

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' COVER SHEET REVIEW

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

April 5, 2021

3:00 p.m. - 4:03 p.m.

April 5, 2021

PRESENT:

Raphael Savino, Deputy General Counsel

Zoya Shpigelman

Unidentified Male

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2 (The meeting commenced at 3:18 p.m.)

3 MR. RAPHAEL SAVINO: Good afternoon,
4 commissioners. It is April 5, 2021, and we are
5 here for a commissioners' cover sheet review
6 committee. Joining us remotely are Commissioner
7 Pepe-Souvenir and Commissioner Shamoun. I thank
8 you for your time. And I guess without any
9 further ado, we will begin.

10 MS. ZOYA SHPIGELMAN: Good afternoon,
11 commissioners.

12 MR. SAVINO: Starting with?

13 MS. SHPIGELMAN: Brooklyn.

14 MR. SAVINO: Brooklyn.

15 MS. SHPIGELMAN: We are starting with
16 Brooklyn. The first item is for candidate Renee
17 Holmes, for the 36th Council District. Ms. Holmes
18 send in an amended cover sheet. Her original
19 cover sheet stated two petition volumes, 1243 and
20 1244 which were incorrect. She has sent in the
21 amended cover sheet stating the correct petition
22 numbers, which are KG2101336 and 1335. Staff
23 reviewed and she is on those two petition
24 volumes.

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2 MR. SAVINO: Recommendation?

3 MS. SHPIGELMAN: Recommendation is to be
4 a valid cure.

5 COMMISSIONER SIMON SHAMOUN: I agree.

6 COMMISSIONER RODNEY L. PEPE-SOUVENIR:
7 Upon your recommendation, I agree as well. We can
8 accept the amended petitions, the amended cover
9 sheet, I'm sorry.

10 MR. SAVINO: And with your permission,
11 rather than sending documents back and forth, I
12 will, if you agree, initial your initials and --

13 COMMISSIONER PEPE-SOUVENIR: Yes.

14 MR. SAVINO: Okay.

15 COMMISSIONER PEPE-SOUVENIR: Yes, you
16 may, yes you may on all the agreed upon
17 documents, you may.

18 COMMISSIONER SHAMOUN: Yes, same.

19 MR. SAVINO: Thank you, commissioners.

20 MS. SHPIGELMAN: The next item is for
21 candidate, it's actually for the three
22 candidates, Renee T. Collymore, who is for the
23 35th Council District, Lisa Lewis, who is for
24 judge of civil court, second city court

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2 municipal, for seventh vacancy and, where is my
3 other one, and Sharon D. Hudson for the judge of
4 civil court in the fifth vacancy. The item was
5 presented to us for pagination. The candidates
6 sent in their petition and they numbered the
7 pages accordingly, and if I'm correct, Rafael, I
8 believe it was an error on the part of the people
9 who did the petition?

10 MR. SAVINO: Right. But in any event,
11 it's been corrected.

12 MS. SHPIGELMAN: Yes.

13 COMMISSIONER PEPE-SOUVENIR: And what
14 was the page number, what was the pagination
15 particularly?

16 MS. SHPIGELMAN: Commissioner, the
17 petition that was sent in had no page numbers.

18 MR. SAVINO: At all.

19 MS. SHPIGELMAN: At all. So now they --

20 COMMISSIONER PEPE-SOUVENIR: Oh, so they
21 had to paginate the whole thing? Okay.

22 MS. SHPIGELMAN: Exactly. Yes, they had
23 to paginate the petition.

24 COMMISSIONER PEPE-SOUVENIR: Got you.

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2 Okay. And that has now been cured by them?

3 MS. SHPIGELMAN: Yes.

4 COMMISSIONER PEPE-SOUVENIR: Alright.

5 And the recommendation is that we should accept
6 it?

7 MS. SHPIGELMAN: Yes.

8 COMMISSIONER PEPE-SOUVENIR: That they
9 cured the amended petition with the cure?

10 MS. SHPIGELMAN: Yes, commissioner.

11 COMMISSIONER PEPE-SOUVENIR: Alright.

12 I'll agree that we should accept it.

13 COMMISSIONER SHAMOUN: I agree.

14 MS. SHPIGELMAN: Thank you,
15 commissioners.

16 COMMISSIONER PEPE-SOUVENIR: You're
17 welcome.

18 MS. SHPIGELMAN: The next item is for
19 candidate Robert Waterman for the 36th Council
20 District. Mr. Waterman had sent in his original,
21 let's see where am I, I apologize. I believe it
22 is, yes, I believe it's his address, yes, I
23 believe it's his address, just double checking, I
24 believe it's the address. Yes. I apologize,

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2 commissioners.

3 COMMISSIONER PEPE-SOUVENIR: Take your
4 time, it's fine.

5 MR. SAVINO: This is on the petition?

6 MS. SHPIGELMAN: Yes, the address on the
7 petition did not match the address on the cover
8 sheet. He has since amended the cover sheet with
9 the correct address. His address was incorrectly
10 made, there was no apartment number and he added
11 the apartment number.

12 MR. SAVINO: And our recommendation?

13 COMMISSIONER PEPE-SOUVENIR:
14 Recommendation?

15 MS. SHPIGELMAN: Is to accept --

16 MR. SAVINO: As a valid cure.

17 MS. SHPIGELMAN: -- as a valid cure.

18 MR. SAVINO: Oh, I stamped too soon.

19 COMMISSIONER PEPE-SOUVENIR: Alright.
20 Then I will agree that we will accept it based on
21 your representation.

22 MS. SHPIGELMAN: Thank you,
23 commissioners.

24 COMMISSIONER SHAMOUN: I agree.

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2 MS. SHPIGELMAN: The next item is for
3 Jessica Simmons, for the 39th Council. Ms.
4 Simmons did adjust her cover sheet to reflect the
5 correct petition number, but Ms. Simmons did not
6 send in a correct amended cover sheet. The cover
7 sheet does not have the language, nor does it
8 state amended cover sheet.

9 MR. SAVINO: Right, it should state on
10 the top amended cover sheet.

11 COMMISSIONER PEPE-SOUVENIR: Right.

12 MR. SAVINO: And it does not have the,
13 you know, as was said, the certification language
14 that says I'm hereby authorized.

15 COMMISSIONER PEPE-SOUVENIR: Is it
16 curable at this point?

17 MR. SAVINO: Yeah, usually we would,
18 well not me, but the commissioners would
19 overlooked if it was signed, at least for that
20 one defect if it was signed by the candidate.

21 COMMISSIONER PEPE-SOUVENIR: Right.

22 MR. SAVINO: But it does not appear to
23 be so, it's signed by the contact person. So both
24 of those would be defects.

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2 COMMISSIONER PEPE-SOUVENIR: Can we send
3 [unintelligible] [00:23:35] and allow them to
4 cure?

5 MR. SAVINO: They only get one bite at
6 the apple in terms of --

7 COMMISSIONER PEPE-SOUVENIR: Okay. I
8 wasn't sure, I wasn't sure.

9 MR. SAVINO: Yeah, unfortunately, they
10 get one shot at the amended.

11 COMMISSIONER PEPE-SOUVENIR: Okay. And
12 so at this time, your recommendation is that it's
13 not curable?

14 MR. SAVINO: As per board rules.

15 COMMISSIONER PEPE-SOUVENIR: Am I using
16 the right term of art by saying it's not curable,
17 or just they have not been --

18 MR. SAVINO: It's not a valid cure, but
19 same thing.

20 COMMISSIONER PEPE-SOUVENIR: It's not a
21 valid cure?

22 MR. SAVINO: Yeah.

23 COMMISSIONER PEPE-SOUVENIR: Okay.
24 Alright. I'm going to accept the recommendation,

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2 your recommendation, and just it's not a valid
3 cure.

4 COMMISSIONER SHAMOUN: I agree.

5 MS. SHPIGELMAN: Thank you,
6 commissioners. The next is for two candidates. It
7 is for Victor Swinton for the 38th Council
8 District and also for the candidate for borough
9 president Khari O. Edwards. In this matter, they
10 had no petition numbers on the original cover
11 sheet, they only had the number of volumes. So
12 they amended the cover sheet, but the only, they
13 added the two petition volumes that they're on,
14 which is KG2101337 and 1312. The issue here now
15 unfortunately is Victor Swinton for 38th Council
16 appears on both those petition volumes, but Khari
17 O. Edwards only appears on one petition volume.

18 MR. SAVINO: So it's a valid, excuse me,
19 the recommendation is it's a valid cure as to one
20 --

21 MS. SHPIGELMAN: Right.

22 MR. SAVINO: -- and not the other.

23 COMMISSIONER PEPE-SOUVENIR: And not the
24 other.

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2 MR. SAVINO: We'll have some fun
3 explaining that to CRU.

4 MS. SHPIGELMAN: Right. For Mr. Swinton,
5 it would be a valid.

6 COMMISSIONER PEPE-SOUVENIR: So the
7 recommendation is to accept the valid cure for
8 Mr. Swinton?

9 MS. SHPIGELMAN: Yes, commissioner.

10 COMMISSIONER PEPE-SOUVENIR: But for the
11 other candidate, who got the, who go the NCN to
12 amend his petition, it's still not amended
13 appropriately, that it's not a valid cure?

14 MS. SHPIGELMAN: Correct.

15 COMMISSIONER PEPE-SOUVENIR: Okay. I'll
16 accept the recommendation for Mr. Swinton as
17 being a valid cure and being in compliance, and
18 unfortunately with Mr. Edwards, I'll accept your
19 recommendation, based on your description that he
20 did not properly cure, that we will not accept,
21 that it is not cured, that it is not
22 appropriately cured.

23 COMMISSIONER SHAMOUN: I agree with
24 Commissioner Pepe-Souvenir on both.

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2 MS. SHPIGELMAN: Thank you,
3 commissioners. Okay. The next one is for
4 candidate Jo Anne Simon for office of borough
5 president, Ms. Simon sent in her original cover
6 sheet stating her, one of her volumes was
7 KG2199148. She's since amended the cover sheet
8 stating that the petition was KG2100148. Staff
9 reviewed it and saw that the petition was
10 correctly numbered.

11 COMMISSIONER PEPE-SOUVENIR: And so the
12 recommendation is that it's been cured?

13 MS. SHPIGELMAN: Yes, ma'am.

14 COMMISSIONER PEPE-SOUVENIR: So upon
15 your recommendation, I will accept that it's
16 cured.

17 COMMISSIONER SHAMOUN: I agree.

18 MS. SHPIGELMAN: Okay. Okay. We have one
19 last one for Kings, commissioners.

20 COMMISSIONER PEPE-SOUVENIR: Okay.

21 MS. SHPIGELMAN: Okay.

22 MR. SAVINO: A bit of an unusual
23 situation.

24 MS. SHPIGELMAN: Yes.

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2 COMMISSIONER PEPE-SOUVENIR: So go very
3 slow.

4 MS. SHPIGELMAN: And with the masks, we
5 don't hear.

6 COMMISSIONER PEPE-SOUVENIR: I know.

7 MR. SAVINO: The one defect I guess we
8 can start out with, just to make it simple, I'm
9 going to go with the not securely bound.

10 MS. SHPIGELMAN: Okay. It's not securely
11 bound and it's pagination.

12 MR. SAVINO: Well, the original was not
13 securely bound.

14 MS. SHPIGELMAN: Alright. Okay.

15 MR. SAVINO: In any event, the original
16 petitions were not securely bound, they were
17 resubmitted and what I would view to be securely
18 bound.

19 MS. SHPIGELMAN: Right.

20 MR. SAVINO: So they did correct that
21 defect.

22 MS. SHPIGELMAN: Yes.

23 COMMISSIONER PEPE-SOUVENIR: Okay.

24 MR. SAVINO: However, I believe there is

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2 a pagination defect on two of the three.

3 COMMISSIONER PEPE-SOUVENIR: Were they
4 informed of that defect?

5 MR. SAVINO: Yes, there was a letter
6 sent.

7 COMMISSIONER PEPE-SOUVENIR: Okay. That
8 indicated that the pagination was off, okay.

9 MR. SAVINO: Oh, here's the pagination,
10 yeah. Yeah, so then there was the letter about
11 the pagination. We can put aside at this point
12 that the office that is being run for is
13 described as Republican, but that's another issue
14 that we don't really have to deal with today.
15 It's a prima facie issue. Alright. They did
16 correct, right, two --

17 MS. SHPIGELMAN: Yes, two out of the
18 three petitions were corrected. Staff went
19 through and there was still an issue with the
20 pagination.

21 MR. SAVINO: On the third.

22 MS. SHPIGELMAN: Two of the three.

23 MR. SAVINO: Oh, two of the three, I
24 apologize. Petition KG2101339 and KG2101338 they

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2 still had pagination issues.

3 COMMISSIONER PEPE-SOUVENIR: And when
4 they received the letter, the NCN in reference to
5 pagination, they were informed of all three of
6 the pagination issues, correct?

7 MR. SAVINO: That is correct.

8 MS. SHPIGELMAN: Yes.

9 MR. SAVINO: 338, 39, 340. And on there
10 they also talked about securely fastened.

11 COMMISSIONER PEPE-SOUVENIR: Right. So
12 they fixed the, they securely fastened the
13 petitions and they corrected paginations on two
14 of the numbers, but not the third one?

15 MS. SHPIGELMAN: Yes, but --

16 MR. SAVINO: No, one volume will
17 survive.

18 COMMISSIONER PEPE-SOUVENIR: One volume
19 will survive. Well, that's --

20 MR. SAVINO: Then there's another prima
21 facie issue.

22 COMMISSIONER PEPE-SOUVENIR: What's the
23 prima facie issue?

24 MR. SAVINO: The gentleman is running

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2 for Republican.

3 MS. SHPIGELMAN: Republican.

4 COMMISSIONER PEPE-SOUVENIR: Hmm.

5 MS. SHPIGELMAN: They did not state an
6 office that they're running for.

7 COMMISSIONER PEPE-SOUVENIR: Oh, okay.
8 I'm running for Democrat. Hello. Well, based on
9 your representation, I will agree that they did
10 correct the binding, secured the binding and that
11 they corrected two of the petitions. Am I stating
12 that correctly? And then there's one petition
13 that will not survive.

14 MS. SHPIGELMAN: It's one petition that
15 will survive, two will not.

16 COMMISSIONER PEPE-SOUVENIR: Oh, I
17 thought they corrected the pages on two of the
18 numbers, no?

19 MS. SHPIGELMAN: No, commissioner.

20 COMMISSIONER PEPE-SOUVENIR: Just on the
21 one?

22 MS. SHPIGELMAN: Just on the one, which
23 is --

24 COMMISSIONER PEPE-SOUVENIR: Oh, okay.o.

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2 I misunderstood then.

3 MS. SHPIGELMAN: Right.

4 COMMISSIONER PEPE-SOUVENIR: Yeah, so
5 then just the one that will survive and the other
6 two won't. And the one that survived is properly
7 bound, correct?

8 MR. SAVINO: Certainly.

9 MS. SHPIGELMAN: Yes.

10 COMMISSIONER PEPE-SOUVENIR: Okay. Okay.
11 Good. I see it, yes. Alright. So I agree with
12 your representation that there's only one that's
13 going to survive, based on the amending, or at
14 least, yeah, making the corrections on the one
15 but unfortunately not correcting the other two.

16 COMMISSIONER SHAMOUN: I agree.

17 COMMISSIONER PEPE-SOUVENIR: This is for
18 purposes for me, when someone does not win, when
19 someone is not appropriately cured the error that
20 has been indicated to them, do they get a letter
21 stating that you didn't properly cure, as a
22 result this is not being accepted. Is that what
23 happens?

24 MR. SAVINO: Yes, they do.

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2 COMMISSIONER PEPE-SOUVENIR: Okay.

3 MR. SAVINO: If they missed the three
4 days on some of the NCNs, it's kind of a self-
5 executing order, but if they attempt to correct
6 it and unfortunately it fails, they do get a
7 letter advising them of that.

8 COMMISSIONER PEPE-SOUVENIR: Okay. Thank
9 you.

10 COMMISSIONER SHAMOUN: Who was the
11 candidate?

12 MS. SHPIGELMAN: The candidate is
13 Skiboky Stora.

14 [OFF MIC CONVERSATION]

15 COMMISSIONER PEPE-SOUVENIR: So that was
16 the last for Kings, correct?

17 MS. SHPIGELMAN: Okay, commissioners,
18 I'm sorry, with the part of the Skiboky Stora,
19 there was one issue that we had sent them an NCN
20 letter because they didn't have the name of --
21 the name of the party was omitted on the cover
22 sheet, as well as the volumes. But they did amend
23 that part.

24 COMMISSIONER PEPE-SOUVENIR: Okay. But

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2 is that the petition that has the pagination
3 issue still?

4 MR. SAVINO: This is actually a cover
5 sheet that lists all three volume numbers, as is
6 required, you know, in addition to the name, the
7 address.

8 COMMISSIONER PEPE-SOUVENIR: Right.

9 MR. SAVINO: And the office you're
10 running for, and for amended cover sheets, as I'm
11 sure you're very familiar with, it must say
12 amended, it must --

13 COMMISSIONER PEPE-SOUVENIR: Right.

14 MR. SAVINO: -- be [unintelligible]
15 [00:34:06] prior and it must have certification
16 language, which the gentleman got correct, but
17 we'll just put aside the Republican issue for
18 now. Unfortunately that would be a prima facie
19 defect [unintelligible] [00:34:22] next week. But
20 the, you know, theoretically --

21 COMMISSIONER PEPE-SOUVENIR: Does it
22 survive though? Does it survive that one?

23 MR. SAVINO: Well, you know, when the
24 voters sign a petition, they really need to know

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2 what you're running for.

3 COMMISSIONER PEPE-SOUVENIR: Okay.

4 MR. SAVINO: So you can't really correct
5 it now, because the voters --

6 COMMISSIONER PEPE-SOUVENIR: Signed
7 based on not knowing what you were running for,
8 yeah, I got you.

9 MR. SAVINO: Right. Yeah. Again --

10 COMMISSIONER PEPE-SOUVENIR: So, is that
11 one of the ones that we thought was defective
12 anyway, or is that one we thought was right?

13 MR. SAVINO: Ironically, it's a valid
14 cure in terms of the amended cover sheet, but the
15 other issue would be addressed at a different
16 time.

17 COMMISSIONER PEPE-SOUVENIR: Okay. Okay.
18 So I'm going to accept your recommendation.

19 COMMISSIONER SHAMOUN: I agree.

20 COMMISSIONER PEPE-SOUVENIR: Yeah. So is
21 that the end for Kings County?

22 MS. SHPIGELMAN: Yes it is,
23 commissioners.

24 COMMISSIONER PEPE-SOUVENIR: Alright.

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2 Thank you so much.

3 MS. SHPIGELMAN: Thank you as well. Have
4 a wonderful day.

5 COMMISSIONER PEPE-SOUVENIR: You too.

6 MR. SAVINO: Alright.

7 COMMISSIONER PEPE-SOUVENIR: I think we
8 have New York City correct, yes?

9 [OFF MIC CONVERSATION]

10 MS. SHPIGELMAN: Thank you,
11 commissioners.

12 COMMISSIONER PEPE-SOUVENIR: You're
13 welcome.

14 UNIDENTIFIED MALE: Good afternoon,
15 commissioners.

16 COMMISSIONER SHAMOUN: Good afternoon.

17 COMMISSIONER PEPE-SOUVENIR: Good
18 afternoon.

19 UNIDENTIFIED MALE: I'm here for
20 Manhattan. And well we have eight different
21 issues. I tried numbering them all.

22 COMMISSIONER PEPE-SOUVENIR: Eight
23 different petitions or eight different issues on
24 one petition?

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2 MR. SAVINO: Eight different issues to
3 be presented.

4 UNIDENTIFIED MALE: To be presented.

5 COMMISSIONER PEPE-SOUVENIR: Okay. Okay.

6 UNIDENTIFIED MALE: There may be
7 multiple issues, yeah. I numbered them in the
8 email and if I may, can I start with number one?

9 COMMISSIONER PEPE-SOUVENIR: Sure.

10 UNIDENTIFIED MALE: Okay. Thank you.

11 MR. SAVINO: The way they got scanned
12 was not in that order, so --

13 COMMISSIONER PEPE-SOUVENIR: Right.

14 UNIDENTIFIED MALE: For some reason --

15 MR. SAVINO: If you want us to do it a
16 different way, we certainly --

17 UNIDENTIFIED MALE: Right.

18 COMMISSIONER PEPE-SOUVENIR: No, I think
19 I can follow along.

20 MR. SAVINO: Thank you, commissioners.

21 UNIDENTIFIED MALE: So item number one
22 would be petition volume --

23 COMMISSIONER PEPE-SOUVENIR:

24 Christopher?

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2 UNIDENTIFIED MALE: -- Christopher A.
3 Sosa, yes. Volume is New York 3747. Now the
4 original issue was a pagination problem, which
5 was corrected. They have the copy here and it was
6 reviewed and found to be correct. However, Mr.
7 Sosa's attorney sends a letter saying that
8 various pages --

9 MR. SAVINO: I think two.

10 UNIDENTIFIED MALE: -- yeah, however
11 pages 71 and 84 are identical, one being an
12 original and the other being a copy and the same
13 for page 72 and 85, and then he says, etc. So the
14 etc., we --

15 MR. SAVINO: I think he mentions there's
16 no fraud involved.

17 UNIDENTIFIED MALE: Yes, he's saying
18 there was no intent to commit fraud.

19 MR. SAVINO: And the interesting thing
20 about this is, you know, in terms of cover sheet
21 review and pagination, that is really as far as
22 this process goes. We don't really dig deeper
23 into the petition, that would be something for an
24 objector to do.

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2 COMMISSIONER PEPE-SOUVENIR: Right.

3 Right.

4 MR. SAVINO: But the attorney would send
5 such a letter, but in terms of the defect that we
6 notified them of, it was essentially cured.

7 UNIDENTIFIED MALE: Cured.

8 COMMISSIONER PEPE-SOUVENIR: It was
9 cured. And what, the defect was a pagination
10 issue?

11 UNIDENTIFIED MALE: Yes.

12 MR. SAVINO: That is correct.

13 COMMISSIONER PEPE-SOUVENIR: And what
14 was the page numbers and do the previous page and
15 the following page follow?

16 UNIDENTIFIED MALE: So the issue was
17 from pages one through 83, everything was fine.
18 But then after page 83, it started back at it
19 said 71 and then started from 71 up through and
20 including page 119. So what they did now is they
21 took it and numbered it correctly up to and
22 through page 132. But now we don't know if there
23 are any --

24 COMMISSIONER PEPE-SOUVENIR: And so now

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2 the concern is especially as their attorney has
3 brought it up that there may be duplicate pages
4 in there?

5 UNIDENTIFIED MALE: Right. I mean he's -
6 -

7 COMMISSIONER PEPE-SOUVENIR: The 71 and
8 the 84 and the 72 and 85.

9 MR. SAVINO: Yeah, I don't know if you
10 want to call it a printer's error letter, but
11 it's certainly a binding defect. But he has to
12 keep it in the same order it was submitted.

13 COMMISSIONER PEPE-SOUVENIR: Sure,
14 absolutely.

15 MR. SAVINO: I suppose that was why he
16 was alerting us to that fact, but again, that's
17 really not our role, and the role of the
18 [unintelligible] [00:40:18] --

19 COMMISSIONER PEPE-SOUVENIR: No, it's
20 not. No, it's not.

21 MR. SAVINO: You can certainly, it's
22 certainly in your discretion to rule otherwise,
23 but I'm just trying to spell out what our role is
24 here at this cover sheet review.

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2 COMMISSIONER PEPE-SOUVENIR: So in his
3 letter, and maybe you can just help me with this,
4 because I'm still relatively new and even doing
5 this, for me, it's a teachable moment. He talks
6 about Steve Richman and he talks about Steve's
7 rules, what's the significance of that?

8 MR. SAVINO: Well, if I had to
9 speculate, the former general counsel was
10 specific about when you renumber the pages, you
11 have to do it in the exact same order. And that
12 makes sense so that you -- folks don't take out,
13 quote unquote pages they don't like or don't add
14 pages and this is not an opportunity to add
15 signatures, it's just an opportunity to renumber.

16 COMMISSIONER PEPE-SOUVENIR: Exactly.

17 MR. SAVINO: So I have to assume the
18 attorney's concern was if he corrected that --

19 COMMISSIONER PEPE-SOUVENIR: He took out
20 those duplicate pages --

21 MR. SAVINO: -- he'd be created another
22 --

23 COMMISSIONER PEPE-SOUVENIR: Right. He,
24 in essence, just created a whole new petition

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2 other than the one that was previously reviewed
3 by the, our office, correct?

4 MR. SAVINO: Right. Yeah, like that's
5 not what he did, but he alerted us to the --

6 COMMISSIONER PEPE-SOUVENIR: Is there
7 still a duplicate page 71 and duplicate page 72
8 and that page 84 and 85 are duplicates? Or
9 however the numbering is now?

10 UNIDENTIFIED MALE: So I just checked
11 the two that he listed and yes, pages 71 and 84
12 appear to be the same page twice.

13 COMMISSIONER PEPE-SOUVENIR: Okay.

14 UNIDENTIFIED MALE: In the --

15 COMMISSIONER PEPE-SOUVENIR: And 72 and
16 84.

17 UNIDENTIFIED MALE: -- copy, and then
18 yeah, 72 and 85.

19 COMMISSIONER PEPE-SOUVENIR: And 85 I
20 mean, I'm sorry.

21 UNIDENTIFIED MALE: Yes.

22 MR. SAVINO: We generally --

23 COMMISSIONER PEPE-SOUVENIR: So he
24 didn't change it? He didn't change it.

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2 UNIDENTIFIED MALE: Right.

3 COMMISSIONER PEPE-SOUVENIR: He just
4 numbered it properly?

5 UNIDENTIFIED MALE: Correct.

6 COMMISSIONER PEPE-SOUVENIR: Okay. I
7 feel much more comfortable with the fact that he
8 didn't change anything. Even though that's not an
9 error that we would be responsible for, that's,
10 as you said, an objector could talk to that.

11 MR. SAVINO: Generally --

12 COMMISSIONER PEPE-SOUVENIR: But the
13 fact that he just, I'm sorry.

14 MR. SAVINO: No, I was going to say
15 generally speaking, we kind of do a spot check or
16 random review.

17 COMMISSIONER PEPE-SOUVENIR: sure.

18 MR. SAVINO: But we don't go every
19 single page to see if the signatures match for
20 obvious reasons.

21 COMMISSIONER PEPE-SOUVENIR: Right,
22 exactly, exactly. Yeah, and I wouldn't take on
23 that role either. It's just ensure that the
24 candidate is observing all the rules accorded to

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2 filing a petition appropriately and that's all
3 we're doing. So at this point, would your
4 recommendation be that we accept the amendment as
5 it is and we're good with that?

6 MR. SAVINO: Yeah, in terms of the page
7 numbering defect, that was corrected.

8 COMMISSIONER PEPE-SOUVENIR: Right,
9 that's what you asked him to correct and he has
10 corrected it.

11 MR. SAVINO: That is correct.

12 COMMISSIONER PEPE-SOUVENIR: I will
13 accept your recommendation, particularly because
14 of the fact that he did not change the original
15 order of the petition as he's indicated in his
16 letter than the two pages are duplicates, the 71
17 and 72 are duplicates of 84 and 85 and that he
18 left that intact. And that all we asked him to do
19 as far as curing was to do the pagination and
20 according to what you're telling me, the
21 pagination is correct, has been correct?

22 MR. SAVINO: That is correct.

23 COMMISSIONER PEPE-SOUVENIR: Okay. So
24 I'm accepting your recommendation and allowing

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2 that cure to stand.

3 COMMISSIONER SHAMOUN: I agree.

4 UNIDENTIFIED MALE: Thank you.

5 COMMISSIONER PEPE-SOUVENIR: That wasn't
6 so hard, okay.

7 UNIDENTIFIED MALE: Okay. So, the number
8 two, would be actually numbers two and eight deal
9 with the same --

10 COMMISSIONER PEPE-SOUVENIR: Pagination
11 issues?

12 UNIDENTIFIED MALE: No, it's the same
13 candidates and one of them is the same volume
14 number. So issue number two is Hilda Solomon. She
15 submitted an amended cover sheet because one of
16 the petition volumes that was indicated, or
17 excuse me, the number of petition volumes was not
18 indicated on the original cover sheet.

19 COMMISSIONER PEPE-SOUVENIR: Okay.

20 UNIDENTIFIED MALE: She lists four
21 numbers but never said that the total number of
22 volumes was four.

23 COMMISSIONER PEPE-SOUVENIR: Four, got
24 you.

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2 UNIDENTIFIED MALE: So, therefore, she
3 submitted an amended cover sheet. The amended
4 cover sheet was reviewed by a bipartisan team. It
5 has the correct language

6 COMMISSIONER PEPE-SOUVENIR: Right.

7 UNIDENTIFIED MALE: And it seems to be,
8 and does correct the defect of the original cover
9 sheet.

10 COMMISSIONER PEPE-SOUVENIR: I see that
11 she has the number four, right, exactly. And your
12 recommendation is that we should accept the cure?

13 UNIDENTIFIED MALE: Yes, commissioner.

14 COMMISSIONER PEPE-SOUVENIR: Alright. So
15 based on your recommendation and representation,
16 I agree and we can move on with that.

17 COMMISSIONER SHAMOUN: I also agree.

18 COMMISSIONER PEPE-SOUVENIR: Mm-hmm. You
19 said they were attached to the same candidate?

20 UNIDENTIFIED MALE: Yes, issue number
21 eight was also to Hilda Solomon and Edward Gibbs.
22 They are running for female district leader from
23 the 68th --

24 COMMISSIONER PEPE-SOUVENIR: Oh, and

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2 male.

3 UNIDENTIFIED MALE: -- and male district
4 leader.

5 COMMISSIONER PEPE-SOUVENIR: Okay.

6 UNIDENTIFIED MALE: The issue here again
7 is they had listed a petition volume and
8 incorrectly wrote the identification number.

9 COMMISSIONER PEPE-SOUVENIR: Okay.

10 UNIDENTIFIED MALE: They corrected the
11 identification number on the amended cover sheet,
12 however it does not have the correct language,
13 the certification language for an amended cover
14 sheet.

15 MR. SAVINO: But it is signed by one of
16 the candidates.

17 COMMISSIONER PEPE-SOUVENIR: Right.
18 Yeah, Edward, yeah, Edward signed it, yeah.

19 MR. SAVINO: There have been some
20 rulings in the recent past that if it is signed
21 by the candidate, it does not have I'm hereby
22 authorized to file this amended cover sheet, but
23 that doesn't help Hilda, Ms. Solomon I should
24 say.

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2 COMMISSIONER PEPE-SOUVENIR: Because it
3 should have been by her as well.

4 COMMISSIONER SHAMOUN: [unintelligible]
5 [00:47:22] rulings, is that our rulings or the
6 court's rulings?

7 MR. SAVINO: The commissioners' rulings.
8 There have been some commissioners that have
9 ruled that way.

10 COMMISSIONER SHAMOUN: Does that mean
11 she's not --

12 MR. SAVINO: Also, there's some court
13 rulings as well.

14 COMMISSIONER SHAMOUN: Does that mean
15 she has not amended yet and she can still amend?

16 MR. SAVINO: The deadline.

17 UNIDENTIFIED MALE: The deadline would
18 have passed.

19 MR. SAVINO: Yeah.

20 UNIDENTIFIED MALE: They already, they
21 already submitted the amended.

22 COMMISSIONER SHAMOUN: So you're saying
23 it's either both of their signatures --

24 COMMISSIONER PEPE-SOUVENIR: Right,

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2 yeah.

3 COMMISSIONER SHAMOUN: Or a statement?

4 MR. SAVINO: Right, it is based on that
5 statement, which has been viewed differently by
6 the courts at different times.

7 UNIDENTIFIED MALE: And the fact that
8 they had the statement on this other amended
9 cover sheet --

10 COMMISSIONER PEPE-SOUVENIR: Right.
11 Right

12 UNIDENTIFIED MALE: -- is also.

13 MR. SAVINO: Well that should save Hilda
14 then.

15 COMMISSIONER PEPE-SOUVENIR: So then, I
16 just want to get this really clear. On cover
17 sheet for number two, she's amended it
18 appropriately, it has the appropriate language on
19 it. For cover sheet for number eight, it's only
20 been cured as to Mr. Gibbs, but not Hillary,
21 however, we do have the certification for Hillary
22 on the other one. So are we trying to say because
23 we have two that is correct, and now we have
24 eight that's listing an additional candidate,

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2 that we can take both of them as recommended as
3 cured?

4 MR. SAVINO: Right, but this is the
5 later one, so this is the one you would consider
6 for her?

7 UNIDENTIFIED MALE: Right.

8 COMMISSIONER PEPE-SOUVENIR: Which is
9 the later one, number eight is the later one?

10 UNIDENTIFIED MALE: No, number two would
11 have been the later one for Ms. Solomon.

12 MR. SAVINO: Right, so actually the one
13 you just ruled on was the later cover sheet for
14 Ms. Solomon and does correct the defects.

15 COMMISSIONER PEPE-SOUVENIR: Alright.

16 MR. SAVINO: And on this one --

17 UNIDENTIFIED MALE: It would correct it
18 for Mr. Gibbs.

19 COMMISSIONER PEPE-SOUVENIR: Gibbs.

20 MR. SAVINO: So ironically, they both
21 seem okay.

22 COMMISSIONER PEPE-SOUVENIR: Right.

23 MR. SAVINO: In sort of a round about
24 way.

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2 COMMISSIONER PEPE-SOUVENIR: Mm-hmm. Mm-
3 hmm. I would accept your representation that
4 cover sheet number two that came later than cover
5 sheet number eight does correctly amend the
6 defects in the petition and should be considered
7 cured.

8 UNIDENTIFIED MALE: Alright.

9 COMMISSIONER PEPE-SOUVENIR: What do you
10 say, Commissioner Shamoun?

11 COMMISSIONER SHAMOUN: Fine by me.

12 UNIDENTIFIED MALE: Thank you.

13 [OFF MIC CONVERSATION]

14 COMMISSIONER PEPE-SOUVENIR: So we're
15 done with four?

16 UNIDENTIFIED MALE: yes, now we're up to
17 number three.

18 COMMISSIONER PEPE-SOUVENIR: Okay.
19 Reshma Patel, for comptroller, city of New York.
20 The original defect was a petition volume that
21 was listed in the original cover sheet was never
22 submitted. It turns out that it was, it seems to
23 have been a typo, so that petition volume
24 NY2102781 is supposed to NY2103781. It was the

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2 amended cover sheet was reviewed by a bipartisan
3 team, it was found to be correct and the amended
4 cover sheet seems to have corrected the
5 deficiency in the original one.

6 COMMISSIONER PEPE-SOUVENIR: And the
7 signatures and the certification is on the
8 document?

9 UNIDENTIFIED MALE: The certification
10 language there, everything seems to be correct.

11 COMMISSIONER PEPE-SOUVENIR: Alright. So
12 based on your recommendations, I will approve
13 that we accept the cure.

14 COMMISSIONER SHAMOUN: I agree.

15 UNIDENTIFIED MALE: Thank you. So now,
16 numbers four and five, number four being for --

17 COMMISSIONER PEPE-SOUVENIR: Mildred?

18 UNIDENTIFIED MALE: -- Mildred Cintron
19 and number five for a Daryl Miles. They're both
20 running for delegate to the Judicial Convention
21 from the 69th Assembly District. Now, when we
22 were reviewing the cover sheets, we found that
23 the names on the petitions didn't match the name
24 on the cover sheet. Mildred had a name of Millie

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2 on the petitions and Daryl Miles had name Mile on
3 the petitions. They didn't send an amended cover
4 sheet. They both seemed to send a certification
5 of declination for, a certification of
6 declination, right, as response, and then a
7 certificate of substitution. Again, changing the
8 name from --

9 COMMISSIONER PEPE-SOUVENIR: Millie, for
10 example, with the Millie Cintron from Millie to
11 Mildred?

12 UNIDENTIFIED MALE: Mildred, and for
13 Daryl Mile to Daryl Miles on the certificates of
14 substitution, or yeah.

15 COMMISSIONER PEPE-SOUVENIR: Is that an
16 appropriate cure?

17 MR. SAVINO: I have to tell you, it's
18 the first time I've seen it done that way and the
19 proper way to fix it would be an amended cover
20 sheet fixing the name.

21 COMMISSIONER PEPE-SOUVENIR: Right.

22 MR. SAVINO: Or --

23 UNIDENTIFIED MALE: Or a letter, or a
24 printer's error letter.

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2 COMMISSIONER PEPE-SOUVENIR: Right.

3 MR. SAVINO: Or in the very least I
4 suppose, a declination or a substitution for a
5 different person. If I understand correctly, this
6 --

7 UNIDENTIFIED MALE: Yeah, they're
8 replacing themselves.

9 MR. SAVINO: I mean these are not
10 something we normally look at, unless there's an
11 objection, at least not the legal department gets
12 involved with CRU, but in this particular case,
13 it seemed appropriate.

14 COMMISSIONER PEPE-SOUVENIR: So the
15 declination and doing the substitution is an
16 appropriate cure? Is that what you're saying?

17 UNIDENTIFIED MALE: I'm going to defer
18 to you guys on this.

19 COMMISSIONER SHAMOUN: No, I don't think
20 it's appropriate.

21 COMMISSIONER PEPE-SOUVENIR: Yeah.

22 COMMISSIONER SHAMOUN: Let them fight,
23 come to the board and fight and make their case,
24 but it's not a valid cure.

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2 COMMISSIONER PEPE-SOUVENIR: Right.

3 UNIDENTIFIED MALE: Okay, thank you,
4 commissioners.

5 [OFF MIC CONVERSATION]

6 COMMISSIONER PEPE-SOUVENIR: We have one
7 more left?

8 UNIDENTIFIED MALE: Well, it's the same
9 candidate, who had two different issues. The
10 candidate's name is Vincent De Marco. He's
11 running for City Council in District 2. Mr. De
12 Marco had two issues, one, in the one numbered
13 six, was a pagination issue on volume 3932. I
14 have the revised, or I have the volume presented
15 and he did not correct the pagination issue.

16 COMMISSIONER PEPE-SOUVENIR: And he was
17 informed of that in his NCN, right?

18 UNIDENTIFIED MALE: Yes, commissioner.

19 COMMISSIONER PEPE-SOUVENIR: Okay.

20 UNIDENTIFIED MALE: And the other issue,
21 again, with Mr. De Marco was his cover sheet
22 originally did not specify the party or the
23 number of volume -- or the petition volume
24 numbers. He submitted an amended cover sheet. It

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2 has a few issues, the first being it doesn't say
3 amended cover sheet, it is just another cover
4 sheet. The second being that it doesn't have the
5 language for amended cover sheet, the third is
6 that he has random numbers in the identification
7 number. He lists that there are four petition
8 volumes but he lists one number 2968, which he
9 doesn't give a county on, he lists 3932, 3933,
10 3944, 3935, and then he writes something about
11 page numbers of 39 should be last volume. And all
12 in the identification number section. And so
13 there are a couple of issues with his amended
14 cover sheet.

15 COMMISSIONER PEPE-SOUVENIR: And was he
16 informed of all the issues to be corrected or at
17 least be cured?

18 UNIDENTIFIED MALE: Yes. We have name
19 of, so on the 25th March, he was sent an NCN for
20 the volume numbers and the identification numbers
21 claimed and again, on the 26th, he was sent an
22 NCN for the, excuse me, it's not COVID, don't
23 worry.

24 COMMISSIONER PEPE-SOUVENIR: I'm vexed

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2 up so I'm fine.

3 UNIDENTIFIED MALE: Excellent. So on the
4 26th, he received a letter for the pagination
5 issue.

6 COMMISSIONER PEPE-SOUVENIR: Alright.
7 None of which was amended?

8 UNIDENTIFIED MALE: None of, the
9 pagination issue was not corrected.

10 COMMISSIONER PEPE-SOUVENIR: Okay.

11 UNIDENTIFIED MALE: He starts the volume
12 on page 39 then goes to 27, 28, 29 and so forth.

13 COMMISSIONER SHAMOUN: So he's done
14 nothing.

15 COMMISSIONER PEPE-SOUVENIR: It seems to
16 me that, it seems to me, based on what you've
17 described, I'm sorry, Commissioner Shamoun, go
18 ahead.

19 COMMISSIONER SHAMOUN: No, I was just
20 saying it doesn't sound like it's that
21 complicated. He's done nothing and there's no
22 cure.

23 COMMISSIONER PEPE-SOUVENIR: Right.
24 Exactly, basically.

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2 UNIDENTIFIED MALE: Yes, commissioner.

3 COMMISSIONER PEPE-SOUVENIR: You use
4 less words than I, Commissioner Shamoun. You use
5 less words than I.

6 COMMISSIONER SHAMOUN: That's good and
7 it's bad I guess.

8 COMMISSIONER PEPE-SOUVENIR: Alright. I
9 think we should be done, no? Or do we have more?
10 One more, right?

11 UNIDENTIFIED MALE: No, that would be
12 it, commissioners, at least for me.

13 COMMISSIONER PEPE-SOUVENIR: Okay.
14 Alright. It is what it is at this point.

15 MR. SAVINO: That's the last one you
16 have to present?

17 UNIDENTIFIED MALE: No, that's the one
18 that's invalid.

19 MR. SAVINO: Right, the page numbers.

20 UNIDENTIFIED MALE: And that's all for
21 Manhattan, commissioners.

22 COMMISSIONER SHAMOUN: Thank you.

23 COMMISSIONER PEPE-SOUVENIR: Okay. Thank
24 you so much, I appreciate you.

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2 COMMISSIONER SHAMOUN: Any other
3 boroughs?

4 MR. SAVINO: Nothing to be presented
5 today.

6 COMMISSIONER SHAMOUN: Great.

7 MR. SAVINO: We'll see what else comes
8 in, if anything.

9 COMMISSIONER PEPE-SOUVENIR: Okay, so
10 we're good.

11 COMMISSIONER SHAMOUN: Thank you.

12 UNIDENTIFIED MALE: Thank you,
13 commissioners.

14 COMMISSIONER SHAMOUN: Have a good
15 evening. Thanks everybody.

16 COMMISSIONER PEPE-SOUVENIR: Thank you
17 so much, everyone, bye-bye.

18 (The meeting concluded at 4:01 p.m.)

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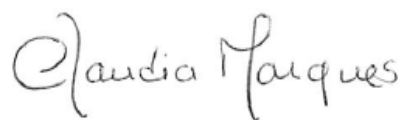
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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on April 5, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: November 22, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018