



**New York State Board of Elections  
Annual Report  
2022**

**40 North Pearl Street  
Albany, New York 12207  
Public Information Office: 518-474-1953  
TDD/TTY: 711  
[www.elections.ny.gov](http://www.elections.ny.gov)**

## **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.

## **Commissioners**

Douglas A. Kellner  
Co-Chair, Commissioner

Peter S. Kosinski  
Co-Chair, Commissioner

Andrew J. Spano  
Commissioner

Anthony J. Casale  
Commissioner

## **Executive Staff**

Kristen Zebrowski Stavisky  
Co-Executive Director

Todd D. Valentine  
Co-Executive Director

Thomas Connolly  
Director Election Operations

Brendan Lovullo  
Deputy Director Election Operations

Jennifer Wilson  
Deputy Director Public Information

John Conklin  
Director of Public Information

Brian Quail  
Counsel

Kimberly A. Galvin  
Counsel

Aaron Suggs  
Deputy Counsel

Kevin Murphy  
Deputy Counsel

Michael Haber  
Chief Information Officer

Michael Johnson  
Chief Enforcement Counsel

## COUNSELS' OFFICE

The four attorneys in this office 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 office 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 Counsels' Office managed and resolved, the Office was engaged in the following significant litigation:

***League of Women Voters v. State Board of Elections (NY County Supreme Court):*** Plaintiffs challenge 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. Plaintiffs moved for a preliminary injunction, but the trial court denied the motion, and the First Department affirmed. Both parties stipulated to provide additional discovery. The action is still pending at the end of 2022.

***Upstate Jobs Party v. State Board of Elections (NDNY; Second Circuit Court of Appeals):*** 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 NYCRR § 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 trial court granted Plaintiff's summary judgment motion regarding contribution limits in general elections and granted the State Board of Elections' summary judgment motion regarding contribution limits in primary elections and housekeeping accounts. NYSBOE filed an appeal with the Second Circuit. At the

close of 2022 the appeal is still pending.

***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. NYSBOE settled the case in April of 2022 which required, inter alia, NYSBOE to provide a Remote Accessible Vote By Mail system for use in certain future election. However, Plaintiffs filed a motion to enforce the settlement agreement, and the court found NYSBOE in breach and reserved judgment on remedies and whether NYSBOE should be found in contempt. At the close of 2022 the motion was still pending.

***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 in order to maintain party status. Defendants made a motion for summary judgement which was granted by the trial court. SAM Party filed a notice of Appeal in January of 2022 but ultimately withdrew such appeal.

***Village of Port Chester v. NYSBOE (Albany County Supreme Court)***: Plaintiffs commenced a CPLR Article 78 proceeding and declaratory judgment action seeking: (1) a judgment declaring that the New York State Attorney General's 2018 opinion on cumulative voting is correct and that cumulative voting is lawful under the New York State Constitution and applicable state law; (2) a judgment declaring that the village's cumulative voting law is constitutional and lawful; and (3) a judgment declaring that Port Chester is authorized to use any voting machine previously approved by the New York State Board of Elections in its elections if such machine is capable of tabulating cumulative votes. In March of 2022 the court denied the Plaintiffs' relief and dismissed the action.

***NAACP v. NYSBOE (SDNY)***: Section 17-140 of the Election Law prohibits providing meat, drink, tobacco, refreshment, or provisions to persons in a polling place. Plaintiffs challenged the constitutionality of section 17-140, alleging that it violates the First Amendment. NYSBOE filed a motion to dismiss in April. At the close of 2022 this action was still pending.

***DCCC v. Kosinski (SDNY)***: Plaintiffs challenged certain absentee ballot rejection practices and sought a preliminary injunction. Plaintiffs' injunction was denied in part and granted in part to provide that, for the August 2022 Primary Election and the November 2022 General Election, the cure procedure in state law for absentee ballots with curable defects was to be applied to absentee ballots missing postmarks that were received between two and seven days after the election. At the close of 2022 the case was still pending.

***Fossella v. Adams (Richmond County Supreme Court)***: Plaintiff challenged a New York City law that authorized non-citizens to vote in certain New York City elections. New York City filed a motion to join NYSBOE in the matter, which was granted. Both Plaintiff and Defendants filed for summary judgment; Plaintiff's motion was granted, and Defendants' motion was denied. Defendants filed a notice of Appeal, and as of the end of 2022 the appeal was still pending.

***Schmidt v. Kosinski (EDNY)***: Plaintiffs filed suit challenging the constitutionality of the provisions of the Election Law that prevented out of state individuals from witnessing Independent Nominating Petitions. The Eastern District granted Plaintiffs’ motion for a Preliminary Injunction and prohibited NYSBOE from enforcing "Election Law §6-140(1)(b) to the extent that it would prevent a United States citizen who otherwise satisfies the requirements to register to vote in New York, but who is not so registered, or a United States citizen who would satisfy those requirements if the citizen was a New York resident, from validly witnessing signatures on Nominating Petitions, when that individual complies with certain procedures.” At the close of 2022 the case was still pending.

***Harkenrider v. Hochul (Steuben County Supreme Court; Appellate Division – Fourth Department; NYS Court of Appeals)***: Plaintiffs filed suit challenging the constitutionality of the district lines for the U.S. House of Representatives and for State Senate. Specifically, the Plaintiffs allege that the district lines were an unconstitutional gerrymander and that the procedure for approving the lines was not followed. Supreme Court found both sets of district lines unconstitutional due to the procedure used and found the Congressional lines to be an unconstitutional gerrymander. The trial court also found the district lines for the State Assembly unconstitutional. An appeal ensued, and the Fourth Department reinstated the Assembly and State Senate districts but found the Congressional lines to be an unconstitutional gerrymander. Appeal to the Court of Appeals followed. The Court of Appeals held that both the State Senate and Congressional districts were procedurally unconstitutional, and the Congressional lines were also unconstitutional due to gerrymandering. The Assembly lines were left in place. As a result, the Court ordered a Special Master to redraw the lines and rescheduled the Primary Election for both to August.

***Nichols v. Hochul (New York County Supreme Court; Appellate Division – First Department)***: This action challenged the constitutionality of the lines for the State Assembly following the *Harkenrider* decision. The Supreme Court dismissed the matter in its entirety. An appeal ensued and the First Department remanded the case to the Supreme Court to redraw the lines for the 2024 election cycle. The Supreme Court authorized the drawing of Assembly district lines via the Independent Redistricting Commission and the Court’s decision was upheld by the Appellate Division on Appeal.

***League of Women Voters v. Kosinski (Albany County Supreme Court; Appellate Division – Third Department)***: Petitioners commenced an Article 78 proceeding to prevent NYSBOE from carrying out the June 28, 2022 Primary for the Assembly. In addition, the Petitioners sought that no primary election for Assembly could be held until new Assembly district maps were implemented. NYSBOE opposed the Article 78 proceeding, and the court denied the petitioners’ claims in their entirety. Petitioners commenced an appeal, and the Third Department upheld the Supreme Court’s decision.

***Cavalier v. Warren County BOE (Warren County Supreme Court; Appellate Division – Third Department)***: Plaintiffs brought suit challenging the constitutionality of the statute that authorized individuals to vote by absentee ballot due to the fear of being exposed to or transmitting a disease. The Supreme Court held that, under the doctrine *stare decisis*, the court

was bound by an earlier decision which upheld the statute, and the court dismissed the complaint. Plaintiffs commenced an appeal, and the Third Department upheld the dismissal on the doctrine of *laches*.

***Amedure v. NYSBOE (Saratoga County Supreme Court; Appellate Division – Third Department)***: Plaintiffs challenged the constitutionality of Chapter 763 of the laws of 2021 and Election Law § 8-400 that authorized individuals to vote by absentee ballot due to the fear of being exposed to or transmitting a disease. Chapter 763 provided a new process for the canvass of absentee, military, special, and affidavit ballots. As in the *Cavalier* case, the court upheld the constitutionality of 8-400 due to the doctrine of *stare decisis*. In addition, the Supreme Court found that Chapter 763 was unconstitutional, granted Petitioners' motion for a preservation order, and directed NYSBOE to direct local Boards of Elections to preserve all absentee, military, special federal, and affidavit ballots. An appeal was commenced, and the Third Department reversed the lower court's decision declaring Chapter 763 unconstitutional and dismissed the complaint in its entirety on the doctrine of *laches*.

***League of Women Voters v. Kosinski (SDNY)***: The League of Women Voters sought to move the 2022 Primary Election for Statewide elected officials to August to match the Congressional and State Senate Primary Election that was moved by the Court of Appeals in the *Harkenrider* case. The League sued on the grounds that the petitioning process was unconstitutional since congressional distribution was not possible due to the changing of the Congressional district lines. The request for relief was denied and an appeal by the Plaintiffs was voluntarily dismissed.

***Judicial Watch Inc v. Valentine (EDNY)***: Plaintiffs brought this action seeking to compel Defendants to comply with certain list maintenance obligations under the National Voter Registration Act of 1993. After discussions, the parties settled all claims in this matter, and the Plaintiffs voluntarily dismissed the action.

***Reinoehl v. Merrill (Southern District of Indiana)***: Plaintiffs challenged the ballot access provisions of multiple states in Federal District Court in Indiana. NYSBOE's motion to dismiss was granted.

***Stora v. NYSBOE (Kings County Supreme Court; Appellate Division – Second Department)***: Plaintiff brought an action seeking to validate his Independent Nominating Petition for governor, which NYSBOE had ruled invalid due to lack of the requisite number of signatures and because it did not name a Lieutenant Governor candidate. Both the Supreme Court and the Appellate Division upheld NYSBOE's determination that the petition was invalid.

## **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 2022, the State Board issued four HAVA determinations:

In *Fernandez v. Suffolk County Board of Elections*, the Suffolk County Board of Elections was directed to instruct poll workers on the requirement to attached written explanation to affidavit ballots in certain situations, the proper procedures when an individual asks for assistance leaving the poll site, and to inform voters of their options to vote when a ballot marking device ("BMD") breaks down. In addition, the Suffolk County Board of Elections was directed to instruct poll workers and update troubleshooting and training information to include a reminder that a ballot should be inserted into the BMD before a voter fully marks their ballot, and that failure to do so could cause the BMD to malfunction.

In *Floccari v. New York City Board of Elections*, the New York City Board of Elections was directed to instruct poll workers on procedures relating to the checking of BMDs to ensure they are operational, procedures requiring poll workers to provide bipartisan assistance to voters using replacement ballots following BMD malfunctions, and to inform voters of their options to cast their vote when a BMD malfunctions or is otherwise non-operational. In addition, the New York City Board of Elections was directed to review current troubleshooting and training materials to ensure that all procedures are up-to-date and thoroughly inform poll workers of their obligations with regard to BMDs.

In *Bennett v. New York City Board of Elections*, the New York City Board of Elections was directed to instruct poll workers on procedures relating to the checking of BMDs to ensure they are operational, procedures requiring poll workers to provide bipartisan assistance to voters using replacement ballots following BMD malfunctions, and to inform voters of their options to cast their vote when a BMD malfunctions or is otherwise non-operational. In addition, the New York City Board of Elections was directed to review current troubleshooting and training materials to ensure that all procedures are up-to-date and thoroughly inform poll workers of their obligations with regard to BMDs.

In *Stora v. New York State Board of Elections*, the complaint was dismissed because it failed to allege a violation of Title III of HAVA.

## **Regulations and Directives**

The Office drafted and the Board adopted the following amended regulations:

1. Amendments to Part 6211 related to voter history and the prevention of duplicate voting.
2. Amendments to Part 6217 which amended section 6217.6, providing for the removal of the check of the gender of voters with the Department of Motor Vehicles in order to implement the provisions of Chapter 158 of the Laws of 2021.
3. Amendments to Part 6211 which amended section 6211.1, which related to providing for the designation of early voting sites.
4. Amendments to Part 6215 which amended section 6215.2(d) to provide a higher threshold for signatures for Independent Nominating Petitions to conform to Chapter 58 of the Laws of 2020.

### **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. In 2022, no opinions were requested, and NYSBOE did not issue any opinions.

### **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.

Below is a summary of the major election-related legislation enacted in 2022:

Chapter 2 extends the expiration date of the provisions of law that 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 because there is a risk of contracting or spreading a disease-causing illness to the voter or to other members of the public. In addition, these provisions were extended to village elections. This chapter expires on December 31, 2022.

Chapter 12 provides for a chapter amendment to Chapter 727 of 2021 which created an online absentee ballot tracking system. The chapter amendment changes the effective date from January 1, 2022 to April 1, 2022.

Chapter 13 amends state law to provide for the reapportionment of Congressional

districts.

Chapter 14 amends state law to provide for the redistricting of the State Senate and Assembly.

Chapter 15 makes technical corrections to Chapter 13 of the laws of 2022 which reapportioned Congressional districts.

Chapter 16 makes technical corrections to Chapter 14 of the laws of 2022 which redistricted the State Senate and Assembly.

Chapter 17 provides that in 2022, the statement of party positions to be filled at the primary election shall be filed by February 28, 2022. This provision expires December 31, 2022.

Chapter 117 provides for a chapter amendment to Chapter 763 of the laws of 2021 which provided a new process for the canvassing of absentee, military, special, and affidavit ballots. The chapter amendment extends the effective date from January 1, 2022 to April 1, 2022.

Chapter 132 provides for chapter amendments to Chapters 249 and 746 of the laws of 2021 which related to electronic absentee ballot applications and transmittals. The chapter amendment extends the effective date of Chapter 746 from January 1, 2022 to April 1, 2022 and extends the sunset of Chapter 249 from December 31, 2021 to April 1, 2022.

Chapter 164 provides for a chapter amendment to Chapter 320 of the laws of 2021 which provided for the dates by which the governor may make a proclamation of a special election to fill certain offices. The chapter amendment clarifies that the elections that are subject to the expedited special election cycle are New York State Senate and Assembly races and makes technical and conforming changes to the ensure the election calendar can accommodate the expedited special election cycle.

Chapter 55 Part O provides that, whenever a contiguous property of a college or university contains three hundred or more registrants, the polling place designated for such election district must be on the college campus or at a place recommended by the college. In addition, this part provides that the contiguous property of a college or university with three-hundred or more registrants be in a single election district to the extent it is possible to do so consistent with the other rules of drawing election districts.

Chapter 55 Part HH provides that County Boards of Election must provide a postage paid return envelope with absentee ballots.

Chapter 175 amends section 4-117 of the Election Law to change the timeframe for sending mail check cards to between the third Tuesday in April and the second Friday in May.

Chapter 178 authorizes, until the last day to certify the ballot, the declination of a designation as a candidate or nomination for a party position where the person nominated or designated has been arrested, charged, or convicted of a crime, after designation or nomination.

Chapter 226 enacts the John R. Lewis Voting Rights Act of New York.

Chapter 228 provides that, when the express intent of the voter is unambiguous, any stray marks or writing will not be a basis for voiding an absentee ballot.

Chapter 231 amends the Election Law to include individuals who do not identify exclusively as a binary gender as eligible for certain party positions.

Chapter 365 expands the number of Supreme Court and Family Court Justices in certain jurisdictions.

Chapter 508 prohibits private individuals or entities from paying the administrative expenses associated with the conduct of any local mandatory or permissive referendum.

Chapter 513 replaces the words “councilman” or “councilmen” with the words “council member” or “council members” in certain laws.

Chapter 525 repeals § 8-400(9) of the Election Law, which provided that absentee voting in primary elections shall not apply to the party positions of members of the ward, town, city, or county committee. This repeal is in conformance with Chapter 615 of the laws of 2019 which made similar changes.

Chapter 575 authorizes registration records of victims of certain sexual offenses to be kept confidential in certain circumstances.

Chapter 644 requires each Board of Elections to make election district maps available in shapefile format on their websites.

Chapter 661 relates to counting affidavit ballots cast in the wrong poll site. This Chapter allows the ballot to count for all races for which the voter is eligible to vote in certain situations.

Chapter 671 adds the words "Independence" and "Independent" to the existing list of words which the names of political parties in New York State may not include.

Chapter 744 standardizes the requirements for objections to certain ballot access documents.

Chapter 765 reduced to the constitutional ten day minimum, the time period prior to an election for receipt of a voter registration application by County Boards of Elections in order for an individual to register and be entitled to vote.

## COMPLIANCE UNIT

The Compliance Unit falls under the supervision of the Counsels’ Office and includes a Training Group sub-unit. The Unit is 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 2022, there were 10,351 active filers with NYSBOE. A total of 35,185 itemized, no-activity, and in-lieu of campaign finance reports were received by NYSBOE in 2022, including 24,710 itemized financial disclosure statements (including amendments). All filings are available for public viewing on NYSBOE’s website.

The number of active filers with NYSBOE decreased in 2022, as is indicated below:

| Type         | 2011         | 2012         | 2013         | 2014         | 2015         | 2016         | 2017         | 2018         | 2019         | 2020         | 2021         | 2022         |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| State        | 2212         | 2695         | 2244         | 2365         | 3017         | 2996         | 2860         | 2975         | 3120         | 3374         | 3557         | 3296         |
| County       | 10198        | 9990         | 11817        | 13534        | 13270        | 13437        | 13602        | 13573        | 14838        | 13921        | 14382        | 7055         |
| <b>TOTAL</b> | <b>12410</b> | <b>12685</b> | <b>14061</b> | <b>15899</b> | <b>16287</b> | <b>16433</b> | <b>16462</b> | <b>16548</b> | <b>17958</b> | <b>17295</b> | <b>17939</b> | <b>10351</b> |

Filers include both committees and candidates without a committee who are making their own filings. In 2022, 2087 new candidates and 732 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 10,407 committee and candidate terminations processed in 2022. This resulted in a significant decrease in the number of total active filers as indicated above and is attributed to an increased review of dormant candidates and committees.

The Compliance 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 are available to answer questions and conduct outreach, when necessary, during this process. The Frequently Asked Questions section of NYSBOE’s Campaign Finance Webpage is updated to include additional instructions for questions and common compliance issues, and the Unit’s training seminars and webinars were updated to reflect these. It is hoped that these ongoing efforts will enable a greater number of treasurers to file correctly in the first instance.

In 2022, 24,710 itemized reports (including amendments) were received. Of this number, 15,945 were reviewed in 2022, 1,161 were deficient, 11,670 were compliant, and 3,114 had training issues. These numbers are substantially higher than the year before, as the unit was able to focus on regular compliance business following a year of the Covid-19 pandemic and the

software rollout, for which staff was required to focus on many other projects and tasks. As of December 2022, the Unit had completed over 178,000 compliance reviews since the Compliance Unit was established in 2014.

Other tasks the Compliance Unit accomplished in 2022 include:

- Continued enhancements to the new EFS Web Application and internal FIDAS/CAPAS.
- Creation and publication of the campaign financial disclosure filing calendar.
- Calculation of the contribution limits as set forth in Election Law Article 14, including re-calculations to account for the 2022 redistricting and associated lawsuits.
- Providing the public, as well as all filers with NYSBOE, with information regarding campaign finance laws, rules, and filing information.
- Assisting visitors to NYSBOE's website in viewing campaign finance disclosure reports online.
- Review and revisions to the Handbook to incorporate new legislation and regulations.
- Creation of new procedures to gather county ballot information in order to account for all local candidates.
- Assisting with the training of new Public Campaign Finance Board staff.
- Receiving, tracking, and publishing updated lists of all Statements of Identity received from limited liability companies that have contributed to candidate and committees during the year.

During 2022, the Compliance Unit continued implementing 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, including working with the Information Technology Unit (ITU) to create a new software module to process county ballot information and match with existing candidate information. The Compliance Unit also continued working with ITU to continue enhancements to NYSBOE's Electronic Filing Software (EFS), the candidate (CAPAS) and financial (FIDAS) databases, and Case Management and Public Reporting systems.

All Compliance Unit staff continued to receive training on document accessibility, with several staff receiving in-depth training. The Compliance Unit continues to edit or re-create many documents for accessibility and subsequent addition to NYSBOE's website.

The Training Group sub-unit is staffed by two employees. During 2022, the sub-unit added four more staff trainers who work primarily with the Public Campaign Finance Unit. 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 for treasurers, candidates and the public continued despite travel restrictions and health concerns. This model continued throughout 2022.

Overall, in 2022, staff conducted 27 live webinars to provide information and updates relating to campaign finance. Current training topics include: traditional campaign finance seminars focused on campaign finance registration, disclosure, and updates in the rules; using the

new EFS Web Application; 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. In 2022, there were: 12 live webinars with 600 registered attendees for the Campaign Finance Update (for which 20 attorneys received CLE credits and 20 accountants received CPE credits); 10 live webinars with 648 registered attendees for EFS Web Application; and three live webinars with 276 registered attendees for Winding Down the Campaign. Roughly 1,800 people registered for virtual webinars in 2022.

In addition to conducting webinars for those outside NYSBOE, the Training Group initiated a training program to onboard all new staff in the Compliance Unit, as well as in the new Public Campaign Finance Unit. There was also substantial focus within the Training Group sub-unit in 2022 on updating materials, including the Handbook and website, with recent law changes and ensuring website documents became fully accessible and secured.

## **Referrals**

In 2022, the Compliance Unit referred non-filer and deficient filer items to Enforcement Counsel for review and action. This consisted of 7451 referrals for non-filing. As of December 2022, 3,606, or approximately 48%, continued to owe reports.

In 2022, there were a total of 147 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 2022, as of the end of 2022, a total of 3,397 filings have been referred to Enforcement as deficient. Of that number, 507 reports have since been amended to successfully address deficiencies; three filings have been deleted; 1,103 were eventually reclassified as training; and 1,784 deficiencies remained unresolved as of the end of 2022.

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 has appointed a total of five hearing officer positions to manage these proceedings. In 2022, five matters were referred by Enforcement to a hearing officer.

Additionally, the Enforcement Counsel tendered two subpoena requests in 2022, 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 as 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 800 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 2022, there were 447,624 voter registration applications or transactions received by County Boards of Elections which resulted from the efforts of state agencies. The Department of Motor Vehicles yielded the highest volume of registration applications among the various agencies mandated by the NVRA, accounting for 95% (424,486) of the total number of voter registration applications or transactions in the state. The remaining agencies participating in the program accounted for 5% (22,938) of registrations.

## Sources of Voter Registration

|                            |         |
|----------------------------|---------|
| Motor Vehicles             | 424,486 |
| Public Assistance Agencies | 22,122  |
| Disability Agencies        | 656     |
| State Designated Agencies  | 286     |
| By Mail                    | 74      |
| Total                      | 447,624 |

## Agency-Based Voter Registration Statistics

| <b><u>Year</u></b> | <b><u>New Registrations</u></b> | <b><u>Address Changes</u></b> | <b><u>Enrollment Changes</u></b> | <b><u>Name Changes</u></b> |
|--------------------|---------------------------------|-------------------------------|----------------------------------|----------------------------|
| <b>2014</b>        | 127,726                         | 56,966                        | 17,126                           | 8,126                      |
| <b>2015</b>        | 132,230                         | 63,883                        | 20,596                           | 8,653                      |
| <b>2016</b>        | 246,762                         | 99,701                        | 50,214                           | 12,511                     |
| <b>2017</b>        | 144,730                         | 88,644                        | 36,200                           | 11,502                     |
| <b>2018</b>        | 257,977                         | 176,530                       | 81,395                           | 17,380                     |
| <b>2019</b>        | 300,458                         | 197,570                       | 100,823                          | 23,897                     |
| <b>2020</b>        | 296,335                         | 112,766                       | 92,985                           | 18,945                     |
| <b>2021</b>        | 160,955                         | 81,589                        | 49,570                           | 10,444                     |
| <b>2022</b>        | 165,136                         | 80,511                        | 32,975                           | 12,392                     |

### **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 2022, staff at the State Board of Elections processed 5,150 New York State and 10,099 out-of-state registration cancellations and forwarded them to the appropriate County Board of Elections or State election official.

### **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 2022, 14 counties were reviewed and found to be in substantial or better compliance with state regulations.

# GRANTS

County Boards of Elections have access to funding from federal and state grants managed by the New York State Board of Elections. Funds are authorized annually through the state budget and then administered through a reimbursement process. Each grant has a contract between the County Board of Elections, State Board of Elections, State Comptroller, and Office of General Services. Counties must make their purchases and submit a claim for payment to be reimbursed for eligible expenses. All claims are reviewed by the State Board of Elections to ensure that expenses included in claims are eligible. In 2022, a new state grant was made available to cover costs associated with the implementation of pre-paid postage for absentee ballots and applications.

## State Grants

### **Early Voting Expansion (EVE) Grant - \$2 Million**

*Appropriated 2021*

Funds were intended to assist County Boards in expanding early voting following the policy's initial implementation in 2019. Eligible expenses cover a wide range of early-voting-related expenses including equipment, temporary employees, fees for transporting equipment, etc.

### **Early Voting Aid to Localities Grant - \$10 Million**

*Appropriated 2019*

Funds were intended to support the initial implementation of early voting in 2019. Allowable expenses included costs related to early voting such as temporary staff for poll sites, rental fees for poll sites, supplies for poll sites, new voting equipment, equipment transportation fees, and other expenses related to hosting early voting poll sites.

### **E-Poll Book Capital Grant - \$14.7 Million**

*Appropriated 2019*

Funds were intended to support the initial implementation of electronic poll books in 2019. Allowable expenses included the purchase of electronic poll books and associated software, ballot on demand printers, connectivity devices such as routers and network switches, memory devices, security containers, and training for election day workers and Board of Elections staff.

### **Technology Innovation & Election Resource (TIER) Grant - \$20 Million**

*Appropriated 2021*

Funds were intended to allow County Boards to purchase new equipment to replace current aging technologies. Allowable expenses included voting systems and equipment, absentee ballot scanners, absentee ballot processing and tracking software and equipment, mail processing software and equipment, infrastructure to protect the connectivity and security of county elections software and equipment, assistance for areas with lack of broadband service, software, equipment, and infrastructure, electronic poll book systems and associated software, etc.

### **Elections Cybersecurity Remediation Grant Extension - \$9 million**

*Appropriated 2021*

Funds were intended to address vulnerabilities identified in County Board of Elections risk assessments conducted by the State Board of Elections and NYSTEC. All expenses must be compliant with recommendations made by the State Board.

### **Pre-Paid Absentee Postage Grant - \$4 million**

*Appropriated 2022*

Funds were intended to cover costs related to implementing the new law requiring that all absentee ballots and absentee ballot applications include pre-paid return postage. Allowable expenses include postage, postage meters and associated supplies/fees, USPS billing and BRM permit fees, envelopes, sealing equipment, shipping supplies, and temporary staff to assist with absentee ballot mailing and processing.

### **HAVA Grants**

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 for, as well as the disbursement of, federal and state funds in order 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.

### **HAVA Voter Education & Poll Worker Training Grant**

Can be used for voter education concerning voting procedures, voting rights, and voting technology (i.e. county telephone hotlines, media advertising, website design, mailing programs, voter and media outreach), as well as poll worker training.

### **Shoebox (Submission of HAVA Operations Expenses by CBOEs)**

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). Shoebox can be used for any purpose supporting a federal election.

# **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 58 County Boards of Elections, the facilitation of ballot access efforts by candidates for a variety of public offices and party positions, and oversight of and technical assistance for the statewide deployment of voting systems. The Election Operations Unit actively engages in ongoing daily communications with County Boards of Elections and the general public on a multitude of topics.

## **Redistricting**

At the start of 2022, the New York State Independent Redistricting Commission released its planned new districts for the offices of U.S. Congress, State Senate, and State Assembly. The New York State Legislature made changes to the proposed new districts, and eventually litigation was filed to modify the adopted districts. The litigation resulted in an overturning of the enacted maps.

During the spring, ballot access rulings for certain offices were suspended due to the Court of Appeals redistricting case decision. A second Primary Election was called for August 23<sup>rd</sup> for the offices of U.S. Congress and State Senate. After the court issued their new order, the State Board facilitated revised filing periods for certificates of designation, designating petitions, and independent nominating petitions. Additional changes needed to occur, including the creation of a temporary new party change deadline and a secondary filing option for candidates who had already collected the required number of signatures for the legislatively enacted maps.

Vacancies in the 19<sup>th</sup> and 23<sup>rd</sup> Congressional Districts caused further complications for County Boards. The Special Elections for the vacant offices were scheduled to coincide with the new August Primary. This resulted in 22 counties needing to hold Primary Elections for the new legislative lines while simultaneously holding a Special Election for the previous legislative districts. The Election Operations Unit met with voting machine vendors and electronic poll books vendors who service these counties to ensure that the systems were able to accommodate the unusual circumstance. Ultimately, both the Primary and the Special Elections were a success. However, litigation challenging the newly adopted lines is ongoing, and additional changes may be made for future elections.

## **Candidate Ballot Access**

This year, the Federal and State Primary Elections were rescheduled due to redistricting. A State and Local Primary was held on June 28, 2022, for the offices of Governor, Lieutenant Governor, State Assembly, Judicial Delegates, and local offices. A second Primary Election was held on August 23, 2022, for the offices of U.S. Congress and State Senate.

In 2022, there were also several Special Elections including: a Special Election on January 18, 2022, for Assembly District 68; a Special Election on February 15, 2022, for Assembly District 60 and 72; a Special Election on April 7, 2022, for Assembly District 20; a

Special Election on May 24, 2022, for Assembly District 58; and a Special Election on August 23, 2022, for Congressional Districts 19 and 23.

Ballot access activity focused on petition filings for the Primary Elections for the state level offices of Governor, Lieutenant Governor, Attorney General, Comptroller, State Committee, State Senator, State Assembly, Judicial Delegates, and Alternate Delegates. Filings were also received for the federal offices of U.S. Senate and U.S. Congress.

The following petitions and related documents were filed with the State Board of Elections for statewide office:

- 24 (12 Designating/12 Independent) for the office of Governor, Lieutenant Governor, Attorney General, and Comptroller
- 3 Opportunity to Ballots for the office of Governor
- 10 Statewide Certificates of Designation for the office of Governor, Lieutenant Governor, Attorney General, and Comptroller
- 96 General Objections for the office of Governor, Lieutenant Governor, Attorney General, and Comptroller
- 58 Specific Objections for the office of Governor, Lieutenant Governor, Attorney General, and Comptroller
- 35 (22 Designating/13 Independent) Acceptances for the office of Governor, Lieutenant Governor, Attorney General, and Comptroller

The following petitions were filed with respect to Federal Offices:

- 90 (85 Designating/5 Independent) for Representative in U.S. Congress
- 5 (1 Designating/4 Independent) for U.S. Senate
- 4 Certificates of Designation for U.S. Senate

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

- 42 Acceptances (38 Designating/4 Independent) for Representative in U.S. Congress
- 39 Authorizations (Designating) for Representative in U.S. Congress
- 8 Declinations (Designating) for Representative in U.S. Congress
- 5 Substitutions for Representative in U.S. Congress
- 12 Acceptances (6 Designating/6 Independent) for U.S. Senate
- 0 Authorizations (Designating) for U.S. Senate
- 0 Declinations for U.S. Senate
- 0 Substitutions for U.S. Senate

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

- 49 General Objections (46 Designating/3 Independent) for Representative in U.S. Congress

- 32 Specific Objections (30 Designating/2 Independent) for Representative in U.S. Congress
- 11 General Objections (3 Designating/8 Independent) for U.S. Senate
- 8 Specific Objections (3 Designating/5 Independent) for U.S. Senate

The following petitions were filed with respect to State Offices:

- 101 (98 Designating/3 Independent) for New York State Senate
- 150 (143 Designating/7 Independent) for New York State Assembly
- 27 Designating Petitions for State Committee positions
- 79 Designating Petitions for Judicial Delegates/Alternates
- 0 Independent Nominating Petitions for Supreme Court Justice
- 22 Certificates of Nomination for Supreme Court Justice

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

- 21 General Objections (18 Designating/3 Independent) for New York State Senate
- 10 Specific Objections (8 Designating/2 Independent) for New York State Senate
- 31 General Objections (23 Designating/8 Independent) for New York State Assembly
- 24 Specific Objections (17 Designating/7 Independent) for New York State Assembly
- 1 General Objections (Designating) for State Committee
- 1 Specific Objection for State Committee
- 5 General Objections (Designating) 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 (Designating) for New York State Senate
- 5 Certificates of Substitution (Designating) for New York State Senate
- 52 Acceptances (49 Designating/3 Independent) for New York State Senate
- 52 Authorizations (Designating) for New York State Senate
- 11 Certificates of Declination (Designating) for New York State Assembly
- 7 Certificates of Substitution (Designating) for New York State Assembly
- 74 Acceptances (71 Designating/3 Independent) for New York State Assembly
- 73 Authorizations (Designating) for New York State Assembly
- 0 Certificates of Declination for State Committee
- 0 Certificates of Substitution for State Committee
- 0 Acceptances for State Committee
- 0 Authorizations for State Committee
- 5 Certificates of Declination (Designating) for Judicial Delegates/Alternate Delegates
- 2 Certificates of Substitution for Judicial Delegates/Alternate Delegates

A total of 22 Certificates of Nomination were filed from the seven Judicial Districts that had vacancies. As a result, 48 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:

- 70 Acceptances for Supreme Court Justice
- 6 Authorization for Supreme Court Justice
- 0 General Objections for Supreme Court Justice
- 0 Specific Objections for Supreme Court Justice
- 0 Certificates of Declination for Supreme Court Justice
- 0 Certificates of Substitution for Supreme Court Justice

In addition, six Federal and State Legislative seats became vacant in 2021 and 2022:

- 19<sup>th</sup> Congressional District
- 23<sup>rd</sup> Congressional District
- 20<sup>th</sup> Assembly District
- 58<sup>th</sup> Assembly District
- 60<sup>th</sup> Assembly District
- 72<sup>nd</sup> Assembly District

Special Elections were held for these offices throughout 2022. The State Board received filing documents in relation to the 19<sup>th</sup> and 23<sup>rd</sup> Congressional District Special Elections. Filings for the 20<sup>th</sup>, 58<sup>th</sup>, 60<sup>th</sup>, and 72<sup>nd</sup> were received by the New York City Board of Elections and Nassau County Board of Elections.

For the 19<sup>th</sup> Congressional District, the State Board received:

- 5 Certificates of Nomination for Representative in U.S. Congress
- 4 Acceptances for Representative in U.S. Congress
- 2 Authorizations for Representative in U.S. Congress
- 0 Declinations for Representative in U.S. Congress
- 0 Substitutions for Representative in U.S. Congress
- 0 General Objections for Representative in U.S. Congress
- 0 Specific Objections for Representative in U.S. Congress

For the 23<sup>rd</sup> Congressional District, the State Board received:

- 5 Certificates of Nomination for Representative in U.S. Congress
- 4 Acceptances for Representative in U.S. Congress
- 2 Authorizations for Representative in U.S. Congress
- 0 Declinations for Representative in U.S. Congress
- 0 Substitutions for Representative in U.S. Congress
- 0 General Objections for Representative in U.S. Congress
- 0 Specific Objections for Representative in U.S. Congress

Additionally, the Unit was responsible for addressing a considerable volume of post-

election activity, which included the collection, recording, and validating of all election results corresponding to the offices noted above. Certificates were prepared for signature by the State Board's Commissioners in their capacity as the State Board of Canvassers. Once certified, certificates were prepared for candidates and delivered to the appropriate legislative clerks and secretaries of the respective governmental entities.

## **Voting Technology and Support Activities**

The Election 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 2022, Unit activities and support included, but were not limited to, the following:

- Help Desk technical support was provided before, during, and after each Primary Election, Special Election, 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 layouts, and related tasks.
- Election Operations staff continued to refine all policies and procedures. Feedback from County Boards of Elections, as well as input received from security vendor NYSTEC, supported the goal of sculpting all the policies and procedures.
- Staff continued 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.

## **Cybersecurity of Elections**

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

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

The Unit has three dedicated staff who focus on cybersecurity matters and develop resources for County Boards. They have prepared guidance for County Boards, reviewed existing procedures for any necessary updates, and participated in other agency efforts around

cybersecurity. The Unit continues to educate and position itself to best serve the County Boards of Elections on the topics of cybersecurity and incident response.

### **Voting Systems and Equipment Upgrades**

During 2022, existing voting machine vendors submitted updates to hardware, software, and firmware to improve current technology used by County Boards of Elections. Dominion Voting Systems and ES&S submitted requested updates for their respective voting machines and election systems. Updates were also submitted for approval for electronic poll book hardware and software by the three certified vendors: KNOWiNK, Robis, and Tenex Software Solutions, Inc. Updates were also approved for the certification of Clear Ballot Group's upgrade to ClearCount Central Count Voting System. Submitted updates were reviewed by staff for compliance with existing federal and state laws and regulations and approved by the Board of Elections Commissioners.

In 2022, testing also began for the certification of the Hart Intercivic Verity 2.7 Voting System. Testing was conducted by the State Board of Elections' independent testing labs, New York State Technology Enterprise Corporation and SLI Compliance. A public demonstration of the machine was held in November. Review of the machine for certification is ongoing.

In addition to existing vendor updates, new election technology that was certified for use in 2021 began being utilized. Following the certification of NextVote as a voter registration system vendor, County Boards began purchasing and using the new software. Counties also began to purchase other new voting equipment to replace aging hardware. Election Operations Unit staff conducted acceptance testing of more than 400 machines throughout the year.

### **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, 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 existing topics become heightened areas of interest, the Unit strives to communicate timely and appropriate guidance to County Boards of Elections' personnel.

### **Absentee Canvassing Change**

In 2022, the State Legislature passed several new laws which impacted the canvassing and distribution of absentee ballots. First, the Legislature passed a law mandating that all absentee ballots and absentee ballot applications include pre-paid return postage. Second, the

Legislature altered the schedule for canvassing absentee ballots to occur ahead of the election.

The new law requires County Boards to canvass absentee ballots based on a predetermined schedule. The schedule must allow for ballots to be counted within a certain number of days of receipt, and to continue to allow for candidates and their representatives to witness the ballot counting process. Any ballot received up until Election Day must be counted and included in the unofficial Election Night Results reporting. Any ballots received after Election Day will continue to be canvassed per the County's predetermined schedule.

The change to the canvassing period had a significant impact – not only on absentee voting, but also in-person voting. While the prior law allowed for voters who had requested an absentee ballot and later decided to vote in-person to vote on a machine, the new change resulted in absentee voters who later decided to vote in-person only being permitted to vote via affidavit.

The Election Operations Unit conducted a virtual training webinar for County Board Commissioners and staff to provide guidance on following the new law. Additional written guidance was also issued to County Boards.

### **Electronic Accessible Ballot Delivery System**

In September of 2022, the State Board of Elections, in coordination with Enhanced Voting, released a remote accessible vote-by-mail system to better serve voters with print disabilities. The Electronic Accessible Ballot Delivery System allows voters to independently complete their absentee ballot by enabling the voter to mark their ballot on their own personal electronic device. Using the new system, the voter can increase the ballot's font size, adjust the color contrast, or use screen reader technology to aid in making their ballot selections.

The new system was launched in September of 2022 to allow voters to use the system for the General Election. The Election Operations Unit worked with Enhanced Voting and County Boards of Elections to ensure the effective implementation of the new system.

Voters can request an accessible ballot online using the State Board's existing online portal. The voter then receives an email with instructions on how to retrieve their ballot through the new Electronic Accessible Ballot Delivery System. After the voter completes their ballot, it can be printed and returned. All voters utilizing the Electronic Accessible Ballot Delivery System will be provided with a return envelope that includes a tactile mark indicating where the voter must sign. Voters requesting an accessible absentee ballot will continue to have the option to print their own oath envelope using the Board-provided template and instructions.

### **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 contributions to 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. The IT Unit 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 primary website, public applications such as Public Reporting, 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 is 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.

Internal applications supported and maintained by the IT Unit include:

- **NYSVoter** - The statewide voter registration database developed and implemented in 2007.
- **NYSBallot** - The statewide electronic ballot transmittal system implemented in 2012 to assist military and civilian voters who live overseas to receive their absentee ballots via email.
- **FIDAS (Financial Disclosure Administration System)** - A database system used by State Board Compliance and Division of Election Law Enforcement (DELE) staff for the management of the financial disclosure reports for committees and candidates for statewide and local office.

- **CAPAS (Candidate Management System)** - A database system used by State Board Operations staff which is used to administer the candidate petition process, as well as create correspondence, ballots, and reports pertaining to elections.
- **National Voter Registration Act Application** - The database applications used by the Voter Registration Unit to manage the registration sites and transactions.
- **Public Reporting** - The public system that logs and tracks the disclosure reports of candidates, ballot access documents including petitions, certificates of nomination, and related documents, and their status.
- **Voter Look Up** - The public-facing poll site search, voter registration lookup, and absentee ballot tracker.
- **Absentee Ballot Request Portal** - The public-facing portal that voters can utilize to request an absentee ballot online.

## **Public Campaign Finance Board Website**

Ahead of the official launch of the statewide public matching funds program in November 2022, the Public Campaign Finance Board (PCFB) released its new website. The Board's new website, <https://pcfb.ny.gov>, went live on July 7, 2022. The website was designed by the State Board's Training team with assistance from the New York State Office of General Services. IT, Compliance, Public Information Office (PIO), and PCFB staff worked with the OGS Digital Team to create and populate the new website using Site Factory, an Acquia-based platform that allows users to create easy-to-navigate websites without requiring an advanced technological background. The IT Unit continues to support the Public Campaign Finance Board in the maintenance of the website.

## **Absentee Ballot Tracker**

In 2021, the State Legislature passed a law requiring the New York State Board of Elections to create a statewide absentee ballot tracker. The law officially took effect in 2022. IT and Election Operations staff worked with voter registration vendors and County Boards of Elections to develop a system that could be integrated with the existing public-facing Voter Look Up application. Ultimately, the Board was able to launch an absentee ballot tracker that systematically receives information on absentee ballots and affidavit ballots through the County Boards' local voter registration systems. The tracker can inform voters that their application has been received and processed, as well as when their ballot has been mailed out, received back by the County Board of Elections, and counted. Additional enhancements to the tracker are ongoing.

## **Partnership with Center for Technology in Government (CTG)**

In 2021 and 2022, the Board of Elections partnered with the Center for Technology in Government at the University at Albany (CTG UAlbany) to lead a review of management, technology, and legal environments influencing voter registration, in both New York State and across the United States, in order to inform future statewide investments.

Phase I of the project included reviewing the existing statewide voter database and determining whether there were opportunities to improve present processes of registering voters, tracking registration trends, and monitoring potential data. At the completion of the project, a multi-sector group of academics and elections experts offered two recommendations to the State Board of Elections:

1. Build election leaders' awareness and understanding of the emerging technology environment, and
2. Establish and convene a formal state-local elections information technology advisory body to inform a range of investments.

In 2022, the Board of Elections renewed its partnership with CTG to assist in executing the recommendations.

### **Online and Automatic Voter Registration**

In 2020, the Governor signed into law statewide Automatic Voter Registration (AVR), beginning with the Department of Motor Vehicles (DMV) and eventually adding additional state agencies, such as the Department of Health and the State University of New York (SUNY). Unfortunately, due to the ongoing pandemic, progress on the technical side of the project was slow, as IT resources needed to be focused on immediate projects, including the creation of an online absentee request portal. The Board was also delayed in implementing Online Voter Registration (OVR), which was signed into law in 2019 and is scheduled to go into effect in 2023.

At the start of 2022, a vendor was selected from a Request for Proposal (RFP) issued in 2021. A contract was issued to the selected vendor early in the year but was not completed. It was determined after the contract was awarded that the vendor had a pre-existing arrangement with another state and required a memorandum of agreement from that state before proceeding with the project. At the close of 2022, negotiations were ongoing.

### **Space Planning**

As new election and campaign finance policies continue to be enacted by the State Legislature, additional space is required for new staff onboarded by the State Board of Elections and Public Campaign Finance Board. Throughout the year, IT worked to provide connectivity to new floors in the Board's office location at 40 North Pearl Street in Albany, NY. Expanded connectivity was brought to the first, third, fifth, and tenth floors. Space planning is ongoing, and IT expects to continue to support the relocation of staff throughout the building as the redesign of the 5<sup>th</sup> floor begins in 2023.

# **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 the Information Technology, Election Operations, and Public Information Units, and is led by the newly established Chief Information Security Officer (CISO).

The Center has also established numerous state, local, federal, private, educational, and nonprofit 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 the 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, carried out through a toll-free number and email address established for this purpose.

The SEC has worked with several NYS counties on security 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, has required improvements to protect state election infrastructure.

This response assistance included providing a backup website and Election Night Reporting functionality for Suffolk County during the General Election, as the wider county recovered from a major ransomware incident. Thanks to the practices implemented under Part 6220, the Suffolk County Board of Elections was not infected.

## **Education and Outreach**

The State Board has mandated basic Cybersecurity 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. The State and County Boards continued these valuable engagements through participation in the U.S. Cybersecurity and Infrastructure Security Agency’s (CISA’s) annual “Tabletop the Vote” national election security exercise. These virtual

sessions were widely attended by County Boards of Elections and State Board IT, Executive, Public Information, and Enforcement Units' staff.

The State Board also partnered with CISA to deliver "The Power of Hello" to County Board employees. This informative physical security training focused on how to interact with suspicious persons to elicit motives, as well as how to deescalate conflicts.

In its outreach efforts, the Board has provided presentations to several groups on the SEC's cybersecurity initiatives and offerings, as well as to share general cyber and election security guidance. 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 the recommendations of Federal and State security partners, the Board initiated several programs to immediately improve the security posture of the CBOEs.

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 CBOEs that currently do not have an IDS capability, which 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 and 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's) "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 established to assist CBOEs in implementing these plans, including both short- and long-term security goals, continue to be disbursed.

## **Cybersecurity Regulation**

Committed to a culture of cyber hygiene and building upon the 2020 Emergency Directive, the Secure Elections Center completed a permanent comprehensive cybersecurity regulation. Developed collaboratively with federal, state, and county partners, Part 6220 seeks to raise the bar on cybersecurity for each CBOE among the following domains:

- Data Classification
- Asset Inventory
- Patch Management
- Vulnerability Scanning
- Backup and Restoration of Election Data
- Network Segmentation
- Remote Access
- Logging
- Incident Response
- Continuity of Operations
- Multi-Factor Authentication
- Removable Media
- Security Awareness Training
- Continuous Monitoring and Reporting
- Credential Management and Access
- Email and Web Protection
- Third Party Risk Management

Counties submitted their second year of compliance documentation and continue to mature their cybersecurity posture.

## **Voter Registration Security**

Building on practices established in the deployment of electronic pollbook technology statewide, the State Board promulgated new cybersecurity requirements for voter registration vendors in New York State. These requirements address:

- System Design
- Configuration and Access Management
- Vulnerability Management
- Data Security and Recovery
- Logging
- Documentation

Existing voter registration vendors and county systems were given one year to come into compliance with this requirement and submit all necessary documentation. These submissions are under review.

## **State Board Security Enhancements**

During the past year, the Secure Elections Center has continued to make significant improvements to increase the State Board's overall cybersecurity posture and bolster the security of key election systems and end-to-end infrastructure. These actions included the deployment of application security pipeline tooling to identify potential vulnerabilities earlier in the process. Various technologies have been utilized to implement backups, multiple layers of firewalls, intrusion detection and prevention systems (IDS/IPS), enhanced malware protection, vulnerability detection, and numerous levels of internal and third-party monitoring.

# **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. The Public Information Office receives 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 and Overseas Voter Empowerment Act, voting machines, cybersecurity, and board policies related to the coronavirus. The Public Information Officer 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](http://www.elections.ny.gov)), Twitter (@NYSBOE) and Facebook accounts, and YouTube channel ([www.youtube.com/user/NYSBOE](http://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 2022, the State Board reported results for the Special Election for Assembly District 68 held on January 18, 2022; the Special Election for Assembly Districts 60 and 72 held on February 15, 2022; the Special Election for Assembly District 43 held on March 22, 2022; the Special Election for Assembly District 20 held on April 7, 2022; the Special Election for Assembly District 58 held on May 24, 2022; the State and Local Primary Election held on June 28, 2022; the Federal and State Primary Election and Special Election for Congressional Districts 19 and 23 held on August 23, 2022; and the Federal and General Election held on November 8, 2022. Offices reported included Governor, Lieutenant Governor, Comptroller, Attorney General, US Senate, Congress, State Senate, 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 2022, 1,721 requests were received by the Records Access Officer. Most requests were for data and records from NYSBOE's statewide database of registered voters (NYSVoter). Of the requests received, 1,601 were fulfilled, 60 were denied in accordance with the provisions of Section 87 of the Public Officers Law, and in 60 instances no records were found.

## **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 are written to comply with the language requirements of the Voting Rights Act. There was one ballot proposal on the 2022 General Election ballot.

### **Joint Public Hearing on Procedures for Commissioner Videoconferencing**

In September of 2022, the State Board of Elections and Public Campaign Finance Board held a joint public hearing on proposed procedures to allow for the utilization of videoconferencing for Commissioners of the Boards.

The proposed procedures enabled the Commissioners to participate in Board meetings remotely in instances of extraordinary circumstances which include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which, in the exercise of that Commissioner's discretion, precludes the commissioner's physical attendance at such meeting. If a Commissioner is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the Commissioner shall notify the Co-Executive Directors of the New York State Board of Elections as soon as practicable.

There were no comments received on the proposed policy, and it was adopted at the Board meeting held later that month.

# New York State Public Campaign Finance Board (PCFB)

## Background on the Establishment of the New York State Public Campaign Finance Board

On December 1, 2019, the Campaign Finance Reform Commission established by Part XXX of Chapter 59 of the Laws of 2019 sent recommendations to the Governor and Legislative Leaders outlining the parameters of a public campaign finance system to be created within the New York State Board of Elections.<sup>1</sup> As provided by Chapter 59, the recommendations of the Commission “have the full effect of law” unless “modified or abrogated by statute” on or before December 22, 2019. The Commission’s report and recommendations were not modified or abrogated by statute and the recommendations became law on January 1, 2020. However, as a result of a March 12, 2020 Supreme Court Decision & Order, the Commission’s recommendations were struck down (*Hurley, et al v. The Public Campaign Financing and Election Commission, et al*, No. E169547/2019).

Subsequently, the Governor proposed the Commission’s recommendations as part ZZZ of the 2021 Budget Bill(S7508B/A9508B) which were ultimately passed by the legislature and signed by the Governor on April 3, 2020(Chapter 58 of the Laws of 2020). The public campaign financing provisions, including the new Title II Public Financing provisions, are now law.<sup>2</sup>

The NYS Public Campaign Finance Board did not have a budget appropriation 2020. The program effective date was November 9, 2022.

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1. The Commission adopted the recommendations at a public meeting held on November 25, 2019.

2. The legislation provides: “This act shall take effect immediately; provided, however that sections one, two, three and four of this act shall take effect on November 9, 2022 and shall apply to participants in the primary and general elections to be held in 2024; and provided further, that the terms and appointments of the members of the public campaign finance board as established by section four of this act, and the final date for regulations to be promulgated by such board, shall take place in accordance with dates as prescribed in section four of this act.” See Chapter 58 of the Laws of 2020 (Part ZZZ at §12).

The New York State Public Campaign Finance program is overseen by the New York State Public Campaign Finance Board, which is a board within the New York State Board of Elections. The PCFB is comprised of the four existing Commissioners of the State Board and three additional Commissioners dedicated solely to administering the program.

**Commissioners:**

Barbara Lifton, Chair  
Brian Kolb, Vice Chair  
Keesha Gaskins-Nathan  
Anthony Casale  
Douglas Kellner  
Peter Kosinski  
Andrew Spano

**Senior Staff:**

|                    |                   |
|--------------------|-------------------|
| Cheryl Couser      | - Co- Director    |
| Carl Zeilman       | - Co-Director     |
| Robert Eckels      | - Deputy Director |
| Katheryn Orsino    | - Deputy Director |
| Nicholas Cartagena | - Counsel         |
| Logan Smith        | - Counsel         |

**2022 Meeting Dates:**

January 18, 2022  
March 4, 2022  
March 2, 2022  
August 15, 2022  
September 7, 2022  
October 25, 2022  
December 15, 2022

**Resolutions Approved by the Board:**

22-01 – Resolution related to the State Administrative Procedure Act.  
22-02 – Resolution number not utilized.  
22-03 – Resolution related to the State Administrative Procedure Act.  
22-04 - Resolution joint with SBOE on Open Meetings Law.  
22-05 - Resolution appointing Co-Director.  
22-06 – Resolution on PCFB Appropriation Request.

In 2022, the senior staff continued its work on concurrent program implementation projects:

1) Organizational Structure and Project Management

The PCFB worked with NYSTEC to provide project management services for the implementation of the program. Immediate tasks for this team were: analysis existing software systems including commercial off the shelf, those used by existing jurisdictions and what the market has to provide for public campaign finance. In addition, they were tasked

with managing the development of business rules and high level workflows for software needs.

The PCFB issued a Request for Information (RFP) for software development.

## 2) Program Regulations, Training and Outreach

Staff developed and promulgated regulations on the program, enforcement, and debate. The regulations were promulgated on July 1, 2021, and went through the State Administrative Procedure Act to be publicly posted and receive public comment. The PCFB worked in 2022 to create training aids for candidates and treasurers following the program launch date of November 9, 2022.

In November and December 2022, the PCFB worked with a vendor, OPad Media, to conduct a statewide media campaign to increase awareness of the program. The media campaign was launched across social media sites, and established online papers.

## 3) Space Planning

The PCFB staff worked with the State Board of Elections Co-Executive Directors and the Office of General Services to advocate for space for the new program. In 2022, no space was allocated for the PCFB, and staff were seated in vacant spaces throughout the SBOE.

## 4) Budget planning

The PCFB worked diligently to prepare a budget request for the 2022/2023 fiscal year that proposed an increase in program staff, and an increase in non-personal service to cover anticipated software and buildout needs.

## 5) Software and interim solution

The PCFB issued a Request for Proposal for a software technology solution for public campaign finance internal, external and public users. Concurrently, the PCFB staff created procedures, updated internal software systems and created a manual interim solution to be able to receive, review and audit disclosure documentation and make payments.

The PCFB worked with several external agencies, including the Office of the State Comptroller and the Statewide Financial System, to ensure public funds safeguards were in place.

## 6) Staffing

The Public Campaign Finance Board developed a two-year staff onboarding plan to onboard staff needed for program development and incrementally add program staff as program functionality initiated.

# 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 2022-23 appropriations of \$20,409,000 in the General Fund (State Operations), \$4,000,000 in the General Fund (Aid to Localities – pre-paid return postage on absentee ballots and applications), and \$10,000,000 in Special Revenue – Other funds (Aid to Localities – PCFB Payment of Matching Funds).

The State Board of Elections was granted the following **re-appropriations** for 2022-23:

### *State Operations*

- \$486,000 by the laws of 2021 for the purchase of software and/or the development of technology related to compliance and enforcement.
- \$272,000 by the laws of 2020 for the purchase of software and/or the development of technology related to compliance and enforcement.
- \$3,525,000 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 and operations from cyber-related threats including, but not limited to, the creation of an election support center, the development of an elections cybersecurity support toolkit, and providing cyber risk vulnerability assessments and support for local Boards of Elections.
- \$20,203,000 by the laws of 2020 to disburse federal grants in support of improvements to the administration of elections, including enhanced election technology and election security improvements.
- \$9,093,000 by the laws of 2018 to disburse federal grants in support of improvements to the administration of elections, including enhanced election technology and election security improvements.
- \$2,918,000 by the laws of 2011 for services and expenses related to the implementation of federal election requirements, including the Help America Vote Act of 2002 and the Military and Overseas Voter Empowerment Act of 2009.
- \$303,000 by the laws of 2010 for services and expenses related to the implementation of the Military and Overseas Voter Empowerment Act of 2009.
- \$637,000 by the laws of 2009 for HAVA-related expenditures.
- \$800,000 by the laws of 2005 for services and expenses related to the Help America Vote Act of 2002 for services and expenses incurred prior to April 1, 2005.

- \$800,000 by the laws of 2005 for services and expenses related to the Help America Vote Act of 2002 for services and expenses incurred on or after April 1, 2005.
- \$821,000 by the laws of 2018 for expenses including prior year liabilities related to satisfying the matching fund requirements of section 253(b) (5) of the Help America Vote Act of 2002.
- \$509,000 by the laws of 2009 for expenses including prior year liabilities related to satisfying the matching fund requirements of section 253(b) (5) of the Help America Vote Act of 2002.
- \$2,242,000 by the laws of 2017 for the voting machine examinations account.

#### *Aid to Localities*

- \$2,000,000 by the laws of 2021 for reimbursement of costs related to the expansion of early voting.
- \$169,000 by the laws of 2019 for reimbursement of costs related to the implementation of early voting for eligible expenses.
- \$1,134,000 by the laws of 2006 for 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 pursuant to the Help America Vote Act of 2002. Such moneys shall be allocated to the local Boards of Elections in proportion to the percentage of the state's registered voters residing in each local Board's jurisdiction on December 31, 2004.
- \$1,500,000 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 pursuant to the Help America Vote Act of 2002. Such moneys shall be allocated to local Boards of Elections in proportion to the percentage of the state's registered voters residing in each local Board's jurisdiction on December 31, 2004.
- \$8,025,000 by the laws of 2008 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 pursuant to the Help America Vote Act of 2002. Such moneys shall be allocated to local Boards of Elections in proportion to the percentage of the state's registered voters residing in each local Board's jurisdiction on December 31, 2004.
- \$1,223,000 by the laws of 2005 for services and expenses incurred for poll worker training and voter education efforts pursuant to a chapter of the laws of 2005.
- \$4,501,000 by the laws of 2005 for services and expenses related to the purchase of new voting machines and voting systems for use by local Boards of Elections pursuant to the Help America Vote Act of 2002.

#### *Capital Projects*

- \$25,000,000 by the laws of 2021 for software and technology upgrades and equipment.
- \$15,465,000 by the laws of 2020 for services and expenses related to the acquisition and development of technology, including but not limited to, equipment, software, and services, which will support the implementation of the Voter Enfranchisement Modernization Act of 2019, including costs incurred prior to April 1, 2020. A portion of these funds shall be used, as allowable, to satisfy the state match requirement of the 2020 federal HAVA funding.
- \$971,000 by the laws of 2019 for initial technology costs of electronic poll books as authorized in 2019 voter reform legislation. The State Board of Elections shall develop a plan for the distribution of such funds which may include amounts needed for State Board of Elections implementation costs. The remaining funds shall be made available to local boards of elections for reimbursement of eligible costs, including, but not limited to, electronic poll books and associated software, on-demand ballot printers, and cybersecurity software required to implement early voting, provided that such reimbursement shall be apportioned based on the number of registered voters in a county. The plan shall include a listing of allowable costs and details of the reimbursement claims process and timeframes, provided that local Boards of Elections' claims shall include such information as necessary to support State financing mechanisms.

# **DIVISION OF ELECTION LAW ENFORCEMENT**

**Division of Election Law Enforcement  
New York State Board of Elections  
Annual Report  
2022**

**40 NORTH PEARL STREET  
SUITE 10-D  
ALBANY, NEW YORK 12207-2729  
Phone: (518) 486-7858  
[enforcement@elections.ny.gov](mailto:enforcement@elections.ny.gov)**



**DIVISION OF ELECTION LAW ENFORCEMENT  
STATE BOARD OF ELECTIONS**

**40 NORTH PEARL STREET, SUITE 10-D  
ALBANY, N.Y. 12207-2729**

**To:** The Honorable Kathy Hochul, 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 Division of Election Law Enforcement, to be included in the 2022 Annual Report of the New York State Board of Elections, pursuant to New York State Election Law §3-104 (7), summarizing the Division of Election Law Enforcement's activities from January 1, 2022, through December 31, 2022.

Respectfully Submitted,

Michael L. Johnson  
Chief Enforcement Counsel

## **Division of Election Law Enforcement**

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

In June 2021, after the retirement of Risa S. Sugarman, former Governor Cuomo chose Michael L. Johnson to head the DELE. Again, the Assembly and Senate unanimously confirmed the choice, and Chief Enforcement Counsel Johnson took office on July 16, 2021.

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

## **DELE Structure and Staffing**

The DELE created a structure for independent enforcement activities. The CEC employs an investigative team of experienced attorneys, investigators, auditors, and support staff. By the end of 2021, after his first six months at DELE, Chief Enforcement Counsel Johnson's staff included two Associate Counsels, a Special Investigator, two Investigative Auditors, an Election Enforcement Technical Analyst, and support staff. At the beginning of 2022, CEC Johnson added another Associate Counsel and a second Special Investigator to the DELE team.

DELE Associate Counsels are experienced in investigating, litigation, and prosecuting and defending criminal and civil matters. Investigative and audit staff have extensive investigatory backgrounds within and outside 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 DELE with financial, record, and performance auditing.

The DELE's Elections Enforcement Technical Analyst is the DELE liaison with the NYSBOE's Information Technology Unit. The analyst also assists the DELE in all areas that encompass maintaining and monitoring the unit's technical infrastructure and the acquisition of software and hardware. Additionally, the Elections Enforcement Technical Analyst has been charged with the strategic plan for the DELE's system integrity and continuity in maintaining the security and accessibility of the DELE's software and hardware inventory. Furthermore, the analyst has been assigned the responsibility of the procurement, development, and implementation of a

stand-alone/independent DELE website. The DELE analyst trains staff on newly acquired and

updated investigative tools and data analytics systems. Finally, with the increasing role of technology and computers in elections, the DELE Technical Analyst is also a valuable resource when the DELE investigates cases involving computer use.

## **DELE Complaint Intake Processes**

The DELE receives complaints about issues involving elections and campaign finance in New York State. Pursuant to NYS Election Law, when a complaint is received, the CEC sends a letter acknowledging receipt of the complaint. The CEC then reviews the complaint to determine whether or not it would constitute a violation of the NYS Election Law. If the CEC determines that an allegation, if true, would not constitute a violation of the NYS Election Law or that an allegation is not supported by credible evidence, a letter dismissing the complaint is issued to the complainant.

When the CEC determines that an allegation, if true, would constitute a violation of the NYS Election Law, the CEC opens a case. Based on the allegations made, potential investigative work to be done, and/or staff workload, among other factors, the CEC decides whether to assign the case to an attorney, an investigator, an auditor, or an investigative team. Once a staff member or members are assigned a case, they investigate the allegation(s) and collect the necessary evidence to assist the CEC in determining an appropriate disposition. To obtain relevant evidence, the CEC may request that the NYSBOE delegate its authority to the CEC 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.

After DELE staff have concluded their investigation, they provide the CEC with a report on their findings. Based on the evidence obtained, the CEC will decide whether DELE should close the matter, proceed with civil enforcement action, or seek criminal prosecution.

While the evidence and the law guide the CEC's decisions to proceed with civil enforcement actions, the NYS Election Law gives the CEC discretion whether to initiate civil enforcement matters before a hearing officer, either upon his initiative or based upon a referral from the NYSBOE 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 CEC must be able to allege in a written report that there is substantial reason to believe a violation of the NYS Election Law exists. In addition, to avoid dismissal of the proceeding, the DELE must prove that the violation is not *de minimis* and that the subject of the complaint did not make a good-faith effort to correct the current violation, as well as any previous violations by the subject of the complaint.

Once a case investigation is complete, the CEC will issue a final determination, which is presented to the NYSBOE Commissioners at the next scheduled Board Meeting. After the determination has been presented to the Commissioners, the CEC will send a copy to the complainant, and a copy of the determination will be posted on DELE's website.

## Common Complaints from the Public

Complaints are continuously received and reviewed by DELE. These complaints are received by email, regular mail, and via a link on the DELE website (enforcement@elections.ny.gov). All complaints received by the DELE are confidential, and the identities of complainants and the existence of particular investigations are held in the strictest confidence. Complaints the DELE receives are sometimes unique but often fall into familiar and repeating categories. A few of these categories include:

- *Failure to File.* These are complaints typically received within days of filing deadlines, which point to the failures of particular candidates or committees to file required campaign financial disclosure statements in a timely manner. Although some of these complaints expose serial non-filers whose continual nonfeasance may require further legal action by the DELE, most complaints point out isolated incidents of a particular candidate or committee missing a filing deadline. Typically, these issues are resolved when the candidate or committee files the required report before DELE takes action.
- *Campaign Activity or Election Day conduct.* These complaints include allegations of candidates using false or misleading information on their campaign materials, electioneering at polling places on Election Days, or improperly expended committee or candidate campaign monies.
- *Failure to attribute or allocate.* These complaints include the failure of a committee to place the statutorily required “Paid for” attribution on campaign materials. Investigations have determined that some reasons for the failure to include attributions have been unfamiliarity with the NYS Election Law and printing errors, as well as intentional exclusion to avoid identifying the responsible party.

## DELE Office Move

From its inception in 2014, the DELE has been located in a small separate section on the same floor as the NYSBOE. While the space was secure and accessible only by DELE employees, the office area provided little storage space for files and did not have the benefit of a conference room. Upon his arrival at DELE in 2021, the CEC had a goal of moving the DELE to a more functional office space. The DELE moved to a new location in the building in Spring 2022. The DELE’s new location, 10D, is a secure office space only authorized individuals can access. The office area has a small storage room, a waiting area for any visitors the DELE may have, a small break room, and a conference room large enough to accommodate the unit’s staff. The CEC and the Associate Counsels have offices, and the Investigative Auditors, Special Investigators, Election Enforcement Technical Analyst, and support staff are located in cubicles throughout the central area of the office space.

## **DELE Website (<https://electionenforcement.ny.gov>)**

One of the CEC's goals for 2022 was to develop a website for DELE. This was an effort to increase transparency and provide the public with information and details about DELE and its activities. The DELE staff engaged with the NYS Information Technology Service's WebNY teams and worked closely with them to develop its new website.

On November 1, 2022, prior to the general election, DELE launched its website. The site features a description of the DELE, including its history and structure, NYS Election Law issues, and a web form the public can use to submit NYS Election Law complaints. The site also has a section that allows the public and press access to the CEC's final case determinations. Additionally, the DELE website includes a page with multiple links to helpful election resources. The site also features a periodically updated message from the CEC, centered on current topics involving NYS Election Law from an enforcement perspective.

## **DELE Statistics**

In 2022, the DELE received 300 verified complaints, with which the CEC conducted the initial intake review process as previously described. As a result of the review process, the CEC found that approximately 189 did not necessitate the opening of a case. The CEC formally opened 111 cases to investigate the remaining complaints. In 2022, the CEC also presented 133 cases to the NYSBOE Commissioners for closure. This number included cases that had been opened prior to the start of 2022. The CEC initiated five Hearing Officer matters in 2022 and referred two cases to the NYSBOE Commissioners for "criminal referral."

During that same timeframe, the DELE collected \$243,500.00 through settlement agreements. Additionally, \$17,437.00 was obtained from judgments issued before CEC Johnson's appointment.

## **DELE Delinquent Filer Notices**

According to NYS Election Law, active candidates and/or political committees are responsible for filing campaign financial disclosure statements at least twice a year (January and July Periodic Reports). Under NYS Election Law §14-108(5), the CEC is responsible for sending out notices via certified mail to those candidates and/or political committees who are delinquent with filing those Reports. Although it is not stated in the NYS Election Law, the DELE adopted the practice of sending email reminders to committees/candidates who failed to file their required periodic reports. The email reminders were found to have a substantial impact in encouraging non-filers to submit their reports, albeit late. Therefore, reducing the number of certified letters that DELE staff had to send out and ultimately saving the DELE a significant amount of money.

### *2022 January Periodic Report*

On February 1, 2022, DELE staff sent 4,290 Delinquent Filer email notices to committees/candidates who had not yet filed their 2022 January Periodic Report. After sending the emails, DELE staff determined that 262 of the committees on the delinquent filer list did not have an email address on file. An additional 255 emails were “bounced back” as having invalid or undeliverable email addresses.<sup>3</sup> As a result, the DELE sent Delinquent Filer notices via first-class mail to those 255 committees. Of the 255 letters sent, 22 were returned to DELE as “not delivered.”

On February 18, 2022, the DELE staff mailed 3,451 Delinquent Filer letters via certified mail to committees/candidates still delinquent in filing their 2022 January Periodic Report. Of these, 687 letters were returned to the DELE as “not delivered.”

### *2022 July Periodic Report*

On July 25, 2022, DELE staff sent 3,842 Delinquent Filer email notices to committees/candidates who had not yet filed their 2022 July Periodic Reports. After sending the emails, DELE staff determined that 252 of the committees on the delinquent filer list did not have an email address on file. An additional 268 emails were “bounced back” as having invalid or undeliverable email addresses.

On August 2, 2022, DELE staff mailed out 2,291 Delinquent Filer letters via certified mail to committees/candidates who had still not filed their 2022 July Periodic Reports. Of these, 685 letters were returned to the DELE as “not delivered.”

### *2022 Primary Election Reports*

In 2022, two primaries were held as a result of litigation regarding the drawing of redistricting lines. The primaries were identified as the June and August Primaries. The DELE sent emails to committees that were on the 2022 June 32-Day Pre-Primary Delinquent Filer report. As a result of this email, the DELE was contacted by multiple committee treasurers and candidates regarding their inclusion on the list. A review of the information determined that there were errors with the Delinquent Filer Report that resulted in committees being incorrectly included on the list. Due to the number of these inaccuracies, the CEC decided not to send out Delinquent Filer notices for the 2022 August Primary.<sup>4</sup>

After identifying this issue with the integrity of the data on the Delinquent Filer Report, DELE

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3. Information regarding missing or bounced-back emails was provided to the Compliance Unit for follow-up. NYSBOE’s electronic filing system (EFS) requires that filers have a valid email address to file their reports. Without a valid email address, users cannot log into the EFS and most likely have not received information about creating a user account.

4. Due to the erroneous inclusion of committees on the Delinquent Filer Report for the 2022 Primary Elections, it would not be accurate to include the number of emails that were initially sent.

worked with the NYSBOE Compliance and Information Technology Units to identify the problems and find possible solutions.

## DELE LLC Project

On or about February 9, 2022, the CEC directed DELE staff to review records maintained by the NYSBOE to ascertain the extent of compliance with the provisions of NYS Election Law §§14-120(3) and 14-116(3), added by L.2019, c.4, § 2, eff. Jan. 31, 2019, and other related provisions of the NYS Election Law. These new laws, in part, require committees that accept contributions from a Limited Liability Company or Professional Limited Liability Company (collectively known as LLCs) to allocate the contribution among the owners of the LLC. In addition, the new laws require any contributing LLC to submit a Statement of Identity (SOI) to the NYSBOE, which lists the ownership interest of each owner of the LLC. The SOI must be filed with the NYSBOE by December 31<sup>st</sup> of each year that a contribution is made.

DELE staff analyzed all contributions reported on the campaign financial disclosure statements for 2019 – 2021. 5 All transactions reported as coming from an LLC were identified. These were then vetted to remove duplicates. The table below represents these figures.

| Year  | Number of transactions | Number of LLCs |
|-------|------------------------|----------------|
| 2019  | 238                    | 173            |
| 2020  | 192                    | 155            |
| 2021  | 5610                   | 3705           |
| Total | 6040                   | 4033           |

The DELE then compared the list of filed SOIs to the list of LLCs reported as contributing to a committee. If an SOI was found for an LLC, it was removed from the list. This resulted in 3,841 LLC contributors who did not appear to have filed an SOI. This is shown in the table below:

| Year  | SOIs on file | Number of LLCs | Matched to SOI | Unmatched |
|-------|--------------|----------------|----------------|-----------|
| 2019  | 362          | 173            | 6              | 167       |
| 2020  | 297          | 155            | 8              | 147       |
| 2021  | 271          | 3705           | 178            | 3527      |
| Total | 604          | 4033           | 192            | 3841      |

All of the unmatched reported LLC contributors were combined into a single list. A duplicate match function and a manual review were completed. After this review, the DELE identified 3,706 entities identified as LLCs in the campaign financial disclosure statements that were reported as having contributed that did not have an SOI on file. Using the addresses entered by the committees in the applicable transaction, the DELE mailed letters to the 3706 entities requesting their compliance with the law.

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5 Since SOIs were not required to be filed until the end of the calendar year, the DELE did not include any LLC contributions from 2022 in the review.

As of April 10, 2022, the NYSBOE had a total of 3,446 SOIs on file. This is 2,516 more than were on file two months prior, on February 10, 2022. These additionally filed SOIs are a direct result of the LLC letter mailed by the DELE. Further details are in the table below:

| Year  | SOIs on file as of 02/10/2022 | SOIs on file as of 04/10/2022 | Difference |
|-------|-------------------------------|-------------------------------|------------|
| 2019  | 362                           | 951                           | 589        |
| 2020  | 297                           | 879                           | 582        |
| 2021  | 271                           | 1616                          | 1,345      |
| Total | 930                           | 3,446                         | 2,516      |

Although the DELE succeeded in having LLCs file 2,516 additional SOIs, this process highlighted numerous issues with the actual functionality of the LLC reporting for both committees and LLCs, as well as the many errors made by multiple human interactions with the information. These issues make it almost impossible to perform an accurate overcontribution audit, verify the accuracy of the committee's reported allocations, or adequately enforce the requirements of the NYS Election Law.

**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 01, 2022**

| REGION      | COUNTY      | STATUS   | DEM     | REP    | CON   | WOR   | OTH   | BLANK  | TOTAL   |
|-------------|-------------|----------|---------|--------|-------|-------|-------|--------|---------|
| Outside NYC | Albany      | Active   | 99,749  | 35,523 | 3,493 | 926   | 8,160 | 50,913 | 198,764 |
| Outside NYC | Albany      | Inactive | 8,625   | 3,013  | 280   | 90    | 1,018 | 4,745  | 17,771  |
| Outside NYC | Albany      | Total    | 108,374 | 38,536 | 3,773 | 1,016 | 9,178 | 55,658 | 216,535 |
| Outside NYC | Allegany    | Active   | 5,428   | 13,439 | 475   | 133   | 1,215 | 5,593  | 26,283  |
| Outside NYC | Allegany    | Inactive | 323     | 528    | 24    | 6     | 88    | 374    | 1,343   |
| Outside NYC | Allegany    | Total    | 5,751   | 13,967 | 499   | 139   | 1,303 | 5,967  | 27,626  |
| Outside NYC | Broome      | Active   | 43,698  | 41,662 | 1,670 | 640   | 6,238 | 27,574 | 121,482 |
| Outside NYC | Broome      | Inactive | 6,625   | 4,607  | 179   | 150   | 1,097 | 4,503  | 17,161  |
| Outside NYC | Broome      | Total    | 50,323  | 46,269 | 1,849 | 790   | 7,335 | 32,077 | 138,643 |
| Outside NYC | Cattaraugus | Active   | 13,140  | 19,449 | 1,154 | 225   | 2,279 | 10,693 | 46,940  |
| Outside NYC | Cattaraugus | Inactive | 742     | 996    | 58    | 18    | 169   | 771    | 2,754   |
| Outside NYC | Cattaraugus | Total    | 13,882  | 20,445 | 1,212 | 243   | 2,448 | 11,464 | 49,694  |
| Outside NYC | Cayuga      | Active   | 14,872  | 17,766 | 1,440 | 297   | 2,000 | 11,956 | 48,331  |
| Outside NYC | Cayuga      | Inactive | 694     | 802    | 52    | 16    | 179   | 723    | 2,466   |
| Outside NYC | Cayuga      | Total    | 15,566  | 18,568 | 1,492 | 313   | 2,179 | 12,679 | 50,797  |
| Outside NYC | Chautauqua  | Active   | 23,971  | 28,056 | 2,018 | 463   | 4,336 | 20,559 | 79,403  |
| Outside NYC | Chautauqua  | Inactive | 1,423   | 1,385  | 113   | 36    | 355   | 1,457  | 4,769   |
| Outside NYC | Chautauqua  | Total    | 25,394  | 29,441 | 2,131 | 499   | 4,691 | 22,016 | 84,172  |
| Outside NYC | Chemung     | Active   | 14,886  | 20,837 | 870   | 231   | 2,757 | 11,725 | 51,306  |
| Outside NYC | Chemung     | Inactive | 1,553   | 1,571  | 64    | 24    | 360   | 1,314  | 4,886   |
| Outside NYC | Chemung     | Total    | 16,439  | 22,408 | 934   | 255   | 3,117 | 13,039 | 56,192  |
| Outside NYC | Chenango    | Active   | 7,113   | 13,346 | 523   | 155   | 9     | 8,856  | 30,002  |
| Outside NYC | Chenango    | Inactive | 348     | 510    | 31    | 8     | 2     | 517    | 1,416   |
| Outside NYC | Chenango    | Total    | 7,461   | 13,856 | 554   | 163   | 11    | 9,373  | 31,418  |
| Outside NYC | Clinton     | Active   | 17,212  | 15,372 | 554   | 249   | 3,005 | 12,627 | 49,019  |
| Outside NYC | Clinton     | Inactive | 1,221   | 771    | 27    | 10    | 239   | 920    | 3,188   |

|             |          |          |         |         |        |       |        |         |         |
|-------------|----------|----------|---------|---------|--------|-------|--------|---------|---------|
| Outside NYC | Clinton  | Total    | 18,433  | 16,143  | 581    | 259   | 3,244  | 13,547  | 52,207  |
| Outside NYC | Columbia | Active   | 18,452  | 12,291  | 1,042  | 270   | 2,274  | 11,925  | 46,254  |
| Outside NYC | Columbia | Inactive | 1,400   | 766     | 66     | 16    | 225    | 892     | 3,365   |
| Outside NYC | Columbia | Total    | 19,852  | 13,057  | 1,108  | 286   | 2,499  | 12,817  | 49,619  |
| Outside NYC | Cortland | Active   | 8,802   | 10,316  | 480    | 124   | 1,504  | 7,236   | 28,462  |
| Outside NYC | Cortland | Inactive | 767     | 722     | 36     | 10    | 140    | 851     | 2,526   |
| Outside NYC | Cortland | Total    | 9,569   | 11,038  | 516    | 134   | 1,644  | 8,087   | 30,988  |
| Outside NYC | Delaware | Active   | 8,423   | 12,511  | 530    | 114   | 1,511  | 6,512   | 29,601  |
| Outside NYC | Delaware | Inactive | 473     | 583     | 29     | 7     | 117    | 516     | 1,725   |
| Outside NYC | Delaware | Total    | 8,896   | 13,094  | 559    | 121   | 1,628  | 7,028   | 31,326  |
| Outside NYC | Dutchess | Active   | 73,398  | 53,748  | 3,784  | 897   | 10,230 | 55,007  | 197,064 |
| Outside NYC | Dutchess | Inactive | 7,375   | 4,154   | 298    | 71    | 1,005  | 5,008   | 17,911  |
| Outside NYC | Dutchess | Total    | 80,773  | 57,902  | 4,082  | 968   | 11,235 | 60,015  | 214,975 |
| Outside NYC | Erie     | Active   | 289,823 | 157,397 | 15,067 | 3,523 | 22,252 | 135,362 | 623,424 |
| Outside NYC | Erie     | Inactive | 15,859  | 7,262   | 516    | 168   | 1,688  | 8,344   | 33,837  |
| Outside NYC | Erie     | Total    | 305,682 | 164,659 | 15,583 | 3,691 | 23,940 | 143,706 | 657,261 |
| Outside NYC | Essex    | Active   | 7,564   | 10,427  | 252    | 83    | 1,443  | 5,326   | 25,095  |
| Outside NYC | Essex    | Inactive | 572     | 654     | 22     | 5     | 137    | 454     | 1,844   |
| Outside NYC | Essex    | Total    | 8,136   | 11,081  | 274    | 88    | 1,580  | 5,780   | 26,939  |
| Outside NYC | Franklin | Active   | 9,809   | 9,142   | 388    | 111   | 1,472  | 5,969   | 26,891  |
| Outside NYC | Franklin | Inactive | 452     | 402     | 14     | 6     | 107    | 352     | 1,333   |
| Outside NYC | Franklin | Total    | 10,261  | 9,544   | 402    | 117   | 1,579  | 6,321   | 28,224  |
| Outside NYC | Fulton   | Active   | 7,255   | 16,200  | 660    | 146   | 1,606  | 7,303   | 33,170  |
| Outside NYC | Fulton   | Inactive | 532     | 796     | 43     | 16    | 143    | 603     | 2,133   |
| Outside NYC | Fulton   | Total    | 7,787   | 16,996  | 703    | 162   | 1,749  | 7,906   | 35,303  |
| Outside NYC | Genesee  | Active   | 8,625   | 16,960  | 1,030  | 161   | 1,881  | 9,211   | 37,868  |
| Outside NYC | Genesee  | Inactive | 577     | 851     | 44     | 16    | 176    | 720     | 2,384   |
| Outside NYC | Genesee  | Total    | 9,202   | 17,811  | 1,074  | 177   | 2,057  | 9,931   | 40,252  |
| Outside NYC | Greene   | Active   | 8,935   | 12,225  | 794    | 133   | 1,723  | 8,541   | 32,351  |
| Outside NYC | Greene   | Inactive | 729     | 853     | 55     | 10    | 204    | 727     | 2,578   |
| Outside NYC | Greene   | Total    | 9,664   | 13,078  | 849    | 143   | 1,927  | 9,268   | 34,929  |

|             |            |          |         |         |        |       |        |         |           |
|-------------|------------|----------|---------|---------|--------|-------|--------|---------|-----------|
| Outside NYC | Hamilton   | Active   | 887     | 2,452   | 72     | 6     | 150    | 703     | 4,270     |
| Outside NYC | Hamilton   | Inactive | 66      | 182     | 8      | 0     | 34     | 69      | 359       |
| Outside NYC | Hamilton   | Total    | 953     | 2,634   | 80     | 6     | 184    | 772     | 4,629     |
| Outside NYC | Herkimer   | Active   | 9,176   | 18,496  | 730    | 113   | 2,436  | 7,802   | 38,753    |
| Outside NYC | Herkimer   | Inactive | 1,142   | 1,523   | 61     | 22    | 378    | 1,113   | 4,239     |
| Outside NYC | Herkimer   | Total    | 10,318  | 20,019  | 791    | 135   | 2,814  | 8,915   | 42,992    |
| Outside NYC | Jefferson  | Active   | 15,284  | 24,790  | 998    | 224   | 2,488  | 14,539  | 58,323    |
| Outside NYC | Jefferson  | Inactive | 1,772   | 1,916   | 85     | 24    | 381    | 2,478   | 6,656     |
| Outside NYC | Jefferson  | Total    | 17,056  | 26,706  | 1,083  | 248   | 2,869  | 17,017  | 64,979    |
| Outside NYC | Lewis      | Active   | 3,726   | 9,194   | 332    | 32    | 768    | 3,346   | 17,398    |
| Outside NYC | Lewis      | Inactive | 381     | 687     | 33     | 5     | 138    | 409     | 1,653     |
| Outside NYC | Lewis      | Total    | 4,107   | 9,881   | 365    | 37    | 906    | 3,755   | 19,051    |
| Outside NYC | Livingston | Active   | 10,218  | 17,150  | 923    | 129   | 1,880  | 9,356   | 39,656    |
| Outside NYC | Livingston | Inactive | 530     | 645     | 48     | 6     | 132    | 570     | 1,931     |
| Outside NYC | Livingston | Total    | 10,748  | 17,795  | 971    | 135   | 2,012  | 9,926   | 41,587    |
| Outside NYC | Madison    | Active   | 11,487  | 16,586  | 869    | 197   | 2,608  | 10,870  | 42,617    |
| Outside NYC | Madison    | Inactive | 1,021   | 1,028   | 53     | 13    | 205    | 938     | 3,258     |
| Outside NYC | Madison    | Total    | 12,508  | 17,614  | 922    | 210   | 2,813  | 11,808  | 45,875    |
| Outside NYC | Monroe     | Active   | 205,786 | 125,259 | 8,129  | 1,876 | 20,224 | 126,546 | 487,820   |
| Outside NYC | Monroe     | Inactive | 15,458  | 8,322   | 509    | 142   | 1,700  | 9,580   | 35,711    |
| Outside NYC | Monroe     | Total    | 221,244 | 133,581 | 8,638  | 2,018 | 21,924 | 136,126 | 523,531   |
| Outside NYC | Montgomery | Active   | 8,809   | 10,465  | 780    | 124   | 1,529  | 7,524   | 29,231    |
| Outside NYC | Montgomery | Inactive | 543     | 459     | 41     | 9     | 113    | 464     | 1,629     |
| Outside NYC | Montgomery | Total    | 9,352   | 10,924  | 821    | 133   | 1,642  | 7,988   | 30,860    |
| Outside NYC | Nassau     | Active   | 387,531 | 296,763 | 9,501  | 2,127 | 30,190 | 256,771 | 982,883   |
| Outside NYC | Nassau     | Inactive | 34,531  | 25,391  | 776    | 209   | 3,038  | 20,769  | 84,714    |
| Outside NYC | Nassau     | Total    | 422,062 | 322,154 | 10,277 | 2,336 | 33,228 | 277,540 | 1,067,597 |
| Outside NYC | Niagara    | Active   | 50,824  | 47,678  | 3,733  | 1,330 | 6,892  | 29,729  | 140,186   |
| Outside NYC | Niagara    | Inactive | 2,515   | 1,990   | 146    | 77    | 418    | 1,753   | 6,899     |
| Outside NYC | Niagara    | Total    | 53,339  | 49,668  | 3,879  | 1,407 | 7,310  | 31,482  | 147,085   |

|             |            |          |         |        |       |       |        |        |         |
|-------------|------------|----------|---------|--------|-------|-------|--------|--------|---------|
| Outside NYC | Oneida     | Active   | 42,072  | 50,605 | 2,145 | 507   | 7,783  | 29,469 | 132,581 |
| Outside NYC | Oneida     | Inactive | 3,366   | 2,532  | 135   | 48    | 612    | 2,343  | 9,036   |
| Outside NYC | Oneida     | Total    | 45,438  | 53,137 | 2,280 | 555   | 8,395  | 31,812 | 141,617 |
| Outside NYC | Onondaga   | Active   | 116,506 | 82,720 | 5,044 | 1,244 | 14,138 | 84,834 | 304,486 |
| Outside NYC | Onondaga   | Inactive | 8,420   | 4,511  | 263   | 90    | 1,141  | 5,772  | 20,197  |
| Outside NYC | Onondaga   | Total    | 124,926 | 87,231 | 5,307 | 1,334 | 15,279 | 90,606 | 324,683 |
| Outside NYC | Ontario    | Active   | 23,234  | 28,418 | 1,536 | 230   | 3,777  | 20,245 | 77,440  |
| Outside NYC | Ontario    | Inactive | 1,429   | 1,679  | 85    | 18    | 329    | 1,405  | 4,945   |
| Outside NYC | Ontario    | Total    | 24,663  | 30,097 | 1,621 | 248   | 4,106  | 21,650 | 82,385  |
| Outside NYC | Orange     | Active   | 90,738  | 72,170 | 4,479 | 1,114 | 11,548 | 61,085 | 241,134 |
| Outside NYC | Orange     | Inactive | 8,119   | 6,017  | 367   | 87    | 1,174  | 5,493  | 21,257  |
| Outside NYC | Orange     | Total    | 98,857  | 78,187 | 4,846 | 1,201 | 12,722 | 66,578 | 262,391 |
| Outside NYC | Orleans    | Active   | 5,242   | 11,744 | 614   | 130   | 1,011  | 5,844  | 24,585  |
| Outside NYC | Orleans    | Inactive | 152     | 297    | 19    | 5     | 52     | 179    | 704     |
| Outside NYC | Orleans    | Total    | 5,394   | 12,041 | 633   | 135   | 1,063  | 6,023  | 25,289  |
| Outside NYC | Oswego     | Active   | 17,369  | 34,132 | 1,791 | 334   | 3,477  | 17,822 | 74,925  |
| Outside NYC | Oswego     | Inactive | 747     | 1,236  | 82    | 18    | 207    | 841    | 3,131   |
| Outside NYC | Oswego     | Total    | 18,116  | 35,368 | 1,873 | 352   | 3,684  | 18,663 | 78,056  |
| Outside NYC | Otsego     | Active   | 11,102  | 13,693 | 551   | 137   | 1,887  | 8,516  | 35,886  |
| Outside NYC | Otsego     | Inactive | 848     | 759    | 36    | 6     | 210    | 674    | 2,533   |
| Outside NYC | Otsego     | Total    | 11,950  | 14,452 | 587   | 143   | 2,097  | 9,190  | 38,419  |
| Outside NYC | Putnam     | Active   | 22,126  | 23,288 | 1,745 | 217   | 3,458  | 19,096 | 69,930  |
| Outside NYC | Putnam     | Inactive | 1,844   | 1,837  | 134   | 10    | 332    | 1,514  | 5,671   |
| Outside NYC | Putnam     | Total    | 23,970  | 25,125 | 1,879 | 227   | 3,790  | 20,610 | 75,601  |
| Outside NYC | Rensselaer | Active   | 33,153  | 25,597 | 4,548 | 2,056 | 6,518  | 32,364 | 104,236 |
| Outside NYC | Rensselaer | Inactive | 1,991   | 1,006  | 111   | 52    | 361    | 1,576  | 5,097   |
| Outside NYC | Rensselaer | Total    | 35,144  | 26,603 | 4,659 | 2,108 | 6,879  | 33,940 | 109,333 |
| Outside NYC | Rockland   | Active   | 93,217  | 47,808 | 4,525 | 830   | 6,910  | 49,923 | 203,213 |
| Outside NYC | Rockland   | Inactive | 7,021   | 3,873  | 292   | 58    | 763    | 4,331  | 16,338  |
| Outside NYC | Rockland   | Total    | 100,238 | 51,681 | 4,817 | 888   | 7,673  | 54,254 | 219,551 |
| Outside NYC | Saratoga   | Active   | 51,486  | 62,510 | 3,000 | 569   | 8,564  | 47,326 | 173,455 |

|             |              |          |         |         |        |       |        |         |           |
|-------------|--------------|----------|---------|---------|--------|-------|--------|---------|-----------|
| Outside NYC | Saratoga     | Inactive | 2,587   | 2,904   | 116    | 31    | 579    | 2,434   | 8,651     |
| Outside NYC | Saratoga     | Total    | 54,073  | 65,414  | 3,116  | 600   | 9,143  | 49,760  | 182,106   |
| Outside NYC | Schenectady  | Active   | 40,002  | 23,140  | 3,245  | 795   | 4,366  | 27,754  | 99,302    |
| Outside NYC | Schenectady  | Inactive | 2,655   | 1,458   | 160    | 58    | 396    | 2,114   | 6,841     |
| Outside NYC | Schenectady  | Total    | 42,657  | 24,598  | 3,405  | 853   | 4,762  | 29,868  | 106,143   |
| Outside NYC | Schoharie    | Active   | 4,991   | 8,037   | 553    | 98    | 1,200  | 5,119   | 19,998    |
| Outside NYC | Schoharie    | Inactive | 465     | 563     | 52     | 16    | 148    | 521     | 1,765     |
| Outside NYC | Schoharie    | Total    | 5,456   | 8,600   | 605    | 114   | 1,348  | 5,640   | 21,763    |
| Outside NYC | Schuyler     | Active   | 3,389   | 5,292   | 241    | 60    | 677    | 2,940   | 12,599    |
| Outside NYC | Schuyler     | Inactive | 192     | 230     | 12     | 4     | 39     | 158     | 635       |
| Outside NYC | Schuyler     | Total    | 3,581   | 5,522   | 253    | 64    | 716    | 3,098   | 13,234    |
| Outside NYC | Seneca       | Active   | 6,134   | 8,029   | 439    | 114   | 1,036  | 4,869   | 20,621    |
| Outside NYC | Seneca       | Inactive | 213     | 243     | 20     | 5     | 50     | 258     | 789       |
| Outside NYC | Seneca       | Total    | 6,347   | 8,272   | 459    | 119   | 1,086  | 5,127   | 21,410    |
| Outside NYC | St. Lawrence | Active   | 20,687  | 21,928  | 1,040  | 261   | 3,512  | 14,031  | 61,459    |
| Outside NYC | St. Lawrence | Inactive | 1,109   | 917     | 53     | 17    | 193    | 922     | 3,211     |
| Outside NYC | St. Lawrence | Total    | 21,796  | 22,845  | 1,093  | 278   | 3,705  | 14,953  | 64,670    |
| Outside NYC | Steuben      | Active   | 14,121  | 29,798  | 1,070  | 241   | 2,536  | 12,753  | 60,519    |
| Outside NYC | Steuben      | Inactive | 939     | 1,339   | 48     | 11    | 219    | 864     | 3,420     |
| Outside NYC | Steuben      | Total    | 15,060  | 31,137  | 1,118  | 252   | 2,755  | 13,617  | 63,939    |
| Outside NYC | Suffolk      | Active   | 358,196 | 323,176 | 20,220 | 3,840 | 42,377 | 293,831 | 1,041,640 |
| Outside NYC | Suffolk      | Inactive | 22,560  | 20,764  | 1,395  | 250   | 3,372  | 19,144  | 67,485    |
| Outside NYC | Suffolk      | Total    | 380,756 | 343,940 | 21,615 | 4,090 | 45,749 | 312,975 | 1,109,125 |
| Outside NYC | Sullivan     | Active   | 17,121  | 15,281  | 1,250  | 244   | 1,931  | 12,378  | 48,205    |
| Outside NYC | Sullivan     | Inactive | 2,443   | 1,596   | 109    | 42    | 314    | 1,750   | 6,254     |
| Outside NYC | Sullivan     | Total    | 19,564  | 16,877  | 1,359  | 286   | 2,245  | 14,128  | 54,459    |
| Outside NYC | Tioga        | Active   | 8,137   | 14,463  | 527    | 106   | 1,716  | 7,285   | 32,234    |
| Outside NYC | Tioga        | Inactive | 524     | 848     | 26     | 8     | 155    | 586     | 2,147     |
| Outside NYC | Tioga        | Total    | 8,661   | 15,311  | 553    | 114   | 1,871  | 7,871   | 34,381    |
| Outside NYC | Tompkins     | Active   | 31,911  | 10,436  | 399    | 287   | 2,204  | 12,819  | 58,056    |
| Outside NYC | Tompkins     | Inactive | 3,657   | 977     | 26     | 20    | 275    | 1,630   | 6,585     |

|                         |             |          |           |           |         |        |         |           |           |
|-------------------------|-------------|----------|-----------|-----------|---------|--------|---------|-----------|-----------|
| Outside NYC             | Tompkins    | Total    | 35,568    | 11,413    | 425     | 307    | 2,479   | 14,449    | 64,641    |
| Outside NYC             | Ulster      | Active   | 53,358    | 28,669    | 2,506   | 718    | 5,407   | 36,026    | 126,684   |
| Outside NYC             | Ulster      | Inactive | 3,709     | 2,003     | 143     | 65     | 578     | 2,657     | 9,155     |
| Outside NYC             | Ulster      | Total    | 57,067    | 30,672    | 2,649   | 783    | 5,985   | 38,683    | 135,839   |
| Outside NYC             | Warren      | Active   | 12,751    | 19,358    | 775     | 141    | 2,540   | 11,088    | 46,653    |
| Outside NYC             | Warren      | Inactive | 682       | 927       | 33      | 11     | 217     | 668       | 2,538     |
| Outside NYC             | Warren      | Total    | 13,433    | 20,285    | 808     | 152    | 2,757   | 11,756    | 49,191    |
| Outside NYC             | Washington  | Active   | 9,430     | 15,753    | 734     | 166    | 2,125   | 9,719     | 37,927    |
| Outside NYC             | Washington  | Inactive | 475       | 547       | 27      | 9      | 127     | 464       | 1,649     |
| Outside NYC             | Washington  | Total    | 9,905     | 16,300    | 761     | 175    | 2,252   | 10,183    | 39,576    |
| Outside NYC             | Wayne       | Active   | 13,966    | 24,097    | 1,641   | 274    | 2,681   | 16,020    | 58,679    |
| Outside NYC             | Wayne       | Inactive | 687       | 744       | 67      | 8      | 142     | 716       | 2,364     |
| Outside NYC             | Wayne       | Total    | 14,653    | 24,841    | 1,708   | 282    | 2,823   | 16,736    | 61,043    |
| Outside NYC             | Westchester | Active   | 307,625   | 120,212   | 7,066   | 1,493  | 20,103  | 154,015   | 610,514   |
| Outside NYC             | Westchester | Inactive | 26,596    | 10,984    | 559     | 128    | 2,124   | 14,121    | 54,512    |
| Outside NYC             | Westchester | Total    | 334,221   | 131,196   | 7,625   | 1,621  | 22,227  | 168,136   | 665,026   |
| Outside NYC             | Wyoming     | Active   | 5,024     | 12,139    | 649     | 86     | 1,002   | 6,074     | 24,974    |
| Outside NYC             | Wyoming     | Inactive | 378       | 658       | 44      | 7      | 138     | 539       | 1,764     |
| Outside NYC             | Wyoming     | Total    | 5,402     | 12,797    | 693     | 93     | 1,140   | 6,613     | 26,738    |
| Outside NYC             | Yates       | Active   | 3,284     | 6,363     | 247     | 55     | 687     | 3,113     | 13,749    |
| Outside NYC             | Yates       | Inactive | 215       | 305       | 11      | 2      | 54      | 220       | 807       |
| Outside NYC             | Yates       | Total    | 3,499     | 6,668     | 258     | 57     | 741     | 3,333     | 14,556    |
| Outside NYC Grand Total |             | Active   | 2,801,255 | 2,224,356 | 134,871 | 31,386 | 310,231 | 1,886,432 | 7,388,531 |
| Outside NYC Grand Total |             | Inactive | 212,272   | 145,123   | 8,136   | 2,274  | 28,287  | 145,828   | 541,920   |
| Outside NYC Grand Total |             | Total    | 3,013,527 | 2,369,479 | 143,007 | 33,660 | 338,518 | 2,032,260 | 7,930,451 |
| Within NYC              | Bronx       | Active   | 545,285   | 42,305    | 2,815   | 2,821  | 12,866  | 124,513   | 730,605   |
| Within NYC              | Bronx       | Inactive | 41,674    | 4,864     | 363     | 372    | 1,811   | 14,329    | 63,413    |
| Within NYC              | Bronx       | Total    | 586,959   | 47,169    | 3,178   | 3,193  | 14,677  | 138,842   | 794,018   |
| Within NYC              | Kings       | Active   | 1,046,187 | 127,414   | 4,328   | 5,611  | 25,059  | 267,541   | 1,476,140 |

|                  |          |          |           |           |         |        |         |           |            |
|------------------|----------|----------|-----------|-----------|---------|--------|---------|-----------|------------|
| Within NYC       | Kings    | Inactive | 101,313   | 12,188    | 453     | 606    | 4,181   | 32,099    | 150,840    |
| Within NYC       | Kings    | Total    | 1,147,500 | 139,602   | 4,781   | 6,217  | 29,240  | 299,640   | 1,626,980  |
| Within NYC       | New York | Active   | 722,559   | 69,795    | 1,686   | 2,249  | 19,329  | 178,823   | 994,441    |
| Within NYC       | New York | Inactive | 73,048    | 18,370    | 327     | 247    | 5,505   | 37,735    | 135,232    |
| Within NYC       | New York | Total    | 795,607   | 88,165    | 2,013   | 2,496  | 24,834  | 216,558   | 1,129,673  |
| Within NYC       | Queens   | Active   | 780,554   | 134,203   | 5,237   | 3,620  | 24,822  | 276,176   | 1,224,612  |
| Within NYC       | Queens   | Inactive | 50,191    | 10,621    | 424     | 312    | 2,780   | 22,685    | 87,013     |
| Within NYC       | Queens   | Total    | 830,745   | 144,824   | 5,661   | 3,932  | 27,602  | 298,861   | 1,311,625  |
| Within NYC       | Richmond | Active   | 125,868   | 97,911    | 4,204   | 1,027  | 9,037   | 71,866    | 309,913    |
| Within NYC       | Richmond | Inactive | 10,926    | 8,080     | 470     | 117    | 1,082   | 6,565     | 27,240     |
| Within NYC       | Richmond | Total    | 136,794   | 105,991   | 4,674   | 1,144  | 10,119  | 78,431    | 337,153    |
| Within NYC Total |          | Active   | 3,220,453 | 471,628   | 18,270  | 15,328 | 91,113  | 918,919   | 4,735,711  |
| Within NYC Total |          | Inactive | 277,152   | 54,123    | 2,037   | 1,654  | 15,359  | 113,413   | 463,738    |
| Within NYC Total |          | Total    | 3,497,605 | 525,751   | 20,307  | 16,982 | 106,472 | 1,032,332 | 5,199,449  |
| Statewide Total  |          | Active   | 6,021,708 | 2,695,984 | 153,141 | 46,714 | 401,344 | 2,805,351 | 12,124,242 |
| Statewide Total  |          | Inactive | 489,424   | 199,246   | 10,173  | 3,928  | 43,646  | 259,241   | 1,005,658  |
| Statewide Total  |          | Total    | 6,511,132 | 2,895,230 | 163,314 | 50,642 | 444,990 | 3,064,592 | 13,129,900 |