

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, DECEMBER 19, 2023 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Rodney L. Pepe-Souvenir

Commissioners *Jose M. Araujo, Carol R. Edmead, Gino A. Marmorato, Jodi Morales, Keith Sullivan, Frederic M. Umane

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

*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 December 5, 2023 Commissioners Meeting.

Hearing no objections, the minutes of the December 5, 2023 Commissioners Meeting were adopted.

Mr. Ryan added item #3 to the meeting agenda, Voter Challenges to two separate voters.

Mr. Ryan stated that this is similar to a circumstance that we had a few weeks back. As a result of reviewing some documentation, Mr. Ryan stated that he found two more voters that need to be challenged under § 5-220 in Brooklyn.

The thing that is a little bit unique with respect to these two challenges is that the challenge is not going to be made to their voter registration entirely, but rather to a change in their voter registration that occurred over the summer. The circumstances involve Kevin Paul and another voter by the name of Tony Rubino.

Kevin Paul was originally registered to vote on July 23, 2012. When you look at that voter registration form that he submitted back in July of 2012, he had a very unique cursive handwriting on that particular voter registration card at the time. Coincidentally enough, on July 23, 2023 a new voter registration form was submitted, and on that voter registration form instead of having a cursive signature it was a printed name. The printed name that's on that particular voter registration, although we are not handwriting experts, was similar enough to the handwriting on some other documents that were submitted by some individuals that are presently under investigation. In this particular voter registration with Mr. Paul, it seeks to change his voter registration from a party affiliation of Democrat to a party affiliation of Republican. That was signed on July 23, 2023, submitted to the Manhattan Office by hand delivery on August 2, 2023, and processed by the Brooklyn Borough staff on August 3, 2023.

Similarly, Mr. Rubino had previously registered to vote on September 17, 1992, bearing a cursive signature. That September 17, 1992 registration was ultimately cancelled as a result of being marked as an inactive voter, and then failure to vote. However, Mr. Rubino's registration was reactivated when he attempted to vote on November 8, 2022 by affidavit ballot. The signatures that are on the November 8, 2022 affidavit ballot envelope and the September 17, 1992 voter registration form appear to be similar in nature. Subsequently on July 20, 2023 there is a voter registration form that was filed with the Board of Elections with a similar printed name like the one that was on Kevin Paul's and other documents. That was also dropped off at the Manhattan Borough Office on August 2, 2023, forwarded over to Brooklyn and processed on August 3, 2023. The difference with that is, this one also wanted to change the party affiliation from Democrat to Republican, however, it also sought to change his address. When we sent out the transfer notice, moving the address from one address to the other, one was in Sunset Park and one was in Bay Ridge, that transfer notice came back "not deliverable as addressed".

Based on all of that information, Mr. Ryan stated that he would like to submit these documents over to the Brooklyn Borough Office to do an investigation, so that they could reach out to these voters and see if these registrations are what they chose them to be.

Commissioner Umane asked for clarification on the matter and asked, out of all of the registrations in the city how did these two sort of pop up?

Mr. Ryan advised the Commissioners that they came to light with respect to the petitions that were filed in Brooklyn by Skiboky Stora and or Jamel Lighty.

Secretary Pepe-Souvenir noted that she thinks that it is also coincidental that they were both brought to the Manhattan Office on August 2, 2023 and then processed on August 3, 2023.

Mr. Ryan stated that the process is that he has pre-signed the challenge oath, and then it is up to the Brooklyn Borough Office to conduct an investigation. No changes are made to anybody's registration until the investigation is complete, and then the Brooklyn Borough Office will report back as to what their findings are.

Secretary Pepe-Souvenir moved to provide these two documents to the Brooklyn Borough Office for an investigation. Commissioner Morales seconded the motion, which was adopted unanimously.

Mr. Ryan submitted the two pre-executed documents to Hemalee Patel, the Board's General Counsel and Raphael Savino, Deputy General Counsel. Mr. Ryan stated that he put all of the language that is in the statute in his affirmation.

The Commissioners gave their approval to use their stamps where appropriate on the Challenge Oath documents submitted by Mr. Ryan.

Vincent Ignizio, Deputy Executive Director, will email the Commissioners regarding their availability for the next meeting of the Commissioners, which will be determined at a later date.

Commissioner Umane 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 actions were taken by the unanimous decision of the Board of Commissioners:

1. Michael Madison, a Voting Machine Technician, was granted 161 hours of an advance of sick time. This grant is effective December 11, 2023. Mr. Madison's agency start date is October 4, 2010.

2. Anthony Grimaldi, a Voting Machine Technician, was granted 112 hours of an advance of sick time. This grant is effective December 14, 2023. Mr. Grimaldi's agency start date is September 28, 2021.
3. Oscar Javier, a Trainer Assistant, was granted 161 hours of an advance of sick time. This grant is effective December 11, 2023. Mr. Javier's agency start date is August 28, 2001.
4. Lisa Johnson, a Senior Administrator, was granted 105 hours of an advance of sick time. This grant is effective January 2, 2024. Ms. Johnson's agency start date is October 31, 2004.

The meeting was adjourned.

The next stated meeting of the Commissioners of Elections is to be determined.