

**Minutes of the New York State Board of Elections
June 6, 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 Douglas Kellner. Commissioners present were Peter Kosinski, Gregory Peterson, by WebEx 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 were: Andrew Appel – Princeton University; Victor Jordan – Brooklyn Community Board; Deborah Porder – Indivisible Scarsdale; Shannon Powell – Indivisible Westchester; Jennifer Cohn, Nikki Jones, Myra Saul and Lulu Friesdat – smart Elections; Jarret Berg – Vote Early NY and Jason Fink – Butler Associates.

Minutes of April 29, 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:

- All counties reported number of early voting poll sites.
- Testified at a Senate hearing on automatic registration.
- Waiting on some election reform bills to pass before end of session.

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

- Reported on multiple cases.
- New training staff have begun training sessions throughout the state.
- Report on the Compliance Unit reviews.

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

- Demonstrations held with e-poll book vendors.
- Reports written on 5 e-poll book vendors.
- Testing has been ongoing with ES&S and Dominion. Reports to follow.

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

- Press release was issued on voter registration deadline for the June primary.
- Working on website accessibility – 1600 pdf documents have been remediated.
- Attending a cyber security election-specific table top exercise with DHS.

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

- Testing and report development continues on the CAPAS FIDAS system.
- MOVE redevelopment continues and is on schedule.
- Working with all groups on cyber security.

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

Old Business:

New Business:

- VOTE on Resolution to approve the Electronic Poll Book System vendors. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to approve final adoption of regulations Part 6217.7. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to approve final adoption of regulations Part 6217.9. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution to approve HAVA funds for costs associated with the Microsoft Premier Support Agreement. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Next Board Meeting is July 25th..
- 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 2:30 p.m.



19-13

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

**Resolution to Amend 9 NYCRR Subtitle V Part 6217.7 Related to Transfers of
Voter Registration and Enrollment to Reflect Statutory Changes As Required
By Chapter 3 of the Laws of 2019 Pursuant to State Administrative
Procedures Act (SAPA) § 202**

WHEREAS, on February 27, 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 6217.7 on an emergency basis, related to transfers of voter registration and enrollment to reflect statutory changes as required by Chapter 3 of the Laws of 2019; 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 March 18, 2019, the office of counsel took action necessary for the publication of Emergency/Proposed Rule Making related to the proposal, which was published on April 3, 2019 in the New York State Register under ID SBE-14-19-00006-EP; and

WHEREAS, one public comment has 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 6217.7, 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 6217.7 of Title 9 of the NYCRR.

**Approved June 6, 2019
VOTE 4-0**



19-14

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

Resolution to Amend 9 NYCRR Subtitle V Part 6217 Related to Pre-Registration of Persons Who Are At Least 16-Years-Old, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held in Albany, New York, on February 27, 2019, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-102 (1); 3-102 (17) and Chapter 2 of the Laws of 2019, resolved to authorize Counsel's Office to file Proposed Rule Making with the New York Department of State that would provide that persons who are at least 16-years-old, and are otherwise qualified to register to vote, to pre-register to vote; and

WHEREAS, said proposal with accompanying submissions as required by law were duly filed with the Department of State on March 19, 2019 and thereafter duly published in the New York State Register on April 3, 2019 (ID Number SBE-14-19-00005-P); and

WHEREAS, one public comment has been received related to the 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 6217, 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 6217 of Title 9 of the NYCRR.

Approved June 6, 2019
VOTE 4-0



19-15

New York State Board of Elections APPROVED RESOLUTION – June 6, 2019

RESOLUTION AUTHORIZING THE EXPENDITURE OF A SUM NOT TO EXCEED \$50,000 FROM THE STATE OPERATIONS HAVA FUND FOR PAYMENT OF THE COSTS ASSOCIATED WITH THE MICROSOFT PREMIER SUPPORT AGREEMENT

WHEREAS the New York State Board of Elections (State Board) has been actively engaged in implementing the Help America Vote Act (HAVA); and

WHEREAS the State Board is in the process of purchasing continued Microsoft Premier Support for the NYSVoter system; and

WHEREAS the NYSVoter system is built using Microsoft technologies and Microsoft provides the State Board with on-going technical support; and

WHEREAS this resolution is necessary due to the anticipated costs associated with such a procurement; and

NOW THEREFORE BE IT RESOLVED that the Board does hereby approve the above-referenced request of the Information Technology Unit for the expenditure of such funds not to exceed of \$50,000 from the State Operations HAVA Fund for payment of costs to acquire Microsoft Premier Support.

Approved June 6, 2019
VOTE 4-0



19-16

New York State Board of Elections

APPROVED RESOLUTION – JUNE 6, 2019

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 systems to be considered as an approved EPBS in New York State; and

WHEREAS, the Election Operations Unit is tasked with evaluating the devices to ensure they meet security standards and other relevant standards; and

WHEREAS, the Election Operations Unit has conducted evaluations 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 the New York State Division of Homeland Security and Emergency Services (DHSES) and the New York State Technology Enterprise Corporation (NYSTEC), 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
- Robis Elections, Inc.
- Tenex Software Solutions, Inc.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, at their meeting convened on June 6, 2019, do hereby approve the EPBS 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.

Approved June 6, 2019
VOTE 4-0