

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE

AND FEDERAL LEGISLATION

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS, STATE AND FEDERAL
LEGISLATION

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December 4, 2024
Start: 1:09 p.m.
Recess: 4:43 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Lincoln Restler, Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
David M. Carr
James F. Gennaro
Shahana Hanif
Vickie Paladino
Lynn C. Schulman
Inna Vernikov

OTHER COUNCIL MEMBERS ATTENDING:

Julie Menin

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE
AND FEDERAL LEGISLATION

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A P P E A R A N C E S

Michael Ryan, Executive Director of the New York
City Board of Elections

Paul Ryan, Executive Director of the New York
City Campaign Finance Board

Susan Lerner, Executive Director Common Cause NY

Marina Pino, attorney at the Brennan Center for
Justice at NYU School of Law

Ben Weinberg, Director of Public Policy,
Citizens Union

Janine Guzzon, Senior Development Manager at the
Crime Victims Treatment Center

Orlando Ovalles, Northeast Director of Civic
Engagement with NALEO Educational Fund

Claire Stottlemire, Legal Aid Society and member
of the Vote in New York City Jails Coalition

Raquel Bates, Executive Director of the Voices of
Women Organizing Project

Kathleen Collins, Co-Coordinator at Downstate New
York ADAPT and member of the Greater New York
Council of the Blind

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE AND
FEDERAL LEGISLATION

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2 SERGEANT-AT-ARMS: Check, check. This is a
3 microphone check for the Committee on Government Ops
4 located in the Committee Room recorded by Patrick
5 Kurzyna on the 12th of...

6 UNIDENTIFIED: Hi, I can hear you on Zoom.
7 Can you see if Audacity works?

8 SERGEANT-AT-ARMS: Yeah, there was an
9 issue earlier, but it looks like it's working now.

10 UNIDENTIFIED: Okay, just double checking.

11 SERGEANT-AT-ARMS: Check, check. This is a
12 microphone check for the Committee on Governmental
13 Operations, State and Federal Legislation located in
14 the Committee Room recorded on December 4, 2024 by
15 Patrick Kurzyna. Check, check.

16 UNIDENTIFIED: Thank you, I can hear you
17 on Zoom.

18 SERGEANT-AT-ARMS: Good afternoon, and
19 welcome to the New York City hybrid hearing on the
20 Committee on Governmental Operations, State and
21 Federal Legislation.

22 Please silent all electronic devices at
23 this time.

24 Also, there will be no food or drink in
25 the Committee Room.

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE AND
FEDERAL LEGISLATION

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Please do not approach the dais at any
time. If you do have any questions, please raise your
hand, and one of the Sergeant-at-Arms will kindly
assist you.

Thank you very much for your kind
cooperation.

Chair, we are ready to begin.

CHAIRPERSON RESTLER: [GAVEL] Good
afternoon. My name is Lincoln Restler, and I am the
Chair of the Committee on Governmental Operations,
State and Federal Legislation. I'd like to welcome my
Colleagues who have joined us today, Council Member
Gale Brewer, Council Member Julie Menin, and Council
Member Lynn Schulman. Thank you for being here.

Today, we are holding an oversight
hearing on the New York City Board of Elections and
Campaign Finance Board's preparations for the June
2025 elections. 2025 is a pivotal election for the
future of New York City. The nation is swearing in a
{resident who traffics in disinformation about
federal election interference and, for the first time
ever, our city is under the leadership of an indicted
Mayor, and voters will likely be determining his
successor, and the Members of the City Council will

1 indeed be electing a new Speaker. There is less
2 confidence today in our electoral process and the
3 integrity of our institutions than perhaps ever
4 before. It's critical that the Board of Elections and
5 Campaign Finance Board are ready and resourced to
6 safeguard democracy and ensure fair and efficient
7 elections in 2025. All eyes are on the Campaign
8 Finance Board's imminent determination of
9 disbursement of public matching funds for 2025
10 campaigns. New York City has been a national leader
11 in campaign finance reform for decades, and the
12 reputation and credibility of our Campaign Finance
13 Board is very much at stake with this decision. I
14 hope that today we will fully unpack the legal
15 authority of the CFB to withhold millions of taxpayer
16 dollars to a campaign that is apparently rife with
17 corruption.

18
19 I am pleased that early voting was a
20 resounding success this past November. Early voting
21 turnout was up. Over one million New Yorkers indeed
22 voted early, more than ever before. Energy was high
23 at Borough Hall, where I voted early with my wife.
24 During the nine days of early voting at this location
25 in Brooklyn Heights, there were steady lines out the

1 door, there were warm and helpful staff, and
2 everybody in the room cheered when first-time voters
3 made it to a desk to vote.
4

5 While it was a great voting experience
6 for my family, that wasn't true for all. There were
7 isolated incidents of long wait times and some
8 scanning issues, particularly in Queens. These are
9 issues that can sow confusion and undermine
10 confidence in our voting system. We want to make sure
11 that we understand what went wrong and that the BOE
12 has plans in place to prevent future incidents.

13 Forty years ago, New York City regularly
14 saw 80 percent turnout for presidential elections and
15 50 to 60 percent turnout for mayoral elections.
16 Turnout for the November Presidential election was 59
17 percent. Turnout for the last competitive Mayoral
18 election in June of 2021 was 27 percent for the
19 primary and 23 percent in November for the general.
20 That is abysmal. Abysmal. While we are making steady
21 progress in registering new voters, we are failing to
22 get more New Yorkers to the polls. I'm keen to hear
23 from the CFB and the BOE on how we can increase voter
24 turnout in New York City this coming June.
25

I hope we can use the time today to ensure New York City is preparing to be a model in election operations for how to do things ethically, efficiently, and effectively.

We also will be hearing several pieces of legislation, including a prohibition of AI-generated content preceding elections, sponsored by Council Member Menin, increasing voter registration of young adults, sponsored by Council Member Stevens, privacy protections for voters who are survivors of domestic violence, sponsored by Council Member Brewer, and more.

With that, I'd like to thank the Governmental Operations Staff, our Committee Counsel, Jayasri Ganapathy and Erica Cohen, for their hard work in preparing for this hearing. I'd like to thank my Communications Director, Nieve Mooney, for doing a stellar job as always, and I'd especially like to thank my Chief-of-Staff, Molly Haley, who is the brains behind this operation.

I will now turn it over to my Colleagues to give opening remarks on their bills. We'll start with Council Member Brewer, the prime sponsor of Intro. 565, which would amend the Charter to provide

1 survivors of domestic violence with guidance on
2 making their voter registration records confidential.
3 Thank you so much, and now to Council Member Brewer.

4
5 COUNCIL MEMBER BREWER: Thank you very
6 much. I want to particularly thank Cynthia Hornig
7 from my office and others who work in this field for
8 thinking that there are examples, perhaps of many
9 people who are supposed to be not visible to their
10 accuser, somebody who is obviously harassing them and
11 has brought them to a safe place, mostly sponsored by
12 Safe Horizon or other non-profits where they will not
13 be tormented and perhaps killed by whoever is
14 tormenting them, and there are state legislations
15 that have passed, but it has not completed the issue
16 of voting, and so this particular piece of
17 legislation fills a gap and hopefully will pass, and
18 then people hopefully will be able to vote. It's an
19 example of, I think, a community and population
20 that's not often thought of, and I really want to
21 thank everybody, particularly Cynthia Hornig, who
22 made sure that this population is not forgotten when
23 we're voting. Thank you very much.

24 CHAIRPERSON RESTLER: Thank you so much,
25 Council Member Brewer, a former Chair of this

1 distinguished Committee. I'll now pass it over to
2 Council Member Lynn Schulman, who is the prime
3 sponsor of Intro. 1111, which would adjust the CFP
4 contribution and expenditure limits to account for
5 two-year Council terms, smart piece of legislation
6 from Council Member Schulman.
7

8 COUNCIL MEMBER SCHULMAN: Thank you very
9 much, Chair. When the City Council first passed the
10 Campaign Finance Act, the provision that capped
11 expenditures for Council and Citywide offices called
12 for the cap to be increased every four years based on
13 the Consumer Price Index. The four-year figure came
14 from the fact that Citywide and Council offices have
15 four-year terms as a general rule. However, the Law
16 did not account for an anomaly that occurs every 20
17 years in which Members of the Council serve two two-
18 year terms because of redistricting of Council lines
19 as a result of the U.S. Census. To rectify this issue
20 and bring equity to Council elections that occur
21 within this rare circumstance, Intro. 1111 changes
22 the frequency with which the Campaign Finance Board
23 recalculates contribution and expenditure limits to
24 account for changes in the Consumer Price Index from
25 once every four years to once every local general

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2 election. I look forward to passing this legislation
3 soon and want to thank Chair Restler for hearing this
4 bill and for his support of these efforts to bring
5 equity to City Council elections. Thank you, Chair.

6 CHAIRPERSON RESTLER: Thank you so much.

7 Now, I would like to introduce Council Member Julie
8 Menin, the prime sponsor of Intro. 293, which would
9 prohibit the dissemination of materially deceptive
10 audio or visual media, AI-generated content in local
11 elections. Thanks so much, Council Member Menin.

12 COUNCIL MEMBER MENIN: Thank you so much,
13 Chair Restler, for holding today's important hearing.
14 The last election cycle highlighted the increased
15 usage of artificial intelligence used for
16 misinformation. This past January, for example, an
17 AI-generated robocall of President Biden falsely told
18 New Hampshire voters not to vote in the Democratic
19 primary and to wait to vote until November, and just
20 last January, here in New York City, for a local
21 State Assembly race, there was an AI-generated audio
22 of a former Assembly Member bashing an incumbent
23 Assembly Member, which was done to misinform voters.
24 It is very clear that AI-generated misinformation
25 will not be going away anytime soon. These tools are

1 not cost-prohibitive and can easily be obtained. In
2 fact, they are rapidly being improved so that it is
3 difficult to distinguish them from an actual person.
4 It is far too easy to anonymously use and abuse these
5 tools to mislead voters. Voters deserve to know what
6 is false. Otherwise, it only serves to worsen our
7 democratic institutions. That is why I introduced
8 Intro. 293, a bill that prohibits the dissemination
9 of materially deceptive audio or visual media in
10 local elections. This would cover any primary,
11 special, or general election for Mayor, Public
12 Advocate, Controller, Borough President, or City
13 Council. Failure to comply would result in a
14 misdemeanor with a fine of no more than 2,500 as well
15 as serious injunctive relief. We have an opportunity
16 to be proactive in addressing a grave threat to our
17 democracy. We cannot wait to regulate until a serious
18 incident occurs. Misinformation is already a global
19 phenomenon, and an election should not be determined
20 by doctored images or audio. We need to ensure
21 safeguards to our democracy. I want to thank the
22 Chair for allowing me to speak, and I want to thank
23 the bill drafter, Jayasri Ganapathy, and I also want
24
25

1
2 to thank my team, Jonathan Szott, Brandon Jordan, and
3 Mercedes Anderson. Thank you.

4 CHAIRPERSON RESTLER: Thank you, Council
5 Member Menin, and thank you for your leadership in
6 crafting this legislation in this area where we
7 clearly need, urgently need, new regulations.

8 I want to recognize Council Member
9 Paladino. Thank you for joining us. Good to see you.

10 With that, we'll now begin hearing from
11 representatives from the Board of Elections and the
12 Campaign Finance Board. I'd like to call up Mr. Paul
13 Ryan, Executive Director of the Campaign Finance
14 Board, and Mr. Mike Ryan, Executive Director of the
15 Board of Elections. We're going to be hearing from
16 the Ryans today. With that, I will ask our Committee
17 Counsel to administer the affirmation.

18 COMMITTEE COUNSEL GANAPATHY: Good
19 afternoon. Could you just raise your right hands,
20 please?

21 Do you affirm to tell the truth, the
22 whole truth, and nothing but the truth in your
23 testimony before the Committee today, and to respond
24 honestly to Council Member questions?

25 EXECUTIVE DIRECTOR PAUL RYAN: I do.

1

2

EXECUTIVE DIRECTOR MICHAEL RYAN: Yes.

3

COMMITTEE COUNSEL GANAPATHY: Thank you.

4

You can go ahead.

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CHAIRPERSON RESTLER: Whoever would like

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to go first. We'll try to hold testimony to about

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five minutes if that works, but go ahead.

8

EXECUTIVE DIRECTOR MICHAEL RYAN: Yes, he

9

actually said that. So, good afternoon, Chair Restler

10

and Members of New York City Council's Committee on

11

Governmental Operations, State and Federal

12

Legislation. Thank you for the opportunity to appear

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before you on behalf of the Board of Elections. I am

14

Michael Ryan. I'm the Executive Director of the

15

Board. Our Deputy Executive Director, Vincent

16

Ignizio, unfortunately could not be here today.

17

Joining me in the audience are our Operations

18

Manager, Georgea Kontzamanis, our Administrative

19

Manager, Michael Corbett, and Deputy General Counsel,

20

Raphael Savino.

21

I have prepared testimony in accordance

22

with this hearing today, and copies are being, if

23

they have not already been, distributed to the

24

Committee Members. It is not particularly lengthy,

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but if it is the Committee's preference, I am

1 prepared to dispense with the reading of the
2 testimony. I would give some highlights and then move
3 forward to questions, or if you prefer me to go
4 through the testimony itself, I can do that as well.

5
6 CHAIRPERSON RESTLER: I'm happy for you to
7 do highlights if you prefer.

8 EXECUTIVE DIRECTOR RYAN: Sure. So, with
9 respect to this Presidential election, if you
10 reference page five of the testimony, and excuse the
11 large font, but it's necessary for me to be able to
12 effectively get through it, I did a comparison of the
13 turnout for the Presidential election in 2024 versus
14 2020. What you would note, I think most notably, is
15 that we actually have had a decrease of approximately
16 200,000 voters in the City of New York so, yes, the
17 aggregate turnout is lower, but the aggregate number
18 of eligible voters is also lower, and the turnout is
19 a little bit lower from 62 down to 59 so we had
20 comparable turnout. We did see that there was a
21 robust turnout in early voting. We weren't tracking
22 early voting versus Election Day scanner numbers in
23 2020. We are now so those numbers were readily
24 available. Almost 1.1 million voters voted during
25 early voting. But the thing that I would really want

1 to point out, because I think, if we can run the risk
2 of patting ourselves on the back, I think this year
3 is proof of concept for what we had said from the
4 inception of early voting. In 2019, early voting was
5 established by law. We opened 61 sites, to some
6 criticism at the time that we weren't doing enough.

8 CHAIRPERSON RESTLER: Right.

9 EXECUTIVE DIRECTOR MICHAEL RYAN: And we
10 said it was important to lay a foundation, that we
11 needed to get it off the ground, and make sure that
12 it would ultimately work properly. Since that time,
13 in the successive years, we went from 61 sites, to 88
14 sites, to 106 sites, to two years in a row of 140
15 sites, and this year, we had 155 sites. Now, we're
16 not certain that that's the absolute sweet spot, but
17 we certainly know it's a lot better than, 155 sites
18 is a lot better than 61 sites, and we will continue
19 our efforts in determining whether or not we need
20 more sites, and where we need those sites. But
21 certainly, I will say, and I will share Chair
22 Restler's observations, your observations at your
23 poll site during early voting are not unique. We have
24 found, in our time out in the field on election days,
25 that for whatever reason, voters and poll workers are

1 in a much better mood during early voting. I don't
2 know if it's, I can't put a finger on exactly what it
3 is. I think it's that they're picking a time of their
4 own choosing to go vote, and that they are making an
5 investment in time at a moment when it's convenient
6 to the voter and I think that's a great thing. We
7 would also like to point out that not only, and for
8 size reasons, you would say that New York City should
9 have the most number of early voting locations, but
10 the fact of the matter is, we do have the most number
11 of early voting locations in the entire state, but we
12 also had the most number of voting hours. We were
13 trying to come up with some formulaic way of
14 approaching how do you establish early voting hours
15 in the early stages of it and, for this election, for
16 the Presidential election, we tried a different way,
17 and we said, okay, Monday to Friday, we're going to
18 do 8 in the morning to 8 at night, very predictable,
19 very square box around the hours, and then for
20 weekends, we did 8 in the morning to 5, and that
21 seemed to work out well. But you absolutely hit the
22 nail on the head, Chair, when you say that advanced
23 voting during the early voting period certainly takes
24 a lot of pressure off of election day. We tried to
25

1
2 press during our pre-election preparation and notices
3 to the, what should I say, public education period to
4 impress that absentee balloting and early mail
5 balloting was also an option. We did see a
6 significant drop-off of what I'll call paper
7 participation from 2020. There was over 700,000.
8 There was less than 400,000 this election cycle, and
9 we did a robust campaign, spent about 1.5 million
10 dollars to do that, which was an education regarding
11 early mail balloting, absentee balloting, and early
12 voting. For whatever reason, I do see that we perhaps
13 are entering a trend. We'll have to wait another
14 couple of election cycles to see if it is. But voters
15 seem to prefer the in-person voting process. For
16 whatever reason that may be, it's their option. All
17 we can do as the Board of Elections is present
18 options, and then the voters will avail themselves of
19 the options that we present. We also did a robust
20 poll worker recruitment campaign, where we recruited
21 about from the end of August, middle of August to the
22 end of September, and we recruited about 37,000
23 individuals with specific numbers in the testimony.
24 Of the 46,000 that we recruited for the entire year,
25 37,000 came during that period of time, which is

1
2 about 80 percent of the new poll workers, and what
3 we're finding is that less and less of the poll
4 workers are coming from the party apparatuses, I
5 suppose, from each major party, and more from friends
6 and neighbors who want to be civic-minded and
7 participate. So those are, I think, the highlights.
8 I'm sure that you all will have some questions on
9 some other matters that are of importance to the
10 Committee, and I'll be prepared to answer them when
11 my time comes. Thank you.

12 CHAIRPERSON RESTLER: Thank you so much,
13 Mr. Ryan, and now we'll go to the other Mr. Ryan.

14 EXECUTIVE DIRECTOR PAUL RYAN: Thank you,
15 Chair Restler and Committee on Governmental
16 Operations, State and Federal Legislation Members,
17 for the opportunity to appear before you today. I am
18 Paul Seamus Ryan, Executive Director of the New York
19 City Campaign Finance Board.

20 The CFB is an independent, nonpartisan
21 City agency dedicated to strengthening local
22 democracy. The CFB combats the influence of big money
23 in politics by amplifying the power of small-dollar
24 contributions from everyday New Yorkers through our
25 matching funds program, which serves as a model

1
2 nationwide. We work to eliminate barriers to
3 participation by equipping New Yorkers with the
4 information and resources they need to vote and run
5 for office. Through our NYC Votes initiative, the CFB
6 directly engages with voters and provides resources
7 to make voting more accessible. Our mission is to
8 foster a democracy that is open, transparent, and
9 equitable. I am honored to deliver testimony
10 alongside the Board of Elections at this hearing
11 focused on election preparedness for 2025. This
12 hearing provides us with the opportunity to highlight
13 our new agency-wide strategic plan and other
14 initiatives we are developing for next year's
15 elections and beyond. Along with other CFB
16 colleagues, I am joined today by Amanda Melillo, who
17 I am excited to share has been promoted to become the
18 Agency's first Deputy Executive Director. In this
19 role, Amanda leads our new Strategy, Products, and
20 Innovation Division, which includes implementing our
21 new strategic plan and, more generally, turning
22 vision into reality as we build the necessary tools
23 to ensure the CFB's successful future. Our new seven-
24 year strategic plan will take us through the 2029
25 election, which we expect to be the biggest in CFB

1 history. Under our strategic plan timeline, we will
2 work hard to improve systems, programs, and processes
3 between now and 2029 so that administration of the
4 Public Matching Funds Program and voter education
5 initiatives go as smoothly as possible and have the
6 greatest possible impact. In service of our vision,
7 mission, and core values of access, accountability,
8 equity, and transparency, we are reaching for the
9 following North Star goals by 2030. 90 percent of
10 audits completed within one year of the election for
11 candidates who do not request and receive extensions
12 with minimal increased risk. The second North Star
13 goal is 90 percent of candidates express high
14 satisfaction with CFB programs and services. The
15 third is 90 percent of voters find our information
16 and materials relevant, helpful, and accessible. The
17 fourth, 10 percent of eligible city donors make a
18 contribution in an election cycle. Fifth and finally,
19 90 percent of CFB employees express high engagement
20 with employment at the CFB.

21
22 Our staff has been hard at work
23 developing concrete shorter-term goals to move us
24 towards these longer-term North Star goals. For
25 example, with respect to auditing, we've committed to

1 a benchmark of completing 50 percent of audits within
2 one year of the 2025 election and will be starting
3 post-election audits immediately after the June
4 primary of candidates who are not in the general
5 election.
6

7 Before I address each bill under
8 consideration today, I would like to highlight some
9 of our planned initiatives, many of which are already
10 underway for the 2025 election. Our agency is
11 committed to providing comprehensive voter-facing
12 education on the Matching Funds Program to highlight
13 its benefits. New Yorkers should know that their
14 support for local candidates can make a real
15 difference in races thanks to the Matching Funds
16 Program's 8-to-1 match. That means that 10 dollars
17 from your neighbors becomes 90 dollars for you to
18 spend on a campaign about the issues that matter. The
19 more everyday New Yorkers decide to run for office,
20 the more choices voters will have in selecting
21 leaders whose priorities align with theirs.

22 Our outreach and education efforts in
23 2025 will also focus on Ranked Choice Voting, or RCV.
24 As in 2021 and 2023, we look forward to collaborating
25 closely with the Board of Elections and our community

1 partners in all five boroughs to make sure all New
2 Yorkers understand how to vote a Ranked Choice
3 ballot. Some highlights of our plans include the
4 Voter Guide, printed and digital education materials,
5 and a targeted multimedia advertising campaign. The
6 Voter Guide, which is mailed to all registered voters
7 and published online, will include information
8 explaining RCV to voters as well as a mock-up of a
9 sample ballot. This information will be communicated
10 in all 13 mandated languages, which are Arabic,
11 Bengali, Simplified Chinese, Traditional Chinese,
12 Korean, French, Haitian Creole, Hindi, Polish,
13 Punjabi, Russian, Spanish, and Urdu. We will also
14 have a Video Voter Guide with ASL interpretation and
15 closed captioning on our website. Our other 2025
16 printed materials, which include a standard and large
17 print fact sheet with a sample RCV ballot, will also
18 be created and distributed in all 13 languages. Our
19 digital materials will be distributed in all mandated
20 languages too, including videos explaining RCV on
21 social media and web channels, and explanatory
22 graphics that direct viewers to information on the
23 NYC Votes website.
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2 A targeted advertising campaign will kick
3 off in April 2025, as most New Yorkers are starting
4 to tune in to the campaign and run through the
5 primary election on June 24th. The campaign will
6 target all New Yorkers, but have a particular focus
7 on our priority communities and languages, which I'll
8 describe in a moment. This campaign will span all
9 digital channels and include out-of-home placements
10 throughout the city, including but not limited to bus
11 shelters, radio, and subway ads. Advertisements will
12 also be published in community and ethnic media
13 outlets.

14 Every New Yorker should be able to engage
15 meaningfully in our local democracy. Language access,
16 which means providing information, services, and
17 systems to enable New Yorkers with limited English
18 language proficiency to effectively navigate voting
19 and elections, is essential to making that vision a
20 reality in 2025. New Yorkers have a right to vote in
21 their language. It's our job to ensure they can
22 access that right and build a democracy that is truly
23 inclusive of and designed for all language speakers.
24 By dismantling language barriers, we can help ensure
25 that people who speak a language other than English

1
2 have just as much power at the ballot box as those
3 who speak English comfortably.

4 Guided by our Charter mandate, the CFP
5 periodically analyzes quantitative and qualitative
6 data to identify communities, both demographic and
7 geographic, that are underrepresented in the
8 electoral process in terms of voter engagement,
9 registration, and participation. In our 2022 Voter
10 Analysis Report, we identified five priority
11 demographics: voters under the age of 30, immigrant
12 voters, voters who primarily speak a language other
13 than English, voters with disabilities, and voters
14 who have been impacted by the criminal legal system.
15 We also identified several priority geographic areas
16 by analyzing U.S. census data, voter turnout, and the
17 proportions of our identified priority communities
18 that reside within each neighborhood or census
19 district. The CFP has identified neighborhoods in the
20 South Bronx, South Brooklyn, Northern Queens, and
21 Central Queens as communities in need of targeted
22 voter outreach because of the number of recently
23 naturalized residents or residents that speak
24 languages the CFP has not historically included in
25 voter outreach.

1
2 The CFP partners with community-based
3 organizations that serve underrepresented
4 communities, such as the priority demographics
5 previously discussed, to host voter education events
6 across the city. At these events, we'll educate
7 voters about what RCV is, how RCV works, and help
8 them practice completing an RCV ballot. We'll host
9 trainings for hundreds of students, volunteers, and
10 community partners and provide them with the
11 knowledge and the resources to educate their own
12 communities about RCV. This is a train-the-trainer
13 model that multiplies our reach.

14
15 We'll also incorporate RCV educational
16 materials, including sample RCV ballots, into our
17 multilingual direct voter outreach efforts, which
18 will reach tens of thousands of New Yorkers in their
19 communities, on the street, at community events,
20 street fairs, parades, festivals, and wherever New
21 Yorkers are gathering.

22 Now, turning to the bills before the
23 Committee today. The first bill I will discuss is
24 Intro. 1111, sponsored by Council Member Schulman.
25 This bill proposes recalculating campaign

1
2 contribution and expenditure limits based on changes
3 in the Consumer Price Index after every general
4 election, rather than every four years as required by
5 the current law. This bill would address a situation
6 that arises once every 20 years when Council Members
7 serve two-year terms due to redistricting. Under
8 current law, contribution and expenditure limits were
9 adjusted in early 2022 and will not be adjusted again
10 until early 2026, requiring Council candidates to run
11 under the same limits in 2023 and again in 2025. This
12 bill would require immediate adjustment of Council
13 candidate spending limits for the 2025 elections, but
14 the contribution limits provisions would not take
15 effect until 2026. We do not have a formal position
16 on this bill. We would like to work with the Council
17 to ensure we correctly understand the provisions
18 related to CPI adjustments so we are best able to
19 implement this legislation if enacted.

20 The next bill I will discuss is Intro.
21 565, sponsored by Council Member Brewer, which would
22 require the CFB to create and routinely update
23 guidance on procedures under New York State election
24 law for making certain voter records confidential.
25 The Office to End Domestic and Gender-Based Violence

1
2 would be responsible for distributing the guidance to
3 individuals receiving services at family justice
4 centers. In the past, our Public Affairs Division has
5 conducted outreach efforts to partners who serve this
6 community and have promoted our educational materials
7 to domestic violence survivors. We support this bill
8 and welcome the opportunity to formalize these
9 efforts and partner closely with the Office to End
10 Domestic and Gender-Based Violence to ensure they
11 deliver our guidance materials to impacted
12 populations.

13 Next, I would like to discuss Intro. 293,
14 sponsored by Council Member Menin. This bill
15 prohibits sharing, within 60 days of a City election,
16 manipulated media that falsely depicts a local
17 candidate's speech or actions as genuine, intending
18 to influence election outcomes or harm the
19 candidate's reputation. The CFB is deeply committed
20 to working alongside the Council to protect the
21 integrity of our local democratic process and uphold
22 public trust. While this bill does not create any
23 mandates on the CFB, I do want to note the unsettled
24 legal landscape surrounding this issue across the
25 country. Nineteen states have enacted legislation

1 seeking to address this issue, and several have been
2 challenged in courts on First Amendment grounds,
3 including laws in California, Texas, and Minnesota.
4 This statute, as drafted, may face similar
5 constitutional challenges. We would be happy to offer
6 our recommendations to the Council to ensure the
7 strongest, most legally defensible version of this
8 bill is developed.

10 Resolution 189, sponsored by Council
11 Member Ung, is of great importance to the CFB. This
12 legislation calls on the New York State Legislature
13 to pass an amendment to the New York State
14 Constitution to move New York City elections to even-
15 numbered years. We are thrilled to see this
16 resolution reintroduced in the 2023-2024 Council
17 session. Citizens' Union focused an entire 60-page
18 report on this subject in December 2022, which
19 inspired us to recommend this policy change in our
20 2022 Voter Analysis Report and again in our 2023
21 Voter Analysis Report. Under our current election
22 system, even with 82 percent of New Yorkers
23 registered to vote, only a fraction of New Yorkers
24 turn out to cast ballots in odd-year City elections,
25 with many expressing voter fatigue and election

1 burnout. Shifting local elections to occur alongside
2 state and federal elections would also save taxpayers
3 the 30 million dollars it costs to administer each
4 stand-alone local primary and general election, even
5 when only 7 percent of the city shows up to vote.

6 Beyond increasing turnout for local elections that
7 shape our day-to-day lives, consolidating elections
8 would also increase representation among those who
9 participate, especially young voters and voters of
10 color. Research shows this to be true in
11 municipalities across the country that have made
12 similar moves. Last year, Governor Hochul signed
13 legislation that shifted most county and local
14 elections to even years to limit election fatigue and
15 boost voter turnout. A comparable change for cities,
16 including New York City, requires a constitution set
17 in motion by legislation at the State level. The more
18 New Yorkers participate in local elections, the
19 closer we are to a just and representative democracy.

20
21 The final pieces of legislation do not
22 create new mandates for the CFB. Still, we would like
23 to express our support for both Intro. 441 and
24 Resolution 322. Both further our mission to engage
25

1
2 underrepresented communities while expanding language
3 access across the city.

4 The CFB appreciates the opportunity to
5 provide testimony and feedback on the bills under
6 consideration by the Committee today, and we remain
7 dedicated to collaborating with the Council to ensure
8 that the 2025 election is the most open, transparent,
9 and equitable in City history. Thank you again for
10 the opportunity to testify. I welcome any questions.

11 CHAIRPERSON RESTLER: Well, thank you both
12 for your thoughtful testimony. I think I'll go with
13 Paul and Mike, if you don't mind, to just avoid
14 confusion.

15 EXECUTIVE DIRECTOR MICHAEL RYAN: Probably
16 the easiest way to handle it.

17 CHAIRPERSON RESTLER: Thank you. I just
18 want to begin by congratulating Amanda on her
19 promotion to First Deputy Director at the CFB. Look
20 forward to working together. Also just wanted to say,
21 you know, Mike, I think that during your tenure, the
22 reputation of the Board of Elections has continued to
23 improve, which is no small feat, and I want to credit
24 you and the team for that. I want to just say, Paul,
25 in the months that we've worked together, I've been

1 really impressed by your deep expertise in this work
2 and your integrity and appreciate you both being here
3 today.

4
5 So, I'd like to just dig in on a topic,
6 and then I'll kick it over to Colleagues for
7 questions, and then I'll pepper you all with lots of
8 more questions after that. These questions, I think,
9 pretty much will all be for Paul for this round. So,
10 the CFB recently adopted changes to its rules and
11 made some internal policy shifts to clarify when
12 payments can be withheld from campaigns. I'd like to
13 recognize those positive steps that you've made to
14 help somewhat narrow loopholes. Under the recently
15 adopted CFB rules, it will now be mandatory for the
16 Board to withhold payment for specific contributions
17 if a candidate fails to provide information requested
18 by the Board. What types of requests are captured in
19 this rules change?

20 I just want to recognize Council Member
21 David Carr of Brooklyn. Thank you for joining us. He
22 now represents a little bit of Brooklyn, and we're
23 claiming him as our own.

24 COUNCIL MEMBER BREWER: It's an ongoing
25 joke.

CHAIRPERSON RESTLER: Sorry, Paul.

EXECUTIVE DIRECTOR PAUL RYAN: Types of records and requests for information that will be covered by this rule. The most important elements of this rule are that, number one, the Board has always had and exercised some discretion in how to interpret and apply this rule. This rule is actually implementing a provision of the Act that's quite similar, and the Board, in this new rule, as revised, the new rules will take effect, I believe, December 17th, there is clearly stated at the end of the rule a materiality standard, that the Board may exercise its discretion. It may, in fact, award public funds, grant public funds to a candidate if the Board determines a requested document, record, or other information is immaterial to public funds eligibility. So, I'll give you one example of when, and this is completely hypothetical, the Board makes these decisions, I'm obviously not on the Board, and the Board, to my knowledge, has not in my presence considered the following example, but it struck me as perhaps effective to illustrate. If a campaign, for example, failed to give to us a receipt for a 23-dollar expenditure at an office supply store, we ask,

1
2 you know, you've run, we ask candidates for all sorts
3 of receipts, lots of documentation. My personal view,
4 again, not speaking for the Board Members themselves,
5 is that a failure to produce such a receipt would not
6 likely be material, I can't imagine a scenario in
7 which that would be material to public funding
8 eligibility, so that under this rule, if I were on
9 the Board, if I were the one interpreting this, I
10 would be unlikely to deem a candidate ineligible for
11 public funding as a result of their failure to
12 produce this rule so there will be some judgment
13 calls made by the Board when making public funding
14 determinations. Always has been, always will be. As
15 you know, the first public funding payment decision
16 is coming up on December 16th, so the Board has some
17 decisions to make in about a week and a half, and
18 they'll be considering all relevant facts and
19 applying all relevant laws as they exist today, and
20 again, this rule doesn't actually take effect until
21 the day after the first public funds payment, but
22 this rule is quite similar to its predecessor.

23 CHAIRPERSON RESTLER: I'd also like to
24 just ask about the internal policy shift that we've
25 discussed previously. Historically, if a campaign

1 submits a donation for matching funds, the CFP
2 provides those matching funds, even if there are
3 outstanding questions on whether the donation is
4 eligible to be matched. For instance, if an
5 intermediary may be on the Doing Business Data List
6 or something like that, you're now planning, as I
7 understand it, CFP is now planning to not provide
8 matching funds until more information has been
9 received. Is that correct? Could you explain what the
10 shift in policy is?
11

12 EXECUTIVE DIRECTOR PAUL RYAN: Yeah, shift
13 in policy for the 2025 election specifically related
14 to intermediaries and our Suspected Intermediary
15 Reports, which are a report that is attached when
16 necessary and appropriate as deemed by staff to
17 statement reviews that go out to campaigns. If a
18 campaign does not respond to a Suspected Intermediary
19 Report, we will assume what is effectively the worst-
20 case scenario, which is that the contribution is not
21 matchable because it has come through someone in the
22 Doing Business Database. Generally speaking,
23 intermediaries, the fact that a contribution comes
24 through an intermediary is not relevant to legality
25 of the contribution. It's perfectly legal to use

1 intermediaries, and typically contributions made
2 through intermediaries are matchable. If they come
3 through an intermediary that's in the Doing Business
4 Database, they're not matchable. So going forward in
5 2025, proactively on the front end, we'll say that if
6 we've sent you a Suspected Intermediary Report, you
7 have not responded to that report, we are not going
8 to match any contributions flagged in that Suspected
9 Intermediary Report.
10

11 CHAIRPERSON RESTLER: Great. Positive
12 developments both.

13 Could you just briefly explain why the
14 CFB decided to implement these new rules and
15 policies?

16 EXECUTIVE DIRECTOR PAUL RYAN: That
17 decision on that policy is really made in the broader
18 context of contemplating generally our interpretation
19 and enforcement of our power to get responses from
20 campaigns when we ask them for documents and
21 materials. The decision was not driven by any
22 particular campaign, but more so one thing that has
23 been a pain point for this agency. As you know, as I
24 testified before you in the spring, I got a lot of
25 questions from you about audits, length of our

1
2 audits. What we've come to realize is that one of the
3 major reasons our audits have taken so long in recent
4 years is because we've been exceedingly generous for
5 campaigns that have asked us for extensions. We have
6 a policy change there that I can speak to in a
7 moment, but it's not directly responsive to your
8 question, but another issue is that we ask campaigns
9 for material that we need, information and documents
10 we need to conduct audits, to complete our assessment
11 of those campaigns, and if we don't get them, it
12 lengthens the audit process itself generally, because
13 we ask again. We have to badger candidates sometimes
14 to get the materials. We have power under current law
15 to simply deny matching funds for documents and
16 information when campaigns are non-responsive. It's
17 just one tool among several that we're beginning to
18 utilize to speed up our audits and oversight of
19 campaigns.

20 CHAIRPERSON RESTLER: I do want to just
21 take a second to recognize two more friends and
22 colleagues from Brooklyn, Council Member Inna
23 Vernikov and Council Member Shahana Hanif.

24 Just digging in a little bit more on this
25 decision that's pending before the Campaign Finance

3 Board in just over 10 days around matching funds
4 disbursement. Under the Campaign Finance Act, to
5 qualify for matching funds, candidates, not
6 committees, but candidates, must agree to comply with
7 certain terms and conditions for the provision of
8 such funds. Is that right?

9 EXECUTIVE DIRECTOR PAUL RYAN: Yes, and
10 they have to establish their eligibility. The burden
11 is on the candidates to demonstrate and establish,
12 prove their eligibility, receive public funds. Yeah,
13 that's correct.

14 CHAIRPERSON RESTLER: One of those
15 requirements is that candidates must "obtain and
16 furnish to the CFB any information it may request
17 relating to their campaign expenditures or
18 contributions and furnish such documentation and
19 other proof of compliance." That's Section 3703 Part
20 D, although you knew that already. Could you explain
21 how the CFB determines whether a candidate is in
22 compliance with that provision?

23 EXECUTIVE DIRECTOR PAUL RYAN: It's
24 essentially the same answer that I gave you moments
25 ago to your question about the new rule or the
amendment to the new rule. The rule that you asked me

1 about is implementing this specific provision of the
2 Act that you've now quoted from. Same standards
3 apply. The Board, since its inception in the late
4 '80s, has exercised some discretion in order to
5 determine whether or not the information, material,
6 documents they've requested and perhaps have not
7 received, whether it's actually material to
8 eligibility, and the Board over the decades has
9 presumably, although this is my first public funding
10 payment cycle that's about to begin, presumably has
11 determined at some instances in the past that it was
12 lacking sufficient information to establish a
13 particular campaign's eligibility for payment on the
14 payment date itself. Another thing that I want to
15 underscore here is December 16th is the first of, I
16 believe, eight payment dates between now and the June
17 primary. The Board will be making decisions in many
18 instances with respect to the same candidates,
19 payment date after payment date after payment date,
20 and the way the process works is it is routine for
21 the Board to determine that a campaign has not
22 established its eligibility for a public funds
23 payment on that date or has only established its
24 eligibility for a partial payment on that date, and
25

1 then the campaigns routinely work with us, our audit
2 team, our candidate services team, to provide us
3 missing information in order to have the
4 contributions that we have not yet matched on a
5 future payment date. So, this is a provisional law.
6 We have the legal authority to ask campaigns for
7 whatever information we need to make those
8 determinations. We've used that power for decades.
9 The Board has used some discretion, and the
10 discretion, I think, boils down to, is this
11 information or document important, is it material to
12 the eligibility for public funds?
13

14 CHAIRPERSON RESTLER: I do want to better
15 understand how we define what is material. So, does
16 the Board look at whether the candidate has responded
17 to requests for information in past elections?

18 EXECUTIVE DIRECTOR PAUL RYAN: The Board
19 looks at all relevant information, specifically with
20 respect to contributions, for example, public funding
21 eligibility, which happens most routinely on a
22 contribution-by-contribution basis. There are certain
23 requirements that have to be met simply to get over
24 the bar of becoming eligible for public funds, and
25 then it gets to a granular level of, is this specific

1 contribution matchable. The Board does have a
2 threshold. Right now, it's an internal process, but
3 if we are missing information about specific
4 contributions, that information is necessary to
5 determine the matchability, the legality of matching
6 that contribution. If that threshold exceeds 20
7 percent, for example, under current agency practice,
8 that campaign gets no public funds at all. That's
9 sort of an anomaly indicator. If there are that many
10 problematic contributions, that many questions for
11 which the campaign has not yet given us the
12 information we need, no public funds on that payment
13 date, but it's a case-by-case basis. As you will see
14 on the 16th, either the Chair or I, I'm not sure
15 which, will be reading the names of all the
16 candidates who are receiving public funds. It will
17 probably be the Chair. I think the practice has
18 varied in past election cycles. But, you know, case-
19 by-case, candidate-by-candidate, contribution-by-
20 contribution is how these determinations are made,
21 including but not limited to the specific provision
22 of the Act that you've quoted, requiring campaigns to
23 give us documents and information that we request.
24
25

1
2 CHAIRPERSON RESTLER: The Board also, I
3 presume, looks at timeliness of responses, lack of
4 responses to statement reviews, how many requests are
5 not responded to, is a part of that decision of
6 whether the campaign is in compliance with that
7 provision?

8 EXECUTIVE DIRECTOR PAUL RYAN: Yes, I
9 mean, the Board considers all relevant facts and
10 information, whether or not you've responded, whether
11 you've filed disclosure reports, whether those
12 disclosure reports have been complete. I'll say one
13 thing about the statement review. So typically, a
14 statement review is not a firm demand for documents
15 or information. By contrast, typically a statement
16 review is structured as you filed it, we're in the
17 midst of, you know, on the tail end of the statement
18 review process, as you all know, for the early
19 October filing deadline. A month later we sent out
20 statement reviews, and now statement review responses
21 are coming in from you and your treasurers. Due date
22 is the January reporting deadline, but we advise
23 campaigns, if we raised any questions in our
24 statement review of your early October filing,
25 regarding a contribution that you want to get matched

1 on December 16th, you need to respond to us by
2 November 22nd, a week and a half ago. That was the
3 deadline for our receipt of any information that we
4 will take into consideration when making payment
5 determinations on December 16th, that the Board will
6 rely on to make those determinations. So, when it
7 comes to these statement reviews, you ask
8 specifically about them, it really depends. They will
9 definitely impact the matching eligibility of
10 specific contributions if the campaign has not
11 satisfied its burden of proving that the contribution
12 is matchable. That doesn't mean that the campaign as
13 a whole is ineligible for public funds, and it
14 doesn't mean that the contribution that we flagged is
15 permanently ineligible for match. It means it will
16 not be matched on December 16th. I expect it will be
17 the case that campaigns that have not been as maybe
18 on top of things or that did not get back to us in
19 response to the statement review by November 22nd,
20 will nevertheless get, they are required to get back
21 to us by the January, I believe it's January 15th
22 filing deadline. They may establish eligibility for a
23 contribution that then gets matched in January, not
24
25

1
2 in December, because of the way they chose to respond
3 to the statement review.

4 CHAIRPERSON RESTLER: And just to put a
5 finer point on one of your earlier statements, the
6 Board has the full authority to withhold all matching
7 funds for a candidate at the December 16th
8 disbursement.

9 EXECUTIVE DIRECTOR PAUL RYAN: Yeah, for a
10 bunch of different reasons. There are sort of more
11 routine and there are more complicated or less common
12 reasons that the Board would hold public funds
13 completely. For example, you're all required to file,
14 everyone who's applying for public funds, file a
15 disclosure statement with the Conflict of Interest
16 Board. For the early payments, December, January,
17 that's a partial COIB disclosure report for the first
18 nine months of this Calendar Year, 2024. If campaigns
19 did not file that disclosure report with the COIB,
20 which then sends us a list, that's a hard and fast
21 eligibility requirement to get paid on December 16th.
22 If that wasn't filed and we were not alerted to that
23 by November 22nd, you're not getting any public funds
24 on December 16th, and that's one of many different
25 specific required criteria that could render a

1
2 campaign completely ineligible to receive public
3 funds on the 16th and then, again, at the more
4 granular level, it will be the case that there are
5 campaigns that get partial match of public funds.
6 They don't get matched every contribution they're
7 asking for that they've submitted because we have
8 questions about the eligibility for match, but they
9 will get some public funds because they met the other
10 baseline requirements.

11 CHAIRPERSON RESTLER: I appreciate that
12 you're speaking in broad strokes about the policies
13 of the CFB, but I want to just put a name on this.
14 You know, thanks to FOILs and reporting from Brigid
15 Bergen at WNYC, we found that Eric Adams' 2021
16 campaign never responded to requests from the CFB for
17 more information on suspected intermediaries. His
18 campaign stopped responding to the CFB entirely after
19 the June 2021 primary. You know, because some of this
20 information is in the public sphere, I'd like to ask
21 how many times has the Adams' 2021 campaign failed to
22 fully respond to requests by the CFB for information?

23 EXECUTIVE DIRECTOR PAUL RYAN: We have a
24 very firm policy against commenting on any open
25 audits or other investigations. I'm not at liberty to

comment at all on any matters regarding a specific candidate in that circumstance, and Mayor Adams is one such candidate.

CHAIRPERSON RESTLER: I will just note, according to reporting by Brigid Bergen, the CFB sent 13 requests to the Adams' 2021 campaign since June 2021. The campaign partially responded to nine of them, never addressed intermediary questions, stopped responding to all CFB questions. Excuse me, the CFB sent a total of 13 requests for information to the Adams' 2021 campaign. The campaign partially responded to two-thirds of them, never addressed intermediary questions, and stopped responding entirely to the CFB for over three years.

I'd like to shift gears to the authority that is afforded to the CFB in your rules. Under Section 301-D of the CFB rules, candidates are also ineligible from receiving matching funds if they have "committed fraud or material misrepresentation." Could you explain what that would entail?

EXECUTIVE DIRECTOR PAUL RYAN: I'll give you one example that occurred. I think this was the rule that was the basis for the final determination of ineligibility for public funds of the John Liu

1 campaign, which unfolded beginning a decade ago and
2 concluding several years later, I believe in 2017, in
3 which case the Board found that the Liu campaign was
4 in breach of its certification, of its promises to
5 abide by all the applicable laws and regulations to
6 be eligible for public funds, and that breach of
7 certification had to do with fraud and
8 misrepresentation by campaign staff in the context of
9 complying or failing to comply with campaign
10 contribution limits and other campaign finance
11 restrictions so it's a fact-dependent analysis, but
12 fraud is a legally defined term. It's defined a
13 little bit differently in different places. And, yes,
14 it is a basis for the Board to determine that a
15 campaign is ineligible for public funds.

17 CHAIRPERSON RESTLER: There was evidence
18 in the federal indictment against Mayor Adams that he
19 orchestrated straw donor schemes, directed his staff
20 to route foreign donations through U.S. citizens, and
21 intentionally sought to delete records and withhold
22 information, and to the credit of the CFP staff, they
23 identified some of these issues during the 2021
24 cycle. What else is needed to demonstrate fraud in
25 this particular instance?

EXECUTIVE DIRECTOR PAUL RYAN: I am not at liberty to comment on Mayor Adams and his campaign at all.

CHAIRPERSON RESTLER: The CFP rules grant the Board additional authority over pre-election payments. Chapter 7, Section 1 of the rules notes that "failure to respond to a request for audit documentation or information by the Board may be a basis for a non-payment determination." This gives the Board authority to fully withhold funds from a campaign that hasn't responded to a request for information. I think we've gone over this, but I just want to affirm again on the record that that's correct.

EXECUTIVE DIRECTOR PAUL RYAN: Yes, Chairman.

CHAIRPERSON RESTLER: How does the Board consider past election cycles for the same candidate when making a determination of this eligibility provision?

EXECUTIVE DIRECTOR PAUL RYAN: Some of the eligibility requirements apply only to the election cycle for which the campaign is seeking public funds, and some are susceptible to, although there hasn't

1
2 been much history or practice at the agency,
3 susceptible to being applied to fact patterns that
4 exist across election cycles. So, within the rules
5 themselves, for example, some of the rules are in a
6 Section under the preface of pre-election, and then
7 other of the eligibility or ineligibility rules are
8 under the Subsection of pre-election or post-
9 election, and those that are within the pre-election
10 framework have historically been interpreted by the
11 Commission to apply only to violations of those types
12 relevant to or within the election cycle for which
13 the campaign is seeking public funds and the Board is
14 determining eligibility for public funds. In other
15 words, those that are in the pre-election category
16 have historically been interpreted as not crossing
17 election cycles, because right now, anything with
18 respect to a 2021 election, for example, that would
19 be a post-election determination of eligibility.

20 CHAIRPERSON RESTLER: Right, but we're not
21 yet at the post-election because we haven't completed
22 the audit despite being three and a half years after
23 the election, three years after the November
24 election, excuse me.

1
2 Can you confirm if the Adams' campaign
3 submitted their audit response as they were required
4 to do so on Friday, November 29th?

5 EXECUTIVE DIRECTOR PAUL RYAN: I am not at
6 liberty to respond to any questions regarding ongoing
7 audit, including that of the Adams' campaign.

8 CHAIRPERSON RESTLER: So, just to recap
9 for those who are keeping track at home, on July
10 31st, the Adams' campaign asked for an extension, and
11 the CFB granted a two-week extension on their audit
12 response, saying it would be the final extension. The
13 campaign then asked for an additional extension, and
14 on August 29th was granted a 90-day extension, which
15 would be until November 29, 2024. The Adams'
16 campaign, I believe, told a reporter today they did
17 respond on the 29th. Are you able to advise broadly
18 what are the next steps after that document is
19 submitted by a campaign in the audit process?

20 EXECUTIVE DIRECTOR PAUL RYAN: The draft
21 audit report document? It will be analyzed by our
22 audit team to determine the sufficiency of the
23 responses to the issues that were raised in the draft
24 audit itself and then, depending on what the audit
25 team, this is not specific to any campaign, but as

1
2 you had requested, general process, the audit team
3 determines whether or not there are any outstanding
4 legal issues regarding compliance with our campaign
5 finance laws unresolved by the campaign's response to
6 the draft audit. If there are no issues, they proceed
7 to a final audit report, and that gets issued to the
8 campaign. If there are legal issues, it gets referred
9 to our legal department, which then begins the
10 enforcement process, which, in short, amounts to
11 drafting an enforcement notice that gets sent to the
12 campaign to notify them of the Board's conclusions
13 with respect to potential violations of the law and
14 informs the campaign of their right to either appear
15 before the Board or to go the OATH process to address
16 those legal concerns by the campaign finance Board.

17 And you had mentioned length of audits. I
18 alluded moments ago to another policy change, if I
19 may tell you about it now, because it's directly
20 related to extensions and audits. You just alluded to
21 one specific example of a campaign requesting an
22 extension to a response to a draft audit report. In
23 my short term at the agency, I've been there nine and
24 a half months now, it became quickly apparent to me,
25 it's apparent to everyone, that the length, the

1 amount of time it's taken us to complete 2021 audits
2 is not satisfactory at all. We need to figure out if
3 there are good reasons that it happened the way that
4 it happened. Our audit team has been working hard.
5 I've shared all these reasons the last time I
6 appeared before you. Now, looking forward, one of the
7 biggest reasons audits have taken as long as they
8 have is because campaigns requested extensions, and
9 we granted them, and we granted them, and we granted
10 them at every step of the process. This began in
11 COVID, and perhaps we were too nice to candidates. I
12 recognize this as a problem, and we quickly, our
13 staff, within my first couple months at the agency,
14 identified a solution. In October of this year, we've
15 adopted a strict new policy limiting extensions in
16 every phase of the auditing and enforcement process.
17 This is the initial document request, the draft audit
18 response, the enforcement notice response, no more
19 than six weeks extensions total allowed to any
20 campaigns, shorter in some circumstances. So, this is
21 one of the linchpins in us speeding up audits in
22 future elections. This new policy is going to take
23 effect for the 2021 elections, and we're going to
24 hear it. My colleague Dan Cho, who runs our candidate
25

1 services team, is here. He's going to hear it.

2 Campaigns aren't going to like it, probably, but it's
3 a new day, and we have strict new limits on any and
4 all extensions in the audit and enforcement process.
5

6 CHAIRPERSON RESTLER: Well, I certainly
7 appreciate policy changes you're implementing moving
8 forward, but I remain concerned about how the CFB,
9 how the Board can make a determination on public
10 matching funds when there are significant outstanding
11 items of concern for a given candidate from the
12 previous cycle. How can the CFB make a determination
13 on future matching funds when there are so many
14 outstanding concerns that a candidate may have from
15 their previous campaign?

16 EXECUTIVE DIRECTOR PAUL RYAN: I think the
17 Campaign Finance Board itself has a lot of
18 information at its disposal. Most of the campaigns
19 from 2021 have been issued draft audit reports, and I
20 believe you know, but if you don't know, I'll say it.
21 I think I mentioned this the last time I appeared
22 before you. The overwhelming majority of the work of
23 researching potential violations and notifying the
24 campaign, that all happens in production of the draft
25 audit report. Ninety-seven percent of campaigns have

1 received their draft audit reports, 2021 campaigns.
2 So, our team is aware of whatever issues that our
3 team has identified, potential or actual, with
4 campaigns from 2021, and our Board has access to all
5 of that information. I think, you know, I have every
6 bit of confidence that our Board is going to do a
7 great job in two weeks, a week and a half, making
8 appropriate public funding decisions based on all
9 available facts and information.
10

11 CHAIRPERSON RESTLER: I will just wrap up
12 this section by synthesizing my perspective, which is
13 the Campaign Finance Act and the Campaign Finance
14 Board rules make eminently clear that candidates,
15 candidates like Eric Adams who fail to respond to
16 requests for information from the CFB, repeatedly
17 fail to respond to requests for information from the
18 CFB, are not eligible for additional public funding.
19 The Board has the full authority to withhold all
20 funds from such candidates as you've testified today.
21 Ideally, the funding spigot would have been stopped
22 or slowed in the middle of the 2021 campaign when the
23 candidate stopped responding to the CFB, but at a
24 minimum, this candidate, who has ignored and
25 stonewalled the CFB for years, should not receive

1
2 another dime until his campaign has answered all CFB
3 requests for information and the CFB has determined
4 the extent of the fraud that has allegedly been
5 committed. I hope that you, Paul and Mr. Ryan, will
6 encourage the Board to take the appropriate and
7 necessary action on the 16th. This Committee, the
8 Council, New Yorkers will certainly be watching.

9 I want to invite Colleagues to ask
10 questions and then I'll come back so we'll do Council
11 Members Brewer then Schulman then Menin then Carr
12 then Hanif in that order.

13 COUNCIL MEMBER BREWER: Thank you very
14 much. Mike Ryan got off easy on that one. A couple of
15 questions.

16 First of all, I appreciate the CFB's
17 support of working with domestic violence
18 individuals. So, I know that you're going to be
19 working with the Mayor's Office and the Family
20 Justice Centers. Are you also reaching out to people
21 like crime victims and the folks from Safe Horizon
22 and Muslim Community, etc.? In other words, how are
23 you going about specifically doing the outreach?

24 EXECUTIVE DIRECTOR PAUL RYAN: I will
25 apologize. I have not yet been involved in that work

1
2 in my first nine months at the agency. I would be
3 more than happy to confer with my Head of Public
4 Affairs, Eric Friedman, who's here today, and we will
5 follow up with you. We do work very closely with a
6 lot of community-based organizations. I don't know
7 which ones specifically so if I may ask your
8 indulgence and get back to you on that question.

9 COUNCIL MEMBER BREWER: Absolutely. I
10 mean, I do think it's good to have a law on the state
11 level, but the reason we have this bill is because
12 it's not being implemented, and that's where the
13 rubber hits the road. All right. Thank you.

14 I also want to say good things about
15 Logan Gonzalez. Wonderful staff member.

16 In terms of the Board of Elections, I am
17 interested in Rikers Island. I know that we spoke,
18 and I understand there is an issue about putting any
19 kind of a polling site there because people are not
20 residents, but what I don't understand is, like, if
21 my kid goes to a college upstate, I mean, he can vote
22 in Binghamton, but I guess, I don't know, I don't
23 think of him as a resident there. He's four years,
24 and then he's coming home. So, I guess my question
25 is, can you explain about the polling site issue? And

1 then also, the group that's been working on trying to
2 get people registered there deserves huge accolades.
3 They're really working hard. So, I want to know
4 between you and the Department of Correction, and how
5 is the coordination taking place, because we do need
6 to get all those people, many of them, of the 6,000
7 are eligible to vote, as we know so the question is,
8 how do we get more of them to vote? What are you
9 doing about that?
10

11 EXECUTIVE DIRECTOR MICHAEL RYAN: All
12 right. So, I'll take the first part of your question
13 first. Where a voter is registered is largely up to
14 the voter. So, if someone's child went to college,
15 they'd have two options. They could either vote from
16 home, where they are, and vote by absentee, or they
17 could vote upstate New York, let's use that as an
18 example, by registering to vote in the county in
19 which they are present so that's up to the individual
20 voter. Individuals that are being held on Rikers
21 Island don't have that option, and so the New York
22 State law provides for incarcerated individuals to
23 vote by absentee ballot, and the New York City
24 Charter has a program through the Department of
25 Corrections. I can provide to you, I don't know if I

1 have, I can provide to you our response letters,
2 which we have done over the past several years, and I
3 will tell you that, and I'll mention her name and
4 she'll be mad at me, but Georgea Kontzamanis has
5 spearheaded efforts with the New York City Department
6 of Corrections where we have streamlined for them
7 their processes. For example, they have the staff
8 that they have, and they had been previously
9 hopscotching, to use a term, around to all of our
10 local offices to both deliver absentee ballot
11 applications and receive completed absentee ballots.
12 To make that more streamlined for the Department of
13 Corrections, we have designated pick-up and drop-off
14 dates at the Queen's office, most adjacent to Rikers
15 Island, and so all of our offices internally transmit
16 those documents via inter-office delivery to the
17 Queen's office so that we have a single point of
18 contact for the Department of Corrections, and that
19 seems to have been a much better result from them. We
20 also engaged in a little bit of education to the
21 Department of Corrections because there are specific
22 provisions within the City Charter and windows of
23 time that the Department of Corrections has to
24
25

1 perform this work, and we reminded them of that and
2 also indicated to them...

3
4 COUNCIL MEMBER BREWER: Were they
5 receptive to that reminding?

6 EXECUTIVE DIRECTOR MICHAEL RYAN: They
7 absolutely were receptive. I can tell you that our
8 goal always, and we have various government partners,
9 is to partner with our government agencies and be
10 instructive where we can and to avoid, shall we say,
11 sniping at other agencies when they're working hard
12 to try to do their jobs as well. So, we have worked
13 with them in that regard. We made some suggestions
14 which we think they were receptive to and also will
15 improve the process. So, for example, if they're
16 having someone in January register to vote, they had
17 a practice of also giving them an absentee ballot
18 application at that time. Well, given the transient
19 nature of the corrections population, that's not
20 necessarily a good idea unless you know that there's
21 a special election coming up because that individual
22 may very well no longer be in the correctional
23 facility at the time that the election happens so we
24 reminded them of those windows of time when the
25 absentee ballot applications should be distributed on

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2 the Island and then returned to us. We have data, and
3 I know that Ms. Kontzamanis has kept very specific
4 data on this, we'll be happy to share that with you
5 after the hearing is over and give you an update of
6 our efforts, but I can tell you, I think, at least
7 from the feedback that we had, and we did have at
8 least one meeting that I attended and more that
9 staff, including Ms. Kontzamanis, has attended with
10 the Legal Aid Society, so that they understand what
11 we're doing, what our efforts are, and so that they
12 can be the eyes and ears on Rikers Island to make
13 certain that these efforts are bearing fruit. I know
14 that the process has improved. I am certain that it
15 will continue to improve and that there's room to
16 grow the process even more.

17 COUNCIL MEMBER BREWER: Okay. If there's a
18 problem, because obviously people may not be living,
19 you know, people who have different addresses, you
20 can see this is a population that has a challenge
21 just filling out a form, so if there are problems
22 with the registration, how do they get it fixed, so
23 to speak? Does it go back through the non-profit
24 that's working with them? I could just see all

1 challenges along the way. I'm staying with my uncle,
2 I'm staying with my sister, etc.

4 EXECUTIVE DIRECTOR MICHAEL RYAN: Right.

5 So, the way the process works is whatever we're going
6 to send back to Rikers Island goes through that
7 internal delivery process that we've established. So,
8 for example, if somebody forgot to sign their voter
9 registration form, we would have to process a missing
10 signature letter. Rather than do that and just simply
11 mail it to Rikers Island, where they may or may not
12 be, we have it redelivered back through that process
13 the same way that we would do with an absentee ballot
14 application or a completed absentee ballot package so
15 that's how we're doing that. We've streamlined that.

16 There's much more communication. I would say that
17 heretofore, the Department of Corrections and the
18 Board of Elections were more or less operating as
19 separate entities doing their own thing. We were
20 doing what we were supposed to do, but having that
21 integrated effort certainly has improved the process,
22 and I'd be interested to hear what the post-election
23 feedback from the Legal Aid Society is to see if they
24 share our view that there was a marked improvement.

25 It seems to be from our end.

1
2 COUNCIL MEMBER BREWER: No, I think it's
3 improved. The issue is, if we were to get a polling
4 site, that would require State legislation to change
5 how it...

6 EXECUTIVE DIRECTOR MICHAEL RYAN: Yes. Our
7 position has been, and it's been for the last number
8 of years, that the State law provides for an absentee
9 ballot process.

10 COUNCIL MEMBER BREWER: I understand that.

11 EXECUTIVE DIRECTOR MICHAEL RYAN: For
12 those who are incarcerated. Now, when you look at the
13 way that we have to establish polling locations,
14 they're established on an election district and
15 assembly district model. That does not speak well, or
16 translate well, I should say, to a transient
17 population where individuals could come from anywhere
18 in the five boroughs of New York City. But be that as
19 it may, we do not believe, and the State Board of
20 Elections, we've checked it and double-checked it to
21 make sure that we're just not simply being resistant
22 for the sake of resistance. We've checked with the
23 State Board of Elections, and we have received
24 guidance that our interpretation is correct, and that
25 the manner in which individuals who are incarcerated

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2 to vote, the manner that's provided by law, is the
3 absentee ballot process.

4 COUNCIL MEMBER BREWER: All right, we'll
5 keep working on that. Thank you very much, Mr. Chair.

6 CHAIRPERSON RESTLER: Thank you so much..

7 EXECUTIVE DIRECTOR MICHAEL RYAN: Thank
8 you.

9 CHAIRPERSON RESTLER: Council Member
10 Brewer. We'll go to Council Member Menin then Council
11 Member Schulman.

12 COUNCIL MEMBER MENIN: Thank you so much,
13 Chair. Two quick questions. So as of today, if a
14 candidate is running in a local election, and they're
15 found to be using AI to misinform voters, what are
16 the legal consequences? It's for either of you.

17 EXECUTIVE DIRECTOR MICHAEL RYAN: Well, I
18 was assuming that was for the Campaign Finance Board,
19 because I would say to you that if it did not
20 directly touch the process, the internal processes of
21 elections, that the Board of Elections does not have
22 any enforcement authority in that regard. What we do
23 have, though, is, and we keep watch on and work with
24 NYC3, are cybersecurity issues that relate to our
25 communication.

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2 COUNCIL MEMBER MENIN: So, before we turn
3 to the CFB, so in the instance that I just mentioned,
4 does the Board of Elections even receive complaints
5 about AI? If someone wants to lodge a complaint, is
6 that something that you receive and that you publish
7 that data?

8 EXECUTIVE DIRECTOR MICHAEL RYAN: We
9 haven't received any complaints in that regard in my
10 11 years at the Board of Elections. We have had other
11 complaints, and some that we have generated, with
12 respect to the co-opting of campaign websites and e-
13 mails and such, but not directly related to AI.

14 COUNCIL MEMBER MENIN: Okay, and then for
15 the CFB, so what are the legal consequences of this
16 conduct?

17 EXECUTIVE DIRECTOR PAUL RYAN: The
18 Campaign Finance Board doesn't have any jurisdiction
19 over the content of such political advertising. This
20 agency, the Campaign Finance Board, was created to
21 enforce and administer the laws around money in
22 elections. I have personal interest in this issue,
23 because my background is 25 years of election law
24 more generally. So, in preparing for this hearing, I
25 talked to colleagues who have been following this

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2 issue quite closely, and the litigation around
3 similar laws passed in other jurisdictions. It's a
4 problem, deepfakes, you've described it aptly. It's a
5 problem everywhere. Many jurisdictions are wrestling
6 with how to address it effectively, and we're at the
7 stage now where courts are advising, if you'll call
8 it that, they're ruling, they're judging whether the
9 specific bills, the specific approaches that are
10 being taken, are permissible under the First
11 Amendment so one of my observations with respect to
12 your bill, for example, is that it does not include
13 any exception for parody or satire. I'll back up a
14 step. If I were writing on a blank slate, I would
15 have written something very similar to what you've
16 produced and introduced. It's a great bill. I only
17 know because other laws like it have been challenged,
18 and other plaintiffs have said, what about parody and
19 satire, and courts have weighed in and have not
20 received favorably bills that lack exceptions for
21 that. Another issue in your bill that jumped out at
22 me was the phrase "the intent to influence the
23 results of a covered election or injure the
24 reputation of a candidate." There's at least one
25 other state that has a similar bill, but it uses

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2 "and" to connect those two so you have to check both
3 of those boxes, which narrows the scope of
4 application. It's a little technical details like
5 that, but again, I mentioned in my prepared
6 testimony, the Campaign Finance Board does not have
7 jurisdiction over this issue. We do have some
8 expertise, both with me and our legal staff.

9 COUNCIL MEMBER MENIN: But you do have
10 jurisdiction over matching funds. So, in the example
11 that I gave, if you have a candidate that is now
12 spreading misinformation about one of their opponents
13 using AI, should that candidate receive matching
14 funds?

15 EXECUTIVE DIRECTOR PAUL RYAN: There's no
16 eligibility provision in the current law that comes
17 anywhere remotely close to scrutinizing the veracity
18 of campaign ads as an eligibility criteria, but we
19 would be happy to talk to you and your team about
20 whether that's feasible and desirable policy. I think
21 it's an interesting idea that, frankly, has not
22 occurred to me before you brought it up.

23 COUNCIL MEMBER MENIN: I'd highly
24 recommend it. We'd love to talk to you about that so
25 thank you so much. Thank you, Chair.

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CHAIRPERSON RESTLER: Thanks so much.

EXECUTIVE DIRECTOR MICHAEL RYAN: And,
Council Member, if I could just have one followup,
not with respect to AI, but I had occasion to be
subpoenaed to testify in federal court in a
prosecution where an individual ostensibly on behalf
of a campaign sent out text messages with false
information regarding how you could vote. More
specifically, that you could vote by text to vote for
a particular candidate. The limit of my testimony
was, can you vote by text in New York State? No.
Hence, my expert testimony was concluded. But
unfortunately, the individual was a young man, and he
was, in fact, convicted in the Eastern District of
New York. So, there are tangentially related matters
that might not specifically relate to AI, but do
relate to other technology-related interference.

COUNCIL MEMBER MENIN: Thank you so much.

EXECUTIVE DIRECTOR MICHAEL RYAN: You're
welcome.

CHAIRPERSON RESTLER: Council Member
Shulman.

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2 COUNCIL MEMBER SCHULMAN: Thank you, and
3 thank you, Chair Restler, for this really important
4 and enlightening hearing.

5 Mike, if I can say that, so one question
6 I want to ask. I represent Queens, Central Queens, so
7 on Election Day, as I'm sure you're aware, there were
8 a large number of glitches at Queens sites, including
9 ones in my District. I mean, my phone started blowing
10 up at 6:30 in the morning.

11 EXECUTIVE DIRECTOR MICHAEL RYAN:

12 (INAUDIBLE) the same time.

13 COUNCIL MEMBER SCHULMAN: A, what
14 happened, and B, what's being done to make sure that
15 doesn't happen again?

16 EXECUTIVE DIRECTOR MICHAEL RYAN: So,
17 we're still in the process of completing the post-
18 election analysis with respect to that, and we're
19 awaiting reports from two separate vendors, the
20 election machine vendor and the ballot vendor. I
21 think I can confidently state, but I will not say it
22 with 100 percent certainty, that it was not a scanner
23 issue, that it is likely going to be a paper-related
24 issue, and so what we were able to do was we were
25 able to leverage our field teams of technicians, both

1 Board employees and vendor employees, and basically
2 converge on Queens. The problem was isolated to
3 Queens, and what we were able to do was the temporary
4 fix on Election Day, which got us through the day,
5 was to have the reader on the machine stop trying to
6 recognize the blank box on ballots where you would
7 stamp it for affidavit and, once we did that, and
8 that was identified fairly early, but then it had to
9 be done. Although it was limited to, I say limited,
10 not tongue in cheek, it was, there was 298 or 299
11 poll sites in Queens, and it was about 103 sites that
12 were affected. Although it was only affecting 100
13 sites, we made sure that we took that remedial action
14 across the entire borough so that if something popped
15 up later in the day, we wouldn't have that problem.
16 So yes, we put all our resources to it. We got the
17 problem solved as quickly as we could. I think that
18 the 100 sites, 103 sites, were remedied in about an
19 hour and a half to two hours, and it took a few hours
20 more to do the rest of the borough, but here's the
21 reality. We are supposed to get ballots for testing
22 from the print run that's going to be on Election
23 Day, and we went through all that testing process,
24 and nothing came up in the testing process as having
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2 a problem so what we really have to do is take a look
3 at the paper. We're pretty certain that the paper
4 gauge is correct, but I'm going to use the term that
5 this is where we think we're going to end up, the
6 opacity of the paper may have been an issue where it
7 was too transparent, and then when that happens on a
8 two-sided, if the candidates were only on one side of
9 the ballot, it's not going to be a harm, but when the
10 candidates are on two sides of the ballot, the reader
11 is attempting to read both sides and, if ink is
12 bleeding through, it's going to cause interference
13 so, from our perspective, there was no way to
14 determine that it would occur prior to Election Day,
15 and we took all the efforts that we could, and it was
16 disappointing in the sense that you never want voters
17 to be inconvenienced in any way, and further
18 disappointing in that we were having a really great
19 election cycle, and then to have those calls start
20 right around the same time that you were getting
21 them, I was getting them, and we worked quickly to
22 get it resolved.

23 COUNCIL MEMBER SCHULMAN: And we'll look
24 at it for the future to make sure that...

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EXECUTIVE DIRECTOR MICHAEL RYAN: Right,
so we're expecting reports from the machine vendor
and also from the ballot vendor. We don't think the
machines, again, not 100 percent, but we don't think
the machines are going to be the issue. We think it's
going to be the paper, but we still need to wait for...

COUNCIL MEMBER SCHULMAN: When you have
those reports, can you send them to the Committee?

EXECUTIVE DIRECTOR MICHAEL RYAN:
Certainly.

COUNCIL MEMBER SCHULMAN: Share them,
thank you.

EXECUTIVE DIRECTOR MICHAEL RYAN:
Absolutely, and what we do after each election is we
meet with all of our vendors, the poll pads, the
machines, and the ballot vendors post-election to do
an analysis, and areas where we think we need to make
improvements moving forward.

COUNCIL MEMBER SCHULMAN: Okay, thank you.
Chair, I may, I have a couple of questions. Okay, so
it was very nice to meet you and your team finally.
I'm sorry that I wasn't here for the last Committee
hearing on the audits, but I just wanted to refer
back to Chair Restler talked about trust in

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2 government, trust in the election process, and all of
3 that so one of the things that I wanted to bring up
4 is the databases that you have, and I know that you
5 have a plan to update them and everything else. As an
6 example, when I give a contribution, I'm a City
7 Council Member, I have lived at my address for over
8 30 years. It keeps coming back, I have to reaffirm
9 that that is my address. People get upset about that
10 when we go back to them, and people are reluctant to
11 give, to donate, and everything else, I want you to
12 address that for me.

13 EXECUTIVE DIRECTOR PAUL RYAN: One of the
14 essential elements of our situation, the campaign
15 finance Board, is that we are using some legacy
16 computer systems that were built a few decades ago.
17 We've got a skilled head of technology and a
18 technology team and a long list of to-do projects. I
19 mentioned in my opening remarks, Amanda Melillo is my
20 new First Deputy Executive Director, and she will be
21 tasked in the process of standing up and running a
22 new Strategy Products and Innovation Division, being
23 sort of the matchmaker between our technology team,
24 which in turn relies on some external consultants as
25 well, and all of the other departments within the

1 Campaign Finance Board that have a list of things
2 they want fixed or created in terms of tech. We're
3 going to change, we are changing how we do tech, so
4 one of the hallmark or characteristics of the legacy
5 systems that we're now working with is build it and
6 then let it go. Maybe revisit it for a modernization
7 effort five years, ten years later. We're not going
8 to be doing that anymore. There's a better way to do
9 tech generally, tech in government in particular,
10 which is constant updates, constant releases. It's an
11 approach to product management that we're adopting at
12 the agency that's different than the old way was
13 waterfall management. You've got to figure out what
14 the business requirements are for the thing, and then
15 you build the thing and say, here it is, world,
16 contributors, candidates, internal staff, whoever the
17 user group is. And now we are starting with small,
18 testable, minimum viable products. What are the
19 minimum features we need in this new platform? So
20 right now, to give you an example, one of our highest
21 priorities is building a new digital tool, a new
22 software platform for how we calculate public funds
23 payments. It's called the payment app or payment
24 platform. We're starting with the most essential
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2 elements. What do staff need to make these
3 calculations accurately? The next release, sometime
4 next year probably, will be an interface for the
5 Board of Directors to access that information, to
6 streamline and modernize their engagement with this
7 material instead of getting a paper report, and I
8 could go on about how we're going to approach these
9 different types of updates. That's in pretty much
10 every facet of operations. I'll say two more things.
11 One of the problems with these legacy systems is that
12 they were quite siloed. Whatever data went into that
13 system, lived in that system, and was very difficult,
14 if at all possible, to move to other systems within
15 the agency. That's all changed. Our team has built
16 out what we refer to informally as a data lake, and
17 the idea is any information that comes into the
18 Campaign Finance Board, any data whatsoever, lives in
19 this lake and then it gets pulled up and utilized by
20 whatever application needs it for whatever particular
21 purpose so all of these things, all of these ways
22 that we use technology that impacts stakeholder
23 groups, including candidates, contributors. It will
24 all, I will promise you, will be improving. It's
25 going to take a few years, realistically, but we are

1 staffing up that work. We are going to do a better
2 job than ever before of doing user experience
3 testing. As we build, starting small, figure out with
4 whoever the stakeholder group is so we're going to be
5 convening user groups, whether they be candidates or
6 contributors, you name it, every type of stakeholder
7 that engages with us and letting them try out our new
8 systems before we scale them big, before we spend a
9 lot of money and time on them so we have plans. We
10 know the systems are a little bit tough to engage
11 with less than ideal user experience, and I assure
12 you, it will be improved in the years to come.

14 COUNCIL MEMBER SCHULMAN: I appreciate it,
15 and just going back to the audits, and I appreciate
16 the new rule that you have but also understand that
17 sometimes when the audits are done, like for example,
18 I have a big donor base that's Orthodox Jewish, and
19 so sometimes we've gotten audits when it's in the
20 middle of a Jewish holiday so we can't access people
21 or there are other things too so just keep that in
22 mind as well, and I'm very compliant with stuff. One
23 of the questions I wanted to ask you, instead of in
24 terms of making the audits more timely, is have you
25 thought about maybe just doing complete audits of

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2 campaigns where there have been issues as opposed to
3 campaigns that usually compliant and then just doing
4 a quick overview or whatever as opposed to doing a
5 complete audit of every single campaign?

6 EXECUTIVE DIRECTOR PAUL RYAN: Short
7 answer is we already do what you're describing. We
8 have a risk analysis system, and the degree of
9 scrutiny on a particular campaign depends on a
10 variety of factors. Our audit team is constantly
11 evolving and improving that sort of rubric of how
12 they assess risk, but campaigns that get a lot of
13 public funds get more scrutiny than campaigns that
14 get very little public funds. Campaigns that have a
15 lot of red flags for problems get more scrutiny than
16 those. We have several levels of scrutiny within the
17 audit, including the least level of scrutiny, which
18 is very little. So, we aren't doing full audits of
19 every campaign today, and that will continue to be
20 our practice.

21 COUNCIL MEMBER SCHULMAN: Okay, and the
22 final question I have is, have you given any thought
23 to maybe having a focus group with treasurers for
24 campaigns because they have a lot of ideas, and they
25 deal with the campaign on a day-to-day basis and

1 doing all the C-Smart and all of that stuff, I
2 thought, because my treasurer has a lot to say. I
3 mean, I know you send out questionnaires, but I think
4 if you have a focus group, I think that might be a
5 good idea to do that with some treasurers.

7 EXECUTIVE DIRECTOR PAUL RYAN: Yeah. I
8 expect that our user testing for all of these systems
9 process and tech system improvements, they're all
10 going to involve more engagement with all of our
11 users, including treasurers. It's a great idea, and
12 we'll be doing more engagement to get feedback,
13 welcome feedback from users of our...

14 COUNCIL MEMBER SCHULMAN: Okay, and I'd
15 love to sit down with you at some point subsequent to
16 this, but I appreciate all the work that you and your
17 team do so thank you.

18 EXECUTIVE DIRECTOR PAUL RYAN: I would be
19 honored, thank you.

20 COUNCIL MEMBER SCHULMAN: And thank you,
21 Chair.

22 CHAIRPERSON RESTLER: Thank you very much,
23 Council Member Schulman. We will go to Council Member
24 Carr followed by Council Member Hanif.

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2 COUNCIL MEMBER CARR: Thank you, Chair.
3 Executive Directors Ryan, good to see you both. I'm
4 glad to be here with you.

5 I just want to start by thanking the
6 Board for really a completely successful election
7 cycle in the areas I represent, Staten Island and
8 Brooklyn, Chair, and that everything went really
9 smoothly. Obviously, there's always a couple of
10 hiccups here and there that's normal part of election
11 cycle, but I just want to thank the Board staff and
12 all the poll workers for their efforts over this
13 October and November season. Really, really great.

14 EXECUTIVE DIRECTOR MICHAEL RYAN: Thank
15 you, and we're happy to share you with our neighbors
16 in Brooklyn.

17 COUNCIL MEMBER CARR: Thank you, I
18 appreciate that. Happy to be back home where the
19 family roots are.

20 So, I just want to start with the Board
21 of elections. There's no voter ID law in New York
22 State.

23 EXECUTIVE DIRECTOR MICHAEL RYAN: That's
24 correct.

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2 COUNCIL MEMBER CARR: Ballot security
3 relies on a signature comparison, either when the
4 voter comes to a poll site and signs in the poll pad
5 or when they sign the envelope for the absentee
6 ballot that they return to the Board. Can you talk a
7 little bit about the protocols about how those
8 signatures are reviewed either by the poll workers at
9 a poll site or by Board staff when they receive an
10 absentee ballot?

11 EXECUTIVE DIRECTOR MICHAEL RYAN: So,
12 since we're not handwriting experts and having been a
13 litigating attorney on cases requiring a handwriting
14 analysis, that in itself is a complex science. It
15 really is more a question of, does it look
16 sufficiently similar, and if I am, I happen to be a
17 Democrat and if we were working together, I would
18 take a look at it. If it passed muster with me, it
19 would turn over to you as the Republican and, if it
20 passed muster with you, then it moves forward so it's
21 really is it substantially similar? What is also a
22 difficulty associated with that form of analysis is
23 that we have permanent registration in New York
24 unless there's some reason not to. I can tell you
25 that my signature from 1992, which my card is from,

1 is different now than it was then so what we try to
2 do is when we have reasons to capture more recent
3 signatures, we update what we call the signature clip
4 in the voter registration system so that we're having
5 the most recent analysis, but it is certainly not a
6 perfect system. One of the other advancements that
7 we've put in place to try to make certain that the
8 check-in process is more accurate on election day,
9 and I meant to mention it before, we have the fast
10 pass tag, which we distribute to all registered
11 voters in the City of New York and did that this year
12 closer to election day than we have done in years
13 past, and we also included a QR code on that form so
14 that you could put it into your Google Wallet or some
15 other similar means on your cell phone and that then
16 gives you a barcode that is specific to you as a
17 voter and so you can bring that to the poll pad and
18 check in with that and it'll bring you right to your
19 voter registration page, and this election, we had
20 598,967 separate individuals use one or the other of
21 those two methods of checking in. If that can catch
22 on even more, considering that we had 2.8 million
23 voters, it will not only speed the election's check-
24 in process at the poll sites, I should say, but it
25

1
2 will also be a further insurance policy that the
3 right person is checking in since each one of those
4 is mailed out directly to the voters.

5 COUNCIL MEMBER CARR: I was one of the
6 ones that had it in my Google Wallet. I enjoyed that
7 process a lot. And my buff card signature is still
8 Catholic Schools cursive, and that's not what my
9 signature looks like anymore, so I appreciate those
10 efforts.

11 But with respect to absentee ballots, the
12 Board is required by statute, I think, to do a review
13 of every signature that comes in. That's what takes
14 place every election contest?

15 EXECUTIVE DIRECTOR MICHAEL RYAN: Yes, and
16 because although we had some trepidation when the
17 change in law was made to require the canvassing of
18 absentee ballots ahead of election day, it has in
19 fact been an enhancement to our efforts. In the past,
20 we used to have, in this case, over 300,000, almost
21 400,000 absentee ballots and affidavits to review
22 post-election in a very rapid process to get ready
23 for, and especially in a presidential year, to be
24 ready for certification and make sure that the
25 electoral college can be properly set. Now we do them

1
2 at specific intervals as they come in, and the
3 process is not as frenetic, but it's still the same
4 thing that I discussed earlier, whether it be at the
5 poll site or in the office on an absentee ballot. The
6 gateway to the ballot is the signature, and that
7 signature review process has to be completed by
8 individuals who are not necessarily handwriting
9 experts, and it really is, does it pass the visual
10 test, and does it pass the visual test on a
11 bipartisan basis and, if not, there is an escalation
12 process that could go potentially, well, it could go
13 potentially up to the Deputy Chief and Chief Clerk of
14 the Borough, or even the Commissioners. Now in my 11
15 years here, it's never gotten to the Commissioners,
16 but it could. That's the way it's written in the
17 policy.

18 COUNCIL MEMBER CARR: Appreciate it.

19 Chair, if I could just have another minute?

20 For the Campaign Finance Board, I just
21 want to second what my Colleague, Council Member
22 Schulman, was saying about differentiating how we
23 approach audits or auditing at all for different
24 campaigns, and I know for campaigns that don't
25 receive matching funds, right, there's not the audit

1 of qualified expenditures that takes place, but when
2 you were last here, I had asked about the notion of
3 why do an audit at all when no matching funds are at
4 play in a given campaign? The Campaign Finance Act
5 empowers the Board to be stewards of the taxpayer
6 dollars in these campaigns but, if no money's being
7 distributed, why go through an audit at all, and I
8 understand the law requires it, but why not support a
9 change that would remove that responsibility from you
10 and therefore reduce the workload of the Board?
11

12 EXECUTIVE DIRECTOR PAUL RYAN: With
13 respect, I think our mandate is broader than simply
14 ensuring good use of taxpayer dollars in the public
15 financing program. Our mandate is to ensure that all
16 of the campaign finance laws, the full scope of the
17 City's campaign finance laws, that apply both to non-
18 participants and participants alike, are effectively
19 enforced, and that's important because publicly
20 financed candidates should be running against, if
21 their opponent chooses to not participate, it would
22 be difficult to administer an effective public
23 financing program if candidates who opt in are
24 subject to a bunch of laws and candidates who are not
25 have no oversight and run roughshod over applicable

1 laws. Audits are a way of ensuring that it's a fair
2 playing field between participants and non-
3 participants alike, all candidates.
4

5 COUNCIL MEMBER CARR: No, understood, but
6 I don't think you need an audit to enforce whether or
7 not someone received an over-the-limit contribution,
8 right? You're going to know that upfront. There are
9 other election agencies who enforce those kinds of
10 laws without there being a matching fund system so I
11 guess what I'm asking about is why a post-election
12 audit, not the statement reviews that require you to
13 document, you know, what you're doing, or to indicate
14 that you're complying with general rules like
15 contribution limits and the like. The audit's really
16 about whether the matching fund system is being
17 adhered to post-election.

18 EXECUTIVE DIRECTOR PAUL RYAN: I think
19 it's also about whether campaigns actually spent what
20 they said they spent on what they said they spent it
21 on, for example. That's a big part of audit process,
22 and the US Supreme Court has said, at least since
23 1976, that voters have a First Amendment right, a
24 compelling Constitutional right to knowing how much
25 money candidates are raising and spending in

1
2 elections, how they're spending that money, that it
3 influences how voters make their decisions in the
4 voting booth. I think the audits support that goal as
5 well. I think transparency is an important goal, and
6 the audits support transparency of all of the money
7 that flows through campaigns, both fundraising and
8 spending, and I think an audit is necessary, varying
9 degrees, but an audit of some sort is necessary to
10 confirm that candidates are spending money and
11 raising money the way that they are saying they are,
12 the backup paperwork.

13 COUNCIL MEMBER CARR: Understood. Well, I
14 think it's something worth talking about, but I
15 appreciate your answer. Chair, thank you.

16 CHAIRPERSON RESTLER: Thanks so much,
17 Council Member Carr. Council Member Hanif.

18 COUNCIL MEMBER HANIF: Thank you. Thanks
19 for being here.

20 I have some questions about language
21 access and interpretation services, specifically for
22 this past general. I know that several sites lacked
23 sufficient number of interpreters. Could you walk us
24 through how a determination is made as to how many
25 interpreters are placed in each site on election day?

1
2 EXECUTIVE DIRECTOR MICHAEL RYAN: Yes, and
3 I will say I would welcome the information about
4 where those lacking sites were because that has not
5 risen to my level of attention, and we do have other
6 oversight agencies that are out in the field on
7 election day. The Department of Justice was out in
8 the field. The Attorney General's office has a
9 hotline. What I should say, we didn't receive
10 sufficient numbers of complaints to demonstrate to me
11 that it was a problem but, if you have other
12 information, we can take corrective action on
13 specific locations moving forward..

14 COUNCIL MEMBER HANIF: (INAUDIBLE) are
15 voters tasked with calling one of the hotlines or
16 talking to one of the folks who are on site?

17 EXECUTIVE DIRECTOR MICHAEL RYAN: I think
18 all of the above. If something's happening in the
19 field and it doesn't come back to us as having
20 occurred, then there's no way for us..

21 COUNCIL MEMBER HANIF: What's that
22 channel? The voter tells..

23 EXECUTIVE DIRECTOR MICHAEL RYAN: So
24 there's different ways they can do it. They can
25 report it at the poll site to the coordinator. They

1
2 can call our office hotline. As I said, the Attorney
3 General in particular and others have their hotlines
4 that they advertise on election day so if there's a
5 problem, they can let us know. Now, if it doesn't
6 happen on election day, which would be the best time
7 for us to know about it, so maybe we could take
8 remedial action on the fly, but if it doesn't happen
9 on election day and folks like yourself learn of
10 things, let us know, and then while we might be
11 generally doing a good job, there might be a specific
12 location that's a problem and, if we don't know about
13 it, we can't fix it. So, how we generally choose the
14 language representations is we work closely with the
15 Department of City Planning and they provide the data
16 on, we tell them where we need it for, they provide
17 it and then if the site, by our determination, is
18 more than 50, then we provide language assistance as
19 we are required under Section 203.

20 COUNCIL MEMBER HANIF: If the site is more
21 than 50?

22 EXECUTIVE DIRECTOR MICHAEL RYAN: 50
23 individuals in the site that are reported as
24 requiring services...

25 COUNCIL MEMBER HANIF: I see.

EXECUTIVE DIRECTOR MICHAEL RYAN: And our covered languages are, in addition to English, Spanish, Chinese, Korean, and Bengali, and I always get it reversed, but suffice to say, in Chinese we service Mandarin and Cantonese. One has to be spoken and in writing and the other is spoken only. Then once that is done, we make the assignments for the election day poll sites. For the early voting sites, it's a little bit different because they are conglomerate sites. We do a similar analysis, but we have to take then all of the election districts into consideration that are going to be at that site and we have no less than two assigned, no more than four, depending on the needs of the particular location.

COUNCIL MEMBER HANIF: Got it. No, and I'm glad that you raised Bangla. That's one of the top languages in my District, particularly in Kensington. We've had some issues specifically at PS-179, PS-230, and I think even if there is an interpreter, the scope of voters knowing that there is an interpreter on site, that's one of the issues, that them not knowing.

EXECUTIVE DIRECTOR MICHAEL RYAN: Gotcha.

1
2 COUNCIL MEMBER HANIF: Or that information
3 not being readily accessible on site and then if they
4 are faced with challenges when it comes to
5 interpretation services, not knowing who immediately
6 to call, and of course, we're lucky that constituents
7 can reach out to us, but it would be helpful to just
8 have some more information so that that work can
9 happen before the election day.

10 And then what other types of language
11 assistance does the BOE provide in terms of ballots
12 being language accessible?

13 EXECUTIVE DIRECTOR MICHAEL RYAN: So, when
14 areas like, and I'll use Queens as an example because
15 it's the most, so we provide language in all five
16 boroughs in English and Spanish, and then in certain
17 areas of Brooklyn and Manhattan, they have met the
18 threshold for also having Chinese, but Queens is our
19 most complex borough in that regard. In some
20 respects, it's the most language diverse, and we
21 provide services in English, Spanish, Chinese,
22 Korean, and Bengali. Now that having been said, that
23 doesn't mean that all five of those languages are
24 serviced at all of the locations. It still is based
25 on the threshold that I outlined earlier that we work

1
2 with the Department of City Planning so you might
3 have some sites that have all five. You might have
4 some that have four, some that have three. So, it has
5 since become State law, but prior to it becoming
6 State law, what we've done is, especially in those
7 locations where there was five languages, we started
8 a ballot rotation process to make sure that we never
9 ran out of ballots in a particular language so, in
10 other words, assuming the first three voters came in
11 and no one requested a ballot in a particular
12 language, you would get an English, Spanish, a
13 Chinese ballot, the next would get an English,
14 Spanish, Korean ballot, the next would get an
15 English, Spanish, Bengali ballot, so that there was a
16 rotation. Now if you come in and ask for a specific
17 language, then you would get the ballot with that
18 specific language on it. For Spanish, we do not
19 translate the names because they have the same
20 alphabet, but for Chinese, Korean, and Bengali, you
21 get a translated name in addition to the instructions
22 and the offices and all of those other things, which
23 is why any candidates that have run for office in
24 those areas get a notice from us in advance of
25 elections saying, this is the way we're going to

1
2 publish your name on the ballot and other related
3 materials, do you have an objection or do you prefer
4 a different way, especially with the character based
5 languages? Sometimes there's a preference in how the
6 name appears or what characters are used.

7 COUNCIL MEMBER HANIF: Right. So,
8 something that I keep thinking about, as somebody
9 who's of Bangladeshi descent, speaks the Bangla
10 language fluently, but born in Brooklyn, I've seen
11 the community, one, feel really grateful that there's
12 translated ballots, that they are receiving
13 information in the language, but oftentimes
14 incomprehensible so I'm curious if there's, outside
15 of, I don't know who is doing the review for what
16 gets translated, but would love to better understand
17 if there is a structure to ensure that the translated
18 material is comprehensive and comprehensible.

19 EXECUTIVE DIRECTOR MICHAEL RYAN: So,
20 depending on where it comes from, that depends on
21 who's doing the translation. So, for example, we had
22 some State and City propositions on the ballots this
23 year. Those come to us as a finished product.

24 COUNCIL MEMBER HANIF: Those translations
25 were terrible.

EXECUTIVE DIRECTOR MICHAEL RYAN: We try to, to the extent that we can, to offer some constructive assistance, but it's the responsibility of those entities to provide us with a finished product. When it comes to the rest of the ballot, the instructions, the candidate names, for all of the languages that we are required by law to provide interpretive assistance for, we do all of those translations in-house.

COUNCIL MEMBER HANIF: In-house as in there's a company?

EXECUTIVE DIRECTOR MICHAEL RYAN: We have full-time employees.

COUNCIL MEMBER HANIF: Employees.

EXECUTIVE DIRECTOR MICHAEL RYAN: And we have a team, so that we...

COUNCIL MEMBER HANIF: And are they specifically like a language services team?

EXECUTIVE DIRECTOR MICHAEL RYAN: Yes.

COUNCIL MEMBER HANIF: Okay.

EXECUTIVE DIRECTOR MICHAEL RYAN: We have teams for each of those languages that do all of the interpretations necessary for those ballot materials and any other related materials that we have to

1
2 publish and also to be available throughout the year
3 to serve as phone answerers and for people that are
4 calling with specific language needs.

5 COUNCIL MEMBER HANIF: Yeah, the community
6 has found it helpful to be able to bring someone with
7 them to the site, which I think, yeah, that's
8 helpful.

9 EXECUTIVE DIRECTOR MICHAEL RYAN: In that
10 regard, anyone has a right under New York State
11 election law to bring someone to assist them in
12 filling out the ballot. That's not only somebody that
13 needs language assistance. If they had manual
14 dexterity issues or comprehension issues, especially
15 for some of the more complex things, you're allowed
16 to bring anyone of your own choosing, provided that
17 it's not your employer or your union, interestingly
18 as the law requires to, I guess, prevent going back
19 to Tammany Hall days interference or coercion on the
20 part of an employer or a union to try to compel
21 someone to do something that wasn't voluntary.

22 COUNCIL MEMBER HANIF: Thank you.

23 EXECUTIVE DIRECTOR MICHAEL RYAN: You're
24 welcome.

CHAIRPERSON RESTLER: Thanks so much,
Council Member Hanif.

I will do some questions, kick it over to
Council Member Brewer, who I know has a round two,
and then try to wrap this panel up with a few more
questions after that.

I just want to focus on turnout for a
moment, which is, I think I said in my opening,
abysmal. I think 23 percent in the 2021 general
election that led to Eric Adams' victory. We looked
back at the historical data, and the BOE keeps all of
this on its website. If you don't enjoy it, you
should. It's awesome. Maybe this is just something
that Molly and I enjoy.

EXECUTIVE DIRECTOR MICHAEL RYAN: If I
knew you were going to ask us about it, we would have
taken it down before the hearing. Teasing, teasing,
of course.

CHAIRPERSON RESTLER: When Robert Wagner
was elected in 1953, if I have this right, over 2
million people turned out for the Mayoral election,
93 percent of registered voters. We've gone from 93
percent in 1953 down to 23 percent in 2021. About
half as many people turned out to vote to help elect

1 Eric Adams. You commented, each of you, a little bit
2 on this in your opening statements, which we heard
3 and appreciated. Is there anything new or additive
4 that you'd like to share now of how CFB and BOE are
5 going to try to enhance turnout for the upcoming
6 election cycle, improve efficient election
7 operations, or any top line, big picture priorities
8 for how we're going to try to do better as a City?

10 EXECUTIVE DIRECTOR MICHAEL RYAN: So, I
11 would take this first, and I don't mean to jump you,
12 but this past election, we did something different
13 for the Presidential election. The State Legislature
14 has shifted the dates a couple of times in the last
15 few years about when we have to send out the annual
16 information notice. It used to be in August, which
17 made sense, when there was a September primary, and
18 then a November general election. They moved it to
19 another date, now it's a new date in May, but we made
20 a determination that, and we're going to have to see
21 moving forward, whether it's something that's
22 sustainable for each general election, but we thought
23 for sure, for the 2024 Presidential election, we also
24 did a supplemental mailing. So, when I told you that
25 we did outreach with respect to the poll workers, we

1
2 kind of bifurcated that process, and we halved our
3 budget, and used half for the poll worker outreach,
4 and half for voter outreach in the lead-up to the
5 election, and we did, in addition to all of those
6 efforts, which were multimedia efforts, and digital
7 platforms, and social media platforms, we also did a
8 mailer, which I hope that you received, to all
9 registered voters, reminding them that the general
10 election was coming up and we included the Fast Pass
11 tag in there and the QR code in there. It wasn't as
12 comprehensive a mailer as we do in June, but it was
13 really just a, hey, the election's coming up, we want
14 you to remember it, and we want you to have the
15 information. With respect to the upcoming election in
16 the June primary, what we've done, especially in the
17 past year since RCV has become into law in 2021,
18 while the Charter mandates the CFB with the primary
19 responsibility vis-a-vis voter education, we work
20 closely with the CFB to make sure that they have the
21 right information from us, whatever's necessary for
22 us to distribute, and then we supplement that as well
23 in our mailings, both in our voter education
24 outreach, and in the mandatory mailing that we have
25 to do in May.

1
2 CHAIRPERSON RESTLER: Paul, anything you'd
3 like to add?

4 EXECUTIVE DIRECTOR PAUL RYAN: I think
5 there's a silver bullet, and it's the policy change
6 that is advocated by Resolution 189. It's aligning
7 City elections into even year with federal elections.
8 When we were contemplating designing or developing
9 our strategic plan that we finalized in August, we
10 were thinking about whether we should have a voter
11 turnout North Star goal, and as we considered it, we
12 thought it would be so dependent on, we'd want to set
13 something ambitious, a big number, get us much closer
14 to the voter registration number or much closer to
15 federal election participation voter turnout, and
16 it's so dependent on this realignment of elections so
17 that's the big one, and that's why we support
18 Resolution 189, that's why we're advocating that
19 change, but the one other thing we're doing that's a
20 little bit more modest is just really studying
21 whether or not the educational materials that we're
22 producing and disseminating to get voters to the
23 polls, whether they're working, whether they're
24 landing. So, we did incorporate that as a North Star
25 goal, which is whether 90 percent of our voters find

1 our information materials relevant, helpful, and
2 accessible. It's measurable, and it's going to force
3 us to do some message testing and get a little more
4 scientific to try to move the ball in that direction.
5

6 EXECUTIVE DIRECTOR MICHAEL RYAN: Chair

7 Restler, if I could just supplement that. While there
8 hasn't been a legislative initiative in my time as a
9 Commissioner, in my time as the Executive Director
10 that the Board of Elections has not been able to
11 meet, we meet our statutory requirements, I just
12 would like to say that as this moves forward, and
13 we'll work with the State legislature, that there are
14 complications associated with aligning the elections
15 in the even years and I'll point out two basic ones.
16 We cannot merge a rank choice voting ballot on the
17 same page as a non-rank choice voting ballot so if
18 there's going to be City Council and Mayoral races in
19 primary elections with other mixed races, there will
20 be separate ballots so that's a challenge in voter
21 education, not so much a challenge in technology. But
22 moving forward into the Presidential election,
23 staying away from the regular other elections, but if
24 you move into the Presidential election, there are
25 challenges associated, assuming that the same voter

1 system that we have presently remains in place. There
2 are challenges associated with the volume of paper
3 that's going to be associated by multiple page
4 ballots. We had a few counties that had it, there
5 were the larger counties this year, but that would
6 increase the likelihood that the ballots would be
7 multiple pages for the general election. Not
8 insurmountable, but certainly things to be aware of.

9
10 CHAIRPERSON RESTLER: (INAUDIBLE)

11 operational challenges. I appreciate you raising
12 both. Look, there's a few things I want to say on
13 this. Firstly, you both are agency heads with the
14 rare power to essentially set your own budgets with
15 our cooperation, and I really hope that both of you
16 look hard at our abysmal turnout rates and ask, are
17 there additional investments that we as a City can
18 and should be making that would have a consequential
19 impact on turnout and, if there are ways that we as a
20 Council can be helpful in supporting the BOE and the
21 CFB to achieve those goals, we want to. I think it's
22 critically important, and I think that the status quo
23 is unacceptable. I'm a profoundly competitive person,
24 and it pains me immensely that when we look at all
25 the other big cities in the country and their mayoral

1
2 elections, they have higher turnout than we do in New
3 York City. And if you look at the Presidential
4 participation rates that we had just a couple weeks
5 ago, we compare horribly to the big cities around the
6 country. We can and should do so much better.

7 Lastly, I did want to ask about...

8 EXECUTIVE DIRECTOR MICHAEL RYAN: Can I
9 just say one thing about that?

10 CHAIRPERSON RESTLER: Sure.

11 EXECUTIVE DIRECTOR MICHAEL RYAN: That
12 position that you take is accurate if the voter rolls
13 of eligible voters are accurate. So, to the extent
14 that there may be people on the voter rolls anywhere,
15 not only in New York City, but anywhere in New York
16 State, that no longer belong there because they've
17 relocated, it is artificially depressing our turnout
18 rate, right, because the turnout rate's a hard
19 number, who shows up is a hard number, but the soft
20 number is the eligible voters registered. So, if that
21 soft number is weak, then the turnout rate's going to
22 appear to be lower when it's not really lower.

23 CHAIRPERSON RESTLER: So, basically what
24 you're saying is if we can achieve universal child
25

1
2 care and reduce out-migration from New York, then our
3 voter participation rates will be better.

4 EXECUTIVE DIRECTOR MICHAEL RYAN: One of
5 the things I think I would like to see on a State
6 level, it's not a City level, is a way to increase
7 cooperation because there's no mechanisms presently
8 to increase cooperation between the states on sharing
9 voter data.

10 CHAIRPERSON RESTLER: It's a good point.
11 We want to make sure the data's accurate. I can
12 remember, I don't know, six or seven years ago when
13 we had some pretty darn significant issues of people
14 being wrongly taken off of our voter rolls,
15 especially in Brooklyn.

16 EXECUTIVE DIRECTOR MICHAEL RYAN: Oh,
17 you're going to bring that again?

18 CHAIRPERSON RESTLER: I am.

19 EXECUTIVE DIRECTOR MICHAEL RYAN: It's
20 2016. 2016 (INAUDIBLE)

21 CHAIRPERSON RESTLER: What did I say, six
22 or seven? So eight years ago. I apologize. I'm old
23 enough to remember. And that was not a fun experience
24 for anybody involved.

1
2 EXECUTIVE DIRECTOR MICHAEL RYAN: What I'm
3 suggesting is something different than then. I'm
4 talking about there's instances where people move to
5 other states and they're unlike, say, for example,
6 I'll put an old hat on. (INAUDIBLE)

7 CHAIRPERSON RESTLER: (INAUDIBLE)

8 EXECUTIVE DIRECTOR MICHAEL RYAN: The
9 NCIC, right? The Incident State Cooperation of
10 Sharing Criminal Justice Data.

11 CHAIRPERSON RESTLER: Right.

12 EXECUTIVE DIRECTOR MICHAEL RYAN: Right?
13 The states do a good job at that and a much better
14 job post 9/11, but it was on the road before that
15 because I was involved in it, but there is no such
16 similar mechanism in between the states so if
17 somebody picks up, like a lot of people have recently
18 moved to Florida, we don't get a notification from
19 Florida and Florida gets no notification from us
20 because there's no way to do it. There's no mechanism
21 to do it.

22 CHAIRPERSON RESTLER: I would welcome the
23 opportunity to look into this further with you and,
24 if we don't have much cooperation or competency out
25 of Washington, D.C. for the foreseeable future,

1 perhaps there are opportunities for us to build more
2 state partnerships.
3

4 Just one question I wanted to ask, I
5 think Paul, on this Resolution 189, which I think is
6 a meritorious idea, and I agree with you, could have
7 a transformational impact on voter turnout. I do have
8 anxiety about voter education for a ballot that could
9 be so long. In 2021, in my community, there was an
10 open Council seat, an open Borough President seat, an
11 open Comptroller seat, an open Mayor election. In
12 2022, there was an open Congressional seat, a
13 competitive Senate election and, in a Presidential
14 year, we're talking, it's really, we had a new State
15 Senator redistricted in our community. That is a lot
16 of information for somebody to process in a given
17 election cycle, and I just wonder how you think this
18 would work for a voter to have to track 10, 12
19 different election races and candidates in a single
20 voting experience.

21 EXECUTIVE DIRECTOR PAUL RYAN: We know
22 that it's working in jurisdictions that do it, that
23 have municipal, county, state, federal elections
24 aligned on a single ballot. I haven't done the
25 research. I'm confident that my team and folks at the

1
2 Citizens Union who produced a report a few years ago
3 that I referenced in my opening remarks and my
4 testimony, I think they have done that research, they
5 continue to do the research, but there are other
6 jurisdictions that have had dramatic improvements in
7 voter engagement, voter participation with aligned
8 elections, with long ballots, and I'm not sure New
9 York City is unique that would make it not follow the
10 same trajectory if we were, in fact, to align our
11 elections with the federal.

12 CHAIRPERSON RESTLER: Yeah, I think I'd be
13 interested in your team's analysis and what we'll ask
14 Citizens Union as well, do we have more positions
15 that we vote for here in New York City than in other
16 places? I don't know the answer to that. It's just, I
17 think, an unusual thing in local government to have
18 one, two, three, four, five, six different elected
19 officials that represent, or five different elected
20 officials that represent every New Yorker at the
21 local level, you know, in addition to the state and
22 federal representation.

23 Okay, I think we've covered my questions
24 on the Queens scanners from Council Member Schulman.

25

1
2 I did want to ask, I thought the
3 innovation of the website that tells people how long
4 the wait time is was really helpful and a great job.
5 A couple blocks outside of my District over at
6 Atlantic Terminal, NYCHA development in Fort Greene,
7 people were saying they waited four hours to vote. I
8 think there were particular instances there. When you
9 have 1,200 poll sites around the city, I get you're
10 going to have issues in some places, but could you
11 share with us how many poll sites did the BOE
12 identify had longer wait times than you think
13 appropriate and what does the BOE do after an
14 election cycle to revisit which poll sites had issues
15 and what changes, if any, need to be made to shift
16 election districts around, improve operations, change
17 staff, etc.?

18 EXECUTIVE DIRECTOR MICHAEL RYAN: So, the
19 timing of this hearing every year kind of puts us in
20 a little bit of an information deficit since we just
21 certified the election yesterday so we haven't turned
22 our attention to the post-election analysis, but we
23 will, and we'll look at those locations that had more
24 excessive wait times. The good news is the
25 implementation this year and the trying it out for

1
2 the first time in the general election of the wait
3 time data will provide us new ground to analyze. We
4 didn't have that information in the past. Everything
5 was anecdotal so, for the first time, we're going to
6 have some real data other than just, oh, I've been
7 waiting for three hours, right, I mean, so, yeah,
8 we're definitely taking a look at it. We're...

9 CHAIRPERSON RESTLER: Do you plan on
10 issuing a report?

11 EXECUTIVE DIRECTOR MICHAEL RYAN: It will
12 be included in our annual report, I'm sure, but it is
13 a different system for election day than it is for
14 early voting, and we're still working, you know, some
15 of the kinks out of it, but we know it's a work in
16 progress, and we thought it was a good idea to try it
17 out, even though it was a Presidential election and a
18 big effort to do it. We thought there's no perfect
19 time to implement something like that so we took the
20 opportunity to do it now.

21 CHAIRPERSON RESTLER: I think a step in
22 the right direction, we're very interested in digging
23 in on the data with you and understanding what the
24 issues are and how they're rectified moving forward

1
2 so look forward to better understanding what you
3 find.

4 I think, as I mentioned in my opening
5 statement and in yours, a lot of progress on early
6 voting, happy with the increase in the number of
7 sites. I am a big proponent of cultural institutions,
8 libraries, colleges, government buildings as early
9 voting locations. We encounter a bunch of issues when
10 our secondary schools are used, and they lose their
11 gym for a week on end, etc., or their cafeteria
12 space. Can more information be shared with Council
13 Members when you have gaps in optimal early voting
14 locations so we can help recommend alternative spaces
15 in our communities?

16 EXECUTIVE DIRECTOR MICHAEL RYAN:

17 Absolutely. I think what we can do collectively is
18 work on a communication process to make sure, rather
19 than, I mean, there's, you know, a large number of
20 City Council Members throughout the city, if there's
21 a way that we can work collectively through staff to
22 share that information.

23 CHAIRPERSON RESTLER: Our Committee would
24 be happy to help.

1
2 EXECUTIVE DIRECTOR MICHAEL RYAN: Yeah, I
3 think that's a good idea because too often, and
4 Council Member Brewer will tell you in her various
5 capacities, she's been helpful to the Board, but too
6 often we're forging on our own at trying to find poll
7 sites and, you know, unfortunately, there are times
8 where we meet resistance in that regard. With respect
9 to the cultural institutions, although I don't know
10 that we're 100 percent where we want to be, there has
11 been a marked improvement...

12 CHAIRPERSON RESTLER: I joined Common
13 Cause for a press conference on the first day, or
14 just before the first day of early voting outside the
15 Met, which we were thrilled there was a new polling
16 site.

17 EXECUTIVE DIRECTOR MICHAEL RYAN: Look, it
18 was a tough road to get there for some of those
19 locations, but I will tell you, you know, and again,
20 I mention Georgea again, but Ms. Kontzamanis can tell
21 you that where we really kind of started this and it
22 kind of broke the ground was the Museum of the Moving
23 Image in Queens, who was resistant to being a poll
24 site. We kind of forced our way in there, and then
25 it's one of our best partnerships. It turned out to

1
2 be something that they didn't expect, which was a
3 little bit of a lost leader. It got people into the
4 building, especially in the outer boroughs, right?
5 The cultural institutions in Manhattan are well
6 attended and people are aware of them, but some of
7 these other wonderful cultural institutions in the
8 outer boroughs, people don't even know about them,
9 and we got people into the Museum of the Moving Image
10 that would not have even known it existed unless
11 there was a poll site there, and I can tell you that
12 the management and the leadership at that particular
13 museum is very happy with our symbiotic relationship.

14 CHAIRPERSON RESTLER: Well, we have many
15 dozen, multiple dozens of cultural institutions
16 located in City-owned property, and we should be
17 using our collective influence with those entities to
18 ensure that they're opening up their space so credit
19 to all the folks who have advocated for this and the
20 progress we've made on the cultural institutions.

21 EXECUTIVE DIRECTOR MICHAEL RYAN: And I
22 will concur with you in this regard on that. Those
23 institutions have a tendency to listen to you guys
24 more than they listen to us.

25

1
2 CHAIRPERSON RESTLER: Well, the Council
3 gives them a whole lot of money, and so they
4 certainly should listen to us, or at least Gale.

5 I want to just shift gears to RCV.
6 Obviously, we were all kind of embarrassed by the
7 135,000 test ballots that were wrongly counted in the
8 first tabulations of the RCV results in the June '21
9 primary. You know, how confident is the BOE at this
10 stage that you're all prepared for correct, accurate,
11 timely accounting of the RCV totals?

12 EXECUTIVE DIRECTOR MICHAEL RYAN: So, I'm
13 not trying to dodge a question, but I was not present
14 during the June 2021 primary. I was out on extended
15 medical leave. I didn't come back until the end of
16 August that year. So, I have kind of an understanding
17 of what happened. There were some test ballots in the
18 system. My limited understanding is that although it
19 caused a little bit of a kerfuffle in the beginning,
20 it was corrected in about an hour, an hour and a
21 half's time so there were remedial actions taken
22 immediately in my absence, and we have done multiple
23 RCV contests, special elections, and another primary
24 after that in 2023 where it wasn't repeated so it
25 seems to me...

1
2 CHAIRPERSON RESTLER: At much more modest
3 scales.

4 EXECUTIVE DIRECTOR MICHAEL RYAN: Right.
5 Well, so I would say this respectfully, Mr. Chairman.
6 The size of elections don't make a difference to us
7 if the processes are followed properly, right? It
8 just means that more people voted but, if we take the
9 steps that we're supposed to take, we take the same
10 steps in a little election that we do in a larger
11 election, so the fact that we got through a more
12 modest election that happened to be a primary for
13 some of your Colleagues, they might not think it was
14 so modest if they won, right... (INAUDIBLE)

15 CHAIRPERSON RESTLER: (INAUDIBLE)

16 EXECUTIVE DIRECTOR MICHAEL RYAN: But the
17 point is, it didn't repeat itself.

18 CHAIRPERSON RESTLER: Right.

19 EXECUTIVE DIRECTOR MICHAEL RYAN: And so
20 when you think about large systems, if something
21 happens on a small scale, it'll happen on a large
22 scale, right, so if you resolve it on the smallest
23 scale and it's systemic, it will not be replicated on
24 a larger scale, right, so that's...

1
2 CHAIRPERSON RESTLER: I just want to ask
3 about absentee ballots and RCV. You indicated in your
4 back and forth with Council Member Carr that..

5 EXECUTIVE DIRECTOR MICHAEL RYAN: Now he
6 wants (INAUDIBLE) five minutes ago.

7 CHAIRPERSON RESTLER: Signature
8 verification. I just wanted to clarify. The BOE is
9 now reviewing the absentee ballots in advance. Is
10 that just on signature verification or are those
11 ballots, the absentee ballots that are submitted in
12 advance of election day to the Board..

13 EXECUTIVE DIRECTOR MICHAEL RYAN: Yes.

14 CHAIRPERSON RESTLER: Incorporated in the
15 immediate RCV totals that are coming, in the first
16 round of RCV totals that are coming out?

17 EXECUTIVE DIRECTOR MICHAEL RYAN: Yes. So,
18 what happens now is the absentee ballots come in and
19 they have to be sorted the way they would have been
20 post-election, and then they have to be reviewed, and
21 then once the envelope is determined to be valid from
22 an external review, it's then opened, the envelope
23 goes one way, the ballot goes the other way, and
24 ultimately all of those ballots get scanned at
25 specific intervals up until, I think, the Friday

1 before election day, and then whatever comes in after
2 that is done, but when you see preliminary results on
3 election night, like this past election, when you saw
4 all those large numbers coming in right after 9
5 o'clock, what you were seeing was early voting and
6 all of the absentee ballots that were canvassed and
7 scanned timely before election day, and then whatever
8 poll sites closed quickly and got their results in so
9 in that first 10 minutes on election night, you saw a
10 big number of ballots come in because it dealt with
11 the 1.1 million early mail ballots and early voting
12 ballots, and then after that, included in that pile
13 were also that data batch, early mail ballots and
14 absentee ballots.
15

16 CHAIRPERSON RESTLER: That's helpful.
17 Thank you.

18 I've got a few more items for you, Mike,
19 that I'll try to get through quickly before kicking
20 it over to Council Member Brewer, and then we'll go
21 back to Paul.

22 Rikers voting. According to the
23 Department of Correction, voting at Rikers Island, I
24 should say, according to the Department of
25 Correction, 1,422 individuals detained completed

1 registration forms or absentee ballot applications,
2 but the BOE only sent 977 absentee ballots to the
3 DOC. Can you help us understand the discrepancy in
4 that data? Essentially, what I think we're seeing is
5 that about a third of the people who are submitting
6 registration and absentee ballot applications are not
7 getting absentee ballots back, I assume because
8 there's some error in what they're submitting.

10 EXECUTIVE DIRECTOR MICHAEL RYAN: So, I
11 could guess, but offline I can get you specific
12 answers to those questions, and I can tell you that
13 we have that information. I just don't have it at my
14 fingertips or off the top of my head.

15 CHAIRPERSON RESTLER: We would love a
16 breakdown of that, and when you provide it...

17 EXECUTIVE DIRECTOR MICHAEL RYAN: But I
18 can guarantee you that every absentee ballot
19 application that we receive is processed. Now, they
20 might not all be valid.

21 CHAIRPERSON RESTLER: But what my concern
22 is is that only 977 absentee ballots went to DOC when
23 1,422 people requested them so a third of the folks
24 who presumably wanted absentee ballots didn't get
25

1 them, and I'd just like to understand why that is and
2 then similarly...

3
4 EXECUTIVE DIRECTOR MICHAEL RYAN: We do
5 sometimes get absentee ballot requests from people
6 who are not registered to vote. That happens too,
7 right, so... (CROSS-TALK)

8 CHAIRPERSON RESTLER: No, no. I'm not
9 saying you did the wrong thing necessarily

10 (INAUDIBLE)

11 EXECUTIVE DIRECTOR MICHAEL RYAN: There
12 are a myriad of statistical reasons why that could
13 occur and be proper. It's not necessarily improper,
14 but we definitely have the information.

15 CHAIRPERSON RESTLER: So, I want to shift
16 to poll workers. In our conversations, you've
17 informed us that, and previously testified in our
18 Preliminary Budget hearing last year, that
19 increasingly poll workers are coming through BOE
20 recruitment efforts...

21 EXECUTIVE DIRECTOR MICHAEL RYAN: Mm-hmm.
22 Or they're coming through a direct application via
23 our website. You can apply to be a poll worker.

24 CHAIRPERSON RESTLER: I'll give you credit
25 as that being BOE recruitment efforts. I think that's

1
2 important. Is the BOE committed to sustaining the
3 outreach efforts that you've recently undertaken to
4 ensure that you are independently bringing poll
5 workers in as much as is needed?

6 EXECUTIVE DIRECTOR MICHAEL RYAN: So, as
7 we have discussed informally, over the course of time
8 since I've been the Executive Director, year after
9 year after year, the number of poll workers that we
10 get from the county organizations has been decreasing
11 so, by necessity, we must commit to our efforts so
12 that we have a sufficient pool of poll workers to
13 conduct elections so, yes, we analyze this
14 information all the time. Increased efforts may
15 differ depending on an election cycle. Like, for
16 example, we don't need as many poll workers for a
17 primary election. We might not need as many poll
18 workers, say, in 2027 when there's no big top of the
19 ticket, no President, no Mayor, no Governor. You'll
20 have sufficiently less numbers of poll workers
21 required because there'll be less poll sites open.
22 But yes, we will always commit to making sure that
23 our poll sites are sufficiently and fully staffed
24 with properly trained individuals.

1
2 CHAIRPERSON RESTLER: I know that there
3 are statutory requirements that you receive referrals
4 from the county party organizations. I've been deeply
5 troubled that some county parties have designated
6 people who are not district leaders to be responsible
7 for referrals of poll workers. I just think the whole
8 thing is a problem and, as much as possible, I think
9 we are better off if the BOE is recruiting people
10 independently, training them. I'd love to look at the
11 data with you on no-show rates, job performance of
12 the folks you are recruiting versus the folks that
13 the county entities are referring. I have a lot more
14 confidence in your recruitment process than in
15 theirs, and I just hope that we sustain the outreach
16 that you've done that I think has been successful
17 moving forward.

18 The last thing I will raise with you
19 before passing it to Council Member Brewer is about
20 the almost-open General Counsel position, as I
21 believe the General Counsel, currently the BOE, is
22 going to be moving into a judgeship at the end of the
23 month. I do appreciate that it's up to the Board who
24 they hire. I would like to ask, is there a job
25 posting, is there a search that's being conducted

1 since we're 28 days away from having a vacancy in the
2 position, are there core qualifications for this role
3 as Executive Director that you can share with this
4 Committee?
5

6 EXECUTIVE DIRECTOR MICHAEL RYAN: So,
7 right now, there is not a vacancy, and I have not
8 received any instructions with respect to what next
9 steps will be regarding that vacancy.

10 CHAIRPERSON RESTLER: This isn't like a
11 rumor that my friend might be leaving their job.
12 They've been elected to a judgeship that they're
13 starting in 28 days, right?

14 EXECUTIVE DIRECTOR MICHAEL RYAN: I
15 understand, but I have a Board that I answer to that
16 is responsible for the hiring of all staff, including
17 the most senior staff, and including me so the point
18 is we all answer to a higher authority at some point
19 in life and they're my higher authority.. (CROSS-TALK)

20 CHAIRPERSON RESTLER: I understand the
21 structure of the BOE is unlike any other.

22 EXECUTIVE DIRECTOR MICHAEL RYAN: I don't
23 necessarily think so. I mean, I heard my colleague
24 talking about responding to the Board of the Campaign
25 Finance Board. It's just the structure of things.

1
2 CHAIRPERSON RESTLER: But Mr. Paul Ryan is
3 responsible for hiring his staff, promoting his
4 staff, he has control over what's happening, and
5 you're articulating something very different, that
6 the Board is responsible for determining which
7 patronage positions are filled by whom and when.

8 EXECUTIVE DIRECTOR MICHAEL RYAN: Section
9 3300 of the New York State Election Law sets out the
10 responsibilities, and I supervise the Board under the
11 supervision of the Board of Commissioners.

12 CHAIRPERSON RESTLER: I understand. I just
13 think it's the most basic of expectations that there
14 should be a job description. There should be core
15 qualifications that we could articulate for what
16 somebody should have to be serving in the absolutely
17 critical role of General Counsel. Who the General
18 Counsel is makes a critical difference on who gets on
19 the ballot, on how and the fairness and the integrity
20 of our elections operations so this is really
21 important, I think, for anyone who cares that our
22 elections are fair and efficient and effective, as I
23 know you do.

24 EXECUTIVE DIRECTOR MICHAEL RYAN: So, I
25 would say this as well. Our Deputy General Counsel is

1 here today as well. Although they have different
2 titles, General Counsel, Deputy General Counsel, it
3 is a bipartisan effort that leads to these
4 conclusions. Mr. Savino is certainly an able and
5 capable attorney who's been at the Board of Elections
6 for as long as I can remember, certainly since I got
7 here, and he does a good job, but I will say this,
8 and I want to dispel what I think is a notion that
9 needs to be dispelled. What determines who gets on
10 the ballot is the law and the compliance of the
11 candidates with the law and there are open and public
12 hearings with respect to problematic, what we'll call
13 problematic petitions, whether they're challenged or
14 not, and that's what's going to drive the day, and
15 our Board of Commissioners largely are lawyers, and
16 I'm not aware of a circumstance where any of them,
17 lawyer or not, would risk their professional
18 reputations or certainly their professional licenses
19 with respect to establishing a ballot and ballot
20 order.

22 CHAIRPERSON RESTLER: I hear you, and I'm
23 not trying to malign the integrity of anybody in
24 particular. I do think that there are gray areas in
25 these decisions, and having people of integrity and

1
2 independence and competency serving in these roles
3 gives me more faith and confidence that decisions are
4 being made appropriately, and this is such an
5 important position for the election operations of New
6 York City. I truly hope that the Board and the
7 Brooklyn Democratic Party leader identify somebody
8 who is capable of serving in this role effectively. I
9 think that the outgoing General Counsel has done a
10 good job and I'm very hopeful that we'll have
11 somebody of that caliber succeed her.

12 EXECUTIVE DIRECTOR MICHAEL RYAN: So,
13 maybe this will make you feel a little better. The
14 organizational chart, as established by the
15 Commissioners, requires the General Counsel and the
16 Deputy General Counsel to report directly to the
17 Executive Director and the Deputy Executive Director
18 so no one, maybe myself and Mr. Ignizio, if he were
19 here, no one is more concerned about the quality of
20 the General Counsel than myself and Mr. Ignizio
21 because they're the individuals, in addition to the
22 Deputy General Counsel, that we're going to rely on,
23 not only for the regular election work that is more
24 visible to the public, but they also serve as the
25 General Counsel and Deputy General Counsel for the

1
2 agency, and we're an agency like every other agency
3 that has its needs, personnel and otherwise, where
4 the General Counsel is an integral part of the
5 process.

6 CHAIRPERSON RESTLER: I appreciate that.
7 Hopefully, we will all be satisfied with a future
8 candidate.

9 Council Member Brewer.

10 COUNCIL MEMBER BREWER: Thank you. Mike
11 Ryan, one concern is your website talks about last
12 year, '24 election. When are you going to put up '25?
13 And I have to say, as somebody like you who pays a
14 lot of attention to media and to the websites, that
15 is a hindrance to people trying to figure out what to
16 do so can you, I can fix it for you if you like.

17 EXECUTIVE DIRECTOR MICHAEL RYAN: So for
18 years, and it's been a number of years where it
19 hasn't, our website was overseen by DoIT. We do
20 handle that internally now. We had a shift to Aquios
21 (phonetic) as a way of dealing with that. I can tell
22 you, we do not have an enormous tech staff.

23 COUNCIL MEMBER BREWER: You got to do
24 something.

1
2 EXECUTIVE DIRECTOR MICHAEL RYAN: I
3 understand, but we had an all-hands-on-deck approach
4 and no one on our staff has worked more hours than
5 our MIS staff to get the election certified. Election
6 was certified yesterday.

7 COUNCIL MEMBER BREWER: Okay.

8 EXECUTIVE DIRECTOR MICHAEL RYAN: We will
9 turn our attention to all of those housekeeping
10 issues between now and the end of the year.

11 COUNCIL MEMBER BREWER: Okay, we want
12 people to vote. You know what they do. They go to the
13 website. So, I'm requesting that, I understand it'll
14 get changed and I will know what's happening in '25,
15 but I do think that as soon as November 5th was over,
16 I'm just saying you need to switch to '25. It can't
17 wait until certifications, because that has nothing
18 to do with certification. I know people are busy, but
19 you've got to, I mean, get somebody at DoIT, or
20 whatever the hell it's called now, to do it, but you
21 have to have the website up to date.

22 EXECUTIVE DIRECTOR MICHAEL RYAN: We will
23 work on that. Like I said, the Presidential election
24 years present specific volume of challenges.

25

1
2 COUNCIL MEMBER BREWER: I don't care what
3 (INAUDIBLE) saying. Please. Because people, everybody
4 comments, because that makes us feel, when I say us,
5 I mean government, feel that we're not current, that
6 we're like in the Stone Age.

7 EXECUTIVE DIRECTOR MICHAEL RYAN:
8 Understood. I appreciate our partnership, Council
9 Member. I also appreciate your corrective advice when
10 you offer it.

11 COUNCIL MEMBER BREWER: Thank you very
12 much, and thank you for the American Museum of
13 Natural History. They were so happy to vote there.
14 They didn't know what to do. Thank you.

15 EXECUTIVE DIRECTOR MICHAEL RYAN: That
16 particularly was an effort championed by Deputy
17 Executive Director Ignizio.

18 COUNCIL MEMBER BREWER: We love Ignizio.

19 EXECUTIVE DIRECTOR MICHAEL RYAN: It
20 worked out very well.

21 COUNCIL MEMBER BREWER: Yes. Thank you
22 very much. It was great. Thank you.

23 EXECUTIVE DIRECTOR MICHAEL RYAN: You're
24 welcome.

CHAIRPERSON RESTLER: We love former
Council Members.

Okay. Two more topics for Paul, and then
we will relieve this panel but, before that, Jayasri
has generously reminded me many times to acknowledge
that Jim Gennaro was with us. Thank you for being
here, Council Member Gennaro.

Okay. I would like to start, Paul, with a
disturbing article I read a week or two ago about an
independent expenditure in an individual Council
District, and the article, I believe it was in The
City, somebody can correct me, I don't want to not
give credit after I failed to give credit to Jeff
Colton earlier. I believe this article was in The
City, and it indicated that one PAC has announced its
intent to spend 950,000 dollars, sorry, it was a New
York Focus, thank you. Molly knows everything. I just
sit here. Thank you, Molly. New York Focus. The PAC
announced its intent to spend 950,000 dollars to
support one candidate in one local City Council race.
Given campaigns, as we all know themselves, are
barred from spending more than 414,000 dollars per
cycle, is there more that we should be doing to level

1
2 the playing field with such extreme independent
3 expenditures being planned for the months ahead?

4 EXECUTIVE DIRECTOR PAUL RYAN: Tiny bit of
5 backstory, but I'll begin with what you already know,
6 I'm certain, which is that large independent
7 expenditures have no impact under current law here in
8 New York City on the legal requirements or
9 restrictions applicable to candidates. There's no
10 interaction there. Until 2011, some jurisdictions
11 around the country with public financing programs did
12 two things in response to big independent
13 expenditures regarding publicly financed candidates.
14 They gave them more public funds and they increased
15 their spending limits. And then the U.S. Supreme
16 Court got involved in 2011 in a case by the name of
17 Arizona Free Enterprise, the U.S. Supreme Court
18 declared unconstitutional in Arizona law that gave
19 additional public funds to publicly financed
20 candidates when they were faced by big outside
21 spending. The court, in my opinion incorrectly, but
22 nevertheless, they are the Supreme Court majority,
23 found that giving additional public funds to a
24 candidate in response to independent spending and/or
25 high-spending non-participating candidate spending,

1 the trigger in Arizona applied to both, violated the
2 constitutional rights of the independent spender. It
3 chilled their rights. So at least since 2011, it has
4 been unconstitutional to give extra money to publicly
5 financed candidates. However, the Supreme Court has
6 not ever analyzed the constitutionality of simply
7 increasing the spending limits for publicly financed
8 candidates opposed by big IEs. They didn't really
9 have the occasion to consider that issue separately
10 in the Arizona case because it was a full public
11 financing program where any additional public funds
12 was a dollar for dollar increase in the spending
13 limit. So here in New York City, my understanding is
14 independent expenditures weren't really on the radar.
15 They weren't much of an issue until about 2013.
16 They've been more of an issue over the past decade or
17 so. In the wake of the Arizona Free Enterprise
18 decision, New York City stopped enforcing one
19 relevant or related provision of Law, which up until
20 this Arizona Free Enterprise case in the Supreme
21 Court, New York City did give extra public funds,
22 bonus public funds to candidates whose non-
23 participating opponents spent above certain limits.
24 Stopped doing it. New York City has long had an
25

1
2 expenditure limit trigger when a candidate's facing a
3 non-participating opponent so, if your opponent
4 raises or spends 50 percent of the applicable
5 spending limit, you get a bump, a 50 percent bump in
6 your spending limit as a publicly financed candidate
7 and then, if your opponent raises or spends three
8 times the applicable spending limit, the
9 participating candidate is released completely from
10 spending limits. Still get your public funds, no
11 spending limit. In 2021, this Committee considered,
12 but the Council did not pass a bill that would have
13 applied to independent expenditures the same policy
14 that presently and has long applied to participating
15 candidates. So, under this bill, I believe Mr. Lander
16 was the principal sponsor of the bill, it would have
17 just applied the same 50 percent and then 300 percent
18 trigger to independent expenditures.

19 CHAIRPERSON RESTLER: As a foremost expert
20 in this space, do you have a policy recommendation
21 that you think it's worth revisiting that proposed
22 legislation?

23 EXECUTIVE DIRECTOR PAUL RYAN: As an
24 individual, I would say, yes, let's certainly have
25 that conversation. On behalf of the Campaign Finance

1 Board, I actually didn't dig into this issue until
2 yesterday or maybe Monday of this week to learn about
3 the history here in New York City. I'm very familiar.
4 I was actually involved with the litigation that went
5 to the Supreme Court on this matter. I think in terms
6 of Constitutional law, applying an increase in
7 spending limits in response to independent spending,
8 I think there are strong defensive arguments for that
9 in court, but certainly happy to kick it around with
10 my team and then come back to you and have a
11 conversation with you about it.
12

13 CHAIRPERSON RESTLER: I know that many of
14 my Colleagues are deeply concerned about just the
15 extraordinary influence that big money can have in
16 overwhelming what we're allowed to spend ourselves
17 with the spending caps in place and thinking about
18 ways that we can better level the playing field,
19 either revisiting Council Member Lander, now
20 Comptroller Lander's, legislation or other
21 approaches, I think is important and timely so we
22 look forward to having that conversation with you.

23 And then I do just want to close out by
24 asking some audit questions. I appreciate very much
25 the plan moving forward for how we will ensure that

1 most audits are completed in a timely fashion. I did
2 just want to check on how we're doing so far with the
3 2021 cycle. Can you share with us of the, I believe
4 it was 308 candidates that ran in 2021 for whom the
5 CFB is completing audits of those campaign
6 committees, how many have been completed? How many
7 are outstanding?
8

9 EXECUTIVE DIRECTOR PAUL RYAN: Let me see.
10 So, I have a total number of draft audits from 2021,
11 the total number of campaigns getting a draft audit
12 is 340 and the total number of draft audits that have
13 gone out, 329 so 97 percent of the candidates who
14 will be receiving a draft audit have received it
15 already. Do you have another data point to in that
16 question? Did I miss anything?

17 CHAIRPERSON RESTLER: I guess what I'm
18 really asking is how many are completed?

19 EXECUTIVE DIRECTOR PAUL RYAN: Okay, final
20 audits published, 153 have been published so far.

21 CHAIRPERSON RESTLER: So, am I right in
22 the math is that we have 187 that have not been
23 completed?

24 EXECUTIVE DIRECTOR PAUL RYAN: I would
25 want to double, let's see, 153, 250. I'm seeing a

1 number in this chart in my prep materials, the number
2 of outstanding final audits, 273, so if 273 plus, and
3 then some campaigns don't get draft audits also,
4 which makes the math a little bit difficult.
5

6 CHAIRPERSON RESTLER: Okay.

7 EXECUTIVE DIRECTOR PAUL RYAN: So for
8 example, sometimes a campaign goes directly to a
9 final audit, if there's really no problems
10 whatsoever, but the numbers I have in front of me,
11 and I'm happy to follow up with you with confirming
12 all of this data is that, you know, we have issued
13 329 of 340 draft audits and the number of final
14 audits so far is 153 so 329 minus 153 would be
15 presumably the number you're looking for.

16 CHAIRPERSON RESTLER: Okay, that's 176.

17 So, in that range, so under any circumstances, a
18 majority of the audits have not been completed.

19 Recognizing that we have a plan for the
20 future, is there additional resources or support that
21 the CFB, or is there a plan for how we're going to
22 expeditiously complete these outstanding audits?

23 EXECUTIVE DIRECTOR PAUL RYAN: Yeah,
24 there's, you know, a few facets to the plan. One was
25 reining in the extensions policy, and I've mentioned

1 what the policy is going forward, max six weeks
2 extensions. The problem is that we can't apply those
3 new strict limits to campaigns in 2023 or 2021,
4 because some campaigns have gone through the audit
5 process, gotten all the extensions they wanted. There
6 would be an equity issue and potentially a legal
7 challenge to us if we were to superimpose those
8 limits but, lacking the ability to put this new six-
9 week limit, we have reinstated a more generous limit
10 policy on audits and enforcement actions in the
11 spring so unlimited extensions are over. We're
12 reining all of this back in. We are working on a more
13 concrete plan called a backlog burndown for 2021 in
14 particular. Although those audits are far enough
15 along that we're now really focused on 2023 as well,
16 making sure we move through 2023 quickly enough that
17 it doesn't impact our ability to reach our 2025 goal.
18 That's the challenge that we're working with. We're
19 going to be trying a couple different things. We're
20 going to be, for example, assigning teams to specific
21 years to complete the audits and not diverting them.
22 For example, in this moment, typically the auditors
23 would be scrutinizing all the information that came
24 in by November 22nd to determine payment eligibility
25

1 for December 16th. Huge task, short timeframe, and
2 the way we've done work planning within our audit
3 team historically has been put all the auditors or
4 almost all the auditors on the urgent time-limited
5 task. We're trying to figure out a better and
6 different approach that will allow us to continue
7 working through some of this backlog instead of
8 start, stop, start, stop on the backlog audits.

10 CHAIRPERSON RESTLER: Okay. Look, I
11 appreciate the complexity in changing rules midstream
12 and how that could be unfair to certain candidates,
13 and I do appreciate that the irregularity of the two-
14 year cycle that we're dealing with right now also
15 makes things a little more complicated, but the
16 overarching point is that when we don't have the
17 audit results completed in advance of the upcoming
18 cycle, it provides gaps in information that I think
19 the Board really needs to have in making informed and
20 thoughtful decisions. We went back and forth at
21 probably greater length than you would have liked
22 where we discussed that the Board has the authority
23 to make decisions on withholding funds anyway based
24 on the candidate's role, but I do think this is a
25 really problematic dynamic that unfortunately has

1
2 bled into the '25 cycle in ways that I really wish
3 had been avoided, and so I appreciate your attention
4 to this issue, I appreciate your plan moving forward
5 and your commitment to speed up this process for
6 future cycles.

7 I want to thank you both for your
8 patience and thoughtfulness in your testimony today,
9 but more importantly, thank you for your leadership
10 of both of your agencies. We really appreciate the
11 hard work that you both do and that your teams do,
12 and we're grateful for it so thank you both for your
13 time today.

14 We are going to go to our second panel,
15 but I'm going to take a bathroom break. I just want
16 to tell you who's coming, and then I'll be back in 60
17 seconds. Susan Lerner, Marina Pino, and Ben Weinberg
18 will be the next panel, and we'll get started in 90
19 seconds.

20 Okay, great. If folks wouldn't mind
21 taking their seats, please, we'll get started. Thank
22 you so much. If you'd like to have conversations, you
23 can do it outside if you don't mind. Thank you so
24 much. We're going to shift gears.

1
2 Okay. I am now opening the hearing for
3 public testimony. I would like to remind members of
4 the public that this is a formal government
5 proceeding and that decorum shall be observed at all
6 times. As such, members of the public shall remain
7 silent at all times.

8 The witness table is reserved for people
9 who wish to testify. No video recording or
10 photography is allowed from the witness table.
11 Further, members of the public may not present audio
12 or video recordings as testimony but may submit
13 transcripts of such recordings to the Sergeant-at-
14 Arms for inclusion in the hearing record.

15 If you wish to speak at today's hearing,
16 please fill out an appearance card with the Sergeant-
17 at-Arms and wait to be recognized. When recognized,
18 you will have three minutes to speak on today's
19 hearing topics. If you have a written statement or
20 additional written testimony you wish to submit for
21 the record, please provide a copy of that testimony
22 to Sergeant-at-Arms. You may also email written
23 testimony to testimony@counsel.nyc.gov within 72
24 hours of this hearing. Audio and visual recordings
25 will not be accepted.

1
2 I have called up our first panel, and
3 with that, I'd like to invite Susan Lerner to begin.

4 SUSAN LERNER: Thank you. Thanks for
5 allowing public testimony and including bills for us
6 to comment on. As you and I have spoken at an earlier
7 hearing, it's great to be able to comment on the
8 specifics of a bill, and I would like to say that it
9 would be helpful in the future if the Council's rules
10 were changed so that we could submit our testimony
11 electronically and not bring 20 copies, especially
12 when in most hearings we're lucky if there are two
13 Council Members to hear our testimony, so I'm killing
14 a lot of trees. But I'd like to focus on our
15 experience as the lead organization for election
16 protection, which is the largest non-partisan
17 election monitoring program in the country, and we
18 trained and placed approximately 400 people in New
19 York City and in selected areas outside of New York
20 City, and the experience of our volunteers and the
21 information that came in through the 1-866-OUR-VOTE
22 hotline allows me to talk about specific repetitive
23 problems. I agree, New York City's elections have
24 gotten a lot better. I want to compliment the Board
25 of Elections on its efforts to professionalize its

1 staff. Once again, I want to shout out the 15 staff
2 members at the Board of Elections who are now
3 certified election administrators. Two years of
4 coursework. This is a major accomplishment and
5 absolutely the direction we want to see the Board go
6 in, and so the election was much smoother. We did not
7 see a huge number of long lines, but there are
8 certain problems that are coming up repeatedly. The
9 first one is the poll workers aren't really clued
10 into the seriousness of electioneering. In every
11 single cycle where we run election protection, either
12 through the phone or on the field, we receive
13 reports, sometimes just one or two, but that's one or
14 two too many, of poll workers who are telling people
15 how to vote, who are literally rejecting ballots, you
16 filled this out wrong, you're a Democrat, you can
17 only vote for Democratic candidates. This happens
18 every single general election, and then we run into
19 problems. Sometimes there are poll workers themselves
20 who are electioneering or they aren't enforcing the
21 electioneering rules so one of our recommendations is
22 that in the training, the process of protecting the
23 impartiality of the election procedures by
24 controlling electioneering should be reemphasized,
25

1 and particularly the politically named poll workers
2 have to understand that it is not their job to tell
3 people how to vote so that's an issue that comes up
4 repeatedly. This year we saw a bit more of, but we
5 generally see issues regarding signage, and one of
6 our recommendations to the Board is to redesign the
7 signs, and I suggest that the Council might want to
8 actually think about a legal requirement because what
9 we're finding is that the signage, particularly
10 outside poll places, is inadequate. There aren't
11 enough of them. They aren't big enough, and going to
12 the question that Councilwoman Hanif brought up, they
13 are often only in English, and particularly we found
14 this year in neighborhoods with large numbers of
15 Chinese speakers, they were wandering around trying
16 to find the polling place when the signs were in
17 English and not in Chinese so a requirement is that
18 there be bigger, better, more signs, signs not just
19 outside the entrance to the polling place, but
20 throughout the perimeter of a large building because
21 people are looking for the door and they're not
22 getting directions. Again, problems with disability
23 access, unfortunately, and also the fire alarm
24 problem. We are supporters of a bill that would
25

1
2 extend the polling place opening hours for however
3 long a polling place was closed because of an
4 emergency, either real or threatened, so I bring that
5 to your attention.

6 I want to just very briefly mention two
7 bills that we strongly support. We support all of the
8 bills that are before the Committee today, but two in
9 particular that I wanted to pull out. The first one
10 is the bill that Council Member Menin has introduced,
11 which I guess is Intro. 293, and we think it's a good
12 beginning, but we wonder why the Council Member did
13 not include disclosure requirements. It's one thing
14 to protect the candidates from actual deceptive
15 practices, but it's really voter education that will
16 help the voters be more skeptical in instances where
17 AI is used in a political ad. So, to us, a necessary
18 amendment here would be to include a disclosure
19 whenever an ad utilizes AI and then allow the voter
20 to determine the trustworthiness of the depiction.

21 The second thing is that we absolutely
22 support and applaud Council Member Brewer for Intro.
23 565. We think it's way overdue. You know, we've seen
24 incremental improvements in protecting that
25 vulnerable population of people who really should not

1
2 have their data out available publicly because they
3 have been the recipients of abuse. Our one suggestion
4 is to ensure that the Campaign Finance Board consult
5 with the Board of Elections when it puts together the
6 guidelines. It's one thing to have an overall
7 instructions from the election law, but the question
8 is really what information does the Board need, what
9 are its procedures to be sure that when community
10 organizations are providing data and having people
11 write letters that the information the Board wants is
12 there and that the guidelines comport with the actual
13 practice, not just the overall outlines of the
14 election law.

15 Lastly, I would like to say for ranked
16 choice voting, the City does not actually use all of
17 its modalities of communication to educate voters.
18 There are a lot of different ways in which the City
19 communicates with its residents. There are ways to
20 include notifications, website information, and
21 things as simple as tax bills or notifications that
22 go out from different agencies, requiring every
23 single agency to have a connection on its website to
24 have a link to more information about the upcoming
25 elections and RCV and send them to NYCVotes, send

1
2 them to the information. I want to urge the Campaign
3 Finance Board and all of the City agencies which do
4 voter education to consult now on the information,
5 ensure that the language that is used is uniform and
6 accurate. We ran into a problem in 2021 where the BOE
7 had chosen one Spanish translation, the Campaign
8 Finance Board chose another Spanish translation, and
9 the advocates had to come in and say, hey guys, this
10 is confusing to voters, you're talking about the same
11 thing in different ways so we need to have that
12 coordination happening now before the Campaign
13 Finance Board sets up its materials and then we find
14 out that either communities don't think it's accurate
15 or other agencies are using slightly different terms.
16 Uniformity is the absolute necessary standard for
17 voter education, and I believe we can have another
18 very successful ranked choice voting election in
19 2025. Thank you and thanks for your patience in
20 letting me go over.

21 CHAIRPERSON RESTLER: Thank you so much.
22 Susan, do you have preference on who goes next?
23 Marina, thank you.

24 MARINO PINO: Great. Good afternoon, Chair
25 Restler and Council Member. My name is Marina Pino.

1
2 I'm an attorney at the Brennan Center for Justice, a
3 non-partisan public policy institute that works to
4 strengthen our systems of democracy for all. Thank
5 you for the opportunity to testify today.

6 We applaud the Council for calling on
7 lawmakers in Albany to build on its recent works,
8 moving certain local elections to even years by
9 initiating the constitutional amendment process to
10 align city elections too. We strongly support
11 Resolution 189-A before you today. The average voter
12 turnout in New York City Mayoral elections is just
13 29.5 percent, which is drastically lower than turnout
14 rates in even numbered years as has been underscored
15 earlier in this hearing. Shifting city elections to
16 even years can help address this urgent problem. When
17 city, state, and federal elections are aligned,
18 turnout increases, especially among young voters and
19 voters of color. That's what we've seen in cities
20 that have made the shift, including Los Angeles,
21 Austin, and Baltimore. In fact, research shows that
22 Californian cities that have adopted this policy have
23 seen turnout among younger voters nearly double and
24 substantial gains in turnout among Hispanic and Asian
25 American voters as well. As the Resolution

1 highlights, a shift to even year elections will also
2 reduce election administration costs. The Independent
3 Budget Office found that New York City stands to save
4 an estimated 42 million dollars every other year. By
5 passing this Resolution, the City Council will make
6 crystal clear it remains committed to giving
7 underrepresented New Yorkers a more meaningful voice
8 in their elections. We urge this Body to advance it
9 without delay.
10

11 As for the 2025 election preparations,
12 the Brennan Center commends the City Council for its
13 continued efforts to strengthen New York City's Small
14 Donor Matching Funds Program. For more than 35 years,
15 the voluntary program has served as a necessary
16 counterweight to the power of private wealth in our
17 government and as a nationwide model for reform.
18 Recent allegations of abuse of the City's program are
19 deeply serious, and if they are proven true, they are
20 an affront to the millions of New York City voters
21 that the system was designed to serve. We commend the
22 City Council and the CFB for their ongoing work to
23 shore up this very important program, and we urge you
24 to remain vigilant in continuing to refine program
25 safeguards with appropriate due process protections

1
2 to ensure that under-resourced campaigns are not
3 deterred in their participation. To that end, we
4 support the CFB's recent amendments to its rules,
5 including one that makes the campaign's failure to
6 timely provide requested documents mandatory grounds
7 for non-payment of public funds, with certain
8 reasonable exceptions, again, which has been
9 discussed earlier at this hearing. We also support
10 the Council and the CFB's continued efforts to
11 examine how the law may be further strengthened. As
12 the CFB prepares for next year's election, it must
13 continue to assess its internal practices to both
14 protect the program from misuse and ensure timely or
15 post-election audits, as described in my written
16 testimony, which I submitted online. The Brennan
17 Center stands ready to support all of these efforts.
18 Thank you again.

19 CHAIRPERSON RESTLER: Thank you so much.
20 Ben.

21 BEN WEINBERG: Thank you, Chair Restler
22 and Council Member Brewer. My name is Ben. I'm here
23 representing Citizens Union. I'm going to focus my
24 comments on Resolution 189, which is the Even Year
25 Elections Resolution. Now, we submitted a detailed

1 memo with a lot of charts and data and maps so that
2 will hopefully be a good brief and explanation about
3 the issue so I'll focus my remarks on a few key
4 points.
5

6 Why is this important now? It was
7 mentioned, and Chair Restler has mentioned, we are
8 seeing turnout that is in decline. With every cycle,
9 we have less and less voters voting. The last Mayoral
10 election saw 23 percent. We'll be lucky if we see 21
11 percent next year, and next year is an important
12 consequential election. So, we have to do something
13 about it, or we'll end up like one of those 8 percent
14 turnout cities, and those exist around the country.
15 This backdrop has not changed since the Council held
16 this hearing on this last year, or it was the
17 previous Council, but what has changed is that this
18 problem and the solution has been acknowledged and
19 has become clearer. So as was mentioned, the State
20 passed its own law that now requires nearly all
21 local, county, and town elections to hold their local
22 elections in even number of years. That will start in
23 2026. We now have a Constitutional amendment that has
24 been introduced in the legislature of both houses to
25 move city elections. We have the support of Governor

1 Hochul. We have almost passed last session. We have
2 more experience from more cities that have done this
3 shift. So just to mention a couple of examples. San
4 Francisco just held their first Mayoral election in
5 November, an even year, and turnout went up by almost
6 40 percent. Las Vegas did the same in this November,
7 and turnout moved from 10 percent to 58 percent, and
8 we have more examples so, you know, we are seeing a
9 trend around the country of cities moving their
10 elections to even number of years with successful
11 results.
12

13 Another kind of new development is that
14 we now have more information about voters'
15 preferences. We had two interesting polls that showed
16 that voters are highly supportive of this policy,
17 both statewide, but especially in New York City. In
18 fact, in New York City, we had a poll that showed
19 nearly 3 to 1 approval rate, regardless of age, race,
20 education, and most importantly, party affiliation.
21 We don't have many topics that actually are as
22 popular as this issue among voters of both parties.
23 We have also widespread support from civic groups,
24 voting rights groups, disability rights groups, and a
25 letter of support from 20 groups have been submitted

1
2 to the Council as well, and we have more information
3 about, as Marina mentioned, how off-cycle elections
4 disproportionately depress voters of color and young
5 voters, and there's also an interesting research
6 submitted by the Election Law Clinic of Harvard Law
7 School.

8 So, I just want to end by mentioning a
9 few points specific to NYC that I think will also
10 relate to what Chair Restler mentioned earlier and
11 what Mr. Ryan mentioned. First issue of
12 implementation and transition. This relates to what
13 Mr. Ryan mentioned earlier. The only good thing about
14 these odd-year elections being stuck in our State
15 Constitution is that it will take a long time to
16 change it, and that means that this is a long process
17 of a gradual process of implementation and
18 transition. Under the current proposal that is being
19 considered in Albany, the first even year Mayoral
20 election will be in 2032, plenty of time. The bill
21 does not impact incumbents. Most city electeds will
22 be term-limited. So, what does that mean? This gives
23 ample time for voter education, for election
24 officials to prepare, to make sure that the machines
25 receive the paper correctly so that's one thing.

1
2 The second thing is about RCV, and you
3 mentioned that, Mr. Restler, Council Member, and Mr.
4 Ryan mentioned that as well. A couple of things on
5 that. So, we already have two pieces of papers, at
6 least we did have in 2021. We had one piece of paper
7 with RCV and one piece of paper with other elections.
8 In fact, we vote on three methods. We vote for DAS
9 and judges on kind of the regular vote, and we vote
10 for judges, which is multiple vote, and we vote for
11 RCV on these odd number of year elections so voters
12 are already engaged with this kind of process. We
13 should mention we won't be the first city to do that.
14 Oakland, San Francisco, Berkeley, and a bunch of
15 other cities around the country hold RCV elections on
16 even year elections. They all give out multiple
17 ballot cards to their voters and, in fact, we looked
18 at the turnout rate for down ballot races in those
19 cities, City Council, Board of Supervisors, to see if
20 there's any difference, and there was no substantial
21 difference between those elections and the kind of
22 top of the ticket, and we're actually waiting for the
23 results from 2024 to publish this data so that's one
24 thing about ranked choice voting.

1
2 I'll end by kind of a general comment on
3 the question of voter education, which Chair Restler
4 mentioned earlier, which we hear that a lot. It's a
5 common concern, and it's a very legitimate concern.
6 So, I see it in two ways. First, there's the number
7 question, which is drop-off. Will we have more voters
8 not making it all the way down the ballot and
9 therefore making this whole reform useless basically?
10 What we see both in other cities and in New York is
11 that the turnout gains we see in even year elections
12 just far, far, far exceed the number of voters that
13 don't make it down the ballot and, just as an
14 example, this November, Proposition 1, down ballot,
15 actually other side of the ballot, the less important
16 race in that election. Turnout for Proposition 1 was
17 51 percent in the Presidential year. The total
18 turnout, as we heard, was 59 percent for President,
19 and turnout for Mayor in an odd year election was 23
20 percent so still plenty of more points to go before
21 we get to that threshold that will make this election
22 useless with more ballot drop-off. The other thing
23 about voter knowledge, yes, this will be a more
24 complicated election. We have a couple of studies
25 from California that shows it measured voter

1
2 knowledge before and after transition in school board
3 elections and show that there was no significant
4 change but, to be honest, those are kind of small-
5 scale elections, but I will say, again, this long
6 process allows us to conduct better voter education,
7 inform voters about this new process, and the fact
8 that we'll see more races on the ballot. And my last
9 point is that this is almost a political
10 philosophical decision we have to make. Do we want to
11 have 20-something percent of voters that are more
12 informed about everyone on the ballot, and I doubt
13 they are actually, or do we want to have three times
14 more voters that are slightly less informed about
15 everyone on the ballot? So, I think as we move
16 forward, our opinion is that we should pick the
17 majority of voters and go with their preferences,
18 which is, whether we like it or not, voting on even
19 years. Thank you, and sorry for going over time.

20 CHAIRPERSON RESTLER: No, no, no. I want
21 to just commend the three of you and this panel for
22 your expert testimony, and I am deeply grateful for
23 your thoughtful, consistent, outspoken advocacy for
24 how we strengthen election operations in New York
25 City and protect the integrity of our operations and

1
2 increase voter turnout so just want to thank you for
3 your work, and thank you for your thoughtful
4 testimony today and your presence here. We really do
5 appreciate it.

6 I would like to ask a few questions, but
7 I do just want to start with the item I raised
8 earlier with Mr. Ryan from the CFB. You know, I
9 appreciate, Ben, that you kind of lay out the real-
10 world alternative of we could have 23 percent turnout
11 that is moving in the wrong direction in a Mayoral
12 primary or 59 percent... I mean, that was the general
13 election, I guess, so we're comparing a little bit
14 apples and oranges, but even if we did 27 to 59,
15 which was, I believe, the... or no, 23 was the general.
16 Excuse me, 23 percent was the general. So 23 to 59,
17 so almost a two-and-a-half to one ratio, a little
18 more than that on turnout. Have you looked at other
19 municipalities that have consolidated their
20 municipal, county, and state elections and federal
21 elections in a single voting day and how voters have
22 been able to just manage and process that breadth of
23 information when you think about six municipal
24 elected officials, multiple state elected officials,
25 federal elected officials, ballot questions? It's a

1 lot, and I just wonder how, you know, I'm not... in an
2 either/or, the choice is clear. I don't know that,
3 you know, I would necessarily agree with the premise
4 that it's one or the other but, if this were to move
5 forward, how do we better engage, inform voters
6 because, you know, we hear all... every single
7 election, I get, I would say, dozens of frantic
8 emails and texts, and I'm sure the same is true of
9 you and Susan and Marina, everyone, anyone probably
10 in this room, we're all the people who get the dozens
11 of frantic texts of saying, what are all these things
12 on my ballot, who are these judges, what are these
13 ballot questions, who are these people running for
14 State Senate, what is this? Would that issue not be
15 exacerbated by three, five, or ten if this change
16 were to be made? What could we do in concert with
17 this change to try to alleviate that issue?

19 SUSAN LERNER: I want to talk about my
20 experience in my long exile in California, you know,
21 where the ballots were extremely long, and it
22 contrasted to the experience here in New York, where
23 what we frequently hear from people is, I never know
24 when the election is, there's an election every other
25 month, I don't know what's going on here, and that

1 was a surprise to me so the consolidation goes
2 towards a whole other problem, which is election
3 fatigue, so I would suggest that some of the reasons
4 why we see the low turnout is people are just tired
5 of yet another election, and the antidote is what we
6 already have in our City Charter, thank goodness,
7 which is the only one really in the State, and that
8 is the voter guide. In California, we got a really
9 big voter guide, because we had 14 to 16 initiatives
10 as well as all of the offices but, because we knew
11 when it was coming, people actually engaged with the
12 voter guide, and I feel that people here don't engage
13 as much with the voter guide, because there's just
14 too many elections, this is just another election,
15 and they don't really understand the value of the
16 voter guide. So, I would say expansion of the voter
17 guide, and an emphasis on the voter guide, to look
18 for it, to know it's coming, basic information. The
19 judges are a whole other thing, and that should be
20 its own hearing.

22 CHAIRPERSON RESTLER: We can move the
23 judges to odd years, is that it?

24 BEN WEINBERG: A hearing about abolishing
25 some elected offices. I think you mentioned the, you

1 kind of referenced the answer, you know, we have so
2 many offices on the ballot today, sometimes, we
3 sometimes have 10 or 12 offices on a primary ballot,
4 if you include the party offices. We all get these
5 phone calls, but that's not the only way that New
6 Yorkers learn how to vote. They use endorsement
7 lists, they use the voter guide, they use media, they
8 use a whole host of, they use friends. They will
9 continue to do the same, whether we have, so if now
10 we have 10, we might have 15, so we'll have to face
11 that, and we'll have to strengthen those mechanisms.
12 Some of them are informal, and some of them are
13 formal that we can spend more money on. We'll be
14 saving a lot of money, as Marina has mentioned, and
15 we can take some of that money to improve our voter
16 education. But, yes, this is something we thought
17 about a lot. We have a whole chapter in our report
18 about voter education. Again, if we're talking about
19 2032, I think, we can plan ahead and have a good, we
20 can revise our whole voter education system to fit
21 this new process. What encourages me is that we won't
22 be the first ones to do that. As Susan mentioned,
23 California is kind of the lead on this one, and
24 essentially the entire state has moved to even years,
25

1 and they have, unfortunately for them, way more
2 ballot questions than us. So, if all these cities and
3 all these states have done this smoothly, and while
4 I'm sure New York can do that as well.
5

6 SUSAN LERNER: I forgot to mention Puerto
7 Rico. Puerto Rico has one election every four years,
8 and it's a party. They have a huge turnout because
9 it's a big deal. They don't have elections every
10 other day.

11 MARINO PINO: And if I may, just briefly,
12 I think it's equally plausible that voter knowledge
13 can increase.

14 CHAIRPERSON RESTLER: Got the button on?

15 MARINO PINO: Oh, is it not working?

16 CHAIRPERSON RESTLER: Oh no, there you go.

17 MARINO PINO: Okay, sorry about that. I
18 think it's equally plausible, too, that voter
19 knowledge can increase when these local races are
20 shifted to even years. There will be more attention
21 on these already higher profile races. That is
22 something else to think about, and it's not just
23 reaching more voters. It's also a more representative
24 electorate so these are voters that are all tuning in
25 at the same time when there's already a ton of

1 information, a ton of attention being shed on these
2 issues. These local issues can now get the attention
3 that they really deserve.

4
5 CHAIRPERSON RESTLER: Yeah, I think those
6 are all good and fair points.

7 Just a couple other things for me, and
8 then if Council Member Brewer, do you have any
9 questions for this panel?

10 No, okay.

11 I really appreciated your point, Susan,
12 about poll worker training on electioneering. As
13 somebody who has campaigned (INAUDIBLE) of poll sites
14 for probably 20 years, it's like every poll site
15 worker understands the rules differently, and I try
16 my best to educate people about what the rules are
17 and what the law says and what's permitted and what's
18 not permitted, but they may or may not trust me, and
19 I'm not the source they should be getting the
20 information from when I'm out there electioneering
21 myself so I couldn't agree with you more. It's really
22 important, and most notably in your example of when
23 poll site workers are guiding voters on what they
24 should be doing, which we used to hear lots of
25 stories in the Vito Lopez era of translators that he

1 had placed at certain poll sites that would go into
2 voting booths with people. I don't think that it's
3 things that are quite that malicious and organized,
4 but it's problematic all the same, and I really
5 appreciate you highlighting it. I think it's a really
6 important issue and appreciated each of your support
7 on the various bills and resolutions.
8

9 I did want to ask one question. I think
10 of Susan, but welcome any of your responses. Some of
11 the sharp election attorneys that we've spoken to
12 about what they're anticipating may happen with
13 matching fund disbursement decisions relating to
14 Mayor Adams later this month are that the CFB may
15 withhold 5 percent of public funds to the Adams'
16 campaign, I think what would be a slap on the wrist,
17 despite the federal indictment and multiple years of
18 non-responsiveness and troubling practices. Do you
19 have any expectation of where this is going? If we
20 were to see just a withholding of mere 5 percent of
21 matching funds, what kind of message do you think
22 that would send?

23 SUSAN LERNER: Well, I'm completing my
24 analysis and will be sending the CFB a letter. There
25 are sort of two ways. One, right now we are at a

1 point where the public has little faith in the
2 accountability of elected officials. There's a great
3 deal of cynicism and a sense that corruption is
4 pervasive, and there also is a sense that our
5 institutions cannot protect themselves as we see at
6 the federal level repeatedly and as unfortunately I
7 think we will experience over the next four years,
8 and so a very rigid interpretation of the commas as
9 opposed to a sense of the policy behind the law and
10 the message that it sends to the public is something
11 which I hope the Campaign Finance Board keeps in
12 mind. This particular, when you have a high-profile
13 executive, they should be, frankly, probably held to
14 a higher standard of compliance, not a lower standard
15 of compliance because it sets the tone for every
16 single office, and there is a responsibility, I
17 believe, which citywide candidates have, which is
18 really significant in terms of the message that it
19 sends to the public so I'm hopeful that the CFB does
20 a careful analysis but also keeps in mind the
21 specific requirements of protecting the system,
22 rather than simply looking at a very narrow view of,
23 you know, well, there was 23 dollars here and 15
24 dollars there. We have a quantum, I believe, of
25

1
2 conduct which requires a pretty vigorous response,
3 but I have no insight into what the Board is likely
4 to do.

5 CHAIRPERSON RESTLER: Fair. We'll all be
6 watching closely on, I think, December 16th at 10
7 a.m.

8 I just want to say in closing, really do
9 look forward to working with all three of your
10 organizations in support of Council Member Ung's
11 Resolution 189 to shift elections to even years, but
12 I also hope we can work together in crafting
13 strategies for how we can better inform voters and
14 start to implement some of those policies now, far in
15 advance of a, hopefully, 2032 implementation. With
16 that, I want to thank you for your testimony and your
17 time today, and hope you all have a wonderful
18 evening.

19 COUNCIL MEMBER BREWER: One way would be
20 to fix the website.

21 CHAIRPERSON RESTLER: Gail, I thought you
22 were already charged with fixing it yourself. All
23 right.

24 We are going to shift gears to the next
25 panel. Thank you so much. Our next panel, and forgive

1 anybody whose name I mispronounce, Janine Guzzon from
2 the Crime Victims Treatment Center, Claire
3 Stottlemire for Vote in NYC Jails Coalition, and
4 Orlando Ovalles from NALGO Educational Fund, and the
5 fourth person is Cormac Slade Byrd if Cormac Slade
6 Byrd is still here. Great. Oh, and Cormac Slade Byrd
7 is a constituent, so that's great.

8
9 Thank you all. You can testify in
10 whichever order you prefer.

11 JANINE GUZZON: Good afternoon, Committee
12 Chair Restler and Members of the Governmental
13 Operations, State and Federal Legislation Committee.
14 My name is Janine Guzzon, and I am the Senior
15 Development Manager at the Crime Victims Treatment
16 Center. I appreciate this opportunity to speak today
17 to request your support of 565, sponsored by Council
18 Member Brewer.

19 The Crime Victims Treatment Center has
20 provided healing services to victims of interpersonal
21 violence completely free of charge since 1977, and
22 we've been at the forefront of this work since our
23 inception. Our services include crisis intervention
24 in emergency departments across Manhattan, Brooklyn,
25 and Queens, individual and group trauma-focused

1
2 therapy, legal advocacy, complementary therapy, and
3 psychiatric consultation at our offices in the
4 Financial District, and sexual assault and domestic
5 violence prevention training and community education
6 in all five boroughs. We've worked with tens of
7 thousands of domestic violence survivors for nearly
8 50 years and counting. This bill is critical for
9 survivors of domestic violence as it provides them
10 with guidance on making their voter registration
11 records confidential. While Governor Hochul has made
12 it easier for survivors to secure this
13 confidentiality, many are still unaware of these
14 resources and the steps necessary to secure their
15 voting privacy. This crucial bill will bridge the gap
16 by providing vital information and assistance to
17 individuals receiving services at FJCs, Family
18 Justice Centers.

19 Survivors of domestic violence experience
20 a loss of agency, freedom, and independence across
21 many areas of their lives. This can be physical,
22 emotional, financial, educational, medical, or
23 religious. We hear these concerns from many of our
24 clients and work alongside them to restore control
25 and autonomy however we safely can. With regards to

1
2 this bill specifically, survivors may feel that they
3 can't freely and safely exercise their right to vote
4 or feel pressure to vote the way their abuser wants
5 them to, even if it goes against their beliefs. The
6 fear of their abuser discovering how they voted
7 hinders survivors from participating in democracy. By
8 signing onto this legislation, the City Council can
9 play a pivotal role in ensuring these survivors can
10 vote without compromising their personal safety.
11 Local elections are particularly impactful for our
12 clients, so this is more timely than ever with the
13 upcoming 2025 elections.

14 CBTC has been a consistent and trusted
15 advocate for laws and services that protect and
16 improve the lives of domestic violence survivors.
17 Defending voting rights and making voting more
18 accessible are concrete ways to restore choice and
19 power to people from whom it has been stripped. I
20 appreciate your time and consideration. It is vital
21 that we protect the privacy and safety of those who
22 need it most. Thank you for your service to the
23 people of New York City.

24 CHAIRPERSON RESTLER: Thank you so much.

25

1
2 CORMAC SLADE BYRD: Good afternoon. My
3 name is Cormac Slade Byrd, and I'm a civically
4 engaged New Yorker who believes deeply in the power
5 of democratic participation. I'm here today to urge
6 this Committee to vote yes on Resolution 189 in
7 support of even-year elections. There isn't a strong
8 justification for maintaining odd-year elections. In
9 fact, odd-year elections are only the status quo
10 because of political maneuvering during the 1894
11 State Constitutional Convention. Before that, city
12 elections shifted between odd and even years in 1870,
13 1857, and 1850. If it could happen four times in a
14 50-year period, we can certainly do it now. The voter
15 turnout arguments for even-year elections are
16 undeniable. Higher and more representative turnout is
17 practically guaranteed. I'm sure you've heard and
18 will continue to hear these points, but they bear
19 repeating. This is the lowest-hanging fruit to
20 improve civic engagement in local politics.

21 On a practical level, odd-year elections
22 are inefficient and costly. They require separate
23 administrative resources, public education campaigns,
24 and auditing processes, all of which could be
25 consolidated into existing even-year cycles. Moving

1
2 elections to even years would save millions of
3 dollars, improve efficiency, and allow the Board of
4 Elections to focus on delivering better services.

5 I want to highlight an important point of
6 urgency. This same Resolution was considered in June
7 2023 but was never brought to a vote. A year and a
8 half later, the arguments remain as strong as ever.
9 Delaying action comes at a cost, another cycle of
10 low-turnout elections and lost time. Even if this
11 resolution passes, the State Legislator must amend
12 Article 8, Section 8 of the State Constitution,
13 across two consecutive Legislatures, a process that
14 takes at least three years. Add to that the time
15 required to implement these changes, and it's clear
16 that every delay prolongs this subpar equilibrium we
17 find ourselves in today. This is a crucial step
18 towards a democracy that invites broader
19 participation from our City's residents. Let's take
20 that step together. Thank you to Chair Restler and
21 the Committee on Governmental Operations, State and
22 Federal Legislation.

23 CHAIRPERSON RESTLER: Thank you so much.

24 ORLANDO OVALLES: Good afternoon,
25 everyone. I'm Orlando Ovalles with NALEO Educational

1 Fund, serving as Northeast Director of Civic
2 Engagement. Chair Restler and Members of the
3 Committee, Council Members, thank you for the
4 opportunity to provide this testimony on behalf of
5 the National Association of Latino Elected and
6 Appointed Officials, NALEO Educational Fund. We urge
7 the City Council to pass three measures that will
8 greatly enhance the participation of Latinos and
9 other underrepresented groups in New York City's
10 electoral process. Introduction 441, which will
11 improve young New Yorkers' access to voter
12 registration materials; Resolution 0322, which will
13 promote the passage of legislation requiring Queens
14 Board of Elections to provide language assistance in
15 certain Asian-Indian languages; and Resolution 0189,
16 which will promote the enactment of a measure to
17 consolidate New York City's municipal elections with
18 the state's even-year gubernatorial elections. We
19 also offer recommendations on how the New York State
20 and municipal agencies must work closely with
21 stakeholders to ensure the sound implementation of
22 the consolidation of elections envisioned in
23 Resolution 0189. NALEO Educational Fund is the
24 leading non-for-profit, non-partisan organization
25

1 that facilitates full Latino participation in the
2 American political process from citizenship to public
3 service. Our constituency encompasses the more than
4 7,000 Latino elected and appointed officials
5 nationwide, among which more than 90 are from New
6 York City, and it includes Republicans, Democrats,
7 and Independents. For several decades, NALEO
8 Educational Fund has been at the forefront of efforts
9 to increase Latino civic engagement and to empower
10 the Latino community to participate in the American
11 democratic process. NALEO Educational Fund New York
12 City office, which was established nearly 30 years
13 ago, has been a leader in conducting robust, non-
14 partisan efforts to mobilize Latinos to register to
15 vote and cast ballots, to assist eligible lawful
16 permanent residents with U.S. citizenship process,
17 and to encourage Latinos to participate in the
18 decennial census. You have our recommendations on
19 Introduction 441, Resolution 0322, and in the
20 testimony that you have copies for, in the full
21 version of the testimony. This is just a summary of
22 the testimony.
23

24 Now, I want to speak a little bit about
25 Resolution 0189. For many decades, New York City has

1 seen persistently low voter turnout in municipal
2 elections. Despite the critical voting reforms
3 enacted by the New York State legislature, including
4 early voting, automatic and online voter
5 registration, shortening voter registration
6 deadlines, and improving absentee voting, these
7 measures have yet to translate into higher turnout
8 rates in municipal elections, especially for Latinos
9 and other underrepresented groups. This situation has
10 serious implications for our city's governance and
11 policymaking, since low voter turnout indicates that
12 many New Yorkers have not been able to make their
13 voices heard in the state's democracy or elect
14 candidates that are accountable to their concerns.
15 Given the available data on voter turnout rates in
16 New York State, academic research, as well as
17 anecdotal evidence from U.S. jurisdictions who have
18 changed their local election days, we believe that
19 moving New York City's elections to even number years
20 to coincide with gubernatorial elections can be an
21 effective strategy to help ensure higher turnout for
22 Latinos and other underrepresented groups.
23 Ultimately, this will result in a more vibrant
24 democracy and a more responsive government for all
25

1
2 New Yorkers. If properly implemented, changing the
3 timing of local elections is an approach that can
4 strengthen New York City's democracy by increasing
5 the voter turnout rate of Latino voters and other
6 underrepresented groups as well as ensuring that
7 public officials are accountable to a more
8 representative electorate. For these reasons, we urge
9 the New York City Council to support Resolution 0189.
10 Thank you for your attention to these important
11 matters. Thank you, Chair Restler and the rest of the
12 Council Members on this Committee.

13 CHAIRPERSON RESTLER: Thank you so much,
14 Mr. Ovalles. Next up, Claire Stottlemeyer.

15 CLAIRE STOTTLEMYER: Thank you, Chair
16 Restler and Council Member Brewer, for the
17 opportunity to testify before you today. Thank you
18 for your support of people who are detained in New
19 York City jails as well. My name is Claire
20 Stottlemeyer. I work at the Legal Aid Society and I'm
21 a member of the Vote in New York City Jails
22 Coalition, which is composed of directly impacted New
23 Yorkers, legal service providers, civic engagement
24 groups, elected officials that was created in 2020 to
25

1 address the unmet needs of eligible voters who are
2 detained in New York's jails.

3
4 In New York, anyone who is detained while
5 serving a misdemeanor conviction or because they
6 cannot afford their bail is eligible to vote. On
7 Rikers Island, as of December 3rd, that is at least
8 5,924 individuals who retain that right. There are no
9 voting sites in New York City jails, and therefore
10 detained New Yorkers who wish to vote are at the
11 mercy of the Department of Correction each election
12 day. Accordingly, the majority of New Yorkers
13 detained on Rikers Island who regularly have their
14 rights violated, their voices silenced, and their
15 humanity denied to them by this agency and its actors
16 also have their fundamental right to vote taken from
17 them. Our Coalition provides New Yorkers at Rikers
18 Island vital education and necessary paperwork for
19 absentee ballot requests. The Coalition also
20 advocates with lawmakers and City agencies to improve
21 the voting process for detained New Yorkers,
22 including calling for a polling site within the jail.
23 Our experience working with eligible voters at Rikers
24 Island has revealed the systemic failures of both the
25 Board of Elections and the Department of Corrections

1
2 to provide true access to the ballot under the
3 absentee ballot framework. The timeframes prescribed
4 for an absentee ballot naturally excludes people
5 entering detention facilities close to an election
6 day, while logistical impediments out of a detained
7 person's control routinely prevent them from
8 accessing the necessary forms. For those who
9 successfully request those forms, many still face
10 barriers to having their vote counted. As a result of
11 the many steps involved and inadequate resources
12 provided, voters at Rikers are frequently denied
13 their right to vote. When absentee ballots are
14 delivered to the BOE, they may still be rejected, and
15 voters are not provided an explanation or opportunity
16 to cure. The figures from this past election cycle
17 are detailed in our written submission, but briefly
18 for November, the Department of Corrections submitted
19 1,422 requests for absentee ballots, but received
20 just 977 back from the BOE. Accordingly, up to 445
21 incarcerated voters who requested absentee ballots
22 may have been wrongfully denied their opportunity to
23 vote. Of the 977 ballots that DOC did receive, the
24 DOC returned 598 to the BOE, an additional loss of
25 379 voters. It is unknown to us how many of the 598

1 ballots were ultimately counted by the BOE this
2 November. It is also our understanding from the
3 Department of Corrections that zero voters detained
4 at Rikers were given the opportunity to cure their
5 ballot. While both agencies pass responsibility off
6 to the other, the impact upon communities of color
7 who are detained is devastating. 92 percent of
8 individuals currently detained in New York City jails
9 are nonwhite. If we truly care about fair and free
10 elections and full participation in the democratic
11 process, we must ensure equal ballot access for New
12 Yorkers who are in our jails, most of whom are
13 awaiting trial and are cloaked in the presumption of
14 innocence.
15

16 The absentee ballot voting system will
17 always leave detained voters behind, and one person
18 disenfranchised is still too many. New York City
19 should join the other counties throughout the country
20 to provide polling sites in our jails, and we should
21 also strengthen the absentee ballot process by
22 requiring that the BOE and the Campaign Finance Board
23 facilitate the voting program, ensuring voters have
24 direct access to the agency responsible, including
25 their registration forms, education materials, and

1 absentee ballot requests. New Yorkers who are
2 detained in jails must be given the same opportunity
3 to cure their ballots as those who are not, and it is
4 the responsibility of the Board of Elections to
5 ensure that each voter's voice is heard. Thank you.

6
7 CHAIRPERSON RESTLER: Thank you so much to
8 Orlando, Claire, Janine, and Cormac for your
9 thoughtful testimony to protect the confidentiality
10 and privacy and safety of survivors of domestic
11 violence, to increase voter turnout effectively, and
12 to ensure that detainees in New York City,
13 overwhelmingly people who have not been convicted of
14 any crime, have their constitutionally protected
15 right to vote. We really appreciate you being here,
16 your thoughtful advocacy, and I certainly appreciate
17 anyone who's able to reference New York developments
18 that predate when Brooklyn became a part of New York
19 City in their testimony, but really, it's welcomed
20 and appreciated. We value your participation.

21 Council Member Brewer, anything you'd
22 like to add?

23 COUNCIL MEMBER BREWER: Thank you. In
24 terms of Rikers, do Legal Aid attorneys, are you also
25 in agreement that we'd have to change the state law

1 or something in order to get a polling site there
2 because that seems to be what I'm running against.

3
4 CLAIRE STOTTLEMYER: We are not in
5 agreement. We're aware of no such law that says that
6 the law would need to be changed to get a polling
7 site. We think that the law says that they are
8 required to provide absentee ballot voting, but we
9 see that the absentee ballot voting system fails, so
10 we think that a polling site is required in order to
11 not fail those voters. I thought it was interesting
12 today that Executive Director Ryan didn't say that
13 the law doesn't allow it, but that their
14 interpretation is that the law only requires the
15 absentee ballot process.

16 COUNCIL MEMBER BREWER: Keep working on
17 it.

18 CLAIRE STOTTLEMYER: We will.

19 COUNCIL MEMBER BREWER: Thank you very
20 much.

21 CHAIRPERSON RESTLER: Thank you so much
22 for your testimony. We greatly appreciate it.

23 Before we go to our final panel online, I
24 just wanted to take a moment, a point of privilege,
25 to just recognize the long-time Chair and ranking

1
2 Member of the Judiciary Committee, Jerry Nadler, who
3 has served our City, State, and Country with
4 exceptional distinction. He first ran for office to
5 be a District Leader, I don't know, 50 years ago,
6 over 50 years ago, and when I was first running for
7 District Leader, you know, said to me, you know,
8 being District Leader is about being a community
9 leader, but we need people with integrity who are
10 cleaning up machine politics in New York City and
11 just one of the people who I've had the utmost
12 respect for over many, many years, and we've been
13 fortunate to have him in a key leadership role in
14 Congress for a very long time, and I think he made a
15 difficult decision today to drop out of the Judiciary
16 Committee race, but we are grateful for his service
17 and leadership.

18 With that, I would like to invite online,
19 if the Sergeant-at-Arms can help us figure this all
20 out, Ms. Raquel Bates, Ms. Kathleen Collins, and Mr.
21 Christopher Leon Johnson to testify. You'll each have
22 three minutes to testify and share your thoughts. We
23 can begin with Ms. Bates at her convenience.

24 SERGEANT-AT-ARMS: Time starts now.

1
2 RAQUEL BATES: Good afternoon. Can
3 everyone hear me clearly? I just want to make sure.

4 CHAIRPERSON RESTLER: We can hear you
5 clearly.

6 RAQUEL BATES: Great. My name is Raquel
7 Bates. I'm the Executive Director of the Voices of
8 Women Organizing Project, also known as VOW, and so
9 thank you for the opportunity to testify today. VOW
10 was made up of community organizers who are survivors
11 of domestic violence and child witnesses to domestic
12 violence. We organized to reform domestic violence
13 policy, its implementation, and the services
14 survivors turn to for safety, justice, and
15 assistance. We strongly support Intro. 565, sponsored
16 by Council Member Brewer, to amend the New York City
17 Charter in relation to providing survivors of
18 domestic violence with guidance on making voter
19 registration records confidential and voting by
20 special ballot. Before the election, we worked hard
21 to raise awareness amongst survivors about their
22 options to keep their voter registration records
23 confidential and to vote by special ballot. We found
24 that many survivors did not know their voter
25 registration records were public information, and

1 that alone was a deeply concerning public safety
2 issue. Furthermore, survivors did not know that they
3 could keep their voter registration records
4 confidential or vote by special ballot. For
5 survivors, particularly those with high privacy and
6 safety risks, this can be the difference between life
7 and death. Providing more education and information
8 about how survivors can keep their voter registration
9 records confidential is critical for their safety and
10 well-being. This is why Intro. 565 is vitally
11 important. Survivors need to know their options in an
12 informative way, and it has to make sense and lessen
13 systems navigation. We also believe that NGBV and the
14 Board of Elections should work together to develop
15 outreach strategies that speak directly to the
16 community, to New Yorkers. Not all survivors seek
17 assistance from the Family Justice Centers or receive
18 services from City agencies or departments. Yet the
19 threat of physical and emotional abuse can affect any
20 survivor and their children at any time. We also
21 encourage messaging to let survivors know that
22 confidential voter registration is not indefinite. It
23 is for four years, and the steps they can take to
24 keep their voter registration confidential if they
25

1
2 feel unsafe. VOW is ready to assist in developing
3 such outreach strategies. Thank you for your time,
4 and again, the Voices of Women Organizing Project
5 fully supports Intro. 565.

6 CHAIRPERSON RESTLER: Thank you so much,
7 Ms. Bates. Really appreciate your thoughtful
8 testimony.

9 We'll now go to Ms. Kathleen Collins.

10 SERGEANT-AT-ARMS: Time starts now.

11 KATHLEEN COLLINS: My name is Kathleen
12 Collins, and I am a New Yorker who is a congenital
13 quadruple amputee who uses a wheelchair. I am a Co-
14 Coordinator at Downstate New York ADAPT and a member
15 of the Greater New York Council of the Blind,
16 grassroots civil rights organizations run by and for
17 people with disabilities.

18 With respect to Intro. 441, we support
19 this legislation, but would like certain tweaks to be
20 made to it so that students with disabilities' needs
21 will also be met.

22 We support Intro. 565, since many in the
23 disability community experience domestic violence.
24 Here, too, we would like it to be amended so that the
25 needs of survivors of domestic violence who are

1 disabled are met as well as the needs of survivors of
2 domestic violence whose first language is not English
3 are met, too.

4
5 With respect to Resolution Number 0322,
6 we support this Resolution, but request that the City
7 Council propose to the New York State Legislature
8 that this proposed bill also require that materials
9 not only be provided in a print format, but also be
10 available in other formats that are accessible to New
11 Yorkers with disabilities who speak Bengali, Punjabi,
12 and Hindi.

13 With respect to Resolution Number 189-A,
14 we fully support this Resolution, which calls on the
15 New York State Legislature to pass and voters to
16 approve an amendment to the New York State
17 Constitution to move New York City elections to even
18 number years to coincide with the federal elections.
19 This is very important to voters with disabilities,
20 because it is only during federal elections that the
21 protections provided by the Help America Vote Act of
22 2002, also known as HAVA, apply.

23 We will be providing more detailed
24 written testimony within the next three days on what
25 we just spoke about.

1
2 Also, I'd just like to mention one other
3 thing. We support getting voters who are incarcerated
4 the right to vote, and we are just a little concerned
5 because it talks about absentee ballots, and we want
6 those ballots to also be in an accessible format,
7 such as having a ballot marking device available for
8 those who are incarcerated who are disabled so that
9 they can vote and not have to use a paper ballot so
10 that's something that I think we need to work on.

11 Thank you again for your time and your
12 attention. I really appreciate it, and we'll be
13 sending you further written testimony in the next few
14 days. Thank you.

15 CHAIRPERSON RESTLER: Ms. Collins, thank
16 you so much for your thoughtful testimony. We really,
17 really appreciate it and appreciate the suggestions
18 for how we can make 441 a smarter bill to better
19 serve all young adults and ensure that they have
20 access to easily enroll to vote.

21 Last but not least, we will hear from Mr.
22 Christopher Leon Johnson as the final person
23 testifying today.

24 SERGEANT-AT-ARMS: Time starts now. Time
25 starts now.

CHAIRPERSON RESTLER: Mr. Leon Johnson,
we're unable to hear you at this time. If we can't,
we'll give you another few seconds, but feel free to
submit written testimony if you prefer. We're sorry
for the technical difficulty. Oh, we lost you.

Okay. Well, with that, we want to thank
everybody for joining us today. I will adjourn the
hearing and look forward to reconvening the Gov Ops
Committee in March. Thank you so much. [GAVEL]

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C E R T I F I C A T E

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



Date December 11, 2024