

**Minutes of the New York State Board of Elections
May 3, 2018**

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 12:05 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, Nick Cartegena, Bill McCann, Tom Connolly, Brendan Lovullo, John Conklin, Cheryl Couser, Bill Cross and Risa Sugarman. Guest in attendance were: Jennifer Wilson - League of Woman Voters, Jeff Buley - Attorney and Bill Maloney - Politico.

Minutes of April 5, 2018 – 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:

- NYSVoter Refresh Project was completed.
- US Election Assistance Commission has HAVA money to be used for Cybersecurity.
- Worked on the petition filing challenge process

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

- There are 5 new ballot access cases.
- Receiving comments on regulations 6203 and 6215.
- Since June 2014 the unit has received almost 10,000 filings.

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

- Receiving certification from the counties for the April 24th Special Election.
- Processing petitions for the Federal Primary.
- Work continues on the certification of the Dominion ICE voting machine.
- Continue to work on usability and ballot design.

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

- Planning the tabletop cybersecurity exercise.
- Completed the 2017 annual report.
- Inquiries into the Governor’s Executive Order granting some parolees the right to vote.

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

- NYSVoter application and database were successfully migrated.
- Tentative date to move data center is set for weekend of May 19th.
- Participating in all aspects of cybersecurity.

Enforcement– Risa Sugarman reported on the Enforcement Unit.

- Welcomes Attorney Ryan Larose.

New Business:

- VOTE on the staff determinations of Federal ballot access rulings. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE on Draft Regulations for Part 6200- Digital Ad to be posted 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 Approving the Cybersecurity Plan. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- VOTE to authorize the Co-Executive Directors to receive the 2018 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 next board meetings are scheduled for June 25th and August 8th.
- Motion to Adjourn. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**

Executive Session:

- There was no Executive Session.

The meeting was adjourned at 1:40p.m.



18-06

New York State Board of Elections

APPROVED RESOLUTION

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

WHEREAS, on April 12, 2018, the Governor signed into law Chapter 59 of the Laws of 2018, concerning, among other things, modifications and additions to the laws relating to the disclosure of Independent Expenditures; and

WHEREAS, Part JJJ of Chapter 59 of the Laws of 2018 requires the State Board of Elections to promulgate rules related to the Board maintaining and making available for public inspection records and copies of paid internet or digital advertisements by Independent Expenditure committees no later than one hundred and twenty days after the effective date of the law, which is August 10, 2018; and

WHEREAS, Part JJJ of Chapter 59 of the Laws of 2018 requires the State Board of Elections to promulgate regulations defining the scope of the term “online platform” no later than one hundred and twenty days after the effective date of the law, which is August 10, 2018;

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 sixty days thereafter.

**Approved May 3, 2018
VOTE 4-0**



18-07

**New York State Board of Elections
APPROVED RESOLUTION – May 3, 2018**

RESOLUTION APPROVING THE CYBERSECURITY PLAN PURSUANT TO THE SFY 2018-19 BUDGET.

WHEREAS the New York State Board of Elections (State Board) has been closely monitoring the ever-growing threat posed to information and elections systems by nation-states, terrorist organizations and independent criminal actors; and

WHEREAS the State Board has been working extensively with federal, state, local and other important partners (the Elections Assistance Commission (EAC), the federal General Services Administration (GSA), the federal Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the Center for Internet Security (CIS), the Multi-State Information Sharing and Analysis Center (MS-ISAC), the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC), NYS Office for Information Technology Services (OITS), Governor’s Cybersecurity Advisory Board (CSAB), the Belfer Center for Science and International Affairs at Harvard University, and the University at Albany’s Center for Technology in Government (CTG)) to develop a comprehensive plan to ensure the security of New York State’s elections infrastructure; and

WHEREAS the SFY 2018-19 budget allocates \$5 million dollars for “services and expenses related to securing election infrastructure from cyber-related threats including, but not limited to the creation of an election support center, development of an elections cybersecurity support toolkit, and providing cyber risk vulnerability assessments and support for local board of elections(;)” and

WHEREAS, per the SFY 2018-19 budget, expenditures of such funds shall be approved by a vote of the State Board of Elections Commissioners pursuant to subdivision 4 of section 3-100 of the election law;

WHEREAS the State Board staff through their work with the federal, state, local, and other partners mentioned above, have drafted an allocation plan.

WHEREAS the State Board staff has been leveraging existing Federal and State resources, such as attending the Belfer Center of Science and International Affairs Cybersecurity Tabletop Exercise “Train the Trainer” program; and

WHEREAS the State Board staff has partnered with the federal Department of Homeland Security both have an internal risk assessment conducted and to execute six regional cybersecurity table top exercises across New York State; and

WHEREAS the State Board has been leveraging existing technological and security resources by partnering with the federal Department of Homeland Security, MS-ISAC and EI-ISAC; and

WHEREAS, the federal Elections Administration Commission (EAC) has allocated New York State \$19,483,647 (19.5 M) dollars subject to a State 5% match of cybersecurity related funds;

WHEREAS, the \$5 million dollar State cybersecurity funds will be leveraged to meet the federal 5% match requirement to secure federal Cybersecurity grant funding;

NOW THEREFORE BE IT RESOLVED the state cybersecurity plan, attached hereto, is hereby approved and the State Board of Elections is authorized to implement such plan;

NOW THEREFORE BE IT FURTHER RESOLVED that the State Board staff is authorized to expend up to \$1.25 million in State cybersecurity funds in the implementation of the state cybersecurity plan; and

NOW THEREFORE BE IT FURTHER RESOLVED that the State Board staff is authorized to expend federal HAVA cybersecurity funds at a limit to not exceed \$5 million dollars in the implementation of the state cybersecurity plan.

Approved May 3, 2018
VOTE 4-0

Motion to authorize the Co-Executive Directors to receive the 2018 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).