

**Minutes of the New York State Board of Elections
April 5 2016**

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 Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Kim Galvin, Brian Quail, Bill McCann, Anna Svizzero, Brendan Lovullo, John Conklin, Tom Connolly, Mark Goldhaber and Risa Sugarman. The guest list is attached.

Minutes of February 23rd and March 24th, 2016 and Executive Minutes from February 23rd, 2016 – Minutes and Executive Session minutes were accepted (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:

- The state budget has passed. We are receiving the amount of money we submitted.
- April 19th is the Presidential Primary – receiving numerous phone calls from voters.
- Working with DMV and their online voter registration system.
- Will start to receive petitions for the federal primary next week.

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

- The 2016 Seminar Training Schedule is on our website. Both CLE and CPE credit courses will be available.
- Working on the revision of the handbook.
- Staff attending ongoing FIDAS Redesign meetings.
- Three cases that were outstanding have been dismissed.
- Had meetings with staff from Enforcement to discuss political clubs.

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

- Re-certified the presidential primary ballot.
- Meetings with IT to finalize election night reporting.
- ES&S Phase 2 and Dominion upgrades are ongoing.

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

- Posted the April 1st enrollment numbers on our website.
- Working on the interstate voter registration project.
- Finalizing election night reporting with IT.

ITU – Mark Goldhaber reported on projects IT is working on:

- Election night reporting is all set to go.
- The secure network connections were sent out to all the counties for the NYSVoter Refresh Project.
- Working on the case management functionality for the new CAPAS/FIDAS system.

- Prepared a report on the CAPAS/FIDAS upgrade for the Commissioners.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- Working with certain political clubs to bring them into compliance.
- Working with IT on the CAPAS/FIDAS upgrade.
- Gave statistics of the work that has been done in the unit so far this year and last year.

Old Business:

- Discussion on FOIL voter registration information and it was decided to hold over until next board meeting.
- The proposed amendments in reference to the Independent Expenditures regulations have been submitted for publication.

New Business:

- **VOTE to appoint Brian Quail to position as Co-Counsel. The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.**
- Discussion on political clubs will be held over until next board meeting.
- **VOTE on Resolution to accept the Limited Liabilities Companies Proposed Opinion. The motion was denied. Commissioners Kellner and Spano voted in the affirmative, Commissioners Kosinski and Peterson voting in the negative; 2 Yes and 2 No.)**
- There was a motion to go into Executive Session. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**

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# CA 09-16. The motion was disapproved, 0 - 4. (Commissioners Kosinski, Kellner, Spano and Peterson voting in the negative).**
- **VOTE to grant the Chief Enforcement Counsel request to issue a subpoena pursuant to Election Law subdivision 5 of section 3-102 and 3-104 (3) in relation to Case # CA10-16 and Case #CA11-16. The motion was approved, 3 – 0 - 1. (Commissioners Kosinski, Kellner, and Peterson voting in the affirmative, Commissioner Spano recused).**
- **VOTE to make criminal referral pursuant to Election Law §3-104(5)(b) in relation to Case# CA12-16. The motion was approved, 4 - 0. (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative).**

The meeting was adjourned 3:10 p.m.



16-06

New York State Board of Elections APPROVED RESOLUTION – April 5, 2016

Resolution Appointing Brian Quail To The Position Of Co-Counsel

WHEREAS, there currently exists a vacancy within the New York State Board of Elections in a counsel position effective December 15, 2015 due to Kathleen O’Keefe taking a new position in state government, and

WHEREAS, Brian Quail has indicated a willingness to serve as Co-Counsel, and

NOW, THEREFORE, BE IT RESOLVED, that Brian Quail be and hereby is appointed Co-Counsel effective April 5, 2016, with a start date to be determined

**Approved April 5, 2016
VOTE 4-0**