

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

COMMISSIONERS' HEARINGS

42 Broadway - 6th floor  
Commissioners' Hearing Room

New York, NY 10004

April 13, 2021

10:00 a.m. - 1:37 p.m.

April 13, 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

Ken Moltner, Counsel to the Commissioners

Steven Denkberg, Counsels to the Commissioners,

Hemalee Patel, General Counsel

Raphael Savino, Deputy General Counsel

Matt Graves, CRU

Rayvon Weaver, CRU

Tom Sattie, CRU

Brendaliz Candelaria, Deputy Chief Clerk, Bronx County

Steve Alfasi, Deputy Chief Clerk, Bronx County

Don Bosco, Chief Clerk, Richmond County

Anthony Andriulli, Deputy Chief Clerk, Richmond County

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**ALSO PRESENT:**

Stanley Schlein, Esq.

Ezra Glaser, Esq.

James P. Curran, Esq

Egidio Sementilli

Aaron Foldenauer

Marco Kepi, Candidate

Manuel Ortega, Esq

John Cilmi, Esq.

Alexandra Sherer, Objector

John Ciampoli, Esq.

Alexander Rabb, Esq.

Juan Enrique Castillo, Esq.

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2 (The meeting commenced at 10:09 a.m.)

3 PRESIDENT UMANE: Good morning, my name  
4 is Fred Umane. I'm the Manhattan Republican  
5 Commissioner and President of the Board of  
6 Commissioners of the City of New York for  
7 calendar year 2021. Today we have the hearings on  
8 matters on designating petitions for the June  
9 22nd primary election in the City of New York.  
10 Notice of today's hearing was given on March 2,  
11 2021 with the issuance of the filing calendar for  
12 the primary elections.

13 All hearings will be conducted remotely  
14 and we ask for everyone's patience and  
15 cooperation. Those people who have submitted  
16 timely notices of appearance are sitting in our  
17 waiting room and will be admitted as if and when  
18 their matter is called. And I will begin today's  
19 hearing with the commissioners' roll call.  
20 Commissioner Camilo?

21 SECRETARY MIGUELINA CAMILO: Here.

22 PRESIDENT UMANE: Commissioner Araujo?

23 COMMISSIONER JOSE ARAUJO: Present, good  
24 morning, everyone.

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2 PRESIDENT UMANE: Commissioner

3 Marmorato?

4 COMMISSIONER GINO MARMORATO: Present,  
5 good morning.

6 PRESIDENT UMANE: Commissioner Michel?

7 COMMISSIONER MICHAEL MICHEL: Present.

8 PRESIDENT UMANE: Commissioner Pepe-  
9 Souvenir?

10 COMMISSIONER RODNEY L. PEPE-SOUVENIR:  
11 Good morning, present.

12 PRESIDENT UMANE: Commissioner Shamoun?

13 COMMISSIONER SHAMOUN: Present, thank  
14 you.

15 PRESIDENT UMANE: Commissioner Taylor?  
16 You're muted, you have to unmute.

17 COMMISSIONER PATRICIA ANNE TAYLOR: Good  
18 morning, I am present.

19 PRESIDENT UMANE: Okay. Commissioner  
20 Townsend? Commissioner Townsend? Well, she's  
21 here, I know she's here. And Commissioner  
22 Zaccone?

23 COMMISSIONER JOHN WM. ZACCONE: Good  
24 morning, I'm present.

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2 PRESIDENT UMANE: Good. Also joining us  
3 today from executive management is Dawn Sandow,  
4 the deputy executive director, Pamela Perkins,  
5 administrative manager, and Georgea Kontzamanis,  
6 the operations manager. Ken Moltner and Steven  
7 Denkberg, counsels to the commissioners, general  
8 counsel Hemalee Patel and deputy general counsel  
9 Raphael Savino, Matt Graves, Rayvon Weaver, Tom  
10 Sattie from our CRU unit.

11 An updated hearings calendar, as well as  
12 today's ledgers were posted on our website.  
13 Today, we will conduct the hearings for all of  
14 Bronx County matters, citywide for enrollment and  
15 prima facie issues only and all Richmond County  
16 matters. Manhattan County, as well as the  
17 citywide specifications calendar has been moved  
18 to tomorrow's hearings calendar. Ledgers for  
19 tomorrow's hearings will be posted by close of  
20 business today on our website. Let us begin with  
21 Bronx County. Operator, please bring on the Bronx  
22 staff.

23 MS. BRENDA LIZ CANDELARIA: Good morning,  
24 we're here.

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2 MR. STEVE ALFASI: Good morning.

3 PRESIDENT UMANE: Okay. Joining us are  
4 Brendaliz Candelaria and Steve Alfasi, deputy  
5 chief clerks of Bronx County. Beginning with the  
6 enrollment calendar, please call the calendar.

7 MR. MATT GRAVES: Good morning,  
8 commissioners, good morning everyone. Beginning  
9 with Democratic matters for enrollment in the  
10 Bronx, Mark Escoffery-Bey, Mino Lora, Mark E.  
11 Bey, Jose Rivera, Genesis Baez, Avril Francis.  
12 Going on to Republican matters, Carlton Giles  
13 [phonetic], Freddie Pratt, Latisha Matthews,  
14 Anthony P. D'Fidel [phonetic], Diane S. Jungk,  
15 Angela Malutso [phonetic], Bryant Y. Shapiro,  
16 Timothy Sullivan, Isabel L. Fletcher, Harry  
17 Fletcher, Deborah Rodriguez, Diane Drumgold.  
18 Republican Michele Y. Alleman [phonetic], Karen  
19 Edwards, Anthony Hall, Angelica Rosa, Stuart R.  
20 Mendelberg [phonetic], Felix Roldan, Franklin  
21 Poinsett, Delores Fontane [phonetic], Linda S.  
22 Umar [phonetic], Shirley Dunbar, Richard Seeka  
23 [phonetic], Darryl J. Wright, Doreen Forbes,  
24 Crystal Funderburk, Quiera Mona Stokes

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2 [phonetic], Kuan Francisco [phonetic], Diana E.  
3 Jones.

4 Going on to conservative matters, Cyrus  
5 Ray, Antolia Rocca [phonetic], Henry Baez, Gerard  
6 Xi [phonetic] Micah Uma, Sharon Cohen, Gary  
7 Cohen, Catherine Naughton, Evalise Garcia, Robert  
8 Borrero, Patrick A. Dooley, John M. Rose, Jesus  
9 Tolentino, Alfonso Milano, Maureen Milano, James  
10 Laccus [phonetic], Salvatore Mancuso, Susan  
11 Drummond, Jack Reith [phonetic], Eileen Mosher,  
12 Assunta Tritto [phonetic], Ana J. Feaster, Norman  
13 Moore, Arneil Assayong [phonetic], Alex Meechie  
14 [phonetic], Thomas Castillo, Lizardo Gomez  
15 [phonetic], Gabrielle De Jesus, Roberto Toro.

16 And finally, Working Families matter,  
17 Mino Lora. That concludes the Bronx enrollment  
18 issues calendar.

19 PRESIDENT UMANE: Okay. Are there any  
20 appearances? Okay. Hearing none, I move that we  
21 adopted the --

22 COMMISSIONER MARMORATO: President  
23 Umane, I believe there was one matter, which may  
24 have been skipped, because I didn't hear it, on



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2 page five, Anthony L. Herbert, Senior, so I just  
3 wanted to add that name to the list.

4 MR. GRAVES: Commissioners, that is a  
5 crossover matter for later.

6 COMMISSIONER MARMORATO: Understood,  
7 thank you.

8 SECRETARY CAMILO: Understood. Thank you  
9 for clarifying. Go ahead, President Umane. I  
10 believe you were about to move the report.

11 PRESIDENT UMANE: Yes, I move that we  
12 adopt the report and remove those candidates from  
13 the ballot.

14 SECRETARY CAMILO: Second.

15 PRESIDENT UMANE: Is there a second?

16 SECRETARY CAMILO: Yes.

17 PRESIDENT UMANE: All in favor?

18 MULTIPLE: Aye.

19 PRESIDENT UMANE: All opposed, all  
20 abstentions, it seems to carry unanimously. Thank  
21 you. Let's see. Let's move onto the prima facie,  
22 which includes both CRU and legal issues, so  
23 let's call that calendar.

24 MR. GRAVES: Democratic Party, in the

1 April 13, 2021

2 78th Assembly District, Bernadette Ferrara, et  
3 al, next delegate, also Democratic delegate to  
4 the Judicial Convention, Victor Pichardo, et al.

5 SECRETARY CAMILO: I'm sorry, can we  
6 pause. Can everybody mute, please, if you're not  
7 speaking.

8 MR. GRAVES: Next, alternate delegate to  
9 the Judicial Convention, 86th Assembly District  
10 Duke Baba [phonetic], et al. Next, for borough  
11 president, Victor Hugo Gutierrez. Next, for the  
12 12th district, Joyce N. Briscoe. Next, for male  
13 district leader in the 82nd Assembly District,  
14 John Doyle. Next, delegate to the Judicial  
15 Convention in the 77th AD, Celeste Wilson Burns  
16 et al and in the 79th AD, Burema E. Neamboli  
17 [phonetic] et al. Next, Haile Rivera, next Maria  
18 Gonzales, Richardo Martinez, Irene Estrada as the  
19 candidate, Roxanne Delgado as the objector,  
20 Abdourahamane Diallo as the candidate, Celeste  
21 Burns as the objector, Anyelo Cursio [phonetic],  
22 that's for the Conservative Party. Christopher  
23 McQuire, Michael Prior and Rita Ferrara.

24 SECRETARY CAMILO: Do we have any

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2 appearances on any of these matters?

3 MR. GRAVES: The only appearance that I  
4 do have is Stanley Schlein for the Briscoe matter  
5 and for the matter of Celeste Burns in the 77th  
6 AD and Burema E. Neamboli in the 79th AD.

7 MS. KONTZAMANIS: Mr. Schlein is in the  
8 meeting.

9 PRESIDENT UMANE: Can you let Mr.  
10 Schlein in?

11 MS. KONTZAMANIS: He's in the meeting.

12 PRESIDENT UMANE: Mr. Schlein, we  
13 understand you're here representing three of  
14 these potential candidates. Could you sort of  
15 explain why they should remain on the ballot?

16 SECRETARY CAMILO: You're on mute.

17 MR. STANLEY SCHLEIN: Okay, I'm sorry  
18 about the mute. I'm not here to represent the  
19 candidates, but rather in support of the prima  
20 facie application by the staff of the board, and  
21 I just wanted to congratulate the board for its  
22 due diligence on these matters.

23 PRESIDENT UMANE: Thank you, Mr.  
24 Schlein.

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2 MR. SAVINO: Commissioners, if I may, on  
3 page two, I just wanted to point out that Ms.  
4 Briscoe indicated on her petitions that she was  
5 running for community board. So that was why she  
6 was placed on the calendar.

7 SECRETARY CAMILO: Can you speak up and  
8 repeat that last line, Mr. Savino? I'm sorry.

9 MR. SAVINO: On her petitions, it  
10 indicated she was running for community board,  
11 which is something we picked up on and why she  
12 was added to the calendar. Thank you,  
13 commissioners.

14 PRESIDENT UMANE: Okay. I would move,  
15 unless one of the Bronx commissioners would like  
16 to move that calendar.

17 SECRETARY CAMILO: Thank you for the  
18 motion and I second.

19 PRESIDENT UMANE: Okay. All in favor.

20 MULTIPLE: Aye.

21 PRESIDENT UMANE: Opposed? All  
22 abstentions? Okay, it seems unanimous, thank you.

23 SECRETARY CAMILO: Are we moving on to -  
24 - yeah.

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2 PRESIDENT UMANE: Okay. Let's see --

3 SECRETARY CAMILO: Specifications.

4 PRESIDENT UMANE: -- okay, so let's move  
5 on to the regular Bronx calendar and the specs.  
6 Who's going to call that?

7 MR. SAVINO: I have the lovely honor of  
8 calling that, commissioner.

9 SECRETARY CAMILO: And Mr. Savino, I  
10 imagine we're going to call each matter one by  
11 one and ask if there are any appearances on each  
12 one?

13 MR. SAVINO: That is what we certainly  
14 will do.

15 SECRETARY CAMILO: Thank you.

16 PRESIDENT UMANE: Do we have any clerks'  
17 reports on these?

18 SECRETARY CAMILO: Yes, it was in the  
19 Bronx email, President Umane.

20 PRESIDENT UMANE: Okay.

21 SECRETARY CAMILO: It's only about eight  
22 of them.

23 MR. SAVINO: Without further ado, I will  
24 begin. Clerks' report, Democratic Party, in the

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2 matter of objections by Ali Salakibou to the  
3 petition of Ahmadou Diallo, New York City Council  
4 of the 16th District. Number of signatures  
5 submitted by candidate, 3,070, total valid number  
6 of signatures, 1,271, number of signatures  
7 required, 270. Appearances?

8 MR. GRAVES: There are appearances,  
9 James P. Curran for the objection and Ezra Glaser  
10 for the candidate.

11 MS. KONTZAMANIS: Mr. Glaser and Mr.  
12 Curran, you've both been entered into the  
13 meeting.

14 MR. EZRA GLASER: Yeah, this is Ezra  
15 Glaser, on behalf of the candidate Almadou  
16 Diallo. Can you hear me?

17 SECRETARY CAMILO: Yes, sir, we can hear  
18 you.

19 MS. KONTZAMANIS: Do we have -- we can  
20 hear you, just one second, we need to get Mr.  
21 Curran. Mr. Curran, can you hear us, sir?

22 MR. JAMES P. CURRAN: I'm sorry.

23 MS. KONTZAMANIS: Mr. Glaser, you're  
24 going to have to kill one of the cameras, there's

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2 too much background. I'm going to have to kill  
3 Ms. Shear [phonetic], or the connection, there's  
4 too much background feed, sir. Okay. Okay. Go  
5 ahead, commissioners.

6 PRESIDENT UMANE: Okay. For the  
7 objector, do you have anything to add in relation  
8 to the clerks' report? Do you have a list of  
9 errors that the board has made?

10 SECRETARY CAMILO: Mr. Curran? I  
11 thought, oh, it looks like he's frozen.

12 MR. CURRAN: For the objector, no, we  
13 have nothing to add to the clerks' report.  
14 [unintelligible] [00:23:37]

15 PRESIDENT UMANE: Okay, Mr. Glaser,  
16 anything to add? You're muted, sir.

17 MR. GLASER: Can you hear me?

18 PRESIDENT UMANE: Yes, we can.

19 MR. GLASER: Well, only that we have a  
20 petition to validate and then we'll be intending  
21 to restore some of the signatures that were  
22 invalidated with respect to the witnesses, but  
23 that's really for, that's more for the court  
24 proceeding than anything else.

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2 PRESIDENT UMANE: Okay. So is there a  
3 motion to adopt the clerks' report?

4 SECRETARY CAMILO: I would move to adopt  
5 the clerks' report, and for clarity, this is as  
6 to Spec BX1.

7 COMMISSIONER MARMORATO: I second.

8 MR. GLASER: That's correct.

9 PRESIDENT UMANE: All in favor, all  
10 opposed, all abstentions, okay. The candidate  
11 remains on the ballot.

12 MR. SAVINO: BX4-1, objections by  
13 Roxanne Delgado in the Bronx, to petition of  
14 Naomi Rivera, delegate to the 12th Judicial  
15 District, total valid number of signatures, 103,  
16 number of signatures required, 150. Appearances?

17 PRESIDENT UMANE: Are there any  
18 appearances?

19 MR. TOM SATTIE: There are no  
20 appearances for this spec.

21 SECRETARY CAMILO: I would move to adopt  
22 the clerks' report.

23 PRESIDENT UMANE: Is there a second?

24 COMMISSIONER MARMORATO: Second.



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2 PRESIDENT UMANE: All in favor?

3 MULTIPLE: Aye.

4 PRESIDENT UMANE: All opposed, all  
5 abstentions, okay.

6 MR. SAVINO: The candidate --

7 PRESIDENT UMANE: The candidate is off  
8 the ballot.

9 MR. SAVINO: Spec number 5-1, again,  
10 obviously the Bronx, Roxanne Delgado to the  
11 petition of Irene Estrada, delegate to the 12th  
12 Judicial District, and this has the, appears to  
13 be the same amount of signatures, total valid  
14 signatures, 103, number of signatures required,  
15 150.

16 PRESIDENT UMANE: Is there anybody here  
17 for the candidate or the objectors? Any  
18 appearances?

19 MR. SATTIE: There is an appearance  
20 Egidio Sementilli, for the candidate.

21 MS. KONTZAMANIS: We're letting him in  
22 now. Mr. Sementilli, can you hear us, sir?

23 MR. EGIDIO SEMENTILLI: Yes, I do.

24 MS. KONTZAMANIS: Perfect, go ahead.

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2 MR. SEMENTILLI: I'm hear for  
3 specification number five. I assume the action  
4 taken at this legal, the prior meeting, CRU, this  
5 becomes a moot issue?

6 PRESIDENT UMANE: Well, are you here for  
7 the candidate?

8 MR. SEMENTILLI: I'm here for the  
9 candidate.

10 PRESIDENT UMANE: [unintelligible]  
11 [00:26:32] petition signature, your candidate  
12 does not seem to have sufficient signatures to  
13 appear on the ballot.

14 MR. SEMENTILLI: Mr. Commissioner, I'm  
15 actually --

16 PRESIDENT UMANE: The list that you made  
17 --

18 MR. SEMENTILLI: Yeah, I'm so sorry,  
19 commissioner, four and five, I'm not here for the  
20 candidate. Uh, I'm here for number 18. Please  
21 forgive me. It was an error.

22 PRESIDENT UMANE: Okay.

23 MR. SEMENTILLI: I'm here for 18.

24 PRESIDENT UMANE: Okay, we'll call you

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2 when we hit 18. Thank you.

3 MR. SEMENTILLI: Thank you.

4 PRESIDENT UMANE: Is there a motion on  
5 the clerks' report?

6 SECRETARY CAMILO: Move to adopt the  
7 clerks' report.

8 COMMISSIONER MARMORATO: Second.

9 PRESIDENT UMANE: All in favor?

10 MULTIPLE: Aye.

11 PRESIDENT UMANE: All opposed? All  
12 abstentions? Okay. the candidate is off the  
13 ballot.

14 MR. SAVINO: Spec number Bronx number  
15 18-1, objections by Roxanne Delgado to Irene  
16 Estrada, New York City Council Member of the 13th  
17 District, total valid number of signatures, 194,  
18 number of signatures required, 270.

19 MR. SATTIE: This is number 18, this is  
20 spec 18 we're talking?

21 MR. SAVINO: Yeah, 18-1.

22 MR. SATTIE: This was, this is the issue  
23 that I think Mr. Sementilli was referring to.  
24 That spec was thrown out prima facie, in the

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2 prima facie report.

3 PRESIDENT UMANE: Oh, what about 14?

4 SECRETARY CAMILO: We skipped over. We  
5 went over to 18-1, a few pages down.

6 PRESIDENT UMANE: Okay.

7 SECRETARY CAMILO: I would move to  
8 dismiss the spec as moot.

9 COMMISSIONER MARMORATO: Second.

10 PRESIDENT UMANE: All in favor?

11 MULTIPLE: Aye.

12 PRESIDENT UMANE: All opposed? All  
13 abstentions? Okay.

14 MR. SEMENTILLI: Thank you,  
15 commissioners.

16 PRESIDENT UMANE: Candidate is off the  
17 ballot. Are we going back to 14?

18 MR. SAVINO: Yes, 14 is the next one in  
19 the pile I have. 14-1, objections by Leila  
20 Martinez to the petition of Glennis Sanchez for  
21 council member of the 17th Council District,  
22 total number of valid signatures, 131, total of  
23 signatures required, 270. Appearances?

24 MR. SATTIE: There are appearances.

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2 MR. SCHLEIN: For the objector, Stanley  
3 Schlein.

4 MR. SATTIE: And for the candidate, I  
5 don't know if he made it in, Luis Enrique  
6 Castillo.

7 MS. KONTZAMANIS: He has not made it in,  
8 Mr. Sattie.

9 MR. SATTIE: Thank you.

10 MR. SCHLEIN: I respectfully ask the  
11 commissioners to move the clerks' report and  
12 invalidate the candidacy of Ms. Sanchez.

13 PRESIDENT UMANE: Thank you, Mr.  
14 Schlein, is there a motion?

15 COMMISSIONER MARMORATO: I move to adopt  
16 the clerks' report.

17 SECRETARY CAMILO: And I will second.

18 PRESIDENT UMANE: All in favor?

19 MULTIPLE: Aye.

20 PRESIDENT UMANE: All opposed? All  
21 abstentions? Okay. Candidate is off the ballot,  
22 thank you, Mr. Schlein. Next.

23 MR. SAVINO: Spec number 15-1,  
24 objections by Laila Martinez to the petition of

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2 Lattina Brown, New York City Council member of  
3 the 17th Council District. Total valid signatures  
4 --

5 MS. KONTZAMANIS: Mr. Foldenauer, you  
6 have to shut the live stream, sir.

7 MR. SAVINO: Shall I continue?

8 MR. SATTIE: Maybe start over.

9 MR. SAVINO: Okay. Maybe I'll start  
10 over.

11 MS. KONTZAMANIS: Yes.

12 MR. SAVINO: Spec number 15-1,  
13 objections by Laila Martinez, petition of Lattina  
14 Brown for New York City Council Member of the  
15 17th Council District. Total valid signatures  
16 196, number of signatures required, 270.  
17 Appearances?

18 MR. SATTIE: There is --

19 MR. SCHLEIN: For the objector, Stanley  
20 Schlein.

21 MR. SAVINO: And for the --

22 MR. AARON FOLDENAUER: Good morning,  
23 commissioners. For the candidate Lattina Brown,  
24 Aaron Foldenauer.

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2 PRESIDENT UMANE: Mr. Foldenauer, you  
3 have a list for us of errors that the board might  
4 have made in connection with this?

5 MR. FOLDENAUER: Yes, I do. Good  
6 morning, commissioners. And I would like to make  
7 sure the commissioners have the document that I  
8 sent to the commission yesterday at 3:00 o'clock.  
9 It has several exhibits to it. There are several  
10 problems with the specification, commissioners.  
11 The first issue is that the specification does  
12 not comply with the board rules. Rule H-1 of  
13 specification of objections, the last sentence  
14 requires that the specification in each and every  
15 volume shall be numbered sequentially at the  
16 bottom of each page. As the commissioners will  
17 see in Exhibit A to my submission yesterday, the  
18 specification is not paginated, therefore, the  
19 specification does not comply with the  
20 commission's rules and should be rejected in  
21 whole for that reason alone.

22 PRESIDENT UMANE: Okay. Hold on just a  
23 second. Can I ask the clerks to take a look at  
24 the specifications, and are they numbered? Guys,

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2 would the clerks be able to tell whether the  
3 specifications are numbered or not? If the line  
4 by line specs are numbered.

5 MR. SCHLEIN: Mr. President, may I be  
6 heard?

7 PRESIDENT UMANE: Yes. I was just trying  
8 to get to the facts.

9 MR. SCHLEIN: Sure. All I can suggest to  
10 the commissioners is that I'm holding my copy,  
11 which were all numbered, paginated one by one.

12 MR. FOLDENAUER: If I may,  
13 commissioners, be heard on that?

14 PRESIDENT UMANE: Yes, go ahead.

15 MR. FOLDENAUER: The specification and I  
16 attach this to sample pages to my submission  
17 yesterday, the petition sheet blank and petition  
18 volume number blanks are partially filled in. We  
19 can get to that issue in a second. However, the  
20 sheets themselves are not numbered. If you look,  
21 the commission is certainly very familiar with  
22 the commission's template, and the commission's  
23 template requires that the volume number and the  
24 sheet number of the petition sheet be filled in,



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2 in a specific spot. But in addition to that, the  
3 commission's rules, the last sentence of rule H-1  
4 requires that the specification pages be  
5 numbered, and typically that's done in the bottom  
6 right hand corner with a black magic marker or  
7 something like that. Remember that specification  
8 pages do not have to be in order, and there does  
9 not need to be a specification page for each  
10 petition sheet. So that's why rule H-1 requires  
11 that the pages be numbered to avoid any and all  
12 confusion. Otherwise, you have to keep trying to  
13 cross reference the volume number and the sheet  
14 number without being able to refer to the  
15 specification page number, and that's what's  
16 missing here, commissioners, in clear violation  
17 of the last sentence of Rule H-1.

18 PRESIDENT UMANE: Ms. Candelaria, what  
19 does it show?

20 MS. CANDELARIA: I see the petition, I  
21 see it on the page. I'm not sure what's the  
22 difference between his and ours?

23 MR. SCHLEIN: Again, Mr. President,  
24 copies were sent, absolutely done with the page

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2 and a petition sheet number and petition volume  
3 number attached. I don't know what he's talking  
4 about.

5 MR. FOLDENAUER: It's that --

6 MR. SCHLEIN: The board has its copy, I  
7 have my copy, unless there was some tampering  
8 with it, this is absolutely compliant with the  
9 board's rules.

10 MR. FOLDENAUER: Commissioners, it's a  
11 difference between -- Mr. Schlein knows full well  
12 the difference between a sheet number versus the  
13 pagination of the specifications themselves.  
14 Filling in a sheet number to say what sheet the  
15 specification page corresponds to, that's very  
16 different from a page number to the specification  
17 itself. So Mr. Schlein is correct that the sheet  
18 number, the corresponding sheet number is filled  
19 in. However, there is no page numbers on the  
20 specifications themselves. That's what's missing.  
21 There should be a separate set of numbers for the  
22 specification page numbers.

23 PRESIDENT UMANE: We understand what  
24 you're saying, Mr. Foldenauer.

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2 MR. SCHLEIN: Mr. President, I'm glad  
3 you do, because I really don't understand what  
4 he's saying.

5 PRESIDENT UMANE: What, what exactly, I  
6 understand. I'm just trying to find out exactly  
7 what, what our set of copies have on it, whether  
8 the pages are numbered or not. And not the sheet  
9 numbers, which is what Mr. Foldenauer's position  
10 is. Either there's a number on the bottom or  
11 there isn't. If you could just let us know.

12 MR. SAVINO: And are they sequential,  
13 you know. If the numbers are sequential, that  
14 might satisfy the rule.

15 MS. CANDELARIA: You're asking us? I see  
16 the -- it has the page number.

17 PRESIDENT UMANE: Is it the page number  
18 that corresponds to the petition, or is it  
19 separately numbered?

20 MR. FOLDENAUER: If I may,  
21 commissioners, it says petition sheet number  
22 blank, petition volume number blank. Again, that  
23 corresponds to the sheet number and the volume  
24 number. As I said, there's no page, there's no

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2 separate page number, and in fact, there's two  
3 volumes to the original petition. The volume  
4 numbers end in 1791 and 1792. You'll see when  
5 volume 1792 starts that, you know, their sheet  
6 numbers resets, as it should. But again, there is  
7 no page number, at least --

8 PRESIDENT UMANE: We, we -- Mr.  
9 Foldenauer, we understand. We're just trying to  
10 find out what the actual documents say. Because  
11 of the remote nature of this, we can't look for  
12 ourselves.

13 MR. FOLDENAUER: Thank you very much,  
14 Mr. Umane.

15 PRESIDENT UMANE: We get it. We're just  
16 trying to figure out what the actual state of  
17 facts are.

18 SECRETARY CAMILO: And I move to adopt  
19 the clerk's report. I'm sitting here, I'm looking  
20 at the specifications, everything is filled in  
21 correctly.

22 MR. FOLDENAUER: If I may, it's not a  
23 matter of whether it's filled in correctly. I'm  
24 still not hearing an answer to the commissioner's

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2 question as to whether there's a page number and  
3 there's not a page number. The sheet number blank  
4 is filled in but there is no page number on it.

5 MR. SCHLEIN: Mr. President, may I be  
6 heard?

7 PRESIDENT UMANE: Yes, Mr. Schlein.

8 MR. SCHLEIN: You know, the absurdity,  
9 the absurdity of counsel's argument is beyond  
10 preposterous. He is saying the best I can  
11 understand that we used the term petition sheet  
12 number rather than page number. That's what he's  
13 saying. And I could not conceive of a more  
14 foolish and inappropriate argument for that one.  
15 Our petition sheet numbers sequentially match the  
16 petition volume by volume and each volume number  
17 is listed on each and every page in full  
18 compliance with the board's rules. I respectfully  
19 ask the report be moved by the honorable  
20 commissioners.

21 MR. FOLDENAUER: Again, commissioners,  
22 I'm holding in front of my camera right now, you  
23 know, a copy of the petition sheet and these  
24 sample sheets were sent to the commissioners.

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2 Petition --

3 MS. KONTZAMANIS: That's not a petition  
4 sheet, that's a spec sheet.

5 MR. FOLDENAUER: Right, they're, yeah,  
6 I'm sorry, this is a specification sheet and  
7 again, the petition sheet number is filled in but  
8 there is no page number on the specification  
9 anywhere. And that was the question one of the  
10 commissioners was asking and if Mr. Schlein wants  
11 -- if Mr. Schlein wants to concede that there's  
12 no separate page number and make his argument  
13 that it still complies with the rules, that's  
14 fine. But the bottom line is there is no page  
15 number --

16 MR. SCHLEIN: The only thing I will  
17 concede -- the only thing I will concede is that  
18 you're making an argument ad absurdum. Your  
19 Honor, at risk -- I'm sorry, Mr. President, I'm  
20 promoting you, it says petition sheet number  
21 rather than petition page number. That's his  
22 argument.

23 MR. FOLDENAUER: No, it's not the  
24 specification page number. There should be a

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2 separate spot for the specification page number,  
3 and that's what's required. Again, it's important  
4 to look at the last sentence of Rule H-1, which  
5 is clear that specifications, again the  
6 specification of objections in each and every  
7 volume shall be numbered sequentially at the  
8 bottom of each page of the specification.

9 PRESIDENT UMANE: Okay, Mr. Foldenauer,  
10 let's move on from that one. Do you have other  
11 arguments and then we'll move one.

12 MR. ALFASI: If I may, for the  
13 commissioners, this may or may not have a  
14 bearing. The petition, where it says petition  
15 sheet number on the objections, they do, they are  
16 sequential in each and every manner, from page  
17 one all the way to sheet number 37. Perhaps  
18 that's a coincidence, perhaps it's not, but it is  
19 numbered sequential from one through 37.

20 PRESIDENT UMANE: Okay.

21 MR. FOLDENAUER: Mr. Commissioners --

22 PRESIDENT UMANE: Alright. Okay.

23 MR. ALFASI: Without any numbers  
24 skipping.

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2 PRESIDENT UMANE: Okay. Let me ask you a  
3 second question. Let me just ask a follow up  
4 question. There are two volumes comprised of this  
5 petition. Was the objection submitted separately  
6 for each one, or was it in one that was submitted  
7 --

8 MS. HEMALEE CANDELARIA: No, separately.

9 PRESIDENT UMANE: Okay.

10 MR. SCHLEIN: No, no. Excuse me.

11 MS. CANDELARIA: They're together, but  
12 they have it for each volume.

13 MR. FOLDENAUER: No, the --

14 MR. SCHLEIN: We separately, Mr.  
15 President, we separately designated each petition  
16 number, each volume number and each page number  
17 and bound them together, separating them with a  
18 separator sheet. They were all bound as a single  
19 objection.

20 MR. FOLDENAUER: Right, Mr. President,  
21 so it's bound as a single objection and I would  
22 like to hear the person say what happens when  
23 volumes, when the volume ending in 1791 ends,  
24 because then the volume ending in 1792 starts,



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2 and then the numbering starts over again at one  
3 and then two again. And then that's why --

4 PRESIDENT UMANE: Mr. Foldenauer, we've  
5 got it, we've got it, we've got it. I was just, I  
6 was asking the question because --

7 SECRETARY CAMILO: President Umane,  
8 President Umane, I'd like to second call this  
9 matter so I can review an issue with my staff, if  
10 we can second call it.

11 PRESIDENT UMANE: Okay. Well, what my  
12 thought was, was to hear the additional arguments  
13 and then we could put it over for everything.

14 SECRETARY CAMILO: Go ahead.

15 PRESIDENT UMANE: If that's okay. So Mr.  
16 Foldenauer, do you have any other objections to  
17 the specifications?

18 MR. FOLDENAUER: Mr. President, thank  
19 you very much. The second issue with the  
20 specification and I'm looking at the same portion  
21 of the specification is that the volume number is  
22 improper. The volume numbers were not properly  
23 filled in. The complete volume numbers were  
24 BX2101791 and BX2101792. All that is written in

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2 the bottom right hand corner for the volume  
3 number is incomplete numbers, namely 1791 and  
4 1792.

5 PRESIDENT UMANE: Okay.

6 MR. FOLDENAUER: And thus the petition,  
7 the specification themselves, in addition to  
8 lacking page numbers also lack volume numbers.

9 PRESIDENT UMANE: Okay. That's good. We  
10 got it. Mr. Schlein? You're going to say that it  
11 doesn't matter, right?

12 MR. SCHLEIN: I would respond very  
13 briefly, Mr. President. The front page of the  
14 specifications objection forms states Bronx  
15 2101791, 792, and then when we go sheet by sheet,  
16 it says 1791 and when that breaks we go to 1792.  
17 Everything is compliant. The arguments are  
18 absurd, are bootstrapping. We ask the board not  
19 to give any credence to this argument and move  
20 the report.

21 PRESIDENT UMANE: Okay. Thank you, Mr.  
22 Schlein. Mr. Foldenauer, do you have anything  
23 else?

24 MR. FOLDENAUER: Yes, in addition to

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2 these two issues which are fatal, each of  
3 themselves, to the specification, is that the  
4 candidate Lattina Brown has submitted to the  
5 commission a list of 108 additional signatures  
6 that she believes are valid and which would put  
7 her in the promised land of 270 and above. Again,  
8 the candidate respectfully submits that the  
9 commission should reject the specification in its  
10 entirety for reasons stated, but in addition to  
11 that, then we have all these additional valid  
12 signatures that will put her over 270.

13 PRESIDENT UMANE: Okay. And have you  
14 submit --

15 MR. FOLDENAUER: And that's Exhibit B to  
16 my submission.

17 PRESIDENT UMANE: -- have you submitted  
18 that list to us?

19 MR. FOLDENAUER: I have. I sent it in my  
20 letter dated April 12th, yesterday. It was  
21 emailed to the BOE --

22 PRESIDENT UMANE: Okay. I've --

23 MR. FOLDENAUER: -- hearings.

24 PRESIDENT UMANE: If you told me we got

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2 it, we got it, I understand. Mr. Schlein --

3 COMMISSIONER ARAUJO: Mr. President,  
4 this is Commissioner Araujo. Is the submission of  
5 the exception report timely?

6 PRESIDENT UMANE: Well, he said he sent  
7 it to us yesterday.

8 MR. SATTIE: Yes, it was.

9 COMMISSIONER ARAUJO: Right, but I don't  
10 think the staff in the Bronx had enough time  
11 pursuant to our rules to review the exceptions. I  
12 just want a clarification on that issue, please.

13 PRESIDENT UMANE: Okay. Mr. Foldenauer,  
14 when did you send it to us?

15 MR. FOLDENAUER: It was sent on April  
16 12th at 1:22 p.m.

17 PRESIDENT UMANE: Okay. Okay. Uh, Mr.  
18 Schlein, do you have a comparable list of  
19 potential errors that were made?

20 MR. SCHLEIN: No, it was never sent. It  
21 -- we, we support the clerks' report in its  
22 entirety, we were never given a copy of this  
23 [unintelligible] [00:47:12] list, so I can't  
24 react.

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2 MR. FOLDENAUER: Right, you can --

3 MR. SCHLEIN: May I finish?

4 PRESIDENT UMANE: Mr. Schlein, go ahead.

5 MR. SCHLEIN: And that we believe it is  
6 an untimely transmittal as well.

7 MR. FOLDENAUER: If I may respond to  
8 that, Mr. President, the, the request from the  
9 board was to send whatever we had to send by 3:00  
10 o'clock yesterday. This was sent at 1:22 p.m. It  
11 was in there. It's moot in any event, given the  
12 fatal errors with the submission. So it's been  
13 submitted. It's been at the commission now for  
14 some time, and we move that this candidate,  
15 Lattina Brown, be placed on the ballot.

16 PRESIDENT UMANE: Okay. So let's do  
17 this. We're going to call this on second call. I  
18 would ask that the board or Mr. Foldenauer send  
19 the list to Mr. Schlein and that Mr. Foldenauer  
20 and Mr. Schlein participate with board staff,  
21 going over that list to see if in fact there are  
22 errors. And the board will consider the legal  
23 issues as to the sufficiency of the  
24 specifications and report back on special call,

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2 on second call. But since Mr. Foldenauer followed  
3 the rules and submitted, his candidate is  
4 entitled to have that list reviewed. And we  
5 should do that. And if there are arrangements  
6 that the clerks can participate, even on the  
7 phone with our staff, can go over that list with  
8 both sides participating. In the same way --

9 MS. CANDELARIA: Can I ask a question?

10 PRESIDENT UMANE: Yes.

11 MS. CANDELARIA: The list that I'm  
12 looking at, everything says specification, not  
13 page number. So I'm not sure, I'm not seeing what  
14 is the claim.

15 COMMISSIONER ARAUJO: Mr. President,  
16 that's the same --

17 PRESIDENT UMANE: Mr. Foldenauer, can  
18 you explain?

19 MR. FOLDENAUER: Well, again, the  
20 specification wasn't numbered, and that gets back  
21 to our legal issue. So we have no specification  
22 page number. But what we've listed, it's very  
23 clear, in our Excel spreadsheet. It lists the  
24 sheet number that the signature was on, the line

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2 number that the signature was on, and the voter  
3 ID that corresponds, which proves that it's a  
4 valid signature. And again, unfortunately,  
5 because Mr. Schlein and the objector did not  
6 comply with the rules, we don't have a  
7 specification number. Again, I -- specification  
8 page number -- again, I would submit that  
9 therefore this whole list is moot in any event,  
10 but we have our list and we're happy to send a  
11 courtesy copy to Mr. Schlein. I see a gmail  
12 address for him if that works for him, I'm happy  
13 to send him a courtesy copy unless the board  
14 wants to and then we can go from there.

15 PRESIDENT UMANE: Mr. Araujo, did you  
16 have something you wanted to add?

17 COMMISSIONER ARAUJO: Yes, no, I was  
18 going to put into that same point, that it  
19 doesn't appear that their specifications follows  
20 the format. It's making the same legal argument  
21 that he's making, as opposed to pointing out  
22 where the board actually made an error, but I  
23 think he should email a copy to his opposing  
24 counsel and not put the burden on us to send a

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2 copy of that. Have them both look at it and then  
3 make arguments at the second call as to whether  
4 or not this exception report even comports with  
5 our rules. And I would also ask for our legal  
6 staff to look it over and submit an opinion as  
7 well, or recommendation to the commissioners.

8 MR. SCHLEIN: Thank you.

9 PRESIDENT UMANE: Okay. So I would ask  
10 if you can, please send it to Mr. Schlein, and  
11 our clerks will try and contact both of you and  
12 go over, representatives and go over that list  
13 and see whether in fact errors were made or not,  
14 and our legal staff will review the issues raised  
15 by Mr. Foldenauer and we will report back on  
16 second call.

17 MR. FOLDENAUER: And second call will  
18 when do you anticipate, Mr. President?

19 PRESIDENT UMANE: Well, it would be at  
20 some point after you've had an opportunity to go  
21 over the 108 signatures that you claim we erred  
22 on. So it will be sometime later today.  
23 Obviously, both sides will get notice of that,  
24 but probably towards the end, if not at the end



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2 of the calendar for today. Hopefully, you guys  
3 can get moving on that list and we'll see. So,  
4 that's how we're going to proceed.

5 MS. CANDELARIA: I would like to clarify  
6 one point for the lawyer. When it says not as  
7 stated, it means that what the objector said, we  
8 don't agree with them, we agree with the, with  
9 that. So you send me things that we did say that  
10 were good signatures.

11 PRESIDENT UMANE: Yeah, [unintelligible]  
12 [00:52:35] --

13 MR. FOLDENAUER: I said --

14 PRESIDENT UMANE: -- means it's a valid  
15 signature.

16 MR. SCHLEIN: I understand. I understand  
17 how that works.

18 MS. CANDELARIA: Okay.

19 MR. SCHLEIN: Mr. President, absent me  
20 receiving this document, what I am hearing,  
21 subject to review, frankly is that counsel is  
22 committing a fraud upon this board. And I will  
23 ask the board to make such a ruling that if in  
24 fact, he's trying to valid signatures that have

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2 already been validated by the honorable staff or  
3 the board. That's what I [unintelligible]  
4 [00:53:07].

5 PRESIDENT UMANE: I understand, Mr.  
6 Schlein. And it may be if that error was made  
7 that it will be rather quick to do the review,  
8 which is in everybody's interest to move this  
9 along.

10 MR. SCHLEIN: Certainly.

11 PRESIDENT UMANE: So I would ask that  
12 the board staff in the Bronx to make arrangement  
13 to get at least on the phone with both parties  
14 and go through that list. And our legal staff  
15 will review the arguments raised by Mr.  
16 Foldenauer, and we'll [unintelligible] [00:53:43]  
17 a determination as if and when that list is  
18 resolved. So, and I would caution and ask  
19 everybody to be reasonable in terms of going over  
20 that list, otherwise, it'll be sometime by  
21 Memorial Day by the time you're done with 108  
22 signatures. So, I would ask you to sort of  
23 rapidly, and for the Bronx clerks to  
24 [unintelligible] [00:54:10] and a Democrat to

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2 work with the parties to figure out the list and  
3 thank you, Mr. Foldenauer for complying with the  
4 rules and providing a list, and people who have  
5 been at these hearings have heard me say that  
6 it's a pleasure to have somebody actually read  
7 the rules and try to comply. So, there you go,  
8 and let's move on to the next one. No ruling yet,  
9 second call on this.

10 MR. FOLDENAUER: Thank you,  
11 commissioners.

12 MR. SAVINO: At this point, I will  
13 continue reviewing the clerks' reports.

14 COMMISSIONER TAYLOR: Yes.

15 MR. SAVINO: Bronx spec number 16-1,  
16 objections by Laila Martinez, to the petition of  
17 Helen Hines, New York City Council member for the  
18 17th Council District, total valid number of  
19 signatures 300, number of signatures required  
20 270. Appearances?

21 MR. SCHLEIN: For the objector, Stanley  
22 Schlein.

23 PRESIDENT UMANE: Anybody for the  
24 candidate?

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2 MR. SATTIE: No, sir.

3 MS. KONTZAMANIS: No.

4 PRESIDENT UMANE: Mr. Schlein, do you  
5 have --

6 MR. SCHLEIN: We take no exception to  
7 the clerks' report.

8 PRESIDENT UMANE: Okay.

9 COMMISSIONER MARMORATO: I move to adopt  
10 the clerks' report.

11 SECRETARY CAMILO: Second.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? Thank you. Next.

16 MR. SAVINO: Specification number BX17-  
17 2, objections by Celeste Burns to the petition of  
18 Mr. Diallo, New York City Council member for the  
19 16th Council District, total valid number of  
20 signatures 509, number of signatures required  
21 270.

22 SECRETARY CAMILO: Any appearances?

23 COMMISSIONER MARMORATO: Any  
24 appearances?

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2 MR. SATTIE: There are Ezra Glaser for  
3 the objector and James Curran for the candidate.

4 MS. KONTZAMANIS: Mr. Curran is here,  
5 we're letting him in. It seems Mr. Glaser has  
6 disconnected.

7 PRESIDENT UMANE: Well Mr. Curran was  
8 here.

9 MR. CURRAN: Mr. Curran is back.

10 PRESIDENT UMANE: Okay. Good.

11 MR. CURRAN: The video times out, so  
12 sorry.

13 PRESIDENT UMANE: That's okay. Mr.  
14 Curran do you have --

15 MS. KONTZAMANIS: Mr. Glaser is joining  
16 us, commissioner.

17 PRESIDENT UMANE: Oh, Curran's here,  
18 it's Glaser. I apologize. Mr. Glaser. Mr. Glaser,  
19 you represent the objector?

20 MR. GLASER: I represent the objector.  
21 I'm sorry. I thought I was in the meeting.  
22 Somehow, I either got kicked out or whatever.

23 PRESIDENT UMANE: Okay. Well, you're  
24 back. We're on number 17, Celeste Burns

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2 challenging Diallo. There are a valid number of  
3 signatures. Do you have anything to add or a list  
4 of potential errors made by the board?

5 MR. GLASER: I think it's going to be  
6 dealt with on a petition invalidated but I want  
7 to say to the commissioners that it appears that  
8 there's no, there's no indication of how many  
9 signatures are being dealt with on forgery or  
10 fraud on the witness, with respect to the witness  
11 statements, which was actually objected to in  
12 several, on several of the witnesses that were --

13 PRESIDENT UMANE: Mr. Glaser, I think  
14 you know that the board is not in a position to  
15 rule on forgeries or frauds.

16 MR. GLASER: I do know that.

17 PRESIDENT UMANE: And you would need to  
18 raise those with the court and --

19 MR. GLASER: That was not the point. I'm  
20 sorry, I didn't mean to interrupt you, I  
21 apologize.

22 PRESIDENT UMANE: No, that's okay. But  
23 that's why there's no ruling on that because  
24 we're not in the position to be able to do that.

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2 MR. GLASER: No, but that's not exactly  
3 the point. The point was that with respect to the  
4 witness statement, it doesn't designate our  
5 objections to the forgeries or fraud. In other  
6 words, it lists the 55 forgeries that we list on  
7 the actual -- with respect to the actual  
8 signature area of the petition, but not with  
9 respect to the witness statement. Anyway, in any  
10 event --

11 PRESIDENT UMANE: But again, we're not  
12 in a position to rule on those. So that's  
13 probably why it's not listed there.

14 MR. GLASER: Okay.

15 PRESIDENT UMANE: So if you have nothing  
16 else, then I would entertain a motion to move the  
17 clerks' report.

18 COMMISSIONER MARMORATO: I move that we  
19 adopt the clerks' report unless Mr. Curran has  
20 anything that he'd like to add.

21 MR. CURRAN: No, I just had one quick  
22 question. It was just was there any consideration  
23 given to a Rule H-8 that these objections were  
24 frivolous? Or, excuse me, non-specific and

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2 generic?

3 MS. CANDELARIA: The objections were  
4 [unintelligible] [00:59:40].

5 SECRETARY CAMILO: We note the  
6 objections and we're moving the report and your  
7 candidate stays on the ballot.

8 MR. CURRAN: Thank you.

9 PRESIDENT UMANE: Okay. So it's been  
10 moved and seconded, all in favor?

11 MULTIPLE: Aye.

12 PRESIDENT UMANE: All opposed, all  
13 abstentions? Okay. The candidate remains on the  
14 ballot.

15 MR. GLASER: Can I just ask, because  
16 this is my last Bronx case, I did hear something  
17 about -- I guess I wasn't listening with respect  
18 to I heard something about Richmond County, when  
19 is Richmond County going to be considered?

20 PRESIDENT UMANE: Shortly thereafter,  
21 we're going to take a short break after we're  
22 done with the Bronx calendar, and then we're  
23 going to take up Richmond.

24 MR. GLASER: Thank you.



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2 PRESIDENT UMANE: Okay. Next.

3 SECRETARY CAMILO: I believe that's all  
4 the Bronx matters.

5 MR. SAVINO: That is the last clerks'  
6 report, but there is the BX19-1.

7 MR. SATTIE: That's a citywide.

8 MR. SAVINO: Okay. We'll wait on that  
9 one, then, it's a citywide, correct.

10 PRESIDENT UMANE: Okay. So we are going  
11 to take a five minute break, and then we'll start  
12 Richmond County.

13 MR. ZACCONE: Thank you.

14 [OFF THE RECORD]

15 [ON THE RECORD]

16 MS. KONTZAMANIS: Okay, we're live. I  
17 ask everyone to mute their phone.

18 PRESIDENT UMANE: Okay. I believe we're  
19 not live and we are going to move to a Richmond  
20 calendar. We are joined by Don Bosco and Anthony  
21 Andriulli, the chief clerk and deputy chief clerk  
22 of Richmond County.

23 COMMISSIONER ZACCONE: Excuse me,  
24 Commissioner Umane, I think we're missing

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2 Commissioner Camilo.

3 PRESIDENT UMANE: Oh, sorry.

4 COMMISSIONER MARMORATO: She is here.  
5 She stepped out, but she will be right -- I will  
6 get her, she's here.

7 COMMISSIONER ZACCONE: Thank you. I just  
8 wanted to be sure.

9 PRESIDENT UMANE: Okay. Beginning with  
10 the enrollment issues calendar, I would ask one  
11 of the counsel to please call the calendar.

12 MR. GRAVES: Good morning,  
13 commissioners, good morning everyone. For  
14 Richmond enrollment issues, we have one  
15 Republican issue.

16 COMMISSIONER ZACCONE: Can you please  
17 speak up?

18 MR. GRAVES: Sorry, commissioners. Good  
19 morning everyone, and for enrollment issues for  
20 Richmond County, we have one issue, Republican,  
21 concerning Marco Kepi.

22 COMMISSIONER ZACCONE: Whoever just  
23 joined us, can you please mute or leave the  
24 website meeting, so that we don't have to hear it

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2 again.

3 MR. GRAVES: Commissioners, I'll repeat  
4 it one more time, for candidate enrollment issues  
5 for Richmond County, we have one Republican  
6 issue. The name is Marco Kepi.

7 COMMISSIONER TAYLOR: Yes.

8 PRESIDENT UMANE: Okay, Mr. Kepi.

9 MR. MARCO KEPi: Good morning,  
10 commissioners.

11 PRESIDENT UMANE: Are you a registered  
12 Republican?

13 MR. KEPi: Yes, sir.

14 PRESIDENT UMANE: Do you, do we have his  
15 registration information?

16 MR. KEPi: I have it if you guys don't  
17 have it.

18 COMMISSIONER TAYLOR: Isn't it in the  
19 exhibits?

20 MR. KEPi: It is, I submitted it  
21 yesterday.

22 MR. GRAVES: We have an NCO  
23 notification, which lists house number 3825 56th  
24 Street, run on February 25th. That's three day

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2 after the first day to file petitions. No, I'm  
3 sorry, that's in February. That's preceding the  
4 circulation.

5 MS. KONTZAMANIS: Commissioners, if I  
6 can add, Mr. Kepi sent a notice of appearance  
7 yesterday with his detailed response and his  
8 documents with regard to his residency and that  
9 was forwarded to you.

10 PRESIDENT UMANE: Yeah, so we have that.  
11 We have it here. It appears that -- well, I'm  
12 looking at it and what I don't see is a  
13 registration. Oh, I guess there is a registration  
14 forms. And it was filed 2/4/21.

15 MR. KEPI: Correct.

16 PRESIDENT UMANE: And 302C Liberty  
17 Avenue is the address that's on your petitions  
18 and whatnot?

19 MR. KEPI: Correct.

20 PRESIDENT UMANE: Okay.

21 MR. KEPI: If I may sir, I can explain  
22 exactly what happened with my --

23 PRESIDENT UMANE: Yes, please, Mr. Kepi.

24 COMMISSIONER TAYLOR: That would be

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2 good.

3 MR. KEPI: So last year, I was a  
4 candidate here in Staten Island for the 64th  
5 Assembly District, which is also the same Council  
6 District, and after I lost my primary, I decided  
7 to go on vacation with my now fiancé, and right  
8 before my trip, I received a notice, I had  
9 forwarded my mail to my father's house because I  
10 was going away for three months. And when my  
11 father told me I had mail and I went and picked  
12 it up, somehow the post office had changed my  
13 voter registration from Staten Island to my  
14 father's house in Queens. So I took that notice,  
15 I went to Staten Island Board of Elections and I  
16 said to them why is my registration being  
17 changed, I've never changed my registration. They  
18 came out, they apologized, they said it's not us,  
19 it's the system, you don't have to do anything on  
20 your part. They said we'll correct it.  
21 Unfortunately, they said you're not going to be  
22 able to vote this general election because the  
23 rolls have been printed out, so you have to vote  
24 by affidavit. I said that's okay. I voted by

1 April 13, 2021  
2 affidavit. When I came back from vacation, I had  
3 the correction form that said I was still on 100  
4 Colfax in Staten Island. Now this year, on  
5 February 1st, I moved to a bigger apartment and I  
6 filled out my new voter registration card on  
7 February 2nd. On February 20th I believe, I  
8 received a notice that said I was enrolled in  
9 302C Liberty Avenue, everything was okay, I  
10 started my petition process. I never received  
11 anything else that happened to my registration  
12 until I received the notice from you guys that  
13 there was something wrong with my petition  
14 address. And that's when I realized that again,  
15 the Post Office looks like it changed my  
16 registration.

17 PRESIDENT UMANE: Okay. Mr. Zaccone, do  
18 you have a motion?

19 COMMISSIONER ZACCONE: Yeah, I was just  
20 looking at the documents that he provided and I  
21 do see an NCOA e-notification that we received at  
22 the office dated the 25th of February, 2021 for  
23 this voter having a new house address of 3025  
24 56th Street in the basement, Woodside New York

1 April 13, 2021

2 11377. So it appears that again, something was  
3 done where the national voter registration  
4 changed the address to what we have on file now,  
5 which led to this issue --

6 COMMISSIONER TAYLOR: Snafu.

7 COMMISSIONER ZACCONE: -- with his voter  
8 registration. So the most recent one, and the  
9 last one we have to date has him, has Mr. Kepi  
10 living at 56th Street. And that was -- an NCOA is  
11 not something that's promulgated or started by  
12 the Board of Elections. It's from the national  
13 database.

14 MR. KEPI: And I haven't been at the  
15 Post Office since last year when I complained to  
16 them that they changed my registration.

17 PRESIDENT UMANE: Okay. So I --

18 COMMISSIONER ARAUJO: Is this a valid  
19 cure then?

20 PRESIDENT UMANE: -- if you want to --  
21 what we should do, sort of restore, to remove him  
22 from the enrollment list?

23 COMMISSIONER ARAUJO: I'm sorry, this is  
24 Commissioner Araujo. Before we make that motion,

1 April 13, 2021

2 does legal have an opinion on this at all?

3 MR. SAVINO: This has happened in the  
4 past. It is before -- it is before the deadline  
5 of February 14th to change one's party, no  
6 registration, I'm sorry, in this case, the party.  
7 It has been deemed sufficient in the past.

8 COMMISSIONER ARAUJO: Okay. Thank you.

9 MR. KEPI: But I've never done that. I  
10 wasn't even notified that the address was changed  
11 again.

12 PRESIDENT UMANE: And it's not a party  
13 change, either.

14 MR. SAVINO: Address, I apologize.

15 MR. KEPI: Right.

16 COMMISSIONER ZACCONE: That seems to be  
17 correct. It just seems to be an address change by  
18 the NCOA. I, I, you know, I would move the  
19 clerks' report based on the NCOA that we have  
20 dated the 25th of February showing that Mr. Kepi  
21 is a resident in Woodside. That's my motion.

22 MR. KEPI: What --

23 PRESIDENT UMANE: Is there a second?

24 COMMISSIONER TAYLOR: I'll second.



1 April 13, 2021

2 MR. KEPI: This is my latest  
3 registration and I did this myself. This is on  
4 February 2nd, in my current address in Staten  
5 Island. So if my address was changed, I should  
6 have been notified at least and I would have  
7 corrected it again. But I was never notified that  
8 again the Post Office somehow changed my address,  
9 and it happens to be the same month that I filed  
10 a new registration, my new address, which is my  
11 current address.

12 PRESIDENT UMANE: Okay. We're going to  
13 do a roll call on this. Counsel, do you want to  
14 poll the -- alright, I guess I'll do it.  
15 Commissioner Camilo?

16 SECRETARY CAMILO: Can you repeat the  
17 motion, please.

18 PRESIDENT UMANE: I guess it's to affirm  
19 the clerks' report, which would have the effect  
20 of taking him off the ballot.

21 SECRETARY CAMILO: I object.

22 PRESIDENT UMANE: So you would vote no?

23 SECRETARY CAMILO: No.

24 PRESIDENT UMANE: Commissioner Araujo?

1 April 13, 2021

2 COMMISSIONER ARAUJO: I'll pass for now.

3 PRESIDENT UMANE: Commissioner  
4 Marmorato?

5 COMMISSIONER MARMORATO: No, candidate  
6 remains on the ballot. Valid cure.

7 PRESIDENT UMANE: Commissioner Michel?

8 COMMISSIONER MICHEL: Stay on the  
9 ballot.

10 PRESIDENT UMANE: Okay. Commissioner  
11 Pepe-Souvenir?

12 COMMISSIONER PEPE-SOUVENIR: I thought  
13 no. He should stay on the ballot.

14 PRESIDENT UMANE: Commissioner Shamoun?

15 COMMISSIONER SHAMOUN: I'll abstain, I  
16 haven't seen everything.

17 PRESIDENT UMANE: Commissioner Taylor?

18 COMMISSIONER TAYLOR: I abstain.

19 PRESIDENT UMANE: Commissioner Townsend?

20 COMMISSIONER TOWNSEND: Abstain as well.

21 PRESIDENT UMANE: Commissioner Zaccone?

22 COMMISSIONER TAYLOR: We can't hear you.

23 COMMISSIONER ZACCONE: I said I vote  
24 yes, it was my motion.

1 April 13, 2021

2 PRESIDENT UMANE: And I vote no. I don't  
3 think it passed. Is there another motion?

4 COMMISSIONER ARAUJO: The motion that  
5 Commissioner Zaccone had made was to adopt or not  
6 adopt?

7 PRESIDENT UMANE: To adopt.

8 COMMISSIONER ARAUJO: To adopt the --

9 PRESIDENT UMANE: To adopt it. It seems  
10 to me that he's filed papers showing that he does  
11 live in Richmond County, and he's provided enough  
12 information which is why I voted against the  
13 motion.

14 COMMISSIONER ARAUJO: Yeah, but the  
15 report says he's not enrolled, or am I reading  
16 the wrong report here?

17 MR. KEPI: Sir --

18 COMMISSIONER ZACCONE: If I understand,  
19 the report says he was not enrolled and that was  
20 why I made my motion to adopt the clerks' report.

21 MR. KEPI: If I may, when we received  
22 the voter rolls for the primary that we were  
23 going to go get petitions, my name is in those  
24 voter rolls. So when I gave it to my volunteers,

1 April 13, 2021

2 my name appears on those rolls. That's why I was  
3 shocked when I received the letter from you guys  
4 as well.

5 MR. DENKBERG: So if there is another  
6 motion to not adopt the clerk's report, then he  
7 will remain on the ballot I believe.

8 PRESIDENT UMANE: Right. So, does  
9 somebody want to move the opposite of  
10 Commissioner Zaccone?

11 COMMISSIONER ARAUJO: But let's just be  
12 clear. It's not a clerk's report we're adopting  
13 here. This is not a clerks' report. This is an  
14 enrollment issue. This is a candidate enrollment  
15 issue.

16 PRESIDENT UMANE: Yes.

17 COMMISSIONER ARAUJO: I mean we keep  
18 getting the word clerks' report and it's throwing  
19 me off.

20 PRESIDENT UMANE: Well, it -- the clerks  
21 put it on the enrollment issue calendar. So  
22 that's what -- sorry. But it's an enrollment  
23 issue as to whether he is an enrolled Republican  
24 at a particular address. I don't think that

1 April 13, 2021

2 there's an issue that he's an enrolled  
3 Republican. I think the issue is the one of  
4 address and, alright. So I will move that we  
5 remove him from the enrollment calendar, based  
6 upon the submission that he's made today.

7 COMMISSIONER ARAUJO: Just a point of  
8 question if I may ask.

9 PRESIDENT UMANE: Yes.

10 COMMISSIONER ARAUJO: Doesn't the  
11 candidate have a right to reside anywhere in the  
12 district, but he has to reside in the district if  
13 he wins the election?

14 PRESIDENT UMANE: Yes.

15 COMMISSIONER ARAUJO: Okay. Thank you.

16 PRESIDENT UMANE: So while it is an  
17 enrollment issue, I think the issue has to do  
18 more with his address than the enrollment. I  
19 don't think -- maybe I'm wrong, but there didn't  
20 seem to be an issue as to which party he was  
21 enrolled in at each time.

22 MR. KEPI: Correct. And if I was  
23 notified that my address was changed, you know,  
24 my address was changed prior to me starting my

1 April 13, 2021

2 petition process, which was in March. And I would  
3 have corrected it again. But I was never even  
4 notified that they changed my address again. And  
5 I was never registered to vote anywhere else but  
6 in Staten Island.

7 COMMISSIONER ZACCONE: Can we ask staff  
8 if the notice was sent out to Mr. Kepi subsequent  
9 to the NCOA notice.

10 MR. ANDRIULLI: We don't send -- if we  
11 get an NCOA notice, we automatically take the  
12 action where [unintelligible] [01:26:58] in that  
13 address.

14 MR. KEPI: I received it last year when  
15 they removed me before I went on vacation.

16 MR. ANDRIULLI: We didn't remove you.

17 MR. KEPI: Say that again.

18 MR. ANDRIULLI: We did not remove you.

19 MR. KEPI: Yes, last year, yes, and this  
20 is -- after I complained, I received again, they,  
21 they enrolled me in my address.

22 MR. ANDRIULLI: [unintelligible]  
23 [01:27:13] the board did not remove you. The  
24 national change of address moved you, but you

1 April 13, 2021

2 were still registered as a Republican at the  
3 address in Queens, okay. So what happened then  
4 was after you registered --

5 MR. KEPI: I did not reregister.

6 MR. ANDRIULLI: You did reregister. We  
7 have your registration right here.

8 MR. KEPI: Last year, when the Post  
9 Office changed my address --

10 MR. ANDRIULLI: [unintelligible]  
11 [01:27:33] excuse me, excuse me, what you did,  
12 the records I have right here shows that you were  
13 registered originally at Colfax.

14 MR. KEPI: Correct.

15 MR. ANDRIULLI: Okay. Then, you went  
16 ahead and got the change notice that was dated  
17 October, it looks like October 5th, that you had  
18 moved to Queens, to Woodside, to that address.

19 MR. KEPI: By the Post Office.

20 MR. ANDRIULLI: By the Post Office. Then  
21 you did an affidavit --

22 MR. KEPI: Because the Board of  
23 Elections at Staten Island told me I had to vote  
24 by affidavit after I turned in --

1 April 13, 2021

2 MR. ANDRIULLI: Right, you aren't in the  
3 book anymore. So what you had to do was then you  
4 did, you changed it back to Coldfax Avenue.

5 MR. KEPI: No, the Board of Elections in  
6 Staten Island --

7 MR. ANDRIULLI: No.

8 MR. KEPI: -- I, I never got a new card.

9 MR. ANDRIULLI: Excuse me, it's not a  
10 new card. It's your affidavit that has a  
11 registration on it, and you said that you live at  
12 Coldfax Avenue.

13 MR. KEPI: Correct.

14 MR. ANDRIULLI: Okay. Then what happened  
15 was you did a new registration at 302C --

16 MR. KEPI: Correct. This year.

17 MR. ANDRIULLI: Yeah, this was in  
18 February, February 4th, you dated it. And then we  
19 got a new notice again from NCOA on 2/25 that you  
20 lived in Woodside, Queens, so for you say that  
21 it's a change of address and a forwarding of mail  
22 or holding of mail, they're two separate forms.  
23 We don't get change of -- we only get change of  
24 address forms. We don't get forwarding mail



1 April 13, 2021

2 forms. So I don't know why they keep moving you  
3 to this address.

4 MR. KEPİ: I don't --

5 MR. ANDRIULLI: Also, also, we have  
6 another person that lives at that address at 302C  
7 also with the last name Kepi.

8 MR. KEPİ: That's my mother, correct.  
9 And she was not [unintelligible] [01:29:11] --

10 MR. ANDRIULLI: She could have taken the  
11 mail for you if that was the case, she lives at  
12 the same address as you do.

13 MR. KEPİ: Say that again.

14 MR. ANDRIULLI: I said she could have  
15 accepted the mail for you because she's at 302C  
16 Liberty Avenue.

17 MR. KEPİ: Accepted what mail exactly?

18 MR. ANDRIULLI: Well I'm saying you said  
19 you transferred, you forwarded your mail to  
20 Queens, right.

21 MR. KEPİ: That was last year.

22 MR. ANDRIULLI: I'm saying -- excuse me?

23 MR. KEPİ: That was last year.

24 MR. ANDRIULLI: This is, this is when

1 April 13, 2021

2 what happened -- that was last year, so in  
3 October, you changed, you sent your mail to  
4 Queens? Because I'm confused now.

5 MR. KEPI: Last year, after my primary,  
6 I went on vacation.

7 MR. ANDRIULLI: Okay.

8 MR. KEPI: And I forwarded my mail to my  
9 father's address.

10 MR. ANDRIULLI: And did you start  
11 getting mail again when you came back?

12 MR. KEPI: Yes, because before I went on  
13 vacation, I went and corrected it.

14 MR. ANDRIULLI: I get that. So why would  
15 we get again in this year, on February 25th?

16 MR. KEPI: I don't know. That --

17 MR. ANDRIULLI: There's another  
18 notification.

19 MR. KEPI: I don't know. That's why I'm  
20 here in this situation we're in.

21 MR. ANDRIULLI: I understand that, but  
22 as the board and the commissioners, tell me if  
23 I'm wrong, we go by what the national change of  
24 address is. If it is, it is.

1 April 13, 2021

2 MR. SAVINO: That is correct. And it  
3 does postdate the registration form.

4 MR. ANDRIULLI: Correct. So that, this  
5 is the document right now that the board -- you  
6 had called from the Queens office I believe on  
7 Friday or somebody did, trying to get us to  
8 correct it.

9 MR. KEPPI: No.

10 MR. ANDRIULLI: And I told the clerk do  
11 not touch the document until you get a  
12 registration. We can't just arbitrarily make  
13 changes because you say so.

14 MR. KEPPI: Well, last year, when I went  
15 to Staten Island Board of Elections and I  
16 explained to them why was my address changed,  
17 they corrected it and I didn't have to do  
18 anything.

19 MR. ANDRIULLI: No, we didn't -- we  
20 corrected it when you did the affidavit. That's  
21 when it changes back to Colfax.

22 MR. KEPPI: [unintelligible] [01:30:38]  
23 the affidavit because I went in there before the  
24 election. That's how they took -- that's how --

1 April 13, 2021

2 when they told me that unfortunately they had to  
3 remove me off the rolls and I would have to vote  
4 by affidavit.

5 MR. ANDRIULLI: I don't -- right. That's  
6 exactly true. But I don't see another  
7 registration.

8 MR. KEPPI: After the election, I  
9 received a card that the Staten Island Board of  
10 Elections had reenrolled me back in my current  
11 address in Staten Island. So now this year that I  
12 moved, I obviously filled out a new registration  
13 form with the address where I currently live and  
14 I never received --

15 COMMISSIONER ZACCONE: Mr. Kepi, if I  
16 can just try and clarify something for a moment  
17 for you. The Board of Elections changed your  
18 address after you filed the affidavit ballot,  
19 because the affidavit ballot says yes, after you  
20 filed your affidavit ballot in the last election,  
21 if you look, that was processed and the affidavit  
22 oh, has you down at 100 Colfax Avenue. That's why  
23 it was changed back in November of 2020.

24 MR. ANDRIULLI: Correct.

1 April 13, 2021

2 COMMISSIONER ZACCONE: Then, from what I  
3 understand, in February 4th of 2121, you filed an  
4 update -- you filed a change where you kept the  
5 Republican Party, but you changed your address to  
6 302C Liberty Avenue. That's correct, right?

7 MR. KEPI: Right. So, since from last  
8 year until this year, I was registered in Staten  
9 Island regardless. After I put my new address  
10 this year at 302 Liberty C, it was changed again,  
11 so I don't know why it's still being changed.

12 COMMISSIONER ZACCONE: [unintelligible]  
13 [01:32:10] again, if I can, it was changed  
14 because the Board of Elections received an NCOA  
15 notice, which is a national change of address  
16 notice by the federal system, which included  
17 anything from the post office or anybody else and  
18 they have that, that applies to the system and  
19 they have your address as, and they provided it  
20 to us and we have to take it as 3825 56th Street  
21 in Woodside.

22 MR. KEPI: It seems to me that my  
23 address keeps getting changed before every  
24 election. Last year, it --

1 April 13, 2021

2 COMMISSIONER ZACCONE: But it's not by  
3 us sir. I've just been trying to clarify this is  
4 an NCOA notice we received that was dated  
5 February 25th that has this as your address.

6 MR. KEPI: Well, this is the only  
7 registration I've done. I haven't changed my  
8 address in any other way, shape or form. This is  
9 the only thing that has my signature, and to my  
10 knowledge, I am registered in this address  
11 because this is where I live. What the post  
12 office or anybody else does without my knowledge,  
13 how would I know that they changed it when I  
14 never was never even notified? At least last  
15 year, they notified me. This year, they didn't  
16 even notify me. And if they would have notified  
17 me, I would have changed my address again,  
18 because it was still before my petition process  
19 because it's only the address that's the  
20 question, not the party. I'm still a registered  
21 Republican, and I would have corrected it, filed  
22 a new one again, and I would have went to the  
23 post office again to complain not to change my  
24 address and it would have been resolved.

1 April 13, 2021

2 COMMISSIONER ZACCONE: Okay. But right  
3 now, the last thing we have that I see in your  
4 file is the NCOA e-notification.

5 MR. KEPI: So then why wasn't I notified  
6 that my address was changed like I was last year?

7 COMMISSIONER ZACCONE: It might have  
8 been sent to the 56th Street address, sir.

9 MR. KEPI: It was not.

10 COMMISSIONER ZACCONE: Do you have  
11 anybody residing at the 56th Street address?

12 MR. KEPI: My father is there, my  
13 brother is there.

14 COMMISSIONER ZACCONE: Okay.

15 MR. KEPI: And I do all my father's mail  
16 and everything because he doesn't speak English,  
17 so I take care of all his bills. When I go,  
18 there's a stack of bills that I take care of, and  
19 nothing has been there, otherwise, I would have  
20 known.

21 COMMISSIONER ZACCONE: Anthony, you're  
22 muted.

23 MR. ANDRIULLI: The information notice  
24 is what came back with the change of address on

1 April 13, 2021

2 it. That's the official document as you know that  
3 cannot be forwarded, because that is our mail,  
4 basically what we call our mail check card. Then  
5 you are notified from the board that we received  
6 this with the address change and you're no longer  
7 registered at the address that you had on file.

8 MR. KEPI: This is the only thing I  
9 received from Board of Elections, 302C Liberty  
10 Avenue, registered --

11 MR. ANDRIULLI: That was on your last  
12 registration, sir.

13 MR. KEPI: Correct, in February, sir.

14 MR. ANDRIULLI: Yes, in February, prior  
15 to the NCOA e-notice being submitted.

16 MR. KEPI: I've never received anything  
17 after the NCOA --

18 MR. ANDRIULLI: And you wouldn't.

19 MR. KEPI: So how come I received it  
20 last year?

21 MR. ANDRIULLI: Because that's an  
22 information notice. And that is an address change  
23 notice because you came and reregistered again.  
24 You automatically get that, it's an automatic.



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2 MR. KEPI: Last year, when the NCOA  
3 changed my address, I received a new voter card  
4 like this in Queens, so when --

5 MR. ANDRIULLI: Yes.

6 MR. KEPI: -- I went to my father's  
7 house --

8 MR. ANDRIULLI: Yes, because we  
9 forwarded it to Queens and Queens processed that  
10 as a registration and that's what, they sent you,  
11 the acknowledgement.

12 MR. KEPI: So how come they didn't do it  
13 this year? How come I'm in the dark that I don't  
14 know my address has been changed?

15 MR. ANDRIULLI: This just happened in  
16 February. We're just getting this now. So it's an  
17 automatic change. You didn't send a new  
18 registration. That's the whole bit. We get it. We  
19 don't automatically go and say hey did you really  
20 move? We're not sure. We take that as a record.  
21 It's a legal document.

22 MR. KEPI: [unintelligible] [01:35:33]

23 MR. ANDRIULLI: And the board accepts  
24 it.

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2 PRESIDENT UMANE: [unintelligible]

3 [01:35:34].

4 MR. ANDRIULLI: I mean counsel could me

5 [unintelligible] [01:35:36].

6 PRESIDENT UMANE: The issue for us today  
7 is whether Mr. Kepi, based on what he submitted  
8 to us, has demonstrated that he was a Republican  
9 and what his address is, and that perhaps NCOA  
10 notice is incorrect. That's what he's come to us  
11 today with whatever information he has, including  
12 several bills and whatnot. So it would seem to me  
13 that that would be sufficient to demonstrate that  
14 the NCOA notice was incorrect and it would be a  
15 viable showing of his new address, which is  
16 consistent with the address that he registered  
17 at.

18 COMMISSIONER ZACCONE: Commissioner  
19 Umane, just one thing.

20 PRESIDENT UMANE: Yes.

21 COMMISSIONER ZACCONE: It was brought to  
22 my attention that the campaign finance records  
23 for Mr. Kepi's campaign filed in July of 2020  
24 show his address as the Queens address.

1 April 13, 2021

2 MR. ANDRIULLI: Whoa.

3 MR. KEPI: No. I was never registered. I  
4 can tell you where I've been registered. I've  
5 been registered --

6 COMMISSIONER ZACCONE: I'm not dealing  
7 with the registered, I'm just saying that that  
8 was the address that was shown on his campaign  
9 finance report filed in July, the periodic  
10 report.

11 MR. KEPI: I was an assembly candidate  
12 last year here in Staten Island, same district,  
13 same everything, so I don't know where this  
14 information is coming from. I've been registered  
15 in 22 Windermere Road in Staten Island, in 40  
16 Governor Road in Staten Island, in 100 Colfax in  
17 Staten Island and 302C in Staten Island. I have  
18 never been registered in any other borough in my  
19 life.

20 COMMISSIONER ZACCONE: Okay. Well, I'm  
21 just saying that the New York State Board of  
22 Elections financial disclosure report has your  
23 address at Woodside.

24 MR. KEPI: No. That's --

1 April 13, 2021

2 COMMISSIONER ZACCONE: That was July of  
3 2020. I'll take a look online and confirm it.

4 MR. ANDRIULLI:

5 PRESIDENT UMANE: Okay. Alright. So do  
6 you want to make this second call?

7 COMMISSIONER ZACCONE: Um --

8 PRESIDENT UMANE: So we can check it?

9 COMMISSIONER ZACCONE: Yeah, that'd be  
10 good and we can have our staff check it instead  
11 of me.

12 MR. KEPPI: I think what he's talking  
13 about is a check that was sent to me from the  
14 campaign, but it was sent to my father's address  
15 because I was not here at the time. That's where  
16 I think he's getting confused at, because I had  
17 told the treasurer I believe, that's what he's  
18 looking at, I had told the treasurer mail it to  
19 my father's address, which is not a registration,  
20 it's a check that was sent probably to my father.  
21 That's the only thing that in my last election  
22 that was sent to my father's address.

23 PRESIDENT UMANE: Okay. So we're going  
24 to second call this. We're going to check to see

1 April 13, 2021

2 about that.

3 COMMISSIONER ZACCONE: And maybe if I  
4 can ask staff to do that while we're conducting  
5 our meetings.

6 PRESIDENT UMANE: Yes.

7 COMMISSIONER ZACCONE: And second call  
8 it.

9 PRESIDENT UMANE: Okay.

10 MS. KONTZAMANIS: Mr. Kepi, we're going  
11 to move you into the waiting room, okay.

12 MR. KEPi: Okay.

13 MS. KONTZAMANIS: Don't hang up.

14 COMMISSIONER ZACCONE: And while we're  
15 on the issue of candidate enrollment issues,  
16 besides Mr. Kepi, I see someone else on the list,  
17 Anthony R. Herbert, Anthony L. Herbert, Sr. Can  
18 you just tell me what that's about?

19 MR. ANDRIULLI: Commissioner, that's  
20 again, it's a citywide candidacy that we will  
21 deal with with the citywide candidacy issues.

22 COMMISSIONER ZACCONE: Good. I just  
23 wanted to clarify that that's on my list.

24 MR. ANDRIULLI: No problem, sir, thank

1 April 13, 2021

2 you.

3 PRESIDENT UMANE: Okay. The next is the  
4 Richmond prima facie report.

5 MR. GRAVES: Commissioners, all prima  
6 facie issues in Richmond County are for the  
7 Republican Party, delegate to the Judicial  
8 Convention 61st AD, Paul Churchina [phonetic]  
9 Jr., et al, next delegate to the Judicial  
10 Convention 62nd Assembly District, William M.  
11 D'Ambrosio et al, next delegate to the Judicial  
12 Convention 63rd Assembly District, Anthony M.  
13 DeGuerre et al, next delegate to the Judicial  
14 Convention 64th Assembly District, Steven D.  
15 Giglio et al, next alternate delegate to the  
16 Judicial Convention, 61st Assembly District,  
17 Joseph A. Martingano, et al, next alternate  
18 delegate to the Judicial Convention, 62nd  
19 Assembly District, Anthony J. Rapachullo  
20 [phonetic] et al, next alternate delegate to the  
21 Judicial Convention 63rd Assembly District, James  
22 F. West et al, next alternate delegate to the  
23 Judicial Convention 64th Assembly District,  
24 William R. Matarazzo, et al. That is it and there

1 April 13, 2021

2 are no notices of appearance.

3 PRESIDENT UMANE: Is there a motion,  
4 Commissioner Zacccone?

5 COMMISSIONER ZACCONE: I'll move the  
6 clerk's report.

7 COMMISSIONER TAYLOR: Second it.

8 PRESIDENT UMANE: All in favor?

9 MULTIPLE: Aye.

10 PRESIDENT UMANE: All opposed? All  
11 abstentions, okay. Now, I guess we'll go to the  
12 specs.

13 MR. SAVINO: Starting with objection  
14 RH10-1, objections by Siaka Blake to the petition  
15 of Abou Diakhate, 49th Council District, total  
16 valid signatures 136, number of signatures  
17 required 270.

18 PRESIDENT UMANE: Are there any  
19 appearances?

20 MR. GRAVES: There are appearances, Ezra  
21 Glaser for the candidate and Manuel Ortega for  
22 the objector.

23 MS. KONTZAMANIS: They're both in.

24 PRESIDENT UMANE: Mr. Ortega, do you

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2 have anything that you would like to add?

3 MR. MANUEL ORTEGA: I did not hear  
4 anything before.

5 PRESIDENT UMANE: Oh.

6 MR. GLASER: I'm sorry, I seem to have  
7 faded in and out a few times.

8 PRESIDENT UMANE: Okay. Mr. Glaser, and  
9 Mr., sorry, I forgot the other gentleman's name.

10 MR. ORTEGA: Ortega.

11 PRESIDENT UMANE: The total valid  
12 signatures 136, number of signatures required  
13 270. So, Mr. Glaser are you for the candidate?

14 MR. GLASER: Yes.

15 PRESIDENT UMANE: Do you have something  
16 to add? You seem to be short.

17 MR. GLASER: I do have a list. We seem  
18 to be short right now. I have a list, which  
19 hasn't been submitted to the Board of Elections  
20 because I just got it this morning, but we're --  
21 I guess this is something that's going to be on  
22 for next week before the court and we will  
23 attempt to restore signatures through a validate  
24 petition.



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2 PRESIDENT UMANE: Okay. And sir, for the  
3 objector?

4 MR. ORTEGA: I would ask that the  
5 commissioner move the clerks' report.

6 PRESIDENT UMANE: Okay. Is there a --  
7 thank you, Mr. Ortega. Is there a motion?

8 COMMISSIONER TAYLOR: I motion to move  
9 the clerks' report.

10 PRESIDENT UMANE: Is there a second?  
11 Alright. I'll second it. All in favor? All  
12 opposed? All abstentions, candidate is off the  
13 ballot.

14 MR. GLASER: Thank you.

15 MR. ORTEGA: Thank you, have a good  
16 afternoon, commissioners.

17 MR. SAVINO: Spec number RH20-1,  
18 objections by Loren Marie Centineo, petition of  
19 Jasin Djokovic, sorry if I'm mispronouncing that,  
20 male state committee, 64th Council District, I'm  
21 sorry, male state committee, 64th District, total  
22 number of valid signatures 86, number of  
23 signatures required 150. Do we have any  
24 appearances?

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2 MR. GRAVES: There's an appearance for  
3 the objector from John Cilmi, and --

4 MS. KONTZAMANIS: He's in the meeting.

5 MR. GRAVES: -- okay, and Mr. Cilmi is  
6 representing the objector in the rest of the  
7 specifications that are going to be called, so I  
8 guess we can keep him in the meeting.

9 PRESIDENT UMANE: Okay.

10 MR. JOHN CILMI: Thank you.

11 PRESIDENT UMANE: Is there anyone  
12 representing the candidate?

13 MR. GRAVES: No, sir.

14 PRESIDENT UMANE: Okay, Mr. Cilmi, do  
15 you have something to add?

16 MR. CILMI: No, I want to thank the  
17 commission for its hard work and request that the  
18 clerks' report be accepted.

19 PRESIDENT UMANE: Okay. Is there a  
20 motion?

21 COMMISSIONER ZACCONE: So moved.

22 PRESIDENT UMANE: Is there a second? Ms.  
23 Taylor, you're muted, but I see you're seconding  
24 it, so I'll take that as a verbal second.

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2 COMMISSIONER TAYLOR: Yes, seconded.

3 PRESIDENT UMANE: Okay, all in favor?

4 All opposed, all abstentions, okay, the candidate  
5 is off the ballot. Next.

6 MR. CILMI: Thank you.

7 MR. SAVINO: Spec number RH21-1,  
8 objections by Loren Centineo, petition of  
9 Myzafere Alija, female state committee, 64th  
10 District, total valid number of signatures 86,  
11 number of signatures required 150.

12 PRESIDENT UMANE: Mr. Cilmi is here. Is  
13 there anyone for the candidate?

14 MR. GRAVES: No.

15 PRESIDENT UMANE: Mr. Cilmi, do you have  
16 something to add?

17 MR. CILMI: Again, thank the commission  
18 for its hard work, and request that the clerks'  
19 report be accepted.

20 PRESIDENT UMANE: Is there a motion?

21 COMMISSIONER ZACCONE: I'll move the  
22 clerks' report.

23 COMMISSIONER TAYLOR: Second it.

24 PRESIDENT UMANE: All in favor? All

1 April 13, 2021

2 opposed, all abstentions? Okay. The candidate is  
3 off the ballot.

4 MR. SAVINO: RH22-1, objections by Jason  
5 Burris, again to the previous candidate I  
6 believe, Alija, female state committee 64th  
7 District, again total valid number of signatures  
8 86, signatures required 150.

9 PRESIDENT UMANE: Mr. Cilmi?

10 MR. CILMI: Again, I request that the  
11 clerks' report be accepted.

12 PRESIDENT UMANE: Thank you. Is there a  
13 motion?

14 COMMISSIONER ZACCONE: So moved, the  
15 clerks' report.

16 PRESIDENT UMANE: Is there a second?

17 COMMISSIONER TAYLOR: Seconded.

18 PRESIDENT UMANE: All in favor? All  
19 opposed, all abstentions, okay, the candidate is  
20 off the ballot. Next.

21 MR. SAVINO: RH23-1, the objection is by  
22 Jason Burris to Jasin Djokovic, male state  
23 committee, 64th District, total valid signatures  
24 86, number of signatures required 150.

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2 PRESIDENT UMANE: Anybody for the  
3 candidate? Mr. Cilmi, do you have anything to  
4 add?

5 MR. CILMI: No, request that the clerks'  
6 report be accepted.

7 PRESIDENT UMANE: Is there a motion?

8 COMMISSIONER ZACCONE: Move the clerks'  
9 report.

10 PRESIDENT UMANE: Is there a second?

11 COMMISSIONER TAYLOR: Second it.

12 PRESIDENT UMANE: All in favor? All  
13 opposed, all abstentions? Okay. The candidate is  
14 off the ballot.

15 MR. SAVINO: RH24-1, objection is by  
16 Jareen Maltese to petition of Leonard Balaj, male  
17 state committee, 63rd district, total valid  
18 signatures 77, number of signatures required,  
19 150.

20 PRESIDENT UMANE: Okay. Is there anybody  
21 for the candidate? Mr. Cilmi?

22 MR. CILMI: Request that the clerks'  
23 report be accepted.

24 PRESIDENT UMANE: Is there a motion?

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2 COMMISSIONER ZACCONE: Move the clerks'  
3 report.

4 COMMISSIONER TAYLOR: Second it.

5 PRESIDENT UMANE: All in favor? All  
6 opposed, all abstentions? Okay. The candidate is  
7 off the ballot.

8 MR. SAVINO: RH25-1, objections by  
9 Jareen Maltese to Desara Gjediku, female state  
10 committee, 63rd District, total valid signatures  
11 77, number required, 150.

12 PRESIDENT UMANE: Anyone for the  
13 candidate? Mr. Cilmi?

14 MR. CILMI: I request that the clerks'  
15 report be accepted.

16 PRESIDENT UMANE: Is there a motion?

17 COMMISSIONER ZACCONE: Move to accept  
18 the clerks' report.

19 PRESIDENT UMANE: Is there a second?

20 COMMISSIONER TAYLOR: Second it.

21 PRESIDENT UMANE: All in favor? All  
22 opposed? All abstentions? Okay. The candidate is  
23 off the ballot.

24 MR. SAVINO: RH26-1, objection by

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2 Anthony DeGuerre to the petition of Desara  
3 Gjediku, female state committee, 63rd District,  
4 number of valid signatures, 77, number of  
5 signatures required 150.

6 PRESIDENT UMANE: Anybody for the  
7 candidate? Mr. Cilmi?

8 MR. CILMI: I request that the clerks'  
9 report be accepted.

10 PRESIDENT UMANE: Is there a motion?

11 COMMISSIONER ZACCONE: Move the clerks'  
12 report.

13 PRESIDENT UMANE: Is there a second?

14 COMMISSIONER TAYLOR: Second it.

15 PRESIDENT UMANE: All in favor?

16 MULTIPLE: Aye.

17 PRESIDENT UMANE: All opposed? All  
18 abstentions? The candidate is off the ballot.

19 MR. SAVINO: RH27-1, objections by  
20 Anthony DeGuerre, to Leonard Balaj, male state  
21 committee, 63rd District, total valid signatures  
22 77, number required 150.

23 PRESIDENT UMANE: Anyone for the  
24 candidate? Mr. Cilmi?

1 April 13, 2021

2 MR. CILMI: Request that the clerks'  
3 report be accepted.

4 PRESIDENT UMANE: Is there a motion?

5 COMMISSIONER ZACCONE: Yes, I move the  
6 clerks' report.

7 PRESIDENT UMANE: Is there a second?

8 COMMISSIONER TAYLOR: Second it.

9 PRESIDENT UMANE: All in favor? All  
10 opposed? All abstentions? The candidate is off  
11 the ballot.

12 MR. SAVINO: RH28-1, objections by  
13 Anthony Reinhart, petition of Priscilla Brady,  
14 female state committee, 62nd District, total  
15 valid signatures 51, number required, 150.

16 PRESIDENT UMANE: Anyone for the  
17 candidate? Mr. Cilmi?

18 MR. CILMI: Request that the clerks'  
19 report be accepted.

20 PRESIDENT UMANE: Is there a motion?

21 COMMISSIONER ZACCONE: Move the clerks'  
22 report.

23 PRESIDENT UMANE: Is there a second?

24 COMMISSIONER TAYLOR: Seconded.



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2 PRESIDENT UMANE: All in favor? All  
3 opposed? All abstentions? Okay. The candidate is  
4 off the ballot.

5 MR. SAVINO: RH29-1, objections by  
6 Anthony Reinhart to the petition Leutrim Qoku,  
7 male state committee, 62nd District, valid  
8 signatures 51, number required 150.

9 PRESIDENT UMANE: Is there anyone for  
10 the candidate? Mr. Cilmi?

11 MR. CILMI: Request that the clerks'  
12 report be accepted.

13 PRESIDENT UMANE: Is there a motion?

14 COMMISSIONER ZACCONE: I move the  
15 clerks' report.

16 PRESIDENT UMANE: Second?

17 COMMISSIONER TAYLOR: Seconded.

18 PRESIDENT UMANE: All in favor? All  
19 opposed? All abstentions? Okay. The candidate is  
20 off the ballot.

21 MR. SAVINO: RH31-1, William Reinhart is  
22 the objector, petition of Priscilla Brady, female  
23 state committee 62nd District, total valid number  
24 of signatures 36, number of signatures required

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2 150.

3 PRESIDENT UMANE: Anyone for the  
4 candidate? Mr. Cilmi?

5 MR. CILMI: Request the clerks' report  
6 be accepted.

7 PRESIDENT UMANE: Is there a motion?

8 COMMISSIONER ZACCONE: Move the clerks'  
9 report.

10 PRESIDENT UMANE: Is there a second?

11 COMMISSIONER TAYLOR: Second it.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? Okay. The candidate is off the  
16 ballot.

17 MR. SAVINO: RH31-1, objections by  
18 Reinhart to petition of Leutrim Qoku, male state  
19 committee 62nd District, total valid number of  
20 signatures 36, number required 150.

21 PRESIDENT UMANE: Anyone for the  
22 candidate? Mr. Cilmi?

23 MR. CILMI: Request that the clerks'  
24 report be accepted.

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2 PRESIDENT UMANE: Is there a motion?

3 COMMISSIONER ZACCONE: Move the clerks'  
4 report.

5 COMMISSIONER TAYLOR: Seconded.

6 PRESIDENT UMANE: All in favor?

7 MULTIPLE: Aye.

8 PRESIDENT UMANE: All opposed? All  
9 abstentions? The candidate is off the ballot.

10 MR. SAVINO: RH34-1, objections by Mary  
11 Therese Riley, petition of Leutrim Qoku, male  
12 state committee 62nd District, total valid number  
13 of signatures 87, number required 150.

14 PRESIDENT UMANE: Anyone for the  
15 candidate? Mr. Cilmi?

16 MR. CILMI: Request that the clerks'  
17 report be accepted.

18 PRESIDENT UMANE: Is there a motion?

19 COMMISSIONER ZACCONE: Clerks' report.

20 COMMISSIONER TAYLOR: Seconded.

21 PRESIDENT UMANE: Okay. All in favor?

22 MULTIPLE: Aye.

23 PRESIDENT UMANE: All opposed? All  
24 abstentions? The candidate is off the ballot.

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2 MR. SAVINO: RH36-1, objections by Mary  
3 Riley, petition of Priscilla Brady, female state  
4 committee 62nd District, total valid signatures  
5 87, number required 150.

6 PRESIDENT UMANE: Is there anyone for  
7 the candidate? Mr. Cilmi?

8 MR. CILMI: Request that the clerks'  
9 report be accepted.

10 PRESIDENT UMANE: Is there a motion?

11 COMMISSIONER ZACCONE: Move the clerks'  
12 report.

13 PRESIDENT UMANE: Is there a second?

14 COMMISSIONER TAYLOR: Seconded.

15 PRESIDENT UMANE: All in favor?

16 MULTIPLE: Aye.

17 PRESIDENT UMANE: All opposed? All  
18 abstentions? Okay. The candidate is off the  
19 ballot. Okay. That concludes these hearings on  
20 the specifications for Suffolk County, and I  
21 forgot --

22 COMMISSIONER ZACCONE: Richmond County.

23 COMMISSIONER TAYLOR: Richmond County.

24 PRESIDENT UMANE: Is that Staten Island?

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2 COMMISSIONER TAYLOR: We did not change  
3 our address.

4 PRESIDENT UMANE: I'm sorry. Just don't  
5 get old.

6 COMMISSIONER ZACCONE: I actually would  
7 much prefer that I did, commissioner.

8 PRESIDENT UMANE: We have the  
9 commissioners from Bronx County and Staten  
10 Island, I would just like to thank both their  
11 staffs for their hard work and diligence in doing  
12 this and I was also forgetful in thanking the  
13 Bronx staff at the time we did the Bronx. Their  
14 yeoman's work in getting these done on time is  
15 greatly appreciated by the commissioners, by the  
16 board and the people of the city of New York who  
17 appreciate their service. So thank you and please  
18 pass that along to all of the hardworking board  
19 employees from those two boroughs.

20 COMMISSIONER MARMORATO: We'll do it,  
21 thank you Mr. President.

22 PRESIDENT UMANE: Okay. We're --

23 COMMISSIONER ZACCONE: I  
24 [unintelligible] [01:55:22] those sentiments.

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2 COMMISSIONER TAYLOR: And so do I.

3 PRESIDENT UMANE: Sure, sorry.

4 COMMISSIONER MARMORATO: Thank you,  
5 Commissioner Umane. We were going to thank our  
6 deputies after second call. As you well know, the  
7 Bronx County has worked tirelessly as we've had  
8 several --

9 COMMISSIONER TAYLOR: Special elections.

10 COMMISSIONER MARMORATO: -- special  
11 elections. And they have not had a chance to rest  
12 and I think that their diligence the  
13 professionalism are unparalleled and the fact  
14 that they were able to get everything  
15 accomplished is truly remarkable. So on behalf of  
16 Commissioner Camilo and myself, the Board of  
17 Elections and the wonderful residents of the  
18 borough of the Bronx, we thank Deputies Alfasi  
19 and Candelaria and all of our team for everything  
20 that they've done.

21 PRESIDENT UMANE: Great, thank you. So  
22 we're going to take a break before we go to the  
23 citywide, limited citywide calendar, and then  
24 we're going to call the second call for the Bronx

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2 and then second call for was that Staten Island,  
3 is that where that was? Okay.

4 COMMISSIONER TOWNSEND: Duchess County.

5 PRESIDENT UMANE: We're going to take  
6 another five minute break and then we'll be back  
7 within five to ten minutes, so please don't go  
8 far. Thank you and we'll continue in just a  
9 minute.

10 [OFF THE RECORD]

11 [ON THE RECORD]

12 PRESIDENT UMANE: Okay. We're going to  
13 move now to the, I guess the citywide calendar  
14 and begin with the enrollment issues calendar.  
15 Someone please call that.

16 MR. GRAVES: Good afternoon,  
17 commissioners, good afternoon, everyone. We have  
18 one issue on the crossover, Republican Anthony L.  
19 Herbert, Sr.

20 PRESIDENT UMANE: Is there anybody here  
21 for the candidate?

22 MR. GRAVES: No appearances.

23 COMMISSIONER SHAMOUN: Move the report.

24 COMMISSIONER ZACCONE: I'll second.

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2 PRESIDENT UMANE: Is there a second?

3 COMMISSIONER ZACCONE: Second.

4 PRESIDENT UMANE: All in favor?

5 MULTIPLE: Aye.

6 PRESIDENT UMANE: All opposed? All  
7 abstentions, okay, the candidate is off the  
8 ballot. Now we move to the prima facie.

9 MR. SATTIE: Okay. Prima facie report,  
10 no party for the office of mayor, Paperboy Love  
11 Prince, no party, public advocate Theo Bruce  
12 Chino Taverez, the Democratic Party, Barbara  
13 Kavovit, for mayor, next mayor Guiddalia A.  
14 Emilien, Republican Party, Mayor, Walter N.  
15 Iwachiw, mayor, Peter Guimares, public advocate,  
16 Anthony L. Herbert, Senior, for controller, John  
17 A. Tobacco as the candidate, and Alexandra L.  
18 Sherer as the objector, and for the Working  
19 families party Kenneth Schafer, et al. There are  
20 appearances. The first is Alexandria L. Sherer as  
21 the objector with the issue being that the  
22 general objection that was filed by her was filed  
23 late, on 4/9/2021, the due date was 4/5/2021. And  
24 that's the issue.



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2 COMMISSIONER ARAUJO: For which  
3 candidate?

4 MR. GRAVES: The candidate's name is  
5 John Tobacco, but the prima facie issue is the  
6 objection filed by Ms. Sherer.

7 MS. KONTZAMANIS: Ms. Sherer has entered  
8 the hearing.

9 PRESIDENT UMANE: Okay, but that doesn't  
10 indicate -- well.

11 MR. GRAVES: Pardon me, I didn't --

12 MS. ALEXANDRA SHERER: Hi. Good morning,  
13 everyone. So John Tobacco attempted to file three  
14 different cover sheets. The first one he was sent  
15 an NCN because there were three volumes listed on  
16 the cover sheet which referenced petition volumes  
17 he was not listed on. He attempted to file a  
18 cover sheet on April 2nd, after that, that was an  
19 amended cover sheet. That still kept on those  
20 same three volumes that he was not listed on, and  
21 then also the total number of volumes in the  
22 petition was inaccurate as well, because certain  
23 volume ID numbers were repeated. And then, on  
24 April 8th, once again, he attempted to file an

1 April 13, 2021

2 additional amended cover sheet, but that was  
3 outside the three-day window provided by the  
4 Board of Elections to cure defective cover  
5 sheets.

6 So I have a spec and hopefully we can  
7 get a ruling on that cover sheet and hopefully we  
8 can get a ruling on that cover sheet  
9 [unintelligible] [02:19:58].

10 PRESIDENT UMANE: Are you on, Mr.  
11 Ciampoli? Do you wish to be heard on this?

12 MR. JOHN CIAMPOLI: Okay. I'm here.

13 MS. KONTZAMANIS: Commissioner, Mr.  
14 Ciampoli was just let in. He may not have heard  
15 Ms. Sherer's full presentation.

16 MR. CIAMPOLI: I did not. I got the last  
17 few words.

18 PRESIDENT UMANE: I think Mr. Ciampoli  
19 though knows the fact. The issue was --

20 MR. CIAMPOLI: I think I know the facts,  
21 I think the board has my submissions. I think as  
22 a lead issue any defect in the cover sheet here  
23 is de minimis. The petition is valid and  
24 sufficient with or without the three unclaimed,

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2 the three claimed volumes that don't in fact  
3 include Mr. Tobacco as a candidate. The second  
4 issue is also de minimis, it's clearly a  
5 typographical error, it's a word processing  
6 error, in that volumes are listed twice.

7 The second defense here goes to the fact  
8 that this is a product of the pandemic. If a  
9 group of people were meeting in one room looking  
10 at the documents instead of just looking at them  
11 on a screen and emailing them out the documents  
12 would have been corrected, they would have been  
13 fine and they would have been corrected in the  
14 event you feel that the defect is problematic.

15 As a third defense, I have set forth in  
16 my letter, this is the only board that I'm aware  
17 of in this state that only allows you one NCN  
18 notice. The reform law in 1996 was designed to  
19 avert exactly what is happening here. It was  
20 written in an open ended fashion. The open ended  
21 fashion that it is written in basically makes the  
22 deadline to cure any defect in a cover sheet or  
23 in a petition, the date of the certification of  
24 the ballot, or, if you look at it a little bit

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2 differently, the day before I guess, the  
3 certification. That has been done here. There was  
4 a second amended cover sheet that was filed that  
5 is 100 percent correct. It meets every standard  
6 that the board has, and is entitled to assert  
7 under the law, and there's no confusion here.  
8 This is a valid petition with or without the  
9 typographical errors. And --

10 COMMISSIONER ZACCONE: Can I jump in? If  
11 I can just interrupt one second.

12 PRESIDENT UMANE: Yes.

13 COMMISSIONER ZACCONE: Mr. Ciampoli, the  
14 issue before us right now is the objection, which  
15 was filed on the 8th of April, which the clerk  
16 has said was late, and that's the only thing  
17 we're addressing at this moment.

18 MR. CIAMPOLI: So you're addressing the  
19 prima facie on the objection?

20 COMMISSIONER ZACCONE: That is correct,  
21 sir.

22 MR. CIAMPOLI: Then the objection is  
23 obviously bad because it's late. That I need not  
24 then go to my fourth defense, which was that we

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2 filed a printer's letter, which is executed by me  
3 as the preparer of the document. A late objection  
4 is no objection at all.

5 PRESIDENT UMANE: But my understanding  
6 though is that it's on the prima facie calendar  
7 because when this came up before, the  
8 commissioners cover sheet committee, there was a  
9 split. I agree that the objection was late and  
10 should not be heard. On the other hand, because  
11 there was a split, it was referred to the full  
12 board to rule on the cover sheet, which is the  
13 issue that is before us and the reason why it's  
14 on the prima facie whether or not there's an  
15 objection. So, as a result of that, it's still  
16 before for all of the open issues.

17 MS. SHERER: Fred, I, I --

18 MR. CIAMPOLI: I was addressing the  
19 defenses to the prima facie.

20 PRESIDENT UMANE: I know that. I'm just  
21 clarifying --

22 MS. SHERER: Fred, I disagree with the  
23 fact that my general objection was filed late  
24 because the cover sheet, the last cover sheet,

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2 which is germane to all of the other cover sheets  
3 was filed on April 8th, and I filed my general  
4 objection on April 9th. And I filed my spec on  
5 April 12th, so I would think everything was in  
6 right on time, even in a speedy fashion.

7 PRESIDENT UMANE: Well, if that's true,  
8 then the objection is still good, because you've  
9 promptly filed the objection. One way or the  
10 other, we're still here, and we still have the  
11 main issue as to whether or not there was a  
12 proper cover sheet filed. And it seems perhaps  
13 that maybe you're right, the objection was timely  
14 based on the filing of the third cover sheet, so  
15 that it may in fact be timely, and the  
16 specifications were filed within three days after  
17 the filing of the general objection, which would  
18 seemingly make the objection timely.

19 However, I think we should focus on the  
20 cover sheet themselves and whether or not it  
21 complies with our rule. And I think that's the  
22 issue that's before us. So, Mr. Ciampoli, if you  
23 have a fourth argument, [unintelligible]  
24 [02:25:53].

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2 MR. CIAMPOLI: My fourth argument is  
3 that we filed a printer's letter, which was  
4 executed by me, I'm not going to blame the  
5 secretary or anyone else. It is my bullet to bite  
6 because I prepared the original document and  
7 anyone who proofread should not be thrown under  
8 the bus for not catching what I prepared. It  
9 explains the error. Apparently, I can attest and  
10 swear on a stack of bibles, but you can't  
11 testimony, but I can swear on a stack of bibles  
12 that I did remove those three volumes. Obviously,  
13 I did not hit save. And I did not have my  
14 computer set to autosave, so therefore when I e-  
15 mailed out a cover sheet to be filed, those three  
16 volumes remained and apparently I double clicked  
17 on volumes that I had pasted into the cover sheet  
18 and therefore there were several volumes that  
19 actually appear twice.

20 To be sure, we only want them counted  
21 once. And even if you don't count the three  
22 volumes that were not removed, even if you do not  
23 count the volumes that are listed twice, this  
24 petition has thousands more valid signatures on

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2 it than is required. I think that to void the  
3 petition without allowing an ultimate corrected  
4 cover sheet to be filed or void the petition on  
5 what I believe are de minimis in the cover sheet  
6 because they do not defeat the underlying  
7 petition being sufficient. And again, these are  
8 difficult times. The remote preparation of  
9 documents, you know, and this remote hearing  
10 prevents me from waving a piece of paper at you,  
11 as you know I've done in the past. So it comes  
12 back to the taking this in context. It comes back  
13 to I understand that this board has a rule that  
14 you get one NCN notice. I really do differ with  
15 that rule. I think the board should reconsider  
16 that rule because you're the only board in the  
17 state that I know of that says once and you're  
18 done. And I'm absolutely familiar with the State  
19 Board of Elections having taking multiple NCN,  
20 done multiple NCN notices and taken multiple  
21 cures on a single petition.

22 Finally, you have a policy that's well  
23 established at your board of taking printer's  
24 letter on the form of the petition and the form



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2 of the filings that are made with you where  
3 there's a typographical error made. That's what  
4 occurred here. You have a printer's letter that I  
5 submitted --

6 PRESIDENT UMANE: Okay, Mr. Ciampoli, I  
7 appreciate your argument. You're just starting to  
8 go back over it again.

9 MR. CIAMPOLI: I'm going back over it  
10 again. I think you got it all. Okay.

11 PRESIDENT UMANE: We [unintelligible]  
12 [02:29:17] you, I think we have it. Is there a  
13 motion to adopt the prima facie ruling on this?

14 SECRETARY CAMILO: So moved.

15 PRESIDENT UMANE: Is there a second?

16 COMMISSIONER ZACCONE: If I can just  
17 clarify the prima facie ruling again?

18 PRESIDENT UMANE: Oh, Mr. Zaccone, sure,  
19 go ahead.

20 COMMISSIONER ZACCONE: Yeah, I'm just  
21 asking. The prima facie ruling is that the  
22 candidate would be off the ballot?

23 PRESIDENT UMANE: Yes.

24 COMMISSIONER ZACCONE: Okay. I just

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2 wanted to clarify for everyone.

3 PRESIDENT UMANE: For failure to file an  
4 appropriate cover sheet.

5 MR. SAVINO: The only thing I -- oh,  
6 sorry, commissioner.

7 PRESIDENT UMANE: Go ahead.

8 MR. SAVINO: No, the only thing I just  
9 wanted to point out is that yes, there was a  
10 split with the cover sheet review committee, as  
11 you had stated, and that was sent to the full  
12 board for a determination.

13 PRESIDENT UMANE: Okay.

14 MR. SAVINO: Whether or not the  
15 objection is late --

16 PRESIDENT UMANE: And it appears that  
17 the objection was timely since it was filed  
18 within a day of the third cover sheet coming in  
19 and then the specs were filed within three days  
20 after the general objection. So it does appear  
21 timely. But in any event, we're still here on the  
22 same issue, and I'll second the motion. And we  
23 should done the roll call, all in favor of the  
24 motion, which would have the effect of I guess

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2 invalidating the candidacy for failure to file an  
3 appropriate cover sheet would vote yes, and those  
4 who vote no believe that it was sufficiently  
5 cured.

6 PRESIDENT UMANE: Secretary Camilo?

7 SECRETARY CAMILO: I second, and just  
8 for clarity, we're just moving the report on this  
9 issue, for this candidate.

10 PRESIDENT UMANE: That's right.  
11 Commissioner Araujo?

12 COMMISSIONER ARAUJO: Yes.

13 PRESIDENT UMANE: Commissioner  
14 Marmorato?

15 COMMISSIONER MARMORATO: Yes.

16 PRESIDENT UMANE: Commissioner Michel?

17 COMMISSIONER MICHEL: Yes.

18 PRESIDENT UMANE: Commissioner Pepe-  
19 Souvenir?

20 COMMISSIONER PEPE-SOUVENIR: Yes.

21 PRESIDENT UMANE: Commissioner Shamoun?

22 COMMISSIONER SHAMOUN: I'll abstain.

23 PRESIDENT UMANE: Commissioner Taylor?  
24 Commissioner Taylor?

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2 COMMISSIONER TOWNSEND: She's muted, but  
3 I think that was a yes.

4 PRESIDENT UMANE: Okay. Commissioner  
5 Townsend?

6 COMMISSIONER TAYLOR: Yes.

7 COMMISSIONER TOWNSEND: Yes.

8 PRESIDENT UMANE: Commissioner Zaccone?

9 COMMISSIONER ZACCONE: Unfortunately,  
10 yes.

11 PRESIDENT UMANE: And Commissioner  
12 Umane, yes. Okay. So the candidate is off the  
13 ballot.

14 MR. CIAMPOLI: Does that Commissioner  
15 Umane, does that moot the objection?

16 PRESIDENT UMANE: It doesn't moot the  
17 objection. The objection still stands because  
18 apparently it was timely filed.

19 MR. CIAMPOLI: Well, but if it was  
20 timely filed, it was timely filed after the third  
21 cover sheet was filed. If the board accepted the  
22 third cover sheet, I find it hard to believe that  
23 you could prima facie the candidate off the  
24 ballot.

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2 PRESIDENT UMANE: Well, we just did. I'm  
3 sorry, Mr. Ciampoli.

4 MR. CIAMPOLI: I understand.

5 PRESIDENT UMANE: Okay. Next.

6 MR. GRAVES: Commissioners, I just want,  
7 before we begin the next appearance, I just  
8 wanted the record on the prima facie report for  
9 the first two that I called for Paperboy Love  
10 Prince and for Theo Bruce Chino Tavarez. The,  
11 both of those issues are that four of the volumes  
12 that they filed are being treated as being prima  
13 facie defective. So what that means is just those  
14 volumes, the staff is advising should be  
15 considered prima facie. But these candidates  
16 should remain on the ballot. They do, they did  
17 file a sufficient amount of signatures, there are  
18 no objections or challenges to their petition, so  
19 if and when the commissioners do rule on Paperboy  
20 Love Prince and Theo Bruce Chino Tavarez, they  
21 will just be removing those volumes and the  
22 candidates would remain on the ballot.

23 PRESIDENT UMANE: I seem to be having a  
24 problem with the calendar, because everything I

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2 open up on the email that was sent to me, it's  
3 all the same thing, which is the Anthony Herbert  
4 enrollment. I got it four or five times. And it  
5 may be my computer, but I don't seem to have  
6 anything else based on that email. I don't know  
7 if anybody else is having the same problem. But  
8 so, it's just, it's four of the volumes on those  
9 petitions?

10 MR. GRAVE: That's correct.

11 PRESIDENT UMANE: I don't have anything  
12 that I see that was sent to me that sort of  
13 clarifies that. I don't know if anybody else has  
14 anything other than that.

15 SECRETARY CAMILO: I think if I  
16 understand correctly, what's being explained is  
17 that if we move the prima facie report as to  
18 those two matters, the report indicates that it's  
19 only those specific volumes that we are finding  
20 as defective. So we typically will say then  
21 candidate off the ballot afterwards, but not  
22 necessarily the case for those two that were just  
23 stated.

24 MR. GRAVES: Commissioner Camilo, that's

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2 exactly what I'm trying to convey.

3 PRESIDENT UMANE: Okay. So if it's been  
4 looked into --

5 SECRETARY CAMILO: And the thing is --

6 PRESIDENT UMANE: -- I guess invalidate  
7 the four petitions?

8 SECRETARY CAMILO: I would make that  
9 motion as to Paperlove Prince for the volume  
10 numbers stated on the prima facie calendar and  
11 for Theo Bruce Chino Tavaréz, again for the four  
12 volumes indicated on the calendar.

13 COMMISSIONER MARMORATO: I'll second.

14 PRESIDENT UMANE: Okay. Is there a  
15 second?

16 COMMISSIONER ARAUJO: Second.

17 PRESIDENT UMANE: All in favor?

18 MULTIPLE: Aye.

19 PRESIDENT UMANE: All opposed? All  
20 abstentions. If we knock those out, does that now  
21 affect the cover sheets?

22 SECRETARY CAMILO: Do we have any other  
23 appearances on any of the other matters besides  
24 the last matter on the calendar?

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2 MR. GRAVES: There are no other  
3 appearances besides the last matter.

4 SECRETARY CAMILO: So, President Umane,  
5 I think we still need a ruling on the other  
6 matters.

7 PRESIDENT UMANE: Okay. So --

8 COMMISSIONER ARAUJO: I would move that  
9 we adopt the recommendations on the prima facie  
10 report as it relates to those matters except for  
11 the last matter.

12 PRESIDENT UMANE: Okay.

13 COMMISSIONER MARMORATO: Second.

14 PRESIDENT UMANE: All in favor?

15 MULTIPLE: Aye.

16 PRESIDENT UMANE: All opposed? All  
17 abstentions? Thank you.

18 COMMISSIONER ARAUJO: President Umane,  
19 just note that I do abstain from the one with  
20 Walter Iwachiw.

21 PRESIDENT UMANE: Iwachiw, yes. Let the  
22 record show that Commissioner Araujo has  
23 consistently not participated in anything having  
24 to do with Mr. Iwachiw. And I would just like to



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2 say something about that, because it's my  
3 understanding that what was submitted to us was  
4 one page, which was photocopied hundreds of  
5 times, and that there was no real bona fide  
6 petition filed having anything close to  
7 compliance with our rules. So I don't know if  
8 we're inclined to do anything about that, but  
9 periodically we have made referrals as to that  
10 because of the sort of inherent noncompliance  
11 with the whole procedure. But I guess we don't  
12 want to do that. I'm just pointing out that we  
13 have previously in the past. Okay, I guess the  
14 last matter --

15 MS. KONTZAMANIS: Commissioner Umame --

16 PRESIDENT UMANE: -- and I think  
17 somebody for sending me the report, but I guess  
18 should we deal with Working Families Party? Is  
19 that the last one on the list to be dealt with?

20 UNIDENTIFIED FEMALE: Commissioner  
21 Umame, I'm sorry, just to go back to Walter  
22 Iwachiw?

23 PRESIDENT UMANE: Yes?

24 UNIDENTIFIED FEMALE: This is the

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2 citywide prima facie calendar. Just to clarify,  
3 Mr. Iwachiw appears on the Queens prima facie  
4 calendar, which we'll be hearing tomorrow. So is  
5 this decision of the commissioners taking him off  
6 for tomorrow also, or just for the citywide?

7 PRESIDENT UMANE: Is he running for  
8 something else besides Mayor?

9 COMMISSIONER TAYLOR: Yes.

10 MS. KONTZAMANIS: He's running for city  
11 council as well.

12 UNIDENTIFIED FEMALE: Yeah.

13 PRESIDENT UMANE: Ah.

14 COMMISSIONER ARAUJO: Isn't it also  
15 impossible to run for two offices.

16 UNIDENTIFIED FEMALE: Yes, yes,  
17 commissioner, that's the point.

18 COMMISSIONER TAYLOR: That's the issue.

19 UNIDENTIFIED FEMALE: Yes.

20 COMMISSIONER ARAUJO: That is correct.

21 UNIDENTIFIED FEMALE: But we're not  
22 doing that calendar today.

23 PRESIDENT UMANE: I think we should take  
24 him off today, and then we'll take him again

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2 tomorrow --

3 UNIDENTIFIED FEMALE: Okay. Thank you,  
4 commissioner, we just wanted to clarify that.

5 PRESIDENT UMANE: -- on the same basis.

6 UNIDENTIFIED FEMALE: Thank you.

7 PRESIDENT UMANE: Yes.

8 MR. SAVINO: If you are interested,  
9 there is a case, Lawrence v. Spellman, which  
10 requires, or states that you cannot run for two  
11 offices at the same time. Okay.

12 COMMISSIONER TAYLOR: In which you would  
13 have to serve in both at the same time.

14 MR. SAVINO: Right. I'm sorry.

15 PRESIDENT UMANE: See, I think Mr.  
16 Iwachiw was not a lawyer because that way he  
17 could talk out of both sides of his mouth at the  
18 same time, which is almost the same thing. But in  
19 any event, I think we've now covered everything  
20 up to the Working Families Party, and we have an  
21 issue regarding the certificate of authorization  
22 I guess for Wilson Pakula that was filed by the  
23 Working Families Party, and I understand that  
24 there are appearances on this.

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2 MS. KONTZAMANIS: Mr. Rabb is in the  
3 meeting.

4 PRESIDENT UMANE: Okay. Mr. Rabb, I know  
5 you've submitted some arguments to us on paper,  
6 and we would ask if you wanted to make a  
7 presentation that you do so now, and hopefully  
8 your other case has been resolved and you're able  
9 to do it now.

10 MR. ALEXANDER RABB: I am. Thank you,  
11 commissioner. I just want to take a moment, if  
12 you'll indulge me, to thank Ms. Kontzamanis, who  
13 helped me while I was kicked out of the waiting  
14 room several times and kept me posted about what  
15 was going on. Thank you very much. Commissioners,  
16 the issue before you is that you have a Wilson  
17 Pakula certificate of authorization submitted by  
18 the Working Families Party that was formalized  
19 pursuant to Governor Cuomo's executive order  
20 202.7, which provides in relevant part, that any  
21 notarial act required by statute may be performed  
22 using remote video conference technology. The  
23 executive order has the full force and weight of  
24 law pursuant to the legislature's grant of

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2 emergency powers to the governor. This executive  
3 order was issued in March 2020 and extended  
4 recently through April 20th of this year.

5 I submitted the executive order itself.  
6 The guidance issued by the Department of State to  
7 notaries and also a bipartisan statement issued  
8 last year by the State Board of Elections. And so  
9 I'd just like to walk you through those. First --

10 PRESIDENT UMANE: Mr. Rabb, I don't  
11 think our issue is with the notarization. I think  
12 our issues are twofold. One, and if you could  
13 address that, because I think we're all familiar  
14 with the executive order and the notary.

15 MR. RABB: Sure.

16 PRESIDENT UMANE: But there's two  
17 issues. One is that there's a requirement for the  
18 top city officials under Wilson Pakula that there  
19 be a meeting of the county committees to  
20 designate the mayor, the comptroller and the  
21 public advocate. I was going to say city council  
22 president just demonstrating my age. But there's  
23 a requirement that there be county committees  
24 established and that was not done. So that's an

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2 issue regarding the top people.

3 And then there's a separate issue that  
4 there was no wet signature supplied to us. The  
5 notary was done I guess remotely, and that's  
6 okay, based on the executive order. But there's  
7 still essentially a board requirement that  
8 original wet signatures of the people who would  
9 be submitting the certificate, even if it was  
10 notarized by remote notarization, the signatures  
11 that were submitted were not wet signatures. So  
12 if you could --

13 COMMISSIONER SHAMOUN: Commissioner  
14 Umane --

15 PRESIDENT UMANE: So as far as I'm  
16 aware, that the, none of the things that you  
17 cited to us deal with the fact that there's  
18 potentially a requirement for wet signatures, at  
19 least in this board, and has been historically in  
20 this board.

21 COMMISSIONER SHAMOUN: Commissioner  
22 Umane, Simon Shamoun, I heard your intro, but I  
23 do not share that view that the notarization was  
24 done properly according to the guidance. How can

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2 somebody watch somebody sign if the signatures  
3 are affixed to the document? That doesn't seem to  
4 be a possibility. The notary EO says that you can  
5 notarize via video but you still, the whole point  
6 of notarizing is to watch somebody sign. So how  
7 can you watch somebody sign if the signatures on  
8 this .PDF I'm looking at seem to be pasted onto  
9 the document? I'll just make that -- that's my  
10 point of clarification.

11 PRESIDENT UMANE: Okay, thank you,  
12 sorry, Commissioner Shamoun, that's a valid  
13 point. Okay. You're right, sorry. So if you could  
14 add that to your presentation, Mr. Rabb, and deal  
15 with that as well.

16 MR. RABB: Thank you, commissioners for  
17 narrowing down the issues, I appreciate it.  
18 First, just to the citywide Wilson Pakula  
19 requirement, I guess there are few things. One  
20 is that the notice that went out to the  
21 candidates on this issue, for today's hearing,  
22 dealt only with the question of whether they were  
23 original signatures submitted on the Wilson  
24 Pakula. There was no notice that I know of issued

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2 on this issue, so I'd ask that you reissue a  
3 notice and put this one for a hearing so that I  
4 can prepare an argument on this. I will note, by  
5 the way that some of the officer, excuse me, the  
6 candidates listed on the prima facie notice are  
7 Working Families Party members, Kenneth Schaeffer  
8 and Deborah Axt, and don't require a Wilson  
9 Pakula, so I would ask that they be removed from  
10 the prima facie list.

11 I don't know of any prima facie issue  
12 that's been raised as to the two of them, other  
13 than Wilson Pakula. So with respect to the two  
14 remaining designees, Brad Lander and Jumaane  
15 Williams I would just ask that renote this  
16 issue so that I can prepare an argument on it.  
17 One thing --

18 COMMISSIONER ARAUJO: Sorry, this is  
19 Commissioner Araujo. What did the notice, can  
20 legal or CRU indicate what the notice actually  
21 said for today, on that issue?

22 MR. SATTIE: Looking at the explanation  
23 that's on there, on the prima facie report and  
24 the letter said the same thing. It said



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2 certificate of authorization did not contain --

3 COMMISSIONER ZACCONE: I'm sorry,  
4 commissioner, but you have to speak up, we can't  
5 hear you. So counsel I should say.

6 MR. SATTIE: Sorry, will do. So the  
7 explanation on the prima facie report is  
8 identical to what the letter that was mailed  
9 said, certificate of authorization did not  
10 contain original signatures.

11 MR. RABB: So, shall I move on to that  
12 question? I mean first, I just want to address  
13 Commissioner Shamoun's point about the  
14 notarization. First, again, the notice that was  
15 issued dealt only with the original signatures.  
16 However, I do want to direct the commissioners'  
17 attention to the guidance put out by the  
18 Department of State that I circulated yesterday,  
19 which says under additional considerations, the  
20 signatory may use an electronic signature  
21 provided that the document can be signed  
22 electronically under the Electronic Signatures  
23 and Records Act, Article 3 of the State  
24 Technology Law. If the signer uses an electronic

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2 signature, the notary must witness the electronic  
3 signature being applied to the document as  
4 required under Executive Order 202.7. So, to the  
5 extent that Commissioner Shamoun is asking  
6 whether an electronic signature can ever be  
7 allowed on a document, because he doubts that a  
8 notary would ever be able to witness the  
9 application of that signature, I point to the  
10 guidance which specifically allows electronic  
11 signatures and note that the commissioner's  
12 question has to do with whether notary followed  
13 the rules. And that's not a question that's  
14 properly before this body.

15 On its face, the document complies with  
16 the guidance put out by the Department of State.  
17 The notary formalized the document, specifically  
18 saying it was notarized pursuant to 202.7.  
19 Commissioner Shamoun has raised an evidentiary  
20 question about whether the notary acted  
21 appropriately. This body can't take testimony  
22 from a notary and so that's a question that would  
23 appropriately be before a court on an objection,  
24 not before this board.

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2 I think that's why Commissioner Shamoun  
3 raised the question about whether a notary could  
4 ever properly notarize an electronic signature.  
5 But again, I point to the guidance on that. So  
6 then, moving on to the question that Commissioner  
7 Umane raised about whether there's a requirement  
8 that original signatures be filed with this  
9 board.

10 The prima facie notice references,  
11 sorry, the calendar references rule A2, which  
12 deals only with the timing and method of filing.  
13 And I don't think there's any question about  
14 whether this document was filed timely or in the  
15 manner that the statute rules require. It was  
16 delivered personally to the board and  
17 timestamped. There is no requirement explicitly  
18 that electronic, excuse me, that original  
19 signatures be filed.

20 There is a 2003 case that deals with the  
21 question of whether a faxed service is  
22 appropriate. And that court found that you can't  
23 -- excuse me, fax filing. You can't file by fax.  
24 And the rationale applied in that situation was

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2 that while there is no explicit requirement in  
3 the election law that an electronic signature,  
4 excuse me, a copied signature may not be filed,  
5 or that you must file an original signature, the  
6 court noted that there were places in the statute  
7 where copied signatures are explicitly allowed  
8 and then therefore, it must be the intent of the  
9 legislature in the absence of a specific  
10 legislative directive that where there is no  
11 allowance for copied signatures, you can't file  
12 them. Well, now we have a law that says that a  
13 document can be notarized remotely. And there is  
14 no requirement in 202.7, which again has the full  
15 force and weight of law that you wind up with a  
16 document with any wet signatures.

17 Necessarily, the law allows you to  
18 transmit a signature electronically to the  
19 notary. The notary is required to print it, sign  
20 it, and then the notary is allowed to scan it and  
21 return it. There is a permissive provision of  
22 202.7 that allows the notary to follow up within  
23 30 days with a wet signature document, but  
24 there's no requirement that that happen.

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2 And so the board, which doesn't have  
3 rules requiring a wet signature, and doesn't have  
4 a statute explicitly requiring the wet signature,  
5 today is trying to add a requirement that  
6 contradicts the governor's executive order.

7 PRESIDENT UMANE: So, Mr. Rabb, just a  
8 question.

9 MR. RABB: Yes?

10 PRESIDENT UMANE: Is it your view that  
11 no one need sign a petition anymore? That we  
12 could take photocopies of signatures on  
13 petitions? That we don't, no longer need to have,  
14 so that somebody theoretically could go onto the  
15 board records and download people's signature and  
16 then apply them to petitions and then submit that  
17 to us? Because that -- is that the argument that  
18 you're making to us now?

19 MR. RABB: Commissioner, I appreciate  
20 that you're thinking about the extent of this,  
21 but that's a hypothetical that's not before the  
22 board. The board --

23 PRESIDENT UMANE: No, but it is. And our  
24 policy --

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2 MR. RABB: It's not.

3 PRESIDENT UMANE: -- and our rules have  
4 always required original signatures.

5 MR. RABB: That's not true,  
6 commissioner. The rules do not require them. It's  
7 not in the rules. And you referred to the history  
8 of the board. A remotely notarized Wilson Pakula  
9 was, it was filed by the Working Families Parties  
10 last year and it was accepted by this board. You  
11 haven't always required it. And it's not in the  
12 rules. And here you have an explicit statement of  
13 statute that you are suggesting should be  
14 overridden by a vote of the commissioners. What  
15 you have in front of you is a presumptively valid  
16 document that on its face complies with the law,  
17 202.7. You're trying to read into the Election  
18 Law a prohibition -- and your rules, a  
19 prohibition that contradicts this executive  
20 order, that just simply doesn't exist in your  
21 rules or in the law.

22 PRESIDENT UMANE: Well, I don't argue --  
23 I would argue that the executive order doesn't  
24 deal with the wet signatures of the officers of

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2 the Working Families Party. It only really deals  
3 with notary and the fact that the acknowledgement  
4 could be done remotely. It has nothing to do with  
5 the fact that the original signatures could be  
6 submitted along, on the certificate. And that's  
7 what we've required as long as I've been here.  
8 And that's unfortunately much too long.

9 MR. RABB: Again --

10 PRESIDENT UMANE: And I think the notion  
11 that we would start accepting sort of signatures  
12 and we've also made specific rulings over time  
13 having to do with registration forms and  
14 requiring registration forms to have wet  
15 signatures and that's been our policy and that's  
16 been our rule and I see no reason  
17 [unintelligible] [02:53:39] for changing it.

18 MR. RABB: Commissioner, the executive  
19 order absolutely allows for a document that does  
20 not contain wet signatures by any party to the  
21 process.

22 PRESIDENT UMANE: Well, I respectfully  
23 disagree. But I don't think the --

24 MR. RABB: Well, I, I direct you to the

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2 --

3 PRESIDENT UMANE: state board ruling  
4 dealt with that either. I think it deals just  
5 with the remote notarization. It doesn't say that  
6 wet signatures are not required.

7 MR. RABB: It says any, so the state  
8 board's ruling says the signer must transmit the  
9 signed document on the same day that it was  
10 signed to the notaries who receives the same  
11 electronically. The notary may notarize the  
12 transmitted copy of the document and transmit the  
13 same back to the person. That's the state board's  
14 guidance. It explicitly says the notary can  
15 receive it electronically, which necessarily  
16 means no wet signatures and transmit it back to  
17 the person. The documents --

18 PRESIDENT UMANE: Yeah, but why wouldn't  
19 then the originally signed document be filed with  
20 an attachment containing the notary and the  
21 signed signatures? It doesn't say specifically  
22 that there's no requirement that there not be a  
23 wet signature. It doesn't state --

24 MR. RABB: It absolutely does. There is



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2 --

3 PRESIDENT UMANE: -- [unintelligible]  
4 [02:54:58] notarized, if he watches it, if he  
5 watches the person sign and then that's  
6 transmitted after watching the person sign the  
7 document that he can then notarize that and  
8 return it. So that could be a second document  
9 that would be submitted with the originally wet  
10 signed certification.

11 MR. RABB: Commissioner, the --

12 PRESIDENT UMANE: My question to you is  
13 why was an authorization filed by people in the  
14 same party if it was not necessary, if they were  
15 members of the party? I'm just asking why that  
16 was done. If they were members of the party,  
17 there would have been no need for a Wilson  
18 Pakula.

19 MR. RABB: That's correct. There was the  
20 list on the Wilson -- of the candidates that  
21 appear on the Wilson Pakula who were generated  
22 from a database and the party accidentally left  
23 the two on. But if you're suggesting that two  
24 party members, so you can verify in your records

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2 our party members should be removed because they  
3 appear on a Wilson Pakula that you think is  
4 invalid.

5 PRESIDENT UMANE: No, I'm not suggesting  
6 that.

7 MR. RABB: Okay.

8 PRESIDENT UMANE: I'm just --

9 MR. RABB: So, but I do want to go back  
10 to --

11 PRESIDENT UMANE: -- you know --

12 MR. RABB: Commissioner --

13 PRESIDENT UMANE: -- you tell me, I have  
14 no reason to believe that if you tell me  
15 something that it's not the case.

16 MR. RABB: So I think, I hope that  
17 there's no question about the party, the two  
18 party members on the list of Pakula. But I do  
19 want to go back to what you were just saying.  
20 There is a permissive provision of 202.7 that  
21 says that a notary may return, but does not have  
22 to, may return a notarized document with all wet  
23 signatures. But the state board spoke to this  
24 directly. It says in its policy statement, which

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2 again, is a bipartisan policy statement issued by  
3 both sides of the state board, the permission of  
4 the executive order for the notary to, quote,  
5 repeat the notarization on the copy of the  
6 original sent to the notary within a month is not  
7 obligatory under the executive order. The state  
8 board dealt with your question directly.

9 I appreciate your concern about what  
10 you're saying your policy is, but this is a law.  
11 And it explicitly allows for this, so there's  
12 nowhere in the executive order that says someone  
13 has to provide a wet signature document and if  
14 you --

15 PRESIDENT UMANE: Yeah, but it doesn't  
16 say can avoid it either.

17 MR. RABB: It absolutely does. You are  
18 allowed to transmit --

19 PRESIDENT UMANE: I get it, great. It  
20 just says that the notary doesn't have to be --  
21 can be done remotely. It doesn't say that there's  
22 a requirement, that there's a permissive  
23 allowance of not a wet signature. It doesn't say  
24 it.

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2 MR. RABB: It says that explicitly.

3 PRESIDENT UMANE: It just says that you  
4 can do the remote notary.

5 MR. RABB: Exactly.

6 PRESIDENT UMANE: It doesn't deal with  
7 the requirement -- that's what I'm saying to you.

8 MR. RABB: No, no, no.

9 PRESIDENT UMANE: The notary could be on  
10 a second page and there could still be an  
11 original filing with a wet signature to our  
12 board, which is what has been required.

13 MR. RABB: You're -- I mean what you're  
14 suggesting, commissioner is that the parties, the  
15 filer marry a document that is not the one that  
16 was in the notary's possession with a page that  
17 the notary signs. To me, that would be  
18 inappropriate. Here, the party has submitted the  
19 document returned to them by the notary. I think  
20 for the party to add its own page to a page that  
21 was submitted by the notary, that seems  
22 completely inappropriate to me. But I don't think  
23 that you even get to that because the executive  
24 order explicitly allows for electronically

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2 transmitted documents. I don't think that you --  
3 frankly, I don't understand your contention that  
4 if the -- even though the executive order, which  
5 has the full force and effect of law, allows for  
6 a notary to notarize electronic signatures, and  
7 even though the Board of Elections has said that  
8 a document explicitly, the State Board of  
9 Elections has said that a document containing no  
10 wet signatures is a signed and valid, notarized  
11 document, that there has to be some additional  
12 requirement that these allowed documents be  
13 accepted. I mean you've been doing this longer  
14 than I have. The law doesn't work that as far as  
15 I've seen, that if the law allows a document to  
16 be formalized one way that it then has to  
17 explicitly require every agency that might  
18 receive it to accept it? That is completely  
19 unworkable and it doesn't make sense.

20 Now here, you have a document that  
21 complies with the requirements of 202.7.  
22 Actually, there's one other thing I want to  
23 mention here. If there's any question as to  
24 whether the governor's executive orders on remote

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2 activity should to the election law, we should  
3 remember that the governor also issued an  
4 executive order allowing parties to meet remote  
5 for the exact same reason, to be safe during the  
6 pandemic.

7 And what you're suggesting is that a  
8 party committee that's allowed to meet remotely  
9 then has to get together in person, completely  
10 avoiding and frustrating the purpose of that  
11 original, of the remote meeting executive order,  
12 has to get together personally with a third  
13 party, a notary, in order to formalize documents  
14 that it was allowed to adopt remotely, and that  
15 the executive order allows to adopt remotely.

16 I really think you're trying to read  
17 something into all of these sources that just  
18 doesn't exist. And that respectfully is beyond  
19 the jurisdiction of this board. And finally --

20 PRESIDENT UMANE: Okay. Does anybody  
21 else have anything that they wish to add? So I  
22 would move that we would maintain and approve the  
23 prima facie report as it applies to the Working  
24 Families Party. Is there a second?

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2 SECRETARY CAMILO: Second.

3 PRESIDENT UMANE: All in favor? We ought  
4 to do a -- by hand --

5 COMMISSIONER ARAUJO: Roll call.

6 COMMISSIONER TAYLOR: Roll call.

7 PRESIDENT UMANE: -- a roll call vote,  
8 so Commissioner Camilo?

9 SECRETARY CAMILO: Yes.

10 PRESIDENT UMANE: Commissioner Araujo?

11 COMMISSIONER ARAUJO: Yes.

12 PRESIDENT UMANE: Commissioner

13 Marmorato?

14 COMMISSIONER MARMORATO: Yes.

15 PRESIDENT UMANE: Commissioner Michel?

16 COMMISSIONER MICHEL: Yes.

17 PRESIDENT UMANE: Commissioner Pepe-

18 Souvenir?

19 COMMISSIONER PEPE-SOUVENIR: I'm going  
20 to abstain.

21 PRESIDENT UMANE: Commissioner Shamoun?

22 COMMISSIONER SHAMOUN: Yes.

23 PRESIDENT UMANE: Commissioner Taylor?

24 COMMISSIONER TAYLOR: Yes.

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2 PRESIDENT UMANE: Commissioner Townsend?

3 COMMISSIONER TOWNSEND: Yes.

4 PRESIDENT UMANE: Commissioner Zaccone?

5 COMMISSIONER ZACCONE: I'm going to  
6 abstain as well.

7 PRESIDENT UMANE: Commissioner Umane  
8 votes yes. I think, so that all of the candidates  
9 on the Wilson Pakula list who are not members of  
10 the Working Families Party are off the ballot. Is  
11 there anything else on this calendar?

12 MR. SAVINO: That's the end of the prima  
13 facie.

14 PRESIDENT UMANE: I think not. So we  
15 ought to recall the Bronx second call.

16 SECRETARY CAMILO: Yes, I'm going to  
17 alert my staff.

18 PRESIDENT UMANE: Thank you.

19 MS. KONTZAMANIS: Okay, you guys have to  
20 just give me a second to find Mr. Castillo.

21 PRESIDENT UMANE: Okay, also Mr.  
22 Schlein.

23 MS. KONTZAMANIS: Schlein is in our  
24 waiting room. Is the Bronx team, can you let



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2 Brenda in? Yeah.

3 MS. KONTZAMANIS: Ms. Candelaria and Mr.  
4 Alfasi?

5 MS. CANDELARIA: Hi.

6 MS. KONTZAMANIS: Have you guys been in  
7 touch with Mr. Castillo? Because he's not in our  
8 waiting room anymore.

9 MS. CANDELARIA: You're not talking to  
10 us are you?

11 MS. KONTZAMANIS: I am, yes, ma'am.

12 MR. ALFASI: Mr. Castillo?

13 MS. CANDELARIA: Mr. Castillo, who's Mr.  
14 Castillo?

15 MS. KONTZAMANIS: I'm sorry if I'm  
16 pronouncing it incorrectly, Luis Enrique  
17 Castillo?

18 SECRETARY CAMILO: I think he was  
19 counsel on a prior objection that we dealt with.

20 MS. KONTZAMANIS: Are you looking for --  
21 I'm sorry, commissioners, maybe I'm calling the  
22 wrong. Are you looking for --

23 PRESIDENT UMANE: No, I think you're  
24 calling the wrong case. It was the one that we

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2 sent back. I think it was, was it Mr. Glaser and  
3 Mr. Schlein?

4 SECRETARY CAMILO: Mr. Schlein and Aaron  
5 --

6 COMMISSIONER SHAMOUN: Foldenauer.

7 SECRETARY CAMILO: -- Foldenauer.

8 MS. KONTZAMANIS: Oh, Aaron Foldenauer.  
9 Okay, I've got them both, whenever you're ready.  
10 You guys ready?

11 PRESIDENT UMANE: Are they --

12 MR. ALFASI: Yeah, [unintelligible]

13 [03:04:17] second, sorry. There we go.

14 MS. KONTZAMANIS: Okay, you guys ready?

15 PRESIDENT UMANE: We have a couple of  
16 issues. We had the technical issues about rules  
17 compliance and the second issue had to do with  
18 the 108 challenges to our -- the list challenging  
19 our report. So, do we want to deal -- have you  
20 reviewed the list with the two camps?

21 COMMISSIONER ZACCONE: Commissioner  
22 Umane, I'm just looking down the list. I don't  
23 see either of the attorneys present, you might  
24 want to wait a moment.

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2 MS. KONTZAMANIS: I can let them in  
3 whenever you guys are ready.

4 MS. CANDELARIA: I wanted to ask, we  
5 went through each one of these --

6 SECRETARY CAMILO: Brenda, wait, we're  
7 waiting for the attorneys.

8 MS. CANDELARIA: Oh.

9 MS. KONTZAMANIS: Okay, Mr. Schlein and  
10 Mr. Foldenauer have been admitted.

11 MR. FOLDENAUER: Good afternoon,  
12 commissioners. I think it was morning the last  
13 time we spoke. This is Aaron Foldenauer for the  
14 candidate, Lattina Brown.

15 MR. SCHLEIN: Stanley Schlein here for  
16 the objector, honorable commissioners, may I be  
17 heard?

18 MR. FOLDENAUER: And I would like to be  
19 heard as well in fact.

20 SECRETARY CAMILO: Hold on, counsel, I  
21 think --

22 PRESIDENT UMANE: Before you guys are  
23 heard, I have a question for our clerks, which I  
24 want to ask, have both sides met with you

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2 remotely to go over the list of 108 and are we  
3 satisfied that that's resolved?

4 MR. ALFASI: Yes.

5 MS. CANDELARIA: No, no.

6 MR. ALFASI: With an explanation. With  
7 an explanation.

8 MS. CANDELARIA: No, no. We didn't, if  
9 we met with who? The two lawyers or with our  
10 commissioners?

11 PRESIDENT UMANE: No, with the two  
12 lawyers to go over the list?

13 MR. ALFASI: Oh, no.

14 MS. CANDELARIA: No, we just finished  
15 going through the list with bipartisan teams and  
16 have the results of what our findings.

17 PRESIDENT UMANE: Okay.

18 MS. CANDELARIA: We find --

19 MR. FOLDENAUER: I know nothing of this.

20 MR. SCHLEIN: Yes, may I --

21 MR. FOLDENAUER: Just if I may be heard.  
22 I know nothing of this. I just sent an email to  
23 the hearing's email address. I sent the  
24 information as required to Mr. Schlein, Mr.

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2 Schlein refused to communicate --

3 SECRETARY CAMILO: Mr. Foldenauer,

4 MR. FOLDENAUER: -- with me.

5 SECRETARY CAMILO: Hold on one moment.

6 We're asking our staff if they received that  
7 information and they were able to review your  
8 list of 108 challenges to our clerks' report.  
9 That's what we're asking our staff about. So, Ms.  
10 Candelaria, please.

11 MS. CANDELARIA: We sat with bipartisan  
12 teams, that's why we wanted to ask the question,  
13 when we were going through the list, we found 60  
14 of the objections that they made, they already  
15 had gotten credit for it. We, they was not as  
16 stated by the objector so we don't understand why  
17 they're on the list. There's 60 that they already  
18 got -- that Ms., the candidate, already got  
19 credit for.

20 PRESIDENT UMANE: Okay.

21 MR. SCHLEIN: Mr. President, as the  
22 objector, maybe I can clarify and with your  
23 permission, may I speak?

24 PRESIDENT UMANE: Okay. We're still

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2 trying -- before you do, Mr. Schlein, we're still  
3 trying to understand what happened with the  
4 clerks, so --

5 MR. SCHLEIN: I think I can -- I think I  
6 can assist the board in that regard if I may.

7 PRESIDENT UMANE: Well, you still -- you  
8 don't know what we did. That's what I was trying  
9 to find out.

10 MR. SCHLEIN: Oh, okay.

11 SECRETARY CAMILO: So if --

12 PRESIDENT UMANE: Yeah.

13 SECRETARY CAMILO: -- Ms. Candelaria --

14 MR. ALFASI: If I may, I would like to  
15 take the lead on this for a moment, with my  
16 colleague's permission. There were 108 categories  
17 that I believe the candidate is saying was  
18 erroneously, this board findings that they should  
19 be taken or disqualified, correct? Is that  
20 correct, 108? I'm asking counsel.

21 PRESIDENT UMANE: Yes. That was the  
22 list, it was 108, yes.

23 MR. ALFASI: Okay. We went through, we  
24 went through and found six zero, 60, instances

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2 that the candidate was not, okay, thrown out or  
3 with those signatures. Those signatures were  
4 counted as good signatures.

5 MS. CANDELARIA: For the candidate.

6 MR. ALFASI: For the candidate, were  
7 found as good. We never disqualified those 60  
8 instances. So that leaves us with 48 other  
9 instances, where we did find that the signatures  
10 were not qualified. We stand by those rulings. We  
11 went through each and every one. And we stand by  
12 those 48 disqualifying, those signatures on the  
13 petition.

14 COMMISSIONER ARAUJO: This is  
15 Commissioner Araujo, I have a question. Based on  
16 your review of these additional 48, does that  
17 change your clerks' report?

18 MS. CANDELARIA: No, it doesn't. It  
19 still, our report stays the same.

20 SECRETARY CAMILO: So even reviewing the  
21 submission by the candidate, the additional  
22 submission, you stand by your clerks' report,  
23 correct?

24 MS. CANDELARIA: We do.

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2 SECRETARY CAMILO: Okay. Alright.  
3 President Umane, if you have any other questions  
4 for the staff or if you want to hear from  
5 counsel.

6 PRESIDENT UMANE: Okay. Yes, so Mr.  
7 Schlein, did you want to say something?

8 MR. SCHLEIN: I did. Thank you very  
9 much, Mr. President. I would like to, at the risk  
10 of a bit of a redundancy, because this is exactly  
11 an hour and a half of my life I'm never getting  
12 back, so I need to be very clear to this  
13 honorable board. The number of signatures found  
14 by the clerks originally as valid was 196. If  
15 Mr., the candidate, sorry, if, if, is Brown were  
16 to receive back those 108 signatures, she would  
17 have been at a total of 304. However, the clerks  
18 found zero to be restored, zero. We checked each  
19 and every one and what it affects of, Mr.  
20 President is that can- this attorney tried to  
21 restore 60 signatures that were never removed.  
22 That in and of itself is an outrage and this  
23 board should not tolerate that kind of contact.  
24 All he had to do was check his clerks' report and



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2 find that they were already deemed valid. That  
3 left the balance, and I rely on the clerks' own  
4 commentary to your honorable commissioners that  
5 not one of those remaining signatures were worthy  
6 of being restored. So the clerks' report on a  
7 numerical basis remains at 196 valid against the  
8 required number of 270.

9 Now, Mr. President, I want to comment  
10 about the absurdity of the argument earlier  
11 today. I now have in front of me rule H1, which  
12 Mr. President, you were making a point about  
13 reviewing the rule, if I may.

14 PRESIDENT UMANE: Yes, please.

15 MR. SCHLEIN: Thank you, and I hope the  
16 commissioners bear with me, I want to read the  
17 whole rule and comment. Specifications of  
18 objection shall state the name and address of the  
19 objector and the name and address of the  
20 candidate and the public office or party position  
21 as set forth on the election document to which  
22 the objection is addressed and said specification  
23 shall be signed by the objector. All of that  
24 constitutes the first page of our objections, all

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2 done in compliance with that portion of rule H1.

3 The specifications of objections shall  
4 be prepared using ink, which includes a photocopy  
5 and/or computer generated copy as well as any  
6 other form of permanent marking that is not  
7 susceptible to fraud constitutes compliance with  
8 this rule, this rule. That was done. It was a  
9 photocopy of the original sent to the board, of  
10 rather of our original copy, all of which was  
11 compliant.

12 The last portion of this rule is the  
13 most important, that counsel seems to be  
14 objecting to. The specifications of objections  
15 shall be securely fashioned together in one or  
16 more volumes. We had two volumes constituting  
17 this petition, and this objections, we separated  
18 them, but attached them securely as a single  
19 document. Your clerks can confirm that.

20 The last sentence, the last sentence,  
21 the specification of objections, now I'm  
22 accentuating, in each and every volume shall be  
23 numbered sequentially at the bottom of each page  
24 of the specification, not the cover sheet, not

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2 the schedule, the -- each and every volume of the  
3 specifications. If the board looks at our  
4 specifications, at the bottom of each sheet, we  
5 have the volume number and the page number  
6 corresponding to the petition volume number and  
7 page number, in full compliance with rule H1. To  
8 argue anything else is absurd and constitutes an  
9 attempt at fraud on your honorable commissioners.  
10 Thank you.

11 PRESIDENT UMANE: Okay, thank you, Mr.  
12 Schlein.

13 MR. FOLDENAUER: After all that, I would  
14 appreciate the opportunity to be heard.

15 PRESIDENT UMANE: Yes, go ahead, Mr.  
16 Foldenauer.

17 MR. FOLDENAUER: So, first of all, with  
18 respect to the number of signatures, my client,  
19 the candidate, did what she could to submit a  
20 very detailed list of signatures that she  
21 believed should be restored. If there's some that  
22 the clerks have already been restored, so be it.  
23 But then the question is how many more are there  
24 that could be restored. What I heard leaving this

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2 hearing a few hours ago was that Mr. Schlein  
3 would be contacted, that I would be contacted,  
4 that we would virtually get in a room together  
5 and go through the signatures, so that we are all  
6 there and can participate in the process and so  
7 that due process may be had.

8 And of course, the commissioners are  
9 well aware, before the pandemic, we would go  
10 together to a side room and actually engage in  
11 this process together, and the virtual equivalent  
12 of that is what the commissioners had  
13 contemplated and we did not participate in -- we  
14 were not allowed to participate in the process. I  
15 held up my end of the bargain by corresponding  
16 with Mr. Schlein in sending him my list, and then  
17 I never heard back from him in a substantive way  
18 and I never heard back from staff or lawyers for  
19 the board or anyone else.

20 Secondly, with respect to the page  
21 numbering, Mr. Schlein simply made my point by  
22 going through rule H1, which clearly states at  
23 the end that pages must be numbered at the bottom  
24 of each page. Remember that a specification sheet

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2 is not necessarily required for each petition  
3 page, which makes it extremely important. This is  
4 an example of a specification for another  
5 candidate I'm representing. And if you'll notice,  
6 I'm trying to hold up in the camera, the objector  
7 in that case actually did properly number the  
8 spec in the bottom right hand corner. Again, I'm  
9 holding up the magic marker and of course, they  
10 also listed separately the sheet number and  
11 separately the volume number. Here it wasn't  
12 done, Rule H1 wasn't complied with and for that  
13 reason the spec is fatal. In addition, the volume  
14 numbers were written incorrectly. Volume numbers  
15 were --

16 COMMISSIONER PEPE-SOUVENIR: So why are  
17 you yelling? Why are you yelling? Can we just  
18 lower our voice a little bit?

19 MR. FOLDENAUER: Thank you very much,  
20 thank you very much, it's hard to tell the  
21 volume.

22 PRESIDENT UMANE: Mr. Foldenauer, we've  
23 got it, we've now heard it several times.

24 MR. FOLDENAUER: Great, yeah.

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2 MR. ALFASI: I would just try to quickly

3 --

4 PRESIDENT UMANE: We will now ask our  
5 counsel to come back to us with the legal issue  
6 about the numbering on the bottom of the page,  
7 and then whether in their view, there was  
8 substantial compliance with the requirement for  
9 the petition volume and whether that was clear  
10 enough under the circumstances to comply with our  
11 rules. So I would ask our counsel to sort of  
12 weight in on the issue of the page numbering and  
13 the indication of the volumes being sufficient.

14 COMMISSIONER PEPE-SOUVENIR: I'm sorry  
15 Commissioner Umane, I'm sorry to interrupt you,  
16 however, I thought we second called this simply  
17 to look at the list that was provided and to be  
18 reviewed. Do we have an answer on that? Because I  
19 thought that was specifically the reason why we  
20 seconded called this matter.

21 PRESIDENT UMANE: Well, it was for both  
22 reasons. It was for both reasons. It was to give  
23 our counsel time to look at the legal issue that  
24 was raised by Mr. Foldenauer. That was part of

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2 the rational for putting it on second call.

3 SECRETARY CAMILO: So just for clarity  
4 and to address one of the points by Mr.  
5 Foldenauer, the list of 108 signatures were sent  
6 to our staff. That was the direction before we  
7 second called the matter. And the other direction  
8 was for counsel for the objector to also receive  
9 the submissions that Mr. Foldenauer had submitted  
10 to our board. That was why we second called the  
11 matter, so that both sides could have in hand the  
12 same documentation including our staff. Now, we  
13 want to hear from counsel as far as Mr.  
14 Foldenauer's issue with our rules, which he's  
15 making those -- you're making that noted first,  
16 but then you're also wanting to restore or submit  
17 108 signatures, right. So we want to hear from  
18 counsel as to our rules about the issue of the  
19 pagination.

20 MR. SCHLEIN: May I, Mr. President and  
21 Madam Secretary, as to the first part of your  
22 comment, I do not have to sit in a room virtual  
23 or otherwise with another individual to determine  
24 that a work product is submitted to this board is

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2 fraudulent. There were, now he talks this away,  
3 said well, I didn't do it, my client did it.

4 PRESIDENT UMANE: Mr. Schlein --

5 MR. SCHLEIN: And she did the best job  
6 she could. That's his new argument that out of  
7 108, I'm sorry, not one of them is valid.

8 PRESIDENT UMANE: Mr. Schlein --

9 MR. SCHLEIN: That's the answer to your  
10 question.

11 PRESIDENT UMANE: -- we understand that  
12 the number of potential reconciliations are not  
13 sufficient to put the candidate back on.

14 MR. SCHLEIN: Okay. Thank you.

15 PRESIDENT UMANE: That would, that was  
16 provided to us by the clerks saying that 60 of  
17 the 108 were NAS and that they were counted  
18 towards the candidate.

19 MR. SCHLEIN: Correct.

20 PRESIDENT UMANE: So that left 48, which  
21 would have been insufficient to resuscitate the  
22 candidacy based on the signatures. So that's part  
23 A. So now we'd like to hear from our counsel on  
24 the legal issues, is the two of them raised by



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2 Mr. Foldenauer to see what our counsel's view was  
3 on that. So, and let's try and keep it civil to  
4 the extent we can. So I would ask our counsel to  
5 weigh in on the legal issue if you could, if  
6 you're prepared to do that.

7 MS. HEMALEE PATEL: Commissioner, I  
8 just, I know we've already read this, I'm going  
9 to read it again, the specification of objections  
10 in each and every volume shall be numbered  
11 sequentially at the bottom of each page of the  
12 specification. I think that's the specific  
13 sentence that Mr. Foldenauer is referring to. And  
14 if you look at the objections as counsel for the  
15 objector has pointed out, it does have the  
16 petition sheets and the petition volumes.

17 With regard the claim that each page of  
18 the specification should be additionally  
19 numbered, I don't think that it's clear enough in  
20 our rules to have that requirement because these  
21 objection sheets are in fact numbered and in  
22 sequential order based on the petition sheets.  
23 There isn't an additional requirement or it can  
24 be read in there there's no additional

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2 requirement but it's not at all clear, and  
3 therefore I wouldn't hold the objector to adding  
4 additional numbers that we haven't specifically  
5 asked for. Is that correct?

6 MR. SAVINO: That is right. We concur on  
7 that regard.

8 MS. PATEL: We concur on that.

9 PRESIDENT UMANE: Okay, and as to the  
10 second issue, is it sufficiently clear, the  
11 volume number for each page of the specification?

12 MS. PATEL: Yes, commissioner the volume  
13 numbers are listed on each page of the  
14 specification. Petition sheet number and the  
15 volume numbers are listed.

16 MR. FOLDENAUER: To be clear, they're  
17 not listed, though. There's only four digits in  
18 each volume number sheet.

19 MS. PATEL: Oh, I see.

20 PRESIDENT UMANE: Okay, thank you.

21 MR. FOLDENAUER: So it's very clear that  
22 the volumes are not listed.

23 PRESIDENT UMANE: We've heard the  
24 arguments. Thank you, Mr. Foldenauer.

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2 SECRETARY CAMILO: Thank you.

3 PRESIDENT UMANE: Is there a motion now  
4 on the clerks' report?

5 SECRETARY CAMILO: Yes, there is. Based  
6 on the argument and on the recommendation of our  
7 counsel, I move the clerks' report as to this.

8 PRESIDENT UMANE: Is there a second?

9 COMMISSIONER MARMORATO: Second.

10 PRESIDENT UMANE: All in favor?

11 MULTIPLE: Aye.

12 PRESIDENT UMANE: All opposed? Anybody?  
13 Any abstention?

14 COMMISSIONER ZACCONE: Opposed.

15 PRESIDENT UMANE: Zaccone opposed?

16 COMMISSIONER ZACCONE: Yes.

17 PRESIDENT UMANE: Okay. So we better do,  
18 let's do a roll call.

19 COMMISSIONER ZACCONE: Since it's only  
20 one, I don't think it's necessary, commissioner.

21 PRESIDENT UMANE: Okay. Alright. So  
22 there's just one opposed and the rest are in  
23 favor. Okay. The candidate is off the ballot.  
24 Thank you both for your heated and --

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2 COMMISSIONER TAYLOR: Learned.

3 PRESIDENT UMANE: -- learned arguments.

4 Thank you.

5 MR. SCHLEIN: Thank you, Mr. President.

6 PRESIDENT UMANE: Next. Have we gotten

7 Mr. Castillo now, Mr. Schlein, I'd ask you to

8 stay if that's okay.

9 MR. SCHLEIN: Yes, sir.

10 PRESIDENT UMANE: [unintelligible]

11 [03:23:38] somebody who apparently is, was trying

12 desperately gain admission to the virtual hearing

13 and was not able to, so we decided to put that on

14 second call, and --

15 SECRETARY CAMILO: What was the spec

16 number?

17 MS. CANDALERIA: 14-1.

18 MS. KONTZAMANIS: We're going to try to

19 reach out to him again.

20 MR. SCHLEIN: This was the candidate

21 Glennis Sanchez, Madam Secretary?

22 SECRETARY CAMILO: Yes.

23 MR. SCHLEIN: Thank you.

24 SECRETARY CAMILO: Objections by --

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2 MR. SCHLEIN: Thank you.

3 SECRETARY CAMILO: Yeah.

4 MR. SCHLEIN: Thank you.

5 MS. KONTZAMANIS: We're trying to get  
6 him on right now, commissioners. I just ask for  
7 your patience for another minute or two.

8 COMMISSIONER ZACCONE: Thank you.

9 MS. KONTZAMANIS: Mr. Castillo, can you  
10 hear me?

11 MR. JUAN ENRIQUE CASTILLO: Yes, I can  
12 hear you.

13 MS. KONTZAMANIS: Okay, you're in the  
14 hearing room. Commissioners, you have all parties  
15 now.

16 PRESIDENT UMANE: Okay. Could somebody  
17 call the spec again, with the numbers? I believe  
18 it's 14.1. Am I --

19 SECRETARY CAMILO: Correct. Where's our  
20 --

21 MS. PATEL: Yes, commissioner it's in  
22 the matter of Leila Martinez to the petition  
23 objection of -- objection of the petition of  
24 Glennis Sanchez for council member of the 17th

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2 Council District, spec number 14-1. A total  
3 number --

4 PRESIDENT UMANE: And how many valid --

5 MS. PATEL: -- a total --

6 PRESIDENT UMANE: -- signatures and how  
7 many required?

8 MS. PATEL: Yes, commissioner. Total  
9 number of valid signatures is 131, and the number  
10 of signatures, sorry, I'm reading it backwards.  
11 Sorry, number of signatures required is 270 and  
12 the valid signatures is 131.

13 PRESIDENT UMANE: Okay. Mr. Castillo,  
14 are you representing the candidate?

15 MR. CASTILLO: Yes, I'm representing Ms.  
16 Glennis Sanchez, candidate of District 17 City  
17 Council.

18 PRESIDENT UMANE: Do you have any basis?  
19 The clerks' report shows her as being off the  
20 ballot. Do you have a list for us of purported  
21 errors that the clerks made to be able to  
22 substantiate the candidacy?

23 MR. CASTILLO: Yeah, I would like to  
24 have a recount, because they're saying that in

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2 the letter they stated that the signatures, they  
3 couldn't match, they couldn't tell, but we went  
4 legally in the district of District 17 and we got  
5 401 and we teamed up with Helen Hines who had  
6 less signatures than us and she's on the ballot.  
7 So I would ask and beg for a recount because I  
8 sent my stuff --

9 PRESIDENT UMANE: Do you have a list of  
10 -- our rules require you to have a list of the  
11 purported errors made by the board's clerks in  
12 reviewing the petitions, based on the objections.

13 MR. CASTILLO: I don't have those papers  
14 on me right now, because I left and I'm in a rush  
15 to go to another meeting, I'm sorry,  
16 commissioner. But my thing was for 10:00 o'clock,  
17 and they made an error on the pass code to get in  
18 and that's why I'm here and now I'm running  
19 [unintelligible] [03:29:10] cell phone running  
20 this late --

21 PRESIDENT UMANE: Sir, as a courtesy to  
22 you, we have recalled your case because it was  
23 not, you were not available for whatever reason  
24 when the case was originally called.

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2 MR. CASTILLO: Correct.

3 PRESIDENT UMANE: You knew, because I  
4 heard the conversation that we were going to call  
5 this at the second call of the Bronx, and the  
6 fact that you're not prepared now and don't have  
7 a list and the list wasn't submitted to us  
8 previously doesn't really bode very well for your  
9 situation. And the fact that another candidate  
10 was able to get on the ballot and had sufficient  
11 signatures, there are a lot of candidates who had  
12 sufficient signatures and will appear on the  
13 ballot and it doesn't really have any effect at  
14 all on your candidate's candidacy. So unless you  
15 have a list or you have some issue with the  
16 specifications, we're constrained to go with our  
17 clerks' report. So I give you one last chance,  
18 sir. Do you have anything that would change the  
19 clerks' report?

20 MR. CASTILLO: I'm sorry, I don't have  
21 the paperwork on me because I left due to the  
22 inconveniences of sending the wrong pass code  
23 because my meeting was for 10:00 o'clock.

24 PRESIDENT UMANE: Okay. Is there a



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2 motion?

3 MR. CASTILLO: So thank you --

4 COMMISSIONER MARMORATO: I move that we  
5 adopt the clerks' report.

6 PRESIDENT UMANE: Is there a second?

7 COMMISSIONER ZACCONE: Second.

8 PRESIDENT UMANE: All in favor?

9 MULTIPLE: Aye.

10 PRESIDENT UMANE: All opposed, all  
11 abstentions? The candidate is off the ballot.

12 MR. CASTILLO: Thank you.

13 PRESIDENT UMANE: Now, we'll call the  
14 Staten Island second call. Do we want to take a  
15 minute so that we can get the --

16 MR. SCHLEIN: Thank you, Mr. President,  
17 for your courtesies, I appreciate it. We will  
18 sign off here.

19 PRESIDENT UMANE: Thank you, thank you,  
20 Mr. Schlein. Thank you, Mr. Castillo.

21 MS. CANDELARIA: Thank you,  
22 commissioners, are you done with us?

23 SECRETARY CAMILO: Yes. Now we can thank  
24 the Bronx. Thank you for all your hard work.

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2 Thank you again.

3 MR. ALFASI: Thank you, by the way, and  
4 by the way, our canvassing for both are finished.  
5 We are just putting everything in the computer,  
6 but we're pretty well done.

7 SECRETARY CAMILO: Thank you, sir.

8 PRESIDENT UMANE: Thank you for your  
9 hard work, and thank the Yankees for winning two  
10 games in a row.

11 MS. CANDELARIA: We're going to log off.  
12 You guys have a great afternoon.

13 PRESIDENT UMANE: Thank you. And in the  
14 meantime, could we try and get the Staten Island  
15 people back.

16 MS. KONTZAMANIS: We're working on that  
17 now.

18 PRESIDENT UMANE: Okay. Good. Should we  
19 take --

20 MS. KONTZAMANIS: Mr. Andriulli and Mr.  
21 Bosco, can you hear me?

22 PRESIDENT UMANE: -- off five minutes  
23 and let people --

24 SECRETARY CAMILO: We're still waiting.

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2 PRESIDENT UMANE: Okay, we have Mr.  
3 Andriulli, hi Anthony, how are you?

4 MS. KONTZAMANIS: And Mr. Bosco, you  
5 have the Staten Island staff. Would you like me  
6 to move Mr. Kepi?

7 PRESIDENT UMANE: Alright. Let's just  
8 finish it up.

9 MS. KONTZAMANIS: Okay. Move Mr. Kepi  
10 in.

11 PRESIDENT UMANE: Mr. Kepi?

12 MS. KONTZAMANIS: Mr. Kepi, unmute  
13 yourself, you've now joined the meeting.

14 MR. KEPi: Okay. I'm here.

15 Commissioners, I may, you know, I'm a United  
16 States Marine, so when I take an oath, I know  
17 what that means, and when I filed for City  
18 Council here on Staten Island, for the matching  
19 points program, you also have to sign paperwork  
20 swearing an oath where you currently live and  
21 everything else. So everything I've done so far  
22 in all my paperwork, the address remains the  
23 same. It's 302C Liberty Avenue in Staten Island,  
24 New York. So that's all I guess I can add to this

1 April 13, 2021

2 meeting. My address hasn't changed. It's been the  
3 same.

4 PRESIDENT UMANE: Okay. Thank you, Mr.  
5 Kepi. Did we -- we were, left it open for the  
6 clerks to come back to us if they had any  
7 additional information regarding this.

8 MR. ANDRIULLI: Just I had sent to you  
9 the, what Commissioner Zaccone had asked us to  
10 look up and forward to you, which I sent by email  
11 to all the commissioners.

12 PRESIDENT UMANE: Okay. Could you just  
13 relate to us what that was, just for the --

14 MR. ANDRIULLI: Sure. It was the, from  
15 the New York State Board of Elections Financial  
16 Disclosure Report that shows that a reimbursement  
17 was, by his campaign for council was made to him  
18 and the address listed was the Woodside address.

19 PRESIDENT UMANE: And when was that  
20 done?

21 MR. ANDRIULLI: That was done on July  
22 11, 2020.

23 PRESIDENT UMANE: Okay.

24 MR. KEPI: Correct. Like I said earlier,

1 April 13, 2021

2 I had asked my treasurer to mail it to my  
3 father's address because I was going on vacation.

4 PRESIDENT UMANE: We got it, Mr. Kepi,  
5 thank you. Okay. Does somebody want to make a  
6 motion on this? The last motion I believe failed.  
7 So does somebody want to make a motion?

8 COMMISSIONER ZACCONE: That is correct,  
9 commissioner.

10 COMMISSIONER SHAMOUN: I move that the  
11 candidate validly cured his, the address and  
12 remains on the ballot or there is no enrollment  
13 issue.

14 COMMISSIONER PEPE-SOUVENIR: I second.

15 PRESIDENT UMANE: Okay. Do we need to do  
16 a roll call on this? No? Okay. All in favor,  
17 please signify by saying aye.

18 MULTIPLE: Aye.

19 PRESIDENT UMANE: All opposed? All  
20 abstentions, the candidate remains on the ballot.  
21 Thank you, Mr. Kepi, thank you the Staten Island  
22 clerks and again, please, well, I'll let the  
23 commissioners thank you.

24 MR. KEPi: Thank you very much, thank

1 April 13, 2021

2 you all.

3 COMMISSIONER ZACCONE: Alright. Again,  
4 thank you, Mr. Bosco, thank you Mr. Andriulli,  
5 please thank our staff for the hard work they've  
6 been doing at this point, and hopefully everybody  
7 stays safe. I know we've had a couple of COVID  
8 incidents recently, hopefully they have been  
9 resolved amicably and our staff is safe and the  
10 place is fumigated.

11 MR. ANDRIULLI: Will do.

12 COMMISSIONER TAYLOR: I additionally  
13 append my thanks to Commissioner Zaccone, good to  
14 see you today, gentlemen.

15 MR. BOSCO: Thank you, commissioners.

16 PRESIDENT UMANE: So, there being  
17 nothing further today, we'll see everybody 10:00  
18 a.m. sharp tomorrow and --

19 COMMISSIONER ZACCONE: I move to  
20 adjourn, commissioner.

21 PRESIDENT UMANE: -- thank you for your  
22 help. Okay. Is there a motion to adjourn?

23 MS. KONTZAMANIS: Commissioners, can you  
24 just stay on for one --

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2 SECRETARY CAMILO: Sure.

3 PRESIDENT UMANE: Did people want us to  
4 stay on for a minute afterwards?

5 MS. KONTZAMANIS: Yes, after you  
6 adjourn, I just have a question for you guys.

7 PRESIDENT UMANE: Okay. So --

8 COMMISSIONER ZACCONE: We'll go into  
9 executive session.

10 PRESIDENT UMANE: -- so we're going to  
11 adjourn based on a unanimous indication from all  
12 the commissioners, from the formal meeting. Thank  
13 you, and we'll see everybody in the public who's  
14 listening in tomorrow at 10:00 a.m. sharp. Thank  
15 you all very much.

16 (The meeting concluded at 1:37 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 13, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

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Date: November 22, 2021

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