

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

June 16, 2020

1:14 p.m. - 2:10 p.m.

June 16, 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

Steven Richman, General Counsel

Rafael Savino, Deputy General Counsel

Kenneth Moltner, Counsel to Commissioners

Steven Denkberg, Counsel to Commissioners

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2 (The meeting commenced at 1:14 p.m.)

3 MR. MICHAEL J. RYAN: Okay. We're back
4 live, and Commissioner Taylor, President Taylor
5 and Secretary Umane, prior to the start of the
6 meeting, wish to be recognized.

7 PRESIDENT PATRICIA ANNE TAYLOR: Yes.

8 MR. RYAN: So please proceed.

9 PRESIDENT TAYLOR: Thank you so much.
10 This is Commissioner Taylor speaking. I simply
11 wanted to reach out to all of our staff,
12 coworkers, early voting coordinators, and just
13 thank them for the wonderful job that they have
14 been doing so far under early voting. And we
15 appreciate their cooperation, we appreciate their
16 doing this in this really distressing time of
17 COVID-19 and we do really, really appreciate the
18 fact that they've been carrying on very well,
19 working very well together and that our
20 coordinators and our early voting chief advisors
21 have been going out, investing time, so thank
22 you.

23 SECRETARY FREDERIC UMANE: Yeah, I'd
24 just like to really reiterate that and say thank

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2 you to all the people who have been participating
3 in the early voting, in the processing of the
4 tremendous quantities of absentee ballots and to
5 thank all of the poll workers, our staff and
6 everyone that's been out there busting their
7 chops to try and put this primary on under really
8 horrific circumstances. So, thank you all for
9 your hard work and diligence, and it's great in
10 the way that you're helping our democracy, so
11 thank you very much.

12 MR. RYAN: Thank you, commissioners.
13 And if I might add the adjustments that this
14 agency has had to make with respect to COVID-19
15 has caused us to operate different from the way
16 that we normally would and without necessarily
17 the full complement of staff at a given moment in
18 time, although we've made some scheduling
19 arrangements to accommodate that. And I will say
20 that especially to the remainder of executive
21 staff, Ms. Sandow, Ms. Kontazmanis in particular,
22 as well as the bureau chiefs and deputies, the
23 stress that we're all under, and the manner in
24 which we're performing while under that stress is

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2 truly remarkable.

3 And as we sit here today, we are in the
4 fourth day of the election already, believe it or
5 not. We had early voting Saturday, Sunday, Monday
6 and it's underway now. So I'll give a report on
7 the check-ins to date, which would be close of
8 business yesterday, so through day three, we had
9 2,337 in Manhattan, 1,810 in the Bronx, 3,129 in
10 Brooklyn, 2,419 in Queens and 702 in Staten
11 Island, keeping in mind that not every election
12 district has a contest citywide. So that totals
13 10,397 check-ins which, of course, remains
14 unofficial until the election is certified.

15 I would like to move on to a little
16 brief recitation of where we came from and where
17 we are with respect to the absentee ballot
18 process and the adjustments that had to be made
19 associated with this election.

20 We were aware as in the lead up to this
21 election that changes were going to be made. We
22 were kept in the loop as best as the State Board
23 could, to keep us apprised of what might be
24 coming. And in anticipation of that, the Board

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2 made its absentee ballot application portal for
3 this election live and we received, it went live
4 late in the day on 4/27, but we actually did
5 receive applications through that process on
6 April 27th.

7 The original decision to restore the
8 additional presidential candidates and delegates
9 to the ballot came from the federal court on May
10 5th, but it wasn't until May 19th that the
11 Appellate Court decided the appeal of the State
12 Board of Elections. So in reality, the ballot was
13 not finalized, at least on the presidential side
14 of things until May 19th, which then of course
15 caused some jurisdictions to have a two page,
16 most of the jurisdictions to have a two page
17 ballot, on comprising of the presidential
18 candidates, all ten of them, plus their slates of
19 delegates, and then the other for the local,
20 state and local races that might be on their
21 ballots.

22 So, the first ballots were mailed out on
23 May 26th. And that has been on a rolling basis
24 from May 26th moving forward, as they come in. To

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2 date, the Board has processed over 550,000
3 ballots mailed out to voters. To give a little
4 perspective on that, four years ago, for this
5 same election, we processed about 65,000 absentee
6 ballot applications. And four years ago for the
7 presidential election coming up in November, we
8 proceeded 144,000. And to date, and we're not
9 finished yet, it's already over 550.

10 As I said, these are processes on a
11 rolling basis, as are the receipt of the absentee
12 ballot applications. This was done at a very
13 compressed timeframe. We are anticipating that
14 we're going to get quite a number of absentee
15 ballot applications right up to the deadline,
16 which the deadline for postmarking is today,
17 however it's not, that's not the deadline for the
18 receipt. So, as this week plays out, we will
19 continue to process the absentee ballot
20 applications that are received and we have plans
21 in place to be able to process all of those
22 absentee ballot applications to ensure that the
23 voters receive them in a timely manner to be able
24 to vote.

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2 Of course, we do and must rely on the
3 United States Post Office to complete its mission
4 once we get our work done and, and, and we get
5 them out. I will tell you that our vendor
6 partners have been doing yeomen's work and
7 working around the clock to assist us in this
8 regard, as, as well as having made adjustment
9 toward the backend of the process, which we
10 anticipated. They are delivering the ballots once
11 completed, to a post office, a specific post
12 office working in cooperation with the United
13 States Post Office to a location in Manhattan, so
14 that we have a centralized processing unit. So
15 the vendor is taking on some of the
16 responsibility of the delivery of the ballots by
17 getting from Albany and Rochester respectively to
18 New York City.

19 And the post office has indicated that
20 that will assist them tremendously because it
21 will eliminate probably several steps in their
22 process. So they won't have to go to staging
23 locations. It'll go to one location in New York
24 City and then right out to the five boroughs. So

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2 that's going to be a big help.

3 It was quite a bit of conversation at
4 the beginning of this process about telephone
5 applications. I will say that as of last night,
6 we had received less than 2,000 telephone
7 applications total. So although there was quite a
8 bit of talk about it, it didn't really
9 materialize into large numbers. But it was there
10 for, as an option, as required by the executive
11 order.

12 And I would just like to conclude with
13 the applications pursuant to the executive order,
14 were mailed out May 18th through May 21st, and
15 that was as quickly as we could get them out,
16 keeping in mind that there were some discussions
17 at the executive level in Albany with respect to
18 potential changes to the application itself.
19 Those changes did not materialize. But there was
20 also discussions with respect to changes to the
21 instructions that had to be included with the
22 applications. And although we were ready to mail
23 out the applications earlier, we were advised by
24 the State Board of Elections to stand down and

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2 wait until the remainder of that process
3 completed itself, and so it did create a little
4 bit more time pressure, both in terms of
5 processing the mailing itself, but also on the
6 backend. But we are doing, making tremendous
7 efforts to have all of those process -- and we
8 believe, not we believe, we know that every one
9 of those applications will be processed and every
10 one will be mailed an absentee ballot.

11 That said, because there were multiple
12 options for voters to choose from, a telephone,
13 the portal, an e-mail and then the paper ballot,
14 one of the steps that we've had to take is to
15 have our tech folks compare each of those sources
16 to ensure that we weren't processing someone's
17 request more than once. So, for example, the most
18 common one would be that somebody went through
19 the portal and then mailed in the paper
20 application once they got it, not necessarily
21 sure what the right thing to do was.

22 So we're scrubbing those lists, one
23 against the other, to make certain that if
24 something was processed already that they, that

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2 it wasn't processed twice and that adds a little
3 bit of an extra step to it, but it also
4 eliminates confusion and it's necessary to do.

5 The other thing I will say is that our
6 Avid vendor partner [unintelligible] [00:26:09]
7 has developed a tool for our staff to be able to,
8 upon inquiry, access Avid and in the Avid system
9 there is now a ballot button where you can click
10 on the ballot button in an individual voter's
11 record to say when their application was
12 received, and if the application has not been
13 mailed out, it would simply say application
14 received on this date and if the application was
15 mailed out, it's in the system that we're able to
16 advise the voter that it's mailed out and that
17 it's on its way. And that has enabled
18 particularly, I'm going to say probably more
19 younger people or at least those people that are
20 actively involved in Twitter even if they're not
21 young, that seems to be where we're getting a lot
22 of the inquiries like on the where is my ballot
23 inquiry. And we have gotten tremendously
24 positive feedback with respect to our ability to

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2 respond to those, that form of social media
3 inquiry and we're able to tell them it was mailed
4 on this specific or we received your application
5 and it's in the process. And that really has been
6 good.

7 MS. SANDOW: Accessible ballots?

8 MR. RYAN: So, yeah, that was, I mean if
9 you have something on the accessible ballots
10 because that wasn't a process that I was directly
11 involved in, but Ms. Sandow I think is going to
12 say a few words about the lawsuit that was
13 settled and the accessible ballots that we have
14 to provide as a settlement of that lawsuit to
15 members of the accessibility community.

16 MS. SANDOW: Our ADA coordinator, Ms.
17 Ariel Marco is working directly on this task.
18 They will apply to e-mail, an address is set up.
19 We partnered with Democracy Live, a vendor who is
20 converting all ballots. We're up to date. We have
21 received probably maybe about over 25
22 applications for accessible ballots and we are to
23 date as far as mailing out the envelopes and
24 emailing back the ballots to the voters. So we're

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2 perfect on that end.

3 MR. RYAN: Very good. And the last thing
4 that I would like to mention, which is a post
5 election issue, I'm anticipating, I could be
6 wrong, but it will be up to the commissioners,
7 but I'm anticipating that we won't be having a
8 meeting next Tuesday since it's election day so I
9 want to mention it now.

10 There's a lot of talk about when are we
11 going to have results after the election is
12 concluded. So it's very simple, conceptually.
13 Complex, in terms of process, but the same
14 process that exists for paper for elections prior
15 to now will exist for paper when we process them
16 post election, so this is not as simple as seven
17 days past after the election, we open envelopes,
18 we feed the ballots into, you know, into high
19 speed scanners and they spit out results at the
20 back end.

21 They still have to go through the
22 validation process, which the only way to do that
23 ultimately is a manual process. The same way that
24 the signature is the gateway to the ballot at the

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2 poll site, the signature is the gateway to the
3 validation of the ballot in a paper scenario.

4 In addition to that, campaigns and
5 candidates can have watchers at the, at this
6 process. It's open, it's otherwise open to the
7 public and specific watchers can be designated to
8 make objections. If we get very few objections,
9 then the process pick up speed. And if we get a
10 tremendous number of objections, then the process
11 will slow down.

12 I will tell you that in the almost seven
13 years that I have been here, we have been
14 uniformly praised for our paper process and the
15 accuracy with which we do things. So, we're going
16 to continue along those paths and follow the
17 methods that we have employed in the past, albeit
18 this go round with a greater volume of paper. So
19 folks are going to have to be patient at the
20 backend. And I believe Mr. Richman would like to
21 add something. I lost my ability to read his
22 lips, so I'm going to allow him to make some
23 further clarification.

24 MR. RICHMAN: Commissioners, I think

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2 what the public should be aware and the
3 candidates, that in addition to the standard
4 procedures we have, we also are going to be
5 observing the required of personal protective
6 equipment and social distancing. So we will not
7 be able to accommodate as many tables as we've
8 done in the past at the others in the locations.
9 Some contests have seven, eight, nine candidates.
10 They all have a right to have a representative
11 there, and in some cases, a given ED may have a
12 contest for Congress, Senate and Assembly, we
13 could end up with 15 or 20 watchers at a given
14 table. So how we're going to organize that, I
15 know the chiefs and deputies are thinking of it.

16 MS. KONTAZMANIS: Mr. Richman, we
17 actually have an operational meeting for that
18 tomorrow and we'll be putting something out, sir.

19 MR. RICHMAN: Perfect. Again, that will
20 not exactly speed the process along to make that
21 go forward and that's something that we've got to
22 be aware, as well as the right, if we have to
23 make copies of the ballot envelopes, if we have a
24 large number, it's going to take a longer time to

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2 make those copies for each candidate.

3 MR. RYAN: Right. And the other thing as
4 well, keep in mind that there are quite a few
5 cross county contests which then will require
6 some coordination with the individual campaigns
7 if they have a want or a need to have potential
8 watchers in two counties. And sometimes, they
9 can't do it simultaneously. And at the end of if,
10 the most important thing is not that we adhere to
11 some rigid administrative rule, but rather that
12 we have results that are impervious to challenge
13 at the end because everyone was treated fairly.

14 So in the past, we've made some
15 scheduling adjustments of opening certain
16 Assembly Districts or Election Districts because
17 watchers could not clone themselves and be
18 present in borough A at the same time that they
19 needed to be present in borough B. So that's
20 another little scheduling wrinkle that we'll have
21 to accommodate.

22 The answer is we'll get it all done. And
23 we'll get it all done accurately and in an
24 organized way. But we're going to be doing it at

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2 a volume that we haven't, we haven't experienced
3 before. So everybody needs to be patient, and as
4 I have been wont to say with some of these
5 things, it will not be add water and stir. It's
6 going to take some time and we cannot suspend the
7 time space continuum to accomplish the whims of
8 the writ of politic.

9 MR. RICHMAN: [unintelligible]

10 [00:34:08] on litigation?

11 MR. RYAN: Oh, yes, there is, there is
12 report, hot off the presses, although the
13 election day is a week away, we still have one
14 candidate who has not yet exhausted all potential
15 legal remedies, so Mr. Richman if you could take
16 it away.

17 MR. RICHMAN: Commissioners, you should
18 have received yesterday, we received two
19 decisions, one from the Second Circuit Court of
20 Appeals affirming the District Court's denial of
21 Victor Jordan's attempt to be added to the ballot
22 in Brooklyn for State Senate and Democratic
23 district, uh, state committee member. They upheld
24 that the Board did not act with -- he was not

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2 able to show in any way that the Board acted
3 improperly and that his petitions were filed late
4 and citing the Seawright case at the Court of
5 Appeals, the Second Circuit said New York's law
6 is clear.

7 The other matter relates to Everly
8 Brown. Mr. Brown and 27 other candidates are
9 seeking to be restored to the ballot in Queens
10 County for various public offices and party
11 positions. There was a cover sheet defect, he did
12 not timely commence a judicial proceeding.
13 Supreme Court dismissed the proceeding.

14 The Appellate Division, Second
15 Department yesterday unanimously affirmed that
16 decision after oral argument and literally on the
17 way down here, we received Mr. Brown is seeking
18 leave to appeal to the Court of Appeals. If we
19 are going to oppose that ruling, we have to make
20 our submission by noon tomorrow, and I'm asking
21 that the commissioners authorize the Board to
22 request the Law Department to continue to
23 represent us and oppose the relief sought given
24 the fact that the election is less than a week

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2 away.

3 PRESIDENT TAYLOR: So authorized.

4 SECRETARY UMANE: Second. Anybody
5 object?

6 MR. RYAN: Hearing none --

7 PRESIDENT TAYLOR: Hearing none --

8 MR. RYAN: -- the motion carries.

9 MR. RICHMAN: Thank you, commissioners.

10 MR. RYAN: That is all that I had for
11 this, unless somebody has anything else.

12 PRESIDENT TAYLOR: I would like to wish
13 all commissioners and all boroughs good luck in
14 the continuation of this early voting and the
15 election day activities.

16 MR. RYAN: Oh, and we did the
17 commissioners attendance and we did not recognize
18 Mr. Denkberg and Mr. Moltner, commissioner's
19 counsel, nor did we recognize ourselves. So I'm
20 Michael Ryan and Dawn Sandow is seated my left
21 and Ms. Kontazmanis is at an undisclosed location
22 within the building. She's the designated
23 survivor. [laughter] And --

24 COMMISSIONER ZACCONE: Before the

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2 jocularity gets away from us, are there any
3 matters for executive session?

4 MR. RYAN: I don't have any matters for
5 executive session, I don't know if the
6 commissioners. But I also have to recognize
7 general counsel Steve Richman and deputy general
8 counsel Rafael Savino.

9 COMMISSIONER ZACCONE: If you can't
10 recognize them by this time, it's too late.
11 [laughter]

12 MR. RYAN: And then the only thing we
13 would need to do then is to set the next meeting
14 date.

15 SECRETARY UMANE: I move that we adjourn
16 until June 30th, and that we not meet next week
17 because it's election day and that we have our
18 next meeting on June 30th, the following Tuesday
19 at 1:30 p.m.

20 PRESIDENT TAYLOR: Second it.

21 MR. RYAN: Hearing no objections the
22 motion carries.

23 SECRETARY UMANE: Be safe.

24 COMMISSIONER CAMILO: Thank you

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everyone.

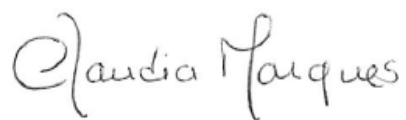
[CROSSTALK]

(The meeting concluded at 2:10 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 16, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

Date: March 11, 2021

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