

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  
December 21, 2020

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**PRESENT:**

Commissioner Jose Araujo

Commissioner Gino Marmorato

Rafael Savino, Deputy General Counsel

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2 (The meeting commenced.)

3 MR. SAVINO: Good afternoon,  
4 commissioners. We're here today at the  
5 commissioners' review committee on December 21st.  
6 We have Commissioner Araujo and Commissioner  
7 Marmorato. We actually, we have two matters to  
8 present. The first one is Candidate Carter. The  
9 party name on the petition does not match the  
10 party name on the cover sheet. It is a curable  
11 defect if we get an amended coversheet.

12 COMMISSIONER ARAUJO: Raf, just to be  
13 clear, [unintelligible] [00:00:41] the name on  
14 the petition is, for the party, is Kevin Morgan  
15 Carter and on the cover sheet reads Which Way is  
16 Up?

17 MR. SAVINO: Correct.

18 COMMISSIONER ARAUJO: Alright. So the  
19 only way to cure this is if he changes the cover  
20 sheet to indicate that the party's name is the  
21 Kevin Morgan Carter?

22 MR. SAVINO: Right. Changes that,  
23 correct.

24 COMMISSIONER ARAUJO: Alright. I agree

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2 with your recommendation to send them the  
3 [unintelligible] [00:01:07] letter  
4 [unintelligible] [00:01:11] cover sheet.

5 COMMISSIONER MARMORATO: I second.

6 MR. SAVINO: Alright. Commissioners,  
7 with your permission, I will initial the proper  
8 sections on your behalf on the spreadsheet and  
9 put a check box [unintelligible] [00:01:24], or  
10 you can send them back, gentlemen.

11 COMMISSIONER ARAUJO: No, I authorize  
12 you to use my initials.

13 MR. SAVINO: Thank you.

14 COMMISSIONER MARMORATO: Counselor?

15 MR. SAVINO: Yes?

16 COMMISSIONER MARMORATO: I have a  
17 question. If, could Kevin Morgan Carter change  
18 the name on the independent nominating petition  
19 to Which Way is Up?

20 MR. SAVINO: No.

21 COMMISSIONER MARMORATO: Or --

22 MR. SAVINO: He cannot, because the  
23 voters signed the petitions already understanding  
24 that was the independent body [unintelligible]

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2 [00:01:53] support.

3 COMMISSIONER MARMORATO: Understood.

4 Understood. So he can't cure it by --

5 MR. SAVINO: Changing the --

6 COMMISSIONER MARMORATO:

7 [unintelligible] [00:02:00] sample cover sheet to  
8 Kevin Morgan Carter?

9 MR. SAVINO: Correct.

10 COMMISSIONER MARMORATO: Thank you.

11 MR. SAVINO: Alright. The second cure he  
12 would have to produce is actually that I don't  
13 recall ever happening before. Our rules say we  
14 have to examine the last document filed, usually  
15 determined by a timestamp. With respect to Perry  
16 Pierre, he submitted four timestamps, four cover  
17 sheets at the exact same time. So it's pretty  
18 much impossible to figure out which one was last.  
19 However, unfortunately, for the candidate, each  
20 one of them have defects. They did not  
21 [unintelligible] [00:02:48] petition numbers.  
22 They, you know, so the filing numbers. They  
23 simply changed from two volume numbers where it  
24 just has a two [unintelligible] [00:03:01] okay,

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2 and the next one says two, and one says  
3 [unintelligible] [00:03:06], so and one is five.  
4 But again, absolutely no petition numbers are  
5 listed anywhere on the cover sheets. That is a,  
6 you know, they put in [unintelligible]  
7 [00:03:17].

8 COMMISSIONER ARAUJO: Rafael, just so I  
9 can -- you were going in and out on my end, you  
10 have three separate issues here, the cover sheet  
11 doesn't match the petition numbers. I see that  
12 clearly, right. So I see that we could send them  
13 a notice to cure on that issue.

14 COMMISSIONER MARMORATO: Right.  
15 [unintelligible] [00:03:39] that.

16 COMMISSIONER ARAUJO: The timestamp,  
17 there's no way to cure that, so you're not going  
18 to send a notice to cure notice on that, right?

19 MR. SAVINO: His cover sheets were all  
20 attached to the petitions as well, which is  
21 actually another defect.

22 COMMISSIONER ARAUJO: But if he submits  
23 amended cover sheets fixing the cover sheets,  
24 that solves that problem as well, right?

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2 MR. SAVINO: Correct. Yeah, he submits  
3 separate cover sheets with the right information.

4 COMMISSIONER ARAUJO: Right. So just so  
5 I'm clear, the notice to cure is just going to  
6 address the issue regarding the petition numbers.  
7 Are you going to reference these other issues at  
8 all in the notice to cure?

9 MR. SAVINO: Well, I'll reference the  
10 attached to petitions and I'll change the letter  
11 to say, make it cover sheets, might make it a  
12 little less confusing as the boiler plate letter.

13 COMMISSIONER ARAUJO: One more follow up  
14 question. Does he needs to submit four amended  
15 cover sheets or just one?

16 MR. SAVINO: Just one, if he does it  
17 properly, it would, you know, as you know,  
18 [unintelligible] [00:04:42] the total number of  
19 volumes in the petition, which is probably five,  
20 because he put it in five different cover sheets  
21 with an earlier timestamp. So yes, if he puts the  
22 volume numbers and the total number of volumes on  
23 the cover sheet, it would be sufficient.

24 COMMISSIONER ARAUJO: Alright. Alright.

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I agree with your recommendation with respect to the cover sheets and sending notice with respect to that.

COMMISSIONER MARMORATO: I second it.

MR. SAVINO: Alright, commissioners, I'm sure you'll be pleased to know that's the end of our business for today. I thank you for taking the time to assist with the hearing with your appearance. And is there a motion?

COMMISSIONER ARAUJO: Yes, I move that we adjourn this meeting of the cover sheet board December 21, 2020.

COMMISSIONER MARMORATO: I second the motion.

COMMISSIONER ARAUJO: The motion carries.

(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 December 21, 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 28, 2021

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