

**Minutes of the New York State Board of Elections
December 15, 2022**

A meeting of the New York State Board of Commissioners 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 12:57 p.m. The meeting was chaired by Commissioner Peter Kosinski, who attended virtually. Commissioners present were Douglas Kellner, Anthony Casale, and Andrew Spano. Staff members present were Kristen Zebrowski Stavisky, Todd Valentine, Brian Quail, Kimberly Galvin, Aaron Suggs, Kevin Murphy, Brendan Lovullo, John Conklin, Jennifer Wilson, Michael Haber, and Chief Enforcement Counsel Michael Johnson.

I. Certification of Election Results from November 8, 2022 Election

The Board of Canvassers met to approve the election results from the November 8, 2022 General Election. The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).

Motion to adjourn the meeting. 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 State Board of Elections was convened at 1:10 p.m.

Minutes from September 12, 2022 - Minutes were approved as written. The motion was approved unanimously (Commissioners Casale, Kellner, Kosinski and Spano voting in the affirmative; 4 Yes and 0 No).

Unit Updates:

Executive –Todd Valentine and Kristen Zebrowski Stavisky reported on several items including:

- Todd’s retirement announcement.
- Submission of the proposed budget for 2023 to the NYS Division of Budget.
- Organization and participation in an agency wide workshop for Board of Election staff, hosted by SUNY’s Center for Technology and Government (CTG).

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

- Collection of statements of canvass from county boards for certification.
- Discussion with NYCBOE on new and future technology issues related to electronic poll books.
- Continuing to work with County Boards who are migrating to a new voter registration system, NextVote.
- Voting systems and vendors update.

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

- Kim Galvin retirement announcement.
- Litigation update.
- Dormant committee review.
- Discussion of publicizing compliance statistics.

ENFORCEMENT – Michael Johnson reported on the Enforcement Division including:

- Release of new website: electionenforcement.ny.gov
- Working with Compliance to remedy missing committee contact information.
- Reviewing and remediating non-filer list with Compliance.
- Mr. Johnson provided an enforcement report detailing the following closed investigations:
 - E2019/031
 - E2021/013
 - E2021/014
 - E2021/055
 - E2022/003
 - E2022/017
 - E2022/030
 - E2022/031
 - E2022/039
 - E2022/058
 - E2022/077
 - E2022/079
 - E2022/095

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

- Training Presentation for county boards of FOIL responses.
- Press release announcing the new accessible absentee ballot system.
- Overseas observers from Germany and Switzerland visited county boards for Election Day and Early Voting.
- Grants update.

ITU – Michael Haber reported on projects IT is working on:

- Working with another state on memorandum of understanding for online and automatic voter registration.
- Beginning stages of a website refresh for the Board.
- Successful interagency partnership to monitor cyber security threats around Election Day period.

Old Business:

· None.

New Business:

· VOTE on Resolution 22-19 to adopt amendments to Part 6211.1 to 9 NYCRR Subtitle V related to early voting sites. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· VOTE on Resolution 22-20 to adopt amendments to Part 6215.2 to 9 NYCRR Subtitle V related to signature requirements for certain Independent Nominating petitions. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· VOTE on Resolution 22-21 to certify the Hart Intercivic Verity 2.7 voting system. There was a motion to table the resolution until the next meeting. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· Commissioner discussion of statutory and regulatory changes that would allow the Chief Enforcement Counsel to commence a Court action for certain failure to file issues instead of the hearing officer process. There was a motion to direct the State Board's Counsels to follow the process for promulgating a regulation to address this issue. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· MOTION to adjourn. 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 3:02 p.m.



New York State Board of Elections

APPROVED RESOLUTION 22-19

Resolution to Adopt Amendments to Part 6211.1 to 9 NYCRR Subtitle V Related to Early Voting Sites, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on May 2, 2022, the New York State Board of Elections, pursuant to the authority of Election Law §§ 8-602, 3-102 (1) and 3-102 (17) resolved to authorize Counsel's Office to file Proposed Rule Making with the New York Department of State related to early voting sites; and

WHEREAS, notice of proposed rulemaking amending Part 6211.1, 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 July 27, 2022 (I.D. No. SBE-30-22-00005-EP); and

WHEREAS, subsequent to the publication of proposed rulemaking, no public comments have been received and the statutory time period for comments has passed; and

WHEREAS, no amendments to the proposed rulemaking are proposed;

NOW THEREFORE BE IT RESOLVED that the amendment to Part 6211.1, attached hereto, is 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 amendments to Part 6211.1 of Title 9 of the NYCRR.

Approved December 15, 2022
VOTE 4 YES – 0 NO



New York State Board of Elections

APPROVED RESOLUTION 22-20

Resolution to Adopt Amendments to Part 6215.2 to 9 NYCRR Subtitle V Related to Signature Requirements for Independent Nominating Petitions, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on May 2, 2022, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-102 (8), 3-102 (1) and 3-102 (17) resolved to authorize Counsel's Office to file Proposed Rule Making with the New York Department of State related to signature requirements for independent nominating petitions; and

WHEREAS, notice of proposed rulemaking amending Part 6215.2, 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 July 27, 2022 (I.D. No. SBE-30-22-00004-EP); and

WHEREAS, subsequent to the publication of proposed rulemaking, no public comments have been received and the statutory time period for comments has passed; and

WHEREAS, no amendments to the proposed rulemaking are proposed;

NOW THEREFORE BE IT RESOLVED that the amendment to Part 6215.2, attached hereto, is 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 amendments to Part 6215.2 of Title 9 of the NYCRR.

Approved December 15, 2022
VOTE 4 YES – 0 NO