

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JUNE 13, 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 J. Coppotelli, Carol R. Edmead, Gino A. Marmorato, Jodi Morales, Keith Sullivan, 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
Steven B. Denkberg, Counsel to the Commissioners
Kenneth Moltner, Counsel to the Commissioners
Sherwin Suss, Agency Chief Contract Officer

GUESTS: A New York City Voter
Danniel Maio

Following item #1 of the meeting agenda, Petition and Cover Sheet Review for Independent Nominating Petition Matters, and item #2, Hearings on Independent Nominating Petitions for the November 7, 2023 General Election, the regular meeting of the Board of Commissioners was convened.

Mr. Ryan opened the meeting with the following announcements:

- The upcoming Primary Election is scheduled to be held on Tuesday, June 27, 2023 proceeding 9 days of Early Voting.
- There are a total of 2,826,964 eligible voters in the June Primary.
- We have approximately 120 primary contests citywide, with 26 of those contests being ranked choice voting.

Contests by County

4	New York
6	Bronx
8	Kings
8	Queens
0	Richmond (No Primaries)

- The Board will open a total of 122 Early Voting Poll Sites, and a total of 1,082 Election Day Poll Sites.
- A total of 79,591 pieces of election equipment will be deployed, that includes 8,345 pieces for Early Voting and 68,246 for Election Day.

- 53 of the Early Voting locations will require generator power, and deliveries began on May 30, 2023. 50 out of the 53 generators have been delivered, and 35 have been installed to date. The installations will be completed by June 16, 2023, before the team's scheduled meetings on the following day.
- All voting equipment, logic and accuracy testing is scheduled to be completed for the Election Day equipment on June 16, 2023.
- Deliveries remain on schedule and began this week with tables, chairs and privacy booths, followed by Early Voting equipment on June 15, 2023 and June 16, 2023. The delivery of Election Day equipment will begin during the week of June 19, 2023.
- Poll Worker Training is being conducted both in-person and on-line, and assignments are on-going. For Early Voting and Election Day, there are a total of 28,232 Poll Worker positions, and the Board fully expects to meet its needs for both.

- In addition, we are on track for the Language Assistance Program and currently have a sufficient amount of interpreters trained to fill the required positions.
- The Board met its statutory requirements and mailed out 1,461 military/UOCAVA ballots by the deadline, and we continue to process all other absentee ballots. To date we have received, processed and mailed out 44,725 ballots citywide, including 69 accessible ballots. The Board has received back 8,834 ballots citywide. 6,886 have been deemed valid and canvassed, 420 have been deemed invalid with the cure process ongoing. The remainder are being canvassed and the process is a rolling process, up to and including any deadlines.
- Yesterday, June 12, 2023 was the last day to apply for an on-line absentee ballot. The last day to apply for an absentee ballot in-person is June 26, 2023. The last day to register for the June Primary Election is June 17, 2023. All timely registrations will be processed and included in the poll books for the upcoming election.

- Election Day is June 27, 2023. The Early Voting period runs from June 17, 2023 through June 25, 2023. Early Voting hours and poll site locations including sample ballots can be found on the Board's website at www.vote.nyc.
- On May 31, 2023 the Board went live with the on-line voter registration portal, which can also be found prominently displayed on the Board's website. So far, the results for the portal have been that it is well received and we have great reviews with respect to the ease of use. To date, 217 voters have utilized the portal: 78 in Manhattan, 18 in the Bronx, 85 in Brooklyn, 34 in Queens and 2 in Staten Island. Voters are encouraged to use this easy way to register to vote, particularly for first-time voters.
- The virtual fast tag wallet has also been met with great reviews. To date, 73,576 voters have added the tag to their wallets, including Mr. Ryan. Citywide: Over 23,000 in Manhattan, over 7,000 in the Bronx, over 20,000 in Brooklyn, over 17,000 in Queens and just shy of 5,000 in Staten Island.

- The Legislative session ended this weekend, and several bills passed the election session this year. The staff will begin to work on a complete report for the Commissioners for two pieces of legislation that passed both houses last week and are awaiting the Governor's signature.

There is a bill setting the Presidential Primary as April 2, 2024. It also sets the date of Early Voting as Saturday, March 23, 2024 through Saturday, March 30, 2024. The reason it is not running through Sunday, which would typically be 9 days of Early Voting, is for many people that Sunday, April 1st is Easter and for others, Easter is in May. The bill also mandates 9 hours of Early Voting for each day, to make up for the hours lost on Easter Sunday.

The second bill creates a New York Early Mail Voter Act, which creates a process called Early Mail Voting. The bill's effective date is January 1, 2024, which means it will be in effect for the Presidential Primary in April. The staff is in the process of analyzing the bill and awaiting further guidance from the State Board of Elections.

- Commissioner Umame asked that Mr. Ryan give clarification on the holiday on Monday, June 19, 2023. Mr. Ryan stated that Juneteenth is

a holiday, and as discussed with the Union and staff members, unfortunately as with other holidays the Board is not in a position to celebrate this holiday with other workers within the city because June 19th is an Election Day and Early Voting locations must be open. The Juneteenth holiday will always be an Election Day for the foreseeable future as long as the State Legislature keeps the Primary Election date in June. Mr. Ryan stated that there are contractual provisions that the employees receive additional benefits for working on the holiday, and the Managers will have their time adjusted to accommodate the holiday. Mr. Ryan stated that the Board appreciates the sacrifice of those who fought for not only the holiday to be recognized, but also the sacrifices that were made to cause the day to be recognized in the first place, but it also happens to coincide with a day that the Board has to be open for business.

Mr. Ryan continued with item #3 of the meeting agenda, the approval of the Commissioner's meeting minutes of March 21, 2023, April 11, 2023, April 18, 2023, May 2, 2023 and May 16, 2023.

Mr. Ryan stated that he circulated an email to the Commissioners earlier to inform them that there was a change in Robert's Rules on April 8, 2022, regarding

minutes and the passage of minutes for public entities. It stands for the proposition that the purpose of the minutes is to provide notice to the public as to what happened at a particular meeting. It also stands for the proposition that there is no vote necessary to adopt minutes in public entities. Mr. Ryan noted that he received clarification earlier from Raphael Savino, Deputy General Counsel, that it is also not required by the open and public meetings law, and essentially the minutes get adopted unless someone objects. It is more or less equivalent to a unanimous consent as it would be in a legislative body, and the purpose is that you have the minutes readily available to the public as quickly as possible.

Mr. Ryan stated that it is a departure from the practice of the Board if we proceeded in that regard, but if there is no strong objection we certainly can and then all the minutes that are pending from those meeting dates can be adopted on unanimous consent, unless a Commissioner has a particular objection or wanted to remind everyone of a recusal or a particular abstention. The proposition stands for the fact that voting for the adoption of minutes is not equivalent of swearing to an affidavit or affirmation.

Commissioner Coppotelli stated that as long as there are no legal impediments and it does make the minutes available to the public more expeditiously, he thinks that the Board should proceed with this practice.

Commissioner Araujo stated that he agrees with Commissioner Coppotelli, especially in light of the fact that the meetings are now livestreamed, and we keep that information on our website, it is more of an accurate record than our minutes, because our minutes are a sum and substance of what actually happened, and the livestream is a full and complete record of what happened at the public meeting.

Mr. Ryan stated that if all Commissioners agree, the minutes of the March 21, 2023, April 11, 2023, April 18, 2023, May 2, 2023 and May 16, 2023 are adopted, unless there's an objection.

The minutes were adopted.

Mr. Ryan informed the Commissioners that no motion is required, it is only if someone raises an objection that that would be an impediment. Georgea Kontzamanis, Operations Manager, requested clarification on if the minutes will continue to be posted on the on weekly Commissioner's agenda. Mr. Ryan stated that the minutes still must be posted so that there's notice that they are going to be adopted, and to give any Commissioner the opportunity to object if there was something in the minutes that was problematic.

Commissioner Sullivan inquired about the time frame to make an objection to the minutes once adopted. Mr. Ryan informed the Commissioner that it would be at the moment of potential adoption. In the future, if someone has an objection it would be at that moment that they would raise the objection, and if they were silent, then the minutes would be adopted without objection.

Commissioner Umane stated that it could be three weeks or a month later, if you notice a mistake or an error it can still be brought before the Board and the minutes can be amended. Mr. Ryan stated that there is no cut off date, if it is an objection that is identified later, we can amend the minutes.

Mr. Ryan continued with item #4 of the meeting agenda, the report of the Finance Committee. Mr. Ryan acknowledged Sherwin Suss, the Agency Chief Contract Officer, to present the matter before the Commissioners.

Mr. Suss addressed the Commissioners, and presented the following three items:

1. **GovConnection Inc.**

This is a contract to provide hardware for backup retention to meet the State and City retention policies. This is an intergovernmental purchase using Sourcewell which is a governmental cooperative

purchasing agency operated by the State of Minnesota of which the Board is a member. Three vendors were solicited, and the lowest priced vendor was selected. This is a one-time purchase which is eligible for reimbursement under New York State Grants. The not to exceed amount of this contract is \$960,065.80.

Commissioner Umame stated that the Finance Committee unanimously recommends this contract to the Commissioners.

The DCAS contract with Triangle Services for printing of election day ballots for Bronx and New York Counties has been mutually terminated. To replace this contract the Board proposes to enter into a negotiated acquisition agreement with the two remaining ballot vendors to print ballots for the remainder of the term of the original DCAS ballot contract which is December 31, 2025. The pricing was based on the initial competitive sealed bids submitted by each vendor for each borough as part of their response to the 2020 DCAS solicitation.

2. **Fort Orange Press**

This is a contract to print the Bronx test and election day ballots. This company has been printing the Bronx ballots on an interim basis since

June 2022 primary with no issues. The not to exceed amount of this contract is \$4,200,000. Fort Orange will be printing the election day ballots for Queens, Richmond and Bronx Counties.

Mr. Suss stated that it should be noted that Fort Orange Press will take the place of the DCAS contract with Triangle Services, which runs through December 31, 2025.

Commissioner Umame stated that the Finance Committee unanimously recommends this contract to the Commissioners.

3. **Bradford & Bigelow**

This is a contract to print the New York County test and election day ballots. This company has been printing the New York County ballots on an interim basis since the June 2022 primary election with no issues. The not to exceed amount of this contract is \$4,900,000. Bradford & Bigelow will be printing the election day ballots for Brooklyn and New York Counties.

Commissioner Umame stated that the Finance Committee unanimously recommends that Bradford & Bigelow take over the Manhattan election day ballot contract in replacement of Triangle Services on a permanent basis.

There being no objections, the Finance Committee report was adopted.

Mr. Ryan acknowledged a member of the public, a New York City Voter who has requested to address the Commissioners Committee regarding the scannable fast pass tag. The voter requested clarification on the new pass and stated that she does not have a smart phone, and wanted to know if this is a replacement or an addition to the plastic fast tag that she received a few years ago.

Mr. Ryan informed the voter that it is an addition, and showed the voter that he still has the previous card as well as the new one that she received. Mr. Ryan explained that the barcode that's on any of the fast tag passes has the voter's serial number listed underneath. It is the same barcode and serial number on each card that is received. On any of the cards received in the past, the voter does not have to change the card if they are comfortable with the one that is already in their wallets. For those who do have a smart phone, the new fast tag pass gives the voter the ability to use the QR code and add it to their Google or Apple wallet. It is a unique barcode that is assigned to each individual voter. Voters have multiple options, depending on what they are comfortable with.

Mr. Ryan acknowledged Danniell Maio, another member of the public who requested to appear before the Commissioners Committee to request that the Board create a standard in its guidelines for future voters who are 17 years old, who on election day will be 18 years old, be allowed to submit petitions and run for office for both elected and party positions.

Mr. Ryan thanked Mr. Maio for appearing at today's meeting.

Mr. Ryan asked that the Commissioners set the date of the next meeting and noted that Early Voting will be underway when that occurs, and the following week is Election Day.

President Shamoun moved to set the next meeting date for Tuesday, June 20, 2023 at 1:30 PM. Secretary Pepe-Souvenir seconded the motion, which was adopted unanimously.

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

During the Executive Session, the following actions were taken by the

unanimous decision of the Board of Commissioners:

1. Reginald Starke, a Senior Voting Machine Technician, was granted 35 hours of sick time. This grant is effective June 15, 2023. Mr. Starke's agency start date is July 14, 2002,
2. Martin Badonsky, a Senior Voting Machine Technician, was granted 49 hours of sick time. This grant is effective June 1, 2023. Mr. Badonsky's agency start date is July 9, 2010,
3. Bruce Rothman, a Clerk, was granted 210 hours of sick time. This grant is effective March 28, 2023. Mr. Rothman's agency start date is December 12, 2009,
4. Salvatore Barrera was unanimously approved as the Kings County Acting Borough Chief effective June 4, 2023, at an annual salary of \$152,574.00,
5. Stephanie Jaquez was unanimously approved as an Associate General Counsel effective July 17, 2023, at an annual salary of \$100,000.00,

6. Stephan Brooks was unanimously approved as an Associate Staff Analyst effective July 9, 2023, at an annual salary of \$78,741.00.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, June 20, 2023, at 1:30 P.M.