

Approved May 27, 2020

## Minutes of the New York State Board of Elections February 28, 2020

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 12:05 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski and Andy Spano. Staff members present were Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nick Cartagena, Bill McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser, and Bill Cross. Guests in attendance were Jennifer Wilson from the League of Women Voters and Jaret Berg of Vote Early NY.

**Minutes and Executive Minutes from December 12, 2019** – Minutes were approved as written. The motion was approved unanimously (Commissioners Kellner, Kosinski and Spano voting in the affirmative; 3 Yes and 0 No).

### Unit Updates:

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

- Presidential Prima Facie report and ballot access rulings
- Reported on proposed budget.
- Expressed need in budget appropriation for additional office space.

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

- Update on court cases.
- Common Cause case Decision ordering inactive voters list be provided at Poll sites.
- Compliance Unit's metrics, notably non-filers.

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

- Reported on candidate filings received for the Presidential Primary and Special Elections called by the Governor.
- Discussed the ES&S ExpressVote XL demonstration held in coordination with Disability Rights New York.
- Gave status updates for E-Pollbook system configurations under review.

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

- Fielding an increase of call volume from the public and Press in regard to the Presidential Primary, E Poll Books, early voting, petitions, and voter enrollment.
- Unit assisted in preparing testimony for the State Legislature's Budget Hearing.
- Counties reimbursement of grants and contract status.

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

- Go-live date and existing legacy data transfer for CAPAS-FIDAS scheduled.
- Worked with all units to help develop the 2020 Cybersecurity plan.
- The Secure Elections Center authored a series of Cybersecurity newsletters for the counties.

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

### **Old Business:**

- VOTE on Resolution 20-01 to approve final adoption of Use of Force policy. The motion was approved unanimously (Commissioners Kellner, Kosinski and Spano voting in the affirmative; 3 Yes and 0 No).
- VOTE on Resolution 20-02 to approve final adoption of Regulation Part 6211. The motion was approved unanimously (Commissioners Kellner, Kosinski, and Spano voting in the affirmative; 3 Yes and 0 No).
- VOTE on Resolution 20-03 to approve the school district absentee ballot application. The motion was approved unanimously (Commissioners Kellner, Kosinski and Spano voting in the affirmative; 3 Yes and 0 No).
- VOTE on Resolution 20-04 to approve Federal Grant for 2020 Cybersecurity Plan. The motion was approved unanimously (Commissioners Kellner, Kosinski and Spano voting in the affirmative; 3 Yes and 0 No).
- VOTE to approve the 2020 Legislative packet proposals. The motion was approved unanimously (Commissioners Kellner, Kosinski, and Spano voting in the affirmative; 3 Yes and 0 No).
- VOTE on Sheriff's Advisory opinion. The opinion was approved unanimously (Commissioners Kellner, Kosinski, and Spano voting in the affirmative; 3 Yes and 0 No).
- VOTE on Resolution 20-05 to approve KNOWiNK E Poll book update. The motion was approved unanimously (Commissioners Kellner, Kosinski and Spano voting in the affirmative; 3 Yes and 0 No).

### **New Business:**

Commissioner Kosinski raised the issue of whether the SAM party name was valid in light of N.Y. Election Law Section 2-124 prohibition on specific words in the name of a state party. HE noted that litigation revealed that SAM stands for "Serve America Movement". After a brief discussion, the item was held over for additional consideration at a future board meeting.

- Next board meetings are scheduled for March 25, 2020 and April 27, 2020.
- Motion to adjourn the meeting. The motion was approved unanimously (Commissioners Kellner, Kosinski, and Spano voting in the affirmative; 3 Yes and 0 No).

The meeting was adjourned at 2:00 p.m.