

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JULY 25, 2017
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umame
 Secretary Rosanna Vargas

Commissioners Maria R. Guastella, Michael Michel, Alan Schulkin, Simon Shamoun, Robert Siano, John Wm. Zaccone

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Gordon Chin
 Linda Leven
 Chorinda Annarummo, for Bruno
 Dominick Sarta, for Vito Bruno
 James McClelland
 Kate Doran, LWV NYC
 Storobin, for Filler
 Wendy Byrne, LWV NYC
 Katharine Loving, NYC Campaign Finance Board
 Cathy Gray, LWV NYC
 Richard Luthmann, NYS Reform Party

President Umame called the meeting to order at 1:37 P.M.

Commissioner Schulkin moved to adopt the minutes for the July 18, 2017 meeting. Commissioner Siano seconded the motion, which was unanimously adopted.

Mr. Richman presented the Commissioners' Petition and Cover Sheet Review Committee referral concerning authentication and certificate of authorization to file an Amended Cover Sheet mandated by Rule C4 of the Board's Designating Petition Rules. Copies of the memorandum with attachments were circulated to the Commissioners for review. The issue presented questioned does the failure to include the authentication/certification provided for in Rule C4 on the Amended Cover Sheet invalidate a purported cure when it appears to be submitted by the person who submitted the invalid Cover Sheet initially. Mr. Richman provided a summary of the issue and relevant judicial review. President Umane noted that the purpose of Board's Rule C4 was to ensure whoever files an Amended Cover Sheet was authorized to do so in order to prevent fraud of someone intentionally trying to disqualify a candidacy. Commissioner Guastella questioned if the same person who signed the first letter also signed the second letter. Commissioner Shamoun reported that upon inspection, the person who signed the original Cover Sheet also signed the Amended Cover Sheet. The Amended Cover Sheet

appropriately cured the defect and it appears there was no intent to defraud. Commissioner Michel noted that the same person signing the Cover Sheet has the authorization for an Amended Cover Sheet; if a different person signed the Amended Cover Sheet, then they should have an authorization statement. Commissioner Shamoun requested to address Board Rule C4 for the next election cycle. Mr. Ryan noted that the history of the Board's Rule is to prevent fraud and this specific matter does not give rise to fraud. Mr. Richman reported that there are two (2) matters and both appear to be the same signatures on the original Cover Sheet and Amended Cover Sheet. After discussion, Commissioner Shamoun moved that based on the issue presented, for the Board to accept the Amended Cover Sheet as the purported cure, which appears to have the same signature on the Cover Sheet, without the authorization statement. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Richman requested for the designation of the Commissioners' Cover Sheet Review Committees for Week #3 of the September 2017 Primary Petition Process. The designations and schedule follow:

- Thursday, July 27, 2017 at 4:00 P.M.
 - Commissioner Schulkin and Commissioner Zaccone

- Monday, July 31, 2017 at 4:00 P.M.
 - Commissioner Guastella and Commissioner Siano

The adopted schedule will be posted on the Board's website.

Mr. Richman presented the proposed Schedule of Hearings on Specifications of Objections and Related Matters for Designating Petitions for the September 2017 Primary Election. Based on the number of specifications filed and the return dates established by the New York State Unified Court System for election matters, the following schedule was determined by the full Board:

Tuesday, August 1, 2017 commencing at 10:00 A.M.

1. Citywide Offices (Mayor/Public Advocate/Comptroller)
2. Richmond County
3. Queens County – 11:00 A.M.
4. Kings County – 12:00 P.M.

Wednesday, August 2, 2017 commencing at 10:00 A.M.

1. Bronx County
2. Stated Meeting of the Commissioners
3. New York County – 12:00 P.M.
4. Recall of any deferred matters from August 1, 2017

Thursday, August 3, 2017 (Time to be determined)

1. Recall of any deferred matters from August 2, 2017

Mr. Richman reported that a candidate has requested to reschedule their Petition Hearing date due to religious observance on Tuesday, August 1, 2017. Mr. Richman recommended rescheduling this candidate's Petition Hearing on Wednesday, August 2, 2017 and will reach out to this candidate after the meeting.

President Umane recognized Gordon Chin, a member of the public, who requested to challenge the voter registration of a voter. Mr. Chin explained that he started receiving election mail for a voter who used to live in his apartment thirty (30) years ago. Mr. Chin raised concerns that this person still votes using his address and requested for this voter to be removed from his address. President Umane explained that this voter would still be able to vote in the same poll site and ED/AD even though they moved into a different apartment in the building. Mr. Ryan noted that the Board cannot remove a voter from the voter registration rolls based on another person's story. After discussion, Mr. Ryan directed Board staff to research Mr. Chin's documents and the voter registration rolls, and based

on the staff's research, Mr. Ryan will determine the Board's written communication to this voter.

President Umame added a personnel matter for Executive Session.

President Umame recognized David Storobin, an attorney for candidate Arthur Filler, who challenged an NCN Notice he received from the Board. Mr. Storobin claimed that he received the Board's Notice one (1) day late on July 19th; therefore, his submitted Amended Cover Sheet was considered received late. Mr. Storobin reported that the Amended Cover Sheet would have been timely and submitted copies of documents for review. Mr. Richman reported that staff mailed the NCN Notice via USPS Priority Express Mail 1-Day delivery service and according to the USPS Tracking # Receipt it was received at the Post Office on July 17th at 7:48 P.M., and the Board paid for Priority Express Mail 1-Day delivery service. However, the Post Office delivered the letter in 2-Days on July 19th at 11:46 A.M. Mr. Storobin's Amended Cover Sheet was filed on July 21st which was deemed late. Based on the facts presented, President Umame suggested for the Board to allow Mr. Storobin the full response time of 2-days. Commissioner Shamoun moved to accept Mr. Storobin's Amended Cover Sheet which is subject for review by the Cover Sheet

Review Committee to be held after today's meeting. Commissioner Guastella seconded the motion, which was unanimously adopted.

Commissioner Schulkin moved to grant 70 hours Advance of Sick Leave to Stacey Marius, a Clerk in the Manhattan Office, who has an agency start date of February 28, 2016. President Umane seconded the motion, which was unanimously adopted.

President Umane noted that there is no need for Executive Session.

President Umane moved to adjourn the meeting. The motion was seconded and unanimously adopted.

The next stated meeting of the Commissioners will be held on Wednesday, August 2, 2017 immediately following the 10:00 A.M. Hearings on Designating Petition Matters for Bronx County.