

**Minutes of the New York State Board of Elections
January 17, 2023**

A meeting of the New York State Board of Commissioners was held at the office 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 approximately 12:05 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Anthony Casale, and Andrew Spano who attended virtually. Staff members present were Kristen Zebrowski Stavisky, Brian Quail, Aaron Suggs, Kevin Murphy, Tom Connolly, Brendan Lovullo, John Conklin, Jennifer Wilson, Michael Haber, and Chief Enforcement Counsel Michael Johnson.

I. Certification of Election Results from November 8, 2022 Election

The Board of Canvassers met to approve the 23rd Assembly District election results from the November 8, 2022 General Election. The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).

The Board of Canvassers was adjourned, and the meeting of State Board of Elections was convened at 12:10 p.m.

Minutes from December 15, 2022 – Minutes held off until next Board Meeting.

Minutes from December 28, 2022 – Minutes were approved as written. **The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).**

Unit Updates:

Executive – Kristen Zebrowski Stavisky reported on several items including:

- Finalizing a Memorandum of Understanding with another state for automatic voter registration and online voter registration.
- Meeting with The Office of General Services (OGS) to evaluate bids for new integrated software solution.
- Space planning continues by identifying alternative space in the building employees can use during the renovations.

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

- Collection of annual surveys from county boards and following up with counties.
- Acceptance testing performed in Livingston and Clinton counties by Board staff, with several more counties scheduled for next month.
- Voting systems and vendors update.

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

- Litigation update.
- Compliance statistics.
- Discussion on deficiency letters and non-filers.

ENFORCEMENT – Michael Johnson reported on the Enforcement Division including:

- Prepping for non-filer list from Compliance.
- Mr. Johnson provided an Enforcement report detailing the following closed investigations:
 - E2021/010
 - E2022/054
 - E2022/068
 - E2022/069
 - E2022/083
 - E2022/090
 - E2022/092
 - E2022/106

PIO/NVRA – John Conklin and Jennifer Wilson reported that the PIO/NVRA unit is working on several issues:

- Difficulty finding a print vendor for voting registration forms due to costs, availability for paper, and supply chain problems.
- Grants update.
- Submitted annual report to Cybersecurity, HAVA Shoebox and HAVA Poll Site Improvement and Education grants.

ITU – Michael Haber reported on projects IT is working on:

- Providing support to county boards who are migrating their voter registration system from one vendor to another.
- Began internal development of interim solution to ensure online voter registration is available by May of this year.
- Moving forward with renewing several security services as well as cyber security monitoring we provide to the county boards.

Old Business:

· None.

New Business:

· VOTE on Resolution 23-01 to approve changes to the Voter Registration form. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 23-02 to approve Affidavit Ballot Envelope revision. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 23-03 to certify the Hart Intercivic Verity 2.7 voting system. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 23-04 to adopt amendments to Part 6214 to 9 NYCRR Subtitle V related to the increase in campaign contribution limits. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· MOTION to adjourn. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

The meeting was adjourned at approximately 1:12 p.m.



New York State Board of Elections

APPROVED RESOLUTION 23-01

RESOLUTION TO APPROVE REVISED VOTER REGISTRATION FORM

WHEREAS, the New York State Board of Elections (hereinafter “the State Board”), is charged with designing statewide application forms for voter registration purposes as described in New York State Election Law, Sections 5-210(5) and 5-211(13); and

WHEREAS, Chapter 765 of the Laws of 2022 reduced to the constitutional ten day minimum the time period prior to an election for receipt of a voter registration application by county boards of elections in order for an individual to register and be entitled to vote; and

WHEREAS, changes to the registration form are required to reflect the amendments made by Chapter 765; and

WHEREAS, the attached sample reflect the consensus of the State Board staff’s review of said form;

NOW THEREFORE BE IT RESOLVED, that the State Board does hereby approve the sample voter registration form as attached herewith and directs staff to distribute said sample immediately to county boards and applicable agencies advising them to use the attached sample forthwith.

**Approved January 17, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-02

RESOLUTION TO APPROVE REVISED AFFIDAVIT ENVELOPE

WHEREAS, the New York State Board of Elections (hereinafter “the State Board”), is charged with prescribing a form to be used in polling places on election day by voters who find themselves in circumstances articulated in New York State Election Law, Section 8-302(2-b)(c) and/or Section 8-302(3)(e); and

WHEREAS, Chapter 661 of the Laws of 2022 amended how affidavit ballots are cast and canvassed in certain circumstances; and

WHEREAS, changes to the affidavit envelope are required to reflect the amendments made by Chapter 661; and

WHEREAS, the attached sample reflect the consensus of the State Board staff’s review of said form;

NOW THEREFORE BE IT RESOLVED, that the State Board does hereby approve the sample affidavit envelope form as attached herewith and directs staff to distribute said sample immediately to county boards advising them to use said sample forthwith.

**Approved January 17, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-03

CERTIFICATION OF THE HART INTERCIVIC VERITY 2.7 VOTING SYSTEM

WHEREAS, Title II of Article 7 of the Election Law *inter alia* provides for the examination of and process for approving voting systems and their components for use at elections in the State of New York; and

WHEREAS, Hart InterCivic Inc. has submitted a voting system which contains new hardware and software components; and

WHEREAS, SLI Compliance (SLI) has conducted certification testing of said system, to ascertain compliance with the provisions of the U.S. Election Assistance Commission's 2005 Voluntary Voting System Guidelines, the State Board's Regulations, 9 N.Y.C.R.R. Part 6209, and the applicable sections of New York State Election Law; and

WHEREAS, the summary report of SLI Inc. was provided to the Board for consideration and has been duly considered; and

WHEREAS, the New York State Technology Enterprise Corporation (NYSTEC) has performed an independent review of the work conducted by SLI Compliance (SLI); and

WHEREAS the summary report of NYSTEC was provided to the Board, for consideration and has been duly considered; and

WHEREAS, having considered the Usability Test documentation provided by Hart InterCivic, it is the opinion of the Operations Unit that the determinations as set forth in the State Board's Regulations, 9 N.Y.C.R.R. Part 6210.19 can be applied without alteration; and

WHEREAS, having considered the summary reports and the results of functional testing, the Operations Unit of the New York State Board of Elections recommends the certification of certain components of said system, to wit:

- Hart InterCivic Verity 2.7 voting system hardware components:
 - Verity Touch Writer 2.7
 - Verity Scan 2.7
 - Verity Print 2.7
 - Verity Reader 2.7

- Hart InterCivic Verity 2.7 voting system software components:
 - Verity Data 2.7
 - Verity Build 2.7
 - Verity Count 2.7
 - Verity Election Management 2.7
 - Verity User Management 2.7
 - Verity Desktop 2.7
 - Verity Central 2.7

WHEREAS, Hart's Verity Duo ballot marking device, which encodes votes in bar code format, is mentioned within the technical documentation package, it is not part of the system components being considered for certification, nor does any component being considered encode votes in said format;

WHEREAS, having duly considered the aforesaid reports, functional testing, staff analysis and recommendations, and applicant submissions;

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections do hereby certify the Hart InterCivic Verity 2.7 voting system.

Approved January 17, 2023
VOTE 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 23-04

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Part 6214, Related to Updating Campaign Contribution Limits, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, the New York State Board of Elections (hereinafter “The Board”), is legally required by the NYS Election Law Section 14-114(1)(e) to, in 2023, recalculate certain contribution limits set forth in Section 6214.0 of Title 9 of the NYCRR; and

WHEREAS, the NYS Election Law requires the Board to publish by February 1st every four years, certain campaign contribution limits adjusted for the most recent available Consumer Price Index numbers; and

WHEREAS, relevant Consumer Price Index data is not available until mid-January, making it impossible for the Board to meet the statutory deadline using the normal rule making procedure; and

WHEREAS, based upon the foregoing, it is necessary for the general welfare of the public that Part 6214 of Title 9 of the NYCRR be amended on an Emergency Basis, in accordance with SAPA § 202;

NOW THEREFORE BE IT RESOLVED: that the New York State Board of Elections does hereby adopt the amended Part 6214 of Title 9 of the NYCRR, and the Office of Counsel is hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to effectuate this ninety-day emergency adoption of the amendment to 9 NYCRR Subtitle V Part 6214; and

BE IT FURTHER RESOLVED: that the Office of Counsel is hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to provide for the publication of proposed rulemaking related to the permanent amendment to 9 NYCRR Subtitle V Part 6214.

**Approved January 17, 2023
VOTE 4 YES – 0 NO**