

Peter Kosinski: Good afternoon. I'd like to welcome everybody to the meeting of the State Board of Canvassers and the State Board of Elections. We're going to open today's meeting as the State Board of Canvassers. My name is Peter Kosinski. To my right is Douglas Kellner. To my far right is Andy Spano. To my left is Greg Peterson.

And I would open as the Board of Canvassers today to certify the special election results from April 24th of this year. And Bob do we have the documents?

Bob Brehm: We do. First, we'll start with the State Senate. We're certifying the 32nd Senate District and the 37th Senate District. These have all done informally but this is the final cert so each of the commissioners signs the brown one.

Peter Kosinski: So, I guess first I'd entertain a motion to adopt the results as given to us by the staff.

Andy Spano: So moved.

Peter Kosinski: Second?

Greg Peterson: Second.

Peter Kosinski: All in favor? [Chorus of ayes; 4-0]. Opposed? So, that's adopted. And we'll sign the documents.

Greg Peterson: The sign here tabs are getting cheaper.

Peter Kosinski: Are they [laughter]?

Greg Peterson: They actually flow very well.

Peter Kosinski: There you go.

Tom Connolly: I'll get better ones for next time.

Douglas Kellner: Alright so.

Bob Brehm: Let's see in the Assembly we have the 5th, 10th, 17th, 39th, 74th, 80th, 102nd, 107th, 142nd District.

Douglas Kellner: So, I make the same motion that we certify.

Andy Spano: Second.

Peter Kosinski: All in favor? [Chorus of ayes; 4-0]. Any opposed? So, that's also adopted.

Douglas Kellner: Andy has this one.

Peter Kosinski: Is there any other business to come before the Board of Canvassers? If not, I would entertain a motion to adjourn.

Douglas Kellner: So moved.

Peter Kosinski: Second, all in favor? [Chorus of ayes; 4-0]. That's adopted. We will now open as the Board of Elections. And our first order of business is to adopt the minutes of May 3rd, we have two sets of minutes. One is from May 3rd one is from May 8th, you want to take them together or separately?

Douglas Kellner: We can do it together.

Peter Kosinski: Alright so I would entertain a motion to adopt both sets of minutes.

Douglas Kellner: So moved.

Peter Kosinski: Second. All in favor? [Chorus of ayes; 4-0]. Opposed? So, those two sets of minutes are adopted. Next, we will go on to unit updates. The first unit is Executive, Bob Brehm and Todd Valentine.

Todd Valentine: Well, tomorrow is Federal primary, so we've been getting our preparations ready for that. From the counties, we certified the elections quite a while ago but for the candidates rather tomorrow is actually the Election Day. And we are as ready as we can be for that. So, what we've been doing though over the last month is instituting...

Peter Kosinski: How many primaries are there, Todd? How many?

John Conklin: There are 20 in 15 districts.

Peter Kosinski: There's 20 primaries in 15 congressional districts?

Todd Valentine: Yeah, I'm not sure how many counties that covers. It's not the entire state.

John Conklin: No, it's not.

Tom Connolly: It's like 48.

Peter Kosinski: So, most of the state.

Todd Valentine: So, we prepared our system for election and reporting for counties and we are prepared to receive results from all the counties tomorrow night. And they should be posting on the website, so. We're ready.

We've been working over the last month since we adopted our cyber security plan. As you know, we did a series of six exercises to try to engage the counties with their own IT

departments and us with them. And there's also a lot of support from the Federal Department of Homeland Security. We covered 60 counties. 60?

Cheryl Couser: 60.

Todd Valentine: 60 counties over six exercises. So, that's almost everybody so that was pretty good. You know something I'm sure we'll repeat not next year but sometime in the future in the following year. But related to that we've also, and Bill Cross can report on this more later, but we successfully moved our data center from the CSE building to the same campus uptown.

And we also did complete the upgrade of NYSVoter which has been long talked about. So, that finally went online pretty smoothly. And then Bob I know has the list of how we did in the session, so I don't know if you want to go over that.

Bob Brehm: I did a quickie review. We had 29 legislative priorities this year. Of that number 18 were introduced in the Assembly. Eight were introduced in the Senate. Of the action, 14 passed the Assembly. There are many that made it to third reading in the Senate, but they didn't come out at that point. And some that passed we don't have sponsors in the other house so certainly that'll give us something to focus on for our next legislative year where we can try and pick up some support.

So, there was a lot of activity it just didn't gel at the end to chapters. I think the only chapter we say was chapter three which set the September 13th primary date for us. And I don't think there's anything else election related that passed both houses that is pending. But there could have been something that's not through there. At the end of it I don't think so. So, the legislative activity has gone on.

The other item we did. We took the approved cyber security plan and submitted it to the Federal Election Assistance Commission to receive New York State's share of the money which was just shy of \$19.5 million. They accepted our application and wire transferred money into the State of New York.

So, now we can begin to implement, to use those funds to improve the election. And from our perspective we're doing the staffing plan that was part of the approval process. We have posted those positions that are exempt on the website for the state jobs. We're getting those resumes and interested individuals start the interview process for staff. We're also working to put the final touches on three procurements for the risk assessments at the county level and for the intrusion detection monitoring systems.

Cheryl Couser: Excuse me could I have the law book, could you move that law book.

Peter Kosinski: Oh, I'm sorry.

Cheryl Couser: I think both.

Peter Kosinski: These two?

Cheryl Couser: Yes.

Peter Kosinski: Okay.

Cheryl Couser: They're blocking the sound.

Peter Kosinski: Okay, how's this?

John Conklin: That should be fine. Probably blocked Todd's side.

Peter Kosinski: Okay. Better? Okay. Alright, sorry go ahead, Bob. You'll have to start from the beginning, no one heard what you said [laughter].

Bob Brehm: So the money is in the state coffers which is faster, as you know when you had to apply for the Federal funds too, this round of funding is faster, streamlined as far as obtaining the money. It's different in other Federal funds in that this is five-year Federal grant money. It's not treated the same as other Help America Vote Act funds. At the end of five years, if we have not spent the money it will go away. So, we have, I mean of course under our plan we expect it to be spend within three years so we don't think that's a problem. But it's different and we have to track it different than the other funds. They're not "forever" dollars.

But we have, we've been working with a group of people to put together the risk assessment procurement, to be able to check every county at a uniform level of risk assessment. And also, intrusion detection services to make sure that all the counties that need that help will have the ability to purchase off that contract. Or we will pay for the devices that are needed to make those counties and the State Board safe, off of those, we believe will be able to get out there relatively quickly. There will be, once we get that accomplished, there will be other areas of work that we need to do. But that's a pretty good start since our last meeting.

Peter Kosinski: Is that it? Any questions? Okay, then we will move on to the next unit which is the Counsel's office, Kim Galvin and Brian Quail.

Kim Galvin: Thank you Commissioner. We've worked with IT to develop a database for the Independent Expenditure filings that we're anticipating. Brian's pbits (project-based IT services) they are doing a great job. I'm sure Bill can update us more on creating the database and what it's going to look like.

There is some work the Compliance Unit has to do with regard to getting things in accessible formats like the Reg docs and some things like that. And we're starting to assign people to do that and looking at the forms.

As well as, they've agreed to final settlement terms in Eason Accessibility case with the website. That seems to be a project that's going to take a rather agency wide effort to bring those various documents and archived documents etc., into compliance. So, there's been meetings on that.

We've met and reviewed briefly the comments that we have received on the two pending regulations that will be ready for adoption at the next meeting.

On the Independent Expenditure Filings again on the enforcement regulations and the IE filings we've gone over them. With regard to the IE expenditures, I know that we're anticipating late last week the Broadcasters sent us the delineation between 50 million unique monthly visits and up to 137 million, like I believe Commissioner Kellner asked Jeff Buley at the last meeting. They did send that to us late. It hasn't been circulated. We haven't discussed that particular part of it yet.

So, we, and I got a call from a person representing Facebook over the weekend, a text that they too would like to talk again in this coming week. I think now that the legislative session has ended they've kind of focused their attention back to us on that particular issue.

With regard to the cases, just briefly, we responded to the Brennan Center's motion to leave to appeal to the Court of Appeals. Those papers have been filed. An injunction received in the Merced witness case to get us through the election. Eason, as mentioned above, is taking a group effort, particularly Bill Cross' staff. That's all I have with regard to those.

We're anticipating the filing period starting on July 9th.

Since our last meeting the governor's office, as a separate, as its own item on D but I thought I would just bring it up in my unit report because it's just an update since our last meeting. The governor's office has issued at least its first round of voting pardons. And we've been answering many questions on that issue from county Boards of Election and just some citizens.

From our discussion with the governor's office back when this first started we're anticipating that there'll be another round of voting pardons issued each month. And the co-executive directors sent out guidance to the county Boards of Election on how to deal with that in the first instance should the circumstance arise. Since then I believe the governor has issued a directive to his parole staff to deliver hard copies of the pardon to those place on community supervision either in a home visit or at their next scheduled meeting date.

Peter Kosinski: Kim, let me ask you a question on that if I could. Let me just conjecture for a minute that a parolee is now given the ability to vote but part of their condition of parole is they can't go to a school and their voting site is at a school. How does that get resolved?

Kim Galvin: Well, based upon the circumstances the governor's office indicated that the parole conditions would not be trumped by the conditional voting pardon. So, if one of my conditions as someone under community supervision was to stay away from a school and my polling place happened to be at a school essentially, they wouldn't be able to vote.

Unless other circumstances, it's really a parole issue. So, what we were told with probationers often is ... this is a condition of your parole. If you can get your probation officer to accompany you or do something at 6 a.m. or something, that's between you and parole. And then you're allowed to vote, technically they can't issue or can't vote by absentee ballot because they're not

out of the county. So, they are kind of stuck in a position if that's the circumstance. So, you may have some sex offenders or drug offenders or whoever for whatever reason may have a school or a community center condition in there.

Peter Kosinski: Okay.

Kim Galvin: And lastly, it's kind of a sad week in our unit here with Brian and I. Our two trainers, Maryellen Walsh and Lorraine Del Costello are both retiring. They will be missed. While we wish them well their professionalism, their experience, and their personalities will be missed agency wide. They're two very fine people. And they brought an awful lot to the table. And I wish them well. We all wish them well in their next stage of life, so.

John Conklin: And they were good spec checkers.

Kim Galvin: And they were good spec checkers. That's probably why they picked this month actually [laughter]. So, that's a whole other unit that we will endeavor to fill.

Brian Quail: A couple adds if I may. Just in the area of the cases. The Common Cause case, our motion-to-dismiss remains pending but we did get a directive from the court to issue a supplemental brief on the possible impact of a recent Supreme Court decision on that case. And those papers are due later this week.

In the Upstate Jobs case we were successful in opposing an application for a preliminary injunction. And that however is on interlocutory appeal with the 2nd Circuit and our papers there are also due later this week.

Which segways into the Supreme Court of the United States. We had three decisions that are related to elections that came out of the United States Supreme Court since the Board last met. And with respect to one of them, the Minnesota case that dealt with electioneering and political apparel. The Board issued, rather the staff issued, obviously the Board was aware of it being issued, guidance with respect to political apparel on June 20th essentially outlining that our law is consistent with the Minnesota decision. And that just reiterated to the local Boards how to interpret the political apparel issue through the lens of electioneering, which provides a clear standard to follow which was what was lacking in the Minnesota case where the Supreme Court said that the Minnesota statute, in terms of its application at least, was unconstitutional.

Let's see, and with respect to the work of the Compliance unit with respect to the January Periodic there are remaining outstanding 2,207 failures-to-file out of the original 2,530 that remained for the January periodic. It's roughly 87%. We are, in terms of looking at the basic numbers for deficiencies, there are 1,137 outstanding items that are deficient still that were identified as unresolved. The unit, since inception, has received, now we've gone over 100,000 campaign finance reports. And the number that have been reviewed in some manner is 91,272. So, we're fast approaching the 100,000-review requirement which will be a significant milestone.

Peter Kosinski: That's since when Brian?

Brian Quail: Since the inception of the Campaign Finance Unit.

Peter Kosinski: What was that? July of...

Kim Galvin: 2014.

Bob Brehm: June, 2014.

Peter Kosinski: So, that's over a four-year period?

Brian Quail: Yes. And that's all I've got.

Peter Kosinski: Okay, any questions for the. Kim, I just want to go back a second on that, on the IE Regs and you're talking to Facebook you mentioned.

Kim Galvin: Yeah, they want to talk.

Peter Kosinski: Do we know how many platforms are going to be affected by this particular regulation?

Kim Galvin: No. It depends on how it finally come out. If we stick with the 50 million unique hits number it's on that chart that they recently just sent us.

Nick Cartagena: It's close to 50, I'm going to look right now.

Kim Galvin: Is it close to 50, you're going to look?

Nick Cartagena: Yeah, but I believe it was close to 50 platforms.

Kim Galvin: With 50 million and then if we move it up to a greater number of hits, which some people have suggested, it will decrease the amount. I mean we have to, some of those on the list that they provided late Friday are purely "news" organizations and things like that. So, we're really going to have to take a hard look at the number, I think, and talk about it amongst the various stakeholders and see where the real threshold should lie. I think what I'd use just personally is that most people are putting the attributions on everything now because they don't want to deal with anything.

Peter Kosinski: They're all, you mean without any comment, obligation.

Kim Galvin: Yeah, without being covered under a platform. Facebook is requiring that now and some of the bigger people are, so.

Peter Kosinski: Yeah.

Nick Cartagena: There's 48.

Kim Galvin: 48.

Peter Kosinski: Okay. Any other questions? No, okay thank you.

Kim Galvin: Thanks.

Peter Kosinski: And then we'll go on to Election Operations, Tom Connolly and Brendan Lovullo.

Tom Connolly: Thank you, Commissioner. For the April 24th special election, the aggregated repair of the documentation that you signed as the Board of Canvassers we'll be posting the results on the website for the 10/26 primary. We provided the counties with the certifications since the last meeting.

We've been working with them with regard to guidance on running small party primaries. Reviewing their candidate notices and making changes where necessary.

We've been getting updated poll site information so we can make sure the information we're providing to the public is up to date.

And also, I've been working with them on, as Todd mentioned I believe, their plans for reporting election results on election night.

For the general election we received eight nominations for governor, eight for lieutenant governor, eight for comptroller, 10 for attorney general along with all related acceptances and authorizations for these and other offices to be filled at the general election. We prepared a prima facie report for your action later in the meeting. We'll be providing an amended March certification due to a vacancy in the first JD as well as a revised emblem for the Reform Party which we received. So, we'll be sending that information out to all the different counties.

For voting machines we've completed our functional testing of the Dominion ImageCast Evolution or "ICE" machine. We'll be finalizing those reports in anticipation of presenting them to you at the next meeting. We'll be scheduling our public demonstration of that system for next Monday, July 2nd at 11 a.m. We've received from Dominion a review by SLI of an engineering change order which was just for a replacement monitor used by the existing ImageCast because of end-of-life issues.

Clear Ballot has also submitted an application for modification of their system, for the Clear Count system which is used for central count. And now allowed for use for the automated audit. The changes are largely affecting the software application in a couple different areas. Reporting user interface logs etc. But that information is still kind of coming in so we'll be reviewing that and providing more information to you going forward.

Peter Kosinski: So, Tom, let me ask you. When you get an application for a modification to an existing system what happens then? You review it? You test it?

Tom Connolly: It depends on what the modification is going to be. Obviously, if it's a matter of software changes there'll be a review of the code. There'll be some functional testing as well. There's a whole barrage of testing that has to be done based on what it is. If it's hardware then there will also be additional security testing. So, it really depends on what the specific modification is. In this case my understanding that for let's say with Clear Ballot a lot of it is changes to their software application based on feedback that they've received both from their customers and from us. From the initial review of issues with central count system and also from an auditing standpoint. So, there are certain things that they simply have to change the core system because of the way their application was built. And because you're changing the core system it requires a little bit more in-depth review and make that any code changes don't affect things that we've already looked at, so.

With regard to cyber security as I mentioned earlier, since the last meeting we did have the six tabletop exercises across the state. I did present on all six of them. I thought that it was a very useful endeavor. We did get a lot of good feedback from both the county Boards and from county IT folks.

We will be receiving an after-action report from the Department of Homeland Security probably mid-July. I think it's July 18th. At which point they can and will summarize their take on the discussions that happened at each of these events. Any feedback that we've received on the feedback forms. So, we look forward to that report.

And I want to again publicly thank the Department of Homeland Security for helping us facilitate these tabletops. They did a great job providing staffing, providing materials, doing a lot of the presentations. So, it was a lot of work and it did not cost us anything to do that, so.

And then obviously we have been discussing the cyber security plan that you had previously approved. So, we've continued to be on the phone calls and planning meetings with regard to implementing that with ITS and OGS and all the other state agencies involved.

A couple miscellaneous things, with have begun reviewing resumes and interviewing candidates for some of the new cyber positions that are part of the Secure Elections Center. Which is kind of the embodiment of our cyber security plan. We'll continue to do that as more resumes come in.

We have completed the review and evaluation of documents that were submitted for our new contract with an independent testing lab. We had received only one bid and so we had to go through and evaluate the bid that they submitted. And we provided that back to OGS and so hopefully that will be awarded soon since the contract is up in a few months.

Staff visited 15 different Boards for asset audits. We do continue to receive and process documentation from county Boards with regard to the SHOEBOX contracts.

We have a conference call scheduled for this Friday with the Center for Civic Design on a usability standpoint. And we're moving forward with our plans to focus on the usability of the

2018 general election ballot along with some other topics about usability and best practices for some of the other stuff. But we're prioritizing the general election ballot for right now.

With that said, Brendan, do you have anything else?

Brendan: I'm good.

Peter Kosinski: Any questions? Okay, thank you.

Tom Connolly: Thank you.

Peter Kosinski: We will move on then to NVRA, John Conklin and Cheryl Couser.

John Conklin: Thanks, Commissioner. The public information office has been very busy since the last meeting. We received a lot of inquiries from the public and the press around tomorrow's primary. As I stated earlier we have 20 primaries in 15 districts around the state.

We continue to get a lot of questions about ballot access process for the state legislature which will be next month.

Also, we received a lot of questions about the governor's executive order and the pardons for the parolees.

We also received a lot of questions about the Supreme Court decision that Brian mentioned about political apparel at the poll sites and whether that affected New York State law.

Greg Peterson: John, if I could interrupt you a second. On the, as far as the parolees are concerned I've read a couple of articles from school districts who have been complaining about having convicted felons in with children etc. I don't know whether maybe Tom or you have received phone calls on this, or anybody for that matter, how are we handling that on our end?

John Conklin: Well, I would say anecdotally we have seen a number of stories about complaints from either school districts or parents to Boards of Elections. Some parents have called us as well complaining about the possibility of felons being in poll sites as a result of the governor's executive order. I did see a story in the Rochester area about the Monroe County Board and one of the Commissioners there being asked by the press about have you been contacted by schools asking about not being poll sites. And he acknowledged that he had and that they were working through those issues on a local level.

It seems to be an issue that is bubbling up. Initially when the governor discussed this there was the idea that there was a criterion that they were using to grant the pardons. As this has gone on it's become clear that there isn't any criteria, that they're being given out automatically. So, it is for any felon, level III sex offenders, capital murderers, etc.

So, this has become an issue in the general public's eye about who's in the poll site with them. And a number of the school districts are concerned because they are a target to start with and

now they may have people in their facilities on Election Day that they don't know anything about. And it's concerning school districts and parents. So, if it continues to build momentum, if school districts or schools were to become unavailable to us as poll sites that would be a calamity for the Board of Elections statewide because every county uses a large number of schools for poll sites. So, that may be a consequence we have to deal with down the road. If we are seeing stories about it and anecdotally hearing complaints about it.

Gregory Peterson: They would have to because each of those poll sites however in spite of the fact that it's a school district, they say, "No we don't want them" they have no choice.

John Conklin: Statute can force the school district to be a poll site. The Board of Elections has the upper hand by statute that they can force them to do that. But, if the general public becomes averse to it, then it's only a statutory requirement, that can all be changed by the legislature at any time and if the general public becomes opposed to it, they will go to the legislature and express their views. So.

Andy Spano: I don't understand why people are so concerned. If they're sex offenders and they have orders not to go near the schools, they're not going near schools right unless there's a probation officer or we used to have monitors in my county that stayed with them. And these are the same people who go to your supermarket, go to the cleaners, and you don't know who they are all the time. And people are with them all the time. Why are they so concerned about voting in school? I'm talking about the adults now, not the kids. Kids have to be protected in terms of that. But if there are people who are on parole go into the school and walk around and vote and walk out, I don't see that as dangerous. I think it's more dangerous in the supermarket believe it or not and that happens every day.

Kim Galvin: Just my personal opinion is I think that because the issue is highlighted people focus on it.

Andy Spano: No, I agree with that but...

Kim Galvin: I think they think the schools are already targeted and they're afraid of their kids going to school and now there's these pictures of people or of the few that are highlighted or whatever and they're just concerned about it because it's the issue of the moment.

Andy Spano: I understand that and I just wanted a conversation we're having here to put it in perspective, that's all.

Bob Brehm: I think one other statement we should clarify is that there are no standards. Certainly they have not shared those with us but of the about almost 9,000 to 12,000 of the persons who are on parole were not granted one of these probationary, not everyone on probation received one or excuse me on parole received one.

Kim Galvin: Well, I think the Governor said there are no standards.

Bob Brehm: So clearly, not everybody got one so they're not just given out automatically. What those are I don't know they haven't been shared. But persons who complete their maximum term of imprisonment who have no need for any other document in order to register to vote are still on the list of persons who can't go near schools depending on their situation. So, if they have continuing supervision related to they're on a sex offender list at a certain level, they can never go near the school unless they're taken off that list or certain other places. So that per se hasn't changed with this situation.

Kim Galvin: Well just cause we're talking more about it I wasn't going to comment on this but, I think the main concern with people, at least that I've talked to is that the Governor's Office has essentially admitted that there are no criteria we can talk about that or whatever, whatever it is they believe it's fundamental right. So, as do most people voting. I think the problem is it's easy to get a pardon and it's hard to get it away. For example, when you have someone that's initially given the pardon, the voting pardon and then they're reincarcerated, that initial partial pardon is not going to be reviewed until that particular person is sent to a state prison and only then will it be reviewed. I think the concern is it's not automatically revoked upon reincarceration. So there's what could be several months of delay where our county boards will have to send absentee ballots to prisons to people to vote that have been convicted of a felony that have been reincarcerated by the time the Governor's Office reviews it.

Andy Spano: If that's true I agree with it.

Kim Galvin: It is true.

Brian Quail: I would like to just add to those comments is that in the guidance that we gave and that is very clear is that if someone who's received a voting pardon is convicted of another felony that would result in forfeiture. The new forfeiture trumps the pardon.

Kim Galvin: When we get it from OCA...

Brian Quail: Yes, which is exactly the same as if they were able to vote yesterday, it's going to take however long that process does which is something I always point out when these discussions come up. Robustness maintenance is very important but we don't have elections every single day. We tend to have elections 2, 3, 4 times a year depending on whether or not some district has a special election whether or not they're primaries or things like that. And so that if all our list maintenance of processes while we try to make them as robust as possible, most of them do not occur in real time. And the Governor's Office was very clear that they were working on a process with respect to the rescission aspect of the pardons and that they would begin sending a list of those and I'm sure they're working to make that process robust also.

Kim Galvin: Commissioner Spano, just to your point, there was an article recently in the Miami Herald about a gentleman that was in Livingston County. He was convicted of strangulation which is a class B felony. He got out in September. He was granted a partial pardon to vote. He has since been reincarcerated for a violation being on the Internet and soliciting people. What has happened is, if you look him up now it says voting pardon issued but his status is incarcerated violation. So Brian is correct, when they commit a new felony and they are

ultimately convicted if they are, OCA will notify us of that and they will be purged just like the same person yesterday is today. The real issue to me and to many I think is the gray area of a parole violation, dirty urine, curfew, on the Internet, whatever, the parole officer picks you up, files a warrant in the local jail, you sit there. Well the Governor's Office was clear that those people will only be reviewed if the ultimate disposition is them being reincarcerated in a state facility. It matters not that they've been violated on parole and are waiting for the hearing. And I think that's where people, about getting it back. If it was automatic revocation upon reincarceration, I think that a lot of people would say, they called from Livingston County, "Didn't he lose it?" No, he didn't lose it but he's going to be reviewed.

Andy Spano: That's a different issue than being frightened every time you go to a polling place and that's what I was addressing.

Kim Galvin: No, I agree. That is a different issue.

Andy Spano: We tend to take, in every situation there are going to be incidents. Every single, I don't care what you mention there's going to be an incident. If you want to take that as proof that there's a problem, go ahead. But we used to send kids to church years ago and they had big problems. And we're still doing it.

Kim Galvin: I agree. Like I said to your other comment, I think it's just been highlighted because of school situations and this issue has risen to the forefront. I said, if people really thought about it you're 100% correct that most people on community supervision are amongst us every day, they could be sitting next to us for all I know. I just think that's the focus of this particular point at this time.

Brian Quail: On the policy point with respect to other behavior, Board of Elections on issues related to schools and poll sites generally, because we have had other issues that kind of alluded to that with respect to concerns about school poll sites when you pull the community in and you have potential of the school population and the general population being in the same space. Most Boards of Elections and most schools now have a much higher degree of sensitivity about designing how they use schools as polling places to ensure safety of the children in schools. And I think that's a credit to the sensitivity of the election community. I think that the public should be pretty confident that the voting process and undertaking schools in a manner that both preserve privacy and the safety of their children.

Gregory Peterson: Well, the reason I brought it up, too, is that you know, as far as our Board is concerned, this could wind up dumped in our lap and I don't think we have any kind of a solution for it. If there's let's say for the sake of argument, and I will use the word sort of loosely, if there's a panic among various superintendents of schools that say, "No, we don't want it" and all of a sudden we wind up with dozens or hundreds of polling places that we can't use, that becomes a serious problem as far as this Board is concerned. And I don't think there's any, at this junction, any way that we can resolve that.

Andy Spano: But my comment, and I agree to what you said and bringing it up that way. But my problem is with perpetuating that kind of attitude and constantly talking about it like that's real in

terms of the danger. The danger is minimal just like it is walking into the supermarket. And I don't think we should look at that issue. This is a real issue about using the schools. So by talking about it in terms of danger we're compounding the issue you're talking about. That's all.

Kim Galvin: People are nervous that's all.

Andy Spano: They're always nervous. If you put a referendum out for streets they want rubber so the kids bounce off.

John Conklin: But the distinction between before and now is the public policy of the state before was that you were not restored to your voting rights until you had served all of your incarceration and been discharged from parole. So if you had met all the qualifications for parole. You had done everything your parole officer had asked you to do and then you were restored to your rights. As far as we can tell, none of that analysis is being done anymore and the restoration of the voting rights has been moved up in the process. When you're out of prison for a month, there is no monitoring showing that you've met all your obligations under parole because you've been granted your pardon when you're out a month.

Andy Spano: I'm not arguing that point. I'm arguing the point about danger that's all. About perpetuating those concepts of terrible things and that's all I'm saying. You're arguing a point that might not be an appropriate policy for voters and what happened in the past. That's okay I can agree with all that. It's perpetuating the concept of danger in the polling places that bothers me because that gets us to the problem that we just talked about, about using the schools.

Kim Galvin: But just so you know that issue is coming up. We're not pushing it down.

Brian Quail: Part of the issue is that people who have been placed on parole and released from incarceration are moving about in society already and yes, they do have other conditions on their parole. But the fundamental "danger" that's presented by someone and that I think has been grossly over stated in the manner that the Commissioner has said, but is that they're able to move in civil society and so the only space that we're talking about is their ability to move into a poll site.

Kim Galvin: Sometimes. Halfway houses, there's a lot of things.

Peter Kosinski: I mean Brian, I think to be fair, it's not about poll sites it's about schools frankly. I mean the concerns I've read isn't that they're appearing the certain poll sites but that they're appearing at schools. And this has been an ongoing issue in the state for a long time about schools being concerned before this. But they're being used as poll sites in this state and I think administrators and parents have a heightened awareness of the vulnerability of the student population in these schools, and allowing people in their doors that they don't know who they are. I mean I know now at large times when you go to your school, you have to check in, you can't just go to the school and walk in the door anymore. You have to go to the office, you have to check in. I remember when my kids were in school; I couldn't just walk in and get them. I had to go to the office. I had to prove who I was. I had to tell them what I was there for and there was a very heightened security measure there because of the students. So I don't characterize

this as a poll site issue, I characterize it as a school issue but, fortunately or unfortunately in New York State schools are predominant poll sites. And certainly upstate and I think even in New York City schools are largely used as poll sites. So I think that's where the issue arises.

Andy Spano: You remember that we supported legislation this year that would close the schools on Election Day which would get this problem solved.

Peter Kosinski: Fair enough, fair enough.

Gregory Peterson: It may come to that.

John Conklin: A lot of the school districts upstate oppose that because it narrows the number of educational days they have available.

Andy Spano: Which is another arbitrary number. Being an educator for over 25 years, I can tell you it doesn't matter a god dam whether kids are in one day more or one day less. (All laughing). Can I say that here?

Peter Kosinski: You just did. Okay. Anything else.

John Conklin: Back to me?

Peter Kosinski: Yeah, I'm sorry John you're still on I believe as far as your report goes.

John Conklin: So...

Gregory Peterson: But you've been rather long-winded, so if you could wrap it up...

John Conklin: So, I'll accelerate it a little bit. Tom already mentioned the tabletop exercises, we were part of that as well. Just we got some good local press for each tabletop exercise that we had around the state. We've also received some good national and international press on the tabletop exercises. We participated in the monthly ECA call in May. We've done 101 FOIL requests in May. The Unit has already been part of the discussions as Kim mentioned, on the Eason lawsuit with the Counsel's Office and IT.

With regard to the website, we've posted the nominations that Tom mentioned for the September 13th, primary. The annual report is now posted. There were some typos I had to fix, it was delayed because of my involvement with table tops but they are now fixed and the annual report is posted. The webcast and the transcript for the May 3rd meeting has been posted. The transcript and the agenda for the May 8th meeting was posted. We'll have an audio file up this week for that as well. The Election Night results page for the federal primary will be posted tomorrow. We will post the certified results that you gentleman signed today. They will be moved to the Election Results page. We received the final PDF for the 2018 version of the law book that will go up soon. At Commissioner Kellner's suggestion we posted the newly adopted automated audit request regulation on the website as well. I think that's a good idea. Previously what we did with the regulations was we had to type them ourselves and then they would go up

on a PDF. Then we found a way to access West Law location for all the regulations, but they don't update them quickly enough. So at least as an interim step, posting what we've adopted is what we've decided to do. So the website Reg that will likely be approved later in this meeting will also go up shortly.

For NVRA we had 7 trainings around the state since the last Board meeting; Albany, Elmira, Buffalo, Syracuse, Glens Falls, Hauppauge and Fishkill. Over 240 people attended those trainings for the Office of Temporary and Disability Assistance. The next training will be in Harlem this week. We have also visited 8 boards for visits; Broome, Chemung, Madison, Orange, Clinton, Franklin, St. Lawrence, and Lewis County. And they were all positive, they were found to be compliant in their procedures. So, Cheryl do you have anything to add?

Cheryl Couser: No thank you.

Peter Kosinski: Okay thank you. Any other questions of John or Cheryl? Okay then we will move onto ITU. William Cross.

William Cross: Good afternoon Commissioners. I'll start with projects; CAPAS-FIDAS the development continues on the EFS both itemized and not itemized transactions, ballot access and data conversion. But as mentioned earlier here, we've had to divert several staff to address the new digital ads application both in creating the short-term solution to meet the legislative requirement for the timeframe required but also integrating that functionality into the fuller project. Since that effort is underway, we don't yet know the impact on the overall schedule but we are adding additional contractor based programmers to hopefully minimize any of that impact. We will be updating the schedule based on the progress of the digital ads as well as we have some timing onboarding the contractors, I'll relate that to you then.

I am happy to report we completed several interviews for the state-based program that we've had a vacancy. Made an offer and that person accepted and starts Thursday.

From NYSVoter as reported last month, we completed the NYSVoter application, it has been migrated to the new infrastructure, continue to work on some tuning around that and adding some additional legacy functionality bringing that over to the new infrastructure and working with the vendor to finalize project deliverables such as documentation and such for that. As been mentioned multiple times, we're also preparing the Election Night reporting system for tomorrow election. Data Center relocation we successfully relocated our entire Data Center putting approximately 100 servers to the new location on May 19th. The move was completed with a minimum of problems and all systems were back online for Monday morning. I'd really like to thank my staff for their hard work in completing both migrations and essentially major migrations, NYSVoter and Data Center back-to-back successfully with minimal problems still in that timeframe. And MOVE, we also continued other develop in-house MOVE applications for the outsourced application. Security, I think much of this has been mentioned already by others, but I'll just throw in our involvement, my involvement in each is I attended all six tabletop exercises across the state. I was happy to see involvement not just from county boards of elections and county IT but pretty diverse group of also PIOs, Counsel, local law enforcement all attended, and we received good feedback from them as well. It seems like everybody has a part

in those efforts. IT also continues to work with the rest of BOE on the implementation and the Secure Election Center including staffing and development of the acquisitions that I think Bob mentioned and risk assessment.

Peter Kosinski: Bill can I ask you a question, I'm sorry to interrupt. Just back to your tabletop. Do you know how many counties in the state BOE's have their own IT unit?

William Cross: Minimal. I don't have the exact quantity but I would say it's a very, very small percentage.

Peter Kosinski: Single digits?

William Cross: Yes.

Tom Connolly: Yes.

Robert Brehm: Single hand, single digits.

Peter Kosinski: So you're dealing primarily with IT units that serve the whole county, don't just serve the Board of Elections.

William Cross: They serve the whole county...

Peter Kosinski: So you found in large part in these tabletop exercises those people also attended your...

William Cross: They did and in many cases, we found out that in most cases they have a pretty good working relationship with their county boards. There were some that came together that had never met each other before and this facilitated communication between them so that was very useful. I think if nothing else between those two parties it really got away from each thinking it was the other's job when something happens. They realized they both have a stake in this and they need to work together and communicate further. I will note in some of even the Boards that have dedicated IT staff, they're at a certain level of IT but then they still draw on the county IT and are not totally separate. They may provide upfront support and maybe a little localized support of that county's boards infrastructure but they still work with a large entity as a whole and I think in all cases both were represented even where they had county board IT, both were represented there. But we had a good mix.

Bob Brehm: Just with the counties, Todd and I had reached out in 2016 to NYSAC's leadership and they were very good to work with to put the word out to the counties from the county chief election board whether they are chief elected or whether they are appointed managers that their IT departments need to work together and help us in this process. We did a webinar in the library with NYSAC reaching out to their members pretty much telling them what are we doing with the grant money, the plan you approved, the tabletop exercises, how we have this opportunity with \$25 million to identify the risks and fix as many of them as possible, train people, and to put together a security toolbox. That we basically need their input on how best to

do that. And I think the outreach, I know the staff also has been reaching out to NYSLGITDA if I could remember what all that stands for, but it's basically the local County, it's the Association of County IT Directors.

William Cross: New York State Local Government IT Directors Association.

Bob Brehm: Whatever that acronym is. So really the partnership is to do the risk assessment and then get this input. How to use this money to improve the situation as much as we can. So it's really a partnership and I think they appreciate us asking them for their views and I think that's helped at the local level. You know when an IT director is busy already, election invites them but also the county leadership is saying go.

Peter Kosinski: Sorry to interrupt.

William Cross: No problem. The acquisitions we're working on as far as Secure Elections Center and risk assessment for each of the counties, intrusion detection systems for the county boards and then a larger effort of ongoing monitoring services for several counties that need it that may already have their infrastructure or even ourselves. BOE presented on the topic of security our election at NYSLGITDA on May 15th. And staff also attended the Multi-State ISAC and Elections Infrastructure ISAC or Information Sharing and Analysis Center open house in May along with Cheryl from PIO.

Website analytics, basically traffic looks normal; a little over 200,000 page views for the month of May which is consistent with April. And IT has been working with each of the program areas within the Board of Elections on the accessibility issues and enumerating website content that needs to be remediated and coming up with a project plan for that.

Peter Kosinski: Is that it? Okay. Any questions of Bill? Okay thank you. And we'll go onto Enforcement, Risa Sugarman.

Risa Sugarman: Good afternoon Commissioners, we've been spending our last several weeks writing our public comment as to the regulations that you drafted to the part 6203. I anticipate filing those on Wednesday. As Kim mentioned, there have been 9 public comments filed in response to the request for public comments and I would request, I have asked Todd and Bob and they have actually Bob said, no, I would request that those public comments be posted on the website. There were 7 from individual citizens in New York State and one from former members of the Moreland Commission and one from Reinvent Albany and I believe that the public has a right to see those public comments before the Commissioners vote on the regulations on I believe August 8th is when you're planning on voting on those. I also would ask the Commissioners to provide for time for public comments or people of the public to come on the 8th and make statements to the Board on that date and I would request time on that date to make further public comments to the Board in reference to those regulations. And if you...

Douglas Kellner: Is that your report?

Risa Sugarman: Yes. If you don't...

Douglas Kellner: You're not going to tell us what you've done in the last month?

Risa Sugarman: That's my report. And if you... may I just finish...

Douglas Kellner: I thought you did finish.

Peter Kosinski: Go ahead and finish.

Risa Sugarman: If you are not predisposed to let me speak as to the regulations I would just like to know that in advance.

Peter Kosinski: Well we'll take those under consideration, your request.

Risa Sugarman: And just let me know if you don't, if you're not going to allow me to speak.

Peter Kosinski: Sure. We will. We'll let you know. Did anybody else have anything else? I had something I wanted to ask Risa if I could before. And this goes to our last, actually the Board meeting of May 3rd. I just reviewed some comments and there was a discussion actually with Commissioner Kellner that you had about the number of referrals that you've made over the past year I believe to district attorneys and the Attorney General. I will just read, Commissioner Kellner asked, and I'll read it from the transcript. "Obviously none of these have been referred to the District Attorney's without going through the Commissioners right?" And your response was, "Well the District Attorney's Offices have original jurisdiction in referral to the AG have gone through the Commissioners." And I was just curious from that response, is your position that referrals to the AG are the only referrals that have to go through the Board? Or do you agree that all the referrals from your unit have to go through the Board whether it goes to the AG or to a District Attorney.

Risa Sugarman: I said that the Attorney General would need a referral and a District Attorney would not. So that if a District Attorney is investigating a matter they do not need a referral from the Commissioners.

Peter Kosinski: Okay. So I just wanted to clarify then and so you agree that if a referral is coming through this office to a District Attorney that has to go through the Board and can't be made outside a Board meeting and the Commissioners vote.

Risa Sugarman: Well I don't know what that means, through the Board. I don't know what you mean?

Peter Kosinski: What I mean by that is there would have to be a formal request brought to the Commissioners to make a referral to a District Attorney on a matter that's been investigated by this Office.

Risa Sugarman: I don't know that...

Peter Kosinski: Let me just finish. And that at that point a vote would be taken here at the Board and if there's a tie, of course, you can participate before that referral would be made to the District Attorney.

Risa Sugarman: I don't know that if a District Attorney asks for my assistance that that would be accurate.

Peter Kosinski: So you're distinguishing between and District Attorney asking you for something as opposed to you sending them something? Is that the distinction?

Risa Sugarman: I don't know whether that's, I mean if a District Attorney is conducting a grand jury investigation, and asks for my assistance, I don't know that they have to go through, there has to be a referral from the Board.

Peter Kosinski: No, I don't think that's what I'm referring to. What I'm referring to is if you are...

Risa Sugarman: If I initiate something and conduct the investigation...

Peter Kosinski: Correct.

Risa Sugarman: ...through the through the division that I believe would go through the Board.

Peter Kosinski: Okay. I just wanted to clarify that because that wording I wasn't sure exactly what...

Risa Sugarman: But if a District Attorney is investigating something through the Grand Jury...

Gregory Peterson: They can always do that.

Peter Kosinski: No, I agree, I agree DA's have original jurisdiction in all these matters. I don't disagree with that but the way you responded it sounded to me that maybe... your position was only referrals to the AG go through us.

Risa Sugarman: No, if I am conducting something through my division and the District Attorney is not investigating through the Grand Jury, I don't have the authority just to send it.

Peter Kosinski: Okay I just wanted to clarify that. Okay alright. That's all. Anybody else have anything for Risa? No. Okay. Then that completes the unit reports for today and now we'll go under old business. Unless anybody has anything else they want to bring up before we go to old business? No. Then we will go on to old business and old business today is the adoption of Part 6215 of our Rules and Regs relating to Candidate websites I believe this was in response to a piece of legislation that was adopted earlier. And this is final adoption I believe that we're entertaining today. This has gone through the hearing or through the review process and have there been any comments that came back on this one?

Brian Quail: No comments.

Peter Kosinski: No comments at all. So today's action would be a final adoption. Is there any comments, motions?

Douglas Kellner: I move that we adopt the regulation.

Gregory Peterson: I second that.

Peter Kosinski: It's been moved and seconded that we adopt. All in favor? (Chorus of ayes; 4-0) Opposed? So those are adopted. And they are in final form and they will be put out accordingly. So that completes our old business unless there's any other old business somebody wants to bring up. Okay seeing none we'll go on to new business.

New business, the first one today is our prima facie ballot access rulings, and this goes to the I believe statewide candidates that were filed here I believe Tom alluded to this earlier we had a number and in front of us we have one recommendation from the staff. There's a prima facie defect in a nomination that was filed here a designation that was filed here for New York State Attorney General and that was on the Reform Party line that was for Preet Bharara and the recommendation is to make that invalid due to the lack of an acceptance of that designation.

Andy Spano: So moved.

Gregory Peterson: Second.

Peter Kosinski: All in favor? (Chorus of ayes; 4-0) Opposed? So that the recommendation by the staff is adopted. And there's no other prima facie rulings that are coming before us today so we will move onto our second item which is an Opinion on charitable trusts. This relates to a charitable giving fund and this is an Opinion, an Advisory Opinion relating to the legality of a campaign committee giving their money to a charitable giving fund and the authority to do that. Is there any discussion about this proposed Opinion? No discussion. Is there a motion to adopt?

Gregory Peterson: I'll move that it's adoption as it has been revised.

Peter Kosinski: As written? Is there a second.

Andy Spano: I'll second.

Peter Kosinski: And all in favor? (Chorus of ayes; 4-0) And opposed? So that is adopted as well.

The next is an Opinion on childcare. This is an Opinion and it relates to the ability of a candidate or an office holder to use their campaign monies for childcare purposes.

Douglas Kellner: So this Opinion was prompted by the recent revision of the policy by the Federal Election Commission to allow campaign committees to expend funds for childcare

where it's reasonably necessary and related to the campaign. New York, we issued an opinion before our time in 1987.

Peter Kosinski: Before your time, I was here. (Laughter...)

Douglas Kellner: Right. That puts childcare expenditures in the category of "personal use" which is prohibited by the statute. And I think that the time has come for us to follow the Federal Election Commission and reverse that policy. Now as to the details however, the devil is always in the details. I think that we could all agree that if someone is incurring babysitting expenses so that they can go out campaigning that's a legitimate campaign expense that they would not otherwise be able to campaign without that. But New York...the statute ties both "campaigning" and "for use in public office" in the same phraseology. So you have the additional problem then of, well if it's okay to pay for your babysitter to go to a campaign event, is it okay to pay for childcare while you're performing your public office? There are many out there who say yes, there are many who say, we'll wait that's really an abuse because public officials will then be able to go out and raise money to pay for their childcare. And I think the Opinion is a good one and I support it but I think what we should do is instead of adopting it at this meeting, that we should put it out for public comment and see what the public reaction is and whether there should be some finer distinctions added in the Opinion than what we have drafted here.

Peter Kosinski: Okay I just have a couple comments if I can then before we, was there ever a request, was there like a formal request made of the office to issue this Opinion?

Douglas Kellner: Not a formal request but several legislators contacted me immediately after the FEC ruling and asked that we follow the FEC.

Brian Quail: We also did have a phone call that Nick fielded from a treasurer who did ask the question....

Peter Kosinski: Because typically I think in these [Election Law Section] 14-130 "personal use" area we issue opinions based on a formal request made by somebody which delineates what the situation is and then we respond to that. I would note that the federal opinion that's being cited and I've read about it, it's in the paper, it's actually a candidate here in New York a congressional candidate here in New York, I guess, that asked, and the opinion talks to the specific circumstances of that particular candidate. I mean for example, that candidate was the caregiver in this situation apparently. They go on, the request explains, "You are the full-time caregiver for your young children and because of your campaign activity you'll incur expenses for part-time or full-time childcare." So, it really goes to a specific circumstance where this candidate was the full-time caregiver is now a candidate for a congressional office, wants, I'm guessing, to go off campaigning and would pay for the caregiver because they'll no longer be able to do it. So, it sort of is a "but for" test, "but for" that campaign they would not incur those expenses. Fair enough, but the Opinion I think rests on those facts that were apparently delineated in the request made to the FEC. That's not what the Opinion that's before us here today does, it really gives more of a generic view of the statute, looks at the language in the statute and then makes a conclusion based on that. Personally, I'm more comfortable with

looking at it in the context of a specific request that lays out a set of facts and then respond to those facts, trying to draw from those facts as much as we can as to how this would impact people in at least a similar circumstance if not exactly the same. I'm okay with putting something out but I want it out there that my concern is I don't want us to be opening up this to just people's interpretation and it's just okay to have childcare under any circumstances if you happen to be a candidate or you happen to be an office holder. I think that it should be determined by the facts. I think the way this Opinion is crafted for example that's before us today, it talks about that you have to have a direct relationship between the campaign expense and the childcare. I agree with that because I think that's always the case when you're looking at a 14-130 analysis, but I don't think the Opinion helps very much in determining when does that occur? When is there this direct relationship? That's what I think people want to know. I think in the case of the FEC opinion, they gave a very specific idea that this happens when you're the caregiver, oh. now I have to campaign and I can't do the care giving anymore, somebody has to do it, I'm going to pay for it out of my campaign account. Okay, "but for" your campaigning you wouldn't have this expense. That makes sense to me but I think to do it a more just generic, there has to be some direct relationship. Well that's the general rule.

Douglas Kellner: Well Peter how about you're the primary caregiver, you run for the Assembly and you're elected to the Assembly. And now you have to go to Albany 3 days a week for 6 months a year. What's the rule?

Peter Kosinski: Well I think that's a good question. That's a legitimate case. I think there "but for" the fact that I got elected and I used to be home watching my child and now I'm going to Albany instead, there's an argument to be made "but for" my holding of office I would still be the child's caregiver. I would not have that expense now I do. There's a legitimate relationship between my office and the child's care giving needs.

Douglas Kellner: I think that's good. I'm all for it. I think it's just a question of articulating it so that we can give some guidance to people of what's okay and what's not okay.

Peter Kosinski: I do too. I mean I'm all in favor of giving guidance I think that's what we should do as a Board but I just felt this particular, first of all the way this one came up to me was unusual. There were no specific requests. There's just a general request, could you do something since the FEC's done something? But again, I think if you read the FEC it is based on a very specific request in a specific circumstance. Fine but that doesn't mean we're going to follow it rote but it also doesn't mean that we're just going to open it up. So I'd be more comfortable if we had a specific request. But if we're willing to go out and do something in this area, I still would like to delineate it better as to when we think the direct relationship is necessary actually occurs. Not just say you need a direct relationship. That to me is open to too much interpretation and I think the point of our opinions is to try to define for you what is that direction relationship? So I know as an office holder or candidate have I met the criteria that the Board's looking for to determine this is direct and direct enough to warrant my use of campaign money.

Gregory Peterson: Some of that will probably come back in public comment I would think.

Douglas Kellner: It sounds good to me. I think we should do that.

Peter Kosinski: That's fine and I agree. And Risa wants to comment.

Risa Sugarman: Yeah I just would like to call your attention to subdivision 6 of 14-130 which says "the State Board of Elections shall issue advisory opinions upon request regarding expenditures that may or may not be considered personal use of contributions. Any formal or informal advisory opinion issued by a majority vote of the Commissioner of the State Board shall be binding on the Board, the Chief Enforcement Counsel established by subdivision three-a of section 3-100 of this chapter, and in any subsequent civil or criminal action or proceeding or administrative proceeding." So I would say that your suggestion that it be a specific request is in line with what the statute would require.

Peter Kosinski: Well I think we have a specific, at least the way I understand it, we have a request. It didn't come in writing apparently but we did have a request. So I'm not arguing with that really. We do apparently have a request. As I said, I'd prefer something that was more detailed maybe so we could respond to that.

Risa Sugarman: Well its says that requests regarding expenditures that may or may not be considered. I think that it would be better, as you say, that it go to the specifics of like it did in the FEC request.

Peter Kosinski: Fair enough, and I do think that if we do issue an Opinion here we should delineate it more than the one that's in front of us is delineated as far as what type of circumstances we think warrant this kind of treatment rather than just saying, as long as you have a direct relationship it's okay. I don't think that's enough. I think that's what the statute says in essence but I think the statute has tried, which it never did in the past, to delineate much more specifically when the legislature's determined this is a legitimate direct relationship, it used to be just very big now they've delineated it a lot more which I thought was a very helpful thing to do but I think we should be doing the same. And I think it would be better if we delineated better in this opinion.

Douglas Kellner: Good. So I move that we put this over to the next meeting.

Peter Kosinski: Okay alright and any disagreement with that or anything else? Okay. Then we're done.

Douglas Kellner: Post the first draft and then revisions.

Peter Kosinski: I'm okay with that, but just know, if you bring it back I'm looking for more specifics.

Douglas Kellner: And I agree with Commissioner Kosinski's comments. So maybe you want to look at another draft, well you can post this one and then post another one too if you have, if the two Counsels agree. I don't see a problem with you posting drafts.

Peter Kosinski: Okay I believe that's the end of our agenda unless there's something else somebody wants to bring up?

Douglas Kellner: When's our next meeting?

Peter Kosinski: I believe I've already set it at August 8th. I think we have to do it that day right. We're pretty tied into that August date today. Okay so that will be our next meeting date and is there any more business to come before the Board here today? If not, I'll entertain a motion to adjourn.

Douglas Kellner: So moved.

Peter Kosinski: All in favor? (Chorus of ayes; 4-0) Opposed? We're adjourned until August 8th. Thank you.