
Commissioner Kosinski: Okay, having adjourned the meeting of the Public Campaign Finance Board, we'll convene now as a Board of Commissioners of the State Board of Elections and I'm Peter Kosinski and I am joined by Commissioners Doug Kellner, Commissioner Tony Casale and Commissioner Andy Spano. And we will open today as a Board of Canvassers because the Board has to certify the election results from last November. So, in regard of that we have before us a certification of the election results of November 2nd, 2021. Is there any discussion regarding that issue?

Commissioner Kellner: I move that we adopt the certifications as they're drafted by the staff.

Commissioner Kosinski: Is there a second?

Commissioner Spano: I second it.

Commissioner Kosinski: Hearing a motion made and seconded, all in favor say aye.

Commissioner Spano: Aye.

Commissioner Casale: Aye.

Commissioner Kellner: Aye.

Commissioner Kosinski: Aye.

Commissioner Kosinski: All opposed? And it's unanimously carried. I don't believe there's any other business to come before the Board of Canvassers so I will move us out of the Board of Canvassers to the Board of Commissioners of the State Board of Elections and our first order of business there is we have minutes from October 4th and November 20th, I'm sorry November 10th, 2021 before us. Is there a motion to adopt those two sets of minutes?

Commissioner Kellner: I move the adoption of the minutes

Commissioner Casale: Second.

Commissioner Kosinski: All in favor say aye.

Commissioner Casale: Aye

Commissioner Kellner: Aye

Commissioner Spano: Aye

Commissioner Kosinski: Aye

Commissioner Kosinski: That is also carried unanimously. Based on that we'll start with our unit updates. First, we have Kristen Zebrowski Stavisky and Todd Valentine.

Todd Valentine: Thank you Commissioner, I'll just note for the record that Commissioner Spano has joined the meeting.

Commissioner Kosinski: I think that was duly noted but thank you.

Todd Valentine: You know obviously after what we just went through with the Board of Canvassers was the certification, which is obviously, we were finishing with the election and it's been our primary focus since then, since the election.

Tom Connolly: Todd I'm sorry, we actually haven't done the work yet.

Todd Valentine: What happened?

Commissioner Kellner: Yea, we finished it.

Tom Connolly: Oh, did you sign it?

Commissioner Kellner: No, not yet.

Tom Connolly: Okay. My apologies. It must be on my way down. We'll get the signatures.

Todd Valentine: Also we've been preparing for next year's budget submission, putting together, packaging that up and transmitting that to the Division of Budget, along with the Public Campaign Finance Board's draft of proposal and we'll notify the Division of Budget that that has been adopted by them for the Campaign Finance Board. And we continue to work with the Office of General Services with regards to the necessary expansion of our office space. Just another step forward today, we did get additional furniture that will help us have temporary space on the first floor of the building, that will relief some of the pressure, because at this point, we have no more seats, we've filled every seat on the floor. And then, obviously looking towards next year, we'll begin preparation for the County Election Commissioner's Association winter meeting. As we always do, we have to do a series of presentations, so we'll be packaging those up, have those ready when we get to January, and we might have a little break here at the holidays, so, Kristen over to you.

Kristen Zebrowski Stavisky: Well, I think we both want to announce that with regret announce our CIO Bill Cross has informed us he is retiring in January. He will leave extremely large shoes to fill but we have finalized his replacement everyone. The continuity will continue that we need for our big projects: OVR, AVR and I'm sure we'll talk a little bit about that. I will just say that I have to say, I just finished my first election as co-executive director and I'm very pleased to be here and I have to say that the entire staff has been very welcoming, so I really do appreciate that. So Bill, you can still change your mind but you're running out of time.

Todd Valentine: Thank you Kristen. Any questions?

Commissioner Kosinski: Are there any questions for the two co-executive directors? If not, then we'll move onto the Elections Operations and Tom Connolly and Brendan Lovullo.

Tom Connolly: Thank you Commissioner, we have a lot to get through because obviously with the general elections and the time spent has been very, very busy. Generally speaking we collected the statements of canvass for the two specials, the Supreme Court contest and the five state-wide ballot proposals. We have reviewed all of them and have prepared the necessary documentations to be sent to the various entities and candidates. Thank you for signing all of that stuff. We continue our collection of information from counties on various topics including 3% audit certification, information on manual recounts, cures, and also accessible absentee ballots. Brendan and I will be attending the Election Center's JEOLC or the Joint Election Officials Liaison Conference next month in Arlington, Virginia as we kind of have taken on the curriculum that they have for certified election registration administration administrator and we're doing that in kind of anticipation of the State Board having a lot more role in training of boards and/or of poll curriculum. An effort to help counties with a yearend fiscal survey that we do. We've have given this survey earlier in the year and today's we're able to fill out some of the sections ahead of time. We did again re-circulate the survey asking them to complete all that information by the end of January. We started preparing some revised guidance and distribution at the January conference as part of our presentation. Ran one from New York City during the early voting period, we met with a number of operations staff and some vendor representatives to talk about some of their technology concerns for both voting systems and the electronic poll books and also have discussed some of their challenge in implementing a vote anywhere approach. On the way back from New York City, we did visit an early voting site and the board itself in Westchester County. At the board we observed the public pre-election testing of their central count absentee system, and some other staff from the office had previously attended their pre-election testing of the actual scanners used at the general election. We did have a discussion with senior staff about the various information that had been requested...

Commissioner Kosinski: We'll do that later.

Tom Connolly: into the anomaly of blank and voids inquiry from the 2020 general election. Training of support staff from the OPS Unit had visited seven boards during early voting period as well as during post-election activities. New language requirements under section 203 of the voting rights act were published last week. It would appear that language include designation of Monroe County as having a Hispanic minority language group. Monroe County does already provide Spanish language ballots for some of their districts but this designation we believe would apply to the county as a whole. In addition, the only other change from the last set of designations was Bangladeshi for Queens. We reached out to operations staff at city board to pre-determine what this actually means prior in the designation for New York City and Queens, and they had chosen Bengali for that requirement. In my understanding and research, Bengali would probably be more responsive to the Bangladeshi requirement so it's actually impossible

that New York City may have a new Asian Indian language to meet that requirement. We will find out; I believe that was only last week.

With regard to voting systems, Dominion has now submitted a complete application, so that there was a system comprised of a new election management system software. The image cast precinct, the image cast precinct 2, the image cast evolution would draw all scanners for the precinct level. The image cast central which is the separate count scanner and also the ITF which is their new ballot marking device. We are in the process of obtaining estimates from our testing partners SLI and NYSTEC and once Dominion signs off on those estimates, we would anticipate bringing a resolution before the commissioners at the next Board Meeting where we would ask for approval to move forward with testing of that system.

Clear Ballot did come to the Board on November 10th to provide operations demonstration of their Clear Design software, that's kind of their election management system software they were looking to submit a voting system to use in the precinct as well this coming year. They are also looking to submit a modification to their existing system just to kind of address the limitation that they have which has impacted New York City. It's limitation with regard to the number of ballots filed that the existing certified system can handle it. Limitations that was discovered when they were using it in New York City. So they'll be submitted modifications for the existing system but also submitting a new system for consideration. We've been working with them and also, we have reached out to 'Disability Rights New York' as we have in the past to try to set up a demonstration to invite voters with disabilities to have kind of an opportunity to have hands on experience with the new voting system that we submitted early on the process so that they can provide feedback to operations and all the vendors. ES&S will be coming to the Board this week on Thursday to demonstrate some changes they have made to the Express Vote XL in the hopes of remedying some of the deficiencies that we had found in the previous round of testing. However, I should point out that should they submit a new system, they've made us aware that it would actually be an entirely new system and a new election management system version that would run on Windows 10 and with that probably likely new firmware for the other components so it would not be submitting just a new cell it would be a whole new system.

And then we continue to have discussion with both Hart and Intercivic systems and their plans for submitting configurations for testing in the coming year. And with regards to the E poll book systems, with the early canvass bill being sent to the Governor for her consideration for signing, we had reached out to the vendors to make sure that if it were signed into law, their systems would be able to handle the requirement that they identified voters who requested absentee ballots and for those voters that the poll worker would only be able to issue them an affidavit ballot as explained in the law. They said they were all able to handle that requirement. And we also continued to press them as far as having replacements for the ballot on demand printers. The ballot on demand printing isn't really a part of our testing process for E poll votes but many counties have used them, and they have all been Okidata Printers. Okidata, I don't think has gone out of business, but they have ended support for the US operations. They still plan on continuing supports for some suppliers into the end of next year but obviously that's left some counties with concerns about the availability of consumables, toners, and things like that, so we've been asking

the e-poll vendors ‘what new options are you going to provide to the counties?’ All three of them have said that they do plan on having options available during the last throws of testing them and some are expected to be done this month, some are expected to be done with their internal testing next month, but all three said they would plan on having options by the June primary.

And then with regard to the technology projects, at the last meeting Commissioners approved the NEXTVOTE, Voter Registration system for use. As part of that, we’ve been working with the Chenango County Board of Elections, their County IT and Next Vote to kind of roll out or help them with their transition from their existing voter registration system to Next Vote.

It’s actually going on this week. The Chenango Board has stopped doing any sort of voter registration entering in their system. Next Vote is going to pull down that data and migration into the new system. A switch over would be the beginning of next week. They are working with us to make sure that all the data is intact and is maintained throughout the transition. So we look forward to seeing how that plays out. Brendan and I have participated in the evaluation of the bids for the OVR and AVR projects, I’m sure Bill said that before. And then the bill enacting the absentee tracking system is ultimately sent to the Governor for her consideration. We are already anticipating that happening and likely anticipating its passing have reached out to the different homegrown counties and voter registration vendors to first determine what information they’re currently tracking so that we can understand what changes they may need to make their systems so that we can collect that information and provide the statewide absentee tracking that’s required for that. That being said, have you got anything else?

Brendan Lovullo: I’m good, thank you.

Tom Connolly: Any questions?

Commissioner Kellner: I wanted to just follow up on something that you mentioned with the vendors submitting new systems. I noted that the senate passed a bill last session that would have required the ballot marking devices to be separate from the scanners which would preclude the system that Express Vote XL does or that the Dominion ICE. What is it? What is image cast evolution. So, now the bill did not pass the Assembly this year, but a number of people are still expressing interest in that. So, I wonder what communications Tom and Brendan may have had with the vendors about that possibility that the law will be changed to require the separation of the ballot marking devices from the scanners. And especially in view of the age of the two separate scanning systems that we now have the Automark and the image cast presync.

Tom Connolly: Well, I will say that I don’t think we have a great ton of formal conversations with the vendors in regard to this. We certainly have addressed things with them at times with regard to ES&S, the Express Vote XL actually in function mode, function in a marking and tabulating mode but also can function in a ‘marking alone mode’ so we can see directly just a function as a ballot marking device and then the cards that are produced can be scanned on a separate DS200 scanner. So in that it would comply with the statute. With regard to the ICE machine, the ICE machine is indeed more integrated whereas currently the older Dominion system the ICP and the BMD can’t really be separated out like the Automark stand alone. The

ICX said they are looking to do a standalone ballot marking device which would generate a full size ballot that would then stand on either the ICP or the ICP2 or the ICE. If that law were to pass which would basically make the ICE, I don't want to say impermissible but impermissible to be used as a ballot marking device and a scanner would probably have to be used as one and not the other because it can be set to provisional mode in which it can only be used as a ballot marking device. May not be very feasible for counties who have it because it's a very expensive piece of equipment to be only then used for one function. But there would be options. I would also note that I think some of that legislation for the bill did at least say that any machines that had been purchased prior to the enactment of the law, should it become law would still be allowed to be used by the counties, which I think is helpful to those who have already started to be replacing some in their fleet, especially if they had a substantial number of replacements of the ICPs with the ICE in the case of Dominion counties having to come up with the money to replace all the ICE's again would certainly put a burden on them.

Commissioner Kellner: So, I guess the message is that the vendors are aware of the possibility that the systems will have to be separated?

Tom Connolly: Yes.

Commissioner Kellner: Great.

Commissioner Kosinski: Okay are there other questions for Tom or Brendan? Hearing none, we'll move on next to Counsel compliance Kim Galvin and Brian Quail.

Kim Galvin: Thank you, with regard to the case activity, the UJP case is still on appeal to the second circuit the briefs are due January 18th. The NAACP in the Lion Warren case answers and motions are due January 14th, but I believe we're going to talk about that more in Executive Session later. The Accessible Absentee case, we're still, our part as far as Brian and me and the Board, I believe is complete. We're still waiting for the settlement discussions including Attorney General's Office and the plaintiff to be resolved with regard to attorney's fees. And as with not directly case related but as with every other unit we're trying to keep up with the legislation and where it is and what's being passed and what the effective dates are which tends to be quite a job. Meetings, we've had various meetings with the units involving several legal issues, AVR, major FOILS, additional language, bills. We've had calls in our caucuses and the poll ECA. We've had meetings outside the building with entities on records retention, parole guidance and answered numerous questions from the counties on all of the above. We've obviously going through an election at a county level, we've had numerous calls from the counties regarding everything to what still applies, what expired with Executive Orders. Do they still have to do this, do they still have to do that regarding cures, new recount questions because that was new, and the public has grown in interest in elections apparently. So, we're getting repeat callers, multiple repeat callers, many just very concerned citizens moving forward.

We are now starting to turn our attention to the conference for the legislative update and our cast update for the Counsel's office portion. With regard to compliance, as you heard, the public

financing people say the co-directors there we've on boarded an awful lot of staff, they have new staff, we back filled the staff that have moved over to that unit. We're doing a, to use a frail word, a robust training program for all of the staff together. It's going remarkably well, according to everyone. All the new hires apparently are very bright, very eager and very willing to learn so those are all good reports back from the training units and head of compliance. And they are continuing the work of the unit with regard to committee registrations, terminations, reviews and alike. So although it might not sound like a lot, it's been a very busy couple of months for the Counsel's office. Brian.

Brian Quail: Thanks Kim. I have very little to add to that. I would just note that we are at 152,546 reviews completed, and that includes 112,000 and change that have been found compliant ultimately, 20,393 where there were training issues, 19,884 there were initial deficiencies and there remain 13,474 that have been assigned but not processed and as Kim noted, the recent on-boarding of all the additional staff will help us bring that number down.

Kim Galvin: And one other thing, I see Michael Johnson, I forgot to mention that we've established what I believe is a good relationship working with Michael. When issues arise, he comes, I know he talks to a lot of people in the building, but with regard to Brian and I, when we have a request for information, or we find some little nuance thing that we weren't aware of. We work together, we solve it, and we move forward, and I think that that should be noted that we're creating what I believe to be a very good working relationship with the Enforcement Unit for the first time.

Commissioner Kosinski: Okay are there any questions from the Commissioners? Hearing none, we'll move onto Michael Johnson in Enforcement. Michael.

Michael Johnson: First of all, I'd like to definitely second what Kim said in the relationship that I have with her and Brian, it's absolutely phenomenal. I knew them both before I came here, and we had great relationships then and it's just continued. So I think it's wonderful and it's made my transition into this place and just overall restructuring an effortless affair. So I can't thank both of them enough. As far as the unit is concerned, I presented the Board with our third quarter statistics in the cases that we closed. Any that we've been working on here in this unit to deal with the critical short staffing issues that we've had. We put out you know on state jobs looking for an opening for an attorney. We looked at, we've got like sixteen applicants, interviewed six candidates, had follow ups with two and we've made an offer to one of the attorneys who will be coming on board with us the 6th of January. So we're all excited about that. We managed, we brought over one of the people from IT, the Board of Elections IT, who is now in our unit, Dennis Gerard. His working is absolutely wonderful, and he brings not only a wealth of information, but he fills what I consider a critical need that this unit had with regard to an IT person. We've also identified and spoken with someone over in compliance who is a wonderful person and she's going to be joining us when and if the Division of Budget ever approves that particular hire. You know, my concern with that is its just sometimes they move at a pace that's a little bit slow for what we're trying to do here, and I do have concerns about that. This Friday, I also identified another candidate, someone who's coming in on Friday to fill a special

investigator spot. So we will interview her and see how that works out and if it's favorable we will provide her with an opportunity to join the unit. The person who we identified and we're looking forward to have over from compliance, she would take on a role as an investigative auditor so that would bring us up to two investigative auditors. So I mean, slowly but surely, I think the unit is moving forward in the right direction. As far as what else the unit has been doing, when we ran into the issue with regard to getting out the 5 day letters, what we decided we needed to do was secure our own Pitney Bowes machine which we've done. It's a wonderful machine, it handles a tremendous amount in terms of mailing capacity. We've all been trained on it, and we probably will get another training prior to the July periodic filings when that letter goes out. In talks with trying to bring someone on board a former Board of Elections employee who's retired to try to get her to come back and help us just with that 5 day letter process. Peter, you know her Dawn Hewitt, we may get her to come back on a part time basis just for that. As far as the deficiency letters, we've come up with a process here in the unit in terms of how to deal with the deficiency letters how to get them out. We've had to sort of discontinue that process and I'm working with Brian and Kim to sort of work on a couple of the issues that we found in working with the deficiency list. So, hopefully that will be rectified soon and I'm sure it will because I have the utmost confidence in both Kim and Brian, and we'll get those out at some point soon. Peter, I know at our last board meeting, you had mentioned, we talked about the hearing officer process. We in the unit are all still looking at the hearing officer process and we're still working on putting something together in terms of an alternate approach with different ideas we have. So, once we have something in place, I'll make certain to bring that to you. As far as the cases that we have going on, what I've had to do since our last meeting is take hard look and sort of developing restructure the divisions case management system and procedures. One of the things was dealing with the issue of cases vs. inquiries and basically the number I had given you guys at our October board meeting with total number of cases was 609 cases. To give you guys a breakdown on exactly what that number represented was all cases that were opened since the creation of the division until the retirement of the former Chief of the Enforcement Counsel, that number totaled 487 cases. There were a bunch of issues that were being worked on while she was still here but were never turned into cases. And as a way of keeping track of those, the staff in this unit and prior to me coming on board turned those issues that they were looking at on their own, separately, they turned those into inquiries and any other inquiries that they were looking at prior to me coming on board, any other issues they turned those into inquiries as well. So, what I've had to do is I've decided we needed to do a hard stop on a lot of the things that were done previously. Some things were called inquiries that simply should not be inquiries. So, what I've had to do is go through all of the inquiries and say this should not be something that we should be looking at right now because I didn't think they warranted an approach like that. A lot of the other inquiries basically I've told them yes, there is merit but honestly looking at our situation, we simply don't have the staff with which to deal with inquiries that the staff here may have looked at on their own and decided maybe we should turn into a case when we've got plenty of election law pieces generated by people who call into this office who sent e-mails and who send correspondence. For me, that has to be the priority. We have to start clearing the backlog of cases that come in from voters and from people who call in. So, we're working on those. We prioritize those and at the same time we're working back on the things that were worked on as inquiries prior to when I got here. Now the number of inquiries that were left over

from the year 2020 was 31. Prior to me coming on board that inquiry number was 91. So, when you look at that number altogether, that's how you get to the 609 number that I mentioned in October at the Board Meeting. The number of cases, that actual cases that we've taken on from October until the 7th of December is 48 cases. So we have a total right now of roughly 657, 658 cases but again, keep in mind out of that number we've got 487 plus the 31 those were issues and cases that existed prior to the former Chief Enforcement Counsel time here. Other than that, we're also working on what we need in terms of relocating up to the 10th floor, having Dennis on board he's been extremely helpful in providing guidance in terms of wiring, IT needs, and things like that in terms of where we need to have ports and data access and different electrical connections. Other than that I think the unit is moving in the right direction or at least in a direction I think it needs to move toward in order to be successful.

Commissioner Kosinski: Thank you Michael. Are there any questions from the Commissioners of Michael Johnson? I just want to say on my behalf I appreciate the information you're providing to us. As you know, this is the first time we've gotten this kind of information. I know we went through this at the last meeting, but I appreciate it and I'm sure you're going through a long process in your office just trying to understand exactly what's there. It's apparent that there is a great backlog of information whether it's called an inquiry or a case or I'm not sure the terminology. It appears there were a lot of issues brought to the Enforcement Counsel's Office that were never dealt with by the previous Enforcement Counsel and now I understand you're faced with trying to deal with them all and I appreciate the effort you're making in doing that. I appreciate the report that you gave us the quarterly report that gives us an idea of just how much your volume is within the office. So, I want to thank you for doing that and your end of report. If there's no other questions, we'll move on then to our next unit which is NVRA, PIO and that's John Conklin and Jennifer Wilson.

John Conklin: Thank you Commissioner. The Public Information Office remains busy with questions about ballot props, absentee ballot counts, campaign finance filings for governor and other statewide candidates, when petitions will be due in 2022, when new district lines will be done, the dates of elections next year and other significant dates in the 2022 political calendar and how to run for various offices. So we have drafted a political calendar for next year that's circulating around the building and elsewhere. The unit processed 104 FOILS for October and 94 for November. We continue to participate in the working group meetings for the automatic and online voter registration project, contract was awarded so the pace is beginning to pick up. We sit in on weekly meetings with IT and compliance on the public reporting page for FIDAS. We participated in a monthly ECA call with the counties. We are scheduled to begin a county in person NVRA visits again tomorrow. Mike and Cassy will be visiting Albany and Schenectady and I believe Jenn is going to accompany them on those visits tomorrow so that should be a good experience for her. For the website, we have posted the unofficial results from election night. The webcast for November and October PCFB and SBOE meetings. The regs for part 6217 on new voter registration systems. We also posted an updated Campaign Finance filing calendar; they changed the cut off dates for the January periodic for 2022. We also posted updated forms for compliance and training, dealing with termination and resignation. We also posted the PCFB request for information. We removed the cyber security requirements for county boards to

regulation 6220 and 6210.21 relating to cure absentee ballots. With regard to website accessibility, we will be having our annual training session this week with little access that will be for programmers and also anyone who develops content for the web for the agency. Jenn do you have an update for grants?

Jennifer Wilson: So, hi everyone this is my first meeting, just putting that out there. So a lot of what I've been working on for the last 2 weeks have been transition meetings. John has been excellent; Cheryl has been very super helpful, and the rest of the staff has been great. As far as grants, the Department is working on eight grants. The one that has had the most sort of action in the period has been the Cyber security remediation grant which was extended. That was set to expire in December 2021, we worked with OGS, and it got pushed out until December of 2023. The PIO staff has sent 57 counties new amended contracts that we need to get back by January 31st of 2022. There are two counties that did expend all of their funds; Tompkins and Washington so they did not receive contracts.

For other grants, our HAVA education training we have \$1.2 million remaining. The New York Poll Site Improvement we have nine thousand, eight hundred and eighty thousand dollars remaining, the Shoebox \$5.8 million, our E Poll book grant we have \$432,000, early voting Aid to Localities \$133,000, early voting expansion \$1.9 million and all three of those equal both early voting, aid to localities and also the early voting extension will all expire next year so use it or lose it counties. Separate remediation we have \$7.8 million and then our peer grant technology innovation and election resource we have \$20 million and we're still collecting contracts on that. So once we get all those in, we'll be able to start paying those out. And then finally grant reporting for our federal reporting for our shoebox grant and also election security grant, those are going to be due at the end of this month. The federal financial reports are done. The narratives will be sent over shortly and then also our HAVA is closed but we still have to do the certification for use of funds, so that'll be done shortly as well.

Commissioner Kosinski: Okay are there any questions by the Commissioners for either John or Jennifer? I'd like to say Jennifer for your first meeting, you did a nice job. If there's no questions, we'll move onto ITU and Bill Cross. I guess before Bill starts, I have duly noted earlier in the meeting Bill will be leaving us and I am thinking this may be Bill's last meeting although I'm not sure of his date I don't know if it is, but if it is I just wanted to say that Bill I think it's good news and bad news for us. Good news is you're able to retire bad news is you're able to retire. So, you're not going to be with us. I appreciate all you've done. I know it's been a very demanding and trying job here at the Board because so much of our programming has been based on web based applications. I know you put a lot of time and effort into making it better and to improving our systems. I think that the systems are much better because of the work that you've put in and I appreciate all that you've done. So, I just want to say that on behalf of myself, but I will allow you to make your report, of course.

Commissioner Kellner: And I'm sure the rest of us join in your remarks Peter, thank you.

Bill Cross: Thank you. I will continue to join you in spirit. I am very pleased with the work we've been able to accomplish in the past five years, particularly the two major presidential elections. We've come so far in terms of improving security and the applications and I just want to also thank, I couldn't do it without a great staff. They are fantastic and I think with my replacement I'm leaving you in good hands. Our chosen candidate has been working with me shoulder to shoulder for most of that time, he's involved in all the work we've done, the direction we're going, and he will carry that. So, you are left in good hands. But I appreciate it.

For projects CAPAS-FIDAS, we continue numerous updates and improvements to the system and our biweekly release schedule. We also continue our internal cadence of meetings to check aspects of the system, improvements, particularly performance improvements as well as user interface. We've also established a cadence with Enforcement to review and document their requirements for the system, and we have that moving forward. For online voter registration and automatic voter registration, we received and evaluated four RFP responses for the system development, and we've made a selection. I can't yet reveal who that is because we're in a restricted period however the contract is being prepared by the Office of General Services and will require approval by the Attorney General and the State Comptroller but we're hopeful to start working with the vendors during January or perhaps early February at this point.

We also continue regular cadence of meetings with stakeholders including participating AVR agencies as well as state ITS and county VR vendors and self-supporting counties. For NYESS voter several internal enhancements were completed this month over the past two months actually. We are currently evaluating requirements and new legislation much of which Tom mentioned but there is the language, the tracking, signature requirements, etc. The Public Campaign Finance I think most of that was covered in the previous Board Meetings however IT continues to work with Public Campaign Finance on various technical issues including examination of the other systems that were mentioned, payment options with the State Comptroller and State Financial Systems, as well as development of the request for information. For the latter, the RFI I believe Cheryl reported but as of this morning, we received 29 responses, and we expect to receive at least one or two in the upcoming days and those will be evaluated. Space planning has been certainly the hot topic of late because it affects so many aspects of what we're doing but we are continuing to work with the team for executive admin and others on those needs and requirements.

Infrastructural refresh, we have begun efforts to update or upgrade much of our server and storage environment for the state board. All the orders have been placed; they await delivery although delivery times for any piece of hardware severely affected by supply chain issues so that has been a limiting factor in terms of scheduling that. IT has been working with PIO Ops and secure election center on county outreach to coordinate those visits better between three units both logistically and testing its better use of technology in engaging counties on those visits and outreach.

For security, cyber regulations security election staff continue working with the county board and county IT staff in completion of the cyber reg reporting as well as evaluation of existing

submissions. We currently have 50 submissions, and we are tracking down the remaining ones as well as evaluating, as I said, the ones that had submitted. I will say that four counties are currently 100% compliant, additional counties will be 100% compliant once they implement multifactor authentications, so that's promising. IT and Ops staff presented at the New York State Local Government Information Technology Director's Association NYSLGITDA. IT has acronyms for everything. This is best by far. Fall conference as well as a follow up WebEx call with the membership last week went well. We continue a very good relationship with that group. They completed 18-month renewal of intrusion detection and managed security services for the counties for the equipment that's out there providing such security protections for the county boards. We also continue to work with NYSTEK with other counties on the implementation of their risk remediation plans. As Jennifer noted, we extended the grant deadline for this an additional two years to address a couple of issues; one is the supply chain issue that I mentioned about for our own orders because they have orders that have been placed previously that they're waiting for delivery times of but also to allow some additional time for their longer term remediation efforts, ones that were identified on their plans. We are also continuing working with community center for technology and governments on future of elections infrastructure projects. We are currently reviewing the final draft for that report. And as always, we continue to work on multiple improvements of our own in terms of security.

For the website traffic as expected on the primary website jumped for November and October due to the elections with an average well approximately 600,000 pages per month for the primary site, election night reporting site had over 5.6 million for November with over 700,000 on election night. Any questions?

Commissioner Kosinski: Any questions of Bill Cross by the Commissioners? Hearing none that is the end of our unit reports. And we can move on now on the agenda. The next agenda item is old business. Is there any old business to come before the Board? Seeing none we will then move onto new business. There are several items of new business to come before the Board. The first three being personnel related. The first one is a resolution approving hearing officer and that's resolution 21-20 approving Tom Sawyers to serve as a hearing officer in conjunction with 104 of the Election Law. IS there any...

Commissioner Kellner: So moved.

Commissioner Kosinski: I hear a motion. Is there a second?

Commissioner Casale: Second.

Commissioner Kosinski: All in favor say aye.

Commissioner Casale: Aye

Commissioner Kosinski: Aye

Commissioner Spano: Aye

Commissioner Kellner: Aye

Commissioner Kosinski: Opposed? And that is unanimously approved. We'll move onto our second item which is a resolution approving the recommendation of the Governor's appointment office. This is a recommendation to raise the salaries of the co-executive directors to an adjusted \$200,000 retroactive to January 1 of 2021. Do I hear any discussion on that?

Commissioner Spano: So moved.

Commissioner Kosinski: It's been moved. Is there a second?

Commissioner Kellner: Second.

Commissioner Kosinski: All in favor say aye.

Commissioner Casale: Aye

Commissioner Kosinski: Aye

Commissioner Spano: Aye

Commissioner Kellner: Aye

Commissioner Kosinski: Opposed? And that also adopted. Our third resolution is the appointment of a Deputy Counsel. We have a Deputy Counsel position available, and we have a candidate to fill it Aaron Suggs to fill the job of Deputy Counsel. Is there any discussion on that matter? Is there a motion? Is there something I need to know?

Brian Quail: We were just mentioning Commissioner that Aaron is in the room.

Commissioner Kosinski: Oh I'm sorry Aaron did you want to speak, or did you want to stand up or introduce yourself? I can't see you. There you go Aaron Suggs, and you are on the agenda. First of all before we do anything, I think we should take the motion up before we do anything with Aaron. There's been a motion is there a second?

Commissioner Spano: Second.

Commissioner Kosinski: All in favor to appoint Aaron to the Deputy Counsel job say aye.

Commissioner Casale: Aye

Commissioner Kosinski: Aye

Commissioner Spano: Aye

Commissioner Kellner: Aye

Commissioner Kosinski: Opposed? And that is also adopted. Aaron welcome to the Board of Elections. I'd ask you to say something but you're new maybe you don't want to, and I don't want to put you on the spot. I would like to welcome you to the Board and I'm sure we will be seeing you a lot and good luck in your new position.

Aaron Suggs: All I can say is the appointment for the Assembly has got to be a pretty nice guy.

Commissioner Kosinski: Fair enough. Okay so those are those three matters that are resolved, and we next move onto a regulation. This is a regulation regarding voting registration systems requirement. It's part 6213.3 of our Rules and Regulations, resolution 21-23. Is there discussion? I think we might want an explanation. I think we could have Tom or Brendan, one of them maybe give an explanation of exactly what this resolution is about.

Tom Connolly: Sure thing Commissioner. This is actually the existing regulation which we made modifications to with regard to the voter registration system and the state board's ability to promulgate the requirements for those local county VR systems to meet. We did adopt them initially would be for posting after not the most recent meeting but the meeting before that. For certainty, I think we're looking for final adoption on that.

Brian Quail: Correct they've been published for comment, and they are now right for adoption and it's something that the Operations Unit and IT worked on to make sure that the regulation captured the broad categories that are applicable to the review county voter registration system.

Commissioner Kellner: And did we receive any comments at all?

Tom Connolly: We have not received any comments.

Commissioner Kellner: Alright I move the resolution.

Commissioner Casale: Second.

Commissioner Kosinski: Moved and seconded all in favor say aye.

Commissioner Casale: Aye

Commissioner Kosinski: Aye

Commissioner Spano: Aye

Commissioner Kellner: Aye

Commissioner Kosinski: Opposed? And all in favor. So that resolves that. I should just mention I've lost my picture to the boardroom so if anything goes on and I don't see it I apologize but I can move anyway.

Commissioner Spano: I lost mine too.

Commissioner Kosinski: I don't know if you guys can rectify that, but we can't see the Board Room. But I don't know that I need to see it because our next item is a discussion item. It's a new business item on the affidavit envelop format and there is some language that has been put forward to add to the affidavit. The affidavit envelope the affidavit oath that the person the voter signs when they are casting an affidavit ballot. So, who wants to lead the discussion on this?

Commissioner Kellner: I asked that this item be added to the agenda, and I don't expect it will take any action today. I wanted to get the ball rolling into examining this issue. My understanding from reports from the 2020 election were that there were more than 20,000 affidavit ballots that were rejected because they were delivered to the wrong poll sites. The law provides that if you're in the right poll site but the wrong election district, the affidavit will count but if you're in the wrong poll site the affidavit will not count at all. And the 20,000 figure I found to be shockingly high. And it comes mainly in urban areas where people are within walking distance of the correct poll site. So, I think it's very important that we examine that problem and look for solutions. Now one solution that has been proposed to the legislature by several good government groups is to change the rule and say, we'll accept an affidavit ballot wherever it's delivered even if it's the wrong poll site. The problem with that is that the voter is then being deprived of the vote in all of the down ballot races that are different from the ballot on the election districts where they're issuing the affidavit. I think that one of the things that we could do is to emphasize to the voters and to the inspectors that the voter needs to go to the correct poll site and that the inspectors need to affirmatively give that information to the voter. And I wish we could do more to draw that into the inspectors that they not take an affidavit ballot if they're at the wrong poll site but that they advise the voter where to go to get the correct poll site. So, I've just taken a stand at addressing this issue by adding language on the form that would alert the voter affirmatively to this need to go to the correct poll site. And I've got two different versions here. I don't pretend to be an expert on making this user friendly. I would suggest that Tom and Brendan consult with our experts on designing these forms and that we have a discussion on how to be more proactive to make sure that voters go to the correct poll site before they cast an affidavit ballot.

Commissioner Casale: Mr. Chairman?

Commissioner Kosinski: Yes, I'm sorry, Commissioner Casale.

Commissioner Casale: Mr. Kellner raises a very interesting issue; I agree with him. Every voter should have the right to vote wherever he or she lives but it seems like adding to the form and telling the voter is not going to solve the problem. The problem is with the inspectors. The law currently requires the inspector, as I understand it, the voter doesn't get the affidavit ballot unless

somebody hands it to them, usually an inspector. So the guy walks in and says, "I live at 270 Broadway" and the inspector looks in the book and 270 Broadway is not in the zip you're in the wrong place, go to this place. Isn't that the way it should work?

Commissioner Kellner: I agree. Now how do you get the inspector to do that?

Commissioner Casale: Well, putting it on the form...

Commissioner Kellner: My language on the form is my idea is if you check this box please ask the inspectors to check the address given above to make certain that you're at the correct poll site. So that's one thing is to affirmatively say to the voter, "ask the inspector to check the address." I'm open to ideas I don't have any one solution for this. And if we don't do it the legislature is going to do it and I think we can do a better job than the legislature.

Commissioner Casale: The only other thing I guess would be the professionals. This is already a pretty busy form, adding more wording is not going to be a solution, its pretty small print. But I think maybe it's a two-way street here. Maybe we have to inform the voter but also demand that the inspectors do his or her job that's the problem, they're not doing their job. Now is it intentional? Is it negligence? Is it just laziness? I don't know what it is. Maybe they're just overwhelmed with work. I'm from the Upstate area where people know everybody, they know where they live, and I understand. So when a guy walks in and says, I want to vote here, they're like you're in the wrong district, you've got to go over to the firehouse. This is the school. Go to the next district over. I understand how all that works. But if you've got a problem in the city, we have to help correct it.

Commissioner Kellner: Yeah, it's harder in Brooklyn. And I think one of the things is a person would go and give their name and then the inspector will say, "You're not in the book; you have to go over to that table and fill out an affidavit." Have they actually checked the address when they go through that process? Because it's not till the voter fills out the affidavit that the voter is writing an address in and then is it already too late for the inspector to go back again and say, "Wait a minute that address is not at this poll site."

Commissioner Casale: You raised a great point. You say go to this table do you mean that there's a separate person who handles just the affidavits?

Commissioner Kellner: In a lot of places yes.

Commissioner Casale: Well, if you only have one or two people handling it those are the people that the poll site manager should be down on their case all day long.

Commissioner Kellner: Agreed.

Commissioner Casale: Let's talk about it further. I think you made a good point. Is putting out a form going to solve the problem? I don't know.

Commissioner Kellner: That's why I'm throwing it out there for discussion and looking for Tom and Brendan to follow up and maybe we could discuss this at the conference also.

Kristen Stavisky: If the absentee ballot canvass is signed, we will have to alter the form, so this is the time to do that. I actually think this, if you were at the wrong poll site your vote will not be counted maybe affirmatively telling the voter your vote will not be counted is a good idea because maybe it sends it home to them. I don't, I think there are a lot of reasons. What happens they may just say yes go to that table and a person thinks that they're filling out an affidavit in their minds, I'm doing what they told me to do, and it should count. So I think.

Commissioner Casale: You're from a suburban county, same problem there that it seems to be in the city, or is it an urban problem?

Kristen Stavisky: I think Tom and Brendan have statistics from our last report. I think it was what 13,000 approximately in the city, 6,000 in the rest of the state. So clearly, it's more of an issue, but it does happen.

Tom Connolly: Well part of the technology is hopefully also going to aid in reducing those numbers and the idea of the E poll book was that it was a lot more flexible. There were times certainly when we had heard actively where you know I might look at a friend and go under L for his last name but actually there was a space in his record so actually showed it at the very end of the book. So I didn't think he was in the pollbook, but he really was. I don't think the technology is going to change that. And there are certainly things we can look into doing where there's a workflow all E poll books where the poll worker has to go through and issue the absentee ballot and the affidavit ballot. So looking at the possibility for additional language or pop up whichever for the poll worker to be sure before they go down that path, are you sure you looked up their address or whichever is another opportunity for correcting that issue.

Kristen Stavisky: I think internally we talked about possibly at conference, maybe going through that with the Commissioners to try to work through how they're talking to inspectors about that E poll book function. Go through the affidavit function and also that the E poll book can give you a receipt with the name and the address of the correct poll site so making sure that they're training to that.

Commissioner Casale: The training is all provided at each county level.

Kristen Stavisky: Yes.

Commissioner Casale: Do we prepare a syllabus for them?

Tom Connolly: Under law we're required to provide a statewide curriculum, but the counties are then using that.

Commissioner Casale: We need to ensure that the curriculum is enforced.

Tom Connolly: We're in the process of updating a number of guides relating to legislation and poll worker is one of them and so yes that might be addressed in the revised version.

Commissioner Kellner: One other idea that I sort of rejected but at least to put the idea on the table is to put a greater burden on the poll worker with respect to this form that the poll worker has to affirmatively indicate that I told the voter where the correct poll site was.

Commissioner Casale: That makes more sense to me.

Commissioner Kellner: But the problem is how to implement that and is it just putting another burden on the poll worker? Well I throw it out as I say I just think that we all need to brainstorm this and to try to figure out how to make sure that people are not inadvertently leaving affidavit ballots at the wrong poll site.

Commissioner Casale: Would it be fair to say that we should discuss this with the Commissioners in January to take some action here in February does that make sense?

Commissioner Kosinski: Sure. Okay, are we done with the discussion of that topic? Okay I think that brings us to the end of the meeting. Before we adjourn there's just a matter that I'd like to raise.

Commissioner Kellner: Commissioner, I'm going to move that we go into Executive Session to discuss litigation matters.

Commissioner Kosinski: Okay, we will do that once the meeting is done. I just want to mention two things or one issue I guess that I think is important and been alluded to during the meeting today. There's two very important bills on the Governor's desk right now regarding elections and Commissioner Casale and I actually took the time to send over a letter to the Counsel for the Governor asking that the Governor veto these bills. I think they're very bad bills for the election operations. I'll just explain why 16482B which creates the absentee ballot portal system. And the portal system is problematic in our minds because this portal would not require a signature by anybody to actually file an absentee ballot application on behalf of a voter. And we think this will just enhance the ability of the ballot harvesting that goes on out there with third parties make applications on behalf of voters rather than the voter doing it themselves which leads to very bad behaviors as we've seen around the state. We've seen a number of instances where large number of ballots have been applied for by a third party sent to voters without their knowledge and this leads to the potential for fraud and all kinds of bad behavior. We think it's a very bad process and the Governor should take a very hard look at that bill because of that inadequacy.

The second bill is 1027A which is the bill about the canvass which has been alluded to of absentee votes. This will change completely the way absentee votes are canvassed rather than canvassing them after the election, they're going to be basically canvassed before the election where they'll be removed from the envelopes, taken out and put aside. There will be very little opportunity for people to oversee what's going on during this process. As we know, one of the

very strength of our system in this state is transparency. This will undercut the transparency by extending the amount of time in which absentee ballots are dealt with. And what I mean dealt with I mean removed from their outer envelop, removed from their inner envelop at the Board rather than having it all happen at once, it will happen over a two-month period. It will really undercut the ability of people to oversee what's going on at the board. Transparency is what really makes the system work. It's what gives people faith that the system works properly. This totally undercuts that by extending this system. It also allows for the counting or the inserting of these ballots into the vote count system prior to the election. This creates an opportunity for potential mischief that election results could maybe leak out before the election is actually over. There's a number of bad aspects to this bill. I think it's going to create a potential havoc out there with our election system and I just wanted to bring that to people's attention because these are on the Governor's desk right now. I think the Governor should take a very hard look at them. So I appreciate your indulgence, allowing me to just mention that. We can move into Executive Session now is that's the wish of the Board.

Commissioner Kellner: I just want to make a comment at least on the canvass bill that I don't agree with your comments Commissioner, but I certainly respect that you've made them, and I think it's helpful for the debate and the process to have those comments articulated. On the other side of that issue, the procedure that the legislature proposes is comparable to the procedure in the overwhelming majority of states including those states that have large percentages of absentee voters that it would significantly reduce the post election canvass delays and the emphasis on minor technical defects that so often drag out the canvassing process in close contests. And I think that the proposals are very worthwhile. But I appreciate that we can differ on that issue and respect each other's views.

Commissioner Kosinski: Thank you all. I'll entertain a motion to adjourn and go into Executive Session.

Commissioner Kellner: So moved.

Commissioner Spano: Second.

Commissioner Kosinski: All in favor say aye?

Commissioner Kellner: Aye

Commissioner Kosinski: Aye

Commissioner Spano: Aye

Commissioner Casale: Aye

Commissioner Kosinski: I'm sorry the date of our next meeting is...

Brian Quail: January 18th.

Commissioner Kosinski: January 18th thank you.

Commissioner Kellner: Now I suggest that we turn off the public feed, and everybody else can stay on.