

**Minutes of the New York State Board of Canvassers
July 28, 2021**

The meeting of the Board of Canvassers of the New York State Board of Elections 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 12:32 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano, and Anthony Casale. Staff members present were Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nicholas Cartagena, William McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser and Bill Cross. Michael Johnson of the Enforcement Division and Bill Mahoney from Politico also attended.

I. Amended Certification of Election Results for the November 3, 2020 Election

The Board of Canvassers met to amend the certification of the November 3, 2020 election results. This amendment certifies the updates received from the Orange County Board of Elections, who had incorrectly combined their blank and void totals in their original canvass. This update differentiates between the blanks and voids; there was no change in the total numbers processed, just a change in the way they were reported, separately, as they should be. Commissioner Kellner made a motion to approve the revised canvass report as circulated. The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).

Minutes of New York State Board of Elections Meeting

The meeting of the Commissioners of the New York State Board of Elections was held in person at the office of the New York State Board of Elections, and was called to order at approximately 12:40 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano, and Anthony Casale. Staff members present were Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nicholas Cartagena, William McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser and Bill Cross. Michael Johnson of the Enforcement Division and Bill Mahoney from Politico also attended.

Minutes from May 25, 2021 - 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).

Unit Updates:

Executive –Robert Brehm and Todd Valentine reported on several items including:

- Welcoming new Co-Executive Director Kristen Zebrowski Stavisky.
- Space planning update.
- Getting staff who were appointed on May 25th paid retroactively as the Division of Budget has only approved them for July 6th.
- Pending Legislation that will affect the work of the State Board of Elections and getting appropriate resources from the Division of Budget to implement such legislation.

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

- Litigation update, including new ballot access case out of Staten Island.

- Providing educational materials in relation to persons convicted of a felony and their ability to register to vote.
- Compliance unit stats.
- Continued drafting guidance with relation to close contest recounts.

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

- Collected early voting security plans and network security plans from all county boards to make sure their plans were up to date.
- Worked with counties regarding accessible absentee ballots.
- Gathered roll call information for all of the party chairs for the Judicial Conventions for all parties.
- ES&S will be visiting August 10th to demonstrate the Express Vote XL and the changes that have been made.

PIO/NVRA – John Conklin and Cheryl Couser reported that the PIO/NVRA unit is working on several issues:

- Working on getting five ballot proposals published in the newspaper for November’s general election. The New York Press Service is generating a quote for that.
- Assisting Counsel’s office with new felon registration requirements law, including updating NVRA materials.
- Continued working group meetings for automatic and online voter registration projects.
- Hosted a webinar for all counties to discuss newest grants that were appropriated by the Legislature.

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

- Continue to make numerous updates and improvements to the CAPAS/FIDAS public reporting system on weekly release schedule.
- RFP for Online Voter Registration and Automatic Registration has been released, with fifteen intents for vendors to bid, and the RFP will be returned to OGS by week’s end.
- Working with OGS and DOB to renew security systems that were put in place for the county boards approximately three years ago.

Enforcement – Michael Johnson reported on the Enforcement Division:

- Sent first batch of emails and letters to non-filers.
- Determining what tools will be needed to get the job done effectively, high-capacity mail machine is priority.
- Wants to expand the Enforcement unit with more staff.

Old Business:

· N/A

New Business:

· VOTE on Resolution 21-13 to approve final adoption for Part 6220 Cyber Security Requirements. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· MOTION to adopt staff revisions for Statewide Ballot Proposals 2 – 5. 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).
Next meeting scheduled for August 2, 2021.

The meeting was adjourned at 2:20 p.m.



**New York State Board of Elections
APPROVED RESOLUTION 21-13**

Resolution to Adopt Part 6220 to 9 NYCRR Subtitle V Related to Cyber Security Requirements for Local Boards of Elections Pursuant to the State Administrative Procedures Act (SAPA) § 202

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on March 15, 2021, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-103(1), 5-614(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 requiring county boards of elections adhere to a minimum level of security standards in order to protect the local and statewide election system; and

WHEREAS, said adoption of Part 6220, with accompanying submissions as required by law, were duly filed with the Department of State on March 16, 2021 and thereafter duly published in the New York State Register on February 10, 2021 (I.D. No. SBE-13-21-00015-P); and

WHEREAS, subsequent to the publication of proposed rulemaking, two public comments have been received and considered by the New York State Board of Elections; and

WHEREAS, pursuant to the public comments and further review, minor amendments to the proposed rulemaking are recommended; and

WHEREAS, such amendments would not substantively revise the proposed amendments;

NOW THEREFORE BE IT RESOLVED that the proposal of Part 6220, 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 6220 of Title 9 of the NYCRR.

Approved July 28, 2021
VOTE: 4 YES – 0 NO