

**Minutes of the New York State Board of Elections  
March 1, 2018**

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 5<sup>th</sup> 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, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nick Cartagena, Brendan Lovullo, John Conklin, Cheryl Couser, Bill Cross and Risa Sugarman. Guest in attendance was Jennifer Wilson from the League of Woman Voters.

**Minutes of October 23, and December 15, 2017** – Amended Approved Minutes from October 23, 2017 were approved along with the Executive Minutes. The minutes and executive minutes from December 15, 2017 were also approved. **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:

- Participated in the ECA Winter Conference.
- A Special Election was called for the 32 and 37 SD and AD 5, 10,17,39,74,80, 102, 107 and 142.
- Submitted to budget a full ask of about \$15,000,000.00 in additional funds for personnel and cyber security.
- Planning a series of six table top exercises on cyber security.

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

- Update on all cases.
- There are two HAVA administrative complaints
- Met with DOJ on NVRA list maintenance procedures.
- Nick Cartagena is working on an opinion on bitcoin.

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

- Finalizing the certification for the April 24<sup>th</sup> Special election.
- Certification process is started on the Dominion ICE machine.
- Tom Connolly attended meetings on cyber security in D.C.
- Working with IT to make the content on the website more accessible.

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

- Started working on the 2017 annual report.
- Participated in ECA, cyber security and DOJ phone call.
- NYSVoter reviews in various counties.

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

- Received the balance of capital funds to fund the CAPAS/FIDAS project.
- Implementing the new legislation to post links to candidate websites.
- Working on a plan to move the data center again.

**Enforcement**– Risa Sugarman reported on the Enforcement Unit:

- Meeting with IT on the new CAPAS/FIDAS system.

**Old Business:**

- VOTE to Adopt Resolution on 6219 for Special Federal Voters. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to Approve the Opinion on Expenditures to 500 or more persons. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Discussion on releasing a redacted version of the October Executive Minutes.

**New Business:**

- VOTE on the Prima Facie ballot issues. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to Approve the Resolution for 6210 relating to the audit tool. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Authorizing the Audit Tool was moved to next meeting.
- VOTE to Adopt the Resolution for regulation 6215 – Candidate Websites. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to Approve the Opinion related to Contributions by Federal Candidates. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Next Board Meetings will be held April 5<sup>th</sup> and May 3<sup>rd</sup>.
- Motion to Adjourn. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

**Executive Session:**

- There was no Executive Session.

**The meeting was adjourned at 2:10p.m.**



18-01

## **New York State Board of Elections**

### **APPROVED RESOLUTION – March 1, 2018**

#### **Resolution Adding a New Part 6219 Related to Voting by Certain Special Federal Voters and Directing Publication of Notice of Adoption and Authorizing Adding Such Part to Title 9 of the NYCRR Pursuant to State Administrative Procedures Act (SAPA) § 202**

**WHEREAS**, by the unanimous vote of the Commissioners present at a meeting held in Albany, New York, on September 15, 2017, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-102 (1); 3-102 (17) and 11-220, resolved to authorize Counsel's Office to file Proposed Rule Making with the New York Department of State that would add a new Part 6219 to Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York; and

**WHEREAS**, said proposal with accompanying submissions as required by law were duly filed with the Department of State on November 7, 2017 and thereafter duly published in the New York State Register on November 22, 2017 (ID Number SBE-47-17-00009-P); and

**WHEREAS**, no public comments have been received related to the Proposed Rule Making during the time provided by law for comment; and

**WHEREAS**, non-substantive amendments were made to the proposal to conform with the new Federal Post Card Application;

**NOW THEREFORE BE IT RESOLVED** that the addition of Part 6219, attached hereto, is hereby adopted and the Office of Counsel is authorized to file a Notice of Adoption indicating that such Part shall be effective upon publication in the New York State Register, and that further authority is granted to the Office of Counsel to file such other documents as may be required for the publication of such Notice of Adoption in the New York State Register and to effectuate Part 6219 of Title 9 of the NYCRR.

**Approved March 1, 2018**

**Vote 4-0**



18-02

## **New York State Board of Elections**

### **APPROVED RESOLUTION – MARCH 1, 2018**

#### **Resolution Amending 9 NYCRR Subtitle V Part 6210 Relating to the Use of Automated Audit Tools Pursuant to State Administrative Procedures Act (SAPA) § 202**

**WHEREAS**, on June 1, 2017, the New York State Board of Elections voted to send out for comment an amendment to section 6210;

**WHEREAS**, on June 27, 2017 the office of counsel took action necessary for the publication of proposed rulemaking related to amendments to 9 NYCRR Subtitle V Part 6210 which was published on July 12, 2017 in the New York State Register under ID Number SBE-28-17-00004; and

**WHEREAS**, subsequent to the publication of proposed rulemaking, public comments had been received and considered by the New York State Board of Elections that resulted in amendments that substantively revised the proposed rulemaking, requiring the filing of a notice of revised rule making; and

**WHEREAS**, on December 15, 2017, the New York State Board of Elections voted to send out for comment revised rule making based on public comments received; and

**WHEREAS**, revised proposed rulemaking related to amendments to 9 NYCRR Subtitle V Part 6210 was published on January 10, 2018 in the New York State Register under ID Number SBE- SBE-28-17-00004-RP; and

**WHEREAS**, subsequent to the publication of revised proposed rulemaking, public comment was received and considered by the New York State Board of Elections; and

**WHEREAS**, further revisions are not recommended for the proposal;

**NOW THEREFORE BE IT RESOLVED** that the amendments to Part 6210, attached hereto, are hereby adopted and the Office of Counsel is authorized to file a Notice of Adoption indicating that such Part shall be effective upon publication in the New York State Register, and that further authority is granted to the Office of Counsel to file such other documents as may be required for the publication of such Notice of Adoption in the New York State Register and to effectuate the amendment of Part 6210 to Title 9 of the NYCRR.

**Approved March 1, 2018**  
**VOTE 4-0**



18-04

**New York State Board of Elections  
APPROVED RESOLUTION**

**Resolution to Adopt Emergency Amendments to 9 NYCRR Subtitle V Part 6215 Related to Publication of Websites As Required By Chapter 307 of Laws of 2017 and Proposing Permanent Adoption of Such Amendments and Providing Publication Thereof Pursuant to State Administrative Procedures Act (SAPA) § 202**

**WHEREAS**, on September 13, 2017, the Governor signed into law Chapter 307 of the Laws of 2017, requiring publication of campaign website addresses of certain candidates for public office, and such chapter became effective on December 1, 2017 with a requirement that implementing regulations be promulgated on or before June 1, 2018; and

**WHEREAS**, it has been long established that all notification and publication requirements established by statute designed to provide information to the electorate are critical components of the electoral process; and

**WHEREAS**, chapter 307 requires amendment to coversheets and procedures related to certain ballot access processes which will begin as soon as May, and timely notice to such candidates of appropriate procedures is important to the orderly administration of the electoral process; and

**WHEREAS**, based upon the foregoing, it is necessary for the general welfare of the public that Part 6215 of the NYCRR be amended on an Emergency Basis, in accordance with SAPA § 202; and

**WHEREAS**, a permanent amendment to Part 6215 of the NYCRR in the ordinary course requires the publication of a notice of proposed rulemaking and a period of time thereafter during which the public may submit comments on the proposed rule, in accordance with SAPA § 202;

**NOW THEREFORE BE IT RESOLVED:** that the New York State Board of Elections does hereby adopt the amended Part 6215 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 6215; 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 the proposed

rulemaking related to the permanent amendment to 9 NYCRR Subtitle V Part 6215 and to provide notice of the public comment period of sixty days thereafter.

**Approved March 1, 2018**  
**VOTE 4-0**