

MEETING OF THE BOARD OF CANVASSERS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 1, 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, 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

New York County: Stephen M. Evans, III, Chief Clerk
Rhonda Evans, Acting Deputy Chief Clerk

Kings County: Salvatore Barrera, Acting Chief Clerk
Khadijah Overstreet, Senior Administrator

Queens County: Amanda Berinato, Chief Clerk
Bart J. Haggerty, Deputy Chief Clerk

GUEST: Robert Stephanek, Manhattan Poll Worker

*Commissioner Umane appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

Mr. Ryan opened the meeting with item #1 of the meeting agenda, the Meeting of the Board of Canvassers in the City of New York to Certify Additional Results of the June 27, 2023 Primary Election.

Mr. Ryan requested that the Commissioners Committee convene a meeting of the Board of Canvassers to certify additional results of the June 27, 2023 Primary Election.

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 Shamoun called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the manual canvass of votes cast for the June 27, 2023, Primary Election for certain Party Positions conducted within the City of New York.

President Shamoun designated Commissioner Marmorato to serve as the other Republican Member of the Canvassing Board, and Secretary Pepe-Souvenir designated Commissioner Araujo to serve as the other Democratic Commissioner to serve as a Member of the Canvassing Board.

It was noted that some Chiefs and Deputies, and Commissioners are appearing remotely, and all Commissioners have been provided a copy of the Returns of Canvass in advance.

The Manhattan Borough Managers are appearing in person today, and the other two boroughs are appearing remotely.

The New York County Borough Managers, Stephen Evans, III, Chief Clerk and Rhonda Evans, Acting Deputy Chief Clerk and their staff have prepared and signed the Returns of Canvass for the June 27, 2023 Primary Election for certain Party Positions in New York County, in accordance with the Board's policies and procedures, which were, pursuant to New York State Election Law, the subject of a manual recanvass.

Commissioner Edmead asked that the Manhattan Borough Managers confirm that there were several races in which the results were tied, and that the ultimate results reflect and take into account, the New York State Election Law and the Board's policies and procedures.

The New York County Borough Managers confirmed that the results presented are accurate and correct. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Returns of Canvass for Party Positions for the Primary Election conducted by manual recanvass in New York County. Commissioner Edmead seconded the motion, which was adopted unanimously.

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

Commissioner Umane stated that he and Commissioner Edmead thank the Manhattan Staff for their hard work and diligence in preparing over 50 hand counted Party Position situations. The Commissioner stated that the staff has done a very good job and wanted to recognize them and asked that the Manhattan Borough Managers pass their recognition along to the staff.

The Board of Canvassers continued with Kings County.

The Kings County Borough Managers, Salvatore Barrera, Acting Chief Clerk and Khadijah Overstreet, Senior Administrator and their staff have prepared and signed the Returns of Canvass for the June 27, 2023 Primary Election for certain Party Positions in Kings County, in accordance with the Board's policies and procedures, which were, pursuant to New York State Election Law, the subject of a manual recanvass.

The Kings County Borough Managers and their representatives confirmed that the results presented are accurate and correct. Based on that report, Secretary Pepe-Souvenir moved that the Board of Canvassers certify the Returns of Canvass

for Party Positions for the Primary Election conducted by manual recanvass in Kings County. Commissioner Morales seconded the motion, which was adopted unanimously.

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

President Shamoun and Secretary Pepe-Souvenir thanked the Brooklyn Staff for conducting this election professionally and diligently, and stated that the Commissioners are pleased with the outcome and all of the hard work that was done.

The Board of Canvassers continued with Queens County.

The Queens County Borough Managers, Amanda Berinato, Chief Clerk and Bart Haggerty, Deputy Chief Clerk and their staff have prepared and signed the Returns of Canvass for the June 27, 2023 Primary Election for certain Party Positions in Queens County, in accordance with the Board's policies and procedures, which were, pursuant to New York State Election Law, the subject of a manual recanvass.

The Queens County Borough Managers confirmed that the results presented are accurate and correct. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Returns of Canvass for Party Positions for the Primary Election conducted by manual recanvass in Queens County. Commissioner Sullivan seconded the motion, which was adopted unanimously.

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

Commissioner Araujo, on behalf of himself and Commissioner Sullivan thanked the Queens Staff for their continued hard work during this period and stated that they look forward to doing it all over again in a few weeks.

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

Commissioner Araujo moved to adjourn the Meeting of the Board of Canvassers and convene the weekly stated meeting of the Board of

Commissioners, in the City of New York. Commissioner Maramorato seconded the motion, which was adopted unanimously.

The meeting of the Board of Canvassers was adjourned.

Following the meeting of the Board of Canvassers, the regular stated meeting of the Board of Commissioners resumed.

Before continuing with the meeting agenda, Mr. Ryan announced that a Special Election has been set by the Governor for the 27th Assembly District in Queens County, to fill the seat vacated by former Assembly Member Daniel Rosenthal who resigned his position on July 14, 2023. The Special Election will be held on Tuesday, September 12, 2023, and the Early Voting period will be held from Saturday, September 2, 2023 through Sunday, September 10, 2023, which includes Labor Day. Early Voting hours will remain the same.

As of last night, there were three candidates participating across four party lines. The filing calendars were posted on the Board's website, at www.vote.nyc, the day that the proclamation was issued, which was July 24, 2023.

The last day to register and be eligible to vote in this contest is Saturday September 2, 2023. The last day to apply for an absentee ballot by mail or online is Monday, August 28, 2023, but you can apply in person until Monday, September 11, 2023. Once again, the last day to register falls on the first day of Early Voting. If someone were to do so, and register at a Poll Site, they would vote by affidavit and the Board would process it accordingly, in the post-election canvass process.

Mr. Ryan continued with item #2 of the meeting agenda, the approval of the minutes of the July 18, 2023 Commissioners Meeting.

Hearing no objections, the minutes of the July 18, 2023 Commissioners Meeting were adopted.

Mr. Ryan continued with item #3 of the meeting agenda, a Ballot Name Change Application for a candidate for the Special Election in the 27th Assembly District.

Mr. Ryan acknowledged the Legal Department and asked that they present the matter before the Commissioners Committee.

Raphael Savino, Deputy General Counsel, presented the matter of Samuel Tzvi Berger, a candidate for the 27th Assembly District in the Special Election. The candidate's registered name is Samuel Tzvi Berger, and has requested that his name instead appear on the ballot as Sam Berger. He believes that there will be no undue confusion and it is a good faith effort to use the name that those in his community are familiar with. The Legal Department did check Mr. Berger's AVID records, and there is no one else by that name registered at the candidate's address and believe that this would not cause any confusion. It is the Legal Department's recommendation that this application be granted.

Commissioner Araujo moved to adopt the recommendation and allow Samuel Tzvi Berger to appear on the ballot as Sam Berger. President Shamoun seconded the motion, which was adopted unanimously.

Hemalee Patel, the Board's General Counsel, addressed the Commissioners Committee regarding the matter of setting a hearing date for the Special Election in the 27th Assembly District. Mrs. Patel stated that as mentioned by Mr. Ryan, three candidates have filed certificates and petitions across four parties, and would like to set the hearings for Tuesday, August 8, 2023. Mrs. Patel also asked that the Commissioners empower a sub-committee in the event that there is no quorum.

Mr. Ryan suggested that the Commissioners establish a committee consisting of the Borough Commissioners or any substitutes.

Commissioner Araujo and Commissioner Sullivan agreed to adopt the recommendation of Mr. Ryan, that the Queens Commissioners will serve as the special committee, or their substitutes, should we not have a quorum.

The hearings on matters relating to the Special Election in the 27th Assembly District have been set for Tuesday, August 8, 2023 at 1:30 P.M.

Mr. Ryan informed the Commissioners Committee that Robert Stephanek, a Manhattan Poll Worker, is present today and has requested to address the Commissioners.

Mr. Stephanek addressed the Commissioners Committee, and stated that he is a Poll Worker Trainer, AD Monitor and Poll Site Coordinator in the Borough of Manhattan and has overseen the Poll Site Elections for the last seven elections at the Hunter College/Brookdale Dorm and there have been problems there that he would like to bring to the attention of the Board.

Mr. Stephanek stated that the Hunter College/Brookdale Dorm has been sleighed for demolition and redevelopment for some time, and recently there has been an initiative signed on to by Governor Hochul and the Mayor as well. Mr. Stephanek stated it seems to him in their tenure there that Hunter has been somewhat delinquent in maintaining the facility, and there have been changing issues relating to site access for voters, poll workers and students alike.

Mr. Stephanek stated that he is preparing a detailed report for Steven Evans, and Shauntrice Jones, in the Manhattan Office, and it is his recommendation that the Board or the Borough Office find a better plan or an alternate site. The information that he has provided today, and the alternate sites recommended to the Board will be included in Mr. Stepanek's detailed report once completed.

Commissioner Umane addressed Mr. Stephanek and asked if these concerns have been raised with the Manhattan Borough Staff, noting that would be the normal channel to follow. The Commissioner stated that he appreciates Mr. Stephanek for appearing today and enlightening the Board and will evaluate the possibilities for November in terms of finding alternate locations. The Commissioner also noted that if the site doesn't work it cannot be used, but it is also a very expensive mailing to move to an alternate site for Early Voting and Election Day.

Mr. Ryan thanked Mr. Stephanek for appearing before the Board today.

Mr. Ryan asked that the Commissioners set the date of the next meeting for Tuesday, August 8, 2023.

Secretary Pepe-Souvenir moved to set the date of the next meeting for Tuesday, August 8, 2023 at 1:30 P.M. President Shamoun 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. Commissioner Araujo seconded the motion, which was adopted unanimously.

Following the Executive Session, the open meeting resumed.

Mr. Ryan reported that there was a personnel matter that was discussed and decided during the Executive Session that will be reported in the minutes as required by law.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday,
August 8, 2023 at 1:30 P.M.