

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' COVER SHEET REVIEW MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room
New York, NY 10004
November 11, 2020
3:30 - 3:44 p.m.

November 11, 2020

PRESENT:

President Patricia Ann Taylor

Commissioner Gino Marmorato

Rafael Savino, Deputy General Counsel

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2 (The meeting commenced at 3:33 p.m.)

3 MR. RAFAEL SAVINO: Cover sheet review
4 committee. Fortunately, there is only one matter
5 to review. It's Ms. Ahmed, who is running for
6 24th Council District. Basically, she has Mo for
7 the People Party on the very top of her cover
8 sheet, and then she has Mo for the People on the
9 top of her independent nominating petition. That
10 both matches, which would not be a defect, but in
11 the body, it's that paragraph underneath, it just
12 says, it says Mo for the People as the name of
13 the independent body making the nomination.

14 There are some folks that say anything
15 wrong in the top kills it, but I've been doing
16 some research and the stuff I found so far is if
17 you have the wrong type of election, you have the
18 wrong date of election or if you're -- a cut and
19 paste error and you have a complete different
20 party there. So, it's certainly up to you guys.

21 COMMISSIONER GINA MARMORATO: Counselor,
22 I have a question, I have a question.

23 MR. SAVINO: Sure.

24 COMMISSIONER MARMORATO: So I see on the

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2 cover sheet, it says Mo for the People Party.

3 MR. SAVINO: Mm-hmm.

4 COMMISSIONER MARMORATO: And see on the
5 independent nominating petition, it also says Mo
6 for the People Party.

7 MR. SAVINO: That's correct.

8 COMMISSIONER MARMORATO: Did you say
9 that there was a place in --

10 MR. SAVINO: Well, if you look at the,
11 the body of the paragraph, that is required.

12 COMMISSIONER MARMORATO: Okay.

13 MR. SAVINO: To the Board of Elections,
14 I, the undersigned do hereby blah, blah, blah,
15 blah. And it says eventually, I select the name
16 of Mo for the People as the name of the
17 independent body, the nomination as
18 [unintelligible] [00:05:04] such body.

19 PRESIDENT TAYLOR: It's the last line of
20 that first little paragraph, right?

21 MR. SAVINO: Correct. When he says the
22 name of my party is Mo for the People.

23 PRESIDENT TAYLOR: So the word party
24 should not be a part of it?

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2 COMMISSIONER MARMORATO: I think the
3 word party was meant to be included, but it was
4 not included in the body of the e-mail. I think
5 it -- but at the top, it does indicate Mo for the
6 Party People. So at the very top, the independent
7 nominating petition, my opinion, matches with
8 what the cover sheet, it matches the name of the
9 party.

10 PRESIDENT TAYLOR: The problem with that
11 is Mo for the People Party is too long isn't it?

12 MR. SAVINO: I think it's 14 characters.
13 I can double check again. But, you know, if we
14 sent them a letter, which is what, what we
15 normally do if it's too long. Let me count it
16 first, one, two, three, four, five --

17 PRESIDENT TAYLOR: It's 14 characters if
18 it's just Mo for the People.

19 MR. SAVINO: Yeah, you're right. It's
20 14.

21 PRESIDENT TAYLOR: If you throw in the
22 word party, it makes it too long.

23 MR. SAVINO: Correct. In those cases, we
24 will send the candidate a letter and they will

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2 have the option of changing the name, they would
3 probably just drop party, but I don't think
4 that's really a part of their name in the first
5 place. They have the opportunity to change it on
6 their own. If they don't do it in a timely
7 fashion then the commissioners pick a new name.
8 Probably the best thing example I can think of,
9 there's tons of examples, is the Rent is Too
10 Damned High, so to shorten it a little bit, they
11 did a number 2 instead of a too. So that's a
12 curable defect. She'll be given an opportunity to
13 cure it, you know, if you don't feel that this is
14 a defect, you know, we'll certainly take care of
15 that as well.

16 COMMISSIONER MARMORATO: So, is the term
17 party included on every petition cover sheet and
18 -- on the cover sheet and the independent
19 petition?

20 MR. SAVINO: Well, this is a special.

21 COMMISSIONER MARMORATO: Right.

22 MR. SAVINO: So normally you have
23 Democratic Party, Republican Party, that sort of
24 thing. I honestly couldn't say. I'm sure I've

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2 definitely seen it before, but I can't remember
3 the last time. It might have been fairly
4 recently. And it depends on how the commissioners
5 feel about which way they rule but, yeah, this
6 one seems to say party after every Mo for the
7 Party except for that one that says Mo for the
8 People as the name of the independent body making
9 the nomination. So that, that's where we at.

10 PRESIDENT TAYLOR: So what we need to
11 decide is whether we want to give them an
12 opportunity to cure, or we want to accept this as
13 being Mo for the People?

14 MR. SAVINO: Right. If you decide this
15 is acceptable, there's really nothing else to do.
16 If you decide that they have to remove the party
17 I guess from the Mo for the People, then you
18 would rule the [unintelligible] [00:08:01], I
19 mean you'd rule this as a defect and then they'd
20 get a letter overnight, and then they'd get some
21 time to cure, three days. But I mean, at the end
22 of the day quite frankly, the Mo for the People
23 Party isn't that much of a problem because,
24 because they do have that listed on the top of

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2 the independent nominating petition. It just,
3 they just change it up a little bit as Mo for the
4 People as the name of the independent body making
5 the nomination. It, it's certainly not perfect
6 and ideal, but, you know, in your discretion, if
7 you don't feel it's a defect, that's one thing.
8 And if you do, we can certainly try and cure it,
9 or they can try and cure it.

10 PRESIDENT TAYLOR: But did I understand
11 you to say that if we sent them a letter and they
12 don't reply, then we can make the correction
13 ourselves?

14 MR. SAVINO: That's two different
15 issues.

16 PRESIDENT TAYLOR: Oh, okay.

17 MR. SAVINO: The issue is if there's a
18 defect in the paperwork that we're taking a look
19 at, they would get three days to cure.

20 PRESIDENT TAYLOR: Oh.

21 MR. SAVINO: In terms of changing the
22 name, that is a absolutely curable defect. As a
23 matter of fact, it gets cured by the
24 commissioners if the person does not submit a new

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2 name. And I'm not sure that that, uh, you know,
3 that's again, something different, if we want to
4 make them shorten the name, then they have I
5 think five or seven days to, to try and do that.
6 But if they don't, you guys pick the new name. So
7 that, that's not going to -- that would not
8 remove him from the ballot, or her.

9 PRESIDENT TAYLOR: I move that we send a
10 letter asking them to correct the name.

11 MR. SAVINO: Mm-hmm.

12 PRESIDENT TAYLOR: Because I think they
13 won't understand what's wrong with it if we don't
14 -- you know, in other words, I think they'll make
15 the same error in the future if we don't tell
16 them now that the word is part of it and it makes
17 it too long.

18 MR. SAVINO: Well, that will definitely
19 go out. I think [unintelligible] [00:09:58]
20 handles that. In terms of trying to fix, if you
21 find this as a defect, as I said, they do have Mo
22 for the Party People, they have Mo for the Party
23 with People Party at the top, but it's in the
24 body of the petition area where it comes out

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2 slightly different, Mo for the People as the name
3 of the independent body. That's just one slight
4 distinction, but --

5 COMMISSIONER MARMORATO: I just have
6 other, I don't have other cover sheets or
7 independent nominating petitions and I'm just
8 wondering if the word party appears after all of
9 them but the true intent is for the actual party
10 to be Mo for the People and then party is just,
11 like you said, you know, it's not Democratic
12 Party Party or Republican Party Party, it's
13 Democratic Party. So I, we can most certainly
14 sent them the letter to cure, or you indicated we
15 could also adopt the name Mo for the People.

16 MR. SAVINO: Right. But that would be
17 after giving them a chance to correct it, which
18 is a totally separate issue to a certain extent,
19 about the potential defect. I mean it's on the
20 petition, so that's not really curable. Uh, you
21 know, if you were to find that as a defect.

22 PRESIDENT TAYLOR: How will they
23 understand what is wrong?

24 MR. SAVINO: Well, if they were -- if

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2 you rule that it's not a defect, then they won't
3 need to understand anything's wrong because it's
4 not. And if we do --

5 PRESIDENT TAYLOR: I understand.

6 MR. SAVINO: Right.

7 PRESIDENT TAYLOR: But if we, if we do
8 rule it is a defect, what will they receive?

9 MR. SAVINO: They receive an overnight
10 letter. The content varies on what the issue is.
11 And, you know, it'll say petition, no, not
12 petition, you know, it'll say prima facie
13 basically on the CRU prima facie calendar that
14 the first paragraph wasn't entirely exactly as
15 the top and -- the cover sheet and the top of the
16 petition.

17 PRESIDENT TAYLOR: Ah, I see what you're
18 seeing.

19 COMMISSIONER MARMORATO: But it still is
20 Mo for the People.

21 PRESIDENT TAYLOR: It is.

22 MR. SAVINO: It says that's the name of
23 the independent body.

24 PRESIDENT TAYLOR: Right. I, I would, I

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2 think I would leave it alone.

3 COMMISSIONER MARMORATO: Yes.

4 MR. SAVINO: Okay.

5 COMMISSIONER MARMORATO: I'm inclined
6 not to rule it as a defect and to -- I don't
7 think there's any confusion to the voters. I
8 think they understand that the name of the party
9 is Mo for the People.

10 PRESIDENT TAYLOR: For the People is the
11 name of the party and that Mo for the People is
12 actually acceptable.

13 MR. SAVINO: Yeah, and just something
14 else, that top party, I mean I've seen cases that
15 were booted when they had the wrong election, the
16 wrong designating as opposed to independent and,
17 you know, the wrong date of the election, that
18 stuff has been booted. You know, maybe I'll do
19 some more research on, you know, to see about
20 parts of that paragraph, not that I want to
21 change your decision in any way, but you know, it
22 might be something worth looking at. But as you
23 probably know, I'm a little swamped with the
24 canvas.

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2 PRESIDENT TAYLOR: Yeah.

3 MR. SAVINO: But thank you,
4 commissioners for your time. So what we will do
5 is rule for no defect, and at some point, CRU
6 will come with you potentially asking to shorten
7 the party name. And if there's a motion to
8 adjourn?

9 COMMISSIONER MARMORATO: I move that we
10 adjourn.

11 PRESIDENT TAYLOR: Second it.

12 MR. SAVINO: Well, it's unanimous. Thank
13 you again, commissioners. My pleasure, and I'm
14 sure I'll see you all soon, well both of you
15 soon.

16 PRESIDENT TAYLOR: Yes, thank you so
17 much.

18 COMMISSIONER MARMORATO: And
19 Commissioner Taylor and counselor, if you could
20 stay on.

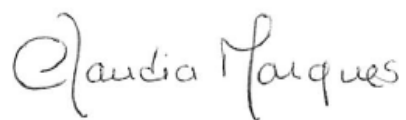
21 (The meeting concluded at 3:44 p.m.)

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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on November 11, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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