

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS

----- X

September 17, 2014

Start: 01:15 p.m.

Recess: 04:12 p.m.

HELD AT: Committee Room - City Hall

B E F O R E:

BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:

DANIEL R. GARODNICK
DEBORAH L. ROSE
INEZ E. DICKENS
JUMAANE D. WILLIAMS
MARGARET S. CHIN
MARK LEVINE
MELISSA MARK-VIVERITO
RAFAEL L. ESPINAL, JR.
VINCENT IGNIZIO
YDANIS A. RODRIGUEZ

A P P E A R A N C E S (CONTINUED)

1 COMMITTEE ON RULES, PRIVILEGES, AND ELECTIONS 3

2 [gavel]

3 CHAIRPERSON LANDER: Good afternoon. And
4 welcome to the New York City Council's Committee on
5 Rules, Privileges, and Elections. My name's Brad
6 Lander and I'm honored to chair this committee.

7 Before we begin let me introduce, got a great set
8 of council members both from the committee and
9 beyond who are here with us today. On the committee
10 itself Speaker Melissa Mark-Viverito, Council

11 Member Ydanis Rodriguez, Council Member Dan
12 Garodnick, Minority Leader Vinny Ignizio, Council
13 Member Inez Dickens, Council Member Jumaane

14 Williams, ex-officio member of the committee

15 Majority Leader Jimmy Van Bramer, and we're
16 delighted to be joined this morning also by Council
17 Members Robert Cornegy, Corey Johnson, and Margaret

18 Chin. Welcome. A great turnout. I also want to
19 acknowledge the committee's attorney Jason Attonyo

20 [sp?] and to thank the staff members of the

21 council's investigative unit Chuck Davis the

22 Director of Investigations, thank you Chuck. As

23 well as Diandra, Diandra Johnson and Diana Arriaga

24 [sp?] who do a great job preparing us, gathering

25 all the materials for all of our uh hearings in

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 4
2 the, in the rules committee. Today for the first
3 time the city council will conduct a public hearing
4 on nominees for the New York City Board of
5 Elections. Elections are a sacred trust in our
6 democracy, literally the mechanism by which we
7 achieve the consent of the governed which is at the
8 very core of course of our democratic system of
9 government. It's where we offer citizens the
10 opportunity to decide on who will occupy executive
11 judicial uh legislative branches of government. So
12 it's obviously essential that we take it seriously.
13 That's why I'm very enthusiastic about today's
14 hearing and I especially want to thank Speaker
15 Mark-Viverito for making it possible. What the
16 council's doing under your leadership here goes far
17 beyond what state law requires; a public process
18 for vetting, reviewing conflicts, asking questions,
19 getting answers on the record, as well as inviting
20 the public to participate. It's a process that was
21 requested in 2009 by the New York State Citizen's
22 Coalition for voter participation and fair
23 elections and I believe this process will
24 contribute substantially to the need for reform and
25 improvement in the New York City Board of

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 5

2 Elections. So again thank you for making it
3 possible. Today we will hear from three candidates
4 being considered for appointments to the board of
5 elections. We have before us John Flateau, a
6 resident of Brooklyn who's being considered for
7 appointment by the democratic members of the
8 council as the Kings County Democratic Party
9 Commissioner of Elections to the Board of Elections
10 to serve for the remainder of a four year term that
11 expires on December 31st, 2016, Bianca Perez,
12 resident of the Bronx is being considered for
13 appointment by the democratic members of the
14 council as the Bronx County Democratic Party
15 Commissioner of Elections to the BOE also for a
16 four year term that will expire on December 31st,
17 2016, and Allen Sholken, a resident of Manhattan is
18 being considered for appointment by the democratic
19 members of the council as New York County
20 Democratic Party Commissioner to the BOE again for
21 the remainder of a four year term that expires on
22 December 31st, 2016. Welcome to all of you. The New
23 York City Board of Elections and its commissioners
24 are responsible for the maintenance administration
25 of voting records and elections. The board

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 6
2 exercises quasi-judicial powers by conducting
3 hearings to validate nominating petitions of
4 candidates and the board is required to make an
5 annual report of its affairs and proceedings to
6 this council once every 12 months. The Board of
7 Elections consists of 10 commissioner, 2 from each
8 of the city's five counties who are directly
9 appointed by the city council. Not more than 2
10 commissioners shall be registered voters of the
11 same county and each commissioner serves a term of
12 four years or until a successor is appointed.
13 Commissioners should be registered voters from each
14 of the major parties in the county to which, for
15 which they are appointed. Commissioners receive a
16 300 per diem for each day's attendance at meetings
17 of the board or any of its committees up to a
18 maximum of 30 thousand dollars per year. Generally
19 the city's county political committees have the
20 authority to recommend a commissioner for
21 appointment by the council at least 30 days prior
22 to the seat representing the respective county and
23 party uh becoming vacant and the full council under
24 that circumstance would have the authority to
25 appoint each recommended commissioner. However, in

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 7
2 the case of a vacancy due to the expiration of a
3 term if a county committee fails to make a
4 recommendation within at least 30 days prior to the
5 first day of January of the year in which that
6 appointment would be made then the county political
7 party caucus has the sole authority to appoint a
8 person of its choosing for that BOE seat. And if a
9 commissioner serves, even if a commissioner is
10 serving as a holdover after the expiration of his
11 or her term that seat is considered to remain
12 legally vacant for appointment purposes as of the
13 expiration of his or her term. That's the situation
14 that we face today with these three positions for
15 Brooklyn, Manhattan, and the Bronx. The appointment
16 must be made under state law by the democratic
17 conference of the New York City Council but the law
18 allows us to hold this hearing and have a public
19 and transparent process which again as I said under
20 the speaker we are doing for the first time. And
21 with that I'd like to invite the speaker to make an
22 opening statement.

23 SPEAKER MARK-VIVERITO: Thank you Chair
24 Lander and good morning, good afternoon sorry to
25 all my colleagues and to all that are here. I'd

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 8

2 like to welcome the candidates being considered for
3 appointment as democratic party commissioners to
4 the Board of Elections so welcome to Ms. Bianca
5 Perez, Dr. John Flateau, and Mr. Allen Sholken.

6 Under New York City Election Law the democratic
7 members of the council are authorized to fill the
8 current vacancies for democratic party
9 commissioners from the counties of Bronx, Kings,
10 and New York. As I've said before the council takes
11 our role in appointing new BOE commissioners very
12 seriously. In recent years we have held numerous
13 hearings that identify deep flaws and the need for
14 major reform in BOE operations. Last December the
15 New York City Department of Investigation released
16 a report on employment practices, operations, and
17 election administration at the BOE recommending
18 over 30 significant changes needed in policies and
19 procedures. At a city council hearing on that DOI
20 report earlier this year DOI Commissioner Mark
21 Peters indicated that the BOE had not been
22 cooperative in addressing the DOI findings and
23 recommendations. We are alarmed by this lack of
24 cooperation and are committed to seeing changes at
25 the BOE in response to the DOI report. While the

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 9

2 law does not require a formal public appointment
3 process or any vetting or background investigation
4 into potential conflicts of interest we believe
5 that such a process is essential. Because of this
6 we have publicized the name of the candidates under
7 consideration for appointment. We have conducted a
8 background investigation on the candidates to
9 identify any conflicts of interest. While seeking
10 guidance from the New York City Conflicts of
11 Interest Board on any potential conflicts
12 identified in our investigation efforts. Each
13 candidate was provided with a detailed
14 questionnaire all of which have been completed.
15 Their answers have been provided to the council
16 members in advance of today's hearing. And of
17 course today we're here to hear candidate testimony
18 and answer to, answers to pertinent questions. The
19 council is committed to using its oversight powers
20 to insure transparency in our BOE appointment
21 process as part of an effort to bring about the
22 reform necessary for the administration of fair,
23 effective, and efficient elections in our city.

24 With such a need for change in how the BOE conducts
25 its business today's hearing is a vital step in the

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 10
2 council's appointment process. We look forward to
3 hearing from the candidates and we look forward to
4 what will no doubt be a spirited discussion about
5 their candidacy and the future of the Board of
6 Elections. So I want to thank the candidates that
7 are here today for appearing before us and thank
8 you to everyone in attendance for your
9 participation in today's hearing.

10 CHAIRPERSON LANDER: Thank you very much
11 Madam Speaker. It's our custom in this committee to
12 provide an opening statement for the chairs of the
13 committees in the council that have the oversight
14 of the, the jurisdiction over the issue in question
15 and there are two of those here today, the Board of
16 Elections itself falls under the Government
17 Operations Committee and Chair Kallos who has been
18 a very strong advocate of reform and improvement at
19 the Board of Elections and in general is here. And
20 then after him because this as we said an
21 appointment of the democratic conference of the
22 city council the Majority Leader Jimmy Van Bramer
23 will also make an opening statement. Chair Kallos.

24 CHAIRPERSON KALLOS: Thank you to
25 Speaker Mark-Viverito and Rules Committee Chair

COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 11

Brad Lander for engaging in an unprecedentedly open process for what has been traditionally a patronage appointment position. Having this voluntary public hearing is an important improvement in appointment practices to the Board of Elections, one that is reflective of this speaker's dedication to a fair process that empowers members and the public. The New York City Board of Elections that the speaker's already alluded to has been plagued by internal problems as enumerated in a 2013 Department of Investigations report. And it has been the ongoing focus on the Committee of Governmental Operations. We've had numerous public hearings. We've also demanded that the Executive Director continue to meet with us on a frequent basis to go over compliance with the Department of Investigation's report. And in fact we deemed a response to the DOI to be nonresponsive in terms of their compliance plan. So I am glad that we have an opportunity to have new commissioners coming in and I look forward to working with you and I'll be asking you to analyze your report, testify publically, and also I wanted to think about the questionnaires that we have which was an amazing opportunity to really get

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 12
2 all the candidates on record on important issues.
3 And those questionnaires reflected questions from
4 many members of the council because Board of
5 Elections is an issue of importance to anyone who's
6 been elected democratically. The council has the
7 chance to make continuous progress in reforming the
8 Board of Elections ultimately creating major
9 improvements in our city's democracy and I'm
10 pleased to have this opportunity. So once again
11 thank you to Rules Chair Brad Lander and our
12 Speaker Melissa Mark-Viverito.

13 CHAIRPERSON LANDER: Thank you very much
14 Chair Kallos and for our final opening statement
15 before we hear from the candidates the Majority
16 Leader of the City Council Jimmy Van Bramer.

17 MAJORITY LEADER VAN BRAMER: Thank you
18 very much to our Speaker Melissa Mark-Viverito and
19 to you Chair Lander. And I too would like to echo
20 the welcome to the candidates being considered for
21 appointment as democratic party commissioners to
22 the Board of Elections. It's an honor to join this
23 committee and all of my colleagues in this very
24 important oversight hearing concerning the
25 appointment of these democratic commissioners to...

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 13
2 Board of Elections. Today marks a pivotal juncture
3 in an unprecedentedly transparent process to fill
4 commissioner vacancies for three of our five
5 counties to the city's Board of Elections. Tomorrow
6 the democrats of New York City will cast a vote on
7 whether or not to appoint these candidates to their
8 perspective offices based in part on what is said
9 here today at this committee meeting. Echoing the
10 speaker's sentiments of commitment to ensuring
11 transparency and openness in our BOE appointment
12 process I too look forward to hearing from the
13 candidates today as well as taking part in this
14 discussion. My thanks to Ms. Bianca Perez, Dr. John
15 Flateau, and Mr. Allen Sholken, and to everyone in
16 attendance for participating in this very important
17 process here today. And with that back to you Mr.
18 Chair.

19 CHAIRPERSON LANDER: Thank you very much
20 Majority Leader. And I want to correct one thing on
21 the record. I did not acknowledge Council Member
22 Chin as a member of the committee which of course
23 she is I just introduced generically so I apologize
24 Council Member Chin. So now welcome to each of you
25 for being here. We'd like to first ask you to be

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 14
2 sworn in. So Dr. Flateau, Ms. Perez, and Mr.
3 Sholken if you'd all raise your right hand and the
4 Committee Council will conduct the affirmation.

5 COMMITTEE COUNCIL: Do you solemnly
6 swear or affirm that the testimony you're about to
7 give will be the truth, the whole truth, and
8 nothing but the truth? Thank you.

9 CHAIRPERSON LANDER: Thank you very
10 much. I'll just flag for a Rules Committee members
11 and other members of the council you can find a
12 written copy of the candidates opening statements
13 as well as their questions and answers in the
14 briefing books in front of you. And now let me ask
15 each of you to go ahead and make an opening
16 statement. Well, well the order we have will be Dr.
17 Flateau, Ms. Perez, and then Mr. Sholken.

18 DOCTOR FLATEAU: Good afternoon Speaker
19 Viverito, Council Member Lander Chair,
20 distinguished council members, my Council
21 representative, Council Member Cornegy, and to the
22 Committee on Rules, Elections, and Privileges. My
23 name is John Flateau. I am deeply honored to be
24 given this opportunity by you to present my
25 candidacy for Board of Elections Commissioner. I

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 15
2 give thanks to the creator, to my parents Sydney
3 and Gene Flateau who by their lives exemplified a
4 traditional public service that I'm seeking to
5 pursue today. The New York City Board of Elections
6 is a crucially important agency in our municipal
7 government. It's entrusted with the sacred duty of
8 supervising regular peaceful transition of
9 political and governmental power in our
10 legislative, executive, and judicial branches
11 through the conduct of elections. At the behest of
12 the peoples' voice, their vote, the Board of
13 Elections plays a key role in deciding who is in
14 government and who is not, who and what candidates
15 and proposals are on the ballot, and who and what
16 is not. The Board of Elections should be considered
17 a guardian, a generous gateway, and a responsible
18 gatekeeper of our urban democracy. It should be an
19 agency of effective and efficient election
20 administration operating with fairness, integrity,
21 and transparency a chief advocate of our voting
22 rights, voting participation, and expansion of the
23 franchise to all eligible New Yorkers. I will deem
24 it a tremendous privilege to have the opportunity
25 to serve in the role of commissioner of the Board

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 16
2 of Elections. I believe that I can contribute a
3 range of skills, knowledge, and experience as well
4 as advocacy for the underrepresented. I carry a
5 standard of excellence in performance and
6 productivity. I offer insights as a strategist, a
7 coalition and bridge builder, and one who possesses
8 I believe a progressive vision and agenda for
9 electoral reform and providing high quality service
10 to our voters should I be given this opportunity. I
11 have a managerial insight as an administrator at
12 federal, state, and local levels having served as
13 Chief of Staff to Mayor Dinkins, a senior vice
14 president of the Urban Development Corporation,
15 Executive Director... Black and Puerto Rican Caucus,
16 and currently I serve as a professor in public
17 management and political science in Medgar Evers
18 College of the City University of New York. And I
19 teach subject matter I believe directly relevant to
20 some of the needed reforms at the Board of
21 Elections; fiscal administration, public personnel
22 management, organization theory, research methods,
23 and the like. I've served great apprenticeships for
24 the positions and I have been well trained with a
25 PHD in Political Science specializing in American

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 17
2 Politics and Public Policy. As a community and
3 political activist and organizer I've been involved
4 in several historic election contests, ballot
5 initiatives, and voter registration drives. I know
6 the value of insurgency and I also understand the
7 power of the political establishment. On voting
8 rights issues I work with New York's finest
9 advocates and attorneys successfully suing
10 governors, mayors, legislative meetings, Boards of
11 Elections who were not providing fair and just
12 representation and access to the electoral process
13 for communities of color and for all New Yorkers.
14 Personnel management reform and anti-nepotism broad
15 based election work or hiring, these are just some
16 of the issues, same day registration, no excuse
17 absentee voting, faster release of election results
18 to the voters of New York, campaign finance reform,
19 these are some of the issues that a new Board of
20 Elections, a revitalized Board of Elections will be
21 pursuing and I would love to be a part of that
22 process. In closing I've received the scrutiny and
23 support of the City Council Brooklyn Delegation,
24 Chairman Frank Seddio in the Brooklyn Democratic
25 party and I've been supported by civil rights and

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 18
2 good government groups and others. I would consider
3 it a great privilege to have the opportunity to
4 serve Brooklyn and the great people of New York
5 should you approve me as a commissioner of the
6 Board of Elections. Thank you.

7 BIANCA PEREZ: Yes. I want to thank the
8 speaker, the Committee on Rules, Privileges, and
9 Elections for holding this important hearing to
10 consider my nomination as Bronx Democratic
11 Commissioner of the Board of Elections. The
12 position of commissioner is one of the most
13 important within the Board of Elections and I
14 sincerely hope that this committee approves my
15 nomination. As this committee is aware I am a Bronx
16 resident. I'm also a practicing attorney who has
17 maintained a law practice in the Bronx for over 10
18 years. In addition I serve as a per diem
19 administrative law judge at the Office of
20 Administrative Trials and Hearings. For the past 10
21 years I have managed my own law firm. Prior to
22 establishing my own law firm I worked at the law
23 firm of Ginarte O'Dwyer, Winograd, and Gonzalez. I
24 gained vast experience at the firm in management
25 which not only involves the practice of law it also

COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 19

embarks a delegation of work and utilizing

effective employment practices to make the firm

successful. I have also done extensive work in my

community. I am an active board member of the

Dominican Bar Association. I was president in 2012

and 2013. I have participated in many clinics,

legal clinics helping the community with legal

issues. I have also worked on many election

campaigns. If appointed I will ensure to work

diligently, honestly, and professionally to restore

the public's faith in the electoral process. I have

read the New York City Department of Investigations

report dated December 2013 regarding the board and

its recommendations. I totally agree with the New

York City Department of Investigation's

recommendations and I will commit to bring about

the changes recommended to the board. I believe I

along with the rest of the board can do more to

professionalize the staff at the board and improve

communication between the board and the public. I

truly will devote myself as commissioner of the

board to enforce and create new laws which will

allow the voters more comprehensive access to the

ballet. My goal is to ensure that the Bronx

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 20
2 community has total access to the ballot. I will
3 also use social and mass media as potential tools
4 to communicate with the voters. I am confident that
5 I am qualified for this position and I am prepared
6 to serve as Bronx Democratic Commissioner at the
7 Board of Elections. I hope that you will appoint me
8 today. I look forward to working with the board and
9 all the commissioners at the Board of Elections.
10 Thank you for having me.

11 CHAIRPERSON LANDER: Thank you very much
12 Ms. Perez and for the final opening statement Mr.
13 Sholken.

14 ALLEN SHOLKEN: Yes I would like to
15 thank the speaker, the members of the Rules
16 Committee and the whole city council for this
17 opportunity to present my case as to why I should
18 be appointed... thank you ...appointed a commissioner
19 with New York City Board of Elections. Growing up
20 in Brooklyn democratic reform movement I saw many
21 obstacles placed in the way of people both getting
22 on the, the ballot and everyday New Yorkers who
23 wanted to carry out their constitutional right to
24 vote. Many of these obstacles have been removed but
25 we have a long way to go. I believe in government

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 21
2 as the way to create a level playing field for all.
3 And in order to accomplish this we need to elect
4 legislatures who answer to all the residents of New
5 York, not just the rich, able bodied, or people who
6 speak English as their first language. We have to
7 make it easier to register to vote and then to
8 vote. My life experience as both a manager,
9 auditor, and a union official organizer help make
10 me qualified. Additionally I, I, my five months
11 working as the Deputy Chief Clerk at the Manhattan
12 Board make me uniquely aware of the operation of
13 the Board. It's sort of like watching sausage being
14 made. You learn a lot about what goes into your
15 food. So thank you so much.

16 CHAIRPERSON LANDER: Thanks each of you
17 for those opening statements. We'll now move to
18 asking questions of the nominees. We'll make an
19 opportunity for every member of the committee to do
20 so. I, the speaker will open up the questioning, I
21 will ask a couple of questions, and then we'll open
22 it up to other, the, the two chairs as, that made
23 opening statements, and then we'll open it up to
24 all other members of the committee. I'll save some
25 of my questions for the end and then after the Q

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 22
2 and A we will invite members of the public to come
3 up and give testimony as well. To kick off the
4 questions Madam Speaker.

5 SPEAKER MARK-VIVERITO: Thank you Mr.
6 Chair. And I'm just going to ask one question
7 because I know a lot of my colleagues have
8 questions and come back around but... Obviously we
9 had given you an extensive questionnaire and at the
10 heart of a lot of this conversation is the DOI
11 report and the recommendations that were made which
12 is an extensive analysis and, and a investigation
13 that was done in a, a host of the 33 or so
14 recommendations that were made. So in the
15 questionnaire we did ask you specifically about the
16 report so obviously there was a level of knowledge
17 of each of you of the report and to, so that you
18 could speak a little bit you know for public, to,
19 to put it out in the public... your response to
20 report and to some of the key aspects of the
21 recommendations that you would most immediately
22 support and push forward. You can speak to that a
23 little bit. And... start in whichever direction.
24 Doctor Flateau you want to start?

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 23

2 DOCTOR FLATEAU: Well I think one of the
3 key areas the DOI report touched on is personnel
4 management and operations at the board. It noted
5 that it's what I would call a decentralized
6 process. There's not a uniform, agency wide
7 standard for personnel practice. It noted that
8 there are some documents, personnel documents that
9 exist within the board but depending on which unit
10 you're talking to, the central office, this borough
11 office, or that borough office there are different
12 practices [sic], realities actually taking place. So
13 I think that... and overall a strong personnel
14 management operation was one of, one of the points
15 that needs to be pursued. It, it also brought out
16 that DCAS, the Department of City Administrative
17 Services which, which is the, which was the civil
18 service... [cross-talk] personnel operation for the
19 city I think it clearly suggested that that should
20 be looked to as the framework or frame for
21 organizing and reorganizing or improving personnel
22 practices at the board. It talked about... it, it
23 uncovered, the DOI investigators uncovered
24 instances of nepotism in the board and that there
25 needs to be a strong policy to eliminate that

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 24
2 practice, relatives of managers, commissioners even
3 who are, who participated actually in the hiring
4 of, of relatives or, so that that anti-nepotism was
5 another issue it brought up. Better, much better
6 training of poll workers, workers in the field... One
7 of the numbers I was surprised at but the math
8 makes sense overall. In a major general election
9 there are over 30 thousand part time employees on
10 the ground at 12 hundred polling places throughout
11 the city. Who those workers are, how well are they
12 trained, are they carrying out their
13 responsibilities properly... I think the DOI
14 investigation identified a number of flaws there.
15 So just for starters I would say those are some of
16 the areas that I would, I totally agree with. The,
17 I, I would also note that the Executive Director
18 Mr. Ryan also wrote a 30 page response to that
19 indicating that there are some reform, some of
20 those reforms are underway at the board. I wouldn't
21 know that I'm, I'm not there yet but I, I, I would
22 be a part of a process to, to reform those
23 practices I identified and others that are
24 mentioned in the DOI report.

25 SPEAKER MARK-VIVERITO: Mr. Sholken.

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 25

2 ALLEN SHOLKEN: Yes I, I see the DOI
3 report as common sense. I mean I don't even know
4 why these issues are being brought up, that these
5 practices haven't been done in the past. It's just
6 common sense. I agree that we need better training.
7 I don't know, as he said he doesn't have the
8 experience but recruiting people to work at the
9 polling place is near impossible. We're getting
10 less and less people who want to do the job. One of
11 the reasons we're paying enough and there, there
12 are other reasons. And we constantly having
13 problems doing recruitment. Manhattan actually has
14 a better record on recruiting than some of the
15 other boroughs. I, one of the main things I would
16 say is we need to be vetted. There has to be a lot
17 more of vetting of who... we have a lot of
18 information that is being given out to people who
19 may not, should not have it. Unfortunately we give
20 out social security numbers and names and addresses
21 and telephone numbers of people. And I think
22 that's, that's a major major problem. I do believe
23 a lot of what the DOI report has said has already
24 been improved upon. I think we're trying to make
25 the polling places more handicap accessible which

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 26
2 is going to be another major problem in the future.
3 We've hired a company called Evantary [sp?] and
4 they have a very strict rules they going by. They
5 were appointed by the federal judge. And I think
6 that finding polling places is going to be a lot
7 more difficult. A lot of people do not want us to
8 use their, their polling sites. There's, there's...
9 as far as election results coming in faster one of
10 the problems is we try to do election results
11 faster and that's where errors occur. We have
12 people at the Board of Elections who are not really
13 ready to do the job, they were patrons positions.
14 And unfortunately we were forced to take a lot of
15 those people. Most of who came in here before I got
16 there but these are the people who actually adding
17 up the results and doing all the tallying and
18 they're not qualified. So one of the things I would
19 do is make sure they're vetted. I would try to
20 expand the personnel department so they can do a
21 lot of the vending for us. And I would like to see
22 people trained and tested before they're hired. I
23 mean to have just basic computer skills is, is very
24 important. So that's where I would stand, start. I
25 think that's some of the easier things we could do.

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 27

2 This, the, the city is... time of leave we are now
3 are going to have city time which I hope will stop
4 a lot of the problems. But I work with Mike Ryan
5 and I got to tell you one thing. I believe Mike
6 Ryan is dedicated to those goals. I don't think
7 he's, he's an obstacle. I think he will work with
8 us. I'm sure Councilman Kallos can, could attest to
9 that. He's appeared before councilman. And I think
10 myself and, and these two people and the rest of
11 the board will work along with DOI and we will
12 definitely try to accomplish those tasks. Thank
13 you.

14 BIANCA PEREZ: Yes, as I said earlier I
15 totally agree with the DOI's recommendations but I
16 did write down specific areas which I think need
17 reform. Specifically the hiring practices, there
18 should be a standardized hiring and screening
19 process requesting resumes and conducting
20 interviews before hiring someone at the Board of
21 Elections. And I, I read the report and I agree
22 strongly on that issue. There was also, I also
23 agree strongly on the issue of adhering to city
24 personnel and contracting rules. If, if, it's very
25 important for anyone working at the Board of

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 28

2 Elections to, if they're going to apply for any
3 contracts with the city that these rules are
4 adhered. The political activities are also
5 important not to happen. If you work at the Board
6 of Elections I totally agree with the DOI's report
7 that there be no political activity by any employee
8 of the Board of Elections, especially a managerial
9 position. The time keeping rules should be also
10 more stricter. Apparently the DOI's recommendation
11 and report mentions that the time keeping can be or
12 has been abused and I strongly agree with that as
13 well. As to the... as, as Doctor Plateau, Plateau
14 mentioned professionalizing the training process
15 for the poll workers is very important because not
16 only is the staff important but on election day the
17 poll workers are even more important than the
18 actual staff. I, I don't believe they're, right now
19 based on my work on campaigns I, I think they need
20 more training as... And they should, this, this
21 also... I agree with the DOI's report that appointing
22 the poll workers is very important as well; who
23 appoints them and how are they vetted. The
24 relocation of poll sites is another main issue that
25 the DOI reported and I totally agree with it. I, I

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 29
2 think voters should know ahead of time that they've
3 been relocated to a poll site 10 blocks away,
4 especially the senior citizens who come and believe
5 they're going to vote in one place and they never
6 make it to the relocation spot. So that's a, I
7 strongly agree with the DOI's report on that issue
8 as well.

9 SPEAKER MARK-VIVERITO: Thank you for
10 your responses. And on that last point I know that
11 has emerged as a concern you know. And, and I know
12 it speaks to what's been mentioned about trying to
13 find handicap accessible poll sites, etcetera. But
14 there has to be a better way of communicating to
15 voters that their poll site has changed. Because
16 when you have seniors that for decades and years
17 have been going to the same site they just follow a
18 routine. There has to be a way of more explicitly
19 letting people know that sites have changed and I
20 think that that's part of the concerns that people
21 have, that decisions are being made randomly very
22 last minute. And that's, they lack faith in the
23 system because they think it's being done
24 intentionally right. So and that's where we talk
25 about the nepotism, having more professional hiring

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 30

2 process, following Conflict of Interest Board
3 regulations, this idea that there's... adherence to
4 that right now. Understanding this is incredibly in
5 depth report, there's a lot of recommendations,
6 there's a lot of criticism of, of how things can be
7 improved and that this is a huge agency. Obviously
8 the importance of us setting the ship right is
9 urgently needed and desperately needed as quickly
10 as possible. But understood that it's going to take
11 time too. But we, there needs to be a sense of
12 urgency from those that we appoint to really work
13 diligently as, as quickly as we can to... the
14 policies, to make the policy changes and to
15 implement them in a way that is going to help the
16 public in, instill confidence once again in public
17 that the BOE is an effective and efficient agency
18 right working on everyone's behalf. So the answers
19 to the questions is critical. I know there's going
20 to be a lot more questions on the DOI report and
21 the responses by all of my colleagues. But the
22 issue of the hiring process and the nepotism in
23 particular I think are two of the ones that have to
24 kind of be addressed most immediately as a way of
25 professionalizing the agency as a whole. So I'll

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 31

2 leave it there for now and... you know I'm sure
3 there'll be a lot more questions to that end.

4 CHAIRPERSON LANDER: Thank you very much
5 Madam Speaker. Just let me just follow up and I,
6 this is something that you all addressed in your
7 written answers but I, eager to have it here sort
8 of said on the record and it very clearly as well...
9 that report contains, depending on how you count,
10 something like 33 recommendations and some are easy
11 yes/no, some are things that take more detailed
12 work developing more you know training etcetera.
13 But three of them that I think are really in the
14 yes/no will you commit to do it and will you commit
15 to bring these issues to the board for a vote in
16 the hopes of having a majority of the members of
17 the Board of Elections vote yes or we adopt these
18 new policies but at least making sure we have a
19 vote. And I want to thank Council Member Kallos for
20 helping identify these and I thank Commissioner
21 Peters as well. We've had some conversations with
22 him to really identify some of the kind of first
23 and top issues. So those three things and the
24 speaker mentioned them. Committing to provide
25 public job postings of all vacant permanent and

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 32
2 temporary positions in a standard format on the BOE
3 website and in the job section of NYC[dot]gov,
4 adopting a formal specific anti-nepotism policy
5 that prohibits commissioners from any employment
6 decisions regarding a family member and requires
7 current or perspective employees to disclose all
8 family members who work for the board, and allowing
9 the DOI, permitting the DOI to conduct background
10 checks on perspective employees for managerial
11 positions who earn more than 80 thousand dollars a
12 year and are either involved with city contracts or
13 have access to the database and therefore sensitive
14 information just on those three issues do you
15 commit to support them and to make sure they come
16 to the floor for a vote at the New York City Board
17 of Elections if appointed.

18 DOCTOR FLATEAU: Yes I do.

19 ALLEN SHOLKEN: Yes of course.

20 BIANCA PEREZ: Yes I will commit.

21 CHAIRPERSON LANDER: Great, thank you
22 very much. That's a significant step. We appreciate
23 it from each of you. It would be a very significant
24 set of steps forward just to start as the speaker
25 said for a long term process but a very significant

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 33
2 start. So that relates. And I'm just going to ask
3 one more question and I'm going to throw it open to
4 colleagues. That relates to preventing bad things
5 from happening right, avoiding conflicts, avoiding
6 nepotism. Obviously what we also want is good
7 things to happen. We know we just saw an election
8 with extremely low turnout and unfortunately
9 turnout has been declining and we want New York... we
10 want everyone to vote in elections so what would
11 you do, what do you think the board should be doing
12 to make sure more people are participating in our
13 elections and voting?

14 DOCTOR FLATEAU: I, I think the, the
15 Board of Elections can play a, a more proactive
16 role than it has in terms of uh voter registration
17 and voter education. Particular with, with our
18 younger demographic and, and new Americans, new
19 citizens who are not, have not bonded with the
20 political and governmental and process and even
21 culture here in New York City. That, that
22 information should not be taken for granted. Of
23 course I believe the Board of Elections needs
24 partners in doing that. And it has some mandates
25 already in place. There's something called the

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 34
2 motor voter law which says that as a federal law
3 which says that there are certain key agencies.
4 When you think about it the New York City
5 Department of Education has one million school
6 children and their parents and guardians and you
7 multiply that there, in another key set of agencies
8 are health and human services, agencies that come
9 in tremendous contact with New Yorkers on a daily
10 basis can do more I believe. I've seen some
11 statistics in the board's 2013 report. I mean we're
12 handing out tens of thousands of, of brochures but
13 there's a million, there's 4.2 million voters and
14 there's another million I believe out there who are
15 eligible but aren't registered to vote yet in New
16 York City. I, I know there's a, a communications
17 department at the board using more social media to
18 reach again a new demographic and removing
19 structural barriers. We talked about our, our
20 polling places that are moving and a voter doesn't
21 know where to go. Maybe that has something to do
22 with lower voter turnout. So those are just some of
23 the initiatives I think that the board, more voter
24 education, more voter registration, removing
25 barriers to voter participation I think are some of

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 35
2 the ways that the board can play a role in helping
3 to increase of voter participation and turnout in
4 New York City Elections.

5 CHAIRPERSON LANDER: Have to order in
6 the same order. And obviously council members may
7 have specific questions for individuals so...

8 ALLEN SHOLKEN: Right well actually the,
9 the Board of Elections does notify people of
10 changes of polling places. Unfortunately I think
11 through, for whatever reasons people don't look a
12 lot of the stuff they get. I think they tend to
13 look at it as junk mail. I think we have to do a
14 better job though of making the notice larger print
15 so that people say this says change of, of, of
16 address that you're... voting at. A lot of, we get a
17 lot of complaints. People think we're doing it
18 intentionally. We don't. Most of the time we do it
19 because of ADA compliance. That's the number one
20 reason. Very often we have to, once we move to one
21 polling site we then have to move other EDs out to
22 make room. There are requirements of how much room
23 there is as to propelling site in the size of the
24 room. So there are various reasons why we, we're
25 constantly changing polling sites. None of it is

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 36
2 done to hurt anybody. Recently we had a complaint
3 from one of the people who were running for office
4 and we got to explain to them we can't keep, if
5 it's not ADA compliant we can't keep it there. And
6 the city has been sued and we're probably going to
7 get more lawsuits because there's a, like I said
8 there's a company called ETA that was put into
9 place by the federal judge and there's going to be
10 massive changes. A lot of these polling places are
11 just not handicap compliant. But what that does do
12 is it causes other people to be inconvenienced. Guy
13 who had a polling place across the street is now
14 going to complain well why'd you move my polling
15 place five blocks away, well that's the only public
16 school or other facility that we can use. It's,
17 it's a massive problem and I think it's going to
18 get worse not better. Very often the schools don't
19 want us either. Because they have kids who are
20 there. They are afraid of people coming into the
21 schools. We have the voters coming in. We've had a
22 lot of complaints about guys walking around after
23 they vote or don't, don't vote. So there's,
24 there's... and also the children using the facilities
25 for lunch and for, and for gym. And the schools are

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 37

2 not happy. Fortunately we can keep them in the
3 schools but the private institutions can force us
4 out and that's what happens. I think that we have
5 to make a, a greater effort as I said to display to
6 the public when there's, there, I don't think we
7 can explain every change because it's a massive, we
8 just had 50 changes in Manhattan alone. And we
9 can't explain exactly why you're polling place had
10 changed, when people are concerned they call us up.
11 So I think that's, that's one of our greatest
12 obstacles. In addition I think we have to get out
13 of the community and let people know what they can
14 do, we should... more people out for voter
15 registration in all communities. I think it's
16 important that everybody votes. I mean that's what
17 democracy... my opening statement's about. If, if
18 people don't register and they don't vote then the
19 wrong people get in because it's only party
20 insiders who, who go to vote. You know everybody
21 knows if you're, if you're running for election
22 you'll get prime voter list. But what does that do,
23 doesn't expand the voter database. So we have to
24 really make a great effort to expand that database.

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 38

2 CHAIRPERSON LANDER: Thank you. Ms.
3 Perez.

4 BIANCA PEREZ: We should have more forms
5 for the public before election day to inform them
6 of not only their right to vote or why they're
7 voting because I, I have held a lot of legal
8 clinics and I've spoken to the community about
9 voting and some of them just come out to vote on,
10 when there's a president to be elected. They don't
11 understand the local legislatures and how they
12 impact their community. So it's important to
13 educate the community and let them know how
14 important it is to come out and vote and how
15 important it is not only when the president is
16 running for office, the legislatures, local state,
17 and city legislatures are just, are even more
18 important for local issues that are important to
19 them. So our, our forms are, hold forms open to the
20 public is an important thing. As Mr. Sholken said
21 on primary day I think the schools should be
22 closed. It's, it's hard for people to come out and
23 vote when they have to not only take their kids to
24 school and work but I think on election day since
25 it is such an important process we should have the

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 39

2 kids stay home because it, it, I've gotten a lot of
3 complaints about primary day and the schools being
4 open and lunchroom in session while everyone's
5 trying to vote. And also the social media as Dr.
6 Flateau is very important too. Tweeting, Facebook
7 is, would be a great community outreach for the
8 voters of the community.

9 CHAIRPERSON LANDER: Thank you very
10 much. I'm sure the kids would be very excited about
11 that. I'm not sure, not sure about the parents, the
12 parents may not be. And I will flag on the social
13 media that actually one very good thing that the
14 New York City board has done is its find my poll
15 site app which is convenient on the phone,
16 convenient on the web. Now that's no good if you
17 don't know to go look for it. But it is a, it is
18 one good new use of technology. I want to welcome
19 Council Member Rafael Espinal as a member of this
20 committee, recognize him as well. And I will turn
21 it over to Chair Kallos for questions followed by
22 Committee Members Dickens, Rodriguez, Ignizio,
23 Council Member Cornegy, and if anyone else would
24 like to ask questions please let the council know.

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 40

2 CHAIRPERSON KALLOS: Thank you very
3 much. Most of my questions are going to be yes/no
4 type questions. Feel free, feel free to indulge to
5 speed along the process. And just one thing while
6 we're acknowledging great things that the Board of
7 Elections has been doing so we've got city time,
8 anyone who voted in the last primary may have
9 noticed that it now has numeric age on the poll
10 books and that is the deal with the issue of people
11 of the wrong... showing up because math may not be
12 everybody's strong suit but being able to say okay
13 it actually has the age and a numerical age you can
14 tell if somebody who shows up in their 20s is not
15 in fact a quadrennial. So there, we're making
16 modest progress and I'm committed to working with
17 it. So the first question is do you promise to
18 attend hearings of the committee on governmental
19 operations upon invitation without the necessity of
20 subpoena?

21 BIANCA PEREZ: Yes.

22 ALLEN SHOLKEN: Yes of course.

23 DOCTOR FLATEAU: Yes.

24

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 41

2 CHAIRPERSON KALLOS: Do you promise to
3 give testimony under oath before the Committee on
4 Governmental Operations.

5 BIANCA PEREZ: Yes.

6 DOCTOR FLATEAU: Yes.

7 ALLEN SHOLKEN: Yes.

8 CHAIRPERSON KALLOS: thank you. And by..
9 [cross-talk] I want to thank the Rules Committee
10 Chair Brad Lander on asking for your promise to
11 vote in favor of anti-nepotism, public posting and
12 whatnot. We've actually had the executive director
13 promise to do so in the past and there were
14 technicalities we didn't know so in, in effort to
15 make the perfect wish from the genie that is
16 ironclad at the next Board of Elections meeting
17 will you swear or affirm that you, yourself will
18 motion or second a motion and assuming again that
19 if that first motion is not made that you are the
20 one making the motion, and to vote in favor of
21 adopting an anti-nepotism policy substantially
22 similar to the close relative policy of the
23 Department of Citywide Administrative Services
24 provided to the Board of Elections by the
25 Department of Investigations. I can give you a copy

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 42
2 of this correspondence if you haven't seen it
3 already.

4 BIANCA PEREZ: Yes.

5 ALLEN SHOLKEN: Yes.

6 DOCTOR FLATEAU: Did, did you say next
7 Board of Elections meeting?

8 CHAIRPERSON KALLOS: Yes where you, at,
9 at the, where you are sitting as a commissioner...

10 DOCTOR FLATEAU: Okay.

11 CHAIRPERSON KALLOS: ...assuming your
12 fast.

13 DOCTOR FLATEAU: Yes.

14 CHAIRPERSON KALLOS: Thank you.
15 Similarly at the next Board of Elections Meeting
16 will you swear or affirm that you yourself will
17 motion or second a motion and vote in favor of
18 requiring public job postings for all vacant,
19 permanent, and temporary positions substantially
20 similar to the public postings by the Department of
21 Investigations?

22 BIANCA PEREZ: Yes.

23 ALLEN SHOLKEN: Yes.

24 DOCTOR FLATEAU: Yes. I, I'm just, you
25 did say next board meeting again right?

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 43

2 CHAIRPERSON KALLOS: I, I did and then
3 for, for all those presents what I'm referring to
4 is at your first board meeting where you are
5 sitting as commissioners.

6 DOCTOR FLATEAU: Oh okay. I'm just
7 thinking tactically timing is everything and I mean
8 I have no problem with going into you know next
9 Tuesday sitting down but I, I, there, there is a, a
10 broader objective here of actually implementing
11 that I would assume right?

12 CHAIRPERSON KALLOS: I, I, absolutely. I
13 think the issue that all of us are all too familiar
14 with is the ongoing equivocation of those would
15 state oh I would vote for it if I had the votes but
16 since I don't have the votes I'm not going... [cross-
17 talk]

18 DOCTOR FLATEAU: Okay so that is part of
19 a process to put people on the record all, all the
20 commissioners on the record...

21 CHAIRPERSON KALLOS: Well, well at least
22 the... [cross-talk]

23 ALLEN SHOLKEN: I just want to put one
24 more caveat as Mr. Flateau said. I don't know that
25

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 44

2 we can get it on the agenda. Next meeting I believe
3 is on next Tuesday.

4 CHAIRPERSON KALLOS: At, at, at your
5 meeting where you're sitting as commissioners but
6 as, as three commissioners sitting here right now
7 one of you could make a motion to amend the agenda
8 and put it on the agenda and so vote on it and at
9 least get the other members, even if it was a
10 losing vote on the record on this. And yes I, I do
11 recognize and appreciate Mr. Flateau your
12 commitment to actually getting it passed.

13 DOCTOR FLATEAU: Okay. [Cross-talk] I'm
14 a yes.

15 CHAIRPERSON KALLOS: Thank you, thank
16 you very much. We're, been making reference to the
17 Department of Investigations report. You've all
18 read all 55 pages plus the appendix, it makes
19 amazing reading.

20 DOCTOR FLATEAU: Yes.

21 UNKNOWN MALE: Chair doesn't make
22 amazing reading... [cross-talk]

23 CHAIRPERSON KALLOS: And you agree to
24 every, easy questions... And you agree to every
25 single recommendation in the DOI report?

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 45

2 DOCTOR FLATEAU: I have a, an
3 observation. I think some, there are some
4 recommendations that go to the, the point of
5 eliminating bipartisanship or partisanship within
6 the board. Current law though does authorize a
7 bipartisan administration of all Boards of
8 Elections. State constitution says that and the
9 state election law so... until we change the law we
10 won't be able to eliminate, totally eliminate
11 bipartisanship. And I know there're actually some
12 proposals out there do that I... I believe citizens
13 union has legislation in Albany right now to
14 eliminate bipartisan administrative control of,
15 of, of the state board and the New York City Board
16 of Elections. So with that caveat we can't
17 unilaterally change bipartisanship just by a vote
18 at, at the Board of Elections. Again to take a
19 position as, as board commissioners that this is
20 the direction the agency should move in I could, I
21 have no problem doing that. But I think there's
22 also the, the work of changing the law in the
23 longer, which, in the longer term. For example
24 speaking of ballots proposal one is on the ballot
25 in November. I think almost no New Yorker knows

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 46
2 that there's a proposal on our ballot in November
3 to change redistricting, congressional... state
4 legislative redistricting, that's proposal one on
5 the ballot. I guess it would be on the flip side of
6 that ballot and, and we're, and voters are supposed
7 to know about that. That's what it will take to
8 eliminate bipartisanship... it... in the administration
9 of the Board of Elections. And we should, I am, and
10 I totally agree that, that that is a direction we
11 should move in and... support proposals to do that.

12 CHAIRPERSON KALLOS: Thank you. And the
13 others?

14 BIANCA PEREZ: To the... [cross-talk]

15 ALLEN SHOLKEN: ...go ahead.

16 BIANCA PEREZ: To the extent that it is
17 allowed by law I do commit to adhere or at least
18 try to implement some of the rules of the DOI.

19 ALLEN SHOLKEN: And I agree. I, as to
20 the extent that it's legal I will definitely. And
21 if the, if it's not currently legal I will try to
22 help change the law to the best of my ability.

23 CHAIRPERSON KALLOS: Did you know that
24 according to the law I'm entitled to an 8,000
25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 47
2 dollar lulu as Chair of the Governmental Operations
3 Committee.

4 DOCTOR FLATEAU: Yes.

5 CHAIRPERSON KALLOS: Did you know that
6 even though it's the law I've refused it along with
7 several of my colleagues including those sitting at
8 this table with me?

9 DOCTOR FLATEAU: Yes.

10 CHAIRPERSON KALLOS: Will you
11 acknowledge that although the law may require
12 certain partisanship where a certain role must be a
13 democrat and another role may be republican, that's
14 about it and for the rest of it you can have public
15 postings and you can have anti-nepotism and close
16 relatives and there's nothing wrong with posting
17 and saying anyone can apply, we want the best
18 person on the face of the earth, but by the way you
19 have to be a registered democrat or republican. Or
20 if after this next election there's a new two
21 majority parties... So did you agree with that...
22 [cross-talk]

23 DOCTOR FLATEAU: I agree with those
24 proposals yes. I... [cross-talk]

25 CHAIRPERSON KALLOS: Perfect thank you.

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 48

2 BIANCA PEREZ: I agree as well.

3 CHAIRPERSON KALLOS: I've been, it has
4 been mentioned to me that at least one of you has
5 mentioned that a way around a lot of this
6 partisanship that we're talking about a lot of the
7 problems is by requiring civil service exams for
8 many permanent and temporary positions and as many
9 as practicable. Could you please speak to whether
10 or not you try to expand the number of civil
11 service positions at the Board of Elections?

12 ALLEN SHOLKEN: I definitely would, I
13 mean I, I personally have grown up in, in, within
14 the civil service system and I think it's a fairly
15 good system. I would definitely like to say the way
16 people are pointed or changed. I, I when I came to
17 the board I was, I was total shock how we hired
18 people and where they came from and what
19 requirements there was. So I definitely believe
20 there should be testing and civil service testing.
21 I would be very happy to go along with that.

22 CHAIRPERSON KALLOS: And for the, to, to
23 your other hopefully soon to be commissioners would
24 you support Mr. Sholken's...

25

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 49

2 DOCTOR FLATEAU: Yes. In fact when I
3 mentioned DCAS early on that's where I was going.
4 But I believe there should, that's the, the agency,
5 city agency that runs civil service for the, for
6 the rest of New York City agencies and that that
7 agency, our Board of elections should be in
8 dialogue with that agency about how to increase
9 civil service coverage of, of BOE employees and and
10 related matters. So I, I definitely agree... with
11 that proposal.

12 CHAIRPERSON KALLOS: Thank you I have
13 two more sets of questions then I'll yield to my
14 colleagues. And these are for the, the Manhattan
15 Democratic Commissioner. We've had two difficult
16 primaries this year according to the report of the
17 daily news it, it is listed that 215 votes were
18 lost so I, the question is how did you lose 215
19 votes in the congressional primary election between
20 Adriano Espaillat and Charlie Rangel?

21 ALLEN SHOLKEN: Well I see it totally
22 different. I, I believe in transparency and
23 openness and I believe I found 215 votes quite
24 contrary to what they were saying. If you want
25 people to be honest and you want people to come

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 50
2 forward and, and give you the facts I mean that's
3 the only way to do it. I, I would... the, I would be,
4 I would, I wouldn't even be applying for the job if
5 I thought I can't come before the Board of
6 Governors and say what the actual facts are. Why,
7 why they went missing to begin with, it was a
8 clerical error plain and simple. Woman opened up a
9 computer, I don't know how she did it. We, we
10 pinpointed to who the worker was and we narrowed it
11 down, we called her in, and she couldn't explain
12 it. I don't believe she had any bone to pick with
13 either candidate. It was an honest mistake.

14 CHAIRPERSON KALLOS: And then in the
15 remarks there's been a lot of conversation around
16 ADA accessibility. In the senate primary that
17 immediately followed the congressional primary
18 between Adriano Espaillat and Robert Jackson poll
19 sites were moved based on ADA accessibility. How
20 many poll sites were moved?

21 ALLEN SHOLKEN: I believe it was 50 poll
22 sites in total.

23 CHAIRPERSON KALLOS: Five zero?

24 ALLEN SHOLKEN: Five zero.
25

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 51

2 CHAIRPERSON KALLOS: Why did 50 poll
3 sites all of a sudden become ADA inaccessible
4 between a June primary and a September primary?

5 ALLEN SHOLKEN: Well what happened was
6 the commissioner who was still in office at that
7 point in time told us that we could not make any
8 changes so we made no changes at all for the
9 federal primary. He didn't want to upset the voting
10 rights act and let people who, move to different
11 facilities. Also we have a, a staff that constantly
12 goes around and checks poll sites. And for
13 different reasons they, they find different poll
14 sites inaccessible. And recently... [background
15 cough] disagreement with one of the legislatures
16 over what's accessible and what's not accessible.
17 So we went out of our way to check every single
18 poll site and make it an effort to try to make them
19 accessible as we could build ramps, we build
20 platforms, we do whatever we can within reason to
21 make a site accessible.

22 CHAIRPERSON KALLOS: So in seven months
23 between the November election and the June
24 congressional primary 50 sites perfectly fine, did
25 all your jobs, and then between the congressional

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 52
2 primary and a center primary 50 sites somehow
3 became... [cross-talk]

4 ALLEN SHOLKEN: They were not all 50 in
5 that one district. I'm sorry if I misunderstood.

6 CHAIRPERSON KALLOS: How many in that
7 one district?

8 ALLEN SHOLKEN: I would say five or six.

9 CHAIRPERSON KALLOS: Okay. And what
10 would you do to make sure that the ADA
11 accessibility moves would not actually happen at
12 times that some would be concerned were politically
13 opportunistic?

14 ALLEN SHOLKEN: Well as I said we've,
15 they've hired, the Board of Elections has hired ETA
16 associates. They will be checking every single
17 site. We have a staff of approximately eight
18 people, again one democrat and one republican has
19 to go out on every, every site change. So what we
20 would do is we, we're doing what we're doing now.
21 We're getting out there. We're checking out every
22 site again and again and again to make sure they're
23 accessible. Things change. A lot of the sites are
24 accessible then there's construction. We told them
25 one site there would be construction, a senator

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 53
2 asked us to check the site, we went back with him,
3 and then the management company says well another
4 site, we're not making a... construction immediately.
5 You can have this site for this election. There are
6 different reasons for different sites with the
7 problems that, that were brought up. There's,
8 there's a lot of reasons why... I mean a lot of these
9 are private polling sites and they don't want us
10 there for whatever reasons.

11 CHAIRPERSON KALLOS: My last... questions
12 is you mentioned that when you started at the Board
13 of Elections many of the employees were not
14 qualified in your opening statement.

15 ALLEN SHOLKEN: Say it one more time?

16 CHAIRPERSON KALLOS: In your opening
17 statement you mentioned that many of the employees
18 at the Board of Elections you felt were
19 unqualified.

20 ALLEN SHOLKEN: Yeah well my, my
21 assessment of, of what's qualified, what's
22 qualified, not qualified... I'm saying there's a lot
23 of these people are not, well haven't been taught,
24 trained how to use a computer. A lot of what we do
25 is, is computer. They have to have computer

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 54

2 literacy. We hire, we're constantly hiring temps so
3 these people don't know the first thing about the
4 Board of Elections and how we operate. So we, we're
5 constantly trying to train these people. But then,
6 I don't want to be disparaging but some of these
7 people have never, some of them have done
8 construction or other type of jobs, they were not
9 office workers. And I warn them ahead of time but
10 currently the commissioner approves and I have to,
11 have to sign off on it. It's not much of a choice
12 so that's why we do it.

13 CHAIRPERSON KALLOS: So you, you're
14 unable to make hiring and firing decisions?

15 ALLEN SHOLKEN: As the, the deputy. If,
16 if, when they come in if I, if I ask them all the
17 questions that we, you know we ask a few questions
18 as to whether they're qualified, we tell them what
19 the constraints are for the job... we do a lot of 12
20 hour days, we have to be very careful, we've done...
21 14 hour, 14 days in a row and the union says no you
22 can't, you have to have a day off which makes
23 sense. So when I warn the people, we just took an
24 88 year old man and I, I told him what the
25 constraints were and he said he can deal with it so

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 55

2 I had no choice. If he, you know to be... law you
3 have to be able to hire the guy.

4 CHAIRPERSON KALLOS: As commissioner
5 will you terminate employees who you deem
6 unqualified for the position, all these folks that
7 you've been referring to?

8 ALLEN SHOLKEN: Definitely. They'll,
9 they'll all be gone come, come December because
10 that's how the board works. At the end of the year
11 everybody, all the temporary employees are fired
12 and then they have to be rehired and I definitely
13 would be very selectful who we're going to take
14 back.

15 CHAIRPESON KALLOS: I, I now need to ask
16 a more delicate question. In a Daily News editorial
17 the editorial board said and I quote, Sholken
18 admits he now believes he is not cut out for such
19 an administrative function, end of quote, is, is
20 that true?

21 ALLEN SHOLKEN: That is not true. I, I
22 mean I'll be honest with you. I, they called me up
23 in the afternoon and I, and I was very frustrated
24 because of some of the appointments that I was just
25 reading about at that particular moment. And they

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 56

2 sort of, I, I don't, I would never say I'm
3 incompetent I mean that's, that was absurd. That,
4 that was their translation of what I said. If I, if
5 I thought I was incompetent I wouldn't be sitting
6 here. So it's a newspaper. Anybody in here could
7 testify that what a newspaper says about you is not
8 necessarily the fact. They thought... being
9 transparent and coming up with 230 votes is the
10 wrong thing. Well if that's the case then why
11 would, why would you ever want to tell anybody that
12 every vote didn't count? I think, I, that was more
13 important to me that we expose the fact that we
14 made the mistake and made it transparent. I mean
15 that's what, that's what's all about isn't it? Is
16 that what you want, transparency? Or do you want
17 people to say no I'm not going to reveal I made a
18 mistake?

19 CHAIRPERSON KALLOS: I, so I appreciate
20 all of your answers to some particularly difficult
21 questions. Thank you I'll reserve for later and
22 I'm... Thank you for the indulgence of the chair and
23 the committee members who remain.

24 CHAIRPERSON LANDER: Thank you Chair
25 Kallos. Next up is Council Member Dickens who will

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 57

2 be followed by Council Member Rodriguez and then
3 Council Member Ignizio and... [cross-talk]

4 COUNCIL MEMBER DICKENS: Thank you,
5 thank you so much Mr. Chair. And I want to thank
6 all three of you for, for being here to answer our
7 questions and, and for being willing to serve.
8 Brooklyn's Dr. Flateau I've known you for more than
9 25 years. I know the work that you've done over
10 those years not only for voting rights, not only
11 for redistricting, not only for civil rights as it
12 relates to voting rights and so I want to, I want
13 to thank you for, for willing to stand up for this.
14 Bronx attorney Perez Vega [sp?] I became familiar
15 with you actually in the 2012 congressional
16 election and the work that you've done as a
17 volunteer with the Bronx county. So I want to thank
18 you for the work that you've done. Mr. Sholken
19 unfortunately even though I've been a district
20 leader for more than 25 years and elected since
21 2006 I don't know you as well. I mean your
22 predecessor Tim Gate much, much better of course
23 and I worked extremely well with him. But there's
24 one question I want to ask all three of you based
25 upon the question that was asked by my predecessor

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 58
2 in questioning Council Member Kallos and this as it
3 relates to the civil service examinations and the
4 answers that each of you gave. Frequently in the
5 past the civil service examinations has been used
6 to prevent minorities and in particular blacks from
7 getting certain positions. It, it was used as a
8 racist tactic based upon the exam itself, based
9 even upon the time it was given. And based upon the
10 answer that each of you gave I'd like to know how
11 you intend to implement putting in place civil
12 service examinations for, for all positions when I
13 have some serious issues and concerns as it relates
14 to it I will start with you Dr. Flateau.

15 DOCTOR FLATEAU: Yes Council Member.
16 I've indicated that I believe the Board of
17 Elections management, senior management needs to
18 have a conversation with DCAS, the agency that runs
19 the civil service system for New York City
20 employees about how some of those procedures,
21 training, taking tests, etcetera would fit with the
22 New York City Board of Elections operation. As I
23 understand it there's approximately a thousand
24 employees there. I think around 400 are permanent
25 and the rest, you, you probably know the statistics

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 59

2 better than I do, are temporary. And then you've
3 got this huge wave of, of temporary employees that
4 builds up every time there's an election. We can
5 go, the number can go up to 30 thousand. So I'm
6 not, I think we're, where I am individually is that
7 I'm not familiar enough with the current, the
8 internal personnel structure of BOE. I, I believe
9 there's a direct, we should move in the direction
10 particularly when you're talking about managers,
11 management of professionalizing that, that, that
12 staff and they... and sort of... there may be a certain
13 group of employees, managers and technicians for
14 example that might be subject to having to take a
15 civil service exam just like maybe a computer
16 analyst in, who wants a job in I don't know the
17 controller's officer perhaps. So there's different
18 categories of employees and classifications in the
19 Board of Elections now and I think the board needs
20 to work, work that issue out. [cross-talk] But I
21 think the overall goal would be to better
22 professionalize and in some cases... maybe civil
23 service exam as, as a threshold qualification in
24 addition to... submitting a resume and being
25 interviewed for a position.

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 60

2 COUNCIL MEMBER DICKENS: Alright I, I, I
3 agree with that. I'm just concerned that it's not
4 used as a racist tactic as it has been utilized in
5 the past. So I appreciate your answer and I
6 appreciate your independence in not answering our
7 questions like trained seals. I thank you for that.
8 Attorney Perez Vega would you care to address that?

9 BIANCA PEREZ: Yes Council Member
10 Dickens. Actually I did not answer that question.
11 Both my nominees, co-nominees... [cross-talk]

12 COUNCIL MEMBER DICKENS: I noted that.

13 BIANCA PEREZ: ...yes to that and I...
14 [cross-talk]

15 COUNCIL MEMBER DICKENS: I noted that.

16 BIANCA PEREZ: ...keep quiet because I do
17 have some reservations regarding the civil service
18 exams. And I do believe as you just said it can
19 eliminate a certain class of people from getting
20 positions at the Board of Elections.

21 COUNCIL MEMBER DICKENS: I appreciate
22 that answer.

23 BIANCA PEREZ: I would like to see maybe
24 a computer exam if it, as Mr. Sholken mentioned if
25 you need computer skills there should be a computer

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 61
2 exam. And depending on the position you're applying
3 for maybe some other hiring practices can be
4 implemented but I don't necessarily agree with the
5 civil service exams being implemented.

6 COUNCIL MEMBER DICKENS: Thank you. Mr.
7 Sholken.

8 ALLEN SHOLKEN: Yes I would.. for
9 discrimination. If I saw there was discrimination
10 on any level whether it's because you're
11 handicapped, because your race, because your creed.
12 I have not found the exams to be discriminatory
13 actually. There's, there's always an affirmative
14 action officer involved with these racist, these
15 exams and in my experience I work for the state and
16 most of the people, a large portion of the people
17 today are people of color. If you go over to DC37
18 you'll find out most of the people are people of
19 color. So I can't say that there is discrimination..
20 these tests but if there was I definitely would
21 move to get rid of it. If I, if I ever sensed there
22 was any kind of discrimination... [cross-talk]

23 COUNCIL MEMBER DICKENS: Thank you. As a
24 black woman I can tell you it has been utilized as
25 a, as a discriminatory... [cross-talk]

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 62

2 ALLEN SHOLKEN: In the past I'm sure it
3 has.

4 COUNCIL MEMBER DICKENS: ...you would not
5 of course be familiar with that. One last question
6 is... well two actually. Mr. Sholken I know that for
7 33 years you worked at the State Department of
8 Social Services.

9 ALLEN SHOLKEN: ...Department of Health.

10 COUNCIL MEMBER DICKENS: Oh. Why'd you
11 leave the...

12 ALLEN SHOLKEN: I retired.

13 COUNCIL MEMBER DICKENS: You just
14 retired? And how did you come about becoming the
15 Deputy Chief Clerk that you are serving in now?

16 ALLEN SHOLKEN: I was appointed by the
17 county.

18 COUNCIL MEMBER DICKENS: By whom?

19 ALLEN SHOLKEN: By the county.

20 COUNCIL MEMBER DICKENS: By New York
21 county?

22 ALLEN SHOLKEN: Yes.

23 COUNCIL MEMBER DICKENS: Alright.
24 Alright. One last question. In your prior
25

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 63
2 experience as a supervisor I believe, or is that
3 right, at the state?

4 ALLEN SHOLKEN: Yes.

5 COUNCIL MEMBER DICKENS: What is your
6 prior experience in elections administration and
7 oversight, voting rights, and relevant public
8 sector management and auditing?

9 ALLEN SHOLKEN: My experience at
10 Department of Health and.. services had nothing to
11 do with, anything to do with voters rights or
12 anything related to the voting. It was a civil
13 service position... [cross-talk]

14 COUNCIL MEMBER DICKENS: Mm-hmm.

15 ALLEN SHOLKEN: ...which I came up through
16 the civil service system. I had nothing to do with
17 voting rights. My life experience from the time I
18 was 15 years old has been in reform politics trying
19 to make it open to everybody. That's where I get my
20 experience from. And my, I'm, be honest with you my
21 best experience is the first, last five months.
22 [cross-talk]

23 COUNCIL MEMBER DICKENS: Is when?

24 ALLEN SHOLKEN: The last five months
25 working at the Board of Elections. I learned an

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 64

2 awful lot about how the board operates, what its
3 problems are, and what I'd like to see be gone.

4 COUNCIL MEMBER DICKENS: Thank you so
5 much. Thank you Chair.

6 CHAIRPERSON LANDER: Thank you Council
7 Member Dickens. Council Member Rodriguez, then
8 Ignizio, then Chin.

9 COUNCIL MEMBER RODRIGUEZ: Thank you
10 Chair. First of all I'd like to congratulate all
11 the three potential commissioner for the Board of
12 Election. I have no doubt... record or commitment
13 serving our society. You are a, a, a strong
14 candidate. And I hope that also you will carry on
15 all the reform that our city need and, and for us
16 to leave a legacy so that we can improve the level
17 of democracy and protect the voter rights. When,
18 when Al Gore lost his election I was one of those
19 people who came to 26 federal plaza and I say
20 republican steal election. In my experience two
21 weeks ago when Senator Espallat lost that election
22 I promised myself that I would never say...
23 republican steal election. Because what I
24 experienced in that election rather was a, in, a
25 useful influence inside the Board of Election to

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 65

2 manipulate the outcome of that election. And for me

3 today in 2013 I want to leave that legacy to my

4 daughters that they should know that they... in a

5 society. That this is not about republican...

6 stealing election, this is about particular group

7 of individual using the influence to change the way

8 of how voters would like to see the results. So you

9 will have a, a great and important commitment right

10 now. And, and if you become a commissioner we hope

11 that working with the rest of the commissioners

12 that I... bringing more democracy and, and bringing

13 more transparency inside the Board of Election. Now

14 we can say that very soon all voter rights will be

15 protected in New York City. I have two question.

16 One is about what are, what is like the first

17 initiative that you will bring to the Board of

18 Election to protect the voter rights, the first

19 one, the one that you are dreaming, the one that

20 you will say I will come out with my own initiative

21 and this will make a difference on how the voter's

22 rights are protected?

23 BIANCA PEREZ: I would, one of my most

24 important initiatives that I would like to

25 implement at the Board of Elections is voter

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 66
2 outreach. And hopefully being able to establish,
3 establish some sort of public forum to educate the
4 community in the electoral process and to also
5 restore the faith in the electoral process and the
6 faith... restore their faith in the Board of
7 Elections because there is a lot of perception that
8 even if I go out to vote my vote is not counted. So
9 I think that's, that would be one of my main
10 initiatives if I am appointed.

11 ALLEN SHOLKEN: Yeah I would, I would
12 try to do more voter outreach and make sure polling
13 places were as near as possible to people's homes
14 as I can. As I said it's getting more and more
15 difficult to do. You know when you help one
16 particular group you very often hurt another group.
17 And I, I, to me that's, there's something wrong
18 there. So we have to make a greater effort to, to
19 make, ensure voting sites are nearer to people's
20 homes so they can vote. We got to do early voting
21 so the people have a chance to vote and they don't
22 have to all vote on the same day. Some people work
23 long hours on that particular day and they can't
24 get out to vote so we have to do greater voter
25 outreach, greater effort to keep polling places

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 67
2 nearer to people's homes, and early voting, and
3 there are several other things I'm trying to think
4 off, off hand. But I, I really believe that we can
5 by advertising that it's election day by doing
6 robo-calls to people's homes to let them know or,
7 or tweets or whatever it takes to let people know
8 that the next day, or the day, two days from now is
9 an election. I think people sometimes tend to
10 forget. It's not always on their mind. They have
11 families, they have other problems in their lives
12 that take precedence sometimes. And so as I'm
13 saying I think early voting would be a great help
14 to a lot of people.

15 DOCTOR FLATEAU: I, I would agree with
16 my colleagues, everything that's been said thus
17 far. And I would add full, a fully trained and
18 fully staffed up poll workers who know what the
19 process is and whose total orientate, is customer
20 service oriented. There, understand that they're
21 there to facilitate voting as opposed to not
22 assisting of voters. I think the split shift
23 concept. There are not enough, we have pockets
24 throughout New York City where they are, where
25 inspectors aren't in their places at 6:00 a.m. in

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 68

2 the morning. And I think probably better pay
3 because a, an inspector on one, at that one
4 election day is working 17 hours for 200 dollars is
5 not much of an incentive. So I think that issue
6 needs to be looked at. And looking at other sources
7 for the workers on election day. For example I know
8 that CUNY has a poll worker. I'm a CUNY professor
9 and CUNY has a poll worker recruitment program
10 already in place. But I don't think it's, I mean we
11 have over 200 thousand CUNY students but there's
12 not very many who are plugged into that program
13 right now. So there are other sources besides the
14 party organizations that we should reach out to, to
15 get workers who are, who want to work on those
16 polls and have an attitude or a mind, a mindset
17 that I'm here to help maximize voter participation
18 here. So I, I think that... And one more, same day
19 registration. I think same day voter registration.
20 And reducing that 25 day period, 25 days out I
21 think is the last day that you can actually
22 register, a month before election day. Some people
23 don't get tuned in, turned on to an election until
24 maybe the last two to three weeks, or the last week
25 of election. So I think shortening that period when

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 69

2 voters were, when persons have the opportunity to
3 decide how I need to register, I want to vote.

4 Shrink, shrink that window as well. And I agree
5 with those others, the early voter, getting people
6 more days. I mean we in great progressive state of
7 New York could teach some other locals in Ohio and
8 Florida where, where they're actually reducing the
9 amount of time that voters have to vote. But they
10 still have more than just one day, a 15 hour window
11 with theoretically four million New Yorkers who are
12 already registered are supposed to show up and
13 vote. So those are some of the other things that I
14 think we should push for.

15 COUNCIL MEMBER RODRIGUEZ: ...my second
16 and last question is about the you, allowing voters
17 to vote online. A, a, as you know in... where booking
18 it from, where from booking a vacation to doing
19 multi-million dollar transaction is done through
20 internet. Canada is already allowing... to vote
21 online. So when you work among the members... work...
22 and... require the state legislation, it will require
23 everybody to allow New York City to let voter, to
24 vote online. Would you be in favor... [cross-talk] in
25 favor, it will allow the vote, especially the

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 70

2 younger voter who are more into internet also to
3 participate in the, in the, in the higher
4 percentage.

5 DOCTOR FLATEAU: I totally support
6 online voting.

7 ALLEN SHOLKEN: Conceptionally [sic] I
8 like it. I think that we have to have a lot of safe
9 guards in it. If those safeguards can be worked out
10 then I would definitely support it.

11 COUNCIL MEMBER RODRIGUEZ: Well what are
12 those?

13 ALLEN SHOLEK: Well one of the things I
14 know in the last time, people wanted a paper ballot
15 involved. Everybody, a lot of people concerned that
16 there would not be any proof that people had voted.
17 And that's, that's very important. People, a lot of
18 times we've recovered, well one of the ways we
19 discovered this, that 230 votes were missing is we
20 did a hearing count. And... [cross-talk] hearing
21 count of ballots we found out there was a mistake
22 made. So like I said conceptionally it sounds great
23 but I think we have to find a way to safeguard it
24 so that, that we don't make these mistakes and that
25 there are the people who say they are, all of the

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 71
2 people they are. With a bank it's a little bit
3 different. You're watching your bank account, you
4 know exactly what happened, we can't send people
5 back and tell them yeah you voted and here's who
6 you voted for, that's not going to happen. So I
7 think, like I say if we, if we could work it out I
8 would definitely like to use... [cross-talk]

9 COUNCIL MEMBER RODRIGUEZ: Okay.

10 BIANCA PEREZ: I agree with online
11 voting. And with the proper safeguards of course
12 and paper trail.

13 COUNCIL MEMBER RODRIGUEZ: Thank you.

14 CHAIRPERSON LANDER: Thank you Council
15 Member, Council Member Ignizio.

16 COUNCIL MEMBER DICKENS: Point of
17 information. I'm asking the chair to please
18 recognize me for point of information in support...
19 thank you. In, in support of the hard workers at
20 the Board of Elections in support of all three of
21 these candidates and based upon what Council Member
22 Rodriguez I differ. I do not believe that the Board
23 of Elections or any of its employees ever attempts
24 to steal an election. I find the candidates
25 individually attempt to steal and the use of, of

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 72
2 paper ballots in particular, in New York State
3 where we have no law or nothing in place in order
4 to validate anyone that's, that votes then I, I, I
5 take objection to that statement. I think that the
6 Board of Elections has worked hard on their
7 problems at the board, absolutely. There's
8 definitely problems that need to be addressed at
9 the Board of Elections. But the hard workers at the
10 board I, I think that they are well meaning. They
11 have devoted their time and that they're not there
12 to steal any elections.

13 ALLEN SHOLKEN: Can, can I respond to
14 that?

15 CHAIRPERSON LANDER: Yes Mr. Sholken.

16 ALLEN SHOLKEN: Yeah I have to agree
17 with you 100 percent. I, I don't believe anybody at
18 the board in anyway tried to steal votes I could
19 tell you that. And this, to people being
20 hardworking, even the people who are not as
21 qualified as I would like them to be are very hard
22 working. Like I said they put in long hours.
23 They're, they're very good people. So I don't have
24 any, I totally agree with the Councilwoman on that
25 point.

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 73

2 CHAIRPERSON LANDER: Council Member
3 Ignizio can I recognize Council Member Rodriguez
4 too, thank you. [cross-talk]

5 COUNCIL MEMBER RODRIGUEZ: I... that we
6 human being. I'm sorry Vincent. I... that we human
7 being don't... with, with a double standard. You know
8 I hope, you know we always quote a Martin Luther
9 King 'I Have a Dream', I hope that we live that
10 dream. I hope that when we go to sleep, when we
11 wake up, when we talk to our daughters, we really
12 speak to our self. And I believe that is still we
13 have a lot of challenges to protect transparency in
14 New York City. I, I, I, I say it again. I will
15 never say what I say when Al Gore lost his election
16 where republican stole election. I believe that is
17 still today certain particular group that has more
18 influence in the Board of Election use that
19 influence and, and, and has an impact of the
20 outcome of the election.

21 CHAIRPERSON LANDER: Alright so now that
22 everyone's had their... [cross-talk]

23 COUNCIL MEMBER DICKENS: ...would prevent
24 me from doing so.

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 74

2 CHAIRPERSON LANDER: If, if people... ask,
3 let me go back on the staff and, and have Council
4 Member Ignizio and Chin and then I have some
5 questions and Council Member... [cross-talk]

6 COUNCIL MEMBER IGNIZIO: Let's, let's
7 bring in the level headed republican okay can you
8 please? Thank you Mr. Chairman. And folks I think
9 what we're doing here today is we potentially
10 ushering in a golden age at the Board of Elections.
11 Because, because of the ineptitude of the chairman
12 who want to control the Board of Elections from
13 their commissioners are being unable, unwilling, or
14 just without the knowledge that they had to fulfil
15 their role and obligation to appoint commissioners
16 we find ourselves here today. And that's a good
17 thing because we in the republican party did that
18 previously and we had some really good
19 commissioners because of it who are looking for
20 partners. And why I want to speak today is because
21 I, I spoke to the chairman and I, I know he
22 believes what I do which is that there's a lot of
23 reforms that you guys can do. If you, if you put
24 aside the servitude agreement that has been
25 pervasive in the Board of Elections with regards to

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 75
2 the commissioners and their chairman. And I view
3 your role as running the Board of Elections. If the
4 chairman wanted the commissioners then they should
5 learn to try to a commissioner. So I ask you all
6 how much direction will you take from your county
7 leaders with regards to your running the Board of
8 Elections? Because that's what you do as
9 commissioner.

10 DOCTOR FLATEAU: I would say in my, in,
11 in my case communication and consultation but I, I,
12 I subscribe to your view that the commissioner,
13 that the ten commissioners are the Board of
14 Directors of that agency and the ED is the CEO and
15 that is the formal structure that should be
16 managing that agency. There are lots of
17 stakeholders including the city council right here.
18 There's, but, and we'll, and we'll have to work
19 with our various stakeholders, the five party
20 organization, the 10 party organizations in the
21 city of New York. Our stakeholders as well. That is
22 the current law. So the, the Board of the, the, the
23 commissioners of the Board of Elections will work
24 with that, that group of stakeholders. We have to
25 be responsive to the City Council. There, there,

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 76
2 there's, there's State Board of Elections has, has
3 jurisdiction as well over us. So we'll work with
4 all of these players but I agree we're the vision
5 that says there's a, a ten, a board of
6 commissioners, 10 commissioners, that's the Board
7 of Directors, they have a senior manager, the
8 executive director is the chief manager of that
9 agency. And that is the, the top of the
10 organization that should make sure that this 135
11 million dollar agency with, with a thousand
12 employees is doing the work that that agency is
13 mandated to do under the... [cross-talk]

14 COUNCIL MEMBER IGNIZIO: Thank you...

15 [cross-talk]

16 DOCTOR FLATEAU: ...and state election
17 law.

18 COUNCIL MEMBER IGNIZIO: Thank you. Sir?

19 ALLEN SHOLKEN: I will also, I will also
20 work with the county leader. I've worked with him
21 for five months. He's never made any demands on
22 the... as to any elections had a... board, I'm sorry
23 had to run the agency. Up until very recently we
24 had a very good relationship. And I'm sure that
25 after this is over our relationship will continue.

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 77

2 But I also agree that there are certain
3 restrictions I, I will not take people who can't,
4 are not qualified to work there. That's my biggest
5 bonus and I think that in the future I think we'll
6 have a different working relationship but it will
7 still be a working relationship.

8 COUNCIL MEMBER IGNIZIO: Thank you.

9 Ma'am.

10 BIANCA PEREZ: I continue working with
11 the county chairman as, as you've read from my
12 application. I am parliamentarian of the county.
13 And I will take suggestions and of course do what's
14 right as commissioner at, at, in the long run.

15 COUNCIL MEMBER IGNIZIO: Thank you. I
16 just hope that you understand what I'm getting at.
17 I'm not... being critical overall but I just think
18 they appoint you, you... them an independent
19 commissioner who I believe ought govern the body as
20 best as he, as best you can without fear or favor
21 from, from your appointed authority. We have some
22 great commissioners there that want to do a bunch
23 of things. Our Staten Island commissioner fired his
24 own mother because when he came in she was working
25 for the board and he believed that she was, it

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 78

2 would be a conflict for him to be there so he
3 literally fired his mother. That type of
4 demonstration... is, should be lauded by the, by the
5 commission. And there's been several cases just
6 over the last several months that we've tried to
7 put forward some, some requirements in and to, to
8 really tighten up the Board of Elections but they
9 wouldn't get a seconding by, by, by some of the
10 members, some of them, some of the conversations we
11 actually had here today where you all agreed. So I,
12 I just encourage you all to recognize that the
13 people of city of New York and its fair elections
14 is what potentially is at your foot. And my hope is
15 that you create and build a better mousetrap than
16 we've had in the past. I don't want to take up your
17 time. This is more of a democratic caucus scenario..
18 but I just think it's vitally important that the
19 commissioners all work together for fairer
20 elections for, across all party lines and across
21 all borough lines. And I look forward to working
22 with you all. Thank you.

23 CHAIRPERSON LANDER: And I just want to
24 thank you Minority Leader for those comments. You
25 know I think the spirit in this body that we have

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 79

2 that bipartisanship can mean you know not, not
3 fighting or bushing disagreements under the rug
4 that we try to look at things clearly, we speak
5 from out loud. I actually think even the exchange
6 we had before elections are often polarized
7 matters. Our job is to administer them fairly, come
8 together after them, and govern well together. And
9 I, I think this body works very hard to do that and
10 I appreciate those, those remarks. Council Member
11 Chin.

12 COUNCIL MEMBER CHIN: Thank you Chair. I
13 wanted to thank the three nominee who are here
14 today and thank you for willingness to serve. One
15 of the question that I wanted to talk about... I mean
16 we talked about voter turnout. And this is an
17 exciting time where we can really push forward some
18 positive reforming the Board of Election. One of my
19 main issue is voter education. I want to make sure
20 that you know all of us as voters and as locals
21 that we want to, we want to become informed voters
22 so that they know you know who they're voting for,
23 they know when to go to vote, and they know all
24 the, the reason, regulation, and their rights. And
25 if something happened at the poll and they will

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 80

2 know to complain. And especially with a growing
3 immigrant population. How do you see the Board of...
4 the, the Board of Election really assuming that
5 role of educating voters, you know getting
6 information out. And so that it's not just
7 something that you do right before the election but
8 something that can happen all year around where you
9 can utilized you know whether it's epic media,
10 community boards, every way that you can find to
11 really get out there and let you know voter know
12 about issues, about the importance of voting.

13 BIANCA PEREZ: As I said earlier the
14 voter forums would be a great place to educate the
15 voters regarding the electoral process. And also I
16 mentioned earlier the social medias; Facebook,
17 twitter, it will inform the public of their right
18 to vote and the process of voting.

19 ALLEN SHOLKEN: Yes I agree. I think we
20 can do more of educational outreach to various
21 communities, especially people who don't speak
22 English as a first language, I think that's very
23 important. I think we should use more social media
24 which is probably less expensive but we should also
25 have people going out into the communities at

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 81

2 various street fairs or various other
3 organizational meetings and, and explain to people
4 why it's important. I know certain cultures are
5 afraid of government and that has to be changed. I
6 mean that, we work with, with you and other council
7 people to change that, that idea that they, you
8 have to fear government and that it's there for you
9 not, not to hurt you.

10 DOCTOR FLATEAU: I agree with my
11 colleagues' comments and I, I would add a few.
12 Budget; the, if voter registration is a priority
13 then it should be reflected in, in somewhere there
14 should be some proportionality between that
15 priority and, and how much of that 135 million
16 dollars at the Board of, Board of Elections is, is
17 allocated for voter education, voter registration,
18 and outreach. I don't know the answer to that
19 question having not got there but I suspect my
20 sense as a New Yorker is that that particular
21 initiative is under, is under resourced and is, I,
22 I think the board sees it more of sort of a
23 ministerial thing. But yes they have thousands of
24 forms and people who come and pick up boxes but you
25 have a relatively small number of employees to

COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 82

reach you know into, into all the neighborhoods of New York City with education. So what, the, I think the board needs a strategy where it aggressively partners with federal agencies, state agencies, could be the employment services, DMV, several, I mentioned several city agencies, could be Health and Hospitals Corporate, Department of Education, other city agencies. But also we should reach out to the business community, the, the, the entertainment community. There are a lot of resources out there so that we can multiply the resources at our disposal so that we can have a, a serious professionalized voter education campaign. Whether it's, whether it's PSAs, you know cable spots, mailings, things that, that the board is going to be limited in how much of its own budget it can use. So I, community, pulling in organized labor, civic community groups etcetera, so a very broad based kind of effort is something that happens in presidential election years. But I, I think we need to use that same technique year in and year around, year around. And the Board of Elections could be a key, a catalyst in, in

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 83

2 bringing that kind of a, a, a political action or
3 voter, civic action to, to the process.

4 COUNCIL MEMBER CHIN: Well that's what
5 I, hopeful I got with you know the three of you
6 hopefully be on the commission that you can really
7 engage and start that conversation going and
8 hopefully move the board in that direction to be as
9 you said earlier, to be more proactive and really
10 engaging the voter. And hopefully in that way we
11 can increase the turnout and it's also good that
12 in, in the back and forth earlier with the
13 conversation you're talking about support for early
14 voting and I think the other issue is making easier
15 for people to get absentee ballots. Because New
16 Yorkers they have all kinds of schedule, they just
17 might not be available on that Tuesday. So if they
18 can, you know ways of doing absentee ballots and I
19 do, another thing that I, I find that in the
20 community is to really find a way to be able to
21 vote in some central location, like central
22 business district where people work that they don't
23 have to rush home to cast a vote. And often time
24 that happen in, in the district that, that I serve
25 like in Chinatown. A lot of people work there but

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 84

2 they don't live there. And here they're trying to
3 rush home before 9:00 so that they can vote. And
4 lot, often time they say well why couldn't we just
5 you know vote here and it did happen right, after
6 hurricane sandy? It, there were provision made
7 where people can vote anywhere. So if it happened
8 during an emergency like that could we make it
9 happen on a regular basis. Where we, make it
10 convenient for people to vote. And then that will
11 also really help us get a larger voter turnout.

12 Because right now the, the turnout is really
13 pathetic in our city. And so if we can really
14 mobilize and, and encourage, not just the young
15 people, just regular people to really think about
16 the importance of casting that vote. I think that
17 would be great and I look forward you know to
18 working with you and hopefully we can count on you
19 to really get that conversation and that movement
20 going within the Board of Election. Thank you
21 Chair.

22 CHAIRPERSON LANDER: Thank you very much
23 Council Member Chin. So that's the first round of
24 questions. I have a few more and then Council
25 Members Kallos and Dickens signed up for second

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 85

2 round questions. We'll try to keep those brief
3 because we have a couple of people signed up to, to
4 testify and if there are people who would like to
5 testify but haven't filled out a card yet please go
6 to the desk in the back and the Sergeant will, will
7 have you fill one out. So I want to ask questions
8 for, individually for Mr. Sholken and Mr. Flateau
9 and then for more general questions. Mr. Sholken I
10 just want to ask a follow-up question about the,
11 the 215 either found or, or lost votes and the
12 process that the board went through to figure out
13 what had happened. I, you know I, I, I hear you and
14 I have no reason to believe anything other than a
15 clerical error. I think one thing we would want to
16 know is in place was a process for investigating
17 something like that you know that was transparent
18 and fair and you know bipartisan and look to get to
19 it so that if it had been, there had been some
20 maleficence it would have been uncovered. So can
21 you just describe for me what the process of
22 investigation was in this instance and also if
23 there is a policy in place for investigating
24 matters of this type with the board.

25

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 86

2 ALLEN SHOLKEN: Well what happened was,
3 is, what they do is give voter history which means
4 that we give credit to the voters when they vote
5 and when you see that the scanners seem to indicate
6 one number and then we go back and we count their,
7 through voter history how many people actually
8 voted. As I said the, the pieces of paper that are
9 in the scanner machine, we went back and we counted
10 it and we saw how many people voted for each
11 candidate and that's when we realized there was a
12 major mistake made. Although it did not cost in any
13 way the election thank god. But it could have. I
14 mean it was a possibility that that could have
15 occurred. Although I think it would have been
16 caught much sooner if it was, it was that kind of a
17 scale. And I think if it was that close we would
18 have gone back immediately due to, just to paper
19 and seeing how people voted, how many, how many
20 votes that were cast.

21 CHAIRPERSON LANDER: So that goes to the
22 first half of, helpful how you identified the, the
23 mismatch, you had two different things to count
24 what the machine was saying and the fact that the,
25 the histories have more people had voted. So that

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 87

2 you identify that went back and corrected the
3 errors so that makes sense to me. I would think
4 then there would be some investigation into how
5 that happened. Sometimes that would be a straight
6 clerical error and sometimes that might be someone
7 doing something... so what in this case was the
8 process after discovering the discrepancy of doing
9 some kind of investigation into how that
10 discrepancy occurred and when... [cross-talk]

11 ALLEN SHOLKEN: ...pinpointed to what
12 computer it was immediately that's doable. And what
13 we did, we called the woman in, and we questioned
14 her as to how... she could not explain how it
15 happened. I know the person very well and there're
16 votes missing from Senator Espaillat, there were
17 votes missing from Charlie Rangel. So there was no
18 intent.

19 CHAIRPERSON LANDER: And who is, we,
20 just so I know, this is... goes more to policy than
21 it even does to this instance. So who is the... that
22 did, does that kind of... [cross-talk]

23 ALLEN SHOLKEN: ...republican who's the
24 chief clerk. Called her in and we questioned her.

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 88

2 CHAIRPERSON LANDER: Okay. And do you
3 know is this a, is there a, a formal board policy
4 for the process of investigating you know
5 discrepancies and things of this you know...

6 ALLEN SHOLKEN: I'm unaware of it if
7 there's a formal policy.

8 CHAIRPERSON LANDER: Alright. I'd
9 appreciate it if you could find out if... [cross-
10 talk]

11 ALLEN SHOLKEN: ...we do is we will report
12 it to the commissioner and the executive director
13 what we found. And then it would be up to them to
14 decide as to how we should proceed.

15 CHAIRPERSON LANDER: Okay. I would
16 appreciate it if you could let me you know follow
17 up and let us know if there is such a policy or if
18 not if there should be one. Again this isn't to
19 this specific incident... It seems to me in any
20 situation where there'd be a discrepancy it would
21 be good to have a policy in place for what happened
22 to, to review and identify. Thank you. Mr. Flateau
23 you answered this question in your, your 19 page
24 questionnaire. I do think it, that sets a record
25 for questionnaires this committee has received from

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 89
2 other nominees of, of many different agencies. It
3 is the, the longest and most thorough. And one of
4 them in there is a tough sort of personal question
5 for you and I just think it's important for it to
6 be addressed on the record as, as you know and I
7 will also point out that we, one of the things our,
8 our staff collect are press articles on nominees.
9 And this is a thick book, but as you can see more
10 than half of it is press articles about, about you.
11 Many of which are growing and reflect yours, your
12 history and many of the awards you've won and
13 things you've done. Some of which relate to your
14 time at the state senate when concerns were raised
15 regarding employment you know under you, in your
16 division. You answered these in your written answer
17 but I'd just like to ask you to go ahead and
18 address them publically for the record as well.

19 DOCTOR FLATEAU: Sure. This was a hire,
20 I think that you be referring to a hiring situation
21 in the state senate.

22 CHAIRPERSON LANDER: That's right.

23 DOCTOR FLATEAU: So if, if I could just
24 give a little background. I was, I, I was granted
25 leave from my CUNY teaching responsibilities and I

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 90
2 work to work uh for a period full time for the
3 state senate when the democrats achieved a majority
4 and I was asked to, I was tasked to head up...
5 responsibilities for the senate majority and, and
6 those were the 2010 census effort and
7 redistricting. And also some work around the
8 federal stimulus program. This is back in 2009
9 right after the, the housing and a few other
10 bubbles burst, the economic bubble burst nationally
11 and to show up New York's government finances and
12 economy of almost 30 billion dollars was sent into
13 New York. So I was part of a senior, senior staff
14 team in the... also worked on the photo stimulus
15 program. I was tasked to put a team of staff
16 together, small team. Probably I, I think as I
17 recall now maybe six to eight staffers. In my
18 judgment it needed to be a diverse talented
19 competent team of, of folks to do the work of, of
20 education and outreach around the 2010 census to
21 make sure that all New Yorkers were counted. And
22 that census count was used for the redistricting
23 process. So that was the, the next task that came
24 behind it. I interviewed uh a number of candidates
25 and made staff recommendations. I was not the end

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 91
2 of the process I was a deputy secretary of the
3 senate for intergovernmental relations with that
4 portfolio. Among the candidates I recommended was
5 actually a person who is a former city council
6 member and member of the former member to New York
7 State Assembly Pedro Espada I, I recommended him
8 along with other staff as part of the team to do
9 that work. He actually decline to take the position
10 just when he was to start the work. From... I, I can
11 understand from the outside that was a, I guess I
12 was, the work I was doing was we talked about well
13 the next controversial side of what was going on in
14 Albany. There was actually a, a power struggle
15 underway between the republican party attempting to
16 maintain control and the, and the democrats who
17 were just won the 2008 channel elections. So there
18 were from the outside, there were calls for that,
19 that hiring recommendation or process to be looked
20 into, investigated. It was investigated by the New
21 York State legislative ethics commission I turned,
22 I fully cooperated, I hand over resumes, indicated
23 of persons that have been interviewed for, for the
24 staffing... process. And I'm sure they investigated
25 other aspects as well. The HR department and, and

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 92

2 other things. So the, the... I, when I was, became,
3 when I indicated my interest to this position and
4 I, I informed your general counsel's office that
5 this was a matter that might come up. And they
6 communicated with the state ethics commission who
7 then advised the city council's office that there
8 was nothing in their files that should preclude my
9 being appointed to the, should, should the council
10 decide to my being appointed a commissioner of the
11 Board of Elections. So that's...

12 CHAIRPERSON LANDER: Thank you for that
13 answer. I will just you know confirm for the record
14 that we have the investigation report that our
15 general council did and that they did reach out to
16 both the Senate Personnel Office and the New York
17 State Legislative Ethics Commission both of whom as
18 you say reported no adverse information coming out
19 of those investigations. So thank you. A couple
20 more policy questions. Council Member Mark Treyger
21 is not able to be with us this morning but he
22 flagged an instance where in some of his poll sites
23 that have a lot of Russian speakers the, none the
24 less the formal languages of authorized you know
25 multi-lingual poll workers are, were other

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 93

2 languages did not include Russian. I, Spanish, I'm
3 not sure what else was spoken there. And then
4 individuals came in who spoke in, in this case
5 Russian, could be any language. But that, but
6 because that wasn't one of the authorized languages
7 of translation without a bipartisan team of
8 translators when some of the poll workers who did
9 speak Russian tried to translate for the voters
10 they were told no and they couldn't do that but the
11 police would be called if they continued to speak
12 to them in their language. That doesn't seem like
13 the right way to go about expanding the franchise.
14 And I just wonder, I think that means there is a
15 policy in place that you know poll workers are only
16 to speak in the you know authorized languages of
17 bi-partisan translation and then, which winds up
18 excluding people who are outside those languages.
19 So do you have thoughts on what we could do to make
20 sure that we expand language access which has been
21 a very important issue to this council and do
22 everything we can to make sure voters can in a fair
23 and appropriate way obviously, want to make sure
24 there's not electioneering going on but get the

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 94

2 information they need in the languages that they
3 speak.

4 DOCTOR FLATEAU: I'll, I'll comment on
5 that because the councilman brought that issue up
6 at the Brooklyn delegation hearing that the, that I
7 was screened before. If I could mention a larger
8 black, backdrop. Part of the U.S. voting rights act
9 does call for language assistance. In New York City
10 I think there are five officially approved
11 languages; Chinese, Korean, Bengali, Spanish, and
12 I'm missing one, English. Okay. But we know that
13 there are over 100 languages spoken in the city of
14 New York. And as a, I don't think there's any
15 prohibition in federal law that if a locality you
16 know needs translation on materials in a sixth
17 language or a seventh language, or a tenth language
18 that there would be any federal prohibition. If
19 there's a, a board policy in place I would not be
20 in favor of that. I would, we talked, we talked
21 earlier about increasing voter participation and
22 voter education. So we all, we have to, we have to
23 have strategies that address New Yorkers where
24 English is not their, their first language. So I
25 would, I would be in favor as a commissioner, and I

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 95

2 would push for a situation that if there's a
3 neighborhood where many of the voters speak Russian
4 then we should have Russian speaking poll workers
5 in that, in that poll where Russian American voters
6 go to vote or any other language that we could
7 identify. And that becomes part of the, the poll
8 worker recruitment process as well, knowing on the
9 ground who our various neighborhoods are, who
10 actually lives there, and if language assistance is
11 one of those strategies that's going to encourage
12 more New Yorkers to vote and, and make their voting
13 process easier then we should have workers,
14 election workers who speak their language and
15 assisting in that, in the election administration
16 at the local level. That would be my position.

17 CHAIRPERSON LANDER: ...need to elaborate
18 on that.

19 BIANCA PEREZ: Right. [cross-talk] I, I
20 do know there is a, a rule in place where poll
21 workers are not allowed to speak a different
22 language other than English to the, or give
23 instructions other than English. I obviously am not
24 in favor of that rule but if there is such a rule
25 I'd have to have the staff follow the rule. But I

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 96
2 would like to change it and find a way where either
3 we have more interpreters available at the poll
4 site to help these non-English speaking voters or
5 find a way to have some of the, the areas where
6 there's more Russian speaking, or Spanish speaking
7 people and have more interpreters available in
8 those particular areas.

9 CHAIRPERSON LANDER: And one other
10 thing. I mean it's a good idea to have on site
11 interpreters where you know a poll site has a lot
12 of voters but 311 now has a whole teams of
13 translators available by phone and so where you
14 have an outlying individual who... you know... someone
15 speaks Russian in a place where most of the people
16 speak Urdu maybe we could use 311 or a phone system
17 to make sure we could provide translation to them
18 even if we can't deploy translators to that.

19 BIANCA PEREZ: That's a good thing.

20 CHAIRPERSON LANDER: ...to that area.

21 BIANCA PEREZ: That's a good proposal,
22 use language line at the poll sites. Just call in
23 if we need a...

24 CHAIRPERSON LANDER: Great.

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 97

2 BIANCA PEREZ: ...10th language
3 interpreter.

4 ALLEN SHOLKEN: No that's an excellent
5 idea. I hadn't thought of that. Part of the problem
6 is we use the census to, to come up with what kind
7 of language, language necessities in the polling
8 site. We do have a lot of interpreters. However
9 outside of Spanish we do have trouble getting
10 people to take the job, it doesn't pay very much.
11 And people don't want to get up at 5:00 in the
12 morning and work 'till 10:00 at night or whatever
13 it is. And one of problems is a lot of the, a lot...
14 people who work for us are in Section 8. So if they
15 get an, if they get an increase they lose, they
16 lose the money because they have to pay it back
17 anyhow so it's, that's a huge problem we have. And
18 it's hard to get people, even Hispanic speaking
19 people to actually show up. A lot of people say yes
20 I'll show up and then on the day of election they
21 don't show. But it's less of a problem than the
22 other languages.

23 CHAIRPERSON LANDER: Two issues you all
24 said in your report as well that you were in favor
25 of, I just want to put it on the record. While

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 98
2 acknowledging that the Board of Elections is not a
3 mayoral agency there is legislation to have the
4 Board of Elections report its performance data
5 indicators into the mayor's management report which
6 is where people look for you know performance
7 indicators on, on the municipal government. And so
8 you all, I, I just want to affirm you all said
9 while making clear this doesn't make it a mayoral
10 agency that you'll be supportive of the board
11 reporting performance indicators in so that it
12 could be complied as part of the mayor's management
13 report yes?

14 BIANCA PEREZ: Yes.

15 DOCTOR FLATEAU: Yes.

16 ALLEN SHOLKEN: Yes and I would do
17 anything that, that makes it more transparent. So...

18 CHAIRPERSON LANDER: And then we also
19 asked about webcasting. And I think Commissioner
20 Sholken, excuse me Deputy Chief Sholken... [cross-
21 talk] don't mean to get ahead of ourselves here,
22 you indicated that actually the meetings of the
23 board are currently being posted to YouTube but
24 that... [cross-talk]

25 ALLEN SHOLKEN: Webcast... [cross-talk]

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 99

2 CHAIRPERSON LANDER: They are currently
3 webcast? And in any case you all support there
4 being webcast and if they are already fantastic and
5 if we need to do things to make sure that they're...
6 [cross-talk] durably... [cross-talk]

7 ALLEN SHOLKEN: I don't think they're in
8 real time, no.

9 CHAIRPERSON LANDER: I see. So they're
10 recorded and then recordings are made available
11 online. [cross-talk]

12 DOCTOR FLATEAU: I have watched them on
13 YouTube but they're... [cross-talk]

14 CHAIRPERSON LANDER: And I recognize
15 that you know we the city... this is an area where...
16 mayoral agency DoITT could you fit you out with the
17 webcasting because it's not, we'll have to find a
18 way to do it but you all support getting them
19 webcast in real time as well as being videoed and
20 made available to watch later assuming that the,
21 that, that can be done technically and the
22 resources are available... [cross-talk]

23 BIANCA PEREZ: Yes.

24

25

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 100

2 ALLEN SHOLKEN: From my experience the
3 board has nothing to hide and I think they would
4 definitely be in favor of it.

5 CHAIRPERSON LANDER: Good. And then my
6 last, my last question. You spoke, you spoke, and
7 this is for all of you but Mr. Sholken you referred
8 to it specifically. I know one of the challenges
9 around ADA compliance is that many of the schools
10 are not, that we, people have been voting in aren't
11 ADA compliant. It's my experience though that at
12 least some of them, I don't know how many because I
13 don't know that anything's been done could be ADA
14 compliant with very modest changes. I think in some
15 case, or even is already in one school in my
16 district, there's already a ramp, it just isn't one
17 of those buttons that you push for the door to open
18 so that someone in a wheelchair can get in. So it
19 does seem to me that if we could just work to find
20 a way to have the Board of Elections and the, the
21 Department of Education work together who could
22 come up with the money to put the push button in so
23 the door opened. And then that site would be ADA
24 compliant. But I don't think anything like that has
25 happened. I wonder if we have thoughts, could we do

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 101

2 things where the board and the DOE would work
3 together so that we didn't have to choose between
4 ADA compliance and long long travel distances.

5 [cross-talk]

6 ALLEN SHOLKEN: ...Board of Elections. We
7 have people, liaisons with the Board of Elections
8 and they do actually try to accommodate us the best
9 they can. Very often it's expensive and it's, maybe
10 not be in their particular budget. But they, they
11 do their best to comply with us. [cross-talk]

12 CHAIRPERSON LANDER: ...for you to help
13 work with us. Because I think a lot of council
14 members as you know, we are able to allocate some
15 city capital, some of us have participatory
16 budgeting... if it, look if it's beyond the pale of
17 cost it's beyond the pale of cost. But if there are
18 things that we could be doing together to make sure
19 it's possible it might not be something that the
20 schools necessarily would think to spend money on
21 because voting is not what they're there for but
22 that we could all work together to make some
23 progress here. [cross-talk]

24 ALLEN SHOLKEN: But let me say this
25 also. We do have door clerks, people who are there,

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 102

2 they're not allowed to push people in wheelchairs
3 in but they're there, they can open the door for
4 them, they can accommodate people.

5 CHAIRPERSON LANDER: So that's a, let's
6 work together to do what we can to, to improve on
7 this, on this issue. Okay thank you, and thanks to
8 my colleagues for, for sticking around. This is
9 great. We have... the three council members who are
10 here, Council Members Dickens, Kallos, and
11 Rodriguez who have all asked to do a second round
12 of questions or comments.

13 COUNCIL MEMBER DICKENS: Thank you so
14 much Mr. Chair. This is a, a, a, a policy question.
15 Registration; registering voters... and this is for
16 all three of you... the city of Atlanta has
17 implemented a, a law and a, and a process that
18 allows them to check to see if someone is allowed
19 to duly register pursuant to the law that's in
20 place. Does New York City have a law to check every
21 registration that is done in order to ensure that
22 that person that is registering doesn't live in
23 North Carolina or live in California or live in
24 another state and registering to support a specific
25 candidate but is not really a resident of this, of

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 103

2 this district that they registering in, and that
3 they're duly allowed to register pursuant to the
4 current law. Now when the law is changed of course
5 that should be implemented. But in, until that it,
6 we, we have to abide by the law that's in place. Is
7 there a policy of, in, here in New York City such
8 as what has now been implemented in Atlanta,
9 Georgia in order to validate every registration?

10 DOCTOR FLATEAU: That's one of the
11 issues that the DOI report flagged.

12 COUNCIL MEMBER DKICKENS: Exactly.

13 DOCTOR FLATEAU: I think there's a
14 policy but it's not being implemented. And part of
15 it has to do with logistics. In order to know for
16 example if a New Yorker is or isn't registered
17 anywhere as you would have to have access to other
18 databases and my reading of the report is that
19 those systems technically are not really in place
20 yet at the Board in terms of having access to the
21 statewide database. I'd read there are some
22 differences between even the New York state
23 database and, and AVID which is New York City's
24 database let alone being able to check and see if
25 somebody registered here or is on the New Jersey

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 104
2 database already or the North Carolina database. So
3 it's a technical, I think it's a technological
4 issue that, and that, that goes to the question of
5 hiring. We need some sophisticated people at the,
6 professionals at the Board of Elections who are,
7 who know a lot about IT and databases and how to
8 make that system happen for, for New York City.

9 COUNCIL MEMBER DICKENS: Alright that's
10 about registration. Now what about voting on the
11 machine because, remains in the book and the person
12 is deceased. And someone goes in and votes using
13 the deceased's name. they sign, the signature
14 looks, you know the one that is, that none of the
15 inspectors of, are, have the ability or are trained
16 as long as the signature looks very close and
17 signatures vary. Sometimes my own signature varies.
18 In order to prevent voting, someone who is
19 deceased, and that has occurred, and was, it had to
20 be caught actually by one of the campaigns and not
21 by the board. Is there any policy in place to
22 prevent something of that nature because timing is,
23 is not done on poll voting records of those who are
24 either, have moved, relocated out of state, or in
25 another district even, or are no longer eligible to

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 105
2 vote, or are deceased. Are there any policies in
3 place in order to timely pull records such as those
4 to prevent illegal voting?

5 ALLEN SHOLKEN: I think Mr. Flateau is
6 100 percent correct. He read the DOA report very
7 closely. We do, we do a number of matches. And we
8 do a death match with social security for number
9 one. Number two I think we match them against the
10 motor vehicle records. However, that being said
11 there's a motor voter rule and people in New York
12 City I'm sure you're aware move constantly. It's,
13 it's, you go to check a record and you find the
14 person moved. So while we do do these matches I
15 don't know how effective they are but we do make
16 every effort to try to weed out people in... [cross-
17 talk]

18 COUNCIL MEMBER DICKENS: Well there's a,
19 the reason I raise this because for instance I know
20 of several instances where absentee ballots were
21 being utilized by a person, the person's been
22 deceased for seven years and an absentee ballot is
23 still being mailed out to that address. And the
24 family no longer even resides in that building. So
25 the timing is, is a major concern on the

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 106
2 implementation even if there is a policy. Because
3 these are tools that can be utilized in order to,
4 to sway an election illegally. So I think that that
5 is something that really should be addressed and
6 particularly since it's in the DOI when they sent
7 their recommendations... I, I think that that is
8 something that needs to really be looked at and
9 evaluated as to how effective it has been. You are
10 utilizing whatever you've got in place and how it
11 can be changed in order to make it effective and
12 timely.

13 ALLEN SHOLKEN: As you know we're not
14 allowed to ask for people's ID cards so we can't
15 ask them for a, a license or any other
16 documentation... [cross-talk]

17 COUNCIL MEMBER DICKENS: I'm fully
18 aware. [cross-talk] I'm fully aware. And that's how
19 come people are, that are not legally able to
20 register are registered. Now, one more thing I want
21 to talk about the, the, when, when the chair asked
22 the question about the interpreters. My
23 understanding at least in New York county
24 interpreters are assigned to observe... poll sites.
25 Not, maybe not for every individual language

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 107

2 because for instance in Harlem we have 19 dialects,
3 African dialects and, and certainly you, you're not
4 able to address 19 dialects of, of, of the... alone
5 so I'm aware of that. But to your credit you do
6 have interpreters that are assigned. And that just
7 also goes to prove the importance of local
8 involvement in, in assigning poll workers because
9 generally the, when you assign poll workers they're
10 assigned because they actually are residents within
11 that neighborhood and are usually of the ethnic
12 background of that neighborhood. So that, that
13 really goes to support the, the fact that, that
14 the, the importance of local involvement in order
15 to assign poll workers, as long as their qualified
16 and take the courses that you require and pass the
17 test that you give, then I, I, I think that they
18 usually they are of the ethnic background, usually,
19 maybe not in every instance such as in Council
20 Member Treyger's district there was a problem I
21 believe. So you know that may have been a problem
22 and then some other districts. But generally with
23 the local involvement that does allow. And also I
24 agree with my chair in that the local council
25 member can assign, because we put computers in the

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 108
2 school, we have to upgrade the electrical
3 frequently before the DOE will even put the
4 computers in. And so maybe we can put in where it's
5 not ADA because, only because of the door maybe we
6 could then work with you in order to put in the
7 electricity, or the panel that's required in order
8 for the door to have the automatic opening. So
9 thank you.

10 CHAIRPERSON LANDER: Thank you very much
11 Council Member. Council Member Kallos.

12 CHAIRPERSON KALLOS: Thank you for
13 dealing with the questioning...

14 CHAIRPERSON LANDER: And let me just
15 add, you know I'm, I'm glad we can take the time we
16 need to ask the questions. I will flag we, you know
17 we do want to make, we want to hear from the three
18 members of the public who have signed up to testify
19 but... [cross-talk]

20 CHAIRPERSON KALLOS: Absolutely... [cross-
21 talk] ...and I believe the members of the public are
22 interested in my line of questioning. But I do want
23 to thank Chair Lander. It is at the discretion of
24 the chair how much time council members are given.
25 And the fact that he has chosen to give all of us

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 109
2 a chance to ask all the questions we wish is, is a
3 testament to his being a progressive leader. Mr.
4 Flateau I wanted to tap into your idea around CUNY
5 poll workers. It's something I've been working on
6 since 2006. Is there some way that we can
7 collaborate to get CUNY to get a day off so that
8 200 thousand students might be able to work as poll
9 workers even perhaps, I think 60 thousand students
10 available to do split day shifts?

11 DOCTOR FLATEAU: I, I'm certainly not
12 here to authorized to speak on behalf of CUNY but I
13 am a CUNY employee so I'm speaking as an individual
14 now and I, I think there are possibilities there
15 especially if we think about the split shift. And
16 the other point I would make was, is Councilman,
17 Member Ignizio's point they too have a Board of
18 Trustees. And that's a policy decision that could
19 be probably made at that level. If somebody were to
20 get that type of recommendation into the CUNY board
21 or the new chancellor, we have a, a new chancellor
22 Milliken. I, I think that's, that's, that could be
23 a, a matter that's entertained. We do have
24 flexibility in our schedule. We have makeup days in
25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 110
2 terms of the, the, the, the college calendar. So I
3 think there's a possibility there.

4 CHAIRPERSON KALLOS: Wait would you at
5 the very least if you're teaching a class on
6 election day give CUNY students in your class a
7 pass in order to work as poll workers?

8 DOCTOR FLATEAU: I'd give extra credit
9 now.

10 CHAIRPERSON KALLOS: Perfect, thank you.
11 This was asked earlier, some of my colleagues,
12 Vinny Ignizio to be exact, has taken to starting
13 calling me @BenKallos, a reflection on my
14 background in technology and the fact that I'm a
15 software developer. My colleague Council Member
16 Rodriguez asked about online voting. All three of
17 you indicated your support for it. However two of
18 you indicated concerns. So are you in favor of
19 online voting or are you in favor of a voter
20 verifiable paper trail?

21 ALLEN SHOLKEN: I would, I would be in
22 favor of online voting if, if, some... I'm not a
23 computer expert I'll be the first person to admit
24 it, if somebody came up with a way that we can
25 verify that they voted and, and I mean you can't

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 111

2 ask a person how they voted but we have to have
3 some kind of trail, there has to be some kind of
4 trail otherwise the whole system could be
5 corrupted. I mean there has to be some way of
6 tracking it. Otherwise like I said the way we catch
7 our, the mistakes is by going back and looking at
8 the actual scanner ballot and that way we can do a
9 count and we know how many people voted and what
10 exactly occurred at that polling site.

11 BIANCA PEREZ: Are you asking me will I
12 prefer one over the other? Because I actually
13 prefer both depending on the voter to have more
14 voter outreach because there are some senior
15 citizens who are not computer literate. And I'm in
16 favor of both but I didn't understand your
17 question. Are you asking us if we favor one over
18 the other?

19 CHAIRPERSON KALLOS: Would you allow
20 online voting without a voter verifiable paper
21 trail?

22 BIANCA PEREZ: No I, I would prefer
23 online voting with also a backup, a backup paper
24 trail.

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 112

2 DOCTOR FLATEAU: I think doesn't HAVE
3 require an audit trail if... I think it does. So
4 that, I think that's a legal requirement... [cross-
5 talk]

6 CHAIRPERSON KALLOS: I, I, I wish it was
7 in the scope of voting technology to have a choice
8 between a DRE or a PBOS. New York state has the
9 best election laws in the country with regard to a
10 paper based optical scan. And I will tell you as an
11 elections expert and somebody who was endorsed by
12 Richard Stallman who created GNU Open-source,
13 Linux, and the very hard, the very software that
14 run many elections machines that he also agrees
15 that the only safe election that cannot be tampered
16 with is one with a voter verifiable paper trail.
17 Any piece of software you put in front of a
18 software developer can be corrupted, period. Bank
19 machines are corrupted all the time but the great
20 thing is Mr. Sholken pointed out with the bank you
21 always have a trail somewhere and in order to
22 preserve the anonymity of voting we can't. So I
23 would just caution you to please look further into
24 that. And it is also okay to give answers at
25 hearings of I have not looked too far into it and I

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 113

2 will get back to you. In fact I think the

3 administration does that more... [cross-talk]

4 DOCTOR FLATEAU: Could, could I, if I...

5 [cross-talk]

6 CHAIRPERSON KALLOS: Yeah.

7 DOCTOR FLATEAU: I, I believe, aren't

8 there some jurisdictions in the country that

9 already have online voting. I, I believe there are

10 a few. And, and I think my approach to researching

11 would be find out what they're doing and it

12 already... center for digital government keeps up

13 with technology that is being used, voting

14 technology and other kinds in, in, state and local

15 governments throughout the country. So I'm sure

16 there, there is online voting taking place in some

17 other jurisdictions. And as long it is, is also

18 legally compliant with, with the help America vote

19 act standards you know I, I think we should move

20 ahead with it. It's one more way that we can engage

21 New Yorkers to part, to, to you know increase their

22 voter participation.

23 CHAIRPERSON LANDER: Chair Kallos can I

24 recommend a hearing in the Government Operations

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 114

2 Committee where we dig further into these... [cross-
3 talk]

4 CHAIRPERSON KALLOS: So the, the quick
5 answer is there, there is legislation on point but
6 in order to do so in New York state we would need
7 to amend our New York state constitution as well as
8 several federal laws. And I am so fervently against
9 elections that could be stolen by software
10 programmers you would not believe. That being said
11 and the world is, should be on record that I, I
12 said that but along the lines of technology we have
13 an open data law. Will you as commissioners make
14 sure that the Board of Elections voluntarily
15 complies with the open data law and gets more of
16 your information out online and transparently?

17 DOCTOR FLATEAU: I, I don't know the
18 specifics of the law but I agree in principal with
19 that concept. Maximum citizen access to election
20 data, registration data that is housed by the Board
21 of Elections. We, the taxpayers are paying for that
22 information already.

23 CHAIRPERSON KALLOS: Would you be
24 willing to waive fees around access to Board of
25 Elections data right now in order to get New York,

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 115

2 New York state Board of Elections data it's free.

3 In order to get it from the city Board of Elections
4 there's often fees attached to it.

5 DOCTOR FLATEAU: I would give management
6 a little time to ramp up in that area because that,
7 I would assume, that's, it's a revenue generator
8 right now so they would have, probably have to make
9 some adjustments on their budget if this service or
10 product is going to be free. But I, I, I again
11 support it in principle. I know there are a lot of
12 jurisdictions, I channel surf all the time, that
13 you could reach into and upload all kinds of
14 election results and registration data. And I think
15 New York is not at the cutting edge. They're doing
16 better. I've been working, I'm one of the customers
17 over time and I think it's a lot better than it was
18 20 years ago. But we could do even more in that
19 area to be more data friendly and user friendly in
20 that area.

21 CHAIRPERSON KALLOS: Essentially what
22 I'm asking is for items to not be published as PDF
23 or hardcopy but for if... [cross-talk] something is
24 already digital, excel, or comma separated values...
25 [cross-talk]

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 116

2 DOCTOR FLATEAU: ...format.

3 CHAIRPERSON KALLOS: Right, open data
4 format and using generally accepted APIs.

5 DOCTOR FLATEAU: Yeah.

6 CHAIRPERSON KALLOS: PDF is not one of
7 those.

8 DOCTOR FLATEAU: No I said DBF.

9 CHAIRPERSON KALLOS: Okay yes. Sure, but
10 anything towards that. And then the rest of the
11 commissioners.

12 BIANCA PEREZ: I agree with the open
13 data allowance and I would, I would also agree with
14 removing the fees to help smaller campaigns or
15 smaller can, smaller funded candidates be able to
16 have access to it during elections.

17 ALLEN SHOLKEN: I, I agree I, with the..
18 I'm not really sure what fees you're talking about
19 besides Xeroxing information. [cross-talk]

20 CHAIRPERSON KALLOS: A, a voter file is
21 50 dollars.. [cross-talk] Voter history is an
22 additional 50 dollars.. If you want a citywide voter
23 file you're looking at 500 dollars. If you want a
24 map of your district there's a fee, there, there's
25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 117

2 fee for anything you need in order to run for
3 office. [cross-talk]

4 ALLEN SHOLKEN: I, I, personally I
5 thought that was minimal fees. I think that they
6 have to... [cross-talk]

7 CHAIRPERSON KALLOS: It's free from the
8 state. There's no cost.

9 ALLEN SHOLKEN: If, if the city wants to
10 pay for it that'd be fine with me too. I have no...
11 [cross-talk]

12 CHAIRPERSON KALLOS: Well we already pay
13 for it. Is the, the next item is Council Member
14 Ignizio asked about deference to county chairs. And
15 just on record all of you would defer to county
16 chairs with... [cross-talk]

17 DOCTOR FLATEAU: I didn't say that. I
18 said consultation and communication.

19 CHAIRPERSON KALLOS: Consultation
20 communication... [cross-talk]

21 DOCTOR FLATEAU: That's not... [cross-
22 talk]

23 CHAIRPERSON KALLOS: ...Mr. Sholken?

24 ALLEN SHOLKEN: ...the same, the same
25 thing. My loyalty is the people of city of New

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 118

2 York, not to the county leader. So my first loyalty
3 is there. And I would also consult with them but I
4 would make my own decisions.

5 BIANCA PEREZ: I agree with Doctor
6 Flateau and what I said was I will consider the
7 suggestions of the county chair but of course I
8 would make my own decisions.

9 CHAIRPERSON KALLOS: If, if the county
10 chair asks you to hire a new deputy clerk would you
11 make that hire based on the county chair's
12 recommendation.

13 ALLEN SHOLKEN: I can answer right now
14 no. I would, I would consider anybody the county
15 chair nominated or asked me to appoint but I would
16 also have a, a vetting process and, and bring other
17 people in from, from other sources. I would look
18 for the person who I thought was the best
19 qualified.

20 BIANCA PEREZ: The reason would be...
21 [cross-talk] an important factor that, my decision
22 whether to take the county chair suggestions.

23 CHAIRPERSON KALLOS: I didn't hear what
24 you just...

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 119

2 BIANCA PEREZ: The reason for the county
3 chair asking me to get rid of a certain director
4 you said or...

5 CHAIRPERSON KALLOS: Hire.

6 BIANCA PEREZ: ...or hire? I would have, I
7 would want to know the reason and of course vet
8 the, the potential employee if they're qualified.

9 CHAIRPERSON KALLOS: Your four year term
10 expires on December 31st, 2016. Will you be seeking
11 to be reappointed by the county chair?

12 BIANCA PEREZ: I don't know. I haven't...
13 [cross-talk]

14 DOCTOR FLATEAU: Depends on how this
15 honeymoon works out.

16 ALLEN SHOLKEN: I, I can't give you a
17 definitive answer. I don't, I don't know what it,
18 you know I can't, I can't tell you what's going to
19 happen in two years. I'm not... [cross-talk]

20 DOCTOR FLATEAU: He's been in there at
21 least five months. You, you folks, you might be
22 walking me into a living hell I'll never come back.

23 ALLEN SHOLKEN: I, I can tell you right
24 now it, it is really hard. But I think that, I
25 think that it's rewarding if you believe in

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 120
2 government and that's why I, I would, I would
3 consider but I can't say how I would feel in two
4 years.

5 CHAIRPERSON KALLOS: Your being
6 appointed under Section 3204 Subsection 4 of the
7 New York State Election Law by the City Council. So
8 who, who will you, who, who's, who will you be
9 serving? Will it be the council members who
10 appointed you or the county chair if...

11 ALLEN SHOLKEN: My answer's as I think I
12 just told you I would serve the people of New York.
13 I would do what's best for the people of New York.
14 I will, I've committed to myself to never do
15 anything that I thought was... or wrong. I will
16 follow the law. And so I will answer to both but I
17 don't have weight to pick up... who would have
18 greater weight?

19 BIANCA PEREZ: The City Council.

20 CHAIRPERSON KALLOS: Mr. Flateau.

21 DOCTOR FLATEAU: You, you are the
22 appointing agency so yes I would need to be
23 responsive. There was already a question about if,
24 if a commissioner were called back to appear before
25 a council committee on an oversight hearing... so we,

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 121
2 the, the Board of Elections has a number of
3 stakeholders and the City Council is I would think
4 at the, at the top of that list. But there are
5 others that we would need to be responsive to. We
6 have oversight from the state Board of Elections.
7 There, there are several federal laws that our
8 agency is, the, the agency should we be appointed
9 is supposed to respond to; DOI, the Mayor's Office,
10 there are lots of stakeholders and oversight
11 agencies that, that, that the Board of Elections
12 has to be responsive to. And for me the City
13 Council who appoints the commissioners is at the
14 top of that list.

15 CHAIRPERSON KALLOS: Thank you. And
16 there's, I... these are not the, the easiest
17 questions. So I'll, I'll move along. This one is
18 for Mr. Sholken. If you do not become, if you are
19 not appointed as a commissioner will you stay in
20 your current role at the Board of Elections?

21 ALLEN SHOLKEN: If I'm reappointed. As
22 an appointment. So in other words the next
23 commissioner can come in and say thank you very
24 much for your service, good bye. So I mean that's
25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 122

2 what, if I'm reappointed I would definitely, if, as
3 a, as a deputy chief I would stay.

4 CHAIRPERSON KALLOS: So you're deputy
5 chief right now so if somebody else came in as
6 commissioner you believe you wouldn't get to keep
7 it or it isn't... [cross-talk]

8 ALLEN SHOLKEN: Possibility, I'm just
9 saying it's a possibility, I don't know.

10 CHAIRPERSON KALLOS: Assuming no
11 political ill will and the ability to stay you
12 would stay in your current position?

13 ALLEN SHOLKEN: Yes.

14 CHAIRPERSON KALLOS: Okay. The last
15 question is just a general question and I think Mr.
16 Sholken you've mentioned and I think all, everybody
17 in this body has been in a situation where
18 allegations have been made about us whether they
19 are truthful or not in, in public or in the media.
20 So I guess one question is do you have any ties to
21 any members of this committee or this body that the
22 public should know about?

23 DOCTOR FLATEAU: I'm sorry could you
24 repeat the question?

25

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 123

2 CHAIRPERSON KALLOS: Do you have any
3 ties to any members of this committee or this body,
4 the City Council, that the public should know
5 about?

6 DOCTOR FLATEAU: You say ties I'm, I
7 know many members of the City Council, that's the
8 extent of my ties. And I'm, I'm represented by one
9 that I... I would hope that's responsive to your
10 question.

11 CHAIRPERSON KALLOS: I, I believe so.

12 BIANCA PEREZ: No, my answer is no.

13 ALLEN SHOLKEN: My answer's the same as
14 Mr. Flateau's. I have, I know virtually all the
15 members of the City Council. I've... through the
16 Central Labor Council and other areas. So I do know
17 them but I have no particular ties other than that.

18 CHAIRPERSON KALLOS: Have any of you
19 donated to any members of the City Council.

20 BIANCA PEREZ: Yes I have.

21 DOCTOR FLATEAU: Not this year.

22 ALLEN SHOLKEN: I'm trying to recall. I
23 may have. I, I rarely, I give very small donations
24 to be honest with you. If I have it was no more
25 than 50 dollars. I'm trying to think back. I might

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 124

2 have given Ms., Councilwoman Chin money at one
3 point in time, I don't recall.

4 CHAIRPERSON KALLOS: Have any of run
5 independent expenditures for any members of the
6 City Council?

7 DOCTOR FLATEAU: Run?

8 CHAIRPERSON KALLOS: Yes, have you been
9 on the executive board of an organization that did
10 an independent expenditure in support or opposition
11 to a member of the City Council.

12 BIANCA PEREZ: No.

13 DOCTOR FLATEAU: I worked on Council
14 Member Cornegy's campaign in 2013... that sort of...

15 CHAIRPERSON KALLOS: Okay.

16 ALLEN SHOLKEN: I know it was put in the
17 paper I worked on part of the Downtown Independent
18 Democrats, it was a democratic club and I was the
19 Vice President but I had no part in any of their
20 literature that went out or anything else... became
21 an independent expenditure, they felt it was the
22 usual mailings but because the lawyer had changed
23 it became an independent expenditure and my name
24 was put on it even though I was just the vice
25 president of the club.

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 125

2 CHAIRPERSON KALLOS: As, as, yeah.

3 DOCTOR FLATEAU: I also worked on Public
4 Advocate Letitia James campaign in 2013. That's the
5 extent of... [cross-talk]

6 CHAIRPERSON KALLOS: Alright thank you
7 for the full disclosure. So I guess, and, and so
8 who were the independent expenditure that your vice
9 president of the organization that did so, as a
10 vice president and executive are you responsible
11 for what happens in the club?

12 ALLEN SHOLKEN: Am I responsible for
13 what happens in the club? I guess so. Technically I
14 am. I never gave the permission to use my name on
15 what became an independent expenditure. They never,
16 they didn't realize it was an independent, this was
17 the same mailing that clubs throughout the city do.
18 So they assumed that it was not a, I guess they,
19 they didn't even know what the term independent
20 expenditure was... [cross-talk] That was not fully
21 explained to a lot of people and they were never
22 fined for it. And it was the first time that it
23 happened that their, their information that they
24 gave, they didn't try to hide anything, they gave
25 their address and everything else. So the Finance

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 126
2 Board determined that because of the first offence
3 that they were not going to be fined. But it's the
4 same exact mailing that goes on throughout the city
5 for whatever reason is, they, they chose to pick on
6 that particular club.

7 CHAIRPERSON KALLOS: Alright and who is...
8 Mr. Flateau has shared who he's worked with, who...
9 favor of or opposition to?

10 ALLEN SHOLKEN: That particular mailing
11 was opposed to the Councilwoman, Councilwoman Chin.

12 CHAIRPERSON KALLOS: And anybody else?

13 ALLEN SHOLKEN: Was it opposed to
14 anybody else? I don't really recall. I, I, I
15 didn't, I got the mailing the same as everybody
16 else did. But I had no input into it. I believe,
17 remembering from the article which was, they, they
18 said that they also supported Council Member Chloe
19 Johnson. However, that being said, I read it and I
20 didn't even hardly see it, it must have been about
21 three words about Chloe Johnson. It was mostly
22 against Councilwoman Chin.

23 CHAIRPERSON KALLOS: Okay. I think those
24 are my questions.

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 127

2 CHAIRPERSON LANDER: Let me just follow-
3 up on one or two of those things. I think in each
4 of your written answers you all committed not to
5 engage in any partisan political activity, take
6 part in any campaigns if you are appointed. That
7 seems obvious but sadly it is not in fact required
8 by state law. So I just want to ask all of you to,
9 to restate for the, well I guess I'll just ask you.
10 I, would, will you agree if appointed that you will
11 not take part in partisan political activity for or
12 against candidates in any of the elections that you
13 would be overseeing as a commissioner of the Board
14 of Elections.

15 DOCTOR FLATEAU: I agree.

16 ALLEN SHOLKEN: As Chair, Chief, Deputy
17 Chief Clerk I've already stopped.

18 BIANCA PEREZ: Yes I agree.

19 CHAIRPERSON LANDER: I, that seems like
20 another thing maybe state law ought to take care of
21 but, but thank you for each of that. And I will
22 just flag you know so this council did, has passed
23 on a couple of laws. We passed the law that
24 redefined an independent expenditure to include
25 club mailings and perhaps we, or to see if... could

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 128
2 have done more to let people know but we did, you
3 know we do believe that those are IEs and should be
4 treated as such. Obviously have to let people know.
5 We want that, we want them, you know we want people
6 to comply and we actually then just passed a new
7 law requiring that on independent expenditure
8 communications such as mailings the top three
9 donors and officers be put on the communication so
10 that people can see and understand. And so that
11 will take new understanding on the part of people
12 who are participating in, in IEs and you know those
13 are things that the council feels strongly enough
14 to have voted and made law. So thank you for
15 flagging them. The final, you, the last question of
16 the, of the day is Council Member Rodriguez and
17 thank you for your patience.

18 COUNCIL MEMBER RODRIGUEZ: Well one
19 thing that I would like to bring to your attention
20 is that in 2013 a, we know that the supreme court
21 has to making decision because different states in
22 the south that wanted to make their law without
23 following the federal relation. Therefore in a, we
24 only had to be... and knowing that New York City is
25 always like a focus of attention. So when we talk

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 129
2 about going forward and doing the better outreach,
3 our school probably letting, senior center to have
4 their own polling site to... that we have to be in
5 the building in those idea, including also now a, a
6 agreement with the chairman a, a... that we had to
7 you know do the homework and see the online voting
8 is safe. But if it's safe and again Canada has 80
9 city where they allow voting rights. So I think
10 that we have to look for all the cities, see how is
11 the, how is that working, what can we learn from
12 those... has that... now and, and, and... all voters. You
13 know as a nation we don't have a highest turnout
14 when it comes to participating in voting election.
15 It's in the 50 percent voting participation that we
16 have. So we has, still has room to grow when it
17 come to increase our voting participation and let
18 our people to participate in these democratic
19 process. We cannot go back to those year of
20 segregation. You know people surely ask for ID to
21 vote the question... ask to read, proving they can
22 read and write in order to vote. We have to be sure
23 that the process is safe. We have to be sure that
24 we protect the voter right in a manner that we
25 continue moving progress allowing more New Yorkers

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 130
2 to participate in this... electing their leader. We
3 have challenges everywhere. You know we, I... have
4 to, we had a good apple and bad apple everywhere in
5 government, the council, and the Board of Election.
6 However I know that most of the men and women who
7 work in all our agency had a good heard, and had a
8 great commitment and work hard so that they know in
9 the right way. My question is under... voting rights.
10 In the last... under the leadership of Christine
11 Quinn we had introduced a, a immigrant voting right
12 that will allow non-citizens New Yorkers to
13 participate electing the local leaders; mayor, city
14 controller, public advocate, council member... can 34
15 a council member sign into this... the request. There
16 was also some concern when we have a hearing with
17 the Board of Election it was not a opposition but
18 it was more... how to make bad things happen. What
19 would be your position when it come to allowing
20 immigrant to participate, to vote in the local
21 elections?

22 DOCTOR FLATEAU: I would agree with that
23 recommendation. There was a time in New York's
24 history when immigrants were voting in local
25 elections. And in fact non-citizens were able to

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 131

2 vote in school board elections. If you were a
3 parent, even if you were not a US citizen if you
4 were a parent of a child in a New York City public
5 school you had a special registration and then you
6 could vote in that school board election. It was a
7 proportion of representation. So I, I think that's
8 one of the ways of reconnecting new immigrants to,
9 to our, our civic culture by, by having a process
10 where they can vote in certain elections. And the
11 council would be one of those bodies to decide
12 which elections that those might be. But I, I
13 support the, that principle that you raise
14 Councilman.

15 BIANCA PEREZ: I support the position as
16 well and the reason why is because I think that the
17 community, the members of the community should vote
18 their local representatives.

19 ALLEN SHOLKEN: As commissioner I, I
20 would have to say I would follow the law whatever
21 the law is. If the City Council passed the law then
22 I would, I would follow the law. As a commissioner
23 I don't believe it's my place to create a law. So
24 if you guys make, pass a law then I would follow
25 it.

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 132

2 COUNCIL MEMBER RODRIGUEZ: ...what is
3 your, if you want to be a commissioner what is
4 your, what would be your position on this issue?

5 ALLEN SHOLKEN: I believe if, if people
6 are moving towards legal residents, become legal...
7 [cross-talk] permanent residence, thank you.

8 [cross-talk] be inclined to go, to agree with it.

9 But there has to be some commitment to the United
10 States before I would, I would support that. You
11 just can't have people coming in and voting. It, I
12 think that you'd have outrage if that happened. I
13 think you have to have more of a commitment to the
14 United States if you've been here a number of
15 years, if you want to have, get permanent status I
16 think that's a different story.

17 COUNCIL MEMBER RODRIGUEZ: Thank you.

18 CHAIRPERSON LANDER: Thank you Council
19 Member Rodriguez. And I'll just flag for the public
20 and the press on this questions that you raised
21 about the... county case and this issue of
22 preclearance that in Mr. Flateau's 19 page response
23 is some thoughts on the possibility of New York
24 City establishing a process that would protect the
25 civil rights of New Yorkers if preclearance goes,

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 133
2 goes the way that it appears it might. So... so thank
3 you to the council members who have stuck around
4 for this entire time. Thanks to each of you for
5 your patience and thorough answers. Do you have
6 any, you don't need to make closing statements if
7 you have anything that you want to correct for the
8 record or you thought of and meant to say but
9 didn't we can recommit it for you now. If not then
10 well thank you for your answers. I would like to
11 ask all three of you to stick around to hear, we
12 don't have a lot of people signed up to testify but
13 for the three who are I would appreciate it if you
14 would stay and listen to what they, what they have
15 to say. So thank you very much for your testimony.

16 DOCTOR FLATEAU: ...should we vacate...

17 [cross-talk]

18 CHAIRPERSON LANDER: Yeah... [cross-talk]
19 vacate those seats... [cross-talk] Yeah you can take
20 seats back in the crowd. Thank you again. And I
21 will now call up to testify. We'll do one panel
22 with Rachel Fauss from Citizen's Union, Kate Doran
23 from the League of Conservation Voters, and John
24 Quinn from the Lower Eastside Democratic Club. Oh

25

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 134

2 sorry. Kate Doran is from the League of Women
3 Voters of the City of New York.

4 KATE DORAN: Thank you sir.

5 CHAIRPERSON LANDER: I apologize. They
6 also like the league of Conservation Voters but...
7 [cross-talk]

8 [background comments]

9 RACHEL FAUSS: Good afternoon. I think
10 this is, this isn't on, seems to be on I guess. So
11 my name is Rachel Fauss. I'm the Director of Public
12 Policy at Citizen's Union. We're a nonpartisan good
13 government group that's dedicated to making
14 democracy work for all New Yorkers.

15 CHAIRPERSON LANDER: I'm sorry. Let me
16 just... Yeah, thank you. Let me just ask if you have
17 comments to take them outside and let's listen to
18 our, to our, to our testifiers.

19 RACHEL FAUSS: And Citizens Union works
20 to ensure fair and open elections, honest and
21 efficient government, and a civically engaged
22 public. So obviously the topic today is of great
23 interest to us. First... [cross-talk]

24 CHAIRPERSON LANDER: I, I'm sorry, I
25 apologize Rachel I just, I'm having a little

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 135

2 trouble hearing you and I, this is, this has been a
3 lot of fruitful material but we won't be too much
4 longer so let's just listen and then we can
5 continue the conversations afterwards. Thank you.

6 RACHEL FAUSS: Okay thank you. I'd first
7 like to say we're very pleased that there's an open
8 public process today. You mentioned that in 2009 a
9 coalition of groups supported an open process for
10 appointment of commissioners who were part of that
11 effort. And we are part of urging the council to do
12 this earlier this year. So just like to acknowledge
13 that this is an important step in the right
14 direction. We also were aware of the efforts last
15 year with the Republican Conference finding this
16 you know section of the law that allows the council
17 to make appointments. And though Council Member
18 Ignizio is not here today you know there, there
19 wasn't that kind of an open process last year. And
20 so it's a very important step forward this time.
21 Though I will acknowledge that it, that their
22 appointments did help to break up some of the
23 gridlock and actually appoint a executive director
24 for the first time in quite a while. So I, I think
25 our suggestions on things for the council to

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 136

2 consider are very aligned with the questionnaire

3 that you provided to all of the candidates but I'd

4 just like to highlight a few issues that we, we

5 believe are particularly important. The

6 qualifications and experience of individuals who

7 are serving should be a primary consideration.

8 Experiencing elections, public administration,

9 voting rights are relevant, community experience

10 that it speaks to the ability of these

11 commissioners to represent the 4.6 million voters

12 and of course the over eight million New Yorkers

13 that results. Their elected officials represent and

14 as a result of our elections process. Commitment to

15 reform is an incredibly important issue right now.

16 I think there's been a lot of attention about how

17 to move the Board of Elections in the right

18 direction administratively and we're very pleased

19 that the questionnaire you provided included

20 recommendations from the Department of

21 Investigation but as well as recommendations that

22 good government groups like ours have been

23 proposing for a long time. Just to fill, just to

24 fill in the details on a couple that we think are

25 important opening up hiring practices at the Board

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 137
2 of Elections ensuring an open and merit based
3 appointment system I was very pleased to hear that
4 there's going to be an anti-nepotism policy
5 supported by these three commissioners that they
6 committed to open posting on line of positions. We,
7 we do support moving towards a more civil service
8 based system. And you know there may be some
9 concerns about diversity. But would just like to
10 flag that the close process of patronage it, it
11 could be, it could result in more diversity but
12 it's at the discretion of the individual. It can
13 also result in less diversity. I think having a
14 merit based system whether a uniform standards in
15 place, if there the right standards can protect
16 diversity and also ensure merit based appointment.
17 Redesigning the ballot is something that the
18 commissioner should look at. We're now at three
19 languages which is a, is a maximum which is a step
20 forward. But there's a lot more we can do to make
21 the ballot easier to read. And that's something
22 that the Board of elections has discretion over.
23 Targeted poll worker recruitment. I know it was
24 mentioned about translation services and some of
25 the important issues that have happened in

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 138

2 communities where there's not sufficiently trained

3 poll workers. We support a municipal poll worker

4 program and while that is a city action that you

5 have to go down through the administration, the

6 support of commissioners coming in would be

7 incredibly helpful to move that forward knowing

8 that those workers would be utilized. The city has

9 on staff many translators who could plug important

10 gaps in some of the coverage of poll workers that

11 we have now. Modernization of voter registrations

12 making the process more electronic... increasing...

13 movement to do things via data, do things via

14 electronic means. That'll reduce errors and make it

15 easier for voters. City agencies have a lot of data

16 about addresses that could be easily updated with

17 the Board of Elections voter lists. The Councilman,

18 Councilman Kallos mentioned transparency and

19 voluntary compliance with the open data law we

20 think would be a step forward both for good

21 government community, journalists, academics, there

22 are a whole list of stakeholders are interested in

23 the data that the Board of Election has in addition

24 to candidates of course. Performance measurement is

25 something that we think is important. Was pleased

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 139
2 to see the MMR be a consideration in the
3 questionnaire in that hopefully we'll have some
4 more movement forward on four integration, with the
5 MMR sitting actual performance targets. And the
6 board has released more data in its annual report
7 than in the past which is important but without
8 targets, without goals it's hard to measure up the
9 data with, with what the, the board has in mind.
10 And I'd just like to echo something that's not in
11 my written testimony but voter education is
12 incredibly important. It's past time that we move
13 beyond seeing this as a administrative, the board
14 is just an administrative agency that does the bare
15 minimum that the law requires. It's essential for
16 democracy that the board be more proactive with
17 voter registration so it was encouraging to hear
18 some of the comments today. I just wanted to
19 respond quickly too to the mention of the
20 constitutional requirements for workers to be a
21 democrat and a republican. We don't think that has
22 to translate all the way down the line. There're
23 already some positions of the board, technical
24 positions where there's not a democrat and a
25 republican. So I think to the extent that we can

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 140
2 move forward with not have unnecessary duplication
3 within the limits of the law that would be an
4 important step forward. And I'll leave it at that
5 and just thank you for the opportunity to testify.
6 I'm glad that there are a couple members of the
7 public and hopefully this'll set a precedent where
8 for future appointments there will be more public
9 members testifying.

10 KATE DORAN: Thank you very much for
11 having this hearing and for your patience and for
12 allowing us to come forward. I'm glad that the
13 candidates are still in the room. I want to respond
14 to their enthusiastic support for online voting and
15 comment to them the hearing that was held by
16 Council Member Kallos' predecessor Gale Brewer. I
17 think it was one of the very last hearings that she
18 held before she went on to become the borough
19 president. And it was specifically on this topic. I
20 think actually Council Member Rodriguez was, was
21 present and there were experts and distinguished
22 people from all over the country who took the
23 trouble to come out to that hearing. I, I, I
24 imagine that the testimony has been archived and
25 you could, and the... could take a look at it but I

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 141

2 would, I would commend it to them. We at the League
3 of Women Voters are strongly opposed to online
4 voting. We don't see it as safe... certainly not now
5 nor in the foreseeable future. And what people have
6 to realize is that we want voting to be anonymous.

7 I think we all want voting to be anonymous. And
8 that's really impossible in the online world. It's
9 completely impossible. There is testimony from,
10 from people who've been given the task of hacking
11 into voting systems. And I think they did it inside
12 of 20 minutes. Banking, that's the, that's the
13 common analogy that is made, banking is not in any
14 way anonymous. There's a transaction between an
15 individual who has a relationship with the bank and
16 then the person, the bank itself. So if wanted to
17 give up anonymity as voters then maybe we could
18 talk about. But I really would commend to you the
19 testimony that, of that hearing and please soften
20 your enthusiastic support for it and come to us in
21 the, in the, in the good government world and we
22 will tell you more. The other point I wanted to
23 make again is just... response to the candidates I'm,
24 I'm, I'm not terribly familiar with the details of
25 the language assistance problem where a Russian

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 142
2 speaker, I believe it was somewhere in Brooklyn
3 though. The other hat that I wear is I'm, I'm a
4 poll worker myself and I've been a, a coordinator
5 since 2006. And this speaks to the, the training of
6 poll workers which we all know is, it has, could be
7 very much improved. There is... language, there is
8 language assistance in the poll sites. The board
9 hires interpreters. And they wear little signs that
10 say I speak Spanish or I speak Chinese or whatever
11 it is. But the, the poll workers can assist voters.
12 There is a little section in the poll book that
13 allows for the poll worker, the inspector to
14 indicate that a vote, a voter has been assisted.
15 And there's no reason a voter can't be assisted
16 with a language. They can be assisted if their eyes
17 are not good or if they can't hear very well. If
18 it's going to be poll workers it has to be one
19 democrat and one republican. But you could bring
20 your child in. Imagine a, a, an individual doesn't
21 speak, a Russian speaker has a child who's fluent
22 in Russian. They can bring that child in and they
23 can raise their hand and the inspector gives that
24 assistance, the assistor an oath that says I will
25 not influence this person's vote. Now in my

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 143
2 experience it's, it's never been a language
3 assistance but there is, I've... of no reason why it
4 couldn't be. As long as the oath is administered to
5 the individual who's making, who's giving the
6 assistance, and they say that they're not going to
7 influence the person's vote they can help the
8 person with the ballot. So we want people to vote,
9 we want to provide every opportunity for them to be
10 assisted. And I think it's just a failure of the
11 training that the inspectors don't know about that.

12 CHAIRPERSON LANDER: Thanks very much...
13 both of those points. We'll communicate back to
14 Council Member Treyger who had the incident...
15 [cross-talk]

16 KATE DORAN: Right.

17 CHAIRPERSON LANDER: ...happen in their
18 recent... [cross-talk]

19 KATE DORAN: Right.

20 CHAIRPERSON LANDER: ...election.

21 UNKNOWN MALE: If I could respond
22 quickly? The, the, the quick answer is there's no
23 such requirement from an oath as far as I'm aware
24 under the law to require somebody to take an oath
25 in order to assist. Any voter in the state of New

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 144

2 York is entitled to assistance from anyone who is
3 not their union representative or employer. And
4 that being said, and I hope I'm ever lucky enough
5 to do this, the person you bring with you is
6 welcome to lobby as hard as possible and I hope to
7 have children one day and be able to have a
8 vigorous debate with them as we get to the ballot
9 booth and even up until the ballot booth. And it,
10 it is up to the person to bring whoever they like.
11 I think the, the nuance here is just making sure
12 that if you have a non-voting rights act language
13 such as Russian or, or another language like it
14 that people should be able to, if the poll worker
15 knows that language and the person is asked for
16 assistance in that language the poll worker should
17 be allowed to do so. And the specific incident is
18 that the AA commissioner and the Board of Elections
19 had instructed poll workers that they were not
20 allowed to assist. And so one, one of the things we
21 were hoping is that the commissioners will not make
22 any such instruction and will allow poll workers to
23 assist anyone asking for help in whatever language
24 they ask. And for the issue of being concerned
25 about election... by poll workers that it... illegal

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 145
2 and any candidate or party committee is able to
3 have poll watchers who can make sure that any of
4 that behavior does not happen over and above having
5 AD monitors and poll site coordinators.

6 KATE DORAN: Right. Well we're well, we
7 are well aware that no employer or union
8 representative can assist a voter.

9 CHAIRPERSON LANDER: And just to your,
10 I'll just make one final point to your point about
11 anonymity actually there was this... of unions as
12 well. You know the, we had a big objection that
13 cable vision Dolan organized this completely
14 illegal outside of national... election of the cable
15 vision voters a couple two weeks ago. And part of
16 how you knew it was bogus was that it was a
17 computerized election. Everyone got a pin number
18 and they said oh we're not going to know how the
19 workers voted but... if you can vote electronically
20 then there's some unique identifier number
21 associated with your vote and somebody can find it.
22 So that is... [cross-talk]

23 KATE DORAN: Right, exactly.

24 CHAIRPERSON LANDER: So that is a,
25 that's a useful point as well. Thanks to both of

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 146

2 you for your testimony. Did John Quinn come in? He
3 signed up to testify. Okay, alright great. Thank
4 you both very much for all your work to keep
5 pushing clean elections and good government... we
6 really appreciate you taking the time to testify.

7 JOHN QUINN: Thank you. My name is John
8 Quinn. I'm a former democratic district leader. I'm
9 a present day democratic state committee member of
10 the 65th... district. I been... before, and... local
11 which I retired from so... get a, I probably got at
12 least 40 years working in a political system in New
13 York. First campaign I ever volunteered for was
14 Bobby Kennedy's so I go back. And I've seen a lot.
15 I commend this panel, I commend the changes being
16 made at the board. I've seen so much and every time
17 I see changes going to be made at the board, same
18 thing. One of the things I'd love to see changed,
19 and this is strange coming from someone who was a
20 district leader, I'd like to see the standards of
21 employment particularly for management at the board
22 at least to meet the same standards of the New York
23 City Department of Education of a maintenance
24 worker in the New York City Department of
25 Education. ...Department of Education has the highest

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 147

2 standard to... a manager in, in the Board of

3 Elections... BOE, isn't that something, well... BOE.

4 But there should be at least some fingerprint

5 thing. There should be at least a standard there...

6 not employing felons. I'm, not that I don't think

7 that people don't deserve second chance but we

8 should at least know and then it should be...

9 Department of Education. Yeah, suppose you could

10 make a mistake and then there's a panel that takes

11 a look at the offense, if it was child molesting

12 there's a problem, if it was drugs there's a

13 problem. If you did something stupid maybe but

14 there should be at least a standard that jeez we're

15 not employing every criminal... district. Two, I

16 think you have to reach out. And you can't really

17 cut out the political system out of a political

18 system because elections are political. I don't

19 know how you got elected but I think it was a

20 political election. And we cannot cut out the

21 political, the people... actually part of the

22 political process from the political process. We

23 know... we know the people in the community. We've

24 had problems with, with the Board of Elections with

25 sites, where they really don't know the site, I'm

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 148
2 sorry they don't know the site. You could say they
3 sent somebody down, we never see anybody sent down,
4 and where there's people that do not vote because
5 their site was just moved to far away and most
6 schools in New York are handicap accessible,
7 believe me I know. ...member of the 504 democratic
8 club too. You have to make voting easier for people
9 if you want people to vote. Also in closing... state
10 that you want more people to vote, you want to get
11 more people out to the polls, if you want more
12 people to get out to the polls and this I found
13 through 40 years of experience in politics, give
14 them the reason, give them an issue and get them a
15 candidate. And, and they'll show up. That's the
16 simplest thing. But if there's nothing in it for
17 them the people that, we had a very low turnout
18 election where everybody voted. The people that
19 didn't show up voted none of the above. And that's
20 exactly what happened. I was working the polls. I
21 seen polls, polling sites 5 EVs and had 150 some
22 odd votes in five EVs. It's ridiculous. Nobody
23 voted because nobody cared. It didn't affect them.
24 You give people a reason that affects their life
25 and you know yourself that's how you got here. You

1 COMMITTEE ON RULES, PRIVILEGE, AND ELECTIONS 149
2 gave them a reason that affected their life and
3 they came to the polls. That's the only way they'll
4 come to the polls. Thank you.

5 CHAIRPERSON LANDER: Thank you. I really
6 appreciate your coming out and the, you know the,
7 the prior panel as well. I, you know I think in
8 some ways this is indication we, you know that not
9 the broader general public doesn't always see our
10 elections as the most exciting thing. We've tried
11 to give people a reason today with a pretty serious
12 commitment to reform. I think you heard some
13 significant commitments to reform at the board from
14 our three candidates and I'm proud of the council
15 and the, the speaker. I want to thank again the
16 staff. I want to thank everyone who came out to
17 testify today. Because this is sort of an unusual
18 appointing process, or thank you, go ahead Mr.
19 Quinn, thank you. You know ordinarily in our
20 hearings we, we have a vote, we either recess the
21 meeting and then have a vote subsequently. The vote
22 on these candidates does not take place in this
23 committee as I mentioned at the beginning. State
24 law provides that the Democratic Conference of the
25 City Council you know which, which is an entity

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 150
2 which is not subject to open meetings law and which
3 meets in private is the state required appointing
4 entity. So subsequent this hearing members will,
5 you know can, can follow-up, can talk to candidates
6 additionally, can review the online transcripts and
7 testimony. Other members of the democratic
8 conference who weren't here today will have access
9 to the briefing materials as well as the transcript
10 and online. And this matter will then be considered
11 in democratic conference for which there's one
12 scheduled as soon as tomorrow so... But, but I do
13 again want to thank everyone for coming out. I
14 really want to again thank the, the candidates. I
15 think there was a representative here from, in the
16 audience from the Department of Investigation. I do
17 think they deserve thanks from the, for the, on
18 behalf of the people of this city for doing the
19 work to look at the BOE, to put out that report
20 last December, to follow-up and make sure that the
21 opportunities for change were identified, that was
22 a very important step in this, in this process. So
23 with that I will close this public hearing and
24 adjourn this meeting of the Council's Committee on
25 Rules, Privileges, and Elections. Thank you.

1 COMMITTEE ON RULES, PRIVILEGESS, AND ELECTIONS 151

2 [gavel]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 21, 2014