

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, OCTOBER 24, 2023 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Simon Shamoun

Commissioners Jose M. Araujo, Michael J. Coppotelli, Carol R. Edmead, *Gino A. Marmorato, Jodi Morales, Michele A. Sileo, Keith Sullivan, Frederic M. Umame

Michael J. Ryan, Executive Director

Vincent M. Ignizio, Deputy Executive Director

Georgea Kontzamanis, Operations Manager

Michael Corbett, Administrative Manager

Hemalee J. Patel, General Counsel

Raphael Savino, Deputy General Counsel

Kenneth Moltner, Counsel to the Commissioners

Debra Leible, EDO Coordinator

GUEST: Robert Stepanek

*Commissioner Marmorato appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

Mr. Ryan opened the meeting with the following update on the November 7, 2023 General Election:

- Early Voting for the November 7, 2023 General Election commences on Saturday, October 28, 2023 through Sunday, November 5, 2023.
- The Board will open 140 Early Voting sites across the five boroughs, and 1,222 Election Day sites will be open.

- Early Voting hours and poll site locations, including sample ballots, can be found on the Board’s website at www.vote.nyc.
- Election Day poll sites can be found on the Board’s website as well, and voting hours are from 6:00 A.M. to 9:00 P.M. on Election Day as always.
- All voting equipment logic and accuracy testing is ongoing and scheduled to be completed by October 27, 2023.

Early Voting equipment will be delivered on October 26th and 27th, with onsite team meetings scheduled for both days citywide. The team meetings occur at the poll site that is going to be used for Early Voting.

In total, there will be 14,299 pieces of Early Voting equipment and 60 generators to power the Early Voting sites.

For Election Day we are scheduled to deploy 68,609 pieces of equipment across the 1,222 sites.

- Training both in person and online, and assignments are ongoing.

- For Election Day and Early Voting, anyone interested in serving as a poll worker is urged to sign up for NYC Elections as they are made possible by the voters of New York City, and that information can be found on the Board's website at www.vote.nyc.
- We continue to process absentee ballots for the November General Election, yesterday was the last day to apply online or by mail for an absentee ballot.

To date we have received, processed, and mailed out 76,974 ballots citywide, including 159 accessible ballots.

- 15,521 ballots have been returned.
- 13,737 have been deemed valid and canvassed.
- 843 have been deemed invalid, with the cure process ongoing.
- The remainder are currently being canvassed, and that process is a rolling process as well.

A person can still apply for an absentee ballot at a borough office up to November 6, 2023, and there are extended hours which can be found on the Board's website at www.vote.nyc.

- A Final Reminder: The last day to register to vote for the November 7, 2023 General Election is Saturday, October 28, 2023 which also

coincides with the first day of Early Voting. Unless there is a future change of the statute, the first day of Early Voting for each election will be the last day to register for that election for new voters. The deadline for change of party enrollment still remains February 14th of each year.

This concluded the update on the November 7, 2023 General Election.

Mr. Ryan continued with item #1 of the meeting agenda, the approval of the minutes of the October 17, 2023 Commissioners Meeting.

Hearing no objections or proposed amendments, the minutes of the October 17, 2023 Commissioners Meeting were adopted.

Mr. Ryan continued with item #2 of the meeting agenda, the Poll Worker Exceptions for the November 7, 2023 General Election, and acknowledged Debra Leible, the Board's EDO Coordinator to present the report to the Commissioners for approval.

Mr. Ryan confirmed with Ms. Leible that as of the close of business yesterday, only the Bronx and Staten Island reports are ready at this time. The Commissioners of the Bronx and Staten Island have been consulted with the proposed exceptions and have given their approval.

Ms. Leible reported that the Bronx has requested 2 additional Coordinators and 13 Information Clerks, and Staten Island has requested 11 additional Coordinators and 7 Information Clerks. Ms. Leible confirmed that the exceptions have been signed off on by the local borough Commissioners.

Commissioner Umane stated that this goes back to the days when the NYS Board's Co-Chair, Douglas A. Kellner was a commissioner here at the NYC Board, and he thought that it would be best to have the full Board approve these exceptions as opposed to involving the regular borough offices. Some of the boroughs at various points in time, have loaded up with extra poll workers and coordinators way beyond what they wanted in order to get some workers extra money because the coordinators are paid more than the poll workers. As a result, this is one of the few things involving the local borough offices that come before the full Board of Commissioners. This comes from a historical standpoint, and the Commissioners do not personally think that there is anything abusive with the Staten Island or Bronx Boroughs, noting that copies of the exception reports are included in the Commissioner's packages for review.

Commissioner Umane moved to accept both of the Exception Reports as being reasonable for this particular election. President Shamoun seconded the motion, which was adopted unanimously.

Commissioner Coppotelli and Mr. Ryan thanked Commissioner Umane for the history regarding the Poll Worker Exceptions presented today.

Mr. Ryan continued with item #3 of the meeting agenda, Challenges to Voter Registrations.

Mr. Ryan stated that from time to time we do have members of the public that come to the Board and request to challenge the registration of a voter. The section of the Election Law that governs those challenges is §5-220. And often the kinds of challenges that we get, the overarching number come from federal voters that live out of the Country and are still using an address State side, and they are permitted to do that to vote for certain offices and sometimes mail gets to the people that are residing there and they wonder why they are getting the mail. Sometimes there are legitimate challenges and cancellations of voting records are appropriate.

This particular agenda item is a little different, and the individual that's going to be giving cause to challenge the voters is in fact Mr. Ryan. After meeting with the Queens Borough Managers, Executive and Legal Staff, it was determined that §5-220 is the appropriate section of the statute and states that any person may challenge the voter registration, and he is eligible to challenge the voter. Normally one of the Commissioners would have the person swear to an oath, and with the permission of President Shamoun Mr. Ryan proceeded to read the oath and

ultimately swear to it. Upon reading the oath, it was determined that the oath swears to the foregoing statement and Mr. Ryan would be required to give the factual recitation first.

Mr. Ryan continued and stated that he had occasion to review certain documents that were submitted to the General Office by the Queens Borough Managers, and two of the documents that he reviewed were applications for absentee ballots. The two individuals named on the applications for the absentee ballots were Anthony Brown and Alexandria Johnson.

Anthony Brown and Alexandria Johnson were not registered voters at the time that the absentee ballot applications were submitted. Subsequent to the submission of the request for the absentee ballot, which was for both of these individuals, Anthony Brown's was received by the Board of Elections on September 1, 2023 with a dated absentee ballot application of August 20, 2023 and that bore what was apparently a cursive signature with the name Anthony B. Alexandria Johnson's absentee ballot application was also received on September 1, 2023 and that application bore a date of June 1, 2023, that bore a cursive signature that was illegible but apparently a signature.

Subsequently, they were ultimately rejected by the Queens Borough Board of Elections, and they did not receive absentee ballots because they were not registered. Subsequently on September 6, 2023 a voter registration application that

was dated August 26, 2023 and was clocked in at the Manhattan Borough Office at 23, SEP -6, PM 2:44. That voter registration form had a hand printed signature that stated Anthony Brown, different from the cursive signature that was submitted on the absentee ballot application. Mr. Ryan noted that it was printed, although that in of itself would not make it an improper voter registration, but when you compare it to the absentee ballot application it causes questions. This may in fact be a valid voter registration after the investigation. On September 6, 2023 a voter registration form was submitted, dated September 1, 2023 and it was clocked in again at the Manhattan Borough Office and not at the Queens Borough Office on 23, SEP -6, PM 2:44, simultaneous to the Anthony Brown voter registration form. That voter registration form also bore the printed name of Alexandria Johnson as the purported signature, which was also different from the cursive signature that was on the absentee ballot application that was previously submitted.

Based on these circumstances Mr. Ryan proceeded to read the oath and stated that he solemnly swears that the forgoing statement made by him on October 24, 2023 is a truthful disclosure of the reasons for his belief that the registered voters therein named are not qualified to continue to be registered in the election district in which he or she is now registered.

Commissioner Umane asked if the individuals were registered when we received their printed forms. Mr. Ryan confirmed for Commissioner Umane that

the two individuals are now registered, and at the time that the registrations were processed the absentee ballot applications were not available to the voter registration department and they registered them in the course of the registration process and it is not impermissible to submit a signature either a printed name or other form of mark so long as that mark or printed name is in fact affixed to the voter registration form by the individual who is purporting to be registered. The next step in the process would be, as in other moments, for the Commissioners to vote on permitting the Queens borough staff to conduct an investigation into the validity of these voter registrations.

Commissioner Edmead inquired as to what triggered the concern at the borough office. Mr. Ryan stated that there was sufficient reason to trigger the review and will brief the Commissioner privately on the matter.

Commissioner Umane moved that the Board start the investigations based on the presentation. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

Hemalee Patel, the Board's General Counsel, informed the Commissioners that both voters will get a letter from the Office of the General Counsel, and the Queens Borough Managers will receive the affidavit from Mr. Ryan as well as the other information to conduct an investigation. The Queens borough staff will come back to their borough Commissioners with the results, and then the

recommendation of the borough Commissioners will be brought back to the full Board and will be placed on the Commissioners' calendar to vote on at a future date.

Mr. Ryan continued the meeting and stated that there is one more matter to address before convening an Executive Session to discuss litigation and personnel matters.

Mr. Ryan acknowledged Robert Stepanek who has requested an opportunity to address the Commissioners.

Mr. Stepanek stated that he has been a Poll Worker Trainer since 2014, an AD Monitor and Poll Site Coordinator. Mr. Stepanek stated that he came here previously this year to call to the attention of the Board problems at the Early Voting poll site at Hunter College Brookdale Dorm. During his service there in June there were a couple of violations that he identified and sent reports to the supervisors at the 200 Varick Street Office and was encouraged by someone here at the General Office during his previous appearance to send those reports to Georgea Kontzamanis, the Board's Operations Manager, and Martin Wilson, a Poll Site Supervisor in the Manhattan Office. Mr. Stepanek stated that Ms. Kontzamanis and Mr. Wilson have been copied in previous communications relating to operations in the history of Hunter College Brookdale Dorm that he has

overseen. Mr. Stepanek noted that there is not much time to address any of the issues there, but his report can be circulated to anyone else.

Going forward, facing the upcoming Early Voting, Mr. Stepanek stated that he was not interested in working there again but was not offered an opportunity to continue as a Coordinator in an Early Voting site and has not received what he regards as an adequate explanation as to why that would be, but was offered another position. Mr. Stepanek stated that he would like to find out particularly what it was, and knows that other Early Voting Coordinators who had problems were given an opportunity for some sort of mediation for whatever problems were at their sites, and he has not. Mr. Stepanek stated that he would like to call this to the attention of the Board, and he intends to find some resolution to that.

Commissioner Umame stated that he is not sure if he or Commissioner Edmead are aware of his specific situation. Commissioner Edmead inquired as to whom the information was sent to at the borough office. Mr. Stepanek informed the Commissioners that the information was sent to Stephen Evans III and Shauntrice Jones of the Manhattan Office.

Ms. Kontzamanis informed the Commissioners that Mr. Stepanek sent an email regarding his concerns on October 20, 2023. Commissioner Edmead and Commissioner Umame informed Mr. Stepanek that his email was sent only 4 days ago and has not come before them, and at this moment they are not in a position to

answer any questions that he might have. The Commissioners will review his concerns and have the appropriate staff at the borough office reach out to him.

Mr. Ryan continued with item #4 of the meeting agenda, an Executive Session for Personnel Matters. Mr. Ryan stated that there was one modification to the agenda, there will be a legal presentation for item #4b.

Mr. Ryan stated that the next scheduled meeting will be held on Tuesday, October 31, 2023.

President Shamoun moved to set the date of the next meeting for Tuesday, October 31, 2023 at 1:30 P.M. Commissioner Umane seconded the motion, which was adopted unanimously.

President Shamoun moved to adjourn the open meeting and convene an Executive Session to discuss Personnel and Litigation. Commissioner Umane seconded the motion, which was adopted unanimously.

Following the Executive Session, the open meeting resumed.

The following action was taken by the unanimous decision of the Board of Commissioners:

1. Michael Madison, a Voting Machine Technician, was granted 210 hours of an advance of sick time. This grant is effective October 19, 2023. Mr. Madison's agency start date is March 12, 2012.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, October 31, 2023 at 1:30 P.M.