

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS

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B E F O R E: Sandra Ung, Chairperson

COUNCIL MEMBERS:
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Shahana K. Hanif
Lincoln Restler

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

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2 SERGEANT AT ARMS: At this time can our Zoom
3 hosts please start the webinar? And confirm? Thank
4 you. Good morning and welcome to today's hybrid New
5 York City Council hearing for the Committee on
6 Governmental Operations. To minimize disruptions
7 please place all electronic devices to vibrate or
8 silent mode. If you'd like to submit testimony
9 please send via email to testimony@council.nyc.gov.
10 Again that is testimony@council.nyc.gov. Thank you
11 for your cooperation. Chair Ung, we are ready to
12 begin.

13 CHAIRPERSON UNG: Good morning. I'm
14 Councilmember Sandra Ung, Chair of the Committee on
15 Governmental Operations. At today's hearing, the
16 Committee will be conducting oversight on New York
17 City's first-ever use of ranked choice voting in
18 2019.

19 After years of low turnout elections, and
20 numerous costly an even lower turnout run of
21 elections, New York City voters approved referendum
22 adopting ranked choice voting, allowing voters to
23 select their top five candidates for mayor,
24 controller, Public Advocate, borough president, and
25 city Council. The charter provisions that

2 established ranked choice voting designates the
3 Campaign Finance Board as the agency responsible for
4 educating the public about how ranked choice voting
5 works and the New York City Board of Elections with
6 actually implementing RCV.

7 As with any new ways of doing things, there were
8 concerns about how the new voting methods would
9 impact voters particularly in communities of color.
10 There were some worries that the Campaign Finance
11 Board wouldn't have enough time or resources to
12 educate all 4.6 million registered voters in the city
13 about ranked choice voting. Fortunately it appears
14 that campaign finance board along with the New York
15 City Bo II, and hundreds of community groups were
16 able to rise the challenge and ensure that most
17 voters understood RCV. Almost 90% of those who came
18 out to vote in the 2021 primaries decided to rank
19 multiple choice candidates in at least one race. RCV
20 implementation was not without its hiccups, and
21 today's a hearings opportunity to assure the city's
22 next ranked choice election goes smoother. We'll
23 hear from the Campaign Finance Board about how they
24 ensure that the public knew that a ranked choice
25 voting election was coming and how RCV works. We

2 also hear from the New York City Board of Elections
3 to learn about the steps they took to ensure that the
4 city was ready to collect and tabulate the ranked
5 choice votes when the time came.

6 In addition, the Committee will explore ways in
7 which implementation of ranked choice voting can be
8 approved given changes made to election law at the
9 state level. I look forward to discussing these and
10 other changes of our powers.

11 In addition, the Committee will be hearing my
12 bill Introduction 696, which will improve the design
13 of ranked choice voting ballots. The bill will
14 simplify the ballot instructions for ranked choice
15 voting elections. It will also improve the layout of
16 ranked choice ballots by ensuring that contests on
17 the same ballot page are separate from one another
18 using a bold black line, that non-English texts can
19 be easily compared to corresponding English texts,
20 and each language on a ballot is clearly separated
21 and visually distinct. And lastly, the instructions
22 regarding ranked choice voting appear, whenever
23 possible in the black font on white background. The
24 goal of this legislation is make it as easy as
25 possible for voters, including those who are limited

2 English proficiency, to utilize ranked choice voting
3 when they show up to vote Election Day. And with
4 that, I want to thank the representatives from the
5 Campaign Finance Board, and the City Board of
6 Elections who have come to testify today. I also
7 think CJ Murray and Erica Cohen for the central staff
8 for your work and putting this hearing together. And
9 one thing my own Chief of Staff Alexander Hart, and
10 my Community Director Shane Miller for their
11 assistance. And now turn it over to our Committee
12 Counsel CJ Murray to swear in the first panel.

13 COUNSEL MURRAY: Thank you Chair, I'll now swear
14 in our first panel, which will include
15 representatives from the Board of Elections. To all
16 members of the BOE who will be offering testimony, or
17 will be available to answer questions, please raise
18 your right hands.

19 Do you affirm to tell the truth, the whole truth
20 and nothing but the truth before this committee and
21 to respond honestly to Councilmember questions?

22 VARIOUS PANELISTS: So help me God. Yes.

23 COUNSEL MURRAY: Thank you, you may begin.

24 DIRECTOR RYAN: Good morning Chair Ung. My name
25 is Michael Ryan. I am the Executive Director of the

2 Board of Elections in the City of New York and I want
3 to thank you for the opportunity to appear today to
4 testify on this important Intro. Joining me at the
5 table today, to my left is Vincent M Ignizio, the
6 board's deputy executive director, and further to my
7 left is the operations manager, Georgea Kontzamanis,
8 and to my right is Wilma Brown Phillips, the
9 Administrative Manager.

10 As has become my habit here, Chair Ung, we have
11 submitted written testimony. I'm happy to read the
12 written testimony into the record, or if you prefer
13 that I summarize it and then we can move on to the
14 question and answer period, which I think is usually
15 the more important part of the process for... for you
16 all, I'm happy to do whatever you suggest.

17 CHAIRPERSON UNG: A summary would be great.
18 Thank you.

19 DIRECTOR RYAN: Okay. Thank you very much.

20 So, as it's all detailed in our written
21 testimony, before we look forward, I think we need to
22 always look a little bit backwards. Starting in
23 March of 2020, the COVID-19 pandemic emergency struck
24 the city of New York and certainly, the Board of
25 Elections was no exception.

1 In very quick summary, since that time, including
2 one election that was canceled because of the COVID
3 emergency, the Board of Elections in the city of New
4 York has conducted 20 election events since March of
5 2020, including seven this year, and the year is not
6 over. We think there's one more in November.

7
8 However, we've had years where we've done special
9 elections in December as well. So we think we have
10 one more we think we're conducting eight this year.
11 Which... To say that's unprecedented, I think would
12 be a monumental understatement. In addition to 20
13 elections over the last two and a half years, we have
14 completed the once-every-10-years reapportionment of
15 election districts, twice in three months this year,
16 owing to litigation. Again, another unprecedented
17 matter. And we're looking forward next year to
18 conducting further reapportionment of the election
19 districts as a result of the redistricting of City
20 Council lines, which will now be further potentially
21 complicated by the redistricting... the re-
22 redistricting of state assembly lines. So we're
23 busy. You folks are certainly busy doing the
24 business of the City of New York.

1 And moving forward, there is a portion in my
2 testimony that thanks the city Campaign Finance Board
3 for the partnership that we have developed with them.
4 Yes, it is their charter responsibility to conduct
5 voter education. But we have collectively and
6 collaboratively ensured that the messaging is
7 consistent, right down to you know the various words
8 on the on the different mailpieces. I have included
9 some of the voter education materials that we have
10 distributed in our packet. And I also would like to
11 acknowledge the... uh... Susan Lerner from Common
12 Cause and her team. And it was also the Center for
13 Civic Design that helped us with these materials.

14 But last night, when I was putting the final
15 touches on my testimony, I was not paying attention
16 to the fact that my testimony did not go far enough
17 in thanking the Campaign Finance Board, because this
18 will be the last Campaign Finance Board hearing for
19 executive director Amy Loprest, and I would like to
20 publicly commend her for her professionalism, her
21 stewardship of the Campaign Finance Board, and for
22 her friendship and collaboration for all these years
23 that we have worked together.
24

2 Now getting to I think, Chair, the good news
3 for... for you. We have had our staff do a little
4 test run of what we think the language of the... of
5 Intro 696 says, and what it means, and what we should
6 be doing to do it. So in our packet, you'll see two
7 sample ballots. One has a gray line on it. One has
8 a green line on it. It's of no moment either way
9 what that means. However, the gray one is the one
10 that we did... the style that we used in the... in
11 the June 2021 primary and the green one is the way it
12 would look based on the board's interpretation of the
13 language in the intro. Now if you look at the one
14 with the green line, you'll see the word "choice",
15 the way we interpret that it was intended to be
16 written. You'll notice that the lettering is a
17 little bit off to the side. You know, it doesn't
18 quite line up the way it would on a Word document.
19 What I would like the committee... the Chair and the
20 committee to understand is that ballots are not Word
21 documents. What you can't see behind the ballot in
22 the system is a grid. And their... and the
23 tolerances for setting up a ballot are not the same
24 as the tolerances that you would find in a Word
25 document. And everything has to line up. Because

2 much to perhaps the disappointment of candidates and
3 elected officials, the system doesn't recognize your
4 name. The system recognizes the coordinates that
5 correspond with the oval adjacent to your name. And
6 you'll notice on the ballots, certain dashes, along
7 the top and bottom and the left and right sides.
8 Those are timing marks that allow the eye-reader to
9 locate the ovals on the piece of paper based on the
10 particular ballot style. So we can't always line
11 everything up exactly, and it will... when it comes
12 to the written words, and it will also depend on the
13 length of the names associated with the particular
14 offices. But to the short point: It's doable. And
15 I think that was hopefully the answer that the Chair
16 was looking for.

17 Go ahead. Mr. Ignizio would like to make a
18 statement.

19 DEPUTY DIRECTOR IGNIZIO: Thank you. No, I just
20 wanted to jump in where we were with thanking some of
21 our colleagues and friends also wanted to do so to
22 the nearly 1000 employees of the Board of Elections.
23 And on election day, there are 37,000 poll workers.
24 We need more poll workers, but I want to thank them
25 as well. And then our colleagues in government, Dan

2 Garodnick, and the City Planning Commission, of which
3 we could not have turned around the redistricting
4 quickly... as quickly as possible in that they really
5 jumped in with both hands and got us the part of the
6 maps that we need in order to conduct this
7 redistricting this year. So while we were thanking
8 colleagues and friends, I wanted to also include
9 them.

10 DIRECTOR RYAN: Certainly. And there is also
11 a... a written portion of our testimony that does the
12 same. But I believe that Deputy Exec... Executive
13 Director Ignizio was absolutely correct in making
14 that public acknowledgement, and I thank him for
15 doing so.

16 So I think that's an effective enough summary for
17 this particular hearing. But certainly, if there's
18 anything that I didn't address, Chair and members of
19 the committee, that you wish to hear, we remain ready
20 to answer any and all questions that you might pose.
21 Thank you.

22 CHAIRPERSON UNG: Thank you, and thank you for
23 your testimony. And I do want to thank BOE for your
24 hard work.

2 Just a couple questions about the ballot design
3 introduction, since you know... and thank you for
4 presenting this today. I appreciate that.

5 DIRECTOR RYAN: Right.

6 CHAIRPERSON UNG: So we did discuss a little bit
7 about the challenges. And you explained that, and I
8 appreciate you explaining that. Is there any more
9 resources you would need in terms of, like any other
10 resources to implement this bill?

11 DIRECTOR RYAN: So I will tell you, I have never
12 electronically built a ballot. I don't think that
13 comes as a surprise to anyone, but from what the
14 technical staff says to me, that the bill itself
15 is... is not is not an issue. It's the limitations
16 of the New York State Board of Elections certified
17 firmware that we use, that makes the written word
18 have to be subjugated to the grid associated with the
19 ballot. And so sometimes it doesn't look exactly
20 as... as neat as, you know, one might like, but it
21 does get the point across and you can... one could
22 take the position that the way that it's laid out on
23 the version associated with the bill language is
24 clearer than the... the way that it was done
25 originally. And I think that's, you know, a subject

2 of discussion. But we're certainly happy to try to
3 continue to make it look neater and cleaner. But
4 this was a first attempt.

5 CHAIRPERSON UNG: Right. This is a first draft.

6 DIRECTOR RYAN: We just wanted to demonstrate to
7 you and... and to folks that it can be done. And
8 maybe it can be done better. But we still have a
9 little bit of time.

10 DEPUTY DIRECTOR IGNIZIO: And Madam Chair, we do
11 have sufficient resources what which to work with
12 them.

13 CHAIRPERSON UNG: Excellent. Thank you.

14 So speaking of the time: How much more time,
15 because we have the election coming up in June 2023
16 that's going to use ranked choice voting. So what is
17 the timeline?

18 DIRECTOR RYAN: So I would say this, we keep
19 talking about having done ranked choice voting once
20 we've actually done ranked choice voting four times
21 already, because we had special elections that
22 required us to use ranked choice voting before we
23 actually did it for the big show in June of 2021. So
24 I think that the external analysis that's out there,
25 and that I've reviewed, and others will testify to

2 later have demonstrated that ranked choice voting
3 works, and that it was conducted well.

4 We have at the board seen a lot of tweaks and
5 twists and turns with respect to legislative changes
6 recently. I for one would advocate everyone taking a
7 deep breath. And let us do this a few times, and
8 then see what really needs to be done. We could
9 always do it better, right? There's always a better
10 way to run the railroad. But I'm not one personally
11 for advocating immediate change on a new process
12 that's still being worked out. But I think the
13 initial reviews are good, and that's a positive sign

14 CHAIRPERSON UNG: That is indeed a positive sign.
15 So from what you're saying, there seems to be
16 confidence that this would be done to the best of
17 obviously, BOE's ability by... in time for the June
18 2023 election.

19 DIRECTOR RYAN: Absolutely.

20 CHAIRPERSON UNG: That sounds great. Thank you.

21 I just want to now acknowledge my Committee
22 Councilmembers. I'm sorry, Councilmember Hanif,
23 Restler, and Brewer. And I do have more questions,
24 but I'm happy to turn it over to my Councilmembers
25 right now to see if they have any questions.

2 COUNCILMEMBER HANIF: I'm just reviewing the
3 language I can read here, which is Bangla. And I'm
4 wondering, what is your process of reviewing
5 translation?

6 DIRECTOR RYAN: So for the languages that we are
7 statutorily required to do, we have in house
8 translators for each of those languages?

9 COUNCILMEMBER HANIF: Could you describe what in-
10 house translators means?

11 DIRECTOR RYAN: New York City Board of Elections
12 employees that work full time and doing translation
13 and interpretation services.

14 COUNCILMEMBER HANIF: And how many?

15 DIRECTOR RYAN: Uh, we usually have to for each
16 language.

17 COUNCILMEMBER HANIF: Two for each language. So
18 then, two folks who understand Bangla...

19 DIRECTOR RYAN: Yes.

20 COUNCILMEMBER HANIF: ...did this translation?

21 DIRECTOR RYAN: Yes.

22 COUNCILMEMBER HANIF: And then are you aware that
23 in some instances, some of these languages, even if
24 the translation is done right, once transferred over

2 to PDF, or any other sort of software that we use the
3 letters breakup, which I'm noticing some of here.

4 COUNCILMEMBER HANIF: So... So this particular
5 submission is a rough draft, and we were not
6 submitting it for the purposes of demonstrating the
7 translated languages. We were submitting it quickly,
8 while we're prepping for the general election. We
9 were submitting it for the purposes of addressing the
10 Chair's bill, which is to change the way the choice
11 language is placed at the top of... of the candidate
12 rows with the first second, fourth, fifth choices.

13 DIRECTOR RYAN: So yes, we're aware of that
14 problem. We're also... work closely with our ballot
15 print vendors to ensure that those breakups don't
16 happen. On a fully edited ballot, that would be
17 something that would be gone over. And we've also
18 worked closely with the state legislature with
19 respect to proposed changes to the ballot to ensure
20 that that process isn't micromanaged to the point
21 where we're required to use a font or style that
22 would not work well with some of the symbolic
23 languages, because we also do you know, Chinese and
24 Korean, which present other challenges, right? So
25 we're... we're trying to juggle all of those, those

2 balls simultaneously. But certainly, we're aware of
3 it. And I thank you for pointing it out.

4 COUNCILMEMBER HANIF: Thank you for that. And
5 then how do you set up the translation team to do
6 said... sent translation? Like, during my campaign,
7 you know, we were struggling to really... to really
8 articulate ranked choice voting, and kind of capture
9 it in the way in which, in the English language,
10 there were slogans and catchphrases and like campaign
11 phrases, which did not directly translate into the...
12 or didn't make any sense. And so we sort of had to
13 get creative to then come up with our own... our own
14 way of talking about ranked choice voting. That was
15 what we did for my... my run. And it was exciting.
16 But it was a tough... it was a... it was a challenge.
17 So I'm wondering like, as you're setting up the
18 translation team to translate the materials, what
19 sort of preparation work is going into it? Are they
20 communicating with community members and various
21 stakeholders to really dig deep a little about like,
22 "Hey, how do we make sense of ranked choice voting in
23 this in this new language? To reach our
24 communities?"

2 DIRECTOR RYAN: Alright, so some of which,
3 Councilmember, is the community education component
4 of it, which the Campaign Finance Board has the
5 larger jurisdiction over, where... And they'll speak
6 to those comments. I think they're up after us. For
7 us, it's a more literal translation based on the
8 ballot itself and the education component was less so
9 under... under our jurisdiction for... for ranked
10 choice.

11 COUNCILMEMBER HANIF: So then you take sort of
12 pointers from C... based on what CFB provides?
13 Or...?

14 DIRECTOR RYAN: No, I was speaking to the ballot
15 itself. Where we do that design.

16 COUNCILMEMBER HANIF: Got it.

17 DIRECTOR RYAN: The education component is for
18 our colleagues at CFB. But... But that having been
19 said, as... as we have done with other languages, I
20 really do believe that language education with
21 respect to elections, is... should... is and should
22 be a community collaboration.

23 COUNCILMEMBER HANIF: That's right.

24 DIRECTOR RYAN: So we're always available to...
25 to discuss matters, to make presentations to groups,

2 and especially now... Maybe years ago, we... we
3 always thought we had to go to some meeting at eight
4 o'clock at night and schlep to some father part of
5 the city. But now everybody's used to doing the Zoom
6 conferences and other forms of... of teleconferences,
7 and we certainly can.

8 One of the things that we learned with the...
9 with the Chinese languages in specific, was we
10 weren't... we weren't reaching out to the Chinese
11 community in the right way. And we have received
12 some education in that regard, that there were
13 certain publications... I'll call them publications,
14 because I'm old, but they're probably in a digital
15 format. And we started to target our... our
16 education and outreach to those specific areas in the
17 way that was better for the community. Now,
18 certainly, that's not a finished product either, but
19 with respect to the communities that you're
20 referencing, if there are things that we could be
21 doing better, sometimes we just don't know about
22 them. And we need a little bit of education as well.
23 And we're happy to work and do it.

24 COUNCILMEMBER HANIF: Thank you. Yes. It's good
25 for me to understand this so that I can work in

2 collaboration as we move forward in the coming
3 months.

4 DEPUTY DIRECTOR IGNIZIO: Councilmember, it was
5 confusing for everybody.

6 COUNCILMEMBER HANIF: Yeah.

7 DEPUTY DIRECTOR IGNIZIO: You know, all of it.
8 It was an education process for any district... every
9 district in the city. So we're happy to work with
10 you. And we're happy to have an offline conversation
11 to have that improve.

12 COUNCILMEMBER HANIF: Thank you. Thank you.
13 Thank you, Chair.

14 CHAIRPERSON UNG: Thank you. And I believe now,
15 Councilmember Brewer has a few questions.

16 COUNCILMEMBER BREWER: Thank you very much. Nice
17 to see you all. It seems to me that during the
18 election, a lot of people only checked one. And then
19 that has a challenging effect in terms of ranked
20 choice. So that may be up to Campaign Finance Board
21 to change. But is there anything, either ballot wise
22 or otherwise... How do we convince people if they
23 wish, to understand that this is not the best choice
24 in terms of how you elect people? It's a complicated

2 issue. And I don't know what the... maybe you could
3 tell us the percentage of people who checked...

4 DIRECTOR RYAN: So, we didn't do that research.
5 There are other speakers here that will be speaking
6 to that.

7 COUNCILMEMBER BREWER: Yup.

8 DIRECTOR RYAN: But from what I've read, it...
9 the ballots that checked more than one choice were
10 90% plus...

11 COUNCILMEMBER BREWER: Okay.

12 DIRECTOR RYAN: ... and the ones that checked
13 only one were 10% or less. So, right, when you're
14 talking in the aggregate, it still comes out to a lot
15 of voters if there's a large turnout, right? But if
16 you're talking in the percentage wise, it's to the
17 lower end of the percentage wise maybe to you know,
18 higher on the on the aggregate, it depends how you're
19 doing the analysis. But certainly it's a worthy
20 question to continue to review.

21 COUNCILMEMBER BREWER: Okay. I thought it was a
22 larger percentage. I didn't know that. And then
23 just in terms -- of maybe this was asked because I...
24 I apologize for being late -- but in terms of
25 tabulating and so on, was it different in terms of

2 the time? Was it faster? Was it shorter? How did
3 you feel that aspect of it went?... tabulating the
4 results?

5 DIRECTOR RYAN: The tabulation of the results,
6 once we get to the point where we have the full
7 universe of ballots, and they're all in the in the
8 system, the tabulation goes very quickly, because the
9 computer is doing it, and you're only asking the
10 computer to do math, right? I try to tell people
11 it's not like a boxing match with at the end of the
12 round is a break, and somebody comes out with a round
13 card and we go on to the next round, it all happened
14 very fluidly.

15 COUNCILMEMBER BREWER: I don't know nothing about
16 boxing.

17 DIRECTOR RYAN: [Laughs.]

18 COUNCILMEMBER BREWER: But I know about...
19 [stammers] I don't... I want to get the voting
20 rights. You can worry about the boxing.

21 DIRECTOR RYAN: What I'm saying is it's
22 seamless...

23 COUNCILMEMBER BREWER: Okay.

24 DIRECTOR RYAN: ...once it happens,

25

2 COUNCILMEMBER BREWER: And those that are ballots
3 that come in through the mail, those are all
4 tabulated in the same way? And the absentees and so
5 on?

6 DIRECTOR RYAN: Well, yes. And we're... we're
7 also now in a... in a little bit of a fluid
8 circumstance with respect to the change in the
9 election law. So you're going to see... and the next
10 time that we do ranked choice voting, you're going to
11 see a higher percentage of the paper in the initial
12 totals reported on election night, just like you
13 did...

14 COUNCILMEMBER BREWER: They can be done earlier?

15 DIRECTOR RYAN: Yes, because we have to canvass
16 them in advance of election night. And we're seeing
17 a high percentage of those ballots when they come in.
18 I mean, every election is going to be a little bit
19 different. But if... if we have the greater majority
20 of the ballots available on election night, you'll
21 have a better sense of the direction things are
22 going.

23 COUNCILMEMBER BREWER: Right. And the software
24 works for both? There are no changes in any software
25 programs in terms of the future?

2 DIRECTOR RYAN: No, the software... the software
3 that we use to calculate ranked choice voting is
4 simply an algorithm software that... that is
5 available open source. So there was not even any
6 cost in acquisition. There was some cost associated
7 with helping us manage it, but the acquisition, it
8 was free, and it works.

9 COUNCILMEMBER BREWER: Okay. And the training...
10 because we always get complaints, because, you know,
11 people love to complain about the Board of Elections
12 all day and all night. So the training... You know,
13 that as well as I do. So the training that will be
14 done before the... I assume that there won't be as
15 large a bolt as there was last 2021, but I could be
16 wrong, who knows? The issue there is: Will you be
17 doing differently the training for your poll workers
18 based on your history of ranked choice? Because I
19 have to say some of them did not understand it.

20 DIRECTOR RYAN: Right. Well, I think it's a work
21 in progress. I think we played to good reviews
22 from... from third parties, largely, but the plan is
23 to continue to work collaboratively with the Campaign
24 Finance Board and Common Cause and other interested
25 stakeholders to make sure that we're always

2 improving. Now, you know, we do have some turnover
3 with... with the poll workers. So that's always a
4 little bit of a challenge. It's not like we have the
5 same exact, you know, pool of people coming back,
6 year in and year out, although there's a lot of
7 them...

8 COUNCILMEMBER BREWER: Because some of them have
9 to learn when you do ranked choice, and then they
10 have to learn when you don't do ranked choice, right?

11 DIRECTOR RYAN: Well... and in this particular...
12 Well, last June, and in this upcoming June, there...
13 it's a split.

14 COUNCILMEMBER BREWER: Right.

15 DIRECTOR RYAN: Alright? So there's ranked
16 choice voting happening at the same time that the
17 traditional voting happens.

18 COUNCILMEMBER BREWER: Right. So that's a
19 particular kind of training, I would assume.

20 DIRECTOR RYAN: Yeah, absolutely.

21 COUNCILMEMBER BREWER: Alright. Thank you, Madam
22 Chair.

23 CHAIRPERSON UNG: Thank you. And now
24 Councilmember Restler has a few questions.

2 COUNCILMEMBER RESTLER: Thank you so much Chair
3 Ung. I greatly appreciate your leadership of this
4 committee. And while I might say there's a little
5 bit too much Staten Island energy on our panel today,
6 we appreciate...

7 DEPUTY DIRECTOR IGNIZIO: I don't think you would
8 say that. Come on.

9 COUNCILMEMBER RESTLER: [laughs] We appreciate
10 Mike and Vinnie's good work, and everyone would
11 really...

12 DEPUTY DIRECTOR IGNIZIO: How come you never say
13 that about Brooklyn?

14 COUNCILMEMBER RESTLER: Because it's never true.

15 DEPUTY DIRECTOR IGNIZIO: [Laughs]

16 COUNCILMEMBER RESTLER: But I also want to
17 thank...

18 DEPUTY DIRECTOR IGNIZIO: Councilmember, I was
19 born in Brooklyn, remember.

20 COUNCILMEMBER RESTLER: Well, there we go. We
21 got one Brooklynite on the panel. And your General
22 Counsel is a distinguished Brooklynite, who we love.
23 So we appreciate that.

24 DEPUTY DIRECTOR IGNIZIO: And my mother was born
25 in Brooklyn.

2 COUNCILMEMBER BREWER: And we have a Manhattanite
3 on the panel too.

4 COUNCILMEMBER RESTLER: There you go. So...
5 No... But I do also want to thank Amy for her years
6 of distinguished service at the CFB. Thank you for
7 everything you've done to educate New Yorkers, engage
8 New Yorkers in our electoral process. We really
9 appreciate your service. Just a few questions: You
10 know, I remember... What month are we in now? We're
11 in September, so maybe 15 months ago, 20 months ago,
12 when many of our colleagues and former colleagues
13 and... and others insisted that the sky was falling,
14 because RCV was being implemented, pursued litigation
15 and other things to try to stop it from happening.
16 But just to reiterate, over 90% of ballots that were
17 cast in New York City last year, voters chose
18 multiple candidates in the election.

19 DIRECTOR RYAN: That's the information that I've
20 reviewed. Yes. The board hasn't done an independent
21 assessment of that. But yes.

22 COUNCILMEMBER RESTLER: And we had a significant
23 majority of voters of all racial backgrounds say that
24 they understood the RCV process.

2 DIRECTOR RYAN: I'll take that as a fact, if you
3 if you know it to be. That's not something that I'm
4 personally aware of.

5 COUNCILMEMBER RESTLER: Um, I do think it's worth
6 noting that with an RCV process, we generated the
7 most diverse City Council and most diverse city
8 government in the history of New York City, which I
9 think is a credit in part to this electoral system.
10 And I'm very happy to see its success in its... in
11 the special elections, and of course in the 21 cycle,
12 I look forward to continue continuing to see the
13 success of RCV in the years ahead.

14 I wanted to ask... I realized that it's primarily
15 the purview of the CFB, but could you speak to the
16 BOE's efforts to ensure that more and more New
17 Yorkers understand how RCV works?

18 DIRECTOR RYAN: So last go-round and you'll see
19 copies of it, Councilmember, in the materials that I
20 provided. We provided the some of the education
21 materials that that we did, and every... every year
22 (it's now going to be in May) we have to... we have
23 to mail to all 4.7 million active voters... we have
24 to send out a mailer regarding the elections... the
25 upcoming elections for the year. The annual

2 information notice, we call it, and all that RCV
3 information is there as well. But last go round, and
4 we plan to do it again, we did a very robust public
5 education program utilizing the city kiosks, and...
6 and ads, and other things, all to supplement, and to
7 coordinate with the Campaign Finance Board. And we
8 worked collaboratively on the language with them to
9 make sure that we weren't saying something
10 differently than they were and to avoid confusion.

11 COUNCILMEMBER RESTLER: That's helpful. I
12 appreciated Councilmember Hanif's questions about
13 understand... that led to kind of a greater
14 understanding of your in-house translation services.
15 I'm similarly interested in understanding: Does...
16 Do you all employ or have a contract with a
17 consultant for graphic designers who specialize in
18 ballot design and stay up to date on the latest
19 research relating to ballot design? Does this
20 individual meet with voters to hear feedback and...
21 and ensure that we're kind of implementing the most
22 up-to-date and thoughtful practices to make it easy
23 for voters to understand the ballot? And relatedly:
24 When a ballot design is drafted, is it tested with
25 sample voters ahead of the election?

2 DIRECTOR RYAN: So I want to be very, very clear.
3 We don't have the freedom within the structure of the
4 New York State election law to... to design a ballot
5 anyway that we want. So with some of these
6 innovations... The way that I think... the better
7 way to accomplish that -- because we're following
8 exactly what the New York State Lead election law
9 says we have to do -- is for folks that want to make
10 a change, whether it's this body or anyone else, to
11 work with the New York State Legislature, to then
12 work with the New York State Board of Elections so
13 that all 62 counties in the state can have a ballot
14 that provides as much information and service to the
15 voters as possible. We designed the ballot the way
16 the New York State election law says we have to.

17 COUNCILMEMBER RESTLER: Can I sneak one more
18 question in? Thank you.

19 Not the direct purpose of this hearing, but a
20 priority of mine is expanding access to translators
21 at our polling sites. I know this has been an issue
22 of tension with the previous administration, and
23 wanted to hear if this was an issue that the BOE was
24 reconsidering, if the city is prepared to fund
25 additional translators to be at polling sites, can

2 those translators come into the polling sites and
3 actually facilitate assistance for people who are
4 desperately in need of translation?

5 DIRECTOR RYAN: So I would say that that's a
6 little bit of a dated concern. The Civic Engagement
7 Commission was passed and is now part of the New York
8 City Charter. All we were looking for in the past
9 was clear direction and predictability. With now the
10 Civic Engagement Commission having the responsibility
11 to do that, we work collaboratively with CEC and
12 those issues, as far as I see from where I sit, I
13 have... have faded away. Can we always do something
14 better? I'm sure we can. And but we work
15 collaboratively with them.

16 COUNCILMEMBER RESTLER: So the CEC-funded
17 translators are permitted into the poll sites to
18 provide assistance as needed at this point.

19 DIRECTOR RYAN: Yes.

20 COUNCILMEMBER RESTLER: Great. I apologize for
21 not being as up to date as I should. But thank you
22 for clarifying. That is very good news.

23 DIRECTOR RYAN: Correct.

24 COUNCILMEMBER RESTLER: Thank you. Thank you,
25 Chair Ung.

2 CHAIRPERSON UNG: Thank you. And I also wanted
3 to thank Councilmember Eric Dinowitz for being with
4 us today. I believe he has a few questions too?

5 Sorry.

6 COUNCILMEMBER DINOWITZ: Yes. Hello. Good
7 morning.

8 DIRECTOR RYAN: You don't have to ask any
9 questions.

10 COUNCILMEMBER DINOWITZ: [Laughs] I get the sense
11 you don't want to answer questions?

12 DIRECTOR RYAN: [Laughs] No, it's okay. You can.

13 COUNCILMEMBER DINOWITZ: No, well, I... you
14 know... I appreciate that you're here. In fact, my
15 first election was in district 11 in March of last
16 year. It was one of the first elections... it was
17 the second election -- tied for second place with
18 Councilmember Feliz -- to use ranked choice voting.
19 And one of the things that that occurred leading up
20 to the... the election was that the Campaign Finance
21 Board or the Board of Elections really relied heavily
22 on existing groups in the district to provide the
23 education to our community. And it's going to be no
24 surprise that in the district, it was the... the more
25 white and the more affluent parts of my district that

2 had more... more engagement, more... or more groups
3 who were reaching out to the board, or the board was
4 reaching out to.

5 So I'm interested, one in the actual data. What
6 is... I know, Councilmember Restler said it as a
7 statement: What... What is the data... What are
8 the data that demonstrates that the communities of
9 color engaged in ranked choice voting in the same
10 manner as the more affluent communities. In my
11 special election and in the primary, comparing, you
12 know, number of...

13 (background voices)

14 Oh, not me. Number of candidates chosen, and
15 also number of ballots that may have been rejected.
16 Are those data that you have?

17 DIRECTOR RYAN: I don't have that data. I
18 believe that the Campaign Finance Board is going to
19 speak to that. I'm hopeful I'm not putting words in
20 their mouth and providing their testimony.

21 But I will say this: I'm looking at my list and
22 your special election was on March the 23rd...

23 COUNCILMEMBER DINOWITZ: A great day

24 DIRECTOR RYAN: ... of 2021.

25 COUNCILMEMBER DINOWITZ: That's right.

2 DIRECTOR RYAN: And the way that the requirements
3 were drafted with respect to not only the City Board
4 of Elections, but the Campaign Finance Board, the
5 target was to conduct the first ranked choice voting
6 election in the June primary. And then we got hit
7 with a special election on the 23rd of February, and
8 a special election on the 23rd of March, and
9 thereafter. And the "first ranked choice voting
10 election", quote, unquote, was actually the fourth
11 ranked choice voting election. So we kind of were
12 pressed, you know, into service on ranked choice
13 voting very quickly. But we are happy to work with
14 everyone to make sure that this process goes smoothly
15 for all voters and that all voters are fully
16 enfranchised.

17 COUNCILMEMBER DINOWITZ: Right. I think I think
18 one of the things that would help, and I'm sure that
19 data exists, is, you know, in certain... in certain
20 neighborhoods, you know, how many voters chose five
21 candidates, four, three, and then also how many
22 ballots were rejected.

23 And just speaking to that is the second... is my
24 second question: There was... I know you mentioned
25 the kiosks. Obviously, the community groups were

2 doing the outreach, the education, you know, we had
3 education efforts in my district that my office
4 conducted for the primary. But what we also had on
5 our ballots, and we had this type of ballot in
6 Manhattan, were other candidates on the ballot. I'm
7 sorry. Other nonmunicipal offices on the ballot.
8 For example, in my district, we had judicial
9 candidates, where you had to vote for any two. Not
10 rank them. Any... up to two. We had judicial
11 delegates where you voted for up to 12. In
12 Manhattan, you had the first past the post, you had
13 the Manhattan DA's race.

14 So what I'm interested also is, as you did the
15 ranked choice voting, education, which was the same
16 throughout the city, did it look different in
17 different boroughs, to say, you know, we also have
18 these... these other elections, which use different
19 methods of voting. So that's the first part of the
20 question is: Are you tailoring the education for
21 your poll workers and to the communities?

22 And the second part of the question is, again,
23 were any ballots spoiled because in some way or
24 another someone mis-marked their ballot because they
25 had the ranked choice voting really down, and were

2 confused when it came to the judges or it came to the
3 district... district attorneys, or when it came to
4 the judicial delegates, or any of the other
5 nonmunicipal candidates on the ballot.

6 DIRECTOR RYAN: So we send out an annual
7 information notice. That's going to be standard.
8 That's going to be across the board. But we
9 certainly work in the individual geographical areas
10 to target the messages to the particular communities.
11 But when I'm saying that, right now we're doing it
12 more in terms of appropriate translation of
13 materials. We are certainly happy to continue to
14 work with the Campaign Finance Board and other
15 interested stakeholders to make sure that we're
16 collectively messaging for the appropriate...
17 appropriately for the communities.

18 COUNCILMEMBER DINOWITZ: Right... and...?

19 CHAIRPERSON UNG: Sure.

20 COUNCILMEMBER DINOWITZ: Thank you. But... But
21 are the... so the... You know, these flyers or the
22 PowerPoints that you use? Are they... and if they're
23 not -- you know, we're here to make things better for
24 voters -- ...

25 DIRECTOR RYAN: Right.

2 COUNCILMEMBER DINOWITZ: ... if they're not, can
3 they be tailored for the individual boroughs, or in
4 certain cases districts, to address the fact that,
5 you know, poll workers are, you know, they... they
6 need the training, our voters need the training, and
7 it just looks different in the Bronx in a particular
8 election than it may look in Manhattan. And
9 that's... and that's okay. That's... that's what our
10 elections look like. And if those varied training
11 materials don't exist, can they look different going
12 forward to address those individualized needs of our
13 communities?

14 DIRECTOR RYAN: Well, I certainly appreciate
15 the... the advocacy for your community as well you
16 should. And we're certainly happy to address those
17 issues with the Campaign Finance Board. But I can
18 tell you in the time that I've been here, as we move
19 away from printed material, and move more towards
20 digital platforms, we're able to engage in...
21 increasingly engage in some geofencing exercises and
22 targeting... and targeting messaging, not so much
23 with the RCV because we're... we're kind of the
24 second seat on this. But I'm sure that we can

2 continue that collaboration with the Campaign Finance
3 Board.

4 COUNCILMEMBER DINOWITZ: I... the second...

5 DEPUTY DIRECTOR IGNIZIO: Councilmember, if I...
6 If I can dovetail on that, though. The poll workers
7 in the... each individual boroughs though are taught
8 about their specific...

9 DIRECTOR RYAN: Yes.

10 DEPUTY DIRECTOR IGNIZIO: ...borough ballot. So
11 they will have the information of "it's a two-pager",
12 "it's a three", "it's a whatever". That is sort of
13 specified by borough as well.

14 COUNCILMEMBER DINWOTIZ: Yeah, I think... I would
15 just... My recommendation is to just take another
16 look at what that training looks like. Because it
17 was not my sense that every poll worker was telling
18 voters to turn the ballot over, or really had a
19 good... every poll worker had a good grasp of the
20 differences in ways to vote. And I don't put that on
21 them, you know? These are...

22 DEPUTY DIRECTOR IGNIZIO: Right. Agreed.

23 COUNCILMEMBER DINWOTIZ: I put that on the
24 training. And that's what I want to see going
25 forward.

2 The other part of that was, if you could just
3 provide the data on: Is it a problem, right? How
4 many of the ballots, uh, for judges, or for DAs, or
5 for any other race that's nonmunicipal and doesn't
6 use ranked choice voting... How many of those offices
7 had to be thrown out because of mistakes in the
8 ballot that could be amend... could be fixed if we
9 improve our training both for our poll workers and
10 our voters? So if you can share that. And I'll
11 say... if I... one other thing, it's not even a
12 question. It's just a suggestion, because I know
13 time is limited, and I appreciate the time I've been
14 given.

15 You know, there was a change made, I believe,
16 last year, where... which allowed poll workers to
17 work part of the day instead of the full 15 hours or
18 whatever it is? Is that correct?

19 DIRECTOR RYAN: There was a change in the
20 election law that permitted split shifts. It was...
21 It was a few years ago now.

22 COUNCILMEMBER DINOWITZ: Split. Right.

23 DIRECTOR RYAN: Yep.

24 COUNCILMEMBER DINOWITZ: And what I would love to
25 see, which I which I didn't see... I taught in

2 schools. I didn't see it. I would love to see the
3 the... the board of the CFB, the DOE all working
4 collaboratively, because we have students who don't
5 work.... who don't have school on election day, and
6 would be... are a great resource to provide them the
7 opportunity to engage in, you know, in public
8 service, engage in their communities. And guess what
9 a lot of our kids speak languages other than English,
10 and can provide a great service to our community,
11 especially as we talk about reaching out to... to
12 members of our community who do not speak English.

13 So I would love to see that effort be more
14 robust. If it doesn't... if it exists already...

15 DIRECTOR RYAN: It does.

16 COUNCILMEMBER DINOWITZ: ... and I would... I
17 would love to... in my community, I would love to
18 help facilitate some of those conversations because,
19 as I said, I haven't seen it in my community. It
20 doesn't mean it doesn't exist, but I would love to
21 help make that happen...

22 DEPUTY DIRECTOR IGNIZIO: Councilmember, our...

23 COUNCILMEMBER DINOWITZ: ...for the kids in our
24 community.

2 DEPUTY DIRECTOR IGNIZIO: ... our operations
3 manager is reading your name, address, everything.
4 She will call you, you may regret that. But we do
5 have one and thank you.

6 DIRECTOR RYAN: So... And Councilmember, I would
7 like to say a couple a couple more things: If you
8 can take note when you vote in November, because
9 there will be propositions on the back of...
10 Brooklyn's actually going to have two sheets of
11 paper, the Bronx won't. You'll have one sheet of
12 paper with stuff on both sides, but... (crosstalk)

13 COUNCILMEMBER DINOWITZ: (inaudible) instead of
14 paper in The Bronx.

15 DIRECTOR RYAN: ...there is an arrow on the
16 ballot itself. A large prominent arrow. So we
17 can... Within the tolerances of the ballot, we can
18 work to improve that. And I would also make this
19 offer to you, as I make to every legislator in the
20 city: We're at 42 Broadway. I'll even say my
21 number: It's 212-487-5403. We get phone calls. I'm
22 happy to meet with you, come to the Bronx as a team
23 collectively, and work on whatever issues you need to
24 work on offline. I make that offer to everyone.
25 Very few people actually take me up on it. But there

2 is one City Councilmember here presently in the room
3 that has taken me up on it consistently over the
4 years for her constituents, and that is Councilmember
5 Brewer. And we work very collective...
6 collaboratively in that regard. And we welcome it
7 because you guys truly are the eyes and ears of the
8 community for us.

9 COUNCILMEMBER DINOWITZ: Thank you. And I thank
10 the Chair for extending me the courtesy and the time.
11 Thank you.

12 DEPUTY DIRECTOR IGNIZIO: One of the things,
13 Chairwoman that we do... or the committee that we
14 do... is I think part of it, to take a nice walk
15 would... I'm here every week during stateds as well
16 to field any issues that Councilmembers have. And
17 that comes from my history of being a Councilmember.
18 You... You remember, "Oh my god, I have a problem
19 with this," and they want to talk to somebody. So I
20 tried to make myself personally available during
21 stated meetings here at the Council, and some of it
22 is seeing old friends and enjoying the beautiful
23 building. But a lot of it is to try to get to any
24 issue that a Councilmember might have in in their
25 district before it becomes a bigger issue.

2 COUNCILMEMBER DINOWITZ: Thank you.

3 CHAIRPERSON UNG: Great, thank you. I just have
4 one quick follow up question regarding the state law
5 of county absentee ballots. Does that mean... and
6 you know, we all talked about elections last year,
7 and probably certain parts of it, I'm trying to block
8 out. But I do remember part of the... you know, we
9 had to wait a bit to wait for the final results. I
10 think part of that was because of the absentee and
11 also ranked choice voting. So with the new state law
12 does... I'm just curious, what is the process now?
13 Does that get to be counted on Election Day with
14 ranked choice voting?

15 DIRECTOR RYAN: Right. So with the new state
16 election law, we have to... we continually canvass
17 the ballots as they come in at specific intervals.
18 So this... We only did it once for the first time in
19 June, but our quick response is: We're seeing the
20 majority of the absentee ballots included in the
21 election night results. However -- there's always a
22 little semicolon, however after that, right? -- they
23 also implemented the cure process. So if somebody
24 makes a mistake on their ballot... So to give you the
25 outlier: Seven days after the election, we can

2 receive a ballot that has been postmarked by election
3 day. If there's a mistake on that absentee ballot,
4 we have to send it out... back... a cure letter out
5 to the to the voter. So we... Then there's a little
6 bit of a delay on the back end. But the good news is
7 the majority of the votes that are going... the
8 overwhelming majority of votes that are going to be
9 cast on... in the election will be received and
10 canvassed on election night. So we'll have a much
11 better sense next time than we did last time.

12 CHAIRPERSON UNG: Great. And that also includes
13 the ranked choice portion of it? Because I remember
14 election last year, we waited because the ranked
15 choice wasn't tabulated at the same time.

16 DIRECTOR RYAN: Right. So... So the... the round
17 by round: That is going to still be a continued
18 conversation. When do we... At what moment in time
19 do we conduct the round-by-rounds? Do we conduct
20 periodic, unofficial round-by-rounds in between
21 election night and certification? And that still is
22 going to be a conversation that will involve feedback
23 of the elected officials and the commissioners and
24 such to see... How should we do it, exactly?

2 CHAIRPERSON UNG: Thank you. And I'd love to
3 have that conversation with you, and please also keep
4 us posted of other conversations being had about
5 that.

6 DIRECTOR RYAN: Yes, we certainly appreciate it.
7 Thank you.

8 CHAIRPERSON UNG: Thank you. I'm good, with all
9 the questions.

10 DIRECTOR RYAN: Well, thank you all very much.
11 We appreciate it.

12 COUNSEL MURRAY: Okay, I'll now swear in our
13 second panel, which will include representatives from
14 the Campaign Finance Board. To all members of the
15 Campaign Finance Board who will be offering testimony
16 are available for questions, please raise your right
17 hands. Do you affirm to tell the truth, the whole
18 truth and nothing but the truth before this
19 committee, and to respond honestly to Councilmember
20 questions?

21 ALL PANEL: I do.

22 COUNSEL MURRAY: You may begin.

23 DIRECTOR LOPREST: Thank you, Chairwoman, members
24 of the Council... City Council, Governmental
25 Operations committee for the opportunity to testify

2 today. My name is Amy Loprest. I'm the Executive
3 Director of the New York City Campaign Finance Board.
4 I'm joined to the far right by Amanda Melillo, Deputy
5 Director of Public Affairs, who will deliver the
6 second half of our testimony and Allie Swatek,
7 Director of Policy and Research who is available to
8 answer questions.

9 As most of you know, the Campaign Finance Board
10 is a nonpartisan and independent agency tasked with
11 administering the city's matching funds program, NYC
12 Votes, an initiative of the CFB that works alongside
13 community organizations, volunteers, and other city
14 agencies to register, educate, and engage voters
15 across the city.

16 At the end of October after 16 years of executive
17 director and a combined 25 years with the agency, I
18 will be retiring from the CFB. It has been an honor
19 and a privilege to serve as a director... director of
20 the Campaign Finance Board. And I'm confident that
21 our strong partnership with the City Council will
22 continue into the future. I thank you for the kind
23 words that people have said about me, and I thank
24 Mike Ryan, director of the Board of Elections for our
25 great partnership of the many years.

2 This agency has contributed meaningful
3 improvements in city elections over the past few
4 decades. I'm particularly proud of our work in the
5 2021 election, which resulted in the election of the
6 most diverse City Council in history. 96% of the
7 newly elected members were participants in the public
8 matching funds program.

9 Under discussion today is Intro 696 of 2022,
10 which would make substantive improvements to ranked
11 choice voting ballot instructions and design. As
12 mandated by a 2019 New York City charter amendment,
13 the CFB conducted a voter education campaign leading
14 up to the 2021 ranked choice voting elections. Our
15 staff also conducted focus groups with New York City
16 voters, community leaders and nonpartisan experts to
17 craft a communication strategy. We ensured that RCV
18 information would reach and be understood by low and
19 high information voters, especially those in black,
20 Latino and limited English speaking communities. In
21 collaboration with the Center for Civic Design, one
22 of our primary partners, the CFB developed a bite
23 snack meal approach to educate voters about ranked
24 choice voting. With... with this approach, the CFB
25 created materials that met voters where they were,

whether they wanted a quick overview, or a detailed description of the vote tabulation process.

In late 2020, the CCD conducted in depth usability tests with New York City voters to fine tune RCV messaging for the pub luck. CCDs research also drove NYC Votes voter guide and website redesign. As result NYCvotes.org is more usable and accessible than ever before. The Campaign Finance Board and countless elected offices, organizations, community leaders and New Yorkers worked tirelessly to educate the public on ranked choice voting. We coordinated our communication strategy directly with the Board of Elections in the City of New York, the entity tasked with administering the elections. We also coordinated with the mayor's office, so our messaging remained consistent throughout the voting process.

Thankfully, the first ranked choice voting primary election was largely a success. Roughly 1 million people voted in the June 2021 primary, the highest turnout for a New York City local primary election in decades. Furthermore, 88.3% of ballots ranked some of the 374 candidates on the ballot, and 89.3% of Democrats and 56.6% of Republicans ranked

2 multiple unique candidates in at least one race for
3 the respective primaries. However, turnout rate
4 disparities between boroughs and further disparities
5 in ballot marking errors suggests that there is
6 more... much more to be done when it comes to voter
7 education and ballot design.

8 I will now turn it over to Amanda Melillo, who
9 will deliver the remainder of our testimony.

10 MS. MELILLO: Thank you, Amy. The CFB is pleased
11 to see that Intro 696 is informed by the Center for
12 Civic Design's guidance. The bill would mandate best
13 practices that make ballot instructions and headers
14 easier to read and ensure the information in non-
15 English languages is well positioned and legible. If
16 the bill passes, the text on the ballot would also
17 more closely resemble the language used in the CFBs
18 voter guide. Minor changes like these can
19 significantly improve accessibility and may also
20 reduce ballot marking errors. However, these changes
21 should comport with existing technology and software
22 acquired by the city BOE and we defer to their
23 technical expertise on which changes are possible.
24 The CFB supports Intro 696 and finds that our efforts
25 to improve RCV information accessibility will

2 complement the bill's measures. The vast majority of
3 voters filled out their ballots correctly in the 2021
4 primary, with only 1.2% of ballots having at least
5 one fatal overvote error. This occurs when a voter
6 marks two candidates for the same race as their first
7 choice, leading to that race being invalidated on
8 their ballot. This is also called first choice
9 overvoting.

10 During its first ranked choice voting election in
11 2004, districts in San Francisco experienced similar
12 overvote rates. Over the course of all RCV elections
13 held in San Francisco between 2004 and 2016, San
14 Francisco had an average first choice overvote rate
15 of 0.8%. A recent study by FairVote and the Ranked
16 Choice Voting Resource Center found that the first
17 use of a new ballot style, as New Yorkers experienced
18 in 2021, is naturally associated with a higher error
19 rate, so we might also expect to naturally see a
20 reduction in error rates as voters become accustomed
21 to RCV.

22 The Council districts with the three highest
23 fatal over-vote errors in any race for the June 2021
24 primary election were all in the Bronx. Council
25 districts 14, 16, and 17 had fatal error rates

2 between 3.2 and 3.8%. To address this issue, the CFB
3 plans to focus on these districts for our voter
4 education campaigns, partnering with community groups
5 to educate voters about the correct way to fill out
6 an RCV ballot in 2023 and 2025. These districts
7 already lie within our priority voter education
8 neighborhoods in Central and South Bronx.

9 Our other priority neighborhoods are in north
10 central Queens and south and southeast Brooklyn,
11 where ballot errors were not as frequent, but turnout
12 remains lower than the city's average.

13 The CFB is also working to reach communities with
14 limited English proficiency and provide greater
15 accessibility in future elections. The NYC Votes
16 website is currently available in English, Spanish,
17 Bengali, Korean, and traditional Chinese, the Federal
18 Voting Rights Act languages. Due to a recent law
19 passed by the Council starting on January 1, 2013,
20 all features of the website and the voter guide will
21 now be available in eight additional languages:
22 Russian, Haitian, Creole, Arabic, Urdu, French,
23 Polish, Hindi, and Punjabi. We will also offer
24 closed captioning and ASL interpretation among other
25 accessibility improvements for online voter guide.

1 We included recommendations to improve the way
2 election results are reported and data is released in
3 our 2021 voter analysis report. For example, RCV
4 election results could be published in stages similar
5 to how the city BOE published unofficial results in
6 2021. Additionally, we proposed changes that could
7 make it easier to analyze RCV data at the ballot
8 level, and consequently identify areas needing
9 additional outreach. This would include areas with
10 more frequent ballot marking errors. We are
11 discussing these two recommendations with the BOE and
12 look forward to continuing our strong partnership
13 with them in 2023.

14 We applaud the... the Council's Governmental
15 Operations Committee for taking steps to improve the
16 ranked choice voting experience. The Campaign
17 Finance Board reaffirms its commitment to educating
18 New Yorkers about RCV, and looks forward to working
19 with organizations, community leaders, and elected
20 officials, especially those within our priority
21 neighborhoods, as we approach future ranked choice
22 selections.
23
24
25

2 Thank you for the opportunity to testify today.

3 Allie Swatek, Amy Loprest, and I are happy to answer
4 any questions that counsel may have.

5 CHAIRPERSON UNG: Thank you. And a big thank you
6 to executive director Amy Loprest, and
7 congratulations.

8 DIRECTOR LOPREST: Thank you.

9 CHAIRPERSON UNG: I just have a few quick
10 questions. Actually... I... Thank you for your
11 testimony. I thought it was, you know, a very
12 insightful testimony about ways that RCV can improve
13 next year. So now that you do have the vote
14 experience for one year, what are the other
15 approaches you have to reaching out more and better
16 to the rest of the RCV voters?

17 MS. MELILLO: Yeah, that is an excellent
18 question. So we did collect a lot of feedback after
19 the 2021 elections. As Executive Director Ryan
20 mentioned, we actually had four bites of the apple of
21 trying to get ranked choice voting right. I think we
22 learned a lot about what we could improve. So
23 working with the Council on legislation that was
24 passed in 2021, we actually found that our most
25 popular and most requested material was the large

2 print handouts that we created in all languages. So
3 we know we are certainly going to emphasize that next
4 time around. I would also say that the biggest piece
5 of critical feedback that we received was that we
6 simply weren't translating into enough languages. So
7 we think that that is going to be significantly
8 improved when we're adding eight additional languages
9 next time around. Another thing I would say is that
10 we are... after legislation passed by the Council
11 early... earlier this year, in addition to adding a
12 language access team in the public affairs division,
13 we are also adding to our partnerships and outreach
14 staff to be able to increase our community engagement
15 beyond the level of staffing that we had in 2021. So
16 we have hired and onboarded new people. They are
17 already out, like, contacting folks in the community
18 and identifying organizations that we know are going
19 to be key to us continuing these efforts.

20 CHAIRPERSON UNG: That's great to hear. So there
21 are no issues with staffing? Because right now,
22 there seems to be a... a tightening of the labor
23 market, especially with the ability to speak multiple
24 languages. So that's not been an issue so far?

2 MS. MELILLO: Um, you know, I certainly defer to
3 Amy on talking agency-wide. I can only speak to the
4 staff we are hiring and Public Affairs, I think one
5 thing that we have observed is that we are seeing
6 fewer applications across the board. I think we all
7 know that government hiring is becoming more
8 challenging, retention is becoming more challenging.
9 We aren't seeing as many problems on the retention
10 side, as far as I can tell.

11 While we are getting fewer applications, we have
12 still been very lucky in that we have been able to
13 get excellent... excellent applicants. And we have
14 you know, really focused our recruitment efforts, I
15 would say also on making sure that we're hiring folks
16 from the communities that we want to be sure that
17 we're serving. So I am... I could not be happier
18 with the staff that we have onboarded, all of whom I
19 think are fantastic.

20 CHAIRPERSON UNG: Well, that is actually great to
21 hear. So one last question. You know... you... you
22 did say in the testimony, I think we all believe this
23 is true: That you know, working with a community
24 based organizations, all the different communities,
25 reaching the ones that speak the language is very

1 important. Have you thought about any ways to
2 improve that? Change your approach to make it better
3 for next year?
4

5 MS. MELILLO: Another excellent question. So I
6 actually want to circle back to a point Councilmember
7 Hanif was making earlier in the hearing, because one
8 of the things that we are thinking about a lot,
9 particularly with regards to language access... And
10 the discussions we're having a lot in the division
11 right now is how to do transcreation rather than just
12 translation. Our model has been -- unlike the Board
13 of Elections, we do not have in house translators, we
14 have always relied on vendors both for an initial
15 translation and for QA after the facts. So we
16 certainly have gotten feedback from community members
17 that like maybe translations weren't quite right, or
18 didn't resonate quite well. So I think one of our
19 strategies to be able to address that is first of
20 all, actually adding a language access team, which
21 I'm thrilled about because we have not had that
22 before. And they really bring in excellent insights
23 as to how to create more culturally competent
24 materials.
25

2 But one of the things actually our senior team
3 was discussing just yesterday was how we can be
4 building in feedback mechanisms, not just as the
5 election is going, but earlier on. So I actually
6 think that... that was a great example of how ranked
7 choice voting could be difficult to communicate about
8 in different communities or in different languages.
9 And I think one of the takeaways I would draw from
10 that is that when we know these changes are going
11 into effect, it's actually really important to start
12 those conversations earlier, and have them be
13 proactive rather than reactive, and start to engage
14 community members from the get go to think about what
15 is the way that we can actually, like, translate this
16 information, but also in a way that makes sense to
17 different communities in a way where maybe just
18 translating the words doesn't quite work the same
19 way? So that is my biggest takeaway, I think.

20 CHAIRPERSON UNG: No, that's great. And I do
21 agree with that. Literal translations doesn't...
22 actually doesn't work well, in many settings, and
23 really does not work well in the election settings.
24 So I think it's great from what you're saying.
25 You're working with the community groups to get that

2 feedback before, you know, when working with any
3 translations.

4 MS. MELILLO: Yeah, absolutely.

5 CHAIRPERSON UNG: Great. And we could talk about
6 this later, but... I don't know. Do you have a list
7 of all the community groups you're working with?

8 MS. MELILLO: We are absolutely happy to provide
9 a complete list. Off the top of my head, there are a
10 few really strong partners I would love to mention.
11 So we have always worked with all three library
12 systems, the YMCA, and CUNY, and all of its campuses,
13 we also work with organizations such as Minquan[sp?],
14 the Hispanic Federation, Faith in New York, NY ADAPT,
15 and the Center For The Independence of the Disabled.
16 So those are some really strong partners we have. Of
17 course, me mentioning some partner organizations off
18 the top of my head is sure to leave many out. So
19 we're really happy to provide a list. And I would
20 also say that we really rely on partnering with
21 Councilmember offices, to help us further identify
22 groups in the community that we might not be
23 connected to. That was actually a really strong
24 connector source for us in 2021, in 2022. And also,
25 you know, looking ahead.

2 CHAIRPERSON UNG: Thank you. And I look forward
3 to that. I do look forward to seeing that list. I'm
4 happy in my office to work with you to identify more
5 groups that could be able to do that. Thank you.

6 And Councilmember Brewer has a few questions.

7 COUNCILMEMBER BREWER: Thank you, Amy. I don't
8 believe in retiring, as you know. I don't think
9 anybody should ever retire. Who picks...? I don't
10 want you to retire. Who picks the new person? How
11 does that process...? I worry about politics.

12 DIRECTOR LOPREST: So actually, yesterday, the
13 Board issued a press release announcing the new
14 Executive Director, who the board... the... you know,
15 the Campaign Finance Board, which is an independent
16 body, did a national search for a new Executive
17 Director and the new Executive Director is Beth
18 Rottman, who -- I'm going to get her current title
19 wrong... I think -- it's the National Director of
20 Money and Politics and Ethics for Common Cause, and
21 had previously, many, many years ago, around... left
22 in 2006, was at the Campaign Finance Board as the
23 Deputy General Counsel, left to be the startup
24 founder of the Connecticut Public Financing Program,
25 and so has great experience in both working locally,

2 on a statewide level and nationally with various
3 partners.

4 COUNCILMEMBER BREWER: we're still going to miss
5 you.

6 DIRECTOR LOPREST: Well, thank you, I appreciate
7 it. I will miss this too.

8 COUNCILMEMBER BREWER: So, you know, my question
9 you can imagine, I do not like that civic
10 participation. I fought them, I put money against
11 them. I don't believe in them. And I don't like
12 them, and they should go away. How do they work with
13 you? I mean, maybe you can't be as honest. But
14 since you're retiring, you can tell me?

15 DIRECTOR LOPREST: [laughs]

16 COUNCILMEMBER BREWER: Because there's too much
17 overlap, duplication. It makes no sense. They
18 should go away, that could save money.

19 DIRECTOR LOPREST: Well, I will say that, you
20 know...

21 COUNCILMEMBER BREWER: You don't have to be nice
22 about it anymore.

23 DIRECTOR LOPREST: [Laughs] Well, I will let, you
24 know, the people who are more directly work with them
25 speak too, but I will say that, I think we've carved

2 out a good relationship of, you know... they have...
3 you know, multiple mandates...

4 COUNCILMEMBER BREWER: None of which makes sense.

5 DIRECTOR LOPREST: And... and so...

6 COUNCILMEMBER BREWER: All of which duplicates
7 somebody else's work.

8 DIRECTOR LOPREST: And so they... so we have
9 carved out a good partnership so that, you know, the
10 voting work that we do. And when it was... When
11 Democracy NYC was a part of the mayor's office, and
12 now it's part of the Civic Engagement Commission, we
13 work very closely with the people at Democracy NYC to
14 make sure that the messages were consistent and clear
15 so that there weren't, you know, multiple...

16 COUNCILMEMBER BREWER: But they do the same thing
17 you do. They're trying to educate the voter. What
18 in the world is the difference?

19 MS. MELILLO: I would actually love to jump in
20 here, because I would say we're actually seeing less
21 duplication than we saw before when Democracy NYC was
22 also a standalone organization. So you had sort of
23 BOE, CFE, Democracy NYC, and CEC sort of all in the
24 same space. And we all worked very closely together
25 but could be very frank with each other about the

2 challenges of that, because we all had different...
3 different mandates, different directives from the
4 offices we worked for. So one of...

5 COUNCILMEMBER BREWER: But what do they do
6 differently than what you could do? Because really I
7 don't understand it.

8 MS. MELILLO: So actually, I would say they
9 are... we... I have had discussions with the
10 executive director about how we can coordinate better
11 so that we aren't overlapping work. And we really...
12 we had an honest conversation about what is it that
13 we uniquely bring to the table. And I think that
14 what I'm seeing now is that the civic engagement
15 commission is really focused on launching
16 participatory budgeting on a city wide basis...

17 COUNCILMEMBER BREWER: Which has nothing to do
18 with you?

19 MS. MELILLO: It has nothing to do with us, but I
20 would also...

21 COUNCILMEMBER BREWER: But all elected officials
22 can do it on their own, we do not need their input.
23 But that's not your comment. That's mine.

24 MS. MELILLO: And I would also say one of the
25 ways that CEC was very helpful during 2021 was that

2 they translated materials in languages that we
3 weren't currently translating into. Now that we will
4 be providing those translations, they are going to be
5 stepping back from that.

6 COUNCILMEMBER BREWER: I would hope.

7 MS. MELILLO: I would also say one of the things
8 they do that we do not is that pole site interpreter
9 program. That program is essentially going to have a
10 sunset date when the statewide-federal... uh, the
11 statewide Voting Rights Act kicks in. The language
12 access provisions will kick in in 2025, and the City
13 Board of Elections will be required to provide
14 interpreters at the poll sites, inside the poll sites
15 in more languages than they currently do. So once
16 that happens, you are no longer going to need to have
17 the same civic engagement commission program where
18 you have a separate set of interpreters outside the
19 polling site.

20 COUNCILMEMBER BREWER: So even more reason to
21 get rid of them, is what you're sort of saying.

22 MS. MELILLO: [Laughs] I cannot comment to that.

23 COUNCILMEMBER BREWER: I can. I can think of
24 lots of ways that we can save money. So the other
25 question I have is: Just in terms of outreach,

2 you've done, I think, a lot of great work. What
3 about the schools? I mean, the schools have so many
4 issues, is there something game-wise, et cetera, that
5 we could do so people understand ranked choice? I
6 don't know. But it does seem a place that maybe you
7 are doing work. It's a very large... but it's not
8 clear. Just so you know, I'm in every school. I
9 know every school in Manhattan. I have never heard
10 any principal talk to me about ranked choice voting.

11 MS. MELILLO: So I would say we have a really
12 fantastic youth engagement coordinator that partners
13 a lot with both the Department of Education, like on
14 an agency level and...

15 COUNCILMEMBER BREWER: Well, that's the first
16 problem.

17 MS. MELILLO: ...also individual schools. I'm
18 sure you can appreciate how challenging it can be to
19 actually get into the schools...

20 COUNCILMEMBER BREWER: But not if you call us.

21 MS. MELILLO: Yeah, so we are happy to... Like
22 often, again: These are sort of the connector areas
23 where we can get into schools that maybe didn't
24 necessarily happen before, because we always offer

2 but it does also rely on schools taking us up on our
3 offer...

4 COUNCILMEMBER BREWER: And they won't.

5 MS. MELILLO: ...and they have a lot of competing
6 concerns.

7 COUNCILMEMBER BREWER: Because they have so many
8 challenges, yup.

9 MS. MELILLO: They have a lot of challenges, they
10 have a lot of things they have to do. So you know,
11 we have a lot of fantastic partners among principals
12 and teachers. But we also know that there are more
13 areas that we can be...

14 COUNCILMEMBER BREWER: I would suggest working
15 through the Council or the CEC. Do not go through
16 the Department of Education. That's a big mistake.
17 Or go through the UFT, or the CSA. I always go to
18 them first. That's where you get action.

19 MS. MELILLO: We have multiple avenues. And we
20 look forward to...

21 COUNCILMEMBER BREWER: Yeah, but it's not
22 working. I'll be honest with you.

23 MS. MELILLO: ...working with you on that.

24 COUNCILMEMBER BREWER: I ask every teacher and
25 principal. They do not have any clue about this

2 instruction. And don't give it to that other
3 organization either.

4 How much did you spend on city wide media
5 campaign last... I guess in the last election in
6 2021? Do you have some number?

7 MS. MELILLO: Yeah. So specifically for the
8 advertising campaign, our media buy is around a
9 million dollars.

10 COUNCILMEMBER BREWER: Okay.

11 MS. MELILLO: When you were looking at what we
12 spent on ranked choice voting overall, I'd put it at
13 around \$2 million, not including staff time, because
14 a lot of that money went into not only the ad
15 creative, but also redesigning... doing research with
16 the Center for Civic Design, redesigning the voter
17 guide and our website according to that research, and
18 then actually paying for the development work to do
19 that, as well as creating a video and explainer
20 materials.

21 COUNCILMEMBER BREWER: Okay. Do you have any
22 analysis of the voter guide? It's... I know it's
23 hard. Many languages, many... much information. Do
24 you have any analysis?

25 MS. MELILLO: Um...

2 COUNCILMEMBER BREWER: It's a little hard to
3 read. I understand that it's complicated. I got it.

4 MS. MELILLO: So I'm not sure if you mean the
5 print guide or the online guide, because it's...

6 COUNCILMEMBER BREWER: Print. I'm talking about
7 print.

8 MS. MELILLO: Alright. So one of the things we
9 actually were just discussing yesterday is putting
10 the 2021 guide in front of community groups and
11 collecting feedback to think about how to improve the
12 guide...

13 COUNCILMEMBER BREWER: I think that would be
14 helpful...

15 MS. MELILLO: ...for 2023. I think we made a lot
16 of improvements in the 2021 guide over what we had
17 done before, in terms of simplifying and clarifying
18 information, and making sure that we were delivering
19 information voters absolutely want to see. But we
20 also know that we can always be doing better or we
21 can think about delivering things in ways like maybe
22 it just didn't make sense to people. So...

23 COUNCILMEMBER BREWER: I know how hard it is.
24 But there may be... I'm not a graphic artist. Can
25

2 you let us also have some input? Because we know
3 people that might have some suggestions.

4 MS. MELILLO: We would be happy to do that.

5 COUNCILMEMBER BREWER: Okay. Mike Ryan talked
6 about, you know, some of the analysis. I think he
7 had... I don't know that they've actually done one.
8 It sounded like they have read, and others have. So
9 I'm just wondering, is there additional data in... in
10 addition to what Mike Ryan talked about, seeing
11 whether the voters did a good job?

12 MS. SWATEK: Yes, I would love to speak about
13 that.

14 So we looked extensively at the CASBO record,
15 which was provided by the Board of Elections, as
16 required by law, for our voter analysis report in
17 2021, which was published this year in April. And
18 what the CASBO record shows, that the regular
19 election results do not, is the ballot level
20 information. So it's anonymized and you can't see an
21 individual... like a who voted that ballot, but it
22 does show the individual level votes of a ballot, and
23 the areas where that ballot was cast. So we were
24 able to look at what areas had a higher rate of
25 overvoting, which meant that their... their first

2 choice was, they voted for two people and their first
3 choice which invalidated that section of their
4 ballot. We also looked at instances of undervoting
5 where I believe that Councilmember Dinowitz was
6 speaking on this. Or perhaps it was you earlier.

7 COUNCILMEMBER BREWER: I think we both did, yeah.

8 MS. SWATEK: Yeah. About the fact that there
9 were folks who voted for a single candidate and then
10 didn't rank the rest of their ballot. Of course,
11 that's... that doesn't invalidate the ballot.
12 They're perfectly allowed to do that. And we can't
13 really opine on whether it's because they don't
14 understand ranked choice voting or because they just
15 sincerely wanted to vote for one person. So in doing
16 so, we're able to kind of identify areas where
17 additional outreach may be necessary for educating
18 those voters about ranked choice voting. Amanda
19 spoke on that in the testimony earlier.

20 COUNCILMEMBER BREWER: Three areas in particular.

21 MS. SWATEK: Yes, there were areas of the Bronx,
22 particularly that had a higher rate of overvoting.
23 But we have I believe, 21 neighborhood areas in our
24 priority neighborhood... neighborhoods list, that
25 some of which definitely also saw higher rates of

2 ballot error than others. So that's something we're
3 really looking forward to continuing to analyze and
4 be able to provide more information for folks on. So
5 read our voter analysis report for more information.

6 COUNCILMEMBER BREWER: Also, I do see your report
7 generally that you did on the election was excellent.
8 I didn't... I thought you needed some more
9 recommendations about the crazy way we had to fill
10 out forms. But it was an excellently... looking
11 report.

12 DIRECTOR LOPREST: Thank you. I just want to add
13 one more thing about our advertising, you know
14 that... you know to just point out one... in addition
15 to that bite snack meal approach, you know, when we
16 approach because we have both the mandate to educate
17 voters about ranked choice voting, and also to
18 encourage voters... people to actually get out and
19 vote, we intentionally created our materials that did
20 both of those things. So instead of just focusing
21 on, "This is how you do ranked choice voting," we
22 also made sure that all of our materials included
23 messaging that encouraged people to vote, why you
24 want to vote at all, and then of course, this new way
25 to vote. So that, you know, fits both our dual

2 missions, but also, I think it's more useful to
3 voters, because to get just a thing about ranked
4 choice voting, if you don't even know why it's
5 important to vote.

6 COUNCILMEMBER BREWER: So when you do the
7 analysis next, I guess it'd be looking at undervoting
8 and overvoting, but maybe some of the things that you
9 just mentioned also.

10 DIRECTOR LOPREST: Yup.

11 COUNCILMEMBER BREWER: To have more deeper
12 analysis...

13 DIRECTOR LOPREST: Yes.

14 COUNCILMEMBER BREWER: ...of why we're hardly
15 voting.

16 DIRECTOR LOPREST: Yes. Yes.

17 COUNCILMEMBER BREWER: That would be the other...
18 whether ranked choice helps or hurts or whatever.

19 DIRECTOR LOPREST: Mm-hmm.

20 COUNCILMEMBER BREWER: Okay, thank you. I don't
21 like that other organization, as you can tell. Thank
22 you.

23 CHAIRPERSON UNG: Great, thank you. I just have
24 one quick follow up question about the media... the

2 media campaign: How much of that is allotted to the
3 ethnic medias?

4 MS. MELILLO: I'm so happy you asked this
5 question, because I would say approximately half is
6 allocated to either community and ethnic media, or
7 in-language media. And I do want to draw that
8 distinction. Because what we have found is that the
9 way that the community and ethnic media policy is
10 drawn, there are a lot of very large in-language
11 outlets that will never be counted because they have
12 corporate ownership. So I think Univision and
13 Telemundo are great examples. We know those are
14 incredibly important outlets in the Spanish language
15 communities around the city. Those are not included
16 in the formula for community and ethnic media. So I
17 would say overall, about 33% of our ad spending is in
18 outlets that are covered, but then I went and
19 identified an additional 161,000 that was an outlets
20 covering Spanish, Mandarin, and Korean that were not
21 counted in that formula.

22 MS. SWATEK: And Executive Director Ryan from the
23 Board of Elections spoke about geofencing and social
24 media. That's also something that is not counted
25 towards the percentage in that community and ethnic

2 media policy. So we do a lot of advertising that
3 are... that's geofenced in language specifically for
4 folks who live in those areas that speak those
5 languages. And that's particularly important for us,
6 because our mandate requires us to reach
7 underrepresented groups.

8 Of course, we know that youth vote at a much
9 lower level than the rest of the population. And
10 they're more likely to be on social media as well.

11 CHAIRPERSON UNG: If it's possible, it would be
12 great if I could get the list of all the different
13 outlets that that there has been advertising on.
14 Thank you.

15 MS. MELILLO: Absolutely.

16 CHAIRPERSON UNG: I'm good. You're all good
17 here. Thank you.

18 MS. MELILLO: Thank you very much.

19 COUNSEL MURRAY: We will now turn to public
20 testimony. Our first panelist will be Susan Lerner.
21 After that, I'll be calling on three zoom panelists:
22 Sean Johnson, followed by Whitney Quesenbery, and
23 then Chris Hughes. For the Zoom panelists, I will
24 call on you when it is your turn to speak.

2 MS. LERNER: Thank you. Good morning. Thank you
3 very much for this opportunity to be heard. And
4 thank you very much for the introduction of Intro
5 696, and the Council's concern about ranked choice
6 voting. I'm Susan Lerner. I'm the Executive
7 Director of Common Cause New York and Board Chair for
8 Rank the Vote NYC. Both organizations that work to
9 pass ranked choice voting in the 2019 referendum
10 and... who worked with numerous community partners to
11 make the 2021 introduction of ranked choice voting in
12 New York City successful. I... My written testimony
13 concentrates on Intro 696. But listening to the
14 Council's questioning, I realize there's additional
15 information which I will supplement that includes the
16 exit polling which Rank the Vote NYC did for exit
17 polling, questioning the voters on the June primary
18 after they had voted, which shows a very high level
19 of satisfaction with ranked choice voting, in the 90
20 percentiles, and also questioning voters about their
21 use of ranked choice voting, where we found that over
22 80% of the voters who participated in the poll told
23 us that they ranked at least one candidate. And we
24 have specific questions where we asked the voters who
25 indicated that they had ranked only one candidate,

2 whether they did that deliberately. And the vast
3 majority of voters who ranked only one candidate told
4 us that they rank... they knew they had the ability
5 to rank but they chose to vote for only one.

6 And so I think that there is a general sense that
7 the introduction of ranked choice voting was
8 successful.

9 I want to acknowledge the really open and ongoing
10 collaboration which our organizations had with both
11 the Board of Elections and with the CFB. The
12 conversation started in 2020. It was a very open and
13 collaborative dialogue that continued all the way
14 through and past the election, and I think led to...
15 was a significant contributor to the success of
16 ranked choice voting.

17 I also want to provide, in supplementing my
18 testimony, a link to a study that was done by CUNY.
19 We at Common Cause, with the assistance of some
20 national funders, have been able to grant to some
21 academic institutions to dive into the experience
22 which voters had with ranked choice voting, and CUNY
23 did a detailed analysis. There'll be additional
24 reports... academic analysis coming out from other
25 institutions in the next year or so. But right now

2 we have the CUNY analysis, which I think supplements
3 what the CFB has told us in terms of how voters
4 actually interfaced with ranked choice voting, and
5 how many voters did indeed use ranked choice voting.

6 So in my remaining time, I would like to just
7 point out some aspects of Intro 696, to acknowledge
8 that the board worked very closely with us in the
9 Center for Civic Design and designing the 2021 ranked
10 choice voting ballot. I was very pleased that the
11 board went ahead and did a mock-up of how the ballot
12 would be changed, and we believe improved, if 696
13 were the law.

14 And I would like to point to one factor, and then
15 I'll let my written testimony stand for the rest of
16 it, which is that we have been doing a lot of work at
17 Common Cause New York regarding readability and how
18 language appears on the ballot, both for instructions
19 and for measures where the voters have to make a
20 determination. And we took the existing charter
21 language and ran it through a website which assesses
22 the readability and the existing charter language
23 comes out at an eighth grade reading level, which is
24 definitely acceptable. But that is the maximum
25 complicated reading level that we advocate should be

2 on the ballot or provided to voters. The language
3 that 696 would place on the ballot shows a reading
4 comprehension level of the second grade reading
5 comprehension, which means that it is particularly
6 clear and particularly easy to translate. And we are
7 particularly excited with the way in which the
8 changes in 696 would assist voters who speak more
9 than one language, who are non-English-proficient
10 voters.

11 So thanks to the Council for the introduction,
12 look forward to working for the passage of this bill,
13 and then working with the board to be sure that it is
14 implemented in the most positive way possible.

15 CHAIRPERSON UNG: Thank you, Susan. Thank you so
16 much for your hard work. I do not have any
17 questions. Councilmember Brewer?

18 COUNCILMEMBER BREWER: No.

19 CHAIRPERSON UNG: Thank you.

20 MS. LERNER: Thank you.

21 COUNSEL MURRAY: Thank you. We'll now hear from
22 three Zoom panelists. First, I'll be calling on Sean
23 Johnson, followed by Whitney Quesenbery, and then
24 Chris Hughes. Sean Johnson, you may begin when
25 ready.

2 SERGEANT AT ARMS: Time has begun.

3 MR. JOHNSON: Good morning, everyone. Thank you
4 Councilmembers for the opportunity to speak to you
5 about implementing important changes to ranked choice
6 voting ballots in New York City. My name is Sean
7 Isamu Johnson. I'm a designer and researcher at the
8 Center for Civic Design. I'm also the lead for plain
9 language and an expert on forms and instructions for
10 voters. The Center for Civic Design is a 501(c)(3)
11 nonprofit. We're nonpartisan. Our main goal is to
12 make elections work for everyone. Our approach is to
13 combine best practices, solid design research, and
14 our years of experience in elections to improve the
15 voting process. We work directly with elections
16 offices across the country, large and small. We've
17 helped these offices design better voter guides,
18 vote-by-mail envelopes, all kinds of election forms
19 and notices, and most relevant today, ranked choice
20 voting ballots.

21 Our experience in designing ranked choice voting
22 materials is vast. We were proud to support the
23 successful first ranked choice voting election in New
24 York City. Our work included usability research with
25 English and Spanish speaking voters before the

2 election, design advice to the Campaign Finance
3 Board, Board of Elections, and others, developing
4 voter education and ballots and interviews with
5 voters after their first ranked choice voting
6 experience.

7 We also worked in Alaska this year and then
8 consulted with officials in and advocates in
9 Colorado, DC, Georgia, Virginia and Washington.

10 Through our research over the last six years,
11 we've seen that voters understand the basic action of
12 ranked choice voting. As one voter told us, "It
13 feels good to have another choice." And when ballots
14 and information are well designed, voters are able to
15 confidently cast their vote and make their voices
16 heard.

17 But even though voters generally understand how
18 ranked choice voting works, there's always room for
19 improvement, which is what this bill is all about.
20 And although all New York City voters will benefit
21 from the improvements in this bill, it's the most
22 vulnerable voters who will benefit the most. And
23 there are a few ways that this bill would do that.
24 First, this bill requires that the instructions be
25 shorter and clearer. Plain language instructions are

2 easier to understand for low literacy readers, rush
3 readers, and voters who speak English as a second
4 language. And when the instructions are shorter, it
5 leaves more space on the ballot for larger text, and
6 other visual layout components. All of these things
7 amount of ballot that's easier to read. When ballots
8 are written in plain language, voters vote them more
9 accurately. Voters also prefer plain language
10 ballots over traditional language ballots. And these
11 effects endure through translation. In other words,
12 plain language facilitates better translations.

13 This leads me to the second way that this bill
14 would help New York City voters. New York City is
15 the most linguistically diverse city in the world.

16 SERGEANT AT ARMS: Time has expired.

17 MR. JOHNSON: In that case, I'll just wrap up by
18 saying: These small changes to an already effective
19 ballot, and thank you for your time.

20 COUNSEL MURRAY: Thank you very much. I'll now
21 call on Whitney Quesenbery to testify, followed by
22 Chris Hughes. Whitney Quesenbery, you may begin when
23 ready.

24 MS. QUESENBERY: Hi. Thank you for the
25 opportunity. I was primarily here to backup Sean

2 Johnson, and his excellent testimony. I think the
3 only thing that I would add is that, in the work in
4 2021 in New York City, we were really pleased to see
5 the collaboration among the many groups that touch
6 voters, both within the government and outside of it.
7 And that... How important the consistency of the
8 message about how to ranked choice voting... how
9 ranked choice voting, and what it is... is to voters
10 in being able to trust and believe the information
11 that they hear. Thank you.

12 COUNSEL MURRAY: Thank you. I'll now be calling
13 on Chris Hughes, followed by L Joy Williams, and then
14 Taina Wagnac. Chris Hughes, you may begin when
15 ready.

16 SERGEANT AT ARMS: Time has begun.

17 MR. HUGHES: Honorable Chair and members of the
18 Committee on Government Operations, thank you for the
19 opportunity to provide virtual testimony to the
20 committee today. As mentioned, my name is Chris
21 Hughes. I'm the Director of Policy at the Ranked
22 Choice Voting Resource Center. My Testimony also
23 focuses on Bill Number 696. And I'll run through it
24 quickly as a lot of these points have already been
25

2 hit by everybody. But I think it helps to have us
3 here too.

4 So I'm here representing a coalition of
5 nonpartisan pro-democracy organizations and ranked
6 choice voting experts, including Fair Vote, Represent
7 Us, and Democracy Rising. We urge the committee to
8 advance this Bill Number 696 to improve ranked choice
9 voting ballot designs in New York City for all the
10 reasons that Sean, and Whitney, and Susan just
11 covered.

12 In sum, the update to New York City's ranked
13 choice voting law ensures that all voters will
14 receive clear and effective ranked choice voting
15 instructions. Research shows that plain language in
16 general voter instructions help voters cast their
17 ballots, and that's especially true in ranked choice
18 voting, especially when it's a... still a new novel
19 voting method for voters.

20 While New York City voters in 2021 experienced
21 low error rates and overwhelmingly reported
22 understanding ranked choice voting and that exit poll
23 that Susan mentioned, clear instructions will enable
24 even more voters such illiteracy or limited-English-
25 proficiency voters to cast effective ballots in the

2 city's next ranked choice voting elections. These
3 revisions will also decrease the length of the
4 instructions required which will allow for more
5 effective use of ballot space in these ranked choice
6 voting elections.

7 Additionally, as Sean mentioned, these revisions
8 will further enfranchise voters whose first language
9 is not English. Clearly differentiating the multiple
10 languages on a ballot will make it easier for voters
11 to identify their language of choice on ranked choice
12 voting ballots. These updates to the charter ensure
13 that all voters regardless of their preferred
14 language, have the best opportunity possible to make
15 their voices heard in New York City's primary
16 elections.

17 Thank you for your commitment to ensuring New
18 Yorkers can cast an effective ranked choice voting
19 ballot. We look forward to working with you to
20 advance this legislation and to support the city's
21 ranked choice voting implementation. Thank you.

22 CHAIRPERSON UNG: Thank you for your testimony.
23 Just one quick follow up question. Have you worked
24 with the BOE to help them use the tabulation software
25 before? Oops.

2 COUNSEL MURRAY: Give us a second to unmute you.

3 MR. HUGHES: Yeah, so we... we worked with the
4 BOE in the certification process to get RC-Tab, the
5 software that was used to actually conduct the round-
6 by-round count in the city to get it certified at the
7 state level, but we... we didn't work with them after
8 certification. And there were stories in the press
9 at around the time of the election that covered more
10 details there. But that's... that's what I can say
11 today.

12 CHAIRPERSON UNG: Thank you.

13 COUNSEL MURRAY: I'll now be calling on L Joy
14 Williams to testify, followed by Taina Wagnac, and
15 then Glen Bolofsky. L Joy Williams, you may begin
16 when ready.

17 SERGEANT AT ARMS: Time has begun.

18 MS. WILLIAMS: Good morning. And thank you so
19 very much to the committee for inviting me to
20 testify. I am President of Brooklyn NAACP, and also
21 serve as the legislative director for the New York
22 State Conference of branches of the NAACP. We are
23 also in support of any legislation and policy that
24 would make the process of people casting their ballot
25 easier and more easy to understand. The only issue I

2 would raise that has not been raised, because I don't
3 want to use my time on the issues we've already
4 discussed, is regarding the font of the ballot, which
5 a number of our members across the city made of an
6 issue in terms of our follow up with them as to their
7 understanding, not only of the ranked choice voting
8 process, but them being able to understand by able to
9 actually read it. And so as we redesign, I would ask
10 that we also include the font that we use to ensure
11 that people can actually read the new, more clear
12 instructions as well. However, we also... We
13 obviously support the legislation and look forward to
14 his passage to make this process more smooth. Thank
15 you.

16 CHAIRPERSON UNG: Thank you for your testimony.
17 Can you describe a little bit what made the font hard
18 to read? Is it the size? Or is it the actual font
19 that's used?

20 COUNSEL MURRAY: Just bear with us while we
21 unmute you.

22 MS. WILLIAMS: Thank you. It's the size. The
23 size is definitely a challenge. And while we know
24 that there are the magnifying sheets, that allow for
25 people at people to be able to use them in order to

2 cast their ballot, that then obviously adds time.
3 That also is not always available. Most people
4 concentrate that towards seniors, but there are all
5 sorts of people from all walks of life who have
6 visual challenges, and not being able to see the size
7 of the font. And so I reading the text it didn't...
8 I didn't see anything about the size of the fonts
9 indicated in there. Obviously, just the clearer
10 directions for RCV itself. But I think that is also
11 of concern.

12 COUNSEL MURRAY: Thank you. I'll now be calling
13 on Taina Wagnac to testify. After that I'll be
14 calling on Glen Bolofsky. Taina Wagnac, you may be
15 getting ready. xxx

16 SERGEANT AT ARMS: Time has begun.

17 MS. WAGNAC: Thank you very much. Bonjour, tout
18 le monde. Good morning. My name is Tiana Wagnac,
19 and I am the Senior Manager of Local Policy and
20 Legislation at the New York Immigration Coalition,
21 which is an umbrella policy and advocacy organization
22 that works statewide with over 200 immigrant-serving
23 member organizations. And we want to take the time
24 to thank the incomparable Chair Ung and the members
25 of the City Council Committee on Governmental

2 Operation for convening this important hearing,
3 giving us the opportunity to testify and discuss a
4 little bit of the concerns.

5 Obviously, I am here today to urge the committee
6 to pass Intro 696. Myself and the NYC, we have long
7 supported ranked choice voting as we are deeply
8 committed to ensuring diversity among our city's
9 elected representatives, and we believe that ranked
10 choice voting empowers voters by making our voting
11 system much more responsive to the choice of each
12 voters.

13 And although we should take the time to
14 acknowledge and celebrate our... the outcomes from
15 the 2021 election, as we've all mentioned, there's
16 some tweaks that we should be mindful. The first be
17 conducting more in language outreach and education in
18 limited English proficient communities, since you
19 know, ranked choice voting is confusing as it is to
20 English speakers. So imagine you be very confusing
21 and difficult to non-English speakers as well. So
22 information should be distributed to more... in
23 multiple languages, including information on voter
24 registration.

2 Again, the second point is public messaging
3 should emphasize to voters that they can choose more
4 than one candidate to vote for. The CBF... The
5 panelists they spoke on this a little bit. A lot of
6 people that still like one for one candidate, do so
7 by their own choosing, but many individual many
8 voters they don't fully understand the process. So
9 they don't know that they can select multiple
10 individuals. And so we should emphasize that in
11 public messaging and use the verb rank versus vote,
12 distribute in-language information about ranked
13 choice voting using multiple mediums, newspaper, TV,
14 radio, social media, subway ads, using visual aids,
15 in order to aid voters to understand the process,
16 creating information, informational guides on
17 candidates and issues on the ballot. We believe that
18 will give voters more information to learn about
19 their favorite candidates and to choose and to learn
20 about the position of such candidates on issues, and
21 most importantly, and we've raised that point it's
22 been raised before but having interpreters at both
23 sites. In-language materials cannot replace the
24 critical work that an interpreter is able to do. By
25 having an interpreter at both sites, it could greatly

2 increase the confidence of voters of knowing how to
3 make their... their choices or to be even be more
4 willing to come out and vote in person.

5 SERGEANT AT ARMS: Time has expired.

6 MS. WAGNAC: And all in all, just to say that,
7 again, thank you to the Council and the Committee for
8 putting this legislation forward. And we look
9 forward to continuing to work together with the
10 members on posting more information. Thank you for
11 this time.

12 COUNSEL MURRAY: Thank you. Our next panelist
13 will be Glen Bolofsky. And I believe that's the last
14 registered panelist who is in attendance. So if
15 there's anyone on the Zoom, who is hoping to testify
16 and hasn't had the chance, please use the zoom raise
17 hand function. If there's anyone in the audience,
18 please speak to the sergeants. Glen Bolofsky, you
19 may be getting one ready.

20 MR. BOLOFSKY: Good... uh... morning, still. Can
21 you hear me well?

22 COUNSEL MURRAY: We can hear you. Yes.

23 MR. BOLOFSKY: Thank you. I appreciate the
24 opportunity to appear today. And I thank the
25 Chairwoman and the committee members and central

2 staff for their help today. Government Operations
3 encompasses many things. Primarily all the voting
4 rights, which is, of course, primary to our
5 democracy. So I really appreciate the opportunity
6 for the various coalitions on immigration who are
7 here today. My family's immigrants. Most of us are.
8 And I think we have to make sure that we do
9 everything. And the point that was made about the
10 font. I'm a publisher. If the font is wrong, it's
11 just not legitimate. So that's really needs to be
12 addressed. I'm here primarily to address the
13 government operations on another area, parking
14 tickets in particular. Every Councilmember I speak
15 to is amazed to learn that there are no virtual
16 hearings allowed in terms of the operations of our
17 government at the parking violations bureau. This is
18 known in my language as a Shaanda. It is it is an
19 embarrassment on our system requiring people to drive
20 or... or travel far distances to get a hearing.
21 Every other court does it including the Office of
22 Administrative Trials and Hearings, the New York
23 State Supreme Court. This hearing today is on Zoom.
24 It is a fundamental... it's becoming a fundamental
25 right. We'd like to see some proclamation or local

2 law, whether it's enforceable or not, to send a
3 message to the Parking Violation Bureau to please
4 join us in the 21st century and get with it.

5 The second issue about government operations
6 reflecting and dealing with the parking violations
7 bureau. Then I have a third one very quickly on DOT.

8 In terms of the parking violations Bureau is
9 this. They have a program in place to benefit the
10 largest companies, the biggest offenders who get the
11 most tickets where they get automatic discounts that
12 none of us here get. It just seems wrong on the face
13 of it. It is wrong. And the PVB has put out opinion
14 letters recently in the New York Daily News that
15 despite that they gave away \$750 million... \$750
16 million over the last many years to the... most of it
17 to the biggest offenders, is just incredible. In my
18 mind, it's discriminatory because on one hand,
19 they're giving away very blatant discrimination. And
20 here's why. On one hand...

21 SERGEANT AT ARMS: Time has expired.

22 MR. BOLOFSKY: I wish I had a one minute warning.
23 Let me just finish my thought, please, that other
24 \$750 that they gave away... the \$750 million, why are
25 they doing that when they are enforcing tax liens on

2 our poorest members of our society? And lastly,
3 government operations, DOT, why our parking signs
4 still from 1950? Can we have LED signs in multiple
5 languages so all of our residents can hear them.
6 Thank you for the extra time and I appreciate the
7 opportunity.

8 COUNSEL MURRAY: Thank you. And for the record,
9 I don't see any hands raised on the Zoom and no one
10 else has come up in person to testify. So I'll turn
11 it over to the Chair to close this out.

12 CHAIRPERSON UNG: I want to thank everybody for
13 their testimony today. And I think I speak for
14 everyone when we look forward to a new ballot next
15 year.

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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 10/10/2022