

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JANUARY 30, 2024 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, Jodi Morales, 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

Kenneth Moltner, Counsel to the Commissioners

Steven B. Denkberg, Counsel to the Commissioners

Amanda Berinato, Chief Clerk – Queens County

Mr. Ryan opened the meeting and provided the following updates:

The Board has successfully completed and submitted the 2023 Annual Report, and we met our legal requirements to submit that report to both the Mayor of the City of New York and the Speaker of the City Council. Mr. Ryan thanked Georgea Kontzamanis, Operations Manager, and other staff members who were able to get that taken care of in a timely manner. The report can now be found on

the Board's website for those who are interested, and we are awaiting the hardcopy from the printer.

Early voting will begin for two Special Elections starting this weekend, Saturday, February 3, 2024 and will run through Sunday, February 11, 2024, for the 3rd Congressional District in Queens and the 77th Assembly District in the Bronx. For Queens the Board will open 4 early voting sites, and two in the Bronx for a total of 6 throughout the 9 days of early voting, and 46 Election Day poll sites will be utilized between the two counties.

The early voting hours and poll site locations, including sample ballots, can be found on the Board's website at www.vote.nyc. All voting equipment, logic and accuracy testing is set to be completed by February 2, 2024. Early voting equipment will be delivered on February 1st and 2nd, with onsite team meetings scheduled the day before the commencement of early voting on February 2nd as well.

There will be 3,400 pieces of equipment delivered, including two generators to power the early voting locations. On Election Day we are scheduled to deploy roughly 2,900 pieces of equipment and 507 for early voting.

Between the two elections there are a total of 169,896 eligible voters. These elections are also the first time that early mail ballots will be utilized.

To date we have received, processed, and mailed out 3,870 ballots citywide, which include 1 accessible ballot and 310 early mail ballots.

In the Bronx Special Election, the Board has mailed out 554 ballots as of the close of business yesterday and so far, none have been returned. In the Queens Special Election, 3,316 ballots were mailed, 1,275 were returned as of the close of business yesterday, 1,176 have been canvassed and deemed valid, 96 have been deemed invalid and the cure process is ongoing.

Mr. Ryan acknowledged the arrival of Commissioner Shamoun.

The Board continues to receive and process absentee ballots for the two Special Elections. The last day to apply online or by mail is Saturday, February 3, 2024. The first day of early voting is the last day to apply for an absentee ballot online or by mail, it is also the last day to register to vote to be eligible for the Special Elections. The last day to apply for an absentee ballot in person is Monday, February 12, 2024.

As a reminder, the last day to change your party enrollment for the upcoming Primary Elections is Wednesday, February 14, 2024, which is also Valentine's Day and Ash Wednesday for those who practice.

Mr. Ryan stated that we have a lot going on on February 14th, but if you'd like to change your party you can do it by then.

Mr. Ryan continued with item #1 of the meeting agenda, the approval of the minutes of the January 9, 2024 Commissioners Meeting.

Hearing on objections, the minutes of the January 9, 2024 Commissioners Meeting were adopted.

Mr. Ryan continued with item #2 of the meeting agenda, regarding the Draft of the Designating Petition/Opportunity to Ballot Petition and Independent Nominating Petition Guidelines for 2024 Primary Elections.

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

Mrs. Patel stated that the Commissioners have been sent via email, or included in their meeting folders, the Designating Petition/Opportunity to Ballot Petition Guidelines and Independent Nominating Petition Guidelines. The Guidelines have been amended this year to correlate to the changes that were approved by the Commissioners in December with regard to Presidential Petition filing. Of note it is section A2., and mostly all the clarification with regard to the

filing deadline of Midnight on the last day, the use of Board supplies and the concept of people being ready to file when they come to the Board as opposed to preparing their documents in the Board office. Mrs. Patel stated that all the changes are the same and should be redlined in the drafts provided to the Commissioners. The language has not been changed from the Presidential Petition Guidelines, however, it was a good idea to since the Guidelines would be reissued for this year, to ensure that everything was synchronous.

Commissioner Shamoun inquired about the change made to section H10. of the guidelines and requested further clarification on which Committee it refers to, noting that the word “Borough’s” is crossed out. Mrs. Patel clarified that the additional language is from prior versions, and the Commissioners’ Committee can be any two bi-partisan Commissioners. Commissioner Shamoun stated that in practice, it was the Chiefs and Deputies that would run it up to the Borough Commissioners and get guidance or direction as to what to do, and asked if it was Mrs. Patel’s interpretation that is still the first stop. Mrs. Patel stated yes, for specifications whether or not they’re being worked first goes to the Borough Commissioners, but this is for the staff in the General Office with regard to the final hearings.

President Pepe-Souvenir requested clarification on the changes as far as when materials should be prepared and completed when bringing it to the office,

and asked if someone gets in by Midnight and is not completed, is it not accepted at Midnight exactly.

Mrs. Patel stated that depending on what exactly the issue was, it would either not be accepted or appear on the prima facie calendar as being late for the Commissioners to determine at the hearings. If it is filed, we would take it and then it would show up as prima facie late. If it is not filed, and there are things missing and the person is not prepared to hand it over even though they are on the line in time, at that point it just wouldn't be filed.

Commissioner Shamoun moved to enact and adopt the Designating Petition/Opportunity to Ballot Petition Guidelines and Independent Nominating Petition Guidelines. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

Mrs. Patel thanked the Commissioners and stated that the Office of the General Counsel will start disseminating the guidelines.

Mr. Ryan continued with item #3 of the meeting agenda and stated that there are four voters indicated on the agenda that were challenged pursuant to Election Law §5-220. Mr. Ryan stated that we will take these in groups since there are different outcomes.

Mr. Ryan stated that he will refresh the Commissioners' recollections and noted that the letters from the Queens Borough Staff can be located in their meeting packages. On October 24, 2023 there were two separate voters, and individual by the name of Anthony Brown and another woman by the name of Alexandria Johnson, that Mr. Ryan had submitted information causing him to believe that potentially these were invalid registrations and or these individuals were not qualified to vote in the City of New York. This was then referred by the Commissioners on that date to the Queens Borough Staff for an investigation into these two individuals. Mr. Ryan asked that Mrs. Patel and or Mr. Savino report back to the Commissioners on what the findings were.

Mrs. Patel informed the Commissioners that the memos from Queens have been provided to them and we are joined today by Amanda Berinato, the Chief Clerk of Queens, who is in the Queens Borough Office with Commissioner Araujo and Commissioner Sullivan. Initially the Office of the General Counsel sent a letter to these challenged voters as we are required to do, and Queens conducted an investigation. Ms. Berinato has written two separate memos with regards to those visits, and what she and Bart Haggerty, the Deputy Chief Clerk in Queens, signed off on was that the addresses for these people did not exist. The address for Anthony Brown is apartment 6A and the address for Alexandria Brown is apartment 4B, and the memo states that there is no 4th or 6th floor in the building at

155-01 Jewel Avenue, Flushing, NY 11367. It is the recommendation of the Queens Borough Managers that these two voters are canceled, and this was approved by the Queens Borough Commissioners that these two voters be canceled. For their further consideration copies of both returned letters were included in their meeting packages, Mrs. Patel stated that both letters were returned to the Office of the General Counsel, and it says “unable to deliver, no such number”.

Commissioner Coppotelli moved to strike the voters from the record. Commissioner Araujo seconded the motion, which was adopted unanimously.

Anthony Brown and Alexandria Johnson will be removed as voters in the City of New York.

Mr. Ryan stated that the following week on October 31, 2023, a registered voter by the name of Gail Oakes appeared before the Commissioners and made a similar application under Election Law §5-220 with respect to two individuals, Robert Oakes also known as Robert E. Oakes, Jr., and Irene Ramos. Mr. Ryan asked that Mrs. Patel and or Mr. Savino report to the Commissioners on the findings with respect to those two voters which were also from the borough of Queens.

Mrs. Patel informed the Commissioners that similarly, the Queens Office sent a bi-partisan team to these two addresses for Mr. Oakes and Ms. Ramos, and they were unable to confirm whether or not these voters did or did not live at these addresses. The mail did come back, but that alone is not dispositive. The report from Ms. Berinato and Mr. Haggerty recommends that we do not cancel Mr. Oakes or Ms. Ramos because they could not confirm that these individuals did not live at those addresses. The Queens Borough Commissioners have agreed and approved their recommendation to leave these voters on our voter rolls.

Commissioner Araujo moved to adopt the recommendation of the Queens Borough Managers. Commissioner Sullivan seconded the motion, which was adopted unanimously.

Mrs. Patel stated that she would like to confirm with the Commissioners, the date of February 6, 2024 for Hearings for Presidential Petitions, and would like to add this item to next week's meeting agenda.

President Pepe-Souvenir moved to set the date of the hearings for Presidential Petitions for Tuesday, February 6, 2024. Commissioner Shamoun seconded the motion, which was adopted unanimously.

Ms. Kontzamanis requested clarification on an operational change. On item #2 back to Commissioner Shamoun's inquiry, when a set of specs are received by the borough, if the Chief and Deputy determine that the specs received are frivolous, it has traditionally been the Borough Commissioners who decide whether the borough staff should work those petitions or not, by removing the word "Borough's" in that rule, you're now saying that "any group of two Commissioners", Ms. Kontzamanis stated that she wants to make sure that that is what we are looking to do.

Mrs. Patel stated that she understands the point made by Ms. Kontzamanis, and it is correct that the procedure has not been changed, the Borough Commissioners do make the initial determination. Ms. Kontzamanis stated that the word "Borough's" should not be removed from rule H10. as Commissioner Shamoun pointed out. Mrs. Patel stated that the language will be added back into the guidelines.

Commissioner Shamoun moved to amend page 13 to include "Borough's Commissioners" in paragraph H10. of the guidelines. Commissioner Marmorato seconded the motion, which was adopted unanimously.

Commissioner Shamoun moved to set the date of the next meeting for Tuesday, February 6, 2024. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Commissioner Shamoun moved to adjourn the open meeting and convene an Executive Session to discuss personnel matters. President 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. Amanda Rios, a Financial Clerk, was granted 28 hours of an advance of sick time. The effective date of the grant is January 17, 2024. Ms. Rios' agency start date is August 20, 2020.
2. Oscar Javier, a Trainer Assistant, was granted 210 hours of an advance of sick time. The effective date of the grant is January 16, 2024. Mr. Javier's agency start date is August 28, 2001.

3. Lisa Johnson, a Senior Administrator, was granted 77 hours of an advance of sick time. The effective date of the grant is January 29, 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 scheduled for Tuesday, February 6, 2024 at 1:00 P.M.