executive Session?

Commissioner Kosinski: I'll move that.

Commissioner Berger: Second. All in favor?

Commissioner Bagnuola: Aye.

Commissioner Casale: Aye.

Commissioner Kosinski: Aye.

Commissioner Berger: Aye. So, we will go into Executive Session...

Commissioner Kosinski: First, I think we have to give a purpose.

Commissioner Berger: ...to consider personnel matters. If no action is taken in that Executive Session, we will adjourn now, if there is, we will come back into this session. A motion to adjourn pending any results. Is there a motion?

Commissioner Casale: I'll motion.

Commissioner Berger: Second?

Commissioner Bagnuola: Second.

Commissioner Berger: Any opposition? Alright, we will now proceed into Executive Session. Let us do whatever we have to do to disconnect from the world.