

**Minutes of the New York State Board of Elections
May 2, 2022**

The meeting of the Commissioners of the New York State Board of Elections was held at the offices of the New York State Board of Elections, 40 North Pearl Street, Albany, NY in the 5th floor conference room was called to order at approximately 12:29 PM. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Anthony Casale, Douglas Kellner, and Andrew Spano. Staff members present were Kristen Zebrowski Stavisky, Todd Valentine, Brian Quail, Kim Galvin, Aaron Suggs, Kevin Murphy, Tom Connolly, Brendan Lovullo, Jennifer Wilson, Mike Haber, and Michael Johnson of the Enforcement Division. Guests in attendance were candidate for Lieutenant Governor Michael Grace, Gubernatorial candidates Andrew Giuliani and Paul Nichols and Henry Berger and Gregory Sumas on behalf of objectors Diamond, Walsh, and Carney.

Minutes from March 4, 2022 - 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).**

Motion to adopt staff's recommendation on the Prima Facie Determinations. The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).

Unit Updates:

Executive – Todd Valentine and Kristen Zebrowski Stavisky reported on several items including:

- Ballot access process and hearings.
- Procurement for Online Voter Registration (OVR).
- State Senate and Congressional ballot access rulings suspended due to the Court of Appeals redistricting case decision

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

- Holding a webinar on guidance for the Counties with regard to Early Canvassing law and providing a new template for candidate notices.
- Voter systems update.
- Working on procurement with a vendor that will allow the aggregation of Clear Ballot results for either Dominion or ES&S on Election Day.

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

- Litigation update.
- Redistricting litigation update.
- Compliance statistics.

Enforcement – Michael Johnson reported on the Enforcement Division:

- Relocated to the 10th floor of 40 North Pearl Street.
- Developing a judgment database to track judgments.
- Sent 3,706 letters to entities that were reported as contributing LLCs that did not have a statement of interest on file with the Board.

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

- Issued press release regarding new absentee ballot tracker portal and issued statement regarding redistricting court decision.
- Conducted NVRA training for SUNY with fifty individuals representing SUNY schools.
- Grants update.

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

- PCFB website under development.
- Absentee ballot request portal and absentee ballot tracker are up and running.
- Represented the Board in the Spring NYS Local Government IT Directors Assoc (NYSLGIDA) conference.

Old Business:

· N/A

New Business:

· VOTE on Resolution 22-06 to Adopt Emergency amendments to 9 NYCRR Subtitle V Part 6211.1 related to Early Voting sites. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-07 to Appoint Koren L. Satalino as a member of the Division of Election Law Enforcement Special Investigator. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-08 to Approve Electronic Poll Book Systems. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-09 to Adopt Emergency amendments to 9 NYCRR Subtitle V Part 6215.2 related to cover sheets of Independent Nominating Petitions. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· MOTION to move into Executive Session. **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 2:29 p.m.



**New York State Board of Elections
APPROVED RESOLUTION 22-06**

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Part 6211, by amending Section 6211.1, Related to Early Voting Sites, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on December 15, 2020, March 9, 2021, and December 22, 2021, the Governor signed into law Chapter 344 of the Laws of 2020 and Chapters 74 and 781 of the Laws of 2021, which amended provisions of the Election Law, related to early voting sites; and

WHEREAS, it is necessary to amend Section 6211.1 of Title 9 of the NYCRR in order to implement the provisions of the statute and to provide for the designation of early voting sites; and

WHEREAS, the effective date of Chapter 344 of the Laws of 2020 and Chapter 74 of the Laws of 2021 was January 1, 2021, and the effective date of Chapter 781 of the Laws of 2021 was April 1, 2022, and certain regulatory and procedural changes will need to be effectuated by the June 28, 2022 primary; and

WHEREAS, time is of the essence, as it would be impossible to adopt these regulations in time for the above cited primary election 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 6211.1 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 Section 6211.1 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 6211.1; 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 6211.1 and to provide notice of the public comment period of sixty days thereafter.

Approved May 2, 2022
VOTE: 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 22-07

**RESOLUTION APPOINTING MEMBERS OF THE DIVISION OF ELECTION
LAW ENFORCEMENT SPECIAL INVESTIGATORS PURSUANT TO
ELECTION LAW § 3-107**

WHEREAS, the state board of elections chief enforcement counsel, established pursuant to Election Law section 3-100, shall conduct all investigations necessary to enforce the provisions of the Election Law, and

WHEREAS, Michael Johnson has been chosen by the Governor and confirmed by the NYS Senate and Assembly pursuant to Election Law § 3-100 (3-a), and

WHEREAS, Michael Johnson has appointed investigators to assist him in the investigations conducted in his Division, and

WHEREAS, Election Law § 3-107 states that special investigators shall have all the powers of a peace officer as set forth in Criminal Procedure Law section 2.20 for the purpose of enforcing the provisions of the Election Law, and

WHEREAS, Peace Officer designation makes numerous investigatory tools available to the Division of Election Law Enforcement which are not available without such designation, and

WHEREAS, Election Law § 3-107 confers upon the state board of elections authority to appoint special investigators to take charge of the investigation of cases arising under the election law,

NOW, BE IT RESOLVED, that the following are appointed special investigators pursuant to Election Law § 3-107 –

KOREN L. SATALINO

Approved May 2, 2022

VOTE: 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 22-08

APPROVAL OF ELECTRONIC POLL BOOK SYSTEMS

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, multiple vendors have submitted system modifications to be considered for approval as EPBS configurations 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, in tandem with the New York State Technology Enterprise Corporation (NYSTEC), 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), 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. 3.0.1 / iPadOS v. 15.4.1

- Robis
 - o AskED ePollbook v. 3.4.142 / AskED Agent v. 2.5.36 / AskED Command Center v. 6.0.72
Microsoft Windows 10 Pro v. 21H2 / Printer Stress Test Utility v. 1.2.4.1

- Tenex Software Solutions, Inc.
 - o Precinct Central Touchpad v. 5.0.0 / Console v. 3.22.03.90147 / iPadOS v. 15.4

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, at their meeting convened on May 2, 2022, do hereby approve the EPBS aforementioned configurations submitted by the vendors above. Such approval is based on the specific EPBS hardware and software submitted by each 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 one of the two vendor systems described above may opt to either upgrade their equipment to one of the configurations approved in this resolution for use at the June 28, 2022 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 May 2, 2022
VOTE: 4 YES – 0 NO



**New York State Board of Elections
APPROVED RESOLUTION 22-09**

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Part 6215, by amending Section 6215.2, Relating to Cover Sheets of Independent Nominating Petitions, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on April 3, 2020, the Governor signed into law Chapter 58 of the Laws of 2020, which amended provisions of the Election Law relating, in part, to the signature requirements for independent nominating petitions; and

WHEREAS, it is necessary to amend Section 6215.2 of Title 9 of the NYCRR to implement the relevant provisions of Chapter 58 of 2020 to provide for the higher threshold for signatures for independent nominating petitions; and

WHEREAS, the relevant provisions of Chapter 58 of 2020 were effective upon signature by the Governor on April 3, 2020, and time is of the essence to avoid confusion leading up to the June 28, 2022 primary election; and

WHEREAS, based upon the foregoing, it is necessary for the general welfare of the public that Section 6215.2 of Title 9 of the NYCC 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 Section 6215.2 of Title 9 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 6215.2; 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 6215.2 and to provide notice of the public comment period of sixty days thereafter.

**Approved May 2, 2022
VOTE: 4 YES – 0 NO**