



BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

NYC

POLL SITE LOCATOR

STREET ADDRESS

BOROUGH

Manhattan



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BOARD OF ELECTIONS
IN THE CITY OF NEW YORK

POLL SITE INFORMATION

NAME: The PALLADIUM

133 East 13th Street
New York, NY 10003

[MAP IT](#)

NUMBER: 11287

ED/AD: 063/66

NOTES: Entrance is located on 13th.
Handicap ramp is on the corner.

★ ★ **NEXT ELECTION: OCT 27, 2012** ★ ★

SAMPLE BALLOT: English



SAMPLE BALLOT: Spanish



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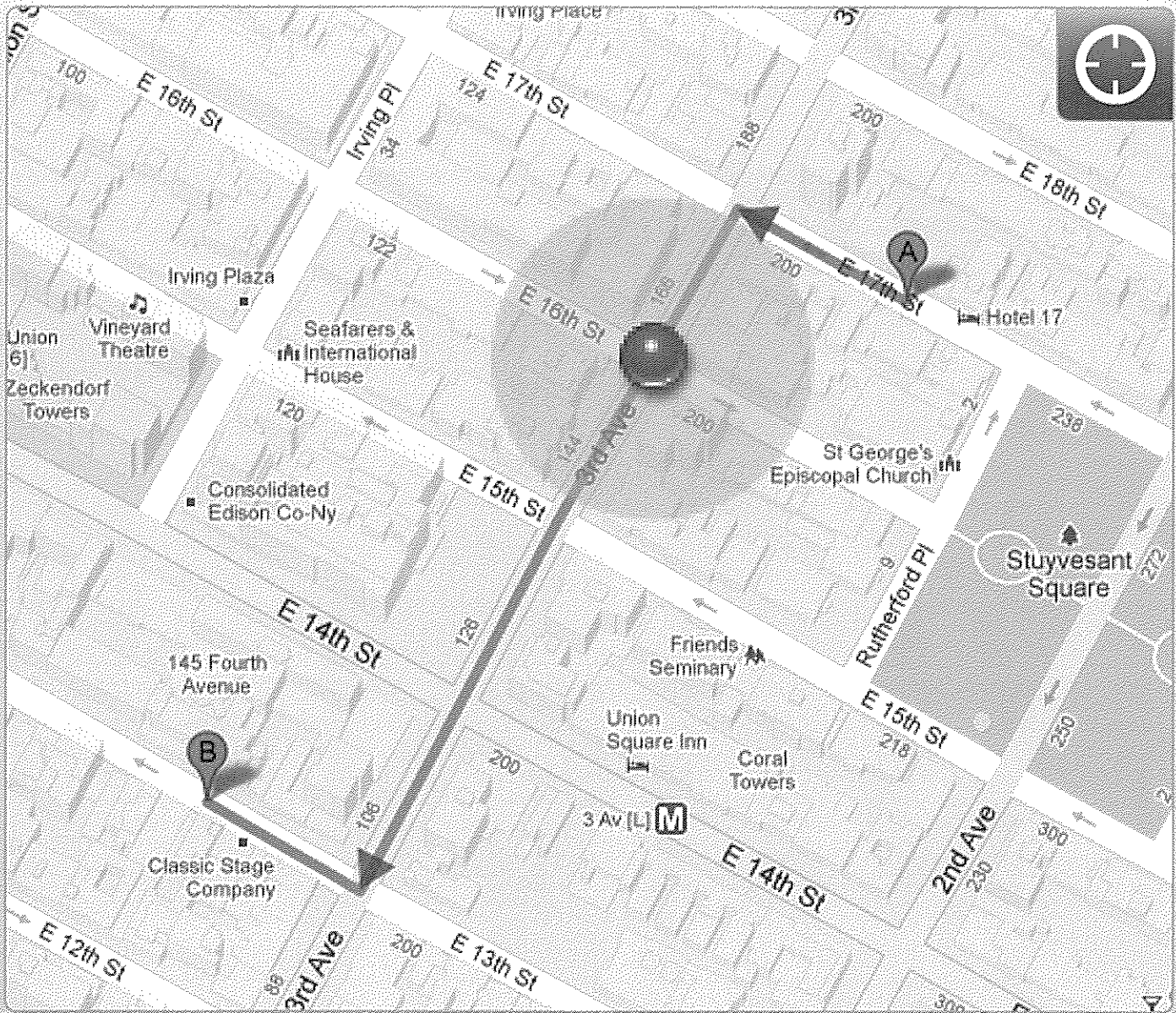
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BOARD OF ELECTIONS IN THE CITY OF NEW YORK

DIRECTIONS



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HOME

ALERTS

3

SETTINGS



ALERTS

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BOARD OF ELECTIONS IN THE CITY OF NEW YORK

Version

1.0

Language: English



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ON

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BOARD OF ELECTIONS IN THE CITY OF NEW YORK



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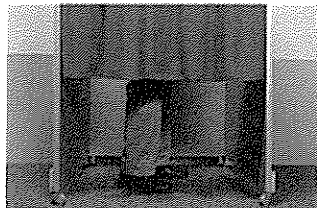
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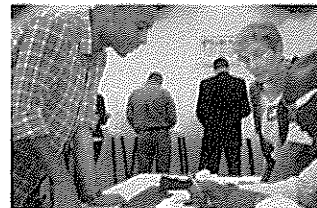


Poll Site Locator & Sample Ballots

Home Address

Borough

Manhattan



Voter Registration Search

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Need to know where to vote and who is on
the ballot. Download the app for your
smartphone and have the answer at your
fingertips
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Important Notices

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**Testimony of New York State Assemblymember Brian Kavanagh
Before the New York City Council Committee on Governmental Operations
August 8, 2012**

Good afternoon, Councilmember Gale Brewer and members of the Committee.

For the record, I'm Brian Kavanagh and I represent the 74th Assembly District on the East Side of Manhattan. I am a member of the Assembly Committee on Election Law and I chair the Assembly's Subcommittee on Election Day Operations and Voter Disenfranchisement.

First, I want to thank you all for the opportunity to testify today, for your attention and oversight over the important details of election procedures, and for your dedication to making elections in New York run more effectively. I'd particularly like to acknowledge and thank you for your approval earlier this year of Council Resolution 1343 in support of my bill, the Election Night Poll Site Procedures Act of 2012 (A10175B/S7709A). Your support was a valuable contribution that helped us pass the bill in the Assembly and gain bipartisan support in the Senate. As I'll discuss in a minute, I believe that it is still critical that we enact this bill into law, and I am optimistic that with your continued support, and that of the many advocates for fair and effective election procedures who have joined us in advocating for the bill, we will be able to do so.

I know today's hearing is intended to cover a wide range of issues related to the performance of the New York City Board of Elections in the June 26th Congressional Primary Election and assessing their readiness for the upcoming September 13th State Primary Election. I'd be happy to share my perspective on any of the issues you're considering today, but my prepared testimony is focused mostly on the procedures for closing poll sites and reporting unofficial results.

In reviewing the closing procedures and how they worked on June 26th and in other recent elections, it is important to focus on two key facts.

First, problems with producing the unofficial election night results required by law have existed for many years. They do not originate with the elimination of lever voting machines and the introduction of optical scanners and paper ballots. There have been significant inaccuracies in the hand-tallied election results for years, long before the new machines were introduced. If anything, the introduction of the new voting machines—with their capacity to produce election night results electronically—should have allowed us to address this long-standing problem rather than exacerbating it.

Second, it's important to recognize the extent to which the Board's interpretation of the election law has hampered the Board's effectiveness. For a long time, the Board has interpreted the law in a manner that has prevented the use of portable memory devices, or PMDs, two of which are included in each ballot scanner, for producing the unofficial election night results. As you probably know, virtually every other jurisdiction has adopted procedures that allow the PMDs to be used for this purpose.

I commend the Board for resolving on July 17, 2012 to adopt new election night procedures that will permit the use of the PMDs to obtain faster and more accurate unofficial election night results. Had these procedures been in place during the June 26th primary, it is likely that the unofficial results, in the 13th Congressional District and elsewhere, would have been far more accurate. The Board's new procedures represent a major step forward for the Board. They represents a fundamental conceptual change: An acknowledgement that the electronic data is the most reliable source and that it is permissible and feasible to use this data to produce the results under current law.

Notwithstanding this step forward, it should be emphasized that the new procedure is at best an imperfect approach, and an interim measure—as the Board has acknowledged.

I am concerned that the Board is not yet fully embracing the potential benefits of the availability of the electronic data, or the most efficient approach to using it.

One of the benefits of the using the electronic results ought to be that the Board need not create results for each Election District manually. Now that the members of the Board have agreed to use the PMDs to provide unofficial results, they should consider also eliminating the manual process of creating an ED by ED tally of votes. This could be accomplished by adopting something called a consolidated return of canvass that would not require ED by ED tallies, and would eliminate the now infamous process of cutting the results tapes into multiple pieces, and much of the arithmetic that is now done by hand by often bleary-eyed poll workers, and manual data entry by police officers.

Another way that the new procedure does not fully capitalize on the benefits of the new technology results from the decision to spread the process over 75 separate police precincts throughout the city. This requires police and staff of the NYC BOE at each of the 75 precincts and also requires that the Board to purchase 150 laptops with expensive licensed software on each of them, just to upload unofficial results (two at each precinct in case one of the laptops fail). This is a very expensive way to accomplish the task. It would be much less expensive if the PMDs were taken to fewer, central locations and probably easier to staff and control quality. I know that the Board has put this process together in a short time and that negotiations with the Police Department, transportation issues, and many other factors played into the decision to do this work at the precinct level, but a longer-term, more effective, and more efficient system would probably involve fewer, more centralized locations.

I would also note that the continued uncertainty about this process, the role of the Police Department versus the Board, and other issues mean that there is still a strong need for legislation to clarify and modernize the law in this area. It is vital for the State Senate to pass the Election Night Poll Site Procedures Act. The bill, which the Board resolved to support in June 19th, passed the Assembly and is sponsored in the Senate by Senator Martin Golden. It would streamline and clarify the election night procedures to be used in New York City, remove any ambiguity about the use of PMDs for unofficial results and the permissibility of a consolidated canvass rather than the cut-and-paste procedures, and streamlines the procedure for reporting results to the press and public.

Aside from modernizing the election night procedure process for New York City elections, I want to mention a few other issues briefly.

One issue, which this Committee has also held hearings on, is the usability of the ballots themselves. It is imperative that we present voters with ballots that are clear and readable. As has been well reported, the ballots currently used in New York are confusing and often use a font so small that even voters with healthy eyesight must squint to read it or use a magnifying glass. To address this, I introduced the Voter Friendly Ballot Act (A7492D), a bill that would simplify the ballot instructions, implement an easy-to-read design, including larger fonts. The bill passed the Assembly and has been the subject of ongoing discussions with the Governor's office and the Senate. I hope this Committee will continue to work on this issue and support reform.

One final issue I want to mention is the need for proper notification of voters about upcoming elections. With all the changes that are taking place this year and next, particularly redistricting, but also the separation of the federal and state primaries to different dates. I believe that some of the confusion voters experienced in June resulted from inadequate and unclear notice to voters about these critical matters. And notices that already have gone out regarding the Fall elections are unclear about who is supposed to vote in primaries and changes in districts and poll sites.

In conclusion, I want to note that although the New York City Board of Elections has principal responsibility for administering effective and fair elections, and for producing results, the rest of us have an ongoing responsibility for overseeing elections and particularly for ensuring that they are adequately funded. I look forward to continuing to work with the Board and all of you to achieve this.

Thank you again for the opportunity to testify today and I'm happy to answer any questions you may have.

Testimony
Senator Adriano Espaillat
Hearing on Board of Elections

The troubles with the Board of the Elections (BOE) are well documented. While the problems did not start this year, they certainly came to a head on June 26th during the Congressional Primary election.

From the reporting of results, to the placement of poll workers, to the treatment of voters who showed up to the polls, the election was mishandled at just about every step. With each horror story coming out, including independent reporting by journalists who uncovered cases of impropriety, it became clearer and clearer that that we need swift and immediate reform.

Missing Election Districts

74 Election Districts reported a grand total of zero votes on election nights. And the BOE proceeded as if that was normal, even as the race was prematurely called, thanks to the skewed and misleading numbers issued by the BOE. The morning after the election, the number began to change drastically and we found out that this was, in fact, a razor thin race.

One reason the missing ED's were especially suspicious and troubling is the fact that a disproportionate number of them came from the 72nd Assembly District; an area where I, the insurgent candidate, did my best. Compared to the Washington Heights area, the East Harlem and Central Harlem saw far fewer ED's missing.

Blame Game by BOE

The BOE tried to blame the poor handling of the election on district leaders in areas like the 72nd Assembly District, which raised even more questions about the BOE's conduct, when it was revealed that the BOE moved or rejected a substantial number of poll workers who generally work in those areas.

Poll Workers and Interpreters

According to data provided by the BOE there were several troubling trends that suspiciously reduced service at poll sites in the Washington Heights area.

There were fewer interpreters than previous years, despite the fact that a heavy turn out by Latino voters was universally anticipate, given the historic nature of the election. In one polling location in Washington Heights – 306 Ft. Washington Ave. – there were no interpreters whatsoever. At sites including 185th Wadsworth Ave., 1370 St. Nicholas Ave., and 1525 St. Nicholas Ave., the number of interpreters was reduced from two (in 2008) to one; and at the 99 Ft. Washington Ave. site the number of interpreters was reduced from three (in 2008) to one.

There were also fewer Spanish speaking poll workers than previous years, despite the increasingly active base of Latino voters and the anticipated high turnout in that community. From 2008 to 2012 the percentage of poll workers who spoke Spanish dropped in numerous polling locations including 1370 St. Nicholas Ave., 99 Hillside Ave.,

560 W. 169th St., 2580 W. 169th St., 2301 Amsterdam Ave., 1525 St. Nicholas Ave., 99 Ft. Washington Ave., and 4630 Broadway.

Equally disturbing was another trend that constituted poll workers who lived in a neighborhood and accustomed to working in that community being replaced by outside poll workers. In one instance, for example, an Inwood polling location (650 Academy St.) in the 72nd Assembly District saw 61% of poll workers coming from the 71st Assembly District, even though the nearest building in the 71st AD was at least eight blocks away. At the 4630 Broadway polling location, 25% (10 out of 40) poll workers came from outside the Washington Heights area (either 72nd AD or 71st AD). A similar trend held true at 2301 Amsterdam Ave.. Inexplicably substituting seasoned poll workers familiar with local voters and local neighborhoods with outside poll workers added to the chaotic nature of the redistricting-year election.

According to the BOE's own numbers, there was also a trend of fewer poll workers at numerous sites in the Washington Heights area and fewer poll workers appointed by the Democratic district leaders – a trend that has never been justified or explained by the BOE. More than 80% of poll workers recommended by Democratic District Leaders were rejected. In at least 10 sites, there were fewer district leader-appointed poll workers than in years past.

Uncounted Votes

According to the Board of Elections as well as independent reporting, there were thousands of votes that were not counted in the 13th Congressional District Primary. This included more than 2,000 votes cast via paper ballot that were tossed out by the Board of Elections for various reasons. A disproportionate number of these negated votes came from the 72nd Assembly District.

Additionally, 436 votes cast in the machines and 78 write-in votes were declared invalid, according to an investigation by the *New York Daily News*. An overwhelming proportion of these votes were cast in the 72nd Assembly District.

The fact that in a hard-fought race where only one contest was on the ballot, over 500 people didn't mark their choice of candidate on ballots cast in the machines, is truly alarming. That over 2,000 paper ballots were disqualified in a race separated by about 1,000 votes is equally troubling and raises serious questions about the assistance provided by BOE staff, the information circulated to voters, and the general handling of this controversial election.

There were more paper ballots cast – and disqualified – in the 13th Congressional District Election than in any other election across the City; a fact that raises serious questions about the conduct of the BOE vis-à-vis the 13th Congressional District.

Pre-Game Meeting

According to an investigative report published in the *New York Daily News*, a top BOE official who would be in charge of overseeing the hand counting of the vote, held a private meeting with one of the campaigns just three days before Election Day. Although there

were four other candidates in the race, only one campaign was afforded this kind of meeting, raising serious questions about the impartiality of the BOE in this election.

No Notifications

With changes to Election Day, district lines, Election District numbers, and polling locations at certain places, it was more crucial than ever to notify voters about the new date and, when applicable, new Congressional District, Election District, and polling location. The BOE, once again failed to do its job and notify the public. The result was rampant confusion at polling places, misinformation, and low voting turnouts across the board.

Reforming the Board of Elections

What's disconcerting is the fact that mishandled elections rob our society of its faith in democracy. To be clear: this is not about who wins or loses. It's about protecting the integrity of the election process – the bedrock of our democracy.

Although there are many serious problems with the Board of Elections, one underlying issue that is perhaps that most glaring is the participation of political bosses in handpicking the Board, even though they have a direct stake in the Board's decisions. This is akin to a pitcher handpicking the home plate umpire before a baseball game. For all we know, the umpire may call balls and strikes fairly. But we don't allow pitchers to pick home plate umpires because the integrity of the game would be shattered.

If we don't want our national pastime to become a joke, what about our democracy?

We simply must take every step to protect the integrity of our democratic system. Some people say you can never take politics out of the BOE's conduct. I propose we at least try.

I will be introducing legislation in the New York State Senate which will enact swift reforms of the makeup and appointment of the Board of Elections. The goal is to remove as much of the "incumbent protection program" as possible and help establish truly neutral referees in the Democratic process and a system that functions independently and without bias.

The legislation we are drafting will amend the election law to take the following measures:

Process of Appointment

The Board of Elections (BOE) will be compromised of five members. Party leaders from each county will no longer be able to appoint Board members. Instead, the mayor and speaker will appoint members of the board and the City Council will approve. The mayor shall appoint two members of the Board. The speaker will appoint two members of the Board. The fifth member of the Board shall be appointed by jointly by the mayor and the speaker. Of the two members appointed by the mayor, each member must be registered in a different political party than the other. Of the two members appointed by the speaker, each member must be registered in a different political party than the other. The member appointed jointly by the mayor and the speaker, who shall be the chairperson, must be registered to a different political party than the immediate previous member appointed jointly by the mayor and the speaker.

Term Length and Limit

Each member of the Board shall be appointed to a three-year term. No member shall serve more than four terms.

Vacancy

In the event of a vacancy, the position shall be filled in the same manner as the original appointment, with respect to whether the mayor or speaker appointed the member previously holding the position or whether the member was appointed jointly by the mayor and the speaker.

Rules and Procedures

The Board of Elections shall promulgate rules and procedures for the conduction of elections and general operations of the BOE, in accordance with state laws.

Qualifications

When appointing members of the Board of Elections, the mayor and the speaker shall take into account relevant qualifications including experience with campaigning and elections, and government reform efforts. Each member shall be registered to vote in the City of New York. No member shall be an officer in a political party or be a candidate for election to the office of mayor, public advocate, comptroller, borough president, or member of city council or participate in an electoral campaign for such offices. No member shall be a lobbyist required to file a statement of registration or be employed by such lobbyist.

Notification

The Board of Elections shall issue written notification informing each voter the date of the upcoming elections and the polling place where each voter may vote at least 30 days prior to the election. The Board of Elections shall issue such notifications electronically in instances when the email addresses are available to the BOE.

These measures are common-sense steps in line with many good-government practices and modeled after structures that already exist, like the Campaign Finance Board of New York City.

Whether it's Mayor Michael Bloomberg calling it "an easily corruptible system" or the City's major editorial pages finally finding something to agree upon in the form of the BOE's massive failures, there is strong consensus in New York City that the time for reform is now.

By taking the aforementioned steps, we can make real progress in fixing this broken system and restoring faith in our democracy.

For the Record

TESTIMONY OF LEO GLICKMAN TO
THE COUNCIL OF THE CITY OF NEW YORK
COMMITTEE ON GOVERNMENT OPERATIONS

August 8, 2012

--- Oversight Hearing- Assessing the Board of Elections' Performance in the 2012 Congressional Primary Election and Preparedness for the Upcoming 2012 New York State Primary Election ---

Good afternoon, I am Leo Glickman and I am counsel to Senator Adriano Espaillat's campaign for Congress, 13th Congressional District.

Up until July 17, when the Commissioners of the New York City Board of Elections voted to bring election night procedures into the 21st Century, we were told that they could not change them because state election law prevented them from doing so. It was a dubious legal analysis, but at least it assured New Yorkers that the Board was faithful to the letter of the law, and were not undertaking a convoluted and error prone election night practice just because it was the way they always did things.

That assurance was misplaced. In fact, the post-election ballot counting regime of the Board of Elections is a largely opaque business that violates the letter and the spirit of transparency captured in the law.

The Election Law requires the Board of Elections to re-canvass the ballots, and sets out a detailed procedure to do so. Specifically, it requires the Board of Elections to review each return of canvass that was filled out by hand on election night and compare it to the results tape that comes from each scanner. In the case of a discrepancy, the Board must correct the

error and detail the correction in writing. I have attached a copy of Election Law §9-208 for your convenience.

The Board must give notice to the candidates about when and where the re-canvass is to take place, and grant them access to the proceedings. Each candidate or her representative has the right to personally examine and make a record of the vote recorded on the result tape. Clearly, this is a procedure designed for full transparency. It gives meaningful access to the re-canvass process, so that all parties can be assured of the accuracy of the count.

The New York City Board of Elections, however, has apparently determined that it will not follow the procedure set forth in state election law. In its "post-election procedures" posted on its web site for public notice, the Board sets out its own re-canvassing procedures. (Relevant pages attached.) It states that the removable memory devices that record the vote tallies from each scanner are to be uploaded into the Board of Elections central computer. Once done, the "system" compares the results that were entered into it on election nights, and generates a report about any discrepancies.

The problems with this re-canvass procedure are two-fold. One, it violates the election law. More importantly, while the procedure set out in the election law offers meaningful access to the candidates and real transparency, the Board's procedure offers no access and no transparency.

In the 13th Congressional District race, campaigns were made to stay more than 15 feet away while the vote tallies from the memory devices were uploaded into the system. Frankly it was just as well, because no matter how close, watching multiple computers upload into a

centralized system would have offered no opportunity to actually observe the computer captured results. In this past election there was no meaningful outside monitoring of the accuracy of the canvass or re-canvass, and campaigns had no choice but to take it on faith that the Board of Elections got it right.

And that's unsettling, especially in light of the fact that after all the paper ballots were counted and it appeared the count was completed, the numbers continued to change.

I would also like to take this opportunity to address the meaningless public notice the New York City Board of Elections gives when it undertakes certain procedures. The election law requires that the board of Elections give 5 days notice to campaigns, among others, as to the time and place of the re-canvass. This year, the Board of Elections notified the campaigns that re-canvassing would begin at 9 a.m. on June 27, just 12 hours after the polls closed. (The Notice attached.)

Of course, the re-canvass did not and could not have begun at such time, because all those materials have to make it back to the borough board of elections. Moreover, before the re-canvass takes place, the Board of Elections must first canvass the votes at the borough offices. This year, *the canvass* in Manhattan started at approximately 4 pm on June 28. This is through no fault of Board of Elections staff, it takes time to bring all those materials in and set them up. I actually do not know when and if the re-canvass occurred.

The problem is the notice. The Board of Elections staff says that the re-canvass "starts" when the machines and materials start coming back to the Board of Elections Borough offices. This explanation defies election law, common sense, and any notion that the Board of Elections

is actually a taxpayer funded agency designed to serve the public. It's hostile, and it seems designed to make it difficult for the outside world to watch what is going on there. Surely, in this day and age, the Board of Elections can send an email to all interested parties required to receive notice that the procedure is to begin at a time and date certain. It would be a public service that would be perfectly consistent with election law, which certainly does not prohibit additional and more current notice.

I thank the committee for the opportunity, and can take any questions.

§ 9-208. Provisions for recanvass of vote in every election district in the state; procedure in case of discrepancy

1. Within fifteen days after each general, special or primary election, and within seven days after every village election conducted by the board of elections at which ballot scanners are used, the board of elections, or a bipartisan committee of or appointed by said board shall, in each county using ballot scanners, make a record of the serial number of each ballot scanner used in each election district in such general, special or primary election. No person who was a candidate at such election shall be appointed to membership on the committee. Such board of elections or bipartisan committee shall recanvass the tabulated result tape from each ballot scanner used in each election district by comparing such tape with the numbers as recorded on the return of canvass. The said board or committee shall also make a recanvass of any election day paper ballots that have not been scanned and were hand counted pursuant to subdivision two of section 9-110 of this article and compare the results with the number as recorded on the return of canvass. The board or committee shall then recanvass write-in votes, if any, on ballots which were otherwise scanned and canvassed at polling places on election night. The board or committee shall validate and prove such sums. Before making such canvass the board of elections, with respect to each election district to be recanvassed, shall give notice in writing to the voting machine custodian thereof, to the state and county chair of each party or independent body which shall have nominated candidates for the said general or special election or nominated or elected candidates at the said primary election and to each individual candidate whose name appears on the office ballot, of the time and place where such canvass is to be made; and the state and county chair of each such party or independent body and each such individual candidate may send a representative to be present at such recanvass. Each candidate whose name appears on the official ballot, or his or her representative, shall have the right personally to examine and make a record of the vote recorded on the tabulated result tape and any ballots which were hand counted.
2. If upon such recanvass, it shall be found that the original canvass of the returns of an election district has been incorrectly made from any tabulated result tape plus any ballots which were hand counted, a statement in writing shall be prepared giving the details for any corrections made for such election district. The result of the recanvass, and such statement shall be witnessed by the persons required to be present and shall be filed with the board of elections. Such recanvass of votes made pursuant hereto shall thereupon supersede the returns filed by the inspectors of election of the election district in which the canvass was made.
3. If upon the recanvass of an election district, it shall be found that a discrepancy exists between the number of voters who cast a vote in an election district and the number of votes recorded on the tabulated results tape plus any election day paper ballots counted by hand the board of elections, or the committee thereof, shall proceed thoroughly to examine all the election day paper ballots in that election district to determine the result from such election district. The result of this examination of election day ballots shall supersede the returns filed by the inspectors of election of the election district in which the canvass was made. After the completion of such examination, the board of elections, or the committee thereof, shall then and there prepare a

statement in writing giving in detail the result thereof, and such statement shall be witnessed by the persons required to be present and shall be filed in the office of the board of elections.

Credits

N.Y. Elec. Law § 9-208 (McKinney)

11.0 Re-Canvass of Pollsite Ballots

11.1 Purpose & Assumptions

[Election results received from the NYPD system, as inputted from the Return of Canvass sheets, as well as the election results received from the PMDs are both stored in S-Elect (the Board's election results management system). The system compares these two results and generates a discrepancy report where the totals for any candidate are different. Bipartisan teams of borough personnel review the discrepancy report and attempt to resolve the discrepancies by reviewing the relevant scanner Results Report Tapes printed on Election Day.] If the borough personnel discover any discrepancy between the PMD report and the scanner tapes, the borough staff note the discrepancy and continue to the conclusion of the re-canvass. If at the end of the re-canvass the discrepancy would change the winner of a contest, then the ballots from the scanners located in the poll site containing the ED with the discrepancy in the results will be manually re-canvassed in accordance with the City Board's procedures.

The correct results are verified by reviewing the Results Report Tapes or via manual re-canvass are entered into the S-Elect system. The movement of all materials is documented, receipts are completed and the Discrepancy Report and Results Report Tapes are returned to the double-locked room and all materials are set aside for later archiving.

As enumerated in NYS Election Law Section 9-209 (1):

- b. At least five days prior to the time fixed for such meeting, the board of elections shall send notice by first class mail to each candidate, political party and independent body entitled to have had watchers present at the polls in any election district in such board's jurisdiction. Such notice shall state time and place fixed by the board for such canvass.
- c. Each such candidate, political party, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of inspectors as such candidate, political party, or independent body was entitled to appoint at such election in any one election district for which such central board of inspectors is designated to act.

Re-Canvass of Pollsite Ballots Assumptions

- The Election Night returns procedure will remain the same with canvass sheets from each ED returned to the police, the police enter the data into their system and transmit the data to the AP and to BOE
- All relevant data (including Election Night Police Returns and EMS PMD Reading results), is available in S-Elect prior to the beginning of the Re-Canvass
- Since the Police Returns could potentially include emergency ballot totals and PMD results will only contain the results of ballots scanned on Election Night, the Re-Canvass of Emergency Ballots needs to happen prior to the Re-Canvass of Pollsite Ballots so the results can be used as an input to the process
- The S-Elect Discrepancy Report is available to Lead People to run once the appropriate data is loaded and the Lead People have permission to run the report
- The Re-Canvass Discrepancy Worksheets are broken down by pollsite in order to facilitate easy distribution and assignment of the report to teams designated by the Lead People
- All Scanner Voting Records Bags (SVR Bags) and Scanner Voting Records Pouches (SVR Pouches) will be stored in a designated secure double-locked storage room located in each borough

11.2 Space and Physical Resources

The Re-Canvass of Pollsite Ballots procedure will take place in a location designated by the Chief and Deputy of each borough. This location will provide tables and chairs with sufficient space for the bipartisan team of Board staff to conduct the procedures as described below including space for the materials that need to be in the room while the re-canvass occurs.

Elections staff in identified election districts under the Voting Rights Act.

As a candidate you have an opportunity to review this recording of your name and either approve it, or immediately request an alternate version. This review will be conducted on Wednesday, June 13, 2012 from 10:00 AM until 5:00 PM.

This review will take place at the Board of Elections Executive Office located at 42 Broadway, on the 7th floor in Manhattan.

4. RANDOM DRAW OF SCANNERS FOR AUDIT

New York State Election Law (Section 9-211) requires an audit of poll site scanners used on Election Day. The selection of scanners for this audit is done by random draw. The draw of scanners will be held on THURSDAY, JUNE 28, 2012 at 11:00 A.M. at 42 Broadway 6th floor.

5. AUDIT OF SCANNERS

This Audit will begin at each Borough Voting Machine Facility (See Schedule B) on FRIDAY, JUNE 29, 2012 at 10:00 A.M. and continue until completed including Saturdays and Sundays.

6. CANVASS AND/OR RECANVASS OF VOTES CAST

a. Poll Site Ballots

Pursuant to the provisions of Sections 9-200 and 9-208 of the NYS Election Law, you or your representative designated in writing may be present and observe the re-canvass of votes cast on the Poll site Voting Systems and the canvass of any and all write-in votes cast on the Poll site Voting Systems. This canvass/re-canvass will commence on WEDNESDAY, JUNE 27, 2012 at 10:00 A.M. and will continue until such canvass/re-canvass of all the Poll site Voting Systems is completed including Saturdays and Sundays.

The Board of Elections will have teams of bi-partisan staff to conduct the canvass/re-canvass. You may appoint one watcher for each bi-partisan team. This canvass/re-canvass will take place at each Borough Voting Machine Facility (See Schedule B).

For the Record

New York Democratic Lawyers Council

A Voting Rights Project of the New York State Democratic Committee and the DNC

Testimony of Leonard M. Kohen

**New York Democratic Lawyers Council
(NYDLC)**

**Hearing on the Board of Elections Performance in the
2012 Congressional Primary and Preparedness for
Future Elections**

**Presented to the New York City Council Committee on
Government Operations and Committee on Oversight
and Investigations**

August 8th, 2012

Contact:

Alex Voetsch, Executive Director, New York Democratic Lawyers Council
Alex.voetsch@nydlc.org, 886-693-5201

New York Democratic Lawyers Council

A Voting Rights Project of the New York State Democratic Party

TESTIMONY OF LEONARD M KOHEN BEFORE THE NEW YORK CITY COUNCIL, GOVERNMENT OPERATIONS COMMITTEE,

AUGUST 8, 2012

[Check against delivery.]

I want to begin by thanking Council Member and Chair Person Gail Brewer, and the Committee on Government Operations, for holding this hearing today on this important issue of the Board of Election's preparedness for this fall's upcoming elections.

My name is Leonard Kohen and I am here to testify today on behalf of the New York Democratic Lawyers Council. I serve as an officer in the organization, in the capacity of Secretary, and am one of its founding members. My main role in the NYDLC is as co-chair of a legislative agenda committee, whose functions include identifying model legislation and "best practices," based on data-driven resources (including our own experiences on the ground) for purposes of advocating improvements in the elections process and law.

The New York Democratic Lawyers Council has monitored elections in New York City since the 2005 mayoral elections. We monitor general and special elections, and in 2010, we observed the combined State and Federal primary, which marked the introduction of paper election optical scan voting in New York City. Our members have also participated in election monitoring efforts in other states and countries. With regard to my own experience in poll-watching, I led or participated in at least 10 poll-watching operations going back to 2004; have worked in poll-watching operations for local town and district elections, local special elections, New York City and State elections, and two presidential elections.

As such, we have consistently identified patterns of issues that arise on Election Day and are knowledgeable of the risk factors that require added attention in preparing for the upcoming primary.

Any change in Election Day procedure over previous elections represents a significant risk factor. Moving the date of an election is an example of this. We know from the recent experience of the Federal Primary, which was held on June 26th, that such a change sows confusion among voters. Doubtlessly the change of date contributed to the low overall turnout. Likewise, this year's primary will be moved from Tuesday, Sept 11, to Thursday, September 13th. The Board of Elections should take steps beyond those typical to publicize the election. This may include public service announcements, an earned media campaign, and aggressively partnering with other stakeholder entities in these endeavors, such as the Campaign Finance Board and the Voter Assistance Commission.

New York Democratic Lawyers Council

A Voting Rights Project of the New York State Democratic Party

Although no changes have been made to the registration process or the way that registration data is managed, registration issues frequently arise and may be exaggerated given the redrawn State Senate and Assembly district lines. Specifically, some voters may arrive at their habitual polling location to vote for their former representatives only to find that the boundaries of their districts have shifted and that they are now represented by a different elected official. This may be exaggerated in instances where voters believe they are able to vote for a candidate in an active primary but find themselves outside of the boundaries of the newly drawn district. It may also be exaggerated in instances where there are competitive primaries and aggressive efforts to increase turnout. Voters whose status is marked inactive may show up to a poll site and not be listed in the voter registry. These voters may then request to vote by affidavit ballot. We know from past elections, including recent experience, that some affidavits are filled out incorrectly, resulting in their being ineligible to be counted. Specifically, a voter who fails to complete all the information required will not have his or her vote counted. Thorough and correct instructions from poll workers can reduce the number of such instances. Poll workers must be aware of the proper procedures to deal with these situations. They must be able to explain to voters why they are not in the voting book and what steps that vote can take.

This is the direct impact of the shift in district lines - a rise in confusion for some voters. The secondary impact of this is on voters who find themselves in the correct location to vote in the primary. The additional attention and effort required to resolve questions around where some voters vote may slow the process for all voters. For example, if I appear to vote at my polling location and find myself behind a voter who insists on voting by affidavit ballot because she incorrectly believes she is eligible to vote in that location, or because she has been removed from the rolls as inactive, the time it takes me to cast my ballot will increase. If this delay is significant and my work or family circumstances prevent me from waiting longer than anticipated, I may leave without voting.

We recommend that additional measures, beyond those taken to educate voters about their new district boundaries and primary elections, be taken by the BOE. These could be incorporated into direct mailings from the Board of Elections and other stakeholders.

Since the September 2010 introduction of paper ballot optical scan voting in New York City, we have noticed significant improvements in the use of the paper ballots. The safeguarding of privacy through the use of privacy sleeves, and the placement of the privacy booths and the conduct of the scanner inspectors has improved significantly. We applaud the progress the Board has made on this issue and commend the body of poll workers for the progress made over the last 18 months.

Finally, we turn to the closing and counting procedure. We applaud the recent changes to the counting procedure the Board of Elections has adopted. In every election we have observed since the introduction of the paper ballot optical scan technology, the 2010 Primary, the 2010 General, the August 2011 Special Election for the 8th Congressional District, the 2011 General Elections, and the March 2012 Special State Senate Election in

New York Democratic Lawyers Council

A Voting Rights Project of the New York State Democratic Party

Brooklyn, the closing and counting procedure was characterized by confusion and difficulty.

As an organization, we did not observe the recent Federal Primary, but we followed the press reports documenting the difficulty in tallying the results with great interest. We were reminded of the initial underreporting of results from New York City following the November 2010 General Election. The recent primary is a reminder of the impact that a problematic closing can have on the election process as a whole. While a clear winner did eventually emerge, the significantly shifting results and lack of communication about the vote counting process over the days following the election cast doubt on the process as a whole. This is something that our democracy can ill afford. Looking past the primary and toward the upcoming General Election, the prospect of several hundred thousand votes going underreported for weeks would be troubling, especially if the contest is close and attention turns to the national popular vote. We applaud the Board of Election's recent adoption of simplified counting procedures and view the primary as an excellent opportunity to gain experience with it.

There will be bugs to work out with this new system and we strongly encourage the Board of Elections to emphasize poll worker training before this election and careful catalogue issues that do arise, so that they can be fixed before the General Election.

In closing, I would like to thank the Committee, Councilmember Brewer and the Board of Elections for their dedication to improving the electoral process in our city.



1-866-OUR-VOTE ■ www.866OurVote.org

**Statement of Andrew Schlichter of Election Protection
Before the New York City Council Committee on
Governmental Operations on August 8, 2012**

Chairwoman Brewer and members of the Committee on Governmental Operations, thank you for allowing me, on behalf of Election Protection and the Lawyers' Committee for Civil Rights Under Law, to join you today for this important hearing on preparedness for the upcoming state and local primary election in September. While we know this hearing was prompted especially by the vote counting issues that arose during the late June primary, we hope you will understand if we take this opportunity to address other issues concerning preparedness for the upcoming elections based on the experiences of the Election Protection coalition in prior elections. The recommendations that we have made in this testimony are based directly upon those experiences.

As we believe you know, Election Protection is the nation's largest non-partisan voter protection coalition, and is led by the Lawyers' Committee for Civil Rights Under Law. Election Protection is supported by a diverse network of local and national coalition partners and volunteers across the country. The program has two components – a nationwide hotline, 1-866-OUR-VOTE, and a field program in which trained volunteers assist voters at targeted polling locations. In 2008, Election Protection organized more than 10,000 pro bono legal volunteers who worked in 25 voter assistance call centers and as poll monitors and observers in 40 jurisdictions. In 2010, the program organized over 2,000 volunteers in 25 jurisdictions, and handled over 20,000 calls to its hotline. Many hundreds of those volunteers worked in New York City. Election Protection's sole mission is to work to ensure that every citizen who is legally entitled to vote is able to participate in our democracy.

In a number of important ways, the 2008 and 2010 elections were a success in New York City. A record number of City voters turned out at the polls and the vast majority were able to vote without incident. This is a credit to the City and to all involved in election administration and oversight, including this Council, the Board of Elections, the Mayor's Office, and the many advocacy groups that work to make voting as accessible as possible.

We do not believe, however, that anyone affiliated with any of those governmental bodies or groups would contend that the elections were without problems. In fact, on election day in 2008 and 2010 and in the weeks leading up to the elections, hundreds of New York City voters called Election Protection to report problems voting, including uncertainty about where to vote, voting equipment breakdowns, absentee ballots requested but not received, confusion over voter identification requirements and, in 2010, various issues with the new voting machines. Some voters who appeared at

polling places to vote or to request information regarding where to vote reported to us that poll workers sent them to voting locations that were incorrect. Other problems reported to the Election Protection coalition included polling places opening up to 90 minutes late, poll worker confusion over the use of emergency ballots, and missing registration books.

By both prevalence and impact, the most significant problem reported to the 1-866-OUR-VOTE hotline was voters who believed they were registered but did not appear on the official registration list. Election Protection received hundreds of calls relating to this issue. These numbers are themselves concerning, but are even more troubling when one considers that they reflect only those voters who knew of and took the time to contact our hotline. We believe they represent only a small fraction of the number of voters who were, for one reason or another, left off of the rolls.

Based on those experiences, we believe there are a number of steps that the Council can take to further preparedness in the upcoming primary, the general election, and future elections. We offer these recommendations while fully aware that the Council has focused for years on voting issues and is committed to contributing as much as it can to a smooth voting process. We urge this Committee to continue to take a leadership role in working toward problem-free access to the ballot.

In view of our experiences in prior elections with equipment malfunctions and issues with the new voting machines, uncertainty as to proper use of ballots, and uncertainty as to voters appearing on the voter rolls, as well as observations that some poll workers have been unable to successfully resolve special problems and issues – including issues related to voter identification – we would urge that the Council support steps such as the pending proposal of the New York City Board of Elections for a sustained increase in funding for the training and the hiring of poll workers. Additionally, we encourage the recruitment and training of bilingual poll workers, especially in jurisdictions that are required to provide language assistance according to section 203 of the Voting Rights Act. We offer these recommendations with full awareness that many of the hundreds of poll workers throughout the City are conscientious and perform well.

As a further recommendation, we believe that registration could be increased and that the records of registration of voters could be more complete and reliable if the Council and other governmental bodies were to support automatic voter registration and updating of registration information with a voter's consent when voters interact with government agencies, including the Department of Motor Vehicles. At the same time, we would urge full computerization of the voter registration process. Among other things, updating New York's registration system in these ways would ease election-administration burdens for the state and local boards of election.

We also urge that the Council support any reasonable steps to improve ballot design so that the voting process may be as easy as possible. Additionally, we believe that early voting and no-excuse absentee ballots would markedly reduce the kinds of problems we have seen voters experience on election day.

We would also recommend that this Committee and the City Council continue working to pass Introduction 0613-2011, which would require the New York City Campaign Finance Board (“CFB”) to provide email notifications regarding upcoming significant dates related to voting for local, state, and federal elections to prospective voters who have provided their email addresses to the CFB – and that those communications be provided in the language of the voter’s preference in jurisdictions covered by section 203 of the Voting Rights Act. We offer this recommendation especially because of our experiences with voters who were unaware of their polling places and other details with respect to the voting process.

Further, this Committee and the City Council should join the Campaign Finance Board’s recent call for more use of social media to promote registration and distribute voting information by passing resolutions providing for such promotion as well as advertising on TaxiTV.

While in New York there have been few reports to the Election Protection hotline of deceptive election practices and voter intimidation, we know from our broader experience that such practices are increasingly prevalent. Such tactics take various forms, and are intended to mislead a voter into misunderstanding key aspects of the voting process, including when and where an election is to take place, with the result that the voter does not vote at the appropriate time or does not cast his or her vote correctly. These tactics have become increasingly nuanced as technology has become more sophisticated and use of social media has become more common. We recommend that the Council and Board of Elections work with the New York Attorney General and encourage investigation of credible claims that there has been deception and, where practical, assure that accurate information is disseminated to counter such deception through the use of public-service announcements and other means.

Although there will never be an election day without difficulties and hurdles, these and other things can be done to improve access to the electoral system for all eligible voters and to ease the burden placed on the Board of Elections.

We would once again like to thank you, Chairwoman Brewer and Members of the Committee, for holding this hearing today and affording me, on behalf of Election Protection, the opportunity to share our experiences with the electoral process and our thoughts on how it can be improved. We remain committed to working with the City and the Board of Elections, and will continue to offer any support that we can provide. Thank you.

For the Record

Espana Aristy

On Election Day I went to vote and I was referred to different tables and my name was nowhere to be found in the "voter book." This was the same voting location I have consistently voted in, in the past. After sending me from table to table, I was not allowed to vote and no options were offered to me. But I continued to push for my right to vote and repeatedly requested that the workers look for name.

Eventually, after a long fight, my name was found on a voting book that was different from where I was initially sent.

I was made to feel like I had done something wrong. When, in fact, it was the poll workers and the system that should have apologized to me for the tremendous inconvenience. I almost lost my constitutionally guaranteed right to vote because of the system.

Although I was able to eventually vote, the fact that I had to go through so much trouble to vote is terrible. I can only imagine how many other voters went to vote and turned away because they couldn't fight for their vote. I was only able to vote because of my insistence. I found this to be "funny."

In order for our votes to be counted, our system must be improved. I hope our government will take action to fix the system and help all Americans vote, particularly in communities that have historically been disadvantaged.

Testimony to the New York City Council

August 8, 2012

Keen Berger - keen5@ix.netcom.com

District Leader, 66th A, and co-chair, Democratic County Election Committee

I am a developmental psychologist. That means I study how people react and shape their daily lives -- joys, disasters, everything in between. Developmental psychologists know that whenever a policy, or custom, or institution ignores the reality of human behavior, trouble arises. We saw that with voting in Florida in 2000, with Katrina in 2005, and, sadly, with New York City elections every year for the past five, including 6 weeks ago, June 2012.

Now specifics. I speak as a District Leader who has voluntarily attended four Board of Election Training sessions, who has visited on 24 election days all 16 poll sites in my district (that's 384 visits). I am not speaking for the County Democrats: we meet next week to reach our consensus on elections.

District Leaders recruit, train, encourage, and oversee poll workers ---- from coordinators to door clerks, from inspectors to monitors. In at least a dozen ways, the Board of Elections makes our job very difficult. I wish they thought more about the people involved in the process. I highlight here two particular concerns.

1. **Training.** The required training is frustrating and ineffective, because many trainers are poor teachers. I suggest, as a start, the students confidentially evaluate each session, and the results be used to improve training.
2. **Closing.** Current closing procedures are frustrating and complex. Errors, frustration, and anger are inevitable. Problems this past June led to headlines, blame, and ---- insanely, additional steps to closing, rather than analysis of the human factors that created the problem..

I look forward to working with the City Council, the Board of Elections, my fellow district leaders, and anyone else to make voting a civic joy.

8/8/2012: Testimony to City Council, Gov. Of. Committee
re: Bd. of Elections

You received this notice for the following reason:
Usted ha recibido este aviso por la siguiente razón:
您因為以下原因收到此通告: 귀하가 이 통지서를 받게 된 이유는 다음과 같습니다.

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| Section District (ED) | Assembly District (AD) | Serial number | |
| 009 | 46 | 410769152 | |
| Congressional District | State Senatorial District | Council District | Civil Court District |
| 13 | 22 | 43 | 05 |
| <p>Party: DEMOCRATIC</p> <p>CONSTANCE M LESOLD</p> <p>340 MARINE AVENUE 1FL</p> <p>Brooklyn, NY 11209</p> | | | |

- | | | |
|-------------------------------------|---|-----------------------------------|
| <input type="checkbox"/> | 1. New Registration - Nueva Registración - | 新選民登記 신규 등록 |
| <input type="checkbox"/> | 2. Rein tatement - Rev. tación - | 恢復 원상복귀 |
| <input type="checkbox"/> | 3. Request for card - Solicitud por tarjeta - | 索取選民卡 카드 요청 |
| <input checked="" type="checkbox"/> | 4. Change of Enrollment and/or Enrollment Date - Cambio de Inscripción y/o fecha de Inscripción - | 變更黨籍登記及/或黨籍登記日期 정당 변경 및/ 또는 변경 일자 |
| <input type="checkbox"/> | 5. Change Name - Cambio de Nombre - | 變更姓名 이름 변경 |
| <input type="checkbox"/> | 6. Change ED / AD - Cambio de ED / AD - | 變更選區 선거구(ED/AD) 변경 |
| <input type="checkbox"/> | 7. Other - Otros - | 其他 기타 |

OUR REGISTRATION REMAINS IN EFFECT.
ANGES AND/OR CORRECTIONS TO YOUR
LECTION DISTRICT / ASSEMBLY DISTRICT
ED/AD) AND POLLING PLACE ARE SHOWN.

FOLLOW SIGNS - SIGA LAS SEÑALES - 跟隨標誌 표시를 따라 가십시오.

POLLING PLACE/LUGAR DE VOTAR/投票處 투표장소

St John's Church & S-Fet
461 99 Street Brooklyn

The above polling place is not appropriate
for NYC 150 years after the civil war. The
room contains portraits, large ones visible
clearly on the back wall as you enter
the room, of Robert E. Lee and Stonewall
Jackson, generals of the Confederacy.
Please change this polling place promptly.

Submitted by:
Constance Lesold, MSW
340 Marine Ave.
Bklyn, NY 11209

P.S. There are no other portraits in the room!

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON GOVERNMENTAL OPERATIONS BY
KENNETH H BARR, DEMOCRATIC SCANNER INSPECTOR
AT GOOD SHEPHERD SCHOOL POLL SITE ON 8 AUGUST
2012

Madam Chair, members of the committee, my name is Kenneth Barr. On 26 June 2012 I was assigned as a Democratic Scanner Inspector for the 85th Election District 71st Assembly District located at the Good Shepherd School, 110 Cooper ~~Street~~^{Street} in Inwood, Manhattan. I have been a poll inspector since 2001, first in Queens and now in Manhattan.

The most immediate problems that occurred during and after the 26th June Federal Office primary were caused by a lack of training. A poll workers year begins in July and ends the following June. Therefore, the last formal training for most, if not all, the inspectors occurred in July or August of 2011. At that time, a primary in June 2012 was not expected. Had the Board of Elections devised a program of refresher training once it was known a primary would be held in June 2012 (might have ^{been} averted) the problems encountered. Specifically, the Report of Canvass form for the 26 June primary was printed in a different format than the one we trained on and was different than the sample form provided in our supply envelopes. This caused confusion at polls closing.

I also wish to comment on the call by several media organizations, specifically the Editorial Board of the New York Daily News, calling for electronic transmission of scanner results. I do not object to this. However, I must point out that there is a much more cost efficient way for the taxpayer of reporting returns ~~more quickly~~ by the media. For several years, the Associated Press has asked members of the New York City League of Women Voters to go to the polls at closing time and call in results from many polling places across the city. I am sure that the Daily News, owned by multi-millionaire Mortimer Zuckerman, can find enterprising high school students throughout the city, or, as the AP does, make a donation to the League and other Good Government Groups, and get their results in a timelier manner than waiting for the Report of Canvasses. After all, the first results report tape is the one posted on the wall of each polling place while the Report of Canvass is done from the third. I would also point out that quicker is not necessarily more accurate, as we saw when the US Supreme Court issued its ruling concerning the Affordable Health Care Act.

Finally, I wish to suggest a change in the way Inspectors are hired. It is absurd in the 21st Century that only voters registered in either the Democratic and Republican parties are allowed to be inspectors. We presently have six parties on the ballot and many more voters chose not to register in any party. There is also a chronic shortage of inspectors, mainly due to the inability of the District Leaders to find people willing to put in a more than sixteen hour day for low pay. Now, before Mr. Richman pontificates on Election Law (and a court probably tells us he's wrong), I believe the Mayor and the City Council should send a Home Rule message to the State Legislature which would authorize the Board of Elections in the City of New York to train, upon direct application to it, and hire once qualified any registered voter regardless of party affiliation. I believe that by allowing any qualified registered voter to serve at the polls, we will once again be able to administer our elections in a competent manner.

Thank you for your kind attention.



James A. Walsh
Co-Chair

Gregory P. Peterson
Commissioner

Todd D. Valentine
Co-Executive Director

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Douglas A. Kellner
Co-Chair

Evelyn J. Aquila
Commissioner

Robert A. Brehm
Co-Executive Director

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON GOVERNMENT OPERATIONS

DOUGLAS A. KELLNER
Co-Chair, New York State Board of Elections
August 8, 2012

The New York City Board of Elections should be commended for its successful switchover to the new ballot scanning voting system in 2010. It is very easy to underestimate the scope of that undertaking and the numerous logistical challenges involved, particularly the retraining of more than 30,000 local election officials. The City's implementation of the new technology was successful notwithstanding numerous hurdles.

While we should not underestimate the City Board's substantial accomplishments, there are still areas for improvement.

Staffing of the Polls Needs to be More Efficient

The use of ballot scanning technology for the casting of votes affords much greater flexibility for the organization of poll sites. The City should do more to take advantage of that flexibility.

A lever voting machine could only show a single ballot style. Therefore, all voters who used that machine needed to live within the same geographical district for each of the contests appearing on the machine. That was the basis for the organization of election districts still found in Election Law § 4-100.

Ballot scanners can receive multiple ballot styles. Therefore, it is no longer necessary that all of the voters who use a particular scanner have the same ballot form. The "election district" as the unit for election administration is now an anachronism. The Legislature needs to revise the Election Law to change the unit of election administration from the election district to the poll site. There

should be a single set of two or four bi-partisan “inspectors” for each poll site who have the legal responsibility for operating the poll site. Obviously most poll sites will require many additional personnel, but these can consist of many different job titles with varying functions as needed by that particular poll site for that particular election.

Even without changes in the Election Law, many boards of elections, including the New York City Board, have begun to differentiate job functions at the poll site to be more efficient. By differentiating job functions, newly recruited poll workers can be trained only for specific functions, making the training less cumbersome. The NYC board has already adopted more innovative training by abandoning the effort to train all poll workers on all procedures. Instead, quite properly, the NYC board has concentrating training of new poll workers on the particular functions that they would be expected to handle on election day. As poll workers gain seniority, they are trained on additional functions.

Poll workers should be paid for successfully completing training, but the fee needs to be increased to reflect the time needed for proper training.

Better Staffing Is Required for the Presidential Election

The presidential election is not like other elections. The turnout is many times greater and imposes maximum stress on our system for administering elections. Therefore, the planning for administering a presidential election should be significantly greater than for other elections.

For example, 2.6 million New York City residents voted in the 2008 presidential election. This is 87% more than the 1.4 million who voted in the 2010 gubernatorial election, and nearly *seven times* the 387,00 New York City residents who voted in the 2010 primaries. The lessons from these statistics is that successfully running these elections with substantially smaller turnouts is not necessarily a prediction for success in administering a presidential election.

The simple fact is that New York City has many more poll workers than needed for primary and special elections and is understaffed in many locations for the presidential election. I cannot stress enough—the turnout in a presidential election is *seven times* the turnout in a typical primary election.

The new voting systems regulations include a mandate on the counties that they have adequate staffing at each poll site. 9 NYCRR § 6210.19(c)(1) provides: “County boards shall deploy sufficient voting equipment, election workers and other resources so that voter waiting time at a poll site does not exceed thirty minutes.” I am particularly concerned that the NYC Board is not taking the dramatic steps necessary to address this regulation in the presidential general election, where historically there have been very long lines in many poll sites.

In New York City there has been a shift in voting patterns over the last several decades so that a very high proportion of voters vote on their way to work in the morning. The Election Law was amended to provide for "split shifts" (see EL § 3-400(7)), but few boards, including New York City, have used this authority. The NYC board should already be planning to hire many additional clerks for the morning rush. But more people alone will not solve the problem unless they also plan the logistics for processing many more voters more efficiently. The most significant bottleneck is signing the poll signature books. Therefore, they need more books.

Adequate space is also an issue at many locations in the presidential election. Fortunately, the schools are closed on general election day. Those sites that are traditionally overcrowded should seek out additional space for the presidential election.

NYC Canvass Procedures Are the Best in New York State

While everyone points to improvements that can be made in New York City, we should recognize the positives. The New York City Board of Elections has developed the best procedures in New York State for conducting the official canvass to obtain the totals results for each election contest. Unlike all other boards in New York State, the NYC Board has pre-determined a threshold for conducting a manual canvass of the ballots in close elections. By determining the threshold in advance of the election, the NYC Board has removed that particular controversy from the heat of partisan politics. Other boards in New York State and throughout the country should follow New York City's example.

Of all the boards in New York State, it is also my opinion that the New York City board has the most thorough and effective procedures for conducting the official canvass in the most efficient manner to obtain accurate results.

NYC Procedures for Closing the Polls Are Unnecessarily Complicated

New York City should follow the procedures recommended by the State Board of Elections for closing the polls. The NYC Board of Elections should use a single consolidated canvass report for the entire poll site, rather than separate canvass reports for each election district. This would eliminate the need for inspectors to cut up the results tape printed by the scanner and sorting the cuttings by election district.

I applaud the NYC Board's recent decision to begin using the portable memory devices for election night reporting of the unofficial results. This will provide more accurate unofficial results in a far more efficient manner.

Reduce the Use of Police Officers for Clerical Election Duties

New York City is one of the few jurisdictions in the state that uses police officials for transporting the ballots and other election materials after the close of the polls and New York City is the only jurisdiction in the state that uses the police to assemble unofficial election night returns. This is an anachronism from the 19th century when elections were administered by the Election Bureau of the old Metropolitan Police Department—before there was a bi-partisan board of elections.

There is no reason why highly trained police officers should be performing clerical functions of election administration. New York City can save valuable police resources by looking to the best practices of other jurisdictions in the state.

Election Night Reporting by Modem is not a Viable Option

New York City Board of Elections staff proposed consideration of adding a wireless modem to the DS200 to communicate the results to the central tabulation system. They acknowledged that this proposal would require an amendment to Election Law § 7-202(1)(t) which prohibits “any device or functionality potentially capable of externally transmitting or receiving data via the internet or via radio waves or via other wireless machines,” on any equipment used by voters for casting their ballots. This is an important provision of law designed to safeguard the integrity of the voting process and should not be changed.

Theoretically, if there could be absolute assurance that the modem would only transmit data, but could not receive instructions, it would not compromise the integrity of the ballot recording and vote counting functions of the scanner. The problem is assuring that the modem cannot be used to receive instructions that could alter the ballot recording and vote counting functions. If there is no connection, as the current law provides, there is no risk. If there is a connection, how do you prove that there is no code that can be transmitted to affect these core functions? In short, keeping the scanner unconnected from any network is a relatively idiot-proof defense.

A claim that the equipment is not able to receive communications is very unlikely to be true. Networked endpoints are essentially always able to communicate in both directions, and need to be able to do so for communication to be successful. For instance, setting up a connection between the sender and the recipient is normally a two-way communication: the sender says “Hey, I’d like to connect to you”, the recipient responds “OK, let’s do it like this”, and the sender sends “Confirmed, we’re good”. More relevantly, when the sender has some data to send to the recipient, the sender sends the data and then the communication protocol typically directs the recipient to respond with something like “Got it” or “I seem to be missing the part from bytes 1000-2000, could you resend that chunk?” The sender has to be able to receive those

confirmation messages from the recipient, so that it knows whether the message was received or not and can re-send as necessary. This means it seems very likely that the scanner has to be able to not only send, but also receive -- so it can receive those "Got it" or "can you resend?" messages.

The point here is that any system that is *capable of reliable* one-way communication must also be physically capable of two-way communication. This is even true for a printer connected to a computer by serial cable. Whether or not a system that is supposed to only transmit data might also receive incoming data (or commands) is, like many other issues, a matter of software security, specification, integrity, and configuration.

The EAC Final Test Report for the ES&S Unity 3.2.1.0 shows that there were specific software and hardware tests of the system "to ensure any modem is inoperable" for the DS200. At least two security experts have privately criticized Wyle's test methodology as inadequate to prove that the voting system cannot be coerced into external communications that could ultimately tunnel into the operating system. (Their analysis is far beyond my capability to explain.)

It's too soon to form any conclusion whether it is possible to *prove* that a modem to export results cannot be used to compromise the integrity of the ballot recording and vote counting functions of the scanner, which I believe is the appropriate burden for the advocates of such a plan. For less cost, election administrators could provide an inexpensive laptop at each poll site that could receive the PMDs from the scanners and transmit the results for election night reporting.

The Legislature Should Move the Primary to June

The Military and Overseas Voter Empowerment Act requires that military and overseas voters receive their ballots at least 45 days before each federal election. Consequently, there was a court order that the federal primary elections be conducted in June. Although the Assembly passed legislation to change the primary for state and local offices from September to June, the Senate failed to pass the bill—adding \$50 million in costs to county governments for the extra primary—and depriving military voters of the ability to obtain timely ballots for state and local offices.

There is no reason why those serving our nation in the military should be deprived of the right to receive a timely ballot. There should be a June primary for all offices, not just federal contests.

The Election Commissioners Association of New York State recently endorsed the June primary for all offices with overwhelming support from election officials from both parties. They make shifting the primary to June the number one priority for election legislation and I join in their recommendation.

The NYC Runoff Election Should be Eliminated

I join in the concerns raised by the NYC Board of Elections concerning the administration of the runoff election. Two weeks is not enough time to complete the canvass of the initial primary election. There is inadequate time to mail absentee ballots and numerous other administrative problems. It is also costly.

I strongly urge the Legislature to eliminate the runoff election. I support Senator Kruger's bill that would provide for instant-runoff voting in the primary election.



TESTIMONY OF SUSAN LERNER, EXECUTIVE DIRECTOR

COMMON CAUSE/NEW YORK

Before the
NEW YORK CITY COUNCIL GOVERNMENTAL OPERATIONS COMMITTEE
Oversight Hearing on
Board of Elections 2012 Congressional Primary Operations,
August 8, 2012

Thank you for the opportunity to address you today. I am Susan Lerner, Executive Director of Common Cause/New York. Common Cause is a national nonpartisan, nonprofit public advocacy organization founded in New York in 1970 by John Gardner as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. With nearly 400,000 members and supporters and 36 state organizations, Common Cause is committed to honest, open and accountable government and to encourage citizen participation in democracy. Since its inception, the New York chapter has always been and continues to be one of the most active state organizations in the country, representing tens of thousands of New Yorkers throughout the state.

Consistent with our overall mission we advocate for election reform, working to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level. For a number of years, our research arm, Common Cause Education Fund, has conducted comprehensive studies of how we conduct elections, which studies look at voting issues across the country and also examine different reforms as actually implemented in various states as well as in other countries. Here in New York, Common Cause is a co-facilitator of the state coalition of groups that monitor election activities, now called the New York State Citizens' Coalition for Voter Participation and Fair Elections.

First, I would like to strongly endorse the package of 6 election-related bills which are currently pending before the City Council – Int. No., 613 (Councilmember Dickens), Int. 721 (Councilmember Lappin), Int. No. 728 (Councilmember Greenfield), Int. No. 760 (Councilmember Williams), Int. No. 769 (Councilmember Eugene) and Int. No. 778 (Councilmember Lander). These bills, when passed, will enhance election administration and encourage voter participation. We look forward to testifying at the hearing of this Committee examining these bills and hope that they will be taken up quickly by the Council in the fall.

We share the concerns and recommendations expressed by our colleagues at Citizens Union and the League of Women Voters and will not repeat them in our testimony. Instead, we'd like to focus on some different areas.

First, we were surprised and disappointed that the Board of Elections was unprepared to provide the public with accurate information regarding a voter's polling place and whether or not the voter's district was conducting a congressional primary on June 26. We received phone complaints informing us that the callers had not received information informing them whether their congressional district had changed and whether there was a congressional primary. We verified with one caller that the caller's address was newly assigned to the Rangel district. The caller was frustrated because of the difficulty of obtaining accurate information regarding the location of their polling place. As a result of these calls, we conducted limited research of our own.

It appears that the Board announced in advance of the June 26 primary that it would be unable to provide accurate information identifying polling places and the new congressional districts through its poll locator function on its website in advance of the congressional primary. And, indeed, going to the Board's website on June 26 revealed a notice informing the public that the information in the poll locator had not been accurately updated to reflect the new district lines and polling places. The public was instructed to call their county Board of Election in order to ascertain poll location and congressional district information.

Not able to obtain information about polling places on the Board's website, we followed the instructions and called the various county boards. In each instance, we asked for the poll location for an address that was reassigned to a different district than the previous election cycle. We also asked whether that address was in a district with a primary and who was running. In only one instance was the person who answered the phone able to provide us the information we were seeking. In most counties, we were transferred to another extension. In Brooklyn, our first call resulted in our being connected to voice mail. In Queens, the staff seemed surprised by the request, but ultimately provided us with accurate information. In the Bronx, however, we were provided with misinformation as to the district the address was now found in (it is now in the Rangel district, we were told Engel) and whether or not the district was conducting a primary. The information we received in Manhattan was accurate.

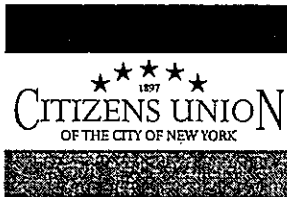
The Board had over three months to set election districts and modify the information in its poll locator. While we know that there was much that the Board and its staff had to do to prepare for the congressional primary on June 26, it is unfortunately indicative of the Board's attitude that the Board did not prioritize providing the public with timely accurate poll location information through its own website. Equally telling is the fact that, although the Board's website instructs voters to call their county board, the county board offices seemed unaware of the instruction and had no procedures in place to answer queries regarding primary candidates and polling place location. In today's information age, members of the public expect to be able to access accurate information on official websites at any time of day or night. This is an appropriate expectation on the part of the public. It is time for the New York City Board of Elections to move its operations into the 21st century, rather than languishing in the early 20th century.

We agree with the New York Daily News which this morning stated in its editorial: "The board's responsibility is to deliver an accurate vote count." Common Cause/NY believes that the unofficial tally is important, but the official tally is even more so. The Board's refusal to get to the bottom of the anomalous results in ED 66 of the Engel-Grimaldi primary race is a matter of great concern. The fact that any error would not change the results in *this* primary election is a pure excuse for poor management practices. Good management demands internal investigation of any anomalous results to insure that they are not repeated on a larger scale in

the future when the same problem could result in a different outcome in an election. The Board persistently undercuts the underlying purpose of using paper ballots with optical scanners – which is to have an easily verifiable result.

We suspect that a part of the Board's reluctance to address these persistent problems is due to another and even larger persistent problem. The New York City Board of Elections has been without an Executive Director since October 2010. And there does not seem to be any serious move underway to fill that position. The Board and the political forces which control it refuse to conduct a nationwide search for an election administration official to fill the post, insisting instead that the position must be filled by a New Yorker with the correct political credentials. Apparently, such a person cannot be found or can't be cajoled into applying for the job. That means that going into the presidential election in November, when voter turn-out is always at its highest, the chief administrative position at the Board will have been unfilled for *two years*. By definition, interim leaders are not empowered to institute major changes or re-examine the organization they are care-takers for. This long-term vacancy is yet another indictment of the failure of a politically controlled system of election administration. As the Board's performance relating to the June 26 congressional primary so clearly demonstrates, the Board should conduct a thorough review of its election day procedures and institute changes. We have little confidence that such a review will be undertaken, or, if undertaken, would result in the good election day procedures which should be instituted to minimize voter and poll worker confusion and potentially inaccurate unofficial and official election results.

It is past time for New York City's – and New York State's – election administration to leave the 19th Century behind and move into the 21st Century. Common Cause/NY believes that small fixes, such as those contained in the package of election reform bills currently pending before the Council are helpful and necessary. However, it is clear that, to avoid the sort of meltdown experienced on June 26, a wholesale restructuring of New York's election law is essential. The embarrassing procedure for the unofficial tally arose from interpreting a statute that is not designed for the current election technology or equipment. Piecemeal "fixes" may address one problem, but create unintended difficulties in other areas. A wholesale review and restructuring of New York's Election Law should be undertaken to insure that the statutory scheme sets up an efficient, workable and reliable blueprint for election administration.



CITIZENS UNION OF THE CITY OF NEW YORK

Testimony to the NYC Council Governmental Operations Committee on Assessing the Board of Elections' Performance in the 2012 Congressional Primary Election and Preparedness for the Upcoming 2012 New York State Primary Election

August 8, 2012

Good afternoon Chair Brewer and members of the Council Governmental Operations Committee. My name is Alex Camarda, and I am the Director for Public Policy and Advocacy for Citizens Union of the City of New York. Citizens Union is an independent, non-partisan, civic organization of New Yorkers who promote good government and advance political reform in our city and state. For more than a century, Citizens Union has served as a watchdog for the public interest and an advocate for the common good.

We thank you for holding this hearing on the administration of the June 26th congressional primary and preparedness for the upcoming 2012 New York State Primary Election.

Congressional Primary Day Performance

The major shortcoming of the administration of the Congressional Primary Day by the Board of Elections in the City of New York was related to the reporting of unofficial election results. As was widely reported, in the 13th congressional district specifically, the unofficial results reported through the flawed "cut and add" process employed by the Board on election night gave the false impression that the incumbent, Representative Charles Rangel, had easily defeated his closest opponent State Senator Adriano Espaillat. Rangel was reported to have defeated Espaillat by 20 percentage points on the night of the election, causing Espaillat to concede and Rangel to declare himself the victor.¹ On Wednesday afternoon, the day after the election, with 100 percent of precincts reporting results, the Board indicated that Rangel had won by over 2300 votes, 45.7 to 39.1 percent.² In subsequent days, the margin of victory narrowed to as little as 802 votes, or 1.96 percent.³ The margin of victory was ultimately determined to be 990 votes.⁴

¹ Michael Powell, "Election Board Sets New High in Dysfunction," *The New York Times*. July 3, 2012. Available at: <http://www.nytimes.com/2012/07/03/nyregion/nyc-election-board-showed-dysfunction-in-primary.html>

² Charles Mahtesian, "Rangel Results Still Unsettled," Politico. June 28, 2012. Available at: <http://www.politico.com/blogs/charlie-mahtesian/2012/06/rangel-results-still-unsettled-127509.html>

³ Ken Lovett, "New York State Sen. Adriano Espaillat is on verge of conceding 13th congressional race to Rep. Charles Rangel," *The New York Daily News*. July 9, 2012. Available at: <http://www.nydailynews.com/new-york/new-york-state-sen-adriano-espaillat-verge-conceding-rep-charles-rangel-article-1.1110293>

⁴ Ibid.

While the Rangel- Espallat race is the most visible and recent example of the shortcoming of the current election night tally system, the 2010 general election unofficial results also differed greatly from those that were ultimately certified. In December of 2010, 195,055 more votes were part of the certified results than the unofficial reporting on election night, or 17 percent more than the total votes initially reported in all contests.⁵ That differential was exclusive of uncounted paper ballots, including absentee ballots, and only measured the variance caused by inaccurate reporting due to the current "cut and add" process of tallying election night results.

City Board's Reform of Reporting Unofficial Election Night Results

The Board of Elections, to its credit, ultimately responded to the years-long clamor for change and voted to change its policy at a weekly meeting of its Commissioners on July 17th. Citizens Union, along with others, advocated for this change by supporting Assemblymember Brian Kavanagh's and State Senator Marty Golden's legislation A10175B, which passed the Assembly in June 2012. When the bill did not pass the Senate, Citizens Union sought to change the process administratively. We lobbied the State Board of Elections to provide a legal opinion to the City Board to make the City Board more comfortable with moving forward administratively. When we received favorable feedback from the State Board, we urged the City Board to make the request of the State Board at its July 10th meeting of Commissioners. We believe this advocacy helped generate the State Board's subsequent legal opinion which, in part, resulted in the policy change. Citizens Union also submitted its own legal analysis to further support administrative action to reform reporting of unofficial election results and the "cut and add" process.

Citizens Union is concerned by some facets of the City Board's Draft Plan as made available to the public at its July 17th meeting. Two major areas that may need to be improved are:

1. **The plan does not incorporate a consolidated return of canvass** which would free poll workers of the arcane and tedious "cut and add process" and speed up the closing of polls on election night. We understand the Board wants to preserve a back-up system of reporting unofficial results for the September primary while it runs the new system of extracting and uploading data from portable memory devices (PMDs). We urge the Board to allow for a consolidated return of canvass for the November election.
2. **The Board's plan has six different physical or electronic handoffs of unofficial election results between board officials and the New York Police Department (NYPD), between different board officials, or between different NYPD officers.** The number of handoffs should be minimized to the extent practicable to prevent confusion and potential chances for error. The six handoffs are as follows:
 - a. Police officers pick up of SVR bags from poll sites;

⁵ Sam Roberts, "Recount finds 195,000 Votes Were Missed on Election Night," *The New York Times*, December 2, 2010. Available at: <http://www.nytimes.com/2010/12/03/nyregion/03votes.html>

- b. The Board's Election Night Registration (ENR) Team receives the SVR bags at the local police precincts;
- c. The Board's 75 different ENR Teams at the local precincts transmit election night results to the general office of the Board.
- d. Board staff at the general office transfer results to the NYPD officers at the Board's general office
- e. NYPD officers transfer results to an XML file, and transmit the data to 1 Police Plaza.
- f. 1 Police Plaza provides results to the Associated Press.

While the Board today will undoubtedly hear recommendations for improvements to its proposed process, as advocates we also must acknowledge that even worthy changes made at the last minute can be disruptive and ultimately counterproductive. With just a month until the primary and with other primary election planning responsibilities, the Board should integrate the good suggestions it hears today into its plan that it has adequate time to develop and think through. It should not make continual changes up to the last minute if those changes can not be made carefully and thoughtfully. Additional needed changes can be made after the September primary when a thorough evaluation of implementation should be conducted.

Election Issues Beyond Reporting of Unofficial Election Results

Beyond reforming the reporting of unofficial election results and the "cut and add" process, there are other important election-related issues that deserve attention by the Council and the Board. Legislation addressing these pressing matters has been introduced into the Council. Though time no longer exists for them to be considered in time to be implemented for this fall's elections, it is important that the Council take them to ensure these long-standing issues are addressed.

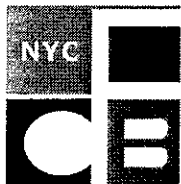
1. **Recruiting Qualified and Proficient Poll Workers.** The Board needs to fill 36,000 poll worker positions for a general election. In 2011, about 30,000 actually worked on Election Day. Only about half of those according to the Board are recruited by district leaders. The remainder is acquired by the central office of the Board.
 - a. Citizens Union has worked with Councilmember Jessica Lappin to introduce a bill, **Int. No. 721, which would create a municipal poll worker program, enabling the Board to more effectively tap into the municipal work force that is already off on Election Day, and employ civic-minded employees as poll workers.** We encourage the Council to hold a hearing on that bill, which is supported by 14 different organizations including good government groups, civic organizations, unions, and community-based groups (see attached memos of support). This proposal was one of many recommendations Citizens Union made to improve poll worker recruitment and performance when Citizens Union ran its own poll worker recruitment program between 2001 and 2008, supplementing the Board's efforts by bringing in over 15,000 new applicants over 8 years.

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Elections. Signature requirement issues surrounding the electronic transmission of voter registration data can be overcome through a variety of means.

Thank you again for providing the opportunity for Citizens Union to provide its thoughts on the performance of the Board during the June Primary Day and our views on improving elections more generally.

I am happy to answer any questions you might have.



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Testimony of Art Chang Chairman, Voter Assistance Advisory Committee New York City Campaign Finance Board

City Council Committee on Governmental Operations August 8, 2012

Good afternoon, Chair Brewer and members of the committee. I am Art Chang, chair of the New York City Campaign Finance Board's Voter Assistance Advisory Committee, and I am joined today by Amy Loprest, Executive Director of the CFB.

I last appeared in front of this committee before the June 26 elections, and spoke in support of a change to the law that would improve the way we count votes on Election Night, making common-sense use of the technology we possess.

Quick and accurate reporting of the preliminary election results would provide a level of transparency and comfort that is critical for a relatively new voting system that still confounds many New Yorkers.

Driven by advancing technology, news is reaching its audience at an ever-increasing speed. Most of us are accustomed to receiving news and information practically in real time. A good, speedy count would instill confidence that the system works.

Unfortunately, the June primaries showed us what can happen when the initial reporting for election results is neither quick nor accurate. In Congressional District 13, the byzantine paper-scissors-and-pencil process used to tally our machine-scanned votes led to days of confusion.

Because of transcription errors, many precincts reported zero votes cast in the unofficial count. Results from many of those precincts were still unavailable to the public more than two days after the polls closed.

Without timely or reliable information available, partisans filled the vacuum with speculation. The confusion led to weeks of accusations, court filings, and press conferences before the final, official hand count was concluded.

The problem was not limited in scope to this single election. Other districts, with elections that were not nearly as competitive, saw similar disparities between the Election Night tallies and the official count of the votes cast on Election Day.

Along with public officials and good government advocates, in July we wrote to the Board of Elections to urge that they cast aside the illogical, six-step process responsible for these flawed counts.

To its credit, the Board recognized the problem. They identified changes to their process that do not require a change to the law, and they have designed a solution that uses the flash drives from the ballot scanning machines to compile the initial count. We commend them for it.

We are hopeful the new process will provide results that are delivered in a more accurate and efficient manner.

Providing a timely and reliable count, however, is only one of several systemic challenges facing our election system. This solution should not prevent the Board from reviewing its operations thoroughly as it prepares for our elections this fall.

The overarching, fundamental problem remains to be addressed: most New Yorkers aren't voting.

Collectively, turnout among registered voters in the June primaries was below ten percent. Just four percent of registered Republicans in New York City voted in the primary for U.S. Senate. Even in the most publicized and hotly contested race among the Democratic Congressional primaries, turnout was a mere 15 percent.

The structural challenges are clear. These primaries were the first time in 40 years that New Yorkers have voted in June.

But if 85 percent of registered voters are ignoring even the most compelling elections, we simply need to be working harder to engage New Yorkers in civic life.

Technology can and should play a greater role. We should amend the law so that New Yorkers can register to vote and update their voter information online. States with online voter registration have brought more voters, especially young adults, onto the rolls.

If voters can update their information online, New Yorkers who change addresses can continue to receive the information they need to stay engaged. A study conducted for the CFB by students at NYU's Wagner School of Public Service found that residential mobility was a key factor that can keep New Yorkers from voting.

Many New Yorkers want to be active participants in their communities. They are seeking information about elections, but don't know where to turn.

When good information is not readily available, bad information can fill the void. At our meeting of the Voter Assistance Advisory Committee earlier this week, we learned about misinformation circulating via social media and through church bulletins, telling New Yorkers that they need to re-register if they haven't voted since 2008. This is untrue, and we are working with our partners to counter this message.

Voters can easily check their registration status through an online Voter Lookup tool created by the State Board of Elections. We've posted the link to this simple tool on our Twitter feed (@NYCVotes), our Facebook page, and on our website, and we hope you will help us spread this message.

We will continue seeking to develop new channels of information for New Yorkers to receive official, non-partisan information about the political process.

Our Voter Assistance staff and summer interns are out every day in communities across the five boroughs, registering new voters at events of all kinds. They are collecting "Voter Pledge" cards from New Yorkers, with a promise to contact them with reminders about election dates.

We are working with Code for Change, a program started by NYU's Wagner School, to develop online and mobile tools that will help provide more New Yorkers with authoritative information about the political process at their fingertips—including comprehensive information about the elections and the candidates seeking their votes.

We know that more can be done, and we stand ready to work with the Council, the Board of Elections, and anyone who's interested to ensure New Yorkers stay informed and involved as this fall's elections grow near. Thank you for the opportunity to testify.

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Center for Independence of the Disabled, NY*For the Record*

August 8, 2012

**Testimony for the Governmental Operations Committee on Election Day
Operations 2012**Monica Bartley
Voting Rights Coordinator

Testimony before the Governmental Operations Committee

Center for Independence of the Disabled, NY (CIDNY)

Monica Bartley, Voting Rights Coordinator

August 8, 2012

Hearing on the performance of the Board of Elections (BOE) in the 2012 Congressional Primary Election

Good afternoon Chair Brewer and members of the Committee on Governmental Operations. My name is Monica Bartley; I am the Voting Rights Coordinator for the Center for Independence of the Disabled, NY. I am here today to highlight some of the issues we have encountered conducting poll site surveys at various elections so that these can be addressed and remedied before the upcoming 2012 New York State Primary and General Elections.

CIDNY Survey shows recurring problems

Each year CIDNY surveys polling sites for accessibility and we have noted some recurring issues which need to be addressed. In the past election, we surveyed 55 polling sites. Of those we surveyed 28 sites had BMDs in the wrong place, 4 were obstructed by chairs or tables which prevented easy access by wheelchair users and people with other mobility disabilities. A common problem encountered was that the BMD position did not provide privacy because the screen was facing outward so that anyone passing by could see the votes being cast. When asked about the positioning of the machine one poll worker's response was, "no one uses BMD."

Poll workers still not adequately trained

Along with our surveys we also ask consumers to tell us about their voting experiences. They tell us when they go in to vote, the BMD isn't set up, and poll workers can't help them if there's a problem with the BMD or can't instruct a new voter how to use the machine.

We hear at each election that poll workers consistently tell voters that the BMDs are only for people with disabilities. This is not true. Anyone who requests the BMD is able to use it. Also, since poll workers by

Testimony before the Governmental Operations Committee

Center for Independence of the Disabled, NY (CIDNY)

Monica Bartley, Voting Rights Coordinator

August 8, 2012

law cannot ask someone if they have a disability, they may be turning away people with invisible disabilities who can benefit from the use of the BMD.

In some cases, voters using the BMD were told that they needed to fill in an affidavit ballot if there was a problem with the machine. Voters should have been told to fill in an emergency ballot. It's unclear therefore, whether those voters ballots were counted.

Other common problems include:

- One voter was told that their BMD ballot couldn't be scanned and that the BMD counted the vote. This voter was never assured that their vote was counted.
- At one poll site the poll worker assigned to the BMD said she did not get enough training and if someone needed to use the accessories, she would have to read the instructions to set them up.
- At the June 26, 2012 Primary, one of our consumers who is blind, requested the use of the Ballot Marking Device (BMD). Someone, who didn't identify herself as a poll worker, had the ballot in her hand, and asked the voter who she wanted to vote for. The voter said that it is supposed to be private.

She requested the headphone so that she could use the BMD and the Poll Clerk called her supervisor who told the poll worker to give the voter the headphone. The volume was down so she was not able to use it. She told her daughter who was with her that she couldn't hear and she turned up the volume on the headphone so she was able to vote independently. She said it's the second time she has gone there to vote and the BMD was not set up and no one was able to help her. She would like to be assured that she can vote without trouble at her polling site and that poll workers will be trained to help her.

Testimony before the Governmental Operations Committee

Center for Independence of the Disabled, NY (CIDNY)

Monica Bartley, Voting Rights Coordinator

August 8, 2012

Selis Manor, a residence for people who are blind or low vision, is a polling site. Since most voters at Selis need the BMD in order to vote privately and independently, they should have access to more BMDs. However, the Board only supplied two BMD machines, creating long lines and frustration. At the same time, one of the BMDs was not working properly leaving people to wait for someone to come to fix the machine. Many decided not to vote.

Recommendations

To ensure that poll workers are knowledgeable and capable of assisting voters who choose to use the BMD, or could benefit from using it, CIDNY recommends the following:

- Every poll worker should be required to practice on the Ballot Marking Device using each accessibility function (ear phones, paddles, sip and puff, etc). Poll workers should pass a test demonstrating their ability to assist voters.
- Public education and poll worker training by the NYC Board of Elections should promote the use of the Ballot Marking Device for any voter, including for those who have difficulty reading the small print and/or filling in the small ovals.

CIDNY strongly urges that these issues are addressed before the upcoming elections in order to ensure voting equality. People with disabilities must be able to vote like everyone else, privately and independently as guaranteed by the Help America Vote Act.

CIDNY would like to thank the Governmental Operations Committee for continuing to monitor voting rights and for listening to the community.

**Testimony to the New York City Council Committee on
Governmental Operations: Assessing the Board of Elections'
Performance in the 2012 Congressional Primary and
Preparedness for the Upcoming 2012 New York State
Primary Election.**

Wednesday, August 8, 2012

Good afternoon. My name is Kate Doran. I serve on the Board of the League of Women Voters of the City of New York. As a multi-issue, non-partisan political organization we encourage informed and active citizen participation in government, work to increase understanding of major policy issues, and influence public policy through advocacy and education.

For over 90 years, voter education, voter service, and election administration have been priorities for the League of Women Voters in New York. Accordingly we appreciate this opportunity to comment today.

We acknowledge that the transition from the lever machines was an enormous undertaking and that in many respects the transition is ongoing. But machines and systems are only part of running an election. Today we will emphasize the "people part." The voter deserves welcoming, knowledgeable, customer service, and poll workers deserve a training program that adequately prepares them for the job. Every voter comes in contact with a poll worker: an Inspector, an Information Clerk, and possibly a Translator. Every poll worker can expect to perform routine procedures, and to face the occasional challenging situation.

Since the Board relies first on County Political Committees to supply poll workers the League devised a grass roots study. We undertook a survey of Democratic and Republican District Leaders regarding their role in recruiting poll workers, and in Election Day oversight. The survey was open from January through March of this year, when we mailed or e-mailed surveys to more than 400 District Leaders. We heard back from an equal number of Democrats and Republicans from all boroughs except Staten Island. 91% of the respondents said that they do recruit poll workers, and 75% of respondents said that they find it difficult to do. The top suggestions from the District Leaders for improving election administration were poll worker related: better training, and ½ day shifts.

We shared our results and analysis with the Commissioners and the Executive Staff who dismissed them because of the 5% response rate, which they characterized as too small to be meaningful.

We encourage the NYC Board of Elections to do its own study and analysis of the reasons for the shrinking pool of prospective poll workers, and to share their results with the City Council and the public.

} Examples of Voter Complaints }

In each instance the voter was alarmed, and sufficiently motivated to write to us. The quoted problems occurred because the poll workers did not know how to do their jobs, or could not give correct answers. Were they lacking the skills? Were they not properly trained and tested?

The League of Women Voters encourages every eligible citizen to register, and come out to vote on Election Day. We believe that poorly trained poll workers, and confusion at poll sites are disincentives to voting. Simply put – poor voter service translates into lower voter turnout.

The current procedure for training poll workers, (mainly Inspectors) in NYC is very costly and of limited value. We question why it has not been revisited along side the new voting system. We suggest a system modeled along the lines of applying for a driver's license in New York. The Board of Elections, without taking on any new personnel, could make available at all times copies of the Poll Worker's Manual. Individuals who want to be Inspectors could pick up hard copies or down load the manual from the Board's website. The Poll Worker Manual and the more recent, *Procedures- Summary Guide* are excellent tools. A motivated reader/learner can essentially teach themselves the job. After studying the manual, the prospective Inspector could come in to a board office and take a written test. The test would be open book, which is as it should be, because test takers are practicing what will be required of them at the poll site: being asked questions and researching answers. If the prospective Inspector completes, and passes the written test, he/she moves to hands-on training on the scanner and BMD, analogous to the would be driver being given a permit to practice driving after passing a written test.

The signature virtue of the Motor Vehicle model, read, study, and test, without classroom instruction is that individuals thinking about being poll workers will self select. The person who does not want to read a manual will not apply. Those who appoint poll workers will likewise have to keep in mind that reading comprehension and communication skills will be tested. Perhaps County Committees will begin to recruit individuals having these particular skills. Hands on training would be less costly because the classes would be much shorter. Training could include role play of challenging situations that arise at poll sites, and be an opportunity for the Board to pass on new information that may not be in the manual, as well as a chance for trainees to ask questions.

It makes sense to couple new training procedures with split shifts on Election Day. Again, we strongly urge the Board to write rules to employ Inspectors to work ½ day shifts. The 2010 Amendment to Section 3-400 of the Election Law gave the Board permission to do this. The low turnout elections in 2011, plus the two low turnout

primaries in 2012 would have been ideal times for the Board to stage pilot studies of split shifts. To our great disappointment none were done.

As part of Pre-Election Day duties, Poll Site Coordinators are expected to telephone assigned workers to confirm that they plan to work. This means that Coordinators know in advance whether or not there will be sufficient staff to properly administer the election and to serve the voters. Coordinators should be able to notify the BOE, describe their vacancies and have Standby workers assigned to show up at poll sites at 5:00 AM on Election Day morning.

We urge the NYC Board of Elections, Election Day Operations team, and each of the Borough offices to make changes to the Standby Pool System for the upcoming September 13th Primary. We recommend assigning a "Dispatcher," who would be available to take calls from Poll Site Coordinators on Wednesday before Primary Day, identify appropriate people from the Standby Pool, and assign them to show up at 5:00 AM at specific sites as needed. Currently The Standby Pool cannot be accessed before 6:00 AM, long past time when workers should be onsite preparing for voters.

The League of Women Voters considers informing and educating voters a mainstay of its mission. The Board of Elections complies with requirements of New York State law to notify every registered voter "each year," by first class mail, in a communication conveying important facts that all voters need. However, election administrators can always do more. Because of redistricting, State Senate, Assembly and Election District numbers have changed. There is no guarantee that voters will hold on to a BOE August mailer for the November General Election. Since this is a presidential election year, we believe it is vital that another "Notice to Voters," go out in October, and that as much publicity as possible be given to this information. Council members can alert their constituents, and free publicity should be requested from all media outlets.

Going forward we believe that e-mail communication could play a very important role as a less expensive way to deliver important, and perhaps last minute information. It is a great tool for "doing more." The Board must start to proactively collect e-mail addresses from voters. We suggest that the very next printing of the New York City Voter Registration form include a field for e-mail address. The inclusion could be optional, as the telephone number is now, and voters could be assured that e-mail addresses would not be shared or sold. We believe that voters would welcome targeted, timely information to their Inboxes.

We applaud the staff of the Board of Elections for its hard work during this challenging year. We thank the Governmental Operations Committee for its continuing leadership, and we stand ready to support you both in better serving the voters of the City of New York.

Teresa Hommel
www.wheresthepaper.org
10 St. Marks Place, New York, NY 10003
admin@wheresthepaper.org , 212 228-3803

**Oversight: Assessing the Board of Elections' Performance in the
2012 Congressional Primary Election and Preparedness for the
Upcoming 2012 New York State Primary Election**

Committee on Governmental Operations

Gale A. Brewer, Chairperson

Wed., Aug. 8, 2012, 1:00 PM, Council Chambers, City Hall, New York, NY

“Modernization” versus the Myth of Computer Security

Thank you for the opportunity to testify here today.

I do not oppose the suggested change in our election night reporting for the upcoming primary, except on the basis of cost. However, I am testifying due to my concern about calls for “modernity,” as if modernity were a measure of good government, and the suggestion that voting resembles banking by ATM and online.¹

If these ideas are accepted, they will prove to be the slippery slope that leads us to use of communication devices in our scanners to return election night results via wireless or wired communication, thus opening our elections to the pervasive types of fraud that banks deal with. Further down the line these ideas can lead to online voting.

I am here to remind everyone why banking and voting are irreconcilably different, and why New York State wisely bans communication capability in our voting equipment.

Banking transactions, whether online, through ATMs, or in person in a bank, are tagged with transaction tracking numbers. There are account numbers, PIN numbers, and other numbers associated with each transaction. The average banking transaction is audited or verified three to five times as it is processed by a bank's computers. The customer who made the transaction is usually offered a receipt, and receives a statement.

Despite these efforts to ensure security and accuracy, if you do an internet search on “ATM fraud” or “online banking fraud” you will find millions of links, as well as assessments of the continually evolving methods used to commit fraud with computers and ATMs, and the continually increasing incidence of some types of fraud. Thefts due to some kinds of ATM fraud are measured in billions of dollars, yet despite these losses the banks come out ahead financially. In the banking industry losses due to fraud are a cost of doing business. But in our elections, wrong tallies and wrong election outcomes are not an “overhead” that we want our democracy to bear as a cost of computerization, “modernity,” and “speed of election night returns.”

In contrast to the many identifying numbers associated with every banking transaction, we vote with a secret ballot. This means we cannot use transaction or tracking numbers on the ballots, because they would enable the voting choices of individual voters to be discovered. In contrast to the 300% to 500% verification audits that banks perform, our state law mandates 3% audit. That means 97% of our voting and vote counting is unverified, unaudited, “trust me” style.

The Queens computer network engineer Howard Stanislevic has done extensive statistical work to show the low likelihood of discovering errors in our new paper-ballot-optical-scanner pollsite voting system.²

At this time, however, our counties cannot afford software-independent, statistically-significant audits, and our counties are not even required to perform spot-check audits of every race on the ballot.³

Because of this we are unlikely to discover errors resulting in loss of votes, or shifting of votes from one candidate to another.⁴ These can occur due to innocent or malicious ballot programming errors, or software errors; or tampering by insiders, or hacking by outsiders.⁵

In repeated testimony in the past to this committee, I predicted that the growing fiscal crisis of our nation, state, and city would pit community against community in a struggle for scarce resources and essential services. As we continue to cut back our schools, libraries, bus service, and so on, we need to balance calls for “modernity” and “convenience” and “speed of election night reporting” with other human needs that affect the lives of our citizens every day.

Thank you.

1 For example, Citizens Union issued a press release on July 17, 2012 saying “If New Yorkers can bank online using computers, the Board should be able to use modern technology at its disposal to report initial voting results.”

2 <http://www.wheresthepaper.org/10/NYAuditGraphs3PercentConfOnly.pdf>
http://www.wheresthepaper.org/09/HowardStanislevicAssemOct22_09.pdf

3 The only way to determine whether a particular scanner counted votes properly on election day is to hand-count the votes on the same paper ballots after the election. The only way to determine whether the outcome of a scanner-counted contest is correct is to hand-count the ballots from a statistically-significant number of scanners (or other audit units). Nothing in our state election law requires this. No county has the funds or desire to do it.

4 <http://www.wheresthepaper.org/ACM.pdf>, “Small Vote Manipulations Can Swing Elections.” This paper by Yale students Anthony DiFranco, Andrew Petro, and Emmett and Vladimir Vladimirov was published in the prestigious computer journal Communications of the ACM. They showed that switching an average of one vote per evoting machine could change the outcome of most elections.

5 The 2005 FBI Computer Crime Survey, the largest computer crime survey compiled, showed that in one year, 87% of companies had security incidents; 64% lost money (showing the severity of the incident); and 44% had intrusions by insiders. Is our Board of Elections immune from these odds?

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Teresa Hommel
Address: 10 St Marks Place NY NY 10003
I represent: myself and WheresThePaper
Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8/8/12

(PLEASE PRINT)

Name: Art Chang
Address: _____
I represent: Voter Assistance Advisory Committee
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8/8/2012

(PLEASE PRINT)

Name: DOUGLAS KELLNER
Address: _____
I represent: NYS Bd of Elections
Address: Albany NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Mr X

Address: _____

I represent: MYSELF

Address: irtindbm@gmail.com

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8/8/12

(PLEASE PRINT)

Name: Andrew Schlachter

Address: 450 Lexington Ave.

I represent: Election Protection

Address: 450 Lexington Ave.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8-7-12

(PLEASE PRINT)

Name: ALLAN FEINBERG

Address: 1342 E 18th Street

I represent: Tail Advocacy Coalition & myself

Address: as Citizen of New York

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: Aug. 8, 2012

Name: Kate Doran (PLEASE PRINT)

Address: 4 W. 43rd Street

I represent: League of Women Voters

Address: of the City of New York

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Kenneth H Barr (PLEASE PRINT)

Address: 55 Payson Avenue #2D New York, NY 10034

I represent: Democratic Scanner Inspector, Good Shepherd School

Address: 110 Cooper New York, NY 10034

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: APRIL TYLER (PLEASE PRINT)

Address: 1580 Amsterdam

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 08/08/2012

(PLEASE PRINT)

Name: Londel Davis

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 08/08/12

(PLEASE PRINT)

Name: Ralph Andrew

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Leo Glickman

Address: 475 Atlantic Ave. 3rd fl, Brooklyn, NY 11217

I represent: myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8 Aug 2012

Name: JUAN CARTAGENA (PLEASE PRINT)

Address: 99 Hudson St NY NY

I represent: LATINO JUSTICE PRIDE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: Aug. 8

Name: LaMon D. Bland (PLEASE PRINT)

Address: 308 Lenox Ave.

I represent: Bill Lynch Associates

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8-8-12

Name: Keen Berger (PLEASE PRINT)

Address: 130 Jane St

I represent: District Leader - 66A

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Senator Asaano Espallat

Address: 5030 Broadway, New York, NY 10034

I represent: Same

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8-8-12

(PLEASE PRINT)

Name: MONICA BARTLEY

Address: 1251 DEKALB AVE, #6E, BROOKLYN, NY 11221

I represent: Center for Independence of the Disabled, NY

Address: 841 Broadway, #301, NY, NY 10003

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Phyllis E. Gunther

Address: 303 W. 46 St (4CW) NY, NY 10023

I represent: Myself as former District Leader 67A

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8/8/2012

(PLEASE PRINT)

Name: Constance Lesold
Address: 340 MARINE AVE., BKLYN
I represent: NY, 11209 self
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alex Camacho
Address: _____
I represent: Citizens Union
Address: 299 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 8/8/12

(PLEASE PRINT)

Name: SUSAN KERNER
Address: 74 Trinity Place, NY, NY
I represent: Common Cause / NY
Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: IOELISSE HERASME

Address: 834 Riverside apt 4A New York
10032

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Anna Khoury

Address: 651 W. 190th Apt 1 NY 10040

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. W/A Res. No. _____

☐ in favor ☐ in opposition

Date: 8/9/12

(PLEASE PRINT)

Name: Leonard Cohen

Address: 67 Elm Street # 702 NY NY 10003

I represent: New York Democratic Lawyers Council

Address: nydlc.org

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 08/08/2012

(PLEASE PRINT)

Name: A. BRINMORE C. BRITTON
Address: 26 PARKER ST. 2ND FL. BKLYN NY 11236
I represent: KINGS LEADERSHIP COUNCIL OF U.S.A
Address: 4517 GLENWOOD RD. BKLYN NY 11203

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: RUBEN L. VARGAS
Address: 105 W 104TH ST. #3A NY 10025
I represent: _____
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 8/8/12

(PLEASE PRINT)

Name: ESPERANA ARISTY
Address: 4915 Broadway 3M
I represent: _____
Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: _____

Name: BRIAN KAVANAGH (PLEASE PRINT)
Address: 237 First Avenue
I represent: Myself & my constituents
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. NA Res. No. NA
BOE Harkin ☐ in favor ☒ in opposition
Date: _____

Name: Ralph Andrew (PLEASE PRINT)
Address: _____
I represent: self
Address: 69-10 108th St F A NY 11375

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: _____

Name: ALAN FLACK (PLEASE PRINT)
Address: 312 W. 100 St
I represent: NYC 10025
Address: _____

Please complete this card and return to the Sergeant-at-Arms