

MEETING OF THE BOARD OF CANVASSERS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, APRIL 8, 2025 AT 1:00 P.M.  
42 BROADWAY, 7<sup>th</sup> FLOOR, EXECUTIVE CONFERENCE ROOM  
NEW YORK, NY 10004

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PRESENT: President Frederic M. Umane  
\*Secretary Jodi Morales

Commissioners Jose M. Araujo, Michael J. Coppotelli, Gino A. Marmorato, Frank R. Seddio, Simon Shamoun, Michele A. Sileo, Keith Sullivan

Michael J. Ryan, Executive Director  
Vincent M. Ignizio, Deputy Executive Director  
Georgea Kontzamanis, Operations Manager  
Michael D. Corbett, Administrative Manager  
Grace Pyun, General Counsel  
Raphael Savino, Deputy General Counsel  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

Kings County: Salvatore Barrera, Chief Clerk  
Daniel Ortiz, Deputy Chief Clerk

GUEST: Kate Doran, League of Women Voters

\*Secretary Morales appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

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Michael J. Ryan, Executive Director, opened the meeting by introducing the staff, and turned the meeting over to President Umane to convene a Meeting of the Board of Canvassers, in the City of New York, to certify the results of the March 25, 2025 Brooklyn Special Election in the 44<sup>th</sup> Council District.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, President Umane called the meeting of the Board of Canvassers in the City of New York to order, for the purpose of certifying the canvass of votes cast for the Special Election for the City Council, 44<sup>th</sup> Council District in Kings County.

President Umane designated Commissioner Coppotelli to serve as the other Republican Member of the Canvassing Board, and Commissioner Seddio designated Commissioner Sileo as the other Democratic Commissioner to serve as a member of the Canvassing Board.

The Chief Clerk and Deputy Chief Clerk of Kings County and their staff have prepared and signed the Returns of Canvass for the Special Election for the 44<sup>th</sup> City Council District held in Kings County on March 25, 2025, in accordance with this Board's policies and procedures.

Some Commissioners, along with the Chief and Deputy Chief Clerk of Kings County, are appearing remotely, and the Returns of Canvass have been provided electronically to the Board of Canvassers for their review and approval.

Kings County Chief Clerk, Salvatore Barrera and Deputy Chief Clerk, Daniel Ortiz confirmed that the results are accurate and correct, there are no

discrepancies to report to the Board, and the audit of the poll site and central count scanners, as required by Article 9 of the New York State Election Law, has been successfully completed.

Based on that report, Commissioner Coppotelli moved that the Board of Canvassers certify the Returns of Canvass for the Special Election for the 44<sup>th</sup> Council District conducted in Kings County. Commissioner Sileo seconded the motion, which was adopted unanimously.

The Returns of Canvass prepared and submitted by the Kings County Staff of the Board of Elections were adopted unanimously.

Commissioner Coppotelli moved to authorize the use of the Commissioners' electronic signatures as needed and appropriate on each Statement and Return of Canvass. Commissioner Sileo seconded the motion, which was adopted unanimously.

President Umane moved to adjourn the Meeting of the Board of Canvassers in the City of New York and to reconvene the weekly stated meeting of the Commissioners of Elections in the City of New York. Commissioner Sileo seconded the motion, and it was adopted unanimously.

The meeting of the Board of Canvassers was adjourned, and the regular meeting of the Commissioners of Elections, in the City of New York was reconvened.

Before moving on to agenda item #2, Mr. Ryan provided an update on ballot cures related to the recently certified election. There are currently 8 outstanding potential cures: 6 are set to expire on April 9<sup>th</sup>, and the remaining 2 will expire on April 11<sup>th</sup>. As a result, if any of those ballots are returned, it may be necessary to recertify the contest to account for the addition of those potential cures. However, given all the known circumstances, it was necessary to proceed at this time.

Mr. Ryan continued with item #2 of the meeting agenda, the approval of the minutes from the March 11, 2025 Commissioners Meeting.

Hearing no objections or amendments, the minutes of the March 11, 2025 Commissioners Meeting were adopted as submitted.

Mr. Ryan continued with item #3 of the meeting agenda, the appointment of a Commissioners' Cover Sheet Review Committees for Week #2 regarding Designating Petition Matters for the June 24, 2025 Primary Election.

Mr. Ryan turned this item over to the General Counsel, Grace Pyun, to address the matter directly with the Commissioners.

Ms. Pyun informed the Commissioners that the Office of the General Counsel is still handling some cover sheet defects and amended cures. To address these matters, she proposed adding additional hearing dates to the calendar and would like to take this opportunity to request volunteers. The proposed dates for the additional hearings are:

- Wednesday, April 9<sup>th</sup>
- Thursday, April 10<sup>th</sup>
- Monday, April 14<sup>th</sup>
- Tuesday, April 15<sup>th</sup>
- Wednesday, April 16<sup>th</sup>
- Thursday, April 17<sup>th</sup>

Ms. Pyun noted that if any of the scheduled meeting dates are not needed, those meetings will be canceled accordingly. The hearings are planned to start at 12:00 noon, or another time based on the Commissioners' availability. For each of those dates, one Democratic Commissioner and one Republican Commissioner would be requested.

The Commissioners initially provided their availability but later decided to take the scheduling offline and will coordinate directly with the Office of the General Counsel.

Mr. Ryan continued with item #4 of the meeting agenda. The Board received notification that the Election Commissioners' Association of the State of New York has planned its Summer Conference for August 26<sup>th</sup> through August 29<sup>th</sup>, 2025, in Lake Placid, New York. Mr. Ryan explained that for those Commissioners who may not be familiar with this type of request, Executive Management is seeking permission to attend the conference and to include relevant staff. He also noted that this is also notice to the Commissioners, should they wish to attend as well. If so, they can coordinate their arrangements with his assistant, Kristin Strandberg.

President Umane moved to authorize Executive Management to select those employees that they think would be beneficial, or those who are actually giving presentations, to be able to go on behalf of the Board of Elections, in the City of New York. Commissioner Sileo seconded the motion, which was adopted unanimously.

Mr. Ryan stated that the agenda is nearly complete but acknowledged that Kate Doran, on behalf of the League of Women Voters, wishes to address the Commissioners.

Ms. Doran stated that the League is a part of the Let New York Vote Coalition, the group that advocated for election reforms in 2019. As a follow-up to that work, she has been delegated to inquire about New York State Election Law Section 8-600, Subdivision 3, which pertains to polling places for early voting and vote centers.

Ms. Doran stated that the coalition would like the Board to go on record once again regarding the reasons vote centers cannot currently be implemented in New York City. She further referenced language located toward the bottom of the relevant legal subdivision, which appears to include a provision requiring the Board to take a formal vote on the issue. The coalition is of the understanding that this vote should occur on an annual basis. Ms. Doran noted that the coalition does not recall any such vote taking place in recent years, and requested clarification as to whether the Board has been in compliance with that provision.

President Umane responded that, from a logistical standpoint, the Board currently does not have the ability to implement central voting sites where a voter

could go to those voting centers and vote in any election. He cited several key limitations:

- Equipment constraints, particularly related to voters with disabilities.
- Voting machines are restricted to operating within designated election districts and are configured based on the language requirements specific to each site. The current machines do not have the brain capacity to go much beyond the election districts we have allocated to a particular site.
- The scanners are past their useful life, and the Board is actively exploring alternative equipment options and potential funding sources.

President Umane acknowledged that a vote should take place but stated that the Board is not currently in a position to do so due to these constraints.

Mr. Ryan noted that, in the past, the General Counsel had indicated that the vote to designate poll sites in March also incorporates early voting locations, as these are a subset of the designated poll sites. This interpretation was understood to be in alignment with the relevant provisions of the election law.

Mr. Ryan added that, while the current interpretation is believed to be correct, the Board is open to revisiting the matter. Should this interpretation be challenged or found to be incorrect, it can be amended to ensure compliance.



For the record, Mr. Ignizio noted that Commissioner Shamoun had joined the meeting.

Commissioner Coppotelli thanked Ms. Doran for her statement and acknowledged the importance of the issue raised. He noted that, based on the current understanding, it appears that the Board has met the statutory requirements with regard to the vote. He added that there is certainly a willingness to take further action if needed; however, any additional steps would depend on operational capacity and available resources. The Board will continue to consider any recommendations and suggestions as they arise.

Ms. Doran requested a brief moment to clarify her earlier statement. She recalled that when early voting was first introduced the Board did hold a vote. She added that legal counsel within their Coalition believes such a vote should occur annually. Ms. Doran asked Commissioner Coppotelli to clarify his understanding of what that last sentence means.

Mr. Ryan responded that the Board is open to reviewing the matter further. He stated that we are happy to have the newly appointed General Counsel, along with her counterpart, review the prior legal determination to assess whether it remains valid under the interpretation of the current legal counsel and the present group of commissioners.

Mr. Ryan added that, should there be a request for a public vote on the matter, it would not be considered an especially odorous request. However, he emphasized that vote or no vote, it doesn't change the reality that we're in under the umbrella of New York City that the ballot marking devices are insufficient for more large-scale use than we presently use them.

It was noted that, as President Umane stated correctly, a primary limitation of the current ballot marking devices is related to memory capacity, particularly for storing audio files required for the various ballot styles. This issue has been explored in detail with the vendor and stems from the fact that the devices operate using an older, hard-wired motherboard design, which does not allow for memory expansion.

Mr. Ryan asked Ms. Kontzamanis for clarification regarding the status of alternative ballot marking devices. Specifically, he inquired whether any of the other machines currently available have received certification from the State Board of Elections. Ms. Kontzamanis stated that there is no ballot marking device certified in the State of New York that is compatible with our optical scanners, which are not past their useful life.

Mr. Ryan confirmed with Ms. Doran that her question had been addressed. Ms. Doran thanked the Board for going on record with their responses, noting the importance of keeping the public informed and reminded of these discussions.

Before going into Executive Session, Mr. Ryan made an announcement for those interested in the petition process. He shared that the Board received information late yesterday from the New York State Board of Elections regarding an industry alert issued by the United States Postal Service with respect to the reliability of their overnight delivery service. What was previously referred to as overnight mail is now subject to a guaranteed delivery timeframe of 1 to 3 days and is no longer classified as overnight service.

Mr. Ryan noted that, as advised by the New York State Board of Elections, the use of USPS for overnight delivery as required by statute for certain notices during the petition process is no longer deemed sufficient under current USPS service standards. He explained that USPS no longer guarantees overnight delivery, and if the projected or estimated delivery window is up to three days, it does not meet the statutory requirement. However, if the USPS estimate specifically reflects a one-day delivery, it may still be considered acceptable.

Mr. Ryan stated that a banner has been posted on the Board's website, right at the top, for all that are interested in this circumstance. Commissioner Shamoun

stated that we should encourage all objectors, filers, and others using the system to consider checking with the clerk to determine the projected delivery date, noting that this information is printed on the USPS receipt. Mr. Ryan added that individuals may also wish to consider using an alternate overnight delivery method, while clarifying that the Board does not endorse any specific delivery company.

Mr. Ryan stated that in their guidance, the State Board of Elections refers interested parties to New York State Election Law, Section 6-154, Subdivision 3, Subdivision (b), which mandates the use of overnight service for certain filings. He further noted that this section also references Election Law Section 1-106. What they then say is priority mail express 1 to 3 day only makes the overnight mail requirement for service on the relevant candidates when the estimated delivery date by the USPS is the next day after the date of mailing. He went on to note that the State Board's guidance further clarifies: "Please note that FedEx Overnight and UPS Next Day products provide for next day delivery, and they remain sufficient." Mr. Ryan noted that this is a direct quote from the guidance received from the State Board of Elections.

Commissioner Shamoun added that if there is a mishap with one of those services, such as FedEx Overnight or UPS Next Day, it may still be viewed as having made a good faith effort to comply with the statute. However, he cautioned

that if a filer uses USPS with the knowledge that delivery standards are currently unreliable, they are essentially taking a chance. Mr. Ryan agreed, stating that this interpretation aligns with his understanding of the guidance.

Mr. Ryan stated that the Board will also be altering its internal processes regarding which delivery services are used for mailing notices. He noted that, in light of the recent guidance and USPS delivery limitations, the Board is reviewing its mailing protocols to ensure full compliance with the statutory overnight delivery requirements. Additionally, Mr. Ryan shared that the Board is in the process of reviewing notices that were already sent out prior to becoming aware of the current delivery standard issues.

Mr. Ryan stated that the next meeting will be scheduled for either April 15<sup>th</sup> or April 22<sup>nd</sup>, depending on the Commissioners' availability and preference.

The Commissioners provided their availability. President Umane inquired about the date of the hearings and suggested scheduling the next meeting for April 22<sup>nd</sup>. It was then proposed that the Commissioners convene in Executive Session to discuss personnel matters and determine the date of the next meeting, with the official announcement to follow after Executive Session.

Commissioner Marmorato moved to convene an Executive Session for personnel matters. President Umane seconded the motion, which was adopted unanimously.

Following the Executive Session the open meeting resumed.

The following actions were taken by the unanimous decision of the Board of Commissioners:

1. Beth Fossella, Coordinator of Voter Registration Services, was granted an advance of 210 hours, effective as of April 2, 2025. Ms. Fossella's agency start date is June 8, 1997, and is a Staten Island Republican.
2. Kim Laidla-Ziegler, a Financial Clerk, was granted an advance of 210 hours, effective to the date of April 4, 2025. This request is concurrent to her prior advance from February 13, 2025. Ms. Laidla-Ziegler's agency start date is July 9, 2007, and is a Bronx Republican.
3. Reginald Starke, a Senior Voting Machine Technician, was granted an advance of 35 hours, effectively retroactively to February 18, 2025.

Mr. Starke's agency start date is July 14, 2002, and is a Manhattan Democrat.

4. Benjamin Holloway, a Trainer Assistant, was granted an advance of 2010 hours, starting retroactively to April 2, 2025. Mr. Holloway's agency start date is July 23, 2017, and is a Bronx Republican.

The meeting was adjourned.

The next stated meeting of the Commissioners of Elections is scheduled for Tuesday, April 15, 2025 at 1:00 P.M.