

**Minutes of the New York State Board of Elections
May 22, 2014**

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 12:15 p.m. The meeting was chaired by Commissioner James Walsh. Commissioners present were Douglas Kellner, Andrew Spano and Gregory Peterson. Staff members present were: Robert Brehm, Todd Valentine, Kim Galvin, Paul Collins, William McCann, Anna Svizzero, Joe Burns, John Conklin, Dave Loomis and Tom Connolly. The guest list is attached.

Minutes of April 30, 2014 – Minutes were accepted (**Commissioners Kellner, Walsh, 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:

- Working on regulations and getting the two new programs -Independent Expenditures and Public Financing Pilot up and running.
- Meetings with staff from the Comptroller's office, Budget and OGS.
- Announced that Paul Collins was retiring on June 13th.

Legal – Kim Galvin and Paul Collins reported on activities related to the Legal Unit including:

- Political calendar is complete. The filing dates have been moved up a week.
- Regulations revising 6210 and 6211 were published in the state register.

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

- There will be 12 Congressional Primaries involving 30 counties.
- Staff participated in a demonstration of a new central count voting system.
- Final demonstration with the asset management system is May 28th.

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

- Assisted and monitored the transmission of the absentee ballots for the MOVE Act.
- Attending meetings for the election night reporting system.
- Working with campaign finance for the presentations and the webinars that will be next week.
- The NCOA data has been received from the counties.
- Discussed the translations of any future ballot proposals.

Campaign Finance – Bill McCann reported on several items his unit is working on:

- Meetings to work on regulations, forms, etc. getting the two new programs -Independent Expenditures and Public Financing Pilot up and running.
- Training staff is continuing the regular campaign finance training seminars.

ITU – Dave Loomis reported there was nothing to add to his written report.

- The NYSVoter Refresh Project needs to be implemented next year.
- Finalizing Election Night Reporting Project.

Old Business: the commissioners took action on several issues including:

- **VOTE** on Resolution to enact emergency regulations to amend part 6200.10 – Disclosure of Independent Expenditures. **The motion was approved unanimously (Commissioners Kellner, Walsh, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- **VOTE** on Resolution to enact emergency regulations to add 6200.11 – Public Financing Pilot Program. **The motion was approved unanimously (Commissioners Kellner, Walsh, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**

New Business: The Commissioners took action on several issues including:

- **VOTE** to approve the following directive to the county boards of elections:
As many are aware, there are currently 12 vacant Senate and Assembly seats throughout the State. The State Board has been asked on numerous occasions whether the office must appear twice—once for the unexpired term and once for the full term—on this year’s general election ballot.
After a review of the relevant statutes, the State Board is of the opinion that since no Special Elections have been called to fill those vacancies, that such office should be filled at the upcoming General Election and the office should appear only ONCE on the ballot, for the full term. We will immediately make a notification to all interested parties should the legislature act in such a way that would change or alter this position. **The motion was approved unanimously (Commissioners Kellner, Walsh, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- **VOTE** to go into Executive Session. **The motion was approved unanimously (Commissioners Kellner, Walsh, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**

Executive Session:

Following Executive Session the commissioners re-convened. It was announced there was a discussion in executive session about the *New York Progress & Protection PAC v. Walsh* case in which the State Board was permanently enjoined from enforcing the aggregate individual donor limit against NYPPP and its donors because the court declared N.Y. Election Law §14-114(8) unconstitutional as it applies to Independent Expenditure committees. The four commissioners unanimously agreed as a result of this case that the State Board could no longer enforce that aggregate limit against individual donors to any Independent Expenditure committee. As part of the same discussion the commissioners talked about the *McCutcheon v. FEC* case recently handed down by the US Supreme Court and its impact in New York. The *McCutcheon* case declared the federal aggregate donor limit on contributions to candidates and political committees unconstitutional. Again, the commissioners unanimously agreed that since the federal aggregate limit is similar in function to our state aggregate limit, also N.Y. Election Law §14-118(8), it too would likely be determined to be unconstitutional if challenged, and as such, the commissioners agreed that the SBOE would no longer enforce this aggregate limit. The \$5000 state corporate aggregate limit is in effect although it is the subject of ongoing litigation in the Northern US District Court.

- **VOTE** to accept staff recommendation for CMP-30. **The motion was approved unanimously (Commissioners Kellner, Walsh, Spano and Peterson voting in the affirmative; 4 Yes and 0 No.)**
- The next board meeting is scheduled for June 17th

The meeting was adjourned 1:35 p.m.