

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS
JOINTLY WITH COMMITTEE ON CRIMINAL
JUSTICE

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OCTOBER 3, 2018
Start: 1:11 PM
Recess: 3:48 PM

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: FERNANDO CABRERA, CHAIR

COUNCIL MEMBERS: BEN KALLOS
ALAN N. MAISEL
BILL PERKINS
KEITH POWERS, CHAIR
YDANIS A. RODRIGUEZ
KALMAN YEGER
ROBERT HOLDEN
ALICKA AMPRY-SAMUEL
RORY I. LANCMAN

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

ERIC FRIEDMAN, Executive Director for
Public Affairs of the NYC Campaign
Finance Board (CFB)

ANA M. BERMUDEZ, Commissioner for the
NYPD Department of Probation

MICHAEL TAUSEK, Deputy Commissioner
oversee programs for young adults and
adults with the Department of Corrections

JORGE FANJUL, Senior Advisor for
Democracy NYC at the Office of the Deputy
Mayor for Strategic Policy Initiatives

RACHEL BLOOM, Director of Public Policy
and Programs at Citizen Union

ISABEL ZEITZ-MOSKIN, National Organizer
at National Action Network

VIDAL GUZMAN, Community Organizer for
JustLeadershipUSA

SEAN MORALES-DOYLE, Council on Democracy
Program at Brennan Center for Justice at
NYU School of Law

ONIDA COWARD MAYERS, Director of Voter
Assistance at the (CFB) Campaign Finance
Board

ANTHONY POSADA (SP?), Legal Aid Society

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

LIONEL OGLESBY, Legal Action Cente

PERRY GROSSMAN, NYCLU

1 COMMITTEE ON GOVERNMENTAL OPERATIONS JOINTLY
2 WITH COMMITTEE ON CRIMINAL JUSTICE

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3 MOHAMMED ARSHAD (SP?): Test, test, test,
4 this is joint hearing for the Committee on
5 Governmental Operations and the Committee on Criminal
6 Justice. Today's date is October 3, 2018, being
7 recorded by Mohammed Arshad. (gavel pounding).

8 CHAIR FERNANDO CABRERA: Good afternoon
9 and welcome to this joint hearing on the, of the
10 Committee of Government Operations and the Committee
11 of Criminal Justice. I am Council Member Fernando
12 Cabrera, Chair of the Committee on Governmental
13 Operations and I want to thank my co-chair, Council
14 Member Keith Powers, who has been a strong advocate
15 for Election Reform and Voting Rights. Today we are
16 holding oversight on the Voting Rights of Justice
17 involve persons in giving a first hearing to three
18 pieces of Legislation. Two of the Bills are under
19 the Committee of Governmental Operations,
20 Introduction 367 sponsored by Council Member
21 Salamanca in relation to the Department of
22 Preservation, informing persons of the voting rights
23 and introduction 1115, sponsored by myself in
24 relation to Agencies assisting eligible parolees with
25 voter registrations. The third Bill which is under
the Committee of Criminal Justice 514 in relation to

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2 the Department of Correction informing excuse me, of
3 Correction informing release person of their voting
4 rights and I will leave it to that Committee and our
5 sponsor to discuss their Bills in greater detail.
6 There is a tremendous amount of confusing when a
7 justice involved person can vote and our goal with
8 today's hearing is to discuss how we can all work
9 together and to clear away that confusion. So, so
10 when does the justice involved person or gain their
11 right to vote. First the right to vote is lost only,
12 let me say that again, only when a person is
13 convicted of a felony. Anyone convicted of a
14 misdemeanor or is charged with a felony but still
15 awaiting trial retains their right to vote. Anyone
16 on probation can still vote. Before this year, a
17 person on parole could not vote and the right to vote
18 was only restored after they completed their parole.
19 however, in April of 2018 the Governor issued an
20 Executive Order that created a process for granting
21 conditional parties that restore only the right to
22 vote. So now some, not all parolees can vote. This
23 is a wonderful step forward; however, for it to work
24 we are going to need to do a tremendous amount of
25 public education. My own Bill Introduction 1115

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2 approaches this issue by ensuring the staff of the
3 agencies covered by, the agency based vote
4 registration law which requires agencies to assist
5 the public in voter registration are provided with
6 guidance on the voting rights of formerly
7 incarcerated person. This guidance is to be
8 developed by the Voter Assistant Advisory Committee.
9 The bill will also require agencies covered by the
10 law upon request by a parolee to check if they are
11 eligible to register to vote. I want to thank
12 members of both Committees and the sponsors of this
13 Bill for their commitment to this issue. I also want
14 to thank the staff of both Committees, Brad Reid,
15 Elizabeth Cronk, Zac Harris, Alana Sevee (SP?),
16 Kashorin Danny (SP?) and Jen Li (SP?) as well as my
17 own Legislative Director Clara McElvain (SP?) for all
18 their hard work and I look forward to our discussion
19 of these Bills and if you could put your phones to
20 silence I would appreciate it as well. With that
21 with will turn it over to our Co-Chair of today,
22 Keith Powers, Council Member Keith Powers.

23 CHAIR KEITH POWERS: Thank you, thank you
24 so much and thank you everybody for being here today.
25 My name is Keith Powers. I am the Chair of the

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2 Criminal Justice Committee. As was stated, this is a
3 joint oversight hearing between the Criminal Justice
4 Committee and the Government Operations Committee
5 which I am proudly a member of both on the important
6 topic of voting rights for justice involved
7 population. Of course it's a timely hearing in light
8 of the registration deadline coming up next Friday I
9 believe it is and also our upcoming elections and our
10 just past elections. I want to thank Council Member
11 Cabrera along with his staff for helping to put this
12 hearing together today and for attending. Uhm as
13 many of us know voting is a fundamental right and we
14 have to take efforts to ensure that all voices are
15 counted in the electoral process including the voices
16 of currently and formerly incarcerated individuals.
17 For too long, the justice involved population has
18 been banned from the polls both explicitly in the
19 state law and discretely through misinformation or
20 lack of information or occasionally voter
21 suppression. New York has a law, law has
22 proportionately deprived communities of color the
23 right to vote. As of 2010, 80% of voters excluded by
24 the New York State Law were Black or Hispanic. The
25 Governor's Executive Order earlier this year

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2 restoring the right to vote for New Yorker's on
3 parole is a step in the right direction and has the
4 potential to enfranchise tens of thousands of new
5 voters uhm but we need to make sure that every single
6 person who is eligible for this benefit knows it and
7 becomes qualified to receive it. We need to make
8 sure that all incarcerated people who are eligible to
9 vote not only know about their voting rights but have
10 meaningful access to the polls. The Department of
11 Corrections and Probation are crucial to these
12 efforts and I look forward to hearing from the
13 representatives from the DOC and the DOP to address
14 these issues. In particular, I am interested in
15 exploring what each agency is doing not just to
16 facilitate voter registration but to encourage voter
17 participation on local elections and generally in the
18 political process. The Criminal Justice Committee
19 will be hearing one piece of Legislation today and
20 our Committee, Council Member Lancman's Introduction
21 514 which would require the DOC to distribute written
22 notice regarding the voting rights of formerly
23 incarcerated individuals in the State of New York
24 upon release along with voter registration forms.
25 Additionally it would also require the Campaign

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2 Finance Board with the assistance of the Voter
3 Assistancy Advisory Committee to include incarcerated
4 and formerly incarcerated persons and activities that
5 they currently undertake aimed at encouraging and
6 facilitating voter registration. Under this Bill,
7 written notice must include information regarding the
8 date of voter eligibility and if passed Intro 514
9 would help inform justice-involved populations who
10 have been disenfranchised due to widespread
11 miseducation regarding voter eligibility. With that
12 said, I want to thank all of the representatives for
13 the Administration for being here and testifying
14 today. I want to thank my staff and my office and
15 from the committee for helping to put this hearing
16 together, the Chair again and thank you all Council
17 Members who are here in attendance and those who are
18 coming, uhm we are going to now. And I just want to
19 actually recognize them: Council Member Holden,
20 Council Members Kalman Yeger, Council Member Alicka
21 Ampry-Samuel, Council Member Rory Lancman and we will
22 be joined by more soon. I want to uhm, you give us
23 an opportunity to hear from Council Member Lancman on
24 his Bill on, on albeit on today's hearing. Thanks.

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2 RORY LANCMAN: Thank you good afternoon,
3 I am Council Member Rory Lancman, a member of the
4 Criminal Justice Committee and in a different setting
5 a Chair the Committee on the Justice System. I am
6 here today in support of my Bill Intro 514 to require
7 the Department of Correction to give every person
8 released from custody written notice of their voting
9 rights and voter registration form. There is a
10 simple fact about those at Riker's that many people
11 don't understand. Eventually almost all of them will
12 come home and when they do, when they do the
13 overwhelming majority of them will have the right to
14 vote if only they knew it. New York's Voting Laws
15 only bar those currently incarcerated or on parole
16 for a felony from voting. Actually early this year
17 as has been referenced, Governor Cuomo signed an
18 Executive Order effectively extending voting rights
19 to more then 35,000 on parole. We know from efforts
20 around the country that the opportunity to vote and
21 have a voice in government decreased recidivism
22 because of the greater investment that offenders feel
23 in their communities and the laws that govern them
24 but having the right to vote and knowing how to use
25 it are two different things. My Bill will bring

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2 those polls closer together and as a consequent make
3 our city more democratic, more engaged and more safe.
4 Thank you.

5 CHAIR FERNANDO CABRERA: Council Member
6 Salamanca is one of the sponsors of the Bill and he
7 had a conflict, uhm last minute conflict with his
8 schedule so I'm, I'm going to be reading briefly his
9 statement. "I would like to thank the Chair and
10 Committees for holding a hearing on this important
11 issue today. When I was campaigning for the
12 presidential election two years ago, encouraging
13 everyone in my community to vote, I ran into numerous
14 people in my District who told me I have a record or
15 I have a misdemeanor or a felony so I cannot vote. I
16 will tell them yes you can vote but it became clear
17 to me that we needed to inform the formerly
18 incarcerated or those on parole of their rights. It
19 is their right to vote and they need to know that.
20 Stated in Intro 367, Department of Probation or
21 relevant agency should issue a written notice on the
22 voting rights of persons sentenced to probation in
23 the State of New York. Communities of color like the
24 one I represent feel this heavy burden. The issue of
25 mass incarceration in our nation largely affects our

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2 Black and Brown Community and with the pervasive
3 misunderstanding of who can and can't vote. It is on
4 us to educate and improve voter turnout. I believe
5 that created instilling a sense of efficacy can begin
6 at a very basic level, calling your elected official,
7 attending a community board hearing and voting.
8 Integrating back into a community can begin with
9 feeling like you have a voice and in this case,
10 casting a vote can be that voice. We should be
11 encouraging participation in government at whatever
12 level. Thank you for your time and please do not
13 hesitate to reach out to my office with any questions
14 or concern." This is Council Member Rafael
15 Salamanca, Jr. and with that we will be swearing in
16 the administration.

17 COUNSEL: If everyone could raise the
18 right hands. Do you affirm to tell the truth, the
19 whole truth and nothing but the truth in your
20 testimony before this Committee and to respond
21 honestly to Council Member questions?

22 CHAIR FERNANDO CABRERA: You can began
23 and uhm if you could please introduce yourself.

24 JORGE FANJUL: Good morning Chair Powers,
25 Chair Cabrera and members of the Criminal Justice and

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2 Governmental Operations Committees. I am Jorge
3 Fanjul, Senior Advisor for Democracy NYC at the
4 Office of the Deputy Mayor for Strategic Policy
5 Initiatives. I am here today to provide some brief
6 introductory remarks on the Democracy NYC initiative
7 aimed at increasing civic engagement for all New
8 Yorkers including some of our most vulnerable justice
9 involved individuals. As an overview, Democracy NYC
10 was first announced by Mayor Bill de Blasio in this
11 year's State of the City Address and a detailed
12 robust plan to make New York City the fairest, most
13 civically engaged big city in America. Earlier this
14 year, Phillip Thompson was appointed the Deputy Mayor
15 for Strategic Policy Initiatives and charged with
16 overseeing the Democracy NYC Initiative. The
17 Administration also made a commitment to create the
18 role of Chief Democracy Officer to help manage the
19 initiative. We are happy to say that the City's
20 First Democracy Officer, Ayirini Fonseca-Sabune
21 started on Monday. She is a former Civil and Human's
22 Rights Lawyer and will be charged with everything
23 from voter drives to a new civics curriculum for New
24 York City Public Schools and yes even making sure
25 that the voting rights of justice-involved people are

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2 a priority in the work that the City does. This
3 summer Democracy NYC partnered with the Department of
4 Corrections at the New York City Board of Elections,
5 the Campaign Finance or NYC votes, the Mayor's Public
6 Engagement Unit, the Legal Aid Society, NYCLU, and
7 NYCLU to run a voter registration and absentee ballot
8 drive on Riker's Island. An unprecedented level of
9 cooperation effort went in to doing everything from
10 educating individuals in custody of their voting
11 rights, working to register individuals and visiting
12 and their family members to vote and training
13 programs and training personnel, and program
14 personnel to ensure that the best services were
15 provided. An important element to this effort was
16 executed by the Democracy NYC Team that works
17 specifically with the Department of Correction and
18 with cooperation from the New York City Board of
19 Elections to streamline the delivery of absentee
20 ballot applications and then ultimately the absentee
21 ballot applications themselves to individuals in
22 custody. We are currently evaluating this program
23 with our partners and look forward to further
24 broadening our outreach efforts to individuals in
25 custody. We appreciate the Council's focus on making

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2 sure that justice involved individuals have every
3 opportunity to exercise their right to vote. Making
4 our Democracy more fair and equitable is a goal that
5 we all share but can only be achieved when we make
6 that everyone has been given the opportunity to
7 engage in their government. I thank you for the
8 opportunity to testify before you today and I look
9 forward to hearing from colleagues in Government,
10 from the Department of Correction and Department of
11 Probation. Thank you.

12 MICHAEL TAUSEK: Good morning Chairs and
13 good morning Council Members. Deputy Commissioner
14 Michael Tausek, uhm I oversee programs for young
15 adults and adults with the Department of Corrections.
16 Thank you for having me today and I believe that as
17 we further discuss this, this initiative today you
18 would be quite pleased with the efforts that have
19 been taken by not only the Department but are
20 partners uhm across the city as well as volunteers in
21 helping us get education and registration materials
22 out to incarcerated individuals. Thank you.

23 ANA M. BERMUDEZ: Good morning Chair
24 Powers, Chair Cabrera and members of the Criminal
25 Justice and Governmental Operations Committees. I am

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2 Ana M. Bermudez, Commissioner for the New York City
3 Department of Probation. I want to thank you for
4 your continued interest in the work of the New York
5 City Department of Probation and the ways that we can
6 make our city safer, more fair and equitable. While
7 this hearing not only demonstrates that the rights of
8 justice involved people are important but even using
9 the term justice-involved people as opposed to
10 Offender or Probationer or Felon indicates who we are
11 talking about without reducing the individuals solely
12 to the criminal involvement. Using this language
13 preserves people's humanity and it is absolutely
14 sound practice. Probation is about giving people
15 access to new opportunities and helping them to
16 change their behavior and decision making patterns as
17 needed. To do that, the people we work with must be
18 able to imagine their lives and futures differently
19 than they do now. That is why at the start of
20 probation, clients receive a New Now folder with
21 information about what to expect during their time
22 with us, our programs and services and their voting
23 rights and voter registration information. You have
24 samples, I didn't have enough but you have, you can
25 share. I have and I'll go over more detail on that

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2 later. Uhm what is the importance of ensuring that
3 justice-involved people can vote. You said it very
4 well in your opening remarks. Putting aside that
5 voting is a fundamental right, research shows that
6 the high level of someone's civic engagement, the
7 less likely they are to commit a crime. The Brandon
8 Center for Justice completed a comprehensive report
9 on this issue in 2009, the findings of which still
10 ring true today. One new voter described his
11 experience as such. When you are afforded the
12 opportunity to vote you think I am fully vested in my
13 city, state, country. I am just as much a citizen as
14 anyone else. It signals rehabilitation. It presents
15 a mindset that looks forward not backwards. The
16 report goes on to say researchers have determined
17 that once identity as a responsible citizen,
18 including jury service, volunteer work, neighborhood
19 involvement and voting is also important. Several
20 researchers have argued that civic reintegration
21 should be included in re-entry models because it can
22 help transform one's identity to law abiding citizen.
23 Restoring the right to vote and removing other
24 barriers that results from a criminal conviction also
25 increase public safety. Bringing people into the

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2 political process makes them stakeholders which helps
3 steer them away from future crimes. Branding people
4 as political outsiders by barring them from the polls
5 disrupts re-entry into the community. Conversely
6 disenfranchisement can actually serve to increase
7 criminal activity as it disconnects people from their
8 communities and denies them one of the most basic
9 methods having their voices count and affecting
10 change. That is why as part of my testimony today I
11 plan to discuss some of the other ways in which the
12 department not only informs people on probation of
13 their rights but also the work that we have
14 undertaken to help restore any rights lost due to a
15 criminal conviction. Introduced earlier this year,
16 Intro 367 by Council Member Salamanca legislates that
17 during the intake process the Department of Probation
18 shall distribute a written notice on voting rights of
19 people on probation, developed with the Voter
20 Assistance Advisory Committee to anyone sentenced to
21 probation. The Department is supportive of this
22 Legislation and it is right in step with our current
23 practice. As I stated earlier, at the beginning of
24 probation during the intake process, each person
25 receives that New Now Folder which includes a Voter

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2 Registration form. If there are any questions about
3 the form or how to fill it out, a member of our team
4 is available to assist. We also keep Voter
5 Registration forms in multiple languages in all of
6 our Probation Resource Hubs across the city. We have
7 about 26 locations so that's a fairly vast reach. In
8 the first half of this year, we distributed
9 approximately 2,500 forms. We also held registration
10 drives in each borough as part of National Voter
11 Registration Day last Tuesday, September 25th in
12 partnership with NYC votes and the campaign finance
13 board we have some pictures here to show you of folks
14 being involved and posters in our waiting areas. And
15 I want to thank the Council Members on both of these
16 Committees because you and your staff helped us to
17 spread the word about the event to your constituents.
18 We had over 300 people and their family members
19 attend and nearly 1 in 3 completed and submitted
20 their Voter Registration on site. This helps to
21 amplify that many more voices in advance of this
22 November's multiple elections. DOP applauds the
23 State's Executive Order 181 signed earlier this year
24 which allows for restoration of voting rights for
25 people with felony convictions in New York State. In

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2 light of the State policy change, the Council's
3 proposal we are discussing today introduced by
4 Council Member Cabrera would amend the New York City
5 Charter in relation to various city agencies
6 assisting eligible people on parole with Voter
7 Registration. DOP is supportive of assisting all New
8 Yorkers with access to voting rights information
9 including individuals on parole. With that said, the
10 City has several operational and legal concerns
11 regarding the accessible public parole data as it
12 relates to voting rights as well as challenges
13 interpreting the data by employees who work outside
14 of the Criminal Justice field. After today's
15 hearing, the Administration will coordinate with the
16 Agency's listed in the Bill to provide more detail on
17 this specific operational concerns. The ability to
18 exercise the right to vote is of paramount importance
19 for anyone to feel fully invested in his or her local
20 community, city, state and country. Unfortunately
21 other types of disenfranchisement occurred due to
22 justice involvement such as being barred from holding
23 certain professional licenses or until recently
24 applying for jobs. As part of creating once new now
25 the Department and the people we serve work together

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2 to try to restore some of these rights and open
3 previously closed possibilities. With support from
4 the Youngman's Initiative we have collaborated with
5 the Community Service Society and Youth Represent on
6 Rap Sheep cleanup events to ensure that people on
7 probation have a Rap Sheet that is accurate and does
8 not needlessly preclude them from opportunities. Our
9 Work Force Development Unit has a great partnership
10 with the New York City Commission on Human Rights to
11 ensure that everyone on probation is aware of the
12 Fair Chance Act, their rights in the workplace and
13 their rights when looking and applying for jobs.
14 This of course could not have happened without the
15 leadership of the New York City Council on Employment
16 Rights for Justice Involved People as you were past
17 and implemented the Fair Chance Act a few years back.
18 Finally we regularly file for Certificates of Relief
19 from Disabilities on behalf of eligible people on
20 probation. A Certificate of Relief is a court
21 document signed by a judge which helps someone with a
22 criminal conviction be able to obtain certain
23 licenses for a job should they want to become a
24 barber or a security guard for example. We also work
25 with the administrative judges of each borough on

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2 events that are NEONs, Neighborhood Opportunity
3 Networks which our Probation Community Offices in
4 order to provide people on probation and other
5 community residents with Certificate of Relief.
6 Whether it is correcting one's Rap Sheet, obtaining a
7 COR or Registering to Vote we want to ensure that
8 everyone's time on probation is focused on accessing
9 and developing their own New Now and thereby
10 strengthening communities and changing lives. I want
11 to thank you again for the opportunity to testify and
12 we will answer any questions you may have.

13 CHAIR KEITH POWERS: Just a clarifying
14 question for the Department of Corrections. You have
15 submitted testimony you are not reading it on the
16 record?

17 MICHAEL TAUSEK: Say that again please?

18 CHAIR KEITH POWERS: I said you had
19 submitted testimony in writing are you not, are you
20 not giving that testimony.

21 MICHAEL TAUSEK: No I do not have a
22 preamble or an introductory for this to submit.

23 CHAIR KEITH POWERS: We have uhm, you are
24 the Department of Corrections correct?

25 MICHAEL TAUSEK: Yes sir.

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2 CHAIR KEITH POWERS: We have submitted,
3 you are Michael Tausek?

4 MICHAEL TAUSEK: Yes.

5 CHAIR KEITH POWERS: Deputy we have a
6 submitted testimony from you?

7 MICHAEL TAUSEK: I'm sorry yes, I thought
8 you were talking about some other documents that I
9 had.

10 CHAIR KEITH POWERS: Okay are you
11 planning to read this, or?

12 MICHAEL TAUSEK: Uhm I would just like to
13 submit that for now and then answer questions in
14 related to uhm all field questions.

15 CHAIR KEITH POWERS: Okay.

16 CHAIR FERNANDO CABRERA: Thank you so
17 much uhm for the testimony. I since I have the
18 Senior Advisory from Democracy NYC welcome. I
19 have as you know in August 20 of this year, ahead
20 of the 2018 Primary Election uhm the Mayor
21 announced an raise in poll worker wages from 200
22 to 250 which I am sure the poll workers are going
23 to be very grateful about that. Based on the
24 testimony at the Board of Election,
25 Commissioner's Meeting in the past couple of

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2 weeks, many poll workers who work on the primary
3 election day were expecting to see a raise in
4 their wages and they were quite upset, arguably
5 rightfully so that no such raise was reflected in
6 their pay. The Board of Election has stated that
7 no official act was performed by the Mayor to
8 initiate the announced pay raise. So I have just
9 three simple questions:

- 10 1. Was an Act, what Act has the Mayor
11 performed to implement this pay raise?
- 12 2. When will the announced pay raise go
13 into effect?
- 14 3. Will poll workers work for the 2018
15 Primary Election receive pay back?

16 JORGE FANJUL: Uhm thank you for your
17 question Council Member. Uhm first I will say
18 that I am the Senior Advisor for the Democracy
19 NYC Initiative. Uhm which has to do with civic
20 engagement and voter participation and
21 increasing voter registration uhm which we know
22 is something that we can all agree on needs to
23 be better in the city. Uhm as far as uhm the
24 Board of Elections we have not had conversations
25 as far as the Democracy NYC initiative. We have

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not had conversation with them on this. I am happy to take this question back to the administration and the Mayor but I will not speak for the Mayor in this form.

CHAIR FERNANDO CABRERA: I appreciate uhm you giving, going back to the Administration because we really do need an answer. People deserve the answers uhm especially if an announcement was made. Uhm I'm going to turn it over now to my Co-Chair, Co-Chair Powers.

CHAIR KEITH POWERS: Thank you can I just ask a follow up question on that. The Mayor announced this in August. Maybe August 20th or something like that and there has been no follow up conversation with the DOE after that announcement about increasing the pay.

JORGE FANJUL: I said as far as the Democracy NYC Initiative and our charge, uhm that is not a part of our immediate charge. I have not had conversations with the BOE regarding that matter.

CHAIR KEITH POWERS: Got it, some, specifically somebody else in the office is

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2 handling it and you guys can get back to us
3 with.

4 JORGE FANJUL: I can, I can certainly
5 follow up.

6 CHAIR KEITH POWERS: I think it is
7 mostly just clarification on whether poll
8 workers will have it for the upcoming election
9 or when that might be received because that was
10 something that people heard, poll workers had
11 expressed as a concern that they heard the
12 announcement 3 weeks before so thank you and
13 good. Uhm just before we start there on both
14 the testimony submitted by the DOC and the DOP
15 you mentioned some concerns or clarifying
16 questions around the bills that we are talking
17 about today. Uhm I didn't see you know specific
18 comments about what maybe were the changes that
19 you were asking for. Can you articulate what,
20 while we have some sponsors here and others just
21 what those changes might be that you would be
22 asking for in either one of the bills?

23 ANA BERMUDEZ: I'm not sure that it's a
24 change but there is something cer.. it would be
25 out of a dialog about the concerns in the sense.

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The simple one is that in the parolee data, for example if it could lead to inaccurate "advice" that could even be too close to legal advice when somebody may not you know be interpreting the, the information correction, especially because that data is limited to when the person is still on parole. If the person is off parole, there are just a lot of little details that I think it would be good to discuss and work out what you know in terms of who is looking at that data, who's advising whom, in what context just to make sure that people don't get further misinformation which this is trying to cure.

CHAIR KEITH POWERS: Okay, okay then we will look for those.

ANA BERMUDEZ: Yeah no I think the Administration is going to do a fuller, you know.

CHAIR KEITH POWERS: Thank you. And DOC?

MICHAEL TAUSEK: Thank you Chair, as far as the Department we are just looking. The Department would like to see some clarification

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2 in the language that the responsibility for the
3 department would be for incarcerated persons
4 being released that our responsibility is from
5 a, from a DOC facility and not from court or if
6 they are transferred to another jurisdiction
7 just due to the logistics involved in a turnover
8 of our population that we, I am confident, and
9 we are confident that we can certainly
10 facilitate our obligation from those being
11 released from uhm one from one of our in... from
12 one of our jails but just becomes just
13 logistically very challenging because we don't
14 know when that will take place, for instance, in
15 terms of the bail.

16 CHAIR KEITH POWERS: Okay thank you
17 then, thanks for clarifying. The Department of
18 Probation outlined and I promoted and I saw
19 their efforts to help folks get registered.
20 They have a folder here that has a... hopefully
21 this is what everybody gets that has a voter
22 registration form and the flyer for registration
23 and then also some data points about how many
24 registration forms they gave out, how many
25 families participated. Can the DOC provide us

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with any information or data on how many let's say in the last calendar year, people had been received registration forms? How many had registered? Any efforts that the DOC has done around voter r... I've seen different agencies with different mandates in population uhm any efforts that you have undertaken. Recently or in the last calendar year and any data points about how effective?

MICHAEL TAUSEK: Yes Chair so as you know this is an ongoing effort. It continues to stay to continue into an I can provide information on what events that we have coming up in terms of registrations and absentee balloting but to date with, we have 421 voter registrations and over 300 mail in ballots so that's the information that we can confirm up until October 1st and that doesn't inc... so that are, those are data points that stem from our housing units so that doesn't incorporate our visitors center as well as from our Law Library Areas so we are still accumulating almost day by day numbers as we, as we continue so that's the numbers that I have for right now and the 300

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for the, who sent the absentee, it sounds like
300 did an absentee ballot?

MICHAEL TAUSEK: I'm sorry for the mail
in, the mail in ballots, yes. 300.

CHAIR KEITH POWERS: And what for that,
for the most recent election or what was that
time period for?

MICHAEL TAUSEK: Uhm this reflects over
the last, I would say the last 30 to 60 days so
we started our initiative in August so that
represents from August forward.

CHAIR KEITH POWERS: Okay so that would
be only one election in that time period.

MICHAEL TAUSEK: Yes. Yes sir.

CHAIR KEITH POWERS: Got it and can you
talk about, we were just talking about the
process for somebody who is incarcerated in
Riker's Island or one of the detention
facilities today. Uhm they receive a, they have
to vote by absentee ballot. It is an allo..
what I understand it's an allowable, you know
reason for voting via absentee. They get it, I
get to use their home address, clarify? Use
their home address and then receive it there.

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2 Can you just talk us the steps that are taken to
3 help assist people to figure out how to get an
4 absentee ballot, obviously to register, you guys
5 provide them forms but are there other efforts
6 as we approach election day to get people to
7 register to, to proactively get them registered
8 to assist them with the absentee ballots and
9 also to encourage them to vote, from DSE.

10 MICHAEL TAUSEK: Sure I will speak first
11 on a macro level and then kind of distill it
12 down so I have a sense that some of my response
13 right now will address several questions over
14 the course of this hearing so uhm some of my
15 future responses may be a little bit redundant.
16 So from a, from a macro perspective it has been
17 really exciting what the collaboration between
18 ourselves uhm between the department,
19 volunteers, the Mayor's public engagement units,
20 the legal aid society, what we had been able to
21 accomplish since August so that's, and from a
22 broad perspective, what that is is infusing a
23 sense of how important it is for incarcerated
24 persons to have that voice to vote. So part of
25 our training with some of the staff that I will

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go over with the community has to do with encouraging and educating staff on that. This is not just a mechanized effort. This is more of an autistic effort to get our incarcerated person to have a voice that is important for them and that they can be involved in a civic process. So that's the global perspective, so from a more distilled, more uhm mechanical perspective, what we've done is 4 key areas. So we've provided training which is customarily done to our legal coordinators who staff up our law library and that makes sense in terms of job role and then also in terms of civic duty and voting. But we've also incorporated other correctional counselors and other support staff that can assist not only our volunteers but continue to educate and encourage our incarcerated persons to vote. We have also done outreach in terms of postering and advert... and just providing information through posters throughout all highly trafficked areas in our Department so that includes the intake area, that includes our Law Library Areas and that also includes our housing units and when our

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initiative started in August, we provided over 1000 educational and information posters to our population. The other component of this which I talked very briefly about is our in person outreach as well and that is our support staff, DOC staff, working with uhm our volunteer base that comes into the facility going unit by unit throughout the Department to both register and to educate incarcerated persons on the voting process. And the other piece is the operational piece which is not only going from unit to unit but getting them in through some of those, those challenges that we have through on a day to day bases. So from, from my perspective when you look at, approximately 50,000 are taken in, admitted and approximately 50,000 are released it is quite an undertaking to get this uhm message out and to assist incarcerated persons to vote, to be educated on that and this is a much broader initiative than that was traditionally done in the past which was using that platform of the Law Library Area to assist or incarcerated persons.

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2 CHAIR KEITH POWERS: Okay thank you and
3 I know that the Legal Aid Society, NYCLU and
4 others have been doing efforts uhm to also help
5 register people recently, I think it is a newer
6 effort.

7 MICHAEL TAUSEK: In the visit area we
8 are also encouraging and educating those coming
9 through the Visitor Center to vote as well.

10 CHAIR KEITH POWERS: Got it thanks. And
11 the those groups had also raised a concern
12 around uhm there's a time period by which you
13 uhm can no longer receive an absentee ballot and
14 sign up so if you are arrested and detained in
15 that window of time between absentee ballots are
16 you have to put the last day to receive an
17 absentee ballot, that you would actually be
18 ineligible to vote, and I don't know how many
19 today, maybe you guys can look into how many
20 people we are talking about is an affected group
21 but you can vote. There is no polling place to
22 vote in in case you are not at home, you are not
23 in your local polling place but also you lose
24 the window to actually vote and I've asked I
25 think the board of elections to look at whether

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2 there would be any mechanism to vote like in
3 person if you are uhm in that sort of catchment
4 area. Have you guys taken any look at that.
5 Have you received that request or any sort of
6 information or guidance that you can provide to
7 us if what happens to that group that
8 essentially is eligible but disenfranchised from
9 voting because of the date of arrest.

10 MICHAEL TAUSEK: You hit on a very key
11 point. I think it is very difficult. I don't have a
12 specific response at this time. Uhm I think we are
13 all aware of that how do we catch that group. Uhm so
14 the best that we can do is continue our weekly our
15 twice a week visits to different housing units and
16 just keep educating but once we release, once an
17 individual is released, it's difficult, we can't do
18 anything beyond that. So uhm moving forward beyond
19 this, this initiative in terms of lessons learned I
20 have an idea to present within the several different
21 topic areas in terms of down the road, downstream on
22 that.

23 CHAIR KEITH POWERS: Okay thanks and I
24 think they have put out a request to the Board of
25 Elections to look at, like the physical place to be

1
2 able to cast a vote if you missed the opportunity to
3 do it and we would also maybe the Administration to
4 help take a look at it and we can forward any
5 correspondence on that. Uhm the ahead of this coming
6 election, I know mentioned some drives around
7 registering to vote. Can you give us any information
8 before next week's deadline on the 12th and also as
9 we get to the first week in November any information
10 on efforts coming up that we would share with folks
11 but also just efforts that are coming up to help
12 register and encourage people to vote?

13 MICHAEL TAUSEK: Uhm general efforts or
14 uhm efforts.

15 CHAIR KEITH POWERS: Specific to that, to
16 the population that we are talking about.

17 MICHAEL TAUSEK: I am just going to read
18 off some note, some very recent information that I
19 just got so I apologize for looking at the phone. So
20 I lost it. So as for registration our next and final
21 registration drives are scheduled for tomorrow and
22 that is going to take place in one of our jails and
23 next week we have two jails that also will receive
24 that final drive. As for absentee balloting. The
25 next application completion session will be Thursday

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2 for one of our jails and next week for another jail
3 and this Thursday for two jails and uhm we have
4 another deadline that we are working with another
5 particular jail to work on absentee balloting as well
6 and in our Visitor Area we have voter registration
7 drives since August 11 three to four days per week
8 with all visitors that are coming into our jails.

9 ANA BERMUNDEZ: We just held our voter
10 registration drives uhm last week so up until the
11 deadline we will continue to have people you know
12 fill out that, their applications as needed as they
13 come into proration but also we have closed circuit
14 televisions in all of our reception areas,
15 Opportunity Hubs, so we will be doing then and
16 Encouraging to Vote Campaign that will be at the very
17 least through those TVs and I am sure that we will do
18 other things as well. It's it's all part of you know
19 how we want to, to engage people in their civic duty.

20 CHAIR KEITH POWERS: And just to, and the
21 efforts that were made, thank you guys, the efforts
22 made to register voters recently from the different
23 groups that we were doing that few different days of
24 registering voters, was that done in ever.. was that
25 done in every facility?

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MICHAEL TAUSEK: Yes sir.

CHAIR KEITH POWERS: It was?

MICHAEL TAUSEK: Yes sir.

CHAIR KEITH POWERS: On Riker's, what
about Manhattan.

MICHAEL TAUSEK: Well that's right, we've
been active in every single jail that we have.

CHAIR KEITH POWERS: Okay thank you I'm
going to. I want to come back and talk about the
Governor's Executive Order uhm which is you know I
think sort of rolling out on a basis but I before I
do that I want to maybe hand out. I will come back
to that but I want to give an opportunity for
colleagues to ask questions.

CHAIR FERNANDO CABRERA: Council Member
Lancman.

RORY LANCMAN: Thank you very much. So I
just want to understand, does the Department of
Correction have a position on my Bill on 514?

MICHAEL TAUSEK: I just.

RORY LANCMAN: That's you.

MICHAEL TAUSEK: Yes sir. At this time I
just, I'm not going to speak for the Department. I

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2 will allow the Department itself to speak regarding
3 the Bill. If you would like clarification.

4 RORY LANCMAN: I just want to clarify. I
5 just want to understand. What's your position? What
6 brings you to this table today?

7 MICHAEL TAUSEK: I'm sorry I couldn't
8 hear you.

9 RORY LANCMAN: What is your, what is your
10 title? Who.

11 MICHAEL TAUSEK: I'm Deputy Commissioner
12 of Programs.

13 RORY LANCMAN: For?

14 MICHAEL TAUSEK: For the Department of
15 Corrections.

16 RORY LANCMAN: Oka.

17 MICHAEL TAUSEK: Adult programs and young
18 adult programs.

19 RORY LANCMAN: And the Department of
20 Corrections sent you here to testify about, the
21 subject of this hearing?

22 MICHAEL TAUSEK: Yes sir.

23 RORY LANCMAN: Okay but so the written
24 testimony, may be you want to take that. Sir. Okay

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2 so the written testimony that was submitted from the
3 Department, you are Michael Tausek, right?

4 MICHAEL TAUSEK: Yes sir.

5 RORY LANCMAN: Okay well this is what you
6 say, in, in written form. Intro 514 which is being
7 considered by the Committees today would require an
8 additional point of information distribution as it
9 requires that the voting information be provided to
10 everyone upon release from custody. We can certainly
11 provide information again upon discharge though we
12 would like to clarify some of the text in the Bill.
13 Could you clarify what you would like to clarify?

14 MICHAEL TAUSEK: Yes sir so as I, as I
15 spoke to earlier, that in terms of the logistics of
16 the operation of all of our jails that the Department
17 prefers that the Bill be scoped to make, to keep our,
18 obligation to those individuals that are being
19 released from our jail system, uhm from a jail. So
20 that the way that the release process works is that
21 we have individuals that are released directly from
22 the jails and then some that are released from court
23 so logistically it is very difficult to meet that
24 obligation outside of the scope of our jail, the jail
25 system.

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2 RORY LANCMAN: Just for the Committee's
3 knowledge, what are the circumstances where somebody
4 who is in DOC custody would be released from the
5 court?

6 MICHAEL TAUSEK: Generally bail
7 conditions are if someone is released outright in
8 terms of whether that would be a judicial system to
9 release them outright so there is a process involved
10 in terms of releasing them.

11 RORY LANCMAN: Do you mean at, at at
12 arraignment?

13 MICHAEL TAUSEK: Yes sir.

14 RORY LANCMAN: Are there other
15 circumstances that someone could be released?

16 MICHAEL TAUSEK: There is a multitude of
17 areas, there can be a pretrial release as well as,
18 which is the arraignment process so.

19 RORY LANCMAN: If someone is delivered to
20 court for their trial or their hearing and it goes
21 well for them and they are going home, they are not
22 going back to Riker's so. So those kind of
23 circumstances?

24 MICHAEL TAUSEK: That could be.
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RORY LANCMAN: Got it, okay alright well

I would like to work with you on that because we want this to be a workable Legislation. Are there any other objections that you can think of other than the, the mechanics and the logistics of, of providing this information?

MICHAEL TAUSEK: I don't think, I believe it is that particular logistical challenge.

RORY LANCMAN: Uh-huh.

MICHAEL TAUSEK: And as you will hear from me in terms of lessons learned and how we can improve upon uhm this initiative, it's how we can better educate and inform staff in our intake and release areas through information, booklets and as well as other handouts similar to what we are doing right now and I think we would be much more successful in that area.

RORY LANCMAN: Okay uhm I know there was talk of providing people uhm on their release with NYC ID card and we might, we might have Legislation to that affect. That has its own logistical challenges in particular people having the documentation necessary to qualify for, for such a card. Uhm would you, could you think of any objection

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2 you might have if when we were providing people the
3 information about their voting rights we also
4 provided them information about how to get an NYC ID
5 Card out in the world where they can go and what kind
6 of information they would need to present?

7 MICHAEL TAUSEK: I don't believe so, I
8 think that's, that's very doable from within the jail
9 system, correct?

10 RORY LANCMAN: Okay, perfect, uhm and and
11 then my last uhm my last question is for Mr. Fanjul.
12 Uhm I know you are not the Board of Elections, but
13 Democracy Now you probably speak and deal with the
14 Board of Elections, perhaps you could put in a word
15 with them about changing their website so that it
16 accurately reflects what a parolee's right is to
17 vote. I mean on the website it literally says to
18 register to vote in the City of New York you must,
19 condition, condition, condition not be serving a jail
20 sentence or be on parole for a felony conviction and
21 that's not the case anymore so maybe if you were to
22 communicate with them and maybe if you were to write
23 them a letter and maybe even CC me that would be
24 terrific what do you think about that.

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2 JORGE FANJUL: Uhm I think we can
3 certainly take care of that. Consider it done.

4 RORY LANCMAN: Thank you sir.

5 JORGE FANJUL: Thank you.

6 RORY LANCMAN: Thank you very much.

7 CHAIR KEITH POWERS: Thank you I just
8 wanted to one follow up question and rarely do we get
9 a consider it done answer so kudos to you, all
10 involved in that. I uhm, just one question is to
11 follow up on how did information. Can you tell me
12 the last time the Inmate Handbook was updated. That
13 does actually have information about voting and I've
14 read it about where to go but can you tell us if
15 that's been updated anytime in the, when the last
16 time it was updated?

17 MICHAEL TAUSEK: It's been several years
18 and we are in the process of updating that right now.

19 CHAIR KEITH POWERS: And can we expect
20 that it will be a large update to it or it will be
21 just the voting section?

22 MICHAEL TAUSEK: I'm not quite sure from
23 some of the security operational pieces but I know
24 from the Programs End there are not substitute
25 changes to it it's, it's an update on certain items.

COMMITTEE ON GOVERNMENTAL OPERATIONS JOINTLY
WITH COMMITTEE ON CRIMINAL JUSTICE

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CHAIR KEITH POWERS: Okay and when does

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that.

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MICHAEL TAUSEK: Nothing big from my end,

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my shop.

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CHAIR KEITH POWERS: And when does that,

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when does that that one expects that to be released?

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MICHAEL TAUSEK: Those that are, those

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that are tasked with that duty ASAP. It's, we are

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behind on it so we need to get it done.

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CHAIR KEITH POWERS: Okay thank you.

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CHAIR FERNANDO CABRERA: I just want to

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recognize we are being joined by Council Member

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Maisel and I want to turn it over now to Council

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Member Yeger.

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KALMAN YEGER: Thank you Mr. Chair, Mr.

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Chair, I want to reframe a little bit, uhm, but you

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know the Chairs stated this earlier but just for

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purposes of my questions, essentially there are three

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pieces of Legislation here. We are going to amend

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the charter, if they pass the Council to require the

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Voter Assistance Advisory Committee I believe I will

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call that to develop some materials with your two

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agencies and then one Bill would require corrections

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to give out this information upon release. The other

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2 Bill would require probation to give out this
3 information upon intake. Probation, Madam
4 Commissioner you indicated there is an issue with
5 data. What kind of data issue would give you a
6 concern about simply giving out a flyer developed by
7 another agency, essentially.

8 ANA BERMUDEZ: No we have no issue with
9 the Bill related to probation.

10 KALMAN YEGER: Okay.

11 ANA BERMUDEZ: It's, it's in the Bill
12 related to parole. Uhm and that's just an
13 operationalizing it, not conceptually and not in the
14 spirit of it. So it's really nothing.

15 KALMAN YEGER: Is there anything that you
16 can't, that these Bills require that, that you would
17 object to right now?

18 ANA BERMUDEZ: Not in terms of the role
19 that probation plays.

20 KALMAN YEGER: So if the Voter Assistance
21 Commission put out a flyer tomorrow morning advising
22 parolees uhm probationers, etc. on how to, on what
23 their rights are? Could they just? I mean you had
24 a concern about providing legal advice, right?
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2 ANA BERMUDEZ: No that wouldn't be around
3 legal advice. The issue with the parole information
4 is the operationalizing it in terms of.

5 KALMAN YEGER: I don't, I don't.

6 ANA BERMUDEZ: The use of that particular
7 website.

8 KALMAN YEGER: I don't know what that
9 means.

10 ANA BERMUDEZ: In ess... okay so let's say
11 uhm I'm a person with a prior record, like I served
12 time in uhm, in prison and I am one of the potential
13 dangers here is I go to a community based
14 organization to get some services and they start
15 talking to me about you know about my ability to vote
16 and because I served a while ago, right? In the, for
17 a felony it may say that I can't vote in that, in
18 that registry. But I'm done with probation, I can
19 actually vote. Uhm because I mean I'm done with
20 parole so I can actually vote even though at the time
21 I was on parole I couldn't because of all the changes
22 in the laws that happened, etc. and then there are
23 people who. So there's just, it's about clarifying
24 perhaps and I don't. I don't.

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2 KALMAN YEGER: Clarifying in, clarifying
3 the language of the Bills?

4 ANA BERMUDEZ: In the, of the Bills, are
5 yes or any number of potential ways.

6 KALMAN YEGER: Wouldn't the solution
7 simply be that the Voter Assistance Advisory
8 Commission simply get the flyer done right and then
9 you would have the right information to give out and
10 then it would say somewhere there that you have, you
11 cannot register to vote until such and such date and
12 you fill in the blank or you cannot register to vote
13 until such time as you fulfill these following
14 conditions one of which is no longer being on parole.

15 ANA BERMUDEZ: Official posters or flyers
16 are no problem. I can't really cover all the
17 potential issues. It doesn't mean.

18 KALMAN YEGER: It doesn't mean change the
19 language in the Bill what would you say instead of
20 provide information developed by somebody else.

21 ANA BERMUDEZ: So let me just back up a
22 second. This is a concern. The Bill lists a lot of
23 agencies that are potentially infl... are affected by
24 this so the Administration's position right now is
25 that we will work with the Council to figure out what

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2 the potential pitfalls here. I just identified one
3 that has nothing to do with flyers, it has to do with
4 the, the open data on parolees that people can
5 access, that is a public access website and so that
6 contains information about people's ability to vote
7 or not vote and that is something that is part of the
8 Bill and so or part of the process. I honestly I'm
9 not super familiar with all the details of, of it
10 because this is a, this is a sort of farther reaching
11 issue not just for probation but if it's the advisory
12 that comes up with a flyer that has information
13 that's fine, absolutely fine.

14 KALMAN YEGER: Okay uhm, the Department
15 of Corrections, Deputy Commissioner, you indicated
16 there was a question about a clarif... a clarification
17 if you will about the concept of release from your
18 custody and Chair Lancman uhm asked you uhm to, to
19 expand on what, kind of other releases there are, you
20 referenced court. If somebody is in court and then
21 released by the judge, aren't they then thereafter
22 processed out if they are in your custody?

23 MICHAEL TAUSEK: They are.

24 KALMAN YEGER: Okay.

25 MICHAEL TAUSEK: I just.

COMMITTEE ON GOVERNMENTAL OPERATIONS JOINTLY
WITH COMMITTEE ON CRIMINAL JUSTICE

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2 KALMAN YEGER: No that was good, they are
3 okay. If they are brought in for arraignment by the
4 police department and then the judge says ROR, good
5 to go, they are never in your custody actually,
6 because the police brought them in and then the judge
7 released them, so. It's not referring to those
8 people, it's only referring I think and the Chair
9 will correct me, it's his Bill, but it's only
10 referring to those who are in your custody. Is
11 there, is there any language that you would like to
12 see other than the word, the words released from
13 custody of the department. Because all you are being
14 asked to do again is upon processing out somebody and
15 this is again referring to corrections which is
16 different because probation intake corrections on the
17 outside, on the, on the exit. You are being asked to
18 give out a flyer that some other fine folks who are
19 represented in this room today would be developing
20 and you would give out the flyer and say you are now
21 released. Here is a flyer on how to resume your
22 right to vote. Of course, if they were not convicted
23 of a felony and they were simply being housed at
24 Riker's for a period of time because they were either
25 being held on bail or they were convicted of a

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2 misdemeanor they would not have forfeited their right
3 to vote. So they would have always had the right to
4 vote. You would just be giving out a flyer saying
5 good to go, go vote. Anything in this Bill that you
6 need to change in order to be able to do it?

7 MICHAEL TAUSEK: Thank you for that
8 question, my role and my perspective is from an
9 operational programmatic role of what my division, no
10 command can do on a daily basis to meet a particular
11 Bill like this. It's our legal team's role to
12 further look into the detail of the wording to ensure
13 that we can meet that. So that's the conversations
14 that take place within the department both from an
15 operational perspective as well as from a
16 programmatic perspective and if it is simply a word
17 or two words that are satisfactory to the department
18 that my command can fulfill our role I would say that
19 the department is find with it. My perspective is
20 focused on delivering the best services and
21 programming that we can to incarcerated persons.
22 It's our legal teams role to look on a broader
23 perspective to make sure that the requirements that
24 are set in any Bill, any law are able to be
25 obtainable so that's, that's, my response to that.

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2 KALMAN YEGER: Okay did the Department
3 not see these Bill before you came here today?

4 MICHAEL TAUSEK: Absolutely.

5 KALMAN YEGER: Okay alright, that's good.
6 Okay uhm. Did either of your two agencies, this is
7 uhm this is my last question Mr. Chairman. Did
8 either of your two agencies do a cost estimate of
9 what this would cost the City of New York to do, your
10 agency, the Probation or Corrections? Did either
11 agency, did you look at if there would be a cost
12 involved so.

13 ANA BERMUDEZ: We already do this so it's
14 within the cost of our budget.

15 KALMAN YEGER: An extra piece of paper in
16 this pretty blue folder that.

17 ANA BERMUDEZ: Yes.

18 KALMAN YEGER: Okay alright. Thank you
19 very much.

20 ANA BERMUDEZ: As far as I know.

21 MICHAEL TAUSEK: Similar to the
22 Commissioner it would be, it is already in our Budget
23 to be able to facilitate this initiative. So I do
24 not have a significant cost analysis to this but we
25 are already doing it. We are already promegating

1
2 information and receiving information from other
3 agencies so the cost is not prohibitive at all.

4 KALMAN YEGER: One more question. The
5 Bill, the Bill is written and it has been introduced
6 in the Council and our process is after a hearing we
7 would need one more time to vote on it and then it
8 would go to the floor. Let's say tomorrow, the fine
9 people at the Voter Assistance Advisory Committee
10 came up with a lovely pretty blue flyer that fits
11 lovely right into this folder and said here folks can
12 you give this out, would you be willing to give this
13 out to the, to the folks who are exiting, uhm who are
14 being intake into the probation system and to the
15 folks who are exiting the correction system.

16 ANA BERMUDEZ: Probably.

17 KALMAN YEGER: Okay great. Alright.

18 MICHAEL TAUSEK: Absolutely.

19 KALMAN YEGER: Okay so then when they
20 come up here we can ask them if they can just develop
21 that flyer for you and save probably a lot of time.

22 MICHAEL TAUSEK: Okay.

23 ANA BERMUDEZ: Absolutely.

24 KALMAN YEGER: Thank you very much Mr.
25 Chairman. Thank you.

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CHAIR FERNANDO CABRERA: Thank you so much uhm I want to come back to my original question, uhm you, when I began to ask uhm regarding Democracy NYC uhm and in relationship, let me backtrack over here. Regarding the poll workers, the increase, the questions that I gave you, the answer you gave me if I recall, just remind me was that originally or still Democracy NYC was not in charge or did he have a charge regarding uhm the increase of, of, of uhm, the stipend that they get, poll workers get, did I hear that right?

JORGE FANJUL: Uhm I believe what I said Council Member was that Democracy NYC as an initiative of the charge uhm is aimed at increasing civic engagement for all New Yorkers uhm that includes whatever participation and voter registration and so again that's, yes.

CHAIR FERNANDO CABRERA: And so it was I'm just trying to centralize this. So if I hear you right, it was not part of your charge for Democracy NYC to, to, regarding the increase for poll workers, is that correct?

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2 JORGE FANJUL: It's, it's as stated, not
3 a part of uhm the Democracy NYC 10 point plan as the
4 Mayor stated and.

5 CHAIR FERNANDO CABRERA: And what.

6 JORGE FANJUL: And only speaking sir
7 about the initiative as it stands, I'm here
8 representing simply the initiative.

9 CHAIR FERNANDO CABRERA: Yeah so I'm a
10 little baffled with that because when the Mayor
11 announced, as a matter of fact I'm going to, I'm
12 going to read it. "Democracy NYC.. Mayor de Blasio
13 announces extensive inactive voter outreach and, and
14 wage increase for BOE poll workers on August 20,
15 2018, Brooklyn as part of the city's Democracy NYC
16 Agenda Mayor Bill de Blasio announced that the
17 Mayors..." and then it goes on, so it seems to be me
18 that it is very clear to me that it was part of the,
19 of you guys charge, I mean from Democracy NYC. Well
20 uhm sir again our, our initiative, uhm it includes
21 many things. Clearly I am here representing the
22 voter engagement piece. I can certainly as I said
23 earlier get back to you on the other pieces, uhm they
24 are not under my purview but any questions that you
25 have to the best of my ability I will answer on voter

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2 engagement and voter registration and center
3 participation. So for a point of clarification, you
4 are in charge. You do have this charge but in terms
5 of the charge that was given to you, you can't talk
6 about just one particular thing but the reality is
7 Democracy NYC is, is under their purview when it
8 comes down to the poll workers increasing wages.

9 JORGE FANJUL: Again sir, I, I can
10 certainly take that question back to.

11 CHAIR FERNANDO CABRERA: Okay.

12 JORGE FANJUL: The appropriate people at
13 the Administration. Uhm I'm here specifically to
14 speak to uhm voter engagement and participation.

15 CHAIR FERNANDO CABRERA: Yeah double
16 check that because it's all over the internet.
17 (laughing). It's engraved in the internal internet
18 ball. Uhm so any other questions, uhm customary
19 policy. Yes. The internet is undefeated myself. I
20 uhm but thank you we appreciate the follow up to
21 that, to that as well because we've heard it. Uhm I
22 want to talk about the Executive Order that was
23 signed earlier this year and I know it is a state
24 executive order but the executive uhm allowed for or
25 that was signed on April 18th, earlier this year from

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2 Governor Cuomo to restore the right to vote for New
3 Yorkers on parole uhm with the attention to reduce
4 disenfranchisement in the state and to restore
5 justice and fairness to our democratic process by
6 granting voting rights to individuals on parole. The
7 and as I understand it this has to go through a
8 process by which the governor actually grants
9 paroles, pardons those who are on parole to
10 reintroduce rights. Do any of the agencies here have
11 any idea of how many individuals, I think it's 34,000
12 was the number cited that would be eligible to
13 receive a pardon. Does anybody have, I was just
14 curious if you have any information on how many maybe
15 Democracy NYC knows, how many today have received a
16 pardon.

17 ANA BERMUDEZ: No I don't.

18 CHAIR FERNANDO CABRERA: Does anybody
19 know the process by which that goes through?

20 ANA BERMUDEZ: No.

21 MICHAEL TAUSEK: No I don't.

22 CHAIR FERNANDO CABRERA: Okay but it's,
23 it's a state, I was just asking. Did you, have you
24 had any interaction with, anybody here have any
25 interaction with the state as it regards the process

1
2 or in terms of granting people the right to, to vote
3 again?

4 ANA BERMUDEZ: I'm sorry, no.

5 CHAIR FERNANDO CABRERA: So you've not?

6 ANA BERMUDEZ: No.

7 CHAIR FERNANDO CABRERA: Corrections?

8 MICHAEL TAUSEK: As uhm for our
9 initiative, uhm what I can say is that we had that
10 inreach into those, uhm parole house, those housing
11 units that have parolees in them and that's about as,
12 that's about as much as I can offer from that
13 regarding your question.

14 CHAIR FERNANDO CABRERA: And uhm, so
15 inter... no threat of engagement to date in terms of
16 that process, whether you should be or shouldn't be,
17 the question is whether you've had any... Democracy NYC
18 have you guys had any engagement with them on that
19 regard?

20 JORGE FANJUL: Not at the moment, no.

21 CHAIR FERNANDO CABRERA: Okay. Democracy
22 can you uhm give us more information in terms of your
23 mandate, in terms of, your mandate is really to help
24 people get engaged in the political process. It,
25 part of the Mayor's State of the Union if I remember.

1
2 Can you tell us what your role will be going forward
3 in terms of and uhm justice involved individuals that
4 their political participation and maybe any, either
5 current or anticipated programs that will involve
6 folks who are in any of the agencies here today?

7 JORGE FANJUL: Of course, uhm so Chair as
8 I mentioned in my testimony uhm the uhm, the program,
9 the initiative that we are running actually at
10 Riker's and at the community jails uhm actually came
11 from a partnership between Democracy NYC and DOC that
12 we had been working on since before the summer.

13 CHAIR FERNANDO CABRERA: Do you have any
14 other kind of upcoming ones or forthcoming that we
15 are.

16 JORGE FANJUL: We are dabbling in that
17 program and looking to see again uhm what, what other
18 programs that we can look to develop in the near
19 future and we would love any feedback as well.

20 CHAIR FERNANDO CABRERA: And the voter
21 registration events are going on. How often do those
22 happen? Like how many times in a year do those
23 occur?

24 JORGE FANJUL: For the department as you
25 will hear in some, in my lessons learned, uhm ideas

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2 moving forward is to have a more sustentative
3 information sharing currently and you know throughout
4 the year we have information provided to incarcerated
5 individuals, for instance, in or Law Library areas
6 but what can we do more. This was our first deep
7 dive as a department into an initiative like this and
8 so what came out of it was not only the support from
9 other agencies but and volunteers but there was,
10 there was a level of buy-in too from the uniformed
11 staff, the operational piece of this so I'm
12 encouraged that we can do more in terms of that in
13 those downtimes but into elections when in sort of
14 the dull days of summer so to speak that we can do
15 more to keep individuals educated and updated on what
16 is going on.

17 CHAIR FERNANDO CABRERA: Yeah I think one
18 of the comments that we had heard is that if you do
19 it right before elections you miss a whole population
20 that's, that's within your custody other parts of the
21 year in between elections and things like that so it
22 sounds like there is an opportunity to do more in the
23 future at different points in time not just sort of
24 at the end. We will look forward to looking with you
25 guys on that.

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2 CHAIR KEITH POWERS: I just have one kind
3 of interesting questions, have you ever had uhm a
4 candidate come to Riker's. Is there accessibility
5 for candidate to come, meet people in Riker's and
6 also along side with that, what kind of information
7 is made available to the population, Riker's
8 regarding candidates? Do they get mailings? Are
9 they allowed to get mailings? Do you ever see
10 mailings come to Riker's to the population?

11 MICHAEL TAUSEK: So in my, in my current
12 role I have not experienced a candidate coming
13 through my previous life. Yes I have experienced. I
14 think it's very, very helpful. Obviously there is a
15 tight, line that a candidate has to uhm has to walk
16 but I think it's really super helpful to, to
17 incarcerated persons to put a face with the name.
18 Uhm in terms of what we are doing now, uhm we are in
19 communication with the Charter Revision Committee to
20 get candidate information into our law library areas
21 so they do have that information for candidates. But
22 it's, it is an excellent idea.

23 CHAIR KEITH POWERS: Thank you.

24 CHAIR FERNANDO CABRERA: Uhm follow up to
25 that. Why do you need the Charter Revision

1
2 Commission to do that? I just want to note that I, I
3 have shared my testimony with the Charter Revision
4 Commission, stressed to them that I thought that the
5 Criminal Justice System should not be left out of the
6 entirety of the conversation about what the Charter
7 could look at but I am just curious of why that was a
8 Charter revision?

9 MICHAEL TAUSEK: I'm not quite sure but I
10 can, follow up you on that.

11 CHAIR FERNANDO CABRERA: That would be... I
12 mean you could make a Charter I guess. Uhm the other
13 question I have is there was an issue as I'm going
14 back to the Executive Order but this is maybe a
15 little more operations, so maybe Democracy NYC can
16 answer. There was an issue that was, that occurred
17 during the primary, I think it was a New York Post
18 article on it or a New York Daily News article on it
19 that was about people who were on, that were
20 pardoned, if I'm getting this correct. Going, not
21 being able to go. Not some had, because the polling
22 places are, well many of them are schools, were not
23 allowed in schools because of a particular offense
24 and it was obviously something that probably was not
25 anticipated at the time that it happened and then the

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2 realization happened occurred that schools are
3 prohibited sites for some folks and also that they
4 are currently poll sites. Leading that the
5 regulation was to 7 p.m. that people would have to
6 enter the schools to vote which is 7 p.m. is the end
7 of the day for other reasons and we have to balance
8 of course all of these considerations. Have you
9 heard any of those issues? Has the agency looked at
10 them in terms of how to, how to ensure that people
11 have an ability to vote without immediately violating
12 again and uhm second any other considerations about
13 how you would deal with that issue?

14 JORGE FANJUL: Mr. Chair.

15 CHAIR FERNANDO CABRERA: And I'll talk to
16 the other agency as well.

17 JORGE FANJUL: I can say, I, I am not
18 familiar with the issue. I have not read the post or
19 the Daily News piece on this but I will certainly go
20 back and certainly do my due diligence and review it
21 and I appreciate the feedback. It is something that
22 we can certainly continue talking about.

23 CHAIR FERNANDO CABRERA: And you any
24 feedback?

25 JORGE FANJUL: No sir.

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2 CHAIR FERNANDO CABRERA: Okay thanks and,
3 and I just want to go back to the issue on the
4 executive order that my question we were asking about
5 earlier in terms of the uhm the process for it. I
6 think that the information as we understand it is not
7 just 34,000 or so eligible. This is happening in
8 some ways and we are not sure I think to date what
9 number or how, are there processes? So it might be
10 an issue that we can look at together is the
11 implementation of that and all involved to, to, to if
12 we are going to talk about restoring rights to
13 individuals I think we should have a process that,
14 is, we all understand and I understand the criteria
15 for it and how, and how individuals you know get part
16 in so they can vote, especially with an upcoming
17 election. If so, we look forward to work with you
18 guys on it so.

19 CHAIR FERNANDO CABRERA: Well thank you
20 so much. We appreciate all the information uhm that
21 was disseminated, looking forward to working with
22 administration on these Bills and with that let's
23 invite Eric Friedman from Campaign Finance Board to
24 come forward.

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2 COUNSEL: If everyone could raise their
3 right hand. Do you affirm to tell the truth, the
4 whole truth and nothing but the truth in your
5 testimony before this Committee and to respond
6 honestly to Council Member questions?

7 ERIC FRIEDMAN: I do. Uhm thanks very
8 much. Good afternoon Chair Cabrera and Chair Powers
9 and the members of the committees on Governmental
10 Operations and Criminal Justice. My name is Eric
11 Friedman and I am the Assistant Executive Director
12 for Public Affairs of the New York City Campaign
13 Finance Board. I have with me, is Onida Coward
14 Mayers and she is Director of Voter Assistance at the
15 CFB. I thank you for the invitation to provide
16 testimony on the Bills under consideration today.
17 The New York City Charter directs the CFB with the
18 advice and the assistance of the Voter Assistance
19 Advisory Committee to increase registration in
20 voting, particularly among under represented
21 populations. In a strong healthy Democracy every
22 eligible citizen should be able to register to vote
23 and cast a ballot with ease but this is not always
24 the case, especially for those who have been through
25 the Criminal Justice System. Voting in New York

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2 State is nowhere near as easy as it should be.
3 Spending time in a Correction Facility should not be
4 an additional barrier to exercising one's right to
5 vote. Our extensive experience registering voters in
6 the field is consistent with that of other
7 organizations that work with this population. Simply
8 put, there is a lot of confusion about voting
9 eligibility for people with criminal convictions. It
10 is crucial that clear and accurate information is
11 available to that everyone including people with
12 convictions can exercise their right to vote. When
13 we speak to voters, their friends and their family
14 members in these communities, we often have to ask a
15 series of questions to learn about their status in
16 order to give them useful advice about their
17 eligibility. We believe the three Bills under
18 consideration today represent an important step
19 forward for this population because the Department of
20 Probation and Department of Correction our best
21 position provide individualized advice about a
22 person's eligibility if they have a conviction. As
23 you know, Governor Cuomo signed an Executive Order in
24 April of this year to pardon individuals on parole.
25 Restoring voting rights to 35,000 New York State

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2 residents. While this is a significant step in the
3 right direction, there is still more work to be done.
4 Particularly around voter education. In response to
5 the Governor's Executive Order we are working with
6 the Center for Law and Social Justice in McGyver's
7 College and a coalition of voting rights and Criminal
8 Justice Organizations to inform parolees about their
9 voting rights. We are preparing a clear, easy to
10 follow pamphlet that will ensure that it will help
11 anyone convicted of a crime understand their current
12 eligibility status. These efforts supplement the
13 work that we do in accordance with local law 29 in
14 2000 to facilitate agency based voter registration.
15 The CFB provides covered agencies and their frontline
16 staff with training on how to provide voter
17 registration forms in their offices and assist voters
18 in completing them. Both the Departments of
19 Probation and Corrections are covered under local law
20 29 and we have been working with staff and both
21 agencies to implement the requirements of the law.
22 Next Tuesday for instance, October 9th, we will be
23 giving Voter Registration Training to frontline staff
24 at Riker's Island. These trainings are an opportune
25 time to give staff the tools that the need to

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2 understand and explain the complexities in our
3 election system. To support and enhance this work,
4 we need to do everything we can to provide clear and
5 concise information about who is eligible to vote.
6 That's why we are supportive of the Legislation
7 before you today, Intro 367 sponsored by Council
8 Member Salamanca and Intro 514 sponsored by Council
9 Member Lancman are simple measures that will ensure
10 the Department of Probation and Correction help New
11 Yorkers in the Criminal Justice System effectively
12 navigate our complex state election laws by
13 presenting with clear information. We are happy to
14 work with these agencies to provide the tools they
15 need to ensure New Yorkers their right to vote.
16 Their institutional knowledge along with our guidance
17 can help New Yorkers who are navigating the Criminal
18 Justice system to cast a ballot. Into 1115 sponsored
19 by Council Member Cabrera would formalize the
20 distribution of guidance about the voting rights of
21 formerly incarcerated people including the CFBs
22 Charter Mandate to facilitate agency based
23 registration. A much needed step to guarantee that
24 all local law 29 agencies can assist formerly
25 incarcerated New Yorkers uhm in exercising their

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2 right to vote. Moving forward we are happy to
3 continue working with the Council and other local law
4 29 agencies to help under-represent any populations
5 to have their voices heard. We believe giving these
6 tools to the employees who work directly with New
7 Yorkers in our Criminal Justice system is the most
8 effective way to get more of these people involved in
9 our elections. But it's clear, still clear that
10 Albany must take action. New Yorkers deserve to have
11 their voting rights restored upon release from prison
12 which will eliminate confusion about their
13 eligibility. We will continue to participate in this
14 important conversation and we look forward uhm to
15 working with you to make sure all New Yorkers have a
16 voice in our democracy. Uhm again we thank you for
17 the opportunity to testify today and I am happy to
18 answer any questions you may have.

19 CHAIR FERNANDO CABRERA: Thank you and
20 thank you for your part discussing your efforts to
21 help make the executive order more successful by
22 helping to provide information to people about what
23 their rights are. Uhm okay was that a result of any
24 particularly directive or what was the base for the
25 CFB and the VAAC to, to do that.

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2 ERIC FRIEDMAN: Well I mean really it
3 comes from you know our experience, uhm you know not
4 just working directly with agencies uhm to implement
5 uhm local law 29 and the charter mandate to, to help
6 facilitate agency based voter registration but also
7 just uhm kind of voter registration out in the field,
8 uhm you know working with members of the public who,
9 who would come and kind of ask questions during our
10 our kind of public facing voter registration drives.
11 Uhm you know just I, I, again just to kind of refer
12 back to the testimony uhm it becomes clear that we
13 are, there is kind of a 20 questions game that goes
14 on if people are, are, are unsure about their rights
15 and unsure of their status so it became clear to us
16 that more tailored information was needed. You know
17 we were always looking to kind of expand the
18 resources and make sure that uhm those populations
19 that are under represented among voters, uhm you know
20 have the information that they need to produce a
21 patent so whether that is you know working with the
22 Department of Homeless to kind of talk to uhm you
23 know registered voters in the shelters or providing
24 more tailored uhm information resources to particular
25 populations that is something that we are always

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2 looking to do uhm and so providing resources for
3 individuals who are working their way through the
4 Criminal Justice System is, is just a natural
5 outgrowth of those efforts. Thanks.

6 CHAIR FERNANDO CABRERA: And have you
7 seen the issue I talked about earlier where uhm I
8 think they are potentially misleading that everybody
9 is today pardoned. They actually still have to go
10 through a process to be individually receive again
11 their rights to vote and they are not pardon. In
12 fact if they are pardoned of their right to vote.
13 Have you experienced any particular individuals or
14 groups exp... uhm like being confused with like what is
15 the implementation and timeline?

16 ERIC FRIEDMAN: I mean I don't know that
17 I have a specific story to tell. I can say that the
18 way that the Executive Order. The Executive Order is
19 a great step in the right direction. Uhm you know
20 the way that it is constructed. It does not allow us
21 or anyone to provide a kind of blanket statement. So
22 you know you, you know by virtue you are eligible,
23 you know, there, there, there is a list of, of people
24 who the Governor's Office will review every month to
25 see if their voting rights will be restored and there

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2 is, as was mentioned in the earlier round of
3 testimony, a public look up tool. Uhm that, that,
4 that potential voters need to check to see if they
5 are eligible. So that, and I think that does
6 potentially lead to some, to some confusion and I
7 think again providing inputs along the way where
8 people will, where people will have this information
9 presented to them is going to be helpful to ensuring
10 that the effects of that Executive Order reach who it
11 was intended to reach.

12 CHAIR FERNANDO CABRERA: And I'm sorry,
13 did you say that you are recommending that there
14 should be a tool where people can look up?

15 ERIC FRIEDMAN: I'm, I'm refusing to the
16 state lookup tool that exists as referenced in the
17 earlier on testimony. I think I gave reference to it
18 in the Committee Report as well.

19 CHAIR FERNANDO CABRERA: Got it and do
20 you uh... do you know today just curious from your
21 experience so far how one received notification of
22 whether they are not eligible to vote because of the
23 Executive Order.

24 ERIC FRIEDMAN: My understanding is that
25 individuals don't receive notification. Is that,

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2 that you know that your only notification is go to
3 this website and look to see if your rights have been
4 restored.

5 ANA BERMUDEZ: Or the Department of...

6 ERIC FRIEDMAN: Or the Department of
7 Corrections.

8 CHAIR FERNANDO CABRERA: So under that
9 scenario you in fact could be eligible to register to
10 vote and miss the opportunity to do it in time for
11 the election because there was no notification given
12 about your voting being restored?

13 ERIC FRIEDMAN: Correct, correct. So the
14 guidelines that we are preparing includes uhm you
15 know direction to you know here is where you go to
16 check your status. Uhm the additional step that is
17 proposed in the Legislation I think is a good one.
18 It is another opportunity for individuals who may not
19 have certainty about their rights to have those
20 rights explained.

21 CHAIR FERNANDO CABRERA: Okay you so we
22 would appreciate any efforts that uhm we can help
23 with as well. So as to actually inform people
24 because if your votes, or voting rights are restored
25 and you have no idea and miss an opportunity to

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2 register and vote it, it, it doesn't seem to be
3 serving the purpose. So to the degree that we can
4 assist with that we would be I think happy to do so.
5 Uhm can I ask you just a jurisdictional question. We
6 have Democracy NYC here. You do, it seems like your
7 mandates are sort of converge on each other, where is
8 the split between what you do and what they do in
9 particular around this set of issues?

10 ERIC FRIEDMAN: Uhm well we have our
11 mandates under the charter, uhm to encourage voting
12 and voter registration by all New Yorkers with a
13 particular focus on New Yorkers who are under
14 represented among those who vote and are registered.
15 Uhm so you know certainly you know the, the
16 administration through Democracy NYC is, is
17 interested in and committed to the same marking we've
18 had, opportunities to work together on these issues
19 and I anticipate those opportunities will continue
20 into the future. So it's, we've already enjoyed a
21 good, kind of collegial working relationship and uhm,
22 there are, there uhm, I'll leave it at that. I don't
23 know if you want.

24 CHAIR FERNANDO CABRERA: Is there, is
25 there an area where we would ask the CFB or the VAAC

1
2 to do something around this population that we would
3 ask differently of Democracy NYC?

4 ERIC FRIEDMAN: I mean it's an
5 interesting question, I mean I will say one of the,
6 one of the things that, that CFB and voter assistance
7 advisory committee brings to this work that we feel
8 is important. We are, we are an independent agency,
9 uhm we are non-partisan and, and those, those two
10 things are the basis of everything we do and they
11 inform the way that we go about this work uhm in a
12 way, this is not you know any comment on what is
13 happening on what is in Democracy NYC it is just that
14 is, that is the way that we approach the work and,
15 and ensures that uhm it will continue uhm despite you
16 know despite whoever the next administration is that
17 comes in and whatever their commitment is to this
18 work. We are going to continue doing what we are
19 doing.

20 CHAIR FERNANDO CABRERA: Thank you,
21 thanks and the uhm efforts to increase to ensure that
22 other populations are considered in the, in the
23 justice involved population is part of the events
24 that you do. Have you done in the past events with
25 groups like Deportation Society or other groups that

1
2 are dealing with, whose prime mission is to deal with
3 uhm formerly incarcerated or current incarcerated
4 populations?

5 ERIC FRIEDMAN: Uhm we certainly had some
6 of those partnerships and I know Onida if you want to
7 talk about, specifically uhm.

8 ONIDA COWARD MAYERS: Well the one of the
9 flyers with Amanda. Okay. Good afternoon. So also
10 my name is Onida Coward Mayers, Director of Voter
11 Assistance. So as part of the collaboration with
12 Medic Rivers, uhm we are working with the Center for
13 Law and Justice for social justice, Vocal New York,
14 Patel, Common Cause, Legal Action Center, Brooklyn
15 Defender Services, Brennan Center, and NYCLU, New
16 York Civic Engagement Table uhm and also there was a
17 postcard that we worked with Legal Services with to,
18 to address a lot of these questions as well. So we
19 have been and we've gone into Riker's, on to Riker's
20 Island and done Voter Registration directly as well
21 working with the Bronx Defenders.

22 CHAIR FERNANDO CABRERA: Got it. Thank
23 you, thanks for that answer. And the, and the uhm is
24 your staff properly trained to help under... to help
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determine if under current eligibility whether

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somebody is eligible or not?

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ERIC FRIEDMAN: That's correct, yes uhm
and you know, our staff gets that training and what,

6

you know what the questions are to ask and that, you

7

know that knowledge is being kind of put into the

8

materials that we are preparing.

9

10

CHAIR FERNANDO CABRERA: Got it. Thanks
and are there recommendations that you have for the

11

Council, Administration and other agencies here in

12

terms of how to better increase numbers of

13

registration, political participation, voter

14

involvement, uhm beyond the Bills that are here today

15

are there other recommendations that I, I receive

16

your recommendations often. I wonder if you have any

17

particular to, to this, uhm particular issue.

18

ERIC FRIEDMAN: Well you know, every,

19

every year we publish a Voter Assistance Report that

20

has I think, I, I, I would recommend that as if, if

21

you are in to CFB reports. Uhm as a, which contains

22

every year a series of recommendations the

23

Administrative and Legislative that would increase,

24

voter participation and voter engagement. A lot of

25

those frankly are aimed at Albany right because

1
2 that's where uhm you know we seem that we return to
3 often is that really, where real change needs to be
4 made to increase voter participation across the board
5 is with State Election Law. Uhm you know you know
6 even though we've had this very recent increase in
7 turnout, New York still regularly, in last month's
8 primary election, New York regularly ranks near the
9 bottom of nation in terms of uhm voter turnout and
10 voter engagement and in order to do, to do, make
11 lasting change to that we are going to need to change
12 the way that the State runs the elections.

13 CHAIR FERNANDO CABRERA: Great thanks and
14 just one more question before I, I had it back over.
15 Have, I should, I should have asked if there is a
16 population of other groups as well but have you
17 received any notice, just anecdotally not that you
18 would receive it directly of anybody being rejected
19 for being able to register who was in the population
20 that should have been pardoned?

21 ERIC FRIEDMAN: Uhm I mean that's a,
22 that's a good question. I don't have those facts on
23 hand but can, but can report back.
24
25

COMMITTEE ON GOVERNMENTAL OPERATIONS JOINTLY
WITH COMMITTEE ON CRIMINAL JUSTICE

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2 CHAIR FERNANDO CABRERA: Okay, okay thank
3 you. Thank you for being here. Go ahead. Council
4 member Yeger.

5 KALMAN YEGER: Thank you Mr. Chairman,
6 uhm I would like to enjoy a collegial working
7 relationship with the CFB as you know. Uhm I just I
8 just kind of have a quick question. I meant that for
9 real. I also read your reports. Uhm you indicated
10 that the CFB Voter Assistance Advisory Co.. whatever
11 that is now called, Advisory Committee?

12 ERIC FRIEDMAN: Advisory Committee.

13 KALMAN YEGER: Okay, we used to call it
14 the Voter Assistance Commission.

15 ERIC FRIEDMAN: That is correct.

16 KALMAN YEGER: It's a better name,
17 shorter, used less ink. Uhm you said that you
18 support those two, the two Bills, 367, 514, and the
19 simple measures I agree in and I think you say that
20 from my questions earlier to the Commissioner and the
21 Deputy Commissioner, uhm and you indicate that you
22 are happy to work with the departments to provide the
23 tools they need to ensure New Yorkers have their
24 rights to vote. I asked them and I'm sure you heard
25 and I don't mean to over simplify it and perhaps I am

1
2 over simplifying it, but I described what, the, the,
3 the result of the Bill if it were to be enacted as a
4 flyer that they give out and, and do you envision
5 something more than that, is there a technological
6 piece? Is there a research tool? Is there some kind
7 of access to a database that they need to have that
8 you can facilitate or is it simply just your very
9 smart lawyers help design a flyer in consultation
10 with their very smart lawyers, come up with
11 something, should take a day or two and you know then
12 it's there?

13 ERIC FRIEDMAN: Well I will say that it
14 will probably take more than a day or two but I agree
15 with your charac... I agree with your characterization
16 of the Bill as drafted. Right? It requires that we
17 provide materials uhm to those, to those departments
18 and that they will incorporate them into the work
19 that they do. Uhm I will, I will add that that many
20 agencies including the ones that we are talking about
21 you know regularly look to go above and beyond the
22 mandates that I spoke of in local law 29. You know
23 we have seen across all agencies that, that we've
24 worked with a deep commitment to voter engagement and
25 voter outreach and many of them look to incorporate

1
2 voter registration and voter engagement into their
3 work in other ways. Uhm you know so, so those
4 resources are, you know we regularly require the
5 agencies to do that and there are additional
6 resources available for the agencies who wish to go
7 above and beyond their mandates but I think we agree
8 on the degree of what is in the Legislation which is
9 that we will provide materials that, the departments
10 are working into the work flows.

11 KALMAN YEGER: So I, and I don't mean to
12 again I don't mean to over simplify this at all but
13 one of the uhm, um pieces of Legislation that was
14 introduced was an amendment to the charter to uhm
15 give you more of a mandate in working with these
16 agencies to help this particular population and
17 obviously it hasn't been enacted yet but without it
18 being enacted can you just simply provide this
19 information to the agency and say you know here is a
20 draft flyer of what we think if you gave it out to
21 your target population it would be very helpful and
22 it would meet the intent of what the Council is
23 trying to accomplish here?

24 ERIC FRIEDMAN: Yes.

25

1

2

KALMAN YEGER: Okay it seems simply.

3

Alright thank you very much. Thank you Mr. Chairman.

4

CHAIR FERNANDO CABRERA: Okay thank you

5

so much, we really appreciate it. Uhm let me call

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for the next panel, Sean Morales-Doyle from the

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Brennan Center for Justice at NYU School of Law,

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Vidal Guzman from, from JustLeadershipUSA, Isabel

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Zeitz-Moskin National Action Network and Rachel Bloom

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from Citizens Union. You can begin as soon as you

11

are ready.

12

SEAN MORALES-DOYLE: I guess I'll begin.

13

Uhm good afternoon Chair Persons Cabrera and Powers.

14

Uhm my name is Sean and the members of both of the

15

Committees. My name is Sean Morales. Louder? Speak

16

up.

17

CHAIR FERNANDO CABRERA: Yeah just get

18

the mic closer to you.

19

SEAN MORALES-DOYLE: Yea I can use my

20

court room voice and be a little bit better.

21

CHAIR FERNANDO CABRERA: Yeah, yeah,

22

yeah.

23

SEAN MORALES-DOYLE: My name is Sean

24

Morales-Doyle I'm Council on the Democracy Program at

25

the Brennan Center for Justice at NYU School of Law

COMMITTEE ON GOVERNMENTAL OPERATIONS JOINTLY
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1
2 and I would like to thank the committees for holding
3 this joint hearing and inviting public testimony
4 about these uhm three introductions. Uhm the Brennan
5 Center is a non-partisan Law and Public Policy
6 Institute based in New York City. Uhm we seek to
7 improve our systems of Democracy and Justice uhm and
8 we work on a range of voter rights, elections issues
9 but included along those is the uhm the issue of
10 restoring voting rights to people who have been, uhm
11 who have convictions in their past. Uhm we've spent
12 a long time working on this issue in New York in
13 particular and across the country and we've advocated
14 uhm and we've advocated for both Legislative and
15 Executive Action to restore rights to Americans
16 living in New York's Community with convictions in
17 their past. Uhm we were of course pleased with
18 Governor Cuomo announced that he would begin using
19 his pardon power to restore voter rights to people on
20 parole and I I have submitted written testimony but I
21 also wanted to say that I think a couple of the
22 questions that have come up so far today about how
23 that process works, I'm happy to address and that's
24 not necessarily included here and I know some of the
25 other folks up here can do that as well. Uhm we

1
2 continue to advocate for the State Legislature to
3 pass Legislation to codify and improve upon the
4 Governor's action but as when we get in to that we
5 will become clear there are still some concerns about
6 the way that that functions and and some limitations
7 on what the Governor can do as opposed to the
8 Legislature and we've encouraged the City Council to
9 express their support for that sort of Legislation in
10 the, in the State Legislature but whether or not the
11 State Legislature Acts has had become clear today
12 there is much work to be done to ensure that the
13 legal restoration of voting rights uhm actually leads
14 to registration and voting by impacted New Yorkers
15 uhm and, and we think that these three Bills would do
16 a lot towards moving toward that goal. Uhm as you
17 know the, the Law in New York only disenfranchises
18 people while they, if they have a felony conviction
19 in their past while they are in prison and or during
20 their time on parole uhm but as we we've all talked
21 about today there is a lot of confusion about who
22 that actually impacts and and that leads to people
23 being what we be, having what was refer to as defacto
24 disenfranchisement. That is they think that they
25 can't vote and so then they don't get registered and

1
2 they don't vote. In and New York is behind 16 other
3 states and DC uhm because it's law works this way.
4 So there are 16 states and Washington DC where you
5 get your right to vote back as soon as you return to
6 your community. Uhm that we are closer to that now,
7 now that Governor Cuomo has began using uhm the
8 pardon power and uhm and New Yorkers are also only
9 one of a handful of states that allows people on
10 probation to vote but not people to parole to vote
11 which leads to all of this confusion that we are
12 talking about and it is sort of a bizarre distinction
13 that your typical New Yorker just doesn't understand
14 and uhm and many lawyers don't understand so uhm we,
15 we want to, I want to talk a little bit about this
16 process so I'm going to depart a little bit from my
17 written testimony here. The way that this works is
18 that the Executive Order only required that the
19 Department of Corrections and Community Supervisor
20 forward the Governor a list every month of the people
21 who are currently on parole and then he runs through
22 that list or his staff runs through that list and
23 decides whether or not to grant pardons to all of
24 those folks. The Governor's Expressed position is
25 that anybody who is successfully living in the

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1
2 Community and successfully completing the turns of
3 their parole will have their pardon granted, a pardon
4 will be issued. Uhm the initial pardon in May was
5 for just over 24,000 people and that is less than the
6 total number of people living in parole for a number
7 of reasons if someone returns to custody or if
8 somebody is not currently successfully completing
9 terms of parole and regularly meeting with parole
10 officers. There are people who are technically on
11 New York parole who are out of state. There are a
12 variety of reasons but the vast majority of people in
13 parole were pardoned in May and then there has been a
14 monthly uhm recurring review of the list of people
15 who go on parole. The last number that I saw was
16 actually in a Wall Street Journal article yesterday
17 from the Governor's office was 30,666 that have been
18 pardoned thus far and the way that people are
19 provided the information as to whether or not they
20 have been pardoned. Sort of happens in two ways, one
21 is at the next meeting with their parole officer,
22 their parole officer is supposed to hand them a copy
23 of their pardon certificate and a voter registration
24 form and at least anecdotally for people whom I've
25 talked to who are on parole that has been happening

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1
2 in the interaction with the parole officer. Uhm at
3 least that those papers are being handed over. The
4 second way which has been referenced a couple of
5 times is that docs has a website called the parolee
6 lookup. It's maybe not the best name for the website
7 they have added a field to that website since the
8 Governor began doing this that indicates whether
9 somebody on parole has had their voting pardon
10 issued. So you can look up anybody by their name or
11 the docs ID number and it will tell you whether or
12 not they've had their voting pardon issued. That I
13 think is what in, in Introduction 1115 is being
14 referenced when VAAC is supposed to be providing
15 information through the agencies about how people can
16 find out is it is a reference to that website and I
17 think the concerns that were referenced earlier by
18 the Department of Probation are that sometimes there
19 can be confusion as to what exactly that website is
20 telling people and they don't want to be misleading
21 people. And at least the way that I've heard that
22 confusion come up so far and I think there are people
23 at this table that have done more of the actual
24 registration work that can speak to this better than
25 me but if, if you look somebody up it says what their

1
2 status in parole is and then there is a field that
3 says voting pardon issued and it either says yes or
4 no. But if you are no longer on parole, it will say
5 voting pardon issued no because you don't need a
6 voting pardon to be issued. It will also indicate
7 that you are no longer on parole but when people are
8 just looking for that one field it sometimes misleads
9 them and they can tell somebody who has already
10 completed their parole that they don't have the right
11 and that is problematic so we would want whatever
12 guidance that is being given to be very clear about
13 that point. The first thing that someone should
14 check is whether this person is actually still on
15 parole or not. Uhm and I, a couple of other quick
16 points so I would say that we think it is really
17 important because of all of this confusion that this
18 happened, people on probation, people who are uhm
19 within DOCs custody uhm and generally that all of the
20 agencies that are involved in Voter Registration are
21 aware of how this process works. So these three
22 Bills do provide for all three of those things. Uhm
23 but a couple of small changes that we would suggest,
24 one would be adding to the written notices being
25 provided here by uhm also providing verbal notice

1
2 just because when people are interacting with the
3 government and any type of instance of when you just
4 get a piece of paper handed to you, sometimes that is
5 not enough and some actual human interaction can
6 really draw someone's attention to what all of these
7 papers mean. That's a small thing. Uhm and then the
8 second is the uhm Introduction 514 requires DOC to
9 provide voter registration form to people upon their
10 release but the vast majority of people in DOC
11 custody can register while they are in DOC custody
12 and in fact have a constitutional right to vote while
13 they are in DOC custody, so uhm it's not clear why we
14 should not be doing it at some point earlier not just
15 upon release, why not at the earliest point practical
16 when they are in DOC custody and the current charter
17 provides for DOC along with every other participating
18 agency to provide voter registration forms to people
19 but the way that the charter is written, uhm the way
20 section 1057A is written you provide that voter
21 registration form whenever someone is applying or
22 services from the relevant agency and I think my best
23 guess is that people who are interacting with the
24 Department of Corrections are never in the position
25 of applying for services from the Department of

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2 Corrections that not really the way that works so I
3 don't know that the way that 1057A is worded
4 currently actually requires the Department of
5 Correction to provide a voter registration form at
6 any point uh and so we think rather than just saying
7 upon release it should be at some point earlier in
8 custody. Uhm with those recommendations in mind I
9 want to sum up, I don't want to take up too much time
10 with the a few points about the importance of these
11 Bills from our perspective, about the importance of
12 doing this kind of work. The first is that I want to
13 highlight as I'm sure everyone is aware but I just
14 want to highlight this that this is a Racial Justice
15 issue in New York and across the country. You know ³/₄
16 of the people living in parole in New York are
17 African-American or Latino. This is being felt
18 disproportionately by people of color and that's not
19 actually an accident. The reason New York's Law is
20 the way that it is dates back to change to the
21 constitution that accompanied basically was an
22 attempt by New York to avoid the mandate of the 15th
23 Amendment to provide the right to vote to Black men
24 and so this is the intended situation uhm that, that
25 the people who wrote New York's Law wanted to, to

1
2 take place. Second uhm encouraging voting among
3 justice involved individuals is a smart approach to
4 criminal justice. There was a reference made in
5 earlier testimony to report from the Brennan Center
6 on this issue but the American Probation and Parole
7 Association, the Association for Paroling Authorities
8 International uhm all of these professional
9 organizations all agree that uhm people who are
10 living in the community should have the right to
11 vote. It just makes sense. There is no better way
12 for someone to reintegrate into their community and
13 demonstrate a commitment to society at large than to
14 vote so we should be encouraging that sort of
15 behavior. Uhm and finally we will only see the true
16 benefits of this restoration of voting right uhm if
17 through concerted efforts to inform and register
18 voters and I think some of the other people up here
19 will, will talk about voter registration drive
20 efforts that have been going on since the Governor
21 began uhm issuing these pardons targeted at people on
22 parole. We are very happy that there are people
23 doing that work. We've been tracking that work and
24 and I will say that based on that research since the
25 pardon was issued, 1000 people have registered to

1
2 vote that have received a pardon and obviously out of
3 the 30,000 that have received the pardon that is a
4 relatively small number but that is in the matter of
5 only about four months so this began in May and we
6 think about 1,000 people have already been registered
7 that is thanks to these people doing the hard work of
8 getting people registered and we really urge the city
9 to join them in that work and that's why we think it
10 is really important that these Bills be approved and
11 sent to the floor for a vote. Uhm thank you again
12 for your time and consideration. I am happy to
13 answer any questions about the process, about the way
14 this website works and any of that sort of thing.
15 Thank you.

16 CHAIR FERNANDO CABRERA: Next.

17 ISABEL ZEITZ-MOSKIN: Okay uhm hello.
18 Uhm good afternoon, my name is Isabel Zeitz-Moskin
19 and I am a National Organizer at the National Action
20 Network, uhm a National Civil Rights Organization
21 founded by Reverend Al Sharpton and the Spirit and
22 Legacy of Dr. Martin Luther King. Uhm I thank the
23 Committees and Chairs Cabrera and Powers for these
24 joint hearings to address an issue that is extremely
25 important both to Nan.

1
2 CHAIR FERNANDO CABRERA: Do you mind
3 putting the mic. Yeah right there. There you go.
4 Thank you so much.

5 ISABAL ZEITZ-MOSKIN: To Nan. Okay sir.
6 Okay uhm to Nan and to me personally. I come forward
7 speaking from years of experience doing Voter
8 Registration in multiple states from there people on
9 parole and probation have the right to vote and then
10 coming to New York uhm where as Sean mentioned only
11 people on probation have the right to vote. Uhm and
12 I think so what is the fundamental right for all
13 citizens of America has become the subject of guilt
14 and anger among populations in New York who already
15 have been left to feel forgotten and voiceless. I've
16 spent many hours uhm registering voters both at
17 parole offices in New York City and on Riker's Island
18 and have been consistently graded with skepticism.
19 People still don't believe that they have the right
20 to vote as a justice involved individual. And it is
21 no wonder that they have the skepticism with the
22 amount of misinformation originating in the state
23 itself. Uhm Board of Elections Websites, Board of
24 Elections Workers, physical voter registration forms,
25 posters in the dorms of Riker's Island are just some

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1
2 in the long list of government created and sponsored
3 researches that provide incorrect information to
4 voters on this issue. Uhm it is imperative that we
5 immediately repair the system of defacto
6 disenfranchisement due to misinformation. I applaud
7 the Introductions put forth by Council Members
8 Salamanca, Lancman and Cabrera to do so but I also
9 want to ensure that in notifying justice involved
10 people the Bills do more than just a written
11 notification system. Organizations like our my own
12 have been doing much more than written notification
13 and parole officers have been directed to physically
14 track down their parolees to inform them of their
15 rights to vote. I attended a State Senate joint
16 Committee Hearing this past Monday where the Council
17 Leader of Division 236 of the Public Employees
18 Federation uhm who oversees parole officers described
19 the overbearing task of tracking down the people they
20 supervise to notify them. People on parole are
21 already receiving stacks of paper from their parole
22 officer after each meeting. A voting registration
23 form just becomes another paper among an already
24 overwhelming stack especially for people who are just
25 being released. Most people I talk to say they don't

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1
2 know about their right to vote and then when I show
3 them the registration form they are reminded of this
4 people of paper that their P.O. gave them but they
5 didn't realize exactly what it was or what it meant
6 and others say they never received the piece of paper
7 but as Sean mentioned there is a directive from the
8 Governor's Office that every parole officer must give
9 their parolees this physical piece of paper. Uhm
10 clearly there has been inadequate explanation of some
11 gas in the process of disseminating this information.
12 Additionally there have been issues with the actual
13 Board of Election workers telling people they must
14 hand in their physical pardon with their registration
15 form which is something I personally experienced at
16 the New York County Board of Elections which I then
17 contacted the legal department of the Citywide Board
18 of Elections and they told me that is not their
19 policy but it happened to me and other people that I
20 spoke to uhm multiple times uhm so these hurdles help
21 to explain the low number of people, the 1,000 number
22 of people that Sean mentioned who are currently
23 registered uhm the 30,676 was the number that I got
24 of people pardoned so far which doesn't account for
25 646 pardons that have so far been revoked. All of

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1
2 which point to misinformation and mis-education and
3 not a lack of interest on the part of justice-
4 involved people. I hope that these Bills can also
5 adequately provide trainings to the many agencies
6 that are on the list of participating voter
7 registration agencies as it is, as it is clear that
8 these agencies are not currently actively encouraging
9 registration based on earlier testimony where a lot
10 of people didn't even realize as going on in the
11 Department of Corrections where I've been going on
12 weekly voter registration drives with uhm Legal Aid
13 Society and a few other groups. Uhm and I also want
14 to emphasize the importance of having trusted and
15 patient staff available to assist at these agencies
16 and also offer education and provide more information
17 just besides an actual voter registration form but
18 information on candidates as you asked about before
19 and also highlighting having more of a presence in
20 places like parole offices and homeless shelters.
21 Uhm I ask the committees to consult organizations
22 like my own and Vocal New York and other groups that
23 have been uhm legal aid who have been doing the
24 process of registering people who are justice
25 involved. The system disenfranchisement is certainly

1
2 not restricted to just people on role, rather it is
3 all justice-involved individuals. Many people
4 including Board of Election workers and Legislators
5 do not know the difference between parole and
6 probation and do not take the time to learn the
7 difference. This has been a major source of
8 misinformation. There are 36,000 people on parole
9 roughly. Over 16,000 of whom are in New York City
10 with an additional 19,000 people on probation. All of
11 whom become wrapped up in the narrative that justice-
12 involved citizens cannot vote. That is why I also
13 ask the Council to consider supporting and advocating
14 for the State Legislation to automatically restore
15 voting rights to people on parole upon release. We
16 must help to end the mass spread of misinformation
17 and act as a model for the rest of the nation. Uhm I
18 have also submitted in my written testimony the text
19 of this Legislation as well as an article that was
20 written by the Appeal chronically the rampant
21 misinformation within Board of Elections public
22 materials on their websites, etc. uhm thank you for
23 listening.

24 VIDAL GUZMAN: Yeah, how you are doing?
25 My name is Vidal Guzman I am the Community Organizer

1
2 for JustLeadershipUSA. Uhm that's leading the Close
3 Riker's Island Campaign. Uhm I think it is most
4 important as a person who is on parole who actually
5 registered to vote is that the process as a person
6 that is coming in, uhm actually going to parole is
7 that parole is just giving you your paper. Uhm they
8 are not educating you in like hey you can vote. This
9 is how you vote. There is a lot of people who as a
10 community organizer when I do outreach and I speak
11 to the people in the community is that they don't
12 know how to vote. You people think that people you
13 put something in front of them is like it's like oh I
14 can vote. Some people don't know the process. We
15 need, we need to also understand like people on
16 parole are not doing a great job at all educating
17 people about how do you vote? Why is it important to
18 vote? And who exactly represents their communities.
19 Uhm so this is another thing we should be asking
20 Council Members and I'm going to ask Council Members
21 a lot of y'all send a lot of mail to y'all community
22 that serve. You actually need to send out these
23 papers telling them people that are on parole can now
24 vote. That definitely, that's the proper education
25 pieces that everyone get mail. Certain communities

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1
2 are people who are dealing with criminal justice
3 system you should be sending paperwork saying hey you
4 can now vote. There is where you need to go if you
5 have questions. This is what you need to know. Why
6 you need to vote. Uhm I think you know we also have
7 to educate people. There's a lot of people, 1,000
8 people that what that means is that you know
9 basically while we only got 1,000 that's voting
10 that's on parole is the problem is that we are not
11 educating people. You know we are not going out in
12 these communities that we are serving, in these
13 communities that we actually believe in and actually
14 educating. People don't believe you telling them,
15 they want to see that paperwork. They want to see
16 that paper and then when they do have that paper they
17 want to be educating on that part. Let's take
18 ourselves and know why we do this work is to get
19 people who has not had the opportunity or never seen
20 people vote in their life how to vote. You know
21 there are communities that never voted ever in their
22 life or have parents that never voted in their life
23 so they are dealing with the same processes like why
24 do I have to vote if my mom's or my grandfather never
25 voted. Do you know what I'm saying, so you really

1
2 got to go to the groundwork as the community
3 organizer that is doing the work in the community
4 that's educating people so I'm asking not that these
5 Bills being passed but making sure that we are doing
6 the groundwork and sending these letters out that we
7 send out to our communities because I get them from a
8 lot of people. You know I get them from my Council
9 Member is Bill Perkins. You know we want to see more
10 of that educational part when they are sending all of
11 the work that y'all are doing or the amazing work
12 that y'all are doing in the community or whatever
13 y'all are doing. We want to get these people saying
14 hey people on parole y'all now can vote. These are
15 things that can help us out in a bigger way because
16 we know that there is so many different organizations
17 but y'all are the community that just serves it and
18 that's all I really have. Thank you.

19 RACHEL BLOOM: Good afternoon, Chair
20 Cabrera, Chair Powers and members of the City
21 Council. My name is Rachel Bloom and I am the
22 Director of Public Policy and Programs at
23 Citizens Union. Uhm non-Partisan and
24 independent we seek to build a political system
25 that is fair and open, values each voice and

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2 engages every voter. Uhm we organize New Yorkers
3 to strengthen our democracy and improve our city
4 and thank you for having us here today. So I'm
5 also going to stay from my written testimony
6 because I think that is more interesting uhm I so
7 I used to historically work on campaigns
8 nationwide to do voter, uhm to work on campaigns
9 to change state laws to uhm enfranchise more
10 people in the criminal justice system and I have
11 done surveys of election administrators in states
12 across the country and in fact co-authored the
13 report published by the Brennan Center and the
14 ACLU called the Defactor Disenfranchisement which
15 analyzed uhm state surveys all over the country
16 asking questions of all county election
17 administrators who know what is the rule if I
18 have a felony conviction. Can I vote if I'm on
19 parole? Can I vote if on probation? Can I vote
20 if I have an out of state felony conviction? Uhm
21 and what I can tell you is that universally
22 across all states in the country there is
23 confusion. There is especially confusion around
24 things like the different between probation and
25 parole. That is a very technical criminal

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2 justice term and I bet there are people in this
3 room that do not know the difference between
4 probation and parole uhm and Election
5 Administrators in particular, they are Election
6 Administrators they are not Criminal Justice
7 Advocates and we ask them to serve as such. And
8 so it is a very complicated, it's a very
9 complicated position that we put them in. Uhm
10 the Brennan Center has done surveys, not so
11 recently but historically in New York that show
12 there is confusion and that people, Election
13 Administrators including in New York City are
14 distributing incorrect information. They are
15 confusing probation and parole. Now we obviously
16 very much support and congratulate Governor Cuomo
17 for issuing Executive Order 181 uhm and we think
18 it is a wonderful move although one that needs to
19 be codified by law because as we have seen in
20 states across the country what you do through
21 Executive Order you can roll back and we do see
22 this not just as a voting rights issue but as a
23 racial justice issue, a criminal justice issue uh
24 because it has a far greater impact on black and
25 Latino communities across the state and in New

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2 York City. But for Executive Order 181 to
3 really have power there needs to be an education
4 campaign behind it and honestly we can't rely on
5 things like the New York City Board of Elections
6 for instance to do that. Uhm last night when I
7 was thinking about what I was going to say today
8 I went to the New York City Board of Elections
9 website and it states that in order to be
10 eligible to be register for vote you "must not be
11 in prison or on parole for a felony conviction."
12 There is no additional information that explains
13 that you can you know you can have your
14 Executive, you can check and most likely you have
15 had your rights restored, that doesn't exist on
16 the City of Board of Elections website. Also the
17 voter registration form that you click on to
18 download on the New York City Board of Election
19 websites says along with a host of other
20 requirements that you "not be in prison or parole
21 for a felony conviction." So imagine you are
22 coming out of the system or you are coming out of
23 incarceration. You want to make sure that you
24 are not going to be violating your parole, you go
25 to the website of the people who administer this

1
2 law and they don't have information that explains
3 it to you so that is sort of a perfect glaring
4 example of why it is incredibly important that
5 why the New York City Board of Election and the
6 State Board of Elections also has confusing
7 information that we are doing the steps that we
8 can within the five boroughs to make sure that
9 people have the correct and accurate information.
10 Uhm there is this thing that once people have
11 been told that they can't register to vote, they
12 think they never can, people don't want to get in
13 trouble. They don't want to ever do anything you
14 know that's going to be possibly you know violate
15 their probation or violate their parole.

16 (laughing) And see here I'm getting confused
17 myself and I do know these things. Uhm so we
18 need to have these, these touches across the
19 different parts of the criminal justice system
20 that are encouraging people, that are telling
21 them verbally, uhm aside from the fact that you
22 get a lot of paperwork when you are exiting,
23 whether incarceration or probation/parole. Also
24 a lot of people that we are talking about have
25 very low levels of reading comprehension. If you

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2 look at the voter registration form the print is
3 really tiny. They are obviously not clear as we
4 have discussed today and a lot of things are
5 written in a very legalistic sense that if you
6 don't have a law degree and you are a little
7 confused, you are just going to stay on. You are
8 going to make sure that you, rather than possibly
9 error you are just not going to register. So uhm
10 we I encourage you to follow the recommendation,
11 the recommended uhm amendments that were
12 suggested here today uhm and just I commend you
13 on this Legislation because it's it's it's a
14 great step that happened at the state level but
15 there is so much confusion and if you've ever
16 done a Voter Registration Drive you will hear
17 people say to you over, and over and over and
18 I've done throughout the country and I've done it
19 in New York City. Uhm I can't register to vote
20 I'm I was locked up and they just think that
21 automatically means that you can never register
22 to vote uhm and so we need people not just me on
23 the street. They are like I don't know you know.
24 Are you telling me the truth? Or am I really
25 going to get, maybe in trouble but we need

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2 trusted institutions where they think, okay yes
3 this is my parole officer. This is like the
4 person who is giving, you know this is the
5 probation officer, this is this person who is
6 helping me you know access X, Y or Z. These are
7 trusted people. Uhm who are within the system
8 that they can really look to so. Uhm thank you
9 and uhm that's it.

10 CHAIR FERNANDO CABRERA: So thank you
11 so much. Uhm we are uhm definitely, as a matter
12 of fact Council Member Lancman earlier today made
13 the point of the error at the Board of Election
14 website and we will surely follow up with that.
15 Uhm Mr. Guzman you've made an interesting
16 proposition, idea here is for elected officials
17 to send a mailer. The question I would have for
18 you is how do we selected official who have the
19 information who do actually do our mailing to
20 that are in parole or on probation. How do?

21 VIDAL GUZMAN: Yeah I think that's, I
22 think a community always speaks. Right uhm I
23 think it is important for Council Members to send
24 it out to whoever they serve, right? I think
25 what it should have is talking points about who,

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figuring out who they can call if they can vote,
figuring out, you know telling them why they
could vote, why is it important to vote but it is
y'all to figure out what community that you
actually serve to send it out to everyone. I
feel like that is important to just send it out
to the community you serve. If it is around 300
people, open that budget up, set it up, send out
mailing lists to these people.

CHAIR FERNANDO CABRERA: Yeah so.

VIDAL GUZMAN: You know.

CHAIR FERNANDO CABRERA: So the thing
is we don't, we don't have lists that says okay
this person is in probation and parole.

VIDAL GUZMAN: No I'm not saying, I'm
not saying. I'm ...

CHAIR FERNANDO CABRERA: Oh you are
talking overall.

VIDAL GUZMAN: So the Board of
Elections. You know they send out information,
what I would be looking for for the Board of
Elections is to have language clarifying
everything that we have been speaking about
today.

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CHAIR FERNANDO CABRERA: Uh-huh. Uhm

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so you know they are responsible in sending out

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information to make sure that people are updating

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and hopefully in a language that people can

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understand.

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VIDAL GUZMAN: Yeah but a lot of the

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things that you are saying is about websites,

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websites. You know what I'm saying.

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CHAIR FERNANDO CABRERA: No a mailer.

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VIDAL GUZMAN: Yeah, yeah. So if we

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are making that happen and the community is

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getting that info uhm that will be amazing. We

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are not going to know who is going to be on

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parole and probation but is important that every

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community should know that people on parole can

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vote, even if their household don't have no one

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that is on parole and probation they probably

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know someone or they know a family that is on

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parole and probation so it's just word of mouth

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and the plane to help us out as organizations

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that is doing the groundwork to help us out in

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that way of educating people about voting.

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CHAIR FERNANDO CABRERA: And that's

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what I was going to say next, what y'all doing

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2 plus the other organizations that we are going to
3 hear next is crucial and even the cure violence
4 groups and credible messengers and everybody who
5 is in the streets and working in our communities.
6 I think their, their, those are the frontline
7 people that really uhm are credible who are, they
8 are going to believe and have the best interest,
9 of the people and so you were going to say
10 something?

11 RACHEL BLOOM: Yeah I was just going
12 to add that uhm we have been doing some targeted
13 outreach to people on parole it's not necessary
14 the best data in the world but I imagine with
15 your resources it could be improved upon uhm
16 because you can through the governor's office and
17 docs get the list of pardons. They are obviously
18 not publicly accessible.

19 CHAIR FERNANDO CABRERA: Uh-huh.

20 RACHAEL BLOOM: But you can request
21 the list of pardoned people from the Governor's
22 Office which we have been through the New York
23 Civic Engagement Table have been doing targeted
24 text banks and phone banks. Uhm.
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CHAIR FERNANDO CABRERA: So I'm

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looking forward collaborating any help that you

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can give us we would be looking forward to doing

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work together, any questions? Yes Council Member

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Powers, Chair Powers.

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CHAIR KEITH POWERS: Thank you, thank

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you all for being here and for adding, your voice

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to this. I have a couple of follow up questions.

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Uhm the first one I just want to cover a topic we

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a little bit different than this one but we added

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the Chair had asked earlier, Chair Cabrera this

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is for the Citizens Union more than anybody there

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was an issue that he had raised which is a good

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issue around the Mayor's Office noting that poll

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workers pay. Something that you guys have talked

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about in terms of poll worker access, uhm had

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not, there was an announcement made in late ap..

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no August that had not been actually followed

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through in September around uhm increasing pay

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for poll workers. Do you have any information on

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uhm or have you guys heard similar, uhm, uhm

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reports and any information that you have about

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uhm what, from maybe the Administration about

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when that might happen. They do not.

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2 RACHEL BLOOM: Uhm not off hand but I
3 could absolutely could follow up and get back to
4 uhm you or your Council about that tomorrow.

5 CHAIR KEITH POWERS: Thank you I had
6 assuming you guys had navigated for in the past.
7 From the Brennan Center you had a stat in here
8 that uhm 1,000 new folks who are eligible out of
9 the 24,000 that were pardoned plus whatever the
10 monthly count was had been registered in time for
11 the September primary. Can you tell us how you
12 were able to put that number together?

13 SEAN MORALES-DOYLE: Yeah it's not
14 easy but basically uhm we've using the parolee
15 lookup been able to figure out who's been granted
16 a pardon and then we we've regularly request a
17 copy of the voter file from the State of New York
18 and we run them against one another to figure out
19 who is getting registered to vote. It, it's a
20 time consuming process that someone who knows far
21 more about computer than me handles. Some poor
22 soul.

23 CHAIR KEITH POWERS: And so you are
24 taking data that you get from the, the State
25 Voter Files.

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SEAN MORALES-DOYLE: Yes.

CHAIR KEITH POWERS: And then what's the data you are getting that lets you go look up.

SEAN MORALES-DOYLE: The parolee look up website that I referenced earlier that indicates whether someone has been granted a pardon it's one by one record but you can figure out who has been granted a pardon and then run that list against the voter file to see whether any of those people have ended up.

CHAIR KEITH POWERS: And you just pull the list up, and I'm just curious about this process. Can you just pull up the whole list of.

SEAN MORALES-DOYLE: The whole list? No.

CHAIR KEITH POWERS: So you have to go person by person and see if they have been pardoned, every voter in New York State?

SEAN MORALES-DOYLE: No everybody on parole.

CHAIR KEITH POWERS: Everybody on. So then how? What?

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SEAN MORALES-DOYLE: So then one, we can compile a list of everybody on parole that's gotten the pardon but that's a one by one process then once we have that list we can run it against the vote file. Uhm and figure out who's, who's registered.

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CHAIR KEITH POWERS: I got it, okay I got. Okay so about 1,000 under your, under your math, about a 1,000 had been registered to vote between I guess April 18 and September, September.

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SEAN MORALES-DOYLE: It was a Sunday this year I think, August. I don't remember.

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CHAIR KEITH POWERS: Okay got it so 1,000 new voters in the last, those, in that?

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SEAN MORALES-DOYLE: Yes.

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CHAIR KEITH POWERS: Former period. Okay got it.

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SEAN MORALES-DOYLE: And we are, we are going to continue to monitor that and I imagine given the sad numbers of registration and turn out for the primaries generally in New York that those numbers will hopefully go up in advance of November uhm but.

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2 CHAIR KEITH POWERS: Yeah I was going
3 to ask you, I was going to ask you if you had
4 done any analysis of how that fits into other
5 trends about how people might registration to
6 vote, uhm registering to vote.

7 SEAN MORALES-DOYLE: So there is,
8 there is some research that has not been done in
9 New York, we are working on some of this research
10 now but there has been research done on
11 registration and turn out rates among people who
12 have been previously disenfranchised uhm in other
13 states and generally the numbers are really,
14 really now, not surprisingly uhm you know on the
15 order of 10%. Uhm I want to say that's 10%
16 turnout rather than registration but I could be
17 getting that wrong right now but it's, it's far
18 below what you would expect both among the
19 general population and even if you control for
20 all types of other socioeconomic factors that
21 might uhm suggest that that, that might otherwise
22 make someone less likely to get registered. It
23 is always lower for people who have previously
24 been disenfranchised and that's not a surprise
25 but we are hoping that in this moment in New York

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2 when things are changing and there are a lot of
3 people who are interested in actually doing the
4 work to get people registered that might be able
5 to uhm change that outcome in New York right now
6 and that's, that's why we are excited about this
7 type of Legislation.

8 CHAIR KEITH POWERS: Got it, thanks
9 and have you been able to look at you said 24,000
10 in May we are at 34,000, is that the right
11 number.

12 SEAN MORALES-DOYLE: It's, it's sort
13 of complicated to give what the dominator would
14 be but uhm it's, it was 24,000 in May. The
15 number I last saw was 30,666, I think Isabel said
16 30,676 so maybe she has a.

17 CHAIR KEITH POWERS: Who are eligible?

18 SEAN MORALES-DOYLE: Who, who have
19 been pardoned.

20 CHAIR KEITH POWERS: Who have been
21 pardoned? Okay.

22 SEAN MORALES-DOYLE: Right.

23 CHAIR KEITH POWERS: So uhm and then
24 what is what is the monthly. What is the rate
25 monthly.

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2 SEAN MORALES-DOYLE: What, what I've
3 heard from the Governor's office is that
4 somewhere around 1,000 to 1,200 people go out in
5 to parole every month.

6 CHAIR KEITH POWERS: Uhm so that would
7 be the denominator but some of those folks.

8 SEAN MORALES-DOYLE: So every month
9 there is a chance that there is going to be
10 people who who's pardon that had been previously
11 granted will be provoked because it's a
12 conditional pardon so if you end up back in uhm
13 in custody or if you are convicted of another
14 crime then you are going to lose that again. Uhm
15 so the number fluctuates a little bit. And even
16 among the people who go out on parole there are
17 going to be some who, are, you know they are
18 actually people docs referred to as incarcerated
19 parolees which is a term that confuses me but
20 they are not going to be getting the pardon. Out
21 of that 1,000 to 1,200 I'm guessing the number is
22 a little bit lower than that but I would guess
23 that something just shy of 1,000 people are going
24 to be getting pardoned every month.
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2 CHAIR KEITH POWERS: And from those
3 numbers you feel that like the it's an adequate
4 uhm amount of people that are, are, not just
5 granted it but are actually becoming eligible.
6 Not in the, of the, of the total pool that are
7 actually becoming eligible.

8 SEAN MORALES-DOYLE: Yeah I mean we
9 would obviously just prefer that the State just
10 pass a Bill that says everybody on parole has the
11 right to vote and so it's not adequate but given
12 what the Governor can do using his pardon power I
13 think that it is, you know, it is, he's doing,
14 he's doing what he can currently.

15 CHAIR KEITH POWERS: And his Executive
16 Order Power Bell Tips of Legislature. Uhm great
17 thank you and the question to uhm there was a
18 comment in one of the testimony's about, uhm
19 about uhm, about the misinformation that has been
20 given, that's given on like posters in the dorms
21 of Riker's Island and in other places. Can you
22 tell us, just define for us then what that wrong
23 information is and the recency of when that
24 information was seen and deemed to be uhm deemed
25 to be something that had a tough time, deemed to

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2 be uhm you know out of you know providing
3 misinformation?

4 ISABEL ZEITE-MOSKIN: Yeah I was
5 actually I, it was probably around a few weeks to
6 a month ago I was out on Riker's Island and
7 someone who I was registering to vote walked me
8 up to this poster that was hung up in the dorm
9 that said the same information that Rachel read
10 that is on the Board of Elections website if you
11 are in prison or on parole then you can't vote.

12 CHAIR KEITH POWERS: So it was like
13 September, maybe and it was, uhm saying that that
14 a parolee still could not vote?

15 ISABEL ZIETE-MOSKIN: Correct.

16 CHAIR KEITH POWERS: Okay got it. So
17 DOC is still here. We would ask them obviously
18 to take a look at the information provided and we
19 will, we will do a follow up with them on it.
20 Uhm that's all I got. Thanks.

21 CHAIR FERNANDO CABRERA: Actually I
22 want to follow up with a question that maybe, a
23 question that I had when we maybe you already
24 have the answer to regarding his idea of doing a
25 mailer, so you do have, you do have the 30,000

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2 list. You do know who is registered to vote.
3 Therefore we know their addresses, we could do
4 this mailing. Do you think it would be
5 advantageous for elected officials if that list
6 was given to elected officials uhm for them to a
7 mailing and then the follow up question if it is
8 yes would you be willing to share that?

9 SEAN MORALES-DOYLE: The problem is
10 that we, the data on who is on parole doesn't
11 contain addresses. So the only way we have, it's
12 difficult to do a list that will give us
13 everybody who is on probation or parole that has,
14 that also has addresses in it. Obviously if they
15 get registered to vote then we have their address
16 but then that's not the population that you are
17 trying to reach. Uhm we may be able to construct
18 a list but I can't, I can't say definitively what
19 we can give you and how thorough it would be.
20 Uhm I think people who do, people who are doing
21 voter registration drives are relying in part of
22 lists that uhm the New York Civic Engagement
23 Table has of that they use to reach out to voters
24 which may or may not be accurate with regard to
25 addresses so I don't know how targeted you can

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2 get. I do think that there is something to be
3 said that given you might not be able to
4 perfectly targeted reaching out to as many people
5 as possible and hoping that you you, you know
6 therefore spread the word widely and loudly and
7 you can reach.

8 CHAIR FERNANDO CABRERA: Which is our
9 list. That issues by the way we do, we get
10 funding for two mailers a year, that's it.

11 SEAN MORALES-DOYLE: Right and those
12 are voter, and those are registered voters so you
13 don't.

14 CHAIR FERNANDO CABRERA: So and a lot
15 of people think that. Yeah those are registered
16 voters so you know they are in the scope of the
17 targeting group. So uhm that we are looking at
18 right now so that's the challenge but if you do
19 come out.

20 SEAN MORALES-DOYLE: I'm certainly
21 willing to, to continue the conversation about
22 what we can put together. I just think there is
23 going to be limitations. They, they, we are
24 working with information that we get through
25 public records request so while they are thorough

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2 in some respects they are not going to be like
3 perfect lists with addresses and all of that kind
4 of thing.

5 CHAIR FERNANDO CABRERA: Right, if
6 there is no more questions, we will go to the
7 next panel. Thank you so much. Very helpful.
8 The last one. Okay the last panel, Perry
9 Grossman from NYCLU, Lionel Oglesby from Legal
10 Action Center, and Anthony Posada (SP?) from the
11 Legal Aid Society. (pause) And you can begin as
12 soon as you are ready (long pause). Who would
13 like to be first? You are such a gentleman.
14 (silence).

15 ANTHONY POSADA (SP?) Good afternoon
16 uhm I want to thank the Chairs and the Council
17 Members for holding this hearing on a very
18 important issue as we have heard from the prior
19 panelists who have spoken about the importance of
20 these Intro... these Bills being introduced. Uhm
21 what I want to start with is to contextualize
22 this. Raise a quote from Mitchell Alexander's
23 The New Gyn Crow about the importance of this
24 issue uhm "Jarvis Cotton cannot vote like his
25 father, grandfather, and great grandfather and

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2 great, great grandfather. He has been denied the
3 right to participate in our electoral Democracy.
4 Cotton's great great grandfather could not vote
5 as a slave. His great grandfather was beaten to
6 death by Ku Klux Klans for attempting to vote.
7 His grandfather was prevented from voting by Klan
8 intimidation. His father was barred from voting
9 by poll taxes and literacy tests. Today Jarvius
10 Cotton cannot vote because he like many black men
11 in the United States has been labeled and felon
12 and is currently on parole." So that's directly
13 from Mitchell Alexander and I know that right now
14 we are operating in a context where Governor
15 Cuomo's Executive Order now allows people on
16 parole to have their rights to vote be restored
17 but there are still immense barriers that people
18 are facing when it comes to actually be able to
19 register to vote and to access voting information
20 and I can speak to the initiatives that were
21 mentioned earlier today that Legal Aid has been
22 spearheading that has been involved with even
23 before DOC announced a partnership with the
24 Mayor's Office and the Legal Aid Society and
25 other local civic engagement offices because we

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2 were already doing some of this education and
3 voter's drives at Riker's Island prior to the
4 mention of this initiative. So back in 2016 we
5 had reached out to DOC and had gone in to many of
6 the facilities and many of the posters that we
7 created back in 2016 are the same posters that
8 are lingering in some of the facilities which we
9 have asked to be taken down and to be replaced
10 with the updated materials that we have created
11 and that still hasn't' taken place even with the
12 announcement of this initiative because I have
13 not gotten a call from anybody to talk about the
14 initiative. I have been coordinating with the
15 Department of Correction which as you just saw
16 was not even sure about how far the initiative
17 had reached because to be clear the initiative
18 has not reached the borough based facilities as
19 of yet. We have not been to Brooklyn Detention
20 or to Manhattan Detention Center. We are looking
21 to get there by next week but we haven't gotten
22 there yet and let's just talk a little bit about
23 those numbers and also contextualize those
24 numbers in relation to the quote I just shared,
25 90% of the, roughly 90% of the people in New York

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City jails are people of color. 80% of the people who have been disenfranchised in New York State are Black and Latinx. With those two numbers, you can understand that what has happened here is that history is repeating itself and the same parallels of disenfranchisement that existed historically are existing today and so 421 people registered since we started the initiative on August 6 in a population of thousands and thousands of people who eligible to vote is not even scratching the surface. It is not making a dent with what could really be happening where DOC as well as the BOE can be doing more so that they can really be changing the status quo and be serious about enfranchising people because we support the Bills that are being introduced here but we have to provide information, allow people to register to vote and accessible materials to voting regarding of their status and somebody pointed out that I think it was Sean from the Brennan Center that even as some of the Bills are in providing information upon release is not enough. Right. We have been doing the initiative but DOC is already working

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2 with people who are detained at Riker's and can
3 be providing them information and not just
4 specific counselors but all counselors across the
5 board, providing this information to people on a
6 regular and ongoing basis not just months before
7 prime general and elections but every sustainable
8 program that allows people to actually access
9 these materials. So some of those requests,
10 requests or suggestions that we would have is
11 that the Board of Elections could assist eligible
12 voters in city jails registering to vote. This
13 is within their purview and responsibility to
14 eligible voters and this is not something that is
15 happening. They can provide voters on Riker's
16 Island with materials that are actually in their
17 language. On the day or prior to the day of the
18 elections, the Board of we would say that the
19 Board of Election can be going there to assist
20 people with absentee voting so that they don't
21 have to wait for the very last minute and
22 especially not to have to deal with the barrier
23 by that time limit that is created where if it is
24 not provided on a certain date then you are no
25 longer going to be voting. With respect to the

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2 Department of Correction they do, they have the
3 resources and at this point I just pointed out
4 they are at Riker's, they can have counselors not
5 just in specialized units trained and ready to
6 register people and answer questions for those
7 who have or need assistance to get registered.
8 They can work alongside other agencies like the
9 BOE so that they provide on-site distribution of
10 materials and again bring many of the information
11 of candidates that you mentioned Council Member
12 earlier because it could be given and nothing is
13 preventing them from actually handing out that
14 information because if we have seen anything,
15 everytime I go to Riker's to register people the
16 first thing that always comes up is this, I can't
17 vote because I have a felony, which is not true.
18 I can't vote because I am here at Riker's which
19 is also not true and if we get past those hurdles
20 and people finally do register they will say well
21 who am I voting for? I don't even know what out.
22 I don't even know what options are out there and
23 so legal aid we are a bipartisan organization, we
24 don't go in there recommending anything in
25 particular but again nothing is preventing DOC or

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BOE from providing information about the candidate and what are the platforms so that people can make an informed decision. Because as has been pointed out by the Council Members throughout this entire hearing is that there is just an immense amount of misinformation especially with people who are justice involved about what their rights are. Prior to these initiatives these Legal Aid Society has been doing Know Your Rights Trainings at Riker's Island from issues that span What are my rights when I get encountered by a police officer? To what are my rights currently as I am incarcerated? Even post conviction for my appeal? And there in every single instance people are confused about what their rights are and it is incredible to think that you can give them any law lecture in an hour or two so voting and and the importance that voting plays in our society should be something that DOC is already doing where it is built into their active programming so that the initiative doesn't rest on the shoulders of volunteers or other organizations like NYCUC or National Action

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2 Network or just people who out of their kindness
3 of their soul want to come and assist people to
4 register because they have the resources, they
5 are already working with the people there and the
6 ONE should be on them to provide this kind of
7 programming and information so again it's not
8 just the Legal Aid Society providing this
9 information to the DOC and for them to actually
10 come through with that they promise and if they
11 have said that they want to be in this initiative
12 and take it to the next level we have already,
13 should have had posters with the information of
14 who can vote and what are there, what are the
15 conditions for voting for people who are on
16 Riker's, not a situation where people are
17 referring to flyers that already have information
18 that is outdated and that is actually incorrect.
19 And so I provided my written testimony to where I
20 am outlining many of the suggestions and
21 recommendations so that we can be serious about
22 enfranchising justice involved people because you
23 all have the power to do that and if we are to
24 change the status quo in his Jim Crow era of mass
25 criminalization then it should begin by restoring

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2 people with their rights to vote in society so
3 that their voices can be heard because right now
4 their voices are not being heard, are being
5 suppressed and they are not giving their
6 constitutional rights to vote so thank you all.
7 (background noise).

8 LIONEL OGLESBY: It's not on. Okay
9 there we go. The Legal Action Center is the only
10 public interest law and policy organization in
11 the United States whose sole mission to fight
12 discrimination against the, against and protect
13 the privacy of people in recovery from drug
14 dependency or alcoholism, individuals living with
15 HIV and AIDS and people with criminal records.
16 The center which is based in New York City works
17 tirelessly to combat the stigma and prejudice
18 that keep these individuals out of the mainstream
19 of society. I would like to thank the committee
20 for organizing a hearing on the matter of voting
21 rights for justice-involved people and proposing
22 Legislature to help ensure that all New Yorkers
23 are aware of voting rights. For too long, people
24 have been wrongly told that they cannot vote.
25 They have been made to believe that their voices

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2 do not matter. To address voter
3 disenfranchisement perceived and real the Legal
4 Action Center decided to create a two page
5 pamphlet entitled Voting Criminal Records. I
6 brought some copies and I love to share them with
7 people. Uhm our Document Voting Criminal
8 Records dispels the myth that individuals with
9 criminal records cannot vote. It outlines the
10 many situations in which people with criminal
11 convictions can vote and the limited instances in
12 which they cannot. The pamphlet also discusses
13 the Governor's new voting restoration pardons
14 enacted in April 2018 to ensure that people on
15 parole or post release supervision have the right
16 to vote in local, state and federal elections.
17 Our office sent the PDF of this pamphlet to the
18 offices of every City Council Member prior to the
19 recent state primaries. We urge you to share
20 this document with your constituents to ensure
21 that they know their rights. An additional
22 importance for the creation of Voting Restoration
23 and Criminal Records was informed by Legal Action
24 Center's Direct Services and specifically my work
25 as a legal assistance. In this position I

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2 regularly speak to clients with criminal justice
3 involvement looking for guidance on numerous
4 topics ranging from who is allowed to access
5 their criminal history to how they can obtain
6 their civil rights including voting rights. Uhm
7 these commonly asked questions in turn guide
8 Legal Action Center's focus regarding which
9 topics to address through our client education
10 series and efforts as well as our policy
11 advocacy. Legal Action Center has seen the
12 confusion regarding voting rights for individuals
13 on parole for years. This confusion was most
14 recently highlighted in a September 12, 2018
15 article by the Appeal, a national criminal
16 justice focus news site. An article entitled "In
17 New York" most parolees can now vote but many
18 county websites say they can't. Ask why more
19 than 50 New York County level Board of Election
20 websites state explicitly that parolees do not
21 have the right to vote. This reality is
22 particularly troubling given Governor Cuomo's May
23 2018 announcement of Conditional Pardon granting
24 voting rights to most parolees. The article
25 further explained that parole officers were

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2 instructed to provide information about the
3 conditional pardons and voter registration forms
4 to individuals they supervise. Legal Action
5 Center knows firsthand that community supervision
6 staff are frequently unaware and do not have the
7 correct information about the voting rights for
8 those that they supervise. And we believe this
9 general lack of understanding on voting rights,
10 coupled with the misinformation posted on Board
11 of Election sites and other websites and
12 information in the media leads to more confusion
13 among those on parole. Legal Action Center works
14 to educate its clients on issues of importance to
15 them. We believe this issue is of the utmost
16 importance. Legal Action Center has been
17 involved in community events over the years
18 including partnering with the honorable Milton at
19 Deer Tumbling and New York County Lawyers
20 Association to provide a 2016 Voter Registration
21 Drive. At this event, the Legal Action Center
22 summarized at least 100 New York State rap sheet
23 to help attendees determine whether or not they
24 would be eligible to vote. With the creation of
25 this pamphlet Legal Action Center's goals to

1
2 continue our tradition of educating and
3 advocating on behalf of justice involved
4 individuals regarding their rights. We are
5 extremely proud of this publication and have been
6 told by colleagues that this pamphlet is a
7 definitive guide because of the detail it
8 provides. We are wholly committed to getting
9 this publication in the hands of those directly
10 impacted by the justice system as well as others
11 in Work Force Development, job training and other
12 settings to help people overcome criminal record
13 barriers. I thank you for this opportunity to
14 speak today and hope that the necessary measures
15 will be taken to address this matter. Before
16 ending I would like to share an email forwarded
17 to Legal Action Center by a colleague at Center
18 for Community Alternatives Incorporated from a
19 client, their share our publication with. Parole
20 officers are required to notify parolees when
21 their rights to vote have been restored.
22 Unfortunately whether done intentionally or just
23 neglectfully not all parole officers do. My
24 parole officer never informed me of the
25 restoration of my right to vote so I was under

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2 the impression that I had not been included in
3 the Governor's pardon. After reading the
4 pamphlet from the Legal Action Cent including
5 your recent email I logged in on the parolee look
6 up website and discovered that my right to vote
7 was indeed restored. I am I am registering to
8 vote tonight. Hopefully the above email leaves
9 you it leaves you all with a better sense of just
10 how important it is to guarantee that we find a
11 solution for informing justice involved
12 individuals for their voting rights and much more
13 and also that while at times baffling this is not
14 insurmountable. The proposed Legislation will
15 also help to further this subjective. We hope
16 that the Council will enact these important Bills
17 and we are ready to work with the Council in any
18 way that we will to help further the goal of
19 ensuring that every New Yorker is able to have
20 their voice heard.

21 PERRY GROSSMAN: Okay. Thank you all
22 for having this hearing today. Thank you for
23 having me. I really appreciate it. It's late
24 and it's been going on a while so I will do you
25 the courtesy of being brief and being blunt, uhm

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we read the prepared remarks. They are good. They don't add a lot to the discussion that we have had already. People have said a lot of things about the Bills, they are good Bills, right. Everything you can do to help people involved with the criminal justice system vote is good for everybody. It is good for the, for the people involved with the criminal justice system because voting is a, is a categorical good. It's good for the law enforcement officers that work with them because they are less likely to cause trouble and it's good for the community because you have more people who have a stake in everything. Alright so I'm all in favor of these Bills because they do the right thing, they are a step in the right direction and I am going to come back to this theme in a minute. Do more, do more, start here but do more. I want to take a second to give Anthony a lot of credit, right, this is, I am a litigator most of the time. I am incredibly tired right now because I've got the census case going to trial uhm over on Pearl Street in a couple of weeks. I've got another case that's killing me right now up in White

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2 Plains and so forgive me if I'm a little short.
3 Uhm you know what Anthony has been doing to, to
4 organize volunteers at Riker's I mean he, he got
5 me involved with that. We at NYCLU have been
6 sending more volunteers their way and it is, it
7 is really. It's an eye opening thing in two
8 different directions, right. On the one hand
9 you've got people who are actually reaching out
10 about their political views. You know, why
11 should you vote? Why is this important to you?
12 What does it matter that there are you know
13 Supreme Court Judgeships on the ballot? What
14 does it matter if there are DAs on the ballot?
15 Alright people who are in detention don't
16 necessarily feel a sense of efficacy and here and
17 here are volunteers coming in saying you can
18 vote, you are a member of society just like the
19 rest of us. You get a stake. I think it is also
20 very powerful for the volunteers who go in.
21 Right, they get to see, what is it like to be
22 someone who doesn't feel like they have any
23 power? And in the end, this is a drop in the
24 bucket. I think on August 6 you had what six
25 volunteers, you know we were sending vans in with

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2 12 volunteers into a facility that is 9000
3 inmates, 421 registrations in the course of a
4 couple of months is impressive and it's nothing.
5 Right. You got to integrate registration, you
6 got to integrate voter education into the
7 programming. I think letting volunteers go in to
8 Riker's is great. I think it is great for the
9 volunteers, I think it is great for the inmates
10 but ultimately this has to be a systemic thing
11 because we are not going to get the full benefits
12 for everybody unless we are looking at
13 integrating registration of programming, setting
14 up you know not necessarily a poll site because
15 anything involving the Board of Elections starts
16 to be, I'll chose my words carefully, difficult
17 but to instruct the Department of Corrections and
18 to provide them with the resources to give
19 incarcerated persons the environment in which to
20 cast their absentee ballots with security and
21 privacy and a sense that their votes count as
22 much as any body else's. I think there is a,
23 there is real merit in there. Uhm the bigger
24 issue and the reason I'm I'm glad the committee
25 is taking this on and that I want you to do more

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and I want you to think bigger is we are facing some very, very serious challenges uhm at the federal level, right, we have a nominee up for the Supreme Court right now and if he gets confirmed I should really think twice about dismissing a bunch of my voting rights cases. I am a senior staff attorney for the voting rights project at NYCLU, I work with the voting rights project of ACLU and I don't want to see our win percentage go down but I'm a little nervous. Uhm Congress isn't necessarily a whole lot of help right now, the State Legislature has been recalcitrant. The New York City Council is an incredibly powerful body. It can make a lot of change, it can do a lot of things with a very large voting population, right. We have in our Constitution the first sentence of the Bill of Rights, no member of this state shall be disfranchised. Alright you have an opportunity here at the New York City Council to take a lot of measures to put that into effect and to make sure that article 2 section 1 right every citizen in this state shall be entitled to vote. You can make that happen. So my hope is is that this is

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the start of the City Council taking the initiative where Albany has fallen off or Washington is falling off and say we are going to be leaders. We are going to take our position and, and show the rest of the country that New Yorkers vote and we are a better city for it and we are going to make it as easy as possible for everyone to cast a ballot. So thank you for doing this, and if I can ever answer any questions for you guys just let me know.

CHAIR FERNANDO CABRERA: Uhm before we continue I just want to let everyone know if there is anybody else that would like to testify, feel free to see the Sargeant of Arms. I will be more willing to, to help you fill out the little slip so that you can testify. Uhm I just have one, well actually a couple of questions. One is in relationship uhm to uhm the websites. Did I hear you right, how many websites did you mention?

LIONEL OGLESBY: Yes 50 websites. For uhm in New York State, 50 Board of Election websites that incorrectly list that people that are currently on parole can't vote. Yes.

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CHAIR FERNANDO CABRERA: So thank you for that number is the first, time I've heard it today which is a significant number. The second question related to that is and it was mentioned twice here already the Board of Election, have any of the groups here today that you represent have you happened to contact the Board of Elections to let them know uhm or and/or including the rest of the other websites? I'm just curious.

LIONEL OGLESBY: So the way I, I went about asking if BOE so I, Legal Aid has not personally asked BOE.

CHAIR FERNANDO CABRERA: Okay.

LIONEL OGLESBY: But in working with DOC we ask can we do these things? And their response was we the Board of Election won't do it but we have been in contact in them and this is what they have told us. So thank you for making me realize that if we could have reached out to them and we will be doing so because we are not satisfied with that answer but we have told by the people who are like the front lines of this

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initiative that they have already done the conversation and that it is not going to happen.

CHAIR FERNANDO CABRERA: And I thank you for that because look to be honest with you today was the first day that I heard about uhm you know the Board of Elections website you know having the erroneous information so the only reason I mention is so we can all do a concerted effort and I am asking my colleagues to joint on that as well and also of the advocacy groups so I really appreciate you know once I start getting all of these phone calls I think they will be it will be more expeditious in terms of their response. Council Member Yeger any questions?

KALMAN YEGER: No.

CHAIR FERNANDO CABRERA: Uhm thank you, you always surprise me. Uhm thank you so much. Well I appreciate your testimony. Uhm we will definitely be looking over it and again if you have any more suggestions feel free to reach out to any of us. We really appreciate that and with that today. Absolutely.

CHAIR KEITH POWERS: I just want to note for the record that we did invite the Board

1
2 of Elections to be here today and they did not
3 join us. Uhm and we thought it was important
4 that we talk about issues about Access to Voting,
5 polling places, numbers, stated, you know
6 efficiency is to improve, things like that to
7 prove, things like that that they would be here
8 and they would still feel strongly about the big
9 part of this conversation and we did just want to
10 be on the record saying that we did invite them
11 to be here today.

12 CHAIR FERNANDO CABRERA: That is
13 absolutely correct and uhm they will definitely
14 be hearing from us. That's for sure. Thank you
15 so much. With that we concludes today's hearing
16 (gavel pounding).

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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 October 31, 2018