

HEARINGS RELATING TO THE APRIL 28, 2020 ELECTIONS AND  
THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, FEBRUARY 25, 2020 AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT:       President Patricia Anne Taylor  
                  Secretary Frederic M. Umame

Commissioners Jose Araujo, Miguelina Camilo, Michael Michel,  
Simon Shamoun, Tiffany Townsend, John Wm. Zaccone

Michael J. Ryan, Executive Director  
Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Georgea Kontzamanis, Operations Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel  
Michael Bryant, Contract Attorney, Office of the General Counsel  
Zoya Shpigelman, Contract Attorney, Office of the General Counsel  
Valerie Vazquez, Director, Communication and Public Affairs  
Troy Johnson, Coordinator, Candidate Records Unit  
Rayvon Weaver, Project Coordinator, Candidate Records Unit  
Matthew Graves, Project Coordinator, Candidate Records Unit  
Parnell Sena, Administrative Associate, Candidate Records Unit  
Steven Guglielmi, Director, Personnel  
Sherwin Suss, Agency Chief Contract Officer, Procurement  
Raymond Riley, Chief Clerk, Brooklyn Office  
Daniel Ortiz, Deputy Chief Clerk, Brooklyn Office  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Angel Cruz, Esq.  
                  Malcolm Seymour, Esq.  
                  Howard Graubard, for Kimberly Council  
                  Monica Bartley, CIDNY  
                  Eve Grassfield, Mayor's Office

Nancy Senj, League of Women Voters  
Katharine Loving, NYC Campaign Finance Board  
Pat Nolen, BVA  
Wendy Byrne, LWV  
Abigail Demos  
Rastteta Bunting  
Kate Doran, LWV  
Erica Cohen, BVA  
Jarret Berg, Vote Early NY

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President Taylor called the meeting to order at 1:36 P.M.

President Taylor convened the Hearings relating to elections being held on April 28, 2020. The first set of Hearings related to Designating Petitions filed for candidates seeking election as Delegates to the Democratic National Convention in the April 28, 2020 Democratic Presidential Primary. The second set of Hearings related to independent nominating petitions and related matters for the April 28, 2020 Special Election for Member of the City Council in the 37<sup>th</sup> Council District in the Borough of Brooklyn.

President Taylor stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar for the Hearings. The Calendar was posted for the public as required.

Mr. Richman called the calendar for the Hearings on the following matters relating to Designating Petitions for Delegate to the Democratic National Convention to be elected in the April 28, 2020 Presidential Primary:

- a) Mr. Richman called the combined Legal/Candidate Records Unit Prima Facie Report. In selected instances, there were appearances by the candidate and/or their representative which is noted on the Legal/Candidate Records Unit Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the Report on filed at the Board;
- b) Mr. Richman called applications relating to the names appearing on the ballot for candidates for Delegate to the National Convention. Copies of the requests were circulated to the Commissioners for review. Secretary Umame moved to accept the requests presented, except for Adam Morenoff's application to be changed to Blue Moreno. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Richman called the calendar for the Hearings on Independent Nominating petitions and related matters for the April 28, 2020 Special

Election for Member of the City Council for the 37<sup>th</sup> Council District in  
Brooklyn:

- a) Mr. Richman called the combined Legal/Candidate Records Unit Prima Facie Report matters. There were no appearances. The Commissioners' determinations are reflected on the Report on filed at the Board;
- b) Mr. Richman presented a candidate's Amended Cure for a Cover Sheet for independent body "Community Power" requesting for their name to be changed to "Safer Streets". Mr. Richman reported that the new independent body name is in compliance with the law. Secretary Umame moved to accept "Safer Streets" as submitted by the candidate. Commissioner Townsend seconded the motion, which was unanimously adopted. Mr. Richman noted that the appointment of a Cover Sheet Review Committee can be removed from the agenda. President Taylor removed Item 4 (d) from the agenda;
- c) Mr. Richman called the Clerks' Reports on Specifications of Objections. In selected instances, there were appearances by the candidate and/or their representative which is noted on the Clerks' Reports on file at the Board. The Commissioners'

determinations are reflected on each Clerks' Report acted upon on filed at the Board.

President Taylor moved to direct staff to immediately commence the preparation and distribution of Military, Absentee, Federal (for the Presidential Primary only) and Special Ballots for:

- the April 28, 2020 Presidential Primary based upon the actions taken to date by the Commissioners both in a duly constituted Commissioners' Committee and the full Board and pursuant to Chapter 290 of the Law of 2019, subject to the State Board of Elections determinations as to the Presidential candidates qualified for the ballot and the order in which those candidates will appear on said ballots; excluding the 14<sup>th</sup> Congressional District which will be addressed at next week's Hearing; and
- the April 28, 2020 Special Election for Member of the City Council in the 37<sup>th</sup> Council District, based upon the actions taken to date by the Commissioners both in a duly constituted Commissioners' Committee and the full Board.

Secretary Umane seconded the motion, which was unanimously adopted.

President Taylor moved that in the event any judicial proceeding is commenced challenging any action taken by the full Board of Commissioners or a duly constituted Committee thereof regarding petitions, cover sheets and all matters relating to the candidates appearing on the ballot for Delegate to the Democratic National Convention to be elected in the April 28, 2020 Presidential Primary as well as Member of the City Council in the 37<sup>th</sup> Council District to be elected in the April 28, 2020 Special Election, the staff is directed to immediately request that the New York City Law Department represent the Board and/or the Commissioners and staff in such proceeding, defend the Board's actions and oppose any relief sought, including any appeals related thereto. Commissioner Michel seconded the motion, which was unanimously adopted.

Secretary Umame moved to adjourn the Hearings and convene the Stated Meeting of the Commissioners of Elections in the City of New York. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Taylor moved to table the minutes for the February 18, 2020 meeting due to an insufficient number of Commissioners

present to vote. Secretary Umame seconded the motion, which was unanimously adopted.

Mr. Richman requested for the establishment of the date for Hearings on Specifications of Objections and related matters for the April 28, 2020 Special Election for Member of the New York State for the Assembly for the 31<sup>st</sup> Assembly District in Queens County. Mr. Richman recommended Tuesday, March 10, 2020 at 1:30 P.M. The Queens Chief Clerk and Deputy Chief Clerk have previously approved the recommended schedule. Commissioner Araujo moved to adopt Mr. Richman's recommendation as presented. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Ryan, in consultation with staff, recommended a Refresher Training Class for Coordinators and AD Monitors for the March 24, 2020 Special Election in Queens County and the April 28, 2020 Presidential Primary Election citywide. The Coordinators and AD Monitors will receive \$50.00 each for attending the two (2) hour Refresher Training Class. Secretary Umame moved to approve the Refresher Training Class for Coordinators and AD Monitors as presented. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Ryan reported that the Board received notice that the New York City Council Committee on Governmental Operations has scheduled Oversight Hearings on the Preliminary Capital Budget for Fiscal Year (FY) 2021-2024, Preliminary Capital Commitment Plan for FY 2020-2024, and Preliminary Mayor's Management Report for FY 2020 on Friday, March 20, 2020 at 10:00 A.M. Mr. Ryan requested authorization to attend and to prepare Testimony for the Hearing. Secretary Umame moved to authorize Mr. Ryan to attend and to prepare Testimony for the City Council Committee on Governmental Operations' Oversight Hearings. Commissioner Townsend seconded the motion, which was unanimously adopted.

Mr. Richman requested to report on a petition Cover Sheet matter. Last night, a candidate filed a Cover Sheet for the "Go With The Flo" independent body, but no emblem was selected pursuant to the Board's Rules. Mr. Richman recommended to send a Notice to cure to the candidate. Secretary Umame moved to adopt Mr. Richman's recommendation as presented. Commissioner Araujo seconded the motion, which was unanimously adopted.



Secretary Umame requested to report on a Commissioners' Finance Committee recommendation to the full Board of Commissioners. The Commissioners' Finance Committee and Voting Equipment Operations Unit (VEOU) have reviewed and tested the Board's Privacy Booths in depth. There has been an issue in the past with the booths' wheels breaking off which are not easily replaceable. Mr. Suss reported that the Board conducted a full open bid solicitation for 2,000 Privacy Booths to replace broken booths and supplement the current stock of 17,000 booths for the upcoming Presidential Primary Election to meet the increase of voter registration. The Board received four (4) responsive bids. The lowest bidder was ES&S. VEOU requested samples of ES&S' booths, but they were deemed unacceptable because the area for voters to complete their ballots was smaller and narrower for larger Ranked Choice Voting ballots, the wheels were not as heavy gauge, and the welding of the shields to the frame, which are often bent or damaged, could not be replaced as with the two current models of booths and would require purchasing new booths instead of repairs. The Commissioners' Finance Committee recommends awarding the second lowest bidder Phoenix Metal Design. The agency is currently using this model booth. Phoenix Metal Design's booth was the sturdiest in testing and are easier to pack into the trucks. The price bid is \$250 per booth for a total of not to exceed \$500,000. This is the same

amount bid by this vendor when the agency purchased 600 booths in 2019. It was noted that there are sufficient amount of ADA Booths. Secretary Umane moved for the full Board to adopt the Commissioners' Finance Committee's report as presented. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Taylor noted that Commissioner Shamoun joined the meeting.

President Taylor recognized the following speakers for public comment:

1. Laura Allen; and
2. Joan Strasbaugh.

President Taylor recognized Lauren Allen, a member of the public, who challenged the voter registration of Ian Unger, 585 West 214<sup>th</sup> Street, Apt. 4D, New York, NY 10034, VSN # 413635479. Ms. Allen reported that this voter does not live at her address and that she has been receiving voter mail for Ian Unger. The Commissioners reviewed all relevant documents submitted by Ms. Allen. After review, Ms. Allen signed and submitted a "Challenge to a Voter Registration" affidavit to the

Commissioners. Pursuant to the provisions of Section 5-220(1) of the New York State Election Law, Ms. Allen swore before the Commissioners challenging the voter registration of Ian Unger, VSN # 413635479. This voter will be placed on the Challenge List in accordance with Section 5-220(2) of the New York State Election Law. A bi-partisan team in the Manhattan Office will conduct the required inquiry into this challenge pursuant to the provisions of Article 5 of the New York State Election Law.

Secretary Umame moved to convene an Executive Session for litigation and personnel matters. Commissioner Araujo seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed. President Taylor reported that personnel matters were discussed and the actions will be reported in the minutes.

The following personnel actions were taken by unanimous decision of the Board of Commissioners in Executive Session on February 25, 2020:

- I. Ralph Morales, an Associate Staff Analyst, was granted 210 hours of an Advance of Time. The grant will be effective

February 10, 2020. Mr. Morales' agency start date is  
March 13, 2011.

The next stated meeting of the Commissioners is scheduled for  
Tuesday, March 3, 2020 at 1:30 P.M.

Secretary Umane moved to adjourn the meeting. President Taylor  
seconded the motion, which was unanimously adopted.