



New York State Board of Elections Annual Report 2020



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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' 2020 Annual Report. This report provides a comprehensive review of Board programs and accomplishments during the calendar year 2020.

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.

It is beyond dispute that 2020 was a year like no other for the elections community. A global pandemic disrupted New York's election like no event since World War II. A record-setting 1.8 million people voted by absentee ballot during the November General Election due to the Coronavirus (Covid-19). Local election offices had to procure millions of dollars' worth of masks, antiseptic dispensers, hand wipes and antibacterial sprays to constantly clean equipment and tables during a Presidential Primary, the Spring Primary, and the General Election. Guidance from the Centers for Disease Control were now part of the elections experience.

Due to the ongoing Coronavirus outbreak, New York consolidated the Presidential, State, and local primaries to June 23rd with early voting turnout numbers coming in at just over 2.4% for statewide participation. This was the second full year of early voting for New York. The General Election saw just over 2,507,000 people vote early representing nearly 19% of the overall turnout for 2020, a significant increase from the previous year.

In 2020, on June 23rd there was a Democratic Presidential primary, one Special Election for Congressional District 27 to fill a vacancy resulting after the resignation of Congressman Chris Collins. For Congressional primaries on June 23rd there were 24

contests in 21 districts, and multiple State Senate and Assembly contests. In the General Election on November 3rd, 254 federal and state offices were on the ballot.

The New York State Board of Elections worked diligently throughout 2020, 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



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.

2020 PERSONNEL DIRECTORY

Commissioners

Douglas A. Kellner
Co-Chair

Peter S. Kosinski
Co-Chair

Andrew J. Spano
Commissioner

Anthony J. Casale
Commissioner

Robert A. Brehm
Co-Executive Director

Donna Mullahey
Secretary

Todd D. Valentine
Co-Executive Director

Maryellen Reda
Secretary

Office of the Counsel

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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

Vacant, *Chief Enforcement Counsel*

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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.

Litigation

In addition to the ballot access cases that Counsels' 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.

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 found the delegation of powers to the Commission charged with drafting a report on public campaign financing violated the separation of powers doctrine and the commission was unconstitutional. However, the legislature enacted the commission's recommendations of implementing a public campaign finance program by statute.

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.

Sugarman v. New York State Board of Elections (Albany County Supreme court, Appellate Division Third Department): This case challenged SBOE regulations regarding enforcement. The trial court and the Appellate Division upheld constitutionality and statutory conformance of the regulations, Part 6203 *et seq.*

Hernandez v. New York State Board of Elections (SDNY): This case was brought by disability advocates to make the absentee ballot process accessible. NYSBOE provided accessible PDFs by email with ballots returned by mail by means of a resolution. A preliminary injunction requiring a different system was denied. At the close of 2020 the litigation was still pending.

Gallagher v. New York State Board of Elections (SDNY): This case involved the counting of absentee ballots received without postmarks. The court issued a preliminary injunction for the June primary requiring ballot envelopes not postmarked but received by the day after the election to be counted.

Independent Signature Cases: Two actions were brought that challenged the reductions in independent signatures; *Eisen v. Cuomo (Westchester County Supreme Court)* and *Eisen v. Cuomo (SDNY)*. The court upheld the pandemic signature requirements in both cases.

SAM Party v. Cuomo (SDNY): This case challenged the Public Financing Commission report requiring the parties to run a candidate for President in addition to running a candidate for Governor to maintain party status. At the end of 2020, the case was still pending.

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 2020, the State Board issued two HAVA determinations:

In *Tucci v. Suffolk County Board of Elections*, the Suffolk County Board of Elections was directed to inform voters of their voting options when a Ballot Marking Device fails to work

correctly, and to use a trouble-shooting card for poll workers for this purpose. The Suffolk County Board of Elections was also directed to update its training materials accordingly.

In *Barbara v. Nassau County Board of Elections*, the Board was similarly directed to inform voters of their options when a Ballot Marking Device is temporarily unavailable. The Nassau County Board was also instructed to (i) provide voters with notice and options for voting when unexpected events (like a broken elevator) occur, and (ii) instruct poll site staff on maintaining ballot privacy.

Regulations and Directives

The office drafted, and the Board adopted, the following amended regulations:

1. Amendments to Part 6211 (Early Voting). Pursuant to Title V of Article 8 of the Election Law, the Board permanently adopted regulations to effectuate early voting. The regulations included poll site designation requirements, procedures to avoid double voting and other canvassing procedures.
2. Amendments to Part 6200.2 (Changing Filing Calendar). With the change to the June Primary, the periodic report of campaign finance disclosures due in July fell within two weeks of the ten-day post primary report. The rules change allow the periodic report to supplant the ten-day post primary report.

To meet the needs of voting during the height of the COVID-19 Pandemic, the Board adopted resolutions related to absentee balloting for persons with disabilities, privacy booth flexibility to permit social distancing.

The Board also adopted a resolution allowing filers with the New York City Campaign Finance Board to no longer be required to make duplicative filings with the New York State Board of Elections.

The Board also adopted a comprehensive Use of Force Policy, making clear that force is only acceptable in defense of self and others.

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 one opinion for 2020.

Advisory Opinion 1 of 2020 opined that campaign funds could not be used to pay tuition for an office-holder’s program of study not clearly “related to a political campaign or the holding of a public office.”

Legislative Activities

Counsels’ 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, Counsels’ 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.

In relation to volume of new legislation, 2020 was a significant year in New York. Below is a summary of the major legislation enacted in 2020.

Chapter 21 provides for the mailing of annual voter registrant checks no more than 90 days before a primary election, and no less than 85 days before a primary election, so such mailings will not occur during the early voting period for such primary.

Chapter 24 reduces the signature threshold for designating petitions for the 2020 election; makes changes to the filing deadlines; and removes the filing of an Opportunity to Ballot petition for the June 23rd Primary Election.

Chapter 33 provides for chapter amendments to Chapter 456 of Laws of 2019, which required 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. The chapter amendments replace the term "nomination" with "appointment" and "nominated" with "appointed" as the correct terms of art as it relates to committees to receive notices for opportunity to ballot petitions.

Chapter 34 provides for chapter amendments to Chapter 465 of Laws of 2019, which eliminated duplicate financial disclosure reports for candidates and authorized political committees who file with New York City Campaign Finance Board. The chapter amendments clarify that if a local campaign finance board violates any one or more requirements outlined in the Election Law, then the capacity for campaign filers to satisfy filing requirements locally is revoked.

Chapter 55 Part JJ provides for a manual recount where the margin of victory is twenty votes or less, where the margin of victory is 0.5% or less; or in a contest where one million or more ballots have been cast and the margin of victory is less than 5,000 votes. Part XX, Subpart M provides for chapter amendments to Chapter 587 of the Laws of 2019, which required SUNY and CUNY to

provide voter registration forms and absentee ballots to students, and for these locations to assist in completion of these documents. Part XX, Subpart N provides for chapter amendments to Chapter 717 of the Laws of 2019, relating to the requirement that a BOE cast and canvass a voter's affidavit ballot if it substantially complies with law. The chapter amendments define substantial compliance as when the board can determine the voter's eligibility based on the statement of the affiant or records of the board. Part AAA amends the time off to vote law. The amended time off to vote law provides that if a voter may receive up to two hours of paid time off to vote if the voter does not have four consecutive hours to vote, either from the opening of the polls to the beginning of your work shift, or between the end of your working shift and the closing of the polls.

Chapter 56 Part TT provides that: "if a candidate for office of the president of the United States...publicly announces that they are no longer seeking the nomination for the office of president of the United States, or if the candidate announces that they are terminating or suspending their campaign, or if the candidate sends a letter to the state board of elections indicating they no longer wish to appear on the ballot, the state board of elections may determine...that the candidate is no longer eligible and omit said candidate from the ballot; provided, however, that for any candidate of a major political party, such determination shall be solely made by the commissioners of the state board of elections who have been appointed on the recommendation of such political party or the legislative leaders of such political party, and no other commissioner of the state board of elections shall participate"

Chapter 58 Part ZZZ codifies the New York State public financing program; establishes the New York state campaign finance fund; establishes the NYS campaign finance fund checkoff; amends the definition of a party to political organizations that, in last preceding election for governor received, at least two percent of the total votes cast for its candidate for governor, or one hundred thirty thousand votes, whichever is greater, and at least two percent of the total votes cast for its candidate for president, or one hundred thirty thousand votes, whichever is greater, in a year when a president is elected; and changed the threshold for statewide independent nominating petitions to forty-five thousand signatures from registered voters, or one percent of the total number of votes, excluding blank and void ballots, cast for the office of governor at the last gubernatorial election, whichever is less, of whom at least five hundred, or one percent of enrolled voters, whichever is less, shall reside in each of one-half of the congressional districts of the State.

Chapter 87 provides for chapter amendments to Chapter 454 of Laws of 2019, which required political communications to disclose the identity of the political committee that made the expenditure for the communication. The chapter amendments clarify that the exceptions for campaign or ballot provision committees do not apply to reporting requirements for independent expenditure committees.

Chapter 91 permits electronic application for absentee ballots, removes requirement that such application be signed by the voter and provides that this provision expires on December 31, 2020.

Chapter 138 permits absentee ballot applications to be sent to county boards of elections for processing earlier than 30 days. This provision expires on December 31, 2020.

Chapter 139 amends Section 8-400 of the Election Law to define the term "illness" for the purposes of absentee voting to include instances where a voter is unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease-causing illness to the voter or to other members of the public. This provision expires January 1, 2022.

Chapter 140 amends Section 8-412 of the Election Law to provide that all absentee ballots that do not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election.

Chapter 141 amends Section 9-209 of the Election Law to require boards of elections to notify absentee voters when their absentee ballots contained certain deficiencies; establishes a procedure for absentee voters to respond to notice of deficiency from the board of elections; and provides the voter an opportunity to submit an affirmation to cure the deficiency.

Chapter 200 amends Section 4-117 of the Election Law to require boards of elections to print in bold type the date and time of all upcoming primary and general elections on address verification notices sent out prior to elections.

Chapter 232 amends Section 8-104 of the Election Law to prohibit the making of any change, alteration or modification to any entrance to or exit from a polling place unless such change, alteration or modification is necessary to maintain public safety due to the occurrence of an emergency and requires the posting of signage in relation to such change, alteration or modification.

Chapter 344 amends Section 8-600 of the Election Law to require municipalities with the highest population in each county to have at least one polling place designated for early voting.

Chapter 350 implements a system of automatic voter registration, ("AVR") within certain designated state and local agency applications. The bill specifically designates the Department of Motor Vehicles (DMV) Department of Health (DOH), the Office of Temporary and Disability Assistance (OTDA); Department of Labor (DOL); Office of Vocational and Educational Services for Individuals with Disabilities; County and City Departments of Social Services, and the New York City Housing Authority (NYCHA), as agencies participating in AVR. This provision takes effect January 1, 2023.

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 Unit is 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 2020, there were 17,295 active filers with NYSBOE. A total of 28,887 itemized, no-activity and in-lieu of campaign finance reports were received by NYSBOE in 2020, including 18,495 itemized financial disclosure statements. All filings are available for public viewing on NYSBOE's website.

The number of active filers with NYSBOE decreased slightly in 2020, as is indicated below:

Type	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
State	2,549	2,212	2,695	2,244	2,365	3,017	2,996	2,860	2,975	3,120	3,374
County	8,458	10,198	9,990	11,817	13,534	13,270	13,347	13,602	13,573	14,838	13,921
TOTAL	11,007	12,319	12,595	14,061	15,899	16,287	16,343	16,462	16,548	17,958	17,295

Filers include both committees and candidates without a committee who are making their own filings. In 2020, 1,346 new candidates and 680 new committees registered with NYSBOE. With each new registration, the Compliance Unit sent a confirmation to the treasurer or candidate, providing the committee/candidate identification and login information enabling filings through the EFS Web Application. There were a total of 2,691 committee and candidate terminations processed in 2020.

Other tasks the Compliance Unit accomplished in 2020 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 NYSBOE, with information regarding campaign finance laws, rules and filing information.
- Assisting people visiting NYSBOE's website to view campaign finance disclosure reports online.
- Facilitating registration for filers during the COVID-19 pandemic.

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. Due to the COVID-19 pandemic, the Training Group shifted to a virtual webinar model in 2020 to ensure that trainings continued despite travel restrictions and health concerns.

Overall, in 2020, staff conducted eight webinars 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 361 people attended these virtual webinars in 2020.

In addition to conducting webinars, there was substantial focus within the sub-unit in 2020 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 2020, 18,513 itemized reports were received. Of this number, 16,400 were reviewed in 2020, 1,017 were found deficient, 13,363 were compliant and 2,020 had training issues. As of December 2020, the Unit surpassed the 145,000 mark of compliance reviews completed since it was established in 2014.

In response to extensive legislation passed in 2020, 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; the elimination of duplicate financial disclosure reports for candidates and authorized political committees who file with the New York City Campaign Finance Board, including a review and termination of filing requirements for many NYCCFB filers.

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 to be accessible and subsequently added to the NYSBOE website.

The Compliance Unit continued in 2020 to work with the Information Technology Unit to redesign the State Board's Electronic Filing Software (EFS) from desktop software to a web-based application with a deployment date set for January 25, 2021. The new web application allows all candidates and committees filing campaign finance disclosure reports, including amendments, no-activity reports, in-lieu-of reports, campaign materials, notices of non-participation, paid internet advertisements, and 24-hour and weekly notices on any web-enabled device.

Referrals

In 2020, the Compliance Unit referred non-filer and deficient-filer items to the Enforcement Counsel for review and action. This consisted of 3,017 referrals for non-filing. Of these, as of December 2020, 2,880 or 95%, continued to owe reports that have yet to be filed.

In 2020, there were a total of 149 referrals of candidates/committees for failure to come into compliance after being served with a notice of deficiency. For itemized reports filed between 2014 and 2020, as of the end of 2020, a total of 2,828 filings have been referred to Enforcement as deficient. Of that number, 469 reports have since been amended to successfully address deficiencies, three filings have been deleted, 972 were eventually reclassified as training, and 1,384 remained as of the end of 2020.

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 officer positions to manage these proceedings. In 2020, two matters were referred by Enforcement to a hearing officer.

Additionally, the Enforcement Counsel tendered zero subpoena requests in 2020, 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 806 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 2020, there were 829,565 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 96.42% (799,924) of the total number of voter registration applications or transactions in the state. The remaining agencies participating in the program accounted for 3.57% (29,641) of registrations.

Sources of Voter Registration

Motor Vehicles	799,924
Public Assistance Agencies	27,793
Disability Agencies	1,476
State Designated Agencies	86
By Mail	286
Total	829,565

Agency-Based Voter Registration Statistics

<u>Year</u>	<u>New Registrations</u>	<u>Address Changes</u>	<u>Enrollment Changes</u>	<u>Name Changes</u>
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
2020	296,335	112,766	92,985	18,945

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.

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 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 253 individual supply shipments to participating NVRA sites during 2020.

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.

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 2020, staff at the State Board of Elections processed 36,734 New York State and 14,944 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 7,875 address change requests received from the Department of Motor Vehicles to county boards during 2020.

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 2020, data for nearly 13 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.

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 2020, eight counties were reviewed and found to be in substantial or better compliance with state regulations.

Grants

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 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 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 2020, 23 counties submitted 64 vouchers for SHOEBOX fund reimbursement, amounting in total to \$2,488,440.65.

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) using varied accessibility tools (e.g., ramps, handrails, and signage). In 2020, five counties submitted claims for reimbursement amounting in the total of \$706,958.40.

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. In 2020, seven counties submitted claims for reimbursement totaling \$1,301,490.40.

Technology Innovation and Elections Resource Capital Grant (TIER)

In 2019, \$14,700,000 was appropriated for a reimbursement program for the purchase of technology upgrades for tools in election administration, including Electronic Poll Books, software, on-demand ballot printers and cyber security. The original date range for the program was from April 12, 2019, to December 31, 2020. Claims were required to be submitted by March 31, 2021. Allowable expenses included e-poll books/software, on-demand ballot printers, thermal receipt printers, secure memory devices, security containers and training for election staff, among other things. This contract was extended in 2020 and the new applicable period runs from April 12, 2019, to January 28, 2022. This will allow counties who were not able to utilize all their funds to do so. In 2020, 38 counties submitted 63 claims for reimbursement totaling \$11,216,704.10.

Early Voting Expansion (EVE) Aid-to-Localities Grant

Also in 2019, \$10,000,000 was appropriated by the State Legislature for a reimbursement program to implement early voting. The original period for qualifying expenses was from April 12, 2019, to December 31, 2020. Again, claims were to be submitted by March 31, 2021. Allowable expenses included e-poll books systems, staff training to implement early voting, temporary poll site improvements, developing and implementing early voting plan, security practices/equipment

and cleaning supplies. This contract was also extended out to January 28, 2022, to allow counties who were not able utilize all their funds in the original time period to do so. In 2020, 45 counties submitted 104 claims for reimbursement totaling \$7,351,716.60.

Elections Cybersecurity Remediation Grant

Lastly in 2019, the State Legislature appropriated \$9,000,000 to implement a cybersecurity remediation and mitigation program. This program paid for risk assessments for each county conducted by NYSBOE vendor Grant Thorton and our technology consultant NYSTEC which resulted in an array of recommendations to address security risks at the county level. This grant was extended from its original end date of December 31, 2021, to December 31, 2023. The assessment resulted in each county having its own detailed plan and costs associated. No claims were submitted in 2020.

NYS HAVA CARES ACT Grant

The federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), enacted March 28, 2020, included \$400 million in new Help America Vote Act (HAVA) funds, made available to states to prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle. This supplemental appropriation will provide states with additional resources to protect the 2020 elections from the effects of COVID-19. The eligible period for the grant was March 28, 2020 to December 31, 2020. In, 2020 every county utilized this grant with 204 claims submitted for reimbursement totaling \$23,962,157.51.

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 public on a multitude of topics.

COVID -19 Pandemic

The COVID-19 pandemic had significant impacts for candidates seeking ballot access, as well the Unit's administrative procedure for processing ballot access documents. Candidates faced a difficult challenge running for office in 2020. Collecting petition signatures, the primary source of gaining ballot access for most candidates for public office, was severely restricted by public health requirements and recommendations that required social distance and limited public interactions. Some of these concerns were addressed by the Governor's Executive Order 202.2, which reduced the required signature thresholds for certain offices by approximately 70% and by Chapter 24 of the Laws of 2020, which changed the filing deadline for submitting petitions from April 2nd to March 20th. The Operations Unit instituted several changes to limit contact between the staff and the public, including the limited handling of the original documents. Despite the obstacles presented by COVID-19, the ballot access process remained an efficient and transparent process in 2020.

Candidate Ballot Access

During a Presidential election year ballot access activity generally increases substantially in relation to the number of candidates running for office for state and national contests. 2020 was no exception. Chapter 5 of the Laws of 2019 established a unified State and Federal Primary election to be held on the 4th Tuesday in June. In 2020, the Primary date was June 23rd, with the Early Voting period beginning on June 13, 2020, and running until June 21, 2020. Additionally, the 2020 Presidential Primary was initially scheduled for April 28th. However, the Presidential Primary was subsequently rescheduled to coincide with the June 23rd State and Federal Primary. The General Election was held on November 3, 2020, with the Early Voting period running from October 24th through November 1st.

Even-numbered year contests usually include those for Member of the State Assembly, State Senator, Member of the United States Senate (although not in 2020) and the House of

Representatives. In addition to filings related to those offices, the State Board of Elections is also the repository for many petitions filed for Judicial Delegates and Alternate Judicial Delegates to Judicial District Conventions. Delegates, in turn, nominate candidates for the office of Justice of the Supreme Court from each of the thirteen judicial districts in the State. Further, many petitions for those seeking to become State Party Committee Members, representing certain Assembly and Congressional districts, are also filed with the State Board.

Ballot access activity relating to the public, party, and judicial offices described above involved data entry as well as the creation and dissemination of correspondence and the publication of a variety of reports which track all ballot access activities. For the April Presidential Primary (Moved to June 23rd), this activity consisted of the filing of the following petitions and nominations:

- 13 Statewide Petitions for the office of President;
- 7 Statewide Nominations for the office of President;
- 3 General Objections for the office of President;
- 2 Specific Objections for the office of President;
- 10 Acceptances for the office of President;

The following petitions were filed with respect to Federal Offices in the June Primary:

- 122 Petitions for Representative in Congress

The following filings relating to petitions for Congress were received, posted, and acknowledged:

- 55 Acceptances
- 60 Authorizations
- 4 Declinations
- 4 Substitutions

Objections and corresponding specifications received, posted, and researched for Congressional races, were as follows:

- 63 General Objections
- 39 Specific Objections

The following petitions were filed with respect to State Offices in the November general election:

- 166 Petitions for New York State Senate
- 224 Petitions for New York State Assembly
- 50 Petitions for State Committee positions
- 110 Petitions for Judicial Delegates/Alternates

Objections and corresponding specifications received, posted, and researched, were as follows:

- 54 General Objections for State Senate
- 15 Specific Objections for State Senate
- 44 General Objections for State Assembly
- 19 Specific Objections for State Assembly
- 27 General Objections for State Committee
- 12 Specific Objections for State Committee
- 4 General Objections for Judicial Delegates/Alternates
- 3 Specific Objections for Judicial Delegates/Alternates

The following filings made in relation to petitions were received by the Unit:

- 6 Certificates of Declination for State Senate
- 4 Certificates of Substitution for State Senate
- 118 Acceptances for State Senate
- 93 Authorizations for State Senate
- 5 Certificates of Declination for State Assembly
- 4 Certificates of Substitution for State Assembly
- 130 Acceptances for State Assembly
- 129 Authorizations for State Assembly
- 5 Certificates of Declination for State Committee
- 4 Certificates of Substitution for State Committee
- 130 Acceptances for State Committee
- 129 Authorizations for State Committee
- 1 Certificates of Declination for Judicial Delegates/Alternate Delegates
- 1 Certificates of Substitution for Judicial Delegates/Alternate Delegates

Independent Nominating Petitions may also be filed to attain ballot access for public office. The 2020 filing period for Independent Nominating Petitions included the submission, posting, and acknowledgement of the following:

- 3 Petitions for Congress;
- 2 Petitions for State Senate;
- 2 Petitions for State Assembly;

Ballot access filings are not validated by the State Board of Elections. They are presumptively valid when filed. However, the validity of a filing may be challenged by persons (objectors) choosing to do so. Challenges require the filing of an initial notice, or General Objection, and a subsequent detailed list of Specific Objections. Staff then reviews each specific objection and

reports their findings. A determination is then made as to whether a hearing is required to review the findings with the candidate(s) and/or objector(s). Hearing officer reports are provided to the Board and determinations are then made by the Commissioners of the State Board. Notices of all determinations are provided to all participants. Objections to designating petitions and corresponding specifications received, posted, and researched, were as follows:

- 6 General Objections
- 4 Specific Objections

A total of 25 Certificates of Nomination were filed from the six Judicial Districts that had vacancies. As a result, 75 candidates were nominated for Supreme Court Justice. All information was entered into the candidate management system and all candidates were sent acknowledgement letters.

Additionally, the following documents pertaining to filings made for Supreme Court were received:

- 64 Acceptances

In 2020, Governor Andrew Cuomo called a Special Election to be held on April 28, at which vacancies for Congress, Assembly and Senate seats were to be filled. However, because of COVID-19 pandemic, the Assembly and Senate elections were postponed until the November General Election with the Special Election for Congressional District 27 being held on June 23, 2020.

Post-election activities include the collection, recording, and validating of all election results corresponding to the offices noted above. Certificates are prepared for signature by the Commissioners of the State Board of Elections in their capacity as the State Board of Canvassers. In addition, the Unit fielded a multitude of post-election questions on both Primary and General Election issues.

Presidential elections require the production of unique documents which are used in the conduct of the Electoral College, which was held on December 14. Subsequent to the adjournment of the Electoral College, executed documents were prepared and forwarded by the State Board of Elections, as required, to the Archivist of the United States. Staff scanned and indexed petitions and all related certificates, streamlining and decreasing response time for public access requests.

Public Election Services

In 2020, the Unit responded to a high volume of information inquiries from the public, predominantly relating to the Presidential Primary and the General Election. Additionally, a

sizeable amount of associated information was distributed, including copies of the 2020 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 2020, requests for registration forms via phone or website processed by the Unit resulted in the mailing of a total of 47,306 forms.

Statewide County Boards of Elections Operational Support

In addition to election assistance, support to county Boards of Elections in the area of daily operations remains a key focus of the Unit. County Boards of Elections are provided with oversight and support in innumerable ways, including phone calls, conference calls, e-mails, customized workshops and site visits tailored to individual counties, informative conference presentations, participation in and appearances at Election Commissioners Association regional meetings, topical memorandums, and the provision of extensive procedural documents and forms for implementation at the local level. As new regulations emerge or previous topics become heightened areas of interest, the Unit strives to communicate timely and appropriate guidance to county Board of Elections personnel.

Voting Technology and Support Activities

The Operations Unit continues its oversight of the use of voting technology by County Boards of Elections throughout New York. With respect to voting systems in 2020, Unit activities and support included, but were not limited to, the following:

- Help Desk technical support was provided before, during, and after each Primary and the General Election, with dedicated staff assigned to assist County Board of Elections personnel in building ballots, running test decks, conducting 3% post-election audits, defining ballot layout, and related tasks.
- Election Operations staff continued refining all policies and procedures. Feedback from County Boards of Elections, as well as input received from security vendor NYSTEC, support the goal of sculpting all the policies and procedures.
- Staff continues to collect and review ballots generated by County Boards of Elections in order to assess the potential for improved usability for voters. Areas of focus were font size, layout, placement of instructions, and overall ballot design.

Building upon the initial work done in the review and approval of Electronic Poll Book Systems (EPBS) for use by County Boards of Elections at Early Voting, which was enacted in 2019, the Operations Unit continued its work with the three approved vendors, KNOWiNK, Tenex and Robis) on updates to their system configurations. New configurations from all three vendors were reviewed and approved before both the June Primary Election as well as the November General Election.

Additional Unit Activities

In addition to ongoing operational and technical support to county Boards of Elections, public election services, ballot access assistance, and voting system certification and technical support, Election Operations personnel assist other Units in the agency through active participation in workgroups and projects, support of other Board missions affected by staffing shortages, and contributing to the various priorities identified by the Agency.

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 State Board 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, operation, 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.

In 2020, response to the COVID-19 pandemic necessitated support of remote "work from home" for much of the agency. A high number of laptops were quickly procured by IT and distributed to agency employees. Fortunately, preparations were made by the State Board before supply chain issues caused a scarcity of such resources. Remote connection software and infrastructure were enhanced to support the increased volume of traffic. Many IT staff continued as essential on-site workers throughout much of 2020.

Financial Disclosure Administration System (FIDAS)

The Financial Disclosure Administration System (FIDAS) 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 2020, IT continued the reengineering of FIDAS as part of the CAPAS/FIDAS Redesign Project, with a planned rollout for January 2021.

IT is responsible for receiving and processing electronic filings from just over 18,000 filers and loading them into FIDAS. There were eight major filing periods in 2020. 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 2020 included nearly 13 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 can 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 2020, IT continued the reengineering of CAPAS as part of the CAPAS/FIDAS Redesign Project, with a planned rollout for January 2021.

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 Board'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; however, this system lacked integration with the NYSVoter platform and the ability for the State Board to modify the application as needed.

Absentee Ballot Request Portal

In response to the COVID-19 pandemic, the State Board of Elections was directed in 2020 to create and deploy an online Absentee Ballot Request Portal. The Portal was another avenue for any registered voter in New York State to request an absentee ballot. Requests were then relayed to the corresponding county. After deployment, the Portal was heavily utilized by registered voters for both the Primary and General Elections.

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).

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.

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

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 planned for additional regional TableTop exercises for Summer 2020. However, due to pandemic restrictions, the Secure Elections Center quickly pivoted to instead participate in virtual Federal TableTop Exercises.

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 New York State 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 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. After completion of on-site visits, Assessment Reports were finalized for all counties. In addition to the individual reports, an overall Trends Report was created to inform the "next steps" for the Board's actions in securing the end-to-end of NY State's election infrastructure.

In 2020, the State Board contracted with a separate company to create individualized Risk Mitigation Plans. Working with county Boards of Elections and with county IT staff, these Risk Mitigation Plans were created and approved by the State Board. Grants were established to assist counties in implementing these plans, including both short and long-term security goals.

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.

State Board Security Enhancements

During the past year, we have continued 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 in 2019 of 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, which informed security response and enhancements during 2020.

PUBLIC INFORMATION OFFICE

Media and Public Relations

The Public Information Officer serves as the board's spokesperson and is responsible for handling all public and press inquiries. In 2020, the Public Information Office received over 6,200 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 related to the coronavirus. 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 (@NYSBOE) and Facebook accounts 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 2020, the State Board reported results for the April 28, 2020, Presidential Primary, a special election held in the 27th Congressional District on April 28th, the June 23rd State Primary, and the November 3rd General Election which included the offices of President and Vice President, the House of Representatives, the State Senate and State Assembly and the State Supreme Court.

Freedom of Information Law

The Public Information Officer also serves as the Board's Records Access Officer. They are responsible for processing all FOIL requests (excluding petition copies) received by the Agency. In 2020, 1,681 requests were received by the Records Access Officer. This number represents an 149% increase over 2019. Most requests were for data and records from NYSBOE's statewide database of registered voters (NYSVoter). Of the requests received, 1,466 were fulfilled, 54 were denied in accordance with the provisions of Section 87 of the Public Officers Law, and in 161 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 ballot proposals or questions on the 2020 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 14,243,552 total pageviews during 2020, a 348% increase over 2019 activity. The voter lookup page received 18,688,721 pageviews for the year, a 1,098% increase over 2019. Our top five pages include the Absentee Voting page, 3,936,124 pageviews; the Homepage, 2,586,210 pageviews; the Register to Vote page, 1,280,060 pageviews; the link to the County Boards page, 1,005,551 pageviews; and the Voting Deadlines page, 637,587 pageviews. The Election Night Reporting page, where election results are posted, had 953,543 pageviews.

Cybersecurity

During the 2016 General Election the security of election operations from cyber threats became a prominent national issue and continued through the 2020 Presidential 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.

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 cyber 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.

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 2020-21 appropriations of \$8,559,000 in the General Fund, \$21,839,000 in Special Revenue – Federal Funds (HAVA Election Security), and \$16,000,000 in Capital Projects Funds (OVR/voter enfranchisement modernization act of 2019).

The State Board of Elections was granted the following re-appropriations for 2020-21:

- \$831,000 by the laws of 2019, for the purpose of software and/or development of technology related to compliance and enforcement.
- \$4,228,000 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.
- \$16,001,000 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.
- \$3,694,000 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 (MOVE) Act of 2009.
- \$1,336,000 by the laws of 2010, for services and expenses related to the implementation of the Military and Overseas Voter Empowerment (MOVE) Act of 2009.
- \$1,119,000 by the laws of 2009, for HAVA related expenditures.

- \$919,000 by the laws of 2005, for services and expenses (prior to April 1, 2005) related to the Help America Vote Act of 2002.
- \$919,000 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.
- \$816,000 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.
- \$2,953,000 by the laws of 2017, for Voting Machine Examinations related expenditures.

Aid-to-Localities

- \$10,000,000 by the laws of 2019 to be made available to local boards for reimbursement of costs related to implementation of early voting.
- \$1,831,000 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.
- \$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.

- \$1,842,000 by the laws of 2005, for services and expenses incurred for the poll worker training and voter education efforts.
- \$6,669,000 by the laws of 2005 amended in 2006, for services and expenses related to the purchase of new voting machines and voting systems.

Capital Projects

- \$14,610,000 by the laws of 2019 for initial technology costs of electronic poll books as authorized in 2019 voter reform legislation.

Personnel Administration

The agency was authorized at a staffing level of 85 full-time positions for the 2020/21 Fiscal Year.

Revenue Calendar Year 2020

Judgments	\$176,608.34
Photocopies	\$0.00
Voting Machine Certification	\$354,000.00

**Division of Election Law Enforcement
New York State Board of Elections
Annual Report
2020**

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DIVISION OF ELECTION LAW ENFORCEMENT
STATE BOARD OF ELECTIONS

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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 2020 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

*The content of this report was prepared by the previous Chief Enforcement Counsel, Risa S. Sugarman. This report does not reflect or include any input by the current Chief Enforcement Counsel, Michael L. Johnson, who was appointed to the position in June 2021.

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 their 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 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. The 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 2020, 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 is 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 the Legislature imposed 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 the 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. Friends of Michael Simanowitz and Simon Pelman, Treasurer of Friends of Michael Simanowitz**

The Chief Enforcement Counsel conducted an investigation pursuant to articles 3 and 14 of the Election Law of the State of New York into the conduct of the Friends of Michael Simanowitz Committee (Committee) in relation to monies expended from the Committee's campaign finance bank account. The investigation found that the committee misappropriated over \$120,000 worth of political contributions by an individual, or individuals, with access to those monies. The misappropriation would have been recoverable by the CEC in a special proceeding in Supreme Court. The parties agreed to resolve the issue and entered into an agreement to avoid delay, additional expense, inconvenience, and uncertainty of protracted litigation. A full and final settlement was reached of any and all alleged Election Law violation claims that arise out of the Covered Conduct that can be asserted by the CEC in connection with the alleged misappropriation of campaign funds. The Committee agreed to and the CEC accepted a total payment of \$123,853 in consideration for the settlement of potential legal claims as a civil penalty in connection with the Covered Conduct.

- **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 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

¹ <https://www.nysut.org/about>

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 L 2019, 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.

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 the 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 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 five days prior 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, 2020, the Division received 792 email questions and/or complaints.[1] The Division conducted the initial review process described above which allowed referral of 54 of the questions and/or complaints to the SBOE for matters under its jurisdiction. Non-filer complaints were evaluated based upon the number of violations, the prior history of violations, and the good faith effort to correct the violations. Some of the complaints were resolved as filers voluntarily completed missing filings, as noted above. During the primary election cycle, a significant number of complaints (54 of 81 emails received in April 2020) opposed the removal of Bernie Sanders from the primary ballot and the cancelation of the Democratic primary. Further, many complaints received during both the primary and general election cycle related to reports of failure to receive requested Absentee Ballots and complaints relating to the operation of polling places.

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 the collection of penalties totaling \$145,350.86 in 2020. The Division also collected \$26,609.55 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

[1] 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.

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 Co-Counsels Brian Quail and Kimberly Galvin to conduct a review of a non-filer list, focusing on the July 2018 periodic report, and presented the results of that review at the Board Meeting on December 14, 2018. 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, 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-year period instead of focusing on committees that have failed to file a single report. The Division analyzed the 10 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.

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 the 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 the 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 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 the 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 10 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 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 is 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 depends on the order in which reports are loaded. This issue is unknown to many treasurers, who reportedly are not aware of what creates the issue or how to correct it.

Another known reason for errors in SBOE balances is apparently 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 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 a significant review of a 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, on 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 10 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 10 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, which is 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 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 is 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 apparently 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 of 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. FIDAS shows that 179 committees have a negative balance, 254 have a zero (\$0.00) balance, 189 never filed an itemized report and have no balance, and an unknown number reflects small balances. In order to correct the database of committees so it only contains 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 reviews 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 a 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 the Division, 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 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 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 the 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 the 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 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 the 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 10 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,³
- 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 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.

³ 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.

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 10 periodic reports during the time period reviewed only identified those committees 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 10 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 appears 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 1,214 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 1,214 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 1,214 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

Presumed Defunct, Inactive or Non-Operational Committees'			
Last Itemized Report			
Last itemized Report (Calendar Year)	Number of Committees	Average	Sum
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.⁴ 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

⁴ 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)

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.

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 1,188 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, a 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	Grodenschik 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

2018 July Periodic Non-Filers with balances of \$100,000+		
Filer ID	Committee Name	Balance
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
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 judgments. 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 03/15/2018.⁵ 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 \$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.

Grodenchik 2015 (C04042)

Mr. Grodenchik 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.

- Grodenchik 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 Grodenchik (A13635) (this committee is included in the 765 committees the Division has identified as likely defunct), Grodenchik 2017 (C06805), and Grodenchik for Queens (C88150).

- Friends of Barry Grodenchik (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 reinstate 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.
- Grodenchik 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.
- Grodenchik 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 01, 2020

COUNTY	STATUS	DEM	REP	CON	WOR	GRE	LBT	IND	SAM	OTH	BLANK	TOTAL
Albany	Active	99,630	35,571	3,109	608	518	419	9,363	13	144	46,856	196,231
Albany	Inactive	10,445	3,329	287	117	104	47	1,117	0	19	5,449	20,914
Albany	Total	110,075	38,900	3,396	725	622	466	10,480	13	163	52,305	217,145
Allegany	Active	5,681	13,238	448	127	88	72	1,243	1	11	5,288	26,197
Allegany	Inactive	333	517	24	8	8	6	76	0	3	391	1,366
Allegany	Total	6,014	13,755	472	135	96	78	1,319	1	14	5,679	27,563
Broome	Active	46,537	43,201	1,673	629	356	399	6,185	8	89	26,048	125,125
Broome	Inactive	5,099	3,549	140	117	67	20	803	0	21	3,719	13,535
Broome	Total	51,636	46,750	1,813	746	423	419	6,988	8	110	29,767	138,660
Cattaraugus	Active	13,799	18,915	1,119	224	122	134	2,327	3	26	10,067	46,736
Cattaraugus	Inactive	835	990	68	25	14	5	143	0	6	840	2,926
Cattaraugus	Total	14,634	19,905	1,187	249	136	139	2,470	3	32	10,907	49,662
Cayuga	Active	15,257	17,433	1,276	209	167	126	2,525	3	21	11,093	48,110
Cayuga	Inactive	719	787	53	21	11	1	180	0	5	733	2,510
Cayuga	Total	15,976	18,220	1,329	230	178	127	2,705	3	26	11,826	50,620
Chautauqua	Active	25,038	27,595	1,964	441	162	251	4,614	1	63	19,663	79,792
Chautauqua	Inactive	1,652	1,430	109	33	25	21	333	0	8	1,596	5,207
Chautauqua	Total	26,690	29,025	2,073	474	187	272	4,947	1	71	21,259	84,999
Chemung	Active	15,523	21,207	832	232	118	203	2,996	2	32	11,276	52,421
Chemung	Inactive	1,318	1,227	44	25	15	2	264	1	6	942	3,844
Chemung	Total	16,841	22,434	876	257	133	205	3,260	3	38	12,218	56,265
Chenango	Active	7,322	13,218	511	155	95	118	1,626	1	10	6,853	29,909
Chenango	Inactive	400	569	31	14	15	1	96	0	4	492	1,622
Chenango	Total	7,722	13,787	542	169	110	119	1,722	1	14	7,345	31,531
Clinton	Active	17,752	15,017	519	239	102	64	3,274	4	19	11,737	48,727
Clinton	Inactive	994	697	36	11	13	1	209	0	5	862	2,828
Clinton	Total	18,746	15,714	555	250	115	65	3,483	4	24	12,599	51,555
Columbia	Active	18,690	12,677	1,100	228	169	99	2,806	1	29	12,071	47,870
Columbia	Inactive	674	378	26	10	5	1	153	0	0	492	1,739

Columbia	Total	19,364	13,055	1,126	238	174	100	2,959	1	29	12,563	49,609
Cortland	Active	9,158	10,355	469	113	89	104	1,543	0	12	6,906	28,749
Cortland	Inactive	633	596	29	16	14	0	123	0	3	736	2,150
Cortland	Total	9,791	10,951	498	129	103	104	1,666	0	15	7,642	30,899
Delaware	Active	8,345	12,417	494	109	103	78	1,575	1	5	6,127	29,254
Delaware	Inactive	700	833	39	17	12	2	174	0	3	698	2,478
Delaware	Total	9,045	13,250	533	126	115	80	1,749	1	8	6,825	31,732
Dutchess	Active	72,293	54,427	3,746	723	459	411	10,263	10	108	52,442	194,882
Dutchess	Inactive	6,239	3,666	238	80	66	18	873	0	19	4,259	15,458
Dutchess	Total	78,532	58,093	3,984	803	525	429	11,136	10	127	56,701	210,340
Erie	Active	296,124	157,710	13,685	2,779	1,700	1,499	28,712	44	337	127,086	629,676
Erie	Inactive	14,780	6,337	496	162	122	47	1,417	0	32	7,362	30,755
Erie	Total	310,904	164,047	14,181	2,941	1,822	1,546	30,129	44	369	134,448	660,431
Essex	Active	7,707	10,792	243	57	84	52	1,782	0	6	5,114	25,837
Essex	Inactive	552	624	21	8	9	5	139	0	2	452	1,812
Essex	Total	8,259	11,416	264	65	93	57	1,921	0	8	5,566	27,649
Franklin	Active	10,119	8,978	347	96	76	53	1,590	1	6	5,535	26,801
Franklin	Inactive	757	606	19	14	19	1	182	0	0	663	2,261
Franklin	Total	10,876	9,584	366	110	95	54	1,772	1	6	6,198	29,062
Fulton	Active	7,473	15,974	624	152	76	100	1,729	1	16	6,593	32,738
Fulton	Inactive	738	1,000	44	18	13	4	169	0	2	783	2,771
Fulton	Total	8,211	16,974	668	170	89	104	1,898	1	18	7,376	35,509
Genesee	Active	8,997	16,855	991	160	105	189	1,880	1	24	8,901	38,103
Genesee	Inactive	594	897	59	19	14	10	143	0	1	729	2,466
Genesee	Total	9,591	17,752	1,050	179	119	199	2,023	1	25	9,630	40,569
Greene	Active	8,830	12,262	823	126	129	76	1,834	1	13	8,278	32,372
Greene	Inactive	927	1,125	79	24	54	2	255	0	0	1,070	3,536
Greene	Total	9,757	13,387	902	150	183	78	2,089	1	13	9,348	35,908
Hamilton	Active	902	2,507	66	4	4	9	213	0	0	616	4,321
Hamilton	Inactive	75	180	11	0	3	0	28	0	0	60	357
Hamilton	Total	977	2,687	77	4	7	9	241	0	0	676	4,678
Herkimer	Active	9,792	18,794	714	113	103	87	2,496	2	26	7,277	39,404
Herkimer	Inactive	907	1,253	57	21	16	3	266	0	6	842	3,371
Herkimer	Total	10,699	20,047	771	134	119	90	2,762	2	32	8,119	42,775

Jefferson	Active	16,352	24,748	916	203	141	189	3,180	10	31	14,107	59,877
Jefferson	Inactive	2,321	2,499	116	35	29	9	482	0	8	3,055	8,554
Jefferson	Total	18,673	27,247	1,032	238	170	198	3,662	10	39	17,162	68,431
Lewis	Active	3,933	8,905	305	35	36	43	839	1	3	3,132	17,232
Lewis	Inactive	410	688	23	4	5	1	122	0	0	413	1,666
Lewis	Total	4,343	9,593	328	39	41	44	961	1	3	3,545	18,898
Livingston	Active	10,415	17,418	914	117	132	144	1,891	0	16	8,988	40,035
Livingston	Inactive	548	525	33	11	13	10	89	0	4	543	1,776
Livingston	Total	10,963	17,943	947	128	145	154	1,980	0	20	9,531	41,811
Madison	Active	11,926	16,856	908	205	120	157	2,639	4	0	10,547	43,362
Madison	Inactive	806	799	33	22	5	3	146	0	0	678	2,492
Madison	Total	12,732	17,655	941	227	125	160	2,785	4	0	11,225	45,854
Monroe	Active	206,284	129,586	8,072	1,567	1,185	1,461	20,752	26	267	120,379	489,579
Monroe	Inactive	14,883	7,561	455	158	156	73	1,470	0	38	8,643	33,437
Monroe	Total	221,167	137,147	8,527	1,725	1,341	1,534	22,222	26	305	129,022	523,016
Montgomery	Active	9,159	10,211	703	106	78	74	1,577	1	18	6,984	28,911
Montgomery	Inactive	513	474	53	11	8	6	95	0	4	508	1,672
Montgomery	Total	9,672	10,685	756	117	86	80	1,672	1	22	7,492	30,583
Nassau	Active	394,565	306,554	9,716	2,051	1,492	1,181	32,451	27	0	248,017	996,054
Nassau	Inactive	37,040	28,571	877	230	208	33	3,233	0	0	23,221	93,413
Nassau	Total	431,605	335,125	10,593	2,281	1,700	1,214	35,684	27	0	271,238	1,089,467
Niagara	Active	51,704	46,798	3,308	1,164	516	412	7,373	18	89	27,307	138,689
Niagara	Inactive	4,473	3,167	214	127	45	17	609	0	19	2,958	11,629
Niagara	Total	56,177	49,965	3,522	1,291	561	429	7,982	18	108	30,265	150,318
Oneida	Active	44,420	50,405	2,102	491	301	350	7,670	9	83	27,479	133,310
Oneida	Inactive	3,206	2,488	131	62	25	19	591	0	6	2,197	8,725
Oneida	Total	47,626	52,893	2,233	553	326	369	8,261	9	89	29,676	142,035
Onondaga	Active	118,324	85,033	4,930	1,169	929	840	15,112	17	159	81,868	308,381
Onondaga	Inactive	8,490	4,254	240	97	104	51	1,011	0	34	5,426	19,707
Onondaga	Total	126,814	89,287	5,170	1,266	1,033	891	16,123	17	193	87,294	328,088
Ontario	Active	22,890	28,331	1,456	207	220	293	3,910	3	48	18,953	76,311
Ontario	Inactive	1,310	1,410	70	17	17	2	239	0	6	1,196	4,267
Ontario	Total	24,200	29,741	1,526	224	237	295	4,149	3	54	20,149	80,578
Orange	Active	90,547	72,916	4,495	1,058	609	512	11,544	53	173	57,650	239,557
Orange	Inactive	6,661	4,992	302	109	61	19	1,005	0	14	4,662	17,825

Orange	Total	97,208	77,908	4,797	1,167	670	531	12,549	53	187	62,312	257,382
Orleans	Active	5,327	11,542	558	128	64	117	1,121	0	8	5,400	24,265
Orleans	Inactive	231	355	20	10	1	6	37	0	1	263	924
Orleans	Total	5,558	11,897	578	138	65	123	1,158	0	9	5,663	25,189
Oswego	Active	17,607	33,459	1,696	292	164	210	3,842	4	37	16,619	73,930
Oswego	Inactive	2,381	3,222	206	62	21	16	590	0	2	2,461	8,961
Oswego	Total	19,988	36,681	1,902	354	185	226	4,432	4	39	19,080	82,891
Otsego	Active	11,206	13,427	551	131	139	110	2,040	0	17	7,788	35,409
Otsego	Inactive	842	833	33	11	11	10	162	0	3	684	2,589
Otsego	Total	12,048	14,260	584	142	150	120	2,202	0	20	8,472	37,998
Putnam	Active	21,697	23,503	1,809	188	139	155	3,665	8	37	18,210	69,411
Putnam	Inactive	1,386	1,430	123	12	18	5	284	0	5	1,231	4,494
Putnam	Total	23,083	24,933	1,932	200	157	160	3,949	8	42	19,441	73,905
Rensselaer	Active	32,943	25,226	4,036	895	420	203	7,830	13	87	30,868	102,521
Rensselaer	Inactive	2,409	1,131	138	104	44	3	461	0	8	1,855	6,153
Rensselaer	Total	35,352	26,357	4,174	999	464	206	8,291	13	95	32,723	108,674
Rockland	Active	96,009	47,629	4,619	778	352	132	7,497	36	188	48,875	206,115
Rockland	Inactive	5,585	2,966	191	50	27	0	566	0	7	3,394	12,786
Rockland	Total	101,594	50,595	4,810	828	379	132	8,063	36	195	52,269	218,901
Saratoga	Active	49,632	62,742	2,696	418	402	571	9,275	9	60	43,197	169,002
Saratoga	Inactive	3,204	3,393	142	36	38	24	635	0	5	3,114	10,591
Saratoga	Total	52,836	66,135	2,838	454	440	595	9,910	9	65	46,311	179,593
Schenectady	Active	39,440	23,467	3,203	618	277	265	5,387	6	84	25,915	98,662
Schenectady	Inactive	3,812	2,005	206	99	45	12	580	0	12	2,919	9,690
Schenectady	Total	43,252	25,472	3,409	717	322	277	5,967	6	96	28,834	108,352
Schoharie	Active	5,034	7,868	545	92	65	71	1,220	0	21	4,849	19,765
Schoharie	Inactive	394	461	39	9	7	1	116	0	6	425	1,458
Schoharie	Total	5,428	8,329	584	101	72	72	1,336	0	27	5,274	21,223
Schuyler	Active	3,502	5,038	245	59	59	44	715	3	4	2,828	12,497
Schuyler	Inactive	163	252	14	6	5	1	53	0	1	208	703
Schuyler	Total	3,665	5,290	259	65	64	45	768	3	5	3,036	13,200
Seneca	Active	6,237	7,882	441	107	75	72	1,053	1	14	4,514	20,396
Seneca	Inactive	448	469	41	15	5	1	112	0	2	492	1,585
Seneca	Total	6,685	8,351	482	122	80	73	1,165	1	16	5,006	21,981

St.Lawrence	Active	21,746	21,698	998	250	155	140	3,395	2	31	13,439	61,854
St.Lawrence	Inactive	2,197	1,750	82	38	40	10	397	0	4	1,836	6,354
St.Lawrence	Total	23,943	23,448	1,080	288	195	150	3,792	2	35	15,275	68,208
Steuben	Active	14,376	29,535	996	216	173	182	2,921	1	39	11,663	60,102
Steuben	Inactive	1,064	1,439	62	25	22	10	240	0	5	1,001	3,868
Steuben	Total	15,440	30,974	1,058	241	195	192	3,161	1	44	12,664	63,970
Suffolk	Active	359,710	321,966	21,010	3,779	1,841	1,765	42,291	54	558	284,516	1,037,490
Suffolk	Inactive	30,418	25,284	1,719	397	223	106	4,146	0	54	24,458	86,805
Suffolk	Total	390,128	347,250	22,729	4,176	2,064	1,871	46,437	54	612	308,974	1,124,295
Sullivan	Active	17,819	15,022	1,081	227	121	87	2,345	1	16	12,321	49,040
Sullivan	Inactive	3,094	1,787	120	60	31	7	384	0	6	1,941	7,430
Sullivan	Total	20,913	16,809	1,201	287	152	94	2,729	1	22	14,262	56,470
Tioga	Active	8,333	14,314	491	100	91	152	1,677	0	6	6,909	32,073
Tioga	Inactive	880	1,242	56	20	15	3	219	0	1	945	3,381
Tioga	Total	9,213	15,556	547	120	106	155	1,896	0	7	7,854	35,454
Tompkins	Active	32,194	11,087	392	194	319	152	2,134	6	25	12,133	58,636
Tompkins	Inactive	3,431	886	26	24	63	12	231	0	9	1,570	6,252
Tompkins	Total	35,625	11,973	418	218	382	164	2,365	6	34	13,703	64,888
Ulster	Active	51,707	28,794	2,453	536	557	231	5,771	12	69	34,984	125,114
Ulster	Inactive	4,433	2,392	225	80	77	20	639	0	11	3,739	11,616
Ulster	Total	56,140	31,186	2,678	616	634	251	6,410	12	80	38,723	136,730
Warren	Active	12,445	19,237	715	127	194	115	2,717	8	37	9,916	45,511
Warren	Inactive	671	917	35	8	20	3	187	0	3	691	2,535
Warren	Total	13,116	20,154	750	135	214	118	2,904	8	40	10,607	48,046
Washington	Active	9,390	15,452	704	160	125	106	2,210	1	12	8,963	37,123
Washington	Inactive	586	629	25	15	12	6	144	0	0	528	1,945
Washington	Total	9,976	16,081	729	175	137	112	2,354	1	12	9,491	39,068
Wayne	Active	14,248	23,541	1,569	264	163	219	2,892	4	23	15,238	58,161
Wayne	Inactive	696	883	66	19	13	8	153	0	2	921	2,761
Wayne	Total	14,944	24,424	1,635	283	176	227	3,045	4	25	16,159	60,922
Westchester	Active	315,535	125,703	7,464	1,381	880	548	21,409	35	335	151,581	624,871
Westchester	Inactive	24,700	10,904	540	132	128	29	1,948	0	28	13,082	51,491
Westchester	Total	340,235	136,607	8,004	1,513	1,008	577	23,357	35	363	164,663	676,362
Wyoming	Active	5,116	11,769	580	87	38	91	1,170	0	1	5,777	24,629
Wyoming	Inactive	310	511	34	6	5	2	95	0	0	435	1,398

Wyoming	Total	5,426	12,280	614	93	43	93	1,265	0	1	6,212	26,027
Yates	Active	3,307	6,463	235	52	46	44	682	0	28	2,899	13,756
Yates	Inactive	218	292	17	2	6	4	42	0	4	222	807
Yates	Total	3,525	6,755	252	54	52	48	724	0	32	3,121	14,563
Outside NYC	Active	2,840,048	2,243,268	131,665	26,976	17,443	15,981	334,773	471	3,621	1,800,640	7,414,886
Outside NYC	InActive	223,585	153,451	8,617	2,883	2,172	739	28,656	1	457	155,085	575,646
Outside NYC	Total	3,063,633	2,396,719	140,282	29,859	19,615	16,720	363,429	472	4,078	1,955,725	7,990,532
Bronx	Active	573,913	43,479	2,985	2,793	953	431	13,526	14	727	123,664	762,485
Bronx	Inactive	77,701	6,897	486	553	130	41	2,313	0	52	17,058	105,231
Bronx	Total	651,614	50,376	3,471	3,346	1,083	472	15,839	14	779	140,722	867,716
Kings	Active	1,100,489	134,775	4,513	4,610	2,575	1,208	26,981	51	865	279,359	1,555,426
Kings	Inactive	123,351	14,737	580	854	527	144	4,644	1	78	35,030	179,946
Kings	Total	1,223,840	149,512	5,093	5,464	3,102	1,352	31,625	52	943	314,389	1,735,372
New York	Active	742,338	84,850	1,847	1,724	1,729	1,211	23,490	28	508	197,322	1,055,047
New York	Inactive	117,825	25,100	414	412	450	225	7,356	0	48	43,916	195,746
New York	Total	860,163	109,950	2,261	2,136	2,179	1,436	30,846	28	556	241,238	1,250,793
Queens	Active	803,495	139,699	5,477	3,239	1,849	1,083	26,274	41	992	279,009	1,261,158
Queens	Inactive	66,433	11,891	516	393	207	79	2,920	0	58	23,104	105,601
Queens	Total	869,928	151,590	5,993	3,632	2,056	1,162	29,194	41	1,050	302,113	1,366,759
Richmond	Active	128,944	98,788	4,525	1,025	423	384	9,457	42	167	70,315	314,070
Richmond	Inactive	13,537	8,516	472	148	43	25	1,140	0	12	6,412	30,305
Richmond	Total	142,481	107,304	4,997	1,173	466	409	10,597	42	179	76,727	344,375
NYC Only	Active	3,349,179	501,591	19,347	13,391	7,529	4,317	99,728	176	3,259	949,669	4,948,186
NYC Only	InActive	398,847	67,141	2,468	2,360	1,357	514	18,373	1	248	125,520	616,829
NYC Only	Total	3,748,026	568,732	21,815	15,751	8,886	4,831	118,101	177	3,507	1,075,189	5,565,015
Statewide	Active	6,189,227	2,744,859	151,012	40,367	24,972	20,298	434,501	647	6,880	2,750,309	12,363,072
Statewide	InActive	622,432	220,592	11,085	5,243	3,529	1,253	47,029	2	705	280,605	1,192,475
Statewide	Total	6,811,659	2,965,451	162,097	45,610	28,501	21,551	481,530	649	7,585	3,030,914	13,555,547

