

**Minutes of the New York State Board of Elections
January 11, 2016**

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, Kim Galvin, Brian Quail, Bill McCann, Brendan Lovullo, John Conklin, Tom Connolly, Mark Goldhaber and Risa Sugarman. The guest list is attached.

Minutes of December 15, 2015 – Minutes and Executive Session minutes were accepted (**Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No**). **Executive Session Minutes from November 17, 2015 were held over until next board meeting.**

Unit Updates:

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

- A pipe burst on the 8th floor causing the office to be closed for three days.
- Had meetings with OGS in reference to the flooding.
- Summary of the two party plans for the Presidential Primary have been posted on our website.
- The Election Commissioners Association Winter Conference starts today.
- Budget is coming out this week and a zero growth year budget is expected.

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

- CLE training during Campaign Finance Seminar on Thursday at the ECA Conference.
- Working on the Independent Expenditure Regulation and also the Election Law Update.
- Brennan Center LLC case held oral arguments on December 16th.
- Staff level discussions have been held on revising the manual and setting up training sessions for political clubs.

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

- Anna is holding New Commissioners Training Workshops.
- Staff is preparing the annual report.
- Training with ES&S and the County Commissioners will be held this week here in the office.

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

- Meetings for NYSVoter Refresh and CAPAS/FIDAS are ongoing.
- Working on ECA conference presentations with staff.
- NYSVoter training will be held for one of the counties on Thursday afternoon.

ITU – Mark Goldhaber reported on projects IT is working on:

- Moving staff that were affected by the flood to different locations.
- Work with the county VPN's is now underway.
- All staffing issues with the contractor for the NYSVoter Project should be resolved.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- The entire Enforcement Unit had to be moved due to the flood.
- Will need to replace the printer, shredder and fax machine due to the water damage.

Old Business:

- There was an update on the FOIL for voter registration information and will be discussed again at the February board meeting.
- VOTE on Resolution Proposing Amendments to 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.)** There will be a follow-up report on phrase two at the next board meeting.

New Business:

- VOTE on approving the 2016 Legislative Packet except for 16-02. **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 ES&S Central Count Upgrade. **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 February 23rd, 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 make criminal referral pursuant to Election Law §3-104(5)(b) in relation to Case #01-16. **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 #02&03-16. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- Case #04-16 was withdrawn
- VOTE to make criminal referral pursuant to Election Law §3-104(5)(b) in relation to Case #05-16. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**

The meeting was adjourned 1:45 p.m.

**New York State Board of Elections
APPROVED RESOLUTION – January 11, 2016**

**Resolution Proposing Amendments to 9 NYCRR
Subtitle V Part 6200.10 Related to Updating Such Part
to Reflect Statutory Changes Pursuant to State
Administrative Procedures Act (SAPA) § 202**

WHEREAS, an amendment to Part 6200.10 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 6200.10 and to provide notice of the public comment period of forty-five days thereafter.

**Vote 4-0
January 11, 2016**

**New York State Board of Elections
APPROVED RESOLUTION – January 11, 2016**

**RESOLUTION TO PERMIT TESTING OF UPGRADE OF
ELECTION SYSTEMS & SOFTWARE Version 5.6.0.2: and
Model DS 850 CENTRAL COUNT VOTING SYSTEM**

WHEREAS, the New York State Board of Elections is in receipt of a request from Election Systems & Software (ES & S) to upgrade their Election Management software and DS 850 Central Count-based scanner; and

WHEREAS, the upgrades described in the request, including the ability to support multiple versions of ballots including last-minute changes, have been reviewed by County Board of Elections staff, with comments in support of same having been received; and

NOW THEREFORE BE IT RESOLVED that the New York State Board of Elections authorizes the testing for the upgrade request made by Election Systems & Software's Election Management software and DS 850 Central Count-based scanner.

**Vote 4-0
January 11, 2016**