

Douglas Kellner: Alright. Well good afternoon everyone, welcome. My name is Douglas Kellner, I'm co-chair of the Commissioners. I'd asked the other Commissioners to introduce themselves.

Jim Walsh: Jim Walsh

Gregory Peterson: Gregory Peterson.

Andrew Spano: Andy Spano.

Douglas Kellner: Would the staff identify themselves please?

Bob Brehm: Bob Brehm

Bill McCann: Bill McCann

Cheryl Couser: Cheryl Couser

Joe Burns: Joe Burns

Tom Connolly: Tom Connolly

Kim Galvin: Kimberly Galvin

Todd Valentine: Todd Valentine

Douglas Kellner: I see we have two guests

Aimee Allaud: Aimee Allaud, League of Women Voters

Douglas Kellner: Welcome to everyone. The first item of business is the approval of the minutes of the May 22nd. We have the minutes for the regular meeting and we also have minutes for the Executive Session and each was revised from the initial draft that was circulated right?

Jim Walsh: Moved for approval.

Andrew Spano: Second.

Douglas Kellner: Those in favor say aye

[Chorus of ayes]

Opposed? The minutes are adopted.

We'll have the unit update reports. We'll start with the Co-Executive Directors Bob Brehm and Todd Valentine.

Bob Brehm: Well it's certainly been a busy time since our last meeting. Certainly for the people watching our webcast will see that there's not a full group of people here. We've had a number of people leave us for other job opportunities, for retirement, also so people aren't worried, Anna is not in the room today because it is also petition filing period so she is out keeping us afloat with a number of other staff members because it is very busy doing that this week. We've had some information, as you know, we've talked about the statutory changes in the budget that were adopted back in March and we had submitted a staffing plan to the Executive Chambers how to deal with things, that was approved we learned a week ago Friday so we have been busy working towards that plan for some months but now that the plan is actually proved, we are proceeding to deal with the structural issues in the office. We'll have to update you on the specs etc. but basically for the people to understand the plan was to take what was left in Campaign Finance Enforcement since we created an independent Enforcement Council Unit was the Compliance Unit and combined it with the Council's Unit. So we've all been multitasking anyway on a number of projects, but now we're moving full steam ahead with the planning submitting and recruiting the people to fill those jobs. So consolidating the office, as we have approval now to fill six auditor positions, in a Phase 1 and four Compliance Reviewers in Phase 2 that we will have to have further discussions, but when we get to Phase 2. I don't want to make it sound like it's an automatic approval, but at least that was the plan we submitted and that's what we're working towards.

Also, I know and these touch on a number of different units, but we did get the decision in the Hispanic leadership that came down, we've been chatting for having outside council and a lot of people think that outside council helps us with that. It's taken a lot of people, a lot of in-house people as well as yourself since we've had to reach out to you since you've been sued, not the Board on that case, so that's still an issue that is probably something we'll have to discuss in Executive Session maybe. But Dave Loomis is not here, that's an important position. Dave took a position that was an advancement for him. We are both sad and happy for him, happy for him, sad for us because I think he's been a great help to the agency. We looked at a lot of people to recruit him and he was a very helpful person to us in so short a period of time. But he left the State Board to go work for the State Office of Information Technology and a different cluster. So we wish him well. He has a transition team with us. We are actively canvassing the list for his replacement. We will be doing interviews. They will help us to do that and he's also helping to marshal the projects in addition to his new work during that transition period.

Jim Walsh: Is someone temporarily replacing him and if so, whom?

Bob Brehm: We've had that conversation with the person who heads up our General Government Cluster and they had identified a person to serve as a Project Manager to fill

that gap. That person has since applied for some other state job, so they are still trying to find us that interim help. Right now, we're working in the in-house staff and with Dave and with Adam who is the General Government Cluster. So there's a lot going on but so far we're managing. We're not at a point yet where I think we're at some crisis but there are a lot of projects happening that Dave put into place. The start of the NYSVoter Refresh and we voted on spending the money to get the technical help on board and the contracts have finally been signed. I did sign them three times, but I think now this third time really worked. And we have our kickoff meeting starting next week with some of the business rural development for the NYSVoter Refresh Program.

Dave also had been pushing through on the Candidate Management Campaign Finance Filing System Refresh Program funded in the budget and what we had been asking for in the initial planning was that Project Management Technical support so Dave, one of the last things he did before he left us was to make sure we made that support hire using that out of the 1.1 million that was in the budget for the General Government Cluster. So he made that recommendation, so that kickoff we now have to plan. They wanted to also do it like next week. So it's difficult. We're happy we finally have the resources to do the work. We're happy they're coming onboard, the difficulty for us, it would have been easier for us to deal with it say in February because most everybody in the building is going to be very busy with petition filing challenges and also the July 15th periodic reports that are due. So a lot of people are working on a lot of things simultaneous to be ready. There might be a slight delay in that initial kickoff, but it's to be expected just considering that we're starting it in the month of July. But I think we're, generally the staff have been doing a great deal of work juggling a lot of new programs, being responsive to requests from the public and also getting ready for Compliance Reviews and Public Finance and Independent Expenditure, and all of the other projects that we're working on. I think we should give him a lot of credit for that.

Todd Valentine: Yeah it's just a busy time of year, July is a very busy time of year and we've probably started more projects than we'd like at this time of year but we have to start when we have the resources and approval so we will forge ahead.

Douglas Kellner: Alright and then we'll have the legal report from Kim Galvin.

Kim Galvin: Thank you Commissioner. There's really not much to add to the written report. The Co-Executive Directors have pretty much covered it all. With the new reorganization, I've started to get myself acclimated into the compliance arena, so a lot of learning to do there but basically I've just been, Paul's not here, just been reviewing the paperwork, answering the regular calls that are busy this time of year. It's a brave new world here.

Douglas Kellner: Well I would just like to add that we had what I regard as one legal victory in the litigation in Nassau County where the judge refused to sign an order to show cause that would have altered the canvassing procedures used by the Boards of

Elections in that congressional contest. And I want to thank my colleagues again for the bipartisan support to oppose those kinds of requests that come from the Election Lawyers and I hope we can continue on a bipartisan basis to stick to that policy that we will oppose requests by election leaders that would alter the statutory scheme for canvassing ballots.

Kim Galvin: At least they let us know now.

Douglas Kellner: So I want to thank you. Yes.

Todd Valentine: I know you're saying opposition, but it was also a recognition to accommodate that there's a need to preserve the record and that we have to work...it was a little bit of both and that the judge actually recognized that was crucial that there are both sides to that. That yeah we want to keep going forward but there was also a right for the litigates to preserve the record in the event that they wanted to pursue their talents which they also have a right to do.

Douglas Kellner: Okay but thank you. So next is Election Operations. Joe Burns.

Joe Burns: Like Bob said Anna is out handling with everybody else from the Unit the petition filing which is going on right now and she told me that she sends her regards to everybody. Other than that, you have our report and that's all we have.

Douglas Kellner: Public Information, John, actually Tom.

Tom Connolly: Thank you Commissioner. As it says in the Unit report we have been busy with inquiries about the Congressional Primary Election and also the filing period that's going on right now. In addition to that, I just want to recognize the efforts of a lot of the staff here with regard to the election night reporting that was done for the Congressional Primary. It was different than what we had done last year where it was just basically yes and no for the ballot propositions. It was a little bit more complicated this time with the various races so I think that the IT Department really did a great job. We were here late on election night but we had far fewer problems than I think we had last year, not that we had very many last year so I was very happy a lot more of the counties were involved in the process and I think that from a Public Information standpoint getting the information out to the public worked out very, very well.

In addition to that, we've been posting some stuff on the website like the filings that have been coming in, so we've been handling that and the requests. We did post the proposed amendment for the Emergency Regulation which will be for later discussion for the public to review. We did put out a press release upon request from Campaign Finance for the upcoming filing deadline of the 15th. And we will be working with the counties who did have Congressional Primaries with regard to the MOVE ACT surveys on the

ballot that they received back from the military and overseas voters and whether or not they were counted or not and if not why.

And then lastly, I did send out an e-mail to our colleagues in New York City and some of the advocacy groups down there about the language translations for the ballot propositions that will be on the ballot this coming fall. This one is more specifically with regard to the local talent that's used for the recording of the BMD devices. There was some concern last year with some of the accents or the pronunciation of the language that was used so I requested our vendor to provide us with some voice samples for each of the different languages. So, I've disseminated that to the people who would be most impacted by it so they can give us a feedback ahead of time so that when it comes time for recording the audio, hopefully we'll have nice clear audio recordings.

Douglas Kellner: Alright. Any other questions. And next is Campaign Finance Compliance, William McCann.

William McCann: Thank you Commissioner. Just a couple of updates that we usually provide. As of July we're holding steady at over 14,000 filers. We're still working with our Admin Office as one of our multiple projects on the phone system going forward to look at what our options are to have a new system that would give us the metrics that we used to get under the old system. But that's one of our multiple projects that we have in the pipeline but I have nothing to report new on that other than it is in the pipeline.

And as you mentioned, we are working on the transition to the Compliance Unit which are now in place, a lot of logistics, I won't go into that but one of the things specifically that our crew is working on is the compliance reviews. We will ultimately have more staff and then transitioning current staff to do those compliance reviews as well. So that's a little bit of a learning curve there for staff that may have not previously participated in that but Audit is working on the procedures on how to do those compliance reviews and we will be kicking that off with the July filing which is on us. So that will be a big undertaking. It's also very IT intensive trying to figure out what items we can have assistance from the computer if you will, to identify shortcomings in filings and then there are other things that the computer can't tell you which somewhat would have to look at specifically.

So, we're working on that right now as well as our pilot project for the Comptroller's race and also Independent Expenditure. So those are a lot of plates in the air that we're juggling but it's all pretty much the same staff. But the staff is doing a yeoman's job on that and it's progressing. So I know we'll have some hiccups and things but we're doing the best we can.

Douglas Kellner: Good. Did you deliver the report for Information Technology?

Bob Brehm: Well I think mostly. I mean we have a number of projects that they are working on. I know in addition to what we had scheduled for them to work on, certainly the initiative for the Independent Expenditure and Public Financing had to go to the front because they were statutorily required and they had a June implementation date. So since Independent Expenditure was first, it went to the front of the line, plus the Statute for Public Financing that at least gave us some kind of an out to the extent that it could be done electronically. So, we are now at the Public Financing. So Independent Expenditure works, we met the deadlines, everything is fine. There's little tweaks along the way as far as supporting people filing and people using it to file.

The Public Financing I think we're not far off of what we had targeted for having the computer programming read. Staff had met with the stacks, the IT people prepared the programming and then we're going through a series of test protocols and as we get a little further into the testing, there are some feedback that's going back to the IT people to correct and come back so that we can get to the next level of testing. So I think we're comfortable that we are proceeding with the level of testing and back and forth even though Dave's not here, the rest of the staff is busy working with them and the support of the staff from IT outside of the building. They continue to work on it. So we would have liked it to have been ready by now but we don't have an applicant today. We don't have an expectation of tomorrow, but even if we did, I think we'd be pretty comfortable that we're getting, we're pretty close to it but considering how many things were juggling at the same time, Compliance and all the other programs, you know Compliance starts on Monday also, so I think we're pretty comfortable that we're at a place. We've designed a system that isn't, if we had more resources and more time we would have certainly done it differently but I think we're pretty comfortable where we're at. We've had outreach with the one candidate that had expressed, I mean we're monitoring how many, if anybody creates a comptroller account that we can at least do outreach. So we have two comptroller accounts. We have outreach. One has said, "No, I don't plan on participating" and one says, "I hope to" or "I plan to." So we continue to do outreach. we have a third comptroller candidate so I think we'll just try to do outreaches to make sure that if they have any questions we know to plug them in with staff that could answer their questions so that we're not racing until the end of that period.

The reminder is the deadline to complete the form that we have posted on the website is August 1st which is their intent, the expectation that they want to participate. That doesn't bind them to anything. That doesn't mean that they have to be fully meet all the requirements by August 1st, but they at least have to tell us that they want to participate. We can assign staff to them to answer any questions that they have which is important so that we all can be prepared and help them to the extent we can. But if we get to August 1st and we have no one, we can adjust also, but I expect we will have someone, at least one.

Bill McCann: Plus, at this juncture, with no primaries anticipated the earliest that any money can be paid out is September 10th. So we have the benefit of that as well for project development.

Kim Galvin: But the one candidate that has indicated that they may participate has been advised of the August 1st deadline for the certification to participate as well. So there's no surprises there.

Bob Brehm: Yeah we're just trying to make sure that everybody, even if we go back and, it's not to nudge them, it's just to make sure that there's no, they weren't expecting something and they were waiting for us to answer them on anything. So then that I think we're making progress on all those programs.

Douglas Kellner: Okay. Next item on the agenda is under old business is to amend the Emergency Regulation part 6200.10, Disclosures of Independent Expenditures. We have the text and it has been posted on the Board's website. I want to emphasize for the public who may be watching that this particular text is just to correct effectively typos that were adopted last time. The Board is still actively reviewing the public comments that have been received and the regulations are still a work in progress. Is that accurate Todd?

So those in favor of the proposed amendment say aye

[Chorus of ayes]

Opposed? I don't believe we have any new business. So we'll entertain a motion to go into Executive Session to discuss personnel, the enforcement cases and maybe we'll discuss pending litigation. Those in favor of going into, and our next meeting is August 1st. So those in favor of going into Executive Session say aye

[Chorus of ayes]

Opposed? And it is possible that we will come back and do one piece of business because I think we have to vote publicly on the personnel after we've had the discussion. But that's all if we come back. So with that we'll go into Executive Session and thank everybody for coming.

We're on the tape.

Kim Galvin: I'll be cryptic. So we'll amend the determinations to reflect what we discussed and then we'll enter them that way?

Douglas Kellner: Yes

Kim Galvin: Okay.

Douglas Kellner: Okay so we have one personnel resolution that

Whereas there is currently exists a vacancy within the State Board of Elections in a Council position since September 26, 2013 due to the recent retirement of Elizabeth C. Hogan and whereas Kathleen O'Keefe has indicated a willingness to serve as Co-Council, now therefore be it resolved that Kathleen O'Keefe be and hereby is appointed Co-Council effective July 9, 2014 with a start date to be determined.

Those in favor say aye

[Chorus of ayes]

Opposed? There be no further business we are...

Bob Brehm We do have to deal with the cases.

Douglas Kellner: Okay so Kim would you do the honors of explaining what we've agreed in Executive Session?

Kim Galvin: In Executive Session I believe that we agreed to accept the recommendation of staff on all of the items not discussed, all recommendations except for 12-32 and 14-30, accept the recommendations of Council and the other two 12-32 and 14-30 will be modified and closed as discussed.

Douglas Kellner: Those in favor say aye

[Chorus of ayes]

Opposed? So there be no further business we stand adjourned until August 1st.