

MEETING OF THE BOARD OF CANVASSERS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 13, 2022 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Rodney L. Pepe-Souvenir
Secretary Simon Shamoun

Commissioners Jose M. Araujo, Michael J. Coppotelli, Jenny Low, Gino A. Marmorato, Jodi Morales, Keith Sullivan, Patricia Anne Taylor, Frederic M. Umane

Michael J. Ryan, Executive Director

Vincent M. Ignizio, Deputy Executive Director

Georgea Kontzamanis, Operations Manager

Wilma Brown Phillips, Administrative Manager

Raphael Savino, Deputy General Counsel

Steven B. Denkberg, Counsel to the Commissioners

Kenneth Moltner, Counsel to the Commissioners

Sherwin Suss, Agency Chief Contracting Officer

New York County: Stephen M. Evans, III, Chief Clerk

Cynthia Doty, Deputy Chief Clerk

Bronx County: Brendalize Candelaria, Deputy Chief Clerk

Dawn Sandow, Deputy Chief Clerk

Kings County: Raymond J. Riley, Chief Clerk

Daniel Ortiz, Deputy Chief Clerk

Queens County: Amanda Berinato, Chief Clerk

Bart J. Haggerty, Deputy Chief Clerk

Richmond County: Don Bosco, Chief Clerk

Stephanie Volpe-Baker, Administrative Assistant

Mr. Ryan opened the meeting with item #1 of the meeting agenda, and requested that the Commissioners Committee convene a meeting of the Board of Canvassers to certify the results of the August 23, 2022 Primary Elections.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law and the Charter of the City of New York, President Pepe-Souvenir called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the canvass of votes cast for the August 23, 2022 Primary Elections for Public Offices conducted within the City of New York.

President Pepe-Souvenir designated Commissioner Araujo to serve as the other Democratic member of the Canvassing Board, and Secretary Shamoun designated Commissioner Umame to serve as the other Republican member of the Canvassing Board.

The Manhattan Chief and Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the August 23, 2022 Primary Elections for Public Offices in New York County, in accordance with the Board's policies and procedures.

The Returns were presented to the Canvassing Board for review and approval. The Returns have also been provided electronically to the Commissioners participating in today's meeting from their respective borough offices.

Mr. Evans and Ms. Doty confirmed that the results presented are accurate and correct, there are no discrepancies to report, and the audit of poll site and central count scanners required by Article 9 of the New York State Election Law have been successfully completed.

Based on that report, Commissioner Umame moved that the Board of Canvassers certify the Returns of Canvass for the Public Offices Primary Elections conducted in New York County. Commissioner Taylor seconded the motion, which was adopted unanimously.

Commissioner Umame thanked the New York County staff for all of their hard work in helping this Election run smoothly, and asked that the Manhattan Chief and Deputy Chief Clerk let the staff know how much their hard work was appreciated. Commissioner Low echoed Commissioner Umame's sentiments, noting that the staff worked very hard and diligently.

The Returns of Canvass prepared and submitted by the Manhattan Staff of the Board of Elections, were adopted unanimously.

The Bronx Deputy Chief Clerks and their staff, have prepared and signed the Returns of Canvass for the August 23, 2022 Primary Elections for Public Offices in Bronx County, in accordance with the Board's policies and procedures.

The Returns were presented to the Canvassing Board for review and approval. The Returns have also been provided electronically to the Commissioners participating in today's meeting from their respective borough offices.

Ms. Candelaria and Ms. Sandow confirmed that the results presented are accurate and correct, there are no discrepancies to report, and the audit of poll site and central count scanners required by Article 9 of the New York State Election Law have been successfully completed.

Based on that report, Commissioner Morales moved that the Board of Canvassers certify the Returns of Canvass for the Public Offices Primary Elections conducted in Bronx County. Commissioner Marmorato seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Bronx Staff of the Board of Elections, were adopted unanimously.

Commissioner Marmorato thanked the Bronx County Deputy Chief Clerks and staff for all of their hard work, and asked that the Deputies convey the gratitude of the Bronx County Commissioners to the Bronx County Board Team.

The Brooklyn Chief Clerk and Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the August 23, 2022 Primary Elections for Public Offices in Kings County, in accordance with the Board's policies and procedures.

The Returns were presented to the Canvassing Board for review and approval. The Returns have also been provided electronically to the Commissioners participating in today's meeting from their respective borough offices.

Mr. Riley and Mr. Ortiz confirmed that the results presented are accurate and correct. Mr. Riley informed the Board of Canvassers that there was one discrepancy, the details were provided in writing to the Commissioners. The discrepancy was resolved, and did not affect the outcome of the election. Mr.

Riley and Mr. Ortiz also confirmed that the audit of poll site and central count scanners required by Article 9 of the New York State Election Law have been successfully completed.

Based on that report, Commissioner Shamoun moved that the Board of Canvassers certify the Returns of Canvass for the Public Offices Primary Elections conducted in Kings County. Commissioner Morales seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Brooklyn Staff of the Board of Elections, were adopted unanimously.

Secretary Shamoun thanked the Brooklyn Staff, in the Borough and out in the field, for all of their hard work. The Commissioner noted that this certification marks five elections in total that Brooklyn has completed and certified this year. President Pepe-Souvenir agreed, and the Brooklyn Chief Clerk and Deputy Chief Clerk will relay the Commissioners' sentiments to the Brooklyn Staff.

The Queens Chief and Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the August 23, 2022 Primary Elections for

Public Offices in Queens County, in accordance with the Board's policies and procedures.

The Returns were presented to the Canvassing Board for review and approval. The Returns have also been provided electronically to the Commissioners participating in today's meeting from their respective borough offices.

Mrs. Berinato and Mr. Haggerty confirmed that the results presented are accurate and correct, there are no discrepancies to report, and the audit of poll site and central count scanners required by Article 9 of the New York State Election Law have been successfully completed.

Based on that report, Commissioner Sullivan moved that the Board of Canvassers certify the Returns of Canvass for the Public Offices Primary Elections conducted in Queens County. Commissioner Araujo seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Queens Staff of the Board of Elections, were adopted unanimously.

Commissioner Araujo thanked the Queens County staff for their hard work once again during this Election, and stated that he is very proud of the work that has been done, and anticipates many great things from them in the hard work that they continue to do on a daily basis. Commissioner Sullivan agreed with the Commissioner, and expressed the same sentiments noting his shared gratitude and appreciation to the Queens staff.

The Staten Island Chief and Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the August 23, 2022 Primary Elections for Public Offices in Richmond County, in accordance with the Board's policies and procedures.

The Returns were presented to the Canvassing Board for review and approval. The Returns have also been provided electronically to the Commissioners participating in today's meeting from their respective borough offices.

Mr. Bosco and Ms. Volpe-Baker confirmed that the results presented are accurate and correct, there are no discrepancies to report, and the audit of poll site and central count scanners required by Article 9 of the New York State Election Law have been successfully completed.

Based on that report, Commissioner Taylor moved that the Board of Canvassers certify the Returns of Canvass for the Public Offices Primary Elections conducted in Richmond County. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Staten Island staff of the Board of Elections, were adopted unanimously.

Commissioner Taylor thanked the Richmond County staff, and noted that she and Commissioner Coppotelli appreciates the hard work that was done to process all materials correctly, with no discrepancies.

Commissioner Umane moved to approve and adopt the Recap Statements and Return of Canvass for the Public Offices which cross Borough lines. Secretary Shamoun seconded the motion, which was adopted unanimously.

The Recap Statements and Returns of Canvass for the Public Offices Primary Elections conducted on August 23, 2022, including all Districts which cross borough lines within the City of New York were approved.

Secretary Shamoun moved to authorize the use of the Commissioners' electronic signatures as appropriate on each Statement and Return of Canvass. Commissioner Marmorato seconded the motion, which was adopted unanimously.

Commissioner Morales moved to adjourn the Meeting of the Board of Canvassers. Commissioner Marmorato seconded the motion, which was adopted unanimously.

Following the meeting of the Board of Canvassers, the regular stated meeting of the Commissioners Committee resumed.

Mr. Ryan continued with item #2 of the meeting agenda, and requested that the Commissioners approve the minutes of the September 6, 2022 Commissioners Meeting.

Commissioner Morales moved to adopt the minutes of the September 6, 2022 Commissioners Meeting. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Commissioner Umane added an additional item to the meeting agenda. Item #4, the report of the Commissioner's Finance Committee Meeting.

Mr. Ryan acknowledged Sherwin Suss, the Agency's Chief Contracting Officer, to address the Commissioners regarding this item for their consideration and review which was discussed earlier today at the Commissioner's Finance Committee Meeting.

FJC Security:

This is a contract to provide security guards to all borough offices. The guards not only provide security at the offices but also at the Voting Machine Facilities and Board warehouses when equipment is programmed for elections and ballot are being stored and counted. The original contract was for 3.9 million, from January 31, 2019 through November 29, 2022. However, the last two calendar years of the contract, the Board will conduct 13 elections which far exceeds the number of elections initially calculated when creating the original contract ceiling. As a result, the Board is requesting an increase in the contract ceiling in the sum of 2 million dollars to cover already incurred costs and expected costs to complete this contract. The new contract ceiling not to exceed cost of this contract will be 5.9 million.

Commissioner Umare provided additional information, based on the investigation conducted by the Finance Committee:

- Due to the number of Special Elections, the Board currently owes \$600,000 on this contract.
- The contract expires on November 29, 2022.
- It was the decision of the Finance Committee to approve this increase.
- The Board has authorization to spend the funds, but will do so only if the additional security is needed.
- This is a DCAS contract, and not one that we negotiate ourselves.
- The Board needs to determine when the extra security is needed; during large public participation events or Election Days, the extra security is needed in the General Office, Borough Offices, Voting Machine Facilities and Borough Warehouses.

Based on this investigation, and the recommendation of the Finance Committee, Commissioner Umare requested that the Commissioners Committee approve the report.

Secretary Shamoun stated that based on the input provided by Commissioner Umane, he is in support of the Finance Committee's report.

President Pepe-Souvenir stated that she is also in support of the Finance Committee report, and noted that the Board offices are open to the public and security is always an issue.

Commissioner Low stated that she is in support of the Finance Committee report, and agrees that the Board should review its need for additional security, but it should be done within a reasonable timeframe.

Mr. Ryan reported that this contract expires on November 29, 2022, and Mr. Suss is working with the Department of Citywide Administrative Services on the contract renewal.

The recommendation that was made to the Finance Committee, was based on the requirements indicated by the Chief and Deputy Chief Clerks for their individual boroughs.

Mr. Ryan stated that the borough needs will be reassessed, and will provide an update to the Commissioners Committee by next week.

The Finance Committee report was approved by the Commissioners Committee.

Mr. Ryan continued with item #3 of the meeting agenda, Staffing Requirements for the Implementation of NYSEL § 9-209.

Mr. Ryan stated that New York State Election Law § 9-209 was passed by the New York State Legislature, and went into effect in April 2022.

The law requires the Board to have an extended canvass period prior to Election Day, where in the past the bulk of the canvass was done post-election.

Due to the fact that the Board is in the middle of conducting a live Election and also having to do the canvass, we are not able to manage the staff for both tasks as we did when it was done post-election.

Mr. Ryan stated that Executive Management has worked very closely with the Borough Chiefs and Deputy Chief Clerks, and based on their recommendations for their staffing needs and with the upcoming Gubernatorial Election, the Board needs to hire additional temporary employees, and then reassess the Borough's needs after the Gubernatorial Election.

From the already existing allocation of temporary employees, each borough has requested the following:

- 5 Trainer Assistants
- 10 Financial Clerks
- The Temporary Clerks will be hired at a rate of \$20.25 per hour, and the Temporary Financial Clerks will be hired at a rate of \$24.55 per hour.
- Personnel in those titles will be normalized in accordance with this present standard, and will commence at the beginning of Fiscal Year 2023.

Commissioner Umane moved to approve the Staffing Requirements. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Commissioner Umane moved to schedule the next meeting of the Commissioners for Tuesday, September 20, 2022 at 1:30 P.M. President Pepe-Souvenir seconded the motion, which was unanimously adopted.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, September 20, 2022 at 1:30 P.M.