

**Minutes of the New York State Board of Elections  
December 15, 2015**

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 General Election results for the November 3, 2015 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, 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 November 17, 2015** – Minutes were accepted (**Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No**). **Executive Minutes were held over until next board meeting.**

**Unit Updates:**

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

- Bob Brehm, Brian Quail, Commissioner's Kellner and Spano participated in an Assembly Hearing in New York City and Albany on improvements to the voting process.
- The Election Commissioner's Association Winter conference is scheduled for next month here in Albany.
- Chapter 515 was signed into law which is the use of automated tools and performing Post Election Audits.

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

- Working on the Legislative Package
- Meeting to discuss de Minimis list of deficiencies for compliance reviews.
- Hearing Officer Process is fully functional
- The oral argument on the LLC case is December 16<sup>th</sup>.
- Tom Connolly and Cheryl Couser participated in the Civic New York Event on November 20<sup>th</sup>.

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

- Working on two other upgrades.
- Year-end reporting documents have been sent to the County Boards and hope to receive them back by end of the year.
- Working with the county boards to get their contracts in order for shoebox reimbursements.

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

- Website has been updated with voter registration deadlines for the 2016 elections.
- Participated in the NYSVoter Refresh and CAPAS/FIDAS Project meetings.
- Suffolk County has a Special Election on January 26<sup>th</sup>
- Tom Connolly attended two conferences in Nashville. Receiving requests from other states for the crosscheck system with regard to possible duplicate voters.

**ITU** – Mark Goldheaber reported on projects IT is working on:

- Working on the VPN (Virtual Private Network) System upgrade.
- Will make sure that mobile access is addressed in the CAPAS/FIDAS and NYSVoter upgrades.

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

- Preparing to send out failure to file letters to the local filers.
- Discussion about creating a committee with Compliance and Enforcement staff to look into committees that are on hold.
- Looking into a Data Analytics Program.

### **Old Business:**

- The update on the FOIL for voter registration has been held over to the January board meeting. A proposed resolution was sent out to count boards for their comments.
- The Independent Expenditure Regulations are still being worked on.

### **New Business:**

- VOTE on Resolution to certify Clear Ballot Central count Voting Systems. **The motion was approved unanimously Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE on Resolution to certify Dominion Upgrade to ImageCast Precinct-based (ICP) Voting System;. **The motion was approved unanimously Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- VOTE on Resolution certify of Dominion Upgrade to ImageCast Central Count (ICC) Voting System. **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 January 11th.
- 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 make criminal referral pursuant to Election Law §3-104(5)(b) in relation to Case #29-15. **The motion was approved (Commissioners Kosinski, Kellner and Peterson voting in the affirmative; Commissioner Spano recused himself. The vote was 3 Yes, 0 No and 1 Recused).**

- **VOTE to make criminal referral pursuant to Election Law §3-104(5)(b) in relation to Case #30-15. The motion was approved (Commissioners Kellner, Spano and Peterson voting in the affirmative; Commissioner Kosinski recused himself. The vote was 3 Yes, 0 No and 1 Recused).**
- **VOTE to make criminal referral pursuant to Election Law §3-104(5)(b) in relation to Case #31-15. The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- **VOTE to make criminal referral pursuant to Election Law §3-104(5)(b) in relation to Case #32-15. The motion was approved (Commissioners Kellner, Spano and Peterson voting in the affirmative; Commissioner Kosinski recused himself. The vote was 3 Yes, 0 No and 1 Recused).**

**The meeting was adjourned 1:45 p.m.**



## **New York State Board of Elections APPROVED RESOLUTION – December 15, 2015**

### **CERTIFICATION OF DOMINION ImageCast PRECINCT-BASED OPTICAL SCAN VOTING SYSTEM**

**WHEREAS**, Dominion Voting Systems Inc. (Dominion) has submitted an upgrade for their ImageCast precinct-based optical scanner voting system (ICP) for certification; and

**WHEREAS**, SLI Inc. has conducted a source code review of the system, including test results conducted by NTS Labs Inc. (formerly known as Wyle Labs) to ascertain compliance with the provisions of the U.S. Election Assistance Commission's 2005 Voluntary Voting System Guidelines, the State Board's regulations, Part 6209 and 6210 of NYCRR, and the applicable sections of New York State Election Law; and

**WHEREAS**, the summary report of SLI Inc. is herewith provided to the Board, for their consideration; and

**WHEREAS**, the Election Operations Unit has conducted functional testing of said system, and has provided a summary report for the consideration of the Board; and

**WHEREAS**, having considered the totality of certification summary reports and the results of functional testing conducted by the Election Operations Unit, we do hereby recommend the certification of said system as herein defined;

ImageCast Precinct-based Optical Scanner (ICP) v 4.9.12

**NOW, THEREFORE BE IT RESOLVED**, that the Commissioners of the New York State Board of Elections, at their meeting convened on December 15, 2015 do hereby certify this upgrade to the Dominion ICP precinct-based optical scanner.

**Approved December 15, 2015  
Vote 4-0**



**APPROVED RESOLUTION – December 15, 2015**

**CERTIFICATION OF CLEARBALLOT CLEARCOUNT CENTRAL  
COUNT**

**OPTICAL SCAN VOTING SYSTEM**

**WHEREAS**, ClearBallot Group, Inc. (ClearBallot) has submitted the ClearCount central count scanner for certification; and

**WHEREAS**, SLI Inc. has conducted a source code review of the system, including test results conducted by Pro V&V, Inc. to ascertain compliance with the provisions of the U.S. Election Assistance Commission’s 2005 Voluntary Voting System Guidelines, the State Board’s regulations, Part 6209 and 6210 of NYCRR, and the applicable sections of New York State Election Law; and

**WHEREAS**, the summary reports of SLI Inc. are herewith provided to the Board, for their consideration; and

**WHEREAS**, the Election Operations Unit has conducted functional testing of said system, and has provided a summary report, for the consideration of the Board; and

**WHEREAS**, having considered the totality of certification summary reports and the results of functional testing conducted by the Election Operations Unit, we do hereby recommend the certification of said system as herein defined;

|                          |                        |
|--------------------------|------------------------|
| ClearCount 1.0           | ScandAll PRO 2.0.12    |
| Ubuntu Server OS 13.04.1 | Mozilla Firefox 35.0.1 |
| Windows PRO 8.1 x64      | Flash 16.0.0.305       |
| MYSQL 14.14              |                        |

**NOW, THEREFORE BE IT RESOLVED**, that the Commissioners of the New York State Board of Elections, at their meeting convened on December 15, 2015, do hereby certify the ClearBallot ClearCount Central Count based optical scanner.

Approved December 15, 2015  
VOTE 4-0



15-18

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

### **APPROVED RESOLUTION – December 15, 2015**

#### **CERTIFICATION OF DOMINION UPGRADE TO IMAGECAST (ICC)**

#### **CENTRAL COUNT OPTICAL SCAN VOTING SYSTEM**

**WHEREAS**, Dominion Voting Systems Inc. (Dominion) has submitted an upgrade to the ICC central count based scanner for certification; and

**WHEREAS**, SLI Inc. has conducted a source code review of the system, including test results conducted by Wyle Labs Inc. to ascertain compliance with the provisions of the U.S. Election Assistance Commission's 2005 Voluntary Voting System Guidelines, the State Board's regulations, Part 6209 and 6210 of NYCRR, and the applicable sections of New York State Election Law; and

**WHEREAS**, the summary reports of SLI Inc. are herewith provided to the Board, for their consideration; and

**WHEREAS**, the Election Operations Unit has conducted functional testing of said system, and has provided a summary report, for the consideration of the Board; and

**WHEREAS**, having considered the totality of certification summary reports and the results of functional testing conducted by the Election Operations Unit, we do hereby recommend the certification of said system upgrade as herein defined;

ICC v 4.14.18

**NOW, THEREFORE BE IT RESOLVED**, that the Commissioners of the New York State Board of Elections, at their meeting convened on December 15, 2015, do hereby certify the Upgrade to the Dominion ICC Central Count based optical scanner.

**Approved December 15, 2015**  
**VOTE 4-0**