

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor  
Commissioners' Hearing Room  
New York, NY 10004  
October 23, 2020

October 23, 2020

**PRESENT:**

Commissioner Gino Marmorato

Commissioner Tiffany Townsend

Rafael Savino, Deputy General Counsel

Tom Sattie, Ballot Coordinator

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2           (The meeting commenced.)

3                       MR. SAVINO:  Alright, commissioners,  
4           happy Friday.  It's commissioners' cover sheet  
5           review meeting, October 23, 2020 regarding the  
6           special election for the 12th Council District on  
7           December 22, 2020.  Alright, the first thing we  
8           have to present to you is Shanequa Moore.  And the  
9           independent body name, I'm sorry, the independent  
10          body on the cover sheet, what did they have here,  
11          yeah, independent, uh, there's no party title,  
12          okay.  Yeah, there's no party on the cover sheet.  
13          I apologize.  Yeah, okay, that's where we're  
14          going.  You know, they have to have an independent  
15          body name on the cover sheet.  It should match  
16          obviously the petition, which it says Bronx  
17          Stronger.  It is I believe lower than 15  
18          characters, so we're not going to have to deal  
19          with that.  But again, there's a petition name on  
20          the designating -- on the independent nominating  
21          petitions, which in and of itself isn't a bad  
22          thing, but by not having it on the cover sheet,  
23          it's a requirement they did not meet.  The good  
24          news is it's curable.  They get three days to try

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2           and fix it. But we believe and we recommend to  
3           you that it should be considered a defect.

4                    COMMISSIONER TOWNSEND: Yes.

5                    MR. SAVINO: Alright. Thank you.

6                    COMMISSIONER MARMORATO: Yes, so I'll  
7           move to adopt the report and request that a cure,  
8           a cure be sent.

9                    MR. SAVINO: Yeah, we'll send it out  
10          today. The second item to present is Ahdiami  
11          Olaranto [phonetic], I'm sure I'm butchering  
12          this. Olaruntoba [phonetic].

13                   COMMISSIONER TOWNSEND: Olarunto  
14          [phonetic].

15                   MR. SAVINO: Oh, yeah, this is a tough  
16          one. I think CRU will probably present it as a  
17          prima facie at some point too. It'll probably be  
18          on both calendars. But they wrote designating  
19          petition on their petitions instead of  
20          independent nominating petition and obviously,  
21          you guys have the discretion to make decisions,  
22          but it's the wrong kind of petition. And in the  
23          past, which again, doesn't matter in terms of  
24          your discretion, unfortunately, you know, that

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2           has been a defect. The cover sheet also wasn't  
3           attached to the petition. That's something else  
4           they should be able to cure. And there were no ID  
5           numbers on the cover sheet. So all the way to the  
6           right of the cover sheet, you see a number one.  
7           So I guess that's sufficient. It shouldn't be --  
8           that number shouldn't be where it is in my  
9           opinion. But they do need to have the petition  
10          numbers on the cover sheet. Again, curable, three  
11          days and we'll look at the cure when it comes in.

12                   COMMISSIONER MARMORATO: Are all these -

13          -

14                   COMMISSIONER TOWNSEND: This is --

15                   MR. SAVINO: This is all the same  
16          person.

17                   COMMISSIONER TOWNSEND: But is it all  
18          curable?

19                   MR. SAVINO: Uh, not when they use the  
20          incorrect petition. And there have been,  
21          unfortunately, cases like this before, where, you  
22          know, President Umane spoke, Secretary Umane  
23          spoke and explained to the poor gentleman that  
24          the paperwork was insufficient because again, it

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2           talks about being a designating petition and it  
3           should have been an independent nominating  
4           petition.

5                        COMMISSIONER MARMORATO:   What is  
6           counsel's recommendation?

7                        MR. SAVINO:   I would recommend that it  
8           be considered a defect. He obviously fixed the  
9           other stuff and/or go to court if he disagrees  
10          with us. I'm sure we'll get a couple of those.  
11          But I believe it is a defect.

12                       COMMISSIONER MARMORATO:   Fatal defect?  
13          Okay. Well, I will move to adopt counsel's  
14          recommendation and consider this petition  
15          defective.

16                       COMMISSIONER TOWNSEND:   I'll second.

17                       MR. SAVINO:   Okay. Thank you. Alright.  
18          The next one is Joyce Briscoe. It is a curable  
19          defect. The independent body on the cover sheet  
20          does not match the petition. Oh, I know what she  
21          did here. She wrote Joyce Briscoe, O-E, and then  
22          on the cover sheet, it was Joyce Briscel, ending  
23          with an E-L, B-R-I-S-C-O-E-L, so she got the last  
24          part of her name wrong. If it's on the -- if she,

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2           because she's got, yeah, she's got it I guess  
3           right here, let's hope. Yeah, if the petition's  
4           good, she'll be fine. She can do an amended cover  
5           sheet. If the petition is bad, you can't fix it.  
6           The voters rely on, you know, what it says.

7                        COMMISSIONER TOWNSEND: Right.

8                        MR. SAVINO: And that's when they agree  
9           to sign it, so that wouldn't be fixable so to  
10          speak, or it wouldn't be able to be corrected,  
11          but this would be.

12                      COMMISSIONER MARMORATO: I see it listed  
13          as Brisco everywhere except for one section where  
14          there's an L.

15                      MR. SAVINO: Right.

16                      COMMISSIONER MARMORATO: So on the cover  
17          sheet, where it says designated, it has Briscoe,  
18          and then down the name of the candidate is  
19          Briscoe and the signature says Briscoe.

20                      COMMISSIONER TOWNSEND: Yeah. Are we  
21          sure it's not just a random marking at the end?

22                      MR. SAVINO: It's within your  
23          discretion, commissioners.

24                      COMMISSIONER TOWNSEND: Yeah, I agree,

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2           because that is really the only location. Every  
3           other place looks consistent with an E and no L  
4           at the end.

5                        COMMISSIONER MARMORATO:   And it looks  
6           lighter than --

7                        COMMISSIONER TOWNSEND:   Yeah. To me, it  
8           looks like it could be just a marking, an  
9           unfortunate marking.

10                      MR. SAVINO:   Yeah, you know, what.

11                      COMMISSIONER TOWNSEND:   I'm not sure.

12                      COMMISSIONER MARMORATO:   Would this  
13           ordinarily be a curable defect?

14                      COMMISSIONER TOWNSEND:   Yeah.

15                      MR. SAVINO:   Again, if it's the petition  
16           no, if it's cover sheet fine. That L on the end  
17           does look a little suspect. Traditionally, again,  
18           which doesn't matter because it's in your  
19           discretion, but traditionally, they've been  
20           pretty stringent with things matching. But I can  
21           totally see your point. And --

22                      COMMISSIONER MARMORATO:   You said, sorry  
23           counselor.

24                      MR. SAVINO:   Oh, no worries.



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2                   COMMISSIONER MARMORATO: You said it was  
3 the cover sheet, you said it was the -- so this  
4 is the cover sheet?

5                   MR. SAVINO: Yes. Well, the cover sheet  
6 review meeting, basically under the law, they  
7 have to match. The petition has to match the  
8 cover sheet. So if there's a defect on the cover  
9 sheet, they can fix it. This one, you know,  
10 you're right. It does kind of look like a  
11 marking, but we always want to present stuff to  
12 the commissioners --

13                   COMMISSIONER TOWNSEND: Sure.

14                   MR. SAVINO: -- because it's your call.  
15 If there's any dispute, question, we usually  
16 present it.

17                   COMMISSIONER MARMORATO: So just to  
18 clarify, and I'm sorry, Commissioner Townsend, if  
19 you have the same question. It's listed as Joyce  
20 Brisco ending in a D on the actual petition and  
21 the only place that there's an L at the end of it  
22 is on the actual cover sheet?

23                   MR. SAVINO: Yes.

24                   COMMISSIONER TOWNSEND: Yes.

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2                   MR. SAVINO:   And it's like a dot, dot L,  
3           you know, not the best L I've ever seen.

4                   COMMISSIONER TOWNSEND:   But then the  
5           cover sheet is also curable? Right.

6                   MR. SAVINO:   Right. Well, if you rule  
7           that the cover sheet has a defect, they will have  
8           three days to correct it. If you rule that you  
9           didn't consider it a defect, it's great, it goes  
10          in our files and the person doesn't have anything  
11          else to submit. But again, if you rule it as a  
12          defect, they do get three days to cure.

13                  COMMISSIONER MARMORATO:   And counsel's  
14          recommendation on this particular issue?

15                  MR. SAVINO:   Well, I've seen them be  
16          very -- I've seen folks be very stringent with  
17          the, what's on the cover sheet compared to what's  
18          on the petition. But, you know, I'm looking at  
19          this, these two dots and then the, it looks like  
20          a little slash, I think you'd be well within your  
21          discretion to not rule this a defect. I know you  
22          asked for a recommendation, so I guess I'm saying  
23          I probably wouldn't rule this as a defect.

24                  COMMISSIONER MARMORATO:   Okay. Based on

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2           what I observed, I would support the  
3           recommendation and not rule this a defect.

4                     MR. SAVINO:    Alright, great.

5                     COMMISSIONER TOWNSEND:  Yeah, agreed.

6                     MR. SAVINO:    So, yeah, if you don't  
7           mind, we'll initial --

8                     COMMISSIONER TOWNSEND:  What's that,  
9           commissioner?

10                    COMMISSIONER MARMORATO:  I said I can be  
11           swayed, I can see it both ways, but --

12                    COMMISSIONER TOWNSEND:  Yeah, I'm in  
13           agreement in that.

14                    MR. SAVINO:    You know, if --

15                    COMMISSIONER TOWNSEND:  It's, it's hard  
16           not looking necessarily also at the original  
17           document. I might feel differently if I was  
18           looking at the original, which is not necessarily  
19           available to us.

20                    MR. SAVINO:    I mean I've said a thousand  
21           times, if it's a close call, and franchising a  
22           person is I generally feel the better option. Oh,  
23           we're going to you now?

24                    COMMISSIONER MARMORATO:  And I would

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2           hope that a candidate would realize

3           [unintelligible] [00:12:03].

4                   MR. SAVINO: This is fine, there's no  
5           reason -- I don't think it matters.

6                   MR. TOM SATTIE: We're on Item 4, Aaron  
7           Carnegie.

8                   MR. SAVINO: Okay. Name of party on  
9           petition, oh, this is one of those where the name  
10          is too long. It's over 15 characters, blanks  
11          don't count. I've asked that question in the  
12          past. So, you know, it's kind of irrelevant in  
13          the sense that if they pick a new name, they're  
14          still on the ballot, but they get an opportunity  
15          to make a shorter name. If they don't do that,  
16          then, it's up to the commissioners to pick a  
17          name. So --

18                   COMMISSIONER TOWNSEND: I thought it was  
19          15 letters.

20                   COMMISSIONER MARMORATO: Modern, yeah,  
21          Modern Citizens.

22                   MR. SAVINO: Oh, I'm sorry. This, this  
23          is item number five. Mr. Sattie actually has item  
24          number four.

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2                   COMMISSIONER TOWNSEND: Oh, okay.

3                   MR. SAVINO: Oh, the other way around.

4                   COMMISSIONER MARMORATO: Let's go with  
5 Item number four if we can.

6                   COMMISSIONER TOWNSEND: Please, yeah.

7                   COMMISSIONER MARMORATO: Aaron Carnegie,  
8 so keep it in system order. Alright. The remarks  
9 state that the ID number on cover sheet does not  
10 match the ID number that candidate claimed.

11                   MR. SAVINO: Maybe present your, if you  
12 don't mind, and then do you want to run upstairs  
13 and see?

14                   MR. SATTIE: Commissioners, good  
15 morning. If we can take item number five out of  
16 order so we can [unintelligible] [00:13:40]. Item  
17 number five is for Neville Mitchell. The  
18 candidate filed the petition with the party name  
19 Bronx 12 Live Matter which exceeds the 15  
20 character maximum pursuant to the provisions of  
21 Section 7-106.

22                   COMMISSIONER TOWNSEND: Okay.

23                   MR. SATTIE: Subsection 11 of the  
24 Election Law, so this is just standard operating

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2           procedure for us. What we do with your permission  
3           is send a letter to the candidate that tells them  
4           that they have seven days to present to the board  
5           a new party name that is less than 15 characters.  
6           They have seven days to do it. And if they do, it  
7           would be presented to the Board for approval, and  
8           if they don't, it does not, it is not a fatal  
9           defect. It would be presented back to the Board  
10          to choose a party name for this candidate. So  
11          with your approval, staff would prepare and send  
12          that letter out today to the candidate.

13                    COMMISSIONER TOWNSEND: Okay. You should  
14                    move ahead on that.

15                    COMMISSIONER MARMORATO: Yes.

16                    MR. SAVINO: Yeah, usually people pick a  
17                    new name, but there's been times the  
18                    commissioners have had to. Alright. I apologize  
19                    about that.

20                    COMMISSIONER MARMORATO: I second,  
21                    Commissioner Townsend's approval.

22                    MR. SATTIE: Commissioners, thank you.

23                    MR. SAVINO: Alright. Sorry about the  
24                    confusion, commissioners. Although we took five

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2           out of order, this is Aaron Carnegie and the  
3           numbers on his petition do not match the cover  
4           sheet. Now, do I see anything wrong with the  
5           petition? No. But this is a curable defect,  
6           provided they submit a cover sheet with the right  
7           numbers. It's 664 -- ends in 664, and 0663 on the  
8           cover sheet. And the petition has 0665 and 0666.  
9           So actually, neither of them match. It is  
10          curable.

11                   COMMISSIONER MARMORATO: I move that we  
12          adopt the report and send a notice of cure.

13                   COMMISSIONER TOWNSEND: Yeah, agree.

14                   MR. SAVINO: Well, I'm pleased to  
15          announce that's all we have for today. Thank you  
16          for taking out time on your Friday to spend time  
17          with us to get this done. And we'll see you very  
18          soon.

19                   COMMISSIONER MARMORATO: Thank you  
20          everyone.

21                   MR. SAVINO: I guess we're supposed to  
22          make a motion to end the meeting.

23                   COMMISSIONER MARMORATO: Move to  
24          adjourn.

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COMMISSIONER TOWNSEND: Second.

MR. SAVINO: It's unanimous.

COMMISSIONER TOWNSEND: Happy Friday,  
everyone. Thank you.

MR. SAVINO: Alright.

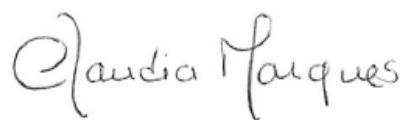
(The meeting concluded.)



CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on October 23, 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: May 11, 2021

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