

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

COMMISSIONERS' HEARINGS

42 Broadway - 6th floor  
Commissioners' Hearing Room

New York, NY 10004

April 14, 2021

10:00 a.m. - 5:40 p.m.

April 14, 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  
Gregory Lehman, Chief Clerk, Manhattan  
Cynthia Doty, Deputy Chief Clerk, Manhattan  
Ray Riley, Chief Clerk, Brooklyn,  
Danny Ortiz, Deputy Chief Clerk, Brooklyn  
Amanda Berinato, Chief Clerk, Queens  
Bart Haggerty, Deputy Chief Clerk, Queens  
Greg Lehman, Chief Clerk, Manhattan  
Cynthia Doty, Deputy Chief Clerk, Manhattan

April 14, 2021

**ALSO PRESENT:**

Peter Tilem, Esq.

Robert Morgan, Esq.

Lawrence Mandelker, Esq.

Sara Tirschwell, Candidate

Aaron Foldenauer, Esq.

Ali Najmi, Esq.

Aaron Maslow, Esq.

Leo Glickman, Esq.

Skiboky Stora, Candidate

Dan Yeo, Esq.

Theo Chino, Representative

Bernard Alter, Esq.

Howard Graubard, Esq.

Alexander Rabb, Esq.

Jonathan Yedin, Representative

Frank Bolz, Esq.

Daniel Mayo, Esq.

John Haggerty, Esq.

Scherie S. Murray,

Richard St. Paul, Esq.

Arthur Schwartz, Candidate

Michael Winestock, Representative

Martin Connor, Esq.

Paul Newell, Representative

Arthur W. Greig, Esq.

1 April 14, 2021

2 (The meeting commenced at 10:11 a.m.)

3 MS. KONTZAMANIS: Commissioners, we're  
4 live.

5 PRESIDENT UMANE: Okay, good morning.  
6 Today is day two of the hearings on matters  
7 relating to designating petitions for the June  
8 22, 2021 primary elections in the city of New  
9 York. Notice of today's hearing was given on  
10 March 2, 2021 with the issuance of the filing  
11 calendar for the primary elections.

12 All hearings will be conducted remotely  
13 and we ask for everyone's patience and  
14 cooperation. My name is Fred Umane. I am the  
15 Manhattan Republican commissioner and am  
16 president of the Board of Commissioners the  
17 calendar year 2021. I will begin today's hearing  
18 with the commissioners' roll call. Secretary  
19 Camilo?

20 SECRETARY MIGUELINA CAMILO: Good  
21 morning, present.

22 PRESIDENT UMANE: Commissioner Araujo?

23 COMMISSIONER JOSE ARAUJO: Good morning,  
24 present.

1 April 14, 2021

2 PRESIDENT UMANE: Commissioner  
3 Marmorato?

4 COMMISSIONER GINO MARMORATO: Good  
5 morning, everyone, present.

6 PRESIDENT UMANE: Commissioner Michel?  
7 Commissioner Michel?

8 SECRETARY CAMILO: I actually don't see  
9 him.

10 PRESIDENT UMANE: He's here, he's here.

11 MS. KONTZAMANIS: In the Queens  
12 conference room, yeah.

13 PRESIDENT UMANE: Commissioner Pepe-  
14 Souvenir?

15 COMMISSIONER RODNEY L. PEPE-SOUVENIR:  
16 Good morning, present.

17 COMMISSIONER MICHAEL MICHEL: Present.

18 PRESIDENT UMANE: Okay. We heard from  
19 Commissioner Michel. Commissioner Shamoun?

20 COMMISSIONER SHAMOUN: Present, thank  
21 you.

22 PRESIDENT UMANE: Commissioner Taylor?

23 COMMISSIONER PATRICIA ANNE TAYLOR: I am  
24 present, good morning.

1 April 14, 2021

2 PRESIDENT UMANE: Commissioner Townsend?

3 COMMISSIONER TIFFANY TOWNSEND: Good  
4 morning, present.

5 PRESIDENT UMANE: And last but not  
6 least, Commissioner Zaccone?

7 COMMISSIONER JOHN WM. ZACCONE: Good  
8 morning, thank you for that, present.

9 PRESIDENT UMANE: Also joining us today  
10 from executive management is Dawn Sandow, the  
11 deputy executive director, Pamela Perkins,  
12 administrative manager, and Georgea Kontzamanis,  
13 operations manager and director of productions.  
14 Ken Moltner and Steven Denkberg, counsels to the  
15 commissioners are also here, as well as general  
16 counsel Hemalee Patel and deputy general counsel  
17 Raphael Savino and Matt Graves, Rayvon Weaver,  
18 and Tom Sattie from our Candidate Records Unit  
19 are also here and helping.

20 An updated hearings calendar, as well as  
21 today's ledgers, was posted to our website last  
22 night. Today, we will conduct the hearings for  
23 citywide specification from objections calendar,  
24 all King, Queens and Manhattan County matters and

1 April 14, 2021

2 after the citywide, there's one Bronx enrollment  
3 matter that we're going to hear. We have a full  
4 calendar and ask for everyone's cooperation to  
5 keep the calendar moving and I will do my best to  
6 enforce that. So let's begin with the citywide  
7 specifications of objection calendar. Please call  
8 that calendar and give everybody a chance to get  
9 it open. Okay. If you could all that calendar,  
10 please.

11 MS. HEMALEE PATEL: Good morning. We're  
12 going to start with NY53-1 in the matter of  
13 objections by Robert L. Morgan III, to the  
14 petition of Adam Oremland for the mayor of the  
15 City of New York, number of signatures required  
16 2,250, total number of valid signatures, 1,209.

17 PRESIDENT UMANE: Are there any  
18 appearances?

19 MS. KONTZAMANIS: Yes, there are  
20 appearances. Robert Morgan for the objector, and  
21 Peter Tilem for the candidate.

22 PRESIDENT UMANE: Okay. Mr. Tilem, you  
23 seem to be short. Do you have anything to add, or  
24 perhaps --

1 April 14, 2021

2 MS. KONTZAMANIS: Just give me one  
3 second, commissioner, just give us a second to  
4 get them into the room, sir.

5 PRESIDENT UMANE: I'm sorry. Okay.

6 MS. KONTZAMANIS: Commissioners, Mr.  
7 Tilem and Mr. Morgan have joined.

8 PRESIDENT UMANE: Okay. Mr. Tilem,  
9 you're here for the candidate. The candidate  
10 seems to be somewhat short. Do you have something  
11 to add or a list of potential errors that we can  
12 deal with?

13 SECRETARY CAMILO: You're on mute, sir.

14 MR. PETER TILEM: Okay. Thank you, I  
15 apologize. Good morning, commissioners, I  
16 appreciate you hearing me. The answer is yes we  
17 have. First of all, I want to start off with some  
18 objections to the specifications. Number one,  
19 each one requires that the individual pages of  
20 objections be numbered sequentially. That is in  
21 addition to the sheet numbers and we believe --

22 PRESIDENT UMANE: We don't, Mr. Tilem, I  
23 don't want to cut you off, but we've dealt with  
24 that issue yesterday.



1 April 14, 2021

2 MR. TILEM: Okay. And was it resolved in  
3 favor --

4 PRESIDENT UMANE: And we felt that if  
5 it's sufficiently indicated as to the page and  
6 the volume number, that that was sufficient.

7 MR. TILEM: Okay. That seems to conflict  
8 with the rule, the way it's written but I  
9 understand it's the commissioner's rulings. I  
10 would also note that these objections appear not  
11 to be timely. We were not served with general  
12 objections, but it would appear that the general  
13 objections were due, according to Rule G and  
14 according to H11, the general objections were due  
15 no later than March 27th and that would mean that  
16 the specifications would have had to be due by  
17 April 2nd.

18 PRESIDENT UMANE: Okay, well let's check  
19 the filing dates.

20 MR. TILEM: Okay.

21 PRESIDENT UMANE: I would ask the clerks  
22 to check the filing dates, please. When was the  
23 last petition volume or the cover sheet filed for  
24 Mr. Oremland's petition?

1 April 14, 2021

2 MR. GREGORY LEHMAN: March 24th, 1:06  
3 p.m., March 24th, 1:07 p.m. That's it.

4 PRESIDENT UMANE: And when were the  
5 general objections filed?

6 MR. LEHMAN: General objection was filed  
7 on March 29th at 9:50 p.m.

8 PRESIDENT UMANE: So is that within  
9 three days?

10 MR. LEHMAN: Just checking.

11 PRESIDENT UMANE: Twenty-nine minus 27,  
12 and how many?

13 MR. LEHMAN: March 24 was Wednesday,  
14 those would have been due --

15 MS. CYNTHIA DOTY: I think it's by  
16 midnight on March 29th.

17 MR. LEHMAN: Hold on one second,  
18 commissioner, please. Alright. So it was the, the  
19 designating petition was filed on the 24th and  
20 the general was due on March 29th, Monday.

21 PRESIDENT UMANE: And when was it file?

22 MR. LEHMAN: The 29th, it was timely.

23 PRESIDENT UMANE: Okay. And the specs?

24 MR. LEHMAN: Specs were filed on April

1 April 14, 2021

2 5th at 11:21 p.m. The specs would have been due  
3 by March, uh, general objection was filed on the  
4 -- just double check, please. They were filed on  
5 the 29th and they were due on midnight of the  
6 5th, April 5th, so they were filed timely.

7 PRESIDENT UMANE: Okay. Mr. Tilem?

8 MR. TILEM: I'm sorry, Your Honor? I'm  
9 sorry.

10 PRESIDENT UMANE: Apparently the specs  
11 and the general objection were timely filed. So  
12 what else do you have there?

13 MR. TILEM: Okay. So looking at, there  
14 were a large number of specifications that the  
15 clerks deemed --

16 PRESIDENT UMANE: Are you talking line  
17 by line sir?

18 MR. TILEM: I am.

19 PRESIDENT UMANE: Did you submit a list  
20 of objections or corrections or possible errors  
21 made by the clerks?

22 MR. TILEM: We did not. We got retained  
23 too late to do that, but I do have a large number  
24 of corrections and errors.

1 April 14, 2021

2 PRESIDENT UMANE: Well, if there's -- we  
3 have rules about that and you would have had to  
4 have filed that in advance so that we would be  
5 able to have looked at them or to send you out to  
6 look at them. You're off by just roughly over  
7 1,000 signatures. Do you have 1,000 errors?

8 MR. TILEM: I do not have 1,000 errors,  
9 but based upon what we reviewed, we have found a  
10 fairly significant number of errors, somewhere in  
11 the range --

12 PRESIDENT UMANE: Well, if it's not over  
13 1,000 it's not going to help you, sir.

14 MR. TILEM: As I indicated, we got  
15 retained late and we have not been able to get  
16 through all the signatures at this point.

17 PRESIDENT UMANE: I understand. Do you  
18 have anything else? Mr. Morgan, do you have  
19 anything to add?

20 MR. ROBERT MORGAN: I would just like to  
21 request that the commissioners adopt the clerks'  
22 report.

23 PRESIDENT UMANE: Okay, do we have a  
24 motion on the clerks' report?

1 April 14, 2021

2 SECRETARY CAMILO: So moved.

3 PRESIDENT UMANE: I move -- is there a  
4 second?

5 SECRETARY CAMILO: Go ahead. I'll second  
6 you, president.

7 PRESIDENT UMANE: Okay. All in favor,  
8 all opposed, all abstentions? It's, okay, the  
9 candidate is off the ballot.

10 MR. MORGAN: Thank you.

11 MS. PATEL: Number NY54-1, Robert L.  
12 Morgan, III, to the petition of Sara Tirschwell  
13 for the mayor of the city of New York. Oh, I'm  
14 muted? Sorry. Spec number NY54-1, objections by  
15 Robert L. Morgan III, to the petition of Sara  
16 Tirschwell for the mayor of the City of New York,  
17 total number of signatures required 2,250, total  
18 number of valid signatures, 546.

19 MR. SATTIE: There are appearances.

20 PRESIDENT UMANE: Hello, Mr. Mandelker,  
21 your client seems to be a little short.

22 MR. LAWRENCE MANDELKER: Good morning,  
23 Mr. Umane. Ms. Tirschwell is present. She was in  
24 the lobby. Can she be admitted?

1 April 14, 2021

2 PRESIDENT UMANE: Yes, please admit her  
3 as well.

4 SECRETARY CAMILO: I see her in. She's  
5 in the room.

6 MR. MANDELKER: I don't see her.

7 PRESIDENT UMANE: She may be on another  
8 page. You may have to slide it over or something.

9 SECRETARY CAMILO: Ms. Tirschwell, do  
10 you hear us?

11 MS. SARA TIRSCHWELL: I do, but do you  
12 not see me?

13 SECRETARY CAMILO: We do not, but we  
14 hear you.

15 PRESIDENT UMANE: Well, now you seem to  
16 be --

17 MR. MANDELKER: I see a box, but it's  
18 blank.

19 MS. TIRSCHWELL: Yeah, I'm not sure  
20 exactly what's going on.

21 MS. KONTZAMANIS: Ms. Tirschwell's  
22 camera is not on, ma'am, you have to turn your  
23 camera on.

24 MS. TIRSCHWELL: It says it's on. Sorry.

1 April 14, 2021

2 PRESIDENT UMANE: Well, Mr. Mandelker,  
3 are you appearing for her?

4 MR. MANDELKER: I certainly am.

5 PRESIDENT UMANE: Okay. So, we're, you  
6 have about 1,700 roughly, signatures short. Do  
7 you have an argument for us, or?

8 MR. MANDELKER: Ms. Tirschwell wants to  
9 make a statement and then I will make a short  
10 argument.

11 PRESIDENT UMANE: Well, we would give  
12 her maybe a minute or two, but this is --

13 MR. MANDELKER: That's all that she  
14 needs.

15 PRESIDENT UMANE: -- [unintelligible]  
16 [00:24:07] make a political speech.

17 MR. MANDELKER: That's all that she  
18 needs.

19 PRESIDENT UMANE: We're here for a  
20 hearing.

21 MR. MANDELKER: That's all that she  
22 needs is a minute or two.

23 MS. TIRSCHWELL: Okay? I mean I can, I'm  
24 trying to turn on my camera. I apologize, so I'll

1 April 14, 2021

2 just speak, okay.

3 PRESIDENT UMANE: Okay.

4 MS. TIRSCHWELL: Okay.

5 PRESIDENT UMANE: But hopefully you're  
6 going to speak to the issue that is before us,  
7 because this is not a public forum, this is a  
8 hearing. So please make a very brief statement  
9 and please do not consider me to be rude, but if  
10 you're not talking on the issues before us, I may  
11 cut you off after a minute or two. So please make  
12 your statement, okay.

13 MS. TIRSCHWELL: Okay. I'm only going to  
14 speak for a minute or two, so I hope you will  
15 afford me that opportunity. Thank you. So I  
16 haven't met most of you. I'm a single mom and I'm  
17 also the chief financial officer of Foundation  
18 House, which is an addiction treatment company.  
19 I've been dealing with a mental health crisis  
20 inflicted on young people throughout this country  
21 as well as my own children. I'm an outsider, and  
22 the only Republican woman on the ballot for  
23 mayor. The party has gone to great lengths to  
24 ensure that I remain an outsider and to limit the



1 April 14, 2021

2 right of the rank and file members to choose  
3 their nominee.

4 These are unusual times that call for  
5 unusual measures to maintain the civility of our  
6 democracy that rests on the right to vote. We  
7 have frequently used COVID to stifle liberties,  
8 so why not use it to support the right to vote  
9 and send a strong message against the tactics  
10 that have been used here to keep me off the  
11 ballot. Thank you.

12 PRESIDENT UMANE: Okay, Mr. Mandelker,  
13 please go ahead.

14 MR. MANDELKER: Yes, sir. Mr. Umane and  
15 commissioners, thank you for giving me an  
16 opportunity to address you. The process of an  
17 insider like Mr. Mateo challenging the signatures  
18 obtained during the pandemic by a first time  
19 candidate is shameful. We will not dignify the  
20 process by dealing with it on the merits. Ms.  
21 Tirschwell wants to be quit of Mr. Mateo and his  
22 [unintelligible] [00:26:40].

23 COMMISSIONER MARMORATO: Mr. Mandelker,  
24 can you just discuss the issues before us? Ms.

1 April 14, 2021

2 Tirschwell had the opportunity to present her  
3 argument for her case which was a speech, but we  
4 ask that you address the issues before us, which  
5 is the lack of signatures, thank you.

6 SECRETARY CAMILO: And --

7 MR. MANDELKER: I think I just did.

8 SECRETARY CAMILO: And --

9 MR. MANDELKER: To not deal with it on  
10 the merits and I've finished speaking.

11 PRESIDENT UMANE: Okay. Well, okay,  
12 thank you. Mr. Morgan, do you have anything to  
13 add?

14 MR. MORGAN: No, I would like to thank  
15 the chief and deputy clerk for doing the yeoman's  
16 work on this report and I would request that the  
17 commissioners adopt the report.

18 PRESIDENT UMANE: Okay. I would move the  
19 clerks' report. Is there a second?

20 SECRETARY CAMILO: Second.

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

24 MR. MANDELKER: Thank you for your

1 April 14, 2021

2 courtesy.

3 PRESIDENT UMANE: Thank you, Mr.  
4 Mandelker.

5 MS. PATEL: Okay, spec number NY55-1, in  
6 the matter of objections by Robert L. Morgan, III  
7 to the petition of Peter Guimaraes, mayor of the  
8 city of New York, number of signatures required  
9 2,250, total number of valid signatures, 15.

10 SECRETARY CAMILO: Do we have an  
11 appearance by the candidate?

12 MR. SATTIE: Not the candidate, no,  
13 commissioner.

14 PRESIDENT UMANE: Okay, Mr. Morgan, do  
15 you have something to say?

16 MR. MORGAN: I would like to  
17 respectfully ask the commissioners to adopt the  
18 clerks' report. I would also like to note that  
19 Mr. Guimaraes filed his petitions a day after the  
20 deadline to file the petitions and without a  
21 cover sheet in contravention of New York State  
22 Election Law in addition to his woefully short  
23 number of signatures.

24 PRESIDENT UMANE: Okay. I move the

1 April 14, 2021

2 clerks' report.

3 SECRETARY CAMILO: Second.

4 PRESIDENT UMANE: All in favor? All  
5 opposed? All abstentions? Okay. Candidate is off  
6 the ballot.

7 MS. PATEL: So NY57-1, commissioners,  
8 this is objections to the petition of Walter  
9 Iwachiw, I will remind you that he was removed  
10 yesterday on the prima facie calendar.

11 PRESIDENT UMANE: Okay. Commissioner  
12 Araujo, do you have something to say on this? Do  
13 you want -- Commissioner Araujo?

14 MS. SANDOW: I think he just recuses  
15 himself. He doesn't --

16 PRESIDENT UMANE: Yes, I just wanted to  
17 put that on the record, yeah. But Mr. Iwachiw is  
18 a, is he in, is he available today? Is he --

19 MS. KONTZAMANIS: He filed a late notice  
20 of appearance.

21 PRESIDENT UMANE: Oh.

22 MR. SAVINO: If I may, commissioners, as  
23 you may recall, this gentleman was running for  
24 two offices that he could not hold at the same

1 April 14, 2021

2 time. Yesterday was the city council and this one  
3 is for --

4 MS. PATEL: Yesterday was mayor.

5 MR. SAVINO: I'm sorry, yesterday was  
6 mayor and this one is for city council, I  
7 apologize.

8 MS. PATEL: No, today is for mayor.

9 PRESIDENT UMANE: No, it's reverse, but  
10 that's okay.

11 MR. SAVINO: Okay.

12 PRESIDENT UMANE: This is the mayor,  
13 that was the city council.

14 MR. SAVINO: Okay.

15 PRESIDENT UMANE: Once again, he has  
16 submitted a fraudulent petition, with only his  
17 own signatures on there and witnessed by himself.  
18 So I would, is anybody here, I guess Mr. Morgan,  
19 I'm going to presume that you would move the  
20 clerks' report and we'll just move this along.

21 MR. MORGAN: Well, so I mean I don't  
22 want to get too technical here, but I do want to  
23 point out that, I mean the clerks' report said  
24 that the spec was as specified, but it didn't

1 April 14, 2021

2 actually remove signatures, which I get because  
3 it was a one-page objection sheet, but what  
4 happened on this petition is Iwachiw signed his  
5 name over and over again, literally thousands of  
6 times, which obviously violates the SW objection,  
7 right, you can't witness your own signature. And  
8 I would just like to point out he only submitted  
9 like 20 signatures that didn't fall out of that  
10 criteria. So in addition to the prima facie, I  
11 think the commissioners should note for the  
12 record, they did not submit enough valid  
13 signatures.

14 PRESIDENT UMANE: Okay.

15 MR. DENKBERG: I would also just like to  
16 make clear for the record that Commissioner  
17 Araujo recused himself yesterday and also today..

18 PRESIDENT UMANE: Okay. Okay. I move the  
19 clerks' report. Is there a second?

20 COMMISSIONER ZACCONE: Second.

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

24 MS. PATEL: Spec number NY58-1,

1 April 14, 2021

2 objections by Robert L. Morgan, III, to the  
3 petition of Walter Nunez, Wanda Nunez, please  
4 forgive me, for the mayor of the city of New  
5 York, total number of signatures, 2,250, total  
6 number of valid signatures, 1,474.

7 PRESIDENT UMANE: Are there any  
8 appearances?

9 MR. SATTIE: Only for the --

10 PRESIDENT UMANE: Mr. Morgan I guess is  
11 here.

12 MR. SATTIE: Yes, Mr. Morgan is still  
13 here.

14 PRESIDENT UMANE: Okay. Alright. I  
15 presume Mr. Morgan, will you just move the  
16 clerks' report? Do you have anything else to add?  
17 Alright, I move the clerks' report.

18 SECRETARY CAMILO: Second.

19 PRESIDENT UMANE: All in favor?

20 MULTIPLE: Aye.

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

24 MS. PATEL: Spec number NY60-1,

1 April 14, 2021

2 objections by Gary Chen to the petition of Ira  
3 Seidman, candidate for the mayor of city of New  
4 York, number of signatures required 2,250, total  
5 number of valid signatures 359.

6 MR. SATTIE: Please move Aaron  
7 Foldenauer.

8 PRESIDENT UMANE: Okay. Are there any  
9 appearances?

10 MR. SATTIE: There is for the objector,  
11 Aaron Foldenauer.

12 MS. KONTZAMANIS: He's in the hearing  
13 room.

14 PRESIDENT UMANE: Anybody for the  
15 candidate?

16 MR. SATTIE: No, sir.

17 PRESIDENT UMANE: Okay.

18 MR. AARON FOLDENAUER: Good morning,  
19 commissioners, Aaron Foldenauer, for objector  
20 Gary Chen, long time, no see, good morning.

21 PRESIDENT UMANE: I presume you just are  
22 moving the clerks' report, sir?

23 MR. FOLDENAUER: That's correct.

24 PRESIDENT UMANE: Okay. I move the



1 April 14, 2021

2 clerks' report, is there a second?

3 SECRETARY CAMILO: Second.

4 PRESIDENT UMANE: All in favor?

5 MULTIPLE: Aye.

6 PRESIDENT UMANE: All opposed? All  
7 abstentions? The candidate is off the ballot.

8 MS. PATEL: Spec number NY61-1, in the  
9 matter of objections by Gary Chen to the petition  
10 of Bill Murawski, for mayor of the city of New  
11 York, number of signatures required 2,250, total  
12 number of valid signatures, 46.

13 SECRETARY CAMILO: Any appearances from  
14 the candidate?

15 MR. SATTIE: No, ma'am.

16 SECRETARY CAMILO: And Mr. Foldenauer,  
17 you're here for the objector as well?

18 MR. FOLDENAUER: I am, Aaron Foldenauer,  
19 yes, here for objector Gary Chen.

20 SECRETARY CAMILO: And I presume you  
21 want to move the report?

22 MR. FOLDENAUER: I do.

23 SECRETARY CAMILO: So moved.

24 PRESIDENT UMANE: Is there a second?

1 April 14, 2021

2 COMMISSIONER MARMORATO: Second.

3 PRESIDENT UMANE: All in favor?

4 MULTIPLE: Aye.

5 PRESIDENT UMANE: All opposed? All  
6 abstentions? Candidate is off the ballot.

7 MS. PATEL: Spec number NY62-1,  
8 objections by Gary Chen to the petition of  
9 Guiddalia E. Emilien for mayor of the city of New  
10 York, total number of signatures required 2,250,  
11 total number of valid signatures 312.

12 PRESIDENT UMANE: I guess Mr. Foldenauer  
13 is here for the objector. Is there anyone here  
14 for --

15 MR. FOLDENAUER: I am.

16 MR. SATTIE: None for the candidate,  
17 commissioner.

18 PRESIDENT UMANE: Okay, Mr. Foldenauer,  
19 are you going to move the clerks' report?

20 MR. FOLDENAUER: I do move that the  
21 clerks' report be adopted.

22 PRESIDENT UMANE: Alright. So I move the  
23 clerk's report. Is there a second?

24 SECRETARY CAMILO: Second.

1 April 14, 2021

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

5 MS. PATEL: Spec number NY63-1,  
6 objections by Gary Chen to the petition of  
7 Barbara Kavovit, for mayor of the city of New  
8 York, number of signatures required, 2,250, total  
9 number of valid signatures, 1,336.

10 PRESIDENT UMANE: Are there any  
11 appearances? Mr. Foldenauer, we note you.

12 MR. SATTIE: None for --

13 MR. FOLDENAUER: Good to see you again.

14 PRESIDENT UMANE: Is there anybody for  
15 the candidate?

16 MR. SATTIE: No, commissioner.

17 PRESIDENT UMANE: Okay. We presume you  
18 move the clerks' report and I move the clerks'  
19 report.

20 MR. FOLDENAUER: I do.

21 PRESIDENT UMANE: Is there a second?

22 SECRETARY CAMILO: Second.

23 PRESIDENT UMANE: All in favor?

24 MULTIPLE: Aye.

1 April 14, 2021

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

4 MR. FOLDENAUER: Thank you very much,  
5 commissioners.

6 MS. PATEL: Commissioners, that  
7 concludes --

8 MR. SAVINO: There's the two legal  
9 specifications.

10 MS. PATEL: There's two legal  
11 specifications, commissioner, you want to do  
12 those?

13 PRESIDENT UMANE: Yes. We should.

14 MR. SAVINO: Commissioners, with respect  
15 to RH32-1, candidate's name, Daby Benjamin  
16 Carreras, candidate's contact person Joann  
17 Ariola, objector's contact person, Luis E.  
18 [unintelligible] [00:36:52], I apologize if I  
19 misspelled that. On April 5th, the objector filed  
20 a legal specifications in support of the general  
21 objections seeking to have a candidate declared  
22 invalid. Essentially it appears he argued that  
23 the zip code was wrong on the petitions and did  
24 not match the candidate's zip code. However, a

1 April 14, 2021

2 printer's error letter was filed and accepted by  
3 the commissioners resolving that issue and in  
4 light of the fact that the zip code was deemed  
5 correct, or corrected, it is the opinion of the  
6 office of general counsel that said specification  
7 should be dismissed.

8 PRESIDENT UMANE: Okay. I would move  
9 that we accept counsel's suggestion.

10 MR. MORGAN: Can I just say one thing.

11 PRESIDENT UMANE: And --

12 COMMISSIONER TAYLOR: Is there an  
13 appearance?

14 MR. SATTIE: Yeah, Mr. Morgan does have  
15 --

16 MR. MORGAN: Robert Morgan.

17 MR. SATTIE: Yes, he does have an  
18 appearance for the candidate.

19 PRESIDENT UMANE: Okay. I'm sorry. Mr.  
20 Morgan.

21 MR. MORGAN: I just wanted to say that  
22 the spec in this case served the candidate's  
23 contact person instead of the candidate. I  
24 submitted a document on this. It violates rule

1 April 14, 2021

2 H10A I believe, so the spec should be dismissed  
3 outright.

4 PRESIDENT UMANE: Okay. Alright. Is that  
5 the case, Mr. Savino?

6 MR. SAVINO: Yes, they should be served  
7 on the candidate.

8 PRESIDENT UMANE: Okay. So I move that  
9 the spec be dismissed for failing to comply with  
10 our rules. Is there a second?

11 SECRETARY CAMILO: Second.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? Okay, so the spec is dismissed.  
16 Thank you, thank you, Mr. Morgan for pointing  
17 that out.

18 SECRETARY CAMILO: Is there another  
19 matter?

20 MS. PATEL: Yes. Want me to go,  
21 commissioners? It's specification BX-19-1, the  
22 candidate is Elizabeth O'Hagan, for the mayor of  
23 the city of New York, and specification was filed  
24 pointing out, you received a counsels' report on

1 April 14, 2021

2 that, that, pointing out that the petition  
3 contained 41 signatures whereas 2,250 actually  
4 are required, that the signatures in the Bronx  
5 volume BX2101824 are invalid because the petition  
6 incorrectly states that the primary is on  
7 November 2, when in fact the primary will be held  
8 on June 22 of 2021 and the cover sheet that was  
9 filed did not list any volume numbers.

10 Commissioners, a review of our records  
11 show that in fact that the candidate did not file  
12 the legally required number of signatures, only  
13 one petition was filed, which had only four  
14 signatures. The candidate's petition did state  
15 the incorrect date of November 2nd for the  
16 primary, which will be held on June 22nd, and the  
17 cover sheet that was filed did not list any  
18 volume numbers. An NCN dated March 26, 2021 was  
19 sent to the candidate and no corrected cover  
20 sheet was received by the board. It is the  
21 opinion of counsel that the petition should be  
22 deemed invalid.

23 PRESIDENT UMANE: Okay. I move that we  
24 adopt the counsels' report.

1 April 14, 2021

2 SECRETARY CAMILO: And Mr. Morgan's the  
3 objector. Do you have anything? I just note he's  
4 here, but I would second President Umane.

5 MR. MORGAN: Oh, no, I just request we  
6 move the counsels' report, thank you.

7 PRESIDENT UMANE: Okay. All in favor?

8 MULTIPLE: Aye.

9 PRESIDENT UMANE: All opposed? All  
10 abstentions? So the candidate is off the ballot  
11 based on the counsel report. Is there anything  
12 else on the legal for the citywides?

13 MS. PATEL: No, commissioner, that's it.

14 PRESIDENT UMANE: Okay. So let's, if we  
15 can let Mr. Najmi, we're going to hear the Bronx  
16 enrollment issue that for some reason, there was  
17 an issue.

18 MS. KONTZAMANIS: Commissioner Umane,  
19 can I let the Manhattan staff go?

20 PRESIDENT UMANE: I guess so, yes.  
21 Subject to recall this afternoon.

22 MS. KONTZAMANIS: Yes, sir, just give me  
23 a second to get Mr. Najmi.

24 PRESIDENT UMANE: Hello, Mr. Najmi.



1 April 14, 2021

2 MS. KONTZAMANIS: Mr. Najmi, can you  
3 hear us?

4 MR. ALI NAJMI: Yes, I can. Do you see  
5 me and hear me?

6 PRESIDENT UMANE: You're coming up now.

7 COMMISSIONER TAYLOR: Yes.

8 SECRETARY CAMILO: Good morning.

9 PRESIDENT UMANE: Hello, sir.

10 MR. NAJMI: Good morning.

11 PRESIDENT UMANE: Apparently we, through  
12 an error, did not send a notice to your client  
13 regarding an enrollment issue from the Bronx  
14 yesterday. So we apologize for the error, and we  
15 want to give you an opportunity to speak to us  
16 about that candidacy.

17 MR. NAJMI: Thank you, commissioners for  
18 allowing me to be heard on this matter and  
19 recalendaring it for this purpose. The candidate,  
20 Mino Lora, I understand is on the enrollment  
21 calendar, and the issue here is that the name  
22 that she's registered by, which is Maria Del  
23 Camino Lora-Braswell is not the name on the  
24 petition. The name on the petition is Mino Lora,

1 April 14, 2021

2 Mino being a diminutive of Camino and she is  
3 widely and popularly known as Mino Lora.

4 Before you, you should also have  
5 documents including an affidavit signed by Mino  
6 Lora as well as proof she's held herself out  
7 opening and notoriously, consistently in a bona  
8 fide good faith manner as Mino Lora throughout  
9 her life. This board also allowed Ms. Mino Lora  
10 to appear in the special election on the ballot  
11 as Mino Lora in the special election in March for  
12 this same seat.

13 I know that the standard as articulated  
14 in case law and particularly the court of appeals  
15 decision in the matter of Eisenberg v. Strasser  
16 and as well as cases even done as of last year,  
17 it's well established in case law that a  
18 candidate's name may appear on the designating  
19 petition and the ballot differently than it  
20 appears on the candidate's voter registration, as  
21 long as there is no intent to mislead potential  
22 signatories and voters. And there's no showing  
23 that any voters or signers were misled. There is  
24 absolutely zero chance that anybody would be

1 April 14, 2021

2 misled. Mino Lora, she already ran an election in  
3 March in the special as Mino Lora, voters know  
4 her as Mino Lora, she's not pretending to be  
5 anybody else. She has submitted an affidavit to  
6 this commission to that effect. You'll see media  
7 articles, even a letter from the governor, in her  
8 professional capacity, as a non-profit leader,  
9 calling her Mino Lara.

10 So I would say respectfully  
11 commissioners, I would ask that you allow Mino  
12 Lora to be on the ballot as Mino Lora. There is  
13 no enrollment issue. In fact, she is a registered  
14 Democrat at the same address on her petition. You  
15 should have the voter registration in front of  
16 you. For the record, the voter ID is 412116769.  
17 And I ask that this enrollment issue be resolved  
18 in that this board accepts Mino Lora as Mino Lora  
19 on the ballot the way it's on the petition.

20 PRESIDENT UMANE: Okay, thank you, Mr.  
21 Najmi. Did any of the commissioners have anything  
22 to say about this?

23 SECRETARY CAMILO: Can we ask for  
24 counsel's recommendation, because I just was

1 April 14, 2021

2 double checking as far as our permission  
3 previously for her to appear as Mino Lora and I  
4 don't have that in front of me, but I do know  
5 that she was listed in the special under that  
6 name, or in the prior election.

7 MS. PATEL: Commissioners, it's our  
8 recommendation that she should be restored. Mr.  
9 Najmi is correct about the case law with regard  
10 to the name.

11 SECRETARY CAMILO: So --

12 PRESIDENT UMANE: Commissioner Camilo,  
13 do you have a motion?

14 SECRETARY CAMILO: Pursuant to counsel's  
15 recommendation, I would move that the candidate  
16 be restored to the ballot.

17 PRESIDENT UMANE: Do I have a second?

18 COMMISSIONER MARMORATO: Second.

19 PRESIDENT UMANE: Okay. All in favor?

20 MULTIPLE: Aye.

21 PRESIDENT UMANE: All opposed? All  
22 abstentions? The candidate is restored to the  
23 ballot. Thank you, Mr. Najmi.

24 MR. NAJMI: Thank you, commissioners.

1 April 14, 2021

2 PRESIDENT UMANE: We're going to take a  
3 five minute break, and then we're going to go to  
4 the Brooklyn calendar, Kings County, some people  
5 call it Brooklyn.

6 [OFF THE RECORD]

7 [ON THE RECORD]

8 MS. KONTZAMANIS: Okay, go ahead, we're  
9 live, sir.

10 PRESIDENT UMANE: Moving on to the Kings  
11 County calendar, please bring in the Brooklyn  
12 staff. Joining us are Ray Riley, chief clerk and  
13 Danny Ortiz, deputy chief clerk. Beginning with  
14 the enrollment issues calendar, please call that  
15 calendar. Thank you.

16 MR. GRAVES: Good morning,  
17 commissioners, good morning, everyone. With the  
18 Kings County enrollment, commissioners --

19 SECRETARY CAMILO: Sorry, please speak  
20 up or get closer to the mic, sorry about that.

21 COMMISSIONER PEPE-SOUVENIR: Yeah, we  
22 can't hear.

23 MR. GRAVES: Good afternoon,  
24 commissioners, we have the enrollment issues for

1 April 14, 2021

2 Kings County beginning with the Democratic Party.

3 I will now read the names. Virginia Minton,

4 Anthony Taylor, Probert Ramos, Jr., April

5 Somboun, John Grant, John Williams, Marian

6 Powell, Gena M. Watson, William Vega, Julie

7 Masson, Williams Martinez, Melvin Rivera, Joseph

8 N. Sagar, Anna Marie Robinson, Esther Louis,

9 D'Alessandro Warren, Keisha Felix, Rashidi

10 Denson, Brenda Ross.

11 Going on to Working Families, the  
12 following name was dealt with in yesterday's  
13 hearing, Bob Cohen, and the last Working  
14 Families, Michelle Crentsil. Those are the  
15 enrollment issues for Kings County.

16 COMMISSIONER SHAMOUN: I just want to  
17 note that I think, Matt, you said Marion Powell,  
18 I'm reading it as Marlon with an L, I just want  
19 to make a note of that.

20 MR. GRAVES: I apologize, commissioner,  
21 that is absolutely correctly, Marlon Powell,  
22 yeah.

23 COMMISSIONER SHAMOUN: Just for the  
24 record.

1 April 14, 2021

2 MR. GRAVES: Thank you.

3 MR. SATTIE: Commissioners, we do have  
4 some appearance on these matters.

5 PRESIDENT UMANE: Just before you do  
6 that --

7 MR. SATTIE: Yes, sir.

8 PRESIDENT UMANE: Is Anthony, it seems  
9 to me that Anthony Herbert was on the list as  
10 well. He's a Democrat running as a Republican.

11 MR. SATTIE: Yes, commissioner, we deal  
12 with that yesterday. He's on the crossover.

13 PRESIDENT UMANE: Okay. Thank you.  
14 Alright. Let's hear from those people who would  
15 like to be heard on this.

16 MR. SATTIE: Okay. For Arelis Martinez  
17 and Williams Martinez, I have Aaron Maslow as  
18 representative for the candidates.

19 PRESIDENT UMANE: Okay, Mr. Maslow, are  
20 you with us?

21 MS. KONTZAMANIS: Give us one second to  
22 get him into the room.

23 PRESIDENT UMANE: Okay.

24 SECRETARY CAMILO: And I see this is on

1 April 14, 2021

2 page three of the document.

3 COMMISSIONER ZACCONE: Thank you.

4 MR. MASLOW: Hi, can you hear me?

5 PRESIDENT UMANE: Yes, Mr. Maslow, thank  
6 you.

7 MR. MASLOW: Okay. I just, may I just  
8 clarify if Arelis Martinez is still on the list?  
9 When the list was read two minutes ago, the  
10 person reading it did not mention her name. Then  
11 he mentioned --

12 SECRETARY CAMILO: Can you turn off your  
13 video?

14 MR. MASLOW: Okay. You hear me now?

15 PRESIDENT UMANE: Yes. We're checking,  
16 Arelis Martinez was on the list.

17 MR. MASLOW: Okay. I'll address both  
18 Arelis Martinez and Williams Martinez. They are  
19 not related. I'm going to first deal with Arelis  
20 Martinez. This is a situation of someone who did  
21 not change the voter registration. There is no  
22 requirement that you change your voter  
23 registration to your new address as long as you  
24 are a Democrat. So she was a Democrat. Her actual



1 April 14, 2021

2 residence was listed on the petition, which is  
3 required. She just did not get around to changing  
4 the voter registration. As you know, voter  
5 registration can be corrected when you go to vote  
6 and then you fill out an affidavit ballot. In any  
7 event, Arelis Martinez last week filed a voter  
8 registration at the new address, the one that's  
9 listed on the petition, so she is a Democrat and  
10 she should not be removed from the ballot.

11 The issue with Williams Martinez is a  
12 typographical error. He lives on 51st Street, his  
13 voter registration shows 51st Street. The house  
14 number is correct and in support of keeping him  
15 on the ballot, I would refer the commissioners to  
16 the case of Harfmann v. SAC, which is from 1988,  
17 Second Department, which I sent in with my notice  
18 of appearance, and I'm just going to read one  
19 sentence from that decision. Although his address  
20 is shown as 60-61 69th Place, instead of his  
21 correct address, 60-61 69th Lane, there has been  
22 no showing of any intention on the part of the  
23 candidate to mislead or confuse and no showing  
24 that the claimed inaccuracies would or did tend

1 April 14, 2021

2 to mislead signatories as to the identity of the  
3 candidate, thus the court correctly held that the  
4 alleged errors with respect to this candidate  
5 were de minimus.

6 PRESIDENT UMANE: Okay. Thank you, Mr.  
7 Maslow. Is there a motion to remove the name, two  
8 names from the enrollment list?

9 COMMISSIONER ARAUJO: So moved.

10 PRESIDENT UMANE: Is there a second?

11 COMMISSIONER TAYLOR: Seconded.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? Okay. Mr. Maslow, they're both  
16 removed from the enrollment calendar so that they  
17 will appear on the ballot.

18 MR. MASLOW: Thank you. I also have an  
19 appearance, I don't know if we're up to it, the  
20 58th Assembly District. Should I stay on?

21 PRESIDENT UMANE: Yes. We might as well  
22 deal with it. For enrollment issues, Mr. Maslow?

23 MR. MASLOW: Yes.

24 PRESIDENT UMANE: Okay, yeah. What's the

1 April 14, 2021

2 name?

3 MS. ESLOW: Esther Louis, running for  
4 delegate. Ms. Louis fits in the same category as  
5 Arelis Martinez, that we just dealt with. Ms.  
6 Lewis, no, actually, she's a different category,  
7 I apologize. What happened to Ms. Louis is the  
8 board changed her voter registration address I  
9 believe based on getting information from the  
10 United States Postal Service, so whereas Ms.  
11 Louis may have changed her mail receipt address  
12 with the Post Office, it resulted in sending a  
13 note to the board, the board changed out to and  
14 address that she doesn't really live at. She put  
15 down on the petition where she really lives at  
16 and just so that this is completely clear, she  
17 went to the Board of Elections two days ago, and  
18 she registered from the address she always lived  
19 and never moved from and she also filed an  
20 affidavit with the Board of Elections which I did  
21 include with the notice of appearance and the  
22 affidavit explains what happened. It was clocked  
23 in on April 8th. So she never actually moved. The  
24 board moved her.

1 April 14, 2021

2 PRESIDENT UMANE: Okay. Was she always  
3 at that [unintelligible] [01:06:39] though?  
4 That's the --

5 MR. MASLOW: Yes, yes.

6 PRESIDENT UMANE: Okay. Is there a  
7 motion on --

8 MR. MASLOW: That's Esther Louis. If you  
9 would do that separate, and then I'll go to  
10 Rashidi Denson.

11 SECRETARY CAMILO: Is there a motion?

12 COMMISSIONER PEPE-SOUVENIR: I move that  
13 -- I do move that.

14 PRESIDENT UMANE: Is there a second?

15 COMMISSIONER ARAUJO: Second.

16 PRESIDENT UMANE: All in favor?

17 MULTIPLE: Aye.

18 PRESIDENT UMANE: All opposed? All  
19 abstentions? Okay, so she's now, Esther Louis is  
20 now off the list, and last, Mr. Maslow --

21 MR. MASLOW: Last on candidate  
22 enrollment, Rashidi Denson, Mr. Denson is running  
23 for alternate. Mr. Denson is the situation of  
24 another person who was a Democrat who did move

1 April 14, 2021

2 who hasn't gotten around to changing his voter  
3 registration to where he lives. He's been unable,  
4 since this was pointed out to him, that he  
5 appeared on this, he's been unable to take care  
6 of it, to reregister, but as you know, there is  
7 no requirement that you reregister at your new  
8 address until you vote by affidavit ballot on  
9 election day. So that's the situation.

10 SECRETARY CAMILO: Did you submit any  
11 documents as to the candidate or that name?

12 MR. MASLOW: No. No documents have been  
13 submitted, again this is due to the virus and his  
14 work, haven't gotten to that.

15 PRESIDENT UMANE: Well, do we have a  
16 motion on Mr. Denson?

17 COMMISSIONER PEPE-SOUVENIR: I move that  
18 we take him off the enrollment list.

19 COMMISSIONER ZACCONE: Second.

20 PRESIDENT UMANE: Is there a second?

21 COMMISSIONER TAYLOR: Seconded.

22 PRESIDENT UMANE: Okay. All in favor?

23 MULTIPLE: Aye.

24 PRESIDENT UMANE: All opposed? All

1 April 14, 2021

2 abstentions?

3 COMMISSIONER TOWNSEND: Opposed.

4 PRESIDENT UMANE: Mr. Denson is also  
5 removed from the enrollment list. Anybody else,  
6 Mr. Maslow?

7 MR. MASLOW: No, I will give be  
8 appearing on a spec involving the 58th, which is  
9 on your spec calendar.

10 PRESIDENT UMANE: Okay. Well, we'll see  
11 you later. Thank you, Mr. Maslow. Is there  
12 anybody else who is appearing for enrollment  
13 issues in Kings County?

14 MR. SATTIE: Yes, yes, sir, there is. I  
15 have Leo Glickman appearing for candidate April  
16 Somboun.

17 MS. KONTZAMANIS: We just entered him  
18 into the hearing room.

19 PRESIDENT UMANE: Mr. Glickman?

20 MR. LEO GLICKMAN: Yes?

21 PRESIDENT UMANE: Hi, you're appearing  
22 on the Kings County enrollment calendar. Do you  
23 represent a candidate who's name is on that list?

24 MR. GLICKMAN: Yes. This is, do you hear

1 April 14, 2021

2 me?

3 PRESIDENT UMANE: Yes, we hear you.

4 MR. GLICKMAN: This is Leo Glickman for  
5 April Somboun. Good morning, commissioners and  
6 thank you so much for the opportunity to speak  
7 here today. With me is April, the candidate,  
8 April Somboun, who is in the waiting room. Can we  
9 just bring her on?

10 MS. KONTZAMANIS: Yes, we'll move her in  
11 now.

12 MR. GLICKMAN: Thank you very much.

13 MS. KONTZAMANIS: She's in the hearing  
14 room.

15 MR. GLICKMAN: Thank you so much.  
16 Commissioners, April Somboun filed her petition  
17 as candidate as the candidate name April Somboun  
18 and at the address of 55 Poplar Street, Apartment  
19 6K, Brooklyn, New York 11201. She is registered  
20 to vote as, and maybe Ms. Somboun can correct my  
21 pronunciation, but it's Sist Un Thone [phonetic]  
22 Somboun at the very same address, 55 Poplar  
23 Street, Apartment 6K, Brooklyn, New York, 11201.  
24 She specifically put her apartment number so that

1 April 14, 2021

2 she would recognized. She is the only Somboun at  
3 that particular apartment and address. She has,  
4 this case is very similar to, it's exactly the  
5 same in fact, as the one that was just presented  
6 by Ali Najmi on behalf of Mino Lora. She has  
7 gone, you should have materials from us, an  
8 affidavit from Ms. Somboun and also exhibits  
9 showing that, the exhibits show going back to her  
10 college days, which unfortunately for her, was a  
11 while ago now, but going back from then to now  
12 that she's always been known as April Somboun.  
13 She's known to her children and her children's  
14 friends as April. She is a Laotian refugee. She  
15 came here as a child and changed her and went by  
16 April since the day she arrived, to make her name  
17 recognizable. The learned Ali Najmi had cited the  
18 case law and I've cited to the same case law  
19 based on what he said.

20 PRESIDENT UMANE: Okay.

21 MR. GLICKMAN: Especially Eisenberg v.  
22 Strasser, which is a court of appeals case, which  
23 said as long as there's no confusion, a person  
24 should go by the name that they are commonly



1 April 14, 2021

2 known as in the community and that's how she is  
3 known. So with that, I would ask that she be  
4 taken off the enrollment list, and if you have  
5 any concerns before your vote whether or not to  
6 do that, I would appreciate if you asked us,  
7 because I'm actually trying to -- I shortened my  
8 presentation after seeing your decision on Mino  
9 Lora.

10 PRESIDENT UMANE: Okay. Is there a  
11 motion to remove her from the enrollment list?

12 COMMISSIONER PEPE-SOUVENIR: I move that  
13 she be removed from the enrollment list.

14 PRESIDENT UMANE: Is there a second?

15 COMMISSIONER ZACCONE: Second.

16 PRESIDENT UMANE: All in favor?

17 MULTIPLE: Aye.

18 PRESIDENT UMANE: All opposed? All  
19 abstentions? Okay, Ms. Samboun is removed from  
20 the enrollment list.

21 MR. GLICKMAN: And that means she's on  
22 the ballot, Mr. Commissioner

23 PRESIDENT UMANE: Yes.

24 SECRETARY CAMILO: Yes. Thank you.

1 April 14, 2021

2 MR. GLICKMAN: Thank you so much,  
3 commissioners and staff, thank you.

4 PRESIDENT UMANE: Now, is there anybody  
5 else who's appearing?

6 MR. SATTIE: I do have one more. It is  
7 Zuri S. Jackson as the candidate.

8 PRESIDENT UMANE: Okay. Okay. Are you  
9 here?

10 MS. ZURI S. JACKSON: Yes, hello? Hi.

11 PRESIDENT UMANE: Hi, Ms. --

12 SECRETARY CAMILO: Just turn off your  
13 background video.

14 MS. JACKSON: Okay.

15 SECRETARY CAMILO: The playback of the  
16 hearing, if you can mute that.

17 MS. JACKSON: I think I did. Do you --  
18 is it --

19 PRESIDENT UMANE: Okay. Yes, Ms.  
20 Jackson, could you explain the situation?

21 MS. JACKSON: Good afternoon,  
22 commissioners. First of all, thank you for the  
23 opportunity to present my case. My name is Zuri  
24 S. Jackson. I'm registered under Stephanie Zuri

1 April 14, 2021

2 Jackson, but as I appear on the petition, as Zuri  
3 Stephanie Jackson. But I am that person. I've  
4 been known throughout my community as the reverse  
5 two, one is my middle and one is my first name.  
6 It's reversed, Zuri Stephanie. So that is my  
7 challenge is that my names are reversed according  
8 to what is on my registration as a voter. There  
9 has been no intention to mislead or confuse and  
10 I'm hoping that you consider my case.

11 PRESIDENT UMANE: Okay. Is there a  
12 motion to remove her from the enrollment list?

13 COMMISSIONER PEPE-SOUVENIR: I'm sorry,  
14 I just have a quick question for you, Ms.  
15 Jackson. So you're appearing on as Zuri or as  
16 Stephanie?

17 MS. JACKSON: Zuri S., opposed to vice  
18 versa.

19 COMMISSIONER PEPE-SOUVENIR: I'm just  
20 again, why is there the confusion? Why is there  
21 the Stephanie and the Zuri?

22 MS. JACKSON: Well, one is the middle  
23 and one is the first. So on the petition, it has  
24 Zuri S., opposed to Stephanie Zuri.

1 April 14, 2021

2 COMMISSIONER PEPE-SOUVENIR: But you're  
3 known as Zuri Jackon?

4 MS. JACKSON: Correct. Zuri S. Jackson.  
5 Zuri Stephanie Jackson, correct.

6 COMMISSIONER ARAUJO: So your testimony  
7 is that your voter registration is Stephanie  
8 Zuri?

9 MS. JACKSON: Correct.

10 COMMISSIONER ARAUJO: Do we have to  
11 confirm that, or --

12 COMMISSIONER PEPE-SOUVENIR: I'd like to  
13 confirm that.

14 MR. GRAVES: Commissioners --

15 PRESIDENT UMANE: Okay. Alright. So if  
16 you want --

17 MR. GRAVES: -- commissioners, that --

18 PRESIDENT UMANE: -- we'll put this on  
19 second --

20 MR. GRAVES: -- that is the case.

21 PRESIDENT UMANE: -- call at the end of  
22 the calendar.

23 MR. GRAVES: No.

24 PRESIDENT UMANE: And perhaps the clerks

1 April 14, 2021

2 could --

3 SECRETARY CAMILO: Pardon me.

4 PRESIDENT UMANE: -- get the form.

5 SECRETARY CAMILO: I think they've  
6 [unintelligible] [01:15:23].

7 MS. JACKSON: Right, because my voter  
8 registration has Stephanie Z. as opposed to vice  
9 versa.

10 COMMISSIONER ARAUJO: Yeah, we just want  
11 to make sure of that there is such a voter  
12 registration in existence.

13 MR. GRAVES: Commissioners, we actually  
14 have a printout showing that.

15 COMMISSIONER ARAUJO: Okay.

16 COMMISSIONER PEPE-SOUVENIR: Oh.

17 MR. GRAVES: Stephanie Jackson.

18 COMMISSIONER TAYLOR: Are you  
19 maintaining that the voter registration is  
20 incorrect?

21 MR. GRAVES: No. The voter registration  
22 says Stephanie Z. Jackson.

23 COMMISSIONER TAYLOR: And is that your  
24 official name?

1 April 14, 2021

2 MS. JACKSON: Yes.

3 SECRETARY CAMILO: What Ms. Jackson is  
4 indicating is that she's known in the community  
5 and goes by in reverse.

6 MS. JACKSON: Yes.

7 SECRETARY CAMILO: That is what she is  
8 indicating.

9 MS. JACKSON: Thank you, yes.

10 SECRETARY CAMILO: Is there a motion, or  
11 do you want to second call the matter?

12 COMMISSIONER PEPE-SOUVENIR: No, no need  
13 to second call it. I, I move to remove her from  
14 the enrollment list.

15 PRESIDENT UMANE: Is there a second?

16 COMMISSIONER MARMORATO: Second.

17 PRESIDENT UMANE: All in favor?

18 MULTIPLE: Aye.

19 PRESIDENT UMANE: Opposed? All  
20 abstentions? So the candidate is removed from the  
21 enrollment list and will remain on the ballot.

22 MS. JACKSON: Thank you.

23 PRESIDENT UMANE: Thank you, Ms.  
24 Jackson.

1 April 14, 2021

2 MS. JACKSON: Thank you. God bless you.

3 PRESIDENT UMANE: Thank you for that. Is  
4 there anybody else?

5 MR. SATTIE: There are no more  
6 appearances for the enrollment calendar.

7 PRESIDENT UMANE: So I would move --

8 MS. KONTZAMANIS: Mr. Sattie, Mr.  
9 Sattie, did Howard Graubard put in an appearance?

10 MR. SATTIE: For the -- not to my  
11 knowledge for the enrollment calendar.

12 MS. KONTZAMANIS: Okay, sir.

13 PRESIDENT UMANE: Okay. So I would move  
14 the enrollment calendar, subject to the changes  
15 and removals that we've made. Is there a second?

16 SECRETARY CAMILO: Second.

17 PRESIDENT UMANE: All in favor?

18 MULTIPLE: Aye.

19 PRESIDENT UMANE: All opposed? All  
20 abstentions? Okay. So the enrollment calendar is  
21 now approved and those candidates remaining are  
22 off the ballot. We'll now turn to the prima facie  
23 calendar in Kings County.

24 MR. SATTIE: Delegate to the Judicial

1 April 14, 2021

2 Convention in the 56th Assembly District, Briana

3 Calderon, City Council in the 34th District,

4 Lutchi Gayot, member of the City Council in the

5 37th District, Rick Echevarria, alternate

6 delegate to the Judicial Convention in the 58th

7 Assembly District, Rashidi Denson as the

8 candidate, Dalton D. Robinson as the objector.

9 Alternate delegate to the Judicial Convention in

10 the 60th Assembly District, Brenda Ross, et al,

11 member of the City Council in the 35th Council

12 District, Sharon R. Wedderburn, member of the

13 City Council in the 48th District, Boris Noble,

14 delegate to the Judicial Convention in the 51st

15 Assembly District, Siobhan K. Fogarty, delegate

16 to the Judicial Convention in the 54th Assembly

17 District, Denise Ray, et al, delegate to the

18 Judicial Convention in the 54th Assembly

19 District, Paperboy Love Prince, delegate to the

20 Judicial Convention in the 54th Assembly

21 District, Rick Echevarria, delegate to the

22 Judicial Convention in the 58th Assembly

23 District, Imoni S. Cole-Palmer, member of the

24 City Council in the 38th Assembly District, 38th



April 14, 2021

Council District, Yu Lin, member of the City Council in the 46th Council District, Gardy Brazela as the candidate, Christopher Leon Johnson as the objector, member of the City Council in the 46th Council District, Judy Newton as the candidate, Christopher Leon Johnson as the objector, member of the City Council in the 42nd Council District, Gena M. Watson as the candidate, David Polk as the objector and Tiarah Shine as the objector. Borough president in Kings, Probert Ramos, Jr., delegate to the Judicial Convention in the 55th Assembly District, Marguerite Whitehurst et al, delegate to the Judicial Convention in the 60th Assembly District, Inez Barron et al, alternate to the Judicial Convention, alternate delegate to the Judicial Convention in the 55th Assembly District, Calvin Mealy et al.

Now on to the Republican Party, Skiboky Stora, next alternate delegate to the Judicial Convention in the 46th Assembly District Nicholas S. Chamberas. On to the Working Families Party, delegate to the Judicial Convention, Braeden

1 April 14, 2021

2 Lentz et al.

3 That is all the, that is all of the  
4 prima facie report. You will notice that I didn't  
5 mention one name. There was the name of Crystal  
6 Hudson. The claim on the prima facie report was  
7 that the petition lacked signatures. We had  
8 received a request to look into that to confirm  
9 it, and the Brooklyn staff did confirm that the  
10 petition, on its face, does have I believe 296  
11 pages, so it was an entry error on the part of  
12 the staff here and it should not be considered on  
13 the prima facie report.

14 PRESIDENT UMANE: Okay. So we'll deem  
15 that removed. Are there any appearances for  
16 anybody on this list of prima facie?

17 MR. SATTIE: There is, we have an in  
18 person appearance by Skiboky Stora.

19 PRESIDENT UMANE: Mr. Stora, are you  
20 here?

21 MR. SKIBOKY STORA: Yes, sir.

22 PRESIDENT UMANE: You're on the prima  
23 facie list because a cover sheet was not filed, I  
24 guess correctly.

1 April 14, 2021

2 MR. SATTIE: Commissioner, I'm sorry,  
3 but that's incorrect. He's on there because he  
4 did not state a public office on any of his  
5 petition volumes.

6 SECRETARY CAMILO: And this is on page  
7 six of the calendar for reference for us,  
8 commissioners.

9 PRESIDENT UMANE: Yeah, okay, it did say  
10 cover sheet not filed. We will see one, but I  
11 guess, okay, it's office, district incorrect or  
12 omitted on petitions pursuant to Election Law  
13 132.4. So mister -- is the candidate available?

14 MR. STORA: Yes, sir. I'm the candidate,  
15 good afternoon.

16 PRESIDENT UMANE: Okay.

17 MR. STORA: My name is Skiboky Stora,  
18 and I, and I, on my petition, it's stated, I have  
19 a copy of one of my petitions, and I had a  
20 sticker on, on where it says public office or  
21 position, I put my name Skiboky Stora for New  
22 York City Republican mayor, it didn't, because it  
23 didn't have enough space there, so I had a  
24 sticker where everybody came and signed, and each

1 April 14, 2021

2 person that signed it moved the sticker and put  
3 it on the next thing because it didn't have  
4 enough space. And there's another -- there's a  
5 cite case that I read that, that gave me the  
6 power to do that in this matter. It was Henson,  
7 H-A-N-N-A v. no, v. verses A-H-A-N-N-A-H v. A-R-  
8 C-U-R-A, that was a cite case that it says that  
9 where New York, let me see, where it says --

10 PRESIDENT UMANE: Sir, you have to put  
11 the office that you're running for on the  
12 petition.

13 MR. STORA: No, but I'm saying that when  
14 I, when I read this law, the cite case, Henson,  
15 H-A-N-N-A v. N-H-A-N-N-A v. A-R-C-U-R-A, that  
16 cite case gave me the power because it says that  
17 if you don't have enough space in the place,  
18 which I only have Republican there, that I, that  
19 it could be, uh, uh, where New York, uh, I can't  
20 see this word, can I ask someone what this word  
21 is please --

22 PRESIDENT UMANE: Okay, sir --

23 MR. STORA: -- oh, where it says, hold  
24 on, where it says New York moderate where it's

1 April 14, 2021

2 changed to moderate, it, that's the cite case, so  
3 H-A-N-N-A v. A-C-U-R-I, that cite case says where  
4 New York moderates was changed to moderate. That  
5 means that if I don't have enough there, when I  
6 read the law, to my understanding, when I was  
7 reading, when I was looking at that, it, that  
8 means that if I don't have, I don't have to add  
9 all the words in there because I could not fit  
10 all the words in that box, so I could just simply  
11 put --

12 PRESIDENT UMANE: I understand, sir.

13 MR. STORA: -- that's my understanding  
14 of why I did that, sir.

15 PRESIDENT UMANE: However, you have to  
16 understand that it is very important to put the  
17 office that you're running for.

18 MR. STORA: I did. I did.

19 PRESIDENT UMANE: [unintelligible]  
20 [01:25:03] okay, and fact that --

21 MR. STORA: It says on the paper, I did.

22 PRESIDENT UMANE: -- put your name  
23 elsewhere on the petition --

24 MR. STORA: Say what, sir?

1 April 14, 2021

2 PRESIDENT UMANE: There has to be room  
3 for the five letters of the word mayor of the  
4 city of New York and apparently that was not on  
5 the petition.

6 MR. STORA: It, it doesn't -- that cite  
7 case does not say that. That cite case does not  
8 state that.

9 PRESIDENT UMANE: With all due respect,  
10 the case that you're citing does not say that you  
11 don't have to put the office on there.

12 MR. STORA: It does not say that. It  
13 says that I don't have to put the entire words  
14 there, which this is Skiboky Stora for New York  
15 City Republican Mayor, that's what it stated and  
16 I don't have to put the entire sentence that  
17 could not fit there in it. That's why I read that  
18 case and to my understanding this what made me do  
19 this when everybody signed my petition. You might  
20 have understood it differently. When I read the  
21 case, this is what I understood that since I  
22 can't put all my name Skiboky for may- New York  
23 City Mayor, Republican Mayor, I has to just, I  
24 could just put one word in it and stick my

1 April 14, 2021

2 sticker on it and make everybody sign there,  
3 that's the way I understood it. I didn't  
4 understand it the way you all --

5 PRESIDENT UMANE: Was the sticker on  
6 every single petition?

7 MR. STORA: Yes, I did. Yes, I did. Yes  
8 I did, just like this, just like this.

9 SECRETARY CAMILO: Mr. Stora, we've  
10 heard you. Just one moment. May we ask legal what  
11 was on the -- not having the cover sheet before  
12 me, what was indicated? Did it indicate just  
13 Stora, or did it indicate?

14 MR. SAVINO: Yeah, it's actually not the  
15 cover sheet, commissioner. It's on the petition.

16 PRESIDENT UMANE: It's on the petition,  
17 and it says public office or party position,  
18 underneath that it says Republican. There is no  
19 sticker on -- that I'm aware of, on the petitions  
20 that were submitted and we also don't know when  
21 the sticker, if there was actually one as added,  
22 compared to when the voters signed. There's a  
23 long laundry list --

24 PRESIDENT UMANE: Mr. Stora --

1 April 14, 2021

2 MR. SAVINO: -- of cases as well on this  
3 issue, as I'm sure you are aware.

4 PRESIDENT UMANE: Yeah, Mr. Stora?

5 MR. STORA: Yes, sir?

6 PRESIDENT UMANE: I'm very sorry, but  
7 the very sorry, but the stickers that you're  
8 saying are not on the pages on the petition.

9 MR. STORA: All my stickers was on my  
10 pages. I don't know what y'all --

11 PRESIDENT UMANE: I have no idea.

12 MR. STORA: I don't know what y'all  
13 talking about. All my stickers is on each page  
14 that I made everybody sign. Everyone on these  
15 pages, there's a person that says Skiboky Stora  
16 for New York City Mayor and, and everybody signed  
17 it and looked at that, that on it. And the reason  
18 I put only that because all of it could not fit  
19 in that thing and that cite case told me that I  
20 have the right to, to just add one thing there. I  
21 don't have to put the entire stuff there, I could  
22 put a sticker there.

23 PRESIDENT UMANE: Okay, Mr. Stora,  
24 unfortunately --



1 April 14, 2021

2 MR. STORA: Yes, sir.

3 PRESIDENT UMANE: -- your, you need to  
4 have put them on all of the petition pages. I  
5 move to --

6 MR. STORA: I did do it. I, that's what  
7 I did, I put it on every one of their pages.

8 PRESIDENT UMANE: [unintelligible]  
9 [01:27:53] changed his name on the --

10 MR. STORA: Say what now, sir?

11 PRESIDENT UMANE: -- prima facie list.  
12 Is there a second?

13 SECRETARY CAMILO: Mr. Stora, we  
14 [unintelligible] [01:28:00] yes, second.

15 PRESIDENT UMANE: All in favor?

16 MULTIPLE: Aye.

17 PRESIDENT UMANE: All opposed? All  
18 abstentions? Mr. Stora, I'm sorry, but you're off  
19 the ballot.

20 MR. STORA: Can I appeal your decision?

21 PRESIDENT UMANE: Yes.

22 MR. STORA: Okay.

23 PRESIDENT UMANE: You certainly can.

24 MR. STORA: Thank you, sir.

1 April 14, 2021

2 PRESIDENT UMANE: Okay.

3 MR. STORA: Okay. How am I -- am I going  
4 to get a decision?

5 PRESIDENT UMANE: Yeah, you just had  
6 your decision. You're --

7 MR. STORA: Is it written, I could get  
8 it?

9 PRESIDENT UMANE: The commissioners  
10 voted you off, off the ballot, because you didn't  
11 comply with the rule, the rule that says you have  
12 to have your -- the, the position that you're  
13 running for on the petition.

14 MR. STORA: I did. I did that. I didn't  
15 violate no rule. I did that.

16 SECRETARY CAMILO: Mr. Stora, excuse me.  
17 President Umane, he's asking if he's going to get  
18 a notice or anything else so that he can then  
19 proceed.

20 MR. SATTIE: Yes, commissioners, I can  
21 address. He will be receiving a notice dated  
22 today.

23 MR. STORA: In the mail?

24 MR. SATTIE: Yes.

1 April 14, 2021

2 MR. STORA: Okay.

3 SECRETARY CAMILO: Yes, thank you, Mr.  
4 Stora.

5 MR. STORA: Thank you, ma'am. Thank you.

6 SECRETARY CAMILO: Take care.

7 MR. STORA: Thank you for your time.  
8 Thank you.

9 PRESIDENT UMANE: Are there any other  
10 appearances?

11 MR. SATTIE: There are. The next  
12 appearance I have is for candidate Yu Lin and I  
13 have Dan Yeo [phonetic] representing the  
14 candidate.

15 PRESIDENT UMANE: Mr. Yeo.

16 MS. KONTZAMANIS: He's in the hearing  
17 room.

18 MR. DAN YEO: Yes.

19 PRESIDENT UMANE: Mr. Yeo, could you  
20 indicate who you're here representing?

21 SECRETARY CAMILO: And turn off --

22 MR. YEO: Yes, can you hear me?

23 PRESIDENT UMANE: Yes.

24 MR. YEO: Okay. Good morning,

1 April 14, 2021

2 commissioners and staff of the Board of  
3 Elections, I'm here to appear for and on behalf  
4 of Mr. Yu Lin, district 38 of Kings County for  
5 City Council member. May I have permission to  
6 speak?

7 PRESIDENT UMANE: Yes, please, that's  
8 what you're here for, thank you.

9 MR. YEO: Thank you. We received a  
10 letter from the Board of Elections stating that  
11 he has not filed a certificate of acceptance. We  
12 are not disputing that he, if he was a Republican  
13 Party member, he would have to file that form.  
14 The only dispute that we have is that we want to  
15 indicate, I believe it was Exhibit A that we  
16 submitted to the Board of Elections, he had filed  
17 an enrollment change DMV's website on December  
18 16th of 2020, which was about 62 days before the  
19 deadline. We understand there might be certain  
20 communication or a glitch between the Board of  
21 Elections and the DMV. All we are asking that 62  
22 days should be deemed proper for any  
23 intergovernmental communication. We therefore  
24 respectfully request the Board of Elections to

1 April 14, 2021

2 allow him to appear on the ballot because as an  
3 [unintelligible] [01:31:01] Democrat, he's not  
4 required to file that form, and therefore, he  
5 should remain on the ballot.

6 PRESIDENT UMANE: So he filed a change  
7 of registration with the Department of Motor  
8 Vehicles? Is that correct?

9 MR. YEO: That is correct. We submitted  
10 an affidavit along with a copy of the  
11 confirmation email with confirmation number on  
12 the DMV. And in addition, he has held himself out  
13 as a Democrat candidate, he has ran his campaign  
14 as a Democrat, he has interacted with community  
15 members as a Democrat and for reasons unknown to  
16 the candidate, the database reflected him as a  
17 Republican. That is why we are respectfully  
18 requesting the board and commissioners to remove  
19 this name off this list and allow him to appear  
20 on the ballot.

21 PRESIDENT UMANE: I'm just looking, I  
22 personally am just looking through what you  
23 submitted. But I have a question. Is that an  
24 appropriate -- for our clerks, is that an

1 April 14, 2021

2 appropriate way to change registration through  
3 the Department of Motor Vehicles, or does there  
4 have to be a direct filing with us?

5 MR. RAYVON WEAVER: Good morning,  
6 commissioners, how are you? So his registration  
7 form should reflect the Democratic Party. So it  
8 was notified to CRU in regards to it, as a  
9 candidate enrollment issue. And it was corrected  
10 by the board staff earlier this week.

11 PRESIDENT UMANE: Oh, so he is -- so he  
12 is a Democrat, was a Democrat and unfortunately,  
13 used to be a Republican, at least from my  
14 standpoint. So he should be removed --

15 MR. WEAVER: That is correct.

16 PRESIDENT UMANE: -- he should be  
17 removed from this list then, because he was a  
18 Democrat. Okay. Is there a motion to remove Mr.  
19 Lin from the list?

20 COMMISSIONER PEPE-SOUVENIR: I move that  
21 he be removed from the list.

22 PRESIDENT UMANE: Is there a second?

23 COMMISSIONER MARMORATO: Second.

24 PRESIDENT UMANE: All in favor?

1 April 14, 2021

2 MULTIPLE: Aye.

3 PRESIDENT UMANE: All opposed? All  
4 abstentions? So he is removed from the list.

5 SECRETARY CAMILO: Thank you, counsel.

6 MR. YEO: Thank you, commissioners,  
7 thank you, God bless you all. Just one more  
8 question. Is he going to receive some kind of a  
9 written confirmation?

10 PRESIDENT UMANE: Yes.

11 MR. YEO: Thank you, I appreciate it.  
12 Thank you. I'm going off, offline.

13 PRESIDENT UMANE: Thank you, Mr. Yeo.  
14 Are there any other appearances.

15 MR. SATTIE: There are. I'll go in the  
16 report order. I apologize that I have gone out of  
17 order. Briana Calderon. I have Theo Chino as  
18 representative.

19 MS. KONTZAMANIS: He's in the room.

20 SECRETARY CAMILO: This is the first  
21 issue on the --

22 MS. KONTZAMANIS: Mr. Chino, you need to  
23 shut your video, you're watching the live stream  
24 of the commissioners' meeting, there's a lot of

1 April 14, 2021

2 background, you need to close that.

3 MR. CHINO: Yes, the video was paused,  
4 but it takes about five seconds between the  
5 moment you realize you got put in the room,  
6 because there's [unintelligible] [01:34:15].

7 PRESIDENT UMANE: Okay, Mr. Chino, go  
8 ahead, please.

9 MR. CHINO: So the first thing I wanted  
10 to say, we're going to be here all afternoon, so  
11 I just wanted to bring up the issue of the  
12 weaponization of the Board of Elections and this  
13 is really a sad story that I feel because I've  
14 seen people come in over and over, like Marco  
15 Kepi yesterday, Mr. Iwachiw, who you made fun of,  
16 and I believe that this Board of Elections should  
17 move from the 18th Century to the 21st Century.  
18 And I --

19 PRESIDENT UMANE: Could you please focus  
20 on the candidate that you're representing.

21 MR. CHINO: I will speak -- I will speak  
22 on the issue, don't worry. And I feel this is a  
23 discrepancy of behavior when a lawyer come and  
24 present in front of you and when a regular



1 April 14, 2021

2 citizen like myself presented in front of you. I  
3 want that to be known and I wanted to say it.

4 Regarding Briana Calderon, there was an  
5 issue with petition 2102219, 2101204, 15 and 248.  
6 Basically, I submitted a printer's error letter  
7 from [unintelligible] [01:35:21] asking that she  
8 be reinstituted because the position and the  
9 party, the party name was included in the  
10 position she was running for. Regardless of other  
11 people, Paperboy Love, myself and another few  
12 people, did not include the party position inside  
13 the position they were running, only Briana  
14 Calderon is running, therefore I'm asking that  
15 those petitions be reinstated so they can be  
16 counted towards the 150 signatures required for  
17 her to be a delegate.

18 MR. GRAVES: I see no printer's error  
19 letter submitted.

20 MR. CHINO: Uh, I submitted with the, it  
21 was submitted with authorization form, because  
22 this issue was not really brought up during the  
23 cover sheet, it was moved into the prima facie  
24 segment of the program and not the cover sheet

1 April 14, 2021

2 program.

3 MR. GRAVES: No such document was filed.

4 MR. CHINO: Well, it was sent by email.

5 SECRETARY CAMILO: Mr. Chino, we had a  
6 timeframe of documents to be submitted by this  
7 past Monday of 3:00 p.m.

8 MR. CHINO: It was submitted on Sunday  
9 and Monday several copies.

10 SECRETARY CAMILO: So we're asking our  
11 legal staff who has indicated now that they do  
12 not have any documents and, commissioners, have  
13 not received any documents for review.

14 MR. CHINO: Are you telling me there was  
15 no .PDF attached even though the document was  
16 sent on Sunday night or Monday morning?

17 PRESIDENT UMANE: What we're saying  
18 Staten Island that, the commissioners have not  
19 seen it. So we're asking the clerks and the  
20 lawyer, and our in-house counsel to see if there  
21 was any such filing made.

22 MR. GRAVES: Commissioners, we can check  
23 on that. I would say it's still important to note  
24 that part of the explanation is that the petition

1 April 14, 2021

2 lacks the necessary -- the petition lacks the  
3 necessary number of signatures to support the  
4 candidacy and is facially defective. Potential  
5 for 117 signatures filed without petitions 2219  
6 and 1204, 150 signatures required.

7 PRESIDENT UMANE: Well I --

8 MR. CHINO: Are you saying you didn't  
9 count the petition that lacked the party name,  
10 right?

11 MR. GRAVES: Correct.

12 PRESIDENT UMANE: Yeah.

13 MR. CHINO: So that's why I'm asking to  
14 reinstate the four volume, or the two volume that  
15 lacked the party name, because the party position  
16 clearly stated delegate for the Democratic  
17 Judicial Convention, so the Democratic Party was  
18 included in the description of what she was  
19 running for. However, because of a printer error,  
20 we didn't include the designating petition either  
21 and the 1980 language Democratic. That's where we  
22 forgot that. But the petition she was running  
23 clearly say it was for the Democratic party.

24 SECRETARY CAMILO: Sir, we hear you, and

1 April 14, 2021

2 we've asked our staff, they have not received a  
3 printer errors letter.

4 MR. GRAVES: We can continue to search  
5 if Mr. Chino filed something, but besides that,  
6 we don't have anything on hand right not.

7 PRESIDENT UMANE: Okay. So let's put  
8 this on second call and we'll search.

9 MR. CHINO: And then we'll look at the  
10 header and my header email to give you the  
11 reference number if you want and the exact time  
12 when I sent it.

13 SECRETARY CAMILO: Alright.

14 MR. CHINO: Right now, I'm using my  
15 computer for the Webex so I cannot look.

16 SECRETARY CAMILO: Right, sir. Our staff  
17 is going to look, thank you, you can move to the  
18 waiting room, second call.

19 MR. CHINO: Thank you.

20 MR. SATTIE: The next appearance I have  
21 on the prima facie report would be for Rick  
22 Echevarria, candidate in the 37th Council  
23 District, City Council, the representative is  
24 Bernard Alter.

1 April 14, 2021

2 COMMISSIONER TAYLOR: Page one.

3 MS. KONTZAMANIS: Mr. Alter, can you  
4 hear us?

5 PRESIDENT UMANE: Mr. Alter,

6 MR. BERNARD ALTER: I'll turn the  
7 machine off in a second so you don't get  
8 interference, hold on. Give me a second, okay.  
9 I'll be right with you. Hold on one second if you  
10 don't mind. I don't want any interruptions. Okay.  
11 Here we go. Alright. It's off. Can you hear me?

12 PRESIDENT UMANE: Yes, thank you, sir.

13 MR. ALTER: Okay. Good morning. Let me  
14 make a suggestion. You want to hear  
15 [unintelligible] [01:40:01], let me make a  
16 suggestion to the board. There are apparently two  
17 volumes that have a problem with the, it doesn't  
18 bring the count down below what's legally valid  
19 for him to run. Am I correct, Mr. Umane on that  
20 regard? I think the commissioners have indicated  
21 he still has, even if they exclude those volumes,  
22 sufficient signatures to qualify if nothing is  
23 being challenged.

24 SECRETARY CAMILO: The party name is the

1 April 14, 2021

2 issue. It was not stated in the header of the  
3 petitions.

4 MR. ALTER: Yeah, but, if you discounted  
5 those volumes, the good volumes too would have  
6 sufficient number of signatures, am I correct?

7 MR. GRAVES: Yes.

8 MR. ALTER: Am I right on that? Let me  
9 make sure I'm right on that.

10 MR. GRAVES: This is to exclude the  
11 petitions.

12 MR. ALTER: The entire petitions or just  
13 those petitions that have the bad --

14 MR. GRAVES: Petition KG2101215 and  
15 KG2101248.

16 PRESIDENT UMANE: Yeah, what Mr. Alter  
17 is saying is we take out those two volumes, the  
18 remaining volumes filed have sufficient  
19 signatures to support the candidacy. That's what  
20 he's asking.

21 MR. GRAVES: Yes. And it's stated on the  
22 prima facie -- it states it.

23 MR. ALTER: Yeah, I just want to make  
24 sure I understand that. I'm not saying you're

1 April 14, 2021

2 wrong, okay. I'm just, I just want it clear in my  
3 head.

4 SECRETARY CAMILO: So that's correct  
5 sir. So what is your request to us today?

6 MR. ALTER: Well, the spec number, I  
7 think spec number 50, I think number 52 on this  
8 afternoon, or at the end, if that spec is  
9 dismissed, then the guy is on the ballot. I would  
10 suggest maybe the commissioners may want to hold  
11 this thing until the spec gets called.

12 PRESIDENT UMANE: Okay. So I'm going to  
13 make a motion that we exclude the two volumes  
14 that omitted the party name.

15 MR. ALTER: Right.

16 PRESIDENT UMANE: That we accept the  
17 other volumes and then deal with those on the  
18 spec that was filed this afternoon -- that we  
19 deal with after the conclusion of this calendar.

20 MR. ALTER: Right. That's why --

21 PRESIDENT UMANE: And deal with the  
22 remaining petition volumes in connection with the  
23 spec. And so we'll knock off, based on prima  
24 facie, the two volumes that did not have the

1 April 14, 2021

2 party and we'll deal with the rest of the  
3 petition later on with the spec. So --

4 MR. ALTER: Alright, that's why I was --  
5 [unintelligible] [01:42:11] Mr. Umane.

6 PRESIDENT UMANE: -- is there a motion?

7 MR. ALTER: That's what I was  
8 suggesting.

9 PRESIDENT UMANE: I understand. We're on  
10 the same page.

11 MR. ALTER: I just want to make sure  
12 that there was no confusion here, that my  
13 petition that's left, had sufficient number of  
14 signatures obviously and subject to the spec  
15 being called.

16 PRESIDENT UMANE: We got it, we got it,  
17 Mr. Alter, thank you. So is there a second?

18 COMMISSIONER ZACCONE: I'll second  
19 Commissioner Umane's motion.

20 PRESIDENT UMANE: Alright. All in favor?

21 MULTIPLE: Aye.

22 PRESIDENT UMANE: All opposed? All  
23 abstentions? So those two volumes are removed  
24 from the petition prima facie, but the rest of



1 April 14, 2021

2 the petition later on with the specs.

3 MR. ALTER: Thank you.

4 PRESIDENT UMANE: Are there any other  
5 appearances?

6 MR. SATTIE: Yes. Also on page one, the  
7 prima facie matter of Rashidi Denson as a  
8 candidate and Dalton D. Robinson as an objector,  
9 has two appearances.

10 MR. ALTER: Am I done on this one?

11 PRESIDENT UMANE: Yes, thank you, Mr.  
12 Alter.

13 MR. ATLER: Okay. Very good, thank you.

14 MR. SATTIE: For the next issue, there  
15 are two appearances, Aaron Maslow and Howard  
16 Graubard.

17 PRESIDENT UMANE: Okay. Is the issue  
18 with the specification? Is that what we're  
19 looking at?

20 MR. SATTIE: That's correct, yes.

21 MR. GRAVES: Yes.

22 PRESIDENT UMANE: Okay. So who is  
23 representing the objector?

24 MR. SATTIE: In this case, Aaron Maslow

1 April 14, 2021

2 is representing the candidate and Howard Graubard  
3 the objector.

4 PRESIDENT UMANE: So Mr. Graubard --

5 MR. MASLOW: Aaron Maslow --

6 PRESIDENT UMANE: -- [unintelligible]

7 [01:43:46] on the prima facie calendar. Should it  
8 be there. Please tell us if it should or  
9 shouldn't be there. Your objection was placed  
10 because the position on the challenge was not  
11 accurate.

12 MR. HOWARD GRAUBARD: I have to agree  
13 that is the case, Mr. Umane. The objector did  
14 place the wrong office on the spec. I would just  
15 like to address one thing related because I was  
16 not let into the enrollment issue hearing on the  
17 same candidate even though I filed a notice of  
18 appearance addressing that candidate. I did file  
19 a separate notice of appearance for this hearing.  
20 I filed one notice of appearance for, which I  
21 believe dealt with all matters relating to a  
22 particular candidate I was the contact person for  
23 the objection on. And in the case of Ms. Denson,  
24 just on Mr. Maslow's say so without one iota of

1 April 14, 2021

2 physical evidence you placed her back on the  
3 ballot and I did not get an opportunity to ask to  
4 see the evidence. Mr. Maslow just said there was  
5 no affidavit, no anything and this candidate was  
6 placed on the ballot and I wasn't given an  
7 opportunity to argue.

8 PRESIDENT UMANE: Well, unfortunately,  
9 your objection is invalid, so you have no  
10 standing. And you wouldn't have a standing --

11 MR. GRAUBARD: I should have been in  
12 [unintelligible] [01:45:29] --

13 PRESIDENT UMANE: -- in any event. You  
14 have standing to argue that the objection was  
15 valid, but apparently you admit that it wasn't  
16 valid, so then there's no objection to the  
17 petition that's valid and so the candidacy  
18 remained.

19 MR. GRAUBARD: I should have been let  
20 into the hearing on the enrollment issue.

21 PRESIDENT UMANE: No sir, you're not.  
22 It's only the candidate would have an  
23 opportunity, not someone who was objecting. And  
24 in fact, since your objection lacked standing,

1 April 14, 2021

2 you have no standing to object at all. Is there a  
3 motion to keep the, the, objection on the  
4 calendar since it was agreed, it was stipulated  
5 that the office that was listed on the objection  
6 was incorrect. Is there a second? No second?

7 Third?

8 COMMISSIONER ARAUJO: Second.

9 COMMISSIONER ZACCONE: Second.

10 PRESIDENT UMANE: Okay. All in favor of  
11 maintaining the objection on the prima facie  
12 calendar, please signify by saying aye.

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? Okay. The objection is removed, the  
16 candidate remains on the ballot. What's next?

17 MR. SATTIE: I have one more appearance.  
18 The appearance -- pardon me? I have one --

19 PRESIDENT UMANE: Mr. Maslow, I presume  
20 you have nothing to add?

21 MR. MASLOW: Nothing to add, thank you.

22 PRESIDENT UMANE: Thank you. Okay. Next.

23 MR. SATTIE: I do have one more  
24 appearance on the prima facie report. It is on

1 April 14, 2021

2 page five of seven on the report. It's for Gena  
3 M. Watson as a candidate. The appearance is by  
4 Aaron Foldenauer.

5 MS. KONTZAMANIS: Give us one second to  
6 get him in, commissioners. Mr. Foldenauer, can  
7 you hear us?

8 MR. FOLDENAUER: Good morning,  
9 commissioners, Aaron Foldenauer for Gena Watson,  
10 I'm just connecting now.

11 SECRETARY CAMILO: Yes, sir, you're here  
12 for the candidate, right?

13 MR. FOLDENAUER: Yes, I'm counsel for  
14 Gena Watson, the candidate, yes, ma'am.

15 PRESIDENT UMANE: Well, so the objection  
16 is on the prima facie calendar, so what that  
17 means is that if we agree with the clerks' report  
18 that your candidate will be on the ballot and the  
19 objections will be declared invalid for failure  
20 to provide a notice of proof of service. So --

21 MR. FOLDENAUER: That all sounds great  
22 and just to be clear, we're dealing with two  
23 specifications here, KG24 and KG25, I want to  
24 clarify that. And the other issue, Mr. President

1 April 14, 2021

2 is that Ms. Watson was on the enrollment calendar  
3 as well. I did file two separate appearances, one  
4 for the enrollment calendar and one for this and  
5 the spec, so I would like to be heard on the  
6 enrollment issue because she should be removed  
7 from that enrollment calendar as well.

8 PRESIDENT UMANE: Oh, you were not  
9 called at that time.

10 MR. FOLDENAUER: Yeah, I was not called  
11 and I heard when there was one more and it wasn't  
12 me, I called your staff, they were very helpful.  
13 They put me on hold and they assured me they were  
14 going to deal with the enrollment issue when, you  
15 know, the specification calendar came up. But if  
16 we're all here now, I would appreciate if we  
17 could deal with the enrollment issue as well.

18 PRESIDENT UMANE: Okay. We will. But  
19 first let me just deal with the specification. Is  
20 there a motion to confirm the clerks' report with  
21 regard to the failure to file the proof of  
22 service on both of the specifications?

23 SECRETARY CAMILO: So moved.

24 PRESIDENT UMANE: Is there a second?

1 April 14, 2021

2 COMMISSIONER PEPE-SOUVENIR: Second.

3 PRESIDENT UMANE: Okay. All in favor?

4 MULTIPLE: Aye.

5 PRESIDENT UMANE: All opposed? All  
6 abstentions? So the objections are declared  
7 invalid, and now let's deal with the enrollment  
8 issue. Is Ms. Watson a Democrat?

9 MR. FOLDENAUER: She is. This is a  
10 similar issue to Ms. Martinez that Aaron Maslow  
11 mentioned and a couple of the other candidates.  
12 She has been a Democrat at all relevant times,  
13 she is a Democrat. This is a situation where she  
14 just hadn't changed her registration. And just to  
15 make it absolutely clear, a few days ago, she  
16 filed a new registration time stamped at her  
17 current address, her correct residence address  
18 was stated on the petition, and I do move the --  
19 we submitted an affidavit to this effect with  
20 exhibits to the commission and therefore I do  
21 move that Ms. Watson be removed from the  
22 enrollment list and the like.

23 PRESIDENT UMANE: Is there a motion?

24 SECRETARY CAMILO: I see a note on our

1 April 14, 2021

2 calendar that there was some message but no  
3 attachments, but can you verify with the clerks  
4 that that was received?

5 COMMISSIONER PEPE-SOUVENIR: I see a  
6 copy of a voter registration that's bent from our  
7 office.

8 SECRETARY CAMILO: We have it as an  
9 attachment?

10 COMMISSIONER PEPE-SOUVENIR: April 12th,  
11 yes.

12 SECRETARY CAMILO: Oh, I see it, yes.

13 MR. FOLDENAUER: It was sent at 1:53  
14 p.m., it's a letter on my letterhead, law office  
15 of Aaron Foldenauer, there's an affidavit, there  
16 are exhibits. I can tell you I went with her  
17 personally to 32 Broadway to have her voter  
18 registration stamped. We also attached her  
19 previous registration that shows she's a  
20 democrat.

21 PRESIDENT UMANE: Okay. Well, is there a  
22 motion then to remove her from the enrollment  
23 list.

24 COMMISSIONER PEPE-SOUVENIR: I move that



1 April 14, 2021

2 she be removed from the enrollment list.

3 PRESIDENT UMANE: Is there a second?

4 COMMISSIONER SHAMOUN: Second.

5 PRESIDENT UMANE: All in favor?

6 MULTIPLE: Aye.

7 PRESIDENT UMANE: All opposed? All  
8 abstentions? Okay, let's amend the enrollment  
9 list to remove Ms. Watson's name there from.

10 MR. FOLDENAUER: Thank you,  
11 commissioners, and just to clarify, I think she's  
12 on the specification calendar, but I assume  
13 that's moot now.

14 PRESIDENT UMANE: Well, the spec having  
15 been dismissed will be mooted, but you may want  
16 to leave it on for various reasons, so we're  
17 still going to call it, and you may declare it  
18 moot at that time. Sometimes, the litigants like  
19 to have it still called, so that's what we will  
20 still do unless you don't, and we'll just skip  
21 it, so.

22 MR. FOLDENAUER: Thank you very much,  
23 and if I can just note for the record, one other  
24 defect, I can mention this again when the

1 April 14, 2021

2 specification calendar, one other defect with the  
3 --

4 PRESIDENT UMANE: We don't want to deal  
5 with it now. We'll call it then and you can deal  
6 with it then. Let's just move the prima facie  
7 calendar. Okay.

8 MS. PATEL: Commissioners, I'm sorry,  
9 just with regard to Ms. Watson's enrollment, I  
10 would add that Mr. Foldenauer is correct. He sent  
11 in a letter, but he attached all three things as  
12 exhibits and in Exhibit C, is Ms. Watson's New  
13 York State voter registration form. So, just for  
14 the record, it is here.

15 PRESIDENT UMANE: Okay.

16 SECRETARY CAMILO: Thank you.

17 PRESIDENT UMANE: I'm presuming Mr.  
18 Foldenauer was correct when he told us that. So,  
19 okay, thank you for that. Are there any other  
20 appearances on the Kings County prima facie?

21 MR. SATTIE: There are no other  
22 appearances. We do have one recall.

23 PRESIDENT UMANE: Yeah.

24 MR. SATTIE: The Chino situation.

1 April 14, 2021

2 MS. KONTZAMANIS: Can I bring Mr. Chino  
3 back in, Mr. Sattie?

4 PRESIDENT UMANE: Yes, please.

5 MS. KONTZAMANIS: Mr. Chino, can you  
6 hear us sir?

7 MR. CHINO: Yes, what issue are we  
8 dealing right now? I'm five minutes behind now on  
9 the live stream.

10 SECRETARY CAMILO: Briana Calderon.

11 MR. CHINO: Oh, we're still dealing with  
12 the second call, very well.

13 PRESIDENT UMANE: Yes.

14 MR. CHINO: So I, did you find the email  
15 dated April 12th 10:55 with the subject hearing  
16 document plus printers error?

17 MR. SATTIE: We did and we're printing  
18 out the document now for review.

19 MR. GRAVES: We'll review.

20 MR. CHINO: Very well.

21 PRESIDENT UMANE: Just give us one more  
22 second, Mr. Chino.

23 MR. CHINO: Okay. Take your time.

24 SECRETARY CAMILO: What time was the

1 April 14, 2021

2 submission again, Mr. Chino?

3 MR. CHINO: 10:55 a.m., April 12th.

4 SECRETARY CAMILO: Okay. Okay.

5 MR. CHINO: Otherwise, I wouldn't be  
6 here right now, since that was the authorization  
7 form as well.

8 SECRETARY CAMILO: Thank you for bearing  
9 with us. We're just reviewing it.

10 PRESIDENT UMANE: So how are we doing  
11 with what was being printed out?

12 MR. SATTIE: It's there, I sent to print  
13 it out, I'll check now to see the --

14 MS. KONTZAMANIS: Mr. Sattie, should we  
15 move on to not hold up the hearing?

16 SECRETARY CAMILO: I think this is the  
17 last issue on this calendar, right?

18 MR. SATTIE: On the prima facie  
19 calendar, yes. There's still the clerks' reports.

20 PRESIDENT UMANE: It seems that we have  
21 it now.

22 MR. CHINO: Rep My Block is a tool that  
23 we built and that prints the petitions. So it is  
24 part, I have to assume many role in this election

1 April 14, 2021

2 suddenly, from candidate to the printer.

3 MR. SAVINO: Commissioners, what I have  
4 before me is the candidate, for the candidate or  
5 representative just said it, Rep My Block, dear  
6 commissioners of elections, Rep My Block system  
7 internet provider experienced intermittent packet  
8 loss, which caused information not to populate  
9 correctly. This petition affected -- this error  
10 exclusively affected petition lot S1439, which  
11 does not seem to be a proper identification  
12 number, and it also seems like this is coming  
13 from Mr. Chino and not a printer.

14 MR. CHINO: Well, the thing is, if you  
15 look at the petition, you will see the lot number  
16 on the bottom right of every petition printed by  
17 Rep My Block. They all identify with the Rep My  
18 Block system and those are the petition that have  
19 been -- that's the lot that have been affected.  
20 All the candidate that use Rep My Block will have  
21 that lot number and it's also in the bar code  
22 above.

23 COMMISSIONER ZACCONE: Commissioner  
24 Umane, if I may, can I just ask Mr. Chino, who

1 April 14, 2021

2 actually did the printing of those petitions?

3 MR. CHINO: The .PDF is done  
4 automatically by the Rep My Block system, so each  
5 candidate downloads the petition, but once they  
6 are saved in the lot, they are uniquely, the  
7 mistake was seen too late for correction.

8 COMMISSIONER ZACCONE: My question is  
9 much more simply than that. Who actually printed  
10 out those petitions?

11 MR. CHINO: Kinkos. Kinkos and FedEx  
12 Express.

13 COMMISSIONER ZACCONE: Okay. So Kinkos  
14 and FedEx Express were the actual printers. The  
15 candidate you're saying prepared the petition?

16 MR. CHINO: The candidate put their name  
17 into the Rep My Block system, they been verified  
18 by the Rep My Block where they live through the  
19 voter registration. Then everything is populated  
20 automatically from their registration. If they're  
21 Democrat, it prints Democrat, if they're a  
22 Republican it prints Republican, if they're  
23 conservative, etc. etc. And at that moment,  
24 because of the packet error, the database missed

1 April 14, 2021

2 a step, and we realized too late when the  
3 candidate already returned their petition to be  
4 binded, we realized that it didn't have the party  
5 number.

6 MS. PATEL: Commissioners, we forwarded  
7 Mr. Chino's submissions to you. Mr. Savino just  
8 sent them to you if you want to take a look. It  
9 looks as if Rep My Block does print their own  
10 petitions, I guess at Kinkos and their internet  
11 provider I guess is the claim that there was some  
12 glitch that prevented them being printed properly  
13 and Mr. Chino provided what looks like either  
14 some conversation between himself and their  
15 internet provider or, I don't know what it is.

16 MR. CHINO: [unintelligible] [02:01:23].

17 MS. PATEL: It's a .PDF of some, I guess  
18 it's your conversation, sir, your back and forth  
19 with the internet provider, which tells us that  
20 there was a loss or there was a bug.  
21 Unfortunately, commissioners, it does not clarify  
22 whether this was the mistake that led to the  
23 incorrect petitions. It tells us there was a  
24 problem. It doesn't tell --

1 April 14, 2021

2 MR. CHINO: If the commissioner wants to  
3 read the code, all the code of Rep my Block is  
4 available on [unintelligible] [02:01:23] so they  
5 can follow the trace of how the database is  
6 populated when it comes to the interaction  
7 between the city that the state provide for the  
8 registration. Everything is public, open source.  
9 So the commissioners are more than free to read  
10 the code and analyze the code to see that a  
11 packet error is in fact the cause of not  
12 populating of the Democratic heading missing on  
13 that petition. I can also supply the log, the  
14 retail log, hour by hour, second by second when  
15 this person tried to download the petition and  
16 the computer made the mistake.

17 MS. PATEL: So, Mr. Chino, can I --

18 MR. CHINO: It would be like a 300 page  
19 printed off document.

20 MS. PATEL: Mr. Chino, I'm Hemalee  
21 Patel, I'm the general counsel, can I just  
22 clarify. You want the commissioners or the Board  
23 of Elections to corroborate what you're stating,  
24 that the internet outage created the error, and



1 April 14, 2021

2 you want us to go online and corroborate that for  
3 you? Is that what you're saying?

4 MR. CHINO: Well, I can [unintelligible]  
5 [02:03:06] I would like to be, I would like to  
6 have the same respect due to the every lawyer. I  
7 am a computer engineer.

8 MS. PATEL: That's --

9 MR. CHINO: So I can submit 300 page of  
10 log to show exactly when the error happened and  
11 when Ms. Briana Calderon started her process of  
12 filing her petition, of creating her petition  
13 using the system and the moment the .PDF was  
14 created. Rep My Block keep very detailed log,  
15 second by second of where the interaction  
16 happened and where the misstep happened. That is  
17 very technical and very detailed and I'm willing  
18 to give that to the Board of Elections.

19 PRESIDENT UMANE: I understand. Sir,  
20 we're not in a position to be reviewing that, and  
21 I for one --

22 MR. CHINO: Well, we seem to be asking  
23 those documents from anyone who's  
24 [unintelligible] [02:03:53].

1 April 14, 2021

2 PRESIDENT UMANE: Sir, sir --

3 MR. CHINO: Where --

4 PRESIDENT UMANE: -- we've given you an  
5 opportunity. I'm now speaking. We're not in a  
6 position to evaluate the coding on the program.  
7 What we are in a position to do is to evaluate  
8 the petition that was filed. And you've tried to  
9 explain to us that it's the printer's error.

10 MR. CHINO: It is.

11 PRESIDENT UMANE: However, it's a  
12 substantial error if the party name does not  
13 appear on the ballot, on the petition, because  
14 people don't know whether, what they're signing.

15 MR. CHINO: The, the --

16 PRESIDENT UMANE: It's not a material  
17 error, it's a major error because people, I as a  
18 Republican not living in Brooklyn, you could come  
19 to me and have me to sign the petition, and I  
20 wouldn't know which party I'm signing for.

21 MR. CHINO: Ms. Calderon, that's why I'm  
22 not making the argument for Paperboy Love Prince,  
23 Theo Chino, myself. I'm just making the argument  
24 for Calderon because the title says Judicial

1 April 14, 2021

2 Delegate to the Democratic Convention. The words  
3 democrat is there in the party name.

4 PRESIDENT UMANE: Okay. So we should  
5 have stayed with that argument. That was clearly  
6 --

7 MR. CHINO: Oh, I stated that ambition.

8 PRESIDENT UMANE: The party that she was  
9 running for is clearly on the petition. It may  
10 not have been in the title, but it was on the  
11 petition. So that's a legitimate issue for us to  
12 consider. So, and I guess, counsel do you have a  
13 view on whether that's sufficient for our  
14 purposes here? Because it was, there was a  
15 designation of Democratic Party on the face of  
16 the petition. Would that be sufficient for us to,  
17 for a signer, to find that a signer would  
18 understand which party that they're running for.  
19 This saved a lot of time.

20 MR. CHINO: I promise next year, we'll  
21 fix that bug and every petition will be  
22 corrected, every party.

23 COMMISSIONER ZACCONE: Excuse me.

24 Commissioner Umane, for the record, I want to

1 April 14, 2021

2 clarify that's only on [unintelligible]

3 [02:06:18]

4 [CROSSTALK]

5 COMMISSIONER ZACCONE: Those are the  
6 other ones we're addressing.

7 PRESIDENT UMANE: Okay. And are there  
8 enough signatures on those petitions that do  
9 indicate Democratic candidate that it would be  
10 sufficient to qualify for the ballot?

11 MR. SATTIE: Not for the delegate.

12 SECRETARY CAMILO: Right, I think that's  
13 the other note on prima facie report, that there  
14 were insufficient signatures on those petitions.

15 MR. CHINO: That's why I'm calling, to  
16 add the ones that were not counted in those  
17 petitions with the printer's error.

18 COMMISSIONER ZACCONE: Okay. Just again,  
19 forgive me. I'm reading the note. Without 219 and  
20 204, the signatures are insufficient.

21 MR. SATTIE: Correct.

22 COMMISSIONER ZACCONE: If for some  
23 reason, we were to include 219 and 204, there  
24 would be sufficient number of signatures.

1 April 14, 2021

2 MR. SATTIE: Yes.

3 COMMISSIONER ZACCONE: Right. So we have  
4 to make a determination as to petitions 219 and  
5 204 if it was sufficient enough on its face that  
6 we can tell the party. And for that, we're going  
7 to hear from counsel.

8 PRESIDENT UMANE: Thank you, Mr.  
9 Zacccone, for helping.

10 COMMISSIONER ZACCONE: I try when I can.

11 SECRETARY CAMILO: The question is, is  
12 she listed as Democratic delegate for the  
13 judicial -- that is the --

14 MR. CHINO: [unintelligible] [02:08:13]  
15 but I don't have the [unintelligible] [02:08:12].

16 SECRETARY CAMILO: I'm asking for  
17 counsel, thank you, Mr. Chino. Mr. Chino, while  
18 we're waiting, because I'm just noticing your  
19 submission to use, you signed off on that  
20 submission, that there was a printer's error. You  
21 don't have a representative from Rep My Block  
22 signing off on that.

23 MR. CHINO: I am the Rep My Block  
24 representative, since I built the system. You can

1 April 14, 2021

2 go to Rep My Block on NYC --

3 SECRETARY CAMILO: I see.

4 MR. CHINO: -- and you can see all the  
5 promotional material is actually me and the co-  
6 founder of Rep My Block. I shouldn't have created  
7 Rep My Block, because basically it's a duplicate  
8 of the Board of Elections, so I shouldn't have to  
9 do that, but we will have to discuss that at a  
10 later time for the public hearing on the Board of  
11 Elections. So the idea of Rep My Block is very  
12 simple.

13 SECRETARY CAMILO: I'm going to stop you  
14 there, I'm so sorry. I just want to check in on  
15 counsel. Do we have a response?

16 PRESIDENT UMANE: Alright. We can go, we  
17 can make this, we can call this after the spec if  
18 counsel needs more time, because we have to move  
19 on. We've got a lot to do today.

20 MR. CHINO: Yes, please.

21 PRESIDENT UMANE: So, let's put this on  
22 after the specs from Brooklyn and let's finish  
23 with the prima facie calendar and let's move  
24 forward.

1 April 14, 2021

2 MR. CHINO: And then I will find, I will  
3 email the signatures that I found that I cannot,  
4 it's in my computer, so.

5 SECRETARY CAMILO: Okay. So we'll see  
6 you this afternoon probably, right?

7 PRESIDENT UMANE: Yes. Okay. So --

8 MR. CHINO: See you in a bit.

9 PRESIDENT UMANE: -- does someone want  
10 to make a motion on the rest of the prima facie  
11 calendar?

12 COMMISSIONER SHAMOUN: So moved.

13 SECRETARY CAMILO: I will second  
14 Commissioner Shamoun's motion.

15 PRESIDENT UMANE: Okay. All in favor?

16 MULTIPLE: Aye.

17 PRESIDENT UMANE: All opposed? All  
18 abstentions? So with the exception of this and  
19 the other changes, the Brooklyn prima facie  
20 calendar is now approved and we now move to the  
21 specifications.

22 MS. PATEL: This is spec number 20-1, E.  
23 Lewis, objections by Dalton Robinson to the  
24 petition of Esther Louis for delegate to the

1 April 14, 2021

2 Second Judicial District, number of signatures  
3 required 150, total valid signatures, 767, and it  
4 states the person named on the petition is not  
5 registered at the address listed on the petition.

6 MR. SATTIE: There are appearances for,  
7 Howard Graubard for the objector and Aaron Maslow  
8 for the candidate.

9 PRESIDENT UMANE: Okay. This is the one  
10 that we had before. So, Mr. Graubard and Mr.  
11 Maslow.

12 SECRETARY CAMILO: Please turn off your  
13 playback of our hearings, sorry.

14 PRESIDENT UMANE: Alright. We've already  
15 decided that the objection was not properly and  
16 validly made.

17 MR. GRAUBARD: Only as to Rashidi  
18 Denson. Only as to Denson.

19 PRESIDENT UMANE: Oh. Well, this just  
20 shows Esther Louis.

21 MR. GRAUBARD: Oh, no, Esther Louis was  
22 the one that where you put back on concerning --

23 PRESIDENT UMANE: Oh, so this is a valid  
24 objection. So, Mr. Graubard, Mr. Maslow has



1 April 14, 2021

2 provided information to us that in connection  
3 with the enrollment that we've placed the  
4 candidate back on the ballot and removed them  
5 from the enrollment. We've sort of dealt with  
6 this. Do you have something additional to say?

7 MR. GRAUBARD: No, not as to Esther  
8 Louis.

9 PRESIDENT UMANE: Okay. So, is there a  
10 motion on the -- motion on the clerks' report,  
11 well, I guess that it's not as stated, because  
12 we've already ruled on that.

13 MR. SATTIE: That's correct,  
14 commissioner.

15 PRESIDENT UMANE: So --

16 MR. GRAVES: Do we have to recapitulate?

17 PRESIDENT UMANE: So that this is now  
18 moot, we've ruled and it's not as stated, so the  
19 clerks' report should read NAS, not AS, and that  
20 the candidate has satisfied us as to their  
21 address. So let's now move on to the next one.

22 SECRETARY CAMILO: Was that a motion all  
23 done?

24 PRESIDENT UMANE: It wasn't a motion

1 April 14, 2021

2 because --

3 SECRETARY CAMILO: Oh, we've  
4 [unintelligible] [02:16:57], sorry.

5 PRESIDENT UMANE: Just an explanation.

6 SECRETARY CAMILO: Thank you.

7 PRESIDENT UMANE: As meek as it might  
8 have been. So --

9 MS. PATEL: Okay. Spec, there are three  
10 parts to this commissioners, so I'm going to part  
11 two, which is spec 20-1 for Mona Ferrah,  
12 objections by Dalton Robinson to the petition of  
13 Mona Ferrah for delegate to the Second Judicial  
14 District, number of signatures required is 150,  
15 signatures submitted valid, 767. It's the same,  
16 there's an address issue.

17 MR. SATTIE: The same representatives.

18 PRESIDENT UMANE: And the clears found  
19 it not as specified.

20 MS. PATEL: Same.

21 PRESIDENT UMANE: So, Mr. Graubard, do  
22 you have something to add to this?

23 MR. GRAUBARD: No, that's, what the  
24 clerk has found, Mr. Ferrah is, Ms. Ferrah is

1 April 14, 2021

2 well, Democrat and I will take it on the board's  
3 word.

4 PRESIDENT UMANE: Okay. Does someone  
5 want to move the clerks' report?

6 COMMISSIONER PEPE-SOUVENIR: I move that  
7 we accept the clerks' report as written.

8 PRESIDENT UMANE: Is there a second?

9 COMMISSIONER MICHEL: Second.

10 PRESIDENT UMANE: All in favor?

11 MULTIPLE: Aye.

12 PRESIDENT UMANE: All opposed? All  
13 abstentions? Okay. The clerk's report is  
14 accepted, the candidate remains on the ballot.

15 MS. PATEL: Okay, on to the next one?

16 MR. SATTIE: Let's move on here.

17 MS. PATEL: Okay. Spec 20-1 for Waqil  
18 Ahmed, objector is Dalton Robinson to the  
19 petition of Waqil Ahmed, delegate to the Second  
20 Judicial District, required signatures 150, valid  
21 signatures 767.

22 PRESIDENT UMANE: Okay, Mr. Maslow --

23 MR. MASLOW: Yeah, I believe the  
24 objection was an enrollment objection.

1 April 14, 2021

2 MS. PATEL: There's Corbin Street,  
3 commissioners, Corbin Street does not exist. In  
4 Kings County, there's two addresses with Corbin,  
5 there's a Place and a Court and so the issue is  
6 whether there was voter confusion as to the  
7 address of the person.

8 PRESIDENT UMANE: So was this person  
9 removed on the enrollment issue?

10 MR. MASLOW: No, he never came up.

11 PRESIDENT UMANE: Okay. So, Mr. Maslow,  
12 do you have something to add to this?

13 MR. MASLOW: Yes, I'll be very brief.  
14 This was obviously a typo, Corbin Street does not  
15 exist, which reinforces the notion that nobody  
16 would be confused, because you can't go to Corbin  
17 Street. The house number on the petition is 1045.  
18 According to your street find, that there are two  
19 Corbins in Brooklyn, Corbin Court runs from 1041  
20 to 1049, the house number is 1045. He does live  
21 on Corbin Court and your voter registration  
22 record reflects that.

23 There happens to be a Corbin Place in  
24 Brooklyn. Corbin Place only runs from 1 to 298,

1 April 14, 2021

2 obviously, he would not live at Corbin Place  
3 because the house number is 1045. I again draw  
4 your attention to the case of Harfmann v. SAC,  
5 Second Department, 1988, where the address on the  
6 petition said Place, his correct address was  
7 Lane, the house number was identical to  
8 registration, as is our situation. No showing of  
9 intention on the part to mislead or confuse and  
10 the Second Department said that the alleged  
11 errors with respect to this candidate were de  
12 minimus. Do you have a letter?

13 PRESIDENT UMANE: Mr. Graubard, would  
14 you like to respond?

15 MR. MASLOW: Do you have a printer's  
16 error letter, Aaron?

17 MR. GRAUBARD: No. Rely on the record.

18 PRESIDENT UMANE: Okay. Is there a  
19 motion? If we approve the clerks' report, the  
20 candidate is off the ballot.

21 MR. GRAUBARD: Move the clerks' report.

22 PRESIDENT UMANE: Well, it has to be a  
23 commissioner, Mr. Graubard.

24 SECRETARY CAMILO: So moved.

April 14, 2021

PRESIDENT UMANE: Is there a second?

COMMISSIONER PEPE-SOUVENIR: I second.

PRESIDENT UMANE: Okay. All in favor?

MULTIPLE: Aye.

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

MR. SATTIE: Okay.

MS. PATEL: Okay. Specification 27-1, objections by John T. Foster, Jr. to the petition of Philip Grant for judge of the civil court of the city of New York municipal court, district seven, number of signatures required 450, total number of signatures 282.

PRESIDENT UMANE: Appearances?

MR. SATTIE: There's an appearance for Bernard Alter for the objector.

MS. KONTZAMANIS: Just give us one second, please.

PRESIDENT UMANE: Mr. Alter?

MR. ALTER: Yeah.

PRESIDENT UMANE: Hello, sir. We're here on spec 27-1, Foster challenging the petition of Philip Grant --

1 April 14, 2021

2 MR. ALTER: John, come here.

3 PRESIDENT UMANE: Okay. So do you have  
4 anything to add.

5 MR. ALTER: For the objector, do you  
6 want me to announce my appearance to you, Mr.  
7 Umane?

8 PRESIDENT UMANE: Yes, please.

9 MR. ALTER: Bernard Alter for the  
10 objector, John T. Foster, Jr.

11 PRESIDENT UMANE: Do you have any --  
12 there's no one here for the candidate. Do you --

13 MR. ALTER: He's off -- am I correct  
14 that he's off the ballot with the calendar?

15 PRESIDENT UMANE: Yes.

16 COMMISSIONER SHAMOUN: Move the clerks'  
17 report.

18 PRESIDENT UMANE: Okay. Is there a  
19 motion to move --

20 SECRETARY CAMILO: And I would --

21 PRESIDENT UMANE: -- the clerks' report?

22 SECRETARY CAMILO: -- I second  
23 Commissioner Shamoun.

24 PRESIDENT UMANE: All in favor? All

1 April 14, 2021

2 opposed? All abstentions? The candidate is off  
3 the ballot.

4 MR. ALTER: Thank you, Mr. Commissioner.

5 MR. SATTIE: Remove Mr. Alter.

6 MR. ALTER: What's that? I didn't hear  
7 you.

8 PRESIDENT UMANE: He said to remove you,  
9 you're being taken off.

10 MR. SATTIE: To the waiting room, yes.

11 PRESIDENT UMANE: Back to the waiting  
12 room.

13 MS. PATEL: Spec number 32-1, in the  
14 matter of objections by Timothy Peterson, to the  
15 petition of Avery Pereira, for male member of the  
16 Republican state committee, district 51, total  
17 number of signatures required 71, submitted, 62.

18 MR. SATTIE: Admit David Sepiashvili for  
19 the objection and Darrell Fox for the candidate.

20 PRESIDENT UMANE: Okay.

21 SECRETARY CAMILO: For the candidate.

22 PRESIDENT UMANE: Mr. Fox.

23 SECRETARY CAMILO: Stop the playback,  
24 please. Turn off your playback.



1 April 14, 2021

2 MS. KONTZAMANIS: Mr. Sattie, I also  
3 have a notice of appearance of a Timothy Peterson  
4 as well, who has been admitted.

5 MR. SATTIE: I'm noticing that, thank  
6 you very much.

7 MR. FOX: Yes, so can I be heard?

8 PRESIDENT UMANE: So who's, hi, Mr. Fox.

9 MR. FOX: Yes.

10 PRESIDENT UMANE: For the candidate,  
11 you, you seem to be short.

12 MR. FOX: [unintelligible] [02:25:14].  
13 Darrell Fox [unintelligible] [02:25:22] actually  
14 Avery Pereira is short according to the clerks'  
15 report, but we reject the, uh --

16 PRESIDENT UMANE: The list of signatures  
17 to resurrect?

18 MR. FOX: [unintelligible] [02:25:24] on  
19 a couple of the --

20 MS. KONTZAMANIS: Commissioners, Mr. Fox  
21 is having issues with his internet, that's why  
22 it's choppy. MR. Fox, you're going to have to  
23 repeat yourself, sir.

24 MR. FOX: Okay. Hold on one second. Can

1 April 14, 2021

2 you hear me?

3 PRESIDENT UMANE: Now we can, yes.

4 MR. FOX: Can you hear me now?

5 COMMISSIONER TAYLOR: Yes.

6 MR. FOX: Okay, great. Great, yeah, did  
7 you hear anything I said? I'll [unintelligible]  
8 [02:26:07] candidate for male state committee in  
9 the 51st Assembly District and he was on here  
10 before. He's going to come back. He had to take  
11 care of his 96-year old grandmother for a few  
12 moments. But I have several arguments to make.  
13 The clerks' report has us down nine signatures.  
14 The first thing I want to indicate to the,  
15 everyone present is that Rule H-1 obviously  
16 requires the objector's correct name and address  
17 on file with the board, [unintelligible]  
18 [02:26:42] in which they serve on the  
19 [unintelligible] [02:26:44]. There's  
20 [unintelligible] [02:26:50]. Then he is at  
21 [unintelligible] [02:26:55] Road --

22 COMMISSIONER ZACCONE: I'm sorry.

23 MR. FOX: -- Apartment.

24 COMMISSIONER ZACCONE: Mr. Fox, you keep

1 April 14, 2021

2 going in and out.

3 PRESIDENT UMANE: Unfortunately, we  
4 can't hear you sir.

5 COMMISSIONER ZACCONE: We can't hear you  
6 well. Can you please --

7 MR. FOX: However, the spec -- the  
8 volume is up.

9 COMMISSIONER ZACCONE: Can you check  
10 your internet connection and try again?

11 MR. FOX: Can you hear me now?

12 PRESIDENT UMANE: Darrell, we can't hear  
13 you.

14 MR. FOX: I'm going to try and make a  
15 phone call. How about I make a phone call?

16 MS. KONTZAMANIS: Mr. Fox, my IT guy --

17 MR. FOX: [unintelligible] [02:27:20].

18 MS. KONTZAMANIS: -- my IT guy is  
19 suggesting you shut your camera, it may give you  
20 better bandwidth.

21 MR. FOX: Shut the camera, okay, stop  
22 the video. How does it sound? Is it better?

23 PRESIDENT UMANE: Much better.

24 MR. FOX: Hello once again, for the

1 April 14, 2021

2 third time. Okay. I'll repeat what I said before.  
3 I'm representing Mr. Avery Pereira, Mr. Pereira  
4 was on with us earlier, [unintelligible]  
5 [02:27:52] 96-year old grandmother for a few  
6 moments, in a few minutes. The clerks' report has  
7 us down nine signatures. We reject the  
8 invalidations on the clerks' report.

9 What I'd like to point out is the first  
10 argument, is that rule H-1, the board rules  
11 require that the objector provide their complete  
12 and correct address on the specification sheets.  
13 Now the specification cover sheet, which you all  
14 have, states that the address is Apartment 1P at  
15 6665 Colonial Road. However, the objection  
16 letter, [unintelligible] [02:28:32] have, the  
17 objector sent 6C. We have no indication from the  
18 paperwork which address is correct. He filed no  
19 correction, none in the top banner at least, and  
20 according to Rule H-1, this spec should be thrown  
21 out for the incorrect address from the  
22 specification sheet. Two separate filings at the  
23 board, or two official documents at the board  
24 which both conflict, so that's the first

1 April 14, 2021

2 argument. We're asking the board to remove.

3 MR. SATTIE: The address is different.

4 MR. FOX: And basically reject the  
5 objection based on the [unintelligible]  
6 [02:29:12] rule.

7 PRESIDENT UMANE: Okay, what else do you  
8 have, Mr. Fox? We got the first one.

9 MR. FOX: Okay, in addition, several  
10 alterations that the clerks claim to have stated  
11 --

12 PRESIDENT UMANE: Mr. Fox, do you have a  
13 list? You have to supply --

14 MR. FOX: I have a list before me. It's  
15 not -- right, Mr. Umane, I appreciate that. Let  
16 me explain if I may. Mr. Pereira received the  
17 clerk's report on Sunday, no time to go into the  
18 Board of Elections until the following morning to  
19 check the specs and the worksheet. Now, he first  
20 went to the executive office, which is where  
21 [unintelligible] [02:30:03] usually the  
22 worksheets and hearing. Now, we only had until  
23 3:00 o'clock Monday to prepare all of these  
24 documents. He wasn't [unintelligible] [02:30:10]

1 April 14, 2021

2 to get all these docs together by 3:00 o'clock  
3 Monday deadline. This was really unfair for us to  
4 prepare. We have very valid arguments to make.  
5 But I can tell you them.

6 Now, according to [unintelligible]  
7 [02:30:10] 44 AD, Third 1055 Second Department,  
8 the appellate division states that where an  
9 explanation for an uninitiated change is provided  
10 by testimony at a hearing, that is valid. Mr.  
11 Pereira is here to explain what is alleged to be  
12 alterations which are not. There's no alterations  
13 at all. In fact, he's gone over a couple of these  
14 issues, a couple of these things on the petition,  
15 they're numbered so forth with a date, several  
16 times, but never been altered. And so we're  
17 challenging the idea that the clerk stated these  
18 are alterations. Mr. Pereira can tell you right  
19 now, we have the petition before you, which page,  
20 which line, and we'll tell you exactly why this  
21 happen, pursuant to [unintelligible] [02:31:12].

22 PRESIDENT UMANE: Unfortunately, we're  
23 not in the position to be doing that today. The  
24 point of this was to get it in advance, and it

1 April 14, 2021

2 was never filed at all. Today is Wednesday. You  
3 had Monday, you could have tried to file it late,  
4 but instead you filed nothing. So, we're really  
5 not in a position to sit today and go through  
6 them line by line reviews.

7 MR. FOX: Well, let me ask this, Mr.  
8 Chairman. I respectfully, I understand what you  
9 are saying. There are actually three witness  
10 statements, alterations that we can talk to  
11 alone, just three, which will give us back the  
12 more than signatures that we need, which we can  
13 testify to, to show you and we don't concede the  
14 other ones [unintelligible] [02:31:55] challenge  
15 which are line by line. There are three witness  
16 statement alternations we can, Mr. Pereira can  
17 tell you about which will clarify oh, these are  
18 not alterations. And you have the petitions  
19 before you [unintelligible] [02:32:06] the board.  
20 So we could limit it to those three, then we  
21 could, you know, we only have 25 total, we'd like  
22 to do them all, but we can certainly limit it to  
23 say, if we could --

24 MR. SATTIE: But if we could do it

1 April 14, 2021

2 Johnnie on the spot here, why couldn't you make a  
3 submission? If we can do it spontaneously in the  
4 middle of this hearing, that basically tells us  
5 that it could have been submitted timely in not  
6 too much time.

7 MR. FOX: I was engaged very, very late  
8 in the process. But let me just make a suggestion  
9 in lieu of this. The fact that the clerks' report  
10 is required 24 hours before is completely unfair.  
11 I would ask the commissioners to consider  
12 changing the rule. I don't think I have a long  
13 time to review those specs, the clerks have had  
14 enough time to review the specs [unintelligible]  
15 [02:32:06] people who are the defense have less  
16 than 24 hours. That is really unfair. So we were  
17 put into that trap and we couldn't  
18 [unintelligible] [02:33:08] by 3:00 o'clock on  
19 Monday, there was no time. Mr. Pereira only found  
20 out that there were specs that -- about the  
21 board's clerks' report, you know, a day before  
22 3:00 o'clock on a Sunday when the board wasn't  
23 open. So I'd ask the board to consider that.  
24 [unintelligible] [02:33:25] issue --



1 April 14, 2021

2 PRESIDENT UMANE: It was open on Sunday.

3 COMMISSIONER PEPE-SOUVENIR: Yes.

4 PRESIDENT UMANE: I believe the board  
5 was open on Sunday --

6 MR. FOX: Right.

7 PRESIDENT UMANE: -- to permit people to  
8 come in and do the reviewing.

9 MR. FOX: Right. Well, Mr. Pereira  
10 engaged me late Sunday night, so it was -- he's  
11 new at the process --

12 PRESIDENT UMANE: [unintelligible]  
13 [02:33:41].

14 MR. FOX: -- it was really --

15 PRESIDENT UMANE: It's not your fault,  
16 it's not your fault.

17 COMMISSIONER PEPE-SOUVENIR: Right.

18 PRESIDENT UMANE: Do you have any other  
19 issues to raise?

20 MR. FOX: The alterations are those, I  
21 would still ask again if we could review a couple  
22 that are here. That would give us the number we  
23 need to get to the nine, probably. We're down  
24 nine.

1 April 14, 2021

2 PRESIDENT UMANE: In part, because of  
3 the --

4 MR. FOX: And again [unintelligible]  
5 [02:34:09].

6 PRESIDENT UMANE: -- it's unfortunate,  
7 but [unintelligible] [02:34:13] no one is going  
8 to be able to see those petitions and that's why  
9 we have the requirement that they be submitted in  
10 advance. And again, had you done it late, it  
11 still could have been reviewed. And it's now  
12 Wednesday, so there was Monday, Tuesday, and now  
13 Wednesday in the morning. And it could have been  
14 submitted to us, the clerks could have reviewed  
15 it and we just, we're not really in a position to  
16 do it now, unless --

17 MR. FOX: Right, just let me respond, I  
18 appreciate it, sorry go ahead, I'm sorry.

19 PRESIDENT UMANE: So --

20 MR. FOX: -- just a brief response, the  
21 deadline was 3:00 o'clock and it wasn't an  
22 indication that you can still [unintelligible]  
23 [02:34:54] file the paperwork, just for the  
24 record. But I appreciate what you're saying, I do

1 April 14, 2021

2 appreciate what you're saying.

3 PRESIDENT UMANE: And you can raise it,  
4 if you go to court, you can raise it in the  
5 court, but we're not really in a situation where  
6 we can have a valid review by the commissioners  
7 of the petitions because it's all being done  
8 remotely.

9 MR. FOX: Is there a way to hold up the  
10 alteration for the camera [unintelligible]  
11 [02:35:16] that support can hold up the petition  
12 and we call can see it?

13 PRESIDENT UMANE: No.

14 MR. FOX: [unintelligible] [02:35:22].

15 PRESIDENT UMANE: It's just not  
16 practical.

17 MR. FOX: Is there anything --

18 PRESIDENT UMANE: So we still have the  
19 issue regarding the address on the objection. Is  
20 there a motion that somebody wants to make on the  
21 clerks' report and give -- if we were to find  
22 that the objection was no good, then the  
23 objection is invalid and the candidate stays on  
24 the ballot. If the objection is deemed to be

1 April 14, 2021

2 immaterial since it's only an apartment number,  
3 then the clerks' report should be approved. So  
4 does someone want to make a motion?

5 COMMISSIONER SHAMOUN: So moved.

6 COMMISSIONER PEPE-SOUVENIR: Second.

7 PRESIDENT UMANE: All in favor? It's a  
8 motion on the clerks' report, I presume,  
9 Commissioner Shamoun, right? That's right, so all  
10 in favor?

11 MULTIPLE: Aye.

12 PRESIDENT UMANE: All opposed? All  
13 abstentions? So the candidate is off the ballot.  
14 Next.

15 MR. FOX: Can I ask [unintelligible]  
16 [02:36:26] as to why the address was not  
17 considered invalid, considering the address was  
18 incorrect on the spec sheet and to the objection  
19 specification objection ledger that you have with  
20 different addresses, one that's not considered  
21 invalid, may I ask for an explanation as to that  
22 reason why that wasn't -- commissioners, if I  
23 can, I don't have the general objection, I do  
24 have the specification of objection. The address

1 April 14, 2021

2 on the specification lists Timothy J. Peterson,  
3 6655 Colonial Road, Apartment 1D. That matches  
4 his registration, the contact person has the same  
5 address with an apartment 6C. If CRU can provide  
6 a copy of the general, I think there might be a  
7 typographical error on the ledger here that may  
8 have been causing this confusion, but I can't  
9 confirm that, because I don't have --

10 PRESIDENT UMANE: Well, the objection  
11 was --

12 COMMISSIONER ARAUJO: Well can  
13 [unintelligible] [02:37:28] to defer to see the  
14 general objection, can we defer [unintelligible]  
15 [02:37:31] just on that? Can we see the general  
16 objection that he just requested? Ledger? Can we  
17 defer a decision on that because he just  
18 requested the general objection ledger to see  
19 what's on the ledger.

20 SECRETARY CAMILO: President Umane, if I  
21 may, there was already a motion and a second, but  
22 if our staff needs --

23 PRESIDENT UMANE: Yeah.

24 SECRETARY CAMILO: I mean we already

1 April 14, 2021

2 [unintelligible] [02:37:56], so let them know how  
3 we want to proceed.

4 PRESIDENT UMANE: Yeah, I think we're  
5 done with this. I think the clerks would have  
6 pointed it out, and they didn't and it was right  
7 on the specs, and so, he had the correct address,  
8 let's move on. The candidate, the spec is good,  
9 the candidate is off the ballot. Let's move on.

10 SECRETARY CAMILO: Thank you.

11 MS. KONTZAMANIS: Please move Mr. Fox  
12 into the waiting room.

13 MR. SATTIE: Yes, and Mr. Sepiashvili  
14 and Peterson.

15 MS. KONTZAMANIS: Okay.

16 MS. PATEL: In the matter of objections  
17 filed, oh, sorry, spec 34-1, matter of objections  
18 filed by Frank R. Seddio to the petition of  
19 Stanley Scutt for the member of the City Council  
20 District 46, number of signatures required is  
21 270, number of signatures submitted is 222.

22 MR. SATTIE: There are no appearances on  
23 this matter.

24 SECRETARY CAMILO: Do we have a motion?

1 April 14, 2021

2 COMMISSIONER PEPE-SOUVENIR: I move that  
3 we accept the clerks' report.

4 PRESIDENT UMANE: Is there a second?

5 COMMISSIONER SHAMOUN: Second.

6 PRESIDENT UMANE: All in favor?

7 MULTIPLE: Aye.

8 PRESIDENT UMANE: All opposed? All  
9 abstentions, let's go.

10 MR. GRAVES: Yeah, it wasn't 222 that  
11 was submitted, it was 222 that were valid.

12 MS. PATEL: Sorry, sorry.

13 PRESIDENT UMANE: The candidate is off  
14 the ballot.

15 SECRETARY CAMILO: Thank you.

16 MS. PATEL: Okay. Spec 37-1, objections  
17 by Lyanne Gittens to the petition of Trisha Ocona  
18 for borough president in Brooklyn, number of  
19 signatures required is 1,200, total number of  
20 valid signatures 1, 523.

21 SECRETARY CAMILO: Any appearances?

22 MR. SATTIE: There are none.

23 SECRETARY CAMILO: Any motion?

24 COMMISSIONER SHAMOUN: Move the clerks'

1 April 14, 2021

2 report.

3 SECRETARY CAMILO: Second.

4 PRESIDENT UMANE: All in favor?

5 MULTIPLE: Aye.

6 PRESIDENT UMANE: All opposed? All  
7 abstentions? The candidate is on the ballot.

8 MS. PATEL: Spec number 48, objector  
9 Alexandra Alvarado McCalla and Arian Zapata,  
10 objectors to the petition of Melvin Rivera, Lyric  
11 D. Thompson, Ricarte Echevarria Jr., Jose Acosta  
12 and Dennis Ray for delegates to the Second  
13 Judicial District, number of signatures required  
14 is 150, total number of valid signatures is zero.

15 PRESIDENT UMANE: Is this on the prima  
16 facie?

17 SECRETARY CAMILO: I think it should be  
18 off the list.

19 PRESIDENT UMANE: There were only three  
20 signatures submitted?

21 MR. GRAVES: It was not on the prima  
22 facie

23 PRESIDENT UMANE: Okay.

24 COMMISSIONER MARMORATO: Move the



1 April 14, 2021

2 clerks' report.

3 SECRETARY CAMILO: Second.

4 PRESIDENT UMANE: Are there any  
5 appearances?

6 MR. SATTIE: There are no appearances.

7 SECRETARY CAMILO: And I seconded the  
8 commissioner's motion.

9 PRESIDENT UMANE: All in favor?

10 MULTIPLE: Aye.

11 PRESIDENT UMANE: All opposed? All  
12 abstentions? Okay. The candidates off the ballot.

13 MS. PATEL: Commissioners, this next one  
14 is in two parts, spec 49 for Paperboy Love  
15 Prince, objectors are Alexandra Alvarado McCalla  
16 and Ariana Zapata, petition of Paperboy Love  
17 Prince for delegate to the Second Judicial  
18 District, District 54, number of signatures  
19 required 150, total valid signatures zero.

20 PRESIDENT UMANE: Okay. This was already  
21 marked off on prima facie.

22 MR. SATTIE: Yes.

23 PRESIDENT UMANE: So, are there any  
24 appearances?

1 April 14, 2021

2 MR. SATTIE: There are none.

3 PRESIDENT UMANE: So, we're not going to  
4 deal with the clerks' report if it's marked off  
5 prima facie.

6 MS. PATEL: Okay. Thank you,  
7 commissioners.

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

10 MS. PATEL: Alright. Thank you,  
11 commissioners. This is spec 49 for Rick  
12 Echevarria, objections by Alexandra Alvarado  
13 McCalla and Ariana Zapata, petition of Rick  
14 Echevarria for delegate to the Second Judicial  
15 District, District 54, signatures required is  
16 150, total valid signatures is zero.

17 PRESIDENT UMANE: This was also on the  
18 prima facie.

19 MS. PATEL: Yes.

20 PRESIDENT UMANE: Are there any  
21 appearances? If there are none, then we won't  
22 deal with the spec as moot.

23 MS. PATEL: Thank you.

24 PRESIDENT UMANE: And let's move on.

1 April 14, 2021

2 MS. PATEL: Thank you, commissioners.  
3 Spec number 50, Alexandra Alvarado McCall and  
4 Ariana Zapata to the petition of Christopher  
5 Durosini, member of the City Council District  
6 37, number of signatures required is 270, total  
7 valid signatures is 226.

8 SECRETARY CAMILO: Any appearances?

9 MR. SATTIE: There is, Bernard Alter for  
10 the objector, for the candidate, pardon me.

11 PRESIDENT UMANE: Okay, anybody for the  
12 [unintelligible] [02:42:57].

13 MS. KONTZAMANIS: Mr. Alter is in the  
14 hearing room.

15 MR. ALTER: I'm on that one, Mr.  
16 Commissioner. Can you hear me?

17 PRESIDENT UMANE: Yes, we've got you.  
18 You're short by a little less than 50.

19 MR. ALTER: I have an objection. The  
20 spec was served on the contact person instead of  
21 the candidate and the rule 10H10-A, the board  
22 rules of the Board of Elections, the spec is  
23 defective and therefore must be dismissed and I  
24 ask that the court totally throw this one out.

1 April 14, 2021

2 And I can cite case law, and I sent the letter.

3 PRESIDENT UMANE: We know the rule and  
4 the cases. Should we check the address on the  
5 proof of service?

6 MR. GRAVES: Yes, we're getting the  
7 proof of service now, sir.

8 MR. ALTER: I sent the letter to the  
9 board and I indicated that in a detailed letter  
10 with a copy of the proof of service.

11 MR. GRAVES: The proof of service was  
12 address to Trisha Ocona.

13 PRESIDENT UMANE: So is that the contact  
14 person, not the candidate --

15 MR. SATTIE: Let's take a look.

16 PRESIDENT UMANE: -- who was Christopher  
17 Durosini, so Mr. Alter appears, it appears Mr.  
18 Alter is correct, so I would move that we dismiss  
19 the spec as improperly served and  
20 [unintelligible] [02:44:31] the candidate, in  
21 which case the candidate would then appear on the  
22 ballot.

23 [OFF MIC CONVERSATION]

24 SECRETARY CAMILO: And I believe, if

1 April 14, 2021

2 that's what counsel can support, I don't know if  
3 they have anything further, but I'm going to  
4 second Commissioner Umane.

5 PRESIDENT UMANE: Anything from the  
6 clerks?

7 MR. ALTER: And you got my position  
8 already, so again, you agree with this, Mr.  
9 Umane.

10 PRESIDENT UMANE: Yes.

11 MR. GRAVES: You'd have to have the  
12 chief and deputy confirm on the spec.

13 PRESIDENT UMANE: Well, if proof of  
14 service was served on someone other than the  
15 candidate, then Mr. Alter is correct, so if the  
16 proof of service says somebody else other than  
17 the candidate.

18 MR. RILEY: Trisha is the candidate on  
19 the general.

20 MR. ORTIZ: No, that's --

21 MR. ALTER: So --

22 MR. RILEY: Oh, I'm sorry, I'm sorry.  
23 I'm very sorry.

24 MR. ALTER: Durosini is the candidate.

1 April 14, 2021

2 MR. RILEY: I'm sorry.

3 SECRETARY CAMILO: So is that correct,  
4 it wasn't served on the candidate?

5 MR. RILEY: Hang on one second.

6 MR. ORTIZ: We're pulling the correct  
7 proof of service now.

8 MR. RILEY: I'm sorry.

9 MS. PATEL: Yeah, that's it. Schwartz.

10 Mr. RILEY: Arthur Schwartz, contact  
11 person of the candidate. Sorry, I apologize. I  
12 read the wrong one. Arthur Schwartz is the  
13 contact person of the candidate.

14 PRESIDENT UMANE: Alright. Well, I move  
15 that the spec be dismissed since there is --

16 SECRETARY CAMILO: And I'll second  
17 again.

18 PRESIDENT UMANE: All in favor?

19 MULTIPLE: Aye.

20 PRESIDENT UMANE: All opposed? All  
21 abstentions? So the candidate remains on the  
22 ballot.

23 MR. ALTER: I think I'm on the next one,  
24 too.

1 April 14, 2021

2 MS. PATEL: Next, spec number 52,  
3 Alexandra Alvarado McCalla and Adriana Zapata to  
4 the petition of Rick Echevarria, member of the  
5 City Council District 37, number of signatures  
6 required 270, total number of valid signatures  
7 214.

8 MR. SATTIE: Mr. Alter is also  
9 appearing.

10 MR. ALTER: Yeah, same objection, Mr.  
11 Umane, that the objection, the specification was  
12 served on the contact person and not the  
13 candidate, pursuant to rule H10-A of the Board of  
14 Elections, I move that the spec be dismissed.

15 PRESIDENT UMANE: okay.

16 MS. PATEL: Commissioners, we can  
17 confirm that the, it looks like the  
18 specifications were mailed to Theo Chino and not  
19 the candidate.

20 PRESIDENT UMANE: Okay.

21 SECRETARY CAMILO: So, on that basis,  
22 move to dismiss the specification.

23 PRESIDENT UMANE: Okay. Dismiss the  
24 spec, and I'll second. All in favor? All opposed?

1 April 14, 2021

2 All abstentions? Okay, the spec is dismissed, the  
3 candidate remains on the ballot.

4 MR. ALTER: I'm on the next one also.

5 MS. PATEL: Yes, you are. Yes, you are.  
6 Spec number 53.

7 MR. ALTER: I'm a busy guy today.

8 MS. PATEL: You are. Alexandra Alvarado  
9 McCalla and Ariana Zapata to the petition of  
10 Keisha M. Alleyne, judge of the civil court of  
11 the city of New York, municipal court district  
12 seven. Number of signatures required, 450,  
13 signatures submitted 1,533, sorry, valid  
14 signatures 1,533, sorry.

15 MR. SATTIE: Mr. Alter correctly states  
16 he does appear for the candidate.

17 MR. ALTER: Yes, I do, and I have an  
18 objection, and I'm also moving to throw the spec  
19 out on the same grounds, it was served on the  
20 wrong party, it was served on the contact person  
21 and not the candidate, Rule H10-A requires that  
22 it be served on the candidate and it was not done  
23 so, and I would therefore ask you Mr. Umane and  
24 the rest of the board, in accordance with the



1 April 14, 2021

2 board's rules and the appellate division  
3 authority to throw the thing out. Period.

4 PRESIDENT UMANE: Thank you, Mr. Alter,  
5 you're on a roll. Could the clerks --

6 MS. PATEL: Yes.

7 MR. ALTER: [unintelligible] [02:48:41].

8 MS. PATEL: Commissioners, we can  
9 confirm that these were served on Mr. Alter and  
10 not the candidate.

11 SECRETARY CAMILO: Move the report.

12 COMMISSIONER PEPE-SOUVENIR: Second.

13 PRESIDENT UMANE: All in favor? All  
14 opposed?

15 MR. ALTER: The spec is dismissed.

16 SECRETARY CAMILO: Move to dismiss. I'm  
17 sorry, move to dismiss the specification,  
18 improper service.

19 PRESIDENT UMANE: Okay.

20 MR. ALTER: So am I correct that you --

21 PRESIDENT UMANE: And it's seconded by  
22 the commissioners.

23 MR. ALTER: -- dismiss this entire spec.  
24 Am I correct, Mr. Umane?

1 April 14, 2021

2 PRESIDENT UMANE: Yes, that's correct.

3 That was what the motion --

4 MR. ALTER: Thank you.

5 PRESIDENT UMANE: All opposed?

6 MR. ALTER: Okay. I'm done for a time,  
7 I'm done for a little while, but I'll be back  
8 soon, don't worry. I have another issue. Don't  
9 worry, I'm coming back. You can't drop me off too  
10 fast.

11 PRESIDENT UMANE: Thank you, Mr. Alter.

12 The spec is dismissed. Next.

13 MS. PATEL: May I move on?

14 PRESIDENT UMANE: The candidate remains  
15 on the ballot.

16 MS. PATEL: Okay, spec number 55-1,  
17 objections by Yvette Buckner to the petition of  
18 Rohan Marshall for district attorney, Kings  
19 County, number of signatures required 1,200,  
20 total number of valid signatures, 1,059.

21 MR. SATTIE: We have --

22 PRESIDENT UMANE: Are there any  
23 appearances?

24 MR. SATTIE: There is Alexander Rabb for

1 April 14, 2021

2 the candidate and may I note for the record that  
3 the following specifications are identical so  
4 maybe we want to consider them at the same time,  
5 number 67, 68, 69, 70 and 71.

6 PRESIDENT UMANE: Okay. We'll consider.

7 MS. KONTZAMANIS: Mr. Rabb, can you here  
8 us?

9 MS. PATEL: Hold on, 67, yeah --

10 MS. KONTZAMANIS: Mr. Rabb, you have to  
11 unmute yourself, sir.

12 MS. PATEL: -- 69 and 70. That was fast.

13 PRESIDENT UMANE: Okay, Mr. Rabb, are  
14 you here for the candidate or the objector? Is  
15 Mr. Rabb here?

16 SECRETARY CAMILO: He needs to unmute.  
17 Can you hear us, Mr. Rabb?

18 MS. KONTZAMANIS: I'm going to try --  
19 just one sec.

20 MR. ALEXANDER RABB: Hi, I'm here.

21 PRESIDENT UMANE: Okay. Who -- Mr. Rabb,  
22 are you here for the candidate or the objector?  
23 You need to turn off the live feed. Okay. So, Mr.  
24 Rabb, are you here for the candidate or the

1 April 14, 2021

2 objector? His mic is on.

3 MR. RABB: I'm here.

4 PRESIDENT UMANE: Okay. Are you here --  
5 who are you representing? The candidate or the  
6 objector?

7 MR. RABB: All six objectors.

8 PRESIDENT UMANE: Okay, so we're going  
9 to handle all of them at the same time, because  
10 apparently they were the same objections filed  
11 through six different people.

12 MR. RABB: That's correct.

13 PRESIDENT UMANE: And the clerks, I  
14 don't know if you heard it, but the clerks read  
15 the numbers off, so we're calling all six at  
16 once. Are there any appearances for the  
17 candidate?

18 MR. SATTIE: No.

19 PRESIDENT UMANE: Okay, so, Mr. Rabb,  
20 they're short, do you have anything else that you  
21 want to add?

22 MR. RABB: Respectfully, I just ask that  
23 you move the clerks' report.

24 PRESIDENT UMANE: Okay. Thank you, sir.

1 April 14, 2021

2 MR. RABB: Thank you.

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

5 SECRETARY CAMILO: So moved.

6 PRESIDENT UMANE: Is there a second?

7 COMMISSIONER PEPE-SOUVENIR: Second.

8 PRESIDENT UMANE: All in favor?

9 MULTIPLE: Aye.

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

13 MR. RABB: Thank you, commissioners.

14 PRESIDENT UMANE: Okay. Thank you, Mr.  
15 Rabb.

16 MS. PATEL: Spec number 58-1, objections  
17 by Bridgette E. Baker to the petition of John J.  
18 Joyner, Jr. for member of the City Council  
19 District 36, number of signatures required 270,  
20 total number of valid signatures 160.

21 PRESIDENT UMANE: Are there any  
22 appearances?

23 MR. SATTIE: Yes, I have Jonathan Yedin  
24 for the objector and Aaron Foldenauer for the

1 April 14, 2021

2 candidate.

3 PRESIDENT UMANE: Okay.

4 MR. FOLDENAUER: Thank you,  
5 commissioners, good afternoon again. I do have at  
6 some point one housekeeping matter re Gena  
7 Watson. We skipped over her on the specification  
8 and also I was booted off the hearing while  
9 something was being said right after the votes,  
10 and I just wanted to make sure I didn't miss  
11 anything material. So I don't know what the  
12 appropriate time is to deal with that.

13 PRESIDENT UMANE: Well, let's deal with  
14 the matter called first and then we'll see about  
15 the other. So we're here on Baker v. Joyner, City  
16 Council District 36. Mr. Foldenauer, you  
17 represent the candidate, you're 110 short.

18 MR. FOLDENAUER: I do represent the  
19 candidate, and I'll be brief, Mr. President. I  
20 just have a short statement regarding the clerks'  
21 report and also along the lines of what was  
22 afforded to Mr. Mandleker and Ms. Tirschwell  
23 earlier today. So I do represent John J. Joyner,  
24 candidate for City Council. He wanted me to tell

1 April 14, 2021

2 you that he's dedicated his life to the  
3 communities of Bedford Stuyvesant and Crown  
4 Heights since he was 18 years old. He, 100  
5 percent of his staff and his volunteers worked  
6 for free to help him get on the ballot. He is a  
7 struggling Uber Eats driver, and he also has a  
8 struggling courier and bike messenger service and  
9 his volunteers put their lives on the line to get  
10 signatures. Had he not been challenged, he would  
11 be on the ballot today. And thus he believes it  
12 is unfortunate that the establishment has gone  
13 after him and obviously, he has a tough road to  
14 hoe with respect to the clerks' report.

15 PRESIDENT UMANE: Okay. Okay.

16 MR. FOLDENAUER: It is what it is and  
17 thank you for hearing me out.

18 PRESIDENT UMANE: Okay. Thank you, sir.  
19 And I presume that the other representative will  
20 just want us to move the clerks' report?

21 MR. JONATHAN YEDIN: That's correct,  
22 thank you.

23 PRESIDENT UMANE: Is there a motion?

24 SECRETARY CAMILO: So moved.

1 April 14, 2021

2 PRESIDENT UMANE: Okay. Is there a  
3 second?

4 COMMISSIONER PEPE-SOUVENIR: Second.

5 PRESIDENT UMANE: All in favor?

6 MULTIPLE: Aye.

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

10 MR. FOLDENAUER: Very well, and with  
11 respect to Gena Watson, is now a good time just  
12 to address that?

13 PRESIDENT UMANE: Frankly, because I'm  
14 getting old and senile, and we've had a number of  
15 things, I'm not sure where we are with Gena  
16 Watson. I think she's --

17 MR. FOLDENAUER: Well --

18 PRESIDENT UMANE: -- I think she was put  
19 back on the ballot and that was it.

20 MR. SATTIE: Commissioner, if I may, the  
21 specs were dismissed due to a lack of proof of  
22 service. As such, no clerks' report exists.

23 MR. FOLDENAUER: Okay.

24 PRESIDENT UMANE: The specs were



1 April 14, 2021

2 dismissed, the candidate is on the ballot.

3 MR. FOLDENAUER: Great, and she was  
4 removed from the enrollment calendar?

5 PRESIDENT UMANE: Yes.

6 MR. FOLDENAUER: I mean when I was  
7 booted from the meeting --

8 PRESIDENT UMANE: Yes.

9 MR. FOLDENAUER: -- something else was  
10 said.

11 PRESIDENT UMANE: Yes, she was removed  
12 from the enrollment calendar and she remains on  
13 the ballot.

14 MR. FOLDENAUER: Great. One thing just  
15 to preserve for the record is just that the  
16 general objection form also lacked wet  
17 signatures. I'm just noting that for the record,  
18 in case for posterity.

19 PRESIDENT UMANE: Okay. Thank you, sir.  
20 Please call the next matter.

21 MS. PATEL: Commissioners, next matter  
22 is spec number 59-1, Bridgette Baker, objections  
23 by Bridgette E. Baker to the petition of Gregory  
24 S. Green Sr., for the member of City Council,

1 April 14, 2021

2 District 13, number of signatures required 270,  
3 total number of valid signatures is 179.

4 MR. SATTIE: Jonathan --

5 PRESIDENT UMANE: Are there appearances?

6 MR. SATTIE: Yes, yes, Jonathan Yedin  
7 for the objector.

8 PRESIDENT UMANE: Anybody for the  
9 candidate? Mr. Yedin, I presume you want to move  
10 the clerks' report?

11 MR. YEDIN: Yes, please, thank you.

12 PRESIDENT UMANE: Is there a motion on  
13 the clerks' report?

14 SECRETARY CAMILO: So moved.

15 PRESIDENT UMANE: Is there a second?

16 COMMISSIONER PEPE-SOUVENIR: Second.

17 PRESIDENT UMANE: All in favor?

18 MULTIPLE: Aye.

19 PRESIDENT UMANE: All opposed? All  
20 abstentions? The candidate is off the ballot.  
21 Please call the next matter.

22 MR. SATTIE: Number 60.

23 MS. PATEL: Sorry, commissioners, spec  
24 number 60-2, objections by Bridgette E. Baker to

1 April 14, 2021

2 the petition of Renee Holmes, member of the City  
3 Council, District 36, number of signatures  
4 required 270, total valid signatures 223.

5 PRESIDENT UMANE: Are there any  
6 appearances?

7 MR. SATTIE: There are. We have Jonathan  
8 Yedin for the objector, and we have Renee Holmes  
9 in person appearing here.

10 PRESIDENT UMANE: Okay, Ms. Holmes, you  
11 seem to be short about 57 signatures.

12 MR. SATTIE: Commissioner, she's making  
13 her way to the podium.

14 PRESIDENT UMANE: Okay.

15 PRESIDENT UMANE: Is there a way of  
16 moving the camera to the podium so she can be  
17 seen?

18 MS. KONTZAMANIS: Yes, sir, they're  
19 going to do it right now.

20 MR. SATTIE: Yes, and she just entered  
21 the room and is approaching the podium.

22 PRESIDENT UMANE: Thank you. Ms. Holmes?  
23 Good afternoon, Ms. Holmes. Based on the clerks'  
24 report, you're about 57 signatures short.

1 April 14, 2021

2 MR. SATTIE: I believe it's 47.

3 PRESIDENT UMANE: Forty-seven, 47, Board  
4 of Elections can't count, 47 signatures short. Is  
5 there something that you would like to present to  
6 the commissioners?

7 MS. RENEE HOLMES: Okay, one of the  
8 things I'd like to present to the board, good  
9 afternoon, is that one of the things is that I  
10 feel that the nature of the objections that are  
11 written are wrong, because it says that the  
12 majority of the voters are not registered or  
13 they're not enrolled in the Democratic Party. And  
14 when you look at the report that the person --  
15 first, well, there are two objection reports that  
16 reflect two different sets of volume numbers. So  
17 we need to be clear which one we're looking at.

18 PRESIDENT UMANE: Ms. Holmes, the board  
19 rules require you to provide a list of the  
20 signatures for the potential errors made by the  
21 board, so that the board would have had the  
22 opportunity to review them and to see whether or  
23 not your line by line objection to the objection  
24 is valid or not.

1 April 14, 2021

2 MS. HOLMES: Okay. Well, I didn't have  
3 the opportunity to do that, because this was  
4 received by me late Sunday and then when I went  
5 to the board to get a copy of the specifications  
6 of objections, right, because there was two  
7 different documents filed, it took them a while  
8 just to acknowledge that there were two different  
9 documents filed. I also had to go and get the, a  
10 copy of my designating petitions, which they told  
11 me were, and I got that on Friday. So  
12 unfortunately, I did not have an opportune time  
13 to get the stuff that was properly done so I  
14 could present my case properly. But also, what  
15 I'd also like to say that in 2010, the New York -  
16 - I can continue?

17 PRESIDENT UMANE: Yeah, you were saying  
18 something about 2010?

19 MS. HOLMES: Okay. I'm sorry. In 2017,  
20 Eric Schneiderman reached an agreement with the  
21 New York City Board of Elections because there  
22 was an issue approaching voters who were actually  
23 legal and rightfully should have been registered  
24 to vote, but they were not able to vote in the

1 April 14, 2021

2 2016 Presidential primary or Democratic primary.  
3 In 2018, Letitia James was now or currently the  
4 attorney general. She said the same thing. And  
5 recently, when I contacted her office, she said  
6 that she is still waiting and investigating to  
7 see that the voting roles of New York City are  
8 actually still valid.

9 So my question is, and she said she has  
10 suggested and sent to your commissioner that  
11 people are allowed to vote in mail, by mail  
12 ballot. So my question is if there's an issue  
13 with the petitions where we're saying that people  
14 are not actually registered to vote, people are  
15 not enrolled. I'm questioning the validity of the  
16 Board of Elections' voter enrollment.

17 PRESIDENT UMANE: Okay. Well, that's not  
18 something that we're going to be able to deal  
19 with on our end.

20 MS. HOLMES: Okay.

21 PRESIDENT UMANE: In actuality, the  
22 voter rolls were corrected in time for the 2016  
23 election, and that there's been government review  
24 of the Brooklyn voter rolls and everything is now

1 April 14, 2021

2 up to speed and has been, all those potential  
3 errors were corrected in time for the actual  
4 presidential election.

5 MS. HOLMES: But --

6 PRESIDENT UMANE: So, if you have  
7 nothing else, then I --

8 MS. HOLMES: I do have something else,  
9 because I disagree with that.

10 PRESIDENT UMANE: Okay.

11 MS. HOLMES: Because I know that it's  
12 not corrected, because my father has been  
13 deceased of June of 2000 and he is still listed  
14 as an active voter at our address and he was  
15 never registered at that address.

16 COMMISSIONER SHAMOUN: Our rules that  
17 you require us with a list of the mistakes you're  
18 alleging, and by your own admission, you had  
19 three days to give us, or put together something.

20 MS. HOLMES: No, no, no, no.

21 COMMISSIONER SHAMOUN: And like a prior  
22 objector, or a candidate, we're getting into a  
23 situation where people are coming with nothing,  
24 and that's not acceptable. We have hearings --

1 April 14, 2021

2 MS. HOLMES: I did --

3 COMMISSIONER SHAMOUN: -- to conduct.

4 MS. HOLMES: Okay.

5 COMMISSIONER SHAMOUN: -- and so I'm  
6 going to make a motion to move the clerks'  
7 report.

8 MS. HOLMES: I want to -- I'm not  
9 finished with my testimony. Also I would like to  
10 add, since we want to do things in decency and  
11 order, when are we allowing decency and order to  
12 take place?

13 COMMISSIONER PEPE-SOUVENIR: I second  
14 your motion.

15 MS. HOLMES: Over, over the weekend, I  
16 received something to say that I, the, this  
17 report and I was told that I had to email by  
18 Monday morning whether I wanted to appear in  
19 person, or if I wanted to appear online. I  
20 emailed that I wanted to appear in person. Last  
21 night, after 10:00 o'clock, I received an email  
22 stating that I was select -- I was -- they  
23 received my request to appear.

24 PRESIDENT UMANE: Ms. Holmes, you're



1 April 14, 2021

2 here. [unintelligible] [03:05:15].

3 MS. HOLMES: To appear, wait no, just  
4 let me finish, since we're talking about things  
5 have to be done in order, is when are we going to  
6 follow the rules?

7 SECRETARY CAMILO: Excuse me, Ms.  
8 Holmes, the commissioners have made a motion,  
9 it's been seconded, I'm going to call for the  
10 vote. All those in favor?

11 MS. HOLMES: I'm not finished. How -- he  
12 has stopped me from my testimony. You can't just  
13 stop. That's the problem. That's the problem. And  
14 like I said, then I received -- he told -- I, I,  
15 sent another email saying I requested to --

16 PRESIDENT UMANE: To appear.

17 MS. HOLMES: -- appear in person. Then -  
18 -

19 PRESIDENT UMANE: All of that is  
20 irrelevant.

21 MS. HOLMES: No, it's not. Because it  
22 goes to procedure and it goes to error. And also,  
23 we are told that --

24 UNIDENTIFIED MALE: [unintelligible]

1 April 14, 2021

2 [03:05:54] clerks' report please.

3 MS. HOLMES: -- these specifications are  
4 supposed to be in sequential order.

5 COMMISSIONER TAYLOR: You may make these  
6 --

7 MS. HOLMES: These are not in sequential  
8 order.

9 COMMISSIONER TAYLOR: -- in court. You  
10 may make these arguments in court, but they are  
11 out of place here today.

12 MS. HOLMES: Okay.

13 PRESIDENT UMANE: The motion has been  
14 made --

15 MS. HOLMES: As long as it's noted that  
16 we're not --

17 PRESIDENT UMANE: -- all in favor of  
18 [unintelligible] [03:06:13].

19 MS. HOLMES: -- following directions  
20 here today.

21 PRESIDENT UMANE: -- please indicate by  
22 saying aye --

23 MS. HOLMES: We're not going to do what  
24 we want to do.

1 April 14, 2021

2 PRESIDENT UMANE: All opposed?

3 MS. HOLMES: And then want people to  
4 follow the rules.

5 MS. KONTZAMANIS: Mr. Sattie, please  
6 mute her mic.

7 MS. HOLMES: We not going --

8 SECRETARY CAMILO: Ms. Holmes, thank  
9 you, we've done our vote, thank you.

10 PRESIDENT UMANE: Thank you. Please call  
11 -- the candidate is off the ballot. Please call  
12 the next person, or the next specification  
13 please.

14 MS. PATEL: Specification 61-1, in the  
15 matter of objections by Bridgette E. Baker to the  
16 petition of William T. Robinson for member of the  
17 City Council District 36, total number of  
18 signatures required is 270, total number of valid  
19 signatures is 161.

20 PRESIDENT UMANE: Are there any  
21 appearances?

22 MR. SATTIE: We do have Jonathan Yedin  
23 for the objector and Bernard Alter for the  
24 candidate.

1 April 14, 2021

2 SECRETARY CAMILO: Mr. Alter, please  
3 turn off your --

4 MR. ALTER: I'll do it right now, hold  
5 on. It's off. Sorry about that.

6 PRESIDENT UMANE: Mr. Alter, you're  
7 short. Do you have an argument for us?

8 MR. ALTER: I'd like to see, Mr. Umane,  
9 the proof of service of the spec and whether or  
10 not H-11 was complied with in that the  
11 specification number and the county was set forth  
12 either on the proof of service or the first page  
13 of the spec was attached to the petition. So I'd  
14 like to [unintelligible] [03:07:35] for the proof  
15 of service because I don't believe we got proper  
16 service of the spec on this case.

17 PRESIDENT UMANE: Would the clerk please  
18 --

19 MR. ALTER: [unintelligible] [03:07:42]  
20 lucky on this one, but I'm going to give it a  
21 shot.

22 PRESIDENT UMANE: [unintelligible]  
23 [03:07:43], Mr. Alter, we [unintelligible]  
24 [03:07:43] check, okay.

1 April 14, 2021

2 MS. PATEL: Commissioners, I'm looking  
3 at the proof of service, I'm looking at the  
4 specifications. The candidate is named and the  
5 certificated mail receipt is to in fact the  
6 candidate William T. Robinson. What was your  
7 other question, Mr. Alter?

8 MR. ALTER: Is the spec number on there  
9 as well as the county on the proof of service?  
10 Required by your rules also, [unintelligible]  
11 [03:08:12] first page and the specification page.

12 MS. PATEL: Yes. It's attached to the  
13 copy of the spec and that's proper, Mr. Alter.

14 MR. ALTER: What's attached to the copy  
15 of the spec? You mean the proof of service?

16 MS. PATEL: Yes.

17 SECRETARY CAMILO: Is there a motion?

18 MR. ALTER: They're all line by line --

19 PRESIDENT UMANE: Is there anything  
20 else?

21 MR. ALTER: That's it for me. I'm not  
22 going to pick up that many signatures.

23 COMMISSIONER SHAMOUN: I move the  
24 clerks' report.

1 April 14, 2021

2 PRESIDENT UMANE: Okay.

3 MR. ALTER: [unintelligible] [03:08:38].

4 But you're saying it the proof of service it's  
5 correct, then the spec, the first page of the  
6 spec, the proof of service as attached to the  
7 specification. Am I correct?

8 PRESIDENT UMANE: Yes.

9 MR. ALTER Alright. That's all I wanted  
10 to hear.

11 SECRETARY CAMILO: There's been a motion  
12 and I second it. Thank you, Mr. Alter.

13 PRESIDENT UMANE: All in favor?

14 MULTIPLE: Aye.

15 PRESIDENT UMANE: All opposed? All  
16 abstentions?

17 MR. ALTER: I wasn't so cocky this time.

18 PRESIDENT UMANE: The candidate is off  
19 the ballot.

20 MR. ALTER Okay.

21 MS. PATEL: Spec 62-1, Bridgette E.  
22 Batker to the petition of Shadow G. Tarver for  
23 member of the City Council District 36, total  
24 number of signatures required is 270, total valid

1 April 14, 2021

2 signatures is 81.

3 SECRETARY CAMILO: Do we have  
4 appearances on this matter?

5 MR. SATTIE: Jonathan Yedin for the  
6 objector.

7 SECRETARY CAMILO: Is Mr. Alter on this  
8 matter?

9 MR. SATTIE: No, he is not.

10 SECRETARY CAMILO: Is he finished for  
11 this calendar and can be removed?

12 MR. SATTIE: Yes.

13 SECRETARY CAMILO: Thank you.

14 PRESIDENT UMANE: Are there any other  
15 appearances? Anything for the candidate? Alright.  
16 All --

17 COMMISSIONER ZACCONE: Move the clerks'  
18 report.

19 PRESIDENT UMANE: I second, all in  
20 favor?

21 SECRETARY CAMILO: I, second.

22 PRESIDENT UMANE: All opposed? All  
23 abstentions? The candidate is off the ballot.  
24 Please call the next one.

1 April 14, 2021

2 MS. PATEL: Spec number 65-1. Objections  
3 by Raymond J. Fazio, Sr. to the petition of Amber  
4 Adler, member of the City Council District 48,  
5 signatures required 270, total number of valid  
6 signatures is 241.

7 PRESIDENT UMANE: Are there any  
8 appearances?

9 MS. PATEL: Sorry, commissioners, it  
10 wasn't on, I'll read it again, 65-1, Raymond J.  
11 Fazio, Sr. to the petition of Amber Adler for the  
12 member of City Council District 48, signatures  
13 required 270, total valid signatures 241.

14 PRESIDENT UMANE: Is there, are there  
15 any appearances?

16 SECRETARY CAMILO: Someone has a  
17 playback, oh, Mr. Foldenauer, it might be you.

18 MR. FOLDENAUER: It was, it takes a  
19 second to turn one off and turn the other on. I  
20 was doing it as fast as I could.

21 PRESIDENT UMANE: Who are you here for,  
22 Mr. Foldenauer?

23 MR. FOLDENAUER: Yes, I'm here, good  
24 afternoon, I'm here for the candidate, Amber



1 April 14, 2021

2 Adler.

3 PRESIDENT UMANE: Okay. You're short 29  
4 signatures.

5 MR. FOLDENAUER: Yes. So there are two  
6 reasons why the specification is invalid. And the  
7 first is that the specification is defective in  
8 its entirety because the specification of  
9 objections form lists the wrong volume number.  
10 There is not a correct volume number on the  
11 specification of objections form.

12 PRESIDENT UMANE: Okay. Let's check it,  
13 okay, we got it, Mr. Foldenauer. Let's check it.

14 MR. FOLDENAUER: If I may --

15 SECRETARY CAMILO: Was there another  
16 issue? Right.

17 MR. FOLDENAUER: Right, if I may assist  
18 the commission in checking, I sent a document  
19 this morning before the hearings began with  
20 several exhibits.

21 SECRETARY CAMILO: Yes.

22 MR. FOLDENAUER: So you have that for  
23 reference and the documents are there.

24 MR. SATTIE: Commissioners, I have the

1 April 14, 2021

2 spec cover sheet in front of me. The petition --

3 MS. PATEL: But that was late.

4 MR. SATTIE: -- [unintelligible]

5 [03:11:57] number listed on the cover sheet is

6 KG21000568, the petition volume number is

7 KG2100568, so it seems that there is an extra

8 zero on the spec part.

9 PRESIDENT UMANE: Okay.

10 SECRETARY CAMILO: Anything else, Mr.

11 Foldenauer, that you want us to consider?

12 MR. FOLDENAUER: We do have a list of  
13 signatures that would put us over the top in any  
14 event, but I believe that would be moot, given  
15 this issue. This is obviously a serious concern  
16 and we believe we win on this. I could talk about  
17 it more if the commission would like. This is an  
18 issue even one of the candidates for mayor for  
19 example omitted a zero on his cover sheets and  
20 was forced to file an amended cover sheet, so  
21 that's sort of an analogy, analogous situation.

22 SECRETARY CAMILO: Yes. Is there a  
23 motion?

24 COMMISSIONER SHAMOUN: So is this a case

1 April 14, 2021

2 where -- oh no, it's a cover sheet, not a spec  
3 cover sheet. Okay, counsel, do we need a  
4 counsel's opinion on this, or is it pretty  
5 straightforward, Commissioner Umane?

6 PRESIDENT UMANE: I think it's pretty  
7 straightforward. If you object, you have to do it  
8 right. That's the basic rule.

9 COMMISSIONER SHAMOUN: Move to dismiss  
10 the spec.

11 SECRETARY CAMILO: I'll second.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? So the spec is dismissed, the  
16 candidate remains on the ballot.

17 MR. FOLDENAUER: Thank you,  
18 commissioners.

19 MR. SATTIE: Commissioners, that's the  
20 last clerks' report you'll see, but I do want to  
21 bring your attention to that there was one more  
22 spec filed. It is spec number Kings, it's Kings  
23 38 and I believe that Mr. Riley would like to be  
24 heard on the subject.

1 April 14, 2021

2 MR. RILEY: Commissioners, we have  
3 requested that the spec be dismissed to the  
4 borough commissioners, who then subsequently  
5 approved. The candidate in question was removed  
6 from the ballot based on a prima facie issue on  
7 April 1st. Additionally, the specification of  
8 objection was not ordered in the same fashion as  
9 the petition, nor was it separately paginated.  
10 Both Brooklyn commissioners had moved to dismiss  
11 the spec based on those issues.

12 PRESIDENT UMANE: Okay. So, if the spec  
13 incorrect, it becomes invalid and I guess I'll  
14 move that we as a board ratify the decision of  
15 the borough commissioners. Is there a second?

16 COMMISSIONER PEPE-SOUVENIR: Second.

17 COMMISSIONER TAYLOR: Second.

18 PRESIDENT UMANE: All in favor?

19 MULTIPLE: Aye.

20 PRESIDENT UMANE: All opposed? All  
21 abstentions? So the spec is deemed dismissed and  
22 the candidate remains on the ballot. Are there  
23 any other matters for the Kings calendar?

24 MR. SATTIE: There are no more

1 April 14, 2021

2 specifications. There is one recall. This was in  
3 regards to the prima facie calendar.

4 PRESIDENT UMANE: Mr. Chino.

5 MR. SATTIE: That is correct.

6 COMMISSIONER PEPE-SOUVENIR: Oh, we have  
7 to take that up?

8 MR. SATTIE: If Mr. Chino can come back  
9 in, I believe our legal department is ready to  
10 handle that.

11 MS. KONTZAMANIS: Is he back in?

12 PRESIDENT UMANE: Yes, Mr. Chino is  
13 back, thank you, sir.

14 MS. KONTZAMANIS: Okay.

15 PRESIDENT UMANE: I would ask our  
16 counsel what their view is on this issue.

17 MS. PATEL: Commissioner, as you know,  
18 petitions have to be substantially in the form  
19 set forth by the Election Law section 6-132 sub  
20 1, which if you look at the forms both in the  
21 election law statute and in the form promulgated  
22 by the state board, states very specifically that  
23 the header has to say where the candidate is  
24 swearing that they're registered, sorry, an

1 April 14, 2021

2 enrolled voter of a particular party, it has to  
3 say. And in the forms, there's a blank, where it  
4 says, I, the undersigned, do hereby state that  
5 I'm a duly enrolled voter of the blank party. And  
6 in this petition that is in issue, it is not  
7 there, commissioners. It does not say I'm a voter  
8 of the Democratic Party.

9 I will point out that next to Ms.  
10 Calderon's name, it says that she's a delegate to  
11 the Second Judicial District Democratic  
12 Convention. But again, that important piece is  
13 missing that the statute requires. And there's a  
14 second department case which says if the  
15 discrepancy involved is inconsequential, it does  
16 not implicate any of the policy considerations  
17 underlying the rule requiring strict construction  
18 of the election law. Both Deputy General Counsel  
19 Savino and I agree that this is a fatal defect  
20 because it is it, it is not an inconsequential  
21 discrepancy that she failed to set forth that  
22 she's an enrolled member of the Democratic Party  
23 by her faulty petition.

24 PRESIDENT UMANE: Okay. So it's more

1 April 14, 2021

2 than just a heading, it's in the actual law?

3 MS. PATEL: Yes.

4 MR. SAVINO: That's correct.

5 MS. PATEL: Yes, commissioner. It's --

6 PRESIDENT UMANE: Alright. I would move  
7 that we adopt the report of counsel and that the  
8 candidate be removed prima facie. Is that  
9 correct?

10 SECRETARY CAMILO: Second.

11 PRESIDENT UMANE: All in favor?

12 MULTIPLE: Aye.

13 PRESIDENT UMANE: All opposed? All  
14 abstentions? So the candidate is off the ballot.  
15 I think we should take a ten minute break. Well,  
16 let's take a 15 minute break. We'll return at  
17 1:30 to start the Queens and then the Manhattan  
18 calendar. We've got a lot to do today, so eat  
19 lunch quickly, and we will be back at 1:30 sharp,  
20 sharp, sharp.

21 [OFF THE RECORD]

22 [ON THE RECORD]

23 PRESIDENT UMANE: Hi, this is Fred Umane  
24 and I'm the president of the board for the year

1 April 14, 2021

2 2021, and we're now moving to the Queens County  
3 calendar. Please bring in the Queens staff.

4 Joining us are Amanda Berinato, chief clerk, Bart  
5 Haggerty, deputy chief clerk, and Commissioner  
6 Araujo, did Mr. Haggerty want to make a  
7 statement?

8 COMMISSIONER ARAUJO: Yes,  
9 [unintelligible] [03:39:48] have an opportunity  
10 Mr. Haggerty wants to make a statement to put on  
11 record.

12 PRESIDENT UMANE: Alright. Mr. Haggerty.

13 MR. BART HAGGERTY: Thank you,  
14 Commissioner Umane. I would like make a statement  
15 regarding my recusal from certain matters that  
16 are before the board today, specifically  
17 [unintelligible] [03:40:04] myself, and so I have  
18 previously recused myself from anything regarding  
19 that [unintelligible] [03:40:12] subdivision. I  
20 also sent an email to the borough counsel and to  
21 the Queens commissioners and executive management  
22 last week informing them [unintelligible]  
23 [03:40:21] lawsuit regarding certain Republican  
24 designating petitions in this county. I have



1 April 14, 2021

2 recused myself from all those matters

3 [unintelligible] [03:40:28] consideration to any

4 of those matters as of last week. I've also

5 [unintelligible] [03:40:34] today

6 [unintelligible] [03:40:36] appear on behalf of

7 certain petition matters, and so out of an

8 abundance of caution to avoid the appearance of

9 conflict, I'm going to recuse myself of further

10 consideration to any of those matters.

11 [unintelligible] [03:40:47 - 03:40:52].

12 PRESIDENT UMANE: Thank you, Mr.

13 Haggerty and we appreciate the sensitivity and

14 good ethical considerations in recusing yourself,

15 thank you. And now, let's call the Queens County

16 enrollment issue calendar.

17 MS. TORRES: Okay, good afternoon, I'm

18 calling Democratic members of the City Council

19 for the 25th, Carolyn Tran, Democratic alternate

20 delegates for the 26th, Isabelle J. Burnham,

21 Democratic alternate for the 28th, Fernanda

22 Carbone, David J. Mack, Democratic delegate for

23 the 33rd, Richardo Cameu [phonetic]

24 PRESIDENT UMANE: Please just read the

1 April 14, 2021

2 names.

3 MS. TORRES: Okay. Ricardo Cameu, Mark  
4 McLaren and Albert L. Childs. That's it.

5 PRESIDENT UMANE: Are there any  
6 appearances for anybody on that enrollment?

7 MR. SATTIE: Commissioners, there is one  
8 appearance but before calling that appearance in,  
9 I'd like to refer to Carolyn Tran. We did receive  
10 earlier today an email from Ms. Tran where she  
11 gave us, she sent us a copy of her registration  
12 form. It was clocked in at the Queens Board of  
13 Elections on February 11, 2021, registered to the  
14 Democratic Party.

15 PRESIDENT UMANE: So I would suggest  
16 that we remove her from that list, having  
17 demonstrated her registration as a Democrat.  
18 Okay. Please call the appearance.

19 MR. SATTIE: The appearance is, the  
20 candidate is David J. Mack and the person  
21 appearing is Frank Bolz.

22 PRESIDENT UMANE: Okay.

23 MS. KONTZAMANIS: Okay, just give us one  
24 second to get Mr. Bolz into the room. Mr. Bolz,

1 April 14, 2021

2 can you hear us, sir?

3 MR. FRANK BOLZ: Yes.

4 PRESIDENT UMANE: Hi, Mr. Bolz. Could you  
5 tell us who you're appearing on behalf of on the  
6 enrollment calendar?

7 MR. BOLZ: I'm appearing on behalf of  
8 David J. Mack, who is a democratic alternate  
9 delegate to the judicial convention from the 28th  
10 Assembly District, and with my notice of  
11 appearance, I also submitted his registration,  
12 showing that he's a duly enrolled Democrat of the  
13 28th Assembly District.

14 PRESIDENT UMANE: Okay. Do we have that?  
15 And is Mr. Bolz correct?

16 COMMISSIONER ARAUJO: We verified that.  
17 This is Commissioner Araujo, we verified that, so  
18 I move that we remove David J. Mack from this  
19 enrollment list.

20 PRESIDENT UMANE: Okay.

21 COMMISSIONER MICHEL: Second.

22 PRESIDENT UMANE: So, Commissioner  
23 Araujo, do you want to make a motion to adopt the  
24 list minus the two people?

1 April 14, 2021

2 COMMISSIONER ARAUJO: So moved.

3 COMMISSIONER MICHEL: Second.

4 PRESIDENT UMANE: All in favor?

5 MULTIPLE: Aye.

6 PRESIDENT UMANE: All opposed? All  
7 abstentions? Okay. The Queens enrollment list is  
8 complete. Thank you, Mr. Bolz. I'm --

9 MR. BOLZ: Thank you.

10 PRESIDENT UMANE: -- sure we'll be  
11 seeing you a little bit later.

12 MR. BOLZ: Thank you.

13 PRESIDENT UMANE: Now, we'll deal with  
14 the prima facie calendar. So please call the  
15 Queens prima facie.

16 MR. SATTIE: Democratic Party, member of  
17 the City Council, 32nd District, Shaeleigh  
18 Severino and Yessica Martinez. Next, Manuel F.  
19 Perez, next William H. Salgado, next Shaeleigh  
20 Severino, next Walter N. Iwachiw, next Scherie S.  
21 Murray and Maxine M. Sensuel, next Antonia M. Moe  
22 and Paule M. Constant. Next, Enid H. Goldstein,  
23 next Martin Hightower, next Ruben D. Cruz II,  
24 next James J. Martinosky, Donovan H. Sybliss,

1 April 14, 2021

2 Martin Hightower, Aldo J. Solares, Fernando J.  
3 Acosta, Regina Michelle Landi, Enid H. Goldstein,  
4 Melody Rudman and that is the end of the prima  
5 facie report.

6 PRESIDENT UMANE: Are there any  
7 appearances?

8 MR. SATTIE: The only appearance from  
9 the candidates that I see here is for Ruben D.  
10 Cruz II.

11 PRESIDENT UMANE: Okay. And who's  
12 appearing?

13 MR. SATTIE: The candidate.

14 PRESIDENT UMANE: Okay. Could you bring  
15 Mr. Cruz in?

16 MS. KONTZAMANIS: He's in the hearing  
17 room. Mr. Cruz, you have to unmute yourself, sir.

18 PRESIDENT UMANE: Mr. Cruz, your  
19 petition apparently fails what we call the weight  
20 test, that there's not a sufficient number of  
21 signatures submitted in order to substantiate  
22 your candidacy for member of the City Council.  
23 You need 254 signatures, and it's not possible  
24 with the number of pages submitted that you would

1 April 14, 2021

2 have enough signatures.

3 MR. RUBEN CRUZ: Thank you, I'd like to  
4 request that the finding of prima facie be  
5 considered null and invalid. The Joe Concannon is  
6 not the and I don't have a committee to fill  
7 vacancies. The papers were [unintelligible]  
8 [03:47:03].

9 PRESIDENT UMANE: Yeah, but this was not  
10 done by an objection. This was done by the board  
11 on the basis that your petition on its face was  
12 invalid. So it's not a question. You do not have  
13 to have a committee to fill vacancies and I'm not  
14 sure of your other thing, but your petition  
15 required 254 signatures and you're short. I'm not  
16 sure there's very much you could say, but I  
17 wanted to give you an opportunity to say  
18 something if you wanted to.

19 MR. CRUZ: I appreciate that just on  
20 what little bit of paperwork I found that it  
21 wasn't numbered as required per rule H1, and in  
22 accordance with H10-A, [unintelligible]  
23 [03:47:49] they were served improperly with the  
24 wrong contact person.

1 April 14, 2021

2 PRESIDENT UMANE: Okay. This is not the  
3 specification of objection, this is a prima facie  
4 ruling, and --

5 COMMISSIONER ARAUJO: Mr. President --

6 PRESIDENT UMANE: -- you don't have  
7 enough signatures so you're being knocked off by  
8 the board.

9 COMMISSIONER ARAUJO: Mr. President,  
10 this is Commissioner Araujo, I've had the  
11 opportunity to look at the petition that has been  
12 submitted and it is obvious to the eye that it's  
13 insufficient. I would like to move the prima  
14 facie report as to all candidates except for  
15 Walter Iwachiw.

16 COMMISSIONER MICHEL: Right. Second.

17 PRESIDENT UMANE: Okay. Is there a  
18 second? All in favor --

19 COMMISSIONER MICHEL: Second.

20 PRESIDENT UMANE: -- for all candidates  
21 except Mr. Iwachiw?

22 MULTIPLE: Aye.

23 PRESIDENT UMANE: Alright. All opposed?  
24 All abstentions? The prima facie, except for Mr.

1 April 14, 2021

2 Iwachiw, is approved. And is there another motion  
3 as to Mr. Iwachiw?

4 COMMISSIONER MICHEL: Mr. President.

5 PRESIDENT UMANE: Commissioner Araujo,  
6 I'm sure will recuse himself from anything having  
7 to do with Mr. Iwachiw.

8 COMMISSIONER MICHEL: Mr. President,  
9 this is Commissioner Michel, I make a motion that  
10 we remove Mr. Iwachiw from the prima facie  
11 report, move it, to move it.

12 PRESIDENT UMANE: Second?

13 SECRETARY CAMILO: I would second.

14 PRESIDENT UMANE: All in favor?

15 MULTIPLE: Aye.

16 PRESIDENT UMANE: All opposed? All  
17 abstentions and one recusal, and one recusal.  
18 Thank you. Mr. Iwachiw is included on that list  
19 and the prima facie list is now concluded. Let's  
20 move to the specifications of objections for  
21 Queens County.

22 MR. SAVINO: Good afternoon,  
23 commissioners. Referring to Queens specification  
24 1-1, it's an objection by a Mr. Espinal to the



1 April 14, 2021

2 Democratic designating petition of Hiram  
3 Monserratte as Democratic candidate for public  
4 office of member of the New York City Council,  
5 Council District 21. Specification of --

6 MR. SATTIE: There is an appearance.

7 MR. SAVINO: Oh, I'm sorry, I apologize.

8 MR. SATTIE: There is an appearance from  
9 Frank Bolz as the objector.

10 PRESIDENT UMANE: Okay.

11 MR. BOLZ: Good afternoon.

12 MS. KONTZAMANIS: Mr. Bolz is in the  
13 hearing room.

14 MR. BOLZ: Good afternoon.

15 MR. SAVINO: Shall I start again, or was  
16 Mr. Bolz in the room when that begin? Okay. The  
17 specification of --

18 PRESIDENT UMANE: We just called the  
19 Hiram Monserratte objection, so you know where we  
20 are. Go ahead, Mr. Savino.

21 MR. SAVINO: Okay. The specification of  
22 objection, Hiram Monserratte is not eligible to  
23 be elected to or hold the office of council  
24 member. The report, our report, is the objector

April 14, 2021

correctly claims that pursuant to chapter 50-a, section 1139, purported candidate Hiram Monserratte is in fact eligible to be elected or to hold city office. The specific section reads, and perhaps I don't have to go through the whole section, but to be qualified for elected office, in addition to any other disqualifications for holding civil office, section three of the Public Officers Law, no person shall be eligible to be elected or hold the office of mayor, public advocate, comptroller, borough president or council member who has been convicted of such conviction that hasn't been vacated pursuant to Criminal Procedural Law Title 28 of the United States code, or pardoned by the governor of section four, article five of the New York State Constitution, or the President, pursuant to section two, article two of the United States Constitution.

It goes on to say obviously, if convicted of a felony, including an attempt or a conspiracy to commit a felony defined in sections 155-30, 135, 155-40, I suppose I'll move on

1 April 14, 2021

2 without repeating all of this, as you have  
3 copies, to number four, section 13-41 and 13-43  
4 and 13-46 of Title 18 of the United States code.

5 The local law took effect immediately  
6 and as detailed in the objector's specifications  
7 and the certified exhibits attached thereto,  
8 purported candidate Monserratte has in fact been  
9 convicted of some of the above referenced  
10 sections, specifically 13-41 of Title 18 of the  
11 United States code and other related offenses.  
12 And therefore, it is our opinion that he's not  
13 eligible to run or to be elected to the office of  
14 City Council and must be removed from the ballot.

15 PRESIDENT UMANE: Commissioner Araujo,  
16 do you have a motion?

17 COMMISSIONER ARAUJO: I move that we  
18 adopt the recommendation of our counsel.

19 COMMISSIONER MICHEL: I second,  
20 Commissioner Michel.

21 PRESIDENT UMANE: All in favor?

22 MULTIPLE: Aye.

23 PRESIDENT UMANE: All opposed? All  
24 abstentions? It's carried, the candidate is off

1 April 14, 2021

2 the ballot.

3 MR. BOLZ: Thank you.

4 PRESIDENT UMANE: Okay.

5 MS. PATEL: Okay.

6 PRESIDENT UMANE: I'm looking here for  
7 the specification reports I'm not sure I find it  
8 here.

9 MR. SATTIE: It's called Queens clerks'  
10 reports.

11 PRESIDENT UMANE: Oh, okay, I got it.

12 MS. PATEL: Shall I move on? Okay.

13 PRESIDENT UMANE: Let's call the clerks'  
14 reports. Are you done with the legal ones?

15 MS. PATEL: We --

16 SECRETARY CAMILO: Counsel, we don't  
17 hear you.

18 PRESIDENT UMANE: So let's do the  
19 clerks' reports.

20 MS. PATEL: Commissioners, we have one  
21 more legal spec but it's part of some of the  
22 clerks' reports. So do you want us to --

23 PRESIDENT UMANE: Okay. So we'll deal  
24 with it there. Let's run through the specs.

1 April 14, 2021

2 MS. PATEL: Okay. Okay. Spec number 9-1,  
3 in the matter of objections by Teresa A. O'Brien-  
4 Israel to the petition of Raimondo Graziano, City  
5 Council member for the 32nd District, number of  
6 signatures required 270, total number of valid  
7 signatures is 229.

8 PRESIDENT UMANE: Any appearances?

9 MR. SATTIE: There are. Bernard Alter  
10 for the objector and Aaron Foldenauer for the  
11 candidate.

12 MS. KONTZAMANIS: They're both in the  
13 hearing room.

14 MR. FOLDENAUER: Good afternoon,  
15 commissioners, Aaron Foldenauer for Raimondo  
16 Graziano.

17 COMMISSIONER ARAUJO: The clerks' report  
18 has you short by 41, do you have an exception  
19 list?

20 MR. FOLDENAUER: I do, but there's a  
21 similar [unintelligible] [03:54:41] fatal issue  
22 with the specification. Again, it's in connection  
23 with the specification of objections form. I did  
24 sent a document under my letterhead to the

1 April 14, 2021

2 commission on Monday containing exhibits. And the  
3 fatal error here is that the objector failed to  
4 properly note the candidate's contact person on  
5 the specification of objections form and in  
6 particular, the specification of objections form  
7 that's in the board's list and the rules clearly  
8 require an email address to be reported, that the  
9 contact information for the candidate be fully  
10 replicated from the cover sheet and the form  
11 again emphasizes that by having blanks including  
12 for email address. Here, the objector did not  
13 comply with the rules, did not fill out that  
14 objection information, the contact information  
15 completely, and omitted the candidate's contact  
16 person's email address and thus the specification  
17 is fatal.

18 COMMISSIONER ARAUJO: Does the  
19 specification include the person's telephone  
20 numbers and fax numbers? [unintelligible]  
21 [03:55:57] because they forgot to put, or did not  
22 put in [unintelligible] [03:56:01] that would  
23 render the specification defective. But there's  
24 other contact information in here.

1 April 14, 2021

2 MR. FOLDENAUER: The, the, let me look  
3 at the specification of objections form now that  
4 was filed. The objection forms includes the  
5 candidate's contact person's phone number. It  
6 does not include a fax number, I don't think  
7 there was one in fact on the cover sheet, but  
8 there was an email address for the contact person  
9 on the cover sheet. And the specification of  
10 objections form specifically says to list the  
11 candidate's contact person, it says parenthesis,  
12 from the petition cover sheet. The petition cover  
13 sheet lists the name, the address, the phone  
14 number and an email address. The objector failed  
15 to include that contact information specifically  
16 omitting the email address, thus not complying  
17 with the form and not complying with the rules,  
18 therefore the specification fails in its  
19 entirety.

20 PRESIDENT UMANE: I don't think that  
21 that's -- I think there's sufficient information.  
22 I don't think that that's a valid objection. If  
23 the information is readily available on the  
24 objection, whether it's repeated on each single

1 April 14, 2021

2 page does not strike me as something that would  
3 be sufficient to invalidate an objection, as long  
4 as the information was provided on the cover  
5 sheet and it was clear who the person was -- who  
6 the objector was on each page. The omission of a  
7 fax number or a email address on each page of the  
8 objection doesn't strike me as being sufficient  
9 to invalidate an objection.

10 MR. FOLDENAUER: I appreciate the  
11 president's comments. I would however refer you  
12 to Rule H2, which specifically addresses the  
13 situation here and it says that the specification  
14 should include the name, the mailing address of  
15 the contact person. The very next sentence, it  
16 should also include any telephone numbers, fax  
17 numbers, and/or email addresses which can be used  
18 to provide notice regarding [unintelligible]  
19 [03:58:38] of the specifications. So again, it's  
20 specifically right here Mr. President and  
21 commissioners in Rule H2. And I'll note the  
22 reason why this is.

23 As the commissioners know, time is of  
24 the essence with these clerks' reports.



1 April 14, 2021

2 Candidates do not have very much time to receive  
3 the clerks' reports, digest them and put together  
4 their lists. That's why email addresses are now  
5 required. Here it wasn't provided and it's right  
6 in the rules. So I would ask the president and  
7 the commissioners to reconsider the initial  
8 comment I just got based on the text of the rule  
9 and given that time is of the essence, which is  
10 why an email notice is required.

11 COMMISSIONER ARAUJO: Mr. Foldenauer, I  
12 understand what you're saying, but the language  
13 says and/or, the [unintelligible] [03:59:26]  
14 sufficient with including it there, so I don't  
15 believe that it's sufficient argument to knock  
16 out the specification.

17 MR. FOLDENAUER: There's some feedback,  
18 so I honestly couldn't hear very well. Could  
19 someone repeat that or could you repeat that? I  
20 couldn't hear.

21 COMMISSIONER ARAUJO: [unintelligible]  
22 [03:59:40] the language of the rule says and/or.  
23 So emphasis on the and/or, and you just repeated  
24 the rules. So I don't believe that your argument

1 April 14, 2021

2 is valid on this point because there is  
3 sufficient information on the spec to notify  
4 parties interested in [unintelligible] [03:59:59]  
5 contact with them.

6 PRESIDENT UMANE: Ms. Patel, do you have  
7 anything else?

8 COMMISSIONER ARAUJO: [unintelligible]  
9 [04:00:01] exceptions report that had been  
10 submitted to the board, is that correct?

11 MR. FOLDENAUER: If I may make just one  
12 more note. Here, in this case, I actually, I do  
13 have a list, but we'll get to that in a second.  
14 One more note here is that I actually got a call  
15 from someone at the board saying that they don't  
16 have an email address for me, because I was the  
17 contact person, and then I had to respond to that  
18 voice mail, get on the phone and give the email  
19 address to get the clerks' report. That's why the  
20 email address is supposed to be there. And to the  
21 extent that there's any ambiguity with the  
22 and/or, that's why it's specifically listed on  
23 the form. You know, the board provides these  
24 forms for a reason and the form says take the

1 April 14, 2021

2 information from the coversheet and then it  
3 includes a blank for the email address. And then  
4 the objector omitted it.

5 COMMISSIONER ARAUJO: Alright. Thank you  
6 for that, again, I'm not [unintelligible]  
7 [04:00:57] by the argument though, but I  
8 appreciate it. We do have, we received an  
9 exception report and I do believe it was in the  
10 proper format. Did you -- was a copy of the  
11 exception report provided to opposing counsel?

12 MR. FOLDENAUER: I have no idea who  
13 opposing counsel is, so it was not. I'm happy to  
14 do that of course.

15 PRESIDENT UMANE: It's Mr. Alter.

16 MS. KONTZAMANIS: Mr. Alter, you're  
17 muted, sir.

18 PRESIDENT UMANE: He's still muted.

19 SECRETARY CAMILO: Mr. Alter, unmute.

20 MS. KONTZAMANIS: You have to unmute  
21 yourself sir, we cannot hear you.

22 MR. ALTER: Foldenauer knows exactly who  
23 I am. He's got, his client has gotten papers from  
24 me, there's a court case going on. However,

1 April 14, 2021

2 there's enough information -- I think I stand by  
3 what Mr. Umane said and ask that the clerks'  
4 report be confirmed.

5 MR. FOLDENAUER: Well, we have this, if  
6 I may, we do have this exceptions list and we do  
7 ask for due process here. We, you know, our  
8 candidate had submitted more than enough  
9 signatures to exceed the threshold, and if I may  
10 clarify, the exception list that we submitted and  
11 the exception list that we submitted is based on  
12 the clerks' report. So this is not some sort of  
13 blunderbuss exceptions list that the clerks have  
14 already saved. My client has gone through the  
15 clerks' report, has already eliminated the ones  
16 the clerks have already resuscitated and these  
17 are additional signatures on top. So we would  
18 request the opportunity to --

19 PRESIDENT UMANE: Are there more than  
20 41? Because that's what you need.

21 MR. FOLDENAUER: There are, there are.  
22 There are, let me see how many.

23 COMMISSIONER ARAUJO: Mr. President, if  
24 I could just address one thing. Pursuant to the

1 April 14, 2021

2 rules, the exception report was provided timely.  
3 The matter was reviewed by our staff. However,  
4 the issue really now at this point is whether or  
5 not opposing counsel will consent to not having  
6 received notice of the exception report and given  
7 an opportunity to submit something in objection  
8 to the exception report that has been submitted.  
9 So I think that's the real issue here, whether or  
10 not the counsel will allow the exception report  
11 to stand as submitted and reviewed by the board  
12 staff.

13 MR. ALTER: Where's the -- let me ask,  
14 where's the clerk, let me ask you this question,  
15 since I'm the opposing counsel. What does the  
16 current clerks' report show in terms of the  
17 number of valid signatures and the number of  
18 invalid signatures. I haven't heard that.

19 COMMISSIONER ARAUJO: He needed 270,  
20 under the original clerks' report, he submitted,  
21 excuse me, he needed 270 and 229 are valid, so  
22 he's short by 41. He has submitted an exceptions  
23 report for the staff to review, which  
24 [unintelligible] [04:03:52] indicating you never

1 April 14, 2021

2 received a copy of that notice or the copies of  
3 the papers. However, the exception report was  
4 submitted timely, our staff has reviewed it, and  
5 is prepared to report back to the full board,  
6 however, you have a notice issue and an  
7 opportunity to have contested and submitted  
8 documentation on your end, Mr. Alter, which you  
9 have been denied. So the question is whether or  
10 not you'll be waiving that or you want to  
11 proceed, or what you might want to do with  
12 respect to the fact that he has not received a  
13 copy of the exception as he says.

14 MR. FOLDENAUER: If I may, this -- I've  
15 been here before the commission a number of times  
16 for two days, and this is the very first time  
17 anyone has raised the issue of notice. As the  
18 commissioners very well remember, the argument  
19 with Mr. Schlein yesterday, the way we resolved  
20 that was after the call, after the initial  
21 conference, after the initial hearing, I emailed  
22 the list to Mr. Schlein, he did not object to  
23 that, and then we proceeded from there. We did  
24 what we were required to do --

1 April 14, 2021

2 SECRETARY CAMILO: Sir, we --

3 MR. FOLDENAUER: -- and we can't notify  
4 anyone who we don't know is counsel. We were  
5 never told that anyone had appeared in this case.  
6 We complied with the rules. It's submitted, it  
7 was timely, and it's only fair that our list of  
8 exceptions be considered at this point.

9 SECRETARY CAMILO: Mr. Foldenauer, the  
10 question was for opposing counsel, Mr. Alter. You  
11 just indicated that yesterday you did get a  
12 second call so that opposing counsel can get your  
13 exception report. So we're asking opposing  
14 counsel, Mr. Alter, if he wants that same  
15 opportunity to receive that list from you, which  
16 he has not received or if the board wants to  
17 proceed since staff did receive the list.

18 MR. ALTER: Can I ask you one question,  
19 commissioner. What is the current board report  
20 show? Does it show him on or off the ballot?  
21 That's what I'm curious about. What does it show?  
22 I don't even know what it shows.

23 PRESIDENT UMANE: It shows --

24 MR. ALTER: Have they reviewed it?

1 April 14, 2021

2 PRESIDENT UMANE: Before the list came  
3 in, it was 41 signatures short.

4 MR. ALTER: Right.

5 PRESIDENT UMANE: He submitted a list of  
6 more than 41 signatures trying to rehabilitate.  
7 The clerks have actually gone over that list and  
8 we don't know what they found. And the question  
9 for you is whether you want to see the list first  
10 or do you want to go with whatever the clerks  
11 have found? That's the question.

12 MR. ALTER: But, Mr. Umane, you don't  
13 know what the clerks -- am I correct?

14 PRESIDENT UMANE: No, I don't know.

15 MR. ALTER: So what, so I would like to  
16 get that list so I can review it, you know, of  
17 course. And then how are we going to do that?

18 PRESIDENT UMANE: Alright.

19 MR. FOLDENAUER: It's very clear, would  
20 you like to know right now?

21 SECRETARY CAMILO: No, that's not the  
22 question. It's not for you. Hold on.

23 PRESIDENT UMANE: Mr. Foldenauer, please  
24 email to Mr. Alter the list or fax it to him, and



1 April 14, 2021

2 we'll call this on second call. The clerks have  
3 already gone over your list and then we'll get  
4 the results.

5 MR. ALTER: Mr. Umane, before I start  
6 making all this noise, what did they find? I mean  
7 that would be helpful.

8 COMMISSIONER TOWNSEND: We'll send it to  
9 you.

10 COMMISSIONER ARAUJO: But that's not the  
11 procedure and I don't want to, you know.

12 MR. ALTER: Instead of me going through  
13 all this, you know, it's going to be tough for  
14 me, getting an email, a list now to review it and  
15 get back to when we call this case again, don't  
16 you think?

17 SECRETARY CAMILO: We appreciate you  
18 wanting to save time, Mr. Alter, but I think  
19 since you're indicating that you have not  
20 received it, the commissioners from the borough  
21 office are saying that they can send that to you,  
22 or that opposing counsel Mr. Foldenauer should do  
23 that.

24 MR. ALTER: So when will I get it and

1 April 14, 2021

2 when will I have an opportunity to respond to it.

3 MR. FOLDENAUER: So, just to be clear,  
4 if I'm asked to send it to him, and I do defer  
5 the commissioners, I would need his email address  
6 and I can send it within the next 30 seconds.  
7 I've already opened an email [unintelligible]  
8 [04:07:45] attaching it now.

9 MR. ALTER: My email address is on the  
10 notice of appearance that I filed with the board  
11 and it's also on the papers I filed with the  
12 court that your client has been sued on.

13 PRESIDENT UMANE: Okay. Mr. Alter,  
14 [unintelligible] [04:07:54].

15 [CROSSTALK]

16 MR. ALTER: [unintelligible] [04:07:54]  
17 have this [unintelligible] [04:07:56].

18 MR. FOLDENAUER: Can you tell me your  
19 email address sir --

20 MR. ALTER: Are you ready?

21 MS. KONTZAMANIS: Not on, not on live  
22 air. Do not repeat your email address on live  
23 air.

24 MR. ALTER: Okay. So, Mr. Foldenauer,

1 April 14, 2021

2 you're -- wait a minute, how do I do this?

3 SECRETARY CAMILO: Commissioner Umane,  
4 we second call this matter and they can go back  
5 to the waiting room and figure it out, they can  
6 speak to each other.

7 MR. ALTER: Alright, Mr. Foldenauer, you  
8 got a telephone number? I'll call you.

9 MR. FOLDENAUER: My information is a  
10 public record. So --

11 MR. ALTER: Good, do me a favor  
12 [unintelligible] [04:07:56] you're being cute  
13 now, okay.

14 MR. FOLDENAUER: Yeah, I'm a politician,  
15 okay.

16 MR. ALTER: You're really being cute.  
17 You're really being cute, okay. You really want  
18 to be cute now, don't you?

19 MR. FOLDENAUER: No.

20 MR. ALTER: Really cute. No, you are. I  
21 asked you for a simple phone number and you don't  
22 want to give it to me.

23 [CROSSTALK]

24 MS. KONTZAMANIS: I'm going to move you

1 April 14, 2021

2 guys into the lobby and connect you in an email.

3 I'm going to move you both --

4 MR. ALTER: Okay.

5 MS. KONTZAMANIS: -- into the lobby.

6 MR. ALTER: Okay. Very good. So you're  
7 going to recall the case, am I correct?

8 PRESIDENT UMANE: Yes.

9 MS. PATEL: Shall I move on,  
10 commissioners?

11 PRESIDENT UMANE: Yes, please.

12 MR. SATTIE: Commissioners, before we  
13 continue with the spec calendar, I do need to  
14 correct the record as far as the prima facie  
15 report is concerned. We did have some -- we do  
16 have some appearances that were not addressed.  
17 They are all Republican matters. I can call the  
18 candidates in which I see notices of appearances  
19 for. It's all, again, it's all Republican Party.  
20 The candidates names on the prima facie report.

21 PRESIDENT UMANE: Yeah, but wait a  
22 second. Let's just -- we're going to do that  
23 after this.

24 MR. SATTIE: Okay. No problem.

1 April 14, 2021

2 PRESIDENT UMANE: We're going to go  
3 through the spec list.

4 MR. SATTIE: Sorry.

5 PRESIDENT UMANE: Okay.

6 MS. PATEL: Shall I continue?

7 PRESIDENT UMANE: Yes, please.

8 MS. PATEL: Okay. Spec number 12-1, in  
9 the matter of objections by Teresa O'Brien-  
10 Israel, to the petition of Kenichi Wilson for  
11 candidate, sorry, for City Council member 32nd  
12 District, total number of signatures required  
13 270, total valid signatures 258.

14 MR. SATTIE: There are appearances for  
15 the candidate and the objector. For the  
16 candidate, Aaron Foldenauer, and for the  
17 objector, Bernard Alter.

18 MS. KONTZAMANIS: They're coming back.

19 PRESIDENT UMANE: I have a question, the  
20 number of signatures required is not on the  
21 report.

22 SECRETARY CAMILO: Yes, it's 270, spec  
23 12-1, yeah.

24 MR. FOLDENAUER: Hi, commissioners, this

1 April 14, 2021

2 is Aaron Foldenaur again for the candidate, Mr.  
3 Kenichi Wilson. He also goes by Kenny.

4 COMMISSIONER ARAUJO: Can I just suggest  
5 that if it's the same issue and an exception  
6 report has been submitted, can we just second  
7 call this one with the other one if the document  
8 was not provided to opposing counsel?  
9 [unintelligible] [04:10:48]

10 MR. FOLDENAUER: I'm happy to do that. I  
11 just would like to incorporate my reference, all  
12 of my argument concerning the email address,  
13 which is the same issue here. I'm sure the  
14 commission would love to hear it again. But if  
15 the commission agrees that I incorporate by  
16 reference.

17 PRESIDENT UMANE: Yes.

18 MR. FOLDENAUER: And that way I don't  
19 have to go through that.

20 PRESIDENT UMANE: We stipulate that  
21 you've made it again. Okay.

22 MR. FOLDENAUER: Alright.

23 PRESIDENT UMANE: Second call, let's  
24 keep going. Please sent to Mr. Alter the list on

1 April 14, 2021

2 this one as well if you have one.

3 MR. FAOLDENAUER: Absolutely. We'll work  
4 to get his email address all good.

5 PRESIDENT UMANE: Okay.

6 MS. PATEL: Okay, spec number 13-1,  
7 objections by Ramona Campbell to the petition of  
8 Martin Hightower, member of the City Council 28th  
9 District, number of signatures required 81, total  
10 valid signatures, 40.

11 MR. SATTIE: There are appearances.  
12 There are appearances for both the objector and  
13 the candidate. Daniel Mayo for the candidate,  
14 John F. Haggerty Jr. for the objector.

15 COMMISSIONER ARAUJO: And I note for the  
16 record --

17 PRESIDENT UMANE: Mr. Mayo is here for  
18 the candidate, you're short.

19 SECRETARY CAMILO: Hold on, make sure he  
20 can hear.

21 COMMISSIONER ARAUJO: Mr. President, I  
22 just want to note for the record that Mr.  
23 Haggerty has left the room.

24 PRESIDENT UMANE: Okay. Mr. Mayo.

1 April 14, 2021

2 MR. MAYO: Yes.

3 PRESIDENT UMANE: Your candidate is  
4 short. Do you have something to add?

5 MR. MAYO: If I may, there is still an  
6 outstanding prima facie item on all of our  
7 candidates. We have 29 candidates, 31 objections  
8 are filed, all of them depending on one prima  
9 facie issue, so if I may indulge the court, can  
10 we group all of them together, so it'll be one  
11 argument for everyone.

12 MS. PATEL: Okay. That sounds -- that's  
13 a relief.

14 MR. MAYO: To save everyone time.

15 PRESIDENT UMANE: Well, so you're -- are  
16 you representing all of these --

17 MR. MAYO: Yes.

18 PRESIDENT UMANE: -- candidates?

19 MR. MAYO: Yes, I am.

20 PRESIDENT UMANE: Mr. Haggerty, are you  
21 representing all of the objectors?

22 MR. JOHN HAGGERTY: I believe I am. But  
23 Commissioner Umane, can I clarify something?

24 PRESIDENT UMANE: Sure.



1 April 14, 2021

2 MR. HAGGERTY: So on some of these  
3 petitions, you both have the prima facie issue  
4 and you also have a clerks' report, right. And I  
5 think the board needs to adopt the clerks' report  
6 when you have insufficient signatures along with  
7 addressing the prima facie issue. Right. Mr. --

8 PRESIDENT UMANE: No, we are. We're  
9 going to go through all of them.

10 MR. HAGGERTY: Okay, alright. As long as  
11 that's going to happen.

12 MR. MAYO: Hey, John be advised, yeah,  
13 I'm just asking because the argument is going to  
14 be similar on almost every one of them on one  
15 issue. I would like to group them together and  
16 then finish the others together. So all the  
17 Republican candidates, let's talk about them at  
18 once and then we'll go to the other issues  
19 afterwards.

20 PRESIDENT UMANE: Okay. Just a question.

21 MR. MAYO: Yes.

22 PRESIDENT UMANE: Mr. Sattie, is this  
23 the prima facie issue that we were going to pick  
24 up at the end of this? Is that the same issue?

1 April 14, 2021

2 MS. PATEL: No, no.

3 MR. SATTIE: Yes. For, well --

4 PRESIDENT UMANE: Okay.

5 MR. SATTIE: -- well, for Mr. Hightower,  
6 who is the objection at hand, there, he was --  
7 Mr. Hightower is on that prima facie report. He  
8 was one of the candidates who I was referring to,  
9 so that would be --

10 SECRETARY CAMILO: That's spec 13-1?

11 MR. SATTIE: Correct. Mr. --

12 PRESIDENT UMANE: Okay. So we'll deal  
13 with the spec and we'll deal with the global  
14 prima facie issue with Mr. Hightower and then  
15 we'll go through all of the specs on an  
16 individual basis.

17 MR. MAYO: Thank you.

18 PRESIDENT UMANE: Okay. So, Mr. Mayo?

19 MR. MAYO: Yes.

20 PRESIDENT UMANE: You're short. You want  
21 to argue the prima facie or come with two extra  
22 signatures here?

23 [CROSSTALK]

24 COMMISSIONER ARAUJO: It's not even two,

1 April 14, 2021

2 it's one extra signatures. For the record, it's  
3 [unintelligible] [04:14:47] was submitted.

4 MR. MAYO: Okay, sorry, it was the  
5 feedback [unintelligible] [04:14:49]. So I guess  
6 the global one, I guess how do you want to  
7 schedule it, do you want to do the global one  
8 first, or you want to do the later?

9 PRESIDENT UMANE: You have the floor.  
10 Which one do you want to do first, go ahead.

11 MR. MAYO: Okay. Thank you much for  
12 giving me the floor. Let me go and start with I  
13 guess the first, the big one, okay, if that's  
14 okay with counsel, there, the one, the counsel  
15 report. Is the counsel ready to do the counsel  
16 report?

17 MR. HAGGERTY: Mr. Umane? We're skipping  
18 the ones where the prima facie issue is applied  
19 via the counsel's report doesn't start until the  
20 80s in the specs. These other specs are specs for  
21 below the five percent.

22 MR. MAYO: Well, John, if I may, the  
23 prima facie they're down, the prima facie  
24 calendar that was just done moments ago, I was

1 April 14, 2021

2 not even given a chance to talk about and I was  
3 in the waiting room and --

4 MR. HAGGERTY: And so was I, and I don't  
5 believe that issue comes up to somewhere like  
6 spec number 80 or 82 or something.

7 MR. MAYO: I would like to make right  
8 now --

9 COMMISSIONER MICHEL: Commissioner  
10 Michel --

11 PRESIDENT UMANE: Okay.

12 COMMISSIONER MICHEL: -- this is  
13 Commissioner Michel, it comes up in Spec 82,  
14 John.

15 PRESIDENT UMANE: Let's just, we're  
16 going to deal with the prima facie issue at the  
17 end. And we're going to deal just with the specs  
18 and go through all the specs and then we'll deal  
19 with the prima facie issue. Let's deal with the  
20 specs, okay.

21 MR. MAYO: Thanks, we'll follow your  
22 rule. Okay.

23 PRESIDENT UMANE: Okay. Thank you, Mr.  
24 Mayo.

1 April 14, 2021

2 COMMISSIONER ARAUJO: Just to go back,  
3 because I'm not sure that the record is clear.  
4 He's short by 41 and my staff has informed me  
5 that there was no exception report submitted to  
6 the board to review.

7 MR. MAYO: That is correct, Mr.  
8 [unintelligible] [04:16:39]. We did not submit  
9 that report. So in this case, I agree with Mr.  
10 Haggerty, he may lose the specifications.

11 COMMISSIONER ARAUJO: I move that we  
12 adopt the clerks' report.

13 COMMISSIONER MICHEL: I second it,  
14 Commissioner Michel.

15 PRESIDENT UMANE: All in favor? All  
16 opposed? All abstentions? The candidate is off  
17 the ballot.

18 MS. PATEL: Spec number 16-1, objections  
19 by Han-Khon To, to the petition of Enid H.  
20 Goldstein for member of the City Council, 25th  
21 District, number of signatures required 110,  
22 total valid signatures is three.

23 COMMISSIONER ARAUJO: Again, for the  
24 record, no exception report was submitted to the

1 April 14, 2021

2 board timely. Ms. Patel, do you have something to  
3 add?

4 MS. PATEL: No, I'm sorry, there isn't,  
5 there are no appearances.

6 MR. SATTIE: They're out there.

7 COMMISSIONER ARAUJO: No appearances.  
8 [unintelligible] [04:17:43].

9 COMMISSIONER MICHEL: Second.

10 MR. SATTIE: There are appearances.

11 PRESIDENT UMANE: All in favor?

12 MS. PATEL: Sorry, sorry, sorry. There  
13 are appearances?

14 MR. SATTIE: There are appearances by  
15 John F. Haggerty as the objector and Daniel Mayo  
16 as the candidate.

17 MS. PATEL: Oh.

18 PRESIDENT UMANE: Okay. So they both  
19 stay on. Mr. Mayo, your candidate is woefully  
20 short here. Do you have anything to add?

21 SECRETARY CAMILO: He is no longer in  
22 the room. He was. He's coming back.

23 MR. HAGGERTY: I believe there was only  
24 three signatures submitted in total.

1 April 14, 2021

2 PRESIDENT UMANE: If he's here, he's --

3 SECRETARY CAMILO: Mr. Mayo?

4 PRESIDENT UMANE: Okay, so Mr. Mayo are  
5 you back?

6 MR. MAYO: Yeah, I did get knocked off  
7 there, I apologize. But I mean video  
8 [unintelligible] [04:18:33].

9 PRESIDENT UMANE: Okay. So --

10 MS. KONTZAMANIS: Sir --

11 PRESIDENT UMANE: -- we're now doing,  
12 we're not doing Enid Goldstein.

13 MR. MAYO: I agree with Haggerty, so  
14 we'll move the clerks' report for Ms. Goldstein.

15 COMMISSIONER ARAUJO: The motion has  
16 been made and seconded by Commissioner Michel.

17 PRESIDENT UMANE: All in favor?

18 MULTIPLE: Aye.

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

21 MS. PATEL: Next is spec number 18-1,  
22 objections by Kevin J. Ryan to the petition of  
23 Regina Michelle Landi, female member Republican  
24 State Committee 26th District, required

1 April 14, 2021

2 signatures 150, total valid signatures 46.

3 MR. SATTIE: Same representatives for  
4 objector and candidate.

5 COMMISSIONER ARAUJO: Anything to add?  
6 No exception report submitted.

7 MR. MAYO: No, nothing to add, Haggerty  
8 is correct.

9 PRESIDENT UMANE: Alright. I would just  
10 like to say that all of these reports lack the  
11 number of signatures required. So just in the  
12 future, we need to include that.

13 MR. SATTIE: Okay.

14 MS. PATEL: Okay.

15 COMMISSIONER ARAUJO: Move the clerks'  
16 report.

17 PRESIDENT UMANE: Is there a second?

18 COMMISSIONER MICHEL: Second.

19 PRESIDENT UMANE: All in favor?

20 MULTIPLE: Aye.

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

23 MS. PATEL: Spec number 19-1, objections  
24 by Kevin J. Ryan to the petition of James J.



1 April 14, 2021

2 Martinosky, male member Republican State  
3 Committee for the 26th District, signatures  
4 required 150, total valid signatures 46.

5 MR. SATTIE: Same appearances.

6 PRESIDENT UMANE: Okay. Okay. Is there a  
7 motion on the clerk's report?

8 COMMISSIONER ZACCONE: Move the clerks'  
9 report.

10 COMMISSIONER MICHEL: Second.

11 PRESIDENT UMANE: All in favor?

12 MULTIPLE: Aye.

13 PRESIDENT UMANE: All opposed? All  
14 abstentions? The candidate is off the ballot.

15 MS. PATEL: Spec 25-1, objections by  
16 Barbara A. Elsasser to the petition of Ruben D.  
17 Cruz II, member of the New York City Council 32nd  
18 District, number of signatures required is 254,  
19 total valid signatures is 90.

20 MR. SATTIE: Mr. Mayo is not appearing  
21 for the candidate in this issue. Mr. Haggerty is  
22 appearing for the objector.

23 PRESIDENT UMANE: Alright. Well, leave  
24 Mr. Mayo in, because he's going to be back in a

1 April 14, 2021

2 second.

3 MR. SATTIE: Sounds good.

4 MS. KONTZAMANIS: Okay. We'll let in Mr.  
5 Cruz.

6 PRESIDENT UMANE: [unintelligible]  
7 [04:21:17] on the clerks' report?

8 COMMISSIONER ARAUJO: Is Mr. Cruz,  
9 [unintelligible] [04:21:20] or not?

10 MR. SATTIE: Reminder that Mr. Cruz was  
11 -- Mr. Cruz was removed via, on the prima facie  
12 calendar.

13 COMMISSIONER ARAUJO: Mr. Haggerty, do  
14 you move the clerks' report?

15 MR. HAGGERTY: Yeah, I'd like the  
16 clerks' report adopted, please.

17 COMMISSIONER ARAUJO: Motion to adopt  
18 the clerks' report.

19 COMMISSIONER MICHEL: Second.

20 PRESIDENT UMANE: All in favor?

21 MULTIPLE: Aye.

22 PRESIDENT UMANE: All opposed? All  
23 abstentions? Okay. The candidate is off the  
24 ballot. And the clerks' report is adopted.

1 April 14, 2021

2 [unintelligible] [04:21:53] you guys,

3 [unintelligible] [04:21:53] please?

4 MS. PATEL: Yes, sorry. 30-1, Marie  
5 Elena Fabrizi to the petition of Aldo J. Solares,  
6 male member Republican State Committee, 34th  
7 District, number of signatures required 69, total  
8 valid signatures 13.

9 MR. SATTIE: This is back to John  
10 Haggerty appearing for the objector, Daniel Mayo  
11 for the candidate.

12 PRESIDENT UMANE: Okay, Mr. Mayo,  
13 anything?

14 MR. MAYO: Nothing, so move the report.

15 PRESIDENT UMANE: Is there a motion on  
16 the clerks' report?

17 COMMISSIONER TOWNSEND: So moved.

18 COMMISSIONER MICHEL: Second.

19 PRESIDENT UMANE: All in favor?

20 MULTIPLE: Aye.

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

24 MS. PATEL: Spec 31-1, objections by

1 April 14, 2021

2 Joseph J. Cullina to the petition of Donovan H.  
3 Sybliss, male member Republican State Committee,  
4 31st District, signatures required 53, total  
5 valid signatures 38.

6 MR. SATTIE: Same representation.

7 COMMISSIONER ARAUJO: Alright. Move the  
8 clerks' report.

9 COMMISSIONER MICHEL: Second.

10 PRESIDENT UMANE: All in favor?

11 MULTIPLE: Aye.

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

14 MS. PATEL: Spec number 35-1, in the  
15 matter of objections by Felicia Kalan to the  
16 petition of Fernando J. Acosta, male member,  
17 Republican State Committee, 36th District, total  
18 signatures required 102, total valid signatures,  
19 three.

20 MR. SATTIE: Same representation.

21 MR. MAYO: I do have an objection this  
22 case. The specification of objections filed by  
23 Mr. Haggerty identified the wrong petition volume  
24 numbers. It should have the QN2100138, instead he

1 April 14, 2021

2 wrote down QN2100129.

3 PRESIDENT UMANE: Could we check that,  
4 please?

5 COMMISSIONER ARAUJO: What petition  
6 number?

7 MR. MAYO: It should be 2100138, on the  
8 specification of objections, he wrote down 129.

9 COMMISSIONER ARAUJO: That is what's  
10 listed on the specification.

11 MR. MAYO: It is not the right volume  
12 for Mr. Fernando Acosta.

13 COMMISSIONER ARAUJO: Do we have the  
14 petition [unintelligible] [04:24:24]?

15 MS. PATEL: 35, 35-1.

16 COMMISSIONER ARAUJO: Mr. Acosta does  
17 appear on the petition number 138 and he does not  
18 appear on 129, so the spec is defective, however,  
19 I do note for the record, it was submitted only  
20 three signatures for a petition that required 102  
21 signatures. So although the specification will be  
22 dismissed, I would add that we move this to the  
23 prima facie calendar based on weight.

24 PRESIDENT UMANE: Okay. Is there a

1 April 14, 2021

2 second to that motion?

3 COMMISSIONER MICHEL: Second.

4 PRESIDENT UMANE: All in favor?

5 MULTIPLE: Aye.

6 PRESIDENT UMANE: All opposed? All  
7 abstentions? So the objection is dismissed but  
8 the candidacy is removed prima facie because of  
9 the, only three signatures submitted in lieu of  
10 120, uh, of a lot more.

11 MR. SATTIE: 102.

12 PRESIDENT UMANE: 102. It's upside down,  
13 so I apologize.

14 MR. MAYO: It's a long day. It's almost  
15 done.

16 MS. PATEL: Okay, specification number  
17 50-1, objections by Angelo King to the petition  
18 of Lauren N. Rivera for female member Republican  
19 State Committee, 27th District, number of  
20 signatures required 136, total valid signatures  
21 175. Are there appearances?

22 MR. HAGGERTY: So, commissioners on spec  
23 36 and 37 were the same issue. I believe the spec  
24 doesn't properly specify the party position and

1 April 14, 2021

2 must be dismissed.

3 MR. MAYO: Uh --

4 COMMISSIONER ZACCONE: No, we're on 51,  
5 I don't see 35 and 36.

6 MR. MAYO: And that's 151, that's Lauren  
7 Rivera, Angel King and Lauren, 51.

8 MR. HAGGERTY: No, 30-

9 COMMISSIONER ARAUJO: Mr. Haggerty,  
10 [unintelligible] [04:26:41] 51-1.

11 MR. HAGGERTY: 51-1. I'm sorry. So we're  
12 skipping over 36 and 37?

13 MR. MAYO: We're doing 51.

14 MS. PATEL: We have 36, 37? We don't  
15 have 36, 37.

16 MR. HAGGERTY: It's on your calendar.

17 MR. SATTIE: We see no clerks' report.

18 MS. KONTZAMANIS: We have notice of  
19 appearances.

20 MR. SATTIE: We have notice of  
21 appearances, it's on our spec calendar, we have  
22 no clerks' reports for them.

23 PRESIDENT UMANE: Was it on prima facie  
24 perhaps?

1 April 14, 2021

2 COMMISSIONER ARAUJO: Those matters were  
3 removed under H1 by the commissioners as  
4 [unintelligible] [04:27:17].

5 PRESIDENT UMANE: I'm sorry, Mr. Araujo,  
6 could you just repeat what you just said?

7 COMMISSIONER ARAUJO: Yes. They were  
8 referred to the commissioners on the rule H1, and  
9 were not worked up.

10 MS. PATEL: Oh, that's --

11 PRESIDENT UMANE: Okay. And the basis  
12 for that, we can then ratify your decision.

13 COMMISSIONER ARAUJO: Just give me one  
14 second. We're getting it. The request was, the  
15 specification not worked up because the  
16 specification cover sheet is defective under Rule  
17 H1 because it fails to state the party position  
18 as set forth on the election document to which  
19 the objection is addressed. And that's --

20 PRESIDENT UMANE: Okay. So I move --

21 COMMISSIONER ARAUJO: [unintelligible]  
22 [04:28:20].

23 PRESIDENT UMANE: -- I move that we  
24 ratify --



1 April 14, 2021

2 MR. SATTIE: We do have, for the record,  
3 we do have notices of appearance for the  
4 objectors as well on this.

5 PRESIDENT UMANE: Who, alright, so who  
6 is appearing for the objector?

7 MR. SATTIE: Scherie S. Murray.

8 PRESIDENT UMANE: Okay. so please bring  
9 in Ms. Murray.

10 MS. KONTZAMANIS: And Richard St. Paul,  
11 Mr. Sattie, we've got appearances from a Richard  
12 St. Paul and a Scherie S. Murray and they're both  
13 in the waiting room. They're both entered the  
14 hearing.

15 PRESIDENT UMANE: Okay. Alright.  
16 Commissioner Araujo, you're going to have to  
17 repeat yourself once they get here, so they have  
18 an opportunity to hear it.

19 SECRETARY CAMILO: I apologize. What  
20 spec number are we doing?

21 PRESIDENT UMANE: 36 and 37.

22 SECRETARY CAMILO: Thank you.

23 COMMISSIONER ARAUJO: The matter was  
24 referred to the commissioners pursuant to rule H-

1 April 14, 2021

2 1. The staff had made the request that they not  
3 work the [unintelligible] [04:29:25]  
4 specification of objections, because they did not  
5 believe the specification cover sheet was, they  
6 believed that the specification cover sheet was  
7 defective under Rule H-1 because it failed to  
8 state the party position as set forth on the  
9 election document to which the objection is  
10 addressed.

11 PRESIDENT UMANE: So is there anybody  
12 now appearing for the objector?

13 MS. SCHERIE S. MURRAY: Yes.

14 PRESIDENT UMANE: Okay. Please identify  
15 yourself. Is that Ms. Murray, please.

16 MS. MURRAY: Yes, it is, but I also have  
17 my lawyer on the line as well.

18 PRESIDENT UMANE: Okay, well whoever you  
19 want, you get one person to speak. Who would you  
20 like that to be, the lawyer or you?

21 MS. MURRAY: Oh, the legal.

22 PRESIDENT UMANE: Alright. So who is  
23 your lawyer?

24 MS. MURRAY: Richard St. Paul.

1 April 14, 2021

2 PRESIDENT UMANE: Okay, Mr. St. Paul are  
3 you here? Mr. St. Paul? Mr. St. Paul?

4 MR. HAGGERTY: Maybe he's on mute.

5 MS. KONTZAMANIS: No, he's not muted.

6 PRESIDENT UMANE: Alright, Mr. St. Paul,  
7 the objection was insufficient because it did not  
8 name the position of the person to whom you were  
9 objecting. And as a result, the borough  
10 commissioners instructed staff not to work the  
11 specifications because the objection they thought  
12 was invalid. Do you have any argument to indicate  
13 that the specifications were valid,  
14 notwithstanding the substantial information  
15 omitted? Sir?

16 MS. MURRAY: I'm not hearing him.

17 PRESIDENT UMANE: No, neither, well.

18 MS. MURRAY: He's on the screen, but  
19 we're not hearing him. I see his name on your  
20 screen, on your life screen. Is there some  
21 technical difficulties?

22 PRESIDENT UMANE: Well, I'm going to  
23 give him one more minute to unmute, and then  
24 we're just going to move ahead.

1 April 14, 2021

2 MS. MURRAY: Okay, so then I'll speak on  
3 behalf if he's not.

4 PRESIDENT UMANE: Okay.

5 MS. MURRAY: After the minute has  
6 expired.

7 COMMISSIONER ARAUJO: I don't see a mic  
8 icon under his name.

9 PRESIDENT UMANE: Okay, Ms. Murray,  
10 please make whatever argument you can. The  
11 specifications are lacking and so would be deemed  
12 invalid and thus the candidacy would remain.

13 MS. MURRAY: Okay, my argument,  
14 commissioner, thank you very much. The objectors,  
15 sorry, excuse me, let me just get to my notes  
16 here. Okay. So, um, so in accordance with the  
17 submission of the general objections document,  
18 party position [unintelligible] [04:33:13] the  
19 correct Assembly District was listed on the  
20 general objection document. Also, on the  
21 specification of objection document, it clearly  
22 lists for myself and the male leader the party  
23 position and the district and it really states  
24 the volume numbers and the specification number

1 April 14, 2021

2 which respectively QN37 and QN37 on the  
3 specification of objections form submitted and  
4 clicked into the Board of Elections. So we would  
5 ask that the board take a look at that  
6 specification and deem that valid, as it does  
7 have identifying numbers for which the board  
8 would have had the opportunity on its face to  
9 identify the actual candidate.

10 PRESIDENT UMANE: Commissioner Araujo,  
11 you seem to have the documents in front of you.  
12 Is that --

13 COMMISSIONER ARAUJO: I do, Mr.  
14 President. QN37-1 specification, on the public  
15 office and party position, it only states male  
16 member. It omits the language of state committee,  
17 which is essential to the title. So with respect  
18 to that one, I believe it's defective and it  
19 should not have been worked up. With respect to  
20 QN36-1, where it does say public office or party  
21 position, it does say female member state  
22 committee, so on this one, it appears to properly  
23 indicate the title of the position.

24 PRESIDENT UMANE: Does it have the right

1 April 14, 2021

2 district?

3 COMMISSIONER ARAUJO: 49th Assembly  
4 District, 49th Assembly District, yes.

5 PRESIDENT UMANE: Okay.

6 COMMISSIONER ARAUJO: So I would move --

7 MS. MURRAY: Commissioner -- I'm sorry.

8 COMMISSIONER ARAUJO: -- I would -- go  
9 ahead.

10 MR. HAGGERTY: I don't believe it says  
11 Republican State Committee.

12 MS. MURRAY: I'm sorry, if I may, I  
13 would also just reiterate and point out again  
14 specifically on the specification of objection  
15 forms, it does indicate a number, which is  
16 effectively QN36 and QN37.

17 COMMISSIONER ARAUJO: So, if I may, Mr.  
18 Haggerty is correct. Neither specification,  
19 although on QN37-1, it at least states male, but  
20 it omits Republican, give me one second, it omits  
21 Republican, male member of Republican State  
22 Committee and on QN36-1, it only says female  
23 member state committee and omits the name  
24 Republican, or the title Republican. So for those

1 April 14, 2021

2 reasons, staff had indicated not to support them,  
3 and we agreed at that time not to work them  
4 because they were defective in that sense. We  
5 hold people to a higher standard when it comes to  
6 specifications.

7 PRESIDENT UMANE: Okay. So --

8 MS. MURRAY: Okay, may I interject if I  
9 can, commissioner, because I do have additional  
10 arguments here.

11 PRESIDENT UMANE: Yes.

12 MS. MURRAY: There was an affidavit  
13 submitted on its face whereas the subscribing  
14 witness on some of the petition volumes were not  
15 subscribed in front of the witness, and so that  
16 affidavit has been submitted as material. And  
17 then I would also add, commissioners, with  
18 except, as specifically set forward hearing,  
19 these rules on this minor technicality should be  
20 literally construed and --

21 MS. PATEL: It's not minor.

22 MS. MURRAY: -- any technical defect, as  
23 Mr. Haggerty alluded to, shall be disregarded  
24 where there has been substantial compliance and

1 April 14, 2021

2 where a strict construction has been set forth.

3 PRESIDENT UMANE: Ms. Murray, that's not  
4 the case with regard to objections, because the  
5 theory there is you're holding people up to a  
6 high standard and you're objecting. And if you're  
7 going to object, you have to get it right. And  
8 the failure to list the party for state committee  
9 is a significant omission.

10 MS. MURRAY: So the party --

11 PRESIDENT UMANE: So Commissioner Araujo  
12 has made a motion, seconded by Commissioner  
13 Michel, that we ratify the decision of the Queens  
14 commissioners and I would ask for a vote. All in  
15 favor?

16 MULTIPLE: Aye.

17 PRESIDENT UMANE: All opposed? All  
18 abstentions? So the committee, the Queens  
19 committee is ratified and the objections are  
20 dismissed as improper on 36 and 37. And now we'll  
21 move to 51.

22 MR. SATTIE: Remove Ms. Murray from the  
23 hearing.

24 MS. MURRAY: Sir, I have a last comment



1 April 14, 2021

2 if that's okay, as it relates to the affidavit  
3 that was submitted. I would like to add for the  
4 commissioners to defer that to the proper entity  
5 and I do have language on that as well, as we  
6 come back up, I'd be happy to [unintelligible]  
7 [04:38:38].

8 PRESIDENT UMANE: It's simply, from our  
9 standpoint, the objection was dismissed and so  
10 there's no further matters before the commission.  
11 So we don't really have occasion to look at the  
12 affidavits or anything else that you might have  
13 put in, because the objection was deemed invalid,  
14 and so the candidates remain on the ballot.

15 MS. MURRAY: But notwithstanding --

16 PRESIDENT UMANE: Let's move to 51.

17 MS. MURRAY: -- [unintelligible]

18 [04:39:07], I'm sorry, sir, just --

19 MS. PATEL: Commissioners, would you  
20 like me to reread that?

21 PRESIDENT UMANE: Yeah, let's call  
22 number 51.

23 MS. PATEL: Okay, 51-1, objections by  
24 Angelo King to the petition of Lauren N. Rivera,

1 April 14, 2021

2 female member Republican State Committee, 27th  
3 District, number of signatures required 136,  
4 valid signatures submitted, 175.

5 MR. SATTIE: This is John F. Haggerty  
6 representing the candidate, Daniel Mayo, the  
7 objector.

8 MR. MAYO: Okay.

9 PRESIDENT UMANE: I think they're still  
10 on.

11 MR. MAYO: Yeah, I am.

12 PRESIDENT UMANE: So, Mr. Mayo, do you  
13 have something?

14 MR. MAYO: Yes, I also sent basically an  
15 objection to the clerks' report timely, so Monday  
16 before 3:00 o'clock, there where we submitted  
17 over 82 names whereby the board, the clerks have  
18 made a lot of errors on. If you look at the  
19 actual specifications, the markings by the  
20 clerks' report, it was highly altered, with a lot  
21 of erasures.

22 COMMISSIONER ARAUJO: Mr. Mayo, I'm  
23 sorry, if I could just intervene one second. Did  
24 you submit an exception report to the board? My

1 April 14, 2021

2 staff is indicating that they did not receive it.

3 MR. MAYO: I can show the email then,  
4 the date there, okay, yes, it has submitted the  
5 exception report, the objection report, because  
6 it's not rehabilitated, it would just say  
7 [unintelligible] [04:40:31] the clerks' report.  
8 And also I sent a copy --

9 [CROSSTALK]

10 COMMISSIONER ARAUJO: Sir,  
11 [unintelligible] [04:40:34] do not move the  
12 clerks' report because you have sufficient,  
13 because you're representing the candidate, right?  
14 Did you submit an exception report showing where  
15 the board made errors to add? Because our staff  
16 did not receive that is what I'm saying. Mr.  
17 Haggerty, did you receive a copy of the subject  
18 report to [unintelligible] [04:40:52] additional  
19 signatures.

20 MR. HAGGERTY: No, I didn't and I'd move  
21 the clerks' report because I'm confident in the  
22 board's work.

23 MR. MAYO: Well, I beg to differ, I can  
24 show you the email date, the action submitted

1 April 14, 2021

2 along with all the other objections, and also  
3 info that [unintelligible] [04:41:08].

4 PRESIDENT UMANE: Could we check our  
5 records to see if we received the list?

6 MR. MAYO: And if you look at the actual  
7 clerks' report, a lot of alterations, lot of  
8 erasing, they even give, when I said that they're  
9 not enrolled, the clerks' report wrote he's a  
10 Democrat so they give it to the person. In the  
11 clerks' report -- in the specifications, when it  
12 says it is a blank, they give it to the person,  
13 even when I said it's not enrolled, so a lot of  
14 alterations, a lot of [unintelligible]  
15 [04:41:42].

16 COMMISSIONER ARAUJO: When did you send  
17 in the exception report, just so we can try to  
18 track it down.

19 MR. HAGGERTY: When was it submitted?

20 MR. SATTIE: When was it submitted.

21 MR. MAYO: I'll give you the exact time,  
22 let's see. Monday, okay, Monday, April 11th,  
23 let's see, 10:57, I submitted a lot of hearings,  
24 for that particular report it was 10:59, these

1 April 14, 2021

2 are all Monday dates, uh, let's see, 10:57, 56,  
3 Monday, Monday, here we go, let's see. QN16 was  
4 9:45, okay, QN51 was 1:01 p.m., Monday, April  
5 12th.

6 COMMISSIONER ARAUJO: So what email  
7 address did you sent the exception report?

8 MR. MAYO: [Hearings2021@boe.nyc](mailto:Hearings2021@boe.nyc) as  
9 indicated.

10 COMMISSIONER ARAUJO: Can we have  
11 someone from the general office confirm that,  
12 please?

13 PRESIDENT UMANE: Okay, we'll move this  
14 to second call. We'll move this --

15 MR. MAYO: No problem.

16 PRESIDENT UMANE: -- to second call.  
17 Let's continue.

18 MS. PATEL: Okay. Spec 52-1, in the  
19 matter of objections of Angelo King to the  
20 petition of Konstantinos Poulidis, male member of  
21 Republican State Committee, 27th District, number  
22 of signatures required, 136, total signatures  
23 valid 175.

24 MR. MAYO: Second call for that one

1 April 14, 2021

2 request please, those are same petition volume.

3 PRESIDENT UMANE: Yeah, second call.

4 Let's keep going.

5 MR. HAGGERTY: Commissioner Umane, might  
6 I point out something? If I recall, when I looked  
7 at these original specs, there may be defects in  
8 the symbol sheets, I'm not sure, but there were  
9 some that had defective symbol sheets I believe.

10 MR. MAYO: Not enrolled is not enrolled.

11 PRESIDENT UMANE: Well when, you can  
12 raise that when we get there.

13 MR. HAGGERTY: Okay, thank you,  
14 commissioner.

15 PRESIDENT UMANE: Okay.

16 MS. PATEL: Spec 53-1, objections by  
17 Angelo King to the petition of Timothy A. Rosen,  
18 member of City Council, 24th District, number of  
19 signatures required 157, total valid signatures  
20 256.

21 MR. MAYO: We accept the clerks' report.

22 PRESIDENT UMANE: Okay.

23 COMMISSIONER ARAUJO: Mr. Haggerty, do  
24 you have anything to add? Alright. Move the

1 April 14, 2021

2 clerks' report.

3 PRESIDENT UMANE: Is there a second?

4 COMMISSIONER MICHEL: Second.

5 PRESIDENT UMANE: All in favor?

6 MULTIPLE: Aye.

7 PRESIDENT UMANE: All opposed? All  
8 abstentions? The clerks' report is moved, the  
9 candidate is on the ballot.

10 MS. PATEL: Spec 56-1, objections by  
11 Kathleen A. Free to the petition of Yu-Ching Pai,  
12 member of City Council 20th District, total  
13 number of signatures required 117, total valid  
14 signatures submitted 181.

15 MR. MAYO: Okay, in this case of Yu-  
16 Ching Pai, we found a lot of irregularities. I  
17 realize the irregularity complement the  
18 [unintelligible] [04:45:12] here, specifically a  
19 lot of subscribing witnesses did not actually  
20 witness the signatures on the petition. I have  
21 also submitted, around the same time, attachments  
22 showing that this pattern is not only in the 20th  
23 Council District, it's also happened in the 27th  
24 State Assembly District, 28th [unintelligible]

1 April 14, 2021

2 [04:45:33] District to which petitions were  
3 mailed to people to have signed, but not  
4 witnessed and sent back and those letters are  
5 attached therein, since tomorrow there will be a  
6 court hearing that brought us to, we shall raise  
7 those issues then. So the clerks' report as it  
8 stands we will accept it as is, and we will bring  
9 affidavits on tomorrow.

10 PRESIDENT UMANE: Okay.

11 COMMISSIONER ARAUJO: I'll move it.

12 COMMISSIONER MICHEL: Second.

13 PRESIDENT UMANE: All in favor?

14 MULTIPLE: Aye.

15 PRESIDENT UMANE: All opposed? All  
16 abstentions? The clerks' report is adopted, the  
17 candidate is on the ballot.

18 MS. PATEL: Spec number 58-1, objections  
19 by Craig K. Tyson to the petition of Stefano  
20 Forte, male member Republican State Committee,  
21 25th District, total number of signatures  
22 required is 127, total valid signatures is 131.

23 MR. MAYO: Okay. In this case, as you  
24 all know, the procedure for the clerks when they



1 April 14, 2021

2 look at the specification of objections, if they  
3 do find valid registered voters, they would write  
4 down their ESI ID, the voter identification  
5 number. In this case, there is a difference of  
6 about four signatures and because we were  
7 [unintelligible] [04:46:52] to look at the spec  
8 until almost 2:30 in the afternoon,  
9 [unintelligible] [04:46:57]. And so we only  
10 [unintelligible] [04:46:59] those names do not --

11 COMMISSIONER ARAUJO: Can we also call  
12 spec hearing dash one, because it's also the  
13 same, so we can just get one argument for both of  
14 these.

15 MR. SATTIE: Correct.

16 MR. MAYO: Correct. So basically my  
17 argument is there's only four signatures for us  
18 to bring the minimum and we identified and we did  
19 submit also around the same time, but in this  
20 case, almost 3:00 o'clock Monday, eight  
21 signatures, no ESI numbers were written. That is  
22 indisputable. It's the fact. We checked, it's the  
23 case, and eight signatures less than the minimum  
24 will create [unintelligible] [04:47:36] as well

1 April 14, 2021

2 as Mr. Stefano Forte on the ballot.

3 COMMISSIONER ARAUJO: Mr. Haggerty?

4 MR. HAGGERTY: I'm here. On behalf of  
5 the candidates, I submitted a rehabilitation list  
6 of exceptions to the board's email.

7 MR. MAYO: I did not receive it.

8 MR. HAGGERTY: I submitted it to the  
9 board.

10 MR. MAYO: But Araujo just said you need  
11 to also submit a copy to the opposing person.

12 MR. HAGGERTY: You submitted a lot of  
13 stuff to the board you haven't sent me either,  
14 right.

15 MR. MAYO: Araujo is talking about the  
16 specs, that you did.

17 PRESIDENT UMANE: Okay. Have we received  
18 either of the lists? If it's eight signatures,  
19 let's put it on the second call. And, and --

20 COMMISSIONER ARAUJO: Just, right, we  
21 received the list, only the list from the  
22 candidate, not the objector.

23 MR. MAYO: I [unintelligible] [04:48:31]  
24 back to the date April 12th, in this case, that

1 April 14, 2021

2 one was sent, let's see, 3 --

3 MR. GRAVES: Second call it.

4 COMMISSIONER ARAUJO: We're second  
5 calling that.

6 MR. MAYO: Thank you.

7 PRESIDENT UMANE: Let's see if we got  
8 something. Okay. Let's keep going.

9 MS. PATEL: Okay, 59-1, objections by  
10 Craig K. Tyson, petition of Meilin Tan, female  
11 member Republican State Committee, 25th District,  
12 signatures required 127, total valid signatures  
13 131.

14 PRESIDENT UMANE: This is the same?

15 COMMISSIONER ZACCONE: No, it's the  
16 same.

17 MS. PATEL: Yes.

18 PRESIDENT UMANE: Same petition?

19 MS. PATEL: Yes.

20 PRESIDENT UMANE: So we'll second call  
21 that also.

22 MS. PATEL: 60-1, objections by Stephen  
23 H. Weiner to the petition of Logan P. Flotte for  
24 male member, Republican State Committee, 37th

1 April 14, 2021

2 District, number of signatures required 96, total  
3 valid signatures 137.

4 COMMISSIONER ARAUJO: Can you call 63-1?  
5 It's the same petition please.

6 MR. SATTIE: Yes, it is.

7 MS. PATEL: Yes. It is.

8 COMMISSIONER ARAUJO: Call it please.

9 MR. MAYO: There are no objections, we  
10 accept the clerks' report.

11 MS. PATEL: Okay.

12 PRESIDENT UMANE: Alright. Is there a  
13 motion?

14 COMMISSIONER ARAUJO: Yeah, move to  
15 adopt [unintelligible] [04:49:54] report for 60-1  
16 and 63-1.

17 COMMISSIONER MICHEL: Second.

18 PRESIDENT UMANE: All in favor? All  
19 opposed? All abstentions? Okay.

20 MR. SATTIE: Please move Mr. Haggerty  
21 and Mr. Mayo to the waiting room. The next spec  
22 is a different set of representatives.

23 MS. PATEL: 78-1, objections by Tamur E.  
24 Ogburn to the petition of Ruben Wills, for member

1 April 14, 2021

2 of the New York City Council 28th District.

3 Number of signatures required 270, total valid  
4 signatures received 262.

5 MR. SATTIE: Appearances here are Frank  
6 Bolz for the objector and Ali Najmi for the  
7 candidate.

8 PRESIDENT UMANE: Mr. Bolz has joined,  
9 how about Mr. Najmi?

10 MR. ALI NAJMI: I am here, good  
11 afternoon again.

12 PRESIDENT UMANE: Okay. Mr. Najmi,  
13 you're here for the candidate. You're eight  
14 signatures short.

15 COMMISSIONER ARAUJO: Mr. President, we  
16 did, the borough staff did receive an exception  
17 report from Mr. Najmi, which is the protocol  
18 [unintelligible] [04:51:15]. We have that  
19 information. Was Mr. Bolz served a copy of the  
20 exception report?

21 MR. BOLZ: Yes, I was. Mr. Najmi  
22 simultaneously emailed me from the office.

23 COMMISSIONER ARAUJO: [unintelligible]  
24 [04:51:32] I'm going to have the chief indicate

1 April 14, 2021

2 what the new numbers are based on the removed  
3 exception report.

4 MS. BERINATO: So based on the  
5 exceptions, we did find a total of 48 signatures  
6 that could be given back to the candidate, which  
7 takes it now to a total valid signatures of 310.

8 MR. NAJMI: Thank you. I would ask the  
9 board to adopt the revised clerks' report that  
10 [unintelligible] [04:52:07] Ruben Wills on the  
11 ballot, please.

12 COMMISSIONER ARAUJO: Mr. Bolz, do you  
13 have anything to add?

14 MR. BOLZ: I have nothing to add at this  
15 time.

16 COMMISSIONER ARAUJO: Move the amended  
17 clerks' report.

18 COMMISSIONER MICHEL: Seconded.

19 PRESIDENT UMANE: All in favor?

20 MULTIPLE: Aye.

21 PRESIDENT UMANE: All opposed? All  
22 abstentions? The candidate is on the ballot.

23 MR. NAJMI: Thank you.

24 MS. PATEL: Spec number 80-1, objections

1 April 14, 2021

2 by Eric Weiwu Li, to the petition of Mink-Kang  
3 Low for council member from the 20th Council  
4 District, total number of signatures required  
5 270, total valid signatures 427.

6 MR. SATTIE: I have Frank Bolz again  
7 representing the objector.

8 MR. BOLZ: I have nothing to add.

9 COMMISSIONER ARAUJO: Move the clerks'  
10 report.

11 COMMISSIONER MICHEL: Second.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? Okay.

16 MR. SATTIE: Mr. Bolz can be moved to  
17 the waiting room.

18 MS. PATEL: Spec 88-1, objections by  
19 Winnie H. Eng to the petition of Isak Khaimov, it  
20 says original candidate next to it, for member of  
21 the City Council 20th District, total number of  
22 signatures required is 117, total valid  
23 signatures was 107.

24 COMMISSIONER ARAUJO: Are there any

1 April 14, 2021

2 appearances?

3 MR. SATTIE: This has Daniel Mayo for  
4 the candidate, and John Haggerty for the  
5 objector.

6 MR. HAGGERTY: Which spec is this?

7 MR. MAYO: I'm sorry, just --

8 MR. SATTIE: 88.

9 MS. PATEL: 88.

10 MR. SATTIE: 88-1.

11 MR. HAGGERTY: What happened to 82, 84.

12 MR. MAYO: Those are the others.

13 MS. PATEL: We don't have those. Those  
14 are the legals.

15 MR. MAYO: I thought Commissioner Umame,  
16 we were going to talk about those --

17 MR. SATTIE: [unintelligible] [04:54:06]  
18 to legal, right.

19 MS. PATEL: These are the legals.

20 MR. HAGGERTY: They're going to be done  
21 at the end, right?

22 MR. MAYO: Can we do, because these all,  
23 all of them are the same. Can we just do it now?

24 COMMISSIONER ARAUJO: No. We're on 88-1,



1 April 14, 2021

2 can we just do that one please, let's keep it in  
3 order and we'll get back to the ones with legal  
4 when we're through with recall. So right now, the  
5 candidate is short by ten. It is my understanding  
6 that no exception report was submitted.

7 MR. MAYO: That's correct in this case.

8 COMMISSIONER ARAUJO: I move the clerks'  
9 report.

10 COMMISSIONER MICHEL: Second.

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

14 MS. PATEL: 91-1, objections by Winnie  
15 H. Eng to the petition of Yanling Z. Wagner,  
16 substituted candidate, for member of the New York  
17 City Council 20th District, number of signatures  
18 required 117, total valid signatures 107.

19 MR. SATTIE: Same appearances.

20 COMMISSIONER ARAUJO: My understanding  
21 is no exception report has been submitted, you're  
22 short ten.

23 MR. MAYO: Correct.

24 COMMISSIONER ARAUJO: [unintelligible]

1 April 14, 2021

2 [04:55:16] I'm going to move the clerks' report.

3 COMMISSIONER MICHEL: Second.

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

7 MS. PATEL: Spec number 97-1, objections  
8 by Vanessa Polly Simon to the petition of Scherie  
9 Murray, female member, Republican State  
10 Committee, 29th District, number of signatures  
11 required is 43, total valid signatures submitted  
12 is 69.

13 COMMISSIONER ARAUJO: Can we also call  
14 spec number 103-1 I believe it's the same.

15 MS. PATEL: Yes.

16 COMMISSIONER ARAUJO: Can you just state  
17 the position and numbers on that one?

18 MS. PATEL: I can, yes. So this was  
19 referred to the board by Queens.

20 MS. KONTZAMANIS: We have notices, we  
21 have appearance notices.

22 MS. PATEL: Okay. Should I read it? Two  
23 cover sheets were filed simultaneously for the  
24 candidates on March 25th at 10:57 a.m. This is

1 April 14, 2021

2 intended to prevent the objector from discerning  
3 which cover sheet the candidate intended to be  
4 controlling and to deceive the Board of Elections  
5 and an objector, therefore neither cover sheet is  
6 valid. The other thing is the candidate filed  
7 petition volume QN2100109 and QN2100111 on  
8 separate cover sheets and I believe that's the  
9 same for 103.1, as Commissioner Araujo pointed  
10 out.

11 MR. SATTIE: There are appearances, John  
12 Haggerty for the objector, and Scherie Murray and  
13 Richard Paul for the candidate.

14 MS. MURRAY: Hi, I'm on [unintelligible]  
15 [04:57:06] --

16 MS. KONTZAMANIS: Everyone is in the  
17 hearing room. Everyone has to shut the live  
18 stream off. I don't know if it's Mr. St. Paul,  
19 okay.

20 PRESIDENT UMANE: Mr. Haggerty, you  
21 represent the objector?

22 MR. HAGGERTY: Yes, commissioner.

23 PRESIDENT UMANE: It seems that they  
24 have enough signatures.

1 April 14, 2021

2 MR. HAGGERTY: They simultaneously filed  
3 cover sheets. One claimed one volume, the other  
4 claims the other.

5 PRESIDENT UMANE: So are each one have  
6 sufficient signatures, or [unintelligible]  
7 [04:57:06]?

8 MR. HAGGERTY: No, no.

9 PRESIDENT UMANE: So are you saying  
10 there are two separate petitions filed then with  
11 a different cover sheet, and each one would then  
12 necessarily need to have a sufficient number of  
13 signatures in them?

14 MR. HAGGERTY: I, you know, you're  
15 filling two cover sheets at the same, how do you,  
16 you know, which cover sheet, that we general has  
17 the board rule, the last cover sheet is  
18 controlling. In this case, you have two cover  
19 sheets filed at the same time, so how can either  
20 be valid?

21 MS. MURRAY: Hi, are we on?

22 PRESIDENT UMANE: Yes, you're on.

23 MS. MURRAY: Okay. I'm sorry. I just  
24 heard, I didn't, I thought you were up to number

1 April 14, 2021

2 88. Now, we were now up to number 97?

3 PRESIDENT UMANE: 97, yes.

4 MR. RICHARD ST. PAUL: Can you hear me  
5 now?

6 PRESIDENT UMANE: Yes, we can.

7 MS. MURRAY: And [unintelligible]  
8 [04:57:06].

9 MR. ST. PAUL: This is Richard St. Paul.

10 PRESIDENT UMANE: Yes, we can hear you  
11 now, Mr. St. Paul.

12 MR. ST. PAUL: Hello, Mr. Haggerty, how  
13 are you?

14 MR. HAGGERTY: Good, how are you?

15 MR. ST. PAUL: Good. So there were, the  
16 objection was that there were two cover sheets  
17 that were filed. Both were time stamped at 10:57  
18 a.m. It is impossible to discern which was filed  
19 at what time. But however, the candidates have  
20 the required signatures. In addition to that, you  
21 know, the law is that the Democratic process is  
22 not aided by a narrow and technical construction  
23 of election law to defeat the will of the voters.  
24 Here the will of the voters is that they want

1 April 14, 2021

2 these particular candidates on and they have the  
3 particular signatures. Regardless of the fact  
4 that two cover sheets resolved, there is no  
5 confusion whatsoever, because objections, and  
6 specific objections were filed. So I can't  
7 understand the argument that there was some  
8 confusion in the cover sheets. Absent fraud,  
9 deception or confusion, such a construction  
10 should be avoided and therefore, these candidates  
11 should be allowed to be on the ballot.

12 PRESIDENT UMANE: Well, Mr. St. Paul, I  
13 have a question for you. If there are two cover  
14 sheet files, one for each petition volume, is  
15 each of those volumes a separate petition and not  
16 one petition since there were two cover sheets  
17 filed?

18 MR. ST. PAUL: There's one -

19 PRESIDENT UMANE: In which case, each  
20 one must have sufficient signatures to qualify.  
21 Why else would -- if it wasn't intended to be a  
22 separate petition, why would a separate cover  
23 sheet for each cover sheet be filed? Shouldn't  
24 each one now stand alone and each cover sheet and

1 April 14, 2021

2 each petition volume constitute a separate  
3 petition and each one would need to have, at  
4 least one of those would have to have sufficient  
5 signatures on its own.

6 MR. ST. PAUL: Is the board saying that  
7 one, one petition --

8 PRESIDENT UMANE: I'm asking you a  
9 question, sir.

10 MR. ST. PAUL: Yes, and I'm trying to  
11 understand the question.

12 PRESIDENT UMANE: So I'm asking whether  
13 the board should consider that as two separate  
14 petitions? One with each cover sheet and each  
15 cover sheet having a separate volume?

16 MR. ST. PAUL: Well, let me answer the  
17 question this way. If the board is saying -- are  
18 you ask- are you saying that one petition is, is  
19 -- does not have enough signatures?

20 PRESIDENT UMANE: I don't know. I'm  
21 asking you -- your client is the one who filed a  
22 cover sheet with one petition volume and a second  
23 cover sheet with another petition volume.

24 MR. ST. PAUL: I understand.

1 April 14, 2021

2 PRESIDENT UMANE: So it seems to me a  
3 reasonable interpretation is that each one is a  
4 separate petition for the same candidate and if  
5 they had filed one cover sheet for both volumes,  
6 like is anticipated by our rules we wouldn't be  
7 having this discussion.

8 MR. ST. PAUL: I understand.

9 PRESIDENT UMANE: But your, the  
10 candidate, your candidates here filed two  
11 separate cover sheets, one for each volume. So  
12 shouldn't the board consider each of those as  
13 separate petitions and not aggregate the  
14 signatures, but look to see whether each one on  
15 its own is sufficient?

16 MR. ST. PAUL: I think under the, I  
17 think under the current rules --

18 MS. MURRAY: No, I [unintelligible]  
19 [05:02:03].

20 MR. ST. PAUL: -- I think under the --

21 MS. MURRAY: -- they won't let me talk.  
22 Hi, can I say something?

23 PRESIDENT UMANE: Well, no, your  
24 attorney --



1 April 14, 2021

2 MS. MURRAY: Can you hear me?

3 PRESIDENT UMANE: -- is representing  
4 you, Ms. Murray at this point. I'm --

5 MS. MURRAY: Okay. So at the --

6 PRESIDENT UMANE: -- I'm just asking a  
7 question because --

8 MS. MURRAY: I got it.

9 PRESIDENT UMANE: -- what, what was done  
10 was --

11 MR. ST. PAUL: I'd like to answer the  
12 question.

13 PRESIDENT UMANE: -- it kind of defies  
14 with the rules. So I think a reasonable  
15 interpretation is the one that I'm putting forth  
16 to you.

17 MR. ST. PAUL: Okay. So I want to answer  
18 the question. So I think under the current rules,  
19 a reasonable interpretation that they should be  
20 considered separately is reasonable. However I  
21 think the board can consider it absent some type  
22 of confusion or fraud, the board can consider it  
23 cumulative with the understanding that it is for  
24 the same office and it should be aggregated. But

1 April 14, 2021

2 I think here the board has the option to do both.  
3 Now, with scenario one, if the board was to take  
4 and consider each petition separately, then  
5 obviously the petitions, since they both were  
6 filed at the same time, then a petition that  
7 would have enough signatures should be counted  
8 and the candidate should be restored to the  
9 ballot.

10 If the board was to -- in a second  
11 scenario, if the board was to take it cumulative,  
12 which I don't see, there's no case law saying  
13 that the board cannot do that, because there is  
14 no confusion, it is a small technical default,  
15 and I say that because the person who filed  
16 objections was still able to file objections. So  
17 there was no confusion there. If the board was  
18 aggravated, then nevertheless, the candidate  
19 should be restored to the ballot.

20 COMMISSIONER MICHEL: Mr. President,  
21 this is Commissioner Michel. Since we cannot  
22 decide which cover sheet is the last one filed,  
23 then they both should be knocked out because we  
24 can't decide on it.

1 April 14, 2021

2 MR. ST. PAUL: Well, my thoughts, my  
3 answer to that is --

4 PRESIDENT UMANE: There's another area  
5 of confusion. There's my area of confusion and  
6 the one just cited by Commissioner Michel. So it  
7 seems to me that what was done is not so clear,  
8 and since it's not clear, then it's not  
9 insignificant.

10 MR. ST. PAUL: Well, let me say this.  
11 The fact that you can't determine which one was  
12 filed last is no fault of the candidate. It's the  
13 way your time machine works. It doesn't work in  
14 seconds. So that should not be the fault of the  
15 candidate because you can't discern which one was  
16 filed first.

17 PRESIDENT UMANE: Yeah, but it's my  
18 understanding that each of the two cover sheets  
19 refer to separate volumes. So that's where my  
20 issue is, because each one seems to be a separate  
21 petition and not a combined petition and that's -  
22 - and you filed two cover sheets, one for each of  
23 the volumes. And so by your own candidate's  
24 admission there should be no combination because

1 April 14, 2021

2 you didn't seek to combine them.

3 MR. ST. PAUL: Well --

4 PRESIDENT UMANE: If you had, you would  
5 have put two cover sheets in with both volumes,  
6 but that's not what you did.

7 MR. ST. PAUL: I see the cover sheet  
8 that's filed as to volume one. I see two cover  
9 sheets referring to volume one. Is that -- let's  
10 see. [unintelligible] [05:05:33] one, yeah.

11 COMMISSIONER ARAUJO: And I would second  
12 that motion of respondent based on your arguments  
13 and Commissioner Michel arguments.

14 PRESIDENT UMANE: Is there, okay is  
15 there a second?

16 COMMISSIONER ARAUJO: I am seconding  
17 Commissioner Michel's motion.

18 PRESIDENT UMANE: All in favor?

19 MULTIPLE: Aye.

20 PRESIDENT UMANE: All opposed? All  
21 abstentions? Okay.

22 COMMISSIONER TAYLOR: Abstain.

23 PRESIDENT UMANE: One abstention,  
24 Commissioner Taylor. Okay.

1 April 14, 2021

2 MS. MURRAY: Okay, what?

3 MS. PATEL: Okay, commissioners, this is  
4 109-1, objection by John M. Watch to the petition  
5 of Melody Rudman for female member Republican  
6 State Committee 40th district, total number of  
7 signatures required is 89, total number of valid  
8 signatures is 24.

9 MR. SATTIE: This has Daniel Mayo  
10 representing the candidate, John F. Haggerty as  
11 the objector.

12 COMMISSIONER ARAUJO: So it's short by  
13 65, was an exception report submitted on this  
14 matter?

15 MR. MAYO: Okay.

16 COMMISSIONER ARAUJO: No exception  
17 report to my knowledge, then I would move the  
18 clerks' report.

19 COMMISSIONER MICHEL: Second.

20 PRESIDENT UMANE: All in favor?

21 MULTIPLE: Aye.

22 PRESIDENT UMANE: All opposed? All  
23 abstentions?

24 MR. SATTIE: Commissioners, I believe

1 April 14, 2021

2 besides the whatever issues on second call as far  
3 as the line by line clerks' reports are  
4 concerned, the only specs remain, all of the  
5 specs remaining to be called are legal specs,  
6 beginning with I believe spec number 82.

7 PRESIDENT UMANE: Okay. Is Mr. Haggerty  
8 and Mr. Mayo on both of those?

9 MR. SATTIE: Yes, sir.

10 PRESIDENT UMANE: Please make sure  
11 they're in the room. Okay. So is there a counsel  
12 report on this?

13 MS. PATEL: Yes, commissioners.

14 MR. SATTIE: Yes, there is,  
15 commissioners.

16 PRESIDENT UMANE: Okay.

17 MR. MAYO: Okay. First of all, thank you  
18 very much for --

19 MR. SAVINO: Should I read the report  
20 first, commissioners, or would you like Mr. Mayo  
21 to speak?

22 PRESIDENT UMANE: Yeah, we would like to  
23 know what our counsel thinks first and then Mr.  
24 Mayo and then Mr. Haggerty, you can respond.

1 April 14, 2021

2 MR. MAYO: No problem. Go ahead.

3 MR. SAVINO: Commissioners, for the sake  
4 of economy, as you can see on the report, we  
5 addressed QN82-1, QN84-1, QN85-1, QN86-1, 87-1,  
6 89, 90-1, 92, 95, 96-1, 98, 99, 100-1, 101, 102,  
7 105, 108-1 and 110-1. Listed on the counsel's  
8 report mentions the name of the candidate, the  
9 office sought and the objector. I can go through  
10 that long list if you wish. With respect to our  
11 findings, we note that the first specification is  
12 identical on all of the objections. It basically  
13 says the face of all of the petition sheets  
14 contain additional information that is not  
15 contained in statute Election Law 6-132. The  
16 additional information consists of numbers that  
17 are not germane to the petition and are  
18 misleading and confusing to the signers. The form  
19 is defective and void prima facie. That is the  
20 specification.

21 Well, upon examining the petitions, in  
22 the middle of each page on each petition volume,  
23 apparently submitted by Mr. Mayo, there is a  
24 random series of unexplained numbers under the

1 April 14, 2021

2 names of where the names of where the candidates  
3 are listed. There is one example included in the  
4 clerks' report but there are some other petitions  
5 that contain an even longer laundry list of  
6 numbers, quite frankly, something I haven't seen  
7 before.

8 In any event, there's no mention of such  
9 markings in election law section 132, which  
10 describes the form of petition that shall be  
11 followed. The numbers on the petitions, similar  
12 to the ones that are copied on the report, do not  
13 appear to be relevant to the petition volumes and  
14 as noted above, could certainly confuse or  
15 mislead the signers.

16 As stated in the matter of Roberta James  
17 v. Westchester Board of Elections, departing from  
18 the statutory language on the petition does  
19 present peril. The situation appears to be akin  
20 to where a candidate fails to sufficiently  
21 describe the office being sought. Again, there's  
22 other citations there, there's a long laundry  
23 list of well established cases in that regard.  
24 But I will note in the case of Lozano, the court



1 April 14, 2021

2 said in such situations, the description must  
3 preclude any reasonable probability of confusing  
4 or deceiving the signers, voters, or the Board of  
5 Elections. The same standard should be applied  
6 here. The instamatter is also similar to where a  
7 petition contains unexplained material  
8 alterations to a witness statement in which the  
9 entire page is invalidated.

10 In light of the fact that the  
11 unexplained series of numbers could confuse the  
12 signers, voters, and as we said, boards of  
13 elections, it is the opinion of the office of  
14 general counsel that these extraneous marking  
15 should be considered a prima facie defect. As  
16 such, this office did not reach other  
17 specifications of objections. There were  
18 additional ones on many of the specs. One, for  
19 example, was that there were multiple cover  
20 sheets submitted in an effort to intentionally  
21 deceive potential objectors and there were  
22 allegations that the -- there were candidates  
23 included on the petitions without their  
24 authority. And those are our findings. And with

1 April 14, 2021

2 that, I'll --

3 PRESIDENT UMANE: Okay, Mr. Mayo, you  
4 want to add something to this?

5 MR. MAYO: Yes, I do. I just first of  
6 all, thank you very much, commissioners. This is  
7 the last mile. It might be the last case, except  
8 for the second call ones. So, thank you very much  
9 for going through two days of hard work, your  
10 effort as well as counsel for all your hard work.  
11 I want to thank you very much for making the  
12 process honest, fair and clear. Okay.

13 Now, let me get to the point. I'm sure  
14 all the commissioners have sample petitions in  
15 front of you that the deputy counsel mentioned.  
16 If you look at it, a simple inspection of those  
17 petitions, you should be able to figure out it's  
18 no reasonable likelihood that voters were  
19 confused by those numbers that were first of all,  
20 one, placed outside of the box where the  
21 candidates and the offices were correctly listed,  
22 so there's no problem with the candidate section.  
23 And it's also not in the [unintelligible]  
24 [05:12:52] witness section, so there's no

1 April 14, 2021

2 possibility throughout the entire page that  
3 [unintelligible] [05:12:56 - 05:12:57].

4 Everything was filed according to the rules, the  
5 law section based on the law.

6 Now, further, those numbers are not  
7 random numbers as the counsel asserts in the  
8 memorandum. Those numbers were copied from the  
9 Board of Elections political calendar from  
10 Queens. As you all may know, this year was  
11 supposed to be a Republican County reorganization  
12 year and on those numbers are ED numbers when it  
13 comes to having 18 Assembly Districts and 15 City  
14 Council districts, we wanted to collect the  
15 proper signature at the right area for the right  
16 City Council candidate, for the right State  
17 Assembly districts, those are the EDs that will  
18 correspond to both state committee and that's  
19 what the political calendar provided by the Board  
20 of Elections tells us. So those are your numbers.

21 And as you all know, because Governor  
22 Cuomo, on February 16th, give the option of each  
23 county to decide well, you can postpone county  
24 reorg, so we did not know what official county

1 April 14, 2021

2 Republican Party of Queens was going to do since  
3 they filed basically notice of postponement for  
4 March 1st, at 4:47 p.m., right before the first  
5 day of petition. And we weren't able to get a  
6 copy of the decision obviously, until a few days  
7 later. So by that time, we already started  
8 collecting some signatures.

9 So we either needed to decide to change  
10 the entire format or just go ahead with the  
11 format we had. Now, the argument is this. First  
12 of all, the Board of Elections counsel's  
13 memorandum ignored the language of the election  
14 law in 6-132 and 6-134, that substantial  
15 compliance is sufficient and the law is to be  
16 liberally construed to keep candidates on the  
17 ballot. Now, section 6-132 of the Election Law  
18 provides in valid part that each sheet of the  
19 designating petition shall contain the following  
20 information, it shall be substantially the same  
21 form. We did. Section 6-134 refers to candidates  
22 for one or more offices it states in subsection  
23 ten that provisions of the section shall be  
24 liberally construed, not inconsistent substantial

1 April 14, 2021

2 compliance therefore. We did. The prevention of  
3 fraud and there's no fraud. John Haggerty is not  
4 alleging any fraud, just confusion.

5 Now, the counsel's memorandum ignores  
6 these relevant provisions of the law which are to  
7 keep petitions from being rejected for minor  
8 variations from the form. That's what John  
9 Haggerty is saying. These are minor variations  
10 and he wants to reject them all. In this case, it  
11 is clear from the face of the petition that there  
12 was substantial compliance within the boxes where  
13 the candidates are named, the petition follows  
14 the form exactly. In the witness signature  
15 portion at the end of the petition, the petition  
16 follows the form exactly.

17 The Board of Elections counsel ignores  
18 the relevant case law. The relevant cases are  
19 ignored in counsel memorandum. In Caffery v.  
20 Lawley, the Appellate Division interpreted the  
21 word substantially in the election law to hold  
22 that omission of county from the description of  
23 public office did not invalidate the petition.  
24 The court warned -- Mr. Haggerty, please -- that

1 April 14, 2021

2 voter suppression stating that enrolled voters  
3 who seek to designate candidates should be given  
4 effect if possible and not frustrated by  
5 technical objections relating to matters not of  
6 vital and mandatory nature. Mr. Haggerty  
7 [unintelligible] [05:17:09].

8 Similarly, Murray v. [unintelligible]  
9 [05:17:13]. There, the Appellate Division  
10 reversed a decision that a petition was invalid  
11 that failed to state the name of the town in the  
12 space entitled public office and party position.  
13 The court stated that while the town was omitted,  
14 the designating petition read as a whole clearly  
15 shows that its town involved was [unintelligible]  
16 [05:17:33]. In other words, the petition read as  
17 a whole makes it clear what the office is and  
18 what the town is. And the minor [unintelligible]  
19 [05:17:42] will not invalidate the petition.

20 COMMISSIONER MARMORATO: Thank you,  
21 counselor. I believe that we've heard -- you've  
22 made your argument and we've allocated a fair  
23 portion of time.

24 MR. MAYO: [unintelligible] [05:17:56]

1 April 14, 2021

2 five minutes, let me just talk about the relevant  
3 cases, [unintelligible] [05:17:59].

4 COMMISSIONER ARAUJO: Mr. Mayo, I have a  
5 question.

6 PRESIDENT UMANE: Can Mr. Mayo --

7 [CROSSTALK]

8 PRESIDENT UMANE: -- statewide. The  
9 argument, one, the counsel's report deemed it  
10 substantial and you're saying it's insubstantial.  
11 So that's the difference. And there are cases  
12 that go if something's substantial, it's  
13 something that's substantial. So we understand.  
14 Mr. Haggerty, do you have something to say?

15 MR. HAGGERTY: Yes, I think 6-132 is  
16 very clear. It prescribes the form and nothing  
17 else but the form. Mr. Mayo tries to bootstrap 6-  
18 134.10 into applying to 6-132, which is not the  
19 case, because in 6-134.10, it says the provisions  
20 of this section would mean 6-134, not 132. Also,  
21 Mr. Mayo fails to point out that next to this  
22 long string of confusing numbers that varies, you  
23 know, by petition and volume and is through  
24 hundreds of pages, there's ID numbers next to

1 April 14, 2021

2 them too. So, down in the middle of the page  
3 which doesn't comport with B2 in your rules, so  
4 you're now with a string of numbers next to ID  
5 numbers, and by the way, the ID number preprinted  
6 on at least one of these petitions, if not more,  
7 doesn't match the ID number sticker at the top.  
8 So you've got a string of numbers, an ID number  
9 printed in here. I think the case is very clear.  
10 There's one thing you can't really mess around is  
11 the form of the petition. In fact, the board,  
12 both the city board and the state board, give you  
13 a prescribed sample online and it doesn't say  
14 please add whatever you want here in any place.  
15 And if you add information to any legal document,  
16 you can't just drop it into a legal document  
17 whenever you want, whatever.

18 So, you know, his list of -- he kind of  
19 belies his own point by saying this is the list  
20 of districts everyone, this is a list of  
21 districts, exactly the point. It's confusing,  
22 it's a list of other districts.

23 COMMISSIONER MICHEL: Mr. Mayo, this is  
24 Commissioner Michel. I have a question because I



1 April 14, 2021

2 have seen petitions for 30 years, very involved  
3 in doing petitions. And this is the first time  
4 I've ever seen all these numbers are here. You're  
5 saying it doesn't confuse people, but is this the  
6 first time you've ever done petitions?

7 MR. MAYO: No. But --

8 COMMISSIONER MICHEL: And so let me  
9 finish, let me finish. So if you're saying that  
10 these are election districts and all, you  
11 wouldn't say that turns around and confuses a  
12 voter, if I'm in the 34th and I'm looking at it,  
13 and I see the 27th, 28th, 29, who am I -- who am  
14 I signing for? You know. So I could see if you  
15 turned around and said I was confused, I didn't  
16 know what I was doing. But you're a very talented  
17 person, you know how to do petitions. You know  
18 this was going to be questioned no matter what  
19 and very confusing. So, I hate, I think you did  
20 this to confuse people and to confuse us.

21 MR. MAYO: Well, if I may answer, okay.  
22 I'll point out something very simple that  
23 Haggerty himself has submitted that is incorrect,  
24 which my system would help. On his petition, if

1 April 14, 2021

2 you look at QN210082- let's see, 821, to which  
3 his petitions have been mixed. There's some that  
4 are Ariola's for City Council and some are  
5 Michael Conigliano's for --

6 COMMISSIONER MICHEL: I'm not talking  
7 about Mr. Haggerty's. I'm talking about your  
8 petition.

9 MR. MAYO: Yeah.

10 COMMISSIONER MICHEL: That's what we're  
11 here for, this petition, your particular. And I  
12 do take offense to something like this because  
13 you are trying to confuse us.

14 MR. MAYO: No, not at all.

15 COMMISSIONER MICHEL: You're trying to  
16 confuse --

17 MR. MAYO: I apologize.

18 COMMISSIONER MICHEL: -- voters and  
19 you're trying to confuse us.

20 MR. MAYO: No, I'm not.

21 COMMISSIONER MICHEL: And I take offense  
22 to that because I know how to do petitions.

23 MR. MAYO: Well that's one, no, no, no,  
24 you do know how to do petitions, but those are

1 April 14, 2021

2 the problems which we try to avoid. One, when you  
3 go -- like when you, because there are 60 some  
4 combinations of different candidates for City  
5 Council and State Committee, we want to be sure  
6 when the petition comes in to us, we want to file  
7 it in the correct volume. And if you don't put  
8 those simple ID numbers that pre- basically  
9 preprinted, we wouldn't be able to mix them up as  
10 what happened in Haggerty's case. Of course, it  
11 didn't happen in our case. And also at the same  
12 time, because we were preparing for a county  
13 reorganization petition --

14 COMMISSIONER MICHEL: I'm not here to  
15 talk about Mr. Haggerty's list, how he does  
16 things. I'm talking -- I'm speaking about your  
17 volumes, your petition, yours only. I don't care  
18 about any other petition being done.

19 MR. MAYO: I understand.

20 COMMISSIONER MICHEL: I'm talking about  
21 this one that we have here.

22 PRESIDENT UMANE: Okay.

23 MR. MAYO: I would like to -- I would  
24 like to --

1 April 14, 2021

2 COMMISSIONER MICHEL: May I say one last  
3 thing? I'd like to move it, I would like to adopt  
4 the legal please.

5 MR. MAYO: [unintelligible] [05:22:44]  
6 and the of course, [unintelligible] [05:22:52].

7 MS. KONTZAMANIS: Okay. Respectfully.

8 SECRETARY CAMILO: There's been a motion  
9 and a second.

10 PRESIDENT UMANE: Alright. So and the  
11 question has been called. All in favor of I guess  
12 declaring that these petitions are invalid  
13 because of the extra markings, please indicate --  
14 is that the motion that was made, Commissioner  
15 Michel?

16 COMMISSIONER MICHEL: That is correct.  
17 That is correct.

18 PRESIDENT UMANE: Okay, and seconded.  
19 All in favor, please indicate by saying aye.

20 MULTIPLE: Aye.

21 PRESIDENT UMANE: All opposed? All  
22 abstentions? Okay. So it's, the petitions are  
23 deemed invalid for the incorrect marking.

24 MR. MAYO: Okay.

1 April 14, 2021

2 PRESIDENT UMANE: I'll remove, and the  
3 candidates then are removed prima facie for the  
4 invalidity of the petition sheets. So does that  
5 resolve some of the other issues that we had,  
6 because we are now going to have second call, and  
7 the question is were the lists found or did the  
8 ruling that we just made deal with those?

9 MR. MAYO: No, the three specs were me  
10 against Haggerty's petition, so those rules would  
11 not apply to those three.

12 PRESIDENT UMANE: Okay. Alright. So did  
13 anyone find Mr. Mayo's list?

14 COMMISSIONER ARAUJO: Oh, I'll have our  
15 chief indicate what she found.

16 MS. BERINATO: So we just received them.  
17 We just received them from the [unintelligible]  
18 [05:24:37] that we have to look at them. We have  
19 to have staff work on it. So I haven't even  
20 looked at it yet because I've been here, so I'm  
21 not sure how much it is, if it would be done  
22 today or possibly tomorrow.

23 PRESIDENT UMANE: Okay.

24 COMMISSIONER ARAUJO: Could I ask, based

1 April 14, 2021

2 on the timeline, do you we know if Manhattan is  
3 going today or tomorrow, and if not, I would move  
4 that we allow our staff to have an opportunity to  
5 work them and maybe set it up for next Tuesday's  
6 meeting?

7 PRESIDENT UMANE: Okay. Well, hopefully  
8 trying to get Manhattan done today and it depends  
9 when we're done with Queens. So, what I would  
10 suggest is depending on how much more we have for  
11 Queens, we would start Manhattan almost right  
12 away and try and finish Manhattan. And if not,  
13 perhaps at the end, we would designate a  
14 subcommittee perhaps to have a hearing tomorrow  
15 to continue Manhattan. If we're not completed  
16 and/or any second calls from Queens. Is that --  
17 so let's see how fast we get through with  
18 Manhattan. I believe --

19 MS. KONTZAMANIS: Commissioner --

20 COMMISSIONER TOWNSEND: Do you have any  
21 idea how many more we have for Queens?

22 MS. KONTZAMANIS: Commissioner Umane?

23 COMMISSIONER ARAUJO: Spec 9 and 12.

24 MS. KONTZAMANIS: Are we doing the

1 April 14, 2021

2 second calls, the other two second calls with Mr.  
3 Alter right now?

4 PRESIDENT UMANE: Yes.

5 MS. KONTZAMANIS: Okay.

6 PRESIDENT UMANE: If we can, we would.

7 MS. KONTZAMANIS: Okay.

8 COMMISSIONER ARAUJO: So let's do them  
9 now.

10 COMMISSIONER MICHEL: Let's do those  
11 now.

12 PRESIDENT UMANE: Let's do those now, I  
13 agree.

14 MR. MAYO: Okay. Thank you very much,  
15 commissioners.

16 PRESIDENT UMANE: Thank you, Mr. Mayo,  
17 thank you, Mr. Haggerty.

18 MR. HAGGERTY: Thank you, commissioners.

19 MR. SATTIE: We would be calling in  
20 Bernard Alter and Bernard Foldenaur into the  
21 hearing.

22 PRESIDENT UMANE: Have the clerks had an  
23 opportunity to review those?

24 SECRETARY CAMILO: This was an exception

1 April 14, 2021

2 from Mr. Folden -- I forgot the last name.

3 PRESIDENT UMANE: Mr. Foldenauer.

4 SECRETARY CAMILO: -- Foldenauer, yes.

5 COMMISSIONER MICHEL: Commissioners,  
6 both of those have been worked by the board, yes.

7 SECRETARY CAMILO: Okay.

8 PRESIDENT UMANE: Okay, good.

9 SECRETARY CAMILO: Mr. Alter, did you  
10 receive that list?

11 MR. ALTER: Yeah, I did. It's quite  
12 extensive. We haven't been able to go through it  
13 completely. I have about an hour though. It's an  
14 extensive list.

15 PRESIDENT UMANE: The board went through  
16 it.

17 MR. ALTER: We're [unintelligible]  
18 [05:27:07] find anything that would reverse the  
19 board rules. We've gone through about a quarter  
20 of what Mr. Foldenauer submitted. We haven't  
21 found anything that would reverse the board's  
22 ruling, though, commissioner.

23 COMMISSIONER ARAUJO: Is that spec 9-1 -  
24 -



1 April 14, 2021

2 PRESIDENT UMANE: So the board had --

3 MS. PATEL: Yes, yes.

4 PRESIDENT UMANE: -- extensive staff go  
5 through it and they have made rulings on those.  
6 And unfortunately, due to the nature of the  
7 hearing, we don't have the ability to have people  
8 looking over their shoulders while they're  
9 reviewing. So we're going to have to just go  
10 based on the board's own bipartisan teams that  
11 were looking at it. So, Ms. Barinato, could you  
12 report to us what the findings were on the first  
13 of those?

14 MS. BERINATO: Sure, we received an  
15 exception report of 62 objections that we should  
16 look at, and one was given back to the candidate,  
17 which brings the candidate now to 230 valid  
18 signatures.

19 PRESIDENT UMANE: And 270 are required?

20 MS. BERINATO: Yes.

21 COMMISSIONER ARAUJO: So I would move we  
22 adopt the amended clerks' report.

23 COMMISSIONER MICHEL: I second it.

24 PRESIDENT UMANE: All in favor?

1 April 14, 2021

2 MULTIPLE: Aye.

3 PRESIDENT UMANE: All opposed? All  
4 abstentions? So the candidate is off the ballot.

5 MR. ALTER: Is that spec number 9 Mr.  
6 Umane?

7 PRESIDENT UMANE: Yes.

8 MR. ALTER: Fine.

9 COMMISSIONER ARAUJO: Next is spec  
10 number 12-1.

11 PRESIDENT UMANE: Ms. Berinato?

12 MS. BERINATO: So, we did receive an  
13 exception report of 51 exceptions and our staff  
14 looked at it. We gave back 17 signatures back to  
15 the candidate, which brings it to 275 valid  
16 signatures, and the number of signatures required  
17 is 270.

18 COMMISSIONER ARAUJO: I move the amended  
19 clerks' report.

20 COMMISSIONER MICHEL: Second.

21 PRESIDENT UMANE: All in favor?

22 MULTIPLE: Aye.

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

1 April 14, 2021

2 MR. FOLDENAUER: I'm sorry,  
3 commissioners. I was muted the whole time. I  
4 didn't realize that. May I ask one question about  
5 the last clerks' report you just read?

6 PRESIDENT UMANE: Yes.

7 MR. FOLDENAUER: There was one discreet  
8 legal issue that Mr. Wilson raised to the board,  
9 and it was in our submission that I sent to the  
10 board on Monday morning under my letterhead, and  
11 there was one witness who signed sheet numbers  
12 36, 38 and 61. The clerks had ruled that the  
13 witness was not registered and attached to my  
14 submission on Monday was a copy of his time  
15 stamped registration, which was dated early March  
16 sometime, before those there sheets were --

17 PRESIDENT UMANE: Ms. Berinato, was that  
18 the nature of the signatures that were credited  
19 back?

20 MS. BERINATO: Yes, there were seven  
21 signatures that were given back for this  
22 [unintelligible] [05:30:09] being registered,  
23 yeah.

24 PRESIDENT UMANE: So you got those.

1 April 14, 2021

2 MR. ALTER: You had the credit for them.

3 PRESIDENT UMANE: You got credit for  
4 them and your candidate is on, so --

5 MR. ALTER: I had five signatures,  
6 right, Mr. Umane, I had five signatures, am I  
7 correct?

8 PRESIDENT UMANE: You had 275 --

9 MR. ALTER: Right.

10 PRESIDENT UMANE: -- 270 are required.

11 MR. ALTER: So, okay, great, that's  
12 okay.

13 PRESIDENT UMANE: The candidate is on  
14 the ballot.

15 MR. ALTER: Okay. Very good, we'll see  
16 you Friday, Mr. Foldenauer.

17 SECRETARY CAMILO: Thank you, thank you.

18 PRESIDENT UMANE: Okay. So now we're  
19 done with Queens. Yes? No?

20 MR. FOLDENAUER: Thank you very much,  
21 commissioners, I think that's my last item before  
22 you. I hope to meet you again between now and  
23 June 22nd.

24 SECRETARY CAMILO: For the Queens

1 April 14, 2021

2 commissioners --

3 MR. ALTER: Yes, am I finished Mr.  
4 Umane?

5 PRESIDENT UMANE: Yes, thank you.

6 MR. ALTER: Okay. Thank you.

7 COMMISSIONER ARAUJO: I think we only  
8 have the two matters that we did not work up  
9 because we did not receive the exception report  
10 until this morning from the general office. So  
11 again, I would ask that we put it in the  
12 calendars for after Manhattan if Manhattan is  
13 later than today. If not, then Tuesday afternoon  
14 before or after -- before the board's regular  
15 commissioners meeting.

16 PRESIDENT UMANE: Okay. We'll decide  
17 sort of what happens with Manhattan. So do we  
18 want to take a five minute break or go right into  
19 Manhattan?

20 MS. KONTZAMANIS: If you can give us a  
21 five minute break so we can rearrange the staff  
22 around.

23 PRESIDENT UMANE: Okay. So we'll take  
24 five minutes. We'll start again at a quarter to

1 April 14, 2021

2 4:00.

3 [OFF THE RECORD]

4 [ON THE RECORD]

5 PRESIDENT UMANE: This is Fred Umane,  
6 president of the board for 2021.

7 MS. KONTZAMANIS: Commissioner, hold on,  
8 hold on, I'm sorry, I apologize sir. Okay. We're  
9 live.

10 PRESIDENT UMANE: Okay. This is the  
11 continuing petition hearings for the primary in  
12 June of this year, moving on to the New York  
13 County calendar, please bring in the Manhattan  
14 staff. Joining us are Greg Lehman, chief clerk  
15 and Cynthia Doty, deputy chief clerk. Beginning  
16 with the enrollment issues calendar, let's call  
17 that calendar quickly, just the party first and  
18 then the names.

19 MS. SHPIGELMAN: First, he wants the  
20 party? Okay. For the Republican Party, Anthony L.  
21 Herbert Sr., for the Democratic Party, Paul  
22 Nasrani [phonetic], Maria Mathomas [phonetic],  
23 Michael Handel, Alan D. Piarta [phonetic],  
24 Matthew Metzger, Donna Kenton, Amy Schwartz. For

1 April 14, 2021

2 the Republican, Nick Spano, Jonathan  
3 Kostakopoulos, Denise Lawless, Nick Spanos and  
4 Jonathan Kostakopoulos.

5 PRESIDENT UMANE: Are there any  
6 appearances?

7 MR. SATTIE: There are none.

8 PRESIDENT UMANE: Hearing none, I move  
9 that we adopt the enrollment calendar for New  
10 York County. Is there a second?

11 COMMISSIONER TOWNSEND: Second.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? We now move to the prima facie  
16 calendar.

17 MR. SATTIE: Democratic Party, Alexander  
18 Marks, Theo B. Chino, Arthur Z. Schwartz, Orlando  
19 Melina as candidate, Richard Oppenheimer  
20 objector. Theo Bruce Chino Tavaréz as candidate,  
21 Maria Luna, objector. That is the report.

22 PRESIDENT UMANE: Are there any  
23 appearances?

24 MR. SATTIE: There are. For the Arthur

1 April 14, 2021

2 Schwartz, Arthur Schwartz is here as a candidate  
3 and I believe there is an appearance for an  
4 objector as well and I'm looking for the name.

5 MS. PATEL: I think Howard Graubard  
6 appeared for Molina.

7 MR. SATTIE: But that's not being called  
8 yet, but he is.

9 PRESIDENT UMANE: Well, is there -- this  
10 is prima facie so there would not necessarily be  
11 an objector at this stage.

12 MR. SATTIE: Okay. Right, right, right.

13 PRESIDENT UMANE: So, please introduce  
14 Mr. Schwartz and then let's hear what the problem  
15 was.

16 SECRETARY CAMILO: Okay, Mr. Schwartz is  
17 in the room.

18 PRESIDENT UMANE: Okay, Mr. Schwartz,  
19 this is on the prima facie calendar. I'm not sure  
20 what we're looking at based on what I'm reading  
21 here. It says the general objection was filed and  
22 is late and the due date was the 29th. It was  
23 filed on the 30th. So are you the one being  
24 objected to, and is the objection improper, and



1 April 14, 2021

2 if so, it's not real clear from the --

3 SECRETARY CAMILO: Wait, Mr. Schwartz  
4 cannot hear us.

5 MS. KONTZAMANIS: I don't know if he can  
6 hear us yet.

7 PRESIDENT UMANE: Well, how about the  
8 clerks? What's the problem?

9 MR. ARTHUR SCHWARTZ: Can you hear me?

10 MR. SATTIE: Yes, I'm just reading the  
11 report that says general objection was filed late  
12 3/30/2021, due date was 3/29.

13 MR. SCHWARTZ: Can you hear me?

14 PRESIDENT UMANE: Yes, we can hear you.

15 MR. SCHWARTZ: Yes?

16 PRESIDENT UMANE: Yes, Mr. Schwartz,  
17 we're just trying to figure out why you're on  
18 this list. If the objection is no good, the  
19 candidate shouldn't be listed it should be the  
20 objector and the objector should be the one who  
21 is here. If the general objection is late, the  
22 general objection is invalid and the candidate --

23 [CROSSTALK]

24 MR. SATTIE: The objector is represented

1 April 14, 2021

2 by Michael --

3 MR. SCHWARTZ: I thought --

4 PRESIDENT UMANE: Who's the objector?

5 MR. SATTIE: I have the name of Michael  
6 Winestock.

7 MS. KONTZAMANIS: Okay.

8 PRESIDENT UMANE: Okay. Can he, did he  
9 file a notice of appearance?

10 MR. SCHWARTZ: I thought that the --

11 PRESIDENT UMANE: And Mr. Schwartz, if  
12 you could turn off the live feed because we get a  
13 bounceback.

14 MR. GREG LEHMAN: Commissioners, on the  
15 clerks' report, we referred to the board that --

16 MR. SCHWARTZ: Fred, I can't hear you,  
17 unfortunately through my --

18 MR. LEHMAN: Shall I continue?

19 MR. SCHWARTZ: I don't hear you. It's --

20 PRESIDENT UMANE: Mr. Lehman, what were  
21 you saying?

22 MR. SCHWARTZ: I just heard you.

23 MR. LEHMAN: In the clerks' reports, if  
24 that's what you're asking, we referred to the

1 April 14, 2021

2 board that specification includes legal  
3 objections.

4 PRESIDENT UMANE: Okay, well, there's --  
5 what we're looking at is the prima facie reports  
6 in the spec.

7 MR. LEHMAN: Right. Okay.

8 PRESIDENT UMANE: And the prima facie  
9 report doesn't seem to indicate what the problem  
10 is other than it's --

11 MR. LEHMAN: I'm wondering if I should -  
12 - you can hear me?

13 COMMISSIONER TOWNSEND: Yes.

14 MR. LEHMAN: The general objection was  
15 filed late commissioner.

16 MS. KONTZAMANIS: Mr. Umane, hold one  
17 just one second. Mr. Schwartz, can you turn on  
18 your speakers sir.

19 PRESIDENT UMANE: His speaker is on, but  
20 his, he had --

21 MS. KONTZAMANIS: Watching the video.

22 MS. KONTZAMANIS: He's answering you  
23 from the live stream. He's not hearing you live.

24 COMMISSIONER TOWNSEND: Turn it off.

1 April 14, 2021

2 MR. SCHWARTZ: I'm going to connect, let  
3 me try to connect through my phone, okay.

4 MR. DENKBERG: It looks like we would  
5 need the objector, if it's on the prima facie  
6 list for being filed late.

7 PRESIDENT UMANE: That's my point,  
8 that's my point.

9 MS. KONTZAMANIS: Mr. Winestock is in  
10 the lobby, would you like me to let him in?

11 PRESIDENT UMANE: Yes, please let him  
12 in.

13 MS. KONTZAMANIS: Okay. Let Mr.  
14 Winestock in.

15 MR. SCHWARTZ: If, if, if I might, your  
16 honors.

17 PRESIDENT UMANE: Mr. Winestock.

18 MR. SCHWARTZ: If I might, I can't hear  
19 you, but I can, if you let me say, I just  
20 [unintelligible] [05:49:53].

21 PRESIDENT UMANE: Mr. Winestock,  
22 apparently your general objection against Mr.  
23 Schwartz' candidacy was filed a day late. Do you  
24 have an argument that would permit that filing?

1 April 14, 2021

2 Because otherwise --

3 MR. WINESTOCK: Yes.

4 PRESIDENT UMANE: -- the general  
5 objection would be dismissed and the objection  
6 would be deemed invalid. So did you file it  
7 timely?

8 MR. WINESTOCK: Yes, thank you.

9 PRESIDENT UMANE: So do you have --

10 MR. WINESTOCK: Yes, Mr. Winestock is  
11 present, thank you.

12 PRESIDENT UMANE: Yes, no, I know he's  
13 present, but I'm asking him a question. Mr.  
14 Winestock, your general objection was filed a day  
15 late. Do you have --

16 MR. SCHWARTZ: I cannot hear what's  
17 going on.

18 MR. WINESTOCK: Yes, I do.

19 MR. SCHWARTZ: I'm going to try to call  
20 in, if I can.

21 PRESIDENT UMANE: Mr. Winestock --

22 MR. WINESTOCK: My objections were not  
23 late.

24 PRESIDENT UMANE: Well when was the --

1 April 14, 2021

2 the, that's the nature of the prima facie is that  
3 the objection --

4 MR. WINESTOCK: Yes, yes, your honor.

5 PRESIDENT UMANE: -- was filed a day  
6 late. So when was the petition filed and when was  
7 the general objection filed?

8 MR. WINESTOCK: Mr., Mr. Schwartz filed  
9 a number of amended items. He filed an amended  
10 cover sheet and another.

11 PRESIDENT UMANE: [unintelligible]  
12 [05:51:24].

13 MR. WINESTOCK: Yes.

14 PRESIDENT UMANE: Okay. So somebody from  
15 CRU, when was the last amended cover sheet filed?

16 MR. GRAVES: Hold on. I'm having a  
17 little trouble hearing you.

18 PRESIDENT UMANE: [unintelligible]  
19 [05:51:48].

20 COMMISSIONER ZACCONE: While we're  
21 waiting, can I ask the parties to please shut off  
22 their live feed from the website. It would help  
23 to make this go quicker so we won't have, you  
24 know, reverb and you won't be waiting for time

1 April 14, 2021

2 delay. So just follow one stream and cancel or  
3 close out the live stream from the website and  
4 this will go much faster.

5 MR. WINESTOCK: Yes, thank you, Your  
6 Honor. Okay, so to answer the question --

7 PRESIDENT UMANE: So, I'm now asking the  
8 clerks when was the last amended cover sheet  
9 filed for Mr. Schwartz?

10 MR. WINESTOCK: April 11th at 4:12 p.m.  
11 and then Schwartz filed a letter motion on the  
12 30th of March.

13 PRESIDENT UMANE: So then why do we have  
14 the general objection being filed late.

15 MR. WINESTOCK: It was not.

16 PRESIDENT UMANE: But well, but that's  
17 the issue that we're looking at. So you're saying  
18 that it wasn't.

19 MR. WINESTOCK: Yeah --

20 PRESIDENT UMANE: And you may be right,  
21 but it, but our clerks at the CRU have it wrong I  
22 I guess.

23 MR. WINESTOCK: The, Mr. Schwartz filed  
24 a letter motion with the board of elections on

1 April 14, 2021

2 the 30th of March subsequently extending the time  
3 to file general objections, and I cite section G  
4 under general objections of the rules of the  
5 Board of Elections, which says that the last day  
6 for filing general objections shall be three days  
7 after the latest date on which any part of such  
8 election document was filed, even if the --

9 PRESIDENT UMANE: Okay.

10 MR. WINESTOCK: -- election document was  
11 subsequently not claimed by the candidate. So in  
12 this case, Mr. Schwartz --

13 PRESIDENT UMANE: Good enough, good  
14 enough, we got you. I move that we --

15 MR. WINESTOCK: Thank you.

16 PRESIDENT UMANE: -- omit, we omit this  
17 general objection from the prima facie calendar  
18 as having been filed timely based on what we just  
19 heard.

20 MR. SCHWARTZ: Can I, can I respond to  
21 Mr. Winestock?

22 PRESIDENT UMANE: Yes.

23 MR. SCHWARTZ: Okay. So the statute,  
24 first of all, there's a couple of issues. First



1 April 14, 2021

2 of all, the statute 6-154-2 says that an  
3 objection has to be filed within three days of  
4 the filing of the petition, not of any cover  
5 sheet, the petition or, at the latest, three days  
6 after the last day to file petitions. So that  
7 would be Monday the 29th. So there's a -- I'm not  
8 sure how my filing -- what I filed on Monday was  
9 a printer's error letter. The printer's error  
10 letter, which is my printed petitions had the  
11 wrong zip code. There was a printer's error  
12 letter. The clerk has taken me off, did not make  
13 a prima facie based on the printer's error  
14 letter. The fact that I filed a printer's error  
15 letter does not extend in any way, shape or form,  
16 the time to file the specifications. But if the  
17 commissioners want to go beyond that, the  
18 specification itself, the cover page of the  
19 specification, it says petition numbers and  
20 instead of saying the volume numbers, it says  
21 one, two, three. That's all it says, one, two,  
22 three. Because there's a second prima facie  
23 issue, because the specification cover sheet says  
24 that it's directed to volumes one, two, and

1 April 14, 2021

2 three. That makes it defective as a matter of law  
3 and fact.

4 And third is the specification itself  
5 does not contain the number of pages as required  
6 in rule H, which requires that the specifications  
7 have to be numbered sequentially at the bottom of  
8 each page of the specification. That is not the  
9 case either.

10 But most importantly, I'd say in terms  
11 of the technicalities of the specifications, the  
12 front page, in the middle of the front page, when  
13 it says petition volume identification number, it  
14 says one, two, three. That's not a proper  
15 specification. So this board should not go beyond  
16 that. I can also just tell you that the clerk did  
17 process the specifications and found that I had  
18 found 702 out of 788 valid signatures. But I  
19 don't even think the board has be get that far,  
20 because not only was it late, not only was it  
21 late, but the cover sheet doesn't have the volume  
22 numbers and therefore, it -- and I believe  
23 earlier today, I was listening to another  
24 decision you made where it was I think in Queens

1 April 14, 2021

2 where it said QN, you know, 2021 and it had the  
3 wrong last three numbers of the volume that it  
4 was addressed to and you found the specification  
5 to be fatally defective. Well here it only says  
6 one, two, three, so it's fatally defective for  
7 that reason.

8 PRESIDENT UMANE: Mr. Winestock, do you  
9 have something to say about that?

10 MR. WINESTOCK: Well, we, I was asked to  
11 respond today and prepare an argument as to  
12 whether or not the filings were timely, and I  
13 submit that I cited the correct statute and the  
14 filings were timely. If Mr. -- if there are other  
15 objections, I'm certainly willing to address  
16 those. I don't [unintelligible] [05:57:20] any of  
17 the relative information [unintelligible]  
18 [05:57:21].

19 PRESIDENT UMANE: Assume for the minute  
20 that Mr. Schwartz is correct, that you didn't  
21 properly identify the volume numbers that you  
22 were objecting to, which is required by the  
23 rules. Is he correct in that assertion that you  
24 didn't identify the objections, the volumes on

1 April 14, 2021

2 your specific objection?

3 MR. WINESTOCK: No, he's not. As I went,  
4 I delineated each individual signature and why I  
5 was objecting, I also made sure to delineate a  
6 specific volume number with specificity.

7 MR. SCHWARTZ: To the commissioners, if  
8 you just look, it's attached to the submissions  
9 that I made, but it says one, two, three. That  
10 doesn't have volume numbers. It says one, two,  
11 three. So, Mr. Winestock is saying he wrote  
12 volume numbers on it. I don't know what he's  
13 looking at. This is what he filed.

14 MR. WINESTOCK: May I respond?

15 PRESIDENT UMANE: Yeah, go ahead. But  
16 we're going to ask the clerks to tell us, because  
17 we don't have it in front of us.

18 MR. WINESTOCK: Sure.

19 PRESIDENT UMANE: We're going to ask the  
20 clerks to report back to us as to what was  
21 actually filed.

22 MR. WINESTOCK: The commissioner, Mr.  
23 Umane is it?

24 PRESIDENT UMANE: Yes.

1 April 14, 2021

2 MR. WINESTOCK: Asked me a moment ago if  
3 I made reference to the specific volumes in my  
4 objections. I did. The question Mr. Umane asked  
5 was not did I make reference to the specific  
6 volume numbers on the cover sheet, so yes, in the  
7 specific objections, there were numerous  
8 references to the specific volume numbers.

9 PRESIDENT UMANE: Okay. So we're going  
10 to move this to second call. We're going to ask  
11 counsel and the clerks to look at it, and to come  
12 back to us with a recommendation.

13 MR. SATTIE: We have it in front of us  
14 here, commissioner, if you want to proceed.

15 PRESIDENT UMANE: Well, we want counsel  
16 to give us a recommendation.

17 MR. SATTIE: Very good.

18 PRESIDENT UMANE: So --

19 MR. WINESTOCK: Mr. Umane?

20 PRESIDENT UMANE: Yeah?

21 MR. WINESTOCK: If I may, can I ask for  
22 a brief adjournment so this can catch up? We're  
23 going in front of the matter, in front of the New  
24 York State Supreme Court, because the Supreme

1 April 14, 2021

2 Court justice was waiting to see if the filings  
3 were filed in a timely fashion, and we've already  
4 established that. Mr. Schwartz might have other  
5 objections.

6 PRESIDENT UMANE: We haven't established  
7 that, sir, because what his argument is that it  
8 has to be filed within three days after the  
9 petition. If the latest thing that was filed was  
10 just a, was a printer's error, then that doesn't  
11 extend the time. So we have to look at that too,  
12 and we need the clerks to report back on that,  
13 because a printer's error letter is not an  
14 extension of the petition. So we need to  
15 understand what the facts are. So that's why I'm  
16 asking the clerks to figure it out and then to  
17 report to our counsel who will then give us a  
18 recommendation. And the Supreme Court will just  
19 have to wait a little bit longer.

20 MR. SCHWARTZ: And can I also note, Mr.  
21 Chairman, that the -- when the committee, when  
22 the cover sheet committee had their meeting, they  
23 only looked at page one of the printer's error  
24 letter, and I remember Mr. Zaccone said oh, this

1 April 14, 2021

2 is an unsigned letter. It's a two-page letter,  
3 which I have supplied the, stamped, signed  
4 letter, which I supplied the clerk with and you  
5 guys with on Sunday night. So it's a two-page  
6 letter, the printer's error letter.

7 MR. SATTIE: Duly noted, duly noted,  
8 thank you Mr. Schwartz.

9 PRESIDENT UMANE: Okay. Are there any  
10 other appearances on the prima facie Manhattan  
11 calendar?

12 MR. SATTIE: Yes, there are. For, and on  
13 the next matter, appearing for the candidate, we  
14 have Howard Graubard.

15 PRESIDENT UMANE: Who's the -- okay, Mr.  
16 Graubard, what candidate are you --

17 MS. KONTZAMANIS: Which candidate?

18 MR. SATTIE: Orlando Molina.

19 MS. KONTZAMANIS: Can I move Mr.  
20 Winestock?

21 PRESIDENT UMANE: Yes.

22 MR. GRAVES: We'll need the proof of  
23 service on this.

24 PRESIDENT UMANE: So, yeah, but again,

1 April 14, 2021

2 the objection, it's the objection that's the  
3 issue, it's not the candidacy. Is there anybody  
4 here for Mr. Oppenheimer?

5 MR. SATTIE: I do not have an  
6 appearance.

7 PRESIDENT UMANE: Okay. So, Mr.  
8 Graubard, is he on?

9 MS. KONTZAMANIS: I think he hung up.

10 PRESIDENT UMANE: Okay. Then we don't  
11 really need either of them, because, okay, so --

12 MS. KONTZAMANIS: We might have him.  
13 Hold on.

14 COMMISSIONER TOWNSEND: Okay.

15 COMMISSIONER ZACCONE: Is Mr. Schwartz  
16 on this case as well?

17 MS. KONTZAMANIS: Mr. Graubard, can you  
18 hear us, sir?

19 MR. GRAUBARD: I'm not the objector on  
20 this case. I don't represent the objector on this  
21 case.

22 MR. SATTIE: Right, I said that you  
23 represent the candidate, Mr. Graubard.

24 MR. GRAUBARD: No, are we on Molina?



1 April 14, 2021

2 MR. SATTIE: Yes.

3 MS. KONTZAMANIS: Yes, we are.

4 MR. GRAUBARD: Okay. I'm sorry. My feed  
5 has Mr. Schwartz on. I will turn off my feed. All  
6 right. I'm sorry. And for some reason there was a  
7 time delay there.

8 PRESIDENT UMANE: That's okay. The  
9 objection is on the prima facie report because  
10 the clerks say it was filed too late.

11 MR. SATTIE: No.

12 PRESIDENT UMANE: And it omitted the  
13 objection number and proof of service.

14 MR. GRAUBARD: Well, then, they --

15 PRESIDENT UMANE: So if the objection is  
16 thrown out, then your candidate is on the ballot.

17 MR. GRAUBARD: Well then --

18 PRESIDENT UMANE: So I'll assume you're  
19 going [unintelligible] [06:03:29].

20 MR. GRAUBARD: -- throw out the  
21 objection.

22 PRESIDENT UMANE: Okay. So --

23 MR. GRAUBARD: I did all this work for  
24 nothing.

1 April 14, 2021

2 PRESIDENT UMANE: -- I now move the  
3 prima facie report --

4 MR. SATTIE: Commissioner --

5 PRESIDENT UMANE: -- with the exception  
6 of --

7 MR. SATTIE: -- commissioner.

8 PRESIDENT UMANE: -- Arthur Schwartz.

9 COMMISSIONER TOWNSEND: Second.

10 MR. SATTIE: Commissioner, there's  
11 another, we do have another appearance.

12 COMMISSIONER TOWNSEND: Okay.

13 PRESIDENT UMANE: Oh, I thought it was  
14 the last one. Thank you, Mr. Graubard.

15 MR. GRAUBARD: Okay.

16 PRESIDENT UMANE: Next, who else is  
17 here?

18 MR. SATTIE: The last issue refers to  
19 the proof of service for specs NY26 through NY31,  
20 and Theo Bruce Chino Tavaréz filed a notice of  
21 appearance.

22 PRESIDENT UMANE: Yeah, but he's the  
23 candidate. Again, it's really the objector. So  
24 we're, the prima facie is that the objection is

1 April 14, 2021

2 no good.

3 MR. SATTIE: Right.

4 PRESIDENT UMANE: So put him on and he's  
5 going to just sit there and listen.

6 MR. SATTIE: Right.

7 MR. CHINO: Actually, I do have a note,  
8 actually I would like to add something on the  
9 prima facie report because New York 31 is not  
10 showing there. And the way you do the meeting, if  
11 we're missing something, we the candidate, or the  
12 representative have no recourse to call anyone to  
13 say there is something missing. So I would like  
14 to have NY31 added for the same reason 26 through  
15 30 are added on the prima facie report.

16 MR. WEAVER: It is not prima facie. It  
17 was accepted.

18 MR. CHINO: No, the improper service  
19 because there was no Maria Luna has forgotten to  
20 put the proper service in --

21 MR. WEAVER: We accepted New York 31 as  
22 being properly -- it was good. There was no  
23 problem with New York 31.

24 MR. CHINO: No, it's not. New York 31 is

1 April 14, 2021

2 not good because there is no proper service. She  
3 didn't put -- she just sent it first class mail.

4 MR. WEAVER: No, we're saying that it's  
5 good for you. That --

6 MR. CHINO: No, I understand.

7 MR. WEAVER: -- was a part of the prima  
8 facie.

9 MR. CHINO: You only have there listed  
10 on the report that's on the website, New York 26  
11 through 30. You do not have --

12 PRESIDENT UMANE: He's correct, 31 is  
13 not on our list.

14 MR. CHINO: And it should be.

15 MR. WEAVER: 31 is not being challenged  
16 prima facie.

17 MS. PATEL: I know.

18 PRESIDENT UMANE: Could you please check  
19 the proof of service for number 31?

20 MR. CHINO: That's all I wanted to say  
21 and for the first time, I --

22 PRESIDENT UMANE: We've got you. We've  
23 got you.

24 MR. CHINO: Alright. Thank you,

1 April 14, 2021

2 commissioners.

3 PRESIDENT UMANE: Please check 31.

4 MR. WEAVER: Okay.

5 COMMISSIONER TOWNSEND: Thank you.

6 MR. SATTIE: Commissioner Umane, may I  
7 ask for a clarification?

8 PRESIDENT UMANE: Yes. Apparently the  
9 proof of service for spec 31 was improper, I  
10 think because it was attached to the  
11 specification, it wasn't separately filed with  
12 the right information.

13 MR. SATTIE: Okay. I wanted to refer  
14 back to New York 6 for a moment. We have the  
15 petition as filed timely, excuse me, on March  
16 22nd, and the general was filed timely on March  
17 25. And the --

18 PRESIDENT UMANE: Which one are you  
19 talking about?

20 MR. SATTIE: New York 6.

21 PRESIDENT UMANE: Yeah, but you're --

22 MR. SATTIE: [unintelligible]

23 [06:06:44].

24 [CROSSTALK]

1 April 14, 2021

2 MR. WEAVER: We're not doing the specs  
3 yet.

4 PRESIDENT UMANE: Is it the Schwartz  
5 one?

6 MR. SATTIE: No, no, that's the  
7 Oppenheimer and Molina.

8 COMMISSIONER TOWNSEND: We did that  
9 already.

10 MR. SATTIE: Yeah, I know. I'm asking  
11 for clarification because we're showing it as  
12 being filed timely.

13 PRESIDENT UMANE: No. It was not, they  
14 omitted the objection number from the proof of  
15 service. It's not a question of timely.

16 MR. SATTIE: Okay. Alright. Thank you  
17 for clarifying, I appreciate it.

18 PRESIDENT UMANE: Yes, alright. So back  
19 to the objection by Maria Luna, we're looking at  
20 New York 31.

21 MS. CYNTHIA DOTY: And 31, we have the,  
22 she has the proof of service.

23 MR. CHINO: She never mailed it, she  
24 mailed it first class, she did not mail it with

1 April 14, 2021

2 the certified or registered mail.

3 MS. DOTY: Yes, it says certificate of  
4 mailing. It says certified mail.

5 MR. CHINO: Then that specification was  
6 not sent to me. I don't have it in my email. Let  
7 me double check.

8 MS. DOTY: Okay, but we have it here.

9 MR. CHINO: So I was not provided with  
10 that cert- spec then.

11 MS. DOTY: It does say certified mail as  
12 well as the mailing --

13 PRESIDENT UMANE: Who was it sent to?

14 MS. DOTY: Sent to Theo Chino, 640  
15 Riverside Drive.

16 MR. CHINO: Yes, I'm here and that's why  
17 I'm like, I got the spec, I got all the spec in  
18 first class mail and I sent a copy of that  
19 picture of all the envelope and it doesn't show  
20 any tracking number or registration number.

21 PRESIDENT UMANE: Well, we apparently  
22 have it.

23 MS. DOTY: We have this that shows the  
24 certification, certified mail.

1 April 14, 2021

2 MR. CHINO: Do you have a tracking  
3 number by any chance so I can double check and  
4 get a second call, because my mail, I never have  
5 that piece of mail.

6 MS. DOTY: I don't know where the  
7 tracking number is on this.

8 MR. CHINO: It would be a 12 digit  
9 number on the receipt.

10 MR. WEAVER: Under the 155.

11 MR. CHINO: Because if she put the  
12 receipt of how much she paid for them, that's  
13 \$1.55, and if you look at the document I sent,  
14 this morning I do it a little bit late, or  
15 yesterday, I included all the envelopes Maria  
16 Luna used to mail me those specifications. And  
17 you can see they're first class mail. They even  
18 have a stamp saying first class mail.

19 MS. DOTY: But it says certificate of  
20 mailing and the total was \$2.75.

21 MR. CHINO: Yeah, but the rule H-12,  
22 says that the general, hold on, rule number H-10  
23 says it has to be served either personally or by  
24 certified mail, or by delivery service in



1 April 14, 2021

2 accordance to section 106 of Election Law.

3 PRESIDENT UMANE: Right.

4 MR. CHINO: Not first class mail.

5 PRESIDENT UMANE: It was sent to you by  
6 certified mail.

7 MS. PATEL: Commissioners, if I may, a  
8 certificate of mailing is not certified mail.

9 PRESIDENT UMANE: Okay. So it's us who  
10 are improper, so we'll add number 31 to the list.

11 MR. CHINO: Thank you.

12 PRESIDENT UMANE: There again, I make my  
13 motion that except for the Arthur Schwartz, all  
14 of the items on the prima facie report, including  
15 New York 31, would be accepted. So New York 26,  
16 27, 28, I'm sorry, 28, 29, 30, 31. Those specs  
17 are now, because the objection is no good, the  
18 specs are no good and everything is no good. So  
19 we're going to shorten that list. So we're now  
20 done except for Arthur Schwartz' situation with  
21 the prima facie calendar, and now we're going to  
22 go to the specs.

23 MR. CHINO: Can I go back to my room?

24 PRESIDENT UMANE: Yes.

1 April 14, 2021

2 COMMISSIONER ZACCONE: Commissioner  
3 Umane, just verifying that I'll vote aye on that.  
4 I think we didn't have a vote on it.

5 PRESIDENT UMANE: I'm sorry. All in  
6 favor?

7 MULTIPLE: Aye.

8 PRESIDENT UMANE: All opposed? All  
9 abstentions? Thank you, Commissioner Zacccone.  
10 Okay. So we're now going to the clerks' reports  
11 for Manhattan.

12 MS. PATEL: I'll start, commissioners,  
13 NY3-1, objections by Caridad Sanchez, to the  
14 petition of Xavier Santiago, male assembly  
15 district leader 68th AD Part C, required number  
16 of signatures is 150, total valid signatures is  
17 798. The objection, objector alleges the entire  
18 petition is fraudulent, the Board of Elections  
19 does not rule on allegations of fraud.

20 PRESIDENT UMANE: Alright. We don't rule  
21 on it, so I move the clerks' report.

22 MS. PATEL: Well, there's an appearance.

23 COMMISSIONER TOWNSEND: Second.

24 MR. SATTIE: There's an appearance by

1 April 14, 2021

2 Martin Connor.

3 PRESIDENT UMANE: There is an  
4 appearance?

5 MS. PATEL: Yes, there is.

6 COMMISSIONER TOWNSEND: There is an  
7 appearance? Okay.

8 PRESIDENT UMANE: Okay. Who's appearing?

9 MR. SATTIE: Martin Connor.

10 PRESIDENT UMANE: Martin Connor? Okay.

11 MS. PATEL: For --

12 MR. MARTIN CONNER: I'm sorry, what are  
13 we doing? What number?

14 PRESIDENT UMANE: New York 3-1.

15 SECRETARY CAMILO: Do you want the  
16 matter?

17 PRESIDENT UMANE: Sanchez against  
18 Santiago.

19 MR. CONNER: Oh, yeah, that's for court.

20 MS. DOTY: Sorry?

21 MR. CONNER: I said that's for court.

22 PRESIDENT UMANE: Yes.

23 MR. GRAVES: Right, yeah.

24 PRESIDENT UMANE: We'll move the clerks'

1 April 14, 2021

2 report. Are you representing the candidate?

3 MR. CONNER: No, I represent the  
4 objector.

5 PRESIDENT UMANE: Okay. So you don't  
6 have anything other than the fraud, right?

7 MR. CONNOR: Yeah, outstanding in court,  
8 we're in court.

9 PRESIDENT UMANE: Okay. So I move the  
10 clerks' report.

11 COMMISSIONER TOWNSEND: Second.

12 PRESIDENT UMANE: Is there a second? All  
13 in favor?

14 MULTIPLE: Aye.

15 PRESIDENT UMANE: All opposed? All  
16 abstentions? Okay. The candidate is on the  
17 ballot, subject to the court hearing.

18 MS. TAYLOR: Commissioners, NY4-1 is  
19 Caridad Sanchez to the petition of Jo Ann Lawson,  
20 female assembly district leader, 68th AD Part C,  
21 number of signatures required is 150, total valid  
22 signatures is 798, same thing, commissioners as  
23 to allegations of fraud.

24 MR. SATTIE: Same appearances as well.

1 April 14, 2021

2 PRESIDENT UMANE: And Mr. Connor --

3 MR. CONNOR: Same thing, your honor.

4 PRESIDENT UMANE: Alright, so move the  
5 clerks' report.

6 COMMISSIONER TOWNSEND: Second.

7 PRESIDENT UMANE: All in favor?

8 MULTIPLE: Aye.

9 PRESIDENT UMANE: All opposed? All  
10 abstentions? The candidate is on the ballot  
11 subject to court hearing.

12 MR. SATTIE: Move Mr. Connor to the  
13 waiting room.

14 MR. SAVINO: Specification number New  
15 York 6-1.

16 MR. SATTIE: Commissioners, we threw out  
17 this spec.

18 MR. SAVINO: Oh.

19 MR. SATTIE: We just threw out, removed  
20 this spec prima facie.

21 PRESIDENT UMANE: Right. Okay. Are there  
22 any appearances, because they want the clerks'  
23 report?

24 Mr. SATTIE: That would be Howard

1 April 14, 2021

2 Graubard for the candidate.

3 MS. PATEL: Actually, it's also -- is it  
4 all of them?

5 MR. SATTIE: Yes.

6 MS. PATEL: It's 6-1 --

7 MR. WEAVER: One, two and three.

8 MS. PATEL: -- two and three.

9 PRESIDENT UMANE: 6-1, so we're calling  
10 6-1, 6-2 and 6-3.

11 MS. PATEL: Yes, commissioner.

12 PRESIDENT UMANE: Mr. Graubard? Mr.  
13 Graubard?

14 MS. KONTZAMANIS: He's not here yet.  
15 Commissioner, he is not in the waiting room  
16 anymore.

17 PRESIDENT UMANE: Okay. So we move the -  
18 - we're going to dismiss the spec based, the  
19 clerks' based on the dismissed spec, clerks'  
20 report is not approved and we just go with the  
21 prima facie.

22 MS. SATTIE: Okay.

23 PRESIDENT UMANE: Call the next one.

24 MR. SAVINO: That's the revised one?

1 April 14, 2021

2 Okay. I'll take it.

3 PRESIDENT UMANE: It's Gross v. Change.

4 MR. SAVINO: Revised New York 16-1, 16-  
5 2, objections by Jacqueline Tobonoff Gross,  
6 petition of Lester Chang, member of City Council  
7 First Council District, number of signatures  
8 required 143, total number of signatures valid  
9 115.

10 MR. SATTIE: I do have appearances.

11 PRESIDENT UMANE: Okay. I know there are  
12 appearances on this.

13 MS. PATEL: Yes.

14 MR. SATTIE: Joseph R. [unintelligible]  
15 [06:15:54] for the objector and Michael  
16 Zumbluskas and Lester Chang in person for the  
17 candidate.

18 MR. PETER MORGAN: Good afternoon,  
19 commissioners, thank you.

20 MS. KONTZAMANIS: Mr. Zumbluskas and Mr.  
21 -- Mr. Morgan is in the hearing room, Mr.  
22 Zumbluskas and Mr. Chang are not in the waiting  
23 room. They are not logged on.

24 MR. WEAVER: They're here in person.

1 April 14, 2021

2 MS. PATEL: They're here in person.

3 MR. SAVINO: They're here in person.

4 PRESIDENT UMANE: Okay. So, Mr.  
5 Zumbluskas, you're short signatures.

6 MR. MICHAEL ZUMBLUSKAS: I have a couple  
7 of items I want to bring up. I know you ruled  
8 against Lattina Brown yesterday on specifications  
9 not being enumerated. I have some other arguments  
10 on that one. Because --

11 COMMISSIONER ZACCONE: I'm sorry. Can I  
12 ask you to speak up, please sir.

13 MR. ZUMBLUSKAS: Sure, sure. I have some  
14 other arguments on the [unintelligible]  
15 [06:17:00] of the specifications and part of that  
16 is first of all, is it on, oh, okay. One, two,  
17 three. Okay. I'll just speak up louder. First of  
18 all, you know, I've been doing this for years. I  
19 know most of you, the commissioners here don't  
20 know me, because I haven't been here in a number  
21 of years. But Commissioner Umane definitely knows  
22 me. I've been on the late '90s through the 2000s,  
23 I was at every commissioners hearing. In 2004 and  
24 2006, I was knocked off because my specifications



1 April 14, 2021

2 --

3 PRESIDENT UMANE: Yeah, but Mr.  
4 Zumbluskas, please deal with the petition at  
5 hand.

6 MR. ZUMBLUSKAS: Okay, I will. And one  
7 of the reasons --

8 PRESIDENT UMANE: We don't need the  
9 history.

10 MR. ZUMBLUSKAS: Okay. Not a problem.  
11 But here's one of the reasons why you have this  
12 rule in the book. I have a volume here from Ms.  
13 Kirkevaugh [phonetic] NY2103825. When you go  
14 through these, there are two page twos on here.  
15 So if you do not have the specification numbers,  
16 how are you supposed to do this? And then I know  
17 the board, I have it right here in my hand.  
18 There's two page twos, two different signatures,  
19 same witness, but two different signatures.  
20 There's a mistake on this.

21 PRESIDENT UMANE: But wait a second.  
22 You're talking about the wrong matter.

23 MR. ZUMBLUSKAS: No, I'm not, actually,  
24 because this, commissioners, this is an

1 April 14, 2021

2 operational for you. The thing is you put this  
3 rule in here and I remember Mr. Richman arguing  
4 this --

5 PRESIDENT UMANE: But you're challenging  
6 your own candidate's signatures. You're dealing  
7 with the wrong hearing.

8 MR. ZUMBLUSKAS: No, I'm dealing with  
9 this, that they did not put page numbers on the  
10 specs filed against us. In your rule H-1  
11 basically states that they're supposed to do  
12 that. And part of the reason why is it makes it  
13 operational better for the Board of Elections  
14 because if they have to go through every single  
15 spec to make sure that every single page is there  
16 from the petition, then you are going to increase  
17 --

18 PRESIDENT UMANE: Mr. Zumbluskas, we've  
19 already ruled on this for this year.

20 MR. ZUMBLUSKAS: I understand that, but  
21 like I said, I have the petition here --

22 PRESIDENT UMANE: Alright. You've made  
23 your argument, move --

24 MR. ZUMBLUSKAS: -- that's mispaged.

1 April 14, 2021

2 PRESIDENT UMANE: -- to the next one.  
3 We've already ruled on this for this year.

4 MR. ZUMBLUSKAS: Okay. My next argument  
5 then is we have board precedent. We had over 41  
6 on the clerks' report knocked off because one of  
7 our witnesses lives in Queens, but they put New  
8 York in the county. There is plenty of case law  
9 that says if there is, if there's an address on  
10 the page, anywhere on the page, it's supposed to  
11 be counted.

12 PRESIDENT UMANE: Yeah, but it's  
13 different notice --

14 MR. ZUMBLASKAS: I can read the, I can  
15 read the --

16 PRESIDENT UMANE: No, Mr. Zumblaskas --

17 MR. ZUMBLASKAS: -- if you want me to  
18 give the case law --

19 PRESIDENT UMANE: -- it is the witness  
20 signature.

21 MR. ZUMBLASKAS: Excuse me?

22 PRESIDENT UMANE: The witness is saying  
23 that they live in the wrong county. It's an  
24 error.

1 April 14, 2021

2 MR. ZUMBLASKAS: Yes, and the courts  
3 have ruled in multiple cases that --

4 PRESIDENT UMANE: It's --

5 MR. ZUMBLASKAS: -- that is not an  
6 error. The Election Law --

7 PRESIDENT UMANE: It is if it's in the  
8 witness statement.

9 MR. ZUMBLASKAS: -- is supposed to be --  
10 excuse me?

11 PRESIDENT UMANE: It is in the witness  
12 statement, sir.

13 MR. ZUMBLASKAS: I know it's in the  
14 witness statement.

15 PRESIDENT UMANE: The witness statement  
16 is --

17 MR. ZUMBLASKAS: No, but the thing --

18 PRESIDENT UMANE: -- [unintelligible]  
19 [06:20:27].

20 MR. ZUMBLASKAS: No, actually, you want  
21 me to quote the court cases, I have them right  
22 here. The court cases have put people back on the  
23 ballot, numerous court cases have put them back  
24 on the ballot for little mistakes but there

1 April 14, 2021

2 address was on the thing. There is no mistake  
3 because you can see their address on their  
4 address line, the full address. And I have five  
5 different cases. And I found those in a couple  
6 minutes just with a Google search. If I had  
7 WestLaw, or anything else, I probably would have  
8 found a lot more. And all these candidates were  
9 put back on the board. You have --

10 PRESIDENT UMANE: [unintelligible]  
11 [06:21:05] need to look at the matter of  
12 Stoppenbach v. Sweeney., where it says the  
13 failure of a subscribing witness to contain the  
14 town or city in the witness identification  
15 section is not always a fatal defect, but the  
16 failure to list the correct town or city on  
17 signatures line is fatal to the signatures. In  
18 that case, the court held that the witness  
19 signature had to have the correct address in it.

20 MR. ZUMBLASKAS: Okay. In the matter of  
21 Acuri v. Hojnacki, I'm mispronouncing it, it's H-  
22 O-G- -- J-I-N-A-C-K-I, they ruled completely  
23 differently. It says -- excuse me? I thought  
24 somebody said anything? No. And you also had the

1 April 14, 2021

2 case of Curley v.Zacek also ruled differently.  
3 You had the matter of Powers v.Kozlowski, that  
4 also ruled differently. That they put them back  
5 on --

6 PRESIDENT UMANE: The cases say that the  
7 address in the witness statement is not --

8 MR. ZUMBLASKAS: They said if the  
9 address is on the page, they should be put back  
10 on, even if another mistake is --

11 PRESIDENT UMANE: Does it deal with  
12 signatures or with witness statements?

13 MR. ZUMBLASKAS: No, witness statements.  
14 These, all these cases deal with witness  
15 statements. Every single one of them deals with  
16 witness statements. It's not signatures. So I  
17 have, like I said I have two more cases that I  
18 can quote that basically put them back on. Okay.  
19 The other one is, hold on, uh, where is it? I  
20 thought I had two more cases. Where is -- but,  
21 now the other -- excuse me? I can't find those  
22 other cases right now.

23 MR. SATTIE: Counsel, do you have any  
24 additional arguments? I think you cited --

1 April 14, 2021

2 MR. ZUMBLASKAS: Yes, yes. I have  
3 another argument on eight signatures were knocked  
4 out because the candidate's name that was printed  
5 in --

6 PRESIDENT UMANE: Did you provide a list  
7 of --

8 MR. ZUMBLASKAS: -- was not --

9 PRESIDENT UMANE: -- those signatures?

10 MR. ZUMBLASKAS: Excuse me?

11 PRESIDENT UMANE: Did you provide a list  
12 of those signatures to us?

13 MR. ZUMBLASKAS: Yes, we did. All those  
14 signatures were provided.

15 PRESIDENT UMANE: And our clerks have  
16 reviewed them?

17 MR. ZUMBLASKAS: Yes. I disagree with a  
18 lot of the clerks' report. Also the other thing  
19 is we found a lot more and put them on. We got --  
20 the clerks sent us just about 20 or 30 minutes  
21 ago, the report. One of the things that why we  
22 found so many of the candidates, most of the  
23 candidates were Chinese candidates, they put down  
24 like Johnny, which is their Anglo name, but

1 April 14, 2021

2 they're in the Board of Elections, it might be Zu  
3 Yu Chan or Lin or something like that. A lot of  
4 the signatures that were knocked out were because  
5 of that, that we actually have the voter ID  
6 numbers because we looked them up and those are  
7 the actual voters. They put their anglicized  
8 [phonetic] name on just to print, but their  
9 signatures were, you know, the actual person. And  
10 because they -- and that is something that goes  
11 on in the Chinese community and we recovered like  
12 30 signatures like that.

13 PRESIDENT UMANE: Well, look, our clerks  
14 have gone over it and I'm going to move the  
15 clerks' report.

16 MR. ZUMBLASKAS: I'm sorry.

17 PRESIDENT UMANE: Please conclude your  
18 arguments for --

19 MR. ZUMBLASKAS: Okay. Then there's the  
20 other argument. And the other argument we have is  
21 the, that the objector did not sign this. If you  
22 look at their buff card, we do have their buff  
23 card, where is it, I'll look into my other one.  
24 This is not her signature. I don't know what it



1 April 14, 2021

2 is, but it's definitely not her signature.

3 PRESIDENT UMANE: It's not, the board  
4 does not deal with forgeries.

5 [CROSSTALK]

6 MR. MORGAN: Can I say something?

7 MR. ZUMBLASKAS: Sure.

8 MR. MORGAN: Okay, so I really did my  
9 due diligence on the subscribing witness  
10 identification information issue. So, I found  
11 Frome v. Board of elections of Nassau County which  
12 is a Board of Appeals case in 1982, which  
13 affirmed a court decision to throw a candidate  
14 off the ballot where they have the wrong town or  
15 county in the subscribing witness identification  
16 statement. I would also point out that Section 6-  
17 132 subdivision 2 of the election law  
18 specifically says that the town or city or in the  
19 case of New York City has to have the county, it  
20 has to be in the subscribing witness  
21 identification statement, so the board is bound  
22 by statute here. And more recently, the case that  
23 Commissioner Umane brought up Stoppenbach v.  
24 Sweeney is also a Court of Appeals case. So I

1 April 14, 2021

2 think the board has to err towards the Court of  
3 Appeals because it's the highest court on two  
4 cases rather than anything lower courts have  
5 done.

6 I also want to say that Board of  
7 Elections, as New York City Board of Elections  
8 has an extensive precedence of doing this,  
9 upholding these rules. One case specifically that  
10 comes to mind is David Garland in 2012 was  
11 knocked off the ballot for Congress when the  
12 subscribing witness Elizabeth McVeigh failed to  
13 write Richmond County where she resided, and  
14 instead had New York County in the subscribing  
15 witness identification statement. I also want to  
16 point out that there is a substantial possibility  
17 of confusion here, because the address says Long  
18 Island City of New York on the address rather  
19 than Queens County, so it doesn't even say Queens  
20 anywhere on the subscribing witness statement. I  
21 also want to say that a quick review of the name  
22 of the witness Xal Zang [phonetic] shows that  
23 there's several Xal Zangs registered to vote in  
24 New York City. I found one actually in every

1 April 14, 2021

2 single borough, [unintelligible] [06:27:12]

3 Staten Island, Queens, etc. so I think under the  
4 applicable case law, the precedent is clear that  
5 the board's bound by statute rather than any  
6 Board of Appeals precedent.

7 MR. ZUMBLASKAS: However, however, in  
8 the --

9 COMMISSIONER ARAUJO: Thank you, Mr.  
10 Morgan. Is there a motion?

11 MR. ZUMBLASKAS: -- sorry, go ahead,  
12 commissioner.

13 COMMISSIONER ARAUJO: Thank you, Mr.  
14 Morgan, is there a motion?

15 PRESIDENT UMANE: I'm going to move the  
16 clerks' report.

17 MR. ZUMBLASKAS: Well, hold on. Just to  
18 let you know --

19 COMMISSIONER ARAUJO: And I second.

20 MR. ZUMBLASKAS: -- on, on responding to  
21 that last statement. She has her --

22 UNIDENTIFIED FEMALE: [unintelligible]  
23 [06:27:33].

24 MR. ZUMBLASKAS: -- she has her --

1 April 14, 2021

2 COMMISSIONER TOWNSEND: Was that a  
3 motion?

4 PRESIDENT UMANE: Yes.

5 MR. ZUMBLASKAS: -- so her zip code --

6 PRESIDENT UMANE: I made the motion --

7 MR. ZACCONE: -- will tell you exactly  
8 what borough she lives in.

9 COMMISSIONER TOWNSEND: I second that.  
10 There is a motion on the floor, sir.

11 PRESIDENT UMANE: Okay. All in favor?

12 MULTIPLE: Aye.

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

16 MR. MORGAN: Thank you, commissioners.

17 PRESIDENT UMANE: Please call the next  
18 case.

19 MR. SATTIE: New York 26.

20 MR. SAVINO: New York 26-1, objector  
21 Maria Luna, petition --

22 PRESIDENT UMANE: It is off, 26.

23 MR. SATTIE: 26 through 31 are all --

24 MR. WEAVER: The candidate is on. Is on.

1 April 14, 2021

2 MR. SAVINO: Okay. Alright. Thank you.  
 3 Yep, New York 33-1, objector Michael Farrin,  
 4 petition Vincent DeMarco, New York City Council,  
 5 District 2, total valid signatures, 147, number  
 6 required 270.

7 MR. SATTIE: There are no appearances.

8 COMMISSIONER TOWNSEND: No appearances,  
 9 I'll move the clerks' report.

10 PRESIDENT UMANE: Second. All in favor?

11 MULTIPLE: Aye.

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

14 MR. SAVINO: The candidate is off the  
 15 ballot.

16 PRESIDENT UMANE: Off the ballot. Next.

17 MR. SAVINO: Spec 34-1, objector Michael  
 18 Farrin, petition of Eric Hussein, oh, Erin, I  
 19 apologize, 2nd Council District, total valid  
 20 signatures 303, number required 270.

21 MR. SATTIE: I have an appearance by  
 22 Erin Hussein as the candidate.

23 PRESIDENT UMANE: Okay. Call her in.

24 MR. SATTIE: He's on.

1 April 14, 2021

2 MS. KONTZAMANIS: He's on.

3 PRESIDENT UMANE: Mr. Hussein, you're on  
4 the ballot, so we're going to move the clerks'  
5 report. Do you have anything you want to add?

6 MS. ERIN HUSSEIN: No, I just, so Mr.  
7 Ferrin is not on the line, no.

8 MS. KONTZAMANIS: No. He's not here.

9 PRESIDENT UMANE: He's not filed a  
10 notice of appearance, so --

11 MS. HUSSEIN: Okay. Wonderful.

12 PRESIDENT UMANE: -- I'm going to move  
13 the clerks' report.

14 COMMISSIONER TOWNSEND: Second.

15 PRESIDENT UMANE: All in favor?

16 MULTIPLE: Aye.

17 PRESIDENT UMANE: All opposed? All  
18 abstentions? The candidate is on the ballot,  
19 congratulations, Ms. Hussein.

20 MS. HUSSEIN: Thank you very much. Have  
21 a great evening.

22 MR. SAVINO: New York 35-1, 35-2,  
23 objector Michael Farrin, petition of Juan Pagan,  
24 Council District 2, total valid signatures 222,

1 April 14, 2021

2 number of signatures required 270.

3 MR. SATTIE: No appearances.

4 COMMISSIONER TOWNSEND: Move the clerks'  
5 report.

6 PRESIDENT UMANE: Second. All in favor?

7 MULTIPLE: Aye.

8 PRESIDENT UMANE: All opposed? All  
9 abstentions? Okay, the candidate is on the  
10 ballot.

11 COMMISSIONER TOWNSEND: Off?

12 MR. WEAVER: No, he's off the ballot.

13 PRESIDENT UMANE: The candidate is off  
14 the ballot.

15 MR. SAVINO: Thank you.

16 MR. WEAVER: Off.

17 MR. SAVINO: 36-1, objector Walter  
18 Hernandez, petition of Edward Irizarry, judge of  
19 the civil court, 2nd Municipal Court, total valid  
20 signatures 1,181, number required 450.

21 MR. SATTIE: I do have appearances,  
22 Edward Irizarry as the candidate, and Ali Najmi  
23 for the objector.

24 MR. NAJMI: Yes, that's good. I do not

1 April 14, 2021

2 have --

3 MR. SATTIE: And for the objector?

4 MS. KONTZAMANIS: And I have an Edward,  
5 Mr. Sattie, I have a Leo Glickman or Edward  
6 Irizarry.

7 MR. SATTIE: That is correct, I'm sorry.  
8 Yeah, that is correct.

9 PRESIDENT UMANE: Okay. Mr. Najmi?

10 MR. NAJMI: I have no list of  
11 exceptions. I have nothing further to add.

12 PRESIDENT UMANE: I move the clerks'  
13 report.

14 MR. LEO GLICKMAN: Commissioners,  
15 commissioners, I do. I actually would like to  
16 move to dismiss the specifications. They do not  
17 meet rule H-6, or rule H-7, no, I'm sorry, yes,  
18 H-7. They did not, they added abbreviations that  
19 are not a part of Rule H-6 and they did not  
20 supply the board nor Mr. Irizarry with sheet to  
21 explain what those objections meant. And Mr.  
22 Irizarry had submitted last Sunday with line and  
23 page number showing that there's abbreviations  
24 like MLN, EDD, SWD, things like that, that don't



1 April 14, 2021

2 exist on that sheet. And it's not just a  
3 technical rule. It guides your staff and gives us  
4 an opportunity to respond. So we think that the  
5 specification of objections should be dismissed  
6 and it's important because there is an  
7 invalidated petition against us.

8 PRESIDENT UMANE: Mr. Najmi, do you have  
9 a comment on that?

10 MR. NAJMI: Yes, yes, yes. With respect  
11 to my friend Mr. Glickman, I believe that the  
12 only penalty for not finding one percent of the  
13 objection codes in this spec is that those  
14 objections should not be ruled on, 99 percent of  
15 the codes in here are in the widely accepted  
16 codes and abbreviations that's in the rules. It's  
17 common practice not to include a code sheet if  
18 you're using those codes. I agree that if it's  
19 not defined it should not be ruled on. We should  
20 not get credit for that objection and we move on  
21 to the next objection. So I would say that the  
22 spec -- that's not a basis for dismissal.

23 MR. GLICKMAN: Well, I'll just, I'm just  
24 going to quote from earlier today, President

1 April 14, 2021

2 Umane, if you object, you have to do it right.

3 And I believe that unfortunately in this case  
4 that the objector did not do it right and I will  
5 leave the argument at that, because I know you've  
6 had a long day.

7 MR. NAJMI: I would just rebut that, I  
8 would also quote President Umane in his analysis  
9 and this commission's analysis of Rule H-1, and  
10 in that last sentence shall enumerate the pages,  
11 and this commission found that it's okay if you  
12 don't enumerate every single thing on the bottom,  
13 including the code sheet. And so I would also  
14 quote Commissioner Umane previously, you know,  
15 this is not a material issue. This is sort of  
16 insignificant. So, I don't think the spec should  
17 be dismissed. I know it's a long day. This is my  
18 last one. Thank you.

19 SECRETARY CAMILO: Just one question,  
20 the clerks' report does cite the issues there,  
21 right, so the clerks used the codes that they  
22 were able to reference, right and that's what the  
23 basis of the clerks' report? Is that right?

24 PRESIDENT UMANE: Yes, that's right.

1 April 14, 2021

2 SECRETARY CAMILO: Okay. That's my one  
3 comment, so if there's a motion.

4 COMMISSIONER TOWNSEND: I'll move the  
5 clerks' report.

6 PRESIDENT UMANE: Second. All in favor?

7 MULTIPLE: Aye.

8 PRESIDENT UMANE: All opposed?

9 COMMISSIONER ZACCONE: Opposed.

10 PRESIDENT UMANE: All abstentions? Okay.  
11 Opposed, okay.

12 MR. SAVINO: Somebody opposed?

13 PRESIDENT UMANE: So do we need to do a  
14 roll call?

15 COMMISSIONER ZACCONE: I don't think so,  
16 it was just one.

17 PRESIDENT UMANE: Okay. Okay. The  
18 clerks' report is deemed approved.

19 MR. SAVINO: The candidate will appear  
20 on the ballot. 37-1, objector, Raymond Cline,  
21 petition of Neil D. Tyson, delegate to the 1st  
22 Judicial Democratic Convention, 66th Assembly  
23 District, total valid signatures zero, number of  
24 signatures required 150.

1 April 14, 2021

2 MR. SATTIE: There is an appearance of  
3 Paul Newell for the objector.

4 MS. KONTZAMANIS: He is in the hearing  
5 room.

6 MR. PAUL NEWELL: Yes, I'm sorry, which  
7 -- I didn't hear however, which objection we were  
8 on.

9 MS. KONTZAMANIS: New York 37.

10 MR. NEWELL: Alright. So, obviously,  
11 this is fairly simple. [unintelligible]  
12 [06:35:59] looks like. I just want to note with  
13 regard to 37, 38, and 39, that in addition to  
14 obviously not having enough signatures, upon  
15 information and belief, Mr. Chino filed a false  
16 instrument with you when claiming to be the  
17 representative of Shawn Carter --

18 MS. KONTZAMANIS: That's the wrong spec.

19 MR. NEWELL: -- better known by his  
20 professional name JAY-Z, as well as --

21 SECRETARY CAMILO: We're speaking of 37-  
22 1, the matter of Raymond Cline v. Neil Tyson.

23 MR. NEWELL: Yeah, Neil D. Tyson, that's  
24 the educator Neil deGrasse Tyson, the science

1 April 14, 2021

2 educator Neil deGrasse Tyson, in addition to only  
3 filing one signature, it is also upon information  
4 believed that Mr. Chino filed a false instrument  
5 claiming to be Mr. Chino's agent, Mr. Tyson's  
6 agent without being so. I just wanted to add that  
7 to the record.

8 PRESIDENT UMANE: Okay. So we moved the  
9 clerks' report.

10 COMMISSIONER TOWNSEND: Second.

11 PRESIDENT UMANE: All in favor?

12 MULTIPLE: Aye.

13 PRESIDENT UMANE: All opposed? All  
14 abstentions? Okay. 38, it's the same thing, so I  
15 move the clerks' report.

16 COMMISSIONER MICHEL: Second.

17 PRESIDENT UMANE: One signature filed.

18 Is there a second?

19 MR. WEAVER: And 39.

20 MS. PATEL: And 39.

21 COMMISSIONER TOWNSEND: Second.

22 MS. PATEL: And 39 commissioners.

23 MR. SATTIE: 39, I do have.

24 COMMISSIONER TOWNSEND: And 39 we

1 April 14, 2021

2 already know.

3 MR. SATTIE: 39, I see -- pardon me, but  
4 in spec number 39, I could be incorrect, but I  
5 see an appearance for Theo Chino, representing  
6 the candidate.

7 MS. KONTZAMANIS: Correct. There is an  
8 appearance for Theo Chino, but he has left the  
9 waiting room.

10 PRESIDENT UMANE: Okay. So we're doing  
11 38 and 39?

12 MS. KONTZAMANIS: Oh, hold on a second,  
13 hold on. We found him, hold on. I'll let him in.

14 PRESIDENT UMANE: Okay. So we're doing  
15 37 and 38.

16 MR. CHINO: [unintelligible] [06:37:52].

17 PRESIDENT UMANE: All in favor?

18 MS. KONTZAMANIS: [unintelligible]  
19 [06:37:51] for 39, commissioner.

20 PRESIDENT UMANE: Okay. All in favor?

21 MULTIPLE: Aye.

22 PRESIDENT UMANE: All opposed? All  
23 abstentions. We move the clerks' report on 37,  
24 and 38, we're now on 39.

1 April 14, 2021

2 MR. SAVINO: Thank you, commissioners.

3 MR. CHINO: I would like about 39, why  
4 did Paul leave, the representative?

5 MS. KONTZAMANIS: We're bringing him  
6 back into the room now.

7 MR. SAVINO: Yeah, 39-1, objector,  
8 Raymond W. Cline, petition of Susanne Schropp,  
9 delegate 1st Judicial Democratic Convention, 66th  
10 Assembly District, one signature filed, total  
11 valid signatures zero, number required 150.

12 MR. CHINO: Commissioner, I would like  
13 that to remove those three specs, actually it's  
14 too late, but to moved to the prima facie since  
15 the objections were not done on the wet  
16 signature, but were instead done on a computer  
17 generated signature that could be coming from  
18 anywhere.

19 MR. NEWELL: [unintelligible]  
20 [06:38:53].

21 MR. CHINO: Excuse me?

22 MR. NEWELL: [unintelligible] [06:38:55]  
23 absolutely 100 percent a wet signature, I  
24 collected it myself. I don't know what you're

1 April 14, 2021

2 basing that on, and it was probably --

3 MR. CHINO: I'm talking about your  
4 signature was a computer generated signature on  
5 the .PDF, yes or no? I mean --

6 MR. NEWELL: On the photocopy of the  
7 spec that was mailed to you? Yes. On the spec  
8 that was filed with the Board of Elections no.

9 MR. CHINO: So you're saying that the  
10 spec is not a -- your signature on the spec is  
11 not a generated, a computer generated signature?

12 MR. NEWELL: Yes, I am saying that.

13 MR. CHINO: Because it looks like that  
14 on the -- you can see the pixelization of your  
15 signature actually.

16 MR. NEWELL: [unintelligible] [06:39:36]  
17 signature filed here.

18 PRESIDENT UMANE: Alright.

19 MR. CHINO: The [unintelligible]  
20 [06:39:39] signature I'm complaining about your  
21 signature.

22 PRESIDENT UMANE: Mr. Chino, do you have  
23 anything else? The man has said he signed it.  
24 That's good enough for me. Do you have anything



1 April 14, 2021

2 else?

3 MR. CHINO: No, I just want to say good  
4 afternoon to everybody and the weaponization of  
5 the Board of Elections I hope in the future will  
6 stop and that it will serve the people of New  
7 York.

8 PRESIDENT UMANE: Thank you, Mr. Chino.

9 COMMISSIONER TOWNSEND: Alright. Thank  
10 you.

11 MR. WEAVER: Okay. Let's go forward.

12 MR. SATTIE: Have they voted on that?

13 PRESIDENT UMANE: I move the clerks'  
14 report.

15 COMMISSIONER TOWNSEND: Second. Second.

16 PRESIDENT UMANE: All in favor?

17 MULTIPLE: Aye.

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

20 MR. WEAVER: Yes.

21 MR. SAVINO: 40-1, objector, Aixa  
22 Torres, petition of Dallas J. Short, male  
23 Assembly District leader 65th Assembly District  
24 Part B, total valid signatures 62, number

1 April 14, 2021

2 required 150.

3 MR. SATTIE: I do have appearances by  
4 Paul Newell for the objector and Martin Conner  
5 for the candidate.

6 MS. KONTZAMANIS: They're both in the  
7 hearing room.

8 MR. CONNOR: Yes.

9 PRESIDENT UMANE: Mr. Connor, you seem  
10 to be short.

11 MR. CONNOR: On behalf of  
12 [unintelligible] [06:40:49].

13 MR. SAVINO: I see him.

14 MR. GRAVES: It looks like he's frozen.

15 MR. NEWELL: He seems to be what?

16 COMMISSIONER TOWNSEND: He's frozen.

17 PRESIDENT UMANE: Mr. Connor, you're --

18 SECRETARY CAMILO: Hold on.

19 PRESIDENT UMANE: -- 88 signatures  
20 short.

21 SECRETARY CAMILO: Is he in the room,  
22 did he hear that? No?

23 MR. SAVINO: It looked like his screen  
24 was frozen.

1 April 14, 2021

2 MR. CONNOR: Hello? Hello?

3 PRESIDENT UMANE: Mr. Connor? Mr. Connor  
4 are you here? Yes, yes you are.

5 MR. CONNOR: Yes, I am.

6 PRESIDENT UMANE: Okay, good.

7 MR. CONNOR: On behalf of the candidate.

8 PRESIDENT UMANE: This is New York 40-1,  
9 you're short about 88 signatures.

10 MR. CONNOR: Well, [unintelligible]  
11 [06:41:40] basics, the whole objection  
12 [unintelligible] [06:41:46].

13 MR. SAVINO: Frozen again.

14 MR. CONNOR: Secondly, Aixa Torres is  
15 not a registered Democrat or a registered voter  
16 at 65 Columbia Street. She really lives at 7 st.  
17 James Place, and I haven't seen the  
18 specification, I don't know what address is on  
19 the cover of that, but it really doesn't matter.  
20 It all starts with the general election. And I  
21 can tell you, I haven't seen it because neither  
22 the first name person on the committee to fill  
23 vacancies nor for the contact person, who happens  
24 to be Mr. Short, I've received a copy of the

1 April 14, 2021

2 specs. So I'm not sure what the proof of service  
3 would say. But the fact is it's clearly the wrong  
4 address on the general objections by the  
5 objector. That's material. That's how you  
6 determine is the person outstanding, is the  
7 person registered, enrolled. But it's also when  
8 you do a validate, well, you figure out where  
9 you're going to serve it and she doesn't live  
10 there. I think perhaps Mr. Newell lives there.  
11 But he's not the objector.

12 MR. NEWELL: Definitely [unintelligible]  
13 [06:42:56]. That is correct, that is my address,  
14 not the objector Axia Torres' address. However on  
15 both the general objection and the specification  
16 of objection cover sheet, Ms. Torres' exact  
17 address, 7 St. James Place, 10308 was printed. My  
18 address is as the contact person. I believe there  
19 was probably -- I did note that on the objection  
20 ledger, my address was placed there. But I  
21 believe that's probably a data entry error. Folks  
22 at the board are dealing with hundreds of these  
23 things, it happens. But I'm sure you can have the  
24 clerks pull up the general --

1 April 14, 2021

2 MR. SATTIE: We'll look at it, yeah.

3 MR. NEWELL: -- objection, yeah. I mean  
4 I can show you the spec right here.

5 PRESIDENT UMANE: And also,  
6 [unintelligible] [06:43:37] there was an  
7 allegation that service was not made.

8 MR. NEWELL: Service was absolutely  
9 made. It was made on Ms. Karen Bumiller, at 96  
10 Orchard Street, which is the first person on the  
11 candidate's committee on vacancies. It was sent  
12 by certified mail and it was filed --

13 MR. CONNOR: And the apartment number?

14 MR. NEWELL: 3FN, 3FN, on the --

15 MR. CONNOR: Okay, so CRU put the wrong  
16 address in the ledgers.

17 MR. NEWELL: That's possible. It  
18 happens. They're busy folks this time of year.

19 MR. WEAVER: No, we've been --

20 MR. CONNOR: No, I mean I didn't submit  
21 a list. I would note that the First Department  
22 had said and we lost 55 signatures for this, that  
23 --

24 MR. WEAVER: -- we don't put addresses

1 April 14, 2021

2 in --

3 MR. CONNOR: [unintelligible] [06:44:38]  
4 identification statement or leave it blank  
5 doesn't matter. And this year is the first year  
6 I've ever seen the Board of Elections taking  
7 signatures off of that, because I think under  
8 direction of counsel in past years, they were  
9 aware of those, and Second Department has said  
10 the same thing and the witness identification  
11 section is not part of the witness statement.  
12 It's below the witness's signature, that's why  
13 anybody can correct it and not initial it. But  
14 we'll save it for a validating proceeding.

15 PRESIDENT UMANE: Okay. I move the  
16 clerks' report.

17 COMMISSIONER TOWNSEND: Second.

18 PRESIDENT UMANE: All in favor?

19 MULTIPLE: Aye.

20 PRESIDENT UMANE: All opposed? All  
21 abstentions? The candidate is off the ballot.

22 MR. CONNOR: Thank you.

23 MR. SAVINO: 42-1, objector, Hilda  
24 Solomon, petition of Theresa Richardson, female

1 April 14, 2021

2 district leader, 68th AD Part A, total valid  
3 number of signatures 130, number required 150.

4 MR. SATTIE: No appearances.

5 PRESIDENT UMANE: Move the clerks'  
6 report.

7 COMMISSIONER TOWNSEND: 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. SAVINO: 44-1, objector Lois Penny,  
13 petition of Norma Campusano, female district  
14 leader, 70th Assembly District, Part D, total  
15 number of valid signatures 332, number of  
16 signatures required 150.

17 MR. SATTIE: I have an appearance by  
18 Arthur W. Greig.

19 MS. KONTZAMANIS: Mr. Greig is not in  
20 the waiting room.

21 MR. SATTIE: Okay.

22 PRESIDENT UMANE: And is he for the  
23 candidate or the objector?

24 MR. SATTIE: I have that for the

1 April 14, 2021

2 candidate, yes.

3 MR. WEAVER: She's on.

4 PRESIDENT UMANE: I move the clerks'  
5 report. Is there a second?

6 COMMISSIONER TOWNSEND: Second.

7 PRESIDENT UMANE: All in favor?

8 MULTIPLE: Aye.

9 PRESIDENT UMANE: All opposed? The  
10 candidate is on the ballot.

11 MR. SAVINO: 45-1, objections by Lois  
12 Penny, petition, Lois, I apologize, petition of  
13 Luis Johnson, male district leader, 70th Assembly  
14 District, Part D, total valid signatures 332,  
15 number of signatures required, 150.

16 MR. SATTIE: No appearances.

17 PRESIDENT UMANE: I move the clerks'  
18 report. Is there a second?

19 COMMISSIONER TOWNSEND: Second.

20 PRESIDENT UMANE: All in favor?

21 MULTIPLE: Aye.

22 PRESIDENT UMANE: All opposed? All  
23 abstentions? The candidate is on the ballot.

24 MR. SAVINO: 46-1, objector, Oz Sultan,



1 April 14, 2021

2 petition of Alpheaus Marcus, male member of New  
3 York State Republican State Committee, 70th  
4 Assembly District, total valid signatures 30,  
5 number required 42.

6 MR. SATTIE: I have an appearance of  
7 Robert Morgan for the objector.

8 MS. KONTZAMANIS: He's in the hearing  
9 room.

10 PRESIDENT UMANE: Mr. Morgan, you're  
11 just going to move -- ask us to move the clerks'  
12 report?

13 MR. MORGAN: Yes.

14 PRESIDENT UMANE: Alright, I move the  
15 clerks' report. Is there a second?

16 COMMISSIONER TOWNSEND: Second.

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

20 MR. WEAVER: He's off.

21 MR. SAVINO: 52-1, objector, Jane M.  
22 Arrendell-Johnson, petition of Ruben Dario  
23 Vargas, member of City Council, 7th Council  
24 District, total valid signatures 233, number of

1 April 14, 2021

2 signatures required 270.

3 MR. SATTIE: No appearances.

4 PRESIDENT UMANE: I move the clerks'  
5 report.

6 COMMISSIONER TOWNSEND: Second.

7 PRESIDENT UMANE: All in favor?

8 MULTIPLE: Aye.

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

11 MR. SAVINO: 53-1 --

12 MR. SATTIE: This was already heard,  
13 citywide.

14 MR. SAVINO: Oh, this was already heard?  
15 Okay.

16 MR. SATTIE: 53, 54, 55, 58, 60, 61, 62,  
17 63 have all been heard on the citywide calendar.

18 COMMISSIONER TOWNSEND: Okay.

19 PRESIDENT UMANE: Okay, so 64-1.

20 COMMISSIONER TOWNSEND: 64.

21 MR. WEAVER: And 64 is out on the spec  
22 [unintelligible] [06:48:47].

23 MR. SAVINO: Alright. 64-1, objections  
24 by Jacob Jou, petition of Arthur Schwartz, City

1 April 14, 2021

2 Council 3rd Council District, number of  
3 signatures, I'm sorry, total valid signatures  
4 702, number of signatures required 270.

5 MR. SATTIE: Commissioners, we have  
6 Arthur Schwartz for the candidate and Michael  
7 Winestock for the objector and I'll remind you  
8 that this is the same situation that was on the  
9 prima facie calendar, correct.

10 PRESIDENT UMANE: Right. So we put this  
11 on second call.

12 MS. KONTZAMANIS: Second call.

13 MR. SATTIE: There is only one more spec  
14 after this, so I guess we'll call it and then  
15 call back this?

16 PRESIDENT UMANE: Yes.

17 MR. SAVINO: This is ruling on the  
18 specifications that were untimely.

19 MR. SATTIE: So --

20 PRESIDENT UMANE: We're going to move it  
21 to the second call, so don't go away, we're just  
22 going to call the last matter.

23 MR. SAVINO: Okay, 66-1, objector Lester  
24 Chang, petition of Jacqueline Toboroff Gross,

1 April 14, 2021

2 City Council, 1st Council District, total valid  
3 signatures 184, number required 143.

4 MR. SATTIE: Commissioners, I have  
5 Robert Morgan appearing for the candidate.

6 MS. KONTZAMANIS: He's in the hearing  
7 room.

8 PRESIDENT UMANE: Okay, Mr. Morgan are  
9 you going to move -- ask us to move the clerks'  
10 report?

11 MR. MORGAN: Yes.

12 PRESIDENT UMANE: Okay. I move the  
13 clerks' report.

14 COMMISSIONER TOWNSEND: Second.

15 PRESIDENT UMANE: All in favor?

16 MULTIPLE: Aye.

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

19 MR. SAVINO: That concludes the clerks'  
20 reports.

21 PRESIDENT UMANE: Okay, so now we have  
22 second call with nine minutes left. So have the  
23 clerks had an opportunity to review the timing of  
24 the objection and all those issues relating to

1 April 14, 2021

2 Jou v. Schwartz? I see Mr. Winestock. Is Mr.  
3 Schwartz --

4 MR. SCHWARTZ: Yes, I'm on.

5 PRESIDENT UMANE: Okay.

6 MR. SCHWARTZ: Could I also ask, do you  
7 hear me?

8 PRESIDENT UMANE: Yes.

9 MR. SCHWARTZ: Can I ask  
10 [unintelligible] [06:51:18] since they're looking  
11 at the spec, it also [unintelligible] [06:51:23]  
12 have a [unintelligible] [06:51:24] service.

13 PRESIDENT UMANE: I'm sorry, we didn't  
14 hear that last part, Mr. Schwartz, at least I  
15 didn't.

16 MR. SCHWARTZ: The specification,  
17 besides referring to Bronx one, two, three, also  
18 does not have a proper affidavit of service. And  
19 this morning, I actually supplied the board with  
20 the envelope that it came in, which was dated  
21 Aril 1st, but the [unintelligible] [06:51:50]  
22 without any proof of mailing that's attached to  
23 it that was filed. It says it was mailed on March  
24 1st, so that's another deficiency.

1 April 14, 2021

2 PRESIDENT UMANE: Who has the paperwork  
3 on this?

4 MR. SATTIE: Are we speaking about the  
5 proof of service?

6 PRESIDENT UMANE: Yes.

7 MR. WINESTOCK: No. Uh, I believe, if  
8 we're speaking about the amended matters, the  
9 amended documents that Mr. Schwartz filed, to see  
10 if that extended the time period.

11 MR. WEAVER: No, this was against the  
12 petition.

13 MR. SCHWARTZ: There were three issues.  
14 One was the printer's error letter, did that  
15 extend his time to file, two, did the  
16 specifications properly identify the petition  
17 volume number, and three, did it have a proper  
18 affirmation of service.

19 MR. WINESTOCK: That's not accurate. The  
20 matter before the court on the prima facie  
21 calendar is regarding whether or not the --

22 MR. SCHWARTZ: It's not the court.

23 MR. WINESTOCK: -- thank you for  
24 interrupting me, Mr. Schwartz. The matter before

1 April 14, 2021

2 the Board of Elections on the prima facie  
3 calendar is whether or not the objections were  
4 served on a timely basis, and that has to do with  
5 the amendment, the amended filings that Mr.  
6 Schwartz submitted. I submit, ladies and  
7 gentlemen that Mr. Schwartz submitted yet another  
8 amended cover sheet on March 29th. Consequently,  
9 that provided another three days to file general  
10 objections and I did that. So consequently, I've  
11 fulfilled my obligation of filing general  
12 objections within the time frame.

13 PRESIDENT UMANE: So, did the clerks  
14 look at the schedule that we have and see if in  
15 fact there was an amended cover sheet filed on  
16 the 29th, which is part of the petition, so it  
17 would be within three days of the petition  
18 filing.

19 MR. SATTIE: I see a document, I was  
20 just handed a document that's titled Second  
21 Amended Designating Petition Cover Sheet that was  
22 filed on March 29th at 1:29 p.m.

23 PRESIDENT UMANE: Mr. Schwartz, doesn't  
24 the filing of a cover sheet, isn't that a part of

1 April 14, 2021

2 the petition, which would then extend the time of  
3 filing for Mr. Winestock?

4 MR. WEAVER: No.

5 MR. SCHWARTZ: Well, first of all, the  
6 one that, the text amended cover sheet was for my  
7 district leader's candidacy which he's not  
8 objecting to.

9 MR. WINESTOCK: No, that's not accurate.  
10 He's providing false information.

11 PRESIDENT UMANE: Well, alright. We'll  
12 ask Mr. Sattie, who's got the document in front  
13 of him what does it say.

14 MR. SATTIE: Arthur Z. Schwartz for  
15 council member from the 3rd Council District, New  
16 York County, city of New York.

17 PRESIDENT UMANE: Mr. Schwartz, it  
18 apparently deals with your council race.

19 MR. SCHWARTZ: Alright. I did file, I  
20 filed a printer's error letter and in it, I  
21 attached, I said if for some reason, this letter  
22 isn't sufficient, then I have two other volumes,  
23 I have another volume that I will just rely on,  
24 the volume that had the correct zip code. And,



1 April 14, 2021

2 but I don't believe under, under Section 6-154,  
3 it doesn't say -- it says that, it says exactly  
4 written objections shall be filed with the  
5 officer of the board with whom the petition is  
6 filed within three days after filing of the  
7 petition.

8 PRESIDENT UMANE: Right, but Mr.  
9 Schwartz, isn't the cover sheet part of the  
10 petition?

11 MR. SCHWARTZ: No. The petition is not  
12 the cover sheet.

13 PRESIDENT UMANE: It doesn't say  
14 petition volumes, it says the petition. The cover  
15 sheet is part of the petition.

16 MR. SCHWARTZ: Well, I don't, I don't  
17 think there's any case law that says that, but  
18 the cover sheet is a cover sheet and people make  
19 corrections based on notices to cure all the  
20 time, and [unintelligible] [06:55:55] extends  
21 the, but that would extend the time to file an  
22 objection. I filed the petition, but nothing  
23 happened after, after the 22nd except that I put  
24 in this letter saying there was a printer's

1 April 14, 2021

2 error, which said what, and --

3 PRESIDENT UMANE: Alright. I'm going to  
4 ask counsel, could you sort of -- my reaction was  
5 one of common sense. But it seems to me that the  
6 cover sheet, since the petition is not valid if  
7 it's more than ten pages without a cover sheet,  
8 that a petition cover sheet is part of the  
9 petition. I'm not sure if I'm right or if I'm  
10 wrong, but it seems to make sense to me.

11 MR. WINESTOCK: Mr., let me, sorry.

12 MR. SCHWARTZ: All I'm saying is --

13 PRESIDENT UMANE: I'm asking our counsel  
14 for a decision on this, for a suggestion.

15 MR. SCHWARTZ: -- that the, the amended  
16 cover sheet was part of the letter that I wrote  
17 saying that if this letter is not sufficient, a  
18 sufficient printer's error letter, which I guess  
19 that the board found that it was, then I'm filing  
20 this second cover sheet for my City Council  
21 candidacy.

22 MR. WINESTOCK: The statute addresses  
23 this very point, and it said specifically the  
24 last day for filing general objections shall be

1 April 14, 2021

2 three days after the latest date on which any  
3 part of such election document was filed, even if  
4 that election document is subsequently not  
5 claimed by the candidate.

6 MR. SCHWARTZ: That's not the statute.  
7 It's not -- he keeps making up this -- it doesn't  
8 say that in 6-154.2.

9 MR. WINESTOCK: It says it in G100,  
10 general objections.

11 MS. PATEL: That's our rules. That's not  
12 the statute.

13 MR. SAVINO: Right. And it has been the  
14 board's policy that an amended cover sheet is  
15 part of the petition and the documents being  
16 submitted in support of the candidacy.

17 PRESIDENT UMANE: Okay. So initially, we  
18 would recommend to the other commissioners that  
19 we rule that the objection was timely filed.

20 MR. SCHWARTZ: Okay. But then there's  
21 the prima facie issue of the petition volume  
22 identification numbers, which you ruled on  
23 several times earlier today, I've listened to the  
24 entire thing today, that says petition volume

1 April 14, 2021

2 identification number is one, two, three. That  
3 invalidates the specifications. Also the fact --

4 PRESIDENT UMANE: What is the cover  
5 sheet to the specifications? Does it have the  
6 petition numbers being objected to on it?

7 MR. SCHWARTZ: It says one, two, three.

8 PRESIDENT UMANE: Who's got the specs?

9 MR. WINESTOCK: Mr. Schwartz is being  
10 disingenuous here. He prefaced his remarks a  
11 minute ago by saying it's a prima facie issue.  
12 It's not. The other issue that was addressed by  
13 the objector Adler of Brooklyn was not a prima  
14 facie issue. So I submit that Jou v. Schwartz is  
15 on the prima facie calendar about whether or not  
16 the objections were filed in a timely fashion.  
17 This has been met, so I would ask that the board  
18 conclude that this has been met and then we can  
19 move on to Mr. Schwartz' other objections that  
20 are not prima facie issues.

21 PRESIDENT UMANE: Well, we're also  
22 dealing with the clerks' report on this matter.  
23 So this was called, this was on second call, but  
24 we've also had the spec -- I'm sorry, the clerks'

1 April 14, 2021

2 report called on this matter and that's also  
3 before us. So the issue of whether the  
4 specifications are okay is relevant to the  
5 hearing on the clerks' report, because if the  
6 specifications are no good or if the general  
7 objection is no good, then the clerks' report  
8 becomes mooted. So if the objection is not good,  
9 then no need for a clerks' report. So, it is  
10 relevant to the issue of hearing on the clerks'  
11 report. So --

12 COMMISSIONER ZACCONE: Commissioner  
13 Umane, if I may?

14 PRESIDENT UMANE: Yes.

15 COMMISSIONER ZACCONE: In the Manhattan  
16 clerks' report on page 30 of 41, there's a copy  
17 of the specifications of objections forms,  
18 [unintelligible] [07:00:16] it appears to be,  
19 check on that, and that, that's what I think  
20 we're referring to, so it might be easier to see  
21 it.

22 PRESIDENT UMANE: Thank you.

23 MR. SCHWARTZ: And it says one, two,  
24 three.

1 April 14, 2021

2 COMMISSIONER TOWNSEND: It does.

3 PRESIDENT UMANE: It does. So, based on  
4 that, I would move that the objection be  
5 dismissed for not having the right petition  
6 identification numbers identified on the  
7 specification cover sheet. That would be a fatal  
8 defect.

9 MR. WINESTOCK: It's my understanding  
10 that it might be a fatal defect, but it's not a  
11 prima facie fatal defect.

12 PRESIDENT UMANE: We're not dealing with  
13 the prima facie at this point. We're now dealing  
14 with clerks' report and it's legitimate to be  
15 raised in the same way that failure to make  
16 service or one of the other issues having to do  
17 with the objections can be raised upon the  
18 hearing of the clerks' report and often bars the  
19 prima facie, we establish, I think the notice,  
20 that the general objection was timely. We're past  
21 that. We're now looking at the issue of the  
22 petition volume identification numbers and that's  
23 not sufficient, because you're right, Mr.  
24 Schwartz, it only lists one, two, and three. And

1 April 14, 2021

2 that would be a fatal defect.

3 MR. SCHWARTZ: And also it doesn't have,  
4 sure --

5 PRESIDENT UMANE: Counsel, would you  
6 agree with that?

7 MS. PATEL: Yes, commissioner.

8 PRESIDENT UMANE: Okay.

9 MR. SAVINO: We would concur with that.

10 MS. PATEL: We would agree.

11 PRESIDENT UMANE: Okay. So based on  
12 that, I would move that we dismiss the specs for  
13 failing to provide the petition volume  
14 identification numbers and the theory that all,  
15 if you're doing the objection, you've got to do  
16 it right.

17 MR. SCHWARTZ: Can I just ask, it also  
18 should be dismissed because it doesn't have a  
19 proof of service?

20 PRESIDENT UMANE: Well, uh --

21 MR. WINESTOCK: I think that's moot at  
22 this point.

23 PRESIDENT UMANE: Well, what does the  
24 proof of service say?

1 April 14, 2021

2 MR. WINESTOCK: Mr. Schwartz is trying  
3 to make a mountain out of a molehill. There was a  
4 typo in one of my affirmations of service and  
5 he's subsequently seen numerous affirmations of  
6 service that were corrected. Mr. Schwartz has  
7 also seen the UPS tracking number that confirms  
8 from where I sent the document and where it was  
9 retained. Mr. Schwartz has also seen my proof of  
10 purchase from the United States Postal Service  
11 for the certified male. He's also  
12 [unintelligible] [07:03:07] the certified male  
13 receipt, so Mr. Schwartz is trying to be  
14 disingenuous here.

15 PRESIDENT UMANE: Alright.

16 [CROSSTALK]

17 MR. SATTIE: As we've previously ruled  
18 on this.

19 PRESIDENT UMANE: Let's just deal with  
20 the issue that we have. I think, in my own view,  
21 and I would move that we would dismiss the  
22 specifications based on the failure to include  
23 the petition volume identification numbers. Does  
24 anybody want to second that?



1 April 14, 2021

2 COMMISSIONER TOWNSEND: I'll second.

3 PRESIDENT UMANE: All in favor?

4 MULTIPLE: Aye.

5 PRESIDENT UMANE: All opposed? All  
6 abstentions. Okay, the objection is dismissed and  
7 the candidate remains on the ballot.

8 MR. WINESTOCK: I'd simply like the  
9 record to reflect that this is not a fatal defect  
10 in terms of the matter that's currently before  
11 the State Supreme Court of *Jou v. Schwartz*.

12 PRESIDENT UMANE: That's up to the court  
13 to decide.

14 MR. WINESTOCK: Yes, thank you very  
15 much, Mr. Umane. I appreciate that.

16 PRESIDENT UMANE: Okay.

17 SECRETARY CAMILO: Does this conclude?

18 PRESIDENT UMANE: Yeah, yes. What we're  
19 going to do, if it's okay with everybody, we're  
20 going to continue the hearing on the Queens cases  
21 next Tuesday at 1:30, and --

22 COMMISSIONER ARAUJO: President Umane,  
23 we have, Queens is ready.

24 MS. KONTZAMANIS: Queens is ready.

1 April 14, 2021

2 MR. SATTIE: They're ready.

3 MR. WEAVER: Okay.

4 PRESIDENT UMANE: Do people want to do  
5 Queens now?

6 COMMISSIONER ARAUJO: Yeah.

7 PRESIDENT UMANE: I know some of the  
8 commissioner may have to leave, but if we have a  
9 quorum, I would move that if lack a quorum that  
10 four commissioners be sufficient, two Republicans  
11 and two Democrats.

12 SECRETARY CAMILO: President Umane,  
13 [unintelligible] [07:04:45] I'll make a request  
14 for you to pick a Bronx certification special. I  
15 don't know if --

16 PRESIDENT UMANE: It was my  
17 understanding that they were going to not do that  
18 today. No, it was an email.

19 SECRETARY CAMILO: It will not be today.  
20 It will be tomorrow at 10:00 a.m. Commissioner  
21 Marmorato and I are available.

22 MS. SANDOW: And Commissioner Townsend  
23 and Commissioner Zacccone are also, so that's all  
24 for the Board of Canvassers, that's what you

1 April 14, 2021

2 need, four. And we can ratify on Tuesday.

3 PRESIDENT UMANE: So I would move that  
4 we have a subcommittee to meet at 10:00 o'clock  
5 tomorrow to verify or announce, to act as a Board  
6 of Canvassers for the Bronx Special City Council  
7 election. And that a quorum of four will be  
8 sufficient. Is there a second?

9 COMMISSIONER ARAUJO: Second.

10 PRESIDENT UMANE: All in favor?

11 MULTIPLE: Aye.

12 PRESIDENT UMANE: All opposed? All  
13 abstentions? So that's for tomorrow. And the  
14 Queens, we're going to do Queens now. Is that  
15 what we're going to do?

16 COMMISSIONER ZACCONE: If can just ask  
17 for a three minute break?

18 SECRETARY CAMILO: Yeah, and I'm  
19 leaving.

20 COMMISSIONER TOWNSEND: And I'm leaving  
21 as well.

22 SECRETARY CAMILO: Ms. Townsend is  
23 leaving as well.

24 COMMISSIONER TOWNSEND: Thank you,

1 April 14, 2021

2 everyone.

3 PRESIDENT UMANE: I would move that a  
4 quorum of four, two Republicans and two Democrats  
5 be sufficient for the Queens hearing as well  
6 that's going to continue.

7 COMMISSIONER ARAUJO: I second.

8 PRESIDENT UMANE: Is there a second?

9 COMMISSIONER ARAUJO: Second.

10 PRESIDENT UMANE: All in favor? All  
11 opposed? All abstentions? Okay.

12 MR. GRAVES: That's to constitute a  
13 subcommittee, right?

14 PRESIDENT UMANE: Yes, a subcommittee.

15 SECRETARY CAMILO: So I just want to  
16 [unintelligible] [07:06:22] continue.

17 PRESIDENT UMANE: So thank you very  
18 much, everybody, and we'll continue. Okay. Take a  
19 five minute break.

20 MS. KONTZAMANIS: Okay. Bear with me one  
21 second, because you guys are still live, okay.

22 PRESIDENT UMANE: Okay.

23 [OFF THE RECORD]

24 [ON THE RECORD]

1 April 14, 2021

2 MS. KONTZAMANIS: Okay. Go ahead, you're  
3 live.

4 PRESIDENT UMANE: What I was saying was  
5 we were almost going to call Queens County.

6 MS. KONTZAMANIS: We're live now,  
7 Commissioner Umane.

8 PRESIDENT UMANE: Alright. This is the  
9 continuation of the commissioners' hearing on the  
10 primary in June of 2021, and we're going to  
11 recall the Queens calendar.

12 COMMISSIONER ARAUJO: Do we have anybody  
13 in the waiting room?

14 MS. KONTZAMANIS: There is a  
15 [unintelligible] [07:13:32] who has a notice of  
16 appearance in the waiting room.

17 COMMISSIONER ARAUJO: Can you let him  
18 in?

19 MS. KONTZAMANIS: Sure.

20 PRESIDENT UMANE: Mr. Haggerty? Mr.  
21 Haggerty?

22 MR. HAGGERTY: Yes, commissioner how are  
23 you?

24 PRESIDENT UMANE: We're recalling the

1 April 14, 2021

2 Queens calendar.

3 MR. HAGGERTY: Okay.

4 COMMISSIONER ARAUJO: With respect to  
5 the two matters, we're going to refer back to  
6 spec 51-1, and [unintelligible] [07:14:07] to  
7 indicate [unintelligible] [07:14:10] clerks'  
8 report.

9 [CROSSTALK]

10 MS. KONTZAMANIS: Please sir, you'll  
11 have to shut the video sir, we're having a lot of  
12 feedback.

13 MS. BERINATO: So from our findings, we  
14 were able to give Mr. Mayo back two, which brings  
15 the total valid number of signatures down to 173,  
16 and the number of signatures required is 136.  
17 Also [unintelligible] [07:14:45] the objections,  
18 [unintelligible] [07:14:46] to the stuff he  
19 already objected to, we've already give a ruling  
20 on, it was already taken out and he's defending  
21 to it again, so we did not do anything with that,  
22 [unintelligible] [07:14:59] give back to.

23 COMMISSIONER ARAUJO: I would move the  
24 amended clerks' report.

1 April 14, 2021

2 COMMISSIONER MICHEL: Second.

3 PRESIDENT UMANE: All in favor?

4 MULTIPLE: Aye.

5 PRESIDENT UMANE: All opposed? All  
6 abstentions? I'm not sure, because I don't have  
7 it in front of me, is the candidate on or off the  
8 ballot?

9 MS. BERINATO: The candidate is on the  
10 ballot.

11 PRESIDENT UMANE: On the ballot, okay.

12 COMMISSIONER ARAUJO: The next one is  
13 52?

14 MS. BERINATO: 58-1.

15 COMMISSIONER ARAUJO: 58-1.

16 MS. BERINATO: And 59. So that other one  
17 was actually 51-1 and 52-1.

18 COMMISSIONER ARAUJO: 52-1.

19 MS. BERINATO: Right. Now this one is  
20 58-1 and 59-1.

21 COMMISSIONER ARAUJO: We're going to  
22 start with that.

23 MS. BERINATO: Okay. So we did not give  
24 anything back, because everything we have already

1 April 14, 2021

2 ruled on. We already had taken it out, so we  
3 can't take it out again. So we did, previous, we  
4 did receive an exception report yesterday from  
5 defendant's candidate and 16 were  
6 [unintelligible] [07:16:06] to it, so now the  
7 total valid signatures is 147 and the number of  
8 signatures required is 127.

9 COMMISSIONER ARAUJO: I would move that  
10 we adopt the amended clerks' report.

11 COMMISSIONER MICHEL: Second.

12 PRESIDENT UMANE: All in favor?

13 MULTIPLE: Aye.

14 PRESIDENT UMANE: All opposed? All  
15 abstentions? So the candidate is --

16 COMMISSIONER ARAUJO: On.

17 PRESIDENT UMANE: -- on the ballot.

18 COMMISSIONER ARAUJO: That concludes the  
19 recall matters for Queens County.

20 PRESIDENT UMANE: Okay. On behalf of the  
21 Board of Elections I would just like to thank the  
22 staffs from all five boroughs for their hard work  
23 that they put into, especially the Bronx that was  
24 going through a special election and two City



1 April 14, 2021

2 Council races simultaneously with trying to get  
3 ready for these hearings. And it's really a  
4 fabulous job done by our staff, also in the face  
5 of a pandemic, which people give us short shrift  
6 in having to work through that. And so on behalf  
7 of the Board of Elections commissioners and the  
8 people of the city of New York, we really thank  
9 the staff for their hard work and efforts on  
10 behalf of our political system. So thank you all  
11 very much, and our next meeting --

12 COMMISSIONER ZACCONE: Before we end --

13 PRESIDENT UMANE: -- is going to be the  
14 meeting of the canvassers tomorrow morning at  
15 10:00 o'clock, and then our next regular meeting  
16 will be next Tuesday at 1:30, another remote  
17 hearing. So unless anybody has anything else?

18 COMMISSIONER ZACCONE: Yes,  
19 commissioner, just one more thing I'd like to  
20 add. I join you in thanks to all the five  
21 boroughs, but I'd like to also thank the staff of  
22 general office who has pulled off this herculean  
23 job these past two days, including our director,  
24 our IT staff, and our counsel as well as the CRU

1 April 14, 2021

2 representatives. They've kept us going as  
3 smoothly as I think possibly and I think they  
4 deserve our thanks as well.

5 COMMISSIONER PEPE-SOUVENIR: I join you,  
6 Commissioner Zaccone --

7 PRESIDENT UMANE: I apologize for not  
8 including --

9 COMMISSIONER PEPE-SOUVENIR: -- in that  
10 as well. The office staff did a fantastic job.  
11 Thank you so much, Georgea. Thank you, general  
12 counsel, thank you everyone. You did really a  
13 good job.

14 COMMISSIONER SHAMOUN: I would like to  
15 echo those sentiments and express my thanks and  
16 gratitude to the general office staff, executive  
17 management, the GC's office and of course, the  
18 Brooklyn office, who I didn't get a chance to  
19 thank earlier because of a technical issue. But  
20 thanks to everybody, much appreciated it. We know  
21 how much hard work it was to pull it off.

22 COMMISSIONER PEPE-SOUVENIR: Yes,  
23 absolutely.

24 MR. SATTIE: And thank you to President

1 April 14, 2021

2 Umane for running these meetings. I know it's not  
3 easy, but I appreciate you.

4 COMMISSIONER SHAMOUN: Yes, absolutely.  
5 Thank you, Commissioner Umane.

6 COMMISSIONER ZACCONE: Here, here.

7 PRESIDENT UMANE: Okay.

8 COMMISSIONER ZACCONE: With that, I move  
9 to adjourn.

10 COMMISSIONER SHAMOUN: Second.

11 [CROSSTALK]

12 COMMISSIONER MARMORATO: You're the  
13 senior member, Frank.

14 PRESIDENT UMANE: I move we adjourn,  
15 thank you.

16 COMMISSIONER ZACCONE: Second.

17 PRESIDENT UMANE: It's even worse when  
18 they start quoting me from the hearings.

19 (The meeting concluded at 5:40 p.m.)  
20  
21  
22  
23  
24

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on April 14, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques". The signature is written in dark ink and is positioned above a horizontal line.

---

Date: November 22, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018