Minutes of the New York State Board of Elections
August 28, 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 Peter Kosinski. Commissioners present by Webex were Douglas Kellner, Gregory Peterson and Andy Spano. Staff members present were Robert Brehm, Todd Valentine, Bill McCann, Nick Cartagena, Tom Connolly, John Conklin and Cheryl Couser.

New Business:

- VOTE to Approve new configurations of Electronic Poll Book System Vendors KNOWiNK and Tenex. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to Approve ClearBallot ClearCount 1.6 Upgrade Certification for Central Count & Authorization as Automated Audit Tool. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to Approve the Prima Facie Ballot Access and Specification of Objection Report with one amended provision. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- 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 1:15 p.m.

APPROVED RESOLUTION – AUGUST 28, 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 additional system configurations to be considered for approval as an 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/or 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, such unit does hereby recommend the approval of system configuration submitted by the following vendor for use;

- KNOWiNK
- 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 August 28, 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 August 28, 2019

VOTE 4-0

APPROVED RESOLUTION – AUGUST 28, 2019

CERTIFICATION OF CLEARBALLOT CLEARCOUNT CENTRAL COUNT
OPTICAL SCAN VOTING SYSTEM UPGRADE (VERSION 1.6)

WHEREAS, ClearBallot Group, Inc. (ClearBallot) has submitted an upgrade to the hardware and software used in conjunction with their ClearCount central count optical scan voting system for certification; and

WHEREAS, SysTest Labs Inc. (SLI) has conducted a security review, technical data package (TDP) review and source code review of the system, including test results conducted by Pro V&V to ascertain compliance with the provisions of the U.S. Election Assistance Commission's 2005 Voluntary Voting System Guidelines, the State Board's regulations, Part 6209 of 9 NYCRR, and the applicable sections of New York State Election Law; and

WHEREAS, the summary reports of SLI Inc. are herewith provided to the Board, for their consideration; and

WHEREAS, the Election Operations Unit (EOU) has conducted functional testing of said system, and has provided a summary report, for the consideration of the Board; and

WHEREAS, the New York State Technology Enterprise Corporation (NYSTEC) has reviewed all test plans, test cases and test results used by the EOU and verified the security requirements reviewed by SLI; and

WHEREAS the summary reports of NYSTEC are provided to the Board, for their consideration; and

WHEREAS, having considered the summary reports and the results of functional testing conducted by the Election Operations Unit, such unit does hereby recommend the certification of said system upgrade as herein defined;

ClearCount 1.6.0   ScandAllPro 2.0.12
Ubuntu Server OS 16.04.1   Mozilla Firefox 50.0.2
Windows 10 Pro (1607)   Flash 24.0.0.194
MYSQL 5.7

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, at their meeting convened on August 28, 2019, do hereby certify the upgrade to the ClearCount system as described above.

Approved August 28, 2019

VOTE 4-0

APPROVED RESOLUTION – AUGUST 28, 2019

RESOLUTION AUTHORIZING THE USE OF THE CLEARCOUNT SYSTEM (VERSION 1.6) AS AN AUTOMATED AUDIT TOOL PURSUANT TO ELECTION LAW SECTION 9-211

WHEREAS, on June 24, 2015 the New York State Legislature allowed the use of automated audit tools that are authorized by the State Board of Elections for use by election officials in assisting with the audit of election results as required by Election Law section 9-211; and

WHEREAS, ClearBallot Group has requested that the State Board of Elections authorize its ClearCount system version 1.6, certified for use as a central count scanner on August 28, 2019, to be used as an automated audit tool, pursuant to section 9-211 (1) of the Election Law; and

WHEREAS, said system underwent comprehensive testing by the State Board of Elections staff to test its functionality and accuracy, in accordance with the process set forth in the State Board's Automated Audit Tool Authorization Process; and

WHEREAS, rules and regulations regarding the use of automated audit tools are set forth in 9 NYCRR 6210.20; and

NOW THEREFORE BE IT RESOLVED, that the Commissioners of the New York State Board of Elections, at their meeting convened on August 28, 2019 do hereby authorize the ClearBallot ClearCount System Version 1.6 as an Automated Audit Tool pursuant to section 9-211 of the Election Law to be used by election officials in New York State in conformance with the regulations set forth in section 6210.20 for ballots that have been tested with said system and voting systems that are currently certified to be used in New York State.

Approved August 28, 2019

VOTE 4-0