

**Minutes of the New York State Board of Elections
June 10, 2015**

The meeting of the Board of Canvassers of the New York State Board of Elections was convened at the offices 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 12:05 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano and Gregory Peterson.

The Board of Canvassers considered a motion to certify the results for the May 5, 2015 Special Election. For the 11th CD and the 43rd AD. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

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 12:10 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Kathleen O'Keefe, Kimberly Galvin, Brian Quail, Bill McCann, Anna Svizzero, John Conklin, Tom Connolly, William Ryan and Risa Sugarman. The guest list is attached.

Minutes of April 16, 2015 – Minutes were accepted as modified. **(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:

- Waiting for the 2016 political calendar.
- The Data Center was successfully moved to the Nanoscale Science and Engineering Complex.
- All approvals for the Hearing Officers positions have been received and it is posted on the state's job site.
- Waiting on one pending BDA to fill the confidential clerk position.
- Attended the Election Commissioners Association Conference which celebrated their 100th Anniversary.

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

- The training staff are presenting campaign finance training seminars around the state.
- Working on a process to handle formal opinion requests when they are received.
- Compliance staff is working with the IT Dept. on the CAPAS/FIDAS software redesign.
- Regulations passed at last board meeting are moving towards the publication process.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on:

- Continuing certification on the Clear Ballot Central Count Voting System
- Certified the results of the May 5th Special Election.
- Working with county board requests for HAVA reimbursements.
- The Co-Executives Directors met with the NYC Board of Elections and a representative from Mayor DeBlasio's office concerning different tools that can be used to make the voting process run smoothly in the City.

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

- Election Night reporting for the Special election went smoothly.
- PIO attended the Election Commissioners Association Conference and participated in several presentations.
- While the data center was being moved, there was an under construction page that sent visitors to links at County Board.
- NYSVoter reviews were conducted in Orange, Greene, Ulster and Lewis counties.

ITU – Todd Valentine reported on projects IT is working on:

- The data center move was successful.
- Working on the NYSVoter Refresh Project and the CAPAS/FIDAS.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- Attended a meeting with Co-Executive Directors and Compliance to discuss work between the two units.
- Case management system for the computer is up and running.

Old Business:

- **VOTE** on the Board Opinion in regards to a public official using campaign funds to pay travel expenses. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.**
- **VOTE** on the Board Opinion in regards to a Sheriff or police office campaigning for themselves in uniform. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.**

New Business

- **VOTE** on Resolution to authorize monies from the State Operations HAVA fund for the NYSVoter Refresh Project. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.**
- **VOTE** on Resolution to authorize monies for the State Operations HAVA fund for the Microsoft Premier Support Agreement. **The motion was approved (Commissioners Kosinski, Kellner and Peterson voting in the affirmative, Spano recused himself; 3 Yes and 1 Recused.**
- **DISCUSSION** on Dominion software changes.
- **STATEMENT** by Commissioner Kosinski on combining Presidential and Congressional Primaries in 2016. Commissioner Kosinski made three points concerning a letter advocating for combining the Presidential and Congressional Primaries: a) he felt the cost savings quoted in the letter was over stated by as much as \$30 million and b) the consideration should be about more than money; the moving of the primary would put the petition-gathering period in the middle of the winter in upstate and that could potentially disenfranchise voters and their candidates and c) the length of the political season would be unreasonably lengthened to the detriment of the electorate. Voters would be inundated with information and fundraising appeals for a full year before Election Day.
- **VOTE** to hire Brendan Lovullo as Deputy Director of Election Operations. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.**

- VOTE to go into Executive Session. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.**
- The next board meeting will be July 27th.

Executive Session:

- VOTE to authorize the Chief Enforcement Counsel pursuant to Election Law subdivision 5 of section 3-102 and 3-104 (3) in relation to request #14-15 .**The motion was approved. (Commissioners Kellner and Spano voted in the affirmative. Commissioner Kosinski and Peterson voted in the negative. The vote was 2 Aye and 2 Nay, with Chief Enforcement Counsel Sugarman breaking the tie for a final vote of 3 Aye and 2 Nay).**
- VOTE to authorize the Chief Enforcement Counsel pursuant to Election Law subdivision 5 of section 3-102 and 3-104 (3) in relation to request #15-15.**The motion was approved. (Commissioners Kellner, Kosinski, Spano and Peterson voted in the affirmative. Votes was 4 Aye and 0 Nay).**
- Request #16-15 was withdrawn.
- VOTE to authorize criminal referral with respect to request #17-15. **The motion was approved. (Commissioners Kellner, Kosinski, Spano and Peterson voted in the affirmative. Votes was 4 Aye and 0 Nay).**

After Executive Session:

Commissioner Kellner feels there is a need to be clear of how the Compliance staff is handling the issues of PAC and IEC's. Commissioner Kellner raised the issue that 14-118 (1) requires PACs which make no expenditures to aid or take part in the election or defeat of the candidate other than the form of contributions are not required to list the candidates being supported or opposed by such committee. If the PAC decides that it wants to start spending money by way of independent expenditures it may do so, but it first must file the list of candidates it supports and then comply with all of the requirements of 14-107. It appears now that our Compliance staff and our forms don't really accommodate that kind of transition. Commissioner Kellner's suggestion would be that the Commissioner's direct the staff to prepare an advisory opinion and investigate that situation and report back.

A second issue Commissioner Kellner raised is his suggestions that the Board follow the factors that are set forth in rule 1-08(f) of the New York City Campaign Finance Guidelines rules and that again, that the Commissioners should articulate if there are other factors. Commissioner Kellner asked that there be consensus that the Commissioners instruct the staff to report back on the issue of Independent Expenditures by PACs. Commissioners Kosinski and Peterson both agreed.

The meeting was adjourned 1:45 p.m.



15-03

New York State Board of Elections APPROVED RESOLUTION – June 10 2015

RESOLUTION AUTHORIZING THE EXPENDITURE OF A SUM NOT TO EXCEED OF \$83,580 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;

NOW THEREFORE BE IT RESOLVED that the Board does hereby approve the above-referenced request of the Information Technology Unit's for the expenditure of such funds not to exceed of \$83,580 from the State Operations HAVA Fund for payment of costs to acquire Microsoft Premier Support.

Approved June 10, 2015

VOTE 3-1 Abstained



15-04

New York State Board of Elections APPROVED RESOLUTION – June 10 2015

RESOLUTION AUTHORIZING THE EXPENDITURE OF A SUM NOT TO EXCEED OF \$450,000 FROM THE STATE OPERATIONS HAVA FUND FOR PAYMENT OF THE COSTS ASSOCIATED WITH THE NYSVOTER REFRESH PROJECT.

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 has initiated a multi-year “NYSVoter Refresh Project” to upgrade the NYSVoter components that are no longer vendor supported or are near end-of-life; and

WHEREAS the State Board will be retaining the responsibility for the new information technology assets which will support the NYSVoter system as a result of the NYSVoter Refresh Project. These assets include servers, storage devices, and networking hardware; and

WHEREAS the staff hours required to implement the new systems is not covered by any existing agreement or contract; and

WHEREAS the staff resources required to implement the new systems exceeds those available from the State Boards internal Information Technology Unit

NOW THEREFORE BE IT RESOLVED that the Board does hereby approve the above-referenced request of the Information Technology Unit’s for the expenditure of such funds not to exceed of \$450,000 from the State Operations HAVA Fund for payment of costs to implement the new information technology assets to support the NYSVoter System.

**Approved June 10, 2015
VOTE – 4-0**