

**Minutes of the New York State Board of Elections
December 8, 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 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, Nick Cartegena, Anna Svizzero, Brendan Lovullo, John Conklin, Bill Cross and Risa Sugarman. The guest list is attached.

Minutes of October 4, 13 and 17, 2016 – Minutes were held over until next board meeting

Unit Updates:

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

- Testified at an Assembly hearing with Bill Cross regarding cyber security in elections.
- Met with County and State IT Directors, Homeland Security, State Police and FBI to provide as much security as possible during the election.
- Working with DMV to make a few changes to their voter registration database.

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

- Attended meetings with Enforcement regarding deficiency training and communication.
- A new case management tracking system is being rolled out in Compliance.
- The unit is involved in about 12 court cases.
- The Board is entering the discovery stage on the Eason litigation.

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

- Staff was extremely busy with phone calls before the election.
- Worked with all the counties to aggregate the election results to us.
- Brendan Lovullo thanked the counties for all of their work getting us the results.

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

- There were 48 international observers from 15 countries in New York State on Election Day.
- Completed 62 FOIL requests in September, 22 in October and 88 in November.
- Attended meetings on Election Night Reporting and Cyber Security.
- Greg Fiozzo from the NVRA Unit held an annual training session in NYC.

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

- Staff have been extremely busy with Cyber Security.
- Voter look-up over the two days before the election had over 3,000,000 hits.
- The Board now has a Contract Project Manager from NYSTEC to oversee our CAPAS/FIDAS update along with other projects.
- Holding interviews for Developers, Project Managers and Testers.

Enforcement – Risa Sugarman reported on the Enforcement Unit:

- IT Dept. has set up a do-not-reply e-mail service to e-mail those committee's that failed to file.
- Attended meetings with Counsel and Compliance.
- Investigating the referral of Commissioner Schulkin.

Old Business:

- The discussion on document policy is ongoing.
- There was a discussion on the automated audits which will continue at the next board meeting.

New Business:

- VOTE on Independent Expenditure Emergency Regulations. **The motion was approved unanimously (Commissioners Kellner, Kosinski, Spano and Peterson voting in the affirmative; 4 Yes and 0 No).**
- Discussion on Election Day Polling site issues
- The next board meeting is scheduled for January 9th.

Executive Session

- No actions were taken.

The meeting was adjourned at 3:10 p.m.

New York State Board of Elections

APPROVED RESOLUTION - December 8, 2016

Resolution to Readopt Emergency Amendments to 9 NYCRR Subtitle V Part 6200.10 Related to Updating Such Part to Reflect Statutory Changes and Proposing Permanent Adoption of Such Amendments and Providing Publication Thereof Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on August 24, 2016, the Governor signed into law Chapter 286 of the Laws of 2016, concerning, among other things, modifications and additions to the laws relating to the disclosure of Independent Expenditures, certain portions of which went into effect 30 days after being signed into law; which was September 23, 2016; and

WHEREAS, it has been long established that timely and accurate disclosure of campaign financial activity is of critical import to the electoral process, and that such disclosure also includes the disclosure of Independent Expenditure activity; and

WHEREAS, based upon the foregoing, it was necessary for the general welfare of the public that Part 6200.10 of the NYCRR be amended on an Emergency Basis, in accordance with SAPA § 202; and

WHEREAS, the New York State Board of Elections did, at its meeting on September 15, 2016, adopt Part 6200.10 of the NYCRR, as amended, and authorized and directed the Office of Counsel to take steps necessary pursuant to SAPA § 202 to effectuate the emergency adoption of the amendment to 9 NYCRR Subtitle V Part 6200.10, and said Office of Counsel did do so; and

WHEREAS, based upon the provisions of SAPA § 202, the initial 90 day effective time period provided for the emergency rules will expire on December 22, 2016, and it is necessary to readopt the emergency rules for an additional 60 day period as provided for in SAPA § 202; and

WHEREAS, subsequent to the adoption of the emergency rules, a review by the Office of Counsel did determine that one provision of the law relative to the rules in question was inadvertently omitted, and should be added to provide for completeness; and

WHEREAS, a permanent 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 New York State Board of Elections does hereby readopt Part 6200.10 of the NYCRR, as amended, and the Office of Counsel is hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to effectuate the emergency re-adoption of the amendment to 9 NYCRR Subtitle V Part 6200.10; and

NOW THEREFORE BE IT FURTHER 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 permanent amendment to 9 NYCRR Subtitle V Part 6200.10 and to provide notice of the public comment period of forty-five days thereafter.

**Approved December 8, 2016
VOTE 4-0**