

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, NOVEMBER 21, 2023 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Simon Shamoun
Secretary Rodney L. Pepe-Souvenir

Commissioners *Jose M. Araujo, Michael J. Coppotelli, Carol R. Edmead, Gino A. Marmorato, Frederic M. Umane

Michael J. Ryan, Executive Director
Vincent M. Ignizio, Deputy Executive Director
Georgea Kontzamanis, Operations Manager
Michael Corbett, Administrative Manager
Hemalee J. Patel, General Counsel
Steven B. Denkberg, Counsel to the Commissioners
Kenneth Moltner, Counsel to the Commissioners
Sherwin Suss, Agency Chief Contracting Officer

*Commissioner Araujo appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

Mr. Ryan opened the meeting with item #1 of the meeting agenda, the approval of the minutes of the October 31, 2023 Commissioners Meeting.

Hearing no objections, the minutes of the October 31, 2023 Commissioners Meeting were adopted.

Mr. Ryan continued with item #2 of the meeting agenda, an Update on the November 7, 2023 General Election.

Mr. Ryan provided the following update:

- The General Election was conducted on November 7, 2023.
- Without the final numbers on the affidavit and absentee ballots, approximately 535,000 New Yorkers voted on Election Day.
- 1,222 poll sites were opened.
- 68,609 pieces of voting equipment was deployed.
- Accessibility equipment was installed at 545 sites to meet the requirements of the Americans with Disabilities Act (ADA), including temporary ramps and lifts.
- 22,780 Poll Workers worked on Election Day.
- There were 924 calls received for voter assistance on Election Day.
- 93,965 voters, 17% of the voters that voted at the poll sites used either the Fast Pass Tag or the Wallet, which is the electronic version, for

Early Voting or Election Day to check in and vote. The Board hopes to increase that number over the course of time.

- Post Election preparations began once the polls closed and are currently underway.
- To date, there are 5,887 affidavits citywide.
- 83,675 Absentee ballots and 159 accessible ballots were mailed out.
- 42,809 ballots have been returned, as well as 60 accessible ballots.
- 38,411 have been marked valid and canvassed, and 4,487 have been marked preliminarily invalid.
- 1,423 cure notices were mailed out. To date, 401 are still outstanding with the latest return date thus far being November 29, 2023.
- Given the cure process, we anticipate certifying the election on December 5, 2023.

This concluded the update on the November 7, 2023 General Election.

Mr. Ryan continued with item #3 of the meeting agenda, the New York State Election Commissioners Association Annual Winter Conference – January 16-19, 2024, in Albany, New York.

Mr. Ryan stated that the information was previously forwarded to the Commissioners regarding the Annual Winter Conference for the Election Commissioners Association which has been scheduled for January 16th through the 19th, 2024 in Albany, New York. Mr. Ryan asked for Board approval to have Executive Management attend and extend an invitation to relevant staffers based on the agenda that is established by the ECA, and the Commissioners who may attend at their own discretion.

Commissioner Umame moved to approve the Board's attendance at the upcoming ECA Annual Winter Conference in Albany, New York. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

Mr. Ryan added item #5 to the meeting agenda, the Finance Committee Report.

Mr. Ryan acknowledged Sherwin Suss, the Agency's Chief Contract Officer, to present the report before the Commissioners.

Mr. Suss reported that there were several items brought before the Finance Committee, and presented the following items:

1. **Sage Smith Consulting**

This vendor provides maintenance and support services for many important Board systems. These include S-Elect 7 which provides for poll worker management, results processing, facilities management, inventory management, and call center, Election Day Worker which provides application processing, class sign up, availability confirmation and communication, Poll Site Locator, Election Responder which is a problem ticketing system, Election Budget which is an internal ordering, approval and processing system, and Election Insite which allows poll worker tracking, check ins and standbys. This is a request to extend the current contract for one year pursuant to PPB Rule 3-02(b)(iii). This is to allow the necessary Cyber review of all programs by NYC Cyber and allow the current services to continue through the presidential election year. The one-year contract extension with a not to exceed amount of \$1,312,500.

2. **N-Tier Technology**

This vendor provides maintenance and support services to the Board's software applications such as AVID voter registration, NYC absentee web submissions, NYC absentee tracking and reporting, NYC online voter registration, and Election related software and support for e poll book participation, absentee and affidavit crediting, early voting participation

reports and cure processes for absentee and affidavit ballots. This is a request to extend the current contract for one year pursuant to PPB Rule 3-02(b)(iii). This is to allow the necessary Cyber review of all programs by NYC Cyber and allow the current services to continue through the presidential election year. The one-year contract with a not to exceed amount of \$2,765,840.

Commissioner Umane stated that the Finance Committee conducted an investigation into both contracts and asked a lot of questions. These two computer companies are essential to the operation and the programming that the Board enjoys for virtually everything that the Board does. Currently our information is stored on their clouds and there is a proposal that over the course of the year to work with the City's department of technology to move it to our own cloud system. No one wants to do this during a presidential election year, so the planning will go on this year for hopefully implementation next year. The original piece that was sent to the Commissioners was for longer term contracts, and now it is only for one year and will be amended next year as and when we are able to implement the "cloud shift".

Commissioner Umame stated that the Finance Committee unanimously recommends both contracts to the full Board of Commissioners for approval, as these are essential to our operations.

The contracts for Sage Smith Consulting and N-Tier Technology were approved by the full Board of Commissioners.

Mr. Suss continued with the other items from the Finance Committee report:

3. **Environmental Systems Research Institute**

This is a contract for licenses and software used for map creation for reapportionment and electronic surveys which includes ADA checklist used during elections. This was procured through the NYS OGS Information and Technology contract. This is a two-year contract with a not to exceed amount of \$411,230.25.

Commissioner Umame stated that the Finance Committee unanimously recommends this contract to the full Board of Commissioners for approval.

The contract for the Environmental Systems Research Institute was approved by the full Board of Commissioners.

Mr. Ryan informed Mr. Suss that given that there are only six voting Commissioners here today, Commissioner Marmorato is one of them, and he has recused himself from matters relating to Canon Solutions America, Inc., this contract will be tabled until the next meeting.

Commissioner Umame stated that at the beginning of the year there is a new process for Early Mail-in Ballots or Early Absentee Voting. Under the past law, we have to implement this beginning in January of next year and would like to know how the Board is doing, or whether we have looked at this, or have received any guidance from the NYS Board of Elections. Mr. Ryan stated that the statute itself is very lengthy and is 41 pages long. The statute is very specific, and it requires the NYS Board of Elections to direct, give guidance and or implement various aspects of the law. It will be similar in nature to the absentee ballot process, but not exactly the same. We are still awaiting guidance from the NYS Board of Elections with respect to what we are supposed to be doing vis-à-vis implementation. Mr. Ryan assured the Commissioner that particularly from one member of the staff, there have been numerous requests for such guidance but so far, we have not gotten it. Mr. Ryan stated that we would be irresponsible as a staff if we are not moving forward with the preparatory steps necessary for the NYC Board of Elections to be able to implement this process within the statutory timeframe and we will be ready

to do that. Our hope is that sometime between now and the implementation date, we will get the appropriate guidance from the NYS Board of Elections.

Mr. Ryan stated that there was a lawsuit filed on this matter, sometime during mid-October, the case went to court and we are awaiting decision on that as to whether or not this process passes constitutional muster. Mr. Ryan stated that he would suppose that this is the type of matter that would be ultimately resolved at the Court of Appeals and does not believe that the trial court would be the last stop on this train. We are in the position of “who knows” we haven’t received a stay, but there is litigation on-going. Mr. Ryan stated that in the meantime, we are taking all of the necessary steps that we need to take to be ready to go, and he fully anticipates that we will be ready to go. Commissioner Coppotelli noted that this is pending the guidance of the NYS Board of Elections.

Mr. Ignizio noted that we potentially have a race that’s coming up this February, if Congressman Santos is in fact expelled, that will be a February Special Election of which this law would take affect in, so we don’t have much time.

Mr. Ryan informed Commissioner Coppotelli that we are going to be ready to do what we need to do. The law is very specific about what the NYS Board of Elections is supposed to do, and we can’t sit on our hands waiting for their

guidance. We expect that we will get it, we are hopeful that we'll get it, and we do have some experience with something similar with respect to the absentee ballot processing and the portal that we already have in existence. If you look at that as a framework of what we would be doing for this other process, we anticipate that the Board of Elections, in the City of New York would be engaging in its own process given the complexity of our internal systems necessary in an interwoven way communicate to produce the result on the public facing result to permit participation.

President Shamoun stated that perhaps at our next meeting we can get an update on this very important matter as it moves along. Mr. Ryan stated that we will endeavor to continue to update our Board until such time as the NYS Board of Elections has concluded its process.

Commissioner Coppotelli moved to set the date of the next meeting for Tuesday, December 5, 2023 at 1:30 P.M. Secretary Pepe-Souvenir seconded the motion, which was adopted unanimously.

President Shamoun moved to adjourn the open meeting and convene an Executive Session to discuss personnel matters. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

Following the Executive Session, the open meeting resumed.

Mr. Ryan stated that the next meeting of the Commissioners of Elections will be on December 5, 2023, and it is anticipated that the certification of the November 7, 2023 General Election will occur on that date.

Mr. Ryan reported that there were three personnel matters from the Executive Session that will be reported in the minutes as required by law.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, December 5, 2023 at 1:30 P.M.