

MEETING OF THE BOARD OF CANVASSERS AND  
MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, MAY 8, 2018 AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT:       President Rosanna Vargas  
                  Secretary John Wm. Zaccone

Commissioners Jose Araujo, John Flateau, Michael Michel, Alan Schulkin,  
Simon Shamoun, Robert Siano, Frederic M. Umane

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  
Steven Guglielmi, Director, Personnel  
Valerie Vazquez, Director, Communications and Public Affairs  
Troy Johnson, Coordinator, Candidate Records Unit  
Rayvon Weaver, Project Coordinator, Candidate Records Unit  
Michael Carmicino, Administrative Associate, Candidate Records Unit  
Raquel Torres, Administrative Assistant, Candidate Records Unit  
Margarita Lugo, Project Coordinator, Candidate Records Unit  
Brendaliz Candelaria, Deputy Chief Clerk, Bronx Office  
Frank Tosi, Administrative Associate, Bronx Office  
Amanda Berinato, Chief Clerk, Queens Office  
Bart Haggerty, Deputy Chief Clerk, Queens Office  
Greg Lehman, Chief Clerk, Manhattan Office  
Cynthia Doty, Deputy Chief Clerk, Manhattan Office  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Wendy Byrne, LWVNYC  
                  Kate Doran, LWVNYC

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President Vargas called the meeting to order at 1:40 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Sections 9-204, 9-210 and 9-212, President Vargas announced that the Commissioners will conduct the meeting of the Board of Canvassers for the purposes of certifying the recanvass of votes cast on April 24, 2018 in the Special Elections conducted in Queens County for Members of NYS Assembly in the 39<sup>th</sup> A.D., in New York County for Member of the NYS Assembly in the 74<sup>th</sup> A.D., and in Bronx County for Member of the NYS Assembly in the 80<sup>th</sup> A.D. and Member of the NYS Senate for the 32<sup>nd</sup> S.D.

To serve as the other Democratic Member of the Canvassing Board, President Vargas designated the respective Democratic Commissioners for Queens and New York Counties to be the second signature on the respective Statement and Return of Canvass, and Commissioner Araujo to serve with her as the second signature on the Statement and Return of Canvass for the Special Elections conducted in the Bronx.

Secretary Zaccone designated the Republican Commissioners for the Counties of Queens, New York, and Bronx to serve with him as the second signature on the respective Statement and Return of Canvass.

The Chief Clerk and Deputy Chief Clerk of Queens and their staff have prepared and signed the Returns of Canvass for the April 24, 2018 Special Election conducted in the 39<sup>th</sup> Assembly District within Queens County. Ms. Berinato and Mr. Haggerty presented them to the Canvassing Board for review and approval. Ms. Berinato and Mr. Haggerty confirmed that the results presented are accurate and correct, there are no discrepancies to report to the Board, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the NYS Election Law has been successfully completed. In response to Commissioner Flateau's request, Mr. Ryan announced the election results. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Return of Canvass for the April 24, 2018 Special Election for the 39<sup>th</sup> State Assembly District in Queens County. Commissioner Michel seconded the motion, which was unanimously adopted. Commissioner Araujo thanked the Queens Office staff for their hard work during this election cycle.

The Chief Clerk and Deputy Chief Clerk of Manhattan and their staff have prepared and signed the Returns of Canvass for the April 24, 2018 Special Election conducted in the 74<sup>th</sup> State Assembly District within New York County. Mr. Lehman and Ms. Doty presented them to the Canvassing Board for review and approval. Mr. Lehman and Ms. Doty confirmed that the results presented are accurate and correct, there are no discrepancies, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the NYS Election Law has been successfully completed. In response to Commissioner Flateau's request, Mr. Ryan announced the election results. Based on that report, Commissioner Schulkin moved that the Board of Canvassers certify the Return of Canvass for the April 24, 2018 Special Election for the 74<sup>th</sup> A.D. in New York County. Commissioner Umame seconded the motion, which was unanimously adopted. Commissioner Umame thanked the Manhattan Office for their hard work during this election cycle.

The Deputy Chief Clerks of the Bronx and their staff have prepared and signed the Returns of Canvass for the April 24, 2018 Special Elections conducted in the 80<sup>th</sup> State Assembly District and 32<sup>nd</sup> State Senate District within Bronx County. Ms. Candelaria and Mr. Tosi, on behalf of

Mr. Ribustello, confirmed that the results presented are accurate and correct. Mr. Tosi reported that there was one (1) discrepancy. The Discrepancy Report is attached to the Returns of Canvass. In response to Secretary Zaccone, this discrepancy did not affect the outcome of the results. Ms. Candelaria and Mr. Tosi confirmed that the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the NYS Election Law has been successfully completed. In response to Commissioner Flateau's request, Mr. Ryan announced the election results. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Return of Canvass for the April 24, 2018 Special Election for the 80<sup>th</sup> State Assembly District and the 32<sup>nd</sup> State Senate District in Bronx County. President Vargas seconded the motion, which was unanimously adopted.

Secretary Zaccone moved for staff to electronically affix the appropriate Commissioners' signatures, as previously designated, on each Statement and Return of Canvass. Commissioner Umame seconded the motion, which was unanimously adopted.

Commissioner Schulkin moved to adjourn the meeting of the Board of Canvassers and to convene the regular stated meeting of the

Commissioners of Elections in the City of New York. Secretary Zaccone seconded the motion, which was unanimously adopted.

Mr. Richman conducted the Hearing on the CRU Prima Facie Report for the June 26, 2018 Federal Office Primary for Reform Party Certificate of Authorization for the 5<sup>th</sup> Congressional District for candidate Michael A. O'Reilly. Mr. Richman recalled that this item was tabled from last week's meeting because this Certificate was filed for a District outside the City's boundaries. He reported that at the State Board's Hearing last week, this candidate's Certificate was deemed invalid. Based on the State Board's Hearing, Commissioner Flateau moved to adopt the Board's CRU Prima Facie Report in conformity with the State Board. The motion was seconded, and unanimously adopted.

Commissioner Araujo moved to adopt the minutes for the May 1, 2018 meeting. President Vargas seconded the motion, which was unanimously adopted.

Mr. Richman presented the Draft Notice to All Candidates for the June 26, 2018 Federal Primary Election. Copies of the Draft Notice were distributed for review. The Candidate Records Unit prepared the Draft

Notice. Mr. Richman reported that it meets the statutory requirements. Commissioner Araujo moved to adopt the Notice to All Candidates as presented. Commissioner Umame seconded the motion, which was unanimously adopted.

Mr. Richman presented the Draft Filing Calendar for the September 13, 2018 State and Local Office Primary Elections. Copies of the Draft Calendar were distributed for review. Mr. Richman recommended scheduling the Hearings on Designating Petitions and related matters on Tuesday, July 31, 2018, Wednesday, August 1, 2018, and Thursday, August 2, 2018 (if necessary) at 10:00 A.M., and the Hearings on Opportunity to Ballot Petitions and related matters on August 7, 2018 at 1:30 P.M. Commissioner Umame moved to adopt the Filing Calendar for the September 13, 2018 State and Local Office Primary Elections as presented. Commissioner Araujo seconded the motion, which was unanimously adopted. Mr. Richman noted that the adopted Filing Calendar will be posted for the public. Commissioner Araujo requested for the Filing Calendar to be emailed to the Commissioners as well.

Mr. Ryan reported that there was a written request to cancel the poll site designation of Moore Catholic High School in Richmond County.

The Staten Island Chief Clerk and Deputy Chief Clerk reported that there are no other suitable facilities to serve as poll sites in that area and recommended to deny the request. The Staten Island Commissioners and Executive Management reviewed this matter as well and agreed to deny the appeal. Secretary Zaccone moved for the full Board to deny the application and for Moore Catholic High School continue to be designated as a poll site. President Vargas seconded the motion, which was unanimously adopted.

Commissioner Michel inquired if there are sufficient funds in the budget for potential Special Elections. Mr. Ryan reported that the Board anticipates sufficient funds to operate elections. If any Special Election or unforeseen circumstance exceeds the budget, a New Needs request can be made. Mr. Ryan reminded that the Board will be providing testimony at the Mayor's Executive Budget Hearing scheduled on May 17, 2018 at 2:00 P.M.

Commissioner Araujo moved to convene an Executive Session for litigation. Secretary Zaccone seconded the motion, which was unanimously adopted.



Following Executive Session, the open public meeting resumed and Mr. Ryan reported the following actions that were taken in Executive Session:

- I. Daniel Ortiz was appointed as Deputy Chief Clerk of the Brooklyn Office, upon the resignation of the outgoing Deputy Chief Clerk, effective on Sunday, May 13, 2018;
- II. The Commissioners granted 210 hours Advance of Time to Rennie Hill, a Voting Machine Technician, retroactive to April 13, 2018. Mr. Hill's agency start date is September 11, 2011.

Commissioner Flateau moved to adjourn the meeting. Commissioner Schulkin seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, May 15, 2018 at 1:30 P.M.