

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

DESIGNATING PETITION HEARINGS

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

April 22, 2020

10:00 a.m. - 1:25 p.m.

April 22, 2020

PRESENT:

President Patricia Anne Taylor

Secretary Frederic Umane

Commissioner Jose Araujo

Commissioner Miguelina Camilo

Commissioner Gino Marmorato

Commissioner Michael Michel

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

David Fuchs, Legal Clerk

Kenneth Moltner, Counsel to Commissioners

Steven Denkberg, Counsel to Commissioners

Mr. Reilly, Chief Clerk, Brooklyn

Daniel Ortiz, Deputy Chief Clerk, Brooklyn

Troy Johnson, CRU

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ALSO PRESENT:

Ali Najmi, Esquire

Karen Broughton, Candidate

Alexander Rabb, Esquire

Victor Jordan, Candidate

Christina Doss, Candidate

David P. Karopkin, Esquire

John Wasserman, Candidate

Joshua Ehrlich, Esquire

Lenny Mark, Esquire

Anthony Genovesi, Esquire

Howard Graubard, Esquire

Arthur Schwartz, Esquire

Michael Scala, Esquire

Terry Hynes, Esquire

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2 (The meeting commenced at 10:14 a.m.)

3 MR. MICHAEL J. RYAN: The live stream is
4 now live.

5 MS. KONTAZMANIS: Yes.

6 MR. RYAN: Okay. We're ready to go?

7 MS. KONTAZMANIS: Yes, sir.

8 MR. RYAN: Alright, thank you. My name
9 is Michael Ryan. I am the executive director of
10 the Board of Elections in the City of New York.
11 I'm going to go over a couple of ground rules and
12 then we will take commissioner attendance,
13 announce staff attendance and then I will turn
14 the proceedings to Commissioner Taylor, who is
15 the president for this year and she will read the
16 introduction and call the meeting formally to
17 order. Thereafter, for those who are in the
18 waiting room, I will essentially quarterback the
19 proceedings. We will have quite a number of
20 matters that do not have any notices of
21 appearances. For those that do have notices of
22 appearances, we will bring those participants
23 from the waiting room to the active meeting.
24 After the conclusion of their appearance, they

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2 will be returned to the waiting room. If there
3 are other matters involving those participants, I
4 will so indicate and they can remain in the
5 waiting room until we're ready to hear those
6 matters.

7 I will remind everyone, commissioners
8 and all remote participants included, to please,
9 when you're in the active meeting, keep your
10 microphone on mute. In addition, for those folks
11 that we're bringing from the waiting room into
12 the active meeting, please mute your live stream
13 transmission because it will cause reverberation
14 and feedback and make it impossible for you to
15 hear us and for us to hear you. So that's a
16 little bit of a lesson we learned yesterday, but
17 it will help speed things along.

18 That's what I have by way of background,
19 and now I will move to calling the roll.

20 President Taylor?

21 PRESIDENT TAYLOR: I am present.

22 MR. RYAN: Secretary Umame?

23 SECRETARY UMANE: Here.

24 MR. RYAN: Commissioner Araujo?

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2 COMMISSIONER ARAUJO: Present.

3 MR. RYAN: Commissioner Camilo?

4 COMMISSIONER CAMILO: Present.

5 MR. RYAN: Commissioner Marmorato?

6 COMMISSIONER MARMORATO: Present.

7 MR. RYAN: Commissioner Michel?

8 COMMISSIONER MICHEL: Present.

9 MR. RYAN: Commissioner Shamoun?

10 MR. RAFAEL SAVINO: He's there. He's
11 muted.

12 MR. RYAN: Commissioner Shamoun, please
13 unmute.

14 COMMISSIONER SHAMOUN: Yeah, can you
15 hear me?

16 MR. RYAN: Yes, we can. Thank you.

17 COMMISSIONER SHAMOUN: Okay. Present,
18 thank you.

19 MR. RYAN: Alright. Commissioner
20 Townsend?

21 COMMISSIONER TOWNSEND: Present.

22 MR. RYAN: And Commissioner Zaccone?

23 COMMISSIONER ZACCONE: Present.

24 MR. RYAN: Alright. We have a full

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2 compliment of commissioners. I will -- pardon?

3 MR. RICHMAN: Staff?

4 MR. RYAN: Oh, staff, yes. I am Michael
5 Ryan, I am the executive director. The deputy
6 executive director, Dawn Sandow is seated to my
7 left. Ms. Pamela Perkins and Ms. Georgea
8 Kontazmanis are participating in this meeting
9 remotely, but within the building. We have also
10 general counsel, Steven Richman, deputy general
11 counsel Rafael Savino, and David Fuchs with our
12 law department. And I see Mr. Denkberg is
13 participating. I don't see that Mr. Moltner is --

14 MR. RICHMAN: There he is.

15 MR. RYAN: -- oh, there he is. I'm
16 sorry.

17 MS. KONTAZMANIS: Yes, he is on.

18 MR. RYAN: I'm sorry, Greg Brady, I
19 missed you in the upper left hand corner. So we
20 have Mr. Moltner and Mr. Denkberg as well,
21 counsels to the commissioners, and I think we
22 have Mr. Reilly and Mr. Ortiz from the Brooklyn
23 office participating remotely, right, from the
24 Kings County office. Yeah, I see them both there.

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2 MR. RICHMAN: You have CRU.

3 MR. RYAN: And we have staff members
4 from CRU on standby ready to assist on a moment's
5 notice. So, at this junction, Commissioner
6 Taylor, I am prepared to turn the proceedings
7 over to you for the introduction and the call to
8 order, thank you.

9 PRESIDENT TAYLOR: Thank you, Mr. Ryan.
10 My name is Patricia Anne Taylor, and I am the
11 president of the Board of Elections in New York
12 City for the calendar year 2020 and the
13 Democratic commissioner for Richmond County. I'm
14 also the acting Democratic commissioner for Kings
15 County. Today is April 22nd. This is the second
16 day of hearings, relating to designating
17 petitions and related matters for the June 23,
18 2020 primary elections for public offices and
19 party positions throughout the city of New York.

20 I now call this hearing of the Board of
21 Elections of the City of New York to order. For
22 those who were not with us yesterday, I reiterate
23 that we convene today under some of the most
24 extraordinary circumstances in our memory. The

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2 COVID-19 virus has changed the way that we live
3 and work here in New York City. That is why I and
4 my colleagues appear today via a videoconference
5 link, as well, most of the candidates, objectors,
6 and the Board [unintelligible] [00:06:34].

7 The commissioners and the staff of the
8 Board of Elections in the City of New York are
9 most mindful of our responsibility to ensure that
10 a fair, honest, open and lawful electoral process
11 continues within our city. With a severely
12 reduced number of staff members, we have
13 successfully fulfilled our constitutional and
14 statutory duties with respect to the June 2020
15 primary election process.

16 Those efforts continue today. These
17 hearing will be conducted in accordance with the
18 provisions of the New York State Election Law.
19 The Board's designating petition and opportunity
20 to ballot petition rules adopted on February 12,
21 2019. The emergency procedures, which modified
22 those rules was adopted on April 14, 2020. And
23 the executive orders issued by the governor of
24 the State of New York modified provisions of the

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2 open meetings law as well as the New York State
3 Election Law.

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

11 Schedule of these hearings were posted
12 last week on the Board's website and the
13 information shared on various social media, as
14 well as being posting at all Board of Elections
15 offices.

16 Under the Board's emergency procedures,
17 each candidate, objector or their designated
18 representative had to file a notice of appearance
19 for these hearings by Monday, April 20, 2020.
20 That information was used to send directions on
21 how to participate in this Webex video conference
22 meeting.

23 In addition, persons who wished to
24 appear in person for this hearing at the Board

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2 executive office was required to communicate that
3 request to the board no later than 3:00 p.m. on
4 Monday, April 20, 2020.

5 Please note that these emergency
6 procedures were prominently posted on the Board's
7 website, included many of the notices send by my
8 board and communicated to each candidate and
9 objector in the same manner as their respective
10 clerks and courts.

11 In addition, each of the various
12 calendars listing the matters that the
13 commissioners will consider were posted on the
14 Board's website, as well as at the Board's
15 hearing room.

16 I've asked that the Board's executive
17 director, Michael J. Ryan, coordinate our
18 activities today, as we use for the second time,
19 this technology. This will ensure that our
20 hearing are conducted in an orderly manner. Mr.
21 Ryan?

22 MR. RYAN: Yes, if you could just give
23 me one more moment to get these documents
24 together, we'll take it from there, because we

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2 have about 11 or so individuals that have notices
3 of appearance on the first calendar of enrollment
4 issues. So I just want to make sure I get that
5 straight, so we'll get the individuals that have
6 the notices of appearance out of the way first,
7 and then the rest we'll take as a group.

8 MS. KONTAZMANIS: And we have all of the
9 names up here too, sir.

10 MR. RYAN: Okay. Very well, thank you.
11 I'm almost done, I've got a couple more left.

12 PRESIDENT TAYLOR: In the meantime then,
13 may I thank everyone for their wonderful work on
14 yesterday and I thank everyone for continuing to
15 carry our program forward.

16 MR. RYAN: Alright. Mr. Fuchs, I'm not
17 seeing this -- oh, this is a WFP? Judith
18 Goldiner? Is that on -- that's on for prima facie
19 for later, right? Okay. And then one more I think
20 I have, and then we'll be ready to go. Mr.
21 Richman, what we're going to do today is I'll go
22 through the list, because I think that they're
23 all Mr. Najmi, I'll go through the list that I
24 highlighted and we'll do the enrollment issues

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2 represented by Mr. Najmi first and then we'll do
3 the rest in a group. So if you can follow along,
4 and just cross those off, so that we'll call them
5 out separately afterwards. Alright. So, the
6 following individuals are enrollment issues all
7 represented by Ali Najmi and we're going to ask
8 that Mr. Najmi be brought from the waiting area
9 into the active meeting. And I'll go down the
10 list and call them in.

11 MS. KONTAZMANIS: Mr. Najmi has been
12 utility into the meeting.

13 MR. ALI NAJMI: Thank you, I'm here.
14 Hello, can you hear me?

15 MR. RYAN: Yes, Mr. Najmi. And so you
16 were on yesterday, so you know the game plan.

17 MR. NAJMI: I know the drill.

18 MR. RYAN: So, exactly, right. So I'm
19 going to go down a list of individuals that we
20 have as being represented by you on the
21 enrollment issues, and if you could just let me
22 get to the end and then at the end, make certain
23 that that is a complete list of the individuals
24 that you're representing, and if I have misstated

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2 your representation of anyone of these
3 individuals, please correct the record, okay.

4 MR. NAJMI: Thank you.

5 MR. RYAN: Okay. Thank you. First,
6 Bhumika Muchhala, Calliope Bosen, these are all
7 Democrats on the registration, on the enrollment
8 issues calendar. So, Calliope Bosen, Carol R.
9 Fullerton, Chadwick P. Bechancophsky [phonetic],
10 Christopher Faga, Devon Morales, Eric Revelli,
11 James Bernard, Jocelyn Surreal [phonetic], Karen
12 Broughton, Kevin Joseph Costa, Stewart Hendricks,
13 and that's the conclusion of the list of
14 individuals that I have represented by Mr. Najmi.
15 Is that correct?

16 MR. NAJMI: There's just two, two quick
17 questions. One, Chadwick's actual name is
18 Chadwick Whitehead. The name, the last name that
19 you let out Bechancophsky I believe was an
20 inputted error by, you know, perhaps the Board
21 staff. It's not the name on the cover sheet or
22 the petition.

23 MR. RYAN: Okay. So, Mr. Najmi, that
24 will be one of the arguments that you make once

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2 we get to that. But thank you for that
3 clarification.

4 MR. NAJMI: Okay. And what the name you
5 read before Costa, Kevin Costa?

6 MR. RYAN: Okay, uh, hold on one second.
7 I have to go through the list, Karen Broughton,
8 B-R-O-U-G-H-T-O-N.

9 MR. NAJMI: I did not submit a notice
10 for that individual I believe.

11 MS. KONTAZMANIS: Correct. She is
12 appearing for herself.

13 MR. RYAN: Oh, okay.

14 MR. RICHMAN: Yeah.

15 MR. RYAN: Alright. So that was my
16 mistake. That's why I wanted to go through it,
17 very well. So Karen Broughton, we'll call, Mr.
18 Richman will call her after we get concluded with
19 Mr. Najmi, and I will put brackets around her so
20 that I will be able to remind you. Okay. Alright.
21 Mr. Richman, these issues have to be take one at
22 a time, correct?

23 MR. RICHMAN: Yes.

24 MR. RYAN: Alright. So do you want me to

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2 recall the names off of my list? Alright. So
3 please do Bhumika Muchhala first.

4 MR. NAJMI: Okay. Bhumik Muchhala --

5 MR. RICHMAN: Oh wait, what's the defect
6 first.

7 MR. RYAN: Alright. So Mr. Najmi, we
8 will state the defect first and then give you
9 ample opportunity --

10 MR. NAJMI: Correct.

11 MR. RYAN: -- to make your record.

12 MR. FUCHS: For the Democratic Party,
13 female county committee, 15th ED, 44th AD, filed
14 name and address combination not found on
15 registration list. Mr. Richman.

16 MR. RICHMAN: Okay.

17 MR. RYAN: That's it, Mr. Najmi. Do you
18 understand what we're alleging as the defect?

19 MR. NAJMI: Yeah, I understand that the
20 name and address do not match the Board voter
21 file?

22 MR. RYAN: Yes.

23 MR. NAJMI: It's been represented to me
24 that Bhumika Muchhala has, did reregister at the

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2 address on the petition. I don't have the proof
3 of the change of enrollment, I don't know if
4 there's a way you can double check that.

5 MR. RICHMAN: Mr. Najmi, again, the
6 Board has done the checking, tried to match it to
7 the records. The burden shifts to you, the
8 candidate and you to provide any information to
9 the contrary. And that material should have been
10 submitted by 3:00 o'clock on Monday.

11 MR. NAJMI: Right. Okay. So then, on
12 Muchhala, I do not have any additional argument.

13 MR. RYAN: Alright. Thank you. And
14 you're aware, and everyone else should be aware,
15 on these enrollment issues, to the extent that
16 someone is removed, once the county committee is
17 constituted, then the county committee itself can
18 utilize its committee to fill vacancies
19 authority, right, exactly, that's what I'm
20 saying. It can do that to properly constitute it.
21 So there will be other proceedings beyond this.
22 But for our purposes, this matter is concluded.
23 Okay. Calliope Bosen.

24 MR. FUCHS: Democratic female county

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2 committee, 42nd ED, 50th AD, the prima facie
3 finding is filed name and address combination not
4 found on registration list.

5 MR. RYAN: Same issue, Mr. Najmi.

6 MR. NAJMI: One second. Let me just pull
7 my notes.

8 MR. RYAN: Okay.

9 MR. RICHMAN: Mr. Najmi, what's your
10 claim on this candidate?

11 MR. SAVINO: He said he was checking his
12 notes.

13 MR. NAJMI: My client, with respect to
14 Bosen, we found her in the voter lookup, Calliope
15 Bosen, so I don't know --

16 MR. RICHMAN: At the address stated on
17 the petition?

18 MR. NAJMI: Yes.

19 MR. RICHMAN: So can you provide us with
20 a copy? Have you submitted anything again to
21 overcome the preliminary finding?

22 MR. SAVINO: Does he have a copy of the
23 buff card? Did he submit it?

24 MR. NAJMI: I do not have a copy of the

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2 buff card.

3 MR. RYAN: Do you have any
4 identification, identifying information? Do you
5 have the voter serial number? Was anything taken
6 off of the system when they made this
7 identification?

8 MR. NAJMI: The voter lookup tool that's
9 available showed her registered.

10 MR. RICHMAN: Again, Mr. Najmi, we're
11 asking what research was done. Do you have a
12 specific New York City Board of Elections voter
13 serial number, coming in to look at the system so
14 we check -- that's the system we checked against,
15 not some publically available file but the actual
16 voter registration systems, the official list.

17 MR. NAJMI: Yes. Hold on. The --

18 MR. RYAN: And just so we're clear, Mr.
19 Bosen, it's --

20 MR. RICHMAN: Mr. Najmi.

21 MR. RYAN: -- Mr. Najmi, I'm sorry about
22 Bosen, is it's not just that the individual is
23 registered. It has to be that the combination of
24 the registration and the address match, so that

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2 there is a determination that they're living in
3 the district that they're running for.

4 MR. RICHMAN: And that they're an
5 enrollment member of the party.

6 MR. RYAN: Right. And that they're an
7 enrolled member of the party, correct.

8 MR. RICHMAN: And qualified to be
9 elected to this party position.

10 MR. NAJMI: There is a, there is a
11 Calliope, Calliope Elizabeth Bosen registered in
12 the voter lookup at 625 Meeker Avenue in
13 Brooklyn.

14 MR. RYAN: Did you say 625?

15 MR. NAJMI: Yes, 625 Meeker Avenue,
16 Brooklyn.

17 MR. RICHMAN: Okay. The petition says
18 652.

19 MR. RYAN: If, well, we'd have to now
20 double check that.

21 MR. RICHMAN: [unintelligible]
22 [00:34:04].

23 MR. RYAN: No, no, I understand. What
24 I'm saying is we'll do a second call on Calliope

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2 Bosen because we have to double check and make
3 sure that we did not make a transposition error
4 when we were transferring the information from
5 the petition to the list, because it's -- we have
6 it listed as 652 and we've had some of these
7 issues before. You're telling us it's 625. So
8 we'll second call her.

9 MR. NAJMI: Okay.

10 MR. RYAN: And we'll see if we can
11 confirm that information. Alright. Thank you.
12 Let's move on to Caroline R. Fullerton, same
13 issue, file name and combination do not match,
14 what we found on our registration list.

15 MR. NAJMI: I'm going to concede,
16 concede Fullerton and move to the next one.

17 MR. RICHMAN: Excuse me. Could you
18 repeat that?

19 MR. NAJMI: I'm going to concede
20 Fullerton, and I'd like to move on to the next
21 one.

22 MR. RYAN: Alright. Thank you. And Mr.
23 Richman, we've received an external request for
24 you to speak more clearly into the microphone.

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2 MR. RICHMAN: Okay.

3 MR. RYAN: Okay. Chadwick P.

4 Bechancophsky, which I believe you had started to
5 make your argument earlier.

6 MR. NAJMI: Right. I do not represent a
7 Chadwick Bechancophsky. I believe that was a data
8 input error by the staff. I represent Chadwick
9 Whitehead. Chadwick Whitehead is the name on the
10 cover sheet and petition, Chadwick Whitehead is
11 the registered Democrat.

12 MR. RYAN: And --

13 MR. RICHMAN: Which ED and AD?

14 MR. NAJMI: I didn't hear you?

15 MR. RICHMAN: Which, in which district
16 is he seeking election?

17 MR. NAJMI: One second.

18 MR. RYAN: Well, do you have an address,
19 because we have 144A Newel Street?

20 MR. NAJMI: Okay. One second, I'm sorry,
21 hold on.

22 MR. RYAN: Okay.

23 [OFF-MIC CONVERSATION]

24 MS. KONTAZMANIS: Mr. Ryan?

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2 MR. RYAN: Yes?

3 MR. NAJMI: It's AD 50 --

4 MS. KONTAZMANIS: When we go back and --

5 MR. NAJMI: -- ED 31.

6 MR. RICHMAN: Okay.

7 MR. ZUCHS: What was it?

8 MR. RICHMAN: 31, 50.

9 MR. NAJMI: Chadwick P. Whitehead, P
10 like Peter.

11 MR. FUCHS: That's, they're registered.

12 MR. RICHMAN: Alright. We'll have to
13 check to see what the petition is. That doesn't
14 seem like a data entry error really, but --

15 MR. RYAN: No, but, alright, so we will,
16 that will also be a double check. You're
17 indicating that you believe the individual's name
18 is Whitehead?

19 MR. NAJMI: Yes, it's Whitehead, not
20 Bechancophsky. And I had also sent a letter to
21 this effect, through the Board prima facie.

22 MR. RYAN: Okay. Alright, so then next
23 would be Christopher Faga, F-A-G-A.

24 MR. FUCHS: Different defect, Democratic

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2 male county committee --

3 MR. NAJMI: Just give me one second,
4 sir, hold on.

5 MR. RICHMAN: It's a different defect,
6 Mr. Najmi.

7 MR. FUCHS: 39th ED, 42nd AD, candidate
8 is not enrolled in the identified party on the
9 petition, he has no party.

10 MR. NAJMI: I'm going to concede Faga
11 and move on to the next one.

12 MR. RYAN: Okay. Devon Morales.

13 MR. NAJMI: Yeah, Devon Morales is in
14 the voter file with a hyphenated name, Devon
15 Stohl S-T-O-H-L hyphen Morales. It seems that --

16 MR. RYAN: Can you repeat that please?

17 MR. NAJMI: Yes. Devon Morales is in the
18 Board voter file with a hyphenated last name.
19 Devon Stohl-Morales, S like Sam, T like Tom, O
20 like Oscar, H like Harry, L, then a hyphen
21 Morales.

22 MR. RICHMAN: At what, at what address?

23 MR. RYAN: And the address please?

24 MR. NAJMI: Okay. One second, it's the

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2 same address that's on the cover sheet and
3 petition, one second. 325 76th Street.

4 MR. RYAN: Okay. That matches the
5 address that we have on our ledger as well. Okay.
6 So that will, we'll put that onto the second call
7 list as well. Eric Revelli, R-E-V-E-L-L-I.

8 MR. NAJMI: It has been represented to
9 me that Mr. Revelli is a new registration that
10 was dropped off at the Board of Elections before
11 the deadline. There is no receipt in my
12 possession, but I would just ask if there's a
13 separate process the Board has to do for a new
14 registration, just before the deadline, that if
15 it has not been done, that it would, that the
16 Board at least look at that.

17 MR. RYAN: There is no separate process.
18 It's the voter registration process, so you're
19 offering no information with respect to Mr.
20 Revelli?

21 MR. NAJMI: No.

22 MR. RYAN: Okay. Alright. James Bernard.

23 MR. NAJMI: James Bernard is
24 represented, I'm sorry, is registered as Harold

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2 James Bernard, James being his middle name. He is
3 at 165 Prospect Park West in Brooklyn as a
4 registered Democrat. He's entered in the voter
5 files Harold J. Bernard, but he holds himself out
6 as James Bernard.

7 MR. RYAN: So he's registered as Harold
8 James Bernard, but on the petition he's James
9 Bernard?

10 MR. NAJMI: Correct.

11 MR. RYAN: Mr. Richman?

12 MR. RICHMAN: We're going to have to
13 check.

14 MR. RYAN: Alright.

15 MR. RICHMAN: But again, the information
16 should be mat-, again, when you put your
17 information on the petition, it's supposed to be
18 in accordance to the way you registered and then
19 if you want to run under a different name, then
20 you file a request to appear differently. So
21 again, the question is when it's presented to the
22 voter, is it the actual person or not. And that's
23 the question we'll see. And again --

24 MR. RYAN: Right. So on this one, my

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2 suggestion --

3 MR. NAJMI: Well, our response to that -
4 -

5 MR. RYAN: Go ahead.

6 MR. NAJMI: I do have a response to
7 that. And, it is well settled in case law and
8 longstanding law that you are in fact allowed to
9 run under a nickname or an abbreviated version of
10 a name, your own name. And --

11 MR. RICHMAN: We don't disagree with
12 that, but you, the question is how you circulate
13 your designating --

14 MR. NAJMI: -- [unintelligible]
15 [00:41:28] finish.

16 MR. RICHMAN: -- petition so that
17 there's no confusion among the public or the
18 Board.

19 MR. NAJMI: Right. But just
20 respectfully, respectfully, I did not finish my
21 point. And when you circulate a petition that has
22 a name that states only your middle name or even,
23 [unintelligible] [00:41:45] mitigated this
24 completely before where they've had a completely

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2 different first name. The test legally under the
3 case law is was the voter or the signer at the
4 time confused. And I would present here there's
5 zero chance of confusion. James Bernard, there is
6 no other James Bernard in the DVMD, there's zero
7 chance of confusion. It's Harold James Bernard.
8 He's choosing not to use his first name and
9 although it does not exactly match the Board's
10 file that has not been a fatal defect. I would
11 believe that right now there is no confusion to
12 the people that signed this petition on who James
13 Bernard is.

14 MR. RYAN: So, Steve, I think that the
15 issue that has been presented is clear. I have
16 heard that counsel has conceded the information
17 doesn't match, in that the petition and the
18 registration do not match. So, commissioners, you
19 have heard counsel's argument. I would suggest
20 that we entertain a motion to, to affirm
21 counsel's argument. So that would be the first
22 motion. And then if that fails, we would take a
23 motion to confirm the list. So you've heard his
24 argument, and I would ask for a motion to --

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2 MR. RICHMAN: We don't know if he's
3 registered as Harold.

4 MR. RYAN: No, I understand.

5 COMMISSIONER ZACCONE: So what's the
6 Board counsel's recommendation on this?

7 MR. RICHMAN: Commissioners, the
8 requirement is that for us to reasonably identify
9 the candidate. We couldn't because it's not
10 correct. The burden rests with the candidate now
11 to come forward with the information. We have an
12 oral representation, nothing else, no records in
13 front of us. And if you want to second call it,
14 we can try to check it and at least confirm that
15 that's the case.

16 But again, the normal procedure is to
17 run under the name you registered. If you wish to
18 be running different or registered differently,
19 you can just reregister and just use your first
20 name, middle name as your first name. Again, that
21 has been done in the past. Or your circulate your
22 petition with the correct name on it, and then
23 you ask to appear on the ballot using your
24 nickname or other name, which commissioners, you

1 April 22, 2020

2 have granted routinely unless there's clear
3 confusion, two people of the same name at the
4 same address.

5 SECRETARY UMANE: Well, could we check
6 the records?

7 COMMISSIONER ZACCONE: Right, and again
8 there are two people --

9 SECRETARY UMANE: Could we second call
10 it and check the records and see what we have?

11 MR. RYAN: Certainly, we can, we can do
12 that. I was thinking that in the interest of time
13 since counsel had conceded that the name didn't
14 match perhaps that we could forego that process,
15 but if the commissioners want a second call to
16 check the record, we can do that. So Harold James
17 Bernard or James Bernard --

18 COMMISSIONER ZACCONE: I have a larger
19 question about the rules here. Are, is it
20 sufficient for a candidate or objector to merely
21 raise the point and have us go back and check it?
22 Or was the point of all these rules to minimize
23 risk to our staff and the public and say hey, if
24 we made a mistake or otherwise, present to us

1 April 22, 2020

2 documents that would refute that. But we can't be
3 going back and forth. That's counter to the whole
4 purpose of our emergency hearing rules.

5 COMMISSIONER SHAMOUN: It just amounts
6 to doing work twice.

7 MR. RICHMAN: Commissioners --

8 COMMISSIONER ZACCONE: Excuse me. I feel
9 that what we're doing here is going to cause a
10 lot of back and forth and put our employees at
11 risk unnecessarily.

12 MR. RICHMAN: Commissioner, you're
13 correct. The only difference the emergency
14 procedures change is that if we were doing this
15 with Mr. Najmi here, we would asked him to submit
16 the information right to us. If he didn't have
17 it, we would go forward. The change in your
18 procedures is that we ask them to do that but
19 submit that by 3:00 o'clock on Monday so that the
20 staff would be able to review it and determine if
21 the information is accurate. We try to do it to
22 expedite the hearings and not to delay them now.
23 But if Mr. Najmi only appeared here and says I
24 think you made a mistake and had no evidence,

1 April 22, 2020

2 normally we would not entertain that.

3 COMMISSIONER ZACCONE: My point of view,
4 my point of view --

5 COMMISSIONER SHAMOUN: My position is
6 that either we follow the rules or we don't. No
7 late submissions, no go back and check. Whether
8 it's about this or [unintelligible] [00:46:03]
9 hearings, you know, it's just my thought.

10 MR. RYAN: And then if --

11 COMMISSIONER ARAUJO: This is
12 Commissioner Araujo. I think Commissioner Shamoun
13 is correct on this. We gave them until the 20th
14 to have the information for us. We're not being
15 provided with VSM numbers, you know, this is just
16 and doing more work that has to be done at this
17 time when we're already in the middle of a heavy
18 calendar.

19 MR. RYAN: Okay. So then under those
20 circumstances if the commissioners have a motion
21 to rule on the enrollment issues report, then we
22 can take that motion and move on to the next
23 item.

24 MR. RICHMAN: Mr. Najmi, just please

1 April 22, 2020

2 confirm, you did not make any submission on any
3 of these by 3:00 o'clock on Monday?

4 MR. NAJMI: Yeah, that's correct.

5 PRESIDENT TAYLOR: Motion to affirm the
6 clerks' report.

7 COMMISSIONER ARAUJO: Second.

8 MR. RYAN: Alright. Is there a second?

9 COMMISSIONER ZACCONE: Before we move
10 on, there's one person --

11 COMMISSIONER TOWNSEND: There's a
12 second.

13 COMMISSIONER ZACCONE: -- that is
14 supposed to be heard and she's here individually
15 on this report.

16 MR. RICHMAN: No, I think we're doing
17 Mr. Najmi's application.

18 COMMISSIONER ARAUJO: Is this just for
19 Bernard?

20 COMMISSIONER ZACCONE: Oh, okay.

21 MR. RYAN: We were only dealing with Mr.
22 Najmi's application. We're going to deal with the
23 entire report separately.

24 COMMISSIONER ZACCONE: Thank you. I

1 April 22, 2020

2 wanted to clarify that.

3 MR. RICHMAN: I believe the motion was
4 to deal -- the motion was to address the items
5 Mr. Ryan called pursuant to Mr. Najmi's notice of
6 appearance for these half, uh, ten candidates for
7 which he initially thought made a submission, but
8 for which no submission has been made.

9 MR. NAJMI: No, there is a submission
10 for Chadwick P. Whitehead. I sent, I sent the
11 letter alerting the Board of this matter during
12 the petition period. The ledger, we never --
13 Chadwick Whitehead is the candidate, that's
14 Chadwick Bechancophsky is not an error on our
15 part, it's an error on the Board's part. There's
16 nothing for me to produce. Just look at your own
17 petition, the petition and what we filed and, and
18 you'll see that. So this is just an input error.
19 So with respect to Whitehead, Chadwick Whitehead
20 was actually put notice I believe under two
21 separate letters by me to the board.

22 COMMISSIONER ZACCONE: Well, we should
23 check those.

24 MR. RICHMAN: Check with CRU.

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2 MR. SAVINO: They're supposed to supply
3 the buff card. I mean even if --

4 MR. RICHMAN: Well, they're saying that
5 the name was wrong, we entered the name wrong off
6 of the petition or cover sheet.

7 MR. RYAN: Alright. So --

8 MR. RICHMAN: So with the exception of
9 Whitehead --

10 MR. NAJMI: And I just want to clarify,
11 Whitehead error is not my error.

12 MR. RYAN: We'll second call Whitehead,
13 but then you also have one, two, three, four,
14 five, six, seven, eight, nine additional --

15 MR. NAJMI: Well, no, I conceded Faga,
16 Muchala, I'm going to concede Surreal, Hendricks,
17 Fullerton. I'm making an argument for Bernard. I
18 conceded Revelli. I'm making an argument for
19 Whitehead. I'm conceding Bosen and Costa. I'm
20 making an argument only for Morales, Whitehead
21 and Bernard.

22 PRESIDENT TAYLOR: There are also some
23 of these, as we were going through them, we had
24 asked for a second call. Do you have any response

1 April 22, 2020

2 on those items from the borough office?

3 MR. RYAN: Not yet. We're looking at
4 them. So, Mr., uh --

5 MR. RICHMAN: Whitehead is --

6 COMMISSIONER ARAUJO: This is
7 Commissioner Araujo. I'm a little confused.
8 There's a motion on the table.

9 MR. RYAN: Okay. So --

10 MR. RICHMAN: CRU just gave it to us.

11 COMMISSIONER ARAUJO: However, the only,
12 I believe the only issue that we really have here
13 that needs to be second called is Whitehead,
14 because at least with that one, he --

15 MR. RICHMAN: We have that.

16 COMMISSIONER ARAUJO: -- provided the
17 information prior to --

18 MR. RICHMAN: I agree.

19 MR. RYAN: We have it right or wrong?

20 MR. RICHMAN: We, the report is wrong.
21 It's right on the schedule.

22 COMMISSIONER ARAUJO: Everything else
23 should be addressed and only second call
24 Whitehead, not anything else.

1 April 22, 2020

2 COMMISSIONER MICHEL: Alright. And we
3 have the information for Whitehead now.

4 MR. RYAN: Alright. So, we have the
5 information for Whitehead now. It was, that was
6 an error on the Board's part. Now, I have one
7 other question, Mr. Richman.

8 MR. RICHMAN: Yes?

9 MR. RYAN: Calliope Bosen, do we have
10 the, the address that Mr. Najmi is alleging is
11 625, what we have on the schedule is 652.

12 MR. RICHMAN: 42 or 50, that would be a
13 different, is this the schedule?

14 MR. NAJMI: By the way, I would like to
15 just put on the record that we never received any
16 notice of any prima facie issue or enrollment
17 issue by mail on any of these candidates that I'm
18 discussing. I would like for you to note that.
19 And to be completely candid, you know, some of
20 these were only brought to my attention very,
21 very recently. And, you know, we were never
22 provided a notice [unintelligible] [00:51:01].

23 MR. RICHMAN: Okay. With respect to
24 Calliope P. Bosen, it is listed as 652 on the

1 April 22, 2020

2 schedule submitted by Mr. Najmi. And so it's not
3 registered there. He's saying that they made an
4 error, it's 625. But the schedule that was
5 submitted Mr. Najmi of the candidate has the
6 address 652 Meeker Avenue.

7 MR. RYAN: Okay. So that resolves that
8 one.

9 MR. NAJMI: Okay. I concede. I concede
10 that.

11 MR. RYAN: And then, and then the other
12 one is that -- we're back to that issue again,
13 although we had originally said we'll do a second
14 call, now with this further colloquially by the
15 commissioners, we do not have proof on Devon
16 Morales, although Mr. Najmi is asserting that it
17 should be a hyphenated name and is perhaps Stohl-
18 Morales.

19 MR. RICHMAN: Let's see what he
20 submitted on the cover sheet that's -- the county
21 committee schedule if you can for the 64th
22 Assembly District.

23 MR. RYAN: Okay. And we'll double check
24 the cover sheet, but in the meantime, can we have

1 April 22, 2020

2 a motion regarding Chadwick P. Bechancophsky in
3 that we have put the name in inappropriately as
4 Bechancophsky and it should be Whitehead. So just
5 a motion to affirm that Chadwick P. Whitehead
6 should stay on the county committee ballot.

7 PRESIDENT TAYLOR: Motion to --

8 COMMISSIONER ARAUJO: So move.

9 PRESIDENT TAYLOR: -- affirm that
10 Chadwick P. Whitehead is to remain on the county
11 committee.

12 MR. RYAN: Is there a second?

13 COMMISSIONER SHAMOUN: Second, Simon.

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

16 MR. RICHMAN: Commissioners, we have the
17 schedule on Ms. Morales.

18 MR. RYAN: Hold up, we're in the middle
19 of an issue, right.

20 MR. RICHMAN: Sorry, I didn't realize.

21 MR. RYAN: Chadwick P. Whitehead will
22 appear on the ballot --

23 MR. NAJMI: Thank you.

24 MR. RYAN: -- for Democratic male county

1 April 22, 2020

2 committee in the 31st and 50th.

3 MR. NAJMI: Okay. Thank you.

4 MR. RYAN: Alright. Mr. Richman, do you
5 have anything --

6 MR. RICHMAN: Yes.

7 MR. RYAN: -- on the next matter?

8 MR. RICHMAN: The county committee
9 schedule for the 64th Assembly District, 87th
10 Assembly District only lists Devon Morales, just
11 as stated on the report, at that address and
12 that's what the petition said as well.

13 MR. RYAN: Okay. And we have no --

14 MR. NAJMI: Thank you. I have no further
15 arguments on that.

16 MR. RYAN: Alright. So, then, I will go
17 down the remainder of the list and we will
18 entertain a motion to accept the prima facie
19 report for the following individuals. Christopher
20 Faga, Bhumika Muchhala, Calliope Bosen, Caroline
21 R. Fullerton, Devon Morales, Eric Revelli, James
22 Bernard, and Jocelyn Surreal and Kevin Joseph
23 Costa. Is there a motion?

24 PRESIDENT TAYLOR: Motion to affirm the

1 April 22, 2020

2 clerk's report.

3 COMMISSIONER SHAMOUN: Second.

4 MR. RYAN: Are there any objections?

5 COMMISSIONER SHAMOUN: To the extent
6 listed, I guess.

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

9 MR. RICHMAN: He had one other
10 appearance I believe.

11 MR. RYAN: So just, just to be clear,
12 Christopher Faga, Bhumika Muchhala, Calliope
13 Bosen, Caroline R. Fullerton, Devon Morales, Eric
14 Revelli, James Bernard, Jocelyn Surreal and Kevin
15 Joseph Costa will not appear on the ballot.

16 MR. RYAN: Alright. Please return Mr.
17 Najmi to the waiting room and activate Karen
18 Broughton, appearing on behalf of herself.

19 MS. KONTAZMANIS: Karen has been
20 admitted into the meeting.

21 MR. RYAN: Yes, Ms. Broughton, am I
22 pronouncing your name correctly?

23 MS. KAREN BROUGHTON: Yes, you are
24 pronouncing it correctly, it's Broughton,

1 April 22, 2020

2 correct.

3 MR. RYAN: Thank you very much. We have
4 you as a candidate, Democrat alternate delegate
5 to the Judicial Convention for the 51st Assembly
6 District and it indicates that your file name and
7 address combination are not found on our
8 registration list. And we have you listed as
9 Karen Broughton, residing at 643 President
10 Street, Apartment 3R. Do you have any evidence
11 that has been presented to the commissioners for
12 their consideration that that determination made
13 by the Board is in error?

14 MS. BROUGHTON: What is the error that
15 you're saying that the Board made?

16 MR. RYAN: No, we're not saying the
17 Board made an error. You're appearing because you
18 want to challenge the Board's determination. So
19 it is a burden then on you to demonstrate that
20 the Board has made an error.

21 MS. BROUGHTON: Made an error in what?
22 That's what this is [unintelligible] [00:56:35]
23 to me.

24 MS. SANDOW: She wants us to read the

1 April 22, 2020

2 Board's determination I believe.

3 MR. RICHMAN: Oh.

4 MR. RYAN: Yes, I did that. You're a
5 Democratic candidate --

6 MS. BROUGHTON: Mm-hmm.

7 MR. RYAN: -- for the alternate delegate
8 to the Judicial Convention in the 51st Assembly
9 District under the name Karen Broughton --

10 MR. RICHMAN: At.

11 MR. RYAN: -- residing at 643, 6-4-3
12 President Street, Apartment 3R. We have indicated
13 in the report that your filed name and address
14 combination are not found on the registration
15 list.

16 MS. BROUGHTON: That's what I'm --
17 that's my question. What file name and
18 registration do you have?

19 MR. RICHMAN: Karen --

20 MS. BROUGHTON: I changed address when I
21 moved.

22 MR. RICHMAN: -- no, Ms., Ms. Broughton,
23 on the petitions that were circulated to all of
24 the residents of the enrolled Democrats in the

1 April 22, 2020

2 51st AD, your name was listed as Karen Broughton,
3 residing at 643 Presidents Street, Apartment 3R,
4 Brooklyn 11215. Do you currently live at that
5 address?

6 MS. BROUGHTON: Yes, I do.

7 MR. RICHMAN: And is that where you're
8 registered from?

9 MS. BROUGHTON: That is not originally,
10 when I, I was 18, of course not. I'm 64 now.
11 That's not where I originally registered.

12 MR. RICHMAN: Where is your current
13 voter registration, because the name of Karen
14 Broughton at that address, you have not been
15 found in the Board's registration records.

16 MS. BROUGHTON: Okay. But I am in
17 possession of a copy of what I sent them. I
18 changed my address with them when I moved into
19 this apartment. And I keep a copy of everything I
20 do. I'm just not in possession of it.

21 MR. RICHMAN: Who did you send it to?

22 MR. RYAN: And when?

23 MS. BROUGHTON: To the Board of
24 Elections.

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2 MR. RICHMAN: When?

3 MS. BROUGHTON: It's the changes of
4 address forms. You would do it like you would do
5 a regular registration.

6 MR. RYAN: Yes.

7 COMMISSIONER MICHEL: When did you
8 change the registration? When did you send it in
9 to us?

10 MS. BROUGHTON: Probably March of 2019,
11 when I moved into this apartment. I moved in
12 about February [unintelligible] [00:58:46].

13 MR. RICHMAN: She's saying she lives
14 there.

15 MR. RYAN: Right. So --

16 MS. BROUGHTON: [unintelligible]
17 [00:58:49].

18 MR. RICHMAN: We can double check the
19 [unintelligible] [00:58:50] to see if it's the
20 same, to see if CRU made an entry mistake?
21 Because the address, the address --
22 commissioners, the address is correct, the name
23 is correct. And ma'am, it's B-R-O-U-G-H-T-O-N is
24 the correct spelling of your last name?

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2 MS. BROUGHTON: [unintelligible]

3 [00:59:04] correct.

4 MR. RYAN: Yeah, and your current
5 address is, is what, ma'am?

6 MS. BROUGHTON: 643 President Street,
7 Apartment 3R as in Robert, Brooklyn, New York,
8 11215.

9 COMMISSIONER MICHEL: Why don't we check
10 it?

11 MR. RYAN: Yeah. Alright, so you --

12 MR. RICHMAN: Second call this.

13 MR. RYAN: We can do a second call, Ms.
14 Broughton. If you can stand by, and we'll look
15 that up and we'll bring you back in a couple of
16 minutes, okay.

17 MS. BROUGHTON: I'm supposed to pop on
18 another, a Zoom with my [unintelligible]
19 [00:59:33].

20 MR. RYAN: Alright. We're not going to
21 be that long. We're just going to, we're going to
22 look you up quick, alright.

23 MS. BROUGHTON: Okay.

24 MR. RYAN: Do you have, you don't happen

1 April 22, 2020

2 to have --

3 COMMISSIONER MICHEL: Do you have your -
4 - you said you keep a copy of what you mailed to
5 us. Do you have it with you?

6 MS. BROUGHTON: I did, I don't have it
7 with me. I have to go to my sister's house to get
8 it. That's why [unintelligible] [00:59:52].

9 MR. RICHMAN: No, we'll look now.

10 MS. SANDOW: Karen Broughton?

11 MS. BROUGHTON: Hello?

12 MR. RYAN: Alright. Yeah, so we'll
13 second call it. If you, if you can't be available
14 and the information --

15 MS. BROUGHTON: No, I'll text them now
16 to give me another half an hour.

17 MR. RYAN: Okay, very good. Thank you.
18 We shouldn't be any more than five or ten
19 minutes, okay.

20 MS. BROUGHTON: Okay. Thank you.

21 MR. RYAN: Alright. Thank you. Alright.

22 MR. RICHMAN: Now you want to call the
23 rest of the list?

24 MR. RYAN: Yes.

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2 MR. RICHMAN: Mr. Fuchs will call the
3 balance of the list, except for Ms. Broughton and
4 the matters considered.

5 MR. RYAN: Right. And the matters
6 previously considered, correct.

7 MR. FUCHS: Commissioners, there are
8 quite a number of names. If it's okay with you,
9 I'm just going to list the party and then the
10 list of names.

11 SECRETARY UMANE: No, not even -- just
12 to the party up front and then the list of name.

13 MR. SAVINO: Yes, yes commissioners.

14 SECRETARY UMANE: Just the names.

15 MR. RYAN: Yep.

16 MR. FUCHS: For the Conservative Party,
17 Adam M. Cool [phonetic], Anthony D. Desanto,
18 Anthony W. Hagwood, Arthur Aggupa [phonetic],
19 Carol Sparrow, Caroline P. Behsara, Christopher
20 Gillies, David K. Rothchild, Deborah K. Bobb,
21 Doris Quesnel, Edward Thorne, Emilio J.
22 Benedetto, Jr., Errol Ellington, Francis Alesso,
23 Gerald D. Lowe, John D'Emic, Jose Garcia,
24 Josephine Gomez, Kaylin Nguyen, Lucas J.

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2 Policastro, Margie Allamonda [phonetic], Michelle
3 K. Ball, [unintelligible] [01:01:11] Hall,
4 Phyllis F. Capelico [phonetic], Robert Carlson,
5 Simon Saffer, Valerie Peterson, Victor M. Gomez,
6 Victor Mercado, Virginia M. Chan, William Jordan,
7 Zadia J. Pellot.

8 Democratic Party, Aaron A. Jones, Sr.,
9 Aaron A. Jones, Sr., Alicia Martog [phonetic],
10 Ansela A. Perez [phonetic], Andre T. Mitchell,
11 Andrea Riphholm.

12 COMMISSIONER MICHEL: You're reading too
13 fast.

14 MR. FUCHS: I understand, commissioner.
15 Angel Beato, Anne Bingman, Anne L. Cole, Anna
16 Maria Robinson Baker. Anhi Allion Merritt
17 [phonetic], Anthony J. Finkle, Anthony Rodriguez,
18 Aaron A. Hakimian [phonetic], Anthea Elliot
19 [phonetic], Audrey King, Barbara Williams,
20 Patrice Genko [phonetic] Benjamin Torres, Bernard
21 Freilich, Beverly Amo, Beverly Brooks, Boris
22 Livshits, Brenda Ross, Briana A. Menze, Bruce
23 Booker, Bruce S. Grant, Carlos Chamo, Carmen D.
24 Rivera, Carmen Stone, Shea Murmerstein

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2 [phonetic], Claudette Elliot, Daniel Rodriguez,
3 David Mann, Dalasandro Warren, Diane Davis,
4 Domingo Baez, Edith Miranda, Edward J. Kopf,
5 Eileen Tabala, Egram Alroneim [phonetic], Emma
6 Walberg, Erisca Esco, Erica N. Oquendo, Erica
7 Perez, Esther Kleinman, Felix J. Verola
8 [phonetic], Francoise Olivas, excuse me,
9 Francisco Felix Fernandez, Gale Mason, Gary
10 Stone, Gaylord Quince, George C. Montalvo, Helen
11 Thomas Purdy [phonetic], Howard Spence, Isaac
12 Melvin, Jacques Rodriguez, Jasmine D. Berrios,
13 John C. Whitehead, John M. Rodriguez, Jorge
14 Porto, Joseph Luca, Josephine Politi Gambino,
15 Juan C. Cedenno, Juan C. Rodriguez, Juan Prado,
16 Katie Pender, Leonard Garcia, Levitay Svelesky
17 [phonetic], Lloyd Dixon, Louis Vasquez, Malvina
18 L. Stephanie [phonetic] Marcella McMurrin,
19 Margarita Sepinyek [phonetic], Maria L. Garcia,
20 Maria Tulone, Mark Leon, Marvin Slomowitz, Mena
21 A. Miller, Melinda A. Moore, Melinda Green,
22 Michael Catlin, Michael John Williams, Michele
23 Nordi Hern, Misba Abdin, Omnia Am Abdella
24 [phonetic], Paul Chimes, Perlin Hutchinson

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2 [phonetic], Phillip Williams, Rafael De Villa,
3 Ramona Beard, Rebecca Payne, Rivky Lebovits,
4 Robert J. Lamar, Roderick Daily, Rogelio Phillips
5 Jr., Rosie Spitzer, Rosalyn Rodriguez, Rosita
6 Campbell, Rosalyn Grunawitter [phonetic], Samuel
7 Pechero [phonetic], Sandra Young Queras
8 [phonetic], Sarah N. Wi, Sharon Lundy, Saul
9 Kleinman, Sundrah L. Frankin [phonetic], Suri
10 Slamovits [phonetic], Suzette Shepherd, Taryn
11 Allbrooks, Tatiana Herrera, Thomas J. Simons,
12 Taviana Stubs [phonetic], Tina Oliver, Tywan
13 Anthony, Tywana Peartree [phonetic], Veronica
14 Marshall Thomas, Vivian Velasquez, Wally
15 Alvarado, Wanda Matthis, Yefim Kroll [phonetic].

16 For the Working Families Party, Alice
17 Markham-Cantor, Daniel Cantor, Hellila Ward
18 [phonetic], Jamie R. Williams, Joseph R. Lentol,
19 Judith Goldiner, Mathylde Frontus.

20 That concludes the enrollment issues
21 calendar.

22 MR. RICHMAN: And Judith Goldiner --

23 COMMISSIONER ZACCONE: I would like to
24 congratulate our intern attorney for your

1 April 22, 2020

2 diction.

3 MR. FUCHS: Thank you, commissioner.

4 MR. RICHMAN: Commissioners, just to let
5 you know, we received an e-mail at 10:34 this
6 morning from Alex Rabb for Judith Goldiner. I
7 believe based on your previous decision, that's a
8 late submission. The other fact, the information
9 he submits actually gives a registration for this
10 woman outside the city of New York as a Democrat
11 and she's running for the Working Families Party,
12 so I don't think this should materially affect
13 your consideration.

14 COMMISSIONER SHAMOUN: It doesn't seem
15 to.

16 MR. RICHMAN: But I wanted to share that
17 because that e-mail was just handed to me, not in
18 New York City. So commissioners, a motion would
19 be in order now to adopt the enrollment issues
20 calendar --

21 MS. KONTAZMANIS: Mr. Richman, Mr.
22 Richman, I just want to say for the record that
23 he did file a notice of appearance timely.

24 MR. RICHMAN: Oh, yes. But the

1 April 22, 2020

2 submission of the document which doesn't help his
3 case came in at 10:22 this morning.

4 MS. KONTAZMANIS: Sure, because it was
5 just handed to me as well.

6 MS. SANDOW: Okay, so she never changed
7 the address.

8 COMMISSIONER SHAMOUN: But he submitted
9 a notice of appearance so we should --

10 MR. RYAN: Let him be heard.

11 COMMISSIONER SHAMOUN: -- assume that
12 his submission is all of it.

13 MR. RYAN: Well, Commissioner Shamoun,
14 it's an address that's not within the city of New
15 York.

16 MS. SANDOW: She changed her address to
17 President Street.

18 MR. RICHMAN: Okay.

19 MR. RYAN: He presented a screen shot of
20 the State Board of Elections website indicating
21 that --

22 COMMISSIONER SHAMOUN: I'm just saying
23 that if the notice of appearance was timely
24 filed, it should be --

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2 MS. KONTAZMANIS: And the person is in
3 the lobby.

4 MR. RYAN: Oh, he's in the lobby. I was
5 under a different impression. I apologize. I
6 thought he didn't appear and only appeared the
7 documentary evidence. So, if he did.

8 MS. KONTAZMANIS: I have a valid notice
9 of appearance in my hand and he is waiting in the
10 lobby.

11 MR. RYAN: Okay. Then, he, then he
12 should be heard, but we just read all those
13 names, so let's entertain that motion first to
14 adopt that report.

15 MR. RICHMAN: Everybody except, except
16 Ms. Goldiner.

17 MS. KONTAZMANIS: But you're
18 [unintelligible] [01:06:35] to admit him?

19 MR. RYAN: With the exception of Ms.
20 Goldiner.

21 MR. RICHMAN: And a motion? A motion
22 commissioners.

23 COMMISSIONER ZACCONE: I'll make that
24 motion.

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2 MR. RICHMAN: Who's going to second?

3 COMMISSIONER ARAUJO: Second.

4 MR. RYAN: And is there a second?

5 PRESIDENT TAYLOR: Second.

6 MR. RYAN: Any objections? Hearing none,
7 the motion carries, subject to the exceptions so
8 noted.

9 MS. KONTAZMANIS: Do I have permission
10 now to allow Alexander Rabb into the meeting?

11 MR. RYAN: Yes.

12 MR. RICHMAN: Yes, please.

13 MS. SANDOW: She never changed her
14 address, 2017, she changed it from Sullivan to
15 [unintelligible] [01:07:14].

16 MR. RICHMAN: Okay. Wait for Mr. Rabb to
17 get int.

18 MS. SANDOW: Not registered at President
19 Avenue.

20 MR. RYAN: Okay. Yeah, that's it. So
21 we'll get her back in one second.

22 MS. SANDOW: Yeah, this is everybody
23 registered at President and she's not on it.

24 MR. RYAN: Yeah.

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2 MS. KONTAZMANIS: Okay. He is in the
3 meeting.

4 MR. RICHMAN: There's Mr. Rabb.

5 MR. RYAN: Mr. Rabb, welcome back, sir.

6 MR. RABB: Thank you and thank you for
7 your time this morning. Mr. Richman just raised
8 three points, the, the candidate's address
9 outside of New York City, the fact that she's a
10 Democrat and the late submission. I'd like to
11 take those in that order if I may, please.

12 MR. RYAN: Certainly.

13 MR. RABB: First, the candidate does
14 live outside New York City. She's a candidate for
15 Congress, which requires that she live in the
16 district, not in New York City, so that is not
17 disqualifying.

18 MR. RICHMAN: Oh, for [unintelligible]
19 [01:08:10] okay.

20 MR. RABB: Second, we concede she's a
21 Democrat. She filed a valid notice of acceptance,
22 [unintelligible] [01:08:16] acceptance, and the
23 party filed a certificate of authorization. I did
24 not submit either of those because I assumed that

1 April 22, 2020

2 those were not at issue, only her registration. I
3 believe that the --

4 MR. RICHMAN: It should be withdrawn.

5 MR. RABB: -- reason that the board did
6 not find her is that the staff checked only the
7 New York City enrollments, so I have --

8 MR. RICHMAN: Mr. Rabb, we're willing to
9 concede that the prima facie defect should be
10 withdrawn. CRU only checked the city system,
11 you're right, for member of Congress, you only
12 have to be a resident of the state.

13 MR. RABB: Okay. And the, what about the
14 enrollment issue, should I --

15 MR. RICHMAN: Well, no, I'm assuming if
16 it's done, if you would have gotten that if there
17 was no Wilson Pakula filed, but let me check. CRU
18 on Ms. Goldiner, the only thing was that you
19 couldn't find the registration record? The
20 authorization and the acceptance in the 9th
21 Congressional District is there?

22 MR. TROY JOHNSON: Yeah, it was just the
23 name and the address combination we couldn't
24 find.

1 April 22, 2020

2 MR. RICHMAN: Yeah.

3 MR. RYAN: Okay. So --

4 MR. RICHMAN: So we'll withdraw -- we
5 recommend --

6 MR. RYAN: -- based on the, based on the
7 representation the representations and the law --

8 MR. RICHMAN: -- yes, we'll withdraw
9 this.

10 MR. RYAN: We would like to withdraw
11 this particular matter. Is there a further action
12 of the commissioners required?

13 MR. RICHMAN: No, commissioners, unless
14 you direct us not to withdraw it, the staff will
15 withdraw it. The staff recommendation is
16 withdrawn.

17 COMMISSIONER SHAMOUN: That's fine.

18 MR. RYAN: And just so we're clear, the
19 staff recommendation is withdrawn because the
20 candidate is a candidate for Congress and
21 residence within the five boroughs of New York
22 City is not legally required for that particular
23 office. As such, it's withdrawn.

24 MR. RICHMAN: So no further action.

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2 MR. RYAN: And no further action is
3 required by the Board. And the candidate will
4 then appear on the ballot.

5 MR. RICHMAN: Appear on the ballot,
6 yeah.

7 MR. RYAN: Okay. Mr., Mr. Rabb, that's,
8 this matter is now concluded and you can inform
9 your client.

10 MR. RABB: Thank you very much and I
11 really appreciate your time and work.

12 MR. RYAN: Thank you.

13 MR. RABB: Thank you.

14 MR. RYAN: Take care.

15 COMMISSIONER ZACCONE: I guess I'll make
16 a motion for the balance of the enrollment issue
17 report.

18 MR. RICHMAN: We took the --

19 COMMISSIONER ZACCONE: The movement --

20 MR. RYAN: We did that, the only other
21 matter we have left is Ms. Broughton. So we need
22 to return her --

23 MR. RICHMAN: If she's still there.

24 MR. RYAN: -- from the waiting area and,

1 April 22, 2020

2 and deal with her matter.

3 MS. BROUGHTON: Yes.

4 MR. RYAN: Okay. Ms. Broughton, are you
5 there?

6 MS. BROUGHTON: Yes, I am, sir.

7 MR. RYAN: Okay. So Ms. Broughton, we
8 have looked up your voter registration
9 information. We have confirmed the President
10 Street address is the address that's on the
11 petition, we have you as an active address at
12 Wolcott Street and the last document that we have
13 scanned into the system is a voter registration
14 form dated June 9, 2017, apparently signed by you
15 indicated that you wanted to receive your mail at
16 a P.O. Box --

17 MS. BROUGHTON: Yes.

18 MR. RYAN: -- but that your address is
19 49 Wolcott Street. So the official record of the
20 Board of Elections does not have a matching
21 address to 643 President Street, Apartment 3R, so
22 under the circumstances for this matter,
23 commissioners, based on Board records, a motion
24 is in order to accept the prima facie report with

1 April 22, 2020

2 respect to Ms. Broughton.

3 MS. BROUGHTON: Could you repeat that?

4 Sorry.

5 MR. RYAN: How much of that?

6 MS. BROUGHTON: Alright. So a motion is
7 in order to accept the clerks' report, the CRU
8 report with respect to the prima facie enrollment
9 issue and I would ask that a motion be
10 entertained with respect to Ms. Broughton.

11 COMMISSIONER SHAMOUN: Oh, I'll make
12 that motion with Ms. Broughton, there's not much
13 we can do here if the addresses don't match. We
14 apologize that.

15 MS. BROUGHTON: But sir, it's the
16 practice of the Board of Elections all the time.
17 We deal with this all the time with so many
18 people that they change their address and it
19 never goes through. And I just don't understand.

20 MR. RICHMAN: Well, we just have to go
21 to the Walcott Street Address.

22 MR. SAVINO: Yeah, where has she been
23 voting at?

24 MS. BROUGHTON: This is --

1 April 22, 2020

2 MR. RICHMAN: Ms. Broughton, you're --

3 MS. BROUGHTON: -- always --

4 MR. RICHMAN: -- Ms., Ms. Broughton,
5 based on the Board's records, your name would
6 appear at the poll site for the Walcott Street
7 address since 2017, so if you went to vote on
8 Election Day at, from your current address, what
9 you're saying, you would have to go to a
10 different poll site and you would have voted by
11 affidavit ballot.

12 MR. RYAN: The other thing is --

13 MS. BROUGHTON: Okay.

14 MR. RYAN: -- the system indicates that
15 you wish to receive your mail at a P.O. Box --

16 MR. RICHMAN: And that's where the mail
17 has been sent.

18 MR. RYAN: -- and we are in fact,
19 sending the mail to the P.O. Box, so that's where
20 the discrepancy lies, and we need a second to
21 Commissioner Shamoun's motion.

22 COMMISSIONER ARAUJO: Second.

23 MR. RYAN: Are there any objections?

24 Hearing none, the motion carries. Thank you for

1 April 22, 2020

2 your time, Ms. Broughton, I'm sorry it didn't
3 work out for you.

4 MS. BROUGHTON: You're welcome.

5 MR. RYAN: Alright. Thank you.

6 MS. BROUGHTON: Have a good day.

7 MR. RYAN: You too. Alright. We're done
8 with the enrollment issues.

9 MS. SANDOW: Yeah, hold on.

10 MR. RICHMAN: Commissioners, that
11 concluded the enrollment issues report, we will
12 now move to the CRU prima facie report and its
13 supporting documents.

14 MR. RYAN: And if we could just take
15 about a two minute recess, for me to organize
16 this paperwork. Thank you.

17 [OFF THE RECORD]

18 [ON THE RECORD]

19 MS. KONTAZMANIS: Okay. We're live.

20 MR. FUCHS: I only wrote on the first
21 one, but they're all Mr. Najmi's appearance.

22 MR. RYAN: Okay. Alright. Very good,
23 thank you.

24 MS. KONTAZMANIS: Mr. Richman, we are

1 April 22, 2020

2 live.

3 MR. RYAN: Okay. David, David, David,
4 don't leave me. I didn't find this guy.

5 COMMISSIONER ZACCONE: Mr. Richman, if I
6 can ask, any documentation that goes along with
7 it, when you call the name, can you just remind
8 of us of the documentation.

9 MR. RICHMAN: Yes. Commissioners, yes,
10 we'll point each of the ones that are out. And
11 commissioners, again, Mr. Ryan, are we ready to
12 proceed with Mr. Jordan?

13 MR. RYAN: Yes.

14 MR. RICHMAN: And commissioners, I was
15 incorrect, there are actually four matters for
16 Mr. Jordan, three of which appear on page one of
17 the CRU prima facie report and one which appears
18 on page four. Mr. Jordan, would you please come
19 up to the podium for the candidates and then
20 we'll go through the defects.

21 MR. JORDAN: Good day.

22 MR. RICHMAN: Mr. Jordan, the Board
23 found the following defects, and commissioners,
24 these are in your packets. Mr. Jordan filed

1 April 22, 2020
2 petitions and cover sheet for member of the
3 Assembly in the 42nd Assembly District, State
4 Senator from the 21st Senate District and male
5 member of the Democratic State Committee for the
6 42nd Assembly District on March 26th. The
7 Election Law was modified by the New York State
8 Legislature by enacting Chapter 24 of the laws of
9 2020, which was effective on March 18, 2020,
10 providing that all such documents, petitions and
11 cover sheets must be filed by midnight on Friday,
12 March 20th, so those are the items that appear on
13 page one of the calendar. Mr. Jordan then filed a
14 certificate of declination for the member of
15 Assembly petition, however that petition was
16 filed and you have a copy of that on April 7th.
17 It was due on March 24th, four days after the
18 last day to file the designating petitions. And
19 that defect on the certificate of declination
20 filed late appears on page four of the calendar.
21 Mr. Jordan, I've explained what the defects are.
22 Please identify yourself and give any response
23 you have.

24 MR. JORDAN: Yes, my name is Victor

1 April 22, 2020

2 Jordan and on January 28th, the Board of
3 Elections adopted a petition filing calendar for
4 the June 23rd primary election. Now, on that
5 calendar, according to that calendar, my filings
6 are timely. Now, as a result of the pandemic, the
7 coronavirus, on March 24th, the governor issued
8 an executive order. Now, that order simply said
9 that the last date to file a petition would be
10 March 17th.

11 MR. RICHMAN: Can we correct you? The
12 governor issued the order on March 15th, stopping
13 petitioning on March 17th. You said March 24th,
14 it was after the fact.

15 MR. JORDAN: Okay. Alright. I stand
16 corrected. So in other words, the governor's
17 executive order changed the entire filing
18 calendar.

19 MR. RICHMAN: No, that did not. The
20 governor's executive order stopped the
21 petitioning process. The legislature passed, and
22 the governor signed a bill changing the filing
23 period. It wasn't executive action, it was a law
24 enacted by the State of New York on March 18th.

1 April 22, 2020

2 MR. JORDAN: Right, correct. So the last
3 day for filing the, for circulating the petition
4 was March the 17th.

5 MR. RICHMAN: Correct.

6 MR. JORDAN: Now, in light of that, on
7 the 18th, I appeared at the Board of Elections to
8 file my petition, and I went to 32 Broadway on
9 the 7th floor. Now, two of the Board's employees
10 informed me that they would not accept the
11 petitions and they informed me that in terms of
12 filing, we will follow the schedule which was
13 approved by the Board on January 28th, which
14 meant I would have to file them at the end of
15 March, which I believe is March 30th. Now, I had
16 no reason to doubt these employees because I see
17 them often. I've filed petitions with them
18 before. And I was surprised to get a notice, I
19 think it was on March 26th, of one of my
20 colleagues, who told me that he had made the
21 ballot. So I immediately came down to find out
22 what was going on, and I filed my petition on
23 the 26th, the same day that I was informed. I
24 relied on the Board's employee, because the, in

1 April 22, 2020

2 fact the second --

3 COMMISSIONER ZACCONE: At the time they
4 gave you that information, it was in fact
5 correct. The law had not been passed yet.

6 MR. RICHMAN: The law, the law was
7 passed first, on that day, the 18th, and not
8 signed by the governor until after 5:00 p.m.,
9 after which the Board closed. So when you came in
10 on, during the day of the 18th, the fact is that
11 the current statute at that time said you file
12 your petitions between March 30th and April 2nd.
13 Between the time you were at the Board and the
14 end of that calendar day, the New York State
15 Senate, the New York State Assembly passed the
16 bill and the governor signed it that evening
17 changing the calendar, which was widely reported
18 in the press, giving everybody two days, the 19th
19 and the 20th --

20 MR. RYAN: And on our website.

21 MR. RICHMAN: -- to file the petitions.
22 The Board posted a notice on the website of that
23 change as soon as we received official word that
24 the governor signed the bill and the bill went

1 April 22, 2020

2 from being a bill to Chapter 24 of the laws of
3 2020. Everybody had the same two days to in
4 effect hustle and get everything in if they
5 could.

6 The Board does not have the authority to
7 modify or change an act of the legislature. We
8 regret that, but that's -- we're a ministerial
9 agency and we were constrained. But when you came
10 in on the 18th, the governor did stop petitioning
11 on the 17th. But there was no time for filing on
12 the 17th set. The legislature didn't do that
13 until after the close of business on the 18th,
14 which made the two days for filing the 19th and
15 the 20th in this situation.

16 But then legally, the Board and its
17 staff, one, gave you accurate and correct
18 information at the time you asked that question,
19 and two, as everyone else of the 19 million
20 people in this state were, once the law takes
21 effect, it took effect immediately, everyone is
22 bound by it. And the Board took every reasonable
23 step to make that information known, adding to it
24 our website forthwith, and in addition, I am

1 April 22, 2020

2 aware that there were news stories appearing in
3 several newspapers within the City of New York
4 and throughout the state advising of the state's
5 emergency action.

6 MR. JORDAN: Let me say that after the
7 news of the virus came out, many people were very
8 concerned to maintain their safety and were
9 encouraged to stay at home. Now I did not have
10 internet access at the time, so I didn't get the
11 information. However, however, so I was just out
12 of the loop. It was, it was a crazy period in our
13 history and information was not available to me.
14 And when I, when I was at the Board of Elections
15 on the 18th in the afternoon, the, the -- your
16 employees gave me certainly. They didn't say that
17 it might change. They --

18 MR. RICHMAN: They were not aware of
19 that.

20 MR. RYAN: Steve, I got this. Mr. Jordan
21 --

22 MR. JORDAN: Yeah.

23 MR. RYAN: -- I apologize. The law
24 changed, as Mr. Richman said to you moments ago,

1 April 22, 2020

2 the law changed after your appearance here. We
3 have no control over when the state legislature -
4 - hear me out, when the state legislature or the
5 governor acts.

6 MR. JORDAN: I --

7 MR. RYAN: However, I just want to be
8 clear, once they act, we don't have the authority
9 to --

10 MR. JORDAN: I understand you.

11 MR. RYAN: -- bend those rules.

12 MR. JORDAN: You're repeating something
13 I heard already.

14 MR. RYAN: No, no.

15 MR. JORDAN: So I'm just, I understand,
16 understood --

17 MR. RYAN: I -- will you listen? No, Mr.
18 Jordan we've --

19 MR. JORDAN: -- I understood Mr.
20 Richman.

21 MR. RYAN: -- listened to you.

22 MR. JORDAN: I just, I want to --

23 MR. RYAN: I want you ask you a very
24 specific question, please we've listened to you,

1 April 22, 2020

2 and I'm just asking you to be polite and listen
3 back. Do you have any evidence with you that
4 indicates that you made a filing on or before
5 March 20th with respect to the matters for the
6 21st Senatorial District, the 42nd Assembly
7 District? Do you have any prove that you made a
8 filing on or before March the 20th?

9 MR. JORDAN: I came in on the 28th.

10 MR. RYAN: No. I asked you a very
11 specific question, Mr. Jordan. Do you have any
12 proof that you made a filing on or before March
13 the 20th? Did you bring --

14 MR. JORDAN: Can I answer your question?
15 Again, your question does not require -- I cannot
16 answer with one word. Now, I came, there were
17 times I came to the Board of Elections to find
18 out when petitions will be filed. Now, your
19 employees on other occasions says well they did
20 not know.

21 SECRETARY UMANE: I think we're going in
22 circles at this point.

23 MR. JORDAN: No, no, let me finish. I
24 just want to make one point.

1 April 22, 2020

2 SECRETARY UMANE: I know you've made
3 your case twice --

4 MR. JORDAN: This is just going to take
5 one minute.

6 SECRETARY UMANE: -- and three times.

7 MR. JORDAN: One minute, that they had
8 told me --

9 SECRETARY UMANE: The longer these
10 [unintelligible] [01:27:28] --

11 MR. JORDAN: -- on occasion that they
12 did not know --

13 SECRETARY UMANE: -- go on in circles,
14 the longer our staff is at risk.

15 MR. JORDAN: -- and but this time --

16 MR. RYAN: Mr. --

17 MR. JORDAN: -- they told me with
18 certainty. And if they did not know, they could
19 have told me --

20 MR. RYAN: -- Mr. Jordan.

21 MR. JORDAN: -- that. My point --

22 MR. RYAN: Mr. Jordan --

23 MR. JORDAN: -- my point is that they
24 did not tell me that they did not know. They said

1 April 22, 2020

2 with absolute certainly.

3 MR. RYAN: All of that's been heard.

4 MR. JORDAN: On other occasions, they
5 did not --

6 MR. RYAN: We're going around --

7 MR. JORDAN: -- tell me with such
8 certainty. But this one time, they said it was
9 certain.

10 MR. RYAN: We are --

11 MR. JORDAN: Other times they said they
12 said --

13 MS. RYAN: -- we are going around --

14 MR. JORDAN: -- they did not know.

15 MS. RYAN: Mr. Jordan, we are going
16 around in circles. Please don't make me have to
17 shut your microphone off. Alright. We're going
18 around in circles. Mr. Jordan has not offered any
19 prove that he made a filing for these two
20 matters, the 21st Senatorial District and the
21 42nd Assembly District on or before March the
22 20th. A motion is in order to accept the prima
23 facie defect with respect to these two matters,
24 and there is another matter with a separate

1 April 22, 2020
2 filing date, which I will now ask Mr. Jordan, and
3 honestly, Mr. Jordan, this really is a yes or no
4 answer. You've made all of your ample
5 explanations. With respect to the 42nd Assembly
6 District, do you have any proof, and this will be
7 yes or no, that you made a filing on or before
8 March the 24th, yes or no.

9 MR. RICHMAN: Declination.

10 MR. RYAN: The declination, on or before
11 March the 24th.

12 MR. JORDAN: Now --

13 MR. RYAN: It's a yes or no answer, Mr.
14 Jordan, I apologize.

15 MR. JORDAN: -- The constitution gives
16 me a right of free speech. I'm free to answer
17 questions --

18 COMMISSIONER SHAMOUN: I move the
19 clerks' report with regard to the four matters --

20 MR. RYAN: Well, sir, we're also --

21 COMMISSIONER SHAMOUN: -- related to Mr.
22 Jordan.

23 MR. RYAN: -- free to move on, then, if
24 you're not going to --

1 April 22, 2020

2 MR. JORDAN: Can I answer the question?

3 MR. RYAN: It's a yes or no. Go ahead.

4 SECRETARY UMANE: Second. A motion and a
5 second.

6 MR. JORDAN: No, no. I have a right to
7 answer --

8 COMMISSIONER MICHEL: Second.

9 SECRETARY UMANE: Call the question.

10 MR. RYAN: Alright. The commissioners
11 are calling the question. So with respect to the
12 three matters --

13 MR. RICHMAN: On the floor.

14 MR. RYAN: -- 21st Senatorial District,
15 42nd Assembly District and the 42nd Assembly
16 District with respect to a declination --

17 MR. RICHMAN: There's four matters,
18 state -- commissioners, it's the motion to deal
19 with the calendar matters.

20 MR. RYAN: For the three matters.

21 MR. RICHMAN: The 42nd Assembly
22 District, district leader, male state committee
23 member of the Assembly and the declination.

24 MR. RYAN: Right. Yes, okay. So, a

1 April 22, 2020

2 motion is order to accept the prima facie report
3 with respect to these matters.

4 MR. RICHMAN: [unintelligible]
5 [01:29:38] made. Commissioner Shamoun --

6 COMMISSIONER SHAMOUN: So moved.

7 MR. RICHMAN: -- made the motion and
8 Commissioner Michel seconded that.

9 MR. RYAN: Okay. Are there --

10 SECRETARY UMANE: Second.

11 MR. RYAN: -- any objections? Hearing
12 none, the motion carries. Thank you for your
13 time, Mr. Jordan.

14 MR. RICHMAN: The prima facie findings
15 are adopted, the candidate will not appear on the
16 ballot. Commissioners, the next two items we'll
17 call is the designating petitions filed on behalf
18 of Barbara Ann Taylor for the 25th Senate
19 District, and we'll call on the next one, it's
20 the exact same --

21 MR. RYAN: Do you have, do you have, we
22 have notice of appearance?

23 MR. RICHMAN: No. Oh, she has? Is she
24 here?

1 April 22, 2020

2 MR. RYAN: No, we have notices of
3 appearance on other matters. We're going to do
4 the notices of appearance.

5 MR. RICHMAN: Oh, you want to do those
6 first? I thought --

7 MR. RYAN: We'll do the notices of
8 appearances first, correct. Do we have Christina
9 Doss in the waiting room?

10 MR. RICHMAN: That's for legal prima
11 facie.

12 MR. RYAN: Oh, that's legal prima facie.

13 MS. KONTAZMANIS: Those are legal prima
14 facie. The --

15 MR. RYAN: Did I mix these up now? Oh, I
16 got them mixed up. You know what? Go ahead.

17 MR. RICHMAN: Barbara Ann Taylor for two
18 matters, commissioners, one appearing on page
19 one, one appearing on page two, it's the same
20 issue. Barbara Taylor, candidate for the State
21 Senate in the 25th Senatorial District,
22 Democratic Party, volume number 1186, and her
23 candidacy for female county committee in the 56th
24 of the 57th district. Commissioners, in both

1 April 22, 2020

2 cases, the petition was filed on March 23rd. The
3 petition is late, and in addition, the petition
4 lacks the requisite number of signatures. It was
5 a potential for ten signatures for the state
6 senate, you need 300 and the petition for the
7 county committees had the same potential for ten
8 signatures, 14 are required. I don't believe Ms.
9 Taylor submitted a notice of appearance.

10 MR. RYAN: No.

11 MR. RICHMAN: Commissioners, should we
12 keep going on and we'll just take this as a
13 group?

14 MR. RYAN: Yeah, you can do that.

15 MR. RICHMAN: Okay. Over designation,
16 candidate Sandra Simms and Sandra Perez, female
17 county committee, eighth of the 54th, Belias
18 [phonetic] King, candidate, 78th of the 54th for
19 county committee, again, over designation. The
20 party calls for no candidates in that district.

21 SECRETARY UMANE: Just read the names.

22 MR. RICHMAN: Okay. County committee,
23 all, Casey Lynn --

24 MR. RYAN: No, we have a notice of

1 April 22, 2020

2 appearance on her.

3 MR. RICHMAN: Oh, well, this one we have
4 a notice of appearance.

5 MR. RYAN: So skip over that.

6 MR. RICHMAN: Okay. So we'll just skip
7 that one. Renee M. Sorrentino, Denise M.
8 Williams, Kevin R. King, Akiva J. Kurland, Donald
9 Zelman, Erica Murray, we have an appearance I
10 believe.

11 MR. RYAN: I don't have that, no. So
12 that ends the over designations.

13 MR. RICHMAN: Oh, that ends the over
14 designations, commissioner, with one exception
15 that we have an appearance for the 40th of the
16 56th. Do we have a vote on to confirm the report
17 on the over designations, except for the one
18 which will have an appearance?

19 MR. RYAN: It's Casey Lynn Bohannon,
20 Paige Brook Habener [phonetic].

21 MR. RICHMAN: Right.

22 MR. RYAN: Angela Christine LaScala-
23 Grunwald.

24 MR. RICHMAN: The next to the last

1 April 22, 2020

2 matter on page two. Or do you want to call them
3 in and we can do all the over designations then?

4 MR. RYAN: Yeah, why don't we have Mr.
5 Najmi join us from the waiting room.

6 MS. KONTAZMANIS: He's joined the
7 meeting.

8 MR. RYAN: Okay. Mr. Najmi, on the prima
9 facie, prima facie report over designation, we
10 have you representing Casey Lynn Bohannon, Paige
11 Brook Habener, Angela Christine LaScala-Grunwald.

12 MR. NAJMI: Yes. Thank you.

13 MR. RYAN: Okay.

14 MR. RICHMAN: The prima facie finding is
15 that three candidates were filed on the petition,
16 the party call specifies that this is a vote for
17 two.

18 MR. RYAN: Do you have any documentary
19 evidence that you have timely submitted for
20 consideration in this matter?

21 MR. NAJMI: Commissioners, my argument
22 and I understand that this right now just for the
23 over designation, and that these same candidates
24 have a separate issue on the same calendar. With

1 April 22, 2020

2 respect to just the over designation, I don't
3 believe the Board is capable of saying this an
4 over designation, because these three candidates
5 never identified or stated a gender affiliation
6 on their petitions or cover sheet. It's an
7 absolute assumption to make, one that really the
8 Board cannot make, on their gender identity. I
9 believe the only basis for saying it's an over
10 designation is the assumption that they identify
11 as female. Now, I understand the failure to put
12 male or female will be, could be the basis for a
13 different ruling by the Board let's say on
14 failing to state the office, but with respect to
15 over designation, I don't believe you can make
16 that ruling here.

17 MR. RICHMAN: Do we have the petition?

18 MR. NAJMI: And also, for the record
19 obviously, the candidates' names are being
20 litigated and we are in court on the matter.

21 MR. RYAN: Okay. So on that one matter,
22 we're going to have to pull the petition to
23 consider your argument. We'll ask you to go back
24 to the waiting room and I'll ask the

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2 commissioners to rule on the other matters.

3 MR. RICHMAN: Commissioners, we have the
4 petition here. And yes, there is the, the
5 petition doesn't include the required gender
6 designation for the committee, so the prima facie
7 defect really is not that there's an over
8 designation, it's that they properly failed to
9 state the office, the party position being
10 sought.

11 MR. RYAN: Which is, which is another
12 issue.

13 MR. RICHMAN: Yeah. So we'll withdraw
14 this one.

15 MR. RYAN: For over designation --

16 MR. RICHMAN: It's withdrawn.

17 MR. RYAN: -- that matter is withdrawn.
18 Casey Lynn Bohannon, Paige Brooke Habener, Angele
19 Christine La-Scala Grunwald.

20 MR. RICHMAN: Do you have that on the
21 calendar?

22 MR. RYAN: The balance of -- a motion is
23 in order to confirm the balance of the matters
24 that have been previously read into the record.

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2 MR. RICHMAN: I think they're back on
3 the next page.

4 MR. FUCHS: Right.

5 MR. RYAN: Do I hear a motion to confirm
6 the prima facie report as described?

7 COMMISSIONER SHAMOUN: So moved, Simon
8 Shamoun.

9 MR. RYAN: Is there a second?

10 COMMISSIONER ARAUJO: Araujo, second.
11 Araujo, second.

12 MR. RYAN: Okay. Very well, any
13 objections? Hearing none, the motion carries.

14 MR. RICHMAN: Commissioners, the
15 following relate to the petition incorrect or
16 omitted office or district. Erica Murray,
17 Democratic Party, county committee candidates
18 Derek F., F., M.F. Gaskill, Michael G. Donats
19 [phonetic], Samuel N. --

20 MR. RYAN: One second. McGaskill?

21 MR. RICHMAN: Yeah. Is that part of
22 Najmi?

23 MR. RYAN: Najmi, uh, is Mr. Najmi has
24 Donats and --

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2 MR. RICHMAN: Olivares?

3 MR. RYAN: And, uh --

4 MS. SANDOW: Gaskill.

5 MR. RYAN: -- Gaskill.

6 MR. RICHMAN: Okay.

7 MR. RYAN: So far.

8 MR. RICHMAN: And next in --

9 MR. RYAN: You've got, you've got -- you
10 can't get too far ahead of me.

11 MR. RICHMAN: Okay. How about Olivares
12 and Berhard? And then the next one is that he has
13 La-Scala, Bohommon. He has those, okay.

14 MR. RYAN: And Bharrat?

15 MS. SANDOW: Right.

16 MR. RYAN: So, yeah, so we're going with
17 the McGaskill, Donats, Bharrat and the three
18 individuals that we just dealt with in the
19 previous --

20 MR. RICHMAN: So he only just doesn't
21 represent Olivares. Okay. So maybe we should, Mr.
22 Najmi could be brought back to the meeting?

23 MR. RYAN: Yes. Can -- there he is.

24 MS. KONTAZMANIS: He's back in the

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2 meeting.

3 MR. RYAN: Okay. So, Mr. Richman, so
4 we're clear, Derek M.F. Gaskill, Michael G.
5 Donats.

6 MR. RICHMAN: In the 39th ED of the 53rd
7 AD.

8 MR. RYAN: And then Nandani Bharrat, all
9 represented by Najmi.

10 MR. RICHMAN: The next page too, 68th of
11 the 53rd and then --

12 MR. RYAN: I didn't, I didn't get to it.

13 MR. RICHMAN: -- we just called Angela
14 Christine LaScala, Paige Brooke Habener and Casey
15 Lynn Bohannon in the 40th of the 56th.
16 Commissioners, this is all the same issue. The
17 petition filed did not include the required
18 designation or division of the candidates by sex.
19 You have a copy attached to the material sent to
20 you of the Democratic Party Kings County party
21 call, including an excerpt from the rules, which
22 provide that the members of the Democratic County
23 Committee shall be equally divided between males
24 and females from each Assembly District, each

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2 Election District of each Assembly District in
3 Kings County in such numbers as set forth in the
4 next Schedule B. None of these candidates
5 included the appropriate gender designation.

6 MR. SAVINO: Any [unintelligible]
7 [01:39:14]?

8 MR. RICHMAN: Well, there's a case
9 there, but Mr. Najmi has a court case pending on
10 this issue.

11 MR. NAJMI: Right.

12 MR. RICHMAN: But commissioners, just so
13 you're aware, this issue arose two years ago in
14 the context of New York County when a candidate
15 was seeking election to the state committee
16 without the gender, by the name of Penny Mintz.
17 The case was litigated by the Board all the way
18 through the Court of Appeals, and in a 5-2
19 decision, the Court of Appeals affirmed the then
20 state party rule that required equal division by
21 sex of the state committee members. And the
22 requirement to include that on the designating
23 petitions. So the county committee rule that
24 we're not attempting to follow and enforce is in

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2 accordance with the decision of the New York
3 State Court of Appeals in 2018. Mr. Najmi, if you
4 want to make an argument?

5 MR. NAJMI: Thank you. Can I just be
6 heard?

7 MR. RYAN: Yes.

8 MR. NAJMI: Thank you, commissioners. I
9 just, you know, I do want to just put the
10 following into the record. On behalf of
11 candidates Nandani Bharrat, Derek Gaskill, Paige
12 Habener, Angela LaScala-Grunwald, Michael Donats
13 and Casey Lynn Bohannon. None of these candidates
14 identify as male or female. They are, what they
15 have listed on their petitions and cover sheets
16 county committee member. Now I understand and we
17 understand Kings County Democratic Committee
18 Rules do state designations based on male and
19 female. However, it is our position that that
20 rule and any attempt to force our clients to pick
21 a gender identity that does not identify with
22 their own actual gender identity violates their
23 rights under the due process clause and equal
24 protection clause of the 14th Amendment, that the

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2 Kings County Democratic rule violates the state
3 Human Rights Law and the New York City Human
4 Rights law, that the -- and that --

5 MR. RYAN: So --

6 MR. NAJMI: --and that these petitions,
7 that these candidates should be recognized.

8 MR. RYAN: -- Mr. --

9 MR. NAJMI: [unintelligible] [01:41:26].

10 I would also just want to put one other piece
11 into the record please, which is that Mr. Richman
12 brought up the issue of Mintz. And I do want to
13 emphasize, as I do in my court papers that Mintz
14 was dealing with a petitioner who identified as
15 female and was therefore working within the
16 framework of a binary [unintelligible] [01:41:43]
17 rule, whereas here, my clients are challenging
18 the binaryness of the rule itself which
19 categorically excludes all these petitioners as
20 written and applied, as well as anybody else in
21 Kings County that wishes to run for office that
22 does not describe gender nonconforming identity
23 or [unintelligible] [01:42:02] to pick male or
24 female. So these cases are fundamentally

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2 different than Mintz, and Mintz should have no
3 bearing on this case. With that, I conclude my
4 argument.

5 MR. RYAN: Okay. Mr. Richman, please
6 state the --

7 SECRETARY UMANE: Move the clerks'
8 report.

9 MR. RICHMAN: Commissioners, before, we
10 just should put in that the statute, the Election
11 Law provides, which was decided, and that
12 pursuant to the Constitution 2-106, Subdivision
13 2, if pursuant to Section 1 of Article 13 of the
14 New York State constitution, such committee shall
15 provide by rule for equal representation of the
16 sexes on such committee, the rules of the
17 committee relative shall be equally divided
18 between the sexes. Basically, the state
19 constitution authorizes, the Election Law
20 authorizes the party rule. As a ministerial
21 agency, we are bound to comply with the duly
22 adopted provisions of the New York State
23 Constitution as reflected in 2-106, subdivision 2
24 of the Election Law, and the duly adopted rules

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2 of the Kings County Democratic Party, properly
3 filed with both the State and City Boards. We're
4 a ministerial agency. Mr. Najmi's claims are
5 before the New York State Supreme Court and
6 that's the place for it to be adjudicated.

7 MR. RYAN: Yes, as such a --

8 SECRETARY UMANE: Move the clerks'
9 report.

10 MR. RYAN: -- yep.

11 COMMISSIONER MARMORATO: Second,
12 Marmorato.

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

15 MR. RICHMAN: Commissioners, in the 60th
16 of the 53rd, there's a candidate with the same
17 problem who is not represented by Mr. Najmi,
18 Samuel N. Olivares. So if we want to just clean
19 up, that's the last one with petition incorrect
20 office. If we have a motion for the two others
21 that were not --

22 SECRETARY UMANE: So moved.

23 MR. RYAN: Yes, do we have a second?

24 COMMISSIONER SHAMOUN: Second.

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

4 MR. RICHMAN: Commissioners, the
5 following relate to late general objections. The,
6 I will name the candidates and the objector.
7 Oriana Leckert, Gabrielle McGuire, Kristen Channo
8 [phonetic] in one, two, in two matters, Niki
9 Robins and Kristen Channo in two additional
10 matters, Kelly van Dermune [phonetic] and Kristen
11 Channo, Sloan Rivera [phonetic], Vega Ortel and
12 Kristen Channo in two matters, Alexander Gidel
13 Rivera and Christian San- sorry, Christian
14 Santos.

15 MR. SAVINO: Cynthia Santos.

16 MR. RICHMAN: Cynthia, Cynthia Santos,
17 Kalil Forbes [phonetic], Margarita Nieves, Stacy
18 Johnson, Jeanette Westcott, Jose Deleon, twice,
19 Stephanie Zacks and Kristen Channo twice, Daniel
20 Yadin and Kristen Channo twice.

21 MR. RYAN: That's Stephen Zacks.

22 MR. RICHMAN: Excuse me?

23 MR. RYAN: Stephen.

24 MR. RICHMAN: The one before?

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2 MR. RYAN: Yeah, Zacks. Stephan, Stephen
3 Zacks.

4 MR. RICHMAN: Stephan Zacks, Daniel
5 Yadin, Kristen Channo, Kristin Barron, Kristen,
6 Kristen Channo, Julio Montez, Cynthia Santos.

7 MR. SAVINO: I think you Daniel Yadin.

8 MR. RICHMAN: I called that.

9 MR. SAVINO: Okay, sorry, I apologize.

10 MR. RICHMAN: Edward Kopf, Kalil Forbes,
11 Margarita Nieves, Edward Kopf and Margaret
12 Nieves, Tyler Miles, Joseph Westcott, Jose Deleon
13 twice, and that's the end of the late objections.

14 MR. RYAN: No notices of appearance have
15 been filed for any of those matters.

16 COMMISSIONER ZACCONE: Move the clerks'
17 report, uh, move the prima facie report with
18 regard to those matters.

19 COMMISSIONER MICHEL: Second.

20 MR. RYAN: Commissioner Michel has
21 seconded. Are there any objections? Hearing none,
22 the motion carries.

23 MR. RICHMAN: The following are Working
24 Families Party, the failing to file -- a

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2 certificate of authorization I should say was
3 filed for Brendan Stafford for which no petitions
4 were filed. Similarly, for Joseph R. Lentol,
5 Working Families Party, member of the Assembly,
6 no petitions were filed for the candidate, for
7 which the certificate of authorization was filed.
8 Jamie R. Williams, candidate for member of the
9 Assembly, no petitions filed for the which the
10 certificate of authorization was filed. And those
11 conclude the no petitions with a certificate of
12 authorization.

13 MR. RYAN: No notices of appearance were
14 filed for any of those matters.

15 COMMISSIONER SHAMOUN: Move the prima
16 facie report in regard to those matters.

17 COMMISSIONER ZACCONE: Second, Zaccone.

18 MR. RYAN: Any objections? Hearing none,
19 the motion carries.

20 MR. RICHMAN: Sandra Nieves, candidate,
21 Working Families Party 37th District, a
22 certificate of authorization was not filed. It
23 was due on March 4th. A certificate of
24 authorization for Joseph Lentol was not filed. It

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2 was due on March 24th for the Working Families
3 Party, certificate of acceptance, I'm sorry. And
4 then also for Jamie R. Williams, 59th Assembly
5 District, certificate of acceptance not filed.

6 MR. RYAN: And no notices of appearances
7 for those matters either.

8 COMMISSIONER ZACCONE: Motion.

9 COMMISSIONER SHAMOUN: Move the prima
10 facie report in regard to those matters.

11 COMMISSIONER ZACCONE: Second, Zaccone.

12 COMMISSIONER TOWNSEND: Townsend.

13 MR. RYAN: Any objections?

14 COMMISSIONER ZACCONE: Zaccone,
15 Commissioner.

16 MR. RYAN: Hearing none, the motion
17 carries.

18 MR. RICHMAN: And the last two on the
19 CRU relate to OTB petitions filed for the SAM
20 Party for State Senator in the 18th District and
21 member of the Assembly in the 53rd Assembly
22 District. Commissioners, pursuant to Chapter 24,
23 the laws of 2020 enacted by the legislature and
24 the governor on March 18th, they are prohibiting

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2 no option for OTB petitions in the June 23rd
3 primary elections. Accordingly, these petitions
4 are invalid and we recommend a prima facie
5 removal.

6 PRESIDENT TAYLOR: Motion to accept the
7 clerks' report.

8 MR. RYAN: Is there a second?

9 COMMISSIONER CAMILO: Second.

10 COMMISSIONER TOWNSEND: Second.

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

13 MR. RICHMAN: This concludes the CRU
14 prima facie calendar. We'll be moving to the
15 legal prima facie calendar, which I know we have
16 appearances.

17 MR. RYAN: Just, yeah, make sure these
18 are all in order, alright. I circled those.
19 Alright. It seems like, I think I have them all.
20 Just double check before we get started, please.
21 Thank you. Mr. Richman, this is the end?

22 MR. RICHMAN: Well --

23 MR. RYAN: Legal prima facie is it?

24 MR. RICHMAN: No, then the clerks'

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2 reports.

3 MR. SAVINO: The clerks' reports.

4 MR. RYAN: Then the clerks' reports. And
5 do we have those, or are we going to do those
6 later?

7 MR. RICHMAN: Yes, I think you should
8 have them.

9 MR. RYAN: Yeah, alright.

10 MR. RICHMAN: But that's also where a
11 lot of the legal issues are.

12 MR. RYAN: Okay. Okay. Alright. Thanks.

13 MR. RICHMAN: I printed it out last
14 night, but I don't if anybody's been, uh, I
15 didn't make any --

16 MR. RYAN: I thought they were, I don't
17 know where they are.

18 MR. RICHMAN: Want to go print them out?

19 MR. RYAN: Alright. So now we're going
20 to the legal calendar, correct?

21 MR. RICHMAN: Legal prima facie.

22 MR. RYAN: Alright. So, legal prima
23 facie, the first one on the calendar is --

24 MR. RICHMAN: The first two are

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2 appearing by the same counsel. That's --

3 MR. RYAN: Mr. Richman, we need to keep
4 the record clear, okay.

5 MR. RICHMAN: Okay

6 MR. RYAN: So I'll handle the appearance
7 and you handle the matters, okay.

8 MR. RICHMAN: Okay. Same petition.

9 MR. RYAN: Right, yes. Alright. So we
10 have Christina Doss, David --

11 MR. RICHMAN: And John Wasserman.

12 MR. RYAN: -- A. Karopkin needs to be
13 brought into the active room to represent Ms.
14 Doss and Mr. Wasserman.

15 MR. RICHMAN: Commissioners, it's items
16 one and two on your calendar, and you have a
17 memorandum and submissions that were timely
18 submitted on behalf of Christina Doss and John
19 Wasserman it should be attached.

20 MS. KONTAZMANIS: Mr. Karopkin, Mr.
21 Wasserman and Ms. Doss are now in the meetings.

22 MR. RYAN: Thank you, Georgea. Alright.
23 Whomever has their live stream active, please
24 mute your live stream.

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2 MR. RICHMAN: Commissioners, with
3 respect to Christina Doss as a candidate for
4 delegate to the Judicial Convention, Democratic
5 Party 42nd Assembly District and John Wasserman,
6 candidate for alternate delegate to the Judicial
7 Convention in the 42nd Assembly District, the
8 candidates, no cover sheet was timely filed for
9 the candidates before midnight, Friday, March
10 20th, pursuant to the decision in Armwood v.
11 McCloy where the Appellate Division concluded the
12 candidate's failure to file a cover sheet is not
13 a mere technical defect subject to cure. That's
14 why they appear on the legal prima facie calendar
15 with the recommendation that they be stricken
16 from the ballot for the failure to timely file a
17 cover sheet.

18 MR. RYAN: Mr. Karopkin, you may be
19 recognized.

20 MR. DAVID KAROPKIN: Thank you, good
21 morning, hi everyone. I hope everyone is staying
22 safe. I urge the Board to reject the prima facie
23 report pertaining to Christina Doss and John
24 Wasserman. You should have received directly from

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2 the candidates an amended cover sheet. That's,
3 they're asking you to accept that as well as a
4 statement which explains that they were removed
5 from the ballot through fault of their own. And
6 as you know, they're here on the call and will be
7 able to answer any questions.

8 The matter of Armwood is not directly
9 applicable. We have an unusual case here and
10 there's some important differences. Putting aside
11 the complications of COVID-19, Armwood should not
12 be used to perpetuate the fraud and confusion it
13 specifically speaks to seeking to prevent. And
14 the thing that's important to understand about
15 how this situation is different, Armwood, these
16 are candidates for a downballot party positions
17 that are on a slate of other candidates and the
18 evidence shows that their signatures were
19 gathered from voters for the whole entire slate
20 which included them, but unlike Armwood where the
21 candidate was personally responsible for filing
22 the petition John and Christina and everyone else
23 on that slate had their petitions collected and
24 bound and filed by their district leader who did

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2 not inform them of any deficiencies and Armwood
3 speaks to new and late cover sheets. But
4 specifically carves out that it doesn't apply to
5 amended cover sheets and that's what the
6 candidates are seeking to file here, unlike the
7 candidate in Armwood, John and Christina did have
8 petitions submitted with the cover sheet, we have
9 that cover sheet, and we know that John and
10 Christina's names are on the petitions and the
11 cover sheets and for some reason they're
12 obstructed, and the evidence suggests that their
13 names and addresses were likely deliberately
14 obscured with some kind of white out, but we
15 don't know that for a fact, because we haven't
16 seen the originals.

17 We don't know if that is the case, who
18 did it or when, but their names are clearly on
19 the cover sheet, and if you have those originals,
20 I'd request that you access them, because I'd
21 like to know what white covering over their names
22 is and whether that is just something that made
23 its way on there or can be removed. But the point
24 is that we're asking the Board to allow John and

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2 Christina to amend those cover sheets, and
3 they're not filing a new related cover sheet.

4 And just to conclude, approving the
5 clerks' report on this would be, will allow the
6 confusion, if not fraud, because we don't know
7 what happened at what point with the white, white
8 out that's over their names and it could have
9 happened before or after the petitions were bound
10 and witnessed. And if it was done subsequently,
11 that is a legal fraud concern. But either way,
12 John and Christina's names are on their
13 positions. They collected in the heat of
14 everybody being told that they were supposed to
15 stay inside and somehow their names are now
16 illegible. But their names are on the cover
17 sheet. And the voters who signed those petitions
18 did so with the expectation that they were going
19 to be putting John and Christina on the ballot.
20 And we've spoken to individuals who are on the
21 same slate, who collected petition signatures,
22 and now they're aggrieved because the result of
23 removing them from the ballot disenfranchises the
24 voters who signed those petitions. And so they

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2 themselves risked their health to sign those
3 petitions on the basis, at least in part, that
4 John and Christina were on those ballots, on the
5 petitions.

6 And so even without knowing exactly what
7 happened with the cover sheet, denying John and
8 Christina the chance to amend them would serve as
9 a sanction perhaps as some, we don't know,
10 political retribution or fraud or possibly some
11 other scenario, and that would be harmful to all
12 of the --

13 MR. RYAN: Okay. Mr., Mr. Koropkin, I
14 think we have a good understanding of your
15 argument. Mr. Richman, do you have anything to
16 offer based on your examination of the documents
17 before you?

18 MR. RICHMAN: Well, commissioners,
19 again, the cover sheet that was filed with us on
20 March 19th does not have the names appearing of
21 the two candidates. Any allegations of fraud or
22 forgery under your rules is appropriately
23 addressed in the New York State Supreme Court.
24 And if you adopt the prima facie report, that's

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2 an option that's available to the candidates.

3 MS. SAVINO: And I believe the case of
4 Armwood clearly says you cannot amend something
5 that wasn't filed in the first place, so that
6 argument has no merit.

7 MR. RICHMAN: And the Board is not
8 responsible for the actions of the people who
9 prepare the petitions or file them. It's each
10 candidate's individual responsibility if they
11 want to be on the ballot to ensure that all the
12 legal requirements are met. That's a
13 responsibility of a candidate, not of the board.

14 MR. KAROPKIN: Okay. Respectfully, we
15 don't even know what happened and why their names
16 are invisible, because we don't have the
17 originals. Presumably, you have the originals,
18 and we don't know -- their names are on those
19 sheets. They're there, we can see. We have the
20 originals, a copy of them, and, and from what we
21 received, you can see that their names are there,
22 so there's something that happened. The point is
23 that --

24 MR. RYAN: Is there anything indicating

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2 it should be close to what he said?

3 MR. KAROPKIN: -- they're not filing a
4 new cover sheet, they're amending the older cover
5 sheet that their names are on.

6 MR. RYAN: Yes, do we have the original?

7 MR. RICHMAN: Does CRU still have the
8 original cover sheets? 42nd Assembly District?

9 MR. RYAN: Oh, this is --

10 MR. RICHMAN: This is the cover sheet.
11 The names are on the petition.

12 MR. RYAN: Right.

13 MR. RICHMAN: This is the cover sheet.

14 MR. RYAN: Right.

15 MR. SAVINO: Yes.

16 MR. RICHMAN: Hold on a second, CRU
17 should have it. 42nd Assembly District Kings
18 Democrat?

19 MR. RYAN: Commissioners, so that you
20 understand what, we're calling for the original
21 cover sheet as there is a laundry list of names
22 on the cover sheet, however, there is a place,
23 there are two places on the cover sheet where
24 there is a blank. Give it to Commissioner Michel

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2 first, please. Thank you. And that's -- we'll
3 just do that to go to commissioner first.

4 [OFF-MIC CONVERSATION]

5 MR. RYAN: Yes.

6 MR. RICHMAN: There's no white out.

7 That's --

8 MR. RYAN: The document that we have
9 before us originally signed has the two
10 individuals. There's no evidence of white out
11 occurring on this document.

12 SECRETARY UMANE: Move the clerks'
13 report.

14 MR. RYAN: However, the names are
15 missing and there is a blank spot.

16 MR. KAROPKIN: What? Is it just paper,
17 is there something over it?

18 MR. RICHMAN: Nothing.

19 MR. RYAN: There's nothing over it. It
20 appears to be a photocopy of a document
21 intentionally removing the names of these two
22 individuals.

23 MR. KAROPKIN: How are we supposed to
24 know what a --

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2 MR. RYAN: We're not.

3 MR. KAROPKIN: -- photocopy represents?

4 We don't --

5 MR. RICHMAN: It's not the original
6 document --

7 COMMISSIONER MICHEL: That's the --
8 excuse me, that's the original that was filed.

9 MR. RICHMAN: That was filed by the --
10 and said the original signature of the authorized
11 agent.

12 COMMISSIONER MICHEL: -- that's the
13 original signature on there, so it's --

14 MR. RICHMAN: Not a copy.

15 COMMISSIONER MICHEL: -- assumed they
16 made, they made --

17 MR. RICHMAN: Corrections.

18 COMMISSIONER MICHEL: -- took the names
19 off, made a copy of it, signed the copy as the
20 original --

21 MR. RICHMAN: And filed that.

22 COMMISSIONER MICHEL: -- and sent it to
23 us.

24 MR. RICHMAN: Filed that in person.

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2 MR. RYAN: Correct. So --

3 SECRETARY UMANE: Move the clerks'
4 report.

5 MR. RYAN: -- a motion is in order.

6 MR. RICHMAN: We have Umane's motion.

7 SECRETARY UMANE: Move the clerks'
8 report.

9 COMMISSIONER ZACCONE: Second.

10 MR. RYAN: Is there a second?

11 COMMISSIONER ZACCONE: Zaccone.

12 MR. RYAN: Are there any objections?

13 Hearing none, the motion carries.

14 MR. RICHMAN: Candidates will not appear
15 on the ballots. Commissioners, we'll move on to
16 the --

17 COMMISSIONER SHAMOUN: Pardon.

18 MR. RYAN: Hold on, Steve.

19 MR. RICHMAN: Okay. I don't --

20 MR. RYAN: Alright. Just, uh, items on
21 your calendar, eight through 18 --

22 MR. RICHMAN: Right.

23 MR. RYAN: -- have a representation.

24 MR. RICHMAN: Right. And, but can we, do

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2 you want to do, can we do three through seven
3 because there's no representation?

4 MR. RYAN: We should get rid of the
5 people that are here waiting, and then the people
6 that don't have representation, we'll take them
7 next. Alright. So, we need Mr. Rabb to be brought
8 back into the active meeting. He represents 11
9 individuals on the calendar.

10 [OFF-MIC CONVERSATION]

11 MS. KONTAZMANIS: He's been entered into
12 the meeting.

13 MR. RYAN: Okay. Thank you. Mr. Rabb,
14 I'm going to read the last names of the
15 individuals who we have you representing, and if
16 there's any mistakes or additions, just let me
17 know.

18 MR. RABB: Let me just save you some
19 time. I'm withdrawing my notice of appearance and
20 conceding the report.

21 MR. RYAN: Okay. Thank you very much. I
22 don't know that we could have made it quicker
23 than that.

24 MR. RABB: But I'd say one thing though.

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2 Before I go, I have a question I think for Mr.
3 Richman. When you read the prima facie calendar,
4 I did not hear Nick Perry on the calendar. I
5 entered the notice of appearance for him. I just
6 wanted to make sure that that was withdrawn.

7 MR. RICHMAN: Mr. Perry is not on the
8 calendar because the certificate of authorization
9 was filed.

10 MR. RABB: Okay. Great, thank you very
11 much. And thanks again for all of your work.

12 MR. RYAN: Thank you. Mr. Richman, I
13 believe according to my records, that concludes -
14 - those matters would have concluded the
15 represented calendar. So you can go with items
16 three through the end of the calendar, and we can
17 deal with that as a group.

18 MR. RICHMAN: Republican Party delegates
19 to the Judicial Convention and alternate
20 delegates from the 59th AD, candidates' names are
21 Vincent Cervone, Sandra Gilmore, Caroline Di
22 Paolo, David Fruchtman, David C. Eng. Working
23 Families Party, which has now been withdrawn,
24 Hazel Desette [phonetic] Lynette Eubanks

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2 [phonetic], Alicia Keller, Bertha Lewis, Julia
3 Boyd, Norman Frazier, Steven London, Paul
4 Takeuchi, Alexander Vitale, Jonathan Westin,
5 Jesse Sorrean [phonetic], all of those are
6 Armwood failing to file a cover sheet.

7 The next items, Erica Murray, Democratic
8 candidate and Brady Aarons, Democratic candidates
9 appearing on volumes 1157, 1185, the petition
10 does not correctly specify or identify the public
11 office or party position seeking to appear. And
12 commissioners, you have copies, if you'll need,
13 of those petitions in your packet that were e-
14 mailed to you today.

15 COMMISSIONER MARMORATO: I'll move the
16 legal prima facie report if there are no
17 appearances.

18 PRESIDENT TAYLOR: Second.

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

21 MR. RICHMAN: The report is adopted, the
22 candidates named will not appear on the primary
23 ballots. Commissioners, we'll be moving to the
24 clerks' reports. I want to advise you, I believe

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2 you should have been receiving e-mails of late
3 filed exception reports that have been filed. I'm
4 just bringing it to your attention. We'll
5 identify them as they, the matters appear. The
6 last one should have been circulated a little
7 after 10:47 a.m. is the last package that was
8 delivered to me from our offices on the seventh
9 floor.

10 MR. RYAN: We're just double checking to
11 see if we have any more notices of appearance.

12 [OFF-MIC CONVERSATION]

13 MR. RYAN: Ms. Kontazmanis, do you have
14 record of any notices of appearance up there? You
15 got it? Alright. I got them, I got them. And I
16 also don't have this calendar.

17 MR. RICHMAN: The clerks' reports?

18 MR. RYAN: Oh, are we just doing them
19 one clerks' report at a time?

20 MR. RICHMAN: No, it's the clerks'
21 report I've done, there is no calendar.

22 MR. RYAN: Got you. Okay. So, Joshua
23 Ehrlich --

24 MR. RICHMAN: Is for Mr. Bolus.

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2 MR. RYAN: -- is on this first matter.
3 Joshua Ehrlich.

4 MR. RICHMAN: Is there any appearance
5 for Scott?

6 [OFF-MIC CONVERSATION]

7 MS. KONTAZMANIS: We've let in Mr.
8 Ehrlich --

9 MR. RYAN: We have Lenny, Lenny Mark?

10 MS. KONTAZMANIS: Mr. Najmi and Lenny
11 Mark. They're all in the meeting.

12 MR. RYAN: So, so -- yes, Joshua
13 Ehrlich, Lenny Mark is on the, also on the notice
14 of appearance with Joshua Ehrlich.

15 MR. RICHMAN: And Mr. Scott has Mr.
16 Najmi.

17 MR. NAJMI: Okay. Ali Najmi for Stanley
18 Scott.

19 MR. RICHMAN: Okay. Well, let, let's
20 call it first and then we'll get your
21 appearances, okay. This is the clerks' report on
22 Democratic Brooklyn spec 1-1, Democratic Party,
23 in the matter of the objections of Henry A.
24 Bolus, objector, to the petition of Stanley Scott

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2 for male member of the Democratic state
3 committee, 59th Assembly District, clerks'
4 report, 323 signatures were found on the
5 petition, 190 were deemed invalid, leaving 133
6 valid, 150 are now required pursuant to the New
7 York State Election Law as modified by the
8 governor's executive order. Appearances please
9 for the objector.

10 MR. RYAN: Steve, we can't do it that
11 way. I'll have to call them. Yes. Mr. Bolus --

12 MR. RICHMAN: No, it's [unintelligible]
13 [02:05:34].

14 MR. RYAN: -- is the objector. Is Mr.
15 Mark here for Mr. Bolus?

16 MR. LENNY MARK: Mr. Mark is here, yes.

17 MR. RYAN: Okay, and for Mr. Scott, Ali
18 Najmi?

19 MR. NAJMI: Yes, I'm here.

20 MR. JOSHUA ERHLICH: Also Urias --

21 MR. RYAN: Okay. Very well, Mr. Mr.
22 Bolus, do you wish to be heard?

23 MR. RICHMAN: Mr. Erhlich.

24 MR. ERHLICH: Your Honor, Commissioner -

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2 -

3 MR. RICHMAN: It's Josh Erhlich who is
4 presenting Bolus.

5 MR. RYAN: Oh, okay.

6 MR. ERHLICH: I'm Joshua Erhlich for
7 the, for the, for Mr. Bolus.

8 MR. RYAN: Okay. I was told that it was
9 Mr. Mark, but okay. Hi, Mr. Ehrlich.

10 MR. ERHLICH: Mr. Mark and I work
11 together.

12 MR. RYAN: Alright. Very well, so Mr.
13 Erhlich, you're there. So Mr. Erhlich, do you
14 wish to be heard?

15 MR. ERHLICH: Move the, move the clerks'
16 report.

17 MR. RYAN: Okay. Mr. Najmi, do you wish
18 to be heard?

19 MR. NAJMI: Yes. I would like to move to
20 dismiss this specification for improper service.
21 As this is a party position, a male state
22 committee member, I, as the contact person on
23 the, on the cover sheet must be served at the
24 address listed on the cover sheet. The address

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2 listed on the cover sheet is 255-63 75th Avenue,
3 Glen Oaks, New York. This item was not served at
4 that address. I was, it's another address.

5 MR. RICHMAN: Could we get the proof of
6 service, please?

7 MR. EHRLICH: Yeah, Your Honor,
8 Commissioners, Mr. Najmi --

9 MR. RYAN: Yes, Mr. Ehrlich?

10 MR. EHRLICH: You'll also find that we
11 served the first name on the committee to fill
12 vacancies, you'll find that service and we served
13 the candidate as well so we complied, if
14 anything, over complied with Rule H-10B by
15 serving the first name on the committee to fill
16 vacancies.

17 MR. RICHMAN: Let's get the petition for
18 the first name committee, 11, Kings 11-53 we
19 need. Yeah, commissioners, for your reference,
20 referring to Rule H-10B for petitions designating
21 a candidate for party position, the objector must
22 serve a copy of the specs upon either the first
23 person listed under the committee to fill
24 vacancies or the contact person. According to the

1 April 22, 2020

2 proof of service, the service was to Mr. Ali
3 Najmi at 255-04 75th Avenue.

4 MR. NAJMI: Which is incorrect.

5 MR. RICHMAN: Which is incorrect.

6 MR. NAJMI: And not the address on the
7 cover sheet.

8 MR. RICHMAN: And Mr. Ehrlich, you also
9 filed, you have filed a proof of service with
10 respect to the first named person on the
11 committee to fill vacancies?

12 MR. EHRLICH: Yes, we did.

13 MR. RICHMAN: CRU, there should be a
14 second proof of service.

15 MR. EHRLICH: Uh --

16 MR. NAJMI: Can I --

17 MR. FUCHS: That was filed at the Board?

18 MR. EHRLICH: That was filed at the
19 Board, yes, and we have copies from the Board.

20 MR. RYAN: Excellent.

21 MR. RICHMAN: That's spec KG 1-1. Oh, we
22 have the additional. And we need the petition.

23 MR. ORTIZ: Mr. Richman, the petition is
24 in Brooklyn.

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2 MR. RICHMAN: Could you give us the name
3 and address of the first named person on the
4 committee to fill vacancies for Mr. Scott's
5 petition for male state committee?

6 MR. ORTIZ: Marie A.M. Scott, 9009
7 Seaview Avenue, Brooklyn, New York, 11236.

8 MR. RICHMAN: Commissioners, we have in
9 front of us, and I'll be handing it up to
10 Commissioner Michel to review, a proof of service
11 properly designated for King Spec 1-1 that was
12 served by certified mail on March 30th according
13 to the post office, and which was the date which
14 it was filed here with the Board as well, to Ms.
15 Marie. A.M. Scott at 9009 Seaview Avenue,
16 Brooklyn, New York 11236-5235, which would be the
17 first named person on the committee to fill
18 vacancies. So if that --

19 MR. NAJMI: Mr. Richman --

20 MR. RICHMAN: -- and that meets the
21 requirements of Rule H-10 for proper service for
22 party position.

23 MR. NAJMI: Can I ask a question?

24 COMMISSIONER SHAMOUN: We received it on

1 April 22, 2020

2 March 3rd?

3 MR. RICHMAN: Well, they filed, the
4 rules require them to mail it first and then file
5 proof of service with us.

6 COMMISSIONER SHAMOUN: Yes.

7 MR. NAJMI: Can I ask a question?

8 MR. RICHMAN: Mr. Najmi, yes.

9 MR. NAJMI: I'm sorry, what is the date,
10 because I'm not there physically to examine the
11 proof of service, can I please know the date that
12 the proof of service says it was mailed?

13 MR. RICHMAN: Yes. The Cadman Plaza
14 Station of the postal service seal and date is
15 March 30th. The paid receipt shows that \$11.05
16 was paid on 3/30/2020 and it was then filed with
17 the Board on March 30, 2020 at 5:26 p.m.

18 MR. NAJMI: And, Mr. Richman, is there a
19 timestamp of a time on that?

20 MR. RICHMAN: From the Board, yes. From
21 the postal service, no.

22 MR. NAJMI: No, from the post office,
23 from the post office.

24 MR. RICHMAN: No, only a circular stamp

1 April 22, 2020

2 in red with the date March 30th, and the computer
3 generated date of 3/30/2020, together with the
4 dollar amount inserted by computer of what the
5 postage and the fees were.

6 MR. NAJMI: And is that, is that the
7 filing there, is it simply the certi- is it just
8 the green receipt?

9 MR. RICHMAN: Just the green certified
10 receipt, which is attached to the copy of the
11 first page of the specifications, which meets the
12 requirements of the Board in terms of identifying
13 the proof of service.

14 MR. RYAN: I believe a motion is in
15 order to accept the clerks' report.

16 MR. NAJMI: I'm assuming there's no
17 exceptions that were filed.

18 MR. RYAN: Right.

19 MR. RICHMAN: Excuse me? No,
20 commissioners --

21 MR. NAJMI: I have no further argument.

22 COMMISSIONER ZACCONE: Okay. I move the
23 clerks' report.

24 COMMISSIONER SHAMOUN: Second.

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2 MR. RYAN: Are there any objections?

3 Hearing none, the motion carries.

4 MR. RICHMAN: Clerks' report is adopted.

5 MR. EHRLICH: Thank you.

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

8 MR. EHRLICH: Thank you very much
9 counsels, thank you commissioners.

10 MR. RYAN: Thank you.

11 MR. RICHMAN: The next clerks' report is
12 relating to specification 6-1, the objections of
13 Zapada and Alvarado to Kimberly Council for
14 member of the City Council. I know we have
15 appearances.

16 MR. RYAN: Yes, we have Anthony
17 Genovesie and Howard Graubard.

18 MR. RICHMAN: Commissioners, you have a
19 detailed series of filings to go with the clerks'
20 report that you should have under attached in a
21 separate e-mail that we sent last night. The
22 exception report by Mr. Graubard and the
23 council's memorandum in reply.

24 MR. HOWARD GRAUBARD: Can I make a

1 April 22, 2020

2 request right now?

3 MR. RICHMAN: Mr., we're going to call
4 the matter, Mr. Graubard, and then you'll, and
5 then Mr. Ryan will recognize you for appearances.

6 MR. GRAUBARD: Okay.

7 MR. RICHMAN: This is the clerks' report
8 in spec number 6-1, Democratic Party, Kings
9 County, the objections of Ariana Zapata and
10 Alexander Alvarado to the petition of Kimberly
11 Council for member of the City Council in
12 District 37. The clerks' report, 322 submitted,
13 148 deemed invalid, 174 valid, and the clerks'
14 report that 270 signatures are required.

15 MR. SAVINO: 96.

16 MR. RYAN: Mr. Genovesie, are you
17 present?

18 MR. RICHMAN: Oh, what happened to him?
19 Oh, he's up there. Mr. Genovesie, can you hear
20 us? Mr. Genovesie, is your volume up?

21 MR. RYAN: We can see Mr. Genovesie,
22 however, he does not appear to be getting audio
23 from us.

24 MS. KONTAZMANIS: I'm going to try and

1 April 22, 2020

2 reach him by telephone.

3 MR. RYAN: Please do.

4 MR. GRAUBARD: In the meantime, can I
5 make a request?

6 MR. RYAN: I don't --

7 MR. RICHMAN: No, let's wait until --

8 MR. GIOFFRE: This matter --

9 MR. RICHMAN: -- let's wait until
10 everybody is represented.

11 MR. GRAUBARD: Okay.

12 MR. ANTHONY GENOVESIE: Hello?

13 MR. RYAN: Mr. Genovesie, are you back?

14 MR. GENOVESIE: I think I am.

15 MR. RYAN: Okay. We hear you, alright,
16 very well. So, Mr. Graubard, you can ask your
17 question first.

18 MR. GRAUBARD: Okay.

19 MR. RYAN: Is it procedural in nature?

20 MR. GRAUBARD: Okay. Yes, it is. This
21 matter is absolutely identical with at least two
22 and possibly three other matters on the calendar
23 and I think it would be a service to the Board to
24 all counsel involved in these, especially to Mr.

1 April 22, 2020

2 Genovesie, won't have hear three different times
3 or four if we handled them all at once. I know
4 last night I e-mailed Mr. Richman, it bounced
5 back, so I contacted Tom Sattie as well, gave him
6 a copy of it. And so did the other attorneys on
7 the matter, Mr. Hynes for Sandra Nurse and Mike
8 Stalla for Misba Abdin and I don't know if Mr.
9 Richard Ecvhevarria or whether his case is
10 identical. Ours is, at least on the one issue.
11 [unintelligible] [02:15:41].

12 MR. RYAN: He's, he's represented.

13 MR. GRAUBARD: Well, I think we should
14 all be put in on this because the issue I brought
15 up, which is what is the proper number of
16 signatures required to qualified for council in
17 the 37th Council District is to all four
18 candidates.

19 MR. RICHMAN: Mr. Graubard, you're the
20 only one who submitted an exception report, an
21 exception report. The other issues have not been
22 submitted with exception reports for the other
23 clerks' reports. The Board's procedure is to
24 consider each report separate because each report

1 April 22, 2020

2 has different numbers involved because there are
3 different petitions involved. As with respect to
4 issues of law, the Board makes a ruling, then the
5 Board will consider each one independently. But
6 the Board's procedure has always been to consider
7 each one separately and you were the only one to
8 raise this issue as to what the appropriate
9 number were. We do not have submissions from the
10 other two candidates for the council district and
11 you cannot represent them.

12 MR. GRAUBARD: I understand. If you
13 decide for me, you decide for them and I do not
14 want to put these other candidates at a
15 disadvantage if my presentation is inadequate. So
16 I would ask that you hear all these cases and
17 make the decision after hearing council for all
18 the lawyers.

19 MR. RICHMAN: There's no --

20 MR. RYAN: There's no appearances on, on
21 the others, so --

22 MR. RICHMAN: We're only dealing with
23 one matter. That's the calendar cal.

24 MR. RYAN: These are individual matters

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2 and they will be handled individually, but thank
3 you for the suggestion. Mr. Genovesie, do you
4 wish to be heard?

5 MR. GENOVESIE: With respect to the
6 joinder of these [unintelligible] [02:17:17] --

7 MR. RYAN: No, no. With respect to the
8 merit of --

9 MR. RICHMAN: The clerks' report.

10 MR. RYAN: -- the clerks' report as --

11 MR. RICHMAN: And the exception report
12 filed by Mr. Graubard.

13 MR. FUCHS: Did he hear it read out?

14 MR. RICHMAN: Yeah.

15 MR. GENOVESIE: So, I, uh, I don't know
16 if I missed any initial presentation but, uh --

17 MR. RICHMAN: Only the report of, only
18 the report of what the clerks' report, what is on
19 the clerks' report for spec 6-1, the numbers.

20 MR. RYAN: So, for Mr. Genovesie's
21 benefit and to make sure that the record is
22 clear, can you just restate the numbers?

23 MR. RICHMAN: Yes. Clerks found that 322
24 signatures were submitted for the candidate,

1 April 22, 2020

2 clerks found 148 signatures invalid, the total
3 valid signatures they found were 174, the clerks
4 reported that they believed 270 signatures are
5 required to qualify for the ballot.

6 MR. GENOVESIE: Right, look with respect
7 to the total number of valid signatures found, I
8 would ask that the clerks' report be adopted. But
9 with respect to the clerks' report finding of the
10 number of required signatures, I think the number
11 is inaccurate and ought to be 450 signatures
12 required.

13 COMMISSIONER SHAMOUN: I didn't hear --

14 MR. RICHMAN: Mr. Genovesie, could you
15 repeat that? You broke up at the end for the
16 total number of signatures you believe required.

17 MR. GENOVESIE: The total number of
18 signatures required should properly be reflected
19 as 450 and this is the central issue Mr. Graubard
20 was just raising, that that is the number
21 specified in the New York City Charter as amend,
22 as amending the New York State Election Law.

23 MR. RYAN: Right.

24 MR. GENOVESIE: But New York State

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2 Election Law, I have to go into the underlying
3 issues, but that's it unless the Board would like
4 me to.

5 MR. RYAN: And just for the sake of
6 clarity, the total number of valid signatures on
7 this clerk report is 174.

8 MR. GENOVESIE: Correct.

9 MR. RYAN: So you've now asked the
10 commissioners to consider a different number of
11 450, the number that was considered for this
12 report was 270. I'm not a mathematician, but
13 we're below 270.

14 MR. GENOVESIE: Correct.

15 MR. RYAN: So in either event, it seems
16 to be fairly straightforward, but Mr. Graubard,
17 if you'd like to be heard.

18 MR. GRAUBARD: Yeah, why is this primary
19 election different from all of the other June 23,
20 2020 primary elections? In every other case, the
21 candidate needs only 30 percent of the normal
22 minimum number of signatures to get on the
23 ballot. But in the 37th Council District, the
24 candidate, according to Mr. Genovesie needs 100

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2 percent and according to the Board, it needs 60
3 percent. The issue here is how to interpret the
4 emergency executive order issued by the governor
5 during a pandemic. It, as I, candidate counsel
6 maintains, did the governor intend a blanket
7 order to stop petitioning dead in its tracks in
8 the name of public safety, along with the
9 required numbers of signatures uniformly in order
10 to facilitate that end, or did he purposely issue
11 a highly technical order in order, in an effort
12 to set different thresholds for different office
13 in order to sew confusion in time of crisis?
14 Common sense can lead us to only one end.

15 The governor said it himself. Here is
16 what he said when he issued the executive order.
17 The safety of New Yorkers is our top priority.
18 I'm issuing an executive order to reduce the
19 number of petition workers 30 percent to the
20 statutory threshold. He didn't say I'm issuing an
21 executive order to reduce the number of
22 signatures to 30 percent of the statutory
23 threshold except for the 37th Council District.

24 His intent couldn't be more clear. When

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2 the governor says that Article 6 of the Election

3 Law is modified to the extent necessary to reduce

4 the number of signatures to 30 percent of the

5 stated threshold, he means the threshold that

6 currently exists in the applicable law. To think

7 the governor intended to reduce the stated

8 threshold to 30 percent everywhere but the 37th

9 Council [unintelligible] [02:21:46] District is

10 ludicrous. To think as Mr. Genovesie does, that

11 he meant to reduce the time to collect the

12 signatures in District 37, but not the number

13 lacks all credibility. The Election Law is always

14 read holistic. And when read holistically in the

15 light of Section 1102, Chapter 646 of the New

16 York City Charter, Section 105-7B, the stated

17 threshold for the office of member of City

18 Council is 450, which means that the governor's

19 executive order reduced the stated threshold to

20 135, not 270 or 450, which is a position in total

21 regard of the governor's clear intent and in

22 utter disregard of the public health. To argue

23 that the stated standard is not reduced at all,

24 the mind boggles.

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2 Even given the contrary positions the
3 benefit of every doubt, one must conclude that
4 the interplay between the governor's order and
5 the City Charter created an ambiguity which
6 should be resolved to give effect to the
7 governor's express intent conveyed in his public
8 statements, especially given the longstanding
9 case law validating petitions with
10 [unintelligible] [02:23:01].

11 Now in the matter of People excellent
12 rel. Edward T. Wood, v. E. [unintelligible]
13 [02:23:06] Lancombe, the Court of Appeals found
14 that it was not tied down to any mere verbal or
15 literal interpretation of the several statutes on
16 which such questions depend. The intent of the
17 legislature must be sought for and these statutes
18 must, if possible, be construed as to carry out
19 such intent.

20 In gross, the court ruled there is no,
21 there are instances when inconsequential
22 deviations from the letter of the law will not be
23 fatal. The right of the voter to be safeguarded
24 from disenfranchisement and have its intent

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2 implemented whenever reasonably possible, and
3 sans technical errors. There's no question that
4 the object of the Election Law is to secure the
5 right to duly qualified electors, not frustrate
6 them by posing technical obstructions that bear
7 no relationship to the policy's underlying
8 statute.

9 In gross, the Court of Appeals found
10 that to be sure, some rules require the most
11 stringent enforcement [unintelligible] [02:24:06]
12 function. Others however, can and should be
13 [unintelligible] [02:24:10] to tolerate some
14 flexibility. This is particularly so when it's
15 here. The strict application of the rule does not
16 further the Election Laws objective.

17 In Walsh v. Boyle, the Appellate
18 Division ruled that they will not permit election
19 [unintelligible] [02:24:27] --

20 [CROSSTALK]

21 MR. RYAN: Alright. Mr. --

22 MR. RICHMAN: It's in his memo.

23 MR. GRAUBARD: [unintelligible]

24 [02:24:31].

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2 MR. RYAN: -- Graubard, we have your
3 written memo. And it appears now --

4 MR. GRAUBARD: Okay.

5 MR. RYAN: -- that you're reading from
6 your written memo.

7 MR. GRAUBARD: Well --

8 MR. RYAN: Would you like to sum up?

9 MR. GRAUBARD: Well, I didn't cite any
10 of those cases in my written memo as a matter.
11 Objector's position is best described as
12 [unintelligible] [02:24:47], blind adherence to
13 the letter of the executive order in defiance of
14 the executive order in defiance of all reason.
15 Essentially the objector's position is
16 [unintelligible] [02:24:55] and if
17 [unintelligible] [02:24:59] two week deduction in
18 time to collect the [unintelligible] [02:25:04 -
19 02:25:07] Nero position, where they're suggesting
20 that the Court, the Board of Elections should
21 fiddle with the intent of the governor's order
22 while New York [unintelligible] [02:25:17]. It's
23 not only erroneous, if --

24 MR. RYAN: So --

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2 MR. GRAUBARD: -- the court adopted this
3 position, it would [unintelligible] [02:25:23 -
4 02:25:25] which is --

5 MR. RYAN: We --

6 MR. GRAUBARD: -- done here and show that
7 in a crisis, the Board of Elections will act as a
8 first responder. You leave these candidates on
9 the ballot, that ruling will stand. We will
10 demonstrate that the Board of Elections will not
11 ignore, ignore logic, reason and the public
12 safety in order to adhere to an illogical and
13 fabrication of, or you can do otherwise. The
14 choice is yours.

15 MR. RYAN: Okay. Mr. Richman, please be
16 heard.

17 MR. RICHMAN: Commissioners, I will not
18 take much time. Just please note my response that
19 I prepared when we received the exception report,
20 three pertinent facts. In prior life, I actually
21 spent time on the second floor, so when I give
22 you the provisions of the governor's powers with
23 respect to the executive law, Section 29A-1, for
24 the governor to suspend a provision, he must

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2 specify the statute, local law, ordinance, rule
3 or regulation to be suspended and the terms and
4 conditions.

5 In an executive order, he specifically
6 suspended Article -- provisions of Section 6-134
7 of the Election Law. He did not deal with the
8 City Charter. The City Charter, when it was
9 enacted specifically carved out that the State of
10 New York's Election Law requirements in 6-134,
11 Subsection 2, Subdivision C1 shall never apply to
12 the City Council. And lastly, I would point that
13 the 450 requirement also applied for the special
14 election, for which they had only 12 days to get
15 signatures. So clearly, in the governor's
16 reduction of the executive order, it would be
17 consistent that since she had more than the 12
18 days that you had for the special to get the
19 primary election, the requirement would still
20 apply. So I believe recommendation from counsel
21 is to amend the clerks' report to provide that
22 the number of required signatures is 450. If you
23 have any questions on my report, you have it.
24 Copies were given to both counsels last night.

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2 MR. RYAN: I believe a motion is now in
3 order to approve the clerks' report.

4 COMMISSIONER SHAMOUN: I just have one
5 question before we make any motions. Is, in your
6 opinion, based on your research and memo that the
7 governor could have changed the timeline for
8 filing but not the number of signatures required
9 for the City Charter, pursuant to the
10 [unintelligible] [02:27:42] for the city?

11 MR. RICHMAN: The governor could have.
12 If the governor, could have, he could have
13 explicitly provided that his order shall apply to
14 the provisions of Section 10-57-B of the New York
15 City Charter. In other executive orders issued
16 during this emergency, the governor has suspended
17 various provisions of local laws, specifically
18 with relating to the City of New York, including
19 portions of the Administrative Code as well. That
20 power under the Executive Law, 2B as amended by
21 the legislature this year gave the governor the
22 power to modify, not only suspend but to modify
23 any provision of state or local law, rule,
24 regulation. The governor had the authority, if

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2 necessary, to modify all petition rules if he so
3 choose.

4 MR. RYAN: Now, now, Mr. Richman, can
5 you also clarify the derivation of the number 270
6 --

7 MR. RICHMAN: Yes.

8 MR. RYAN: -- and where that came from
9 so that people understand it wasn't just a made
10 up number.

11 MR. RICHMAN: No. The New York State
12 Board of Elections, upon the issuance of the
13 governor's executive order, and the enactment of
14 Chapter 24, in that period between March 15th and
15 March 18th, prepared a new political calendar for
16 the state. That calendar was posted on their
17 website. And in that calendar, they took all of
18 the minimum number of signatures, excuse me,
19 minimum number of signatures required by Section
20 6-134 of the Election Law, and apply the
21 governor's executive order to the 30 percent
22 reduction or 1.5 percent of the enrolled voters
23 within the political subdivision. So they
24 specifically calculated for everything.

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2 And one of the provisions of that state,
3 of the Election Law, Subdivision 2C-1 says for
4 members of the City Council, the minimum number
5 of signatures required for a primary is 900. So
6 they applied the governor's calculation to that
7 number and came up with the 270. However, within
8 their publication, they note that Section 1057-b
9 of the New York City Charter supersedes the New
10 York State Election Law signature requirements
11 for designating an OTB petitions and independent
12 nominating petitions with respect to certain New
13 York City offices.

14 So the State Board also recognized that
15 the New York City Charter has carved itself out
16 for with respect to the municipal, citywide
17 offices, borough presidency and member of the
18 council, to which the State Election Law shall
19 never apply with respect to those specific
20 subdivisions. And the 1.5 percent calculation,
21 commissioners, for the council district based on
22 the February 21st enrollment is 934, so therefore
23 the 450 signatures provided for in the charter,
24 is less than the 1.5 percent provided for in the

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2 part of the Election Law that the governor
3 modified that is not prohibited by the Charter
4 from being applied. So therefore, the 450 is the
5 operative number.

6 Clearly, the governor could have changed
7 the number if he sought to. He did not and I
8 think there's a rational basis for that in that
9 that same 450 number applied for a 12 day period
10 to qualify candidates for the ballot for the
11 special election. And in this case, petitioning
12 began on February 25th and concluded on March
13 17th.

14 MR. RYAN: So, there's one of two
15 motions that would be applicable. One is to
16 accept the clerks' report as written, or one
17 would be to accept the clerks' report as
18 suggested to be modified by Mr. Richman, which
19 would then indicate that the number of signatures
20 required would not be 270, but to be 450. So if
21 somebody would like to make one of those two
22 motions.

23 COMMISSIONER SHAMOUN: I'll make that
24 motion for taking Steve Richman's recommendation

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2 of 450 signatures. I've been persuaded, based on
3 the memo that that's the way it should be.

4 COMMISSIONER MICHEL: Second.

5 MR. RYAN: And Commissioner Michel has
6 seconded. Are there any objections? Hearing none,
7 the motion carries.

8 MR. RICHMAN: So the clerk's report will
9 be amended and if Brooklyn would repair an
10 amended clerks' report reflecting 450, but the
11 clerks' report is adopted, the candidate will not
12 appear on the ballot for lack of sufficient
13 signatures.

14 MR. RYAN: Yes, uh --

15 MR. RICHMAN: Commissioners, we go to
16 spec 7-1. Mr. Genovesie I believe still appears,
17 but you have a counsel for Sandra Nurse.

18 MR. RYAN: Yes, that would be Terry
19 Hynes.

20 MS. KONTAZMANIS: Mr. Genovesie and Mr.
21 Hynes are in the meeting.

22 MR. RICHMAN: Mr. Hynes, you're muted,
23 can you hear us?

24 MR. TERRY HYNES: I'm unmuted now I

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2 believe.

3 MR. RICHMAN: Okay. Let me call the
4 matter. Clerks' report on specification, Kings
5 specification 7-1, the objections of Ariana
6 Zapata and Alexander Alvarado to the Democratic
7 Party designating petitions of Sandra Nurse for
8 member of the City Council, District 37. The
9 clerks' report as follows, 339 signatures
10 submitted for the candidate, total invalid
11 signatures, 192, leaving 147 signatures. The
12 clerks' reported in the report that they believe
13 270 signatures were required to qualify. You want
14 to call for the appearances?

15 MR. RYAN: Yes. Mr. Genovesie, are you
16 present?

17 MR. GENOVESIE: I am. And I again take
18 issue with the clerks' --

19 MR. RYAN: Mr. Genovesie, we'll get to
20 that issue with the 450. We're going to apply
21 that all the way through.

22 MR. GENOVESIE: Okay.

23 MR. RYAN: So we'll get to that,
24 alright.

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2 MR. RICHMAN: He's representing the
3 objectors.

4 MR. RYAN: No, I understand. So go
5 ahead.

6 MR. GENOVESIE: Otherwise, I --

7 MR. RICHMAN: Okay. And do you want to
8 get --

9 MR. GENOVESIE: -- otherwise, I ask that
10 the report be adopted.

11 MR. RYAN: Okay. Thank you very much.
12 Mr. Hynes, do you wish to be heard?

13 MR. HYNES: Yes. Good afternoon all.

14 MR. RYAN: And, Mr. Hynes, if I might,
15 did you hear the discussion that had occurred
16 previously?

17 MR. HYNES: Which is why we had asked to
18 be joined in one, because most of my argument --

19 MR. RYAN: No, I understand. I get the
20 procedural argument. I simply asked you factually
21 did you hear the argument that was made?

22 MR. HYNES: Yes, sir, I did.

23 MR. RYAN: Okay. Would you like to be
24 heard?

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2 MR. HYNES: My argument really echoes
3 the argument of Mr. Graubard, who very eloquently
4 stated our position. I am really now hearing
5 about the argument as to the 450 number, which is
6 really not only last minute, but it's completely
7 contrary to any argument that's been made to this
8 point. When speaking about the special election,
9 it has to be emphasized that the special election
10 gave the voters to collect signatures from any
11 registered voter, whereas in this situation, they
12 were limited to registered Democrats. So there is
13 a distinction there between the two.

14 As far as the signatures here, we
15 believe that the argument that should be accepted
16 by this Board is that the governor meant to
17 interpret 6-136 as a whole, as a part of an
18 entire, as a part of other arguments, wherein 1-
19 102 states that you have to take into
20 consideration other laws, including the City
21 Charter, the City Charter, which sets the maximum
22 limit at 450. The governor was talking about a 30
23 percent reduction of whatever number, the maximum
24 number that was required, not the maximum number

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2 of just 1- -- I mean 6-136, but the maximum
3 number of votes that was required as per the
4 Election Law, which in this situation, 1-102
5 states that if there is any other law that
6 supersedes 1, uh, 1-136, that law should apply.

7 So in essence, he's applying one portion
8 of it but leaving out the other. You're supposed
9 to reduce the 30 percent by the maximum number
10 and finding the maximum number, you would
11 basically state 6-136 is governed by 1-102, which
12 gives deference to any other law which would be
13 applicable and the applicable law here would be
14 the City Charter, which is the 450. Thirty
15 percent of the 450 would then leave you with the
16 number of 135.

17 MR. RYAN: And I believe that you also
18 heard Mr. Richman's assertion that the City
19 Charter provision, it's carved itself out of the
20 Election Law. Had the city --

21 MR. HYNES: I heard his argument.

22 MR. RYAN: Had he, had the city charter
23 provision made not such a carve out, then the
24 validity of your argument gets brought to the

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2 forefront. However, it didn't do that. So we're
3 left with this vacuum of authority. In any event,
4 Mr. Richman, you had previously suggested an
5 amendment of the 270 number to 450 on the prior
6 matter. Do you make the same recommendation for
7 this matter?

8 MR. RICHMAN: Consistent with the memo I
9 shared with the commissioners and the counselors
10 in the last matter, yes.

11 MR. RYAN: Is there a motion to accept
12 the clerks' report with that amendment?

13 COMMISSIONER SHAMOUN: So moved.

14 MR. RYAN: Is there a second?

15 COMMISSIONER CAMILO: Second.

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

18 MR. RICHMAN: The clerks' report is --

19 MR. HYNES: Before you guys cut me off,
20 uh, there was a matter on the CRU client prima
21 facie calendar for Samuel Olivares. It was number
22 14 on the calendar. I was not called. I did
23 submit a notice of appearance on that matter as
24 well as his other matter, which I believe is

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2 number nine on this calendar.

3 MR. RICHMAN: Yeah.

4 MR. HYNES: This is Terry Hynes.

5 MR. RYAN: We'll, we'll take a look at
6 that and then we'll try to address that with you
7 when we get to that other matter, okay, Mr., uh,
8 I'm sorry.

9 MR. RICHMAN: His name was called
10 before, right?

11 MR. HYNES: Mr. Hynes, thank you very
12 much.

13 MR. RICHMAN: Yeah, that was called.
14 That was the same issue that he did not include
15 the gender on the county committee.

16 MR. RYAN: I understand. But we'll --

17 MR. RICHMAN: I don't have it.

18 MR. RYAN: -- give him, we'll --

19 MR. RICHMAN: I don't have a notice of
20 appearance for that.

21 MR. RYAN: Right. Mr. Hynes, we'll deal
22 with that with you when we get to the next
23 matter, okay.

24 MR. HYNES: Okay. I justed want to make

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2 sure --

3 MS. KONTAZMANIS: He's in the lobby now.

4 MR. RYAN: Thank you.

5 MR. RICHMAN: The clerk's, the clerks'
6 report in spec 7-1 is adopted as amended. The
7 candidate is off the ballot, and Brooklyn, again,
8 will you submit for the record an amended clerks
9 report with the commissioners' change. We'll move
10 next to spec 8-1, the objections of Zapata and
11 Alvarado to the petition of Rick Echevarria, for
12 member of the City Council in the 37th District.
13 I believe that's Mr. Schwartz. And commissioners,
14 that is one of the items for which a, a
15 submission, a late filed exceptions reports were
16 transmitted early this morning, earlier this
17 morning, I should say.

18 MS. KONTAZMANIS: Mr. Schwartz has been
19 put into the meeting.

20 MR. RYAN: And there's no other notices
21 of appearance on this matter?

22 MR. RICHMAN: Mr. Genovesie, no. No? Mr.
23 Genovesie are you presenting the objectors? It's
24 the same objectors.

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2 MR. RYAN: I don't see here, I don't see
3 a Genovesie here.

4 MR. GENOVESIE: Am I representing --

5 MR. RICHMAN: Did he file? I thought he
6 filed it for all three.

7 MR. RYAN: I don't see him as
8 representing.

9 MR. RICHMAN: Could the staff upstairs
10 confirm the notice of appearance of appearance? I
11 believe Mr. Genovesie e-mailed us three notices
12 of appearance.

13 MS. KONTAZMANIS: Just give us one
14 second to pull it.

15 MR. RICHMAN: Oh, maybe. It may be the
16 next one, so he may not have appeared on this,
17 yeah.

18 MR. SAVINO: Should we ask him?

19 MR. RICHMAN: Is it possible to pull him
20 in and ask so we can confirm it? If it's not,
21 we'll just ask him to leave?

22 MS. KONTAZMANIS: Mr. Richman, we do not
23 have a notice of appearance on here.

24 MR. RICHMAN: Okay.

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2 MR. RYAN: Okay. Alright.

3 MR. RICHMAN: We'll call the clerks'
4 report, clerks' report on spec number 8-1, the
5 objections of Ariana Zapata and Alexander
6 Alvarado to the petition of Rick Echevarria for
7 member of the City Council, district 37, clerks'
8 report, 510 signatures submitted, 292 found
9 invalid, leaving 218 valid, 270, the clerks
10 reported to be valid. The candidate has been
11 removed, because as stated, the also the
12 objection of the petition, candidate is not
13 registered or enrolled from the address listed on
14 the petition. And commissioners, you, in this
15 matter, Mr. Schwartz submitted exception reports
16 after the deadline, which you established in your
17 procedures, which was last Monday at 3:00 p.m.,
18 one timed 10:47 this morning, the other at 9:51
19 last night.

20 MR. RYAN: So, I'm sorry, Mr. Richman,
21 what are the two matters? Uh, one is a signature
22 requirement and one is an address?

23 MR. RICHMAN: Well, no. The clerks'
24 report on signatures find them, find this

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2 insufficient signatures. There was an objection
3 that the candidate is not registered at, or
4 enrolled from the address listed on the petition.
5 The clerk find that as as stated. And the
6 commissioners should be aware that the candidate
7 has already been removed from the ballot by
8 action of the commissioners earlier during this
9 process as a result of a prima facie matter, as a
10 cover sheet defect I should say, right.

11 MR. RYAN: So then this matter is moot.

12 MR. RICHMAN: It could be considered
13 moot. Again, Mr. Echevarria is off the ballot. If
14 the objectors would have asked if there was a
15 court proceeding for a clerks' report, you would
16 have done it, but the commissioners could dismiss
17 this as moot, but Mr. Schwartz may want to --

18 COMMISSIONER SHAMOUN: Let's move it
19 anyway.

20 MR. RICHMAN: Excuse me?

21 MR. RYAN: Move it anyway.

22 MR. RICHMAN: Oh, he wants to move it
23 anyway.

24 COMMISSIONER SHAMOUN: Yeah.

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2 MR. RICHMAN: Mr. Schwartz wants to make
3 a presentation.

4 MR. RYAN: Okay. So Mr. Schwartz, do you
5 have a request? I apologize. We don't mean to
6 overlook you.

7 MR. SCHWARTZ: Did I have a request?
8 Yes, I had several things to say, which I also
9 did put in writing and submitted a number of
10 documents for the Board to consider.

11 MR. RICHMAN: Mr. Schwartz, just
12 procedurally, just confirm, were any of those
13 submitted by 3:00 p.m. on Monday?

14 MR. SCHWARTZ: No, I wasn't even
15 retained until after 3:00 p.m. on Monday.

16 MR. RYAN: Okay.

17 MR. SCHWARTZ: I, I, I submitted a
18 notice of appearance Monday and then Mr., Mr.
19 Echevarria was at the Board yesterday reviewing
20 the petitions and the specs. He had just, he had
21 just emerged from a period of quarantine, so it
22 was some difficulty in doing that beforehand.
23 The, which is one of the problems with some of
24 the, the way the Board has functioned over the

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2 last four weeks, acting as though none of the
3 governor's orders apply in terms of time limits
4 that are set by the Election Law. With respect to
5 the clerks' report, of course we proceeded on the
6 basis of, of the law as we understood it up until
7 Mr. Richman just decided to amend it two clerk
8 reports ago when he decided that, and got the
9 Board, persuaded the Board, he was basically --

10 MR. RICHMAN: So, so Mr. Schwartz, I
11 asked you I thought a rather straightforward
12 question. There is, this is a candidate is
13 already off the ballot. So the straightforward
14 question that I was seeking to get a response
15 from you was --

16 MR. RICHMAN: Do you want a ruling on
17 this report?

18 MR. RYAN: This could be viewed as moot,
19 unless there is a reason for you to make some
20 other arguments. And if you have some other
21 arguments, please make them.

22 MR. SCHWARTZ: Okay. I did submit other
23 materials, and I'll go through that. And I'm not
24 sure if you have it in front of you or not.

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2 MR. RICHMAN: Mr. Schwartz, that's the
3 material submitted at 9:51 last night and then
4 this morning?

5 MR. SCHWARTZ: Right. Does the Board
6 have that?

7 MR. RICHMAN: The commissioners have
8 that, but commissioners, it's up to you to decide
9 if you want to consider those materials since
10 they were not filed in accordance with your
11 emergency procedures adopted a week ago Tuesday.

12 MR. RYAN: Is there any conversation
13 that the commissioners would like to have on that
14 matter?

15 COMMISSIONER ZACCONE: No, I think we
16 decided earlier in the day that the deadlines are
17 the deadlines and we don't need to be putting our
18 staff at unnecessary harm's way by restarting
19 review and work unnecessarily, so I don't think I
20 need to make a motion because we've already
21 decided.

22 MR. RYAN: I don't think so either,
23 commissioner. I think the rules stand. And so the
24 items received after the deadline will not be

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2 considered. Mr. Schwartz, do you have anything
3 further you'd like to add?

4 MR. SCHWARTZ: Yes, well, I'll say what
5 was in the, what was in the submissions that you
6 don't want to consider, which I'm not sure
7 exactly why you want to do that, since just this
8 is all going to wind up in court. But the, Mr.
9 Echevarria, there's three parts to this. Mr.
10 Echevarria, when he filed, he explains in an
11 affidavit, which [unintelligible] [02:45:04]
12 consider, he asked the person at the desk for a
13 volume number, the person out at the desk gave
14 him a volume number, but didn't put that volume
15 number, he put one volume number on the, on the
16 petition volume and gave Mr. Echevarria a
17 different volume. There was no volume number on
18 the cover sheet. The cover sheet, Mr. Echevarria
19 then was sent a three-day cure notice, but Mr.
20 Echevarria was in quarantine away from his home
21 because he was, he had been tending to his father
22 who had COVID-19 and he did not go to his home to
23 be with his family and could not get his mail
24 until after the three-day period when he did go

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2 there and did finally open up his mail. He went
3 to the Board and submitted an amended cover
4 sheet.

5 I would submit that, that besides that
6 the Board has to make equitable exceptions in
7 this circumstance [unintelligible] [02:46:18]
8 time limits, that the governor's executive order
9 of March 19th, which [unintelligible] [02:46:26]
10 all statutes of limitations, all [unintelligible]
11 [02:46:30] deadlines set forth in any, any, set
12 forth, it mentioned some laws, but it said
13 including but not limited to [unintelligible]
14 [02:46:41] court actions, etc., but it did not
15 make an exception to the Election Law,
16 [unintelligible] [02:46:44] all deadline, any
17 statute rule or regulation issued by the State of
18 New York or any agency in the State of New York.

19 So there is an equitable reason
20 [unintelligible] [02:46:58] to accept that
21 amended cover sheet and there's also, for reasons
22 based on the governor's executive order.

23 So it would be my position that the
24 amended cover sheet that was filed by Mr.

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2 Echevarria is not [unintelligible] [02:47:19]
3 should not be off the ballot for that reason,
4 therefore this should not be considered a moot
5 objection to the specification report.

6 COMMISSIONER MICHEL: I make a motion to
7 remove, I make a motion to remove --

8 MR. RICHMAN: Okay. To dismiss, to
9 dismiss --

10 COMMISSIONER MICHEL: -- to dismiss,
11 move to dismiss as moot.

12 MR. RICHMAN: Okay.

13 MR. RYAN: There's a motion on the floor
14 to dismiss this --

15 MR. RICHMAN: Clerks' report.

16 MR. RYAN: -- clerks' report as moot. Is
17 there a second?

18 COMMISSIONER ZACCONE: Second, Zaccone.

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

21 MR. RICHMAN: The clerks' report is
22 dismissed as moot. No action taken today by the
23 Board today with respect to this candidate.

24 Okay. Commissioners, the next item will

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2 be the spec number, report on spec number 9-1,
3 objections of Zapata and Alvarado to the petition
4 of Misba Abin, and that I know we have
5 appearances.

6 MR. RYAN: Yes. There appears to be
7 Michael Scala, if I'm reading the handwriting
8 correctly.

9 MR. RICHMAN: And Genovesie, and Mr.
10 Genovesie.

11 MR. RYAN: Yeah, I don't, I just don't
12 see it yet, but okay, yes.

13 MS. KONTAZMANIS: Mr. Scala has been put
14 into the meeting.

15 MR. RYAN: And Mr. Genovesie.

16 MS. KONTAZMANIS: I do not have a notice
17 of appearance up here for Mr. Genovesie. Do you
18 guys have it down there?

19 MR. RYAN: I didn't have one either.

20 MR. RICHMAN: No?

21 MR. RYAN: I was relying on counsel.

22 MR. RICHMAN: Okay. There were three he
23 [unintelligible] [02:48:54].

24 MR. RYAN: So we will proceed then with

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2 Mr. Scala.

3 MR. RICHMAN: Okay.

4 MR. MICHAEL SCALA: Yes.

5 MR. RICHMAN: Mr. Scala, okay, the
6 clerks' report --

7 MR. RYAN: Mr. Scala, are you there?

8 MR. SCALA: I am here.

9 MR. RYAN: Okay, very well.

10 MR. RICHMAN: We're going to call
11 [unintelligible] [02:49:05].

12 MR. RYAN: Mr., Mr. Richman.

13 MR. RICHMAN: Clerks' report on
14 specification of objection number 9-1, Democratic
15 Party, objections of Ariana Zapata and Alexander
16 Alvarado to the petition of Misba Abdin for
17 member of the City Council District 37. Clerks'
18 report, 331 signatures submitted, they found 169
19 signatures invalid, leaving 162 valid, the clerks
20 then in their report initially listed 270
21 signatures is the number required.

22 MR. RYAN: Mr. Scala, do you wish to be
23 heard?

24 MR. SCALA: Yes, I do. Like the

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2 candidates that were heard before, we submit that
3 the correct number of signatures required for
4 City Council is 135, which is 30 percent of the
5 statutory threshold as modified by executive
6 order 202.2. The facts here are that it was not
7 in dispute that 450 was the requirement going
8 into the petitioning period and petitioning for
9 City Council was cut short by the executive
10 order. The fundamental principle of Election Law
11 is fair play as articulated in the matter of
12 [unintelligible] [02:50:12] v. Power and it would
13 be inconsistent with the policy of fair play for
14 City Candidates to have to meet 60 percent or 100
15 percent requirement of their threshold when
16 candidates for other offices were only required
17 to meet 30 percent. That is contrary to the
18 obvious intent of the governor's order.

19 I also want to point out because there's
20 a lot of confusion here about what the correct
21 threshold is, Election Law Section 6-154.1
22 creates a presumption of validity for all
23 petitions and therefore any ambiguity in the
24 executive order must be construed in the favor of

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2 the candidate. We are joined in interest here by
3 candidate Sandra Nurse and Kimberly Council. We
4 likewise adopt their arguments and we will take
5 this to the Supreme Court as well if necessary,
6 so it may be pending litigation.

7 MR. RYAN: Okay. Mr. Scala, you heard
8 the previous description of the interpretation of
9 the law, correct?

10 MR. SCALA: Yes. Correct.

11 MR. RYAN: Okay, Mr. Richman, do you
12 offer a similar amendment to this matter?

13 MR. RICHMAN: Consistent -- yes,
14 consistent with my memorandum submitted to the
15 commissioners, I believe that the provisions of
16 the City Charter 1057-b remain in effect and
17 that's the lesser of the two operative numbers,
18 the other being 1.5 percent of the enrolled
19 Democrats in the District, 450 is the minimum
20 number of signatures required.

21 MR. RYAN: Is there a motion to adopt
22 the clerks' report as amended?

23 COMMISSIONER SHAMOUN: So moved.

24 MR. RYAN: Is there a second?

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2 COMMISSIONER MARMORATO: Second,
3 Marmorato.

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

6 MR. RICHMAN: Clerks' report is adopted
7 as amended, candidate will not appear on the
8 ballot and the Brooklyn staff would please submit
9 an amended clerks' report to reflect the
10 commissioners' amendment.

11 Spec, clerks' report on specs 13-1 and
12 14-1, the objections of Carlene Johnson and
13 Jeffrey Davis to the petition of Akil Williams
14 for male member of the Democratic State Committee
15 in the 43rd Assembly District I believe we have
16 appearances.

17 MR. RYAN: Yes. Mr. Genovesie and Edu
18 Hermelyn.

19 MR. RICHMAN: No. Oh, Ali Najmi
20 submitted it too.

21 MR. RYAN: Really?

22 MR. RICHMAN: Yeah. Mr. Namji submitted
23 the exceptions, it's Ali Najmi.

24 MR. NAJMI: Hello, this is Ali Najmi.

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2 MR. RYAN: Ali, Ali Najmi, so, so there
3 is a --

4 MR. RICHMAN: Akil Williams for male
5 member of the Democratic State Committee in the
6 43rd Assembly District.

7 MR. RICHMAN: It's Williams.

8 MR. RYAN: Yes, Mr. --

9 MS. KONTAZMANIS: We can't hear you,
10 please mute your mic.

11 MR. RYAN: Mr. Najmi, we need some
12 clarification. We have two notices of appearance
13 appearing to both be for Mr. Davis, one from you
14 and one from an Edu Hermelyn.

15 MR. NAJMI: I'm sorry, I represent Akil
16 Williams. There's a --

17 MR. RYAN: Okay. Well, then, if that's
18 the case, we have appearance from Mr. Genevesie
19 also and for Akil Williams.

20 MR. RICHMAN: No, he, not, the
21 candidate's Akil Williams. One is for the
22 candidate and one is for objector.

23 MR. RYAN: I understand. I'm telling you
24 I'm read, I can read, right.

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2 MR. RICHMAN: Oh, sir.

3 MR. RYAN: So we have an objector,
4 Jeffrey Davis. We have an Akil Williams, we have
5 an Anthony Genovesie.

6 MR. SAVINO: We've got an extra lawyer.

7 MR. RYAN: I appear as a representative
8 of the objector. Then I have another notice of
9 appearance, Jeffrey Davis, Akil Williams,
10 representative of the objector, Edu Hermelyn. And
11 then, I have Mr. Najmi appearing for the
12 candidate.

13 MS. KONTAZMANIS: There is, for the
14 record, there is no one else in the lobby to be
15 entered.

16 MR. RYAN: Okay. So it's only Mr.
17 Genovesie then?

18 MR. NAJMI: And --

19 MS. KONTAZMANIS: And, and Mr. Najmi.

20 MR. RYAN: And Mr. Najmi. That would get
21 us one on one side, one on the other. It was the
22 third one that was the problem. Alright. So, now
23 that we have that straightened out --

24 MR. RICHMAN: You can call the clerks'

1 April 22, 2020

2 report.

3 MR. RYAN: -- we can call the clerks'
4 report in, and then we'll recognize Mr. Genovesie
5 and then Mr. Najmi.

6 MR. RICHMAN: Commissioners, on the
7 clerks' report on specs number 13-1 and 14-1,
8 objections by Carlene Johnson and Jeffery Davis
9 to the petition of Akil Williams for male member
10 of the Democratic State Committee for the 3rd AD,
11 clerks' report, 200 signatures submitted, 58
12 found invalid, 142 found valid, 150 required to
13 be submitted, and again, commissioners in this
14 case too, we have late submissions via e-mail of
15 exceptions reports for both, for both the
16 objectors and the candidate received yesterday, I
17 believe from Mr. Najmi and this morning from Mr.
18 Genovesie. Yeah, Mr. Najmi was yesterday at 2:35
19 p.m. and Mr. Genovesie was this morning.

20 MR. RYAN: What was the deadline?

21 MR. RICHMAN: Monday at 3:00 p.m.

22 MR. RYAN: Yesterday was Tuesday.

23 MR. RICHMAN: Yesterday was Tuesday.

24 MR. RYAN: I got it now, I got it now.

1 April 22, 2020

2 MR. RICHMAN: Yes, so commissioners,
3 before we proceed, I guess and consistent with
4 your prior rulings, we are not going to be taking
5 late accepted submissions after the deadline?

6 MR. RYAN: That is correct. Right.

7 MR. NAJMI: I would like to be heard on
8 this matter of lateness.

9 MR. RYAN: Yes, Mr. Genovesie, would you
10 like to be heard?

11 MR. NAJMI: This is Mr. Najmi.

12 MR. RYAN: No, no, I understand, Mr.
13 Najmi. We're going to call it in the order that
14 we're going to call it.

15 MR. NAJMI: Okay. I got you.

16 MR. RYAN: Alright. So Mr. Genovesie,
17 would you like to be heard?

18 MR. GENOVESIE: Yes, I'm comfortable
19 with the uniform rejection of exceptions and ask
20 that the clerks' report be adopted.

21 MR. RYAN: Okay. Thank you. Now, Mr.
22 Najmi, if you'd like to be heard, please proceed.

23 MR. NAJMI: Thank you. When reviewing
24 the document issued by the Board of Elections

1 April 22, 2020

2 titled Emergency Procedures, Modifying Part J of
3 the Designating Petition Rules, I have read this
4 and I do not see a deadline by which I must have
5 submitted a list of exceptions in a way that --
6 or that yesterday's submissions was late. Here's
7 why. The Board in its rule --

8 MR. RICHMAN: Mr., yes, Mr. Najmi, if
9 you look at --

10 MR. NAJMI: -- very quickly, let me
11 finish. Let me get finished.

12 MR. RYAN: Let him finish.

13 MR. NAJMI: For the record, let me
14 finish. In this rule, you clearly state the word
15 must on certain things. I must provide an e-mail
16 address in order to participate, I must file a
17 notice of appearance to participate. But later on
18 this page, it says please send any material to be
19 reviewed by the Board no later than 3:00 p.m. on
20 Monday. It doesn't say must. In fact, the next
21 line said if you wish to participate in person,
22 you must e-mail your request to this filing e-
23 mail address. This is not the rule.

24 If you in fact wanted to cut off all

1 April 22, 2020

2 submissions, including a list of exceptions by no
3 later than 3:00 p.m. on Monday, April 20th, then
4 respectfully, it should have said you must submit
5 all materials, not please. And frankly, this is
6 an injustice to my client and all candidates.

7 And respectfully, if this was a regular
8 hearing, I could have showed up today with the
9 list of exceptions and give them to you. But I
10 sent them yesterday, at 2:30 in compliance with
11 your published rule. Thank you.

12 COMMISSIONER SHAMOUN: So if we didn't
13 use the word please, and it just said send your
14 submissions by such and such date, would that
15 have sounded better?

16 MR. NAJMI: Mr. Ryan, I believe that,
17 that if the rule was to have it be a firm cutoff,
18 you had to have used the word must. Must is the
19 language you needed to use. By failing to put
20 must, you have not put us on notice that that's
21 a, that's the deadline.

22 MR. RYAN: So just for the clarity of
23 the record, Mr. Najmi and I know this is
24 difficult, you were in fact responding to

1 April 22, 2020

2 Commissioner Shamoun, not to my inquiry. But --

3 MR. NAJMI: Okay.

4 MR. RYAN: -- in any event, your point
5 is made for the record.

6 MR. NAJMI: Okay.

7 MR. RYAN: Do the commissioners wish to
8 have any further conversation with respect to Mr.
9 Najmi's interpretation of the written rule?
10 Hearing nothing, I, we will proceed as consistent
11 with the prior rulings of this Board earlier
12 today and --

13 SECRETARY UMANE: Mr. Ryan, there's one
14 thing we probably should say.

15 MR. RYAN: Yes?

16 SECRETARY UMANE: Normally, we send out
17 the clerks' report 24 hours --

18 MR. RICHMAN: In advance.

19 SECRETARY UMANE: -- prior to the
20 hearing.

21 MR. RYAN: Yes?

22 SECRETARY UMANE: Here we sent out the
23 clerks' reports way in advance.

24 MR. RICHMAN: Yes.

1 April 22, 2020

2 SECRETARY UMANE: Certainly much more
3 than 24 hours in advance, and the idea was to
4 give people subject to all of the problems with
5 the pandemic a very good opportunity to be able
6 to review the clerks' report and get everything
7 in to us by 3:00 o'clock on Monday. And so,
8 that's -- and that was part of the reason.

9 And I think that Mr. Najmi is trying to
10 do the best he can with a bad set of
11 circumstances. But I think our rule was pretty
12 clear and I don't see it as an issue. I just
13 wanted to state that this was not the norm where
14 they only had 24 hours to be able to come in and
15 put together a list.

16 MR. RYAN: And --

17 MR. NAJMI: Can I just be heard --

18 MR. RYAN: -- and thank you --

19 MR. NAJMI: -- one last time?

20 MR. RYAN: Thank you, Commissioner

21 Umane.

22 MR. NAJMI: Just quickly.

23 MR. RYAN: Mr. Najmi, please wait until
24 you're recognized to speak. Go forward, please.

1 April 22, 2020

2 MR. NAJMI: Thank you. I would like to
3 say that this is the poorest drafting of a rule
4 that I have seen in my entire legal career. This
5 is subject to litigation that will be upheld
6 because it's law school 101. The first thing we
7 learn on day one is the difference between shall
8 and may. And today I hope the commissioners and
9 Mr. Richman and whoever drafted this poorly
10 drafted document has learned the difference
11 between must and please. Thank you.

12 MR. RYAN: Thank you for the education.
13 We appreciate it. Does, is there a motion to
14 accept the clerks' report as written?

15 COMMISSIONER ZACCONE: So moved, please.

16 COMMISSIONER CAMILO: Second.

17 MR. RYAN: Are there any objections?

18 Hearing none, the motion carries.

19 MR. RICHMAN: Clerks' report is adopted,
20 candidate will not appear on the ballot.

21 MR. SAVINO: Are they out of the room
22 now?

23 MR. RYAN: yes, and if I could just
24 piggyback on, you know, for the remainder of the

1 April 22, 2020

2 folks in the waiting room on something that
3 Commissioner Umane has said as well. In addition
4 to the additional time, we have to also recognize
5 that we are gathering and preparing documents to,
6 for dissemination to the commissioners in a
7 different way than we've done as well. And so
8 that deadline was not, you know, playing darts in
9 the dark where we just decided to pick a time. We
10 had to pick a time that would allow for the
11 proper preparation of these hearings and the
12 distribution of documents amongst the
13 commissioners, all at their disparate locations.

14 So it was not simply a pedantic way to
15 be difficult. It was a necessary way to organize
16 these hearings. And so while I, I will not stand
17 for the criticism that the Board's organization
18 and politeness should be used as a sword against
19 it in these proceedings. And if that's the intent
20 of others, well then they have to rest with their
21 own conscience. But I know that our conscience is
22 clear that we have done everything to make
23 certain that these hearings are moving forward
24 with full and fair access to everyone.

1 April 22, 2020

2 PRESIDENT TAYLOR: This is Commissioner
3 Taylor. Thank you, Mr. Ryan.

4 MR. RYAN: Thank you.

5 COMMISSIONER SHAMOUN: And I will sound
6 out that with regard to the Brooklyn specs, most
7 of these were sent out like two weeks ago, at
8 least, if not more. So, and we're trying to
9 protect our employees and staff here and
10 management and everything is done remotely. Not
11 that somebody marches in at the last minute and
12 causes everybody to drop what they're doing and
13 move around unnecessarily. And no, we didn't use
14 the word may, we used the word please, and, you
15 know, so I think the rules speak for themselves.
16 Thank you.

17 MR. RYAN: Thank you, commissioner. Mr.
18 Richman, please proceed.

19 MR. RICHMAN: Kings clerks' report on
20 the Democratic Party petitions of the -- the
21 objections I should say, of Taryn McClean to the
22 Democratic Party petition of Julia Salazar for
23 member of the State Senate District 18. Do we
24 have any?

1 April 22, 2020

2 MR. RYAN: I don't have any.

3 MR. RICHMAN: We have no appearances.

4 The clerks' report, 1700 --

5 COMMISSIONER SHAMOUN: Are we done with
6 the prior one?

7 MR. RICHMAN: Excuse me?

8 COMMISSIONER SHAMOUN: Did we actually
9 vote on it?

10 MR. RICHMAN: No, what?

11 COMMISSIONER MICHEL: Yes.

12 MR. SAVINO: Yes, you did.

13 MR. FUCHS: Yes.

14 MR. RYAN: Yes, we did.

15 COMMISSIONER SHAMOUN: Okay, sorry.

16 MR. RICHMAN: Yes, you did,
17 commissioners, it was adopted. Clerks' report
18 1773 signatures submitted, 1155 found invalid,
19 leaving 618 valid, 300 are required by the
20 Election Law as modified by the governor's
21 executive order, there are no appearances.

22 MR. RYAN: Is there a motion?

23 COMMISSIONER MARMORATO: Move the
24 clerks' report.

1 April 22, 2020

2 PRESIDENT TAYLOR: Clerks' report.

3 COMMISSIONER MICHEL: Second.

4 MR. RYAN: We have a second. Are there
5 any objections? Hearing none, the motion carries.

6 MR. RICHMAN: Clerks' report is adopted,
7 candidate will appear on the ballot. Clerks'
8 report on spec 20-1, objector Felix Cruz'
9 objections to the petition of Nick Rizzo for the
10 male member of the Democratic State Committee in
11 District 50.

12 MR. RYAN: I have one appearance for the
13 candidate, Howard Graubard.

14 MR. RICHMAN: Okay.

15 MS. KONTAZMANIS: We'll admit him now.

16 MR. RYAN: Thank you.

17 MS. KONTAZMANIS: He's been admitted
18 into the meeting.

19 MR. RYAN: Mr. Richman, please proceed.

20 MR. RICHMAN: Clerks' report on spec
21 number 20-1, objection to Felix Cruz to the
22 Democratic Party petition of Nick Rizzo for male
23 member of the Democratic State Committee, 50th
24 Assembly District. Clerks' report, 198 signatures

1 April 22, 2020

2 submitted, 67 found invalid, leaving 131 valid,
3 150 signatures required by the Election Law as
4 modified by the governor's executive order.

5 MR. RYAN: Mr. Graubard, do you have any
6 -- have you submitted any information to --

7 MR. GRAUBARD: No, I haven't.

8 MR. RYAN: Okay.

9 MR. GRAUBARD: I have no issues that I'd
10 like to bring up at this particular point.

11 MR. RYAN: Alright. Thank you very much.
12 Is there a motion --

13 COMMISSIONER MARMORATO: I move the
14 clerks' report.

15 MR. RYAN: -- to move the clerks'
16 report?

17 COMMISSIONER ZACCONE: Second.

18 PRESIDENT TAYLOR: I second it.

19 MR. RYAN: It's seconded. Any
20 objections? Hearing none, the motion carries.

21 MR. RICHMAN: Clerks' report is adopted,
22 candidate will not appear on the ballot. Spec
23 number 21, Kristen Channo's objections to Samuel
24 N. Olivares, I believe we have an appearance for

1 April 22, 2020

2 the candidate.

3 MR. RYAN: Yes, we do. Please admit
4 Terry Hynes, esquire, into the hearing room.

5 MS. KONTAZMANIS: Just one second.

6 MR. RYAN: Okay.

7 COMMISSIONER SHAMOUN: Just a reminder,
8 I think this, he also brought up an issue as it
9 relates to the CRU reports.

10 MR. RYAN: Yes, he did. And I was going
11 to ask him if he wanted to address that first so
12 that we can --

13 MS. KONTAZMANIS: He's in the meeting.

14 MR. RICHMAN: He was, he had no --

15 MR. RYAN: Mr. Hynes?

16 MR. HYNES: Yes, sir?

17 MR. RICHMAN: -- no designation I think.

18 MR. RYAN: Thank you for waiting.

19 MR. HYNES: Thank you.

20 MR. RYAN: Before we get moving forward
21 on the Olivares matter, would you please like to
22 bring to the commissioners' attention the other
23 issue which you sought to address earlier? I
24 believe it was a clerk --

1 April 22, 2020

2 MR. HYNES: Yes, thank you.

3 MR. RICHMAN: Go ahead.

4 MR. HYNES: It was the CRU prima facie
5 calendar, I believe it was number 14, Mr.
6 Olivares also appeared on there. I believe there
7 was a, an objection as to his petitions.

8 MR. RICHMAN: The office district was
9 either incorrect or omitted on the petition for
10 the county committee in the 68th ED of the 53rd
11 AD.

12 MR. RYAN: So, before we get to the
13 facts of that, this matter was heard and decided.
14 Mr. Hynes is your assertion that you were in the
15 waiting room earlier when this matter was called
16 and we did not bring you in?

17 MR. RICHMAN: [unintelligible]
18 [03:07:33] have the petition.

19 MR. HYNES: Yes, it is. I've been here
20 since 9:00 o'clock.

21 MS. KONTAZMANIS: Mr. Ryan?

22 MR. RYAN: Yeah?

23 MS. KONTAZMANIS: We did not have a
24 notice of appearance for that appearance, sir.

1 April 22, 2020

2 MR. RYAN: Okay. Mr. Hynes, did you file
3 a notice of appearance on that matter.

4 MR. RICHMAN: Prima facie.

5 MR. HYNES: I'm sorry, just for clarity
6 purposes, I submitted one notice of appearance
7 for Mr. Olivares. I didn't know we have to submit
8 several notice of appearances for each matter.

9 [CROSSTALK]

10 MR. RYAN: If you look at --

11 MS. KONTAZMANIS: The only notice of
12 appearance we have on the record is for the spec
13 number 21.

14 MR. RICHMAN: Yeah, that's -- Mr. Hynes,
15 the form says you have to set forth what matter
16 it is, either the spec, etc. You only applied for
17 the spec, you didn't apply for the prima facie
18 calendar or designate the prima facie calendar.

19 MR. HYNES: Right.

20 MR. RYAN: Right, so we had no notice of
21 appearance, and the matter, and the matter
22 proceeded to conclusion.

23 MR. RICHMAN: And once the hearing is
24 closed by the commissioners, pursuant to the

1 April 22, 2020

2 Appellate Division decision I cited this morning,
3 I can provide it, the Board is without the
4 authority to reopen the hearing.

5 MR. HYNES: Understood.

6 MR. RYAN: Okay, so --

7 MR. HYNES: Just for clarity purposes,
8 just for clarity purposes, I'm not going to raise
9 any objections, I just want to know why the
10 reason he's being marked off is because he didn't
11 put 68 AD / 53 ED?

12 MR. RICHMAN: Again, the petitions are
13 in the borough, I don't have it, CRU do you have
14 any more --

15 MR. JOHNSON: The county committee
16 [unintelligible] [03:08:59].

17 MR. RICHMAN: Yeah. Oh, you have the
18 county committee one?

19 MR. JOHNSON: [unintelligible]
20 [03:08:59] that's a separate volume.

21 MR. RICHMAN: Oh, yes, Mr. Olivares is
22 on the committee nominated for member of the
23 county committee without the gender designation
24 that is authorized by the State Constitution, the

1 April 22, 2020

2 Election Law and specified in the Kings County
3 party rules. It just says members of the county
4 committee.

5 MR. HYNES: Thank you. Thank you.

6 MR. RYAN: So, Mr. Richman, I have a
7 question. Does that prior ruling render this --

8 MR. RICHMAN: No, it's different
9 offices. This was county committee --

10 MR. RYAN: Okay. I'm asking the question
11 does that prior ruling render this moot?

12 MR. RICHMAN: No.

13 MR. RYAN: Okay. Very well, thank you.
14 So, now, Mr. Richman, please go through this
15 particular issue and we'll move on.

16 MR. RICHMAN: Commissioners, please make
17 sure you're looking at the amended clerks' report
18 as opposed to the original one. This is the one
19 that has a clock in stamp of April 17th. The
20 amended clerks' report in the matter of the
21 objections of Kristen Channo to the Democratic
22 Party petitions of Samuel N. Olivares for male
23 member of the Democratic State Committee 53rd
24 Assembly District, number of signatures submitted

1 April 22, 2020

2 582, total invalid 50, leaving 532 valid, 150 are
3 required by the Election Law as modified by the
4 governor's executive order.

5 MR. HYNES: I would move the, I accept
6 the, the findings of the clerk report.

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

8 COMMISSIONER MARMORATO: So moved.

9 MR. RYAN: Is there a second?

10 COMMISSIONER ZACCONE: Zaccone, second.

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

13 MR. RICHMAN: The amended clerks' report
14 for spec 21-1 is adopted. The candidate will
15 appear on the ballot.

16 MR. HYNES: Thank you. Thank you all for
17 your courtesy and your time.

18 MR. RYAN: Thank you very much, Mr.
19 Hynes.

20 MR. RICHMAN: Wait, there's more. Oh, he
21 didn't appear. There's a second clerks' report.

22 MR. RYAN: Oh, there's a second one?

23 MR. RICHMAN: Well, there's a second --
24 Mr. Hynes didn't file a notice for that. There's

1 April 22, 2020

2 a second one that takes him off the ballot. No,
3 on the ballot, I'm sorry. It's a correction.

4 MR. RYAN: Right. There was --

5 MR. RICHMAN: The second one, yeah.

6 MR. RYAN: I had three different reports
7 and the most recent one was the one --

8 MR. RICHMAN: 30-1.

9 MR. RYAN: -- yeah, exactly right, 30-1.

10 MR. RICHMAN: It's a separate matter.

11 Commissioners, spec 30-1, the objections by
12 Kristen Channo to the Democratic petition of
13 Samuel N. Olivares, for male member of the
14 Democratic State Committee, district 53, here the
15 clerks' report reports 582 signatures. In this
16 case 375 invalid, leaving 207 valid, 150 are
17 required to qualify under the Election Law as
18 modified by the executive order. And with respect
19 to the legal specifications filed, in each case,
20 as we summarize it, we recommend that in, let me
21 get to the summary, I believe we recommend that
22 the legal specifications one, two, three and five
23 be determined to be not as stated, and for
24 specification number four alleging fraud under

1 April 22, 2020

2 pursuant to rule H8 be dismissed pursuant to our
3 no jurisdiction to rule on fraud. So in the end,
4 the clerks' report, if you adopt the counsel's
5 report on the specs and then the clerks' report,
6 the candidate will remain on the ballot.

7 MR. RYAN: Do -- is there a motion?

8 COMMISSIONER SHAMOUN: So moved.

9 MR. RYAN: A second?

10 COMMISSIONER MICHEL: Second, Michel.

11 MR. RYAN: Commissioner Michel has
12 seconded, and are there any objections? Hearing
13 none, the motion carries.

14 MR. RICHMAN: The clerks' report and
15 counsel's report is adopted. The candidate will
16 appear on the ballot. That concludes the Brooklyn
17 calendar.

18 MR. RYAN: The proceedings for today
19 have concluded.

20 COMMISSIONER SHAMOUN: Thank you
21 everybody. Thank you to the Brooklyn staff and to
22 the executive staff and management for your hard
23 work. It's another fun day in Brooklyn hearings.
24 Thank you very much everybody and thank you

1 April 22, 2020

2 Commissioner Taylor for serving as the Brooklyn
3 Dem and helping out today.

4 MR. RYAN: Thank you and before we go
5 off the air here, we're going to send out the
6 notices for tomorrow by staff by 7:00 p.m.
7 tonight and we will reconvene for the county of
8 Queens tomorrow morning at 10:00 a.m.

9 MS. SANDOW: Sharp.

10 MR. RYAN: Sharp. Do we need a motion to
11 adjourn?

12 MR. RICHMAN: Yes.

13 MR. RYAN: Yes, we do. Would somebody
14 like to make a motion to --

15 MR. RICHMAN: Commissioner Michel?

16 MR. RYAN: -- adjourn? Commissioner
17 Michel is here, so let --

18 COMMISSIONER MICHEL: I make a motion to
19 adjourn.

20 MR. RYAN: Do we, can we have a second,
21 please?

22 COMMISSIONER CAMILO: Second.

23 MR. RYAN: Commissioner Camilo jumping
24 in. Alright. We have a second, and are there any

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objections to adjourning? Hearing none --

PRESIDENT TAYLOR: Yes, I didn't get an opportunity to thank the commissioners. Oh.

MR. RYAN: You're good, we can hear you.

PRESIDENT TAYLOR: I didn't get a chance to thank Commissioner Shamoun, thank you sir.

COMMISSIONER SHAMOUN: Thank you, thank you, much appreciated.

PRESIDENT TAYLOR: Very well.

MR. RYAN: Alright. Very well, so ladies and gentlemen, we are adjourned.

COMMISSIONER CAMILO: Thank you everyone.

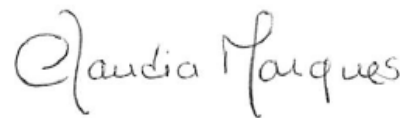
COMMISSIONER ZACCONE: Thank you everyone.

(The meeting concluded at 1:25 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on April 22, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

Date: February 23, 2021

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