

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room
New York, NY 10004
September 1, 2020
1:33 p.m. - 3:36 p.m.

September 1, 2020

PRESENT:

President Patricia Anne Taylor

Secretary Frederic Umane

Commissioner Jose Araujo

Commissioner Miguelina Camilo

Commissioner Gino Marmorato

Commissioner Michael Michel

Commissioner Simon Shamoun

Commissioner Tiffany Townsend

Commissioner John Wm. Zaccone

Michael J. Ryan, Executive Director

Dawn Sandow, Deputy Executive Director

Georgea Kontzamanis, Operations Manager

Rafael Savino, Deputy General Counsel

Eleanor Guerrierri, Legal

Michael Carmosino, CRU

Margarita Lugo, CRU

Kenneth Moltner, Counsel to Commissioners

Steven Denkberg, Counsel to Commissioners

Sherwin Suss, Chief Contracting Officer

ALSO PRESENT:

John Haggerty, Esquire

Alexander Rabb, Esquire

1 September 1, 2020

2 (The meeting commenced at 1:33 p.m.)

3 MR. MICHAEL J. RYAN: Okay. The meeting
4 is now live. I am Michael Ryan, I'm the executive
5 director of the Board of Elections. Today is
6 Tuesday, September 1, 2020 and it is the regular
7 weekly meeting of the Commissions of Elections in
8 the City of New York. I will start by doing,
9 conducting the roll call. President Taylor?

10 PRESIDENT PATRICIA ANNE TAYLOR: I am
11 here.

12 MR. RYAN: Secretary Umane?

13 SECRETARY FREDERIC UMANE: Here.

14 MR. RYAN: Commissioner Araujo?

15 COMMISSIONER JOSE ARAUJO: Present.

16 MR. RYAN: Commissioner Camilo?

17 COMMISSIONER MIGUELINA CAMILO: Present.

18 MR. RYAN: Commissioner Marmorato?

19 COMMISSIONER GINO MARMORATO: Present.

20 MR. RYAN: Commissioner Michel?

21 COMMISSIONER MICHEL: Here.

22 MR. RYAN: Commissioner Shamoun?

23 COMMISSIONER SHAMOUN: Present.

24 MR. RYAN: Commissioner Townsend?

1 September 1, 2020

2 COMMISSIONER TOWNSEND: Present.

3 MR. RYAN: And Commissioner Zaccone?

4 COMMISSIONER JOHN WM. ZACCONE: Present.

5 MR. RYAN: That concludes the roll call
6 of commissioners. As I stated, I am Michael Ryan,
7 the executive director. Seated to my left is the
8 deputy executive director, Dawn Sandow. At
9 counsel's table is deputy general counsel Rafael
10 Savino, and also from legal, Eleanor Guerrierri
11 and the candidates record unit, Michael Carmosino
12 and Margarita Lugo. And elsewhere in the building
13 is Georgae Kontazmanis, the operations manager
14 and also appearing remotely are commissioners'
15 counsel Steven Denkberg and Kenneth Moltner. That
16 concludes the roll call.

17 Item one on the agenda is hearings on
18 certificates of nomination and related matters
19 for the November 3, 2020 general election. It is
20 my understanding, Ms. Kontazmanis, that there are
21 two participants that are in the waiting room and
22 need to be brought into the meeting. And that
23 would be John Haggerty, can you please
24 acknowledge your attendance at the meeting?

1 September 1, 2020

2 MR. JOHN HAGGERTY: Yes, John Haggerty.

3 MR. RYAN: Okay. And I believe the other
4 attendee is Alexander Rabb?

5 MR. ALEXANDER RABB: Hi, I'm here.

6 MR. RYAN: Okay. So we have both Mr.
7 Haggerty and Mr. Rabb. And at this point, I
8 would turn the process over to President Taylor.

9 PRESIDENT TAYLOR: Good afternoon. Thank
10 you, Mr. Ryan. My name is Patricia Anne Taylor
11 and I am the president of the Board of Elections
12 for calendar year 2020 and the Democratic
13 commissioner for Richmond County. I now call this
14 hearing by the commissioners of the Board of
15 Elections in the City of New York to order.

16 We once again convene today under some
17 of the most extraordinary circumstances in our
18 memory. COVID-19 virus has changed the way we
19 live and work here in the city of New York. That
20 is why I and my colleagues appear today via a
21 video conference link, as will most of the
22 candidates, objectors, or their representatives.

23 The commissioners and staff of the Board
24 of Elections in the City of New York are most

1 September 1, 2020

2 mindful of our responsibility to ensure that a
3 fair, honest, open and lawful electoral process
4 continues within our city.

5 Today's hearings relate to the
6 specifications of objections to a certificate of
7 nomination and related matters for the November
8 3, 2020 general election for public offices in
9 the City of New York, specifically,
10 specifications QN1 through QN9. These hearings
11 will be conducted in accordance of the provisions
12 of the New York State Election Law, the Board's
13 independent nominating petition rules adopted on
14 December 18, 2018, the emergency procedures,
15 which modified those rules adopted on April 14,
16 2020 and the executive orders issued by the
17 governor of the State of New York, which modified
18 provisions of the open meetings law, as well as
19 the New York State Election Law.

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

1 September 1, 2020

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

4 The schedule for today's hearing was
5 posted on the board's website and the information
6 shared on various social media as well as posted
7 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 hearings by Monday, August 31, 2020. That
12 information was used to send directions to them
13 on how to participate in this Webex
14 videoconference meeting.

15 In addition, persons who may have wished
16 to appear in person for this hearing were
17 required to communicate that request to the Board
18 no later than 3:00 p.m. on Monday, August 31,
19 2020. Please note that these emergency procedures
20 were prominently posted on the Board's websites
21 and referenced in many of the notices sent out by
22 the Board and communicated to each candidate and
23 objector. In addition, each of the calendars
24 listing the matters that the commissioners will

1 September 1, 2020

2 consider were posted on the Board's website as
3 well as in the Board's hearing room.

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

9 MR. RYAN: Thank you, Madam President. I
10 just would like to remind all the participants
11 and anyone appearing by Webex to please mute your
12 microphones while you're not speaking and that
13 will ensure that everyone will be heard and we
14 won't have any extraneous background noise.

15 We have already called the roll and the
16 commissioners have appeared and they're on the
17 record. And then, we've also taken care of the
18 two speakers, both Mr. Haggerty and Mr. Rabb and
19 they've both acknowledged their presence. And
20 then just for everyone participating, please be
21 reminded that we can only, in this use of
22 technology, we can only have one speaker at a
23 time, so we certainly will make the presentation
24 and if any commissioners have anything to add, I

1 September 1, 2020

2 can go down the roll call and ask individually if
3 there's any commentary. As well, both
4 participants, Mr. Haggerty and Mr. Rabb, will
5 have an opportunity to be heard after the
6 presentation of the commissioner's, I'm sorry, of
7 the counsel's report and the conclusion of
8 commissioner questions and/or comments. And we
9 will not conclude the proceeding until everybody
10 has had an opportunity to be heard.

11 So, all present should understand that
12 the Board is required by law to record how each
13 commissioner votes on the matter, so there will
14 have to be a roll call vote at the conclusion. In
15 the event that the commissioners are not
16 unanimous in their determination on a given
17 matter, I will conduct a roll call vote of each
18 of the commissioners, which is standard language,
19 that's in here. But in any event, because of the
20 technology, we're doing a roll call vote anyway.
21 So we'll take care of it that way. And now, that
22 all of that preliminary information is out of the
23 way, I will turn this over to Deputy General
24 Counsel Rafael Savino and the members of his

1 September 1, 2020

2 staff to conduct this hearing.

3 MR. RAFAEL SAVINO: Good afternoon,
4 commissioners. Today's hearing relates to
5 specifications of objections to a certificate of
6 nomination that was filed with the New York City
7 Board of Elections related to the Working
8 Families Party, 11th Judicial District for the
9 November 3rd general elections for public office
10 in Queens.

11 The, all of the objections do surround
12 or center on the same legal decisions and
13 analysis, so I won't repeat that over and over
14 again, but basically the issues are the same. The
15 objectors are trying to invalidate the judicial
16 conference and those nominated for Supreme Court
17 Justice, again, in Queens County.

18 And I'll take a look at the clerks'
19 report. On our about August 13th, the Working
20 Families Party held a judicial nominating
21 convention for the 11th Judicial District in
22 which Valerie Cartwright, Joshua E. Goldfein, Bob
23 Cohen, Judith Goldiner, Kenneth Schaeffer, Steven
24 Williams, Afua Atta-Mensah, and Justin Sweet were

1 September 1, 2020

2 nominated for the offices of Supreme Court.

3 We subsequently received objections and
4 then specifications of objections. The first
5 objection reads, or basically the objector claims
6 that the 2020 Working Families Party 11th
7 Judicial Nominating Convention lacked the number
8 of delegates sufficient to constitute a quorum
9 and thus could not do business and make valid
10 nominations.

11 They also, in the second part, state
12 that it did not have the proper ratio of
13 delegates versus votes cast. The objector
14 specifically claims that the judicial nominating
15 convention, again, lacks the proper ratio for the
16 delegates at the convention versus the number of
17 votes cast on the Working Party Family line for
18 governor in the 2018 gubernatorial election.

19 I won't read the sections of the
20 Election Law that I have in the report, but those
21 are the most relevant parts of again, the
22 Election Law that pertain to this matter. The
23 analysis is this.

24 MR. RYAN: Mr., Mr. Savino, can you at

1 September 1, 2020

2 least just cite the, cite the sections?

3 MR. SAVINO: Sure.

4 MR. RYAN: So that the record is clear,
5 thank you.

6 MR. SAVINO: Section 6-106, party
7 nominations, justice of Supreme Court, Section 6-
8 124, conventions, judicial and then 6-126,
9 conventions rules for holding.

10 MR. RYAN: Thank you.

11 MR. SAVINO: Again, it's alleged that
12 the nomination convention, the -- I'm sorry, the
13 judicial convention that nominated candidates for
14 Supreme Court failed to meet the requirements of
15 the Election Law. Again, that the ratio was not
16 sufficient. They also argue that for there to be
17 a sufficient quorum, the aforementioned judicial
18 convention, for it to be valid, the convention
19 had to have been attended by more than half of
20 the possible delegates for that particular
21 judicial district for which such candidates are
22 nominated.

23 And there is case law, albeit it
24 somewhat old, some of the cases, that is still

1 September 1, 2020

2 current case law that, basically Johnson v.
3 Lamenzo, KCV Lamenzo, Wagner v. New York State
4 Board of Elections. They're a 1968 case, a 1977,
5 and a 1967.

6 In sum, the Working Families party call
7 listed vacancies for 25 delegates and that's the
8 maximum number that could have been elected. As
9 such, under the cases I just mentioned, to have a
10 valid quorum, you need to have at least 13
11 delegates to be elected and present at the
12 judicial convention.

13 That said, a number of more recent
14 decisions concerning the sufficiency of a quorum
15 at a judicial convention do instead actually
16 focus on whether or not the delegates are in
17 accordance with the substantial ratio, but that
18 may very well be that there's no current cases in
19 terms of the actual necessary quorum of half of
20 the possible delegates because maybe, you know,
21 it hasn't happened that, that often since then.

22 In any event, in the incident case, it
23 appears that only 12 Working Family Party
24 judicial delegates were elected and as such, the

1 September 1, 2020

2 quorum of the number of possible delegates, 13
3 was unattainable.

4 In reviewing the specifications of
5 objections QN1 through QN9, the specific
6 provisions of the Election Law and the applicable
7 judicial determinations, the errors alleged in
8 the specifications are of sufficient gravity and
9 magnitude to find that the nominations made at
10 the 2020 Working Families judicial nominating
11 convention were invalid.

12 That said, although the Board is
13 mandated to perform its duties and
14 responsibilities in accordance with the
15 provisions of the New York State Election Law,
16 applicable judicial determinations, excuse me,
17 determinations, the Board has often found, as a
18 ministerial agency, it does not have the
19 jurisdiction to rule on certain matters involving
20 the inner workings of a political party where
21 there could be potential issues of fact or where
22 certain determinations of substantial compliance
23 are to be made.

24 In the instant case, however, there is

1 September 1, 2020

2 an argument again, albeit predominantly on case
3 law that's rather old, that there really isn't an
4 issue of fact because the Board records show that
5 only 12 delegates were elected where the Working
6 Families Party call lists 25 positions.

7 Therefore, it would appear there was not
8 a quorum at this subject judicial convention. It
9 should be noted however, commissioners, as you
10 are no doubt aware that there is a pending
11 litigation on this matter in Onondaga County
12 concerning the issues addressed above.

13 In addition to that, the upstate case
14 addresses the vacancies created in races in that
15 county as a result of the nominations for justice
16 of the Supreme Court at issue herein. As per the
17 commissioners' executive committee, the board has
18 taken no position with respect to the merits of
19 that lawsuit. Thank you, commissioners.

20 MR. RYAN: Commissioners, as this is a
21 matter wholly contained within the borough of
22 Queens, I think it would be most appropriate to
23 recognize the Queens commissioners first for any
24 commentary with respect to this matter. And in

1 September 1, 2020

2 alphabetical order, I will recognize Commissioner
3 Araujo, if you have any questions or comments.

4 COMMISSIONER ARAUJO: Yes, I have two
5 questions. The first is --

6 MR. RYAN: Commissioner Araujo --

7 COMMISSIONER ARAUJO: -- under what
8 circumstances do we actually go beyond our
9 records and [unintelligible] [00:23:10] not in
10 our possession. Does that stay [unintelligible]
11 [00:23:15] judicial?

12 MR. RYAN: Okay. So, the question was,
13 your mic is very low, Commissioner Araujo. The
14 question was under what circumstances do we go
15 beyond the records that we have in our
16 possession. Is there anything further?

17 COMMISSIONER ARAUJO: That's correct.

18 MR. RYAN: Okay. So, Mr. Savino.

19 MR. SAVINO: So commissioners, if you
20 can review documents within the Board's
21 possession and make a ruling, and believe there's
22 no issue of fact, then it would be appropriate.

23 COMMISSIONER ARAUJO: Rafael, how do you
24 know we have [unintelligible] [00:23:47] of

1 September 1, 2020

2 information that we could actually make a
3 determination? And [unintelligible] [00:23:52]
4 our position in the past not to opine on this
5 type of information when one [unintelligible]
6 [00:23:59] before the court and two, we're not
7 sure we have all the facts before us and we can't
8 swear witnesses in?

9 MR. SAVINO: That is something that as
10 you heard, I did mention in the counsel's report,
11 in terms of past practice.

12 COMMISSIONER ZACCONE: Excuse me, this
13 is Commissioner Zaccone. I'm having a hard time
14 hearing Commissioner Araujo. Can you either have
15 him speak up or relay his questions or comments?
16 Thank you.

17 COMMISSIONER ARAUJO: I will try to
18 speak a little bit louder. Second, would the
19 executive committee [unintelligible] [00:24:29]
20 not to opine on the lawsuit in upstate New York,
21 which has similar issues, would we not be going
22 against our executive committee if we now opine
23 on this?

24 MR. RYAN: Okay. So Commissioner Araujo

1 September 1, 2020

2 said that the executive committee has already
3 made a determination not to opine on this matter
4 as there is the pending lawsuit and his concern
5 is that we would be going against the
6 determination of the executive committee under
7 the circumstances.

8 MR. SAVINO: That is something that I
9 finished my report with as well, commissioners.
10 But obviously, it's within your discretion if you
11 wanted to have the full board of commissioners
12 hear this matter and, and reconsider anything,
13 but that is a current standing order from the
14 executive committee, correct.

15 COMMISSIONER ARAUJO: But if we did make
16 a determination to adopt your report, then in
17 fact, we are actually inserting ourselves into
18 the lawsuit in upstate New York, to an extent.

19 MR. SAVINO: I understand your position,
20 commissioner.

21 COMMISSIONER ARAUJO: Thank you.

22 MR. RYAN: Okay. So, Commissioner Araujo
23 indicated that if the Board were to adopt the
24 counsel's report, then we, the Board would be

1 September 1, 2020

2 inserting itself into a matter that is presently
3 before the -- conducting litigation before the
4 court. Did I capture that accurately,
5 Commissioner Araujo?

6 COMMISSIONER ARAUJO: Yes.

7 MR. RYAN: Do you have a further
8 position with respect to what your, the, your
9 desired outcome would be then under the
10 circumstances?

11 COMMISSIONER ARAUJO: Yes. Based on the
12 discussions that I've had and the review of the
13 documentation, I'm of the opinion that we do not
14 accept counsel's recommendation [unintelligible]
15 [00:26:17] matter.

16 MR. RYAN: Okay. So, that would
17 Commissioner Araujo is indicating that he will,
18 at an appropriate time, make a motion I suppose,
19 not to accept the counsel's recommendation and,
20 and I believe that concludes your input in this
21 matter, commissioner?

22 COMMISSIONER ARAUJO: That is correct.

23 MR. RYAN: Okay. Commissioner Michel,
24 would you like to be heard further?

1 September 1, 2020

2 COMMISSIONER MICHEL: Yes. If I heard
3 correctly, I heard correctly was that the Working
4 Families Party has 13 delegates. Am I correct,
5 they only have, they only have [unintelligible]
6 [00:26:55].

7 MR. SAVINO: That are the facts,
8 commissioners.

9 COMMISSIONER MICHEL: That's the fact.

10 MR. SAVINO: Yes. We know how many were
11 elected based on the results of -- of the
12 election. And we know how many openings there
13 were based on the party call.

14 COMMISSIONER MICHEL: They could not
15 have [unintelligible] [00:27:13].

16 MR. RYAN: I'm sorry, Commissioner
17 Michel, your, your call is breaking up. Our
18 apologies.

19 COMMISSIONER MICHEL: No, that should be
20 me. But, and so I -- if they do not meet the
21 requirement of 13 [unintelligible] [00:27:32]
22 delegates or a quorum, then I say take the
23 recommendation.

24 MR. RYAN: Okay.

1 September 1, 2020

2 COMMISSIONER MICHEL: And I would like
3 to also hear from the [unintelligible] [00:27:49]
4 and the other commissioners.

5 MR. RYAN: Yes, Commissioner Michel, the
6 plan was to allow the commissioners to finish
7 their question and answer period and then turn
8 the floor over to I believe, well who is the
9 objector, Mr. Savino?

10 MR. SAVINO: The representative for the
11 objectors is John Haggerty. He is
12 [unintelligible] [00:28:10].

13 MR. RYAN: Okay. So in that instance
14 then, Mr. Haggerty would be heard first. And then
15 Mr. Rabb would be heard second.

16 COMMISSIONER MICHEL: Okay. I'm sorry.
17 You're breaking up so it must [unintelligible]
18 [00:28:23].

19 MR. RYAN: Right. Okay. So the plan is
20 to hear from both sides before the proceedings
21 conclude, but we were giving the commissioners an
22 opportunity to be heard first.

23 COMMISSIONER MICHEL: Okay.

24 MR. RYAN: I guess I will start down

1 September 1, 2020

2 then -- Commissioner Michel, do you have
3 anything, anything further you'd like to add?

4 COMMISSIONER MICHEL: No. To me, it's
5 clear that they needed 13, but.

6 MR. RYAN: Okay. So then I'll start from
7 the top of the list then. Commissioner Taylor,
8 would you like to be heard?

9 PRESIDENT TAYLOR: No.

10 MR. RYAN: Commissioner, Secretary
11 Umane, would you like to be heard?

12 SECRETARY UMANE: But, but this is
13 unusual. Usually, we would have heard from the
14 counsel for the parties before the commissioners
15 get involved. And this is a change from our
16 normal practice.

17 MR. RYAN: So we can --

18 SECRETARY UMANE: It would seem to me
19 that, that there -- reading the statute and
20 reading some of the cases and having read Mr.
21 Rabb's letter, that there are some issues that
22 are difficult for us to handle. But the basic
23 question is, it would seem to me and this is
24 really usually argued by the parties, but that a

1 September 1, 2020

2 quorum of, based upon the party call is 13. They
3 only had 12 elected people so that they're
4 missing a quorum.

5 MR. RYAN: So --

6 SECRETARY UMANE: And that would be
7 something that would be sufficient for us to rule
8 on, which is not information that we had
9 previously, at least before us.

10 MR. RYAN: So, commissioner --

11 SECRETARY UMANE: I also agree that this
12 is ultimately going to be decided by the Supreme
13 Court. But I don't think that, that if we do have
14 sufficient information to say that a quorum isn't
15 present --

16 MR. RYAN: So --

17 SECRETARY UMANE: -- in which case the,
18 the selection of people by group less than a full
19 quorum would seem to me to be irregular and
20 improper. I know Mr. Rabb, when he has his
21 opportunity, is going to say that the party rules
22 say that, because I read his proposal, that the
23 party rules say that a quorum is a majority of
24 those present. So I would be interested to see or

1 September 1, 2020

2 hearing a little bit more on that argument. But
3 it would seem to me, that based on the party
4 call, a quorum would be 13 of 25 and they only
5 had 12, so that would be insufficient. But I'm
6 willing to listen. And I'm also essentially
7 willing to punt it to the Supreme Court.

8 MR. RYAN: So, Commissioner Umame, there
9 was no intended departure from the prior manner
10 in which these hearings are conducted. What makes
11 this different than other hearings is that the
12 normal ability for commissioners to have a back
13 and forth discourse with counsel when presenting
14 a counsel's report is not present when we're
15 operating in a virtual environment. So the
16 purpose --

17 SECRETARY UMANE: So we did it, for all
18 the other hearings we did it that way, but that's
19 neither here nor there.

20 MR. RYAN: So my simple point is if the
21 commissioners wish to hear from now Mr. Haggerty
22 and Mr. Rabb before this goes any further, that's
23 fine. I can recognize first Mr. Haggerty and then
24 Mr. Rabb and then get back to the commissioners

1 September 1, 2020

2 if that's the way that you want it to go, which I
3 believe it is, so I will simply then ask if
4 there's any objection to that, then we'll
5 recognize the commissioner for the purposes of an
6 objection. Hearing none, I will now recognize Mr.
7 Haggerty, and upon conclusion, Mr. Rabb.

8 MR. HAGGERTY: Good afternoon,
9 commissioners. Can you hear me?

10 PRESIDENT TAYLOR: Yes.

11 MR. RYAN: Yes, Mr. Haggerty. Thank you.

12 MR. HAGGERTY: Good afternoon. My name
13 is John Haggerty. I represent both myself and Mr.
14 Shanks as the objectors on Queens specifications
15 one through nine. The argument and the issues are
16 the same for all the specifications. First, I'd
17 like to answer Mr., Commissioner Araujo's issue.
18 This is no different than a petition, where an
19 invalidating proceeding is filed in advance and
20 the Board conducts a hearing or reaches a
21 conclusion and determination on a petition. This
22 is no different.

23 It's just a nominating certificate
24 because that is the way the public office of

1 September 1, 2020

2 Supreme Court must be nominated. So, the Board
3 rules quite often on petitions and other
4 certificates and documents while there are legal
5 proceedings going on and they reach a conclusion
6 and a determination on those specifications
7 against documents and petitions.

8 This is a very simple issue. It is
9 straightforward, both on the Election Law and the
10 case law. These nominations were valid ab initio.
11 The documents on file with the Board are, are
12 factual and straight up on their face. You don't
13 need to go beyond the documents themselves. The
14 party call and the, and the nomination was not a
15 quorum present.

16 I think it was Commissioner Michel who
17 said yes, the party call of the Working Families
18 Party says there should be 25, there could be 25
19 delegates. They only elected 12. That is evident
20 from the Board of Elections own certification of
21 the primary, right. Only 12 delegates were
22 elected, I believe both the law and the case law
23 requires 13. So these nominations were valid ab
24 initio, right.

1 September 1, 2020

2 I think it was Mr. Savino who called the
3 case law old. It's not old. It's well settled
4 precedent and that's why it hasn't been
5 overturned. So I think this is very clear cut.
6 If a petition did not have the minimum number of
7 signatures it would be invalidated, right. This is
8 very similar. We're not even getting to like a
9 petition line by line or the proceedings of the
10 meeting.

11 That, that's not what this is about.
12 This isn't about the internal workings of a
13 party. This is straightforward. On its face,
14 these documents prove that the nominations are
15 invalid as a matter of law. And it's very simple.
16 All they had to do is elect their team, even
17 their minutes say, never mention a quorum, it
18 only mentions a majority. And they are obligated
19 to have a quorum. They're obligated to have a
20 minimum of 13 to have that quorum and I believe
21 it is pretty straightforward.

22 And again, I believe very strongly, just
23 like all the other petitions and certificates, an
24 invalidating proceeding has been instituted

1 September 1, 2020

2 against the statute of limitations, there's no
3 reason for this board not to make a ruling and
4 invalidate this certificate today. Thank you very
5 much, commissioners.

6 MR. RYAN: Thank you, Mr. Haggerty. Mr.
7 Rabb?

8 MR. RABB: Thank you, commissioners and
9 thanks to the staff for, for all the work you are
10 doing. So in the counsel's report, you know, and
11 he noted today, that the case law that the
12 objectors are relying on is very old. And that
13 the analysis that's currently in use for
14 determining whether a convention is properly
15 constituted is no longer a question of whether a
16 majority of essential delegates were elected or
17 where present, but rather whether there was
18 substantial requirements with the proportionality
19 requirements of Section 6-124.

20 And the requirement is that the
21 delegates elected to serve at the convention must
22 be substantially proportion to the distribution
23 of the party's gubernatorial loads throughout the
24 judicial district.

1 September 1, 2020

2 So, in fact, it's not just a matter of a
3 shift in analysis. So the objectors are relying
4 on unused and long forgotten cases and they -- I,
5 I will agree, they have not been overturned by
6 name, but the reasoning behind them has been
7 explicitly been discarded.

8 In, in the matter of Johnson v. Lamenza,
9 the court relied on the language of the Election
10 Law to determine, it would [unintelligible]
11 [00:36:36] the, the convention shall be
12 constituted by electors elected from each
13 district. To find a requirement that there be a
14 minimum of one elector, one delegate elected from
15 each assembly district within each judicial
16 district.

17 And it was based on that reasoning from
18 1966, that the court in the Second Department
19 found it in Wager that a, that a majority of
20 those potential delegates was required to
21 constitute a quorum.

22 So again, under a regime where the party
23 had to elect at least one delegate from every
24 judicial district, the courts at the time, and

1 September 1, 2020

2 you know, over 40 years ago, found that we needed
3 to have a majority of delegates elected for
4 quorum even to be possible. Now, that language
5 has been explicitly discarded.

6 In *Azria v. Salerno*, in 1986, nine years
7 after *Wager*, the Court of Appeals ruled that
8 substantial compliance exists even where one
9 district was under represented and another was
10 unrepresented. An in adopting that substantial
11 compliance standard, the Court of Appeals
12 explicitly did away with the idea that there
13 needed to be a minimum of one elector from every,
14 of one delegate from every Assembly District. And
15 that's why one year after *Azria v. Salerno*, in
16 *Meader v. Baras* the Third Department found it to
17 make quorum only a majority of eligible delegates
18 needed to be present. And that's eligible, not,
19 not potential, but eligible. The delegates who
20 were elected to serve.

21 So the objectors are taking you back
22 more than 40 years to, as Mr. Haggerty said, a
23 simpler time, when a simple numerical count was
24 sufficient to determine whether a convention was

1 September 1, 2020

2 properly constituted. But that time is past. The
3 simpler method doesn't make sense under a
4 substantial compliance analysis.

5 For example, in the 11th JD, it would be
6 possible to elect a majority of potential
7 delegates in not only both the highest voting
8 ADs, but also a majority of the gubernatorial
9 votes unrepresented. The, the idea of a simple
10 majority of potential delegates being able,
11 constituting a quorum has not only been
12 explicitly done away with in Azria and Meader,
13 but it just doesn't make sense in our current
14 analysis of proportional representation.

15 And I'll note here that while only 12
16 delegates were elected to this convention, those
17 delegates did represent a majority of the
18 district's gubernatorial votes. And I think it's
19 telling that the objectors have not even
20 attempted to do the math under the current
21 substantial compliance rule.

22 Commissioner Michel asked is it a fact
23 that the party was required to elect 13 and
24 elected only 12. And to clarify, is it a fact tha

1 September 1, 2020

2 the party elected only 12? It is not a fact. It
3 is a matter of case law and, and judicial
4 determination whether 13 were required. And
5 ultimately, this is a question of substantial
6 compliance, not a simple count of delegates.

7 MR. RYAN: Mr., Mr. Rabb, can I just
8 pause you right there, a quick second?

9 MR. RABB: Yes.

10 MR. RYAN: Can somebody please, can
11 everyone please check their microphones and make
12 sure they're all muted, because we're getting
13 quite a bit of background noise.

14 MR. RABB: And I'll, I'm wrapping up, I
15 just, I just want to conclude by saying this is a
16 question of substantial compliance, not simply a
17 count of delegates and as Mr. Savino noted, that
18 is a question, substantial compliance is a
19 question for the courts, not the Board of
20 Elections. And while I can't speak to Mr. Shanks,
21 the one objection that, that Mr. Haggerty filed
22 is in front of the Supreme Court in Onondaga
23 County tomorrow, where these issues of competing
24 case law, substantial compliance will be properly

1 September 1, 2020

2 dealt with.

3 MR. RYAN: Are you concluded now, Mr.
4 Rabb?

5 MR. RABB: That's it, thank you.

6 MR. RYAN: Okay. Thank you. Mr.
7 Haggerty, do you wish to, uh --

8 MR. HAGGERTY: Yes. I wish to, I wish to
9 respond. The statute requires both things. It
10 requires proportionality and a quorum. It
11 requires both things. And in fact, the Meader
12 case that Mr. Rabb cites actually says at the
13 end, that even though it's proportional, this
14 certificate of nomination was declared invalid
15 because they did not have a quorum, right. so
16 it's a two-pronged requirement, right. So even
17 when you have proportionality, right, which I'm
18 not necessarily, I'm not conceding, but even if
19 they had proportionality, they don't have a
20 quorum according to the statute and the state
21 law.

22 Mr. Levy also concedes in his letter to
23 the Board that neither Johnson v. Lamenzo or
24 Wager has been overturned, which is Wager's a

1 September 1, 2020

2 Second Department case, clearly right on point,
3 and he also concedes that there are exceptions to
4 the proportional argument, that certain
5 districts, one relatively high performing
6 district was exception and another high
7 performing district was under represented. So in
8 his own letter to the Board, he concedes some
9 exception to the proportionality argument in the
10 way they elected delegates.

11 Clearly, absolutely there was no quorum
12 here, because 12 of 25 is not half and they do
13 not ever mention a quorum in their minutes. So
14 again, from the Board's own documents, from the
15 Board's own documents, the facts are clear. The,
16 the proceeding in Onondaga County is related to
17 one of the candidates. The other candidates,
18 there is no legal proceeding.

19 And like I said, this is very analogous
20 to a petition or other certificates, where the
21 Board clearly can come to a determination, which
22 I should believe should be a determination of
23 this certificate is invalid for all candidates,
24 based upon the papers that were filed at the

1 September 1, 2020

2 Board of Elections. Thank you.

3 MR. RYAN: Mr. Rabb, do you have
4 anything further?

5 MR. RABB: Yes. I just want -- Mr.
6 Haggerty mentioned Meader again. And I again just
7 want to stress that in Meader, they explicitly,
8 the court explicitly found that quorum requires a
9 majority of eligible delegates, not potential
10 delegates, eligible meaning elected, no
11 potential. Not the total number of delegates that
12 could be elected.

13 And, I understand Mr. Haggerty wants to
14 make hay of the, what he describes as the
15 exceptions to the proportionality that I noted in
16 my letter. The point is that substantial
17 compliance is the question. Mr. Haggerty wants
18 you to consider that. That's explicitly a matter
19 for the courts, and not for the Board of
20 Elections, respectfully. That's all for me, thank
21 you.

22 MR. RYAN: Okay. That said, now I'm
23 prepared to move on to the commissioner's portion
24 of the process.

1 September 1, 2020

2 COMMISSIONER ARAUJO: As I said, I'd
3 like to make a motion that we not adopt the
4 counsel's report.

5 MR. RYAN: Commissioner Araujo has made
6 a motion not to adopt the counsel's report. Is
7 there a second?

8 COMMISSIONER CAMILO: Second.

9 MR. RYAN: That has been seconded by
10 Commissioner Camilo. Uh, I will now proceed with
11 a roll call vote, and I will say again what the
12 motion is. The motion will be --

13 SECRETARY UMANE: I would like to have
14 some discussion on the motion if we can.

15 MR. RYAN: There is -- there is a motion
16 and a second on the floor. I will leave that to
17 Commissioner Taylor to rule on Commissioner,
18 Commissioner Umane's suggestion, yes.

19 PRESIDENT TAYLOR: Yes, I would --

20 SECRETARY UMANE: I -- I have a question
21 --

22 PRESIDENT TAYLOR: -- I think that we
23 may have discussion. Please go --

24 MR. RYAN: Okay.

1 September 1, 2020

2 PRESIDENT TAYLOR: -- ahead,
3 Commissioner Umame.

4 SECRETARY UMANE: Thank you. I have a
5 question for Mr. Rabb. In reading 6-124, the,
6 the, the idea of the substantially in accordance
7 with has to do with the ratio, not the quorum. So
8 you have been saying that the, that the quorum
9 also would go base on a substantially in
10 accordance concept and that doesn't seem to me to
11 be in the statute. And I was wondering if you
12 could explain that.

13 MR. RABB: Yes, commissioner. It's,
14 that's not exactly what I've been arguing. What
15 I'm arguing is there's now under the current case
16 law, a standard for quorum, which is at least the
17 majority of the eligible delegates. That the idea
18 that a majority of potential delegates was, is
19 required, was, was based on a reading of the
20 former Election Law, I think it was Section 134,
21 which is substant- it's identical in language,
22 but the, but under the, the Johnson v. Lamenzo
23 standard of 1967, which was done away with in
24 1986, the, a convention was required to elect at

1 September 1, 2020

2 least one delegate from every judicial district,
3 from every Assembly District, excuse me, within
4 the judicial district.

5 In *Azria v. Salerno*, the Court of
6 Appeals explicitly did away with that, saying
7 that, that a judicial district could be -- excuse
8 me, I keep making that mistake, that an Assembly
9 District could even be unrepresented and, and
10 focused instead on the question -- it essentially
11 divided the questions into quorum and whether a
12 convention was improperly constituted.

13 And I think that what the, that the
14 objectors are trying to do here is go back to
15 the, you know, 1977, where those two questions,
16 quorum and proper constitution of the, of the
17 convention were intertwined. The question about
18 the election of sufficient delegates and answer
19 is whether the, whether the convention was
20 properly constituted. It doesn't bear on quorum.

21 Quorum exists under, under Meader, where
22 a majority of the eligible delegates is present.
23 And so the first question, the question of
24 whether 12 delegates was sufficient to

1 September 1, 2020

2 constitute, 12 delegates was sufficient is really
3 a question of whether the, whether the convention
4 was properly constituted. And we no longer look
5 at the number elected to determine that. We look
6 at substantial compliance with the
7 proportionality requirement.

8 SECRETARY UMANE: Not if there's a
9 requirement that theoretically, if there was a
10 requirement to have eligible delegates and that
11 total was 25, then the requirement would be that
12 there would be insufficient eligible people to
13 even constitute the convention.

14 MR. RABB: That's why I refer you to
15 Meader, which, which explicitly finds that quorum
16 exists where sufficient eligible delegates
17 appeared.

18 SECRETARY UMANE: But that's the
19 question. The whole thing in Meader was that
20 there was not a sufficient number of eligible
21 people there. That's why the court knocked out
22 the candidates.

23 MR. RABB: Correct. That had to --

24 SECRETARY UMANE: Is that true?

1 September 1, 2020

2 MR. RABB: -- that had to do with --

3 SECRETARY UMANE: So isn't that the same
4 argument that the objectors are making here, that
5 there was not a sufficient number of people to
6 constitute the convention in the first place.

7 MR. RABB: But they're, they're relying
8 on the question of the number that was elected,
9 which was not the question. The question in
10 Meader was whether the minutes reflected enough
11 people. And --

12 SECRETARY UMANE: Okay. Thank you.

13 MR. RABB: -- and, and --

14 SECRETARY UMANE: -- [unintelligible]
15 [00:49:16] thank you.

16 PRESIDENT TAYLOR: Very well. Is the
17 motion before us? Commissioner Araujo's motion is
18 still before us, correct?

19 MR. RYAN: Yes, it is, Madam President.

20 PRESIDENT TAYLOR: Okay. And am I the
21 first person to actually vote on the motion?

22 MR. RYAN: My intention was to start,
23 was to start at the top, so yes, you would be
24 the, you'd be the first one.

1 September 1, 2020

2 PRESIDENT TAYLOR: Okay. I would like to
3 support Commissioner Araujo's motion, so
4 therefore I would vote now to say that I do not
5 want to accept the counsel's report.

6 MR. RYAN: You would vote yes.

7 PRESIDENT TAYLOR: Right.

8 MR. RYAN: So, so moving forward, a vote
9 yes is to not proceed with the counsel's report,
10 not to adopt the counsel's report. A vote of no
11 would be to adopt the counsel's report, based on
12 the motion.

13 PRESIDENT TAYLOR: I vote yes.

14 MR. RYAN: Okay. Secretary Umame?

15 SECRETARY UMANE: Well, I would vote no
16 to Commissioner Araujo's motion but I would and I
17 will make a motion after this to sustain the
18 objection based upon the failure to have a proper
19 quorum. So I vote no for Commissioner Araujo's
20 motion.

21 MR. RYAN: Okay. Commissioner Araujo?

22 COMMISSIONER ARAUJO: Yes.

23 MR. RYAN: Commissioner Araujo's vote
24 was yes, Commissioner Camilo?

1 September 1, 2020

2 COMMISSIONER CAMILO: Yes.

3 MR. RYAN: Commissioner Marmorato?

4 COMMISSIONER MARMORATO: No.

5 MR. RYAN: Commissioner Michel?

6 COMMISSIONER MICHEL: No.

7 MR. RYAN: Commissioner Shamoun?

8 COMMISSIONER SHAMOUN: No.

9 MR. RYAN: Commissioner Townsend?

10 COMMISSIONER TOWNSEND: Yes.

11 MR. RYAN: And Commissioner Zaccone?

12 COMMISSIONER JOHN WM. ZACCONE: No.

13 MR. RYAN: By a vote of five no, four
14 yes, the motion does not carry.

15 SECRETARY UMANE: Okay. So I would like
16 to make a motion now to say that I think that the
17 convention, that the -- essentially that the
18 objection should be as specified to the extent
19 that there was an insufficient number of people
20 to constitute a valid convention, and so the
21 business done by the convention should not -- is
22 invalid and that the objection should be
23 sustained.

24 MR. RYAN: So that would then be a

1 September 1, 2020

2 motion to do what with the counsel's report?

3 SECRETARY UMANE: Well, it's not dealing
4 with the --

5 MR. RYAN: The objection.

6 SECRETARY UMANE: -- counsel's report.
7 It's dealing with the facts of the matter at
8 hand. And I am saying that I would sustain the
9 objection based upon the, based upon the failure
10 to have a proper convention, based upon the
11 failure to have an appropriate quorum of the
12 people that are supposed to be there.

13 SECRETARY UMANE: Ask for a second. Is
14 there a second.

15 MR. RYAN: Alright. So, I want to just,
16 I was writing it down. So you want to sustain the
17 objection, right?

18 SECRETARY UMANE: Yes. But on a limited
19 ground.

20 MR. RYAN: No, I got it, that, that
21 there was not a quorum?

22 SECRETARY UMANE: That's right.

23 MR. RYAN: Okay. So the motion on the
24 floor is to sustain the objection on the grounds

1 September 1, 2020

2 that there was not a quorum at the convention. Is
3 there a second?

4 COMMISSIONER MICHEL: Commissioner
5 Michel, second.

6 COMMISSIONER SHAMOUN: Second.

7 MR. RYAN: So I think Commissioner
8 Michel got in a split second before Commissioner
9 Shamoun. But in any event, we have a motion and a
10 second. We, we can't go to a photo finish on
11 that, so you'll just have to take my word for it.
12 So now we have a motion on the floor by
13 Commissioner Umane to sustain the objection on
14 the grounds that there was no quorum at the
15 convention. So a vote for yes would be to sustain
16 that objection, no quorum, and a vote no would
17 simply state to the contrary. So I guess I'll
18 start at the top again. Commissioner Taylor?

19 PRESIDENT TAYLOR: I would not like to
20 support that motion, so I vote no.

21 MR. RYAN: Okay. Secretary Umane?

22 SECRETARY UMANE: Yes.

23 MR. RYAN: Commissioner Araujo?

24 COMMISSIONER ARAUJO: No.

1 September 1, 2020

2 MR. RYAN: Commissioner Araujo's voted
3 no, Commissioner Camilo?

4 COMMISSIONER CAMILO: No.

5 MR. RYAN: Commissioner Marmorato?

6 COMMISSIONER MARMORATO: Yes.

7 MR. RYAN: Commissioner Michel?

8 COMMISSIONER MICHEL: Yes.

9 MR. RYAN: Commissioner Shamoun?

10 COMMISSIONER SHAMOUN: Yes.

11 MR. RYAN: Commissioner Townsend?

12 COMMISSIONER TOWNSEND: No.

13 MR. RYAN: And Commissioner Zaccone?

14 COMMISSIONER JOHN WM. ZACCONE: Yes.

15 MR. RYAN: Okay, by a vote of five in
16 favor for, against, the motion does not carry.
17 Are there any other motions with respect to this
18 particular matter?

19 MR. MOLTNER: I apologize, Mr. Ryan. Did
20 you say the motion does not carry?

21 MR. RYAN: Does not carry, correct.

22 SECRETARY UMANE: You need six, you need
23 six Ken.

24 MR. MOLTNER: I apologize. I apologize,

1 September 1, 2020

2 correct, correct.

3 MR. RYAN: Well, you know, just for
4 clarification, plurality votes do not prevail at
5 the Board of Elections. We are still required to
6 have that vote of six, even though there is one
7 commissioner's spot presently vacant.

8 MR. MOLTNER: Correct. I'm sorry.

9 MR. RYAN: No, no problem.

10 SECRETARY UMANE: But we do have a
11 quorum, don't we?

12 MR. RYAN: We have, we have a quorum. I
13 don't believe that's in dispute, correct. Unless,
14 Mr. Haggerty wants to weigh in on that, teasing
15 Mr. Haggerty. So, right now, we have two motions
16 that failed. Are there any other motions that the
17 commissioners would like to entertain?

18 COMMISSIONER ZACCONE: This is
19 Commissioner Zacccone. I move to adjourn the
20 hearings.

21 PRESIDENT TAYLOR: I second.

22 SECRETARY UMANE: Second.

23 MR. RYAN: Okay. On this one, we can
24 forego the roll call, I will -- we have a motion

1 September 1, 2020

2 and a second to adjourn the, this hearing, and I
3 will simply ask if there any objections. Hearing
4 none, the motion carries, this hearing is
5 adjourned. Theme music.

6 MR. RABB: Thank you.

7 SECRETARY UMANE: I move that we go into
8 executive session for --

9 MR. RYAN: Yes, and before we get a
10 second on that, commissioner, there was just a
11 couple of brief announcements that I'd like to
12 make before we go into executive session.

13 SECRETARY UMANE: Okay. We also have the
14 --

15 MR. RYAN: And we also have the finance
16 committee. I, I --

17 SECRETARY UMANE: -- finance committee.

18 MR. RYAN: Last week, I forget Mr. Suss,
19 so I didn't, I didn't do it this week. So we'll
20 have finance committee and then executive
21 session. So I'll make the brief announcements
22 before we go into, before the finance committee
23 report. I would like to, on behalf of the Board,
24 and publicly thank Madison Square Garden, the

1 September 1, 2020

2 Barclay Center, and the NBA for their partnership
3 in this upcoming election. Both venues have
4 stepped up to the plate and agreed to be early
5 voting locations, regionalized early voting
6 locations, not borough wide. And also to serve as
7 poll sites on election day. So that was a very
8 big deal for us.

9 And in addition today, there was a press
10 conference at the Barclay Center, not only to
11 announce Barclay's participation as an early
12 voting and an election day site, but also as a,
13 in honor or, or in celebration of National Poll
14 Worker Recruitment Day, Barclay's has taken an
15 additional step that they are offering all of
16 their employees a paid day off for anyone who
17 wants to serve as a poll worker. So they've
18 stepped up to the plate and put their employees
19 into the mix and that's a really big deal. And
20 we're hopeful that other employers throughout the
21 city will act in line with the Barclays and
22 that's really a great thing. They put our artwork
23 up on their message board on the outside today
24 for National Poll Worker Recruitment Day and it

1 September 1, 2020

2 was really a good thing, not only for the Board
3 as a whole, but certainly for the borough of
4 Brooklyn and the Brooklyn staff and our staff
5 here at the general office that worked diligently
6 to get that done. So, and, obviously, and Ms.
7 Sandow just said too, the voters in the
8 surrounding area of Brooklyn will have a
9 convenient large space to come and exercise their
10 franchise, so that's a great thing. So --

11 PRESIDENT TAYLOR: I would like to
12 congratulate you, Mr. Ryan, and Deputy Director
13 Sandow and all of the staff of the Board of
14 Elections in actually managing to get these
15 wonderful sites for our voting pleasure.

16 MS. SANDOW: This is Deputy Sandow, and
17 our director of operations, she's on it.

18 PRESIDENT TAYLOR: Yes.

19 MR. RYAN: Yeah, and so --

20 PRESIDENT TAYLOR: Georgea Kontazmanis,
21 thank you Georgea.

22 COMMISSIONER SHAMOUN: I echo those
23 sentiments. Thank you.

24 MR. RYAN: And as well, you know, Ray

1 September 1, 2020

2 Riley, the borough chief clerk and Danny Ortiz,
3 they're really, you know, those three, with this
4 particular issue, but in general, our borough
5 chiefs and deputies and certainly Ms.
6 Kontazmanis, they're really the unsung heroes of
7 this process, because they really put a lot of
8 time and effort into it. And it's nice when
9 something comes to fruition after all of that
10 effort, so, kudos to them as well. And we have
11 put up on our website, you know, we featured poll
12 worker recruitment front and center at the top of
13 our website, and in one day, since it's been up,
14 we've received just under 3,000 poll worker
15 applications on the website, you know, which is a
16 wonderful thing. So hopefully, that level of
17 interest will continue and we'll continue to move
18 forward in that way. So, early voting sites,
19 those will all be finalized by the end of the
20 week, and we hope that we have some more exciting
21 announcements, you know, moving forward. Time
22 will tell. So stay tuned.

23 And in addition, there was some press
24 conference this morning, I believe at City Hall

1 September 1, 2020
2 or some other location where the mayor was
3 present and there was some speculation as to
4 schools not being used for poll sites. I just
5 want to make some clarification to the
6 commissioners and anybody who heard it. That was
7 apparently not clear at the press conference,
8 although I didn't see it, that it seemed like it
9 all election sites, but it was limited to early
10 voting sites. And so there has been ongoing
11 conversation between the Board and our very, very
12 cooperative strategic partners, the Department of
13 Education. So those things are all in process and
14 certainly, as it unfolds, everybody will know as
15 soon as we know.

16 So those were the individual
17 announcements that I wanted to make, and then we
18 have now, Mr. Suss with respect to the finance
19 committee report. And in the interest of time, we
20 did have quite a bit of back and forth. I think
21 that we came to a conclusion, item one was a
22 Department of Mental Health and Hygiene,
23 Department of Health and Mental Hygiene contract
24 that we have piggybacked on in the past with

1 September 1, 2020

2 respect to our outreach.

3 And there was an approval for ads,
4 subway ads, which we've done in the past, bus
5 shelter ads and a digital links to the
6 advertising kiosks throughout the city and those,
7 you see them on the sidewalks and they're able to
8 be updated a little bit more limberly than the
9 bus and the subways. But we're asking for a total
10 of \$500,000 to be approved by the commissioners
11 on that item, 150 for subway, 150 for buses and
12 then 200,000 for the kiosks.

13 Now, what we're asking there is for us
14 to be able to tell DOHMH that we'd like to do
15 this and get ourselves online to use their
16 contract and that's really what we're doing.

17 And then, I'd like to go through the
18 other items and then hopefully we can have a
19 comprehensive vote on all of them. If not, we can
20 certainly parse them out.

21 MS. SANDOW: [unintelligible] [01:03:03]
22 absentee ballot boxes.

23 [OFF-MIC CONVERSATION]

24 MR. RYAN: Alright. So then we have one

1 September 1, 2020
2 with respect to security for the cradle points,
3 and we're asking not for an approval of a
4 contract on this, but just the dollar amount of
5 not to exceed \$159,317 for Century Link, which
6 provides security for the cradle points and we
7 would be making that acquisition through the
8 master service agreement previously negotiated by
9 DoITT, and that's a way for us to procure
10 services without having to go through the full
11 procurement process, as it has already been
12 completed and stands ready for use by the
13 agencies.

14 The other thing, we have a hand
15 sanitizer dispenser. We had used anti-viral wipes
16 in the past, but now we're going, we'd like to
17 purchase dispensers, which are ADA compliant
18 dispensers that are basically a canister, about
19 three feet high and it has a foot pedal on the
20 bottom so people can have a touchless experience
21 at the poll sites getting hand sanitizer without
22 having to pump a bottle. And the total contract
23 price for that is \$475,835. The advantage of that
24 is it's a solid piece of stainless steel canister

1 September 1, 2020

2 and if we have to replace, as we will, over the
3 course of time, if we have to replace the hand
4 sanitizer, the individual units are \$8.99, so the
5 replacement canisters. So that's a more efficient
6 way, it reduces waste at the poll sites, and it
7 significantly reduces the cost over time because
8 the canisters are only \$8.99.

9 And then, we have Stanley Convergent is
10 a contract for monitoring the security cameras at
11 all Board facilities. That is a \$635,808 not to
12 exceed cost, and based on the re-negotiation of
13 this New York State OGS contract, that is a
14 \$100,000 reduction from the previous contract.

15 If there are no objections to preceding
16 in this regard, we can entertain a motion and if
17 any commissioners have any questions, we
18 certainly can do that as well. Are there any
19 questions? Hearing none --

20 SECRETARY UMANE: Did you skip the
21 Vanguard Direct?

22 MR. RYAN: Uh --

23 COMMISSIONER CAMILO: We skipped one
24 item.

1 September 1, 2020

2 SECRETARY UMANE: Did you skip Vanguard
3 Direct?

4 MR. RYAN: No, that was, we can, well,
5 we can have that conversation, Commissioner
6 Umane. It was not an oversight.

7 SECRETARY UMANE: Oh, sorry.

8 MR. RYAN: No, no problem. So, in any
9 event --

10 SECRETARY UMANE: Right, we don't --
11 this is a committee recommendation, so we don't
12 need a motion and a second.

13 MR. RYAN: Right. I just, so, does
14 anyone have any questions then? I think we were
15 about to almost hear no. Okay. So --

16 PRESIDENT TAYLOR: Hearing none.

17 MR. RYAN: -- hearing none, we don't
18 need a motion and a second, we just need to say
19 that we need a vote on it and we can do that by
20 no objection. Are there any objections to
21 preceding with respect to the committee report?
22 Hearing none, the committee report is adopted.

23 MR. SHERWIN SUSS: Thank you,
24 commissioners and Mr. Ryan.

1 September 1, 2020

2 MR. RYAN: Alright. Thank you and that
3 concludes the business --

4 MS. SANDOW: Thank you, Sherwin, thank
5 you.

6 MR. RYAN: -- of the hearings today,
7 with the exception of we, a motion to go into
8 executive session for personnel and litigation
9 and a separate motion to set the hearing date for
10 September 8th.

11 SECRETARY UMANE: I move both of those
12 things.

13 MR. RYAN: Okay.

14 PRESIDENT TAYLOR: I second.

15 MR. RYAN: Any objections, hearing none,
16 we will -- the next meeting of the Board of
17 Commissioners will be September 8, 2020 at 1:30
18 p.m. and we will now move into executive session
19 for personnel and litigation.

20 [OFF THE RECORD]

21 [ON THE RECORD]

22 MR. RYAN: Yes, there is one personnel
23 matter to report from executive session. General
24 Counsel Steven Richman was granted a leave of

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September 1, 2020
absence from August 25, 2020 to September 25,
2020 and the full Board of Commissioners ratified
the previous decision of the executive committee.
That's all to report, meeting, September 8, 2020.
Thank you.

(The meeting concluded at 3:36 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on September 1, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Claudia Marques

Date: April 6, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018