

Cheryl Couser: We're on. We are ready.

Douglas Kellner: Good Afternoon everyone. I'm calling this meeting to order. I'm Douglas Kellner, Co-Chair. Next to me is Peter Kosinski, Co-Chair, and we are joined by the Commissioner Spano, and unfortunately, Commissioner Peterson is not able to attend in present but is participating online with us today. So, our first item of business is the approval of the minutes from our last meeting on April 29th. Is there a motion?

Andy Spano: So, moved.

Peter Kosinski: I'll second.

Douglas Kellner: Alright, those in favor of approving the minutes, say Aye. (Chorus of ayes; 4-0). Did we hear Commissioner Peterson?

Kim Galvin: Yea, he said Aye too.

Douglas Kellner: Okay, good. Alright, now the next item on the agenda ordinarily would be Unit Updates but since we have a lot of guests today who have asked to address the Commissioners, we've agreed that we would hear them first. So, is there anyone who would like to speak first? Professor Appel. Yes, so why don't you introduce yourself.

Andrew Appel: I'm Andrew Appel, Professor of Computer Science at Princeton University. I've studied Computer Security Software Verification and for the last 15 years, I've studied voting machines and voting systems as well and I thank the Board of Elections for the opportunity to address you. I know your time is valuable so I will be brief. I'm going to speak about and advise against the adoption of touchscreen ballot marking devices, except for voters who cannot mark a ballot by hand. All computerized voting machines can be hacked. There is no way to make a completely hack-proof voting machine. We can ask the vendors to make them as hack-resistant as possible and we can try and test them for hack-resistance, but we can't make them hack-proof and we can't demand that of the vendors. If a paperless touch screen voting machine is hacked and it lies about the vote counts, there is no recourse and no way to detect that so in New York State very wisely avoided the adoption of paperless touchscreen voting machines when many other states rushed into that 20 years ago. And the machines New York State uses now, which are optical scanners, although they can be hacked too, you still have in the ballot box, the paper ballots that the voters marked themselves and a human recount by people who are harder to hack, will get the right count of the votes that the voters actually indicated.

Now, there are some touchscreen ballot marking devices on the market and all of them have the following problems. Although they show a paper ballot that the voter can

review and in principle the voter could detect if the hacked machine is printing a different vote on the paper ballot than they indicated on the screen. A study in Tennessee has shown with real voters and a real polling place, that the vast majority of the voters do not review their paper ballot very carefully. Most voters don't even look at it at all, and if most of the voters are not reviewing their paper ballot, then they will not be able to detect if a hacked voting machine is printing a different vote on the paper ballot than the one, they indicated. Furthermore, even if, suppose the machine is, you know, cheating on 10% of the ballots to try and shift an election by about 10% and 10% of the voters are alert enough to actually look and 5% of those voters look down at the rates for the County Commissioner, then something like 1 in 200 voters will notice that the machine is printing a different vote on the paper than they indicated on the touch screen, and that voter can raise their hand and what is the poll worker to do? Well, presumably the Board of Elections gives instructions to that poll worker to say, well, maybe you made a mistake, maybe the machine is not working. We will void that ballot and you get another chance. So, for that alert voter, the machine has not stolen her vote. But the hacked machine can steal the votes of all the other voters who are not paying attention, and you might think, well, if a few voters, if the machine is consistently printing fraudulent votes on the paper, then people will notice and you will detect if the machine is hacked. If you do the math, that means only three or four voters in the course of a day will raise their hand and say that the machine did something wrong and that itself is not evidence that the machine is hacked because we don't know what the voter indicated on the touchscreen and preserve the secret, we must not know what the voter indicated on the touchscreen. So even though some voters can know for themselves that the machine misprinted their ballot, the election administrators, the poll workers and the polling place cannot know that. You can't invalidate a whole election just because a few voters raised their hand and said the machine mismarked my vote. That would be inappropriate. If you could, if you were to invalidate elections on that basis then people could cheat the other way and make false claims that the machine invalidated their vote.

So, this is an essential problem with ballot marking devices and we don't have this problem with the use of a pen to fill in an oval. The vote that the voter indicates on the paper is the vote that they indicated on the paper. There is no computer manipulating how it is presented on the paper for use in a recount. That's the main thing I want to say. I'll briefly add one or two other things. The hybrid machines that pass the paper ballot under a print head into the ballot box after the last time the voter gets to see what's on the paper are even more dangerous. I really advise against the adoption of those machines as such a voting machine can leave a few races unvoted especially as where the voter really did do a under vote, leave a blank space and then fill it in later with a fraudulent vote. So really, you should not adopt those machines.

And finally, what's printed on the paper ballot or filled in my the voter on the paper ballot is your ultimate defense against hacked or hackable voting machines and so the ability to recount the paper ballots is what you have to protect yourself against computer hacking, but the paper ballots don't do much good if you never look at them and so I would urge New York State to consider the adoption of risk-limiting audits. That's a way to take a small statistical sample of the paper ballots and recount them by hand.

Now, no state should roll out risk-limiting audits statewide all at once. It's an

administrative procedure that takes time to learn how to do and to train county election administrators on what it's for and how to do it. It would be worth doing some pilots to experiment with the procedures and that way you can be sure that even if someone were to hack your voting machine, you could detect it and you could correct it without having to do a do-over election. And I thank you for your attention and I'll be happy to answer any questions if you have any.

Peter Kosinski: Thank you. Thank you. I appreciate your comments.

Andy Spano: I just want to say one thing. You want to speak?

Lulu Friesdat: I just wanted to ask a question of Professor Appel.

Andy Spano: I don't know, she wants to ask a question.

Lulu Friesdat: It's not particular, it's just to clarify.

Douglas Kellner: Go ahead.

Andy Spano: Go ahead.

Lulu Friesdat: Can you tell us which systems are the hybrids that you described, which specific systems?

Andrew Appel: By hybrid, I mean any system that whose ballot printer is in the same paper path with the deposit of that ballot into the ballot box. They would include systems like the ExpressVote, the ExpressVote XL, the Dominion Image Cast Evolution, and I'm not sure that I'm aware of any others at the moment.

Lulu Friesdat: Thank you.

Douglas Kellner: So, does anyone else want to speak? Do you want to do it from there or do you want to?

Andy Spano: There's no microphone.

Kim Galvin: Commission Peterson will see her at.

Andy Spano: Can you see her over there?

Lulu Friesdat: I can stand over here, that's fine.

Bob Brehm: I can move the camera.

Lulu Friesdat: Hi, thank you so much for taking the time to take our comments today. My name is Lulu Friesdat, I'm the Communications Director of Smart Elections. I'm a journalist and documentary filmmaker and I've worked in network television for about 10 years. So, Smart Elections has been advocating against the adoption of the hybrid voting machines. We are extremely concerned about them. We have a technical advisory team of highly respected people that we work with on our board. It includes people like Rich DeMillo from Georgia Tech, Joe Kiniry, who is somebody who is currently developing a voting system with a \$10 Million DARPA contract. We also take advice from David Bader, who is a computer security expert at George Tech and Andrew Appel has given us a lot of advice. We're taking input from people who are considered that the top election security experts in the country and what we are hearing over and over again from these experts, is that the hybrid voting machines are not secure. They simply cannot be secured and the risk, the reason why the risk for these machines is so great is because unlike other machines where if they were hacked, we would have a paper trail to catch that. The way the system that we have now is great. We have a hand marked paper ballot, or we have a ballot marking device for voters with disabilities.

They mark that ballot, or have it marked for them and then they put it into a separate scanner and that paper ballot cannot be invalidated in any way by the machine. It's just a scanner. It takes a picture. It does a count, and at the end of the day if we are confused at all, if we are worried about how that machine has behaved, could be a problem, not even a hack, could be just a problem with mechanical issues. I've covered elections all over the country and voting machines that I have investigated in Wisconsin had a 2.5% error rate, those scanners, and they were decertified based on the research that I did. So, machines can make mistakes. They can be hacked, and they can also just have mechanical errors. And what we want to know at the end of the day is that we've got a paper trail that the voter, that clearly communicates the voter's intent. We know that paper ballot is our final say of what the voter wanted and with these hybrid machines, we do not have that confidence and all the hybrid machines, there are three on the market right now, there is the Dominion ICE that we have already certified, there is the ExpressVote XL which we are considering here in New York, and then there is the ExpressVote Hybrid, which is not on our plate right now, and all of those hybrids have the ability to mark that paper ballot after the voter signs off on it and so it compromises our audit system. It completely undermines our process and I cannot communicate to you how upset people are when they find out about this. So, we have sent you letters and at the last meeting, we had sent you at least 73 letters and I sent you a packet this morning that I hope you all got. We were actually stunned to hear those letters were presented as several people wrote the Board. We had a lot of people writing to us and saying we are upset about this and we are sending a letter to the Commissioners and so we did it again a couple days before this meeting. We have people writing to you and I hope you notice we weren't able to collate all of them, but we did put together a packet of over 60 letters that we sent to you. We are not trying to fill up your e-mail box or you know, slow down your process, I know you need your e-mail to function, but we are trying to demonstrate to you that the public is very, very concerned about this issue. New York has always had strong election security and it's really important for us to continue to be a leader on this issue to show other states, this is how it's done. We want hand

marked paper ballots here, durable paper, the ExpressVote XL is with Thermal paper. It's a very flimsy paper. Who is to say it would actually last that 22-month period that it is legally required to last, and the ExpressVote XL has other problems? It's a touchscreen machine as Professor Appel talked about. It can go out of calibration, it can change your vote that way, it's a barcode, it uses barcodes to count votes. Those barcodes cannot be interpreted by a person. If you vote for a candidate and then you see a barcode, would you be able to look at barcode and tell who you voted for? You can't. It's not transparent and people do not want to vote on systems that they do not trust and that are not transparent. We implore you, please it is your job to protect the votes of New York and New Yorker's choices and we need you to do your job on this. We want the Dominion ICE decertified. We do not think that there was adequate discussion of it at the last meeting. It was a 76-page security report and it was discussed for less than 10 minutes, and the information in that security report has not been adequately disseminated and really gone through and understood. That security report said that the risk of this impact was very high and then what it did, is it took the job of protecting us from a very high impact security threat and it put it in the hands of low-level employees with no technical expertise, poll workers. They are supposed to watch that printer and it's printing again or put a foam block in the machine. I mean imagine as the lines pile up, they are going to be taking a foam block in and out of the machine between accessible sessions and non-accessible sessions, they are going to take the cover off the machine, possibly voiding the warranty, and they're going to take the printer cartridge in and out of machine. Really? They're not; they're not going to do that. So, these mitigated, these steps that have been listed to supposedly mitigate this threat, they are simply not realistic steps. This machine is not secure, and we need the Board to do their job and decertify this machine and we do not want the ExpressVote XL certified under any circumstances. It is not a safe system. We have never had touch screen voting here in New York and we do not want it. I thank you so much for your time and your courtesy in listening to us today. Thank you.

Peter Kosinski: Thank you.

Douglas Kellner: Alright, does anyone else want to speak? Jarret?

Jarret Berg: Hi everyone, my name is Jarret Berg. I'm the co-founder of a group called VoteEarlyNY. We are focused on early vote implementation and education in New York, to make sure that the new law that has been enacted gets implemented appropriately around the State. I'm the former Voter Protection Director of one of the two major political parties in the state.

So, I am here primarily to discuss the new early voting regs and just the quickly changing landscape that we're all laboring under with the caveat that I understand that you folks are limited by what the new statute says as you design your regs. I do want to urge the Board to develop regs with a mindset that recognizes that the early voting dynamics are just different than election day and that some of those processes can look a little different, of course within the bounds of the law or future adjustments to the law. So, for example, there are certain urgencies, considerations around the need for scanning as many ballots as possible in an election day, single election day model,

contemporaneously with when a voter comes in, checks in, marks their ballot. They just don't really apply when it comes to an early voting model where you have two weekends, two weeks, since we are not actually tabulating or canvassing any ballots until close of polls on election night or an hour before. And so for example, New York City has taken the position that the testing requirements for scanners prohibit a vote center's model and so they then, they can base on that belief they've then made a decision to regionalize the entire city limiting folks to a single poll site, not just in the City of New York where they are a voter, but in the county, the borough where they are registered to vote, and so I suggest that it might be possible to regionalize the scanners and have a vote center model rather than regionalizing the entire city and every voter, millions and millions of people, and then our well-designed reg that took that into account could address that as one potential flexibility that would never be looked at from an election day model. So that's just a suggestion of where we can go here, and you folks are in a position to help design the architecture of this program that is going to be in place for forever or till future amendment.

Also, it appears that with respect to the city, the new law really is treating the single city-wide BOE as five counties, five separate counties for voter access purposes and that's leading to a lot of undesirable consequences. I mentioned that to you folks, there are some things you might be able to do by reg and other influence you might have. Just to point out that the new law provides for borough-wide voting at best but not city-wide and of course people who live in the five boroughs work between the boroughs. So, the concept of early voting is vote near work or where you might have child or elder care obligations, sort of breaks down in the New York City model. That could happen in other counties if people work between county lines, but the accessibility is just different outside the five boroughs.

So, the other thing is the equitable siting provision that are in this law do refer to county but I just don't understand how in a case of the City of New York that could be interpreted when you have a city-wide election, which actually we do have this year. So, you know, just a quick example, there's seven early voting sites designated for Staten Island, 313,000 registered voters, seven early voting sites designated for Manhattan with 1.1 million and change, registered votes. It's incredibly inequitable and just between those two counties, even if the law technically permits that, I don't see how you read the word county into that provision at least when there is city-wide or multiple county elections.

So, the next point I just want to make quickly, there is a rule and exception provision in this law. It's very clear. It says any voter may vote at any polling place for early voting in the county that such voter is registered. It does give two very limited, very clear exceptions to that and I think it's important that as these Boards chose to make that determination, their doing so on the record and their doing so on a recurring basis after each election event. I could understand that with the new regs and new processes, 2019 might be one thing but if counties are still choosing to segment or partition or regionalize their counties several cycles from now, I can't see how that's not a violation of the law if other counties with similar populations or dynamics have figured out how to move to a vote centers model, which the law makes perfectly clear. That is the goal of this legislation.

So with that, I do want to touch on the machines since it's an issue of import and to the extent it does impact the new early voting program, I'm not a cybersecurity expert but I have heard that the physical ability to mark a ballot after a voter verifies it, that appears to create a risk of meddling that just undermines the hallmark of New York State elections security. Everyone in this field talks about how New York held out and embraced those paper ballots and so we know that ballots need to be voter verified or verifiable prior to their being cast and counted and I think there are similar concerns that exist for machines that read a barcode. And so more importantly, I actually think from a process standpoint and a logistical standpoint, there is enough change going on right now as there is, there's enough training to be done next month based on regs you folks are finalizing this month, that to move to an entirely new set of machines on top of that where I've been told specifically by the ES&S vendor at a demonstration about a month ago, they're ready to proceed with a ballot-on-demand model based in part on what's being done for in-person absentee that's doable with the machines that are in place right now. So, there is no urgency to adopt these machines across the State at this point and I urge the Board not to go in that direction and instead to focus on the change that's coming this year and next year and the year after that. So, thank you so much for the opportunity as well and I appreciate all the hard work you folks are doing.

Douglas Kellner: Thank you Jarrett. We did receive your written suggestions with respect to the regulations and I think that there were several ideas and concepts that you pointed out that we are seriously considering that when the final regulations are adopted, you may see some of those proposals that you made incorporated in the text, particularly how to address the distinction within New York City between county and city functions for the assignment of poll sites. Alright, so I think we'll start with.

Peter Kosinski: I just want to, is everyone done as far as the comments? I just wanted to say from my, and I'm speaking on my behalf, you know, election security is a top priority at this agency and it has been for years and certainly we understand the new voting systems that we put into place 10 years ago in this State, the electronic machines that we have, the optical scan, the security is the top priority. It continues to be a top priority as we go forward with E-Poll books, again security is a top priority. So, I know there are security concerns. We've heard them for years frankly, you know, a number of issues that you've brought up here today, we've certainly taken them into consideration as we go forward with our certification process with a very rigorous process in this State. Commissioner Kellner was very involved in developing this early on, as was I, as I was here as an employee of the agency back in those days and we've taken it very seriously and we think we've done a very forward looking job in trying to make sure that our election systems in this State are secure and we take that seriously. So, we appreciate your comments today, but I want you to be assured that that is a top priority of this agency and as we go forward it will continue to be.

Douglas Kellner: Well, I certainly agree with that.

Andy Spano: Yea, I just wanted to say that as I said before is that we listen very carefully to what you say, and it is considered very carefully. As we continue our discussions on evaluations, your comments will be taken into account.

Gregory Peterson: I would just like to add that your comments would be taken into effect and will be very serious. Certainly what you've said this morning does not fall on deaf ears and adds to our review of all the entire processes as far as security is concerned and we'll move in that direction as we try to certify, decertify moving ahead to make sure that every single vote is counted and secure and top priority of this agency. It always has been and always will be. Thank you very much for.

Lulu Friesdat: Thank you Commissioner Peterson. Can I just ask, how will we be kept abreast of your process, because one of the things that was a little concerning to me is things seem a little opaque? I was in contact with Cheryl ahead of time. She didn't have an Agenda. She didn't know what was going to be discussed today. It was a tremendous amount of organizational work. We have many more people downstairs who didn't fit in this room who came up here today who were concerned about this. So, we just would like to know if you are going to move to decertify the Dominion ICE or if there is conversation about that, how would we be kept abreast of that or be aware of process is happening is. It seems a little opaque right now.

Peter Kosinski: Well, I don't think it's opaque. I mean our meetings are open. We do stream our meetings as every meeting we have is on the internet and there are archives, so you are certainly welcome to look back at meetings that we've had and see the discussions that have taken place. Our Agendas are public as you are here today, you are welcome to attend meetings whenever we have them, you know, room, whatever the room allows as far as the number of people, but you are certainly welcome to come back to any meeting you want to. You know, we think we have a very open process as far as our discussions, our considerations, and you know how we are proceeding with this. So, I'm not sure what more we can do but...

Andy Spano: I just want to say, our last meeting we had the CEO of Dominion here and I know I gave him hell, talked to him and compared him with the Boeing situation. He got very upset about it. He didn't think it was as important as Boeing. I made that clear that we thought it was as important. We then went on to look at the certification again that we did before. We had it investigated and looked at. We got a report and we had that report last meeting and the meeting was public.

Douglas Kellner: Right and the report is a public document. The ExpressVote certification process does include several public demonstrations and so people who want to receive notice of that should notify John Conklin or Cheryl Couser to be put on that notification list and isn't there a plan to put it up on the website?

Bob Brehm: No, we post to the website when we've scheduled that and it's usually a little further along...

Tom Connolly: Oh, for the public demonstration, yes, I would go to the website beforehand.

Lulu Friesdat: Could the Agenda be up any earlier? The Agenda really wasn't up until yesterday.

Douglas Kellner: The Agenda doesn't get set usually until a day or two before...

Peter Kosinski: Yea, that's just the way we work. Typically, things come together

and

then we put an Agenda out when it's finalized. Typically, that won't be until pretty close to the meeting date itself, just the nature of our business or it's hard to get an Agenda out too early. Frankly, we'd like to know what the Agenda is too to get prepared to come here. I'm not going to say to you we don't have an interest in getting it done relatively early, but we understand that with all of the different projects that are being undertaken by this agency, particularly now with all the changes that have occurred in the Legislature over the last couple of months, you know, we're trying to address issues as quickly as we can and as we set Board meetings, we try to make sure we get as much on the Agenda as we can that is ready to go, so the staff is trying to get things together and we're trying to accommodate them, so I can't say that we can get the Agenda too much earlier, that's just the nature of the business at this point.

Lulu Friesdat: I guess if you are going to make decision about certification of a voting machine, that's something that people might want to know in advance. This is, like we didn't know like is this meeting where the certification for Express XL is going to be decided or not, so we're, you know, and people, that's a very big decision for people to come up here, to take a day off work, to pay \$50.00 for a bus ticket or whatever, and it's a difference to them, oh is this the meeting where they are actually going to make a decision or no, and if this goes, I don't know how long this process is going to on, but I'm just saying it's helpful for people to know. Is this where I really need to be there to know that I care about this or is this just like three meetings down the road, you know, people are, have a right to know so they can make a plan to be here if it is important to them.

Peter Kosinski: Yeah, fair enough. I'm not sure...

Douglas Kellner: We don't know either.

Peter Kosinski: Yea, I'm not sure, you know, the time is dictated by a number of issues, the vendor has to submit documents, our testing agent has to, you know, test them. Those are not things that we control here because it is not our personnel, but I mean I think if you are in contact with staff, they will try to let you know if you have an interest in a particular issue like the certification of the XL machine as to the progress and what the time frame looks like so you guys can be aware or if you want to come and attend. You know, we will certainly do the best we can to keep you informed of that. I don't think it's going to happen right away. Frankly, we have a number of steps to go through before we can certify, but I can't give you a specific time frame how long it is going to take.

Lulu Friesdat: Alright and what about the documents from NYSTEC and from SLI are those going to be available online for people to review and security experts to review?

Peter Kosinski: Tom, do we put those up online?

Tom Connolly: I don't think we posted them online. I would have to take a look at it and just figure out a public version of it if we are going to post it.

Douglas Kellner: We could.

Peter Kosinski: As far as I'm concerned, those are public documents. I think what we're considering should be available to the public because this is a transparent system. We are not trying to do this in any dark room. We want to make sure that people know what we are doing, and they are comfortable with what we are doing. Your right, you know, public confidence is a big deal to us because the public needs to be confident that their voting system works and works correctly and is secure. So, we do try to do everything we can in open and so if you want documents and we have them, we will make them available.

Douglas Kellner: And just to add, the FOIL application process is very simple. There is, if you follow it on the webpage.

Lulu Friesdat: That's fine, but if I don't know the certification, if the source code review is complete or not complete, I don't know when to FOIL, you know what I mean? Like there has to be something...

Douglas Kellner: I understand.

Lulu Friesdat: An offering of what's going on. We are kind of really working in the dark.

Douglas Kellner: We will try to keep you in the loop because we know you are interested, and we will keep you posted.

Lulu Friesdat: Thank you so much.

Lulu Friesdat: May I add one piece of information.

Douglas Kellner: Alright, but Deborah was next.

Lulu Friesdat: Jennifer Cohn.

Douglas Kellner: Oh Jennifer Cohn, I'm sorry.

Jennifer Cohn: I just have a question. I'm wondering if you could explain to the people of New York why you already certified a hybrid system, the Dominion ICE, when

experts have explained that it can mark (audio skipped) the machine can mark a paper ballot after the last time the voter has inspected it?

Douglas Kellner: The answer is that the particular issue had not been raised at the time our own experts had given their certification reports which is why we asked for additional examination and the examination report, which is available and has been distributed, concluded that while it's theoretically possible that it is extremely unlikely that someone would be able to actually accomplish all of the steps required in order to have the successful hack. Now that doesn't, pardon.

Jennifer Cohn: I'm sorry, I'm hoping you could explain why you would take that risk. These systems are also more expensive than hand marked paper ballots, correct?

Douglas Kellner: Well, that's an issue and I hope it will still be something that fellow commissioners will consider but for now, go ahead...

Peter Kosinski: I'm sorry. Maybe I didn't understand. What was your question?

Jennifer Cohn: Why would you take the risk even if you are saying that it would be difficult to hack these hybrid machines so that they can mark the paper ballot after the last time the voter had seen it so they can add fake votes. Why would you take that risk?

Peter Kosinski: Well, we've taken numerous steps to make sure that the machines are secure, that, I mean there's a number of aspects to this whether it's testing, whether it's pre-election testing, or whether it's actual manual control over the machines themselves. I think you can read the report and you can see what steps we have taken and what we are having our local boards take to ensure the security of these machines. I mean, I'm not going to go through the whole report at this point, but I think you should read the report. That's what we relied on and that's how we made our determination, and as these vendors come to us with proposals, we analyze them in the context of our rules and regulations and upon our experts analysis of the security of the system and how well it works and what the security issues are and how to address them and we rely on them to an extent, to make our final decision and we relied on those documents that you have access too.

Jennifer Cohn: Right, but there is nothing is there that eliminates the risk that was just read by Professor Appel, which is that the machine can be hacked to add fake votes to the paper ballot after the last time the voter has seen it. There is nothing in there that prevents, eliminates that risk.

Peter Kosinski: Well, if you are talking about elimination or you are talking about a zero, I mean, I don't know if there is any certain in our lives...

Jennifer Cohn: You're telling me...

Peter Kosinski: Let me just finish. I'm not sure that there is anything that's absolutely certain in our lives. But we've taken every measure to address the issues that were raised as far as the potential security issues. We took, as Commissioner Kellner indicated, we took extra measures after some issues were raised to make sure that we added procedures, added levels of security to address these specific issues. So, I don't think you can say that we haven't done everything we can to address the issues that have been raised and that our experts have identified.

Jennifer Cohn: But why would you certify...

Andy Spano: On the Dominion machine.

Peter Kosinski: On the Dominion machine. That's the only one we've certified, right.

Jennifer Cohn: Why would you certify a system that has this extra risk? It makes no sense. The whole point of a paper ballot is to check for hacking on the machine marked ballots, paper ballot itself can't be hacked. Why would you take that risk? It cost much more money than a hand marked paper ballot system. Why add that extra risk in there? Why add the possibility of a hacked paper ballot when the whole point of a paper ballot is to check for hacking.

Lulu Friesdat: Jennifer Cohn, I think the Commissioner has done his best to answer the question. I think what I maybe just add to the conversation, is that in this particular instance, what I think is really noticeable is that security experts outside of your, of the people that you hired are giving you very different information and it's very important to notice that, that NYSTEC and SDI you know they are saying these systems, you know, this can be mitigated in this way, but you are seeing a large spectrum of security experts disagree with that evaluation and come to you. Professor Appel actually left his vacation, he is on vacation with his family and felt it was important enough to come here to say to you, I disagree with this report. I disagree with this assessment of low risk and it's very important to note that we have security experts across the country saying what you've done there, we don't think it's right.

Andy Spano: That's the way you perceive it.

Lulu Friesdat: No, it's not the way I perceive it, it's the way all the security experts perceive it.

Andy Spano: I run a large government okay, I had to make decisions like this all the time. How to make decisions on what to secure, whether I secure my amusement park, whether I secure my bathrooms, whether I secure, and I have to make a decision. I only have a certain amount of money. I had to look at it in terms of what the real risk was and I would make it. I wouldn't protect this; I would protect that, it's all because the risk here was so low, I didn't have to worry about it. That didn't mean that they couldn't blow it up at some theoretical time so that's the way we look at everything. I'm not applying

what I'm saying now to this particular machine or anything; I'm just telling you that that's generally what we look at. So here we are sitting, and we've got I don't know how many PhDs or whatever saying one thing and then we got a whole group of other PhDs saying another thing. So, for every PhD there is an equal or opposite PhD. We have to look at all of this and we have to sift through all of this and that is what we are doing. We are doing it honestly. We are doing it with a professional attitude, and we come to some conclusions. Everything I'm saying to you doesn't mean we have made up our mind on things. We have listened to you and I know I have and I have concerns but I am going to make the decision based on all the information I have, consultation with the people here, the experts that we have, and what I've heard. It's not easy, but it's certainly isn't because we think that this is so dangerous that we're going to pass it anyhow and people are going to over vote or whatever they are going to do.

Peter Kosinski: I think you should understand too that these machines were not developed in a vacuum. They are done in a response to the needs and requests of our voting population and these types of machines have been deemed to be responsive to the disabled community as well as our non-disabled voters as well. So you know, the whole idea of the new voting machines in this country has been in large part to address the disabled communities need to be able to vote in a poll site with other voters and these machines have been developed in part to address some of the issues that have been raised to us and to the voting community in general, because we're not the only State that is looking at this. This is a nationwide issue; it's a nationwide effort that is going on to develop voting machines that address the needs and requests of our voting population. So, these voting machines weren't just created out of whole cloth or out of, in a vacuum, they were done in consultation with a lot of our communities that seek to have their right to vote protected.

Lulu Friesdat: I would just like to address that issue specifically in regard to the Dominion ICE because the voters with disabilities do not like that machine. In fact, when it was scheduled to be certified last October, five separate disability advocacy groups wrote and asked that it not be certified. They were so unhappy with it and I actually, if you look at the investigative report that we've done on the Dominion ICE, it's on our website Smartelections.us. we went out into the disability community and interviewed, I interviewed two separate disability advocates and they do not like the machine whatsoever, and on top of that, they are very worried it's going to create long lines because the way it is set up, the voter with a disability is voting and their session may take 15 to 20 minutes, a half hour, while meanwhile voters without disabilities are waiting to scan their ballots through. You can get another piece of equipment to kind of, you know, modify that situation but then again you are getting more expensive and more equipment. The way the machine is designed is something that the disability communities actually been very vocal about not being happy with, and they said specifically to me in that report. If you watch it, you'll hear Lisa Taron (sounds like) from the Westchester Independent Living Center say, we were not asked about these machines. These machines were not tested with us. We have not been involved in the development and they were very unhappy with it. So, I know that's the narrative that the

Dominion ICE is for the disability community but if you speak to them and we were developing very strong relationships with the disability community because we are very concerned that they have a good experience, you will hear that the Dominion ICE is not their answer.

Douglas Kellner: I just suggest though that we avoid stereotyping in using the phrase, “the disability community” as if they speak with a single voice because they are...

Lulu Friesdat: Five separate groups though wrote.

Douglas Kellner: Right, and there are other groups who have, other groups who have taken an opposite position. That’s all I’m saying is. You wanted to....

Julie Weiner (sounds like): Yes, sorry to interrupt. I’m Julie Weiner. I am active with Citizens for Voting Integrity New York as well as being here with Smart Elections today. I just want to say Commissioner Spano and Commissioner Kellner, I watched the March meeting here and was very moved by your efforts to make sure that the Dominion ICE got reviewed and to tell you the truth, I was a little disappointed with the results in the April meeting when it did seem to me that the review was accepted without much conversation, without much discussion. It looked to me like a defeat and especially when I read some of the expert reviews of the review, it was shocking to me that after what was said about it’s, the bizarre so-called mitigations, it was shocking to me that that was not enough of a factor in your decision. It seemed to me that just the fact that you were satisfied with just the fact that there had been another informal review and it almost didn’t matter what the review said.

Addressing the issue of responding to the needs of the voters. Our position is that there isn’t an adequate, there isn’t an adequate procedure in place for ensuring that it’s the voters needs that are heard rather than the needs and financial needs of the vendors that are taken into account, that we believe and perhaps you support us in requesting this from the legislature that there needs to be developed an RFP process where the perhaps the County Boards of Elections and you as the Board of Elections can do something to get a sense of what the voting machine needs and requirements are and send out a RFP so that there could be a competitive process rather than leaving it completely up to the vendors to decide what you get to certify. As I read the law, maybe you can correct me. You guys don’t really have a choice as to what machines you get to review. It’s up to the vendors to submit the ones they want to you. So, are they submit the most expensive machines, what do you have? That’s all you have in front of your and meanwhile they are saying the old machines, they are no longer, they are going to charge an arm, or a leg are no longer going to maintain them. So, it seems to me you’re really in a passive position relative to the vendors and I hope you will support and perhaps it requires a change in the legislation. I know you sometimes submit suggestions for legislative changes. I think it is necessary for a legislative change or maybe a procedural change so that you are not the passive recipient of the vendor’s proposals for what to certify.

And finally, I want to make you aware if you’re not, that on May 15th, Senator Ron Whyden, with the support of our Senator Kirsten Gillibrand, updated his PAVE Act,

Protecting American Votes and Election Apps. So, May 15th, there is an update and it's specifically bans the use of any voting machine, it would ban if it is passed, the use of any voting machine anywhere in the country that has the mechanical potential to mark a ballot subsequent to voter review. So there is also some developing national political pressure taking into the account the concerns of the election security community and trying to prevent these machines from going into service in the United States, especially for the 2020 elections, especially in the light of the really horrifying high probability of highly professional and technically sophisticated hacking, unpredictable in its affects. You can't know what techniques hackers are developing until they are already out there and then you can mitigate them. So, I don't think there's any election security expert who can predict that in, that by 2020 it will still be improbable that these machines that have the mechanical ability to remark our ballots won't be hackable. Thanks.

Unknown Female: Yes, Hi, I think someone made a really important comment just a little bit ago that voters with disabilities are not a monolith and I very much agree with that and I think that there is an assumption that all forms of disability benefit from the use of ballot marking device but as Professor Rich DeMillo at Georgia Tech, he is a Computer Scientist there and an election expert has been pointing out repeatedly voters with cognitive impairment actually find ballot marking devices much more difficult to use than a hand marked paper ballot. So, the assumption, the underlying assumption that all or even most voters with disabilities would only be able to use it, the ballot marking machine device, appears to a faulty premise. And the only other thing I wanted to mention is I haven't heard anyone say anything about the Autocast feature on these ballot marking devices. I apologize but this is a feature where it gives the voter the option to not review the paper printout, what we are call the paper ballot machine marked printout, it gives them the option to not review it at all which seems like a very blatant and very obvious invitation to fraud and I don't think you need to have a PhD to see that. Thank you.

Douglas Kellner: Alright. So, anyone else? Let's move on to the regular part of our Agenda then, which we start with the reports of the Co-Executive Directors, Bob Brehm and Todd Valentine.

Bob Brehm: Thank you. It's been a certainly busy time between our two meetings, previous one and today, preparing for the items that are before you to consider. Some good news, we had asked you at last meeting to approve a plan for the apportioning of the \$24 Million Dollar in grant money, the \$10 Million to localities and the \$14 Million for the capital fund. We provided that plan to the County Boards of Elections and gave them a little bit more time if they were to consider expanding the number of early voting center because the money helped them to at least something to consider. We have 100% response. Those counties that had a little bit of a tug of war or somewhat between them have all responded. We are at 245 early voting sites and where they needed, in many instances it went beyond the bare minimum. In some areas they may still decide at a later date to expand that number. So, we are using the information that the counties provided us. We've updated the grant award amounts and we are proceeding on our next phase with OGS to finish the preparation of those contracts so the counties can get them and start to understand better that there will be a reimbursement program, and these are the values that they can plan on.

Peter Kosinski: I want to ask you a question on that. Do you get a sense that the finances are impacting the decisions that the counties are making regarding how early voting sites they are having in their county? And I said that because I noticed that a large number of our counties are at one and I think I counted 34 of the 62 counties are at one, just one site. Is it your sense that the funding mechanism was adequate to allow counties to do more than that or that that funding or the money that was available was impacting their ability to add more sites?

Bob Brehm: I think the fact that we calculated the amount per early voting site gave them an ability to cover especially in the Aid-to-localities, to cover the logistical cost to paying people and to you know, have a site open for nine days and cover those 60 hours, you know, so \$15,000 per site helped them if money was the cause. I don't think money was the real reason why they made the final determination and I think the fact that there are so many parts yet, you know, to be decided, the stubs, the perforation, the timing, getting enough staff to cover everything. There are already small boards with not a large staff, two part-time commissioners generally, maybe two full time employees at the board, so I think there is a lot that is being added. This is not the only law that they have to implement this year, so I think it's the totality of everything as we roll it out this year. Hopefully next year when we have two primaries and a general election to administer this money, excuse me, to administer early voting that they would make other decisions perhaps ...

Peter Kosinski: What's your sense, this money was appropriated by the legislature. It was like \$24 Million Dollars basically total. Is that something that is going to be a reoccurring allocation to our Boards or is this a one shot. I mean do you expect next year they will get another allocation to help them offset their costs or do you think that this was just a one time. The way it was done in the budget, I don't know, was it done as a one shot or was it done as a reoccurring?

Bob Brehm: I think it was...

Todd Valentine: It was only done as a one shot...

Bob Brehm: Because it's a reimbursement, the only thing we've kind of discussed is, at what point does it end? It's not forever money like some of the other grants when we discussed with the Division of Budget, I don't think they expect this to last years and years and years to finally use this money. Considering that the estimates from the county were well above \$100 Million anyway, we don't envision that issue. The only question that we have is could all of the counties get reimbursed by the end of the fiscal year. So, in our draft that we've prepared and shared, we've envisioned that the reimbursement could go as late as December 31st of next year, just to give the counties time to get the

Paperwork in. Generally speaking, I think all of this money, I mean will probably be spent well before the Fall and it's just a matter of when do the counties get us the paperwork.

Peter Kosinski: My concern is that. I'm sorry, did you want to say something?

Kim Galvin: I think that the timing of how quickly this came out, with all the moving parts, with the inadequate funding that everyone agrees to, whether we say it out loud or not, it was woefully deficient. In addition, the funding mechanisms of the counties is a refund.

Peter Kosinski: Right.

Kim Galvin: So, you have to put the money upfront and then you are reimbursed, and all the local budgets had been done for the year. I think moving it to next year, they will be able to address it with their counties and some will have the money, and some will not have the money. So, I think depending upon those circumstances, you may see an increase in some of the 31 or 32, but you know, it's costing them a lot of money and they don't have the time.

Peter Kosinski: Okay. I mean my concern is and I think I raised it at the last meeting, you know, we're seeing a lot of the upstate counties with one site and I know that they meet the statute because the statute was based on number of registered voters, but in Upstate that's not really the calculation; it's distance. You know, it's a fact that if you are in St. Lawrence County and you have one site in Canton or wherever it is, that's a long way for people to have to drive to get to their site and that's not unusual. I say St. Lawrence but it's not just St. Lawrence. There are a lot of upstate counties that are large geographically and yes, they meet the statute because they have fewer than 50,000 voters, but we're asking people to drive now long distances and I just would like to know if it's because you know, the State isn't adequately funding it and that's what is causing this or if the locals have actually decided that no, one is enough and that's all we need. But I would hate to think that our upstate votes are suffering because you know, this unfunded mandate was dumped on them, and they don't have the money. I know a lot of these counties are strapped. I know our boards already have funding problems and they cannot fund more than one and then the upstate voters are left with well, you've got to drive 30 miles to go vote, which isn't very practical.

Kim Galvin: Some of them...

Andy Spano: I think with everything out there, just think about this, let this go the way it is right now and then take a real close look at this next year because I tell you it's a real problem. How do you go to a county that has 5,000 voters, well 5,000 citizens and has monumental territory? What do you do? How much money do you allocate to that to have convenience voting sites?

Kim Galvin: Plus, some of those, I mean the rural communities face unique challenges just as the major metropolitan areas due to space, but some of the rural communities really don't even have Wi-Fi connectivity throughout their entire county. So, to have the remote sites that can't connect and still prevent early voting is unique problem for them that they've actually articulated to us so that is going to take more time than okay, by July 15th, you have to have, you know. So, there's all those concerns too that need to be looked at and see if mechanisms can be put in place to make it a smoother transition for some of them.

Bob Brehm: I think the quickness of picking them too because of the need to pick them, you know, identifying a site, you know, they first focused on the poll sites that they currently have but to use that poll site for 60 hours over 9 days plus election day, probably didn't get together as much as perhaps would help.

Kim Galvin: And that's four or five times a year.

Todd Valentine: And then they had to pick the sites before they knew the equipment that they could use them to run multiple sites, because we're only approving electronic poll books today. Those were not available when they started making their decision-making process plus for the multiple sites, often counties are going to look for on-demand ballot printers. Those aren't quite available yet, even by statute, so the tools that they need to have the multiple sites, the counties were forced and certainly I think money was definitely an aspect to it, but what we're doling out is only going to start for one year and there is no promise that what doesn't get spent even gets re-appropriated next year and that's certainly something that we have to warn the counties of because as Kim said, they already have their money to spend except for those who add additional funds available like Nassau County, who you know is bonding, New York City has much deeper pockets, but the smaller counties don't have that money to upfront it until next year when they can budget for it and hopefully they can get the reimbursement in time and do something but, and we're going to anticipate trying to get it re-appropriated so that they can spend through the next year but there was no promise made that that would happen.

Andy Spano: Problems are all conjecture at this moment. Next year they won't be. Next year we'll see them...

Kim Galvin: Or, there might be new ones

Andy Spano: ...know what the specific problems are, and then people will get involved wherever they need.

Todd Valentine: Next year comes fast. We start in April...

Andy Spano: I understand. At least you'll have the scope of what you are dealing with.

Todd Valentine: Next year is going to come fast.

Bob Brehm: So, we shared this information with the county boards of election, and we appreciated their work to those who hadn't resolved their differences, they all did. I think that is great. We don't, I don't know how we would have mitigated that but certainly we

both Todd and I and others talked to the counties and tried to get them a path forward and luckily, they did. So that was helpful. We are going forward with the contract. We shared the information with the Division of Budget to hopefully get the approval of the \$10 Million Grant allocation by the Director of the Division of Budget because that is in the budget language. We shared the numbers with NYSAC both in draft form

Peter Kosinski: You're saying you don't have budget sign off on the plan yet?

Bob Brehm: Only on... the Aid-to-localities requires the Director of the Division of Budget to approve it. We've met at the staff level as to what, after our last meeting where we came up with our own recommended plan, we gave them the draft at the time based on what counties have given us by May 1st, and we told them because this money may help or other decisions that are happening during that period of time, we gave to the end of May for the counties to update the list, but we had to freeze it at that point so that we can make the contracts and get going with the next round. So, I think we gave as much opportunity as we could in order to keep moving forward to the counties. There may be counties that based on other answers modify their plan between now and October anyway. Some are waiting for the decisions before they open up and modify their plans. Others may have four sights but if we don't allow perms and stubs and on-demand ballots, well then, they may go to regional instead of "going to any site" just because of the nature of where we're at in the process with those copy ads.

Peter Kosinski: So, what's the status of those? There's legislation to adopt this no-stub and the color issue. I mean have those been passed or what's the status?

Bob Brehm: The color issue passed the Senate. It is on third reading in the Assembly--

Peter Kosinski: Because what do we have, five days left, six days left in the session? Or pretty close to that?

Bob Brehm: The 19th I think is our last day of session. We still have the Presidential Primary Bill that I'm told is getting printed today that has to come out, so there's a couple more that are coming. But the color is helpful because it's the cost of the on-demand. The perf and stub bill passed both houses already. Nothing has gone to the Governor since the budget except one bill. So, I think they're trying to not, you know, all the staff is busy negotiating the last couple of days of session. I haven't seen any bills go over; hopefully they will. We've certainly had conversations with them about how important the stub bill is. There's also the bill to correct the uniform deadline for the new parties to get us certificates of nomination, which would move it to September 1, instead of -- I forgot the date in my head.

Peter Kosinski: But some of these bills impact the board's ability to implement some of this, like on-demand ballots.

Bob Brehm: Correct. I mean, we keep reporting to them the progress when they pass but we tell them it's waiting to go to the Governor.

Douglas Kellner: But the stub bill has passed both houses, so I think people can –

Peter Kosinski: Good chance that's going to go through.

Bob Brehm: A couple of other items. Certainly –

Douglas Kellner: And could I just say the stub bill isn't a solution by itself because the county still has to have a valid accountability plan, although some of these e-poll book vendors have incorporated good, valid accountability systems into their e-poll book systems.

Bob Brehm: We've been reviewing that with either our about eleven e-poll or soon ballot-on-demand vendors in some form or another who have contacted us, or we've contacted them. Co-directors sent out a communication to all of them to explain to us their ballot accountability provisions if they haven't already in what they've given us so that we can look for the commonality between them as we write the procedures and the regulations, or at least prepare to write them.

Kim Galvin: And at least ballot-on-demand has been used by some counties for the absentee ballot system so they're not wholly unfamiliar with those processes in the larger jurisdictions.

Bob Brehm: And we have existing ballot accountability provisions beyond stubs and perms anyway. It's not like we're starting from nothing. We have a pretty good written procedure in addition to that that we just have to use the law points out to the extra information that you'd get out of the systems in order to add to that accountability.

Todd Valentine: And we've been taking input from the counties. You know, we have a work group to help us develop the procedures for early voting. We met once in person, we met by phone. We have another meeting scheduled for next week by phone to go over the processes so that they can understand the nuts and bolts of what has to happen on a daily basis through the nine days or early voting, because it's a little different. But again, we have a lot of existing procedures that will have that accountability to make sure that the security is there on a daily basis. So yeah, it's coming together, but once the legislation – why it's not getting sent to the Governor, I don't know. But it would help.

Bob Brehm: The only other item I have on my list is we were invited to the Senate hearing last week on automatic registration. We both responded, I'd say uniformly with the same opinion, which is no surprise to anybody. At the time of the budget negotiation since automatic registration in addition to online registration were discussed, Bill Cross at least looked at an estimate of time and money to develop a system. So that certainly is an important thing to point out. We don't have money yet to build the online registration

system. We are working to come up with a project plan that would identify the money that's needed to complete that effort and to then work with Division of Budget, who has indicated that they will work to get us that money. So, we don't know how much we need to build it. We're working to come up with a plan, and we don't know when we'll get the money to build it. Alls we know is it's supposed to be built by April 12th, 2021, which is also part of our factor. Our estimate is that it would take us three years, so when we come up with that plan and that money, we'll have to ask the legislature perhaps to extend the effective date once we know we have money under that plan. I don't anticipate that automatic will get done in the next five days of session, but certainly we laid out again the amount of money it would take to do it, similar number of years, what the impact on county governments would be to pay to upgrade their systems and also the rest of the agencies would have to automate. We have no money estimated on what it would take or time it would take to add it to any of the agencies that are listed on the proposed bills as far as the changes they would need to make to put this process into their business rules. So, I think that at least summarizes what I said at that period of time.

Todd Valentine: Well we're still struggling with a lack of funding. I mean none of the new initiatives, absent the grant programs for the counties, were funded and we can only take a portion of one grant to help us with some of the costs we know will have to occur in testing the poll books, because there is a cost to ensure that they operate correctly. And again, a cost we have to do in the future to make sure they operate in the field, because we still have to test the security. You can test the security in the laboratory, but you have to have it set up in the field in order to ensure it was set up correctly and operates there. This is hamstringing us in a big way. We are stretched to the max even to try to get additional positions approved to assist with Operations. It still hasn't been approved by the Civil Service Commission. They've had that for months. They say it's on the agenda for June, but we still haven't seen it.

Andy Spano: The money is there.

Todd Valentine: Well, the money is still a problem. We're still short on money, but I can't even get the positions created just to provide the assistance to help with the workload.

Peter Kosinski: What positions are you talking about?

Todd Valentine: Well we have identified a series of six positions to assist with the Operations Unit that can help with the ballot access, the outreach to the counties and continue with our voting system testing plan. Plus, now we've had to add the support of e-poll books on top of that. Plus, the counties will need support with the on-demand ballot printers. So, it would be assisting with logistics, administrative support, as well as the testing.

Peter Kosinski: You're training people that would be actually out in the field that would go out to the counties to assist with their development of these new systems?

Todd Valentine: Some would, yes. Some would.

Bob Brehm: Yes. Our procedures require that we do that oversight anyway, but certainly they are questions that need to be answered.

Todd Valentine: And you have to have somebody in the field to do that. Now we do send people out because we have other requirements to go in the field. But they're people that are designed to do one task, not necessarily all the tasks that are necessary in the field. We look for voting operation procedures, voter list maintenance procedures, so we are hamstrung. More work, less money, can't get more people.

Peter Kosinski: Tom, these are your people?

Andy Spano: You sound like a mayor, like a department head...

[All talking over one another and laughter]

Peter Kosinski: So, your current staff is not adequate to be able to go out to do these extra services. Is that the problem?

Tom Connolly: Some of the different things we have are technology so there's obviously a different kind of skill set on some of the new technologies. We also have a number of long-time vacancies in our unit already, so we were trying to figure out what new tasks were we being given and what tasks that we already have that we didn't have people anymore to help us with and try to figure out what those positions look like that could really be the most efficient way of operating.

Peter Kosinski: So, are these technical type positions, is that what you're looking for?

Tom Connolly: It's kind of a mix. Like Todd was saying, some of them are a little more administrative because some of our vacancies were more administrative, but some of them are definitely going to be slightly technical, but definitely going out and possibly just doing outreach training, supporting all the other things that we're doing in our unit.

Todd Valentine: We've shifted people from other units, but the problem is the other units, take Compliance for example, this is a local year, now we think of that as a down year, but they get a lot more filings this year and those are now changed for the schedule, so you have the three that you would normally have later in the year for September now are occurring in the June time period. The July periodic is going to come and then it's going to go into the general election periodic, so the compliance is out doing training now. So, we've been able to shift as needed for objections when we had our designated petition period, so it's been very helpful. But they have their own day-to-day jobs, so again. And Bill can talk about how IT is stretched thin, tight.

Tom Connolly: IT looks pretty thin to me.

Peter Kosinski: So, I just know when the budget went through, we had concerns about adequate funding for the current staff. And you guys told us that you thought we didn't

have enough, but they allowed us to use some other money that was earmarked for a certain position and freed it up so we could use it. So, I'm just trying to understand how these new positions work within our budget constraints and whether we have the money to actually pay these people.

Bob Brehm: It is a good point. We need the titles so that when we do identify that money and can use it, for whatever reason. We do have a certain turnover in the agency. Where's the greatest need perhaps. But we need the title to be able to then work to get a body into the title.

Andy Spano: Yeah, but that's not a monetary issue.

Bob Brehm: Well it's part of it. So, we have talked with the Division of the Budget about this plan...since February. We've talked with the Deputy Secretary about this plan since he first was appointed, and we continue to talk to him about this plan. He did help us to get Civil Service to move on some of the IT related positions that were critical for us. And we asked for this one too. And hopefully on that date it will at least classify the job. Once I get the job classified, then my next discussion is now to put somebody in it. I doubt we'd get all six at once but certainly we'll start and keep working at it. It's very important, especially for some of the people to get in place because we need them to learn how to do the job long before next year. That's not something you can do on the day when every petition in the state is being dropped on your desk. You have to have those systems and training done ahead of time. And certainly, the ability this fall to go do the oversight of early voting and the counties response to all of what's being sent to them is critical. Are they doing what we asked them to do? Are they understanding it? Are they doing it well? Is there feedback that we need to change what we're doing? We can't do that on web conferences all the time. There has to be people in the field to do that work. We keep making the case. I wish we had more progress to report.

Douglas Kellner: Okay. Anything else, Todd?

Todd Valentine: No. Nothing.

Douglas Kellner: So, then we'll turn to the Counsel's Kim Galvin and Brian Quail.

Brian Quail: Thank you, Commissioner. The report today is somewhat truncated, but we can get into any area that the commissioners would like to. And I'm going to start with new cases. We have two new cases since the commissioners last met. McKay vs The New York State Board of Elections, which is returnable tomorrow which relates to New York's waiting provision in the context of individuals who have submitted a change of enrollment, but they have lost their party enrollment as a result of their chosen party not having qualified to remain a party. And again, that's returnable tomorrow, and we expect a decision relatively quickly on that matter.

And then another matter in Nassau County, Kimmel vs the New York State Board of Elections, related to an individual seeking an extension of time on how long an individual would have to circulate an independent nominating petition. In both instances, we've been helpful to the Attorney General's office, which is representing the board.

We've had a decision since the commissioners last met, or actually sort of a proto decision. A magistrate judge in the northern district of New York in the DeRosier case is recommended to the judge in that case that the state's motion to dismiss, which is actually being treated like a summary judgment motion, should be granted. That case involved political speech ramifications under New York's electioneering statute at poll sites, and the magistrate has found that New York's statute in tandem with New York's interpretation of its statute and definitive guidance that the board has issued is constitutional and does not impinge on political speech beyond that which is required to meet the state's significant policy objective to creating a place of(video skips).

Also, since the last board meeting, there was an argument on a motion to dismiss an illegal voter's case that involved the constitutionality under the state constitution of the 25-day cut off of voter registration before an election. We don't have a decision on that.

Discovery is continuing in Common Cause and Upstate Jobs. In respect to the former, the Common Cause case, we are preparing a staff report to the commissioners to give you a report on exactly where that case is as that case has come along quite a way and we are preparing that.

Submitted but argument not scheduled is the status of the Sugarman vs NYS Board of Elections case. It's quite some time ago that the CEC brought a proceeding related to the enforcement regulations. Both sides have requested oral argument, but the court has not yet scheduled that oral argument.

As far as the Compliance Unit is concerned, we are now up to 123,436 disclosure reports received and the unit has completed review on 112,620 of them. Since the last meeting there have been no additional referrals from Compliance to the enforcement unit. With respect to a couple of the last two non-filing reports that have been provided to Enforcement, 84% of those referred as not having filed the July 2018 periodic remain unfiled. So that's 2,105 out of the original 2,500 remain unfiled.

With respect to the January periodic, they're 97% of what was referred to remain unfiled. To date in 2019, no hearing officer cases have been brought by the Enforcement Counsel, so the Counsel's unit has not had to participate in the assignment of any hearing officers. And I think Kim had a few points that she wanted to apprise you of in respect to training and testing.

Kim Galvin: Thank you for telling me what I was apprising of.

Brain Quail: You're welcome.

Kim Galvin: Basically, the training staff has been out on the road. Since your last meeting they've done eleven training sessions, all of them for CPE credits and at least five of them for CLE credits as well. And what is a good note is Brian attended one and had the same opinion as many people are calling up or letting us know that the new training staff is doing an excellent job. I mean they hit the ground running and they're really, really very good. And we're hearing a lot –

Peter Kosinski: You're talking about the financial disclosure training?

Kim Galvin: Yeah. That campaign financing. And so, we're hearing a lot of good things back, even though it's their first real foray out into the counties. And also, our staff has been participating with IT in testing the new system that's coming out and reporting back issues to them. They've started the legislative over-contribution audit. They're deep into that. And they're also, if anyone's listening that happens to be a filer that hasn't provided an email address to us, they're busily trying to collect those because they will be necessary for the new system when it is ultimately rolled out. The other things we have our actual, sorry I missed the beginning of Brian's so if I'm repeating, is the two regulations that are ready for adoption later in the agenda. We've been busy. There's a lot more than that, but I don't know what it is.

Douglas Kellner: Yes, well everybody has been very busy between the regulations and the new equipment in order to implement the very substantial legislative changes. Alright, we'll do Public Information, John Conklin.

Peter Kosinski: You skipped Tom, but we can go out of order.

Tom Connolly: I mean, I don't mind.

Douglas Kellner: I'm sorry. We'll do Operations. See, I took my glasses off. Go ahead, Tom.

John Conklin: He couldn't see you sitting there without the tie.

Kim Galvin: Wow.

Tom Connolly: Thank you commissioner. So, in regard to the stuff that our unit has been doing. Obviously, we've been quite busy over the past month or so. The certification for the June primary was distributed to counties after the last meeting, but for the Republican primary in the 57th Senate District and a number of JD and alt-JD races in the 8th Judicial District.

As far as voting machines, the ES&S ExpressVote XL, the secondary source code review is underway. That process is still very early on as far as people wanting to know what time frames are for such things. We have started the process of reviewing the requirements that need to be tested during our functional testing so that test cases can be updated and written. Obviously because the machine is somewhat different from other machines we've looked at in the past, we have to look at the test cases that we've used, whether or not they're applicable and whether or not new ones need to be developed.

With regard to Dominion, we did complete our testing on the secondary monitor, which was not part of the original system that was certified. So that report is done. We'll be providing that to the commissioners for consideration at a future meeting.

With regard to ClearBallot, we've been providing NYSTEC with the final test cases and our staff is beginning to write their report on that. The expectation is also to provide that report to you in the near future so that you can consider that at a future meeting.

Kind of on a miscellaneous note as Todd mentioned, staff has been working on some of the early voting procedures with other staff and other boards. We did have Hart

InterCivic, which is another voting machine vendor come in and do a demonstration of their equipment to our staff and to kind of discuss the New York certification process overall.

And also, some of our staff had to provide some EMS training to some new staff in Columbia County.

Lastly, which has taken up a lot of our time over the past since last meeting, has been the e-poll books. May 3rd was the deadline for us to receive submissions from any vendors who are interested in having their systems evaluated. We received five submissions from different vendors. We evaluated all the documentation that was provided against the requirements that we had developed, both from functional requirements and also security requirements. We partnered with the New York State Division of Homeland Security and Emergency Services as well as NYSTEC to perform additional vulnerability scanning on the devices, the systems as a whole, both the hardware and the software components. We held day-long, in-person demonstrations with each vendor so that they could show us on a number of the different requirements how their systems complied with that. We also used that as an opportunity to kind of address any additional issues that had come up during our evaluation of the documentation that was submitted or during any of the vulnerability testing that had been conducted. We have prepared reports, which I believe all of you have had for a number of systems to be considered for approval. And then for those vendors that are not on that list at this point, we continue to work with them to provide them additional opportunities to show how their systems can demonstrate compliance with our requirements for possible future approval. Brendan, do you have anything?

Brendan Lovullo: You covered it all.

Douglass Kellner: Alright, thank you. Alright so now we'll go to Public Information, John Conklin.

John Conklin: Thank you, commissioner. Public information continues to be busy. Hot topics since the last meeting, I would say that early voting and questions about the changes to the time off to vote provision in the election law are probably running neck and neck as the top two issues we're asked about. We also have many questions about independent petitions for this time of year. The 32-day preprimary report was due, so we got a lot of questions about that. Electronic poll books. The two new parties and how they do nominations, especially the Libertarians. Enforcement complaints. Questions about how caucuses work. The Libertarian Party got some media attention by claiming that the county boards had old links for voter registration forms and Sheryl and Courtney investigated that and they checked every county board site and they were all up to date. We also had questions about judicial delegates. We participated in the monthly ECA call back in May. We continue to participate in the meetings about the cyber security plans. The unit processed 87 FOILs in April and 89 in May. We assisted in preparing the testimony for both co-executive directors for the Senate Elections Committee hearing on automatic voter registration, as Bob mentioned.

We issued a press release on the voter registration deadline for the June 25th primary. For the website we posted the transcripts for the March and April board meetings and the webcast for the April board meeting. We've put up an advisory on upcoming elections

for the primary and the general election, including information about early voting. And a notice was posted to filers regarding the updated 2019 contribution limits.

For NVRA, Patrick and Michael visited Schoharie, Fulton, Washington, Hamilton, Chenango, Otsego, Sullivan and Ulster counties, covering just over 1,100 miles. All counties were found to be compliant.

For our HAVA contracts, we're all up to date and signed.

For the website accessibility coordinator stuff, we had two conference calls with our accessibility vendor, Level Access, to discuss provisions of the contract on the final settlement agreement in addition to testing protocols. We had internal meetings with IT to discuss other parts of the website that require actions before the end of the year. To date, we have remediated just under 1,600 PDF documents for the website.

Do you have anything Cheryl?

Cheryl Couser: We also have been coordinating with the Department of Homeland Security. They're having a "Tabletop the Vote", which is a cyber security tabletop election-specific exercise. We will be participating from here on June 18th and we will be presenting best practices surrounding risk assessment and training exercises for cyber security. And then similarly we also participated in a NASS and NASED call, which is the National Association of Secretaries of State and the National Association of State Election Directors call. They created a social media working group of state communication directors. And this was just an introductory call, but the team will look at best practices surrounding how to deal with social media misinformation, and they will also include Twitter, Facebook and Google and other groups on that so they're a resource for states to reach out to.

Peter Kosinski: I'm sorry Cheryl, what's that about? What's this misinformation social media aspect?

Cheryl Couser: Well, closer around elections at times, this stemmed out of a NASS Conference where communication directors, and I did not attend, had said around election times they have seen posts or campaigns on social media that just are inaccurate. For instance, poll sites are open from noon to nine when perhaps it's six to nine in that area. And they see posts and how do we deal with this, how do we do outreach, how do we coordinate together to make sure misinformation is corrected? In the past there haven't been contacts so much in Facebook and Twitter and Google, so they wanted to make sure that states have outreach to those organizations and can deal with each other on "This has happened to us; this is how we dealt with it" because it's becoming more prevalent since 2016.

John Conklin: And they can verify authoritative information.

Cheryl Couser: Our pages, our Twitter and Facebook page have been verified. So, if something is posted outward, they know it's a verified source, a government agency.

Douglas Kellner: I think it's a positive thing that that group has organized, so that you have your counterparts in other states that you can consult with.

Andy Spano: You've been dealing with Homeland Security on this issue, this cyber security issue, for a long time? You see no change in that at this point in the amount of time they're spending with you?

John Conklin: Well in terms of like the tabletop stuff that Cheryl mentioned, they've been very aggressive in keeping that going and spreading it out to more states and getting involved. We did six last year.

Cheryl Couser: And they had three in August that involved every state

Peter Kosinski: So, this is National Homeland Security?

Andy Spano: Yeah.

Cheryl Couser: Right. The federal DHS is having a national tabletop for election directors and staff from every state can participate. And it's three days. This year they ask that you participate a day so that you can present. Five states will be presenting best practices, so we asked if we can be a presenter just to go through some of the initiatives that have been implemented by IT and Election Ops.

John Conklin: But like for the e-poll books, the state DHS participated in our testing of those, so we continue to partner with them on a lot of things. And, what was the other thing I was going to say? Well, state continues to help us when we find out about county incidents. They're part of the reporting procedures there. Oh, the risk assessment we're doing. That's on his thing, so.

Andy Spano: On the time excused for voting, can you tell when you get the calls whether you're getting from individuals or you're getting from businesspeople?

John Conklin: Both. Unions, businesspeople and individuals.

Andy Spano: You got any ballpark percentages?

John Conklin: I would say probably half business, about 25% union, 25% individuals.

Kim Galvin: All the same question though, basically.

John Conklin: Right.

Peter Kosinski: And what's the question?

Kim Galvin: The question is: You've extended the time for them to vote from two hours to three hours. You've taken away some of the requirements surrounding that time, and you've expanded voting days to ten; Why?

Andy Spano: That's why I asked.

Kim Galvin: I mean they're like "we could understand if it was still one day, you could extend the time. But now there's ten days, including weekends and nights".

Peter Kosinski: So, let me make sure I understand. It's three hours on Election Day you can get for employees to go vote and there's no... I mean it used to be that if you didn't have adequate time front and end, that's eliminated. Right? I see.

Douglas Kellner: And I think we have nine election days now.

Bob Brehm: Ten.

Peter Kosinski: You could pick any one of those days?

John Conklin: Actually ten.

Douglas Kellner: Well can't you pick each one of the ten?

Kim Galvin: You could, theoretically. But if you go and there's a line and you come back and say you didn't vote... I mean, we don't know. That's what we're trying to figure out.

John Conklin: They're saying, "Can I used paid time off that they already have?"

Bob Brehm: Is it chargeable time under the state system...

Kim Galvin: The basic question is...

Douglas Kellner: Shouldn't we try to draft a revision to this?

Kim Galvin: To the law itself?

Andy Spano: It's a law.

Bob Brehm: In five days?

Douglas Kellner: No, no, no. I'm talking about for our 2020 legislative project.

Bob Brehm: We've at least articulated this is...

Douglas Kellner: We told the governor and the legislature that we didn't think that that was a good idea.

Kim Galvin: Just repeal it.

Douglas Kellner: Well, so why don't we discuss it? I'm just putting it on the to-do list for the 2020 legislative agenda that we take a position on this.

Andy Spano: You're talking 30 hours on, a possibility of 30 hours.

Kim Galvin: For every election.

Bob Brehm: 60. 60 plus Election Day, 15. 75. Because we made in uniform now next year for primary.

Kim Galvin: No, but that's just one election.

Bob Brehm: I'm just saying we have 75 hours at a minimum for every election beginning in January 2020.

Douglas Kellner: So, let's go on record.

Peter Kosinski: Well it sounds like something should be done; I don't know what it is.

Kim Galvin: I mean the Department of Labor keeps calling. They don't know what to do.

Peter Kosinski: On how to interpret it or...?

Kim Galvin: Yeah, they have no idea what to do with it.

Douglas Kellner: Well have you and Brian talked about a potential opinion?

Bob Brehm: To talk about trying to talk to Labor.

Kim Galvin: We've talked about the issue.

Brian Quail: We have talked about the issue and part of the interesting thing about this provision is that there are a few aspects of the questions that come to us that are answerable in the language of the statute. But a lot of it has to do with labor law considerations and how court would actually interpret the provisions. Because there are many, many things that the statute leaves wholly unanswered in terms of how it would actually be applied. And so obviously there are a lot of questions out there. So, the easy questions have been easy to answer. The harder questions, you know it's never a satisfying thing when someone calls an attorney and their answer is "Well, we just don't know." But sometimes that's the truth. And the statute leaves a number of relevant questions unanswered. So, we've tried to be as truthful as we can be to people and we're working on FAQs.

Bob Brehm: But generally, some of them were there before anyway. You know, the labor law issues were there before.

Kim Galvin: They were easier to explain.

Bob Brehm: But they didn't come to us as much.

Brian Quail: Because no one used the provisions.

Bob Brehm: Now I think they're assuming more people will use it. More people are asking the question. And even the labor department was sending the questions to us. And we're like "Well, I don't know how to answer that, it's a labor issue. It's not an election law issue. Why don't you answer it?" It's not more clearly answerable by us as by them.

Kim Galvin: For example, my brother owns a fence company and he has probably 80 seasonal employees and some are on prevailing wage jobs and if this person takes time off during any one of these days, does he have to pay the prevailing wage? Does he have to pay the regular wage? I said, "I don't know". And he said...

Andy Spano: That's why I asked the question.

Bob Brehm: I don't know that that's an election question per say, other than I know the state system that I put my time into and everybody in the agency does, they already had it in there in case people did it under the old provision of law and it's treated kind of like a jury. You just get the time and subtract the time and that's a paycheck. That's easy to save here in the state system. I don't know what that does if you're in a county system, school bus operator, anybody else.

Peter Kosinski: So, I mean do you think we could write something in the context of the statute to address it or do you think the statute needs a change in order to really deal with the problems you're encountering with this?

Bob Brehm: I think the FAQ we could do our best bet and it might not answer all the questions. And that would help to get something out. I don't think it's going to answer all the questions, but we ought to put the ones we can't answer in there also, otherwise they're going to still bother others to answer it. But I think ideally, we might have to address a change to the wording.

Andy Spano: I think that next year's legislative package, if we come up with something...

Peter Kosinski: No, I agree. I think we should look at it, absolutely.

Kim Galvin: It's almost worthy of a standalone send over.

Peter Kosinski: Maybe we should highlight it though, to make it a priority.

Bob Brehm: They might have passed all the ones we've had, how it was this year by the time we get the...

Andy Spano: Conceptually it's a good idea, you know, you don't want to throw the baby out with the bathwater.

Bob Brehm: We could do that.

Douglas Kellner: Alright, so we'll move to information technology.

Lulu Friesdat: I'm sorry, I have to leave you. I just wanted to say thank you so much for letting us speak today. I really appreciate it. And we're meeting legislators right now. We're going to meet with Levine who's head of election committee. So, if we can mention to him that you have something going on over here, we can plant a seed in his ear. It sounds like you are just a little bit frustrated with how much time people are allowed off at this point because of the early voting.

Douglas Kellner: Well we have to talk to him ourselves.

Peter Kosinski: The legislature is well aware of it.

Lulu Friesdat: Oh, alright. I need to follow up with just two small points. I know that you're looking at the poll book vendors and I hope that you're aware that NTS is a partner with VR Systems. VR Systems is a company that has been hacked already in two separate states and I think it's something that is very problematic. They have very serious security issues and so I just wanted to make you aware of that. Thanks so much.

Douglas Kellner: Thank you.

Bill Cross: Good afternoon commissioners. I'll start with the projects. CAPAS-FIDAS Development continues on the project obviously with recent activity continued to be focused on EFS, or electronic filing system, testing and report development. Work is also going well on the new secure application portal that's for the login authentication and security around that for multi-factor authentication. We held a demonstration of the public reporting functionality similar to what we provided you with in late March. We provided to some external groups on May 29th. Answered several questions regarding functionality and then also received some feedback on potential future enhancements. In terms of a project schedule, we're still having some challenges with the data conversion efforts bringing over historical data into the new system so it can be utilized together.

Peter Kosinski: I'm sorry, Bill, which system are we talking about?

Bill Cross: The CAPAS-FIDAS.

Peter Kosinski: This is CAPAS-FIDAS?

Bill Cross: It's all CAPAS-FIDAS.

Robert Brehm: Some of the old Oracle data conversion...(talking over each other)

Bill Cross: Yeah, so bringing over the historical data is always a challenge in any project for data conversion. Not only you're addressing bad data that may be collected over the years, holes in data or things like that, but also now you're trying to move it and massage it into a new format for new functionality relationships between data change, things like that. You're trying to map it from one structure to another. We're still having some challenges with it, but we're making good progress. That said, we're still on target for soft launch with the beta group in July. And we've been working with the trainers to

prepare a first training session for that group and we'll probably hold that at the end of this month for them.

Peter Kosinski: What does a soft launch mean?

Bill Cross: So soft launch is when you identify not the full rollout, but to work with a set beta group that will file through the traditional filing as well as the new system so we can compare the results and make sure they're accurate.

Peter Kosinski: You have certain filers that are a part of this group that are going to do that for us?

Bill Cross: Right, we had a group all along and we're now honing that down to a subset of that group that will work with us to provide feedback understanding that there may be some pain points in the process and to file in parallel so we have those two results to compare and ensure the accuracy of the data before we do a full rollout.

NYSVoter - I'm also happy to report that with the completion of the disaster recovery testing and some follow-up mitigation, we had a couple issues that we needed to address from our main weekend in disaster recovery. Those have now been mitigated and essentially the NYSVoter refresh project is complete, we're just assembling the final deliverables for sign off and that will probably be next week. I'm just happy to report that because that was in progress when I started and it's nice to come to fruition. We still behind that have a long list of improvements to make as you go through any project that list builds.

Also, with NYSVoter, we're currently working with county vendors to evaluate system changes needed in NYSVoter in particular around voter history as we lay into early voting. So when and how a voter voted on actual Election Day or voted early, if it was in person or affidavit. We need to collect information from their systems on that and so we need changes on both our system and theirs. We've outlined some options on how that could occur using the existing data transfer that we use, and we're discussing with them what those options are and then how quickly we can get them implemented.

MOVE - the redevelopment of the MOVE application also continues to be in progress. We are currently on schedule for that. We did hold an internal demo for that system within the last month.

IT continues to work with executive and several other units on issues of budgeting issues and impacts in the new legislations. Bob said we've given estimates as things come along. Our best estimate is based on whatever information we have. E-poll books again, we are also participating in efforts there for internal approvals. And then as well with the OGS group for acquisition on those.

Accessibility - IT has continued work with mainly our WAC, our website accessibility coordinator and meeting requirements of the new settlement. We've had several meetings with the new vendor and are preparing to have them kick off our first audit scans under the settlement of the website. And we're also adding additional contractor assistance to help with not only some of the NYS voter changes but also some of the changes that need to be made to voter look-up and election night reporting to

accommodate accessibility issues with those two systems by December.

For security - Secure Elections group, our county board efforts are still very much underway. The on-site visits, I think as I reported last month for all the county boards, the 58 visits have been completed and we're starting to receive and review all the draft reports. The first one, which was really a pilot, Schoharie, that's been reviewed and approved. That will go out to the county very soon. The others are currently under review and they will most likely start releasing within the next week or so for those.

Installation of intrusion detection systems have been completed for most counties across the state. There were several counties that did not participate in our offering. We received from two of those counties just documentation that they have existing capabilities and did not need ours. We're still talking to a couple others to try to fill the gaps of whether they actually have something existing or we need to determine what the next steps are. But it's down to two or three counties there.

The other offering we have is Managed Security Services. The pilot is still rolling out for that. The remaining counties for the pilot are expected to be completed by tomorrow and then we'll follow up with the pilot counties in terms of a short survey like we did with the IDS offering to get some feedback before we roll out for the rest of the counties.

And I think I partially reported last month that we rolled out the cyber security training. Those notices have all gone out for county board staff as well as their IT staff support, county boards, as well as the staff here for the new curriculum for 2019 for cyber security training. We're also continuing on our outreach efforts on multiple fronts for security efforts. Jeff Baez our Chief Information Security Officer, along with Tom Connolly and myself presented at NYSLGITDA Spring Conference. That's the New York State & Local Government IT Directors Association. It's a mouthful. Their spring conference and we provided an update on a lot of the initiative we're doing for the counties and where they're at as well as some things we're looking at doing for future and some feedback there. They are also very interested in what was going on with e-poll books and things along those lines in technology.

We had a separate meeting with the EI-ISAC, or the Elections Infrastructure Information Sharing Analysis Center along the same lines, an update on our current initiatives and then what we're looking for in the future and how we can maybe potential collaboration with them. Jeff has also attended the Multi-State ISAC, Information Sharing Analysis Center. They had an annual meeting in Denver. He attended that and participated on the board panel discussing a lot of the efforts that we've taking in New York State and provided some feedback on that and other states. That conference is highly attended by other states and local governments who are looking to do some of the same kind of things, particularly with some of the HAVA funding that they have as well.

We also continue work with the Center for Technology in Government on the project for NYSVoter data. That's the project to detect anomalies from data, my spell check is wrong on this, and data coming from the county boards to detect abnormal lines in data or transactions coming from them or changes in key fields that we've defined. It's still very early in that but we are progressing, and at our last meeting they provided a demo of the initial analysis of that data and what it was starting to look like to them, as well as we provided some clarification to them on that. And as always, we are continuing work

on multiple security fronts here for own improvements to our infrastructure as well as prepare for our federal DHS risk assessment scheduled for late July.

In terms of the website, traffic looks about normal for this time of year, approximately 250,000 views per month, both over April and May. So pretty much in line with normal expectations.

Peter Kosinski: Bill, what's a "view" in your world? What does that mean?

Bill Cross: A view? So, every time someone views a page. So, if they –

Peter Kosinski: If I go on to the campaign finance web portion of our website and I call up a committee, that's a view?

Bill Cross: Essentially, yes.

Peter Kosinski: And then if I look at individual pages, each page is a view.

Bill Cross: Correct.

Andy Spano: Those views are multiple? He made three views in that particular...

Bill Cross: Correct. So, we actually check two things. We check sessions and we check views. So, you would be a single session. You would come to the site, view multiple pages.

Peter Kosinski: How many sessions were there last month?

Bill Cross: For May there was approximately almost 78,000 sessions.

Peter Kosinski: So, of those 78,000, they did 240,000 individuals.

Bill Cross: 260,000.

Peter Kosinski: 260,000, I gotcha.

Andy Spano: Are those unique views?

Bill Cross: Yes, I believe those are considered unique views.

Andy Spano: I have another question. I just got this report from the Enforcement Counsel. Maybe it came up at another time, but it addresses a dysfunction between FIDAS, New York City and state board. It just says that –

Bob Brehm: New York City Campaign Finance Board, you mean?

Andy Spano: No, it says here, "...another reason for errors in the SBOE balances, talking about the balances that you quoted last meeting, is apparent flawed communications between New York City filing system and SBOE's filing system in transmitting reports

filed at New York City and the state. It is well known that such a flaw falsely caused the appearance of negative balances and other balances issued for New York City filers where none existed. In addition, certain reports filed with New York City are not transmitted to SBOE, thereby causing the SBOE balance to reflect as inaccurate.” Does that make any sense to you?

Brian Quail: That is a better question for us.

Andy Spano: Well I talked to him because I thought it was...okay, I'll wait until you talk.

Brian Quail: If you'd like, we can address that question now.

Douglas Kellner: Why don't you address it now?

Brain Quail: Okay, so the New York City Campaign Finance Board has obviously its own system pursuant to local law legislating charter requiring financial disclosure statements to be filed with them. And very early on in the process, the State Board of Elections recognized that with those city filers having a filing obligation in New York City and also having a filing requirement with us that there's a duplicativeness to that. Many CFB filers use vendors that provide them with a bridge so that they, the filers, can essentially file with CFB, then the same dataset then ends up finding its way to us via any one of a number of intermediary vendors. And we have attempted to maintain a communication with CFB, and they have attempted to maintain a communication with us so that when they change their system and we change our system people are kept in the loop to see to it that that data movement is accurate. But the fundamental obligation on the part of the filer is that they have to make sure that their stuff is accurate in both places. For the most part, it is. But occasionally there are some hiccups and we do resolve them as best we can and alert people to what the issues are.

But I think actually in the report what really is being discussed is the fact that after the CFB does an audit and certain numbers and figures are adjusted, those audited tallies do not end up automatically finding their way into the state system. If the filer does not send the information to us, it's just like any other filer that would have information and say their Lotus Notes doesn't send it to us, we don't know it and the system doesn't necessarily reflect the same balance. So, it is not surprising that there would be times when either because of, in very few instances, a glitch, more often information not being sent to us that was sent to the CFB that the numbers would not necessarily be the same. Now a final note on that, there is legislation I believe that has passed both houses...

Kim Galvin: Our Bill.

Brian Quail: ... that would allow, and we have suggested this...

Andy Spano: Which will make this moot.

Brian Quail: ...which will moot this. Yes, so this is something we are on and we're on the cusp of a permanent solution to it.

Andy Spano: Great. You know, she's not here right now. Can I keep asking him some

questions?

Doug Kellner: Well that was....

Peter Kosinski: Absolutely.

Doug Kellner : Go ahead.

Peter Kosinski: Be my guest.

Kim Galvin: Is Bill done?

Bob Brehm: Is Bill done?

(Laughing...)

John Conklin: He could take a breath....

Andy Spano: No, I thought you were done.

Douglas Kellner: So, it is time for the Enforcement Counsel's report. The Enforcement Counsel again is not with us. There appears to have been very little activity on the part of Enforcement Counsel in the sense that there were no new hearing proceedings, which has been the case for the entire year. That there are no new subpoena proposals, again which is the case for the entire year. That there are no referrals for criminal prosecution, which is also the case for the whole. But, the day before yesterday at five o'clock I received an email with a report on the July 2018 non-filers report, and it contains some interesting proposals. And perhaps that's what you were leading to.

Andy Spano: Well I was very confused when I got it. I read it through and first of all, check me if I'm wrong. Four years this has gone on. For four years we've been asking for things and we've never gotten them. And all of a sudden, I get this relatively, I think, comprehensive report on numbers and so on and so forth.

Douglas Kellner: I wouldn't call it comprehensive. It leaves out a lot.

Andy Spano: Well, you know, I want to be fair okay?

Kim Galvin: It's long.

Andy Spano: We're assuming it's a comprehensive report before I ask him questions, alright? And that it seems to me that let's assume this was comprehensive, which would have been helpful. And we had gotten it three and a half years ago, we would have started a discussion on how to fix some of these things. So we never got that opportunity because we never got, and I'm really ticked off at this, we never got this kind of data where we could have said "well that's not accurate" and agree on something and then add and things like that and come to some solutions to how to fix any of the problems that we had. So that's the first part.

Then I was confused about these numbers and since that's moot now, that's fine. But I want to know why are we getting it now? And it's related to, as it says in here, it's related to the things that we asked the staff to do, what two meetings ago was it we asked you to do?

Kim Galvin: No, it was December.

Andy Spano: In December, okay. I also think that this required a little research on her part. Okay. And the research took four weeks.

Brain Quail: Considerably longer.

Kim Galvin: No, it took six months.

Andy Spano: Six months. Okay, so that's enough time. So, she had her staff get enough time to do this. So, if you were doing this, how many staff and what time would it take?

Brain Quail: I don't know.

Kim Galvin: Not six months.

Brian Quail: It's a great question. I don't have a good answer.

Andy Spano: And the other thing is that all the recommendations here say that you're supposed to do everything.

Brian Quail: I did notice that.

Andy Spano: Did you notice that? That was what also bothered me because I'm not a lawyer, I don't read all the election laws, I depend on you guys who are lawyers. And it seems to me that she was given the responsibility to deal with these non-filers, correct?

Brian Quail: Yes.

Andy Spano: And when you have non-filers, you give them to her, right?

Brian Quail: Yes.

Andy Spano: Why can a recommendation that you have to do all this pre-research before you give it to her?

Brian Quail: There does appear to be a substantial shifting of the responsibilities that does not comport with what the legislature had intended. And actually one of the serious issues that I think this calls into focus is one that the commissioners attempted to address in the Enforcement regulations, which was to direct the Enforcement Counsel to send these so-called five-day letters when a report is ten days late, which directs the filer to file the report within five days, and a failure to do was prima facie evidence of a willful failure to make the filing. And then at that point in time, that letter includes a statement historically that says that if you don't comply, we're going to proceed with enforcement against you. So, the 2018 January periodic start with 2,501 reports not filed. We're still

at 84% of them have not been filed. And part of what the Enforcement Counsel seems to be saying in this communication is there are a lot of dead wood committees overall on the list. And we're going to study her words very carefully, we're going to take any recommendations that she has in here very seriously. We have scheduled a staff meeting for next week to talk about it. But the reality ultimately it is that, here's what we know, we know that even if we credit her finding that there are 1200 committees out of the 8000 that filed with us who are dead wood, people who have taken on responsibility, then walked away from it. Even if we credit that it means that there are hundreds including who's actually already filed roughly 900 committees that by her own research she has no indication that they are not active but we know for certain they have not filed and nothing has been done with respect to those hundreds. In reality I think its thousands. I don't think her analysis is accurate. But even crediting her analysis at 100% accuracy that is where we're at.

And when we look backwards at the old system and what happened when we actually sent the five-day later which was an enforcement device provided for in the statute §14-108, subdivision (5), if she's listening. What we saw in, for example the January 2011 periodic, we sent out 2,075 five-day letters that said, "You are late, this is a willful failure-to-file, do it or we're coming after you." Between then and when we actually commenced in order to show because it was from 2,075 filers to 536. And people who are included in that number would be committees who did need to close down because they had stopped doing something and this rattled their cage. This got them to clean up their stuff, file, shut down, and do the stuff they needed to do, brought them to us in a way that sending out emails and other things we've done and things she's done have not accomplished. This is what the legislature intended. This is the process that was followed, and it worked.

And then from the 536 order-to-show cause, name, defendants, by the time we got to judgment we were down to 314 and our crack staff in Compliance points out that's 85% compliance. It is the direct reverse of what we have now. And looking at it in the aggregate in January 2011 through January of 2014 we had sent out 14,577 five-day letters and of that number ultimately, we only had to attain 1,794 judgments indicating that the five-day letter alone, over that period of time yielded an approximate 88% rate of disclosure. And if we look at the other individual periodic reports during the timeframe we would see that that pattern held up overtime and that the problem began when all routine enforcement of campaign finance filings ended; and perversely when people have learned, committees have learned that nothing happens if they don't file, nothing happens if they don't go through the trouble to shut down, they just stop doing it. The message that we have sent is, "You do not have to file and if you don't, nothing is going to happen to you". And that is not a message the Compliance Unit is capable of negating. The only person in this agency that has the power to do that is the Chief Enforcement Counsel and she has declined to do so. So, for the July 2014 periodic, the old enforcement paradigm was in place, we ended up with 282 non-filers ultimately not coming into compliance. As we look through the periodics from 2014, again this date is slightly stale, its March of last year but by the time we get to the January periodic, we go from 282 to 2,530. There is no routine enforcement of Campaign Finance Disclosure that's occurring, and the result is that people are not filing. And the Commissioners have said this until they are blue in the face and no one seems to care or be listening. Now that said, she has given us a report; it is thoughtful in many respects. There are things we can learn from it and I think there are some changes that we might be able to implement, and we will read it with that in mind and be responsible public servants moving forward.

Kim Galvin: Just to follow up with that we will read it with that in mind; we need to meet with her. I don't think there's one recommendation she made to the Compliance Unit that we didn't implement to make it a more seamless process, right Brian?

Brian Quail: I think that's true. I think that's true.

Andy Spano: I've been less vocal than some of the people on this committee about this particular issue and I think we all want to develop a system that actually works. I don't care who does it and this would be a good start if it was given to us a long time ago. I just find it strange and without any comment her appointments up this year. And I think that this ought to be accurate if it's not accurate.

Brian Quail: I'm a sun always rises in the east tomorrow morning no matter what happened yesterday. I wish, I'm happy to take what we just got and look prospectively. Not saying I'm satisfied but I'd rather look at it for what value it is as opposed to...

Andy Spano: I agree. I think that could be very helpful and I'm only interested as the rest of the Board is, I'm sure in getting a system in place that actually works and stops a lot of non-filers. This is the Giuliani syndrome; you got the window washers off the street that help. You get the little things done and a lot of the major things stopped.

Bob Brehm: Get something done.

Peter Kosinski: Frankly I don't think it is a little thing. I think those who don't file at all are the most flagrant violators we have. I mean if you file something and it's wrong that's bad enough but if you give us nothing that to me is the most egregious type of violation.

Andy Spano: I don't disagree with you. I guess what I'm doing is the impression I got from the Enforcement Counsel that these are minor compared to the other business she has to do.

Peter Kosinski: I think you're right about that.

Brian Quail: One of the things that the Chief Enforcement Counsel mentions in her report is that we are not crediting enough the change in the statute that requires the Chief Enforcement Counsel to present to the hearing officer evidence that the equitable determination is such that weighs in favor of being allowed to move forward with a court proceeding. But we have twenty-four hearing officer proceedings that have gone forward and most of them, the overwhelming majority have dealt with non-filings. Obviously an exceptionally small percentage of the total universe of non-filers. But in each one of those there's basically a cookie-cutter paragraph that's typically labeled Hearing Officer Equitable Determination under Election Law §3-104 and it just says that words to this effect, almost a cookie-cutter in all of them, "The violations are clearly not de minimus and that willful violations of this provision, i.e. the requirement to file, are punishable as a criminal misdemeanor" and B, "Opposing candidates alike are repeatedly denied the ability to ascertain the manner and means by which the candidate campaign was/is being financed." And then #2, "The subject of the complaint has not in good faith corrected the violations and they did not timely and properly complete the filings even after being

contacted". That's the five-day letter. We sent the letter, all of the showing for hearing officer's equitable determination is made if you follow the statutory scheme. And we're being told that this is impossibility, and this is hard, and this requires too much work. It's nonsense.

Kim Galvin: And the Compliance unit is cheering for Brian.

Andy Spano: Well I just wanted to ask a question.

Douglas Kellner: What's the big deal if you park your car in front of a fire hydrant?

Brian Quail: I think that was a rhetorical question. I think that was a rhetorical question.

Doug Kellner: Are you really putting those police out to ticket those cars?

Bob Brehm: If there's a fire, the fire department will make it work.

Douglas Kellner: Alright. So, does Enforcement Counsel have anything else to add?

Alright I don't think we have any old business, so we'll move to approval of electronic poll book system vendors. There is a proposed resolution. I know it's been a long meeting, but would Tom or Brendan just run through just what you've done in terms of determining that these three vendors should be approved and why two vendors are pending further review?

Tom Connolly: Sure. So, as I had mentioned earlier and in past meetings what we had done was come up with a number of minimum security and functional requirements that any electronic poll book system would have to meet in order to be used in the state. All-in-all, it's probably around 150 different requirements that we came up with. We provided all those requirements in as far as an application packet that went on our website. We invited vendors to submit...

Douglas Kellner: Tom, and could I just say, we assembled those requirements based on reviewing other states that have implemented them for the most part, right?

Tom Connolly: From a security standpoint yes. I mean obviously some of the functional requirements were things like a normal poll book would have and they came out of law. But the security requirements we spent a good amount of time researching what every other state may have had some sort of approval or evaluation process and looked at all of their requirements and we tried to figure out what made sense for us. A lot of it we found to be duplicative so like other people were copying as well. Some were very stringent; some were very not. I think that we ended up on the more stringent end of states as far as everything goes and so we had basically put out, this is what we were going to be testing any system against. We invited vendors to submit their systems. We did get five. We gave them a couple of weeks to provide us with documentation as to a number of different requirements that we thought documentation would suffice. We reviewed all the documentation that was provided to us to determine whether or not their system

complied, or demonstrated compliance, with a specific requirement. If there was uncertainty, we went back to them and said, “We don’t know what you’re pointing to, please be very specific or please copy and paste your language from your documentation and show exactly how you’re complying with that” which they did. We also had them come in, we also had the systems in place. Like I mentioned, we partnered with DHSES the State DHS and also NYSTEC to do vulnerability scanning on the hardware. We sent up the system. We ran a number of different tools and testing protocols through them to ensure just to determine if there any vulnerabilities that might need to be addressed to make sure that information that was being shared back and forth between the devices was being protected and through encryption, through any kind of backend system that may exist as a component as part of the overall system was also scanned for vulnerabilities.

We, as I mentioned, had the in-person demonstrations with each vendor so we kind of went through their system. We went through a whole script of anywhere from importing the data from the county board of elections perspective to setting up on the morning of election day to checking in voters, to a number of different scenarios that address some of the functions but also some usability issues. You know, all the way getting the information back into the overall system from election day or from early voting to be able to then export voter history that could be imported to exiting voter registration systems as well as any other functionality they may have had. After that, we also then had a number of additional follow up calls or meetings or WebEx’s with some of the vendors as far as whatever came out of the in-person demos. We discussed anything that we thought was still outstanding or issues that we thought still required some additional demonstration and out of that we’ve now come up with a list of three vendors who we think have successfully shown compliance with all of the mandatory requirements.

As for the other vendors that are not on the list of the original five, we are continuing to work with them to try to see if what they’ve submitted to us already is sufficient to demonstrate compliance or if additional documentation is necessary or additional testing. Some of the deficiencies that we found in some of those systems require code change to their software so obviously that’s something that takes some time, and then also we need to kind of not just look at something and say like, “Well it looks like you fixed it” because we also need to kind of take a little bit of a deeper dive when it comes to the technology of it. If source code changes are being made, we have to make sure that that doesn’t create any additional security issues because we need to know how that was made. So, we sent out letters to the two vendors that we’re going to continue to work with last night that provided basically just a list of all the requirements that we still have issues with as far as that were outstanding with them. We have scheduled two-hour WebEx conference calls with them tomorrow, both of them along with NYSTEC to sit in so that we can kind of discuss and make it abundantly clear what our questions are and we’re leveraging NYSTEC to make sure that whatever artifacts or whatever testing they might need to do to show compliance with whatever information they give us is the right way to go about it. I don’t know exactly what’s going to take on their end because obviously, like I said, there might be some code changes on their end and I didn’t write their system so they’re going to have to tell us that and hopefully they’ll be able to tell us that tomorrow. And we’ll continue to do so with this initial round. So, at this point we have the three that we have in the resolution and that’s what’s before you.

Peter Kosinski: Tom there’s no national testing process for E poll books like there is for voting machines?

Tom Connolly: No, the EAC does have a number of other state's requirements on their website, but there is no national standard for testing E poll books so far.

Peter Kosinski: So, it's not the same process that you would use for the voting machine that you go through for certification of a...I mean is this a certification that we're offering to these people, what's the actual...

2:15:34

Tom Connolly: No, it's an approval but as I said before, in reviewing all, well not every state obviously has an approval process or even some sort of testing process at least none that we could see, I think it was less than 10 that actually had something formal, when we were going through to try to determine what we thought was best for our set of requirements. And as I said, it went from anywhere being extremely stringent to pretty easy to get through. And I think that we end up on the spectrum certainly being one of the more stringent stands as far as our requirements.

Peter Kosinski: Because for my purposes, I think, you know, the security issue which is paramount in many ways. The voting machines I think have fewer security aspects. I think these have more potentially because you are going to hook to the Internet at some point which I think does create more security issues visa via these systems than our voting machines and I just want to be sure that we are testing to a level we feel confident that those issues are dealt with so we don't have that kind of a security problem down the road. I think what I've seen in the literature is that's where the hacking efforts have been directed in other states, is more to their voter registration systems and these systems not really to the voting machines themselves. So, I think that's of interest here as well.

Tom Connolly: To that end, I mean one of the mandatory requirements for the E poll systems is that they cannot be connected to any other election system. So, there's never going to be a situation where they are live connected to a vote registration database back at the county. The information has to come out and be separately introduced into the electronic poll system. The approach that we took with our requirements was obviously knowing that these devices would likely be connected especially during the early voting period and sharing amongst other electronic poll books throughout the county to ensure

that double voting wasn't going on, there is, and we do have a requirement to certify the networks that will be used with the electronic poll systems comply with our requirements as well. Obviously, that's where Todd mentioned before about us having to go out in the field a little bit more because a single configuration with a couple of different devices and a room downstairs that we were using to really look at it is much different from a county that might have half a dozen early voting locations with multiple poll sites that are all communicating with each other on the Internet. We certainly created requirements that would help lock down the network to make the network as secure as possible whether counties decide to use existing connectivity or Wi-Fi devices or mobile like Mi-Fi devices, mobile hotspots, and there are ways of going about that but we took the approach that we wanted to make sure that the information outside of the tubes that they travel through is as protected as possible. So that's why I think a lot of our requirements on the security side with the devices themselves, the hardware components and how they treat the data and how they protect the data are certainly very robust. So, we certainly kept that in mind as far as different ways in which these can be implemented but the importance of making sure that the integrity of that information is maintained.

Douglas Kellner: And sufficiently tough, that two of the vendors so far have not been able to get over the hurdle.

Tom Connolly: That is the case right now. And we'll discuss that with them tomorrow.

Doug Kellner: Okay.

Peter Kosinski: So, the next step is if we approve these today the counties will be authorized to purchase these machines, these E poll books, for use this fall and these would also be put on a state contract at some point to allow the counties that want to buy off the state contract?

Tom Connolly: Right and at this point, this is just the three that we're ready to recommend for approval right now. There could be more.

Douglas Kellner: Okay so I'm ready to vote on the resolution.

Andy Spano: Yeah, I'm ready.

Doug Kellner: Alright so those in favor say aye. (Chorus of ayes; 4-0) opposed? Thank you.

Kim Galvin: It might be helpful that we just say the name of the three approved for the counties listening so that they can continue the process.

Douglas Kellner: Okay, yeah, if they don't have the resolution in front of them, which is...

Tom Connolly: That's fine. We are going to be sending out a notification to the counties later today. But right now, the three that are in the resolution for approval are KNOWiNK, Robis and Tenex.

Douglas Kellner: And the two that are on hold are NTS....

Tom Connolly: NTS and Demtek are the two vendors that we're talking with tomorrow.

Peter Kosinski: Do you expect any other vendors to approach us or do you think this is the universe, these five?

Tom Connolly: We've gotten a couple of calls from possibly other vendors about, "Hey is it too late to get in" or just questions about our requirements. So do I think that at some point we may receive another application because we told them they were free to submit an application but that our May 3rd deadline was for this kind of initial round that we were focusing on and that anything that came in after May 3rd was going to be dealt with on a rolling basis. But as of today, we have not received any additional applications.

Douglas Kellner: I guess we should give the Operations Unit also a little credit for the statute was passed as part of the budget, April 12th, so they've turned this around in less than two months and it's an extraordinary amount of work. For the public or the counties who are interested, there are pretty thorough evaluation reports that I guess you're going to post.

Tom Connolly: Yes, PIO has the public version.

Douglas Kellner: And I for one, notwithstanding my views on transparency, I agree that it's not a good idea to give a roadmap to the security issues that were analyzed, and that the security portion should be kept... The overview is still there that includes the summary of the security reports, but the details are appropriately kept confidential.

Tom Connolly: Right the configuration details that really aren't necessary.

Douglas Kellner: Okay. So, the next resolution is for the adoption of Part 6217.7 and it's 19-14 is it?

Bob Brehm: 19-13.

Douglas Kellner: Okay 13. Is there any discussion on this?

Peter Kosinski: Just so I understand, so this is final adoption of our transfer process in the state-to-statewide transfer process. We've already put these out and this will be final adoption.

Brian Quail: Yes.

Douglas Kellner: And I guess we could do 14 at the same time, which is also...

Andy Spano: Pre-registration?

Doug Kellner: Well alright, let's just 19-13 is the resolution to amend Part 6217.7.

Andy Spano: So,

moved. Peter Kosinski:

Second.

Douglas Kellner: Those in favor say aye. (Chorus of ayes; 4-0) it's unanimously adopted. Alright the next resolution is 19-14 which is for the permanent adoption of the resolution implementing the change of pre-registration of persons who are 16 years or older. Is there...

Andy Spano: So,
moved.

Peter Kosinski: Second.

Douglas Kellner: Those in favor say aye. (Chorus of ayes; 4-0) that's unanimously adopted. And then resolution 19-15 is the formal authorization of \$50,000 from the HAVA funds for costs associated with Microsoft premiere support agreement. Is there a second?

Andy Spano: Second.

Douglas Kellner: Those in favor say aye. (Chorus of ayes; 4-0) and that is unanimously adopted. I don't believe there is a need for Executive Session. Is there any reason to discuss now our next meeting or that's really going to be based on when vendors are ready?

Bob Brehm: We'll know more tomorrow. We're thinking as an estimate right after the June 25th primary is an estimate for a meeting to deal with the 2 outstanding vendors that could be a web meeting, if you so desire.

Peter Kosinski: But you're talking that week of the 24th you think? 27th, 28th? Okay.

Douglas Kellner: So, there is a realistic possibility that these other two vendors of the E poll books will pass muster?

Bob Brehm: I know they're eagerly working on the list that was sent to them and so I anticipate yes, we will have them. I just don't want to pick a date so soon.

Peter Kosinski: Is that the only issue that we have to deal with in that timeframe?

Todd Valentine: Yes.

Peter Kosinski: So, we have nothing else pending?

Andy Spano: So, we could do it online.

Bob Brehm: And we have no ballot access deadline driving the calendar for your next meeting so it's whenever you want.

Peter Kosinski: Do you want to set something up?

Andy Spano: Yeah, I'd like to do that...

Peter Kosinski: I've got some issues in July, just so you know, okay, but I'm willing to talk about it.

Douglas Kellner: I'm flexible, but maybe we should just wait.

Andy Spano: Let's just get a ballpark like we did, pencil it in and so we know what we might be doing.

Peter Kosinski: Alright, so we're thinking July 27th is a, or June 27th is a very real possibility for a web meeting.

Kim Galvin: For a web meeting. I'm just talking about Commissioner Peterson while I'm watching.

Peter Kosinski: Okay fair enough. Yeah, I could meet late July.

Douglas Kellner: Well, I guess that's when we should schedule it, end of July.

Peter Kosinski: I could do the end of July if it's something like that last week.

Douglas Kellner: 23rd, 24th, 25th.

Peter Kosinski: Later in that week or early the next week.

Bob Brehm: I'm told from the Counsel who's in Normandy today...

Gregory Peterson: We are going to meet on the 27th?

Peter Kosinski: June would probably be a web because it will be a single-issue meeting, I think.

Gregory Peterson: Okay.

Bob Brehm: Bill McCann told me to pencil in the 24th through the 26th the Counsel will be in New York City and we would have to be available by phone for one of the court cases.

Brian Quail: We don't know the exact date, yet. There may be...

Douglas Kellner: What are you talking about?

Bob Brehm: Some court case that is scheduled already for...

Douglas Kellner: Oh, the Common Cause Case. Okay so the 29th or 30th or 31st?

Gregory Peterson: I'll be away that week.

Peter Kosinski: Okay, so that's bad for Greg.

Bob Brehm: So, the 22nd, 23rd would be or not.

Peter Kosinski: I can't do that. But again, if we can't accommodate.

Kim Galvin: First week of August?

Bob Brehm: The 19th?

Peter Kosinski: I can't do that; August I can do.

Douglas Kellner: Fine with me.

Andy Spano: I've got something you've got to pick a date.

Kim Galvin: First week in August?

Andy Spano: First week?

Gregory Peterson: I'm going to be out from the 29th the last week of July and the first week of August.

Andy Spano: Okay what about the second week of August?

Douglas Kellner: Then why don't we go with Thursday July 25th? And if Brian and Kim can't be there it's not the end of the world.

Kim Galvin: Thank you.

Peter Kosinski: Okay we'll put that in for now. The 25th of July.

Bob Brehm: That's good.

Peter Kosinski: So, we'll wait to hear from you on the June meeting when those systems come in for...

Bob Brehm: I think if we tentatively plan it for that day so that we can focus and then we can cancel it. It's easier to cancel.

Peter Kosinski: So, it's tentatively scheduled for that day.

Andy Spano: And we're going to get the agenda two weeks in advance.

Bob Brehm: Well we knew this was not on the agenda well in advance. We told people that.

Kim Galvin: Are we done?

Douglas Kellner: What is it Jarret?

Jarret: I was wondering is there someone in your office that I can meet with who might be in charge or doing education and also, can I attend one of these trainings regarding early voting and is there any educational outreach by the state planned or is that with the

counties. I just want a sense of who I should...

Douglas Kellner: John or Cheryl. Alright so we agree to adjourn, and somebody should answer Jarret's question.

End.