

MEETING OF THE BOARD OF CANVASSERS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, DECEMBER 5, 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, Michele A. Sileo, Keith Sullivan

Michael J. Ryan, Executive Director
Vincent M. Ignizio, Deputy Executive Director
Georgea Kontzamanis, Operations Manager
Michael D. Corbett, Administrative Manager
Hemalee J. Patel, General Counsel
Raphael Savino, Deputy General Counsel
Steven B. Denkberg, Counsel to the Commissioners
Kenneth Moltner, Counsel to the Commissioners
Troy Johnson, Coordinator, Candidate Records Unit
Tom Sattie, Ballot Management Coordinator
Sherwin Suss, Agency Chief Contracting Officer

New York County: Stephen M. Evans III, Chief Clerk
Rhonda Evans, Acting Deputy Chief Clerk
Bronx County: Brendaliz Candelaria, Deputy Chief Clerk
Elizabeth English, Acting Deputy Chief Clerk
Kings County: Salvatore Barrera, Acting Chief Clerk
Khadijah Overstreet, Senior Administrative Assistant
Queens County: Amanda Berinato, Chief Clerk
Bart J. Haggerty, Deputy Chief Clerk

GUESTS: Sylvia Chappell
Danniel Maio
Josephine Aronson
Martha Rowen
Robert Bobrick

Mr. Ryan opened the meeting with item #1 of the meeting agenda and turned the meeting over to President Shamoun to convene a meeting of the Board of Canvassers in the City of New York to Certify the Results of the November 7, 2023 General Election.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, President Shamoun called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the canvass of votes cast for the November 7, 2023 General Election for Public Offices.

It was noted that Commissioners appearing remotely have been provided a copy of the Returns of Canvass in advance.

President Shamoun designated Commissioner Coppotelli to serve as the other Republican Member of the Canvassing Board, and Secretary Pepe-Souvenir designated Commissioner Araujo to serve as the other Democratic Commissioner to serve as a Member of the Canvassing Board.

The New York County Borough Managers, Stephen Evans III, Chief Clerk and Rhonda Evans, Acting Deputy Chief Clerk introduced themselves for the record.

The New York County Chief Clerk and Acting Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the November 7, 2023 General Election for Public Offices in New York County, in accordance with the Board's policies and procedures.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The New York County Chief Clerk and Acting Deputy Chief Clerk 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 State Election Law have been successfully completed.

Based on that report, Commissioner Edmead moved that the Board of Canvassers certify the Returns of Canvass for the November 7, 2023 General Election for Public Offices conducted in New York County. Commissioner Marmorato seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the New York County Staff of the Board of Elections were adopted unanimously.

Commissioner Edmead, on behalf of Commissioner Umane and herself, thanked the Manhattan Borough Managers for their diligent efforts, and extreme and wonderful cooperation and always making Manhattan shine.

President Shamoun continued with Bronx County, and noted Commissioner Marmorato's continued through today, and continuing recusal from any and all matters relating to Council District #13.

The Bronx County Borough Managers, Brendaliz Candelaria, Deputy Chief Clerk and Elizabeth English, Acting Deputy Chief Clerk introduced themselves for the record.

The Bronx County Deputy Chief Clerk and Acting Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the November 7, 2023 General Election for Public Offices in Bronx County, in accordance with the Board's policies and procedures.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Bronx County Deputy Chief Clerk and Acting Deputy Chief Clerk 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 State Election Law have been successfully completed.

Based on that report, Commissioner Coppotelli moved that the Board of Canvassers certify the Returns of Canvass for the November 7, 2023 General Election for Public Offices conducted in Bronx County for all districts except Council District #13. Commissioner Araujo seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Bronx County Staff of the Board of Elections for all districts other than Council District #13 were adopted unanimously.

Commissioner Coppotelli moved that the Board of Canvassers certify the Returns of Canvass for the November 7, 2023 General Election for Public Offices

conducted in Bronx County for Council District #13. Commissioner Araujo seconded the motion, with one recusal, Commissioner Marmorato, the motion was adopted unanimously.

The Returns of Canvass prepared and submitted by the Bronx County Staff of the Board of Elections for Council District #13 were adopted unanimously.

Commissioner Marmorato recused himself from any and all matters relating to Council District #13.

The Returns of Canvass prepared and submitted by the Bronx County Staff of the Board of Elections were adopted unanimously in all respects.

Commissioner Marmorato, on behalf of Commissioner Morales and himself and all of the people in the Borough of the Bronx, thanked Deputy Chief Clerk, Candelaria and Acting Deputy Chief Clerk, English for their incredible work ethic and diligence for another very successful election in the Bronx. The Commissioner thanked the Bronx County Borough Managers, their staff/team and everyone that participated for making things work for the voters in the Bronx.

The Board of Canvassers continued with Kings County.

The Kings County Borough Managers, Sal Barrera, Acting Chief Clerk and Khadijah Overstreet, Senior Administrative Assistant, appearing on behalf of Daniel Ortiz, Deputy Chief Clerk, introduced themselves for the record.

The Kings County Acting Chief Clerk and Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the November 7, 2023 General Election for Public Offices in Kings County, in accordance with the Board's policies and procedures.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Kings County Acting Chief Clerk and Senior Administrative Assistant 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 State Election Law have been successfully completed.

Based on that report, Secretary Pepe-Souvenir moved that the Board of Canvassers certify the Returns of Canvass for the November 7, 2023 General

Election for Public Offices conducted in Kings County. Commissioner Marmorato seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Kings County Staff of the Board of Elections were adopted unanimously.

President Shamoun stated that the amount of work that went into this was like every other election, even though this is a quieter year, but there is no such thing as we all know, the same amount of work goes into it and it was done very well. The Commissioner stated that the voters in Brooklyn, Secretary Pepe-Souvenir and himself thank the Brooklyn Borough Managers and staff for their diligence and hard work.

The Board of Canvassers continued with Queens County.

The Queens County Borough Managers, Amanda Berinato, Chief Clerk and Bart Haggerty, Deputy Chief Clerk, introduced themselves for the record.

The Queens County Chief Clerk and Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the November 7, 2023

General Election for Public Offices in Queens County, in accordance with the Board's policies and procedures.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Queens County Chief Clerk and Deputy Chief Clerk 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 State Election Law have been successfully completed.

Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Returns of Canvass for the November 7, 2023 General Election for Public Offices conducted in Queens County. Secretary Pepe-Souvenir seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Queens County Staff of the Board of Elections were adopted unanimously.

The Board of Canvassers continued with Richmond County.

The Richmond County Borough Managers, Daniel Lavelle, Chief Clerk and Anthony Andriulli, Deputy Chief Clerk, introduced themselves for the record.

The Richmond County Chief Clerk and Deputy Chief Clerk, and their staff have prepared and signed the Returns of Canvass for the November 7, 2023 General Election for Public Offices in Richmond County, in accordance with the Board's policies and procedures.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Richmond County Chief Clerk and Deputy Chief Clerk 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 State Election Law have been successfully completed.

Based on that report, Commissioner Sileo moved that the Board of Canvassers certify the Returns of Canvass for the November 7, 2023 General Election for Public Offices conducted in Richmond County. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Richmond County Staff of the Board of Elections were adopted unanimously.

Commissioner Coppotelli asked that Mr. Andriulli and Mr. Lavelle convey the thanks of the Commissioners to the staff of the Richmond County Board, noting that Commissioner Sileo would agree that it is the pearl of the Atlantic. Commissioner Sileo thanked the Richmond County Borough Managers, as well.

President Shamoun asked that the Board of Canvassers make a motion to approve and adopt the Recap Statement and Return of Canvass for those Council Districts which cross borough lines.

Commissioner Coppotelli moved to adopt the Recap Statement and Return of Canvass for those Council Districts which cross borough lines. Secretary Pepe-Souvenir seconded the motion, which was adopted unanimously.

The Recap Statements and Returns of Canvass for the General Election conducted on November 7, 2023 for those Districts which cross borough lines within the City of New York were adopted and approved.

Secretary Pepe-Souvenir moved to authorize the use of the Commissioners' electronic signatures as needed and appropriate on each Statement and Return of Canvass. Commissioner Araujo seconded the motion, which was adopted unanimously.

Secretary Pepe-Souvenir moved to adjourn the Meeting of the Board of Canvassers and convene the regularly scheduled weekly stated meeting of the Commissioners of Elections, in the City of New York. Commissioner Marmorato seconded the motion, which was adopted unanimously.

The meeting of the Board of Canvassers was adjourned.

Following the meeting of the Board of Canvassers, the regular stated meeting of the Board of Commissioners resumed.

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

Mr. Ryan continued with item #2 of the meeting agenda, the approval of the minutes of the November 21, 2023 Commissioners Meeting.

Hearing no objections, the minutes of the November 21, 2023 Commissioners Meeting were adopted.

Mr. Ryan continued with item #3 of the meeting agenda, Designating Petition Guidelines for Delegates/Alternate Delegates to be Elected during the Presidential Primary.

Mr. Ryan acknowledged Hemalee Patel, General Counsel and Raphael Savino, Deputy General Counsel to present the guidelines to the Commissioners.

Mrs. Patel stated that the Office of the General Counsel has circulated for their review, an updated set of guidelines for Delegates and Alternate Delegates to the National Party Convention or Conference to be elected at the April 2, 2024 Presidential Primary.

Mrs. Patel noted that all the changes that were previously authorized by the Commissioners in 2023 with regard to the Designating Petition Guidelines are already incorporated. The Guidelines have been updated for the calendar year, and the Guidelines are updated every 4 years based on the new Presidential Primary law, which goes into effect for next year.

There are two small procedural changes which have been highlighted in red. The first one is in section A2, the Office of the General Counsel is changing their own recommendation, at the last line of A2 the section has been revised to state:

The failure of any person or entity to deliver any such document to the Board on or before the last date to file same, by midnight, shall be a fatal defect.

Based on Commissioner Umane's feedback late yesterday, additional language was added. The proposed language, subject to the Commissioners approval, is in regard to candidates and representatives who come to file and are already inside. The doors are locked at Midnight, and sometimes there are people waiting because there is a rush at the end of the night. Mrs. Patel stated that the proposed language, subject to the Commissioners approval, would state:

The Board's offices or supplies may not be used to bind petition volumes or prepare cover sheets. Candidates (or their representative) must arrive at the Board with their petitions and any other election documents ready to file. This means that all election documents must be complete, signed, and bound, with ID number affixed (if you already have one).

Based on Commissioner Umane's request, the General Counsels are clarifying that to state:

Candidates or their representatives are encouraged to obtain ID numbers pursuant to guideline B below, prior to bringing their petitions to the Board to file. Any petitions which are not ready to file by the filing deadline may not be accepted or may be added to the prima facie calendar as a late filing.

Mrs. Patel stated that the Office of the General Counsel worked with the Candidate Records Unit to add this language based on their experience this year with Designating and Independent Nominating Petitions, subject to the Commissioners' approval.

President Shamoun stated that language seems appropriate under the circumstances and made a motion to adopt the proposed rules with that amendment. Hearing no objection, the guidelines were adopted unanimously.

The Designating Petition Guidelines for Delegates/Alternate Delegates to be Elected during the Presidential Primary were approved.

Mr. Ryan continued with item #5 of the meeting agenda, the Finance Committee Report.

Mr. Ryan acknowledged Sherwin Suss, the Agency's Chief Contracting 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. Clear Ballot

This is the only automated voting audit system certified by the New York State Board of Elections. It is used by the Board to perform the required NYS Election Law audits of the ES&S scanners. This contract was procured through the New York State OGS voting systems contract. This is a two-year contract with a not to exceed amount of \$2,085,435.

Commissioner Marmorato noted that this contract was adopted unanimously by the Finance Committee.

2. **Know Ink**

This is the vendor that provides the software, maintenance and support for the electronic poll pads and ballot on demand printers. This contract is being procured through negotiated acquisition since the Board uses services that are not included on the NYS OGS voting systems contract. The pricing of this contract does not exceed the pricing contained in the NYS OGS contract. This is a two-year contract with a two-year renewal at the option of the Board. This contract was calculated on the Board expanding to 200 early voting sites, complete purchase of new 11,500 poll pads with accessories to replace existing generation 6 pads in year two of the agreement, and the Board conducting 4 Citywide elections in 2024. The total not to exceed amount of this contract is \$31,502,000.

Commissioner Marmorato noted that this contract was adopted unanimously by the Finance Committee.

3. **Phoenix Metal Products Inc.**

This is a contract to provide the Board with 1500 ballot boxes which can be used at all BOE poll sites. This contract was procured through a competitive sealed bidding process. The lowest priced best model

product that meets the Board's needs was selected. The cost is \$295 per unit for a total not to exceed price of \$442,500.

Commissioner Marmorato noted that the Finance Committee had the opportunity to observe this product and voted unanimously to approve this contract.

President Shamoun stated that the Commissioners will vote on the contract for Canon Solutions America, Inc. separately. Mr. Ryan reminded the Commissioners that the Canon Solutions America, Inc. matter was tabled from the last meeting to this meeting, because there were only 6 Commissioners at the last meeting, and Commissioner Marmorato not only did he recuse himself but abstained from participating in any conversation whatsoever.

The contracts for Clear Ballot, Know Ink and Phoenix Metal Products, Inc. were approved by the full Board of Commissioners.

Mr. Suss continued with the following:

4. **Canon Solutions America, Inc.**

This is a contract to upgrade the current equipment in the BOE print shop. The current contract is with Canon and runs through April 2024. The current contract was completed by competitive sealed bid in 2019. The increased use of color printing and large number of unplanned elections has caused the machines to exceed the original planned usage of the equipment. This new contract will replace the remainder of the current contract and will supply completely new equipment which meets the Board's current increased usage. This contract for the color printers will be procured through Omnia Partners which is a national government purchasing cooperative of which the BOE is a member. The black and white printers will be procured through the DCAS requirements contract. Both contracts will be a 5-year lease with a not to exceed amount of \$2,127,852. This represents a 2,081 per month or \$24,972 a year increase from the price bid in 2019.

The contract for Canon Solutions America, Inc. was approved by the full Board of Commissioners. It was noted that Commissioner Marmorato has recused

himself from matters relating to Canon Solutions America, Inc. and did not participate in any conversation whatsoever.

Mr. Ryan stated that there are several individuals that have asked to address the Commissioners.

Mr. Ignizio stated that members of the public are asked to speak for no longer than three minutes and acknowledged Sylvia Chappell who requested to address the Commissioners.

Ms. Chappell addressed the Commissioners and provided details about her experience while volunteering at a Poll Site in Brooklyn during the November 7, 2023 General Election and discussed the Board's policy on Electioneering and how the 100-foot rule is established at a poll site.

Mr. Ignizio informed Ms. Chappell that this will be looked into with the Brooklyn Office, and thanked Ms. Chappell for bringing this matter to their attention.

Mr. Ignizio acknowledged Danniell Maio who requested to address the Commissioners.

Mr. Maio stated that he appeared before the Commissioners at a prior meeting to ask that they make a decision that people can still collect signatures at age 17, as long as they turn 18 on election day, and should not be placed on the enrollment list to be invalidated.

Mr. Maio discussed a second item relating to Local Law 11 and non-citizen voting and stated that voter registration forms are being passed out at migrant shelters and asked that the Board conduct an audit of the 210 migrant sites that the city currently has a contract with.

Mr. Maio discussed a third item regarding a law that he states was recently passed in Albany relating to multiple party lines. Mr. Maio stated that he feels that this law is unfair to third parties and asked that the Commissioners take this matter into consideration.

Mr. Ignizio thanked Mr. Maio for bringing this matter before the Commissioners.

Mr. Ignizio acknowledged Josephine Aronson who requested to address the Commissioners.

Ms. Aronson stated that she is a voter from Queens and is appearing to represent all the voters of New York State. Ms. Aronson stated that she has been following a certain group on the web that has obtained public information through the Freedom of Information Act and was able to analyze all the elections in all boroughs since 2020. Ms. Aronson presented the group's findings to the Deputy General Counsel and asked that the Board review the data for accuracy.

Mr. Ignizio thanked Ms. Aronson for taking the time to appear before the Commissioners.

Mr. Ignizio acknowledged Martha Rowen, who stated that she was the City Council Republican, Conservative and Medical Freedom Party candidate for the 33rd Council District in Kings County, and a voter there. Ms. Rowen stated that she was with Ms. Chappell at a Poll Site in Brooklyn during the November 7, 2023 General Election and spoke about her issue with the 100-foot rule and provided maps for the Board to review. Ms. Rowen stated that she is also concerned about the location of polling places and provided a map for that as well.

Mr. Ignizio thanked Ms. Rowen for appearing before the Board.

Mr. Ignizio acknowledged Robert Bobrick who has requested to address the Commissioners.

Mr. Bobrick stated that he was a candidate in District #3 in Manhattan, under the Republican and Medical Freedom line. Mr. Bobrick stated that on the day before the election he and his staff noticed that there were posters along 7th Avenue with his name that he was not responsible for and stated that the posters contained an anti-gay slur. Mr. Bobrick stated that he feels that the Councilman in his district did not address the issue and asked that the Board look into the matter.

Mr. Ignizio thanked Mr. Bobrick for appearing before the Board.

Mr. Ryan asked that the Commissioners set the date of the next meeting for Tuesday, December 12, 2023.

President Shamoun moved to set the date of the next meeting for Tuesday, December 12, 2023 at 1:30 P.M. Secretary Pepe-Souvenir seconded the motion, which was adopted unanimously.

Commissioner Marmorato moved to adjourn the open meeting and convene an Executive Session to discuss personnel matters. Secretary Pepe-Souvenir seconded the motion, which was adopted unanimously.

Following the Executive Session, the open meeting resumed.

The following action was taken by the unanimous decision of the Board of Commissioners:

1. Xavier Milligan, an Administrative Associate, was granted 168 hours of an advance of sick time. This grant is effective November 28, 2023. Mr. Milligan's agency start date is June 24, 1990.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, December 12, 2023 at 1:30 P.M.