

MEETING OF THE BOARD OF CANVASSERS  
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, FEBRUARY 1, 2022 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 Rodney L. Pepe-Souvenir  
                      Secretary Simon Shamoun

Commissioners Jose Miguel Araujo, Michael J. Coppotelli, Jenny Low, Gino A. Marmorato, Jodi Morales, Keith Sullivan, Patricia Anne Taylor, Frederic M. Umane

Michael J. Ryan, Executive Director  
Vincent M. Ignizio, Deputy Executive Director  
Georgea Kontzamanis, Operations Manager  
Wilma Brown Phillips, Administrative Manager  
Hemalee J. Patel, General Counsel  
Raphael Savino, Deputy General Counsel  
Gregory 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

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President Pepe-Souvenir called the meeting to order at 1:33 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law and the Charter of the City of New York, President Pepe-Souvenir 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 January 18, 2022 Special Election held for the 68<sup>th</sup> Assembly District in New York County.

President Pepe-Souvenir designated Commissioner Low to serve as the other Democratic Member of the Canvassing Board. Secretary Shamoun designated Commissioner Umane to serve as the other Republican Member of the Canvassing Board.

The Chief Clerk and Deputy Chief Clerk of Manhattan and their staff have prepared and signed the Returns of Canvass for the January 18, 2022 Special Election for the 68<sup>th</sup> Assembly District in New York County in accordance with this Board's Policies and Procedures. Due to the virtual meeting, the Returns have been provided electronically to the Board of Canvassers for their 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 the poll site and the central count scanners required by Article 9 of the New York State Election Law have been successfully completed. Based on that report, Commissioner Umane moved that the Board of Canvassers certify the Returns of Canvass for the Special Election for the 68<sup>th</sup> Assembly District conducted in New York County. Commissioner Low seconded the motion, which was unanimously adopted.

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

Secretary Shamoun moved to adjourn the Meeting of the Board of Canvassers and to convene the weekly stated Meeting of the Commissioners of Elections in the City of New York. Commissioner Morales seconded the motion, which was unanimously adopted.

Mr. Ryan reported that litigation was added to Executive Session.

Commissioner Taylor moved to adopt the January 25, 2022 Commissioners' Meeting Minutes. Commissioner Morales seconded the motion, which was unanimously adopted.

Ms. Patel presented an update on the Board's FOIL Policy and Procedures. The Office of the General Counsel has been working on updating the FOIL Policy and Procedures to make them more clearer and user friendly. The current FOIL Policy & Procedures was promulgated in May 2002. Currently, the Records Access Appeals Officers are the Commissioners. As the number of FOIL Requests has increased exponentially in the last 20 years, the Legal Department

has recommended for a Committee of four (4) Commissioners to serve as the Records Access Appeals Officers instead of the full Board of Commissioners. Ms. Patel requested for Commissioners' approval to change to the FOIL Policies and Procedures. Mr. Ryan noted that the Appeal will be presented to the Commissioners Committee and then the Committee would make a report to the full Board's consideration. Mr. Ryan suggested establishing a Records Access Appeals Commissioners Committee consisting of the Executive Committee and a choice of one (1) Democrat and one (1) Republican based on availability and/or if the issue affects a particular borough. Commissioner Morales moved to establish a Records Access Appeals Commissioners Committee consisting of the Executive Committee and a choice of one (1) Democrat and one (1) Republican based on availability and/or the issue if it affects a particular borough. Commissioner Marmorato seconded the motion, which was unanimously adopted. The new language will be added to the website for public dissemination.

Ms. Patel presented the Draft Independent Nominating Petition Rules, Designating Petition Rules and Opportunity to Ballot Petition Rules with proposed changes. Copies of the Draft Rules and a Quick Reference Guide were previously circulated to the Commissioners for review. Ms. Patel recalled that some issues were raised regarding the Nominating and Designating Petition Rules in advance of the June 2021 Primary. Accordingly, such changes were incorporated into the

Rules as well as two (2) procedural suggestions from the Office of the General Counsel. Ms. Patel noted that Commissioner Araujo has provided feedback as well. Secretary Shamoun suggested to table the Draft Rules for one (1) week so that every Commissioner can closely review the proposed changes and offer further suggestions. Commissioner Umane noted that the sample exhibits attached in the back of the Rules may have a printer error and requested for it to be looked into. Commissioner Shamoun moved to table the Draft Independent Nominating Petition Rules, Designating Petition Rules and Opportunity to Ballot Petition Rules for one (1) week. Commissioner Umane seconded the motion, and was unanimously adopted.

President Pepe-Souvenir moved to convene an Executive Session for personnel and litigation matters. Commissioner Marmorato seconded the motion, which was unanimously adopted.

Following Executive Session, the open meeting resumed.

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

- I. Alexi Lewis, a Clerk, was granted 119 hours of an Advance of Time, effective January 14, 2022. Mr. Lewis' agency start date is April 29, 2007; and
- II. Dominique Davis, an Administrative Associate, was granted 210 hours of an Advance of Time, effective January 24, 2022. Ms. Davis' agency start date is April 6, 2014.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, February 15, 2022 at 1:30 P.M.