

**Minutes of the New York State Board of Elections
January 9, 2017**

The meeting of the Board of Canvassers of the New York State Board of Elections was convened at the offices of the New York State Board of Elections, 40 North Pearl Street, Albany, New York in the 5th Floor Conference Room and was called to order at 12:05 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano and Gregory Peterson.

The Board of Canvassers considered a motion to certify the General Election results for Senate Districts 5 and 8 for the November 8, 2016 Election. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

The meeting of the Commissioners of the New York State Board of Elections held at the offices of the New York State Board of Elections, 40 North Pearl Street, Albany, New York in the 5th Floor Conference Room was called to order at 12:25 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Brian Quail, Bill McCann, Nick Cartegena, Brendan Lovullo, John Conklin, Tom Connolly, Bill Cross and Risa Sugarman. The guest list is attached.

Minutes of October 4, 13, 17 and December 8, 2016 and Executive Minutes of October 4, 13, 17, 2016 – Minutes were held over until next board meeting. Executive Minutes of September 15th and December 8th were approved as amended. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

Unit Updates:

Executive – Robert Brehm and Todd Valentine reported on several issues including:

- Due to the State of the State, the Board Meeting will not be webcasted today. An audio will be on the webpage after the meeting.
- Staff traveled to NYC to get the Certificate of Ascertainment signed by the Governor.
- Staff attended the Electoral College.
- Cyber Security meetings and conference calls were held.
- Preparing presentations for the Election Commissioners' Association Winter Conference.

Legal – Brian Quail reported on activities related to the Counsel/Compliance Unit including:

- A demo of the new filing system software was presented to the Commissioners.
- Non-filers have been referred to Enforcement. 217 – 32 day pre general, 257- 11 day general and 297 for the 27 day post primary.
- Ongoing meetings with Enforcement.
- Counsel has received 7 HAVA Administrative Complaints and have 10 cases that are ongoing.

Election Operations – Brendan Lovullo reported that the Election Operations unit is working on several ongoing issues including:

- Receiving year end surveys from County Boards.
- New Commissioner's workshop will be held during the ECA Conference.
- NYC wants to use lever machines for the run-off election.

PIO/NVRA – John Conklin reported that the PIO/NVRA unit is working on several issues.

- 46 FOIL requests have been completed.
- Attended Cyber Security meetings.
- Prepared presentations for the ECA Conference.

ITU – Bill Cross reported on projects IT is working on:

- Reviewed over 30 candidates for PM and other HBits positions.
- Staff is putting together a presentation for the Commissioners on the public facing reports for the CAPAS/FIDAS redesign.
- Full assessment has been completed and the report is now being reviewed on the Board's infrastructure.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- Meeting with Counsel to work out procedures to rectify deficiencies.
- Letters sent to elected officials regarding deficiencies.
- Continue to work on investigations.

Old Business:

- The discussion on document policy is ongoing.
- There was a discussion on the automated audits which will continue at the next board meeting.

New Business:

- **VOTE** on Resolution for the expenditure of HAVA funds for the NYSTEC contract. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- **VOTE** on Resolution pursuant to 9 NYCRR 6216.2 d 5, the Co-Executives Directors are hereby authorized to designate the senior staff members to act as hearing officers for HAVA administrative complaint hearings. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

Executive Session

- **VOTE** in favor of granting the Chief Enforcement Counsel's request for subpoena pursuant to Election Law subdivision 5 of section 3-102 and 3-104 (3) in relation to Case# E-01-17. **The motion was approved, 4-0. (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative).**

The meeting was adjourned at 3:10 p.m.



17-01

New York State Board of Elections APPROVED RESOLUTION – January 9, 2017

RESOLUTION AUTHORIZING THE EXPENDITURE OF A SUM NOT TO EXCEED \$800,000 FOR PAYMENT OF THE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE HELP AMERICA VOTE ACT OF 2002

WHEREAS, the State Board is undertaking efforts to renew contracts with the New York State Technology Enterprise Corporation (NYSTEC) for project management and other services relating to process and procedure assistance and information security consulting services related to voting systems and election administration as assigned by the State Board to support the implementation of the Help America Vote Act of 2002 (HAVA); and

WHEREAS, an affirmative vote of the State Commissioners pursuant to Election Law §3-100(4) is required to authorize the expenditure of HAVA funds; and

WHEREAS, this resolution is necessary to authorize payment for such HAVA related tasks under this contract; and

NOW, THEREFORE BE IT RESOLVED, that the Board does hereby authorize the expenditures of such funds not to exceed \$800,000 for payment of costs for project management and other services to support the implementation of the Help America Vote Act of 2002.

**Approved January 9, 2017
VOTE 4-0**