

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 29, 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
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

GUEST: Alan Flacks

*Commissioner Marmorato 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 approval of the minutes of the August 8, 2023 Commissioners Meeting.

Hearing no objections, the minutes of the August 8, 2023 Commissioners Meeting were adopted.

Mr. Ryan continued with item #2 of the meeting agenda, an update on the New York State Election Commissioners Association Summer Conference, that was held on August 15, 2023 through August 18, 2023 in Niagara Falls, New York.

Mr. Ryan stated that he did not attend the conference but there were several staff members who did, including Vincent Ignizio, Deputy Executive Director and Ariel Merkel, ADA Coordinator.

At the Conference, Ms. Merkel gave a presentation on the Americans with Disabilities Act as it applies to Elections, and the special nature of those things. From what has been reported, Mr. Ryan stated that Ms. Merkel's presentation was not only professionally done but also very informative and well received by the other Counties. Mr. Ryan noted that the State Board of Elections has asked specifically for her presentation. The Board is a leader in terms of accessibility for elections in New York State, and that is in no small part due to Ms. Merkel's efforts, and she represents the Board very well.

There were several topics discussed, and the rest of the materials that were disseminated at the conference will be forwarded to the Commissioners for their review.

Mr. Ryan continued with item #3 of the meeting agenda, an update on the September 12, 2023, Queens Special Election in the 27th Assembly District.

Mr. Ryan provided the following update on the Special Election, in the 27th Assembly District in Queens County:

- Early Voting starts on Saturday, September 2, 2023.
- On September 1, 2023, the Poll Sites will be visited and prepared by staff as we've done in past elections, with respect to Early Voting so that everything is prepared for Saturday morning.
- As of the close of business last night, 1,141 absentee ballots were mailed out.
- As of the close of business last night, we have received 124 back.

108 have been deemed valid and 13 have been deemed invalid, with the cure process on going.

- With respect to the election itself, the Board will deliver approximately 183 pieces of equipment to 3 separate sites. For Election Day, approximately 1,192 separate pieces of equipment will be delivered to 22 sites.
- Training is being conducted both in person and online, and assignments for Election Day are ongoing. It is expected that all needs will be met.
- As stated, Early Voting will begin on Saturday, September 2, 2023. The hours and poll site locations can be found on the Board's website at www.vote.nyc, or by contacting the Board's offices both in Queens and New York City.
- Election Day is Tuesday, September 12, 2023.
- For some members of the Queens Staff, Labor Day will be a working day, and there are contractual provisions that provide for employees

working that day, but the Board will certainly meet all of its legal obligations.

This concluded the update on the Special Election, in the 27th Assembly District in Queens County.

Mr. Ryan added item #5 to the meeting agenda, the report of the Finance Committee. Mr. Ryan acknowledged Sherwin Suss, the Agency Chief Contract Officer, to present the report to the Commissioners Committee.

Mr. Suss addressed the Commissioners, and presented the following 3 items that were discussed at the Finance Committee Meeting:

1. **Raj Somas d/b/a RUSD Solutions**

This is a contract to provide Automox cloud software which automates software patching minimizing the risk of cyber attacks and data breaches agency wide. This contract was procured through the M/WBE noncompetitive small purchase method pursuant to section 3-08 of the Procurement Policy Board Rules. 15 vendors were solicited, and the lowest priced vendor was selected. This is a three-year contract with a total not to exceed amount of \$281,250.

Commissioner Umane stated that the Finance Committee unanimously recommends this to the full Board of Commissioners after questioning and the review of the particulars of this contract.

2. **Uber for Business**

This is a contract to provide after-hours car service to BOE staff when authorized by Board Policy and Comptroller's Directive 6. This contract was procured through competitive sealed bidding. Solicitations were sent to 6 vendors and the solicitation was advertised in the City Record. 3 responses were received and reviewed by a committee of BOE staff. The committee scored the respondents on experience, ease of use of the platform and reporting capabilities. Pricing was later scored by the Procurement Department. The vendor providing the best value to the Board and the City was selected. This is a four-year contract with an estimated cost of \$250,000 per year for a total not to exceed amount of \$1,000,000.

Commissioner Umane Stated that the Finance Committee also unanimously recommends this contract to the full Board of Commissioners.

3. **Canon Solutions**

This is the contract which provides the lease for the print shop equipment. This is a request to raise the current contract ceiling. The printing last year for 8 unscheduled election events and move to more color printing has caused the Board to incur overage charges under the lease. To pay for additional charges and to fund the remainder of the contract term through April 2024, it is requested that the contract ceiling be increased an additional \$606,978. This would bring the contract ceiling to a total not to exceed amount of \$2,610,010.

Commissioner Umane Stated that the Finance Committee also unanimously recommends this contract to the full Board of Commissioners.

Commissioner Marmorato appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes. Commissioner Sullivan was not yet present.

There being no objections, and by a unanimous vote of the remaining Commissioners, the Finance Committee report was adopted.

Mr. Ryan acknowledged a member of the public, Alan Flacks, who has requested to address the Commissioners regarding public access.

Mr. Flacks inquired about the security procedures in place for members of the public. Mr. Ryan confirmed that members of the public are required to access the Board from the 32 Broadway entrance.

Mr. Flacks noted that he spoke with the Board's Records Access Officer regarding a FOIL request and will submit his request directly to him.

Mr. Flacks' had a third inquiry regarding the State Board of Elections' recent selection of a touchscreen voting machine for disabled voters.

Mr. Ryan informed Mr. Flacks that when the time is appropriate, the Board will evaluate all of the approved machines; moving forward, if we are in a position where we need to replace our voting machines. As done in the past for acquisitions at that level, it would require a series of meetings including a full public demonstration of those that are interested. Mr. Ryan stated that this has not been fully discussed with the Commissioners as of yet and the matter will not be addressed before the upcoming Presidential Primary Election. Mr. Ryan further

noted that the discussion on the selection of a new voting machine is a bit premature at this time.

Mr. Ryan asked that the Commissioners set the next meeting date for Tuesday, September 5, 2023.

Commissioner Umane moved to set the date of the next meeting for Tuesday, September 5, 2023 at 1:30 P.M., and adjourn the open meeting and convene an Executive Session to discuss personnel matters. President Shamoun seconded the motion, which was adopted unanimously.

Following the Executive Session, the open meeting resumed.

During the Executive Session, the following actions were taken by the unanimous decision of the Board of Commissioners:

1. Shanette Brown, an Administrative Assistant was granted 210 hours of an advance of sick time. The effective date of this grant is August 17, 2023. Ms. Brown's agency start date is January 27, 2008.

2. Michael Corbett, was appointed as the Administrative Manager effective September 17, 2023, at an annual salary of \$146,871.00.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, September 5, 2023 at 1:30 P.M.