

Douglas Kellner: Good afternoon. My name is Douglas Kellner, I'm Co-Chair and I call the meeting to order. I ask the other Commissioners to introduce themselves.

Peter Kosinski: Peter Kosinski.

Gregory Peterson: Gregory Peterson.

Andy Spano: Andy Spano.

Douglas Kellner: So the first item on our agenda is as the Board of Canvassers the amended certification of election results for the April 19th special election in the 59th Assembly District. Why are we amending the results?

Bob Brehm: There was an amendment, it wasn't much of an amendment from the City Board of Elections to the 59th Assembly District. I don't know why.

Douglas Kellner: The City Board sent us an amended certification so we have to amend the state's... Everyone is in agreement?

Peter Kosinski: Did it change the results at all?

Bob Brehm: No, the same people won. It was minor numbers that changed the official signing pen.

Douglas Kellner: I guess we already sent them the Certificate of Election. Alright so then we proceed to the regular meeting of the Commissioners of the State Board of Elections. First item...

Gregory Peterson: Just one item before we start the meeting just as a remembrance of a fine gentleman who served so many years on this Board, as a matter of fact twice, Jim Walsh passed away just recently after an illness and I served on this Board with him for the seven years I've been here and one word can describe him that is gentleman. He was a gentleman in every sense of the word. If you had a difference with him, he never raised his voice but he always made his feelings known and was upfront with everything. He was an honorable man and sometimes in this business and especially business in politics which he was involved in all his life that's a high compliment for anybody that's involved in the business to be able to say that. But he was in every respect, he needed that title honorable in front of him because that really described him. And it was a delight working with him. Every time I came up here I looked forward to seeing him. He'll be greatly missed by those who knew him.

Douglas Kellner: I second your comments that he was a credit to our agency and I also found that it was a privilege to work with Jim Walsh because he did have high principles and stuck to them.

Peter Kosinski: In that same vein I'd like to mention also we lost Tom Wallace in the last month since our last meeting. Tom was here for many years. I don't know how many people here actually knew Tom, he left here a long time ago but he was the original Executive Director of the State Board and he hired me back in 1990. Another great guy. Very honest, honorable, well-respected person in the election community for a lot of years. He was the original Executive Director and lasted from 1974 when this agency was created until 1992. It was a long tenure and served very honorably as well. So Tom passed in the last month as well and for those who remember him and those who don't I'd just like to mention that as well.

Andy Spano: I didn't get a chance to know Jim. I had like 3 meetings with him but in those 3 meetings he certainly exhibited those qualities.

Gregory Peterson: A real gentleman.

Peter Kosinski: He was. I knew Jim as well and served here with Jim. I think Jim had 2 tenures. He actually served I think in the mid 90s and then got off and came back in the 2000's and I had the privilege of serving with him back then as well. Jim was all of that.

Douglas Kellner: So we pause for a moment of silence in memory of Jim Walsh and Tom Wallace. Well thank you very much.

Alright so then we'll go to our agenda. The first item is approval of the minutes of May 4, 2016. Is there a motion?

Andy Spano: So moved.

Gregory Peterson: Seconded.

Douglas Kellner: Those in favor say aye.

[Chorus of ayes] opposed? The minutes are approved.

We'll go on with the unit updates. Our Co-executive directors Robert Brehm and Todd Valentine.

Bob Brehm: We have the good fortune to give a few reports. I don't know how you will want them. We were giving the IT report also and with John being sick and Tom having an appointment outside the building, we're also giving the NVRA/PIO report.

Kim Galvin: You can have ours too if you want.

Bob Brehm: A number of items that we've been working on for the agenda and getting ready for petition filing this week. I think we've had some, we the agency had gone to New York City on June 20th to meet with them to review the voter list maintenance

issues. They had just restored the Brooklyn for people that had, in their view, been inappropriately purged. We continue to monitor what they're doing. This would be the third week that we have, over the weekend, done the synchronization of our systems. We did pick up their list maintenance procedures, reviewed them, we're going to get that to them with any comments we have about them and I think there will be some. But mostly, we need to work I think with regard to the ongoing audit that we do also to be able to see where things are not gelling the way we expect them to. The audit that we did have wouldn't have picked up these items in this instance so 1) we want to make sure that we all understand and have a good understanding that the inappropriate purge won't be continued, and that we also look at additional reporting elements that we need to develop as we're working in-house to find a better way to do that so we could add them to our audit to make sure that we detect earlier if something is not happening as appropriate. So one whoever was inappropriately removed, we worked with them to make sure that those names were restored early enough in the process because it would be with the June primary, with petitioning it would just continue to be a problem in other parts of the election administration world. So those steps had happened and we continue to work to make sure that the ability and the City had turned off, they informed us that they had turned off the ability of the staff to have made the AdHoc purges in the first place. So at least we think we're at a good temporary, while we continue to review and monitor the long-term picture with them. And certainly, we do a synchronization of the, a four synchronization of the system every weekend. On Tuesday the State Board gives a report to the City Board as to what the counts are so that it could review to see if for whatever reason they think that the counts are not what they should be. So at least that will be going forward to make sure that we stay in the sync

Kim Galvin: And just to jump in on that. I might as well say it now that the Department of Justice attorney's will be here on Thursday here in this building to discuss that issue with the State Board as well.

Bob Brehm: So that was our meeting with them on the 20th. I thought it was a very helpful meeting. We talked about a number of items with the City. One of them was the NCOA changes but also we talked a little bit about the annual mail check. Friday Todd and I had a call with them on the mail check issue. The statute was changed, I think its chapter 44 of the Laws of this year one of the 3 chapters that were assigned at the beginning of the year.

Todd Valentine: Right. That allows them to take advantage of lower postal rates because it does no longer require specific statutory rate endorsement. They're allowed to use an endorsement that's equivalent to that so that they get the returned mail but by changing the statutory language it allows them to take advantage if its economically feasible of a nonprofit status rate so its cheaper to send out but it can cost you more to come back. So that's what we went over the City Boards with so they can look at that analysis whether it's cost effective. A few Boards take advantage of it. But this was the first time they were looking at it.

Bob Brehm: When NVRA was adopted, National Voter Registration Act it allowed for nonprofit mail. Our statute required first class mail. So there really weren't a lot of economic incentives to use the nonprofit for County Boards. In statute was language that required first class mail for the annual mail check card to go out and an endorsement that would 1) make it not forwardable and 2) that there would be return information to the Boards of Election to do list maintenance. There is a category under the nonprofit of an endorsement. Well first of all, the US postal service no longer uses the statutory required endorsement. So a County Board couldn't comply with the law without being it being changed.

Peter Kosinski: What's this endorsement you're referring to?

Bob Brehm: That's the word you put on the documents that tells the post office how to handle it.

Todd Valentine: Do not forward, return service requested.

Peter Kosinski: So that's in our statute but the post office no longer recognizes those words to mean anything.

Todd Valentine: They haven't used it in their manuals for years. They've been treating it as such but under the statute, this didn't jive with the actual postal service requirements.

Bob Brehm: So the proposal that we had made was our program Bill 16 this year, the legislature adopted it. The Governor signed it and it took that word out but it required that we identify, we the State Board, the equivalent of it. So we provided the equivalent word to the Boards of Elections to what is nonforwardable that would return that. I have to say unfortunately, I didn't bring that.

Peter Kosinski: So the point here as I understand it is to make sure that if they send a mail check to the voter and the voter has moved, it doesn't get forwarded to their new address, it's kicked back to the Board and so now the Board is informed this voter has moved?

Bob Brehm: It still gives the Board, the item that's different under the law and it might not make sense for every county to use the program. If you mail out first class a postcard, I don't know the postcard rate, say it goes \$.30 as a post card rate, its not forwardable with the correct endorsement and for free the County Boards get back the information, the forwarding order on record, they've moved, here's an address. So it costs more to go out, free to come back. Under the nonprofit it costs less to go out but you pay a premium for everything that comes back. The City's estimate to us on Friday was it would save half a million dollars paying all the cards to go out at the cheaper rate and the higher premium for everything that comes back. And that's the same, I think 23 counties have indicated to us in one way or another that they're looking to do that this

year. So it will allow the list maintenance that's required by the statute to continue and the counties a little bit of savings and the notices to go out. So that we continue to monitor, look to see if we've had that positive effect to allow the notice to go out under the way the post office processes it and have a substantial savings to the counties that they can use for other purposes.

One other item, yesterday I was I guess the only non-lawyer to get to go to Federal Court yesterday because I was the one that signed the affidavit for the Attorney General Staff that was representing us in the Libertarian Court case Mersa V. Spano and it was a hearing on the preliminary injunction, John Schwartz and Eva Dietz for the Attorney General's Office represented us. I thought John did a great job making the argument of the election process being well underway and for this to be a last minute change that will create a significant disruption to the election process.

Peter Kosinski: Can you explain a little bit about the case?

Bob Brehm: The case for Libertarian is they want to have the requirement that a witness to a designating petition New York be a registered voter in New York State. They want them to be...

Peter Kosinski: Is that a designating petition or an independent petition?

Bob Brehm: Independent petition.

Kim Galvin: They want to do away with that requirement.

Douglas Kellner: They argue that the residency requirement for petition witnesses is unconstitutional.

Kim Galvin: So they wanted out of state circulators to be allowed.

Peter Kosinski: This would not affect designating petitions, only independent petitions?

Bob Brehm: I believe its only 6140 of the Election Law that they were asking for the challenge to be ruled. But that would be both federal and state independent petitions. So the judge reserved yesterday and I did not need to testify but I was available for that.

Peter Kosinski: Are independent petitions out?

Bob Brehm: Today is the first day for state and local independent circulation and we're in the middle of the federal petition. It started June 26th?

Brian Quail: June 21 or 22.

Peter Kosinski: We're in the midst of the congressional petitions being out and the state petitions just starting?

Bob Brehm: The federal petitions are due back on August 2nd. So I think of the 6 week period we're right about the midway.

Peter Kosinski: And then the state ones are due August?

Todd Valentine: 23rd.

Bob Brehm: 6 weeks from today.

Peter Kosinski: Who was this in front of?

Bob Brehm: It was Judge Johnson, I don't know...

Peter Kosinski: Was that here in Albany?

Bob Brehm: No Sterling Federal in Brooklyn.

Peter Kosinski: Brooklyn gotcha.

Bob Brehm: Also, I had the opportunity to go down June 28th for the Federal Primary to view the polling sites. I made it to 16 sites within Brooklyn, Bronx and Harlem and get back here for the end of the day election results, so I thought was an accomplishment. And it was nice because the City Board has hired a group to update their training manual and to also do a different training program for all the inspectors. I kind of wanted to look, from my perspective how well was that working and the training manual literally has how to set up a poll site, where on the table to put things and it was not a very busy primary for me. I had started about 6:00 in the morning, about 6:30 at the first site and I ended about 2:00 in the afternoon in Harlem, that's where by then a lot of people had shown up. But literally, everybody had a book out and the tables were set up properly. There was only on site that I didn't think had the signage 100% right. But it was the last day of school and they were adjusting the entrance to the building because all the students were on one side or the other so they were just catching up with the signage by the time I got there. But in general, there was only one area where an interpreter didn't show up in one of the Asian languages and another site where the Spanish language interpreter didn't show up but one of the inspectors was filling in double duty because they could interpret for the voter. The only problem is that was a site that was starting to really get busy so we had to, I at least forwarded their request to try and get a replacement but they didn't have any replacements, they used all the replacement translators by then. But other than that I thought it was an interesting step to observe how the new training and the use of the new booklet. I still am very concerned. There were some sites that had an A-L, M-Z sign in poll book but the majority of the sites I visited

had A-Z and maybe that works in a low volume primary but it would have been a good test I think to have do A-L, M-Z in a low volume primary.

Peter Kosinski: Do you know what the turnouts were at those primaries?

Bob Brehm: I don't have the final number because I did not have the enrollment. From what I picked I tried to geographically look to where I could get to all 3 sites and start the 2:00 train back but the, I thought clearly from the sites to be able to break the book up in half would allow them to handle more voters in a given period of time. And having not gone there yet, I get nervous about the fall where there will be so many additional people. So I hope that they will continue to look to see where they can put the teams of, they have teams of two, a democrat and republican on each book so they need to identify those additional resources, have those inspectors and they roam within the sites. Some of the sites, most of the sites I visited out of the 16 were big enough to handle that kind of volume. Several of them, as I ended in Harlem were very small sites. Some of them in the Bronx would be difficult to add many more people to those rooms, some because the school, we're using this room today because it's the last day of school. But in the fall we have the bigger auditorium next door. But they still had to feed the kids lunch and dismissal was after lunch. So a lot of the places I visited were still dealing with the fact that it was a school day which makes a good reason why we shouldn't be, we should have a calendar that accommodates no instruction on those days. I think that covers my general, I mean I have, if we do the bills that we had passed; 3 of our bills were signed into law which I think is a great item so far. We had Program Bill 1 which adds the 13th judicial district to our statute. It's been I don't know 8 years I think since they created that judicial districts and now it's represented in statute. Our proposal #6 which removes from the statute the outdated information for leasing polling, paying more money to these polling places that are accessible. It was something that should have come out when they passed the law that required all polling places to be accessible, so it kind of implies that some could not be accessible. And then the third that is signed into law we already mentioned is the outdated postal requirements. So those are 42, 43 and 44, the law of this year. Three others of our Bills, passed both houses of the legislature and are waiting to be sent over.

Our proposal number 4 eliminates the conflicting provisions in absentee ballot counting. It basically allows them to appoint additional inspectors at the end of the night to help count the absentee ballots at the polling place that are no longer allowed to be counted at the polling place. So our proposal is to remove that language from the statutes since it doesn't happen, that can't happen anymore. Bill number 10 that we had passed would allow for political committees to file electronic copies of their campaign political communications. Right now the only way for them to do that is give us the hard documents, so we have boxes of signs and things that are in all shapes and sizes.

The third one is our Bill number 14. It would allow for special ballots for voters during times of emergency to get an emergency responders to get a special ballot. It was one of the items we saw in the hurricane response that we just didn't have a way to get a ballot

to an emergency responder even though there was a state of emergency declared so this Bill would allow for that to happen. It would allow an applicant to apply in different circumstances but also to identify like a military voter that they could have their ballot sent either by fax or electronic means. So those three are pending being sent to the Governor for consideration. So maybe we'll have 6 of our Bills signed into law as part of our package this year. Of course the other one that's pending in the reform package that was not necessarily part of our proposal but it was an executive program bill and the senate and the assembly adopted it and we are waiting to see those changes.

Peter Kosinski: Is that the Independent Expenditure Bill?

Bob Brehm: That's in there. That's Senate Bill 8160 and 742.

Peter Kosinski: Is there more than that.

Bob Brehm: Well we did a number of things; we had 3 parts, part A is Independent Expenditures and coordination, B is segregated account, part B of the Bill is Segregated Accounts for party committee or constitute housekeeping and part C was the Wind down provision after the death of a candidate.

Kim Galvin: The only one with the immediate effective date is the housekeeping segregation.

Peter Kosinski: Those are all part of one bill?

Bob Brehm: There are other things in that too. I think that's the Administrative side. I don't know if you want to do the other two also, IT now or?

Todd Valentine: You can if you want. I mean we're still down to a final round of interviews for the new head of the IT department. We continue to work on getting assistance through what's called "The Program Based Information Technology Services" to help us finish the NYSVoter Project to keep it. And in addition we're also seeing if we have funding for contractors as an additional program manager to assist the new, that's one of the things we lost when we changed vendors with the NYSVoter Project so they're looking at hiring a new program, a new project manager to help make sure that that stays on track and organize that. So we expect both of them to come on line in the next month and we should finish our round of interviews for the head of IT, we're scheduling it for next week so we should be making a decision shortly thereafter on that.

Bob Brehm: Another thing that Todd mentioned is PBITS Program, whatever the acronym stands for.

Todd Valentine: Program Based Information Technology Services.

Bob Brehm: It's supposed to be the State's streamlined process for obtaining a vendor to finish the NYSVoter Project. It's the resolution that's on your agenda for consideration under number D is for the funding support to be able to pay that vendor out of HAVA funds. It's supposed to be streamlined and we've been working with our staff and OGS to come up with parameters so they can quickly get us the persons to do the work. So hopefully that will be a success.

Peter Kosinski: What's the impact of this on the development of the new CAPAS-FIDAS System? I mean I know we were targeting next year as a rollout of the new FIDAS System. What do you think its going to do to that timeline?

Todd Valentine: Well as we stand today we're still on that timeline because that's operating not with an outside vendor but with what are called hourly based information technology services. Those are on-site already. We're seeking to have additional resources brought on to help keep that on target. If that doesn't come to pass within the next month...

Peter Kosinski: If what doesn't come to pass?

Todd Valentine: If we don't get that additional resources coming which we have asked for, we put in for, we just don't have yet and when we rationed that up to both the ITS which as its impact on that, the Governor's Office Division of Budget, that could jeopardize that 2017 rollout but what we have done over the prior year, in the beginning part of the project is related to NYSVoter extent but it hasn't delayed it, it's developing the architecture, the hardware it runs on both here, actually rather at our data center, our new data center and also our disaster recovery site. So the parts of that are in place. What's not in place is the program that will run on that and what's what we're supposed to be doing over the course of this year. If we don't get the additional programming soon, you're right it could jeopardize that deadline and then we'd have to figure out when you would launch that because it's a matter of transitioning the existing filers over to a whole new rubric that they would have to comply with because we're switching again from software based filing, primarily software for most of the candidates to what is wholly a web based filing system.

Peter Kosinski: How long does that transition take? How long do you estimate that will take for the actual filers to transition into this new web based system? Do you have a sense of how long that will take?

Todd Valentine: I don't know if we have a specific sense because we're looking at doing it in between large filings and whether we do it with groups or not...

Peter Kosinski: So would you switch everybody at once? Is that the idea that everybody will switch over from what they're doing now to the new system all at one time or would you do it in stages?

Todd Valentine: Well it will end up being in stages because of the filing calendar because they generally don't file in one year or at any time so it would end up being in stages. But we are envisioning a, really because of the nature of the information, and the ability to continue to support the legacy system, we have to support the legacy data but we're still supporting the legacy system which is a point of weakness in our current system. But we mitigate to the extent that we can, but I think we almost have to bring everybody over at the same time because we can't really run both systems at once.

Peter Kosinski: So what are you shooting for right now? Are you shooting for next July is that the goal or...

Bob Brehm: We're too far away from being able to say with certainty so I don't want to give you...

Peter Kosinski: I mean is there a goal that's all I'm asking?

Bob Brehm: Having lost our project manager and the money to pay the bills is in the ITS budget. So we think there's more than adequate financial resources to get the job done. We've identified, they're called HBITS workers, I don't know what that stands for but it's the way we can get the contractors to come in and do the work. We have a team of people...

Douglas Kellner: You're not answering the question.

Bob Brehm: Well we need to get them here to have a reliable date and I don't have a reliable date.

Douglas Kellner: The date that was told to the Commissioners was January 2017.

Bob Brehm: Yeah, I don't think that's a reliable date.

Peter Kosinski: So we're off January. Are we on July then is that where we are?

Bill McCann: My understanding is the beta could come somewhere in March...

Peter Kosinski: What's the Bill? The what?

Bill McCann: The beta of it. That's where you have an initial project that's running. You have a small sample group that will then take it for a test drive kind of a thing.

Peter Kosinski: So at this stage it's just to get some people on and see if it's working.

Bill McCann: In March right. I mean we've got people involved in the process now so the beta the original timeframe was to have the beta for March and then once the beta is up and running to have the full implementation for the July of next year. And as it stands

now that's still the goal and I think that's potentially attainable. The issue then becomes these other unknowns. But the...

Peter Kosinski: Well I just like to be kept updated on that goal. I mean if it keeps slipping I'd like to know it and we can talk about it but because I'm working with dates and maybe they're wrong and I would just like...

Bob Brehm: Well one of the items that we do have resources readily available is we have the contract with NYSTAC that we use for 2 items, Project Management and also the second contract was the access for the independent testing for the ODEM system software. So we still have an existing contract for project management and we had met with them on an interim basis we want to use that existing contract to bring them in to make sure to the extent possible between NYSVoter and CAPAS-FIDAS without a project manager right now and the unit without having a director that we can get their benefit of project management to make sure that we can minimize any slippage if any because we know without having a vendor to finish NYSVoter, with all of the HVITS are through ITS so we have made the request. They have submitted the paperwork it's been sitting for I believe over 3 weeks to get the approval. So the sooner we can get the approvals and get going with the employees, then we can have a more firm understanding that there won't be slippage.

Bill McCann: And actually it should be a good year because of the odd year.

Peter Kosinski: Well I assume that's why you're targeting next year. It's an off year for us so you don't have the volume and you don't have the, makes sense. So if we slip into '18 it becomes a bigger burden on the agency, is that fair to say?

Bill McCann: Not necessarily. I just think that our agency certainly have different focuses for ballot access in 2018 that you wouldn't have in 2017 because of the statewide election and for the legislature.

Bob Brehm: It wouldn't be as bad as this year with 4, well 3 primaries and a general. But you know, we would want to bring some additional resources on temporarily to help with the rollout certainly for that.

Douglas Kellner: Alright, so let's turn to the Council's report, Kim Galvin and Brian Quail.

Brian Quail: Thank you Commissioner. Since the last meeting sort of a summary review of where we're at on pending cases. We have presently 7 cases that the Attorney General is representing us on. We have a total of 9 pending cases, one of them is on appeal related to ballot access in the third congressional district and that's the sole remaining item leftover with respect to ballot access for the federal primary. And we're pleased to report that the Camponella case which involved a claim under NVRA and also a challenge to the open primary or rather to our closed primary system and to our voter

registration enrollment change deadline period was dismissed recently. So that one has dropped off the boards and we continue to monitor these cases and respond accordingly. Though the Attorney General is doing an outstanding job representing us again in 7 of them, it requires a great deal of agency effort to provide them with the tools that they need to be successful on our behalf and we're working very hard to make sure that we do that. The Campaign Finance Unit is gearing up for the July 15th filing which is coming up and is largely caught up with compliance reviews and in keeping current with that, we will be getting a surge shortly. The legislative update that Mr. Brehm gave indicates that 6 out of 19 bills that were proposed by the agency were either chaptered or passed by both houses which is significant. The unit basically, during the course of the period since the last meeting, was engaged in being responsive to the Inspector General and their investigation and we did quite a bit in that area. And, that's the main summary. Do you have other things to...

Kim Galvin: Just to briefly mention again the Department of Justice Attorney's will be here so we spent a lot of time preparing with the IT folks and really get a handle on things for them.

Gregory Peterson: Have they already met with the City?

Kim Galvin: They have met with the City. We offered to go there, they said, "No." We offered to do a call they said, "No." They're coming. Obviously we've had the primary and since we last met with the calls that would surround that we had an E Discovery Training Brian, Bill and I to talk about E Discovery tools so that we can do them ourselves for these lawsuits that continue to come. And I think other than the other cases, I would just mention the Eason case as taking a lot of staff time and meetings and things to work. Eason is a website accessibility...

Peter Kosinski: Is that the blind association?

Kim Galvin: Yes, that is. And we work to bring our agent to compliance with the standard that we're working towards. And again it's another Attorney General matter that they're also representing the DMV in this so it's caused a lot of coordination.

Peter Kosinski: Have we made changes to our website?

Kim Galvin: We have.

Peter Kosinski: But it hasn't satisfied the suit as of yet?

Kim Galvin: Not as of yet.

Bob Brehm: I think if you look at the history of when they first, when the organization first reached out to the State Board and wanted to meet with us and talk to us about improvements that we could make to the system, our preliminary response was we would

certainly want to make sure that the site was accessible and we scheduled a meeting with them etc. and it was really much on the eve of one of those meetings that they gave us this stipulation where they wanted to go to court. That didn't stop us from our internal review of desiring to make sure that our site is accessible to the public as it needs to be and certainly we have done a number of items to allow screen readers to read it and to make forms that are accessible and to make sure that we brought in some tools that would help us with a diagnostic review of what we had posted to the site so that we could use those tools and see that we've had a positive response. I think the underlying issue is the lawsuit is really to a different standard than the state's standard. I don't think there's a disagreement on anyone that our desire to want to make sure that we all have information that readily available. We continue to do that and we will continue to do that it just what is the proper standard that we should we're reviewing the DMV to the state standard. If there is some finding that it's at a standard other than that, we'll have to work towards that understanding. But I think we've, as we identify things that we could improve, we roll them out as quickly as we can.

Kim Galvin: That's it.

Douglas Kellner: Alright then Election Operations, Brendan Lovullo.

Brendan Lovullo: The petitions started coming in yesterday so that's been our focus yesterday, today, and tomorrow and Thursday. We have our staff worked with the county boards for the June Primary both getting election night reporting together and setting everything up. Also working with IT for the election night reporting. We have the Dominion upgrade that's going to be voted on this afternoon. We've also been continuing to work on the ES&S phase 2 upgrade and that's about it.

Douglas Kellner: Any questions. Thank you Brendan. Than we'll do Public Information but I don't see.

Todd Valentine: They are both not here today.

Bob Brehm: I only have 2 items left that on the list that Tom gave me. 1) a reminder that the Department of Justice survey for the MOVE Act voters with regard to the federal June 28th primary if they have not sent us their post election survey, they were due today. For all the people listening. And the upcoming transmission deadline 32 day for removal for the September primary, we want to remind people that that deadline is August 12th. We will send a reminder to all the counties. And last, there's been a little bit of change going back and forth with the federal Health and Human Services grant that we had applied for. They normally are a 5 year grant, they end on September 30th. HHS the beginning of the year had decided they wanted to stop this one early and had sent to the states, "You won't have access to this money" several months earlier, more than 3 months earlier that they were going to end it. We provided that notice to the counties to make sure that they took any appropriate action that they would not lose use of that money without them knowing it. So we had told them that. just in the last week, we

received word through the National Associations that because of the concern to our country, HHS has gone back to the original deadline, a kind of winding down process to make sure that you have your applications in since it's a refund program, you have to have all your paperwork in, in order to make sure it clears and the money can be paid by that deadline. So we have communicated to the counties of that new deadline to make sure, its longer than we first told them, but if they're listening its July 29th if they have not spent their money or applied for the voucher if they did spend their money, that's the deadline in New York State to get the paperwork in so we can reliably know that they will finish the process in time to get their funds. So to the extent the counties are listening, we wanted to use this opportunity for a public service announcement.

Douglas Kellner: What's the status of the interstate voter registration?

Bob Brehm: That Tom did not give me. Those are some of the reasons why, he and John have talked about it. So if I get you an e-mail, I apologize for that.

Douglas Kellner: I just keep asking because if I don't ask it seems to slip from the agency agenda. Alright and last but not least Risa Sugarman in Enforcement.

Risa Sugarman: Good afternoon Commissioners, the Division continues to work and I have nothing new to report to you.

Douglas Kellner: Alright. So then next on our agenda is old business, the discretion on political clubs.

Brian Quail: I'll start on that one. I'll start with a quick historical apprise and what occurred is there were 2 drafts of answers to questions that Commissioner Kellner had posed in relation to political clubs and some specific questions that were asked that were designed to provide looking for some answers on those questions that would provide guidance to those entities because while not totally unique, they do have special challenges oftentimes in regard to determining what side of the dividing line they're on with respect to whether or not they have to register with the State Board as a political committee and/or file. And there are still presently 2 drafts of answers to those questions although the answers themselves are generally the same. And the staff determined with the insight of the Commissioners that one of the, perhaps not the major issue is providing intelligible device to entities that are actually posed as making a decision as to whether or not they have to file with the State Board. My Republican colleagues, quite some time ago, provided a draft of a document that was designed to categorize instances, examples of activities that would trigger a filing requirement and instances of activities that might be common to political clubs based on actually some institutional insights that we've been getting not only from the Commissioners about the political clubs but as a result of our direct interactions with them in the trainings for political clubs that were held on Long Island and New York City, both of which were requested by the Commissioners and we did. And then just recently I provided a draft that added additional material to that so the staff is continuing to work on that.

Kim Galvin: Not to interrupt you but I think it might be helpful. I showed, I don't know if you showed your Commissioners the draft?

Brian Quail: I don't know if they had an opportunity to...

Kim Galvin: But to show you where we thought we could go to make a more intelligible document for easier advice for the club, so I think we're making the progress you wanted.

Douglas Kellner: So, the question is, is there some agreement as to the form of the final product? Is it going to go into the manual? Is it going to be an advisory opinion or some separate distribution? And what's the schedule for how to get that accomplished, get that finished?

Brian Quail: I think that the place that it would probably make the most sense because we're not really groundbreaking in terms of the Board substantive position on many of these issues and there are many, many opinion of the Board on what is or is not an appropriate committee and perhaps if we wanted to, there certainly could be an opinion that unless it encapsulates them in a specific context, but inclusion in the manual probably makes the most sense. Also, a free standing document for clubs that perhaps not only pulls together Commissioner what makes them inclusive committee or not analysis but also then gives them everything that they need in one place to accomplish registering and filing should they come down on the yes side of this. That's something also that the Commissioners have encouraged us to do which is to provide resources so that when someone decides they need to interact with this agency they don't have to hunt for what they need but its provided in a way that's easy to find. So, having I think come very close to resolving this first part of it, I don't think it's unreasonable that we cannot get to the rest of it before the next meeting. We have made substantial progress, we're just not complete.

Peter Kosinski: So I'm sorry, you're suggestion is to put it in the manual?

Brian Quail: My suggestion is to put it in the manual. And my suggestion also is that we come up with a document that once we've answered the question, that once a club determines that they are a political club that right there they would have the documents that they would need to file. Because there's certain choices that are made at the point at which you have to file and some of those choices for clubs are clear and clearly they're not a part of your constituted committee and some of these other things. So we could give them some specific guidance on what to do. And would recognize the fact that because they're a club and not associated with a candidate that their level of their activity is less, potentially the level of sophistication is less, though certainly that would not be universally true, because the political part of their existence is only a small part as opposed to a candidate who is totally in the business of raising money and expending money in relation to an election.

Peter Kosinski: My only comment on this I guess is that I know this is directed to political clubs and my understanding is they are largely located in New York City and I think Long Island. I don't think Upstate has the number, I'm not aware of a large number of political clubs so called in Upstate. I do think that what I saw here this morning though would apply to entities that aren't necessarily calling themselves political clubs but might be acting in that same way and that this advice to me is broader in the sense that if any entity is acting in these ways, I think this would be guidance to them as to whether or not they are now a political committee under the law or not. So while this is being labeled a political club advice, I think its broader than that in that it would be advice to other entities that maybe don't call themselves that. So limiting this to a political club advice to me seems to me it's broader than that, that's all. So I don't know if we need to relabel it or not but I just would suggest that this could be used by other organizations besides what are called political clubs. So people should be aware of that in my view. However we couch this or wherever it ends up, I think it's useful, helpful to anybody that's acting in these ways around the state of New York.

Douglas Kellner: Okay, so thank you for the update and we'll carry that as old business on the next agenda. First item of new business is the vote on the opinion on the impact of the Hispanic Leadership Fund case. The opinion is designed simply to publish as a formal opinion what we have already adopted in resolutions as directives from the commissioners regarding enforcement in these regulations. My understanding is the draft has been widely circulated including to the Attorney General and incorporates everybody's comments, am I correct on that Kim?

Brian Quail: The draft was not circulated to the Attorney General. The prior 2 versions of it were circulated to the Attorney General and I spoke specifically with a representative of the Attorney General's Office on the substance previously, but no, I did not share this draft with the...

Douglas Kellner: Well you're talking about the final text but the original...

Brian Quail: Yes, absolutely. The prior directives were shared and I did specifically speak with...

Douglas Kellner: Because my understanding has always been that the AG has signed off on this.

Brian Quail: Absolutely correct in terms of the substance of what is here because they specifically indicated to us that they shared this.

Douglas Kellner: Okay. Alright so those in favor say aye.

[Chorus of ayes] opposed? Alright the resolution is adopted.

Next is the adoption of the regulation to amend part 6210 subdivision 2 on Routine Maintenance and Testing of Voting Systems. My understanding is that we have not received any comments since it was published and this would reduce the number of testing cycles required now that we have experience with the machines and are more comfortable with them we don't need the additional cycles. Alright, those in favor of permanently adopting the regulation say aye

[Chorus of ayes] opposed? The regulation is adopted.

Next is the resolution on Microsoft Support Services. This is required under the legislature's requirement that the Commissioners vote separately on any expenditure of HAVA funds and Bob and Todd already described this in their report.

Bob Brehm: It's about approximately \$50,000 cheaper than last year with the change to the system for their support it used to be NYSVoter now it's our entire system so the portion of the system that supported under the state side is paid for out of state budget so we reduced substantially the federal HAVA exposure. So we're only paying a portion as related to NYSVoter.

Douglas Kellner: And this is just \$36,280...

Bob Brehm: We're saving \$50,000.

Douglas Kellner: Those in favor say aye

[Chorus of ayes].

Andy Spano: I'm recusing myself.

Douglas Kellner: Okay. So we'll note that Commissioner Spano recused himself.

The next resolution is to authorize \$550,000 from HAVA funds for the NYSVoter Refresh Project also described in the co-executive director's prior report. After we spend down this money, how much HAVA money will be left?

Bob Brehm: It's the interest in there, it's approximately \$3 million I believe but it's a moving target with Divisional Budget and Officer of General Service.

Todd Valentine: 3 or 4 million but it does change a little bit on the interest calculation.

Douglas Kellner: It's actually still one of the largest amounts in the country that's still unspent part of HAVA funds.

Bob Brehm: When you add it to the county share, that's what really puts us over the top.

Douglas Kellner: Right. At national meetings they talk about how New York still has HAVA money left. But that's because we've been frugal with it and effective with it and I always say that we may not have been the first to spend our HAVA money but we were the first to spend it right. Okay so the resolution, those in favor say aye

[Chorus of ayes] opposed? Alright it's adopted unanimously.

Next is the certification of the Dominion Ballot Consolidation Utility for use with the Dominion Election Management System version 4.9.17.0. Bob in one paragraph can you tell us what this consolidation utility does?

Bob Warren: Sure, what this does is it allows the counties to generate their election day, their absentee ballots within one election database and then read the results from both systems back into that one database instead of creating two databases and combining them.

Douglas Kellner: So this particular utility does not affect the actual voting portion of the election management system is that correct?

Bob Warren: This utility runs while you're creating the election.

Douglas Kellner: And so it doesn't affect the casting of the vote or the recording of the vote itself? So our procedures are not as comprehensive in the testing and evaluation as required for the vote casting certification, correct?

Bob Warren: Well, we put it through some extensive testing. It went through the dual source code review just because it does work with the database of the EMS system.

Douglas Kellner: Okay good. And we do have a detailed report that we received prepared by the Elections Operations Unit.

Peter Kosinski: This is the Dominion System that's doing it. Is ES&S doing the same or is their operation system different?

Bob Warren: It allows you, well actually what we're doing now is going through the process with ES&S in doing...

Peter Kosinski: They're doing the same upgrade or similar upgrade?

Bob Warren: Well there are similar changes to it, a lot of last minute changes and what not for the system. But this only affects the Dominion counties that have the Central Count System.

Peter Kosinski: And how many of those are there?

Bob Warren: 16 of them have it but I think there's only 15 using it.

Douglas Kellner: Alright. Those in favor of the resolution say aye

[Chorus of ayes] opposed? Resolution is adopted.

Next is the discussion of the Inspector General's report. Todd or Bob.

Bob Brehm: We've had a number of conversations certainly in the building with regard to the report and certainly we are undertaking to review our procedures and once we have an agreement as to what the procedures are, to provide instruction to the staff in what the proper procedures are and also provide both physical security for that process. I know we have had a number of conversations with the staff as to what we think would be an appropriate process. We've shared some draft ideas with each other. We've had a number of conversations. A draft was shared with Enforcement. I know Todd and I and Risa had a meeting about a week or so ago just to have a general conversation about the process that would be well understood and something we could follow. And a process that is clear that from the moment that a document is created to whenever something is, you know in the world of cases if it's closed does it become public? Does it not? And in what way? So there's really we want a comprehensive review so that we can at least deal with the parameters of when documents fall into a category that distribution needs to be restricted, and certainly how does that interact when the public or the press has filed a FOIL and what are the appropriate guidelines to give to staff? I don't believe we have a specific recommendation for you yet other than certainly your views are the most important to adopt a policy. We have a requirement to respond to the Inspector General certainly in the broad parameters of a comprehensive review to limit, to have a full understanding and to make sure that all of the staff in the building understand what that policy is and then certainly to follow that policy with both physical restriction on distribution of whatever documents are determined to be not in wide distribution I think is the general, Todd if you have a...

Todd Valentine: No, that's accurate. We certainly raised awareness with the staff about the issue of sensitive documents and just you know and where we're at at this point now is getting a policy that would specifically train the staff on these documents as they work through a process, what happens to them if they change over time from sensitive to now releasable and the categories those fall into. And we've certainly shared drafts among the staff here as Bob said, certainly we gave a copy to Risa for her to review. And that's you know what we're working towards.

Peter Kosinski: As I understand it, a response is due to the IG.

Todd Valentine: 45 days from the day of the report which will be the 15th of July.

Peter Kosinski: So that will be the end of this week. You have to file something with the IG?

Todd Valentine: Something, yes.

Peter Kosinski: And we don't have anything you're telling me that is definitive that we can give them as a report or what's your expectation there?

Douglas Kellner: Well I think there's one question that the public is going to want to know which is, "Has the Board taken any action with respect to John Conklin?"

Gregory Peterson: Well that's a personnel issue and I think if you want to discuss that that should be discussed...

Douglas Kellner: No, I don't want to discuss it I thought we already discussed it and...

Gregory Peterson: We did and that remains a personnel issue and that's where it should remain.

Douglas Kellner: So you don't want to announce what the Board has done.

Gregory Peterson: No, I don't. I would really...

Douglas Kellner: Well do you want to announce that the Board did something?

Gregory Peterson: Yes. I would say that action was taken.

Douglas Kellner: Greg I didn't want to take you by surprise okay. What is the announcement that we're going to make with respect to the response to the Inspector General's report?

Gregory Peterson: Well I believe...

Douglas Kellner: I didn't mean to take you by surprise, I'm sorry.

Kim Galvin: We already told them, they asked, we already told them what action was taken.

Peter Kosinski: The IG you mean?

Kim Galvin: Yes.

Gregory Peterson: There is a full understanding as far as that end of its concerned. The thing that concerns me is that obviously we've gone back and forth on a couple of, the staff has gone back and forth on a couple of things as far as policy that we should adopt whether we adopt it today or whatever which I thought frankly was pretty close. And I believe you had some questions regarding it.

Douglas Kellner: I did circulate my, I hope my memo got circulated which was just a very short piece.

Peter Kosinski: It did and we've seen a draft of something which I think the staff has put together which I mean we've talked about it and we feel comfortable with what the staff's put together as far as a proposed policy that the agency can adopt. I think we're prepared to move forward on something if you are.

Gregory Peterson: Let me say something just before you do Risa is that I understand some of the sensitivities with respect to Enforcement has been presented to us by Ms. Sugarman but not but and I frankly in a perfect world operate somewhat in a vacuum, I would say, "Hey confidential is confidential." And I think that was a solid policy. However when you look at it and you examine it, the underpinnings there are not only weak, they're not existent legally. There's nothing within the statute that says, defines confidentiality. A matter of fact the courts have put forth a list of things, there are 18 of them statutorily listed as confidential records. And this is not one of them period. So the question is how do we handle it so that it satisfies some of what Risa has wanted and yet some of what I think the Board has wanted? Certainly, within an investigatory situation keeping things from being FOILED I think it's appropriate. As a matter of fact, that is covered. But to say that something for instance, that Risa may mark, "This is confidential" then there's no legal basis for that, no matter how you cut it, it's not statutory. So how do we overcome that? And I thought what had been presented to us as far as incorporating as much of it as we can with the legal underpinnings there, I think frankly has been done. And I don't think Ms. Sugarman will want that agreement but I think that's the best we can do under the circumstances, I may be wrong. I certainly stand to be corrected as that's the point of a discussion.

Douglas Kellner: I'll let Risa go then I'll have some comments.

Risa Sugarman: Commissioners I was given this proposed policy 24 hours ago, have not had the time or the chance to process the contents or conduct a legal analysis to determine whether it is appropriate in scope or consistent with the law that created my independent division or position within the Board of Elections. I cannot at this time opine on the draft and therefore I'm asking the Board to table this discussion until I've had the opportunity to conduct a thorough legal analysis of what you have presented. This proposal will have significant ramifications for my division. The prosecutor's office that receive referrals, citizens who file complaints and the subjects of those complaints. The proposal seeks to advance the issues raised in the Inspector General's report whether by policy or formal regulations deserves reflection and analysis. And I must say Commissioner I disagree with you and your evaluation of what the law is. Statute only does not decide what is confidential, case law as well decides that and there is a full body of case law about what is confidential and is not. And I am therefore asking this Board not to make a decision today and not to discuss this proposed policy today. There has not been time for me or for my attorney's to have reviewed what you are proposing or what

is contained in this. There is a case that is cited in this proposal that doesn't stand for what it stands for and there are significant cases that have been decided over the years about law enforcement investigations that are contrary to what you have just said and what is listed in this report. So I would ask this Board to table this discussion until I have had the opportunity to review not only your scope of this policy in terms of my division and my independence in my division, but what's contained in here and how you are going to treat my documents and my investigations.

Gregory Peterson: Like I said from the outset, again going right back to the principle of it, I agree with you. I certainly do and I would look forward to your giving me some legal backup on that. And if that's the case I have no problem with it whatsoever.

Risa Sugarman: And I intend to do that but 24 hours is certainly not...

Peter Kosinski: Well Risa to be fair about that, you haven't had 24 hours, you've had 6 weeks to do this. Let's be fair about it. This IGs report came out weeks ago, you may have just got something from this agency that set out some position but to be fair if you have a position which apparently you do, I think to be fair to us you need to share whatever you have with us rather than holding it and...

Risa Sugarman: I will do that.

Peter Kosinski: I have not seen anything from you as a proposal of what you think is the appropriate way to handle this or the legal pinnings for that. So to be fair to us, we have a report that needs to be responded to by the 15th which we all knew and it's important for this to be done timely. So to be fair with us you need to share with us if you have this information, which apparently you do, you should share with us what are these opinions or these court cases that you're citing and what is your opinion on how this should be handled?

Risa Sugarman: Commissioner, the fact that you or the staff submitted a draft policy 7 days before it was due is not my responsibility. If this policy had been submitted in a timely fashion to me...

Douglas Kellner: It isn't? Why isn't it your responsibility?

Risa Sugarman: Well you were directed, your staff was directed to respond to the Inspector General, not me. I made this complaint. The Inspector General responded, investigated, determined who leaked that document and directed...

Kim Galvin: That's not true, that's not a correct accurization of the facts as you know it and you know it. The person that made the, the thing came forward long before we were all put under oath.

Risa Sugarman: I was not privy to what happened before the Inspector General's investigation. No one has spoken with me, Ms. Galvin about what took place in the Inspector General's investigation. That was a confidential investigation, I read the report when it was issued just like you. No one told me how it was conducted other than my staff was interviewed just like the staff of the Board of Elections was interviewed. Nothing was shared with me about that investigation. No one from the Board shared anything with me, no one shared information with me.

Kim Galvin: Did you ask like you did on the original disclosure when you sent the e-mail asking who released it? You changed your whole policy with regard to the disclosure of this information where you simply, the last time you simply sent an e-mail. This time you made a complaint to the Inspector General's office.

Risa Sugarman: Wait, wait, wait. I made a complaint when a document was leaked to the press about a confidential investigation that was being handled by the District Attorney and the US Attorney's Office. A confidential document because I got a call from a reporter who said they had my confidential document. That's what prompted my complaint.

Peter Kosinski: Well listen, I'm not sure it's helpful to rehash this. What we're trying to do Risa is we're trying to move forward on this.

Risa Sugarman: I agree and I wish we could.

Peter Kosinski: We're trying to work with you on this but you need to share with us...

Risa Sugarman: And I'll be happy to do that...

Peter Kosinski: But you need to do that.

Andy Spano: You give us a date certain that you can have this?

Risa Sugarman: We are doing the research we worked all day yesterday on it but it doesn't mean that we can do it and present it to you in 24 hours.

Andy Spano: I understand. 4 weeks, 3 weeks?

Risa Sugarman: I don't think it will take 4 weeks, no. We're working on it as...

Peter Kosinski: I guess what I'm trying to understand is why you didn't provide this today or 3 weeks ago.

Risa Sugarman: Because I didn't have a draft 3 weeks ago.

Peter Kosinski: Without the draft, without the draft Risa, we would like your thoughts on what you think the legal obligation of this agency is vis-à-vis your work product. I think it's helpful to us if you can provide that to us.

Risa Sugarman: I would be happy to do that.

Peter Kosinski: I don't think why it should take a document being shared by us to prompt you to do that, that's all.

Risa Sugarman: Well, quite frankly, I didn't know anyone was working on it until I had a meeting last week with Todd and Bob.

Gregory Peterson: Oh come on, we're not operating in a bubble here, everybody knows it. Come on this is disingenuous, it really is.

Risa Sugarman: Well I'm sorry Commissioner but it's a condition in which I've been working for 2 years.

Gregory Peterson: By choice.

Risa Sugarman: Well I don't think that's true.

Gregory Peterson: By choice. You should be part of this team, when I say part of this team, certainly there are things that are sacrosanct as far as you're concerned which I respect but you're still part of this organization. The New York State Board of Elections and as such you have a responsibility just like each of the Commissioners has a responsibility to have input. You had 6 weeks to have input. If you had something that was bothering you, you should say, "Gentleman this is what I suggest. This is what I want to do. This is how I need the protection and I hope that you'll go along with this." And submit that to the staff, they have something to chew on and then today we would have had something on the table to vote on. Now, that being said, I think we should just cut this thing short, end of story, we'll give you some time to get this thing done and we'll put it over.

Risa Sugarman: Thank you.

Gregory Peterson: How much time do you need?

Risa Sugarman: I don't know how much time I'll need.

Andy Spano: Less than 4 weeks.

Risa Sugarman: Absolutely less than 4 weeks.

Gregory Peterson: Alright let's talk about our next meeting then.

Andy Spano: We have to submit a report on this.

Douglas Kellner: I just have 2 quick things I want to say. 1 is that the Inspector General's report reminded me that back I think in 2008, the Commissioners and I think I'm the only one that goes back that far though Peter was on staff then, was presented with revisions to the employee manual and those revisions were never adopted. I think we were having trouble reaching consensus on some of the issues but there are other issues in the employee manual that I think we need, first of all I was kind of surprised that we were in fact distributing the document and apparently it has had revisions in it because for example, it refers to JCOP which was not in existence in 2008. So somehow or other the employee manual has changed without approval of the Commissioners. And I was not aware of that and I you know kind of defending the rights, the prerogatives of the Commissioners here that, that should not have happened. And I don't believe that it's lawfully implemented because we explicitly voted not to change it the last time it was considered by the Commissioners. So I think we need to reexamine the entire manual. Some of the issues that I think we need to at least discuss are some of the ethical rules on the restrictions of political activities of Board employees so we draw the line, and we know exactly what those lines are. And I think perhaps we all agree that Board employees should not be running for political office but it doesn't, we need to actually look at the rules and come to consensus or at least define what we don't agree to and, as far as I'm concerned, the manual that is being currently given to the employees is not a lawfully approved manual by the Commissioners and that the changes that have been introduced since 2008 need to be approved by the Commissioners.

Gregory Peterson: We should look at that.

Douglas Kellner: Alright, so that's one thing.

Gregory Peterson: I thought that was 2.

Douglas Kellner: The other thing which I will put off my long speech on principles of election administration but I do believe that the Campaign Finance disclosure system is an integral part of election administration and therefore for me, there are 4 overriding principles of election administration that need to be applied. They are accuracy, uniformity, transparency and verifiability. And that I think it applies to whatever confidentiality policy we adopt and I have a very long preparation on this that addresses it point by point and sort of expands on the issues that I raised in the e-mail that was circulated last week. And I do feel very strongly that we need greater transparency, verifiability and uniformity both in the functions of the Compliance Unit and in the functions of the Enforcement Unit that need to be addressed in the confidentiality policy.

Gregory Peterson: There are two worlds; one in which you're talking about Commissioner and one in which Ms. Sugarman is talking about and you know what, if 4 weeks go by and that hasn't been shared so that each one knows what the other's doing

so we can come out with a solid agreeable policy, then we will have all wasted our time. So there's got to be an open door here for staff to talk and you've got to respond to staff at least as far as we are concerned, who will be preparing some of these things. So it can't be just that you sit in your section over there and crank something out to spring on us on that day. I think it has to be shared so it can be properly vetted, simple as that.

Andy Spano: I assume that in the report you're going to give to the Inspector General's Office wasn't just going to incorporate just what we said.

Gregory Peterson: Either that or you ask for an extension to present something properly that's all. The world is not going to fall apart because we don't have something in there.

Andy Spano: Just say what we've done.

Bob Brehm: Well certainly, Todd and I will submit whatever you wish us to submit but from my perspective, I was not sure what would come out of the discussion today so I figured we would focus on we are doing a comprehensive review of what our policy should be but assuming that one is adopted soon, what are we doing in the long run to protect that which you determine should be protected from inadvertent disclosure and once that's completed to educate the staff to know what are the policies and for those people who don't have access to it, if they...

Gregory Peterson: Well I assume some of that's been done already. I mean again, we don't operate in a vacuum. So I assume the staff has been spoken with and anything that comes down the pike at this junction should be shared with just a few people, simple as that. I mean you know as far as a stopgap. But from that point on yes, what are we doing in the future. Yeah certainly educational things have taken place.

Todd Valentine: Well Ms. Sugarman said she would not share any more documents until we've adopted a policy so we haven't got a new documents so limit the distribution on and obviously as I said earlier, the staff is fully aware of the issue so not to...

Bob Brehm: And any documents we currently have, I don't know if that, from my perspective from what we had proposed I think we already limit the distribution. Certainly we have purchased some additional security cabinets that we could whatever we think you might adopt as a policy but until then, when we get the cabinets we're making sure we have something we develop would need to have security. Certainly the Board's determinations with regard to enforcement action in the paperwork, we want to make sure they are not in an unsecure way.

Gregory Peterson: Okay for the next meeting?

Bob Brehm: Our date to certify for the state primary is Monday August 8th. The Conference for the Election Commissioner's Association is the 1st through the 4th in the Thousand Islands area of the state.

Douglas Kellner: So our choices are the 4th, 5th or the 8th.

Gregory Peterson: I have the 5th and the 8th.

Peter Kosinski: That's fine with me, either one.

Andy Spano: I prefer to the 5th but the 8th is okay.

Douglas Kellner: The 5th is marginally better for me too.

Gregory Peterson: The 5th is. So do we want to pick the 5th...

Douglas Kellner: If we do the 5th then I'm going to stay in Albany and not make a round trip from Alexandria Bay. If we pick the 8th I would.

Gregory Peterson: Alright then, the 8th of 5th is fine.

Andy Spano: Are you going to be up there?

Gregory Peterson: I'm not going to be able to, no.

Andy Spano: Oh so then you don't have that problem of going all the way and have to come back up.

Gregory Peterson: Okay so the 5th is good.

Andy Spano: If something comes up the 8th is still.

Gregory Spano: No problem.

Douglas Kellner: The goal should be for the staff to try to finish by the 5th. If they don't finish by the 5th then we'll have to do a telephone meeting on Monday.

Bob Brehm: In addition to the 5th you mean for the outstanding?

Douglas Kellner: Or we'll change the date. Alright. So are we ready to adjourn? The meeting is adjourned.