

New York State Board of Election  
Commissioners Meeting  
May 8, 2018

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Peter Kosinski: Okay. Alright, I'm going to open the meeting. We're having a special meeting on May 8<sup>th</sup>, 2018, of the State Board of Elections. Commissioners present, I'm Peter Kosinski, I have Commissioner Kellner and Commissioner Peterson on audio and video, I have Commissioner Spano on audio. The agenda for today's meeting, it's one item. It is a petition that was filed in the 24<sup>th</sup> CD for the Womens' Equality Party. It was filed here at the Board on April 18<sup>th</sup>. It's an OTB petition in an effort to create a primary for that particular position. The petition failed to name a committee to receive notices. That is a defect and the recommendation of the staff is to invalidate the petition for the failure to appoint a committee to receive notices. Is there any discussion? (Silence) If not, I would entertain a motion.

Gregory Peterson: What was the recommendation of staff?

Peter Kosinski: The staff's recommendation is to invalidate the petition.

Douglas Kellner: What is the requirement that there be a committee to receive notices on an OTB?

Peter Kosinski: Do you want to speak to that?

Brian Quail: The committee to receive vacancies is optional...

Douglas Kellner: I can't hear you.

Brian Quail: I'm sorry. Can you hear me now, Doug?

Douglas Kellner: Now I can hear you.

Brian Quail: The requirement that there be a committee to fill vacancies on a petition is optional, but the section that provides for the opportunity to ballot in 6-166, requires the committee to receive notices otherwise there is no one associated, no name or individuals that are actually associated with the petition, and the case law has been unanimous in this regard.

Douglas Kellner: Okay. I see it in the statute.

Peter Kosinski: Okay, are there any other questions before we act on this proposal? (Silence) No other questions? I would entertain a motion.

Gregory Peterson: I would move that the petition be invalid.

Peter Kosinski: So, the motion would be to invalid...I guess to accept the recommendation of staff to invalidate the petition. Is there a second?

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Andrew Spano: I second that.

Peter Kosinski: It's been seconded. All in favor? (Chorus of Ayes; 4-0) Opposed? I would say it carried unanimously. I have no further business to come before the Board. Does anyone else have anything else they want to bring up at this point? (Silence) Not hearing any, I would entertain a motion to adjourn.

Douglas Kellner: So moved.

Peter Kosinski: And seconded. All in favor? (Chorus of Ayes; 4-0) Opposed? We are adjourned until June 25<sup>th</sup>, subject to being called back.

Robert Brehm: Thank you.

Peter Kosinski: Thank you everybody.