

**Minutes of the New York State Board of Elections
March 4, 2022**

The meeting of the Commissioners of the New York State Board of Elections was held at the offices of the New York State Board of Elections, 40 North Pearl Street, Albany, NY in the 5th floor conference room was called to order at approximately 10:55 a.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Anthony Casale, Peter Kosinski, and Andrew Spano. Staff members present were Kristen Zebrowski Stavisky, Todd Valentine, Brian Quail, Aaron Suggs, Kevin Murphy, Tom Connolly, Brendan Lovullo, John Conklin, Jennifer Wilson, Mike Haber, and Michael Johnson of the Enforcement Division.

Minutes from January 18, 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).**

Motion to adopt staff's recommendation on the Prima Facie Determinations. 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 Kristen Zebrowski Stavisky reported on several items including:

- Participated in the rescheduled Elections Commissioners Assoc. Conference March 1-4, 2022.
- Completing the enrollment report with the changes to redistricting for the counties to generate the signature requirement.
- Gave Executive Chamber an overview on timelines and what the challenges have been for online voter registration, automatic voter registration, public campaign finance board and the absentee tracking portal.

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

- Prepared prima facie determinations from the designations received for the four recognized parties.
- Working with county boards to help navigate them through the redistricting process with their voter registration systems.
- Vendor update.

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

- Litigation update.
- Compliance statistics.
- Drafted letter to Secretary of State requesting the Department of State provide information on the Statement of Identity of LLCs required at the Board so LLC's know at their inception what the requirements are.

Enforcement – Michael Johnson reported on the Enforcement Division:

- Extensive certified mailing to non-filers.

- Started an LLC project to obtain Statements of Identity for committees who are missing them.
- Creating an Enforcement web page.

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

- Drafted guidance for CBOE’s on the Open Meetings Law.
- NVRA has resumed in-person visits with county boards.
- Grants update.

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

- Continued assisting on the evaluation for the ITS web hosting services for the Public Campaign Finance website.
- Meetings with EOU and PIO staff to determine requirements for the absentee ballot tracker portal.
- Space planning within the building for staff relocating.

Old Business:

- DISCUSSION on FOIL Open Meetings Guidance. Staff prepared guidance that has been shared with the Counsel to the Committee on Open Government for feedback.
- DISCUSSION on voter turnout.

New Business:

· VOTE on Resolution 22-03 to Adopt Emergency amendments to 9 NYCRR Subtitle V Part 6211, by amending 6211.6 related to voter history and prevention of duplicate voting. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-04 to Adopt Emergency amendments to 9 NYCRR Subtitle V Part 6217, by amending 6217.6 related to gender designations for voter identification verification. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-05 to Approve certification testing of 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).**

· MOTION to approve 2022 Legislative packet. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· DISCUSSION on letter from NYCBOE. Senior staff will draft a formal letter response and circulate to Commissioners for feedback.

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

Next meeting scheduled for May 2, 2022. The meeting was adjourned at approximately 1:21 p.m.



New York State Board of Elections

APPROVED RESOLUTION 22-03

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Part 6211, by amending 6211.6, Related to Voter history and prevention of duplicate voting, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on December 22, 2021, the Governor signed into law Chapter 763 of the Laws of 2021, which amends provisions of the Election Law related to the canvassing of ballots; and

WHEREAS, it is necessary to amend part 6211 of Title 9 of the NYCRR in order to implement provisions of the statute and timely complete the check of affidavit ballots; and

WHEREAS, Approval Memo 124 accompanying the governor's signature of the bill provides that the effective date of the bill will be altered to be April 1, 2022, and certain regulatory and procedural changes will need to be effectuated by the June 28 2022 primary; and

WHEREAS, time is of the essence, as it would be impossible to adopt these regulations in time for the above cited special elections if these amendments were to be adopted in the normal course of business; and

WHEREAS, based upon the foregoing, it is necessary for the general welfare of the public that Part 6211 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 6211 of the NYCRR, by adding 6211.6, 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 6211; 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 6210 and to provide notice of the public comment period of sixty days thereafter.

**Approved March 4, 2022
VOTE: 4 YES – 0 NO**



**New York State Board of Elections
APPROVED RESOLUTION 22-04**

**Resolution to Adopt Emergency Amendments and to Propose Amendments to 9
NYCRR Subtitle V Part 6217, by amending Section 6217.6, Related to Gender
Designations for Voter Identification Verification, Pursuant to State
Administrative Procedures Act (SAPA) § 202**

WHEREAS, on June 24, 2021, the Governor signed into law Chapter 158 of the Laws of 2021, which amended provisions of the civil rights law, the vehicle and traffic law, and the public health law, related to, in part, gender designations in certain Department of Motor Vehicle records; and

WHEREAS, it is necessary to amend Section 6217.6 of Title 9 of the NYCRR in order to implement provisions of chapter 158 and to provide for the removal of the check of the gender of voters with the Department of Motor Vehicles; and

WHEREAS, Approval Memo 9 accompanying the governor's signature of the bill provides that the effective date pertaining to certain Department of Motor Vehicle records will be changed to June 24, 2022, and certain regulatory and procedural changes will need to be effectuated by the June 28, 2022 primary; and

WHEREAS, time is of the essence, as it would be impossible to adopt these regulations in time for the above cited primary election if these amendments were to be adopted in the normal course of business; and

WHEREAS, based upon the foregoing, it is necessary for the general welfare of the public that Section 6217.6 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 Section 6217.6 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 Section 6217.6; 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 Section 6217.6 and to provide notice of the public comment period of sixty days thereafter.

Approved March 4, 2022
VOTE: 4 YES – 0 NO



**New York State Board of Elections
Approved Resolution 22-05**

**RESOLUTION TO PERMIT CERTIFICATION TESTING OF
HART INTERCIVIC
VERITY 2.7 VOTING SYSTEM**

WHEREAS, the New York State Board of Elections is in receipt of a completed application from Hart InterCivic to certify their Verity 2.7 Voting System; and

WHEREAS, the certification described in the request, including the testing of Verity Data 2.7, Verity Build 2.7, Verity Count 2.7, Verity Manage 2.7, Verity Users 2.7, Verity Desktop 2.7, Verity Central 2.7, Verity Touch Writer 2.7, Verity Scan 2.7, Verity Print 2.7, and Verity Reader 2.7; and

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections authorizes the testing for the certification request made by Hart InterCivic for Verity 2.7 Voting System.

**Approved March 3, 2022
VOTE: 4 YES – 0 NO**