

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS'
PETITION & COVER SHEET REVIEW

42 Broadway - 6th floor
Commissioners' Hearing Room
New York, NY 10004

July 31, 2020

July 31, 2020

PRESENT:

Commissioner Tiffany Townsend

Commissioner John Wm. Zaccone

Steven Richman, General Counsel

Rafael Savino, Deputy General Counsel

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2 (The meeting commenced.)

3 MR. STEVEN RICHMAN: Good afternoon,
4 today is Friday, July 31st. This is a meeting of
5 the Commissioners' Cover Sheet and Petition
6 Review committee, established pursuant to New
7 York State Election Law and Rule D-2 of the
8 Board's independent nominating petitioning rules.
9 This committee consisting of Commissioner Tiffany
10 Townsend, Democratic Commissioner from New York
11 County and John Zaccone, Republican commissioner
12 from Richmond County, was duly appointed by the
13 full board of commissioners at their meeting on
14 Tuesday and this meeting has been duly noticed on
15 a, in public notice posted on the Board's website
16 and at the front desk of all the BOE offices.

17 Good afternoon, commissioners. We have
18 several matters to be presented to you that
19 require your determination. We, for the record,
20 we e-mailed each commissioner copies of all of
21 the relevant documents to be considered, with the
22 exception of ten petition volumes, nine in one
23 case and one in the other that relate to binding
24 and page numbering defects, given the sheer

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2 volume. We'll exhibit to you, and Mr. Savino has
3 agreed to be our exhibitor.

4 MR. RAFAEL SAVINO: I have.

5 MR. RICHMAN: So, beginning with the
6 first set of materials sent to you in batch one,
7 the first defect we're presenting to you relates
8 to the cover sheet filed for Gerald F. Kahan for
9 the candidate of a populist independent body for
10 New York State Assembly Member in District 36.
11 Commissioners, on the cover sheet, you can see he
12 claims one volume, but he does not list the
13 petition ID number volumes which are required
14 under the Board's rule, Rule C. We would
15 recommend that this defect be noted and approved
16 and a notice of non-compliance would go out
17 giving him three business days from today to
18 correct it by filing an amended cover sheet
19 including the volume number.

20 COMMISSIONER TIFFANY TOWNSEND: Okay,
21 yes.

22 COMMISSIONER JOHN WM. ZACCONE: I agree
23 with the [unintelligible] [00:02:15].

24 COMMISSIONER TOWNSEND: I'm sorry,

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2 commissioner, what was [unintelligible]

3 [00:02:18] --

4 MR. RICHMAN: The preliminary report is
5 adopted. Notice will issue today. Commissioners,
6 the next relates to the purported cover sheet
7 filed at 4:41 p.m. on April 30th for the Blue
8 Wave Party for Patrick Bobilin, for Member of the
9 Assembly from the 76th Assembly District.

10 Commissioners, the amended cover -- the
11 cover sheet filed does not say amended under Rule
12 C-3. The original cover sheet was filed on July
13 29th and on July 30th, an NCN notice went out for
14 this. So, but under the Board's rules, once a
15 first cover sheet is filed, any subsequent cover
16 sheets filed has to be filed in the amended form.
17 But since this was filed as of right, they are
18 entitled to a three-day cure period for this
19 defect as well. We would give them the notice
20 that the cover sheet filed at 4:41 on July 30 is,
21 does not quite contain the required certification
22 required by Rule C-3.

23 COMMISSIONER ZACCONE: I echo the
24 recommendation.

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2 COMMISSIONER TOWNSEND: Yeah, agreed.

3 MR. RICHMAN: Commissioners, for the
4 same candidate in the, one page later, he also
5 filed an ame- a cover sheet at 4:21 p.m. with the
6 exact same defect, not saying amended and more
7 importantly, not having the certification
8 language required by C-3. We also give him a
9 notice to cure this cover sheet that was filed as
10 of right.

11 COMMISSIONER TOWNSEND: Are these the
12 same volumes?

13 MR. RICHMAN: Exact same volumes,
14 commissioner, the same five volumes, same ID
15 numbers, one filed at 4:21, one filed 20 minutes
16 later.

17 COMMISSIONER TOWNSEND: Okay.

18 MR. RICHMAN: Both with the same defect.

19 COMMISSIONER TOWNSEND: Okay. Alright.

20 MR. RICHMAN: But each, he can choose to
21 cure one or the other, or if he properly cures
22 the defect that was filed, that was noticed
23 yesterday and the notice went out, he would be
24 then restored to the ballot and these would

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2 become moot.

3 COMMISSIONER TOWNSEND: Okay.

4 MR. RICHMAN: Okay.

5 COMMISSIONER ZACCONE: In the words of
6 the oft misquoted [unintelligible] [00:04:38].

7 COMMISSIONER TOWNSEND: Commissioner
8 Zaccone, I can't hear you.

9 MR. RICHMAN: You just, Commissioner
10 Zaccone, you cut out.

11 COMMISSIONER ZACCONE: I'm sorry. I'm
12 hear a large beep in mine.

13 COMMISSIONER TOWNSEND: I hear a beeping
14 noise too, as well.

15 MR. RICHMAN: Yeah, I'm silencing my
16 phone.

17 MR. SAVINO: We were just notified that
18 Queens was done with their manual recount. We
19 both got the same text.

20 COMMISSIONER TOWNSEND: Oh, I see.

21 MR. SAVINO: Sorry, commissioners.

22 COMMISSIONER ZACCONE: Sorry about that,
23 commissioners. I would say in the oft misquoted
24 line, we [unintelligible] [00:05:11].

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2 COMMISSIONER TOWNSEND: Same here.

3 MR. RICHMAN: Commissioners, the next
4 relates to the, actually the name of the body
5 submitted by candidate Daniel Christmann as a
6 candidate for member of the State Senate from the
7 18th Senatorial District in Kings County. He
8 chose the name New Moderate Party, which has 16
9 characters. The Board has adopted the provisions
10 of Section 7-1.16 to limit the names of the
11 parties and independent bodies to 15 characters.
12 We're recommending that he be given notice and
13 the opportunity to choose a new name. If he does
14 not, then the commissioners will pick a name that
15 conforms with the statutory requirement.

16 COMMISSIONER ZACCONE: Agreed.

17 COMMISSIONER TOWNSEND: Agreed, sorry.

18 MR. RICHMAN: Thank you, commissioners,
19 the notice will go out. Similarly, commissioners,
20 the next one relates to the Justice Peace and
21 Honesty independent body. The candidate is Steven
22 Lee, candidate for Member of the Assembly in the
23 40th Assembly District. In this case, the name of
24 the independent body selected consists of 27

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2 characters. And again, the Board has adopted as
3 the limit the 15, we'd give them notice to select
4 an alternate name that's compliant.

5 MR. SAVINO: [unintelligible] [00:06:40]
6 party.

7 COMMISSIONER TOWNSEND: Okay.

8 MR. RICHMAN: Oh, wait --

9 [CROSSTALK]

10 MR. RICHMAN: -- hold -- no, wait, one,
11 two, three, four, five, six, seven.

12 MR. SAVINO: Because you take out party.

13 MR. RICHMAN: You're right.

14 Commissioners, Mr., Mr. Savino, if we can recall
15 Daniel Christmann, I'm going to ask you to allow
16 us to withdraw this, because the staff, in
17 counting the name of the independent body,
18 included the word party, P-A-R-T-Y, which will
19 not appear on the --

20 MR. SAVINO: Those letters don't count
21 in the 15.

22 COMMISSIONER TOWNSEND: I see. Okay. It
23 does not go against part of the 16.

24 MR. RICHMAN: Well, let me see what this

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2 petition says.

3 MR. SAVINO: It's right here.

4 MR. RICHMAN: No, he does do it, because
5 in his petition commissioners, if you'll -- he
6 chose the word, the name New Moderate Party as
7 the name of the independent body.

8 MR. SAVINO: Okay.

9 MR. RICHMAN: So we'll stand by the
10 judgment. His easiest way would be delete the
11 word party.

12 MR. SAVINO: Then he's good, yeah.

13 MR. RICHMAN: But he chose it on the
14 designating petition, which is attached. He say I
15 select the name New Moderate Party as the name of
16 the independent body. He seeks to use the word
17 Party.

18 MR. SAVINO: And it's curable if he
19 doesn't change it, the Board will change it for
20 him, so it's not fatal.

21 COMMISSIONER TOWNSEND: Okay. So
22 basically either he can drop the word party --

23 MR. SAVINO: Or we will.

24 COMMISSIONER TOWNSEND: -- be advised to

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2 or we will, okay.

3 MR. SAVINO: Pretty much.

4 MR. RICHMAN: With the second one, we're
5 going back to Mr. Lee, it's 27 characters,
6 Justice Peace and Honesty, that's 27 characters
7 without the word party on it. So we're going to
8 ask them again to -- we would recommend that we
9 issue a notice asking him to select a new name
10 that's compliant with the statutory requirements
11 of 7-116.

12 COMMISSIONER TOWNSEND: Okay. Agree on
13 recommending this.

14 COMMISSIONER ZACCONE: Agree to that
15 one.

16 MR. RICHMAN: Okay. Elizabeth, let's
17 see, independent body, okay. Several issues now,
18 for Elizabeth Glass, a candidate for member of
19 the New York State Senate in District 27, in
20 Manhattan, first on the original cover sheet, the
21 name of the independent body is omitted from the
22 cover sheet, and the second defect here too on
23 this, on the first cover sheet is that the name
24 selected on the petition is the Freedom and

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2 Liberty Party, which then now would exceed the 15
3 characters, six, seven, eight, nine, ten, 11, 12,
4 13 --

5 MR. SAVINO: Yep.

6 MR. RICHMAN: -- yeah, by using the word
7 party, she again exceeds the 15, but they made it
8 clear that she wants to use the full name. So
9 again we would give her that choice to select a
10 new name, if not, it would come back to the
11 commissioners and if we, if the commissioners
12 choose to drop the word party, then there would
13 be no problem. But we'd ask that we give notice
14 to correct both the cover sheet and to select the
15 name, alternate name.

16 COMMISSIONER TOWNSEND: Okay. Agree on
17 that recommendation.

18 COMMISSIONER ZACCONE: [unintelligible]
19 [00:09:39] as well.

20 MR. RICHMAN: Okay. Secondly,
21 commissioners, with respect to her petition
22 volumes, 57-, New York 2000574 through 586, on
23 each and every one of those petition volumes, she
24 omitted, there is no page number on any page of

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2 any sheet within any of the volumes. So we would
3 give her the instructions that if she wished to
4 cure that defect, she would have to order a copy
5 of the petitions, submit them in the exact order
6 submitted, and inscribe the correction required
7 on the copies.

8 MR. SAVINO: I can keep going, but it's
9 the same throughout.

10 MR. RICHMAN: And commissioners, a
11 bipartisan team has reviewed each and every
12 volume and this was identified to us by the
13 bipartisan team running the petition room, which
14 was, I don't know if it was Mr. Thompson and
15 either Mr. Lavelle or Mr. Paris-Gondola
16 [phonetic]. So we've had two bipartisan teams
17 review it and we can affirm that each and every
18 page, there is no petition, no page number. Okay.

19 COMMISSIONER ZACCONE: Very good, I
20 agree.

21 MR. RICHMAN: Commissioner Townsend, do
22 you concur?

23 COMMISSIONER TOWNSEND: Yes. I agree,
24 sorry.

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2 MR. RICHMAN: No problem. Okay. Now,
3 next one relates to independent nominating
4 petitions filed for Craig Schley to be Member of
5 Assembly in the 70th Assembly District. Mr.
6 Schley has chosen as the name of his independent
7 body, Craig Schley for 70th Assembly, which
8 consists of 26 characters. And again, we would
9 give him the opportunity to chose a new name that
10 conforms to the requirements that the Board
11 follows under 7-1.16. If he does not within seven
12 days, then prior to the printing of the ballots,
13 the commissioners would select another name.

14 COMMISSIONER ZACCONE: I agree.

15 COMMISSIONER TOWNSEND: Same here, I
16 agree as well. Sorry.

17 MR. RICHMAN: Thank you, commissioners.

18 COMMISSIONER TOWNSEND: I'm doing double
19 duty.

20 COMMISSIONER ZACCONE: Commissioner,
21 you're starting to sound like a candidate.
22 [laughter]

23 MR. RICHMAN: Commissioners, the next
24 relates to the independent nominating petition

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2 filed by Brandon P. Stafford, to be State Senator
3 from the 23rd Senate District. In this case, the
4 defect is Mr. Stafford chose as the name of his
5 independent body Hope is on the Ballot
6 exclamation point. That consists of 27 charact --
7 four, five, six, seven, eight, nine, ten, 11 --
8 18 characters, I'm sorry, the note was wrong, 18
9 characters. We'd ask him to, again, give him the
10 opportunity to select a name that complies with
11 7-1.16 of a name not exceeding 14 characters.

12 COMMISSIONER TOWNSEND: Agreed. Mr.
13 Richman, can I just ask you to hold on for one
14 second.

15 MR. RICHMAN: We can.

16 MR. SAVINO: Multitasking is fun.

17 COMMISSIONER TOWNSEND: Thanks, sorry,
18 sorry about that.

19 MR. RICHMAN: No problem.

20 COMMISSIONER TOWNSEND: [unintelligible]
21 [00:13:58]. Anyhow, moving right along.

22 MR. RICHMAN: Okay. Commissioners, the
23 next items relate to the petition and cover sheet
24 filed by, I'm going to butcher this name,

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2 Iroghama Omere, candidate for the United States
3 House of Representatives in New York District 7.
4 Commissioners, the first defect is that the cover
5 sheet was filed attached to the petition, which
6 violates the Board's rule, let me get the
7 correct, I thought they were all written down,
8 cover sheet should be filed separately.

9 COMMISSIONER TOWNSEND: And which
10 [unintelligible] [00:14:35]?

11 MR. SAVINO: I'm sorry.

12 COMMISSIONER TOWNSEND: I'm sorry,
13 [unintelligible] [00:14:39]?

14 MR. RICHMAN: The rule, rule requires
15 that the cover sheet is to be filed separately,
16 which Rule C-5 of the Board's rules, separately
17 of any petition volume, a cover sheet is not to
18 be attached to any petition volume, and in this
19 case, the cover sheet was attached to the
20 petition volume. So we're going to ask her to
21 file it, a separate cover sheet. Mr. Savino is
22 showing to you how the volume was filed.

23 MR. SAVINO: Also with clips.

24 COMMISSIONER ZACCONE: So if I can ask,

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2 it was filed clipped that way?

3 MR. RICHMAN: Well, that's the second
4 defect, relates both to the clips and the
5 pagination number to the binding and the petition
6 itself. The cover sheet defect is that the cover
7 sheet was attached to the petition.

8 COMMISSIONER ZACCONE: Okay.

9 MR. SAVINO: We'll get to the next
10 issue.

11 COMMISSIONER TOWNSEND: Okay.

12 COMMISSIONER ZACCONE: [unintelligible]
13 [00:15:29].

14 MR. RICHMAN: Now, the second relates to
15 the, to the two issues relating to the petition
16 itself. One is that the volume was not numbered
17 at the foot of each sheet, violating State Board
18 Rule 6215.1A and our independent nominating
19 petition Rule A1. Mr. Savino is showing to you,
20 they actually numbered the pages at the top of
21 the page, but both the State Board rule, which
22 has State Board applicability and our rule which
23 was adopted consistent with the state rule,
24 requires those to be, sheets to be numbered

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2 sequentially at the foot of each sheet, so that
3 we allow for organization. In fact, this was
4 originally identified to us that there was no
5 page numbers on the volume, because they just
6 looked at the bottom. It was only upon
7 examination when we came down here we realized
8 it's at the top. So she would be given the chance
9 to cure by filing an exact copy and putting the
10 page numbers correctly at the bottom.

11 The second issue that we presented to
12 you commissioners, is whether or not the volume
13 was secure, the pages of the volume were securely
14 fastened. The requirement under our board rules
15 that the petitions are to be securely fastened.
16 And that's set forth in Rule A-1 that those
17 sheets are to be securely fastened together in
18 one or more petition volumes. This volume was
19 filed with two binder clips on the top, and in
20 the past, we've determined that a binder clip
21 that can be separated, it would not find that the
22 volume was securely fastened. Again, she would be
23 given, the candidate would be given the
24 opportunity to file a copy of this petition and

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2 then have it securely bound so that anybody who
3 is doing challenges would be able to maintain the
4 order and this way we would ensure that the
5 integrity of the petition remained intact.

6 COMMISSIONER TOWNSEND: Okay. So it's
7 not [unintelligible] [00:17:27] to cure?

8 MR. RICHMAN: No, these are both subject
9 to cure. And, I guess she would be doing both.
10 She could do it in one cure, securely fasten the
11 volumes and then sequentially number them at the
12 foot of each sheet.

13 COMMISSIONER TOWNSEND: Okay.

14 MR. RICHMAN: In the exact order that it
15 was filed. Okay.

16 COMMISSIONER ZACCONE: I agree with the
17 recommendation.

18 COMMISSIONER TOWNSEND: Same.

19 MR. RICHMAN: Okay. So that completes
20 that candidate's two defects. Now again, we have
21 another -- the next candidate, the next cover
22 sheet defect relates to the cover sheet filed on
23 July 29th by Dao Yin as a candidate of the Red
24 Dragon Party for Queens and borough president.

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2 Commissioners, the original cover sheet was filed
3 on July 28th. Yesterday, your commissioners'
4 committee approved a notice of non-compliance to
5 be issued of the defect on 7/30 and yesterday, on
6 July 29th, the candidate filed a cover sheet
7 which does not contain the amended certification
8 and as we pointed out under Rule C-3, after you
9 file an original cover sheet, you can file
10 additional amended cover sheet, but you have file
11 the correct form. This would be curable as well.
12 We'd advise then that the cover sheet filed on
13 July 29th does not comply with Rule C-3. And so
14 they would get another, he would get another
15 opportunity to cure the defect.

16 COMMISSIONER TOWNSEND: Okay.

17 COMMISSIONER ZACCONE: I agree.

18 COMMISSIONER TOWNSEND: Yeah.

19 MR. RICHMAN: And then the next multiple
20 defects relating to the independent nominating
21 petition and cover sheet filed by Everly D. Brown
22 for Member of the Assembly from the 29th Assembly
23 District in Queens County, on the Home Owners
24 Rights independent body. First, the first defect

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2 that we identified is that the name of the
3 independent body on the cover sheet doesn't match
4 the petition. On the petition, Homeowners is a
5 single word with a lower case for the O and
6 capital R for -- and rights is all capitalized.
7 On the cover sheet, it doesn't match. Home owners
8 is separated, Home owner is separated into two
9 words, and rights is not, does not match the
10 petition, it's not the same format. Two, the
11 candidate, on the cover sheet, put the wrong
12 information under the heading. Under the heading
13 for residence address, he put member of the
14 Assembly from the 29th Assembly District from
15 Queens County New York, T-O-R-K, the petition,
16 the address, the office is correct spelling, but
17 it's also the wrong box, and he inverted, he put
18 under the public office, his residence address.
19 So the cover sheet as a whole has to be correct.
20 And those are all curable defects.

21 COMMISSIONER ZACCONE: As you said,
22 these are curable, so I agree.

23 COMMISSIONER TOWNSEND: [unintelligible]

24 [00:20:55]

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2 MR. RICHMAN: Okay. And that
3 commissioners, concludes the second back and that
4 concludes today's materials from the materials
5 that were filed either yesterday or late on
6 Wednesday. We appreciate it. Commissioners, we
7 have no further business to present to you, so
8 unless you have something else to raise with us,
9 we'd recommend a motion to adjourn.

10 COMMISSIONER ZACCONE: Well, I would
11 just like to thank you and your staff for all the
12 hard work that you've put in on these petitions
13 and cover sheets that have been filed. And also
14 having to bandy about from court to board. But,
15 to protect the [unintelligible] [00:21:32] board
16 and the process for [unintelligible] [00:21:37].

17 MR. RICHMAN: Thank you, commissioners.

18 COMMISSIONER TOWNSEND: And I will
19 second all that.

20 MR. RICHMAN: Thank you commissioners,
21 have a wonderful weekend.

22 COMMISSIONER TOWNSEND: Have a good
23 weekend, guys.

24 MR. SAVINO: Thank you.

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MR. RICHMAN: Bye-bye.

COMMISSIONER TOWNSEND: Thank you, bye-
bye.

(The meeting concluded.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on July 31, 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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