

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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October 15, 2012
Start: 2:13 p.m.
Recess: 6:16 p.m.

HELD AT: 250 Broadway
Committee Room, 14th Floor

B E F O R E:

GALE A. BREWER
Chairperson

COUNCIL MEMBERS:

Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.
Ruben Wills
Brad Lander
Mathieu Eugene
David Greenfield
Erik Martin Dilan
Daniel Dromm
Jumaane D. Williams
Jessica S. Lappin
Daniel J. Halloran
Inez E. Dickens
Letitia James

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

Dawn Sandow
Deputy Executive Director
New York City Board of Elections

Pamela Perkins
Administrative Manager
New York City Board of Elections

Raphael Savino
Enforcement Counsel
New York City Board of Elections

Valerie Vazquez
Director of Communications
New York City Board of Elections

Steve Richmond

John Ward
Finance Officer
New York City Board of Elections

John O'Grady
Chief Voting Machine Technician
New York City Board of Elections

John Naudus
Director of the Electronic Voting Systems
New York City Board of Elections

Amy Loprest
Executive Director
New York City Campaign Finance Board

Sue Ellen Dodell
General Counsel
New York City Campaign Finance Board

Eric Friedman
Director of External Affairs
New York City Campaign Finance Board

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

Alex Camarda
Director for Public Policy and Advocacy
Citizens Union

Neil Rosenstein
Government Reform Coordinator
New York Public Interest Research Group

Kate Doran
Board Member
League of Women Voters, New York City

Socheatta Meng
Legislative Counsel
New York Civil Liberties Union

Susan Lerner
Executive Director
Common Cause New York

Andrew Schlichter
Election Protection

Jed Alpert
CEO
Mobile Commons

Brian Kavanagh
New York State Assembly

CHAIRPERSON BREWER: Good

afternoon, I'm Gale Brewer, City Council, and Chair of Governmental Operations, and we're here to talk oversight of the New York City Board of Elections and then to talk about some specific bills.

I first want to welcome my colleagues: Council Member Recchia; Council Member Vallone, who is always on time; Council Member Wills; Council Member Lander; Council Member Eugene. All right, and I also want to thank the two people who make this committee possible: On the Speaker staff, counsel to the Committee Seth Grossman, policy analyst Tim Matusov, and Will Colgrove from my office. And I want to add Council Member Greenfield has just joined us from Brooklyn.

So we do have a busy agenda today. First we are conducting an oversight, as I indicated, on the Board of Elections and its preparedness for the 2012 General Election. Second, we are considering a package of legislation aimed at improving elections in our city. And finally, we are considering legislation

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2 to permit text message contributions in city
3 elections, something that's now permitted on the
4 federal level.

5 Today marks the fifth--number five--
6 -oversight hearing this committee has held since
7 the 2010 primary election, when New York City
8 switched over from the lever voting machines to
9 ballot scanners. As we all know, during that
10 election, many poll sites experienced significant
11 difficulties during that primary in 2010,
12 including late openings, malfunctioning voting
13 machines, inadequately trained poll workers, a
14 lack of privacy when casting ballots, poll site
15 accessibility problems, and other issues.

16 It is important to keep in mind
17 that for many voters, perhaps the majority of us,
18 the November presidential election will be the
19 very first time they will be using the new voting
20 machines because, unfortunately, so many folks--
21 not us in this room, maybe not us watching on the
22 webcast--and I want to thank the people who do the
23 webcasting--but many people, unfortunately, don't
24 vote in local, but they do vote on the national
25 level. So we are devoting so much time and

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2 attention to this issue so that these voters do
3 not experience the same problems that have taken
4 place in the previous elections. And I know that
5 the Board of Elections shares the same wish.

6 During the past two years, the
7 Board of Elections has had many adjustments, and
8 positive ones, in response to the problems and
9 issues that have arisen during past election. It
10 has taken steps to improve voter privacy, fixed
11 mechanical glitches with the voting machines, and
12 revised its poll worker training program.

13 Most recently, the board adopted
14 new procedures for reporting unofficial election
15 night results that we'll hear more about in a
16 moment, and I personally went to the 2-0 precinct
17 and saw the great way in which the count was done
18 at the precinct and we're hopeful--and that worked
19 during the September primary in general. But
20 there were problems that persisted during this
21 most recent election.

22 We, as Council Members--and I know
23 my colleagues will discuss them in length--
24 received many complaints from voters about their
25 experience on primary day in September. We heard

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2 from voters who did not know their poll site had
3 changed or received incorrect information about
4 where their new poll site was located, or they
5 were moved to a new poll site too far away for
6 them to walk to or to get to, particularly for the
7 seniors. Those voters that did manage to get the
8 correct poll site then had to struggle to read
9 ballots with seven point font, which I know the
10 board is addressing.

11 To its credit, the board has
12 already taken steps to address these issues by
13 agreeing to send an additional information notice
14 to voters prior to the general election--I believe
15 it's going to go out October 19th--and by making
16 adjustments to the ballot design. But goodness
17 knows more needs to be done.

18 Today we will be hearing about six
19 pieces of legislation that have been put forward
20 to improve elections in New York City, at least
21 we're here about things that we can do 'cause much
22 of it has to be done on the state.

23 Voter turnout in New York City is
24 far below national and state levels. We must do
25 everything we can to encourage New Yorkers to go

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2 to the polls by arming them with the information
3 they need. And once voters get to the polls, we
4 need to make sure they have a positive voting
5 experience.

6 Each of these election-related
7 bills being considered today is aimed at either
8 enhancing voter information or improving election
9 day operations. And they are: Intro number 613
10 sponsored by Council Member Inez Dickens which
11 would establish a program for sending e-mail
12 notification of election dates, registration
13 deadlines, and affidavit ballot application and
14 submission deadlines to voters who voluntarily
15 sign up for these updates.

16 Intro number 721, sponsored by
17 Council Member Jessica Lappin, which would
18 establish a city employee poll worker program to
19 help recruit and organize city employees to work
20 as poll workers on election day in order to
21 enhance the pool of competent and able poll
22 workers. Apparently in LA, that's working very
23 well.

24 Intro number 728, Council Member--
25 sponsored by Council Member David Greenfield,

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2 who's here, which would require the Department of
3 Education to provide voter registration forms to
4 parents when enrolling their children in school.

5 Intro number 760, 7-60, sponsored
6 by Council Member Jumaane Williams, which would
7 require the Board of Elections to report for
8 particular city agencies the number of individuals
9 who completed voter registration forms while
10 seeking city services in order to monitor and
11 improve compliance with the city's pro-voter law,
12 which is our version of the state's motor voter
13 law. You have to be involved in all this to know
14 what in the world we're talking about, but I hope
15 most people understand.

16 Intro number 769, sponsored by
17 Council Member Mathieu Eugene, who's also here
18 today, which would expand the city's voter guide
19 to include more city races and state and federal
20 elections so voters are more informed about all
21 contests on the ballot.

22 And number 778, sponsored by
23 Council Member Brad Lander, who's here, which
24 would require the board to provide performance
25 data to the Council for inclusion in the Mayor's

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Management Report.

No one believes that this package of legislation is a silver bullet to solve all our election problems and we will surely hear today about ways in which these bills can be improved or made more effective, but obviously, we need to carefully consider every option to improve the elections in the city of New York.

Finally, we are considering number 764 for which I am the prime sponsor. This bill would permit text message contributions in city elections. Consistent with the city's landmark Public Campaign Financing program, which amplifies the voice of everyday New Yorkers by matching small dollar contributions with public funds, text message contributions have the potential to increase participation in our city's elections and to enhance the influence of small dollar contributors. A few other jurisdictions have already authorized this innovative new means of fundraising, most notably, as I said earlier, the Federal Election Commission recently permitted text message contributions for federal elections and the Obama and Romney presidential campaigns, I

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2 think you've heard of them, have been accepting
3 them. Today we will hear how this program might
4 work for our city, but first we will hear from the
5 Board of Elections.

6 Now because it's going to be a
7 very, very long hearing, if any of the individuals
8 who have bills want to make a quick opening
9 statement, feel free, because we're going to be
10 here for hours. So does anybody want to who's got
11 a--sponsoring a bill? Brad, do you want to speak?
12 Anybody else? I don't know, I'm just asking
13 'cause we're going to be here for a long time so
14 if you want to talk about your bill quickly before
15 we go to the board, feel free.

16 [Off mic]

17 COUNCIL MEMBER LANDER: Thank you,
18 Madam Chair, I'll be very brief and I plan to stay
19 here because I'm interested in the oversight and
20 all the other bills here as well, but as I'll try
21 to explore in questions later, one basic thing
22 that we need is just good baseline level annual
23 data so that we can figure out whether--you know,
24 how to understand the improvements we're making,
25 where the areas who have work to do are, what we

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2 measures, what we're able to hold people
3 accountable for, we use the Mayor's Management
4 Report to do that.

5 The reporting and data we've been
6 provided by the Board of Elections has been very
7 inconsistent from year to year to year, we don't
8 get the same thing in the same formats at the same
9 time we need it. The Intro 778, I think, would
10 provide that the BOE would provide the data to us,
11 we would work in consultation with the Mayor, we
12 put it in the Mayor's Management Report, we'd be
13 able to have some real tracking data oversight and
14 accountability to make sure our elections are
15 where they need to be.

16 CHAIRPERSON BREWER: Okay.

17 COUNCIL MEMBER LANDER: Thank--

18 CHAIRPERSON BREWER: [Interposing]
19 Anybody else, Council Member, go ahead, yep,
20 Eugene.

21 COUNCIL MEMBER EUGENE: I'm going
22 to very quickly, but I think that it is very
23 important that we empower our people for them to
24 get involved in the city, state, and federal, you
25 know, election, and the way to do that and to make

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2 sure that they know exactly the issues and also
3 the platform of the candidate and they would be in
4 the better position to choose the candidate that
5 believes that would represent best their
6 interests, and I think that we should empower
7 them. And no one should be, you know, prevented
8 to be part of the election because they feel that
9 they are not in a good position to make a well-
10 instructed, wise decision. Thank you.

11 CHAIRPERSON BREWER: And, Council
12 Member Greenfield, do you want to say anything now
13 or...?

14 COUNCIL MEMBER GREENFIELD: I would
15 just say that I think it's common sense
16 legislation similar to the motor voter law, which
17 allows folks to register to vote while they're
18 applying for a driver's license. This legislation
19 would allow parents to register to vote while they
20 are registering their child to school, which means
21 that parents who are moving, many of whom forget
22 to change the registration, they would register.
23 Also, it means that many parents, especially
24 immigrant parents who are citizens and can vote
25 and do not take advantage of it, they would do

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2 that. And it would empower parents to be involved
3 in the electoral process when they have the most
4 at stake, which is their children's education.

5 Thank you.

6 CHAIRPERSON BREWER: Thank you very
7 much. And we've been joined by Council Member
8 Dilan and Council Member Dromm.

9 And without further ado, we look
10 forward to hearing from the New York City Board of
11 Elections. Go right ahead.

12 [Pause]

13 DAWN SANDOW: Is it on? Okay.
14 Good afternoon, I would like to begin by thanking
15 the Committee chair, Council Member Brewer, and
16 all the members of the New York City Council
17 Committee on Governmental Operations for giving
18 the Board of Elections in the city of New York the
19 opportunity to briefly review with you the
20 September primary and to share with you our plans
21 for the general election on November 6th.

22 My name is Dawn Sandow and I am the
23 Deputy Executive Director of the Board of
24 Elections in the City of New York. Joining me
25 here today are commissioners from the New York

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2 City Board of Elections. Maria Guastella,
3 President 2012 Democratic Commissioner, Richmond
4 County; Juan Carlos Polanco, Republican
5 Commissioner, Bronx County; Julie Dent, Democratic
6 Commissioner, Kings County. In addition, our
7 Administrative Manager, Pamela Perkins; our
8 general counsel, Steven H. Richman, who should be
9 here shortly, he's at a hearing, and our
10 enforcement counsel, Raphael Savino, join me at
11 this table.

12 Finally, I want to acknowledge the
13 presence of several additional staff members who
14 are in attendance to answer any questions
15 regarding their units: John Naudus, Director of
16 Electronic Voting Systems; Steven Ferguson,
17 Director of Management Information Systems;
18 Valerie Vazquez, Director of Communications; Tom
19 Sattie, Ballot Coordinator; Daniel Lavelle, Phone
20 Bank Coordinator; John O'Grady, Chief Voting
21 Machine Technician; Stephen Thompson, Poll Worker
22 Training Coordinator; Rachel Knipel, Coordinator,
23 Language Assistance Program; John Ward, Finance
24 Officer; Robert Hornack [phonetic], Director of
25 Equipment; and John Luisi [phonetic], Agency Chief

1 Contracting Officer.

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3 On primary day, September 13th,
4 2012, the board operated 1,047 poll sites in the
5 five boroughs of the city. We deployed 2,429
6 scanners; 1,061 ballot marking devices; 3,814
7 election district supply cards; 8,398 privacy
8 booths; 22,408 chairs; and 5,107 tables; 43,217
9 pieces of equipment in total. The combining of
10 election districts by the board reduced the number
11 of poll worker positions to 25,447, of which
12 11,324 were assigned by the county organizations
13 and 12,594 were assigned for recruitment efforts
14 by the board and other organizations. Of the
15 22,010 poll workers who reported to work for on
16 election day, 3,552 were working for the first
17 time.

18 Of the poll workers assigned to
19 work the primary election, 92% reported for work,
20 leaving an 8% vacancy rate. And of those
21 assigned, 99.73% were trained and passed the
22 required exam. The board assigned 2,030 poll
23 workers to its standby pool, of which 1,404
24 reported for work, all of whom were trained and
25 passed the required exam.

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2 The board's call center ensured
3 prompt issue resolution on election day and
4 accurate data analysis. A total of 2,834 calls
5 were received citywide. Of the 94 calls relating
6 to problems with poll workers, 49 were related to
7 poll worker behavioral issues and 45 were in
8 response to poll workers not following proper
9 procedures. Our AD and executive office
10 monitoring teams were dispatched to these sites to
11 inform the poll workers of the proper procedures
12 and to address any behavioral issues. Some poll
13 workers were immediately dismissed from their
14 duties.

15 Following the state and local
16 primary on September 13, 2012, each borough
17 reviewed all poll worker issues encountered by the
18 voting public, board staff, and community
19 organizations. This review is conducted after
20 each election so staff can identify and address
21 poll worker problems. Poll workers are called
22 into the board's office to review any issues and
23 they are given additional training in specific
24 areas. This practice has been implemented on a
25 larger scale since 2010 as part of the board's

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2 continuing effort to increase the level of
3 performance of our poll workers, as well as assist
4 the board in identifying specific topics in the
5 board's training curriculum that may require
6 modifications.

7 For the September primary, the
8 board implemented additional measures in an effort
9 to ensure that all poll sites were fully
10 accessible to all voters. Special instructions
11 were given to all coordinators to regularly check
12 their poll sites and document their findings.
13 Additional signage indicating the path to the
14 accessible entrance, as well as a measuring tool
15 to verify the proper placement of voting equipment
16 were provided at each poll site.

17 In addition, letters were mailed to
18 all voters at sites determined not to be fully
19 compliant with America's with Disabilities Act
20 requirements, giving them the option of
21 transferring their registration to a nearby poll
22 site with the same ballot that meets all
23 accessibility requirements.

24 To provide the required notice to
25 voters under New York State Election law for the

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2 September primary, the board placed four
3 advertisements in the New York Daily News, El
4 Diario, Sing Tao Daily, World Journal, Korea
5 Times, and the Weekly Thikana. I can also report
6 to you today that the board had a very successful
7 effort implementing its new unofficial election
8 night return process in the September primary
9 election. After many months of debating the best
10 way to utilize the electronic data gathered by the
11 approximately 3,000 scanners deployed for a
12 citywide election, the board approved a system
13 this past summer. I cannot be more proud of how
14 quickly the board staff took this project from the
15 drawing board and made it into a reality with
16 seamlessly gathered electronic results from the
17 1,047 poll sites throughout all five boroughs and
18 made it available within hours of the polls
19 closing. On election day, 2,419 primary portable
20 memory devices--primary portable memory devices
21 were used in scanners throughout the city, of
22 which 2,350, or 97%, had its data remotely
23 uploaded to the executive office on election
24 night.

25 The old process of compiling

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2 unofficial results using the return of canvas form
3 was also performed. Compared to the old process,
4 there was an average increase of 10.34% in votes
5 reported in the unofficial tally for each
6 candidate in the new process. This success could
7 not have been accomplished without the support and
8 cooperation of the NYPD, who acted as our partner
9 throughout the planning and implementation of this
10 new procedure and I want to acknowledge their
11 critical role in the success of this endeavor.

12 This election night reporting
13 system for unofficial results will be used again
14 for the upcoming general election and we are
15 confident it will again be a success. We have
16 conducted a full debriefing and review of the
17 activity from the primary and have identified ways
18 to improve the reporting process. The plan's
19 improvements include: All election night
20 reporting, ENR staff will be brought in for
21 additional training; all poll site coordinators
22 will be brought in for additional training
23 focusing on the ENR process and other election day
24 procedural issues; ENR laptop software will be
25 upgraded to improve performance; ENR server

1 software will be upgraded to improve performance;
2 a second Internet connection was put into
3 operation for the ENR FTP server to add redundancy
4 in the event of a connection failure; police
5 precincts that had connection issues during the
6 primary election will be resurveyed to determine a
7 better location for the ENR process.
8

9 Go ahead.

10 PAMELA PERKINS: I'm going to be
11 reading the remaining of the testimony. My name
12 is Pamela Perkins, I'm the Administrative Manager
13 for the Board of Elections.

14 In addition to election night
15 reporting, we have a few other initiatives that we
16 were pleased to share with you today. The board
17 recognized that educating the public about
18 registration and voting is a critical element of a
19 successful electoral system and a necessary
20 component for a relatively new voting system.
21 Therefore, the board has a ongoing public
22 education effort to ensure that the voting public
23 is informed, poll workers are properly trained,
24 and voter registration efforts continue, albeit by
25 severely--albeit limited by severe budgetary

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2 constraint. The board developed a highly
3 successful mobile outreach program where we deploy
4 staff and voting equipment for demonstration
5 throughout the five boroughs. This program, which
6 will continue through the general election, allows
7 us to connect with the city's voters to provide
8 them with hands-on demonstration of the new voting
9 system prior to election.

10 The board looks forward to
11 continuing to work with elected officials, good
12 government groups and organizations, and community
13 groups throughout the city.

14 Since the introductions of the new
15 voting system in 2010, the public demand for a
16 demonstration continues undiminished. Our current
17 dedicated staff of three is insufficient to meet
18 the ongoing need. Providing funding for
19 additional outreach staff will assist the board in
20 meeting the overwhelming number of requests.

21 With respect to voter registration,
22 the board distributes registration forms in all
23 required languages to all the libraries and postal
24 offices in New York City. Along with registration
25 forms, the board provides posters, a display box,

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2 and order forms for which can be faxed to the
3 board when replacement supplies are needed. In
4 addition, the board distributes forms to the
5 Department of Education, the City University of
6 New York, and 29 different city agencies.
7 Registration forms are also available on our
8 website.

9 In a effort to reach out to all
10 eligible voters in the city of New York and to
11 make them aware of the importance of being a
12 registered voter and how much their vote counts,
13 the board conducts registration drives at various
14 community events, such as street fairs, community
15 organization meetings, and senior centers. Last
16 year, we participated in over 30 such events.
17 Material that helped explain the process of voting
18 are also provided at the registration drives. The
19 board has processed over 250,000 new registration
20 so far this year and they continue to pour in by
21 the thousand every day.

22 The board is taking full advantage
23 of the newest technology and recently unveiled a
24 redesigned website with easy to use tools and
25 resources that emphasize some of the boards top

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2 priorities. The website includes a poll site
3 locator, sample ballots, and information on voter
4 registration, absentee voting, poll worker
5 employment, and voting with the optical scanners.
6 It also highlights our increasingly popular social
7 media pages and enables voters who voluntarily
8 provide their e-mail addresses to the board so
9 they can receive various updates, including the
10 dates of future elections, announcements, and
11 notifications. This new, more user friendly site
12 allows voters to easily track their registration
13 status and, with a click of a mouse, to translate
14 the text in the voter section into Spanish,
15 Chinese, Russian, Korean, or Bengali. Users can
16 change the size of the text, share the entire page
17 with a friend, and even print a copy of the sample
18 ballot to use as they cast their vote. The site
19 also features sections with important resources
20 for candidates and poll workers.

21 Just prior to the September
22 primary, the board launched our new New York City
23 poll site application for Android and Blackberry
24 mobile phone users, and now for the November
25 election, the app is available for Apple users.

1 Supported languages include English, Spanish,
2 Chinese, Korean, and Bengali. The app's friendly
3 and intuitive interface allows voters to easily
4 find poll site information, map directions from
5 any New York City address to their poll site,
6 check for dates for upcoming elections, view and
7 share their sample ballots, stay updated with
8 alerts from the Board of Elections.
9

10 For those voters who do not have
11 access to the website, the board encourages them
12 to call our phone bank toll free at 866-VoteNYC.
13 Our trained operators are fluent in English,
14 Spanish, Chinese, Korean, and Bengali, and can
15 answer all election related questions, including
16 where is my poll site, do I have a primary, and am
17 I registered to vote. The board completely
18 redesigned and transformed the legally required
19 information notice into a 24-page booklet which
20 allows us to enlarge the font and include Bengali
21 text. This newly designed five language notice
22 included the dates of the primary and general
23 election, educational components on the use of the
24 ballot marking device and the poll site voting
25 system, frequently asked questions, and a

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2 prominent display cover informing voters that
3 their poll site may have changed.

4 The board designed the cover to
5 serve as an enlarged personalized voter card that
6 contains their individual information, such as
7 their poll site address, assembly, and election
8 district. The board also included a note in our
9 mailing asking the voters to call our phone bank
10 to see if there was a primary in their district.
11 The board met its legal obligation by mailing this
12 notice to every registered voter in the city
13 between August 1st and 5th, as mandated by Section
14 4-117 of New York State Election law.

15 The board mailed these information
16 notices using USPS mail track, which allows the
17 city board to track the mail as it moves through
18 the postal system. Citywide, over 290,000 notices
19 were returned to us, including more than 175
20 notices that were returned as undeliverable
21 because the voter moved and had no forwarding
22 address was available.

23 On November 6, the board is
24 administering a pilot program which will allow
25 executive office monitoring teams to remotely

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2 complete a poll site survey and ADA journal using
3 a wireless digital tablet that will upload the
4 reports to the board's main server in real time
5 for every site they visit. Monitoring teams will
6 also have the option to submit accompanying photos
7 of any poll site issues they encounter.

8 The board also created a poster
9 informing voters that everything they need to know
10 about voting can be found in the palm of their
11 hand either by calling our phone bank or scanning
12 our new QR code with their smartphone or their
13 tablet which takes them directly to the BOE
14 website. Working with the city of New York, we
15 were able to secure free space on public telephone
16 kiosk display panels throughout all five boroughs
17 to help advertise this message.

18 In addition, we are working with
19 the City's Housing Authority, public libraries,
20 schools, and elected officials to help share this
21 informational poster with the public. The QR code
22 will now be included in all future board
23 advertising and communications along with the
24 phone bank number to make accessing the board's
25 information and resources as easy as possible.

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2 For the general election, the board
3 prepared and has an aggressive media campaign
4 which is set to kick off this week. Two half-page
5 advertisements are scheduled to run during the
6 weeks of October 15th and October 22nd, and one
7 full-page advertisement is scheduled to run the
8 week of October 29th in ethnic and community
9 publications. One full type advertisement is set
10 to run in the New York Times, the New York Daily
11 News, and the New York Post the day before
12 election day to serve as an additional reminder to
13 voters above and beyond our legally required
14 notices. All ads are in color and will feature
15 our QR code that directs voters to the board's
16 website where they can access our poll site
17 locator. The campaign will deliver 94 total ad
18 insertions, three in the major New York dailies,
19 19 ethnic, and 72 community papers, all--in all
20 five boroughs. The estimated circulation is 6.7
21 million impressions throughout the campaign.

22 I would also like to inform you
23 that the Commissioners of Election, although not
24 legally required to do so, voted to send an
25 additional mailing to all registered voters in

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2 advance of the November elections. This will
3 serve as a further reminder of the upcoming
4 election and provide voters with their current
5 poll site address and other important information.
6 This mailing was made possible by the funding the
7 board requested and received from the City of New
8 York. I want to thank the City Council for their
9 support and especially Council Member Brewer for
10 her critical role in helping us secure this
11 funding and making this additional outreach effort
12 possible.

13 I must remind the members of this
14 committee that in our March 16th, 2011, testimony
15 for the fiscal year 2012 preliminary budget we
16 requested 104 new positions in preparation for
17 what we knew would be the busiest year in the
18 history of the Board of Elections. Included in
19 those newly requested positions, we outlined the
20 need to create a dedicated electronic voting
21 system unit in each borough to carry out the new
22 duties required as a result of updated methods of
23 canvassing the votes cast, mandated audit
24 equipment upgrades and modifications, and to
25 ensure accurate and timely analysis after each

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2 election. Regrettably, that urgent need has not
3 been addressed but the needs still exist. The
4 upcoming post-election period requires this board
5 to complete many significant tasks. In order to
6 meet our current obligations, the board has and
7 will continue to incur significant overtime
8 expenses while pushing our dedicated staff to
9 their limits. There are already a number of
10 possible special elections looming ahead of us in
11 the second half of the fiscal year.

12 In addition, next year we expect to
13 conduct a primary election, a runoff primary for
14 citywide offices, and a general election, in
15 addition to implementing City Council
16 redistricting and conducting any additional
17 special elections that may come as a result of the
18 election on November 6. Without additional staff,
19 significant and potentially insurmountable
20 challenges lie ahead.

21 At this time, I would like to
22 introduce Raphael Savino, the board's enforcement
23 counsel, and he will review the council
24 legislation being considered and our comments.

25 RAPHAEL SAVINO: Good afternoon.

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2 CHAIRPERSON BREWER: I'm supposed
3 to thank you, and those Council Members--I think
4 Council Member Williams, Council Member Lappin
5 have joined us, along with Council Member
6 Halloran. And after this gentleman speaks, then I
7 think Council Member Williams and Lappin have
8 bills that they want to make some statements, that
9 will be great. Go ahead.

10 RAPHAEL SAVINO: Good afternoon.
11 You have also asked the board to provide comments
12 on several legislative items you are currently
13 considering. The commissioners have authorized us
14 to share with you the following: Intro 613, this
15 Intro impacts the Campaign Finance Board, as such,
16 the Board of Elections does not take any position
17 on the merits of this Intro; however, the board
18 wishes to call to the attention of the committee
19 the possible contradictory provisions of sections
20 8(d) and 8(e) in the Intro. Subdivision E directs
21 the Campaign Finance Board not to share this
22 information, specifically referring to e-mails.
23 Subdivision D directs the Campaign Finance Board
24 to share their information with the Board of
25 Elections. The board recommends that if this

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2 Intro is enacted, the Campaign Finance Board
3 provide an explicit authorization on its website
4 and sign up that the data will be provided to the
5 Board of Elections.

6 Intro 721. This Intro is an effort
7 to enact modifications of this board's proposal to
8 authorize city employees to serve as poll workers.
9 As we have testified before this committee on
10 prior occasions, a form of this Intro is being
11 used in Los Angeles, California. The board
12 recommends that this Intro be modified to apply to
13 all elections, specifically the general election,
14 primary elections, and special elections. As it
15 is written, it only applies to general elections.
16 We'd like that it provide for mandatory for leave
17 with pay for any city employee who qualifies to
18 serve as a poll worker and provide mandated time
19 off for the required training as a poll worker
20 under the New York State Election law.

21 Intro 728. This Intro, if enacted,
22 would create an unfunded mandate on the Board of
23 Elections. The board believes that this Intro
24 should explicitly provide that the Board of
25 Education of the city, school district of the city

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2 of New York be responsible for the production of
3 the voter registration forms called for in this
4 Intro. The board uses a city requirements
5 contract to print voter registration forms and the
6 Board of Education can order directly from the
7 vendor the number of forms in the appropriate
8 languages that it needs to effectuate this Intro
9 if enacted into law.

10 The board notes the following
11 technical corrections: The title of the
12 respective agencies should reflect the correct
13 state statutory designations, the Board of
14 Education of the city school district of the city
15 of New York, and the Board of Elections in the
16 city of New York. One other note to that is not
17 actually in the testimony that was discussed with
18 staff and general counsel is that it requires a
19 registration form to be provided to families each
20 time they, I believe, register their child. This
21 could result in multiple forms being provided to
22 families who may have more than one child.

23 Intro 760. This Intro, if enacted,
24 would create an unfunded mandate on the Board of
25 Elections, it would require the Board of Elections

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2 to prepare hundreds of versions of the voter
3 registration form for use by each covered city
4 agency. For example, under Local Law 29, there
5 are 29 covered agencies, we must provide voter
6 registration forms in all--in five different
7 languages as mandated by federal law so this Intro
8 would require the board to code and track 145
9 different versions of the registration form. In
10 addition to the administrative tasks that are
11 considerable under this Intro, the board would
12 have to ensure that the correctly coded forms are
13 distributed to the appropriate agency. Currently,
14 the board has only one staff member managing the
15 distribution of voter registration forms citywide.
16 The board's voter registration system will have to
17 be modified to create a tracking system for each
18 agency's forms, board staff will have to manually
19 enter each code in the voter registration system
20 to track each form as it is being processed.

21 Particularly when the registration
22 cutoff date approaches, the board, with
23 insufficient staff and resources, manages to meet
24 its legal obligations but with great difficulty.
25 Existing staff is already pushed beyond its limit

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2 and overtime hours to meet these obligations.
3 With a substantial increase in the number--I'm
4 sorry, without a substantial increase in the
5 number of permanent full-time positions, adding
6 these reporting requirements will significantly
7 delay the timely processing of new registrations.

8 The board recommends that if this
9 Intro is to be enacted, the responsibility for
10 printing and tracking these forms be assigned to
11 the respective agencies. The board projects that
12 to print 10,000 registration forms in five
13 languages for each agency, the cost would be
14 approximately \$100,000.

15 Finally, the proposed section two
16 of the Intro is potentially preempted by the New
17 York State Election law, specifically section 3-
18 212 of the election law is clear and precise, the
19 City Council is without the authority to modify or
20 amend such provision and that power rests with the
21 governor and the legislature.

22 The board would like to note the
23 following technical corrections. The title of the
24 Board of Elections should reflect the correct
25 state statutory designation Board of Elections in

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the city of New York.

Intro 764. This Intro relates to modifications in the city campaign finance program and has no impact on the Board of Elections, therefore, the board takes no position on this Intro.

Intro 769. This Intro imposes new responsibilities on the Campaign Finance Board and, again, has no impact on the Board of Elections, therefore, the Board of Elections takes no position.

The board notes the following technical corrections: The county and judicial officers listed as state officers--are listed as state officers. The positions of district attorney, justice of the Supreme Court, and judge of the Surrogates Court are created by the state constitution and the judge of the Civil Court is established by state law. Also, the date for the Campaign Finance Board to promulgate rules has already passed, that being July 1st of 2012.

Finally, Intro 778. This Intro seeks to change the duties of the Board of Elections as it is prescribed by state law in

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2 section 3-212 of the New York State Election law.
3 As such, it is preempted by the New York State
4 Election law and the power to modify or amend such
5 provision, again, rests with the governor or the
6 legislator.

7 Again, although not in the
8 testimony, another concern that was expressed in
9 the past was if such information is included in
10 the Mayoral's Management Report, it would take
11 away the appearance of our agency being an
12 independent body, and that is something that we
13 strive to continue in reality and in the public
14 perception.

15 As always, my colleagues and I are
16 available to answer any questions that you may
17 have. Thank you.

18 CHAIRPERSON BREWER: Thank you very
19 much. We've been joined by Council Member
20 Dickens. And I'd like to call on Council Member
21 Williams and then Council Member Lappin, and then
22 Council Member Dickens 'cause they each have bills
23 coming before us today if they want to make any
24 statements. Council Member Williams.

25 COUNCIL MEMBER WILLIAMS: Thank

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2 you, Chairman Brewer, and thank you for coming to
3 testify. I also want to thank you and I think in
4 response to some of the things that we said
5 before, the board has actually increased the font
6 size on the ballot, so thank you for that, and
7 hopefully we can increase and do even more.

8 I think the government has a
9 responsibility to try to maximize the potential of
10 voters coming out and voters registering and I
11 think right now, for whatever reason, we are kind
12 of--we're definitely not maximizing and it seems
13 like we're doing the minimum amount. And as my
14 colleague Greenfield pointed out, we're 47th in
15 the nation, New York is, in terms of
16 participation, so we need to definitely do more in
17 the administration. We're so rooted in data and
18 making things better based on the data in
19 response, it's just crazy to me because my bill
20 addresses something that the data says is a huge
21 problem--150,000 registration forms were given to
22 agencies last year, 2,300 came back, that's an
23 infinitesimal amount and that's a huge problem.

24 And also that information was not
25 broken up by agency, so we don't even know which

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2 agency is doing good and so we can use best
3 practices. So this bill would basically say let's
4 get a better accounting of which agencies are
5 giving out the forms and which agencies are
6 getting a great amount back so we can increase
7 participation. Thank you very much. I look
8 forward to asking questions when my time comes.

9 CHAIRPERSON BREWER: No problem,
10 you got a long group ahead of you. Council Member
11 Lappin.

12 [Pause]

13 COUNCIL MEMBER LAPPIN: Great. I
14 want to thank the chair for holding this very
15 important hearing. Sorry, Jumaane.

16 I did also want to thank you for
17 the font size, I'm not sure why for so long we
18 were told it couldn't be done, but you found a way
19 to get it done and I think that's something that--
20 I know it's something people will appreciate,
21 particularly seniors.

22 I wanted to ask about your
23 testimony, and I appreciate that you testified in
24 support of my bill which would hopefully increase
25 the number of people who would participate as poll

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2 workers since we aren't recruiting enough people
3 and it would be nice to tap into people who are
4 city employees and are public servants, and so
5 hopefully, like-minded, civic-minded people who
6 would see the value in wanting to help on election
7 day.

8 But there are reasons why we
9 crafted the bill as we did, and I was, sort of,
10 intrigued by your suggestion that we require--I
11 want to make sure I'm reading your testimony
12 right--that we provide mandatory leave with pay
13 for any city employee who qualifies and as a poll
14 worker. 'Cause I don't see how--and it's
15 something that we were discussing with counsel--we
16 could require city employees to be poll workers, I
17 think we'd have collective bargaining issues, I
18 think there'd be a whole host of other issues that
19 would come up, but is that what you're suggesting,
20 we require city employees to do this?

21 DAWN SANDOW: Raph, correct me if
22 I'm wrong, but I think the discussion was not that
23 we would force anyone, but that they would receive
24 pay.

25 [Crosstalk]

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2 RAPHAEL SAVINO: For the general
3 election, there would not be working, but as a
4 suggestion as proposed amendment to the bill,
5 we're saying it would be very beneficial to us if
6 they could also work on special elections and
7 primaries. Those particular days, they would not
8 be off of work and, without any modification to
9 the bill, may be required to use a vacation day to
10 work.

11 COUNCIL MEMBER LAPPIN:

12 [Interposing] Well that's exactly right, we did
13 that on purpose because general election day, when
14 government offices are closed, it's less legally
15 problematic than people who wanted to take a
16 vacation day and then be double dipping, I think
17 there are actually some legal problems with that
18 approach. So we can investigate that further, but
19 you do say mandatory leave, so I just want to--
20 mandatory, to me, means requiring, so I want to
21 understand, are you suggesting that we require
22 employees to do this?

23 RAPHAEL SAVINO: No, what we're
24 working towards and we'd like to suggest, again,
25 is that they be able to also work the primary and

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2 special elections. Now, no one would be mandated
3 to work such a day, but we feel it will be
4 beneficial if they're going to be trained and
5 participating in the process if we could also have
6 those resources for special elections and the
7 primary election as well, not that it'd be a
8 mandatory requirement.

9 COUNCIL MEMBER LAPPIN: I don't
10 know that we can do that, but--

11 RAPHAEL SAVINO: [Interposing] With
12 comp time.

13 COUNCIL MEMBER LAPPIN: --we
14 discussed that when we crafted it, but it's
15 something we can continue to look at.

16 CHAIRPERSON BREWER: Thank you.
17 Council Member Dickens, did you want to talk about
18 your bill? And I'm sorry, you're going to have to
19 use this--

20 [Off mic]

21 CHAIRPERSON BREWER: --right here.
22 I just put it on.

23 COUNCIL MEMBER DICKENS: That's
24 right. Thank you, and I want to thank--excuse my
25 back, everyone. I want to also thank the chair

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2 for holding this, and to my colleagues on this
3 important legislation, which in my case Intro 613,
4 which require e-mail notification of election
5 days, registration deadlines, and sample ballots
6 to registered voters who voluntarily sign up for
7 such updates.

8 I received numerous complaints from
9 constituents in my district about not knowing
10 changes to primary dates or registration
11 deadlines. Many individuals work more than one
12 job and cannot keep tabs with the political
13 headlines, like, supposedly, the Council does.
14 This bill would ensure that the residents of this
15 city will be informed voters and, therefore, bring
16 us a step closer to fully eradicating voter
17 disenfranchisement. Now I see in your testimony
18 and I want--would you pardon me for just a minute?

19 [Pause]

20 COUNCIL MEMBER DICKENS: In your
21 testimony, you said that you wanted to bring to
22 our attention the contradiction that you feel of
23 section 8(d) and 8(e)--

24 RAPHAEL SAVINO: Okay.

25 COUNCIL MEMBER DICKENS: --in Intro

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2 613, of which 8(d) refers to the database--access
3 to the database and in 8(e) without permission or
4 a court order. You see a contradiction, I don't,
5 in that we're saying provide access, but access
6 provided that you do have permission or a court
7 order. So I disagree with you on the
8 contradiction of that, that you mentioned in
9 your...

10 [Off mic]

11 COUNCIL MEMBER DICKENS: Thank you.
12 Thank you so much. And I thank you for coming and
13 providing testimony, even though you disagree with
14 many of it.

15 RAPHAEL SAVINO: We actually agree
16 with the Intro--

17 COUNCIL MEMBER DICKENS: Because I
18 think the Board of Elections workers do great
19 work, you know, nothing's perfect, we have to keep
20 working on this and that's part of what we're
21 doing today. Can you please explain to me why you
22 feel it's a contradiction when we put in it that
23 providing access, providing access providing that
24 you have written permission? And that's done all
25 the time, that's nothing new.

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DAWN SANDOW: We stand corrected.

RAPHAEL SAVINO: You know, we support the Intro as mentioned, I'd like to point out as well that the redesigned website actually has the ability for voters to put in there-- subscribe and put their e-mail address in--

COUNCIL MEMBER DICKENS:

[Interposing] Yes, you do.

RAPHAEL SAVINO: --and we can--

COUNCIL MEMBER DICKENS: Yes, you do.

RAPHAEL SAVINO: --capture that information and intend to use it to provide the information that you're suggesting. Again, we support the bill, we just wanted to make sure that it was clear that they are allowed to turn the information over to us. And that there wouldn't be a problem with us obtaining all of those e-mail addresses that they're going to collect on our behalf.

COUNCIL MEMBER DICKENS: All right, well thank you. Now let me ask you about that because administratively you did add that option. How effective has it been and is it being

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2 enforced? Are people being encouraged? Are e-
3 mail addresses, you know, are the voters putting
4 in their e-mail addresses? And for instance, I
5 believe the deadline is October 30th for absentee
6 ballots this year, is that correct?

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CHAIRPERSON BREWER: We got to do
opening statements more, Madam.

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COUNCIL MEMBER DICKENS: I'm sorry,
but I just--

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CHAIRPERSON BREWER: Okay.

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COUNCIL MEMBER DICKENS: --wanted
to ask this question.

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CHAIRPERSON BREWER: Go ahead,
quick, 'cause everybody back here is complaining.

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COUNCIL MEMBER DICKENS: Don't be
haters back there.

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VALERIE VAZQUEZ: Hi, I'm Valerie
Vazquez, Director of Communications. To-date 31
voters have signed up to subscribe to receive
updates from the--

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COUNCIL MEMBER DICKENS:
[Interposing] How many?

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VALERIE VAZQUEZ: Thirty-one to-
date. We've had our website live about three

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2 weeks, our newly designed website about three
3 weeks. And in terms of how we're encouraging it,
4 it's all in our information, we're encouraging
5 voters to visit our website and to sign up at all
6 of our demonstrations, we've made that public
7 statement and that cry for voters to please sign
8 up so that they can receive these updates from us.

9 COUNCIL MEMBER DICKENS: All right.

10 CHAIRPERSON BREWER: Okay?

11 COUNCIL MEMBER DICKENS: All right,
12 thank you.

13 CHAIRPERSON BREWER: I'm going to
14 go directly to my colleagues and then I'll ask a
15 lot of questions, I have a long list. Council
16 Member Vallone and then Council Member Wills.

17 COUNCIL MEMBER VALLONE: Thank you.
18 I was not complaining, for the record.

19 CHAIRPERSON BREWER: Yeah, others
20 were.

21 COUNCIL MEMBER VALLONE: I
22 understand, yeah, no.

23 [Background noise]

24 COUNCIL MEMBER VALLONE: On page
25 ten, you say next year we expect to conduct a

1
2 primary runoff, a general, without additional
3 staff significant and potentially insurmountable
4 challenges lie ahead. What are those potentially
5 insurmountable challenges?

6 DAWN SANDOW: I believe it comes
7 along with the new voting system. Right after it
8 was implemented in 2010, we did come before the
9 City Council and did give testimony and
10 documentation of how much more work was added to
11 the staff. We would love to be able to have
12 specific staff on just certain duties. Right now,
13 the board is so short staffed that we're pulling
14 people in the poll worker department after an
15 election to help with audits, to help with
16 analysis. We don't have a defined EVS unit in
17 each borough and it is greatly needed.

18 Also, I mean, just the mere fact of
19 the redistricting for the City Council, looking
20 ahead to possible specials that we may have, being
21 short staffed, it causes us to incur a great
22 amount of overtime.

23 COUNCIL MEMBER VALLONE: Well
24 forgetting for a moment the additional taxpayer
25 cost that some of these measures would impose and

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2 mandates on you, whether they're good or and not
3 on the merits, if things stand as they are now and
4 we have a primary election in September, will you
5 be able to do the runoff and the general?

6 DAWN SANDOW: No. We've already
7 sent a statement up to the state legislature
8 asking them to change the date. Am I correct?

9 MALE VOICE: Yes.

10 COUNCIL MEMBER VALLONE: I've heard
11 about the letter, I'd actually like you to tell us
12 what specifically you would not be able to
13 accomplish if things stand the way they are now.

14 RAPHAEL SAVINO: To conduct the
15 primary, and then if it's potentially followed by
16 a citywide runoff, which is legally required 15
17 days later, we wouldn't have the time to retrieve
18 all the machines, certify all the results, prepare
19 the ballot for the runoff, test all the machines
20 as required by law, and then to distribute them
21 all to the citywide--poll sites citywide in a 15-
22 day period. And then, obviously, we'd be faced
23 with the general election shortly thereafter.

24 The law as it's currently written
25 does not contemplate the scanners and all of the

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2 required testing and all the other--the 3% audit,
3 for example, before we can certify, that's another
4 step that has to be done after the election. And
5 it just really seems like an impossibility to get
6 all that done within 15 days and follow all of the
7 statutory requirements that--

8 CHAIRPERSON BREWER: [Interposing]
9 Council Member, I know it's an important--

10 RAPHAEL SAVINO: --come along with
11 the voting systems.

12 CHAIRPERSON BREWER: --question but
13 we are trying to focus on November 6, FYI. So if
14 you could ask questions related to that and maybe
15 figure out a way to work in your other questions,
16 but focus on November 6. Thank you.

17 COUNCIL MEMBER VALLONE: Okay. Can
18 you give us a rough estimate, again, without going
19 through the merits of these additional--these
20 bills we're looking at today, of how much staff
21 you would need to implement them and how much in
22 additional taxpayer funding would be needed to
23 implement them. I noticed in one bill you
24 mentioned 100,000 in mailing costs, what other
25 taxpayer funding is necessary to implement these

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bills?

DAWN SANDOW: It's 100,000 in procuring the registration forms and then there are mailing costs, but it is also the manpower to be able to break down the coding system. Of course, we would have to do an upgrade to our AVID system in order to identify all the new codes and then the--like now we're in crunch time. Two weeks ago, for example, we received over 142,000 registrations in just one week; this week, we don't even have the count yet, but that would mean during crunch time, which is what we're faced with now, having to identify 29 different agencies, we feel that we don't have enough staff to be able to handle that.

COUNCIL MEMBER VALLONE: 'Cause I understand the City Council complains about unfunded mandates from Albany and the federal government all the time, and, again, without going into the merits of these, I would oppose any unfunded mandate on you--

DAWN SANDOW: Thank you.

COUNCIL MEMBER VALLONE: --and at this point, there are no funds in New York City,

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2 so this is a problem that needs to be addressed.
3 It's regardless of whether there is merit to these
4 bills or not.

5 Madam Chair, I would have liked to
6 finish up on that other stuff, but, unlike some
7 other Council Members who don't listen to their
8 chairs, I will submit to your will. Thank you.

9 CHAIRPERSON BREWER: Thank you very
10 much. Council Member Wills.

11 COUNCIL MEMBER WILLS: Good
12 afternoon. Before I started asking any questions,
13 I just want to thank you and I guess give you
14 kudos on your new election night reporting
15 process, on page five, paragraphs five and six;
16 registration drives, page seven, paragraph one;
17 and the phone banking, page eight, paragraph one.
18 Just wanted to let everybody know that those
19 things are noteworthy to this process.

20 Now a couple of the questions that
21 I have--and I have about five, but they'll be
22 quick--on page six, I just wanted to clarify with,
23 I believe, Council Member Vallone Jr., just asked
24 about. You said that our current dedicated staff
25 is there is insufficient to meet the ongoing

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2 needs. Do you have a total number on how much all
3 of this stuff is actually going to cost you?

4 Page six, paragraph one, and two,
5 three, and four.

6 DAWN SANDOW: Are you talking about
7 the outreach?

8 COUNCIL MEMBER WILLS:
9 Demonstration continues undiminished, yes.

10 DAWN SANDOW: Yes, we have three
11 dedicated staff for outreach and as of now we are
12 pulling from--because we're inundated with
13 requests, we're pulling staff from borough offices
14 and other units to go out to demonstrate the new
15 machines to the public. It should be 12, is what
16 we're requesting.

17 COUNCIL MEMBER WILLS: Twelve what?

18 DAWN SANDOW: Twelve additional
19 staff members--

20 COUNCIL MEMBER WILLS:
21 [Interposing] All right, how much--

22 DAWN SANDOW: --to continue
23 without--

24 COUNCIL MEMBER WILLS: --how much
25 does that, how much does that cover? What is the

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amount?

DAWN SANDOW: Forty-two thousand a year.

COUNCIL MEMBER WILLS: Per.

DAWN SANDOW: Each.

COUNCIL MEMBER WILLS: Each, I'm ask--

FEMALE VOICE: Per staff member.

DAWN SANDOW: Per staff member.

COUNCIL MEMBER WILLS: Okay.

DAWN SANDOW: Yes.

COUNCIL MEMBER WILLS: The other questions I have do impact the general election because there were problems during the primary. There have been several reports of misleading poll location mailers that were sent out a few weeks before the September primary that resulted in a lot of voter confusion. For my district, a voting location, PS 155, was eliminated and individuals had to travel further to 121. However, different notices were sent out to several communities and constituencies, one listing 155 and another listing 121. And from recent media stories, this was not an anomaly, there have been reports of

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2 this occurring at other locations. I know that my
3 Council Member colleague Crowley had actually
4 brought one of them in and showed you.

5 Understanding this dilemma, what plans have BOE
6 put in place to ensure that there will not be a
7 similar confusion come November?

8 PAMELA PERKINS: Well one of the
9 things we're doing is we have had some poll site
10 changes after the information notice went out and
11 for the primary, after that information notice
12 went out, there were changes before the primary.
13 In each instance, a poll site change notice was
14 sent. However, notwithstanding that, for the
15 general election, we are making sure that all poll
16 site changes are done and completed before this
17 second notice go out to the public.

18 So all the boroughs have been
19 working very hard. There have been over 145 poll
20 site changes that occurred after the primary, but
21 one of the things we're making sure is that the
22 file is clean as possible. Absent any emergency
23 poll site changes, we're trying to ensure that
24 when the notice goes out, that all poll site
25 changes have been done and entered into the

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system.

COUNCIL MEMBER WILLS: How did the
BOE assess--

DAWN SANDOW: [Interposing] Can I
just respond? I just--

COUNCIL MEMBER WILLS: Sure.

DAWN SANDOW: --you mentioned
Crowley, and we were able to track that mailing.
I would just like to make everyone aware that we
had a tracker on this mailing, and we were quite
surprised when we started receiving calls that
people did not receive the notice. We were able
to track it, but only up until the post office.
About five days ago, maybe more, maybe a week ago,
we received a call from the inspector general's
office, the U.S. Postal Service, basically stating
that they received an anonymous tip that there was
a mail carrier that was not delivering mail. Lo
and behold, I have to distribute to the Council
members, they opened his locker and found 186 poll
site change notices in the locker. They are
continuing with the investigation, they do not
feel that this was a one-time incident, they will
get back to us as to where they are with the

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2 investigation, but they feel that they cannot
3 prosecute because it has nothing to do with drugs.
4 So we brought this to our commissioners who then
5 asked us to forward this information on to the
6 District Attorney's office.

7 COUNCIL MEMBER WILLS: Since that
8 is the case, once they finished their
9 investigation, that brings in something new to
10 light, how did that or how do we assess if that
11 impacted the election?

12 PAMELA PERKINS: We don't know how
13 bad it was 'cause they have not interviewed--the
14 last time we spoke with them, they had not
15 interviewed this individual. What they found in
16 his locker, they don't know if that's the only
17 instance--

18 COUNCIL MEMBER WILLS:
19 [Interposing] Right, 'cause it--

20 [Crosstalk]

21 PAMELA PERKINS: --but they don't
22 know, it could have been more and they don't know
23 if this individual is going to provide that
24 information willingly. So all we know is what we
25 know.

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2 COUNCIL MEMBER WILLIS: Okay. How
3 did the BOE assess the changes that needed to be
4 made to the polling locations? If there were any
5 changes that were made, how long were these
6 changes to the new locations studied on average
7 and when did the BOE realize that these changes
8 needed to be made?

9 DAWN SANDOW: A lot of the changes
10 came with redistricting and I think where the
11 confusion came in--and, you know, it's a lesson
12 learned--is redistricting was done, poll site
13 change notices went out, and then there were
14 changes once again after the information notices.
15 We feel that what should have been done is on our
16 poll site change notice, after it went out after
17 the vendor had sent there's, we should have put a
18 date basically stating this--we should have put a
19 statement stating that this supersedes any other
20 notice that you've received.

21 As far as what we have done, that's
22 another thing that should be brought to your
23 attention. We have five surveyors to cover all
24 five boroughs--five surveyors, that's one for each
25 borough. This year, we actually had our staff,

1
2 our technicians and any other staff available
3 trained by CIDNY so that they can go out and do
4 surveys, because there are so many poll sites, to
5 make sure that everything is accessible, and as
6 required by law.

7 We have continued--there were some
8 changes that were made after the redistricting
9 because we received information from elected
10 officials and from the public on certain poll
11 sites that were too far away for voters to get to,
12 and those sites--if we could find another poll
13 site that was handicap accessible, we did move the
14 site. I believe--Pam, do you have a number here?

15 PAMELA PERKINS: After the primary,
16 there was--prior to the primary there were 56 poll
17 site changes that were made citywide. After the
18 primary, there was an additional 145 poll site
19 changes that were made. Some of them were made
20 because the sites were not inaccessible and we,
21 under Chapter 505 of the election law, we have to--
22 -any new poll sites that we move to has to be
23 accessible to voters.

24 COUNCIL MEMBER WILLS: Okay.

25 PAMELA PERKINS: And the other

1
2 reasons were that sometimes when we moved the
3 site, it was not, like Dawn mentioned, it wasn't
4 convenient for voters and it was brought to our
5 attention and so we had to move the site again.
6 Some of the sites were moved because they were
7 overcrowding, and we had to make sure that the
8 sites are not overcrowded because it poses another
9 issue in terms of the accessibility and the
10 ability for people who have wheelchairs and such
11 to vote in private and have enough room to wheel
12 their wheelchairs or whatever the--

13 MALE VOICE: And wait times.

14 PAMELA PERKINS: Yeah, and cut down
15 on wait time. So there was a number--and there
16 were some poll site changes that we made in error--
17 --we made an error--because of during the course of
18 redistricting and we had to correct the error.

19 COUNCIL MEMBER WILLIS: Two things,
20 we appreciate what you just submitted to us and
21 I'm going to make sure that my local media outlets
22 has a copy of this. Secondly, I appreciate you
23 actually saying you made an error.

24 PAMELA PERKINS: There were--

25 [Crosstalk]

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2 COUNCIL MEMBER WILLS: We don't
3 have any agency that comes in and admits that they
4 made a mistake. But in addition to that, I just
5 wanted to make sure that you understood that a lot
6 of the questions that we ask today are because of
7 the frequent questions that we get when we go back
8 towards our districts, especially in some of the
9 minority districts where people feel that a lot of
10 these things were done intentionally to suppress
11 the minority vote.

12 I have had, on election day,
13 standing outside of 223, I have had several poll
14 sites that were heavy poll sites or high voter
15 turnout poll sites that were closed and I had
16 seniors that could not get over to the new poll
17 site, people did not know the poll sites were
18 closed. There were no just common sense devices
19 like signs saying this poll site is closed, your
20 new poll site would be this, call this phone
21 number. There was none of that seen on that day,
22 which created a lot of hardships for people who
23 had been voting for the last 20 or 30 years.

24 And, you know, I, not being a
25 representative of the Board of Elections, took a

1
2 lot of heat at different poll sites when people
3 screaming saying that this was done intentionally.
4 So I really hope that this would be a smoother
5 rollout going into November 6 because it is
6 another historic election because of the general
7 election and because it impacts minorities so
8 much. Thank you to Madam Chair.

9 CHAIRPERSON BREWER: Thank you.
10 Council Member Lander, then Council Member
11 Greenfield.

12 MALE VOICE: This is good.

13 COUNCIL MEMBER LANDER: Thank you
14 very much, Madam Chair, not just for today's
15 hearing, but for your very good work, overall five
16 hearings that we've had working on improving the
17 Board of Elections. And thank you to the
18 representatives who are here, we do appreciate the
19 hard work that you do and the--you know, I just
20 wanted to echo Council Member Wills' point that
21 continuing--we're all in the process of trying to
22 do the job better, sometimes the jobs aren't easy
23 and it is important.

24 And I do, before I ask just a
25 couple of questions about Intro 778, do want to

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2 say one or two things about technology. And I do
3 note I think we have to keep moving forward on
4 both fronts. We, obviously, we want new and
5 improved technology and we have to recognize that
6 that speaks well to--enables a lot of people to
7 vote and understand things more easily and there's
8 a lot of people who won't be able to do that. But
9 on election day, on primary day in my district,
10 there were quite a few EDs that had elections,
11 there were quite a few EDs that did not have
12 elections, and there were people who had been
13 switched to poll sites, in some cases of which had
14 some EDs operating, and in some cases, which
15 didn't have EDs operating, so it was a
16 particularly confusing election.

17 As a result of trying to give
18 people good advice, I very quickly found the app,
19 which was very useful for me because I was on the
20 phone with someone and I could say, all right,
21 what's your address, I'll tell you where you're
22 going to go vote right now and whether you've got
23 an election, and who it's between. But there were
24 a couple of problems there. One was they didn't
25 know about the app, I mean, maybe if they followed

1
2 you on Twitter or quickly if they followed me on
3 Twitter, but I do think, speaking to Council
4 Member Dickens' bill, that that information is
5 only available electronically if you know that it
6 exists. And so whatever happens with her bill,
7 which I hope will pass and I'm happy to be a
8 sponsor of, there's no reason I can understand for
9 you not making it voluntarily available for people
10 to, by e-mail and by text message, make it simpler
11 and then set up an automated system that will make
12 it very easy. There's a reminder, and you very
13 easily know what your ballot's going to like it,
14 and where you're going.

15 And one other thing I'll recommend
16 is there was a great irony 'cause then I ran
17 around to my poll sites that day, and, of course,
18 they're still working on the paper, where you use
19 that very difficult to use paper street finder and
20 then corresponded that to the very difficult to
21 use poll site locator and the AD and the ED are
22 inverse between the street locator and the poll
23 site locator, and you have new EDs and ADs this
24 election, I felt. And I was like, hey, you know
25 what, you don't have to do any of that, just go to

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2 the very good BOE app and put in the person's
3 address and it tells them exactly where to go.

4 So I guess one question I have is
5 what are you doing to take advantage of the new
6 technology that you've developed to actually make
7 it simpler for poll site workers and coordinators
8 and voters not to just to have to weigh through
9 the old, very confusing seas of paper?

10 PAMELA PERKINS: Well one thing
11 we're trying to get out and, with your help and
12 the help of the other elected officials and
13 Council members, we have this poster that I spoke
14 about earlier in the testimony where it tells--
15 it's in your packets--it tells the voter that they
16 could just scan our QR code and that'll take them
17 directly to our website, and it'll take them
18 directly to the poll site locator where they can
19 find out where they go vote, they can look at a
20 ballot, they can get all the election related
21 information that--right in the palm of their hand,
22 if they use it. And we did deliver the posters to
23 250 Broadway for all the Council members to put up
24 in their offices, so we're hoping that we get your
25 assistance in getting the word out.

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FEMALE VOICE: Yeah, one way.

DAWN SANDOW: Yeah. This is also, this will be in all public school polling places, any state buildings, any city buildings, this will be put up in the entrance so when voters are coming in. Also, our information clerks are all being called in for retraining. When they do come in for retraining, I'm sure they're all going to have their phones with them, so our staff will be telling them right then and there to download the Q & R on their phone and going through the steps with them so that they can utilize their phone. For those that can't, 'cause there may be some information clerks that it's difficult for, we are going through the whole process of looking up someone's poll site again.

COUNCIL MEMBER LANDER: So I'm glad to know that it's, you know, I think sometimes people will feel like they're not supposed to use their phone or their iPad or their laptop computer, but I guess I would just really urge you to--if you can't--I mean, if we had the resources, I would assume we would want to provide them rather than provide the paper you provide at the

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information table at each site, but I think you're right that probably amongst the poll workers there is an iPad, a web-enabled computer or a laptop--

DAWN SANDOW: Their phone.

COUNCIL MEMBER LANDER: --and if it's going to be the official policy that you can use them, that you're encouraged to use them, that it's--

DAWN SANDOW: [Interposing] They will be encouraged during their training.

COUNCIL MEMBER LANDER: --it's a much, much simpler way of helping people find their poll sites--

DAWN SANDOW: Yes.

COUNCIL MEMBER LANDER: --than the paper. So--

DAWN SANDOW: [Interposing] And, Councilman Lander, the board is also looking into technology for next year to be used at the poll sites, electronic poll books.

COUNCIL MEMBER LANDER: Great. And then I would just urge, you know, probably other people have done this as well, one thing that I have done is you can acquire, and it's a private,

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2 you know, private service, but they match your
3 election roles to e-mail addresses. I mean,
4 obviously, you could do this and it's able to be
5 purchased very cheaply, voter data matched e-mail
6 addresses. And, in addition to considering a
7 voluntary sign up, I guess I'd like you to look
8 into what it would cost, I really don't think it
9 would cost that much. It's kind of funny to buy
10 your own data back, but I believe that about a
11 third of the voters in the city of New York, you
12 could probably match with existing private
13 services and very quickly communicate with them.

14 I mean, the poster looks great, but
15 it's a little silly to have to distribute paper
16 posters to get the word out about very effective
17 online technology. So if we could explore
18 existing data that would enable us [off mic] you
19 send one e-mail to all those people that says,
20 hey, you know what, you could sign up here, just
21 click a button, and then we'll text or e-mail you,
22 you know, the week before or the day before the
23 election with your location and what's on the
24 ballot, which you already have so--

25 DAWN SANDOW: [Interposing] Right,

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2 our newly redesigned website has that function, it
3 is just up and running three weeks now. So we are
4 collecting e-mails--

5 COUNCIL MEMBER LANDER:

6 [Interposing] So just--

7 DAWN SANDOW: Yeah.

8 COUNCIL MEMBER LANDER: --so you
9 are collecting e-mails--

10 DAWN SANDOW: [Interposing] Yes, we
11 are.

12 COUNCIL MEMBER LANDER: --with a
13 plan to send people e-mails--

14 DAWN SANDOW: [Interposing]
15 Notifications.

16 COUNCIL MEMBER LANDER: --targeted
17 to their AD and ED--

18 DAWN SANDOW: Mm-hmm.

19 COUNCIL MEMBER LANDER: Beautiful.
20 So--

21 DAWN SANDOW: [Interposing] Every
22 time their poll site changes, they will receive an
23 e-mail; any upcoming elections, they will receive
24 an e-mail.

25 COUNCIL MEMBER LANDER: Okay. So

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that's great--

DAWN SANDOW: [Interposing] It's

just--

COUNCIL MEMBER LANDER: --I'm going

to let people--

DAWN SANDOW: --it's obtaining--

yes, please let--

[Crosstalk]

COUNCIL MEMBER LANDER:

[Interposing] So I'm going to let all know in the-

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DAWN SANDOW: --because it's

obtaining e-mail addresses.

COUNCIL MEMBER LANDER: --for the

voters in the 39th district, or at least to all

the ones that I purchased e-mails for last year,

I'll let them know this information. I think it

would be great if you could explore doing either a

one-time e-mail or some way that you could really

significantly expand the number of people who know

that this feature is available.

DAWN SANDOW: The commissioners

also instructed moving forward our poll site

applications for next year. There will also be a

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2 spot--there is a spot now, but it's not enforced,
3 and we would truly like for people to, when giving
4 out poll worker applications, to basically put
5 their e-mail addresses in because then it helps us
6 reach out to the poll workers as well. We're also
7 working on having poll worker applications and
8 sign up online for next year. This was something
9 that the board started to do before redistricting
10 and then had to put it at the bottom of our
11 priority list because we had redistricting, but it
12 should be up and running for the next election as
13 well.

14 COUNCIL MEMBER LANDER: That's
15 great, thank you.

16 DAWN SANDOW: [Interposing] And
17 they will have to put in their e-mail addresses in
18 order to--

19 COUNCIL MEMBER LANDER:
20 [Interposing] Thank you. And I do want to just,
21 before I move on Intro 778, re-stress that, while
22 I think all of this is very valuable, I'm glad
23 that you also remain very mindful of all the
24 people for whom technology is not an adequate way
25 of helping remind and get to the polls, and that

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we continue together to emphasize that

And now I want to move to a couple of questions about Intro number 778, which would require annual reporting. I know we've been back and forth about this before, but I really think it's a very common sense way to, again, help us just build in continuous improvement. So and I've been looking through the annual reports since our last conversation and the summary materials that you have provided, which, admittedly, contain quite a lot of data, so it's clear that a lot of work goes into the annual reports that you provide. You very helpfully provided to the Council after our last hearing and in advance of this one, some data, but I still have some questions because it doesn't quite get us where I think we need to be.

So I guess my first set of questions are, how do you decide what to put in those reports? Is there any place--'cause I haven't found it--where you do year-over-year, that is, trend reporting, so one can compare what happened over a number of elections year over year so you can figure out what's improving and what's

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2 unimproving? And are there targets for the
3 measurements of those goals so that you can know
4 whether, you know, the number of poll site--number
5 of percentage of poll sites that open late, the
6 percentage of BMDs that are defective are, you
7 know, whether we're hitting the mark or not.

8 DAWN SANDOW: I don't have our
9 annual report in front of us, but I know--

10 COUNCIL MEMBER LANDER:

11 [Interposing] I'm looking at--

12 [Crosstalk]

13 DAWN SANDOW: Okay. I know that
14 from 2010 to to-date our information has increased
15 and it will continue to increase. We will be
16 putting in all the information regarding each
17 election on the performance of the voting
18 machines. And your suggestion of doing a
19 comparison from year to year is something that we
20 will definitely take into consideration.

21 COUNCIL MEMBER LANDER: Because I
22 will say that that--I can't find any place, you
23 know, where either of those things is the case,
24 where either--there is a lot of data, but a lot of
25 data outside of context is difficult to use for a

1
2 management tool and difficult to use for an
3 oversight tool. And two ways of getting that are,
4 one, you know, trend reporting so you could see
5 it's going up or down; and, two, reporting against
6 benchmarks.

7 Our goal was to make sure that 96%-
8 -I mean, our goal is to make sure that every poll
9 site opens on time, but 96% is good or 98% and,
10 you know, this year was 92% so we have to... And I
11 can't find that and even I pulled the Voting
12 Equipment Operations Department reports from the
13 '08, '09, '10, and '11 annual reports--and,
14 admittedly, I mean, '10 was a rough year so I
15 understand why this is true, but you can sort of
16 compare '08 and '09, they have similar charts. In
17 '10, someone decided or just forgot to put any
18 meaningful stats about performance in the '10
19 annual report, I take it that that means '10 was a
20 year we didn't really want to tell people about.
21 And '11, we have a lot of data, but you can't
22 match it to '8 or '9 or the... So we need to find a
23 way to take that data and put it in a year-over-
24 year format with some targets that will help us
25 achieve those goals.

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2 I had some questions, but in the
3 interest of time, 'cause I see you have a
4 colleagues, I will skip my questions about how we
5 define ballot scanner failure rate, we'll come
6 back to that another time or maybe I'll follow up
7 in writing.

8 When do you release the annual
9 reports?

10 DAWN SANDOW: It's supposed to be
11 in January.

12 [Crosstalk]

13 PAMELA PERKINS: --January,
14 sometime--

15 [Crosstalk]

16 DAWN SANDOW: It's supposed to be
17 in January.

18 COUNCIL MEMBER LANDER: It is
19 supposed to be in January, but my question wasn't
20 when are you supposed to release the annual
21 reports.

22 DAWN SANDOW: January.

23 COUNCIL MEMBER LANDER: You're
24 correct, the state elections law, which you cited
25 in your testimony, says end of January, but I

1
2 guess I'm curious for each of the last several
3 years when the reports have come out. And this is
4 not just a gotcha question, it's about the
5 legislation and when we need it to actually do our
6 job in the budget cycle.

7 DAWN SANDOW: Twenty-eleven we were
8 on time, 2012, we were not.

9 PAMELA PERKINS: When did we submit
10 our--

11 [Crosstalk]

12 DAWN SANDOW: I believe March.

13 PAMELA PERKINS: We submitted that
14 in March.

15 COUNCIL MEMBER LANDER: Yeah, so, I
16 mean, that's a violation of existing law, not even
17 of the new law, but part of the problem is it's
18 too late for us to use it in the budget process.
19 You know, the Mayor prepares the executive budget
20 in January, I mean, the preliminary budget in
21 January and the executive budget a couple of
22 months later.

23 Part of the goal of my legislation
24 is to help you help us help you. We need your
25 report early enough if you can give us trend data

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2 that says, look, here's where we fell down and why
3 and here's why we need resources to do that, then
4 it'd be a lot easier for us to develop and
5 advocate for and use the budget. And that's how
6 the Mayor's Management Report works is that people
7 at the right two times of the year, preliminary
8 and final, give us that data. It is relatively
9 well synced up with the budget process so that in
10 our budget hearings we can ask the right questions
11 and help make sure we're using the resources the
12 right way. And so I guess I would again ask you
13 to look at--you could still send it, you know, to,
14 you know, to us and to the Board of Elections. I
15 mean, before the end of January, I think the dates
16 that are in my bill would easily comply with that,
17 you know, you don't have to wait until the very
18 last minute.

19 And then I just I guess I'll end by
20 really asking some questions about whether your
21 legal objections really pass muster here. We're
22 not asking you to--and I was trying to look back
23 at your testimony, but I've turned to a different
24 page of your testimony--we're not asking you to
25 change your duties. State election law you cited

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2 3-212 does indeed prescribe that each Board of
3 Election shall make an annual report of its
4 affairs and proceedings to its local legislative
5 body, but it doesn't prescribe, with the exception
6 of this voter assistance plan, much detail, so
7 you're making many choices about how to do that.
8 And I believe, precisely because it's a report to
9 the legislative body, that we're perfectly
10 empowered under state law to provide additional
11 detail on what that report will look like, and I
12 think we could probably agree that if we work
13 together we could do that in a way so that both
14 the dates and the data that you're reporting would
15 be useful to you, useful to us, useful to the
16 administration, most importantly, useful to the
17 voters in the city of New York and help us all
18 continue to improve our election. So I would ask
19 you to take another look, both at the legal and at
20 the technical, and let's figure out how we can
21 work together to get that data in the MMR.

22 I, as you probably know, you know,
23 if you look in this year's MMR, what we have is a
24 nice big blank page, that's not--that may score
25 political points, but it's not helpful actually to

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2 us, it's not helpful to you. Somewhere between
3 these four pages here and this page here, we can
4 get the answer right, and I really would implore
5 you to find a way to work with us to do it. So
6 thank you.

7 CHAIRPERSON BREWER: Thank you.

8 Council Member Greenfield's not here, he's coming
9 back, so Council Member Dromm and then Council
10 Member Dilan. And I want to thank Council Member
11 Dromm, he took the material that staff put
12 together about upcoming elections asking for input
13 and sent it to his whole district. Thank you.
14 Council Member Dromm.

15 COUNCIL MEMBER DROMM: Thank you
16 very much, glad to do it, Madam Chair. My
17 questions are really around Bengali language
18 access, and I have a large Bengali population and
19 I'm deeply concerned that those ballots are still
20 not ready. And I'm wondering why we've had this
21 delay and when do you see this situation being
22 corrected.

23 DAWN SANDOW: Our ballots on the
24 web, you mean?

25 COUNCIL MEMBER DROMM: No--

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MALE VOICE: You mean--

PAMELA PERKINS: Bengali.

[Crosstalk]

DAWN SANDOW: The Bengali language-

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COUNCIL MEMBER DROMM:

[Interposing] Language ballots, mm-hmm.

PAMELA PERKINS: John, would you like to talk to this?

DAWN SANDOW: There will be a sample ballot, Bengali ballot on the web. Our ballots should be going up by the end of the week and we have all interpreters in place for 72, I believe, poll sites. Interpreters, signage, all those--all of our Bengali interpreters and Hindi interpreters are coming in for retraining to show them there will be a sample ballot in Bengali at the poll site, there will also be a candidates list at the poll site, they will be instructed on how to help voters, if requested.

COUNCIL MEMBER DROMM: And these sites, have you published them or we know which ones they are?

PAMELA PERKINS: We have--

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[Off mic]

DAWN SANDOW: Yes.

PAMELA PERKINS: We have, there's
72 targeted sites and we have those sites. We can
get you that--

[Crosstalk]

COUNCIL MEMBER DROMM:

[Interposing] Yeah, I'd like to get that
information 'cause I don't know if you remember, I
had written you a letter concerning this issue on
September 8th--

PAMELA PERKINS: Yeah.

COUNCIL MEMBER DROMM: --requesting
some of that information. I did get a package--

DAWN SANDOW: Yes--

[Crosstalk]

COUNCIL MEMBER DROMM: --but I
don't know if the poll sites were contained--

DAWN SANDOW: [Interposing] Yes--

COUNCIL MEMBER DROMM: --in that--
okay.

DAWN SANDOW: --it was, we sent you
a--

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COUNCIL MEMBER DROMM: All right.

DAWN SANDOW: --a book, we actually put a book together for you with all the poll sites--

COUNCIL MEMBER DROMM: Okay.

DAWN SANDOW: --and what would be given to the interpreters for election day, what the voters will receive on election day. Our Language Assistance Director sent that to you.

COUNCIL MEMBER DROMM: Okay. Good, I just didn't see that in there. The other question that I had is--

COUNCIL MEMBER LANDER:

[Interposing] Council Member, could I--that would be very helpful if it was provided to all of us. As you know, quite a few of us--

[Crosstalk]

COUNCIL MEMBER LANDER: --have Bengali speakers in our districts and whether through the chair--

FEMALE VOICE: Okay. All right.

COUNCIL MEMBER LANDER: --or the committee or... I mean, I really appreciate you taking leadership on this issue, but would love to

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see whether the--some of my poll sites--

[Crosstalk]

COUNCIL MEMBER DROMM:

[Interposing] Absolutely, more information is always beneficial.

COUNCIL MEMBER LANDER: Thank you very much, Council Member.

COUNCIL MEMBER DROMM: --so--

COUNCIL MEMBER LANDER: Apologize--

[Crosstalk]

COUNCIL MEMBER DROMM: That's okay.

So just to pick up on something that Council Member Ruben Wills was talking about, which was the confusion regarding the poll sites. I had the same problem that Elizabeth Crowley had, that he had in his district. I received two notices in the mail, one telling me to go to the Renaissance School, the second one telling me to go to PS 222, which is about nine or ten blocks from my house. Previously, I had gone to PS 69, which is a quarter of a block from where I live. This is a huge problem and it's for those who are disabled and for seniors, and there's tremendous concern in the community that many of these people, they've

1
2 already expressed this to me, that they're just
3 not going to vote, and it goes to the whole notion
4 of voter suppression. I've heard that question
5 asked many times in my district as well.

6 So it's kind of a multi-level
7 question. It's, one, is there going to be any
8 changes in terms of the reassigning of polling
9 sites to people who have been in a polling site
10 closer to their home previously? And two, when
11 people did receive those notices saying that their
12 polling site was changed, the first one came in
13 and the second one came in like a day later, and
14 people were like totally confused because which
15 one was the right one. And the paper didn't say
16 which was the first notice and which one was the
17 second notice. So I'm hoping that on this one
18 you're going to indicate in some way that this is
19 a different notice than those first two that went
20 out.

21 DAWN SANDOW: Yes, we agree with
22 you 100%. As I stated before, I don't think you
23 were here at the time, we said there was much
24 confusion when they received that second notice
25 and in the future it will say this poll site

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change notice supersedes any other received. So that will be on the notice--

CHAIRPERSON BREWER: [Interposing]
Is that clear on the mailing that's going out? So we can answer Council Member Dromm, is it clear on the mailing that's going out?

DAWN SANDOW: The mailing that's going out, everyone has a copy in their sample.

CHAIRPERSON BREWER: Okay. So..

COUNCIL MEMBER DROMM: So just--

CHAIRPERSON BREWER: Go ahead, Council Member Dromm.

COUNCIL MEMBER DROMM: Thank you. So even if it says this mailing will proceed any other notice, it's still a little bit confusing because if they get both of them at the same time, right?

DAWN SANDOW: Well they didn't get both of them at the same time, I think there was a few days difference and what happened was--

COUNCIL MEMBER DROMM:
[Interposing] A couple of days--

[Crosstalk]

DAWN SANDOW: --our required

1 mailing notice went out first and that was the
2 mailing that went out to all voters basically
3 stating the date of the primary and the general
4 election. What happened was then there was some
5 poll site change notices and that is a small
6 postcard. And lessons learned, as we realize
7 today, it should have stated on that poll site
8 change notice that this supersedes any previous
9 notice.
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11 COUNCIL MEMBER DROMM: So the other
12 part of the question is any work or any movement
13 toward the distance from the polling sites that
14 they use to attend to the sites that they're now
15 attending, I'm talking about PS 69, PS 222, PS 89.
16 Some people from Jackson Heights are now voting in
17 Elmhurst. although it's not that far, it's, in my
18 opinion, I'm an able-bodied person, I can walk it,
19 but it's on the other side of Roosevelt Avenue.
20 This is causing a lot of confusion and a lot of
21 concern--

22 DAWN SANDOW: [Interposing] I can--

23 COUNCIL MEMBER DROMM: --especially
24 among the seniors.

25 DAWN SANDOW: Okay. I can give you

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some--you're Brooklyn?

COUNCIL MEMBER DROMM: No, in Queens.

DAWN SANDOW: You're in Queens? There were 20 site--28 poll site change notices that went out--I'm sorry, 28 poll site changes in Queens after the primary. We have a total of 145 citywide, and majority of those were changed because they were not--they were inaccessible, there were some changes to make it more convenient for the voter. Where we could find another site that was accessible, we did. But where we couldn't, it had to remain the same. I do not have the specific poll sites in Queens, but I can get you that information if you would like it.

COUNCIL MEMBER DROMM: So these poll sites were not changed because they were inaccessible, they were changed because, I think, of the EDs and probably the redistricting.

DAWN SANDOW: Redistricting, correct. The first change was redistricting, yes, yes. And then they were changed--once they were looked over, some were changed back.

COUNCIL MEMBER DROMM: There's

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still a lot of dissatisfaction with that--

DAWN SANDOW: [Interposing] I understand there is, but--

COUNCIL MEMBER DROMM: --I don't know how to communicate with you on that--

DAWN SANDOW: --we also have to remember that we have to put these voters into a accessible poll site, fully accessible, and sometimes it's very difficult for the board to find sites, especially if they're private, if their--

COUNCIL MEMBER DROMM: [Interposing] But in this particular case, if I may interrupt, the site that's a quarter of a block from where I live is accessible, why were they then moved to eight or nine blocks down?

DAWN SANDOW: It could have been for either redistricting. If you give me the site, I can look it up for you, it could be for--

COUNCIL MEMBER DROMM: Okay.

DAWN SANDOW: --redistricting or it could be that some sites were EDs were moved to other poll sites because of overcrowding, so--

COUNCIL MEMBER DROMM:

1 [Interposing] Maybe I can give you those now.

2 It's PS 69, IS 145, PS 222--

3 DAWN SANDOW: [Interposing] Okay.

4 PS 69?

5 COUNCIL MEMBER DROMM: Uh-huh. IS
6 145, PS 222, and PS 89.

7 CHAIRPERSON BREWER: But you can
8 get--the board can get back to you with the
9 specifics later on.

10 COUNCIL MEMBER DROMM: Yep.

11 STEVE RICHMAN: Council Member,
12 it's Steve Richman. The other reason you should
13 be aware is that when we redrew the election
14 districts, given the new equipment, when we drew
15 the election districts ten years ago, we were
16 limited to lever machines and the target was each
17 ED should not have more than 600 voters, 'cause
18 over 800 voters you needed two lever machines.

19 Currently, the state regulations
20 say up to 4,000 voters. We didn't go that far, we
21 went to the target EDs about 1,000. So depending
22 on the composition of your neighborhood, if you
23 have one family residential houses, instead of
24 being a four or five block radius, this is now
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2 made with eight or nine blocks. You may be at the
3 end of the district now that's furthest away from
4 the poll site, the other end of your own ED may be
5 actually around the corner.

6 But one of the things we heard was
7 to try to do more with less and we reduced the
8 number of election districts by approximately
9 1,000, and we're hoping that, after the City
10 Council redistricting takes place and we get the
11 lines early enough and we have a, hopefully, final
12 set of lines for the next eight years, we can do
13 that as well. 'Cause one of the things we were
14 trying to do was reduce some of the costs as well.
15 And given the new technology where each scanner,
16 the optimal for us is 1,400 voters for each
17 scanner, each poll site having at least two, we
18 were able to increase that and, therefore, reduce
19 the number of poll workers.

20 COUNCIL MEMBER DROMM: So can I
21 tell my constituents that there is a chance or
22 possibility after the City Council redistricting
23 that their poll site may change again and possibly
24 back to their--

25 STEVE RICHMAN: [Interposing] It

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may or may--

COUNCIL MEMBER DROMM: --closer

site?

STEVE RICHMAN: I think that's one of the other concern--I was delayed 'cause we were in federal court--is that every poll site after December 15th has to be 100% accessible. I believe there's going to be dramatic changes in poll sites again as a result of that. Because for next year, we can no longer have an inaccessible poll site in the city, and I think that's going to be...

But, again, I think what you've got to look at, and we can get back to you, is we literally may be at the wrong end of the ED this time because, if we reverse it, then the people now closest to the poll site at the other end of the ED will have the same complaint. It's a problem--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing]

Okay. I think we can go back and forth. I do agree with Council Member Dromm that the seniors in particular have to be able to walk comfortably

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2 to their site. So there is a discussion that
3 needs to go on: Cost, walking, accessibility, et
4 cetera--

5 COUNCIL MEMBER DROMM: Space.

6 CHAIRPERSON BREWER: --but we need
7 to work together on this 'cause we might be able
8 to find ones that are closer, accessible, and you
9 can walk to it. But walking, that's what we need
10 to be able to do, all right? Council Member
11 Dromm, keep going.

12 COUNCIL MEMBER DROMM: Yes, and,
13 you know, I'm also a district leader in Queens, so
14 I don't remember having had had that discussion at
15 all and I would just ask that you involve the
16 district leaders in that discussion in terms of
17 where those poll sites are located. And we do
18 know the neighborhood and that you oftentimes do
19 reach out to us for poll sites. So I don't
20 remember having had this discussion in regard to
21 the changed EDs and we'd appreciate having that
22 opportunity to discuss this further with you as we
23 move down the road. Thank you.

24 CHAIRPERSON BREWER: All right,
25 anything else? Okay. Council Member Dilan and

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then Council Member Williams.

COUNCIL MEMBER DILAN: Yeah, I too want to just note that I am a Democratic district leader in Brooklyn and had similar problems. But what I think, and I'll speak globally and not so much about my district, just my observations as to what has happened this election cycle. I want to start by stating that the challenge that you had was a difficult challenge, and I think you did a great job. You had to administer by the end of this year four elections in a reapportionment year, which is very difficult to do.

Reapportionment years in and of itself, when things happen on the normal election schedule without the intervention of the state legislature and changing federal elections, is difficult in and of itself. But with four elections, because of the change of the federal elections and everything that has occurred, I want to say you did a good job.

But that being said, as with any election, nothing ever runs perfect, and reapportionment years especially are difficult. I experienced the same things in my district, and

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2 I imagine they were pervasive citywide, with the
3 closure of poll sites as it relates to seniors.
4 When they found out their poll site where they had
5 been voting at in the past ten years was closed,
6 some of them chose not to vote, some of them--and
7 I'll be honest, in our races, some of them that we
8 know were voting for us, we got them a ride and
9 some of them, you know, some of them chose to walk
10 to their poll site.

11 But that in and of itself was
12 difficult for seniors, and I believe brought some
13 of the votes down. But I also believe that, as
14 they become accustomed to where they will be
15 voting over the next several years, that that
16 problem will address itself.

17 I also want to state that as it
18 relates to the inspectors themselves and their
19 willingness to become active, the fact that taxes
20 are now taken out of their paychecks, in my view
21 as a district leader, has become a major problem.
22 As they sit there and they do the math, it equates
23 to less than minimum wage for the amount of hours
24 that they have to work, and it's a very, very
25 difficult recruiting problem. If we went back to

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2 the old way where the taxes weren't taken out of
3 the checks--yeah, and I know you may not have any
4 control of that--

5 STEVE RICHMAN: [Interposing]
6 Council Member, your direction should be to the
7 Commissioner of the Internal Revenue. It's their
8 determination--

9 [Crosstalk]

10 STEVE RICHMAN: --and, again, the
11 board did not do it, we were compelled by an
12 audit--

13 [Crosstalk]

14 COUNCIL MEMBER DILAN:
15 [Interposing] I'm just giving observations and--

16 STEVE RICHMAN: [Interposing]
17 Understood--

18 [Crosstalk]

19 COUNCIL MEMBER DILAN: --I'm glad
20 that you know about them, but this is directly
21 affecting the--

22 DAWN SANDOW: Yeah.

23 COUNCIL MEMBER DILAN: --quality of
24 inspectors that go before--

25 [Crosstalk]

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FEMALE VOICE: --agree with you.

COUNCIL MEMBER DILAN: --us in our election sites. It is having an impact, it is having an effect.

Other observations that I have seen were just traditional towards the normal election cycle, but we had in March the presidential primary with the old DDs [phonetic] and all poll sites. We had federal elections in June with-- which, first, voters weren't accustomed to voting in June and then they still had the old DDs and old poll sites, even though the numbers may have changed, for the most part they were the old DDs and old poll sites. Then you come in in September, someone who voted at a certain poll site that was open in June now found that their poll site was closed in September. Again, election year anomaly, I believe it gets fixed next year, created a problem.

And I believe that some voters, 'cause in most districts, in my district especially, most voters like to come out for the big game, and the big game is November, the presidential elections are coming, I believe there

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2 will be high turnout. They're going to experience
3 that all over again. So I think to the extent
4 possible in the future, and for future
5 reapportionment years especially, notices on the
6 outside of old sites where they were
7 reapportionment, some of them were schools and you
8 actually had voters walking in to schools and got
9 access to schools, believing that it was a poll
10 site, and it was no longer a poll site, therefore,
11 you had someone unlawfully entering a school,
12 which almost was a potential problem in my
13 district. So I believe that those are
14 observations and you can, you know, just take it
15 as information, and I'm sure you may have known,
16 and make your adjustments accordingly.

17 I want to speak specifically to the
18 bills, and I heard my colleagues talk about
19 unfunded mandates and I share that concern about
20 unfunded mandates because we've seen in other
21 business here that the Mayor's taxi proposal has
22 not come forward and agencies are asked to take a
23 large PEG, and I believe your agency may be one of
24 them. So that being said, I don't anticipate any
25 new revenue coming to you to address any of the

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2 problems that you have. So on all the bills that
3 affect the Board of Elections--the ones that don't
4 affect the Board of Election, you don't have to
5 answer--could you give us the total cost of what
6 it would cost you in addition to what you normally
7 operate under right now? And could you also add
8 has there been any discussions with the
9 administration to cover some of these costs should
10 these bills go forward? I would like to know the
11 answer on that first, and then I have questions
12 specifically about each individual bill.

13 [background noise]

14 STEVE RICHMAN: --we could have the
15 initial costs with the printing and--

16 [Crosstalk]

17 DAWN SANDOW: Right.

18 COUNCIL MEMBER DILAN: And it could
19 be an estimate, I don't need the exact--

20 DAWN SANDOW: [Interposing] The
21 initial cost for the printing, I believe we gave
22 at 100,000.

23 COUNCIL MEMBER DILAN: Yeah, I
24 heard that one, but there's--

25 DAWN SANDOW: Yes.

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2 COUNCIL MEMBER DILAN: --there's
3 other bills that I believe weren't addressed in
4 terms of costs.

5 DAWN SANDOW: Right, that's--

6 [Crosstalk]

7 STEVE RICHMAN: --10,000--

8 DAWN SANDOW: --that's for 10,000
9 registration forms--

10 STEVE RICHMAN: Doesn't include the
11 staff.

12 DAWN SANDOW: --that we would--
13 right, the staffing, I believe we told you, I
14 think we were discussing, I'm not sure if it was
15 the--

16 COUNCIL MEMBER DILAN:

17 [Interposing] Well--

18 DAWN SANDOW: --voter outreach that
19 we--

20 COUNCIL MEMBER DILAN: --how about
21 we do this--could you do this--

22 DAWN SANDOW: No, we did--

23 COUNCIL MEMBER DILAN: --instead of
24 maybe just answering the question--

25 DAWN SANDOW: [Interposing] Yeah,

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we'll have to--

COUNCIL MEMBER DILAN: --could you--
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DAWN SANDOW: --get back to you on
the amount.

COUNCIL MEMBER DILAN: --could get
back to the committee and the chair and including
its members--

DAWN SANDOW: Sure.

COUNCIL MEMBER DILAN: --the
estimated impact on your budgets of this whole
package if implemented and whether or not you
expect the administration to kick in? I believe
what's in this package is--there's a lot of good
measures in here, so I don't want to sound like
I'm being an obstructionist to some of these
measures, I do have concerns about some of them,
but I do want to move forward knowing how much
this is going to cost your agency and affect the
operations.

I have concerns specifically on
Intro 721. Seven twenty-one--and I started
reviewing it on Friday when I got the briefing
paper, and maybe I'm wrong, and if I'm incorrect,

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2 you can correct my initial observations--721, I
3 have some concerns that this bill could
4 potentially be partisan, partisan in a lot of
5 respects. If I'm correct, this bill creates an
6 agency coordinator position at select agencies
7 described by the administration. Is that your
8 understanding of what is in the bill?

9 STEVE RICHMAN: I think what our
10 recommendation was to make the bill much broader,
11 make it applicable to every agency and to cover
12 all the elections and to provide the time off.
13 And what we would do is that we would then treat
14 those people identified as we would do that all
15 the nonpolitical recommendations--

16 COUNCIL MEMBER DILAN: Okay. But--

17 STEVE RICHMAN: --but they still
18 have to be enrolled Democratic or Republican.

19 COUNCIL MEMBER DILAN: Let me take
20 a step, and what happens to the blanks and
21 independents? I mean--

22 STEVE RICHMAN: [Interposing] State
23 election law requires to be a poll worker, you
24 have to be an enrolled member of one of the two
25 major parties.

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COUNCIL MEMBER DILAN: Well--

STEVE RICHMAN: Or appointed by
that party.

COUNCIL MEMBER DILAN: Yeah, no,
no, I got that, but you never know, one year the
Working Families party may supersede another party
and then you have to change--

STEVE RICHMAN: [Interposing] Well
then all the poll workers will change.

COUNCIL MEMBER DILAN: --change
accordingly. It depends on the outcome of the
governor's race, I understand fully. So just
explain to me then what are the current
restrictions on municipal employees as it stands
right now from becoming a poll worker.

STEVE RICHMAN: I don't believe
there are any statutory restrictions, I think,
with the exception, I believe, of the uniformed
service members can't hold a partisan position,
which I guess, the inspector could be considered.
The others would be, though, on a primary day,
most of the employees are working so they would
have to take a day off from work to qualify.

And the other part would be, again,

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is that these would all be voluntary. But--

COUNCIL MEMBER DILAN:

[Interposing] Okay. So let me--

STEVE RICHMAN: --LA County is
done--

[Crosstalk]

COUNCIL MEMBER DILAN: --let me
just stop you there 'cause I want to just kind of
do this as quickly as I can. Is there any extra
vetting for a city worker by the city worker's
agency that grants that person permission to work
as a poll worker on election day currently?

STEVE RICHMAN: That will be up to
the agency, I don't think the board has any
knowledge. All of our full-time staff are working
election day. They're not working--

COUNCIL MEMBER DILAN: Well I
could--

STEVE RICHMAN: --as poll workers.

COUNCIL MEMBER DILAN: --tell you,
as a district leader, when we submit our
inspectors to the Brooklyn Board of Elections,
city employees are vetted extra. I'm telling you--

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2 STEVE RICHMAN: [Interposing] The
3 only thing would be is that tax consequences,
4 commissioner--

5 COUNCIL MEMBER DILAN: I am telling
6 you we have--

7 [Crosstalk]

8 STEVE RICHMAN: I mean, Council
9 Member. They would have to be--

10 COUNCIL MEMBER DILAN: --I have
11 had--I'm just telling you my experience and we can
12 discuss offline afterwards.

13 DAWN SANDOW: [Interposing] It's
14 the--

15 [Crosstalk]

16 CHAIRPERSON BREWER: [Interposing]
17 Let the Council Member finish and then you can
18 answer.

19 COUNCIL MEMBER DILAN: Well we can
20 discuss offline, we may--

21 DAWN SANDOW: Yeah.

22 COUNCIL MEMBER DILAN: --disagree
23 here, and that's fine, but I'm just telling you
24 what I've experienced.

25 STEVE RICHMAN: Yeah, we're only

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2 aware that there's a personnel process to get them
3 identified so that--

4 DAWN SANDOW: Right.

5 STEVE RICHMAN: --the tax
6 consequences, the money they are paid--

7 [Crosstalk]

8 COUNCIL MEMBER DILAN:

9 [Interposing] And I believe that's what I'm--I
10 believe we're talking about the same thing--

11 STEVE RICHMAN: [Interposing] Yeah.

12 [Crosstalk]

13 STEVE RICHMAN: --yes.

14 COUNCIL MEMBER DILAN: --but this
15 creates an additional delay on these inspectors,
16 who many of them are qualified and they'll be
17 codified with this bill, this creates additional
18 delay as a district leader for me to place them as
19 an inspector, and if their agency does not get
20 back, they are prevented from working. So I just
21 want to put that out there--

22 [Crosstalk]

23 COUNCIL MEMBER DILAN: Oh, it's
24 happened, it's happened. It's happened, I know it
25 has nothing to do with the Board of Elections--

[crosstalk]

COUNCIL MEMBER DILAN: --it has nothing to do with the Board of Elections, it has to do with the city agencies, trust me, it's happened. I have had upset inspectors at me who are also city workers. But my main concern here is that this has the potential, with the creation of the agency coordinator position, to become very, very partisan, 'cause trust me somebody in the Mayor's office or someone who's a Deputy Mayor in the future is going to know that each agency has an agency coordinator position and, God forbid, that they turn out to vote for someone else other than their current boss. I'm telling you that's going to be a future problem with this bill.

If we could find a way to safeguard it, and, again, maybe I may be reading the bill wrong, maybe my interpretation is wrong, I read it once, I read it twice, I thought I had it right. I'm concerned about this, we'll lay it out, not only for you, but for my respective colleagues. And if it does create--

STEVE RICHMAN: [Interposing]

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Council Member, I think--

COUNCIL MEMBER DILAN: --if it does
create--

STEVE RICHMAN: --but from our
point of view, I think from the commissioners,
that's an issue that I think you have to address
with the city government. The one issue that we
wanted to address was creating an additional pool
of poll workers.

COUNCIL MEMBER DILAN:
[Interposing] And I agree with you, but I'm not
certain that they were invited here to testify,
and that's another issue and I don't want to get
into that with my chair, who I respect, but I
would want the administration--

STEVE RICHMAN: Yeah.

COUNCIL MEMBER DILAN: --to answer
how they prevent this from becoming very partisan,
which I believe it has the potential to be in the
future.

CHAIRPERSON BREWER: I think we'll
have a lot more discussion on the bills. The
issue today was to do both oversight and the
bills, but we'll definitely have more discussion

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of the bill.

COUNCIL MEMBER DILAN: Well but
this is part of the bill--

CHAIRPERSON BREWER: [Interposing]
No, you're right, I'm just saying that--

COUNCIL MEMBER DILAN: Yeah.

CHAIRPERSON BREWER: --we'll do
both today, but we'll have more on the bills.

COUNCIL MEMBER DILAN: Okay. All
right. 'Cause I would want that question answered
before I could vote for that. And I could tell
you that--well I think enough has been said, I
think I've highlighted my concern.

With Intro 788, which I believe is
Council Member Lander's bill, this is on--

STEVE RICHMAN: Seven eighty-eight.

COUNCIL MEMBER DILAN: --I believe
this is on the Mayor's Management Report.

DAWN SANDOW: Oh, yes.

COUNCIL MEMBER DILAN: You know, I
certainly believe that since you are the entity
that certifies elections, that there should be a
certain level of independence. But that being
said, the other side of it is information and

1 reporting is critical, I do agree that it's
2 critical, and you currently have to provide a
3 report as it stands that that is your own. If
4 enacted, do you foresee any interagency problems
5 or any problems with the accurate reporting of
6 data to the administration?
7

8 STEVE RICHMAN: I don't think the
9 staffs--the commissioners have a concern about
10 maintaining the independence. We report
11 information, and I think this committee knows,
12 whenever requests have been asked have been
13 provided. I think the other concern is in terms
14 of the timeliness, given the election calendar and
15 having the inadequate resources to prepare the
16 reports. We're having enough of a problem
17 certifying elections. And as Councilman, you're
18 aware there is at least one election in Brooklyn
19 from the primary and one in Manhattan that is
20 still just either just concluded--

21 COUNCIL MEMBER DILAN:

22 [Interposing] I thought that was done.

23 STEVE RICHMAN: But it hasn't been
24 certified yet, so--

25 COUNCIL MEMBER DILAN: Oh.

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2 STEVE RICHMAN: --we're literally
3 going to certify a primary election. And again,
4 we even had a court decision a week ago Friday
5 where the judge found that, under normal
6 circumstances, he may have considered ordering a
7 new primary election, but he doesn't have the time
8 since to--it is for a public office nomination for
9 the state assembly, there's not enough time, given
10 the election.

11 So but the staff resources aren't
12 there as well to assimilate the data. Part of the
13 process is with 1,400 poll sites, hopefully 30,000
14 poll workers, getting all the data back, pulling
15 it together with a limited staff, we had to
16 prioritize. And prioritize is the first thing is
17 to count all the votes accurately and correct--

18 COUNCIL MEMBER DILAN:

19 [Interposing] But I don't think that has anything
20 to do with what I asked. As it relates to
21 reporting should this go into law, should it go
22 into law, do you see any possibility of any
23 interagency problems or communications with the
24 Mayor's office getting this information included
25 into the Mayor's Management Report?

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2 DAWN SANDOW: I think that our
3 commissioners, you know, it's clearly what was
4 stated, they took their position and they're an
5 independent agency. And that they will report, we
6 will report now, annual reports. We took into
7 consideration what the--

8 COUNCIL MEMBER DILAN: Well--

9 DAWN SANDOW: --members said to us
10 today about giving more information and--

11 [Crosstalk]

12 COUNCIL MEMBER DILAN:

13 [Interposing] So I have to interpret that if this
14 were--

15 DAWN SANDOW: --done by the end of
16 January.

17 COUNCIL MEMBER DILAN: --if this
18 were passed, you intend to fight this provision in
19 court to maintain the independence of reporting?
20 I mean, if that's the way--

21 [Crosstalk]

22 DAWN SANDOW: [Interposing] That
23 would be--

24 STEVE RICHMAN: [Interposing] --be
25 a decision for the commissioners, but their

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existing--

CHAIRPERSON BREWER: [Interposing]

You need to use the microphone.

STEVE RICHMAN: We don't comment before litigation has to be commenced, but the commissioners' policy has been that the board is-- they are responsible for maintaining the independence of the board, and they have repeatedly said that participating, at least in the Mayor's Management Report, they believe would be an impermissible infringement on that independence.

COUNCIL MEMBER DILAN: By state law or by--does the City, in your opinion, have the authority and jurisdiction to change this?

STEVE RICHMAN: I believe that the state law, the provisions that cited 3-212 preempt that, that's the provision for reporting to the local legislative body for all Boards of Elections.

COUNCIL MEMBER DILAN: So there's my answer. Okay. As it relates to 613, and which I also believe is good, and that's the privacy of the e-mail lists. What is the current policy on

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the e-mail data that you collect right now?

DAWN SANDOW: We don't share the e-mails.

COUNCIL MEMBER DILAN: You don't share, but--

DAWN SANDOW: No.

COUNCIL MEMBER DILAN: --so how--is it possible--

DAWN SANDOW: [Interposing] It's an opt-in so it's--

[Crosstalk]

COUNCIL MEMBER DILAN: Yeah, yeah, is it possible to be bought in the private market by a consultant at all?

DAWN SANDOW: Not from us.

STEVE RICHMAN: Not from us, unless someone hacks in. There's no legitimate way to acquire that.

COUNCIL MEMBER DILAN: So nobody buys e-mail list by assembly district, congressional district--

STEVE RICHMAN: [Interposing] We don't sell them.

DAWN SANDOW: No--

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[Crosstalk]

COUNCIL MEMBER DILAN:

[Interposing] All right, but I'm telling you there's people out there that do, so how do they get that data?

STEVE RICHMAN: You're talking about private commercial vendors who--

COUNCIL MEMBER DILAN:

[Interposing] Yes.

STEVE RICHMAN: --take the voter registration lists and then acquire that data from other sources, and then they sell it as a commercial product.

COUNCIL MEMBER DILAN: Okay. So then could this be susceptible to that same selling of the commercial product that we currently have now?

STEVE RICHMAN: We do not--our vendor has assured us that it's a secure system and we are not making that available. It's only for the use of the board itself. And any--

DAWN SANDOW: [Interposing] It's in our system.

STEVE RICHMAN: --any transmission

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2 outside of that would violate both the board
3 policies and, if it's done by the vendor, it would
4 be the contractual agreement with the board.

5 COUNCIL MEMBER DILAN: Okay. Okay.
6 'Cause I think it's good and certainly I know of
7 entities that have purchased e-mail lists by
8 assembly district, by council--no, not from the
9 board--

10 STEVE RICHMAN: Okay.

11 COUNCIL MEMBER DILAN: --not from
12 the board, but obviously, if we're purchasing it,
13 it has to be bought from somewhere and it has to
14 come from somewhere, so I just want to know how
15 they did it. And very concerned about privacy in
16 that regard.

17 So that will be the only other
18 question I had on that bill, I'm glad to see that
19 that safeguard was included because I think it
20 will help you and help the voters of this city if
21 we can find a safe and secure way to do it.

22 With that, Madam Chair, I conclude
23 my questioning.

24 CHAIRPERSON BREWER: Thank you very
25 much. Council Member Williams and then Council

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2 Member Halloran, and I think Council Member James
3 was here earlier.

4 COUNCIL MEMBER WILLIAMS: Thank you
5 again, Madam Chair. And thank you again for
6 coming out to testify. Had a couple of global
7 questions, and then I had a question about Intro
8 760. So, as has been said and, as you know, I had
9 tremendous issues on primary day and I had some
10 pretty good tweets back-and-forth with the board
11 about that, which was helpful actually. It was
12 unfortunate that some of the information I felt
13 wasn't available to either the poll worker or the
14 voter itself.

15 I did want to tell about one
16 person, her name is Marie Yolene Delice
17 [phonetic], or Delecy. On primary day, she was
18 not in the BOE book and so she decided to do a
19 affidavit. On October 6th, she was sent a letter
20 saying that the affidavit was not valid because
21 she was in the wrong ED. And the poll worker was
22 the one that filled it out and actually put the
23 wrong AD. We actually did a check and the BOE
24 notice that she was given had the wrong ED in it,
25 so that was very concerning. And, luckily, she

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2 was in a district that had no primary, but had she
3 been in a district with a primary, she would have
4 missed her right to vote.

5 It was very concerning that the BOE
6 sent out wrong information, we actually looked at
7 the card that she was mailed. And, one, I wanted
8 to make sure if this is a presidential election,
9 even if they're in the wrong ED or assembly
10 district, and they fill out a affidavit, will the
11 affidavit count?

12 STEVE RICHMAN: Councilman, Steve
13 Richman. No, the state law mandates that an
14 affidavit to be valid, A, the voter has to be
15 registered and it has to be cast in the correct
16 poll site. It could be at the wrong election
17 district, but it must be in the correct poll site.
18 The state legislature codified the Court of
19 Appeals decision in the Spano--I'm trying to [off
20 mic] but it involved Assemblyman Spano and Audrey
21 Stewart-Cousins and the legislature now has the
22 same thing. To be valid, if you go into the
23 correct poll site but go to the wrong ED table,
24 your ballot will be valid for those offices you
25 would have been allowed to count. So, for

1
2 example, this year, if you're going to your poll
3 site--

4 COUNCIL MEMBER WILLIAMS:

5 [Interposing] This is for the presidential
6 election.

7 STEVE RICHMAN: For president, for
8 U.S. Senate, your vote will count no matter what
9 ballot if you're in the right poll site.

10 COUNCIL MEMBER WILLIAMS: Okay.

11 STEVE RICHMAN: But if you live in
12 the 9th Congressional district and you go to a
13 table that's from the 10th, your vote won't count
14 for Congress 'cause you aren't able to do that,
15 but it may count for your state senate and
16 assembly candidate if those are identical, but
17 they have to get to the right poll site.

18 COUNCIL MEMBER WILLIAMS: So they
19 got to be in the right building.

20 STEVE RICHMAN: Poll site, correct.

21 COUNCIL MEMBER WILLIAMS: Yes, the
22 right poll site, okay.

23 STEVE RICHMAN: And to be valid,
24 and it'll be valid for those offices that they
25 would be legally entitled to vote for.

2 COUNCIL MEMBER WILLIAMS: Just
3 saying Ms. Delecey was listed, the information you
4 sent out as being in ED 13, but her correct BOE
5 was 47, we looked that up on the website.

6 [Off mic]

7 COUNCIL MEMBER WILLIAMS: Okay.
8 And then I wanted to know--well you may have
9 mentioned it and I wasn't here, but what do you
10 attribute the many voter complaints regarding the
11 lack of information at the poll site for this
12 primary?

13 DAWN SANDOW: I believe we--at the
14 poll site or--

15 [Crosstalk]

16 COUNCIL MEMBER WILLIAMS:
17 [Interposing] Yeah, I mean, at--

18 DAWN SANDOW: --someone is voting?

19 COUNCIL MEMBER WILLIAMS: --the
20 poll site. When I was there, I had poll workers
21 who just didn't know, I had supervisors actually
22 that were close to tears 'cause people were just
23 leaving without voting. There was really a lack
24 of, I think, proper information on both ends.

25 DAWN SANDOW: Could you please tell

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me on what issues there was, it wasn't--

COUNCIL MEMBER WILLIAMS:

[Interposing] Where to vote, it was--

DAWN SANDOW: Okay.

COUNCIL MEMBER WILLIAMS: --a

primary.

DAWN SANDOW: Where to vote--

COUNCIL MEMBER WILLIAMS: Yeah.

DAWN SANDOW: --that's where the

majority of what we had mentioned before, the majority of issues were where to vote. We are calling in all the information clerks again to get retrained. We are adding extra information clerks for the presidential, there will be a minimum of two in each poll site, and then we would like two to troubleshoot on the line.

Also, when they are called in, they are being taught their--we're going to have our poster and they'll--if they have a phone and they would like to use it, they will download the QR code, so this way they will be able to, if they feel comfortable enough, to use their phone to direct the person to their correct poll site or ED AD. And they will also get a retraining on the

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[off mic] book--

COUNCIL MEMBER WILLIAMS:

[Interposing] So there--

DAWN SANDOW: --and the--

COUNCIL MEMBER WILLIAMS: --there's going to be training so the poll worker can tell the person how to use their cell phone to find the information.

DAWN SANDOW: Our information clerks, when they come in, if they would like to, we are not forcing anyone for this election, but if they would like to use their phone, they can download our QR code and they can use that. We would like the extra information clerks that are going to be working the line to be able to use that, but it's not mandatory.

COUNCIL MEMBER WILLIAMS: Can't you just--

DAWN SANDOW: But they will be trained to--

COUNCIL MEMBER WILLIAMS: --provide the QR code--

MALE VOICE: --posters.

COUNCIL MEMBER WILLIAMS: --so

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that--

DAWN SANDOW: [Interposing] It is on all--it will be in all our newspaper ads, it'll be on the mailing--

COUNCIL MEMBER WILLIAMS: [Interposing] At the voting booth, at the voting-- I'm sorry, poll site.

MALE VOICE: Poll site.

DAWN SANDOW: There'll be a poster for--

COUNCIL MEMBER WILLIAMS: Okay.

DAWN SANDOW: --there'll be a poster when you walk into all public schools, all city poll sites, state poll sites--excuse me?

STEVE RICHMAN: Housing authority too.

DAWN SANDOW: Yeah, Housing Authority. There is--

PAMELA PERKINS: [Interposing] Libraries.

DAWN SANDOW: --a large poll site, we delivered them to all the City Council members yesterday, I believe, or was it--

MALE VOICE: Friday.

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DAWN SANDOW: --Friday.

PAMELA PERKINS: Friday.

DAWN SANDOW: Friday.

COUNCIL MEMBER WILLIAMS: And--

[Crosstalk]

DAWN SANDOW: --know what day it
is.

COUNCIL MEMBER WILLIAMS: --what--

DAWN SANDOW: --be the Q & R on
that poster, so if someone's walking in, they will
be able to--it's a large poster, I believe it's--
it's in your packet.

COUNCIL MEMBER WILLIAMS: Okay.

DAWN SANDOW: If you want to take a
look at--

COUNCIL MEMBER WILLIAMS:

[Interposing] Also what's wrong with getting a
computer besides the book, the nice huge book that
we have--

DAWN SANDOW: [Interposing] That is
something we're looking into for next year.

COUNCIL MEMBER WILLIAMS: For next
year, okay. What--

DAWN SANDOW: [Interposing] We

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would need that at every single poll site--

COUNCIL MEMBER WILLIAMS: Okay.

DAWN SANDOW: --probably more than one, we would probably need two.

COUNCIL MEMBER WILLIAMS: Now with the affidavits, what efforts do poll workers take to instruct voters how to properly complete an affidavit ballot? There was huge, huge misinformation affidavit [off mic]. I had a poll worker tell a person coming to vote not to bother to do it 'cause it wouldn't be counted.

Unfortunately, in the case of Ms. Delecey, she was correct, but that information should never be given to someone. And then apparently this one was filled out wrong because of the poll worker that put the wrong AD on Ms. Delecey's.

STEVE RICHMAN: Well the instructions by state law is to advise the voter that they are in the incorrect poll site and, therefore, their ballot would not count, but if they insist upon it, they're given that ballot. Affidavit applications--

COUNCIL MEMBER WILLIAMS:

[Interposing] Wait, they're saying that the law

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says that the instruction is that--

STEVE RICHMAN: [Interposing] We're supposed to advise them that they--

COUNCIL MEMBER WILLIAMS:
[Interposing] Wrong poll site.

STEVE RICHMAN: --and they should go to their correct poll site.

COUNCIL MEMBER WILLIAMS: But you could be in your right poll site, just the wrong ED, AD.

STEVE RICHMAN: But then, again, they would be told--for example, if you have three EDs in the site, you're supposed to go to table one, you go to table two, if it's that easy, the poll worker should tell them, based on your address you should be at table one, that's why your name is not in the book here, it may be at table one and that's where you should go. But if the voter insists that they have--get a ballot, they will be given a ballot even after they have given the written slip telling them you're in the wrong poll site, that the vote will not count under state law.

Filling out the affidavit

1 application--affidavit ballot envelope is
2 relatively simple. The first part requires you to
3 give us your name, your address, your date of
4 birth. The second part needs you--oh, and if it's
5 a primary, to fill in the name of the party you're
6 enrolled in, and that's on the top. You have four
7 different options to check: You've moved within
8 the city of New York, give us your old address
9 since you've given us your new address; you claim
10 that you're registered, there is no registration
11 there; you have been asked for I.D. under the Help
12 America Vote Act's requirements and you do not
13 have that so you vote by affidavit; and the fourth
14 one--
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16 [Off mic]

17 STEVE RICHMAN: Yeah, but it's one
18 of the four boxes to check and they do that and
19 then they just have to sign it. That's it, it is
20 really not that complicated.

21 In addition, once they fill out the
22 affidavit, they've got to seal it. The inspectors
23 information that they put in there are to record
24 which poll site they came in. So even if they
25 went to the rite poll site, the inspector--even if

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2 they put the wrong ED, let's say they went to the
3 wrong ED, the list will show when it's validated
4 that they went to the correct poll site.

5 COUNCIL MEMBER WILLIAMS: So I just
6 want to make sure it's understood that that
7 information was not given properly and affidavits
8 were not filled out properly. I am a little
9 concerned about people losing their ability to
10 vote because there was a lot of poll site--I had
11 seniors told to go to one poll site and then had
12 to take transportation back. I had a woman who
13 was told to go to Borough Park, she paid for a
14 cab, went to Borough Park, wrong poll site, came
15 back to her other poll site in Flatbush, spent
16 about \$22, and then had to do an affidavit. So
17 I'm very concerned, and now if you're at the wrong
18 poll site, your vote for president won't be
19 counted.

20 I don't know how to correct that
21 except make sure we have the proper information
22 given to people with some kind of warning on the
23 thing so people can pay attention. I don't know
24 what it is, but there was a huge debacle in there
25 and I hope that's corrected so people's vote will

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2 be counted, particularly in this era of hanging
3 chads and things of that nature.

4 DAWN SANDOW: We're hoping, Council
5 Member Williams, that with the additional mailing,
6 which Council Member Brewer helped us get the
7 funding for, that all voters will be informed. We
8 have a extensive media campaign ad that's going to
9 be starting. There's a list in our packet of all
10 the media buys, the posters going up in all poll
11 sites as they're walking in.

12 [Off mic]

13 DAWN SANDOW: Our phone bank as
14 well, yes, our phone bank which serves English,
15 Chinese, Korean, Spanish, and Bengali. Also the
16 phone apps that are out there. We're hoping our
17 poll site locator, people going to our poll site
18 locator to find out where they vote. Also to view
19 their sample ballot before they go to the poll
20 site, that's a huge help for people because they
21 can increase the font if they want to, they can
22 print it out and take it with them to the poll
23 site.

24 Our coordinators are all being
25 retrained, they're coming in for debriefing and

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2 retraining, our information clerks. The Bengali
3 interpreters specifically are coming in because
4 there is changes at the poll site for them since
5 the primary, they're going to have added Bengali
6 sample ballots and also candidate lists. So we're
7 hoping with all this that it helps.

8 COUNCIL MEMBER WILLIAMS: Just a
9 couple more questions. One has to do with
10 language access. I have a huge Haitian Creole
11 speaking population, that's not one of the
12 languages included here, although I believe they
13 may have more than Bengali speakers, it may be
14 comparable to Korean. How do we get that language
15 access to people who need it?

16 STEVE RICHMAN: The only thing the
17 City of New York is required to provide is under
18 the federal Voting Rights Act, and that
19 designation is either for languages of Hispanic
20 origin, Asian American, Asian Pacific, or Native
21 American. European-based languages are not
22 covered. So the Director of the Census makes that
23 determination after each American Community
24 Survey. And so for in the City of New York,
25 Spanish has been targeted in every borough except

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2 Staten Island; Chinese in Manhattan, Brooklyn, and
3 Queens; Korean and Bengali in Queens. And then
4 what we do at that point then is, working with the
5 Department of City Planning, we do a sensitive
6 statistical analysis to do more sophisticated
7 targeting to make sure that the services are
8 provided where they are. But, Council Member,
9 there is no legal basis now to provide language
10 assistance in other than the languages designated
11 under the federal Voting Rights Act.

12 COUNCIL MEMBER WILLIAMS: How can
13 I, of the City Council Member or the City Council,
14 make sure that someone like the Haitian
15 population, and even St. Lucian population
16 actually speaks Creole, it's a huge population
17 comparable to Korean, how can we make sure that
18 they have the same access?

19 STEVE RICHMAN: Either have the
20 federal law changed to include European languages
21 in the language assistance provisions--

22 COUNCIL MEMBER WILLIAMS:
23 [Interposing] So Creole is considered a European
24 language?

25 STEVE RICHMAN: Yes, well it's a

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2 French derivative. Or at this point, or possibly
3 see state law, but as you may know, the governor
4 vetoed the Russian language bill as being a
5 excessive expense.

6 COUNCIL MEMBER WILLIAMS: So
7 there's nothing the City Council can do. And the
8 digital divide, I know there's some things that
9 are being worked out. It's quite concerning to me
10 though, we're doing a lot of things digitally,
11 which we should, but our seniors don't have the
12 same access, our immigrants don't have the same
13 access, what are we doing to try to close that
14 gap? Because, unfortunately, there's no app for
15 that.

16 DAWN SANDOW: Our phone bank, a
17 number is placed on all our ads and all the media
18 buys, it's on all our notifications. Our phone
19 bank, like I stated previously, we have
20 interpreters in the phone bank for Chinese,
21 Korean, Bengali, Spanish--

22 COUNCIL MEMBER WILLIAMS:
23 [Interposing] Probably not Creole.

24 DAWN SANDOW: --and English. No--

25 PAMELA PERKINS: Not--

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[Crosstalk]

DAWN SANDOW: --I'm sorry, but they are there to help the people that do not have access to a computer. They will go to the poll site locator, they will have computers in front of them, receive the--retrieve the information for them and give--

COUNCIL MEMBER WILLIAMS:

[Interposing] Your media buys, do you have a particular attention to, I think they call it--

[Crosstalk]

DAWN SANDOW: Yes.

COUNCIL MEMBER WILLIAMS: --me, I prefer the culturally sensitive the--

PAMELA PERKINS: [Interposing] Yes, it is, it's in the packet, it shows you--it lays out all the ethnic media--

[Crosstalk]

COUNCIL MEMBER WILLIAMS:

[Interposing] And what about churches and civic associations?

PAMELA PERKINS: One of--

DAWN SANDOW: [Interposing] All Community Boards.

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2 COUNCIL MEMBER WILLIAMS: Community
3 Boards?

4 DAWN SANDOW: Yes, let me go back
5 to my testimony, it was in the testimony.

6 PAMELA PERKINS: We work with the
7 Community Boards and all kinds of government and
8 community organizations, as well as elected
9 officials, and if you need a demo in a specific
10 area in your district, we'll bring the machines so
11 the--

12 [Crosstalk]

13 COUNCIL MEMBER WILLIAMS:
14 [Interposing] Where can I find the media buy?

15 PAMELA PERKINS: It's in--

16 MALE VOICE: Is it this one?

17 COUNCIL MEMBER WILLIAMS: I think--

18 [Crosstalk]

19 PAMELA PERKINS: Yeah, it's in this
20 one. Yeah.

21 COUNCIL MEMBER WILLIAMS: Yeah.
22 I'm just trying to find it. And where did you--
23 did you contact the local electeds or community
24 groups to find out which papers you need to get it
25 in to reach the--

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2 DAWN SANDOW: [Interposing] We deal
3 with the community groups.

4 COUNCIL MEMBER WILLIAMS: The
5 community groups that you still put in here?

6 DAWN SANDOW: The community groups
7 listed who we--no, we just--there is the media buy
8 of where we're placing our ads.

9 COUNCIL MEMBER WILLIAMS: Okay.
10 'Cause I'm here and what you have--what you called
11 ethnic papers for culturally sensitive media, but
12 we have ethnic papers Viva El Diario, Well Journal
13 New York, Sing Tao Daily, El Thikini [phonetic],
14 Bengali Patrika, Korea Daily, India, and New York-
15 -

16 VALERIE VAZQUEZ: Yes.

17 COUNCIL MEMBER WILLIAMS: --that
18 correct?

19 FEMALE VOICE: And Thikana.

20 VALERIE VAZQUEZ: Yes. When we
21 refer to ethnic newspapers, we're referring to the
22 legally required--

23 CHAIRPERSON BREWER: Valerie--

24 [Crosstalk]

25 CHAIRPERSON BREWER: --just

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introduce yourself.

VALERIE VAZQUEZ: Valerie Vazquez,
Director of Communications.

COUNCIL MEMBER WILLIAMS: Last time
this came up, I gave some names of particularly
Haitian papers that we can put some of this
information in. I don't see any Haitian papers
here where particular will be able to speak Creole
or get the information to the Creole speakers. So
how would I, as a Council Member, get information
to you? I did it at a hearing here and for some
reason it's not on here, so I think we're
significantly missing--as well as just the
Caribbean population in general. I see Jamaica
Times, but is it--

VALERIE VAZQUEZ: [Interposing]
Jamaica refers to the area in Queens.

COUNCIL MEMBER WILLIAMS: I see, so
we don't have anything--

VALERIE VAZQUEZ: [Interposing] So
it's borough, right, in each borough we're
targeting community newspapers, we--

COUNCIL MEMBER WILLIAMS:
[Interposing] But there's nothing here for the

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Caribbean paper.

VALERIE VAZQUEZ: That would fall under the ethnic newspapers and--

COUNCIL MEMBER WILLIAMS: Yes.

VALERIE VAZQUEZ: --as discussed, we have it for the legally required languages, which are Spanish, Korean, Chinese--

[Crosstalk]

COUNCIL MEMBER WILLIAMS: And these same papers like Korea Life, they actually have one called Caribbean Life that will be nice to focus on.

So maybe we can talk because you have whole swaths of the population that this is not [off mic]. Caribbean is a huge swath of the population in Brooklyn--

CHAIRPERSON BREWER: [Interposing] You should put one in the Caribbean paper, okay?

PAMELA PERKINS: We still have time, we can incorporate that in--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing] They will incorporate it, Council Member.

COUNCIL MEMBER WILLIAMS: Thank

1
2 you. You have Caribbean Life and you have Carib
3 News, you have Haitian Times.

4 [Off mic]

5 COUNCIL MEMBER WILLIAMS: Okay.

6 And lastly, with my bill--so you were given
7 150,000 over the past two years, registration
8 cards, and we got 2,300 back. That's not really
9 good and we don't know what's working and what's
10 not working, and that 2,300 didn't have a
11 breakdown of where they were coming.

12 And Intro 760 is trying to rectify
13 that and I know you said it's a unfunded mandate.
14 I'm trying to figure out what would cost so much,
15 I think you said you would need 145 [off mic].
16 I'm trying to figure out why it's not just 19 for
17 the agents that you have, and then you say you'd
18 have to manually put in the information, but
19 wouldn't the QR code make it a lot easier to get
20 this information in there?

21 DAWN SANDOW: The voter reg doesn't
22 have a Q & R code, we do refer to in the testimony
23 that we would have to upgrade our system. Now, of
24 course, you know, given if we have more time, I'm
25 sure our managers can sit down and discuss maybe

1
2 how we can upgrade the system, but quite honestly,
3 you know, we put down what we felt in a group
4 moving forward in the time period that we had,
5 because we are preparing for a presidential
6 election. We're not saying that the board does
7 not want to do this, what we're trying to say is
8 that it is--we're not funded. Are we going to be
9 funded to upgrade our system, upgrade the
10 registration system, the staffing? I did state
11 previously that we have one permanent staffer in
12 our registration department--one to take care of
13 five boroughs.

14 COUNCIL MEMBER WILLIAMS: And where
15 did you get that it would need 145 different
16 versions of the registration?

17 STEVE RICHMAN: Because under this
18 federal law, we are required to provide language
19 assistance and then cover the languages a voter
20 registration form. So each agency would need five
21 forms: One in English, one in Spanish, one in
22 Chinese, one in Korean, and one in Bengali. So 5
23 forms times the 29 agencies comes to 145--

24 [Crosstalk]

25 COUNCIL MEMBER WILLIAMS:

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[Interposing] What do you do now?

STEVE RICHMAN: We provide now what you have, Council Member, it says local--it says a Code 29, which is the Local Law code, and we provide that, that's why it's not agency specific. I think one of the things we'd like you to consider is--

COUNCIL MEMBER WILLIAMS:

[Interposing] Wait, slow down, slow.

STEVE RICHMAN: Code D.

COUNCIL MEMBER WILLIAMS: Well what do we do now? You get these registration forms and then--

STEVE RICHMAN: [Interposing] And then manually track them.

COUNCIL MEMBER WILLIAMS: How many languages are they in?

STEVE RICHMAN: All five languages.

COUNCIL MEMBER WILLIAMS: Okay.

STEVE RICHMAN: And they're not agency specific, we're just keeping them as a Local Law 29--

[Crosstalk]

COUNCIL MEMBER WILLIAMS:

1 [Interposing] So why would this change it to--
2 whatever the number is now, how would that
3 increase it to--
4

5 [Crosstalk]

6 STEVE RICHMAN: [Interposing] Right
7 now, we have one code for every city agency, all
8 of them covered--

9 COUNCIL MEMBER WILLIAMS: Okay.

10 STEVE RICHMAN: --and with the
11 exception of CUNY because they print for a
12 separate form. One of the things we would like to
13 maybe ask you to think about is maybe have the
14 agencies themselves track what they give out--

15 COUNCIL MEMBER WILLIAMS: Okay.

16 STEVE RICHMAN: --and so we can
17 see, at least you'll what's being distributed.

18 COUNCIL MEMBER WILLIAMS: Okay.

19 STEVE RICHMAN: And then coming
20 back in, part of the problem is is to each time
21 you're adding an additional layer of reporting, we
22 have no problem but we need staff and the
23 resources to do it.

24 CHAIRPERSON BREWER: I think the
25 Council Member idea is a good one and we should

1
2 sit down with DoITT, Operations, you, and the
3 agencies and figure something out. I think it's a
4 very good idea.

5 COUNCIL MEMBER WILLIAMS: But you
6 also said you're manually tracking?

7 STEVE RICHMAN: Yes.

8 COUNCIL MEMBER WILLIAMS: So
9 wouldn't that be a cost saving measure, if you
10 don't have to manually track it anymore?

11 STEVE RICHMAN: Well right now,
12 under the current system we'd have to track them
13 now by individual agency--

14 COUNCIL MEMBER WILLIAMS: Okay.

15 STEVE RICHMAN: --we don't have a
16 system in place, it's a manual system.

17 COUNCIL MEMBER WILLIAMS:
18 [Interposing] Thank you. I'll be happy to look
19 into having the agencies be the ones that track
20 it. But thank you very much. I do have to say
21 I'm really dismayed with the culturally sensitive
22 media that there's this whole swaths that weren't
23 there, so hopefully we can correct that. Because
24 that's a particular swath that may not come out as
25 much as others should and we have to be doing what

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we can to increase that.

DAWN SANDOW: Remember, Council Member, we would look to please all ethnic--

COUNCIL MEMBER WILLIAMS: Yes.

DAWN SANDOW: --all of them, but if--

[Crosstalk]

DAWN SANDOW: Yeah, there's 170--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing]
We'll work on it, but--

DAWN SANDOW: --languages so--

CHAIRPERSON BREWER: --Council Member Williams showed up today.

[Off mic]

CHAIRPERSON BREWER: Oh.

COUNCIL MEMBER WILLIAMS: --last time and I gave--

CHAIRPERSON BREWER: [Interposing]
That's right, that's why I think--

COUNCIL MEMBER WILLIAMS: --I gave suggestions.

CHAIRPERSON BREWER: --that's why I think you should--we'll work on your culturally--

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PAMELA PERKINS: [Interposing]

We're going to get back to you.

CHAIRPERSON BREWER: --appropriate--

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[Crosstalk]

COUNCIL MEMBER WILLIAMS: Thank you very much.

CHAIRPERSON BREWER: Council Member Halloran.

PAMELA PERKINS: Thank you.

COUNCIL MEMBER HALLORAN: First, let me commend the board on the job that you've done in a short time trying to fix a myriad of problems you didn't create with a budget that isn't enough. And I'm shocked to hear my colleague in government tell me finally maybe we're taxing our citizens too much. I think that's extraordinary that a Democrat sitting up here had the temerity to say that it's too taxing to actually follow the IRS requirement that's not your decision to make to take the taxes out of someone's paycheck and it's too much. I just think that absolutely blows my mind.

The second thing that blows my mind

1
2 is that we're now having a discussion about
3 advertising in one particular ethnic paper. Is my
4 community going to get an Italian version of this
5 done in the Italian press? Are we going to go to
6 the Polish community and do that same thing with
7 the Polish press? And where would my colleague in
8 government like us to get the money to do that in
9 a budget where this Mayor won't even let us put
10 gym teachers in a classroom? Okay? I think this
11 is absolutely a ridiculous conversation to be
12 having.

13 If we're going to hit every
14 ethnicity that under-votes, we're talking about
15 basically 130 of the 147 languages in the city of
16 New York, okay? The federal government has
17 identified five language groups--

18 [background noise]

19 COUNCIL MEMBER HALLORAN: --voted,
20 I know how to fix this problem: We make English
21 the official language of the United States and
22 required citizens like every other country in the
23 world to vote only English, but provide
24 information--

25 CHAIRPERSON BREWER: [Interposing]

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Council Member--

COUNCIL MEMBER HALLORAN: --in the board on other languages.

CHAIRPERSON BREWER: --a question--

COUNCIL MEMBER HALLORAN: You know, Madam Chair, every other Council Member who has spoken here for at least 30 minutes each has been given the opportunity to give a dialogue, and I, the only Republican, bipartisan there, has to be Republicans and Democrat, this committee, not a single Republican on it. So with all due respect, Madam Chair, and I have always been respectful to you, I'd like to be able to say what I think I need to say in defense of the other side of the argument on all these issues, which is not getting any airtime in this committee, okay?

Let's take a look at some of the numbers that we're talking about when we talk about disparity. I see Manhattan, the Bronx, Brooklyn, Queens, Staten Island with a number of poll workers assigned to each site, and then I looked at the breakdown of the population in each of those boroughs. Why does Manhattan, which has roughly the same population of voters, which is

1
2 far less than the actual number of citizens in it,
3 have more poll workers assigned by a significant
4 margin than Queens? And why does the Bronx have
5 the same number with a significant less number of
6 voters in it? Why would that be? I'm looking at
7 appendix 2, Poll Worker Deployment, from the
8 report of the BOE that our department did.

9 DAWN SANDOW: Some boroughs had
10 borough-wide elections and some did not.

11 COUNCIL MEMBER HALLORAN: Okay. So
12 that's just a function of whether there was a
13 borough-wide election.

14 DAWN SANDOW: Yeah, Staten Island
15 only--

16 COUNCIL MEMBER HALLORAN:
17 [Interposing] Has none, and well we know that they
18 have--

19 DAWN SANDOW: Yes.

20 COUNCIL MEMBER HALLORAN: --very
21 little resources.

22 PAMELA PERKINS: They had a [off
23 mic] race--

24 [Crosstalk]

25 COUNCIL MEMBER HALLORAN: That's

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it.

STEVE RICHMAN: Yeah.

COUNCIL MEMBER HALLORAN: So it's only a function of whether there's borough-wide..

STEVE RICHMAN: For a primary--

DAWN SANDOW: Depends on--

STEVE RICHMAN: --election, Council Member, we only open those election districts of poll sites having actual primaries.

COUNCIL MEMBER HALLORAN: Okay.

STEVE RICHMAN: With Kings and New York Counties had a countywide primary for judicial offices so every poll site was open there. Bronx also, I believe, had a surrogates countywide race. So those three had countywide races. Queens, for whatever reason, did not have a countywide race and Staten Island did not have a countywide race. Staten Island only had an Independents party primary for assembly in one district.

COUNCIL MEMBER HALLORAN: Can we find out, I know one of the things that everyone has brought up is the fact that we couldn't find where we're suppose to vote, and I know those

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2 books become cumbersome and difficult. Each year
3 I give out Reso A money to every organization
4 under the sun, and iPads cost a certain number of
5 dollars to meet per unit. If, in fact, the
6 administration doesn't actually buy you the
7 equipment that you need, is it possible for the
8 Council to have its Council Members purchase under
9 Reso A resolution for each poll site in their
10 district? Or is that--

11 [Crosstalk]

12 STEVE RICHMAN: We're allowed to
13 accept gifts from anyone who want to do it as long
14 as it's not--

15 COUNCIL MEMBER HALLORAN:

16 [Interposing] Well we can't--

17 [Crosstalk]

18 STEVE RICHMAN: --to influence.

19 COUNCIL MEMBER HALLORAN: --but I'm
20 glad you guys can.

21 STEVE RICHMAN: But, no, we can
22 take--for example, if we get a grant money or
23 something else from a foundation, I guess, I don't
24 know of anything, I think you should check with
25 your general counsel to see if you could use

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Council money for that, but any support we get, I think we'd be grateful.

COUNCIL MEMBER HALLORAN: Okay.

So, again, I would--

DAWN SANDOW: [Interposing] We are looking into those electronic poll books, so I will hold you to that.

COUNCIL MEMBER HALLORAN: Well no, I'm telling you right now that if you get a clearance from our counsel's office, I am telling you Council District 19, if I'm still a Council Member, or if I'm in Congress, I'll find another way to get you money, will put in its Reso A package next year money for each poll site to have one at each poll site available so we eliminate this problem. Two, let's start with one and see where I can get you from there--

STEVE RICHMAN: Yeah, okay.

COUNCIL MEMBER HALLORAN: --okay?
On the numbers.

Back at the last hearing, I asked you a question about the Florida voters and whether or not there was a way to cross-check. Since then, there's been two stories, one was run

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2 by NBC news, the other was done by WPIX, in which
3 they indicated they were able, in a 10% sampling
4 of voting in New York City in the primaries, able
5 to determine that there were at least 31
6 individuals who had voted both in the Florida
7 primary and the New York primaries this year. A,
8 has the board done anything to prosecute those
9 individuals, to refer them out for prosecution?
10 In Florida, it's actually a D Felony to vote in
11 more than one election. You know, it's barred by
12 federal law to vote in more than one election.
13 Has the board done anything to follow up on that?

14 And second question to that, if
15 they have not, which I'm going to presume you have
16 not, do you have any intention whatsoever of doing
17 anything meaningful when it comes to stopping and
18 preventing voter fraud from taking place? As you
19 know, the media reported that up to 40,000 people
20 are registered in both Florida and by absentee
21 ballot in New York over the last five years.

22 STEVE RICHMAN: Council Member, I
23 know we had the discussion. Two things, one, we
24 are not a law enforcement agency. However, if a
25 registered voter appears before the commissioners

1
2 and, under oath, makes a complaint to challenge
3 someone's registration, we then conduct an
4 investigation. The investigation usually involves
5 dispatching a bipartisan team to the residence and
6 speaking to the voter.

7 We also have the right under the
8 law to request the assistance of NYPD. They have
9 other duties, so we've been in the past doing that
10 to do the determinations. We have on the average
11 maybe three or four challenges a year that people
12 actually come in and make the applications. I
13 believe there was one this summer, I believe the
14 matter was resolved, that the individual is
15 eligible to vote. This was, in this case, I
16 believe, part of ongoing family dispute.

17 COUNCIL MEMBER HALLORAN: So just--

18 STEVE RICHMAN: [Interposing] But
19 reports from news media is not sufficient for us
20 to take action, the statute requires a voter to
21 come forward and execute a sworn statement before
22 the commissioners.

23 COUNCIL MEMBER HALLORAN: Okay.
24 And sua sponte, that doesn't happen within the
25 commission. So, in other words, if the Daily News

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2 prints a list of names and boroughs of residence
3 of voters that have voted in Queens and voted in
4 county of Miami, the Dade County, Miami, Florida,
5 in this election cycle, that wouldn't matter to
6 you unless somebody else brought you an affidavit
7 and said I read the newspaper article, I'm a voter
8 in New York and--

9 STEVE RICHMAN: [Interposing] No,
10 the statute requires that they have personal
11 knowledge.

12 COUNCIL MEMBER HALLORAN: So, okay,
13 so in other words, what you're saying to me is
14 there's absolutely nothing that can be done on--as
15 you indicated the NYPD will not conduct these
16 investigations, they're too busy; you do not have
17 law enforcement authority to conduct these
18 investigations. So essentially what you're
19 telling me is that it's too bad for the voters of
20 the state of New York, they have no recourse
21 unless they personally--

22 STEVE RICHMAN: [Interposing]
23 Council Member--

24 COUNCIL MEMBER HALLORAN: --know
25 the person who's committing voter fraud.

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2 STEVE RICHMAN: --the only thing
3 our investigation can do is can result in the
4 cancellation of the person's registration. What a
5 law enforcement agency does with knowledge and how
6 they go about that, you should direct it to those
7 agencies.

8 COUNCIL MEMBER HALLORAN: Okay.
9 Now, I also have this wonderful picture you guys
10 supplied of the post office and a hundred and
11 something plus postcards of notice to voters about
12 where they should vote that didn't go on it. I
13 believe I heard you correctly when you said the
14 postal authorities didn't know if they were
15 actually going to prosecute this postal employee,
16 is that correct?

17 DAWN SANDOW: That's what was
18 stated to Pam and I when we did speak with the
19 agent over the phone.

20 COUNCIL MEMBER HALLORAN: Okay.
21 And we don't know the extent to which this may
22 have happened by this carrier or other carriers on
23 other occasions?

24 PAMELA PERKINS: No.

25 DAWN SANDOW: No, they are

1
2 conducting an--yeah, they're conducting an
3 investigation, they've said that they would get
4 back to us. I did ask for it in writing and we
5 have not heard back yet.

6 COUNCIL MEMBER HALLORAN: Okay.

7 And--

8 DAWN SANDOW: From the agent.

9 STEVE RICHMAN: Again, I think the
10 commissioners are--if we get the documentation, I
11 think at least that would be referred at that
12 point to the appropriate U.S. attorneys because,
13 again, this would be a violation of a federal
14 statute, not a state law or a city regulation, so
15 it's outside the purview of DOI or a D.A.--

16 COUNCIL MEMBER HALLORAN: Right.

17 STEVE RICHMAN: --but, again,
18 normally it would be the province of the postal
19 inspectors who is the one who brought this to our
20 attention, but I guess the U.S. attorney, my
21 understanding, would have concurrent jurisdiction
22 if they wanted to pursue anything.

23 COUNCIL MEMBER HALLORAN: Okay.

24 And would you make a recommendation should you--
25 once you get this final report from the postal

1
2 inspectors, will you be making a recommendation to
3 the U.S. Attorney's office directly?

4 STEVE RICHMAN: I think we'll
5 recommend to the commissioners that we be
6 authorized--

7 COUNCIL MEMBER HALLORAN: Right.

8 STEVE RICHMAN: --to do that, it's
9 up to the--

10 [Crosstalk]

11 COUNCIL MEMBER HALLORAN:
12 [Interposing] And then the commissioners vote, I
13 understand.

14 STEVE RICHMAN: Yes.

15 [Crosstalk]

16 COUNCIL MEMBER HALLORAN: And when
17 I say these things, I don't mean that you guys
18 will do them personally, I mean that you'll put it
19 to the commissioners for a vote.

20 DAWN SANDOW: Yes.

21 STEVE RICHMAN: As an attorney, I'm
22 very hesitant to refer anything based on a phone
23 call to a prosecutor, I'd like to get something in
24 writing.

25 COUNCIL MEMBER HALLORAN: Absolute,

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I understand completely. And my last--

DAWN SANDOW: [Interposing] That's what we are waiting for.

COUNCIL MEMBER HALLORAN: And I appreciate that, and thank you for at least doing the follow up, it's amazing that you were able to track it to know it's stymied somewhere at the post office, which is, I'm sure, why we got--

[Crosstalk]

COUNCIL MEMBER HALLORAN: --to an investigation. Had you not been able to track it to know that it stopped at the post office, who knows where we'd be.

DAWN SANDOW: I think they received many phone calls. As we were receiving complaints, we were calling the vendor, and I'm sure that they received plenty of complaints. They said they did get an anonymous tip.

COUNCIL MEMBER HALLORAN: I appreciate that. My last question has to do with your response to the call taking process where it indicates you received 94 calls relating to problems with poll workers. You had 2,800, I think, citywide, you found 95 were unfounded, and

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2 then 49 were related to poll worker behavioral
3 issues, 45 in response to poll workers not
4 following proper procedure. Of the 49 related to
5 poll worker behavioral issues, can you just give
6 us a broad idea of what you mean by that and what
7 actions was taken to remedy it? And then
8 similarly in the 45 responses where there was not
9 proper procedure what we're talking about and what
10 was done to remedy it.

11 DAWN SANDOW: Behavioral issues
12 could be the way they were treating voters when
13 they came into the poll site, it could be a
14 conflict between two poll workers at a poll site.
15 Most of the times that's what the issue is.

16 As far as procedural issues, we did
17 receive phone calls where poll workers,
18 information clerks were not giving out the proper
19 information, we did dispatch our ED monitor teams
20 immediately to those sites. Aside from that,
21 those poll workers--it's documented in the
22 reports, and aside from that they are called into
23 the Board of Elections in their borough to go over
24 what the procedural issues are that they had
25 problems with.

1
2 There were--I can't tell you which
3 borough, I believe there was a few in the Bronx,
4 but that's the only borough that I have right
5 here, but there were some that were dismissed.
6 There were some that I went to and Pam went to,
7 and we went with a actual site coverage record.
8 And as we went into these sites, we did make notes
9 next to certain poll worker's names to state
10 either they needed to be removed or they needed to
11 come in, we felt, for more training. And that's
12 what our ED monitors are doing out in the field
13 and also our general office monitoring teams.

14 COUNCIL MEMBER HALLORAN: I just
15 have one other question and it's just a generic
16 one. To do the job the way you need to do the
17 job, how much more would your budget require,
18 realistically speaking, given the issues you've
19 identified here so that we don't have the natural
20 problems, the endemic or systemic problems that
21 you're facing right now. What's the real number
22 for our otherwise-independent City Board of
23 elections?

24 DAWN SANDOW: A hundred and four
25 new heads came in to what?

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PAMELA PERKINS: We--

[Off mic]

JOHN WARD: John Ward, Finance Officer, Board of Elections. We have recently submitted to the City Council and OMB a new needs request of approximately \$3 million to fund \$1 million in salaries and \$2 million in OTPS spending to update our computers, to have ENR [phonetic] teams, all really important, good stuff, and we're hoping--we've received a series of questions from OMB and we've answered those questions, and we're hoping that this will be given a positive light. One of the items is that additional mailing for \$1.6 million where we have been assured that the funding is coming.

Now, we also have a structural deficit in PS of about \$20 million so that would have to be added to the budget. Currently, the budget is \$88 million, so you add 20, you get 108, and then you add another three or four, we're at 112. That's where we are.

DAWN SANDOW: Our EVS department that we asked for and--

[Crosstalk]

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2 JOHN WARD: [Interposing] And this
3 new department of the 12 heads would be another
4 504,000. And, again, I'm using rounded numbers.

5 COUNCIL MEMBER HALLORAN: I
6 understand and appreciate that, and I'd just like
7 to point out that the overtime budget of the New
8 York City Police Department is \$500 million a
9 year, and we're talking about one-fifth of that to
10 actually operate the most important thing that
11 goes on in the city of New York--the elections of
12 its public officials.

13 DAWN SANDOW: I just want to state
14 the importance of the EVS department that we did
15 put in for.

16 [Crosstalk]

17 CHAIRPERSON BREWER: All right.
18 Okay. And you--

19 [Off mic]

20 CHAIRPERSON BREWER: Thank you very
21 much. Council Member Williams, really fast.

22 [Crosstalk]

23 JOHN WARD: We also have request
24 for 104 additional heads, which would cost \$3.4
25 million.

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2 COUNCIL MEMBER WILLIAMS: I just
3 want to clarify one thing, so thank you. And
4 then, of course, I think you do try to do a really
5 good job and I thank you already for the point
6 size. With the media, I just wanted to say, I
7 think that we have enough media dollars here, it's
8 just a matter of refocusing someplaces, so I don't
9 even think the question is definitely more money,
10 but we should try to find a way to get this money
11 to focus on particular groups, thank you.

12 CHAIRPERSON BREWER: We'll work on
13 that, thank. Okay. The issues I have are the
14 following: Doug Kellner [phonetic] points out, I
15 know you are agreeing it, that you're going to
16 have a high turnout, particularly in the morning,
17 in the presidential election. Can you just walk
18 me through between the QR, maybe somebody outside
19 with a clipboard telling people what to do and
20 giving them information on the line, is somebody
21 going to use a bullhorn with a permit to use--have
22 noise? How are you actually going to tell these
23 long lines that they have alternatives--they don't
24 read posters, they just don't--how are you going
25 to minimize the long lines? 'Cause it does

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discourage people.

DAWN SANDOW: [Interposing] We are adding--there's a--we're adding extra information clerks--

CHAIRPERSON BREWER: Okay.

DAWN SANDOW: --we're looking at the amount of voters per poll site. Anywhere where there's 800 or more voters in that poll site, all poll sites will have a minimum of two, but anywhere there's more than 800 or more voters, we will add an extra two information clerks to work the line. One will be working the line and one will be troubleshooting so that they don't hold up the line. If there's a problem and someone cannot find this person in the book, they will be referred to the troubleshooter the information.

CHAIRPERSON BREWER: All right, for the young people who do have some kind of a device be it an Android, a Blackberry, a smartphone, iPad, whatever they have, will the troubleshooter information person be looking for that to explain that they can use it to find the table that they're supposed to go, something simple like

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that?

DAWN SANDOW: Yes, well our information clerks, like I previously state--

CHAIRPERSON BREWER: [Interposing] But can the information clerks do that?

DAWN SANDOW: They'll all be aware that there will be that poster with the Q & R to direct a young voter if they want to use it as to where to go--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing] So they'll walk up and down the line and tell people that.

[Crosstalk]

CHAIRPERSON BREWER: That's what I'm trying to picture.

DAWN SANDOW: Yes, we--

CHAIRPERSON BREWER: 'Cause that's how--

[Crosstalk]

DAWN SANDOW: --and we're putting that in our training and all our information clerks--

CHAIRPERSON BREWER: [Interposing]

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And maybe the district leaders can do that? Are they allowed to do that, to tell people to do that if the line is long and the information clerk can't do it?

STEVE RICHMAN: Yeah and the other thing, Council Member, we are [off mic] to remind people that polls are open, not just at 6 a.m., but through 9 p.m.

CHAIRPERSON BREWER: Well they know that.

STEVE RICHMAN: Well no, I think they--

CHAIRPERSON BREWER: [Interposing] They show up in the morning whether you like it or not. That's what they're going to do.

STEVE RICHMAN: Well in 2008 everyone showed up in the morning--

CHAIRPERSON BREWER: [Interposing] In the morning.

STEVE RICHMAN: --hours and there was no evening rush.

CHAIRPERSON BREWER: I know that, I was there.

STEVE RICHMAN: Every election

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2 since then, we've gone back to the more
3 traditional pattern--

4 CHAIRPERSON BREWER: Okay.

5 STEVE RICHMAN: --of having morning
6 and afternoon--

7 CHAIRPERSON BREWER: [Interposing]
8 Morning and evening, I'm concerned about, and I
9 just want to be sure that something simple like
10 you can figure out a way to get to the right table
11 without waiting in this long line is communicated.
12 And you're saying hopefully it will be
13 communicated.

14 STEVE RICHMAN: Yeah, the problem
15 is going to be when the line to get to the actual
16 table to sign in goes out the door, which is the
17 problem we had in 2008.

18 CHAIRPERSON BREWER: Okay.

19 STEVE RICHMAN: Brooklyn Supreme
20 Court for Brooklyn Heights--

21 CHAIRPERSON BREWER: [Interposing]
22 Okay. I don't need to know the whole history, I
23 just--

24 STEVE RICHMAN: [Interposing] --all
25 800 voters showed at 6--

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[Crosstalk]

CHAIRPERSON BREWER: Okay.

STEVE RICHMAN: --in the morning--

[Crosstalk]

CHAIRPERSON BREWER: Okay. No, I'm just saying is with technology, there are some ways of addressing it, but somebody has to communicate it in a responsible way, you're saying that hopefully will happen.

PAMELA PERKINS: Yes.

CHAIRPERSON BREWER: Number--

[Crosstalk]

DAWN SANDOW: [Interposing] --be communicated, what I was trying to say is it will be communicated during the retraining.

CHAIRPERSON BREWER: Okay. But I'm just saying you have to know what the types of communication devices are in order to be able to communicate it, I'm just pointing that out. So whoever is doing the communication has to be able to articulate what it could be used for.

Ballot jams, apparently for the September primary they increased by 75% compared to the June primary, and I wanted to know what you

1
2 attribute this increase and what are we doing to
3 make sure it doesn't happen for the general
4 election? I mention this because I had a
5 wonderful experience, as you know, at the precinct
6 regarding the counting with technology using the
7 memory devices, PMDs, whatever you want to call
8 them. But I also was able to glance at some of
9 the materials brought by your fabulous staff and
10 it is clear that there were a lot more ballot jams
11 than in the past. How are we going to fix it?

12 JOHN O'GRADY: Councilwoman, my
13 name is John O'Grady, I'm Chief Voting Machine
14 Technician. We identified those machines with the
15 high ballot jams and had the vendor come in and
16 look at those machines and adjustments were made
17 on those machines to address the high ballot jams
18 issues on those machines.

19 CHAIRPERSON BREWER: All right, so
20 you think it will be less of a problem.

21 JOHN O'GRADY: Yes.

22 CHAIRPERSON BREWER: And was it the
23 long paper, was it more grease, was it
24 programming?

25 JOHN O'GRADY: In Manhattan, it was

1
2 the longer paper, coming back, it was hitting the
3 roller in the back of it and the track, so those
4 have been adjusted.

5 CHAIRPERSON BREWER: Okay. You got
6 calls to the call center, I assume NYPIRG got some
7 calls, other people got calls, how have you dealt
8 with them so that those call issues are addressed?
9 In other words, people called about this and that
10 and the other. One example, I was at a luncheon
11 earlier, Barbara Fife, whom we all know, former
12 Deputy Mayor, she lives--oh, I think it's 60
13 something and Central Park West, and she was told
14 to go to the McBurney Y, which is way downtown. I
15 think somebody got the two Y's mixed up, there's
16 one on 63rd Street and the McBurney Y is down in
17 Chelsea. So how do we make sure things like that
18 don't happen again? To screw up at 25 Central
19 Park West was not a good idea.

20 PAMELA PERKINS: As we've mentioned
21 several times, one of the things we're doing is
22 we're going to be bringing in the information
23 clerks and they're going to be trained on how to
24 use all the--

25 [Crosstalk]

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CHAIRPERSON BREWER: [Interposing]
We had the mailing that went out told her to go to
McBurney Y is what I'm saying.

PAMELA PERKINS: Oh, okay. Well
the mailing, as I stated before--

CHAIRPERSON BREWER: [Interposing]
Is that all corrected now?

PAMELA PERKINS: Yes.

DAWN SANDOW: Just as long as
there's no ceilings--

[Crosstalk]

PAMELA PERKINS: Yeah.

DAWN SANDOW: --in any of the poll
sites we'll be okay.

PAMELA PERKINS: [Interposing]
We're not talking about emergencies--

CHAIRPERSON BREWER: Okay.

PAMELA PERKINS: --but, yes, that's
why we're waiting for all--we waited for all the
poll site changes to be done and put it--

CHAIRPERSON BREWER: [Interposing]
Okay. But this wasn't a poll site change, this
was a mistake on the mailing. The McBurney Y is
not the West Side Y.

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PAMELA PERKINS: Okay.

CHAIRPERSON BREWER: So it was called into the call line, but I just want to be sure that somebody looked at all the calls, all the complaints, and then said they all have been addressed, like--

PAMELA PERKINS: [Interposing] We do--

CHAIRPERSON BREWER: --print West Side Y and not McBurney Y, just--

PAMELA PERKINS: Yes.

CHAIRPERSON BREWER: --as an example.

PAMELA PERKINS: We do look at the calls and we do follow up if it's a procedural issue--

CHAIRPERSON BREWER: [Interposing] I get nervous.

PAMELA PERKINS: --with the poll workers, like Dawn stated before, we call them in; if it's a behavioral issue, we call them in. The coordinators are being retrained--

CHAIRPERSON BREWER: [Interposing] This wasn't a behavioral, this was a misprint.

2 PAMELA PERKINS: [Interposing] No,
3 I got--

4 CHAIRPERSON BREWER: Okay.

5 DAWN SANDOW: To--

6 PAMELA PERKINS: --and we're
7 looking--we're cleaning our files to make sure--

8 CHAIRPERSON BREWER: Okay.

9 PAMELA PERKINS: --that there is no
10 such errors.

11 CHAIRPERSON BREWER: All right.

12 DAWN SANDOW: I just want to state
13 that I would like to thank the good government
14 groups, the NYPIRG and CIDNY and Citizens Union.
15 It is--

16 PAMELA PERKINS: League of Women
17 Voters.

18 DAWN SANDOW: League of Women
19 Voters. It's great because they get in touch with
20 us during the day, AALDEF is also great for that
21 as well. If they see something, they e-mail us
22 during the day, they call it into our center--

23 PAMELA PERKINS: Yeah.

24 DAWN SANDOW: --we can rectify it
25 right away. And that's what we are trying to tell

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2 everyone that's out there: Get in touch with us,
3 if you can't call it into the system, I know
4 everybody has my e-mail because I had voters e-
5 mailing me and I was responding to those voters
6 and I was getting in cars--

7 CHAIRPERSON BREWER: Right, okay.

8 DAWN SANDOW: --and I was going to
9 poll sites so--

10 CHAIRPERSON BREWER: [Interposing]
11 But we want to make sure that, hopefully, any
12 problem that took--existed in the past is not a
13 problem, we'll have new ones.

14 DAWN SANDOW: Well--

15 CHAIRPERSON BREWER: But we want to
16 make--

17 DAWN SANDOW: Yes.

18 CHAIRPERSON BREWER: --we'll have
19 new ones--

20 [Crosstalk]

21 DAWN SANDOW: [Interposing] We do
22 take that information from the call center--

23 CHAIRPERSON BREWER: Okay.

24 DAWN SANDOW: --we take the
25 information from the AD monitor reports--

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CHAIRPERSON BREWER: Okay.

DAWN SANDOW: --we receive reports
from CIDNY and AALDEF--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing]
Okay. Well let me ask about some of the CIDNY
issues with the ballot marking devices. How are
you--I received a lot of complaints about the
people at the BMDs trying to be of assistance to
people who are using them. How is that training
going to be different? Do you have the right
people at the BMDs? It is more complicated. Lots
of complaints about the personnel at the BMD not
being able to assist a person who's using it.

DAWN SANDOW: Well when they get
training, we don't train someone specifically on
the BMD. When they come in for that six-hour
training, they're getting training on the scanner
and the BMD as well. Everyone--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing]
But some people can handle a BMD and some people
can't, so it is more complicated. And so I'm just
wondering is somebody paying attention to put

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2 somebody who wants to be at the BMD, who cares a
3 little bit more sensitivity and who will work with
4 somebody in a patient manner? That's what you
5 need.

6 STEVE RICHMAN: To some extent,
7 Council Member, it also reflects what the district
8 leaders recommend 'cause they want certain people
9 in certain places.

10 CHAIRPERSON BREWER: Okay.

11 STEVE RICHMAN: I think the other
12 part, though, is our aim is to have every poll
13 worker trained on all facets because on a given
14 election day certain people may--

15 [Crosstalk]

16 CHAIRPERSON BREWER: [Interposing]
17 No, I understand that, but I'm saying I went to
18 the CIDNY meeting on this topic and there were 40
19 very intelligent people with different
20 disabilities, I must admit, they all had a
21 complaint. So I'm trying to say it was mostly not
22 the machine but the personnel, and you got to, I
23 mean, it's got to be fixed.

24 [Crosstalk]

25 MALE VOICE: --CIDNY sharing with

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us.

DAWN SANDOW: If CIDNY could share that with us, that would be--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing] I assume they have, but we will make sure that CIDNY gives you a call tomorrow morning.

STEVE RICHMAN: And they prefer to do it through their lawyers now.

CHAIRPERSON BREWER: No, they will talk to Dawn and Pam tomorrow, we'll make sure. But I would like to see a lot more attention paid to the BMDs.

DAWN SANDOW: Just to state, when we receive a complaint, whatever complaints we do receive, we try to address immediately.

CHAIRPERSON BREWER: I know.

DAWN SANDOW: If it's not given to us, we can't--

CHAIRPERSON BREWER: [Interposing] I understand that, I just want to make sure that--

DAWN SANDOW: Yeah.

CHAIRPERSON BREWER: --that community--

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DAWN SANDOW: That was not--

[Crosstalk]

CHAIRPERSON BREWER: --that is a very important community and, as we all know, and I want to make sure that they have what they need to be able to vote on site, not--

[Crosstalk]

DAWN SANDOW: [Interposing] I understand.

CHAIRPERSON BREWER: --absentees.

DAWN SANDOW: Most definitely, we want the same thing.

PAMELA PERKINS: Well hopefully, if they can give us that information and it's not too late, we could--if there's specific areas, specific poll sites--

CHAIRPERSON BREWER: Okay.

PAMELA PERKINS: --it's not too late we can bring those--

DAWN SANDOW: Right.

PAMELA PERKINS: --poll workers in to give them additional training.

DAWN SANDOW: Or try and change this.

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PAMELA PERKINS: Or change them--

[Crosstalk]

PAMELA PERKINS: --but we need to--

CHAIRPERSON BREWER: Okay.

PAMELA PERKINS: --know ASAP.

CHAIRPERSON BREWER: Now maybe you did this already, but what were the--this is about the election night reporting and the PMDs and, as I indicated, I had a really positive experience at the precinct I was at. I took the time to go to a precinct and it was excellent. But what were the results--and I know you mentioned on page five that there was--it was better, I want to know how it was specifically in terms of accuracy and speed how it was improved. And, obviously, maybe you're comparing with the previous primary or maybe from the old machines, whatever you want, but how are you comparing? And what were the actual results too?

JOHN NAUDUS: John Naudus, Director of the Electronic Voting Systems department. During this primary election, not only did we use the new process of actually sending the PMBs to the precincts and then electronically transmitting

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2 those results to the general office, the NYPD also
3 conducted the old process of taking their [off
4 mic] of canvas and key entering those results. So
5 what we did is when we got both sets of results
6 after the election, we compared the two to each
7 other and what we saw was that with on the new
8 process we had roughly 10% more votes were
9 returned to--on the new process than on the old
10 process. Basically, meaning that even when we
11 compare now to the re-canvas, the results on the
12 new process were about 1% different than the
13 actual re-canvas numbers, whereas, the results
14 from the old process the police used, it was on
15 average like 9 to 10% difference in less votes.
16 So we are achieved, in a sense, greater accuracy
17 than the process we used in the past.

18 Problem with comparing back to old
19 elections is the primary election especially,
20 they're always changing their makeup, sometimes
21 they're full borough, sometimes they're only
22 portions of the borough, so can't really do an
23 accurate comparison back to them. So we're lucky
24 in this case that, because we use both processes,
25 we were able to see what the old process would

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2 have done in the actual election and this new
3 process.

4 Unfortunately, the time we did not
5 beat the current process, we were actually a
6 little slower than the older process. Even though
7 we achieved the accuracy, we did not achieve the
8 speed to get to the--

9 CHAIRPERSON BREWER: [Interposing]
10 And what do you attribute that to?

11 JOHN NAUDUS: Part of it, it has to
12 do with this is the first time--we train the ENR
13 staff and the police and such in this process and
14 this is their first time doing it. What we saw in
15 Queens, where we ran our previous pilots, that the
16 first election going--in the first election going
17 out in the general election of 2011, it took a
18 long time to get the sticks back because everyone
19 has to--you have to think about, okay, what am I
20 supposed to do for this process. The next time we
21 rolled out that pilot in the presidential primary
22 in April, the process went faster; we were able to
23 get the results in. Whereas, the first time, it
24 took to three in the morning, the second time we
25 got the results in by one in the morning.

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2 So this is one of those things of
3 it's going to be the training, repetitive training
4 to the police, to inspectors, and to our ENR
5 staff, and then over time as people get used to
6 the process they will be able to perform it
7 quicker.

8 CHAIRPERSON BREWER: All right.
9 And I assume part of the problem is when you're at
10 the poll site it's been a long day and the lights
11 aren't great, it's hard to follow some of those
12 directions for, I call, the yellow bags and what
13 goes in them. I know it's called return of
14 canvas, but nobody knows what in the world that
15 is.

16 [Crosstalk]

17 JOHN NAUDUS: Obviously, any time
18 you have staff work for 16 hours and then expect
19 them to follow complicated procedures at the end
20 of the 16 hours will have issues.

21 CHAIRPERSON BREWER: So you think
22 that's where the timeframe lags a bit?

23 JOHN NAUDUS: Well some of it has
24 to do with--

25 CHAIRPERSON BREWER: [Interposing]

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2 It took a while for the cops to bring in, you
3 know, they started it and--

4 [Crosstalk]

5 JOHN NAUDUS: [Interposing] Yeah,
6 some--it comes down to many factors, some of it
7 is, depending on the district, you have different
8 contests, the tape would be longer, it takes
9 longer to print. Obviously, also the inspectors,
10 if they're not following the procedures or it's
11 taking them longer to follow the procedures, it
12 will take them longer to get the bags packed and
13 handed to the NYPD. And even, as I say, even for
14 the NYPD it's a learning process, this is a new
15 thing to take the yellow bag and bring it back to
16 their precincts first.

17 CHAIRPERSON BREWER: Okay.

18 JOHN NAUDUS: So it's a learning
19 process all around on all the steps, and in this
20 general election we're going to have longer tapes
21 to print, we're also expecting that the polls will
22 not be closing at nine per se, 'cause we will have
23 lines of people, hopefully, that will be coming
24 out to exercise their rights and we will process
25 all of those voters before we close the polls--

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CHAIRPERSON BREWER: Okay.

JOHN NAUDUS: --and that will also make this process go longer for this election.

CHAIRPERSON BREWER: [Interposing] One last question, lots more people are voting, are registering to vote, and you're working your own staff and you're hiring temporary staff, I believe, to get the names in. Any extra precautions to try to get the right name in the right place for the book to be signed in at the polling place. I mean, are there different ways of doing it? Is it the same way because it's the only way? Just an update on the age-old question, my name wasn't in the book and I've been voting in that place for 40 years, which is what I heard a lot, and I think a lot of us did.

DAWN SANDOW: Well we tried to prepare by bringing in a temp agency to work 9 p.m. to 9 a.m. because we knew after--about two weeks ago we received over 142,000 just in the general office. So, of course, as you get closer to the deadline, we knew those registrations were going to increase so, I believe, they started last Wednesday--

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PAMELA PERKINS: Yes.

DAWN SANDOW: --the temp agency, and they've been going from 9 p.m. to 9 a.m. in our staff has been going from 9 a.m. to 9 p.m. Our staff did work the weekend, the temp staff did not. We had our staff there from 9 a.m. to 9 p.m.

I can't sit here and say that every entry is going to be exact, especially when they-- like we said, it's crunch time and they've been going for weeks on end now seven days a week, nine to nine with no day off.

CHAIRPERSON BREWER: Okay. All right, I think that's what we have is, obviously, many more questions and I'm sure they'll come up and I think we will follow up with some of the specific problems just to be sure that they will be addressed, okay? Thank you all very much.

PAMELA PERKINS: Thank you.

MALE VOICE: Thank you.

DAWN SANDOW: Thank you.

CHAIRPERSON BREWER: Our next speaker is Amy Loprest, Campaign Finance Board.

[Off mic]

SERGEANT-AT-ARMS: If anybody has

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copies of their statements, I'll take them.

CHAIRPERSON BREWER: Start whenever you're ready.

AMY LOPREST: Okay. Good afternoon, Chair Brewer, my name is Amy Loprest, Executive Director of the New York City Campaign Finance Board. With me today are Sue Ellen Dodell, general counsel, and Eric Friedman, Director of External Affairs. Thank you for the opportunity to testify here today. I'm going to cut out some of my written testimony, you can read what's there, given the late time.

With so many jurisdictions enacting laws to make it harder to vote, I'm pleased we're here today to discuss legislation that aims to make it easier for New Yorkers to vote and to provide them with the information they need to participate in a meaningful way, and to embrace new technology that would further enhance the role of small dollar contributors in New York City elections.

A few of the bills you will consider today will have a direct impact on our work and I'd like to focus on those. Intro 769.

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2 Since the inception of the Campaign Finance Board,
3 the Charter has required the CFB to print and mail
4 a multilingual, non-partisan voter guide to every
5 household with a registered voter. The guide
6 represents each candidate with an opportunity to
7 speak to voters free of charge, and it gives every
8 voter access to basic information about their
9 choices. We support efforts to expand access to
10 information about candidates and elections.

11 Still, it is important to note that this basic,
12 important resource comes at a significant cost to
13 the City. The Board mailed nearly 3 million
14 guides before the 2009 primary elections, and
15 nearly 4.3 million before the general. With a new
16 requirement to publish the guide in a fifth
17 language, we project the cost for designing,
18 translating, printing, and mailing the guides for
19 the primary and general elections in 2013 will be
20 nearly \$8 million.

21 If Intro 769 were to become law,
22 New York's disjointed election calendar would
23 require at least three citywide guides during
24 even-numbered years: One for federal primaries in
25 June, another for state primaries in September,

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2 and a third for the general election in November.
3 Every four years, there would be a fourth guide
4 for New York's presidential primaries. This will
5 require considerable additional expense to print
6 and mail the guide, as well as additional staff to
7 gather information from candidates and produce the
8 guide three out of every four years.

9 There are potential ways to
10 mitigate some portion of the costs associated with
11 the new requirement. As the board proposed in its
12 2009 post-election report, the bill allows voters
13 with reliable access to the Internet to opt-out of
14 receiving a printed guide in the mail and instead
15 receive an e-mail notification to view the guide
16 online when it is available.

17 One important step towards helping
18 accomplish a seamless opt-out option is we would
19 urge the Board of Elections to consider changes to
20 the voter registration forms to collect voters' e-
21 mail addresses for this purpose, as well as
22 voters' language preferences. For this year we
23 have produced online-only guides for the federal
24 and state primary elections, and will publish an
25 online guide for the general election later this

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2 week. A broader, more flexible mandate for the
3 federal and state election years would allow us to
4 expand our efforts to provide vital information
5 about elections, while allowing for the ability to
6 manage the additional costs more efficiently.

7 Intro 613, which will require the
8 CFB to send e-mail notifications of election dates
9 and deadlines to registered voters, is a
10 worthwhile proposal. In fact, we instituted a
11 program of e-mail outreach to voters and potential
12 voters earlier this year.

13 NYC Votes is the CFB's nonpartisan
14 voter registration and civic engagement campaign,
15 and with our partners across the city from
16 National Voter Registration Day, which was
17 September 25th, until the deadline for
18 registration this year, we held over 1,000 voter
19 registration drives. Through NYC Votes, we have
20 issued e-mail reminders about each of the upcoming
21 elections and important deadlines. At every one
22 of its public events and registration drives, our
23 voter assistance staff has distributed pledge
24 cards to collect e-mail and voter--and mobile
25 phone numbers for purpose of issuing election

1
2 reminders. We have about 1,000 people who have
3 signed up with our pledge card, and I have some
4 here for the Council to distribute. We collect
5 addresses through our website as well, and we
6 provide reminders of the registration deadlines
7 and election dates through Twitter @nycvotes and
8 Facebook, facebook.com/nycvotes. Here are copies
9 of our Voter Pledge card, and we urge you to
10 promote this effort with your constituents and
11 help us get the word out.

12 Our work in this area leads us to
13 suggest some changes to the bill. We would
14 suggest that the bill provide some flexibility
15 with regard to the timing and frequency of the
16 notifications. Potential voters who are bombarded
17 with repeated notifications may choose to ignore
18 them, or unsubscribe. To ensure these messages
19 have the greatest impact, we would seek to expand
20 our notification program to include links to voter
21 education material or to send messages through
22 other media, like text messages. We would again
23 urge modifications to the voter registration form
24 to collect voters' e-mail addresses for this
25 purpose.

1
2 Intro 764. The central goal of New
3 York City's public campaign financing program is
4 to encourage candidates to build their campaigns
5 with small contributions from average New Yorkers
6 and decrease their reliance on large, special
7 interest contributions. Intro 764 makes it even
8 easier for candidates to reach those small donor
9 contributors by enabling campaigns to accept
10 contributions by text message. Americans have
11 used their mobile phones to make small
12 contributions to charities for almost ten years,
13 but the practice was widely adopted in the wake of
14 the earthquake that struck Haiti in 2010. In
15 response to an appeal from the American Red Cross,
16 Americans gave more than \$30 million via their
17 mobile phones in the space of ten days--all of it
18 in \$10 contributions. The Red Cross appeal, and
19 others like it, worked because mobile donations
20 are quick, easy, and convenient. Text message
21 contributions have the potential to bring the same
22 ease and convenience to political engagement.

23 California and Maryland have
24 approved text message contribution for state
25 candidates. The Federal Election Commission has

1
2 allowed their use, and both major party
3 presidential candidates have adopted the
4 technology for their own campaigns.

5 In New York City, text message
6 contributions clearly have the potential to
7 further emphasize the role of small donor--dollar
8 contributions in our campaign finance system. We
9 have followed the evolution of this technology
10 with interest, we reviewed the opinions issued by
11 the Federal Election Commission approving its use,
12 and we have begun to consider whether a system to
13 accept contributions by text message can indeed be
14 consistent with the Campaign Finance Act.

15 There is a significant challenge
16 that separates those systems that have adopted
17 text message contributions and ours in New York
18 City--small dollar contributions in our system are
19 matched with public funds. To be matched,
20 contributions must come from individuals who
21 reside in New York City, campaigns must provide
22 information about the contributor, the information
23 must be properly documented, the contributions
24 must be reported on the campaign's disclosure
25 filings, and the contributions must otherwise be

1
2 compliant with the requirements of the Act--
3 including the limits on the size and source of
4 contributions.

5 Foremost in our consideration is
6 whether a system of text message contributions can
7 provide a reasonable level of certainty that these
8 conditions are met. We look forward to working
9 with the Council to explore these issues more
10 thoroughly.

11 I have just brief comments on the
12 other legislation, but I'm going to leave them to
13 my writing and I welcome questions.

14 CHAIRPERSON BREWER: Well thank you
15 very much. Why don't you just summarize the other
16 two bills? Because I think the public might be
17 interested and, too, 'cause it came up earlier.

18 AMY LOPREST: Okay. Well Intro
19 760, which tracks the efforts of the city agencies
20 charged with providing voter registration forms.
21 As you know, our voter assistance staff works
22 closely with those agencies to incorporate this
23 voter information in their interactions with the
24 public, and we've helped them do numerous
25 different things. With improved tracking, we can

1
2 better evaluate the effectiveness of our efforts
3 and their efforts and better recommend ways to our
4 partners to improve their voter registration
5 programs.

6 CHAIRPERSON BREWER: So you think
7 it's a good idea, if it can be worked out.

8 AMY LOPREST: Yeah, I mean, I
9 understand, you know, we wouldn't be
10 administering, but I, you know, I think that this
11 would be a good idea.

12 As far as the bill about the DOE,
13 the DOE has been a major partner in our voter
14 assistance efforts and we hope that this bill
15 would enhance and supplement their existing
16 outreach efforts.

17 And as far as the voter--the poll
18 worker bill for Intro 721, we know that poll
19 worker recruitment is a major challenge for the
20 Board of Elections and we often solicit poll
21 workers when we do our voter registration drives,
22 and we think that 721 would provide a larger pool
23 of workers for the Board of Elections.

24 CHAIRPERSON BREWER: Thank you.
25 Regarding the text message issue, do you think the

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2 \$100--I mean, there's lots of logistics, which we
3 could talk about, and you're working on offline,
4 but in terms of the \$100, is that the right amount
5 do you think? Should it be more, should it be
6 less? I think there's a matching number that's
7 slightly different. I don't know the answer, I'm
8 asking it--

9 AMY LOPREST: The \$100, you know,
10 \$100 is significant in our law because it's the
11 maximum that people can give in a cash. It's also
12 below which the contributions need not be
13 disclosed in detailed. Obviously, in order to get
14 a matching funds, all contributions have to be
15 reported.

16 I think that working out what the
17 appropriate maximum number is is going to be one
18 of those details to work out. A hundred dollars
19 seems like a logical number, I think other
20 jurisdictions have tried different numbers.

21 CHAIRPERSON BREWER: Okay. And do
22 you think that more people are using e-mail so
23 that that could produce more material? Obviously,
24 in ten years, it might be a moot point, we have no
25 idea 'cause so many people may be online. But

1
2 we're sort of in the in-between state now. So in
3 terms of the legislation that talks about federal,
4 state, and so on, you know, and it's a cost
5 factor. How do you see the e-mail, like, people
6 are signing up, do you think it makes sense to do
7 that? What, you know, down the line.

8 AMY LOPREST: Well right now, we
9 don't collect those e-mails--

10 CHAIRPERSON BREWER: [Interposing]
11 No, I know that.

12 AMY LOPREST: --and I guess, I
13 mean, the number of households who have reliable
14 access to the Internet is only growing
15 exponentially every year, but there is a
16 recognition that there are certain populations and
17 certain areas where people don't have access to
18 the e-mail. So I think one way to deal with that
19 is to allow some flexibility in the law and
20 perhaps, in addition to allowing online guides,
21 maybe bulk distributions in some certain ways, I
22 mean, other methods that can combine and help
23 contain the cost.

24 CHAIRPERSON BREWER: What level of
25 involvement do you think the CFB, even though it's

1
2 not you specifically, would have regarding the--
3 assisting the agencies with implementation of the
4 so-called City's Motor Voter law? Because it is
5 something that we talked a little bit about with
6 Council Member Williams and you mentioned it. But
7 in your vast experience, do you think that there
8 are ways of accomplishing what we want to
9 accomplish, which is which agency did or didn't do
10 their jobs, et cetera, et cetera?

11 AMY LOPREST: Well one thing that
12 we do, I mean, we already are through our voter
13 assistance unit charged with working with these
14 agencies to develop voter registration plans. I
15 think that we--one thing we focused on is working
16 with each agency to see--to allow them flexibility
17 to see what methods would best serve their
18 populations, both the people they serve and also,
19 in many instances, their own worker population,
20 the people that work for those agencies. We've
21 done, you know, we've done a survey with the Taxi
22 and Limousine Commission before the federal
23 primaries, before the state primaries, having that
24 survey that's in taxis that people can do about
25 whether they voted.

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CHAIRPERSON BREWER: [Interposing]
The one I turn off as soon as I get in the cab--
[background noise]

AMY LOPREST: And so, you know, we
actually--I mean, I also always turn off whenever
I'm in a taxi, not that frequently. But we got a
fair number of people responding to those surveys
so it's--

CHAIRPERSON BREWER: [Interposing]
They're not New Yorkers, they couldn't be. Go
ahead.

AMY LOPREST: And--

CHAIRPERSON BREWER: I'm teasing.

AMY LOPREST: --and then and so
we've been working with each agency to kind of
focus on what would work best. And I think that
tracking how many registrations come back from
each agency would be important to know how
successful those efforts are.

Again, I think flexibility is
always important in allowing agencies to find what
works best for them is often important.

CHAIRPERSON BREWER: When you had
to deal with the credit cards some years ago for

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2 contributions, you had to deal with certain
3 challenges, are they similar for the text
4 contribution issue? Obviously, you know, I guess
5 if you have a credit card you have an address, and
6 I guess we could know if it's New York or
7 California. It would have been more challenging
8 when you're texting.

9 AMY LOPREST: Yeah, I mean--

10 CHAIRPERSON BREWER: But go ahead.

11 AMY LOPREST: --with the text
12 messaging, I mean, with the way that other
13 jurisdictions have done it is, there is to get the
14 basic required information is that you have an
15 exchange of texts to get the name of the person
16 and the address information. One of the major
17 challenges, and one thing that makes the text
18 messaging very different than credit cards, is the
19 way that they're funded. And I know you're going
20 to hear some testimony later about from other
21 people who are a lot more expert in this than I
22 am, but the way that it's done is that there's a
23 middleman, so to speak, called an aggregator who
24 collects these contributions and then forwards a
25 factored payment to the campaign within ten days.

1
2 The factor payment isn't the entire amount of the
3 contributions that have been pledged so there is
4 those issues. Unlike a credit card where the
5 credit card company forwards the entire amount so
6 you know that they've been paid.

7 There's issues about the ownership
8 of the, you know, whose phone is really using it.
9 It's a lot, I mean, it's somewhat less secure than
10 a credit card where it's unlikely that someone
11 actually has access to your credit card
12 information. So knowing who is the contributions
13 coming from, how it's coming, and when it's coming
14 are, you know, some of the key issues.

15 CHAIRPERSON BREWER: I hope we can
16 work them out. Obviously, other states have
17 without your fabulous program, but I'm sure we'll
18 figure out a way.

19 AMY LOPREST: I'm sure we will.

20 CHAIRPERSON BREWER: Oh, good.
21 Just finally, in terms of this issue, back to
22 voter guide, you know, being electronic, being
23 paper, what percentage of the population do you
24 think would take advantage of the ability to opt-
25 in to receive the paper versus the electronic?

1
2 And then you know, I have a huge database and the
3 endless of the changing of the e-mails and then
4 nobody tells me and I have to--you know, I think I
5 could be a private investigator, I know how to
6 find them. But they do fall between the cracks.

7 AMY LOPREST: I mean, that's one of
8 the reasons why we suggest that the e-mail
9 addresses get and the opt-out information get
10 collected on your voter registration form 'cause
11 that's a sure way that the list is up to get date
12 because we can get our mailing lists from the
13 Board of Elections and it's always--

14 CHAIRPERSON BREWER: Right.

15 AMY LOPREST: --we've always worked
16 very well with them, so if they collected that
17 information, then the opt-out would be up to date.
18 I think that, you know, we've had some experience
19 with opt-outs and we had an opt-out for people
20 receiving the Chinese and Korean voter guide. A
21 very, very small number of people take the
22 initiative to send in that opt-out card, so I
23 wouldn't expect a huge number of people to opt-out
24 of the print guide, just for the fact that it
25 takes some initiative to do it.

2 CHAIRPERSON BREWER: Oh, that's
3 great, okay. Anything else? Thank you both very
4 much and all three of you very much.

5 AMY LOPREST: Thank you.

6 CHAIRPERSON BREWER: Alex Camarda
7 and Dick Dadey from Citizens Union, Neil
8 Rosenstein from NYPIRG, Kate Doran from League of
9 Women Voters, Susan Lerner from Common Cause, and
10 Socheatta Meng from the Civil Liberties.

11 [Pause]

12 CHAIRPERSON BREWER: All right,
13 Andrew Schlichter [phonetic], also Election
14 Protection Coalition. Let's see if we can get a
15 lot of chairs.

16 [Pause]

17 CHAIRPERSON BREWER: I appreciate
18 everyone waiting so long, I appreciate it very
19 much.

20 [Long pause]

21 CHAIRPERSON BREWER: Go ahead,
22 whomever.

23 [Pause]

24 ALEX CAMARDA: Good afternoon,
25 Chair Brewer and members of the Council

1
2 Governmental Operations Committee, my name is Alex
3 Camarda, I'm the director for Public Policy and
4 Advocacy for Citizens Union. We're an
5 independent, nonpartisan civic organization of New
6 Yorkers who promote good government and advance
7 political reform in our city and state.

8 In recent years, this committee has
9 held several oversight hearings related to the
10 challenges faced by the Board of Elections in the
11 city of New York in administering elections and
12 the diminishing participation by voters in our
13 democracy. Citizens Union and our good government
14 partners like the City Council have been examining
15 these issues.

16 Beginning in 2011, Citizens Union
17 identified a number of proposals supported by the
18 good government community that we sought to
19 introduce as legislation that we believed would
20 help address long-standing and new issues that
21 have surfaced since the transition to the new
22 voting machines. Over the past 18 months, we've
23 worked closely with a number of Council Members
24 who were here today to draft and introduce these
25 needed pieces of legislation.

1
2 New Yorkers deserve a democracy
3 that is run more professionally and encourages
4 participation by the voters. Too few voters have
5 turned out in recent elections and, when they do,
6 their experience has not always been what it
7 should be. Voters are too often confused about
8 which poll site to go to and don't always receive
9 correct information from poll workers. By using
10 modern technology and leveraging city resources,
11 we can better disseminate vital information about
12 voting and candidates, offer more opportunities to
13 register, utilize the City's workforce at the
14 polls, and hold agencies accountable for providing
15 a 21st-century democracy.

16 We're thankful to the Council
17 Members who provided leadership by sponsoring the
18 bills, and the Chair and Speaker Quinn for
19 providing a forum for their vetting today. We
20 also wish to thank the 15 organizations who wrote
21 memos of support for the legislative package,
22 including the unions SEIU 1199, 32BJ, RWDSU, and
23 community organizations like Meng Kuan [phonetic]
24 and the United Chinese Association.

25 Citizens Union believes that these

1
2 six bills, five of which have 34 or more sponsors,
3 will both improve election administration in New
4 York City and encourage, if not increase, voter
5 participation.

6 The first two bills I'm going to
7 discuss, we believe will improve election
8 administration in New York City. And those are
9 number 721, sponsored by Council Member Lappin,
10 and also number 778, sponsored by Council Member
11 Lander. As far as 721 goes, we believe this bill
12 will create a municipal poll worker recruitment
13 program enabling the City Board of Elections to
14 more effectively tap into the municipal workforce
15 that is already off on election day and employ
16 civic minded employees as poll workers. An
17 adequate number of qualified poll workers are
18 integral to a well-run election, yet the board
19 faces a monumental undertaking for election day--
20 it needs to fill 36,000 poll worker positions for
21 a typical general election. Citizens Union knows
22 challenging this can be, having recruited 15,000
23 new poll workers ourselves between 2001 and 2008.

24 The board in 2011 deployed 30,000
25 poll workers at the polls on election day. Only

1
2 about half of those, according to the board's
3 annual report, are recruited by district leaders.
4 The remainder is acquired by the board's central
5 office. This bill will provide assistance to the
6 board to recruit qualified poll workers who
7 already interface with the public, it will also
8 provide city workers with an opportunity to make a
9 few hundred extra dollars on their day off if they
10 choose to. It's a win-win proposal that should be
11 expanded to the primary day as well.

12 And I wanted to also take the
13 opportunity to address some of the concerns that
14 were raised by other Council Members, in
15 particular Council Member Dilan. There's been a
16 misconception with this bill that somehow it
17 impacts the role that district leaders play in
18 recruiting poll workers, it does not. This is a
19 bill that's intended to supplement the pool of
20 poll workers because district leaders do not
21 recruit enough poll workers. So it has no impact
22 on the manner in which district leaders recruit
23 poll workers. If district leaders were to recruit
24 all the poll workers the board needed, this bill
25 would be moot.

1
2 As far as voter coordinators go,
3 Council Member Dilan raised this issue that they
4 may be not nonpartisan, or partisan. We currently
5 have voter coordinators in law responsible for
6 voter registration at agencies, and I've never
7 heard a single complaint related to partisanship--
8 and this is for the voter registration process.
9 So unless the Council Member or others know of
10 that, I don't think that's an issue that needs to
11 be addressed.

12 With regard to number 778, this
13 bill requires the board to report data to the City
14 Council conforming to the performance metrics in
15 the Mayor's Management and Preliminary Management
16 Reports. The board currently does not report data
17 to the MMR and PMMR, as we know. They indicated
18 today, they don't believe they're a city agency.
19 We believe this bill is respectful of the board's
20 perceived independence while ensuring the agency
21 is driven by performance and outputs, a vital
22 requirement during this time of fiscal restraint.

23 The board reported this data to the
24 Council during the budget process this year, they
25 did also in 2008, and this bill will simply codify

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this recent practice.

We believe the board's annual report, while a good source of information, is not an adequate substitute for many of the remarks that--or many of the arguments that Council Member Lander made. We are open to other approaches in which the city board would provide information adhering to the MMR and PMMR requests on its website along to the budget cycle, but we believe this is a very good first step to transparent reporting and public accountability for the board.

And I should also note that we agree with the Councilman, Councilman Lander, on his interpretation of state law, and the provisions in state law specify that the Council is the agency in receipt of--or I should say the legislative body in receipt of the board's annual report, and for that reason, we think they have some latitude in indicating what's actually in it.

The remaining bills will help encourage and improve voter participation in New York City. Voter participation in New York City has been declining for years, it's currently at an abysmal rate. During the 2012 June federal

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2 primary election, turnout was just 9.7% of
3 registered voters, and even contested elections in
4 congressional districts 6 and 13 had turnout less
5 than 16%. Beyond the recent June primary, fewer
6 New Yorkers voted in mayoral elections in the
7 2000s than did in any other decade since the
8 1920s, even though New York City now has 3 million
9 more people than it did in the 1920s.

10 Furthermore, New York State ranks
11 47th in the nation in voter registration, with
12 fewer than 64% of eligible voters registered to
13 vote. Registrants in New York City are also
14 disproportionately white in every congressional
15 district in the city. Fewer Latinos are
16 registered in every congressional district in the
17 city as compared to their proportion of the
18 population.

19 There are many reasons for dismal
20 voter participation in New York City and most
21 major reforms would need to be achieved through
22 changes to state law. That said, the City Council
23 and the local board, however, have the authority
24 to make changes that will encourage greater voter
25 registration and participation by passing Intros

1
2 613, 769, 760, and 728.

3 Six-thirteen would enable New
4 Yorkers to voluntarily sign up for e-mail updates,
5 to receive reminders to vote on election day, and
6 of the deadlines to register or request an
7 absentee ballot. We believe this proposal would
8 encourage New Yorkers to participate in our
9 democracy. To their credit, both the Board of
10 Elections and the Campaign Finance Board have
11 begun to implement provisions of this bill. The
12 board recently redesigned its website, which
13 allows for voters to provide e-mail addresses for
14 updates, although they have yet to send out any e-
15 mail blasts. The CFB has sent out alerts
16 reminding New Yorkers to register to vote.

17 Citizens Union recommends the board
18 administer this proposal, only because more New
19 Yorkers are likely to go to the board's website
20 and recognize that entity as being responsible for
21 the administration of elections. However, if the
22 board is not interested in doing this voluntarily
23 in a meaningful way, we suggest the CFB administer
24 it and there should be cooperation between both
25 entities. I know we heard some testimony today

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2 about particular provisions of the bill. I think
3 what's most important is that there's can be
4 cooperation between the CFB and the board, no
5 matter who administers it in the accessing and
6 sharing of e-mails and information.

7 With regard to number 769, this
8 bill, like number 613, would help generate
9 awareness among New Yorkers of upcoming elections
10 by requiring the CFB's voter guide to be published
11 not only during the years in which city contests
12 are held, but also for state and federal contests.
13 It will also expand coverage of city contests of
14 that less widely known races, like those for
15 judicial and party positions are made known
16 through the CFB's voter guide. This will serve as
17 a useful nonpartisan resource and reminder to
18 registrants to vote.

19 The bill also, importantly,
20 provides the option for voters to receive the
21 guide via e-mail if they opt-out of receiving the
22 print version, which will help to offset the
23 increased costs. And we remain flexible in trying
24 to work out something that's affordable and also
25 gets the information to registered voters.

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CHAIRPERSON BREWER: [Interposing]

I think if you can summarize a little bit your support of these bills, that would be great.

Just, you know--

ALEX CAMARDA: [Interposing] Okay.

On Intro 760, as others have mentioned, we're just trying to find a way in which to ensure that agencies are doing their job of offering voter registration opportunities. I did want to take the time to address some of the issues addressed by the board in their testimony because I feel many of them are not accurate.

They seem to suggest that this is a new program in their comments in their testimony, and, in fact, this is something that's already being done. They already print 150,000 registration forms that they're required by law to send out to these 19 agencies under the pro-voter law, and so I disagree with their assessment that it would cost \$100,000 to do additional forms. I mean, this is something that they're already doing on a yearly basis. If anything, it would save money by actually measuring how many are needed for each agency.

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2 Their assessment that they would
3 need 140 different--145 different versions of a
4 registration form, I think that's also inaccurate.
5 You just need 19 forms with different codes,
6 regardless of the language. That's provided in
7 the five languages, and they indicated today in
8 their testimony that's something that they also
9 already do.

10 The board should not be manually
11 entering each registration form's code, that
12 should be done through scanning forms, which would
13 save money if they did that for these agencies and
14 others. And I've don't understand how they could
15 possibly argue that this is not legal. If you
16 look at the sections of the law in the city
17 charter related to the pro-voter law, this is
18 something that's actually written in law or
19 suggested at least, it requires the agencies to
20 already provide voter registration forms that are
21 coded to the board. So to say that now that we're
22 going to tailor them to each individual agency,
23 that that's somehow preempted by the state, I
24 think just does not hold water.

25 The last bill, the Greenfield bill,

1 I'll just conclude by saying that we support that.

2 And for all these bills, we've
3 suggested amendments that have been signed on to
4 by our good government coalition as an addendum to
5 our testimony. We also support number 764, the
6 text messaging bill, we've provided some
7 recommendations that we think would make it
8 easier, simpler, and more accountable to
9 implement.
10

11 Thank you.

12 CHAIRPERSON BREWER: Thank you very
13 much for all your work. Next?

14 NEIL ROSENSTEIN: Good afternoon,
15 my name is Neil Rosenstein, I'm the government
16 reform coordinator for the New York Public
17 Interest Research Group, NYPIRG. Want to commend
18 the chair, the committee, and bill sponsors for
19 holding these hearings and crafting the
20 legislation before you. We're looking forward to
21 these long, long, long needed improvements being
22 passed into law.

23 Let's face it--and by the way, to
24 the chair, I will not be reading that whole
25 testimony. But New York City and State have a

1
2 very serious problem when it comes to voter
3 registration and participation. Some other
4 statistics we haven't heard. In 2010, the last
5 year, some very concise stats were ready for the
6 voting eligible population. There were some
7 2,430,933 eligible citizens either not registered
8 to vote or in inactive status in New York State.

9 Another measure of our poor
10 electoral health is total turnout for the
11 presidential election of 2008. Just four years
12 ago, 40% of eligible citizens did not participate
13 in this election. It's a serious problem,
14 deserves serious solutions, and that's what the
15 package of bills before you today is about. We're
16 talking about better voter registration rates,
17 we're talking about better voter education, better
18 accountability of the Board of Elections, better
19 conditions at the polls through better poll
20 workers, better elections period. It's a no-
21 brainer, it should be a slam dunk.

22 I'm going to briefly go over some
23 of our own thoughts for each of the pieces of
24 legislation for you today. Intro 613, let's face
25 it, many New Yorkers have made that transition to

1
2 the information age. They're wired via computers,
3 tablets, tweets, texts, and smartphome. This
4 common sense legislation would direct and empower
5 the Campaign Finance Board to notify interested
6 voters of important election dates. This has been
7 mentioned already, but to take full advantage of
8 e-mail notifications, the Board of Elections--and
9 I'm sorry their executives staff isn't here
10 anymore--should amend the city's voter
11 registration form to include an optional box for
12 e-mail addresses.

13 It's our understanding the board
14 has the authority to do this. It's been mentioned
15 for many, many years by Commissioner Kellner from
16 the State Board of Elections, and Loprest just
17 mentioned it, this is common sense. The board
18 could also amend that form to have a check off
19 that asks if there was a particular language that
20 you would prefer to get your materials sent to.
21 If we're talking about cost savings, the board
22 should do it or they should provide the legal
23 justification of why they're not and the committee
24 should ultimately hold them to task.

25 Intro 769, the city's voter's

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2 guide, a fantastic resource for voters. We must
3 remember that not all voters feel comfortable with
4 that electronic technology. I was just
5 mentioning, and we believe the funds for expanding
6 the voter guide would be wisely spent. Whether
7 everyone wants to get a voter guide with the
8 positions or the alternates or the judicial
9 nominating convention inside of it in their mail,
10 and whether they think that's a good use of funds
11 is a interesting debate. There's probably no
12 other really nonpartisan location for information
13 on those races, but perhaps those could be put on
14 the Internet, but still having the board provide
15 that information in a way which all New Yorkers
16 can actively get.

17 Into 728, practically every New
18 York City resident takes the bus or subway, but we
19 all certainly don't own cars or have driver's
20 licenses, like other motor voter agencies, that's
21 why reaching out to parents make such sense.
22 Parents are concerned about the budgets of the
23 city, the state, the federal government, and
24 getting them registered and involved in the
25 process we think is a fantastic idea. With one

1
2 thing and it's included in some of the comments,
3 we do think that legislation should be amended to
4 make sure the Board of Education is transmitting
5 those forms in a timely basis to make sure people
6 don't sign up and then find out that they're not
7 actually registered to vote on election day.

8 Intro 721, I think this is actually
9 probably the most important piece of legislation
10 in front of you because it really talks about
11 institutionalizing a change for this poll worker
12 program. Clearly many of them are hard-working
13 and dedicated and we owe them a huge debt of
14 thanks, but the old system of relying on the
15 political parties and the district leaders to
16 provide poll workers simply doesn't work anymore.
17 It doesn't get us a sufficient quantity and a
18 sufficient quality of the poll workers that we
19 require.

20 And we echo the sentiments that
21 since most city workers get general election day
22 off, the way to make this really effective is to
23 extend this to give them time off on the primary
24 day for the special elections which were mentioned
25 earlier. That way they can participate in

1
2 training, be active in all of the cycles, and we
3 think working with the unions to find out in a way
4 to make this work and with the city is the way to
5 go. It's been shown to work in LA, I usually like
6 to compare us to New Jersey, but I'll also compare
7 us to LA; if they can do it there, we certainly
8 should be able to do it here.

9 The coding of registration forms, I
10 also take a lot of exception to some of the things
11 which the board said. One of the things which
12 Local Law 29 did, which some of us were involved
13 in drafting many years ago, is it required
14 agencies at the next regularly scheduled printing
15 the forms--or urge them to be integrating that
16 form into their intake forms. They have not done
17 that. If they did this, they could print that
18 code on the form and it wouldn't be a question of
19 whether or not the Board of Elections guy in the
20 warehouse is giving the E forms to one person and
21 the G forms to somebody else.

22 And by the way, the board did do
23 this with coding in the early nineties for about
24 five or six city agencies. So it's not brain
25 science, but getting the city agencies to do this

1
2 would be a great way if they integrate their
3 forms.

4 And as Alex said, they have
5 scanners, I mean, their scanner can't capture an
6 agency code in the upper left-hand corner? Right
7 now, you need a drop-down menu which it activates
8 and someone--a data entry person has to make that
9 notation. The AVID system is avidly out of date.
10 That's a simple upgrade which we think could be
11 made. And their arguments about being an unfunded
12 mandate, both of them would, therefore, be
13 nonexistent.

14 I'd just like to say and mirror my
15 own Councilperson's comments about the Mayor's
16 Management Report and providing those standards
17 and metrics is really important. Some of us have
18 been around for two decades and we've seen it,
19 three decades, the variation in on agency reports,
20 or annual reports, the Board of Elections puts
21 out, it varies dramatically from year to year.
22 This is common sense, it's a no-brainer.

23 I'd just like to end with terms of
24 the legislation, speaking about the campaign
25 contributions and texting. We also think it's a

1
2 fantastic idea, that's the purpose of the campaign
3 finance program, magnify small contributions. We
4 have to work out some things. We're concerned we
5 could be matching contributions from folks who
6 have texted and actually haven't paid their bills
7 yet, that could be a problem, but we think that we
8 have to learn and take a look at what happened on
9 the federal level in this election and we should
10 be able to integrate it and put it into law.

11 I do want to say I was just rough
12 on the city Board of Elections and now they're
13 here for me to say all the nice things. There
14 have been some fantastic things which have
15 happened, and I want to start it's been mentioned
16 the pre-election mailing to voters, and really
17 commend the chair, as well as the board and the
18 city, for putting together a mailing to voters.
19 How nonsensical, you send out a mailing in August
20 to voters and expect that they're going to know
21 what their poll sites are and have about in
22 November. It's a fantastic initiative and you
23 really deserve a lot of credit. Their election
24 app, their website, sample ballots online, since
25 the last presidential election night reporting has

1
2 improved and accuracy, that increases public
3 confidence in results, and somewhat improved
4 ballot design.

5 All those are great step forwards.
6 I do want to mention, though, that despite those
7 improvements, we don't think the board has done
8 the job that they could have done and should have
9 done in providing actual Bengali ballots, not
10 sample ballots, to voters. Other jurisdictions
11 have done it working with ES&S. We think that was
12 possible. We've had details in our testimony
13 about the times which the board knew about this
14 language requirements and why we think it could
15 have been done or could have been done better.
16 The same thing with disability access, it's just
17 shameful.

18 And the last thing I just want to
19 end is there was some discussion earlier about
20 voter fraud. The real voter fraud is we don't
21 have election system where there's 2.4 million
22 people aren't automatically registered.
23 Unfortunately, that's the state legislature, we
24 can't enact election day registration here,
25 although maybe we can for city offices and we can

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talk about that. There's some theories.

But we really hope that this package goes forward and want to commend you for the great job that you're doing. Thanks.

CHAIRPERSON BREWER: Thank you very much. Next? And they have to do some shifting of chairs a little while--

[Crosstalk]

KATE DORAN: Yeah.

CHAIRPERSON BREWER: Go ahead.

KATE DORAN: Good afternoon, thank you very much for inviting us. My name is Kate Doran, I serve on the board of the League of Women Voters of the city of New York.

And we applaud also the Board of Elections for its initiatives in changing the process of the unofficial--reporting unofficial election night results, and I'm happy to see Assembly Member Kavanagh here. We hope that the real-life experience between the police and the Board of Elections will inform and facilitate the rewrite of the closing procedures in New York State election law. We know that the police would like to draw back and not do as much as they have

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2 been doing, and we think that that's probably the
3 right way.

4 We believe, however, that the
5 voters and the poll workers are well served by the
6 peacekeeping function of having the officers in
7 the poll site during the day. And I think that
8 the voters also appreciate the custody that the
9 police take of the important election materials.

10 With respect to the bills that are
11 being considered by this committee, my colleagues
12 here have said more than I need to say, but we are
13 very, very pleased to be part of the voter
14 coalition, pleased that the City Council is taking
15 these bills up, and we support--in particular, we
16 were in the forefront and had very strong support
17 for Intro 728. Parents and children are prime
18 stakeholders in the city and every effort should
19 be made to provide them the opportunity to
20 participate in the process.

21 Now, we're also pleased that the
22 board is putting out a new notice to voters, a
23 second notice to voters. As many of us predicted
24 back in August, most voters either did not hold on
25 to it or they did not remember getting it at all.

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2 I have a very sophisticated voter friend who told
3 me that she got the mailer and she said, I know
4 how to vote, I don't need this, and she just
5 tossed it away, and she came into my poll site and
6 she was in the wrong poll site.

7 So in our informal survey at the
8 League of Women Voters led us to the conclusion
9 that the product that the board produced in August
10 was glossy and pretty but it looked more like a
11 catalog or even a piece of junk mail and people
12 just tossed it away. So we're very happy they're
13 going to do something else.

14 Now, we expect the voter turnout to
15 be much higher, all of us do, much higher in
16 November than it was in September. And to further
17 complicate things, there is going to be many
18 voters who have not voted in a while and they're
19 going to be dealing all of them with new ED
20 numbers, some of them with new AD numbers, and
21 many new poll sites, so I think the board needs to
22 be very prepared for a confused and uninformed
23 voters.

24 And I know that Commissioner
25 Kellner is worried about wait times and crowds,

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2 I'm worried about that. And one suggestion that I
3 have, I know we've heard a lot about the
4 electronics, but we're not going to have
5 electronics for every information clerk in
6 November, I would like to see the board print a
7 poll site-specific street finder, a couple of
8 them. The street finder is quite large for every
9 borough and it's, as you know, it's densely
10 printed, and in their haste to look at it, many of
11 the information clerks don't use a straight edge,
12 it's very easy to make an error. But if we have a
13 poll site-specific street finder, I could send an
14 info clerk out to a line on the street and they
15 could find the people who were actually standing
16 in the wrong line, and I think that they would
17 appreciate that to know that they shouldn't stand
18 in line and find out that they're in the wrong
19 place once they get inside. They could also
20 direct them to their ED table.

21 If they are in the wrong place, you
22 could send the voter who's been waiting on line to
23 a coordinator or somebody else who could send them
24 to their correct site.

25 Now the next challenge is the wait

1
2 on line for the ED table, and I know that the
3 Board of Elections can't print their books until
4 they finish with the registration process. I
5 don't understand any reason why we can't have two
6 poll books so that we could have A through
7 whatever, and then M through Z, and then the
8 ballots can be sitting in the middle between the
9 inspectors, ballots, voter cards, et cetera.
10 Immediately, the voters would see their line cut
11 in half. And I know voters stand in line now and
12 they wonder, what are all these people doing when
13 only one person can look up my name in the book.
14 Some hoping that they would take a simple step
15 like that. I don't know anything in the law that
16 would prevent them.

17 Now I'm just going to conclude with
18 one or two examples of the problems that we've got
19 in our--we heard about through our e-mail or
20 telephone information service, and one of them is
21 very disturbing. A poll site for voters residing
22 in 260 65th Street in Brooklyn was moved to 250
23 65th Street in Brooklyn. The residing voters were
24 moved, but the building that they used to live in
25 is still a poll site. So why are voters being

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2 sent somewhere also when the building they live in
3 is a poll site? And we heard about this, we heard
4 about this because of a disabled man who said I
5 can get to this new building, but it's not very
6 convenient and there are people who are voting
7 here, why can't I vote in my very own building.
8 So I will pass that along to the Board of
9 Elections.

10 And the second one--I beg your
11 pardon?

12 [Off mic]

13 KATE DORAN: A poll worker called
14 us and told us that they were trying to close
15 their site in--at the end of the night and
16 everyone was so confused and so tired they did not
17 know how to close up the scanners--they may have
18 been in one of the--in Manhattan, might be one of
19 the sites that was slow to get their materials to
20 the police precinct. But this poll worker said
21 she absolutely would never again work unless there
22 were split shifts and she pleaded for the Board of
23 Elections to work out some kind of system. So I
24 thank you very much.

25 CHAIRPERSON BREWER: Thank you very

1
2 much. I think we need to switch seats 'cause you
3 got--

4 [Crosstalk]

5 KATE DORAN: [Interposing] Yes,
6 I'll be happy to do that.

7 CHAIRPERSON BREWER: And thank you
8 very, very much for all your hard work, it's very
9 appreciate. I want to mention while you're
10 switching that the Disabled in Action of
11 Metropolitan New York has submitted testimony for
12 the record.

13 Go ahead.

14 SOCHEATTA MENG: Good afternoon, my
15 name is Socheatta Meng, and I am legislative
16 counsel for the New York Civil Liberties Union. I
17 am here today to present testimony on behalf of
18 the NYCLU. Thank you to the Governmental
19 Operations Committee for holding this hearing and
20 allowing testimony on these bills, which aim to
21 improve the administration and accessibility of
22 the voting process for New Yorkers.

23 The NYCLU, the state affiliate of
24 the American Civil Liberties Union, is a not-for-
25 profit, non-partisan organization with eight

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2 offices across the state, and nearly 50,000
3 members. The NYCLU's mission is to defend and
4 promote the fundamental principles, rights, and
5 constitutional values embodied in the Bill of
6 Rights of the U.S. Constitution and the
7 Constitution of the State of New York.

8 A core part of the NYCLU mission is
9 securing and protecting the rights of New Yorkers
10 to vote. These bills propose to enhance the
11 election and voter participation process. These
12 goals are fundamental to a thriving and
13 functioning democracy, and they are critical to
14 allowing the voice of its people to be heard.
15 Because these bills would help New Yorkers to
16 realize their right to vote, the NYCLU supports
17 this package of voting-related legislation, and we
18 urge the City Council to pass these bills.

19 In order to ensure that voters are
20 able to exercise their right to vote and make
21 their voices heard, the election and voting
22 process must be as effective, error-free, and
23 accessible as possible. Particularly in light of
24 reported problems, such as administrative
25 difficulties, staff shortages, and lack of access

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2 to critical information, mechanisms must be in
3 place to ensure that the integrity of the voting
4 process and its results are protected. One recent
5 example is the confusion surrounding the
6 democratic primary in the 13th congressional
7 district. This confusion led to the
8 disenfranchisement of several voters, including
9 Spanish speaking voters. Among other things, this
10 package of voting-related bills proposes to make
11 sure that voting sites are properly and
12 sufficiently staffed, effectively run, and
13 accessible to voters.

14 So in light of the time, I'm going
15 to actually skip the body of this testimony, which
16 describes in more detail the bills in which others
17 have already done. However, I--

18 CHAIRPERSON BREWER: We thank you.

19 SOCHEATTA MENG: Oh. However, I do
20 want to reiterate that the NYCLU supports these
21 bills. Together, this package of bills seeks to
22 improve the electoral process and to strengthen
23 the rights of voters. These bills are necessary
24 to ensure the integrity of the voting process, and
25 to reassure voters and the public that their votes

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2 will be counted and their voices heard. The
3 integrity of this process and the resulting public
4 confidence in its results are cornerstones to a
5 healthy and functioning democracy. The NYCLU thus
6 supports these bills and urges the City Council to
7 pass this legislative package.

8 CHAIRPERSON BREWER: Thank you very
9 much. Next?

10 SUSAN LERNER: I'm Susan Lerner,
11 I'm the executive director of Common Cause New
12 York, and what I would like to say is I agree
13 completely with everything Neil said. So as far
14 as the bills are concerned, he really
15 encapsulated, he'd called it a no-brainer, I would
16 call them win-wins, otherwise, frankly, I won't
17 take the time to reiterate what he has said.

18 I want to thank Citizen Union for
19 really taking the laboring oar on this package.
20 We're prepared to work with our coalition partners
21 and any of the Council Members in revising the
22 bills to respond to appropriate objections, as
23 Neil pointed out. Unfortunately, we didn't hear
24 any from the board.

25 We're really happy with the

1
2 revision of the website and we're very thrilled
3 with the fact that the board has developed an app
4 which is a poll finder.

5 We're disappointed that there's a
6 typo in the poll finder and if you go to it and
7 you run your address through it, it will give you
8 the correct polling place, but it will identify
9 the election district as the AD and it will
10 identify the AD as the ED. So if you walk in
11 with--I've written down my ED and you look around
12 in my polling place for ED 57, you will not find
13 it because I am in assembly district 57. I've
14 brought this to the board's attention by e-mail,
15 apparently not successfully, so we're going to
16 have to go to the board itself--to a meeting to
17 point this out.

18 So there are still some kinks to be
19 ironed out. We're very excited to be working with
20 the National Election Protection effort and also
21 with NYPIRG. We will be helping to staff a
22 hotline on election day, and also we will have
23 volunteers out at polling places, at the polling
24 places which have 800 or more voters assigned,
25 we've analyzed all of the polling places. We're

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2 concentrating on Brooklyn and Manhattan, where we
3 have more people. We're sending teams out where
4 at least one person has a smartphone and their job
5 is to work the lines outside of the polling place
6 to--and we will use the boards QR code, that's
7 great to know. We will have flyers where we will
8 pass it out to people on the line: If you have a
9 smartphone and you don't know your ED, use this,
10 and you'll be able to skip this line. We will
11 help people skip the line, we will help them
12 verify that they are at the right polling place;
13 if they're not, we will help send them to the
14 right polling place. We will be using technology.
15 So if you have friends or family with smartphones
16 who want to donate two hours on election day, send
17 them our way because we have a bunch of volunteers
18 and we need to be sure we have people with smart
19 phones.

20 So I want to commend the chair,
21 this additional mailing has been a long time
22 coming. Thank you very much for your continuing
23 efforts.

24 CHAIRPERSON BREWER: Thank you very
25 much. Next.

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2 ANDREW SCHLICHTER: Hi, my name is
3 Andrew Schlichter, I'm here on behalf of Election
4 Protection. I also won't go into a great deal of
5 detail either with regard to my testimony or all
6 the bills that have been discussed by my
7 colleagues today. We very much agree with their
8 testimony.

9 And I would just say we are also
10 going to have a large number of folks on the
11 ground on election day. We expect to have three
12 or 400 law students and legal volunteers in the
13 polls on election day. We'll also be hosting a
14 nationwide hotline, 1-866-OUR-VOTE, which in New
15 York City alone will have 60 lines staffed by
16 lawyers and legal volunteers. So we do expect to
17 continue to engage in these efforts.

18 Again, we're very heartened by the
19 committee's considerations of the various bills
20 that have been discussed today. Intro 728, which
21 would, of course, provide voter registration forms
22 to families, and Intro 760 we think are important.

23 We testified about intro 613 in
24 August and we continue to think that that would be
25 a very good thing. Intro 769 would also be very a

1
2 positive thing in our book. And I won't go into
3 the details as to why that is because others have
4 said it so well.

5 And we'd also, of course, you know,
6 one of the biggest problems that we see is that
7 poll workers often aren't as well trained as they
8 could be and we think that anything that would
9 improve poll worker performance on election day
10 would very much be a good thing, and so we are in
11 support of all those efforts as well.

12 So we just would like to thank you.
13 And for the rest, I will just defer to the
14 testimony that I've already submitted, as well as
15 to my colleagues' testimony.

16 CHAIRPERSON BREWER: Thank you, all
17 three, and all six, and for all of your work. As
18 I think Dawn Sandow said, it's a real coalition
19 and we appreciate the input, thank you.

20 Jed Alpert from Mobile Commons,
21 and, boy, am I appreciative of his waiting, and
22 Assemblyman Brian Kavanagh.

23 SERGEANT-AT-ARMS: If you have any
24 statements, have them ready.

25 [Off mic]

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2 CHAIRPERSON BREWER: Whomever would
3 like to begin. I think the gentleman who's been
4 waiting for, like, three hours should go first.

5 [Off mic]

6 JED ALPERT: Oh, I haven't been
7 here that long, but thank you.

8 I'm the CEO of Mobile Commons,
9 which is a New York-based company that provides
10 mobile connectivity for all kinds of
11 organizations, including several of New York City
12 agencies, the MTA, the Obama campaign, lots of
13 political organizations and lots of charities.
14 The I guess you might call it testimony that I
15 circulated is a bunch of statistics about the
16 ubiquitous nature of mobile, and I can just sort
17 of very briefly speak in support of mobile text
18 donations.

19 Mobile phones, and I think the most
20 interesting thing and the most exciting thing
21 about mobile donations has been something that
22 hasn't really been touched on too much yet, which
23 is mobile is the most ubiquitous form of
24 communication in the world, and including the
25 United States and including New York City. It

1 reaches underserved communities better than any
2 other form of communication. Texting is the
3 number one way that people communicate other than
4 face-to-face; so face-to-face number one, text
5 messaging next, everything else beyond that. In
6 almost every demographic and every age group we're
7 probably up to 30%, and in some communities it's
8 much higher, don't have reliable access to the
9 Internet, don't have reliable access to e-mail,
10 they do have mobile phones or are more likely to
11 have mobile phones than any other form of
12 communication.

14 To me, the most exciting thing
15 about mobile donations is not that it will
16 reinvent how people get money in campaigns, but it
17 will open up the underserved by the Internet and
18 the underserved by credit cards to the possibility
19 of participating economically in a campaign. And
20 then, because of New York City's fantastic
21 campaign matching program, it will allow groups
22 that haven't been previously been catered to or
23 courted by politicians to have a meaningful voice
24 and a meaningful interest in the outcome.

25 The other thing we know, and you

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2 can look at this from our statistics, is that
3 people who are engaged via mobile are more likely
4 to vote, sometimes 5% more likely to vote, which
5 is very, very statistically significant. And the
6 active donating--and we provide these services for
7 all kinds of organizations, including the Obama
8 for America, the active participating over mobile
9 is an act of political engagement, not just an act
10 of donation. Someone who gives \$10, whether it's
11 1, 5, 10, or \$15, it doesn't really matter what it
12 is, by a mobile phone is more likely to vote, more
13 likely to show up to a rally, and more likely to
14 be engaged, and more likely to engage their
15 friends than people who aren't engaged in that
16 way.

17 So I'm happy to answer any
18 questions about how it might work and would happy
19 to give a demonstration of how it might work and
20 the software works at any later date to be--

21 CHAIRPERSON BREWER: [Interposing]
22 Okay. Well I'm going to ask you a couple
23 questions before--

24 JED ALPERT: Sure.

25 CHAIRPERSON BREWER: --we hear from

1
2 the Assemblyman 'cause I really feel bad that--I
3 know Rich Robins [phonetic] had to leave so I
4 appreciate both of you.

5 JED ALPERT: And I would just say I
6 know Rich very well and he's very much in accord
7 and, as a former AT&T executive, believes that
8 there will be an effective way to do this through
9 the carriers.

10 CHAIRPERSON BREWER: He was my next
11 door neighbor for years.

12 JED ALPERT: I'm sure he's a good
13 neighbor.

14 CHAIRPERSON BREWER: And I've
15 missed him, but he moved like five blocks, it's
16 terrible. How was the program working on the
17 federal level? 'Cause we heard some--

18 JED ALPERT: [Interposing] It's
19 brand new, it was basically introduced to both
20 presidential campaigns after the convention, so
21 it's being rolled out slowly. It works very, very
22 well. You know, the technology of it works.
23 Someone texts the word "give" to a five-digit
24 number. In addition, with the Obama campaign and
25 in addition to them getting a confirmation,

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2 they're asked a couple questions like is this a
3 corporate phone, you know, or is this your own
4 phone; or, you know, things like that, any kind of
5 pedigree information that's needed. But they also
6 do things like say what's your e-mail address,
7 what's your zip code, so that the engagement
8 doesn't end at the giving, the giving is in the
9 middle or the beginning of a longer relationship
10 with that campaign.

11 CHAIRPERSON BREWER: The board or
12 the CFB talked a little bit about some of the
13 middlemen issues. I guess there's a high
14 percentage being charged by the carriers for
15 processing and I didn't know if that's been a
16 deterrent on the federal level or that's something
17 that's all been worked out.

18 JED ALPERT: It's been worked out
19 enough to work at the federal level, I think it's
20 going to get worked out even more. It is more
21 costly than a credit card donation, I think it
22 will always be more costly than a credit card
23 donation, but these are very small donations and
24 not entirely about the money.

25 The issue of there is a--you give

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2 donation over a mobile phone, the processing of
3 that payment in the normal course of business if I
4 were a company making that charge and not a
5 political campaign, it would take me about 90 days
6 to get that money. The solution that's come up is
7 that the intermediaries are acting as guarantors
8 of that payment and we sort of associated with the
9 term factoring, although it's a little bit
10 different, where they will pay down a number--that
11 number is, it's something like 80%, so if I give
12 \$10, \$8 is paid very quickly to the campaign.
13 That's not a loan in the sense that it would have
14 to be paid back if I never paid my bill, that's a
15 payment where the risk then is transferred to the
16 factor, the aggregator factor, much like if I make
17 a credit card payment and I don't pay my bill, the
18 campaign does not have to return that money.

19 So I think there are definitely
20 resolvable ways of dealing with this that are
21 resolvable and conform with, I think, the
22 principle and spirit of what the CFB does.

23 CHAIRPERSON BREWER: And the FEC
24 did something regarding AT&T and what they could
25 or couldn't charge, did that get--how did that--

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[Crosstalk]

JED ALPERT: [Interposing] Well AT&T--and I'm not--I think it's being worked out now. AT&T asked to charge less than--

CHAIRPERSON BREWER: Right.

JED ALPERT: --they normally would and not have it be considered a political contribution.

CHAIRPERSON BREWER: Correct.

JED ALPERT: And they wanted to do that because I think charging a lot of money seemed unseemly there from the political side, I don't know exactly their thinking. The FEC approved that and said that AT&T was allowed to charge political campaigns--which I think they charge the same amount for the Obama and the Romney campaign--but was allowed to do that and lower their price. I think this is going to have a general net effect of lowering the carrier commissions on this, which seems to me--

CHAIRPERSON BREWER: Good thing.

JED ALPERT: --universally positive, yeah.

CHAIRPERSON BREWER: Okay. So I

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2 think it's exciting and it sounds like LA is going
3 well from the best of your knowledge or some of
4 the other places mentioned earlier?

5 JED ALPERT: It is, there are
6 currently no programs running at the non-federal
7 level. There are only two--there are currently
8 only two mobile donation political campaigns
9 happening right now, Obama and Romney, that will
10 change very, very quickly. It's only been active
11 for about 45 days, less actually.

12 CHAIRPERSON BREWER: Very cutting
13 edge if we were able to get this through.

14 JED ALPERT: It is, it's both
15 cutting edge and I think for the way New York is,
16 it could be extremely positive for New York.

17 CHAIRPERSON BREWER: I want to give
18 Will Colgrove credit in our staff, he really
19 deserves it. Anyway, if you want to go, you
20 should feel free, I--

21 [Crosstalk]

22 JED ALPERT: [Interposing] I'm
23 happy to answer any other questions or--

24 CHAIRPERSON BREWER: [Interposing]
25 Okay. No, I think we're fine and I--

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JED ALPERT: Okay.

CHAIRPERSON BREWER: --really appreciate your staying as long as you did and--

JED ALPERT: Oh, my pleasure.

CHAIRPERSON BREWER: --just tell Rich he shouldn't have moved five blocks.

JED ALPERT: No, I'll get on him.

CHAIRPERSON BREWER: Assembly Member, you're on.

ASSEMBLY MEMBER BRIAN KAVANAGH: Thank you, I don't know if I'm the last voice you will hear this--

CHAIRPERSON BREWER: [Interposing] Oh, you're not.

ASSEMBLY MEMBER BRIAN KAVANAGH: Oh, really, okay. Well I appreciate the opportunity to testify, I realize it's been a very long day and I do have some written testimony, which I'll submit, but I will try to paraphrase and keep it relatively short.

CHAIRPERSON BREWER: Thank you.

ASSEMBLY MEMBER BRIAN KAVANAGH: Anyway, as always, I appreciate, Council Member Brewer, your extraordinary leadership on these

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2 issues and the leadership of this committee and
3 the Council. And I appreciate the opportunity to
4 testify today on some of the issues that arose in
5 the context of the September primary and in the
6 board's preparation for the general election.

7 I just briefly want to talk about
8 ballot design, I know you've talked about this a
9 little bit today. This was, once again, one of
10 the biggest concerns we've had and, as usual, the
11 ballots in New York City were too cluttered, the
12 print was too small, the design was not as clear
13 as it should be. The board should be complimented
14 for unilaterally taking the step to raise the size
15 of the font, particularly for candidates names for
16 up to nine point from seven point. I've seen the
17 proofs of these, and it is actually a significant
18 improvement, but it's starting from a very tough
19 place. And we do need to go further and I'll
20 discuss, you know, legislative solution to that in
21 a second.

22 A big change, as already been
23 mentioned, also came out of poll site changes,
24 and these were not, as far as I can tell, just
25 related to redistricting. The board seems to have

1
2 systematically gone around the city and moved lots
3 of EDs for different poll sites for reasons that
4 are inexplicable. I think the site that was
5 mentioned during the last panel was a site in my
6 district, at Renwick Gardens Apartments. What has
7 been the largest poll site in my district for a
8 very long time, and for reasons I can't understand
9 yet, the folks who live in that building--and it's
10 a residence with people some very significant
11 mobility issues--the entire ED that the building
12 is located in and the adjacent ED were sent to a
13 poll site five blocks away. The location
14 continued to be a poll site, and I still don't
15 have any idea why that decision was made. Having
16 said that, the board has now agreed to change that
17 ED back to--so that folks live in that building
18 will be voting at that site.

19 I will say that--and this is a
20 point that's been emphasized to me by Doug
21 Kellner--but the part of the responsibility for
22 making sure that poll site assignments makes sense
23 does rest in our bipartisan election
24 administration system with the local
25 representatives of party and both parties, and

1
2 there does seem to have been a breakdown this year
3 in terms of getting poll site maps and assignments
4 and information out to the folks that are supposed
5 to review it at the local level. So I know that
6 my district leaders were given some opportunity to
7 look at this stuff but were not actually sent the
8 maps. But it is important that folks--I am now
9 getting calls from colleagues of mine, assembly
10 colleagues, who have concerns about other poll
11 site assignments and trying to go, you know, work
12 with the board to address them on a case-by-case
13 basis. But it is important that we all--Council
14 Members, Assembly Members, local party officials,
15 others--who have concerns about this do recognize
16 that you have an opportunity to review, I mean,
17 the--

18 CHAIRPERSON BREWER: [Interposing]
19 It just scares me because the mailing's going out
20 October 19th, with perhaps--

21 ASSEMBLY MEMBER BRIAN KAVANAGH:
22 [Interposing] Right, it--

23 CHAIRPERSON BREWER: --challenges.

24 ASSEMBLY MEMBER BRIAN KAVANAGH:
25 Yeah, I mean, to the extent we're resolving stuff,

1
2 you know, we should--I've been talking about a few
3 of these--

4 [background noise]

5 ASSEMBLY MEMBER BRIAN KAVANAGH: --
6 for a while, but they can be resolved before those
7 mailings are made final. And I mean, although,
8 again the board has a tricky question now with
9 respect to theoretically these changes require
10 Department of Justice approval, they were telling
11 us that, I'm not sure where they are in terms of
12 how late they're willing to make changes, but if
13 there is a change that is necessary in order to
14 make the system more just and give people access,
15 like, for example, in this case in my district,
16 which is very clear, it should be made.

17 The notification that's already
18 been talked about a lot. It is a remarkable thing
19 that the election law has a single notice [off
20 mic] which is mid-August. That means that there
21 was no requirement at all to notify people before
22 the June congressional primary, there is no
23 requirement at all to notify people before a
24 special election, and, oddly, there is no
25 requirement at all to notify people before a

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2 general election in November. It is a very good
3 thing that the City and the Council, with your
4 leadership, and the board have now found the money
5 to do this, but the fact that we were discussing
6 whether the City of New York and the city board
7 have enough money for postage to tell people that
8 there's a major national general election coming
9 at a poll site that they may have never been to
10 before is really quite shocking and I think we do
11 need to look at it as a legislative issue in
12 Albany. But it is great that that has been
13 resolved and it should reduce some of the
14 confusion we saw in September.

15 The election that results, you
16 know, we've talked about this before, this is
17 something I've been pushing for a long time to get
18 the city board to use electronic digitized data
19 rather than the paper and pencil and, you know,
20 tape and scissors approach they've been using in
21 the past. It is a major step forward that the
22 city board has now acknowledged that they can use
23 that electronic data for the purpose of reporting.

24 There do seem to have been some
25 glitches in that, but the police department and

1
2 the board are to be commended for getting that off
3 relatively effectively and with a fairly high
4 level of accuracy. Most EDs did seem to come in
5 in a reasonable time. The results of my race got
6 substantially worse when the last few EDs came in,
7 but nobody seems to have noticed 'cause by
8 midnight there were 93% of them in.

9 But anyway, that's a big step, but
10 we do need to--people should not have the illusion
11 that they've done what they need to do. They are
12 still insisting that certain provisions of state
13 law require them to do some things that are really
14 quite inefficient and we ought to be--we got to be
15 moving forward with state legislation.

16 So the two bills on the issues that
17 we just talked about are, of course, the Voter
18 Friendly Ballot Act and the Election Night Poll
19 Site Procedure Act, both of those have passed the
20 assembly. The Election Night Poll Site Procedure
21 Act, which is a very substantial revamping of the
22 reporting process, has been formally approved by
23 the city board, I mean, a ten to zero vote, the
24 City Council has been supportive of it. We do
25 need to tee these up and get the state senate to

1
2 get it done. I'm hoping, at least, with that
3 though we might actually get it done before the
4 end of the year if we get into a special session.
5 But if we get to January and these bills haven't
6 passed, I would appreciate your continued strong
7 support for those 'cause they're both very
8 important.

9 I have reviewed, I haven't read all
10 the details of the City Council bills that you're
11 talking about today and some of the comments of
12 the advocates about potential changes, but I will
13 say that I am generally supportive of the various
14 bills. You know, the bills that bring modern
15 technology to bear, including e-mail communication
16 and the opportunity to make contributions through
17 text message, I think would really be terrific
18 steps forward, particularly as the gentleman
19 before me said in terms of bringing demographics
20 that may not have access to some of the current
21 means by which we communicate with voters.

22 Poll site recruiting and training,
23 again, I'm going to summarize, but it seems like
24 expanding the use of city employees in that
25 program and making it more thorough seems like a

1
2 great step. I would note that there are probably-
3 -it probably would make sense to try to go
4 through--potentially go through other employers,
5 other large employers in the city and see if we
6 can figure out how to expand it. I mean,
7 employers like Google that have this strong
8 commitment to their workers being involved may
9 well be willing to participate in a program like
10 that.

11 And that, you know, again, this has
12 been talked about before, but the half day shift
13 issue is just, I mean, we passed a statute in
14 Albany, no mean feat to agree on these sorts of
15 things, to explicitly enable part-day shifts. It
16 is absolutely baffling that the city Board of
17 Elections will not consider implementing that.
18 There just seem to be so, so many people who might
19 be willing to work on election day for whom
20 signing up for a 15 or 16 hour shift is just not
21 feasible. Anybody with childcare
22 responsibilities, a college student with a single
23 class that they can't miss, somebody with any kind
24 of a job that they have to be at cannot serve as a
25 poll worker if you insist that the only way to do

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2 it is to work at a 16-hour shift. The board
3 argues that that would double the number of
4 workers they need. First of all, I would point
5 out that we're not saying that you can't work the
6 whole day if you want to, so those workers that
7 are inclined to do that, but it just seems that we
8 would vastly expand the pool. Agreeing to work
9 eight hours for the service of democracy is
10 something lots of sensible--smart people might do;
11 agreeing to do 16 hours is just a much more--it's
12 a rarified set of people, and some of them are
13 wonderful and God bless them for doing it, but
14 really we should push the board to consider that
15 at least in a pilot basis.

16 Voter registration, you're
17 considering a lot of bills that are aimed at
18 improving registration, increasing the percentage
19 of eligible voters who are registered to vote is a
20 critical goal, and I support all of the measures
21 and concept that you're talking about today, and
22 increasing the engagement of the Department of
23 Education, tracking performance. And I would note
24 specifically, as somebody who spent a lot of years
25 in a prior job toiling to create the Mayor's

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2 Management Report, that there is a lot of
3 precedent for non-mayoral agencies appearing in
4 that document. The New York City Housing
5 Authority, which is a non-Mayoral agency created
6 by state law and that's basically pursuant to
7 federal rules has reported in for many years. The
8 New York City Board of Education, when it was not
9 a mayoral agency and was not, in fact, even
10 majority controlled by the Mayor reported
11 routinely very elaborate statistics and that. So
12 there was not some terrible precedent that would
13 reduce the effectiveness or the independence of
14 the board if they were included in that, and you
15 certainly should pursue that.

16 I will say that, notwithstanding
17 some very creative ideas and particularly focusing
18 on mandated voter registration agencies at the
19 city level, you know, these are all terrific
20 ideas, but we really, as has been said during some
21 of the testimony today, getting the registration
22 system right really would require some very
23 substantial changes in the registration system.
24 The goal should be that the default is that any
25 eligible voter in the state of New York is

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2 registered to vote unless they actively seek not
3 to register. Basically, any contact with any of a
4 variety of enumerated agencies should result in a
5 registration unless the voter, you know, really,
6 really actively as a matter of their expressive
7 rights doesn't want to do that.

8 We have a bill called the Voter
9 Empowerment Act, I'm hoping that if we get the
10 Voter Friendly Ballot Act and Election Night Poll
11 Site Procedure Act done, we really can make
12 registration the next big thing. But it's been
13 introduced in both houses. It is a comprehensive
14 revamping of the system and uses modern technology
15 at all levels, similar to what they're doing at
16 the DMV already, but dealing with a wide range of
17 agencies, making sure data is transmitted in a
18 digital format. It reduces errors, reduces the
19 work at local Boards of Elections, and it also
20 clears away some of these unreasonable deadlines
21 that we have in New York.

22 New York is the only state in
23 America where, if you did not register by this
24 past Friday in a party, you did not change your
25 party if you wanted to change your party or change

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2 from being non-party to a party, that you no--you
3 have now forfeited your right to vote in next
4 September's primaries. Again, there are a few
5 states that have--there are a few states that
6 don't have the very short deadlines, we're the
7 only state in America where it's before the
8 preceding election. So we really should clear
9 away those deadlines that are intended to make it
10 easier for the parties to predict who's going to
11 vote rather than for voters to vote. Again, it's
12 a comprehensive piece of legislation, and I look
13 to you to play the role you've played with many of
14 those things of making sure people are aware of
15 this and helping us to get it done in Albany.

16 Again, thank you for the
17 opportunity to testify and for your stamina and
18 endurance and commitment to all of this. Thank
19 you to the staff, both the committee staff and
20 Council Member Brewer's staff, for all of your
21 work on this. And I look forward to continuing to
22 work with you to make elections fairer and more
23 open and more efficient, and to improve the
24 experience of voting. And if you have any
25 questions at this point, I'd certainly, as always,

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be happy to entertain them.

CHAIRPERSON BREWER: [Interposing]

Well thank you very much. I just have one, why, the board--I mean, first of all, thank you for all your service, you certainly elevated the discussion tremendously and I hope those bills pass the senate. I think Speaker Quinn has just sent a letter--

ASSEMBLY MEMBER BRIAN KAVANAGH:

Yes.

CHAIRPERSON BREWER: --in support

of your bill that would--the comprehensive changes, and hopefully, the senate will take it up. But the font issue, we go from a seven to nine, could the Board of Elections made it even larger or they have to wait for your bill?

ASSEMBLY MEMBER BRIAN KAVANAGH: I

was asked whether seven--the board had asserted that seven was the best they could do under current statute. And then they got a lot of pressure from--

CHAIRPERSON BREWER: Then they went

to nine.

ASSEMBLY MEMBER BRIAN KAVANAGH:

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And they went to nine unilaterally--

CHAIRPERSON BREWER: [Interposing]

I couldn't figure out what that, you know, where the nine come from.

ASSEMBLY MEMBER BRIAN KAVANAGH:

Honestly, as far as I can tell, it occurred to them that there's nothing in the law that says the first name and the last name have to be on the same line, so they said, oh, we can move the first line and the first name above it. And they found a little more space.

I mean, I don't know whether nine is the best they can do. The city board also maintains that they have a higher obligation to standardize font size across ballots at different poll sites and across races. So, for example, in there are jurisdictions that are putting Obama and Biden, which have to be in the same box on their ballots, in a smaller font, because it's two names than, say, Kirsten Gillibrand, which is just one name, and they just make it larger. New York City board would not, as I understand their interpretation of the law, do that, even though I don't read the law to require that.

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2 Similarly, the way I read the law
3 it says that the font has to be consistent in a
4 given race for people voting at a particular site.
5 So it does seem like they'd have greater . There
6 also just still seems to be quite a bit of white
7 space in these boxes, but, again, I will say seven
8 to nine is a--it really is a very substantial
9 increase--

10 CHAIRPERSON BREWER: [Interposing]
11 I'm aware of that, no, I'm aware of that, we all
12 know--

13 [Crosstalk]

14 ASSEMBLY MEMBER BRIAN KAVANAGH: --
15 so it is a good step forward but--

16 CHAIRPERSON BREWER: Okay.

17 ASSEMBLY MEMBER BRIAN KAVANAGH: --
18 whether they could have done more is an open
19 question. What the bill does is it--first of all,
20 it says you should do a 12, we had a Council
21 Member, I believe Council Member Fidler, who was
22 very focused on this issue--

23 CHAIRPERSON BREWER: Very.

24 ASSEMBLY MEMBER BRIAN KAVANAGH: --
25 and we had a discussion on the issue of whether we

1
2 could do 12 point in this. The bill now says,
3 partly because of that input from the Council,
4 that they should do 12 point if at all possible
5 for candidate names, and it also clears a lot of
6 other stuff that doesn't need to be on the ballot,
7 there's still the requirement of the pointing--

8 [Crosstalk]

9 ASSEMBLY MEMBER BRIAN KAVANAGH: --
10 index finger and all that. So--

11 CHAIRPERSON BREWER: --bill.

12 ASSEMBLY MEMBER BRIAN KAVANAGH: So
13 by reducing the range of some of the clutter, it
14 should allow more space--

15 CHAIRPERSON BREWER: Right.

16 ASSEMBLY MEMBER BRIAN KAVANAGH: --
17 and allow them to get closer to 12.

18 CHAIRPERSON BREWER: Finally, I do
19 think the whole computerization and the basics is
20 important. We have, right now the staff has to
21 look up things in different places, they have to
22 use two computers to answer a simple question,
23 there's very little overlay, blah, blah, blah.
24 But the issue of they're now inputting by hand
25 almost a gazillion new registrations--

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2 ASSEMBLY MEMBER BRIAN KAVANAGH:

3 Right.

4 CHAIRPERSON BREWER: --and this is
5 a very crazy system. So I think we should have
6 more discussions, not just about the legislation,
7 but some of these operational possibilities.

8 ASSEMBLY MEMBER BRIAN KAVANAGH:

9 Right, it says [off mic] even if you have paper
10 applications, you could probably use more scanning
11 and all that sort of stuff.

12 CHAIRPERSON BREWER: Right.

13 ASSEMBLY MEMBER BRIAN KAVANAGH:

14 And a lot of this--some of this stuff could be
15 done administratively, meaning agencies that are
16 currently required to, especially NVRA required
17 registration agencies, probably could be doing
18 a whole lot more--

19 [Crosstalk]

20 CHAIRPERSON BREWER: [Interposing]

21 Right, I think there's a bill [off mic] a real
22 technology--

23 [Crosstalk]

24 ASSEMBLY MEMBER BRIAN KAVANAGH:

25 [Interposing] It's very challenging, but having

1
2 said that, one of the reasons I'm optimistic we
3 can do that is that once local boards--I mean all
4 these boards across the state are funded locally
5 and they have to hire or pay overtime to an
6 enormous number of people right around election
7 time to take all this paper--

8 CHAIRPERSON BREWER: Right.

9 ASSEMBLY MEMBER BRIAN KAVANAGH: --
10 and try to convert it into voter records and there
11 should be a substantial savings. And I think if
12 we can persuade some of my colleagues from other
13 parts of the state, and especially ones that
14 happen to control the senate at the moment, that
15 this is an opportunity to reduce a local mandate,
16 reduce a state mandate and reduce their costs and
17 make election administration more efficient.

18 The other thing I'll just say is,
19 like, a lot of registration improvement efforts
20 focus on particular subsets of the populations--
21 students or immigrants or, you know, older people
22 or, you know, people with particular ethnic
23 minorities or language minorities--when you do
24 that, you immediately get partisans on each side
25 trying to figure out whether that'll help their

1
2 side or hurt their side. What I am trying to
3 pitch to people in Albany and everywhere is that
4 the goal should be universal registration, every
5 last citizen. So it's like people who want gun
6 permits as well as, you know, people who may be
7 inclined to vote for a different party, and I
8 think that is what we have to strive for.

9 So I have bills that would, just
10 like some of these bills that would help
11 particular subsets, but if we could get to the
12 point where it's just enormous, the default that
13 you're read, every citizen of eligible voting age
14 is registered, I think we might be able to
15 persuade people, then we're just fighting it out
16 for all citizens and not just trying to improve
17 the electorate to advantages.

18 CHAIRPERSON BREWER: Thank you very
19 much.

20 ASSEMBLY MEMBER BRIAN KAVANAGH:
21 Sure, thank you.

22 CHAIRPERSON BREWER: Okay. Mr.
23 Britain [phonetic] and Mr. X, last two speakers.
24 Also, I want to indicate that the UFT sent a memo
25 of support for the record for Intro 728, which is

1
2 the Department of Education voter registration
3 bill.

4 MALE VOICE 1: Madam Chair, you're
5 ready for me?

6 CHAIRPERSON BREWER: Yes, I am.

7 MALE VOICE 1: I am here to pick up
8 a check or for a case \$11 million for work that
9 has been done. What have been said here today is
10 something that has been done since 205 by three
11 Republicans--Salvatore Ripicko [phonetic], 58
12 leader [phonetic], Mariana Bloom [phonetic], 58
13 leader, and Aubry Mo Britain, 55th leader
14 Republican party. We set up an office in
15 Brooklyn, 50--

16 [background noise]

17 MALE VOICE 1: --Albany Avenue had
18 50,000 voter registration there and we trained the
19 best poll workers in this city, Republican trained
20 workers, and we outmaneuvered the Democrat in the
21 42nd, 55th, 58, 59 Assembly district. In 205.
22 Where Mayor Michael Bloomberg, his operation took
23 place from our office countywide in Brooklyn.

24 So I'm here today what the Board of
25 Election have said that they're doing this and

1
2 they're doing that voter registration. I have
3 registered more African-American, Caribbean to the
4 republican party and democratic party statewide
5 from 1583 Albany Avenue. High school drop out,
6 high school graduate, college graduate, teachers,
7 professionals. And what we need is for you to
8 remove from the Board of Election budget, which I
9 am asking, with the State Board of Elections \$12
10 million and send it down to the community-based
11 organization. I do have two competent individual
12 here, an educator, Lerner Philippe [phonetic] and
13 Rev. Victor Philippe [phonetic] where we can use
14 their base at 360 East 22nd Street, but you have
15 to fund the community-based organization that will
16 and encourage the people, they only serve people
17 in this city, like Flatbush, East New York, Bed-
18 Stuy, [off mic].

19 We must not continue to operate
20 voter registration and voters participation from
21 Manhattan or Brooklyn, it must go down into these
22 communities underserved. So, Madam chair, I'm
23 asking you to make yourself available to come out
24 into the Flatbush community to see the cluster--

25 CHAIRPERSON BREWER: [Interposing]

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I'm glad to come to the Flatbush community.

MALE VOICE 1: Okay. Therefore, you can give your information to Ms. Lerner Philippe and she can tell you--or you can tell her when you want to come down into the Flatbush community and visit some of the poll sites. And it's about time that you re-continue to encourage the minority to come out and vote.

CHAIRPERSON BREWER: Thank you very much, I completely concur.

MALE VOICE 1: Okay. Thank you, Madam Chair. And, Madam Chair, next time I come back, will I get a check?

[Crosstalk]

MALE VOICE 1: That's all, I am using the method of the Occupy Wall Street, where is my check.

CHAIRPERSON BREWER: That part I can... Go ahead.

MALE VOICE 2: I have some suggestions, Gale, stemming this public hearing, also the August 8 public hearing in which you and your teammates practically went to blows with the elections bureau employees, and I said it remind

1
2 me of the Survivor series, you almost happen
3 today. Well I have some suggestions, okay?

4 I'm familiar with Microsoft Word, I
5 could type a ballot, okay? All you have to do is
6 just hand me suggestions as to what I should type
7 up, such as name, party you wish to register in,
8 which to vote in, or whatever, et cetera. If
9 that's satisfactory to you, then, yes, you could
10 send the e-mail that I--

11 [Crosstalk]

12 CHAIRPERSON BREWER: Okay.

13 MALE VOICE 1: --get from this
14 gentleman here.

15 CHAIRPERSON BREWER: All right.

16 MALE VOICE 2: But, you know, this
17 is--I'm reading this here, there are several bills
18 here. No, I don't [off mic] some confusion here.
19 Okay. The ballots should have--shouldn't be just
20 narrowed down to Democrat and Republican, that's
21 outrageous. What happened to Worker Families
22 park, what happened to Green party? There's no
23 reason why we can't enroll whichever party we wish
24 to enroll in, that law needs to be changed.

25 Also, the polls, okay? If you

1
2 want, on my time, on my free time, my allotted
3 free time, I can print the poll site information
4 for you. All you have to do is just give me the
5 addresses, I could print it for you, and same
6 applies to your fellow City Council Members too,
7 and it'll give us some idea as to where that, you
8 know--

9 CHAIRPERSON BREWER: All right.

10 MALE VOICE 2: --where they should
11 go.

12 CHAIRPERSON BREWER: Thank you very
13 much, I appreciate it, thank you.

14 MALE VOICE 2: Thank you.

15 CHAIRPERSON BREWER: Okay. And
16 this hearing is now concluded. I want to thank
17 the staff, I want to thank the people who
18 testified. We have a lot of work to do, but it
19 was illuminating, and I hope that November 6 goes
20 well. We will follow up on everybody's question,
21 and particularly the people who have problems,
22 hopefully, they will be addressed.

23 Thank you very much.

24 [Gavel]

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Tammy Wittman*

Date November 10, 2012