

**Minutes of the New York State Board of Elections
April 5, 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 5th Floor Conference Room 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. Staff members present were: Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nick Cartegena, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser, Bill Cross and Risa Sugarman. Guest in attendance were: Jennifer Wilson - League of Woman Voters, Kirstan Conley – New York Post, Rachel Silberstein and Skip Dickstein – Times Union.

Minutes of March 1, 2018 – 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:

- Ongoing meetings on cybersecurity.
- Working on regulations for posting ads for IEC's on our website.
- State budget was adopted.
- The Board will be receiving federal HAVA money.

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

- Regulations on post-election audit and candidate websites will be published on April 11th.
- Gave an update on all litigations.
- Discussion on IE regulations regarding ads.

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

- Provided guidance to the county boards regarding new special federal voter regulations.
- Continue to work on the certification of the Dominion Image Cast Evolution Device.
- Tom attended the Train the Trainer Conference on cyber security preparedness at Harvard University with John Conklin and Cheryl Couser.
- Working with the Center for Civic Design on ballot usability issues.

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

- Processed 97 FOIL requests for the month of March.
- Waiting on three units to update their section is for the 2017 annual report.
- April 1st enrollment figures are on the website.
- NVRA unit visited the Schenectady County Board for NYSVoter review.

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

- Trying to fill positions for the CAPAS-FIDAS project.
- Working on a date for the data center relocation.
- Working with Election Operations and PIO in development of Cybersecurity tabletop exercises.

Enforcement– Risa Sugarman had nothing to reported on the Enforcement Unit.

Old Business:

- Impromptu discussion on confidentiality of vendor documents.
- VOTE to Adopt Resolution on Automated Audit Tool Procedures. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

New Business:

- VOTE on the staff determinations of Prima Facie review of U.S. Senate nomination certificate and independent nominating petitions. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to have Enforcement Regulations Part 6203 be put out for public comment. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- 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:

The meeting was adjourned at 1:10p.m.



18-03

New York State Board of Elections

APPROVED RESOLUTION – April 5, 2018

Resolution Authorizing the use of the ClearCount system as an Automated Audit Tool pursuant to Election Law section 9-211

WHEREAS, on June 24, 2015 the New York State Legislature allowed the use of automated audit tools that are authorized by the State Board of Elections for use by election officials in assisting with the audit of election results as required by Election Law section 9-211; and

WHEREAS, ClearBallot Group has requested that the State Board of Elections authorize its ClearCount system, previously certified for use as a central count scanner on December 15, 2015, to be used as an automated audit tool, pursuant to section 9-211 (1) of the Election Law; and

WHEREAS, said system underwent comprehensive testing by the State Board of Elections staff to test its functionality and accuracy, in accordance with the process set forth in the State Board's Automated Audit Tool Authorization Process; and

WHEREAS, rules and regulations regarding the use of automated audit tools, to be set forth in a new section 6210.20, were adopted by the State Board of Elections on March 1, 2018; and

NOW THEREFORE BE IT RESOLVED, that the Commissioners of the New York State Board of Elections, at their meeting convened on April 5, 2018 do hereby authorize the ClearBallot ClearCount System Version 1.0.8 as an Automated Audit Tool pursuant to section 9-211 of the Election Law to be used by election officials in New York State in conformance with the regulations set forth in section 6210.20 for ballots that have been tested with said system and voting systems that are currently certified to be used in New York State.

Approved April 5, 2018

VOTE 4-0



18-05

**New York State Board of Elections
APPROVED RESOLUTION – April 5, 2018**

**Resolution Proposing Amendments to 9 NYCRR
Subtitle V Part 6203 Relating to Subpoena Authority
of the State Board of Elections and Notification
Requirements of the Enforcement Division of the State
Board**

WHEREAS, section 3-104(8) of the Election Law permits the State Board of Elections to adopt rules consistent with law to specifically effectuate the sections of law related to enforcement powers within the State Board; and

WHEREAS, an amendment to Part 6203 of Title 9 of the NYCRR in 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 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 amendment to 9 NYCRR Subtitle V Part 6203 and to provide notice of the public comment period of sixty days thereafter.

**Approved April 5, 2018
VOTE 4-0**