

**Minutes of the New York State Board of Elections
March 13, 2017**

The meeting of the Board of Canvassers of the New York State Board of Elections was convened at the offices 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 12:05 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Douglas Kellner, Andrew Spano and Gregory Peterson.

The Board of Canvassers considered a motion to certify the amended General Election results for the November 8, 2016 Election. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

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 12:25 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Douglas Kellner, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Bill McCann, Nick Cartegena, Anna Svizzero, Brendan Lovullo, John Conklin, Tom Connolly, Bill Cross and Risa Sugarman. The guest list is attached.

Minutes of October 4, 13, 17, December 8, 2016, January 9 and February 22, 2017 and Executive Minutes of October 4, 13, 17, 2016, January 9 and February 22, 2017 – Minutes were 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:

- There is a Special Election to be held on May 23rd for the 9th AD and the 30th SD.
- Waiting for the passage of the Budget.
- Waiting for the wording of the constitutional amendments from the AG's office.

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

- Worked extensively on the legislative program.
- There were 4 HAVA complaints and 9 lawsuits.
- Training seminars have been scheduled.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on several ongoing issues including:

- Prepared the certification of vacancies for the Special Election and posted a political calendar for same.
- Certified list of vacancies for the Supreme Court.
- Meetings held with IT on the CAPAS/FIDAS Redesign.
- Working with a few counties on vouchers submitted in the Shoebox Program.

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

- Unit completed 82 FOIL requests in January and 73 in February.

- Working on the annual report for 2016.
- NYSVoter reviews were conducted in New York City, Yates, Livingston, Niagara and Wyoming Counties.

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

- Held a demonstration on the conceptual design of the CAPAS/FIDAS Project to the Commissioners.
- Working on long term cyber security improvements.
- Assessments of our current network and server environments have been completed.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- Sent e-mails out to all committees that did not file 3 cycle primary reports.
- Continues to work on investigations and inquiries.

Old Business:

- **VOTE** to amend the proposed document policy. **The motion was denied. (Commissioner Kellner voted in the affirmative; Commissioners Kosinski, Spano and Peterson voted in the negative; 1 Yes and 3 No).**
VOTE to adopt the proposed document policy as presented. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- **DISCUSSION** on Automated Audits was held.

New Business:

- **VOTE** on Resolution to adopt the Independent Expenditure Regulations. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- **VOTE** on 2017 Legislative Packet. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Next Board Meeting will be held April 25, 2017.

Executive Session

- **VOTE** in favor of granting the Chief Enforcement Counsel's request for subpoena pursuant to Election Law subdivision 5 of section 3-102 and 3-104 (3) in relation to Case# E-03-17 and E-04-17. **The motion was approved, (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- **VOTE** in favor of granting the Chief Enforcement Counsel's request for subpoena pursuant to Election Law subdivision 5 of section 3-102 and 3-104 (3) in relation to Case #05-17. **The motion was approved, (Commissioners Kosinski, Peterson voting in the negative and Commissioners Kellner and Spano voting in the affirmative and due to the tie vote of the Commissioners, Ms. Sugarman voting in the affirmative; 3 Yes and 2 No)**

The meeting was adjourned at 1:45 p.m.



17-02

New York State Board of Elections

APPROVED RESOLUTION – March 13, 2017

Resolution Amending Subtitle V of Part 6200.10 Related to Independent Expenditures and Directing Publication of Notice of Adoption and Authorizing Addition of 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 December 8, 2016, the New York State Board of Elections pursuant to the authority of Election Law §§ 3-102(1), resolved that an amendment of Part 6200.10 of the Official Compilation of Codes, Rules and Regulations of the State of New York be the subject of Proposed Rule Making; and

WHEREAS, said proposed amendment of Part 6200.10 with accompanying submissions as required by law were duly filed with the Department of State on December 30, 2017 and thereafter duly published in the New York State Register on January 18, 2017 (ID Number SBE-03-17-00001-EP), and

WHEREAS, no public comment has been received with respect to such proposed Part;

NOW THEREFORE BE IT RESOLVED that the amendments to Part 6200.10, 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 6200.10 to Title 9 of the NYCRR.

Approved March 13, 2017

Vote 4-0