

**Minutes of the New York State Board of Elections
December 14, 2021**

A meeting of the New York State Board of Canvassers 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 12:37 p.m. The meeting was chaired by Commissioner Peter Kosinski. Present were Commissioners Douglas Kellner, Anthony Casale, and Andrew Spano who also attended remotely. Staff members present were Kristen Zebrowski Stavisky, Todd Valentine, Brian Quail, Kim Galvin, Tom Connolly, Nicholas Cartagena, Brendan Lovullo, John Conklin, and Jennifer Wilson.

I. Certification of Election Results from November 2, 2021

The Board of Canvassers met to approve the election results from November 2, 2021. 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 12:40 p.m.

Minutes from October 4, 2021 and November 10, 2021 - 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:

- Preparing the 22-23 state fiscal year budget submission for the Division of Budget.
- Continued meetings with Office of General services (OGS) for the expansion of office space.
- Preparation for the Winter Elections Commissioners Assoc. Conference.

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

- Certification of County statements of canvass for the 2021 general election, including, all supreme court contests, the five ballot proposals and two special elections in AD-86 and SD-30.
- New language requirements under Section 203 of the Voting Rights Act that were published the week before the meeting.

- Voting systems and vendors update.
- Assisting Chenango County Board of Elections with transition from their existing voter registration system to NextVote.

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

- Litigation update.
- Compliance statistics.
- Preparing a legislative update for the upcoming conference.

Enforcement – Michael Johnson reported on the Enforcement Division:

- Establishing a great working relationship with Counsel.
- New employees starting soon.
- Bought a new Pitney Bowes machine to handle high-capacity mailings.

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

- Continued working group meetings for automatic and online voter registration.
- Drafted political calendar, updated Campaign Finance filing calendar and posted updated forms for compliance and training.
- Grants update.

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

- Established a cadence with Enforcement to review and document their requirements for the system.
- Vendor chosen for online voter registration system development.
- Continued meetings with stakeholders and participating automatic voter registration agencies as well as State ITS and county voter registration vendors.
- Beginning efforts to update and upgrade server and storage environment for an infrastructure refresh.

Old Business:

· None.

New Business:

· VOTE on Resolution 21-20 to approve the re-appointment of hearing officer Thomas Swyers. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· VOTE on Resolution 21-21 to approve the Governor’s Appointments Office directive to adjust salaries for the Co-Executive Directors. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· VOTE on Resolution 21-22 to approve the appointment of Deputy Counsel Aaron Suggs. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

· VOTE on Resolution 21-23 to adopt amendments to Part 6217.3 to 9 NYCRR Subtitle V related to requirements County Voter Registration Systems must meet in order to connect to the statewide Voter Registration System pursuant to the State Administrative Procedures Act (SPA). The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Casale voting in the affirmative; 4 Yes and 0 No).

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

Next meeting scheduled for January 18, 2022.

The meeting was adjourned at approximately 1:41 p.m.



**New York State Board of Elections
APPROVED RESOLUTION 21–20**

**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 New York 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 previously appointed by the Board to serve as a Hearing Officer on January 24, 2019, for a term that will expire on December 31, 2021; 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, 2023.

**Approved December 14, 2021
VOTE: 4 YES – 0 NO**



**New York State Board of Elections
APPROVED RESOLUTION 21-21**

**Resolution to Approving Recommendation of Governor's Appointment Office to
Adjust Salaries for the Co-Executive Directors of the New York State Board of
Elections**

WHEREAS, the Governor's Center for Recruitment and Public Service (Governor's Appointments Office) conducted a review of salaries for heads of agencies that are outside of Executive Law Section 169; and

WHEREAS, the review found that the salaries for the Co-Executive Directors for the New York State Board of Elections were below the level for other comparable agencies; and

WHEREAS, on November 12, 2021 the New York State Board of Elections was notified of the review and the resulting recommendation that the Co-Executive Director salaries be adjusted to \$200,000 retroactive to January 1, 2021 and July 31, 2021 for Co-Executive Directors Valentine and Zebrowski Stavisky, respectively, to bring them in line with other comparable agencies;

NOW THEREFORE BE IT RESOLVED: that the New York State Board of Elections does hereby adjust the Co-Executive Directors salaries as recommended by the Governor's Center for Recruitment and Public Service.

**Approved December 14, 2021
VOTE: 4 YES – 0 NO**



**New York State Board of Elections
APPROVED RESOLUTION 21–22**

December 14, 2021

**RESOLUTION APPOINTING AARON SUGGS
TO THE POSITION OF DEPUTY COUNSEL**

WHEREAS, there currently exists a vacancy within the New York State Board of Elections in the Deputy Counsel position effective May 25, 2021 due to the promotion of Nicholas R. Cartagena, and

WHEREAS, Aaron Suggs has indicated a willingness to serve as Deputy Counsel, and

NOW, THEREFORE, BE IT RESOLVED, that Aaron Suggs be and hereby is appointed Deputy Counsel effective December 14, 2021 with a start date to be determined.

**Approved December 14, 2021
VOTE: 4 YES – 0 NO**



New York State Board of Elections

APPROVED RESOLUTION 21-23

Resolution to Adopt Amendments to Part 6217.3 to 9 NYCRR Subtitle V Related to Requirements County Voter Registration Systems Must Meet in Order to Connect to the Statewide Voter Registration System Pursuant to the State Administrative Procedures Act (SAPA) § 202

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on August 30, 2021, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-103(1) and 5-614(1) resolved to authorize Counsel’s Office to file Proposed Rule Making with the New York Department of State related to requiring county boards of elections adhere to a minimum level of security standards in order to protect the local and statewide election system; and

WHEREAS, notice of proposed rulemaking amending Part 6217.3, 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 September 29, 2021 (I.D. No. SBE-39-21-00002-P); and

WHEREAS, subsequent to the publication of proposed rulemaking, no public comments have been received; and

WHEREAS, no amendments to the proposed rulemaking are proposed;

NOW THEREFORE BE IT RESOLVED that the amendment to Part 6217.3, 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 6217 of Title 9 of the NYCRR.

Approved December 14, 2021

VOTE: 4 YES – 0 NO