

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor  
Commissioners' Hearing Room

New York, NY 10004

August 18, 2020

1:30 p.m. - 4:20 p.m.

August 18, 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

Georgea Kontzamanis, Operations Manager

Steven Richman, General Counsel

Eleanor Guerrieri, Administrative Assistant

Michael Carmosino, Staff

Ravon Weaver, Staff

Kenneth Moltner, Counsel to Commissioners

Steven Denkberg, Counsel to Commissioners

**ALSO PRESENT:**

Kemi Akindude, Candidate

Stanley K. Schlein, Esquire

Edmund Pryor, Esquire

Robert Newmorgan, Esquire

Mr. Cruz, Esquire

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2 (The meeting commenced at 1:40 p.m.)

3 MR. MICHAEL J. RYAN: Okay, we are now  
4 live. My name is Michael Ryan, I am the executive  
5 director at the City Board of Elections. Today is  
6 August 18, 2020. I will commence with the roll  
7 call for today's meeting.

8 I would like to, before we get started,  
9 remind or advice the commissioners and remind all  
10 of the staff and also advise the folks that are  
11 in the waiting room that we will be utilizing the  
12 services of sign languages interpreters for  
13 today's meeting. And so if there's a moment where  
14 they're not able to keep up, they'll let me know  
15 and then I'll ask folks to either identify  
16 themselves or repeat what they said.

17 So, starting with the roll call,  
18 President Taylor?

19 PRESIDENT PATRICIA ANNE TAYLOR: I am  
20 present.

21 MR. RYAN: Secretary Umane?

22 SECRETARY FREDERIC UMANE: Here.

23 MR. RYAN: Commissioner Araujo?

24 COMMISSIONER JOSE ARAUJO: Present.

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2 MR. RYAN: Commissioner Camilo?

3 COMMISSIONER MIGUELINA CAMILO: Present.

4 MR. RYAN: Commissioner Michel?

5 COMMISSIONER MICHEL: Present.

6 MR. RYAN: Commissioner Shamoun?

7 Commissioner Townsend?

8 COMMISSIONER TOWNSEND: Present.

9 MR. RYAN: Commissioner Zaccone?

10 COMMISSIONER ZACCONE: Present.

11 MR. RYAN: Okay. So that was eight  
12 commissioners present.

13 MS. ELEANOR GUERRIERI: Marmorato.

14 COMMISSIONER GINO MARMORATO:

15 Commissioner Marmorato.

16 MR. RYAN: Oh, Commissioner Marmorato, I  
17 skipped Commissioner Marmorato, I apologize. He's  
18 not on this list that I'm looking at here, I  
19 apologize.

20 COMMISSIONER MARMORATO: It's alright.

21 MR. RYAN: Sorry, Commissioner  
22 Marmorato. The roll call list did not include  
23 Commissioner Marmorato. So we'll have to adjust  
24 that moving forward. Okay. With that,

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2 Commissioner Taylor, the proceedings are turned  
3 over to you.

4 PRESIDENT TAYLOR: Thank you, Mr. Ryan.  
5 Good afternoon, everyone. My name is Patricia  
6 Anne Taylor and I am the president of the Board  
7 of Elections for calendar year 2020 and the  
8 Democratic commissioner for Richmond County,  
9 serving as the interim commissioner for Kings  
10 County.

11 Today is August 18, 2020 and I would  
12 like to note that this is the anniversary of the  
13 ratification of the 19th Amendment acknowledging  
14 the right of women to vote.

15 I now call this hearing by the Board of  
16 Elections of the City of New York to order. We  
17 convene today under some of the most  
18 extraordinary circumstances in our memory. The  
19 COVID-19 virus has changed the way we live and  
20 work here in the city of New York. That is why I  
21 and my colleagues appear today via a video  
22 conference link, as will most of the candidates,  
23 objectors or their representatives. The  
24 commissioners and staff of the Board of Elections

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2 in the City of New York are most mindful of our  
3 responsibility to ensure that a fair, honest,  
4 open and lawful electoral process continues  
5 within our city.

6 Today, our hearings relate to  
7 independent nominating petitions and related  
8 matters for the November 3, 2020 general  
9 elections for public offices throughout New York  
10 City. These hearings will be conducted in  
11 accordance with the provisions of the New York  
12 State Election Law, the Board's independent  
13 nominating petition rules adopted on December 18,  
14 2018, the emergency procedures, which modified  
15 those rules adopted on April 14, 2020 and the  
16 executive orders issued by the governor of the  
17 State of New York, which modified provisions of  
18 the Open Meetings Law, as well as the New York  
19 State Election Law.

20 The most significant modification for  
21 this hearing is the way that it is being  
22 conducted, largely remotely using Webex. Each of  
23 the commissioners is participating through that  
24 system, along with our two staff members and

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2 candidates, objectors and their representatives  
3 who have registered to appear at this hearing.

4 The schedule for today's hearings was  
5 posted on the Board's website and the information  
6 shared on various social media as well as posting  
7 it at all Board of Elections offices. Under the  
8 Board's emergency procedures, each candidate,  
9 objector or their designated representative had  
10 to file their notice of appearance for these  
11 meetings by Monday, August 17, 2020. That  
12 information was due to send directions on how to  
13 participate in this Webex video conference  
14 meeting. In addition, persons wishing to appear  
15 in person for this hearing at the Board's  
16 executive office were required to communicate  
17 that request to the Board no later than 3:00 p.m.  
18 on Monday, August 17, 2020.

19 Please note that these emergency  
20 procedures were prominently posted on the Board's  
21 website, were referenced in many of the notices  
22 sent out by the Board and were communicated to  
23 each candidate and objector. In addition, each of  
24 the calendars listing the matters that

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2 commissioners will consider was posted on the  
3 Board's website as well as in the Board's hearing  
4 room.

5 I have asked that the Board's executive  
6 director, Michael J. Ryan, coordinate our  
7 activities today, using this new technology. This  
8 will ensure that our hearings are conducted in an  
9 orderly fashion. Mr. Ryan.

10 MR. RYAN: Thank you, Madam President. I  
11 will ask that all the participants in this  
12 proceeding mute their microphones until they are  
13 called upon to speak. This will assist all of us  
14 in hearing what each person is saying and will  
15 promote orderly conducting of the meeting. I have  
16 already conducted the roll call of the  
17 commissioners, and now will acknowledge key  
18 staff.

19 I am again, Michael Ryan. I'm the  
20 executive director. Ms. Kontazmanis, Georgea  
21 Kontazmanis, operations manager is elsewhere in  
22 the building and seated before me is Steven  
23 Richman, general counsel, Michael Carmocino,  
24 Ravon Weaver and Eleanor Guerrieri, as well,



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2 there are chiefs and deputies or their designees  
3 in the waiting area and they'll be acknowledged  
4 as the hearings commence and their participation  
5 is required.

6 I want to remind all persons appearing  
7 at this hearing, they must have filed their  
8 notice of appearance in accordance with the  
9 emergency procedures adopted for such matters by  
10 yesterday, Monday, August 17th.

11 I want to remind all the commissioners  
12 and board staff, candidates and objectors, that  
13 given the use of this technology, only one person  
14 may speak at a time, so that the audio visual  
15 system can accurately record the proceedings that  
16 is further required in light of the sign  
17 language, American sign language interpreters  
18 present today.

19 In addition, if you are not speaking,  
20 please remember to mute your microphone. I also  
21 want to advise all present that the Board is  
22 required by law to record how each commissioner  
23 votes on each matter. In the event that the  
24 commissioners are not unanimous in their

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2 determination on a given matter, I will ask that  
3 our counsel conduct a roll call vote of the  
4 commissioners for the record.

5 I will now call upon Steven H. Richman,  
6 general counsel for the Board to call the  
7 calendar.

8 MR. STEVEN RICHMAN: Thank you, Mr.  
9 Ryan. Commissioners, we begin with the prima  
10 facie report calendar. The first item relates to  
11 the candidate John C. Cummings, candidate for  
12 representative in Congress in the 14th  
13 Congressional District on the Save our City  
14 independent body. The prima facie finding is that  
15 a certificate of acceptance was not filed. It was  
16 due on August 3rd, and under the Court of Appeals  
17 decisions, including the Seawright decision  
18 earlier this year, the failure to file a required  
19 document within the prescribed timeframe is a  
20 fatal defect. Commissioners, is it your  
21 preference that we just call the calendar unless  
22 there's an appearance?

23 SECRETARY UMANE: Keep going.

24 MR. RICHMAN: Okay. And Ms. Kontazmanis,

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2 if we have anybody who registered for a prima  
3 facie, please let us know. Kemi Akindude, A-K-I-  
4 N-D-U-D-E, candidate for member of Congress in  
5 the 11th Congressional District on the Change  
6 Can't Wait independent body, the petition lacks  
7 the necessary number of signatures to support the  
8 candidacy and is facially defective. See Sloan v.  
9 Kellner. The potential in the petition was 1,110  
10 signatures could be filed, the signatures  
11 required under the modified executive order is  
12 2,450. In addition, the certificate of acceptance  
13 was filed on August 7th. It is late. It was due  
14 on August 3, 2020.

15 MS. KONTAZMANIS: Mr. Richman?

16 MR. RICHMAN: Yes.

17 MS. KONTAZMANIS: We do have an  
18 appearance in this case, but can I pause everyone  
19 for just one second. Someone has called into the  
20 meeting, call them user five, can you please  
21 identify yourselves. The person who just called  
22 into, can you identify yourself please? Okay.  
23 We're going to remove you from the meeting. Expel  
24 them and lock and mute. Alright, Mr. Richman, I

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2 apologize for that. Just let me know when you're  
3 ready for the appearance.

4 MR. RICHMAN: Yes, we're ready for the  
5 appearance now for Mr. Akindude.

6 MS. KONTAZMANIS: Okay, great. Let Mr.  
7 Akindude and the Staten Island chief in. Go  
8 ahead, Mr. Richman.

9 MR. RICHMAN: Would the candidate, would  
10 you please state your name for the record please.

11 MS. KEMI AKINDUDE: Kemi Akindude.

12 MR. RICHMAN: Okay. Ma'am, the, I don't  
13 know if you heard the call, the find -- the prima  
14 facie defects, there are two, one, your petition  
15 lacks a sufficient number of signatures to  
16 qualify for the ballot, 2,450 are required under  
17 the governor's executive order. At the maximum,  
18 the petition volume you filed has the ability to  
19 have 1,110 signature on that petition. Secondly,  
20 the acceptance was due on August 3rd of this  
21 year. It was not filed until August 7th. It is  
22 filed late.

23 MS. AKINDUDE: Oh, yes. Uh, the, with  
24 the late filing, oh I'm sorry. Can you hear me?

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2 MR. RICHMAN: Yes.

3 MS. AKINDUDE: Oh, okay. With the late  
4 filing, I, I, I reached out to the Board of  
5 Elections in New York City, oh, and I said that,  
6 uh, I received the acceptance notice late. I  
7 received it on Tuesday. It was mailed out on  
8 Friday, July 31st and I received it on Tuesday,  
9 and I think the deadline was Monday. So I, I  
10 wasn't intending for it to be late, but it was  
11 sort of out of my control. The late filing was  
12 out of my control. I have documentation for that,  
13 which I sent to, in the e-mail, prior to this.  
14 And with the, with the -- should I continue? I'm  
15 sorry.

16 MR. RICHMAN: Yes. And, and if you want  
17 to address the fact that the petition appears to  
18 have an insufficient number of signatures.

19 MS. AKINDUDE: Okay. Yes. With the  
20 insufficient number of signatures, we were  
21 collecting signatures, my volunteers and I. I  
22 also put this in the -- I also put a document  
23 about this in the, as information to you. We were  
24 collecting our signatures and then people started

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2 exhibiting signs of COVID. And I just, I just  
3 said oaky, we'll just, you guys go, go home and I  
4 started collecting them myself. And then I, the  
5 deadline was coming up, I was kind of by myself  
6 collecting petitions because I didn't want anyone  
7 to be harmed because we were trying to do this  
8 and then I just said you know what, we're going  
9 to give all of the petition, all the signatures  
10 that we've collected to the Board and we're going  
11 to explain the situation. And I have  
12 documentation of people who happened, who were  
13 tested after this because they were, we were, we  
14 were out collecting signatures, we were knocking  
15 on doors, we were speaking with people, making  
16 sure they weren't signed, they didn't sign a  
17 signature to someone else so it took, it wasn't  
18 like a sort of drive-by, these drive-by meetings,  
19 pens were exchanged, a lot of things happened and  
20 we kept, we kept hand sanitizer with us, we had  
21 spray hand sanitizer with us, we had PPE, we had  
22 masks and everything. But people were still  
23 getting sick and I didn't want it to be where we  
24 have a ton of signatures, but someone is losing

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2 their life. So I want -- I explained the undue  
3 burden in the, in the packet that I, that I sent.  
4 And the, it was for, to me, in my, from my  
5 perspective as the candidate, it was an inability  
6 to finish collecting once I knew that people were  
7 potentially, could potentially get COVID because  
8 of what we were doing.

9 MR. RICHMAN: Thank you. Commissioners,  
10 the only response to remind you is that on July  
11 7th of this year, you adopted the revised  
12 calendar for the filings when the governor issued  
13 the executive order, clearly stated on that  
14 calendar on July 7th issued that the last day to  
15 file a certificate of acceptance is Monday,  
16 August 3rd, so all the candidates were on notice  
17 back in July. And secondly, the governor's  
18 executive order 202.46, issued on June 30th did  
19 reduce the signature requirements set forth in  
20 the Election Law. And as the litigation during  
21 the primary season affirmed the governor's  
22 abilities that's both constitutional and  
23 appropriate, the Board has no authority to vary  
24 the statutory requirements. So accordingly, I

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2 recommend that you confirm the CRU preliminary  
3 findings of prima facie defects, both that the  
4 petition lacked the sufficient number of  
5 signature on its face and that the certificate of  
6 acceptance was not filed timely.

7 MR. RYAN: And commissioners, before you  
8 go ahead and do that, I would like to acknowledge  
9 that Commissioner Shamoun, Simon Shimoun from  
10 Brooklyn has joined the meeting.

11 COMMISSIONER SIMON SHAMOUN: Thank you  
12 very much, Director Ryan. Welcome, hello  
13 everybody.

14 MR. RYAN: And again, we received the  
15 request from the sign language interpreters to  
16 remind everyone to make sure their microphones  
17 are muted. There was quite a bit of background  
18 noise in that last little go round. I was trying  
19 to check to see who was unmuted and I couldn't  
20 tell. So please bear that in mind. Thank you.  
21 That said, no --

22 MR. RICHMAN: Commissioners, yeah,  
23 that's the argument, do you want to defer this  
24 and do everything at the end, or do you want to



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2 on each, where there's an appearance, an  
3 individual vote?

4 SECRETARY UMANE: We should probably do  
5 this vote and I would move the prima facie  
6 report.

7 MR. RICHMAN: Okay.

8 MR. RYAN: Is there a second?

9 MR. RICHMAN: Commissioner Taylor, I  
10 think we saw your mouth move, but your microphone  
11 is muted.

12 MR. RYAN: Yes, Commissioner Taylor,  
13 you're attempting -- there you go.

14 PRESIDENT TAYLOR: Second. Second.

15 MR. RYAN: Okay. So we have a motion and  
16 a second.

17 MR. RICHMAN: Are there any objections?

18 MR. RYAN: Are there any objections?

19 Hearing none, the motion carries unanimously.

20 MR. RICHMAN: Accordingly, the candidate  
21 will not appear on the ballot. Next item --

22 MR. RYAN: Please move Ms. Akindude to  
23 the waiting room, thank you.

24 MR. RICHMAN: The independent nominating

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2 petitions for Paper Boy Love Prince, candidate  
3 for the 7th Congressional District on the Love  
4 independent body. Commissioners, the petition  
5 lacks the necessary number of signatures to  
6 support the candidacy, citing Sloan v. Kellner.  
7 The, again, in the congressional race, 2,450  
8 signatures were required under the governor's  
9 executive order. The maximum potential for this  
10 volume is 2,028, and I do not believe there are  
11 any appearances.

12 MR. RYAN: There does not appear be.

13 MR. RICHMAN: No. Next matter, in the  
14 candidate Brian P. Stratford, candidate for State  
15 Senate, 23rd Senatorial District on Hope is on  
16 the Ballot, certificate of acceptance not filed.  
17 It was due on August 3, 2020. And again, there  
18 was no timely request to appeal.

19 MS. KONTAZMANIS: Mr. Richman, there are  
20 no more appearances on any prima facie issue.

21 MR. RICHMAN: Right. And commissioners,  
22 in the case of Mr. Stratford, your commissioners'  
23 cover sheet review committee already determined  
24 that the attempted cure for the cover sheet

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2 defect was invalid, so he's already off the  
3 ballot. This would just be another basis to keep  
4 him off the ballot.

5 The next is the cer- the petition filed  
6 late for Marietta A. Canning, candidate for  
7 member of the State Assembly, 64th Assembly  
8 District on the Right to Life independent body.  
9 The petitions were filed on July 31, 2020. Under  
10 the governor's executive order 202.46, July 30,  
11 2020 at midnight was the last day to file. In  
12 addition, the petition lacks the necessary number  
13 of signatures to support the candidacy and is  
14 facially defective under Sloan v. Kellner, 1,050  
15 signatures were required to qualify for the  
16 ballot, the potential for the sheets submitted is  
17 180 signatures.

18 Shanequa Charles, certificate of  
19 acceptance for the member of the Assembly, 78th  
20 Assembly District Stronger Together, again a  
21 certificate of acceptance was not filed. It was  
22 due on August 3, 2020. A unique one, the  
23 independent nominating petitions for Samuel  
24 Sierra, petitions for member of the City Council

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2 in the 38th District, on the District for All  
3 party, the language of the petition calls for  
4 this being in the November 2021 election, so it's  
5 the incorrect office and election set forth for  
6 next year. It is not timely filed.

7 The independent nominating petition for  
8 William A. Marquez, member of the 30 -- for  
9 member of the State Assembly in the 34th Assembly  
10 District on the Save our City independent body.  
11 Again, petition lacks the necessary number of  
12 signatures to support the candidacy and is  
13 facially defective, 1,050 signatures are required  
14 to qualify for the Assembly, the maximum  
15 potential signatures on the petition is 120  
16 signatures.

17 Everly D. Brown, candidate for member of  
18 the Assembly, 28th Assembly District on the  
19 Homeowner Rights Party. The petition lacks the  
20 sufficient number of necessary signatures. In  
21 this instance, the Board's preliminary  
22 determination of a prima facie defect is that for  
23 the above named candidate, the independent  
24 nominating petitions filed for said candidate

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2 contains multiple, repeated instances of copies  
3 of the same petition sheet appearing throughout  
4 the volumes filed as well as the copies of the  
5 same voter's signature appearing throughout the  
6 volumes listed on multiple sheets, including by  
7 the candidate.

8           Commissioners, in your materials you  
9 have a detailed report prepared by the cover  
10 sheet review team. This came to our attention  
11 because the candidate filed the petition volumes,  
12 but he put the ID numbers at least on two volumes  
13 on the back cover instead the front. They were  
14 trying to locate where the page numbers were, as  
15 we turned the volumes over and went through them,  
16 it became obvious to the naked eye where there  
17 were multiple places of the same page being done.  
18 And then the memorandum prepared by a bipartisan  
19 team of Nicholas Zimmitti and Jerry Carmosino,  
20 you have it outlined on the multiple pages where  
21 the same pages are repeated. So unless you want  
22 me to read through all of the instances listed,  
23 you have the three page memo in front of you.  
24 It's clear that this petition lacks a sufficient

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2 number of signatures to qualify for the ballot.  
3 We've had this in other instances in the past, so  
4 after you act on the prima facie report, we may  
5 want to discuss this in executive session as to  
6 potential other litigation or referral.

7 SECRETARY UMANE: I move the prima facie  
8 list.

9 MR. RICHMAN: Oh, no, commissioners,  
10 there's one more. Oh, the other thing, on the  
11 Everly Brown, the commissioners' cover sheet  
12 committee that met last Friday referred the  
13 validity of the purported amended cover sheet for  
14 the consideration of the full board. But again,  
15 we may dismiss this as moot if we move on the  
16 report itself.

17 And then the last report on the prima  
18 facie is the petition of Gerald F. Khan, member  
19 of the Assembly 36th Assembly District on the  
20 Populist independent body. Petition lacks  
21 sufficient number of signatures, potential for 70  
22 signatures on the sheets filed for member of the  
23 assembly, 1,050 are required. So, commissioners,  
24 with the exception of the cover sheet issue, if

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2 you want to move the report, that would make the  
3 cover sheet issue moot that was referred by  
4 Friday's committee.

5 SECRETARY UMANE: Okay. I move the, I  
6 move the balance of the prima facie report.

7 PRESIDENT TAYLOR: Second.

8 MR. RYAN: Are there any objections?  
9 Hearing none, the motion carries unanimously.

10 MR. RICHMAN: All the candidates named  
11 on the prima facie reports will not appear on the  
12 November general election ballot. Thank you, Mr.  
13 Thompson. Commissioners, we will move now to the  
14 reports on specifications of objections, which  
15 was a separate transmittal package last night. We  
16 will begin with New York County, so if we could  
17 add the New York County office staff members to  
18 the hearing, that would be appreciated. I believe  
19 I saw Chief Lehman and Deputy Chief Doty were  
20 present.

21 UNIDENTIFIED MALE: [unintelligible]  
22 [00:33:39].

23 MS. KONTAZMANIS: The Manhattan staff is  
24 in, Mr. Richman.

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2 MR. RICHMAN: Thank you. Commissioners,  
3 the first relates to specification of objection  
4 number 1-1, objections by Peter Patch to the  
5 independent nominating petitions of Patrick A.  
6 Bobilin, candidate for member of the New York  
7 State Assembly in the 76th Assembly District.  
8 This is a legal specification. You have the  
9 counsel's report in front of you. Basic  
10 information is that the specific objection claims  
11 that the candidate is not qualified to be elected  
12 to the public office of member of the State  
13 Assembly for failing to meet the constitutional  
14 residency requirement for the election to the New  
15 York State legislature.

16 The objector claims that the candidate  
17 maintained the residence in the state of  
18 Illinois, was registered to vote in Illinois and  
19 affirmed that he was not registered to vote  
20 anywhere else.

21 Commissioners, the Board of Elections  
22 was the named respondent in a Second Department  
23 decision in 2006, matter of Diamondstone v.  
24 Connor, which found that the Board of -- which



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2 affirmed the New York State Supreme Court  
3 decision, which found that the Board of Elections  
4 lacks the authority to invalidate the candidates'  
5 designating petitions on the grounds that he had  
6 not met the residency requirement mandated by the  
7 New York State Constitution. The court went on to  
8 state the Board of Elections has, quote, no  
9 power, unquote to deal with questions of fact or  
10 with objections involving matters not appearing  
11 upon the face of the petition, and such extrinsic  
12 matters, i.e., a candidate's residency, if any,  
13 are to be determined in a court proceeding only.

14 Accordingly, since our authority is  
15 prescribed by the determination in Diamondstone,  
16 it's recommendation of the counsel's office that  
17 the Board, the commissioners affirm that that we  
18 lack the authority that we lack the authority to  
19 invalidate the petition on the grounds that it  
20 doesn't meet the constitutional residency  
21 requirements. Please note that a proceeding has  
22 been commenced under Article 16 in New York State  
23 Supreme Court New York County to address the  
24 issue, so therefore, we recommend that the

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2 commissioners dismiss specification of objection  
3 New York 1-1 for lack of authority and  
4 jurisdiction in accordance with Connor v.  
5 Diamondstone.

6 MR. RICHMAN: I believe is Mr. Schlein,  
7 the objector's counsel present?

8 MS. KONTAZMANIS: Yes, we have, can I  
9 let him in?

10 MR. RICHMAN: Yes.

11 MS. KONTAZMANIS: Okay. Go ahead, he has  
12 now entered the meeting.

13 MR. RICHMAN: Mr. Schlein, I don't know  
14 if you heard, we just presented the counsel's  
15 report to the commissioners of which a copy was  
16 sent to you last week. Your appearance please.

17 MR. STANLEY SCHLEIN: Yes, I did, I  
18 heard your presentation.

19 MR. RICHMAN: Your appearance, please.  
20 Your appearances please, for the record.

21 MR. SCHLEIN: [unintelligible]  
22 [00:36:25] Would you like to put my appearance in  
23 at this moment, sir?

24 MR. RICHMAN: Yes, please.

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2 MR. SCHLEIN: Stanley Schlein, 481 King  
3 Avenue, Bronx, New York 10464, for the objector,  
4 Peter Patch.

5 MR. RICHMAN: The floor is yours, Mr.  
6 Schlein.

7 MR. EDMUND PRYOR: [unintelligible]  
8 [00:36:41] appear as well.

9 MR. RICHMAN: Oh, sorry, Mr. Prior.

10 MR. PRYOR: Yeah, Edmund Pryor, 252 City  
11 Island Avenue, Bronx New York, 10464 and co-  
12 counsel with Mr. Schlein.

13 MR. SCHLEIN: Yes, thank you, both.

14 MR. RICHMAN: Mr. Schlein, the floor is  
15 yours, if you want to make any comments for the  
16 case.

17 MR. SCHLEIN: Thank you. We certainly  
18 acknowledge the precedent in Diamondstone. We  
19 recognize the appropriate jurisdiction and  
20 [unintelligible] [00:37:08]. We have filed a  
21 petition to invalidate Mr. Bobilin before the  
22 court in New York County. This is the necessary  
23 step in that process to exhaust our  
24 administrative remedies, which we are here to do

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2 today, and we will proceed vigorously before the  
3 court on the return date on August 24th.

4 MR. RYAN: Anything further?

5 SECRETARY UMANE: Move that we adopt the  
6 counsel's report and dismiss the action as not  
7 having jurisdiction over the specification that  
8 was made.

9 COMMISSIONER TOWNSEND: Second.

10 MR. RYAN: Are there any objections?  
11 Hearing none, the motion carries unanimously.

12 MR. RICHMAN: Counsel's report is  
13 adopted, spec dismissed for the lack of  
14 jurisdiction by the Board. Thank you, Mr.  
15 Schlein, Mr. Pryor.

16 MR. SCHLEIN: Thank you.

17 MR. RICHMAN: Commissioners, the second  
18 New York item relates to the matters of the  
19 objections by Landell [phonetic] Davis, Jr., to  
20 the independent nominating petition of Craig  
21 Schley for member of the Assembly in the 70th  
22 Assembly District on the, what was originally the  
23 Craig Schley for 70th AD and modified by the name  
24 change certificate to Schley for 70 AD. The

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2 clerk's report, 1,938 signatures submitted, 595  
3 found to be invalid, 1,343 found valid, 1,050 are  
4 required and the recommendation of the chief and  
5 the deputy is that the specification was not as  
6 specified, the candidate provided sufficient  
7 number of valid signatures. Do we have any  
8 appearances, I don't recall if anybody. Is Mr.  
9 Davis in?

10 MS. KONTAZMANIS: No appearances, Mr.  
11 Richman.

12 MR. RICHMAN: Okay. So commissioners,  
13 there are no appearances, you have the clerk's  
14 report before you.

15 MR. RYAN: Is there a motion?

16 COMMISSIONER TOWNSEND: Motion for the  
17 clerk's report.

18 MR. RYAN: Is there a second?

19 COMMISSIONER TOWNSEND: I believe that  
20 was a second from Umane.

21 MR. RICHMAN: Oh, okay, we didn't hear.  
22 You did? Okay. We see the wave.

23 MR. RICHMAN: Okay. Are there any  
24 objections? Hearing none, the motion carries

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2 unanimately.

3 MR. RICHMAN: The clerk's report is  
4 adopted, candidate remains on the ballot. Thank  
5 you, Manhattan for your work.

6 SECRETARY UMANE: Oh, Steve, isn't there  
7 another one for Manhattan?

8 MR. RICHMAN: What's the third, hold on.

9 MR. RYAN: Oh, yes, Schley.

10 MR. RICHMAN: We just did Schley.

11 MR. CARMOSIO: Here.

12 MR. RICHMAN: Oh, wasn't -- oh, the  
13 other one. Oh, yeah.

14 MR. RYAN: Puliafito?

15 MR. RICHMAN: No, Puliafito, yes, with  
16 the report, sorry, yes.

17 MR. RYAN: So is that Mr. Schley?

18 MR. RICHMAN: It's a separate document,  
19 it's two documents. It -- I will call it. It's  
20 the matter of the objections of Peter Patch to  
21 the petition of Louis Puliafito for member of the  
22 Assembly 76th AD. I believe we have appearances  
23 both for the objectors and for the candidate. We  
24 should add them in.

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2 MS. KONTAZMANIS: We're adding them in  
3 right now, sir.

4 MR. RICHMAN: And, commissioners, you  
5 also have in addition, a supplemental report from  
6 Chief Clerk Lehman sent last night with a revised  
7 clerk's report.

8 MR. PRYOR: I'm in --

9 MR. RICHMAN: We're going to make the  
10 presentations first.

11 MR. SCHLEIN: Stanley Schlein and Ed  
12 Pryor for the objector.

13 MR. RICHMAN: Okay. And who's here for  
14 the candidate?

15 MR. ROBERT NEWMORGAN: Robert Newmorgan  
16 [phonetic] for the candidate.

17 MR. RICHMAN: Okay. This is the amended  
18 clerk's report on specification number 3-1, the  
19 objection of Peter Patch to the independent  
20 nominating petition of Luis Puliafito on the  
21 Liberal independent body for member of the  
22 Assembly in the 76th AD. The clerk's report,  
23 2,305 signatures submitted, 1,150 found invalid,  
24 1,155 found valid, 1,050 required to qualify for

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2 the ballot under the executive order. Mr.

3 Schlein, do you have any comments?

4 MR. SCHLEIN: No, we, we'll take our  
5 application to the court if necessary.

6 SECRETARY UMANE: Then I move the  
7 clerk's report.

8 COMMISSIONER TOWNSEND: Second.

9 MR. RYAN: Any objections? Hearing none,  
10 the motion carries unanimous.

11 MR. RICHMAN: Candidate appears on the  
12 ballot.

13 MR. SCHLEIN: Thank you, honorable  
14 commissioners.

15 MR. PRYOR: Thank you.

16 MR. RICHMAN: And now I will thank the  
17 Manhattan staff for their support and  
18 preparation. And commissioners, next we'll move  
19 to the Bronx and we would ask that the Bronx  
20 staff be added to the video.

21 MS. KONTAZMANIS: Just one second.

22 MR. RICHMAN: Commissioners, the first  
23 will be the counsel's report on Bronx spec 1-1,  
24 the objection by Severino Septimo to the



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2 independent nominating petition of Carmine Arroyo  
3 for member of the Assembly in the 85th Assembly  
4 District. I believe Mr. Cruz has filed a notice  
5 of appearance.

6 MS. KONTAZMANIS: We're not, we pulled  
7 Mr. Cruz into the meeting.

8 MR. RICHMAN: Okay. Mr. Cruz, can you  
9 hear us?

10 MR. CRUZ: I can.

11 MR. RICHMAN: Okay. And I do not believe  
12 we had a notice of appearance for the objectors  
13 contact person.

14 MS. KONTAZMANIS: Correct.

15 MR. RICHMAN: The counsel's report, the  
16 specifications of objection, objector claims that  
17 the certificate of acceptance for Candidate  
18 Arroyo lists Proven Leadership as a party as  
19 opposed to an independent body. And also claims  
20 there's improper labeling of each of the 332  
21 petition pages, which read designating petition  
22 at the top of the sheet, rather than the  
23 independent nominating petition, and therefore  
24 all of the 3,092 signatures submitted should be

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2 invalid.

3 As we discuss in the report, the  
4 Election Law requires that these provisions shall  
5 be construed, liberally construed, not  
6 inconsistent with the substantial compliance  
7 thereto in the prevention of fraud. The  
8 certificate of nomination form, elements that are  
9 prescribed by the election law, the State Board  
10 of Elections has prepared a sample form, which  
11 for the candidate to insert the name of the party  
12 or independent body followed by the printed word  
13 party on said certificate. That's the certificate  
14 that is the subject of this objection, it  
15 utilized the State Board of Elections prepared  
16 form.

17 And I would cite to you that the  
18 Appellate Division Third Department in 2014, in  
19 Maher v. the State Board of Elections, held that  
20 erroneous language on a certificate of acceptance  
21 were surpluses and that such a certificate is  
22 duly acknowledged and timely filed was valid.

23 Secondly, with respect to the improper  
24 naming and labeling of the petition sheets,

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2 Election Law, Sections 6-140, subdivision 1-A  
3 prescribes the form of a independent nominating  
4 petition and it says that each sheet of the  
5 independent nominating petition shall be in ink  
6 and shall contain the following information and  
7 shall be substantially following form, in form.  
8 And the remainder of the section sets forth the  
9 specific language, and in this case, they copied  
10 the entire correct language onto each and every  
11 page of the petition.

12 As the court has held, the true test of  
13 compliance is whether or not the petition form  
14 used contains all statutorily required  
15 information as enumerated in the relevant  
16 sections of the Election Law. They specifically  
17 cite to Taylor v. Clark in which the Board was a  
18 named respondent, Supreme Court Kings County,  
19 2014 and affirmed by the First Department.

20 And the court noted that the statute  
21 requires only substantial compliance with the  
22 statutorily prescribed format and the  
23 legislature's underlying purpose was to prevent  
24 fraud and not penalize a candidate for innocent

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2 violations of the Election Law. The Appellate  
3 Division affirmed the Supreme Court's  
4 determination.

5 In the present instance, the independent  
6 nominating petition submitted contains all the  
7 mandatory elements of language required --  
8 mandatory language I say prescribed in Section 6-  
9 140 of the Election Law. The Election Law does  
10 not prescribe any heading for each sheet of an  
11 independent nominating petition. The claimed  
12 objection does not allege that the incorrect use  
13 of the title was fraudulent and makes no claim  
14 that the actual language on the petition does not  
15 comply with the statute.

16 So again, commissioners, we're required  
17 to perform its duties in light of the Election  
18 Law and the judicial determinations. In reviewing  
19 the specifications of this objection and the  
20 applicable decisions, it's evident that both  
21 elements of the specifications fail to meet the  
22 burden of showing that the errors claimed are of  
23 sufficient gravity and magnitude as to require  
24 the commissioners to find that the documents

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2 submitted do not substantially comply with the  
3 applicable provisions of the Election Law.

4 In the objection the objector does not  
5 even raise the question of fraud which may  
6 trigger greater scrutiny in the judicial  
7 proceeding and will preclude judgment by the  
8 commissioners.

9 Therefore, it's the recommendation of  
10 counsel that they find that both elements of spec  
11 Bronx 1-1 not as stated and find, allow the  
12 candidate to remain on the ballot for the  
13 November election. Mr. Cruz, do you have anything  
14 to add?

15 MR. CRUZ: I do not. I just urge -- I  
16 just urge the commissioners to adopt counsel's  
17 report.

18 COMMISSIONER CAMILO: I move counsel's  
19 report.

20 SECRETARY UMANE: I would like to  
21 [unintelligible] [00:47:52]. Counsel's report  
22 indicates that this is not a major error. It is a  
23 major error. One, one is designating, the other  
24 is a nominating petition and then

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2 [unintelligible] [00:48:08] designating petition,  
3 these form are used for regular election, regular  
4 party people and independent forms, nominating  
5 forms are used for the independent nominating.  
6 But its title it's incorrect, and I don't think  
7 that's necessarily a de minimus error,  
8 notwithstanding the report. This is potentially a  
9 substantial error. And, and we can always cite to  
10 the provisions that say [unintelligible]  
11 [00:48:46] de minimus. However, it doesn't have  
12 all the language that's required because the  
13 exact form is a different one that is supposed to  
14 be used.

15 MR. RICHMAN: Commissioners, the  
16 language prescribed by Section 6-140 is in the  
17 petition for independent nominating petitions, if  
18 you read the example attached, it's clearly talks  
19 about the nomination for the general election.  
20 The only thing wrong is, incorrect, is the  
21 heading, which not the body or the substance, and  
22 the heading is not required for either petition  
23 under the Election Law. It is the text, I, the  
24 undersigned voter, do hereby and that language

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2 tracks exactly of the statutory form for an  
3 independent nominating petition.

4 SECRETARY UMANE: I'm just looking,  
5 looking for the form here. I found it, just a  
6 second.

7 MR. RICHMAN: Commissioner, I believe  
8 it's attached after this, exhibit, commissioner,  
9 the actual form is Attachment Two to the clerk's  
10 report, after the length of the spec.

11 SECRETARY UMANE: What page it is on?

12 MR. RICHMAN: I don't have page -- oh,  
13 probably about 18, 15 or 16 pages after the end  
14 of the counsel's report.

15 COMMISSIONER CAMILO: [unintelligible]  
16 [00:50:17] package.

17 MR. RICHMAN: Hmm? Attachment Two.

18 [OFF-MIC CONVERSATION]

19 MR. RICHMAN: It's in Attachment Two,  
20 and there's also a copy in Mr. Cruz's submission  
21 as Attachment Five, which is at the last, which  
22 is at the end of the clerk's, counsel's report.

23 SECRETARY UMANE: Okay. I withdraw my  
24 objection.

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2 COMMISSIONER CAMILO: I [unintelligible]  
3 [00:51:14] counsel's report.

4 COMMISSIONER MARMORATO: Second.

5 MR. RYAN: Is there any objections?  
6 Hearing none, the motion carries.

7 MR. RICHMAN: Spec Bronx 1-1 is  
8 dismissed and the candidate remains on the  
9 ballot. Okay. Commissioners, the next relates is  
10 the clerk's report on the Bronx spec 2-1, in the  
11 matter of the objections by Angel Santana to the  
12 petition of Shanequa Charles for member of the  
13 Assembly, District 78, on the Stronger Together  
14 independent body.

15 Commissioners, please note that the  
16 candidate was off by your committee for an  
17 invalid cover sheet cure on 8/7 and in the prima  
18 facie report, you also removed the candidate for  
19 failing to file, I believe a certificate of  
20 acceptance in a timely manner.

21 But in this case, the clerk's report  
22 shows 689 signatures submitted, 371 were invalid,  
23 318 are valid, 635 signatures are required. I do  
24 not believe we have any appearances for the



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2 objector or the candidate, so commissioners, you  
3 have the option of either dismissing it as moot,  
4 or moving the clerk's report and removing him for  
5 insufficient signatures.

6 MS. KONTAZMANIS: There is an  
7 appearance, Mr. Richman.

8 MR. RICHMAN: Oh, there is?

9 MS. KONTAZMANIS: Mr. Schlein  
10 [unintelligible] [00:52:39].

11 MR. RICHMAN: Oh, okay.

12 MR. PRYOR: Good afternoon, Edmund  
13 Pryor, co-counsel to Mr. Schlein, who had to step  
14 out. And I came in late on what you were talking  
15 about. I was tracking, this is on Shanequa  
16 Charles?

17 MR. RICHMAN: Yes. Mr. Pryor, do you  
18 want -- the candidate has been removed both prima  
19 facie and off by the Board's commissioners'  
20 committee. Do you still request a vote on the  
21 clerk's report to remove him for insufficient  
22 signatures?

23 MR. PRYOR: No, we request that you  
24 adopt the clerk's report.

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2 MR. RICHMAN: That's, right, okay.

3 MR. RYAN: Yes, is there a motion to  
4 adopt the clerk's report?

5 SECRETARY UMANE: Clerk's report.

6 COMMISSIONER MARMORATO: Second.

7 MR. RYAN: Are there -- there's a motion  
8 and a second. Are there any objections? Hearing  
9 none, the motion carries unanimously.

10 MR. RICHMAN: The clerk's report is  
11 adopted, the candidate will not appear on the  
12 ballot as well for the insufficient number of  
13 signatures.

14 MR. PRYOR: Thank you.

15 MR. RICHMAN: That concludes the Bronx  
16 reports. If we could add the Staten Island clerks  
17 for their one report.

18 MR. RYAN: Oh, and I was remiss earlier  
19 as well. Mr. Moltner and Mr. Denkberg have,  
20 counselor to the commissioners, have been with us  
21 the whole time, so their presence is  
22 acknowledged.

23 MS. KONTAZMANIS: The Staten Island  
24 staff has now joined the meeting.

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2 MR. RICHMAN: Commissioners, this is the  
3 clerk's report on spec RH1, matter of the  
4 objections by Priscilla Marco to the independent  
5 nominating petition of Brandon Stratford for Hope  
6 is on the Ballot for member of the State Senate,  
7 23rd Senate District. Commissioners, the  
8 candidate is off by a vote of your commissioners'  
9 committee on August 11th for improper page number  
10 defect cures. We also removed him on the prima  
11 facie report. Clerk's report shows 1,919  
12 signatures submitted, the clerks found 778  
13 invalid, 1,141 valid, 2,100 signatures required  
14 to qualify for the ballot, and two instances of  
15 similar hand- one instance of similar handwriting  
16 referred to the Board.

17 MR. RYAN: Are there any appearances on  
18 this?

19 MR. RICHMAN: I don't believe so.

20 MR. RYAN: Is --

21 MS. KONTAZMANIS: There are none.

22 MR. RYAN: There are no appearances. Is  
23 there a motion to adopt the clerk's report?

24 PRESIDENT TAYLOR: So moved.

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2 MR. RYAN: Is there a second?

3 COMMISSIONER TOWNSEND: Second.

4 MR. RYAN: Are there any objections?

5 Hearing none, the motion carries unanimously.

6 MR. RICHMAN: Clerk's report is adopted,  
7 candidate will not appear on the ballot for  
8 insufficient number of signatures. Commissioners,  
9 we'll move to the last set of items for today's  
10 hearings, which relate to two applications to  
11 change how candidate's name appears on the ballot  
12 and one instance for the commissioners to select  
13 a new name for the independent body for the  
14 candidate's failure to respond to your notice.

15 With respect to the applications to  
16 modify candidate's name appearing on the ballot,  
17 we have a sworn statement from Dabney Benjamin  
18 Carreras requesting to have her name appear on  
19 the ballot for the candidate for the 68th  
20 Assembly District in New York County as Dabney --

21 MR. CARMOSIO: Daby.

22 MR. RICHMAN: Daby, right?

23 MR. CARMOSIO: Yeah, and it's a him.

24 MR. RICHMAN: Daby Benjamin Carreras.

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2 The official record, her registration record has  
3 her registered as Daby B. Carreras. So she wants  
4 to use her middle name on the --

5 MR. CARMOSIO: He.

6 MR. RICHMAN: -- he wants to use his  
7 middle name on the ballot. Was there a motion?

8 MR. RYAN: Is there a motion to permit  
9 Mr. --

10 MR. RICHMAN: Mr. Umane, you're muted.

11 SECRETARY UMANE: Now, am I on?

12 MR. RICHMAN: Now we can hear you.

13 SECRETARY UMANE: Since it's his real  
14 name, I don't see the issue with it, except if we  
15 can include the last accent from the last letter.  
16 But other than that, I think it's fair, if he  
17 wants to use his middle name, that's fine.

18 MR. RYAN: Is there a second?

19 COMMISSIONER CAMILO: I'll second.

20 COMMISSIONER TOWNSEND: Second. Sorry.

21 MR. RYAN: Are there any objections?

22 Hearing none, the motion carries unanimously.

23 MR. RICHMAN: And the candidate will  
24 appear as requested on the general election

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2 ballot. Commissioners, the second application  
3 comes from Candidate Giovanni Perna, who is a  
4 candidate for member of the State Assembly in the  
5 38th Assembly District in Queens. He is legally  
6 registered under Giovanni Anthony Perna. He  
7 wishes to appear on the ballot just using the  
8 middle initial for, the first initial for his  
9 middle name, Giovanni A. Perna. You have the  
10 relevant record there. He is the only Giovanni  
11 Perna registered at that address.

12 COMMISSIONER ZACCONE: Mr. Richman, this  
13 is Zaccone.

14 MR. RICHMAN: Yes?

15 COMMISSIONER ZACCONE: The application  
16 is just a regular letter --

17 MR. RICHMAN: Commissioner, Commissioner  
18 Zaccone, you're breaking up. Can you get closer  
19 to the mic?

20 COMMISSIONER ZACCONE: Certainly. The  
21 application is just a regular signed letter, no,  
22 no notary, no anything? No, uh, anything to  
23 confirm that [unintelligible] [00:58:46] what he  
24 said it was. Is that sufficient? [unintelligible]

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2 [00:58:51].

3 MR. RICHMAN: Commissioners, we have  
4 accepted a writing signed by the candidate. His,  
5 his independent nominating petition carried his  
6 full legal name, so that's why he's asking to  
7 have it shortened to appear with just the first  
8 initial of his middle name.

9 COMMISSIONER ZACCONE: Alright. Since we  
10 have a history of accepting [unintelligible]  
11 [00:59:13] without a notarized statement, I'll  
12 move to adopt it.

13 MR. RICHMAN: Is there a second.

14 COMMISSIONER MARMORATO: Second.

15 MR. RYAN: Are there any objections?

16 Hearing none, the motion carries unanimously.

17 MR. RICHMAN: The candidate will appear  
18 as requested on the ballot. And finally,  
19 commissioners, on July 31st, pursuant to the vote  
20 of your commissioners committee, we sent notice  
21 to Candidate Steven Lee, who filed an independent  
22 nominating petition for member of the Assembly in  
23 the 40th Assembly District for the Justice Peace  
24 and Honesty independent body. That constituted 22

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2 characters. The limit in Section 7-106 of the  
3 Election Law is 15 characters. We gave him the  
4 five days, more than -- seven days I should say,  
5 more than seven days have elapsed since that  
6 time. He still hasn't submitted a certificate, so  
7 under the law, it falls to you to select a  
8 compliance name of 15 characters or less.

9 SECRETARY UMANE: Mr. Richman, does  
10 Justice and Peace work?

11 MR. RICHMAN: One, two, three, four,  
12 five, six, seven, eight, nine, ten, 11, 12. If we  
13 use the ampersand commissioners, it would be 13  
14 characters.

15 PRESIDENT TAYLOR: Do that.

16 COMMISSIONER SHAMOUN: Second.

17 MR. RYAN: Is there any objections?  
18 Hearing none, the motion carries.

19 MR. RICHMAN: And Candidate Lee will  
20 appear under the independent body name of Justice  
21 space ampersand Peace. Commissioners, that  
22 concludes the materials that we have today for  
23 the independent nominating petition hearings for  
24 the November general election ballot. So,



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2 commissioners, if you want to ask for a motion to  
3 adjourn this, the hearings and go to your regular  
4 meeting, it would be in order.

5 SECRETARY UMANE: I move we adjourn and  
6 go to our regular meeting.

7 MR. RYAN: Is there a second?

8 PRESIDENT TAYLOR: Seconded.

9 MR. RYAN: Any objections? Hearing none,  
10 the motion carries.

11 MR. RICHMAN: Thank you, it's all yours.

12 MR. RYAN: We can move forward with the  
13 balance of today's agenda. Commissioners, I would  
14 request to table item number two for today's  
15 purposes, as we did appear at the hearing on the  
16 11th, under the protocol that was established for  
17 that particular hearing, we have, we did give  
18 oral testimony but we have until August 25th to  
19 complete the full written testimony. That was a  
20 very ambitious agenda, and they were asking all  
21 participants to keep their remarks to five  
22 minutes or less and then there was a question and  
23 answer. So perhaps we can do this next week once  
24 the full testimony has been submitted and we can

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2 have a more detailed conversation at that time,  
3 if that's okay.

4 PRESIDENT TAYLOR: Accepted.

5 MR. RYAN: Okay. And then there is need  
6 for executive session for personnel -- I'm sorry,  
7 oh the finance committee, finance committee.

8 PRESIDENT TAYLOR: Finance committee.

9 MR. RYAN: Mr. Suss was sitting way in  
10 the back of the room maintaining social  
11 distancing and then I forgot about him. Alright,  
12 Mr. Suss, please proceed with your, the three  
13 items from the finance committee meeting that was  
14 conducted earlier today.

15 MR. SHERWIN SUSS: Thank you, Mr. Ryan,  
16 and commissioners. Three items were presented to  
17 the finance committee today. The first was a  
18 contract for Trisec Group Inc., this is a  
19 contract to provide software and licenses for  
20 checkpoint firewall services used to protect all  
21 of the e-mail systems by the Board. This contract  
22 was procured through a bid through the state OGS  
23 contract for information and technologies. It is  
24 a three-year bid and the not to exceed amount is

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2 \$290,880.80. This company, Trisec Group has  
3 previously been providing service, the firewall  
4 services to the Board and they were the lowest  
5 bidder of the responsive bids we got under this  
6 contract. Any questions on that first item?

7 Okay. The second item is for Evergreen.  
8 This is a contract under the DCAS requirements  
9 contract and this is to provide the stylus pens  
10 that we used during the primary election and for  
11 the general election, which will allow the voter  
12 to use the stylus portion to sign in, in the  
13 electronic poll book, and then take this pen,  
14 this stylus, use it as a pen to fill in their  
15 ballot and take it with them. And again, due to  
16 COVID, this helps prevent the spread, there's no  
17 sharing, everybody gets their own item, and they  
18 get to take it back with them as I guess a  
19 souvenir of voting. These pens will have our NYC  
20 logo on them in the red, white and blue that  
21 you've seen around. This DCAS requirements  
22 contract, in order to use this contract, requires  
23 a personalization, which is why we had the  
24 personalization of the pens. It is .28 cents a

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2 pen. The amount of pens we're requesting is 3.5  
3 million pens, for a not to exceed cost of  
4 \$980,000.

5 Okay, moving on, no questions with that,  
6 the third item is for Neopost USA, Inc. This was  
7 actually suggestion made by the finance committee  
8 during the discussion of the mail sorting  
9 machines, which was previously approved by the  
10 commissioners. This is for two additional backup  
11 mail sorting machines, which we would take, the  
12 machines would be built for the two largest  
13 boroughs we have, and be modularly made so we can  
14 keep them in one of our warehouses, and that can  
15 be moved as needed to one of the boroughs to be  
16 set up, or in the event that one of the modules,  
17 or one of the borough sorting machines is not  
18 functioning, we can actually replace it with  
19 these modules.

20 The time to take to assemble one of the  
21 machines to make it operational is three to four  
22 hours once it's brought to the location. The not  
23 to exceed cost for the two machines is  
24 \$734,594.88. And this is going to be purchased

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2 through the Sourcewell, which the equivalent of  
3 the State of Minnesota's OGS contracts, so it's  
4 going to be intergovernmental purchase.

5 COMMISSIONER CAMILO: Mr. Suss, can I  
6 just ask a question? One, just refresh me,  
7 because I wasn't on the last meeting about the  
8 original mail sorting machines. When did these  
9 all arrive?

10 MR. SUSS: Okay, the machines are  
11 ordered, the expected installation and up and  
12 running date is the first week in October.

13 COMMISSIONER CAMILO: Will that provide  
14 us enough time to get everything up and running?

15 MR. RYAN: Well, that's up and running  
16 and training, we've been told is going to be the  
17 first week in October, in our location with  
18 training and installation. So I guess October 6th  
19 is actually the date they told me it would be up  
20 and running.

21 COMMISSIONER CAMILO: And we'll have our  
22 staffs trained by then?

23 MR. RYAN: That, that's the plan.

24 COMMISSIONER CAMILO: And we're

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2 confident we'll meet that date?

3 MR. RYAN: Our past experience using  
4 this company, they've been good, they've met the  
5 deadlines, they provided very quickly for us the  
6 mail opening machines that were used very  
7 successfully in the June election. We have also  
8 used them -- they've won a bid for our mail, just  
9 our mailing machines in all the borough offices.  
10 And their track record to date has been good.

11 COMMISSIONER CAMILO: Okay.

12 PRESIDENT TAYLOR: Are they looking to  
13 train people in each borough?

14 MR. RYAN: Yes, that is correct.

15 [CROSSTALK]

16 COMMISSIONER CAMILO: I'm sorry?

17 COMMISSIONER TOWNSEND: I'm sorry, how  
18 many people will be trained then?

19 MR. RYAN: Well, as they're going to  
20 send somebody to train, I guess as many people as  
21 we want to have at the machine being trained.  
22 There's a certain number of hours they're going  
23 to give us for training and we can use those  
24 hours to train, you know, will they have two,

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2 three, five people there, or ten people? As many  
3 as we want.

4 COMMISSIONER TOWNSEND: Okay. So then it  
5 would be from what it sounds, the discretion of  
6 our chiefs and deputies to determine how many  
7 people in each of the boroughs that need to be  
8 trained on the scanning machine. Am I correct?

9 MR. RYAN: Correct.

10 COMMISSIONER TOWNSEND: Thank you.

11 MR. SUSS: So, are there any other  
12 questions?

13 MR. RICHMAN: Because it's a committee  
14 report, no motion is needed, no seconds needed,  
15 it's just now a vote --

16 MR. RYAN: So, as a committee report,  
17 there is no motion or second required, so I would  
18 simply ask if there are any objections to the  
19 committee report. Hearing none, the committee  
20 report's adopted.

21 MR. SUSS: Thank you.

22 MR. RYAN: Now we would require a motion  
23 to go into executive session. And we, for  
24 personnel for sure, and do we have litigation as

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2 well?

3 MR. RICHMAN: Yes, the request from Law  
4 Department.

5 MR. RYAN: Yes, and there's a litigation  
6 matter, based on an e-mail that was sent to the  
7 commissioners earlier from myself having  
8 forwarded general counsel's e-mail.

9 SECRETARY UMANE: So I move we go into  
10 executive session for personnel and litigation.

11 COMMISSIONER CAMILO: Second.

12 MR. RICHMAN: Do you want to, and the  
13 next meeting is next Tuesday, or do you --

14 MR. RYAN: Pardon?

15 MR. RICHMAN: You want to announce the  
16 next meeting?

17 MR. RYAN: Oh, yes. So we can announce  
18 the next meeting. The next meeting will be  
19 scheduled I presume for August 25th?

20 PRESIDENT TAYLOR: Yes.

21 MR. RYAN: Okay. So the next meeting of  
22 the Board of Commissioners will be August 25th at  
23 1:30. And of course if there's, I'll come down  
24 and conclude the meeting, based on the results of



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executive session.

[OFF THE RECORD]

[ON THE RECORD]

MR. RYAN: Yes, there are personnel matters that will be reported out in the minutes of, according to our process and there is nothing else to report from executive session. The next meeting of the Board of Commissioners will be August 25th at 1:30 p.m. That's it. Thank you.

(The meeting concluded at 4:20 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Board of Elections in The City of New York on August 18, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: March 26, 2021

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