

**Minutes of the New York State Board of Elections
September 8, 2020**

Meeting of the Board of Canvassers

The meeting of the Board of Canvassers, held remotely by WebEx, was called to order at approximately 12:10 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Douglas Kellner and Andrew Spano. Staff members present were Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Tom Connolly, Nicholas Cartagena, Brendan Lovullo, John Conklin, Cheryl Couser, and Bill Cross.

I. Certification of Election Results for June 23, 2020 Special Election

A motion was moved to certify both the ballot access rulings and the results of the special election on September 23, 2020 in the 27th Congressional District. Commissioner Kosinski asked if there was any discussion or if there is a motion. Commissioner Kellner made a motion to certify the results as circulated. The motion was approved unanimously (Commissioners Kellner, Kosinski, and Spano voting in the affirmative; 3 Yes and 0 No).

Meeting of the Commissioners of the State Board of Elections

A meeting Commissioners of the New York State Board of Elections was then convened,

I. Minutes from April 27, 2020 and May 27, 2020 – Minutes were approved as written. **The motion was approved unanimously (Commissioners Kellner, Kosinski and Spano voting in the affirmative; 3 Yes and 0 No).**

II. Unit Updates:

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

- The creation of a web-based portal to allow absentee ballot applications.
- Design changes to the absentee ballot and envelope to comply with Voter Friendly Ballot Act.
- Participation in National Poll Worker Recruitment Day, September 1st, to help Counties with election day staffing needs.
- Guidance to county boards on accessible ballot applications for voters with disabilities as well as a cyber security directive to be completed before the Election.

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

- District Court ruled in SBOE's favor that new party thresholds were constitutional in the SAM Working Families Party case.
- New signature requirements were upheld in new case challenging Independent nominating petitions.
- In Gallagher postmark case, Judge Torres ruled in favor of plaintiff, requiring all NYS counties to reopen their counts and canvass absentee ballots received up to two days after the general election.
- Counsel worked on notice and cure requirements and providing guidance to CBOE's.

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

- Prima facie report provided for Commissioners' consideration
- Circulated guidance to the Counties for ballot design changes.
- Completed testing on two update configurations from KNOWiNK and Tenex for the electronic poll book systems. The testing report has been circulated to Commissioners.
- Weekly discussions with vendors to discuss status and any discrepancies that remain open from testing.

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

- Answered high call volume in regard to every facet of absentee ballots.
- Issued four press releases: one on the State web based absentee portal, the accessible absentee web portal, and two on the June 23rd Primary deadlines.
- Update on Federal grant programs, including due dates and eligible expenses for County Boards.

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

- CAPAS-FIDAS projected for January 2021, is currently going through application and functional testing, performance, load testing, security and accessibility testing.
- Implemented the State's absentee portal which processed over 195,000 requests, not including Erie or New York County who have their own portals.
- Upgraded all secure connections to County Boards, updated and replaced all older equipment. It has been tested and certified for disaster recovery to the secondary data center.

Enforcement – Risa Sugarman did not attend the board meeting and did not present a unit report.

III. Ballot Access and Independent Petition Rulings

VOTE on Motion to adopt ballot access rulings as provided by Staff. The motion was approved unanimously (Commissioners Kellner, Kosinski, and Spano voting in the affirmative; 3 Yes and 0 No).

VOTE on Resolution 20-13 to approve updated versions of electronic poll books for the following vendors: KNOWiNK; and Tenex Software Solutions, Inc. The motion was approved unanimously (Commissioners Kellner, Kosinski and Spano voting in the affirmative; 3 Yes and 0 No).

Discussion

The Commissioners discussed the following items:

- a. Availability of grant money for counties related to the general election.
- b. The requirement that voters wait no longer than 30 minutes to vote and ways to monitor compliance of this requirement.
- c. Introduction to Public Finance Commissioner Ekow Yankah.
- d. Discussion on ranked choice voting in NYC.

· Motion to adjourn the meeting. The motion was approved unanimously (Commissioners Kellner, Kosinski, and Spano voting in the affirmative; 3 Yes and 0 No).

The meeting was adjourned at 12:57 p.m.

APPROVED RESOLUTION 20-13 – SEPTEMBER 8, 2020

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 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, we do hereby recommend the approval of system configurations submitted by the following vendors 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 September 8, 2020, do hereby approve the EPBS 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 may opt to either upgrade their equipment to one of the configurations approved today for use at the November 3, 2020 General Election, or continue to use the configuration previously certified on April 27, 2020. Any county opting for the latter must complete the upgrade of their equipment to the newly certified configuration not later than December 31, 2020.

Approved September 8, 2020
VOTE: 3 YES – 0 No