

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

COMMISSIONERS' COMMITTEE HEARINGS  
ON CONTINUED DESIGNATING PETITION MATTERS

42 Broadway - 6th floor  
Commissioners' Hearing Room

New York, NY 10004

April 23, 2021

10:00 a.m. - 10:20 a.m.

April 23, 2021

**PRESENT:**

President Frederic Umane

Commissioner Simon Shamoun

Commissioner Rodney L. Pepe-Souvenir

Commissioner Tiffany Townsend

Dawn Sandow, Deputy Executive Director

Pamela Perkins, Administrative Manager

Georgea Kontzamanis, Operations Manager

Kenneth Moltner, Counsel to the Commissioners

Steven Denkberg, Counsel to the Commissioners

Hemalee Patel, General Counsel

Raphael Savino, Deputy General Counsel

Matt Graves, CRU

Rayvon Weaver, CRU

Tom Sattie, CRU

Greg Lehman, Chief Clerk, New York County

Cynthia Doty, Deputy Chief Clerk, New York County

**ALSO PRESENT:**

Theo Bruce Chino

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2 (The meeting commenced at 10:06 a.m.)

3 PRESIDENT FREDRIC UMANE: Good  
4 afternoon, my name is Fred Umane, I'm the  
5 president of the Board of Commissioners of the  
6 Board of Elections in the city of New York for  
7 calendar year 2021. Today, Friday, April 23rd, is  
8 a continuation of the citywide and Manhattan  
9 County prima facie matters relating to the  
10 designating petitions for the June 22, 2021  
11 primary elections in the city of New York. Notice  
12 of today's hearing was given on April 20th. An  
13 updated hearing calendar, as well as the day's  
14 ledgers, were posted to our website at least by  
15 last night. I will begin today's hearing with the  
16 commissioners' roll call. Commissioner Pepe-  
17 Souvenir?

18 COMMISSIONER RODNEY L. PEPE-SOUVENIR:  
19 Good morning, present.

20 PRESIDENT UMANE: Commissioner Townsend?

21 COMMISSIONER TIFFANY TOWNSEND: Good  
22 morning, present.

23 PRESIDENT UMANE: Commissioner Shamoun?

24 COMMISSIONER SIMON SHAMOUN: Present,

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2 thank you.

3 PRESIDENT UMANE: Also joining us today  
4 from executive management is Dawn Sandow, the  
5 deputy executive director, Pamela Perkins,  
6 administrative manager, Georgea Kontzamanis,  
7 operations manager, Ken Moltner and Steve  
8 Denkberg. I have something in the background. I'm  
9 going to have to -- hang on just a second. Sorry.  
10 Anyway, Ken Moltner and Steve Denberk, counsels  
11 to the commissioners, General Counsel Hemalee  
12 Patel And Deputy General Counsel Raphael Savino,  
13 Matt Graves, Rayvon Weaver, Tom Sattie from our  
14 CRU Unit. We're also joined by Greg Lehman, chief  
15 clerk and Cynthia Doty, deputy chief clerk. And  
16 let's begin today's hearing. Staff, please call  
17 the calendar.

18 MR. TOM SATTIE: Good morning,  
19 commissioners. The names on our prima facie  
20 report are as follows. Dion Powell, Ayisha G.  
21 Oglivie, Carlton Borroughs, Michael S. Hano, Lena  
22 A. Melendez, Theo Bruce Chino Tavarez, Shawn C.  
23 Carter, John Oliver, Michael S. Hano. That  
24 concludes the list. There is an appearance by

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2 Theo Chino, I'm told.

3 PRESIDENT UMANE: Okay, Mr. Chino, you  
4 seem to be short on signatures.

5 MR. GRAVES: Mr. Chino is in the room.

6 MR. THEO BRUCE CHINO: I do believe that  
7 at the Board of Elections is also Dion Powell.  
8 Can he get, can he be brought up too?

9 MR. SATTIE: There was not a notice of  
10 appearance provided or an email or --

11 PRESIDENT UMANE: Okay, if he's here, we  
12 can have him appear.

13 MR. SATTIE: We would need to send him a  
14 link to the --

15 MR. CHINO: He's at the Board of  
16 Elections I believe.

17 MR. RAPHAEL SAVINO: He's where?

18 MR. CHINO: At 42nd Broadway.

19 MR. SAVINO: Can we call someone? Is he  
20 possibly downstairs? Should we call someone  
21 downstairs?

22 MR. CHINO: I do get a message saying  
23 he's at the Board.

24 PRESIDENT UMANE: Alright, well, you

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2 know, there's a procedure for this and we would  
3 have made arrangement had he presented himself.  
4 Mr. Chino, please --

5 MR. CHINO: I mean the rule, I  
6 understand we have the COVID rule, but the rule  
7 of the Board of Elections still applies for a  
8 candidate to show up in person.

9 COMMISSIONER TOWNSEND: That's  
10 incorrect, Mr. Chino. It clearly states on the  
11 website that in this moment in time, candidates  
12 are to appear virtually and will be given the  
13 correct link and directions to do so, so that is  
14 not currently correct.

15 PRESIDENT UMANE: And you seem to know  
16 what you need to do --

17 MR. CHINO: So that means that the five  
18 people who appeared at the Board of Elections on  
19 the 13th and the 14th basically, how did they  
20 appear?

21 MS. SANDOW: They requested to.

22 MR. CHINO: Yeah, but they --

23 PRESIDENT UMANE: They filed notice,  
24 they filed appropriate notices with the board.

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2 MS. SANDOW: Right.

3 PRESIDENT UMANE: And if he was, and if  
4 he had done so, he would have had ample  
5 opportunity.

6 MS. SANDOW: The emergency procedures --

7 PRESIDENT UMANE: The issue before --  
8 but Mr. Chino --

9 MR. CHINO: There was no notice about  
10 this hearing.

11 PRESIDENT UMANE: -- Mr. Chino, the  
12 issue before us today is that the number of  
13 signatures submitted to the board are woefully  
14 short. Do you have an argument to say that you  
15 qualify?

16 MR. CHINO: Yes. Number [unintelligible]  
17 [00:12:39] --

18 PRESIDENT UMANE: What's your  
19 [unintelligible] [00:12:40] --

20 MR. CHINO: I will address that right  
21 now then. The prima facie, this meeting today,  
22 called a continuation, should have happened  
23 before the objection meeting, because obviously  
24 the petition numbers for Dion Powell and company

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2 are basically arbitrary and capricious, because  
3 the person who objected originally to this group  
4 of petition lost the objection. She did not  
5 object and at the last meeting, her objection was  
6 thrown out. So basically, what happened with this  
7 group of petition is basically a second bite of  
8 the apple for the objector which is for  
9 another contest --

10 PRESIDENT UMANE: No, no sir.

11 MR. CHINO: -- under [unintelligible]  
12 [00:13:20] line. This is.

13 PRESIDENT UMANE: Mr. Chino, that's not  
14 correct. Mr. Chino, that's just not correct. The  
15 petitions --

16 MR. CHINO: Are we talking about  
17 petition --

18 PRESIDENT UMANE: -- had two or three --

19 MR. CHINO: 23102059?

20 PRESIDENT UMANE: -- signatures -- Mr.  
21 Chino, I'm talking now. The petitions had two or  
22 three signatures, at least 150 are required. Do  
23 you have an argument --

24 MR. CHINO: No, we're talking about --



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2 PRESIDENT UMANE: -- to say these  
3 [unintelligible] [00:13:41] --

4 MR. CHINO: No, we're talking about Dion  
5 Powell right now, Dion Powell needed 2,250.

6 PRESIDENT UMANE: -- that's the issue  
7 before us. We're not talking about --

8 MR. CHINO: No, Dion Powell needed  
9 2,250. We're talking about a batch, the same  
10 batch for Dion Powell, Ayisha and the delegates.

11 PRESIDENT UMANE: Mr. Chino, how many  
12 signatures were on their petition?

13 MR. CHINO: We're not counting the  
14 signature.

15 PRESIDENT UMANE: Yes, we are.

16 MR. CHINO: We're counting the whole  
17 thing about this [unintelligible] [00:14:04].

18 COMMISSIONER TOWNSEND: Yes, we --

19 PRESIDENT UMANE: No, no, no. Mr., Mr.  
20 Chino, that's the point of this hearing.

21 MR. CHINO: Yeah, but --

22 PRESIDENT UMANE: If you're able to  
23 address that --

24 MR. CHINO: -- the hearing --

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2 PRESIDENT UMANE: -- we're prepared --

3 MR. CHINO: -- this hearing has to have  
4 happened two days --

5 PRESIDENT UMANE: -- to listen to you.

6 MR. CHINO: -- after we submitted the  
7 petition, not after the meeting, the hearing on  
8 the 13th and the 14th. Why --

9 PRESIDENT UMANE: Mr. Chino --

10 MR. CHINO: -- the things, the law is  
11 clear.

12 PRESIDENT UMANE: -- how many signatures  
13 are there on the --

14 MR. CHINO: It says to sequence.

15 PRESIDENT UMANE: -- petition?

16 MR. CHINO: The law says this meeting --

17 PRESIDENT UMANE: Mr. Chino.

18 MR. CHINO: -- shall not happen  
19 subsequent. So this problem should have happened  
20 before the objection meeting, and not after the  
21 objection hearing.

22 PRESIDENT UMANE: Mr. Chino?

23 MR. CHINO: Yes?

24 PRESIDENT UMANE: You were given an

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2 opportunity to raise any issues that you have,  
3 but the problem that you have is that the  
4 petitions --

5 MR. CHINO: But this issue wasn't raised  
6 until yesterday.

7 PRESIDENT UMANE: -- do not have the --

8 MR. CHINO: I got made aware of this  
9 meeting yesterday.

10 PRESIDENT UMANE: Mr. Chino, you're not  
11 listening to me. You're not listening to me. The  
12 petitions lack the appropriate number of  
13 signatures.

14 MR. CHINO: We're not talking about the  
15 petition. We're talking --

16 COMMISSIONER TOWNSEND: Mr. Chino --

17 PRESIDENT UMANE: Mr. Chino, you're not  
18 listening.

19 MR. CHINO: Commissioners, you have to  
20 first follow your own rule. You're making rule  
21 right now, you know as I'd like to --

22 PRESIDENT UMANE: We are following our  
23 rule.

24 MR. CHINO: -- this meeting of the prima

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2 facie should not happen right now.

3 COMMISSIONER TOWNSEND: We're following  
4 the rule. Mr. Chino, it says very clearly on the  
5 prima facie report this is --

6 PRESIDENT UMANE: Mr. Chino, you can be  
7 silenced if you can't --

8 COMMISSIONER TOWNSEND: -- about  
9 insufficient signatures.

10 PRESIDENT UMANE: -- deal with the issue  
11 before you.

12 MR. CHINO: When was that prima -- I was  
13 not made aware of the prima facie report until  
14 yesterday. Until yesterday. We received the  
15 letter --

16 PRESIDENT UMANE: Well, notices --

17 MR. CHINO: -- you sent the express  
18 letter two days. It wasn't next night. We  
19 received a letter by the Board of Elections dated  
20 April 20 on the 22nd. So obviously --

21 PRESIDENT UMANE: Mr. Chino.

22 MR. CHINO: -- they're supposed to  
23 arrive the next day. They arrived two days later  
24 and every notice had --

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2 PRESIDENT UMANE: Mr. Chino.

3 MR. CHINO: -- the two day checkmark.

4 PRESIDENT UMANE: Mr. Chino.

5 MR. CHINO: It was not for the next day  
6 as per your own rule.

7 PRESIDENT UMANE: Mr., Mr. Chino,  
8 assuming --

9 MR. CHINO: The rule of the Board of  
10 Elections --

11 PRESIDENT UMANE: -- you are correct,  
12 Mr. Chino, assuming you are correct --

13 MR. CHINO: I am correct because I am --

14 PRESIDENT UMANE: -- do you have a  
15 number -- Mr. Chino.

16 MR. CHINO: It doesn't matter the number  
17 of signatures. It has to, it matters that you all  
18 follow your own rules. How can Maria Luna get a  
19 second bite at the apple? She, she messed up her  
20 objection. She got, she's supposed to do it and  
21 now she comes around and she gets a second bite?

22 PRESIDENT UMANE: Mr. Chino.

23 MR. CHINO: This is totally unfair.

24 PRESIDENT UMANE: It's not, it's not the

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2 objector. It's not the objector.

3 MR. CHINO: To all the candidates --

4 COMMISSIONER TOWNSEND: Can --

5 MS. KONTZAMANIS: Commissioners, would  
6 you like me to mute his microphone?

7 COMMISSIONER TOWNSEND: President Umame  
8 should be allowed to finish his points.

9 PRESIDENT UMANE: Mr. Chino, I'm going  
10 to give you one last opportunity to deal with the  
11 issues before the commissioners --

12 MR. CHINO: No, don't make that  
13 decision. We --

14 PRESIDENT UMANE: -- or else I'm going  
15 to ask that you --

16 MR. CHINO: -- dealing with the issue of  
17 the meeting --

18 PRESIDENT UMANE: -- be turned off.

19 MR. CHINO: -- first of all. There was  
20 no prior communication, the information on the  
21 Board of Elections about this hearing was posted  
22 yesterday. I mean this is your own meeting. So  
23 you can change the rule if you wish.

24 PRESIDENT UMANE: Mr. Chino, Mr. Chino,

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2 do you have -- do the -- do you have an argument  
3 that the petitions qualify?

4 MR. CHINO: I'm not going to entertain  
5 the argument that are --

6 PRESIDENT UMANE: Okay. Okay.

7 MR. CHINO: -- on those things, because  
8 --

9 PRESIDENT UMANE: Then I'm going to ask  
10 that you be turned off.

11 MR. CHINO: -- the prima facie meeting -  
12 -

13 PRESIDENT UMANE: Sir, I'm going to ask  
14 that you be turned off.

15 MS. KONTZAMANIS: Antonio, please turn  
16 his microphone off.

17 PRESIDENT UMANE: Okay. There being no  
18 other opposition, I move that we move the prima  
19 facie calendar. Is there a second?

20 COMMISSIONER TOWNSEND: Second.

21 PRESIDENT UMANE: All in favor?

22 MULTIPLE: Aye.

23 PRESIDENT UMANE: All opposed? All  
24 abstentions? Okay. The prima facie calendar is

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moved, the candidates are off the ballot. And is there, if there's nothing else before the commission for today, I look forward to seeing everybody next Tuesday and I move that we adjourn. Is there a second?

COMMISSIONER TOWNSEND: Second.

PRESIDENT UMANE: All in favor?

MULTIPLE: Aye.

PRESIDENT UMANE: All opposed? All abstentions? Thank you all very much and we'll see you next Tuesday at 1:30.

COMMISSIONER TOWNSEND: Thanks everyone. Have a great weekend.

COMMISSIONER PEPE-SOUVENIR: Thank you. Thank you so much.

COMMISSIONER SHAMOUN: Thank you all, have a nice weekend.

(The meeting concluded at 10:00 a.m.)



CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on April 23, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

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Date: November 22, 2021

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