

**Minutes of the New York State Board of Elections
September 1, 2015**

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 12:10 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, Kathleen O’Keefe, Kimberly Galvin, Brian Quail, Bill McCann, Anna Svizzero, Brendan Lovullo, John Conklin, Tom Connolly, Mark Goldhaber and Risa Sugarman. The guest list is attached.

Minutes of July 27, 2015 and Executive Minutes of June 10 and July 27, 2015– Minutes and Executive Minutes were approved. **(The motions were 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:

- Mark Goldhaber started as Chief Information Officer.
- The HP contract to continue work on the NYSVoter Refresh Project was signed this morning.
- Draft 2016 Federal Primary Political Calendar.

Legal – Kathleen O’Keefe reported on activities related to the Counsel/Compliance Unit including:

- The Legislative Over-Contribution Audit is ongoing.
- Regional Training Seminars for Campaign Finance Disclosure requirements have been held.
- Kathleen and Bill attended the FEC conference in Chicago which was very informative.
- Two of our staff attended a NYCCFB training session.
- VOTE to invalidate the Women’s Equality Party Rules filed August 28th and 31st, 2015. **(The motion was denied (Commissioners Kellner and Spano voted Yes, Commissioners Kosinski and Peterson voting to Abstain; 2 Yes and 2 Abstained.)**
- Brian Quail will write a draft resolution FOIL of voter registration records.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on:

- Certificate of Vacancies for Senate Districts 19 and 52 were issued.
- Working on obtaining information from other states on permitting the use of multiple versions of voting system software.
- Attending meetings on the CAPAS/FIDAS upgrade.
- Completed the updated security procedures for the hash checking and COT scanners.
- ES&S will be demonstrating their new Express Vote voting machine that will replace the Automark.

PIO/NVRA –Tom Connolly and John Conklin reported that the PIO/NVRA unit is working on several issues.

- The deadline for counties to send out ballots to Military Voters for the November Election is October 2nd.
- Attended on-going meetings for NYSVoter Refresh & CAPAS/FIDAS weekly IT meetings.
- PIO has been busy with media and public information calls and 109 FOILs since last meeting.

ITU – Mark Goldhaber reported on projects IT is working on:

- The CAPAS/FIDAS upgrade is on target for the end of 2016.
- The NYSVoter Refresh Project will hopefully go live early 2016. Will select pilot counties to test.
- Once the new system rolls out, regular updates will be made to the program.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- From September 1st. 2014 through July 31st 129 files for inquiry and investigation have been opened.
- The amount of judgements collected through August 31st is \$50,013.98.
- Eight cases have been closed and seven have been referred.

New Business:

- VOTE on Regulations Adopting Amendment Of 9 NYCRR 6214.0 – Campaign Contribution Limits. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE Repealing 9 NYCRR 6200.10 and Adopting a new 9 NYCRR 6200.10- Independent Expenditures. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE on Resolution hiring five individuals to serve as Hearing Officers. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE to adopt the staff Prima Facie report. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE on Formal Opinion in regards to Marketing Opinion. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE on a formal opinion for Subsidiary Corporations. **The motion failed. (Commissioners Kellner and Spano voted yes, Commissioners Kosinski and Peterson voted no; the vote was 2 Yes and 2 No.)**
- VOTE on formal opinion in regards to Legislators traveling to Europe. **The motion was approved. (Commissioners Kellner, Spano and Peterson voting in the affirmative, Commissioner Kosinski abstained; 3 Yes and 1 Abstained.)**
- DISCUSSION on multiple versions of voting system software.
- VOTE on Resolution authorizing testing of balance of Dominion Voting Systems upgrade. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE to go into Executive Session. **The motion was approved unanimously (Commissioners Kosinski, Kellner, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- The next board meeting will be September 30th via webcast and October 6th 2015.

Executive Session:

- **VOTE to authorize the Chief Enforcement Counsel’s to serve subpoenas pursuant to Election Law subdivision 5 of section 3-102 and 3-104 (3) in relation to Case # E22-2015. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative. The vote was 4 Aye and 0 Nay).**

The meeting was adjourned 4:45 p.m.



15-06

New York State Board of Elections APPROVED RESOLUTION – September 1, 2015

RESOLUTION ADOPTING AMENDMENT OF 9 NYCRR 6214.0:

WHEREAS, the New York State Board of Elections (hereinafter “The Board”), is legally required by the NYS Election Law Section 14-114(1)(c) to, in 2015, recalculate the contribution limits set forth in 6214.0 Title 9 NYCRR; and

WHEREAS, the proposed rule amendment was submitted to the Department of State, and offered for public comment for the requisite 45 days; and

WHEREAS, no public comment was received relative to the calculations as proposed,

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby adopt the amendment of 6214.0 Title 9 NYCRR as attached hereto.

**Approved September 1, 2015
VOTE 4-0**



15-07

New York State Board of Elections APPROVED RESOLUTION – September 1, 2015

RESOLUTION REPEALING 9 NYCRR 6200.10 AND ADOPTING A NEW 9 NYCRR 6200.10:

WHEREAS, the New York State Election Law was amended to include section 14-107 to require disclosure of independent expenditures; and

WHEREAS, the New York State Board of Elections (hereinafter “The Board”), has proposed to repeal the current 9 NYCRR 6200.10 and adopt a new 9 NYCRR 6200.10 consistent with Election Law § 14-107; and

WHEREAS, the proposed rule was submitted to the Department of State, and offered for public comment for the requisite 45 days; and

WHEREAS, no public comment was received relative to the regulations as proposed,

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby adopt 9 NYCRR 6200.10 as attached hereto.

**Approved September 1, 2015
VOTE 4-0**



15-08

**New York State Board of Elections
APPROVED RESOLUTION – September 1, 2015**

**Resolution of the State Board of Elections approving
individuals to serve as Hearing Officers in
conjunction with Election Law §3-104(5)(a)**

WHEREAS, The Election Law was modified pursuant to Chapter 55 of the Laws of 2014 to include a hearing process for certain violations of the Election Law that do not otherwise warrant a criminal prosecution; and

WHEREAS, said hearing process, as established in Election Law § 3-104(5)(a), calls for the State Board of Elections to establish a list of prospective Hearing Officers, each of whom shall have been approved by a majority vote of the Board; and

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections approves the following individuals to serve as Hearing Officers: Gregory Allen, Tracia Callender, Stephen Giunta, Amy Kendall, and Sharon Miller.

NOW THEREFORE BE IT FURTHER RESOLVED THAT THIS RESOLUTION EXPIRES September 30, 2017

**Approved September 1, 2015
VOTE 4-0**



15-09

New York State Board of Elections APPROVED RESOLUTION – September 1, 2015

RESOLUTION TO PERMIT UPGRADE OF DOMINION VOTING SYSTEM'S ImageCast PRECINCT-BASED SCANNER, Version 4.9.10

WHEREAS, the New York State Board of Elections is in receipt of a request from Dominion Voting Systems to upgrade their ImageCast precinct-based scanner; and

WHEREAS, the central count system upgrade, version 4.14 was approved at the last board meeting and is currently being tested; and

WHEREAS, this would complete the full request from Dominion Voting Systems to upgrade their ImageCast central count voting systems and precinct-based scanner; and

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections authorizes the testing for the upgrade request made by Dominion Voting Systems of their ImageCast precinct-based scanner.

**Approved September 1, 2015
VOTE 4-0**