

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor  
Commissioners' Hearing Room

New York, NY 10004

March 2, 2021

1:32 - 2:27 p.m.

March 2, 2021

**PRESENT:**

President Frederic M. Umane

Secretary Miguelina Camilo

Commissioner Jose Araujo

Commissioner Michael Michel

Commissioner Rodney L. 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

Pamela Perkins, Administrative Manager

Georgea Kontzamanis, Operations Manager

Kenneth Moltner, Counsel to the Commissioners

Steven Denkberg, Counsel to the Commissioners

Raphael Savino, Deputy General Counsel

1 March 2, 2021

2 (The meeting commenced at 1:32 p.m.)

3 MR. MICHAEL J. RYAN: Yes, today is  
4 Tuesday, March 2nd and it is the weekly meeting  
5 of the Commissioners of Elections in the city of  
6 New York. My name is Michael Ryan. I'm the  
7 executive director and I will start with the  
8 commissioners' roll call. President Umane?

9 PRESIDENT FREDERIC M. UMANE: Here.

10 MR. RYAN: Secretary Camilo?

11 SECRETARY MIGUELINA CAMILO: Here.

12 MR. RYAN: Commissioner Araujo?

13 COMMISSIONER JOSE MIGUEL ARAUJO:

14 Present and good afternoon.

15 MR. RYAN: Good afternoon. Commissioner  
16 Marmorato?

17 COMMISSIONER GINO A. MARMORATO:

18 Present, good afternoon.

19 MR. RYAN: Good afternoon. Commissioner  
20 Michel?

21 COMMISSIONER MICHAEL MICHEL: Present.

22 MR. RYAN: Commissioner Pepe-Souvenir?

23 COMMISSIONER RODNEY L. PEPE-SOUVENIR:

24 Good afternoon, present.

1 March 2, 2021

2 MR. RYAN: Good afternoon. Commissioner  
3 Shamoun?

4 COMMISSIONER SIMON SHAMOUN: Present,  
5 thank you.

6 MR. RYAN: You're welcome. Commissioner  
7 Taylor?

8 COMMISSIONER PATRICIA ANNE TAYLOR:  
9 Present, good afternoon.

10 MR. RYAN: Good afternoon. Commissioner  
11 Townsend?

12 COMMISSIONER TIFFANY TOWNSEND: Good  
13 afternoon, present.

14 MR. RYAN: Okay, good afternoon,  
15 Commissioner Zaccone?

16 COMMISSIONER JOHN WM. ZACCONE: Good  
17 afternoon, everyone, present.

18 MR. RYAN: Good afternoon. And as I  
19 stated, I am Michael Ryan. I'm the executive  
20 director. Appearing remotely is deputy executive  
21 director Dawn Sandow, and as well administrative  
22 manager Pamela Perkins, operations manager  
23 Georgea Kontzamanis, and we also have counsels to  
24 the commissioners. We have Mr. Moltner. Is Mr.

1 March 2, 2021

2 Denkberg on as well?

3 MR. KENNETH MOLTNER: He is.

4 MR. RYAN: Oh, there he is. I got you.  
5 Mr. Denkberg, nice to see you.

6 MR. STEVEN DENKBERG: Thank you. I have  
7 a big head.

8 MR. RYAN: Well, now it's been captured  
9 for posterity. And also, seated before me is the  
10 deputy general counsel, Raphael Savino. We do  
11 have a second agenda item today that I would at  
12 the very least like to discuss and get  
13 permission, even if the hearing dates are not  
14 finalized, so I had forwarded, and we apologize  
15 for forwarding it late, but we did forward the  
16 petition calendar for the June 22nd primary  
17 election. That will be agenda item number two.  
18 And then agenda item number three would be  
19 executive session for personnel and litigation.

20 Okay, getting to the first agenda item,  
21 the update for the February 23rd election in  
22 Queens. Unofficially at this point,  
23 commissioners, we had 6,863 scanner votes on  
24 election, published on election night. And thus

1 March 2, 2021

2 far, we have 530 absentee ballots received. I  
3 believe that there was some number of affidavit  
4 ballots, but also a de minimus number in  
5 comparison to the vote total.

6 In any event, the vote totals are 38  
7 percent for the current leader, and 35 percent  
8 for the current individual in second place. And  
9 then there is a series of candidates with much  
10 lower, ten percent and below of the overall vote  
11 totals. The current margin of separate is 207  
12 votes just on the machine count, but obviously,  
13 that's going to change. So, the point of all that  
14 is to underscore that unlike the first go round  
15 on February 2nd, this election implicates ranked-  
16 choice voting and the tabulation of rounds.

17 And so we don't know exactly how many  
18 rounds there are going to be, but there's going  
19 to be at least two. And obviously, at the  
20 conclusion of the second round, if one of the  
21 candidates has 50 percent plus one vote, at that  
22 point, they will be declared the victor and will  
23 be the next council person for the 31st Council  
24 District.

1 March 2, 2021

2 In any event, I just would like to  
3 remind the commissioners of a particular date,  
4 March 8th is the last day to receive military  
5 ballots for this particular contest. And  
6 potentially beyond that, is a seven-day period of  
7 time to cure the ballots should there be a defect  
8 in the ballot envelope completion. So, as we  
9 start to calculate when the certification of this  
10 election may occur, is some other dates that need  
11 to be kept in mind. And I believe the Queens  
12 commissioners are aware of this. The random draw  
13 is to occur on the 9th of March and then the  
14 commencement of the hand tabulation as directed  
15 by the commissioners for the, as required under  
16 the ranked-choice provisions of the city charter,  
17 in lieu of a software that has not yet been  
18 certified, that would commence on the 10th.

19 As this is being done for the first time  
20 under RCV, it would not seem to make sense to try  
21 to press through this process quickly. So the  
22 likely date for certification, given all of those  
23 dates that I've laid out would be March 16th. Of  
24 course, that is always potentially subject to

1 March 2, 2021

2 change depending on how the certification process  
3 moves forward. But we just wanted to say that,  
4 give that update and indicate that the -- that  
5 3/16 is the likely date and we will obviously  
6 stay in close touch with the borough managers and  
7 there will be another meeting of the  
8 commissioners before that date and we'll be able  
9 to give a further update on that.

10 COMMISSIONER MICHEL: Mike, this is  
11 Michel.

12 MR. RYAN: Yes.

13 COMMISSIONER MICHEL: Those dates are  
14 good, but in the event we have a military cure,  
15 they will be extended those dates. They have to  
16 go to the 17th or 18th, right?

17 MR. RYAN: Perhaps. So the last day --  
18 if, playing out the absolute end dates, the last  
19 day to accept a military ballot is the 8th, and  
20 then seven days beyond that, potentially to  
21 receive, brings you to the 15th. Right, so  
22 potentially --

23 COMMISSIONER MICHEL: Okay.

24 MR. RYAN: -- it could be extended



1 March 2, 2021

2 beyond that. We think that the 16th looks like a  
3 safe date, and as we, as the process moves  
4 forward, the Queens office I think will get a  
5 better understanding of where they exactly are  
6 situated with each passing day. So, in any event,  
7 that's the update for the February 23rd election.

8 And commissioners, we did, I did forward  
9 to you earlier, and it was prepped by staff, the  
10 petition calendar. Now, the top, more than half  
11 the petition calendars, which indicates, you  
12 know, the dates for the designating petitions are  
13 all dates and times that are set by statute.

14 And so, we prepared a calendar for  
15 information purposes to the public. And then  
16 there are two sets of dates ultimately that the  
17 commissioners would need to decide on. One is the  
18 date for hearings for the designating petitions  
19 and that would be a series of dates and then one  
20 is the date for the hearing for opportunity to  
21 ballot petitions.

22 And as I indicated in my email, though  
23 it was sent late, so some of you may not have had  
24 a chance to review it, there is a bill that has

1 March 2, 2021

2 passed both houses, the assembly and the senate,  
3 that would dispense with opportunity to ballot  
4 for this election. And the theory behind that is  
5 given the COVID-19 pandemic, that limiting public  
6 contact with each other makes sense and thus the  
7 legislature acting. The governor has not signed  
8 it yet and the first day to circulate an OTB  
9 petition would be next Tuesday, March 9th. So,  
10 for the time being, that is included in the dates  
11 that we have circulated. However, that may need  
12 to be removed, and if it needs to be removed  
13 because there is legislative action combined with  
14 governor's signature, we would then amend the  
15 calendar to remove that and to indicate the  
16 reason why, which would reflect the statutory  
17 change for this election.

18 So, in any event, as the remainder of  
19 the dates, but for the hearing dates, are set by  
20 statute, and today is the first day to circulate,  
21 I would like to indicate that we are proposing  
22 hearing dates for the designating petitions to  
23 commence on Tuesday, April 13th at 10:00 a.m. and  
24 continuing on April 14th, Wednesday, April 14th,

1 March 2, 2021

2 and Thursday, April 15th if necessary. And given  
3 the number of contests on this particular ballot  
4 for June, potentially you could figure that we  
5 would have at least two days of hearings, if not  
6 three.

7 So, if those dates, combined with a  
8 Thursday, April 22nd date for the OTB petition  
9 hearings, if those are acceptable, I would ask to  
10 move forward with approval of the calendar. If  
11 not, if the commissioners are not prepared to act  
12 on that today, we can simply publish the calendar  
13 where the dates are, and indicate that the dates  
14 are to be determined and we can update the  
15 calendar accordingly.

16 But in any event, the balance of the  
17 calendar, although it looks quite cumbersome, the  
18 balance of the calendar is set by statute.

19 PRESIDENT UMANE: Mike, I have a  
20 question.

21 MR. RYAN: Yes?

22 PRESIDENT UMANE: Are we going to run  
23 into trouble if we made the hearings on the OTB  
24 the following Tuesday?

1 March 2, 2021

2 MR. RYAN: Actually, it would be  
3 Thursday, not the following Tuesday. It would be  
4 Thursday, the 22nd.

5 PRESIDENT UMANE: No, I understand that  
6 That's what you're proposing.

7 MR. RYAN: Right.

8 PRESIDENT UMANE: And I'm suggesting  
9 something different.

10 MR. RYAN: Oh, I got you, all right. Uh,  
11 I don't --

12 PRESIDENT UMANE: If we, yeah, okay.

13 MR. RYAN: -- I don't, I don't think so.  
14 And in any event, it is likely to be moot.

15 PRESIDENT UMANE: That's another reason  
16 why I wanted to put it on, on a Tuesday, so that  
17 it's not an extra hearing date, like on a  
18 Thursday.

19 MR. RYAN: Right. Mr. Savino, do you see  
20 any, given the dates? Well, let's see, the last  
21 date to file is six days after the objections,  
22 right. So we don't have an exact date.

23 MR. RAPHAEL SAVINO: Correct.

24 MR. RYAN: Right.

1 March 2, 2021

2 MR. SAVINO: It all depends on the  
3 volume.

4 MR. RYAN: Right.

5 PRESIDENT UMANE: Oh.

6 MR. RYAN: The last day to file is the  
7 15th, and then there are some other dates in  
8 there, right. Potentially, if there are  
9 objections, you know, you might be cutting it a  
10 little close. But in any event, these dates can  
11 always be subject to change irrespective. This is  
12 to try to give some guidance to the petition  
13 filers about when they would likely need to be  
14 available. But if for some reason, that needs to  
15 change, that can change, provided we give 24  
16 hours notice. And then the appropriate mailing.

17 COMMISSIONER TAYLOR: [unintelligible]  
18 [00:16:52] doing that.

19 PRESIDENT UMANE: I know, so I would  
20 propose to do it on April 27th for the OTB  
21 hearing date at 1:30, rather than the 22nd.

22 MR. RYAN: That would be the following  
23 Tuesday?

24 PRESIDENT UMANE: The following Tuesday.

1 March 2, 2021

2 MR. RYAN: Yeah, okay. You see a problem  
3 with that, Mr. Savino?

4 MR. SAVINO: I do not.

5 MR. RYAN: No, there doesn't seem to be  
6 a problem with that.

7 PRESIDENT UMANE: Then I would move that  
8 we accept the other dates and this dates as our  
9 preliminary assignment of the hearing dates.

10 SECRETARY CAMILO: I would second that.

11 MR. RYAN: Are there any objections?  
12 Hearing none, the motion carries. And then that  
13 brings us to item number three, which is always  
14 kind of twofold, one is to adjourn to executive  
15 session, and two is to set the next meeting date.  
16 The next meeting date would be the 9th of March.

17 PRESIDENT UMANE: Well, I move we  
18 adjourn to executive session with the next  
19 meeting being the 9th of March at 1:30.

20 SECRETARY CAMILO: Second.

21 MR. RYAN: Are there any objections?  
22 Hearing none, the motion carries.

23 COMMISSIONER ZACCONE: That's for  
24 litigation and personnel.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

March 2, 2021

MR. RYAN: Yes, for personnel and litigation.

PRESIDENT UMANE: And litigation.

MR. RYAN: Yeah, and the next meeting will be March 9th. Okay.

[EXECUTIVE SESSION]

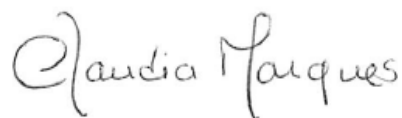
MR. RYAN: Any personnel matters will be reported out in the minutes as required. That concludes today's meeting, and the next meeting is March 9, 2021, at 1:30 p.m. Thank you.

(The meeting concluded at 2:27 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 March 2, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

---

Date: October 12, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018