

**Minutes of the New York State Board of Elections
April 25, 2017**

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, Bill McCann, Nick Cartegena, Brendan Lovullo, John Conklin, Bill Cross and Risa Sugarman. The guest list is attached.

Minutes of March 13, 2017 – Minutes were approved. **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:

- Waiting for the wording from the AG's office on the constitutional convention question that will be on the ballot in November.
- Weekly IT Update meetings are being held.
- Met with NYSTEC on cyber security assessment work they will be doing for the Board.
- ECA Summer Conference will be held June 20-23rd in Lake Placid.

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

- Prepared the three draft regulations for the board meeting.
- There are 10 outstanding litigations
- Training Unit will begin their Campaign Finance training classes next week.
- Revisions to the CF handbook are almost complete.

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

- Dominion submitted an application for a new scanner for their central count.
- Certified the Supreme Court vacancies for 2017.
- Meeting with IT re: CAPAS/FIDAS project

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

- Completed 48 FOIL requests for March.
- Annual Report should be completed by next board meeting.
- Worked on a draft form of the emergency responder's special ballot.
- Participated in both the ECA monthly call and the NYSTEC meeting.

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

- Working on a project plan for State Information Technology Services to fund 2 additional developers for the CAPAS/FIDAS project.
- Received feedback from the Board and the Steering Committee and corrected some issues raised.

- NYSVoter Refresh Project is moving forward.
- Begun work on upgrades to the military overseas voter's absentee ballot delivery system.
- Significant cyber security improvements have been made to the existing system.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- Met with the Region 6 County Commissioners.
- Participated in two meetings with Counsel and staff.

Old Business:

- DISCUSSION on Automated Audits was held.

New Business:

- VOTE on Resolution to publish amendments to SBOE regulations part 6201- Fair Campaign Code Update for comments. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution to publish revisions to SBOE regulations part 6216 relating to HAVA complaint procedure for public comment. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution to publish revisions to SBOE regulations part 6200 relating to removing a committee treasurer for public comment. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution for the reappointment of 3 hearing officers. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution authorizing expenditure of the sum not to exceed \$650,000 for costs relating to the NYSVoter Refresh Project. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Resolution to authorize the Co-Executive Directors to receive the 2017 Uniform State Agency Management Confidential Salary Adjustments. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Next Board Meetings will be held June 1st and August 2nd 2017.

Executive Session was not held.

The meeting was adjourned at 1:20 p.m.

**New York State Board of Elections
APPROVED RESOLUTION – April 25, 2017**

**Resolution of the State Board of Elections approving
individuals to serve as Hearing Officers 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 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

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections approves the following individuals to serve as Hearing Officers: Tracia Callender, Amy Kendall, and Sharon Miller.

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution expires December 31, 2019.

**Approved April 25, 2017
Vote 4-0**



17-04

New York State Board of Elections APPROVED RESOLUTION – April 25, 2017

RESOLUTION AUTHORIZING THE EXPENDITURE OF A SUM NOT TO EXCEED OF \$650,000 FROM THE STATE OPERATIONS HAVA FUND FOR PAYMENT OF THE COSTS ASSOCIATED WITH THE NYSVOTER REFRESH PROJECT.

WHEREAS the New York State Board of Elections (State Board) has been actively engaged in implementing the Help America Vote Act (HAVA); and

WHEREAS the State Board has initiated a multi-year “NYSVoter Refresh Project” to upgrade the NYSVoter components that are no longer vendor supported or are near end-of-life; and

WHEREAS the State Board will be retaining the responsibility for the new information technology assets which will support the NYSVoter system as a result of the NYSVoter Refresh Project. These assets include servers, storage devices, and networking hardware; and

WHEREAS the staff hours required to implement the new systems is not covered by any existing agreement or contract; and

WHEREAS the State Board will continue to investigate the availability of other technology infrastructure funds; and

WHEREAS currently the staff resources required to implement the new systems exceeds those available from the State Boards internal Information Technology Unit

NOW THEREFORE BE IT RESOLVED that the Board does hereby approve the above-referenced request of the Information Technology Unit’s for the expenditure of such funds not to exceed of \$650,000 from the State Operations HAVA Fund for payment of costs to implement the new information technology assets to support the NYSVoter System.

**Approved April 25, 2017
VOTE 4-0**



17-05

**New York State Board of Elections
APPROVED RESOLUTION – April 23, 2017**

**Resolution Proposing Amendments to 9 NYCRR
Subtitle V Part 6216 Relating to the Administrative
Complaint Procedure Required by the Federal Help
America Vote Act of 2002 and § 3-105 of the Election
Law Pursuant to State Administrative Procedures Act
(SAPA) § 202**

WHEREAS, section 3-105 of the Election Law requires the State Board of Elections to establish and maintain a uniform, nondiscriminatory administrative complaint procedure pursuant to title three of the federal Help America Vote Act of 2002 (HAVA); and

WHEREAS, the HAVA Complaint Procedure is effectuated through Part 6216 of Title 9 of the NYCRR; and

WHEREAS, an amendment to Part 6216 of Title 9 of the NYCRR in ordinary course requires the publication of a notice of proposed rulemaking and a period of time thereafter during which the public may submit comments on the proposed rule, 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 proposed rulemaking related to the amendment to 9 NYCRR Subtitle V Part 6216 and to provide notice of the public comment period of forty-five days thereafter.

**Approved April 25, 2017
VOTE 4-0**



17-06

**New York State Board of Elections
APPROVED RESOLUTION – April 23, 2017**

**Resolution Proposing Amendments to 9 NYCRR
Subtitle V Part 6201 Relating to the Fair Campaign
Code Required by § 3-106 of the Election Law
Pursuant to State Administrative Procedures Act
(SAPA) § 202**

WHEREAS, section 3-106 of the Election Law requires the State Board of Elections to adopt a Fair Campaign Code; and

WHEREAS, the Fair Campaign Code, as well as hearing procedures, were adopted through Part 6201 of Title 9 of the NYCRR; and

WHEREAS, an amendment to Part 6201 of Title 9 of the NYCRR in ordinary course requires the publication of a notice of proposed rulemaking and a period of time thereafter during which the public may submit comments on the proposed rule, 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 proposed rulemaking related to the amendment to 9 NYCRR Subtitle V Part 6201 and to provide notice of the public comment period of forty-five days thereafter.

**Approved April 25, 2017
VOTE 4-0**



17-07

**New York State Board of Elections
APPROVED RESOLUTION – April 25, 2017**

**Resolution Proposing Amendments to 9 NYCRR
Subtitle V Part 6200 Relating to Updating Such Part
to Reflect Statutory Changes Pursuant to State
Administrative Procedures Act (SAPA) § 202**

WHEREAS, § 6200.7 of Title 9 of the NYCRR relates to the resignation of a treasurer of a political committee; and

WHEREAS, subsequent to the adoption of 9 NYCRR § 6200.7, Chapter 286 of the Laws of 2016 was enacted, which, among other things, establishes a process for the designation and revocation of a treasurer of a political committee effective July 1, 2017; and

WHEREAS, amendments to 9 NYCRR § 6200.7 are necessary to reflect the designation and revocation process enacted in Chapter 286 of the Laws of 2016; and

WHEREAS, an amendment to Part 6200 of Title 9 of the NYCRR in ordinary course requires the publication of a notice of proposed rulemaking and a period of time thereafter during which the public may submit comments on the proposed rule, 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 proposed rulemaking related to the amendment to 9 NYCRR Subtitle V Part 6200 and to provide notice of the public comment period of forty-five days thereafter.

**Approved April 25, 2017
VOTE 4-0**