

BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

COMMISSIONERS' COVER SHEET REVIEW

42 Broadway - 6th floor  
Commissioners' Hearing Room  
New York, NY 10004

May 27, 2021

3:00 p.m. - 3:22 p.m.

May 27, 2021

**PRESENT:**

Commissioner Gino Marmorato

Commissioner Tiffany Townsend

Hemalee Patel, General Counsel

Raphael Savino, Deputy General Counsel

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2 (The meeting commenced at 3:06 p.m.)

3 MR. RAPHAEL SAVINO: Good afternoon.  
4 Today is May 27, 2021. We are here for a  
5 commissioners' cover sheet review. We have the  
6 pleasure of being joined by Commissioner Townsend  
7 and Commissioner Marmorato and without further  
8 ado, we will begin presenting the matters.

9 MS. HEMALEE PATEL: I do have the first  
10 batch commissioners, we are going to review them  
11 in the order that we sent them to you.

12 COMMISSIONER TIFFANY TOWNSEND: Okay.

13 MS. PATEL: We're going to start first  
14 with the cover sheet for Fatima Baryab. The  
15 address on the cover sheet says 89-10 Whiney  
16 Avenue, W-H-I-N-E-Y, and the address on the  
17 petition says 89-110 Whitney Avenue with a T, and  
18 that our team, our bipartisan team found that to  
19 be a defect.

20 MR. SAVINO: That's correct.

21 MS. PATEL: So commissioners --

22 MR. SAVINO: This is a curable defect if  
23 you find that is something that should be  
24 corrected. Traditionally, the cover sheet is

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2 supposed to match the petition.

3 MS. PATEL: And I can send them out a  
4 notice to cure so that they can have their cover  
5 sheet amended.

6 MR. SAVINO: [unintelligible] [00:07:39]  
7 the T.

8 MS. PATEL: A missing T.

9 COMMISSIONER GINO MARMORATO: I move to,  
10 I move that we send the candidate notice to cure.

11 MS. PATEL: Commissioner Townsend?

12 COMMISSIONER TOWNSEND: Agreed. Sorry, I  
13 did rotate my screen, which is why I'm looking at  
14 you sideways.

15 COMMISSIONER MARMORATO: Yeah, it took  
16 me a little while too, because I had them in a  
17 different order than received, which is fine.

18 MS. PATEL: Oh, did you have them  
19 backwards, should we start at the bottom?

20 COMMISSIONER MARMORATO: No, because  
21 that candidate was in the middle, so I don't know  
22 how they were sent.

23 COMMISSIONER TOWNSEND: Yeah, it was in  
24 the middle on mine as well, too. But I think the

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names are all in the file names, but I think it should be fine.

MS. PATEL: So we'll mark that as an initial there.

MR. SAVINO: Yes. With your permission, we'll initial, put your initials on the defect sheet and also initial it ourselves.

COMMISSIONER MARMORATO: Yes, counselors, agreed, approved.

MS. PATEL: We're up to where the candidate's name is Victor Hugo Gutierrez. And the cover sheet is, there are two defects, commissioners. The cover sheet is attached to the petition and the ID number is missing from the cover sheet. As you know, without an ID number, a potential objector can't find the petitions. And it is a curable defect.

COMMISSIONER MARMORATO: I move that we send a notice to cure.

COMMISSIONER TOWNSEND: Yeah, agreed.

COMMISSIONER MARMORATO: For both of these.

MS. PATEL: This is the Bronx Peoples

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2 Party. Okay, commissioners, we will initial this  
3 with your initials and our initials and send out  
4 a notice to cure. Thank you. Okay. Our next one  
5 is Abby Laurel Smith, candidate for the mayor of  
6 the city of New York. There were multiple cover  
7 sheets filed for the total number of volumes and  
8 the IDs missing. And they were multiples,  
9 commissioners, however, a number of them were  
10 filed at the exact same time. As you know, our  
11 time clock doesn't do seconds, so we have a  
12 number of them. If we were able to tell which is  
13 the last one, we would have picked it and found  
14 it to be the one we review. As you know, our  
15 rules say that we pick the last one filed.  
16 However, we weren't able to ascertain which one  
17 was the last one filed, and a number of these are  
18 defective. There was one that was filed as an  
19 amended cover sheet, with a certification at the  
20 bottom that the person who signed it had the  
21 authority to file an amended cover sheet, however  
22 that cover sheet failed to state the party name,  
23 failed to designate the party name and is missing  
24 the header.

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2 MR. SAVINO: It has two volume numbers  
3 that [unintelligible] [00:10:53] on there,  
4 whereas the others --

5 MS. PATEL: Have no volume numbers.

6 COMMISSIONER TOWNSEND: Okay.

7 MS. PATEL: So it means these are  
8 curable defects, commissioners, and if we -- it's  
9 a total of six cover sheets filed and if we send  
10 an NCN, they can be cured.

11 COMMISSIONER MARMORATO: I move that we  
12 send the candidate notice to cure.

13 COMMISSIONER TOWNSEND: Yeah, second,  
14 agreed.

15 MS. PATEL: Commissioners, with your  
16 permission, we will initial your -- initial, use  
17 your initials and our initials next to that.

18 COMMISSIONER MARMORATO: Approved.

19 MS. PATEL: Thank you. The next one is,  
20 commissioners, there are two of them, two cover  
21 sheets, one for Pilar Uribe and Walter Iwachiw.  
22 They're both on the same petition and if you look  
23 in the petition it says FBNT Party and the cover  
24 sheet says FREEbusNtrain Party and then space

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2 PBNT Party. And our team, our bipartisan team  
3 found that the name of the party doesn't match  
4 the cover sheet, sorry, does not match the  
5 petition.

6 COMMISSIONER MARMORATO: Is this also an  
7 instance where the -- where it's more than 15  
8 characters?

9 MS. PATEL: Right.

10 MR. SAVINO: Right. That would not be a  
11 fatal defect. That is something that would be  
12 presented to the commissioners at a full meeting.

13 COMMISSIONER TOWNSEND: And we could  
14 amend that.

15 MR. SAVINO: [unintelligible] [00:12:27]  
16 to change the name, and then if they don't, the  
17 commissioners would change the name for them.

18 MS. PATEL: We don't have to address --

19 MR. SAVINO: But that's --

20 MS. PATEL: Right.

21 MR. SAVINO: -- we don't address that  
22 now.

23 COMMISSIONER MARMORATO: Right.

24 MS. PATEL: Just one second,



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2 commissioners.

3 COMMISSIONER MARMORATO: Sure.

4 MS. PATEL: Okay, commissioners, again,  
5 as you know, we will -- it'll come up either way  
6 and it is your discretion whether you want to  
7 address this as a cover sheet defect or --

8 MR. SAVINO: It would be curable.

9 MS. PATEL: It is curable.

10 MR. SAVINO: But again, he abbreviates  
11 the party, I think it's FBNT.

12 MS. PATEL: FBNT.

13 MR. SAVINO: And on the cover sheet he  
14 writes --

15 MS. PATEL: FREEbusNtrain.

16 COMMISSIONER TOWNSEND: What's the  
17 recommendation?

18 COMMISSIONER MARMORATO: So, would this  
19 be a --

20 MS. PATEL: It's a curable defect.

21 COMMISSIONER MARMORATO: Just to  
22 clarify, normally would it be a fatal defect?

23 MR. SAVINO: Oh, no.

24 MS. PATEL: No, no, not at all,

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2 commissioners.

3 COMMISSIONER MARMORATO: Oh, no?

4 COMMISSIONER TOWNSEND: Okay.

5 COMMISSIONER MICHEL: Okay.

6 MS. PATEL: If we leave it as -- well,  
7 it's curable. If they submit an amended cover  
8 sheet with the same party name as their petition,  
9 that can be cured.

10 COMMISSIONER MARMORATO: Okay. I would  
11 then, it's counsel's recommendation that we send  
12 a notice to cure?

13 COMMISSIONER TOWNSEND: Agreed.

14 MS. PATEL: Thank you, commissioners.  
15 We'll initial this with your initials. So,  
16 commissioners, the last two that I'm presenting,  
17 I'm going to present at the same time. They are  
18 different candidates, but it's filed by the same  
19 contact person. It is One Nation Under God and it  
20 is, the candidates are Robert Hightower, Daniel  
21 Mayo and Kathy Wu Parrino. And the cover sheets  
22 you will see, where it's written total number of  
23 volumes and petition, the word one is written,  
24 however, in the parenthesis, it says two. And the

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2 same one for the other one for Daniel Mayo and  
3 Kathy Wu Parrino, it's written one, but in the  
4 parenthesis, it says seven.

5 MR. SAVINO: I believe that matches with  
6 the number of volumes that's below.

7 MS. PATEL: Right. It matches the number  
8 of volumes. So in theory, commissioners, although  
9 it is a curable defect, it is also, it can also  
10 be a defect that you find is de minimis and does  
11 not need to be cured as potential objectors are  
12 able to identify the petitions.

13 COMMISSIONER MARMORATO: Is it counsel's  
14 recommendation that this is a de minimis defect?

15 MR. SAVINO: It does appear to be.

16 MS. PATEL: It does appear to be a  
17 substantially compliant, commissioners, but it is  
18 at your discretion.

19 COMMISSIONER MARMORATO: Okay. Based on  
20 counsel's determination, I also conclude that  
21 this is de minimis and no need to send a notice  
22 to cure, as it would not create any --

23 MS. PATEL: Confusion for the objectors.

24 COMMISSIONER MARMORATO: -- confusion.

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2 COMMISSIONER TOWNSEND: Okay. Yeah,  
3 agreed.

4 MS. PATEL: Commissioners, thank you,  
5 we'll initial both [unintelligible] [00:15:56]  
6 sheets.

7 MR. SAVINO: Alright, commissioners,  
8 Patriot Party, mayor of New York, Bill Murawski,  
9 if you look at his cover sheet, it specifically  
10 states the petition does not contain the number  
11 of valid signatures set forth in the scheme  
12 developed by the New York State Board of  
13 Elections. That is [unintelligible] [00:16:22] to  
14 be on the cover sheet.

15 MS. PATEL: It's a curable defect,  
16 commissioners, so we can NCN it and, assuming  
17 they have the correct number of signatures.

18 COMMISSIONER MARMORATO: I move to send  
19 the notice to cure.

20 COMMISSIONER TOWNSEND: Agreed.

21 MR. SAVINO: Okay. The next matter to  
22 present is Community First Party, member of the  
23 35th Council District, Sharon R. Wedderburn, I'm  
24 reading from the -- Wedderburn, depending on how

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2 you pronounce it. In any event, the cover sheet  
3 indicates one volume number but it says total  
4 number of petitions in volume, 277.

5 MS. PATEL: It's a curable defect,  
6 commissioners, unfortunately the way this is  
7 done, it wouldn't allow potential objectors to  
8 identify the volumes.

9 COMMISSIONER MARMORATO: I move that we  
10 send a notice to cure.

11 COMMISSIONER TOWNSEND: Agreed.

12 MS. PATEL: Thank you, commissioners.  
13 We'll initial it.

14 MR. SAVINO: Two more, candidate Yu  
15 [unintelligible] [00:17:49]?

16 MS. PATEL: Mm-hmm.

17 MR. SAVINO: It indicates the number of  
18 volumes, it indicates the volume number, but on  
19 the top of the cover sheet, it doesn't give the  
20 name of the independent body and that is required  
21 on a cover sheet.

22 COMMISSIONER TOWNSEND: It's curable,  
23 right?

24 MR. SAVINO: Yes, the cover sheet is a

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2 curable defect.

3 COMMISSIONER MARMORATO: What's, I'm  
4 sorry, what's missing you're saying on the actual  
5 independent petition's cover sheet, at the top,  
6 it's missing --

7 COMMISSIONER TOWNSEND: The -- so the  
8 name?

9 MR. SAVINO: The independent body name.

10 COMMISSIONER MARMORATO: The independent  
11 body name.

12 MR. SAVINO: Alright. And nor does it  
13 appear actually on the petitions [unintelligible]  
14 [00:18:42].

15 COMMISSIONER MARMORATO: Yeah, I don't  
16 see it on the petition.

17 MR. SAVINO: That would be prima facie  
18 as well, but that's not --

19 MS. PATEL: Yeah, that's not for us.

20 MR. SAVINO: Yeah, so there's actually  
21 no way for them to correct it. It does match the  
22 petition now, but it's also a prima facie defect,  
23 which would be addressed at the hearing.

24 COMMISSIONER TOWNSEND: Wait, I'm sorry

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2 --

3 COMMISSIONER MARMORATO: So can we --  
4 would it be counsel's recommendation that it's a  
5 prima facie defect?

6 MS. PATEL: Just a second, please.

7 COMMISSIONER TOWNSEND: Okay.

8 MR. SAVINO: Yeah, commissioners, one of  
9 the cover sheet review teams picked up on this,  
10 but apparently not on the fact that there is no -  
11 - no, it does say that -- it Yu Lin as the name  
12 for the independent body making the nomination.  
13 Okay.

14 MS. PATEL: So there is a defect.

15 MR. SAVINO: Right. This is a defect.  
16 The independent body name is Yu Lin.

17 MS. PATEL: Yeah, it says it on the  
18 petition, but it doesn't say it on the cover  
19 sheet and it is a defect that can be cured.

20 MR. SAVINO: That is correct.

21 COMMISSIONER MARMORATO: Just to  
22 confirm, the independent nominating --

23 MS. PATEL: Body is Yu Lin.

24 COMMISSIONER MICHEL: -- body is the

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2 same name as the candidate?

3 MS. PATEL: Yes.

4 MR. SAVINO: Correct.

5 COMMISSIONER MARMORATO: And is that --  
6 that is permissible?

7 MS. PATEL: Yes.

8 COMMISSIONER TOWNSEND: Okay.

9 COMMISSIONER MARMORATO: I would move  
10 that we send a notice to cure.

11 COMMISSIONER TOWNSEND: Yeah, agreed.

12 MR. SAVINO: Last but not least  
13 commissioners, Mr. Frankel, member of the New  
14 York City Council, District 38, it has the two  
15 volume numbers and the petition numbers listed,  
16 but the cover sheet is not signed. And I know  
17 there was some concern recently expressed by some  
18 commissioners with respect to potential fraud,  
19 and the feeling was they felt that the cover  
20 sheet should be signed.

21 COMMISSIONER TOWNSEND: Yes.

22 MS. PATEL: And we did --

23 MR. SAVINO: By either the agent or the  
24 candidate.



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2 MS. PATEL: There was a decision by the  
3 commissioners if you recall that these should be  
4 signed and we should enforce that they are  
5 signed. So it's a curable defect, fortunately.

6 COMMISSIONER TOWNSEND: Okay.

7 COMMISSIONER MARMORATO: I move that we  
8 send a notice to cure, to ensure proper  
9 compliance --

10 COMMISSIONER TOWNSEND: Yes.

11 COMMISSIONER MARMORATO: -- requiring  
12 signature.

13 COMMISSIONER TOWNSEND: Agreed.

14 MS. PATEL: Commissioners, thank you.  
15 We'll initial this one also.

16 MR. SAVINO: Thank you, commissioners,  
17 there's -- we have no further business for the  
18 committee at this time, is there a motion to  
19 adjourn?

20 COMMISSIONER MARMORATO: I move to  
21 adjourn.

22 COMMISSIONER TOWNSEND: Second.

23 MR. SAVINO: Thanks again for your time,  
24 commissioners. Have a great day.

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COMMISSIONER MARMORATO: Thanks,  
counselors, thank you.

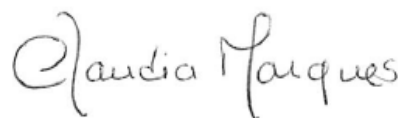
COMMISSIONER TOWNSEND: Right, take care  
guys. Bye.

(The meeting concluded at 3:27 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board of Elections in The City of New York on May 27, 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 30, 2021

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