

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Wednesday, November 20, 2013 3:22 PM  
**To:** 'ele.sm.info'; john.conklin@elections.ny.gov  
**Cc:** robert.brehm@elections.ny.gov; todd.valentine@elections.ny.gov;  
william.mccann@elections.ny.gov  
**Subject:** FOIL FOLLOW-UP: Documentarily-Establishing that the NYS Board of Elections is "Low-Hanging Fruit" for the Conflict-Ridden Commission to Investigate Public Corruption

Dear Mr. Conklin,

Thank you for your yesterday's response to our November 8<sup>th</sup> FOIL request.

Please advise whether the three "side letters" dated October 29, 2012, February 7, 2012, and November 18, 2009, appended as exhibits to the Board's October 28<sup>th</sup> written testimony to the Commission to Investigate Public Corruption, represent "all" the "side letters" of the Board to the Division of the Budget, the Governor, and the Legislature – and for what period.

Also, with respect to LLCs, discussed at pp. 16-17 of the Board's October 28<sup>th</sup> written testimony, we request, pursuant to FOIL, the referred-to 1996 and 2001 Board determinations. As for the referred-to "numerous bills put forth in both houses of the Legislature, as well as in a Governor's Program Bill, I am aware of the following bills – (2013) A00112 & S0017; & the Governor's Program Bill #12; (2011-12) A05916 & S0038; (2009-2010) A01496; A07069 & S05277; (2007-2008) A0055; (2005-2006) A10997. Are there others?

On the subject of the LLCs, we also request, pursuant to FOIL, the exchange of correspondence between the Board and NYPIRG, referred to by Bill Mahoney in testifying at the Commission's September 24<sup>th</sup> hearing (at 32 mins.; 36 mins.), as well as any similar exchanges with other organizations and persons about the "LLC loophole".

Finally, pursuant to FOIL, kindly furnish the written testimony that the Board presented at the May 7, 2013 Senate Elections Committee hearing. I already have the written testimony the Board presented at the May 20, 2013 Independent Democratic Conference hearing. Also, if the Board presents the Commission with a supplement to its October 28<sup>th</sup> written testimony, we request same.

Your response, "within five business days" as FOIL requires (Public Officers Law 89.3), is greatly appreciated.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373

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**From:** ele.sm.info [mailto:info@elections.ny.gov]  
**Sent:** Tuesday, November 19, 2013 5:05 PM  
**To:** Center for Judicial Accountability  
**Cc:** ele.sm.info  
**Subject:** RE: AGAIN -- FOIL REQUEST: Documentarily-Establishing that the NYS Board of Elections is "Low-Hanging Fruit" for the Conflict-Ridden Commission to Investigate Public Corruption

Elena Sassower, Director  
Center for Judicial Accountability, Inc.

P.O. Box 8101  
White Plains, NY 10602

Dear Ms. Sassower:

The New York State Board of Elections has received your request for access to public documents, more specifically:

- 1) A copy of the Board's testimony before the Moreland Commission on Public Corruption on 28 October 2013;
- 2) A copy of statistics compiled by the Board as to criminal referrals to district attorneys who are members of the Moreland Commission on Public Corruption;
- 3) A copy of statistics compiled by the Board as to criminal referrals to all district attorneys;
- 4) Information on whether any district attorney has alerted the SBOE that our criminal referrals were insufficient in any way;
- 5) All records of budget requests and "side letters" for increased funding that the State Board of Elections made to the Division of the Budget, the Governor, and the Legislature over the past 25 years;
- 6) All annual reports of the State Board of Elections over the past 25 years;
- 7) All records pertaining to oversight hearings of the State Board of Elections by the Senate Elections Committee and the Assembly Elections Law Committee over the past 25 years, including transcripts of the hearings and copies of written testimony;
- 8) All records pertaining to testimony by the State Board of Elections about its budget at the Senate and Assembly joint budget hearings over the past 25 years, including transcripts of the testimony and questioning;
- 9) All records of support of the State Board of Elections' increased budget requests over the past 25 years, as, for instance, from the New York State League of Women Voters, whose support you identified to me.

Given the scope of your requests, we are still researching parts of your inquiry, but as to #1, #2, and #3, they are attached to this email.

As to request #4, the Erie County District Attorney told us once that our referral concerning corporate over contributors was not useful, but offered no alternative means to make the referral and has repeatedly stated in the press concerning this and other criminal matters that he is not an investigator.

As to request #5, the side letters are included with our written testimony.

As to request #6, copies of our annual reports are available online under the "Public Information" tab on our website. You will find 2002-2013. We have some older copies but not every year going back to 1988. To provide those materials would require copying of 274 pages at a cost of \$68.50.

As to Request #9, records of other entities expressing support for our agency is not our record.

As to #7 and #8 we are still researching these requests and will provide additional responses as we complete that research.

If you have additional questions, please let us know.

Sincerely,

John Conklin  
Public Information Office  
NYS Board of Elections  
40 North Pearl Street, Suite 5  
Albany, NY 12207-2729  
518-474-1953

[info@elections.ny.gov](mailto:info@elections.ny.gov)  
[www.elections.ny.gov](http://www.elections.ny.gov)

**From:** Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

**Sent:** Friday, November 08, 2013 4:59 PM

**To:** ele.sm.info; Conklin, John (ELE)

**Cc:** Valentine, Todd (ELE); Brehm, Robert (ELE); McCann, William (ELE); Comments (MAC); [williamfitzpatrick@ongov.net](mailto:williamfitzpatrick@ongov.net); [cheryl.rice@nassaуда.org](mailto:cheryl.rice@nassaуда.org); [mwilliams@vladeck.com](mailto:mwilliams@vladeck.com); [david.soares@albanycounty.com](mailto:david.soares@albanycounty.com); P. David Soares

**Subject: AGAIN -- FOIL REQUEST: Documentarily-Establishing that the NYS Board of Elections is "Low-Hanging Fruit" for the Conflict-Ridden Commission to Investigate Public Corruption**

The attached corrects the FOIL request previously sent to the wrong e-mail address for the Board of Elections – and now includes, as recipients, its Co-Executive Directors Valentine and Brehm & Deputy Enforcement Counsel McCann...

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**From:** Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

**Sent:** Friday, November 08, 2013 4:12 PM

**To:** 'foil@elections.ny.gov'

**Cc:** [comments@moreland.ny.gov](mailto:comments@moreland.ny.gov)

**Subject: FOIL REQUEST: Documentarily-Establishing that the NYS Board of Elections is "Low-Hanging Fruit" for the Conflict-Ridden Commission to Investigate Public Corruption**

Attached is the Center for Judicial Accountability's above-entitled FOIL request of today's date to the NYS Board of Elections.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373  
[www.judgewatch.org](http://www.judgewatch.org)