

MEETING OF THE BOARD OF CANVASSERS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, JULY 30, 2024 AT 1:00 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 Frederic M. Umane

Commissioners Jose M. Araujo, \*Michael J. Coppotelli, Carol R. Edmead, Gino A. Marmorato, 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  
Eric Butkiewicz, Associate General Counsel  
Steven B. Denkberg, Counsel to the Commissioners  
Kenneth Moltner, Counsel to the Commissioners  
Troy Johnson, Coordinator – Candidate Records Unit

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

\* Commissioner Coppotelli, Commissioner Sileo and Commissioner Sullivan appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

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Mr. Ryan called the meeting to order and turned the meeting over to President Pepe-Souvenir to convene a Meeting of the Board of Canvassers, in the City of New York to certify the remaining offices that were not certified previously for the June 25, 2024 Primary Election.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, President Pepe-Souvenir 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 25, 2024 Primary Election for certain Party Positions.

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

Commissioners appearing remotely have been provided a copy of the Returns of Canvass in advance.

The New York County Borough Managers, Stephen Evans, Chief Clerk and Rhonda Evans, Acting Deputy Chief Clerk, introduced themselves for the record.

The Chief Clerk and Acting Deputy Chief Clerk of Manhattan and their staff have prepared and signed the Returns of Canvass for the June 25, 2024 Primary Election for certain Party Positions in accordance with this Board's Policies and

Procedures, which were, pursuant to New York State Election Law, the subject of a manual canvass.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Manhattan Chief Clerk and Acting Deputy Chief Clerk confirmed that the results presented are accurate and correct, the discrepancies have been detailed in the report provided to the Commissioners and confirmed that the discrepancies did not change the outcome of the manual canvass or any of the contests previously certified by this Board.

Based on that report, Secretary Umane moved that the Board of Canvassers certify the Returns from 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.

Secretary Umane asked that the Manhattan Borough Managers thank the staff for their hard work and diligence.

The Kings County Borough Managers, Salvatore Barrera, Acting Chief Clerk and Khadijah Overstreet, Senior Administrator, introduced themselves for the record.

The Acting Chief Clerk and Senior Administrator of Brooklyn and their staff have prepared and signed the Returns of Canvass for the June 25, 2024 Primary Election for certain Party Positions in accordance with this Board's Policies and Procedures, which were, pursuant to New York State Election Law, the subject of a manual canvass.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Brooklyn Acting Chief Clerk and Senior Administrator confirmed that the results presented are accurate and correct, and there are no discrepancies to report to the Board.

Based on that report, Commissioner Shamoun moved that the Board of Canvassers certify the Returns of Manual Canvass for Party Positions conducted in Kings County. Secretary Umane 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 Pepe-Souvenir thanked the Brooklyn Staff for all their hard work on conducting this canvass. Commissioner Shamoun thanked the Brooklyn Borough Managers and staff for doing an excellent job with getting everything up to speed, especially with the extra work with the cures, and thanked the staff for an outstanding job this go around.

The Queens County Borough Managers, Amanda Berinato, Chief Clerk and Bart Haggerty, Deputy Chief Clerk, introduced themselves for the record.

The Chief Clerk and Deputy Chief Clerk of Queens and their staff have prepared and signed the Returns of Canvass for the June 25, 2024 Primary Election for certain Party Positions in accordance with this Board's Policies and Procedures, which were, pursuant to New York State Election Law, the subject of a manual canvass.

The Returns of Canvass were presented to the Canvassing Board for review and approval.

The Queens Chief Clerk and Deputy Chief Clerk confirmed that the results presented are accurate and correct, and there are no discrepancies to report to the Board.

Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Returns of Manual Canvass for the Party Positions conducted in Queens County. Secretary Umane 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 Marmorato moved to authorize the use of the Commissioners' electronic signatures as needed and appropriate on each Statement and Return of Canvass. Secretary Umane seconded the motion, which was adopted unanimously.

Secretary Umane moved to adjourn the Meeting of the Board of Canvassers, in the City of New York. Commissioner Shamoun seconded the motion, which was adopted unanimously.

The meeting of the Board of Canvassers was adjourned.

Mr. Ryan continued with item #2 of the meeting agenda, the approval of the minutes of the July 16, 2024 Commissioners Meeting.

Hearing no objections or amendments, the minutes of the July 16, 2024 Commissioners Meeting were adopted.

Mr. Ryan continued with item #3 of the meeting agenda, Ballot Matters Pertaining to State Senate Candidate Woodrow Hines in the 31<sup>st</sup> Senatorial District and Member of the Assembly Candidate Kenneth Burgos in the 85<sup>th</sup> Assembly District for the November 5, 2024 General Election. Mr. Ryan stated that this item is for informational purposes.

To advise the Board, Mr. Ryan stated that there was a candidate by the name of Woodrow Hines in the 31<sup>st</sup> Senatorial District who has subsequently filed with the Board a notarized letter indicating that he is ineligible for the district, that he is “technically disqualified” from running for that seat because he does not live in that district and has requested that his name be removed from the ballot for the November election.

In the second matter, Assemblymember Kenneth Burgos has resigned his seat to accept a position in outside employment and consequently is not running for

reelection for his seat in the 85<sup>th</sup> Assembly District. The party has exercised the Committee to Fill Vacancies and filed a Certificate of Nomination for Emerita Torres to replace Mr. Burgos on the ballot.

Secretary Umame asked if this is the appropriate procedure, and questioned if it was too late to resign and pull out of the position. Mr. Butkiewicz advised the Commissioners that it wasn't just the resignation, Mr. Burgos moved outside of the County, which even in a redistricting year he would be ineligible to hold the office.

Secretary Umame stated that the fact that he moved out of the County and took another job, at this stage he believes that the proper way to get off the ballot once you're on the ballot, unless you're nominated for a higher office, you were essentially stuck unless you were essentially dead or somehow otherwise unable to serve.

Mr. Butkiewicz stated that § 6-148 of the NYS Election Law pertains to filling vacancies due to disqualification, and § 6-158 pertains to filling and filing deadlines for such certificates to fill those vacancies.

Mr. Ryan indicated that Mr. Burgos' statement of disqualification states, "In particular, I have relocated my permanent residence to", an address in New



Rochelle, New York and “possess no intent to return” to his previous residence in the Bronx.

Mr. Butkiewicz also noted that the constitutional provision for Assembly and Senate is a one-year residency requirement, so they would not be eligible to be seated.

After hearing both matters and reviewing the sections cited in the statute, the Commissioners decided to table these items until the next meeting. The Office of the General Counsel will prepare a brief summary for the legal justification to determine the permissibility of what’s being proposed. The summary will be circulated to the Commissioners for their review and consideration in advance of the next meeting.

Secretary Umane stated that he sent an email to the Commissioners and would like to add to the Board’s list of potential legislative changes, an issue having to do with the hand counting of certain party positions. The Commissioner stated that there was an editorial in the newspaper regarding one of the Brooklyn districts and a state committee position where there were three candidates running, two females and one male. One of the female candidates “ran away” with the election, and the Board had to do a hand count for the male and other female even

though she did not qualify for the position, because it was a female slot and a male slot, but the hand count was still required because of the statute.

Secretary Umare noted that the current legislation requires a hand count for party positions and sometimes there are very few votes cast, it would make sense for there to be a review of that section and recommended that the Commissioners look into it and add it to the Board's legislative agenda.

Secretary Umare recalled that in the past the Board would go to Albany, New York for a Legislative Education Day where the Board would meet with the Chair and ranking members of the two election law committees, host a luncheon for the New York City elected's and then meet with the Governor's election law counsel to indicate certain changes that we thought would be appropriate. Secretary Umare suggested that the Board try to get a date in April after the budget is done, and that we ask counsel to think about those matters that should go into our legislative package, and this matter should be one that we consider.

Mr. Ryan informed Secretary Umare that there were issues associated with that particular contest prior to the election. There was some question whether or not the male candidate had to be listed on the ballot, considering the fact that there was no opponent. There was some back and forth with the State Board of Elections, and the thing that changed the circumstances from before is that

individuals do not have to make a designation, male or female. The current state of the election law doesn't match up squarely with the male/female designation. The Board was told by the SBOE that we had to include all three individuals on the ballot whereas in the past we would not have included, in this case, the male candidate on the ballot because there was no other male running against him. There is some room for a relook at the new statute to see if there is a way for us, collectively, the State Legislature and the Boards of Elections to figure out a way to more accurately interpret reality in the statute.

President Pepe-Souvenir moved to set the date of the next meeting for Tuesday, August 13, 2024 at 1:00 P.M., and adjourn the open meeting and convene an Executive Session to discuss personnel matters. Secretary Umane seconded the motion, which was adopted unanimously.

Following the Executive Session the open meeting resumed.

The following action was taken by the unanimous decision of the Board of Commissioners:

- Fresnel Augustin, a Financial Clerk, was granted 210 hours of an advance of sick time. The effective date of the grant is August 8, 2024. Mr. Augustin's agency start date is February 25, 2013.

The meeting was adjourned.

The next stated meeting of the Commissioners of Elections is scheduled for  
Tuesday, August 13, 2024 at 1:00 P.M.