

MEETING OF THE BOARD OF CANVASSERS
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 17, 2021 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umane
 Secretary Miguelina Camilo

Commissioners Jose Araujo, Gino A. Marmorato, Rodney Pepe-Souvenir,
Simon Shamoun, Patricia Anne Taylor, John Wm. Zaccone

Georgea Kontzamanis, Operations Manager
Wilma Brown Phillips, Administrative Manager
Hemalee J. Patel, General Counsel
Raphael Savino, Deputy General Counsel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Matthew Graves, Project Coordinator, Candidate Records Unit
Sherwin Suss, Agency Chief Contract Officer, Procurement Department
Cynthia Doty, Deputy Chief Clerk, Manhattan Office – Virtually
Camile Montaque, Administrative Assistant, Manhattan Office – Virtually

GUEST: Will Furero, for John Clinton
 Edmond Pryor, for John Clinton
 Stanley K. Schlein, Esq., for John Clinton
 Steven Balson-Cohen, Esq., Richmond County Republican Comm.
 Anthony Reinhart, SI GOP
 Courtney Gross, NY1

President Umane called the meeting to order at 1:45 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law and the Charter of the City of New York, President Umane called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the manual canvass of votes cast for the June 22, 2021 Democratic Primary Election in the 9th City Council District in New York County.

President Umane designated Commissioner Shamoun as the other Republican Commissioner to serve as a Member of the Canvassing Board to sign the Certified Statements.

Secretary Camilo designated Commissioner Taylor as the other Democratic Commissioner to serve as a Member of the Canvassing Board to sign the Certified Statements.

The Chief Clerk and Deputy Chief Clerk of the Manhattan Office and their staff have prepared and signed the Return of Canvass resulting from the manual recanvass of ballots for the June 22, 2021 Primary Election for Member of the City Council for the 9th Council District in New York County in accordance with this Board's Policies and Procedures. The manual recanvass was required pursuant to New York State Election Law as the margin of victory was less than one half of one percent separating the two (2) candidates with the greatest number of votes.

The Statements were presented to the Canvassing Board for review and approval. Ms. Doty and Ms. Montaque, on behalf of Mr. Lehman, confirmed that the results presented are accurate and correct, there are no discrepancies to report to the Board, and the audit of the poll site and central count scanners required by Article 9 of the New York Election Law has been successfully completed. Based on that report, President Umane moved that the Board of Canvassers certify the Return of Canvass for Member of the City Council for the 9th Council District in New York County. Secretary Camilo seconded the motion, which was unanimously adopted.

President Umane moved to authorize the use of the Commissioners' electronic signatures as appropriate on each Statement and Return of Canvass. Secretary Camilo seconded the motion, which was unanimously adopted.

Secretary Camilo moved to adjourn the Meeting of the Board of Canvassers and to convene the weekly stated meeting of the Commissioners of Elections in the City of New York. Commissioner Taylor seconded the motion, which was unanimously adopted.

Secretary Camilo moved to adopt the minutes for the August 3, 2021 Commissioners' Meeting. Commissioner Zaccone seconded the motion, with Commissioner Marmorato abstaining. The motion was adopted.

President Umane called the Prima Facie Hearing for the November 2, 2021 General Election. Copies of the Candidate Records Unit (CRU) Prima Facie Report were distributed for review. Notice was sent to the candidates' representatives as required. President Umane stated the procedures to be followed during the Hearings and called the Calendar for the Hearings. The issues follow:

1. Certificate of Declination for Bob Cohen and Certificate of Substitution for Shahana K. Hanif filed by the Working Families Party (WFP) for the 39th Council District, Kings County. There were no appearances. President Umane recalled that the Certificate of Authorization was disqualified as Prima Facie defective by the Board at the April 13, 2021 Hearing and candidate Bob Cohen was disqualified as a result. The matter was argued by the WFP representative at that April Hearing and the candidacy was determined to be invalid. Ms. Patel reported that when the Certificate of Declination was filed on August 10, 2021, CRU found that candidate Bob Cohen was registered outside of New York City in the WFP and deemed the Certificates of Declination and Substitution invalid.

President Umane moved to adopt the CRU Prima Facie Report. Secretary Camilo seconded the motion. Before a vote was taken by the full Board, there was further discussion. Secretary Camilo asked for the bipartisan recommendation of the Legal Department. Ms. Patel and Mr. Savino reported that the Commissioners' ruling in April was that the Certificate of Authorization does not apply to the members of the WFP because they did not require a Certificate of Authorization, therefore, candidate Bob Cohen was technically not removed by that ruling and would have remained on the ballot. It is the bipartisan opinion of the Legal Department that this matter should not be on the Prima Facie Report based on the new information received. It was also noted that candidate Bob Cohen has been nominated for Supreme Court. After discussion, President Umane moved to adopt the CRU Prima Facie Report which would not recognize the Certificates of Declination and Substitution. Secretary Camilo seconded the motion. In a roll call vote, there were two (2) in favor (Umane, Marmorato), five (5) opposed (Camilo, Araujo, Pepe-Souvenir, Shamoun, Taylor), and one (1) abstention (Zaccone). The motion was not adopted. The Commissioners unanimously agreed to place the Certificate of Substitution on second call for further review and research by the Legal Department.

2. Certificate of Nomination filed by the Republican Committee of Richmond County for Supreme Court Justice in the 13th Judicial District, Richmond County. Notices of Appearance were filed by Steven Balson-Cohen, Esq. for the Candidates and Stanley K. Schlein, Esq. for the Objector. Secretary Camilo recalled that this item was previously discussed at the August 3, 2021 Commissioners' Meeting and the Board took no action on the Certificate of Nomination. President Umane opened the floor for Mr. Schlein and Mr. Balson-Cohen. After both sides were heard, discussion continued on the matter. Secretary Camilo moved to adopt the CRU Prima Facie Report. Commissioner Taylor seconded the motion. In a roll call vote, there were four (4) in favor (Camilo, Araujo, Pepe-Souvenir, Taylor), two (2) opposed (Marmorato, Shamoun) and two (2) abstentions (Umane, Zaccone). The motion was not adopted. It was noted that Objections were timely filed on August 16, 2021 on these Certificates. Notice will be sent out for a separate Hearing.

Mr. Savino reported on issues with independent body names for the November 2, 2021 General Election. There were some candidates who filed an independent nominating petition with an independent body name that exceeded fifteen (15) letters. Pursuant to Section 7-104(2) of the New York State Election

Law, the Board is mandated to send a notice to these candidates to abbreviate the name of their independent political body which complies with the requirement. As directed by the Commissioners at the previous meeting, Board counsel sent a letter to the candidates who filed an independent nominating petition with an independent body name that exceeds fifteen (15) letters. The following candidates who responded and changed their independent body names are as follows:

1. Candidate Catherine Rojas for “Socialism and Lib” for the Office of the Mayor, Citywide;
2. Candidate Jomo Williams for “Black Live Matter” for the 7th City Council District, New York County;
3. Candidate Louis Cespedes for “Our Flatbush” for the 45th City Council District, Kings County;
4. Candidate Inna Vernikov for “Centrist Party” for the 48th City Council District, Kings County; and
5. Candidate Lutchi Gaylot for “BLKLIVESMATTER” for the 34th City Council District, New York County.

Mr. Savino reported on other independent body issues as follows:

- According to Section 6-138(3) of the NYS Election Law there may be an issue of potential confusion for “Black Live Matter” and “Black Women Lead” independent bodies since both are in the 7th City Council District,

New York County. It is the bipartisan opinion of the Legal Department that those independent body names will not create confusion to the voters; and

- Candidate Terrell Lynn Finner for “Power to the People” in the 34th City Council District, Kings County, did not respond to the Board’s letter. Pursuant to Section 7-104(2) of the New York State Election Law, the Commissioners will change the name. Mr. Savino recommended for the Commissioners to change the independent body name to “Power 2 the People.”

President Umame moved to adopt the corrected independent body names, to adopt the suggestion of counsel that there is no potential confusion for “Black Live Matter and “Black Women Lead,” and to substitute the word “to” for number “2” for “Power 2 the People.” Secretary Camilo seconded the motion, which was unanimously adopted.

President Umame requested to add the Commissioners’ Finance Committee Report to the agenda. The Commissioners’ Finance Committee met with Mr. Suss and unanimously recommended to adopt the following contracts:

1. New York State Industries for the Disabled (NYSID) – To provide shredding and secure paper disposal services to the Board. This is a three (3) year contract and not to exceed the sum of \$300,000;

2. Global Domestic Advisory Partnership – To procure stylus pens to be used by the voters during Early Voting and the November 2021 General Elections for the Board to meet COVID-19 protocols. The stylus pens are used for voter check-ins on the electronic poll books and then to vote on their ballot. This is a one-time purchase and not to exceed the sum of \$417,250;
3. Dirad Technologies – To provide maintenance and service to Dirad phone system which is used in the Board’s Phone Bank. This is a one (1) year contract and not to exceed the sum of \$106,291;
4. FJC Security – To provide security guards to all Board Offices. It is a continuation of services and to raise the current contact’s ceiling to meet the Board’s security needs through the end of the contract term to November 30, 2021 through November 29, 2022. The total sum is \$1.5 million;
5. Sage Smith – This vendor works closely with the Board’s MIS Department and provides management and support of the S-Elect System and Election Hub. The contract ceiling has been reached due to the extra work required during the COVID-19 pandemic. The increase of the contract ceiling is \$411,950;
6. W.B. Mason – To purchase OKI Toner and Drums for replacement parts for the Ballot on Demand (BOD) printers use for training

classes, testing ballots and printing ballots at Early Voting sites. This will be purchased through the DCAS requirements contract, and not to exceed \$191,483;

7. Staples Contract and Commercial LLC – To provide office supplies and items for election supply bags. This is a four (4) year contract and not to exceed \$1,200,000.

President Umame reported that the Commissioners' Finance Committee reviewed these contracts in detail with Mr. Suss and unanimously recommended to adopt them. The full Board unanimously approved the Finance Committee's recommendation.

The Commissioners unanimously tabled the second call matter for the next meeting so that counsel has time to review and research Case Law. The respective representatives will be notified of the Hearing, and Notice will be posted on the Board's website.

President Umame moved to convene an Executive Session for litigation and personnel matters. Commissioner Zaccone seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed.

The following personnel actions were taken in Executive Session by the unanimous decision of the Commissioners:

- I. Wanda Davis, a Clerk, has been granted 210 hours of an Advance of Time. This grant is effective July 29, 2021. Ms. Davis' agency start date is August 3, 2009, and;
- II. Philip Ragusa, an Administrative Assistant, has been granted 210 hours of an Advance of Time. This grant is effected August 19, 2021. Mr. Ragusa's start date is December 7, 2009.

The next stated meeting of the Commissioners is scheduled for Tuesday, August 24, 2021 at 1:30 P.M.

President Umane adjourned the meeting.