

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' COVER SHEET REVIEW

42 Broadway
New York, NY 10004
April 13, 2020
12:00 - 12:23 p.m.

April 13, 2020

PRESENT:

Commissioner Miguelina Camilo

Commissioner Gino Marmorato

Steven Richman, General Counsel

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2 (The meeting commenced at 12:00 p.m.)

3 MR. STEVEN RICHMAN: I'm Steve Richman,
4 I am the general counsel for the Board of
5 Elections in the City of New York and this is a
6 meeting of the Commissioners' Cover Sheet and
7 Petition Review Committee, established pursuant
8 to Rule D2 of the Board's designated petition
9 rules and appointed by full board at their
10 meeting last Tuesday.

11 The committee today consists of the
12 Bronx County commissioners, Commissioners Camilo
13 and Commissioner Marmorato. Commissioners, can
14 you both hear me?

15 COMMISSIONER GINO MARMORATO: Yes, we
16 can, Mr. Richman, or I can. We can't hear you, if
17 you're speaking.

18 COMMISSIONER MIGUELINA CAMILO: Mr.
19 Richman, do you hear me now?

20 MR. RICHMAN: Loud and clear.

21 COMMISSIONER CAMILO: Okay.

22 MR. RICHMAN: Commissioners, we
23 transmitted to you by e-mail three sets of
24 materials yesterday and today that will be

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2 considered by the committee. We're going to begin
3 with the package of materials sent yesterday,
4 beginning first with the header sheet, amended
5 cover sheet purported cures with a valid
6 recommendation tab. The first relates to an
7 amended cover sheet filed pursuant to the notice
8 of noncompliance in a timely manner for Samuel.
9 N. Olivares, for male member of the State
10 Committee, 53rd Assembly District, Kings County.
11 Commissioners, the notice was that the original
12 cover sheet was attached to the petition, the
13 name of the party was omitted from the cover
14 sheet, the number of volumes claimed didn't agree
15 with the claimed ID numbers on the cover sheet,
16 and the incorrect ID numbers are on the cover
17 sheet. If you see the attached package, you can
18 see the original cover sheet with no name on it.
19 They claimed originally 527 volumes in this
20 petition, and ID numbers, just the number 626. A
21 timely purported cure was filed, you have it in
22 front of you. It claims two volumes, Volumes 176
23 and 693 from Kings County, and it also contains
24 the required certification under C4. The

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2 bipartisan staff recommendation is that you deem
3 this a valid cure.

4 COMMISSIONER CAMILO: Approved.

5 COMMISSIONER MARMORATO: Approved.

6 MR. RICHMAN: Commissioners, the second
7 is an amended cover sheet filed in response to
8 notice of noncompliance issued on April 3rd, for
9 Jerrold Nadler to be the Democratic Party for the
10 representative in Congress from the 10th
11 Congressional District in New York State. The
12 original defect is that the total number of
13 volumes in the petition was omitted from the
14 original cover sheet. The amended cover sheet you
15 have in front of you have that, it claims 26
16 volumes. There are 27 volumes listed with the ID
17 numbers below. Staff has verified the Congressman
18 Nadler appeared on all 27 volumes and it had the
19 required certification language under rule C4.
20 The staff recommendation is that you deem this a
21 valid cure.

22 COMMISSIONER CAMILO: Approve.

23 COMMISSIONER MARMORATO: Approved.

24 MR. RICHMAN: Commissioners, the initial

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2 batch, then next we'll go to amended cover sheet
3 purported cures with a staff recommendation of
4 eval. The first is the amended cover sheets filed
5 for Erica Murphy, the candidate for the U.S.
6 House of Representatives, 8th District for the
7 Democratic Party. The original defect notice went
8 out advising that that the number of volumes
9 claimed don't agree with the claimed ID numbers
10 and the incorrect ID numbers are on the cover
11 sheet.

12 The original cover sheet 71 volume, the
13 volume ID number is 71. The total number of
14 volumes in the petition states 10. The amended
15 cover sheet was filed and the recommendation
16 though, it's not a valid cure, because the total
17 number, the volume ID numbers is not correct. It
18 only lists total number of volumes the petition
19 is on, but it does not list the ID number.

20 Commissioners, you have attached at the back of
21 the packet, I believe -- again, the candidate
22 appears on a petition volume, the ID number is
23 not set forth, so therefore it's recommended not
24 to be a valid cure [unintelligible] [00:04:35]

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2 correct what ID number on the submitted cover
3 sheet.

4 COMMISSIONER CAMILO: I agree, it's not
5 a valid cure for failure to state the volume ID
6 number.

7 COMMISSIONER MARMORATO: I concur with
8 Commissioner Camilo and with legal that it's not
9 a valid cure.

10 MR. RICHMAN: Thank you, commissioners.
11 Commissioners, the next is an amended cover sheet
12 submitted for Francesca Castellanos, who,
13 Democratic Party for representative of Congress
14 in the 13th Congressional. The original cover
15 sheet omitted the total number of volumes in the
16 petition. The amended cover sheet was timely
17 filed upon the notice of noncompliance. However,
18 the amended cover sheet lacks the certification
19 required by rules C4, again they used the regular
20 cover sheet form and they did cite in
21 [unintelligible] [00:05:43] stating that the,
22 even though it's the candidate or agent, in this
23 case it's the candidate, that they were
24 authorized to file the cover sheet. Our practice

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2 is recommended to be found, find that this not be
3 a valid cure. That's the recommendation.

4 COMMISSIONER CAMILO: I approve legal's
5 recommendation, not a valid cure.

6 COMMISSIONER MARMORATO: I'm also
7 following the recommendation of legal and find
8 this to be not a valid cure.

9 MR. RICHMAN: Thank you, commissioners.
10 Commissioners, the next materials relates to
11 purported cures in the defective page numbering
12 defect. The first is the designating petition for
13 Fahim Hamid for county committee member male 49th
14 ED of the 34th AD, Queens County. The original
15 petition was filed, which was two pages and did
16 not have the sheets numbered consecutively,
17 Notice went out on April 3rd, the purported cure
18 was filed and you have both sheets in front of
19 you, numbered sequentially one and two. There's a
20 recommendation from the staff that you deem this
21 to be a valid cure.

22 COMMISSIONER CAMILO: Approved.

23 COMMISSIONER MARMORATO: I approve this
24 is a valid cure.

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2 MR. RICHMAN: Commissioners, the next
3 relates to the purported page numbering defect
4 cure for Volume Kings 2000176, containing Samuel
5 Olivares from [unintelligible] [00:07:31] state
6 committee. Commissioners, this is the original
7 petition that was filed and every sheet of the
8 petition lacked page numbers. This was the cure
9 that was timely filed and it reflects on the
10 bottom a, and my memo reflects Ms. Kontazmanis
11 and myself reviewed each and every page in the
12 petition. A, the cure is sequentially numbered
13 from pages one through pages 67. And more
14 importantly, we matched it up to the original
15 petition. They met with the commissioners'
16 direction, they filed an exact copy of the
17 petition volume with the sheets thereof in the
18 same order as originally filed. And so we've
19 explained those to you. It's our recommendation
20 that we deem this to be a valid cure.

21 COMMISSIONER CAMILO: Mr. Richman, thank
22 you for the memo, and I see the petition in your
23 hand on video, so I approve legal's
24 recommendation.

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2 COMMISSIONER MARMORATO: I approve as
3 well.

4 MR. RICHMAN: Thank you, commissioners.
5 We thought it would be a little much to send
6 these 67 pages.

7 COMMISSIONER CAMILO: Yes. I appreciate
8 that. Thank you.

9 MR. RICHMAN: I do too. It would have
10 been a lot longer last night. Commissioners, the
11 next is a series of printer error letters that
12 was submitted to the Board last week. It relates
13 to some, in most cases, just some minor defects
14 on the petition and we'll recommend at this point
15 but specifically in some case that it's a cure.
16 In some cases, we don't know what they were
17 trying to do, it's not a cure.

18 The first is Conservative Party petition
19 number KG2000486, relating to candidate Marisa
20 Ricario [phonetic] for member of the State
21 Committee of the Conservative Party for the 10th
22 Congressional District. On the petition, the
23 address appeared was 874 72nd Street. It should
24 read, 7518 18th Avenue, Brooklyn, New York,

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2 11214. We have a signed statement by Dennis H.
3 Bryan, who prepared the petition, saying that he
4 made the inadvertent error. Given the fact that
5 this is the only Marisa Ricario registered in
6 Brooklyn, the correct address is on the printer's
7 error letter. The staff recommendation is to find
8 that you should accept the printer's errors
9 letter.

10 COMMISSIONER CAMILO: I approve.

11 COMMISSIONER MARMORATO: I approve as
12 well.

13 MR. RICHMAN: Commissioners, the next
14 materials relates to a letter submitted April 7th
15 from Frances T. Vella-Marrone, chair of the Kings
16 County Conservative Party who prepared the
17 petitions for member of the county committee.
18 Commissioners, in this, you have the copies of
19 the petitions with the actual changes for eight
20 county committee candidates. Six of the eight, it
21 appears they are correcting error. Two of the
22 eight, I'm not sure why they included them.
23 Examining the petition, it seems that the address
24 and the name it set forth on the petition and on

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2 the correction letter is correct. That would be
3 for the 1st ED, 41st AD, Kenneth Zebrowski, and
4 for Camille Lindsey [phonetic] in the 30th ED of
5 the 51st AD. There's no changes, so I don't
6 thinkt here's any need for [unintelligible]
7 [00:11:30]. The others, for the 57th ED, 44th AD
8 for Moses Menser [phonetic], the 16ED, 48th AD
9 for Mendel Brandwein, for Daniel B. Sullivan, III
10 in 28th ED, 49th AD, the 35th ED, 50th
11 AD, [unintelligible] [00:11:50], 31st ED, 51 AD,
12 Ronald McAlskey [phonetic] and finally the 79th
13 ED and 64th AD, Peggy Bock [phonetic], each of
14 those appears to be small, inadvertent errors,
15 either typographic, typing in the wrong
16 addresses, or incorrectly. So for the ones for
17 which there are changes to the petitions, staff
18 recommendation is to deem them as a valid cure.
19 For the other two, they're really a nullity,
20 because there's nothing to change.

21 COMMISSIONER CAMILO: And you've been
22 able to sort out that these names appear on these
23 petitions?

24 MR. RICHMAN: Yeah, commissioners,

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2 following that the cover letter from Ms. Vella-
3 Marrone, these happen to be single sheet
4 petitions. So we actually gave you the petition
5 and the volume numbers listed above, you can
6 actually look at the petition and see the change.
7 So they're both, if you go to the first page with
8 Mr. Zebrowski, it's the exact same, 1658 East
9 45th Street, Brooklyn, 11234. That's why we know
10 there's no change. The next page, for Moses
11 Menser, the petition reads 1163 42nd Street. The
12 corrected is 1537 41st Street. So they are making
13 some changes there.

14 COMMISSIONER CAMILO: I see. Yeah, I'm,
15 it's just a bit complicated, but I would --

16 MR. RICHMAN: [unintelligible]
17 [00:13:15] The advantage here [unintelligible]
18 [00:13:16] a schedule, each ED's county committee
19 schedule, committee members appear on a single
20 sheet of the petition, we were able to pull out
21 each of the petitions and those are the volume
22 numbers hand written above the letter for each
23 candidate listed.

24 COMMISSIONER CAMILO: Okay. Great. I

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2 approve it's a valid printer's error letter.

3 COMMISSIONER MARMORATO: I approve the
4 cures that were to be changed, and approve them
5 as valid cures, and then the other two remaining
6 [unintelligible] [00:13:52].

7 MR. RICHMAN: Thank you. That concludes
8 if you will, the Sunday packet. Now, so we'll
9 move to the transmissions from earlier this
10 morning, again, of amended, of amended cover
11 sheets that were submitted. The first relates to
12 an amended cover sheet submitted on behalf of
13 Jose M. Serrano, the Democratic Party State
14 Senate candidate for the 29th Assembly District
15 State of New York. The original cover sheet
16 included nine volume ID numbers, but did not
17 include the total number of volumes in the
18 petition. On April 8th, the notice was, the
19 commissioners' committee approved the correction,
20 the notice of noncompliance and we have a timely
21 submission of an amended cover sheet now claiming
22 the nine volumes. The nine volumes are identical
23 with where checked originally on which the
24 candidate appears and the authorization to file

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2 the amended cover sheet appears at the bottom of
3 the amended cover sheet. The recommendation of
4 staff is to deem this a valid cure.

5 COMMISSIONER CAMILO: Approved.

6 COMMISSIONER MARMORATO: I approve this
7 as [unintelligible] [00:15:07].

8 MR. RICHMAN: Commissioners, the next is
9 an amendment to the county committee schedule,
10 the Democratic Party Bronx County, 82nd Assembly
11 District for the 49th Election District. The
12 original cover sheets filed, which you have,
13 omitted both the total number of volumes in the
14 petition and the volume ID numbers. I did include
15 the page numbers. A notice of noncompliance went
16 out on April 3rd and you have a timely submission
17 of an amended [unintelligible] [00:15:46] county
18 committee cover sheet schedule filling in the
19 volume numbers and the ID numbers for the two
20 candidates in the 29th ED of the 82nd AD. The
21 staff recommendation is that this be deemed a
22 valid cure.

23 COMMISSIONER CAMILO: I approve.

24 COMMISSIONER MARMORATO: I approve as

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2 well.

3 MR. RICHMAN: Commissioners, the next is
4 an amendment to the county committee schedule,
5 also for the 82nd Assembly District of Bronx
6 County, correction, 85th Assembly District of
7 Bronx County, I'm sorry, relating to the 1st ED.
8 The original cover sheet spelled the candidate's
9 name Christina Ricard, R-I-C-A-R-D. On the
10 petition, it appears as Ricart, R-I-C-A-R-T. A
11 notice of noncompliance was sent on April 3rd,
12 timely submission was made on April 7th. It
13 corrects the spelling of the candidate's name so
14 it matches the petition. All the other
15 information is correct, and the authorization to
16 file the amended cover sheet is included on the
17 amendment. Recommendation from staff is that this
18 be deemed a valid cure.

19 COMMISSIONER CAMILO: Approve.

20 COMMISSIONER MARMORATO: Approved.

21 MR. RICHMAN: And the third relates to
22 the 85th Assembly District, Bronx County, also
23 for the 1st ED. It related to candidate Hilda
24 Diaz and her address. On her petition, her

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2 address appears 880 Boynton Avenue, on the
3 original schedule submitted, it was listed 820
4 Boynton. Notice of noncompliance went out on
5 April 3rd. The timely submission on April 7th of
6 an amended county committee schedule, correcting
7 the address so that for Ms. Diaz, it now reflects
8 the same address on the petition, which would
9 constitute a valid cure. The required
10 certification is present on the amendment. The
11 staff recommendation is this be deemed a valid
12 cure.

13 COMMISSIONER CAMILO: Approved.

14 COMMISSIONER MARMORATO: Approved.

15 MR. RICHMAN: Okay. The next is the
16 purported amended cover sheet filed with Jonathan
17 Ortiz, candidate [unintelligible] [00:18:07]
18 Congress on the Democratic Party in the 15th
19 Congressional District. The original defect
20 notice that went out was that the incorrect
21 identification numbers were on the cover sheet.
22 He filed two originally on the same date on March
23 20th, one claiming one volume with a volume ID
24 number 119, [unintelligible] [00:18:30] one

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2 volume with the volume number 5609. You have
3 attached [unintelligible] [00:18:35] copy of
4 petition Bronx 2000616, upon which the candidate
5 appears. The amended notice of noncompliance went
6 out on April 3rd. A timely submission was made
7 attempting to cure the defect. However, the
8 recommendation is it's not a valid cure because
9 one, it claims an incorrect identification
10 number. The candidate does not appear on volume
11 607, he appears on volume 616. And secondly, the
12 amended cover sheet lacks the required
13 certification required by rule c4. For those
14 reasons, we recommend that this be deemed not a
15 valid.

16 COMMISSIONER CAMILO: Okay. Approve
17 legal's recommendation, not a valid cure.

18 COMMISSIONER MARMORATO: I'm in
19 agreement with legal's recommendation that this
20 is not a valid cure for the two reasons afore
21 stated.

22 MR. RICHMAN: Thank you, commissioners.
23 And then you can see Scherie S. Murray,
24 Republican Party candidate for member of the U.S.

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2 House of Representatives 14th Congressional
3 District. On April 3rd, a notice of noncompliance
4 went out that the original cover sheet had the
5 incorrect petition number, volume number stating
6 the candidate appears on Queens 2000784. The
7 original cover sheet claims Queens 2000783. They
8 actually have fixed that petition ID number to
9 the cover sheet filed. A timely submission was
10 made curing that defect, putting in the correct
11 volume number, the number of volumes. However,
12 again, this amended cover sheet does not include
13 the required certification under rule C4. And
14 consistent with past commissioners' practice, the
15 staff's recommendation and determination -- the
16 staff's recommendation is that you deem this not
17 a valid cure, failing to [unintelligible]
18 [00:20:39] rules.

19 COMMISSIONER CAMILO: I approve legal's
20 recommendation, not valid.

21 COMMISSIONER MARMORATO: Consistent with
22 prior rulings, I also conclude that this is not a
23 valid.

24 MR. RICHMAN: Thank you, commissioners.

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2 And commissioners, our final matter, which was
3 transmitted to you within the last, well, about
4 15 minutes before we began was a matter brought
5 to our attention today in the petition review
6 room. It relates to the cover sheet for candidate
7 Wally Alvarado, a member of the New York State
8 Assembly for the 51st District Democratic Party,
9 there, there are two defects on the cover sheet.
10 One, the cover sheet was attached to the petition
11 in violation of rule C1, and two, which is and
12 should be noted is that the no ID number stated
13 in the appropriate box. As you can see, they
14 attached the ID number at the bottom of the cover
15 sheet, but since the amended cover sheet is going
16 to be required to be filed separately, I think we
17 should point out that the correct ID number
18 appear on the amended cover sheet.

19 COMMISSIONER CAMILO: So, I -- we would
20 send notice of defect?

21 MR. RICHMAN: Yes, it would be a three
22 day cure period. It would go out today and they
23 would have until midnight Thursday to file an
24 amended cover sheet.

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2 COMMISSIONER CAMILO: Okay. I approve
3 sending notice.

4 COMMISSIONER MARMORATO: I approve as
5 well.

6 MR. RICHMAN: Thank you, commissioners.
7 Commissioners, that actually concludes today's
8 entire agenda. We appreciate your time. Unless
9 you have any questions, I would recommend that
10 one of you make a motion to adjourn and somebody
11 second it.

12 COMMISSIONER CAMILO: I move to adjourn
13 the commissioners' cover sheet review committee.

14 COMMISSIONER MARMORATO: I second
15 Commissioner Camilo's motion.

16 MR. RICHMAN: Thank you, commissioners,
17 appreciate your time. The appropriate
18 correspondence will go out today. Thank you.

19 COMMISSIONER CAMILO: Thank you, Mr.
20 Richman.

21 COMMISSIONER MARMORATO: Thank you,
22 counsel.

23 COMMISSIONER CAMILO: See you tomorrow.

24 MR. RICHMAN: Take care, bye.

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COMMISSIONER CAMILO: Bye.

(The meeting concluded at 12:23 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 13, 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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