

**Minutes of the New York State Board of Elections
December 14, 2018**

The meeting of the Board of Canvassers of the New York State Board of Elections was convened at the offices 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 12:05 p.m. The meeting was chaired by Commissioner Douglas Kellner. Commissioners present were Peter Kosinski, Andrew Spano and Gregory Peterson.

The Board of Canvassers considered a motion to certify the results of the November 6, 2018 General Election. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

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 12:25 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, Brian Quail, Kim Galvin, Nick Cartegena, Bill McCann, Brendan Lovullo, Tom Connolly, John Conklin, Cheryl Couser, Bill Cross and Risa Sugarman. Guests in attendance were: Jennifer Wilson from League of Woman Voters.

Minutes of October 25, 2018 – Minutes were approved as amended. **The motion was 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:

- Certified the General Election Results
- Rolled out intrusion detection services to all the counties.
- Grant Thornton has completed risk assessments on 24 counties.

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

- Reported on status of outstanding cases.
- Paid internet digital ads are now filed on our website.
- Reported on failure to files from the 2018 July Periodic

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

- Worked with IT and the counties on Election Night reporting.
- Working on new test cases for the modification of the Clear Ballot machine.
- Attended cybersecurity meetings in NYC and Kentucky.

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

- Attended meetings on cyber security.
- 2018 requirements for the Eason case are completed. Working on 2019.
- Cybersecurity SANS training has been completed by 74% of county board employees

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

- Continuing to work on the CAPAS FIDAS updates.
- Hired a Chief Information Security Officer
- Working with OGS and vendors on intrusion detection and managed security services to the counties.

Enforcement– Risa Sugarman had nothing to report on the Enforcement Unit:

New Business:

- VOTE on changes to the voter registration application on an interim basis for online posting. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to adopt Resolution to approve the 2019 Legislative Packet. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution for Cyber Security Spending. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Next Board Meeting will be held January 24, 2019.

The meeting was adjourned at 1:25p.m.

New York State Board of Elections
APPROVED RESOLUTION APPROVING ADDITIONAL
CYBERSECURITY SPENDING AUTHORITY PURSUANT TO THE SFY
2018-19 BUDGET.

WHEREAS the New York State Board of Elections (State Board) has been closely monitoring the ever-growing threat posed to information and elections systems by nation-states, terrorist organizations and independent criminal actors; and

WHEREAS the State Board has been working extensively with federal, state, local and other important partners (the Elections Assistance Commission (EAC), the federal General Services Administration (GSA), the federal Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the Center for Internet Security (CIS), the Multi-State Information Sharing and Analysis Center (MS-ISAC), the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC), NYS Office for Information Technology Services (OITS), Governor’s Cybersecurity Advisory Board (CSAB), the Belfer Center for Science and International Affairs at Harvard University, and the University at Albany’s Center for Technology in Government (CTG)) to develop a comprehensive plan to ensure the security of New York State’s elections infrastructure; and

WHEREAS the SFY 2018-19 budget allocates \$5 million dollars for “services and expenses related to securing election infrastructure from cyber-related threats including, but not limited to the creation of an election support center, development of an elections cybersecurity support toolkit, and providing cyber risk vulnerability assessments and support for local board of elections(;)” and

WHEREAS, per the SFY 2018-19 budget, expenditures of such funds shall be approved by a vote of the State Board of Elections Commissioners pursuant to subdivision 4 of section 3-100 of the election law;

WHEREAS the State Board staff through their work with the federal, state, local, and other partners mentioned above, have drafted an allocation plan.

WHEREAS the State Board staff has been leveraging existing Federal and State resources, such as attending the Belfer Center of Science and International Affairs Cybersecurity Tabletop Exercise “Train the Trainer” program; and

WHEREAS the State Board staff has partnered with the federal Department of Homeland Security both have an internal risk assessment conducted and to execute six regional cybersecurity table top exercises across New York State; and

WHEREAS the State Board has been leveraging existing technological and security resources by partnering with the federal Department of Homeland Security, MS-ISAC and EI-ISAC; and

WHEREAS, the federal Elections Administration Commission (EAC) has allocated New York State \$19,483,647 (19.5 M) dollars subject to a State 5% match of cybersecurity related funds;

WHEREAS, the \$5 million dollar State cybersecurity funds will be leveraged to meet the federal 5% match requirement to secure federal Cybersecurity grant funding;

WHEREAS, the Board of Commissioners granted initial spending authority of \$1.25 million in State cybersecurity funds and \$5 million dollars of federal HAVA cybersecurity funds at the May 4 ,2018, Board meeting (NYSBOE resolution 18-07);

WHEREAS, the State Board is entering into contracts for risk assessment, intrusion detection and managed cybersecurity services to provide services to support the State's election infrastructure at both the State and County level of government;

NOW THEREFORE BE IT FURTHER RESOLVED that the State Board staff is authorized to expend a total amount not to exceed \$5 million in State cybersecurity funds in the implementation of the state cybersecurity plan; and

NOW THEREFORE BE IT FURTHER RESOLVED that the State Board staff is authorized to expend a total amount not to exceed \$10 million dollars of federal HAVA cybersecurity funds, in the implementation of the state cybersecurity plan.

Approved December 14, 2018
VOTE 4-0

Peter S. Kosinski
Co-Chair



Douglas A. Kellner
Co-Chair

Gregory P. Peterson
Commissioner

40 NORTH PEARL STREET, SUITE 5
ALBANY, N.Y. 12207-2109

Andrew J. Spano
Commissioner

Todd D. Valentine
Co-Executive Director

Phone: 518/474-8100 Fax: 518/486-4068
<http://www.elections.ny.gov>

Robert A. Brehm
Co-Executive Director

Election Law Proposals for 2019

The following is a brief description of the State Board of Elections' legislative proposals to address the administration of elections for 2019.

- SBOE 19-01 **Election Day Start Time for Poll Workers:** Requires poll workers to arrive at the poll site one (as opposed to ½) hour prior to the opening of the polls on Election Day.
- SBOE 19-02 **Elimination of Party Emblem:** Removes the requirement to put the party emblem on the ballot allowing boards of elections more flexibility in ballot design.
- SBOE 19-03 **Removes Petitioning for LIPA Trustee:** Removes LIPA Trustee from offices for which petitions are filed because the position is now appointed, not elected.
- SBOE 19-04 **Publication of Election Results:** Eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBOE 19-05 **Publication by Advertising Website Notice:** Provides newspaper advertising requirements are satisfied by publishing description of notice and where to find the notice on the board of elections' website, provided the board of elections upon request would provide the information by mail or other means.
- SBOE 19-06 **Local Campaign Finance Filers to State Board:** Local boards of election will no longer be required to receive campaign finance filings for certain local committees.
- SBOE 19-07 **Authorizes Election District Increase to Two Thousand Voters and Permits Parties to Apportion Any Number of Committeepersons:** Election districts allowed to have 2,000 voters, and party committees decide the number of, and how to apportion, members of county committees to avoid any loss of membership.
- SBOE 19-08 **Elimination of Duplicate Electronic Filings:** Upon meeting certain disclosure and publication criteria, a campaign finance board filing for a candidate may be deemed to meet the Election Law reporting requirement.

- SBOE 19-09 **Clarification of Local Proposition Filing Requirements:** Clarifies state board of elections does not approve local proposition abstracts, and requires filing of local propositions earlier to ensure orderly inclusion on the ballot.
- SBOE 19-10 **Multiple Vacancies For Same Office:** Provides that when an office is on the ballot to fill both a vacancy for the remainder of the current year as well as a new term, the office will appear only once on the primary ballot and general election ballot.
- SBOE 19-11 **New Party Names:** New parties must file a certificate indicating their name no later than the last day of February after the election at which the party obtains ballot status.
- SBOE 19-12 **Alternative Poll Site Organization:** Permits boards of elections to adopt alternative poll site staffing plans to more efficiently administer elections.
- SBOE 19-13 **Poll Watcher Appointment:** Clarifies entities eligible to appoint Watchers at an election by making the current statute more readable and unambiguous.
- SBOE 19-14 **Election Day Non Instruction Day at Schools:** To make schools more accessible as polling sites, provides that schools will not schedule regular instruction on the day of the general election.
- SBOE 19-15 **Voting Systems Use:** Provides that boards of elections shall whenever possible make voting equipment available to municipalities conducting elections, and empowers boards to charge expenses to such municipalities.
- SBOE 19-16 **Village Caucuses Relating To Elections Held in November:** Clarifies statute to ensure there is no legal ambiguity as to the ability of parties to use caucuses in the same manner available to towns for the purpose of making village nominations.
- SBOE 19-17 **Training for New Election Officials:** Requires new election officials receive introductory training and an annual update not to exceed three hours.
- SBOE 19-18 **Clarify Town Caucus Voter Participant Cannot Sign Independent Nominating Petition:** Provides for filing of list of town caucus participants.
- SBOE 19-19 **Filing Exclusion For Under \$1,000 Expenditure in Small Jurisdictions To Include All Political Subdivisions With Population Under Ten Thousand.**
- SBOE 19-20 **Clarify OTB Committee to Receive Notices Has Capacity To Bring Proceedings:** Clarifies committee named by an Opportunity to Ballot petition has capacity to seek judicial relief in the same manner as a candidate named by a petition.

- SBOE 19-21 **Court Competent to Receive Signer Testimony Regarding Signature on Petition:** Clarifies that courts may receive testimony of voters to authenticate their signatures.
- SBOE 19-22 **Deficiency Notices By First Class Mail Instead of Certified Mail:** Permits mailing deficiency notices under Election Law § 3-104-a by first class mail instead of by certified mail if an affidavit of mailing is created to evidence the mailing.
- SBOE 19-23 **Requires County Boards of Elections To Publish Contribution Limits Applicable in County on Website And Provide Information to State Board of Elections.**
- SBOE 19-24 **Amends 14-116 to Clarify Inapplicability to Independent Expenditure Committees.** The current limitation on corporate contributions as applied to independent expenditures was held unconstitutional. This proposal removes the unconstitutional application of this provision.
- SBOE 19-25 **Repeal Individual Aggregate Limits, Election Law 14-114 (8):** The current limitation on individual aggregate contributions was held unconstitutional. This proposal removes the unconstitutional provision.
- SBOE 19-26 **Repeal Per Capita Party Spending Limit, Election Law 14-114 (5):** The current spending limit on certain party contributions is unconstitutional. This proposal removes the unconstitutional provision.
- SBOE 19-27 **Require Clear Instruction To Turn Ballot Over When Two-Sided Ballot.** Ensures clear instruction to voters when ballot is two-sided.
- SBOE 19-28 **Change 72 Hour Filing Requirement For Convention Minutes to Three Days:** Conforms election law filing deadlines to all be measured in days.
- SBOE 19-29 **Remove Limitation of Two Weeks Before Election For Issuance of Election Employee Special Ballots:** Permits special ballots to be delivered to election workers no earlier than when absentee ballots are made available to the public.

Approved December 14, 2018
VOTE 4-0

New York State Board of Elections
APPROVED RESOLUTION – December 14, 2018

RESOLUTION TO APPROVE REVISED VOTER REGISTRATION FORMS

WHEREAS, the New York State Board of Elections (hereinafter “the State Board”), is charged with designing statewide application forms for voter registration purposes as described in New York State Election Law, Sections 5-210.5 and 5-211.13; and

WHEREAS, a ‘party’ is defined as any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor as described in New York State Election Law, Section 1-104; and

WHEREAS, the Commissioners of the State Board, acting in their capacity of the Board of Canvassers at their December 14, 2018 meeting, certified election results for the November 6, 2018 General Election which showed two additional political organizations, the Libertarian party and the SAM party, which had met the criteria provided for in Section 1-104; and

WHEREAS, the certified election results for the November 6, 2018 General Election which showed two political organizations, the Women’s Equality party and Reform party, which failed to meet the criteria provided for in Section 1-104; and

WHEREAS, changes to the statewide and agency-based voter registration forms are required to reflect the addition of the two new parties, the removal of two political organizations, as well as the reordering of the existing parties due to the aforementioned certified election results; and

WHEREAS, the attached samples reflect the consensus of the State Board staff’s review of said forms;

NOW THEREFORE BE IT RESOLVED, that the State Board does hereby approve the sample voter registration forms as attached herewith, and directs staff to distribute said samples immediately to county boards and applicable agencies advising them to use the attached samples forthwith.

Approved on an in-term basis December 14, 2018

VOTE 4-0

New York State Board of Elections APPROVED Resolution - December 14, 2018

RESOLUTION TO APPROVE REVISED AFFIDAVIT ENVELOPE

WHEREAS, the New York State Board of Elections (hereinafter “the State Board”), is charged with prescribing a form to be used in polling place on election day by voters who find themselves in circumstances articulated in New York State Election Law, Section 8-302.2c and/or Section 8-302.3e; and

WHEREAS, the State Board has previously prescribed such forms, and approved at their December 14, 2018, meeting an amended affidavit envelope which included a voter registration form; and

WHEREAS, a ‘party’ is defined as any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor as described in New York State Election Law, Section 1-104; and

WHEREAS, the Commissioners of the State Board, acting in their capacity of the Board of Canvassers at their December 14, 2018 meeting, certified election results for the November 6, 2018 General Election which showed two additional political organizations, the Libertarian party and the SAM party, which had met the criteria provided for in Section 1-104; and

WHEREAS, certified election results for the November 6, 2018, General Election which showed two political organizations, the Women’s Equality party and the Reform party, failed to meet the criteria provided for in Section 1-104; and

WHEREAS, changes to the statewide and agency-based voter registration forms are required to reflect the addition of the two new parties, remove two political organizations, as well as the reordering of the existing parties due to the aforementioned certified election results; and

WHEREAS, the attached samples reflect the consensus of the State Board staff's review of said forms;

NOW THEREFORE BE IT RESOLVED, that the State Board does hereby approve the sample affidavit ballot envelope form as attached herewith, and directs staff to distribute said sample immediately to county boards advising them to use said sample forthwith.

Approved on an in-term basis December 14, 2018

VOTE 4-0