

**Minutes of the New York State Board of Elections
March 14, 2023**

A meeting of the New York State Board of Commissioners was held virtually via Webex and was called to order at approximately 12:22 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Douglas Kellner, Anthony Casale, and Andrew Spano. Staff members present were Kristen Zebrowski Stavisky, Brian Quail, Aaron Suggs, Kevin Murphy, Tom Connolly, Brendan Lovullo, Jennifer Wilson, Michael Haber, and Chief Enforcement Counsel Michael Johnson.

Minutes from December 15, 2022 and Minutes from January 17, 2023 – 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 – Kristen Zebrowski Stavisky reported on several items including:

- Online Voter Registration and Automatic Voter Registration projects.
- Preparation for office space renovation.
- Website redesign process is beginning.

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

- Collection of annual surveys from county boards and following up with counties.
- Performance acceptance testing performed in Niagara and Orange counties.
- Voting systems and vendors update.

Legal – Kevin Murphy reported on activities related to the Counsel/Compliance unit including:

- Litigation update.
- Compliance statistics.
- Provided guidance to county boards on new notary regulations.

ENFORCEMENT – Michael Johnson reported on the Enforcement Division including:

- Completed non-filer list and contacted committees for filings.
- Mr. Johnson provided an Enforcement report detailing the following closed investigations:
 - E2021-032, E2021-048, E2022-029, E2022-037, E2022-041
 - E2022-043, E2022-045, E2022-048, E2022-049, E2022-057
 - E2022-059, E2022-060, E2022-062, E2022-063, E2022-074
 - E2022-082, E2022-085, E2022-086, E2022-088, E2022-091
 - E2022-099, E2022-108, E2022-110, E2023-002.

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

- Posted multiple updates on website and social media.
- Grants update.
- Following up with county boards on their poll site designations and early voting communication plans.

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

- Developing interim solution for online voter registration.
- Continued work on website refresh.
- Secure Election Center completed the E-poll book cyber scanning with the Election Operations unit.

Old Business:

- None.

New Business:

The following four resolutions were voted on as a package:

- VOTE on Resolution 23-05 to approve NTS Data Services Voter Registration system.
- VOTE on Resolution 23-06 to approve n-Tier Avid Voter Registration System.
- VOTE on Resolution 23-07 to approve Essex County Voter Registration system.
- VOTE on Resolution 23-08 to approve ES&S MegaProfile Voter Registration system. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

- VOTE on Resolution 23-09 to approve KnowInk Electronic Poll Book System Upgrades. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

- VOTE on Resolution 23-10 to reappoint Naomi Abramowitz, Richard Kass, Nikki Moreschi, and La'Teea Goings as Hearing Officers. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

The following three resolutions were voted on as a package:

- VOTE on Resolution 23-11 to appoint Thomas Connolly to the position of Deputy Director; and
- VOTE on Resolution 23-16 to appoint Brendan Lovullo to the position of Deputy Director; and
- VOTE on Resolution 23-12 to appoint Amy Hild to the position of Director of Election Operations. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

- VOTE on Resolution 23-13 to adopt emergency amendments to 9 NYCRR Subtitle V Parts 6204 and 6215 by amending Section 6204.1 and 6215.8 related to objections to certain ballot access documents and revisions to the sample cover sheet. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 23-14 to adopt emergency amendments to 9 NYCRR Subtitle V Parts 6215 by adding Section 6215.10 related to party positions determined by Gender. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 23-15 to adopt amendments to 9 NYCRR Subtitle V Parts 6200 by amending Section 6200.1 related to the filing of statement of campaign receipts and expenditures. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

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

The meeting was adjourned at approximately 1:32 p.m.



New York State Board of Elections

APPROVED RESOLUTION 23-05

**Resolution of the State Board of Elections Approving NTS Data Services
Voter Registration System**

WHEREAS, Part 6217.3 of the Rules and Regulations of the State Board of Elections requires that any proposed county voter registration system must be approved by the State Board to ensure it meets the technical specifications promulgated by the State Board to interface with the official statewide voter registration list prior to the purchase or installation of the system; and

WHEREAS, NTS Data Services has submitted a voter registration system modification to be considered for approval to be used in New York State; and

WHEREAS, the State Board's Election Operations and Information Technology Units have been tasked with evaluating both existing and proposed systems to ensure they meet functional, communications and security and any other relevant standards; and

WHEREAS, the staff from such units have conducted an evaluation of said system, and have provided a summary report for the consideration of the Board; and

WHEREAS, having considered the reports and the results of evaluation conducted by the Election Operations and Information Technology Units, we are recommending the approval of the NTS Apex Version P5 voter registration system for use;

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, do hereby approve the voter registration system submitted by NTS Data Services. Such approval is based on the specific voter registration software and configuration submitted by NTS Data Services and reviewed by the State Board of Elections. Should NTS Data Services make, or plan to make, any modifications or alterations to the voter registration system configuration

approved, such modifications or alterations shall be reviewed by the State Board of Elections for approval, consistent with all change management procedures and the use of such systems shall comply with all related State Board procedures and requirements.

Approved March 14, 2023
VOTE 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 23-06

**Resolution of the State Board of Elections Approving n-Tier Avid
Voter Registration System**

WHEREAS, Part 6217.3 of the Rules and Regulations of the State Board of Elections requires that any proposed county voter registration system must be approved by the State Board to ensure it meets the technical specifications promulgated by the State Board to interface with the official statewide voter registration list prior to the purchase or installation of the system; and

WHEREAS, n-Tier has submitted a voter registration system modification to be considered for approval to be used in New York State; and

WHEREAS, the State Board's Election Operations and Information Technology Units have been tasked with evaluating both existing and proposed systems to ensure they meet functional, communications and security and any other relevant standards; and

WHEREAS, the staff from such units have conducted an evaluation of said system, and have provided a summary report for the consideration of the Board; and

WHEREAS, having considered the reports and the results of evaluation conducted by the Election Operations and Information Technology Units, we are recommending the approval of the n-Tier Avid Version 7.0 voter registration system for use;

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, do hereby approve the voter registration system submitted by n-Tier. Such approval is based on the specific voter registration software and configuration submitted by n-Tier and reviewed by the State Board of Elections. Should n-Tier make, or plan to make, any modifications or alterations to the voter registration system configuration approved, such modifications or alterations shall

be reviewed by the State Board of Elections for approval, consistent with all change management procedures and the use of such systems shall comply with all related State Board procedures and requirements.

Approved March 14, 2023
VOTE 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 23-07

**Resolution of the State Board of Elections Approving Essex County
Voter Registration System**

WHEREAS, Part 6217.3 of the Rules and Regulations of the State Board of Elections requires that any proposed county voter registration system must be approved by the State Board to ensure it meets the technical specifications promulgated by the State Board to interface with the official statewide voter registration list prior to the purchase or installation of the system; and

WHEREAS, Essex County has submitted a voter registration system modification to be considered for approval to be used in New York State; and

WHEREAS, the State Board's Election Operations and Information Technology Units have been tasked with evaluating both existing and proposed systems to ensure they meet functional, communications and security and any other relevant standards; and

WHEREAS, the staff from such units have conducted an evaluation of said system, and have provided a summary report for the consideration of the Board; and

WHEREAS, having considered the reports and the results of evaluation conducted by the Election Operations and Information Technology Units, we are recommending the approval of the Essex County Version 02.22.23 voter registration system for use;

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, do hereby approve the voter registration system submitted by Essex County. Such approval is based on the specific voter registration software and configuration submitted by Essex County and reviewed by the State Board of Elections. Should Essex County make, or plan to make, any modifications or alterations to the voter registration system configuration approved, such

modifications or alterations shall be reviewed by the State Board of Elections for approval, consistent with all change management procedures and the use of such systems shall comply with all related State Board procedures and requirements.

Approved March 14, 2023
VOTE 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 23-08

Resolution of the State Board of Elections Approving the Election Systems and Software (ES&S) MegaProfile Voter Registration System

WHEREAS, Part 6217.3 of the Rules and Regulations of the State Board of Elections requires that any proposed county voter registration system must be approved by the State Board to ensure it meets the technical specifications promulgated by the State Board to interface with the official statewide voter registration list prior to the purchase or installation of the system; and

WHEREAS, Election Systems and Software (ES&S) has submitted a voter registration system modification to be considered for approval to be used in New York State; and

WHEREAS, the State Board's Election Operations and Information Technology Units have been tasked with evaluating both existing and proposed systems to ensure they meet functional, communications and security and any other relevant standards; and

WHEREAS, the staff from such units have conducted an evaluation of said system, and have provided a summary report for the consideration of the Board; and

WHEREAS, having considered the reports and the results of evaluation conducted by the Election Operations and Information Technology Units, we are recommending the approval of the ES&S MegaProfile Version 8.1 voter registration system for use;

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, do hereby approve the voter registration system submitted by Election Systems and Software (ES&S). Such approval is based on the specific voter registration software and configuration submitted by Election Systems and Software (ES&S) and reviewed by the State Board of Elections. Should Election

Systems and Software (ES&S) make, or plan to make, any modifications or alterations to the voter registration system configuration approved, such modifications or alterations shall be reviewed by the State Board of Elections for approval, consistent with all change management procedures and the use of such systems shall comply with all related State Board procedures and requirements.

Approved March 14, 2023
VOTE 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 23-09

**APPROVAL OF KNOWiNK ELECTRONIC POLL BOOK
SYSTEM UPGRADES**

WHEREAS, Part XX of Chapter 55 of the New York Laws of 2019 authorizes the use of Electronic Poll Book Systems (EPBS) in New York State during elections; and

WHEREAS, said chapter law provides that the State Board of Elections "shall promulgate minimum security standards" for EPBSs being used in New York State; and

WHEREAS, said chapter law provides that the State Board shall "promulgate a list of devices that are approved for use" as EPBSs during elections; and

WHEREAS, KNOWiNK has submitted system modifications to be considered for approval as an EPBS configuration for use in New York State; and

WHEREAS, the Election Operations Unit is tasked with evaluating the systems to ensure they meet security standards and other relevant standards; and

WHEREAS, the Election Operations Unit has conducted an evaluation of said systems, and has provided summary reports for the consideration of the Board; and

WHEREAS, vulnerability scanning was performed on the systems submitted, to the extent practicable, by staff of the State Board's Secure Election Center (SEC) in conjunction with Elections Operations staff, and reports of their findings have been provided for the consideration of the Board; and

WHEREAS, having considered the reports and the results of evaluation conducted by the Election Operations Unit, we do hereby recommend the approval of system configurations submitted by the following vendors for use;

- KNOWiNK
 - o Pollpad v. 3.4.0 / iPadOS v. 16.3.1

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, at their meeting convened on March 14, 2023, do hereby approve the EPBS aforementioned configurations submitted by the vendor above. Such approval is based on the specific EPBS hardware and software submitted by the vendor and reviewed by the State Board of Elections. Should the vendor make, or plan to make, any modifications or alterations to the EPBS configuration approved, such modifications or alterations shall be reviewed by the State Board of Elections for approval, consistent with all change management procedures and the use of such systems shall comply with all related State Board procedures and requirements.

BE IT FURTHER RESOLVED that counties utilizing the vendor system described above may opt to either upgrade their equipment to one of the configurations approved in this resolution for use at the June 27, 2023 Primary Election or continue to use the most recently approved configuration for each system. Any county opting for the latter option must complete the upgrade of their equipment to the newly certified configuration before being used in a subsequent election.

**Approved March 14, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-10

**Resolution of the State Board of Elections Approving Individuals to Serve as
Hearing Officers in Conjunction with Election Law § 3-104 (5)(a)**

WHEREAS, the Election Law was modified pursuant to Chapter 55 of the Laws of 2014 to include a hearing process for certain violations of the Election Law that do not otherwise warrant a criminal prosecution; and

WHEREAS, said hearing process, as established in Election Law § 3-104(5)(a), calls for the State Board of Elections to establish a list of prospective Hearing Officers, each of whom shall have been approved by a majority vote of the Board; and

WHEREAS, Naomi Abramowitz, Richard Kass, Nikki Moreschi, and La'Teea Goings were previously appointed by the Board to serve as Hearing Officers on April 22, 2021, for a term that will expire on April 30, 2023; and

WHEREAS, the Board wishes to reappoint such individuals to serve as Hearing Officers for another term;

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections approves Naomi Abramowitz, Richard Kass, Nikki Moreschi, and La'Teea Goings to serve as Hearing Officers; and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution expires April 30, 2025.

**Approved March 14, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-11

**RESOLUTION APPOINTING THOMAS CONNOLLY TO THE POSITION OF
DEPUTY DIRECTOR**

WHEREAS, there currently exists a vacancy within the New York State Board of Elections in the newly created Deputy Director position, approved by the NYS Department of Civil Service on February 8, 2023, and

WHEREAS, Thomas Connolly has indicated a willingness to serve as Deputy Director, and

NOW, THEREFORE, BE IT RESOLVED, that Thomas Connolly be and hereby is appointed Deputy Director effective March 14, 2023 with a start date to be determined.

**APPROVED MARCH 14, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-12

**RESOLUTION APPOINTING AMY HILD TO THE POSITION OF
DIRECTOR OF ELECTION OPERATIONS**

WHEREAS, there currently exists a vacancy within the New York State Board of Elections in the Director of Election Operations position effective March 14, 2023 due to the promotion of Thomas Connolly, and

WHEREAS, Amy Hild has indicated a willingness to serve as Director of Election Operations, and

NOW, THEREFORE, BE IT RESOLVED, that Amy Hild be and hereby is appointed Director of Election Operations effective March 14, 2023 with a start date to be determined.

**APPROVED MARCH 14, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-13

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Parts 6204 and 6215 by amending Section 6204.1 and 6215.8, Related to Objections to Certain Ballot Access Documents and Revisions to the Sample Cover Sheet, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on December 23, 2022 and March 3, 2023, the Governor signed into law Chapter 744 of the Laws of 2022 and Chapter 77 of the Laws of 2023, which amended provisions of the Election Law, related to objections to certain ballot access documents and notification by electronic means; and

WHEREAS, it is necessary to amend Section 6204.1 and 6215.8 of Title 9 of the NYCRR in order to implement the provisions of these chapters and to provide uniformity to objections to certain ballot access documents and revisions to the sample cover sheet; and

WHEREAS, the effective date of Chapter 744 of the Laws of 2022 and Chapter 77 of the Laws of 2023 is March 23, 2023, and certain regulatory and procedural changes will need to be effectuated in time for the upcoming ballot access document filing and objection periods; and

WHEREAS, time is of the essence, as it would be impossible to adopt these regulations in time for the above cited filing and objection periods 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 Sections 6204.1 and 6215.8 of Title 9 of the NYCRR be added 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 Sections 6204.1 and 6215.8 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 Sections 6204.1 and 6215.8; 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 Sections 6204.1 and 6215.8 and to provide notice of the public comment period of sixty days thereafter.

APPROVED MARCH 14, 2023
VOTE 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 23-14

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Part 6215 by adding Section 6215.10 Related to Party Positions Determined by Gender, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on June 26, 2022, the Governor signed into law Chapter 231 of the Laws of 2022 which amended provisions of the Election Law, related to party positions determined by gender; and

WHEREAS, it is necessary to add Section 6215.10 of Title 9 of the NYCRR in order to implement the provisions of the statute and to provide for the designation of party positions determined by gender; and

WHEREAS, the effective date of Chapter 231 of the Laws of 2022 was June 26, 2022, and certain regulatory and procedural changes will need to be effectuated by the petitioning period; and

WHEREAS, time is of the essence, as it would be impossible to adopt these regulations in time for the above cited petitioning period 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 6215.10 of Title 9 of the NYCRR be added 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 6215.10 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 6215.10; 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 6215.10 and to provide notice of the public comment period of sixty days thereafter.

**APPROVED MARCH 14, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-15

Resolution Proposing Amendments to 9 NYCRR Subtitle V Part 6200 by Amending Section 6200.1 Related to the Filing of Statements of Campaign Receipts And Expenditures, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on October 28, 2019, November 8, 2019, and April 17, 2020, the Governor signed into law Chapters 416 and 465 of the Laws of 2019 and Chapter 34 of the Laws of 2020, which amended provisions of the Election Law, related to the filing of statements of campaign receipts and expenditures; and

WHEREAS, Election Law § 3-102(1) provides the Board "shall have the power and duty to ... promulgate rules and regulations relating to ... campaign financing practices ... consistent with the provisions of law"; and

WHEREAS, it is necessary to amend Section 6200.1 of Title 9 of the NYCRR in order to implement the provisions of the statutes and to provide for the place of filing of statements of campaign receipts and expenditures;

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 amending Section 6200.1 of 9 NYCRR Subtitle V and to provide notice of the public comment period of sixty days thereafter.

**APPROVED MARCH 14, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-16

**RESOLUTION APPOINTING BRENDAN LOVULLO TO THE POSITION OF
DEPUTY DIRECTOR**

WHEREAS, there currently exists a vacancy within the New York State Board of Elections in the newly created Deputy Director position, approved by the NYS Department of Civil Service on February 8, 2023, and

WHEREAS, Brendan Lovullo has indicated a willingness to serve as Deputy Director, and

NOW, THEREFORE, BE IT RESOLVED, that Brendan Lovullo be and hereby is appointed Deputy Director effective March 14, 2023 with a start date to be determined.

**Approved March 14, 2023
Vote 4 Yes – 0 No**