

**Minutes of the New York State Board of Elections
August 30, 2021**

The meeting of the Commissioners 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 approximately 2:17 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Douglas Kellner, Andrew Spano, and Anthony Casale. Staff members present were Kristen Zebrowski Stavisky, Todd Valentine, Brian Quail, Kim Galvin, Nicholas Cartagena, William McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser and Bill Cross and Michael Johnson.

Minutes from July 28, 2021 and August 2, 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 – Todd Valentine and Kristen Zebrowski Stavisky reported on several items including:

- Finishing translation of certified ballot proposals due September 8th.
- Meetings regarding space planning with the Division of Budget and Office of General Services (OGS).
- Attended virtual National Association of State Election Directors (NASSED) conference, as well as attending and presenting at the Elections Commissioner's Association (ECA) conference this week.

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

- Prepared legal and legislative updates and lessons learned from CD22 to be presented at ECA conference.
- Continuing to draft parolee guidance.
- Litigation update.
- Meetings with the Enforcement Division regarding dormant committees.

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

- Preparing certification for November general Election.
- Collected candidate notices to make sure they comply with various statutes.
- Met with ES&S to discuss the discrepancies cited in the last testing report which prevented the Express Vote XL from being certified.
- Working with IT to improve and streamline the process by which contest, and candidate information is received from the County Boards.

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

- Received quote from the New York Press Service to publish five ballot proposals in various newspapers around the state for November’s general election.
- Continued working group meetings for automatic and online voter registration projects.
- Updated website by removing dated documents, publishing the five ballot propositions and the addition of a separate link to the Public Reporting page under Campaign Finance.

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

- Four responses to the RFP for Online Voter Registration (OVR) and Automatic Registration (AVR); they will be received September 13th and be evaluated for minimum qualifications.
- Continuing to plan County Board outreach sessions for OVR and AVR.
- Absentee application request Portal has been reimplemented and new tracking requirements are being developed.
- Filled Chief Information Security Officer position, welcome Ben Spear.

Enforcement – Michael Johnson reported on the Enforcement Division:

- Sent thousands of non-filer committee emails to Treasurers, and hundreds of letters to Treasurers who do not have an email on file.
- Determining criteria with Counsel on how to administratively terminate dormant non-filer committees.
- Upcoming meeting with Pitney Bowes to figure out the best scenario for large, certified mailings.

Old Business:

· N/A

New Business:

· VOTE on Resolution 21-14 to approve publishing a Notice of Proposed Rulemaking amending Part 6217, which relates to review of County voter registration systems. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· VOTE on Resolution 21-15 to approve upgrades to E-poll books. 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 October 4, 2021.

The meeting was adjourned at approximately 3:50 p.m.



New York State Board of Elections

APPROVED RESOLUTION 21-14

Resolution Proposing Amending Part 6217 to 9 NYCRR Subtitle V Related to - Requirements County Voter Registration Systems Must Meet in Order to Connect to the Statewide Voter Registration System Pursuant to the State Administrative Procedures Act (SAPA) § 202

WHEREAS, pursuant to Election Law § 5-614, the New York State Board of Elections (State Board) maintains, and is charged with the security of, a statewide secure electronic voter registration data repository known as NYSVoter; and

WHEREAS, every county board of elections (CBOE) are mandated to supply voter registration (VR) data to NYSVoter which contributes to a centralized voter registration database; and

WHEREAS, pursuant to 9 NYCRR 6217, each county voter registration system must meet certain requirements in order to connect with NYSVoter, however, the requirements are written in a manner where a vendor must meet qualifications upon application, and it is unclear whether the State Board may add additional requirements in the future, or if the vendors have a duty to continually meet requirements after approval; and

WHEREAS, since the original adoption of this regulation, cyber security has come a critical issue in election administration; and

WHEREAS, §§ 3-103(1) and 5-614(1) of NYS Election Law provides that the State Board shall set security standards for the county and state's elections systems; and

WHEREAS, it is necessary to update 9 NYCRR 6217 in order to ensure CBOE voter registration systems continually comply with State Board requirements, and that such systems comply with security requirements;

NOW THEREFORE BE IT 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 the proposed rulemaking related to amending Part 6217 of 9 NYCRR Subtitle V and to provide notice of the public comment period of sixty days thereafter.

Approved August 30, 2021

VOTE: 4 YES – 0 NO

APPROVED RESOLUTION 21-15

August 30, 2021

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 system modifications to be considered for approval as EPBS configurations for use in New York State; and

WHEREAS, the Election Operations Unit is tasked with evaluating the systems to ensure they meet security standards and other relevant standards; and

WHEREAS, the Election Operations Unit has conducted an evaluation 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 staff of the State Board's Secure Election Center (SEC), 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, we do hereby recommend the approval of system configurations submitted by the following vendors for use;

- KNOWiNK (upgrade to iOS 14.7.1)
- Tenex Software Solutions, Inc. (Precinct Central Touchpad v. 4.7.2 / Console v. 3.21.1.6)

NOW THEREFORE BE IT RESOLVED that the Commissioners of the New York State Board of Elections, at their meeting convened on August 30, 2021, do hereby approve the EPBS aforementioned configurations 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.

BE IT FURTHER RESOLVED that counties utilizing one of the two vendor systems described above may opt to either upgrade their equipment to one of the configurations approved in this resolution for use at the November 2, 2021 General Election or continue to use the configuration previously certified on April 22, 2021. Any county opting for the latter option must complete the upgrade of their equipment to the newly certified configuration before being used in a subsequent election.

Approved August 30, 2021
VOTE: 4 YES – 0 NO