



New York State Board of Elections Annual Report 2019



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To: The Honorable Kathy C. Hochul, Governor
Members of the New York State Legislature

We are pleased to submit to you the New York State Board of Elections' 2019 Annual Report. This report provides a comprehensive review of Board programs and accomplishments during the calendar year 2019.

The Board's mission consists of the oversight of each county board of elections and the Board of Elections in the City of New York, as well as statewide compliance with the Help America Vote Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, the Military & Overseas Voter Empowerment Act, and New York State Election Law. The Board, among other things, administers several critical programs, including the statewide voter registration list (NYSVoter), all agency-based registration, the voting system certification program and campaign finance disclosure filings for state-level and local candidates. In addition to ensuring fair and broad ballot access for hundreds of candidates from throughout the State, the Board is committed to the active oversight and compliance with campaign financial disclosure filing requirements.

The State Legislature made 2019 an unprecedented year for the elections community in New York State. More than 30 new chapters were passed by both houses and signed by the Governor. This was by far the highest number of changes to the Election Law since its recodification in 1976. Easily the most momentous change was the implementation of nine days of early voting for the 2019 General Election. Every county was required to provide additional hours for voting beginning on the second Saturday before the election running through the Sunday immediately preceding election day. There would be a minimum number of sites determined by registration population and, in most counties, voters could vote at any early voting poll site.

The State Board quickly developed and administered a testing regime to allow for the second momentous change in 2019 – the use of electronic poll books. These “e-poll books”, and their secure networks, were critical to the successful implementation of early voting. Their use, along with a reconciliation procedure created by the State Board, would help ensure that during ten days of voting, the opportunity for anyone to vote more than once in the General Election was effectively eliminated.

The General Election saw just over 256,000 people vote early representing just under 2% of the overall turnout for 2019. The County Boards of Elections established 248 early voting

sites statewide exceeding the statutory minimum. In the end, 2019 saw an overall increase in turnout from 2015 of 6.45%.

The third momentous change was moving the state and local primary to the fourth Tuesday in June to coincide with the bi-annual federal primary. Fortunately, this action was taken in a year where most of the offices on the ballot were at the local level and is traditionally the lowest turn-out year of the four-year cycle.

The last momentous change accomplished in 2019 was the creation of a statewide public campaign financing system and the placement of a board to oversee it within the State Board of Elections. The Public Campaign Finance Board, comprised of the four Board of Elections commissioners plus three additional commissioners one appointed by the Governor, one appointed the majority leader of the Senate and the Speaker of the Assembly and one appointed by the minority leaders in the Senate and Assembly. The program will provide a 12-1 match for qualifying funds for the offices of Member of Assembly, State Senator, Comptroller, Attorney General, Lt. Governor and Governor beginning with the 2024 election cycle.

In 2019 there was one Republican state primary in the 57th Senate District to fill a vacancy resulting after the resignation of Senator Cathy Young. There were also several primaries in the 8th Judicial District for Judicial Delegates and Alternates. For the General Election, there were Supreme Court races in all 13 Judicial Districts plus the race to represent SD-57.

The New York State Board of Elections has worked diligently in the past year and we remain steadfast in our commitment to providing open, accessible and accurate elections.

Respectfully submitted,

Douglas A. Kellner
Co-Chair, Commissioner

Peter S. Kosinski
Co-Chair, Commissioner

Andrew J. Spano
Commissioner

Anthony J. Casale
Commissioner



2019 Members of the State Board. L to R, Co-Executive Director Robert A. Brehm, Commissioner Andrew J. Spano, Commissioner and Co-Chair Douglas A. Kellner, Commissioner and Co-Chair Peter S. Kosinski, Commissioner Gregory P. Peterson, Co-Executive Director Todd D. Valentine.

Mission Statement

The New York State Board of Elections (NYSBOE) was established in the Executive Department, June 1, 1974 as a bipartisan agency vested with the responsibility for administration and enforcement of all laws relating to elections in New York State. The Board is also responsible for regulating campaign finance disclosures and limitations and a Fair Campaign Code intended to govern campaign practices. In conducting these wide-ranging responsibilities, the Board offers assistance to local election boards and investigates complaints of possible statutory violations. In addition to the regulatory and enforcement responsibilities, the Board is charged with the preservation of citizen confidence in the democratic process and enhancing voter participation in elections.

PERSONNEL DIRECTORY

Commissioners

Douglas A. Kellner
Co-Chair

Peter S. Kosinski
Co-Chair

Andrew J. Spano
Commissioner

Gregory P. Peterson
Commissioner

Robert A. Brehm
Co-Executive Director

Donna Mullahey
Secretary

Todd D. Valentine
Co-Executive Director

Maryellen Reda
Secretary

Office of the Counsel

Kimberly A. Galvin, *Co-Counsel*
Brian Quail, *Co-Counsel*

Election Operations & Services

Thomas E. Connolly, *Dir. of Election Operations*
Brendan Lovullo, *Dep. Dir. of Election Operations*

Public Information

John W. Conklin, *Dir. of Public Information*
Cheryl Couser, *Dep. Dir. of Pub Information*

Information Technology

William Cross, *Chief Information Officer*
William Ryan, *Information Security Officer*

Administrative Office

Thomas Jarose, *Administrative Officer*
Jennifer Blanch, *Administrative Assistant*

Compliance

Marie Woodward, *Compliance Specialist*
Robert Eckels, *Compliance Specialist*

Agency-Based Voter Registration

Michael Moschetti, *Coordinator, NVRA Operations*
Patrick Campion, *Coordinator of Special Projects*

Division of Election Law Enforcement

Risa S. Sugarman, *Chief Enforcement Counsel*

TABLE OF CONTENTS

COUNSEL'S OFFICE.....	4
COMPLIANCE UNIT.....	18
VOTER REGISTRATION UNIT.....	22
ELECTION OPERATIONS UNIT.....	30
INFORMATION TECHNOLOGY UNIT.....	36
PUBLIC INFORMATION OFFICE.....	44
AGENCY ADMINISTRATION.....	48
DIVISION OF ELECTION LAW ENFORCEMENT.....	51
Appendix	
NYSVoter Enrollments.....	84





Co-Counsels Kim Galvin and Brian Quail argue a presidential ballot access case in NY Supreme Court.

COUNSELS' OFFICE

The four attorneys in this unit are responsible for handling all legal matters impacting the State Board, including litigation in state and federal courts by or against the State Board of Elections. The unit also drafts regulations, formal and advisory opinions and an annual Election Law Update on developments in election case law and statutes. The attorneys work with all other State Board units to prepare the State Board's legislative agenda and draft legislation for the commissioners to present to the legislature. The Counsels' Office provides oversight and guidance on contracts, compiles responses to subpoenas and certain Freedom of Information Law requests and prepares and presents continuing legal education courses on campaign finance laws throughout the state. The Counsels' Office also responds to a large volume of legal questions from county boards, candidates, constituents, committees and the State Board's Public Information Office regarding all aspects of the Election Law.



Deputy Counsel William McCann argues a case in NY Supreme Court

Litigation

In addition to the ballot access cases counsel's office managed and resolved, the Counsels' Office was engaged in the following litigation:

DeRosier v. Czarny (NDNY): Plaintiff challenged portions of the Election Law that exclude electioneering activity in or around the polling place during an election. N.Y. Elec. Law §§8-104(1), 17-130(4) & (23). Specifically, Plaintiff claimed that New York State's statutory prohibition on political banners, buttons, posters or placards inside or within 100 radial feet of a polling place constitutes an unconstitutional infringement of the First Amendment. The trial court granted the State Board's motion for summary judgment, and the matter was ultimately dismissed.

League of Women Voters v. State Board of Elections (NY Supreme Court): Plaintiffs challenged the constitutionality of provisions of the Election Law that require a voter to register to vote at least 25 days before the election in which they seek to vote. Plaintiffs allege that this registration

deadline is unnecessarily arbitrary and infringes on their right to vote and right to equal protection in violation of the New York State Constitution. The State Board moved to dismiss this action, but the trial court denied the motion. Plaintiff moved for a preliminary injunction, but the trial court denied the motion, and the First Department, Appellate Division affirmed. The action is still pending.

Upstate Jobs Party vs. State Board of Elections (NDNY): In this action, Plaintiffs seek to enjoin the New York State Board of Elections from enforcing certain campaign finance laws that restrict campaign contributions to and from “Independent Bodies” in ways that do not apply to political “Parties.” Specifically, Plaintiffs challenge: (1) N.Y. Elec. Law § 14-114(1) and 9 N.Y.C.R.R. § 6214.0, which prohibit individual contributions to Independent Bodies greater than \$44,000 as well as Plaintiff’s contributions to its own gubernatorial candidate greater than \$44,000, but which allow individual contributions to Parties up to \$109,600 and Party contributions to their own candidates in unlimited amounts; and (2) N.Y. Elec. Law § 14-124(3), which permits Parties, but not Independent Bodies, to establish “Housekeeping Accounts” for which Parties may raise funds in any amount for “ordinary activities . . . not for the express purpose of promoting the candidacy of specific candidates.” Both the District Court and the Second Circuit Court of Appeals denied a preliminary injunction because Plaintiff failed to show that, absent an injunction, it will suffer irreparable harm. After discovery, both parties moved for summary judgment. The motion is still pending in District Court.

Upstate Jobs Party vs. Czarny (4th Department): Plaintiff challenged the constitutionality of Election Law § 7–104(4), which provides that when a candidate is nominated by more than one constituted party, they cannot appear on an additional third-party line via an independent nominating petition on the ballot. The trial court dismissed the matter, and the Fourth Department affirmed, relying on precedent set by *Matter of Cahill v. Kellner*, 121 AD3d 1160 [3d Dept 2014].

Public Financing Commission Cases (Niagara County Supreme Court): Two actions were brought challenging the Public Campaign Financing and Election Commission; *Hurley v. The Public Campaign Financing and Election Commission*; and *Jastrzemski v. The Public Campaign Financing and Election Commission*.

Pursuant to Part XXX of Chapter 59 of the Laws of 2019, a Public Campaign Finance commission was instituted to make recommendations regarding the creation of a public campaign finance system, adjacent reforms to the New York State Election Law, and related and necessary reforms to New York’s electoral processes. Unless the legislature acted within a specific time period, the recommendations would have had the effect of law.

Both petitioners alleged that Part XXX was an improper delegation of authority to the commission. Ultimately, the trial court did rule that the creation of the commission was unconstitutional. However, the legislature enacted the commission's recommendations of implementing a public campaign finance program by statute.

Mackay v. State Board of Elections (Niagara County Supreme Court): Petitioner brought an action against the Niagara County Board of Elections and New York State Board of Elections, challenging the constitutionality of the waiting period to change party enrollment when a voter loses their party affiliation by virtue of their party failing to qualify for ballot status at a gubernatorial election.

The trial court declined to find the statute unconstitutional. *Sua sponte*, the court did order, pursuant to Election Law § 16-108, that petitioner be enrolled in the Independence Party given the facts and circumstances of this particular case.

Kimmel v. New York State Board of Elections (Nassau County Supreme Court): In 2019, the Legislature and Governor reformed the Election Law, which changed the dates of New York's primary elections, and changed the dates for designating and independent nominating petitions. Petitioner challenged the new dates for the independent petitions, specifically seeking a 15-day extension. Petitioner alleged that the law was changed with too short of a notice. The Plaintiff's request for relief was denied.

Common Cause/New York v. New York State Board of Elections (SDNY): Plaintiff, Common Cause of New York, alleged that New York's procedure of not including "inactive" voters in poll books constituted an unlawful removal in violation of Section 8 of the National Voter Registration Act ("NVRA"). Specifically, Common Cause alleged New York's practice of not printing the names of "inactive" voters in poll books, in combination with alleged deficiencies in the voting process, constituted an unlawful "de facto" removal of the "inactive" voter from the official voter registry in violation of Section 8 of the NVRA. The State Board of Elections won partial Summary Judgment on the "de facto" claims in 2018. Common Cause amended its complaint, alleging that not having inactive voters in the poll book, and requiring inactive voters to vote via an affidavit ballot, is an undue burden to voters and is unconstitutional. After a trial in October 2019, the Court held that not having a list of inactive voters at a poll site is an undue burden, and, thus, unconstitutional; however, requiring inactive voters to vote via an affidavit ballot is constitutionally permissible.



Deputy Counsel Nick Cartagena makes a presentation at the 2017 ECA Summer Conference.

HAVA Administrative Complaints

Section 402 of the Help America Vote Act of 2002 ("HAVA") requires the State to create a state-based administrative complaint procedure for voters to lodge complaints concerning the voting process. Specifically, HAVA provides that any state receiving HAVA funds shall establish a procedure where "...any person who believes that there is a violation of any provision of Title III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint." Section 3-105 of the New York State Election Law outlines the complaint procedure. A formal complaint shall be in writing, signed and notarized; the evidentiary standard shall be a preponderance of the evidence; the final determination shall be published; and appropriate action shall be taken by the state Board of Elections as necessary. Additionally, 9 NYCRR § 6216.2 further outlines the administrative complaint process.

In 2019, the State Board issued one HAVA determination:

1. In *Fournelle v. Monroe County Board of Elections*, the Complainant alleged that, on Election Day, November 6, 2018, the Complainant witnessed a person voting twice. Upon inquiry, a poll worker told the Complainant that the voter's first ballot was spoiled, put into an envelope, and the voter was merely getting a replacement ballot; however, the poll worker was "unable to produce" the envelope with the spoiled ballot. Further, the Complainant alleges to have seen the voter

insert a ballot into the voting machine twice. The determination concluded that nothing in Title III of HAVA addresses issues such as double voting. Primarily, Title III was designed to address troubles voters may have when casting their vote; such as: a) not being able to cast a ballot in private; b) not being afforded an opportunity to verify voting selections before casting a ballot; c) not being able to determine whether an affidavit ballot was counted; d) not being provided assistance to accommodate a disability; e) not being able to vote on a Ballot Marking Device; etc. Title III of HAVA was not designed to address the conduct of other voters. As such, the complaint was dismissed.

Regulations

The unit drafted, and the Board adopted, amended regulations:

1. Amendments to Part 6214 (Campaign Contribution Limits). Pursuant to section 14-114(1)(c) of the Election Law, the State Board was legally required to recalculate contribution limits set forth in 6214.0 Title 9 NYCRR in 2019.

2. Amendments to Part 6217 (County-to-county voter registration transfers). On January 24, 2019, the Governor signed into law Chapter 3 of the Laws of 2019, which provides that boards of elections transfer a registration and enrollment of a voter to wherever they move in the state. This law also required the State Board of Elections to promulgate regulations as to the procedures for transferring a voter from one county to another. These amendments constitute this procedure.

3. Amendments to Part 6217 (Pre-registration). Chapter 2 of the Laws of 2019 provides that persons who are at least 16 years old, and are otherwise qualified to register to vote, to pre-register to vote; and provides that the New York State Board of Elections" shall have the power and duty to ... promulgate rules and regulations relating to the administration of the election process ... consistent with the provisions of law(.)" These regulations were necessary to comply with Chapter 2 of the Laws of 2019.

4. Amendments to Part 6210 and 6211 (Early Voting). Chapter 6 of the Laws of 2019 provides for the conduct of Early Voting. Election Law § 8-602 provides that "the state board of elections shall promulgate rules or regulations necessary for the implementation of the provisions of (early voting). These amendments provide for the process of early voting, the number of privacy booths and machines, and regulations relating to the audits of early voting machines.

5. Amendments to Part 6210 (Ballot accountability). Chapter 63 of the Laws of 2019 provides for additional ballot accountability practices. The regulation outlines the ballot accountability process for the discontinuance of ballot stubs and the use of ballots with multiple sheets. The Election Law provides for certain ballot accountability procedures, including ballot stubs (a numbered stub that is separated from the ballot at the time of delivery to the voter) and perforated ballots. However, ballot-on-demand systems, which are required for county wide early voting sites, are often incompatible with ballot stubs and the requirement that multi-sheet ballots be produced on a single piece of perforated paper because few device printers can print on such large sheets. Chapter 63 of the Laws of 2019 provides that perforated ballot stubs shall not be required if the State Board of Elections implements a ballot accountability process, which: 1.) accounts for the number of each ballot style received by an election inspector, 2.) retains a running count of ballots distributed and spoiled, and 3.) verifies at the close of polls that the number of ballots distributed to voters, including any spoiled ballots, when added to the unvoted ballots, equals the total number of ballots received by an inspector for the election.

6. Amendments to Part 6200 (Filing Post June Primary Campaign Statements). Chapter 5 of the Laws of 2019 moved the September primary election to June. Election Law § 14-108 provides for the filing of disclosure statements for each election and 9 NYCRR § 6200.2 presently provides for a ten-day post-primary report as well as a July 15 periodic disclosure report, resulting in the post June primary report and the July 15 periodic report to be due within two weeks of one another. This amendment does away with this duplicative filing by providing that the Post-Primary statement shall be the July 15th statement.

Board Opinions

The Office of Counsel is responsible for preparing responses to requests for opinions from the New York State Board of Elections (NYSBOE). These opinions serve to further clarify certain sections of the Election Law. The Board issued two opinions for 2019.

Formal Opinion #1 of 2019 opined that when a candidate files, pursuant to Election Law §14-104(1), the form indicating that the candidate will be fulfilling the filing obligations of the candidate through an authorized committee, the liability for failure to file the applicable campaign financial disclosure statements rests with the treasurer and not the candidate.

Advisory Opinion #1 of 2019 opined that it was permissible for a campaign committee to use committee funds for legal fees to challenge actions of the Committee on Legislative and Executive Compensation, which, among other things, increased salaries of the legislature, but also limited

outside income a legislator could make. As these actions arises out of the holding of a public office, using committee funds in a legal challenge is permissible.

Legislative Activities

Counsel's Office, in consultation with the executive staff, regularly monitors all legislative action which could impact the Board and the election process in New York. Such activities include attending legislative committee meetings, responding to inquiries regarding legislation, and responding to requests for comments on legislation. In addition, Counsel's Office is responsible for drafting all legislative proposals of the Board. In addition to any New York State legislative initiatives, the office has worked extensively with other members of the staff in reviewing any federal legislative proposals that may influence elections in New York.



Executive Staff testified before New York State Assembly Standing Committee on Election Law, November 18, 2016.

In relation to volume of new legislation, 2019 was an unprecedented year in New York, where the state enacted major legislation, including the provision for early voting, universal transfers, and moving the primary election to June. Below is a summary of the many election law bills the legislature enacted in 2019.

Chapter 2

Allows pre-registration of 16 and 17-year-olds.

Chapter 3

Provides for statewide transfer of voter registrations.

Chapter 4

Applies \$5,000 aggregate annual contribution limits to Limited Liability Companies (LLC) contributions and provides other disclosure requirements.

Chapter 5

Provides for a June Primary Election and related changes.

Chapter 6

Provides for nine days of early voting before each primary, general and special election conducted by boards of elections, excepting village elections.



People holding signs promoting early voting for the first time in New York State.

Chapter 46

Changes the deadline for new Parties to file certificates of nomination in their first year of existence to September 1.

Chapter 136

Authorizes the use of campaign funds for childcare expenses where they are incurred in the campaign or in the execution of the duties of public office or party position.

Chapter 150

Permits victims of domestic violence to cast a special ballot by mail.

Chapter 257

Changes the current two weeks prior to election deadline to send special ballots to election workers to anytime up to close of polls on election day.

Chapter 290

Sets out ballot access process for the Presidential Primary and elect delegates to national conventions.

Chapter 316

Allows changes of party enrollment to take effect immediately, except that changes of enrollment received in the period between February 14 and seven days after the primary would be effective on the seventh day after the June Primary.

Chapter 409

Requires that an arrow be added to the ballot to indicate the ballot is two sided when there is a ballot proposal.

Chapter 410

Requires the posting of candidate and ballot information on State Board and County Boards of Elections websites.

Chapter 411

Updates the instructions used on ballots and standardizes them across state; eliminates the NYC only provision in Election Law 7-116(6).

Chapter 412

Requires county boards to publish local office contribution limits on their county website.

Chapter 413

Requires boards of elections to notify all eligible voters of any special elections being held in their jurisdiction.

Chapter 416

Requires all committees and candidates, including committees and candidates for local office, to file campaign finance reports electronically with SBOE.

Chapter 417

Allows local board of elections to design an alternative poll site staffing plan to conduct an election.



Co-Executive Directors Todd Valentine and Robert Brehm testify along with Agency Co-Counsel Brian Quail before the State Assembly.

Chapter 418

Provides that any political committee or candidate on the ballot may have for each election district three watchers at any one time, not more than one of whom may be within the guard rail at any one time.

Chapter 437

Makes the procedures for election night reporting uniform.

Chapter 438

Authorizes consolidation of certain voting districts with less than 10 eligible voters with another district. Removes the cap on combined district, which is currently 500 total eligible voters.

Chapter 439

Westchester County – last day to file petitions of designation or petitions of nomination, the BOE shall remain open between the hours of 9:00 am and midnight to receive said petitions.



Warren County election officials demo a voting machine.

Chapter 440

Clarifies committee named by an Opportunity to Ballot petition has capacity to seek judicial relief in the same manner as a candidate named by a petition.

Chapter 441

Amends effective date for Uniform voting hours for primary elections making it effective for the April 28, 2020 Presidential Primary.

Chapter 454

Requires that political communications disclose the identity of the political committee that made the expenditure for the communication.

Chapter 456

Requires that each Opportunity to Ballot petition submitted to a board of elections be accompanied by a certificate of acceptance completed by those appointed as the 'committee to receive notices.

Chapter 465

Eliminates duplicate financial disclosure reports for candidates and authorized political committees who file with New York City Campaign Finance Board.

Chapter 533

Provides that a court may receive sworn testimony from a signer of a designating petition as to the authenticity of his or her own signature.

Chapter 536

Provides for the inclusion, at a voter's option, of an e-mail address in the voter registration application and record for notices to be sent thus and by U.S.P.S.

Chapter 561

Provides for the election of members of the board of education of the Buffalo city school district in November rather than in May.

Chapter 587

Requires SUNY and CUNY to provide voter registration forms and absentee ballots to students, and for these locations to assist in completion of these documents.

Chapter 615

Requires party position for ward, town, city or county to appear on absentee ballots.

Chapter 619

Prohibits the change of name of any independent body name.

Chapter 717

Provides that a local board of elections shall cast and canvass voter's affidavit ballot if it substantially complies with law.



Ulster County election officials count ballots in 2019 with onlookers.



Board of Commissioners meeting

COMPLIANCE UNIT

The Compliance Unit falls under the supervision of the Counsels' Office. This Unit is comprised of three sub-units: Intake and Processing, Education Outreach and Training, and Audit & Review. These sub-units are managed on a day-to-day basis by two Compliance Specialists.

The Compliance/Intake and Processing sub-unit is primarily responsible for registrations and terminations of committees, receiving and processing campaign financial disclosure reports, and for operating the call center, where inquiries about the Election Law and filing mandates are handled. At the end of 2019, there were 17,958 active filers with the Board. A total of 37,594 itemized, no-activity and in-lieu of campaign finance reports were received by the Board in 2019, including 33,434 itemized financial disclosure statements. All filings are available for public viewing on the Board's website.

The number of active filers with the Board continues to increase, as is indicated below:

Active Filers 2010-2019										
All Active Filers	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
State Filers	2,549	2,212	2,695	2,244	2,365	3,017	2,996	2,860	2,975	3,120
County Filers	8,458	10,198	9,990	11,817	13,534	13,270	13,347	13,602	13,573	14,838
TOTAL	11,007	12,319	12,595	14,061	15,899	16,287	16,343	16,462	16,548	17,958

Filers include both committees and candidates without a committee who are making their own filings. In 2019, 3,429 new committees registered with the Board. With each new registration, the Compliance Unit sent a confirmation to the treasurer, providing the committee identification number – a personal identification number that acts as an electronic signature when making filings – and other information relating to filing requirements and obligations. There were 2,365 committee/candidate terminations processed in 2019.

Other duties of this sub-unit which they accomplished in 2019 include:

- Creation and publication of the campaign financial disclosure filing calendar.
- Calculation of the contribution limits as set forth in Election Law Article 14.
- Providing the public, as well as all filers with the State Board or County Boards of Elections, information regarding campaign finance.
- Staff also assisted people who visited our public view area.

The Education Outreach and Training sub-unit is staffed by three employees. The primary activities of the sub-unit are the preparation and dissemination of information and training materials relative to the financial disclosure mandates of Article 14 of New York Election Law.

Overall, in 2019, staff conducted 20 in-person seminars throughout the state and one webinar to provide information regarding the requirements of campaign financial disclosure and applicable Election Law provisions. Current training topics include: the traditional campaign finance seminars focused on registration, Compliance-specialized trainings, Continuing Legal Education (CLE) credits for attorneys, Continuing Professional Educational (CPE) credits for accountants, and “Winding Down the Campaign” training for post-election filers requesting

resignation or termination. A total of 695 people attended the in-person seminars and 8 people attended the webinar. Staff continues to offer a “train-the-trainer” program for county boards of elections so that the staffs at the boards can better assist filers.

In addition to conducting seminars and working with county boards, there was substantial focus within the sub-unit in 2019 on updating materials with recent law changes and ensuring website documents became fully accessible and secured.

The Audit & Review sub-unit tracks the most common deficiencies in filed financial reports and revises and updates its training materials to address the most common errors treasurers make. The compliance review process is also educational for treasurers and their candidates and staff is available to answer questions and conducts outreach, when necessary, during this process. The “Frequently Asked Questions” section of the Board’s “Campaign Finance” Webpage is updated to include additional instructions for common questions and modifications have been made to our training seminars and webinars to reflect compliance issues. It is hoped that these ongoing efforts will enable a greater number of treasurers to file correctly in the first instance.

In 2019, 22,894 itemized reports were reviewed. Of those, 1,963 were found deficient, 17,325 were compliant and 3,606 had training issues. As of December 2019, the Unit surpassed 128,500 compliance reviews completed since it was established in 2014.

The Compliance Unit also worked on the following projects in 2019:

In response to extensive legislation passed in 2019, the Compliance Unit implemented multiple new initiatives including: the new limited liability contribution limit, attribution and disclosure requirements; the transition of local county board of election filers to file exclusively with the NYSBOE and the removal of the \$1,000 threshold previously required for NYSBOE filers; implementation of the new filing calendar incorporating the June primary date; requirement to identify political committees paying for political advertisements; prohibition of certain loans to candidates or political committees; and the elimination of duplicate financial disclosure reports for candidates and authorized political committees who file with the New York City Campaign Finance Board.

All Compliance Unit staff received training on document accessibility, with several staff receiving in-depth training. The Compliance Unit continues to edit or re-create many documents in order to make them accessible and subsequently posts them to the SBOE website.

The Compliance Unit continued in 2019 to work with the Information Technology Unit to redesign the State Board's Electronic Filing Software (EFS) from a desktop software to a web-based application. The web application is on track to be deployed in 2021 so that all candidates and committees filing campaign finance disclosure reports can create and file reports on any web enabled device.

Referrals

In 2019, the Compliance Unit referred non-filer and deficient-filer items to the Division of Election Law Enforcement for review and action. This consisted of 5,537 referrals for non-filing. Of these, 4,248 or 77%, continue to owe reports that have yet to be filed.

For deficient filings in 2019, a total of 156 referrals of candidates/committees for failure to come into compliance after being served with a deficiency notice were made. For filings due between 2014 and 2019, 2,735 filings were referred to Enforcement as deficient. Of that number, 447 reports were amended to successfully address deficiencies, four filing have been deleted, 1,329 deficiencies remained unresolved and approximately 837 of the referred reports were eventually reclassified as training.

The Board of Elections provides a civil enforcement administrative hearing process through which violations of the Election Law deemed not criminal may be addressed, followed by civil proceeding in court. The Board appointed a total of five hearing officers to manage these proceedings. In 2019, two matters were referred by Enforcement to a hearing officer.

Additionally, the Enforcement Counsel tendered zero subpoena requests in 2019, and requested zero criminal referrals to prosecutorial agencies.



Voter Registration Unit

Agency-Based Voter Registration

Since 1995, the New York State Board of Elections has been assisting and guiding participating state agencies in understanding and executing their voter registration responsibilities mandated by the National Voter Registration Act of 1993 (NVRA) and its corresponding state laws. The intent of the program is to offer individuals the opportunity to register to vote, when they apply for or renew a driver's license, or when they apply for services at any of the approximately 801 offices that participate in the program.

Agencies designated to provide voter registration include the Department of Motor Vehicles, as well as public assistance, disability, and other state-designated agencies. Designated as state agencies which provide public assistance are the Office of Temporary and Disability Assistance and the Department of Health. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the Department of Labor, Office for the Aging, Division of Veterans' Affairs, Office of Mental Health, Office of Vocational and Educational Services for Individuals with Disabilities, Commission on Quality of Care and Advocacy for Persons with Disabilities, Office for People with Developmental Disabilities, Commission for the Blind and Visually Handicapped, Office of Alcoholism and Substance Abuse Services, State University of New York Disability Offices, City University of New York Disability Offices, and certain offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration sites are the Department of State and the Division of Workers' Compensation.

Registration Statistics

During 2019, there were 995,516 voter registration applications or transactions received by county boards of elections which resulted from the efforts of state agencies. Not surprisingly, the Department of Motor Vehicles yielded the highest volume of registration applications among the various agencies mandated by the NVRA, accounting for 93.80% (923,809) of the total number of voter registration applications or transactions in the state. The remaining agencies participating in the program accounted for 6.20% (71,280) of registrations.

Sources of Voter Registration

Motor Vehicles	923,809
Public Assistance Agencies	54,787
Disability Agencies	3,184
State Designated Agencies	4,009
<u>By Mail</u>	<u>427</u>
Total	995,516

Agency-Based Voter Registration Statistics

<u>Year</u>	<u>New Registrations</u>	<u>Address Changes</u>	<u>Enrollment Changes</u>	<u>Name Changes</u>
2012	201,401	87,057	33,479	11,089
2013	135,773	56,912	19,312	8,618
2014	127,726	56,966	17,126	8,126
2015	132,230	63,883	20,596	8,653
2016	246,762	99,701	50,214	12,511
2017	144,730	88,644	36,200	11,502
2018	257,977	176,530	81,395	17,380
2019	300,458	197,570	100,823	23,897

Training

The State Board of Elections is responsible for the development of training materials and presentation of training programs on the requirements and implementation of the agency-based voter registration program. Regional agency-based voter registration training offerings were presented to the participating NVRA sites in New York State. State Board staff continues to provide updated training and reference materials as well as on-going telephone guidance and support to agency program liaisons, site personnel in all offices offering agency-based voter registration, as well as to county boards of election.



The State Board participated in a tabletop exercise with the US Department of Homeland Security at the Times Union Center

Agency Oversight

The success of the agency-based registration program relies on cooperation among the participating state agencies, county boards of elections, and the New York State Board of Elections. Due to the numerous and unique differences in clientele and services provided by each of the agencies, the administrative policies at each agency's participating offices and programs are conducted at the discretion of each individual state agency, under the guidance, input, approval and support of the State Board of Elections. Also, staff responds to all inquiries, and acts to assist agency program coordinators, site personnel, and county board staff in resolving administrative and procedural issues to ensure effective and efficient operation of the agency-based registration program in New York State.

In addition, statistical reports containing data on voter registration activity for all agency-based sites are sent to agency commissioners and program coordinators each month. Review of these reports enables program coordinators to monitor voter registration activity and program compliance, as well as identify inconsistencies at each participating office. This information also assists the State Board of Elections in evaluating the workload placed on county boards of elections offices by NVRA program requirements.

Distribution of NVRA Program Supplies

Supplies for the agency-based registration program are shipped regularly by NVRA staff as requested by participating sites. Constant tracking of supply orders and shipping dates is made possible by a supply order and inventory system specifically developed for monitoring distribution of NVRA program materials. The system also provides staff with current inventory balances to ensure that supplies, including forms in multiple languages as required by the Voting Rights Act, are reordered as needed. The State Board also distributed voter registration materials to the State University of New York. The New York State Board of Elections processed 400 individual supply shipments to participating NVRA sites during 2019.

In addition, the State Board of Elections provides large print copies of the NYS voter registration form as well as a poster-sized version of the agency-based voter registration form to agencies and programs participating in the NVRA program that serve people with disabilities upon request.



Early voting during 2019 General Election at a school in Bay Ridge, Brooklyn.

Voter Registration Cancellations

When New York State residents relocate to another state or when out-of-state residents move into New York State and subsequently register to vote, a notice of registration cancellation is returned either to a county board of elections or the New York State Board of Elections so that

voter registration rolls may be updated. In 2019, staff at the State Board of Elections processed 60,718 New York State and 18,979 out-of-state registration cancellations and forwarded them to the appropriate county board of elections or state election official.

DMV Address Change Requests

The New York State Board of Elections assists the Department of Motor Vehicles with the distribution of customer address change requests resulting from licensing or driver I.D. transactions by counting, sorting and forwarding them monthly to county boards of elections. Also received from the Department of Motor Vehicles and processed by state board staff, are the DMV internet change of address request forms which have been downloaded by customers, completed, and forwarded to DMV. The state board distributed 11,098 address change requests received from the Department of Motor Vehicles to county boards during 2019.

County HAVA Funds Program

The Help America Vote Act (HAVA) has provided funds to the State of New York for poll worker training, voter education, and poll site accessibility. Since June 2006, the State Board has been overseeing the grant application process, as well as the disbursement of federal and state funds to further the HAVA and State program objectives. The Poll Site Access Improvement Program provides funds to county boards of elections to assist them in ensuring that all New York polling places are accessible and provide the same opportunity for all voters to participate in the election process. The Voter Education and Poll Worker Training Program provides funds to county boards of elections to implement programs to educate poll workers and the general public on the proper use of new voting systems.

The SHOEBOX Program

As New York's Help America Vote Act fund distribution program does not provide for the direct release of federal funds to counties, in the overall scope of compliance with HAVA, a separate program was created to enable the reimbursement of county funds that were expended in the name of either implementing HAVA or furthering the goals and objectives of HAVA. For the purchase of products and services related to the overall HAVA project which were not part of the vendor contracts themselves, this program was created and came to be known as the SHOEBOX Program (Submission of HAVA Operations Expenses by Boards of Elections).

County Boards of Elections may make application, after the purchase of such products and services with county funds, for reimbursement of either some or all of those costs, provided that the purchases were reasonable, allowable, and allocable. Substantial evidence must be included with each application, and prior to the award of any reimbursement, all applications are reviewed for the products' and/or services' compliance with the EAC's guidelines and formal opinions for allowable expenses. Reimbursement will be made for 100% of the allowable costs submitted, not to exceed the unspent balance of funds allocated to each county.

To receive reimbursement, County Boards of elections must have contracts in place, and submit an application packet to the Public Information Office / Grants Unit. In 2019, eleven counties submitted 31 vouchers for SHOEBOX fund reimbursement, amounting in total to \$226,547.48.



Commissioners from upstate attend a voting machine demonstration at the Saratoga Board of Elections.

Poll Site Access Program

The New York State Board of Elections has received funding from State appropriations and from the Department of Health and Human Services to establish, expand, and improve access to and participation by individuals with a full range of disabilities in the elections process. The polling place access improvement funds will assist county boards in undertaking minor temporary improvement or renovation projects, and the purchase of proper signage, materials, and low-tech devices to help assist persons with disabilities on election days and to assure voter privacy and independence. The funds may be used to make polling places, including parking, the path of travel, door hardware, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities (e.g., impairments involving vision, hearing, mobility,

dexterity, emotional, or intellectual) through the use of varied accessibility tools (e.g., ramps, handrails, and signage).

Poll Worker Training and Voter Education Program

The New York State Board of Elections has received HAVA funds to be dispersed and used by county boards for the specific and limited purpose of advancing Voter Education and Poll Worker Training. County Boards have implemented programs to educate individuals on the proper use of new voting systems, including ballot marking devices. These efforts are intended to help bolster public confidence in the election process by providing information to election administrators on methods for keeping the process secure while ensuring that every eligible voter can cast a vote and have that vote counted. Training and education must extend to all voters, including those with a full range of disabilities, as well as those with language barriers.



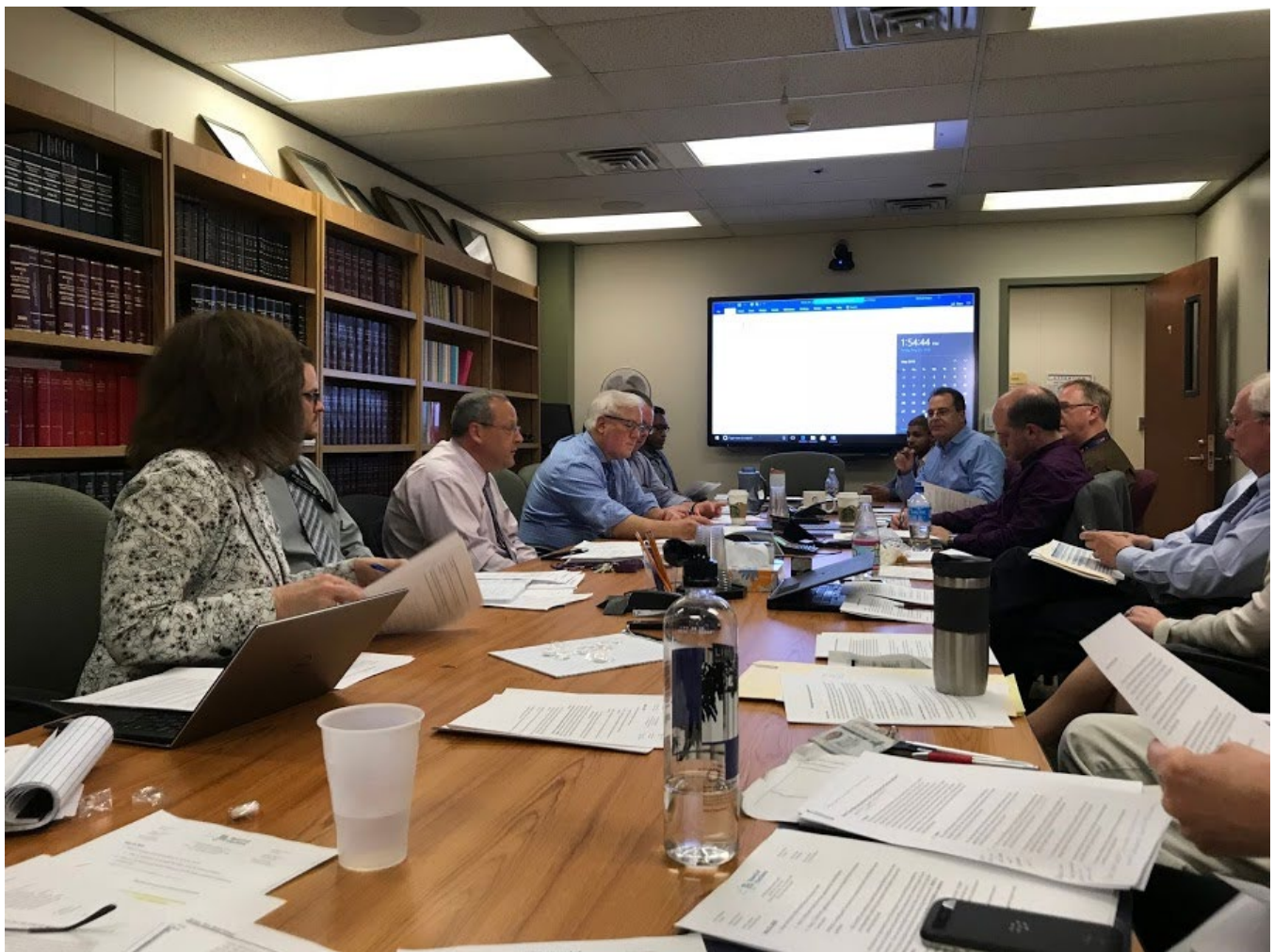
NYSVoter County Reviews

In 2007, the State Board of Elections implemented “NYSVoter” (pronounced “nice voter”), the statewide voter registration database to comply with the Help America Vote Act and subsequent amendments to New York Election Law. NYSVoter was built by integrating a centralized database system with the county voter registration/election management systems (VR/EMS), giving the State Board administrative control over the centralized database and the responsibility for auditing the system to assure that the local election officials are conducting the

business of voter registration in a compliant manner. State Board personnel visit the county boards to perform periodic reviews of their NYSVoter procedures, and in 2019, 26 counties were reviewed and found to be in substantial or better compliance with state regulations.

National Change of Address List Maintenance

The State Board of Elections also provides National Change of Address (NCOA) information to all of New York State’s county Boards of Elections. NCOA services are a required component of New York State’s statutory voter registration list maintenance procedures and help to ensure that voter addresses are synchronized with information on file with the U.S. Postal Service. This process is further enhanced as data is processed via the statewide voter registration database. In 2019, data concerning over 12.7 million records were provided to county Boards of Elections for their use in updating registration records, voter notifications, and other routine maintenance tasks to reflect voter’s change of address information.



Agency staff confer with other state partners on cybersecurity protocols



A woman in Dix Hills receives a ballot printed-on-demand during early voting.

ELECTION OPERATIONS UNIT

The major responsibilities of the Election Operations Unit of the New York State Board of Elections include the oversight and support of New York State's 62 county Boards of Elections, the facilitation of ballot access efforts by candidates for a variety of public offices and party positions, and oversight and technical assistance of the statewide deployment of voting systems. The Election Operations Unit actively engages in ongoing daily communications with county Boards of Elections and the general public on a multitude of topics.

Candidate Ballot Access

This year, the State Primary Election was held on June 25, 2019. It was also the first year for the implementation of the Early Voting process for the General Election, which began on October 27, 2019 through November 3, 2019, followed by the General Election on November 5, 2019.

Republican State Committee elections are held at the primary in odd numbered years. All other parties elect state committee at the primary in even numbered years.

The state-level ballot access activity focused on petition filings for the Primary Election for the offices of State Committee, State Senator, Judicial Delegates and Alternate Delegates.



For the June 25, 2019 State Primary Election, the following petitions and related documents were filed:

- 6 Petitions for State Senator
- 121 Petitions for Judicial Delegates and Alternate Delegates
- 4 Acceptances for State Senator
- 3 Authorizations for State Senator

In the summer of 2019, state-level ballot access activity focused on petition filing for the election of Delegates and Alternate Delegates to Judicial District Conventions. Delegates nominate candidates for the office of Justice of the Supreme Court from 13 Judicial Districts in the State at Fall conventions.

Ballot access activity for the Judicial Delegates and Alternates described above, included data entry, and the creation and dissemination of corresponding acknowledgements, consisted of the following:

- 121 petitions (comprising 755 candidates) for Judicial Delegate and Alternates

Some filings related to the party position candidacies previously described are made at a

local level, as some of the districts in which those persons run are wholly contained within county boundaries. In these cases, information concerning candidate filings which are made at the county level must be shared with NYSBOE. These local certifications are forwarded to the Board and become part of the statewide certifications to party committees and others who have need of or interest in this information.

- 5,277 Local County Judicial Delegates and Alternates were processed with the information provided by the counties.

Ballot access filings are not validated by NYSBOE. They are presumptively valid when filed, however the validity of a filing may be challenged by persons choosing to do so. Challenges require the filing of an initial objection within three days of the filing, followed by specific objections within six days. If specific objections are filed – the itemization of objections – staff reviews each specific itemized objection, notes their findings, and submits a summary of findings report to a hearing officer for review.

Determinations are then made by the Commissioners of the State Board of Elections, and a notice of those determinations is made to the objector as well as the candidate. In 2019, objections to petitions and corresponding specifications received, posted, and researched, were as follows:

- 8 Objections filed
- 5 Specifications filed

A total of 46 vacancies existed in the State’s 13 Judicial Districts. Delegates and Alternate Delegates were notified by their respective political parties to attend conventions, which were convened on various dates beginning on August 8 and running through August 14. From each of the 13 Judicial Districts that had vacancies, a total of 44 nominations were received, posted, and acknowledged, representing the nomination of 57 candidates for office of Justice of the Supreme Court.

In addition, five seats became vacant by the end of 2019:

- 27th Congressional District- resignation of Chris Collins
- 12th Assembly District- resignation of Andrew P. Raia
- 31st Assembly District- resignation of Michele Titus
- 57th Senate District – resignation of Catharine M. Young
- 50th Senate District-resignation of Robert E. Antonacci, II

The Unit was responsible for addressing a considerable volume of post-election activity, which included the collection, recording, and validating of all election results corresponding to the offices noted above. Certificates were prepared for signature by the State Board’s Commissioners in their capacity as the State Board of Canvassers. Once certified, appropriate

certificates are prepared for candidates, and delivered to the appropriate legislative clerks and secretaries of the respective governmental entities.



Public Election Services

In 2019 the Unit responded to inquiries from the public for data and/or information from the public and the distribution of related documentation. Additionally, a sizeable amount of associated information was distributed, including copies of the *2019 New York State Election Law*, general information such as election results (current and previous), political calendars, candidate lists, the State Board of Elections' *Running for Office* booklet, as well as other data and information relating to elections and the election process. Further, the Election Operations Unit manages the State Board of Elections' toll-free voter registration application request number (*1-800-FOR-VOTE*), and fulfills requests submitted via the agency website. In 2019, 8,801 requests for registration forms were processed by the Unit, resulting in the mailing of a total of 2,179 forms.

Electronic Poll Book Systems

As part of the legislation which enacted Early Voting, the State Board was tasked with promulgating requirements around the use of Electronic Poll Book Systems (EPBS) and the networks they connect to. It was also required to review and approve any systems before it could be used by a county. Additionally, the State Board was directed to certify that the network to which the EPBS was connected was compliant with minimum security standards.

Working with its security consultant NYSTEC, the Election Operations Unit developed a set of more than 150 requirements around functionality and security of such systems. Five EPBS vendors submitted their systems to the State Board for review. The Operations Unit engaged both

NYSTEC and the NYS Division of Homeland Security and Emergency Services to aid in the review of each of the submitted systems against the promulgated requirements. Three systems, KNOWiNK, Robis & Tenex, were all approved for use at the General Election by counties.

For counties that implemented an EPBS, a network security checklist was required to be completed for each unique network configuration used by a county, showing compliance with all applicable security requirements.



A voter uses an electronic poll book during early voting.

Early Voting Oversight & Guidance

As mentioned previously, the 2019 General Election brought with it the initial implementation of Early Voting. The Election Operations Unit developed guidance and procedures for use by counties in their local enactment of Early Voting. This covered programming voting systems specific to the needs of Early Voting, the secure storage of election materials during the 9-day Early Voting period, changes to the opening and closing procedures for each day of Early Voting and ensuring that results were not released prior to the close of polls on Election Day.

In addition, staff visited at least one Early Voting poll site in each of New York's 62 counties,

traveling more than 4,300 miles in a 7-day period, both to observe how the inaugural rollout of Early Voting was being executed in each county and, for those counties utilizing Electronic Poll Books, ensuring the systems were being properly used and secured according to the State Board's requirements.

Cybersecurity of Elections

The Election Operations Unit continues to work collaboratively with other units within the agency toward improving the cybersecurity of the election infrastructure at both the state and county levels. This work has included staff involvement in conversations and activities with various state, federal and relevant partners, such as the US Department of Homeland Security, the Center for Internet Security, the Governor's Cybersecurity Advisory Board and others.

The Unit has participated in the agency's efforts in developing and implementing a plan for improving the cybersecurity posture at both the state and local levels, enhancing incident response planning and coordinating local, state and federal resources and communications. Staff has presented at conferences for both Election Commissioners as well as County Information Technology Directors to ensure that election administrators and the IT staff who support them are properly communicating and coordinating their actions toward improving the cybersecurity around the election infrastructure.

The Election Operations Unit has three dedicated staff who focus on cybersecurity matters and develop resources for County Boards. They have prepared guidance for County Boards on the secure usage of removable media, reviewed existing procedures for any necessary updates and participated in other agency efforts around cybersecurity. The Unit continues to educate and position itself to best serve the county boards of elections on the topics of cybersecurity and incident response.



CIO Bill Cross testifies before the State Assembly Standing Committee on Election Law.

INFORMATION TECHNOLOGY UNIT

The New York State Board of Elections relies heavily on technology to support its mission and the Information Technology (IT) Unit is responsible for providing the most efficient, cost-effective and secure technology solutions to meet this need.

The IT Unit maintains a highly complex technology infrastructure of systems and networks to facilitate elections within the state, as well as the business operations of the agency. IT is responsible for all infrastructure management, applications development, systems support, cybersecurity, and end-user support. IT management is also responsible for developing an IT budget and working with various internal and external units to process procurements in accordance with agency and NYS requirements.

As director of the IT Unit, the Chief Information Officer (CIO) participates in strategic planning for the agency and provides recommendations regarding emerging technologies and best-fit solutions to support business functions. Additionally, the CIO is the primary liaison for the Board of Elections to the NYS Office of Information Technology Services.

Computing Environment and Infrastructure

The New York State Board of Elections operates a complex network environment, connecting BOE offices with its primary and backup datacenters, as well as secure connections to local county systems. The IT Unit is responsible for the design, installation, maintenance and security of this network infrastructure, providing a stable and secure platform for BOE applications. The Board also maintains an Internet-accessible network, hosting the Agency's website and public applications such as Voter Lookup and Election Night Reporting.



The IT Unit develops, maintains and supports several in-house applications, described below, and ensures that all design and coding are performed with attention to best industry standards and practices. All new applications are designed to meet accessibility standards and utilize responsive design to ensure a consistent user experience across multiple device types including desktop computers, tablets, and mobile phones.

Financial Disclosure Administration System (FIDAS).

The Financial Disclosure Administration System is a database system used by compliance and enforcement staff for the management of the financial disclosure reports for committees and candidates for statewide and local office. The Information Technology Unit develops and maintains the databases and applications associated with the administration of campaign finances. The Agency's Electronic Filing Software, which is used by candidates and political committees for filing their reports, was developed by and is maintained by the Agency's IT staff. In 2019, IT continued the reengineering of FIDAS as part of the CAPAS/FIDAS Redesign Project.

IT is responsible for receiving and processing electronic filings from just over 17,700 filers and loading them into FIDAS. There were eight major filing periods in 2019. A small, but efficient Help Desk staff performs this work, in addition to delivering telephone support to the financial report filers, county Boards of Elections and Agency staff.

National Change of Address (NCOA) Processing

NCOA processing was coordinated by the State Board as required by the National Voter Registration Act. A file with all the names and addresses is produced and forwarded electronically to an NCOA vendor for matching against the U.S. Post Office's Change-of-Address database. The file resulting from the processing is retrieved electronically by the State Board where it is parsed and redistributed to the individual counties of origin. The NCOA processing for 2019 included more 12.7 million voter records from 62 counties. Centralizing this NCOA processing through the State Board, as opposed to the processing by individual counties, provides the counties with a substantial savings in expenditures due to the economy of scale that the State Board is able to leverage.

Election Operation Support

The Information Technology Unit provides support to the Election Operations Unit in the form of the Candidate Petition Administration System (CAPAS), which is used to administer the candidate petition process as well as create correspondence, ballots and reports pertaining to elections. In 2019, IT continued the reengineering of CAPAS as part of the CAPAS/FIDAS Redesign Project.

Agency-based Voter Registration / Public Information

The Information Technology Unit supports the database applications used by the Voter Registration Unit to manage the registration sites and transactions. There is also a Supplies Inventory System created and maintained by the Agency's IT staff.

The Public Information Officer has oversight of the content on the Agency's website. The Agency has adopted a policy of making as much information as possible available electronically thus cutting the cost of printing and reproduction through the FOIL process. The IT staff works closely with the Public Information Office to oversee the technology, design and application development associated with the Agency's website, and is responsible for ensuring that the website meets all NYS branding and accessibility guidelines.

NYSVoter Statewide Voter Registration Database

As part of the Federal Help America Vote Act (HAVA), legislation that was passed in 2002, as well as New York State Election Law changes, the State Board of Elections created a statewide voter registration database. The database, known as NYSVoter, was developed and implemented

in 2007. During 2019, the IT Unit largely completed its refresh of the NYSVoter environment, a major effort undertaken to ensure that the complex network of servers and connections to county systems remains secure, fault tolerant, and supportable on up-to-date hardware and software.

The Information Technology Unit has also completed the development and implementation of the new NYSBallot (pronounced “nice ballot”) system in support of the Military & Overseas Voter Empowerment Act (MOVE). The previous MOVE system, hosted by a third-party vendor, was implemented in 2012 to assist military and civilian voters who live overseas to vote absentee ballots.



The Binghamton tabletop exercise was conducted at the Floyd Maines Veterans Memorial Arena with state, local and federal partners.

SECURE ELECTIONS CENTER

In response to reports of possible foreign interference in US elections, the designation of “Elections” as Critical Infrastructure by the US Department of Homeland Security (DHS), and an overall heightened awareness of election security issues, the Board adopted a comprehensive plan to improve the security of elections within the state.

An integral part of this plan was the formation of the Secure Elections Center (SEC) in late 2017. The Center is comprised of dedicated staff from Information Technology, Election Operations and Public Information, and is led by the newly established Chief Information Security Officer (CISO).

The Center has also established numerous state, local, federal, private, educational, and non-profit partnerships to facilitate its efforts and promote information exchange. The State Board is also a member of the Multi-State Information Sharing and Analysis Center (MS-ISAC) and Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC).

New York State Elections Cyber Incident Reporting Procedure

What to Report?

The State and County Board of Elections must report all cyber incidents affecting or potentially affecting elections systems to the New York State Division of Homeland Security and Emergency Services (DHSES) and to the New York State Board of Elections (NYSBOE).

Cyber incidents that require notification:

- There is a cyber incident or threat that impacts, or has the potential to impact, personally identifiable information (PII).
- There is a cyber incident or threat that impacts, or has the potential to impact, election systems, infrastructure or election administration.
- A cyber incident that receives significant media attention.

Examples Include: Unusual system behavior, unauthorized access attempts, web page compromise, credential compromise, unauthorized use of systems, denial of service, unauthorized or malicious software (malware).



First call: NYS Division of Homeland Security and Emergency Services Cyber Incident Response Team (CIRT):

1 (844) OCT-CIRT or 1 (844) 628-2478.

Staffed 24x7.

Second call: NYSBOE Secure Elections Center at:

1 (833) CYBERNY or 1 (833) 292-3769.

DHSES and the NYSBOE Secure Elections Center will coordinate State resources for election-related cyber incidents in New York State.



If You See Something Say Something

Be Observant and Report Suspicious Cyber Activity

Incident Response

The SEC has established an Incident Response procedure for all County Boards of Elections that requires a two-part notification to the NYS Division of Homeland Security and Emergency Services (DHSES) and the State Board, through a new toll-free number and email address established for this purpose.

The SEC has worked with several NYS counties on malware incidents that have had a direct or indirect effect on County BOE systems or operations. The SEC, working with DHSES Critical Incident Response Team (CIRT), has provided guidance to counties on improving their information security posture and, in some cases, required improvements to protect state election infrastructure.

Education and Outreach

The State Board has mandated basic Cyber Security Awareness Training for all State and County Board of Elections staff and made this training available free of charge to counties through a purchase of online end-user training from an industry-standard provider.

In 2018, the State Board, along with partner DHS, presented six regional Elections-based Tabletop Exercises across the state. These sessions were widely attended by County Board, IT, Executive, Public Information, and Law Enforcement staff. The Secure Elections Center has begun planning for additional regional TableTop exercises for Summer 2020.

In its outreach efforts, the Board has provided presentations to several groups on our cyber security initiatives and offerings, as well as sharing general cyber and election security guidance. Some of these groups include New York State Local Government Information Technology Directors' Association (NYSLGITDA), New York State Association of Counties (NYSAC), New York State Election Commissioners Association (NYECA), and others.

Intrusion Detection and Managed Security Services

Based on an initial risk survey of NYS County Boards of Elections (CBOE) and recommendations of our Federal and State security partners, the Board initiated several programs to immediately improve the security posture of the CBOE's.

The cornerstone of this effort has been the implementation of Intrusion Detection Services (IDS) for all NYS County Boards of Elections. Devices have been purchased and installed for all CBOE's that currently do not have an IDS capability and will provide a centralized monitoring and alerting capability directly to the counties.

The Board has also implemented an optional third-party Managed Security Services (MSS) program, providing log collection, 24 x 7 monitoring and alerting for 34 counties.

Risk Assessments

In 2018, the State Board contracted for a comprehensive, uniform, and verified Risk Assessment of all NYS County Boards of Elections. This on-site assessment is based on the 88 Best Practices as defined in the Center for Internet Security's (CIS) "A Handbook for Elections Infrastructure Security" and covers both technology and governance. All on-site visits have been

completed and Assessment Reports are being finalized for the counties. In addition to the individual reports, an overall Trends Report will inform the “next steps” for the Board’s actions in securing the end-to-end of NY State’s election infrastructure.

NYSVoter Data Integrity

In New York, both state and county Boards of Elections carry out a series of error detection processes on Voter Registration data to ensure the accuracy and completeness of those records. While these processes have produced value, the Board continues to look for more advanced approaches to statewide pattern detection. A prototype project, led by Center for Technology (CTG) at the State University of New York (SUNY) at Albany, and in collaboration with the University at Albany’s College of Engineering and Applied Sciences (CEAS), and the College of Homeland Security and Emergency Preparedness and Cybersecurity (CEHC), focused on conducting data forensics on NYS Voter Registration data (NYSVoter), applying statistical and machine learning modeling to identify anomalies and patterns in the data, and developing a range of visualizations for both state and county leaders.



2019 Election Day Cyber Monitoring Team (Courtney Kanopka, Dennis Girard, Chirag Rana).

State Board Security Enhancements

During the past year, we have also made significant improvements to increase our overall cybersecurity posture and bolster the security of key election systems and end-to-end infrastructure. These actions include adding additional layers of protection for public-facing systems and tightening existing security between State BOE and the counties. Various technologies have been utilized to implement multiple layers of firewalls, intrusion detection and prevention systems (IDS/IPS), enhanced malware protection and numerous levels of internal and third-party monitoring.

Utilizing one of several key strategic partnerships, the NYS Board of Elections engaged the federal Department of Homeland Security (DHS) to conduct a comprehensive Risk and Vulnerability Assessment conducted on the State's elections infrastructure. This one-on-one engagement combined national level threat and vulnerability information with data collected and discovered through the assessment. From this, DHS provided the Board with specific risk analysis reports and strategic remediation recommendations prioritized by risk.



Schenectady Commissioner Amy Hild discusses the Albany Regional Tabletop Exercise with a local television station arranged by the PIO.

PUBLIC INFORMATION OFFICE

Media and Public Relations

The Public Information Officer serves as the board's spokesperson and is responsible for handling all press inquiries. In 2019, the Public Information Office received over 4,700 requests from reporters, interested parties and the general public seeking information on election results, voter registration and enrollment data, petition filings, campaign finance filings, enforcement matters, N.Y. Election Law, implementation of the Help America Vote Act, the National Voter Registration Act, absentee voting, the Military & Overseas Voter Empowerment Act, voting machines, cyber security and board policies. The Public Information Officer also produced press releases and advisories throughout the year which provided information on these topics to the state and national press corps and the public. This information was also made available via the Internet primarily through the Board's website (www.elections.ny.gov), but also our Twitter account (@NYSBOE) and YouTube channel (www.youtube.com/user/NYSBOE) along with a wide range of election-related data of interest to New York State voters all over the world.

Election Night Results Reporting

The State Board of Elections provides unofficial Election results as part of an Election Night Reporting System. In 2019, the State Board reported results for a Republican primary in the 57th Senate District on June 25, 2019 to fill an off-year vacancy.

For the General Election, the State Board posted results for Justice of the Supreme Court for all 13 state judicial districts and the 57th Senate District.

Freedom of Information Law

The Public Information Officer also serves as the Board's Records Access Officer. He is responsible for processing all FOIL requests (excluding petition copies) received by the Agency. In 2019, 1,125 requests were received by the Records Access Officer. This number represents an 11% decrease over 2018. Most requests were for data and records from NYSBOE's statewide database of registered voters (NYSVoter). Most requests were for voter registration data and records from NYSBOE's statewide database of registered voters (NYSVoter). Of the requests received, 1,011 were fulfilled, 48 were denied in accordance with the provisions of Section 87 of the Public Officers Law, and in 66 instances no records were found.

Registration Hotlines

The Board's automated hotline (1-800-FOR-VOTE) and the webpage's on-line voter registration form (www.elections.ny.gov) provide a dependable, efficient and convenient way in which citizens may request voter registration application forms. The hotline remains a positive component of the board's outreach program and the webpage continues to capture a larger share of the program.

Legal Notices

Pursuant to Section 4-116 of the Election Law the State Board is required to publish, once in the week preceding any election at which proposed Constitutional Amendments or other propositions or questions are to be submitted to the voters of the state, an abstract prepared by the Attorney General explaining the amendment or question. The amendment, abstract and question are published in at least one general circulation newspaper in every county of the state and comply with the language requirements of the Voting Rights Act. There were no proposals on the 2019 General Election ballot.

Website (www.elections.ny.gov)

The Public Information Office works in close concert with the Information Technology Unit to operate and maintain the Agency's website. Our website is an integral part of the Board's effort to provide information for the public.

The website received 4,082,988 total pageviews during 2019. The voter lookup page received 1,701,682 pageviews for the year. Our top five pages include the homepage, 876,885 pageviews; the Voting Information page, 365,320 pageviews; the Contributions Received Search, 286,606 pageviews; Campaign Finance View Reports page, 212,025 pageviews; the

Campaign Finance Home page, 157,541 pageviews. The Election Night Reporting page, where election results are reported, had 126,770 pageviews.

Cyber Security

During the 2016 General Election the security of election operations from cyber threats became a prominent national issue and continued through the 2019 off-year elections. New York State took a proactive role in protecting elections. Building on the success of the six regional Tabletop exercises conducted with US Department of Homeland Security, the State Board created the Secure Election Center comprised of dedicated staff from the Information Technology Unit, the Public Information Office, and the Election Operations Unit.

“Elections” as an activity has been declared a critical infrastructure by the United States Department of Homeland Security creating a higher target profile to which the state has responded. The State Board has partnered with the Center for Internet Security and facilitated all county boards to join the Multi-State and the Elections Infrastructure Information Sharing and Analysis Centers.



A representative of Homeland Security conducts the Albany Regional Tabletop Exercise

The Secure Elections Center has established an incident response procedure for all County Boards of Elections that requires a two-part notification to the New York State Division of Homeland Security and Emergency Services and the State Board through a new toll-free number and email address established for this purpose.

The Secure Elections Center has also worked with several New York State counties on malware incidents that have had a direct or indirect effect on County Board of Elections systems or operations. The Secure Elections Center, working with the state Department of Homeland Security and Emergency Services Critical Incident Response Team, has provided guidance to counties on improving their information security posture and, in some cases, required improvements to protect state election infrastructure.



Tom Connolly, Cheryl Couser and John Conklin attend a Tabletop Exercise in Boston at the Belfer Center at Harvard University's Kennedy School.



AGENCY ADMINISTRATION

The Board's Administrative Office consists of two staff members. The duties of this unit include all personnel administration, purchasing, banking, mail and warehouse operations and all general agency administrative tasks relating to day-to-day operations. The Board has a “Host Agency” agreement with the Office of General Services for activities related to budgeting, contracts, purchasing, voucher payments and transactional Human Resource functions.

Fiscal Operations

The State Board of Elections received fiscal year 2019-20 appropriations of \$18,559,000 in the General Fund, \$3,000,000 in Special Revenue Funds, and \$14,700,000 in Capital Projects Funds.

The State Board of Elections was granted the following re-appropriations for 2019-20:

- \$512,000 by the laws of 2018, for the purchase of software and/or development of technology related to compliance and enforcement.
- \$73,000 by the laws of 2017, for the purchase of software and/or development of technology related to compliance and enforcement.
- \$107,000 by the laws of 2016, for the purchase of software and/or the development of technology related to compliance and enforcement.
- \$4,979,000 by the laws of 2018, for services and expenses related to campaign finance compliance training and compliance reviews, national voter registration act training and compliance reviews, election technology systems operations and securing election systems infrastructure.

- \$22,749,000 by the laws of 2018, used to disburse federal grants in support of improvements to the administration of elections, including enhanced election technology and security.
- \$4,062,000 by the laws of 2011, for services and expenses related to the implementation of federal election requirements including the Help America Vote Act of 2002 and the military and overseas voter empowerment act of 2009.
- \$996,000 by the laws of 2010, for services and expenses related to the implementation of the Military and Overseas Voter Empowerment (MOVE) Act of 2009.
- \$1,144,000 by the laws of 2009, for HAVA related expenditures.
- \$779,000 by the laws of 2005, for services and expenses (prior to April 1, 2005) related to the Help America Vote Act of 2002.
- \$779,000 by the laws of 2005, for services and expenses (on or after April 1, 2005) related to the Help America Vote Act of 2002.
- \$845,000 by the laws of 2018, for expenses including prior year liabilities related to satisfying the matching fund requirements of the Help America Vote Act of 2002.
- \$869,000 by the laws of 2009, for expenses related to satisfying the matching funds requirements of Section 253 (b) (5) of the Help America Vote Act of 2002.
- \$3,000,000 by the laws of 2018, for Voting Machine Examinations related expenditures.
- \$3,000,000 by the laws of 2017, for Voting Machine Examinations related expenditures.
- \$3,000,000 by the laws of 2016, for Voting Machine Examinations related expenditures.
- \$1,834,000 by the laws of 2006 amended in 2008, for the general fund local assistance services and expenses related to the alteration of poll sites to provide accessibility for disabled voters.
- \$1,000,000 by the laws of 2012, for services and expenses in the federal Health and Human Services account, including prior year liabilities, related to Poll Site Accessibility improvements.
- \$591,000 by the laws of 2011, for services and expenses in the federal Health and Human Services account, including prior year liabilities, related to Poll Site Accessibility improvements.
- \$434,000 by the laws of 2010, for services and expenses in the federal Health and Human Services account, including prior year liabilities, related to Poll Site Accessibility improvements.

- \$480,000 by the laws of 2009, for services and expenses related to the implementation of the Help America Vote Act of 2002, including the purchase of new voting machines and disability accessible ballot marking devices for use by the local boards of elections.
- \$1,500,000 by the laws of 2009 amended in 2011, for services and expenses related to the implementation of the Help America Vote Act of 2002, including the purchase of new voting machines and disability accessible ballot marking devices for use by the local boards of elections.
- \$9,300,000 by the laws of 2008 amended in 2011, for services and expenses related to the implementation of the Help America Vote Act of 2002, including the purchase of new voting machines and disability accessible ballot marking devices for use by the local boards of elections.
- \$2,159,000 by the laws of 2005, for services and expenses incurred for the poll worker training and voter education efforts.
- \$6,840,000 by the laws of 2005 amended in 2006, for services and expenses related to the purchase of new voting machines and voting systems.

Personnel Administration

The agency was authorized at a staffing level of 85 full-time positions for the 2019/20 Fiscal Year.

Chapter 165 of the Laws of 2017, which implemented the 2016-2021 Agreement between the State of New York and CSEA, provided for a salary increase of two percent (2.00%) for fiscal year 2018-19.

Chapter 24 of the Laws of 2019 provided for a Management/Confidential salary increase of two percent (2.00%) for fiscal year 2019-2020.

Revenue Calendar Year 2019

Judgments	\$436,090.40
Photocopies	\$0.00
Voting Machine Certification	\$248,000.00

**Division of Election Law Enforcement
New York State Board of Elections
Annual Report
2019**

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To: The Honorable Andrew M. Cuomo, Governor
Members of the New York State Legislature
Commissioners of the State Board of Elections

I am pleased to submit to you the following report of the Chief Enforcement Counsel of the State Board of Elections, to be included in the 2019 Annual Report of the Board pursuant to Election Law § 3-104 (7), summarizing the activities of the Division of Election Law Enforcement during the 2019 calendar year.

Respectfully Submitted,

Risa S. Sugarman
Chief Enforcement Counsel

DIVISION OF ELECTION LAW ENFORCEMENT

On March 31, 2014, Governor Andrew Cuomo signed into law the Public Trust Act. The Public Trust Act amended the Election Law to create an independent law enforcement unit within the New York State Board of Elections (SBOE) known as the division of election law enforcement (Division). Pursuant to the new law, the Governor chose Risa S. Sugarman as the first chief enforcement counsel to head the Division. Both the Assembly and Senate unanimously confirmed the choice, and chief enforcement counsel Sugarman took office on September 1, 2014.

The law confers upon the chief enforcement counsel the power and duty to conduct all investigations necessary to enforce provisions of the Election Law and other statutes governing campaigns, elections and related procedures. The chief enforcement counsel has sole authority within the SBOE to investigate alleged violations of such statutes. The chief enforcement counsel oversees the entire Division, including all staff activities, with an operating budget of \$1,450,000.

Division Structure and Staffing

The Division, headed by the chief enforcement counsel, created a structure for independent enforcement activities. The chief enforcement counsel employs an investigative team of experienced attorneys, support staff, investigators and auditors. In total, the staff of the Division in 2019 included four additional attorneys, an investigator, two investigative auditors, and one support staff.

Division attorneys are experienced in investigation and litigation as well as both the prosecution and defense of criminal and civil matters. Investigative and audit staff have extensive investigatory backgrounds within and outside of law enforcement and have been members of state and local police departments and state investigative agencies. A member of the audit staff, with internal audit experience and certification, is designated as the internal controls officer and is responsible for providing the Division with financial, records, and performance auditing. The Division conducts staff training activities and implements technology advances with investigative tools and data analytics systems.

Division Activities

The Division receives complaints about a variety of issues affecting elections and campaign finance in New York State and also generates investigations on its own initiative. Generally speaking, when the Division receives a complaint, the chief enforcement counsel reviews the complaint to determine whether it will be assigned to an attorney, an investigator, an auditor, or an investigative team. A letter is sent to the complainant (if identified) acknowledging receipt of the complaint, and an initial review of the complaint is undertaken. The nature of the complaint determines the nature and extent of the investigation. If necessary, the Division may request additional information from the complainant or other sources.

If the chief enforcement counsel determines that the allegations, if true, would not constitute a violation of the Election Law or that the allegations are not supported by credible evidence, a letter is issued to the complainant dismissing the complaint and notice is given to the SBOE.

The chief enforcement counsel must determine whether to proceed civilly or criminally on complaints that are supported by credible evidence. Division staff, working as a team, investigate the allegations and gather evidence necessary to make a determination as to the proper disposition of the case. In some instances, the chief enforcement counsel may request that the SBOE delegate to the chief enforcement counsel its authority to administer oaths and affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation, and require the production of any documents or other evidence relevant or material to the investigation. Based on the evidence obtained, the chief enforcement counsel makes a determination whether the Division should close the matter, proceed with civil enforcement action, or seek criminal prosecution.

Decisions to proceed with civil enforcement actions are guided by the evidence and the law. The election law gives the chief enforcement counsel discretion whether to initiate civil enforcement matters before a hearing officer upon her own initiative or based upon the referral from the SBOE compliance unit. All referrals from the compliance unit are reviewed to determine whether they meet the statutory requirements for the filing of a hearing officer proceeding. The chief enforcement counsel must be able to allege in a written report that substantial reason exists to believe that a violation of the election law exists. In addition, to avoid dismissal of the proceeding, the Division must prove that the violation is not de minimis, that the subject of the complaint did not make a good faith effort to correct the violation, and any previous violations by the subject of the complaint.

Enforcement Email Address (enforcement@elections.ny.gov)

The Division maintains a dedicated email address – enforcement@elections.ny.gov – to enable citizens to file complaints easily. Members of the public have utilized the Division’s email address for the purpose of contacting not only the Division but also the SBOE. Emails that ask questions dealing with SBOE functions, such as counsel, operations, registration, and elections calendars, are referred to SBOE Executive Directors for disposition. Remaining complaints are addressed by the Division.

Complaints from the Public

Complaints are received and reviewed by the Division continuously. Complaints are received by email, regular mail, and telephone and are self-generated. All complaints received by the Division are confidential. The identities of complainants and the existence of particular investigations are held in the strictest confidence by the Division. Complaints received by the Division are sometimes unique but more often fall into familiar and repeating categories. A few of the categories include –

- *Failure to File:* Complaints typically received within days of filing deadlines which point to the failures of particular candidates or committees to file required financial disclosure reports in a timely manner. Although some of these complaints expose serial non-filers whose continual nonfeasance may require further legal action by the Division, most complaints point out isolated incidents of a particular candidate or committee missing a filing deadline. Typically, these issues resolve themselves when the candidate or committee files the required report shortly thereafter.
- *Campaigning or Election Day conduct:* Complaints received by the Division about elections include allegations that candidates have used false or misleading information on their campaign materials, electioneered at polling places on Election Day, or improperly expended committee

or candidate campaign monies. These complaints are assigned to Division staff for investigation.

Division Investigations

In 2019, The Division continued its enforcement efforts against evasion of contribution limits and disclosure requirements established by the Legislature to prevent political corruption. Notable cases included those summarized below.

- ***Sugarman v New York State Committee of the Independence Party, Independent Democratic Conference, and others* – post Supreme Court Decision enforcement, settlement and hearing officer proceeding (Improper Use of Party Committee Status by Legislative Caucus That is Not a Political Party)**

The Election Law affords unique benefits to political party committees that are not available to independent bodies, legislative conferences, or other special interest groups. Among those benefits are the exemption of certain contributions, including those expended as so-called “housekeeping,” or non-candidate, expenditures, from limits imposed by Article 14 of the Election Law. When such exemptions are improperly claimed by non-party committees or by party committees for other than non-candidate expenditures, such committees may evade the contribution limits and disclosure requirements imposed by the Legislature to prevent corruption.

The Division is seeking to ensure that the unique benefits the Legislature chose to extend only to political parties are properly utilized: (a) only by committees that are truly committees of political parties; and (b) in the case of “housekeeping” benefits, only for the intended purpose of making non-candidate expenditures.

In furtherance of this effort, in 2017 the chief enforcement counsel commenced a declaratory judgment action in Supreme Court against the Senate Independence Campaign Committee, New York State Committee of the Independence Party, the Independent Democratic Conference (“IDC”), and principals of those groups, after the Independence Party created a party committee and allowed it to be controlled by members of the IDC and utilized solely for IDC’s benefit. The IDC used the Senate Independence Campaign Committee to expend in excess of \$500,000 for a single 2016 candidate and large amounts for others – amounts that exceeded candidate contribution limits – and claimed party exemptions for those expenditures. In addition, the IDC created a housekeeping account and claimed exemptions from all Article 14 limits for that account.

In June 2018, the court issued a declaration that it was a violation of the Election Law for the Independence Party to turn operation of its party committee over to members of the IDC, who were all enrolled members of the Democratic Party, thereby allowing IDC members to evade contribution limits.

The IDC was dissolved as a legislative conference, and the Independence Party replaced the officers of the Senate Independence Campaign Committee with its own officers. Despite the court’s declaration that the IDC and Independence Party acted unlawfully, however, they refused to refund excess contributions they received in violation of contribution limits or amend past campaign finance reports.

In February 2019, the chief enforcement counsel commenced a hearing officer proceeding against the same respondents previously sued in the Supreme Court declaratory judgment action, charging numerous violations of the Election Law in 39 separate charges.

Effective July 9, 2019, Jeffrey D. Klein, Tony Avella, David Carlucci, Marisol Alcantara, Diane Savino, David J. Valesky, Jesse Hamilton III, the IDC Initiative, the Senate Independence Campaign Committee for the time period during which it was operated by IDC principals, the authorized committees of those candidates and Jose Peralta, who was deceased subsequent to commencement of the proceeding, and the committee treasurers, entered into a settlement of the charges against them, paying a total of \$275,000.00 in civil penalties in connection with their violations.

The remaining respondents, the New York State Committee of the Independence Party, Frank MacKay, the Senate Independence Campaign Committee for the period during which it was operated by principals of the Independence Party, and the committee treasurer, obtained multiple adjournments for the ostensible purpose of settlement negotiations but failed to reach a settlement. After counsel for the respondents repeatedly failed to appear for scheduled conferences, the hearing officer ruled that counsel must either advise the hearing officer by December 30, 2019 whether respondents continued their request for an in-person hearing, or the request for an in-person hearing would be deemed withdrawn and the matter decided on submissions of the parties. These respondents did not maintain their request for an in-person hearing, and the hearing officer is expected to issue a decision in this matter.

- ***New York State Senate Republican Campaign Committee et al. v Sugarman (165 AD3d 1536 [3d Dept. 2018])*** (Improper Use of Housekeeping Committee Funds for Non-Housekeeping Purposes)

As noted above, the Election Law affords unique benefits to political party committees, including the ability to maintain housekeeping committees. Under the Election Law, contributions received by housekeeping committees are not subject to contribution limits if those contributions are used for non-candidate expenditures. When a housekeeping committee improperly uses the unlimited contributions it receives for the express purpose of promoting the candidacy of specific candidates, the committee may unlawfully evade the contribution limits and disclosure requirements imposed by the Legislature for the purpose of preventing corruption.

The New York State Senate Republican Campaign Committee (“NYSSRCC”) has a housekeeping committee. In early 2017, the chief enforcement counsel commenced an investigation to determine whether the NYSSRCC housekeeping committee violated the Election Law by improperly spending housekeeping funds to promote the candidacy of specific candidates during the 2016 elections. In furtherance of that investigation, the chief enforcement counsel served subpoenas duces tecum on NYSSRCC and its housekeeping committee seeking production of documents relevant to the investigation. In response, the NYSSRCC moved in Albany County Supreme Court to quash the subpoenas. The NYSSRCC challenged both the chief enforcement counsel’s authority to issue subpoenas under the New York state constitution and the propriety of the evidence sought.

Albany County Supreme Court upheld the chief enforcement counsel’s authority to issue subpoenas and declined to narrow their scope. On appeal, the Appellate Division, Third Department,

similarly upheld the chief enforcement counsel's broad authority to issue subpoenas and the propriety of the evidence sought as appropriate to the investigation. However, the Third Department quashed some document demands on first amendment grounds while upholding the majority of the subpoenas' demands. The NYSSRCC and its housekeeping committee subsequently commenced production of documents, and the investigation is continuing

- ***Sugarman v New Yorkers For a Brighter Future; Fund for Great Public Schools; Andrew Pallotta; Melinda Person (SBOE Hearing Officer Case No. H-18-004) Settlement*** (Improper Contribution from Political Action Committee to Independent Expenditure Committee with Common Operational Control)

A political action committee (PAC) is a political committee that makes no expenditures to aid or take part in an election except in the form of contributions. The Election Law does not limit the amount of contributions a PAC may receive or its communications or coordination with candidates. However, to prevent *quid pro quo* corruption, a PAC is limited in the amounts it may give to candidates and political committees to the amount of the recipient's contribution receipt limit.

An independent expenditure committee (IEC) is a political committee that makes only independent expenditures and does not coordinate with a candidate, candidate's committee, or agent of the candidate (including party and constituted committees acting on the candidate's behalf). The Election Law does not limit the amount of contributions an IEC may receive or the amounts an IEC may spend in connection with an election because those expenditures are made completely independent of any candidate.

In order to prevent evasion of contribution limits, Election Law § 14-107-a permits a PAC (which may closely coordinate its operations with candidates) to make contributions to an IEC (which can make unlimited expenditures supporting candidates) only if there is no common operational control between the PAC and the IEC. Common operational control occurs when (i) the same individual or individuals exercise actual and strategic control over the day-to-day affairs of both committees, or (ii) the employees of both committees engage in communications related to the strategic operations of either committee.

The Division is seeking to ensure that the contribution limits imposed by the Legislature to prevent corruption are not evaded by coordinated movement of monies between PACs and IECs with common operational control.

In furtherance of this effort, the chief enforcement counsel commenced a civil enforcement proceeding in November 2018 against two political committees formed by the New York State United Teachers (NYSUT), a federation of unions representing education and healthcare professionals,¹ and two NYSUT officers. Named as respondents in the proceeding were the political committees New Yorkers for a Brighter Future (NYBF) and Fund for Great Public Schools (FGPS), and NYSUT officers Melinda Person and Andrew Pallotta. The chief enforcement counsel alleged that NYBF and FGPS had common operational control through the activities of Person and Pallotta in 2016 and that NYBF – a PAC – unlawfully contributed \$700,000.00 to FGPS – an IEC – on November 2, 2016, thereby evading contribution limits. The chief enforcement counsel sought \$700,000.00 in civil

¹ <https://www.nysut.org/about>

penalties as a result of the unlawful action. As the result of a settlement agreement, signed by all parties on May 17, 2019, Respondents paid a penalty of \$100,000.00 in satisfaction of the charges.

The Division is continuing its vigilance of potential evasion of contribution limits established by the Legislature to prevent political corruption.

- ***Election Law § 3-110: Time off to Vote***

The Legislature included paid time-off-to-vote in the package of reforms to New York State's voting laws contained within the 2020 budget. Election Law § 3-110, as amended by L. 2019, c. 55 pt. YY, § 1, required an employer to allow an employee who was a registered voter up to three hours of paid time-off, as would enable the employee to vote on election day, at the beginning or end of the employee's shift at the discretion of the employer, upon the employees' timely request, and without regard to the employee's ability to vote during non-working hours.² The law continued to require that the employer provide at least ten days' notice to employees of their statutory rights. November 5, 2019 was the first general election in which the election day holiday was available to voters.

The Chief Enforcement Counsel received approximately 20 complaints and/or inquiries from around the state regarding implementation, or alleging violation, of New York's new paid-time-off to vote law. The majority were received via the dedicated e-mail address, although some were referred by the SBOE. The complaints fell into four broad categories, several with multiple issues: the employer improperly required the employees to use their accrued leave time to vote; the employer failed to provide, or failed to timely provide, the notice required by Election Law § 3-110 [4]; the employer imposed burdensome or offensive administrative processes having a chilling effect on exercise of the statutory right; and the employer improperly or arbitrarily determined the amount of time needed by the employee to vote.

The Division informally and favorably resolved seven (7) complaints alleging violations of Election Law § 3-110 on or before the 2019 General Election. One of these was resolved after having drafted papers and notified a public employer's counsel of the imminent filing of a special proceeding by order to show cause in State Supreme Court to seek judicially mandated compliance pursuant to Election Law § 16-114 (3). This employer, amongst other things, had intended to require employees to use their accrued leave time to vote. The policy was revised, and the employer submitted it to the Division for review and comment, bringing it into compliance with the statute. The other matters were resolved upon investigation and communication with private and public employers and their counsel, and education about the requirements of the statute, resulting in correction of the violations, and/or appropriate efforts to mitigate harm. For example, after receiving a complaint that the statutory notice was not posted by a company, the Division contacted the employer and provided information about the statute and requested compliance therewith. Shortly thereafter, and albeit only 5 days prior

² The paid-time-off-to-vote law, Election Law § 3-110, was again amended with the passage of the 2020-2021 state budget. Effective on or about April 3, 2020, an employee who has four consecutive non-working hours when the polls are open on "any day at which the voter may vote" is deemed to have sufficient time to vote. An employee who does not have sufficient time to vote as defined, shall be allowed sufficient time-off from work to do so at the beginning or end of the employee's shift to total four consecutive hours when added to non-working hours, but only up to two (2) hours shall be paid leave. The 2020 revision essentially returns to the statutory language prior to L2019, c. 55 pt. YY, § 1. The 2020 revisions to the statute, coupled with the availability of early voting, seemingly renders the notion of an election day holiday unavailable to all but a few workers.

to the election, the notice was posted and as a remedial measure the employer closed the plant for a few hours to allow employees to vote with pay.

As to the remaining matters, three complaints/inquiries were determined to be unfounded upon investigation. No action was taken on two matters at the complainants' explicit request. Eight of the inquiries or complaints were made on or after election day, and thus too late to impact voting rights for the 2019 general election. The Division continued to investigate these allegations in the following reporting year. Notably, because the employer is not required to post the notice required by the statute until 10 days prior to the subject election, and unless an employee earlier acquires information regarding the employer's intention and communicates same to the Division, swift action is required to redress alleged violations of Election Law § 3-110 to have a timely impact on voters' rights in that election.

Division Statistics

Between January 1 and December 31, 2019, the Division received 388 email questions and/or complaints.³ The Division conducted the initial review process described above which allowed referral of 29 of the questions and/or complaints to the SBOE for matters under its jurisdiction. Some of the complaints were resolved as filers voluntarily completed missing filings, as noted above. The Division conducted a review of the referrals from the compliance unit as required by the statute. Referrals described as records were reduced to the number of actual committees reviewed and evaluated based upon the number of violations, the prior history of violations and the good faith effort to correct the violations.

The Division formally opened 79 cases for investigation, of which 47 have been resolved. The Division filed two (2) matters before hearing officers pursuant to Election Law section 3-104 (5) (a). Division investigations and litigation resulted in collection of penalties totaling \$378,500.00 in 2019. The Division also collected \$58,399.73 in judgments obtained by the former SBOE Enforcement Unit.

The Division encourages the public to continue to report violations of the Election Law. All allegations are treated as serious matters.

Enforcement Analysis of Non-Filers Campaign Finance Disclosure

On June 4, 2019, the Division of Election Law Enforcement submitted to the Co-Executive Directors of the State Board of Elections (SBOE) an analysis of the SBOE's non-filer campaign finance referral procedure (*see*, Campaign Finance Disclosure: Analysis of Non-Filers, annexed hereto as Appendix A). The purpose of the Division analysis was to assist SBOE Counsel in creating a non-filer referral procedure going forward that is more meaningful and useful for enforcement purposes than simply a list of committees that failed to file a single report. The Division has received no response from the SBOE.

This analysis was undertaken after the SBOE Commissioners directed the Co-Counsels Brian Quail and Kimberly Galvin conducted a review of a non-filer list focusing on the July 2018 periodic

³ Some correspondents contacted the Division multiple times about the same issue. Inquiries about the same issue were counted as one (1) email for the purpose of this report.

report and presented the results of that review at the December 14, 2018 Board meeting. The SBOE review analyzed, based on certain metrics, the nature of the committees included on the July 2018 periodic non-filer list. The non-filer list reviewed by Counsel was compiled by the Compliance Unit and contained 2500 committees. At that meeting Mr. Quail stated “we wanted to get a sense of what’s the value if money that was based on whatever they last reported whatever their balance was that we don’t know the present status of that has “gone dark. And simply adding it all up it’s \$20,981,076.56. So that’s a substantial sum of money.” (Minutes of the Board, December 14, 2018 at page 8.) The ensuing discussion of the Compliance review faulted the Chief Enforcement Counsel for not bringing enforcement actions against every one of these committees based solely on the list of non-filers.

A review of any single periodic report cannot, and in this case did not, provide sufficient relevant information to determine whether litigation against the committees on the list could or should be undertaken. As the Chief Enforcement Counsel has stated, it is the goal of the Division to encourage the Compliance review of the Non-Filer lists and Financial Disclosure Administration System (FIDAS) active filer database to ensure that lists generated from the database, including non-filer lists, more accurately reflect active committees that exhibit a pattern of not complying with the Election Law. Illustrative of such a focus, the Division analysis looked at patterns of non-filing by committees over a five (5) year period instead of focusing on committees that have failed to file a single report. The Division analyzed the ten required periodic filings over the five-year period of January 2014 through July 2018. This resulted in a more accurate picture of the filing history of registered committees.

The prosecution of hearing officer proceedings and subsequent Supreme Court actions are serious matters which result in significant ramifications for the committees, their treasurers, and the candidates they support. Although one Commissioner has stated he views such penalties as mere "parking tickets," respondents named in such proceedings who have suffered financially, legally, and reputationally do not view them as minor affairs. Therefore, a detailed review of a committee’s filing history is crucial when deciding whether the Division can meet the burdens of pleading and proof imposed by the Election Law § 3-105 (5) (a) and whether litigation is appropriate.

The first consideration for the Enforcement Division is the law. Election Law § 3-104 (5) (a) states, in pertinent part, “the chief enforcement counsel shall provide a written report to the hearing officer as to: (1) whether substantial reason exists to believe a violation of this chapter has occurred and, if so, the nature of the violation and any applicable penalty, based on the nature of the violation; (2) whether the matter should be resolved extra-judicially; and (3) **whether a special proceeding should be commenced in the supreme court to recover a civil penalty.** The hearing officer shall make findings of fact and conclusions of law based on a preponderance of the evidence as to whether a violation has been established and, if so, who is guilty of such violation on notice to and with an opportunity for the individual or entity accused of any violations to be heard. **However, if the hearing officer finds that on balance, the equities favor a dismissal of the complaint, the hearing officer shall dismiss the charges. In determining whether the equities favor a dismissal, the hearing officer shall consider the following factors: (1) whether the complaint alleges a de minimis violation of article fourteen of this chapter; (2) whether the subject of the complaint has made a good faith effort to correct the violation; and (3) whether the subject of the complaint has a history of similar violations.**” (Emphasis added.)

It is also important to note what is not in the law. Election Law § 3-104 (5) (a) is not an automatic penalty provision, indicating that the Legislature, in passing the law, intended that each case

be evaluated individually prior to determining whether imposition of penalties was appropriate under the circumstances. If the Legislature wanted every single failure by a committee to timely file a report penalized, it could have passed a law mandating imposition of automatic penalties when no filing was received. The Legislature chose not to take such an action. Thus, in order to determine whether a committee should be subject to an enforcement proceeding, the Enforcement Division conducts an investigation into the history and activities of the target committee and makes a determination based on the evidence whether the conduct warrants enforcement. A report to the hearing officer includes presentation of specific evidence to both prove the violation and disprove the balancing equity factors in order to avoid dismissal.

FINDINGS AND RECOMMENDATIONS

The Division's analysis made several findings and recommendations to improve the process.

FINDING #1: The Division's Analysis Identified 1214 Committees That Are Likely Defunct, Inactive, or Otherwise Non-Operational and Should Be Terminated

The Division's analysis of ten required periodic filings over the five-year period January 2014 through July 2018 identified several groups of committees (some on and some not on the SBOE non-filer list) that are likely defunct, inactive or otherwise non-operational. The Division identified a total of 1214 committees that likely are inactive or non-operational. Of those 1214 committees, 765 had missing periodic reports.

FINDING #2: Almost Half (342) of 765 Presumed Inactive Non-Filers Never Filed a Single Itemized Report

Of the 765 committees identified as likely non-operational non-filers on the list, the Division's analysis identified 342 committees that registered with the SBOE but never filed a single itemized report during the lifetime of the committee. As a result, no balance is shown in FIDAS for these committees. These committees may or may not have been required to register in the first place or may have never raised and spent money in connection with an election. There is insufficient evidence in the non-filer report upon which to base such a determination. However, it is clear that this situation is a common and recurring challenge to the accuracy of the filer database. Clearly, if no money was ever placed in the account of a registered filer, the registration should be terminated.

FINDING #3: Balances Shown in FIDAS Do Not Reliably and Accurately Reflect Committee Balances

It clear that balances shown in FIDAS, upon which the Compliance analysis rely, do not accurately reflect committee finances and are a completely unreliable basis for any meaningful analysis. The reasons for these inaccuracies may be many. The most apparent reason that the balances shown in FIDAS are inaccurate is that they are not balances reported by the committees as part of their filings. Instead, FIDAS balances are computed by SBOE software and displayed with the committees' filings. Further, balance reporting in SBOE software depend on the order in which reports are loaded. This issue is unknown to many treasurers, who reportedly are not aware what creates the issue or how to correct it.

Another known reason for errors in SBOE balances is apparent flawed communications between NYCCFB's filing system and SBOE's filing system in transmitting reports filed with NYCCFB to the SBOE. It is well-known that such a flaw falsely caused the appearance of negative balances and other balance issues for New York City filers where none existed. In addition, certain reports filed with New York City are not transmitted to the SBOE, thereby causing the SBOE balance reflected to be inaccurate.

FINDING #4: Reports Filed with the New York City Campaign Finance Board (NYCCFB) Are Not Always Transmitted to the SBOE

For reasons that are not apparent, not all reports filed with the NYCCFB appear in the SBOE filing system. As a result, NYCCFB filers who have filed all required reports may believe they are in compliance when some reports may be missing from the SBOE system. Such cases typically are inappropriate for enforcement and require assistance from Compliance and NYCCFB to bring committees into compliance.

RECOMMENDATION #1: It is Recommended That Compliance Proactively Contact Committees or Issue Bank Subpoenas for the 1214 Committees Identified as Likely Non-Operational and Terminate Inactive Committees

In order to correct the database of committees to reflect only those that are actually operating, the Compliance Unit should issue bank subpoenas for the 1214 committees identified by the Division analysis as likely non-operational or afford committees the opportunity to provide that information voluntarily.

If the committee's bank account is closed, the committee should be terminated. If the committee's bank account is open but inactive, the committee presumptively should be terminated. If the bank records reflect obvious errors in reporting, the Compliance Unit should assist the committee. If the bank records reflect willful non-compliance, the committee should be referred for enforcement.

RECOMMENDATION #2: It is Recommended That Compliance Proactively Contact More Than 622 Committees Remaining on the List That Have Negative, Zero, or Small Balances or That Never Filed an Itemized Report, and Terminate Them

After removing presumed inactive committees, the Division's analysis of the remaining 1810 committees revealed that 622 likely should be terminated or otherwise assisted by Compliance. In order to correct the database of committees to contain only active committees, the Compliance Unit should proactively contact these committees to assist them with termination or compliance as appropriate.

RECOMMENDATION #3: It is Recommended That Compliance Supervisors Review FIDAS Comments and Proactively Assist Committees with Unresolved Issues or Requests to Terminate

In a number of cases, our review of the Comments section in FIDAS revealed that the filer had made prior unsuccessful attempts to terminate the committee or to resolve reporting issues, some

involving C-SMART. If daily supervisory review of Comments entries occurred, such issues could be elevated to another level in order to assist the committees in achieving the desired results. It appears that the inability to resolve issues due to requirements imposed by the SBOE, which may be impossible to fulfill in a given case, has led some committees to simply stop filing or to continuously file No-Activity reports.

RECOMMENDATION #4: It is Recommended That the Compliance Unit Refer for Enforcement Only Non-Filers Who Willfully, as Opposed to Negligently, Failed to File Required Reports

Committees must be encouraged to conduct their campaigns in an open and transparent manner. Enforcement against committees that abdicate those responsibilities and violate the law should be undertaken in a fair and responsible manner. A starting point to a Compliance referral upon which an enforcement action may be undertaken is creating an accurate list of active committees that have failed to file required disclosure reports. But, as the analysis illustrates, successful litigation against non-filers requires much more. The inclusion of a committee on a computer-generated non-filer report is an insufficient basis upon which to base a proceeding under Election Law § 3-104 (5) (a). Because significant review of the committee's history is essential to support the pleading and proof requirements, an auto-pilot litigation system would be inappropriate and a violation of ethical obligations. For example, issues such as previous attempts to terminate, zero balances, bad PIN filings, deceased candidates or treasurers, imprisoned candidates, and the possible mislabeling of a report are all circumstances that must be evaluated to determine the appropriateness of instituting an enforcement proceeding. Before referring a committee that fails to file a report to Enforcement, the Compliance Unit should review the committee's records and address any unresolved issues or errors that appear to be negligent and not willful. Only if such issues and errors cannot be corrected with assistance from Compliance after supervisory review should the committee be referred for enforcement.

CONCLUSION

The prosecution of hearing officer proceedings and Supreme Court actions are serious matters which result in significant ramifications for the committees, their treasurers, and the candidates they support. This analysis, and the findings and recommendations herein, are submitted in order to assist in creating more meaningful and evidence-based referrals to ensure fair and effective enforcement.

2018 Regulations Imposing Bipartisan Board Supervision Over the Independent Nonpartisan Enforcement Division – 9 NYCRR Part 6203

Effective in September 2018, the Board adopted sweeping regulations, codified at 9 NYCRR part 6203, imposing bipartisan Board supervision and control over operations and personnel of the independent nonpartisan Division of Election Law Enforcement. As reported in the 2018 annual report, those regulations were uniformly opposed by the law enforcement community and severely compromised the Division's operations.

On January 18, 2019, the Chief Enforcement Counsel sued the Board in Supreme Court, Albany County, seeking invalidation of the 2018 regulations and an order enjoining their enforcement. The Chief Enforcement Counsel contended that the Board exceeded its statutory authority and

unconstitutionally violated the separation of powers doctrine by adopting regulations that were contrary to the language and intent of the 2014 laws creating the Division. The Board filed a counterclaim seeking to compel compliance with the regulations. On October 18, 2019, without addressing the Chief Enforcement Counsel's constitutional claim, Supreme Court upheld the challenged regulations and "granted" the Board's counterclaim, holding that the Board's actions were not arbitrary and capricious or contrary to law.

On November 5, 2019, the Chief Enforcement Counsel took an appeal as of right to the Appellate Division of the Supreme Court, Third Judicial Department, from the lower court's October 18, 2019 decision. That appeal will be litigated in 2020.

Civil Practice Law and Rules § 5519 stays pending appeal all proceedings to enforce a lower court's order where, as here, the appellant is an officer of the state.

**DIVISION OF ELECTION LAW ENFORCEMENT
APPENDIX A**

CAMPAIGN FINANCE DISCLOSURE: ANALYSIS OF NON-FILERS
DIVISION OF ELECTION LAW ENFORCEMENT
JUNE 4, 2019

At the direction of the Commissioners, Co-Counsels Brian Quail and Kimberly Galvin conducted a review of a non-filer list focusing on the July 2018 periodic report. The results of that review were presented at the December 14, 2018 Board meeting. The review analyzed, based on certain metrics, the nature of the committees included on the July 2018 periodic non-filer list. The non-filer list reviewed by Counsel was compiled by the Compliance Unit and contained 2500 committees. Mr. Quail stated “we wanted to get a sense of what’s the value if money that was based on whatever they last reported whatever their balance was that we don’t know the present status of that has “gone dark. And simply adding it all up it’s \$20,981,076.56. So that’s a substantial sum of money.” (Minutes of the Board, December 14, 2018 at page 8.) The ensuing discussion of the Compliance review faulted the Chief Enforcement Counsel for not bringing enforcement actions against every one of these committees based solely on the list of non-filers.

After receiving the analysis conducted by the Compliance unit, the Division conducted its own analysis, as set forth below, and made a number of findings and recommendations to improve the process. The purpose of the following Division analysis is to assist SBOE Counsel in creating a non-filer referral going forward that is more meaningful and useful for enforcement purposes than simply a list of committees that failed to file a single report.

FINDINGS AND RECOMMENDATIONS

FINDING #1: The Division's Analysis Identified 1214 Committees That Are Likely Defunct, Inactive, or Otherwise Non-Operational and Should Be Terminated

The Division’s analysis of ten required periodic filings over the five-year period January 2014 through July 2018 identified several groups of committees (some on and some not on the non-filer list) that are likely defunct, inactive or otherwise non-operational.

- The Division identified a total of 1214 committees that may be inactive or non-operational. Of those 1214 committees, 765 had missing periodic reports.
- 183 of these committees failed to file all ten required periodic reports;
- 449 committees filed ten No-Activity reports;
- 268 committees have not filed any report since their registration; and
- 314 committees filed some No-activity reports and failed to file the remaining required reports for all ten required periodic reports.

A total of 183 committees failed to file all ten required periodic reports during the period examined. Failing to file any periodic reports for five years is an indication that the committee is not functioning. Moreover, of these 183 committees, 178 committees have existing judgments as a result of previous instances of failure to file required reports. This fact indicates that most of these committees also failed to file reports prior to January 2014. The number of judgments per committee ranged from one to 35. It is unknown whether any of these committees are active and

functioning, whether they have an active bank account, or whether there are any funds in the account

A total of 449 committees filed all No-Activity reports for the five-year period examined. Similarly, a total of 314 committees filed some No-Activity reports and failed to file the remaining required reports for the entire five-year period. No activity in a committee for five years is also an indication that the committee itself simply no longer exists or is no longer active.

An additional 268 committees have not filed any periodic reports since their registration occurred subsequent to the July 2014 periodic report cutoff date – another indication of an inactive committee. It is unknown whether any of these committees are active and functioning, whether they have an active bank account, or whether there are any funds in the account.

FINDING #2: Almost Half (342) of 765 Presumed Inactive Non-Filers Never Filed a Single Itemized Report

Of the 765 committees identified as likely non-operational non-filers on the list, the Division's analysis identified 342 committees that registered with the SBOE but never filed a single itemized report during the lifetime of the committee. As a result, no balance is shown in FIDAS for these committees. These committees may or may not have been required to register in the first place or may have never raised and spent money in connection with an election. There is insufficient evidence in the non-filer report upon which to base such a determination. However, it is clear that this situation is a common and recurring challenge to the accuracy of the filer database. Clearly, if no money was ever placed in the account of a registered filer, the registration should be terminated.

FINDING #3: Balances Shown in FIDAS Do Not Reliably and Accurately Reflect Committee Balances

It clear that balances shown in FIDAS, upon which the Compliance analysis rely, do not accurately reflect committee finances and are a completely unreliable basis for any meaningful analysis. The reasons for these inaccuracies may be many.

The most apparent reason that the balances shown in FIDAS are inaccurate is that they are not balances reported by the committees as part of their filings. Instead, FIDAS balances are computed by SBOE software and displayed with the committees' filings.

Another known reason for errors in SBOE balances is apparent flawed communications between NYCCFB's filing system and SBOE's filing system in transmitting reports filed with NYCCFB to the SBOE. It is well-known that such a flaw falsely caused the appearance of negative balances and other balance issues for New York City filers where none existed. In addition, certain reports filed with New York City are not transmitted to the SBOE, thereby causing the SBOE balance reflected to be inaccurate.

There is also a known issue with balance reporting in SBOE software related to the order in which reports are loaded. This issue is unknown to many treasurers, who reportedly are not aware what creates the issue or how to correct it.

For all these reasons, the balances shown in FIDAS are simply not reliable and cannot be used as a meaningful metric for tracking anything.

FINDING #5: Reports Filed with the New York City Campaign Finance Board (NYCCFB) Are Not Always Transmitted to the SBOE

For reasons that are not apparent, not all reports filed with the NYCCFB appear in the SBOE filing system. As a result, NYCCFB filers who have filed all required reports may believe they are in compliance when some reports may be missing from the SBOE system. Such cases typically are inappropriate for enforcement and require assistance from Compliance and NYCCFB to bring committees into compliance.

RECOMMENDATION #1: It is Recommended That Compliance Proactively Contact Committees or Issue Bank Subpoenas for the 1214 Committees Identified as Likely Non-Operational and Terminate Inactive Committees

In order to correct the database of committees to reflect only those that are actually operating, the Compliance Unit should issue bank subpoenas for the 1214 committees identified by the Division analysis as likely non-operational or afford committees the opportunity to provide that information voluntarily.

If the committee's bank account is closed, the committee should be terminated. If the committee's bank account is open but inactive, the committee presumptively should be terminated. If the bank records reflect obvious errors in reporting, the Compliance Unit should assist the committee. If the bank records reflect willful non-compliance, the committee should be referred for enforcement.

RECOMMENDATION #2: It is Recommended That Compliance Proactively Contact More Than 622 Committees Remaining on the List That Have Negative, Zero, or Small Balances or That Never Filed an Itemized Report, and Terminate Them

After removing presumed inactive committees, the Division's analysis of the remaining 1810 committees revealed that 622 likely should be terminated or otherwise assisted by Compliance. 179 have a negative balance showing in FIDAS, 254 have a zero (\$0.00) balance, 189 never filed an itemized report and have no balance, and an unknown number reflect small balances. In order to correct the database of committees to contain only active committees, the Compliance Unit should proactively contact these committees to assist them with termination or compliance as appropriate.

RECOMMENDATION #3: It is Recommended That Compliance Supervisors Review FIDAS Comments and Proactively Assist Committees with Unresolved Issues or Requests to Terminate

In a number of cases, our review of the Comments section in FIDAS revealed that the filer had made prior unsuccessful attempts to terminate the committee or to resolve reporting issues, some involving C-SMART. If daily supervisory review of Comments entries occurred, such issues could be elevated to another level in order to assist the committees in achieving the desired results. It appears that the inability to resolve issues due to requirements imposed by the SBOE, which may be impossible to fulfill in a given case, has led some committees to simply stop filing or to continuously file No-Activity reports.

RECOMMENDATION #4: It is Recommended That the Compliance Unit Refer for Enforcement Only Non-Filers Who Willfully, as Opposed to Negligently, Failed to File Required Reports

Committees must be encouraged to conduct their campaigns in an open and transparent manner. Enforcement against committees that abdicate those responsibilities and violate the law should be undertaken in a fair and responsible manner. A starting point to a Compliance referral upon which an enforcement action may be undertaken is creating an accurate list of active committees that have failed to file required disclosure reports. But, as the following analysis illustrates, successful litigation against non-filers requires much more. The inclusion of a committee on a computer-generated non-filer report is an insufficient basis upon which to base a proceeding under Election Law § 3-104 (5) (a). Because significant review of the committee's history is essential to support the pleading and proof requirements, an auto-pilot litigation system would be inappropriate and a violation of ethical obligations. For example, issues such as previous attempts to terminate, zero balances, bad PIN filings, deceased candidates or treasurers, imprisoned candidates, and the possible mislabeling of a report are all circumstances that must be evaluated to determine the appropriateness of instituting an enforcement proceeding. Before referring a committee that fails to file a report to Enforcement, the Compliance Unit should review the committee's records and address any unresolved issues or errors that appear to be negligent and not willful. Only if such issues and errors cannot be corrected with assistance from Compliance after supervisory review should the committee be referred for enforcement.

DIVISION ANALYSIS

The first consideration for the Enforcement Division is the law. Election Law § 3-104 (5) (a) states, in pertinent part, “the chief enforcement counsel shall provide a written report to the hearing officer as to: (1) whether substantial reason exists to believe a violation of this chapter has occurred and, if so, the nature of the violation and any applicable penalty, based on the nature of the violation; (2) whether the matter should be resolved extra-judicially; and (3) **whether a special proceeding should be commenced in the supreme court to recover a civil penalty.** The hearing officer shall make findings of fact and conclusions of law based on a preponderance of the evidence as to whether a violation has been established and, if so, who is guilty of such violation on notice to and with an opportunity for the individual or entity accused of any violations to be heard. **However, if the hearing officer finds that on balance, the equities favor a dismissal of the complaint, the hearing officer shall dismiss the charges. In determining whether the equities favor a dismissal, the hearing officer shall consider the following factors: (1) whether the complaint alleges a de minimis violation of article fourteen of this**

chapter; (2) whether the subject of the complaint has made a good faith effort to correct the violation; and (3) whether the subject of the complaint has a history of similar violations.” (Emphasis added.)

It is also important to note what is not in the law. Election Law § 3-104 (5) (a) is not an automatic penalty provision, indicating that the Legislature, in passing the law, intended that each case be evaluated individually prior to determining whether imposition of penalties was appropriate under the circumstances. If the Legislature wanted every single failure by a committee to timely file a report penalized, it could have passed a law mandating imposition of automatic penalties when no filing was received. The Legislature chose not to take such an action. Thus, in order to determine whether a committee should be subject to an enforcement proceeding, the Enforcement Division conducts an investigation into the history and activities of the target committee and makes a determination based on the evidence whether the conduct warrants enforcement. A report to the hearing officer includes presentation of specific evidence to both prove the violation and disprove the balancing equity factors in order to avoid dismissal.

Typically, a review of any single periodic report cannot, and in this case did not, provide sufficient relevant information to determine whether litigation against the committees on the list could or should be undertaken. As the Chief Enforcement Counsel has stated, it is the goal of the Division to encourage the Compliance review of the Non-Filer lists and FIDAS active filer database to ensure that lists generated from the database, including non-filer lists, more accurately reflect active committees that exhibit a pattern of not complying with the Election Law. Illustrative of such a focus, the following Division analysis looked at patterns of non-filing by committees over a five (5) year period instead of focusing on committees that have failed to file a single report. This analysis resulted in a more accurate picture of the filing history of registered committees.

The prosecution of hearing officer proceedings and subsequent Supreme Court actions are serious matters which result in significant ramifications for the committees, their treasurers, and the candidates they support. Although one Commissioner has stated he views such penalties as mere "parking tickets," respondents named in such proceedings who have suffered financially, legally, and reputationally do not view them as minor affairs. Therefore, a detailed review of a committee's filing history is crucial when deciding whether the Division can meet the burdens of pleading and proof imposed by the Election Law § 3-105 (5) (a) and whether litigation is appropriate.

Scope of Division Review

Beginning with the 2014 January periodic report and ending with the 2018 July periodic report, any committee that failed to file a periodic report for those periods was identified. Pre-election and post-election reports were not considered because local committees' election cycles and reports required to be filed were not easily identifiable. Committee records were combined to create a list reflecting the name of each committee and the total number of reports missing for that committee to avoid multiple entries for the same committee.

Additionally, in order to identify committees missing some reports and filing some No-Activity reports, a list was compiled of any committee that filed a No-Activity report for any periodic reporting period from the 2014 January periodic to the 2018 July periodic. Committee

records were combined to create a list reflecting the name of each committee and the total number of No-Activity reports filed for that committee to avoid multiple entries for the same committee.

Committee Analysis

For the time period reviewed, a total of ten periodic reports should have been filed by committees that were registered prior to the 2014 January periodic cutoff date.

Committees that filed all No-Activity Reports

A total of 449 committees filed No-Activity reports for all the periodic reports due during the time frame reviewed and are likely non-operational. It is important to note that committees that filed all No-Activity reports would not have been included in any non-filer analysis performed by the Compliance Unit. These committees are included in this review as a group that may need to be terminated as inactive in an effort to make the active committee file more accurate.

Committees Missing all Periodic Reports for the Period Reviewed

During the period examined, a total of 183 committees failed to file all ten periodic reports due and are likely non-operational. The oldest committee was registered on May 4, 1998 and the newest was registered on November 1, 2013.

Of these 183 committees,

- 32 reflect a negative balance in FIDAS,⁴
- 22 show a zero (\$0.00) balance,
- 98 reflect a positive balance, and
- 31 never filed an itemized report and show no balance.

Notably, balances reflected in FIDAS are not reported by the committees and are often inaccurate. The SBOE filing system computes balances and adds that information to reports filed by the committees. New York City filers' balances in the SBOE system, which played an outsized role in the Compliance analysis, are often inaccurate because of differences between the city filing system and the state filing system. In addition, the order in which reports or amendments are uploaded can affect the balance. Therefore, unverified balances shown in FIDAS are unreliable for enforcement purposes.

Committees' No-Activity Reports and Missing Reports Combined

As previously stated, committees registered prior to the 2014 January periodic cutoff date should have filed ten periodic reports during the period analyzed. The list of committees missing periodic reports and the list of committees that filed No-Activity reports were combined into a list

⁴ Balances referred to in the Division analysis, and in the review conducted by the Compliance Unit, were those reflected in FIDAS for the committee's last filed itemized report. These figures do not necessarily match the bank balance on the date of the report or the present bank balance of the committees reviewed. Furthermore, the fact that a balance is reflected in FIDAS does not mean the bank account is still open.

reflecting the name of each committee and the numbers of missing periodic reports and No-Activity reports filed by that committee in the given time frame. By adding these two numbers together, the Division was able to identify committees that had either failed to file a report or filed a No-Activity report for all ten periodic reports due. In other words, this analysis identified additional committees that did not file a single itemized report during the time period and are likely also non-operational.

A total of 314 additional committees filed no itemized report for each of the ten periodic reports due during the five-year period through a combination of not filing at all and filing No-Activity reports for each of the ten periods. The oldest committee was registered on April 20, 1988, and the newest was registered on August 10, 2015. The committee that registered in 2015, after the 2014 January periodic cutoff date, was included in this review because it filed multiple reports for periods prior to the 2014 January periodic and should have been registered earlier.

Of the 314 committees that had a combination of No-Activity reports and failure to file reports for all ten periods,

- 11 have a negative balance in FIDAS,
- 29 show a zero (\$0.00) balance,
- 208 have a positive balance, and
- 66 never filed an itemized report and show no balance.

Committees Registered Less Than 5 Years Filing No Itemized Periodic Reports Since Registration

Identifying committees that were missing all ten periodic reports during the time period reviewed only identified those committee that were registered before the 2014 January periodic report cutoff date with reports due for the entire five-year period. To identify committees registered after the 2014 January periodic report cutoff date that had not filed all periodic reports since their registration, further analysis was needed.

Based on a committee's date of registration, it was determined how many periodic reports the committee should have filed. That number was compared to the sum of missing reports and No-Activity reports to determine which committees had not filed an itemized periodic report since registration. If the two numbers were the same, the committee had not filed any itemized periodic reports since registering.

A total of 587 committees had not filed any itemized periodic reports since registration. This number does NOT include the previously discussed committees that were missing all ten reports that should have been filed. The oldest of these committees was registered on January 13, 2014, and the newest was registered on July 12, 2018.

The purpose of this analysis was to identify committees registered during the five-year period examined that appear to be defunct, inactive, or non-operational and likely should be terminated. However, committees that registered very recently should not be presumed to be inactive or non-operational. For that reason, committees registered after the 2017 January periodic

cutoff date (i.e., committees that should have filed a total of three or fewer periodic reports) were removed from the list and excluded from this analysis.

This analysis resulted in a total of 268 committees that did not file any itemized periodic reports since registering and are likely non-operational. The oldest of these committees was registered on January 13, 2014, and the newest was registered on January 6, 2017.

Of these 268 committees,

- 17 have a negative balance in FIDAS,
- 50 have a zero (\$0.00) balance,
- 92 have a positive balance, and
- 109 never filed an itemized report and show no balance.

Summary

The Division's analysis identified 1214 committees that failed to file a single itemized report during the five-year period examined and are likely defunct, inactive or otherwise non-operational. A total of 449 of the 1214 presumed inactive committees filed all No-Activity reports for the five-year period. Of the remaining 765 committees identified, 183 committees missed all required periodic filings during the five-year period, 314 committees failed to file or filed No-Activity periodic reports for the entire five-year period, and 268 committees failed to file or filed No-Activity reports for every periodic report due since their registration. It is recommended that the Compliance Unit contact these 1214 presumed inactive committees, or subpoena their bank records, and terminate their registrations if the committees are no longer operational. If the committees are defunct, inactive or otherwise non-operational, they should be terminated instead of continually being included on a Non-Filing list.

Of the 765 committees identified as non-filers that are likely inactive, 344 reflect a positive (greater than \$0.00) balance. Of those 344 committees,

- The total balance shown in these committees is \$3,643,864.18.
- 321 of these committees filed their last itemized report before 2015 and had a total reported balance of \$3,580,058.66; and 23 committees filed their last itemized report between 2015 and 2016 and had a total reported balance of \$63,277.57.
- The last itemized report filed by these 344 committees ranged from July 28, 2000, with a balance showing in FIDAS that is almost 19 years old, to January 29, 2018.
- The balances ranged from a low of \$0.65 to a high of \$290,556.24.

The charts below categorize the committees identified by the Division as likely defunct by last itemized report and by aggregate balance.

Presumed Defunct, Inactive or Non-Operational Committees'			
Last Itemized Report			
Last itemized Report (Calendar Year)	Number of Committees	Average	Sum
2000	2	\$6,811.71	\$13,623.42
2003	2	\$12,924.91	\$25,849.81
2004	3	\$13,928.34	\$41,785.02
2005	3	\$5,439.25	\$16,317.76
2006	8	\$27,330.55	\$218,644.41
2007	8	\$9,108.82	\$72,870.57
2008	13	\$2,916.20	\$37,910.63
2009	28	\$11,033.65	\$308,942.07
2010	53	\$22,128.27	\$1,172,798.21
2011	52	\$7,633.01	\$396,916.62
2012	45	\$8,299.45	\$373,475.38
2013	87	\$8,871.82	\$77,848.74
2014	17	\$7,621.12	\$129,558.97
2015	12	\$1,383.36	\$16,600.31
2016	5	\$4,805.59	\$24,027.94
2017	5	\$4,480.06	\$22,400.32
2018	1	\$249.00	\$249.00

State vs. Local Filers

FIDAS distinguishes between state committees and local committees by using different prefixes when assigning Filer IDs. State filers have an 'A' prefix and local filers have a 'C' prefix.

Local filers (556 committees) made up 72% of the 765 presumed inactive non-filer committees, while only 28% (209 committees) were state filers. Clearly, these filers need assistance from Compliance, and many of them are small local committees.

Enforcement Analysis vs. Compliance Analysis

On December 13, 2018 and December 20, 2018, the Division was provided with the Compliance list of non-filers and a memo outlining the Compliance unit's process and analysis of the 2018 July Non-Filer list. The Compliance analysis was a listing of statistics from the review performed. The Compliance analysis reported that 2500 committees were on the Non-Filer list for the 2018 July periodic report. The review analyzed, based on certain metrics, the nature of the committees included the July 2018 periodic non-filer list. The analysis and the presentation to the Board on December 14, 2018, however, failed to include any recommendation to improve the accuracy and relevancy of the list for enforcement purposes, as the Division previously requested and Co-Counsel agreed to do.⁵ Further, as noted above, the Compliance analysis failed to consider the requirements imposed on the Enforcement Division by the Election Law to successfully litigate a non-filer case.

Comparing the Division's analysis to the Compliance analysis, 690 of the committees identified by the Division as likely non-operational also appeared on the Compliance analysis. Another 75 committees identified by the Division did not appear on the Compliance list, likely because they filed a No-Activity report for the 2018 July periodic. Adding the 75 additional committees identified as non-itemized-filers who are presumed non-operational to the Compliance analysis non-filer number of 2500 committees, and removing the 765 committees identified as likely non-operational, results in a total of 1,810 committees on the Division's list of presumed active committees on the July 2018 non-filer list.

Of the 1,810 committees on the Division's list of presumed active committees,

- 179 have a negative balance showing in FIDAS,
- 254 have a zero (\$0.00) balance,
- 1,188 have a positive balance, and
- 189 never filed an itemized report and have no balance.

Of the 1,188 committees that show a positive balance, the total of the reported balances is \$17,698,152.07. The range of balances goes from \$0.02 to \$3,383,105.88.

It is apparent that at least 622 of the 1810 committees remaining – the 179 committees showing negative balances, the 254 committees showing zero balances, and the 189 committees who never filed a report – are likely inactive or need assistance from Compliance in either terminating their registrations or correcting a negative balance. It is also clear that some of these presumed active committees with small balances should be terminated. It is requested that Compliance proactively contact these committees and assist them with termination.

⁵ At the October 25, 2018 Board meeting, Counsel Kimberly Galvin stated "Maybe we'll find a way we can make our list better. Commissioner Kellner responded "Well I want you to do that" to which Ms. Galvin stated "That's right. Maybe it will be a productive exercise." (Minutes of the Board October 25, 2018 at page 29)

As noted above, the balances shown in the SBOE system are system-generated, not reported by the committees, and are unreliable without additional investigation. In addition, these balances are misleading because most of the money shown (more than ten million dollars) is reportedly held by only 19 (less than 2%) of 1188 committees, each of which reflects a balance above \$100,000.00. Many of these 19 committees are also New York City filers. Removing those outliers leaves a total of 1,169 committees with balances ranging from \$0.02 to \$98,804.94 and totaling \$7,309,036.12.

Analysis of Two Percent of Committees (19) Accounting for 59 Percent of Balances

Less than two percent of committees (19) account for approximately 59% of the total balance by the 1,188 committees reflecting positive balances. The table below lists the 19 committees that account for \$10,380,000 (approximately 59%) of the total balance identified by the Compliance Unit’s analysis. The status of each committee is described below. When evaluating whether litigation is possible against committees for failing to file disclosure reports, review of this small group of committees clearly illustrates the inappropriateness of arbitrarily filing a hearing officer report or beginning Supreme Court litigation just because a committee appears on the non-filer list without additional investigation. The simple inclusion of a committee on a Compliance non-filer list does not meet the burden of pleading and proof of Election Law § 3-104 (5) (a).

2018 July Periodic Non-Filers with balances of \$100,000+		
Filer ID	Committee Name	Balance
C04042	Grodnychik 2015	\$106,958.83
A06359	Friends of Silver	\$109,564.06
A13320	New York State Rifle + Pistol Assoc Political Victory Fund (NYSRPA-PVF)	\$122,357.25
A84463	Friends of Michael Simanowitz	\$122,589.48
C88337	Kellner 2013	\$124,200.56
C02876	Garodnick NYC	\$189,290.21
A02513	Iron Workers Local 60 Political Action Committee	\$198,285.03
C25641	Recchia for New York	\$209,372.26
C05994	Dan Quart for New York City	\$236,434.96
C88211	Carrion 2013	\$245,844.47

2018 July Periodic Non-Filers with balances of \$100,000+		
Filer ID	Committee Name	Balance
C02937	Van Bramer 2017	\$334,090.17
A02905	SBA Political Action Committee	\$417,667.11
A05428	Speakerpac	\$428,764.79
C01082	Hidary For NYC Inc.	\$442,661.74
A21267	New Yorkers For Garodnick	\$515,544.03
C83068	Garodnick 2013	\$714,960.55
C60235	Friends of George Maragos	\$1,192,949.70
C09329	Stringer For New York	\$1,294,474.87
C30490	Anthony Weiner For Mayor	\$3,383,105.88

Anthony Weiner for Mayor (C30490)

The Compliance Unit's analysis and notes in FIDAS state that this committee is terminated with a zero-balance showing in New York City's CSMART system. However, the committee's balance shown in FIDAS and on the Compliance analysis is shown to be \$3,383,105.88. According to the Comments, the committee was advised by the SBOE to submit amendments through NYCCFB to correct the issue. Including this amount of \$3,383,105.88 in the balance of outstanding reports when Compliance personnel are aware the balance is overstated by more than 3.3 million dollars is misleading and inappropriate. NYCCFB records provided to the Division indicate the committee is actually open with an estimated balance of \$660,799. Further, an audit was conducted by the NYCCFB, and the committee was required to repay \$195,377.79 received in public funds and pay a penalty of \$64,956. If this committee had a zero-balance and was terminated by the NYCCFB as claimed in the Compliance report, a hearing officer would likely find that the equities favor dismissal. The same result is likely based on the NYCCFB penalty imposed and paid by the committee.

Stringer for New York (C09329)

Showing a balance of \$1,294,474.87, this committee is the campaign committee for the present Comptroller of the City of New York. The committee consistently files its disclosures in a timely manner. It attempted to file the July 2018 periodic report on July 16, 2018. However, the wrong PIN was entered. The report has since been filed, and the committee is up to date with its filings.

Friends of George Maragos (C60235)

This committee is the candidate's campaign committee for Nassau County Executive. An examination of the committee's filings indicates that the balance shown on the Compliance Units report were loans made to the campaign by the candidate. The reports indicate that \$1,160,000.00 of these loans have been repaid. The current balance for the committee is \$32,914.70, not the \$1,192,949.70 shown in the Compliance analysis. All filings are up to date.

Garodnick 2013 (C83068); New Yorkers for Garodnick (A21267); and Garodnick NYC (C02876)

These three committees supporting Daniel Garodnick appear in the above \$100,000 list. In addition, two other Garodnick committees appear on the July 2018 non-filer list.

- *Garodnick 2013* (C83068) is the candidate's 2013 City Council committee. This committee was registered on 07/14/2010. The last itemized report was the January 2014 periodic and disclosed a balance of \$714,960.55. The NYCCFB Financial Summary shows an estimated balance of \$479,455. This committee received and reported a transfer in of \$449,941 from Garodnick 2009. Garodnick 2009 did not disclose this transfer. According to the NYCCFB for Garodnick NYC this committee transferred \$790,000 to Garodnick NYC. No such transfer is disclosed on any state filing.
- *New Yorkers for Garodnick* (A21267) is an SBOE 'undeclared' state committee. This committee was registered on 01/20/2016. The committee filed three periodic reports and the last itemized report was the July 2016 periodic which disclosed a balance of \$515,544.03.
- *Garodnick NYC* (C02876) is a New York City candidate committee also identified as 'undeclared' on the SBOE system. This committee was registered on 04/21/2014. The last itemized report was a 2017 32 Pre-Primary report which disclosed a balance of \$189,290.21. The NYCCFB financial summary shows an estimated balance of \$1,062,819. The summary further indicates that the candidate has terminated his candidacy for this election.

The two additional committees on the July 2018 Non-Filer list are Garodnick 2009 (C33260) and Garodnick for New York (C21724). These two committees are included in the 765 committees that the Division has identified as likely defunct.

- *Garodnick 2009* (C33260) is the candidate's 2009 City Council committee. This committee was registered on 07/13/2007. The last itemized report was the January 2010 periodic report and disclosed a balance of \$268,938.38. The committee has two judgements. The NYCCFB Financial Summary shows an estimated balance of \$479,455. However, on 07/11/2011 Garodnick 2013 reported receipt of a transfer of \$449,941 from Garodnick 2009. There is no such transfer disclosed by this committee on any state filings. This committee is apparently inactive and has filed No-Activity reports on every periodic report from July 2010 until July 2017. It is not possible to

determine an accurate balance either on the NYSBOE filings or on the NYCCFB summary report.

- *Garodnick for New York* (C21724) is the candidate's 2005 City Council committee. This committee was registered on 01/08/2006. The last itemized disclosure for the January 2006 periodic and disclosed a balance of \$162,178. The committee has seven judgments. The NYCCFB financial summary shows an estimated balance of \$17,096.

All of these Garodnick committees have the same treasurer, Andrew J. Ehrlich. An internet search located several CFB Audits for Mr. Garodnick's committees. A check of the CFB website shows that there have been reports filed with them that are not showing in SBOE's records. Garodnick 2009 shows six itemized reports with the NYSBOE while the NYCCFB shows 11 itemized reports. For example, the 2008 January periodic is missing in the SBOE system, but a NYCCFB report for the same period was filed. In addition, NYCCFB amendments are not shown separately, but are incorporated into the CFB summaries. This means that if a committee filed an original report with both CFB and BOE but an amendment only with CFB, the CFB summary will show a different amount than the BOE summary, and there will be no indication as to the reason. Further, once a committee enters the NYCCFB enforcement phase, the CFB does not allow amendments.

Hidary for New York Inc. (C01082)

This is the candidate's SBOE 'undeclared' committee running for office in NYC. For the 2013 election cycle the NYCCFB website shows that the candidate, Jack Hidary, received \$911,015.92 in contributions and made \$978,537.18 in expenditures. The 2017 July periodic, Schedule N, shows outstanding loans and liabilities of \$313,309.24, including a total of \$300,000 that Mr. Hidary loaned to his committee. Since this committee spent more than it received in contributions and has outstanding liabilities of \$313,309.24, the committee likely should be assisted with loan forgiveness and termination.

Friends of Silver (A06359)

This committee is a campaign account for former Speaker Sheldon Silver. Mr. Silver was convicted of charges related to his outside income and is currently out on bail pending an appeal. The committee has had the same treasurer since 2009 and has consistently filed its disclosure reports. The July 2018 periodic is the first missed filing.

SpeakerPac (A05428)

This committee is a PAC account set up by former Speaker Sheldon Silver. The committee has had the same treasurer since 2010 and has consistently filed disclosure reports. The July 2018 periodic is the first missed filing.

SBA Political Action Committee (A02905)

This committee filed its 2018 July periodic report on November 16, 2018 – before the report submitted by Counsel. Therefore, this balance of \$417,667.11 should not have been included in the balance of outstanding unfiled reports.

Van Bramer 2017 (C02937). The candidate, James Van Bramer, is a current sitting NYC Councilman representing the 26th District. Mr. Van Bramer has multiple active committees on the NYSBOE system.

- *Van Bramer 2017 (C02937)* is the candidate's 2017 City Council committee. The committee was registered on 05/14/2014. The last itemized disclosure was the 2017 January periodic report and disclosed a balance of \$334,090.17. The NYCCFB financial summary shows an estimated balance of \$220,997 and no transfers out. However, *Van Bramer 2021 (C09413)*, the candidate's 2021 City Council committee, disclosed transfers in of \$195,405.96 from Van Bramer 2017 on 03/15/2018.⁶ It is not possible to determine the correct balance for this committee. Crediting the transfer of \$195,405.96 from Van Bramer 2017 to Van Bramer 2021, the closing balance for the NYSBOE disclosure for Van Bramer 2017 should be \$138,664.21. Crediting the transfer of \$195,405.96 to the NYCCFB estimated balance, the NYCCFB estimated balance should be \$24,891.04. It is unclear which disclosures and which balances are accurate.
- *Van Bramer 2013 (C84726)* is the candidate's 2013 City Council committee. The committee was registered on 05/31/2011. The last itemized disclosure was January 2015 periodic report and disclosed a closing balance of \$26,209.28, which includes a transfer of \$14,000 to Van Bramer 2017. The NYCCFB financial summary for this committee shows an estimated balance of \$14,091 and no transfers out to another Van Bramer committee. This committee filed No-Activity reports to NYSBOE through the January 2107 periodic report. Again, it is not possible to determine which balance is accurate, the reported balance on the NYSBOE disclosures or the estimated balance as shown on the NYCCFB disclosure. It is unclear which disclosures and which balances are accurate.

There is an additional Van Bramer committee on the July 2018 Non-Filer list – Friends of Jimmy Van Bramer (C83037). This is the candidate's 2010 committee for election as committee member to the Democratic State Committee. The committee was registered on 07/08/2010. The last itemized report was the 2014 January periodic and disclosed a closing balance of \$1,817.61. This committee filed No-Activity reports from July 2014 until January 2017. The Division considers this committee likely defunct.

Carrion 2013 (C88211)

This committee was an exploratory committee for Mayor of NYC according to FIDAS. The last report the committee filed was the 2014 July periodic report with a closing balance of

⁶ VanBramer 2021 (C09413) is the candidate's 2021 City Council committee. This committee is up to date on its filings. The NYCCFB filings designate this committee as an 'undeclared' committee. The NYSBOE and the NYCCFB report the closing balance for this committee is the same.

\$245,844.47. For the 2013 election cycle the NYCCFB website shows that the committee received \$1,032,899 in receipts, including transfer of \$1,011,544 from Carrion NYC (transfers reported to NYSBOE on a 2012 off cycle report) and made \$1,201,008 in net expenditures and an estimated balance of \$7,916. It is unclear which disclosures and which balances are accurate.

Dan Quart for New York City (C05994)

Mr. Quart is the current Assemblymember for the 73rd District. He has four active committees on NYSBOE website – C10336, C09613, A85884, and C05994. All committees are up to date on filings except C05994.

- *Dan Quart for New York City (C05994)* is the candidate's undeclared NYC 2017 committee. This committee was registered on 03/04/2016. This committee filed its last itemized report in January 2018 disclosing a balance of \$236,434.96. The NYCCFB financial summary shows an estimated balance of \$221,839 and indicates that the candidate terminated his candidacy for the election. It is unclear which disclosures and which balances are accurate.

Recchia for New York (C25641)

This is an undeclared committee for Dominic Recchia in a 2013 Kings County election. This committee was registered on 07/18/2006. This committee filed its last itemized report in July 2016 disclosing a balance of \$209,372.26. The NYCCFB financial summary shows an estimated balance of \$245,187 and indicates that the candidate terminated his candidacy for the election. It is unclear which disclosures and which balances are accurate. Mr. Dominic Recchia is a former NYC Councilman who last ran in 2014 for election to the U.S. House of Representatives 11th Congressional District.

Iron Workers Local 60 Political Action Committee (A02513)

This committee did not file the periodic reports due for July 2017, January 2018 and July 2018. The committee filed a 27-day post-general election report and the January 2019 periodic report. It is likely that the 27-day post-general election report was erroneously named and should have been designated as a periodic report. A review of the committee's summary pages indicate that the missing reports would likely have been No-Activity reports (the closing balance of the 2017 January periodic is the same as the opening balance of the 2018 27-day post-general election report, and the closing balance of the 2018 27-day post-general election report is the same as the opening balance of the 2019 January periodic, the next filed report).

Kellner 2013 (C88337)

This committee is Micah Kellner's 2013 City Council campaign committee. All of Mr. Kellner's other committees have been terminated. This committee filed its last itemized report in January 2015 disclosing a balance of \$124,200.56. The committee filed No-Activity reports until July 2017. For the 2013 election cycle the NYCCFB website shows an estimated balance of negative \$1,960. It is unclear which disclosures and which balances are accurate.

Friends of Michael Simanowitz (A84463)

Mr. Simanowitz reportedly died on September 2, 2017. The committee has consistently filed all its reports prior to 2018. Under the new law that requires the disposal of all funds within two years of the candidate's death, this committee should be terminated by September 2019. It is noted in the FIDAS committee notes that the candidate is deceased.

New York State Rifle + Pistol Assoc Political Victory Fund (NYSRPA-PVF) (A13320) appears to be a legitimate non-filer.

Grodenschik 2015 (C04042)

Mr. Grodenschik is the current council member on the New York City Council representing the 23rd District. He has three other committees that are also on the July 2018 Non-Filer list.

- *Grodenschik 2015* is the candidate's 2015 special election committee for NYC Council's 23rd District campaign account. This committee was registered on 05/18/2015. The last itemized disclosure was the January 2018 periodic report and disclosed a closing balance of \$106,958.83. The NYCCFB financial summary for this committee shows an estimated balance of negative \$6,180. It is unclear which disclosures and which balances are accurate.

The three additional committees on the July 2018 Non-Filer list are –Friends of Barry Grodenschik (A13635) (this committee is included in the 765 committees the Division has identified as likely defunct), Grodenschik 2017 (C06805), and Grodenschik for Queens (C88150).

- *Friends of Barry Grodenschik* (A13635) is the candidate's District 22 Assembly committee. The committee was registered on 06/10/2002. The last itemized disclosure was the January 2013 periodic report and disclosed a balance of \$296.79. Notes in FIDAS indicate that this committee was initially administratively terminated on 09/15/2017 pursuant to a Dormant Committee review. The committee contacted the Compliance Unit on 10/18/2017 in order to un-terminated the committee. The committee was reactivated and failed to file the January 2018, July 2018 and January 2019 periodic reports. This committee should be terminated. The candidate should be directed to create a new committee.
- *Grodenschik 2017* (C06805) is the candidate's 2017 NYC Council's 23rd District campaign account. This committee was registered on 02/08/2017. The last itemized disclosure was January 2018 periodic report and disclosed a balance of \$20,185.44. The NYCCFB financial summary for this committee shows an estimated balance of \$3,940. It is unclear which disclosures and which balances are accurate.
- *Grodenschik for Queens 2013* (C88150) is the candidate's Borough President committee. This committee was registered on 10/25/2012. The last itemized disclosure was January 2017 periodic report and disclosed a balance of \$2,063.15. The NYCCFB

financial summary for this committee indicates that this candidate terminated his candidacy for this office. The NYCCFB shows an estimated balance of \$72,038. It is unclear which disclosures and which balances are accurate.

All the committees have the same treasurer, Simon Pelman. There are significant issues with the compliance of reporting on all of these New York City committees.

CONCLUSION

The prosecution of hearing officer proceedings and Supreme Court actions are serious matters which result in significant ramifications for the committees, their treasurers and the candidates they support. This analysis, and the findings and recommendations herein, are submitted in order to assist in creating more meaningful and evidence-based referrals to ensure fair and effective enforcement.

NYSVoter Enrollment by County, Party Affiliation and Status

Voters Registered as of November 1, 2019

REGION	COUNTY	STATUS	DEM	REP	CON	WOR	GRE	LBT	IND	SAM	OTH	BLANK	TOTAL
Outside NYC	Albany	Active	94,240	34,375	3,020	586	517	231	9,339	6	170	42,205	184,689
Outside NYC	Albany	Inactive	11,861	3,466	304	131	116	53	1,247	0	23	6,021	23,222
Outside NYC	Albany	Total	106,101	37,841	3,324	717	633	284	10,586	6	193	48,226	207,911
Outside NYC	Allegany	Active	5,667	12,599	447	136	94	47	1,256	0	13	4,910	25,169
Outside NYC	Allegany	Inactive	300	403	14	6	7	1	59	0	2	331	1,123
Outside NYC	Allegany	Total	5,967	13,002	461	142	101	48	1,315	0	15	5,241	26,292
Outside NYC	Broome	Active	43,797	41,038	1,595	629	362	233	5,983	3	93	23,201	116,934
Outside NYC	Broome	Inactive	5,496	3,682	148	127	66	23	847	0	25	3,914	14,328
Outside NYC	Broome	Total	49,293	44,720	1,743	756	428	256	6,830	3	118	27,115	131,262
Outside NYC	Cattaraugus	Active	13,748	17,878	1,099	239	135	86	2,311	1	36	9,305	44,838
Outside NYC	Cattaraugus	Inactive	846	875	58	19	11	0	131	0	5	733	2,678
Outside NYC	Cattaraugus	Total	14,594	18,753	1,157	258	146	86	2,442	1	41	10,038	47,516
Outside NYC	Cayuga	Active	14,765	16,617	1,264	204	161	67	2,483	0	24	10,098	45,683
Outside NYC	Cayuga	Inactive	738	752	52	19	13	0	191	0	5	753	2,523
Outside NYC	Cayuga	Total	15,503	17,369	1,316	223	174	67	2,674	0	29	10,851	48,206
Outside NYC	Chautauqua	Active	24,791	26,304	1,918	438	165	176	4,611	0	69	18,315	76,787
Outside NYC	Chautauqua	Inactive	1,650	1,259	103	34	31	12	325	0	9	1,547	4,970
Outside NYC	Chautauqua	Total	26,441	27,563	2,021	472	196	188	4,936	0	78	19,862	81,757
Outside NYC	Chemung	Active	15,157	20,182	821	243	122	105	2,992	0	38	10,335	49,995
Outside NYC	Chemung	Inactive	1,177	1,086	30	23	16	2	245	0	7	985	3,571
Outside NYC	Chemung	Total	16,334	21,268	851	266	138	107	3,237	0	45	11,320	53,566
Outside NYC	Chenango	Active	7,054	12,378	500	154	108	66	1,604	0	11	6,334	28,209
Outside NYC	Chenango	Inactive	418	592	31	15	13	1	113	0	4	518	1,705
Outside NYC	Chenango	Total	7,472	12,970	531	169	121	67	1,717	0	15	6,852	29,914
Outside NYC	Clinton	Active	17,187	14,408	500	239	103	19	3,282	1	23	10,861	46,623
Outside NYC	Clinton	Inactive	1,023	656	32	15	16	0	210	0	3	831	2,786
Outside NYC	Clinton	Total	18,210	15,064	532	254	119	19	3,492	1	26	11,692	49,409
Outside NYC	Columbia	Active	17,156	12,241	1,085	234	184	59	2,790	0	31	11,415	45,195
Outside NYC	Columbia	Inactive	746	419	29	12	6	2	171	0	0	548	1,933
Outside NYC	Columbia	Total	17,902	12,660	1,114	246	190	61	2,961	0	31	11,963	47,128
Outside NYC	Cortland	Active	9,089	9,894	471	123	88	51	1,546	0	13	6,698	27,973
Outside NYC	Cortland	Inactive	817	741	30	17	19	0	149	0	4	925	2,702
Outside NYC	Cortland	Total	9,906	10,635	501	140	107	51	1,695	0	17	7,623	30,675
Outside NYC	Delaware	Active	7,709	11,678	488	103	98	45	1,538	0	9	5,476	27,144
Outside NYC	Delaware	Inactive	775	895	43	19	15	3	212	0	3	759	2,724
Outside NYC	Delaware	Total	8,484	12,573	531	122	113	48	1,750	0	12	6,235	29,868
Outside NYC	Dutchess	Active	67,234	52,432	3,653	723	469	265	10,318	4	141	48,531	183,770

Outside NYC	Dutchess	Inactive	5,181	3,031	188	81	59	15	760	0	16	3,607	12,938
Outside NYC	Dutchess	Total	72,415	55,463	3,841	804	528	280	11,078	4	157	52,138	196,708
Outside NYC	Erie	Active	283,792	150,571	13,347	2,788	1,647	820	28,437	0	369	113,391	595,162
Outside NYC	Erie	Inactive	20,100	8,395	650	226	172	56	1,834	0	47	9,447	40,927
Outside NYC	Erie	Total	303,892	158,966	13,997	3,014	1,819	876	30,271	0	416	122,838	636,089
Outside NYC	Essex	Active	7,084	10,544	229	64	83	30	1,777	1	8	4,643	24,463
Outside NYC	Essex	Inactive	488	554	12	4	10	3	121	0	1	401	1,594
Outside NYC	Essex	Total	7,572	11,098	241	68	93	33	1,898	1	9	5,044	26,057
Outside NYC	Franklin	Active	9,796	8,595	313	94	75	37	1,581	0	7	4,853	25,351
Outside NYC	Franklin	Inactive	817	605	23	16	19	1	198	0	0	707	2,386
Outside NYC	Franklin	Total	10,613	9,200	336	110	94	38	1,779	0	7	5,560	27,737
Outside NYC	Fulton	Active	7,237	15,357	573	155	81	58	1,714	0	20	5,894	31,089
Outside NYC	Fulton	Inactive	731	976	45	25	11	0	151	0	2	768	2,709
Outside NYC	Fulton	Total	7,968	16,333	618	180	92	58	1,865	0	22	6,662	33,798
Outside NYC	Genesee	Active	8,787	15,943	936	171	107	131	1,828	0	27	8,243	36,173
Outside NYC	Genesee	Inactive	662	973	62	21	14	9	166	0	1	795	2,703
Outside NYC	Genesee	Total	9,449	16,916	998	192	121	140	1,994	0	28	9,038	38,876
Outside NYC	Greene	Active	7,944	11,762	797	128	124	21	1,858	0	14	7,510	30,158
Outside NYC	Greene	Inactive	971	1,120	85	22	55	2	266	0	0	1,040	3,561
Outside NYC	Greene	Total	8,915	12,882	882	150	179	23	2,124	0	14	8,550	33,719
Outside NYC	Hamilton	Active	878	2,478	58	5	7	5	218	0	0	566	4,215
Outside NYC	Hamilton	Inactive	76	181	12	0	4	0	26	0	1	75	375
Outside NYC	Hamilton	Total	954	2,659	70	5	11	5	244	0	1	641	4,590
Outside NYC	Herkimer	Active	9,531	17,678	689	118	108	58	2,443	1	27	6,640	37,293
Outside NYC	Herkimer	Inactive	993	1,374	62	23	18	3	292	0	7	874	3,646
Outside NYC	Herkimer	Total	10,524	19,052	751	141	126	61	2,735	1	34	7,514	40,939
Outside NYC	Jefferson	Active	15,395	23,218	871	192	142	78	3,097	7	34	12,511	55,545
Outside NYC	Jefferson	Inactive	2,424	2,587	126	37	30	7	512	0	8	3,143	8,874
Outside NYC	Jefferson	Total	17,819	25,805	997	229	172	85	3,609	7	42	15,654	64,419
Outside NYC	Lewis	Active	3,956	8,581	291	38	30	30	845	0	3	2,887	16,661
Outside NYC	Lewis	Inactive	420	691	22	6	4	1	113	0	0	412	1,669
Outside NYC	Lewis	Total	4,376	9,272	313	44	34	31	958	0	3	3,299	18,330
Outside NYC	Livingston	Active	10,461	17,076	900	123	134	103	1,936	0	19	8,753	39,505
Outside NYC	Livingston	Inactive	796	640	40	12	20	11	134	0	3	766	2,422
Outside NYC	Livingston	Total	11,257	17,716	940	135	154	114	2,070	0	22	9,519	41,927
Outside NYC	Madison	Active	11,537	16,088	881	207	125	72	2,614	2	15	9,836	41,377
Outside NYC	Madison	Inactive	671	682	32	25	4	2	145	0	1	607	2,169
Outside NYC	Madison	Total	12,208	16,770	913	232	129	74	2,759	2	16	10,443	43,546
Outside NYC	Monroe	Active	192,299	125,534	7,857	1,564	1,163	942	20,481	7	288	110,256	460,391
Outside NYC	Monroe	Inactive	16,156	7,378	451	179	168	76	1,583	0	46	9,038	35,075
Outside NYC	Monroe	Total	208,455	132,912	8,308	1,743	1,331	1,018	22,064	7	334	119,294	495,466

Outside NYC	Montgomery	Active	8,952	9,599	672	105	71	37	1,566	0	22	6,445	27,469
Outside NYC	Montgomery	Inactive	566	462	51	15	10	5	94	0	4	537	1,744
Outside NYC	Montgomery	Total	9,518	10,061	723	120	81	42	1,660	0	26	6,982	29,213
Outside NYC	Nassau	Active	371,809	297,801	9,526	2,079	1,533	615	32,981	9	0	228,520	944,873
Outside NYC	Nassau	Inactive	39,508	30,052	926	238	224	34	3,476	0	0	24,663	99,121
Outside NYC	Nassau	Total	411,317	327,853	10,452	2,317	1,757	649	36,457	9	0	253,183	1,043,994
Outside NYC	Niagara	Active	50,457	44,384	3,205	1,189	541	258	7,254	4	111	24,784	132,187
Outside NYC	Niagara	Inactive	4,473	3,048	190	129	48	17	618	0	22	2,896	11,441
Outside NYC	Niagara	Total	54,930	47,432	3,395	1,318	589	275	7,872	4	133	27,680	143,628
Outside NYC	Oneida	Active	43,509	48,369	2,040	483	298	254	7,593	5	87	25,272	127,910
Outside NYC	Oneida	Inactive	3,249	2,348	125	63	27	16	604	0	6	2,207	8,645
Outside NYC	Oneida	Total	46,758	50,717	2,165	546	325	270	8,197	5	93	27,479	136,555
Outside NYC	Onondaga	Active	112,327	82,286	4,807	1,174	964	580	15,119	4	209	75,246	292,716
Outside NYC	Onondaga	Inactive	7,516	3,952	226	103	101	43	946	0	29	5,207	18,123
Outside NYC	Onondaga	Total	119,843	86,238	5,033	1,277	1,065	623	16,065	4	238	80,453	310,839
Outside NYC	Ontario	Active	21,936	27,519	1,422	217	226	159	3,923	1	57	17,754	73,214
Outside NYC	Ontario	Inactive	825	998	56	11	17	1	191	0	5	841	2,945
Outside NYC	Ontario	Total	22,761	28,517	1,478	228	243	160	4,114	1	62	18,595	76,159
Outside NYC	Orange	Active	83,178	69,723	4,319	1,043	583	292	11,484	6	218	51,697	222,543
Outside NYC	Orange	Inactive	6,542	4,435	295	122	67	18	1,021	0	12	4,413	16,925
Outside NYC	Orange	Total	89,720	74,158	4,614	1,165	650	310	12,505	6	230	56,110	239,468
Outside NYC	Orleans	Active	5,204	11,022	543	133	64	65	1,117	0	10	5,025	23,183
Outside NYC	Orleans	Inactive	224	330	16	10	1	2	35	0	0	276	894
Outside NYC	Orleans	Total	5,428	11,352	559	143	65	67	1,152	0	10	5,301	24,077
Outside NYC	Oswego	Active	16,940	31,752	1,668	316	155	118	3,741	2	37	14,863	69,592
Outside NYC	Oswego	Inactive	2,631	3,395	209	74	22	16	649	0	3	2,727	9,726
Outside NYC	Oswego	Total	19,571	35,147	1,877	390	177	134	4,390	2	40	17,590	79,318
Outside NYC	Otsego	Active	10,772	12,970	542	132	135	77	2,085	0	17	7,228	33,958
Outside NYC	Otsego	Inactive	741	685	30	13	11	6	137	0	2	593	2,218
Outside NYC	Otsego	Total	11,513	13,655	572	145	146	83	2,222	0	19	7,821	36,176
Outside NYC	Putnam	Active	19,776	22,247	1,776	192	151	101	3,713	2	47	16,475	64,480
Outside NYC	Putnam	Inactive	1,276	1,302	111	11	16	3	264	0	4	1,137	4,124
Outside NYC	Putnam	Total	21,052	23,549	1,887	203	167	104	3,977	2	51	17,612	68,604
Outside NYC	Rensselaer	Active	30,844	24,308	4,044	936	427	74	7,828	1	110	28,820	97,392
Outside NYC	Rensselaer	Inactive	4,199	2,242	352	211	67	2	1,034	0	7	3,737	11,851
Outside NYC	Rensselaer	Total	35,043	26,550	4,396	1,147	494	76	8,862	1	117	32,557	109,243
Outside NYC	Rockland	Active	91,984	45,562	4,457	822	372	50	7,702	7	235	45,931	197,122
Outside NYC	Rockland	Inactive	4,949	2,491	165	51	25	0	493	0	7	2,989	11,170
Outside NYC	Rockland	Total	96,933	48,053	4,622	873	397	50	8,195	7	242	48,920	208,292
Outside NYC	Saratoga	Active	44,801	60,096	2,537	406	385	358	9,126	3	79	38,563	156,354
Outside NYC	Saratoga	Inactive	3,081	3,269	146	41	43	26	659	0	6	3,058	10,329
Outside NYC	Saratoga	Total	47,882	63,365	2,683	447	428	384	9,785	3	85	41,621	166,683

Outside NYC	Schenectady	Active	37,076	22,729	3,176	624	290	172	5,384	2	102	23,669	93,224
Outside NYC	Schenectady	Inactive	4,006	2,056	222	98	48	12	615	0	10	2,916	9,983
Outside NYC	Schenectady	Total	41,082	24,785	3,398	722	338	184	5,999	2	112	26,585	103,207
Outside NYC	Schoharie	Active	4,866	7,433	538	90	71	40	1,206	0	25	4,401	18,670
Outside NYC	Schoharie	Inactive	484	575	55	12	8	3	151	0	5	549	1,842
Outside NYC	Schoharie	Total	5,350	8,008	593	102	79	43	1,357	0	30	4,950	20,512
Outside NYC	Schuyler	Active	3,362	4,813	246	58	62	13	720	0	5	2,652	11,931
Outside NYC	Schuyler	Inactive	167	263	16	7	6	1	49	0	1	223	733
Outside NYC	Schuyler	Total	3,529	5,076	262	65	68	14	769	0	6	2,875	12,664
Outside NYC	Seneca	Active	5,987	7,626	440	107	69	43	1,032	0	19	4,160	19,483
Outside NYC	Seneca	Inactive	477	502	42	15	7	2	126	0	1	515	1,687
Outside NYC	Seneca	Total	6,464	8,128	482	122	76	45	1,158	0	20	4,675	21,170
Outside NYC	St.Lawrence	Active	21,581	20,530	958	252	164	90	3,376	1	36	12,592	59,580
Outside NYC	St.Lawrence	Inactive	2,359	1,774	82	41	38	9	423	0	2	1,935	6,663
Outside NYC	St.Lawrence	Total	23,940	22,304	1,040	293	202	99	3,799	1	38	14,527	66,243
Outside NYC	Steuben	Active	14,222	28,456	984	227	165	134	2,982	0	48	10,652	57,870
Outside NYC	Steuben	Inactive	894	1,272	59	23	18	10	221	0	6	878	3,381
Outside NYC	Steuben	Total	15,116	29,728	1,043	250	183	144	3,203	0	54	11,530	61,251
Outside NYC	Suffolk	Active	334,277	306,799	20,753	3,915	1,834	1,052	42,531	10	702	262,530	974,403
Outside NYC	Suffolk	Inactive	31,750	24,898	1,675	398	240	97	4,237	0	55	24,868	88,218
Outside NYC	Suffolk	Total	366,027	331,697	22,428	4,313	2,074	1,149	46,768	10	757	287,398	1,062,621
Outside NYC	Sullivan	Active	17,205	13,262	1,035	222	134	38	2,330	1	21	11,260	45,508
Outside NYC	Sullivan	Inactive	3,002	1,719	122	59	34	9	407	0	6	2,056	7,414
Outside NYC	Sullivan	Total	20,207	14,981	1,157	281	168	47	2,737	1	27	13,316	52,922
Outside NYC	Tioga	Active	8,039	13,730	471	101	99	90	1,679	1	6	6,386	30,602
Outside NYC	Tioga	Inactive	825	1,114	47	18	13	3	208	0	1	874	3,103
Outside NYC	Tioga	Total	8,864	14,844	518	119	112	93	1,887	1	7	7,260	33,705
Outside NYC	Tompkins	Active	30,277	11,000	387	209	351	106	2,186	1	33	11,518	56,068
Outside NYC	Tompkins	Inactive	3,017	763	33	27	62	10	216	0	9	1,418	5,555
Outside NYC	Tompkins	Total	33,294	11,763	420	236	413	116	2,402	1	42	12,936	61,623
Outside NYC	Ulster	Active	47,520	27,699	2,448	543	588	142	5,767	2	83	32,856	117,648
Outside NYC	Ulster	Inactive	4,934	2,459	227	86	81	19	679	0	11	3,968	12,464
Outside NYC	Ulster	Total	52,454	30,158	2,675	629	669	161	6,446	2	94	36,824	130,112
Outside NYC	Warren	Active	11,414	18,455	639	122	211	62	2,585	1	47	8,742	42,278
Outside NYC	Warren	Inactive	782	991	44	9	29	2	230	0	4	757	2,848
Outside NYC	Warren	Total	12,196	19,446	683	131	240	64	2,815	1	51	9,499	45,126
Outside NYC	Washington	Active	9,033	14,527	683	169	135	55	2,165	1	15	7,940	34,723
Outside NYC	Washington	Inactive	526	597	28	17	13	5	140	0	0	531	1,857
Outside NYC	Washington	Total	9,559	15,124	711	186	148	60	2,305	1	15	8,471	36,580
Outside NYC	Wayne	Active	13,547	22,332	1,500	259	155	159	2,878	1	26	14,062	54,919
Outside NYC	Wayne	Inactive	601	784	53	18	13	7	132	0	2	821	2,431

Outside NYC	Wayne	Total	14,148	23,116	1,553	277	168	166	3,010	1	28	14,883	57,350
Outside NYC	Westchester	Active	296,049	125,070	7,507	1,384	936	280	21,805	16	423	141,245	594,715
Outside NYC	Westchester	Inactive	20,969	8,802	471	129	104	25	1,628	0	14	10,827	42,969
Outside NYC	Westchester	Total	317,018	133,872	7,978	1,513	1,040	305	23,433	16	437	152,072	637,684
Outside NYC	Wyoming	Active	5,052	11,036	554	86	45	43	1,151	0	1	5,281	23,249
Outside NYC	Wyoming	Inactive	341	520	35	7	4	2	93	0	0	461	1,463
Outside NYC	Wyoming	Total	5,393	11,556	589	93	49	45	1,244	0	1	5,742	24,712
Outside NYC	Yates	Active	3,288	6,357	241	51	49	22	678	0	31	2,713	13,430
Outside NYC	Yates	Inactive	183	282	17	3	4	4	38	0	4	192	727
Outside NYC	Yates	Total	3,471	6,639	258	54	53	26	716	0	35	2,905	14,157
Outside NYC Grand Tot		Active	2,681,575	2,154,941	128,721	27,344	17,695	9,414	334,569	114	4,364	1,652,949	7,011,686
Outside NYC Grand Tot		Inactive	231,430	152,393	8,810	3,173	2,318	692	30,015	0	461	158,615	587,907
Outside NYC Grand Tot		Total	2,913,005	2,307,334	137,531	30,517	20,013	10,106	364,584	114	4,825	1,811,564	7,599,593
Within NYC	Bronx	Active	563,180	41,020	2,969	2,777	980	227	13,767	7	899	111,977	737,803
Within NYC	Bronx	Inactive	70,535	6,193	434	536	105	27	2,081	0	36	15,422	95,369
Within NYC	Bronx	Total	633,715	47,213	3,403	3,313	1,085	254	15,848	7	935	127,399	833,172
Within NYC	Kings	Active	1,063,080	125,464	4,391	4,838	2,782	806	28,252	16	1,114	262,681	1,493,424
Within NYC	Kings	Inactive	97,706	11,957	500	722	411	88	3,753	0	29	28,465	143,631
Within NYC	Kings	Total	1,160,786	137,421	4,891	5,560	3,193	894	32,005	16	1,143	291,146	1,637,055
Within NYC	New York	Active	722,105	89,118	1,744	1,796	1,895	862	25,853	10	647	190,996	1,035,026
Within NYC	New York	Inactive	98,535	20,677	350	370	372	163	6,354	0	25	35,925	162,771
Within NYC	New York	Total	820,640	109,795	2,094	2,166	2,267	1,025	32,207	10	672	226,921	1,197,797
Within NYC	Queens	Active	780,057	129,989	5,295	3,320	1,957	637	27,275	8	1,256	256,888	1,206,682
Within NYC	Queens	Inactive	48,049	8,353	368	303	142	45	2,162	0	21	16,762	76,205
Within NYC	Queens	Total	828,106	138,342	5,663	3,623	2,099	682	29,437	8	1,277	273,650	1,282,887
Within NYC	Richmond	Active	128,792	90,023	4,627	1,065	421	240	9,836	6	224	64,056	299,290
Within NYC	Richmond	Inactive	9,452	5,110	273	119	38	11	780	0	3	4,397	20,183
Within NYC	Richmond	Total	138,244	95,133	4,900	1,184	459	251	10,616	6	227	68,453	319,473
Within NYC Total		Active	3,257,214	475,614	19,026	13,796	8,035	2,772	104,983	47	4,140	886,598	4,772,225
Within NYC Total		Inactive	324,277	52,290	1,925	2,050	1,068	334	15,130	0	114	100,971	498,159
Within NYC Total		Total	3,581,491	527,904	20,951	15,846	9,103	3,106	120,113	47	4,254	987,569	5,270,384
Statewide Total		Active	5,938,789	2,630,555	147,747	41,140	25,730	12,186	439,552	161	8,504	2,539,547	11,783,911
Statewide Total		Inactive	555,707	204,683	10,735	5,223	3,386	1,026	45,145	0	575	259,586	1,086,066
Statewide Total		Total	6,494,496	2,835,238	158,482	46,363	29,116	13,212	484,697	161	9,079	2,799,133	12,869,977

