

MEETING OF THE BOARD OF CANVASSERS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 12, 2024 AT 1:00 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Rodney L. Pepe-Souvenir
*Secretary Frederic M. Umane

Commissioners Jose M. Araujo, Michael J. Coppotelli, Carol R. Edmead, Gino A. Marmorato, Simon Shamoun, 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

Tom Sattie, Director – Candidate Records Unit

Troy Johnson, Coordinator – Candidate Records Unit

Sherwin Suss, Agency Chief Contracting Officer

Brendaliz Candelaria, Deputy Chief Clerk – Bronx County

Elizabeth English, Acting Deputy Chief Clerk – Bronx County

*Secretary Umane 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 and asked that President Pepe-Souvenir convene a meeting of the Board of Canvassers in the City of New York, for the purposes of certifying the Special Election in the 77th Assembly District in the Bronx.

Hearing no objections, the meeting of the Board of Canvassers in the City of New York was convened.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, President Pepe-Souvenir 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 February 13, 2024, Special Election held for the 77th Assembly District in Bronx County.

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

The Deputy Chief Clerk and Acting Deputy Chief Clerk of the Bronx and their staff have prepared and signed the Returns of Canvass for the February 13, 2024 Special Election for the 77th Assembly District, held partially in Bronx County, in accordance with this Board's Policies and Procedures.

Because some Commissioners and the Borough Deputy Chief Clerk and Acting Deputy Chief Clerk are appearing remotely, the Returns of Canvass have

been provided electronically to the Board of Canvassers for their review and approval.

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

The Bronx County Deputy Chief Clerk, Brendaliz Candelaria and Acting Deputy Chief Clerk, Elizabeth English, 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 has been successfully completed.

Based on that report, Commissioner Marmorato moved that the Board of Canvassers certify the Returns of Canvass for the Special Election for the 77th Assembly District, conducted in Bronx County. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

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

Commissioner Marmorato moved to authorize the use of the Commissioners' electronic signatures as needed on each Statement and Return of

Canvass. Commissioner Coppotelli seconded the motion, which was adopted unanimously.

Commissioner Marmorato extended on behalf of himself and Commissioner Morales, and all the wonderful voters in the Borough of the Bronx, a sincere gratitude to both Deputies, Candelaria and English, for their hard work, their diligence, their competence and doing everything that they can to make voting easy, accessible, and having another great election in the Bronx. The Commissioner thanked the Bronx Deputies and asked that they thank the staff on their behalf. President Pepe-Souvenir stated that she joins the Commissioner and expresses the same sentiments.

Commissioner Marmorato moved to adjourn the Meeting of the Board of Canvassers and convene the weekly stated meeting of the Commissioners of Elections, in the City of New York. Commissioner Coppotelli 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 continued with item #2 of the meeting agenda, the approval of the minutes of the February 27, 2024 Commissioners Meeting.

Hearing no objections, the minutes of the February 27, 2024 Commissioners Meeting were adopted as prepared.

Mr. Ryan added item #5 to the meeting agenda, the Report of the Finance Committee as well as a carryover item from a previous meeting.

Mr. Ryan continued with item #3 of the meeting agenda, the 2024-2025 Poll Site Designation Report.

Mr. Ryan acknowledged Hemalee Patel, the Board's General Counsel, to present the matter before the Commissioners. Mr. Ryan stated that Mrs. Patel has some clarification, this is a ratification of the County designations, and a resolution was prepared. Please see annexed.

Mrs. Patel stated that the reports recommending the designation of polling places for the period of March 15, 2024 through March 14, 2025, were prepared by the borough offices, presented by their respective Chief Clerks and Deputy Chief Clerks, and approved by the subject borough Commissioners Committees. Today the full board of Commissioners would ratify those reports for all locations, sites,

and facilities therein to be designated as polling places in the City of New York. Pursuant to §4-104 of the New York State Election Law, the resolution goes on to state that these recommended locations are publicly owned or leased, exempt from taxation, receive government funding or support, and/or are under the control of the entity or organization noted therein.

President Pepe-Souvenir moved to adopt the 2024-2025 Poll Site Designations. Commissioner Shamoun seconded the motion, which was adopted unanimously.

Mr. Ryan continued with item #5 of the meeting agenda, the Report of the Finance Committee. Mr. Ryan acknowledged Sherwin Suss, the Agency Chief Contracting Officer, to present the matter before the Commissioners.

Mr. Ryan asked Mr. Suss to start with the tabled item and then move on to today's items.

Mr. Suss stated that two weeks ago we had the ADA Ramp Installation Transportation and Storage contracts were up for approval:

ADA Ramp Installation Transportation and Storage

The Board provides Ramp and other ADA equipment to 630 poll sites for a city-wide election to make them accessible for voters. The city is divided into 21 zones throughout the 5 boroughs. This allows the contractors to The Board recently conducted a competitive sealed bid to provide these services. The Board received 30 inquiries and ultimately 21 bid responses. The contractors were selected through a combination of experience and price.

These are four-year contracts with a two-year renewal which is exercised at the option of the Board. The total not to exceed amount of this contract is \$56,810,309.96.

Mr. Suss reported that at the last meeting this item was tabled. At the last meeting, the Commissioners were provided with the scoring sheets which the Committee used to score the vendors on their experience, organizational capacity and their demonstrated level of planning, supervision, and administration.

Commissioner Marmorato recused himself at the Finance Committee Meeting, from matters relating to ADA Ramp Installation Transportation and Storage and did not participate in any conversations whatsoever.

Derive Technologies

This is a contract to provide comprehensive annual infrastructure support for the Board's network including servers, firewalls, Wi-Fi systems and phones. This contract was procured using the M/WBE noncompetitive small purchase method pursuant to PPB rule 3-08. Twenty-five companies were solicited. The Board received 4 responses and the lowest priced vendor was selected. This company has also provided this same service for the Board in the past. The assigned staff from this vendor are all certified Cisco, Nutanix and Microsoft network technicians. The contract provides for 2150 hours of work for which the vendor will be paid only if the hours are used. This is a one-year contract with a not to exceed amount of \$409,000.

Secretary Umare stated that the Committee recommended this contract to the full Board for their consideration.

Trucking Contracts

The Board has 8 contracts with trucking companies to transport election equipment from each VMF to the poll site and back. Due to the large

number of unscheduled elections held in the last 2 years, four of the companies' contract ceilings need to be increased to be able to pay for the services anticipated for the remainder of the contract. The ceiling increases are based on projections for the elections remaining during the contract term.

The increases are as follows:

- **Century Moving and Storage** – An increase of \$3,800,000 for a new not to exceed amount of \$11,446,703. This company covers Manhattan West and Staten Island.
- **Triple Crown Maffuci Storage Corp.** – An increase of \$1,200,000 for a new not to exceed amount of \$8,525,649. This company covers Brooklyn North.
- **Flatbush Moving Van Co.** – An increase of \$1,200,000 for a new not to exceed amount of \$8,585,649. This covers Brooklyn North.
- **Sunrise Office Services Inc.** – An increase of \$900,000 for a new not to exceed amount of \$5,365,692. This company covers Queens South.

Mr. Suss noted that these amounts were calculated by the Voting Equipment Operations Unit (VEOU), based upon the anticipated remaining elections in the

contract term. During the Finance Committee Meeting, the Commissioners requested information regarding the service provided by these companies and did check with the VEOU Manager who indicated that all of these companies were providing prompt service and delivering equipment as needed, as necessary, with no delays or no excessive damages or things of that nature.

Secretary Umane stated that the Committee also recommends that the full Board adopt these increases. The Commissioner stated that the Committee did go into some detail, making sure that no one who was not performing was getting an increase and not getting removed and having someone else come in.

Secretary Umane stated that the Committee recommends all three, the Ramps, Derive Technologies, and the Trucking Contracts for full Board approval. Secretary Umane confirmed that the recommendation was unanimous.

Commissioner Marmorato continued his recusal from the February 27, 2024 Commissioners' Meeting, noting his recusal of any and all matters involving ADA Ramp Installation Transportation and Storage.

President Pepe-Souvenir stated that in regard to the Trucking Contracts, 2022 was a bad year as far as Special Elections, and it was a crazy year for many

of the Commissioners, and certainly thinks that increasing the contract to cover us in the event that we have the same situation again is prudent.

Mr. Ryan stated that is pretty much what happens with Special Elections, they ultimately become new needs. The Board does not have any issues with the Office of Management and Budget with respect to securing the additional funding, but it does push us sometimes against contract ceilings which then requires the raise, but these are certainly necessary.

The contracts were approved by the full Board of Commissioners.

Commissioner Marmorato's recusal was noted with respect to the contract for ADA Ramp Installation Transportation and Storage.

President Pepe-Souvenir thanked Mr. Suss again for the work that he does on the Finance Committee in providing information to the Commissioners when necessary.

Mr. Ryan continued with the meeting and stated that there is one member of the public, Mr. Alan Flacks, that would either like to make a statement or ask a question.

Mr. Flacks stated his name and address for the record:

Alan Flacks at 313 West 100 Street, Manhattan, New York City.

Mr. Flacks asked if there is a percentage of voters that voted? Mr. Ryan stated that we have not calculated that information but will provide him with the specific data.

Mr. Ryan proposed that the Commissioners set the date of the next meeting for Tuesday, March 19, 2024.

Commissioner Shamon moved to set the date of the next meeting for Tuesday, March 19, 2024, at 1:00 P.M. Commissioner Marmorato seconded the motion, which was adopted unanimously.

Commissioner Coppotelli moved to adjourn the open meeting and convene an Executive Session to discuss personnel matters. Commissioner Shamoun 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:

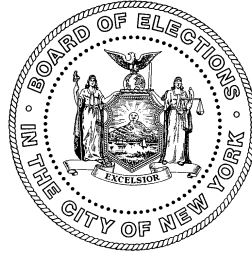
- Devin Austin, a Voting Machine Technician, was granted 96 hours of an advance of time. The effective date of the grant is effective March 4, 2024. Mr. Austin's agency start date is July 20, 2014.
- Oscar Javier, a trainer Assistant, was granted 147 hours of an advance of sick time. The effective date of the grant is effective February 29, 2024. Mr. Javier's agency start date is August 8, 2011.
- Valerie Richardson, a Clerk, was granted 35 hours of an advance of sick time. The effective date of the grant is February 26, 2024. Ms. Richardson's agency start date is October 11, 2016.

The meeting was adjourned.

The next stated meeting of the Commissioners of Elections is scheduled for Tuesday, March 19, 2024 at 1:00 P.M.

RODNEY L. PEPE-SOUVENIR
PRESIDENT
FREDERIC M. UMANE
SECRETARY

JOSE MIGUEL ARAUJO
MICHAEL J. COPPOTELLI
CAROL R. EDMOND
GINO A. MARMORATO
JODI MORALES
SIMON SHAMOUN
MICHELE A. SILEO
KEITH SULLIVAN
COMMISSIONERS



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MICHAEL D. CORBETT
ADMINISTRATIVE MANAGER

HEMALEE J. PATEL
GENERAL COUNSEL

RESOLUTION OF THE COMMISSIONERS OF ELECTIONS IN THE CITY OF NEW YORK DESIGNATION OF POLLING SITES 2024-2025

March 12, 2024

Be it Resolved by the Commissioners of Elections in the City of New York (the “Commissioners”), in an open public meeting on March 12, 2024, that:

1. The reports recommending the designation of polling places for the period of March 15, 2024, through March 14, 2025, prepared by the borough offices, presented by the respective Chief Clerk and Deputy Chief Clerk(s), and approved by the subject Borough Commissioners’ Committee, are hereby approved by the full Board of Elections in the City of New York (hereinafter the “Board”);
2. Pursuant to §4-104 of the New York State Election Law (hereinafter “Election Law”); the locations/sites/facilities set forth therein are hereby designated as polling places;
3. The recommended locations are publicly owned or leased, exempt from taxation, receive government funding or support, and/or are under the

- control of the entity or organization noted therein, for use as a place for voting and/or voter registration from March 15, 2024, through March 14, 2025;
4. The specific room(s) or area(s) within such building(s) are hereby designated to be used for early voting, voting on election day and voter registration;
 5. The one-year period of this designation, currently includes the April 2, 2024 Presidential Primary, June 25, 2024 Primary Election, and the November 5, 2024 General Election. Such may nonetheless be changed by the Legislature of the State of New York;
 6. Additional dates for the conduct of special elections that may be required and local voter registration, will be set in accordance with the relevant provisions of applicable law;
 7. The poll sites designated herein are likewise designated for use as a possible early voting location pursuant to Election Law §8-600;
 8. In accordance with Election Law §4-104(3), a building designated as a polling site which is publicly owned or leased (excluding NYC public schools), may file a written request at the above address to cancel the designation. Requests must be made within thirty days of the date of this notice. The Board will re-examine whether such use would unreasonably interfere with the usual activities conducted in the building. In the event of such determination, the Board *may* cancel the designation;
 9. Pursuant to Election Law §§ 4-104(3-a) and (3-b), any person or entity that controls a building receiving a tax exemption, abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation or is conducting a program, activity or service for which a loan, grant, contract, subsidy or reimbursement has been provided by an agency of the state or any political subdivision thereof, *must* make available for voting and voter registration any and all locations designated by the Board. Should they fail to do so, under the law, they may lose such benefit;
 10. Election Law §16-115 establishes the Board's right to seek judicial intervention to compel compliance with the designation set forth herein. The Board anticipates the cooperation and assistance of all parties and trusts such a lawsuit will not be necessary.

Actions:

Resolution moved by Commissioner President Rodney Pepe-Souvenir

Resolution seconded by Commissioner Simon Shamoun

Resolution adopted by a vote of:

All *in favor*; 0 *opposed*; 0 *abstentions*