

**Minutes of the New York State Board of Elections
July 12, 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 12:11PM. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Anthony Casale, Peter Kosinski, and Andrew Spano. Staff members present were Kristen Zebrowski Stavisky, Todd Valentine, Aaron Suggs, Kevin Murphy, Tom Connolly, Brendan Lovullo, Jennifer Wilson, Mike Haber, and Michael Johnson of the Enforcement Division.

Minutes from May 2, 2022; May 18, 2022; June 27, 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 Ballot Access 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:

- Vendor is under signed contract for Online (OVR) and Automatic Voter Registration (AVR) system.
- Continued bi-weekly meetings with Division of Budget, Office of General Services, Enforcement Division, and the Executive Branch, as well as monthly Election Commissioner's Assoc. meetings.
- Finalizing Freedom of Information Law (FOIL) guidance for the county boards.

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

- New canvassing procedure which allowed scanning of absentee ballots prior to Election night so the aggregated results could be used in Election night reporting.
- Special Elections declared in the 19th and 23rd congressional districts.
- Vendor update.

Legal – Aaron Suggs reported on activities related to the Counsel/Compliance unit including:

- Litigation update.
- Compliance statistics.

Enforcement – Michael Johnson reported on the Enforcement Division including:

- Reviewing a case management system to track enforcement cases.
- Continuing the development of a judgment tracking system.
- Sent out about seventy-seven deficiency letters and resolved about thirty of those, going to discuss next steps with the Compliance Unit as Enforcement Counsel doesn't feel they necessarily warrant Enforcement action.

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

- Finalized early voting sites and updating NYSVoter with that information.
- Began conversations with the NYS Press Service to run ads for upcoming ballot proposal.
- Participated in National Assoc. of State Elections Directors Social Media Working Group in July.

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

- Absentee ballot tracker was successfully deployed on schedule.
- Completed connectivity for new locations within building.
- In August will be attending a multi-states information sharing hosted by the Center for Internet Security.

Old Business:

· N/A

New Business:

· VOTE on Resolution 22-10 to Certify and Approve the Abstract and form of submission for the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-11 to Approve certification testing of Election System & Software’s EVS 6.3.0.1 Voting System. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-12 to Approve certification testing of Clear Ballot Group’s Clearvote 2.4 Voting System. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-13 to Adopt Amendments to Part 6211.6 to 9 NYCRR Subtitle V related to voter history and prevention of duplicate voting. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 22-14 to Adopt Amendments to Part 6217.6 to 9 NYCRR Subtitle V related to gender designations for voter identification verification. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· MOTION to adjourn the meeting. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

Next meeting scheduled for August 15, 2022.

The meeting was adjourned at approximately 1:31 p.m.



Approved RESOLUTION 22-10

Relating to the Certification and Approval of the Abstract and Form of Submission for the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022

WHEREAS, on April 9, 2022, the "Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022", Part NN of Chapter 58 of the Laws of 2022, was enacted, for the purpose of "making environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change by funding capital projects for: restoration and flood risk reduction(;)" and

WHEREAS, the Act provides that it "shall not take effect unless and until this act shall have been submitted to the people at the general election to be held in November 2022 and shall have been approved by a majority of all votes cast for and against it at such election (;)" and

WHEREAS, pursuant to article VII, § 11 of the State Constitution, such bond act "shall (not) take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election(;)" and

WHEREAS, section 4-108(1) of the Election Law provides: "the state board of elections at least three months prior to the general election at which such...proposition or question is to be submitted, shall transmit to each county board of elections a certified copy of the text of each amendment, proposition or questions and a statement of the form in which it is to be submitted(;)" and

WHEREAS, section 4-108(3) of the Election Law provides that "[t]he attorney general shall advise in the preparation of such abstract and such form of submission;" and

WHEREAS, the wording of the "form" of the question is provided in the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022; and

WHEREAS, on June 30, 2022, the office of the Attorney General sent a draft abstract to the Board of Elections;

NOW THEREFORE BE IT RESOLVED: that the Co-Executive Directors are authorized to sign the Certification, attached hereto, which certifies the "abstract of proposal" and "form of the submission" of the "; Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022;" and

BE IT FURTHER RESOLVED, that the State Board of Elections staff is authorized to transmit to each county board of elections a certified copy of the form of the submission; further, staff if authorized to publish the abstract of the proposal consistent with section 4-116(2) of the Election Law.

**Approved July 12, 2022
VOTE 4 YES – 0 NO**



**New York State Board of Elections
APPROVED RESOLUTION 22-11**

**RESOLUTION TO PERMIT CERTIFICATION TESTING OF
ELECTION SYSTEM & SOFTWARE'S
EVS 6.3.0.1 VOTING SYSTEM**

WHEREAS, the New York State Board of Elections is in receipt of a completed application from Election Systems & Software, LLC (ES&S) to certify their EVS 6.3.0.1 Voting System; and

WHEREAS, the certification described in the request includes the testing of the following components: Electionware Election Management System (EMS) software, DS200 & DS300 precinct scanners/tabulators, DS450, DS850 & DS950 central scanners and the ExpressVote XL universal voting device; and

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections authorizes the testing for the certification request made by ES&S for the EVS 6.3.0.1 Voting System.

**Approved July 12, 2022
VOTE 4 YES - 0 NO**



**New York State Board of Elections
APPROVED RESOLUTION 22-12**

**RESOLUTION TO PERMIT CERTIFICATION TESTING OF
CLEAR BALLOT GROUP'S
CLEARVOTE 2.4 VOTING SYSTEM**

WHEREAS, the New York State Board of Elections is in receipt of a completed application from Clear Ballot Group (CBG) to certify their ClearVote 2.4 Voting System; and

WHEREAS, the certification described in the request includes the testing of the following components: ClearDesign Election Management System (EMS) software, ClearCast precinct optical scan tabulator, ClearCount central county system and the ClearMark ballot marking device; and

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections authorizes the testing for the certification request made by Clear Ballot Group for the ClearVote 2.4 Voting System.

**Approved July 12, 2022
VOTE 4 YES – 0 NO**



**New York State Board of Elections
APPROVED RESOLUTION 22-13**

**Resolution to Adopt Amendments to Part 6211.6 to 9 NYCRR Subtitle V Related to
Voter History and Prevention of Duplicate Voting, Pursuant to State Administrative
Procedures Act (SAPA) § 202**

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on March 4, 2022, the New York State Board of Elections, pursuant to the authority of Election Law §§ 9-209 (9); 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 voter history procedures and prevention of duplicate voting; and

WHEREAS, notice of proposed rulemaking amending Part 6211.6, 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 April 20, 2022 (I.D. No. SBE-16-22-00004); 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 6211.6, 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 6211.6 of Title 9 of the NYCRR.

**Approved July 12, 2022
VOTE 4 YES – 0 NO**



**New York State Board of Elections
APPROVED RESOLUTION 22-14**

**Resolution to Adopt Amendments to Part 6217.6 to 9 NYCRR Subtitle V Related to
Gender Designations for Voter Identification Verification, Pursuant to State
Administrative Procedures Act (SAPA) § 202**

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on March 4, 2022, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-102 (17); 3-103 (1); 5-614 (1) resolved to authorize Counsel’s Office to file Proposed Rule Making with the New York Department of State related to gender use in voter verification processes; and

WHEREAS, notice of proposed rulemaking amending Part 6217.6, 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 April 20, 2022 (I.D. No. SBE-16-22-00005); 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 6217.6, 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 6217.6 of Title 9 of the NYCRR.

**Approved July 12, 2022
VOTE 4 YES – 0 NO**