

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 27, 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, Patricia Anne Taylor, Frederic M. Umane

Michael J. Ryan, Executive Director
Vincent M. Ignizio, Deputy Executive Director
Georgea Kontzamanis, Operations Manager
Hemalee J. Patel, General Counsel
Raphael Savino, Deputy General Counsel
Kenneth Moltner, Counsel to the Commissioners

John Naudus, Director, Electronic Voting Systems (EVS)

New York County: Stephen M. Evans, III, Chief Clerk
Cynthia Doty, Deputy Chief Clerk

Mr. Ryan opened the meeting and announced that all Military Ballots were mailed or emailed, as requested by the voter, on Friday, September 23, 2022, meeting the statutory requirement.

The mailing of all other absentee ballots began yesterday, September 26, 2022.

Mr. Ryan continued with item #1 of the meeting agenda, and asked that the Commissioners approve the minutes of the September 20, 2022 Commissioners Meeting.

Mr. Ryan noted that Commissioners Araujo, Marmorato and Sullivan were not present at the September 20, 2022 Commissioners Meeting.

Commissioner Low moved to adopt the minutes of the September 20, 2022 Commissioners Meeting. Secretary Shamoun seconded the motion, with Commissioner Araujo abstaining. The motion was adopted.

The minutes of the September 20, 2022 Commissioners Meeting were approved.

Mr. Ryan continued with item #2 of the meeting agenda, which involves two previous challenges to voters, pursuant to Election Law §5-220.

Mr. Ryan acknowledged Hemalee Patel, General Counsel, to present the matters before the Commissioners Committee.

Mrs. Patel informed the Commissioners Committee that the two voter challenges were previously presented in August 2022.

Mrs. Patel acknowledged the Manhattan Borough Managers, Stephen Evans, III, Chief Clerk and Cynthia Doty, Deputy Chief Clerk.

The voter challenges being presented today, are from voters in New York County.

Mrs. Patel informed the Commissioners Committee that Ronald Ellis Canada appeared before them on August 16, 2022, claiming that Christopher J. White had fraudulently given his address to register to vote at Mr. Canada's address, in the apartment where he lives alone and has lived alone for a very long time.

Mrs. Patel stated that pursuant to the Election Law, the Board sent a letter to Christopher J. White, VSN#: 414220766, and asked that he respond if he was in fact an actual voter who should be registered at that address. The Board has not received a response from Mr. White.

The Manhattan Borough Staff conducted a bi-partisan investigation by visiting the address, and found no evidence that Mr. White lived there.

A maintenance staff member from the building confirmed that Mr. Canada is the person residing at 160 Claremont Avenue, Apt. 2E, New York, New York 10027, and has lived there since May 2021.

It is the recommendation of the Manhattan Borough Commissioners and Borough Managers that this voter be canceled with this name, at this address. Mrs. Patel also confirmed that the voter has not voted at this address, and has no voter history.

Commissioner Umame moved to adopt the recommendation of the Manhattan Chief and Deputy Chief Clerk, and cancel the registration of Christopher J. White, VSN#: 414220766, at 160 Claremont Avenue, Apt. 2E, New York, New York 10027. Commissioner Low seconded the motion, which was adopted unanimously.

Mr. Canada will be contacted and made aware of today's resolution.

Mrs. Patel continued with the voter challenge that was presented by Charles Liebling, noting that Mr. Liebling also appeared before them on August 16, 2022, and claims that a former occupant of his building, Nicole K. Quinn, VSN#: 304943542, moved out of 305 West 87 Street, Apt. 3, New York, New York in 2022, and has not voted in New York since 2002.

The Manhattan Borough Staff conducted a bi-partisan investigation, by visiting the address, and it was determined that Ms. Quinn does not reside at this location. Her name was not on the doorbell, and she was not known to any of the residents in that building.

It is the recommendation of the Manhattan Borough Commissioners and Borough Managers, that Ms. Quinn's registration be canceled at this address, with this name and voter registration number.

Commissioner Umame moved to adopt the recommendation of the Manhattan Chief and Deputy Chief Clerk, that this voter should be removed from the voter registration rolls. Commissioner Low seconded the motion, which was adopted unanimously.

Mr. Liebling will be contacted and made aware of today's resolution.

Commissioner Umane thanked the Manhattan Borough Managers and Staff for conducting these investigations.

Mr. Ryan continued with item #3 of the meeting agenda, FOIL Appeals. Raphael Savino, Deputy General Counsel, was acknowledged to present the matter before the Commissioners Committee.

Mr. Savino reported that the Office of the General Counsel has a total of five different appeals of Freedom of Information Law responses from the Board, and requested that the Commissioners Committee ratify the decisions of the Commissioners FOIL Appeals Committee.

Mr. Savino presented the following FOIL Appeals, noting that there are a total of five, some relate to the same issues, so there are only three issues to present:

#1) Daniel Tarzia

A Request for Voted Ballots

Mr. Savino stated that pursuant to the New York State Election Law, the New York State Board of Appeals and the New York State Board of

Elections guidance, the New York City Board of Elections is prohibited from making voted ballots available for public inspection within two years after the election. Mr. Savino further noted that it would be illegal to do so.

Mr. Tarzia is appealing that decision, and the Office of the General Counsel is requesting that the decision of the Commissioners FOIL Committee be ratified.

#2) Elizabeth Miller, Joan Weber & Marilyn Prutsman

Requesting that the New York City Board of Elections Certify the Records of the New York State Board of Elections

Mr. Savino reported that the requestors gave a list of numbers that they claim refers to voters in the State of New York, and requested that the New York City Board of Elections certify those records. The Board requested that they provide additional information, such as date of birth or voter's name or address, and the requestors failed to respond. Mr. Savino noted that the requestors actually did respond, but responded with an appeal.

The Office of the General Counsel is requesting that the decision of the Commissioners FOIL Committee be ratified.

#3) James Simmonds

Requested that the Board provide the Cast Vote Record

Mr. Savino reported that the New York State Board of Elections has a different definition of the Cast Vote Record, than the one that the New York City Board of Elections refers to with respect to Rank Choice Voting. But essentially, the requestor is asking for data from the scanners that shows when ballots were placed into the scanners. The concern is, if they've also had access to the Poll Pad data, if there is a low turnout at that particular time, or in that particular Assembly District or Election District, one could determine who the voter voted for. For this reason, the Board is prohibited from, and would never do anything to jeopardize, the secrecy of the ballot.

The Office of the General Counsel is requesting that the decision of the Commissioners FOIL Committee be ratified.

The Commissioners Committee adopted the decision of the Commissioners FOIL Committee.

Mr. Ryan continued with item #4 of the meeting agenda, the November General Election Ballot Approval.

Mr. Ryan reported that yesterday, sample ballots were provided to the Commissioners, in advance of today's meeting for their review.

Mr. Ryan gave the following update on the ballot layout for the November 8, 2022 General Election:

- All ballots will be 19 inches in length,
- All ballots are one single page and double sided, except in Brooklyn which will be two pages,
- All ballots will be printed with a twelve point font,
- This is the same ballot layout that was approved in June and August 2022, including the lines and the staggering of the columns,
- There will be four ballot proposals on the ballots, which will include one State and three City questions,

- Samples were created in order to meet the statutory requirement of forwarding the Military and Overseas ballots, which was previously reported.

Mr. Ryan acknowledged John Naudus, Director, of Electronic Voting Systems (EVS), who is present to answer any questions that the Commissioners Committee may have.

Commissioner Araujo moved to adopt the November 8, 2022 General Election ballot layout. Secretary Shamoun seconded the motion, which was adopted unanimously.

The November General Election Ballots were approved.

Commissioner Araujo requested that the ballots for the November 8, 2022 General Election be uploaded to the Board's website, at www.vote.nyc.

Mr. Ryan asked that the Commissioners Committee set the date of the next meeting, for Tuesday, October 4, 2022, at 1:30 P.M.

President Pepe-Souvenir moved to schedule the next meeting of the Commissioners for Tuesday, October 4, 2022 at 1:30 P.M. Secretary Shamoun seconded the motion, which was unanimously adopted.

Mr. Ryan continued with item #5 of the meeting agenda, an Executive Session to discuss Litigation and Personnel Matters.

Secretary Shamoun moved to adjourn the weekly stated meeting of the Commissioners, and convene an Executive Session to discuss Litigation and Personnel matters. Commissioner Umane seconded the motion, which was adopted unanimously.

Following Executive Session, the open meeting resumed.

The following actions were taken by the unanimous decision of the Board of Commissioners:

1. Shirelle Townes, an Administrative Associate, was granted 105 hours of an advance of sick time. This grant is effective September 20, 2022. Ms. Townes' agency start date is January 7, 2001,

2. Alexi Lewis, a Clerk, was granted 35 hours of an advance of sick time.

This grant is effective September 16, 2022. Mr. Lewis' agency start date is April 29, 2007.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, October 4, 2022 at 1:30 P.M.