

**Minutes of the New York State Board of Elections  
February 10, 2021**

The meeting of the Commissioners of the New York State Board of Elections held remotely by WebEx was called to order at approximately 12:00 p.m. The meeting was chaired by Commissioner Douglas Kellner. Also present were Commissioners Peter Kosinski, Anthony Casale and Andrew Spano. Staff members present were Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nicholas Cartagena, William McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser, and Bill Cross.

Commissioner Kellner took a point of personal privilege to recognize the death of Timothy James, a voting machine technician in the Queens County Board of Elections and the fourth employee overall to die of the coronavirus at the New York City Board of Elections. He wanted to also recognize the commitment of all election workers, who are essential workers, to conduct free and fair elections in the face of the global pandemic.

**Minutes from December 3, 2020** – 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).

**Minutes from January 14, 2021** – 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** – Todd Valentine and Robert Brehm reported on several issues including:

- Chapter 22 of the Laws of 2021 was signed by the Governor, which amended filing deadlines for designating petitions and reduced signature requirements.
- Election Commissioners Assoc. Winter (virtual) Conference, where staff of the State Board both presented and participated.
- Joint letter sent to Senate and Assembly Election Committee Chairs highlighting SBOE's budget and which programs will be affected by not having funding.

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

- Court upheld SBOE's regulations in all respects in relation to how Enforcement Division should operate. Further, the Court held that the Enforcement Unit is a unit within the SBOE and has an interdependent relationship with the board as opposed to an independent one; and also reminded Enforcement of their obligations to make mandatory reports to SBOE under regulations.
- United State Court of Appeals Second Circuit affirmed a decision for New York's party qualification procedures and independent party ballot access.
- Participated in ECA Winter conference, making presentations on Election Law updates and training videos for the new filing system.

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

- Forwarded certified results for NY-22 to the clerk of the House of Representatives.
- Completion of annual statistical survey of the Counties in addition to Election Assistance Commission Federal surveys.

- Continuing conversations with voting system vendors Democracy Live, Clear Ballot, Hart and Dominion over new submissions. Continuing conversations with ES+S on ExpressVoteXL deficiencies.
- NYC BOE submitted ranked choice voting universal tabulator software for certification.
- Continue to work with NYSTEC on procedures for new voter registration systems to come online with NYSVoter.
- Comm. Kellner asked for written request from Ops to NYCBOE to provide written procedures for ranked choice voting be provided to SBOE. All commissioners agreed that procedures should be open and transparent.

**PIO/NVRA** – John Conklin and Cheryl Couser reported that the PIO/NVRA unit is working on several issues:

- Presentation at ECA Winter conference on list maintenance and grant administration.
- Continued group meetings on automatic and online voter registration.
- National Change of Address (NCOA) files were executed and provided to each County Board.
- Finalizing plans for NVRA remote county board visits

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

- CAPAS-FIDAS went live for January 25, 2021, staff continues to make updates and improvements based on feedback.
- Bids for software analysis and development on Online Voter Registration are due on February 5th and will be received shortly from OGS.
- Adding the ability to look up local sample ballot to the poll site look up.
- Secure Election center developed a comprehensive set of cyber security standards for the county boards before the Board for approval today.

**Enforcement** – Enforcement Division did not attend the board meeting and did not present a unit report.

· VOTE on Resolution 21-05 to approve Part 6220 Cyber Security Requirements for Boards of Election. The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).

**New Business:**

· Discussion on Oneida County Board of Elections Commissioners. The Oneida County Executive formally requested the Governor to remove the two Commissioners. State Board Commissioners discussed this topic in Executive session at the previous board meeting and directed the Counsels to call the Oneida County Commissioners and explain that the state commissioners decided to give the county commissioners a week to make their decision on whether or not they would resign; if nothing changed in a week, the commissioners will send a similar letter to the Governor.

· Motion to adjourn the meeting into the Public Campaign Finance Board meeting. The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).

Next meeting scheduled for March 15, 2021

The meeting was adjourned at 1:17 p.m.



**New York State Board of Elections  
APPROVED RESOLUTION 21-05**

**Resolution Proposing a New Part 6220 to 9 NYCRR Subtitle V Related to Cyber Security Requirements for Local Boards of Elections Pursuant to the State Administrative Procedures Act (SAPA) § 202**

**WHEREAS**, the New York State Board of Elections (State Board) has been closely monitoring the ever-growing threat posed to information and elections systems by nation-states, terrorist organizations and independent criminal actors; and

**WHEREAS**, §§ 3-103(1) and 5-614(1) of NYS Election Law provides that the State Board shall set security standards for the county and state's elections systems, and

**WHEREAS**, § 3-102(17) provides that the State Board may perform other acts as may be necessary to carry out the purpose of the Election Law, which includes ensuring New York's election systems are protected against cyberattacks; and

**WHEREAS**, the State Board has determined that every county board of elections must adhere to a minimum level of security standards in order to protect the local and statewide election system; and

**WHEREAS**, the Information and Technology Unit of the State Board has developed minimum standards for county boards to follow in the form of proposed rules;

**NOW THEREFORE BE IT 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 the proposed rulemaking related to the proposal of a new Part 6220 to 9 NYCRR Subtitle V and to provide notice of the public comment period of sixty days thereafter.

**Approved February 10, 2021  
4 YES – 0 NO**