

**Minutes of the New York State Board of Elections
May 2, 2023**

The meeting of the New York State Board of Commissioners was held at the office of the New York State Board of Elections, 40 North Pearl Street, Albany, New York in the 5th floor conference room and was called to order at approximately 12:04 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Anthony Casale, Andrew Spano, and Douglas Kellner who attended virtually. Staff members present were Kristen Zebrowski Stavisky, Brian Quail, Aaron Suggs, Kevin Murphy, Tom Connolly, Brendan Lovullo, Jennifer Wilson, Michael Haber, Chief Enforcement Counsel Michael Johnson, and introducing Co-Executive Director Raymond J. Riley III.

Minutes from March 14, 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).**

The Board of Canvassers considered a motion to certify the staff recommendations for the Judicial delegates designating petition filing for this year’s election. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

Unit Updates:

Executive – Kristen Zebrowski Stavisky reported on several items including:

- Online Voter Registration scheduled to go live at the end of May.
- Internal evaluations completed on four proposals for a software procurement for the Public Campaign Finance Board.
- The bid for the 5th floor renovation was awarded and the vendor is finalizing space planning, with construction beginning in June.

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

- Administered online demonstration of Statewide portal enhancements, used for accessible absentee voting.
- Conducted a drawing for ballot placement on April 25th and preparing certification for the June Primary.
- Voting systems and vendors update.

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

- Litigation update.
- Published revised contribution limits and updated training handbook.
- Compliance statistics.

ENFORCEMENT – Michael Johnson reported on the Enforcement Division including:

- Quarterly report of complaints received.
- Enforcement report detailing the following closed investigations:
 - E2021-030, E2022-033, E2022-036, E2022-046, E2022-050
 - E2022-052, E2022-072, E2022-076, E2022-087, E2022-101
 - E2022-107, E2022-111, E2023-005, E2023-006, E2023-007
- Pursuing over contributions by LLCs.

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

- Hired Helen Keller Services for the Blind for website accessibility.
- Launched an email service which provides reminders and announcements once signed up for alerts.
- Grants update.

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

- Preparations for renovation and moving Board employees to various floors in the building.
- Submitted grant application to Division of Homeland Security and Emergency Services (DHSES) seeking funding to cover non-election portions of county security monitoring.
- Developed framework with NYSTEC partners for reassessing county security.

Old Business:

- None.

New Business:

· VOTE on Resolution 23-17 to adopt amendments to 9 NYCRR Subtitle V Part 6214 related to the increase in campaign contribution limits. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 23-18 to approve KnowInk, Robis, and Tenex 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).**

· 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 1:11 p.m.



New York State Board of Elections

APPROVED RESOLUTION 23-17

Resolution to Adopt Amendments to Part 6214 of 9 NYCRR Subtitle V Related to Updating Campaign Contribution Limits, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on January 17, 2023, the New York State Board of Elections, pursuant to the authority of Election Law §§ 14-114(1)(e), 3-102 (1) and 3-102 (17) resolved to authorize Counsel’s Office to file Proposed Rule Making with the New York Department of State related to updating campaign contribution limits; and

WHEREAS, notice of proposed rulemaking amending Part 6214, with accompanying submissions as required by law, were duly filed with the Department of State and thereafter duly published in the New York State Register on February 8, 2023 (I.D. No. SBE-06-23-00012-EP); and

WHEREAS, subsequent to the publication of proposed rulemaking, no public comments have been received and the statutory time period for comments has passed; and

WHEREAS, no amendments to the proposed rulemaking are proposed;

NOW THEREFORE BE IT RESOLVED that the amendment to Part 6214, 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 of Title 9 of the NYCRR.

**Approved May 2, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-18

MAY 2, 2023

**APPROVAL OF 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, all EPBS vendors have 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. 16.4.1

- Tenex
 - o Precinct Central Touchpad 5.1.8 / iPadOS 15.6.1

- Robis
 - o AskED ePollbook 3.4.144/Command Center 6.0.77/Widows 10 Pro 22H2

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, at their meeting convened on May 2, 2023, 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 the vendor and reviewed by the State Board of Elections. Should any 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 any 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 May 2, 2023

VOTE 4 YES – 0 NO