

**Minutes of the New York State Board of Elections
May 4, 2016**

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 Peter Kosinski. Commissioners present were Douglas Kellner, Andrew Spano and Gregory Peterson.

The Board of Canvassers considered a motion to certify the Special Election results for the April 19, 2016 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 Peter Kosinski. Commissioners present were Douglas Kellner, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Kim Galvin, Brian Quail, Bill McCann, Anna Svizzero, Brendan Lovullo, John Conklin, Tom Connolly, Mark Goldhaber and Risa Sugarman. The guest list is attached.

Minutes of April 5, 2016 – Minutes and Executive Minutes were accepted (**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:

- Petitions and challenges for the Congressional races with staff working overtime to have all specs done for the hearings.
- Bob Brehm traveled to Nassau County for the Presidential and Special election.

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

- There are nine ballot access cases.
- Training for Political Clubs was held in New York City and Long Island.
- Three federal law suits related to the April primary being handled by the Attorney General's Office.

Election Operations – Anna Svizzero reported that the Election Operations unit is working on several ongoing issues including:

- Staff will be attending a conference at MIT on voting systems the end of June.
- Facilitated the ballot access filings.
- Continue to meet with IT concerning the CAPAS/FIDAS upgrade.

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

- 109 FOIL requests for the month of April.
- Phones were extremely busy leading up to Election Day.
- Posted Election Night Results.
- Will be running the NCOA scrub next week.

ITU – Bob Brehm reported on projects IT is working on:

- Rollout of the updated NYSVoter system has been delayed.
- Submitted requests for temporary staff to help with the two outstanding projects.
- Worked to get the election Night Results up on our website.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- Very busy with phone calls and e-mails concerning the election.
- Received a couple of complaints concerning access to polling sites mostly in New York City.

Old Business:

- VOTE on Resolution on FOIL guidance related to voter registration information. **The motion was approved unanimously Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE on Resolution on Proposed Amendments to the Independent Expenditure Regulations (9NYCRR Subtitle V Part 6200.10). **The motion was approved unanimously Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- Political Club discussion will be held over until next board meeting.

New Business:

- VOTE on petition rulings –
 - Any prima facie matters
 - Rulings on acceptance/declination report
 - Rulings on objections
 - Determinations without hearings
 - Determinations that had a hearing**The motion was approved unanimously Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE on Guidance re: Impact of Hispanic Leadership Fund case. **The motion was approved unanimously Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- The next board meetings is scheduled for June 30th, 2016.
- There was a 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** to authorize the Co-Executive Directors to receive the 2016 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.)**

The meeting was adjourned 2:30 p.m.



16-07

**New York State Board of Elections
APPROVED RESOLUTION – May 4, 2016**

**Resolution Freedom of Information Request Guidance Related to
Voter Registration Information**

WHEREAS, uniform and timely application of the law in providing public access to records by boards of elections is an important policy objective of the New York State Board of Elections,

NOW THEREFORE BE IT RESOLVED that the guidance statement annexed hereto entitled *Guidance on Access to and Copies of Voter Registration Records*, is hereby approved and adopted

**Approved May 4, 2016
VOTE – 4-0**

New York State Board of Elections APPROVED RESOLUTION – May 2, 2016

Resolution Adopting Amendments to Title 9 of the NYCRR, Subtitle V, Part 6200.10, Relating to Updating Such Part to Reflect Statutory Changes, and Directing Publication of Notice of Adoption, Pursuant to Section 202 of the State Administrative Procedure Act

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held in Albany, New York, on January 11, 2016, the New York State Board of Elections, pursuant to the authority of Election Law §§ 14-107(7), 3-102(1), 3-102 (17), resolved that Part 6200.10 of Title 9, Subtitle V, of the Official Compilation of Codes, Rules and Regulations of the State of New York be the subject of a Notice of Proposed Rule Making to conform said Part to reflect amendments to Election Law 14-107 made by Chapter 56 of the Laws of 2015; and

WHEREAS, said proposed amendment to said Part 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 March 9, 2016 (ID Number SBE-10-16-00003-P), and more than 45 days have elapsed since publication; and

WHEREAS, one public comment was received during the comment period, concerning identifying whether an Independent Expenditure was made in support or opposition of a candidate; the statutory provisions and related regulations, together with the required registration forms and disclosures do capture such information;

NOW THEREFORE BE IT RESOLVED that the amended Part 6200.10, 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 of Part 6200.10 to Title 9, Subtitle V, of the NYCRR.

**Approved May 4, 2016
VOTE – 4-0**

New York State Board of Elections APPROVED RESOLUTION – May 4, 2016

Resolution Adopting Guidance Statement Regarding Corporate Contributions to Independent Expenditure Committees

WHEREAS, on August 28, 2014, the United States District Court for the Northern District of New York issued a Decision and Order finding that New York Election Law § 14-116 was unconstitutional, as applied, to a certain corporate contributor with respect to contributions to an independent expenditure committee,

NOW THEREFORE BE IT RESOLVED that the following guidance statement is hereby adopted:

Corporate Contributions to Independent Expenditure Committees:

The \$5,000 Corporate Limit established by Election Law §14-116(2), in the specific context of contributions from a corporation to an independent expenditure only committee, was the subject of a holding in *Hispanic Leadership Fund, Inc. and Freedom New York vs Walsh, et al.*, 42 F.Supp.3d 365 (NDNY 2014). The Court found that Election Law § 14-116(2) was unconstitutional as applied to the plaintiffs in the specific context of that case and enjoined the State from enforcing the provisions of § 14-116 (2) against the plaintiffs.

The State Board has determined that based upon the Court's holding, the \$5,000 Corporate Limit, as relates to contributions from a corporation to an independent expenditure committee, is not enforceable.

**Approved May 4, 2016
VOTE – 4-0**