

**Minutes of the New York State Board of Elections
December 9, 2025**

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 1:14 p.m. The meeting was chaired by Commissioner Henry Berger. Commissioners present were Essma Bagnuola, Anthony Casale, and Peter Kosinski via video conference. Staff members present were Kristen Zebrowski Stavisky, Raymond J. Riley III, Thomas Connolly, Brendan Lovullo, Brian Quail, Kevin Murphy, Amy Connolly, Jude Seymour, Kathleen McGrath, Jennifer Wilson, Laura Baker, Ben Spear and Enforcement Counsel Michael Johnson.

The Board of Canvassers met to certify election results from the November 4, 2025, General Election. Commissioner Bagnuola made a motion to approve the report as submitted by the staff. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale and Kosinski voting in the affirmative; 4 Yes 0 No).**

· MOTION to adjourn the meeting. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale and Kosinski voting in the affirmative; 4 Yes 0 No).**

The Board of Canvassers was adjourned; and the meeting of the Commissioners of the New York State Board of Elections was convened at 1:16 p.m.

Minutes from August 6, 2025, and September 10, 2025 - Minutes were approved. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski 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.
- State Board Training Institute will develop curriculum for certified poll worker training and Train the Trainer programs.
- Election Commissioners Association Winter Conference is coming up on January 5th.

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

- Provided support to county boards leading up the General Election.
- Acceptance testing will be resumed next week for county boards to accept new voting equipment.
- Voting systems and vendor update.

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

- Litigation update.
- Compliance statistics.

- Compliance management is focused on updating training, simplifying processes and procedures that will be more understandable to treasurers, candidates and stakeholders.

Enforcement – Michael Johnson reported on the Enforcement Division, including:

- Enforcement report detailing the following closed investigations:
 - E2023-043, E2023-066, E2023-136, E2023-138, E2023-141, E2023-147, E2023-158, E2024-019, E2024-028, E2024-048, E2024-061, E2025-037, E2025-052, E2025-064, E2025-076, E2025-092, E2025-093, E2025-106, E2025-114, E2025-119, E2025-121, E2025-135
- Handling complaints from General Election and compiling information that will be shared with the Co-Executive Directors and Election Operations.

PIO/NVRA – Kathleen McGrath and Jennifer Wilson reported that the PIO/NVRA unit is working on several issues, including:

- County Board outreach and visits.
- Website, media, and social media updates.
- Grants update.

ITU – Laura Baker reported on projects the IT unit is working on, including:

- Continued replacement of all the network infrastructure.
- Replaced the audio-visual in all the conference rooms as well as adding a conference room.
- Implemented a new phone system that enables staff to answer calls remotely.

Old Business:

- None.

New Business:

· VOTE on Resolution 25-15 for final adoption of the addition of Part 6201.3 to 9 NYCRR Subtitle V related to Procedure in Fair Campaign Code Proceedings Regulations. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 25-16 for final adoption of the addition of Part 6210.13(12) to 9 NYCRR Subtitle V related to Standards for Determining Valid Write-In Votes Regulations. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 25-17 for final adoption of the addition of Part 6213.4 to 9 NYCRR Subtitle V related to Voter Registration Transmittal Submission Regulations. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 25-18 for final adoption of the addition of Part 6222 to 9 NYCRR Subtitle V related to Conflicts of Interest Among Board of Elections Employees Regulations. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Resolution 25-19 to commence Testing of Enhanced Audit, version 2026. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Fair Campaign Code Complaint Matters (1 to 3). **The motions were approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski voting in the affirmative; 4 Yes and 0 No).**

· VOTE on Fair Campaign Code Complaint (#4) **The motion was rejected (Commissioners Bagnuola and Berger voting in the affirmative, Commissioners Casale and Kosinski voting in the negative; 2 Yes and 2 No).**

· VOTE on Advisory Opinion 25-01 related to Campaign Finance Security Expenses. **The motion was approved unanimously (Commissioners Bagnuola, Berger, Casale, and Kosinski voting in the affirmative; 4 Yes and 0 No).**

The meeting was adjourned at approximately 2:24 p.m.



New York State Board of Elections

APPROVED RESOLUTION 25-15

Resolution to Amend Part 6201.3 of 9 NYCRR Subtitle V Relating to Fair Campaign Code Proceedings, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, Part 6201.3 of 9 NYCRR Subtitle V currently details the administrative procedure for proceedings under the Fair Campaign Code (the “Code”); and

WHEREAS, there is a desire to make amendments to these provisions to provide clarity for all parties in relation to required time frames for filings under the Code, as well as to clarify the structure of administrative hearings held in response to a complaint under the Code;

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 the amendment of Part 6201.3 of 9 NYCRR Subtitle V and to provide notice of the public comment period of sixty days thereafter.

**Approved December 9, 2025
VOTE 4 YES 0 NO**

9 NYCRR 6201.3 is amended to read as follows:

6201.3 Procedure in fair campaign code proceedings.

(a) Initiation of proceeding.

(1) A proceeding under the fair campaign code (hereinafter the "code") shall be commenced by the New York State Board of Elections (the "SBOE") when:

(i) ~~¶The board~~SBOE receives a written signed complaint alleging the commission or omission of acts, in violation of the code; ~~the county boards of elections are advised to forward any complaints they may receive to the State Board of Elections;~~ or

(ii) ~~¶The State board~~SBOE staff proposes to the board an investigation of an alleged violation of the code.

(2) A complaint shall be filed by mailing to, or by personally serving, the New York State Board of Elections at 40 North Pearl Street, Suite 5, Albany, NY 12207-2729. A duplicate copy of the complaint shall be mailed to or personally served upon the candidate or the candidate's representative (hereinafter "respondent"). Proof of service of the complaint upon the respondent must be filed with the ~~State Board of Elections~~SBOE not later than three business days after service of the complaint upon the respondent. ~~This requirement is waived when the respondent is unknown.~~

(b) Form of complaint.

(1) A complaint shall be based on personal knowledge and belief and be specific as to times, places and names of witnesses to the acts charged as violations of the code. If a complaint is based upon information and belief, the complainant shall state the source of the information and belief. Copies of all documentary evidence available to the complainant shall be attached to the complaint. Evidence deemed by the complainant to be of a confidential nature need not be sent to the respondent, so long as an explanation is made to the board. The complainant shall designate an e-mail address to which all future service upon the complainant shall be made.

(2) Upon receipt of a complete complaint, as determined by its office of counsel, the SBOE shall accept the complaint for filing, and shall issue a notice of acceptance to the complainant. The SBOE shall notify the complainant of the date upon which the complaint was accepted for filing.

(3) The ~~A~~ respondent ~~shall~~ may file a signed answer, after service upon the respondent of the complaint. ~~The~~ Such an answer shall be based on personal knowledge and belief and be specific as to times, places and names of witnesses to acts relevant to the complaint. Copies of all documentary evidence available to the respondent shall be annexed to the answer. If an answer is based on information and belief, the respondent shall state the source or sources of the information and belief. An answer shall be filed by mail, e-mail or by personally serving the New York State Board of Elections at 40 North Pearl Street, Suite 5, Albany, NY 12207-2729 and the complainant. An answer to the complaint must be filed by the respondent within ~~seventen~~ business days ~~after receipt of the complaint~~ from the date of the notice of acceptance, except if such complaint relates to the release of a poll that occurred within 30 days before an election, an answer must be filed within ~~three~~ five business days ~~after receipt of the complaint~~ from the date of the notice of acceptance. Proof of service of the answer upon the complainant must be filed not later than three business days after service of the answer upon the complainant. The answer shall designate an e-mail address to which all future service upon the complainant shall be made.

(c) *Hearing.*

(1) If after receipt and preliminary review of a complaint and answer alleging a violation of the code, or following commencement of an investigation initiated by the board, where the board determines a hearing shall be held, the ~~board~~ SBOE shall send notice, by mail and e-mail whenever possible, to the complainant and to any person, organization or committee whose conduct is complained of. Such notice shall specify when and where a hearing is held. Such hearing shall be conducted by a hearing officer of the ~~State Board of Elections~~ SBOE. A report with the hearing officer's recommendation

shall be delivered to the office of counsel, and counsel shall provide such report to the board, which shall render a final decision. All steps in this process shall be completed as soon as possible. ~~The board shall be presented with such findings within 48 hours of the hearing officer delivering such report to the co-counsels of the board.~~ Any party to the hearing may purchase a transcript of such hearing.

(2) Hearings shall be conducted at the SBOE offices located at 40 North Pearl Street, Suite 5, Albany, NY 12207-2729. Upon request of either party, the hearing may be conducted by telephone or, where available, interactive video. When such telephonic or video appearances are made, all due effort shall be made to not impose any undue burden upon any party appearing in person.

(3) The complainant shall have an opportunity to present witnesses, documents or other evidence relevant to the allegations in the complaint, and to argue his/her position. The respondent shall also be given an opportunity to present witnesses, documents or other evidence and to argue his/her position in response to the complaint. The hearing officer may ask questions of both parties to elicit information relevant to a determination of the complaint. Any witnesses who testify shall be under oath. The hearing officer can request written materials or oral presentations by persons who are not parties to the matter if the panel determines that such materials or presentations would be helpful in its review of the complaint.

(4) The following rules of evidence shall substantially be followed in the admission of testimony and exhibits in all hearings:

(i) Any oral or documentary evidence may be received, but the hearing officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. Subject to these requirements and subject to the right of any party to cross examine, any testimony may be received in written form.

(ii) Documentary evidence in the form of copies may be received at the discretion of the hearing officer, if the original is not found readily

available. Upon request by any party, an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies.

(iii) Cross examination may be conducted as the hearing officer shall find to be required for a full and true disclosure of the facts.

(iv) Any exhibit admitted as evidence by the hearing officer in a prior hearing may be offered as evidence in a subsequent hearing and admitted as an exhibit in such hearing. The hearing officer shall employ his or her experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making a finding of facts and arriving at a final determination.

(5) The hearing may be recessed and continued to a later time or day, at the discretion of the hearing officer.

(6) All hearings shall be electronically recorded, and a record of the proceedings shall be compiled by the SBOE. The record of the proceedings shall include:

(i) the electronic recording of the hearing;

(ii) a transcript of the hearing on the record if such a hearing was so requested in writing by the complainant or respondent;

(iii) any documents or other tangible items introduced into evidence at the hearing, and a list of same in the order in which they were introduced;

(iv) the complaint and written response;

(v) all notices and correspondence between the SBOE, the complainant and the respondent; and

(vi) the results of any investigation conducted by SBOE staff in response to the complaint.

(d) Scope of poll disclosure disputes.

When there is an allegation that relevant poll questions and results required by section 6201.2 were not disclosed as required, the hearing officer, to resolve such matter, may require the respondent to produce for confidential review by the hearing officer additional poll questions and results. The hearing officer shall recommend in the report to the commissioners whether any additional questions and results must be released to comply with the disclosure requirements of 6201.2. After receiving the hearing officer report, the commissioners may, upon a majority vote, require the public disclosure of additional questions and results. Unless the commissioners vote to release such additional poll questions and results, such information shall be kept confidential. Poll results subject to disclosure pursuant to this subdivision shall be publicly available no later than twenty-four hours after such determination.

(e) Hearing officer assignment.

A hearing officer shall be assigned to a complaint made under this Part by the co-executive directors or their designees through a random selection process. All hearing officers appointed by the ~~State Board of Elections~~ SBOE pursuant to 6218.2(b) shall comprise those eligible for assignment.



New York State Board of Elections

APPROVED RESOLUTION 25-16

Resolution to Amend Part 6210.13 of 9 NYCRR Subtitle V Relating to Standards for Determining Valid Write-In Votes, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on September 20, 2023, the Governor signed into law Chapter 474 of the Laws of 2023, which amended provisions of the Election Law relating to determining the validity of write-in votes; and

WHEREAS, Election Law Section 3-308(2) now provides: “Any write-in vote for a candidate whether or not such candidate’s name is on the ballot for that contest shall be counted for such candidate unless such write-in vote creates an invalid overvote in the contest”; and

WHEREAS, it is necessary to amend Part 6210.13 of Title 9 of the NYCRR in order to fully conform with the provisions of Chapter 474 of the Laws of 2023;

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 the amendment of Part 6210.13 of 9 NYCRR Subtitle V and to provide notice of the public comment period of sixty days thereafter.

**Approved December 9, 2025
VOTE 4 YES 0 NO**

9 NYCRR 6210.13(12) is amended to read as follows:

6210.13. Standards for determining valid votes.

(12) Write-in votes are votes cast for a person or persons whose name(s) do not appear on the official ballot.

(i) ~~Write-in votes for persons whose names appear on the official ballot for that office or party position shall not be counted~~Any write-in vote for a candidate whether or not such candidate's name is on the ballot for that contest shall be counted for such candidate unless such write-in vote creates an invalid overvote in the contest.

(ii) A write-in vote may be cast by the use of a name stamp.

(iii) A write-in vote must be cast in the appropriate place on the machine, or it shall be void and not counted.

(iv) A voter need not write in the first and last name of a candidate in every situation; the standard is whether the election inspectors can reasonably determine the intent of the voter when they cast their ballot.



New York State Board of Elections

APPROVED RESOLUTION 25-17

Resolution to Amend Part 6213.4 of 9 NYCRR Subtitle V Relating to Transmittal Documents from County Boards of Elections, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, Part 6213.4 of 9 NYCRR Subtitle V currently provides that county board of elections transmit documentation to the New York State Board of Elections on a weekly basis relating to registration and change of address forms received by certain state agencies; and

WHEREAS, there is a desire to extend this reporting requirement time frame to ease the administrative burden on the county board of elections;

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 the amendment of Part 6213.4 of 9 NYCRR Subtitle V and to provide notice of the public comment period of sixty days thereafter.

Approved December 9, 2025

VOTE 4 YES 0 NO

9 NYCRR 6213.4 is amended to read as follows:

6213.4. Duties of county boards of elections.

(a) Each local board shall develop written procedures for the processing of registration and change of address forms received from participating agencies, and Federal registration forms received from the State Board of Elections. A copy of those procedures shall be filed with the State Board for review as to compliance with the law, not later than June 1, 1996.

(b) Registration applications in each transmittal from any agency site shall be processed as a unit or batch. When the processing is completed, the County Board shall complete part two of the transmittal document accompanying each batch and retain the yellow copy for its records.

(c) Each board shall provide the following information on the transmittal document for every batch:

- (1) number of new registrations contained in this batch;
- (2) number of address changes contained in this batch;
- (3) number of enrollment changes contained in this batch;
- (4) number of name changes contained in this batch;
- (5) number of duplicate registrations contained in this batch;
- (6) number of incomplete forms contained in this batch; and
- (7) brief description of any problems the board has encountered with this site.

(d) Local boards shall send to the State Board of Elections the white copy of all completed transmittal documents on a ~~weekly~~monthly basis.



New York State Board of Elections

APPROVED RESOLUTION 25-18

Resolution to Add Part 6224 of 9 NYCRR Subtitle V Related to Conflicts of Interest Among Board of Elections Employees, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on December 21, 2024, the Governor signed into law Chapter 639 of the Laws of 2024, which created a new provision of the Election Law relating to conflicts on interest among board of elections employees; and

WHEREAS, Election Law Section 3-304 provides that the New York State Board of Elections “shall promulgate rules and regulations relating to the circumstances that may permit a board of elections to authorize an employee who is also a candidate for an office who has an election overseen by the board at which they are employed to remain employed...”; and

WHEREAS, it is necessary to create a new Part 6224 of Title 9 of the NYCRR in order to fully implement the provisions of Chapter 639 of the Laws of 2024;

NOW THEREFORE BE IT RESOLVED: that the Office of Counsel is hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to effectuate this ninety-day emergency adoption of the addition of Part 6224 to 9 NYCRR Subtitle V and any necessary extension thereof.

**Approved December 9, 2025
VOTE 4 YES 0 NO**

PART 6224. CONFLICTS OF INTEREST AMONG
BOARD OF ELECTIONS EMPLOYEES

Section

- 6224.1. Definitions.
- 6224.2. Prohibition of conflicts of interest.
- 6224.3. Authorization for employee to seek elective office.
- 6224.4. Penalties.
- 6224.5. Endorsements not to create conflicts of interest.

Section 6224.1. Definitions

The terms used in this Part shall have the significance herein defined unless another meaning is clearly apparent in language or content.

(a) *Conflict of interest* means a situation wherein a person is in a position to derive pecuniary benefit from actions or decisions made in his or her official capacity.

(b) *Board of elections employee* means any person directly compensated with wages or salary by a board of elections for his or her full-time or part-time work, excluding election inspectors, poll clerks, and election coordinators compensated solely for their work at a general, primary, or special election.

(c) *Direct financial interest* means a monetary benefit earned by an individual or by an entity in which said individual has an ownership stake, beneficial interest, or controlling influence.

(d) *Vendor* means any manufacturer, company, or individual who seeks to sell voting systems and/or election-related services for such systems in New York State, including but not limited to voting machines, electronic poll books, printers, tabulation equipment, voter registration systems, poll worker management systems, election night reporting systems, or any other technical or electronic equipment utilized in election administration. For purposes of 6222.2 (b) of this

section, vendor shall also mean printing companies, election consulting companies, direct mail companies and digital marketing companies.

(e) *Party position* means an unpaid position within a recognized political party, including county committee member, district leader, state committee member, chair of a political party, member of an executive committee for a political party, delegate or alternate delegate to a nominating or party convention or judicial convention, or any similar internal party office that does not carry compensation. Party positions shall not be considered public offices for purposes of this Part.

Section 6224.2. Prohibition of conflicts of interest

(a) No board of elections employee shall engage in or participate in any trade or business which creates, or may tend to create, an actual or potential conflict of interest.

(b) No board of elections employee shall maintain a direct financial interest in or be employed by a vendor or a company providing services to a candidate who has an election overseen by such employee's office, including but not limited to, printing companies, election consulting companies, direct mail companies and digital marketing companies.

(c) No board of elections employee shall maintain a direct financial interest in or be employed by a vendor or company that sells to the board voting machines, electronic poll books, printers, tabulation equipment, or other technical or electronic equipment.

(d) No board of elections employee shall remain on the board of elections payroll while also a candidate for an office who has an election overseen, in whole or in part, by the board at which they are employed, without prior authorization by a majority vote of the board of elections commissioners and in accordance with the provisions of Section 6222.3.

Section 6224.3. Authorization for employee to seek elective office

- (a) A board of elections employee who is also a candidate for public office at an election overseen by said board may remain under paid employment under the following circumstances:
- a. The commissioners of the board of elections approve the authorization by majority vote, and issue said authorization in a signed writing executed by both commissioners and acknowledged by the employee asking for such approval.
 - b. A board of elections employee so authorized shall be restricted from working on, and must not have any material contact with, or decision-making authority as to matters related to the election in the political subdivision in which the covered employee is a candidate, including but not limited to:
 - i. Designating or nominating petitions which the covered employee's name appears as a candidate for public office or any other petitions for any other person seeking the same office in the same political subdivision;
 - ii. Canvass of returns of elections in the same political subdivision as the covered employee, election day operations, poll site management, poll worker assignments or related election management activities in the same political subdivision where the covered employee's name appears as a candidate for public office;
 - iii. Voting machine setup, maintenance, testing, or any related activities for machines in use in the same political subdivision where the covered employee's name appears as a candidate for public office;
 - iv. Voter registration activities for any voter in the political subdivision where the covered employee's name appears as a candidate for public office; or
 - v. Any other board activity wherein participation or action by the covered employee could create the appearance of impropriety or a conflict of interest.

- c. A board of elections employee so authorized shall be prohibited from soliciting or accepting any contribution, as defined in section 14-100(9) of the election law, from any other employee of said board of elections.
- d. A board of elections employee shall be deemed a candidate for elective office upon the filing of a designating or nominating petition for such office or, where nominations for such office are made other than by petition, upon acceptance of a nomination.
- e. Notwithstanding the provisions of this Part, when there are no primary elections for the office being sought by a candidate that is also a board of elections employee, that candidate may remain on the board of elections payroll until ninety days prior to a general election.
- f. A board of elections employee who either does not request authorization or was denied authorization under this section shall be placed in "leave without pay" status until such time as their candidacy shall cease, or upon the day following the certification of election results for such office, whichever comes first.
- g. The provisions of this Part shall not apply to unpaid party positions.

Section 6224.4. Penalties

- (a) Violation of these provisions shall be cause for discipline by the board of elections. Penalties for violation of these provisions may include, but are not limited to:
 - a. Suspension of the board of elections employee without pay, with said suspension not to be lifted until the conflict of interest is remedied.
 - b. Termination of employment.
 - c. Referral of the board of elections employee to local law enforcement.

Section 6224.5. Endorsements not to create conflicts of interest

- (a) It shall not be considered a conflict of interest for a board of elections employee to seek, endorse, or support a candidate for a party position, or to serve in such a party position.

(b) It shall likewise not be deemed a conflict of interest for a board of elections employee to endorse or support a candidate for public office when acting solely in their capacity as a county committee member, district leader, state committee member, chair of a political party, member of an executive committee for a political party, delegate or alternate delegate to a nominating or party convention or judicial convention.



New York State Board of Elections

APPROVED RESOLUTION 25-19

Resolution to Permit Testing of Enhanced Voting, LLC Enhanced Audit System

WHEREAS, the New York State Board of Elections is in receipt of a completed application from Enhanced Voting, LLC to certify their Enhanced Audit System; and

WHEREAS, the certification described in the request includes the testing of the software and the functionality of the related hardware components;

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections authorizes the testing for the approval request made by Enhanced Voting, LLC for the Enhanced Audit System.

Approved December 9, 2025

VOTE 4 YES – 0 NO