

MEETING OF THE BOARD OF CANVASSERS  
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, FEBRUARY 28, 2017  
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 Frederic M. Umame  
                  Secretary Rosanna Vargas

Commissioners Jose Araujo, John Flateau, Lisa Grey, Maria R. Guastella,  
Michael Michel, Michael Rendino, Alan Schulkin, Simon Shamoun

Michael J. Ryan, Executive Director  
Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Georgea Kontzamanis, Operations Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel  
Nina M. Crispino, Director, Personnel  
Valerie Vazquez, Director, Communications & Public Affairs  
Troy Johnson, Coordinator, Candidate Records Unit  
Rayvon Weaver, Project Coordinator, Candidate Records Unit  
Rachel Torres, Administrative Assistant, Candidate Records Unit  
Parnell Sena, Clerk, Candidate Records Unit  
Gregory Lehman, Chief Clerk, Manhattan Office  
William Anthony Allen, Deputy Chief Clerk, Manhattan Office  
Bart Haggerty, Deputy Chief Clerk, Queens Office  
Robert Pataky, Administrative Associate, Queens Office  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Katharine Loving, NYC Campaign Finance Board  
                  Kate Doran, LWVNYC  
                  Cathy Gray, LWVNYC  
                  Rosemarie Hameed  
                  Alan Flacks, Member of NY County Democratic Committee

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President Umane called the meeting to order at 1:36 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Sections 9-204, 9-210 and 9-212, President Umane called the Meeting of the Board of Canvassers in the City of New York to certify the February 14, 2017 Special Election in the 9<sup>th</sup> Council District in New York County, and to certify amended Statements and Returns of Canvass for some offices in Queens and New York Counties, and the amended recapitulations of those affected contests which cross county boundaries in the November 8, 2016 General Election.

President Umane designated Commissioner Michel to serve as the second signature on each of the Statements and Returns of Canvass and related Recapitulation Statements.

Secretary Vargas designated the New York County Democratic Commissioner to serve with her as the second signature on the Statement and Return of Canvass for New York County and multi-county Recapitulation Statements, and Commissioner Araujo as the second signature on the Statement and Return of Canvass for Queens County.

The Chief Clerk and Deputy Chief Clerk of Manhattan and their staff have prepared and signed the Returns of Canvass for the February 14, 2017 Special Election conducted in the 9<sup>th</sup> City Council District in Manhattan. Mr. Lehman and Mr. Allen presented them to the Canvassing Board for review and approval. Mr. Lehman and Mr. Allen confirmed that the results presented are accurate and correct, there are no discrepancies, and the audit of voter verifiable audit records for both poll site and central count scanners required by Section 9-211 of the NYS Election Law have been successfully completed. Based on that report, Commissioner Schulkin moved that the Board of canvassers certify the Return of Canvass for the February 14, 2017 Special Election for the 9<sup>th</sup> Council District in Manhattan. President Umane seconded the motion, which was unanimously adopted.

President Umane reported that Executive Management received a letter from the Nassau County Board of Elections congratulating the Board for a pristine execution of the February 14, 2017 Special Election. President Umane thanked the Board staff for their hard work.

President Umane reported that the November 8, 2016 General Election included the Election for President of the United States which

always generates a high voter turnout. Throughout this process, the Board's goal, as it always is, was to ensure that every vote be counted accurately and correctly. Recently, the Board's staff determined that some ballots cast in New York and Queens Counties may not have been properly recorded. Mr. Lehman and Mr. Allen verbally presented their report to the Board of Canvassers. Mr. Lehman reported that post election activities were relocated from the Borough Office to the Voting Machine Facility. Over 80,000 pieces of paper (absentee and affidavit ballot envelopes) were received in the Borough Office and was moved to the VMF where the opening was conducted. There was one (1) ballot that was found which was submitted timely. Based on the report provided by the Chief Clerk and Deputy Chief Clerk of Manhattan, they presented the signed Amended Statement and Returns of Canvass for the General Election conducted in New York County on November 8, 2016 for the affected public offices. Mr. Lehman and Mr. Allen confirmed that the results presented are accurate and correct, all provisions of the NYS Election Law and this Board's Policies and Procedures were complied with, and there are no further discrepancies to report. Based on that report, Commissioner Schulkin moved that the Board of Canvassers certify the Amended Statements and Returns of Canvass for the General Election conducted in New York County on November 8, 2016 for the public officers set forth

therein as a result of one (1) additional ballot that was found. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Haggerty, Deputy Chief Clerk, and Mr. Pataky, Administrative Associate on behalf of the Chief Clerk, of the Queens Office verbally presented their report to the Board of Canvassers. Mr. Haggerty reported that the Candidate Records Unit received an inquiry concerning write-in candidate Ariel Cohen. Mr. Cohen's votes were canvassed, but not all were attributed to him. Some votes were listed "as scattered." Nine (9) votes were cast particularly for Ariel Cohen. Based on the report provided by Mr. Haggerty and Mr. Pataky of the Queens Office, they have prepared and signed the Amended Statements and Returns of Canvass for the General Election conducted in Queens County for President and Vice President of the United States. They were presented to the Canvassing Board for review and approval. Mr. Haggerty and Mr. Pataky confirmed that the results presented are accurate and correct, all provisions of the NYS Election Law and Board's Policies and Procedures were complied with, and there are no further discrepancies to report to the Board. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Amended Statement and Return of Canvass for the General

Election conducted in Queens County on November 8, 2016 for Electors for President and Vice President of the United States. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Richman called the list of offices that were voted upon at the November General Election in New York and Queens Counties, and all or part of more than one other County within the City of New York that are affected by the Amended Certification. The following public offices that are affected by the adoption of the New York and Queens Counties Amended Canvass since these offices are elected in districts that extend beyond the boundaries of a single County and they appeared on the November 8, 2016 General Election ballot – Electors for President/Vice President of the United States, United States Senator, and Representative in Congress for the 12<sup>th</sup> Congressional District. No election outcomes were changed. Mr. Johnson presented the Amended Recapitulation Statements and Returns of Canvass for the General Election conducted on November 8, 2016 for those offices that were presented by Mr. Richman. Mr. Johnson confirmed that the Amended Recapitulation Statements and Returns of Canvass accurately and correctly reflect the Amended Statements and Returns of Canvass for each contest as certified as amended by the Canvassing Board today. Based on that report, Commissioner Araujo moved to approve and adopt

the Amended Recapitulation Statements and Returns of Canvass for the General Election conducted on November 8, 2016 for those offices listed in Mr. Richman's report. Commissioner Flateau seconded the motion, which was unanimously adopted.

Commissioner Flateau moved to authorize the use of the Commissioners' signature stamps as appropriate on each Statement and Return of Canvass. Commissioner Grey seconded the motion, which was unanimously adopted.

Commissioner Grey moved to adjourn the meeting of the Board of Canvassers and convene the stated meeting of the Commissioners of Elections in the City of New York. Commissioner Araujo seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to adopt the minutes for the February 21, 2017 meeting. Commissioner Schulkin seconded the motion, with Commissioner Michel abstaining. The motion was adopted.

President Umane recognized Robert Morgan, a member of the public, who challenged the voter registration of Georgia M. Palmieri,

D.O.B. 3/9/1944, 200 East 90<sup>th</sup> Street, Apt. 22E, New York, NY 10128.

Mr. Morgan explained that he believes that Ms. Palmieri is not qualified to be registered in her Election District in Manhattan. She has not voted since 2008 and is registered in the State of New York and the State of Florida.

Mr. Morgan noted that Ms. Palmieri is currently a Committee Member of the private Metropolitan Republican Club in Manhattan. Mr. Morgan submitted copies of Ms. Palmieri's voter registration information to the Commissioners for review. Mr. Richman reported that according to the law, someone can be registered in more than one (1) state, but they cannot vote twice for the same election. Mr. Morgan submitted his signed "Challenge to a Voter Registration" affidavit to the Commissioners. Pursuant to the provisions of Section 5-220(1) of the New York State Election Law, Mr. Morgan swore before the Commissioners challenging the voter registration of Georgia M. Palmieri, D.O.B. 3/9/1944, 200 East 90<sup>th</sup> Street, Apt. 22E, New York, NY 10128. This voter will be placed on the Challenge List in accordance with Section 5-220(2) of the NYS Election Law. The Commissioners directed for a bi-partisan team in the Manhattan Office to conduct the required inquiry into these challenges pursuant to the provisions of Article 5 of the New York State Election Law. This matter will be reported back to the full Board.

President Umane recognized Alan Flacks, a member of the public, who spoke about the topic of people being registered in more than one (1) state.

President Umane noted that Mr. Ryan joined the meeting.

President Umane reported that there will be an Executive Session for personnel matters.

Mr. Ryan reported that the New York State Government Education and Information Day is scheduled for March 28, 2017 in Albany, NY. He has re-circulated the Board's Legislative Proposals to the Commissioners and is currently working on editorial revisions.

Mr. Ryan reported that he received a letter from the Commissioner of the Nassau County Board of Elections thanking the Board for the opportunity to observe the Election Night Reporting (ENR) process on February 14, 2017 Special Election Day. Copies of the letter were circulated to the Commissioners.

President Umane recognized Rosemarie Hameed, a member of the public, who spoke about the February 14, 2017 Special Election in New York County.

Commissioner Grey moved to convene an Executive Session for purposes of personnel. Secretary Vargas seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and Mr. Ryan reported the following actions that were taken in Executive Session:

- I. The Commissioners unanimously granted an advance of 84 hours to Brendaliz Candelaria, Deputy Chief Clerk in the Bronx Office. Ms. Candelaria's agency start date was May 29, 2016;
- II. The Commissioners unanimously granted an advance of six (6) weeks of discretionary time to Anthony Ribustello, Deputy Chief Clerk in the Bronx Office. Robert Siano was appointed as Acting Deputy Chief Clerk in the Bronx Office, and his term will be terminated upon Mr. Ribustello's return to the office.

President Umane moved to adjourn the meeting. Commissioner Guastella seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on March 7, 2017 at 1:30 P.M.