

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, APRIL 30, 2024 AT 1:00 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

Raphael Savino, Deputy General Counsel

Eric Butkiewicz, Associate Counsel

Stephanie Jaquez, Associate Counsel

Steven B. Denkberg, Counsel to the Commissioners

Kenneth Moltner, Counsel to the Commissioners

GUEST: Rolando Gomez

Mr. Ryan opened the meeting with item #1 of the meeting agenda and asked that President Pepe-Souvenir convene a meeting of the Board of Canvassers in the City of New York, for the continued Petition Hearings for the June 25, 2024 Primary Election.

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

Mr. Ryan continued with item #2a. and 2b. of the meeting agenda, the approval of the minutes of the March 26, 2024 and April 9, 2024 Commissioners Meeting.

Hearing no objections, the minutes of the March 26, 2024 and April 9, 2024 Commissioners Meeting were adopted without objection.

Mr. Ryan acknowledged Rolando Gomez, a candidate for the 31st New York State Senate District who has requested to address the Commissioners at today's meeting.

Mr. Gomez stated that he was taken off the ballot because he did not attend a hearing due to the fact that he never received the specification from the opposite candidate. Mr. Gomez stated that he has proof that the package mailed to him was not received until April 25th, and did not have a fair chance to answer to the specifications on the signatures that were rejected. Mr. Gomez also stated that he did not receive a letter from the Board of Elections and had to come personally to find out what was wrong with his campaign, and was told that his objector, Mr. Jackson, submitted a request to overturn all of his signatures. Mr. Gomez stated that Mr. Jackson did not deliver the package on time, and would like the Board to consider putting him back on the ballot because he never had a fair chance to defend himself in front of Mr. Jackson. Mr. Gomez stated that he has the proof

from the Post Office for the day that he received the package, noting that the package was delivered on April 25th and the hearing was held on April 23rd.

Mr. Ryan asked the Legal Department if they had any circumstances to add to the facts that are being presented.

Mr. Butkiewicz clarified for the record that Mr. Gomez did receive a non-compliance notice for both a coversheet defect and a pagination defect, and he did cure the pagination defect with a valid cure. However, the coversheet attempted cure was deemed an invalid cure by the Commissioners. He did have a chance to respond to that non-compliance notice, and he did so but it was deemed an invalid cure. In addition, on the ledger he is off due to a specification from April 23rd. He is off due to a bad cure in response to a non-compliance notice, and off the ballot due to a specification.

Mr. Gomez stated that never got a letter from the Board of Elections stating what was wrong with the specification and had to come down to the Board himself to find out what was going on with his campaign.

President Pepe-Souvenir stated that she understands that there was a coversheet review and a non-compliance notice that was not responded to, or not

cured. Mr. Butkiewicz stated that he did respond to the non-compliance notice, however, his response was deemed an invalid cure.

President Pepe-Souvenir asked Mr. Gomez if he understood what an invalid cure was. Mr. Gomez stated that he does understand, however, he never got anything in the mail stating that there was something wrong with the second coversheet and found out when he received an email on April 19th at 8:00. He came down to the Board, and they gave him a printout stating what was wrong but never got a physical letter in the mail, or a package from Mr. Jackson.

Mr. Ryan asked Mr. Butkiewicz to explain the cure process; walk through the steps of what the Board does, so that Mr. Gomez can understand.

To clarify the process on coversheets, Mr. Butkiewicz stated that candidates generally would get one attempt to cure any defects. The Board reviews all originally filed coversheets that are submitted by a candidate, and then a non-compliance notice is sent overnight mail to the contact person, or candidate if a contact person is not designated if there is an issue. Mr. Butkiewicz stated that in Mr. Gomez's case, he received a non-compliance notice, and he submitted an attempted cure, a new coversheet. That coversheet was reviewed by the Commissioners and was deemed an invalid cure. Mr. Butkiewicz stated that he believes that Mr. Gomez claimed a volume number which was not filed. He

claimed a petition which doesn't correspond to a petition that was filed with the Board of Elections. There is not another opportunity to cure that attempted cure. There is one chance to cure, and unfortunately it was deemed an invalid cure by the Commissioners.

Mr. Ryan stated to Mr. Gomez, so that he is aware for the future, the other way that he can protect his rights is to file a validation petition with the courts to cover himself on two fronts. Once you miss that opportunity to cure, for our purposes the matter is decided, but he can also avail himself of court intervention if that is what he wishes to do.

Mr. Gomez stated that it was his understanding that he had another chance to fix the coversheet. Mr. Ryan stated unfortunately no in this particular circumstance, so this matter is resolved.

The Commissioners thanked Mr. Gomez for appearing before them today.

Commissioner Coppotelli moved to set the date of the next meeting for Tuesday, May 14, 2024, at 1:00 P.M., unless the Commissioners are notified otherwise by Executive Management. Commissioner Marmorato seconded the motion, which was adopted unanimously.

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

Following the Executive Session, the open meeting resumed.

The following actions were taken by the unanimous decision of the Board of Commissioners:

- Heather Guerriero, a Financial Clerk, was granted 70 hours of an advance of sick time. The effective date of the grant is March 1, 2024. Ms. Guerriero's agency start date is October 8, 2018.
- Anais DeLaCruz – a Voting Machine Technician, was granted 25 hours of an advance of sick time. The effective date of the grant is April 29, 2024. Ms. DeLaCruz's agency start date is June 29, 2020.
- Viola Hamilton-Keith, an Administrative Associate, was granted 70 hours of an advance of sick time. The effective date of the grant is April 15, 2024. Ms. Hamilton-Keith's agency start date is June 22, 2014.

The meeting was adjourned.

The next stated meeting of the Commissioners of Elections is scheduled for
Tuesday, May 14, 2024 at 1:00 P.M.