

**Minutes of the New York State Board of Elections
December 7, 2023**

The meeting of the Board of Canvassers 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 12:53 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Anthony Casale, Peter Kosinski and Andrew Spano. Staff members present were Kristen Zebrowski Stavisky, Raymond J. Riley III, Thomas Connolly, Brendan Lovullo, Amy Hild, Brian Quail, Kevin Murphy, Aaron Suggs, Kathleen McGrath, Jennifer Wilson, Michael Haber, and Enforcement Counsel Michael Johnson.

The Board of Canvassers met to certify certain election results from the November 7, 2023 General Election. Commissioner Kosinski made a motion to approve the report as submitted by the staff. **The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).**

The Board of Canvassers was adjourned, and the meeting of the Commissioners of the New York State Board of Elections convened at 12:54 p.m.

Minutes from August 2, 2023 and September 6, 2023 - Minutes were approved. **The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).**

Unit Updates:

Executive – Kristen Zebrowski Stavisky reported on several items including:

- Online and Automatic Voter Registration update.
- The software solution for the Public Matching Program has become an agencywide software solution, currently under final review with State Comptroller.
- Renovation and space planning update.

Election Operations – Amy Hild reported that the Election Operations unit is working on several issues including:

- Certification for general election.
- Collecting annual statistical surveys from County Boards.
- Special Election set for February 13, 2024, for the 3rd Congressional District in Nassau and Queens counties.

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

- Litigation update.
- The candidate match program.
- Compliance statistics.

Enforcement – Michael Johnson reported on the Enforcement Division including:

- Enforcement report detailing the following closed investigations:
 - E2022-094, E2022-097, E2023-001, E2023-018, E2023-023
 - E2023-025, E2023-031, E2023-036, E2023-037, E2023-044
 - E2023-045, E2023-048, E2023-053, E2023-069, E2023-070

- E2023-071, E2023-082, E2023-086, E2023-133, E2023-139
- Process server contract status.
- Non-filer litigation update.

PIO/NVRA – Kathleen McGrath reported that the PIO/NVRA unit is working on several issues:

- Website update, uploads, and website refresh status.
- Public outreach and social media update.
- Continued efforts through traditional and social media to dispel misinformation and disinformation.

ITU – Michael Haber reported on projects the IT unit is working on, including:

- Moving equipment and IT resources to support the relocation of Board personnel.
- Creation of the Early Mail Voting request portal.
- Renewed Cybersecurity monitoring services for the county boards for the upcoming year.

Old Business:

- None.

New Business:

· VOTE on Resolution 23-29 to add Part 6222 to 9 NYCRR Subtitle V Related to the Poll Worker Education and Training Institute. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 23-30 to reappoint Thomas Swyers as a Hearing Officer. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Fair Campaign Code Determination. **The motion was approved unanimously. (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· VOTE on the 2024 Legislative Packet, as amended. **The motion was approved unanimously. (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

· MOTION to go into Executive Session for litigation matters. **The motion was approved unanimously. (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).**

The meeting was adjourned at approximately 3:07 p.m.



New York State Board of Elections

APPROVED RESOLUTION 23-29

Resolution to Add Part 6222 to 9 NYCRR Subtitle V Related to the Poll Worker Education and Training Institute, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on September 20, 2023, the Governor signed into law Chapter 477 of the laws of 2023, which amended provisions of the Election Law, related to the Poll Worker Education and Training Institute; and

WHEREAS, Election Law § 3-102(1) provides the Board "shall have the power and duty to ... promulgate rules and regulations relating to the administration of the election process"; and

WHEREAS, Election Law § 3-412(1-d) provides the Board "shall adopt such rules and regulations which may be necessary to create the training institute and associated curricula"; and

WHEREAS, it is necessary to add part 6222 of Title 9 of the NYCRR in order to implement the provisions of Chapter 477 of the Laws of 2023 and to provide for the creation of the Poll Worker Education and Training Institute.

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 adding Part 6222 of 9 NYCRR Subtitle V and to provide notice of the public comment period of sixty days thereafter.

**Approved December 7, 2023
VOTE 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 23-30

Resolution of the State Board of Elections approving Thomas Swyers to serve as a Hearing Officer 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

WHEREAS, Thomas Swyers was appointed by the Board to serve as a Hearing Officer on December 14, 2021, for a term that will expire on December 31, 2023; and

WHEREAS, the Board wishes to reappoint Mr. Swyers to serve as a Hearing Officer for another term;

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections approves Thomas Swyers to serve as a Hearing Officer; and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution expires December 31, 2025.

**Approved December 7, 2023
VOTE 4 YES – 0 NO**