

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

COMMISSIONERS' MEETING

42 Broadway - 6th floor
Commissioners' Hearing Room

New York, NY 10004

April 6, 2021

1:30 p.m. - 2:49 p.m.

April 6, 2021

PRESENT:

President Frederic Umane

Secretary Miguelina Camilo

Commissioner Jose Araujo

Commissioner Michael Michel

Commissioner Gino Marmorato

Commissioner Simon Shamoun

Commissioner Rodney L. Pepe-Souvenir

Commissioner Patricia Ann Taylor

Commissioner Tiffany Townsend

Commissioner John Wm. Zaccone

Dawn Sandow, Deputy Executive Director

Pamela Perkins, Administrative Manager

Georgea Kontzamanis, Operations Manager

Raphael Savino, Deputy General Counsel

Zoya Shpigelman

Unidentified Male

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

3 MS. DAWN SANDOW: Good afternoon, today
4 is Tuesday, April 6, 2021 and this is the
5 commissioners' meeting of the Board of Elections
6 in the city of New York. My name is Dawn Sandow
7 and I am the deputy executive director of the
8 Board of Elections. I will begin today's meetings
9 with the commissioners' roll call. President
10 Umane?

11 PRESIDENT FREDERIC M. UMANE: Here.

12 MS. SANDOW: Secretary Camilo?

13 SECRETARY MIGUELINA CAMILO: Here.

14 MS. SANDOW: Commissioner Araujo?

15 COMMISSIONER JOSE MIGUEL ARAUJO: Present
16 and good afternoon.

17 MS. SANDOW: Commissioner Marmorato?

18 COMMISSIONER GINO A. MARMORATO:

19 Present, good afternoon, everyone.

20 MS. SANDOW: Commissioner Michel?

21 COMMISSIONER MICHAEL MICHEL: Present.

22 MS. SANDOW: Commissioner Pepe-Souvenir?

23 COMMISSIONER RODNEY L. PEPE-SOUVENIR:

24 Present, good afternoon, everyone.

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2 MS. SANDOW: Commissioner Shamoun?

3 COMMISSIONER SIMON SHAMOUN: Present,
4 thank you.

5 MS. SANDOW: Commissioner Taylor?

6 COMMISSIONER PATRICIA ANNE TAYLOR: Good
7 afternoon, present.

8 MS. SANDOW: Commissioner Townsend?

9 COMMISSIONER TIFFANY TOWNSEND: Good
10 afternoon, present.

11 MS. SANDOW: Commissioner Zaccone?

12 COMMISSIONER JOHN WM. ZACCONE: Good
13 afternoon, present.

14 MS. SANDOW: Also joining us today from
15 the executive management is Pamela Perkins,
16 administrative manager and Georgea Kontzamanis,
17 operations manager, Ken Moltner and Steven
18 Denkberg counsels to the commissioners have
19 joined us as well, as general counsel Hemalee
20 Patel and deputy general counsel, Raphael Savino.
21 I have been asked to add executive session for
22 litigation and I'm also adding finance committee
23 onto the agenda. Let us begin with today's
24 agenda.

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2 We're going to start with the finance
3 committee meeting, Commissioner Umane?

4 PRESIDENT UMANE: Okay. The finance
5 committee had a long deliberation over the
6 interim contract for the, I guess the processing
7 of absentee ballots for this June and this
8 November. The interim contract is going to be
9 theoretically with Fort Orange Press who has done
10 it and done work for us for years, and that they
11 performed admirably and successfully in the
12 presidential election in November. The estimated
13 cost would be up to \$6 million. The staff is in
14 the process of developing an extensive RFP for a
15 long term contract, but they're waiting to see
16 exactly what is going to be required because
17 there's discussions in Albany about making
18 changes to this process. So the idea is that we
19 want to have the process that we have to comply
20 with included in the contract. And that's why
21 they're taking their time in putting the RFP
22 together to make sure that what we are going to
23 be contracting for is actually what we're going
24 to have to do. Any future changes in the contract

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2 always add considerably to the basic contract
3 price.

4 The up to price on the contract that
5 we're discussing is \$6 million. We've dropped out
6 one of the companies that had provided service to
7 us last year for the obvious reasons of their
8 screw up, and one thing that we would like to add
9 to this prior to signing the contract is that we
10 would like people from our staff to go up Fort
11 Orange and confirm with them exactly what they're
12 going to be doing and their whole process and
13 essentially to kick the tires at their plant to
14 make sure that they would be able to comply with
15 their obligations under the contract and perform
16 appropriately and properly for our citizens here
17 in New York City.

18 So we would want to add that as a
19 stipulation and we note that in the last year,
20 the state board sent representatives to all of
21 the companies that were doing this. We did not
22 sent anybody ourselves, so this year, at least
23 the recommendation is to have our staff go as
24 well to check them out to make sure that what

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2 their procedure is complies with what we need
3 them to do and applicable law. And so it was the
4 unanimous committee recommendation, which now
5 does not need a second and I will just put it up
6 for a vote to award the interim contract to Fort
7 Orange Press for an up to amount of \$6 million,
8 that's theoretically \$3 million for the primary
9 and \$3 million for the general election.

10 COMMISSIONER TAYLOR: Am I correct in
11 understanding that when you, when our staff goes
12 to visit, they will see an actual physical run
13 through of the process?

14 PRESIDENT UMANE: Well --

15 COMMISSIONER TAYLOR: To make sure
16 that's what we actually get.

17 MS. KONTZAMANIS: Yes, commissioner,
18 yes. They will be going through the whole quality
19 control process as well. The state board
20 previously went to Fort Orange last year, however
21 the commissioners from the finance committee
22 suggested that our staff go up again and just go
23 through the process with Fort Orange and to
24 review everything.

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2 COMMISSIONER SHAMOUN: I just want to --

3 PRESIDENT UMANE: And also our staff
4 believes that the one company, because they are a
5 major player, that that's a physical capability
6 of performing for the whole city.

7 COMMISSIONER SHAMOUN: I just wanted to
8 add that the contract should allow for our
9 representatives to visit whenever we like,
10 obviously upon reasonable notice, or what have
11 you, but that should be a given.

12 PRESIDENT UMANE: Sure. Are there any
13 opposed? Okay. Any abstentions? Okay. So it seems
14 to be unanimous. So much for the finance
15 committee meeting. Next.

16 MS. SANDOW: Thank you, commissioners.
17 Item one on the agenda, an update on the Bronx
18 special election. The deadline to receive
19 absentee and military ballots has passed, final
20 count of absentee ballots stand as follows. In
21 the 11th City Council District, we mailed out
22 4,434 absentee ballots, final return ballots is
23 2,640 ballots, an increase of 15 returned ballots
24 from our last report. In the 15th Council

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2 District, we mailed out 1,122 absentee ballots,
3 final returned ballots is 368, an increase of
4 five returned ballots from our last report. There
5 are invalid ballots that are eligible to be cured
6 that have a final cure date of Monday, April
7 12th. This would bring our start date to conduct
8 the rounds of ranked choice to Wednesday, April
9 14th. This date is still tentative, we will keep
10 everyone updated on any cures received earlier
11 that could move up our anticipated start date
12 while still allowing for a day to conduct the
13 random draw and mandated audit of absentee
14 equipment. Items two and three on the agenda, I
15 will turn over to legal.

16 MR. RAPHAEL SAVINO: Good afternoon,
17 commissioners --

18 PRESIDENT UMANE: Before we get there,
19 just let me interrupt just for a second. The
20 contract that we're doing for this interim
21 contract for the ballots should also provide for
22 special elections, which we didn't really
23 mentioned, but it should include that. So if we
24 had another city council election or something

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2 like that, that it should also include that. I'm
3 sure no one is going to disagree with that. So,
4 Mr. Savino, go ahead, I just threw that in there.

5 MR. SAVINO: Again, good afternoon,
6 commissioners, I direct your attention to the
7 calendar for independent nominating petitions
8 for, hold on for a second. In any event, the
9 dates were approved by, the dates below were
10 approved by numerous members of staff, legal
11 looked at it as well, and it does appear to be
12 accurate, except for one minor typo.

13 MS. SANDOW: What's the typo?

14 MR. SAVINO: November 2, 2021 on the
15 top.

16 MS. SANDOW: That's the election. That's
17 for the general election.

18 MR. SAVINO: Oh, okay, I apologize.

19 MS. SANDOW: Yeah, no, there's no typo.

20 PRESIDENT UMANE: Okay. I move the
21 adoption of the calendar as presented to us.

22 SECRETARY CAMILO: Second.

23 PRESIDENT UMANE: All in favor? All
24 opposed? All abstentions? Okay. It seems

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2 approved.

3 MS. SANDOW: The calendar will be posted
4 on our website.

5 PRESIDENT UMANE: Thank you.

6 MR. SAVINO: Moving on to the next
7 agenda item, commissioners, there was some
8 discussion of amending the independent nominating
9 rules going forward in the future. Those will
10 also be reflected in the designating petition
11 rules, again in the future, not something we can
12 alter at this point with hearings, etc. next
13 week. I direct your attention to Section C, cover
14 sheet, we changed the Seawright, well, we added
15 the Seawright case in terms of the fact that you
16 cannot amend a cover sheet that was never filed.
17 We left the Armwood case in there as well. Right
18 below that, highlighted, it says a cover sheet
19 shall be signed by the candidate or the
20 candidate's agent. That was something else that
21 was requested and turning to the rear of the
22 rules, there is that statement basically
23 indicating that whether our ranked-choice voting
24 elections, that all of the -- I'm sorry, that all

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2 of the objections should be made in the first
3 round. They can't object every single round, keep
4 repeating the same objections. And that is
5 language we've requested that be added to any
6 orders to show cause that are received with
7 respect to a ranked-choice voting case, or
8 election I should say.

9 PRESIDENT UMANE: There are two other
10 suggestions that have come up regarding those
11 rules and I'd ask Commissioner Araujo to make his
12 suggestion and then call upon Commissioner
13 Shamoun his additional suggestion. So
14 Commissioner Araujo do you want to propose
15 something?

16 COMMISSIONER ARAUJO: Yeah, thank you,
17 Commissioner Umane, President Umane. I had
18 inquired whether or not we should consider
19 requiring an original proof of service of the
20 specs to be filed with the board. I think our
21 rules remain silent on that issue and we've
22 accepted both. So it's just a question of whether
23 or not we should amend our rules to make the
24 filing of an original mandatory.

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2 COMMISSIONER PEPE-SOUVENIR: And may I
3 just add to that, since we have accepted copies
4 in the past, could it be copies as opposed to the
5 originals?

6 COMMISSIONER ARAUJO: Well, that's
7 [unintelligible] [00:20:03] issue right now.
8 Right now, we're accepting both. But going
9 forward, it's whether or not we would adopt a
10 rule that requires an original as opposed to a
11 copy, so it's not going to be one or the other,
12 it has to be an original if the [unintelligible]
13 [00:20:18] do so.

14 COMMISSIONER TAYLOR: There was some
15 discussion regarding a certified copy. Are we
16 throwing that out also?

17 COMMISSIONER ARAUJO: I'm amenable to
18 that. I mean --

19 COMMISSIONER TAYLOR: I think
20 Commissioner Umame put forward a statement that
21 people might sign, Fred?

22 PRESIDENT UMANE: Yeah, my thought on
23 that was we permit the filing of a copy but we
24 have someone who's either the filer certify that

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2 it's a true and accurate copy on the copy. And
3 that at least imposes a burden to have somebody
4 not mess around with that, but gives them the
5 opportunity because they're such small pieces of
6 paper, people might lose it and then not have the
7 ability to prove that they serve something that
8 they did. So perhaps we could amend the rules to
9 say that they can file the original or a
10 certified true and accurate copy of the original.
11 Is there general consensus as to that, so people
12 --

13 COMMISSIONER PEPE-SOUVENIR: I like the
14 idea of the true, the affirmation that a copy is
15 the true and original copy. That makes some sense
16 to me.

17 PRESIDENT UMANE: Okay.

18 COMMISSIONER ARAUJO: This is
19 Commissioner Araujo. I have no objection to that.
20 I mean I think it's a good compromise and it
21 alleviates our concern, which was, you know,
22 document tampering or something of that nature
23 that may or may not happen. I think it addresses
24 the concern that I have.

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2 PRESIDENT UMANE: Okay. And I'm sorry,
3 Commissioner Shamoun? You had one suggestion?

4 COMMISSIONER SHAMOUN: Yeah, my proposal
5 or proposed revision has to do with the line by
6 line specification of objection that is presented
7 by objectors. We have a worksheet that's on the
8 last page of our sample forms and almost
9 everybody uses it, but we're getting some
10 objectors that are not using that form and using
11 just a list if you will, in say word format. This
12 is causing unnecessary and duplicative work for
13 our staff. And so the proposal is an amendment to
14 H5, adding the words to the effect using the
15 specifications of objections worksheet found in
16 the board's sample forms for petition rules
17 handout or a substantially similar form. And then
18 in the forms book on that last page, the
19 worksheet, we would give it a title or a header
20 up top and calling it the specifications of
21 objections worksheet.

22 We're not talking about the
23 abbreviations and so on. It's merely the
24 worksheet itself, part A, part B, etc. worksheet.

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2 We want the objectors to use that worksheet.

3 PRESIDENT UMANE: Could I just ask a
4 silly question, because I'm not technically
5 savvy. We have that on our website. Is it in
6 Excel or is it in Word, what we --

7 MS. KONTZAMANIS: It's not, but it can
8 be. We can make it into a workable document.
9 Right now, it's just a copy within our book but
10 if the commissioners are so inclined, we can do
11 that.

12 PRESIDENT UMANE: Because that would
13 eliminate the need, I mean, for example I can
14 play around a little bit, very little bit in
15 Word, but Excel, I really don't know. So if we
16 could publish it in either or, or something, then
17 even the limited people like myself, computer
18 limited people might be able to use it and
19 wouldn't be inclined to set up their own form. So
20 if we could do that, I think Commissioner
21 Shamoun's idea is a very good one and it makes it
22 easy and usable for the general public. So if
23 Simon would agree to that, that might be a good
24 compromise --

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2 COMMISSIONER SHAMOUN: Yeah.

3 PRESIDENT UMANE: -- again, and would
4 make it easy for people to use both forms.

5 COMMISSIONER SHAMOUN: I think that
6 friendly amendment is very good and I'd be happy
7 to make that motion if one is needed.

8 PRESIDENT UMANE: Okay. So let's move
9 the whole package, and I'll take Commissioner
10 Shamoun's motion on the changes explained by Mr.
11 Savino and the two other changes? All in favor?

12 MULTIPLE: Aye.

13 PRESIDENT UMANE: All opposed? Any
14 abstentions, so it seems it's unanimous. So
15 legal, if you could, could you make the changes
16 that you circulated, plus these two additional
17 changes, and if we could see about adding a Word
18 version of that form with the title on our
19 website so people could use it, grab it and
20 provide it to our staff, which makes it easier
21 for us.

22 COMMISSIONER ARAUJO: Mr. President, can
23 I also ask if legal could actually draft sample
24 language for that certification?

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2 MS. HEMALEE PATEL: Yes, that was my
3 question. I would prefer, I'm sorry to interrupt
4 commissioners, I would prefer that we, if we're
5 asking people to certify that something is a true
6 copy that we propose the language, so that there
7 isn't 700 different versions of the
8 certification. And I'm happy to draft something
9 to that effect.

10 PRESIDENT UMANE: Okay. Fine, thank you.

11 SECRETARY CAMILO: Thank you.

12 PRESIDENT UMANE: Okay. Anything else on
13 the agenda?

14 MS. SANDOW: Commissioners, this
15 concludes today's agenda. Do you have cover sheet
16 review?

17 MR. SAVINO: I do.

18 MS. SANDOW: Okay.

19 MR. SAVINO: Commissioners, I'm
20 requesting that following the meeting, we have a
21 cover sheet committee review. I'm also requesting
22 one for Wednesday and Thursday. If it is not
23 necessary, we will notify the commissioners and
24 then the public of that fact. But at this time,

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2 we still have a few items to present.

3 SECRETARY CAMILO: So I do know I asked
4 for executive session. Is it possible to set the
5 cover sheet meeting today for 2:30 and I would be
6 able to be one of the commissioners.

7 PRESIDENT UMANE: Is one of the other
8 Republican commissioners available today? Is it a
9 long calendar for today?

10 MR. SAVINO: No, I think there's about
11 four. I emailed them to everyone not knowing who
12 would be available.

13 SECRETARY CAMILO: I want to say that I
14 believe Commissioner Shamoun may be available.

15 PRESIDENT UMANE: I think he did
16 volunteer.

17 COMMISSIONER SHAMOUN: Yes, I am
18 available.

19 PRESIDENT UMANE: So Simon, you're on
20 for today.

21 COMMISSIONER PEPE-SOUVENIR: I can do
22 tomorrow.

23 PRESIDENT UMANE: Marmorato is on for
24 Wednesday, Commissioner Zaccone is the Republican

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2 for Thursday.

3 COMMISSIONER ZACCONE: Who is Wednesday?

4 PRESIDENT UMANE: Miguelina, will you do
5 [unintelligible] [00:27:59] Democrats?

6 COMMISSIONER PEPE-SOUVENIR: I'm
7 available for Wednesday.

8 MS. SANDOW: We need one more Democratic
9 commissioner for Thursday.

10 COMMISSIONER ARAUJO: This is
11 Commissioner Araujo. I had volunteered for
12 Thursday.

13 MS. SANDOW: Okay, great.

14 SECRETARY CAMILO: Thank you.

15 MS. SANDOW: So today, Tuesday, we have
16 Miguelina, Commissioner Camilo and Commissioner
17 Shamoun. Wednesday, we have Commissioner Pepe-
18 Souvenir and Commissioner Marmorato and Thursday
19 Commissioner Araujo and Commissioner Zaccone.

20 SECRETARY CAMILO: Fantastic, thank you.

21 PRESIDENT UMANE: Okay. Could we go into
22 executive session for litigation?

23 SECRETARY CAMILO: I want to second the
24 motion.

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2 PRESIDENT UMANE: And our next meeting
3 date is next Tuesday at 1:30 --

4 MS. SANDOW: Before we go into executive
5 session --

6 PRESIDENT UMANE: Oh no, next Tuesday at
7 10:00 a.m. right? For the first day of the
8 petition hearings.

9 COMMISSIONER ZACCONE: The first day is
10 the 10th?

11 SECRETARY CAMILO: What time is it?

12 [CROSSTALK]

13 MS. SANDOW: It's the 13th.

14 SECRETARY CAMILO: The start time will
15 be 10:00 a.m. on the 13th?

16 PRESIDENT UMANE: Yeah, I think
17 [unintelligible] [00:29:12] or 9:30.

18 MS. SANDOW: Well, we can, why don't we
19 come back, we can come back and announce it after
20 executive session.

21 SECRETARY CAMILO: Okay.

22 MS. SANDOW: So right now, we'll just
23 announce that next Tuesday's meeting.

24 PRESIDENT UMANE: Maybe we should just

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2 spend a minute, and I'm sorry to waste time, but
3 maybe we should spend a minute and just let
4 people know that they need to sign up by 3:00
5 o'clock the day before. So maybe --

6 SECRETARY CAMILO: That's also put on
7 our website, those instructions.

8 PRESIDENT UMANE: Okay.

9 SECRETARY CAMILO: Notice of appearances
10 and all the timelines.

11 PRESIDENT UMANE: Okay. That's fine.
12 Alright. Then let's go into executive session.

13 MS. SANDOW: Okay, let us know.

14 [EXECUTIVE SESSION]

15 MS. SANDOW: Good afternoon, there's
16 nothing to report from executive session. I would
17 like to close out the meeting and announce as
18 stated on our website, the hearings will begin
19 next Tuesday, April 13th, at 10:00 a.m. Our next
20 regularly scheduled commissioners' meeting will
21 be Tuesday, April 13th as well, at 1:30 p.m.
22 Thank you, good afternoon.

23 [COMMISSIONERS' COVER SHEET REVIEW]

24 SECRETARY CAMILO: Good afternoon, Mr.

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2 Savino. We're live.

3 MR. SAVINO: Good afternoon,
4 commissioners. We are here on April 6, 2021 for a
5 cover sheet review committee. Joining us,
6 fortunately, or I'd like to just thank you for
7 your time, it's Commissioner Camilo and
8 Commissioner Shamoun. From what I recall, we have
9 four matters to present. I don't think we're
10 getting into other things.

11 MS. ZOYA SHPIGELMAN: Right. Just this
12 one.

13 MR. SAVINO: And without further ado, we
14 have our first presenter.

15 MS. SHPIGELMAN: Good afternoon,
16 commissioners. We have the first matter is for
17 John A. Tobacco, Republican Party for
18 comptroller. The candidate submitted an amended
19 cover sheet stating he has 117 petitions. We have
20 an issue on the amended cover sheet, the
21 candidate lists, and I will give an example,
22 KG2100772, he lists that petition twice. And he
23 does that from there until 779.

24 The other issue is that KG2- --

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2 [unintelligible] [00:59:42] that one, KG2100
3 should have another number, but it doesn't. It
4 just states KG210078.

5 MR. SAVINO: Does he have the number of
6 volumes correct on this one?

7 MS. SHPIGELMAN: He says 117 and I
8 believe it's 117 because he's doubling up. Am I
9 correct? Here he had 60. On the previous cover
10 sheet, he states he has 60 petitions. On the
11 amended, he has 117.

12 MR. SAVINO: I mean that's what he's
13 stating.

14 SECRETARY CAMILO: Right, I see the
15 original issue was listing incomplete petition
16 numbers.

17 MR. SAVINO: That is correct.

18 MS. SHPIGELMAN: Yes. And then he added
19 the Kings, he added the Kings on the amended, but
20 he doubled them up.

21 MR. SAVINO: Right, there's repeats.

22 MS. SHPIGELMAN: Yes, it's repeated
23 petition numbers.

24 COMMISSIONER SHAMOUN: He added volumes

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2 that weren't on the first one on the amended?

3 MR. SAVINO: [unintelligible] [01:01:01]

4 It has been done with other amended cover sheets.

5 COMMISSIONER SHAMOUN: So it's like
6 they're claiming other volumes?

7 MR. SAVINO: Right. Well, just like
8 someone who would file first in independent
9 nominating and they appear to have a sufficient
10 number of volumes often would add additional ones
11 but it does start the objection time all over
12 again. But usually they -- more often than not
13 they do just correct the ones they had on the
14 first one. But that could be another issue that
15 [unintelligible] [01:01:49].

16 [OFF MIC CONVERSATION]

17 MR. SAVINO: Is that correct?

18 MS. SHPIGELMAN: [unintelligible]
19 [01:02:20] 14, we have 14. [unintelligible]
20 [01:02:28].

21 MR. SAVINO: Right.

22 MS. SHPIGELMAN: Yeah.

23 MR. SAVINO: Do you want send
24 [unintelligible] [01:02:29] to double check that?

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2 MS. SHPIGELMAN: [unintelligible]

3 [01:02:33].

4 MR. SAVINO: Because I thought that was

5 --

6 [OFF MIC CONVERSATION]

7 MR. SAVINO: Just double check, because

8 I thought that was an additional issue as well.

9 SECRETARY CAMILO: Do you want to second
10 call this matter?

11 MR. SAVINO: Yes, please, I apologize.

12 MS. SHPIGELMAN: I'm sorry. Okay,
13 commissioners, the second -- I apologize. The
14 second matter is for candidate John Williams, the
15 40th Council district Democratic Party. The
16 candidate sent in an amended cover sheet to clear
17 the pagination and staff reviewed and the
18 petitions were numbered correctly.

19 MR. SAVINO: So it's basically a
20 pagination defect cure.

21 SECRETARY CAMILO: And I'm sorry, did
22 you say they were numbered correctly, or they
23 were not?

24 MS. SHPIGELMAN: They were numbered

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2 correctly.

3 SECRETARY CAMILO: Okay. Because the
4 materials sent to us were, let me see, we just
5 got a copy of the notice sent.

6 MR. SAVINO: Oh, right. We didn't take
7 apart and scan the petitions, but I can hold them
8 up to the camera if you think that would be of
9 value.

10 SECRETARY CAMILO: Right. You could just
11 tell us was that the original issue was that page
12 39 was incorrectly listed?

13 MS. SHPIGELMAN: Yes.

14 SECRETARY CAMILO: So they've corrected
15 all the numbers on all the pages submitted?

16 MS. SHPIGELMAN: Yes, they did,
17 commissioner.

18 SECRETARY CAMILO: And is it your
19 recommendation to deem this a valid cure?

20 MS. SHPIGELMAN: Yes.

21 MR. SAVINO: That is correct.

22 SECRETARY CAMILO: Okay. So I would move
23 we deem this a valid cure.

24 COMMISSIONER SHAMOUN: I agree.

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2 MS. SHPIGELMAN: And then the last item
3 is for Joseph Packer. Joseph Packer is in for the
4 47th Council District, Democratic Party and for
5 Mr. Packer, the original cover sheet states that
6 he, I believe what was this, like
7 [unintelligible] [01:04:54], that he wasn't on
8 page one --

9 MR. SAVINO: Oh yeah, well, that was the
10 issue. As you're aware, when we do the cover
11 sheet review we only look at the first page of
12 the petition, or else it would take quite a long
13 time. And that is the board's practice. It turns
14 out Mr. Packer did not appear on page one of 699.
15 An amended cover sheet was filed and it is
16 permissible to actually list the page numbers
17 that that candidate does appear on. And if you
18 look down at the bottom of the cover sheet, he
19 notes that he's on five to ten, 12 to 69 and we
20 did look at the petitions to confirm that.

21 MS. SHPIGELMAN: Yeah, we had staff
22 review it. And he does appear on page 1 and on
23 the pages that he states on the amended cover
24 sheet as well.

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2 SECRETARY CAMILO: And the amended has
3 the correct certification language, so I would
4 move that this be deemed a valid cure.

5 COMMISSIONER SHAMOUN: I agree.

6 MS. SHPIGELMAN: Thank you,
7 commissioners.

8 SECRETARY CAMILO: We can do the
9 Manhattan issue or come back to the -- oh, you
10 are ready? Okay.

11 [OFF MIC CONVERSATION]

12 MS. SHPIGELMAN: Okay, commissioners, so
13 it is 117 petition volumes and --

14 UNIDENTIFIED MALE: And 25 are
15 duplicate.

16 MS. SHPIGELMAN: And 25 are duplicate.

17 COMMISSIONER SHAMOUN: Are those the
18 ones highlighted in yellow?

19 MS. SHPIGELMAN: Yes, commissioner.

20 SECRETARY CAMILO: Are the other numbers
21 that are not duplicative, are they correct volume
22 numbers that the candidate did file?

23 MR. SAVINO: Yeah, the teams that
24 reviewed this have checked off a number of the

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2 petitions, but not the duplicates.

3 SECRETARY CAMILO: What is legal's
4 recommend?

5 MR. SAVINO: This is not a valid cure.

6 SECRETARY CAMILO: Okay.

7 COMMISSIONER SHAMOUN: Yeah. So here,
8 the newly listed, right, these are on the
9 original cover sheet, these volumes were not
10 listed and now they are listed, right?

11 MS. SHPIGELMAN: Yes.

12 COMMISSIONER SHAMOUN: And I guess
13 they're listed and if you count the dupes, then
14 the volume, the number of volumes is accurate.
15 Has this ever come up before?

16 MR. SAVINO: Not that I recall. But it's
17 certainly not the way you should go about amended
18 a cover sheet, by including duplicate numbers,
19 even if the total number of volumes are listed
20 correctly.

21 SECRETARY CAMILO: Well, the total
22 number of volumes -- sorry, the total number of
23 volumes gets to 117, because it's counting that
24 25 which are actually duplicative, so the number

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2 of volumes listed is incorrect.

3 MS. SHPIGELMAN: Right.

4 SECRETARY CAMILO: Right?

5 MR. SAVINO: Right. And for whatever
6 it's worth, actually my recollection now is that
7 when people file amendeds as of right, they will
8 often add additional numbers. But this is again,
9 in our recommendation, is not a valid cure the
10 way it was done.

11 COMMISSIONER SHAMOUN: My only
12 [unintelligible] [01:08:31] is that by adding
13 volumes that weren't there, it's almost like
14 you're introducing [unintelligible] [01:08:39]
15 volumes.

16 MR. SAVINO: Getting another shot at --

17 MS. SHPIGELMAN: Right.

18 COMMISSIONER SHAMOUN: Yeah. I'm
19 hesitant to deem it an invalid cure because
20 there's new volumes that are introduced. And so I
21 don't know what happens in that instance, but I
22 don't agree that it's not a -- I'm not sure that
23 it's a valid cure but I'm not ready to deem it an
24 invalid cure for the whole thing and throw the

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2 whole thing out, you know.

3 SECRETARY CAMILO: Right. I think the
4 issue is it's not brand new volume numbers,
5 identification numbers that he's listing. He's
6 listing previously indicated volume numbers
7 twice. And that --

8 COMMISSIONER SHAMOUN: Well that, the
9 original cover sheet doesn't list these volume
10 numbers.

11 SECRETARY CAMILO: Which is another
12 issue. I think the original cover sheet also had
13 incorrect identification numbers, which that's
14 what -- that was the singular issue of fixing
15 those identification numbers and they came back
16 with --

17 MR. SAVINO: Right. And the --

18 COMMISSIONER SHAMOUN: So the original
19 notice says incorrect ID numbers, and I'm looking
20 at the original cover sheet that lists I guess
21 Richmond and Queens ID numbers. And those were
22 incorrect?

23 [OFF MIC CONVERSATION]

24 MR. SAVINO: Right.

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2 SECRETARY CAMILO: [unintelligible]

3 [01:10:22] checklist.

4 COMMISSIONER SHAMOUN: Everything is
5 checked off, but I don't see any highlight on the
6 original cover sheet that says which one it is or
7 what the mistake is.

8 MR. SAVINO: The original one was
9 incorrect petition numbers on the --

10 MS. SHPIGELMAN: On the [unintelligible]
11 [01:10:45].

12 MR. SAVINO: -- were listed on the cover
13 sheet, QN2100, 109, 110 and 111. That was what
14 the team found to be incorrect.

15 MS. SHPIGELMAN: Right.

16 SECRETARY CAMILO: I mean I will deem
17 this not a valid cure, because I know we've had
18 circumstances where we're just talking about two
19 volumes, right, and if the person lists it's one
20 volume, it's not a valid cure. It's incorrect
21 information on the cover sheet. So, you know, I
22 know it's a substantial amount of volumes that
23 he's listing, but it's an incorrect amount of
24 volumes that are being submitted, duplicative

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2 numbers and they were given the opportunity to
3 cure, so I don't think this is a valid cure.

4 COMMISSIONER SHAMOUN: I disagree only
5 because there's new volumes introduced and I
6 think that they should be treated separately.

7 SECRETARY CAMILO: So you're saying that
8 --

9 MR. SAVINO: Commissioners --

10 SECRETARY CAMILO: Yeah?

11 MR. SAVINO: Well, no, I don't want to
12 interrupt you.

13 SECRETARY CAMILO: No, please, Mr.
14 Savino, go ahead.

15 MR. SAVINO: Well, I'm just going to
16 point out we've had other situations where the
17 commissioners are split. If that were to occur,
18 no action would be taken and it would be presumed
19 valid unless you want to present it to the full
20 board.

21 SECRETARY CAMILO: Right. I mean I hear
22 what Commissioner Shamoun is saying and I don't
23 know if this individual thought to add in
24 additional volumes while amending his prior cover

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2 sheet. You know, and that is not something that
3 should be done while amending a cover sheet, I
4 don't think, right. If you're going to submit
5 additional volumes, it just doesn't sound like
6 the right practice. But if we're split, then I
7 think we'll have to adjourn it until the next
8 time the commissioners can all meet. You would
9 need all ten of us to meet on this issue, Mr.
10 Savino?

11 MR. SAVINO: If that's what you both
12 desire.

13 COMMISSIONER SHAMOUN: Yeah, I think
14 that's appropriate.

15 SECRETARY CAMILO: I'm just thinking we
16 may have another meeting tomorrow, so -- I mean
17 we already split on it, so, we're
18 [unintelligible] [01:13:04], we're split, yeah.

19 MR. SAVINO: Okay. So is it your wish to
20 take no action, or try and address it at the
21 meetings next week with the full board?

22 SECRETARY CAMILO: I think for the next
23 meeting, right, commissioner?

24 COMMISSIONER SHAMOUN: Yeah, I mean I

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2 would, you know, I'm trying to figure out what --
3 how to treat the new volumes in addition, so
4 let's refer it to the full board and get a
5 resolution.

6 MR. SAVINO: Alright. Thank you,
7 commissioners.

8 MS. SHPIGELMAN: Kings is finished.

9 MR. SAVINO: You're up next.

10 [OFF MIC CONVERSATION]

11 MS. SHPIGELMAN: Thank you,
12 commissioners, have a great day.

13 SECRETARY CAMILO: Thank you.

14 COMMISSIONER SHAMOUN: Thank you very
15 much. See you next week.

16 UNIDENTIFIED MALE: Good afternoon,
17 commissioners.

18 SECRETARY CAMILO: Good afternoon.

19 UNIDENTIFIED MALE: We only have one
20 item for Manhattan. The candidate's name
21 Bernadette McNear. There's three issues. I'm
22 sorry that it came up so late, but the reason is,
23 is the cover sheet is attached to the petition
24 volume.

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2 MODERATOR: I'm sorry to interrupt, but
3 it looks like we lost Commissioner Shamoun.

4 SECRETARY CAMILO: Yeah, he's not here.
5 We've got to get him back. Let me see if I can
6 text him.

7 [OFF MIC CONVERSATION]

8 [OFF THE RECORD]

9 [ON THE RECORD]

10 MODERATOR: We are live again.

11 UNIDENTIFIED MALE: Good afternoon,
12 commissioners, we have one issue for Manhattan,
13 and it is the candidate's name is Bernadette
14 McNear. She's running for City Council District 9
15 and there's an issue with her cover sheet. It was
16 attached to the petition, and therefore, it was
17 marked with the petitions, not under a cover
18 sheet. So that's one of the issues. Another issue
19 is she doesn't list the number of volumes that
20 she is submitting, and number three, she doesn't
21 give the statement that she has the number of
22 required signatures as needed for the cover
23 sheet.

24 MR. SAVINO: And for whatever it's

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2 worth, you can, you know, use your own version,
3 or write it as was done here, but it still must
4 contain that information and also be separate
5 from the petition.

6 SECRETARY CAMILO: And this issue is
7 arising for the first time, so --

8 UNIDENTIFIED MALE: Yes.

9 MR. SAVINO: Correct.

10 SECRETARY CAMILO: [unintelligible]
11 [01:18:16] recommendation, yes?

12 MR. SAVINO: An opportunity to cure.

13 SECRETARY CAMILO: Okay. So I would move
14 to send a notice of defect to the candidate.

15 COMMISSIONER SHAMOUN: I agree.

16 UNIDENTIFIED MALE: Thank you.

17 MR. SAVINO: And at this time, that is
18 all the matters that are to be presented today
19 and once again, commissioners, we thank you for
20 your time and patience.

21 SECRETARY CAMILO: Thank you, as well.

22 (The meeting concluded at 2:49 p.m.)

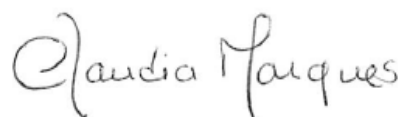
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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on April 6, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: November 22, 2021

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