

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 21, 2023 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 Coppotelli, Carol R. Edmead, Gino A. Marmorato, *Frederic M. Umame

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
Steven B. Denkberg, Counsel to the Commissioners
Kenneth Moltner, Counsel to the Commissioners
Sherwin Suss, Agency Chief Contracting Officer

*Commissioner Umame appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

Mr. Ryan opened the meeting, and added the following items to the meeting agenda:

- Item# 3. Executive Session
 - b. Litigation
- Item# 4 Finance Committee Report

Mr. Ryan continued with item #1 of the meeting agenda, the approval of the minutes of the March 7, 2023 Commissioners Meeting.

Commissioner Morales was not present for the March 7, 2023 meeting, and is not in attendance today. Commissioner Umane appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes. The Commissioners present today, are eligible to vote to pass the meeting minutes.

Secretary Pepe-Souvenir moved to adopt the minutes of the March 7, 2023 Commissioners Meeting. President Shamoun seconded the motion, which was adopted unanimously.

Mr. Ryan continued with item #2 of the meeting agenda, the updated Designating and Opportunity to Ballot Guidelines, which required updating based on guidance issued by the New York State Board of Elections, subsequent to the adoption of the Board's guidelines.

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

Mrs. Patel informed the Commissioners Committee that after the new guidelines was adopted on February 14, 2023, there was one chapter amendment dated March 3, 2023, allowing the Board to send the notices of hearings plus the

Boards findings and research to candidates and objectors via “electronic correspondence” instead of overnight mail, provided that the candidate or objector are “advised conspicuously that enrollment or registration is voluntary and that they may continue to receive notices by mail” and candidates and objectors “affirmatively choose” electronic communication.

Mrs. Patel noted that the original change in NYS Election Law 6-154 required the Board to send this correspondence via overnight mail, and now has been amended allowing the Board to send the information electronically, provided that they voluntarily consent to receive those notices by email, and that they affirmatively choose.

Similarly, the post hearing determination, the “in and out letters”, can also be sent via electronic communication with the consent of the candidate or the objector, and now can also be sent to an attorney or agent.

The changes to the guidelines were noted in red and sent to the Commissioners Committee for their review in advance of today’s meeting.

These changes have been reflected in H8, H10 and H12 of the newly amended guidelines, and the language was lifted directly from the chapter amendment and guidance from the NYS Board of Elections.

Mrs. Patel continued with the resolutions from the NYS Board of Elections, dated March 14, 2023, regarding guidance on font size, this is reflected in H1 (d) of the newly amended guidelines.

And H6 of the newly amended guidelines, clarifies that a petition or certificate shall be considered a separate instrument as to each candidate, and for purposes of making an objection against a specific candidate and not to others on the same certificate or petition, service is only required upon the candidate or candidates against whom the objections are made.

Mrs. Patel noted that the original modification of NYS Election Law 6-154, read that if you are making an objection against one candidate on the petition, you would have to notify all the candidates, even if you were not objecting, of your objection. With the NYS BOE's clarification, now you only have to serve the person against whom you are filing the objection.

Additionally, there is a revised cover sheet and general objection form which will allow candidates and objectors to affirmatively choose to receive electronic correspondence.

The staff at the Reception Counters will be instructed to encourage the filers to give their consent.

Mr. Savino also noted that the recommendations with respect to font size are not fatal but recommended.

Commissioner Araujo moved to adopt the newly amended guidelines. President Shamoun seconded the motion, which was adopted unanimously.

The newly amended guidelines will be reissued with today's date, and posted on the Board's website. Electronic copies will be provided to the Commissioners Committee as well.

Mr. Ryan stated that at this time, the last night to file remains on April 5, 2023, but there may be legislative action that would change the date to April 10, 2023. As of this moment that has not occurred, but the Board is aware that this is

being discussed and pending. Once the last night to file has been established, the Board will remain open until 12:00 midnight as required.

Mr. Ryan continued with item #4, the Finance Committee Report. There are three items to discuss, one of which is a hold over item from a previous Finance Committee meeting and two other items from today. With respect to all three items, Commissioner Marmorato recused himself and did not participate in any conversations or deliberations with respect to the Finance Committee on those matters.

Mr. Ryan acknowledged Sherwin Suss, the Agency Chief Contracting Officer, to present the report before the Commissioners Committee.

The following items were presented:

Canon Solutions

This is a contract to replace the Board's fleet of copy machines currently located in every office. This is a new 3 year lease for one to one replacement with new more efficient model of the current units. The new lease will be through the DCAS requirements contract. The new lease will save the Board \$95,393.88 during the term as compared to the current lease. The not to

exceed amount for this contract is \$461,776.32. This was done through the NYC DCAS requirements contract.

Lazer Innovative Packaging

This is a contract to provide the Board with 1500 black OKI toner cartridges. These are used in the ballot on demand (BOD) printers at the early voting sites. This purchase was done through the M/WBE noncompetitive small purchase method. 7 vendors were solicited and the lowest priced vendor was selected. The not to exceed amount for this contract is \$193,500.00.

Quadient Inc.

This is a contract to renew the leases on the postage metering and mailing system used in borough and general office. The agency uses 6 of these systems. This contract was procured using an inter-governmental purchase under PPB rule 3-09. The Board is using the Sourcewell contract which is a purchasing cooperative created by the State of Minnesota of which the Board is a member. This is a 3 year contract with a not to exceed amount of \$132,543. The new contract amount represents a \$1,053.36 yearly increase from the current contract.

On December 13, 2022 the Quadiant Inc. contract was presented to the Commissioners Finance Committee for consideration and review. The Committee did not vote to approve the contract and present it to the full Board for a vote. Commissioner Marmorato recused himself from voting on this contract at the December 13, 2022 meeting. As a result of the recusal there was no quorum and the vote on this contract was not conducted.

Due to the absence of a quorum at today's meeting, and with Commissioner Marmorato's recusal, the Executive Committee indicated that the Finance Committee report will be tabled until next week.

Mr. Ryan asked for a motion to set the date of the next meeting for Tuesday, March 28, 2023.

Secretary Pepe-Souvenir moved to schedule the next meeting date for Tuesday, March 28, 2023 at 1:30 P.M. President Shamoun seconded the motion, which was adopted unanimously.

Secretary Pepe-Souvenir moved to convene an Executive Session to discuss litigation and personnel matters. Commissioner Araujo seconded the motion, which was adopted unanimously.

Following Executive Session, the open meeting resumed.

During Executive session, the following actions were taken by the unanimous decision of the Board of Commissioners:

1. Kevin McCarthy, a Senior Voting Machine Technician, was granted 210 hours of sick time. This grant is effective February 23, 2023. Mr. McCarthy's agency start date is July 11, 2011.
2. Reginald Starke, a Senior Voting Machine Technician, was granted 140 hours of sick time. This grant is effective March 6, 2023. Mr. Starke's agency start date is July 14, 2002.
3. Thomas Sattie was promoted to Project Coordinator at the incumbent rate of \$130,854.00 annually.
4. William Badger-Rodriguez, a Democrat of New York County, was terminated by full Board ratification.

5. Parnell Sena, a Democrat of New York County, was terminated by full Board ratification.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, March 28, 2023 at 1:30 P.M.