

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

March 10, 2020

1:30 - 2:55 p.m.

March 10, 2020

PRESENT:

Commissioner Jose Araujo

Commissioner Miguelina Camilo

Commissioner Tiffany Townsend

Commissioner Michael Michel

Commissioner Gino Marmorato

Commissioner Simon Shamoun

Commissioner John Wm. Zaccone

Michael J. Ryan, Executive Director

Dawn Sandow, Deputy Executive Director

Pamela Perkins, Administrative Manager

Georgea Kontzamanis, Operations Manager

Valerie Vazquez, Communications Director

Troy Johnson, CRU

John Weaver, CRU

Rachel Forest, CRU

Steven Gugliemi, Personnel Director

Kenneth Moltner, Counsel to Commissioners

Steven Denkberg, Counsel to Commissioners

Steven Richman, General Counsel

Raphael Savino, Deputy General Counsel

Andrew Windsor, Legal Intern

Zoya Shpigelman, Contract Attorney

Michael Bryant, Contract Attorney

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ALSO PRESENT:

Alan Flax, New York County Democratic Party

Bonnie Huang, New York Immigration Coalition

Amy Torres, Director of Policy & Planning, CPC

Bonnie Nelson, Brooklyn Voters Alliance

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2 (The meeting commenced at 1:30 p.m.)

3 COMMISSIONER JOSE ARAUJO: My name is
4 Jose Araujo. I am the senior democratic
5 commissioner for the Board of Elections for
6 Queens County. Today's hearing relates to the
7 independent nominating petitions and related
8 matters for the April 28, 2020 special election
9 for member of the New York State Assembly in the
10 31st Assembly District in the borough of Queens.
11 I would now ask that each commissioner and staff
12 member present identify him or herself for the
13 record, starting with my right.

14 COMMISSIONER MIGUELINA CAMILO: Good
15 afternoon. Miguelina Camilo, Bronx, Democrat.

16 COMMISSIONER TIFFANY TOWNSEND: Good
17 afternoon, Tiffany Townsend, Manhattan, Democrat.

18 COMMISSIONER MICHAEL MICHEL: Michael
19 Michel, Queens, Republican.

20 COMMISSIONER GINO MARMORATO: Gino
21 Marmorato, Bronx, Republican.

22 COMMISSIONER SIMON SHAMOUN: Simon
23 Shamoun, Queens, Republican.

24 COMMISSIONER JOHN WM. ZACCONE: Good

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2 afternoon everyone, John Zaccone, Staten Island,
3 Republican.

4 COMMISSIONER ARAUJO: Senior staff, do
5 they have to introduce themselves?

6 MR. MICHAEL J. RYAN: Michael Ryan,
7 executive director.

8 MS. DAWN SANDOW: Dawn Sandow, deputy
9 executive director.

10 MS. PAMELA PERKINS: Pamela Perkins,
11 administrative manager.

12 MS. VALERIE VAZQUEZ: Valerie Vazquez,
13 director of communications.

14 MR. TROY JOHNSON: Troy Johnson, CRU.

15 MR. JOHN WEAVER: John Weaver, CRU.

16 MS. RACHEL FOREST: Rachel Forest, CRU.

17 MR. STEVEN GUGLIEMI: Steven Gugliemi,
18 director of personnel.

19 MR. KENNETH MOLTNER: Kenneth Moltner,
20 counsel to commissioners.

21 MR. STEVEN DENKBERG: Steven Denkberg,
22 counsel to the commissioners.

23 MR. STEVEN RICHMAN: Steven Richman,
24 general counsel.

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2 MR. RAPHAEL SAVINO: Raphael Savino,
3 deputy general counsel.

4 MR. ANDREW WINDSOR: Andrew Windsor,
5 legal intern.

6 MS. ZOYA SHPIGELMAN: Zoya Shpigelman,
7 contract attorney.

8 MR. MICHAEL BRYANT: Michael Bryant,
9 contract attorney.

10 COMMISSIONER ARAUJO: Thank you. And
11 before I go any further, first I want to welcome
12 our new Bronx Republican commissioner to the
13 Board of Elections. We look forward to working
14 with you, and welcome.

15 COMMISSIONER MARMORATO: Thank you, I
16 look forward to working with all of you as well.

17 COMMISSIONER ARAUJO: Thank you.
18 Alright, I want to remind all persons appearing
19 before the commissioners at this hearing you must
20 fill out a notice of appearance form which is
21 available at the front counter. Each person must
22 present the completed form for each specification
23 or matter to our staff as they come up to the
24 podium to speak.

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2 Reminder, only one speaker at a time,
3 all commissioners, board staff, attorneys and
4 members of the public that only one person should
5 speak at any time so the audio visual system can
6 accurately record the proceedings. Also, please
7 speak directly into the microphone so that all
8 present can hear our proceedings. I would ask
9 that all present place their phones on vibrate or
10 silent ring or turn them off during the course of
11 this proceedings.

12 I also want to advise all present that
13 the Board is required by law to record how each
14 commissioner votes on each matter. In the event
15 that we are not unanimous in our vote on a given
16 matter, I will ask our counsel to conduct a roll
17 call vote of the commissioners for the record. I
18 now call upon Steve Richman, general counsel for
19 the Board to call the calendar for this hearing.

20 MR. RICHMAN: Thank you, commissioner.
21 The first is the CRU prima facie report for the
22 31st Assembly District. It relates to the
23 designating petition filed for the independent
24 body, United 31, for candidate Tavia Blakley. The

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2 petition lacks the necessary number of signatures
3 to support the candidacy and is facially
4 defective. This petition has a potential for 690
5 signatures. To qualify for the assembly race, you
6 needed 1,272 signatures required.

7 Commissioners, on February 25, a notice
8 of the prima facie defect went to the candidate
9 and advising to be present at today's hearing.
10 Are there any appearances?

11 COMMISSIONER ARAUJO: I see no
12 appearances. I have been provided with a copy of
13 the petition. It's making its way around the
14 dais. Flipping through the pages, it does appear
15 that there are numerous void spots or empty spots
16 where signatures are required and it does not
17 appear to pass our initial weight test. I would
18 entertain a motion to accept the prima facie
19 report.

20 COMMISSIONER MICHEL: Second.

21 COMMISSIONER ARAUJO: All in favor?

22 COMMISSIONER CAMILO: Aye.

23 MS. TOWNSEND: Aye.

24 COMMISSIONER MICHEL: Aye.

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2 COMMISSIONER MARMORATO: Aye.

3 COMMISSIONER SHAMOUN: Aye.

4 COMMISSIONER ZACCONE: Aye.

5 COMMISSIONER ARAUJO: Any abstentions?

6 Any nos? Motion carries.

7 MR. RICHMAN: The candidate will not
8 appear on the ballot. Commissioners, the second
9 item relating to the 31st Assembly District is
10 that at your meeting on February 25th, you
11 directed that the petition filed on behalf of
12 Derrick DeFlorimonte as a candidate of the Go
13 With Deflo independent body, lacked the emblem
14 required by the statute. We gave him notice,
15 giving him seven days after to file with the
16 Board. No such notice was filed. In accordance
17 with the provisions of Section 6-138.3B, that
18 power now devolves upon, sorry 3F, now that power
19 devolves upon the commissioners to select the
20 emblem for the independent body.

21 COMMISSIONER ARAUJO: Is anyone here for
22 the candidate? Alright, I don't see any
23 appearance. Mr. Richman, do you have a suggestion
24 for the commissioners to consider?

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2 MR. RICHMAN: Well, in the past, when --
3 the one time that we went back, we realized we
4 took the three initials of the body and made that
5 the symbol, so it would be GWD.

6 COMMISSIONER ARAUJO: Alright. I move
7 that we accept GWD.

8 COMMISSIONER CAMILO: F?

9 MR. SAVINO: Go with the flow?

10 COMMISSIONER ARAUJO: GWD, Deflo.

11 MR. SAVINO: Oh, Deflo, Go With Deflow.

12 COMMISSIONER ARAUJO: GWD as the emblem.

13 COMMISSIONER MICHEL: I second it.

14 COMMISSIONER ARAUJO: All in favor?

15 COMMISSIONER CAMILO: Aye.

16 MS. TOWNSEND: Aye.

17 COMMISSIONER MICHEL: Aye.

18 COMMISSIONER MARMORATO: Aye.

19 COMMISSIONER SHAMOUN: Aye.

20 COMMISSIONER ZACCONE: Aye.

21 COMMISSIONER ARAUJO: Any abstentions?

22 Any nullifications? The motion carries.

23 MR. RICHMAN: Commissioners --

24 COMMISSIONER ARAUJO: You'll be -- I'm

1 March 10, 2020

2 sorry, you'll be the notifying the candidate?

3 MR. RICHMAN: I will notify the ballot
4 printing, because that's it, this is the
5 determination.

6 COMMISSIONER ARAUJO: Okay.

7 MR. RICHMAN: And that's what SOP is.

8 COMMISSIONER ARAUJO: Alright.

9 MR. RICHMAN: Commissioners, there's a
10 housekeeping matter from last week's presidential
11 primary. After you concluded your meeting, the
12 State Board of Elections advised us that pursuant
13 to the provisions of Election Law Section 2-
14 121.A7C, as amended by the laws of 2019, chapter
15 creating the president primary, candidate Peter
16 Fhen, F-H-E-N, in the 8th Congressional District
17 supporting Candidate Buttigieg was not approved
18 by the candidate, and therefore should not appear
19 on the ballot and has not been certified by the
20 state committee. And this is a procedural aspect
21 to confirm the State Board's finding that he has
22 not been approved and the candidate will not
23 appear on the ballot.

24 COMMISSIONER ARAUJO: Alright. I move

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2 that we accept the recommendation of counsel and
3 take him off.

4 COMMISSIONER MARMORATO: Second.

5 COMMISSIONER ARAUJO: All in favor?

6 COMMISSIONER CAMILO: Aye.

7 MS. TOWNSEND: Aye.

8 COMMISSIONER MICHEL: Aye.

9 COMMISSIONER MARMORATO: Aye.

10 COMMISSIONER SHAMOUN: Aye.

11 COMMISSIONER ZACCONE: Aye.

12 COMMISSIONER ARAUJO: Any abstentions or
13 any nullifications? Alright. The motion carries.

14 MR. RICHMAN: Commissioners, that
15 concludes the substantive portion of the hearing.
16 The procedural motions remain for your
17 consideration.

18 COMMISSIONER ARAUJO: I move to direct
19 that the staff to immediately commence the
20 preparation and distribution of military,
21 absentee, federal and special ballots for the
22 April 28, 2020 special election for the member of
23 New York State Assembly in the 31st Assembly
24 District, based upon the actions taken by the

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2 commissioners both in a duly constituted
3 commissioners meeting and a full board. Is there
4 a second?

5 COMMISSIONER MICHEL: Second.

6 COMMISSIONER ARAUJO: All in favor?

7 COMMISSIONER CAMILO: Aye.

8 MS. TOWNSEND: Aye.

9 COMMISSIONER MICHEL: Aye.

10 COMMISSIONER MARMORATO: Aye.

11 COMMISSIONER SHAMOUN: Aye.

12 COMMISSIONER ZACCONE: Aye.

13 COMMISSIONER ARAUJO: Any nays? The
14 motion carries. Alright. I also move that in the
15 event of any judicial proceeding is commenced
16 challenging any action taken by the full board of
17 commissioners or duly constituted committee
18 thereof regarding petitions, cover sheets and all
19 matters relating to the candidates appearing on
20 the ballot for the member of the New York State
21 Assembly in the 31st Assembly District to be
22 elected in the April 28, 2020 special election,
23 that the staff is directed to immediately request
24 that the New York City Law Department represent

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2 the Board and/or commissioners and staff in such
3 a proceeding, defend the Board's action, and
4 oppose any relief sought, including any appeals
5 thereto. The motion is made. Is there a second?

6 COMMISSIONER CAMILO: Second.

7 COMMISSIONER MICHEL: Second.

8 COMMISSIONER ARAUJO: All in favor?

9 COMMISSIONER CAMILO: Aye.

10 MS. TOWNSEND: Aye.

11 COMMISSIONER MICHEL: Aye.

12 COMMISSIONER MARMORATO: Aye.

13 COMMISSIONER SHAMOUN: Aye.

14 COMMISSIONER ZACCONE: Aye.

15 COMMISSIONER ARAUJO: Any opposition?

16 Any abstentions? The motion carriers. There being
17 no other matters to come before us at this
18 hearing, I would entertain a motion to adjourn
19 these hearings and convene the stated meeting of
20 the commissioners of the elections of the City of
21 New York.

22 COMMISSIONER MARMORATO: Second.

23 COMMISSIONER ARAUJO: Alright. All in
24 favor?

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2 COMMISSIONER CAMILO: Aye.

3 MS. TOWNSEND: Aye.

4 COMMISSIONER MICHEL: Aye.

5 COMMISSIONER MARMORATO: Aye.

6 COMMISSIONER SHAMOUN: Aye.

7 COMMISSIONER ZACCONE: Aye.

8 COMMISSIONER ARAUJO: The motion
9 carries. No abstentions, no nays. Alright. I now
10 call the general meeting of the commissioners.

11 COMMISSIONER MICHEL: [unintelligible]
12 [00:07:41]?

13 COMMISSIONER ARAUJO: Yeah.

14 COMMISSIONER MICHEL: Oh.

15 COMMISSIONER ARAUJO: And, for the
16 record, no new appearances by the commissioners.
17 So we'll just go right into number two, item
18 number two, the minutes. Do we have sufficient
19 number of commissioners here, present?

20 COMMISSIONER CAMILO: I don't believe
21 we do.

22 COMMISSIONER ARAUJO: Alright. So I'll
23 move to table that.

24 COMMISSIONER MICHEL: Okay.

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2 COMMISSIONER ARAUJO: And that will --

3 MR. RYAN: [unintelligible] [00:07:59]

4 COMMISSIONER ARAUJO: Yeah, but you want
5 to call on the people who are actually there,
6 right.

7 COMMISSIONER MICHEL: I have, I need
8 executive session.

9 COMMISSIONER ARAUJO: Alright. One,
10 we're adding executive session for personnel
11 matters. Commissioner for Queens?

12 COMMISSIONER MICHEL: Yes.

13 COMMISSIONER ARAUJO: Alright. To the
14 agenda. Mr. Ryan, update on the special election
15 please.

16 MR. RYAN: Yes, presently, we're
17 scheduled to have early voting for the purposes
18 of electing the new Queens borough president and
19 that is, the election day is scheduled to be
20 March 24, 2020 with early voting expected to
21 commence on March 14th, this coming Saturday.
22 There are a total of 1,179,099 eligible voters
23 for this particular election with 291 poll sites
24 for election day, and an additional 18 early

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2 voting sites scheduled to be opened for the nine
3 day period of early voting.

4 We have, of the early voting sites, 11
5 require ramp remediation and of the election day
6 sites, 136 require additional ramping equipment,
7 which will be deployed. The nursing home canvas
8 is scheduled to begin tomorrow and to be
9 completed by March 23rd. The supplies have been
10 going out over the last two weeks and is
11 scheduled to be completed by March 13th. As well,
12 we're expected to have a Friday meeting as we did
13 for early voting last go round at the early
14 voting locations, so that the plans can -- so
15 that the plans can be reviewed and a walkthrough
16 for early voting on March 13th.

17 Presently we still have some vacancies
18 for interpreters and this is as of close of
19 business yesterday. So this could have changed,
20 so fluid number, but right now we are still
21 seeking Chinese interpreters. We have a present
22 shortfall of 21, three Bengali, and 14 Korean
23 interpreters. So if anyone is wishing to do that,
24 they can sign up on election day worker or

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2 contact us to volunteer for that. There'll be a
3 total equipment deployment for early voting of
4 1,553 individual items of equipment and 14,958
5 individual pieces of equipment for election day.
6 If there are no further questions with respect to
7 that, I'm prepared to move on from that and seek
8 a motion under Item B.

9 COMMISSIONER ARAUJO: Do the
10 commissioners have any further questions? Hearing
11 none, I ask you to go into Item B, please.

12 MR. RYAN: Yes. It is my understanding
13 that the borough chiefs and deputies have
14 conferred with the commissioners and that reports
15 were prepared to designate the poll sites as
16 required. That would be for the election year
17 commencing March 15, 2020 through March 14, 2021,
18 as recently amended by statute last year, moving
19 that from May 1st and that --

20 MR. RICHMAN: This are the only sites
21 that are either publicly owned or possess a tax
22 exemption, tax abatement or a recipient of a
23 government grant for which the Board can seek a
24 compelling order in Supreme Court to compel its

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2 use.

3 COMMISSIONER ARAUJO: Just for
4 clarification on my end, are we discussing for
5 the borough of Queen or the City of New York?

6 MR. RYAN: No, this would be the
7 citywide.

8 MR. RICHMAN: If there are five courts,
9 commissioner, there's one for each borough --

10 MR. RYAN: The, the designation for the
11 early, for the Queens special election was
12 previously completed. And this is be now for the
13 election year from 3/15/20 to March 14, 2021. And
14 it's my understanding that those reports have
15 been submitted to the individual commissioners.
16 And we're asking for a motion to ratify the
17 borough committees' decisions with respect to the
18 poll site designation and to direct staff to
19 publish --

20 MR. RICHMAN: Send notice -- to send the
21 appropriate notification.

22 MR. RYAN: Right. Sending, well, sending
23 the appropriate notification to the individual
24 poll sites and to also publish the poll sites in

1 March 10, 2020

2 accordance with, right.

3 MR. RICHMAN: Next week.

4 MR. RYAN: Okay.

5 COMMISSIONER ARAUJO: Can we just get a
6 clarification as to what the request is?

7 MR. RICHMAN: Right. Okay. So the
8 request is --

9 COMMISSIONER ARAUJO: And just wait.
10 Before you do that, is that related to C or B and
11 C are two different items?

12 MR. RICHMAN: Two different items.

13 COMMISSIONER ARAUJO: Okay.

14 MR. RYAN: Alright. So, I, apologize. We
15 still have a little bit more time with respect to
16 the early voting locations for the June primary
17 and the presidential special, I mean the --

18 COMMISSIONER MICHEL: The primary.

19 MR. RYAN: -- primary. And that, we'll
20 be publishing those as required next week, this
21 is just to send out the notifications to the
22 individual sites. I apologize. I merged those two
23 things.

24 MR. RICHMAN: Commissioner, this is the

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2 legal prerequisite to give us the right
3 eventually, if we need to, to be able to commence
4 legal proceedings. And this covers each and every
5 possible election during the period Mr. Ryan
6 outlined, March 15th of this year until March
7 14th of next year. The designation of specific
8 polling sites, both for early voting and the
9 actual use on election day are separate
10 proceedings.

11 COMMISSIONER ARAUJO: Okay. So I would
12 move that we adopt the designation of the polling
13 places.

14 COMMISSIONER ZACCONE: Before we do, Mr.
15 Chairman, I was looking over the report for
16 Staten Island and I noticed that there were a
17 couple of locations that we have looked to
18 designate that are not listed on there. So I
19 don't know if we make a blanket -- give a verbal
20 suggestion to the sites that I see missing and I
21 would like to amend the Staten Island site
22 accordingly.

23 MR. RYAN: Certainly. And then we can
24 add those --

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2 COMMISSIONER ARAUJO: They can do it by
3 vote.

4 MR. RYAN: -- we can add those to the
5 list.

6 COMMISSIONER SHAMOUN: Okay.

7 COMMISSIONER ARAUJO: Yeah, could we
8 also designate the boroughs of Staten Island's
9 commissioners to adopt or accept their report,
10 with respect to those two?

11 COMMISSIONER ZACCONE: I have the three
12 available.

13 MR. RICHMAN: Oh, there were three,
14 okay, because this is, commissioner, this is what
15 your staff submitted as of 4:00 o'clock yesterday
16 here.

17 COMMISSIONER ZACCONE: I'm not doubting
18 if there was --

19 COMMISSIONER MICHEL: Alright. So we
20 have three more, so amend.

21 MR. RICHMAN: Okay. So he will announce
22 the names and just give us the addresses after.

23 COMMISSIONER ZACCONE: I'll announce
24 names and give the addresses and on my list, it's

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2 your item number 36, Susan Wagner High School, in
3 addition to the small gym, we designated the
4 cafeteria.

5 MR. RICHMAN: Okay.

6 COMMISSIONER ZACCONE: And for item 162,
7 we're also designating St. Adalbert's Church
8 parish room on 355 Morning Star Road, Staten
9 Island, New York, 10303. And our Lady of Pity
10 Church is 163, the community room and the address
11 is 1616 Richmond Avenue, Staten Island, New York
12 10314.

13 COMMISSIONER ARAUJO: The only --

14 COMMISSIONER ZACCONE: With those
15 additions.

16 COMMISSIONER ARAUJO: The only question
17 I have is I don't know if Commissioner Taylor's
18 had an opportunity to review that, and whether or
19 not she's on board with that. We had discussions
20 about it and we included these in our discussions
21 regarding early voting sites as well as others,
22 so this would -- these are ones we're
23 contemplating for early voting, so we certainly
24 want to have them there.

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2 COMMISSIONER ARAUJO: So, I'll accept
3 your representation that you did have an
4 opportunity to speak with Commissioner Taylor. I
5 would move that we adopt the designation of the
6 polling place, polling rooms pursuant to Section
7 4104 of the New York State Election Law for the
8 period of March 15, 2020 through March 14, 2021
9 with the additional amendments as requested by
10 the Staten Island commissioner.

11 COMMISSIONER SHAMOUN: I second it.

12 COMMISSIONER ARAUJO: All in favor.

13 COMMISSIONER CAMILO: Aye.

14 MS. TOWNSEND: Aye.

15 COMMISSIONER MICHEL: Aye.

16 COMMISSIONER MARMORATO: Aye.

17 COMMISSIONER SHAMOUN: Aye.

18 COMMISSIONER ZACCONE: Aye.

19 COMMISSIONER ARAUJO: Any abstentions or
20 nays? The motion carries.

21 MR. RICHMAN: Thank you, commissioner.

22 COMMISSIONER ZACCONE: Thank you, Mr.
23 Chair.

24 COMMISSIONER ARAUJO: Item C, the

1 March 10, 2020

2 resolution to authorize and empower the borough
3 commissioners.

4 MR. RYAN: General counsel.

5 MR. RICHMAN: Commissioners, the statute
6 requires the commissioners to adopt the hours of
7 voting and select the sites for early voting for
8 the presidential primary 45 days before that
9 primary. That falls during this coming weekend.
10 So therefore, we prepared the draft resolution,
11 since the finalization sites have not been done,
12 whereby pursuant to the powers vested in you both
13 by Section 3-212 subdivision 6 and 8-604.E of the
14 Election Law, you will designate the respective
15 borough commissioners with the authority to make
16 the designation for the early voting sites and
17 said designates should be completed by the close
18 of business on Friday, so we'll meet the legal
19 requirement to have them posted prior to the 45
20 day deadline.

21 COMMISSIONER ARAUJO: Do you have the
22 resolution language somewhere, or am I just --

23 MR. RICHMAN: It's attached. If you look
24 to the --

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2 COMMISSIONER ARAUJO: It's not attached
3 to my sheet.

4 MR. RICHMAN: No, if you look in the
5 packet, it's in the packet. You should have an e-
6 mail and a two page draft resolution. It says
7 draft, well it has an e-mail cover.

8 COMMISSIONER ARAUJO: We'll just take a
9 second to have the commissioners take a look at
10 it and make sure there's no additions or
11 corrections. Does everybody have it?

12 COMMISSIONER MICHEL: Mm-hmm.

13 COMMISSIONER ZACCONE: Mm-hmm.

14 COMMISSIONER ARAUJO: Okay. Mr. Richman,
15 just a point of order, do I have to read the
16 whole thing? Or it --

17 MR. RICHMAN: No.

18 COMMISSIONER ARAUJO: -- we just adopted
19 the resolution?

20 MR. RICHMAN: You have, commissioners,
21 if you do it, it'll be included full in the
22 minutes.

23 COMMISSIONER ARAUJO: Okay.

24 COMMISSIONER CAMILO: Look on page two

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2 --

3 MR. RICHMAN: Yes.

4 COMMISSIONER CAMILO: -- under sub one,
5 six lines down, operation, what's the next word
6 there?

7 MR. RICHMAN: The hours of operation
8 thereat.

9 COMMISSIONER ARAUJO: Has everyone
10 already looked at it?

11 COMMISSIONER MICHEL: Mm-hmm.

12 COMMISSIONER ARAUJO: Alright. I would
13 move that we adopt this resolution.

14 COMMISSIONER MICHEL: I second it.

15 COMMISSIONER ARAUJO: All in favor?

16 COMMISSIONER CAMILO: Aye.

17 MS. TOWNSEND: Aye.

18 COMMISSIONER MICHEL: Aye.

19 COMMISSIONER MARMORATO: Aye.

20 COMMISSIONER SHAMOUN: Aye.

21 COMMISSIONER ZACCONE: Aye.

22 COMMISSIONER ARAUJO: Aye, any
23 abstentions or nays? Alright. The motion carries.

24 MR. RICHMAN: Thank you commissioners,

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2 and we'd ask that you work with the chiefs and
3 deputies and transmit to us by Friday your
4 approved list of early voting sites.

5 COMMISSIONER ARAUJO: And I ask that the
6 chiefs and deputies work with us. [laughter]

7 MR. RICHMAN: That's correct. Thank you,
8 commissioners for that.

9 COMMISSIONER ARAUJO: Alright. Item D,
10 draft notices to candidates for the April 28,
11 2020 election.

12 MR. RICHMAN: Commissioners, you have it
13 in your draft notices one for the candidates in
14 the 8th --

15 COMMISSIONER SHAMOUN: Point of order.

16 COMMISSIONER ARAUJO: Yes, sir.

17 COMMISSIONER SHAMOUN: I'm looking at
18 that resolution. It says that each borough
19 committee shall visit its sites and hours of
20 operations with respect to the boroughs, what was
21 the name of the resolution.

22 MR. RICHMAN: That's appointed.

23 COMMISSIONER SHAMOUN: Okay. So my, my
24 preference [unintelligible] [00:20:03] that hours

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2 should be uniform throughout the city.

3 COMMISSIONER CAMILO: Yes.

4 COMMISSIONER SHAMOUN: And that
5 resolution [unintelligible] [00:20:07] boroughs
6 can [unintelligible] [00:20:10].

7 MR. RICHMAN: But do we have to adopt
8 the hours -- we have to adopt the hours before
9 Saturday, if you want to adopt them today, the
10 whole board?

11 COMMISSIONER ARAUJO: Well, we haven't
12 had an opportunity to speak to our chief and
13 deputies.

14 MR. RICHMAN: Right.

15 COMMISSIONER ARAUJO: If the hours are
16 different from each county, can we just have
17 executive management call the commissioners,
18 executive committee, to make a determination and
19 we'll set the hours that way if they're
20 inconsistent citywide.

21 COMMISSIONER SHAMOUN: But we should,
22 they shouldn't --

23 COMMISSIONER ARAUJO: I understand they
24 shouldn't be. But we don't know yet what those

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2 hours are based on the discussions we're going to
3 have with our chiefs and deputies before Friday.

4 COMMISSIONER MICHEL: And I'm pretty
5 sure the deputies and chiefs all talk. They'll
6 all talk and try to come up with uniform hours.

7 MS. SANDOW: They have, they've had a
8 meeting.

9 COMMISSIONER MICHEL: Oh, they have?

10 MS. SANDOW: They have.

11 COMMISSIONER ARAUJO: See, I don't want
12 to delay the adoption of the resolution, and not
13 be able to set it because we have to set it by,
14 you said it Friday?

15 MR. RICHMAN: Well, technically,
16 Saturday is the deadline and that's why we're
17 trying to get it completed by Friday so they can
18 be posted by Saturday and meet the 45-day cutoff,
19 by statute, which is requiring designating both
20 the actual early voting poll sites and their
21 hours of operation. Both are required by Section
22 8-600 to be done at least 45 days.

23 COMMISSIONER ARAUJO: Okay. Is that
24 alright?

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2 COMMISSIONER SHAMOUN: If the hours are
3 all the same, it's alright, but if they're not.

4 COMMISSIONER ARAUJO: Well, if they're
5 not, then we'll have the executive --

6 MR. RICHMAN: You'll have the executive
7 management and then the executive committee would
8 act I guess --

9 COMMISSIONER ARAUJO: Yes.

10 MR. RICHMAN: -- to harmonize the hours
11 to one single form.

12 COMMISSIONER ARAUJO: Yes. Okay.
13 Alright. We're going back to the draft.

14 MR. RICHMAN: So commissioners, the
15 reason we have two different notices, you have
16 one -- well, there's actually a typo in each of
17 these I just realized. It should be the first
18 one, the first one should be for the April 28,
19 2020 presidential primary election, not federal
20 office, throughout, because this is only for the
21 presidential primary election. But with except
22 with that, all the other dates and locations are
23 correct, so we would just change federal office
24 to presidential primary.

1 March 10, 2020

2 COMMISSIONER ARAUJO: And someone's
3 proofed the dates and times, right?

4 MR. RICHMAN: The dates and times were
5 reviewed by the appropriate staff in the EVS, CIU
6 and ballots.

7 COMMISSIONER CAMILO: What page are you
8 looking at?

9 MS. SANDOW: What page are you looking
10 at?

11 COMMISSIONER ARAUJO: First page.

12 MR. RICHMAN: On the first page, it
13 should be the April 28, 2020 primary, not federal
14 office primary. And the second version you have
15 relates to the April 28, 2020 special elections
16 in the 37th City Council District in Brooklyn,
17 the 31st Assembly District in Queens. The reason
18 that we require two different notices is there's
19 a different calendar for the return of military
20 and federal ballots.

21 In a special election, the voters in
22 those two categories have 13 days to return. For
23 the primary, all absentee, military and federal
24 ballots all have to be back within seven days. So

1 March 10, 2020

2 that's why there will be a different date that
3 the boroughs of Brooklyn and Queens will be
4 canvassing their military and special federal
5 ballots for these special elections, which will
6 be after the seven days, that we'll get the
7 presidential primary done first.

8 And again, those dates were reviewed by
9 the appropriate staff members in EVS, VEOU, CIU
10 and ballot management.

11 COMMISSIONER ARAUJO: Is there a motion
12 to adopt the notices to candidates for both?

13 MR. RICHMAN: As amended.

14 COMMISSIONER ARAUJO: As amended?

15 Second?

16 COMMISSIONER MICHEL: So moved.

17 COMMISSIONER ARAUJO: Alright. All in
18 favor?

19 COMMISSIONER CAMILO: Aye.

20 MS. TOWNSEND: Aye.

21 COMMISSIONER MICHEL: Aye.

22 COMMISSIONER MARMORATO: Aye.

23 COMMISSIONER SHAMOUN: Aye.

24 COMMISSIONER ZACCONE: Aye.

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2 COMMISSIONER ARAUJO: Any abstentions or
3 nays? The motion carries. Alright. Clear ballot
4 procedures Mr. Ryan.

5 MR. RYAN: Yes, and then Mr. Richman,
6 we'll do E at the end, but if you can pick up
7 with F, G and H, because I believe that those are
8 all --

9 MR. RICHMAN: Yes.

10 MR. RYAN: -- legal.

11 MR. RICHMAN: Commissioners, in your
12 packet, you have the draft filing calendar for
13 the general, the independent nominating petitions
14 for the November general election. The first date
15 to circulate those petitions is April 16th. They
16 have to be filed by Tuesday, May 26th. The one
17 matter that is not -- that is at the discretion
18 of the commissioners is the date of the hearings,
19 and we were recommending Tuesday June 16th at
20 1:30 p.m. prior to the start of your stated
21 meeting as the date, because the last day to file
22 specifications is June 4th and therefore would
23 give enough time for the boroughs to work any
24 specs and meet the 24 hour rule.

1 March 10, 2020

2 COMMISSIONER ARAUJO: Is there any
3 discussion? Alright. I move that we accept the
4 calendar with the recommended date of June 16th
5 at 1:30 p.m. for the hearings.

6 COMMISSIONER MICHEL: Second.

7 COMMISSIONER ARAUJO: All in favor?

8 COMMISSIONER CAMILO: Aye.

9 MS. TOWNSEND: Aye.

10 COMMISSIONER MICHEL: Aye.

11 COMMISSIONER MARMORATO: Aye.

12 COMMISSIONER SHAMOUN: Aye.

13 COMMISSIONER ZACCONE: Aye.

14 COMMISSIONER ARAUJO: Any abstentions or
15 nays? The motion carries. Please post this as
16 soon as possible.

17 MR. RICHMAN: We'll get it edited and
18 we'll get those posted, yes.

19 COMMISSIONER ARAUJO: And then send an
20 e-mail draft to all the commissioners of the
21 actual calendar.

22 MR. RICHMAN: Of the final calendar?

23 COMMISSIONER ARAUJO: Yes.

24 MR. RICHMAN: Okay.

1 March 10, 2020

2 COMMISSIONER ARAUJO: Thank you.
3 Alright. The designation of BOE personnel
4 exercising a substantial policy discretion as
5 required by chapter 60 of the New York City
6 Charter.

7 MR. RICHMAN: Commissioners, you have
8 the draft letter prepared, reflecting the
9 substantial policy discretion public servants
10 designation. The only modifications have been the
11 changes -- the offices remain the same, it's the
12 names of the occupants as additional
13 commissioners have been appointed and some
14 changes in the borough office leadership.

15 COMMISSIONER ARAUJO: Alright. So it
16 consists of the commissioners, executive
17 management, the counselor's office and the
18 borough chiefs and deputies and we are required
19 to, pursuant to the city charter, we are required
20 to advise the Conflicts of Interest Board who
21 those individuals are, it's the same letter every
22 year, only the names have changed.

23 COMMISSIONER MICHEL: To protect the
24 innocent. [laughter]

1 March 10, 2020

2 COMMISSIONER ARAUJO: Right. I move that
3 we adopt the letter.

4 COMMISSIONER MICHEL: I second it.

5 COMMISSIONER ARAUJO: All in favor?

6 COMMISSIONER CAMILO: Aye.

7 MS. TOWNSEND: Aye.

8 COMMISSIONER MICHEL: Aye.

9 COMMISSIONER MARMORATO: Aye.

10 COMMISSIONER SHAMOUN: Aye.

11 COMMISSIONER ZACCONE: Aye.

12 COMMISSIONER ARAUJO: Alright. Any
13 abstentions? Any nays? The motion carries. I
14 would just add -- can I add a matter to the
15 agenda? Mr. Ryan, can you provide us any update
16 with respect to what the Board's doing with the
17 coronavirus?

18 MR. RYAN: Right. So --

19 MR. RICHMAN: We have one more legal,
20 can we finish.

21 MR. RYAN: Pardon?

22 MR. RICHMAN: We have more one more
23 legal.

24 COMMISSIONER ARAUJO: What more do you

1 March 10, 2020

2 have?

3 MR. RICHMAN: Instead of H --

4 MR. RYAN: The cover sheet review.

5 COMMISSIONER ARAUJO: No, no, but let's
6 finish the coversheet, right.

7 MR. RICHMAN: Yeah.

8 MR. RYAN: Right. So, yes, obviously,
9 the coronavirus also known as COVID-19 is getting
10 a lot of public attention. It's also getting a
11 lot of internal attention here at the Board of
12 Elections. In addition to the steps that we are
13 in the process of taking for our employees, which
14 are in line with what other government entities
15 are doing, we also are mindful of our public
16 responsibilities with respect to the voters. We,
17 uh --

18 MS. SANDOW: And poll workers.

19 MR. RYAN: -- yeah, and poll workers.
20 Well, I was kind of, they were our employees as
21 well, but the poll workers and the voters. So we
22 have not completely finalized all of the plans as
23 this is an unfolding matter and the governor and
24 the mayor are holding daily press conferences as

1 March 10, 2020

2 well as communication with the CDC. As a matter
3 of fact, Ms. Kontzamanis, the operations manager
4 is, as we speak, on a conference call hosted by
5 the Office of Emergency Management, which is a
6 daily occurrence. So we are dealing with all of
7 those issues.

8 One of the things that we have done that
9 is more tangible perhaps is we have purchased and
10 have begun to accept delivery on tempered glass
11 screen protectors for the table devices at the
12 poll sites, as those screen protectors are more
13 robust and able to be cleaned with
14 chlorine/bleach based products without doing
15 damage to the devices.

16 In addition, we will be moving forward
17 with other plans with respect to hand sanitizer
18 and additional instructions at the poll sites and
19 we're in the process of putting the final touches
20 on those. And as soon as they're available,
21 they'll be communicated to the, well, in this
22 particular case, in the short term, to the Queens
23 borough office as well as to the poll workers
24 that are going to be working, particularly at the

1 March 10, 2020

2 early voting locations that start on Saturday.

3 We have also been in touch, regular
4 contact I should say, with the State Board of
5 Elections, both verbally and in writing vis-à-vis
6 our legal responsibilities and requirements under
7 the Election Law with respect to nursing home
8 ballot delivery in particular, and also back and
9 forth with the state legislature and the State
10 Board of Elections regarding potential amendments
11 to the absentee balloting process and who's
12 eligible for an absentee ballot. Right now, it's
13 a very structured process.

14 My understanding is that there has been
15 conversations at the State board level, and at
16 the State legislative level as well as it may
17 also have a same as by now in the Assembly, but I
18 believe that there was a Senate bill that was put
19 out to change the requirements of the absentee,
20 those eligible for absentee ballots under the,
21 you know, given the circumstances that we find
22 ourselves in. So as that all unfolds, I cannot
23 imagine that the Assembly won't come up with
24 something similar, and that ultimately that would

1 March 10, 2020

2 be signed into law by the governor as well is our
3 understanding that the governor has been given
4 broader emergency powers. And exactly how that
5 would affect the elections process is not
6 something that we're presently aware of, but I
7 would suspect that people on the second floor of
8 the state capital are aware of what the
9 governor's authority is under the circumstances
10 and that he would exercise appropriate discretion
11 and give proper notice with respect to any
12 changes that will be made moving forward.

13 COMMISSIONER ARAUJO: Thank you. I just
14 have one question if the commissioners are
15 amenable to it, or one suggestion. Do you guys
16 think it might be a good idea for us to put
17 something on our website of some of these steps
18 that we're taking now, just so the public feels
19 comfortable that we are addressing these
20 concerns?

21 MS. SANDOW: Yeah, I think we can update
22 as we go.

23 COMMISSIONER ARAUJO: Is everyone
24 amenable to that?

1 March 10, 2020

2 COMMISSIONER ZACCONE: Once we have
3 something definite, yes.

4 COMMISSIONER MICHEL: Right.

5 COMMISSIONER ARAUJO: Yeah.

6 COMMISSIONER MICHEL: We're coordinating
7 with all the other agencies so as soon as
8 something is clarified --

9 MR. RYAN: Right.

10 COMMISSIONER MICHEL: -- because I know,
11 I'm dealing with it every day, with changing and
12 everybody -- once it's clarified, then it gets on
13 the website because Queens of course is starting
14 their special election.

15 COMMISSIONER ARAUJO: Yes.

16 COMMISSIONER MICHEL: And Brooklyn is
17 behind us, so as soon as it's clarified, put it
18 on the website.

19 COMMISSIONER ARAUJO: Mr. Richman, can I
20 have -- I see here there's a request to appoint
21 commissioners' committee, but can we just present
22 it?

23 MR. RICHMAN: Yes.

24 COMMISSIONER ARAUJO: Report.

1 March 10, 2020

2 MR. RICHMAN: Commissioner, there's one
3 defect. It related to Queens volume 2000287 and
4 on March 3rd, you to send a notice out. In the
5 original volume, a page between volume, page
6 numbers, there were numbered 218 and 219 were
7 blank. Will you pass that up? The cure was filed
8 in the exact order. They made a copy and the
9 blank page was renumbered 219 and page 219 was
10 renumbered as page 220. We'll hand that up. It's
11 staff recommendation that this is deemed to be a
12 valid cure.

13 COMMISSIONER ARAUJO: Great.

14 MR. RICHMAN: It's the last two pages,
15 commissioner, you can see.

16 COMMISSIONER ARAUJO: Okay. I do see
17 that the second and the last page have been
18 changed to correctly reflect so I accept that.

19 COMMISSIONER MICHEL: And I also accept
20 that.

21 MR. RICHMAN: And with that action,
22 commissioners, there's no need for a full cover
23 sheet review committee meeting.

24 COMMISSIONER ARAUJO: Alright. Thank

1 March 10, 2020

2 you. I am aware that there's one person scheduled
3 to speak, but I would just ask that we go into
4 executive session. There's an issue that needs to
5 be addressed right away for personnel, and it
6 will be back.

7 MR. RYAN: Yeah, so my understanding is,
8 I apologize, item E, procedures were circulated
9 for the implementation of the auditing tool that
10 -- this has been going on for quite some time and
11 we finally got the procurement process done and
12 we're ready to implement the auditing tool under
13 the state regulations that were put forth for the
14 use of an auditing tool to conduct a three
15 percent audit in elections, and of course that's
16 a shorthand. So those procedures were drafted by
17 EVS and forwarded to the commissioners. They have
18 been reviewed by executive management and upon
19 the recommendation of executive management, we're
20 asking that they be adopted.

21 COMMISSIONER ARAUJO: Is there a motion
22 to adopt?

23 COMMISSIONER ZACCONE: Well, before
24 that, I just have one question.

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2 MR. ALAN FLAX: Question, is Troy
3 Johnson here?

4 COMMISSIONER ZACCONE: I have a
5 question. Have these procedures been reviewed
6 with the borough staff as well? By the chiefs and
7 deputies?

8 MR. RYAN: My understanding is yes, and
9 that there has been a demonstration.

10 COMMISSIONER ZACCONE: Okay. I just
11 wanted to be sure.

12 MR. RYAN: The product is pretty
13 straightforward for us, and the procedures are
14 more a memorialization of the demonstration if
15 you will.

16 COMMISSIONER ZACCONE: Okay. I just
17 wanted to be sure of that.

18 MR. RYAN: So, yeah.

19 COMMISSIONER ZACCONE: Thank you.

20 MS. SANDOW: All boroughs received the
21 demonstration and we are using it for the first
22 time, thanks to Queens. They're going to be using
23 it.

24 COMMISSIONER ARAUJO: Right.

1 March 10, 2020

2 MR. FLAX: Can't hear you.

3 MS. SANDOW: And so of course there may
4 be some changes as they go along in the process
5 because it's our first time using it. But these
6 procedures were [unintelligible] [00:34:38].

7 MR. RYAN: And after the demonstration
8 was completed, the Queens borough chief and
9 deputy seemed eager to move forward with
10 utilizing this in the alternative of the hand
11 audit that we have been doing since the inception
12 of the machine. So we're going to get our first
13 taste of it in Queens, and I'm certain that if
14 there's recommendations as to changes and
15 procedures moving forward, once they actually
16 have an opportunity to use it that that will
17 happen.

18 COMMISSIONER ZACCONE: Thank you. I just
19 wanted to clarify that.

20 COMMISSIONER ARAUJO: Thank you.

21 COMMISSIONER MICHEL: [unintelligible]
22 [00:35:11].

23 MR. FLAX: Question.

24 COMMISSIONER ARAUJO: No, no, is there a

1 March 10, 2020

2 motion to accept the, the procedures?

3 COMMISSIONER MARMORATO: Yes,
4 [unintelligible] [00:35:14] so moved.

5 COMMISSIONER ARAUJO: Second?

6 COMMISSIONER MICHEL: Second.

7 COMMISSIONER ARAUJO: All in favor?

8 COMMISSIONER CAMILO: Aye.

9 COMMISSIONER TOWNSEND: Aye.

10 COMMISSIONER MICHEL: Aye.

11 COMMISSIONER SHAMOUN: Aye.

12 COMMISSIONER ZACCONE: Aye.

13 COMMISSIONER ARAUJO: Any abstentions or
14 opposition?

15 COMMISSIONER MARMORATO: Abstain.

16 COMMISSIONER ARAUJO: One abstention?

17 COMMISSIONER MARMORATO: Abstain.

18 COMMISSIONER ARAUJO: Alright. The
19 motion carries.

20 MR. FLAX: Mr. Araujo?

21 COMMISSIONER ARAUJO: Yes.

22 MR. FLAX: Question.

23 MR. RICHMAN: Are we taking comments?

24 MR. FLAX: Alan Flax, New York County

1 March 10, 2020

2 Democratic Party. Last week, as you may recall --

3 COMMISSIONER ARAUJO: Mr. Flax, Mr.
4 Flax, can you wait one second, please.

5 COMMISSIONER TOWNSEND: Mr. Flax, I'm
6 sorry.

7 COMMISSIONER ARAUJO: We have two other
8 people who signed to speak and they're ahead of
9 you. We're going to go into executive session and
10 give them -- and when we come back, we'll give
11 them an opportunity.

12 MR. FLAX: Why should we --

13 COMMISSIONER ARAUJO: Is there a motion
14 to go into executive session?

15 MR. FLAX: It's courtesy that you let
16 the public speak because we're not that long. You
17 may be in for two hours. The commissioners refuse
18 to comment is --

19 [OFF THE RECORD]

20 [ON THE RECORD]

21 COMMISSIONER ARAUJO: Go back on the
22 record. Alright. We have Bonnie Huang, is she
23 here?

24 MS. BONNIE HUANG: Yes.

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2 COMMISSIONER ARAUJO: Thank you. I hope
3 I pronounced your name right. I'm sorry if I
4 didn't.

5 UNIDENTIFIED MALE: Huang, it's Chinese.

6 MS. HUANG: Hello. Hi, I'm Bonnie Huang,
7 and I'm from the New York Immigration Coalition.
8 Whenever people are ready.

9 COMMISSIONER ARAUJO: Yeah, welcome.

10 MS. HUANG: Okay.

11 COMMISSIONER ARAUJO: Just note that we
12 have a rule of two minutes. Thank you very much.

13 MR. FLAX: Is there a quorum.

14 COMMISSIONER ARAUJO: Continue. Mr.
15 Flax, you're not, it's not your turn, thank you.

16 MR. FLAX: There's no quorum? Oh, yes.

17 MALE SECURITY: Alright. Have a seat
18 please.

19 MR. FLAX: I'm trying to see if you have
20 a quorum.

21 COMMISSIONER ARAUJO: Well check on your
22 own. Don't interrupt the speaker. Go ahead.

23 MS. HUANG: Okay. So, dear commissioners
24 of the Board of Elections in the City of New

1 March 10, 2020

2 York, thank you for sharing your current steps in
3 addressing COVID-19. As the City of New York
4 continues to persevere, we request that the Board
5 of Elections continue to clarify what disease
6 prevention protocols are in place, as was
7 mentioned earlier.

8 Early voting for the Queens special
9 election starts in a few days as we know, amidst
10 a spur of public fear and increased risk of
11 disease exposure. We believe it is the Board of
12 Elections responsibility to properly and widely
13 communicate sanitation measures at the poll
14 sites. To minimize public health risks, we
15 request poll worker trainings continue to be
16 updated to reflect protections for poll workers,
17 voters and community members, some of which were
18 addressed.

19 We ask the BOE to include protocols that
20 will ensure the sanitation of voting booths,
21 tables, machines and other items that will be
22 shared by many. We also need to acknowledge that
23 our communities are wary of contracting COVID-19,
24 which may affect the rate of voter turnout.

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2 Therefore, we request the BOE to continue to
3 share communications and resources about in
4 person voting and absentee ballots. To encourage
5 community members to participate in elections, we
6 ask the Board to consider alternative plans for
7 the upcoming March and April elections to
8 accommodate voters, including the extension of
9 absentee voting application deadlines and
10 identification of secondary poll sites in light
11 of possible closures and relocations.

12 It is pertinent for the BOE to continue
13 to establish a long term plan for addressing
14 issues of public health and voter turnout in
15 consideration of COVID-19's possible extended
16 impacts on our city's elections. Thank you for
17 your consideration and time.

18 COMMISSIONER ARAUJO: Thank you very
19 much.

20 MR. RYAN: Thank you.

21 COMMISSIONER ARAUJO: Amy Torres.

22 MS. AMY TORRES: Good afternoon.

23 COMMISSIONER ARAUJO: Good afternoon.

24 MS. TORRES: My name is Amy Torres. I'm

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2 the director of policy and advocacy at CPC, the
3 Chinese American Planning Council. CPC is the
4 nation's largest social services organization for
5 Asian Americans and Pacific Islanders. We serve
6 over 60,000 low-income immigrant and Asian
7 American New Yorkers each year. We're an
8 organization that firmly believes that social
9 services are tied to social change work and we
10 also do civic engagement and voter education
11 across 30 sites throughout the city.

12 We have some questions and
13 recommendations that we'd like to present to the
14 Board. In the written testimony is included some
15 information about Asian American and Pacific
16 Islander voters specifically around language
17 access and political participation. We feel
18 that's important to just put on the record.

19 But for my spoken comment, I'm just
20 going to jump straight to our recommendations and
21 our questions. So similar to our colleagues at
22 the New York Immigration Coalition, we're very
23 grateful that the Board in your meeting today
24 addressed some of the concerns around COVID-19,

1 March 10, 2020

2 following guidance from both, from federal, state
3 and local agencies on practices to ensure that
4 our poll sites are sanitary, that voters feel
5 comfortable and that our poll workers are
6 protected.

7 We also, our attention was flagged the
8 weekend, when the governor declared a state of
9 emergency. We'd like to suggest countywide voting
10 sites for the Queens special elections. Queens,
11 CPC from the inception of early voting had raised
12 some of our concerns with Queens sites, both the
13 number of sites throughout the borough, the
14 placement of those sites and particularly for the
15 communities that we serve, Asian Americans and
16 Pacific Islanders, we know that those communities
17 sometimes lie across the direction of major
18 public transportation lines.

19 Because the guidance from the governor
20 suggests that people should be limiting their use
21 of public transportation, we know that -- sorry,
22 didn't realize there was a timer. I'll speak even
23 faster than I'm speaking, if that's possible.

24 So we'd like to see and we know that

1 March 10, 2020

2 there's precedent for this happening in states of
3 emergency. We know that it happened under Sandy.
4 At that time, there was an executive director to
5 do so, but early voting is firmly within your
6 jurisdiction to open poll sites for countywide
7 voting. We think that that would be a smart
8 choice.

9 We know that the time is too short to
10 extend the period of absentee ballot requests for
11 the Queens special election, but we would like to
12 see that considered for the April primaries,
13 particularly as we can, you know, one hopes that
14 things are over by then, but there may be still
15 be vulnerable New Yorkers that are staying at
16 home.

17 And then the last issue that we wish to
18 raise in addition to those two suggestions to
19 really make sure that people have maximal
20 opportunities to cast their ballots in the Queens
21 special election and in the April primary, we
22 want to raise that as you communicating with poll
23 workers around sanitation practices for the
24 upcoming Queens special elections, CPC has been

1 March 10, 2020

2 very concerned about the incidents and reports of
3 bias and discrimination that we've been hearing
4 from community members, particularly for Asian
5 community members who choose to wear masks. Masks
6 have a very different social and cultural
7 connotation for New Yorkers that come from Asia.
8 Oftentimes, it's not something that people do as
9 simple infection mitigation. Sometimes it's
10 something as simple as I have a runny nose and my
11 face and red and so I'm covering my face with a
12 mask. Or I know I'm not supposed to touch my nose
13 and mouth, and so to prevent me from doing that,
14 I'm wearing a mask.

15 But we know that those cultural nuances
16 don't necessarily carry over into the American
17 mainstream. We were shocked and appalled to hear
18 about the incident that happened on the subway
19 just last week, with an Asian American New Yorker
20 being sprayed with Febreze because they were
21 wearing a mask on the subway. So we'd really
22 encourage, as you're pushing information out to
23 poll workers around recommendations for increased
24 sanitation practices that you're also including a

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2 reminder to be vigilant against potential bias
3 and discrimination that could intimidate voters,
4 not necessary from BOE workers, but from other
5 voters who may be at the same site with them.

6 COMMISSIONER ARAUJO: Thank you. Thank
7 you.

8 MS. HUANG: So, thank you very much.

9 COMMISSIONER ARAUJO: Bonnie Nelson.

10 MS. BONNIE NELSON: Hi, I'm Bonnie
11 Nelson, from the Brooklyn Voters Alliance. A
12 general comment and a specific question, the
13 general comment is could you please remember to
14 speak into the mics and turn them on. We're
15 sitting here because we're very interested in
16 what you have to say, so it's really frustrating
17 when we can't hear you.

18 And the specific question is what were
19 you talking about at the end, when you were
20 talking about auditing, a new auditing procedure
21 or program or something.

22 COMMISSIONER ARAUJO: So we are required
23 under New York State Election Law, we call it the
24 three percent audit, so each election is audited.

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2 It's not really a three percent audit. That's
3 shorthand. It's a graduated audit process that
4 gets conducted every election to ensure the
5 integrity of the tabulation of the DS200
6 machines.

7 There has been a product that we have
8 announced, probably over a year ago, our
9 intention to acquire, called Clear Ballot that
10 will be a technology assist to the audit process.
11 You are precluded by state law from using the
12 same software to audit the software. So this is a
13 software tool that will allow us to do high speed
14 scan of the ballots as well as capture the ballot
15 images and conduct the audit somewhat. It will be
16 manual as well, but much less so than presently.

17 And, for example, we've been in
18 communication with the state of Maryland, and
19 they've been using it with great success. And
20 they use it across the entire state for seven
21 million voters. So we expect that this will be a
22 product that allows our staff to process the
23 three percent audit post election much more
24 quickly than we've been able to do in the past,

1 March 10, 2020

2 particularly in high volume elections.

3 MS. NELSON: Thank you very much. I
4 appreciate that.

5 COMMISSIONER ARAUJO: Thank you. Mr.
6 Flax. Did he sign the sheet?

7 MR. RYAN: He did.

8 COMMISSIONER ARAUJO: You signed the
9 sheet, so you're off the hook.

10 MR. FLAX: Who's taking minutes?

11 COMMISSIONER ARAUJO: Mr. Richman.

12 MR. FLAX: Mr. Richman, of course. Alan,
13 Flax, New York County Democratic Organization.
14 Who was that masked man? I don't know, but he
15 left a silver bullet, remember him? I just wish
16 to mention the speaker who talked about the
17 different things in Asian community, they really
18 don't touch hands. They don't shake, the proper
19 way is to bow three times. Only the elderly
20 people remember that.

21 COMMISSIONER ARAUJO: I heard that the
22 more you bow, the more the respect you're giving
23 someone. Is that true?

24 MR. FLAX: Well, yes. One bow is not

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2 enough, three times. And the new commissioner is
3 here, but he doesn't know tradition that new
4 commissioner, especially Marmomato is to bring
5 pizza for everyone at his first meeting. But to
6 get to the point, Mr. President.

7 COMMISSIONER ZACCONE: Only on St.
8 Joseph's Day.

9 MR. FLAX: Pardon?

10 COMMISSIONER ZACCONE: It's only on St.
11 Joseph's Day.

12 MR. FLAX: Okay. Last week, a form of
13 the ballot was discussed and changes were to be
14 made. But there was no discussion of it now. Has
15 that form been finalized? Remember, add this
16 black line, this space over here, and I asked for
17 a copy of it and Kate Duran and I were told no.
18 But has that ballot form been finalized so we can
19 see what it looks like?

20 MR. RYAN: So the basic form of the
21 ballot has been finalized. But, there's numerous
22 subdivisions where the ballots have to be
23 constructed. And they will be published, as they
24 are, in the general course of business, and

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2 everybody will have an opportunity to view their
3 individual ballot. Those ones that were shown to
4 the commissioners for form, we are always
5 reticent to let those out to public view because
6 people take them and manipulate them as if we
7 were intending that to be the ballot. So it won't
8 have the right names on it, it won't have -- it
9 was just there to show, you know, different ways
10 that ballot could be laid out. But that will all
11 happen in due course.

12 MR. FLAX: Thank you.

13 COMMISSIONER ARAUJO: Thanks. Alright.
14 There being no further business, I will entertain
15 a motion to adjourn.

16 COMMISSIONER ZACCONE: So moved.

17 COMMISSIONER ARAUJO: Second?

18 COMMISSIONER SHAMOUN: Second.

19 COMMISSIONER ARAUJO: All in favor.

20 COMMISSIONER MARMORATO: Aye.

21 COMMISSIONER SHAMOUN: Aye.

22 COMMISSIONER ZACCONE: Aye.

23 COMMISSIONER ARAUJO: The motion
24 carries. Thank you and have a good day, everyone.

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(The meeting concluded at 2:55 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on March 10, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: January 18, 2021

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