

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 8, 2021

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April 8, 2021

PRESENT:

Commissioner Jose Araujo

Commissioner John Wm. Zaccone

Raphael Savino, Deputy General Counsel

Unidentified Male

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2 (The meeting commenced.)

3 MR. RAPHAEL SAVINO: Good afternoon,
4 commissioners. It's April 8, 2021. We are here
5 for a cover sheet review committee, actually a
6 couple of printer's errors letters I believe, or
7 at least purported. And we have Commissioner
8 Araujo, Commissioner Zaccone who have been kind
9 enough to make themselves available for this
10 hearing and without further ado, we will proceed.

11 UNIDENTIFIED MALE: Good afternoon,
12 commissioners, As Raphael mentioned, we have two
13 matters, which one would you like to start with
14 first?

15 COMMISSIONER ZACCONE: I'm easy. It's
16 only two, so I can keep track.

17 COMMISSIONER ARAUJO: Whichever one, I
18 have them both, so.

19 UNIDENTIFIED MALE: Alright. So, Arthur
20 Schwartz is, he submitted on March 29th, a
21 printer's error letter, basically it states that
22 he has three volumes. He's running for two
23 positions, one for City Council one for district
24 leader in the 66th Assembly District, Part

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2 Alright. He has three volumes, two of which he
3 has this printer's error letter saying that they
4 made a mistake in printing his zip code
5 incorrectly. On volume 3744 and 3745, the zip
6 code was, on the petition, was 10003 and it
7 should have been 10011. The third volume,
8 petition 3746 was printed correctly.

9 COMMISSIONER ZACCONE: Just, I'm looking
10 at the letters you provided and the letter from
11 Advocates from Justice, which has Arthur
12 Schwartz's name listed at the top appears to be
13 unsigned. Is that correct? Is that an unsigned
14 letter?

15 UNIDENTIFIED MALE: Uh, that it is.

16 COMMISSIONER ZACCONE: Okay. Also, in
17 this, Mr. Schwartz is saying that the third party
18 printed the, printed the documents and they were
19 by mistake? Is that correct?

20 MR. SAVINO: That is correct.

21 COMMISSIONER ZACCONE: Alright. So, it's
22 not a printer's error letter. It's a hearsay
23 letter saying that somebody else did something
24 wrong and it's unsigned is my understanding of

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2 it.

3 COMMISSIONER ARAUJO: I tend to agree
4 with Commissioner Zaccone on the issue that
5 normally we always take a letter, a printer's
6 letter from someone who actually printed the
7 error, explaining that they in fact did the
8 error. That does not appear to be the case here.
9 And also the fact that it's not signed also adds,
10 or takes away from the effect of this letter it
11 purports to provide. So that being said, I would
12 probably say that this does not cure any defect
13 and that we reject this printer's letter, or this
14 document.

15 COMMISSIONER ZACCONE: We reject the
16 letter.

17 COMMISSIONER ARAUJO: The letter.

18 COMMISSIONER ZACCONE: As it is. Of
19 course, you know, I believe Mr. Schwartz could
20 always come to the hearings with whatever
21 documentation he has to try to show the mistake
22 is here, but I believe this is insufficient, it's
23 not a proper cure.

24 MR. SAVINO: And in terms of cover sheet

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2 errors and printer's letter errors, your ruling
3 currently at this time should stand, and next
4 weeks' hearings really should pertain to
5 objections. But he may certainly appear and try
6 and reargue this.

7 COMMISSIONER ZACCONE: Okay. Thank you.

8 MR. SAVINO: With that, I will mark it
9 not accepted.

10 COMMISSIONER ARAUJO: Yes, and please,
11 you're authorized to use my signature or my
12 initials.

13 COMMISSIONER ZACCONE: Yes, same thing
14 for me.

15 COMMISSIONER ARAUJO: For the limited
16 purposes of this hearing, not forever.

17 COMMISSIONER ZACCONE: You're free to
18 pen my initials to the worksheets for this
19 hearing. Not my checks.

20 UNIDENTIFIED MALE: Thank you,
21 commissioner. Alright. So, the next item is for a
22 Republican candidate for comptroller, Daby
23 Benjamin Carreras. It's from Beat the Clock
24 Printing, Inc. and it was submitted, I have here

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2 a timestamp of April 2nd at 8:18 p.m. and it
3 advises that again the zip code was printed
4 incorrectly.

5 MR. SAVINO: But this is in fact from a
6 printer.

7 UNIDENTIFIED MALE: Yes, and signed.

8 MR. SAVINO: And it is also signed.

9 UNIDENTIFIED MALE: And there are 115
10 volumes on the cover sheet and I sent over just a
11 few volumes to show you the error. If you'd like
12 all 115 volumes, I can send those over as well.

13 COMMISSIONER ZACCONE: No, thank you, I
14 can take your representation as to all of the
15 volumes that have an issue. I'm looking for it
16 here.

17 MR. SAVINO: And our recommendation is
18 that it is a -- well, I'll leave it up to the
19 commissioners, but --

20 UNIDENTIFIED MALE: For example --

21 COMMISSIONER ZACCONE: Your
22 recommendation is that it is a valid cure?

23 MR. SAVINO: Yes.

24 COMMISSIONER ZACCONE: And is it, it was

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2 timely filed?

3 UNIDENTIFIED MALE: The cover sheet was.

4 MR. SAVINO: The cover sheet was and the
5 petitions were and this is something we received
6 recently. There's no time restraint on --

7 COMMISSIONER ARAUJO: Right, on a
8 printer's, okay, that was the question.

9 COMMISSIONER ZACCONE: My question,
10 there was no NCN letter or anything issued?

11 UNIDENTIFIED MALE: Not that I have, no.

12 COMMISSIONER ZACCONE: Okay.

13 UNIDENTIFIED MALE: There was an NCN
14 issued for other reasons on --

15 MR. SAVINO: That was pagination.

16 UNIDENTIFIED MALE: -- pagination
17 issues.

18 MR. SAVINO: On one of the --

19 UNIDENTIFIED MALE: On one of these
20 volumes, but I'm --

21 MR. SAVINO: That was corrected.

22 UNIDENTIFIED MALE: And it was, but the
23 teams covering the citywides did not note this.

24 COMMISSIONER ZACCONE: Okay.

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2 UNIDENTIFIED MALE: When they were
3 checking.

4 COMMISSIONER ZACCONE: Alright. That's
5 just what I wanted to see, because if there was
6 an NCN on this issue and this was late, that
7 would be a problem.

8 MR. SAVINO: Oh, correct.

9 UNIDENTIFIED MALE: Understood.

10 COMMISSIONER ARAUJO: Because this
11 document is in fact a printer's letter signed by
12 the actual printer who prepared the petitions,
13 I'm willing to accept it.

14 COMMISSIONER ZACCONE: I am as well. So
15 I think you can list it as a valid cure for a
16 error that was not picked up.

17 MR. SAVINO: Thank you, commissioners.

18 UNIDENTIFIED MALE: Thank you. And
19 that's all that I have for today.

20 COMMISSIONER ZACCONE: Okay.

21 COMMISSIONER ARAUJO: Thank you very
22 much.

23 COMMISSIONER ZACCONE: Is that --

24 MR. SAVINO: Thank you, commissioners.

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2 COMMISSIONER ZACCONE: -- everything,
3 Raphael?

4 MR. SAVINO: I'm sorry?

5 COMMISSIONER ZACCONE: Is that
6 everything, Raphael?

7 MR. SAVINO: Yes. That we have for
8 today, we should almost be winding down, or we
9 should be winding down, but that is all that we
10 have for today.

11 COMMISSIONER ZACCONE: Okay. Great.
12 Thank you community. If that's the case, I move
13 to adjourn.

14 COMMISSIONER ARAUJO: Aright, and I'll
15 second that.

16 (The meeting concluded.)

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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 8, 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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