

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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February 29, 2016
Start: 10:28 a.m.
Recess: 02:13 p.m.

HELD AT: 250 Broadway- Committee Rm, 16th Fl.

B E F O R E:

BEN KALLOS
Chairperson

COUNCIL MEMBERS:

ANTONIO REYNOSO
CARLOS MENCHACA
DAVID G. GREENFIELD
JOSEPH C. BORELLI
MARK LEVINE
RITCHIE J. TORRES

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

Michael J. Ryan
Executive Director
Board of Elections

Dawn Sandow
Deputy Executive Director
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Assembly Member
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Vladimir Fortunny
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1199 Union

Sofia Lobava [sp?]
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Firas Lucaman [sp?]
Holocaust Survivor

Ari Kagan
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Amy Loprest
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A P P E A R A N C E S (CONTINUED)

Sue Ellen O'Dell [sp?]
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Brennan Center

Kate Doran
League of Women Voters

Seth Flaxman
Co-Founder/Executive Director
Democracy Works

2 [gavel]

3 CHAIRPERSON KALLOS: [speaking foreign
4 language] Good morning to the Board of Elections
5 Campaign Finance Board, members of the committee,
6 advocates, press, and most importantly those of you
7 who are here and watching in the audience at home.
8 This is the Committee on Governmental Operations. I
9 am the Chair Ben Kallos. You can tweet me at Ben
10 Kallos. We are joined this morning by Council
11 Member Joseph Borelli, Mark Levine, as well as
12 Council Member Mark Treyger who has brought so many
13 people from his district. And welcome this is the..
14 the biggest most attendance we've gotten. And we've
15 also achieved another goal of this committee which
16 is we wanted to make it more accessible and
17 actually have it translated in another language
18 before the end of the term. Did not expect it to be
19 Russian but I am glad none the less. And just I
20 really want to thank Mark Treyger because this is
21 an issue we've been working on for a very long time
22 and should not have needed a hearing but now that
23 we are having a hearing hopefully we can get this
24 resolved. I'd also like to recognize that we join
25 by Council Member Mathieu Eugene who we sit next to

2 at each and every stated session. And he's got some
3 great legislation here today which I'll go to
4 later. Today we're holding a hearing on five bills
5 and six resolutions related to improving voter
6 participation in elections. This has been a top
7 priority for this committee and we recognize the
8 need for improving the voter participation. We held
9 a hearing in March of last year and again this past
10 October on legislation aimed at addressing the
11 civic engagement crisis facing our city. The bills
12 in March 2014 include my bill Introduction 659
13 which establishes a voter information portal to
14 allow registered voters to see their voter history,
15 find their poll sites, track and request absentee
16 ballots and verify their voter registration status.
17 This legislation was actually improved by the
18 committee process and most notably by contributions
19 from Council Member Mark Levine. That bill which we
20 expect to pass very soon will lay the groundwork
21 for some of the civic engagement methods we heard
22 last October and will hear today. Fortunately
23 fostering greater civic engagement is also top
24 priority of speaker Melissa Mark Viverito as she
25 highlighted in her State of the City speech earlier

2 this month. Today's legislation seeks to empower
3 voters by ensuring that they are able to easily
4 access and easily understand valuable information
5 about elections. You need me to hold on? Yes. If
6 you are having difficulty hearing the translation,
7 please raise your hand. We are going to just... We're
8 pausing briefly to have a large group of folks who
9 are Russian speaking only which is one of the
10 resolutions that we had, so we're just pausing
11 while we make sure translation is working. We're
12 going to recess for about five minutes while we get
13 the translation working. We are back from recess. I
14 thank everyone for their cooperation during our
15 technical difficulties. Again our priority is to
16 accessible. And we again thank Council Member
17 Treyger and everyone from his district for being
18 here today. And I will ask my wife to teach me more
19 Russian so that next time I can just give it
20 totally in Russian. Proposed Introduction 463-A
21 sponsored by Council Member Vacca would allow
22 voters to receive email and text message
23 notifications regarding the dates and hours of
24 elections, whole site locations, important
25 deadlines for in person and mailed absentee voting

1 and notification of sample ballots. This bill would
2 utilize technology to keep voters more informed and
3 therefore more engaged. This bill would utilize
4 technology to keep voters more informed and
5 therefore more engaged. Organizations like Rock the
6 Vote have been offering this service for use and it
7 is overdue that New York City takes responsibility
8 for ensuring that no one misses an opportunity to
9 vote because they didn't know when the polls closed
10 or mistakenly went to the wrong poll site. As we
11 seek high tech ways to ensure everyone knows their
12 poll site information we must also recognize that
13 many people may not have access to the internet or
14 a mobile phone. Proposed Introduction 62A sponsored
15 by Council Member Garodnick would require the Board
16 of Elections to post notices on election day at
17 poll sites that were in operation in the previous
18 four calendar years but which are no longer in use.
19 It's okay. Introduction 62A sponsored by Council
20 Member Garodnick would require the posting of
21 notices on election day. This will help ensure that
22 voters who made the effort to get to the polls will
23 get their correct polling location. Introduction
24 848 sponsored by Council Member Torres would
25

2 require the board of elections to mail in August of
3 each year voter history information to every
4 registered voter in the city. Such information
5 would include for each of the previous four
6 calendar years whether such voter was registered to
7 vote and whether such voter voted. Voters should
8 know their voting histories are a matter of public
9 record and that some public officials only pay
10 attention to those who vote. Knowing your own
11 voting is a check on the records of the Board of
12 Elections and will give voters the peace of mind
13 that when they cast a ballot they have proof it was
14 counted. Introduction 504 sponsored by Council
15 Member Eugene would require the voter guide
16 published by the Campaign Finance Board to include
17 information about federal, state, and county
18 elections which will give voters more information
19 prior to election day. If you want to just come up
20 to the table, we'll take turns. So grab a seat.
21 Just grab a seat at the testimony table and..

22 [background comments]

23 ARI KAGAN: [speaking foreign language]

24 CHAIRPERSON KALLOS: Introduction 504

25 would also allow voters to opt out receiving a hard

1
2 copy of the voter guide and instead access it
3 electronically.

4 ARI KAGAN: [speaking foreign language]

5 CHAIRPERSON KALLOS: The down ballot
6 races like County elections usually receive little
7 to no press so it's important that the voter guide
8 which may be the only source of information that a
9 voter has includes this information.

10 ARI KAGAN: [speaking foreign language]

11 CHAIRPERSON KALLOS: Introduction 255
12 also sponsored by Council Member Eugene who is
13 sitting right here would require CFV to publish the
14 voter guide not only in English and Spanish but in
15 the top seven limited English proficient languages
16 spoken by the population in the city. This will
17 enhance LEP individuals' ability to learn critical
18 information about candidates... represent them as
19 well as logistical information about election day.

20 ARI KAGAN: [speaking foreign language]

21 CHAIRPERSON KALLOS: The committee will
22 also hear six resolutions today. Proposed
23 Resolution 232A which I sponsored called the
24 state's consolidated congressional state and local
25

2 primary saving taxpayer dollars and preventing
3 voter fatigue.

4 ARI KAGAN: [speaking foreign language]

5 CHAIRPERSON KALLOS: Resolution 281A
6 sponsored by Council Member Rosenthal calls on the
7 Mayor to create an annual student voter
8 registration day to strengthen our efforts in
9 grooming the next generation of politically engaged
10 New Yorkers. Student voter registration drives are
11 something I've done in my district since before I
12 got elected. They are a fantastic way to get young
13 people registered and ready to vote. Council Member
14 Rosenthal has taken her program citywide and
15 successfully secured initiative funding for the
16 city's budget... [cross-talk]

17 ARI KAGAN: [speaking foreign language]
18 Rosenthal, what's her first name?

19 CHAIRPERSON KALLOS: Helen.

20 ARI KAGAN: Helen. [speaking foreign
21 language]

22 CHAIRPERSON KALLOS: The young adult
23 voter registration act which is already law
24 requires that students be handed a voter
25 registration form with their high school diploma

1 yet we all know this act is not achieving its goal
2 getting young people register. A bill I introduced
3 in this committee heard last year will mandate
4 tracking compliance... and distribution of the forms
5 during class time. But a day still needs to be set
6 aside during the school year to show students how
7 important it is to register to vote and this
8 resolution would do so.

9
10 ARI KAGAN: [speaking foreign language]

11 CHAIRPERSON KALLOS: Resolution 870
12 sponsored by Council Members Rodriguez and Wills
13 calls on the state to restore voting rights to
14 parolees. Currently New York state restores voting
15 rights to individuals with felony convictions only
16 after they finish serving their sentence or are
17 released from parole. Resolution 870 would help
18 parolees reintegrate into society more quickly
19 bolstering their right to participate in the
20 elector system as soon as they're released from
21 prison.

22 ARI KAGAN: [speaking foreign language]

23 CHAIRPERSON KALLOS: Resolution 384 is
24 sponsored by Council Member Levine, a member of
25 this committee, and would actually go a long way

1 towards improving our elections. It's hard for
2 anyone to do a good job when you're asking them to
3 work 16 hours. And currently the BOE is allowed to
4 have poll workers work half day shifts but
5 currently force everyone to work shifts of 16 hours
6 or more, a day that starts long before 5:00 a.m.
7 and ends long after 9:00 p.m.

8 ARI KAGAN: [speaking foreign language]

9 CHAIRPERSON KALLOS: This disqualifies
10 most students and working adults. It also places an
11 undue burden on seniors who may not be available to
12 work such long days. Allowing half day shifts of
13 eight hours would bring new dedicated and qualified
14 people into the poll of applicants to do one of the
15 most important jobs on election day.

16 ARI KAGAN: [speaking foreign language]

17 CHAIRPERSON KALLOS: Proposed Resolution
18 553A sponsored by Council Member Cabrera calls on
19 the state to implement one of the most effective
20 ways to increase voter turnout, create a period
21 before election day for voters to vote in person.
22 Having just one single day to vote has prevented
23 many voters from participating particularly with
24 non-traditional work schedules, working parents,
25

2 and those with long commutes to and from work.

3 Early voting would increase access and create more...

4 ARI KAGAN: [speaking foreign language]

5 CHAIRPERSON KALLOS: The next is the
6 resolution you are here for today, Resolution 390A
7 sponsored by the man of the hour; Council Member
8 Mark Treyger, calls on New York state to require
9 BOE to provide Russian interpreters at certain poll
10 sites ensuring that the concerns of the Russian
11 community are heard. I want to thank Council Member
12 Treyger for his dedication to this issue. My wife
13 and in-laws are native Russian speakers and we
14 should not let language barriers dissuade someone
15 from voting.

16 ARI KAGAN: [speaking foreign language]

17 CHAIRPERSON KALLOS: Thank you for all
18 of Mark Treyger's constituents who have come out.
19 It's a testament to how many people care deeply
20 about this issue as well as the council member's
21 advocacy for an engagement with the needs of his
22 district.

23 ARI KAGAN: [speaking foreign language]

24 CHAIRPERSON KALLOS: This package of
25 legislation will ease voters' ability to access

2 information, enhance their ability to understand
3 important details and encourage them to be more
4 civically engaged which in turn will make our city
5 stronger. I'd like to acknowledge that we've been
6 joined by Council Members Torres, Vacca, and
7 Greenfield. And I'd like to call on Council Member
8 Treyger to make a statement.

9 ARI KAGAN: [speaking foreign language]

10 CHAIRPERSON KALLOS: You can make your
11 statement in English or Russian or both.

12 COUNCIL MEMBER GREENFIELD: English.

13 [speaking foreign language] but I'll... I'll... I'll
14 say it in English, little bit of Russian. [speaking
15 foreign language] I want to say first and foremost...
16 [speaking foreign language]. Thank you to Chair
17 Kallos and the staff and all the members of the
18 committee on governmental operations for holding
19 this hearing on 11 bills which seek to strengthen
20 our democracy by providing the citizens of New York
21 with more and better resources to help them fully
22 exercise their right to vote. I am proud to have
23 introduced Reso 398 or resolution in support of
24 assembly bill 4749 sponsored by Assembly Member
25 Bill Colton and Senate Bill 1703 an act which would

2 require the New York City Board of Elections to
3 provide Russian interpreters at certain polling
4 locations.

5 ARI KAGAN: [speaking foreign language]

6 COUNCIL MEMBER GREENFIELD: I want to
7 say something here for the record; according to the
8 New York City Mayor's Office of Immigrant Affairs,
9 the population of Russian speakers with limited
10 English proficiency in New York City exceeds other
11 language groups who are already provided
12 interpreters such as Korean and Bengali. With
13 approximately 114,000 limited English proficiency
14 Russian speaking compared to 47,000 limited English
15 proficiency Koreans and 39,000 limited English
16 proficiency Bengalese. So... which means there are
17 more Russian speaking than Bengali and Koreans
18 combined but yet not one Russian speaker
19 interpreter working at our poll sites.

20 ARI KAGAN: [speaking foreign language]

21 COUNCIL MEMBER GREENFIELD: The lack of
22 Russian interpreters at polling locations has been
23 a longstanding impediment to the full civic
24 participation of the 10th largest immigrant group
25 in our city. The strong turnout this morning in

1 support of this resolution is a testament to the
2 importance of this issue for the Russian speaking
3 community. And might I add in this room here today
4 we have people who are World War II veterans. We
5 have people here who are Holocaust survivors. We
6 have people here who have sacrificed and lost
7 relatives in defense of freedom and liberty for
8 this country here... here as well. And I am proud to
9 stand on your shoulders as the grandson to
10 Holocaust survivors and World War II veterans.

12 ARI KAGAN: [speaking foreign language]

13 COUNCIL MEMBER GREENFIELD: I applaud
14 the Board of Elections for providing Spanish,
15 Chinese, Bengali, Korean, and Hindi interpreters
16 however I am baffled and outraged by their
17 continued refusal to provide Russian interpreters
18 despite repeated requests from the community and
19 elected officials. Russian speakers with limited
20 English proficiency are the third largest limited
21 English proficiency language group in New York City
22 after Spanish and Chinese speakers.

23 ARI KAGAN: [speaking foreign language]

24 COUNCIL MEMBER GREENFIELD: Failing to
25 provide linguistic access for Russian speakers

1
2 potentially disenfranchises over 100,000 New
3 Yorkers and as the first Russian speaking member of
4 the city council and the son of Russian speaking
5 immigrants I find this exclusion to be a travesty.

6 ARI KAGAN: [speaking foreign language]

7 COUNCIL MEMBER GREENFIELD: And might I
8 just say that for the record what inspired me to
9 introduce this resolution is a story is experience
10 that I personally witnessed where a holocaust
11 survivor and World War II veteran who actually was
12 working as a poll worker at a poll site in Southern
13 Brooklyn was threatened by a coordinator at a poll
14 site because he had the audacity to help assist a
15 Russian speaking voter which ED they had to go to
16 vote in because they had no idea which booth they
17 had to go vote in. So all they wanted to do was
18 tell them you vote there. But because he spoke in
19 Russian they had the police officer called and
20 tried to forcibly remove him until I was called
21 down to the site. And that is outrageous and
22 unacceptable in America in the 21st century.

23 ARI KAGAN: [speaking foreign language]

24 COUNCIL MEMBER GREENFIELD: And we keep
25 hearing reports after reports that during training

1
2 for poll workers and coordinators and they wouldn't
3 dare put this in writing because they know that
4 they'll get sued immediately. But we keep hearing
5 reports that people doing trainings for poll
6 workers in Brooklyn are being told that if they
7 speak an unauthorized language at the poll site
8 other than English, Spanish, or Chinese that to
9 call a police officer and have the person removed
10 from the poll site.

11 ARI KAGAN: [speaking foreign language]

12 CHAIRPERSON KALLOS: So I want to say
13 that this hearing is historic and a triumph for
14 civic access. I'd like again to thank speaker
15 Melissa Mark Viverito, Chair Kallos, members of
16 this committee. I also want to point out we've been
17 joined by Councilman David Greenfield that
18 represents also a large Russian speaking community
19 and he has been a very very dear and strong friend
20 of our Russian community as well as the chair of
21 the Jewish Caucus Mark Levine who has been a very
22 big big friend as well and of course Councilman
23 Eugene, and all the members here as well. This is
24 the first hearing of its kind where the Russian
25 speaking community is coming out in full force in

2 support of your rights. This is your country, your
3 city too, and you deserve the benefits every other
4 group has here in New York City.

5 ARI KAGAN: [speaking foreign language]

6 CHAIRPERSON KALLOS: [speaking foreign
7 language] I am ready to get this hearing started.
8 Thank you. [speaking foreign language]

9 ARI KAGAN: [speaking foreign language]

10 CHAIRPERSON KALLOS: We want to thank
11 Ari Kagan for serving as a translator. We're going
12 to go over to our paid translator and if she needs
13 a break we'll... we'll switch back. I'd like to now
14 call on Council Member Eugene to make his opening
15 statement. In Russian please.

16 COUNCIL MEMBER EUGENE: Thank...
17 absolutely. I'm going to speak only Russian today.

18 CHAIRPERSON KALLOS: And just... [cross-
19 talk]

20 COUNCIL MEMBER EUGENE: Thank you.

21 CHAIRPERSON KALLOS: ...be sure to give
22 the translator a chance to jump in.

23 COUNCIL MEMBER EUGENE: Thank you so
24 very much. Good morning everyone. Good morning.

25 TRANSLATOR: [speaking foreign language]

2 COUNCIL MEMBER EUGUME: I would love to
3 speak Russian this morning but I unfortunately
4 today I cannot but I will make sure that I learn
5 Russian for the next time. And that... [cross-talk]

6 TRANSLATOR: [speaking foreign language]

7 COUNCIL MEMBER EUGENE: I'm Council
8 Member Mathieu Eugene and it is a pleasure for me
9 to be here today. I'd like to thank Chairman Ben
10 Carlos... Kallos of the Committee on Government and
11 Operation and also all my colleagues who introduced
12 important legislation for their effort to bring
13 positive and very important reform to government
14 agencies. Thank you Chairman Kallos and to all my
15 colleagues thank you very much. And thank you..

16 TRANSLATOR: [speaking foreign language]

17 COUNCIL MEMBER EUGENE: And thank you
18 Chair... for your leadership.

19 TRANSLATOR: [speaking foreign language]

20 COUNCIL MEMBER EUGENE: It is a pleasure
21 for me to discuss my two bills; Intro 255 and Intro
22 504 because I'm confident they would empower voters
23 of all ages.

24 TRANSLATOR: Can you repeat that first
25 part?

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2 COUNCIL MEMBER EUGENE: It is a pleasure

3 for me to discuss my two bills... [cross-talk]

4 TRANSLATOR: [speaking foreign language]

5 COUNCIL MEMBER EUGENE: ...Intro 255 and

6 Intro 504...

7 TRANSLATOR: [speaking foreign language]

8 Two...

9 COUNCIL MEMBER EUGENE: Intro 255.

10 TRANSLATOR: [speaking foreign language]

11 COUNCIL MEMBER EUGENE: And Intro 504.

12 TRANSLATOR: [speaking foreign language]

13 COUNCIL MEMBER EUGENE: Because I'm

14 confident that would empower voters of all ages.

15 TRANSLATOR: [speaking foreign language]

16 empowers.

17 COUNCIL MEMBER EUGENE: We are in the

18 midst of... of preparing for a presidential election

19 and so we are being bombarded with... and talk about

20 voting.

21 TRANSLATOR: [speaking foreign language]

22 I'm sorry I'm confused... Can... can you please... yeah,

23 I'm sorry.

24 COUNCIL MEMBER EUGENE: I say we are in

25 the midst of preparing the presidential election.

2 TRANSLATOR: Can you come here please?

3 I'm sorry... I'm sorry I am very... have difficulty to
4 understand what's going on right now. Yeah yeah
5 yeah so...

6 CHAIRPERSON KALLOS: ...if you can
7 continue.

8 COUNCIL MEMBER EUGENE: Okay... [cross-
9 talk] We are in the midst of preparing the
10 presidential election.

11 ARI KAGAN: [speaking foreign language]

12 COUNCIL MEMBER EUGENE: And so we are
13 being bombarded with... and talk about voting.

14 ARI KAGAN: [speaking foreign language]

15 COUNCIL MEMBER EUGENE: But all local
16 elections... impact us and we must encourage our
17 residents to vote in all elections.

18 ARI KAGAN: [speaking foreign language]

19 COUNCIL MEMBER EUGENE: Voting is an
20 important right but New Yorkers... voters... is being
21 very minimal.

22 ARI KAGAN: [speaking foreign language]

23 COUNCIL MEMBER EUGENE: We must examine
24 our policies and do whatever it take to make voting
25 easier for the men and woman in our diverse city.

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2 ARI KAGAN: [speaking foreign language]

3 COUNCIL MEMBER EUGENE: My bill Intro
4 255 and Intro 504 would empower our voters.

5 ARI KAGAN: [speaking foreign language]

6 COUNCIL MEMBER EUGENE: And Intro 255
7 would require the voter guide published by the New
8 York City Board of Election to be publish in at
9 least seven other language on the top of language
10 spoken in the city of New York in addition to
11 English and Spanish.

12 ARI KAGAN: [speaking foreign language]

13 COUNCIL MEMBER EUGENE: Intro 504 will
14 require the voter guide publish by the New York
15 City Board of Election to include information about
16 contested federal, state, and county election in
17 addition to requiring that a voter guide
18 information be available online.

19 ARI KAGAN: [speaking foreign language]

20 COUNCIL MEMBER EUGENE: By providing
21 information to New Yorkers and by doing so in the
22 appropriate language we are giving all New Yorkers
23 an equal opportunity to vote.

24 ARI KAGAN: [speaking foreign language]

25

2 COUNCIL MEMBER EUGENE: My bills Intro
3 255 and Intro 504 will encourage people to vote and
4 increase the voting participation and in turn
5 there... this bill will make our democracy stronger
6 because it will more accurately represent the
7 voices of our people.

8 ARI KAGAN: [speaking foreign language]

9 COUNCIL MEMBER EUGENE: And thank you
10 very much again Mr. Chair and to all my colleagues
11 who introduce important legislation to reconfirm
12 the voting system in New York City. Thank you very
13 much.

14 ARI KAGAN: [speaking foreign language]

15 CHAIRPERSON KALLOS: Next up is Council
16 Member Jimmy Vacca.

17 ARI KAGAN: [speaking foreign language]

18 COUNCIL MEMBER VACCA: Thank you. My
19 bill, Intro 463, would require the Board of
20 Elections to send email and text message
21 notifications to city voters who provide their
22 email address or mobile phone number.

23 ARI KAGAN: [speaking foreign language]

24 COUNCIL MEMBER VACCA: In brief the kind
25 of information that my bill would require to be

1 pushed out to voters would be one; reminders 10
2 days in advance and on election day of the election
3 for which the voter is eligible and the poll... poll
4 site location.
5

6 ARI KAGAN: [speaking foreign language]

7 COUNCIL MEMBER VACCA: Notification of
8 in person absentee voting and the deadline to mail
9 an absentee ballot...

10 ARI KAGAN: [speaking foreign language]

11 COUNCIL MEMBER VACCA: And lastly
12 notification of the availability of a sample ballot
13 online available in all of the languages in which
14 the Board of Elections publishes its election
15 notices that are sent by mail.

16 ARI KAGAN: [speaking foreign language]

17 COUNCIL MEMBER VACCA: Thank you.

18 CHAIRPERSON KALLOS: Our next sponsor
19 Mark Levine.

20 ARI KAGAN: [speaking foreign language]

21 COUNCIL MEMBER LEVINE: [speaking
22 foreign language] Thank you Mr. Chair. I'm pleased
23 to say a few words on behalf of Resolution number
24 384 which would urge the Board of Elections to
25

2 create an option for poll workers to work half day
3 shifts.

4 ARI KAGAN: [speaking foreign language]

5 COUNCIL MEMBER LEVINE: We cannot
6 overstate just how important poll workers are to
7 smooth riding elections. But we're asking these
8 hard working men and women to work shifts of 15 16
9 seven hours really a brutal length for anyone to
10 work.

11 ARI KAGAN: [speaking foreign language]

12 COUNCIL MEMBER LEVINE: It's easy to
13 understand that at the end of a long day, a day
14 that begins in many cases at 5:00 a.m. poll workers
15 would not be at the top of their game and it would
16 make it more difficult for them to flawlessly
17 administer voting in their poll site.

18 ARI KAGAN: [speaking foreign language]

19 COUNCIL MEMBER LEVINE: And then the
20 most critical hour of the day comes after the polls
21 are closed at 9:00 p.m. when the votes are tallied
22 in the poll site. And that is the moment when poll
23 workers will be experiencing maximum exhaustion.

24 ARI KAGAN: [speaking foreign language]

2 COUNCIL MEMBER LEVINE: The pattern of
3 voting through the day is such that there is a big
4 rush in the morning before people go to work or
5 before they drop off their kids at school and
6 there's a rush in the afternoon is eve... and evening
7 as people are picking their kids up from school or
8 returning from work.

9 ARI KAGAN: [speaking foreign language]

10 COUNCIL MEMBER LEVINE: It would be very
11 easy to have a shift change midday when voting is
12 light so that one shift could work eight hours, a
13 full day's work, through the morning rush you could
14 have a shift change mid-day, second shift could
15 work another eight hours, a full day in its own
16 right.

17 ARI KAGAN: [speaking foreign language]

18 COUNCIL MEMBER LEVINE: This would not
19 only assure that poll workers are fresh during the
20 critical evening rush voting period as well as
21 during the time when votes are tabulated after
22 9:00.

23 ARI KAGAN: [speaking foreign language]

24 COUNCIL MEMBER LEVINE: But it would
25 also open up the positions of poll workers to

1 people who simply are not able to do the work today
2 because of the link of a 16 and 17-hour day.

4 ARI KAGAN: [speaking foreign language]

5 COUNCIL MEMBER LEVINE: Senior citizens
6 who are eager to work who have the potential to be
7 outstanding poll workers but simply are not able to
8 work a 17-hour day understandably...

9 ARI KAGAN: [speaking foreign language]

10 COUNCIL MEMBER LEVINE: ...and young
11 people, students, college students who also would
12 be eager and capable workers but may have class in
13 the morning or afternoon could easily handle a half
14 day shift but cannot be there for a full 17 hours.

15 ARI KAGAN: [speaking foreign language]

16 COUNCIL MEMBER LEVINE: For all these
17 reasons I want to encourage my colleagues to
18 support Resolution 384 which would call on the
19 Board of Elections to create an option for half day
20 shifts. Really they should still be called full day
21 shifts. They are full eight hour shifts. So that we
22 have poll workers at their freshest throughout the
23 day and so that we open up this job to important
24 new populations.

25 ARI KAGAN: [speaking foreign language]

2 COUNCIL MEMBER LEVINE: Thank you Chair
3 Kallos for bringing this resolution to our
4 committee hearing today. Thanks to all of you for
5 joining us and I want to urge my colleagues to
6 import... to support this important resolution.

7 ARI KAGAN: [speaking foreign language]

8 COUNCIL MEMBER LEVINE: [speaking
9 foreign language] Thank you.

10 CHAIRPERSON KALLOS: I want to thank our
11 Committee Counsel Smita Deshmukh, Policy Analyst
12 Laurie Wen, Finance Analyst James Subudhi,
13 Legislative Director Paul Westrick for their work
14 on today's hearing.

15 ARI KAGAN: [speaking foreign language]

16 CHAIRPERSON KALLOS: So I just want to
17 go over some quick timeline pieces in order to
18 accommodate our large audience today we're going to
19 have Board of Elections come up as our first panel.
20 We will then have questions from Council Members.
21 We will then have a panel just on the Russian
22 interpreter resolution so that will probably take
23 us until about 12:30. And then we will then take
24 our third panel of Campaign Finance Board. And then
25 around 1:00 ish we will get to the good government

2 groups. So I just want to apologize to the good
3 government groups and the Campaign Finance Board
4 and thank all of them for their cooperation. Our
5 hope is that we can deal with the part of the
6 agenda that requires translation first and then
7 once we're on to the rest of the agenda things
8 should run more smoothly.

9 ARI KAGAN: So Board of Elections will
10 be first. Board of Elections will be first. Okay
11 and then people will be able to testify?

12 CHAIRPERSON KALLOS: And we have four
13 current signed up.

14 ARI KAGAN: Okay. [speaking foreign
15 language]

16 CHAIRPERSON KALLOS: We would like to
17 now ask Mike Ryan and Dawn Sandow from the New York
18 City Board of Elections. And Mike...

19 MICHAEL RYAN: Yes Sir?

20 CHAIRPERSON KALLOS: ...we're going to ask
21 you to please go no longer than 10 minutes and then
22 just work with our professional and volunteer
23 translation.

24 ARI KAGAN: And your name?

25 DAWN SANDOW: [off mic] Dawn Sandow.

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2 ARI KAGAN: [speaking foreign language]

3 Dawn Sanda?

4 DAWN SANDOW: Sandow.

5 ARI KAGAN: Sandow.

6 CHAIRPERSON KALLOS: Right, yes.

7 ARI KAGAN: Sorry. Dawn Sandow...

8 [speaking foreign language]

9 CHAIRPERSON KALLOS: And before you
10 begin if you could please raise your right hand. Do
11 you affirm to tell the truth, the whole truth, and
12 nothing but the truth in your testimony before this
13 committee and to respond honestly to council member
14 questions?

15 MICHAEL RYAN: I do. Thank you. Ready to
16 begin? And there's going to be translation...
17 correct? Chair Kallos and members of the New York
18 City Council on... Committee on Governmental
19 Operations. My name is Michael Ryan. I am the
20 Executive Director of the Board of Elections in the
21 City of New York. And I am joined by the board's
22 Deputy Executive Director Ms. Sandown seated to my
23 left.

24 ARI KAGAN: [speaking foreign language]

25

2 MICHAEL RYAN: For the purposes of
3 clarification I'm going to be limiting my remarks
4 today to the intros that directly affect the Board
5 of Elections. The Board is offering no commentary
6 but is prepared to answer questions with respect to
7 the resolutions or any intros that may affect other
8 agencies that will be testifying later.

9 ARI KAGAN: [speaking foreign language]

10 MICHAEL RYAN: As usual I would like to
11 thank Chair Kallos for the opportunity to testify
12 here today. And without further ado I will be going
13 into my prepared remarks.

14 ARI KAGAN: [speaking foreign language]

15 MICHAEL RYAN: Generally, the New York
16 state constitution Article 8 Section 2CI provides
17 that every local government may adopt laws relating
18 to its property affairs or government so long as
19 those laws do not conflict with the state
20 constitution or any general law of the state. Sorry
21 that's Article nine, not Article 8.

22 ARI KAGAN: [speaking foreign language]

23 MICHAEL RYAN: Article 2 Section 8 of
24 the New York state constitution establishes the
25 Board of Elections as an independent body set forth

2 to honestly administer elections including those
3 for local elected officials.

4 ARI KAGAN: [speaking foreign language]

5 MICHAEL RYAN: In addition, for those
6 that are familiar and for those who are unfamiliar
7 with the Board of... with the New York state election
8 law it is a comprehensive body of law that
9 prescribes very specific rules and regulations
10 under which the board must operate. And in addition
11 we must also operate pursuant to the rules set
12 forth by the New York state Board of Elections
13 which is essentially our governing body.

14 ARI KAGAN: [speaking foreign language]

15 MICHAEL RYAN: Local governments have
16 limited authority with respect to the Board of
17 Elections most notably with respect to the
18 appointment of commissioners under 3-204 and the
19 allocation of funds under 4-136 both of the New
20 York state election law.

21 ARI KAGAN: [speaking foreign language]

22 MICHAEL RYAN: The New York state courts
23 for at least 75 years have recognized the unique
24 constitutional and statutory status of the Board of
25 Elections for all 62 counties throughout the state.

2 ARI KAGAN: [speaking foreign language]

3 MICHAEL RYAN: The primary goal is to
4 ensure a uniform statewide application to protect
5 the fundamental right of suffrage and to ensure the
6 orderly conduct of elections for local statewide
7 and federal officers. As such it is a matter of
8 statewide concern.

9 ARI KAGAN: [speaking foreign language]

10 MICHAEL RYAN: In my written testimony
11 you will note that the court has placed
12 restrictions on the influence of local governments
13 over the Boards of Election throughout the state
14 and that is a consistent precedential history.

15 ARI KAGAN: [speaking foreign language]

16 MICHAEL RYAN: Most recently in the case
17 of Casteen V. Zerlo [phonetic] decided in 2014 the
18 court precluded a county from imposing its own
19 ethics code upon the local Board of Elections as
20 violative of sections 1-102 of the election law and
21 section 3-200 subdivision 4.

22 ARI KAGAN: [speaking foreign language]

23 MICHAEL RYAN: The board respectively
24 submits that Intros 62-A, 463-A, and 848 are in
25 conflict with the independent nature of the board's

1 constitutional and statutory authority. The board's
2 opinion is consistent with the state's
3 constitution... constitutional and statutory
4 framework.
5

6 ARI KAGAN: [speaking foreign language]

7 MICHAEL RYAN: And that has also been
8 confirmed by the various cases which are contained
9 in our written testimony and have been decided over
10 a long period of time in the state of New York.

11 ARI KAGAN: [speaking foreign language]

12 MICHAEL RYAN: That having been said the
13 board enjoys a very close working relationship with
14 the mayor's administration and the city council as
15 government partners. And we are cognoscente of the
16 fact that the city council has certain authority
17 over the Board of Elections but more importantly
18 each member of the city council represents a
19 constituency that allows for the constituencies
20 voices to be heard. So while we differ over direct
21 legal authority that does not mean that we do not
22 enjoy a good and close working relationship with
23 the city council.

24 ARI KAGAN: [speaking foreign language]
25

2 MICHAEL RYAN: Simply put the difference
3 lies in whether or not the board must accept a
4 mandate or simply have a good cooperative working
5 relationship that deals with practical suggestions
6 on how to improve the process. Under some instances
7 we will differ on the... on the former. But I don't
8 think under any circumstances would we differ on
9 the latter.

10 ARI KAGAN: [speaking foreign language]

11 MICHAEL RYAN: In the interest of time
12 we have very specific references in our written
13 testimony with respect to each bill if the
14 committee so desires I can dispense with the public
15 reading of those since it's part of the record and..
16 and open the floor up to questions or I can
17 continue with my testimony as you prefer.

18 CHAIRPERSON KALLOS: With... The
19 testimony's on record and you and can... you online
20 anyone here if you need a copy we can give it to
21 you if we can begin question and answer.

22 MICHAEL RYAN: That's fine.

23 ARI KAGAN: [speaking foreign language]
24 ...but can at least like in one line say what kind of
25 resolutions the Board of Elections is objection to?

1 ...resolution just in one line what is... [cross-talk]
2
3 not whole resolution but just in one line. So the
4 most important you're not objecting to the
5 resolution on second... 398, you're not objecting to
6 this...

7 CHAIRPERSON KALLOS: He's not objecting...

8 MICHAEL RYAN: We're not objecting to
9 any resolution.

10 ARI KAGAN: Okay.

11 MICHAEL RYAN: We're simply offering no
12 testimony on the resolutions because there is a
13 separate state process that allows us to
14 participate. And if these become state proposals
15 then we will testify either before this assembly...
16 the assembly or the senate.

17 ARI KAGAN: [speaking foreign language]

18 CHAIRPERSON KALLOS: If folks have
19 questions they should write them down and contact
20 Mark Treyger's office and we will get them answers.

21 ARI KAGAN: [speaking foreign language]

22 CHAIRPERSON KALLOS: And... and just
23 before we go forward with respect to Resolution 384
24 of 2014 I would like to say that the New York state
25 election law already provides for split shifts

1
2 under Section 3-400 subdivision 7. We have done a
3 pilot in Brooklyn last year utilizing split shifts
4 and we have... the commission has passed their own
5 directive allowing for the board to begin the
6 process of utilizing and hopefully will get a lot
7 of 17-year-old poll workers to try to integrate
8 them into this split shift process. So some of that
9 work has already begun.

10 ARI KAGAN: [speaking foreign language]

11 CHAIRPERSON KALLOS: So I'm going to
12 just ask one quick question. I appreciate the quick
13 testimony and I just wanted to ask a quick yes/no
14 question of... does the lightening round, the
15 lightening round... does the Board of Elections of
16 the City of New York receive funding from the city
17 or state?

18 ARI KAGAN: [speaking foreign language]

19 CHAIRPERSON KALLOS: You can answer with
20 [speaking foreign language] or [speaking foreign
21 language]

22 MICHAEL RYAN: [speaking foreign
23 language] We do by state mandate. So the fund... the
24 source of the funding is from the city of New York,
25 correct.

2 ARI KAGAN: [speaking foreign language]

3 CHAIRPERSON KALLOS: And is... is the
4 Board of Elections an unfunded state mandate or is
5 it something that is funded by the city and
6 therefore... so yes is... is the Board of Elections an
7 unfunded state mandate?

8 MICHAEL RYAN: I wouldn't characterize
9 it that way. It is part of the structure of the
10 state both constitutionally and statutorily for
11 many many years and we get our funding from the
12 city of New York, that is correct.

13 ARI KAGAN: [speaking foreign language]

14 CHAIRPERSON KALLOS: I would just... So
15 with that said I respectfully disagree with the
16 Board's testimony for the record and will now pass
17 over to... [cross-talk]

18 ARI KAGAN: [speaking foreign language]

19 CHAIRPERSON KALLOS: ...Mark Treyger for...
20 [cross-talk]

21 ARI KAGAN: [speaking foreign language]

22 CHAIRPERSON KALLOS: If... if...

23 ARI KAGAN: [speaking foreign language]

24 CHAIRPERSON KALLOS: ...the audience can...
25 if you have questions you can write them down, pass

it to the Sergeant of Arms and it will be passed to Council Member Treyger.

ARI KAGAN: [speaking foreign language]

CHAIRPERSON KALLOS: ...I'm going to ask questions. So... the... the... what they should do is write their questions in English or Russian, pass them to the Sergeant at Arms who will raise his hand, and then he will bring... [cross-talk]

ARI KAGAN: [speaking foreign language]

CHAIRPERSON KALLOS: And Mark Treyger will figure... decide which questions to ask now, which ones he will forward on for answering later. And my council also asked that I caution that the Board of Elections who are testifying now do not have a position, the Russian translator resolution so they will not be able to speak to that.

ARI KAGAN: [speaking foreign language]

COUNCIL MEMBER TREYGER: Okay...

ARI KAGAN: [speaking foreign language]

COUNCIL MEMBER TREYGER: Okay.

ARI KAGAN: [speaking foreign language]

COUNCIL MEMBER TREYGER: [speaking foreign language]

ARI KAGAN: [speaking foreign language]

2 COUNCIL MEMBER TREYGER: Okay. So good
3 morning Director Ryan and Deputy Director Sandow
4 and thank you Chair Kallos for... for giving me the
5 time this morning. And I... I am fully cognoscente
6 that even though the city of New York predominantly
7 funds the Board of Elections the state does have
8 greater authority, that is why this is a
9 resolution. But it's very germane to this council
10 because first of all New York City probably has the
11 heaviest concentration of Russian speaking
12 residents in New York. And quite frankly this is...
13 this is a city administration and a city council
14 that is boasting. Rightfully so... that we are an
15 inclusive city and that we are a city for all. And
16 I think that this is very germane to this committee
17 and to this council and to this hearing right now.

18 ARI KAGAN: [speaking foreign language]

19 COUNCIL MEMBER TREYGER: I would... I
20 would just ask if we did have that power I would
21 absolutely be pushing a law requiring...

22 ARI KAGAN: [speaking foreign language]

23 COUNCIL MEMBER TREYGER: And... [cross-
24 talk]

25 ARI KAGAN: [speaking foreign language]

2 COUNCIL MEMBER TREYGER: And I want to
3 say for the record someone from the state... at least
4 one person from the state is here. We have been
5 joined by Assembly Member Pamela Harris who
6 represents the 46th assembly district who is a
7 historic... historic candidate and historic official
8 who happens to be the first African American
9 elected in a white majority district garnering over
10 70 percent of the Russian vote in her district.

11 ARI KAGAN: [speaking foreign language]

12 MICHAEL RYAN: And Council Member just
13 before if I happen to in the course of my answer if
14 I'm going too far and you need to me to stop just
15 give me a wave so... you know so that we make sure
16 everybody understands what's happening.

17 COUNCIL MEMBER TREYGER: Sure. So I...
18 I'll ask some questions now. Director Ryan is there
19 anything legally... legally barring you right now
20 from hiring Russian speaking interpreters at poll
21 sites with large Russian speaking populations?

22 ARI KAGAN: [speaking foreign language]

23 MICHAEL RYAN: Our concern and it's...
24 it's much more of a concern. The... the impediment
25 presently is a practical one more than a legal one.

2 While under the federal voter rights act, Section
3 203 and 204-C we are mandated to provide language
4 assistance when there is a greater than five
5 percent by county. However, that is according to
6 the last census. So the data that we are allowed to
7 look back to right now... goes back to 2010 and we're
8 six years into that cycle.

9 ARI KAGAN: [speaking foreign language]

10 COUNCIL MEMBER TREYGER: So plans and
11 funding are typically predicated by mandates. And
12 that's where the rubber really meets the road for
13 us. And there are other situated groups that would
14 make a similar case to the case that the... the
15 Russian community is making. And then we're in a
16 position of provide for one provide for all when we
17 might not be and very likely won't be in the
18 financial position to do that. That having been
19 said we're happy to work with the... with the city
20 council and with the state legislature to... to try
21 to overcome some of these hurdles.

22 ARI KAGAN: [speaking foreign language]

23 COUNCIL MEMBER TREYGER: So just to be
24 clear on the record it's... it's helpful just for us
25 to know for the record there is nothing legally

1 prohibiting you right now from hiring Russian
2 interpreters at certain poll sites? Just... it's a
3 simple...

4
5 ARI KAGAN: [speaking foreign language]

6 MICHAEL RYAN: Right... No there... there is
7 no statutory prohibition but we do believe that if
8 we cross a certain threshold we may find ourselves
9 in a position of equal protection clause arguments
10 being made by other groups. And that's the... and
11 that's the slope that we're on.

12 ARI KAGAN: This is very very important.
13 This is very important.

14 MICHAEL RYAN: Absolutely.

15 ARI KAGAN: [speaking foreign language]

16 COUNCIL MEMBER TREYGER: So how do you...
17 Director Ryan how do you explain hiring
18 interpreters for Bengali and Korean residents while
19 omitting the Russian speaking population there far
20 exceeds their numbers.

21 ARI KAGAN: [speaking foreign language]

22 MICHAEL RYAN: The practical answer is
23 very simple for those languages that you just set
24 forth namely being Chinese, Bengali, Korean, and
25 Spanish we're required to do so by the limited

2 English proficiency standards set forth in the
3 federal voter rights act. And so it becomes a
4 question of mandate. And... and like any other agency
5 if our mandates expand we believe at that point we
6 would have a good case for additional resources.
7 It's a mandate issue and a resource issue.

8 ARI KAGAN: [speaking foreign language]

9 COUNCIL MEMBER TREYGER: I am fairly
10 certain in the voting rights act it does not
11 specifically state Bengali or Korean.

12 MICHAEL RYAN: That's... that's correct.

13 COUNCIL MEMBER TREYGER: So how... how do
14 you then justify them and not the Russian speaking
15 population?

16 ARI KAGAN: [speaking foreign language]

17 MICHAEL RYAN: As... as I set forth
18 earlier the standard is five percent of the
19 subdivision, five percent of the population of a
20 particular subdivision... So in this particular case
21 we would say each one of the boroughs would be a
22 subdivision. We don't break it down into individual
23 election districts. That would be a borough wide ...
24 no I'm sorry we do break it down into the
25 individual subdivisions for example in... in

2 Manhattan and Brooklyn, not every area is required
3 to have Chinese although some areas are. So that's
4 how it's broken down. And it's five percent of the
5 political subdivision as established by the census.
6 This last census in 2010... I'm not a demographics
7 effort but... but I can tell you just by living that
8 saturations of populations change over 10 years.
9 And there's some call at some point to half-life
10 the census to make it a five-year census so that we
11 can do updates. But that's not the standards we
12 have right now. The standards are census' are every
13 ten years and that's how... how it's established.

14 ARI KAGAN: [speaking foreign language]

15 COUNCIL MEMBER TREYGER: Let me just say
16 that I don't believe there's a person in this room
17 that came here in the last five or six years. My
18 family came here from Ukraine, from Ukraine in 1979
19 so the Russian speaking population is not a new
20 phenomena in New York City or in the...

21 ARI KAGAN: [speaking foreign language]

22 MICHAEL RYAN: Councilman as I said we
23 are bound by the federal census data. What the
24 federal census data shows are the numbers that we
25 are bound by. And I'm certain that if we were not

1 following those regulations there are federal
2 authorities as they have done in other
3 jurisdictions throughout the state that have
4 imposed their will when moments of
5 institutionalized discrimination have occurred.
6 That's... that's not happening in New York City on...
7 in an official way but I fully appreciate the
8 practical concerns that you are stating when voters
9 go to the poll sites. The fact that official you
10 know discrimination is not occurring doesn't help
11 people when they're trying to vote and I... and I get
12 that.

14 ARI KAGAN: [speaking foreign language]

15 COUNCIL MEMBER TREYGER: So the voting
16 rights act that you mentioned I understand that
17 Asian American is one of the groups that the census
18 will... will factor in.

19 MICHAEL RYAN: Actually it's Asian
20 Indian.

21 COUNCIL MEMBER TREYGER: Asian Indian?

22 MICHAEL RYAN: Asian Indian, yes.

23 COUNCIL MEMBER TREYGER: Okay so as a
24 former history and geography teacher it is my
25 understanding that the former Soviet Union covered

1 both Europe and Asia. So their federal rights are
2 being violated when they're not being provided
3 translation when they enter a poll site.

4
5 ARI KAGAN: [speaking foreign language]

6 MICHAEL RYAN: Councilman all I can say
7 is right now as we speak Russian is not mandated
8 under the limited English proficiency provisions
9 that... that we follow. So that doesn't mean that no
10 assistance has been given to the Russian community.
11 There is provisions of the state law that require
12 us to publish certain materials in Russian under 3-
13 506 of the... of the New York state election law. And
14 as well we put a lot of translated materials on our
15 website in the Russian language. What we're talking
16 about here is what happens at the poll site. And I...
17 and I would say as an interim measure. You want to
18 go?

19 ARI KAGAN: Yes, that's important what
20 you're saying.

21 MICHAEL RYAN: Yes, absolutely.

22 ARI KAGAN: [speaking foreign language]

23 MICHAEL RYAN: I have made in my two and
24 a half years as the... the Executive Director
25 numerous appearances on Davidson Radio. And we've

2 had these types of exchanges back and forth many of
3 the questions that are asked here today have been
4 asked here today have been asked on that radio
5 program. And I would like to point out that under
6 Section 8-306 of the New York state elections law
7 which is the section requiring assistance as an
8 interim measure individuals that have difficulty
9 with the English language can bring someone to
10 assist them. And I understand that in the moment
11 that's flipping the obligation you know back to the
12 voter. But in those areas where Russian speakers
13 are prevalent we would be happy to work with... with
14 anyone to instruct the voters and the people in the
15 community to have someone available to provide
16 assistance. And that is under 8-306 subdivision 3
17 and I'm going to... I want to read something because
18 I think it's important.

19 ARI KAGAN: [speaking foreign language]

20 MICHAEL RYAN: So 8-306 subdivision 3,
21 any voter who requires assistance to vote by reason
22 of blindness, disability, or inability to read or
23 write now it... there is no qualifier after that. So
24 I would say if someone cannot read or write English
25 or one of the other languages that's provided on

2 the ballot they would qualify under this... under
3 this statute can get assistance from a person of
4 their choice provided that that person is not
5 somebody who works for their employer or who works
6 or is a representative of the union. And that's a
7 way to get some assistance in the interim while
8 some of these other legislative difficulties may be
9 worked out.

10 ARI KAGAN: [speaking foreign language]

11 COUNCIL MEMBER TREYGER: Mr. Ryan with
12 all due respect this council and myself will not
13 advocate for a separate and unequal system. What's
14 good for one group is good for all groups. And I
15 believe that the equal protection of these
16 residents and if their neighbors and friends are
17 being disenfranchised and are being... are being
18 violated. This is... this should not be the onus on
19 the voter. The onus is on the government to make
20 sure that access is equal and protected for all
21 citizens. And so I... I respectfully reject the
22 notion that they have to come up with a plan of
23 action when they come to vote. Quite frankly I
24 would argue that they are a protected group if... and
25 I still didn't really get an... so you're saying that

1 there's nothing that mandates you to hire Russian
2 speaking interpreters but yet you're also saying
3 there's nothing but prohibits you from hiring
4 Russian speaking interpreters. So I... I believe that
5 this is a matter where the government here wants to
6 work with the Board of Elections to get a plan of
7 action underway immediately to be able to hire
8 Russian Interpreters not in every single poll site
9 but certainly if... if you go... if... if... if... if you go
10 to Brighton Beach or if you go to parts of Southern
11 Brooklyn or parts of Forest Hills Queens there are
12 densely pock... pockets of Russian speaking people.
13 And when I go to the poll sites and see what
14 they're subjected to it's awful which leads me to
15 one of my final questions here. I have a couple
16 more but I'm just going to try to wrap up... [cross-
17 talk]

18
19 MICHAEL RYAN: ...before you... before you...
20 can I... can I comment on that.

21 ARI KAGAN: But let me translate...
22 [cross-talk]

23 MICHAEL RYAN: Yeah I don't want... I do
24 not want to leave here today giving the impression
25 that the Board of Elections as an entity is at odds

1 with anything that's being suggested. What I... what
2 I'm simply saying is under our present funding
3 scheme and what we have... the resources that we have
4 available to us we are unable to do it. I wish you
5 luck in your resolution. And if your colleagues in
6 the state government tell us that they agree with
7 you and there's a... and there's a statutory mandate
8 we will follow the statutory mandates. And like we
9 do with a myriad of other things we will make sure
10 that it gets implemented as well as it can be under
11 the circumstances.
12

13 ARI KAGAN: [speaking foreign language]

14 COUNCIL MEMBER TREYGER: So Mr. Ryan I'm
15 going to wrap up because I know we have some panels
16 here. Can the Board of Election... or do you have a...
17 an idea or an estimate of how much it would cost
18 the Board of Elections to hire interpreters at
19 certain poll sites? We're not talking about every
20 poll site in New York City. We're talking about
21 pockets in Southern Brooklyn, pockets in Queens,
22 pockets in Staten Island, maybe at Washington
23 Heights I believe as well... [cross-talk]

24 ARI KAGAN: [speaking foreign language]

25 COUNCIL MEMBER TREYGER: I'm sorry?

2 ARI KAGAN: [speaking foreign language]

3 COUNCIL MEMBER TREYGER: Yes, correct.

4 So... so there are... We're not talking about every
5 single poll site but there are pockets. Is there an
6 estimate that your... the agency has... has drawn up?
7 Or can you commit to drawing one up so we all in
8 government know how much cost we're actually
9 talking about.

10 MICHAEL RYAN: We would have to work
11 very closely with representatives of that community
12 since the census data that we have presently
13 doesn't support it and that's what we rely on. But
14 if there are areas in Brooklyn that you would like
15 to point to that says... that you say meet the
16 criteria. It's a very simple analysis when all is
17 said and done. There's some training associated
18 with it right, which we'd have to get Russian
19 speaking qualified trainers to do and then the...
20 they'd have to pass a test. But in terms of the
21 actual election day cost it's 200 dollars per day
22 per poll site maybe times two depending on the...
23 depending on the population saturation. So
24 ultimately the math... oh I'm sorry three, times
25 three. So it's about call it on the outside number

1 600 dollars per poll site per election event. So
2 like for this year It'd be 24 hundred dollars
3 additional per poll site provided that we don't
4 have any special elections and we have seen that
5 those are coming up with more frequency than they
6 had in the past. So we can't always say but we
7 certainly can work to come up with the... a good
8 guesstimate. And respectfully in the city budget of
9 over 80 billion dollars those are peanuts. And
10 quite frankly you know the one good thing about
11 sitting here before the... the committee that
12 participates in establishing the budget if it
13 becomes a... a budget hurdle we could certainly then
14 come back to you and say we've hit a little bit of
15 a budget hurdle, can you help us out.

17 ARI KAGAN: [speaking foreign language]

18 COUNCIL MEMBER TREYGER: Final question

19 I have, and this is it, are you aware of any
20 protocol whether verbal and writing of BOE
21 employees, poll workers, or coordinators being told
22 to call the police or reprimand people that speak
23 Russian in poll sites and... and coupled with... with...
24 Is... what is the protocol from the Board of
25

1
2 Elections to report any form of voter intimidations
3 at the poll site?

4 ARI KAGAN: [speaking foreign language]

5 MICHAEL RYAN: I'm not personally aware
6 of... of such... such matters as the councilman has set
7 forth. However, we do get some of our information
8 anecdotally such as the... the type of a situation
9 that you alluded to earlier in your... in your
10 opening remarks. There are various ways that
11 information can come to the Board of Elections. We
12 have a hotline that's set up, a voter hotline on
13 election day. We have assembly district monitoring
14 teams that go out and respond to... to issues. We
15 also get reports back from the... from the poll site
16 coordinators about specific instances. I, myself,
17 on election day go out from very early in the
18 morning and... and we go to... to areas to deal with
19 problems. Sometimes that's been in the borough of
20 Brooklyn. Other times we had a special election up
21 in the Bronx. And... and sometimes people don't
22 always understand fully their... their
23 responsibilities and we work to adjust that on
24 election day. But when you're talking about a
25 workforce of you know over 30,000 upwards of 36,000

2 poll workers on election day. You know it's
3 understandable that there might be some instances
4 of this but not... Understandable but not tolerable I
5 mean... and those two things are different.

6 ARI KAGAN: [speaking foreign language]

7 COUNCIL MEMBER TREYGER: I'll just close
8 by saying Director Ryan I'd like for us to follow
9 up on this conversation. The issue though that you
10 raised before about websites and hotlines and
11 monitors, most of these teams probably I can safely
12 assume are not you know very... you're not... they
13 don't frequent websites too much. Secondly many AD
14 monitors themselves do not speak Russian. And
15 third, I don't even... not sure if even the hotline
16 to call for problems or... or answer anyone that
17 speaks Russian. [cross-talk] So... so the issues that
18 many of their problems and issues, there's no way
19 to get them to you. There's no official protocol
20 way to get them to you. What I shared with you on
21 the record before was something that I witnessed.

22 MICHAEL RYAN: Absolutely and... and I
23 quite frankly I never want to see anything like
24 that happen... happen again. So we need to... this is a
25 starting point. This is not the final point of this

1 conversation. We'll be working with our city and
2 state partners in making sure that these residents
3 received equal justice under the law.

4
5 COUNCIL MEMBER TREYGER: Right. And I
6 just would like to close as well with I'm
7 cognoscente that every two weeks the city of New
8 York is kind of enough to deposit money into my
9 checking account of the services that I provide for
10 the proceeding two weeks. And it is my duty as
11 someone who has a position that is funded by the
12 tax payers to make sure that we do everything that
13 we can and to make myself available even if the
14 hours are not always so convenient. So I have gone
15 at evening hours. Some of your other colleagues
16 have asked me to go to community events and... and
17 come talk to folks if you want to do it during the
18 day at your local office where we can bring people
19 in and continue the conversation because we have
20 over 12 hundred poll sites throughout the city on
21 an election day. It's impossible for me to know all
22 of the problems at every poll site. But if I never
23 hear of them we could never fix them. And even if
24 we start the conversation to fix those things that
25 we can within the law as it presently exists that

1 conversation will lead us to where the law may need
2 to be fixed.

3
4 ARI KAGAN: Let me translate... I will
5 translate briefly. [speaking foreign language]

6 CHAIRPERSON KALLOS: I just want to
7 thank Council Member Treyger for fighting for this
8 issue since we've been in office. So that's two
9 years, one month, and 29 days that he's been
10 focused on this issue. So I think just to take you
11 up on the offer what we're asking for at this point
12 along with passage of this resolution is an all
13 hands meeting in Brooklyn with the clerk, the
14 deputy clerk, the commissioners for Brooklyn
15 democrat and republican, you whoever you deem
16 integral as well as because of the political nature
17 of your entity, the district leaders from both
18 parties should also be invited and this would be an
19 evening meeting with and also including the
20 trainer... training oversight and training staff.

21 ARI KAGAN: [speaking foreign language]

22 MICHAEL RYAN: Well there's a long list
23 of folks, I don't control all of them. I can
24 certainly commit to the... the people that are under
25 my auspices. I can commit to their... [cross-talk]

2 CHAIRPERSON KALLOS: And make sure that
3 they're invited and just let... [cross-talk]

4 MICHAEL RYAN: Yes.

5 CHAIRPERSON KALLOS: ...my office and let
6 Mark Treyger's office know if anyone declines the
7 invitation or does not RSVP.

8 MICHAEL RYAN: And under those
9 circumstances I think you know the council members
10 of the individual districts may have a better
11 handle on to whom the local political invitations
12 need to be made better than the Board of Elections
13 but we can certainly check our records as well.

14 CHAIRPERSON KALLOS: Thank you very much
15 for coming in ahead of the presidential primary and
16 super Tuesday. And... Prior to the certification of
17 the special election in the Bronx. Thank you. So
18 we'll excuse this panel. And our next panelist is
19 going to be Assembly Member Pamela Harris.
20 Congratulations and if you could please...

21 ARI KAGAN: [speaking foreign language]

22 ASSEMBLYMEMBER HARRIS: Thank you. Good
23 afternoon to you all. Good afternoon. Thank you.
24 You know I... I... I wanted to start out... I wanted to
25 start out a certain way but I'm going to just

2 revert back a little bit to the statement that was
3 said in reference to getting paid for this type of
4 work that although I don't take anything away from
5 anyone but there are so many individuals that are
6 actually sitting here. I was in the overflow room
7 and you have Sofia Lobava, you have Anna, you have
8 a reporter here, you have people who take our
9 pictures that volunteer constantly to interpret, to
10 do photography, to work at the polls and don't
11 receive a dime.

12 ARI KAGAN: [speaking foreign language]

13 ASSEMBLYMEMBER HARRIS: So it... it just
14 bothered me a little bit to hear that we had to
15 hear that someone has... is okay with receiving their
16 paycheck every two weeks and they will continue to
17 do their work when none of you receive a dime for
18 doing the hard work that you do.

19 ARI KAGAN: [speaking foreign language]

20 ASSEMBLYMEMBER HARRIS: So as a member
21 of the Assembly I am going to work extremely hard
22 to make sure that all of my colleagues understand
23 what is important here and what we need to reach.
24 We need to... to make sure that many people here in
25 our Brooklyn neighborhoods, all of you have fought

1 so hard to obtain your citizenship status. We need
2 to make sure that this... we work hard to make sure
3 that you understand what your status is and that's
4 the right to vote.
5

6 ARI KAGAN: [speaking foreign language]

7 ASSEMBLYMEMBER HARRIS: That's why I'm
8 proud to stand with my colleagues Assembly Member
9 Bill Colton Council Member Mark Treyger in support
10 for providing Russian interpreters in polling
11 locations. This bill will go a long way in bringing
12 fairness and will increase participation in
13 government giving many mothers, brothers, and
14 neighbors a voice.

15 ARI KAGAN: [speaking foreign language]

16 ASSEMBLYMEMBER HARRIS: You deserve to
17 be respected and the opportunity to be heard on
18 issues that matter to you and... and our community.

19 ARI KAGAN: [speaking foreign language]

20 ASSEMBLYMEMBER HARRIS: As we have seen
21 especially many of us in the neighborhood of Coney
22 Island and Brighton Beach that there is represented
23 tremendously by Russian immigrants who have settled
24 here for many years.

25 ARI KAGAN: [speaking foreign language]

2 ASSEMBLYMEMBER HARRIS: These are
3 individuals who care for their community. I
4 remember the... a few weeks ago at a event when I
5 hear Anna sounding like an angel singing 'God Bless
6 America'.

7 ARI KAGAN: [speaking foreign language]

8 ASSEMBLYMEMBER HARRIS: The first line,
9 God Bless America, the land that I love. It's not
10 just the land that everyone else loves, it's the
11 land that you all love.

12 ARI KAGAN: [speaking foreign language]

13 ASSEMBLYMEMBER HARRIS: And it's a land
14 that you guys... you all have worked hard for. And
15 you deserve the right, you deserve this. This... I
16 don't even understand why we're actually sitting
17 here. I don't understand why we're sitting here
18 asking for the right for someone to help us
19 understand a right that you earned as a citizen.

20 ARI KAGAN: [speaking foreign language]

21 ASSEMBLYMEMBER HARRIS: It is no
22 surprise that a community like Brighton Beach is
23 called Little Odessa. It's built and influenced by
24 outstanding residents who have called home... who
25 have called this home for many years.

2 ARI KAGAN: [speaking foreign language]

3 ASSEMBLYMEMBER HARRIS: These residents
4 have opened shops, restaurants, offices, and
5 schools among other things. They have contributed
6 to our economy and bringing in jobs.

7 ARI KAGAN: [speaking foreign language]

8 ASSEMBLYMEMBER HARRIS: As your
9 assemblywoman I will work hard to make sure that
10 our community isn't left out.

11 ARI KAGAN: [speaking foreign language]

12 ASSEMBLYMEMBER HARRIS: I will make...
13 Thank you. I will make sure that we're provided
14 with language resources.

15 ARI KAGAN: [speaking foreign language]

16 ASSEMBLYMEMBER HARRIS: That is why it
17 is my duty as your representative to fight for the
18 right to be involved and informed while continuing,
19 continuously making our state a great place to live
20 and raise our families and you have all done.

21 ARI KAGAN: [speaking foreign language]

22 ASSEMBLYMEMBER HARRIS: Thank you all
23 very much and god bless America. [speaking foreign
24 language]

25 ARI KAGAN: Your Russian is improving.

2 CHAIRPERSON KALLOS: Thank you Assembly
3 Member Harris for joining us, sitting through... the
4 beginnings of what is going to be a long hearing
5 today. Council Member Treyger has to vote for Land
6 Use. We have four hearings that all of us have to
7 be at at the same time.

8 ASSEMBLYMEMBER HARRIS: And I'm on my
9 way to Albany right now.

10 ARI KAGAN: [speaking foreign language]

11 CHAIRPERSON KALLOS: Thank you. Affirm...
12 And Assembly Member... I guess my quick question is
13 what can we... I'm... I'm sorry that we can't take
14 questions but again please write them, give them to
15 Council Member Treyger... [cross-talk]

16 ARI KAGAN: [speaking foreign language]

17 CHAIRPERSON KALLOS: What can we do here
18 in New York City to support you in Albany in
19 getting these law... important laws passed?

20 ARI KAGAN: [speaking foreign language]

21 ASSEMBLYMEMBER HARRIS: I... well you
22 started... this is the way... this is the opening of
23 the door right here. The reso has to be... we have to
24 make sure that everyone votes, yes. That this is an
25 important issue. I think the next step too is you...

1 as mentioned by Councilman Treyger is to meet
2 again. This was just the first... should be of many.
3 But I think we all need to go to Albany together. I
4 think we need to go. Let's... let's go... let's talk
5 with... make sure that everyone understands the
6 importance.
7

8 ARI KAGAN: [speaking foreign language]

9 CHAIRPERSON KALLOS: Is there any
10 question that I haven't had a chance to ask that I
11 should be asking?

12 ASSEMBLYMEMBER HARRIS: No I... I'm... I'm
13 good. Let's... let's just fight together on this.
14 This is... I think it's... it's a simple... it's
15 heartfelt of course for me but some things are... are
16 no-brainers. It's... it's... these are just simple
17 simple simple quest... it's a quest and it's a simple
18 quest and it should be fulfilled.

19 CHAIRPERSON KALLOS: Thank you very much
20 for your testimony today.

21 ASSEMBLYMEMBER HARRIS: Thank you.

22 CHAIRPERSON KALLOS: Our next panel
23 we're going to do... and again as mentioned earlier
24 we're going to have a panel of those of you from
25 the audience who came out today. So that's going to

1 include Vladimir, Vladimir R. [sp?] and Vladimir
2 Fortunny from 1199 SEIU and Vladimir Fortunny will
3 go first. And then we have Sofia Lobava.

4
5 ARI KAGAN: Yes, Sofia Lobava, yes.

6 CHAIRPERSON KALLOS: And then Fiera
7 [phonetic], and then rounding out we'll be asking
8 Ari Kagan to testify in his role as a district
9 leader after he finishes translating for the panel.
10 If everyone who I called up can please come up.

11 ARI KAGAN: [speaking foreign language]

12 CHAIRPERSON KALLOS: I should see four
13 people sitting at that table.

14 ARI KAGAN: [speaking foreign language]

15 CHAIRPERSON KALLOS: In the interest of
16 time we're going to limit you to just two minutes
17 and then we'll follow up with questions.

18 ARI KAGAN: [speaking foreign language]

19 CHAIRPERSON KALLOS: And feel free to..
20 to speak in whichever language you feel
21 comfortable.

22 ARI KAGAN: [speaking foreign language]

23 VLADIMIR FORTUNNY: [speaking foreign
24 language]

2 ARI KAGAN: My name is Vladimir
3 Fortunny. I'm a Vice President of 1199 Union of
4 Healthcare Workers. When Councilman Mark Treyger
5 invited me to these public hearings I was very
6 happy and I said that it's a necessity, especially..
7 represent thousands of healthcare workers, homecare
8 workers and it's a very important issue for them.

9 VLADIMIR FORTUNNY: [speaking foreign
10 language]

11 ARI KAGAN: For more than 18 years I
12 work with Russian speaking homecare workers and at
13 every election day because there's complains on
14 issues and problems all the time because they serve
15 elderly population, seniors and disabled, and very
16 often they're calling to us complaining about what
17 they.. what they really see on poll sites every
18 election time.

19 VLADIMIR FORTUNNY: [speaking foreign
20 language]

21 ARI KAGAN: Many Russian speaking
22 seniors first time where the feel... they see
23 intimidation. They see they're not welcome at the
24 poll sites after this... bad experience. Very often
25 they're not coming back second or third time. And

2 we are losing voters because they do not believe in
3 American democracy anymore.

4 VLADIMIR FORTUNNY: [speaking foreign
5 language]

6 ARI KAGAN: Many Russian seniors... many
7 Russian speaking seniors, many Russian speaking
8 seniors feel not just that we will not get
9 necessary assistance at polling sites but they will
10 be completely ignored and like intimidated and some
11 of them fear this and decided not to vote anymore.

12 VLADIMIR FORTUNNY: [speaking foreign
13 language]

14 ARI KAGAN: As you know today was
15 mentioned that Russian speaking seniors can bring
16 their homecare workers with them to translate to
17 help but many of these homecare workers are not
18 happy with this assignment to help this translation
19 on the poll site. They also feel intimidated and
20 after learning from this experience not just
21 Russian speaking seniors are not want to come back
22 to work but also homecare workers starting to fear
23 this experience.

24 VLADIMIR FORTUNNY: So I will say the
25 amendment of this election law I think is very

2 important and it will change the politics in the
3 boroughs where the people live and I think that
4 Mark Treyger started something that must be
5 enforced especially because the laws exist. Thank
6 you.

7 ARI KAGAN: [speaking foreign language]

8 CHAIRPERSON KALLOS: Next speaker
9 please.

10 VLADIMIR FORTUNNY: Okay thank you.

11 CHAIRPERSON KALLOS: Please... please stay
12 on the panel to answer questions for Council Member
13 Treyger. Please press the red button and give your
14 testimony.

15 [cross-talk]

16 ARI KAGAN: [speaking foreign language]
17 Sofia is the former president of... Senior Center
18 which is one of the largest poll sites in the
19 Russian speaking community in Brooklyn.

20 FIRAS: Thank you. Thank you very much
21 for today for this meeting. It's very important. I
22 will translate in Russia okay?

23 ARI KAGAN: Okay.

24 SOFIA: [speaking foreign language]
25

2 ARI KAGAN: ...talking about this issue
3 for many many many years.

4 SOFIA: [speaking foreign language]

5 ARI KAGAN: ...now Council Member Treyger
6 is talking about it for... [cross-talk]

7 SOFIA: [speaking foreign language]

8 ARI KAGAN: I will not take much of your
9 time.

10 SOFIA: [speaking foreign language]

11 ARI KAGAN: I agree with every single
12 word that Councilman Mark Treyger said today when
13 he talked to representative from Board of
14 Elections.

15 SOFIA: [speaking foreign language]

16 ARI KAGAN: I'm very unhappy about
17 answers from the Board of Elections. I'm very
18 unhappy about his explanations and excuses and
19 obviously we don't see any... from the Board of
20 Elections.

21 SOFIA: [speaking foreign language]

22 ARI KAGAN: Board of Elections must know
23 where the most of the Russian speaking voters are
24 actually participating in elections and they
25 pretend they don't know.

2 SOFIA: [speaking foreign language]

3 ARI KAGAN: At some polling sites...

4 people voting and another 500 people voting and
5 they know exactly who these people are.

6 SOFIA: [speaking foreign language]

7 ARI KAGAN: Meanwhile... another problem,
8 sometimes at the poll sites with usually... people
9 votes there are 12 poll voters and... and the polling
10 site where 500 600 people vote six poll workers and
11 why such a discrepancy.

12 SOFIA: [speaking foreign language]

13 ARI KAGAN: About 85 percent of people
14 voting could... senior center of Coney Island are
15 Russian speaking seniors.

16 SOFIA: [speaking foreign language]

17 ARI KAGAN: I was shocked to hear the
18 explanation from the Board of Elections today when
19 he said that the... are helping constituents to vote
20 completely opposite. Usually... are coming from Board
21 of Elections and they're criticizing and sometimes
22 punishing poll workers who dare to speak in Russian
23 with Russian speaking seniors.

24 SOFIA: [speaking foreign language]

2 ARI KAGAN: It's critical that the Board
3 of Elections... you're in training seminars and
4 sessions publically said that it's not prohibited
5 to speak Russian when we're talking about Russian
6 speaking senior voters and the Russian speaking
7 poll workers. That it's not prohibited for them to
8 communicate in Russian if it's import... and there is
9 no translation other than... provided.

10 SOFIA: Thank you very much.

11 ARI KAGAN: Because this behavior is not
12 illegal.

13 CHAIRPERSON KALLOS: Please stay for
14 questions. [cross-talk]

15 ARI KAGAN: [speaking foreign language]

16 FIRAS: Okay. My name is Firas Lucaman.
17 I'm holocaust survivor. And I would like to say
18 it's my pain, no people. Everybody bees that only
19 us no... We came here to... my heart is broke... Why? we
20 were abuse by Nazis. We were abused... we were abused
21 by communist. I was prosecute ten years. I couldn't
22 get Visa to go to America. If it came to the best
23 country... country in the world. Why we came to this
24 country, freedom for speech, freedom for religious,
25 freedom from press. And what we have... what we have

1
2 abusing again when it came to what I... all this
3 beginning for myself in 2001. We have
4 Assemblywoman... This was a monster. This wasn't
5 assemblywoman like today sit here. She always...
6 police. She always do damage to us. She punishment
7 us. We didn't understand what's go on. [cross-talk]

8 ARI KAGAN: Let me translate. [cross-
9 talk] Okay. [speaking foreign language]

10 FIRAS: When we begin... when we begin
11 working with our people to teach them how to work
12 in... in... Nobody from Board Election didn't do any...
13 no budget... how to... Nobody. We do it by ourselves.
14 In people some woman she... go inside she would like...
15 to the lady's room. I... and her people invite police
16 she do wrong. This is not... she cannot do this. And
17 not only this in September nine 2009 it was adopted
18 special law about Russian literatures, about
19 Russian language, and what our govern... do it. And
20 what our... [cross-talk] Listen I will finish. This
21 is my pain. Believe me. [cross-talk] I defend
22 myself. This is my pain and their pain too.
23 [speaking foreign language]

24 ARI KAGAN: Okay. Okay.

2 FIRAS: And the... [speaking foreign
3 language] You know what...

4 ARI KAGAN: Wrap it up, wrap it up... The
5 governor ignore us. It is my opinion you have to do
6 a meeting together with governor. He never came to
7 our community. He don't want to know who is Russian
8 community.

9 COUNCIL MEMBER TREYGER: So I have a
10 couple of questions just very quickly. Vice
11 President Fortunny I really appreciate you being
12 here today. I know you shared... you shared with me a
13 story about your mom's difficulty with the election
14 process. I'm just curious... listening to the Board
15 of Elections I asked them a question about what is
16 their protocol when voters have problems or feel
17 intimidations because of their language. And we
18 didn't really get much answers from the Board of
19 Elections here... here today. I was wondering if you
20 could just elaborate and share did your mom... you
21 know what was her experience like and... and was she
22 notified what protocols to file to report what
23 intimidation or just a lack of assistance in
24 general?

25 ARI KAGAN: [speaking foreign language]

2 VLADIMIR FORTUNNY: Well I had that
3 experience with my mother for quite a few times.
4 And sometimes it was neutral but half of the time
5 it was pretty much aggressively negative you know
6 when my mother came to... to vote. And I was beside
7 her telling her how to do procedure, sign in, you
8 know what ED, what booth to go and stuff like that.
9 And not only that little process which just takes
10 like what five ten minutes you know with one
11 individual like my mother. You know I'm feeling
12 confident but there isn't always a group of people
13 who... older people who standing there and like... and
14 they come to you like excuse me can you tell us;
15 can you help us... And you can see this need into
16 translation into interpretation of what have to be
17 done on the... on... on the voting side which is
18 actually basics yes which does not exist.

19 ARI KAGAN: [speaking foreign language]

20 COUNCIL MEMBER TREYGER: And your... your
21 mom is fortunate to have you know you there with
22 her. I... I imagine you share my anger and
23 frustration hearing from the Board of Elections
24 that the onus is on them to bring people down to
25 help direct traffic when in reality the onus is on

2 the governments to make sure that there is equal
3 access and equal justice under the law for all
4 citizens of this country and of this city.

5 VLADIMIR FORTUNNY: Exactly. And as I
6 said before that relatives who's representing
7 relatives is not always can be there and me as
8 being representative for many many years of the... of
9 Russian speaking... over 10,000 Russian speaking home
10 attendants working and represented by my union in
11 Brooklyn alone and I will say 40 percent more or
12 less does not speak enough English to feel
13 comfortable you know on the voting pool and that
14 is... lost votes because people simply do not vote.
15 They afraid to go because they do not have
16 translation representation and so forth.

17 ARI KAGAN: [speaking foreign language]

18 COUNCIL MEMBER TREYGER: And quite
19 frankly I am disgusted when I hear government
20 leaders lecture the population about we have low
21 voter participation but yet are responsible for the
22 barriers to increase voter participation. And we
23 heard today that you have elected officials here
24 and I will help lead the charge working with my
25 colleagues from the city and the state who are

1 willing to put in resources we're talking about
2 peanuts. We're talking about not every poll site in
3 New York City but certain areas that have large
4 Russian speaking population. We're ready to put in
5 the resources to hire Russian speaking
6 interpreters. So we're about breaking down
7 barriers. But I want... I want everyone to know that
8 those politicians that will stand in our way to
9 break down those barriers, we will make them as
10 part of the public record as well.
11

12 ARI KAGAN: [speaking foreign language]

13 COUNCIL MEMBER TREYGER: And that we
14 will if it's a matter of resources we will find in
15 a budget of over 80 billion dollars we'll find the
16 money to... [cross-talk]

17 ARI KAGAN: [speaking foreign language]

18 COUNCIL MEMBER TREYGER: And I thank... I
19 thank all of you for being here today. Thank you
20 Sofia, thank you Firas, and thank you Mr. Fortunny
21 as well. [cross-talk]

22 ARI KAGAN: I will be very brief. I...

23 [cross-talk]
24
25

2 CHAIRPERSON KALLOS: Our last panelist..
3 [cross-talk] Kagan who will give his testimony and
4 then translate for himself.

5 ARI KAGAN: Yes, I will be very brief. I
6 promise. So good afternoon everybody. First of all,
7 I wanted to thank Councilman Kallos because I
8 wanted to thank Councilman Mark Treyger all
9 colleagues who are supporting this resolution.
10 Ladies and Gentleman my name is Ari Kagan and I'm a
11 democratic district leader in 45th assembly
12 district in Brooklyn. I wrote my own testimony so
13 nobody wrote it for me. For many years I was
14 actually involved in the political process. I ran
15 for New York state Assembly, for district leader,
16 and for New York City Council. That is why I know
17 the issue of Russian speaking translators and
18 Russian language election materials. I know
19 perfectly well. It is a very unfortunate situation
20 and a clear example of discrimination and
21 disenfranchisement of the Russian speaking
22 immigrant community. We are not talking about
23 professionals. We're not talking about American...
24 second generation immigrants. We are talking about
25 tens of thousands Russian speaking seniors who are

1 not fluent in English. Every election I see elderly
2 immigrants from our community having extreme
3 difficulty at polling sites due to they.. to their
4 inability to communicate in English. Every year
5 Board of Elections assigns Spanish, Chinese, and
6 Korean translators at poll sites on Coney Island,
7 Brighton Beach, Manhattan Beach, Sheepshead Bay...
8 Forest Hills, Rego Park, Kew Gardens, Pelham
9 Parkway, Co-Op City, Riverdale, Washington Heights,
10 Sals Beach [sp?]. And in all of these places there
11 are thousands and thousands of Russian speaking
12 seniors who have real difficulties communicating
13 with poll workers in English. ...Board of Elections
14 regulations prohibit Russian speaking poll workers
15 to speak in their native language with voters
16 unless there are two Russian speaking workers
17 representing both democrats and republicans who
18 should be present during these conversations which
19 is very impractical. In many cases Russian speaking
20 seniors are unable to find their table, proper
21 voting machines, or to understand voting
22 instructions especially when there are numerous
23 elections at the same time. It is beyond my
24 understanding why Russian speaking translators are
25

2 not allowed at Brighton Beach or Forest Hills while
3 Korean Mandarin translators are always present
4 there. So I strongly support the resolution
5 proposed by Councilman Mark Treyger and co-
6 sponsored by many of his colleagues. I urge all
7 members of New York City Council who represent
8 diverse immigrant communities in the capital of the
9 world to send a clear message to Albany. It is long
10 overdue to... legislation and to make sure smooth...
11 smooth work in process for all Russian speaking New
12 Yorkers. Please do the right thing and support the
13 proposed resolution 398. Our community will be
14 forever grateful for your efforts to correct the
15 long time injustice and to stop disenfranchisement
16 of the Russian speaking voters. Thank you very
17 much. I will briefly translate. [speaking foreign
18 language] Do you have any questions?

19 COUNCIL MEMBER TREYGER: I just want to
20 say... just a quick comment Ari. Ari it is correct
21 and let the record show that you have been one of
22 the first people for well over a decade, maybe two
23 decades now speaking up for their rights of all
24 people because this is not just about the Russian
25 speaking community this is about all of our people

1 in our communities. I don't believe there's one
2 person in this room that is against translation for
3 people that speak Bengali or people that speak
4 Korean or Chinese or Spanish. We welcome this. But
5 at the same time the govern has to welcome the
6 Russian speaking community as well. And the numbers
7 bear that out. And so Ari I thank you for your
8 leadership for... for many years wearing many
9 different hats along the way. I thank you for your...
10 as pointed out many of the people in this room are
11 Holocaust survivors, World War II veterans, quite
12 frankly if it was not for the Coalitions with the
13 Americans and you I'm not sure if this world would
14 be free today. So we are indebted to you to make
15 this happen. And if it's a matter of money we
16 should break down the barrier and make it happen.
17 But we will go to every office in this government
18 to get support to make this a reality. So thank you
19 very much Ari for your leadership.

21 ARI KAGAN: I just wanted to say... skip
22 two lines about Bangladesh community. I wrote here
23 that I was glad to learn that New York City
24 Bangladesh Community achieved a major victory
25 convincing city and state elected officials to

2 translate all voting materials into Bengali. So I'm
3 proud of them and I'm very happy for them but I
4 also want to like you mention equal protection
5 under the law. I want same benefits and same
6 opportunities and same translation for the Russian
7 speaking especially seniors who do not... who are not
8 fluent in English. As you notice today with all of
9 these translations...

10 [background comments]

11 CHAIRPERSON KALLOS: We will follow-up
12 on making that meeting a reality too. Thank you.
13 Thank you... So I just want to thank everyone for
14 coming out today. We will have a meeting in
15 Brooklyn with the Brooklyn Board of Elections. And
16 please send your questions to Council Member
17 Treyger. I will join him in a letter to Board of
18 Elections... [cross-talk]

19 ARI KAGAN: [speaking foreign language]

20 COUNCIL MEMBER TREYGER: [speaking
21 foreign language] Thank you and... [speaking foreign
22 language] to Chair Ben Kallos for having his
23 committee here today. [speaking foreign language.]

24 ARI KAGAN: Thank you so much. [speaking
25 foreign language]

2 CHAIRPERSON KALLOS: Please make sure to
3 say so to my in-laws. We're going to recess for
4 five minutes. And thank the campaign finance board
5 which is up next.

6 [PAUSE]

7 CHAIRPERSON KALLOS: This meeting back
8 to order. Just want to thank everyone for their
9 patience and for our first Gov Ops hearing and that
10 was bilingual and English and Russian. We will no
11 longer be engaging in the Russian translation
12 services as the 50 or so folks who were here from
13 the Russian speaking community have left out that
14 their agenda item has moved on. Anyone watch anyone
15 here or who is watching at home who does require
16 language translation services please contact my
17 committee and you can email me B Kallos at Ben
18 Kallos to request translation services and we're
19 happy to do so. Do also want to apologize we had
20 hoped for simultaneous translation services.
21 However apparently the issue is just we were using
22 a lot of technical terms such as resolution and the
23 legislation and Board of Elections and.. and items
24 where typically that's going to be required a
25 different level of translation skills. And so we

1
2 are grateful for members of the community having
3 stepped up and for having gotten through it. Our
4 goal is to have professional translation staff
5 where possible. And so just as we go we will have
6 ten minutes of testimony from the campaign finance
7 board followed by a panel of good government groups
8 and advocates and thank you very much again to
9 everyone for their patience. And I'd like to now
10 ask Amy Loprest and her panel to please go and I
11 will actually ask you to hold your right hand up.
12 Do you affirm to tell the truth, the whole truth,
13 and nothing but the truth in your testimony before
14 this committee and to respond honestly to council
15 member questions?

16 AMY LOPREST: I do.

17 CHAIRPERSON KALLOS: And will you give
18 your testimony in Russian?

19 AMY LOPREST: I won't, unfortunately.

20 Good afternoon Chair Kallos. I'm Amy Loprest,
21 Executive Director of the New York City Campaign
22 Finance Board. With me today is Eric Friedman,
23 Assistant Executive Director for Public Affairs,
24 and Sue Ellen O'Dell [sp?] our general counsel.
25 Thank you for the opportunity to testify on the

1 bills under consideration today. Now that we've
2 entered into this pivotal like presidential
3 election year we are happy to see a renewed focus
4 around the urgency around an urgency around the
5 movement to help more New Yorkers make their voices
6 heard in the electoral process. As you know the
7 Campaign Finance Board works to promote civic
8 involvement through our voter engagement campaign,
9 NYC votes. We register New Yorkers to vote and
10 provide them information about where and how to
11 use... how to cast their ballots. We also provide
12 voters with a wide range of resources to help
13 inform their choices at the poll. The center piece
14 of our voter information efforts is the city's
15 official voter guide for municipal elections
16 mandated by the New York City Charter. The guide
17 provides an opportunity to all candidates for city
18 office to transmit their message to registered
19 voters free of charge. We mail a print guide to
20 every household with a registered voter before
21 every primary and general election for mayor,
22 public advocate, comptroller, borough president,
23 and city council. And when there is a city
24 referendum on the ballot the charter requires a
25

1
2 guide to contain biographical information on each
3 candidate as well as statement by each candidate of
4 his or her principals, platforms, or views. We
5 produce a video edition. We publish an edition of
6 the voter guide online on our website; WWNYCCFB dot
7 info which we also publish for state, federal, and
8 special elections. For non-city offices our online
9 guide includes links out to campaign websites and
10 social media accounts. We are currently exploring a
11 collaboration with Map Light [sp?] a non-partisan
12 not research organization to provide more
13 information on candidates for these offices. We
14 produced and distributed a video edition of the
15 voter guide for city elections hosted on our
16 website and aired on cable television. We strongly
17 believe that empowering voters to cast an informed
18 ballot is critical to the democratic process. And
19 we are supportive of initiatives that will provide
20 more voters with more information. Together Intro
21 number 255 and Intro number 255 and Intro 504 would
22 significantly expand our voter information mandate.
23 Under Section 203 of the voting rights act we
24 currently published a voter guide in five
25 languages; English, Spanish, Chinese, Korean, and

1 Bengali. We also translate transcripts of
2 candidates' video statements into these languages.
3 Under Intro 255 we would be required to translate
4 and print the voter guide in the top seven limited
5 English proficiency languages which would
6 potentially add up to five new language editions to
7 the print guide. This new requirement raises a
8 number of issues to consider. Additional
9 translations will require a significant investment
10 of resources. And some languages are more expensive
11 to translate, format, and print. New language
12 editions will require additional costs for printing
13 and distribution. Our current practice with
14 permission of the Department of Justice is to
15 target the mailings of the voter guide in Chinese,
16 Korean, and Bengali to voters by conducting surname
17 analysis and determining areas where the relevant
18 populations are concentrated. The CFE should have
19 the authority to deliver these new resources to the
20 populations that need them. Targeting distribution
21 will mitigate additional translation, printing and
22 postage cost, and ensure voters receive the
23 information that is most relevant to them. Intro
24 number 504 would require the CFE to print and mail
25

1 voter guides for federal and state elections as
2 well as city elections. We support expanding the
3 voter information resources available to New
4 Yorkers. We know from feedback we received that
5 many New Yorkers depend on the print voter guide.
6 Can the participation rates in the guide have been
7 high in part because we have a direct relationship
8 with candidates running for city office? 95 percent
9 of candidates on the ballot in the primary provided
10 information for the guide's print edition and 74
11 percent of the candidates for the general election
12 in 2013. To ensure voters receive information
13 focused on candidates they will see on the ballot
14 we produce 14 print editions for the 2013 primary
15 election and 20 editions for the general election.
16 Overall we printed and mailed nearly 7.5 million
17 guides in 2013. Producing, printing, and mailing
18 the guide for the primary and general elections in
19 citywide election years is a significant
20 undertaking requiring staff to collect and track
21 candidates' emissions, review content, communicate
22 with translators, and oversee production at the
23 print and mailing house. In 2013 our budget
24 included nearly 10 million dollars to print and
25

1 distribute the voter guide. Printing and mailing
2 multiple voter guides every year including
3 information for federal, state, and county offices
4 would require a considerable new investment. After
5 Intro number 504 was introduced in October of 2014
6 we estimated that creating guides for the state and
7 federal primaries and the general elections in 2016
8 could cost between 16 and 28.5 million dollars
9 publishing voter guides in 2017 under the expanded
10 mandate to cover additional offices could cost
11 between 19.5 and 35 million dollars. These
12 estimates do not include the necessary cost of
13 additional staff dedicated to the annual production
14 of multiple citywide print voter guides. For
15 example, we anticipate that it would require more
16 staff time just to follow up with candidates to
17 submit their information because we don't have an
18 established relationship. Without this follow-up we
19 expect lower response rates from candidates for
20 non-city offices which would make the guides less
21 useful for voters. We are proud of the work we do
22 to inform voters and we are happy to explore ways
23 we can expand our reach. However, as you consider
24 Intro 504 and as we consider our budget request for
25

1 the coming fiscal year it is important that the
2 city council is fully aware of the significant
3 investment it requires. Our immediate
4 recommendation would be to mend Intro 504 to
5 eliminate the requirement for the voter guide to
6 cover party positions. There are multiple party
7 position contests per assembly district and there
8 are easily more than 1,000 candidates across the
9 city for delegate state committee, county
10 committee, and district leader positions. It is
11 true that there is often little information
12 available to voters about the candidates for these
13 party positions. Still removing them would simplify
14 the production of the guide, lessen the expense,
15 and ensure the information we provide is the most
16 helpful and meaningful to voters. Omitting party
17 positions would enable us to print fewer editions
18 and dedicate more space to candidates for other
19 offices. Intro number 504 does allow us to reduce
20 some cost by allowing to create an opt-out
21 procedure for voters who prefer to receive the
22 guide electronically. This was among the
23 recommendations on our 2013 post-election report.
24 And we think it is an important tool to providing
25

1 voters the information that they need in the format
2 they prefer. The most efficient way to create this
3 system would be for the Board of Elections to
4 collect opted out information at the time of voter
5 registers. At the same time voters could indicate
6 in which language they prefer to receive the guide
7 that way we can ensure voters receive the guide in
8 the correct language removing some guess work. We
9 would also like to note that the BOE is continually
10 improving their online poll site locator with lists
11 of candidates and sample ballots and it's a
12 valuable resource. We would love to work with the
13 BOE to integrate this tool into our online guide so
14 we give additional vote... voters additional tools
15 prior to election day. Of course there are other
16 ways we could reduce cost for the voter guide. One
17 obvious change would be to consolidate the
18 primaries. Voters will go to the polls at least
19 four times in 2016 which guarantees voter fatigue.
20 Primary consolidation makes imminent sense for
21 everyone involved especially voters. Fewer
22 elections relieve the administrative burden on the
23 BOE and would mean fewer additions of the voter
24 guide. We would support resolution number 232A to
25

1
2 consolidate the primaries and would urge members of
3 the city council to be even more active in asking
4 the state legislature to act. As you know we have
5 been working with partners on the vote better NY
6 effort to push for voting reform at the state
7 level. We want to ensure that every New Yorker can
8 register to vote, has an opportunity to get to the
9 polls, and can cast a ballot that counts. We
10 strongly support Resolution 553 which calls on the
11 state to... legislature to pass legislation to allow
12 early voting. We'd also urge the council to
13 consider a resolution in support of the voter
14 empowerment act which would bring our outdated
15 voter registration system into the 21st century by
16 leveraging technology to get more people registered
17 and keep their registrations up to date. We also
18 urge the council to consider resolution of
19 supporting the voter friendly ballot act which
20 would provide voters with clearer simpler ballots
21 and has unanimously passed the assembly for three
22 sessions in a row. Finally, we support resolution
23 number 870 asking legislatures to... asking
24 legislators to change state law so that people with
25 felony convictions be able to register to vote once

1 they're released from prison. Under current law of
2 probationers can complete a voter registration form
3 but people released to community supervision must
4 wait until they have completed for all to submit a
5 voter registration form. Many would be voters do
6 not understand the distinction between parole
7 integration were unclear about their status. New
8 Yorkers should not feel that they need to disclose
9 their conviction status in order to get clarity on
10 whether or not they can register. Language on the
11 voter registration form explains that it is a crime
12 to furnish false information to the BOE. Some
13 people fear that they could be returned to prison
14 if they complete the form incorrectly. Changing the
15 state law to allow people to register once they
16 have been released from prison would simplify
17 existing policy and make it clear and less
18 frightening to those who have been incarcerated. I
19 would encourage people released of community
20 supervision to take part in civic life as...
21 reentered to society. We support Resolution 281A
22 which calls on the Mayor to create an annual
23 student voter registration day. This year the CFB,
24 Council Member Rosenthal, the New York Immigration
25

2 Coalition, community groups, and other members of
3 the council are partnering to bring SVRD to 56
4 schools throughout the city who will bring our
5 message to nearly 20,000 students citywide on March
6 18th. Last year on our inaugural SVRD we registered
7 over 2,000 students in 25 schools. We generally
8 support much of the remaining legislation under
9 consideration today that we defer to the Board of
10 Elections to assess the administrative burden they
11 represent. We support the remaining items under
12 consideration. Thank you for your time and I'm
13 happy to take your questions.

14 CHAIRPERSON KALLOS: Thank you for your
15 extensive testimony and always giving... testimony
16 and also for letting members of the public go
17 first. With regards to Resolution number 390A has
18 the voter assistance advisory committee examine the
19 impact on voter participation from language
20 minorities after the following reforms were put in
21 place. The provision of Spanish, Chinese, Korean,
22 and Bengali interpreters at poll sites, provision
23 of registration forms and voter information in
24 Spanish, Chinese, Korean, Bengali, and Russian and
25 publication of voter guides in Spanish and Chinese.

2 AMY LOPREST: Not sure if I completely...
3 fully understand your question but we... I... we have...
4 I mean the voter guide information has been
5 provided in Chinese and Spanish for many many years
6 and so it's part of our annual voter... voter
7 assistance advisory report to show participation
8 rates for the proceeding years. So to some extent
9 those... you know that is included in that... in that
10 report.

11 CHAIRPERSON KALLOS: Did it... has... has
12 including Spanish and Chinese improve participation
13 within... with regards to those language minority
14 groups?

15 AMY LOPREST: We haven't done a specific
16 study of that. We... it is true that voter
17 participation remains abysmally low across the
18 entire city in all language groups. So you know
19 there's much work to be done.

20 CHAIRPERSON KALLOS: What are your
21 thoughts on an opt-in option for voter guides in
22 other languages perhaps through a parks card
23 included in the English voter guide that voters can
24 return their request voter guides under the
25 language... So when they get the mailer it would

2 actually have on the back of it a page in multiple
3 languages offering URLs or you can just call this
4 number, text this message, or send copy cut out and
5 mail back this form with the check box and your
6 return address?

7 AMY LOPREST: We actually did something
8 very similar to that. And for Asian languages
9 before we did the surname analysis provision we did
10 an opt out for cards and we got a huge response.
11 ...know it was a very very successful... So I think
12 that that... it's a very important way to let people
13 select which languages they want. I think it even
14 better the city of Los Angeles the way they do it
15 is they collect information as part of the voter
16 registration process so that you know as part of
17 your voter record which language you prefer,
18 whether or not you prefer to get the guide in...
19 online or in print.

20 CHAIRPERSON KALLOS: I know that the
21 Center for the independents and disabled is also
22 interested in the specific piece. Would you be
23 willing to send along specific language or for what
24 an opt in would look like so that people can opt
25

1 into receiving something in brail or in the
2 language of their choice.

3
4 AMY LOPREST: Okay we can send you the
5 language that we used for that I think was an opt
6 out. But I think it's... [cross-talk] be similar... for
7 that long... the... the language you used when we did
8 that.

9 CHAIRPERSON KALLOS: And I have... I don't
10 think I've had a chance to ask you this and forgive
11 me for asking on the record but council districts
12 are difficult sometimes to know which side you're
13 on. And I think most people watching or most people
14 don't know which council district they're on or
15 where the boarders are. And even so especially when
16 you're on the boarder and my southern boarder I go...
17 I... I... my southern boarder runs at 55th or 54th and
18 so it's 55th between 1st and York and... or Sutton and
19 54th between 1st and 2nd. And as such knowing where
20 your district is can sometimes be tough the voter
21 guide gets sent out for Manhattan, for upper
22 Manhattan, I think lower Manhattan. And so when
23 somebody gets it they may not know which... which
24 people from the voter guide to be looking at.
25 Eric's going to pull out my voter guide which is

1 why... why this matters. And I guess the concern
2 would be whether or not we could do... as opposed to
3 what I imagine something like 10 voter guides if we
4 could just do 51 voter guides where you have the...
5 the templated language and then you end up having
6 a... a separate voter guide for each one of the
7 council districts.
8

9 AMY LOPREST: What we try to do is to in
10 order to conserve costs we... we join... we... you know
11 the... it's based on printing practices. Do you know
12 the size... the appropriate size you know large...
13 certain optimum size for printing is the... conserves
14 costs? But what we do do now is even though each
15 guide... each edition of the guide covers more than
16 one city council district it says right on your
17 address label which council district you're in so
18 that you know which one you're in. In addition, ...

19 CHAIRPERSON KALLOS: I never even
20 noticed that.

21 AMY LOPREST: So it does say which... it
22 says... and it actually tells you which election
23 district and assembly district you're in too. It
24 gives you all your voter location information. In
25 addition, of course as you well know and I know

2 that's not useful for every voter. But there... you
3 know there are many online sources for determining
4 which... [cross-talk]

5 CHAIRPERSON KALLOS: ...Sergeant in Arms
6 bring over a copy of the... the voter guide in
7 question so I can see it. I... I imagine that if you
8 asked people how many folks look at their mailing
9 label. Most people would not... So... so I see it here.
10 It is... I... let the record reflect that it says it...
11 your CD. Though most people probably might not know
12 what CD is or ADEE also... folks may not know what
13 they are unless you are hyper technical and a
14 governmental operations person who comes to our
15 hearings quite often. So I guess I would just say
16 is if you could investigate the cost of how much
17 she just do want to... do one of these for each
18 council district instead of grouping them. So in
19 this case it's for... council districts 33 through
20 37. So you're grouping four together so why not
21 just do one offs as opposed to four offs.

22 AMY LOPREST: But one other thing to...
23 out is that inside the... [cross-talk]

24 CHAIRPERSON KALLOS: Sorry the Sergeant
25 in Arms can bring it back here.

2 AMY LOPREST: Inside the... if you want to
3 keep that for a second I'll... on the inside cover
4 there is actually a... a statement that tells you to
5 look at that if you're not sure which council
6 district you live in. So there's a little ad on
7 the... inside the front cover in blue. Oh you have a
8 different... that's the general... [cross-talk]

9 CHAIRPERSON KALLOS: Okay so it says in
10 red... [cross-talk]

11 AMY LOPREST: It's a different color...
12 it's...

13 CHAIRPERSON KALLOS: ...the council
14 district you live on check the cover.

15 AMY LOPREST: Yeah.

16 CHAIRPERSON KALLOS: Okay.

17 AMY LOPREST: So... but we can look into
18 that. I mean one of... You know we're always looking
19 at ways to improve the formatting of the voter
20 guide. So... but one of the reasons that it's been
21 done this way is to... is to conserve costs.

22 ERIC FRIEDMAN: So the one thing I would
23 just add to that is that we're happy to investigate
24 ways to make that information more prominent on
25 the... on the face of the guide. When we're talking

1 about going from say 14 or 20 editions to 51 you
2 know there are... the additional costs... there's not
3 necessarily additional printing costs, there's
4 additional design and layout. It's additional set
5 up. Each time you are setting up a... a new edition
6 there are set up costs for the printer. So I... again
7 we haven't spec-ed out those costs precisely but
8 what we are talking about is significant.

10 CHAIRPERSON KALLOS: I... I think it's
11 worth it. I'll... I'll just say that on my campaign
12 remarker... targets at 38,000 households and we used
13 complex mail mergers to identify common interests
14 and items like that. So it's one of those things
15 where if you write intelligent enough documents on
16 the front end it makes it a little bit easier on
17 the back end. And I... is there anything that I
18 should have asked that you had... that I did not ask.

19 AMY LOPREST: We'll look into getting
20 you that language for the opt in. And we'll look
21 into the cost of printing 51... [cross-talk]

22 CHAIRPERSON KALLOS: Thank you. And with
23 regard to the recommendations that you've made a
24 year ago... not even a year ago in 2014 we hope to
25 hear your bills as soon as possible.

2 AMY LOPREST: Thank you.

3 ERIC FRIEDMAN: Thank you.

4 CHAIRPERSON KALLOS: I'd like to excuse
5 this panel. Our next panel. And I believe this is...
6 so our next panelist will be Rachael Faust from
7 Citizens Union. I believe she has near perfect
8 attendance. She's excused for maternity leave and
9 my understanding is that this is our... our final
10 hearing with Rachel. And we just applaud all the
11 work she's done. I've known her for a very long
12 time. And she's been a... for democracy and the city
13 is in a much better place having had her.
14 Additionally, sitting... if you guys... if you... if you
15 gal... guys and gals could please come up. Prudence
16 Katze formerly of one good government group, now of
17 another, Common Cause New York, Kwame Akosah from
18 Brennan Center, and Kate Doran from League of Women
19 Voters of NYC. It's in order of who shows up most
20 frequently. So it would go Citizen's Union, Common
21 Cause, League of Women Voters. If Brennan Center
22 could get... be here more often you will get to go
23 for... higher up in the panel. And just we are
24 working hard to make governmental operations and
25 the council as a whole more accessible and open. So

2 we are happy to coordinate with the good government
3 groups as to what time we believe you will be here
4 so that we... we can coordinate the panel. And even
5 if we need to recess so that you can start at a
6 specific time. The Sergeant in Arms will take your
7 testimony. So thank you very much. And we are
8 giving the good government groups five minutes.

9 RACHAEL FAUST: Good afternoon Chair
10 Kallos. Thank you for the introduction and very
11 happy to have my last day as Policy Director of
12 Citizen's Union testifying before this committee.
13 It seems appropriate. It's been a large area of my
14 work. Again I'm the Policy Director for Citizen's
15 Union, a non-partisan good government group
16 dedicated to making democracy work for all New
17 Yorkers. We're pleased to have another hearing of
18 the council and election legislation as you did
19 last fall. And especially given that 2016 is a very
20 important election year. We've grouped the
21 legislation in approximately three groups. So I'll
22 just address each in turn; voter notification,
23 voter education, and then resolutions on state
24 legislation and... and action by the Board of
25 Elections. On voter notification ensuring that

1 voters have greater information at their disposal
2 and modern digital formats is a very worthy goal
3 particularly given our low turnout. Proactive
4 notifications regarding basic election information
5 such as poll site locations and voter registration
6 dates could help ensure voters are able to find
7 their poll sites and update their registration. And
8 that's obviously the first step to actually casting
9 a vote is being registered and finding your poll
10 site. So as such we support the intent of the
11 legislation today, Intro 62 by Council Member
12 Garodnick about requiring notice of former poll
13 sites. We also support Council Member Vacca's
14 legislation; 463. I believe there was a previous
15 iteration that citizen's union helped draft with
16 Council Member Dickens. So this one in particular
17 we've been very interested in in following.

18 Regarding Council Member Torres' new legislation;
19 848 we think this legislation is a very interesting
20 promise... and promising idea. We've done our own
21 research on voting and found that structural voting
22 reforms only get you so far like election day
23 registration. And the research indicates that peer
24 and social pressure is also a very effective tool
25

1 when done in coordination with those efforts. So
2 providing voters with their history of voting could
3 be a... an interesting way of giving them a little
4 bit of that social pressure and could be an
5 effective tool. I know that something that has been
6 done by NYC Votes is a pledge to voters to... to
7 commit to go to vote on... on election day. Getting
8 that back in the mail saying yes yourself committed
9 to vote, this is almost a similar idea but we think
10 this could be a very interesting experiment for New
11 York City to implement. It could be a significant
12 one. For all those bills we do recognize there are
13 fiscal impacts. And the enactment dates might not
14 need to be adjusted. I... I missed the Board of
15 Elections testimony but I imagine they spoke to
16 those issues. The New York City voter guide we have
17 launched supported expanding in modernizing the
18 voter guide published by the Campaign finance
19 board. And we know that in addition to the
20 legislation 504 and 255 there's another bill which
21 is in the docket of campaign fiancé tweaks for the
22 campaign finance system, your bill Council Member
23 Kallos, 988, to have an electronic opt out. We
24 think these bills are best considered together in
25

1 terms of overall reforms to the voter guide. If you
2 expand to include more information about federal
3 state races and translated into additional
4 languages. The electronic opt out can help to
5 offset some of those costs which we would
6 understand with the significant... on the Intro 504
7 in particular we also understand that as drafted
8 that bill is extremely comprehensive including
9 district leaders in a number of positions and we
10 are open to narrowing it to include maybe just
11 basic information about the candidates on the
12 ballot and thinking about which are the races and
13 candidates that greater information could be given
14 to voters about. On the... the resolutions on state
15 legislation these mirror... we... we do a lot of work
16 lobbying at the state level and we support many of
17 these bills and are actively working on them in
18 particular consolidating primary in June. I think
19 it's clear that four elections is far too many in
20 New York. It's costly and it also... research
21 indicates that voter fatigue is a very serious
22 problem. And voters have to turn out over and over
23 again for elections. We support the resolution to
24 create an annual student voter registration day. We
25

1 supported in... we've worked on that effort in the
2 pilot program and we've called upon the DOE to make
3 it permanent program. We also support having half
4 day shifts for the city board of elections. We know
5 that that's been a pilot in Brooklyn. And we
6 support it being expanded citywide. We also... we
7 don't have a specific position on the Russian
8 interpreters... resolution in the legislation
9 primarily because we've... looking at the issue of
10 accessibility general. We... generally. We do support
11 language accessibility for... for all voters. And on
12 early voting it's my understanding that the notice
13 has changed that you were reflecting a different
14 bill from what was previously posted. And obviously
15 the governor's legislation and Assembly Member
16 Kavanagh's early voting legislation we both
17 support. And I think that council's right to look...
18 there are a lot of competing proposals so right to
19 look for the... the one that seems to have the most
20 momentum at the state level. And then finally we
21 also support the state legislation to allow
22 parolees to vote. This is something that we believe
23 that once... once parolees have completed their
24

1 sentence there should be no impedance to them
2 getting their right to vote. Thank you very much.

3
4 PRUDENCE KATZ: Good afternoon. My name
5 is Prudence Katz. I'm Common Cause's research and
6 policy manager. We are overall... and Common Cause is
7 overall in favor of the 11 bills and resolutions
8 before today's government operations committee.
9 We're not going to speak... I'm not going to speak in
10 detail about all of them. I think my colleague
11 Rachel did a very wonderful job summarizing
12 everything. But we appreciate that. Individually
13 these bills address... the distressing problem of low
14 voter turnout by enhancing different aspects of the
15 voter experience and taken together will act to
16 streamline the overall process of casting the
17 ballot... the ballot. Important measures that these
18 bills address include expanding the scope of the
19 voter guide and more languages, bringing voter
20 information to the 21st century through text and
21 email alerts, updating voters with their voting
22 history ensuring that an individual can get to the
23 correct poll site if their most recent poll site
24 location has moved. And that was something honestly
25 I didn't know that was a problem and I was bringing

1 to a friend the other day about this upcoming
2 testimony... like oh that happened to me. Like he
3 went to his poll site, there was no notice, he went
4 inside and it had moved... lives in Crown Heights and
5 he had to like track somebody down and then by then
6 he had run out of time to vote and he had to go to
7 work. So apparently this is an issue. So definitely
8 it seems like this would be something... all of these
9 are things that we would like to see addressed. We
10 also want to highlight the resolutions that call on
11 New York state to consolidate our election and
12 primary into one day, allow early voting, and to
13 make student voter registration day an annual day
14 and embed it in our calendar. Restoring voting
15 rights to... to parolees and very much in favor of
16 the Board of Elections to allow poll workers to
17 work half day shifts. Common Cause New York
18 understands that an unfunded mandate is no help to
19 anyone which is why we join the New York voter
20 coalition and calling our governor to allocate an
21 election reform budget line in its latest budget.
22 And that vain that we hope to see specific funding
23 allocations from the city council to the New York
24 City Board of Elections so that translation
25

1 services, technological communication advances, and
2 other voter access tools can be effectively
3 expanded. At the same time, we call on the New York
4 City board to accept the direction from the New
5 York City Council continuing these needed bills and
6 resolutions and to work with every level of
7 government to ensure that voters can receive the
8 best experience possible. Collaboration and
9 understanding the cross jurisdictions and the
10 municipalities is the key to building up voter
11 participation and will also demonstrate to the
12 people of New York that our government is serious
13 about letting our voices be heard. The council has
14 an obligation to ensure that New York City tax
15 payer money is spent efficiently and effectively.
16 The obligation carries whether the oversight of the
17 NYC BOE as it receives its taxpayer funding to the
18 city council. We look forward to working with the
19 council and the CFB and the BOE and implementing
20 these measures. Thank you.

21
22 KATE: Thank you sir. Okay. So thank you
23 very much for holding this hearing. Thank you for
24 inviting us. I am Kate Doran. I serve on the Board
25 of the League of Women Voters. I am what they call

1 their election specialist. We... at the league we're
2 a non-partisan but we take positions on issues
3 which we believe are important and we've been in
4 this business for over 95 years promoting voter
5 education, registration, and voter service. So the
6 first couple of things I wanted... we are not
7 commenting on all... all of the topics that you've...
8 that you're addressing today. The first two I'd
9 like to comment on are the resolutions to support
10 New York state assembly and senate legislation and
11 we are strongly in support of early voting. So
12 we'll go on record to support number... resolution
13 553. Resolution number 232 in our... I think the bill
14 numbers were not aligned with what we knew to be
15 the case but they looked to be aligned in the
16 public... in what you gave us this morning. And I've
17 attached a memorandum for our New York state league
18 colleagues strong support for the Cusack and
19 Steward Kusnas [phonetic] bills that address a
20 consolidated June Primary. We have been working for
21 this kind of thing for I think since the 70s, 1970s
22 when they got rid of it. Now as far as Resolution
23 384 is concerned this is the one about allowing
24 poll workers to work half day shifts. I also am a
25

1 poll worker so I... I... I do know a little bit about
2 this. And we, at the league, have consistently and
3 vigorously encouraged the board to recruit and to
4 hire inspectors to work half day shifts. I want to
5 point out that election law permitted the board to
6 do this beginning in March of 2010. So they've had
7 six years to try to figure this out and make it
8 happen. And we're a little disappointed. Although
9 I... I want to congratulate John Flateau the Brooklyn
10 Commissioner, Simon Shamoun the Republican
11 Commissioner from Brooklyn who took it upon
12 themselves actually to make poll... pilot projects
13 happen in November of 2014 and November of 2015.
14 And they were... they were successful and the
15 problems that the board anticipated did not come to
16 pass. And I... I think that they do have some serious
17 administrative problems that surround payroll which
18 kind of surprised me. So perhaps there'll be people
19 in the council who could help them solve those
20 problems. Because the benefits are just really...
21 would very much outweigh the difficulties in making
22 all this happen. So I also want to encourage you in
23 your title to strike the word allow because they've
24 had permission, they've been allowed to do this
25

1 since 2010 and instead replace it with the words...
2 with the phrase actively develop plans to recruit
3 and hire poll workers. So be it resolve that the
4 council calls on the Board of Elections to actively
5 develop plans to recruit and hire poll workers to
6 work half day shifts. I... we agree with everything
7 that you said... all the 'whereas's' in your... in your
8 resolution except that the full day shift is a
9 minimum of 16 and a half hours on the lowest
10 turnout election day. And because 5:00 a.m. to 9:00
11 p.m. is 16 hours and there is... there's a lot of
12 work to do after 9:00 p.m. so that's that. As far
13 as expanding the voter guide our league has
14 tremendous concerns about this apart from the cost
15 and the burden on the taxpayers. We believe that
16 expanding the guide will create the impression that
17 the candidates for office are participating in the
18 campaign finance program which is not the case. So
19 that... that's a serious concern of ours. But we do
20 whole heartedly support the establishment of
21 procedures which will allow people to opt out of
22 receiving that printed guide. So lastly Intro 62A
23 which we support... I know the Board of Elections is
24 a little... they're... they're not thrilled with this
25

1
2 one. And they probably... I don't know if they
3 mentioned it this morning but they do of course
4 send out a notification to all registered voters
5 every year in early August. That's a requirement of
6 New York state election law. The notification must
7 include the name of their poll site, the address of
8 the poll site. It has to tell them when they will
9 be elections that are going to happen. And they do
10 go out of their way to try to... to... they do go out
11 of their way to create additional post cards and
12 notices when there is a poll site change that
13 happens after that notice that goes out in August.
14 But here I've got a little prop for you. Here's the
15 notice to voters. This is the one that I got last
16 year in August. And there was... there are only two
17 elections, there was the September and the
18 November. But you can see that it almost looks like
19 a... you know like a supermarket flyer. And it is
20 first class mail but it's not stamped and many
21 voters toss it out thinking of it... you know it
22 looks like junk mail unfortunately. I'm sure it's
23 very expensive to produce but voters are not
24 looking at this. So we don't think that the added
25 signage, the requirement for signage is a big deal.

1
2 But it would be a huge service to voters because
3 the number one problem that we have at the poll
4 sites in terms of angry voters is a stand in line...
5 they... they get up to the information desk or they
6 get to their ED table and they say I'm not going to
7 vote now, I don't have time. I think one of my
8 colleagues here mentioned this. I don't... I can't go
9 to this other poll site. And they're furious and
10 they don't understand. And I think that showing up
11 around the corner where they think they're supposed
12 to vote and seeing a sign that would be a... that...
13 that would be a tremendous service to the voters.
14 And I don't think... there would be operational
15 issues but no big deal. So the other thing is your...
16 your Intro I believe asked them to do it for four
17 years back, maybe not four years, maybe you could
18 say two years or something. So give them a little
19 break in that way. Because I know there are going
20 to be a lot of changes associated with compliance
21 with the... the ADA laws. So I... I... I can't speak
22 specifically but in the... the last thing I would say
23 is that most voters don't know their EDs. So if
24 they knew their ED they would probably have this
25 notice to voters in hand and they wouldn't have

1 shown up at the wrong poll site. So I think a
2 better thing to be on this poster that's on the
3 building would be maybe a little schematic map that
4 just shows the boundaries of the... boundaries of the
5 streets and the neighborhoods and that say if you
6 live on one of these streets go to this school
7 around the corner. If you live on these streets go
8 to that church over there. But the EDs... and the EDs
9 change often also. So I think that might be a
10 little bit harder. But... and or one last thing. On...
11 on... the invitation we received I didn't have the
12 resolution from Council Member Rosenthal so I
13 haven't had any chance to study that. But it looks
14 and sounds like something that with some... with some
15 attention we would probably be generally in support
16 of. So thank you very much. I really appreciate
17 being able to be here.

19 KWAME AKOSAH: Thank you and good
20 afternoon. My name is Kwame Akosah and I work at
21 the Brennan Center for Justice in the Democracy
22 Program at that center. Today I'll be speaking
23 briefly about Resolution 870 and Resolution 553 in
24 support. I will talk about each in that order. The
25 Brennan Center for Justice at NYU School... thanks

1 the members of the committee on Governmental
2 Operations for the opportunity to share our
3 testimony at today's hearing on resolution 870
4 which calls upon the New York state legislature to
5 pass bill A7634, a bill restoring voting rights for
6 people with criminal convictions in their past. The
7 Brennan Center has a particularly long record of
8 supporting reforms to... efforts to reform criminal
9 disenfranchisement laws at the state and federal
10 laws. The Brennan Center has published a series of
11 reports on voting rights restoration and provided
12 support to legislative reform efforts throughout
13 the country. Most recently the center was involved
14 in efforts supporting Maryland legislation
15 restoring voting rights to people released from
16 incarceration which was passed earlier this month.
17 Bill A7634 would restore voting rights to 40,000
18 New Yorkers who were on parole and are now living
19 and working in our communities. Accordingly, it
20 would also require the state to notify individuals
21 with a... when a criminal conviction will result in
22 the loss of voting rights as well as when the right
23 to vote is eventually restored. It would also
24 require the provision of voter registration forms
25

1 at the time an individual is released from
2 incarceration. Supporting the passage of this
3 legislation is good public policy for the following
4 reasons. First rights restoration serves public
5 safety. Resolution number 870 correctly notes that
6 restoring voting rights for people with criminal
7 convictions who are now living and working in our
8 communities will promote community reintegration
9 and civic engagement. Parole and probation
10 professionals agree. The American probation and
11 parole association has stated that
12 disenfranchisement laws work against successful
13 reentry and research reinforces this view. Studies
14 have found consistent differences between voters
15 and non-voters in rates of subsequent arrests,
16 incarceration, and self-reported criminal behavior.
17 Second, but rights restoration will reduce
18 disproportionate disenfranchisement of minorities.
19 As resolution number 870 correctly identifies New
20 York's incarcerated population is
21 disproportionately minority which means that the
22 communities in which these individuals reside are
23 disproportionately disempowered by criminal
24 disenfranchisement laws. In research conducted for
25

1 a 2010 report the Brennan Center found that nearly
2 80 percent of those who have lost their right to
3 vote under New York's disenfranchisement laws are
4 African American or Latino and that New York
5 Disenfranchisement laws has historical routes and a
6 concerted effort to exclude African Americans from
7 participating in the political process. As detailed
8 in our report Jim Crowe in New York at the very
9 time that the 14th and 15th amendments forced New
10 York to remove its nefarious property requirements
11 for African American voters New York changed its
12 law requiring the disenfranchisement of those
13 convicted of infamous crimes. Today New York's
14 disenfranchisement law is nearly identical to that
15 provision enacted 140 years ago. Third, rights
16 restoration will reduce confusion and
17 administrative burden. Bill A67634 is also an
18 important step towards addressing the unnecessary
19 confusion caused by New York's current law which
20 arbitrarily denies voting rights to people on
21 parole but not on probation. A Brennan Center study
22 revealed that more than a third of New York's local
23 election boards incorrectly state that people on
24 probation are ineligible to vote. Restoring voting
25

1 rights to individuals once they exit incarceration
2 is an easier to administer policy that will
3 eliminate the opportunity for mass dissemination of
4 inaccurate and misleading information which could
5 lead to the de facto disenfranchisement of eligible
6 would-be voters. And finally across the country
7 there was considerable momentum towards restoring
8 voting rights to individuals with criminal
9 convictions fueled by a growing bipartisan
10 consensus that restoring voting rights is a smart
11 on crime policy that strengthens our democracies
12 and communities. Over the past two decades more
13 than 20 states have taken action to allow more
14 people with past criminal convictions to vote, to
15 vote sooner, or to access that right more easily.
16 Bill A7634 provides a valuable opportunity for New
17 York to participate in this movement to help
18 individuals reintegrate into society and to
19 encourage civic participation to correct... and to
20 correct historically unjust laws and reduce harm
21 caused by confusing and burdensome
22 disenfranchisement laws. We therefore urge the city
23 council to pass resolution 870. And briefly on the
24 early voting we also urge the council to pass
25

1 resolution 553. In past elections including most
2 recently the 2012 election, New York's voters have
3 had to endure long lines on election days in order
4 to cast a ballot. With dozens of states... while
5 dozens of states allow early in person voting New
6 York only allows voters who cannot be present on
7 election day to cast an absentee ballot if such
8 voter meets designated qualifications. Bill A689
9 which resolution 553 urges the state to pass will
10 allow all New Yorkers to have the opportunity to
11 have your voice heard about waiting in long lines.
12 Early voting offers 21st century voters the
13 convenience and flexibility that match the demands
14 of modern life as discussed in the Brennan Center's
15 report 'Early Voting; What Works' early voting
16 hasn't added the... has the added election
17 administration benefits of reducing the stress on
18 the voting system on election day, shortening lines
19 on election day, improving poll worker performance,
20 and allowing for early identification and
21 correction of registration errors and voting system
22 glitches. Lastly our research has shown that early
23 in person voting is an unquestionably popular
24 practice that boosts voter satisfaction and
25

1
2 confidence in the electoral system. For these
3 reasons the Brennan Center urges the City Council
4 to pass number 553. Right on time. I... I used a
5 website.

6 CHAIRPERSON KALLOS: So the first
7 question for this panel is Rachael how long have
8 you been at...

9 RACHAEL FAUST: Citizen's... about... just
10 over eight years. So just been working on these
11 issues for a long time and appreciated working with
12 this council for the last I guess three years now.

13 CHAIRPERSON KALLOS: Two years, one
14 month, and 29 days.

15 RACHAEL FAUST: Okay. I can't count,
16 excuse me.

17 CHAIRPERSON KALLOS: It's okay. That
18 being said I'd like you if Sergeant at Arms will
19 humor me I'd like to present you with a citation
20 from the city where as a great city... Come on Over...
21 whereas a great city is only as great as those
22 persons who give exemplary service to their
23 communities whether through participation,
24 voluntary programs, through unique personal
25 achievement in their professional or other

1
2 endeavors, or simply through a lifetime of good
3 citizenry and whereas such a service which is truly
4 the lifeblood of the community and the city so
5 often goes unrecognized and unrewarded. Now
6 therefore be it resolved that as a duly elected
7 member of the New York City Council we recognize
8 that in Rachael Faust we have an outstanding
9 citizen, one who is worthy of the esteem of both
10 the community and the great city of New York. And
11 witness whereof I hear... have heard unto set my
12 hand... New York City Council Member Ben Kallos.
13 Thank you.

14 RACHAEL FAUST: Thank you so much. It's
15 been a... a pleasure to work with you.

16 CHAIRPERSON KALLOS: Thank you. We still
17 have lots of things to get done. But I will just
18 say that Citizen's Union have been working on
19 cooperation and government for I think over a
20 century and it was under your leadership that
21 outside income went out the door, Lulu's [sp?] went
22 out the door, rules reform, member item funding
23 reform... A lot of things that we've been able to do
24 together in just two years, one month, and 29 days.
25 And hopefully we will continue to get these things

1 done. I think with regard to Kate Doran's comment
2 on the poll site I think Prudence spoke to it which
3 is just most people only vote once every four
4 years. And this coming election is that one time
5 that they will be voting every four years most
6 likely just in November. And in so doing when poll
7 sites have been moved once, twice, three times, or
8 even eight times people will not know that, all
9 they'll know is that this is the poll site I've
10 voted at for the past 40 or 100 years and that
11 sometime in the last four month... four years. So we
12 are good at giving the notice when it's just been
13 moved but if it's been moved any time since the
14 last presidential election I think that's what
15 we're trying to cover. With regard to language
16 access is it important that we... in term... for this
17 panel do you think we should just print it in every
18 single language or allow people to opt into
19 specific languages. What... what is the best way to
20 deal with the voter guide in making sure more
21 people have access?

22
23 RACHAEL FAUST: Well I think from
24 Citizen's Union's perspective we're... we're
25 definitely aware there are administrative issues

1 with... with producing a guide that is very tailored.
2 So I think... I think you said it rightly that there
3 should be some level of the voter acknowledging
4 what they would personally like I think having the
5 opt out makes... makes a lot of sense. And there
6 could also... it could also be coupled with a system
7 of voters signing up for the languages that they
8 would like. I think the only issue is that you
9 would want to recognize that not every voter is
10 going to affirmatively do that. So there could be
11 some level of you know targeting based on the
12 information that is... that is known by the Campaign
13 Finance Board but then updating that information on
14 a regular basis.

16 CHAIRPERSON KALLOS: With regard to
17 consolidation of primaries should that be June,
18 should that be August, should it be... I think some
19 people would love to have it on like 4th of July
20 when no one else is going to show up. When should
21 we consolidate the primary and... and how many years
22 have folks been advocate... since the 70s?

23 KATE DORAN: [off mic] Well there was a
24 single June primary back in the 70s.

2 CHAIRPERSON KALLOS: If you can say that
3 into the mic, thank you.

4 KATE DORAN: Back in the 1970s there was
5 a single June primary. And I don't know my
6 colleagues who've been around that long and working
7 for the league could tell you perhaps why... what
8 happened. But it's... it makes sense. It makes sense.
9 Before people go away for the summer it's not
10 usually tremendously hot inside those school rooms
11 so you can... you know you don't have to worry about
12 air conditioning and that's... and that's a trivial
13 matter. But single June primary we've been strongly
14 supportive and pushing for this for a long time.
15 With regard to voter histories do you believe that
16 there would be any impact to voters seeing that
17 their voter history is public information? The
18 daily news spoke today about having grades. Do you
19 think that having A through F grades or some other
20 indicator of performance would be helpful?

21 PRUDENCE KATZE: I know that Common
22 Cause is not for the grades. I didn't... from what I
23 understood with the bill Council Member Torres'
24 bill was that...

25 CHAIRPERSON KALLOS: Just voter history.

2 PRUDENCE KATZE: Just voter history and
3 it was going to said voter. We think that this is a
4 good idea. It will be a way to show potentially
5 what they had been missing out on and they didn't
6 realize it could be seen as you know the same way
7 as getting your meter read or getting a credit
8 score, just like... these important audits that don't
9 necessarily think about that often. And I... we think
10 that it could be a useful educational tool. But we
11 don't... definitely don't want to have any sort of
12 shaming aspect to it.

13 RACHAEL FAUST: Yeah I would echo what...
14 I would echo what Prudence said. I think you know
15 we looked at the bill as drafted with the voter
16 history and... and I would say the closest corollary
17 that we know if in terms of the literature is
18 around pledging to vote and you know social and
19 peer pressure. And I think it kind of would be
20 sufficient as is for a voter to receive... there is
21 an element of pressure knowing that... to see a blank
22 if you will on your voting history. I think having
23 a grade might be a little unnecessary in that way.
24 But I think the important thing is for the voter to
25 have the information because they may have missed

1 the election because they... they weren't aware of,
2 it slipped their mind or you know they may not
3 realize that not turning out to vote one year,
4 maybe they've... maybe they haven't realized that it
5 was multiple years that they haven't voted. So... and
6 I... I think the issue of how far back to go was
7 raised. The only area... the only issue I would say
8 with maybe sticking to the four-year time period as
9 that's the presidential elections I call... And
10 that's when more voters are apt to turn out. So the
11 four-year period from that perspective makes... makes
12 sense to me.

14 CHAIRPERSON KALLOS: Would it be helpful
15 to have... So perhaps we could have elections where
16 your... where... turnout and then we could have
17 elections missed so people could actually see the
18 opportunities that they missed.

19 RACHAEL FAUST: That could be... that
20 could be interesting.

21 CHAIRPERSON KALLOS: Okay. In terms of
22 text messaging notifications do you anticipate that
23 that would be difficult to do or are there other
24 technologies that currently have it? And I know
25 panelists coming up will want to speak to that

1 because they've been working on that for a while.

2 But do any other states do this? Is it just
3 something that Rock the Boat does. Anyone speak to
4 text message notification.
5

6 KATE DORAN: No I... at the Commissioner's
7 meeting on Tuesday Executive Director Ryan
8 mentioned that there are... you know how many four
9 point something million registered voters. And he
10 said the problem is they only captured about
11 100,000 emails. And the... there is a field on the
12 registration form to include an email address but
13 it's optional and people change their emails. I... I...
14 I'm looking forward to hearing about how it could
15 be implemented. I think it's a very good idea but
16 I... it seems like you know I don't know how quickly
17 it could be done and... going forward I think it's
18 something that is important and should be pursued.
19 But it's going to be hard.

20 CHAIRPERSON KALLOS: Thank you very
21 much.

22 PRUDENCE KATZE: I just want to quickly
23 add that I understand New Jersey does some... some
24 form of text message notification. So during
25 Hurricane Sandy for example when some poll sites

1
2 were under water so folks couldn't vote they're
3 actually were text message notifications sent out
4 about poll sites being moved. So there are
5 precedents in other states. I do agree that
6 collecting email information is onerous. But I
7 think once folks understand that then they'll get
8 reminders or putting their text... their number down,
9 like reminders I think that will increase
10 participation.

11 CHAIRPERSON KALLOS: Thank you very much
12 to this panel and thank you for your patience. And
13 thank you for your eight years of service. And Paul
14 brought you a cardboard frame for your citation.
15 Thank you. Our final panel is Seth Flaxman from
16 Democracy Works also known as TurboVote, get your
17 app today, New York Immigration Coalition Aber...
18 Aber Kay and also from New York Immigration
19 Coalition Myriad... Myriad [phonetic]. We should have
20 three people on the final panel. Do we have anyone
21 from New York Immigration Coalition? Okay. I
22 believe they have submitted testimony for the
23 record. And Seth it's all you.

24

25

2 SETH FLAXMAN: Thank you. Happy to be
3 the anchor on the... your marathon session. So I'm...
4 so... Chair Kallos thank you.

5 CHAIRPERSON KALLOS: If you would like
6 to come for marathon please join us for our budget
7 hearing on March 14th. We will be starting at 9:30
8 and going past 5:00.

9 SETH FLAXMAN: On my calendar. So thank
10 you for allowing me the opportunity to testify. My
11 name is Seth Flaxman. I'm the co-founder and
12 Executive Director of Democracy Works. We're a non-
13 profit that builds technology to make voting
14 easier. And for those who don't know about us one
15 of our services is probably the most used even
16 though people don't know we're behind it that you
17 may have used is in the 2014 cycle. And since then
18 the... charitable trust has contracted with us to
19 work with states and counties to collect polling
20 place election data and standardize it into a
21 national data set. We then coordinate with google
22 so voters can search where do I vote online and
23 find the correct polling place. We also run a
24 website TurboVote that allows any American to sign
25 up once and get help registering to vote, voting

1 absentee, and important to this receiving text and
2 email notifications with reminders of election
3 dates. So since we launched this in 2010 we've
4 learned a lot about how difficult it is to send
5 text and email notifications. And we're encouraged
6 by the results we've seen that simply reminding our
7 users about coming elections can spur them into
8 checking their registration status and making sure
9 they have a plan to vote. The idea of a government
10 sending election reminders or notifications
11 perfectly represents the driving notion and mission
12 behind our work that voting should fit the way we
13 live. I don't have to tell you that we're
14 increasingly living on our mobile devices and we
15 expect to have information at our fingertips. And
16 so I'd like to share some of the lessons we've
17 learned as we've tried to meet voters where they
18 are especially as it relates to the email and text
19 message proposal. So first it's hard to know
20 exactly what about a notification tool is going to
21 work until you start building it. So I would say
22 it's important to allow room for changes and
23 adjustments. This is in reference to the 10 day out
24 rule. I recommend testing and iterating on the
25

1 design of a system without excessive initial
2 prescription. This can sometimes lead to finding
3 out answers you didn't know you were looking for.
4 And given the public nature of notifications and
5 the highly customizable content in each message
6 ensuring perfect implementation from start to
7 finish can be a challenge on a rushed timeline.
8 Second, I would encourage a more iterative
9 approach. The number of users in the stakes for
10 success go up dramatically in a presidential year
11 like 2016. So the development or roll out of a
12 notification system can be crucial to its overall
13 success. It would be best if a system were phased
14 in over time rather than released all at once.
15 There are many ways to implement these types of
16 notifications. So having the ability to try
17 different approaches in smaller sizes over time
18 allows control for errors and an ability to fix
19 problems more quickly. And then finally I highly
20 recommend a concern for privacy serve as a thorough
21 line for the development of any election
22 notification system. Moving quickly to build
23 technology where personal information is concerned
24 is always tricky. And we've witnessed the other
25

1 states and cities were not thinking about privacy
2 is become an implementation problem later down the
3 line. Not that it should stop you but important to
4 think through it up front. And specifically around
5 how you want access to emails and text messages as
6 they get added to the public record. So that'll...
7 sort of always encourage when I see government
8 willing and eager to make the active civic
9 engagement easier Chair Kallos you've been a leader
10 on this since you came on the council two years,
11 one month, and nine days? 20 days ago...

12
13 CHAIRPERSON KALLOS: 28 days and 14
14 hours and... [cross-talk]

15 SETH FLAXMAN: 28 days and 14 hours and...

16 CHAIRPERSON KALLOS: ...I had been saying
17 29 but...

18 SETH FLAXMAN: And I think these efforts
19 are great, will give us a better democracy. I
20 hardly endorse election notifications. And I hope
21 our years of experience working in this area can
22 serve you in the council as this issue moves
23 forward. Thank you and look forward to answering
24 any questions.

2 CHAIRPERSON KALLOS: Sure I... so I think
3 Kiething [phonetic] just being from the legislation
4 it's very prescriptive... just is providing specific
5 notifications. It doesn't even provide for methods
6 for signing up. I know that we're building a voter
7 information portal as part of a previous hearing at
8 which you testified where we're... I think we'll be
9 relying extensively on your technology. So I guess
10 given the fact that we've spent over a year
11 negotiating the voter information portal how easy
12 do you believe it will be to build into a system
13 for absentee ballot tracking and that will already
14 have email notification and whatnot. The email...
15 sorry since we're already building a system for
16 absentee ballot tracking...

17 SETH FLAXMAN: Mm-hmm.

18 CHAIRPERSON KALLOS: ...how difficult will
19 it be to add email notification, text message
20 notification, voter information, etcetera?

21 SETH FLAXMAN: I think it's... it's not a
22 challenge to do technically speaking. It's really
23 about can you roll it out in mass before the 2016
24 presidential election and make sure you built in
25 time to check for errors. And as you know with your

1 background in software the best way to build stable
2 systems is to iterate them and roll them out over
3 time. And so for me the question would be what
4 would be the right goal for this presidential
5 election that's not full rollout of the full vision
6 of everything we want to do but a way to get
7 rolling so that we give... have a good first step. So
8 for example that might include the board has
9 100,000 emails already. So maybe it's running a
10 test with those emails to see what's the most
11 effective message they could send to the group they
12 already have emails for. And at the same time
13 figuring out where... how we're going to start
14 collecting the email and mobile numbers this cycle
15 so that by the time we get to the mayoral next year
16 we have a larger group that could... could get
17 messages. So I... I hope that addresses the question.

18
19 CHAIRPERSON KALLOS: ...legislation moves
20 fast I'm not sure whether or not we'll be able to
21 make it happen for this coming presidential I
22 think. Hopefully this is about building a base for
23 the next election.

24 SETH FLAXMAN: Great.
25

2 CHAIRPERSON KALLOS: Do you believe that
3 showing somebody their voter history will have an
4 impact on their turnout behavior?

5 SETH FLAXMAN: Yes. The academic
6 literature does support that idea. And where it's
7 backfired though in the past is when organizations
8 voters are not familiar with showed them their
9 records. And so it's... they thought it was creepy.
10 But I think it coming from a government entity
11 makes perfect sense because people feel you know
12 that... that's the entity that has authority over...
13 over the voter rolls.

14 CHAIRPERSON KALLOS: Perfect. Thank you
15 very much for coming out, for joining us through a
16 longer than usual or expected hearing. Usually we
17 do these at 1:00 and they go 'till 5:00 so four
18 hours doesn't seem as long. Today we started at
19 10:00 and went 'till 2:00. So it's still our...
20 hearing. I just want to thank my committee counsel
21 Smita Deshmukh as well Laurie Wen for bearing with
22 me. I take full responsibility for the... the
23 solution we ended up arriving at with regards to
24 translation servicing. Our preference would have
25 been to have a professional translation service

1
2 that was able to deal with some of the technical
3 terms but glad we did have a volunteer from the
4 community. It is not ideal and moving forward we'll
5 be doing our best because our goal is to have
6 continued meetings with continued community
7 presence in as many languages as are spoken in this
8 great city and simultaneous translation services to
9 support all of them. With that being said I'll
10 excuse this panel and hereby adjourn this meeting.

11 [gavel]

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C E R T I F I C A T E

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



Date _____ Date of Transcription _____