

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

DESIGNATING PETITION HEARINGS

42 Broadway - 6th floor  
Commissioners' Hearing Room

New York, NY 10004

April 21, 2020

10:00 a.m. - 4:00 p.m.

April 21, 2020

**PRESENT:**

President Anne Taylor  
Secretary Frederic Umane  
Commissioner Jose Araujo  
Commissioner Miguelina Camilo  
Commissioner Tiffany Townsend  
Commissioner Michael Michel  
Commissioner Gino Marmorato  
Commissioner Simon Shamoun  
Commissioner Tiffany Townsend  
Commissioner John Wm. Zaccone

Michael J. Ryan, Executive Director  
Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Georgea Kontzamanis, Operations Manager  
Steven Richman, General Counsel  
Rafael Savino, Deputy General Counsel  
Steven Denkberg, Counsel to Commissioners  
Kenneth Moltner, Counsel to Commissioners  
David Fuchs, Contract Law Clerk  
Gregory Lehman, Chief Clerk, Manhattan Office  
Cynthia Doty, Deputy Chief Clerk, Manhattan Office  
Antonio Ortiz, Senior Programmer  
Don Bosco, Chief Clerk, Staten Island  
Anthony Andruilli, Deputy Chief Clerk, Staten Island

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**ALSO PRESENT:**

Craig Schley, Candidate

Gregory Sumas, Esquire

Ezra Glaser, Esquire

Stanley K. Schlein, Esquire

Dylan Stevenson, Candidate

Bob Wyman, Candidate

Ali Najmi, Esquire

Howard Graubard, Esquire

Yahshua Javas, Esquire

Egidio Sementilli, Candidate

Samuel Figueroa, Esquire

Leo Baez, Esquire

Dion Powell, Candidate

Garfield Holland, Candidate

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2 (The meeting commenced at 10:00 a.m.)

3 MR. MICHAEL J. RYAN: Okay, we're live?  
4 Alright. Thank you, so we're going to start out  
5 with the attendance of the commissioners. And I  
6 will go in order.

7 PRESIDENT ANNE TAYLOR: I am present.

8 MR. RYAN: Commissioner Umame?

9 SECRETARY FREDERIC UMANE: Present.  
10 Commissioner Araujo?

11 COMMISSIONER JOSE ARAUJO: Present.

12 MR. RYAN: Commissioner Camilo?

13 COMMISSIONER MIGUELINA CAMILO: Present.

14 MR. RYAN: Commissioner Marmorato?

15 COMMISSIONER GINO MARMORATO: Present.

16 MR. RYAN: Commissioner Michel?

17 Commissioner Michel? Okay. Commissioner Shamoun?

18 COMMISSIONER SIMON SHAMOUN: Present.

19 MR. RYAN: Commissioner Townsend?

20 COMMISSIONER TIFFANY TOWNSEND: Present.

21 MR. RYAN: Commissioner Zaccone?

22 COMMISSIONER JOHN WM. ZACCONE: Present.

23 MS. DAWN SANDOW: Commissioner Michel is  
24 on the line, Mr. Ryan.

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2 MR. RYAN: Okay. Got him. I just didn't  
3 hear his voice. Alright. We can patch that  
4 through if he's having connectivity difficulties,  
5 that'll be good. So, now, before we get started  
6 and before I turn over the proceedings to  
7 Commissioner Taylor, we are doing this for the  
8 first time. So we're going to do our best to make  
9 sure that everyone is heard and that we  
10 communicate effectively.

11 We have all of the participants who have  
12 logged on are in the waiting room. So that we're  
13 going to, legal will call the calendar and then I  
14 will indicate those individuals that have checked  
15 in for a particular matter. If no individuals  
16 have checked in, I will so indicate. The queue  
17 for Antonio Ortiz, who is going to be  
18 quarterbacking the technology piece of this is  
19 when I announce those individuals in, they will  
20 have to be taken from the waiting room to the  
21 live proceedings. Now, they can monitor  
22 everything from the waiting room. However, the  
23 reason they're going to be kept in the waiting  
24 room is to prevent extraneous conversations and

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2 to only allow live microphones to the  
3 participants of a particular matter at a  
4 particular time.

5 It seems pretty straightforward, but  
6 we're doing it for the first time and keep in  
7 mind that the participants are also doing it for  
8 the first time. So once I say that, we'll be able  
9 to see them appear on the screen, and I'll be  
10 able to let the commissioners know that all of  
11 the participants are involved in the process. So  
12 it's going to be like a little bit of a time  
13 delay for that process to happen. So if everyone  
14 could just be patient as that moves forward.

15 And then with each matter, in order to  
16 ensure that we have everything properly recorded  
17 for the record, we'll have to do roll call votes.  
18 Not so much for the enrollment matters, the  
19 enrollment matters will be done as a group. But  
20 then for the individual matters, we are going to  
21 have to invest the times to do the roll call  
22 votes so that we have a complete record when all  
23 this is said and done in case there are further  
24 proceedings beyond this.

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2 Alright, so at this point, I am ready,  
3 unless anyone has anything else, I'm ready to  
4 turn it over to Commissioner Taylor who I believe  
5 will kick start these proceedings, the inaugural  
6 Webex hearings of the Board of Elections.

7 PRESIDENT TAYLOR: Good morning. My name  
8 is Patricia Anne Taylor, and I am the president  
9 of the Board of Elections in the City of New York  
10 for calendar year 2020. And I am the Democratic  
11 commissioner for Richmond County. Today is April  
12 21, 2020 and we are here for hearings regarding  
13 designated petitions for June 23, 2020.

14 Before I call the hearing to order, I  
15 will just like to take one moment to thank all of  
16 the staff of the Board of Elections who have been  
17 working diligently under extreme circumstances.  
18 Thank you all, meaning the executive staff, the  
19 headquarters staff and the borough staff.

20 I now call this hearing by the Board of  
21 Elections in the City of New York to order. We  
22 convene today under some of the most  
23 extraordinary circumstances in our memory. The  
24 COVID-19 virus has changed the way we live and

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2 work here in the City of New York. That is why my  
3 colleagues and I appear today via videoconference  
4 link, as well, most of the candidates, objectors,  
5 the Board [unintelligible] [00:06:34]. The  
6 commissioners and staff of the Board of Elections  
7 in the City of New York are most mindful of our  
8 responsibility to ensure that a fair, honest and  
9 open and lawful electoral process continues  
10 within our city. With severely reduced number of  
11 staff members, we have successfully fulfilled our  
12 constitutional and statutory duties with respect  
13 to the June 2020 primary election process.

14 Those efforts continue today. Today's  
15 hearing relates to the designating petitions and  
16 related matters for the June 23, 2020 primary  
17 elections for public offices and [unintelligible]  
18 [00:07:17] positions throughout the City of New  
19 York. These hearings will be conducted in  
20 accordance with the provisions of the New York  
21 State election law.

22 The Board's designating petition and  
23 opportunity to ballot petition rules adopted on  
24 February 12, 2019, with emergency procedures



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2 provided by those rules was adopted on April 14,  
3 2020. And the executive orders [unintelligible]  
4 [00:07:44] the State of New York modified  
5 provisions of the open meetings law as well as  
6 the New York State's election law.

7 The most significant modification of  
8 this hearing is the way that it is being  
9 conducted, largely remotely using Webex. Each of  
10 the commissioners are participating through that  
11 system, along with staff members and the  
12 candidates, objectors and their representatives  
13 who have registered to appear at the hearing.

14 Schedule of these hearings were posted  
15 last week on the Board's website and the  
16 information appeared on various social media as  
17 well as posting at all Board of Elections  
18 offices.

19 Under the Board's emergency procedures,  
20 each candidate, objector or their designated  
21 representative had to file their notice of  
22 appearance for these hearings by Monday, April  
23 20, 2020. [unintelligible] [00:08:40] information  
24 was [unintelligible] [00:08:41] to send

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2 directions on how to participate in this Webex  
3 video conference hearing.

4 In addition, persons who wished to  
5 appear in person at this hearing at the Board  
6 executive office were required to communicate  
7 that request to the board no later than 3:00 p.m.  
8 on Monday, April 20, 2020.

9 Please note that these emergency  
10 procedures were prominently displayed on the  
11 Board's website, including many of the notices  
12 send by my board and communicated to each  
13 candidate and objector in the same manner as  
14 their respective clerks and courts.

15 In addition, each of the various  
16 calendars listing the matters that the  
17 commissioners will consider were posted on the  
18 Board's website, as well as at the Board's  
19 hearing room.

20 I've asked that the Board's executive  
21 director, Michael J. Ryan, coordinate our  
22 activities today, as we use for the first time,  
23 this technology. This will ensure that our  
24 hearing are conducted in an orderly manner.

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2 Before turning over the proceedings to Mr. Ryan,  
3 I ask that the commissioners consider the  
4 following motion. I do not know the history of  
5 this motion. Others may. It's regarding legal  
6 representation and defense support actions  
7 regarding the June 23, 2020 primary elections.

8 MR. RICHMAN: I'm sorry, Commissioner  
9 Taylor. Can you speak up a little bit? I'm having  
10 a little trouble hearing you.

11 PRESIDENT TAYLOR: I move that in the  
12 event any traditional proceeding is commenced  
13 challenging any action taken by the full Board of  
14 Commissioners or a duly constituted committee  
15 thereof regarding petitions, cover sheets, and  
16 all matters relating to the candidates appearing  
17 on the ballot for the June 23, 2020 primary  
18 elections, the Board staff is directed to  
19 immediately request that the New York City Law  
20 Department represent the Board and/or the  
21 commissioners and staff in such pleading, defend  
22 the Board's actions and oppose any relief sought,  
23 including any appeals related thereto. Is there a  
24 second to that motion?

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2 COMMISSIONER ZACCONE: I will second it,  
3 Commissioner Taylor.

4 PRESIDENT TAYLOR: Any discussion?

5 SECRETARY UMANE: I have some  
6 discussion. I think it should not be automatic. I  
7 think that, like all litigation, it should be  
8 with the approval of the executive committee. And  
9 that's how it used to be and that's how it is  
10 before we have hearings and after we have  
11 hearings. So I'm not sure why this should be  
12 anything different than what our standard  
13 operating procedure would be.

14 This is a change that was put in I guess  
15 a year or so ago and we had some, at least I had  
16 some issues with it last year, and that's why I'm  
17 suggesting and I had circulated to the Board of  
18 Commissioners, executive management and the legal  
19 designating petition an amendment to this saying  
20 with the approval of the executive committee. And  
21 I think that's an important safeguard and a  
22 procedural requirement that applies throughout  
23 the year, and should apply to any challenge to a  
24 ruling under these, under these hearings.

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2 PRESIDENT TAYLOR: Is there a second to  
3 the amendment?

4 COMMISSIONER ARAUJO: Second.

5 COMMISSIONER MICHEL: Second.

6 PRESIDENT TAYLOR: All those in favor of  
7 the amendment.

8 COMMISSIONER ARAUJO: Aye.

9 COMMISSIONER MICHEL: Aye.

10 SECRETARY UMANE: Well, you better do it

11 --

12 PRESIDENT TAYLOR: Anyone --

13 MR. RYAN: Yeah, we're going to have to

14 --

15 PRESIDENT TAYLOR: -- opposing?

16 MR. RYAN: Yeah, we're going to have to  
17 do a roll call, commissioner.

18 PRESIDENT TAYLOR: Alright.

19 MR. RYAN: Alright. Commissioner Taylor?

20 PRESIDENT TAYLOR: There's no  
21 opposition. Is there any opposition to the  
22 amendment? Hearing none, I believe the amendment  
23 passes and you need not do the roll call. Is that  
24 correct?

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2 MR. RYAN: I'm sorry. I anticipated at  
3 least one commissioner might have an objection.

4 PRESIDENT TAYLOR: Okay. As amended, any  
5 further discussion? We will now take a vote on  
6 the motion as amended and I believe we'll need a  
7 roll call for that, Mr. Ryan.

8 MR. RYAN: Yes, okay, Commissioner  
9 Taylor?

10 PRESIDENT TAYLOR: Affirm, affirmative.

11 MR. RYAN: Commissioner Umane?

12 SECRETARY UMANE: Aye.

13 MR. RYAN: Commissioner Araujo?

14 COMMISSIONER ARAUJO: Aye.

15 MR. RYAN: Commissioner Camilo?

16 COMMISSIONER CAMILO: Aye.

17 MR. RYAN: Commissioner Marmorato?

18 COMMISSIONER MARMORATO: Aye.

19 MR. RYAN: Commissioner Michel?

20 COMMISSIONER MICHEL: Aye.

21 MR. RYAN: Commissioner Shamoun?

22 COMMISSIONER SHAMOUN: Aye.

23 MR. RYAN: Commissioner Townsend?

24 COMMISSIONER TOWNSEND: Aye.

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2 MR. RYAN: And Commissioner Zaccone?

3 COMMISSIONER ZACCONE: I seem to have  
4 lost sound.

5 PRESIDENT TAYLOR: I can hear you.

6 MR. RYAN: Commissioner Zaccone, can you  
7 hear us?

8 COMMISSIONER CAMILO: I can hear him. I  
9 can hear you.

10 COMMISSIONER ZACCONE: [unintelligible]  
11 [00:13:52] yes.

12 MR. RYAN: Okay. Alright. So the motion  
13 carries. Sorry, Commissioner Taylor, I stole your  
14 line.

15 PRESIDENT TAYLOR: That is fine, thank  
16 you. The motion is carried unanimously. Now, I  
17 ask executive director Ryan, will you please step  
18 forward to quarterback these procedures. Thank  
19 you, everyone.

20 MR. RYAN: Yes, thank you, President  
21 Taylor. Again, I'm just going to caution everyone  
22 to please keep your microphones on mute. We've  
23 already done the commissioners' attendance.

24 The Board will conduct these hearings in

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2 accordance to the schedule adopted by the  
3 commissioners on April 14, 2020. Each set of  
4 hearings will cover specific boroughs throughout  
5 the city. For each hearing, the commissioners  
6 will conduct the proceedings in the following  
7 order.

8 Number one, enrollment issues on the  
9 prima facie calendar. Number two candidate  
10 records unit prima facie calendar, number three,  
11 the legal prima facie calendar, and number four  
12 clerks' reports on specifications of objection in  
13 the order of the specifications calendar.

14 So before we get to the reminder to  
15 those appearing, we also have staff to recognize.  
16 I am Michael J. Ryan, the executive director,  
17 seated to my left is the deputy executive  
18 director, Dawn Sandow. Also participating in  
19 these proceedings are Pamela Perkins and Georgea  
20 Kontazmanis from a conference room remotely  
21 within the building. Seated at the table in front  
22 of me are Steven H. Richman, general counsel,  
23 deputy general counsel Rafael Savino and one of  
24 our contract almost attorneys is David Fuchs.



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2 He's getting there, as soon as they have the bar  
3 exam, he'll be admitted. And CRU is standing by.  
4 Also, remotely we have the pleasure of seeing Mr.  
5 Denkberg, one of the commissioners' attorneys, as  
6 well as Mr. Moltner, also counsel for the  
7 commissioners. Does that cover everybody?

8 MR. RICHMAN: Chief and deputy from  
9 Manhattan.

10 MR. RYAN: Oh, yes, I'm sorry and for  
11 the Borough of Manhattan presently, which is the  
12 first borough up on the docket is the chief  
13 clerk, Gregory Lehman and the deputy chief clerk  
14 Cynthia Doty. And after I ask this question, Mr.  
15 Lehman, I'll ask you to unmute. Is there going to  
16 be staff standing by in the borough office to  
17 access any documents that may be necessary for  
18 these proceedings or no?

19 MR. GREGORY LEHMAN: Yes, there will be.

20 MR. RYAN: Okay. Thank you very much.  
21 And so we'll, if we need that, we'll communicate  
22 with them. Alright. At this point, I will turn  
23 the calendar call -- well, I'm sorry, yes.

24 I want to remind all persons appearing

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2 at this hearing that we are required to have a  
3 notice of appearance, which was supposed to be  
4 filed as of yesterday, April 20th, in accordance  
5 with the emergency procedures. I will note, for  
6 the proceedings here, no one has physically  
7 appeared in the Board offices to attend the  
8 hearings, or requested to be here. However, we do  
9 have the office hearing room setting up with  
10 appropriate social distance should that  
11 circumstance change. In any event, Mr. Richman, I  
12 believe now, I jumped the gun, perhaps  
13 momentarily, but we're ready to proceed with Mr.  
14 Richman.

15 Once Mr. Richman calls the calendar, I  
16 will note whether or not there are any  
17 appearances expected and if there no appearances  
18 expected, I will so note. And if there are no  
19 appearances expected, I will so note. And if  
20 there are appearances expected, I will call out  
21 the names of the individuals who have indicated  
22 to us via notice of appearance that they wish to  
23 appear. We'll need to then take a deep breath and  
24 get our cue from Mr. Ortiz, who will let us know

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2 when he has retrieved those individuals from the  
3 waiting room and made them available to the  
4 active process. Alright. So it's going to be a  
5 little bit of a game of cat and mouse getting  
6 everybody on the same page, but I think we'll be  
7 able to handle it. Okay. With that, Mr. Richman,  
8 please take it away.

9 MR. RICHMAN: Commissioners, the first  
10 item on the calendar for New York County will be  
11 the enrollment issues for New York County, and  
12 I'm going to ask Mr. Fuchs to call them. Again,  
13 we'll identify the party, what the defect is, and  
14 then the candidates involved in their offices and  
15 as I said, we'll do this by party.

16 MR. RYAN: Okay. And before Mr. Fuchs  
17 starts, I will note that there have been no  
18 notices of appearances for any of the following  
19 matters.

20 MR. DAVID FUCHS: Thank you, Mr.  
21 Richman, thank you, Mr. Ryan. For the Democratic  
22 Party in New York City, the prima facie findings  
23 are filed name and address combination not found  
24 on registration lists, Elisabeth Biondi,

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2 Democratic delegate to the Judicial Convention,  
3 66th AD, Fredrick Wilson, alternate delegate to  
4 the Judicial Convention 71st AD, Lynn Blackstone,  
5 alternate delegate to the Judicial Convention,  
6 73rd AD, Richard Alright. Siegal, alternate  
7 delegate to the Judicial Convention 69th AD.

8 For the Libertarian Party, candidate is  
9 not enrolled in the identified party on the  
10 petition, Brendan Casey, member of the Assembly,  
11 67th AD. He is enrolled as a Republican.

12 The Republican Party, the prima facie  
13 finding is the file name and address combination  
14 not found on registration list, alternate  
15 delegate to the Judicial Convention, 75th AD,  
16 Jacqueline Kroshell.

17 For the Working Families Party,  
18 candidate is not enrolled in the identified party  
19 on the petition, state senator from the 29th  
20 Senatorial District, Jose M. Serrano is enrolled  
21 as a Democrat.

22 MR. RICHMAN: Commissioners, as Mr. Ryan  
23 noted, no one has sought to appear on that  
24 calendar, so I believe it will be in order for a

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2 commissioner to make a motion to adopt --

3 SECRETARY UMANE: I move that we adopt  
4 the calendar as read.

5 PRESIDENT TAYLOR: Second it.

6 MR. RYAN: And if it's unanimous, I  
7 think we can proceed to the rest of the vote.

8 MR. RICHMAN: If there aren't any  
9 objections.

10 MR. RYAN: No objection vote, I'm sorry,  
11 I lost how to say it.

12 MR. RICHMAN: Any objections made to the  
13 motion by Secretary Umane? President Taylor, if  
14 you hear none, I would, I think you could declare  
15 it adopted.

16 MR. RYAN: Commissioner Taylor, is it  
17 okay if we declare that motion adopted without  
18 objection?

19 MR. RICHMAN: Yes.

20 MR. RYAN: Okay.

21 PRESIDENT TAYLOR: I have no objection.

22 MR. RYAN: Alright. Very good. Thank  
23 you. So, hearing no objections, the motion is  
24 carried unanimously.

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2 MR. RICHMAN: Commissioners, the next  
3 report, which you should have in front of you  
4 relates to the CRU prima facie report. First  
5 relates Craig Schley, candidate for, in the 70th  
6 Assembly District, the defect is that the office  
7 on the petition omitted pursuant to Election Law  
8 6132-4.

9 Robert, the next one is the proof of  
10 service omitted the objection number under Rule  
11 H-12. It's the objections by Monisha Mapp to  
12 Robert J. Rodriguez as the candidate for 68th  
13 Assembly District member of the Assembly.

14 MR. RYAN: Steve, we've got to do these  
15 one at a time.

16 MR. RICHMAN: Oh, you want to do them  
17 one at a time? Okay.

18 MR. RYAN: We have to do them one at a  
19 time. There's no other way to do it.

20 MR. RICHMAN: I believe there's an  
21 appearance for Schley?

22 MR. RYAN: Yes, Craig Schley.

23 MR. RICHMAN: Okay. Craig Schley.

24 MR. RYAN: Alright. Hold on one second.

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2 That's number one. So, on number one, the only  
3 appearance, because this appears multiple time,  
4 the only appearance on number one is Craig  
5 Schley. So, Mr. Ortiz, please active Mr. Schley.

6 MS. JENKINS: He's in, sir.

7 MR. RYAN: Okay. We are ready to proceed  
8 then, Mr. Richman.

9 MR. RICHMAN: And commissioners, the  
10 petitions in question are attached to the prima  
11 facie report. Mr. Schley, the prima facie finding  
12 from CRU is that the office is omitted on the  
13 petition pursuant to 132-4. All it says is New  
14 York State 70th Assembly District.

15 MR. RYAN: Mr. Schley, do you wish to be  
16 heard on this matter?

17 MR. CRAIG SCHLEY: I do. Hello?

18 MR. RYAN: Yes, you're here. Do you wish  
19 to be heard, Mr. Schley?

20 MR. SCHLEY: I do.

21 MR. RYAN: Okay. Please proceed.

22 MR. SCHLEY: Okay. I just want to let  
23 you know from this end, there's a very technical  
24 problem [unintelligible] [00:23:59].

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2 MR. RYAN: Mr. Schley, Mr. Schley, if I  
3 might interrupt you. Can you please lower the  
4 volume or turn off your live stream, because it's  
5 causing a reverberation that is not permitting us  
6 to understand what you're saying. So while you're  
7 participating in the Webex --

8 MR. SCHLEY: And that's exactly what I'm  
9 saying to you. Yes, and that's exactly what I'm  
10 saying to you.

11 MR. RICHMAN: Then turn off the live  
12 stream.

13 MR. RICHMAN: You're explaining to me  
14 that you need to turn off your live stream?

15 MR. SCHLEY: I'm saying that I'm getting  
16 reverberation from your end. Hello?

17 MR. RYAN: Yes. I'm explaining to you --

18 MR. SCHLEY: It's getting a little  
19 better.

20 MR. RYAN: You need --

21 MR. SCHLEY: I'm going to try this  
22 [unintelligible] [00:24:36] talk me through.

23 MR. RYAN: -- while you're, while you're  
24 participating in the Webex, you need to turn off



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2 your live stream, or turn the volume all the way  
3 off. Mute the live stream so you can't hear it.  
4 You can't be on both, because you'll interfere  
5 with yourself.

6 MR. SCHLEY: Okay. Okay. Got it.

7 MR. RYAN: Okay. We're all doing this  
8 for the first time, so we're learning lessons.

9 MR. SCHLEY: Hello?

10 MR. RYAN: Yes, how's that? Please just  
11 state your name for the record, Mr. Schley.

12 MR. SCHLEY: My name is Craig Schley.  
13 I'm a candidate for the member, office of  
14 Assembly, here on the matter of, to contest the  
15 objections against my ballot.

16 MR. RYAN: Okay. If you have a case to  
17 state, please make your statement for the record.

18 MR. SCHLEY: Okay. For the record, I  
19 just want to say greetings to everyone there.  
20 Thank you for coming here and allowing me the  
21 opportunity to be heard. And I understand you  
22 guys are doing a difficult job, that, uh, at  
23 we're here today. And I thank you.

24 Also, too, in advance of this hearing, I

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2 want to let you know that I have submitted via  
3 electronic e-mail a cover sheet, a list of  
4 exceptions, of correspondence and affidavits. And  
5 I'll leave those, these out for later. Also, I  
6 can draw your attention to the issue right here  
7 which, alright, the 600 --

8 MR. RYAN: Okay. Mr., Mr. Schley, I  
9 don't --

10 MR. SCHLEY: -- signatures --

11 MR. RYAN: -- I don't --

12 MR. SCHLEY: -- regarding --

13 MR. RYAN: Mr. Schley, Mr. Schley, I  
14 don't want to interrupt you, but I do want to  
15 point something out. Your matter appears on the  
16 calendar twice. So, and I should have made that  
17 clear to you and I apologize. Right now, we're  
18 only dealing with the prima facie issue. There'll  
19 be another issue that comes up later. So we're  
20 going to ask you to standby once we complete this  
21 matter. And I'm going to ask Mr. Richman to  
22 explain to you presently the specific matter  
23 that's before the commissioners right this  
24 second, and then give you an opportunity to

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2 explain yourself on that specific matter and  
3 we're going to ask you to hold any other  
4 arguments you may have in abeyance until we get  
5 to that second matter. So, Mr. Richman, please  
6 explain that a little bit more clearly so Mr.  
7 Schley understands.

8 MR. RICHMAN: Mr. Schley, the issue is  
9 as follows. The courts have held in interpreting  
10 the election law that the title of the office  
11 contains two components, a description of the  
12 office and the geographic territory covered. In  
13 this instance, it says, all your petition says is  
14 New York State 70th Assembly District. There are  
15 multiple party positions and elected offices that  
16 are being elected in this primary from the 70th  
17 Assembly District of the State of New York.

18 So the absence, what we're pointing out,  
19 is that it was not clear to the signers we  
20 believe, and doesn't meet the requirements as  
21 outlined in both Dunlea v. the State Board of  
22 Elections and the Gilley [phonetic] v. the City  
23 Board of Elections, two cases of recent vintage  
24 to have the information there as to what you're

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2 actually running for because it should really --  
3 if you put it in another way, if you wrote New  
4 York State Assembly, then 70th District, that's  
5 fine. I think it would clear, the office would  
6 have been New York State Assembly and the  
7 district is the 70th. All this describes at this  
8 point is the district. It's New York State 70th  
9 Assembly District, which is geographically  
10 defined with specific boundaries, but there are  
11 multiple offices being contested in this very  
12 primary election. So therefore, the petition on  
13 its face fails to properly describe the office or  
14 position being sought. That's the defect that the  
15 staff identified. And now it's your chance to  
16 respond to that defect only.

17 MR. SCHLEY: Yes, thank you. Well,  
18 first it is not a defect because the court is  
19 clear in Hicks v. Walsh in the Third Department,  
20 Appellate Department of this state, and they  
21 stated that the lack of technical precision is  
22 not determinative where the description is  
23 sufficiently informative under New York Law,  
24 Section 3132, As to preclude any reasonable

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2 confusion or deception that the signers, voters  
3 or the Board, you, would be confused. And in that  
4 case, decided August 19, 2010. The court uses the  
5 precise language on my petition. That is  
6 controlling. And this, this body has to follow  
7 that. It is no, there is no ambiguity as to how  
8 this, our case, my case relates to it.

9 SECRETARY UMANE: Mr. Schley, what  
10 office are you running for?

11 MR. SCHLEY: I am running for New York  
12 State Assembly, 70th --

13 SECRETARY UMANE: Okay. But your  
14 petition doesn't say that.

15 MR. SCHLEY: My petition says --

16 SECRETARY UMANE: It just says your  
17 district, it doesn't say what your office is. You  
18 could be running for any number of positions that  
19 are, party positions that would be within that  
20 Assembly District. And that, frankly is very  
21 confusing. And it is a material defect. It's not  
22 a ministerial defect. It's material, because no  
23 one knows what you're running for.

24 MR. SCHLEY: Actually, the argument that

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2 you're raising is exactly what your Board has  
3 already decided in the same case when an objector  
4 raised the same issues here, your Board said no.  
5 They said they sided with [unintelligible]  
6 [00:30:58]. An objector in that case went to the  
7 Appellate Division and the Appellate Division  
8 uphold the position and I sent you this case. And  
9 if you refer to it, it says precisely that the  
10 only thing that's necessary is that, it says, in  
11 quote, New York State Assembly 122nd District.  
12 Mine says New York Assembly in Assembly District.

13 SECRETARY UMANE: That's the point.

14 MR. SCHLEY: There's nothing confusing  
15 at all.

16 SECRETARY UMANE: Mr. Schley --

17 MR. SCHLEY: Ask, you can ask your, your  
18 [unintelligible] [00:31:31] about being confused  
19 about other elections. There are no  
20 [unintelligible] [00:31:36] assembly district  
21 elections in my district. And to define an  
22 Assembly District race, it also has to have the  
23 letter and a number. And furthermore, if you  
24 looked into the file I sent you, I have six

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2 affidavits, not from paid team members, but  
3 volunteers, who've sworn on, on paper that they  
4 told our constituents and those that we solicited  
5 to [unintelligible] [00:32:06] signatures from,  
6 that Craig Schley was running for assemblyman  
7 against Inez Dickens, who they proudly and  
8 asserted their signatures on there for the state,  
9 New York State Assembly seat. Not only were we  
10 clear about who we were running against for the  
11 state assembly person, Ms. Dickens, we also were  
12 clear about me running as assemblyman.

13 But let me bear down on the so-called  
14 confusion which is there no [unintelligible]  
15 [00:32:37] here. If there's clearly, in that  
16 case, if that case is controlling, that is the  
17 [unintelligible] [00:32:46 - 00:32:53].

18 [CROSSTALK]

19 MS. SANDOW: Please mute their  
20 backgrounds.

21 MR. RICHMAN: Hold on.

22 MR. RYAN: Mr. Schley, we have a --

23 MR. RICHMAN: Hold on, we have a  
24 technical --

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2 MR. RYAN: MR. Schley, we're having a  
3 little bit of a technical issue. It appears that  
4 the people from the waiting room have been  
5 imported into the meeting, so if you could just  
6 give us a second to correct that, I apologize.

7 MR. SCHLEY: Okay.

8 SECRETARY UMANE: Mr. Richman, could you  
9 please distinguish the case that Mr. Schley is --

10 MR. RICHMAN: Well, I actually --

11 SECRETARY UMANE: -- referring to?

12 MR. RICHMAN: -- Commissioner Umane,  
13 when I gave the example, I actually quoted from  
14 the case. The difference there is that the case  
15 clearly says that if you separated the two terms,  
16 the office, New York State Assembly and then put  
17 the district, which was the case of Hicks, then  
18 you have it. And commissioners, for your  
19 information, it's referred to, all of this  
20 discussed on page 23 of the State Board update I  
21 circulated. But the fact is --

22 MR. RYAN: Alright, Mr. Richman, hold on  
23 one second please.

24 MR. RYAN: I'm sorry to interrupt, but



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2 it does not appear that Mr. Schley is still in  
3 the room.

4 MR. RICHMAN: There he is, in the top,  
5 the second one.

6 MR. RYAN: Where is he?

7 MR. RICHMAN: Second box on the top.

8 MR. FUCHS: Top row.

9 MR. RYAN: Okay, there he is, okay.  
10 Okay. Alright, Mr. Schley can you hear what's  
11 being said?

12 MR. SCHLEY: I heard it.

13 MR. RYAN: Okay. Very good, sorry about  
14 that.

15 MR. RICHMAN: Commissioner Umame, so the  
16 --

17 [CROSSTALK]

18 MR. RICHMAN: -- in response to what you  
19 said, the difference here is he, the petition was  
20 improperly laid out, not making the distinction.  
21 It only describes the geographic district. It's  
22 the New York State 70th Assembly District. It  
23 doesn't say New York State Assembly or member of  
24 the Assembly. It, it literally --

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2 SECRETARY UMANE: Okay. I, I move the  
3 clerks' report.

4 COMMISSIONER TOWNSEND: Second.

5 MR. SCHLEY: Well, may I reply, please?

6 MR. RYAN: I'm sorry. There's a motion  
7 on the floor and it has been seconded, Mr.  
8 Schley, so the, this hearing is about to conclude  
9 on the commissioner's vote. Mr. Ortiz, please Mr.  
10 Schley in the waiting room. Thank you.

11 MR. RICHMAN: Well, he should hear the  
12 vote.

13 MR. RYAN: Well, he's going to hear it.  
14 He can hear it. He just can't speak, yeah.

15 MR. RICHMAN: Commissioners, I guess  
16 same procedure, are there, is there any objection  
17 to Commissioner Umane's motion to adopt the prima  
18 facie report.

19 MR. RYAN: And it was seconded I believe  
20 by Commissioner Taylor.

21 MR. RICHMAN: Townsend. Townsend.

22 MR. RYAN: Townsend, I'm sorry.

23 PRESIDENT TAYLOR: No, Commissioner  
24 Townsend.

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2 MR. RICHMAN: Okay. Any objections?

3 COMMISSIONER ARAUJO: No objections.

4 MR. RICHMAN: Madam President, do you  
5 want to declare the vote over?

6 PRESIDENT TAYLOR: Hearing no  
7 objections, the motion is carried.

8 MR. RICHMAN: Prima facie report is  
9 adopted, the candidate will not appear on the  
10 ballot. Now, we move on.

11 MR. RYAN: Okay. Thank you. Please move  
12 Mr. Schley to the waiting area. Mr. Schley --

13 MR. SCHLEY: Yes?

14 MR. RYAN: -- another matter will be  
15 called later, so please remain on standby.

16 MR. RICHMAN: The second CRU prima facie  
17 relates to the objections filed by Monisha Mapp  
18 to the petition of Robert J. Rodriguez, 68th  
19 Assembly District, member of the Assembly, that  
20 the objection did not, was omitted from the proof  
21 of service, incorrect or omitted objection number  
22 from the proof of service as required by your  
23 rule H-12.

24 MR. RYAN: Yes, and there is no

1 April 20, 2020

2 appearance for either party in this matter.

3 SECRETARY UMANE: I move the clerks'  
4 report as to this.

5 COMMISSIONER TOWNSEND: Second.

6 PRESIDENT TAYLOR: All those in favor?

7 [CROSSTALK]

8 PRESIDENT TAYLOR: Any objections?

9 COMMISSIONER ARAUJO: No objection.

10 PRESIDENT TAYLOR: No objections.

11 Hearing no objections, the motion for the clerks'  
12 report is carried.

13 MR. RYAN: Yes, Commissioners,  
14 commissioners --

15 PRESIDENT TAYLOR: The candidate will  
16 not appear on the ballot.

17 MR. RYAN: -- right the candidate will  
18 not appear on the ballot, but Commissioner  
19 Taylor, as we move forward, I think it might be  
20 easier if we ask the no objections question  
21 first.

22 PRESIDENT TAYLOR: Thank you.

23 MR. RYAN: And then if, if we hear none,  
24 then we can adopt, and if not, we'll move forward

1 April 20, 2020

2 with a roll call.

3 PRESIDENT TAYLOR: Thank you. I would  
4 appreciate that.

5 MR. RYAN: Yeah, thank you.

6 MR. RICHMAN: Item number three on the  
7 prima facie report, relating to the certificate,  
8 the failed, the filing of a late certificate of  
9 acceptance for Rebecca Seawright on the Working  
10 Families Party for member of the Assembly in the  
11 76th Assembly District. The certificate of  
12 acceptance was filed on April 2, 2020. It was  
13 required to be filed by the election law on march  
14 24, 2020.

15 MR. RYAN: On this matter, we have two  
16 appearances. Gregory Sumas for Rebecca Seawright  
17 and Ezra Glaser as well. So Mr. Ortiz, please  
18 activate Mr. Sumas and Mr. Glaser from the  
19 waiting room.

20 MR. ANTONIO ORTIZ: Yes, they're now in  
21 the room.

22 COMMISSIONER ARAUJO: Steve, Steve, this  
23 is Commissioner Araujo. The print that I have, on  
24 the bottom, I think it reads April 3, 2020, where

1 April 20, 2020

2 your, your, the report says April 2nd. Which one  
3 is the correct date? On the bottom stamp of the  
4 actual certificate, it looks like --

5 MR. RICHMAN: Commissioner, you're  
6 correct. It's April 3rd, so the CR- the report  
7 has a typo, it should read April 3rd, instead of  
8 April 2nd on the report.

9 COMMISSIONER ARAUJO: Thank you.

10 MR. RICHMAN: You're correct,  
11 commissioner.

12 MR. GREGORY SUMAS: That's actually not  
13 correct.

14 PRESIDENT TAYLOR: What is correct,  
15 then?

16 MR. SUMAS: My name is Gregory Sumas and  
17 I'm the attorney for Rebecca Seawright and what  
18 is correct is that the certificate of acceptance  
19 was in fact filed on both April 2nd and April  
20 3rd.

21 SECRETARY UMANE: Oh, okay.

22 MR. RICHMAN: Yeah, commissioner, if you  
23 look at the third page, there's a darkened copy  
24 of something that has an April 2nd clock in, and

1 April 20, 2020

2 then you also have FedEx, priority mail envelope  
3 that was received on April 3rd.

4 SECRETARY UMANE: But neither of those  
5 dates are March 24th.

6 MR. SUMAS: We wanted to get the facts  
7 correct before we got around to the argument.

8 MR. RYAN: Alright, now that we have  
9 straightened the facts out in this matter, Mr.  
10 Sumas, as you appear for Candidate Seawright, do  
11 you wish to be heard?

12 MR. SUMAS: I do. May I be heard?

13 MR. RYAN: Yes.

14 MR. SUMAS: Simply put, Rebecca  
15 Seawright is an incumbent member of the New York  
16 State Assembly. As was already stated, the  
17 certificate of acceptance for the Working  
18 Families Party petition was filed on April 2nd  
19 and April 3rd. The date was changed, as  
20 Commissioner Umane pointed out from April 3rd to  
21 March 24th by executive order of Judge, of  
22 Governor Cuomo as part of the pandemic situation.  
23 Because there was no cover sheet required, there  
24 was no objection filed. There certainly is no

1 April 20, 2020  
2 prejudice. So I'm asking that the certificate of  
3 acceptance, although filed the first week of  
4 April, as opposed to March 24th, be accepted by  
5 the Board of Elections, that Ms. Seawright be  
6 placed on the Working Families Party line.

7 MR. RYAN: Does that conclude your  
8 presentation Mr. Sumas?

9 MR. SUMAS: Well, the only thing I would  
10 add is that Ms. Seawright, who was in Albany, did  
11 in fact have coronavirus symptoms, and that  
12 actually led to her failure to file the  
13 certificate of acceptance on or before March  
14 24th.

15 MR. RYAN: Okay. Mr. Glaser, do you wish  
16 to be heard? I note that your microphone is  
17 muted, there you go, Mr. Glaser. Do you wish to  
18 be heard?

19 MR. EZRA GLASER: Yes. You said my  
20 microphone, I actually muted my, my visual --

21 MR. RYAN: Yes, you did, you did well.

22 MR. GLASER: Okay. I'm just using my  
23 phone.

24 MR. RYAN: We can hear you now. So you



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2 can proceed at your pleasure.

3 MR. GLASER: I think Mr. Sumas actually  
4 correctly noted that this was an incumbent that  
5 actually knows the rules and also, we do have  
6 case law, and I don't really think I need to go  
7 through it, that says that a candidate filed the  
8 certificate of acceptance, that has not filed a  
9 certificate of acceptance timely should be barred  
10 from getting on the ballot. She got the Working  
11 Families Party's I suppose endorsement, the  
12 Working Families Party could have filed the  
13 certificate of acceptance for her. They could  
14 have arranged it. Instead, the candidate filed  
15 this certificate of acceptance on April 2nd and  
16 on April 3rd way late and past the time that we  
17 would have even been able to object, or anybody  
18 would have been able to object to, to the filing.

19 That being the case, the candidate  
20 should have well known, had an election attorney,  
21 had the Working Families Party endorsement,  
22 should have well know that she was able to --  
23 that she should have filed a certificate of  
24 acceptance. She should know the election law. And

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2 I think that the commissioners are really quite  
3 adept to the fact that no exceptions can be made,  
4 particularly for incumbents that actually know  
5 the law. I mean they've been ruling on this for  
6 years. And I think that the notion that she had  
7 coronavirus symptoms, I mean the excuse is that  
8 she had coronavirus symptoms but she didn't have  
9 coronavirus, she's not really any different from,  
10 I mean this Board has not made exceptions for  
11 people that either had had cancer or were, you  
12 know, on their death beds. The point is that she  
13 had an attorney and she had the Working Families  
14 Party endorsement. She should have known the law,  
15 she is an incumbent, she didn't make any oppo-  
16 she didn't make any efforts to change the law. I  
17 supposed that the next assembly member can have  
18 that opportunity and they can change the law if  
19 they think it's unfair, but it's for the  
20 legislature to do then.

21 MR. RYAN: All right, then.

22 MR. RICHMAN: Is there any further  
23 presentation by either counsel?

24 MR. SUMAS: Yeah, may I respond please?

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2 MR. RICHMAN: Certainly.

3 MR. SUMAS: Mr. Glaser said two things  
4 with which I take exception and I object to them.  
5 The first is that Mr. Glaser stated that which a  
6 third party should have known or did know. Mr.  
7 Glaser doesn't know that. And while I respect the  
8 fact that Mr. Glaser is making his arguments as  
9 an attorney, he doesn't know what a third party  
10 knew or should have known.

11 And the second thing he said is that  
12 objections were not timely filed for the reason  
13 that there was no [unintelligible] [00:44:06]  
14 acceptance, and as I stated earlier, there was  
15 not in fact a cover sheet requirement and that  
16 there were no objections. So he simply is wrong  
17 on that fact.

18 Commissioner Umane stated the facts and  
19 the facts do in fact speak for themselves. And in  
20 this case, the fact is that no cover sheet was  
21 required and that there were no objections filed.  
22 This certainly is no prejudice to any party.

23 MR. RYAN: Mr. Glaser, do you have any  
24 exceptions to the exceptions?

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2 MR. GLASER: This is a certificate of  
3 acceptance. I don't know what Mr. Sumas is  
4 talking about regarding what a third party knew  
5 or should have known. Certainly the candidate  
6 should know. It's her campaign and whether she  
7 has coronovirus symptoms, not coronavirus, but  
8 coronavirus symptoms or not, and this is her  
9 certificate of acceptance that by law must be  
10 filed, which was not filed.

11 The candidate is given the obligation to  
12 know and for that, and an incumbent particularly  
13 should know. And his attorney, his or her  
14 attorney should know. All those facts being taken  
15 together, this is clearly, a case where the  
16 candidate should not be on the ballot of the  
17 Working Families Party, particularly where she's  
18 not even a member of that party and was actually  
19 gifted an endorsement on this. So that is the  
20 real point of this. And I'm not really sure  
21 whether anything need be responded to on what --  
22 on a third party [unintelligible] [00:45:39], and  
23 I don't know what third party Mr. Sumas is  
24 referring to.

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2 SECRETARY UMANE: Okay. I move the CRU  
3 exception and that we move the clerks' report for  
4 this.

5 MR. RYAN: Is there a second?

6 COMMISSIONER MICHEL: Second

7 MR. RYAN: Commissioner Taylor?

8 PRESIDENT TAYLOR: All those in favor?

9 MR. RYAN: No, Commissioner Taylor,  
10 we're going to do --

11 MR. RICHMAN: Objections?

12 MR. RYAN: -- ask, please ask if there's  
13 any objections.

14 PRESIDENT TAYLOR: Oh, on the objections  
15 roll call, I'm sorry.

16 MR. RYAN: Yes.

17 PRESIDENT TAYLOR: Aye, I respond as  
18 aye.

19 MR. RYAN: No, no --

20 MR. RICHMAN: Commissioner --

21 MR. RYAN: -- we're not doing a roll  
22 call. Can you please ask if there are any  
23 objections to the motion.

24 PRESIDENT TAYLOR: Oh, I'm so sorry.

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2 MR. RYAN: Yes.

3 PRESIDENT TAYLOR: I thought you were  
4 doing that.

5 MR. RYAN: No, no, I apologize.

6 PRESIDENT TAYLOR: Are there any  
7 objections? Are there any objections to the  
8 motion?

9 MR. ZACCONE: No objections.

10 PRESIDENT TAYLOR: Hearing none, the  
11 motion is carried.

12 MR. RYAN: Yes, thank you. We'll get  
13 this by the end of the day, we'll get this whole  
14 process down, but thank you.

15 MR. RICHMAN: The candidate will not  
16 appear on the Working Families Party line.

17 PRESIDENT TAYLOR: I thought you had  
18 said that you would do that part.

19 MR. RICHMAN: Okay.

20 MR. RYAN: No, I'm sorry. I thought that  
21 you should. I'll do it if you want me to, that's  
22 fine. Maybe it's easier that way for everybody.  
23 Okay. And Mr. Sumas and Mr. Glaser, there is one  
24 more matter that involves each of you, so we will

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2 retire you to the waiting room momentarily while  
3 we deal with something else and then bring you  
4 back.

5 MR. GLASER: Thank you.

6 MR. SUMAS: Thank you.

7 MR. RYAN: Alright. Thank you.

8 MR. RICHMAN: Commissioners, the next  
9 CRU prima facie defect relates to another  
10 certificate of acceptance not filed. It is for  
11 the Libertarian Party, Brendan Casey, the  
12 candidate for the 67th AD member of the Assembly.  
13 The certificate was due also on March 20th, and  
14 it was not filed at all, and that changed as a  
15 result of an act of the legislature, that's  
16 Chapter 24 of the Laws of 2020 changed the filing  
17 periods. And I don't believe there was an  
18 appearance for Casey? Right? Mike? Is there an  
19 appearance for Casey?

20 MR. RYAN: There are no appearances on  
21 this matter.

22 SECRETARY UMANE: So I move the clerks'  
23 report as to this item.

24 MR. RYAN: Is there a second?

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2 COMMISSIONER ARAUJO: Second.

3 MR. RYAN: Are there any objections?  
4 Hearing none, the motion carries.

5 MR. RICHMAN: The candidate will not  
6 appear on the ballot.

7 PRESIDENT TAYLOR: Thank you, Mr. Ryan.

8 MR. RYAN: Thank you.

9 MR. RICHMAN: Commissioners, the final  
10 Manhattan CRU prima facie matter relates to an  
11 OTB petition that was filed by the SAM Party for  
12 member of the Assembly in the 65th Assembly  
13 district. The governor and the legislature  
14 enacted Chapter 24 of the Laws of 2020, which  
15 modified the New York State Election Law to  
16 provide that there is no option to file an OTB  
17 petition for the June 23, 2020 primary election,  
18 therefore this petition is invalid on its face  
19 and appears on the prima facie calendar.

20 MR. RYAN: I do not have an indication  
21 that there are any appearances. Mr. Fuchs, are  
22 there?

23 MR. FUCHS: No.

24 MR. RYAN: Okay, no appearances for this



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2 matter. Is there a motion?

3 SECRETARY UMANE: I move the clerks'  
4 report as to that item.

5 COMMISSIONER TOWNSEND: Second.

6 MR. RYAN: Are there any objections?  
7 Hearing none, the motion carries.

8 MR. RICHMAN: Commissioners, that  
9 concludes the CRU prima facie report. If you will  
10 go to the materials identified in the heading as  
11 the legal prima facie report and the materials  
12 related thereto, for New York County.

13 Commissioners, the first series of approximately  
14 30 matters relates to the failure to attach a  
15 cover sheet we attached with the legal prima  
16 facie report, a copy of the decision of the  
17 Appellate Division Second Department in *Armwood*  
18 *v. McCoy, McCloy*, I should say. Please note that  
19 that case was appealed to the New York State  
20 Court of Appeals, I believe to appeal was denied.

21 The first relates to the Democratic  
22 Party petition for Yvonne Hudson, as an alternate  
23 delicate to the Judicial Convention in the 70th  
24 AD, no cover sheet filed, the petition consists

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2 of more than ten pages. Is there a motion to --

3 SECRETARY UMANE: Move the clerks'  
4 report.

5 COMMISSIONER TOWNSEND: Second.

6 MR. RYAN: Is there a second?

7 COMMISSIONER TOWNSEND: Second.

8 MR. RYAN: Are there any objections?  
9 Hearing none, the motion carries.

10 MR. RICHMAN: Same issue for Cleveland  
11 K. Manley, alternate delegate to the Judicial  
12 Convention, Democratic Party from the 70th AD.

13 MR. RYAN: There are no appearances for  
14 this candidate.

15 SECRETARY UMANE: Move the clerks'  
16 report.

17 MR. RYAN: Is there a second?

18 COMMISSIONER CAMILO: Second.

19 COMMISSIONER TOWNSEND: Second.

20 MR. RYAN: Are there any objections?  
21 Hearing none, the motion carries.

22 MR. RICHMAN: The third item on the  
23 legal calendar relates to the Working Families  
24 Party petition for Carmine de la Rosa, member of

1 April 20, 2020

2 the Assembly 72nd Assembly District, same issue,  
3 same issue, no cover sheet filed. Is there an  
4 appearance?

5 MR. RYAN: So please, I'm going to  
6 remind everyone to keep their microphones on  
7 mute. And for this matter, I note that we need to  
8 activate Stanley K. Schlein, esquire from, from  
9 the waiting area, waiting room and Edmund J.  
10 Prior.

11 MS. PERKINS: Okay, they're in, sir.

12 MR. RYAN: Okay. Let me see, do we see  
13 them?

14 MR. RICHMAN: Yeah, they're right there.

15 MR. RYAN: Okay. Perfect.

16 MR. STANLEY K. SCHLEIN: Stanley Schlein  
17 here, I filed notice of appearance. Mr. Prior  
18 will not be arguing, I will be arguing. So thank  
19 you for your attention to this matter.

20 MR. RYAN: Okay. Very well. Mr. Richman,  
21 can you please make the presentation to the  
22 commissioners? Thereafter, Mr. Schlein, you will  
23 be heard.

24 MR. SCHLEIN: Thank you, sir.

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2 MR. RICHMAN: Commissioners, in this  
3 instance, two volumes were filed for the  
4 candidates on the member, on the Working Families  
5 Party for member of the Assembly in the 72nd AD.  
6 Under the Election Law and the State Board rules,  
7 if a petition consists of more than one volume or  
8 more than ten pages, a cover sheet has to be  
9 filed by the last day of the to file said  
10 petitions. There was no cover sheet filed, and  
11 the Armwood Decision requires you to disqualify -  
12 - remove the candidates from the ballot.

13 MR. RYAN: Mr. Schlein, do you wish to  
14 be heard on this matter?

15 MR. SCHLEIN: Yes, briefly, thank you,  
16 thank you, commissioners and I wish everyone will  
17 remain safe in this trying times. What was filed  
18 on behalf of this candidate for the Working  
19 Families Party initially was a three-page  
20 petition, constituting pages one, two and three,  
21 appropriately paginated, stapled and no cover  
22 sheet would be required since it was less than  
23 ten pages. Apparently the fourth page, a single  
24 page, denominated as page four was submitted to

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2 the Board of Elections. It was, for lack of a  
3 better word, a renegade sheet, not comprising  
4 part of my work product or the work product of  
5 this particular candidate. It should not have  
6 been submitted. It does not count as part of our  
7 underlying submission. Therefore, if the Board  
8 accepts it as a independent filing, this petition  
9 would have then consisted of two volumes, thereby  
10 consistent with Mr. Richman's statement, then  
11 would have required a cover sheet. We disown that  
12 renegade filing, ask the court to singularly  
13 consider pages one, two and three, which were  
14 stapled together as the sole petition for the  
15 Working Families Party candidacy of Candidate de  
16 la Rosa. Thank you for listening to me.

17 SECRETARY UMANE: Do we have those  
18 pages? Was the witness the same on the first  
19 three as on the fourth page?

20 MR. RICHMAN: Commissioner, we're  
21 getting the two volumes right now. I believe --  
22 Mr. Ryan now has them.

23 MR. RYAN: I have the Working Families  
24 Party petitions before me presently. I can tell

1 April 20, 2020

2 you that the witness on the first page of the  
3 three pages that was submitted is Phil Harris.  
4 The second one was a notarized witness.

5 MR. SCHLEIN: I believe that's the one.

6 MR. RYAN: Notarized and stamped by  
7 Richard Morris, and the third page is a notarized  
8 witness, notarized and stamped by Richard Morris.  
9 I'm handing that to Ms. Sandow to verify that as  
10 well. And this fourth page, referred to by  
11 Counselor Schlein is witnessed by notary Michael  
12 N. it appears to be A-I-D-O-O, it may be A-L-D-O-  
13 O, but I believe A-I-D-O-O, also a notary  
14 qualified in Kings County.

15 MR. SCHLEIN: And if I may just  
16 interject, executive director, I believe that  
17 single page is designated as page four. Am I  
18 correct?

19 MS. SANDOW: Yes.

20 MR. RYAN: Yes, it is.

21 MR. SCHLEIN: And, and so under those  
22 circumstances, I can assure this Board would that  
23 have been a component of what we would have  
24 filed, if in fact we would have filed it as a

1 April 20, 2020

2 second volume, it would have been denominated as  
3 page one of a separate volume. I only point that  
4 out as further indicia of this being a renegade  
5 submission. Thank you.

6 MR. RYAN: And just for --

7 SECRETARY UMANE: Is there a committee  
8 to fill vacancies on the petitions and are they  
9 the same?

10 MR. RICHMAN: Under the candidates  
11 section.

12 MR. RYAN: Uh, I see it, I just, uh,  
13 it's kind of written in small type. I'm getting  
14 to it. The committee to fill vacancies is the  
15 same. We have Dorothy Segal identified, Dahlia  
16 McManus and Sandra Oxford as the committee to  
17 fill vacancies. And they also appear to be the  
18 same three individuals on this other page that's  
19 in question. And just so that we're clear, page  
20 one has a single signature dated March 8th, page  
21 two has two -- March 7th, page two has two  
22 signatures dated March 8th, and page three has  
23 two signatures dated March 11th. This other  
24 fourth page is two signatures, both dated on

1 April 20, 2020

2 March 7th.

3 SECRETARY UMANE: Well, in my mind, it  
4 presents an interesting conundrum, because  
5 there's a risk any time that you file less than  
6 ten pages that somebody could screw with the  
7 candidacy by filing a quote rogue piece of paper  
8 or a rogue second petition. Since the filer would  
9 ordinarily not need to file a cover sheet. The  
10 way to protect against that would be to have  
11 filed a cover sheet and only claim the one volume  
12 with the three signatures. But it seems to me  
13 here that since, since the -- it seems that it  
14 was all on the same petition sheet, same format,  
15 same committee to fill vacancies, and that it was  
16 numbered as that, that maybe the real deficiency  
17 here is that it would have been not properly  
18 stapled and put together, in which case, there  
19 would be a three-day right to cure.

20 MR. RICHMAN: Commissioners, both --

21 SECRETARY UMANE: Alternatively, if it  
22 was a separate petition, with page four filed,  
23 then that's an inappropriate petition, because as  
24 Mr. Schlein points out, it should have started



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2 with number one.

3 MR. RICHMAN: Commissioners --

4 SECRETARY UMANE: Yes?

5 MR. RICHMAN: -- just so you know, both  
6 volumes, or the two volumes in question, which  
7 were numbered 527, which is the single sheet with  
8 the page four on it, and then 528, with the three  
9 sheets, were both filed on March 19, 2020 at  
10 12:22 p.m., identical times, they were filed  
11 simultaneously.

12 SECRETARY UMANE: Oh.

13 COMMISSIONER CAMILO: Okay.

14 SECRETARY UMANE: So, then it seems that  
15 it wasn't necessarily a rogue one because they  
16 were filed together.

17 MR. RICHMAN: And the volume sequence --

18 SECRETARY UMANE: So, so --

19 MR. RICHMAN: -- and, and commissioners

20 --

21 SECRETARY UMANE: -- we have two ways to  
22 look at it.

23 MR. RICHMAN: -- just, just so you know,  
24 the petition ID numbers issued by CRU were both

1 April 20, 2020

2 issued to Carmen De La Rosa, the candidate,  
3 however for the Democratic Party, as it said on,  
4 on the thing. Both were issued on March 21, 2020  
5 at the same time, 11:33, so these were. The  
6 petition ID number stickers were issued to the  
7 candidate at the same time on March 21st and the  
8 two volumes, the two sets of petition sheets were  
9 filed simultaneously.

10 MR. RYAN: Mr. Schlein, do you wish to  
11 be heard any further?

12 MR. SCHLEIN: I believe, I believe I  
13 have made my presentation. I thank you for the  
14 attention to it, and I thank the commissioners  
15 for listening. I still nevertheless urge the  
16 rejection of the prima facie report.

17 MR. RYAN: Thank you, Mr. Schlein. Is,  
18 is there a motion with respect to this matter  
19 from the commissioners?

20 SECRETARY UMANE: I move the clerks'  
21 report.

22 MR. RYAN: Is there a second?

23 COMMISSIONER ARAUJO: I second it.

24 MR. RYAN: Okay, are there any

1 April 20, 2020

2 objections?

3 PRESIDENT TAYLOR: [unintelligible]

4 [01:01:27]

5 MR. RYAN: Any objections? Did someone  
6 say yes? Uh, hearing no objections, the motion  
7 carries.

8 MR. RICHMAN: The candidate will not  
9 appear on the Working Families Party line.  
10 Commissioners, the next item relates to Eric J.  
11 Quello [phonetic], petition for delegate for the  
12 Judicial Convention for the 72nd Assembly  
13 District. The petition does not specify the  
14 candidate's place of residence. It only says 10  
15 Hillside, New York, NY, 10040, no street, avenue,  
16 drive, etc.

17 MR. RYAN: So with respect to the last  
18 matter, I'm just reminding Mr. Schlein that he  
19 has been returned to the waiting room and as  
20 other matters on. With respect to this matter,  
21 there are no appearances.

22 SECRETARY UMANE: Move the clerks'  
23 report.

24 MR. RYAN: Is there a second?

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2 COMMISSIONER TOWNSEND: Second.

3 COMMISSIONER SHAMOUN: Second.

4 MR. RYAN: I heard a second. Are there  
5 any objections? No, hearing none, the motion  
6 carries.

7 MR. RICHMAN: The report is adopted, the  
8 candidate will not appear on the ballot. The  
9 next, commissioners, relates to the alternate  
10 delegate to the Judicial Convention, Thomas  
11 Trinidad, 72nd Assembly District. Commissioners,  
12 the petition again doesn't correctly specify the  
13 address. It just says 618 Academy. I believe  
14 there's a typo on your clerks' report, but it's  
15 only 618 Academy, New York, NY, 10034. And I  
16 believe the petitions are attached. Yes,  
17 commissioner.

18 MR. RYAN: And there are no appearances.

19 COMMISSIONER TOWNSEND: I move the  
20 clerks' report.

21 SECRETARY UMANE: Second.

22 MR. RYAN: Are there any objections?  
23 Hearing none, the motion carries.

24 MR. RICHMAN: The candidate will not

1 April 20, 2020

2 appear on the ballot. Commissioners, let's see,  
3 the next is the Democratic Party delegate to the  
4 Judicial Convention from the 73 Assembly  
5 District, Matthew Walsh [phonetic]. The defect is  
6 no cover sheet was filed. The petition consists  
7 of more than ten pages. Any appearances?

8 MR. RYAN: Are, is there a motion?

9 SECRETARY UMANE: Move the clerks'  
10 report.

11 MR. RYAN: Is there a second?

12 COMMISSIONER TOWNSEND: Second.

13 MR. RYAN: Are there any objections?

14 Hearing none, the motion carries.

15 MR. RICHMAN: The candidate will not  
16 appear on the ballot. Commissioners, the next  
17 item relating to the Working Families Party for  
18 Richard Gottfried has been withdrawn. A cover  
19 sheet was filed on March 20th at 8:16 p.m. and we  
20 have found it since the notices went out.

21 COMMISSIONER TOWNSEND: Okay. You're  
22 going to just dismiss this then.

23 MR. RICHMAN: It's withdrawn. It  
24 shouldn't -- it's not on the calendar.

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2 COMMISSIONER TOWNSEND: Okay. It's  
3 withdrawn.

4 MR. RICHMAN: Next matter relates to the  
5 Democratic Party, the Democratic petitions for  
6 Rebecca A. Seawright, member of the Assembly 76th  
7 Assembly District, Armwood v. McCloy, no cover  
8 sheet filed timely, no cover sheet filed timely,  
9 and therefore, under Armwood v. McCloy, the  
10 candidate should be removed from the ballot. I  
11 will note that there was an attempt to file a  
12 cover sheet way after the statutory deadline.  
13 Appearances, I believe.

14 MR. RYAN: Yes. There are appearances on  
15 this matter, and they are once again, Mr. Sumas  
16 and Mr. Glaser. Did, did, Mr. Sumas, did you hear  
17 what Mr. Richman said?

18 MR. SUMAS: I did not.

19 MR. RYAN: Okay. Can you please repeat  
20 yourself?

21 MR. RICHMAN: Was Mr. Glaser in? Did we  
22 get Mr. Glaser?

23 MR. RYAN: And Mr. Glaser, you're there,  
24 right? Yes, we got him. Okay, perfect.

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2 MR. RICHMAN: The legal prima facie  
3 finding is that a, a petition in excess of ten  
4 pages was filed for Rebecca Seawright, Democratic  
5 member of the Assembly for the 76th Assembly  
6 District. No cover sheet was filed timely. A,  
7 considerably after the end of the filing period  
8 on March 20th, a cover sheet was filed, but not  
9 considered by the staff.

10 MR. SUMAS: the only thing I would  
11 state, and this is Gregory Sumas again, is that  
12 the cover sheet was in fact filed on April 2. The  
13 argument is the same as the Working Families  
14 Party's certificate of acceptance. I doubt you  
15 want me to repeat it, but will only if you want  
16 me to.

17 MR. RYAN: I think we can move on to Mr.  
18 Glaser. Mr. Sumas, I believe that the record is  
19 well protected of all your previous commentary.

20 MR. SUMAS: Thank you, sir.

21 MR. RYAN: Mr. Glaser.

22 MR. GLASER: Well, I think the court  
23 properly noted that under Garrett v. McCloy that  
24 a cover sheet is mandatory. The court puts out

1 April 20, 2020

2 rules on designating the petitions. C-1 provides  
3 that a cover sheet must be filed for partitions  
4 containing ten or more pages, [unintelligible]  
5 [01:06:59] from various portions of the Election  
6 Law, this is taken from various portions of the  
7 Election Law and the sections are cited in the  
8 case I think I cited the wrong case. But  
9 actually, it's Armwood v. McCloy, not Garrett v.  
10 McCloy. And the Board properly considers the  
11 petition to be invalid because of the cover  
12 sheet.

13 And from Armwood v. McCloy, it's very  
14 clear that this is not just a ministerial issue.  
15 You submit a cover sheet for the purpose of  
16 allowing the Board to know what's in the petition  
17 and to actively or to accurately put that  
18 person's petition, or process that person's  
19 petition and allow that petition to either be on  
20 the ballot or not be on the ballot. And one of  
21 the cover sheet calls for is for the volume  
22 numbers to be included and that is part of the  
23 confusion that is created by a candidate who  
24 doesn't file a cover sheet at all.



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2 So, in a sense, I'm saying that the  
3 cover sheet constitutes the petition where it's  
4 ten or more pages and for this to be overlooked  
5 by a candidate, but again, particularly an  
6 incumbent that would have had the time to change  
7 the law on this and actually has been quoted as  
8 saying, well, I had coronavirus symptoms, but not  
9 coronavirus, there's no reason to give this  
10 person an exception where she is armed with  
11 knowing the law, particularly where the Board of  
12 Elections puts out designating petition rules and  
13 under C-1, it's specifically told that a cover  
14 sheet must be filed for petitions containing ten  
15 or more pages. And actually, that portion of the  
16 rules cite would be McCloy.

17 So, it was all there for a candidate to  
18 know. It's there for an incumbent to know, and I  
19 think that the Board is guided by this and  
20 actually properly cited that under *Armwood v.*  
21 *McCloy*, that the petition must be invalidated.

22 MR. RYAN: Okay, uh --

23 MR. GLASER: Thank you. And I just want  
24 to say thank you --

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2 MR. SUMAS: May I respond, Mr. Ryan?

3 MR. RYAN: I'll recognize you. I don't  
4 believe that Mr. Glaser was finished speaking  
5 yet, but we'll get to you, Mr. Sumas.

6 MR. SUMAS: I'm sorry about that, sorry,  
7 Mr. Glaser.

8 MR. RYAN: Okay.

9 MR. GLASER: I just wanted to say thank  
10 you to everyone and for making this process  
11 available to the public and to the attorneys in  
12 the way that it did. I think the Board of  
13 Elections has done a great job through this  
14 crisis.

15 MR. RICHMAN: Thank you.

16 MR. RYAN: Mr. Sumas, would you like to  
17 --

18 MR. SUMAS: Thank you, Mr. Ryan.

19 MR. RYAN: -- also praise the Board of  
20 Elections before you move forward, or [laughter].

21 COMMISSIONER TOWNSEND: He can be fired  
22 for that.

23 MR. SUMAS: Mr. Glaser is not correct  
24 about one thing and I would distinguish Armwood

1 April 20, 2020

2 v. McCloy from this case for the reason that a  
3 cover sheet was filed. It was simply filed late.  
4 In Armwood v. McCloy, not cover sheet was filed  
5 at all. And Mr. Glaser did in fact state that no  
6 cover sheet was filed at all. And it was. It was  
7 just late, as Commissioner Umame would say, April  
8 2nd is after the due date, but it was filed.

9 MR. RYAN: Okay, Mr. Glaser -- Mr. Sumas  
10 were you completed?

11 MR. GLASER: Well, okay --

12 MR. SUMAS: Yes, Your Honor, uh, yes,  
13 Mr. Ryan.

14 MR. RYAN: Yes, Mr. Glaser?

15 SECRETARY UMANE: I move the clerks'  
16 report.

17 MR. RYAN: Okay, well --

18 MR. RICHMAN: There's a motion.

19 MR. RYAN: There's a motion on the floor  
20 and I apologize, Mr. Glaser. Is there a second?

21 COMMISSIONER TOWNSEND: I can, yeah, I  
22 will go ahead, and unfortunately I have to second  
23 that, but the law is the law.

24 MR. RYAN: Okay. So we have a motion

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2 that is seconded. Is there any objection.

3 COMMISSIONER SHAMOUN: No objection.

4 MR. RYAN: Hearing none, the motion  
5 carries.

6 MR. RICHMAN: The candidate will not  
7 appear on the ballot.

8 MR. RYAN: And I believe, I just want to  
9 double check, Mr. Sumas, does that conclude the  
10 matters that you're appearing on today?

11 MR. SUMAS: [unintelligible] [01:11:00].

12 MR. RYAN: And, Mr. Glaser, does that  
13 also conclude the matters that you're appearing  
14 on today?

15 MR. GLASER: It does, thank you.

16 MR. RYAN: Alright, thank you both.  
17 Please return them to the waiting area should  
18 they wish to continue to watch the proceedings.

19 MR. SUMAS: Thank you.

20 MR. GLASER: Thank you.

21 MR. RYAN: Okay.

22 MR. RICHMAN: Commissioners, the next  
23 item on your calendar should be, is withdrawn for  
24 Jeff Rowley [phonetic]. A cover sheet was filed

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2 on March 20th at 9:33 p.m. and again, we located  
3 that after the candidate brought it to our  
4 attention that they did make file. So that matter  
5 is withdrawn as well.

6 The next matter to be presented to you  
7 relates to the Republican Party petition of Dylan  
8 Stevenson. The petition does not correctly  
9 specify or identify the public office and the  
10 petition stated, commissioners, you have the  
11 actual petition there, but I believe we have an  
12 appearance, so before I go forward, Mr. Ryan, we  
13 may want to call him in.

14 MR. RYAN: Yes, we do, but before we get  
15 to that, Mr. Richman, I'd like a point of  
16 clarification. Are there two separate matters  
17 regarding this, or is it --

18 MR. RICHMAN: Mr. Stevenson I believe  
19 also was the subject of specifications of  
20 objection.

21 MR. RYAN: Right. Okay. So, it appears  
22 then to me that there are appearances by -- on,  
23 I'm not certain, is it on this one, is it only  
24 Robert Morgan --

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2 MR. RICHMAN: No.

3 MR. RYAN: -- is the appearance?

4 MR. RICHMAN: Mr. Morgan would be the  
5 objector. He is representing the objector at the  
6 specifications. In this case, it would only be  
7 technically Mr. Stevenson filed a notice of  
8 appearance for the prima facie matter.

9 MR. RYAN: Okay. So then, Mr. Ortiz, we  
10 would recognize Mr. Stevenson and ask him to be  
11 activated for the purposes of his participation.

12 MR. ORTIZ: He's in the meeting now.

13 MR. DYLAN STEVENSON: Hello?

14 MR. RYAN: Okay, very well. Mr. Richman,  
15 can you please restate this, and then when I'm  
16 ready to hear from you, Mr. Stevenson, I will  
17 recognize you, okay.

18 MR. RICHMAN: Commissioners, this  
19 relates to a series of designating petitions  
20 filed for the Republican Party for Dylan  
21 Stevenson, that the petition does not correctly  
22 identify or specify the public office or party  
23 position. If you look at the petitions to you,  
24 all it says for the public office or party

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2 position is U.S. House of Representatives NY10,  
3 and it doesn't make clear at this point what,  
4 what it really applies to, you know, and it  
5 should be, the technical title, and it should be  
6 [unintelligible] [01:13:31] member of -- either  
7 member of the -- member of Congress or member of  
8 the House of Representatives together with the  
9 district number. New York ten doesn't say if it's  
10 the 10th district, Congressional District, 10th  
11 Senate District, etc. So for those reasons, we  
12 found this to be a defective prima facie matter  
13 and I think that briefly summarizes it.

14 As we discussed earlier, the cases  
15 require that there be two components, that the  
16 office or position be clearly described and the  
17 geographic scope of the district be clearly  
18 described. I think the, in this case, the  
19 geographic scope, if it's the congressional  
20 district, is not adequately described, and you  
21 may be able to conclude that the office may be  
22 described adequately, but it is not sufficient I  
23 think to make available to the public and it  
24 accordingly, that's why on your calendar, we're

1 April 20, 2020

2 not sure what exactly he's running for.

3 MR. STEVENSON: So can you call see and  
4 hear me, by the way? Just so to make sure that  
5 I'm -- that there's no technical issue here.

6 MR. RYAN: We can --

7 MR. RICHMAN: We can see you and hear  
8 you.

9 MR. STEVENSON: Okay. Great, thank you.

10 MR. RYAN: Yes, Mr. Stevenson, you are  
11 recognized if you wish to proceed.

12 MR. STEVENSON: Well, I mean, you know,  
13 it's the case that you made was that it was  
14 apparently unclear as to what was, in terms of  
15 what this was. I think it's quite clear. The U.S.  
16 House -- the offices to the U.S. House of  
17 Representatives and the district is NY10, New  
18 York's 10th Congressional District. That is to  
19 me, quite clear. I'm not entirely sure what is  
20 unclear about that.

21 MR. RYAN: Mr. Richman, do you have  
22 anything further?

23 MR. RICHMAN: No.

24 SECRETARY UMANE: I move the clerks'



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2 report as to this item.

3 MR. RYAN: Is there a second?

4 COMMISSIONER TOWNSEND: Second.

5 MR. RYAN: Any objections? Hearing none,  
6 the motion carries.

7 MR. RICHMAN: Prima facie --

8 MR. STEVENSON: So, hang on a second.  
9 I'm a bit unclear. Does that mean that it's  
10 deemed clear, and I'm, like I'm good on this, or  
11 --

12 MR. RICHMAN: No.

13 MR. STEVENSON: -- is that --

14 MR. RICHMAN: No, Mr., Mr. Stevenson,  
15 the commissioners adopted the prima facie  
16 finding, you are removed from the ballot as of  
17 today.

18 MR. STEVENSON: So you've removed me  
19 from the ballot as of today?

20 MR. RICHMAN: Yes.

21 MR. RYAN: That is correct.

22 MR. STEVENSON: What?

23 MR. RYAN: And this matter is now  
24 concluded. Please return Mr. Stevenson to the

1 April 20, 2020

2 waiting area, and move on to the next calendar  
3 item.

4 MR. RICHMAN: Commissioners, the next  
5 relates to Democratic Party petitions filed for  
6 Bob Wyman, again, you have that attached as your  
7 packet numbered 37, item number 37. Again, the  
8 petition does not correctly specify or identify  
9 the public office or party position for which the  
10 candidate is seeking election to, and I believe  
11 we have an appearance from Mr. Wyman on his prima  
12 facie matter, so I won't go any further.

13 MR. RYAN: And the three references that  
14 I have are all for this one item?

15 MR. RICHMAN: I believe there are  
16 specifications also later for him.

17 MR. RYAN: Okay. Alright. So, Please  
18 activate Mr. Wyman from the waiting room.

19 MR. ORTIZ: He's in the room now.

20 MR. RYAN: Okay. Thank you, Mr. Richman,  
21 can you please restate the matter?

22 MR. RICHMAN: Mr. Wyman, we're calling  
23 the prima facie defect that the staff identified  
24 that the petition does not correctly specify or

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2 identify the public office or party position that  
3 the candidate is seeking to be designated for.  
4 Commissioners, if you look at the exhibit, the  
5 petition reads for the public office or party  
6 position, House, New York CD10.

7 Again, I think we're having some concern  
8 at this point, because as we've talked before,  
9 the courts have interpreted the requirements of  
10 6-132 to both include a descript-, a title of the  
11 office and the geographic description being  
12 covered. This is similar to the other matter we  
13 just concluded for the Republican Party that the  
14 office is not fully properly described and if  
15 anybody needs any more information please ask,  
16 but I'm not going to repeat all the case law that  
17 we discussed earlier. And I yield to Mr. Wyman.

18 MR. RYAN: So, Mr. Wyman, there are  
19 several matters on the calendar. What Mr. Richman  
20 is referring to and we would ask that you keep  
21 your comments for the moment limited to the  
22 description of the office as it appears on your  
23 petition. If you'd like to offer anything for the  
24 commissioners consideration, please do so now.

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2 MR. BOB WYMAN: Yes, just this line.

3 House is the means that the office is specified  
4 for federal elections commission filings, Form  
5 Two specifically. I was not aware until into the  
6 process that New York's designations for the  
7 office are different from those federal  
8 designations from the office. You'll find that  
9 some of the pages say House, others say  
10 Representative in Congress, and that's all I can  
11 say is I wasn't aware until too late of what the  
12 proper form was to do it for New York.

13 MR. RYAN: Is there a motion?

14 SECRETARY UMANE: Move the clerks'  
15 report.

16 MR. RYAN: Is there a second?

17 COMMISSIONER TOWNSEND: Second.

18 MR. RYAN: Are there any objections?

19 Hearing none, the motion carries.

20 MR. RICHMAN: Prima facie finding is  
21 adopted by the commissioners, the candidate will  
22 not appear on the primary election ballot. Mr.  
23 Gorman, I should say Mr. Wyman, you have, please  
24 wait in the waiting room, you'll be, your

1 April 20, 2020

2 specification of objections will be heard by you  
3 a little bit later in the meeting.

4 MR. WYMAN: Okay.

5 MR. RICHMAN: Commissioners, the next  
6 item on the legal prima facie calendar relates to  
7 the Democratic Party petition for Daniel Gorman.  
8 Again, the petition does not correctly specify or  
9 identify the public office or party position the  
10 candidate is being nominated for, that is  
11 attached to your materials as item number 38,  
12 Daniel Gorman, I believe he is registered to  
13 appear, Mr. Ryan?

14 MR. RYAN: Yes.

15 MR. RICHMAN: So I will not go further  
16 with the presentation until we can have him join  
17 the meeting.

18 MR. RYAN: The individual is Ali Najmi  
19 and he's an attorney, so please activate Mr.  
20 Najmi from the waiting room.

21 MR. ALI NAJMI: Yes. I will not go  
22 further with the presentation.

23 MR. RYAN: Okay, Mr. Richman, can you  
24 speak for the record?

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2 MR. RICHMAN: Mr. Najmi's in? Yes.

3 MR. RYAN: Now that we have Mr. Najmi on  
4 the line?

5 MR. RICHMAN: The prima facie finding by  
6 this office is that the designating petition for  
7 the Democratic Party, which, for Mr. Gorman,  
8 which says public office or party position, it  
9 just says New York State Assembly District 75 and  
10 commissioners, as we've discussed previously, in  
11 this year's primary, there are multiple public  
12 offices and party positions being elected in the  
13 June primary from New York State Assembly  
14 District 75. And based on our review of the  
15 applicable case law, as I said, which is  
16 summarized on page 23 of the State Board, uh,  
17 State Board guidance from last year, the case law  
18 requires two distinct parts of the, for the  
19 position or office to be identified. The title of  
20 the office and the district, in this case, again,  
21 with multiple positions being contested within  
22 the Assembly District, within the Democratic  
23 Party and the heading including public office or  
24 party position, this again is -- does not meet

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2 the statutory requirements as outlined in Dunlea  
3 v. State Board of Elections and [unintelligible]  
4 [01:21:43] against the City Board, which we were  
5 the direct party to, and the additional line of  
6 cases cited more recently or subsequently in the  
7 other departments, and I believe this is clearly  
8 distinguishable from the case of Hicks v. Walsh  
9 because again, at this point with multiple  
10 candidate, with multiple offices being sought in  
11 the same district, and this clearly wasn't done,  
12 it just says Assembly District 75 is the area  
13 being contested. It doesn't specify which  
14 position or office being done within the  
15 petition. So I think that summarizes it.

16 MR. NAJMI: Can you hear me?

17 MR. RICHMAN: Yes, Mr. Gorman, if you  
18 want to be heard.

19 MR. RYAN: No, it's Mr. Najmi, if you  
20 wish to be heard.

21 MR. NAJMI: Yes, can you hear me?

22 MR. RYAN: Yes, we can.

23 MR. RICHMAN: Yes.

24 MR. RYAN: Please proceed, thank you.

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2 MR. NAJMI: Thank you. I, I'm appearing  
3 on behalf of Mr. Gorman. I understand that  
4 Election Law section 6-132 requires that the  
5 petition, the designating petition state the  
6 office or position being sought by the candidate.  
7 And it must be sufficiently informative so as to  
8 preclude any reasonable probability of confusing  
9 or deceiving the signers, voters or Board of  
10 Elections and that is a legal standard.

11 Here, I would argue that with Mr.  
12 Gorman's petition, there is no reasonable  
13 probability of confusion for either voters,  
14 signers or the Board of Elections. Mr. Gorman is  
15 not running for a party position. In fact, his  
16 cover sheet states that he's running for member  
17 of the Assembly, New York State Assembly District  
18 for District 75.

19 Had he been running for party position,  
20 I would agree and concede there is confusion if  
21 he simply wrote New York State Assembly District  
22 75. Is he running for judicial delegate, is he  
23 running for district leader, is he running for  
24 county committee.



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2 With respect to running for, as a member  
3 of the legislature, it's, he's running for a  
4 public position. Here the public office is  
5 stated, New York State Assembly District 75. And  
6 it falls squarely within Odett v. Walsh, a Third  
7 Department Appellate Division Case, 76 A.D.3d 77  
8 is the cite, for the record, and in Odett v.  
9 Walsh, what we saw was the description written as  
10 New York State Assembly 122nd District. That was  
11 the description in Odett v. Walsh. That was found  
12 by the Third Department Appellate Division to be  
13 adequately identifying the public office for  
14 which the candidate was running.

15 Here, Mr. Gorman writes New York State  
16 NYS Assembly District 75. It's exactly like Odett  
17 v. Walsh, there's only one public office within  
18 New York State Assembly District 75, which is the  
19 legislative district of Assembly, position of  
20 Assembly Member. He's not running for a party  
21 position, or even with respect to public office,  
22 there's no confusion and he should be ruled on  
23 the ballot.

24 SECRETARY UMANE: How do we know he's

1 April 20, 2020

2 running for a public office?

3 MR. RICHMAN: Commissioners, Mr. Najmi,  
4 could you look at, you look at the petition he  
5 filed, the heading above that says public office  
6 or party position, New York State Assembly  
7 District 75. On the actual designating petitions  
8 --

9 MR. NAJMI: We know he's not running for  
10 --

11 MR. RICHMAN: -- we're not talking about  
12 the cover sheet, we're talking about the  
13 petitions that were presented to the voters --

14 MR. NAJMI: Okay.

15 MR. RICHMAN: -- it had both, both on  
16 the petition.

17 MR. NAJMI: Well, I would answer to both  
18 commissioners respectfully, we know he's not  
19 running for a party position, because it doesn't  
20 state a party position. It only states the public  
21 office, New York State Assembly District 75.

22 MR. RYAN: So, Mr. Najmi, as we are  
23 doing this remotely I just want to make sure I  
24 understand what you're saying, and if I have this

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2 question, I'm sure others do. When you say we  
3 made it clear, are you referring to the cover  
4 sheet or the pre-printed petition? And if you  
5 could just answer that question, you know,  
6 directly.

7 MR. NAJMI: I'm speaking to the pre-  
8 printed petition, which I understand is the cause  
9 for this, for this legal issue.

10 MR. RYAN: Mr. Richman, can I see the  
11 pre-printed petition, please, so that I could  
12 read the designation into the record for the  
13 commissioners. Yes, it says, on the top in large  
14 letters, it says Daniel Gorman, New York State  
15 Assembly District 75, but above that --

16 SECRETARY UMANE: It says public law --  
17 we have a copy of it.

18 MR. RYAN: -- it says, it says party or  
19 --

20 SECRETARY UMANE: Yes.

21 MR. RYAN: -- it says party or public  
22 office or for the election to a party position.  
23 And I believe that that's the specific. We're  
24 going to give an opportunity for clarification if

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2 you can so make it, Mr. Najmi, but we believe  
3 that that is what has been the source of  
4 confusion. Is this a party position that is in  
5 New York State Assembly District 75, or is this  
6 actually the public office of member of Assembly,  
7 and that's the question so --

8 MR. NAJMI: Right.

9 COMMISSIONER ZACCONE: And in fact --

10 MR. NAJMI: And I, I understand --

11 COMMISSIONER ZACCONE: -- before we hear  
12 from that, just to clarify for the other  
13 commissioners, it's on page 30 of 33 of the  
14 packet that was given us for legal prima facie  
15 matters.

16 MR. RYAN: Okay. Perfect.

17 MR. NAJMI: Can I say something?

18 MR. RYAN: Certainly, Mr. Najmi.

19 MR. NAJMI: Thank you. And I want to  
20 thank you for reading that clarification into the  
21 record. I would like for the commissioners to be  
22 aware that the page that is being used by Mr.  
23 Gorman is from the sample form produced by the  
24 Board. And it says public office or party

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2 position. That's the prompt on the page produced  
3 by the Board of Elections as a sample petition.  
4 He then states the public office. If he was  
5 running for a party position, and failed to state  
6 the party position, certainly there would be  
7 confusion. Here, there's no confusion. It's  
8 stately, it's stated for the public office, New  
9 York State Assembly District 75. There's yet,  
10 there's only one public office, commissioners in  
11 New York State Assembly District 5, that's member  
12 of the Assembly.

13 SECRETARY UMANE: I move the clerks'  
14 report.

15 COMMISSIONER TOWNSEND: Second.

16 MR. RYAN: Are there any objections?  
17 Hearing none, the motion carries.

18 MR. RICHMAN: The prima facie report is  
19 adopted, the candidate will not appear on the  
20 ballot. Commissioners, the last item on the legal  
21 prima facie report relates to Craig Schley.

22 MR. RYAN: Schley.

23 MR. RICHMAN: Schley, which you already  
24 addressed on the CRU prima facie report, so I

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2 don't know if we want to hear the argument again,  
3 or you want to dismiss the prima facie as moot.

4 SECRETARY UMANE: I move we dismiss as  
5 moot.

6 MR. RYAN: Is there a second?

7 COMMISSIONER TOWNSEND: Second.

8 MR. RYAN: Are there any objections?  
9 Hearing none, the motion carries.

10 MR. RICHMAN: The candidate remains off  
11 the ballot. Commissioners, that concludes the  
12 legal prima facie calendar. We'll be moving on to  
13 the specs prepared by the Manhattan office. If  
14 you give us a moment, you can access them and  
15 we'll get ours as well.

16 Commissioners, before we bring everybody  
17 in, we're beginning with the package, it should  
18 begin with New York 11-1. Let us know when you're  
19 ready to begin calling. You think we're ready?

20 COMMISSIONER TOWNSEND: Okay. We're  
21 ready to go ahead.

22 MR. RYAN: Yes.

23 MR. RICHMAN: So the first would be, I  
24 don't know if we have anything, spec number 11-1,

1 April 20, 2020

2 objection to Keith Lilly, Democratic Party  
3 petition of Tamika Mapp for member of the  
4 Assembly 68th AD, do we have any appearances  
5 scheduled or requested?

6 MR. RYAN: Uh, it, it indicates that  
7 Tamika Mapp.

8 MR. RICHMAN: So she should be brought  
9 in.

10 MR. RYAN: So please, if Ms. Mapp is in  
11 the waiting area, please bring her in.

12 MR. ORTIZ: She's now in the hearing  
13 room.

14 MR. RYAN: Okay.

15 MR. RICHMAN: So, commissioners, there  
16 are no appearance, we'll go through the clerks'  
17 report.

18 SECRETARY UMANE: Move the clerks'  
19 report.

20 MR. RICHMAN: Commissioners, should we  
21 at least enter the numbers aloud?

22 MR. FUCHS: Hold up, she's up, hold up.

23 SECRETARY UMANE: Okay.

24 MR. RICHMAN: Oh, she's up.

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2 MR. RYAN: Wait a second, folks. I'm  
3 sorry. Ms. Mapp appeared.

4 MR. RICHMAN: She's muted it looks like.

5 MR. RYAN: Ms. Mapp, please unmute and,  
6 uh --

7 MR. RICHMAN: There you are. Ms. Mapp,  
8 can you hear us? Ms. Mapp? Ms. Mapp?

9 MR. RYAN: She unmuted it but we're not  
10 hearing her at all.

11 MR. RICHMAN: Ms. Mapp, you may have to  
12 --

13 MS. TAMIKA MAPP: Yes.

14 MR. RICHMAN: Go ahead. Is that Ms.  
15 Mapp?

16 MS. MAPP: Yes, can you hear me?

17 MR. RICHMAN: Now, we can.

18 MR. RYAN: Yes, okay. So Mr. Richman,  
19 please go through this matter again, and then Ms.  
20 Mapp, upon conclusion of Mr. Richman's  
21 presentation, I will recognize you to speak.

22 MR. RICHMAN: These, this is the clerks'  
23 report on specification number New York 11-1,  
24 Democratic Party objections by Keith Lilly to the



1 April 20, 2020

2 petition of Tamika Mapp for member of the  
3 Assembly in the 68th Assembly District, 939  
4 signatures were submitted for the candidate. The  
5 Board found 433 signatures invalid, leaving 506  
6 signatures valid. Under the revised statute and  
7 executive order, 150 are required, the clerks  
8 recommend that the candidate be on the ballot.

9 MR. RYAN: Ms. Mapp, the clerks are  
10 recommending that you remain on the ballot. Do  
11 you have anything you wish to say in that regard?

12 MS. MAPP: I just want to say thank  
13 y'all so much for your hard work and stay safe  
14 and thank you for opening us up to speak as well,  
15 so thank you so much.

16 MR. RYAN: Okay. Uh --

17 SECRETARY UMANE: I move the clerks'  
18 report.

19 COMMISSIONER TOWNSEND: Second.

20 MR. RYAN: Any objections? Hearing none,  
21 the motion carries.

22 MR. RICHMAN: The clerks' report is  
23 adopted, candidate will remain on the ballot. The  
24 next clerks' report relates to the petitions of

1 April 20, 2020

2 Craig --

3 MR. SAVINO: Was is Schley?

4 MR. RICHMAN: -- Schley, uh,  
5 commissioners, I believe we both have the  
6 objector and the candidate, so I think we should  
7 bring them in, even though he's off the ballot,  
8 the objector may seek a decision in view of the  
9 pending court proceeding.

10 MR. RYAN: Okay. So, Mr. Ortiz, we will  
11 need Londel Davis, Jr., and Craig Schley, I  
12 apologize. I had a little brain cramp there for a  
13 second.

14 MR. SAVINO: It's only Mr. Schley.

15 MR. RYAN: Okay. So just Mr. Schley is  
16 here. And Mr. Richman, will you proceed, and then  
17 --

18 MR. RICHMAN: Is he in?

19 MS. PERKINS: He's admitted, here he is.

20 MR. RICHMAN: This is the clerks' report  
21 with respect to spec number 13-1, the objections  
22 to the Democratic Party petition of Craig Schley  
23 by Londel Davis, Jr. Clerks' report, 751  
24 signatures submitted for the candidate, they find

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2 751 signatures valid, leaving -- invalid, I'm  
3 sorry, leaving zero valid signatures, 150 are  
4 required to qualify for the primary ballot. A  
5 copy of the report, the clerks' report was given  
6 to Mr. Schley. Commissioners, you removed him  
7 prima facie, but I don't know if he has anything  
8 to say that he has no valid signatures either.

9 MR. RYAN: Mr. Schley, do you have  
10 anything you wish to add to these proceedings  
11 before we turn it over to the commissioners?

12 MR. SCHLEY: Yes, I would like to be  
13 heard here, and number two on the issues of the  
14 prima facie case, you only state in your clerks'  
15 report, 600, uh, 465 were invalid on the prima  
16 facie case, which was, which was what the law  
17 said. I want to, we're here on the issues of the  
18 signatures, it's only 286 that they state are not  
19 valid. You don't state in your clerk report that  
20 all of them are invalid because of the  
21 [unintelligible] [01:35:37]. So, I should be  
22 heard, and just to the court, or excuse me, to  
23 the panel, that there, that we have more than 150  
24 valid signatures on our petition. That is a

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2 frivolous and outright not [unintelligible]  
3 [01:35:56] that our signatures aren't valid. So  
4 if I could be heard, I can present the threshold  
5 number of 150 signatures right here.

6 MR. RYAN: Mr. Richman, clarification.

7 MR. RICHMAN: Mr. Schley, the objection  
8 filed by the objector is that there's an  
9 incorrect description of the office or district.  
10 And they found for the balance of the signatures  
11 that were not removed for line by line  
12 objections, of which there were 286, that applied  
13 to the rest of the pages and the signatures on  
14 the petition and that ruling by the  
15 recommendation by the clerks is consistent with  
16 the rulings made by the commissioners this  
17 morning. So that's who when you add the 286 and  
18 the ruling on the objection, the recommended  
19 ruling on the incorrect description of the  
20 office, how they find zero valid signatures.

21 MR. SCHLEY: Who is speaking?

22 MR. RICHMAN: This is Steven Richman,  
23 general counsel for the Board.

24 MR. SCHLEY: Okay. The general counsel

1 April 20, 2020

2 of the Board, could you show me on the clerks'  
3 report what you just stated?

4 MR. RICHMAN: Yes, sir.

5 MR. SCHLEY: Because here --

6 MR. RICHMAN: If you have a copy of the  
7 clerks' report, on the line that says --

8 MR. SCHLEY: Excuse me, sir. I would  
9 like to finish, I would like to finish saying  
10 what I'm, I have a right to say. This is my  
11 hearing. I've not been heard yet. I was cut short  
12 last, on the previous hearing and I would like to  
13 be heard here.

14 MR. RYAN: Well then, please proceed.

15 MR. SCHLEY: Excuse me. May I speak?

16 MR. RYAN: Yes, we're asking you to  
17 proceed.

18 MR. SCHLEY: Thank you, thank you. The  
19 clerks' report makes the distinction on the print  
20 lines as to why they are invalidating the  
21 signatures and distinguish alternate district  
22 five as being incorrect description of the office  
23 of the district. Not that it, not all of them,  
24 but just 465. What would be the purpose of that,

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2 I'm not certain. You have two hearings, but yet  
3 you're adding, but you're saying one would have  
4 been on the other, it happened over here, but the  
5 clerks' report does not do this. It distinguishes  
6 in fact, the issues of signatures and that's why  
7 I would like to be heard on. And that means if,  
8 if one, if both, it would require both for me not  
9 to appear on the ballot. If, in closing, what  
10 you're saying is accurate, on the line where it  
11 talked about incorrect description of offices  
12 described, you would have several hundred and 51.

13 MR. RICHMAN: Mr. Schley, the Board can  
14 only remove a signature once. So we received the  
15 line by line specifications. The objector has a  
16 right to prepare specifications. On a line by  
17 line review, they invalidated 286 signatures. The  
18 objector also filed an objection claiming that  
19 there was an incorrect description of office and  
20 district applying to every signature on the  
21 petition.

22 But since we've already, the clerks'  
23 already ruled that 286 were invalid for other  
24 reasons, then only the balance, the 465 was then

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2 removed for that reason. But when you add the two  
3 of them together, as you can see, 286 for the  
4 signature area, and then they used the rest for  
5 the whole petition and the witness statement,  
6 465. That adds up to the total 751.

7 So even though both objections were  
8 found to be as stated by the clerks, we only can  
9 subtract a signature once from the total,  
10 otherwise, you'd have a negative number, not  
11 zero. And that's how the clerks' report is  
12 reflected. It doesn't mean that the 286 that were  
13 removed for other reasons, the objection relating  
14 to the incorrect description of the office of  
15 district doesn't apply, but that they were  
16 already removed already, so they were excluded  
17 from consideration from the clerk when they did  
18 the numerical calculations, not the findings of  
19 fact.

20 MR. RYAN: Okay. Is there is a, is there  
21 a motion?

22 SECRETARY UMANE: I move the clerks'  
23 report.

24 MR. SCHLEY: Well, may, may have

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2 something to get on record. Before you, before  
3 you motion.

4 MR. RYAN: There is a, there is a --

5 MR. SCHLEY: Please.

6 MR. RYAN: There's a motion on the  
7 floor, sir.

8 MR. SCHLEY: I, I, I still have a right  
9 to be heard, sir. And I think [unintelligible]  
10 [01:40:15] made a response --

11 MR. RYAN: Okay. Go ahead.

12 MR. SCHLEY: -- it's just a question and  
13 he answered it. It's a hearing where I'm supposed  
14 to be heard here.

15 MR. RYAN: Yes.

16 MR. SCHLEY: And, and, the people of --

17 MR. RYAN: Go ahead.

18 MR. SCHLEY: -- the district are putting  
19 -- my I be heard, please?

20 MR. RYAN: Yes, go ahead. We're trying  
21 to let you be heard.

22 MR. SCHLEY: Alright. Thank you. On the,  
23 for the record, I was not permitted to finish my  
24 argument. And the counsel present did not



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2 properly cite the case of Hicks v. Walsh, in that  
3 the decision overturned the petition that your  
4 counsel is making. He was on the wrong side of  
5 the law. That case states that the language for  
6 my petition is precisely the language that would  
7 be valid, that would validate my position.

8 MR. RYAN: Okay. Is there a motion?

9 SECRETARY UMANE: I move the clerks'  
10 report.

11 MR. RYAN: Is there a second?

12 COMMISSIONER TOWNSEND: Second.

13 COMMISSIONER CAMILO: Second.

14 MR. RYAN: Are there any objections?  
15 Hearing none, the motion carries.

16 MR. RICHMAN: The clerks' report is  
17 adopted, the candidate remains off the ballot.  
18 That concludes his activation.

19 MR. RYAN: Right, that concludes Mr.  
20 Schley's appearance, please move him to the  
21 waiting area, thank you.

22 MR. RICHMAN: The next relates to spec  
23 number 17-1, objections of Michael Farrin to the  
24 petition of Sheila, uh, Sheryl C. DiBranco, I

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2 believe Ms. DiBranco wants to be heard.

3 MR. RYAN: That's what I have indicated  
4 as well.

5 MR. RICHMAN: So I'm not going to go  
6 forward until we can get her into the hearing  
7 room.

8 MR. RYAN: Yes, Sheryl DiBranco, please.

9 MS. SHERYL C. DIBRANCO: Yes, I'm on the  
10 line.

11 MR. RYAN: Fantastic.

12 MR. RICHMAN: Okay. This is the clerks'  
13 report, on specification of objection number 17-  
14 1, the objections of Michael Farrin, to the  
15 Democratic Party petitions of Sheryl DiBranco  
16 from New York State member of the Assembly in the  
17 74th Assembly District, 191 signatures were  
18 submitted for the candidate. The clerks find 97  
19 signatures to be invalid, leaving 94 valid  
20 signatures, 150 signatures are required to  
21 qualify for the primary ballot under the  
22 governor's executive order. Ms. DiBranco, you've  
23 gotten a copy of the clerks' report and you have  
24 not submitted a written exceptions report. You're

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2 short 56 signatures to qualify for the ballot.

3 MR. RYAN: Ms. DiBranco, do you wish  
4 anything, to say anything for the commissioners'  
5 consideration?

6 MS. DIBRANCO: Yes. Thank you,  
7 commissioners, for this opportunity to speak. I  
8 just wish briefly to say that I do not believe  
9 the process was fair. The threshold of  
10 signatures, even lowered, did not make up for the  
11 full impact of the pandemic. That said, I accept  
12 the conclusion of the clerks' report, thank you.

13 MR. RYAN: Thank you very much, Ms.  
14 DiBranco. Is there a motion?

15 SECRETARY UMANE: I move the clerks'  
16 report.

17 COMMISSIONER TOWNSEND: Second.

18 MR. RYAN: Are there any objections?  
19 Hearing none, the motion carries.

20 MR. RICHMAN: The clerks' report is  
21 adopted, the candidate will not appear on the  
22 ballot. Clerks' report on spec 19-1, the  
23 objections of Keith Lilly to the petition of  
24 Manuel Onativia, for male member of the State

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2 Committee, 68th AD. Are there any appearances?

3 MR. RYAN: There are no appearances on  
4 this matter.

5 MR. RICHMAN: Clerks find 341 signatures  
6 submitted, 75 invalid signatures, leaving 266  
7 valid signatures, 150 are required to qualify for  
8 the ballot.

9 MR. RYAN: Is there a motion?

10 COMMISSIONER TOWNSEND: I move the  
11 clerks' report.

12 SECRETARY UMANE: Second.

13 MR. RYAN: Are there any objections?  
14 Hearing none, the motion carries.

15 MR. RICHMAN: Clerks' report is adopted,  
16 candidate remains on the ballot. Clerks' report  
17 on specs numbers 18-1, 20-1, 21-1, 22, 23, 24,  
18 25, 26 and 27, objections of Robert Jackson to  
19 slate for delegate to the First Judicial  
20 Convention from the 72nd AD. I believe there are  
21 appearances on both sides.

22 MR. RYAN: Yes, this is number 12,  
23 right. So yes, we have -- I'm referencing Theo  
24 Chino --

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2 MR. RICHMAN: Right.

3 MR. RYAN: -- and Robert Jackson.

4 MR. RICHMAN: If you'd add them to the  
5 meeting.

6 MR. RYAN: So, could those two  
7 individuals please be added to the meeting.

8 MR. SAVINO: Robert Jackson is there and  
9 so is Chino.

10 MS. PERKINS: They're in the meeting,  
11 sir.

12 MR. RYAN: Okay. We have them both in  
13 the meeting, Mr. Richman, if you could --

14 MR. RICHMAN: Right.

15 MR. RYAN: -- if you could proceed Mr.  
16 Chino, I will recognize you first upon Mr.  
17 Richman's conclusion of his presentation.  
18 Thereafter, I will recognize Mr. Jackson. So just  
19 please wait to be recognized and keep your  
20 microphones muted until then, thanks.

21 MR. RICHMAN: This the clerks' report on  
22 New York's specifications of objections, 18, 20,  
23 21, 22, 23, 24, 25, 26 and 27, by the matter of  
24 the objections of Robert Jackson to the

1 April 20, 2020

2 Democratic Party petition for delegates to the  
3 Judicial Convention from 72nd Assembly District  
4 for candidates Michael S. Hano, Ayisha Oglivie,  
5 Loyda Irizarry, Mireya Vasquez, Jacinto Malespin,  
6 Theo B. Chino, Carlton Borroughs, Lena Melendez,  
7 candidates. Clerks' report, 110 signatures  
8 submitted for the candidates, 150 signatures  
9 required, petition on its face fails to qualify  
10 under the executive order's reduced requirements.

11 MR. RYAN: Mr. Chino, do you wish to be  
12 heard?

13 MR. THEO B. CHINO: Can you hear me?

14 MR. RYAN: Yes, we can, thank you.

15 MR. CHINO: Yeah, hi, commissioners. My  
16 name is Theo Chino. I'm known as El Chino in my  
17 neighborhood. And before I start, I just wanted  
18 to ask a question to the commissioner on two out  
19 of order matters for this afternoon.

20 MR. RYAN: Uh --

21 MR. CHINO: Uh, it's very quick.

22 MR. RYAN: No, no, Mr. Chino, I'm sorry.  
23 Given the set up here, we have to stay with the  
24 issue that's at hand. You've heard what's at

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2 hand, and we'll take care of other matters later,  
3 so please --

4 MR. CHINO: No, I understand, but it's  
5 about --

6 MR. RYAN: No, no, I --

7 MR. CHINO: -- joining the room later on  
8 this afternoon regarding county committee  
9 petition for Paper Love Prince.

10 MR. RYAN: So, Mr. Chino --

11 MR. CHINO: And I just wanted to give  
12 you the information before we move on.

13 MR. RYAN: Mr. Chino, we can only deal  
14 with one matter at a time, and the matter that is  
15 before us now is the matter that you have to  
16 address. Everyone is appearing -- everyone is  
17 appearing --

18 MR. CHINO: Very well.

19 MR. RYAN: -- remotely, we have to keep  
20 the structure. I apologize.

21 MR. CHINO: So what would be the remedy  
22 for this afternoon if I cannot join the call  
23 because I didn't receive the information for the  
24 county committee petition that is not on file?

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2 MR. SAVINO: What, I don't understand.

3 MR. RICHMAN: I don't understand what  
4 you're saying. Mr. Chino, there are only two more  
5 clerks' reports left involving you, and that's  
6 the balance of the New York County calendar.

7 MR. CHINO: I understand.

8 MR. RICHMAN: There are no other issues  
9 --

10 MR. CHINO: I understand.

11 MR. RICHMAN: -- that the --

12 MR. CHINO: But I am the representative  
13 for county committee and I did not receive the  
14 information for the Webex for tomorrow.

15 MR. RYAN: Mr. Chino --

16 MR. RICHMAN: For tomorrow? What borough  
17 is this?

18 MR. RYAN: -- is this for tomorrow or  
19 later today?

20 MR. CHINO: It will be for tomorrow.

21 MR. RICHMAN: For what borough?

22 MR. CHINO: Kings County.

23 MR. RICHMAN: Kings County is tomorrow.

24 MR. RYAN: So Kings County is tomorrow.



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2 None of that information is before the  
3 commissioners presently, so we --

4 MR. CHINO: I understand.

5 MR. RYAN: -- no, no --

6 MR. CHINO: I just wanted to get that  
7 out of the way.

8 MR. RYAN: I understand. But we don't,  
9 we don't have the ability to quote unquote, get  
10 it out of the way. We have to --

11 MS. KONTAZMANIS: Mr. Ryan, if he, if he  
12 e-mails the e-mail address that he did to get on  
13 today, we can handle it via the e-mail.

14 MR. CHINO: Perfect. I will e-mail that  
15 address tomorrow then.

16 MR. RICHMAN: No, today.

17 MR. RYAN: It's got to be done today,  
18 Mr. Chino. We'll be preparing for tomorrow  
19 morning at 10:00 o'clock.

20 MR. CHINO: I already, I did already  
21 send, I sent it on Sunday night for tomorrow, and  
22 I didn't receive anything.

23 MR. RICHMAN: No, then you haven't  
24 gotten any not- notices for tomorrow's hearing

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2 has not been sent out yet. That will be sent out  
3 this evening.

4 MR. CHINO: Okay. Perfect. Thank you  
5 very much.

6 MR. RYAN: Thank you.

7 MR. CHINO: But regarding the matters of  
8 today, I guess we are in an unprecedented time. I  
9 couldn't find any court ruling regarding any  
10 executive order, and petition exemption regarding  
11 this. So I guess we are in an unprecedented time.  
12 And I am an descendent of a Japanese American  
13 army sergeant in the 442nd and my grandfather was  
14 a cofounder of the Congress of Racial Equality in  
15 1942.

16 People right an election is very dear in  
17 the heart of my family. I live in the 71st  
18 District since 192, the time I was born. I am a  
19 procrastinator. Some [unintelligible] [01:49:14]  
20 a human flaw, but there is nothing illegal about  
21 being a procrastinator. I am part of this  
22 community and the team I am part of are topnotch  
23 petitioners. We could have gotten 500 signatures  
24 in less than three days because we have done it

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2 in the past and we always proceeded that way.  
3 That's how we get into our party petition. Here,  
4 the governor changed the rule. He changed the  
5 rule arbitrarily, and he changed them completely,  
6 he changed them arbitrarily and that will be for  
7 court to decide. The problem is the court date we  
8 have is for May 5th. So here we are caught in a  
9 catch-22, the commissioner have to abide by the  
10 finding of the clerk, at the same time there is  
11 no law I can cite that said the governor acted  
12 arbitrarily. So, you see the conundrum actually  
13 for all of us that has wanted to be on the ballot  
14 and that we are cut short by the legislators and  
15 by the executive branch.

16 So other than that, I cannot asked the  
17 commissioner, I can only ask the commissioner to  
18 join me in the court case because so far, the  
19 City Law lawyer has decided to file a motion to  
20 dismiss. So I would like to have the commissioner  
21 join me in asking for clarification from the  
22 court in order to figure out how to deal with all  
23 those candidates like myself and all the people  
24 running with me to be on the ballot. Other than

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2 that, I thank your time, and thank you.

3 MR. RYAN: Thank you, Mr. --

4 SECRETARY UMANE: I move clerks' report.

5 MR. RICHMAN: Mr. Jackson is going to be  
6 heard?

7 COMMISSIONER TOWNSEND: Second.

8 MR. RYAN: Mr., Commissioner Umane, Mr.  
9 Jackson is standing by waiting to speak.

10 COMMISSIONER TOWNSEND: Oh, sorry, okay.

11 SECRETARY UMANE: I forgot.

12 MR. RYAN: Okay. So I just wanted to ask  
13 Mr. Jackson if he has anything he would like to  
14 add.

15 MR. ROBERT JACKSON: Well, good  
16 afternoon, and thank you for holding this hearing  
17 and I understand the difficulties of  
18 communicating via, viral by Zoom and other  
19 platforms. So I thank you and all of the staff  
20 for doing the job that you're doing. I accept the  
21 clerks' recommendation that they did not have  
22 enough signatures to even qualify to be on the  
23 ballot, and with that being said, I have no other  
24 input at this hearing, thank you.

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2 MR. RYAN: Thank you very much.

3 Commissioner Umame.

4 SECRETARY UMANE: Move the clerks'  
5 report.

6 MR. RYAN: Is there a second?

7 COMMISSIONER TOWNSEND: Second.

8 MR. RYAN: Are there any objections?

9 Hearing none, the motion carries.

10 MR. RICHMAN: The clerks' report is  
11 adopted, the candidates will not appear on the  
12 ballot as delegates to the Judicial Convention,  
13 Democratic Party for the 71st AD. Mr. Chino,  
14 please stay present. The next are the objections  
15 of Nobles Crawford, which I believe he's filed a  
16 notice of appearance, we should add him to the  
17 hearing relating to the state committee petition.

18 MR. RYAN: Yes, that is correct. Mr.  
19 Crawford, please be added to, please add Mr.  
20 Crawford to the meeting.

21 MS. PERKINS: He's in the meeting, sir.

22 MR. RYAN: Okay. Thank you. Mr. Richman,  
23 proceed.

24 MR. RICHMAN: This is the clerks' report

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2 on specification of objection 28-1, the  
3 objections of Nobles Crawford for the Democratic  
4 petition of Theo Bruce Chino for male member of  
5 the State Committee in the 71st Assembly  
6 District. Clerks' report, the petition consisted  
7 of 110 signatures, 150 signatures are required to  
8 qualify for the ballot under the executive order.

9 MR. RYAN: Mr. Chino, do you wish to be  
10 heard on this matter?

11 MR. CHINO: Very briefly. I will repeat  
12 what I said. I will echo what Shandy DiBranco  
13 said about how unfair the system is. That has  
14 been repeated over and over. And the  
15 commissioners do have the ability to not accept  
16 the clerks' report. Thank you very much.

17 MR. RYAN: Yes, and Mr. Crawford, do you  
18 wish to be heard?

19 MR. NOBLES CRAWFORD: Hi, yes. First I  
20 want to say thank you so much to the DOE. You are  
21 true stewards of our democracy. I 100 percent  
22 appreciate your work during this time. I accept  
23 the clerks' report for the not requisite amount  
24 of signatures collected by Theo Chino for the

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2 state committee line and not meeting the  
3 governor's executive order, 202.2 I believe. So  
4 yes, I do accept the clerks' report.

5 MR. RYAN: Thank you very much. Is there  
6 a motion?

7 SECRETARY UMANE: Move the clerks'  
8 report.

9 COMMISSIONER TOWNSEND: Move -- second.

10 MR. RYAN: Is there any objections?  
11 Hearing none, the motion carries.

12 MR. RICHMAN: Clerks' report is adopted,  
13 candidate will not appear on the ballot. And  
14 commissioners, that concludes the Manhattan  
15 calendar for this morning's hearing.

16 MR. RYAN: Thank you very much,  
17 commissioners. Have a great day.

18 COMMISSIONER TOWNSEND: Thank you.

19 MR. RICHMAN: Come back at 1:00.

20 SECRETARY UMANE: Just a question on the  
21 Manhattan calendar. Was there a clerks' report  
22 prepared on the Republican candidate objection,  
23 Candidate Stevenson, is there --

24 MR. RICHMAN: I believe yes, that's

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2 appearing, commissioners, in the crossover  
3 district materials because the Congressional  
4 District goes over multiple boroughs.

5 SECRETARY UMANE: Okay, thank you.

6 MR. RICHMAN: That's for 1:00 o'clock  
7 today.

8 SECRETARY UMANE: Thank you.

9 MR. RYAN: Alright. So, can I have a  
10 motion --

11 MR. RICHMAN: Recess.

12 MR. RICHMAN: -- to recess until 1:00  
13 o'clock?

14 SECRETARY UMANE: So moved.

15 COMMISSIONER ZACCONE: Second.

16 MR. RYAN: Okay. Are there any  
17 objections? Hearing none, the motion carries. The  
18 proceedings are recessed until 1:00 o'clock.

19 [OFF THE RECORD]

20 [ON THE RECORD]

21 MS. DOTY: Yeah, how do I do that?

22 MR. RYAN: Ms. Doty, mute, please.

23 MS. DOTY: Okay.

24 MS. PERKINS: Mr. Ryan, you can begin.



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2 MR. RYAN: Okay. So, thank you all for  
3 rejoining us after the recess. I am going to go  
4 down and take a roll call of the commissioners  
5 again for the start of the 1:00 o'clock session,  
6 starting with Commissioner Taylor.

7 PRESIDENT TAYLOR: I am present.

8 MR. RYAN: Commissioner Umame?

9 SECRETARY UMANE: Present.

10 MR. RYAN: Okay. I heard nt, but I  
11 understand that meant present, that's fine.  
12 Commissioner Araujo?

13 COMMISSIONER ARAUJO: Present.

14 MR. RYAN: Commissioner Camilo?

15 COMMISSIONER CAMILO: Present.

16 MR. RYAN: Commissioner Marmorato?

17 COMMISSIONER MARMORATO: Present.

18 MR. RYAN: Commissioner Michel is here  
19 to my right. Commissioner Shamoun?

20 COMMISSIONER SHAMOUN: Present.

21 MR. RYAN: Commissioner Townsend?

22 Commissioner Townsend, on mute.

23 PRESIDENT TAYLOR: Commissioner

24 [unintelligible] [03:07:28].

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2 MR. RYAN: She's there, okay. Yes,  
3 Commissioner Townsend? Commissioner Zaccone?

4 COMMISSIONER ZACCONE: Present.

5 MR. RYAN: Okay. Alright. So attendance  
6 is completed. We also have myself, I'm Michael J.  
7 Ryan. We have Ms. Kontazmanis, Ms. Perkins and  
8 Ms. Sandow are remotely in another location in  
9 the office. We also have general counsel Steve  
10 Richman, deputy counsel, Rafael Savino, and legal  
11 assistant David Fuchs, as well as the -- pardon?

12 MR. RICHMAN: [unintelligible]  
13 [03:08:20].

14 MR. RYAN: I'm going to get there.  
15 Apparently, Mr. Richman did not want me to forget  
16 Kenneth Moltner and Steven Denkberg, so we  
17 recognize Mr. Moltner and Mr. Denkberg also  
18 appearing remotely. And now we have Mr. Lehman,  
19 Ms. Doty, from Manhattan, we have, I'm looking at  
20 the screen, so we have Mr. Bosco and Mr.  
21 Andruilli from Staten Island. We have Ms.  
22 Berinato and Mr. Haggerty from Queens, and who  
23 else am I missing on the screen, what other  
24 boroughs come? Brooklyn, we have --

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2 COMMISSIONER SHAMOUN: Mr. Riley and Mr.  
3 Ortiz from Brooklyn.

4 MR. RYAN: And that should --

5 MS. KONTAZMANIS: And you have the Bronx  
6 as well.

7 MR. RYAN: Pardon? Oh, and the Bronx.

8 MS. KONTAZMANIS: That's all five of our  
9 boroughs are represented, sir.

10 MR. RYAN: Okay. I was told four. I  
11 apologize. And that will be Ms. Candelaria and  
12 Mr. Siano from the Bronx. And we've got a wave  
13 from the Bronx, so there we go. And, that having  
14 been said, I'll give some instructions to the  
15 people that will be appearing, because this is a  
16 new way that we're doing it and we need to  
17 maintain order, what will happen is Mr. Richman  
18 will call the calendar, I will then advise the  
19 commissioners whether or not there is any  
20 appearances by anyone on a particular calendar  
21 item. If there is, I will so state. If there is  
22 not, I will also so state.

23 For those individuals that are one the  
24 calendar, once I call out your name, we will move

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2 you from the waiting room to the active meeting.  
3 Then Mr. Richman will make his presentation with  
4 respect to the particular matter. I will then  
5 recognize one or more of the folks that have  
6 signed up to, or filled out a notice of  
7 appearance to appear in the matter and we will  
8 give an opportunity for the sides to be heard  
9 before the commissioners make their ruling. Once  
10 the matter is ready for the commissioners to make  
11 a ruling, I will state, is there a motion. If  
12 there is, I'll ask for a second. If there is no  
13 controversy between the commissioners, in other  
14 words, if it's going to be unanimous, I will ask  
15 if there are objections. If we hear no objections  
16 after an appropriate waiting period, then the  
17 motion will be deemed carried, and of course, if  
18 there is an objection, we will then move to a  
19 roll call vote where each commissioner's name  
20 will be called out and their voice vote be taken  
21 in the order in which they were just called.  
22 Well, actually, these are all crossovers, so in  
23 the order in which they were called previously.

24 And that having been said, I will now

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2 turn it over to Mr. Richman to commence the  
3 calendar call and before we do that, the first  
4 thing he's going to call is enrollment issues and  
5 we have no notices of appearance for any of the  
6 enrollment issues, therefore, he'll just take  
7 them in turn and conclude the enrollment issues  
8 calendar thereat.

9 MR. RICHMAN: Commissioners, we are  
10 going to begin with the materials that are in the  
11 package called crossover districts. Those are  
12 districts which comprise parts of more than one  
13 borough in the city. For the enrollment issues  
14 report, I'm going to ask Mr. Fuchs to call the  
15 four items on that calendar.

16 MR. FUCHS: Thank you, Mr. Richman.  
17 Enrollment issues, crossover citywide. For the  
18 Independence Party, the prima facie finding is  
19 candidate is not enrolled in the identified party  
20 on the petition, Representative in Congress, 14th  
21 Congressional District, Michelle Caruso-Cabrera.  
22 For the Republican Party, the prima facie finding  
23 is filed name and address combination not found  
24 on registration list, representative in Congress

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2 14th Congressional District, Jineea Butler. For  
3 the SAM Party, the prima facie finding is the  
4 candidate is not enrolled in the identified party  
5 on the petition, member of the Assembly, 64th AD,  
6 Michael Tannousis. For the Working Families  
7 Party, the prima facie finding is candidate is  
8 not enrolled in the identified party on the  
9 petition, State Senator, 29th Senatorial  
10 District, José M. Serrano.

11 MR. RICHMAN: Commissioners, there are  
12 no appearances, so a motion would be in order to  
13 adopt the calendar.

14 MR. RYAN: Not your motion.

15 SECRETARY UMANE: Move the calendar.

16 PRESIDENT TAYLOR: Second it.

17 MR. RYAN: Are there any objections?  
18 Hearing none, the motion carries.

19 MR. RICHMAN: The calendar is adopted  
20 unanimously, the candidates will not appear on  
21 the ballot.

22 MR. RYAN: Likewise, commissioners, for  
23 the CRU prima facie report calendar, no notices  
24 of appearance have been filed. As such, we will

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2 proceed with the calling of the calendar and  
3 dispense with the calling of any notices of  
4 appearance.

5 MR. RICHMAN: Mr. Ryan, one of the  
6 candidates called for a spec, I don't know if he  
7 wants to appear on the presentation.

8 MR. RYAN: Who is that?

9 MR. RICHMAN: The third item, the third  
10 and fourth.

11 MR. RYAN: Can you please --

12 MS. KONTAZMANIS: Robert Wyman?

13 MR. RYAN: Right.

14 MS. KONTAZMANIS: Robert Wyman, we'll  
15 put him in now.

16 MR. RICHMAN: Well, yeah, except yeah,  
17 Mr. Wyman, if this is being dismissed, this is  
18 actually, the first is the matter of the  
19 objections filed by Shelia Acevado against Robert  
20 Wyman for Congress in the 10th District. The fact  
21 is the prima facie finding is that the general  
22 objection --

23 MR. RYAN: Hold on one second, Mr.  
24 Richman. Is the information --

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2 MS. KONTAZMANIS: Should he be let into  
3 the meeting?

4 MR. RYAN: Before we move forward, I  
5 want to make sure that the information that I got  
6 was correct. I was told that there were no  
7 appearances filed for the CRU calendar. However,  
8 I see that there is, there may be some issues.  
9 How are we handling this, just so that we know  
10 what we're doing moving forward.

11 MR. RICHMAN: Because I looked at the  
12 counselors' report, again, I don't have the  
13 actual form of what they submitted to see whether  
14 they asked for prima facie as well as the specs.

15 MR. RYAN: Alright. So if there's, if  
16 there's individuals that are appearing on other  
17 matters, let me know, we'll invite them into the  
18 meeting, since there seems to be some confusion.  
19 We'll let them know like we did earlier, that  
20 this is the prima facie matter, right.

21 MR. RICHMAN: The first one again, it  
22 concerns the objections filed by Ms. Acevedo  
23 against Mr. Wyman. He filed to appear on the  
24 spec. The finding is that the general objection



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2 was filed late.

3 MR. RYAN: I understand but didn't,  
4 wasn't Mr. Wyman here earlier today?

5 MR. RICHMAN: Yes.

6 MR. RYAN: Alright. So we should see if  
7 he's in the waiting room, right. Is Mr. Ortiz --

8 MS. SANDOW: Mr. Richman, he did file a  
9 notice of appearance for this matter, sir.

10 MR. RYAN: Okay.

11 MS. SANDOW: Tom said he has it in his  
12 hand. He did file a notice of appearance for this  
13 matter. Should we let him in?

14 MR. RYAN: Yes. And --

15 MS. SANDOW: Okay.

16 MR. RYAN: -- is Ms. Acevedo also there,  
17 Shelia Acevedo?

18 MS. SANDOW: No.

19 MR. RICHMAN: No.

20 MR. RYAN: Okay. Alright. So then --

21 MS. SANDOW: But I do have Mr. Wyman and  
22 I will put him into the meeting right now.

23 MR. RYAN: Okay. Thank you very much.

24 MS. SANDOW: He's admitted into the

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2 meeting.

3 MR. RYAN: Thank you. Mr. Wyman, if you  
4 could stand by while Mr. Richman makes his  
5 presentation, and then we'll get to you as soon  
6 as he concludes.

7 MR. RICHMAN: The prima facie matter on  
8 the CRU concerns the objections by Shelia Acevedo  
9 to Robert Wyman's petitions for member of  
10 Congress, Democratic Party, 10th Congressional  
11 District. The general objection was filed on  
12 March 24th. It's late, it was due to be filed on  
13 March 23, 2020. It should be noted though that  
14 the candidate has already been removed off of  
15 prima facie, but the finding is that the spec,  
16 the general objection should be dismissed as  
17 being filed late.

18 MR. RYAN: Okay. Mr. Wyman, this matter  
19 is appearing on the prima facie report calendar.  
20 Do you have anything you wish to address with  
21 respect to what Mr. Richman just said?

22 MR. WYMAN: Only to say that I support  
23 the recommendation that it be disqualified for  
24 being filed late.

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2 MR. RYAN: Okay. Thank you. Is there a  
3 motion?

4 SECRETARY UMANE: Move the clerks'  
5 report.

6 MR. RYAN: Is there a second?

7 COMMISSIONER SHAMOUN: Second.

8 MR. RYAN: Any objections? Hearing none,  
9 the motion carries.

10 MR. RICHMAN: The general objection is  
11 dismissed. The Lucille Dwyer, Conservative Party  
12 certificate of declination, it was filed late  
13 under Rule A-2, and the office and district on  
14 the certificate of declaration was incorrect or  
15 omitted. The certificate was filed on 3/2-, on  
16 March 26th, it was required under the revised  
17 statute, to be filed on March 24, 2020.

18 MR. RYAN: And there is no appearance on  
19 that one, correct?

20 MR. RICHMAN: Correct.

21 MR. RYAN: Now, before we go on to that,  
22 Mr. Richman, there was a matter that was skipped  
23 over on this, on this calendar. The 7th  
24 Congressional District, Paperboy Love Prince.

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2 MR. RICHMAN: That's not on the CRU  
3 calendar.

4 MR. RYAN: On the one that's in front of  
5 me.

6 MR. RICHMAN: This is the one that's in  
7 front of you.

8 MR. RYAN: Okay. So I want to make sure  
9 that I'm looking at the right, that the right  
10 documents were placed in front of me.

11 MR. RICHMAN: It's the calendar that was  
12 circulated to the commissioners yesterday.

13 MR. RYAN: I understand. I'm saying  
14 what's in my packet has something different. So  
15 if you guys have something different, let's take  
16 a two second recess and we'll copy the right  
17 documents so that I can --

18 MR. RICHMAN: Yours is updated?

19 MR. RYAN: I might have got an older  
20 version of the calendar, so it's okay. We'll take  
21 two seconds and we'll avoid a longer delay later  
22 with confusion. Yeah, is he going --

23 SECRETARY UMANE: While we're waiting,  
24 could I ask a question?

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2 MR. RYAN: Which one are you copying?  
3 The one that I have is the right one or is the  
4 one that Steve has the right one?

5 [CROSSTALK]

6 MR. RICHMAN: This is 4/20 at 3:42.

7 MR. RYAN: So this is the one that has  
8 to be copied. That was the issue. Okay. I  
9 apologize. We were working off an older calendar.  
10 We're going to work off the more current  
11 calendar, and we'll take it from there.  
12 [unintelligible] [03:19:26]. Yeah. thank you for  
13 your patience, everyone.

14 SECRETARY UMANE: So while we're  
15 waiting, could I ask a question?

16 MR. RYAN: Certainly, Commissioner  
17 Umane.

18 SECRETARY UMANE: Are we working off the  
19 4/20/2020 printed at 3:42:33?

20 MR. RICHMAN: We will be, yes.

21 SECRETARY UMANE: So that we know if  
22 we're on the right track?

23 MR. RICHMAN: Yes, commissioners, the  
24 copies that were made I guess for Mr. Ryan, I

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2 think is the older version, so that's being  
3 corrected. So only the people in this room did  
4 not have the most updated. If you're looking at  
5 the 3:42 p.m. --

6 SECRETARY UMANE: Okay. Alright. I just  
7 wanted to make sure that what we were looking at  
8 is accurate. So could I ask what office Ms. Dwyer  
9 was running for, because that's not shown?

10 MR. RICHMAN: Well, that's the problem.  
11 On the certificate of declination, it says  
12 representative in Congress, 12th Congressional  
13 District.

14 SECRETARY UMANE: Oh. Okay.

15 MR. RICHMAN: And commissioners, that's  
16 in your attachment package to the calendar, the  
17 certificate of declination.

18 SECRETARY UMANE: Okay.

19 MR. RICHMAN: I don't understand what  
20 the finding is that the office and the district  
21 is incorrect.

22 MR. RYAN: The commissioners have the  
23 newest version?

24 MR. RICHMAN: Yes. That was, yes.

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2 MR. ZUCHS: Alright. Commissioner. Mr.  
3 Ryan.

4 MR. RYAN: Alright. Okay. So,  
5 Commissioner Umame correctly stated that the  
6 version that we should be working from is April  
7 20, 2020 generated at 3:42 p.m. and 33 seconds.  
8 What? And so --

9 MR. RICHMAN: Which would be now the  
10 second item on that calendar. Commissioners,  
11 again, it's Lucille Dwyer, Conservative Party,  
12 it's 12th Congressional District, it is that the  
13 certificate of declination was filed late. It was  
14 due on March 24th, it was filed on March 26th.  
15 And there are no appearances.

16 MR. RYAN: Is there a motion?

17 SECRETARY UMANE: Move the clerks'  
18 report, Umame.

19 MR. RYAN: Is there a second?

20 COMMISSIONER ZACCONE: Second.

21 MR. RYAN: Are there any objections?

22 Hearing none, the motion carries. Hearing none,  
23 the motion carries.

24 MR. RICHMAN: Commissioners, we're going

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2 to call the next two together. These relate to  
3 the Working Families Party for candidate Brian P.  
4 Stradford, State Senate in the 23rd Senatorial  
5 District, A, that no petitions were filed for the  
6 candidate for the office district stated on the  
7 certificate of authorization and no petitions  
8 were filed, but he also filed a certificate of  
9 acceptance. And the authorization and acceptance  
10 were filed for the Working Families Party but no  
11 petitions, therefore, those certificates are  
12 invalid. And I believe Mr. Stradford registered  
13 to appear under specifications relating to his  
14 Democratic Party candidacy, not the Working  
15 Families Party.

16 MR. RYAN: Okay. And that would be  
17 Brandon Stradford.

18 MR. RICHMAN: Right.

19 MR. RYAN: Yes. Is there a motion?

20 SECRETARY UMANE: I move on both  
21 certificate of authorization and certificate of  
22 acceptance for Stradford to approve the clerks'  
23 report.

24 MR. RYAN: Is there a second?



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2 PRESIDENT TAYLOR: Second it.

3 COMMISSIONER ZACCONE: I second.

4 MR. RYAN: Any objections? Hearing none,  
5 the motion carries.

6 MR. RICHMAN: The candidate will not  
7 appear on the ballot. Working Families Parties,  
8 José Serrano, candidate for the State Senate,  
9 29th Senatorial District, certificates of  
10 acceptance not filed, it was due on March 24th.

11 MR. RYAN: Is there a motion?

12 PRESIDENT TAYLOR: Move the clerks'  
13 report.

14 SECRETARY UMANE: Second.

15 MR. RYAN: Any objections? Hearing none,  
16 the motion carries.

17 MR. RICHMAN: The candidate will not  
18 appear on the Working Families Party. General  
19 objection submitted by George Delis to the  
20 petition of the Working Families Party for  
21 Alexandria Ocasio-Cortez, for representative in  
22 Congress in the 14th Congressional District,  
23 incorrect or omitted election event on the  
24 general objection in violation of rule G-3, and a

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2 copy of that is listed, the general objection  
3 form is attached to your packet.

4 MR. RYAN: Is there a motion?

5 COMMISSIONER ARAUJO: Move, move to  
6 accept the prima facie report as it relates to  
7 this matter.

8 SECRETARY UMANE: Second.

9 MR. RYAN: Any objections? Hearing none,  
10 the motion carries.

11 MR. RICHMAN: The general objection is  
12 dismissed. Independence party, candidate Michelle  
13 Caruso-Cabrera, candidate for representative in  
14 Congress in the 14th Congressional District,  
15 again, no petitions filed for the candidate for  
16 the office stated on the certificate of  
17 acceptance, uh, certificate of authorization and  
18 a certificate of acceptance was not filed but due  
19 on March 24th.

20 MR. RYAN: Is there a motion?

21 COMMISSIONER ARAUJO: Move the clerks'  
22 report.

23 COMMISSIONER MARMORATO: Move to adopt  
24 the prima -- second.

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2 MR. RYAN: Any objections? Hearing none,  
3 the motion carries.

4 MR. RICHMAN: The candidate will not  
5 appear on the Independence Party ballot. OTB  
6 petition for the SAM Party, representative in  
7 Congress of the 7th Congressional District,  
8 pursuant to Chapter 24 of the laws of 2020,  
9 amended the election law to provide that there  
10 shall be no option to file an OTB petition for  
11 the June 23, 2020 primary. Accordingly, this  
12 filing is not permitted by law, that's the  
13 finding.

14 MR. RYAN: So that does not require --

15 COMMISSIONER ARAUJO: Move to accept the  
16 finding.

17 MR. RYAN: -- does that require a  
18 motion?

19 COMMISSIONER SHAMOUN: Second.

20 MR. RICHMAN: Yes.

21 MR. RYAN: Okay. Alright. So we have a  
22 motion and a second, are there any objections?

23 MR. SAVINO: The next five are the exact  
24 same.

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2 MR. RICHMAN: Yeah, I was going to just  
3 saw -- I was going to --

4 MR. RYAN: Hearing none, the motion  
5 carries.

6 SECRETARY UMANE: Can we do them all at  
7 once?

8 MR. RYAN: Yes. Now that --

9 MR. RICHMAN: I will call them.

10 MR. RYAN: -- we've recognized that we  
11 were, but we had a motion on the floor. That's  
12 the only reason I put a stop to the proceedings.

13 MR. RICHMAN: For the SAM Party, OTB  
14 petitions for representative in Congress in the  
15 10th Congressional District, representative in  
16 Congress in the 11th Congressional District, New  
17 York State Senator in the 23rd Senatorial  
18 District, New York State Senator in the 26th  
19 Senatorial District, New York State member of the  
20 Assembly in the 64th Assembly District and  
21 member, uh, those are through that point, those  
22 are all OTB petitions prohibited now by Chapter  
23 24 of the laws of 2020.

24 COMMISSIONER MICHEL: They're all for

1 April 20, 2020

2 SAM, right?

3 MR. RICHMAN: Is there --

4 COMMISSIONER ARAUJO: Move to adopt the  
5 recommendation.

6 COMMISSIONER MICHEL: Second.

7 MR. RYAN: Any objections? Hearing none,  
8 the motion carries.

9 MR. RICHMAN: All of the OTB petitions  
10 will not appear on the respective primary ballots  
11 and the last relates to the SAM Party,  
12 certificate of authorization filed for Michael  
13 Tannousis, 64th Assembly District, the  
14 certificate of authorization was not filed. It is  
15 due -- it was due on March 24th.

16 COMMISSIONER ARAUJO: Move to adopt the  
17 recommendation.

18 COMMISSIONER ZACCONE: I'll second, John  
19 Zaccone.

20 MR. RYAN: Are there any objections?  
21 Hearing none, the motion carries.

22 MR. RICHMAN: The candidate will not  
23 appear on the primary ballot. Commissioners,  
24 we're now going to move to the legal prima facie

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2 calendar. For the sake of convenience and the  
3 representation, we're going to call collectively  
4 all of the members of the Working Families state  
5 committee for the 7th Congressional District. I  
6 believe they are represented by counsel.

7 MR. RYAN: Yes. Please invite Alexander  
8 Rabb from the waiting room, as he has filed a  
9 notice of appearance on all ten of these matters.  
10 Is Mr. Rabb there?

11 MR. ALEXANDER RABB: Commissioners, I'm  
12 here. Thank you for having me.

13 MR. RYAN: Okay. Mr. Rabb, Mr. -- am I  
14 pronouncing your name right, first of all, is it  
15 Rabb?

16 MR. RABB: Rabb, yes, thank you.

17 MR. RYAN: Okay. Thank you. And Mr.  
18 Richman will make his presentation and when he  
19 does complete that, we'll turn, I will recognize  
20 you to offer whatever you wish the commissioners  
21 to consider.

22 MR. RICHMAN: Commissioners, the  
23 following are prima facie matters for candidates  
24 for the Working Families Parties state committee

1 April 20, 2020  
2 in the 7th Congressional District. Male members,  
3 Angel Vera, Matthew Cain, Andrew Friedman,  
4 Stephen Oliver, Scott Somer. Female members,  
5 Sonia Acevedo [phonetic], Antonia Genaue  
6 [phonetic], Nieves [unintelligible] [03:30:29]  
7 excuse me because I am --

8 MR. RABB: Pidia.

9 MR. RICHMAN: -- [unintelligible]  
10 [03:30:34] and Dorothy Siegal. In all cases, it  
11 is the candidates' failure to file a cover sheet  
12 as required by the election law and the Board  
13 rules. Pursuant to the decision of the Appellate  
14 Division, Second Department in *Armwood v. McCloy*,  
15 that is a, not a mere technical defect subject to  
16 cure, but a fatal defect. And accordingly,  
17 commissioners, we would recommend that they be  
18 removed from the ballot.

19 MR. RYAN: Okay. Mr. Rabb, do you wish  
20 to be heard in these matters?

21 MR. RABB: Mr. Chairman, I think I have  
22 the same arguments for 7 and 13. Should I just do  
23 7 now?

24 MR. RYAN: Uh, so --

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2 SECRETARY UMANE: No, we can go with 13  
3 because it's 11, 12 and it continues on.

4 MR. RICHMAN: Okay. We'll call the 13.

5 MR. RABB: And actually, I can also  
6 just, for your, to save your time, I'm  
7 withdrawing any exception to the recommendations  
8 on the 15th Congressional District.

9 MR. RYAN: Okay, yeah, we were going to  
10 get to that while you were still on the line, but  
11 that's fine. The other question that I have then  
12 while we're doing some housekeeping, Mr. Rabb --

13 MR. RABB: Yes?

14 MR. RYAN: -- we also have you listed  
15 here for a Judith Goldner?

16 MR. RABB: Yes.

17 MR. RYAN: Is, is that --

18 MR. RABB: That was my error. Sorry to  
19 interrupt. She's a candidate in the 9th  
20 Congressional District, candidate for tomorrow.

21 MR. RYAN: So, it's not a crossover,  
22 right?

23 MR. RICHMAN: That's for tomorrow.

24 MR. RABB: Correct. I apologize for the



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2 error.

3 MR. RYAN: Okay. So then that'll be,  
4 that'll be for tomorrow. But thank you for --

5 MR. RABB: Yes.

6 MR. RYAN: -- that clarification.

7 MR. RICHMAN: So commissioners, for the  
8 same positions, male and female members of the  
9 13th district will cover candidates David Mense  
10 [phonetic], Lawrence Moskowitz, Joseph Maha  
11 [phonetic], Reuben Rango [phonetic], Jonathan  
12 Halabi, Daniel Carrillo, Siena Fontane, Sienna  
13 Fontane [phonetic], Deborah Ax [phonetic], Oofra  
14 Ottamench, [phonetic] Chloe Tribich, Josephina,  
15 no, Troby Kleiburg [phonetic], that's the end of  
16 the 13th. So, Mr. Rabb, do you want to make the  
17 arguments the same thing, failure to follow cover  
18 sheet as required?

19 MR. RABB: Yes, thank you commissioners.  
20 Armwood v. McCloy requires a cover sheet, however  
21 it declines to excuse the failure to file a cover  
22 sheet when the cover sheet is required. The cover  
23 sheet is required when there are multiple  
24 volumes, when there's a volume of ten pages or

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2 more, or when the petition doesn't contain the  
3 same candidates on every page. None of the  
4 conditions was present in either of the petition  
5 for the 7th or the 31th Congressional District.  
6 Both petitions are fewer than ten pages, both  
7 contain all of the candidates on each page, and  
8 both were filed in single volumes. So there was  
9 no cover sheet required and therefore no failure  
10 to file a cover sheet.

11 MR. RYAN: Okay. Can you just, for  
12 clarification tell us, because we just called 20  
13 candidates into the record. So can you tell us  
14 specifically which ones you're referring to?

15 MR. RABB: Sure. So on the, on the  
16 petition for State Committee in the 7th  
17 Congressional District, I'm going to pull it up  
18 right now, we have, I have them in a different  
19 order from the order in which counsel read them.

20 MR. RYAN: Okay.

21 MR. RABB: Sonia Acevedo, Angel Vera,  
22 Antonio Genaue, Nieves Pidia [phonetic] Catherine  
23 Ford Drescher, Dorothy Siegel, Matthew Cain,  
24 Andrew Friedman, Stephen Oliver, Scott Somer and

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2 Christopher Torres. They appear on a petition  
3 that was filed in a single volume of eight pages  
4 and all of the candidates appear on every page of  
5 that petition.

6 MR. RYAN: Can you give us the ID number  
7 on that? Do you have that handy?

8 MR. RABB: Let me see. I don't think I  
9 do have the ID number. The ID number was assigned  
10 at the Board.

11 MR. RYAN: Yep.

12 MR. RABB: And the person who filed it  
13 was not able to get a copy, you know, given the  
14 chaos out in the city when she was filing.

15 MR. RYAN: So, so, we're going to pull  
16 that out, but I just noticed here that you read  
17 off 11 names --

18 MR. RABB: Yes.

19 MR. RYAN: -- and we only had ten. There  
20 was a Christopher that I didn't have. What's  
21 Christopher's last name again sir, I'm sorry.

22 MR. RABB: Christopher Torres.

23 MR. RYAN: Christopher Torres, okay. So  
24 he's not on --

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2 MR. RABB: Right.

3 MR. RYAN: -- my list, but alright.

4 MR. RABB: Right. He, he, he does appear  
5 on every page of the petition though.

6 MR. RYAN: Okay.

7 MR. RABB: And so that was the petition  
8 for the 7th Congressional District.

9 MR. RYAN: Yep.

10 MR. RABB: Shall I, shall I read you the  
11 names from the petition for the 13th?

12 MR. RYAN: Well, uh, we're pulling out,  
13 we're pulling out --

14 SECRETARY UMANE: I have a question.

15 MR. RYAN: Yeah, go ahead, Commissioner  
16 Umane.

17 SECRETARY UMANE: Does the Working  
18 Families Party do their state committee based on  
19 Congressional Districts?

20 MR. RABB: Yes, commissioner, it does.

21 SECRETARY UMANE: Or Assembly Districts?

22 MR. RABB: Congressional Districts.

23 SECRETARY UMANE: Ah, okay.

24 MR. RYAN: So, Mr. Rabb, what is, while

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2 we're retrieving the petitions, can you just go  
3 through for the commissioners what your, the  
4 basis of your argument is?

5 MR. RABB: It's that the cover sheet was  
6 not required because the different condition --  
7 none of the conditions that would require a cover  
8 sheet to be filed were met.

9 MR. RYAN: Okay.

10 MR. RABB: I specifically -- oh, do you  
11 want me to run through the specifics or --

12 MR. RYAN: No. I think that's good  
13 enough for right this second, then we'll --

14 SECRETARY UMANE: He said it was less  
15 than ten pages, Mike.

16 MR. RYAN: Yeah, no, I got that. Thank  
17 you, commissioner. What we're going to do then is  
18 wait for the petition to be retrieved.

19 SECRETARY UMANE: Sure.

20 MR. RYAN: And then the facts will tell  
21 the tale. So under those circumstances, instead  
22 of us just all sitting here looking pretty, maybe  
23 we can move to the argument that you would like  
24 to make for the 13th Congressional District.

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2 MR. RICHMAN: It's the same argument.

3 SECRETARY UMANE: He said it was the  
4 same one.

5 MR. RYAN: Is it going to be the same  
6 argument?

7 MR. RABB: Same argument. Yeah, you  
8 know, I should mention, just so you know that I'm  
9 not hiding the ball from you, that each of those  
10 petitions also contain the name of a candidate  
11 for the office of representative in Congress. And  
12 those candidates were not subject to the legal  
13 prima facie report.

14 MR. RYAN: Okay. Alright. And that also  
15 -- does that also apply the 15th or is that going  
16 to be a different argument in the 15th?

17 MR. RABB: No, I mentioned earlier I'm  
18 withdrawing any objection to the report on the  
19 15th Congressional District. That petition turned  
20 out to be 12 pages long and did require a cover  
21 sheet.

22 MR. RYAN: Okay. So, then let's move to  
23 that and we could at least dispense with that and  
24 clean up the calendar a little bit.

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2 MR. RICHMAN: Candidates appearing on  
3 the 15th Congressional petition for state  
4 committee member Working Families Party, Josphina  
5 Cologne [phonetic] Marisol Marty [phonetic],  
6 Michael Amory, Amie [phonetic].

7 PRESIDENT TAYLOR: So moved.

8 MR. RYAN: Is there a motion?

9 SECRETARY UMANE: I move we adopt the  
10 clerks' report.

11 COMMISSIONER ZACCONE: I second it.

12 COMMISSIONER MICHEL: Michel, second.

13 MR. RYAN: Is there any objection?

14 Hearing none, the motion carries.

15 SECRETARY UMANE: And I move the other  
16 ones go to second call so we can keep going.

17 MR. RYAN: Okay. Okay. Mr. Rabb, we'll  
18 return you to the waiting area and when we have  
19 those --

20 MR. RABB: [unintelligible] [03:38:04].

21 MR. RYAN: -- we have those back, we'll  
22 bring you back.

23 MR. RABB: Thank you.

24 MR. RYAN: Alright. Thank you.

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2 MR. RICHMAN: So commissioners, we'll  
3 then move to the clerks' reports for various  
4 crossover districts. The first is the clerks'  
5 report on New York spec 15-1, objections of Helen  
6 Sue to Bob Wyman, I believe we have appearances  
7 from both.

8 MR. RYAN: Yes. We have Bob Wyman,  
9 please return him to the active meeting and Helen  
10 Sue as well.

11 MS. PERKINS: They're in the room.

12 MR. RYAN: I don't know why we're  
13 getting an instant replay.

14 MR. HOWARD GRAUBARD: Howard Graubard  
15 for Helen Sue.

16 MR. RYAN: I don't why we're getting an  
17 instant replay, but Mr. Wyman and Ms. Sue --

18 MR. RICHMAN: Howard Graubard for Sue.

19 MR. RYAN: Pardon?

20 MR. RICHMAN: Howard said he's  
21 representing Sue.

22 MS. KONTAZMANIS: If someone is logged  
23 into their live stream to watch the meeting, they  
24 need to log out.



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2 MR. RYAN: Who is representing --

3 MR. RICHMAN: Howard Graubard.

4 MR. RYAN: Who?

5 MR. RICHMAN: Under Taylor.

6 MR. GRAUBARD: It's Howard Graubard for  
7 Helen Sue.

8 MR. RYAN: Okay. I'm sorry, Mr.  
9 Graubard. I got it now. Alright. So, Mr.  
10 Graubard, you're here, Mr., uh --

11 MR. RICHMAN: Wyman.

12 MR. RYAN: -- Wyman is here is well. Mr.  
13 Richman will make a presentation and thereafter,  
14 I will recognize each of you. Mr. Richman, under  
15 these circumstances, I lost my place. Who should  
16 I call on first?

17 MR. RICHMAN: Me.

18 MR. RYAN: No, of the participants.

19 MR. RICHMAN: Oh, well, I've got to make  
20 the presentation yet, and then it'll be the  
21 candidate to see if he can rehabilitate his  
22 signatures.

23 MR. RYAN: Which would be?

24 MR. RICHMAN: Mr. Wyman, Bob Wyman.

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2 MR. RYAN: Which would be Mr. Wyman.  
3 Thank you very much. Alright. Very good.

4 MR. RICHMAN: Clerks' report on spec  
5 number 15-1, matter of the objections by Helen  
6 Sue to the petition of Bob Wyman, Democratic  
7 Party Candidate in the 10th Congressional  
8 District. The clerks' report, 401 signatures  
9 submitted, 90 found invalid, leaving 311 valid,  
10 375 are now required under the governor's  
11 executive order.

12 MR. SAVINO: Short by 64.

13 MR. RICHMAN: Mr. Savino reports that  
14 there's a deficit of 64 signatures.

15 MR. RYAN: Okay. Mr. Wyman, is there  
16 anything that you wish the commissioners to  
17 consider?

18 MR. WYMAN: Not at this time, other than  
19 the obvious schedule issues.

20 MR. RYAN: Okay. Thank you. And Mr.  
21 Graubard, is there anything you wish the  
22 commissioners to consider.

23 MR. GRAUBARD: Well, I just want to note  
24 that even if every one of the other objections

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2 was ignored, that there are 30 signatures from  
3 outside the district here, and that alone reduces  
4 the number to lower --

5 MR. RYAN: Okay. Is there a motion?

6 SECRETARY UMANE: Move the clerks'  
7 report.

8 MR. RYAN: Is there a second?

9 COMMISSIONER ARAUJO: Second.

10 MR. RYAN: Any objections? Hearing none,  
11 the motion carries.

12 MR. RICHMAN: The clerks' report is  
13 adopted, the candidate continues not to appear on  
14 the Democratic Party ballot.

15 MR. RYAN: Next, Mr. Richman.

16 MR. RICHMAN: Would be objection, spec  
17 32-1 in the matter of the objections by Bryan  
18 Jung for the petition of Dylan Stevenson. I  
19 believe we have representation?

20 MR. RYAN: Yes, we'll have Dylan  
21 Stephenson brought to the active meeting, as well  
22 as Bryan Jung.

23 SECRETARY UMANE: I believe it's Robert  
24 Morgan for Bryan Jung.

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2 MR. RYAN: Yes, Robert Morgan, I  
3 apologize.

4 MR. RICHMAN: Please add him to the  
5 meeting.

6 MR. RYAN: Please add Robert Morgan to  
7 the meeting, as well as Dylan Stevenson.

8 MS. SANDOW: Mr. Morgan is in, will be  
9 joining the meeting. We do not have a Dylan  
10 Stevenson logged on.

11 MR. RYAN: Okay.

12 MS. SANDOW: Admit Mr. Morgan. Mr.  
13 Morgan has been admitted.

14 MR. RYAN: Okay.

15 MR. RICHMAN: The clerks' report on spec  
16 number 32-1, the objections of Bryan Jung to the  
17 Republican Party petitions of Dylan Stevenson  
18 from representative in Congress 10th  
19 Congressional District clerks' report. 547  
20 signatures submitted, 280 found valid, uh,  
21 invalid, 267 found valid, 375 are required to  
22 qualify for the ballot. The clerks find as  
23 stated, the candidate did not provide the  
24 sufficient number of valid signatures.

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2 MR. RYAN: There is no appearance from  
3 the candidate. Mr. Morgan, do you wish to be  
4 heard in this matter? And if you do, can you  
5 please unmute your microphone.

6 MR. SAVINO: Robert, can you hear us?

7 MR. ROBERT MORGAN: Yes, I can hear you  
8 now.

9 MR. RYAN: We got you.

10 MR. MORGAN: Okay. Well, I mean Mr.  
11 Stevenson was already knocked off on the prima  
12 facie issue earlier but nevertheless, I would  
13 like a ruling on the clerks' report, which I  
14 believe granted him 268 valid signatures, which  
15 were short of the requirement.

16 MR. SAVINO: 203.

17 MR. RICHMAN: Yeah, 267 found valid.

18 MR. RYAN: Okay. Is there a motion?

19 SECRETARY UMANE: Move the clerks'  
20 report.

21 COMMISSIONER MARMORATO: Second.

22 MR. RYAN: Any objections? Hearing none,  
23 the motion carries.

24 MR. RICHMAN: Commissioners, the

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2 general, the next is the matter of spec number  
3 Bronx 28, the objections of George Delis to the  
4 petition of Alexandria Ocasio-Cortez, the 14th CD  
5 Working Families Party. You dismissed the general  
6 objection on the CRU prima facie calendar. So  
7 this clerks' report technical should be  
8 dismissed.

9 MR. RYAN: Is there a motion?

10 COMMISSIONER ARAUJO: Yes, move to  
11 dismiss.

12 MR. RYAN: A second?

13 COMMISSIONER SHAMOUN: Second.

14 MR. RYAN: Any objections? Hearing none,  
15 the motion carries.

16 MR. RICHMAN: Specification Bronx 28 is  
17 dismissed. Commissioners, the next two items,  
18 specs 24-1 and 24-2 are identical. I believe 24-2  
19 is the valid one for which we have a valid proof  
20 of service. The reports are identical so I  
21 suggest we dismiss 24-1 as moot after we -- and  
22 consider 24-2 as the properly filed  
23 specification.

24 MR. RYAN: Okay. But before we get to

1 April 20, 2020

2 that, Mr. Paperboy Love Prince has indicated that  
3 he wants to appear.

4 MR. RICHMAN: Okay.

5 MR. RYAN: And that's Paperboy Love  
6 Prince, please bring him into the room, into the  
7 active meeting, I apologize.

8 MR. SAVINO: There's Paperboy.

9 MR. RYAN: Okay.

10 MS. SANDOW: He's in the meeting.

11 MR. RYAN: Alright, very good. Mr.  
12 Richman, please make your presentation.

13 MR. RICHMAN: Commissioners, we have two  
14 specifications of objection by Christopher Chavez  
15 to the Democratic Party petitions of Paperboy  
16 Love Prince for representative in Congress,  
17 excuse me, in the 7th Congressional District. The  
18 specification number 24-1, the proof of service,  
19 the specifications were served on the contact  
20 person, specifications 24-2, what this proof of  
21 service shows that the specs were served on the  
22 candidate as required under our Board rules, so  
23 therefore, I think we recommend that you first  
24 dismiss 24-1 and only consider spec 24-2.

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2 MR. RYAN: Mr. --

3 SECRETARY UMANE: So moved.

4 MR. RYAN: -- well, Mr. Love Prince,  
5 would you like to be heard on this matter?

6 MR. PAPERBOY LOVE PRINCE: I would like  
7 to be heard on the matter regarding whichever  
8 specification is valid.

9 MR. RYAN: Okay. So we'll proceed with  
10 dismissing 24-1 and then we'll hear you on 24-2,  
11 okay.

12 MR. PRINCE: Sounds good.

13 MR. RYAN: Alright. Commissioners, is  
14 there a motion with respect to --

15 MR. RICHMAN: Umane.

16 COMMISSIONER ZACCONE: John Zaccone, so  
17 moved.

18 MR. RYAN: A second.

19 COMMISSIONER MICHEL: Michel, second.

20 MR. RYAN: Any objections? Hearing none,  
21 spec 24-1 is dismissed.

22 MR. RICHMAN: Spec 24-2, again, the  
23 objections of Christopher Chavez to the petition  
24 of Paperboy Love Prince for representative in



1 April 20, 2020

2 Congress for the 7th Districts. Clerks' report,  
3 430 signatures submitted, they found 348 invalid,  
4 leaving 84 valid signatures, 375 valid signatures  
5 are required to qualify for the primary ballot.

6 MR. SAVINO: Short by 291.

7 MR. RYAN: Yes, Mr. Love Prince, would  
8 you like to be heard on that matter?

9 MR. PRINCE: Yes, I would.

10 MR. RYAN: Okay. Please proceed.

11 MR. PRINCE: Okay. First I wanted to  
12 mention my county committee petition is nowhere  
13 to be found on any ledger. The identification  
14 number for that is KG 2001165 --

15 MR. RYAN: Okay.

16 MR. PRINCE: -- so I just wanted to  
17 raise that.

18 MR. RYAN: Is that --

19 MR. RICHMAN: County Committee has a  
20 separate ledger that's not posted. If you have  
21 any questions, please e-mail us, to the Board  
22 here and we can get back to you.

23 MR. RYAN: Would that be Brooklyn?

24 MR. RICHMAN: It's Brooklyn too.

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2 MR. RYAN: Alright.

3 MR. RICHMAN: But yeah, we --

4 MR. RICHMAN: So, alright, so if you  
5 could send an e-mail with your specific question  
6 to the e-mail address that we provided and  
7 Brooklyn will be on the calendar for tomorrow,  
8 not for today. So we don't have all of those  
9 documents at the ready, present.

10 MR. PRINCE: Okay.

11 MR. RYAN: Now, with respect to 24-2, if  
12 you'd like to be heard.

13 MR. PRINCE: Yes. First off, I wanted to  
14 thank everyone for your time and your hard work.  
15 My name is Paperboy Love Prince, candidate for  
16 Congress, New York 7th District and the first  
17 thing I'd like to raise is on the general  
18 objections and specification of objection filed,  
19 my address was spelled incorrectly, which appears  
20 to be in violation of Rule G-3, leading to  
21 confusion and uncertainty for voters, candidates,  
22 the Board and everyone involved. This same error,  
23 just to repeat, was made on the specifications to  
24 objections to my petitions. I currently live at

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2 248 McKibbin Street in Brooklyn, New York, while  
3 the objections filed against me -- I hear some  
4 feedback, but the objections filed, the filed  
5 address is 248 McGin Street, which is not the  
6 address that's listed on my petitions and it's  
7 not the address that I'm registered at or have  
8 ever lived at. So I wanted to raise that, and  
9 because of that, one, it was sent to my wrong  
10 address originally, they sent it to my  
11 representative instead of me, the candidate  
12 personally. And I still was not able to receive  
13 the specifications. The post office at McKibbin  
14 is chaotic. I went there twice and couldn't find,  
15 find it. I know that already today people have  
16 been thrown off the ballot for incorrectly  
17 binding and stapling pages, not adding the right  
18 office, or incorrectly identifying their borough.  
19 And so we believe that, that this should also be  
20 thrown out on its face as my address was spelled  
21 wrong multiple times, and again, caused confusion  
22 for me and for everyone involved in this process.

23 Next, I'd like to bring up the issue  
24 with the voter registration of the objector,

1 April 20, 2020

2 Christopher Chavez. First, Chavez publicly  
3 identifies as male and did when members of my  
4 team contacted him. But his current voter  
5 registration identifies him as a female, so that  
6 error or discrepancy with his voter registration.

7 Furthermore, Chavez originally  
8 registered under the Working Families Party and  
9 didn't change his registration to Democrat. When  
10 he did change his registration, it was done with  
11 an invalid affidavit. Therefore, he is still a  
12 workforce member and cannot object to a  
13 Democratic Party position. There is no paperwork  
14 showing the change of party new registration. So,  
15 there is that.

16 I also wanted to add, you know, that  
17 normally, during petitioning, we can get the  
18 signatures needed in three days, but because the  
19 time was changed arbitrarily and time shortened,  
20 and the time we planned on petitioning was lost.  
21 Everything else with elections has been going on  
22 as far as the April 28th special election, as far  
23 as the April 20th primary, all of these things  
24 have been pushed back. But when it came to the

1 April 20, 2020

2 petitioning period, this was all moved up with  
3 very little notice, making it difficult for  
4 candidates like myself, myself basically, as well  
5 as voters that were eager to sign petitions and  
6 thought that they had more time to do so.

7 Due to coronavirus, many in my district  
8 were very wary about signing petitions and  
9 touching pens and boards, as many are aware of  
10 the fatal consequences of this. Chinatown makes  
11 up a large portion of my district, and many there  
12 would already be worried about the issues with  
13 coronavirus in early February before the  
14 petitioning period even started and raised  
15 questions about how they would let us know the  
16 candidates they wanted to vote for by signing  
17 when this process was a very dangerous process  
18 and they saw the writing on the wall following  
19 the news coming out of China. This cut into my,  
20 many of our volunteers and as well as registered  
21 voters who wanted to help out by not being able  
22 to --

23 MR. RYAN: So, Mr. Love Prince, I  
24 appreciate all of those arguments that you're

1 April 20, 2020

2 making. What I need to kind of dial you back to  
3 is what documents do you want us to take a look  
4 at, because we're going to have to second call  
5 this matter to investigate some of the issues  
6 that you raised. So there's the issue with the  
7 proof of service, so I want to make sure I get  
8 all of your arguments down, the ones that we can  
9 deal with from a documentary perspective. So,  
10 it's one, proof of service, right? And what else?

11 MR. PRINCE: Yes. Then the issue with my  
12 address as far as the address being spelled  
13 correctly, the violation of Rule -- it appears to  
14 be in violation of Rule G-3 --

15 MR. RYAN: Okay.

16 MR. PRINCE: -- by not correctly stating  
17 my address that I am registered at.

18 MR. RYAN: Right.

19 MR. PRINCE: As well as that is note on  
20 my petitions. So those are the documentary  
21 things, as well as the voter registration of the  
22 objector, Christopher Chavez, who --

23 MR. RYAN: So --

24 MR. PRINCE: -- yes, yes. The voter

1 April 20, 2020

2 registration --

3 MR. RYAN: -- there were two issues that  
4 I recall and I want to make sure we got them  
5 both. One --

6 MR. PRINCE: Yes.

7 MR. RYAN: -- was the, the gender  
8 identification of Mr. Chavez was one of your  
9 objections. And the other was that he is not a  
10 registered member of the Democratic Party? Is  
11 that correct, as far as it -- right? Are those  
12 your two objections?

13 MR. PRINCE: Yes.

14 MR. RYAN: I'm asking him his  
15 objections, yes, right.

16 MR. PRINCE: He was registered as  
17 Working Families Party and when his registration  
18 for Democrat was done with an invalid affidavit.

19 MR. RYAN: Okay.

20 MR. RICHMAN: We can rule on it, we have  
21 [unintelligible] [03:55:01].

22 MR. RYAN: So, Mr. Richman has been able  
23 to retrieve some documents and please proceed,  
24 Mr. Richman.

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2 MR. RICHMAN: First, Mr. Prince, the  
3 specification that was sent to your contact  
4 person 24-1, which was dismissed by the  
5 commissioners. With respect to 24-2, the proof of  
6 service does provide that it was mailed to you at  
7 248 McGibbon, M-C-G-I-B-B-O-N Street in Brooklyn,  
8 New York and both your petitions and your cover  
9 sheet has the address as 248 McKibbin, M-C-K-I-B-  
10 B-I-N, so the street address was improperly  
11 noted, both on the specifications of objection  
12 cover sheet and on the proof of service. So I  
13 believe you made a good case to have the spec  
14 dismissed. There was not proper service,  
15 commissioners, to the address set forth on his  
16 petition.

17 MR. RYAN: Is there a motion?

18 PRESIDENT TAYLOR: Motion to dismiss the  
19 clerks' report.

20 MR. RICHMAN: For failing -- for the  
21 proof of service, for failing to comply with --

22 PRESIDENT TAYLOR: For proof of service.

23 MR. RICHMAN: -- the Board's rule to  
24 serve the candidate at the address on the



1 April 20, 2020

2 petition.

3 PRESIDENT TAYLOR: So moved.

4 COMMISSIONER CAMILO: I will second.

5 MR. RYAN: Are there any objections?

6 Hearing none, the motion carries. Mr. Richman

7 advise Mr. Prince --

8 MR. RICHMAN: Accordingly --

9 MR. RYAN: -- what just happened?

10 MR. RICHMAN: -- since the specification

11 of objection was dismissed for failing to comply

12 with the Board's rules regarding service.

13 Accordingly, the petitioner, the candidate

14 remains on the ballot.

15 MR. PRINCE: Thank you.

16 MR. RYAN: Okay.

17 MR. RICHMAN: Can you wait a second? I

18 just want to put stuff away.

19 MR. RYAN: Yep. Are there any further

20 matters with Mr. Prince?

21 MR. SAVINO: Not that I'm aware of.

22 MR. RICHMAN: I don't believe there are

23 any other specs against Mr. Prince.

24 MR. RYAN: Okay. Thank you, Mr. Prince,

1 April 20, 2020

2 we're going to remove you to the waiting area if  
3 you still want to watch the rest of the hearing.

4 MR. PRINCE: Okay. Thank you very much.

5 MR. RYAN: You're welcome.

6 [OFF MIC CONVERSATION]

7 MR. RYAN: Are we ready to go on the  
8 second call?

9 MR. RICHMAN: Ready to the next one. Oh,  
10 you want to do the second call now? We only have  
11 one of the two volumes yet.

12 MR. RYAN: Alright. So then we're not  
13 ready.

14 MR. RICHMAN: The next would be the  
15 specifications of objection on spec 25-1,  
16 Conservative Party, the objections of Probanski  
17 [phonetic] to the petitions of Malliotakis. I  
18 believe we have representation.

19 MR. RYAN: Uh, I don't have that on my  
20 list.

21 MR. RICHMAN: No? Okay. Then maybe we  
22 don't. This is a very --

23 PRESIDENT TAYLOR: 29-1.

24 MR. RICHMAN: Excuse me?

1 April 20, 2020

2 COMMISSIONER SHAMOUN: That's 29-1.

3 MR. RICHMAN: 29-1.

4 PRESIDENT TAYLOR: 29.

5 MR. RICHMAN: Yes. Conservative Party  
6 objections of Mary Ellen Probanski to the  
7 petition of Nicole Malliotakis for member of  
8 Congress in the 11th Congressional District. It's  
9 a very light copy I have, but the best I can read  
10 it and commissioners, anybody can correct me.  
11 Clerks' report, 344 signatures submitted, 40  
12 found invalid, leaving 304 valid, 80 signatures  
13 are required to qualify for the ballot, so the  
14 candidate would be on the ballot and I don't  
15 believe we have any appearances.

16 MR. RYAN: And I don't believe that as  
17 well. So, is there a motion?

18 COMMISSIONER ZACCONE: This is John  
19 Zaccone, I move the clerks' report.

20 MR. RYAN: A second?

21 COMMISSIONER SHAMOUN: I'll second the  
22 motion on behalf of the Brooklyn employees that  
23 helped out on this clerks' report. What seems to  
24 be unnecessarily with objections that were far

1 April 20, 2020

2 reaching and seemingly frivolous and they put  
3 themselves at risk doing so, and that's my  
4 second.

5 MR. RYAN: Okay. Are there any  
6 objections? Hearing none, the motion carries.

7 MR. RICHMAN: The candidate remains on  
8 the ballot. Spec report on Queens 23-1, the  
9 Republican Party petitions the objector, Kevin J.  
10 Hanratty objects to the petition of Scherie S.  
11 Murray, candidate for Congress in the 14th  
12 District, and I believe we have appearances.

13 MR. RYAN: And Mr. Hanratty is  
14 represented by John F. Haggerty, Jr. Please bring  
15 Mr. Haggerty into the active meeting.

16 MR. RICHMAN: Is Ms. Murray here?

17 MR. RYAN: I can't tell. If there is a  
18 Scherie Murray in the waiting room, then please  
19 bring her in as well, but I cannot tell from my  
20 list.

21 MS. SANDOW: We do not have a Scherie  
22 Murray, but Mr. Haggerty has joined the meeting.

23 MR. RYAN: Okay. Thank you.

24 MR. RICHMAN: Clerks' report on the

1 April 20, 2020

2 objections of Hanratty to the petition of Murray.  
3 906 signatures submitted, 906 found invalid.

4 MR. RYAN: I'm sorry, wait, it appears  
5 that Ms. Murray may be represented by a Richard  
6 St. Paul.

7 MR. RICHMAN: Oh.

8 MR. RYAN: Is there a Richard St. Paul  
9 in the room, waiting room?

10 MR. SAVINO: He did file a notice of  
11 appearance.

12 MR. RICHMAN: After I knew  
13 [unintelligible] [04:00:49] yeah. From the law  
14 office of Terry Hyde, right?

15 MR. SAVINO: I think he has his own  
16 office.

17 MR. RICHMAN: Oh, his office, okay.

18 MR. SAVINO: Yeah, I don't know.

19 MR. RYAN: Richard St. Paul, are you  
20 with us?

21 MR. ORTIZ: We do not have a Richard St.  
22 Paul in the waiting area.

23 MR. RYAN: Okay. So we've covered all  
24 the bases, thank you.

1 April 20, 2020

2 MR. RICHMAN: Clerks' report says 906  
3 signatures submitted, 906 found invalid, 375  
4 required to qualify for the ballot, Mr. Haggerty,  
5 do you have any comments?

6 MR. HAGGERTY: Yes, first I believe  
7 this candidate is off because of the defective  
8 cure via the cover sheet committee, but I would  
9 ask the Board to please adopt the clerks' report  
10 as well, [unintelligible] [04:01:40] invalidator  
11 in, so I would the Board's work to be adopted.

12 I just want to compliment the board on  
13 performing all of their duties in very difficult  
14 times. All the staff has done a fantastic job.

15 COMMISSIONER MICHEL: Move the clerks'  
16 report?

17 COMMISSIONER ARAUJO: Second, Araujo,  
18 second.

19 MR. RYAN: Is there any objections?  
20 Hearing none, the motion carries.

21 MR. RICHMAN: The clerks' report is  
22 adopted, the candidate will not appear on the  
23 ballot. Next item, commissioners, is the report  
24 on Queens spec 24-1, the objections by Mr.

1 April 20, 2020

2 Hanratty to the petitions of Jineea Butler for  
3 representative of Congress in the 14th District.  
4 I believe Mr. Haggerty is representing the  
5 objector. I don't know if there's anybody here  
6 for the candidate. There weren't here for the  
7 prima facie.

8 MR. RYAN: Yes, there does not appear to  
9 be anyone here for the candidate, however, we  
10 would need Mr. Haggerty back for this proceeding.

11 MS. KONTAZMANIS: We're going to bring  
12 him back right now, just give us a second.

13 MR. RYAN: Okay.

14 COMMISSIONER SHAMOUN: I see Mr.  
15 Haggerty.

16 COMMISSIONER TOWNSEND: Yes, he's here.

17 MS. KONTAZMANIS: He's on, he's back on.

18 MR. RICHMAN: So each volume is a  
19 separate one.

20 MR. RYAN: Okay. Alright. So, Mr.  
21 Richman, please proceed.

22 MR. RICHMAN: Commissioners, just so you  
23 are aware, you have multiple sheets referring to  
24 Queens 24-1, please look for the page that says

1 April 20, 2020  
2 recapitulation. For each volume filed, the clerks  
3 prepared a separate report and then summary on  
4 the recapitulation. The recap shows 510  
5 signatures submitted for the candidate, 458 found  
6 invalid, leaving 22 valid signatures, 375  
7 signatures are required to qualify for the  
8 ballot. Mr. Haggerty, do you have anything to  
9 say? You know this candidate I believe is off  
10 prima facie.

11 MR. RYAN: I'm sorry, Mr. Haggerty,  
12 you're on mute.

13 MR. HAGGERTY: Am I there?

14 MR. RYAN: Yes, you are.

15 MR. HAGGERTY: Okay. I believe this  
16 candidate was removed on an enrollment issue  
17 earlier, but I would ask that the clerks' report  
18 be adopted as it as well.

19 COMMISSIONER MICHEL: Michel, move the  
20 clerks' report.

21 COMMISSIONER ARAUJO: Araujo, second.

22 MR. RYAN: Are there any objections?  
23 Hearing none, the motion carries.

24 MR. RICHMAN: The candidate will not



1 April 20, 2020

2 appear on the ballot as the result of the clerks'  
3 report as well. Commissioners, the next matter is  
4 Richmond spec --

5 MR. HAGGERTY: Thank you.

6 MR. RICHMAN: -- RH3-11, objections by  
7 Evelyn Robleto to the petition of Rajiv Gowda for  
8 member of the State Senate 23rd District. I  
9 believe we have appearances.

10 MR. RYAN: Yes, we have Stanley K.  
11 Schlein, esquire and Howard Graubard, esquire, if  
12 they could be joined to the meeting, thank you.

13 MS. PERKINS: They're in the meeting.

14 MR. RYAN: Okay.

15 MR. RICHMAN: This is the --

16 MR. RYAN: Yes, Mr. Richman, please  
17 proceed.

18 MR. RICHMAN: This is the amended  
19 clerks' report on Richmond spec 3-1, the  
20 objections of Evelyn Robleto to the petition of  
21 Rajiv S. Gowda for member of the State Senate,  
22 23rd Senate District. Commissioners, please be  
23 advised that Mr. Graubard properly submitted an  
24 exception report in accordance with your

1 April 20, 2020  
2 emergency procedures. That was sent to the Staten  
3 Island office where they turned it around very  
4 quickly and that generated the amended clerks'  
5 report, which now shows 520 signatures submitted  
6 for the candidate, 216 deemed invalid, 304 found  
7 valid, 300 are required to qualify for the ballot  
8 and the allegation on one line of page six, line  
9 two of volume 111 is referred to the Board for  
10 similar handwriting. Appearances, I guess we  
11 could go with the objector at this point?

12 MR. RYAN: Yes.

13 MR. RICHMAN: If you have anything to  
14 add?

15 MR. RYAN: That would be Mr. Graubard,  
16 right?

17 MR. RICHMAN: No, Mr. Schlein.

18 MR. RYAN: Mr. Schlein, Mr. Schlein,  
19 please proceed if you wish to be heard.

20 MR. RICHMAN: Mr. Schlein, please  
21 unmute, we can't hear you.

22 MR. SCHLEIN: Okay, well?

23 MR. RICHMAN: Now, we hear you.

24 MR. RYAN: Yes, we hear you, thank you.

1 April 20, 2020

2 MR. SAVINO: There he is.

3 MR. SCHLEIN: Stanley Schlein, can you  
4 hear me now?

5 MR. RYAN: Yes, we can, thank you.

6 MR. SCHLEIN: Alright. Very good. Thank  
7 you so much commissioners and staff. Stanley  
8 Schlein, joined by Edmond Prior, on behalf of the  
9 objector.

10 MR. EDMOND PRIOR: Good afternoon.

11 MR. RYAN: Mr. Richman stated the issue,  
12 Mr. Schlein, did you hear that? He can repeat it  
13 if you need to.

14 MR. SCHLEIN: Yes, I did, yes, I did.

15 MR. RYAN: Okay. So if you would like to  
16 proceed, please do so now.

17 MR. SCHLEIN: Thank you very much. This  
18 amended clerks' report finds 304 valid  
19 signatures, 300 are required for qualification of  
20 the office. Mr. Graubard, in preparation of the  
21 clerks' office reviewing additional signatures  
22 provided an exception to the clerks' report  
23 document. I'm wondering if the Board has that in  
24 front of them, because I'd like to refer to that

1 April 20, 2020

2 document.

3 MR. RYAN: We have to retrieve that?

4 MR. RICHMAN: We have to retrieve that.

5 MR. RYAN: We will have to retrieve that  
6 document.

7 MR. SCHLEIN: And that would be  
8 appreciated because there is, there are some of  
9 those eight items that Mr. Graubard proffered  
10 which I would respectfully disagree with the  
11 Board on, the clerks' on, and I would like to  
12 bring that to the attention of the commissioners.

13 MR. RYAN: Certainly. So we'll take a  
14 brief second call on this matter. We'll return  
15 you --

16 MR. SCHLEIN: Thank you.

17 MR. RYAN: -- both to the waiting room  
18 and we'll get the documents before this hearing.

19 MR. RICHMAN: The next one.

20 MR. SCHLEIN: Thank you.

21 MR. RYAN: Wait, now there's a next one,  
22 I'm sorry, that you guys could stay for while  
23 they're retrieving.

24 MR. RICHMAN: Mr. Schlein, you're

1 April 20, 2020

2 representing Ms. Robleto against the petition of  
3 Stradford as well, correct?

4 MR. SCHLEIN: Yes, I am.

5 MR. RICHMAN: Okay. So then the question  
6 is, I don't believe -- we said, we checked, Mr.  
7 Stradford wasn't in for the earlier prima facie.

8 MR. RYAN: That's correct. So we can  
9 proceed on the Stradford matter, Mr. Schlein.

10 MR. SCHLEIN: Thank you very much.

11 MR. RICHMAN: Clerks' report --

12 MR. SCHLEIN: Stanley Schlein for the  
13 objector.

14 MR. RICHMAN: Okay, Mr. Schlein --

15 MR. SCHLEIN: I'm aware of the clerks' -  
16 -

17 MS. SANDOW: I believe isn't Ali Najmi  
18 here for this case, guys.

19 MR. RICHMAN: Oh, Ali is on, okay. Is  
20 he?

21 MR. RYAN: I didn't have him listed.

22 MS. KONTAZMANIS: Just give us one  
23 second.

24 MR. RYAN: I didn't have him listed, but

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2 certainly, if he is, he should participate.

3 MR. RICHMAN: I don't know if we have  
4 him for the prima facie.

5 MS. SANDOW: He does have a notice of  
6 appearance and he's now entered the meeting.

7 MR. RYAN: Okay. Perfect.

8 MR. NAJMI: Hi, Ali Najmi for Stradford.

9 MR. RYAN: Alright, very good. Mr.  
10 Richman, please proceed.

11 MR. RICHMAN: This is the clerks' report  
12 on spec number 43-1, objections of Evelyn Robleto  
13 to the petition of Brandon P. Stradford for  
14 member of the State Senate for the 23rd Senate  
15 District. The clerks' report, 632 signatures  
16 submitted, 396 are found invalid, leaving 236  
17 valid, 300 are required to qualify under the  
18 election laws modified by the governor's  
19 executive order. There are several instances of  
20 similar handwriting referred to the Board for  
21 which the clerks did not make any rulings.

22 MR. RYAN: Mr. Schlein, Mr. Schlein, do  
23 you wish to be heard?

24 MR. SCHLEIN: Stanley Schlein for the

1 April 20, 2020

2 objector.

3 MR. RYAN: Go ahead, Mr. Schlein.

4 MR. SCHLEIN: I would respectfully  
5 request the board to move the clerks' report.

6 MR. NAJMI: Thank you. On behalf of the  
7 candidate, I just wanted to examine the proof of  
8 service. I don't know how we can do this  
9 remotely.

10 MR. RICHMAN: We'll pull it up.

11 MR. NAJMI: I wanted to, I wanted to  
12 examine the proof of service.

13 MR. RYAN: Okay. Mr. Najmi, that, that  
14 will require a second call. We'll, we'll pull out  
15 the documents and we'll return you both to the  
16 waiting room and, and call you back when we have  
17 the documents in front of us.

18 MR. SCHLEIN: Thank you.

19 MR. NAJMI: Thank you.

20 MR. RYAN: Alright. Thank you.

21 MR. RICHMAN: We have the stuff for the  
22 Working Families Party.

23 MR. RYAN: Alright. And we,  
24 commissioners, we now have the documents for the

1 April 20, 2020

2 Working Families Party. Who am I calling back on  
3 this?

4 MR. RICHMAN: Alex Rabb.

5 MR. RYAN: Alright. Okay. Please restore  
6 Alexander Rabb to the active meeting.

7 MR. RICHMAN: [unintelligible]  
8 [04:10:36] the prima facie, legal prima facie.

9 MS. SANDOW: They've entered the  
10 meeting.

11 MR. RYAN: Thank you, please proceed.

12 MR. RICHMAN: Mr. Rabb, we have the  
13 found the basis for the Board's prima facie  
14 findings. First, with respect to the Working  
15 Families Party petition for members of the state  
16 committee and member of Congress, you're right,  
17 on the 7th Congressional District, it is Volume  
18 Queens 2000705 and I'll pass it up so the  
19 commissioners and staff can do it, that volume  
20 consists of 11 pages for the 7th. And so if you  
21 want to look at it commissioners, there's 11  
22 pages in that volume. Accordingly, they're  
23 required to have a cover sheet. We did not send  
24 out a prima facie notice to the candidate for



1 April 20, 2020

2 Congress, but now called to our attention, with  
3 your permission, we'll do it and probably have to  
4 schedule this for next Tuesday, so that they'll  
5 have an opportunity to be heard.

6 COMMISSIONER ARAUJO: This is  
7 Commissioner Araujo. Steve, do all 11 pages have  
8 signatures on them?

9 MR. RICHMAN: Yeah. They're attached as  
10 a sealed volume, a secured volume fastened  
11 together consisting of 11 pages.

12 MR. RYAN: And they appear to be hand  
13 written, numbered at the bottom, sequentially  
14 numbers one through 11.

15 MR. RICHMAN: MR. Rabb, I don't know how  
16 we --

17 SECRETARY UMANE: What about the other  
18 one, do we have that yet?

19 MR. RICHMAN: Yes, I do. But I think we  
20 would deal with each one separately.

21 COMMISSIONER MICHEL: Yes, there's 11  
22 pages, they're all marked and they're all --

23 MR. RICHMAN: And all the candidates  
24 appear, so at least with respect to the state

1 April 20, 2020

2 committee, I believe that the prima facie finding  
3 should be sustained and you'll have to issue a  
4 notice to Candidate Valazquez for her candidacy  
5 on the Working Families Party for  
6 [unintelligible] [04:12:26].

7 SECRETARY UMANE: Does Mr. Rabb have  
8 anything to say about that?

9 MR. RABB: Commissioners, the, the copy  
10 that I was given had seven pages and I apologize  
11 for taking your time.

12 MR. RYAN: No apologies necessary, we're  
13 glad that we retrieved the document, and it is 11  
14 pages, which would appear to require a cover  
15 sheet.

16 MR. RABB: [unintelligible] [04:12:46].

17 MR. RICHMAN: So commissioners --

18 SECRETARY UMANE: Move the clerks'  
19 report.

20 MR. RICHMAN: Okay. For the 7th  
21 Congressional District.

22 COMMISSIONER ARAUJO: So second.

23 MR. RYAN: Any objections? Hearing none,  
24 the motion carries. The candidates listed for

1 April 20, 2020

2 the --

3 MR. RICHMAN: Will not appear.

4 MR. RYAN: -- 7th Congressional District  
5 will not appear on the ballot.

6 MR. RICHMAN: Commissioners, with  
7 respect to the Working Families Party members of  
8 the state committee and in this case is a member  
9 of Congress as well, for which we didn't send a  
10 defect notice, three volumes were filed for these  
11 candidates. One volume consisting of seven pages,  
12 with the number New York 2000477, one volume  
13 consisting of two pages, consisting of Bronx  
14 2000600, and a third single sheet volume with New  
15 York number 2000502 filed for all of the  
16 candidates for the state committee. So in this  
17 case, we had three distinct volumes filed, two of  
18 which are stapled together, one numbered  
19 sequentially one through seven, one numbered, two  
20 pages numbered one to two, and a third single  
21 sheet. So if they came as one volume, it would be  
22 ten pages, requiring it, and or three volumes  
23 clearly under the statute, requires these to be  
24 put together. So for the state committee, I

1 April 20, 2020

2 believe the prima facie finding is correct and  
3 with your permission, we will schedule Mr.  
4 Espaillet for the prima facie hearing for next  
5 Tuesday.

6 MR. RYAN: Is there a motion? Oh, I'm  
7 sorry, I'm sorry. Mr. Rabb, would you like to be  
8 heard? I apologize.

9 MR. RABB: Thank you. My colleagues were  
10 aware of only the seven page volume and would  
11 have disclaimed or move to disclaimed the  
12 additional volumes at this time.

13 MR. RICHMAN: But to do that, you would  
14 have had to file a cover sheet to give you the  
15 right to control it. The committee --

16 MR. RABB: Right. They had --

17 MR. RICHMAN: -- the committee to fill  
18 vacancies are identical on all three petition  
19 volumes.

20 MR. RABB: Understood.

21 MR. RICHMAN: And, and it looks, it  
22 appears to me that it's a, the same copies of the  
23 same sheet printed but just filed differently.  
24 But in order to give you control like that, a

1 April 20, 2020

2 cover sheet had to be filed, in which we would  
3 exclude other volumes, other than which you  
4 claim. You can't file it after the fact.

5 MR. RABB: Here they, they had no notice  
6 of the need to file a cover sheet. Again, they  
7 didn't know about these other two volumes that  
8 were filed, so --

9 MR. RICHMAN: Somebody provided them  
10 with the petition sheets with the exact format.

11 MR. RABB: Yes, uh, that's, that's  
12 likely true. The petition sheets were distributed  
13 to volunteers, who took it upon themselves to  
14 file. The, in this case, this is, I think that  
15 the ID numbers I heard were not sequential, were  
16 given out in different districts, and appear to  
17 be filed by different people.

18 MR. RICHMAN: Well, commissioners, and  
19 with spec, just so you know, that's based on your  
20 prior discussion we looked. At least with the  
21 single sheet sheet, it's Phil Harris is the  
22 witness. He is also the witness in the seven page  
23 volume to one, two, three -- three of the seven  
24 sheets filed originally, filed with that as well.

1 April 20, 2020

2 And then in terms of the timing, March 20th,  
3 they, in this case, they were filed at different  
4 times.

5 MR. RYAN: But all the same subscribing  
6 witness?

7 MR. RICHMAN: Well, some of the  
8 subscribing witnesses overlap. The one, the two  
9 volume with the Bronx ID number have different  
10 witnesses than the other two volumes.

11 MR. RYAN: But all the same committee to  
12 fill vacancy?

13 MR. RICHMAN: All the same committee to  
14 fill vacancies, the exact same candidates.

15 SECRETARY UMANE: I move the clerks'  
16 report.

17 MR. RYAN: Any objections? Hearing none,  
18 the motion carries.

19 MR. RABB: Thank you [unintelligible]  
20 [04:16:55].

21 SECRETARY UMANE: I also recommend that  
22 the candidates listed for Congress be given  
23 notice that the petitions, that they require  
24 cover sheets and that we have that on the hearing

1 April 20, 2020

2 on next Tuesday.

3 MR. RICHMAN: Very well, commissioners.  
4 Those notices will go out hopefully this evening  
5 or tomorrow at the latest. Okay. For the second  
6 calls, let's see, we wanted the proof of service  
7 for Mr. Stradford. Commissioners, it's, this is  
8 the amended to that, okay.

9 Commissioners, we have the materials  
10 relating to the second call on the clerks'  
11 reports. If we do it in order, with respect to  
12 RH3-1, we have Mr. Graubard's exception report,  
13 we distributed copies.

14 MR. RYAN: One second, we've got to  
15 bring Mr. Schlein and Mr. Graubard back into the  
16 room.

17 MR. RICHMAN: My question is  
18 commissioners, do you want us to go up and e-mail  
19 this to you as well on the e-mail?

20 PRESIDENT TAYLOR: Probably a good idea.

21 MR. RICHMAN: Alright. Can you go up --

22 [CROSSTALK]

23 COMMISSIONER ARAUJO: This is  
24 Commissioner Araujo. How many do they have in

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2 each section report?

3 MR. RICHMAN: Six, uh, no, eight. Eight,  
4 eight on, eight, there are eight signatures that  
5 they sought to rehabilitate, of which the Staten  
6 Island staff gave them four, commissioner.

7 MR. SCHLEIN: Yes, [unintelligible]  
8 [04:18:17] am I in?

9 MR. ORTIZ: Yes.

10 MR. SCHLEIN: Hello, gentlemen and  
11 ladies --

12 MR. RICHMAN: Mr. Schlein --

13 MR. SCHLEIN: -- am I in?

14 MR. RICHMAN: Yeah, Mr. Schlein, could  
15 you wait a minute? We're trying to e-mail Mr.  
16 Graubard's exception report to the commissioners  
17 who are appearing remotely so they'll be able to  
18 look at it as well.

19 MR. SCHLEIN: That was the document he  
20 prepared. Mr. Graubard prepared that document,  
21 yes.

22 MR. RICHMAN: It was, it was submitted  
23 in accordance with the commissioners' emergency  
24 procedures in a timely manner, which required all



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2 the exception reports to be submitted by  
3 yesterday, to be -- prior to the hearings. It was  
4 timely received in the proper format, setting  
5 forth the page number, volume number and line  
6 number and the reason for each of the exceptions  
7 to the clerks' findings. And the clerks of Staten  
8 Island worked the nine, the eight additional  
9 signatures and came up with the amended clerks'  
10 report, giving them four additional signatures.

11 MR. RYAN: Alright. Let's take a deep  
12 breath and let the commissioners receive it, so  
13 when we're having a conversation, we're having a  
14 conversation with the commissioners having full  
15 benefit of the documents in question.

16 MR. RICHMAN: And I think the Staten  
17 Island staff is still here? Because they can tell  
18 us which ones they ruled on?

19 MR. RYAN: Yeah.

20 COMMISSIONER ARAUJO: Mr. Richman, this  
21 is Commissioner Araujo. Just so I understand, the  
22 regional recap had it at 300 even.

23 MR. RICHMAN: Correct.

24 COMMISSIONER ARAUJO: And then now

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2 there's an amended recap with 304, and that  
3 already took into consideration the exception  
4 report that's being addressed at this point?

5 MR. RICHMAN: Correct. And Mr. Schlein,  
6 I guess has objections to the exception report.

7 COMMISSIONER ARAUJO: Okay.

8 MR. RYAN: Right. And that's the, that's  
9 the argument that we need to get to after  
10 commissioners have receipt of all the documents.

11 MR. RICHMAN: And I guess the Staten  
12 Island chief --

13 COMMISSIONER ARAUJO: I just wanted to  
14 make sure that I understood the facts.

15 MR. RYAN: Yes, thank you.

16 MR. RICHMAN: And the Staten Island  
17 chief and deputy will be able to identify which  
18 of the eight, of the eight, which four they  
19 changed their rulings on, hopefully. So if the  
20 Staten Island's --

21 MR. SCHLEIN: May I be helpful Mr.  
22 Richman and commissioners, I think I can be  
23 helpful in that regard. If the commissioners have  
24 in fact that document entitled exception to

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2 clerks' report, etc., with Mr. Graubard's  
3 permission, I'd like to go through those eight  
4 items sequentially and I think I can do this  
5 expeditiously.

6 MR. RYAN: Let me just double check with  
7 one of the commissioners. I'll ask Commissioner  
8 Zaccone, only because I saw him first, did the e-  
9 mail come through yet?

10 COMMISSIONER ZACCONE: No, it did not  
11 come through yet. I'm checking now.

12 MR. RYAN: Okay.

13 COMMISSIONER ZACCONE: But I have  
14 another question. Was an exception report filed  
15 by Mr. Schlein, for the original 300?

16 MR. SCHLEIN: No. There was not. I am  
17 relying on the report, the exception report  
18 submitted by Mr. Graubard to object to one of the  
19 items that was in fact granted.

20 COMMISSIONER ZACCONE: Okay. I just  
21 wanted to clarify for my sake.

22 MR. RYAN: Sure.

23 COMMISSIONER ZACCONE: [unintelligible]  
24 [04:21:05] in the original 300 prior to the

1 April 20, 2020

2 report you filed no objection to.

3 MR. SCHLEIN: That is correct, sir.

4 COMMISSIONER ZACCONE: Thank you.

5 MR. RYAN: Alright, so we'll all just  
6 exercise a little bit of patience while the  
7 commissioners are sent the additional document  
8 for their consideration.

9 MR. GRAUBARD: Can I raise another issue  
10 at this time?

11 MR. RYAN: I suppose so, Mr. Graubard.  
12 Why not?

13 MR. GRAUBARD: Okay. I just would like  
14 to know that the spec we received, and I assume  
15 it's the spec that the Board received, sheet  
16 number 16, sheet number 36 and sheet number 47  
17 were all missing in the spec. If this was a  
18 petition, it would be invalid on that basis, and  
19 I think we should hold objectors to the same  
20 standard we hold candidates to. I'll also note  
21 that Mr. Schlein said the original petition had  
22 527 signatures, not 520, and I'd like to  
23 stipulate.

24 MR. RYAN: Okay. So we're still waiting

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2 for documents. We'll get to each of these issues  
3 in turn once we have a complete set of  
4 information before the commissioners.

5 COMMISSIONER ZACCONE: Just to make the  
6 record, I have received it.

7 MR. RICHMAN: [unintelligible]  
8 [04:22:40].

9 PRESIDENT TAYLOR: I have not.

10 MR. RYAN: Yes, alright, uh.

11 PRESIDENT TAYLOR: I have not received  
12 it. Oh, wait, it's right here, I have it.

13 MR. RYAN: Okay. So we got, uh -- why  
14 don't I go down the list and ask the  
15 commissioners if they have the documents. I know  
16 Commissioner Michel has it, because he's sitting  
17 right here. Commissioner Taylor?

18 PRESIDENT TAYLOR: Yes, I have it.

19 MR. RYAN: Commissioner Umane?

20 SECRETARY UMANE: Yes.

21 MR. RYAN: COMMISSIONER ARAUJO:

22 COMMISSIONER ARAUJO: Yes.

23 MR. RYAN: Commissioner Camilo?

24 COMMISSIONER CAMILO: Yes, yes, I have

1 April 20, 2020

2 it.

3 MR. RYAN: Commissioner Marmorato?

4 COMMISSIONER MARMORATO: Yes, I have it.

5 MR. RYAN: Commissioner Shamoun?

6 COMMISSIONER SHAMOUN: Yeah, received,  
7 thank you.

8 MR. RYAN: Commissioner Townsend?

9 COMMISSIONER TOWNSEND: Yes.

10 MR. RYAN: And Commissioner Zaccone?

11 COMMISSIONER ZACCONE: Yes, I have it.

12 MR. RYAN: Alright. So, please proceed,  
13 Mr. Schlein.

14 MR. SCHLEIN: Okay. First, I'd like to  
15 address Mr. Graubard's most recent extraneous  
16 comments with respect to the number of signatures  
17 in the petition as well as his perception of  
18 missing pages in the specifications. We rely on  
19 the clerks' report, which initially found 300  
20 valid signatures and then was amended as a result  
21 of Mr. Graubard's exception report at 304, and it  
22 is that amended clerks' report and that exception  
23 document which I will respectfully address.

24 With that said, on the exception report,

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2 the clerks of Staten Island, Richmond County,  
3 granted validity to items number one and number  
4 two on the exception report. We take no exception  
5 with that modification. Okay.

6 MR. RYAN: Yes.

7 MR. SCHLEIN: Number three, in  
8 particular, relating to a signature of a Marie  
9 Valdez, we are in Mr. Graubard's cites to two  
10 particular potential voter registration card  
11 numbers. I don't know if Mr. Graubard is still  
12 pursuing that, that particular --

13 MR. GRAUBARD: I would like to pursue  
14 that. The Board did grant it.

15 MR. SCHLEIN: The only reason I'm asking  
16 Mr. Graubard that question, respectfully  
17 commissioners, is because I will then address why  
18 I believe it should remain invalid.

19 MR. GRAUBARD: Okay.

20 MR. RYAN: Okay. Now that you have that  
21 clarification, Mr. Schlein, please proceed.

22 MR. SCHLEIN: Thank you. Item number  
23 three relates to a desire to validate the  
24 signature of one Maria Valdez, whose signature

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2 appears on page 23, line 10 of the petition. If  
3 the petition is available to respective  
4 personnel, let me point out to you, Mr. Graubard  
5 indicates that there is in fact a Maria Valdez, a  
6 registered voter at, quote, that address. The  
7 address set forth on the petition is 98 Spartid  
8 [phonetic] Avenue. The two buff cards cited by  
9 Mr. Graubard, one being 304405630 in fact shows a  
10 registration of Maria Valdez, however at 106  
11 Seneca Street, not the address set forth by the  
12 Maria Valdez on the petition. In addition, the  
13 buff card denominated as 411602468 also shows a  
14 registered voter by the name of Maria Valdez,  
15 however, registered from 45 Warren Street. Again,  
16 not the address set forth on the petition. We  
17 respectfully request this signature denominated  
18 as item three on the exception report be  
19 rejected.

20 MR. RICHMAN: [unintelligible] [04:27:04]  
21 ruled. I'm going to withdraw that one for the  
22 purposes of this proceeding. Okay.

23 MR. SCHLEIN: Thank you very much. May I  
24 proceed?



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2 MR. RYAN: Yes.

3 MR. SCHLEIN: Item number four, a  
4 similar request by Mr. Graubard with respect to a  
5 signatory by the name of Julio Cruz, which is  
6 referred to on page 25, line 9. Mr. Graubard  
7 cites to two voter registration card numbers. We  
8 have in fact researched that matter as well. With  
9 respect to the, and he refers to that address,  
10 the term of [unintelligible] [04:27:47] again.  
11 The buff card number 303925303, which is a Julio  
12 Cruz is in fact an address of 743 Post Avenue.  
13 The address on the petition for Julio Cruz is 35  
14 Van Riper Street, not the same address. And with  
15 respect to the voter registration card for Julio  
16 Cruz at 4121134896 doesn't exist. We respectfully  
17 request item four on the exception report to also  
18 be rejected.

19 MR. RICHMAN: I will withdraw that for  
20 purposes of this proceeding.

21 MR. SCHLEIN: Thank you very much. With  
22 respect to item number five on the exception  
23 report, which for the purposes of the Board's  
24 edification, was in fact restored by the clerks

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2 in their amended report. If the petition is  
3 available for the staff of the Board to look at,  
4 I'd like to comment with respect to that and ask  
5 that that signature be rejected.

6 MR. RYAN: Mr. Bosco, or Mr. Andruilli?  
7 Mr. Bosco?

8 MR. RICHMAN: Unmute.

9 MR. RYAN: Please unmute and let us know  
10 the availability of the petition so it can be  
11 reviewed.

12 MR. DON BOSCO: Okay. I'm on the phone.  
13 Can you hear me?

14 MR. RYAN: Yes.

15 MS. PERKINS: They can hear you? Okay.  
16 Good.

17 MR. BOSCO: Okay. Alright. We have the  
18 petition.

19 MR. SCHLEIN: Alright. With the  
20 permission of the Board, may I proceed?

21 MR. RYAN: Yes.

22 MR. SCHLEIN: This petition in specific  
23 terms, refer to page 28, line 8. And the name on  
24 that petition is alleged to be Tamara and I'll

1 April 20, 2020  
2 spell the last name, P-O-G-R-E-B-N-A-Y-A, I guess  
3 it's pronounced Pogrenbnaya, and Mr. Graubard  
4 cites a voter registration card number 304357885.  
5 And again, please forgive my redundancy, it  
6 refers to page 28, line 8 in the exception  
7 report. In fact, in fact, Ms. Pogrenbnaya in fact  
8 signed the petition at line 9, and in fact no  
9 objection was made to that signature on line 9.  
10 He's already had credit for that signature. So  
11 this should not be a double count. There is in  
12 fact another signature on line 8, which in no way  
13 represents this Tamara Pogrenbnaya.

14 MR. RYAN: Okay. Mr. Bosco, are you able  
15 to confirm that information?

16 MR. RICHMAN: On the spec.

17 MR. BOSCO: Yes, I do confirm that, and  
18 what counselor says is correct.

19 MR. RYAN: And the specification as  
20 well?

21 MR. BOSCO: That line 9 is a valid  
22 signature.

23 MR. RYAN: Okay.

24 MR. SCHLEIN: Which was already credited

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2 to the candidate, so we respectfully request that  
3 the aggregate count from 304 be amended to 303  
4 and that prior [unintelligible] [04:32:07] to the  
5 amended report on line 5B be changed.

6 MR. BOSCO: The Staten Island clerks  
7 agree with that.

8 MR. RICHMAN: I'm going to have to  
9 withdraw that for these purposes.

10 MR. RYAN: Okay. So --

11 MR. SCHLEIN: Thank you very much, Mr.  
12 Graubard for your [unintelligible] [04:32:22].  
13 Item number 6, we concede that, so we make no  
14 exception to the addition of item number 6 and  
15 would maintain this aggregate count at 303 at the  
16 moment.

17 MR. RYAN: Okay.

18 MR. SCHLEIN: Alright. And the last  
19 item, again with respect, if I may be permitted  
20 to ask Mr. Graubard question, is he still  
21 proffering item 7 and 8, because I have a  
22 response if he is.

23 MR. GRAUBARD: I am proffering it to the  
24 extent that the number of signatures claimed on

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2 the page is five and it's clearly an  
3 understatement because there's six signatures on  
4 there. So there are two signatures on line 4. If  
5 either of them is a valid signature, then I am  
6 claiming that and the number of signatures on the  
7 page should still be five.

8 MR. SCHLEIN: Well, let me then respond  
9 briefly if I may. The signature on the -- there  
10 are two signatures on line four. One is a name by  
11 the name of Anthony spelled on the petition A-N-  
12 T-H-O-N-Y Jarrett, J-A-R-R-E-T-T. The buff card  
13 of Mr. Anthony Jarrett at that address set forth  
14 is dissimilar handwriting in that the buff card  
15 spells the name Anthonee A-N-T-H-O-N-E-E, not A-  
16 N-T-H-O-N-Y. It's a different person --

17 [CROSSTALK]

18 MR. SCHLEIN: I would -- I would  
19 maintain that that's an issue for the court and  
20 not for the Board. I believe you are seeking to  
21 restore this signature, and therefore, if it's in  
22 fact restored, there's a wrong number of  
23 signatures as you previously indicated on the  
24 petition [unintelligible] [04:34:23] requiring

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2 the rejection of --

3 MR. RYAN: Alright. I'm going to --

4 SECRETARY UMANE: -- one of them.

5 MR. RYAN: Fellas --

6 SECRETARY UMANE: If I just may finish,  
7 please. Therefore --

8 MR. RYAN: Fellas, Mr., Mr. Schlein  
9 could I just jump in a quick second?

10 MR. SCHLEIN: Sure.

11 MR. RYAN: We will, I, I understand that  
12 these proceedings are usually a little bit more  
13 freeform and when we're in person, interplay back  
14 and forth between counsel is, is, you know,  
15 totally acceptable, but very difficult to manage  
16 under these circumstances.

17 MR. SCHLEIN: Oh, I'm sorry, I  
18 apologize.

19 MR. RYAN: No, it's okay. But, so Mr.  
20 Schlein, if you could get through yours, your  
21 presentation, and then Mr. Graubard will respond  
22 in kind. And if you think there's a matter, quite  
23 frankly, where you want -- a response is  
24 necessary in the moment as opposed to a laundry

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2 list, just so indicate and we'll do our best to  
3 make sure that you both get a full and fair  
4 opportunity to state your case in a way that  
5 everybody can understand it.

6 MR. SCHLEIN: Again, let me conclude,  
7 because I have only a brief other comment to  
8 make. On this page, on page 43, there should be  
9 only an aggregate number of signatures that are  
10 valid as the number four, which was originally  
11 found by the clerks of the Board in Staten  
12 Island. We've given sufficient reason we believe  
13 that only four signatures are valid and that that  
14 should be the total for this page.

15 MR. GRAUBARD: I believe that Mr.  
16 Jarrett signed the petition, that while there's  
17 an understatement of number of signatures, that  
18 clearly if there's a valid signature on line  
19 four, that that signature should be counted, and  
20 if he wants to take issue with the handwriting,  
21 that's an issue for the court.

22 MR. SCHLEIN: No, it's not an issue of  
23 handwriting, it's an issue of the person who  
24 signed is not the person you are claiming was the

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2 signator. That's all. It's not a question of  
3 handwriting, it's a different person, not just  
4 spelling the name in the same way, not, not --  
5 I'm not asking the Board to, to do handwriting  
6 expertise on this matter. I'm just saying it's a  
7 different person. And the clerks of Staten Island  
8 properly rejected that. And we ask the Board to  
9 confirm the decision by the clerks and find that  
10 this page only contains four valid signatures.

11 MR. RYAN: Okay. And if I could just  
12 recap that, so that we could consider this  
13 properly, and if I make a mistake, let me know.  
14 Items number one and two, Mr. Schlein, agreed  
15 with items one two.

16 MR. SCHLEIN: Correct.

17 MR. RYAN: Items three, four, five and  
18 six were either, you know, rejected or otherwise  
19 withdrawn, so no longer before the commissioners.

20 MR. SCHEIN: That's incorrect, no that's  
21 not accurate. Items three and four, three and  
22 four were withdrawn.

23 MR. RYAN: Right.

24 MR. SCHLEIN: Five was reversed,



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2 reversed.

3 MR. RYAN: Right.

4 MR. SCHLEIN: And six, six was conceded.

5 So therefore, up to this moment, the designating  
6 petition, up to this moment, contains 303 valid  
7 signatures.

8 MR. RYAN: Okay. And then seven and  
9 eight, Mr. Schlein, you're asking that a maximum  
10 of four signatures be considered for that page?

11 MR. SCHLEIN: Well, that, that's what  
12 was previously confirmed by the clerks in Staten  
13 Island and we ask the Board to confirm the  
14 Board's findings in that regard.

15 MR. RYAN: Okay. Very well. Mr.  
16 Graubard, do you have anything you want to add to  
17 these proceedings at this time?

18 MR. GRAUBARD: I disagree with Mr.  
19 Schlein's statement that this is a different  
20 person. I think it's clearly the same person. I  
21 think the fact that he has bad handwriting should  
22 not deprive him of the opportunity to sign my  
23 client's petitions.

24 [OFF-MIC CONVERSATION]

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2 MR. SCHLEIN: At the risk of belaboring  
3 the point, again, we never assert he has bad  
4 handwriting, we assert that somebody else is the  
5 name of that person who signed that petition, not  
6 this person. And that's what the clerks properly  
7 found. We ask, we ask the commissioners to  
8 confirm the clerk's report in that, as to that  
9 page.

10 Before we move for a final decision by  
11 the respective, by the respective members of the  
12 Board, there is one other matter, if I may point  
13 out to the commissioners that was reserved by the  
14 clerks on Staten Island, which we sought to  
15 invalidate but in the clerks' report said refer  
16 to Board and we would like the Board to consider  
17 that as well at this moment.

18 MR. GRAUBARD: It's improper for the  
19 Board to consider similar handwriting. That's an  
20 issue for the court.

21 MR. SCHLEIN: Well, again, I am just  
22 informing the respect, respectful commissioners  
23 that there was a notice on one of the spec sheets  
24 that said RTB, and I'd like to raise it, if in

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2 fact, the commissioners decide that it should be  
3 referred to the court, so be it. But certainly,  
4 we would like to follow the clerks  
5 recommendations and bring it to the attention of  
6 the Board.

7 MR. RYAN: So, to try to bring this to a  
8 fair point of resolution, Mr. Schlein, why don't  
9 you summarize what you're urging the  
10 commissioners to consider as a, as a bottom line  
11 here, and then I'll ask that Mr. Graubard do the  
12 same.

13 MR. SCHLEIN: I will, I will, and I'll  
14 conclude on this note. Since Mr. Graubard has  
15 been so courteous and cooperative throughout this  
16 proceeding. I'm sorry, I may have been cut off  
17 for a second. Did everyone hear?

18 MR. RYAN: Yes.

19 MR. SCHLEIN: Okay. I will take his  
20 recommendation, and refer the refer to Board  
21 issue to the court. So I will withdraw that  
22 application at this moment. But my summary is  
23 subject to the commissioners confirming the  
24 clerks' report as to those lines seven and eight

1 April 20, 2020  
2 of, of page 48, the aggregate number of valid  
3 signatures on this petition should be found to be  
4 303.

5 MR. GRAUBARD: Mr. Schlein, did you have  
6 any findings as to Pedro Diaz? That's also the  
7 seven and eight. I agree that you didn't talk  
8 about him at all.

9 MR. SCHLEIN: No, I didn't mention him  
10 by name, but the clerk, but the clerk said that  
11 it was not a valid signature. So that, that gave  
12 us a total of four signatures valid on the page,  
13 Mr. Graubard, including consideration of the  
14 overstatement of a number of signatures on that  
15 page.

16 MR. GRAUBARD: There was not an  
17 overstatement, there was an understatement.

18 MR. SCHLEIN: Oh, I -- thank you for the  
19 correction, an understatement, sir.

20 MR. GRAUBARD: An understatement is  
21 quite different in consequence than an  
22 overstatement.

23 MR. SCHLEIN: Well, I appreciate, I  
24 appreciate your education. Thank you. I'll be

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2 sure to read your book when it comes out.

3 MR. RYAN: So, Mr. Graubard, do you have  
4 anything further you wish to add to this?

5 MR. GRAUBARD: No, I believe that one of  
6 the signatures on line, page 43, line four of 110  
7 should be found to be valid, and that the  
8 signature should be raised, and the number of  
9 signature should be added to by one. Otherwise, I  
10 think it should be 304, Mr. Schlein thinks it  
11 should be 303.

12 MR. RYAN: Okay. So, so Mr. Richman?

13 MR. RICHMAN: Staten Island, could you  
14 advise what your ruling was with respect to  
15 exception seven and eight, what the clerks  
16 recommend to the commissioners? Page 43, line  
17 four. Are you recommending any changes to your  
18 initial clerks' report?

19 COMMISSIONER ZACCONE: What would our  
20 chief and deputy like to opine on the objections  
21 on seven and eight before we [unintelligible]  
22 [04:43:17]?

23 MR. BOSCO: We stand by the clerks'  
24 report and we [unintelligible] [04:43:23], thank

1 April 20, 2020

2 you.

3 MR. RICHMAN: So, stay with 304 at this  
4 point?

5 MR. RYAN: Are the clerks confirming  
6 304 or are the clerks confirming 303? That's the  
7 dispute that we've been left with here.

8 MR. BOSCO: Yes, we would confirm 303.

9 MR. RYAN: Okay.

10 [CROSSTALK]

11 MR. BOSCO: [unintelligible] [04:43:43]  
12 petition of Tamara Pogrenbnaya.

13 MR. RYAN: Okay. And that's the position  
14 of the clerks? Alright. Then is there a motion.

15 MR. RICHMAN: To adopt [unintelligible]  
16 [04:43:56] revised.

17 [CROSSTALK]

18 PRESIDENT TAYLOR: Move the clerks'  
19 report.

20 MR. RICHMAN: The revised, amended  
21 clerks' report.

22 PRESIDENT TAYLOR: Revised clerks'  
23 report.

24 MR. RYAN: Okay. So --

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2 SECRETARY UMANE: Second.

3 MR. RYAN: Are there any objections?

4 Hearing none, the motion carries.

5 MR. RICHMAN: Commissioners, the  
6 candidate appears on the ballot with 303 valid  
7 signatures. Staten Island, when you get a chance,  
8 could you please transmit a revised amended recap  
9 reflecting that, so we'll have it available  
10 because I have a feeling people may look for it  
11 in court.

12 MR. BOSCO: Yes, Staten Island will  
13 pursue with that immediately.

14 MR. RICHMAN: Okay. And now with respect  
15 to the second call, on clerks' report RH43-1, the  
16 objection to Robleto to Brandon P. Stradford, we  
17 have to add Mr. Najmi back in.

18 MR. RYAN: Okay. Mr. Schlein remains,  
19 correct?

20 MR. RICHMAN: Yes.

21 MR. SCHLEIN: Yes.

22 MR. RYAN: And please add Ali Najmi  
23 please back to the meeting. Thank you, Mr.  
24 Graubard.

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2 MS. KONTAZMANIS: Ali is in the meeting.

3 MR. RICHMAN: Mr. Najmi, you asked us to  
4 check the proof of service. We have a certified  
5 mail receipt here showing a mailing to Brandon P.  
6 Stradford at 60 Hamilton Avenue, Staten Island,  
7 New York, 10301. With the objection number --

8 MR. NAJMI: I want to say --

9 MR. RICHMAN: -- with the objection  
10 number inscribed on the reverse in accordance  
11 with the Board's rules for show to which  
12 specification it applied to.

13 MR. NAJMI: [unintelligible] [04:45:42].

14 MR. SCHLEIN: I'd respectfully ask the  
15 honorable commissioners to move the clerks'  
16 report.

17 MR. NAJMI: I haven't, I haven't  
18 finished asking my question and receive an answer  
19 before you can move.

20 MR. RYAN: I'm sorry, we didn't hear you  
21 attempting to address us, Mr. Najmi. Please  
22 proceed.

23 MR. NAJMI: What's the, is there a date  
24 stamp on the, on the certified mail received?



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2 MR. RICHMAN: Uh, the postage, yeah,  
3 March 30, 2020.

4 MR. NAJMI: Okay. I have, I have no  
5 further questions. I, I concede [unintelligible]  
6 [04:46:27].

7 MR. RYAN: I'm sorry Mr. Najmi, I didn't  
8 hear you. Could you say, could you say that  
9 again?

10 MR. NAJMI: I have no further questions.  
11 I concede the clerks' report.

12 MR. RYAN: Okay. Thank you very much. Is  
13 there a motion?

14 COMMISSIONER ARAUJO: Araujo, move the  
15 clerk's report.

16 COMMISSIONER TOWNSEND: Second.

17 MR. RYAN: Any objections? Hearing none,  
18 the motion carries.

19 MR. RICHMAN: The clerks' report is  
20 adopted, the candidate will not appear on the  
21 ballot. Commissioners, that concludes the  
22 crossover districts.

23 MS. PERKINS: Mr. Richman, Mr. Richman,  
24 I think we have one more sir.

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2 MR. RICHMAN: Which one?

3 MS. PERKINS: What's the name? Richard  
4 Habersham. He filed a notice of appearance.

5 MR. RICHMAN: That's, he had, I believe  
6 it's a cover sheet defect. It's not on the  
7 calendar for today. I don't know, commissioners,  
8 I believe there was a determination from the  
9 commissioners, we're going to find out what it  
10 was.

11 MS. PERKINS: [unintelligible]  
12 [04:47:24] when did he file the cover -- when did  
13 he file the notice of appearance? He, he filed  
14 the notice of appearance on April 17th, and he's  
15 been on the phone for a bit now.

16 MR. RICHMAN: It's up to the  
17 commissioners if they want to hear a cover sheet  
18 issue.

19 MR. RICHMAN: Commissioners, Mr.  
20 Habersham was, attempted to cure -- he had a  
21 defect with his cover sheet. This is a committee  
22 determination, which again, your committee acted  
23 and concluded. He -- there was nothing on today's  
24 calendar for a prima facie, either legal or CRU

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2 and under the applicable case law, once the Board  
3 rendered a determination, either the full Board  
4 or its committee, it becomes functus officio  
5 under the appropriate case law, which is cited in  
6 the State Board handbook, and I can find it for  
7 you in a second. So I don't know if you want to  
8 allow him to just speak, but there's no action  
9 you can take.

10 COMMISSIONER ARAUJO: I don't think  
11 there's anything more to address, other than the  
12 fact that we still have a lot more to do.

13 MR. RICHMAN: Yeah, we have Staten  
14 Island and the Bronx to get to yet.

15 MS. PERKINS: No problem, commissioners,  
16 we can end this meeting and begin the next.

17 MR. RYAN: Thank you.

18 MS. KONTAZMANIS: Let's do that.

19 MR. RYAN: Can we have a couple of  
20 minutes?

21 MS. KONTAZMANIS: Yeah, just give us a  
22 few minutes.

23 MR. RYAN: So, can we have a 15 minute  
24 recess to gather some materials?

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2 MS. KONTAZMANIS: Yes, there will be a  
3 15 minute recess, and then we'll have everyone  
4 get back on. Commissioners, you do not have to  
5 log off, but we will go unlive in two minutes.

6 MR. RYAN: Alright. Thank you.

7 [OFF THE RECORD]

8 [ON THE RECORD]

9 [OFF-MIC CONVERSATION]

10 MS. KONTAZMANIS: And we're live, sir,  
11 we're live. You can go on, Mr. Ryan.

12 MR. RYAN: Okay. We're going to start up  
13 again now. We're moving on to the Staten Island  
14 only and I will remind the commissioners again to  
15 please keep -- and all participants to keep your  
16 phone on mute. For those that are going to be  
17 appearing, we will move you from the waiting room  
18 to the active meeting when your matter is going  
19 to be called and we will address the individuals  
20 in turn. So we are live and under the  
21 circumstances, I will then turn it over to Mr.  
22 Richman to start with Staten Island, recognizing  
23 that he's going to start with the, again,  
24 enrollment issues and there have been no notices

1 April 20, 2020

2 of appearance filed for any enrollment issues.

3 MR. RICHMAN: Commissioners, with  
4 respect to the Richmond County enrollment issues,  
5 Mr. Fuchs is again going to call the calendar for  
6 the format that is on the calendar.

7 MR. FUCHS: Thank you, Mr. Richman. For  
8 the Conservative Party, the prima facie finding  
9 is filed name and address combination not found  
10 on registration list. County committee, 72nd AD,  
11 63rd ED, John P. -- I apologize, 72nd ED, 63rd  
12 AD, John P. Sarcone, 71st ED, 62nd AD, Joseph  
13 Antico, both for county committee. For the  
14 Republican Party, the prima facie is the filed  
15 name and address combination not found on  
16 registration lists. Alternate delegate to the  
17 Judicial Convention, 61st AD for the SAM Party.  
18 The prima facie is --

19 MR. RICHMAN: You need a candidate.

20 MR. ZUCHS: Apologies, Republican James  
21 F. West. For the SAM Party, the prima facie  
22 finding is candidate is not enrolled in the  
23 identified party on the petition, member of the  
24 Assembly, 64th Assembly District, Michael

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2 Tannousis. Mr. Richman.

3 MR. RICHMAN: Commissioners, there are  
4 no appearances so a motion would be in order.

5 SECRETARY UMANE: Move the clerks'  
6 report.

7 PRESIDENT TAYLOR: Second.

8 MR. RYAN: Any objections? Hearing none,  
9 the motion carries.

10 MR. RICHMAN: The candidates announced  
11 will not appear on the respective primary  
12 ballots. Commissioners, there are no CRU prima  
13 facie issues to present to you for Richmond  
14 County, so we'll move to the list of legal prima  
15 facie issues.

16 Commissioners, all four relate to the  
17 Independence Party candidates in different  
18 districts for male and female member of state  
19 committee, and in each instance, it's the failure  
20 to file a cover sheet. The petition consists of  
21 either more than one volume I think in most cases  
22 --

23 COMMISSIONER ZACCONE: [unintelligible]  
24 [05:18:45] and just before you do, I was looking

1 April 20, 2020

2 at my Richmond CRU prima facie. I did see four  
3 items listed --

4 MR. RICHMAN: They were OTBs.

5 COMMISSIONER ZACCONE: -- with  
6 [unintelligible] [05:18:58].

7 [CROSSTALK]

8 MR. RYAN: That is correct, Commissioner  
9 Zaccone. There were four candidates that filed  
10 for OTBs, which Mr. Richman, please move through  
11 those.

12 MR. RICHMAN: So, commissioners, I  
13 apologize. I missed over that. This is all the  
14 SAM Party, well, I should say one -- three of  
15 them are relating to -- four of them relate to  
16 the SAM Party. OTB petitions for the public  
17 office of State Senator, 24th Senatorial District  
18 and members of the Assembly in the 61st, 62nd and  
19 63rd Assembly Districts. As discussed before,  
20 under Chapter 24 of the laws of 2020, the  
21 election law has been modified to provide that  
22 there's no option to file an opportunity to  
23 ballot petition for the June 23rd primary  
24 elections. Accordingly, we'd ask for a motion to

1 April 20, 2020

2 adopt the CRU prima facie calendar.

3 COMMISSIONER ZACCONE: This is Zaccone,  
4 so moved.

5 MR. RYAN: A second?

6 PRESIDENT TAYLOR: I second it.

7 MR. RYAN: Any objections? Hearing none,  
8 the motion carries.

9 MR. RICHMAN: The SAMS will not appear  
10 on the primary ballot, or the OTBs will not  
11 appear on the primary ballot for the SAM Party.  
12 Legal prima facie, again, commissioners, all four  
13 candidates filed, file a cover sheet when  
14 required under the Election Law and the Board  
15 rules. The Appellate Division in Armwood v.  
16 McCloy provides that the candidate's failure to  
17 file a cover sheet is not a mere technical defect  
18 subject to cure, and therefore, it is a fatal  
19 defect. The candidates are as follows. Helena  
20 Simon-Gvili, female member, 23rd Senate District,  
21 Avi Gvili, male member of the state committee,  
22 23rd Senate District, Mazal Gvili, female member  
23 of the Independence Party state committee 24th  
24 Senate District and Shawn Malachovsky, male



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2 member of the state committee Independence Party  
3 for the 24th Senate District.

4 MR. RYAN: Motion?

5 COMMISSIONER ZACCONE: Before the  
6 motion, I want to ask a question. Mr. Richman?

7 MR. RICHMAN: Yes?

8 COMMISSIONER ZACCONE: What was the  
9 [unintelligible] [05:21:01] of the cover sheet?  
10 Was it more than ten pages, was it multiple  
11 volumes? I just want them to be clear for the  
12 record.

13 MR. RICHMAN: We could go back. It's one  
14 or the other, commissioners, I didn't have my  
15 notes down here, but in each case, a team looked  
16 at the volumes themselves and either found  
17 multiple volumes or more than ten pages. If you  
18 want, we could pull the volumes from the petition  
19 room.

20 COMMISSIONER ZACCONE: Nah, there's no  
21 appearance. I just was asking for my own  
22 edification.

23 PRESIDENT TAYLOR: Actually, I also --

24 MR. RICHMAN: That is something that is

1 April 20, 2020

2 checked.

3 PRESIDENT TAYLOR: I actually also would  
4 like to know.

5 MR. RYAN: Alright. That is something  
6 that staff routinely checks, but let's pull it  
7 up.

8 [CROSSTALK]

9 COMMISSIONER ZACCONE: Alright.  
10 [unintelligible] [05:21:40] while we're doing  
11 this?

12 MR. RICHMAN: [unintelligible]  
13 [05:21:43] Staten Island, there shouldn't be that  
14 many.

15 MR. RYAN: Alright. So, we can then move  
16 on.

17 MR. RICHMAN: Okay. We'll make that  
18 second call.

19 COMMISSIONER ZACCONE: Very good, thank  
20 you. Okay. And then we'll move to the clerks'  
21 report for Richmond County. I believe these  
22 relates to the petitions of Abraham Monheit for  
23 member of the Assembly. I believe there are  
24 appearances requested on behalf of counsels for

1 April 20, 2020

2 both the objector and the candidate.

3 MR. RYAN: Yes, please bring Samuel  
4 Figueroa, esquire and Yahshua Javas [phonetic]  
5 into the active meeting, please.

6 MS. KONTAZMANIS: We're trying to locate  
7 Mr. Figueroa, he's been having some technical  
8 difficulties.

9 MR. RYAN: *Samuel Figueroa, esquire and*  
10 *Yahshua Javas* -- oh, that's me.

11 MS. KONTAZMANIS: Mr. Javas, you need to  
12 stop your live stream, sir, so we can stop that  
13 background noise. Alright. Just give us one more  
14 minute, commissioners.

15 MR. YAHSHUA JAVAS: Can you hear me?

16 MR. RYAN: Mr. Javas, yes, we can hear  
17 you. We're waiting for Mr. Figueroa.

18 MR. JAVAS: Thank you.

19 MR. RYAN: You're welcome.

20 MS. KONTAZMANIS: Would it be possible,  
21 Mr. Ryan, would it be possible to second call  
22 this one?

23 MR. RYAN: Absolutely. We've located the  
24 other petition. Mr. Javas, we'll return you to

1 April 20, 2020

2 the waiting room for a moment, see if we can  
3 locate Mr. Figueroa and then we'll call you back.

4 MR. JAVAS: Okay.

5 MR. RYAN: Thank you very much. Go  
6 ahead. Okay, commissioners, we're going back to  
7 the legal prima facie --

8 MR. RICHMAN: Hold on.

9 MR. RYAN: -- and Mr. Richman is  
10 reviewing the documents. We don't need them, I  
11 got them both.

12 MR. FUCHS: Okay.

13 MR. RICHMAN: Thank you, David.  
14 Commissioners, with respect to the Independence  
15 Party prima facie, let me tell you we have  
16 multiple volumes. In the case of the 23rd Senate  
17 District, volumes, it's Richmond 155, consisting  
18 of 21 pages and volume, what is the ID number on  
19 this one, I saw it from the other side, 150,  
20 consisting of 20 some odd pages.

21 And with respect to the 24th Senate  
22 District, we found already three different  
23 petition volumes for the candidates, 153, 149,  
24 147 and we're looking for the rest of them.

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2 Several of them were single sheet petitions,  
3 commissioner.

4 COMMISSIONER ZACCONE: Therefore, Mr.  
5 Richman, thank you for that. It makes it clear  
6 that under the Armwood v. McCloy case, we clearly  
7 have a problem here, so --

8 PRESIDENT TAYLOR: Thank you so much.

9 COMMISSIONER ZACCONE: -- I would move  
10 the clerks' report.

11 PRESIDENT TAYLOR: Yes, second it.

12 MR. RYAN: Any objections? Hearing none,  
13 the motion carries.

14 MR. RICHMAN: The legal prima facie  
15 report is adopted. The candidates will not appear  
16 on the ballot, so we're just waiting to get the  
17 counsel for the specs logged back in, right?

18 COMMISSIONER MICHEL: I think we just  
19 had him, right, yeah.

20 MR. RICHMAN: We had one of the two.

21 MR. RYAN: Ms. Kontazmanis, have we been  
22 able to locate Mr. Figueroa.

23 MS. KONTAZMANIS: Not yet, sir.

24 MR. RYAN: Alright. Well, Staten Island

1 April 20, 2020

2 would be otherwise concluded.

3 COMMISSIONER MICHEL: Could we get them  
4 on the phone possibly?

5 MR. RICHMAN: We can try, do we have a  
6 number?

7 MR. RYAN: Do we have a phone number for  
8 Mr. Figueroa?

9 MR. SAVINO: The cover sheet.

10 MR. RICHMAN: On the notice of  
11 appearance, he should have filled one out. We may  
12 have them upstairs.

13 MR. RYAN: For staff that's remote in  
14 the building --

15 MR. FUCHS: Who are you looking for?

16 MR. RICHMAN: Abraham --

17 MR. RYAN: Do we have a notice of  
18 appearance upstairs for Mr. Figueroa where he'd  
19 be reachable by phone?

20 [OFF-MIC CONVERSATION]

21 MS. KONTAZMANIS: Live streams, please  
22 mute your microphones. Commissioners, mute your  
23 microphones, you're still being live streamed.

24 MR. FUCHS: Oh, I got a number for him.

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2 You want me to call on my phone?

3 [OFF-MIC CONVERSATION]

4 MR. RYAN: Yeah, we'll do what we can.

5 MR. RICHMAN: Hi, Mr. Figueroa, it's the  
6 Board of Elections calling. We're having,  
7 apparently you're having trouble logging into the  
8 video system.

9 MR. SAMUEL FIGUEROA: Yeah,  
10 [unintelligible] [05:27:10].

11 MR. RYAN: Okay. Can you turn your phone  
12 up and put it on speaker?

13 MR. RICHMAN: Would you be willing to  
14 participate with the, on the phone over here and  
15 we'll be able to have the commissioners hear you  
16 through the microphone here at the Board?

17 MR. FIGUEROA: Absolutely.

18 MR. RYAN: Okay. So Mr. Figueroa, I'm  
19 going to ask you if you could speak up a little  
20 bit too, because it's going to be a little bit of  
21 a, you know, a challenge, but in any event, if we  
22 could please bring back Mr. Javas from the  
23 waiting room into the active meeting.

24 MR. RYAN: So, Mr. Figueroa, I'm going

1 April 20, 2020

2 to ask you if you could speak up a little bit  
3 too, because it's going to be a little bit of a  
4 challenge, but in any event -- alright, so Mr.  
5 Javas, I just want to let you know we were able  
6 to reach Mr. Figueroa by telephone, and he will  
7 be appearing by telephone. It's going to be a  
8 little bit of a challenge, but we'll make it  
9 work, alright. And in the meantime, everyone that  
10 needs to be on is on. Mr. Richman will make a  
11 presentation. After Mr. Richman makes his  
12 presentation, I will recognize Mr. Figueroa, and  
13 then after that, Mr. Javas, and the commissioners  
14 will consider both sides.

15 MR. RICHMAN: Commissioners, this is the  
16 clerks' report on specs Richmond 40, 41, and 42,  
17 objections of Kara Donnelly to the Conservative  
18 Party petition of Abraham Monheit for member of  
19 the assembly in the 63rd Assembly District.  
20 Clerks' report, 32 signatures were submitted for  
21 the candidate, total number of signatures invalid  
22 was the 32, leaving zero valid signatures. Under  
23 the election law, as modified by the governor's  
24 executive order, 20 signatures are required.



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2 MR. RYAN: Mr. Figueroa, would you like  
3 to be heard?

4 MR. FIGUEROA: Yes, please.

5 MR. RYAN: Go ahead.

6 MR. FIGUEROA: To everyone, I represent  
7 the objectors, and we would just like to affirm  
8 the clerks' report of April 8th, which invalids  
9 the signatures in their entirety as they were  
10 signed after the date, the last dated of  
11 circulation.

12 MR. RYAN: Okay. Thank you. Do you have  
13 anything else you wish to add before I turn it  
14 over to Mr. Javas?

15 MR. FIGUEROA: No, sir.

16 MR. RYAN: Thank you. Mr. Javas, you may  
17 be heard.

18 MR. RICHMAN: Mr. Javas, turn on your  
19 mic, you're muted, please.

20 MR. JAVAS: Can you hear me now?

21 MR. RYAN: Yes, we can, thank you.

22 MR. JAVAS: Okay. Good afternoon,  
23 commissioners. I would like to state for the  
24 record, that all the signatures were taken in the

1 April 20, 2020  
2 time allowed by the governor's order. The  
3 governor's order, my signatures ended at 3/16 and  
4 that were in the allowed date. The witness  
5 signature that wasn't myself, was at 3/19. The  
6 governor's order does not state anything about  
7 witness signatures. And the legislator went ahead  
8 and gave three days to prepare the petition to  
9 file and to file them, and that would be the  
10 20th. And I did sign it on the 19th, and did  
11 submit I, I believe on the 19th or on the 20th,  
12 in time. So, if, if the time -- in a general  
13 year, the, the petitions and the petitions and  
14 the date allowed are the same, are the same time  
15 to submit. This year, because of the coronavirus,  
16 they, they stopped the petitions early and we did  
17 have all the petitions in on time. Now, the three  
18 days to prepare them, that's perfectly fine going  
19 ahead and sign the witness that was me to go  
20 ahead and sign it and submit it in time.  
21 Therefore, I ask the commission to find my  
22 signatures valid.

23 MR. RYAN: Mr. Figueroa, do you have  
24 anything to add now that you've heard Mr. Javas'

1 April 20, 2020

2 arguments or position?

3 MR. FIGUEROA: No, I think that the  
4 signature after the date is after the last date  
5 of circulation and they're invalid by that, by  
6 virtue of that.

7 MR. RYAN: Alright. That's the question  
8 presented to the commissioners. Mr. Richman, do  
9 you have anything to add.

10 MR. RICHMAN: We are checking,  
11 commissioners. I think this is our first time  
12 that this question has seemed to emerge. I'm  
13 trying to see if there's any relevant case law at  
14 this moment.

15 MR. JAVAS: I believe there were no  
16 other years that it was cut short.

17 MR. RICHMAN: Well, you could still have  
18 a subscribing witness that sign the petitions. It  
19 has to be filed by the last day to file, to  
20 circulate.

21 MR. SAVINO: True.

22 MR. RICHMAN: Commissioners, this  
23 normally wouldn't occur, because the last day to  
24 validly file a petition is the last day to

1 April 20, 2020

2 circulate as well. We've never had this situation  
3 where the last day to circulate occurred in this  
4 case two days before the first day you could  
5 file. The petitions, the governor ended his  
6 petitioning on March 17th and the filing date  
7 enacted by the legislature took effect late on  
8 the night of the 18th, so it made March 19th and  
9 March 20th the only dates to file.

10 COMMISSIONER MICHEL: I just have a  
11 question. So you signed this, you, you, you  
12 witnessed it within the time the governor said  
13 that they had to be prepared.

14 MR. RICHMAN: No.

15 MR. JAVAS: Yes.

16 COMMISSIONER MICHEL: He observed it,  
17 but he didn't [unintelligible] [05:32:47].

18 MR. RICHMAN: No. He watched -- you  
19 obtained the signatures before, on or before  
20 March 17th, correct?

21 MR. JAVAS: Correct. And each signature  
22 is dated with the correct date that I received  
23 it.

24 MR. RICHMAN: It's only in the, it's

1 April 20, 2020

2 only in the SW [unintelligible] [05:33:02].

3 COMMISSIONER MICHEL: Then you were  
4 putting it together and then you put the date  
5 that you put it all together?

6 MR. RICHMAN: That he actually signed --

7 MR. JAVAS: Correct.

8 MR. RYAN: And, and then --

9 MR. JAVAS: I witnessed all of them  
10 other than one, that the candidate witnesses my  
11 signature and I am the -- so technically, I'm the  
12 -- me and the candidate are the only two  
13 witnesses.

14 PRESIDENT TAYLOR: Motion to dismiss the  
15 clerks' report.

16 MR. RYAN: Is there a second.

17 COMMISSIONER ZACCONE: Before that, I'd  
18 like to hear from Mr. Richman. He said he was  
19 going to be doing some research.

20 MR. RICHMAN: Yeah, commissioners, I'm  
21 going through McKinney's [phonetic] as we speak.  
22 There is not a case about a witness signing after  
23 the dates for circulation because I don't believe  
24 this factual pattern has ever occurred, at least

1 April 20, 2020

2 in the 20 years I'm here at the Board and the 40  
3 years I'm gathering signatures.

4 COMMISSIONER ZACCONE: Well, how about  
5 some clarification on the executive order and its  
6 wording, you know, how the deadline relates to  
7 the obtaining the signatures or otherwise.

8 MR. RICHMAN: Let me see if I have that.

9 MR. JAVAS: I believe it does not state  
10 anything about the witness.

11 MR. RYAN: Okay. I'm sorry, Mr. Javasz,  
12 that question was directed to our general  
13 counsel.

14 MR. JAVAS: Sorry.

15 MR. RYAN: But we appreciate your input.  
16 It's okay. Mr. Richman will attempt to locate the  
17 executive order and, and see if we have any  
18 clarification language there.

19 MR. RICHMAN: Eight, .8 I believe and I  
20 thought I put it in the notebook. Commissioners,  
21 give me a second, please.

22 MR. RYAN: There's nothing in the State  
23 Board update.

24 MR. RICHMAN: No, it's not in the State

1 April 20, 2020

2 Board update, no, it's -- executive order 202.2.  
3 So, commissioners we're looking up the executive  
4 order, as we speak, from the governor's website.  
5 [unintelligible] [05:34:57].

6 [OFF-MIC CONVERSATION]

7 MR. RICHMAN: Commissioners, we could  
8 read to you following. Article 6 of the Election  
9 Law is modified to the extent necessary to reduce  
10 the required number of signatures on petitions  
11 pursuant to Section 6-136 of such law to 1.5  
12 percent of the enrolled voters required or 30  
13 percent of the stated threshold, whichever is  
14 left. Further, such provisions are modified to  
15 require that gathering of signatures shall be  
16 suspended effective Tuesday, March 17, 2020 at  
17 5:00 p.m. the executive order is silent with  
18 respect to either the filing of petitions and/or  
19 the subscribing witness statement, and if I  
20 remember correctly, chapter 24 of the laws of  
21 2020 provided for that the filing period would be  
22 March 17th, 18th, 19th and 20th. However, the law  
23 was not passed by the legislature until March  
24 18th and signed by the governor after the -- in

1 April 20, 2020

2 the evening of the 18th, so that the first day  
3 that actually could be filing was 9:00 a.m. on  
4 the 19th. So, commissioners, I think the  
5 executive order does not address this matter  
6 whatsoever.

7 I think this is a judgment call at this  
8 point. I think the, in the past, this has never  
9 arisen because we've never had two separate  
10 deadlines from the end of collection of  
11 signatures and the requirement for filing. And  
12 technically, the petition period ended at 5:00  
13 p.m. on March 17th, without a filing period being  
14 stated yet because the legislature had to enact  
15 the appropriate changes and that took place at  
16 least 24 hours if not somewhat longer than the  
17 end of the gathering of signatures within the  
18 body of the petition.

19 And in this case, based on the  
20 representation of the subscribing witness, when  
21 he filled out the information, he filled it out  
22 accurately, correctly and truthfully dated it and  
23 dated it on the date that he actually executed  
24 the material in the subscribing witness statement



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2 and again, that material can be done without --  
3 not in the presence of the persons who actually  
4 signed the petition, however, the subscribing  
5 witness does attest that they observed.

6 So I think commissioners, this is a  
7 unique issue, a novel issue, probably the first  
8 time being considered in the State of New York,  
9 and I think at this point, without any statutory  
10 guidance or any prior judicial precedent, it goes  
11 to your discretion and determination as to what  
12 is just and fair.

13 COMMISSIONER ARAUJO: This is  
14 Commissioner Araujo. I don't think there's any  
15 intent to defraud here, and here the subscribing  
16 witness is just doing that, attesting to the fact  
17 that he took those signatures in a timely manner  
18 during the petition circulating time and I think  
19 that's what we have to take it for.

20 COMMISSIONER ZACCONE: This is  
21 Commissioner Zaccone. I'm mindful of that, but  
22 I'm also mindful of the requirements about  
23 gathering signatures and setting dates and  
24 deadlines, and, and if the deadline did not apply

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2 in this case, how many other cases should it not  
3 apply? I think for consistency's sake and based  
4 upon the blatant language of the executive order,  
5 we're under, the gathering of signatures shall be  
6 suspended effective March 17th at 5:00 p.m., we  
7 really should consider everything as of March  
8 15th, 5:00 p.m.

9 COMMISSIONER TOWNSEND: And not of  
10 [unintelligible] [05:38:49].

11 SECRETARY UMANE: Yeah, the witnessing,  
12 the witness -- this is Commissioner Umane, the  
13 witnessing and the gathering of the signatures  
14 are usually done pretty much at the same time.  
15 And part of the gathering process is also the  
16 witnessing process. So it would seem to me that  
17 if it's cut off at a certain time, both the  
18 actual witnessing and the signing should be done  
19 and over as of the cutoff date for gathering.

20 MR. JAVAS: May I add something?

21 MR. RYAN: Mr. Javas, you're recognized.

22 MR. JAVAS: Yeah, I just wanted to  
23 repeat my, the, what I said before about the  
24 legislator. The legislator gave three days to

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2 prepare. What, if you can't put together, signed  
3 and make sure that everything is done properly in  
4 those three days, what were the three days there  
5 for? That's why I ask the commissioners to  
6 consider leaving my candidate on the ballot.

7 PRESIDENT TAYLOR: I began a motion --

8 MR. RYAN: Do you want to go back to --

9 PRESIDENT TAYLOR: -- to dismiss --

10 MR. RICHMAN: President Taylor's motion  
11 --

12 PRESIDENT TAYLOR: -- the clerks'  
13 report.

14 MR. RICHMAN: -- and get a second?

15 COMMISSIONER ZACCONE: I would at that  
16 same time to confirm the clerks' report.

17 PRESIDENT TAYLOR: I already had made a  
18 motion to dismiss the clerks' report.

19 COMMISSIONER ZACCONE: It wasn't  
20 seconded yet, commissioner, so I just threw mine  
21 in.

22 PRESIDENT TAYLOR: [unintelligible]  
23 [05:40:15].

24 COMMISSIONER ARAUJO: I'll second

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2 Commissioner Taylor's motion.

3 MR. RYAN: Okay.

4 MR. JAVAS: I'm sorry, I can't --

5 MR. RYAN: We are moving then to a roll  
6 call vote. The issue on the table is Commissioner  
7 Taylor's motion to dismiss the, the clerks'  
8 report. I will start with Commissioner Taylor?

9 PRESIDENT TAYLOR: I vote affirmative.

10 MR. RYAN: Commissioner Umane?

11 SECRETARY UMANE: No.

12 MR. RYAN: Commissioner Araujo?

13 COMMISSIONER ARAUJO: I vote yes.

14 MR. RYAN: Commissioner Camilo?

15 COMMISSIONER CAMILO: I vote yes.

16 MR. RYAN: Commissioner Marmorato?

17 Commissioner Marmato?

18 COMMISSIONER MARMORATO: Sorry, I was  
19 muted. I vote no.

20 MR. RYAN: Okay. Commissioner Michel?

21 COMMISSIONER MICHEL: No.

22 MR. RYAN: Commissioner Shamoun?

23 COMMISSIONER SHAMOUN: No.

24 MR. RYAN: Commissioner Townsend?

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2 COMMISSIONER TOWNSEND: Yes.

3 MR. RYAN: And Commissioner Zaccone?

4 COMMISSIONER ZACCONE: No.

5 MR. RYAN: We have -- the motion does  
6 not carry.

7 MR. RICHMAN: Next motion.

8 MR. RYAN: Is there another motion?

9 PRESIDENT TAYLOR: Am I allowed to vote  
10 my Brooklyn vote?

11 MR. RICHMAN: No.

12 MR. RYAN: No, I'm sorry.

13 PRESIDENT TAYLOR: Sad.

14 COMMISSIONER SHAMOUN: Can I have  
15 clarification on the motion, Steve?

16 MR. RYAN: It would still be a tie,  
17 commissioner anyway.

18 COMMISSIONER SHAMOUN: I think you have,  
19 on the motion --

20 PRESIDENT TAYLOR: Yes, a tie would be  
21 fine with me.

22 COMMISSIONER SHAMOUN: --

23 [unintelligible] [05:41:49].

24 MR. RYAN: Well, the motion doesn't

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2 carry either way.

3 PRESIDENT TAYLOR: Okay.

4 MR. RICHMAN: And if the clerks' report  
5 is not adopted, the candidate stays on the  
6 ballot.

7 MR. RYAN: Right. And if the clerks'  
8 report is not adopted, then the candidate would  
9 remain on the ballot.

10 COMMISSIONER MICHEL: Can we at least  
11 take the vote?

12 MR. RICHMAN: Well, somebody has to make  
13 a motion.

14 MR. RYAN: And I did ask a question. Is  
15 there a, is there another motion.

16 SECRETARY UMANE: Well, I'll second  
17 Commissioner Zaccone's motion that he made  
18 before.

19 MR. RYAN: To adopt the clerk's report.  
20 Yes, alright. So now there is a motion to adopt  
21 the clerks' report, which would remove the  
22 candidate from the ballot. Commissioner Taylor?

23 PRESIDENT TAYLOR: No.

24 MR. RYAN: Okay. Commissioner Umane?

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2 SECRETARY UMANE: Aye.

3 MR. RYAN: Commissioner Araujo?

4 COMMISSIONER ARAUJO: No.

5 MR. RYAN: Commissioner Camilo?

6 COMMISSIONER CAMILO: No.

7 MR. RYAN: Commissioner Marmorato?

8 COMMISSIONER MARMORATO: I support.

9 MR. RYAN: Commissioner Michel?

10 COMMISSIONER MICHEL: No. This is to  
11 remove the --

12 MR. RICHMAN: Not to adopt the clerks'  
13 report.

14 MR. RYAN: Commissioner Shamoun?

15 COMMISSIONER SHAMOUN: Move the clerk's  
16 report.

17 MR. RYAN: Yes, so that's a yes.

18 Commissioner Townsend?

19 COMMISSIONER MICHEL: I just wanted to  
20 make sure.

21 COMMISSIONER TOWNSEND: No.

22 MR. SAVINO: Yeah, Michel wants to  
23 change.

24 MR. RYAN: And Commissioner Zaccone?

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2 COMMISSIONER ZACCONE: Yes.

3 MR. RICHMAN: It's still 5-4, it doesn't  
4 adopt.

5 MR. RYAN: It's still 5-4, neither  
6 motion carried.

7 MR. RICHMAN: So the net effect remains  
8 at the moment, the candidate is still on the  
9 ballot. Does anybody else want to make any other  
10 motions? Or else we just conclude that there's no  
11 determine.

12 MR. SAVINO: There's no action taken by  
13 the Board.

14 MR. RICHMAN: The Board has not acted on  
15 the -- has not been able by majority vote to act  
16 on the specification of objection, therefore, the  
17 candidate remains on the ballot.

18 SECRETARY UMANE: Thank you.

19 MR. RYAN: Okay. Alright. I'm going to  
20 let Mr. -- alright, thank you, Mr. Figueroa.

21 MR. FIGUEROA: Okay. Thank you.

22 MR. JAVAS: Thank you.

23 MR. RYAN: Okay. That's, that concludes  
24 the Staten Island matters, correct?



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2 MR. RICHMAN: Yes.

3 MR. SAVINO: Yes.

4 MR. RYAN: Alright. Moving on to the  
5 Bronx.

6 MS. KONTAZMANIS: Staff can hang up if  
7 they want. You're going to have to give us five  
8 minutes, so that we can open up the room if  
9 anyone else needs to join in.

10 MR. RICHMAN: No problem, we're going to  
11 have to pull the materials out.

12 COMMISSIONER ZACCONE: Fantastic. Okay.

13 MS. KONTAZMANIS: We're going to stay  
14 live, commissioners, so please mute your  
15 microphone.

16 [OFF THE RECORD]

17 [ON THE RECORD]

18 MS. KONTAZMANIS: Mr. Ryan, your mic is  
19 live, sir.

20 MR. RYAN: Yes, I understand. It's okay,  
21 but thank you. So we'll do Mr. Press and then  
22 we'll do [unintelligible] [05:51:57].

23 MR. RICHMAN: What is Mr. Press  
24 appearing on, do you know?

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2 MR. FUCHS: He's on the [unintelligible]  
3 [05:52:02].

4 MR. RYAN: -- then we'll move on,  
5 alright. Thank you.

6 MS. KONTAZMANIS: Okay. You're now live,  
7 we're live once again.

8 MR. RYAN: Okay. We are live, we're  
9 going to start, as we have been throughout the  
10 day with the enrollment issues. We do have a  
11 gentleman here.

12 MR. RICHMAN: In person.

13 MR. RYAN: Mr. Press, in person on a  
14 Bronx enrollment issue, so we'll get to him right  
15 after that. And then the others that are on the  
16 Webex, the matter will be called in, I believe  
17 it's only Ms. Nye on the enrollment issues. But  
18 anyone else who has other matters that you have  
19 to appear on, I will call out your name, we will  
20 pull you in from the waiting room into the active  
21 meeting and then Mr. Richman will make his  
22 presentation, and then after Mr. Richman makes  
23 his presentation, you'll have an opportunity to  
24 be heard and I will call the name of the

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2 individual who is recognized first, and if there  
3 is someone on the other side, I'll call them  
4 second. Alright. So, enrollment issues, we do  
5 have that one matter involving Mr. Press, so Mr.  
6 Richman, if you could call that.

7 MR. RICHMAN: Commissioners, these are  
8 the hearings on the Bronx County designating  
9 petition matters and related activities.  
10 Commissioners, we'll be calling the enrollment  
11 issues report for Bronx County. Again, I'm going  
12 to ask that Mr. Fuchs call the calendar, but we  
13 direct your attention to the top of the third  
14 page of the calendar for the first item to be  
15 called to accommodate the individual who is  
16 present here in the room.

17 MR. ROBERT PRESS: Thank you, Mr.  
18 Richman.

19 MR. RYAN: Mr. Press if you can step up  
20 to the --

21 MR. RICHMAN: At the podium that says  
22 candidate, right there.

23 MR. RYAN: -- yeah, to my right, thanks.

24 MR. RICHMAN: Because you are the

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2 candidate.

3 MR. FUCHS: To call the issue for the  
4 Democratic Party, the prima facie finding is file  
5 name and address combination not found on the  
6 registration list. Delegate to the Judicial  
7 Convention, 80th Assembly District, Robert Press.

8 MR. RYAN: And Mr. Press, if you can  
9 give your appearance for the record, then Mr.  
10 Richman will state the issue.

11 MR. PRESS: Ready?

12 MR. RYAN: State your name for the  
13 record, please.

14 MR. PRESS: My name is Robert Press, the  
15 address is 1144 Lydig Avenue, Bronx New York,  
16 10461.

17 MR. RYAN: Thank you very much.

18 MR. RICHMAN: Mr. Press, the petition  
19 filed on your behalf had the address of 144 Lydig  
20 Avenue, and just by your saying it, that's why  
21 the registration, uh, we could not match the  
22 resignation record, because you're not,  
23 apparently you don't live at 144 Lydig Avenue, is  
24 that correct?

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2 MR. PRESS: There is no 144 Lydig  
3 Avenue, it starts at 600.

4 MR. RICHMAN: Okay Do you know who  
5 prepared your petitions?

6 MR. PRESS: Well, as you see, I am a  
7 member of the media. I'm wearing my tag. I had  
8 nothing to do with the petition. I collected no  
9 signatures. I found out after the petition was  
10 handed in. Now, I have my Board of Elections  
11 voter card with my address, 1144. I believe it  
12 was a printing error, and I received a letter  
13 about a, a challenge, which just came April 14th,  
14 to my address at 1144 from the Board of  
15 Elections. So the Board of Elections knows that I  
16 live at 1144. The challengers, my challengers  
17 filed on the 23rd, with my address, 1144. There  
18 was an address left off of the challenge -- of my  
19 objection, and a amended challenge sheet was  
20 filed, which in the red book, there is no amended  
21 challenge sheet, as you have amended cover  
22 sheets.

23 MR. RICHMAN: Mr. Press, this is a prima  
24 facie finding for the Board.

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2 MR. PRESS: Yeah, I know, I'm just  
3 trying to show you my address.

4 MR. RICHMAN: [unintelligible]  
5 [05:55:37] objection.

6 MR. PRESS: My address is on all of  
7 these documents.

8 MR. RICHMAN: The first question is you  
9 said you weren't aware you were a candidate. Did  
10 you consent to be a candidate?

11 MR. PRESS: Yes.

12 MR. RICHMAN: So you are aware that you  
13 were a candidate?

14 MR. PRESS: Yes.

15 MR. RICHMAN: And you provided the  
16 appropriate information?

17 MR. PRESS: And, and the Board should  
18 have a letter that I gave on March 27th that I  
19 was aware of this, this problem.

20 MR. RICHMAN: Well, again, you  
21 [unintelligible] [05:55:56] required to file a  
22 letter with the Board giving your consent.

23 MR. PRESS: Well, legal was closed at  
24 the time, and I was told to file a letter.

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2 MR. RICHMAN: The --

3 MR. RYAN: Mr. Press, when Mr. Richman  
4 is addressing you --

5 MR. PRESS: Mm-hmm.

6 MR. RYAN: -- allow him to finish his  
7 [unintelligible] [05:56:07].

8 MR. PRESS: Okay.

9 MR. RYAN: We'll hear you.  
10 [unintelligible] [05:56:09].

11 MR. RICHMAN: The problem, each of the  
12 sheets of the designating petition had your  
13 address as 144 Lydig Avenue, so that's what the  
14 voters got to see. The question is, is that  
15 normally this is either addressed when, if the  
16 printer admits that they made an error and they  
17 knew about it, or the others. Again, I don't know  
18 what to say. You're telling us it's the address  
19 that appeared on the petition, on each and every  
20 page of the petition for you is incorrect?

21 MR. PRESS: There was no malice  
22 intended, there is no 144 and I believe it was a  
23 printing error, okay. Since, like I said I did  
24 not collect any signatures, I did not even see

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2 the petition, I don't know. But it, it certainly  
3 looks like a printing error.

4 MR. RICHMAN: Did someone ask you for  
5 your address when they were preparing the  
6 petitions?

7 MR. PRESS: Yes. And I gave it, 1144.

8 MR. RICHMAN: Commissioners, it's up to  
9 --

10 MR. RYAN: Commissioners, you've heard  
11 the testimony of Mr. Press. Is there a motion?

12 COMMISSIONER CAMILO: I just have a  
13 question. Was a printer's error letter submitted?

14 MR. RICHMAN: No, commissioner.

15 COMMISSIONER CAMILO: I move to adopt  
16 that matter as stated in the enrollment issue  
17 calendar.

18 MR. RYAN: Is there a second?

19 SECRETARY UMANE: Second.

20 MR. RYAN: Are there any objections?  
21 Hearing none, the motion carries.

22 MR. RICHMAN: I'm sorry, Mr. Press, the  
23 commissioners found that the information as was  
24 presented to the voters was not correct, you will



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2 not appear on the ballot.

3 MR. PRESS: Thank you, Mr. Richman,  
4 it'll make a fine story.

5 MR. RYAN: Okay.

6 MR. RICHMAN: I guess we'll go to the  
7 top of the list of the enrollment issues.

8 MR. RYAN: No, we have one person we're  
9 hearing remotely. We ask that Lauren Nye be taken  
10 in from the --

11 MR. SAVINO: Waiting room.

12 MR. RYAN: -- from the waiting room, and  
13 commissioners can find her name around the middle  
14 of page two, and then the number adjacent is 802  
15 -- 82053.

16 SECRETARY UMANE: [unintelligible]  
17 [05:58:36].

18 PRESIDENT TAYLOR: Is she under a  
19 different [unintelligible] [05:58:39].

20 MR. RYAN: Ms. Nye, is she live?

21 MR. RICHMAN: Lauren Nye.

22 MS. KONTAZMANIS: She is not in our  
23 waiting room, she is not in our lobby.

24 MR. RYAN: Okay. Alright. Then we will

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2 go forward with the balance of the enrollment  
3 issues, including Ms. Nye as one of those.

4 MR. FUCHS: Enrollment issues --

5 SECRETARY UMANE: Could you just read  
6 the names?

7 MR. FUCHS: Yes.

8 SECRETARY UMANE: Just read the names.

9 MR. RYAN: Yes, we're going to do that,  
10 commissioner.

11 MR. FUCHS: Just the names, Mr. Ryan?

12 MR. SAVINO: Yeah, no party, no --

13 MR. RICHMAN: Just say Conservative and  
14 the names.

15 MR. FUCHS: For the Conservative Party,  
16 Bronx County, John E. McCarthy, Jose Marte,  
17 [phonetic] Michael Perez, Steven Pacrada  
18 [phonetic]. For the Democratic Party, Alex  
19 Lullage [phonetic], Alyssa D. McMyers [phonetic],  
20 Amanda Lullage [phonetic], Angel Vega, Avery J.  
21 Ambrose, Avril Frances, Betty White, Brandon  
22 Vasquez, Bryant McElroy [phonetic], Calvin  
23 Moreland, Carlos Sanchez, Cassondra Emrick, Craig  
24 Hughes, Eduardo Jose Nunez, Elana Herrera, GiGi

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2 Flynn, Grace Lavahio [phonetic], Hilda King,  
3 Amelia Otlar [phonetic], John Emrick, John Hill,  
4 Jr., Jonathan Lullage [phonetic], Josephine  
5 Rivera, Lauren Nye, Luis Compres, Luz Morales,  
6 Megalynn Calava Squinn [phonetic], Mary Bowen,  
7 Mary Magistro [phonetic], Melanie R. Johnson,  
8 Nessie Panton, Noelle M. Mintor, Noreen Sullivan,  
9 Norma Carbone, Peter Fernandez, Jose, Rose Maria  
10 Lopez, Rosemary Jenkins, Ruben Ferrer, Sidney  
11 Finland, Tapiana Compass [phonetic], Valerie C.  
12 Bobb [phonetic], Wendy G. Rochez, William Astacio  
13 and from the Republican Party, Jineea Butler.

14 MR. RICHMAN: Commissioners, there are  
15 other appearances for the enrollment issues  
16 report.

17 PRESIDENT TAYLOR: I move to adopt the  
18 report as listed.

19 COMMISSIONER MARMORATO: I second this,  
20 Marmorato.

21 MR. RYAN: Any objections? Hearing none,  
22 the motion carries.

23 MR. RICHMAN: The candidate enrollment  
24 issues report is adopted. Those candidates will

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2 not appear on the ballot. Commissioners, the next  
3 set of materials relates to the CRU prima facie  
4 report. There is relating to the -- we'll call  
5 the candidates' names for over designation to the  
6 Democratic Party and if we hear anybody, I think,  
7 I don't believe there are appearances for the  
8 county committee candidates.

9 MR. SAVINO: Daisy Perry.

10 MR. RICHMAN: Oh, Daisy Perry, which is  
11 on the third, on the last, oh, okay, on the  
12 bottom of the second page.

13 MR. SAVION: Yeah.

14 MR. RICHMAN: Okay. Commissioners, we'll  
15 go, uh, county committee 77th Assembly District,  
16 15th ED, Letrell McGill, Evelyn Penna, Desiree  
17 Roman, 35th ED, Rosa Brown, Barbara Hodges,  
18 Jelani Williams. In the 80th AD, 24th ED, Cynthia  
19 Prisco, Forhad Rahman, Toufiqur [phonetic]  
20 Rahman, Manisol [phonetic] Rodriguez. 35th ED,  
21 Amanda Lullage, Alex Lullage, Johnathan Lullage,  
22 Elsa Lullage [phonetic]. 47th ED, Zendra  
23 Bassetchick [phonetic], Christina Contreras,  
24 Stacy Ann Deleon, Daniel Flores. 77th ED, Jose

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2 Rodriguez, Prisca Salazar-Rodriguez, Lisa Sorin,  
3 Elisa Vera. 79th ED, Carl Lawrence, Louis  
4 Mangione, Flora Marcauge [phonetic], Ana Munos  
5 Justo. 83rd AD, Roberta Joniah [phonetic], Rosa  
6 Joniah [phonetic], Paul Joniah, Nicholas Joniah.  
7 In 94th ED, Richard Bassik, Edith Blitzer, John  
8 Emrick, Cassondra Emrick. In the 95th ED of the  
9 80th, Evelyn McDonald, Barbara Stonczer and  
10 Kristen Amato do not appear. Daisy Perry has  
11 requested an appearance. This is the over  
12 designation.

13 MR. RYAN: And that's all of them?

14 MR. RICHMAN: That's, then we keep going  
15 if we want to keep the others -- and then we'll  
16 get her last, okay.

17 MR. RYAN: And then we'll come back to  
18 her at the end.

19 MR. RICHMAN: In the 82nd Assembly  
20 District, in the 16th ED, Laverne Francis,  
21 Mildred McElveen, Candida Rosa, Mary Magistro.  
22 28th ED, Robert Beeda [phonetic], Susan Beeda  
23 [phonetic], Dorothy Krynicki. 39th ED, Stephen  
24 J.D. Fiore, Francis Asico [phonetic], Robert

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2 Silvestri. 41st ED, Louis A. Benedetto, Mary  
3 Coster, Carol Dilge [phonetic]. 53rd Ed, Lauren  
4 Nye, Marie Caruso, George Archibald [phonetic].  
5 83rd AD, 17th ED, Vena R. Helton-Thomas  
6 [phonetic], Dorothy Lougoo [phonetic], Jo Ann P.  
7 Morrison, Dominique A. Lougoo [phonetic], 23rd ED,  
8 Keith Ramsey, Tina Veal, Elana Burgess  
9 [phonetic]. 27th ED, Mondry Augborn [phonetic],  
10 Rosabel Sheryl McNea, Debra Freeman. 35th ED, Ann  
11 F. Coleman, Shawna M. Passoa [phonetic], Yvonne  
12 Ivory Grant, 44th ED, Carmena B. Schwecke, Tyrone  
13 Mercer, Dwayne Gibbs, Darrell W. Wigfall. 57th  
14 ED, Phyllis E. Booth, Ann Alice B. Tutt, Albert  
15 Tutt Jr. the second, Jessica Nelson. 59th ED,  
16 Walter J. McNeill, James Thompson, Delores  
17 Thompson, member of the Assembly -- uh, okay.  
18 That's it for the over designations. Do we want  
19 to deal with Ms. --

20 MR. RYAN: Yes.

21 MR. RICHMAN: So, Ms. Daisy Perry, is  
22 she in the waiting room?

23 MS. KONTAZMANIS: Ms. Perry has been  
24 admitted into the meeting.

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2 MR. RYAN: Okay. Mr. Richman, can you --

3 MR. RICHMAN: Ms. Perry, can you hear  
4 us? Ms. Perry, with respect to your candidacy,  
5 you were designated as a candidate for the county  
6 committee in the 95th Assembly District of the  
7 80th Assembly District. The party call, the  
8 statement of positions to be filled filed by the  
9 county committee calls that that election  
10 district shall elect three county committee  
11 members. However your petition designated four  
12 county committee candidates. That is called an  
13 over designation and under the Election Law, all  
14 of the candidates that have been over designated  
15 are removed from the primary ballot. Ms. Perry,  
16 do you have anything to say?

17 MS. DAISY PERRY: Is there any way to  
18 correct the over designation?

19 MR. RICHMAN: Not for the primary  
20 election. Those three seats will remain vacant at  
21 the primary and then when the county committee  
22 organizes itself following the primary election  
23 and certification, the members of the county  
24 committee will be able to fill those vacancies.

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2 MS. PERRY: Okay. Thank you.

3 MR. RYAN: Okay. Is there any motion?

4 MR. RICHMAN: What do you want to do?

5 COMMISSIONER SHAMOUN: I move to adopt  
6 the recommendation. Commissioner Shamoun.

7 MR. RICHMAN: For over designation.

8 MR. RYAN: But yes, just for the over  
9 designations, right.

10 COMMISSIONER SHAMOUN: Just for the over  
11 designations.

12 MR. RYAN: Correct. Thank you.

13 PRESIDENT TAYLOR: I second.

14 MR. RYAN: Yeah. Are there any  
15 objections? Hearing none, the motion carries.

16 MR. RICHMAN: Those candidates will not  
17 appear on the ballot. Commissioners, we will now  
18 continue. With respect that the general objection  
19 filed by Robert Press objecting to the candidacy  
20 of Irene Estrada for member of the Assembly in  
21 the 80th Assembly District, was filed late, it  
22 was due on March 23rd and it is filed on March  
23 27th. And also the proof of service was attached  
24 to the specification in violation of rule H-12. I



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2 believe we have, and we will call the next  
3 general objection for 26, same objector, same  
4 candidate, same office, and in this case, the  
5 incorrect omitted candidate info on the general  
6 objection, the incorrect petition type on the  
7 general objection and the incorrect election  
8 event violating rule G-3. I believe the candidate  
9 representative has requested to appear, Mr.  
10 Sementilli.

11 SECRETARY UMANE: Also, Press is there.

12 MR. RICHMAN: He's left I guess.

13 MR. RYAN: He has since departed,  
14 commissioner.

15 SECRETARY UMANE: Okay. I thought he  
16 wanted to press his case. [laughter]

17 MR. SAVINO: And he's also a member of  
18 the press.

19 MS. KONTAZMANIS: Are we adding in Mr.  
20 Sementilli?

21 MR. RYAN: Yes, we are. Thank you.

22 MS. KONTAZMANIS: Okay. He's been  
23 admitted into the meeting.

24 MR. RICHMAN: Mr. Sementilli, take off

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2 your mute.

3 MS. KONTAZMANIS: Are we adding in Mr.  
4 Sementilli?

5 MR. RYAN: Yes.

6 MR. RICHMAN: Mr. Sementilli, the Board  
7 staff has recommended that general objections 26  
8 and 27 against Candidate Estrada be dismissed. Do  
9 you have anything to add to that?

10 MR. SEMENTILLI: [unintelligible]  
11 [06:08:34].

12 MR. RYAN: I'm also -- Mr. Sementilli,  
13 can you please mute your live stream and unmute  
14 your Webex.

15 MR. SEMENTILLI: Yes, do you hear me  
16 now?

17 MR. RYAN: Yes.

18 MR. SAVINO: We can hear you now.

19 MR. SEMENTILLI: Thank you,  
20 commissioners, please adopt the clerks' or the  
21 recommendation report. I appreciate it, thank  
22 you.

23 MR. RYAN: Is there a motion?

24 MR. SEMENTILLI: I want to just mention

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2 the Bronx, give a little shout out to the Bronx  
3 Board of Election. I had the opportunity to spend  
4 some time up there and they were very, very  
5 helpful, doing a terrific job and I want to all  
6 the commissioners know the Bronx and I'm sure  
7 everyone else is doing a great job. But  
8 [unintelligible] [06:09:13] from my experience  
9 the Bronx Board of Election did an extremely  
10 great job. I appreciate all they do. Thank you.

11 MR. RYAN: Thank you very much.

12 PRESIDENT TAYLOR: Thank you for those  
13 comments. I move to adopt as to [unintelligible]  
14 [06:09:28] report.

15 SECRETARY UMANE: I second it.

16 MR. RYAN: Okay. Any objections? Hearing  
17 none, the motion carries.

18 MR. RICHMAN: General objections 26 and  
19 27 are deemed invalid. General objection,  
20 objection of Mike Soto to the candidacy of Linda  
21 Poust-Lopez for judge of the municipal court,  
22 Second Municipal Court District, recommends that  
23 the general objections be dismissed. Incorrect or  
24 omitted candidate information on the cover sheet.

1 April 20, 2020  
2 Bronx spec 4-1, general specification of Michael  
3 Soto against Linda Proust for judge of the  
4 municipal courts, Second Municipal Court  
5 District, specification was filed late. It was  
6 due on March 30th. It was filed on March 31st.  
7 The proof of service was filed on March 31, it  
8 was due on March 30th.

9 Working Families Party, certificate of  
10 acceptance filed for Louis R. Sepulveda as  
11 candidate of the Working Families Party for State  
12 Senator, 32nd Senatorial District, no petitions  
13 filed for that office and candidate. A  
14 certificate of authorization for Mr. Sepulveda  
15 for the Working Families Party, same district.  
16 Again, a certificate of acceptance filed, no  
17 petitions filed for the candidate.

18 Bronx Green Party, female state  
19 committee, four candidates filed, it's an over  
20 designation. The party call is for three, the  
21 candidates are Adriana Jones, Irene Diaz-Reyes,  
22 Deborah Rosario, and Ashley I. Rivera.

23 COMMISSIONER CAMILO: I'm sorry to  
24 interrupt, do we not have appearances for the

1 April 20, 2020

2 matters, for --

3 MR. RYAN: That is correct. For the  
4 remaining matters, we have no appearances.

5 MR. RICHMAN: Except for Mr. Power  
6 coming up next.

7 COMMISSIONER CAMILO: Okay. I thought --

8 MR. RYAN: Right.

9 COMMISSIONER CAMILO: Got it.

10 MR. RICHMAN: Except for Mr. Powers.

11 MR. RYAN: [unintelligible] [06:11:21]  
12 one we talked about. And then there's one, one  
13 more gentleman here.

14 MR. RICHMAN: Commissioners, the next  
15 matter, here's both of these, with respect to the  
16 Libertarian Party, I think the candidate is here,  
17 Dion Powell, a member of the Assembly, a  
18 certificate of authorization was filed, but no  
19 petitions were filed for the Libertarian Party.  
20 You're here for your Democratic Party? Okay. So  
21 nothing was filed for the Libertarian Party. And  
22 then the SAM Party for Mr. Powell, a certificate  
23 of authorization was filed for the SAM line for  
24 member of the Assembly, 79th AD, however no

1 April 20, 2020

2 petitions were filed for the candidate. That  
3 concludes the CRU prima facie calendar, the  
4 balance of the calendar with no appearances.

5 COMMISSIONER MICHEL: Right, except  
6 isn't Mr. Powell here?

7 MR. RICHMAN: But on his Democratic  
8 line.

9 MR. RYAN: But Mr. Powell is present in  
10 the audience, but he is not here to appear on  
11 these matters. He's going to appear on something  
12 else. So there's no appearances for the matters  
13 that have just been read into the record. Is  
14 there a motion?

15 COMMISSIONER SHAMOUN: I'll move to  
16 adopt the recommendations.

17 MR. RYAN: Is there a second?  
18 Commissioner Camilo, can you unmute please?

19 COMMISSIONER CAMILO: My apologies, I  
20 second.

21 MR. RYAN: Okay. Any objections? Hearing  
22 none, the motion carries.

23 MR. RICHMAN: The CRU prima facie  
24 calendar is adopted, candidates named will not

1 April 20, 2020

2 appear and objections dismissed and specs  
3 dismissed will not be considered. Commissioners,  
4 we're going to move to the legal prima facie  
5 materials.

6 MR. RYAN: So, Mr. Richman do 78, right?  
7 there's only one, or is that a misprint?

8 MR. ZUCHS: There's only one, Mr. Ryan.

9 MR. RYAN: So do the 78, then we'll get  
10 Mr. Cruz --

11 MR. RICHMAN: On the 79.

12 MR. RYAN: -- then we'll do 79.

13 MR. RICHMAN: And I believe Mr. Schlein  
14 is --

15 MR. RYAN: And then to 87.

16 MR. RICHMAN: -- Mr. Schlein is on the  
17 opposite side and wanted to be heard I believe.

18 MR. RYAN: Okay.

19 MR. RICHMAN: Okay.

20 MR. RYAN: I'm just saying, so just do  
21 that.

22 MR. RICHMAN: Alright. First, for the  
23 first legal prima facie, it's an Almwood issue,  
24 commissioners, no cover sheet filed when required

1 April 20, 2020

2 under the election law. It's for Hector Cruz,  
3 Democratic Party delegate to the Judicial  
4 Convention for the 78th Assembly District in the  
5 Bronx.

6 MR. RYAN: Is there a motion?

7 COMMISSIONER CAMILO: We don't have any  
8 appearances?

9 MR. RYAN: No appearances.

10 MR. RICHMAN: No.

11 COMMISSIONER CAMILO: Okay. Move to  
12 adopt report as --

13 COMMISSIONER MARMORATO: I, I second  
14 that.

15 MR. RYAN: Any objections? Hearing none,  
16 the motion carries.

17 MR. RICHMAN: Candidate will not appear  
18 on the ballot. Commissioners, the next relate to  
19 the 79th Assembly District of a petition filed  
20 for various party positions in the Democratic  
21 Party. They're all represented or opposed by the  
22 same representative, so we'll call all of them  
23 for the 79th and then ask to invite -- well, we  
24 should invite the two parties in I guess.



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2 MR. RYAN: Yes. And that would be then  
3 Angel Cruz, esquire and Stanley Schlein, esquire,  
4 correct?

5 MR. RICHMAN: I believe Mr. Schlein  
6 filed for this one too, yes, legal prima facie,  
7 no that's Spires.

8 [OFF-MIC CONVERSATION]

9 MR. RICHMAN: No, I believe Spires

10 MS. KONTAZMANIS: [unintelligible]  
11 [06:14:52].

12 MR. ZUCHS: I believe it's Mr. Cruz on  
13 this matter.

14 MR. RICHMAN: It's just Mr. Cruz.

15 MR. RYAN: I, I apologize. It's just Mr.  
16 Cruz on these matters, not Mr. Schlein.

17 MS. PERKINS: Okay.

18 MS. KONTAZMANIS: Maldonado and Cruz  
19 will be admitted into the meeting.

20 MR. RYAN: Who's Maldonado?

21 MS. KONTAZMANIS: And [unintelligible]  
22 [06:15:03].

23 MR. ZUCHS: That was his client at one  
24 point.

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2 MR. RICHMAN: Was that the client? That  
3 was the one for --

4 MR. RYAN: Alright. So 79, the issues in  
5 the 79th AD are being done presently with Mr.  
6 Cruz present.

7 MR. RICHMAN: Is he present? Can we call  
8 them in?

9 COMMISSIONER MICHEL: Yeah, he's in, Mr.  
10 Ryan, on the bottom.

11 MR. RYAN: Okay. So he's present.

12 MR. RICHMAN: Okay. Commissioners, from  
13 the legal prima facie, the following matters  
14 appear for the 79th Assembly District Democratic  
15 Party in the Bronx. The issue is the same, the  
16 candidates' failure to file a cover sheet is not  
17 a mere technical defect subject to cure pursuant  
18 to the election law 6-134.2 in accordance with  
19 the decision of the Appellate Division in Armwood  
20 v. McCloy. It is Candidate Rosa Iola [phonetic],  
21 female member of the State Committee for the  
22 79th, Felix Sural [phonetic], male member of the  
23 State Committee --

24 SECRETARY UMANE: Just the names.

1 April 20, 2020

2 MR. RICHMAN: Okay. Gilberto Vasquez, it  
3 can't be the same petition, can't have two on the  
4 same, okay. Uh, we've got -- that's what I'm  
5 trying to figure, which petition. It can't be two  
6 for the same offices if we don't have a  
7 designation, uh, Awanda Brito [phonetic], Terry  
8 Herd [phonetic], Violeta Quello [phonetic],  
9 Sylvia Diaz, Samara Gross [phonetic], Mohammad  
10 Sheik [phonetic]. So I don't know if Mr. Cortez  
11 represents all of them.

12 MR. RYAN: Mr. Cruz.

13 MR. RICHMAN: Yeah.

14 MR. RYAN: And Mr. Cruz, would you like  
15 to be heard?

16 MR. ANGEL CRUZ: Can you hear me?

17 MR. RYAN: Yes, we can.

18 MR. CRUZ: Good afternoon. I want to  
19 thank everyone for the opportunity. I see  
20 everyone is healthy. Continue that, we're  
21 definitely in an emergency situation. I just want  
22 the record to reflect that number four, Gilberto  
23 Vasquez, I do not represent.

24 MR. RICHMAN: That's what we -- thank

1 April 20, 2020

2 you for clearing that up.

3 MR. CRUZ: I just want the record  
4 [unintelligible] [06:16:59]. And also, number 25  
5 and 26, which is part of the 79th Assembly  
6 District [unintelligible] [06:17:10].

7 MR. RICHMAN: Okay, 25.

8 MR. CRUZ: They're part of that --

9 MR. SAVINO: Yes.

10 MR. RICHMAN: Oh, so those are the  
11 district leaders, so that's part, okay.

12 MR. RYAN: Do you not represent those,  
13 Mr. Diallo or Ms. Medina, either?

14 MR. RICHMAN: Or you do?

15 MR. CRUZ: No, I do. That, that's my  
16 point.

17 MR. RYAN: Alright. So --

18 MR. RICHMAN: Okay. So we will pull  
19 those two as well.

20 MR. CRUZ: My specific appearance was  
21 [unintelligible] [06:17:34].

22 MR. RYAN: Okay. So we'll --

23 MR. CRUZ: That's correct.

24 MR. RYAN: -- [unintelligible]

1 April 20, 2020

2 [06:17:37] as well.

3 MR. RICHMAN: For male and female  
4 district leader, okay.

5 MR. RYAN: Amadou Diallo and Jocelyn  
6 Medina.

7 MR. CRUZ: That's correct, thank you.

8 MR. RYAN: Okay. Perfect. Do you wish to  
9 be heard?

10 MR. RICHMAN: They filed it on April  
11 20th.

12 MR. CRUZ: So I do believe that the  
13 candidates subsequently filed their cover sheets  
14 on the 20th --

15 MR. RICHMAN: Of?

16 MR. RYAN: 20th of?

17 MR. CRUZ: We do believe that -- uh,  
18 April 20th, I'm sorry.

19 MR. RICHMAN: Because [unintelligible]  
20 [06:18:14] March 27th was the last day to file.

21 MR. CRUZ: Yesterday.

22 MR. RYAN: Okay.

23 MR. CRUZ: So we believe this matter  
24 does not fall within the control of Armwood v.

1 April 20, 2020

2 McCloy, in that they were filed. They may have  
3 been filed late, they were filed. The reason that  
4 they were filed late was because of the person  
5 charged with filing them actually contracted  
6 coronavirus and I believe submitted a letter with  
7 an affidavit, coupled with medical records that  
8 set that out.

9 I'll make this very brief. I urge the  
10 commissioners to reject the clerks' report based  
11 on the evidence that was submitted and because of  
12 the extraordinary situation, we would urge that  
13 the cover sheets be timely filed. Thank you.

14 MR. RYAN: Okay --

15 SECRETARY UMANE: Were the petitions  
16 filed at that time, in a timely manner?

17 MR. RICHMAN: Yes, commissioner.

18 MR. CRUZ: The petitions were filed in a  
19 timely manner. The petitions were filed in a  
20 timely manner. Uh, we also believe that based on  
21 the governor's executive order 202.8, which  
22 suspended the statute of limitations to commence  
23 and file various actions applies to the Board of  
24 Elections. And based on that, we're urging the

1 April 20, 2020

2 commissioners to find that they were timely  
3 filed.

4 MR. RYAN: Is there a motion?

5 COMMISSIONER SHAMOUN: I move to adopt  
6 the clerks' report.

7 COMMISSIONER CAMILO: I'm sorry. I have  
8 a question as to the materials that were  
9 provided, the materials, the medical records. Are  
10 those in the hands of exec?

11 MR. RICHMAN: Yes, they are here,  
12 commissioner. They were filed last night, I  
13 believe they came through. Sorry, Monday night,  
14 yeah, which is last night. I'm a little confused.  
15 I'm sorry, commissioners. Every day rolls into  
16 each other. But it was filed last night, it was  
17 transmitted to the submission at 7:03 p.m. And  
18 it's --

19 COMMISSIONER CAMILO: And it's -- I'm  
20 sorry. Are the medical records dated? Do we know  
21 when those medical records were produced?

22 MR. RICHMAN: An affidavit, I, what I  
23 have is attached to the affidavit or Angel Gourd  
24 [phonetic] which, so was admitted on 4/7/2020.

1 April 20, 2020

2 And there's a medical thing saying that she was  
3 seen in the emergency department on March 25th,  
4 and she had to be excused from being self  
5 quarantined for 14 days. But I point out  
6 commissioners, the last day to file a cover sheet  
7 timely was March 20th. The petitions were filed  
8 on March 19th.

9 MR. CRUZ: The 19th.

10 MR. RICHMAN: On, correct, yes, on March  
11 19th.

12 MR. CRUZ: And according to Mr. Gourd's  
13 affidavit, and I don't know if the commissioners  
14 have the opportunity to read it, but Mr. Gourd  
15 was the person designated to file these cover  
16 sheets. He got sick, he ultimately was in the  
17 home very sick, he was brought to the hospital  
18 the 25th, and then brought again and admitted on  
19 April 7th. So what we're saying basically is  
20 based on these extraordinary circumstances, based  
21 on the governor's executive order 202.8, there is  
22 a legitimate reason to excuse the late filing.  
23 And we urge the court to adopt.

24 MR. RICHMAN: Commissioners, the



1 April 20, 2020  
2 governor's executive order apprised  
3 [unintelligible] [06:22:10] the statute of  
4 limitations with respect to proceedings commenced  
5 under the various civil practice law and rules  
6 and the other statutes of the State of New York,  
7 specifically excluded and not covered by that  
8 statute were Election Law proceedings, so that  
9 the last day to commence a validating proceeding  
10 or an invalidating proceeding as of right was  
11 still two weeks after the last day to file the  
12 petitions, which was April 3rd.

13 And the statute as enacted by Chapter 24  
14 provided all the filing required under the  
15 Election Law had to be completed by Friday, March  
16 20th and the calculation of dates to file the  
17 various certificates of acceptances,  
18 authorizations, declarations, all were tied to  
19 that date.

20 The governor's executive order did not  
21 toll on any way the Election Law and the case law  
22 still holds that the Election Law filing  
23 deadlines are absolute and the commissioners are  
24 without the authority or the power to extend or

1 April 20, 2020

2 modify the explicit provisions of the Election  
3 Law.

4 COMMISSIONER SHAMOUN: I renew my  
5 motion.

6 MR. CRUZ: I obviously disagree with  
7 that.

8 COMMISSIONER CAMILO: I believe  
9 [unintelligible] [06:23:21] and I will second it,  
10 although I am sympathetic to the circumstances,  
11 I'm, I'm seconding the motion.

12 MR. RYAN: Are there any objections?  
13 Hearing none, the motion carries.

14 MR. RICHMAN: Those candidates will not  
15 appear on the ballot. Then I'll go back to call  
16 separately Gilberto Vasquez, Democratic male  
17 member of the State Committee in the 79th  
18 Assembly District, failing to file, timely file a  
19 cover sheet when required. I don't believe we  
20 have an appearance for that candidate.

21 MR. RYAN: That is correct.

22 MR. RICHMAN: Commissioners, do you want  
23 to adopt that, and then we could move to the 84th  
24 for Mr. Cruz?

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2 COMMISSIONER CAMILO: Move to --

3 COMMISSIONER MARMORATO: Move to adopt.

4 COMMISSIONER CAMILO: Or, I'll second  
5 that.

6 MR. RYAN: Okay.

7 COMMISSIONER CAMILO: Sorry.

8 MR. RYAN: Any objections? Hearing none,  
9 the motion carries.

10 MR. RICHMAN: That candidate will not  
11 appear on the ballot as well. Now, with respect  
12 to the 84th Assembly District and Mr. Cruz, if I  
13 leave anybody out, please let me know.

14 MR. RYAN: He's got the 87th.

15 MR. RICHMAN: Oh, it's the 87th then. So  
16 we'll -- do you want me to stay in order, or just  
17 go to the 87th?

18 MR. RYAN: Just go to the 87th. And then  
19 there's one more on the --

20 MR. RICHMAN: Okay. On the 87th Assembly  
21 District, again, the slate for party positions --

22 MS. KONTAZMANIS: Mr. Richman, Mr.  
23 Richman, hold on a second. Do you need Mr. Cruz  
24 back in?

1 April 20, 2020

2 MR. RYAN: Yes.

3 MR. RICHMAN: Alright. So you want to  
4 bring him back in? So shall we do the 84th while  
5 we're getting him in?

6 MS. KONTAZMANIS: Okay. Just give me a  
7 second.

8 MR. RYAN: Yeah, bring him back.

9 MS. KONTAZMANIS: Okay, Mr. Cruz, okay,  
10 he's back in.

11 MR. RICHMAN: Mr. Cruz --

12 Mr. CRUZ: [unintelligible] [06:24:44]  
13 87.

14 MR. RICHMAN: -- we're moving to the 87.  
15 Candidates Barbara Brown and Carlos Asorio  
16 [phonetic] for state committee.

17 MR. RYAN: Alright. There's a lot of  
18 background noise. What's happening?

19 MR. RICHMAN: Mr. Cruz, can you shut off  
20 your live stream. Okay. Can he hear us? Okay, so  
21 it's the candidates for male and female state  
22 committee. Barbara Brown and Carlos Osario in the  
23 87th. Delegates in the convention, Tiana Carian,  
24 Yvonne Rodriguez, Miguelina Moore [phonetic],

1 April 20, 2020

2 Alicia Mandeta [phonetic] Roxanne Reed and Marica  
3 Y. Lopez [phonetic]. And for district leaders, in  
4 the male, Mohammad Mujada [phonetic]. Mr. Cruz,  
5 are those all the candidates you're representing  
6 in the 87th?

7 MR. CRUZ: That is correct.

8 MR. RICHMAN: Okay. Commissioners, it's  
9 the same statement. He filed similar submission  
10 for the 87th with the affidavit related to Angel  
11 Gourd as well. I'm not going to bother repeating  
12 all of the arguments concerning Armwood. Mr.  
13 Cruz, do you have anything else to add, or do you  
14 repeat the same arguments?

15 MR. CRUZ: No, I stand on what was  
16 already submitted, thank you.

17 MR. RYAN: Thank you. Is there a motion?

18 COMMISSIONER CAMILO: I move to adopt as  
19 to those candidates just listed by Mr. Richman.

20 MR. RYAN: A second? Any seconds?

21 MR. RICHMAN: Is there a second?

22 SECRETARY UMANE: I second, though  
23 someone did say.

24 MR. RYAN: Any objections? Hearing none,

1 April 20, 2020

2 the motion carries.

3 MR. RICHMAN: Those candidate in the  
4 87th Assembly District will not appear on the  
5 Democratic Party primary ballot. Going back now  
6 for the 84th Assembly District. Alyse Cruz,  
7 [phonetic] female state committee, delegates to  
8 the Judicial Convention, Israel Martinez, Yolonda  
9 Garcia, Deborah Martinez, Ariel Santiago David  
10 Teran, Teran. And we don't have any appearances,  
11 I believe for the 84th.

12 MR. RYAN: That's correct.

13 MR. RICHMAN: Commissioners, a motion --

14 COMMISSIONER CAMILO: Move to adopt,  
15 move to adopt as to those candidates.

16 MR. RYAN: A second?

17 COMMISSIONER MARMORATO: Second.

18 MR. RYAN: Any objections? Hearing none,  
19 the motion carries.

20 MR. RICHMAN: Those candidates will not  
21 appear on the ballot. We have, the next several  
22 have I believe, for Francisco A. Spires, for the  
23 next series of offices I believe they're  
24 represented all by the same. For candidates is

1 April 20, 2020

2 that the petition does not correctly specify,  
3 identify the public office, party position and/or  
4 district that the candidate is seeking to be  
5 nominated for. And those are candidates Francisco  
6 A. Spires, Jose L. Fleit [phonetic], Lisa Moretta  
7 [phonetic] Carmen Y. Delacruz, Dominga Valdez  
8 [phonetic], Victor J. Nunez, Isabel S. Fernandez,  
9 Miranda Sanchez [phonetic] Roberto Fernandez,  
10 Wendy G. Rose [phonetic] and Larry, Leonardo J.  
11 Quello [phonetic]. I know with respect to the  
12 first one, Spire, Fleit and Moretta, Mr. Schlein  
13 has filed a notice of appearance.

14 MR. RYAN: For the [unintelligible]  
15 [06:28:19].

16 MR. RICHMAN: And also, yes, well,  
17 there's two different districts he's claimed  
18 [unintelligible] [06:28:23]. But, yes, all of  
19 those candidates, Mr. Schlein wants to appear,  
20 and I also believe that Leo Baez, the attorney  
21 wants to appear on behalf of the candidates. And  
22 they should both be in the waiting room to be  
23 brought in.

24 MS. KONTAZMANIS: They're admitted into

1 April 20, 2020

2 the meeting.

3 MR. RYAN: Okay, Mr. Richman, can you go  
4 through that now.

5 MR. RICHMAN: We have called the, the  
6 Board's preliminary finding for the candidates  
7 that you respectively represent is that the  
8 petition does not correctly specify or identify  
9 the public office the candidate is seeking to be  
10 nominated for. Commissioners, you have attached  
11 to your packet following the calendar, copies of  
12 the respective petition pages for the candidates  
13 on which Candidates Spires, Fleit and Moretta  
14 appear. Respectively, the public office described  
15 is representative in Assembly, 78th New York  
16 State, representative male district leader in  
17 assembly, 78th New York State, and representative  
18 female district leader in Assembly, 78th New York  
19 State. And similarly, in the next batch, for  
20 items 31 through 33, for candidates Delacruz,  
21 Valdez and Nunez, the only difference is the  
22 numerical change. It's 77 appearing where it  
23 appears as the 78th in the first set. So at that  
24 point I guess that's the summary. Commissioners,



1 April 20, 2020

2 those positions do not -- those descriptions do  
3 not describe any positions which appear on this  
4 year's primary ballot and that was what was  
5 presented to the voters. And so therefore, we  
6 believe in accordance with the applicable case  
7 law discussed with you this morning, the  
8 positions are not reasonably described and we  
9 believe that the references on behalf of the  
10 candidates to the Hicks case is inapplicable  
11 because this clearly does not even give a  
12 semblance of understanding of what a, what  
13 they're seeking to be elected to.

14 MR. RYAN: Mr. Schlein, do you wish to  
15 be heard?

16 MR. SCHLEIN: As Counsel Richman stated  
17 this morning in the Schley case, so similarly,  
18 there is a requirement to have an appropriate  
19 description of the office and the appropriate  
20 geographic area covered. These respective  
21 petitions do neither. There's no position known  
22 as representative in Assembly. In fact, it is  
23 confusing to both the voters and the Board in the  
24 following way and to the signers, because on the

1 April 20, 2020

2 same petition, there is even reference to the  
3 issue of representative in Congress. So there is  
4 no such title as that.

5 In addition, it doesn't say 77th or 78th  
6 district. It just says 77th or 78th New York  
7 State, so I don't know what that means. For those  
8 reasons, the Hicks case is inapplicable, and  
9 frankly, I would rely more particularly on *Sears*  
10 *v. Kimmel*, which was also decided by the Third  
11 Department in 2010, the same year that Hicks was  
12 and it made the distinction of these issues very  
13 clearly. We ask the Board to confirm the  
14 recommendations of the counsel's office and  
15 disqualify these candidates on a *prima facie*  
16 basis.

17 MR. RYAN: Mr. Richman, is there another  
18 attorney?

19 MR. RICHMAN: Yes, Cruz. No, no, Baez,  
20 Leo. He's on there, he's on.

21 MR. RYAN: Mr. Baez, do you wish to be  
22 heard?

23 MR. LEO BAEZ: Hi, yes, good afternoon.  
24 First and foremost, I just want to say, I want to

1 April 20, 2020

2 thank you guys for setting this up, and let you  
3 guys know that we never received any notice of  
4 any issues that were inconsistent or wrong with  
5 our petition. With that said, the issues here are  
6 clearly distinguishable, that it goes with Hicks  
7 v. Walsh for the simple fact that it clearly  
8 states that in running for a public office and  
9 the geographic location of a public office. It  
10 says representative in Assembly 77, New York  
11 State. So it is very different from saying that  
12 it doesn't have a district or it doesn't have an  
13 office location.

14 In addition, in addition, according to  
15 Election Law Section 6-132, the public office, it  
16 needs to be sufficiently informative. It doesn't  
17 need to be exactly, exactly the same as the name  
18 of the public office. And when you look at for  
19 the 78th, you will see there, that is also, it  
20 says there male and female district leader. There  
21 are no other positions similarly to those there.  
22 And the petition states representative, female  
23 district leader in Assembly 77 New York State.

24 MR. RYAN: Mr. Schlein, do you have

1 April 20, 2020

2 anything you would like to add?

3 MR. SCHLEIN: No, I believe the  
4 recommendations of Counsel Richman and the  
5 comments he made earlier and the citing of the  
6 case that I in fact did should warrant the  
7 invalidation of these respective candidates.  
8 Thank you.

9 MR. RYAN: Okay. Is there a motion?

10 COMMISSIONER CAMILO: Yes, I move to  
11 adopt the report as recommended by legal.

12 COMMISSIONER MARMORATO: I second that.

13 MR. RYAN: Okay. Is any objections?

14 Hearing none, the motion carries.

15 MR. RICHMAN: The candidates will not  
16 appear on the primary ballot as listed and  
17 commissioners, that concludes the legal prima  
18 facie calendar. We'll be moving on to the report  
19 of the clerks, so if you can give me a moment to  
20 put everything in order. Do we want to take the  
21 candidate who is here out of order?

22 MR. RYAN: Yes.

23 MR. RICHMAN: Commissioners, if you give  
24 me a second, we have one candidate present here

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2 who wants to be heard on his clerks' report. It  
3 is Bronx 8-1, and I don't know if the objector is  
4 represented and signed in. Do we have anything  
5 for number eight?

6 MR. RYAN: That would be then Mr.  
7 Schlein.

8 MR. RICHMAN: Mr. Schlein, yes. So if we  
9 can bring Mr. Schlein back in and if the  
10 candidate [unintelligible] [06:35:20].

11 MS. KONTAZMANIS: Mr. Schlein is back in  
12 the meeting. Your camera is live, Mr. Schlein.

13 MR. RYAN: Okay. And for our technical  
14 folks, please leave Mr. Schlein in the meeting  
15 until we tell you we don't need him anymore  
16 [laughter].

17 MR. SAVINO: We need a lot of Schlein.

18 MS. KONTAZMANIS: And your camera is  
19 live, sir.

20 MR. DION POWELL: Yes, I understand.

21 MR. RICHMAN: Mr. Schlein, just to let  
22 you know --

23 MR. SCHLEIN: I'm here.

24 MR. RICHMAN: -- Mr. Dion, the

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2 candidate, Dion Powell is here presently in the  
3 office, so we would like to --

4 SECRETARY UMANE: There's a lot of  
5 background noise, Mr. Richman.

6 MR. RICHMAN: Is this better?

7 SECRETARY UMANE: Yes, sir. Thank you.

8 MR. RICHMAN: Dion Powell, the candidate  
9 regarding spec number 8-1 has personally appeared  
10 here at the offices on Broadway. And in order to  
11 accommodate him, we're going to call the  
12 objections out of order and do Bronx 8-1 first if  
13 you're prepared.

14 SECRETARY UMANE: Thank you.

15 COMMISSIONER MARMORATO: That's fine.

16 MR. RICHMAN: This is the clerks' report  
17 on Bronx specification 8-1 in the Democratic  
18 Party, the matters the objections by Jerry  
19 Braxton to the petition of Dion Powell for member  
20 of the assembly, I guess, delegate to the  
21 Judicial Convention and male district leader in  
22 the 79th Assembly Districts. Clerks' report, 308  
23 signatures, 306 signatures submitted, 142 found  
24 to be invalid, leaving 164 valid, 150 are

1 April 20, 2020

2 required under the Election Law as modified by  
3 the governor's executive order. Appearances  
4 please.

5 MR. RYAN: Mr. Powell first?

6 MR. SCHLEIN: For the objector, Stanley  
7 Schlein.

8 MR. DION POWELL: Dion Powell.

9 MR. RICHMAN: Mr. Schlein, the clerks'  
10 report still has the candidate on the ballot. Do  
11 you have an exception report?

12 MR. SCHLEIN: We take no exception to  
13 the clerks' report.

14 MR. RYAN: Okay. Is there a motion?

15 COMMISSIONER CAMILO: Move to adopt the  
16 clerks' report.

17 MR. RYAN: Is there a second.

18 COMMISSIONER MARMORATO: Second.

19 MR. RYAN: Any objections? Hearing none,  
20 the motion carries.

21 MR. RICHMAN: Mr. Powell, the clerks'  
22 report is adopted, you are on the ballot with 164  
23 valid signatures.

24 MR. POWELL: Thank you, commissioners, I

1 April 20, 2020

2 just want to echo Mr. Sementilli's comments  
3 earlier. The Bronx Board of Elections was overly  
4 helpful. Unfortunately, they started losing staff  
5 over time, and by Friday, they only had eight  
6 staff members. I just want to thank Mr. Robert  
7 Siano, the deputy commissioner, who hasn't been  
8 coming to work after I started working with him,  
9 so I just pray that he's okay during this time,  
10 okay. Thank you.

11 MR. RYAN: Thank you very much and thank  
12 you for your time.

13 MR. RICHMAN: Commissioners, we're going  
14 to go back to the strict numerical order of the  
15 clerks' reports. The next would be Bronx 6-1,  
16 objections by Phyllis to the petition of Carlton  
17 Curry, [phonetic] Mr. Schlein has filed a notice  
18 of appearance for the objector. I don't know if I  
19 have, we don't think we have anything for the  
20 candidate, do we.

21 MR. RYAN: It's Carlton Curry?

22 MR. RICHMAN: Yeah. Did he himself file?

23 MR. FUCHS: No, he didn't.

24 MR. RICHMAN: No, so --



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2 [CROSSTALK]

3 MS. KONTAZMANIS: There is no other  
4 notice of appearance.

5 MR. RICHMAN: Excuse me?

6 MS. KONTAZMANIS: No, there is no other  
7 notice of appearance but Mr. Schlein.

8 MR. RICHMAN: Okay.

9 MR. RYAN: Thank you very much.

10 MR. RICHMAN: This is the clerks' report  
11 on spec Bronx 6-1, the objections of Eve Phyllis  
12 [phonetic] to the petition of Carlton Curry for  
13 male district leader 77th AD. Clerks' report, 133  
14 signatures submitted, 57 found invalid, leaving  
15 76 valid, 150 are required. Mr. Schlein, do you  
16 have anything to add?

17 MR. SCHLEIN: No, other than the  
18 candidate does not qualify for the ballot. We  
19 urge the adoption of the clerks' report.

20 MR. RYAN: Is there a motion?

21 COMMISSIONER MARMORATO: I move to adopt  
22 the report.

23 MR. RYAN: Is there a second?

24 COMMISSIONER CAMILO: Yes, I second the

1 April 20, 2020

2 motion.

3 MR. RYAN: Are there any objections?

4 Hearing none, the motion carries.

5 MR. RICHMAN: The clerks' report is  
6 adopted, candidate will not appear on the ballot.  
7 Clerks' report regarding to Bronx spec 6,  
8 objections of Eve Phyllis to the petition of  
9 Juana G. Pena, for I believe it will be female  
10 district leader, 77th Assembly District. Is there  
11 any appearances? Mr. Schlein is for the objector  
12 based on the notices. I don't have anything for  
13 the candidate, so the clerks' report again, 133  
14 signatures submitted, 57 invalid, 76 valid, 150  
15 required to qualify for the ballot. Mr. Schlein,  
16 your comments if any?

17 MR. SCHLEIN: For the objector, Stanley  
18 Schlein, I would respectfully urge the adoption  
19 of the clerks' report and strike the name of the  
20 candidates from the ballot.

21 COMMISSIONER MARMORATO: Commissioner  
22 Marmorato moves to adopt the report.

23 COMMISSIONER CAMILO: I second that.

24 MR. RYAN: Any objections? Hearing none,

1 April 20, 2020

2 the motion carries.

3 MR. RICHMAN: The clerks' report is  
4 adopted, the candidate will not appear on the  
5 ballot. Bronx spec 7-1, in the matter of the  
6 objections by Angel Santana Jr., to the petition  
7 of Shanequa Charles for member of the State  
8 Assembly in the 78th Assembly District. Mr.  
9 Schlein is here for the objector.

10 MR. SCHLEIN: Stanley Schlein for the  
11 objector. I believe the clerks' report should be  
12 adopted and the candidate's name should be  
13 stricken from the ballot.

14 MR. RICHMAN: Clerks' report, 202  
15 signatures submitted, 80 found invalid, leaving  
16 only 122 valid, 150 required.

17 COMMISSIONER SHAMOUN: I move to adopt  
18 the report.

19 COMMISSIONER CAMILO: There's no other  
20 appearances?

21 MR. RYAN: No.

22 MR. RICHMAN: No, no commissioner.

23 COMMISSIONER CAMILO: I second that.

24 MR. RYAN: Are there any objections?

1 April 20, 2020

2 Hearing none, the motion carries.

3 MR. RICHMAN: Okay. We dealt with eight,  
4 we now go to Bronx spec 9-1, objections of John  
5 Zaccaro Jr. to the petition of Louis Compress for  
6 Democratic state committee 80th Assembly  
7 District, clerks' report 245 signatures  
8 submitted, 115 found invalid, leaving only 130  
9 valid, 150 are required. Mr. Schlein has filed a  
10 notice of appearance for the objector. There is  
11 no appearance for the candidate.

12 MR. SCHLEIN: Stanley Schlein appearing  
13 on behalf of the objector. Given the fact that  
14 there were insufficient number of valid  
15 signatures, we urge the adoption of the clerks'  
16 report and the names stricken from the ballot.

17 MR. RYAN: What name was that?

18 MR. RICHMAN: What?

19 MR. RYAN: Which one was that?

20 MR. RICHMAN: 80th. There's two for 9-1.

21 MR. RYAN: I got it.

22 COMMISSIONER SHAMOUN: [unintelligible]

23 [06:42:25] Compress.

24 MR. RICHMAN: Well you --

1 April 20, 2020

2 COMMISSIONER SHAMOUN: I move to adopt  
3 clerks' report.

4 MR. RICHMAN: -- commissioners, before  
5 you move to adopt, the, also Bronx 9-1 has a  
6 second candidate. It's separated, Fabiola P. Soto  
7 and then there is a whole series, there's a whole  
8 series relating to the entire slate. So let's  
9 call all of them. Luis Compress, Fabiola P. Soto,  
10 both for male and female state committee and then  
11 for delegates to the Judicial Convention from the  
12 80th, the petitions of Charise A. Hernandez  
13 [phonetic], George Diaz, Felix Soto, Reynaldo  
14 Gonzalez, Irene Estrada, no, that's it. Those are  
15 --

16 MR. RYAN: Fabiola Soto.

17 MR. RICHMAN: I did, Fabiola I called.  
18 So for the male and female state committee and  
19 the delegate of the convention, it's an identical  
20 clerks' report. Mr. -- the objector is the same,  
21 which Mr. Schlein represents. No appearance for  
22 any of the candidates asked for. all have 130  
23 signatures when 150 are required.

24 MR. RYAN: Mr. Schlein.

1 April 20, 2020

2 MR. SCHLEIN: Again, Stanley Schlein for  
3 the objector and I renew my request respective  
4 of, respectfully to invalidate this petition and  
5 strike the names of all these candidates from the  
6 ballot.

7 MR. RYAN: Is there a motion?

8 COMMISSIONER MARMORATO: I move, I move  
9 to adopt this report, no candidates, appearance  
10 for any of the candidates.

11 COMMISSIONER CAMILO: And I second that  
12 these are the specification 9-1.

13 MR. RYAN: Okay. Any objections? Hearing  
14 none, the motion carries.

15 MR. RICHMAN: The clerks' report for  
16 each of those candidates are adopted, none of the  
17 candidates will appear for the respective party  
18 positions in the June 23rd Democratic primary.  
19 Bronx spec 11-1, objections of John Zaccaro Jr.  
20 to the petition of Irene Estrada for member of  
21 the State Assembly in the 80th District. Is that  
22 Sementilli. We have Mr. Schlein for the objector  
23 and Mr. Sementilli for the candidate, if we can  
24 bring Mr. Sementilli back in.

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2 MR. SCHLEIN: Stanley Schlein for the  
3 objector.

4 MS. KONTAZMANIS: He's back in the  
5 meeting.

6 MR. RICHMAN: Sementilli, can you hear  
7 us? Please unmute your mic and answer. Mr.  
8 Sementilli, can you hear us?

9 MR. SEMENTILLI: Yes, I do, I do hear  
10 you now.

11 MR. RICHMAN: Okay. We're considering  
12 now Bronx spec 11, the objections by John Zaccaro  
13 Jr. to the petition of Irene Estrada for member  
14 of the State Assembly in the 80th AD. Clerks'  
15 report, 173 signatures submitted, 61 signatures  
16 found invalid, leaving 112 valid signatures, 150  
17 signatures are required under the Election Law as  
18 modified by the governor's executive order.

19 MR. SCHLEIN: Mr. Richman, Mr. Richman?

20 MR. RYAN: Mr. Schlein, please proceed  
21 yes.

22 MR. SCHLEIN: May I inquire as to  
23 whether Mr. Sementilli has in fact submitted a  
24 notice of appearance.

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2 MR. RICHMAN: We did have one. I think  
3 he --

4 MR. SEMENTILLI: I included the also  
5 objection number 11.

6 MR. SCHLEIN: I made an inquiry, sir.

7 MR. SEMENTILLI: Okay.

8 MR. SCHLEIN: Has Mr. Sementilli  
9 submitted a notice of appearance?

10 MR. RICHMAN: Yes, he has.

11 MR. SCHLEIN: And is that notice of  
12 appearance signed by the candidate, giving him  
13 authorization?

14 MR. RICHMAN: It is signed by --

15 MR. SCHLEIN: In fact, Mr. Sementilli is  
16 not an attorney.

17 MR. RICHMAN: -- it is signed by Irene  
18 Estrada on April 20, 2020.

19 MR. SCHLEIN: Thank you very much, Mr.  
20 Richman. With that said, I move to adopt the  
21 clerks' report and strike the name of the  
22 candidate from the ballot.

23 MR. RICHMAN: Alright, Mr. Sementilli.

24 MR. SEMENTILLI: I object to the report.



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2 Obviously, I object to the report.

3 MR. RYAN: Okay. Is there a motion.

4 COMMISSIONER MARMORATO: Move to -- is  
5 there any reason behind the objection or --

6 MR. RICHMAN: Mr. Sementilli, did you --  
7 you didn't submit an objection report, did you?

8 MR. SEMENTILLI: No, I have not. I have  
9 not.

10 COMMISSIONER MARMORATO: I move to adopt  
11 the clerks' report.

12 COMMISSIONER CAMILO: I second.

13 MR. RYAN: Any objections? Hearing none,  
14 the motion carries.

15 MR. RICHMAN: Clerks' report is adopted,  
16 the candidate will not appear on the ballot.  
17 Thank you, Mr. Sementilli. We now move to spec  
18 number 13-1. You have one, two, three, three  
19 reports relating to three different candidates on  
20 the same petition. We'll call them collectively  
21 Bronx spec 13-1, the objections of Justin A.  
22 Westbrook-Lowery to the petition of Garfield  
23 Holland, for member of the State Assembly in the  
24 87th AD for the position of male district leader

1 April 20, 2020

2 in the 87th ED, AD and to the petition of Martha  
3 Stewart-Martinez for district leader in the 87th  
4 for district leader in the 87th --

5 MR. FUCHS: Pamela Stewart.

6 MR. RICHMAN: -- Pamela Stewart-  
7 Martinez, I'm sorry, in the 87th AD. I believe we  
8 have Ms. Stewart applied? I believe --

9 MR. FUCHS: I don't have a notice of  
10 appearance.

11 MR. ORTIZ: I believe they're talking  
12 about Pamela.

13 MS. KONTAZMANIS: There is no Pamela  
14 Stewart in our lobby waiting to enter.

15 MR. RICHMAN: Okay.

16 MR. ZUCHS: I don't remember her saying  
17 she wanted to appear, but she did send send in an  
18 e-mail.

19 MR. RYAN: Mr. Schlein, do you wish to  
20 be heard?

21 MR. RICHMAN: She did file a notice of  
22 appearance.

23 MR. SCHLEIN: Stanley Schlein for the  
24 objectors. My understanding of the report is that

1 April 20, 2020

2 they find a sufficient number of signatures valid  
3 for these candidates. Is that correct, Mr.  
4 Richman?

5 MR. RICHMAN: Yes, I will give the  
6 report. The clerks find 367 submitted, 185 found  
7 invalid, leaving 182 valid. Under the election  
8 laws modified by the executive order, 150 is  
9 required.

10 MR. SCHLEIN: Accordingly, I take no  
11 exception to the report. Thank you.

12 MR. RYAN: And the same numbers also  
13 apply?

14 MR. RICHMAN: The same apply for all of  
15 13-1 for the -- Mr. Holland, for both positions  
16 is assembly candidate and district leader. And  
17 Ms. Martinez-Stewart, Stewart-Martinez for female  
18 leader. So commissioners --

19 COMMISSIONER CAMILO: Move to adopt the  
20 report.

21 MR. RICHMAN: The report.

22 COMMISSIONER SHAMOUN: I second, I  
23 second.

24 MR. RYAN: Any objections? Hearing none,

1 April 20, 2020

2 the motion carries.

3 MR. RICHMAN: The clerks' report is  
4 adopted, the candidates will appear on the ballot  
5 for the public office and party positions as  
6 specified. Commissioners, we now move to spec 17-  
7 --

8 MS. KONTAZMANIS: Mr. Richman, Mr.  
9 Richman, we have a Garfield Holland waiting in  
10 the lobby.

11 MR. RICHMAN: Oh.

12 MS. KONTAZMANIS: It's a technical error  
13 on our part.

14 MR. RYAN: Okay. No problem.

15 MS. KONTAZMANIS: There's a Garfield  
16 Holland waiting in our lobby.

17 MR. RICHMAN: Yeah, he, and we have a  
18 signed notice of authorization from Pamela  
19 Stewart-Martinez designating Mr. Holland to act  
20 both for herself and I assume he can be  
21 empowering himself to act for himself. They're on  
22 the ballot, but I think we should allow them at  
23 least to hear, Mr. Holland.

24 MR. RYAN: Alright. So, Mr. Holland is

1 April 20, 2020

2 appearing for the candidate, right?

3 MR. RICHMAN: He's the candidate  
4 himself, and he's also appearing for Ms. Stewart,  
5 who's the other candidate.

6 MR. RYAN: Okay. You can bring him back,  
7 bring him into the room, please.

8 MS. KONTAZMANIS: Okay. Mr. Holland is  
9 in the room.

10 MR. RYAN: Mr. Holland, I apologize, we  
11 did not, we were not aware that you were waiting  
12 --

13 MR. GARFIELD HOLLAND: Yes.

14 MR. RYAN: -- there was a little bit of  
15 an oversight and we're trying to balance a bunch  
16 of stuff, so thank you. However, the  
17 commissioners did already take a motion and your  
18 name and the others remain on the ballot with  
19 sufficient valid signatures. So there's nothing  
20 further for you to do. If you'd like to be heard,  
21 we'd certainly give you that opportunity, but  
22 you're on the ballot.

23 MR. HOLLAND: Thank you, I appreciate  
24 that. Pamela is locked out of the room, that's

1 April 20, 2020

2 why she was not able to join, but thank you for  
3 [unintelligible] [06:50:40], I appreciate it.

4 MR. RYAN: Alright. Thank you very much.

5 MR. RICHMAN: Okay. So we'll resume the  
6 calendar call now with spec number 17-1 by the  
7 objections by Ramona Fiore to the petitions of  
8 Carmen E. Arroyo, for member of the Assembly for  
9 the 84th Assembly District, clerks' report says  
10 944 signatures submitted, 368 signatures invalid,  
11 leaving 576 valid, 150 are required to qualify  
12 under the current ballot, 22 forgeries and one  
13 similar handwriting is referred to the Board. Mr.  
14 Schlein is representing the candidate I believe  
15 in this case.

16 MR. RYAN: Yes.

17 SECRETARY UMANE: That he is.

18 MR. RYAN: Mr. Schlein, do you wish to  
19 be heard?

20 MR. SCHLEIN: I believe the candidate has  
21 sufficient number of signatures based upon the  
22 clerks' report to appear on the ballot. In that  
23 regard, I respectfully request the adoption of  
24 the report.

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2 MR. RYAN: Is there a motion?

3 COMMISSIONER MARMORATO: I move to adopt  
4 the report.

5 COMMISSIONER CAMILO: I second.

6 SECRETARY UMANE: Is Sementilli still in  
7 the --

8 MR. RICHMAN: No, he's on the next one,  
9 commissioner, he's filed a notice for 21.

10 SECRETARY UMANE: Sorry.

11 MR. RYAN: That's okay. We have a motion  
12 and a second. Are there any objections? Hearing  
13 none, the motion carries. Please add Mr.  
14 Sementilli back to the active meeting.

15 MR. RICHMAN: Clerks' report is adopted,  
16 candidate will appear on the ballot.

17 MR. RYAN: Go to the next matter, Mr.  
18 Richman.

19 MR. RICHMAN: Bronx specs 21 and 22,  
20 objections by Mr. Egidio Sementilli for the  
21 petitioner John Collazo, district leader in the  
22 82nd Assembly District.

23 MS. KONTAZMANIS: He's been added into  
24 the meeting.

1 April 20, 2020

2 MR. RICHMAN: MR. Sementilli, can you  
3 hear us? Mr. Sementilli, you have your --

4 MR. SEMENTILLI: [unintelligible]  
5 [06:52:45].

6 MR. RICHMAN: -- you're the objector on  
7 Bronx specs 21 and 22. Clerks' report in that  
8 instance, 502 signatures submitted, 136 --

9 [CROSSTALK]

10 MR. RICHMAN: Excuse me? Okay. 502  
11 signatures submitted, 136 signatures invalid,  
12 leaving 366 valid signatures. Under the Election  
13 Laws modified by the governor's executive order,  
14 150 are qualified and required to qualify for the  
15 ballot candidate is significantly over. Mr.  
16 Sementilli, do you have any exception report to  
17 the clerks' report?

18 MR. SEMENTILLI: No, none at all, none  
19 at all. Thank you. Thank you.

20 MR. RICHMAN: Mr. Schlein?

21 MR. SCHLEIN: I move respectfully, the  
22 clerks' report to be moved by the commissioners,  
23 thank you.

24 COMMISSIONER MARMORATO: I move the



1 April 20, 2020

2 report to be adopted.

3 MR. RYAN: A second?

4 COMMISSIONER CAMILO: I second that.

5 MR. RYAN: Any objections? Hearing none,  
6 the motion carries.

7 MR. RICHMAN: The candidate, the clerks'  
8 report is adopted, the candidate will appear on  
9 the ballot and commissioners, that concludes the  
10 Bronx calendar for this session.

11 COMMISSIONER CAMILO: I believe we have  
12 one other, BX28.

13 MR. RICHMAN: What?

14 COMMISSIONER CAMILO: I had one other  
15 specification, BX28. No?

16 MR. RICHMAN: I don't have any notice of  
17 appearances.

18 [CROSSTALK]

19 COMMISSIONER MARMORATO:

20 [unintelligible] [06:54:24] George Dulles  
21 [phonetic] in the petition of Alexandria Ocasio-  
22 Cortez?

23 MR. RICHMAN: No, the, the  
24 specification, the general objection was

1 April 20, 2020

2 dismissed commissioners, so that the spec was  
3 never worked.

4 COMMISSIONER CAMILO: Okay. Thank you  
5 for clarification.

6 COMMISSIONER MARMORATO: B28 in the  
7 crossover hearing.

8 MR. RICHMAN: Yeah.

9 COMMISSIONER CAMILO: Okay.

10 MR. RYAN: Right, so that matter is  
11 concluded.

12 COMMISSIONER MARMORATO: Thank you.

13 MR. RICHMAN: So commissioners, I guess  
14 a motion to adjourn until tomorrow morning at  
15 10:00 a.m.?

16 MR. RYAN: So, yes, I would like to, for  
17 the commissioners to make a motion to adjourn the  
18 inaugural Webex hearing process conducted by the  
19 Board of Elections and we'll start this up again  
20 tomorrow morning at 10:00 o'clock with the  
21 Brooklyn calendar, correct?

22 MR. RICHMAN: Correct.

23 PRESIDENT TAYLOR: So moved.

24 MR. SAVINO: Brooklyn's in the house.

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2 MS. KONTAZMANIS: For anybody who is  
3 listening, Mr. Richman, we will be sending out  
4 the invitation for those who are looking to  
5 testify tomorrow. It will go out before 7:00 p.m.  
6 tonight.

7 MR. RICHMAN: To anyone viewing the  
8 Board's live stream, please be advised that if  
9 you have a Brooklyn matter, you're scheduled for  
10 a Brooklyn matter, the notification about the  
11 Webex link will be going out this evening. We  
12 hope approximately by 7:00 p.m. or shortly  
13 thereafter. Please check your e-mails and be  
14 available to log in tomorrow morning  
15 approximately a half hour before the start of the  
16 hearings, so that will be 9:30 a.m.

17 MS. SANDOW: Thank you.

18 MS. KONTAZMANIS: Alright,  
19 commissioners, we're locking down here.

20 MR. RYAN: Thank you very much.

21 [CROSSTALK]

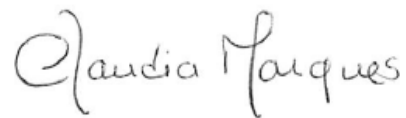
22 (The meeting concluded at 4:00 p.m.)

23  
24

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on April 21, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: February 23, 2021

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