

**Minutes of the New York State Board of Elections  
August 8, 2018**

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 5<sup>th</sup> 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, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nick Cartegena, Bill McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser, Bill Cross and Risa Sugarman. Guest in attendance were: Jeff Buley – Brown & Weinraub, David Donovan – NYS Broadcasters Association, David Lombardo - Times Union, Jennifer Wilson - League of Woman Voters, Nick Reisman - Spectrum News, John D’Annibale – Times Union

**Minutes of June 25, 2018 – The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

**VOTE on the staff determinations of Federal ballot access rulings. 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:

- Worked on all aspects of the petition process.
- Presented via web at the Election Commissioners Conference.
- Participating in cyber security training workshops.
- Set up SANS training for staff and county boards.

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

- Eleven ballot access cases are pending.
- Amendments to regulation 6215 became effective on July 11<sup>th</sup>.
- There were 2, 765 non-filers for the July periodic.

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

- Certified the Federal Primary on July 19<sup>th</sup>.
- Held a public demonstration of the Dominion ICE machine on July 2<sup>nd</sup>.
- Held a conference call with the Center for Civic Design on usability.

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

- Meetings on the Eason lawsuit.
- DHS will be holding tabletop exercises over 3 days with 34 other states participating.
- NVRA training was held in Harlem.

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

- Working on the digital ad application.
- Focus on the Secure Election Center implementation.
- Continue to work on replacing the MOVE outsource application.

**Enforcement**– Risa Sugarman had nothing to report on the Enforcement Unit.

**New Business:**

- VOTE to adopt Regulation 6200 – Digital Advertisements. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to adopt Regulation 6203. **The motion was approved. (Commissioners Kellner, Kosinski and Peterson voting in the affirmative, Commissioner Spano voted in the negative; 3 Yes and 1 No).**
- The next board meeting is scheduled for September 11<sup>th</sup>.

**Executive Session:**

- There was no Executive Session.

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

Type of Document	Candidate	Office	District	Party	Description of issue	SBOE staff recommendation	Decision On/Off
<b>↓ PRIMA FACIE REVIEW ↓</b>							
Petition	P. Shah	Governor	SW	REP	Insufficient signatures on its face.	Invalid Petition	
Petition	OTB	Governor	SW	REF	Incomplete committee to receive notices. Insufficient signatures on its face.	Invalid Petition	
Petition	OTB	Comptroller	SW	REF	No committee to receive notices. Insufficient signatures on its face.	Invalid Petition	
Petition	OTB	AG	SW	REF	Incomplete committee to receive notices. Insufficient signatures on its face.	Invalid Petition	
Petition	Z. Teachout	AG	SW	DEM	Insufficient signatures on its face (4-page petition filed, but another valid filing is on hand)	Invalid (for 4-page filing)	
Petition	J. Briscoe	Congress	16	-	Petition not timely. Insufficient signatures on its face.	Invalid Petition	
Petition	P. Boyle	State Senate	4	REF	This district does not file at State Board, however document could not be delivered to correct county board as it was a multiple-candidate petition required to be filed here	Invalid Petition	
Petition	D. Jordan	State Senate	43	REP	Insufficient signatures on its face (2-page petition filed, but another valid filing is on hand)	Invalid (for 2-page filing)	
Petition	D. Jordan	State Senate	43	REP	Insufficient signatures on its face (5-page petition filed, but another valid filing is on hand)	Invalid (for 5-page filing)	
Petition	D. Jordan	State Senate	43	REF	Insufficient signatures on its face (1-page petition filed, but another valid filing is on hand)	Invalid (for 1-page filing)	
Petition	S. Ruzbacki	State Senate	45	GRE	Photocopy of petition filed. No original signatures.	Invalid Petition	
Petition	OTB	State Senate	46	REF	Incomplete committee to receive notices. Insufficient signatures on its face.	Invalid Petition	
Petition	J. St. George	State Senate	51	WOR	Insufficient signatures on its face	Invalid Petition	
Petition	OTB	State Senate	54	REF	No committee to receive notices.	Invalid Petition	
Petition	OTB	State Assembly	103	REF	Incomplete committee to receive notices.	Invalid Petition	
Petition	M. Walsh	State Assembly	112	REP	Insufficient signatures on its face (3-page petition filed, but another valid filing is on hand)	Invalid (for 3-page filing)	

Type of Document	Candidate	Office	District	Party	Description of issue	SBOE staff recommendation	Decision On/Off
<b>↓ PRIMA FACIE REVIEW (continued) ↓</b>							
Petition	M. Zegers	State Assembly	113	REP	Insufficient signatures on its face (5-page petition filed, but another valid filing is on hand)	Invalid (for 5-page filing)	
Petition	M. Zegers	State Assembly	113	REP	Insufficient signatures on its face (5-page petition filed, but another valid filing is on hand)	Invalid (for 5-page filing)	
Petition	Brady, et al	State Committee	17 <sup>th</sup> CD	WOR	Insufficient signatures on its face.	Invalid Petition	
Petition	Sobczak, et al	Judicial Delegate	7 <sup>th</sup> JD, 131 <sup>st</sup> AD	WOR	Insufficient signatures on its face.	Invalid Petition	
Petition	Weber, et al	Judicial Delegate	3rd JD, 110th AD	WOR	This district does not file at State Board, however document could not be delivered to correct county board as it was a multiple-candidate petition required to be filed here	Invalid Petition	
Petition	Skidmore, et al	None Provided	6th JD, 124th AD	WOR	Title of office not provided on petition.	Invalid Petition	
<b>↓ AUTHORIZATION / ACCEPTANCE / DECLINATION SUMMARY ↓</b>							
Authorization	P. King	Congress	2	IND	Authorization filed 7/16. No petition on file.	Invalid Authorization	
Authorization	R. Diamond	State Senate	36	REP	No authorization filed – candidate is enrolled CON	Invalid Petition	
Authorization	D. Carlucci	State Senate	38	IND	Deemed invalid by court stipulation	Invalid Petition	
Authorization	J. Skoufis	State Senate	39	IND	No authorization filed – candidate is enrolled DEM	Invalid Petition	
Acceptance/ Authorization	P. Malick	State Senate	42	WOR	No acceptance or authorization filed – candidate is enrolled DEM	Invalid Petition	
Acceptance/ Authorization	P. Malick	State Senate	42	WEP	No acceptance or authorization filed – candidate is enrolled DEM	Invalid Petition	
Acceptance/ Authorization	P. Malick	State Senate	42	REF	No acceptance or authorization filed – candidate is enrolled DEM	Invalid Petition	
Acceptance/ Authorization	D. Jordan	State Senate	43	CON	No acceptance or authorization filed – candidate is enrolled REP	Invalid Petition	
Acceptance/ Authorization	D. Jordan	State Senate	43	IND	No acceptance or authorization filed – candidate is enrolled REP	Invalid Petition	

Type of Document	Candidate	Office	District	Party	Description of issue	SBOE staff recommendation	Decision On/Off
<b>↓ AUTHORIZATION / ACCEPTANCE / DECLINATION SUMMARY (continued) ↓</b>							
Acceptance/ Authorization	D. Jordan	State Senate	43	REF	No acceptance or authorization filed – candidate is enrolled REP	Invalid Petition	
Authorization	K. Byrne	State Assembly	94	IND	No authorization filed – candidate is enrolled REP	Invalid Petition	
Declination	B. Broge	State Assembly	99	IND	Candidate declined, no substitution was filed. No authorization filed – candidate is enrolled DEM	Invalid Petition	
Authorization	B. McGarry	State Assembly	111	REF	No authorization filed – candidate is enrolled REP	Invalid Petition	
Acceptance	C. Woerner	State Assembly	113	WEP	No acceptance filed – candidate is enrolled DEM	Invalid Petition	
Authorization	D. Stec	State Assembly	114	REF	No authorization filed – candidate is enrolled REP	Invalid Petition	
Authorization	M. Buttenschon	State Assembly	119	CON	No authorization filed – candidate is enrolled DEM	Invalid Petition	
Authorization	C. Salatino	State Assembly	119	WEP	No authorization filed – candidate is enrolled DEM	Invalid Petition	
Authorization	C. Friend	State Assembly	124	REF	No authorization filed – candidate is enrolled REP	Invalid Petition	
Authorization	B. Kolb	State Assembly	131	IND	No authorization filed – candidate is enrolled REP	Invalid Petition	
Authorization	J. Errigo	State Assembly	133	CON	No authorization filed – candidate is enrolled REP	Invalid Petition	
Acceptance/ Authorization	M. Byrnes	State Assembly	133	IND	No acceptance or authorization filed – candidate is enrolled REP	Invalid Petition	
Acceptance/ Authorization	M. Byrnes	State Assembly	133	REF	No acceptance or authorization filed – candidate is enrolled REP	Invalid Petition	
Authorization	J. DiPasquale	State Assembly	144	REF	No authorization filed – candidate is enrolled DEM	Invalid Petition	
Authorization	D. DiPietro	State Assembly	147	IND	No authorization filed – candidate is enrolled REP	Invalid Petition	
Authorization	L. Wochensky	State Assembly	147	REF	No authorization filed – candidate is enrolled DEM	Invalid Petition	
Authorization	J. Giglio	State Assembly	148	REF	No authorization filed – candidate is enrolled REP	Invalid Petition	
<b>↓ OBJECTIONS AND SPECIFICATIONS – NO HEARING REQUIRED ↓</b>							
Specifications	S. Maloney	AG	SW	DEM	Deemed moot by court stipulation.	NH - Petition remains valid	
Specifications	L. Parker	Congress	19	MIP	Specs claim insufficient signatures – 3,500 sigs required, 1,601 filed.	NH - Petition Invalid	

Type of Document	Candidate	Office	District	Party	Description of issue	SBOE staff recommendation	Decision On/Off
<b>↓ OBJECTIONS AND SPECIFICATIONS – NO HEARING REQUIRED (continued) ↓</b>							
Specifications	D. Carlucci	State Senate	38	WEP	Deemed valid by court stipulation	NH - Petition remains valid	
Specifications	OTB	State Senate	40	WEP	Specs claim insufficient signatures – 3 sigs required, 2 filed.	NH - Petition Invalid	
Specifications	J. Lunsford	State Senate	55	WOR	Deemed invalid by court stipulation	NH - Petition Invalid	
Specifications	J. Lunsford	State Senate	55	WEP	Deemed invalid by court stipulation	NH - Petition Invalid	
Specifications	OTB	State Senate	62	REF	Specs allege issues of fraud, which are beyond the ministerial scope of the board.	NH - Petition remains valid	
Specifications	B. Broge	State Assembly	99	IND	Specifications claim no authorization filed.	NH - Invalid Petition	
Specifications	S. McClinton	State Assembly	104	REP	Specifications claim insufficient signatures – 500 sigs required, 344 filed.	NH – Petition invalid	
Specifications	S. McClinton	State Assembly	104	CON	Specifications claim insufficient signatures – 48 sigs required, 51 filed. After research, 26 remain valid (25 were for another office).	NH - Petition Invalid	
Specifications	M. Byrnes	State Assembly	133	REF	Specifications claim no authorization filed.	NH - Invalid Petition	
Specifications	M. Byrnes	State Assembly	133	IND	Specifications claim insufficient signatures – 207 sigs required, 71 filed. Specifications also claim no authorization filed.	NH - Invalid Petition	
Specifications	OTB	State Assembly	144	REF	Specs allege improper page numbering. Page numbering cured 8/7.	NH - Petition remains valid	
Specifications	OTB	State Assembly	145	REF	Specs allege issues of fraud, which are beyond the ministerial scope of the board.	NH - Petition remains valid	
Specifications	L. Wochensky	State Assembly	147	DEM	Specs raise issues of candidate’s residency meeting qualifications to run and serve, which are beyond the ministerial scope of the board. Deemed valid by court stipulation	NH - Petition remains valid	
Specifications	L. Wochensky	State Assembly	147	WOR	Specs raise issues of candidate’s residency meeting qualifications to run and serve, which are beyond the ministerial scope of the board. Deemed valid by court stipulation	NH - Petition remains valid	

Type of Document	Candidate	Office	District	Party	Description of issue	SBOE staff recommendation	Decision On/Off
<b>↓ HEARINGS CONDUCTED: SUMMARY OF FINDINGS ↓</b>							
Specifications	C. Gordon	State Senate	8	DEM	Hearing held – Hearing Officer recommendation: 1000 sigs required, 1005 filed. After research, 447 remain valid	Petition Invalid	
Specifications <i>(Dagaev)</i>	T. Basile	State Senate	39	IND	Hearing held – Hearing Officer recommendation: 437 sigs required, 642 filed. After research, 558 remain valid.	Petition remains valid	
Specifications <i>(Yarus)</i>	T. Basile	State Senate	39	IND	Hearing held – Hearing Officer recommendation: 437 sigs required, 642 filed. After research, 547 remain valid.	Petition remains valid	
Specifications <i>(Horton)</i>	OTB	State Senate	39	REF	Hearing held – Hearing Officer recommendation: 2 sigs required, 5 filed. After research, 4 remain valid	Petition remains valid	
Specifications <i>(Yarus)</i>	OTB	State Senate	39	REF	Hearing held – Hearing Officer recommendation: 2 sigs required, 5 filed. After research, 3 remain valid	Petition remains valid	
Specifications	OTB	State Senate	42	REF	Hearing held – Hearing Officer recommendation: 2 sigs required, 4 filed. After research, 3 remain valid.	Petition remains valid	
Specifications	F. Guy	State Senate	50	REP	Hearing held – Hearing Officer recommendation: 1000 sigs required, 1381 filed. After research, 779 remain valid	Invalid Petition	
Specifications	C. Pellegrino	State Assembly	9	IND	Hearing held – Hearing Officer recommendation: 190 sigs required, 208 filed. After research, 191 remain valid.	Petition remains valid	
Specifications	V. Gashi	State Assembly	94	WEP	Hearing held – Hearing Officer recommendation: 2 sigs required, 2 filed. After research, 2 remain valid.	Petition remains valid	
Specifications	OTB	State Assembly	94	REF	Hearing held – Hearing Officer recommendation: 1 sig required, 1 filed. After research, 0 remain valid.	Invalid Petition	
Specifications	OTB	State Assembly	95	REF	Hearing held – Hearing Officer recommendation: 2 sigs required, 6 filed. After research, 0 remain valid	Invalid Petition	
Specifications	B. Broge	State Assembly	99	WOR	Hearing held – Hearing Officer recommendation: 17 sigs required, 20 filed. After research, 14 remain valid.	Invalid Petition	
Specifications	B. Broge	State Assembly	99	WOR	Hearing held – Hearing Officer recommendation: 17 sigs required, 20 filed. After research, 14 remain valid.	Invalid Petition	
Specifications	R. Coates	State Assembly	104	DEM	Hearing held – Hearing Officer recommendation: 500 sigs required, 757 filed. After research, 561 remain valid.	Petition remains valid	
Specifications	A. Reed Kelly	State Assembly	104	DEM	Hearing held – Hearing Officer recommendation: 500 sigs required, 814 filed. After research, 612 remain valid.	Petition remains valid	

Type of Document	Candidate	Office	District	Party	Description of issue	SBOE staff recommendation	Decision On/Off
<b>↓ HEARINGS CONDUCTED: SUMMARY OF FINDINGS (continued) ↓</b>							
Specifications	D. Barrett	State Assembly	106	WOR	Hearing held – Hearing Officer recommendation: 20 sigs required, 20 filed. After research, 20 remain valid.	Petition remains valid	
Specifications	D. Barrett	State Assembly	106	IND	Hearing held – Hearing Officer recommendation: 241 sigs required, 331 filed. After research, 301 remain valid.	Petition remains valid	
Specifications	C. Salatino	State Assembly	119	DEM	Hearing held – Hearing Officer recommendation: 500 sigs required, 769 filed. After research, 639 remain valid.	Petition remains valid	
Specifications	C. Salatino	State Assembly	119	WEP	Hearing held – Hearing Officer recommendation: 2 sigs required, 4 filed. After research, 3 remain valid.	Petition remains valid	
Specifications	C. Salatino	State Assembly	119	WOR	Hearing held – Hearing Officer recommendation: 14 sigs required, 17 filed. After research, 16 remain valid.	Petition remains valid	
Specifications	F. Nichols	State Assembly	119	REP	Hearing held – Hearing Officer recommendation: 500 sigs required, 593 filed. After research, 514 remain valid.	Petition remains valid	
Specifications <i>(Walker)</i>	D. Buttermann	State Assembly	121	DEM	Hearing held – Hearing Officer recommendation: 500 sigs required, 607 filed. After research, 523 remain valid. <b>Deemed valid by court stipulation</b>	Petition remains valid	
Specifications <i>(Lewandowski)</i>	D. Buttermann	State Assembly	121	DEM	Hearing held – Hearing Officer recommendation: 500 sigs required, 607 filed. After research, 535 remain valid. <b>Deemed valid by court stipulation</b>	Petition remains valid	
Specifications	OTB	State Assembly	126	REF	Hearing held – Hearing Officer recommendation: 1 sig required, 2 filed. After research, 1 remain valid	Petition remains valid	
<b>↓ OBJECTIONS AND SPECIFICATIONS – LATE/FAULTY ↓</b>							
Specifications	S. Maloney	AG	SW	DEM	No proof of service provided.	Invalid Objection	
Specifications	C. Vanderhoef	State Senate	38	IND	No proof of service provided.	Invalid Objection	
Specifications	J. Skoufis	State Senate	39	IND	Spec cover sheet filed. No specifications filed.	Invalid Objection	
Specifications	OTB	State Senate	40	WEP	No proof of service provided.	Invalid Objection	
Specifications	J. Mannion	State Senate	50	REF	Specs filed late: due 7/19, postmarked 7/20.	Invalid Objection	
Specifications	D. Valesky	State Senate	53	WEP	Bad proof of service.	Invalid Objection	
Specifications	D. Valesky	State Senate	53	IND	Bad proof of service.	Invalid Objection	





18-09

**New York State Board of Elections  
APPROVED RESOLUTION – August 8, 2018**

**Resolution Adopting Amendments to 9 NYCRR Subtitle V Part 6203 Relating to  
Subpoena Authority of the State Board of Elections and Notification  
Requirements of the Enforcement Division of the State Board**

**WHEREAS**, by the unanimous vote of the Commissioners present at a meeting held in Albany, New York, on April 5, 2018, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-102 [1], 3-102 [17]; 3-104[8], resolved that amendments of Subtitle V Part 6203 of the Official Compilation of Codes, Rules and Regulations of the State of New York be the subject of Proposed Rule Making; and

**WHEREAS**, said proposed rule making of Part 6203, 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 May 2, 2018 (I.D No. SBE-18-18-00007-P), and

**WHEREAS**, subsequent to the publication of proposed rule making, public comments had been received and considered by the New York State Board of Elections; and

**WHEREAS**, no further amendments are recommended to the proposal;

**NOW THEREFORE BE IT RESOLVED** that the amendments to Part 6203, attached hereto, are 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 amendment of Part 6203 to Title 9 of the NYCRR.

**Approved August 8, 2018  
VOTE 3-1**

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

**Resolution to Adopt Emergency Amendments to 9 NYCRR Subtitle V Part 6200  
Related to Updating Such Part to Reflect Statutory Changes As Required By Part  
JJJ of Chapter 59 of the Laws of 2018 and Resolution Proposing Revised Rule  
Making Related to Amendments to 9 NYCRR Subtitle V Part 6200 Pursuant to  
State Administrative Procedures Act (SAPA) § 202**

**WHEREAS**, on April 12, 2018, the Governor signed into law Chapter 59 of the Laws of 2018, concerning, among other things, modifications and additions to the laws relating to the disclosure of Independent Expenditures; and

**WHEREAS**, by the unanimous vote of the Commissioners present at a meeting held in Albany, New York, on May 3, 2018, the New York State Board of Elections pursuant to the authority of Election Law §§ 14-107 (5-a), 14-107-b and 3-102(17), resolved that an amendment to Part 6200 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York be the subject of Proposed Rule Making; and

**WHEREAS**, said proposed amendment of Part 6200 with accompanying submissions as required by law were duly filed with the Department of State on May 8, 2018 and thereafter duly published in the New York State Register on May 23, 2018 (I.D No. SBE-21-18-00047-P); and

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

**WHEREAS**, pursuant to public comments, amendments to the proposed rulemaking are recommended; and

**WHEREAS**, such amendments would substantively revise the proposed rulemaking, requiring the filing of a notice of revised rule making and a period of

time thereafter during which the public may submit comments on the revised rule making, in accordance with SAPA § 202;

**WHEREAS**, Part JJJ of Chapter 59 of the Laws of 2018 requires the State Board of Elections to promulgate rules related to the Board maintaining and making available for public inspection records and copies of paid internet or digital advertisements by Independent Expenditure committees no later than one hundred and twenty days after the effective date of the law, which is August 10, 2018; and

**WHEREAS**, Part JJJ of Chapter 59 of the Laws of 2018 requires the State Board of Elections to promulgate regulations defining the scope of the term “online platform” no later than one hundred and twenty days after the effective date of the law, which is August 10, 2018; and

**WHEREAS**, a permanent amendment to Part 6200 of the NYCRR in the ordinary course would cause the rule to be promulgated after the August 10, 2018 deadline, as the publication of a notice of revised rule making is required, along with a period of time during which the public may submit comments on the proposed rule, in accordance with SAPA § 202; and

**WHEREAS**, the purpose of this timeframe is to protect the integrity of elections by the 2018 election cycle; and

**WHEREAS**, based upon the foregoing, it is necessary for the general welfare of the public that Part 6200 of the NYCRR be amended on an Emergency Basis, in accordance with SAPA § 202;

**NOW THEREFORE BE IT RESOLVED:** that the New York State Board of Elections does hereby adopt the amended Part 6200 of the NYCRR, and the Office of Counsel is hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to effectuate this ninety-day emergency adoption of the amendment to 9 NYCRR Subtitle V Part 6200; and

**BE IT FURTHER RESOLVED:** that the Office of Counsel is hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to provide for

the publication of revised rule making related to the permanent amendment to 9 NYCRR Subtitle V Part 6200 and to provide notice of the public comment period of thirty days thereafter.

Approved August 8, 2018  
VOTE 4-0