

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

June 2, 2020

1:09 p.m. - 2:25 p.m.

June 2, 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

Georgea Kontzamanis, Operations Manager

Kenneth Moltner, Counsel to Commissioners

Steven Denkberg, Counsel to Commissioners

Steven Richman, General Counsel

Rafael Savino, Deputy General Counsel

1 June 2, 2020

2 (The meeting commenced at 1:09 p.m.)

3 MR. MICHAEL J. RYAN: Okay. We are live.
4 Today is June 2nd, it's the regular weekly
5 meeting of the Board of Commissioners. I will
6 start off with the roll call for the
7 commissioners. President Taylor? President
8 Taylor?

9 PRESIDENT PATRICIA ANNE TAYLOR: I am
10 present.

11 MR. RYAN: Okay. Secretary Umame?

12 SECRETARY FREDERIC UMANE: Here.

13 MR. RYAN: Commissioner Araujo?

14 COMMISSIONER JOSE ARAUJO: Here.

15 MR. RYAN: Commissioner Camilo?

16 COMMISSIONER MIGUELINA CAMILO: Here.

17 MR. RYAN: Commissioner Marmorato?

18 COMMISSIONER GINO MARMORATO: Here.

19 MR. RYAN: Commissioner Michel?

20 COMMISSIONER MICHAEL MICHEL: Here.

21 MR. RYAN: I believe Commissioner
22 Shamoun was going to be joining us momentarily,
23 so we'll hold off on him. Commissioner Townsend?

24 COMMISSIONER TIFFANY TOWNSEND: Present.

1 June 2, 2020

2 MR. RYAN: And Commissioner Zaccone?

3 COMMISSIONER JOHN WM. ZACCONE: Present.

4 MR. RYAN: Okay. That so we have a
5 quorum. I am Michael Ryan, I'm the executive
6 director. Seated to my right is, my left, I'm
7 sorry, is Dawn Sandow, the deputy executive
8 director. Appearing remotely within the building
9 is operations manager Georgea Kontazmanis. So
10 that I don't forget, I will move to
11 commissioners' counsel, both Mr. Moltner and Mr.
12 Denkberg are appearing remotely as well, and
13 seated in front of me are general counsel, Steven
14 Richman, deputy general counsel Rafael Savino,
15 and the agency chief contracting officer, Sherwin
16 Suss.

17 So Item IA on the agenda, we also added
18 1B, which is a finance committee report. In
19 general, we are moving forward with elections
20 preparations. We are continuing to process
21 absentee ballot applications as they come in and
22 that mailer is going out -- that mailings are
23 going out on a daily basis.

24 Neither vendor has had difficulty

1 June 2, 2020

2 keeping up with the volume that's coming in, so
3 that's a good thing. The staffs are, the borough
4 staffs are continuing to work those queues and
5 process that data and the ballots are going out
6 regularly.

7 Anecdotally, I have had conversations
8 with individual who have already received their
9 absentee ballots, so that process appears to be
10 functioning well. And considering how quickly
11 that we had to spin that up, that's a good thing.
12 Like everything else we do in elections, it
13 requires constant monitoring and diligence as the
14 work comes in. But thus far, we have been able to
15 keep up with the process and we're not
16 anticipating that changing moving forward.

17 So we are, the boroughs are still
18 working with their elections preparation and the
19 testing process is underway and we expect, as we
20 always are, that we will be ready for the
21 election. We have early voting is starting in a
22 week and a half or so, on June 13th. And the
23 staff is working diligently with respect to those
24 preparations.

1 June 2, 2020

2 I will, before we get to the finance
3 committee, I don't believe that there is any, but
4 I'll ask, for the purposes of the public record,
5 are there any further updates with respect to
6 litigation that needs to be reported to the
7 commissioners?

8 MR. RICHMAN: Commissioners, just for
9 your information, the Second Circuit Court of
10 Appeals will hear arguments on Friday morning at
11 10:00 a.m. on the application of Victor Jordan to
12 be added to the ballot. It's available on their
13 website if anybody wants to watch.

14 And the two other pending items that the
15 executive committee authorized appearances, an
16 appeal by Craig Schley in the 70th AD Democratic
17 Primary, his removal from the ballot. The notice
18 of appeal has been filed, but the First
19 Department hasn't scheduled the argument.

20 And then in the Second Department,
21 Everly Brown filed a notice of appeal, but his
22 counsel today announced he was withdrawing due to
23 illness, so again, we have nothing scheduled and
24 the Second Department, it should be noted, did

1 June 2, 2020

2 accept the Board's affirmation in the special
3 election case that it is almost -- it is
4 impossible at this time to change the ballot and
5 implement it in a lawful manner. So I think at
6 least on the state court level, we're okay.

7 SECRETARY UMANE: I have a question. My
8 understanding is that the Manhattan Borough
9 office has been getting pushback in connection
10 with the utilization of poll sites on election
11 day, not early voting, and that they were
12 scrambling around trying to find alternative
13 sites. And I was wondering if we're just blessed
14 with this problem or whether it's something that
15 has been coming up throughout the city. This is
16 probably mostly related to COVID and locations
17 not wanting to open it up to their locations,
18 opening them up to outsiders. So I'm not sure if
19 others are experiencing the same problems, but
20 it's a little bit of a concern for the chief and
21 deputy as well as the commissioners here in
22 Manhattan.

23 MR. RICHMAN: Commissioner, we've been
24 approached by borough staff in two other boroughs

1 June 2, 2020

2 where there are potential problems. We've sought
3 to intervene, and in some cases where we have
4 been unsuccessful, the chief and the deputy will
5 be approaching the borough commissioners'
6 committee.

7 The Law Department is prepared to go in
8 to seek to compel the use of the facilities, but
9 I have not heard anything with respect to, and
10 Mr. Savino, you haven't, we haven't heard from
11 Manhattan that they've had specific site
12 difficulties. So if you want, we'll reach out to
13 them and ask them to at least let us know so we
14 can get the Law Department up to speed about
15 potentials.

16 SECRETARY UMANE: Yeah, I made a point
17 of saying that they should contact executive
18 management and legal. And they tend to listen in
19 on this, so I think we're getting the point
20 across that they need to reach out to you guys as
21 well as to executive management to try and get
22 help --

23 MR. RYAN: So I can say --

24 SECRETARY UMANE: -- to see what we can

1 June 2, 2020

2 do rather, and approach it on a two track basis,
3 one to see if there's a way of getting their
4 cooperation at existing sites, and then
5 alternatively looking around for other sites.

6 And I was also told that it may be
7 easier this time around to be able to move sites
8 because the testing on the machines was being
9 done on a broader basis so that machines at
10 adjoining sites might be able to handle transfers
11 a lot easier than they have been in the past and
12 that they were doing it based on early voting
13 sites rather than sole site that it had been done
14 on to facilitate last minute moves.

15 The problem with that I guess is it
16 increases the number and amount and degree of
17 testing that has to go into each machine which
18 lengthens the process. And with the, and we're
19 suffering, along with everybody else in New York
20 City, with the curfews, because we need to close
21 the office earlier than otherwise, because of
22 curfews and we have been expecting to be able to
23 work through to 11:00 o'clock and tonight, at
24 least, and now last night, they had the curfew,

1 June 2, 2020

2 we had to let people out early and tonight, it's
3 8:00 o'clock in the city, so that our people
4 would have to be let out at say, 7:00 o'clock,
5 rather than 11:00 o'clock. So times the office
6 that's four hours worth of testing work that
7 could have been done that can't be done.

8 But I'm just letting some people know
9 that's what's going on in Manhattan and that
10 there may be comparable issues elsewhere.

11 PRESIDENT TAYLOR: There definitely are
12 very similar issues in Brooklyn. We've had a
13 number of sites that are not wanting to be used
14 as a poll site, but most of them have been senior
15 residences. And the chief and deputies have
16 allocated the applicable EDs to mostly I believe
17 nearby schools.

18 MS. SANDOW: Yes, Brooklyn has done
19 that.

20 PRESIDENT TAYLOR: So they seem to have
21 public schools.

22 MS. SANDOW: They've changed some of
23 their EDs and that was all done, the
24 [unintelligible] [00:19:05] are done and

1 June 2, 2020

2 everything is in the system for Brooklyn.

3 PRESIDENT TAYLOR: Right. So, that part
4 of it is not so much of a problem as the testing
5 part because also Brooklyn has been having to
6 close early. And I haven't had a chance to speak
7 with them yet about what they think they might be
8 able to do to compensate for the fact that
9 they're not having as many testing hours
10 available, but if anyone has any thoughts on that
11 I would certainly be interested to hear.

12 MR. RYAN: So, if I could just jump in,
13 I would like to recognize that during this
14 discourse, Commissioner Shamoun has joined the
15 meeting.

16 PRESIDENT TAYLOR: Good, right on time.

17 MS. SANDOW: And can I also add that we
18 have spoken to every chief and deputy earlier
19 today and we do have a plan of operation for the
20 remainder of the week so that we can maintain our
21 current testing regiment.

22 MR. RYAN: And now, Commissioner Umane,
23 getting back to your point, I would like to point
24 out that I did have several conversations with

1 June 2, 2020

2 the Manhattan chief over the weekend about an
3 issue separate and apart for this that required -
4 -

5 SECRETARY UMANE: No, that was a COVID
6 issue, yeah.

7 MR. RYAN: Right, that, that required
8 attention.

9 SECRETARY UMANE: No, they --

10 MR. RYAN: What, what, what I would like
11 to add is while there may be, I cannot attest to
12 the fact that there's no e-mail sitting in my e-
13 mail box, inbox, with respect to this issue, I
14 can say that no one has picked up the phone and
15 said that this is an urgent matter requiring
16 immediate attention. So when that doesn't happen,
17 executive management takes the position that
18 things are moving along with the understanding
19 that we are in a completely different environment
20 than we've ever been in before, and that there's
21 going to be adjustments to the process as we move
22 along on a case by case basis.

23 So everyone needs to, as I have been
24 saying for months now, relax into the chaos. This

1 June 2, 2020

2 is not a normal time for anyone and we're going
3 to have to just do our best to make adjustments
4 to the process as it moves forward. And that's
5 where we're at. And this curfew issue certainly
6 presents another moment of adjustment. But
7 there's been a lot of those moments over the last
8 three months.

9 SECRETARY UMANE: Oh, no doubt. And my
10 point in doing it now is so to see, alert the
11 other commissioners to potential issues, because
12 what applies to Manhattan usually applies to
13 everybody.

14 MR. RYAN: Yeah.

15 SECRETARY UMANE: And in case they
16 didn't notify you, I just did. So --

17 MR. RYAN: I appreciate it. I just was
18 clarifying the record, counselor.

19 SECRETARY UMANE: I wasn't, yeah.

20 MR. RYAN: Yes. Alright. So, that's what
21 I have by way of election updates. I'm prepared
22 to move to the finance committee report if that's
23 okay, unless there are any commissioners that
24 require anything further. I'll take a moment and

1 June 2, 2020

2 allow someone to step up if they want to say
3 something. Okay, hearing no one, we'll move on to
4 the -- oh, go ahead.

5 COMMISSIONER ZACCONE: Sorry, Director
6 Ryan. This is John Zaccone. I just wanted to make
7 a point, I do have something for the executive
8 session later.

9 MR. RYAN: Yes, and others do as well.

10 COMMISSIONER ZACCONE: Thank you.

11 MS. SANDOW: Personnel.

12 MR. RYAN: Yeah, so personnel matters
13 that have come up. So I think we have a unanimous
14 committee recommendations on the one, two, three,
15 four, five items that were put before the finance
16 committee today.

17 The first item is a not to exceed, to
18 raise the ceiling of the Eiseman Levine lawsuit,
19 the Eiseman Levine counsel to the lawsuit
20 involving the translators and the ceiling on that
21 requires a raise of an additional \$130,500. And
22 that was approved unanimously.

23 I'm prepared to go down each item and
24 then take a vote at the end, unless Madam

1 June 2, 2020

2 President and Secretary Umane, if you think we
3 should vote on them individually?

4 SECRETARY UMANE: Yeah, maybe that makes
5 the most sense.

6 MR. RYAN: Okay.

7 SECRETARY UMANE: Although it takes
8 longer, but maybe it would make sense.

9 MR. RYAN: Fine.

10 SECRETARY UMANE: So, the committee
11 recommended this and so we put it to the
12 commissioners. This is to be reviewed by both the
13 general, the in-house counsel at the Board and
14 the commissioners' finance committee. And it's,
15 so that we will be reviewing these bills on a
16 going forward basis, and it's an up to \$130,500
17 fee. And I've had a discussion with the
18 relationship partner at the firm regarding this,
19 and he understands that there's going to be
20 greater scrutiny on these bills, but that this is
21 a budget and we can approve the budget, but we're
22 not necessarily approving an individual bill at
23 this point. The prior bill was -- the prior
24 budget was exceeded in the amount of 230,000 but

1 June 2, 2020

2 that's been billed and paid, but going forward
3 for the appeal to the second department, the
4 budget is 130 but it's going to be reviewed. Each
5 of the bills are going to be reviewed by both ou
6 counsels and by the finance committee.

7 MR. RYAN: Right. So, ordinarily
8 speaking, when the commissioners give approval
9 for a contract amount, then the individual
10 contract managers, in this case, that would be
11 the legal department, would review the invoice
12 and then submit that invoice to our electronic --
13 pardon?

14 SECRETARY UMANE: [unintelligible]

15 [00:25:43]

16 MR. RYAN: Uh, they would submit it
17 through the electronic system, which essentially
18 is a payment approval process that would come to
19 executive management. Under these circumstances,
20 Mr. Richman and Mr. Savino, the commissioners are
21 directing that you will submit the e-mail that
22 you have reviewed the invoice, executive will
23 then forward that invoice to the finance
24 committee and upon finance committee approval,

1 June 2, 2020

2 you will then have the authorization to complete
3 the process through the electronic payment
4 process. Okay. so it's just, it's adding another
5 layer of review preliminarily by the
6 commissioners. Alright. So, with that backdrop
7 now complete, I suppose Commissioner Umane, are
8 you suggesting we do a roll call for each one of
9 these?

10 SECRETARY UMANE: Well, yeah, but do the
11 negative roll call, because it's faster, if
12 anybody objects.

13 MR. RYAN: Okay. So this was a unanimous
14 committee recommendation. Are there are any
15 objections? So I'm sorry, do we have to do a
16 motion to accept?

17 MR. RICHMAN: No, it's a committee
18 report, so it's already been moved and seconded
19 by the members of the committee.

20 MR. RYAN: Right.

21 MR. RICHMAN: So the only question now
22 is recording negative votes if any.

23 MR. RYAN: Okay. Are there any
24 commissioners who would object to moving forward

1 June 2, 2020

2 on the Eiseman Levine contract? Hearing no
3 objections, that is approved by the
4 commissioners.

5 N-Tier [phonetic] is our vendor that
6 essentially handles all things develop related to
7 the voter registration system. And I can tell you
8 just briefly, that a lot has been added to the
9 voter registration system by way of litigation
10 and by way of executive order and legislative
11 process over the course of time. So we are asking
12 that the N-Tier contract ceiling be raised from
13 now until the end of December 2021, so --

14 [END20200602_CommissionerMeetingPt1_June022020]

15 [START20200602_CommissionerMeetingPt2_June022020]

16 MR. RYAN: -- for the ceiling to be
17 increased to cover all of the things associated
18 with maintaining and upgrading the system and
19 that was also a unanimous approval of the finance
20 committee. So, are there any objections to said
21 approval? Hearing none, that motion carries.

22 Quality Facilities Solutions, this is a
23 matter that is purely COVID-19 related. And we
24 have early voting sites that we will have people

1 June 2, 2020

2 going in and out of for nine consecutive days,
3 and early on in this confirmation process, sites
4 were expressing concerns about cleaning the
5 facilities on a regular basis after use, so that
6 their facilities would remain COVID free. And the
7 [unintelligible] [00:01:06] Department worked
8 with the Department of Citywide Administrative
9 Services, and we're recommending a total of
10 \$361,755.90 for Quality Facility Solutions that
11 would provide cleaning services for all of the
12 early voting sites that will be utilized for the
13 June primary season. And that was also a
14 unanimous recommendation from the finance
15 committee, so are there any objections?

16 SECRETARY UMANE: I just wanted to say
17 for the record that this is based on the square
18 footage of each of the poll places and that it
19 was done with the city, reinforce that it was
20 done with the city contract.

21 MR. RYAN: Yes.

22 SECRETARY UMANE: So, it is what it is,
23 and we need to do it.

24 MR. RYAN: Alright. So it was unanimous

1 June 2, 2020

2 and are there any objections? Hearing none, that
3 contract is approved. And that leaves us now to
4 the last item on the agenda. And that would be
5 for the purchase of 65,000 cloth masks that
6 instead of being disposable, would be reusable
7 and the purchase of those masks from Evergreen
8 would be \$195,000. It appears as if the mask
9 situation, as I'm calling it, will last for the
10 foreseeable future, and that ultimately for the
11 staff and for the poll workers, providing a
12 reusable mask with a higher price point at least
13 initially will no longer be a consumable item and
14 then it will end up at the end of this process
15 being fiscally favorable to the city to use
16 reusable equipment as opposed to disposable
17 equipment. And this also ended up being a
18 unanimous recommendation from the finance
19 committee. So, are there any objections? Hearing
20 none, the motion carries, so Evergreen is
21 approved as well.

22 And then there are items for personnel
23 in executive session. As Mr. Richman has
24 previously reported on the litigation matters,

1 June 2, 2020

2 there is nothing further to discuss by way of
3 litigation. Is there a motion to go into
4 executive session?

5 SECRETARY UMANE: So moved, for
6 personnel.

7 PRESIDENT TAYLOR: Seconded.

8 MR. RYAN: Oh, and I apologize. I think
9 Mr. Richman is correct. He's reminding me that we
10 should set the meeting date for next week so that
11 we can just announce the results of executive
12 session after that's completed.

13 PRESIDENT TAYLOR: June 9th.

14 MR. RYAN: So today's the 2nd, so June
15 9th would be the date. So June 9th at 1:30 will
16 be the next meeting and then we're already moved
17 to go into executive session, so alright --

18 PRESIDENT TAYLOR: Thank you.

19 MR. RYAN: -- we'll go upstairs, and
20 then we'll take care of executive session and
21 then I'll be back.

22 PRESIDENT TAYLOR: Thank you, Mr. Ryan.

23 MR. RYAN: Alright. Thank you.

24 [OFF THE RECORD]

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June 2, 2020

[ON THE RECORD]

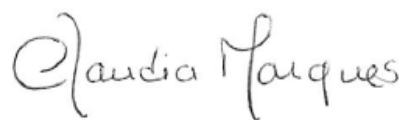
MR. RYAN: There are no items to report from executive session at this time, and meeting minutes will be appropriately updated. As stated previously, the next meeting of the Board of Commissioners will be June 9th at 1:30.

(The meeting concluded at 2:25 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 June 2, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: March 11, 2021

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