

HEARINGS ON INDEPENDENT NOMINATING PETITION MATTERS
FOR THE FEBRUARY 26, 2019 SPECIAL ELECTION AND THE
MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JANUARY 29, 2019 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, EVS CONFERENCE ROOM
NEW YORK, NY 10004

PRESENT: President John Wm. Zaccone
 Secretary Maria R. Guastella

Commissioners Jose Araujo, John Flateau, Michael Michel, Simon Shamoun, Robert Siano

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Travis Grodin, Contract Attorney, Office of the General Counsel
Michael Bryant, Contract Attorney, Office of the General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Steven Guglielmi, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Raquel Torres, Administrative Assistant, Candidate Records Unit
Shanette Brown, Administrative Assistant, Candidate Records Unit
Don Bosco, Chief Clerk, Staten Island Office
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Amanda Berinato, Chief Clerk, Queens Office
Bart Haggerty, Deputy Chief Clerk, Queens Office
Raymond Riley, Chief Clerk, Brooklyn Office
Khadijah Overstreet, Administrative Associate, Brooklyn Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Danniel Maio

Garth Marchant
Patricia Farrell
Helal Sheikh
Katharine Loving, NYC Campaign Finance Bd.
Rosah Campbell, for Rafael Espinal
Devin Wellspeak, NYC CFB
Kadia Yoba, Press
Abbey Smith
Steiner
Anna Maria Thomas
Walter Iwachiw
Howard Graubard, for Daniel O'Donnell
Ifeona Ike
Michael Carter
A.J. Ehrlich
Michael Zumbuskas
Kate Doran, LWV
John Haggerty
A. Tulloch
Lauren Liles
John D. Smith
Brigid Bergin, WNYC
Zoe Slemmons, NY1
Jeff Coltin, City & State
Michael Almeda
Ali Najmi
Kati Garrity, NYC CFB
Wendy Byrne, NYC LWV
Jerry Skurnik
Bobby Cuza, NY1
Jeffery, NYT
John Kenny
V. Jordan

President Zaccone called the meeting to order at 1:42 P.M.

President Zaccone announced that the Commissioners will conduct the Hearings on challenges to Independent Nominating Petitions and related matters for the February 26, 2019 Special Election for New York City Public Advocate.

President Zaccone stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar for the Hearings. The Calendar was posted for the public as required by law.

Mr. Richman called the Calendar for the Hearings. Two (2) matters were added to Calendar concerning an Application of Latrice M. Walker and an Amended Cover Sheet matter for review.

Mr. Richman called the Legal Prima Facie Report. There were no appearances. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman called the Candidate Records Unit Prima Facie Report. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Report on file at the Board. The

Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman called the Clerks' Reports on Specifications of Objections for Queens County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Clerks' Reports on file at the Board. The Commissioners' determinations are reflected on each Report acted upon.

Mr. Richman called the Clerks' Report on Specifications of Objections for Kings County. There were no appearances. The Commissioners' determinations are reflected on each Report acted upon.

Mr. Richman called the Clerks' Report on Specifications of Objections for Richmond County. There was an appearance by a candidate and/or their representative which is noted on the Clerks' Report on file at the Board. The Commissioners' determinations are reflected on each Report acted upon.

Mr. Richman reported on an Application of Latrice M. Walker to be removed from the February 26, 2019 Special Election ballot for the Office of Public Advocate. There was an appearance by A. Joshua Ehrlich, Esq., an attorney for Ms. Walker. Copies of the memorandum were circulated to the Commissioners for review. Mr. Richman provided an overview of the Application. After review and discussion, there was no motion on this matter.

Mr. Richman reported on an Amended Cover Sheet of candidate Walter Iwachiw. Commissioner Araujo recused himself from this matter. Mr. Richman provided an overview of the matter. After review and discussion, Commissioner Michel moved to find the Amended Cover Sheet not a valid cure. Commissioner Siano seconded the motion, with Commissioner Araujo recusing himself. The motion was adopted. It was noted that there are hundreds of blank pages with no signatures in Mr. Iwachiw's petition volume. Commissioner Shamoun moved to rule on a Prima Facie finding that Mr. Iwachiw's petition contains an insignificant number of signatures on its face. Secretary Guastella seconded the motion, with Commissioner Araujo recusing himself. The motion was

adopted. Notices will be mailed to Mr. Iwachiw concerning the Commissioners' determinations.

President Zaccone recognized Michael Olmeda, a representative of candidate Rafael Espinal, who spoke about ballot placement for the Special Election. Mr. Olmeda requested for the Board to change the wraparound format of the ballot. Mr. Richman reported that the Special Election ballot has been designed according to the law and past practice. Military and Overseas voters' ballots were already printed and distributed last Thursday. There was no motion on this matter.

Commissioner Araujo moved to direct staff to immediately commence the preparation and distribution of Absentee and Special Ballots for the February 26, 2019 Special Election based upon the actions taken to date by the Commissioners both in a duly constituted Commissioners' Committee and full Board. Secretary Guastella seconded the motion, which was unanimously adopted.

Commissioner Araujo moved that in the event any judicial proceeding is commenced challenging any action taken by the full Board of

Commissioners or a duly constituted Committee thereof regarding petitions, cover sheets and all matters relating to the candidates appearing on the ballot for the February 26, 2019 Special Election for Public Advocate, the staff is directed to immediately request that the New York City Law Department represent the Board and/or the Commissioners and staff in such proceeding, defend the Board's actions, oppose any relief sought, and to represent any appeals there from. President Zaccone seconded the motion, which was unanimously adopted.

For information purposes, there will be a total of seventeen (17) candidates on the Special Election ballot.

Commissioner Shamoun moved to adjourn the hearings and to convene the State Meeting of the Commissioners of Elections in the City of New York. Commissioner Siano seconded the motion, which was unanimously adopted.

Commissioner Siano moved to adopt the minutes for the January 22, 2019 meeting. Commissioner Flateau seconded the motion, with Commissioner Araujo abstaining. The motion was adopted.

Mr. Richman provided an overview of the new State Election Laws. Last Thursday, the Governor signed four (4) bills relating to the elections. Two weeks ago, the Assembly and Senate passed two (2) Constitutional Amendments. The information follows:

- Concurrent Resolution S. 1047 – Proposing an amendment to the New York State Constitution to delete the requirement that voter registration for an election be completed ten (10) days prior to the date of the election. Effective in 2022, if enacted;
- Concurrent Resolution S. 1049 – Proposing an amendment to the New York State Constitution to delete the requirement that absentee ballots be issued for cause. Effective in 2022, if enacted;
- Chapter 2 of the Laws of 2019 – Providing for pre-registrations of 16 and 17 year olds. This law is effective January 1, 2020;
- Chapter 3 of the Law of 2019 – Providing for the transfer of registration and enrollment of a voter anywhere in the State of New York. This law is effective in 60 days on March 25, 2019;
- Chapter 5 of the Law of 2019 – Providing for a uniform June Primary and amending certain deadlines to facilitate the timely

transmission of ballots to Military voters and Overseas voters.

This law is effective immediately;

- Chapter 6 of the Laws of 2019 – Providing for Early Voting for each General, Primary, Run-off Primary, or Special Elections.

While this law is effective immediately, Early Voting shall first apply to the November 2019 General Election and to all elections thereafter.

The Early Voting law mandates ten (10) days of voting. Each county is not required to have greater than seven (7) Early Voting sites. Mr. Richman reported that all poll sites, including Early Voting sites, have to be designated by March 15, 2019. The specific Early Voting sites have to be designated by May 1, 2019. Mr. Ryan reported that staff has started meeting weekly with the Borough Office Chief Clerks and Deputy Chief Clerks to discuss planning for Early Voting. Electronic Poll Books and Ballot on Demand systems are on the Board's wish list. Secretary Guastella raised concerns about costs to implement Early Voting. Mr. Ryan reported that the Board is currently compiling New Needs for Early Voting. Commissioner Araujo noted that the Commissioners, Executive Management and Legal have previously had the opportunity to review and discuss these bills. This report was for informational purposes.

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

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

- I. The Commissioners granted 210 hours Advance of Time to Shanette Brown, an Administrative Assistant in the General Office, effective February 19, 2019. Ms. Brown's agency start date is January 27, 2008;
- II. The Commissioners granted 49 hours Advance of Time to Patrice Holden, an Administrative Assistant in the Manhattan Office, retroactive to January 24, 2019. Ms. Holden's agency start date is August 27, 2017.

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

The next stated meeting of the Commissioners will be held on Tuesday, February 5, 2019 at 1:30 P.M.