



**New York State Board of Elections  
Annual Report  
2023**

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## **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**

Henry T. Berger  
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

Raymond J. Riley III  
Co-Executive Director

Thomas Connolly  
Deputy Director

Brendan Lovullo  
Deputy Director

Amy Hild  
Director Election Operations

Vacant  
Deputy Director Election Operations

Jennifer Wilson  
Deputy Director Public Information

Kathleen McGrath  
Director of Public Information

Brian Quail  
Counsel

Vacant  
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 of Elections ("NYSBOE"), 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:

***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 and oral argument was held. At the close of 2023 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. All outstanding claims were settled in early 2023.

***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 2022, which was denied. NYSBOE and the Plaintiffs engaged in discovery and depositions were taken. At the close of 2023 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. The parties voluntarily dismissed this action in early 2023.

***Fossella v. Adams (Richmond County Supreme Court; Appellate Division – Second Department)***: 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, a permanent injunction was granted, and Defendants' motion for summary judgment was denied. Defendants filed a notice of Appeal, and as of the end of 2023 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 2023 the case was still pending.

***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. An appeal was taken and dismissed by the NYS Court of Appeals.

***Amedure v. NYSBOE (Saratoga County Supreme Court)***: Plaintiffs challenged the constitutionality of Chapter 763 of the laws of 2021 which provided a new process for the canvass of absentee, military, special, and affidavit ballots. At the close of 2023 this case was still active.

***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.

***Frentzel v. Mohr (Western District of NY)***: Plaintiffs filed suit alleging the unconstitutionality of Election Law § 8-308(4) which provides that a write-in vote for a party primary for a candidate not enrolled in the party is void. The Court declined to issue an injunction against application of Election Law § 8-308 (4). An expedited motion to appeal was filed and denied by the Second Circuit Court of Appeals.

***Stefanik v. Hochul (Albany County Supreme Court; Appellate Division – Third Department)***: Plaintiffs filed suit alleging that the New York Early Mail Voter Act (Chapter 481 of the Laws of 2023) is unconstitutional on the grounds that it violates Article II, § 2 of the New York Constitution and sought a preliminary injunction. The injunction was denied on the grounds that the Plaintiffs failed to prove that they suffered irreparable harm and that the balance of the equities was in their favor. The denial of the injunction was appealed to the Appellate Division. At the close of 2023 this case was still pending.

## **HAVA Administrative Complaints**

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

In 2023, the State Board issued ten HAVA determinations:

In *Beeman v. Broome County Board of Elections* and *Spisak v. Broome County Board of Elections*, the complaints were dismissed because they failed to allege a violation of Title III of HAVA.

In *Fernandez v. Suffolk County Board of Elections*, the Suffolk County Board of

Elections was directed to emphasize during poll worker training the obligations of poll workers with regard to ballot marking devices (“BMD”), including, but not limited to, the specific procedures to be followed if a voter requests the use of a BMD.

In *Tonsor v. Nassau County Board of Elections*, the Nassau County Board of Elections was directed to review training materials and instruct poll workers on information related to disability etiquette, proper procedures when a voter requests use of a BMD, and the voter’s options when a BMD malfunctions. They were also directed to instruct poll workers on procedures relating to the checking of BMDs to ensure they are operational, both prior to the opening of the polls and throughout the day. In addition, the Nassau County Board of Elections was required to review procedures to ensure the privacy of the voter is maintained when checking for damage to a ballot retrieved from a malfunctioning BMD.

In *Behnstedt v. Suffolk County Board of Elections*, the Suffolk County Board of Elections was directed to review and update procedures and training materials related to the use of the new type of BMDs and to instruct poll workers on information related to their use.

In *Farro v. Nassau County Board of Elections*, the Nassau County Board of Elections was directed to provide SBOE with copies of all training materials that are used during poll worker trainings, as well as a detailed list of scheduled trainings. In addition, the Nassau County Board of Elections was directed to accommodate the attendance of SBOE employees at future poll worker trainings and at poll sites within the county during voting hours. The Nassau County Board was directed to conduct a review and emphasize training to ensure that they sufficiently reflect proper procedures relating to voting by individuals with disabilities, including, but not limited to, the operation and use of BMDs, the procedures to be followed when a voter requests an assisted voting session under Election Law § 8-306, explicit instructions regarding a voter’s options when a BMD malfunctions or is otherwise non-operational, and disability etiquette required to be followed by all poll workers. Furthermore, the Nassau County Board of Elections was directed to provide SBOE with a written report thoroughly detailing the steps that Nassau County BOE has undertaken to comply with SBOE directed remedies by July 31, 2023, and for the next three years thereafter. Such reports would include a summary of their actions and procedures relating to voting by individuals with disabilities, including copies of any training/guidance materials revised during the previous annual period. Finally, while the provisions of HAVA do not permit SBOE remedies to include determinations related to employment or staffing, SBOE highly recommended that the Nassau County Board of Elections review the employment status of a poll worker involved in this HAVA complaint and consider appropriate disciplinary action.

In *Hellmuth v. Rensselaer County Board of Elections*, the Rensselaer County Board of Elections was directed to instruct poll workers on procedures relating to the checking of BMDs to ensure they are operational, prior to the opening of the polls and throughout the day. In addition, technicians were to be instructed on the responsibilities of CBOEs with respect to BMDs and the procedures if a BMD cannot be fixed. The Rensselaer County Board of Elections was also directed to review procedures and ensure technicians have the necessary tools to fix a BMD when dispatched to a poll site.

In *Barbara v. Nassau County Board of Elections*, the Nassau County Board of Elections was directed to review procedures related to maintaining the privacy of all voters, including voters with disabilities, and strongly consider adoption of a countywide plan to resume providing privacy sleeves to voters at all poll sites given the termination of the declared COVID-19 national emergency. In addition, the Nassau County Board of Elections was directed to review poll worker training materials relating to disability etiquette to ensure that poll workers are directed to receive affirmative requests for assistance from voters before taking action.

In *Hernandez 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, both prior to the opening of the polls and throughout the day, and to thoroughly inform poll workers of their obligations with regard to BMDs, including explicit instructions regarding a voter's options when a BMD malfunctions or is non-operational. The New York City Board of Elections was also directed to review poll worker training materials to ensure clarity that BMD-related spoilage of ballots does not count toward the limit of two replacement ballots and of procedures related to maintaining the privacy of all voters, including voters with disabilities.

In *Floccari v. New York City Board of Elections*, the New York City Board of Elections was directed to review training materials and emphasize disability etiquette during poll worker training, including the proper procedures for interacting with individuals assisted by personal care assistants. In addition, the Board was directed to instruct poll workers on the process and options for a voter to vote when a BMD malfunctions.

## **Regulations and Directives**

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

1. Amendments to Part 6214 related to campaign contribution limits.
2. Amendments to Parts 6204 and 6215 related to objections to certain ballot access documents and revisions to the sample cover sheet.
3. Amendments to Part 6215 related to party positions determined by gender.
4. Amendments to Part 6200 related to the filing of statement of campaign receipts and expenditures.
5. Addition of new Part 6222 related to the Poll Worker Education and Training Institute.

## **Board Opinions**

The Office of Counsel is responsible for preparing responses to requests for opinions from the NYSBOE. These opinions serve to further clarify certain sections of the Election Law. In 2023, 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 2023:

Chapter 77 amends Chapter 744 of the Laws of 2022 to allow board notice to candidates by electronic correspondence with the consent of the candidate and objector.

Chapter 89 amends Chapter 644 of the Laws of 2022 to expand the types of downloadable digital file formats for certain maps.

Chapter 105 provides conforming technical changes to ensure applicability of contribution limits to local offices.

Chapter 113 is conforming legislation related to Chapter 765 of the Laws of 2022, related to voter registration and transmittal time frames.

Chapter 120 changes the 2023 dates to file a designating petition and provides an updated time frame for petition signature collection.

Chapter 127 establishes State Assembly districts for 2024 and subsequent elections.

Chapter 169 amends the effective date of the John R. Lewis Voting Rights Act.

Chapter 423 provide technical amendments to accurately reflect proper cross reference relating to the operational failure of a voting machine.

Chapter 472 relates to ballots submitted in envelopes that are sealed with tape, paste, or any other binding agent or device and have no indication of tampering.

Chapter 473 relates to providing notice of voting rights to persons released from local jails.

Chapter 474 relates to the presidential Primary, provides for the election of delegates to a national party convention or a national party conference in 2024, and schedules the presidential Primary Election for April 2, 2024. Requires cure affirmations to be “received by” the Board of Elections within certain timeframes instead of “filed with”. Provides that any write-in vote for a candidate, whether or not such candidate's name is on the ballot for that contest, shall be counted for such candidate in certain circumstances. Allows ballot envelopes without a postmark to be a curable defect in certain circumstances. Relates to the ability to contest certain certificates to fill a vacancy in a designation. Provides that absentee ballots may not be canvassed at the poll site on Election Day. Provides that no Board of Elections shall commence a full manual recount of a particular contest until such Board has completed and announced the results of the recanvass.

Chapter 475 provides the venue for any legal challenge to the constitutionality of a provision of the Election Law.

Chapter 476 requires electors to vote for the presidential and vice-presidential candidate who were nominated by the political party that nominated the elector.

Chapter 477 relates to training curriculum for poll workers and requires the State Board of Elections to develop and provide a “train the trainers” program.

Chapter 478 requires local Boards of Education, BOCES, charter schools and non-public schools to adopt certain policies to promote student voter registration and pre-registration.

Chapter 479 provides for the registration of voters on the first day of early voting and provides for the canvassing of votes cast by such voters.

Chapter 480 establishes a deadline in certain circumstances for changing the location of a polling place for early voting.

Chapter 481 establishes the "New York Early Mail Voter Act.”

Chapter 648 requires proposed amendments to the constitution or other questions that are to be submitted to a statewide vote be submitted to the people for their approval in plain language.

Chapter 741 requires certain local elections to be held in even-numbered years.

Chapter 749 increases the number of judges in certain courts.

## COMPLIANCE UNIT

The Compliance Unit operates 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 reviewing campaign financial disclosure reports, and for operating the call center, where inquiries about the Election Law and filing mandates are handled. During 2023, there were 11,839 active filers with NYSBOE. A total of 37,309 Itemized, no activity, and in lieu of campaign finance reports were received by NYSBOE in 2023, including 26,892 itemized financial disclosure statements (including amendments). All filings are available for public viewing on NYSBOE’s website.

The number of active filers with NYSBOE during 2023 is indicated below:

| Type         | 2011         | 2012         | 2013         | 2014         | 2015         | 2016         | 2017         | 2018         | 2019         | 2020         | 2021         | 2022         | 2023         |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| State        | 2212         | 2695         | 2244         | 2365         | 3017         | 2996         | 2860         | 2975         | 3120         | 3374         | 3557         | 3296         | 3334         |
| County       | 10198        | 9990         | 11817        | 13534        | 13270        | 13437        | 13602        | 13573        | 14838        | 13921        | 14382        | 7055         | 8505         |
| <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> | <b>11839</b> |

Filers include both committees and candidates without a committee who are making their own filings. In 2023, 2,123 new candidates and 1,155 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 Electronic Filing Software (“EFS”) Web Application. There were a total of 2,922 committee and candidate terminations processed in 2023.

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 2023, 26,881 itemized reports (including amendments) were received. Of this number, 23,337 were reviewed, 1,924 were deficient, 16,986 were compliant, and 4,467 had training issues. As of December 2023, the Unit had completed over 210,000 compliance reviews since the Compliance Unit was established in 2014.

During 2023, the Compliance Unit continued implementation of state law which required

County Board of Election filers to begin filing exclusively with the NYSBOE, as well as the removal of the \$1,000 reporting threshold previously required for NYSBOE filers. This implementation also included 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 Unit worked with the Commissioners of all 62 Counties to collect ballot information for the 2023 Primary and General Elections. The Unit used the “Match” software to identify and load 1,080 Primary Election Candidates and 7,480 General Election Candidates into our Candidate Database (“CAPAS”), and correspondence was sent to each Candidate. This was an increase of 6,374 Candidates loaded into our system from 2022. 3,487 candidate filing exemption (CF-05) forms were received and processed in 2023. The Unit is working closely with the IT and Election Operations Units to streamline the process, as well as update the office names used in New York State into a uniform list that all counties will use. The Compliance Unit continues to work with ITU on a weekly basis to make enhancements to NYSBOE’s EFS, CAPAS, and financial (FIDAS) databases, and Case Management and Public Reporting systems.

Also, the Unit has been working with the Manager of Information Systems in ITU to craft business rules for the creation of a new NYSBOE software system. These sessions have involved discussions aimed at modernizing our internal documents and procedures. The Compliance Unit stands ready to work with the new vendor to develop internal and external applications.

Other tasks the Compliance Unit accomplished in 2023 include:

- Continued enhancements to the new EFS Web Application, internal FIDAS/CAPAS, and Public Reporting software.
- Creation and publication of the campaign financial disclosure filing calendar.
- Providing the public, as well as all NYSBOE filers, 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.

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 2023.

Overall, in 2023, staff conducted 56 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 EFS Web Application; Continuing Legal Education (“CLE”) credits for attorneys; Continuing Professional Educational (“CPE”) credits for accountants; “Winding Down the Campaign” training for post-election filers requesting resignation or termination; a brief introduction to the Public Campaign Finance Board (“PCFB”); and candidate- and treasurer-specific training sessions in relation to the Public Campaign Finance Program. In 2023, there were: 12 live webinars with 771 registered attendees for the Campaign Finance Update (for which 58 attorneys received CLE credits and 61 accountants received CPE credits); five live webinars with 412 registered attendees for EFS Web Application; three live webinars with 336 registered attendees for “Winding Down the Campaign”; five live webinars with 292 registered attendees for the introduction to the PCFB; and 31 live webinars with 1,076 registered attendees for the candidate- and treasurer-specific trainings for the Public Campaign Finance Program. Roughly 2,900 people registered for virtual webinars in 2023.

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 2023 on updating materials, including the Handbook and website, with recent law changes and ensuring website documents became fully accessible and secured.

## **Referrals**

In 2023, the Compliance Unit referred non-filer and deficient filer items to Enforcement Counsel for review and action. This consisted of 5,604 referrals for non-filing. As of December 2023, 2,350, or approximately 42%, continued to owe reports.

In 2023, there were a total of 651 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 2023, as of the end of 2023, a total of 4,048 filings have been referred to Enforcement as deficient. Of that number, 759 reports have since been amended to successfully address deficiencies; five filings have been deleted; 1,317 were eventually reclassified as training; and 1,967 deficiencies remained unresolved as of the end of 2023.

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 2023, four matters were referred by Enforcement to a hearing officer.

Additionally, the Enforcement Counsel tendered no subpoena requests in 2023 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 2023, there were 402,834 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% (381,111) of the total number of voter registration applications or transactions in the state. The remaining agencies participating in the program accounted for 5% (21,723) of registrations.

## Sources of Voter Registration

|                            |         |
|----------------------------|---------|
| Motor Vehicles             | 381,111 |
| Public Assistance Agencies | 20,668  |
| Disability Agencies        | 594     |
| State Designated Agencies  | 369     |
| By Mail                    | 92      |
| Total                      | 402,834 |

### Agency-Based Voter Registration Statistics

| <u>Year</u> | <u>New Registrations</u> | <u>Address Changes</u> | <u>Enrollment Changes</u> | <u>Name Changes</u> |
|-------------|--------------------------|------------------------|---------------------------|---------------------|
| 2014        | 127,726                  | 56,966                 | 17,126                    | 8,126               |
| 2015        | 132,230                  | 63,883                 | 20,596                    | 8,653               |
| 2016        | 246,762                  | 99,701                 | 50,214                    | 12,511              |
| 2017        | 144,730                  | 88,644                 | 36,200                    | 11,502              |
| 2018        | 257,977                  | 176,530                | 81,395                    | 17,380              |
| 2019        | 300,458                  | 197,570                | 100,823                   | 23,897              |
| 2020        | 296,335                  | 112,766                | 92,985                    | 18,945              |
| 2021        | 160,955                  | 81,589                 | 49,570                    | 10,444              |
| 2022        | 165,136                  | 80,511                 | 32,975                    | 12,392              |
| 2023        | 153,469                  | 73,143                 | 29,045                    | 11,299              |

### 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 2023, staff at the State Board of Elections processed 12,418 New York State and 6,035 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 2023, 12 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 2023, additional state funding was made available for the Technology Innovation & Election Resource (TIER) Grant and Pre-Paid Absentee Postage Grant. The State Legislature appropriated an additional \$15 million for the TIER Grant and an additional \$4 million for the Pre-Paid Absentee Postage Grant. These funds were appropriated to County Boards based on total voter enrollment.

## 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 - \$35 Million**

*Appropriated 2021*

Funds were intended to allow County Boards to purchase new equipment to replace current aging technologies. Allowable expenses include 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 complaint with recommendations made by the State Board.

### **Pre-Paid Absentee Postage - \$8 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.

## **Department of Defense EASE Grant**

In 2023, the New York State Board of Elections applied for grant funding through the Department of Defense's Electronic Absentee Systems for the Elections 3.0 (EASE 3.0) Grant. The Board is seeking to enhance and streamline the current military and overseas voting processes by acquiring a ballot transmission vendor capable of consolidating the state's accessible absentee portal with our overseas ballot transmission platform.

The Board previously utilized federal funds to create the current military and overseas ballot transmission platform, NYSEBallot. NYSEBallot allows County Boards of Elections to match voters to ballots using election district information. More recently, the Board acquired an outside vendor to assist in its accessible absentee ballot transmissions. The vendor, Enhanced Voting, created a portal that allows County Boards to upload screen reader accessible documents that can be used by voters with print disabilities. Counties must upload the voter information and ballots to this platform separately from the current NYSEBallot platform.

The State Board applied for \$806K in grant funds to integrate the state's accessible voting platform and military and overseas platform. The Board's application was successful, and the funding was awarded. Planning for this integration project is ongoing.

# **ELECTION OPERATIONS UNIT**

The major responsibilities of the Election Operations Unit of the New York State Board of Elections include the oversight and support of New York State's 62 County Boards of Elections, the facilitation of ballot access efforts by candidates for a variety of public offices and party positions, and oversight 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.

## **Candidate Ballot Access**

This year, the Primary Election was held on June 27, 2023, and the General Election was held on November 7, 2023, for the offices of Judicial Delegate, Supreme Court, and local offices. A Special Election was also held on September 12, 2023, for Assembly District 27.

Ballot access activity focused on filings for Judicial Delegates/Alternates and Supreme Court Justice.

The following petitions were filed with respect to State Offices:

- 76 Designating Petitions for Judicial Delegates/Alternates
- 0 Independent Nominating Petitions for Supreme Court Justice
- 26 Certificates of Nomination for Supreme Court Justice

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

- 1 General Objection (Designating) for Judicial Delegates/Alternates
- 1 Specific Objection for Judicial Delegates/Alternates

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

- 4 Certificates of Declination (Designating) for Judicial Delegates/Alternate Delegates
- 0 Certificates of Substitution for Judicial Delegates/Alternate Delegates

A total of 26 Certificates of Nomination were filed from the seven Judicial Districts that had vacancies. As a result, 26 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:

- 33 Acceptances for Supreme Court Justice
- 4 Authorizations for Supreme Court Justice
- 4 General Objections for Supreme Court Justice

- 4 Specific Objections (Designating) for Supreme Court Justice
- 0 Certificates of Declination for Supreme Court Justice
- 0 Certificates of Substitution for Supreme Court Justice

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 2023, Unit activities and support included, but were not limited to, the following:

- Help Desk technical support was provided before, during, and after the Primary 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 2023, 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 to 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 2023, testing also began for the certification of the Clear Ballot ClearVote 2.4, Dominion DS 5.16, and ES&S EVS 6.3.0.1. 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 ES&S EVS 6.3.0.1 machine was held in April and a demonstration of the Dominion Democracy Suite 5.16 was held in February. The three systems were certified for use in New York State at a meeting of the Board of Elections Commissioners in August.

Throughout the year, counties also purchased new voting equipment to replace aging hardware. Election Operations Unit staff conducted acceptance testing of machines on an ongoing basis.

## **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.

## **Civic Roundtable**

In 2023, the Elections Operations Unit worked to launch a new resource for County Boards of Elections to share information and receive updates from the State Board. The New York State Board of Elections Hub is an online platform hosted by Civic Roundtable where County Boards of Elections can find resources and share their experiences of running elections in their county. The platform is monitored by the Election Operations Unit and any member can post questions in the platform. At the end of 2023, approximately 50 counties were participating in the initiative.

## **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 public applications such as Public Reporting, Voter Lookup, Absentee Ballot Tracker, 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 and voter registration look-up.
- **Absentee Ballot Request Portal** - The public-facing portal that voters can utilize to request an absentee ballot online.
- **Early Mail Ballot Request Portal** - The public-facing portal that voters can utilize to request an early mail ballot online.

## **Public Campaign Finance Software Project**

In 2021, the Board began the procurement process seeking a software solution for the Public Campaign Finance Board’s public matching funds program and integration of all election applications and systems. A Request for Proposal (RFP) was issued for the software project to redesign the Board’s current Electronic Filing System (EFS) and Public Reporting tool to accommodate enhancements needed for public campaign financing in New York State. Although EFS and Public Reporting had recently been updated, additional developments were needed to allow for the correct calculation of payments, tracking of contributions, and overall improved ease of use for candidates and treasurers.

In 2023, the IT Unit worked with PCFB, the Compliance and Election Operations Units, and the Co-Executive Directors to evaluate RFP responses. The IT Unit also led discussions with external stakeholders such as the Statewide Financial System and the State Commission on Ethics and Lobbying, which will interface with the new system. In May, internal evaluations were completed on four proposals for the software procurement. The internal evaluation team viewed demonstrations on the four vendors and sent scores to the Office of General Services. By the close of 2023, a vendor had been selected.

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

In 2021, 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.

In 2023, CTG created the NYSBOE Digital Transformation Executive Committee (DTEC) as an advisory body to the Co-Executive Directors of the State Board of Elections. Its charge is to make recommendations on advancing digital transformation by providing leadership with a framework that allows them to establish and maintain an agency-wide view of technology

and data projects, initiatives, assets, tools, and processes so that NYSBOE leaders and staff are able to:

- Take more proactive and streamlined approaches to budgeting and planning to maximize investments and reduce redundancy;
- Maintain an understanding of interdependencies, challenges, and opportunities of all digital initiatives over time by participating in frequent cross-unit discussions focused on maximizing integration and collaboration;
- Establish and sustain a program of agency-wide standards;
- Foster greater awareness of elections technology and data, as well as cybersecurity, among all NYSBOE staff;
- Promote an agency-wide culture of frequent transparency and information sharing; and
- Support the agency's mission of preserving citizen confidence in the democratic process and enhancing voter participation in elections by continuing to modernize operations and services.

The DTEC members include all bipartisan executive staff of the State Board of Elections, including directors for the Election Operations, Public Information, Administration, Public Campaign Finance Board, IT, and Counsel and Compliance offices. Meetings were facilitated by staff of CTG.

### **Early Mail Ballot Request Portal**

In 2023, the State Legislature passed a law allowing any voter to request an early mail ballot separate from the current absentee ballot process. The law required the Board to set up procedures for voters to submit their application for an early mail ballot, including the ability to request their ballot online. IT staff worked to set up an early mail ballot request portal independent from the existing absentee ballot portal. The portal is scheduled to launch at the start of 2024.

### **State Board of Elections Website Refresh**

Following the successful launch of the Public Campaign Finance Board website using Site Factory, the Board of Elections began a website refresh using the same vendor with support from New York State Information Technology Services and the Office of General Services. The project kick-off began in May 2023 with the intention of launching the updated website ahead of the 2024 Presidential Election. The goal of the refresh was to create a user-friendly experience by organizing election and voting information in a more accessible manner.

This was a large-scale project that included a significant amount of staff assistance from the IT, Public Information, and Compliance Units. A complete inventory of current documents and materials on the State Board's website was taken, and all materials were catalogued before being migrated to the new website. As of the end of 2023, the website redesign was on schedule to launch in January of 2024.

## **Online Voter Registration**

In 2023, the State Boards' IT Unit worked to create a standalone online registration portal. The portal utilized the state's NY.Gov login in order to ensure the highest levels of cybersecurity. In addition to functioning as a public-facing portal, the system needed to have the ability to send records to the County Boards of Elections' local voter registration systems. The IT Unit was able to successfully launch the portal in May 2023.

## **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). In 2023, the Board moved ahead with implementing Automatic Voter Registration using the state's Office of Information Technology Services (ITS). The Board entered a memo of understanding with ITS in 2023 to complete the AVR project and the project is currently 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 Board of Elections and the Public Campaign Finance Board. Throughout the year, the IT Unit worked to provide connectivity to various floors in the Board's office location at 40 North Pearl Street in Albany, NY. Construction began on the Board's primary location on the 5<sup>th</sup> floor, and the IT Unit worked to relocate staff throughout the building and provide expanded connectivity to the first, third, fifth, seventh, and tenth floors. Space planning is ongoing.

# **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.

## **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 elections exercise. These virtual sessions were widely attended by County Boards of Elections and State Board IT, Executive, Public Information, and Enforcement Units’ staff.

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.

In 2023, the State Board contracted for a reassessment of County Boards of Elections' cybersecurity posture. These virtual reviews, grounded in the Part 6220 Cybersecurity Regulation and Part 6217 Voter Registration System Requirements, are part of an effort to quantify the impact of State Board investments in county cybersecurity, identify any outstanding security gaps, and as establish a baseline for future cybersecurity funding and service offerings. This review is ongoing.

## **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 third 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. All systems in use in New York State are now compliant.

## **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 refresh of all agency workstations with modernized configuration and lifecycle management. 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 2023, the State Board reported results for the State and Local Primary Election held on June 27, 2023; the Special Election for Assembly District 27 held on September 13, 2023; and the General Election held on November 7, 2023. Offices reported included Judicial Delegate, Supreme Court Justice, and two statewide ballot proposals.

## **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 2023, 1,526 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, 1,428 were fulfilled, 22 were denied in accordance with the provisions of Section 87 of the Public Officers Law, and in 76 instances no records were found.

During 2023, the State Board launched a new FOIL request portal, GovQA. The portal enables the Board to transmit large electronic files eliminating the need to provide large datasets via disk. The Boards most frequently requested document, the statewide voter list, has long been sent to requesters via mail as a CD-ROM. With the new portal, this onerous process was eliminated, and all voter data can now be sent electronically without delay. The portal launched in September 2023.

## **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 were two ballot proposals on the 2023 General Election ballot.

## **E-mail Notification Service**

In 2023, the State Board of Elections launched an e-mail notification service following public interest in receiving regular updates from the Board. The e-mail service allowed individuals to sign up to receive information about upcoming election and registration deadlines, meetings of the Board of Elections Commissioners, and voting machine demonstrations. The service launched at the end of April.

# New York State Public Campaign Finance Board (PCFB)

Barbara Lifton  
Chair

Brian M. Kolb  
Vice-Chair

Keesha Gaskins-Nathan  
Commissioner

Cheryl L. Couser  
Co-Director

Carl P. Zeilman  
Co-Director



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Anthony J. Casale  
Commissioner

Douglas Kellner  
Commissioner

Peter S. Kosinski  
Commissioner

Andrew Spano  
Commissioner

## 2023 Annual Report of the New York State Public Campaign Finance Board

## 2023 Personnel Directory

### **Commissioners**

Barbara Lifton, Chair

Brian M. Kolb, Vice-Chair

Keesha Gaskins Nathan

Anthony J. Casale

Douglas Kellner

Peter S. Kosinski

Andrew Spano

### **Staff**

Cheryl Couser, Co-Director

Carl Zeilman, Co-Director

Bob Eckels, Deputy Director

Kathryn Orsino, Deputy Director

William McCann, Counsel

Nick Cartagena, Counsel

Brian Connor, Enforcement Counsel

Anne Tarpinian, Enforcement Counsel

## **Background**

In December 2019, the Campaign Finance Reform Commission (CFRC), created by Part XXX of Chapter 59 of the Laws of 2019, delivered its recommendations for a public campaign finance system to New York’s Governor and leaders in the New York State Legislature. Under the law, these recommendations carried the full effect of legislation unless altered or repealed by December 22, 2019. With no legislative changes made, the recommendations automatically became law on January 1, 2020.

The PCFB was established as a bipartisan unit within the New York State Board of Elections (NYSBOE) to oversee the state’s public campaign finance program. The PCFB consists of the four existing NYSBOE commissioners, along with three additional commissioners—one appointed by the Governor, one by the legislative majority, and one by the legislative minority.

The PCFB’s matching funds program provides public money to candidates running for Governor, Lieutenant Governor, Attorney General, Comptroller, State Senate, and State Assembly if they meet certain eligibility requirements.

The program’s first election cycle began on November 9, 2022, and the first payment of public matching funds will be made for the 2024 State Senate and Assembly Primary election. The first Statewide office application of the public matching funds program will be for the 2026 election cycle.

## **Small Donor Matching Fund Program with Caps**

The public campaign financing program is based on a small donor matching funds model. Candidates must meet certain financial and contributor thresholds to be eligible to receive matching funds.

To be eligible, a candidate for Governor must meet a minimum dollar threshold of at least \$500,000 in contributions from residents of the state, including at least five thousand (5,000) matchable contributions. For Lieutenant Governor, Attorney General, or Comptroller, a candidate must have not less than \$100,000 in contributions from residents of the state, including at least one thousand (1,000) matchable contributions.

A candidate for the State Senate must meet a minimum dollar threshold of, at least, \$12,000 in contributions from residents of the particular district, including at least one hundred fifty (150) matchable contributions.

A candidate for State Assemblymember must meet a minimum dollar threshold of, at least, \$6,000 in contributions from residents of the particular district, including at least seventy-five (75) matchable contributions. The minimum dollar threshold for eligibility for State Senator and Assemblymember is subject to a 1/3 reduction based upon the average median income “AMI” determination in Election Law § 14-203(2)(c).

For statewide offices, the match ratio is \$6 of public funds for each \$1 contributed by in-state residents, with contributions between \$5 and \$250 from these residents eligible to be

matched. For state legislative races, the match similarly only applies to contributions of \$5-\$250 from residents of the legislative district, but the match is progressive: The first \$50 contributed is matched at 12:1. Contributions between \$51 and \$150 are matched 9:1 and contributions between \$151 to \$250 are matched at 8:1. When the aggregate contributions from such a contributor for the election cycle go over \$250, the contributions are no longer matchable and any public funds that were received for that contributor in the cycle must be returned.

A candidate for Governor, Attorney General or Comptroller can receive no more than \$3.5 million for a primary and \$3.5 million for a general election. A Lieutenant Governor candidate can only receive \$3.5 million for a primary.<sup>1</sup> State Senate candidates are capped at \$375,000 in a primary and \$375,000 for the general election. Assembly candidates are capped at \$175,000 for the primary and \$175,000 for the general election. Participating candidates for statewide office are required to participate in at least one debate.

### **Eligibility and Payment Dates**

Once candidates are officially in the program, they can receive matching funds for all eligible contributions. State law requires at least three payment dates within thirty days of the primary election and three payment dates within thirty days of the general election. A primary payment is restricted from being made until after a candidate is on the ballot and, pursuant to State Finance Law, cannot be made any earlier than thirty days after designating petitions or certificates of nomination have been filed, and not later than thirty days after such primary election. For a general election, payment is restricted from being made until the day after the primary election.

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1. Under New York Law, the Governor and Lieutenant Governor appear together upon the General Election ballot and run as a single unit.

## **PCFB Organizational Structure**

The PCFB consists of seven commissioners. They are the four existing NYSBOE commissioners, along with three additional commissioners—one appointed by the Governor, one by the legislative majority, and one by the legislative minority.

The PCFB has an executive team of two Co-Directors, two Deputy Directors, and Counsels office. The PCFB structure contains four sub-units of Audit, Candidate Liaison, Enforcement, and Training that all report directly to the Executive Team. The PCFB has shared resources with the State Board of Elections for public information, information technology and human resources.

## **Board Meetings**

In 2023, the PCFB met four times: March 14, 2023, May 16, 2023, August 2, 2023, and December 7, 2023. The Board adopted three resolutions:

- Resolution 23-01 – Resolution of the Public Campaign Finance Board Ap pointing William J. McCann, Jr. as Special Counsel to the Public Campaign Finance Unit.
- Resolution 23-02 – Resolution Approving the Public Campaign Finance Board’s Request for Appropriations to the Governor and Division of Budget, Pursuant to Section 14-207(w) of the Election Law.
- Resolution 23-03 – Resolution Regarding Late Filing Penalties and Settlement Agreements for the July 2023 Periodic Financial Disclosure Statement.

## **Counsel’s Office**

The attorneys in the Counsel’s office are responsible for handling legal matters impacting the Public Campaign Finance Board (PCFB). The office drafts legislation, regulations, and advisory opinions and compiles responses to subpoenas and certain Freedom of Information Law requests. The Counsels’ Office also responds to legal questions from candidates, political committees, PCFB staff, and from the public regarding the Public Campaign Finance Program.

## **2023 Legislative Activities**

Counsels’ Office, in consultation with the executive staff, regularly monitors all legislative action which could impact the Board. 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.

## **2023 Legislation impacting the Board:**

Veto Memo 150: S7564/A07760 “Amends provisions relating to public campaign financing; changes certain thresholds and procedures; permits retention of matching funds for future use; specifies when a candidate is opposed by a competitive candidate; requires a disclosure on political communications.”

## **FOIL Activity**

In 2023, the PCFB received three FOIL requests.

## **2023 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. There were three advisory opinions adopted in 2023.

Advisory Opinion 23-01 is regarding a participating committee's use of public matching funds for a campaign event at a golf course, where the candidate has a one-third ownership interest. The opinion states that, pursuant to the Election Law, public funds cannot be used for payments to a business entity where a candidate has more than a 10% interest. The Advisory Opinion also clarifies that the candidate may use private contributions or legacy funds for this event, providing the costs are within "fair market value."

Advisory Opinion 23-02 addresses whether a participating candidate, who receives public matching funds for a Primary Election, can use unspent public matching funds for the General Election without reimbursement to the PCFB. The draft Advisory Opinion opines that, generally, participating committees can carry over unspent Primary matching funds for use in the General Election; however, the advisory opinion notes there are reimbursement obligations for any surplus funds after the entire election cycle. The opinion also notes an exception; where a candidate, who is unopposed in a Primary Election but receives the 50% max amount. These funds may only be made for expenditures made on or before the Primary Election date.

Advisory Opinion 2023-3 addresses whether a participating candidate, having received public matching funds for a Primary Election victory, can return to contributors from the Primary Election to get additional contributions, and match their contributions again for the General Election. The opinion clarifies that the \$250 matchable limit per contributor does not reset after the Primary Election. The candidate can approach contributors from the Primary Election for matching claims related to the General Election, provided their aggregate contributions for both elections do not exceed \$250. However, once the \$250 limit is reached, additional contributions cannot be matched.

## **Audit Unit**

The Audit Unit falls is comprised of three sub-units: Intake and Processing, Audit, and Payments. Intake and Processing is responsible for receiving and processing registration forms, certification forms, treasurer resignations, committee conversions and termination processes, along with the assignment of work to audit staff. Audit staff is responsible for reviewing all campaign financial disclosure reports and related documents, making eligibility determinations, processing and auditing public matching fund claims, conducting compliance reviews, conducting financial audits and bank reconciliation. Payment staff is responsible for creating committee accounts in the Statewide Financial System, calculating public matching fund payments, entering public matching fund payments in the Commissioner report and making the payments after receiving authorization.

|                                  |     |
|----------------------------------|-----|
| Committee Registrations in 2023  | 168 |
| Committee Certifications in 2023 | 129 |

## **Candidate Liaison Unit**

The Candidate Liaison unit worked directly in the audit unit directly assisting and auditing committees. The candidate liaison subunit is responsible for operating the PCFB call center.

## **Training Unit**

The Training Unit is responsible for the Board's outreach to the public, candidates, treasurers and interested parties. The training team develops a number of training sessions in a number of mediums to train the regulated community. The training team is responsible for ensuring the website is up-to date, issuing the program primers, developing the annual calendar, and creating all training content. In conjunction with Counsels office, the training unit also assists with handbook revisions.

The training unit is also an integral part of external communications. Outreach has been conducted in a number of ways, including via our website, utilizing social media accounts, by sending all registered statewide and state legislative candidates an email advising them of the program, attending statewide events promoting the program, and conducting a media campaign to inform potential candidates across the state.

| <u>Training Name:</u> | <u>Sessions Provided:</u> | <u>Total Registrants:</u> |
|-----------------------|---------------------------|---------------------------|
| Introduction to PCFB  | 5                         | 314                       |
| Treasurer Training    | 27                        | 791                       |
| Candidate Training    | 4                         | 285                       |
| Total                 | 36                        | 1390                      |

**Outreach**

In 2023, the PCFB sent five (5) constant contact emails to our email subscription list. The emails contained information on Commissioner meetings and training opportunities.

In 2023, the PCFB posted 16 Facebook posts, 8 Instagram posts and 15 Twitter posts, along with 20 retweets. In 2023, the PCFB gained 4 Facebook followers, 44 Instagram followers and 66 Twitter followers.

In 2023, the PCFB contracted with OpAD media to conduct a statewide media campaign to increase public awareness and drive the public to our website and social media sites.

**Enforcement Unit**

The Enforcement Unit is responsible for investigating and enforcing violations of Article 14 of the Election Law and program rules against committees participating in the Public Campaign Finance Program. The Enforcement Unit is composed of enforcement counsels, investigators, and enforcement clerks. Enforcement counsels oversee the work of investigators and enforcement clerks, and assists committees with compliance as they navigate the complaint process.

In 2023, the PCFB Enforcement did not receive any complaints over which it had jurisdiction and no referrals were made to the State Board’s enforcement unit. There were zero investigations opened in 2023.

There were two filings due in 2023 by committees, as applicable. The PCFB Enforcement Unit levies late fees for late filings and will institute proceedings for failure to file.

|                  |               |                   |
|------------------|---------------|-------------------|
| January Periodic | 0 late filers | 0 failure to file |
| July Periodic    | 8 late filers | 0 failure to file |

In 2023, PCFB enforcement collected \$200 in late filing penalties.

## 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 2023-24 appropriations of \$26,672,000 in the General Fund (State Operations), \$12,000,000 in Special Revenue – Federal (State Operations), \$125,000 in Special Revenue – Other funds (State Operations – Enforcement), \$4,000,000 in the General Fund (Aid to Localities – pre-paid return postage on absentee ballots and applications), \$25,000,000 in Special Revenue – Other funds (Aid to Localities - PCFB Payment of Matching Funds), and \$15,000,000 in Capital Projects Funds (TIER Grant Program).

The State Board of Elections was granted the following **re-appropriations** for 2023-24:

#### *State Operations*

- \$416,000 by the laws of 2022 for the purchase of software and/or the development of technology related to compliance and enforcement.
- \$2,000 by the laws of 2021 for the purchase of software and/or the development of technology related to compliance and enforcement.
- \$6,000 by the laws of 2020 for the purchase of software and/or the development of technology related to compliance and enforcement.
- \$2,994,000 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.
- \$15,406,000 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.
- \$3,765,000 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.
- \$2,412,000 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.

- \$263,000 by the laws of 2010 for services and expenses related to the implementation of the Military and Overseas Voter Empowerment Act of 2009.
- \$227,000 by the laws of 2009 for HAVA related expenditures.
- \$753,000 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.
- \$753,000 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.
- \$490,000 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.
- \$2,183,000 by the laws of 2017 for the voting machine examinations account.

#### *Aid to Localities*

- \$4,000,000 by the laws of 2022 for reimbursement of costs related to providing pre-paid return postage on absentee ballots and applications.
- \$265,000 by the laws of 2021 for reimbursement of costs related to the expansion of early voting.
- \$117,000 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.
- \$7,923,000 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.

- \$1,199,000 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.
- \$4,126,000 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*

- \$23,996,000 by the laws of 2021 for software and technology upgrades and equipment.
- \$15,230,000 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.
- \$743,000 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 2023**

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**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 2023 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, 2023, through December 31, 2023.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michael L. Johnson".

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. The Assembly and Senate both 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 \$2,147,000 for Fiscal Year 2023-24.

## **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 2022, after his first year and a half at DELE, Chief Enforcement Counsel Johnson's staff included two Associate Counsels, two Special Investigators, two Investigative Auditors, an Election Enforcement Technical Analyst, and two support staff. In 2023, CEC Johnson added another Associate Counsel and a third Investigative Auditor to the DELE team.

DELE Associate Counsels are experienced in investigating, litigating, prosecuting and defending criminal and civil matters. Investigative and audit staff have extensive investigatory backgrounds within and outside law enforcement, including state law enforcement, 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, acquiring software and hardware, and training staff on new systems. Additionally, the Elections Enforcement Technical Analyst has been charged with the strategic planning for DELE's system integrity and continuity in maintaining the security and accessibility of DELE's software and hardware inventory. 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.

The CEC and Special Investigators have peace officer status. According to NYS Election Law §3-107(5), “Any such special investigator also shall have all of the powers of a peace officer as set forth in section 2.20 of the criminal procedure law, for the purpose of enforcing the provisions of this chapter.” To receive Peace Officer Certification in NYS, they are required to complete the NYS Peace Officer Certification Course and a week-long Initial Course in Firearms and Deadly Physical Force Certification Course, as prescribed by the NYS Division of Criminal Justice Services (NYSDCJS) and Municipal Police Training Council.

CEC Johnson completed a NYS Peace Officer Certification Course with a local law enforcement agency in late 2022. In March 2023, the Special Investigator appointed in 2022 completed the NYS Peace Officer Certification Course at the NYS Zone 5 Regional Law Enforcement Training Center. In May 2023, the CEC and the Special Investigator attended an Initial Course in Firearms and Deadly Physical Force Certification Course at the NYS Zone 5 Regional Law Enforcement Training Center. The completion of both of these courses resulted in the CEC and Special Investigator receiving their full Peace Officer certification. The other Special Investigator was previously certified as a peace officer in 2015. Due to previous experience in law enforcement, this Special Investigator received a NYSDCJS waiver and did not have to attend the NYS Peace Officer Certification Course or the Initial Course in Firearms and Deadly Physical Force Certification Course. NYSDCJS did require the Special Investigator to successfully complete certain proficiency tests to verify that they had met all requirements necessary.

The CEC and the Special Investigator certified by NYSDCJS in 2023 attended a multi-day Initial Response to Active Shooters Training presented by the NYS Homeland Security and Emergency Services at the State Preparedness Training Center. The information they received at the training was shared with all DELE staff in an awareness class to inform and prepare non-sworn DELE employees on what to expect during a possible active shooter incident.

## **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.

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 filing 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 they may have.

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](mailto: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 Business Process Automation (BPA)**

One of the CEC's goals during 2023 was to make the DELE operate more efficiently. A common factor among government agencies, law enforcement entities, and other organizations that receive complaints from the public is that a large amount of administrative and data entry work needs to be accomplished. As a result, staff, supervisors, and managerial employees must spend time and resources performing administrative tasks instead of operational ones.

Business Process Automation (BPA) is the use of available hardware and software to automate administrative tasks. Although BPA is most often discussed as applied to private companies, it can be highly beneficial to government agencies. It can yield significant efficiency improvements by aiding an organization in converting traditionally manual procedures into automated processes. To accomplish this, the CEC and DELE staff worked to identify areas that could be improved and the best available technology needed to achieve this goal.

During 2023, several DELE business processes were improved by and/or transitioned to BPA. As the DELE moves into 2024, DELE staff is testing additional solutions and researching available resources to continue the adoption of BPA. The CEC and DELE staff are in the process of implementing an Enterprise Content Management (ECM) system to improve efficiency and automate key business processes. The ECM will function as the hub to manage individual BPA processes. Some areas identified to be included are complaint intake and case management, inventory control, financial tracking, leave request and approval system(s), and document management.

By automating these workflows, DELE will streamline operations, reduce manual effort, and enhance transparency. For example, a case management system will help track complaints from submission to case initiation to resolution while providing real-time reporting. Likewise, an automated asset inventory control system ensures the DELE maintains adequate resources by providing real-time updates and alerts. Financial tracking improvements will include automated reporting and monitoring to enhance oversight, and a digital leave request system will simplify submissions and approvals while eliminating the need for the CEC to perform this administrative function manually. Additionally, implementing a structured document management system will improve DELE's security and compliance by centralizing content storage and automating retention policies and access controls.

Furthermore, the entire ECM is being built in-house by DELE staff, allowing the CEC and DELE staff to tailor it specifically to the needs of the DELE while also achieving significant cost savings. By developing the solution internally, DELE staff can customize features to align with the unique business requirements of an administrative law enforcement entity rather than relying on expensive, off-the-shelf software with unnecessary functionalities. The ECM will include an intranet site to serve as DELE staff members' dashboard for shared content and collaboration,

ensuring easy access to essential documents and DELE updates. Additionally, the ECM system will strengthen the DELE's business continuity plan by keeping critical data and workflows accessible even during disruptions. As CEC Johnson moves forward with these initiatives, he aims to modernize business operations, enhance efficiency, and create a system that grows and adapts alongside the DELE's needs.

## **DELE Website and Online Complaint Form** **(<https://electionenforcement.ny.gov>)**

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 and NYS Election Law issues. It also has a section that allows the public and press access to the CEC's final determinations of cases. The DELE website includes a page with multiple links to useful election resources. The site also has a periodically updated message from CEC Johnson centered on current topics involving NYS Election Law from an enforcement perspective.

The DELE website provided the public with information about how to submit a complaint. Initially, the website offered a complaint form that could be printed out, filled in, and then sent via email or physically mailed to the DELE. Website directions stated that the use of the complaint form was not required to submit a complaint but that all complaints must be in writing.

The intake and processing of complaints was an area identified by DELE staff that could be improved through the use of BPA. This was consistent with one of the CEC's goals, which was to implement a web-based online complaint form that the public could utilize to submit complaints to DELE directly through the website. In June 2023, the DELE announced a new Online Complaint Intake Form (OCIF) for the convenience of anyone who would like to file a complaint of an alleged violation of the NYS Election Law. The OCIF allowed DELE to receive complaints in real-time. As soon as the complainant submits the form on the website, the CEC receives notification that a complaint has been made. The application DELE used for the OCIF can capture the exact information that complainants enter into designated fields. This increases data integrity as manual data entry errors are significantly decreased. The ability of the CEC to access the reporting from the application eliminates the need for the manual compilation of statistics regarding complaints received by the DELE. An additional BPA reduced the time and effort required by the CEC to respond to and acknowledge the receipt of complaints, as required by statute.

Anyone submitting a complaint is urged to provide contact information for DELE staff who need additional information. However, the DELE does accept anonymous complaints. Due to the nature of some complaints, complainants frequently do not want to provide their information. The CEC reviews all complaints received equitably and consistently with NYS Election Law. It should be noted that complainants will only receive an acknowledgment that their complaint was received if they provide an email address on the form.

When the CEC issues the final determination at the conclusion of an investigation, complainants who have included contact information will receive a copy. Anyone submitting an anonymous

complaint must monitor the Determination page on the DELE website.

## **DELE Statistics**

In 2023, the DELE received 386 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 242 did not necessitate the opening of a case. The CEC formally opened 144 cases to investigate the remaining complaints. In 2023, the CEC also presented 157 cases to the NYSBOE Commissioners for closure. This number included cases that had been opened prior to the start of 2023. The CEC initiated five Hearing Officer matters in 2023 and referred two cases to the NYSBOE Commissioners related to “failure to file.”

During that same timeframe, the DELE collected \$109,400.00 through settlement agreements. Additionally, \$27,155.00 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 yearly (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 NYS Election Law does not require it, 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, the number of certified letters that DELE staff had to send out was reduced, ultimately saving DELE a significant amount of money.

### *Delinquent Filer Mailings Procedure*

The Delinquent Filer Mailing Procedure was identified as an area that could be improved using BPA. The administrative directive for DELE to send out Delinquent Filer Notices has long resulted in a redundant, onerous, and time-consuming task. The CEC and DELE staff worked to identify which steps of the procedure could be transitioned to BPA to increase efficiency and reduce human error.

In the past, DELE staff and resources were tied up for almost a week for every Delinquent Filer Mailing. However, using BPA, a Delinquent Filer Mailing can now be completed in less than two days. Some of these improvements can also be attributed to the DELE working with the NYSBOE Compliance and Information Technology Units to tailor the Delinquent Filer Report to include information previously entered through a manual match. This resulted in significant time savings. The standardization of the letters themselves allowed the use of envelopes that didn’t require a separate address to be placed on them.

### *2023 January Periodic Report*

On January 30, 2023, DELE staff sent 3,320 Delinquent Filer email notices to committees/candidates who had not yet filed their 2023 January Periodic Report. After sending the emails, DELE staff determined that 168 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>2</sup>

On February 10, 2023, the DELE staff mailed 2,467 Delinquent Filer letters via certified mail to committees/candidates still delinquent in filing their 2023 January Periodic Report. Of these, 545 letters were returned to the DELE as “not delivered.”

### *2023 July Periodic Report*

On July 27, 2023, DELE staff sent 3,007 Delinquent Filer email notices to committees/candidates who had not yet filed their 2023 July Periodic Reports. After sending the emails, DELE staff determined that 23 of the committees on the delinquent filer list did not have an email address on file. An additional 221 emails were “bounced back” as having invalid or undeliverable email addresses.

On August 7, 2023, DELE staff mailed out 2,178 Delinquent Filer letters via certified mail to committees/candidates who had still not filed their 2023 July Periodic Reports. Of these, 711 letters were returned to the DELE as “not delivered.”

## **DELE Mass Delinquent Filer Court Proceeding**

When the DELE was created in 2014, new procedures for obtaining penalties against violators of the NYS Election Law, including filers who failed to file or filed late, were enacted in the NYS Election Law. During his first full year as CEC, CEC Johnson observed all the statutory requirements for this process, called the Hearing Officer Process. The CEC concluded that the Hearing Officer Process was not feasible as an enforcement measure against delinquent filers. As a result, the CEC worked with NYSBOE Executive Directors and Counsel to introduce a new regulation to permit the bypassing of the Hearing Officer Process for filers that had failed to file, or did not timely file, any campaign financial disclosure statement required by NYS Election Law. Title 9 of the New York Codes Rules and Regulations §6218.13 is the new procedure adopted, effective August 30, 2023.

With the adoption of this new regulation, it was determined that a sample of the 2023 July Periodic Report Delinquent Filers would be selected as a “test case.” Since this was the first attempt at a new procedure for the DELE, the CEC decided that a random selection of 25 committees would

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

be made. As this is a test case, the number needed to be large enough to make estimates for future larger filings and small enough to be manageable by the assigned DELE Associate Counsel.

DELE utilized the NYS Courts e-file (NYSCEF) system. Most cases filed in NYS Courts are required to be filed electronically, with few exceptions. Utilizing the methods previously used by NYSBOE in delinquent filer proceedings, the DELE submitted the 25 committees as a single court action. It took the assigned Associate Counsel almost six hours to enter the required information into the NYSCEF e-file portal. As a result, the DELE is aiming to work with NYSCEF to find an alternative to the manual entry of the respondent committees' information. This will make filing these proceedings much more efficient in the future, as an attorney's time is much better spent elsewhere. DELE will be evaluating available options to utilize BPA as a possible method to assist with the required burdensome data entry.

The initial test case for a Mass Delinquent Filer Court Proceeding was filed on October 25, 2023.

### **DELE Three or More Delinquent Filings in an Election Cycle**

The Public Integrity Reform Act of 2011 amended NYS Election Law §14-126(1) by adding the following to the existing statute: “Any person who, three or more times within a given election cycle for such term of office, fails to file a statement or statements required to be filed by this article, shall be subject to a civil penalty, not in excess of ten thousand dollars, to be recoverable as provided for in this subdivision.” With the improved efficiency of the Delinquent Filer Mailings Procedure and the improved accuracy of the Delinquent Filer Report, the CEC felt confident to set another goal to tackle the issue of filers who haven't filed three or more timely reports within a given Election Cycle. Although this penalty had been sought and received by the DELE in other matters, the CEC had not initiated cases where this was the sole violation alleged.

As previously mentioned, when the DELE was created in 2014, new procedures for obtaining penalties against violators of the NYS Election Law, the Hearing Officer Process, were enacted. As a result, to pursue penalties for this violation, all cases would need to proceed through the Hearing Officer Process prior to the filing of a court proceeding. Using a variation of a yes or no elimination procedure, DELE staff were left with 30 delinquent filers who met the criteria.<sup>3</sup> This group of delinquent filers was presented to the CEC for review. The CEC decided to use the entire group that had been identified and evenly distributed the delinquent filers to DELE's Associate Counsels for possible hearing officer action.

The CEC will monitor the progress of these cases as they proceed through the statutory processes. Once these cases have concluded, a review of the process, any issues identified, and improvements that could be made will be compiled to determine how BPA could assist with the process and if changes should be made.

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3. A yes or no elimination procedure is a selection process that uses binary questions to eliminate possible options. This method is useful as it creates a definitive positive or negative result which prevents the intentional or accidental influence of the selector's bias(es).

**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 01, 2023**

| <b>REGION</b> | <b>COUNTY</b> | <b>STATUS</b> | <b>DEM</b> | <b>REP</b> | <b>CON</b> | <b>WOR</b> | <b>OTH</b> | <b>BLANK</b> | <b>TOTAL</b> |
|---------------|---------------|---------------|------------|------------|------------|------------|------------|--------------|--------------|
| Outside NYC   | Albany        | Active        | 99,415     | 35,603     | 3,552      | 982        | 7,691      | 52,864       | 200,107      |
| Outside NYC   | Albany        | Inactive      | 4,498      | 1,630      | 166        | 54         | 449        | 2,746        | 9,543        |
| Outside NYC   | Albany        | Total         | 103,913    | 37,233     | 3,718      | 1,036      | 8,140      | 55,610       | 209,650      |
| Outside NYC   | Allegany      | Active        | 5,274      | 13,465     | 483        | 132        | 1,133      | 5,758        | 26,245       |
| Outside NYC   | Allegany      | Inactive      | 262        | 389        | 16         | 3          | 57         | 297          | 1,024        |
| Outside NYC   | Allegany      | Total         | 5,536      | 13,854     | 499        | 135        | 1,190      | 6,055        | 27,269       |
| Outside NYC   | Broome        | Active        | 43,760     | 41,833     | 1,692      | 708        | 5,925      | 29,161       | 123,079      |
| Outside NYC   | Broome        | Inactive      | 6,785      | 4,929      | 196        | 151        | 1,105      | 4,695        | 17,861       |
| Outside NYC   | Broome        | Total         | 50,545     | 46,762     | 1,888      | 859        | 7,030      | 33,856       | 140,940      |
| Outside NYC   | Cattaraugus   | Active        | 12,766     | 19,713     | 1,181      | 233        | 2,147      | 11,205       | 47,245       |
| Outside NYC   | Cattaraugus   | Inactive      | 938        | 1,231      | 74         | 18         | 214        | 1,042        | 3,517        |
| Outside NYC   | Cattaraugus   | Total         | 13,704     | 20,944     | 1,255      | 251        | 2,361      | 12,247       | 50,762       |
| Outside NYC   | Cayuga        | Active        | 14,555     | 17,798     | 1,437      | 301        | 1,875      | 12,337       | 48,303       |
| Outside NYC   | Cayuga        | Inactive      | 626        | 715        | 54         | 16         | 135        | 691          | 2,237        |
| Outside NYC   | Cayuga        | Total         | 15,181     | 18,513     | 1,491      | 317        | 2,010      | 13,028       | 50,540       |
| Outside NYC   | Chautauqua    | Active        | 23,363     | 28,008     | 2,032      | 476        | 4,054      | 20,893       | 78,826       |
| Outside NYC   | Chautauqua    | Inactive      | 1,420      | 1,443      | 105        | 41         | 346        | 1,479        | 4,834        |
| Outside NYC   | Chautauqua    | Total         | 24,783     | 29,451     | 2,137      | 517        | 4,400      | 22,372       | 83,660       |
| Outside NYC   | Chemung       | Active        | 14,776     | 20,916     | 885        | 248        | 2,682      | 12,097       | 51,604       |
| Outside NYC   | Chemung       | Inactive      | 1,025      | 1,187      | 46         | 18         | 235        | 1,021        | 3,532        |
| Outside NYC   | Chemung       | Total         | 15,801     | 22,103     | 931        | 266        | 2,917      | 13,118       | 55,136       |
| Outside NYC   | Chenango      | Active        | 6,761      | 13,220     | 525        | 154        | 1,491      | 7,266        | 29,417       |
| Outside NYC   | Chenango      | Inactive      | 449        | 683        | 32         | 8          | 69         | 584          | 1,825        |
| Outside NYC   | Chenango      | Total         | 7,210      | 13,903     | 557        | 162        | 1,560      | 7,850        | 31,242       |
| Outside NYC   | Clinton       | Active        | 16,845     | 15,344     | 576        | 252        | 2,783      | 12,884       | 48,684       |

|             |          |          |         |         |        |       |        |         |         |
|-------------|----------|----------|---------|---------|--------|-------|--------|---------|---------|
| Outside NYC | Clinton  | Inactive | 1,064   | 733     | 25     | 17    | 221    | 1,634   | 3,694   |
| Outside NYC | Clinton  | Total    | 17,909  | 16,077  | 601    | 269   | 3,004  | 14,518  | 52,378  |
| Outside NYC | Columbia | Active   | 18,138  | 12,042  | 1,014  | 282   | 2,053  | 11,941  | 45,470  |
| Outside NYC | Columbia | Inactive | 1,973   | 1,076   | 94     | 23    | 321    | 1,259   | 4,746   |
| Outside NYC | Columbia | Total    | 20,111  | 13,118  | 1,108  | 305   | 2,374  | 13,200  | 50,216  |
| Outside NYC | Cortland | Active   | 8,574   | 10,302  | 489    | 118   | 1,407  | 7,278   | 28,168  |
| Outside NYC | Cortland | Inactive | 994     | 954     | 51     | 15    | 184    | 1,163   | 3,361   |
| Outside NYC | Cortland | Total    | 9,568   | 11,256  | 540    | 133   | 1,591  | 8,441   | 31,529  |
| Outside NYC | Delaware | Active   | 8,303   | 12,526  | 525    | 110   | 1,408  | 6,645   | 29,517  |
| Outside NYC | Delaware | Inactive | 499     | 555     | 26     | 7     | 122    | 497     | 1,706   |
| Outside NYC | Delaware | Total    | 8,802   | 13,081  | 551    | 117   | 1,530  | 7,142   | 31,223  |
| Outside NYC | Dutchess | Active   | 74,045  | 53,921  | 3,777  | 919   | 9,642  | 56,497  | 198,801 |
| Outside NYC | Dutchess | Inactive | 8,990   | 5,108   | 362    | 101   | 1,216  | 6,276   | 22,053  |
| Outside NYC | Dutchess | Total    | 83,035  | 59,029  | 4,139  | 1,020 | 10,858 | 62,773  | 220,854 |
| Outside NYC | Erie     | Active   | 283,817 | 156,668 | 15,285 | 3,699 | 21,052 | 141,460 | 621,981 |
| Outside NYC | Erie     | Inactive | 16,789  | 6,896   | 504    | 129   | 1,223  | 6,560   | 32,101  |
| Outside NYC | Erie     | Total    | 300,606 | 163,564 | 15,789 | 3,828 | 22,275 | 148,020 | 654,082 |
| Outside NYC | Essex    | Active   | 7,522   | 10,359  | 256    | 91    | 1,340  | 5,462   | 25,030  |
| Outside NYC | Essex    | Inactive | 585     | 687     | 22     | 5     | 135    | 501     | 1,935   |
| Outside NYC | Essex    | Total    | 8,107   | 11,046  | 278    | 96    | 1,475  | 5,963   | 26,965  |
| Outside NYC | Franklin | Active   | 9,495   | 9,165   | 387    | 110   | 1,346  | 6,142   | 26,645  |
| Outside NYC | Franklin | Inactive | 665     | 554     | 25     | 9     | 142    | 527     | 1,922   |
| Outside NYC | Franklin | Total    | 10,160  | 9,719   | 412    | 119   | 1,488  | 6,669   | 28,567  |
| Outside NYC | Fulton   | Active   | 7,086   | 16,227  | 682    | 148   | 1,499  | 7,703   | 33,345  |
| Outside NYC | Fulton   | Inactive | 448     | 685     | 40     | 12    | 117    | 547     | 1,849   |
| Outside NYC | Fulton   | Total    | 7,534   | 16,912  | 722    | 160   | 1,616  | 8,250   | 35,194  |
| Outside NYC | Genesee  | Active   | 8,491   | 16,962  | 1,061  | 166   | 1,745  | 9,439   | 37,864  |
| Outside NYC | Genesee  | Inactive | 663     | 996     | 55     | 21    | 206    | 827     | 2,768   |
| Outside NYC | Genesee  | Total    | 9,154   | 17,958  | 1,116  | 187   | 1,951  | 10,266  | 40,632  |
| Outside NYC | Greene   | Active   | 8,889   | 12,125  | 801    | 136   | 1,562  | 8,723   | 32,236  |
| Outside NYC | Greene   | Inactive | 897     | 1,026   | 62     | 16    | 240    | 885     | 3,126   |
| Outside NYC | Greene   | Total    | 9,786   | 13,151  | 863    | 152   | 1,802  | 9,608   | 35,362  |

|             |            |          |         |         |        |       |        |         |           |
|-------------|------------|----------|---------|---------|--------|-------|--------|---------|-----------|
| Outside NYC | Hamilton   | Active   | 848     | 2,417   | 71     | 6     | 6      | 845     | 4,193     |
| Outside NYC | Hamilton   | Inactive | 83      | 196     | 10     | 0     | 30     | 85      | 404       |
| Outside NYC | Hamilton   | Total    | 931     | 2,613   | 81     | 6     | 36     | 930     | 4,597     |
| Outside NYC | Herkimer   | Active   | 8,996   | 18,693  | 747    | 129   | 2,252  | 8,406   | 39,223    |
| Outside NYC | Herkimer   | Inactive | 1,258   | 1,708   | 73     | 23    | 391    | 1,213   | 4,666     |
| Outside NYC | Herkimer   | Total    | 10,254  | 20,401  | 820    | 152   | 2,643  | 9,619   | 43,889    |
| Outside NYC | Jefferson  | Active   | 15,054  | 25,224  | 1,025  | 227   | 2,355  | 15,659  | 59,544    |
| Outside NYC | Jefferson  | Inactive | 1,298   | 1,316   | 46     | 21    | 247    | 1,894   | 4,822     |
| Outside NYC | Jefferson  | Total    | 16,352  | 26,540  | 1,071  | 248   | 2,602  | 17,553  | 64,366    |
| Outside NYC | Lewis      | Active   | 3,570   | 9,313   | 342    | 35    | 715    | 3,337   | 17,312    |
| Outside NYC | Lewis      | Inactive | 435     | 816     | 39     | 7     | 161    | 513     | 1,971     |
| Outside NYC | Lewis      | Total    | 4,005   | 10,129  | 381    | 42    | 876    | 3,850   | 19,283    |
| Outside NYC | Livingston | Active   | 10,135  | 17,314  | 927    | 126   | 1,770  | 9,707   | 39,979    |
| Outside NYC | Livingston | Inactive | 548     | 714     | 56     | 5     | 135    | 605     | 2,063     |
| Outside NYC | Livingston | Total    | 10,683  | 18,028  | 983    | 131   | 1,905  | 10,312  | 42,042    |
| Outside NYC | Madison    | Active   | 11,333  | 16,705  | 903    | 198   | 2,469  | 11,251  | 42,859    |
| Outside NYC | Madison    | Inactive | 1,157   | 1,140   | 57     | 12    | 229    | 1,060   | 3,655     |
| Outside NYC | Madison    | Total    | 12,490  | 17,845  | 960    | 210   | 2,698  | 12,311  | 46,514    |
| Outside NYC | Monroe     | Active   | 200,960 | 123,825 | 8,185  | 1,991 | 18,727 | 128,417 | 482,105   |
| Outside NYC | Monroe     | Inactive | 18,680  | 8,753   | 546    | 200   | 1,783  | 11,767  | 41,729    |
| Outside NYC | Monroe     | Total    | 219,640 | 132,578 | 8,731  | 2,191 | 20,510 | 140,184 | 523,834   |
| Outside NYC | Montgomery | Active   | 8,514   | 10,468  | 776    | 134   | 1,441  | 7,680   | 29,013    |
| Outside NYC | Montgomery | Inactive | 572     | 503     | 37     | 8     | 102    | 555     | 1,777     |
| Outside NYC | Montgomery | Total    | 9,086   | 10,971  | 813    | 142   | 1,543  | 8,235   | 30,790    |
| Outside NYC | Nassau     | Active   | 382,986 | 296,145 | 9,461  | 2,169 | 28,556 | 262,107 | 981,424   |
| Outside NYC | Nassau     | Inactive | 31,596  | 22,754  | 703    | 190   | 2,626  | 19,349  | 77,218    |
| Outside NYC | Nassau     | Total    | 414,582 | 318,899 | 10,164 | 2,359 | 31,182 | 281,456 | 1,058,642 |
| Outside NYC | Niagara    | Active   | 49,741  | 47,700  | 3,764  | 1,309 | 6,401  | 30,860  | 139,775   |
| Outside NYC | Niagara    | Inactive | 3,632   | 2,790   | 200    | 115   | 551    | 2,650   | 9,938     |
| Outside NYC | Niagara    | Total    | 53,373  | 50,490  | 3,964  | 1,424 | 6,952  | 33,510  | 149,713   |
| Outside NYC | Oneida     | Active   | 41,971  | 51,036  | 2,196  | 533   | 7,330  | 30,405  | 133,471   |

|             |            |          |         |        |       |       |        |        |         |
|-------------|------------|----------|---------|--------|-------|-------|--------|--------|---------|
| Outside NYC | Oneida     | Inactive | 2,706   | 2,091  | 115   | 34    | 472    | 2,048  | 7,466   |
| Outside NYC | Oneida     | Total    | 44,677  | 53,127 | 2,311 | 567   | 7,802  | 32,453 | 140,937 |
| Outside NYC | Onondaga   | Active   | 116,761 | 82,692 | 5,085 | 1,358 | 13,440 | 87,745 | 307,081 |
| Outside NYC | Onondaga   | Inactive | 7,111   | 4,213  | 292   | 69    | 847    | 5,199  | 17,731  |
| Outside NYC | Onondaga   | Total    | 123,872 | 86,905 | 5,377 | 1,427 | 14,287 | 92,944 | 324,812 |
| Outside NYC | Ontario    | Active   | 22,820  | 28,174 | 1,540 | 234   | 3,456  | 20,485 | 76,709  |
| Outside NYC | Ontario    | Inactive | 1,432   | 1,653  | 100   | 16    | 336    | 1,622  | 5,159   |
| Outside NYC | Ontario    | Total    | 24,252  | 29,827 | 1,640 | 250   | 3,792  | 22,107 | 81,868  |
| Outside NYC | Orange     | Active   | 90,508  | 72,229 | 4,619 | 1,198 | 10,672 | 62,623 | 241,849 |
| Outside NYC | Orange     | Inactive | 7,192   | 5,676  | 359   | 85    | 1,033  | 5,382  | 19,727  |
| Outside NYC | Orange     | Total    | 97,700  | 77,905 | 4,978 | 1,283 | 11,705 | 68,005 | 261,576 |
| Outside NYC | Orleans    | Active   | 5,143   | 11,892 | 608   | 132   | 963    | 6,082  | 24,820  |
| Outside NYC | Orleans    | Inactive | 115     | 287    | 22    | 4     | 50     | 154    | 632     |
| Outside NYC | Orleans    | Total    | 5,258   | 12,179 | 630   | 136   | 1,013  | 6,236  | 25,452  |
| Outside NYC | Oswego     | Active   | 17,144  | 34,448 | 1,830 | 340   | 3,290  | 18,493 | 75,545  |
| Outside NYC | Oswego     | Inactive | 593     | 1,058  | 63    | 12    | 151    | 673    | 2,550   |
| Outside NYC | Oswego     | Total    | 17,737  | 35,506 | 1,893 | 352   | 3,441  | 19,166 | 78,095  |
| Outside NYC | Otsego     | Active   | 10,962  | 13,700 | 566   | 149   | 1,752  | 8,795  | 35,924  |
| Outside NYC | Otsego     | Inactive | 727     | 674    | 30    | 7     | 176    | 665    | 2,279   |
| Outside NYC | Otsego     | Total    | 11,689  | 14,374 | 596   | 156   | 1,928  | 9,460  | 38,203  |
| Outside NYC | Putnam     | Active   | 21,934  | 23,473 | 1,680 | 229   | 3,247  | 19,563 | 70,126  |
| Outside NYC | Putnam     | Inactive | 1,766   | 1,633  | 135   | 9     | 272    | 1,416  | 5,231   |
| Outside NYC | Putnam     | Total    | 23,700  | 25,106 | 1,815 | 238   | 3,519  | 20,979 | 75,357  |
| Outside NYC | Rensselaer | Active   | 33,372  | 26,075 | 4,580 | 1,980 | 6,122  | 33,084 | 105,213 |
| Outside NYC | Rensselaer | Inactive | 2,486   | 1,197  | 137   | 88    | 417    | 1,950  | 6,275   |
| Outside NYC | Rensselaer | Total    | 35,858  | 27,272 | 4,717 | 2,068 | 6,539  | 35,034 | 111,488 |
| Outside NYC | Rockland   | Active   | 92,506  | 48,636 | 4,533 | 822   | 6,484  | 51,097 | 204,078 |
| Outside NYC | Rockland   | Inactive | 6,736   | 3,514  | 259   | 62    | 683    | 4,205  | 15,459  |
| Outside NYC | Rockland   | Total    | 99,242  | 52,150 | 4,792 | 884   | 7,167  | 55,302 | 219,537 |
| Outside NYC | Saratoga   | Active   | 52,139  | 62,582 | 3,161 | 570   | 8,120  | 49,499 | 176,071 |
| Outside NYC | Saratoga   | Inactive | 3,241   | 3,632  | 169   | 42    | 689    | 3,133  | 10,906  |
| Outside NYC | Saratoga   | Total    | 55,380  | 66,214 | 3,330 | 612   | 8,809  | 52,632 | 186,977 |

|             |             |          |         |         |        |       |        |         |           |
|-------------|-------------|----------|---------|---------|--------|-------|--------|---------|-----------|
| Outside NYC | Schenectady | Active   | 39,870  | 23,095  | 3,240  | 813   | 4,061  | 28,597  | 99,676    |
| Outside NYC | Schenectady | Inactive | 2,382   | 1,148   | 122    | 55    | 294    | 1,789   | 5,790     |
| Outside NYC | Schenectady | Total    | 42,252  | 24,243  | 3,362  | 868   | 4,355  | 30,386  | 105,466   |
| Outside NYC | Schoharie   | Active   | 4,991   | 8,175   | 558    | 106   | 1,135  | 5,251   | 20,216    |
| Outside NYC | Schoharie   | Inactive | 254     | 331     | 35     | 11    | 79     | 317     | 1,027     |
| Outside NYC | Schoharie   | Total    | 5,245   | 8,506   | 593    | 117   | 1,214  | 5,568   | 21,243    |
| Outside NYC | Schuyler    | Active   | 3,383   | 5,317   | 242    | 66    | 620    | 3,042   | 12,670    |
| Outside NYC | Schuyler    | Inactive | 152     | 197     | 13     | 2     | 40     | 130     | 534       |
| Outside NYC | Schuyler    | Total    | 3,535   | 5,514   | 255    | 68    | 660    | 3,172   | 13,204    |
| Outside NYC | Seneca      | Active   | 5,983   | 8,004   | 435    | 111   | 957    | 4,953   | 20,443    |
| Outside NYC | Seneca      | Inactive | 256     | 280     | 24     | 5     | 54     | 300     | 919       |
| Outside NYC | Seneca      | Total    | 6,239   | 8,284   | 459    | 116   | 1,011  | 5,253   | 21,362    |
| Outside NYC | St.Lawrence | Active   | 20,153  | 22,443  | 1,073  | 251   | 3,359  | 14,450  | 61,729    |
| Outside NYC | St.Lawrence | Inactive | 839     | 709     | 37     | 19    | 131    | 749     | 2,484     |
| Outside NYC | St.Lawrence | Total    | 20,992  | 23,152  | 1,110  | 270   | 3,490  | 15,199  | 64,213    |
| Outside NYC | Steuben     | Active   | 13,897  | 29,913  | 1,101  | 254   | 2,344  | 13,328  | 60,837    |
| Outside NYC | Steuben     | Inactive | 683     | 1,072   | 30     | 3     | 142    | 669     | 2,599     |
| Outside NYC | Steuben     | Total    | 14,580  | 30,985  | 1,131  | 257   | 2,486  | 13,997  | 63,436    |
| Outside NYC | Suffolk     | Active   | 355,696 | 323,772 | 20,144 | 3,892 | 38,380 | 303,267 | 1,045,151 |
| Outside NYC | Suffolk     | Inactive | 20,272  | 18,903  | 1,244  | 232   | 2,418  | 17,796  | 60,865    |
| Outside NYC | Suffolk     | Total    | 375,968 | 342,675 | 21,388 | 4,124 | 40,798 | 321,063 | 1,106,016 |
| Outside NYC | Sullivan    | Active   | 16,797  | 15,489  | 1,251  | 255   | 1,757  | 12,577  | 48,126    |
| Outside NYC | Sullivan    | Inactive | 2,105   | 1,457   | 119    | 30    | 283    | 1,667   | 5,661     |
| Outside NYC | Sullivan    | Total    | 18,902  | 16,946  | 1,370  | 285   | 2,040  | 14,244  | 53,787    |
| Outside NYC | Tioga       | Active   | 8,039   | 14,269  | 547    | 112   | 1,620  | 7,488   | 32,075    |
| Outside NYC | Tioga       | Inactive | 470     | 838     | 26     | 7     | 146    | 555     | 2,042     |
| Outside NYC | Tioga       | Total    | 8,509   | 15,107  | 573    | 119   | 1,766  | 8,043   | 34,117    |
| Outside NYC | Tompkins    | Active   | 31,776  | 10,223  | 411    | 339   | 2,020  | 13,220  | 57,989    |
| Outside NYC | Tompkins    | Inactive | 3,586   | 855     | 30     | 25    | 208    | 1,579   | 6,283     |
| Outside NYC | Tompkins    | Total    | 35,362  | 11,078  | 441    | 364   | 2,228  | 14,799  | 64,272    |
| Outside NYC | Ulster      | Active   | 52,850  | 28,273  | 2,466  | 771   | 4,950  | 35,835  | 125,145   |

|                         |             |          |           |           |         |        |         |           |           |
|-------------------------|-------------|----------|-----------|-----------|---------|--------|---------|-----------|-----------|
| Outside NYC             | Ulster      | Inactive | 3,976     | 1,994     | 151     | 65     | 507     | 2,846     | 9,539     |
| Outside NYC             | Ulster      | Total    | 56,826    | 30,267    | 2,617   | 836    | 5,457   | 38,681    | 134,684   |
| Outside NYC             | Warren      | Active   | 12,787    | 19,384    | 787     | 150    | 2,401   | 11,410    | 46,919    |
| Outside NYC             | Warren      | Inactive | 671       | 917       | 33      | 15     | 182     | 688       | 2,506     |
| Outside NYC             | Warren      | Total    | 13,458    | 20,301    | 820     | 165    | 2,583   | 12,098    | 49,425    |
| Outside NYC             | Washington  | Active   | 9,356     | 15,915    | 758     | 167    | 2,030   | 10,288    | 38,514    |
| Outside NYC             | Washington  | Inactive | 272       | 380       | 22      | 6      | 72      | 310       | 1,062     |
| Outside NYC             | Washington  | Total    | 9,628     | 16,295    | 780     | 173    | 2,102   | 10,598    | 39,576    |
| Outside NYC             | Wayne       | Active   | 13,816    | 24,198    | 1,630   | 281    | 2,491   | 16,306    | 58,722    |
| Outside NYC             | Wayne       | Inactive | 565       | 705       | 76      | 9      | 132     | 753       | 2,240     |
| Outside NYC             | Wayne       | Total    | 14,381    | 24,903    | 1,706   | 290    | 2,623   | 17,059    | 60,962    |
| Outside NYC             | Westchester | Active   | 307,019   | 119,174   | 6,847   | 1,593  | 18,729  | 157,652   | 611,014   |
| Outside NYC             | Westchester | Inactive | 26,582    | 9,961     | 588     | 146    | 1,921   | 13,938    | 53,136    |
| Outside NYC             | Westchester | Total    | 333,601   | 129,135   | 7,435   | 1,739  | 20,650  | 171,590   | 664,150   |
| Outside NYC             | Wyoming     | Active   | 4,852     | 12,101    | 633     | 89     | 924     | 6,151     | 24,750    |
| Outside NYC             | Wyoming     | Inactive | 200       | 322       | 20      | 6      | 63      | 271       | 882       |
| Outside NYC             | Wyoming     | Total    | 5,052     | 12,423    | 653     | 95     | 987     | 6,422     | 25,632    |
| Outside NYC             | Yates       | Active   | 3,271     | 6,420     | 254     | 51     | 664     | 3,273     | 13,933    |
| Outside NYC             | Yates       | Inactive | 156       | 242       | 8       | 2      | 41      | 168       | 617       |
| Outside NYC             | Yates       | Total    | 3,427     | 6,662     | 262     | 53     | 705     | 3,441     | 14,550    |
| Outside NYC Grand Total |             | Active   | 2,773,808 | 2,225,103 | 135,616 | 32,435 | 290,845 | 1,938,983 | 7,396,790 |
| Outside NYC Grand Total |             | InActive | 206,355   | 138,106   | 7,981   | 2,311  | 24,831  | 143,894   | 523,478   |
| Outside NYC Grand Total |             | Total    | 2,980,163 | 2,363,209 | 143,597 | 34,746 | 315,676 | 2,082,877 | 7,920,268 |
| Within NYC              | Bronx       | Active   | 534,576   | 43,496    | 2,967   | 2,994  | 12,099  | 129,383   | 725,515   |
| Within NYC              | Bronx       | Inactive | 38,153    | 4,370     | 315     | 339    | 1,563   | 13,616    | 58,356    |
| Within NYC              | Bronx       | Total    | 572,729   | 47,866    | 3,282   | 3,333  | 13,662  | 142,999   | 783,871   |
| Within NYC              | Kings       | Active   | 1,012,695 | 128,048   | 4,350   | 6,538  | 23,258  | 273,068   | 1,447,957 |
| Within NYC              | Kings       | Inactive | 112,624   | 12,407    | 465     | 618    | 3,820   | 32,344    | 162,278   |
| Within NYC              | Kings       | Total    | 1,125,319 | 140,455   | 4,815   | 7,156  | 27,078  | 305,412   | 1,610,235 |

|                  |          |          |           |           |         |        |         |           |            |
|------------------|----------|----------|-----------|-----------|---------|--------|---------|-----------|------------|
| Within NYC       | New York | Active   | 686,005   | 68,382    | 1,754   | 2,598  | 17,308  | 180,184   | 956,231    |
| Within NYC       | New York | Inactive | 92,241    | 16,487    | 329     | 293    | 4,995   | 36,342    | 150,687    |
| Within NYC       | New York | Total    | 778,246   | 84,869    | 2,083   | 2,891  | 22,303  | 216,526   | 1,106,918  |
| Within NYC       | Queens   | Active   | 756,746   | 135,147   | 5,210   | 3,957  | 23,200  | 282,703   | 1,206,963  |
| Within NYC       | Queens   | Inactive | 55,349    | 10,135    | 421     | 307    | 2,499   | 22,679    | 91,390     |
| Within NYC       | Queens   | Total    | 812,095   | 145,282   | 5,631   | 4,264  | 25,699  | 305,382   | 1,298,353  |
| Within NYC       | Richmond | Active   | 122,255   | 96,823    | 4,137   | 1,064  | 8,453   | 73,968    | 306,700    |
| Within NYC       | Richmond | Inactive | 10,422    | 7,477     | 360     | 111    | 946     | 6,179     | 25,495     |
| Within NYC       | Richmond | Total    | 132,677   | 104,300   | 4,497   | 1,175  | 9,399   | 80,147    | 332,195    |
| Within NYC Total |          | Active   | 3,112,277 | 471,896   | 18,418  | 17,151 | 84,318  | 939,306   | 4,643,366  |
| Within NYC Total |          | InActive | 308,789   | 50,876    | 1,890   | 1,668  | 13,823  | 111,160   | 488,206    |
| Within NYC Total |          | Total    | 3,421,066 | 522,772   | 20,308  | 18,819 | 98,141  | 1,050,466 | 5,131,572  |
| Statewide Total  |          | Active   | 5,886,085 | 2,696,999 | 154,034 | 49,586 | 375,163 | 2,878,289 | 12,040,156 |
| Statewide Total  |          | InActive | 515,144   | 188,982   | 9,871   | 3,979  | 38,654  | 255,054   | 1,011,684  |
| Statewide Total  |          | Total    | 6,401,229 | 2,885,981 | 163,905 | 53,565 | 413,817 | 3,133,343 | 13,051,840 |