

**Minutes of the New York State Board of Elections
April 29, 2019**

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 by WebEx, Gregory Peterson and Andy Spano. Staff members present were Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nick Cartagena, Bill McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser and Bill Cross. Guests in attendance was: Bill Mahoney – Politico.

Minutes of March 19, 2019 – Minutes were approved as written. **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:

- Budget passed – no funds appropriated.
- Preparing procedures for E-poll book implementation.
- Completing a full accounting of all remaining HAVA funds.

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

- Gave update on court cases.
- Updating filer information in preparation for the new software.
- Compliance training sessions have started.

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

- Drafted a certification for the June Primary.
- Completed an additional review of the ICE machine
- Developing the security, network and functional requirements for e-poll books.

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

- Attended meetings for the ECA and cybersecurity planning.
- Meetings with our website accessibility vendor.
- Posted updates on our website.

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

- Staffing is now complete.
- Testing and report development for EFS System.
- 2019 Cybersecurity Awareness Training Curriculum for state and county boards will be rolled out this week.

Enforcement– Risa Sugarman did not attend the board meeting and did not present a unit report.

Old Business:

- Staff reported on the security issue with the Dominion ICE Machine.

New Business:

- VOTE to approve the staff report for ballot access rulings. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to approve Part 6211 – relative to Early Voting, Part 6210.18 – relative to Audit Status for Early Voting and Part 6210.19 relative to # of machines and poll sites. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to accept the Contribution Limit Regulation with the asterisk amended. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Discussion on the County Grant Programs.
- VOTE on Resolution to approve Co-Executive directors Management Confidential 2% raise. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Next Board Meeting is June 6th.
- Motion to adjourn the meeting. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

The meeting was adjourned at 1:20 p.m.

**New York State Board of Elections
APPROVED RESOLUTION**

**Resolution to Adopt Emergency Amendments and to Propose Amendments to 9
NYCRR Subtitle V Part 6211 Related to Implementation and Procedures for Early
Voting Pursuant to State Administrative Procedures Act (SAPA) § 202**

WHEREAS, on January 24, 2019, the Governor signed into law Chapter 6 of the Laws of 2019, which, among other things, provides for the conduct of Early Voting; and

WHEREAS, Election Law § 8-602 provides that "the state board of elections shall promulgate rules or regulations necessary for the implementation of the provisions of (early voting). Such rules and regulations shall include, but not be limited to, provisions to (i) ensure that ballots cast early, by any method allowed under law, are counted and canvassed as if cast on election day, (ii) ensure an efficient and fair early voting process that respects the privacy of the voter, and (iii) require that the voting history record for each voter be continually updated to reflect each instance of early voting by such voter"; and

WHEREAS, Early Voting will be implemented by the November 5, 2019 General Election; and

WHEREAS, local boards of elections require adequate notice in relation to the early voting process in order to budget and plan for the general election; and

WHEREAS, time is of the essence, as boards of elections will not have adequate time to budget and plan for early voting by the general election if this amendment 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, 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 rule making related to the permanent amendment to 9 NYCRR Subtitle V Part 6211 and to provide notice of the public comment period of sixty days thereafter.

Approved April 29, 2019
VOTE 4-0

**New York State Board of Elections
APPROVEDT RESOLUTION**

**Resolution to Adopt Emergency Amendments and to Propose Amendments to 9
NYCRR Subtitle V Part 6210.18 Related to Audits for Voting Machines or Systems
used for Early Voting Pursuant to State Administrative Procedures Act (SAPA) §
202**

WHEREAS, on January 24, 2019, the Governor signed into law Chapter 6 of the Laws of 2019, which, among other things, provides for the conduct of Early Voting; and

WHEREAS, Election Law § 9–211 outlines audit procedures of voting machines or systems after each general, special, village or primary election; and

WHEREAS, it is necessary to amend 6210.18 to provide for the auditing of voting machines or systems that will be used for early voting; and

WHEREAS, Early Voting will be implemented by the November 5, 2019 General Election; and

WHEREAS, local boards of elections require adequate notice in relation to the audit process it must undertake for early voting machines or systems in order to budget and plan for the general election; and

WHEREAS, time is of the essence, as boards of elections will not have adequate time to budget and plan if this amendment 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 6210.18 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 6210.18 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 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 rule making related to the permanent amendment to 9 NYCRR Subtitle V Part 6210.18 and to provide notice of the public comment period of sixty days thereafter.

Approved April 29, 2019
VOTE 4-0

**New York State Board of Elections
APPROVED RESOLUTION**

**Resolution to Adopt Emergency Amendments and to Propose Amendments to 9
NYCRR Subtitle V Part 6210.19 Related to the Minimum Required Voting
Machines and Privacy Booths needed for Early Voting Polling Sites Pursuant to
State Administrative Procedures Act (SAPA) § 202**

WHEREAS, on January 24, 2019, the Governor signed into law Chapter 6 of the Laws of 2019, which, among other things, provides for the conduct of Early Voting; and

WHEREAS, Election Law § 7-203(2) provides that "the State Board of Elections shall establish ... for each election, the minimum number of voting machines required in each polling place and the maximum number of voters that can vote on one machine"; and

WHEREAS, Early Voting will be implemented by the November 5, 2019 General Election; and

WHEREAS, local boards of elections require adequate notice in relation to the minimum number of voting machines and privacy booths required in order to budget and plan for the general election; and

WHEREAS, time is of the essence, as boards of elections will not have adequate time to budget and plan if this amendment 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 6210.19 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 6210.19 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 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 rule making related to the permanent amendment to 9 NYCRR Subtitle V Part 6210.19 and to provide notice of the public comment period of sixty days thereafter.

Approved April 29, 2019
VOTE 4-0

**New York State Board of Elections
APPROVED RESOLUTION**

**Resolution to Amend 9 NYCRR Subtitle V Part 6214.0 Related to Updating
Campaign Contribution Limits Required by NYS Election Law Section 14-
114(1)(c) Pursuant to State Administrative Procedures Act (SAPA) § 202**

WHEREAS, on January 24th, 2019, this body determined that it was necessary to amend Subtitle V of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York Part 6214.0 on an emergency basis, to recalculate the contribution limits set forth in 6214.0 Title 9 NYCRR; and

WHEREAS, this body simultaneously authorized the Office of Counsel to take steps necessary pursuant to SAPA § 202 to provide for the publication of the proposed rulemaking related to this same proposal; and

WHEREAS, on January 29, 2019, the office of counsel took action necessary for the publication of Emergency/Proposed Rule Making related to the proposal, which was published on February 13, 2019 in the New York State Register under ID SBE-07-19-00020-EP; and

WHEREAS, no public comments have been received related to the Emergency/Proposed Rule Making during the time provided by law for comment; and

WHEREAS, no further amendments are recommended to the proposal;

NOW THEREFORE BE IT RESOLVED that the amendments of Part 6214.0, attached hereto, is 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 amendments to Part 6214.0 of Title 9 of the NYCRR.

**APPROVED APRIL 29, 2019
Vote 4-0**



19-12

**New York State Board of Elections
APPROVED RESOLUTION**

**Resolution to Authorize Salary Adjustments for the Co-Executive Directors of
the New York State Board of Elections**

WHEREAS, on April 10, 2019, the Governor signed into law Part D of Chapter 24 of the Laws of 2019, which, among other things, authorizes a 2% general salary increase to eligible Management/Confidential employees; and

WHEREAS, on April 17, 2019, the Division of Budget issued Budget Bulletin D-1140, which provides guidelines related to the implementation of Part D of Chapter 24 of the Laws of 2017; and

WHEREAS, pursuant to Part D of Chapter 24 of the Laws of 2019 and Budget Bulletin D-1140, the Co-Executive Directors of the New York State Board of Elections are eligible to receive said salary adjustments;

NOW THEREFORE BE IT RESOLVED: that the New York State Board of Elections does hereby authorize the Co-Executive Directors to receive the 2019 uniform state agency Management Confidential salary adjustments.

Approved April 29, 2019
VOTE 4-0