

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' COVER SHEET REVIEW MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

August 7, 2020

2:00 p.m. - 2:22 p.m.

August 7, 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

Steven Richman, General Counsel

Rafael Savino, Deputy General Counsel

Michael Bryant, Legal Staff

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2 (The meeting commenced at 2:05 p.m.)

3 MR. STEVEN RICHMAN: Good afternoon, it
4 is Friday, August 7th. This is a meeting of the
5 commissioners' petition and cover sheet review
6 committee for independent nominating petitions
7 and related matters for the November 3rd general
8 election. Pursuant to the election law and the
9 independent nominating petition rules, this
10 committee was established by the full board at
11 their meeting held last Tuesday. Today's
12 committee is composed of the Bronx County
13 commissioners, Commissioner Camilo and Marmorato
14 are present.

15 Commissioners, we have e-mailed you the
16 materials that will be presented to you that have
17 been identified by the staff. And with your
18 permission, we'll begin the presentations.

19 COMMISSIONER MARMORATO: Denied.

20 [laughter] Okay.

21 MR. RICHMAN: Commissioners, the first
22 is the certificate filed by Craig Schley, to
23 modify the name of his independent body. It was
24 found that it exceeded the 15 characters. Mr.

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2 Schley filed a certificate now recommending
3 choosing a name that only has 14 characters and
4 is set forth in the certificate, Schley For 70
5 ASSY, that would meet the requirements of Section
6 7-116 in the Election Law and it's the staff
7 recommendation that the commissioners accept the
8 modification of the name.

9 COMMISSIONER MARMORATO: Mr. Richman,
10 just for the record, I note that it's actually 15
11 characters, which I believe would still qualify.

12 MR. RAFAEL SAVINO: Yes, we don't count
13 the blanks.

14 MR. RICHMAN: We don't blanks,
15 commissioner, so it's six, seven, eight, nine,
16 ten, 11, 12, 13, 14, 15, you're right, sorry.
17 Yeah. But that meets the statutory requirements.

18 COMMISSIONER MARMORATO: Yes.

19 MR. RICHMAN: So the recommendation
20 would still stand that we accept, we recommend
21 that you accept it.

22 COMMISSIONER MARMORATO: I accept it and
23 approved.

24 MR. RICHMAN: Okay. Commissioner Camilo?

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2 COMMISSIONER MARMORATO: Come one, we
3 lost you again.

4 COMMISSIONER CAMILO: How about now?

5 MR. SAVINO: You got it.

6 MR. RICHMAN: Perfect. Is that a yes?

7 COMMISSIONER CAMILO: Sorry. Yes, it's a
8 yes, and Happy Friday.

9 MR. SAVINO: Thank you.

10 MR. RICHMAN: Okay. So the Schley
11 certificate is accepted on July, August 7th of
12 2020. Commissioners, the second one is the
13 certificate to correct the name of the Freedom
14 Liberty Party. The candidate included the word
15 Party on the Petition, so technically that should
16 apply, that exceed the 15 characters. They
17 clearly selected that they'll only appear under
18 the name Freedom Liberty. This, this is 14
19 characters and we recommend that you accept the
20 certificate as a valid cure.

21 COMMISSIONER MARMORATO: Accepted and
22 approved.

23 MR. RICHMAN: Commissioner Camilo, we
24 lost you again.

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2 MR. SAVINO: We didn't lose her, because
3 I see her on the video.

4 COMMISSIONER CAMILO: I second.

5 MR. RICHMAN: Okay.

6 COMMISSIONER CAMILO: Do you hear me?

7 MR. RICHMAN: Yes.

8 MR. SAVINO: Yes.

9 COMMISSIONER CAMILO: I apologize.

10 MR. RICHMAN: Right there, okay. Third,
11 it's a certificate similar issue was the
12 candidacy of the Proven Leadership independent
13 body, which nominated Carmen Arroyo for member of
14 the Assembly against, exceeded 15 characters and
15 they changed the recommended name to be Proven
16 Leader, which is less than the 15 characters,
17 it's 12 characters and we recommend that the
18 commissioners accept the change.

19 COMMISSIONER MARMORATO: Approved.

20 COMMISSIONER CAMILO: Approved, second.

21 MR. RICHMAN: Commissioners, the next
22 modification of the name relates to Daniel
23 Christmann, who was a candidate for the State
24 Senate in the 18th Senate District. Again, same

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2 thing, they used the word Party in the name of
3 the independent body, which exceeded the 15
4 characters. They've reduced it just to be New
5 Moderate and that's 11 characters and again, we
6 recommend that that's, that's in accordance with
7 the statute, we recommend that the certificate be
8 accepted.

9 COMMISSIONER MARMORATO: Approved.

10 COMMISSIONER CAMILO: Second.

11 MR. RICHMAN: And the next one relates
12 to the change in name for, submitted on behalf of
13 Shanequa Charles, candidate for the Assembly, New
14 York State Assembly in the 78th Assembly
15 District. They had included the word Stronger
16 Together Party as the independent body name. They
17 modified that now to 14 characters to just be
18 Strong Together. And we recommend since it
19 complies with the statute that the commissioners
20 accept the certificate.

21 COMMISSIONER MARMORATO: Accepted and
22 approved.

23 COMMISSIONER CAMILO: And I will second.

24 MR. RICHMAN: And that concludes the

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2 name change issues. Commissioners, the next
3 relates to a purported cure of a notice of
4 noncompliance sent on July 31st, to candidate
5 Iroghama Omere for House of Representatives for
6 the 7th Congressional District. The defect was
7 that the cover sheet was attached to the
8 petition. The cover sheet that was filed on
9 August 5th, apparently in response to the notice,
10 has several defects. It's one, there's no
11 certification that they're authorized to file the
12 amended cover sheet per Rule C3. There was also
13 no identification of the cover sheet be amended
14 by rule C3, the NCN notice was filed separately
15 and not attached to this petition, to this
16 document. So accordingly, given both of those,
17 failure to comply with Rule C3, we recommend that
18 the commissioners find this to be not a valid
19 cure.

20 COMMISSIONER MARMORATO: We'll follow
21 the guidance of counselors for legal and state
22 that this case is not a valid cure.

23 COMMISSIONER CAMILO: And Mr. Richman,
24 it also says that it was late, correct?

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2 MR. RICHMAN: Well, it was -- again,
3 from CRU's point, since it doesn't have the word
4 amended cover sheet or the language there, CRU
5 initially treated this as a regular cover sheet,
6 which would have filed late. The last day to file
7 the petitions was a week ago Thursday and the
8 cover sheets as well, so in terms of the cure --

9 MR. SAVINO: They didn't realize it was
10 a cure to fix a defective cover sheet.

11 MR. RICHMAN: So that's why it was
12 marked late. But when we discussed it with CRU,
13 they were just treating this as regular cover
14 sheet, not an amended. But in response to the NCN
15 notice sent on July 31, they would have had three
16 business days, which would have until midnight,
17 August 5th. This was filed on August 5th. So we
18 believe it was a purported attempt to respond to
19 the noncompliance notice, just that it was not
20 properly done.

21 COMMISSIONER CAMILO: And I second
22 counsel's recommendation to not allow it as a
23 cure.

24 MR. RICHMAN: Okay. Thank you,

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2 commissioners. Notice will go out to the
3 candidate advising them of your determination.
4 Similarly, an amended cover sheet was filed by
5 Shanequa Charles for member of the State Assembly
6 from the 78th Assembly District. The original
7 cover sheet filed by the candidate had several
8 deficiencies. The name of the independent body
9 was not included and the wrong ID number,
10 incorrect ID number was listed on the cover
11 sheet. When they filed the amended cover sheet,
12 they cured those two defects. However, there is
13 no certification, per rule C3 which says when
14 you're filing an amended cover sheet you have to
15 affirmatively state that you are authorized to
16 file this amended cover sheet. It's a prevention
17 of fraud determination to do it. Since it doesn't
18 comply with Rule 3C, the recommendation from
19 staff is that this is not a valid cure. And if
20 they use the sample amended cover sheet form we
21 provided, they would have seen that.

22 COMMISSIONER MARMORATO: I will adhere
23 to legal's recommendation and find this not to be
24 a valid cure for Shanequa Charles.

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2 COMMISSIONER CAMILO: And I will second
3 that.

4 MR. RICHMAN: Thank you, commissioners,
5 notice will go out to the candidate today. The
6 next relates to the amended cover sheet filed by
7 Gerald F. Khan. The notice of noncompliance was
8 that there were no ID numbers on the cover sheet.
9 That notice went out on July 31. You have it, the
10 cure was due before midnight on July -- on August
11 5th I should say. It was filed August 6th.
12 Candidate with his cure filed a notice on August
13 6th that let the record show that I received my
14 overnight delivery notification of a deficiency
15 in my cover sheet filed with my petition on July
16 30th, only yesterday, August 5th. Commissioners,
17 again, the notice went out in accordance with the
18 rules. This board cannot be responsible for the
19 performance of the U.S. Postal Service. The
20 statute is clear that the commissioners and the
21 courts are without the authority to extend the
22 statutory timeframe --

23 COMMISSIONER MARMORATO: It went out
24 overnight, right?

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2 MR. RICHMAN: -- and it went out the
3 next priority, next day delivery. The
4 recommendation, it's not a valid cure, it was not
5 timely filed.

6 COMMISSIONER MARMORATO: Based on
7 statutory language and the recommendation of
8 legal, I find this not to be a valid cure.

9 COMMISSIONER CAMILO: And I will second
10 that.

11 MR. RICHMAN: Thank you, commissioners,
12 notice again will go out today advising him of
13 that determination. Commissioners, the next, and
14 Mr. Michael Bryant will be the exhibitor.

15 MR. SAVINO: He'll be our Vanna White
16 for today.

17 MR. RICHMAN: This relates to the
18 petition of Elizabeth Glass, Freedom and Liberty
19 independent body for member of the Senate in the
20 27th Senate District. Initially, The candidate
21 filed one, two, three, four --

22 MR. SAVINO: Not numbered, so there's
23 already been a defect, right.

24 MR. RICHMAN: -- 13 volumes with the

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2 Board of petition signatures, but none of the
3 volumes were sequentially numbered at the foot of
4 each.

5 MR. SAVINO: And this was already ruled
6 to be a curable defect. So these are the stacks
7 with no numbers.

8 MR. RICHMAN: So the, and the
9 instruction was you may attempt to cure this
10 defect by filing an exact copy of the petition
11 volumes with the sheets thereof in the original
12 order, as originally filed listed above, noting
13 any changes or corrections, in compliance with
14 the regulations. A bipartisan team has reviewed
15 each and every page. They met that requirement,
16 that they've numbered each and every page
17 sequentially and they are in the exact order as
18 filed. So with respect to the page numbering
19 defect, this was a valid cure. But we're going to
20 get to the next issue, which was a separate
21 defect about --

22 MR. SAVINO: Securely bound.

23 MR. RICHMAN: -- petition securely
24 fastened.

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2 MR. SAVINO: Yeah, the original was
3 pretty secure, but these are just paper clips.

4 MR. RICHMAN: And so therefore,
5 commissioners, it does not secure -- Rule A1
6 requires all the volumes of the petitions,
7 whether it's a regular or purported cure, to be
8 securely fastened. The original ones were, had
9 holes punched in the top, metal rings through it
10 and the rings taped, so that they could not be
11 separated. The purported cure came in with a
12 simple paper clip on each volume, which in the
13 past, the commissioners have determined a single
14 paper clip like that is not a securely fastened
15 document because if you do the shake test it's
16 likely to come apart. So in the end, the staff
17 recommendation is that Ms. Glass did not validly
18 cure the defect, because again, these volumes,
19 and they're multiple, all 13 of them are each one
20 bound by a paper clip only.

21 COMMISSIONER MARMORATO: As to the page
22 numbering I find it to be a valid cure, as to the
23 fastening, I find it not to be a valid cure.

24 COMMISSIONER CAMILO: And so to

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2 understand correctly, Mr. Richman, she'll get
3 notice --

4 MR. RICHMAN: No.

5 COMMISSIONER CAMILO: -- another defect
6 notice?

7 MR. RICHMAN: No, no, commissioners,
8 this is it. This is her one bite at the apple.
9 She'll get notice it's not a valid cure, and then
10 she can avail herself of the provisions of
11 Article 16 and take her case to the New York
12 State Supreme Court.

13 COMMISSIONER CAMILO: Okay. I will
14 second counsel's recommendation. Thank you.

15 MR. RICHMAN: So the cure in the end is
16 deemed not valid. That notice will go out.
17 Commissioners, then the next relates to the
18 purported cure filed by Iroghama Omere, candidate
19 for member of the House of Representatives in the
20 7th CD. There were two separate defects here. The
21 defect first was that the sheets of the petition
22 sheet shall be numbered sequentially at the foot
23 of each sheet. The original volume filed by the
24 candidate had numbering I believe at the top of

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2 the pages, not in accordance with the State Board
3 rules and therefore, we gave notice. The amended
4 cure was timely filed, or the purported cure was
5 timely filed, and that defect, numbering
6 sequentially at the foot of each page, that is a
7 valid cure. And that was a separate notice, a
8 notice went out on July 31. We recommend that you
9 find the page numbering defect cure to be valid.
10 But then we'll get to the --

11 COMMISSIONER MARMORATO: Approved.

12 Approved by me, page numbering defect to be a
13 valid cure.

14 COMMISSIONER CAMILO: And I second that.

15 MR. RICHMAN: Okay. The same though
16 petition volumes that original petition volume,
17 got a separate defect notice advising them that
18 any two or more pages, petition sheets, shall be
19 securely fastened together by any means which
20 will hold the pages together in numerical order.
21 The original volume filed by the candidate was
22 just two binder clips. And the commissioners'
23 committee on July 31 deemed that not to be
24 securely fastened. When they filed the purported

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2 cure on the 5th, if I remember correctly --

3 MR. SAVINO: Yes.

4 MR. RICHMAN: -- they filed it with just
5 simply one binder clip. And so I still do not,
6 the staff recommendation is they still did not
7 securely fasten the petitions pages together and
8 given the fact that that type of binder clip can
9 be easily removed, and so the audit could be
10 modified as well, the staff recommendation is
11 that in the end, the purported cure is not, is
12 not valid and accordingly, the cure would be
13 deemed not valid and the candidate removed from
14 the ballot.

15 COMMISSIONER MARMORATO: I find the cure
16 for the fastening to not be valid and the
17 candidate to be removed from the ballot.

18 COMMISSIONER CAMILO: And I will second
19 that as this is consistent with the Board's
20 policy of requiring a secured petition, so I
21 second counsel's recommendation. Thank you.

22 MR. RICHMAN: Thank you, commissioners.
23 And commissioners, it's not just the city board
24 policy, it is also, for the record, New York

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2 State Board of Elections regulation requires it,
3 9NYCRR, section 62-15.1C, which is what I read
4 before, so both because of the city board rules
5 and the state board regulations, it's not a valid
6 cure.

7 Commissioners, that concludes the
8 materials for today's agenda for the cover sheet
9 review committee, so unless you have any other
10 business to bring to us, we would recommend to
11 adjourn for a good weekend.

12 COMMISSIONER MARMORATO: Happy Friday.
13 Motion to adjourn.

14 COMMISSIONER CAMILO: I'll second that,
15 thank you so much, counsel. Thank you, everyone.

16 MR. RICHMAN: Thank you, you
17 commissioners, have a good weekend. Bye-bye, stay
18 safe.

19 (The meeting concluded at 2:22 p.m.)
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CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Board of Elections in The City of New York on August 7, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: March 26, 2021

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