

## Minutes of the New York State Board of Elections - **December 15, 2017**

**Approved March 1, 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 5<sup>th</sup> Floor Conference Room and was called to order at 12:05 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Douglas Kellner, Andrew Spano and Gregory Peterson.

The Board of Canvassers considered a motion to certify the results of the November 7<sup>th</sup>, 2017 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 5<sup>th</sup> Floor Conference Room was called to order at 12:25 p.m. The meeting was chaired by Commissioner Peter Kosinski. Commissioners present were Douglas Kellner, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Brian Quail, Kim Galvin, Nick Cartegena, Brendan Lovullo, John Conklin, Cheryl Couser, Bill Cross and Risa Sugarman. Guests in attendance were: Jennifer Wilson from League of Woman Voters and Gio Costantiello from Dominion Voting Systems.

**Minutes of October 23, 2017** – Minutes were approved. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).** Executive Minutes were held over until the next meeting.

Before the Unit Updates began Comm Kosinski raised an issue concerning the October 23<sup>rd</sup> Executive Session. Counsel was directed by the commissioners to look at the transcript and documents related to the executive session and come up with a proposal as to what would be appropriate for release.

### **Unit Updates:**

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

- Certified the General Election Results
- Submitted budget with added cyber security needs
- Federal political calendar is on the website
- Attending ongoing cyber security meetings

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

- Numerous cases are pending
- Training conducted 28 seminars and 9 webinars in 2017.

**Election Operations** – Brendan Lovullo reported that the Election Operations unit is working on several ongoing issues including:

- There will be about 11 resignations from the Assembly and Senate to occur in January.
- Brendan and Tom went to Saratoga County to look at an audit tool from Clear Ballot.
- Tom Connolly has attended the Council of State Government National Conference on overseas voting and meetings for the Center for Internet Security.
- Had discussions with staff on ballot usability issues.

- Working with NYC to put together a plan to address the long lines issue at poll sites.

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

- Published legal ads across the state for the ballot proposals.
- Assisted in preparation of testimony for the Assembly Election Law Committee hearing.
- Attended meetings on internal cyber security.

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

- There is one vacant programmer position for the CAPAS-FIDAS Project.
- All hardware for the NYSVoter upgrade has been installed at data center and office.
- Planning and preparation for the relocation of the data center had started.
- The Board has joined Multi State Information Sharing and Analysis Center to have direct access to timely cyber security information.

**Enforcement**– Risa Sugarman reported on the Enforcement Unit:

- Attended a meeting with Co-Executive Directors and Bill Cross to request access to the new CAPAS-FIDAS System.

### **Old Business:**

- VOTE to Adopt Resolution on 6200.7 the Designation of Treasurer Removal Committee. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to Republish for Comment 6210.20-Automated Audit Tool. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

### **New Business:**

- Opinion on Expenditures moved until next meeting.
- VOTE on the 2018 Legislative Packet with one revision deleting 1806. **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 22, 2018.
- Motion to go into Executive Session. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

### **Executive Session**

- Vote in relation to granting the Chief Enforcement Counsel's request for subpoena pursuant to Election Law subdivision 5 of section 3-104(3) concerning Case 7-17. **The motion was denied, (Commissioner Kellner voting in the affirmative and Commissioners Kosinski and Peterson, voting in the negative. Commissioner Spano Recused himself from voting; 1 Yes and 2 No).**

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



**New York State Board of Elections**

**APPROVED RESOLUTION – December 15, 2017**

**Resolution Proposing to Publish a Notice of Revised Rule Making  
for Proposed Amendments to 9 NYCRR Subtitle V Part 6210  
Relating to Updating Such Part to Reflect Statutory Changes  
Pursuant to State Administrative Procedures Act (SAPA) § 202**

**WHEREAS**, on June 1, 2017, the New York State Board of Elections voted to send out for comment an amendment to section 6210;

**WHEREAS**, on June 27, 2017 the office of counsel took action necessary for the publication of proposed rulemaking related to amendments to 9 NYCRR Subtitle V Part 6210 which was published on July 12, 2017 in the New York State Register under ID Number SBE-28-17-00004; and

**WHEREAS**, subsequent to the publication of proposed rulemaking, public comments have been received and considered by the New York State Board of Elections; and

**WHEREAS**, pursuant to public comments, amendments to the proposed rulemaking are recommended; and

**WHEREAS**, such amendments would substantively revise the proposed rulemaking, requiring the filing of a notice of revised rule making and a period of time thereafter during which the public may submit comments on the revised rule making, in accordance with SAPA § 202;

**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 revised rule making related to the amendment to 9 NYCRR Subtitle V Part 6210 and to provide notice of the public comment period of thirty days thereafter.

**Approved December 15, 2017  
VOTE 4-0**



## **New York State Board of Elections**

### **APPROVED RESOLUTION – December 15, 2017**

#### **Resolution Amending Subtitle V of Part 6200.7 Relating to Updating Such Part to Reflect Statutory Changes Pursuant to State Administrative Procedures Act (SAPA) § 202**

**WHEREAS**, by the unanimous vote of the Commissioners present at a meeting held in Albany, New York, on April 25, 2017, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-102(1), 3-102(17), 14-102(3) and 14-104, resolved that an amendment of Subtitle V Part 6200.7 of the Official Compilation of Codes, Rules and Regulations of the State of New York be the subject of Proposed Rule Making; and

**WHEREAS**, subsequent to the publication of proposed rulemaking, public comments had been received and considered by the office of counsel and several substantive amendments were recommended; and

**WHEREAS**, by the unanimous vote of the Commissioners present at a meeting held in Albany, New York, on August 2, 2017, the New York State Board of Elections resolved for the publication of revised rule making related to the amendment to 9 NYCRR Subtitle V Part 6200.7; and

**WHEREAS**, said proposed revised rule making of Part 6200.7, with accompanying submissions as required by law, were duly filed with the Department of State and thereafter duly published in the New York State Register on October 11, 2017 (ID Number SBE-21-17-00005-RP), and

**WHEREAS**, no public comments have been received related to the revised rule making during the time provided by law for comment;

**NOW THEREFORE BE IT RESOLVED** that the amendments to Part 6200.7, attached hereto, are hereby adopted and the Office of Counsel is authorized to file a Notice of Adoption indicating that such Part shall be effective upon publication in the New York State Register, and that further authority is granted to the Office of Counsel to file such other documents as may be required for the publication of such Notice of Adoption in the New York State Register and to effectuate the amendment of Part 6200.7 to Title 9 of the NYCRR.

**Approved December 15, 2017**  
**VOTE 4-0**