

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 6, 2022 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

Commissioners Jose M. Araujo, Michael J. Coppotelli, Jenny Low, Gino A. Marmorato, Jodi Morales, Keith Sullivan, Patricia Anne Taylor, Frederic M. Umane

Michael J. Ryan, Executive Director
Vincent M. Ignizio, Deputy Executive Director
Wilma Brown Phillips, Administrative Manager
Hemalee Patel, General Counsel
Raphael Savino, Deputy General Counsel
Steven B. Denkberg, Counsel to the Commissioners
Kenneth Moltner, Counsel to the Commissioners

Mr. Ryan opened the meeting with item #1 of the meeting agenda, and requested that the Commissioners approve the minutes of the August 30, 2022 Commissioners Meeting.

Commissioner Morales moved to adopt the minutes of the August 30, 2022 Commissioners Meeting. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Mr. Ryan continued with item #2 of the meeting agenda, a presentation of FOIL Appeal requests. Raphael Savino, Deputy General Counsel, was acknowledged to present the report to the Commissioners Committee.

Mr. Savino informed the Commissioners Committee that the Office of the General Counsel has presented a number of appeals of FOIL requests to the Appeals Committee, and it was recommended that these requests be denied or seek ratification.

The FOIL requests were for voted ballots, and the letters were boiler-plate but there are different individuals named on each letter, and are from different Counties. The requests were received from New York, Queens and Richmond Counties

Mr. Savino stated that as per the Election Law, guidance from the State Board of Elections and the Court of Appeals, voted ballots may not be exchanged within two years of an election. The timeframe in these matters is October 13, 2020 through November 8, 2020. Mr. Savino also noted that copies of the Absentee Ballots with the corresponding envelopes were also requested, which would not only violate the secrecy of the ballot, but would also be impossible considering the ballots are taken out of the ballot envelopes and then scanned.

Mr. Savino recommended that the Commissioners Committee ratify the decision of the Appeals Committee, and deny these three FOIL Appeals.

Commissioner Umame moved to ratify the Appeals Committee decision. Commissioner Taylor seconded the motion, which was adopted unanimously.

Mr. Ryan continued with item #3 of the meeting agenda, the New York City Council Committee on Governmental Operations, Hearing on Ranked Choice Voting Implementation and Ballot Design, scheduled to be held on Friday, September 30, 2022. Mr. Ryan requested that the Commissioners Committee grant the Executive Staff permission to engage the NYC Council's Committee on Governmental Operations, and attend the City Council hearing.

Vincent Ignizio, Deputy Executive Director, informed the Commissioners Committee that Council Member Sandra Ung, introduced a bill relating to the design and content of ballot instructions for ranked choice elections. Mr. Ignizio noted that the NYC Council Committee is seeking testimony relating to the Ranked Choice Voting System, and this bill was added as an addendum to their agenda.

Commissioner Coppotelli moved to grant the Board's Executive Staff permission to attend the NYC Council hearing. Commissioner Marmorato seconded the motion, with Commissioner Low abstaining. The motion was adopted.

The Board's Executive Staff will meet with the NYC Council Committee Staff to determine what information is needed, and will provide the Commissioners Committee with an update prior to the hearing.

Mr. Ryan provided the following update on the August 23, 2022 Primary Election:

- Citywide, there are a total of 341 Affidavit and Absentee Ballot Cures outstanding,
- The latest Cure expires on Monday, September 12, 2022.

Commissioner Umame moved to schedule the certification of the August 23, 2022 Primary Election and the next meeting of the Commissioners, for Tuesday, September 13, 2022. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Commissioner Umane moved to adjourn the weekly stated meeting of the Commissioners, and convene an Executive Session to discuss Personnel Matters. President Pepe-Souvenir seconded the motion, which was adopted unanimously.

Following Executive Session, the open meeting resumed.

There were no matters to report from Executive Session.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, September 13, 2022 at 1:30 P.M.