

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

July 28, 2020

1:30 p.m. - 1:55 p.m.

July 28, 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 1:30 p.m.)

3 MR. MICHAEL J. RYAN: Today is Tuesday,
4 July 28, 2020, and it's the weekly commissioners
5 meeting for the Board of Elections in the City of
6 New York. I would like to start by calling the
7 roll of commissioners. President Taylor?

8 PRESIDENT PATRICIA ANNE TAYLOR: Present
9 for the borough of Richmond and the borough of
10 Kings.

11 MR. RYAN: Yes, Secretary Umame?

12 SECRETARY FREDERIC UMANE: Here.

13 MR. RYAN: Commissioner Araujo?

14 COMMISSIONER JOSE ARAUJO: Present.

15 MR. RYAN: Commissioner Camilo?

16 COMMISSIONER MIGUELINA CAMILO: Present.

17 MR. RYAN: Commissioner Marmorato?

18 COMMISSIONER GINO MARMORATO: Present,
19 good afternoon everyone.

20 MR. RYAN: I don't -- did Commissioner
21 Michel previously check in, President Taylor, or
22 he's not on yet?

23 COMMISSIONER MICHAEL MICHEL: Present.

24 MR. RYAN: Oh, there he is, okay,

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2 Commissioner Michel, present from afar.

3 Commissioner Shamoun?

4 COMMISSIONER SHAMOUN: Present, thank
5 you.

6 MR. RYAN: Commissioner Townsend?
7 Commissioner Townsend?

8 COMMISSIONER TIFFANY TOWNSEND: Oh,
9 present, sorry, I couldn't hear you, present.

10 [CROSSTALK]

11 MR. RYAN: I'm sorry, I didn't, that was
12 a little bit inaudible, commissioner.

13 COMMISSIONER JOHN WM. ZACCONE: I was
14 saying, Mr. Ryan, it's a little bit difficult to
15 hear you.

16 MR. RYAN: Yep.

17 COMMISSIONER ZACCONE: I don't know what
18 other people [unintelligible] [00:02:07] if you
19 could speak up a little.

20 MR. RYAN: Yeah, apparently, they're
21 working on the background noise. Maybe we should
22 give them a minute. I'll wait for the thumbs up
23 on that.

24 MR. RICHMAN: Yeah, I think it's gone.

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2 MR. RYAN: We should proceed?

3 COMMISSIONER ZACCONE: It sounds better
4 now.

5 MR. RYAN: Alright. So, thank you. We
6 concluded the roll call of commissioners. I am
7 Michael Ryan, I'm the executive director. Seated
8 to my left is Dawn Sandow, the deputy executive
9 director. In front of me is the general counsel,
10 Steve Richman and deputy general counsel Rafael
11 Savino, and the designated survivor, Ms.
12 Kontazmanis is at a point within the building.
13 And we have Mr. Denkberg for sure and is Mr.
14 Moltner also there as well?

15 MR. STEVEN DENKBERG: Yeah, Mr. Molter
16 was here. He was having a problem with his
17 server. He tried to call but the meeting is
18 locked.

19 MR. RYAN: Alright. So, Ms. Kontazmanis
20 will work on that separately, but in the meantime
21 I'll --

22 MR. DENKBERG: Okay. Because he, yeah,
23 he's really trying on the Webex, he just --

24 MS. KONTAZMANIS: Yeah, he can try again

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2 right now.

3 MR. RYAN: Okay. So, in the meantime,
4 we'll proceed. The update on the June 23rd
5 primary is going to be brief. The boroughs are
6 still in the process of finalizing certification.
7 Four out of the five boroughs have completed
8 their paper and Manhattan has opened all of the
9 envelopes and has roughly on the order of about
10 ten more trays of ballots to scan into the system
11 so we fully expect that that scanning process
12 will be completed by close of business today.
13 Previously, the notice, the five, the required
14 five-day notice to announce the scanning, the
15 audit of the scanners --

16 MR. RICHMAN: Central count.

17 MR. RYAN: -- central count scanners was
18 sent out last week for four out of five boroughs,
19 exclusive of Manhattan and Manhattan's went out
20 on Friday. The four boroughs, other than
21 Manhattan, have started today. And Manhattan will
22 start the audit process tomorrow. And by
23 commencing the audit process in this manner, it
24 will permit the boroughs to complete the work

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2 necessary to proceed with formal certification on
3 Tuesday, August 4th. So that process will be
4 completed.

5 I would like to say there has been
6 discussion about this process and I'm grateful
7 that some of the good government groups have
8 recognized the work that the boroughs have done
9 under these circumstances and with an, not just
10 an unprecedented amount of volume, I think that
11 word gets thrown around very easily and doesn't
12 quantify for folks. But we had less than 60,000
13 total ballots in all five boroughs for this
14 election four years ago. I don't have that exact
15 number committed to memory, but it was less than
16 60,000 for sure. So, you know, 10,000 or 12,000 a
17 borough at a max.

18 And we had over 104,000 ballots returned
19 just for the borough of Manhattan in this
20 election. And over 90,000 for the borough of
21 Brooklyn, almost 70,000 for Queens, and so on
22 down the line.

23 So to say that this is unprecedented
24 doesn't do it justice. It was a heroic effort by

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2 our borough staff to get us to this point and to
3 allow for the continuation of democracy. Not only
4 that, we are still in the throes of a pandemic.
5 It's not like the COVID-19 problem suddenly went
6 away and we continued to do our work, we are
7 still in the throes of a pandemic.

8 We had to do all of that work while
9 having the appropriate setup and maintaining
10 social distancing and getting all of the
11 photocopies to all of the potential litigants and
12 campaigns, which factors into this equation, and
13 we did all of that work while following a very
14 strict state law with respect to post election
15 canvas, as well as the comprehensive procedures
16 that have been published by the commissioners.

17 So everybody knew the rules of
18 engagement going in and so no one should be
19 surprised that the Board of Elections engaged in
20 a deliberate process to ensure the accuracy of
21 the vote totals at the backend of it, and to also
22 have results that are impervious ultimately to
23 challenge, so that the confidence of the system
24 should in no way be deterred.

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2 Our borough offices have done a great
3 job and they deserve all of the credit. And
4 that's where we're at. And then next week, I'm
5 sure that we'll start to pick up on all the other
6 things that we have to do and all the interest
7 and okay, what are we doing moving forward, what
8 lessons have we learned with respect to this
9 process and what else are we going to engage in.

10 So then we have letter B is something
11 that lights up the eyes of Steve Richman. Any
12 time we get to a point of commissioners' cover
13 sheet review committee, you have made Mr.
14 Richman's day, and so I would ask him to take
15 letter B.

16 MR. RICHMAN: Commissioners, thank you.
17 Yesterday, under the governor's executive order
18 was the first day for filing independent
19 nominating petitions. We were open for business
20 and we had business. Accordingly, under the
21 Election Law and State Board of Elections
22 regulations and your adopted independent
23 nominating petition rules, board staff is
24 reviewing petitions and cover sheets apart within

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2 two business days of being received. And if we
3 identify defects, they're to be presented to the
4 commissioners' committees. What I've recommended
5 and I believe it's been circulated to you is a
6 schedule suggesting four meetings between now and
7 next Tuesday. I'm not sure all are going to be
8 needed, but it will allow us to comply with the
9 48 hour, the 2 business day rule if we do have
10 any business.

11 We definitely need a committee to meet
12 after the stated meeting today, and then we're
13 recommending to meet at 2:00 p.m. if necessary
14 this Thursday the 30th, this Friday the 31st and
15 Monday, the 3rd. So I would ask the president and
16 secretary to solicit volunteers first from their
17 colleagues and see who's available and we will do
18 this also via the Webex process.

19 SECRETARY UMANE: I can do it today.

20 MR. RICHMAN: Okay.

21 PRESIDENT TAYLOR: I also will do it
22 today.

23 MR. RICHMAN: Okay.

24 COMMISSIONER ZACCONE: Commissioner

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2 Umane, I'm available Thursday or Friday if
3 needed.

4 COMMISSIONER TOWNSEND: Commissioner
5 Townsend, I'm available on Friday.

6 MR. RICHMAN: Okay.

7 PRESIDENT TAYLOR: We need someone for
8 Thursday, or we don't know yet?

9 MR. RICHMAN: We'd like to be prepared.

10 COMMISSIONER ZACCONE: Commissioner
11 Araujo is trying to speak, but he's on mute.

12 COMMISSIONER ARAUJO: I am available for
13 Thursday.

14 MR. RICHMAN: Okay.

15 PRESIDENT TAYLOR: Thank you,
16 Commissioner Araujo.

17 MR. RICHMAN: And then, and then Monday,
18 next Monday if we needed --

19 MR. RYAN: We didn't get a Thursday
20 Republican did we?

21 MR. RICHMAN: Commissioner Zaccone said
22 both.

23 MR. RYAN: Okay. Alright.

24 MS. SANDOW: But can Commissioner

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2 Zaccone do Thursday and Friday?

3 SECRETARY UMANE: I can be a Republican
4 on Thursday if necessary.

5 MR. RICHMAN: Commissioner Zaccone, did
6 you say you'd do both Thursday and Friday?

7 SECRETARY UMANE: I suppose I could do
8 two days.

9 MR. RICHMAN: You're muted, sir.

10 SECRETARY UMANE: I could do Thursday,
11 if Commissioner Zaccone doesn't want to do two
12 days, I could do --

13 COMMISSIONER ZACCONE: No, no, I could
14 do them, I just didn't want to hog it in case any
15 of the other commissioners wanted to take one.
16 [laughter]

17 MR. RICHMAN: Okay. We're looking for
18 Monday then as the cleanup day, since Thursday
19 night, midnight will be the last night to file.

20 COMMISSIONER CAMILO: I can do Monday.

21 MR. RICHMAN: Thank you, commissioner.

22 COMMISSIONER SHAMOUN: I can do Monday
23 as well.

24 MR. RICHMAN: And commissioners, we will

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2 post the schedule and we will also advise you
3 probably no later than noon if the meeting is not
4 needed, if no business comes up. And Commissioner
5 Taylor and Commissioner Umame, we e-mailed you a
6 little while ago, we e-mailed all the
7 commissioners the two items for today, so we'll
8 be able to take a look at them when we meet after
9 I guess executive session, if there is any.

10 MR. RYAN: Okay. Yes, I was going to
11 mention that as well. We are going to need an
12 executive session for litigation. And I would
13 like to inquire from the commissioners, do we
14 require an executive session for personnel as
15 well?

16 PRESIDENT TAYLOR: Not on my account.

17 MR. RYAN: Alright. So it'll just be
18 then for litigation. Alright. That brings us to
19 item number 1C, and Ms. Kontazmanis -- go ahead.

20 COMMISSIONER TOWNSEND: : Mr. Ryan,
21 before we go on to the next agenda item, I was
22 going to ask if you could, excuse my background
23 noise, excuse my background noise, just knowing
24 as we're wrapping up the herculean task of

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2 certifying the election for this go round, as
3 we're starting to plan and look toward November,
4 can you include when you are discussing what that
5 plan might look like for next week? If you can
6 discuss the ideas that you have around poll
7 worker needs.

8 MR. RYAN: Yes. I mean --

9 COMMISSIONER TOWNSEND: I'm sorry. Were
10 you able to hear that?

11 MR. RYAN: Yes, I was, and as the
12 borough offices have been really immersed in the
13 certification process, we at executive have given
14 them the space to complete their tasks, because
15 it really required nearly round the call effort,
16 so certainly poll worker needs are going to be
17 what they always are, at a high for a
18 presidential election and we also have to, you
19 know, discuss with the borough offices training
20 and the process that's going to be associated
21 with that. So yes, we are now concluded with four
22 out of five, with the bulk of the work, and we'll
23 be able to turn our attention to, to those issues
24 and, and, you know, sharpen that pencil and come

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2 up with the finer details on that.

3 MS. KONTAZMANIS: We do have a meeting
4 scheduled with the chiefs and deputies for this
5 Thursday to finalize a lot of those details now
6 that their focus has shifted. And we can answer
7 any specific questions I'm sure, next week.

8 PRESIDENT TAYLOR: Thank you.

9 [unintelligible] [00:14:00]

10 COMMISSIONER TOWNSEND: Thank you. The
11 other question that [unintelligible] [00:14:05]
12 apologies for the background noise, was just
13 regarding the, if you can speak to also in your
14 report next brief regard absentee ballot tracking
15 and any additional measures that we may be
16 taking, knowing that we'll have questions from
17 the public about how they can track their
18 absentee ballot application request or their
19 actual ballot request.

20 MR. RYAN: Correct. We'll have more
21 detail on that. But I'd like to address at least
22 one of the public commentators on that issue. The
23 elected official that decided to take us to task
24 over something was the chair of the government

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2 operations committee at the time that that was
3 proposed. And all of that was tied to, and it was
4 well discussed amongst the Board of Commissioners
5 and at public hearings, that all of that was tied
6 to the ability to collect or inability to collect
7 an electronic signature. And all of that work
8 that we did associated with modernizing the
9 technology hit a wall once the electronic
10 signature issue could not be resolved. And we did
11 have a split decision, as it were, from the State
12 Board of Elections with respect to that.

13 This particular elected official thought
14 that he should be able to unilaterally interpret
15 an informal opinion based on a Suffolk County
16 matter from the State Attorney General's office.
17 The problem was there was a difference of
18 opinion, not necessarily from the Board moving
19 forward. But keep in mind that the voter
20 registration system is not ours. The official
21 repository is the State Board of Elections.

22 So on two separate occasions, we asked
23 for guidance from the State Board of Elections
24 and we got a split decision on both. That seems

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2 to have been resolved. The only reason we were
3 able to move forward with the electronic portal
4 for absentee ballot applications this go round
5 was in anticipation of statutory changes, we
6 developed a portal for absentee ballot
7 applications, couldn't accept the electronic
8 signature, but could use it to print it up with a
9 wet signature and send it back. And as an add-on
10 to that process, in anticipation that at some
11 point, there would be legislative resolution to
12 the signature issue, the portal for absentee
13 ballot applications was also developed.

14 So the fact that we were able to spin
15 this up quickly was only because it was already
16 developed. If we didn't have anything developed
17 and had to simply, and we were simply waiting for
18 the governor's order to come up, we would have
19 never had an absentee ballot portal at all.

20 Now, we did make some tweaks to it, and
21 make some changes to it, to comport with the
22 order and the guidance that we got from the State
23 Board of Elections. But the bottom line was we
24 had something to work with. Otherwise, we would

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2 not have.

3 So this, the ability to track or not
4 track the absentee ballot applications was
5 related back to the use or not use of the portal.
6 So, now that it has been more entrenched in what
7 we're going to do moving forward, at least for
8 the next election, we have already had internal
9 conversations going back weeks.

10 We tried to spin something up for this
11 election. We ran out of time. The sand ran
12 through the hourglass. However, as an interim
13 step, what was developed in Avid, was a button
14 that said ballot question mark that allowed us to
15 respond to specific inquiries, so if somebody
16 called and was asking where their absentee ballot
17 was, we could use Avid to tell us.

18 So that was a step forward. It wasn't
19 the step all the way forward, but we also had no
20 notice that this was going to be happening. And
21 the operational conversations have already been
22 discussed about potential things that we could do
23 moving forward. Now, are we ready to make a
24 public announcement on that yet? No, but we have

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2 already had not only conversations, but
3 preliminary plans that we plan on presenting to
4 the commissioners. So it's always a bit trying,
5 is a fair word, when folks from outside the
6 process want to make observations as if they're
7 coming up with some novel ideas that we would not
8 have thought of on our own. That specific issue
9 was discussed with that public official in
10 private meetings, government related meetings, as
11 well as in a public hearing, as well as in public
12 hearings conducted by this board, with this Board
13 of Commissioners, with the knowledge of this
14 Board of Commissioners. So for that to suddenly
15 reappear now during a summer lull, when news is
16 perhaps not so easy to come by and to get out
17 there and attract attention to yourself I will
18 tell you, I found it a bit insulting, quite
19 frankly.

20 MR. SAVINO: It's my understanding as
21 well that only the New York City Board of
22 Elections and one other county had the portal up,
23 as you described.

24 MR. RYAN: Correct. So we are going to

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2 continue to make improvements to this process.
3 But again, going back to the same praise that was
4 directed to our borough staffs for completing
5 their work, we can go back now, you know we can
6 look back and pretend as if recent past history
7 didn't occur.

8 But at one point, we were working with
9 less than 100 people reporting to the borough
10 offices. We completed the petition process with
11 almost no staff doing it. The fact that the
12 elections happened at all happened because of the
13 hard work and dedication of the staff at the
14 Board of Elections.

15 And then we spun up a portal that only
16 one other county, I believe it was Eerie County
17 had, out of the 62 counties, there was six
18 counties that had a portal, five of them in New
19 York City. So, to now sit back and to point
20 fingers as if somehow this process was run poorly
21 is insulting to the Board and to the members of
22 the union that are the primary workforce of this
23 board. And it, it's not fair. And that person
24 should know better.

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2 COMMISSIONER TOWNSEND: Thank you.

3 PRESIDENT TAYLOR: Well said, Mr. Ryan.

4 I would also like to support your commendation of
5 our borough staffs have done a wonderful job in
6 trying circumstances.

7 MR. RYAN: Alright. So I'm ready to
8 entertain a motion, if the commissioners to --

9 MR. RICHMAN: Georgea for --

10 MR. RYAN: Oh, Georgea. I'm sorry. I
11 almost forgot you. And you did so much work on
12 this. I apologize.

13 MS. KONTAZMANIS: It's because I'm
14 hiding in the bunker, you can't see me, huh?
15 [laughter] So I'm going to give you a very quick
16 state legislative update. We're very excited to
17 report the Senate and the Assembly went into
18 session last week. Nine pieces of election
19 legislation did pass both houses. All those
20 pieces are awaiting the governor's signature. As
21 of this morning, nothing has been signed yet. We
22 do expect him to sign every single piece of
23 legislation.

24 Of the nine, three take effect after the

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2 November election, including the Automatic Voter
3 Registration Bill that's made a lot of noise in
4 the press, or AVR as they like to call it. That
5 will take effect in 2023, a bill that increases
6 the minimum number of early voting sites to 10
7 per county from the statutory number of seven.
8 That'll take effect in 2021, which we already do
9 a minimum of ten, mandating bold print of
10 election dates and voting hours on notices
11 that'll take effect the December after it's
12 actually signed. That is currently our practice.

13 There are two bills that won't affect
14 our operations, but are effective immediately
15 that we should note. One allows for party
16 nominations and designations through virtual
17 conference. The other forbids the changing of a
18 poll site entrance or an exit while the poll site
19 is actually active, unless of course there's an
20 emergency or to increase ADA access. That is
21 currently our practice.

22 The other four pieces of legislation
23 that are effective immediately include absentee
24 ballots received the day after election day that

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2 don't have a postmark will now be deemed valid.
3 We will update our procedures accordingly as soon
4 as that is signed into law. Expanding the
5 definition of temporary illness on an absentee
6 ballot to include the risk of contracting or
7 spreading a disease causing illness to the voter
8 or other members of the public. Another piece is
9 also expanding the amount of time we have to
10 process the absentee ballots by removing the not
11 earlier than 30 days language from the statute.

12 And finally, the one that would cause us
13 the most amount of operational change would be
14 providing the voters an opportunity to cure
15 deficiencies on absentee ballots, which kind of
16 falls into line a little bit with what
17 Commissioner Townsend was talking about.

18 The State Board has been directed to
19 draft the rules to comply with this piece of
20 legislation, but given the quantities that we
21 deal with, we did begin working with our internal
22 team to update our system when this bill was
23 first introduced ten days ago. And we expect to
24 have more to report on this, I'm hoping within

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2 the next two meetings.

3 So that was the exciting week in Albany.
4 We do hear that they are going to be going back
5 into session in the middle of August. I'm not
6 sure that they'll be anything election related.
7 But obviously we will keep our eyes and ears open
8 and as soon as the bills are signed, we'll let
9 you guys know.

10 PRESIDENT TAYLOR: Thank you, Ms.
11 Kontazmanis.

12 MR. RYAN: Okay. Now that Ms.
13 Knotazmanis is recognized, is there a motion to
14 go into executive session to discuss litigation?

15 SECRETARY UMANE: So moved.

16 COMMISSIONER TOWNSEND: Second.

17 MR. RYAN: Oh, before we -- I'm sorry,
18 before we do that, can we set the next meeting
19 date for next week?

20 SECRETARY UMANE: Next Tuesday at 1:30.

21 MR. RICHMAN: Alright.

22 MR. RYAN: Yes. Okay. And then, if there
23 are no objections to going into executive
24 session, we will consider the motion carried.

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*[slate - There was nothing to report
following executive session]*

(The meeting concluded at 1:55 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 July 28, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: March 22, 2021

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