

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

May 8, 2020

1:36 p.m. - 2:58 p.m.

May 8, 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

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2 (The meeting commenced at 1:36 p.m.)

3 MR. MICHAEL J. RYAN: Alright, so
4 reminding everyone we are live and we are
5 publicly broadcasting, so the purpose of today's
6 meeting is to set the early voting locations for
7 the June primary and for the November general as
8 well as to get the hours. Alright.

9 [OFF-MIC CONVERSATION]

10 MR. RYAN: Alright. They had to mute the
11 live stream, which was playing in the background
12 from downstairs. We apologize. That was on a
13 little bit of a delay. So it is my understanding
14 that the borough chiefs and deputies have
15 conferred with each of the borough committees to
16 set the early voting locations for both of those
17 and that both have been physically approved and
18 then the [unintelligible] [00:08:38] further,
19 there is a consensus and I don't know that if
20 every chief and deputy commented on this, but
21 there certainly was, everyone has now commented
22 on the hours. And the hours that we were looking
23 to approve for the June primary were the same as
24 the hours that were set over the early voting

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2 period for Queens for the special election.

3 [unintelligible] [00:09:06 - 00:09:09]

4 commissioners.

5 COMMISSIONER ZACCONE: Sorry, Mr. Ryan,
6 we can't hear you.

7 COMMISSIONER TOWNSEND: If people can
8 just mute their background because --

9 [CROSSTALK]

10 COMMISSIONER TOWNSEND: Thank you.

11 MR. RYAN: So, Commissioner Michel, can
12 you mute please? Alright. So I will take the
13 normal roll call to start the meeting, and then
14 we'll discuss those two matters, okay. So, now
15 this is the official roll call. President Taylor?

16 PRESIDENT PATRICIA ANNE TAYLOR:
17 Present.

18 MR. RYAN: Secretary Umane?

19 SECRETARY FREDERIC UMANE: Here.

20 MR. RYAN: Commissioner Araujo?

21 COMMISSIONER JOSE ARAUJO: Present.

22 MR. RYAN: Commissioner Camilo?

23 COMMISSIONER MIGUELINA CAMILO: Present.

24 MR. RYAN: Commissioner Marmorato?

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2 COMMISSIONER GINO MARMORATO: Here.

3 MR. RYAN: Commissioner Michel?

4 COMMISSIONER MICHAEL MICHEL: Here.

5 MR. RYAN: Commissioner Shamoun?

6 COMMISSIONER SIMON SHAMOUN: Present.

7 MR. RYAN: Commissioner Townsend?

8 COMMISSIONER TIFFANY TOWNSEND: Here.

9 MR. RYAN: And Commissioner Zaccone?

10 COMMISSIONER JOHN WM. ZACCONE: Present.

11 MR. RYAN: So, staff is Michael Ryan,
12 executive director, Dawn Sandow, deputy executive
13 counsel, Georgia Kontazmanis, operations manager
14 and it looks like Mr. Denkberg is on. Is Mr.
15 Moltner on?

16 MR. KENNETH MOLTNER: I am.

17 MR. RYAN: Oh, there you are. Okay. So
18 we've got Mr. Moltner and Mr. Denkberg as well at
19 remote locations. So, as I had stated, it is my
20 understanding that the borough committees have
21 conferred with their chiefs and deputies
22 regarding the June primary election early voting
23 locations as well as the general election early
24 voting locations and under the circumstances, a

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2 motion is in order to accept the recommendations
3 of the chiefs and deputies and designate the
4 sites as has been conveyed to the borough
5 committees. Commissioner Taylor, would you like
6 to make that motion?

7 PRESIDENT TAYLOR: Yes.

8 SECRETARY UMANE: Second.

9 MR. RYAN: Okay. I think on this one
10 perhaps, I think there was some concerns, so I
11 will do a roll call on this one because I believe
12 there were some concerns about, you know, this
13 issue, right. So, Commissioner Taylor?

14 PRESIDENT TAYLOR: This is for the
15 locations or for the hours?

16 MR. RYAN: This is just for the
17 locations.

18 PRESIDENT TAYLOR: Or both?

19 MR. RYAN: The hours I didn't give you -

20 -

21 PRESIDENT TAYLOR: Okay. Alright.

22 MR. RYAN: -- for the next round.

23 PRESIDENT TAYLOR: For the locations, as
24 submitted by the chiefs and deputies, I vote yes.

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2 MR. RYAN: Okay. Commissioner Umame?

3 SECRETARY UMANE: Yes.

4 MR. RYAN: Commissioner Araujo?

5 COMMISSIONER ARAUJO: Yes.

6 MR. RYAN: Commissioner Camilo?

7 COMMISSIONER CAMILO: Yes.

8 MR. RYAN: Commissioner Marmorato?

9 COMMISSIONER MARMORATO: Yes.

10 MR. RYAN: Commissioner Michel?

11 COMMISSIONER MICHAEL MICHEL: Yes.

12 MR. RYAN: Commissioner Shamoun?

13 Commissioner Shamoun, unmute.

14 COMMISSIONER SIMON SHAMOUN:

15 [unintelligible] [00:12:29].

16 MR. RYAN: And Commissioner Zaccone?

17 COMMISSIONER JOHN WM. ZACCONE: Yes.

18 MR. RYAN: Okay. Once more, Commissioner
19 Shamoun, your microphone is muted.

20 PRESIDENT TAYLOR: And I think you
21 skipped Commissioner Townsend.

22 COMMISSIONER ZACCONE: Yes, Townsend.

23 MR. RYAN: Oh, did I, did I skip
24 Commissioner Townsend?

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2 COMMISSIONER TOWNSEND: You did. I was
3 going to tell you to come back around, circle the
4 plane around one more time anyhow.

5 MR. RYAN: I apologize. How would you
6 like [unintelligible] [00:12:56].

7 COMMISSIONER TOWNSEND: Since you
8 couldn't find Commissioner Shamoun.

9 [CROSSTALK]

10 COMMISSIONER TOWNSEND: Yes, for me.

11 MR. RYAN: Okay. Thank you.

12 COMMISSIONER TOWNSEND: It's alright.

13 MR. RYAN: Alright.

14 SECRETARY UMANE: So wait for a red
15 light for Commissioner Shamoun.

16 MR. RYAN: Right. The motion --

17 COMMISSIONER TOWNSEND: Exactly.

18 MR. RYAN: -- the motion has carried. So
19 with respect to the hours, it will be the same as
20 for the President Primary. Does that need to be
21 announced, or does anyone else have a feeling
22 that we should restate those hours?

23 SECRETARY UMANE: Could you re-read them
24 because some of us don't remember what they are.

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2 MR. RYAN: Sure.

3 COMMISSIONER TOWNSEND: Yes, please.

4 MR. RYAN: Okay. No problem. Starting
5 with the first day of early voting, Saturday,
6 10:00 to 4:00, Sunday, 10:00 to 4:00, Monday,
7 12:00 to 8:00, Tuesday --

8 COMMISSIONER TOWNSEND: We've got
9 background noise again.

10 PRESIDENT TAYLOR: Wait.

11 MR. RYAN: Commissioner Michel, please
12 mute, and Mr. Denkberg, please mute.

13 MR. DENKBERG: That's not me, I'm muted.

14 MR. RYAN: Alright.

15 COMMISSIONER MICHEL: Yeah, I got it.

16 MR. RYAN: Alright, [unintelligible]
17 [00:14:00] now. We'll start again. Take it from
18 the top. Saturday, 10:00 to 4:00, Sunday, 10:00
19 to 4:00, Monday, 12:00 to 8:00, Tuesday, 7:00 to
20 3:00, Wednesday, 12:00 to 8:00, Thursday, 12:00
21 to 8:00, Friday 7:00 to 3:00, Saturday 10:00 to
22 4:00, and Sunday 10:00 to 4:00. And that mirrors
23 what was done in the two most recent elections.

24 PRESIDENT TAYLOR: I move that we accept

1 May 8, 2020

2 those hours for the upcoming early voting period.

3 MR. RYAN: Okay. Is there a second?

4 SECRETARY UMANE: I second, but a
5 question, what about Halloween? [laughter]

6 PRESIDENT TAYLOR: We'll be finished by
7 3:00.

8 MR. RYAN: So, Halloween is on a
9 Saturday this year, but thank you, Commissioner
10 Umane for your insightful request. But, so --

11 COMMISSIONER TOWNSEND: Sorry, so can
12 we, that was just for, just repeat that, just for
13 June? Or June --

14 MR. RYAN: Those would be for June and
15 November.

16 COMMISSIONER TOWNSEND: I guess my only
17 question is just the back to back hours of latest
18 night of 12:00 to 8:00, and early start of 7:00
19 to 3:00, if that poses a challenge. I may be the
20 only one with that thinking, but I just wanted to
21 raise it before we go ahead and vote.

22 MR. RYAN: Well, like I said, that this
23 was the consensus. We have a statutory obligation
24 to make the designation by today. I don't read

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2 that as it's carved in granite and you can't make
3 any reasonable adjustments to it moving forward,
4 but this would be for June certainly. And then I
5 think the process of planning for elections is
6 going to continue to evolve over the summer
7 months and may in fact evolve further as we get
8 into the fall. So we're trying to meet our
9 statutory deadline today and I would imagine if
10 we had to make some changes because circumstances
11 would dictate that, that we'd have that ability
12 to do that later on.

13 COMMISSIONER TOWNSEND: Okay. So there's
14 some flexibility built in there?

15 MR. RYAN: Yeah, there will have to be
16 under these circumstances, I think probably for a
17 myriad of reasons, you know, with different
18 things that are happening.

19 [CROSSTALK]

20 MR. RYAN: Right, absolutely. Alright.

21 So --

22 COMMISSIONER ARAUJO: Commissioner
23 Townsend, this is Commissioner Araujo, when we
24 decided and reviewed the hours in Queens for the

1 May 8, 2020

2 special election back then, we had looked at the
3 voter turnout during the past early voting sites
4 make an adjustment as to the hours, and I believe
5 the chiefs and deputy had discussed this with
6 other chiefs and deputies and they're all in
7 agreement as to those times based on voter
8 turnout and how much manpower they needed and I
9 think they felt the real long days were too hard
10 on the poll workers during that time. That's why
11 they were split that way.

12 MS. KONTAZMANIS: That's right. And this
13 issue was brought up again in the last 24 hours
14 and the majority of the chiefs and deputies had
15 not changed their position that Commissioner
16 Araujo just stated.

17 MR. RYAN: Right. So we're working off
18 the recommendations, all of us collectively from
19 the chiefs and deputies based on what they
20 observed last election and what they perceive to
21 be the needs of their county staff and the voters
22 in each county.

23 COMMISSIONER SHAMOUN: But those
24 recommendations were not based on a presidential

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2 election year and I was under the impression that
3 this was for June and I was not under the
4 impression that it'd be, you know, scheduled for
5 November also.

6 MR. RYAN: We're going to take a look
7 and see what the significance is and Mr. Richman
8 has just joined us. There's some question, Mr.
9 Richman, on the hours and the necessity to
10 designate the hours for --

11 MR. RICHMAN: Early voting?

12 MR. RYAN: -- for November. We have the
13 hours set for June, and it's now a question of
14 must we, I was under the understanding that we
15 must set the hours for November. If that's not
16 true, I'm happy to be disabused of that.

17 MR. RICHMAN: [unintelligible]
18 [00:18:28] have no authority to act. You had to
19 act on May.

20 MR. RYAN: No, we're not asking that.
21 That shouldn't be done today. No, that's not,
22 that's not true. We got specific --

23 MR. RICHMAN: It's all very clear.

24 MR. RYAN: -- we got specific -- Mr.

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2 Richman, we got specific -- we're not getting,
3 engaging in a debate.

4 MR. RICHMAN: The State Board
5 [unintelligible] [00:18:44].

6 MR. RYAN: Mr. Richman, Mr. Richman.
7 We're not engaging in a debate.

8 MR. RICHMAN: [unintelligible]
9 [00:18:48].

10 MR. RYAN: Okay. The commissioners acted
11 based on recommendation from the State Board of
12 Elections. The simple question is does the hours,
13 must the hours apply to June and November?

14 MR. RICHMAN: Each one is supposed to be
15 done separately, but once you make the
16 designation, they're supposed to set the hours as
17 well.

18 MR. RYAN: My question to you to again
19 is are we setting the hours for November?

20 MR. RICHMAN: [unintelligible]
21 [00:19:10] you're supposed to designate the hours
22 as well.

23 MR. RYAN: Simple, okay, commissioners,
24 we must set the hours for November as well. And

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2 if there's adjutant circumstances and, and the
3 needs of the voters, they can be adjusted.

4 COMMISSIONER MICHEL: So, in other
5 words, we can use this time and if we have to, we
6 can change them later, if necessary.

7 PRESIDENT TAYLOR: Correct.

8 COMMISSIONER MICHEL: Thank you.

9 MR. RYAN: There's always flexibility
10 based on circumstance.

11 COMMISSIONER MICHEL: Absolutely. So I
12 mean we can vote on this and then after the June
13 something, we can look at it and if they have to
14 be adjusted, the chiefs and deputies will let us
15 know, I'm assuming and then we can make the
16 adjustment.

17 MR. RYAN: Correct.

18 PRESIDENT TAYLOR: Thank you,
19 Commissioner Michel. Thank you, yes.

20 COMMISSIONER MICHEL: You're welcome.

21 COMMISSIONER TOWNSEND: And what's the
22 timeframe if we need to make those changes? When,
23 how, when do we have -- if we decide to go with,
24 obviously June as is, and then go to November,

1 May 8, 2020

2 what's the time frame in which we need to
3 essentially redesignate?

4 MR. RYAN: So I would say that as soon
5 as we would reach a conclusion and with as much
6 advanced notice to the public as we possibly can
7 give them, depending on what the circumstance.

8 COMMISSIONER TOWNSEND: I see.

9 MR. RYAN: We have a statutory deadline
10 that we're complying with, right. So we would
11 already be beyond that deadline if we acted
12 [unintelligible] [00:20:27].

13 COMMISSIONER TOWNSEND: No, and that
14 makes total sense. I guess my concern is I'm just
15 thinking about how people tend to arrive at their
16 assigned poll site, whether or not public
17 transportation is going to continue to be an
18 issue for us, those sorts of realities.

19 MR. RYAN: I think that --

20 COMMISSIONER TOWNSEND: And some of
21 those we don't, we just don't know at this point.

22 [CROSSTALK]

23 MR. RYAN: All that's going to continue
24 to unfold and hopefully we'll have some period of

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2 calm for a while and then if what seems to be
3 told to us becomes reality that there's going to
4 be some type of uptick again, you know, in the
5 fall, then we're going to have to adjust if
6 necessary.

7 COMMISSIONER TOWNSEND: And let's say if
8 we do have to adjust, do those hours need to be
9 standardized across all five boroughs?

10 MR. RYAN: That would be very much
11 recommended. [laughter]

12 COMMISSIONER TOWNSEND: I agree that
13 different boroughs have certainly different needs
14 and different patterns, but that's, I just wanted
15 to ask that but I agree with you, having one
16 standard and not like let's not complicate
17 things.

18 MR. RYAN: So, lawyers will be lawyers,
19 right. It always comes back down to the dreaded
20 equal protection clause and treating people who
21 are similarly situated and treating them
22 similarly, right. So you really don't want to get
23 into, you know, a situation where you're walking
24 all over the map doing one thing in one place and

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2 something radically different somewhere else.

3 MR. RICHMAN: [unintelligible]

4 [00:22:01] said there's one city, one standard

5 [unintelligible] [00:22:05].

6 MR. RYAN: Right. Which always comes
7 back to the problems that we have here in New
8 York City, which is we have five counties that
9 are very different in terms of their makeup and
10 access to public transportation and all of those
11 things and we have to try our best to put that
12 all together into one mosaic and make certain
13 that everybody is treated the same.

14 PRESIDENT TAYLOR: Is there still a
15 motion on the floor?

16 MR. RYAN: I thought so.

17 PRESIDENT TAYLOR: Okay.

18 SECRETARY UMANE: Yeah, you moved and I
19 seconded.

20 PRESIDENT TAYLOR: Are we finished with
21 discussion?

22 SECRETARY UMANE: You moved and I
23 seconded.

24 MR. RYAN: So I am comfortable unless

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2 there's an objection, I'm comfortable with the
3 motion and the second, and then see, waiting an
4 appropriate period to see if there's any
5 objection. So there's a motion and a second. Any
6 objections? Hearing none, the motion carries. Do
7 I have a motion to adjourn the meeting.

8 COMMISSIONER ZACCONE: Mr. Ryan, before
9 we adjourn, can I get the motion to go in
10 executive session to discuss litigation matters?

11 MR. RYAN: Okay. I, I was not aware that
12 there was a litigation matter that needed to be
13 discussed, but Mr. Richman just held the papers
14 up, alright, so yes. A motion to go into
15 executive session for litigation.

16 COMMISSIONER CAMILO: Second.

17 MR. RYAN: That wasn't my motion. We
18 need a first. [laughter]

19 PRESIDENT TAYLOR: So moved. So moved.

20 MR. RYAN: So moved.

21 COMMISSIONER CAMILO: Second.

22 MR. RYAN: Second. Any objections?
23 Motion carries, we're going into executive
24 session. Next week's meeting has already been

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scheduled, so we don't have to take care of that then.

COMMISSIONER ZACCONE: Just please let us know when we stop broadcasting publically.

MR. RYAN: Yep.

[OFF THE RECORD]

[ON THE RECORD]

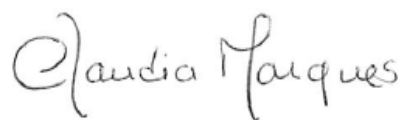
MR. RYAN: There is nothing to report from executive session.

(The meeting concluded at 2:58 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 May 8, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: March 2, 2021

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