

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING
AND
COMMISSIONERS' COVER SHEET REVIEW

42 Broadway
New York, NY 10004
April 7, 2020
1:30 - 2:30 p.m.

April 7, 2020

PRESENT:

President Patricia Anne Taylor

Secretary Fredric M. Umane

Commissioner Jose Araujo

Commissioner Tiffany Townsend

Commissioner Gino Marmorato

Commissioner Simon Shamoun

Commissioner Miguelina Camilo

Commissioner John Wm. Zaccone

Michael J. Ryan, Executive Director

Dawn Sandow, Deputy Executive Director

Georgea Kontzamanis, Operations Manager

Kenneth Moltner, Counsel to Commissioners

Steven Denkberg, Counsel to Commissioners

Steven Richman, General Counsel

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

3 MR. MICHAEL J. RYAN: I'll ask everyone
4 to put their devices on mute, and I will do what
5 we've done up to this point, which is go down the
6 roll call. I'll start with the order of the
7 commissioners as they appear on the letterhead,
8 alright. Commissioner Taylor.

9 PRESIDENT ANNE TAYLOR: I am present.

10 MR. RYAN: Commissioner Umane.

11 SECRETARY FREDERIC UMANE: Here.

12 MR. RYAN: Commissioner Araujo.

13 COMMISSIONER JOSE ARAUJO: Present.

14 MR. RYAN: Commissioner Camilo.

15 COMMISSIONER MIGUELINA CAMILO: Present.

16 MR. RYAN: Commissioner Marmorato.

17 COMMISSIONER GINO MARMORATO: Present.

18 MR. RYAN: Commissioner Michel.

19 COMMISSIONER MICHAEL MICHEL: Present.

20 MR. RYAN: Commissioner Shamoun.

21 COMMISSIONER SIMON SHAMOUN: Present.

22 MR. RYAN: Commissioner Townsend.

23 COMMISSIONER TIFFANY TOWNSEND: Present.

24 MR. RYAN: And Commissioner Zaccone.

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2 COMMISSIONER JOHN WM. ZACCONE: Present.

3 MR. RYAN: Okay. That's, all that,
4 Michael Ryan is here, Dawn Sandow is here,
5 Georgea Kontazmanis is here and Steve Richman is
6 here. And Mr. Moltner and Mr. Denkberg are also -
7 -

8 MR. STEVEN DENKBERG: Present.

9 MR. RYAN: -- present via video. Okay.
10 So, we have two agenda items, I apologize, the
11 executive session was not listed, but that should
12 include personnel and will there be litigation as
13 well, Mr. --

14 MR. RICHMAN: Unless the commissioners
15 have questions, there's nothing to present to
16 them on litigation. The, oh, the other thing is
17 [unintelligible] [00:01:27].

18 MR. RYAN: Yes. Alright. So, yes, we'll
19 get into it. There's be a B and what do you want
20 me to refer to that as?

21 MR. RICHMAN: As the application on
22 behalf of Mr. Khan, Candidate Khan, K-H-A-N.

23 MR. RYAN: Okay. so, item 1A, I will
24 turn over to Mr. Richman.

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2 MR. RICHMAN: Commissioners, we'd ask if
3 two commissioners could stay on after we finish
4 the executive session for a cover sheet review
5 committee. We have now one inbound amended cure
6 recommendation and I think it's 11 ballot cure
7 recommendations to be acted upon [unintelligible]
8 [00:02:04], so we're asking for a meeting right
9 after today, additional volunteers for anything
10 that gets filed on either later today or on
11 tomorrow night until midnight until next Monday
12 at 12:00 noon if possible. So Madam President and
13 Mr. Secretary if you would solicit volunteers for
14 today right after the executive session.

15 PRESIDENT TAYLOR: I will be serving for
16 the Democrats today, myself.

17 COMMISSIONER MICHEL: I can serve as the
18 Republican.

19 MR. RICHMAN: Commissioners, for Monday
20 at 12:00 noon, assuming we get filings on
21 Wednesday, we'd let you know on Wednesday, on
22 Monday morning. [unintelligible] [00:02:54]

23 PRESIDENT TAYLOR: On Monday? You need -

24 -

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2 MR. RICHMAN: Yeah, on Monday, April
3 13th.

4 PRESIDENT TAYLOR: Commissioner Camilo,
5 will you be able to do Monday?

6 COMMISSIONER CAMILO: Yes, I can.

7 PRESIDENT TAYLOR: Thank you.

8 COMMISSIONER MARMORATO: I can do
9 Monday. This is Commissioner Marmorato. I can do
10 Monday as well for the Republicans.

11 MR. RICHMAN: And again, commissioners,
12 this will largely be a reviewing of amended cover
13 sheets filed in response to the noncompliance
14 notices sent out, in this case, on last Friday.
15 Okay. So that completes the meeting. We'll have
16 Commissioner Taylor and Commissioner Michel for
17 today and Commissioner Camilo and Commissioner
18 Marmorato on Monday at 12:00 noon. Commissioners,
19 we have sent the packages today so you'll have
20 that and Commissioner Camilo and Commissioner
21 Marmorato, we'll get it out to you by 11:00
22 o'clock on Monday morning when we get it.

23 MR. RYAN: You have your B, item B.

24 MR. RICHMAN: Oh, item B, yes. Did Mr.

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2 Ryan circulate to you this morning, we received a
3 letter this morning from John Sweeney, an
4 attorney up at Clifton Park on behalf of
5 Candidate Badrun Khan, who is running for Queens,
6 Democratic candidate, in the 14th Congressional
7 District Democratic primary.

8 The page numbering defect came back
9 deficient, we sent out a notice of noncompliance,
10 they offered a purported cure, which was timely
11 filed. It was reviewed by the commissioners
12 committee on Friday, by the commissioners, and
13 the determination was that they did not comply
14 with the commissioners direction in that they
15 didn't file the purported cure in the exact order
16 in which the original was filed. They incorrectly
17 put the missing page number and fill in the
18 number with the wrong order. So the commissioners
19 determined that not to be a valid cure. We sent
20 the notice out to the candidate as required,
21 which triggered the three day period for them to
22 commence, three business days to commence court
23 proceedings to validate. They have not done that
24 as of yet. Mr. Sweeney advises that this was an

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2 inadvertent error on the part of the contact
3 person. He says that a second attempt to cure
4 will be made. I checked at 1:25 today, no such
5 cure had been filed yet, but he's asking that the
6 Board give special consideration for his client,
7 to his candidate at this point. Commissioners,
8 our recommendation based on your policy is we
9 provide the candidate as many oppor- one
10 opportunity to cure up until the three day period
11 runs. That period has run, and based on the
12 [unintelligible] [00:05:39] commissioner case,
13 that we really do not give a second bite of the
14 apple. Of course, that's a recommendation,
15 commissioners that you take no action on this
16 request and authorize me to advise Mr. Sweeney of
17 that fact and this way he'll still have 24 hours
18 to commence a court proceeding if he wants to
19 validate the petition

20 COMMISSIONER MICHEL: This is
21 Commissioner Michel. Mr. Richman --

22 MR. RICHMAN: Yes?

23 COMMISSIONER MICHEL: -- on, as far as I
24 understand, that there was a blank page, and they

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2 should have numbered it number 40 and they
3 instead they numbered it 41 and 40 they numbered
4 there. Am I correct? It was a simple error.

5 MR. RICHMAN: Correct. The blank --

6 COMMISSIONER MICHEL: It was a -- it's
7 not like a page was missing. I mean, or anything
8 like that. And I mean I don't know, under these
9 circumstances, the page is there and it's only
10 that it should have been numbered 40 but it was
11 numbered 41 and 40 was numbered 39, something so
12 eschewed and under these circumstances, I really
13 don't think it's a, like a big problem in the
14 sense that this is certain times circumstances
15 that everybody was rushed to get these petitions
16 in, everything was rushed to get all these
17 petitions in, everything was rushed to get all
18 these things, and just by not [unintelligible]
19 [00:06:58] fix one page and making it 40 when it
20 should have been 41, and that, I think that we
21 should, all of us look at it as just this was an
22 honest mistake.

23 If they file a new one by the end of
24 today, then, you know, they're really trying to

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2 meet that mark. I don't know. I just, I mean I
3 believe that deficiencies could be 100 percent. But
4 you've got to remember, since filing these
5 petitions, or even before that, that it was so,
6 how many signatures did you get, how long you got
7 to file, how fast, and I've been doing petitions
8 years ago and I know the pressure that people are
9 under. And even when you're making the
10 corrections, are they going to get done. And it
11 was a simple 39 to 40 or 41. I think we should in
12 today's circumstances, look at what is going on
13 and maybe just turn around and not make a
14 precedence about numbering pages, but for this
15 one incident, I think maybe we should just look
16 at it a little more carefully and maybe just
17 judge it a little differently.

18 PRESIDENT TAYLOR: Is that a motion?

19 COMMISSIONER MICHEL: Yes. I'm making a
20 motion to let, that, that it's good. That the
21 petition --

22 MR. RICHMAN: Commissioner Michel, did
23 you see the letter? But the letter points out
24 that their contact person made the mistake. That

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2 she pulled the sheet -- she got it in the exact
3 order of the copy from us. It says that after she
4 ordered and received a copy of the petition, she
5 removed the blank sheet from the [unintelligible]
6 [00:08:31] to examine it, noting mentally that it
7 was next to the sheet numbered 40, then when she
8 put it back together, she put [unintelligible]
9 [00:08:38].

10 COMMISSIONER SHAMOUN: Excuse me. There
11 was a motion made. I don't know that that invites
12 a debate in this instance. There's a motion on
13 the table.

14 COMMISSIONER MICHEL: A motion on the
15 table that if there's a new one filed at the end
16 of the day like they said they were going to do,
17 then let it go.

18 PRESIDENT TAYLOR: Is there a second?

19 SECRETARY UMANE: Yeah, I'll second it.
20 It seems to me that given the current
21 circumstances and if we don't give it
22 precedential value, it's a Congressional race,
23 given COVID-19, I think perhaps we should be a
24 little lenient here, and I'm usually a stickler.

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2 And it's a Democrat. But I still think that we
3 should, we should -- it was an explainable error
4 and it was well written that they put it in and
5 they took it out to look at it and they weren't
6 sure which end of the 40 to put it on. And so, it
7 seems that it was an honest mistake. And given
8 circumstances, and whatnot, I think, I second it.

9 PRESIDENT TAYLOR: We have a motion and
10 a second, are you ready for the question? Is
11 there any more discussion necessary?

12 COMMISSIONER ZACCONE: If I may, I again
13 worry that this would be a terrible precedent to
14 set and I'd like to clear --

15 PRESIDENT TAYLOR: I believe the motion
16 said it's not precedential? Is that correct?

17 COMMISSIONER ZACCONE: I just want to
18 make it 100 percent clear for the record, that it
19 is a terrible precedent to set. And everybody is
20 going to have an emergency or a situation or, you
21 know, it would be COVID-19 or somebody's dog ate
22 their homework, whatever the case happens to be.
23 And I just think it's a, you know. But that's my
24 opinion. I'll leave the vote. I just wanted to

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2 make that for the record.

3 COMMISSIONER CAMILO: I have a question.
4 What would be the [unintelligible] [00:10:34] if
5 they make the correction?

6 COMMISSIONER MICHEL: What was that?

7 COMMISSIONER TOWNSEND: Yeah, can you
8 repeat that?

9 COMMISSIONER CAMILO: What would be the
10 --

11 PRESIDENT TAYLOR: I think we lost her.

12 COMMISSIONER CAMILO: -- what would be
13 the deadline for submit the correction? Today by
14 what time?

15 COMMISSIONER MICHEL: Oh, I would say
16 the end of business, what is that, 5:00 o'clock,
17 4:00 o'clock, whatever the hours closed. They
18 should have --

19 [CROSSTALK]

20 MR. RICHMAN: Commissioner, are you
21 starting a new filing period? Because again, the
22 time for curing was I believe on this case, was
23 three days notice was April 1st.

24 COMMISSIONER ARAUJO: This is

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2 Commissioner Araujo. Can I just make one
3 statement or one assertion. It's my understanding
4 that any petition filed with the Board of
5 Elections is presumed to be valid. No one
6 objected to the numbering defect and it was on
7 one page. It was us who decided to send the
8 noncompliance notice or the notice that one page
9 needed a number. Now we're about to -- if the
10 motion doesn't pass, we're about to knock off
11 however many signatures just because one page is
12 misnumbered where no one's objected to the
13 numbering defect. That's the real question here.
14 We're actually at -- our job is to have people on
15 the ballot, not to find ways to knock them off
16 the ballot.

17 COMMISSIONER MICHEL: Well, I thought
18 there was an objection too. To me, if it's our
19 internal thing that we did [unintelligible]
20 [00:12:05] that's an internal thing, we should
21 just overlook this entire thing, one page. I
22 thought there was objection too.

23 MR. RICHMAN: No, commissioners, it's
24 statutory. The second requires that the pages be

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2 numbered sequentially. The fact is that used to
3 be a fail defect. The appellant division's Third
4 and Fourth Department, it is now a curable defect
5 and you have adopted that policy based on the
6 statute, if I may cite, that the author of the
7 [unintelligible] [00:12:32] for the Forth
8 Department was elevated to the Court of Appeals
9 and they accepted that Judge Pickett decision
10 probably would have precedential value. The fact
11 is that you have other petitions that have not
12 been objected to when the page numbering defects
13 were noticed and not cured, but you're not
14 accepting those either. Those, the only reason
15 this happened is that the candidate got notice
16 and rather than follow the standard procedure,
17 which is commence a validating proceeding under
18 Article 60, they got the lawyer to write a
19 letter.

20 COMMISSIONER MICHEL: Well, I'm looking
21 at it that it's one page and under these
22 circumstances that is going on, it's not
23 precedent. I mean we're not going to have this
24 type of virus every time there's an election. But

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2 there are certain things. This is one page, one
3 page in a complete volume that was misnumbered.

4 COMMISSIONER ARAUJO: Why not instead of
5 extending the filing deadline, just omit the one
6 page that was misnumbered, don't count those
7 signatures on that page and give them the amount
8 of signatures for the rest of the petition?

9 MR. RICHMAN: Commissioner, I don't know
10 what -- the statute said they should be
11 sequentially numbered. Are you now going to pull
12 that out for every page that were
13 [unintelligible] [00:13:45] throughout all the
14 petition? Because again [unintelligible]
15 [00:13:48] --

16 COMMISSIONER ARAUJO: [unintelligible]
17 [00:13:49] different situation where on the other
18 candidates, where they did not, they had the
19 cover sheet or the blank sheet and we renumbered
20 the pages? Didn't we treat the first page as page
21 number one and move forward like that?

22 COMMISSIONER ZACCONE: Yes, we did that
23 already.

24 SECRETARY UMANE: I'd like to call the

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2 question. Let's vote on it.

3 PRESIDENT TAYLOR: I'd agree.

4 MR. RYAN: Okay.

5 PRESIDENT TAYLOR: Those in favor?

6 MR. RYAN: We can't do it that way. We

7 have --

8 PRESIDENT TAYLOR: We're going to do a
9 roll call, correct?

10 MR. RYAN: Yes, we have to do that.
11 Commissioner Taylor?

12 PRESIDENT TAYLOR: Yes.

13 MR. RYAN: Commissioner Umame?

14 SECRETARY UMANE: Yes.

15 MR. RYAN: Commissioner Araujo?

16 COMMISSIONER ARAUJO: Yes, and very, for
17 the very limited purposes under these particular
18 situations, yes.

19 MR. RYAN: Commissioner Camilo?

20 COMMISSIONER CAMILO: Yes.

21 MR. RYAN: Commissioner Marmorato?

22 COMMISSIONER MARMORATO: Yes, yes, so as
23 long as we aren't setting a precedent.

24 MR. RYAN: Okay, Commissioner Michel?

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2 COMMISSIONER MICHEL: Yes, for this time
3 only.

4 MR. RYAN: Commissioner Shamoun?

5 COMMISSIONER SHAMOUN: Abstain.

6 MR. RYAN: Commissioner Townsend?

7 COMMISSIONER TOWNSEND: Yes, for this
8 time only?

9 MR. RYAN: Commissioner Zaccone?

10 COMMISSIONER ZACCONE: No. I was on the
11 committee and I believe we made the right
12 decision the first time and I stick with it.

13 MR. RYAN: Okay. So by eight to one, the
14 motion carries.

15 SECRETARY UMANE: I think one
16 abstention, Mike.

17 MR. RYAN: Who abstained? I apologize.

18 MR. RICHMAN: Shamoun.

19 MR. RYAN: Oh, Shamoun abstained, I
20 apologize, commissioners, seven, one no, and one
21 abstention.

22 MR. RYAN: Okay. Is there a motion to go
23 into executive session?

24 PRESIDENT TAYLOR: So moved.

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2 SECRETARY UMANE: For personnel and
3 litigation, or just --

4 MR. RYAN: No, no litigation, just
5 personnel.

6 SECRETARY UMANE: Okay. Second.

7 MR. RYAN: All in -- I presume all's in
8 favor, so we will move into executive session. So
9 we're going to shut this down.

10 SECRETARY UMANE: So is that a call in?

11 COMMISSIONER TOWNSEND: Yes, it's, yeah.

12 MR. ORTIZ: Okay, we're going to mute
13 the live stream and put up the executive session
14 and put up the graphic that we have until we
15 resume the meeting, okay, you guys?

16 PRESIDENT TAYLOR: Yep.

17 [OFF THE RECORD]

18 [ON THE RECORD]

19 MR. RYAN: We're back online, guys.

20 PRESIDENT TAYLOR: Alright.

21 COMMISSIONER ZACCONE: Thank you.

22 PRESIDENT TAYLOR: This, this is
23 Commissioner Taylor, we reconvened from our
24 executive session and I believe a motion to

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2 adjourn -- we had no personnel matters to put
3 out, and we are now looking for a motion to
4 adjourn. We will have our next meeting on Tuesday
5 afternoon at 1:30 p.m., next Tuesday, April 10th.

6 MR. RICHMAN: April 14th.

7 COMMISSIONER ZACCONE: April 14th.

8 PRESIDENT TAYLOR: April 14th, I'm so
9 sorry, yes, of course, April 14th. Thank you very
10 much.

11 COMMISSIONER ZACCONE: I move to
12 adjourn.

13 PRESIDENT TAYLOR: Thank you.

14 SECRETARY UMANE: Second.

15 MR. RICHMAN: Alright. Commissioner
16 Taylor and Commissioner Michel --

17 SECRETARY UMANE: Alright. Be well and
18 be safe everybody.

19 COMMISSIONER ZACCONE: Yes, thank you
20 all.

21 MR. RYAN: Thank you.

22 COMMISSIONER ZACCONE: And thank you for
23 the staff for coming in and for doing all the
24 hard work these past weeks.

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2 MR. RICHMAN: Commissioner Taylor and
3 Commissioner Michel, just stay on.

4 COMMISSIONER MICHEL: I'm on.

5 PRESIDENT TAYLOR: I'm on.

6 MR. RICHMAN: Okay. If that's the case,
7 then we can move to the cover sheet review.
8 Commissioners, do you have the e-mail packages
9 that I send last night?

10 PRESIDENT TAYLOR: I do. I'm just going
11 to pull it up.

12 MR. RICHMAN: And then the one addition
13 of just one. If you could go first to the
14 recommended invalid cures, we want to do that one
15 first, so that the notice can go out in the mail
16 today, provided that you agree with that --

17 PRESIDENT TAYLOR: Sorry, didn't quite
18 understand you. Do you want the recommended valid
19 or the recommended invalid?

20 MR. RICHMAN: Recommended invalids
21 first. That's [unintelligible] [00:33:52]. This
22 is a meeting of the Commissioners' Cover Sheet
23 and Petition Review Committee on April 7, 2020.
24 Appointed, designated today during the full board

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2 meeting just concluded. The committee is composed
3 of President Taylor and Democratic member from
4 Richmond County and Commissioner Michael Michel,
5 Republican from Queens County.

6 Commissioners, the recommended cure you
7 have relating to the petition of, cover sheet of
8 Derrick DeFlorimonte, candidate for New York --
9 well, candidate for something in New York
10 Assembly 31st district. The initial defect on the
11 cover sheet was that there was no identification
12 numbers set forth on the original cover sheet.
13 They filed a purported cure in response to the
14 noncompliance notice dated March 24th, timely of
15 March 27th and, but the problem is that the
16 amended cover sheet, it doesn't have the required
17 certification language required by Rule C4 of the
18 petition rule. Therefore, we would recommend that
19 this be deemed not a valid cure.

20 PRESIDENT TAYLOR: I vote yes to support
21 your recommendation.

22 COMMISSIONER MICHEL: And I vote yes.

23 MR. RICHMAN: Thank you, commissioners.

24 The, is determined to be a not a valid cure.

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2 Candidate will not appear on the ballot.

3 Commissioners, the other materials sent yesterday
4 in the invalid cure package was cured overnight,
5 finally, so that's going to be the additional e-
6 mail that was sent this morning about 11:00. If
7 we could move then to the package of valid cures,
8 preliminary determined.

9 PRESIDENT TAYLOR: Okay.

10 MR. RICHMAN: The first is a purported
11 amended cover sheet curing the defect for Khaleel
12 M. Anderson as male member of the Democratic
13 State Committee for 31st district. Commissioners,
14 on March -- the original cover sheet, the defect
15 was that the candidate appeared only on the
16 petition for member of the Assembly, not for
17 member of the Democratic State Committee. A
18 notice went out on March 24th. On March 26th, the
19 amended cover sheet was filed setting forth that
20 the petition pages for male member of the State
21 Committee are on pages 76 through 99 of the
22 volume, while the Assembly candidate appears on
23 all the pages. We confirmed that. The amended
24 cover sheet had the required statement that I'm

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2 authorized to file this amended cover sheet, the
3 volumes number match, we recommend that this is a
4 valid cure.

5 PRESIDENT TAYLOR: That's the one that
6 came in late, correct?

7 MR. RICHMAN: It shouldn't, crossed out
8 late, it came in on March 26th, I don't know when
9 that --

10 PRESIDENT TAYLOR: I mean that it came
11 in today?

12 MR. RICHMAN: Oh, no. this is for the
13 package you have yesterday, the first one in
14 yesterday for valid cure.

15 PRESIDENT TAYLOR: Oh, I'm sorry. I'm
16 still, I'm looking at the wrong place. So we're
17 in the valid cures?

18 MR. RICHMAN: Yeah, we're into the
19 valids, because there's only one invalid
20 recommendation.

21 PRESIDENT TAYLOR: One second. And the
22 name we're looking at it?

23 MR. RICHMAN: Khaleel M. Anderson.

24 PRESIDENT TAYLOR: Anderson, yes. I have

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2 it.

3 MR. RICHMAN: Okay. He's a member of the
4 Democratic State Committee. On the amended cover
5 sheet, you have page numbers set up for the state
6 committee candidate, which we confirmed with the
7 volume. It is an amended cover sheet with the
8 certification language, so we now believe it, we
9 recommendation that this is a valid cure.

10 PRESIDENT TAYLOR: I vote yes to support
11 your recommendation this is a valid cure.

12 COMMISSIONER MICHEL: And so do I, yes.

13 MR. RICHMAN: Commissioners, if you keep
14 scrolling through, you'll get to the amended
15 cover sheet, the Working Families Party for
16 candidate, John C. Liu for State Senator in the
17 11th Senatorial District, Queens County.
18 Commissioners, the original defect was that the
19 petition ID number was not set forth on the cover
20 sheet, notice went out on April 1st, on April 3rd
21 and amended cover sheet was filed. It has the
22 correct volume number now in there and the
23 authorization to file the amended cover sheet is
24 on the amended cover sheet, so it's staff

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2 recommendation to deem this to be a valid cure.

3 PRESIDENT TAYLOR: I vote yes.

4 COMMISSIONER MICHEL: I vote yes.

5 MR. RICHMAN: I heard yeses from both
6 commissioners.

7 PRESIDENT TAYLOR: Thank you.

8 COMMISSIONER MICHEL: That was the exact
9 same time.

10 MR. RICHMAN: Yes. Okay. Commissioners
11 if you'll scroll through now for the next amended
12 cover sheet for Antonios Benetatos. The original
13 cover sheet is assembly district leader male 30th
14 Assembly District Part B, Democratic Party,
15 Queens County. The original cover sheet, if
16 you'll look at Candidate Benetatos was that they
17 didn't have the add- the residence address on the
18 cover sheet. The initial cover sheet included the
19 residence address of the candidate, which matches
20 the petition, the volume number is correct, the
21 number of volumes is correct and the
22 authorization to file the amended cover sheet
23 language appears on the sheet. We recommend this
24 to be a valid cure for Candidate Benetatos.

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2 PRESIDENT TAYLOR: I vote yes to support
3 your recommendation.

4 COMMISSIONER MICHEL: And I also vote
5 yes.

6 MR. RICHMAN: Commissioners, if you
7 scroll through, you'll find an amended cover
8 sheet for the delegates and alternates for the
9 Democratic Judicial Convention, 1st JD and the
10 70th AD. The first name of the candidate on the
11 amended cover sheet is P-L-T-Y. Let me know when
12 you are able to get to those, that page.

13 PRESIDENT TAYLOR: Okay. I see that.

14 MR. RICHMAN: The original defect was in
15 the alternate delegates section, the way they
16 laid out the cover sheet for the, for the fifth
17 candidate for alternate delegate down, it appears
18 to be Deborah Anne Glenn Patrel Sherrill
19 [phonetic]. And on the next line, the candidate's
20 only name was Marion.

21 PRESIDENT TAYLOR: Ah.

22 MR. RICHMAN: You can see that behind,
23 on the copy behind for the [unintelligible]
24 [00:41:32]. So they got notice, they timely, the

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2 notice went out on April 1st, they filed it on
3 April 2nd. And they corrected the defect, the
4 volume number and ID numbers are correct and the
5 authorization to file an amended cover sheet
6 appears at the bottom. We recommend this be
7 deemed a valid cure.

8 PRESIDENT TAYLOR: I vote yes to support
9 your recommendation this is valid.

10 COMMISSIONER MICHEL: Yes, I vote yes.

11 MR. RICHMAN: Thank you, commissioners.
12 Next, if you'll scroll to the amended cover sheet
13 for Candidate William P. Smith, for male member
14 of the State Democratic Committee for the 68th AD
15 in Manhattan, and also delegate to the Judicial
16 Convention for the 68th. Commissioners, on the
17 original cover sheet, the address of the
18 candidate didn't match the address set forth on
19 the petition. The petition included apartment
20 14F, The amended cover sheet filed in response to
21 the NCN notice that went out on April 1 and filed
22 on April 2nd now includes the apartment number.
23 All the other information is correct. The
24 certification to file the amended cover sheet

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2 appears at the bottom of the petition. Staff
3 recommendation is to deem this to be a valid
4 cure.

5 PRESIDENT TAYLOR: I vote yes.

6 COMMISSIONER MICHEL: I vote yes.

7 MR. RICHMAN: Thank you, commissioners.

8 The next packet you will see is the amended cover
9 sheet for Genesis E. Aquino, for member of the
10 Assembly 51st Assembly District in Brooklyn. The
11 defect of the original cover sheet was that as of
12 right, they filed on the last day to file on the
13 20th, an amended cover sheet claiming an
14 additional volume. But the amended cover sheet
15 did not have the required amended certification
16 language. In response to the noncompliance notice
17 that went out on April 1st, they filed the
18 amended cover sheet on April 3rd, which is
19 timely. They included the amended language at the
20 bottom of the amended, [unintelligible]
21 [00:43:51] amended cover sheet language to
22 authorizing the filing of the amended cover
23 sheet, therefore, it's a valid cure, we recommend
24 that it be deemed a valid cure.

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2 PRESIDENT TAYLOR: I vote yes to support
3 your recommendation.

4 COMMISSIONER MICHEL: I also say yes.

5 MR. RICHMAN: Commissioners, the, the
6 next amended cover sheet relates -- is for
7 Candidate Shirley J. Fondez [phonetic] to be a
8 candidate for alternate delegate for the 12th
9 Judicial District from the 82nd Assembly
10 District. On the original cover sheet, they
11 listed Candidate Fondez' middle initial as
12 Shirley K. as in Kings Fondez although on the
13 petition, she is listed as Shirley J. as in John
14 Fondez. Notice of the -- noncompliance notice
15 went out on April 1st, and so the amended cover
16 sheet was filed on the 3rd, which is the response
17 to that, and the name now is the correct middle
18 initial and the authorization to file the amended
19 cover sheet appears at the bottom. We recommend
20 this to be a valid cure.

21 PRESIDENT TAYLOR: I vote yes to support
22 your recommendation.

23 COMMISSIONER MICHEL: I vote yes.

24 MR. RICHMAN: Okay. Commissioners, the

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2 next packet material relates to the amended cover
3 sheet for Candidate Adriano Espaillat, a member,
4 a representative in Congress in the 13th
5 Congressional District. On the original cover
6 sheet that was filed on, filed they claimed New
7 York County Volume 2000266. That volume however
8 was never filed with the Board. Notice was sent
9 out to the contact person to cure the defect.
10 They have filed the amended cover sheet with the
11 required certification language, now claiming
12 only 13 volumes in the petition, and deleting
13 Volume 266. It is now a correct amended cover
14 sheet. Our recommendation is to deem it to be a
15 valid cure.

16 PRESIDENT TAYLOR: I vote yes to support
17 your recommendation.

18 COMMISSIONER MICHEL: I also vote yes.

19 MR. RICHMAN: Commissioners, the next
20 amended cover sheet relates to Candidate Jason S.
21 Haver for male Assembly District leader for Part
22 B 57th AD in New York County. On the original
23 cover sheet, Mr. Haver claimed five volumes,
24 including Volume 279, New York 2000279. A review

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2 of that volume showed that the candidate did not
3 appear anywhere in that volume. On March 27th,
4 the notice of noncompliance was issued. On March
5 31st, an amended cover sheet was filed, this time
6 claiming only four volumes, not the five on the
7 original cover sheet and not claiming a volume
8 279, which was the defect. Commissioner, he does
9 appear on the four volumes set forth on the
10 amended cover sheet and it has the required
11 authorization language. We recommend that this be
12 deemed a valid cure.

13 PRESIDENT TAYLOR: I vote yes to support
14 your recommendation.

15 COMMISSIONER MICHEL: I also vote yes.

16 MR. RICHMAN: Okay. And lastly,
17 commissioners is my e-mail with the material sent
18 today at 12:24 p.m. It relates to the amended
19 cover sheet filed last night at 9:28 p.m. for
20 candidates Robert R. Comacho [phonetic] for male
21 member of the Democratic State Committee in the
22 54th AD, Brooklyn and Ackery J. Polais [phonetic]
23 female member of the Democratic State Committee
24 for 54th AD in Kings County. Commissioners, the

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2 original cover sheet defect on the original cover
3 sheet was that they claimed that the total number
4 of volumes in the petition was [unintelligible]
5 [00:48:26]. But they also only put one ID number
6 in. The notice was mailed on May, on April 1st,
7 three business days later would be April 6th,
8 last night, the last filed amended cover sheet
9 for this candidate is corrected. Now claims two
10 volumes, Kings 724 and 331 in which the
11 candidates appear and it has the required
12 certification language at the bottom so we deem
13 this now to be -- we recommend this be deemed a
14 valid cure.

15 PRESIDENT TAYLOR: I vote yes.

16 COMMISSIONER MICHEL: I vote yes.

17 PRESIDENT TAYLOR: Go ahead,
18 commissioner.

19 COMMISSIONER MICHEL: I vote yes.

20 PRESIDENT TAYLOR: I also vote yes.

21 MR. RICHMAN: Thank you, commissioners.
22 That concludes all of the amended cover sheets
23 that were filed through yesterday, that we had
24 received and reviewed. And as I said, we'll have

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a couple more coming in on Wednesday for your colleagues on Friday and Monday. Commissioners, that concludes our business today, so I would recommend that you make a motion to adjourn.

PRESIDENT TAYLOR: So moved.

MR. RICHMAN: Commissioner Michel?

COMMISSIONER MICHEL: Hello?

MR. RICHMAN: Commissioner Michel, do you agree with the motion to adjourn?

COMMISSIONER MICHEL: Yes, I do.


MR. RICHMAN: Thank you, commissioners. Mr. Ortiz, you can end the lines.

(The meeting concluded at 2:30 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 April 7, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: February 2, 2021

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