

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 28, 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 Coppotelli, Carol R. Edmead, *Gino A. Marmorato, Jodi Morales, Keith Sullivan, *Frederic M. Umame

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
Sherwin Suss, Agency Chief Contracting Officer

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

GUEST: Kate Doran, The League of Women Voters

Mr. Ryan opened the meeting and added item #3 to the meeting agenda, the Report of the Finance Committee.

Mr. Ryan continued with item #1 of the meeting agenda, the approval of the minutes of the March 14, 2023 Commissioners Meeting.

For the March 14, 2023 Commissioners Meeting, Commissioner Sullivan was not present, and Commissioner Coppotelli, Commissioner Marmorato, and Commissioner Umame appeared remotely, but not at a publicly accessible location, and therefore did not cast any votes.

Commissioner Umame moved to adopt the minutes of the March 14, 2023 Commissioners Meeting. President Shamoun seconded the motion, with Commissioner Sullivan abstaining, the motion was adopted unanimously.

The minutes of the March 14, 2023 Commissioners Meeting were approved.

Mr. Ryan continued with item #3 of the meeting agenda, the Finance Committee Meeting Report. Mr. Ryan noted that this report is inclusive of reports that occurred over several meetings of the Finance Committee, but we now have a quorum to approve these matters.

Mr. Ryan acknowledged Sherwin Suss, the Agency Chief Contracting Officer, to present the report before the Commissioners Committee.

It was also noted that although Commissioner Marmorato is not voting today, there are three items of this report that the Commissioner recused himself

from, and did not participate in any conversations or deliberations with respect to the Finance Committee on those matters.

Mr. Ryan asked that Mr. Suss indicate the three items that Commissioner Marmorato has recused himself from, for today's record.

Mr. Suss stated that Commissioner Marmorato recused himself and did not participate in conversations or deliberations regarding Quadient Inc., Canon Solutions and Lazer Innovative Packaging.

Mr. Suss indicated that the following three items were already approved by the Finance Committee, and are being presented before the full Board for approval:

Quadient Inc.

This is a contract to renew the leases on the postage metering and mailing system used in borough and general office. The agency uses 6 of these systems. This contract was procured using an inter-governmental purchase under PPB rule 3-09. The Board is using the Sourcewell contract which is a purchasing cooperative created by the State of Minnesota of which the Board is a member. This is a 3 year contract with a not to exceed amount of

\$132,543.00. The new contract amount represents a \$1,053.36 yearly increase from the current contract.

Mr. Suss also noted that this contract is negotiated by the state of Minnesota through a cooperative sealed bid. As a part of the Procurement Policy Board Rules, in order for the Board to use this intergovernmental contract, it has to have the same type of competitive seal bidding that would have been done under our Procurement Policy Board Rules in order to qualify, and this did qualify.

Mr. Ryan noted that these mail sorting machines were procured during the COVID-19 emergency when the Board received an excessive number of absentee ballot returns, which allowed the boroughs to be able to sort through that documentation quickly, and made the process easier. Although the machines were procured during the emergency, they are now a part of the ongoing process.

Mr. Suss further noted that DCAS uses this contract as well.

Mr. Suss continued with the second item of the report:

Canon Solutions

This is a contract to replace the Board's fleet of copy machines currently located in every office. This is a new 3 year lease for one to one replacement with new more efficient model of the current units. The new lease will be through the DCAS requirements contract. The new lease will save the Board \$95,393.88 during the term as compared to the current lease. The not to exceed amount for this contract is \$461,776.32. This was done through the NYC DCAS requirements contract.

Lazer Innovative Packaging

This is a contract to provide the Board with 1500 black OKI toner cartridges. These are used in the ballot on demand (BOD) printers at the early voting sites. This purchase was done through the M/WBE noncompetitive small purchase method. 7 vendors were solicited and the lowest priced vendor was selected. The not to exceed amount for this contract is \$193,500.00.

Mr. Suss stated that this concludes the three items that were previously presented before the Finance Committee over the past few weeks.

The following items are being presented for approval today:

Kidault Kar LLC

This is a contract to provide afterhours car services to the Board. This service is used by Manhattan, General Office, Brooklyn VMF and some rides for Queens Borough Office. This contract was procured through the small purchase noncompetitive M/WBE process. The process was recently amended in January 2023 to increase the M/WBE limits from \$500,000 to \$1,000,000. 5 vendors were solicited and the lowest priced responsible vendor that could perform the services was selected. This is a two year contract through December 31, 2024. The not to exceed amount is \$950,000. The Board used almost \$500,000 with this company last year. In the process of continuing to improve this service there is an RFP pending for a potential multiyear contract where potential proposers included Uber and Lyft. These companies have recently added government divisions to their companies. If these proposals are more beneficial for the Board we can discontinue the use of this contract.

Mr. Suss noted that this contract is used in accordance with the Office of the Comptroller's Directive 6, to provide afterhours car service for Board employees, if the employee meets the requirements of Directive 6.

Tenex

This is a contract to provide online poll worker training. This is the same company the Board has been using for the last 3 years. This contract is being procured through a negotiated acquisition one year renewal under section 4-02 (b)(iii) of the New York City Procurement Policy Board Rules. There is currently an RFP pending for this service which should be completed by late summer or fall of this year. This contract will allow online training for the June and November 2023 elections. The not to exceed amount is \$575,000.

Commissioner Umame added that the Finance Committee has approved all 5 items, and although he cannot vote on this matter, he would like to make a motion to adopt all 5 contracts.

President Shamoun inquired about the timeline for the RFP for the car service contract. Mr. Suss informed the Commissioner that car service RFP was actually due for return during the second week in April, and at that point the evaluation committee will at that time will look at the type of platforms they may have and how they interact. Mr. Suss also confirmed that this is an RRFPP, and not citywide.

With the motion still pending, Secretary Pepe-Souvenir seconded the motion, with the exception of the matters in which Commissioner Marmorato recused himself of and did not participate in conversations or deliberations regarding Quadient Inc., Canon Solutions and Lazer Innovative Packaging, the motion was adopted unanimously.

Mr. Ryan acknowledged Kate Doran, from the League of Women Voters, who would like to address the Commissioners Committee.

Ms. Doran informed the Commissioners Committee that she is a member of the Board of the State League of Women Voters, and the group pays attention to what happens statewide in connection with election law and administration. Ms. Doran stated that they have a concern regarding the law that sunsetted on December 22, 2022. The law permitted voters to apply for an absentee ballot because they feared that they would get sick if they went to the polls to vote in person. Ms. Doran stated that she is aware that the Board does not take positions on legislation, and is also aware that there is some legislation still pending. Ms. Doran stated that her group is curious after checking the Board's website and found that the website still allows within the absentee application portal, the excuse for voters who are afraid of getting sick at the polls. Ms. Doran stated that the League of Women Voters and their colleagues in the good government world are

seeking guidance on how they should respond to voters, noting that voters have gotten used to voting by absentee without having to worry about being out of the county or one of the other constitutional excuses.

Mr. Ryan informed Ms. Doran that the Board is aware of the circumstances with respect to the online portal, which is not presently live or accepting applications. The portal was initially set up as an emergency, and is considered seasonal for the time being, and will be active again once the Board has ballots ready for distribution.

Mr. Ryan further noted that the team of staff that is working on the portal, is also working on another big project that we will be able to announce when the moment in time is appropriate. The team is also working on something else that will be a significant enhancement to the prospective voter experience. The Board staff is working with the New York State Board of Elections with respect to that. Mr. Ryan stated that there are a few things going on, and the Board will make certain that everything meets all of the legal requirements.

With respect to what individuals are eligible to apply for absentee ballots, Mr. Ryan suggested that if Ms. Doran is giving voter education, she should educate the voters as to what the statute says, because whatever the statute says is what the

Board is required to follow. Mr. Ryan also suggested that if her group has some advocacy that they wish to do or is seeking to change the current statute, they should avail themselves of the avenues that they have for legislative change.

Ms. Doran stated that her group has concerns that voters still think that they can avail themselves of an absentee ballot as they did in the past.

Mr. Ryan informed Ms. Doran that the absentee ballot application on the electronic portal will not permit the voter to move past the sections. If the voter does not have a choice that they are eligible to choose, they will not be able to complete the absentee ballot application. The absentee ballot application forms will be printed as they have been in the past, in accordance with the statutory requirements, if there are other changes the form will be updated accordingly and the voters will have to complete the form based on the new eligibility requirements.

Ms. Doran asked if the Commissioner's Committee list will be published, as stated in a previous meeting. Mr. Ryan informed Ms. Doran that the Board has committee spots that have not yet been filled, that have caused the overall Committees not to be formally approved by the Board of Commissioners. The Board does not officially have formal Committees at this time, and each of the

Committees that had previous titles are operating on an as-needed basis. Once the Committees have been fully constituted, to the extent that they exist, the list will be provided to the public.

Mr. Ryan asked for a motion to set the date of the next meeting for Tuesday, April 4, 2023.

President Shamoun moved to schedule the next meeting date for Tuesday, April 4, 2023 at 1:30 P.M. Commissioner Umane seconded the motion, which was adopted unanimously.

Ms. Kontzamanis informed the Commissioners Committee and members of the public that next week's meeting will be held on the 6th floor, in the EVS Conference Room, because the room that is being used for today's meeting will be used for petitions, and the filing begins on Monday, April 3, 2023.

Mr. Ryan asked if the State Legislature moved the other matter with respect to the last day to file, and if it has moved forward incrementally.

Ms. Kontzamanis informed the meeting group that the State Legislature has moved the bill out of the Elections Committee and posted into the Rules

Committee. It has not moved in the State Senate, but we expect it all to be completed before the end of the week.

If the law is passed, the petition filing period will be extended until Monday, April 10, 2023. The Board will be accepting filings on that Friday, April 7, 2023 as well as that Monday, April 10, 2023, and on that Monday the Board would be open until 12:00 Midnight. It also amended from that earlier version, to minimize the date that signatures are allowed to be accepted on Petitions to that Thursday, April 6, 2023. The last day to collect a Petition signature would be Thursday, April 6, 2023, and the last day to file a Petition would be Monday, April 10, 2023.

This is not the law yet, but is what the law is anticipated to be by the end of the week, and would be in effect for this year only. When this happens, the Board will revise its calendars and post them immediately. Due to the change in law, all of the dates would change including the Commissioners hearing dates.

Mr. Ryan also noted that the 5 boroughs in the City of New York are the only counties that are required by NYS Election Law to remain open until Midnight on the last night of filings. The other 57 counties are trusted to have their filing dates within their discretion, and can be filed by mail.

Secretary Pepe-Souvenir moved to convene an Executive Session to discuss litigation and personnel matters. President Shamoun seconded the motion, which was adopted unanimously.

Following Executive Session, the open meeting resumed.

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

1. Francisca Montoya, a Financial Clerk, was granted 210 hours of an advance of sick time. This grant is effective March 30, 2023. Ms. Montoya's agency start date is September 29, 2008.

The meeting was adjourned.

The next stated meeting of the Commissioners is scheduled for Tuesday, April 4, 2023 at 1:30 P.M.