

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

February 2, 2021

1:30 p.m. - 2:50 p.m.

February 2, 2021

PRESENT:

President Frederic Umane
Secretary Miguelina Camilo
Commissioner Jose Araujo
Commissioner Gino Marmorato
Commissioner Michael Michel
Commissioner Rodney Pepe-Souvenir
Commissioner Simon Shamoun
Commissioner Patricia Anne Taylor
Commissioner Tiffany Townsend
Commissioner John Wm. Zaccone

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Georgea Kontzamanis, Operations Manager
Kenneth Moltner, Counsel to Commissioners
Steven Denkberg, Counsel to Commissioners
Sherwin Suss, Chief Contracting Officer

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2 (The meeting commenced at 1:37 p.m.)

3 MR. MICHAEL J. RYAN: Yes, today is
4 Tuesday, February 2, 2021 and this is the weekly
5 meeting of the Commissioners of Elections. I'm
6 going to remind everyone to mute their
7 microphones please. I will start, my name is
8 Michael Ryan, I'm the executive director of the
9 Board of Elections and I will start with the
10 commissioner roll call, President Umame?

11 PRESIDENT FREDERIC UMANE: Here.

12 MR. RYAN: Secretary Camilo?

13 SECRETARY MIGUELINA CAMILO: Here.

14 MR. RYAN: Commissioner Araujo?

15 COMMISSIONER JOSE ARAUJO: Present, good
16 afternoon.

17 MR. RYAN: Good afternoon. Commissioner
18 Marmorato?

19 COMMISSIONER GINO MARMORATO: Present,
20 good afternoon.

21 MR. RYAN: Good afternoon. Commissioner
22 Michel? Commissioner Michel, I see his name up
23 there. We'll keep going. Commissioner Souvenir,
24 Pepe-Souvenir?

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2 COMMISSIONER MICHAEL MICHEL: This is
3 Commissioner Michel.

4 MR. RYAN: Okay.

5 COMMISSIONER PEPE-SOUVENIR: I'm trying
6 to unmute myself.

7 MR. RYAN: Commissioner Pepe-Souvenir?

8 COMMISSIONER PEPE-SOUVENIR: I'm here,
9 but [unintelligible] [00:08:22] myself.

10 MR. RYAN: Okay. And I got Commissioner
11 Michel as well. Commissioner Shamoun?

12 COMMISSIONER SIMON SHAMOUN: Present,
13 thank you.

14 MR. RYAN: Thank you. Commissioner --

15 COMMISSIONER PEPE-SOUVENIR: Present, I
16 couldn't unmute myself, I'm so sorry, good
17 afternoon everyone.

18 MR. RYAN: Okay. No problem
19 commissioner, we did hear you.

20 COMMISSIONER PEPE-SOUVENIR: Oh, okay.

21 MR. RYAN: No problem. Commissioner
22 Taylor? Yes, saw the head nod. Can you unmute
23 Commissioner Taylor please? Alright. So
24 Commissioner --

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2 COMMISSIONER PATRICIA ANNE TAYLOR:
3 Present. There you go. We got you now. Thank you.
4 Commissioner Townsend?

5 COMMISSIONER TIFFANY TOWNSEND: Good
6 afternoon, present.

7 MR. RYAN: Good afternoon. Commissioner
8 Zaccone?

9 COMMISSIONER JOHN WM. ZACCONE: Present,
10 good afternoon.

11 MR. RYAN: Good afternoon. Okay. So that
12 concludes the commissioner roll call. As I said,
13 I'm Michael Ryan. I'm the executive director.
14 Seated next to me, to my left, is Dawn Sandow,
15 the deputy executive director, administrative
16 manager Pamela Perkins and operations manager
17 Georgea Kontazmanis are elsewhere in the
18 building. We have both counsels for the
19 commissioners, Kenneth Moltner and Steven
20 Denkberg, via video. I don't believe that I've
21 left anybody out this week. That's good.

22 So, moving right along, agenda item
23 number one, the deadline for the change of
24 enrollment for the June election is February 14,

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2 2021. That's pursuant to new statute, so any
3 change of enrollment received by the Board up to
4 and including February 14th, shall take effect
5 immediately and change of enrollments received
6 after February 14th and up to, but up to June
7 28th will be effective June 29th. So what we're
8 looking for is for the general office to remain
9 open from 10:00 a.m. to 5:00 p.m. to accept any
10 changes of enrollment that would be effective
11 immediately up until February 14th. Can I get a
12 motion on that?

13 SECRETARY CAMILO: So moved.

14 Commissioner Umame is on mute.

15 COMMISSIONER TAYLOR: Second it.

16 PRESIDENT UMANE: Second it, I was
17 trying --

18 MR. RYAN: Okay. Any objections? Hearing
19 none, the motion carries. So moving on to item
20 number two, as the commissioners are aware, we
21 are presently conducting a special elections in
22 Queens, in the 24th Council District and through
23 the end of the voting day of the nine days of
24 early voting on Sunday, there were 2,039 check-

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2 ins for early voting. We, despite the inclement
3 weather, the poll sites were open on time and are
4 operational and early reports back are that there
5 were voters at the poll sites early, between 6:00
6 and 6:30 already exercising their right to vote.
7 So that's underway and obviously, we'll have more
8 robust reporting after the election, but I did
9 want to point out and we will reiterate this
10 again next week. On election night, we will be
11 reporting out the results for this contest by the
12 first choice votes of the candidates. And the
13 round by round selections will be completed
14 during the post election certification process
15 and will be completed after all of the votes have
16 been received and tallied. And that's how we're
17 going to handle it for this go round. And how we
18 handle things moving forward, the way that we're
19 looking at this particular election is conduct,
20 evaluate, improve.

21 And I think that's the mantra for every
22 election, but for this one in particular, we're
23 doing something new. And keep in mind, for
24 special elections and generals as well, we have

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2 to wait 13 days, the military voters have up to
3 13 days after the election to submit -- for us to
4 receive their voted absentee ballots by mail. So
5 there's a possibility that there can be a delay
6 of up to as many as 13 days for a number of votes
7 to come in.

8 In addition to that 13 days, assume in
9 the extreme scenario somebody submits their
10 absentee ballot, they send it out timely, we get
11 it 13 days later. If there is a defect, we have
12 to give that voter then, in their executed oath
13 envelope, we have to give that voter another
14 seven days, under the present state of the law,
15 to cure that.

16 So we have a lot of timeframes built
17 into this process and we will consider this new
18 endeavor as a work in progress and we'll continue
19 to evaluate it as we move along.

20 COMMISSIONER PEPE-SOUVENIR: I have a
21 question.

22 MR. RYAN: Sure.

23 PRESIDENT UMANE: Also, you should
24 mention we're going to use -- we're going to

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2 count the votes if necessary, if there's no
3 winner, two ways. Could you go into that?

4 MR. RYAN: Certainly. We have, we had a
5 single response to the RFP that we put out as the
6 ranked-choice resource center. We're going to be
7 using the software that they provide, which is an
8 open source code software, so it's otherwise no
9 cost, except that there is then some cost
10 associated with the technical expertise. So they
11 will assist us in tabulating the votes through
12 the algorithm software and we will also, to
13 ensure that we are meeting the state mandate, we
14 will be also tabulating those votes by hand more
15 or less to check one system against the other.

16 And we're working now closely with the
17 state Board of Elections. There was a recent
18 determination at their meeting last Thursday I
19 believe, by the State Board of Elections to say
20 that they should assist us in moving forward, and
21 there is a form application that needs to be
22 submitted. We've already submitted to them back
23 in December 113-page document regarding the
24 ranked-choice voting resource center, and as

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2 well, the software is open source code, so
3 otherwise available, so, but that process is
4 underway. We will be finalizing that paperwork
5 over the next day or so. And then the State Board
6 of Elections will do its work. They also have
7 committed to working with us to formulate the
8 proper procedures and protocols in place for
9 conducting this election moving forward.

10 So those are the two ways that we'll be
11 handling that piece of business. And it's worth
12 nothing that the State of Maine, which also uses
13 the same voting system that we do conducts the
14 elections in the exact same manner, by waiting
15 until all of the votes come in and doing the
16 tabulation one time. And there's other
17 jurisdictions that it differently. Their system
18 is, or at least one other jurisdiction that does
19 it differently. And their system is set up a
20 little bit differently. But we will work with the
21 State Board of Elections to conduct this election
22 in a manner that is consistent with both New York
23 State Law, the city charter, and the capability
24 of the technology that's available to us. And so

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2 that concludes that matter, unless there's any
3 other questions, I'm certainly happy to answer
4 them, and I think Commissioner Pepe-Souvenir
5 wanted to ask something as well?

6 COMMISSIONER PEPE-SOUVENIR: This is
7 something that is not really related to that.
8 It's related to the comment that you made earlier
9 about how many people have voted in the Queens
10 special. How many absentee ballots did we
11 receive? If you know.

12 MR. RYAN: Off the top of my head, I
13 think that there was at least 1,000 applications
14 that were received. But we're going to --

15 MS. KONTAZMANIS: Thus far, Mr. Ryan,
16 the number is in the 600s thus far.

17 MR. RYAN: That we've got back, or that
18 we've received?

19 MS. KONTAZMANIS: That we've received
20 back, sir.

21 MR. RYAN: Received back. No, I'm sorry,
22 I was talking, Ms. Kontazmanis, about the
23 aggregate number of applications received.

24 MS. KONTAZMANIS: About 2,000.

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2 MR. RYAN: Right, okay. So I knew it was
3 north of 1,000, so about 2,000 applications
4 received, about 600 received back.

5 COMMISSIONER PEPE-SOUVENIR: Thank you.

6 MR. RYAN: And when you consider an
7 election, we don't know what the turnout is going
8 to be today but in a relatively small election,
9 with 600 pieces of paper outstanding, that could
10 certainly have some sway, right. So, anyone else
11 have anything?

12 PRESIDENT UMANE: I would move that we
13 go into executive session for personnel.

14 MR. RYAN: Well, you can unless you want
15 to dispense with item three on the agenda and
16 then item four, the finance committee? We have
17 two more agenda items.

18 PRESIDENT UMANE: I only had two items.

19 MR. RYAN: There was another one sent
20 out. We have the poll worker exceptions that we
21 have to recognize, that were submitted to the
22 Bronx commissioners.

23 MS. DAWN SANDOW: And approved.

24 MR. RYAN: Submitted and approved, I

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2 believe, that need full board approval on, right.

3 SECRETARY CAMILO: Yes.

4 MR. RYAN: So, that would be the special
5 election for the March 23, 2021, which includes
6 Council Districts 11 and 15. So if one of the
7 Bronx commissioners would be kind enough to make
8 a motion and then the other second.

9 SECRETARY CAMILO: I would move to
10 approve the --

11 COMMISSIONER MARMORATO: Second.

12 MR. RYAN: Any objections? Hearing none,
13 the motion carries. And then we, commissioner, we
14 did have one add-on, President Umane, which was
15 the finance committee report. So I'm going to
16 call up Mr. Suss to sit at the table and make
17 that presentation.

18 MR. SHERWIN SUSS: Good afternoon,
19 commissioners. There were two items that were
20 presented to the finance committee earlier today.
21 The first item was the Elections Systems &
22 Software, ES&S contract, as of today, yesterday
23 actually, the contract we have normally mirrors
24 the New York State OGS contract. The New York

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2 State OGS contract expired yesterday. I spoke, I
3 personally spoke with the representatives who
4 takes care of that contract, who advised me that
5 there is a solicitation pending to have a new
6 contract for these voting machine, voting machine
7 systems. They anticipate that that contract, they
8 hope to have it in place by May. The
9 recommendation I had made to the commissioners at
10 the finance committee meeting was to have our
11 contract, a temporary contract for one year to
12 allow the Board to function with the continuity,
13 no loss of services and support from ES&S, and
14 during that year, if and when the New York State
15 contract does come into play, we can enter into a
16 more formal contract to mirror the term of that
17 contract.

18 The current contract is based upon the
19 old pricing of the recently expired contract from
20 the OGS. And if in fact, it turns out the new
21 contract has increased in prices, there is a
22 recommendation from the finance committee that we
23 continue to use this contract for the rest of the
24 year, so that the Board can see savings before

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2 entering into the new contract. So the total
3 contract for the year would be \$7,344,606 and
4 that would be for support for these special
5 elections, for the June election and for the
6 November election. And actually, this represents
7 a reduction from the yearly cost of the previous
8 ES&S contract. We tried to make it as fine as we
9 could with Mr. Norris [phonetic] at the EVS
10 [phonetic] for only what's needed. That was the
11 ES&S contract.

12 MR. RYAN: And just if I may, for the
13 commissioners that are relatively new to the
14 Board and are not as familiar with the history,
15 the first ES&S contract was a five year contract.
16 That expired now like six years ago in 2015. It
17 was replaced with a four year contract and a two
18 year renewal. And the significance of Mr. Suss
19 mentioning OGS, that is the state, New York State
20 Office of General Services. So New York State
21 negotiates the contract and we then piggyback on
22 that contract and essentially, once that contract
23 is in place, all we're doing is engaging in the
24 formal registration of that contract with the

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2 City of New York under the city procurement rules
3 so that we can generate a payment mechanism. It's
4 not a separately negotiated request for proposals
5 where we're sending out and seeking to choose
6 vendors.

7 These are regulated items that come from
8 the state. We can only operate voting systems as
9 determined by New York State. Right now, as it
10 stands, there are two tabulation vendors in New
11 York State. I believe there might be another one
12 pending at some point. But we have the company
13 that we have, and since we're not in a position
14 financially or otherwise to wholesale replace the
15 voting system we have, this will cover the
16 technical expertise and assistance that's
17 required to keep the machines that we presently
18 own operating and functional. Mr. Suss.

19 PRESIDENT UMANE: So on behalf of the
20 finance committee, we unanimously recommended to
21 the board. And as a committee, you don't need to
22 have a motion and a second because it's a
23 committee report.

24 MR. RYAN: So, if there are no

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2 objections, that will be adopted, that portion of
3 the committee report will be adopted, and then
4 Mr. Suss, if you can move on to item number two
5 of the committee report.

6 MR. SUSS: The second item is to
7 purchase the stylus pens that we've used for the
8 last November and previous June election to help
9 meet the COVID-19 protocol. You may recall the
10 stylus. We actually give each individual voter
11 their own stylus pen so they could sign the
12 electronic poll book and then take the pen with
13 then and use it to fill out their ballot and put
14 it in the scanner and then they take it with
15 them. And this has been actually lauded as one of
16 the better COVID protocols that we had in place
17 to ensure and stop the spread.

18 This contract is for a company called
19 Evergreen. We've used them before. This is going
20 to be the same pen that was used in the past
21 November election. It's a New York City
22 requirements contract that we're using. Again, it
23 was negotiated by the city of New York and we're
24 just piggybacking on this contract as well. The

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2 pen is going to cost us .26 cents a pen, which is
3 actually a two cent reduction from when we
4 purchased them back in November. We're requesting
5 two million pens, which is a number that was
6 provided to the procurement department by the
7 election day operations unit and the voting
8 equipment operations unit based upon the number
9 of registered voters, Democrat and Republican,
10 that are going to be in the June election, and
11 that this is going to be with a mayoral races and
12 all the city council races could be one of the
13 bigger turnouts that we have for primary
14 election. The not to exceed cost of this would be
15 \$520,000.

16 PRESIDENT UMANE: On behalf the finance
17 committee, despite [unintelligible] [00:26:59]
18 objection by one particular member, it was
19 unanimously approved and recommended to the full
20 board.

21 SECRETARY CAMILO: Alright, thank you
22 Mr. Suss.

23 MR. SUSS: Thank you very much,
24 commissioners.

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MR. RYAN: Okay. And now Commissioner Umame, you had made the motion earlier to go into executive session, and if I might make one friendly amendment to that to set the next meeting date for next Tuesday, the 9th.

PRESIDENT UMANE: At 1:30, yes.

MR. RYAN: Yes. Alright. Is there a second?

SECRETARY CAMILO: Second.

MR. RYAN: Any objections? Hearing none, we are adjourned to executive session.

[OFF THE RECORD]

[ON THE RECORD]

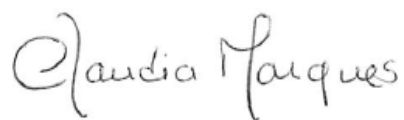
MR. RYAN: There are no matters to report from executive session. Next meeting of the Commissioners of Election in the City of New York will be February 9, 2021 at 1:30 p.m. Thank you.

(The meeting concluded at 2:50 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 February 2, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: June 23, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018