

MEETING OF THE BOARD OF CANVASSERS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, FEBRUARY 27, 2024 AT 1:00 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT: President Rodney L. Pepe-Souvenir  
\*Secretary Frederic M. Umane

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

Michael J. Ryan, Executive Director

Vincent M. Ignizio, Deputy Executive Director

Georgea Kontzamanis, Operations Manager

Michael D. Corbett, Administrative Manager

Hemalee J. Patel, General Counsel

Raphael Savino, Deputy General Counsel

Steven B. Denkberg, Counsel to the Commissioners

Kenneth Moltner, Counsel to the Commissioners

Troy Johnson, Coordinator – Candidate Records Unit

Sherwin Suss, Agency Chief Contracting Officer

Amanda Berinato, Chief Clerk – Queens County

Bart J. Haggerty, Deputy Chief Clerk – Queens County

\*Secretary Umane and Commissioner Coppotelli appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

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Mr. Ryan opened the meeting with item #1 of the meeting agenda and asked that the Commissioners convene a meeting of the Board of Canvassers in the City of New York, to certify the results of the February 13, 2024 Special Election in the 3<sup>rd</sup> Congressional District in Queens County.

Commissioner Shamoun moved to convene a meeting of the Board of Canvassers in the City of New York. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Hearing no objections, the meeting of the Board of Canvassers in the City of New York was convened. Mr. Ryan acknowledged Hemalee Patel, the Board's General Counsel, to address the Board of Canvassers.

Mrs. Patel informed the Commissioners that the Board is prepared to move forward with the certification, and acknowledged Troy Johnson, Coordinator of the Candidate Records Unit. Mrs. Patel stated that the returns of canvass have been provided to them via email in advance of the meeting but does have the worksheets available to hand up to them whenever they are ready.

Mr. Ryan stated that the only clarification that he would like to make in that regard is that we are proceeding with the certification for the 3<sup>rd</sup> Congressional District in Queens, and the 77<sup>th</sup> Assembly District in the Bronx is not ready to proceed, because there remain outstanding cures that the cure date is today and beyond. This matter will be discussed after the Board of Canvassers' meeting, to determine if we should simply wait until next week or form a committee to do the certification.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, 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 February 13, 2024, Special Election held for the 3<sup>rd</sup> Congressional District in Queens County.

President Pepe-Souvenir designated Commissioner Araujo to serve as the other Democratic Member of the Canvassing Board, and Commissioner Shamoun designated Commissioner Sullivan to serve as the other Republican Commissioner to serve as a Member of the Canvassing Board.

The Chief Clerk and Deputy Chief Clerk of Queens and their staff have prepared and signed the Returns of Canvass for the February 13, 2024 Special Election for the 3<sup>rd</sup> Congressional District, held partially in Queens County, in accordance with this Board's Policies and Procedures.

Because some Commissioners and the Borough Chief and Deputy are appearing remotely, the Returns of Canvass have been provided electronically to the Board of Canvassers for their review and approval.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Queens County Chief Clerk, Amanda Berinato and Deputy Chief Clerk, Bart Haggerty, confirmed that the results presented are accurate and correct, the audit of the poll site and central count scanners required by Article 9 of the New York State Election Law have been successfully completed, and there are no discrepancies to report to the Board.

Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Returns of Canvass for the Special Election for the 3<sup>rd</sup> Congressional District, conducted in part in Queens County. Commissioner Sullivan seconded the motion, which was adopted unanimously.

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

Vincent Ignizio, Deputy Executive Director, confirmed for the record that this was a unanimous vote.

Commissioner Araujo moved to authorize the use of the Commissioners' electronic signatures as needed on each Statement and Return of Canvass. Commissioner Sullivan seconded the motion, which was adopted unanimously.

Commissioner Araujo, on behalf of himself and Commissioner Sullivan, thanked the staff of Queens County for their work on this election, and stated that as always, they showed up and did a wonderful job and they are definitely well appreciated.

Commissioner Araujo moved to adjourn the Meeting of the Board of Canvassers and convene the weekly stated meeting of the Commissioners of Elections, in the City of New York. Commissioner Edmead seconded the motion, which was adopted unanimously.

The meeting of the Board of Canvassers was adjourned.

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

Mr. Ryan inquired of Commissioner Marmorato and Commissioner Morales, the individual in the 77<sup>th</sup> Assembly District has been seated, so there is no particular rush to proceed to certification, and asked if either Commissioner had a preference whether to appoint a committee or to allow this matter roll over to next week. Commissioner Morales stated that she has no preference either way, Commissioner Marmorato agreed. Mr. Ryan stated that it would probably be the

easiest thing to do is to allow it to roll to next week and be handled in the ordinary course of business.

Commissioner Araujo noted that in the beginning of the year, the Commissioners decided to schedule meetings on alternate weeks. President Pepe-Souvenir stated that it was decided that the Commissioners would alternate weeks unless there was some business that needed to be handled.

Mr. Ryan stated that the Commissioners may want to meet next week, and informed the Commissioners that the Board has been requested to give testimony at the New York City Council on the budget, next Tuesday at 2:30 P.M. Mr. Ryan and Mr. Ignizio would not be present if a meeting is scheduled next week.

Secretary Umane stated that the certification could still take place in two weeks if the individual has already been seated, this is merely ministerial at this point.

Mr. Ryan stated that we are really talking about two outstanding cures due on two separate dates, nothing is going to change it one way or the other.

Ms. Kontzamanis noted that the Commissioners must meet on the following Tuesday, March 12, 2024, because we may be making Poll Site Designations.

Mr. Ryan stated that the Board of Canvassers will do the certification of the 77<sup>th</sup> Assembly District at the next scheduled meeting.

Mr. Ryan continued with item #2 of the meeting agenda, the approval of the minutes of the February 6, 2024 Commissioners Meeting.

Hearing no objections, the minutes of the February 6, 2024 Commissioners Meeting were adopted.

Mr. Ryan continued with item #3 of the meeting agenda, the Certification of Early Voting Polling Locations for the April 2, 2024 Presidential Primary.

Mr. Ryan stated that the borough Commissioners for each Borough collectively approved the early voting poll sites for the April 2, 2024 Presidential Primary on Friday, February 16, 2024, and the statutory requirement to do so was met, however, they are then subject to full Board ratification.

Mr. Ryan asked for a motion to ratify the early voting locations for the April 2, 2024 Presidential Primary as previously determined by the Borough Committees.

Commissioner Araujo moved to designate those poll sites as designated by each borough Commissioner. Commissioner Morales seconded the motion, which was adopted unanimously.

Mr. Ryan continued with item #4 of the meeting agenda, the NYC Council has requested that the Board provide testimony on Tuesday, March 5, 2024 at 2:30 P.M. This is the preliminary budget hearings which are required to be conducted by the City Charter; this is the budget for Fiscal Year 2025.

Secretary Umane asked if it would be possible to circulate the testimony prior to giving it, in the event that the Commissioners have suggestions.

Mr. Ryan stated that the Finance Department is in the process of completing the budget testimony and will preliminarily forward it to the Commissioners once the draft is completed.

Commissioner Araujo moved to allow the Board to testify at the NYC Council Hearing on March 5, 2024. Commissioner Morales seconded the motion, which was adopted unanimously.



Mr. Ryan added item #6 to the meeting agenda, the Finance Committee Report, and called on Sherwin Suss, the Agency Chief Contracting Officer, to present the report from the Finance Committee to the Commissioners.

Commissioner Edmead stated that she asked Mr. Suss to go upstairs to get a document because she wanted to see with respect to the ADA Ramp Installation Transportation and Storage, the back up documents with respect to the experience and price for those who were awarded the contract. The Commissioner stated that in the past the Commissioners were provided that information and did not see the discussion of the experience and price factors that resulted in them getting selected.

Mr. Ryan stated that there is a Finance Committee that is in place to ask the questions on behalf of the Commissioners, and they were prepared to make recommendations. Commissioner Edmead stated that would be great of them to answer the questions that she has regarding the contract.

While waiting for Mr. Suss to return with the requested documents, Mr. Ryan continued with the other two items listed on the Finance Committee Report.

It was noted that Commissioner Marmorato recused himself at the Finance Committee Meeting, from matters relating to Pitney Bowes and ADA Ramp

Installation Transportation and Storage and did not participate in any conversations whatsoever.

### **Pitney Bowes**

This is a contract to provide two color RISO printers for the print shop. These printers are part of the reconfiguration of how the Board sends mail. This will allow the Board to use pressure sealed mailings as opposed to folded wafer tabbing, increasing productivity and efficiency. This is an intergovernmental purchase through Sourcewell which is a government buying cooperative set up by the State of Minnesota. The machines will be on a 36-month lease at \$3,249.23 each or \$6,498.46 per month. The total not to exceed amount of this contract is \$233,944.56.

Secretary Umane stated that these two-color printers will replace two of the black and white Canon printers that were approved in the Canon contract that was previously passed in January by the Board, so that it's not all new money coming out. Secretary Umane also noted that the mailings that were being done were done by a procedure that is no longer generally in use, and that the new mailings will come out in a new format which we are all familiar with. It is the type where you would tear off three sides of a mailer to be able to open the one inside, and apparently this is the newest fangled way of sending out mailers and is what is currently being used in the mailing and postage industry, so the Board is coming

up to the current way of doing things. This was highly recommended since our prior equipment tends to break down and is no longer efficient.

Secretary Umane stated that the Finance Committee unanimously recommends this contract to the Board.

The contract for Pitney Bowes was approved by the full Board of Commissioners. It was noted that Commissioner Marmorato has recused himself from matters relating to Pitney Bowes and did not participate in any conversations whatsoever.

Mr. Suss rejoined the meeting and continued with the following two items of the Finance Committee report.

**Vanguard Direct**

This contract is to provide creative material to conceptualize, produce or develop a public information and education campaign to engage the public by means of visual and written media to inform them how to register to vote, where to vote, as well as recruitment of Poll Workers. The Board conducted a competitively sealed request for proposals (RFP). 8 companies submitted plans which were scored by a committee. The top scoring companies also participated in a virtual meeting and presentation to Executive Management.

The highest scoring lowest priced company was selected. This is a two-year contract with a two-year contract renewal at the option of the Board. The total not to exceed amount of this contract is \$2,000,000.

Mr. Suss noted that one of the points that came out at the meeting was that Vanguard Direct does a lot of printing for the Board, but this is a separate division of Vanguard Direct which deals with creative work.

Secretary Umane stated that at the Committee Meeting it was discussed that in the past we had AD agencies or public relations agencies assisting in this because of their potential creative abilities, but the ones that were solicited and participated, the Vanguard Direct group scored the highest even above the AD agencies. One AD agency that we had used in the past, we were unable to consider because of potential overbilling in the City, issues that had come up in the past. In order to get the contract approved we have to go based on the score and the lowest price, but the issue of ultimate creativity was fully discussed and flushed out at the Committee Meeting.

Commissioner Umane stated that the Finance Committee unanimously recommends this contract to the full Board.

The contract for Vanguard Direct was approved by the full Board of Commissioners.

### **ADA Ramp Installation Transportation and Storage**

The Board provides Ramp and other ADA equipment to 630 poll sites for a city-wide election to make them accessible for voters. The city is divided into 21 zones throughout the 5 boroughs. This allows the contractors to The Board recently conducted a competitive sealed bid to provide these services. The Board received 30 inquiries and ultimately 21 bid responses. The contractors were selected through a combination of experience and price. Twenty contractors were awarded contracts as shown on the list below.

Mr. Suss noted that the city is divided into 21 Zones, which allows the contractors the ability to be able to assemble the equipment in a short manner prior to the election. There needs to be a lot of companies to do this, throughout the entire city.

These are four-year contracts with a two-year renewal which is exercised at the option of the Board. The total not to exceed amount of this contract is \$56,810,309.96.

AREA	ZONE	VENDOR	PRICE
1203	ZONE Z21	EZ Mobility	\$5,244,550.00
1022	ZONE QN4	Uncurtain	\$4,131,449.00
899	ZONE QN2	Marty & Me	\$3,547,688.00
858	ZONE BX3	EZ Mobility	\$4,422,010.00
816	ZONE KG1	Frankie Sofia	\$2,999,216.00
723	ZONE BK2	Antris Corp.	\$2,898,150.00
644	ZONE QN1	Fitco	\$2,794,140.00
571	ZONE BX1	Exact	\$2,739,416.00
536	ZONE KG3	Elite	\$2,816,440.00
512	ZONE QN3	Nab & Son	\$3,882,370.00
432	ZONE KG4	Triple Crown	\$2,304,102.00
431	ZONE KG5	ANS	\$2,832,531.16
430	ZONE MN2	Cenutry Moving	\$1,598,430.00
394	ZONE KG6	Sunrise	\$1,758,390.00
376	ZONE SI2	Flatbush	\$2,281,160.00
366	ZONE MN3	Basic	\$1,880,192.00
354	ZONE MN1	Advance	\$2,045,730.00
326	ZONE MN4	CRS	\$2,265,886.00
290	ZONE BX4	Brikmor	\$1,394,908.00
239	ZONE KG2	Jema Bell	\$1,684,761.80

235	ZONE SI1	Biltmore	\$1,288,790.00
		Total	<b>\$56,810,309.96</b>

President Pepe-Souvenir asked if the vendors have been used before. Mr. Suss stated that most of these contractors have been used before, and there are 4 new companies. The original contract was for 18 zones, and the new contract is for a total of 21 zones. The expansion of the zones is due to the expansion of the number of sites for both Election Day and Early Voting during the course of the 4 years of the previous contract.

Mr. Ryan asked Mr. Suss for the total number of vendors now. Mr. Suss stated that we have 20 vendors for 21 zones and confirmed for Mr. Ryan that it's up from 17 zones from the last contract.

Commissioner Edmead stated that she requested additional documentation from Mr. Suss because there were categories that were relying on information that was not provided regarding vendor experience and price. The Commissioner thanked Mr. Suss for providing the breakdown of each vendor with respect to the experience, the price and rating and asked that she receive the breakdown of the information for future committee reports in advance of the vote.

Mr. Suss stated that there were three categories that the Committee looked at, and there was a qualifications questionnaire which every company was required to submit in addition to just pricing as part of their application. The vendor selection was based on experience, their organizational capacity, equipment and staffing, demonstrative level of supervision, and administration. The committee was composed of people who are experienced in these matters from different departments and included the VEOU, EDO and ADA Units. The staff reviewed the vendors and created a score sheet, and based upon the score sheet they took the highest scoring vendors and the price and that is how the selected vendors were chosen.

President Pepe-Souvenir asked if this information was made available to the Finance Committee members. Commissioner Araujo stated that they did not see the score sheet but there was a lot of discussion on how the process works.

Secretary Umane confirmed that there was a lot of discussion, and issues were pointed out in QNS Zone 3 there's a difference of approximately a million dollars more than KGS Zone 3 where there is more square footage used, and discussed why that was and the types of ramps that were being used to justify the extra million dollars for Queens Zone 3. The Committee looked into a lot of these specific issues, these numbers are just coming before the full Board, but the Committee had occasion to see them previously and were asking questions about



them. That was the one number that jumped out at him personally, and they inquired about it. Secretary Umane also noted that the company that was selected for Zone Z21, EZ Mobility, this company's sole business is installing ramps, and they have been designated the ramps with the most difficulty of installation and that is apparently why they are getting the most money. They cover the toughest ones in all five boroughs, and that was explained to the Committee. This is their sole and only business, and they apparently have the most expertise. They are also known for the installation of the Z ramps that go up a higher distance and are the most complex to install. Secretary Umane stated that they did look at some of these issues as part of the Committee, and the Finance Committee also recommends this list to the full Board for review.

Commissioner Sileo asked, if we are taking for granted the ADA regulations when we are discussing the difficulty of the landscape, the length of the ramp, we're saying this all within the context of ADA compliance.

Mr. Ryan clarified for the Commissioners that in May of 2014 the Second Circuit of the Court of Appeals made a finding adverse to the Board of Elections in the City of New York, which then required the Board to operate under a Consent Decree. The Disability Rights Advocates were the Counsel for the plaintiffs, the lead plaintiff in that case was United Spinal. We did not prior to that ruling have any ramp vendors. We had what we called "suitcase ramps" which were left at the

schools and other little basic things. This process that you all are seeing, especially some of the newer Commissioners, are seeing something that has expanded exponentially over the course of time, which is why he short handedly asked Mr. Suss if we had gone up from 17 to 20, and knew the answer, but was trying to give some insight to the rest of the Commissioners with respect to that.

Mr. Ryan stated that this whole process that the Commissioners are seeing here is, he wouldn't want to say, a finished product, but certainly a product that has evolved quite substantially over the course of time. And yes, the ADA is first and foremost what we look to, which is why also during the process and over the course of time we hired ADA coordinators here at the Board of Elections to oversee this process and make sure that what we're doing continues to be in compliance. The good thing was, when we petitioned the court to cancel the Consent Decree, Disability Rights Advocates concurred. There was not only no objection, but they recommended that the Consent Decree was no longer required. So even though this is not a court-ordered process that we're engaging in, Mr. Ryan stated that he thinks it's wise for the Board to continue to operate as if it were. And to continue to operate as if the Consent Decree was still in place because that will be the thing that a) serves the accessibility community the best, and b) insulates the Board as much as possible from future litigation.

Secretary Umane stated that he would also like to mention that the Board also had a Federal Monitor that had to approve our plans for each of the sites that needed it, and they had to approve from an ADA perspective each new poll site, so this is very much an important thing.

Mr. Suss stated that he'd also like to address that part of this contract requires all of these vendors to attend training. They must send people to training and they have to pass a written and a physical test in order to be certified to go out. They go out in teams of three, and one of those people, the teams of three for each ramp installation must have passed the training. These vendors are all required to send people to training which happens before each election. Mr. Suss further noted that the Committee does pay a lot of attention to ADA in that regard.

Commissioner Sileo asked for confirmation that the individual ensures ADA compliance with regard to the ramps. Mr. Suss stated that that is correct, they are trained and pass the test which is taught by people who are qualified with the ADA in terms of physical knowledge of what is required for compliance.

Commissioner Coppotelli stated that he would further add that we also on Election Day, have roving teams for ADA compliance as well as Assembly District monitoring teams who are also reviewing and visiting sites to ensure compliance. The Commissioner stated that he knows himself, and all of the Commissioners also

regularly go out on Election Day and visit poll sites both on Primary and Early Voting Days, and this is one of the areas that he knows he and many, if not all of the Commissioners, look at and review. Commissioner Coppotelli stated that he wants to reassure the public that this is a priority.

Commissioner Shamoun asked, what in these scorings or otherwise, what kind of feedback or process, are the boroughs consulted with in terms of scoring or sizing up these vendors, especially the ones that we had experience with. Mr. Suss informed the Commissioner that he was not a part of that Committee, he is not allowed to be a part of their participation due to the PPB rules, but there were no people sitting that he knew from the boroughs, the people there were from the General Office; and whether they reached out to speak to the people at the boroughs, Mr. Suss stated that he does not know that information.

Commissioner Shamoun stated that unless we have the votes and would like to move ahead, he would like to consult with his borough to make sure that we are not renewing a contract for someone that hasn't performed, even though they may grade very well.

Mr. Suss added that one of the Managers, Susan Caicedo was involved in this and there is a process where we are required under the PPB rules and with the City to score all these vendors on a yearly basis, and she provides an evaluation

score based on feedback from the boroughs. That score was taken into account by the Committee, they provide all of that information regarding the past scoring.

Ms. Kontzamanis stated that she would like to remind the Commissioners that there are no borough ADA staff, we do have our two certified ADA Coordinators here at the General Office overseeing all five counties.

Mr. Ryan stated that quite some time ago, we centralized the ramp unit into a single unit; Queens was handling their own ramps at one time, and the process just continued to grow, and it made more sense to have it centralized as opposed to decentralized. Everything is at the warehouse at 645 Clinton Street, in Brooklyn.

Mr. Ignizio asked if there was any motion on this matter.

Commissioner Shamoun stated that he will abstain for now until he speaks with his borough. The Commissioner further noted that he does not want to give the impression that he has a problem voting on this matter but wants to do his due diligence and speak with his borough first.

Commissioner Edmead stated that she will abstain for now as well.

Mr. Ryan stated that we have two abstentions and two Commissioners that are non-voting. The Committee Report could still carry if all of the Commissioners other than Secretary Umane, Commissioner Coppotelli, Commissioner Edmead and Commissioner Shamoun are in favor then the motion could still carry, if not it can be tabled.

Secretary Umane suggested that perhaps when the Commissioners go into Executive Session, the matter could be deferred and then come back to it after Commissioner Shamoun has had an opportunity to reach out to his borough office and then it can still be done, and he can be satisfied. Mr. Ryan stated, or it could be tabled.

Mr. Suss stated that the only question that he would have, is that we have the election coming up in March/April and would like to get the process started to get the contract to the Comptroller and get it registered and cannot move forward until the Board approves it. Ms. Kontzamanis stated that the new vendors will also need to be trained. Mr. Suss stated that it is his understanding that the new vendors are actually training now.

Commissioner Araujo stated that he will make the motion to adopt the Committees report and see if it carries, if not he will just defer it.

Mr. Ryan initiated a roll call vote of the Commissioners, and the motion was not able to pass.

Commissioner Araujo made a motion to defer this matter until the next meeting. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Commissioner Araujo moved to set the date of the next meeting for Tuesday, March 12, 2024. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Mr. Ryan continued with the meeting and added item #5 to the meeting agenda, Congressional Maps.

Mr. Ryan stated that the Legislature not only did not pass the maps, but they struck them down from the Independent Redistricting Committee. There is a bill, and the rumblings are that the bill will pass this week. We are in a holding pattern with respect to that. Our understanding is that 4 of the 5 boroughs will not be affected, only the Bronx will have some adjustments. Until the Legislature has acted and the Governor has signed, there are no lines. The State Board of Elections and the Legislature has been very clear. Presently, legally there are no congressional lines, they do not exist. Even though 4 out of the 5 boroughs may not

have changes with respect to the congressional lines, at least from the IRC submission, the lines don't exist until the Legislature acts and the Governor signs. Therefore, there is nothing to petition on, and any signatures gathered before that Legislative/Governor process is completed would be invalid signatures. So, we will have to wait for that decision.

Mr. Ryan asked that the Commissioners make a motion to convene an Executive Session.

President Pepe-Souvenir moved to adjourn the open meeting and convene an Executive Session to discuss personnel matters. Commissioner Marmorato seconded the motion, which was adopted unanimously.

Mr. Ryan asked that the Commissioners join him in congratulating Secretary Umane on being a first-time Grandfather.

Following the Executive Session, the open meeting resumed.

Mr. Ryan stated that there were several personnel matters decided on in Executive Session that will be included in the minutes as required by law.

The meeting was adjourned.



The next stated meeting of the Commissioners of Elections is scheduled for Tuesday, March 12, 2024 at 1:00 P.M.