

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' COVER SHEET REVIEW

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

January 28, 2021

3:00 p.m. - 3:11 p.m.

January 28, 2021

PRESENT:

Secretary Miguelina Camilo

Commissioner Gino Marmorato

Rafael Savino, Deputy General Counsel

Zoya Shpigelman, Contract Attorney

1 January 28, 2021

2 (The meeting commenced at 3:03 p.m.)

3 MR. RAFAEL SAVINO: Good afternoon,
4 commissioners. My name, as you know, is Rafael
5 Savino, I am deputy general counsel at the Board
6 of Elections. Seated next to me is Zoya
7 Shpigelman, who also works in the legal
8 department. Present at this hearing remotely is
9 Commissioner Marmorato and Commissioner Camilo.
10 And it is, as noted in the past, for the purposes
11 of reviewing attempted cures to defects in cover
12 sheets that were found by a bipartisan team when
13 they first reviewed them. Again, I think I might
14 have mentioned this, it's January 28, of '21. And
15 with that, I shall begin.

16 Starting with Mr. Troy Blackwell,
17 running for public office, party position, uh,
18 public office, New York City Council 15th
19 District, in this case, the candidate attempted
20 to cure by filing an amended cover sheet that
21 does not have the word amended on it. That is a
22 violation of Board Rule C-3. The amended cover
23 sheet here was attached to the NCN and the
24 original cover sheet, but it does not have, as

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2 well, the authorization language that is required
3 on it by, again Board Rule C-3. The candidate
4 filed a certificate to change his name, which is
5 not of such importance from Building Back the
6 Bronx to the Blue Wave Party.

7 Now, we looked up the statute and it
8 basically says you can't have more than 15
9 characters. Again, this is really not an issue in
10 light of the other things I mentioned before, but
11 I figured we might as well mention it. So it
12 can't be over 15 characters. And the statute
13 seems pretty clear that they should indicate in
14 writing the shortened form. So I don't think that
15 is the way they should, you know, they changed
16 the party name completely. But even if it wasn't
17 done properly, then the commissioners would
18 decide. So that would never knock them off the
19 ballot anyway.

20 But in terms of the first two defects,
21 it is our recommendation or feeling, as well as
22 the bipartisan team that reviewed it that,
23 unfortunately that is a fatal defect. You don't
24 get two bites at the apple, and this person will

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2 not appear on the ballot.

3 SECRETARY CAMILO: Mr. Savino, I also
4 note the cover sheet doesn't identify the volume
5 number. Is that correct? Is this the one that
6 we're looking at January 26th that was filed?

7 MR. SAVINO: Yes. Hmm. The one I have
8 says BX2100055, which I was told matches with the
9 petition. I mean he may have corrected some of
10 the original defects on his new one, but there
11 are still defects. Uh, oh, yeah, on the original,
12 that was one of the reasons that it was ruled
13 defective, the total number of volumes in
14 petition was missing, and then the identification
15 numbers are members. And that was in all
16 likelihood why the bipartisan team said it was
17 defective and that an amended should be filed.

18 But as noted previously, it does not say
19 anywhere that it's an amended cover sheet and it
20 does not have the required language that I am
21 authorized to file said amended cover sheet.

22 SECRETARY CAMILO: So I would move to
23 approve counsel's recommendation that his cure be
24 deemed defective.

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2 COMMISSIONER MARMORATO: So candidate
3 would be off the ballot?

4 MR. SAVINO: That is correct, depending
5 on the ruling of both of you.

6 SECRETARY CAMILO: So I think we
7 approved and second, counsel.

8 MR. SAVINO: Oh, we did? I apologize. I
9 did not hear the second. My apologies. Okay. With
10 your permission as we've mentioned before, I will
11 initial in the appropriate place on the defect
12 sheet and just put an X where you're supposed to
13 put an X if that is okay with you guys.

14 COMMISSIONER MARMORATO: Yes.

15 MR. SAVINO: Alright. The second issue
16 we're going to discuss is by, relates to
17 Bernadette Ferrara, she's running for, well, she
18 wants to, yeah, she's running for public office,
19 City Council 15th District, Bronx County. Per
20 Rule C-2-I, the first name of the candidate has
21 to mirror the first name on the petition. And the
22 amended cover sheet complies with this rule now.
23 The first name on both the amended cover sheet
24 and the petition is Bernadette instead of

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2 Bernadetta, sorry for mispronouncing. Again, per
3 Board Rule C-3, the original cover sheet or the
4 NCN letter, which is, was attached to the
5 amended, as required.

6 The candidate also filed a certificate
7 to change the independent body name from
8 Community First to 15 Forward. CRU can also
9 confirm that. So, you know, the bipartisan team
10 found this to be a valid cure, and if you need a
11 recommendation or you require one from counsel, I
12 can certainly give that, but, you know, it's up
13 to you guys in terms of your ruling. But it does
14 appear to be a valid cure.

15 COMMISSIONER MARMORATO: I move that
16 Candidate Ferrara validly cured the defects and
17 shall remain on the ballot.

18 SECRETARY CAMILO: And I will second
19 that.

20 MR. SAVINO: Thank you, commissioners.
21 And last, but certainly not least, the name of
22 candidate Kevin Pazmino, running for public
23 office, City Council 11th District, Bronx County,
24 the amended cover sheet was attached to the

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2 original cover sheet when it was filed per Board
3 Rule C-3. The independent name body, the name on
4 the, which was Patriot Party, was on the amended
5 cover sheet so it mirrors the original petition
6 that was filed pursuant to Rule C-2-I. The
7 original cover sheet had the independent body
8 name, for whatever it's worth, is Second Choice.
9 In conclusion, per Board Rules C-2-I, and C-3,
10 which were both complied with here, we recommend
11 that this be deemed a valid cure.

12 COMMISSIONER MARMORATO: So moved.

13 SECRETARY CAMILO: And I would second.

14 MR. SAVINO: Well, thank you,
15 commissioners, that concludes the matters that
16 are to be presented today. I once again thank you
17 for your time and I guess we're looking for a
18 motion to adjourn.

19 SECRETARY CAMILO: Move to adjourn.

20 COMMISSIONER MARMORATO: I second.

21 MR. SAVINO: It's unanimous. Thanks
22 again, and I'm sure we'll see you soon.

23 SECRETARY CAMILO: Thank you so much,
24 everyone.

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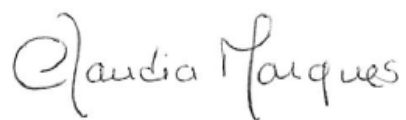
COMMISSIONER MARMORATO: Thank you.

(The meeting concluded at 3:11 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 January 28, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: June 14, 2021

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