CITY COUNCIL
CITY OF NEW YORK

------------------------X

TRANSCRIPT OF THE MINUTES

        of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

------------------------X

                    August 8, 2012
                    Start: 1:08 p.m.
                    Recess: 6:13 p.m.

HELD AT:            Council Chambers
                    City Hall

B E F O R E:

                    GALE A. BREWER
                    Chairperson

    COUNCIL MEMBERS:
                    Inez E. Dickens
                    Erik Martin Dilan
                    Domenic M. Recchia, Jr.
                    Peter F. Vallone, Jr.

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

Dawn Sandow
Deputy Executive Director
NYC Board of Elections

Pamela Perkins
Administrative Manager
NYC Board of Elections

Juan Carlos Polanco
Republican Bronx Commissioner
NYC Board of Elections

Valerie Vazquez
Director of Communications
NYC Board of Elections

Dan Lavelle
Associate Staff Analyst
NYC Board of Elections

Douglas Kellner
Co-Chair
New York State Board of Elections

Adriano Espaillat
Senator
New York State Senate

Brian Kavanagh
Assembly Member, 74th Assembly District
New York State Assembly

Art Chang
Chair
Voter Assistance Advisory Committee
New York City Campaign Finance Board

Alex Camarda
Director for Public Policy and Advocacy
Citizens Union of the City of New York

APPEARANCES (CONTINUED)

Susan Lerner
Executive Director
Common Cause New York

Andrew Schickler
Representative
Election Protection

Amy Loprest
Executive Director
New York City Campaign Finance Board

Ralph Andrew
Concerned Citizen

Londel Davis
President
Martin Luther King Democratic Club

Teresa Hommel
Poll Site Coordinator

Kate Duran
Board Member
The League of Women Voters of the City of New York

Juan Cartagena
President General Counsel
Latino Justice

Constance Lesshold
Concerned Citizen

April Tyler
Concerned Citizen

Alan Feinbloom
Concerned Citizen

Kenneth Barr
Poll Site Scanner Inspector

APPEARANCES (CONTINUED)

Ruben Vargas
Concerned Citizen

Sarah Paul
Concerned Citizen

Alan Flacks
Concerned Citizen

Mr. Ecks
Concerned Citizen

1

2          CHAIRPERSON BREWER:  Good

3    afternoon.  I'm Gale Brewer, City Council Member

4    and Chair of the Council's Governmental Operations

5    Committee, and I certainly want to welcome

6    everyone here today.  I'd like to thank Speaker

7    Quinn.  She is going to be here in a very few

8    minutes, and the other members of the Committee

9    for your participation.

10              Today's hearing as I think we all

11   know is about the New York City Board of Elections

12   and its handling of the congressional primary this

13   past June as well as readiness for the upcoming

14   primary in September, and I would also argue the

15   general in November.  Although most races went

16   smoothly during the congressional primary, there

17   were issues as we all know in the 13th

18   Congressional District after election nigh results

19   particularly showed a wide margin between the

20   candidates, which then quickly narrowed several

21   days later.

22              This problem stemmed from the way

23   the Board of Elections compiles its unofficial

24   results; however, I am pleased that the Board has

25   moved to correct this problem by instituting a

more efficient and less error prone procedure for

compiling and reporting these results using a

portable memory sticks or what I call flash drive

memory stick and you may have other names for it,

or PMD for short, portable memory device.  I look

forward to hearing more details about these new

procedures and the Board's implementation plans.

Now that the Board has taken the leap of using PMD

for election night reporting, we must ensure that

the plans we are doing [phonetic] so are sound and

that the implementation is smooth.  I certainly

want to thank—I know he'll testify later--Doug

Kellner, co-chair of the State Board for his input

on this particular topic.

I am also pleased that many of the

major problems that plagued previous elections are

improving.  It's nice for the Board of Elections

to have something nice said, I know, in this

challenging time, such as the number of poll sites

that opened on time and there are many other

positive aspects; however, we continue to hear

complaints about poll workers who are not properly

trained, voters who are not on the registration

rolls—prime voters too when they should have been,

and affidavit ballots that were improperly

disqualified to name just a few of the many

concerns.  These types of issues endanger the

legitimacy of the voting process and erode voters'

confidence—something we do not want to do.  The

Board must investigate and resolve these problems

fully so that they are not repeated in the fall.

I think we all agree to that.  It's very important

that the election process is something that voters

are proud of and trust--the people in this room,

and I thank you all who are ready to testify and

to volunteer their expertise are a testament to

that, and I look forward to hearing from every

single person and working with you and the Board

of Elections so that New Yorkers experience the

seamless election that they deserve.  I'm always

reminded by Laura Altschuler from the League of

Women Voters' words when she says, "Do not forget

about the importance of the experience of the

voters, so they come back."

I want to thank Seth Grossman, Tym

Matusov, who are with the Speaker's office, the

counsel and policy analysts and Will Colgrove

[phonetic] from my office.  I also want to

indicate something that I am extremely proud of

for those of you who know me, which is that this

hearing is being webcast. I'm an addict for that

particular issue. I want to introduce my

colleagues. We're delighted to have Council

Member Jackson, Council Member Vallone, Council

Member Lappin, Council Member Halloran, Council

Member Rodriguez, and Council Member Garodnick.

Thank you all for being here, and without further

ado, we will start the testimony, and if the

Speaker comes in, then we will be delighted to

have her give her remarks. So without further

ado, we'd like to hear from the Board of Elections

and thank you for being here.

DAWN SANDOW: Thank you. Chair

Brewer and members of the New York City Council

Committee on Governmental Operations. I want to

thank you for giving us the opportunity to address

you this afternoon on how the New York City Board

of Elections performed its responsibilities in the

June 26th federal election and also, recap the 2012

election year to date. For the record, my name is

Dawn Sandow, and I am the deputy executive

director of the Board. Joining me here today is

Commissioner Juan Carlos Polanco from Bronx

County, Republican commissioner.  In addition, our

administrative manager, Pamela Perkins, our

general counsel, Steven H. Richman, Raphael Savino

[phonetic] join me at this table.  Finally, I want

to acknowledge the presence of several additional

staff members who are in attendance to answer any

questions regarding their units; John Naudus,

director electronic voting systems; Steve

Ferguson, director management information systems;

Valerie Vazquez, director of communications; Tom

Sattie, ballot coordinator; Danny Lavelle, phone

bank coordinator; John O'Grady, chief voting

machine technician, Stephen Thompson, poll worker

training coordinator, Rachel Knipel, coordinator

of language assistance program, John Mord

[phonetic], finance officer.

It has clearly been a busy year for

the Board's 351 full time employees.  For the

first time the Census Bureau designated Asian

Indian for language assistance in Queens County.

The designation posed unique challenges to the

Board of Elections as Asian Indian is not a single

language, but rather refers to a subcontinent in

which many languages are spoken.  At the start of

the year, the City Board began working

collaboratively with the New York City Law

Department, City Planning and Asian Indian

community groups to first determine which

languages would be targeted for written and oral

assistance and to formulate an interim plan in 68

poll sites for the June 26$^{th}$ federal primary.  This

required the recruitment and training of Bengali

and Hindi Punjabi Election Day interpreters,

advertisements in Bengali newspapers for Election

Day and the translation of all voting materials

and voter information into Bengali in a short

period of time.  I am pleased to report that 65

Bengali and 96 Hindi Punjabi interpreters worked

on Election Day.  Our call center records show

that the Board received five calls for Bengali

and/or Hindi interpreters in which the Board was

able to send out Bengali interpreters from our

standby pool to four of the five sites.  After

sending executive office monitoring teams to the

sixth site, they were informed that the Hindi

interpreter present at the sixth site was also

able to speak Bengali.  Improper placement of

Bengali signage proved to be the largest problem

with the implementation of this program.  For all

future elections, the Board has produced a five

language sign alleviating the need for poll

workers to display a sign for Bengali—a separate

sign, excuse me.  The Board also conducted a

special election on March 20$^{th}$, 2012 in the county

of Brooklyn, which resulted in the first manual

re-canvass in the city of New York since the

introduction of the optical scanners.  Board staff

completed this manual re-canvass within two weeks

during normal business hours.  Although it was

reported by the media that the process took much

longer, they failed to take in account the court

proceedings, which significantly delayed the start

of our re-canvassing process.  While the manual

re-canvass was being conducted all five boroughs

were conducting pre-election tasks in preparation

for the April 24$^{th}$ presidential primary.  A

Brooklyn voting machine facility was conducting

both post-election tasks for the 27$^{th}$ special

election in order to certify the results on June

5$^{th}$, 2012 and pre-election tasks in preparation for

the April 24$^{th}$, 2012 Republican presidential

primary. In addition, our electronic voting systems unit in the general office and the Queens borough office staff were preparing for the second Queens election night results reporting pilot. This pilot afforded us the opportunity to develop procedures and also compare the difference in reporting by the return of canvass data entered by NYPD and the uploading of the portable memory devices. This pilot confirmed there was on average 3.16% fewer votes reported on election night using the old process. The Board certified the April 24th, 2012 presidential primary on May 8th, 2012 just 14 days after the election. Board staff once again immediately conducted post-election tasks for the Republican presidential primary in order to prepare for the June 26th federal primary election. The first date to circulate designating petitions for the June 26th federal primary election was March 20th, 2012—the same day we conducted the special election in the 27th Senatorial District. The last day to circulate designating petitions was April 16th, 2012, just eight days before the Republican presidential primary. Our general office staff

along with a small amount of staff designated by

each borough serviced the public as well as the

candidates for the June 26th federal primary at the

Board's general office at 42 Broadway throughout

the petition filing period.  The petition filing

process started on April 10th, 2012 and continued

through April 30th, 2012.  Our staff worked six

days a week and due to legal mandates was also

required to work until midnight on ten separate

occasions.  Due to the multiple election events in

2012 and the fact that the presidential primary

had to be conducted on the old district lines and

the federal primary had to be conducted on the new

congressional district lines that were mapped over

the old EDAD lines the constant reassessment of

timelines was required.  The City Board for the

first time had to simultaneously maintain multiple

district maps.  The Board had to associate all

voters with the appropriate district mapping based

on the election event.  The election event time

period spans from petition gathering to election

certification, a time period which requires access

to the election event mapping.  The specific

overlapping of the event periods for the

1

2    presidential primary with the federal primary and

3    then the event periods for the federal primary

4    with the state and local primary produced the dual

5    mapping requirements.  The moving of the primary

6    for federal offices to June 26$^{th}$, 2012 and the

7    delayed receipt of the New York State certified

8    assembly and senate lines from which we had to

9    establish the new ED lines created the election

10   event overlap scenario.

11                In February of 2012, the City Board

12   took a proactive step in anticipation of this

13   potential scenario.  We made significant

14   modifications to our two major systems, S Select

15   [phonetic] and AVID [phonetic] to handle multiple

16   election maps.  We received the new congressional

17   lines on March 20$^{th}$ and finished the new

18   congressional maps in a week, sending them to City

19   Planning for processing.  We received the new

20   senate and assembly lines on April 1$^{st}$, 2012,

21   completed the EDAD mapping and sent the file to

22   City Planning for processing on May 3$^{rd}$ in time for

23   the petition processing in mid-May.  This

24   redistricting process was accomplished in a

25   significantly shorter time frame than any other

1

2      previous redistricting process.  This was a major

3      accomplishment considering the severe time

4      constraints, understaffing and multiple election

5      events taking place one after the other.  I would

6      like to point out to the members of this Committee

7      in preparation for what we knew would be the

8      busiest year in the history of the City Board, we

9      requested 104 new positions in our March 16th, 2011

10     testimony for the fiscal year 2012 preliminary

11     budget.  Among the 104 requested heads, we

12     outlined the need to create a dedicated electronic

13     voting systems unit in each borough to perform the

14     new duties relating to both the methods of re-

15     canvassing the votes cast, mandated audits,

16     equipment upgrades and modifications and to ensure

17     accurate and timely analysis after each election.

18                    Quite a bit has been written about

19     the Board's performance for the June 26th federal

20     primary election.  Press articles with

21     misinformation and comments by public officials

22     who clearly did not have all of the facts did a

23     huge disservice to the public and to the Board.

24     Today gives me the opportunity to set the record

25     straight on how well the Board performed for the

voters of New York City.  Attached to this

testimony is documentation that has all the facts

that I am about the state on the record for your

review.

On Election Day, the Board operated

1,353 poll sites in all five boroughs of the city.

We deployed 3,084 scanners, 1,382 ballot marking

devices, 4,808 ED supply carts, 9,031 privacy

booths, 28,266 chairs, 6,035 tables--52,606 pieces

of voting equipment in total.  The combining of

election districts by the Board reduced the number

of poll worker positions to 32,068; 14,756 of

which were filled by the county organizations and

16,158 were filled by recruitment efforts by the

Board and other organizations.  Out of the 32,068

poll workers, 2,075 were assigned to work for the

first time.  96% of our vacancies were filled,

leaving a 4% vacancy rate.  I am pleased to report

that all poll workers assigned to work the June

26$^{th}$ federal primary were trained and passed the

required exam.  We had a standby pool of 1,275

poll workers city-wide, all of which were also

trained and passed the exam.  The Board's call

center too ensured prompt issue resolution on

1

2    Election Day and accurate data analysis.  A total

3    of 2,862 calls were received city-wide.  Out of

4    the 1,150 poll worker calls, 60 were related to

5    poll worker behavioral issues and 47 were in

6    response to poll workers not following proper

7    procedures.  Our AD and executive office

8    monitoring teams were dispatched to these sites to

9    inform the poll workers of the proper procedures

10   and to address any behavioral issues.  Some poll

11   workers were immediately dismissed from their

12   duties.  Upon completion of all post-election

13   tasks for the June 26th, 2012 federal primary, each

14   borough reviewed all poll worker issues and

15   counted by the voting public, board staff,

16   community organizations and the media.  This

17   review is conducted after each election so staff

18   can identify and address poll worker problems.

19   Poll workers are called into the Board's office to

20   review any issues they are given and given

21   additional training in specific areas.  This

22   practice has been implemented on a larger scale

23   since 2010 as a part of the Board's continuing

24   effort to increase the level of performance of our

25   poll workers as well as assist the Board in

identifying specific topics in the Board's

training curriculum that may require

modifications.  These retraining classes for poll

workers commenced on July 31st and will be

completed by August 15th, 2012.

On June 26th, 200,189 New York City

registered voters exercised their right to vote in

the federal primary election.  Over 9,800

affidavit ballots were cast city-wide and out of

the total number of affidavit ballots more than

3,200 were deemed valid and were canvassed.  Board

staff identified three predominant reasons why

many affidavit ballot envelopes were deemed

invalid.  Over 3,500 affidavit ballot envelopes

were invalidated because the voter was not

enrolled in the political party for the specific

primary ballot the voter requested.  Almost 900

affidavit ballot envelopes were invalidated

because the voter was not registered to vote and

over 850 affidavit ballot envelopes were

invalidated because the voter went to the wrong

poll site.  During the federal primary, the Board

received numerous calls from our monitoring teams

at poll sites where members of the public were

insisting on voting in spite of the fact that they

were correctly informed by the Board staff that

either they did not have a primary contest in

their district or were not enrolled in the

political party conducting a primary.

Nonetheless, in each of these instances an

affidavit ballot was provided to the voter as

evidenced by the over 9,800 affidavit ballot

envelopes received.  In accordance with election

law, all five boroughs completed the following

post-election responsibilities in a timely manner:

the random 3% audit, reading of the portable

memory devices in the election management system,

re-canvass of election night numbers, review and

canvass of all read in [phonetic] votes, data

entry into the S Select system, review and canvass

of all affidavits and absentee ballots.  New York

State election law requires an audit of 3% of the

scanners used in every election.  The purpose of

the audit is to verify the performance of the

scanners as certified by the state board,

including accurate encoding of the systems and

correct tallying of the ballots.  The entire fleet

of the scanners used in each Election Day is

ordered in random sequence and the first 3% are

audited.  A random draw was conducted on Thursday

June 28th and scanners were selected for audit.  To

conduct the audit, Board staff retrieves the paper

ballots from each randomly selected scanner and

the results report tape produced by that scanner

and signed by the inspectors at the close of the

polls on Election Day.  Bipartisan teams hand

counted the ballots and then compared the manually

tallied results against the results reported on

the tape.  All five boroughs completed the 3%

audit and I am pleased to report no unresolved

discrepancies were reported.  The City Board has a

long established protocol governing its

interaction with those city agencies that play a

significant role in the conduct of elections.  The

Board has maintained effective working

relationships with the police department, the

Department of Education, the Department of

Citywide Administrative Services, the Law

Department and the New York City Housing

Authority.  Prior to each election, the Board and

these entities regularly communicate to ensure

that all essential elements are in place for a

successful election.  On Election Day, the Board

through both the executive office and our borough

chiefs and deputies are in constant communication

with the NYPD through the operations center at

headquarters and each of their patrol commands.

With respect to DOE, DCAS and NYCHA we were in

continuing contact with their facilities'

management staff to ensure that the locations

under their control serving as poll sites were

open for equipment deliveries prior to June 26th,

2012 as well as on the day of the federal primary

election.  The Board makes sure that all poll

sites located in publically owned facilities are

properly designated by May 1st of each year in the

manner prescribed in Section 4-104 of the election

law.  The Law Department has always provided

assistance in assuring that all city agencies are

aware of their legal obligations with respect to

Election Day activities.  The Mayor's Office and

the chair of this Committee took an active role in

assisting the Board in coordinating with other

city agencies.  Due to the unique timing of this

election, one of the biggest obstacles facing the

Board for the June 26th federal primary with

respect to public school facilities where the many

graduation ceremonies and other year end

activities being simultaneously conducted.  In

some cases, the designated room for the poll site

was either moved by custodians to another location

in the building on the morning of the election or

shared with staff and students.  This Committee

should also be aware that the 34 New York City - -

that there have been 34 New York City public

schools have been made permanently handicapped

accessible through the New York State County HAVA

[phonetic] funds program and another 44 public

school sites are targeted to ensure poll site

accessibility.  The transition to a new voting

technology has presented numerous challenges for

the conduct and administration of elections in

America's largest city.  Our experience to date

confirms that.  The City Board is committed to

doing whatever is possible and practical to

mitigate ongoing concerns and has sought to

address them to prevent their reoccurrence in

future elections.  To date, our recommended

revisions in the New York State election law have

not been enacted.  The Board continues to work

with our colleagues at the other county boards of

elections throughout the state, the state board

and the election law committees of the New York

State Senate and Assembly to change the statutory

framework and improve the experience for our

voters and our poll workers.  The City Board hopes

that you will continue to work cooperatively with

the Board to help us all meet the challenges that

may occur in the future.  I would be remiss not to

mention to further address the distorted

information that inundated the voters of the City

of New York following the June 26th, 2012

Democratic federal primary election.  Sadly some

members of the media no longer rely on facts or

seek to expose the truth, but rather seize on

false and sensational allegations promoted by

certain candidates for the sole purpose of

increasing their name identification often at the

expense of the New York City Board of Elections.

All allegations reported to the New York City

Board of Elections with respect to voter

suppression or voter fraud are taken very

seriously and investigated extensively.  Thus far,

any voter that has contacted the Board of

1

2    Elections alleging they were disenfranchised

3    either by not receiving an absentee ballot or by

4    their name not appealing in the poll list book did

5    not have a contest in their election district or

6    due to redistricting was no longer in the 13$^{th}$

7    Congressional District.  The State Board has also

8    forwarded complaints of this nature to us and has

9    received a researched response consistent with the

10   above findings.  Did some voters experience

11   problems at their poll sites?  Yes, and we are

12   going to continue to seek to raise the level of

13   performance of our election day workers by

14   conducting targeted re-training after each

15   election and refining our procedures while at the

16   same time preserving the integrity of our

17   elections.  In the days following the June 26$^{th}$

18   federal election it became evident that the City

19   Board's responses to press inquiries were not

20   being conveyed to the public by the media.  The

21   Board therefore compiled the related press

22   inquiries, complaints and the agency's responses

23   contained in the volume you have before you.  It

24   is my hope that this Committee and the public

25   reviewed the material contained within this

volume.  The Board of Elections will always have

its critics, but after reviewing our overall

performance for the June 26$^{th}$ federal primary, I

have no difficulty stating that the Board

performed well for the voters of the City of New

York.

Moving forward, I would like to

report on some of the various ways we are

preparing for the 2012 state and local primary and

general elections.  Educating the public about

voting and fulfilling their expectations is a

critical element of successful elections and a

necessary component of a relatively new voting

system.  It is imperative that the Board have an

ongoing public education effort in order to ensure

an informed voting public, a skilled poll worker

pool and to continue our voter registration

efforts.  To date, the Board has processed since

January to date, 143,091 new registrations.  As

mentioned earlier, the Board has a new legal

obligation under the voting - - act to provide

poll site interpreters and all voting information

in Bengali as well as oral assistance in Hindi.

In response to your suggestions and made possible

by the funding received, the Board has made the

voter information notice more informative and

reader friendly.  Our newly designed five language

voter information notice includes the dates of the

upcoming elections, educational components on the

ease of use of the BMD and poll site voting

system.  Frequently asked questions and a

prominent display cover informing voters if their

poll site was changed.  We designed an enlarged

personalized voter card meant for a voter to keep

handy containing their pertinent information such

as their poll site address, assembly district and

election district, The Board is embracing emerging

technology by developing a smartphone application

that will allow New York City voters to locate

their poll site and view their sample ballot.  The

app is being developed and deployed to run on

multiple mobile platforms including - - iPhone and

iPad available by October due to Apple content

review as well as Android, Windows and Blackberry

devices for the September primary.  We also have

started developed a poll site reporting tablet

application that will allow our voting machine

technicians and field staff to electronically

1

2    report all issues at our poll sites and track

3    resolutions in real time.  In addition, all AD

4    monitor reports will be completed and submitted on

5    site electronically to our election day operations

6    unit in real time.  These features to be included

7    are: alert push notification instantly alerts

8    technicians in the field of poll site issues;

9    check in and out at poll site, a feature that

10   would allow us to track resolutions in real time,

11   allow staff to complete and electronically submit

12   onsite monitoring forms and incident reports in

13   real time; ADA compliance information, poll worker

14   attendance, scanner and BMD status, and allows

15   staff to take and submit photos vital to document

16   poll site accessibility.  The Board will launch a

17   pilot program conducted by executive office

18   monitoring teams of this reporting tablet for the

19   November general election.  I am also pleased to

20   announce that the Board expects to reveal our

21   newly designed website in early December—

22   September.  This website will include social media

23   links and large font capability, a banner ticker

24   listing the dates of upcoming elections and the

25   capability for voters to subscribe to receive e-

mail notifications from the Board.  We will

continue our highly successful mobile outreach by

developing staff and voting equipment for

demonstrations, deploying staff and voting

equipment for demonstrations throughout all five

boroughs beginning next week and continuing

through to the general election.  This will allow

us to connect with the city's voters to provide

them with a hands on demonstration of the machines

prior to Election Day.  We look forward to working

with elected officials, good government

organizations and community groups throughout the

city.  The Board has just completed the archival

of data retrieved from the portable memory devices

used in elections or testing in 2010.  This data

must be archived for two years in compliance with

election law.  By implementing these new

procedures, the Board has saved $2.2 million.

In closing, the topic of reporting

unofficial election night results has been a

subject of great concern.  The purpose of remote

reading of portable memory devices is to increase

the accuracy of reporting the unofficial election

night results.  Our Board's managers John Naudus,

Stephen Thompson and John O'Grady have prepared

the following presentation, which will detail the

procedures that will be implemented for the

uploading of data from the portable memory device

for unofficial election night results for the

September primary. These new procedures have been

designed to improve the accuracy of the reporting

of unofficial results on election night.

Nonetheless, they do not eliminate the need for

the changes to the election law that the Board has

recommended, many of which were incorporated into

the bills proposed by New York State Assembly

Member Brian Kavanagh. As always, my colleagues

and I are available to answer any questions that

you may have after the following presentation. I

thank you again for your time and for allowing me

to come before you on behalf of the Board of

Elections and the City of New York today.

MALE VOICE: Good afternoon,

Committee Members, Speaker Quinn, guests. On

election night, we're going to have a pilot of a

new program. Basically what is going to happen is

at the close of polls, the poll workers will close

the polls on the machines. It will cause the

machine to print out three copies of the results

tape.  The first copy of the results tape gets

posted on the wall for any watchers at the poll

site.  The second copy and the PMD stick get taken

from the device and placed into a pouch—actually,

I'm sorry—they get placed into a Ziploc bag.  The

PMD is then signed by our inspectors.  The Ziploc

bag with the PMD and the results tape is placed

into a yellow pouch.  The yellow pouch is then

sealed.  Each pouch is then placed into a large

yellow bag.  Once all of the pouches from the

scanners in the poll site are placed into the

large yellow bag, the bag itself is then sealed.

The coordinator of the poll site turns the sealed

bag over to the NYPD.  The NYPD will then take the

bags from each of the poll sites across the city

to their local precinct and turn it over to Board

staff, bipartisan Board Election staff that will

be stationed at each police precinct.  We will use

a tracking system.  Basically, it's a cart that is

using RFID technology.  Each bag, pouch and USB

stick will have RFID [phonetic] attached to it.

So as soon as the bag is placed on top of this

cart, the cart will generate a report telling us

1

2 which sticks have been returned from the poll

3 site. The sticks are then handed—the bags are

4 then handed off to another a second set of

5 bipartisan Board of Elections employees that will

6 then remove the USB sticks from the pouches, place

7 them into a laptop and transmit the results to the

8 general office of the Board of Elections. The

9 general office, there will be five different

10 laptops running - - software—that's the software

11 that processes the results. Throughout the night,

12 from the EMS laptops will be cutting an XML file

13 and handing that to the NYPD. The XML file

14 contains all of the election results for that

15 county up to that current time, so that would be

16 an ongoing every 15 minutes kind of thing where we

17 will hand off the files to the NYPD until the last

18 poll sites have reported and then we will turn

19 over the final file to the NYPD. The NYPD will

20 then transmit the file onto the AP [phonetic].

21 Thank you.

22 CHAIRPERSON BREWER: thank you very

23 much. We've been joined by Council Member

24 Dickens, Council Member Recchia and before we hear

25 from our great Speaker, I just want to take the

personal privilege Rembrandt Tyson [phonetic] and

Morelle Becker [phonetic] here.  They're from

Holland, and their great grandfather and my

grandfather were best friends; my father, their

father, and it goes on, so they're in the back.

They're from Holland.  Thank you very much.  And

now we'd like to hear from our great Speaker.  Do

you want to start with questions?  Okay.  I think

my first question is the overall closing night

procedure.  I know you talked about it in your

testimony, but I want to understand how it will be

faster, what is the roll specifically of the

police department and just walk us through because

we see the photographs, we understand there's a

PMD, but when it goes from the election location

to the police precinct exactly what happens?  How

does it get to the press, to the AP?  The exact

steps would be helpful to clarify and what

addition steps in addition to the PMD will be

taking place?  And maybe we can ask you as you go

through the process some more specifics.

MALE VOICE:  For the September

election our plan is basically to have a parallel

process.  We're going to continue having the NYPD

take the return of canvass and data enter those

results as a backup to the PMD process, being this

the first time that we're using the PMDs city

wide.  So that portion of the process on election

night will still be the same.  The poll workers

will still take the tapes.  They will still have

to transcribe the numbers onto the return of

canvass.  They will still total them up and - -

those return of canvass—

[crosstalk]

CHAIRPERSON BREWER:  [Interposing]

Will they be doing the scotch tape and the cutting

still at the poll site?  Is that correct?

MALE VOICE:  That is correct.  Our

attention basically is as a backup to this process

at least for September and possibly November and

once this process has shown to be successful, we

will eliminate that process.

CHAIRPERSON BREWER:  Okay, and keep

going.  When you get to the precinct, I have more

questions about what happens—

MALE VOICE:  [Interposing] At the

precinct?

CHAIRPERSON BREWER:  Mm-hmm.

2          MALE VOICE:  Okay.

3          CHAIRPERSON BREWER:  What happens

4    at the precinct.

5          MALE VOICE:  Like I said, the

6    police officers or the police detail that will be

7    bringing the bags back will turn them over to a

8    bipartisan team of Board employees.  The bag will

9    be taken and put on top of a cart.  It looks

10   something like the EDAD cart.  It's got an RFID

11   antenna on top of it.  That antenna picks up all

12   of the RFID tags.  RFID, that is radio frequency

13   identification.  It's similar to the stuff—ever go

14   to a clothing store, and those little tags that

15   they put on things that when you try to walk out

16   the door, the alarms go off?  It's the same

17   principle.  Those tags allow them to know that

18   things are walking out the door and in our case,

19   it's allowing us to know that the stuff came in

20   the door, so we're going to read those tags on our

21   first station and then the station will also

22   produce a report.  It will also have a printer

23   inside.  It will produce a report that will tell

24   us which sticks have come back and which sticks

25   haven't come back.

2        CHAIRPERSON BREWER:  But we'll be

3    purchasing--the Board of Elections will be

4    purchasing individual laptops for each precinct

5    and then loading them with software.  Is that how-

6    -?

7        MALE VOICE:  [Interposing] Yes.

8        CHAIRPERSON BREWER:  Literally what

9    happens to the police officer in addition to the

10   PMD—do their own tabulations before they send—when

11   does the AP get it?  In other words, literally

12   walk us through that step too 'cause the public

13   has trouble understanding this keep repeating the

14   same procedures.

15       MALE VOICE:  Okay.  The first thing

16   that happens in the poll site is the machine—you

17   have to close the polls in the machines.  It

18   produces the tapes and the PMD can come out.  That

19   is then going to be immediately taken from the

20   poll sites and run back to the precincts while all

21   the work of the cutting and pasting another thing

22   is going on--

23       CHAIRPERSON BREWER:  [Interposing]

24   The insanity.  Yes, with all due respect, go

25   ahead.

1

2          MALE VOICE:  While that process is

3    still going on and how long that takes, so the

4    intention basically with the PMDs running out of

5    the poll site first and coming to the police

6    precincts, we'll have the results out faster.  We

7    don't have to wait for that process, and then once

8    they have been received by our staff, they're

9    going to transmit the results back to our office

10   and then we're going to hand those results to the

11   NYPD and they hand it off to the AP.  So that's

12   how we're thinking that this process is going to

13   actually speed up—

14          CHAIRPERSON BREWER:  [Interposing]

15   So at the police station, there's not going to be

16   any paper process.  It will just be the PMD?

17   That's the part that I'm—

18          MALE VOICE:  The police is—this

19   operation that they're going to read the PMD.  The

20   police are still going to take back the return of

21   canvass and they're going to still data entry the

22   return of canvass into their old system as a

23   backup to their current system.

24          CHAIRPERSON BREWER:  And does AP,

25   do they read what they put in from the return of

canvas, from the PMD?  Where do they actually get that data?

MALE VOICE:  They're going to get the data from the PMDs.  The PMD data is going to be taken by our staff.  They're going to transmit it to our office.  We're going to transmit to the cops.  They're going to give that to AP, and that's what the AP's going to use as numbers on election night.

CHAIRPERSON BREWER:  And do you think this will be quicker based on what you're—

MALE VOICE:  [Interposing] Right because they don't have to wait for that "insanity" to happen.  As soon as the polls are closed on the machine, it prints the tapes.  They can pull the tape, the stick, put it in the pouch and they can leave the poll site.  It doesn't have to wait for the poll workers to do all the rest of their processes 'cause there is other processes that go into the poll site like - - ballot accounting, the general closing up of a poll site that don't need to be waited for for this process.  As soon as this machine is done and the stick is removed from the device, the police can take the

2  bag with those sticks out of the poll site and

3  return to the precinct.

4               CHAIRPERSON BREWER:  So to get the

5  unofficial results 'cause I know there is a longer

6  process, do—

7               MALE VOICE:  [Interposing] This

8  will be the unofficial—

9               CHAIRPERSON BREWER:  Yes, I know.

10  I'm saying to get the unofficial results does the

11  AP or does the public have to wait until the data

12  is entered by the police department with oversight

13  from a democrat and a republican while we're

14  standing there?  That's the part that I'm trying

15  to understand.

16               MALE VOICE:  [Interposing] No, the

17  police department does not—we're using the

18  precinct to read the sticks, but the police

19  department is not involved in the reading of the

20  sticks.

21               CHAIRPERSON BREWER:  Well, whoever

22  is doing the calculations side by side with the

23  reading of the PMD for a backup as you indicated.

24               MALE VOICE:  Well, our hope is that

25  actually we'll be done before the other process

1

2  will be done, but they'll be going on, but they're

3  not going to be in a sense over sighting

4  [phonetic] each other.  One process will be

5  happening in one room at the police station.  The

6  other process will be happening in another room.

7                 CHAIRPERSON BREWER:  Okay.  And so

8  when the AP will get it not until the both

9  processes are completed so to speak?

10                 MALE VOICE:  No.  The AP is going

11  to get it as soon as it's available from either

12  process--

13                 CHAIRPERSON BREWER:  [Interposing]

14  Okay.

15                 MALE VOICE:  --from the PMD

16  process.

17                 CHAIRPERSON BREWER:  Okay.

18                 MALE VOICE:  Our intention is only

19  to turn over the key entry work or the insanity as

20  you called it—

21                 CHAIRPERSON BREWER:  [Interposing]

22  I'm sorry, but that is what it is.

23                 MALE VOICE:  --if the first

24  process, if the PMD process suffers from a major

25  failure where there's an issue that it can't

1

2    report the results.

3                    CHAIRPERSON BREWER:  Okay.  Okay.

4    The Speaker has questions, and I'm delighted that

5    she does.  Thank you very much, Madam Speaker.

6                    SPEAKER QUINN:  Thank you very

7    much, and I just first want to thank Chair Brewer

8    and the members of the Gov Operations Committee

9    and Seth Grossman and all the rest of the staff to

10   the Committee for pulling this hearing together at

11   a time when we typically don't have oversight

12   hearings, so Madam Chair, I just want to thank you

13   and the staff very, very much.  The process that

14   you just took Chair Brewer through is a change to

15   some degree from the process you used in the most

16   recent federal primary.

17                    MALE VOICE:  That is correct.

18                    SPEAKER QUINN:  You feel you

19   performed well by your testimony at the June

20   primary?

21                    DAWN SANDOW:  Yes.

22                    SPEAKER QUINN:  Why did you change

23   your process if you had performed well?  What was

24   wrong--

25                    DAWN SANDOW:  [Interposing] The

1

2    overall operation—

3                    SPEAKER QUINN:  Pardon me?

4                    DAWN SANDOW:  The overall operation

5    for the federal primary I feel we performed well.

6    Was there an issue with the election night results

7    reporting, no one—at least I nor anyone here would

8    say that that has not been an issue for years—

9                    SPEAKER QUINN:  [Interposing] I

10   just—I'm sorry.  Just cause I want to understand

11   and I do apologize because I came in late.  You

12   think you did well except for the election night

13   results, which by your own testimony now you have

14   never done well, so the comfort to us is that you

15   did well except for the results, which are a big

16   deal in an election, but we should feel better

17   because you've never done those well?

18                   DAWN SANDOW:  I didn't say we have

19   never done them well.

20                   SPEAKER QUINN:  Well, you say they

21   have had always—No, let me just tell you what I

22   heard.  I heard you say, "Everyone at the table

23   would agree," and you looked to your left and your

24   right, "Everyone would agree that they have always

25   been a problem." So you're right.  You didn't say

1

2   that you did them unwell.  You said they've always

3   been a problem, so since they have historically

4   been a problem, which remained on June 26th, did

5   you historically perform election night results

6   well or unwell and if they were well or unwell in

7   your performance, what was the problem?

8                   DAWN SANDOW:  I wouldn't say it's

9   performance.  I would say it's process.  It is the

10  process of elections—

11                   [crosstalk]

12                   DAWN SANDOW:  If I could just

13  finish…

14                   SPEAKER QUINN:  No, but I just want

15  to ask you one question to clarify.  The process

16  was bad with the old machines and the new

17  machines?

18                   DAWN SANDOW:  I would—I came to the

19  Board in 2005 and I'm sorry, but poll workers,

20  they didn't fill out return of canvasses.  It

21  wasn't 100%.  It never was 100%.

22                   SPEAKER QUINN:  What was it?

23                   DAWN SANDOW:  I think it's more

24  prominent with the new voting system and the

25  change in the new voting system, and I feel that

1

2    not just the election night process, but there is

3    many other aspects, which I stated in the

4    testimony, that we need to continue to change in

5    election law to suit the new voting system.  We

6    have a new voting system, but the election law has

7    remained the same, and it needs to be—and that's

8    what we said in the testimony.  Although we are

9    moving forward with this new process for

10   unofficial results, we still need to work together

11   to make sure election law is changed.

12                   SPEAKER QUINN:  But so, are you

13   saying then from that—I guess I'm a little

14   confused.  You're saying that under the old

15   machines and the new machines—

16                   DAWN SANDOW:  [Interposing] There

17   was always a discrepancy.

18                   SPEAKER QUINN:  How much of a

19   discrepancy?

20                   [crosstalk]

21                   DAWN SANDOW:  --for the unofficial

22   results.  Well, I cannot tell you what it is for

23   the old machines.  I have never done any analysis

24   on it.

25                   SPEAKER QUINN:  So how do you know

then?  'Cause you just said it was and you

assigned the blame to poll workers, and I'm not

saying you're wrong.

DAWN SANDOW: [Interposing] No, no,

no, no.  I wouldn't say it's all poll workers.

SPEAKER QUINN:  You did though.

DAWN SANDOW:  I think there was an

issue in—I think there was an issue in 2008, if

I'm not mistaken where the results came back and

there was issues with the return of canvass, and

it was all over the press.

SPEAKER QUINN:  And whose

responsibility was that?

DAWN SANDOW:  In 2008?  I really

can't tell you, but maybe Pam could speak to that

because she was…

SPEAKER QUINN:  But can I ask a

question just because I'm a little confused?

DAWN SANDOW:  Sure.

SPEAKER QUINN:  If you're saying it

was always a problem, but you don't even know what

the cause of the problem was, how did you just a

second ago say it was about the poll workers?

[crosstalk]

2          DAWN SANDOW:  Well, I can give you

3    a few examples.  I could give you a few examples,

4    and I'm just giving you examples of what this past

5    election.

6          SPEAKER QUINN:  June?

7          DAWN SANDOW:  Yes.

8          SPEAKER QUINN:  Okay.

9          DAWN SANDOW:  Because that's what

10   we looked at and analyzed and some of it were poll

11   workers not totaling.  If they do not total the

12   return of canvass, it can actually have a vote

13   for—I'm just going to say for example, ice cream -

14   three, candy - four.

15         SPEAKER QUINN:  How many—

16         DAWN SANDOW:  [Interposing] If

17   there is no total at the bottom, it does not get

18   entered by the NYPD.

19         SPEAKER QUINN:  How much of your

20   discrepancy was the result of that?

21         DAWN SANDOW:  I don't have those

22   numbers, but I will get them—

23         SPEAKER QUINN:  [Interposing] Can

24   you provide them to us?

25         DAWN SANDOW:  Yes.  I most

certainly can.  There were also issues where the

results tape—and this was part of a big

discrepancy with the numbers—instead of taking the

numbers for each candidate, some of the poll

workers took total numbers—

SPEAKER QUINN:  [Interposing] Which

EDs and ADs and which congressional districts did

that happen?

DAWN SANDOW:  It happened in

Brooklyn.  I will get you the ED and the AD, and

it did happen in Manhattan, and I believe in the

13<sup>th</sup> Congressional--

SPEAKER QUINN:  Yeah, no, no.

Right.

DAWN SANDOW:  Yes.  Now there were

also instances where the NYPD did not take any

return of canvass back with them.

SPEAKER QUINN:  Why?

DAWN SANDOW:  All three came back

to the Board, so it was entered as zero.

SPEAKER QUINN:  Why was that and

where was that?

DAWN SANDOW:  Well, I can give it—I

have a report and I will send it to you, but I

1

2 | can't answer as to why the NYPD did not take all

3 | three back.

4 |           SPEAKER QUINN: Where was it?

5 |           DAWN SANDOW: In what? It was

6 | sporadic. It wasn't in one specific area.

7 |           SPEAKER QUINN: [Interposing] Well,

8 | I thought you said there were three places, right?

9 |           DAWN SANDOW: No, no, no. There's

10 | three copies.

11 |           SPEAKER QUINN: Oh, three. I'm

12 | sorry.

13 |           DAWN SANDOW: Yes, and all three

14 | were returned to the Board.

15 |           SPEAKER QUINN: Okay. And how

16 | many—

17 |           DAWN SANDOW: [Interposing] So if

18 | all three came back to the Board, we know that

19 | there was a zero entered.

20 |           SPEAKER QUINN: And how much did

21 | that happen?

22 |           DAWN SANDOW: I'll send you the

23 | report that I have, but—

24 |           SPEAKER QUINN: [Interposing] Well,

25 | I'm sure you reviewed it in preparation for this,

2    so what's your recollection of how many times you

3    got all three sheets back?

4                    DAWN SANDOW:  City wide, I would

5    say maybe ten election districts.  About ten.

6    Between ten to fifteen.

7                    SPEAKER QUINN:  I mean, I guess I'm

8    more confused now because you said that among

9    other things that there were big discrepancies

10   with the numbers.

11                   DAWN SANDOW:  In some instances

12   which I had just responded to you about there were

13   big discrepancies in a few and what we did when we

14   analyzed and looked at because of course when

15   you're looking at it you're saying, "Okay, where

16   did this number come from?" When we took out the

17   results tape, looking at the results tape, you

18   could clearly see that the poll worker did not add

19   all the numbers for each candidate, but took a

20   total and put it in one of the candidate's lines

21   and did not total everything and there was clearly

22   the discrepancy there.  There was also a

23   discrepancy and I believe it was in Brooklyn where

24   instead of entering 65, the NYPD entered 565.

25   It's human error.  It's going to happen.  And

1

2       that's why with the new system and the PMD

3       accurately we cannot get better results than what

4       is on the PMD.  Those are going to be as accurate

5       as it can get.  If you're going to have over

6       30,000 poll workers cutting results tapes, adding,

7       putting onto the return of canvass, adding and

8       then handing it off to the NYPD and then they're

9       data entering, you are always going to have human

10      error.

11                  SPEAKER QUINN:  Just two or three

12      quick more questions.  You've assigned

13      responsibility to poll workers—

14                  DAWN SANDOW:  [Interposing] Yes.

15                  SPEAKER QUINN:  --to the NYPD.

16      What part of the big discrepancy in the numbers is

17      the responsibility of the Board of Elections?

18                  DAWN SANDOW:  Well, I can honestly

19      say and it was in the testimony, but we have a six

20      hour class.  We have started since 2010 calling in

21      poll workers where there are return of canvass

22      errors, where there are affidavit errors, where

23      there are behavioral issues.  I believe we held a

24      special class right before the presidential

25      primary to specifically target the return of

canvass and we have done so again after June and

we will continue to do so, but when you have over

30,000 workers city wide, our responsibility is to

make sure when errors occur, that they are called

in and they are shown what the errors are.  If

they are not called in, it would be repeated and

repeated and repeated.  If you look at the amount

of emergency ballots that the Board used to

produce with the old lever machines, it has

changed dramatically.  Dramatically.

SPEAKER QUINN: So just in short,

none?  I mean, you've basically kind of just said

you don't see any of the responsibility for the

big discrepancy and the numbers, et cetera, using

your words to be the Board of Elections?

DAWN SANDOW:  No, I said the poll

workers are our responsibility.

SPEAKER QUINN:  And so all of the

mistakes that—so two questions.  One, how are you

then expanding the training?  Because you just now

and kind of going through training, you're - -

back to last presidential primary training.

DAWN SANDOW:  Well, in my testimony

I did report that I believe the poll workers where

there were issues the retraining started—

SPEAKER QUINN: [Interposing] You're only going to retrain places where there were problems, not other workers?

DAWN SANDOW: Oh no. They're all being—there's a new training period that starts July—

SPEAKER QUINN: [Interposing] No, but is it going to be the same training or different training is my question for those who didn't make the errors, and then my last question is--

DAWN SANDOW: Yes. Well, let me finish answering the question that you just had. Okay? Any place where there was an issue in any poll site the poll workers are called in to address the issue and that started I believe in the—

SPEAKER QUINN: [Interposing] What do you mean called in? I'm not sure—

[crosstalk]

DAWN SANDOW: --called into the borough offices and they are retrained. Now if someone makes a mistake with an affidavit, if this

2　person is not called on it and not shown what they

3　did, they're going to repeat the same mistake, so

4　since the general of 2010 after every election

5　where we see there is an issue, these poll workers

6　are called in.  Some have even been dismissed and

7　this will continue until—I'm not going to say we

8　have a perfect election, but that's what we strive

9　for, a perfect election.  Now all of our poll

10　workers because the new election year starts

11　receives their training and it starts in July.

12　Aside from that training—cause everyone will be

13　trained for September and the general—all of the

14　poll worker issues, these poll workers already

15　started coming in to address the issues.

16　　　　　　　　　SPEAKER QUINN:  So if—

17　　　　　　　　　DAWN SANDOW:  [Interposing] By law

18　they are supposed to be trained once a year.

19　　　　　　　　　SPEAKER QUINN:  Right.

20　　　　　　　　　DAWN SANDOW:  When these poll

21　workers are called in for whatever issues there

22　were at a poll site, they do not get paid again

23　for training.  They do not—

24　　　　　　　　　SPEAKER QUINN:  [Interposing]

25　　　　　　　　　DAWN SANDOW:  They come in and it's

specifically targeted as to what the issue was; if

it was affidavit, if it was behavioral, and if it

was return of canvass.

SPEAKER QUINN:  So by your

description of the problems with the return of

canvass, the problems with the poll workers, the

problems with the three sheets of paper et cetera,

there were problems with the preexisting system

that led you to come up with the new system that

you think is going to be helpful and really

address those.  Right?

DAWN SANDOW:  Speaker Quinn, we did

not just come up with this program.  This just

didn't happen because of this issue.  We started

this election night results reporting pilot last

year, and we started it in Queens.

SPEAKER QUINN:  Okay.  So what

specifically then—two questions.  My first

question was if there have been all these

problems, which you've just taken us through

historically, why are you keeping the preexisting

system as your safety net system—

DAWN SANDOW:  [Interposing] Well—

SPEAKER QUINN:  --'cause it seems

to be and by your own admission starting last year

now, you know, talking about in Queens, you have a

system that you had concerns about, so why would

the system that was one that you had concerns

about be the safety net to your new system?  It

seems illogical that a system you've decided you

had to change would be the one that would be the

safety net for your new system.  That doesn't give

me a great sense of confidence, A.  And B, what

specifically if anything has been additionally

changed in light of June 26$^{th}$ versus what you've

been working on for a year now?

DAWN SANDOW:  Okay.  We started the

election night pilot program last—was it last

year?

MALE VOICE:  Last year.

DAWN SANDOW:  It was last year for

the general election.  Of course, the first time

we went through it, we seen where there were

improvements needed.  The second pilot that we did

in Queens was for the presidential primary and it

went very well.  It was successful.

SPEAKER QUINN:  The Republican

primary?

2        DAWN SANDOW:  Yes, did it only in

3    Queens.

4        SPEAKER QUINN:  How many people

5    voted in the Republican primary for president in

6    Queens?  I'm guessing not a ton.

7        DAWN SANDOW:  Well, I don't know.

8        SPEAKER QUINN:  We could rest

9    assured it was not a ton.  Yeah.

10        DAWN SANDOW:  The process still had

11    to be taken—

12        SPEAKER QUINN:  [Interposing] No,

13    no, no, no.  I'm just saying I'm not—

14        DAWN SANDOW:  --there was still

15    every poll site open in Queens—

16        SPEAKER QUINN:  I'm just not sure—

17        DAWN SANDOW:  There was every poll

18    site and every PMD had to come back, and it had—

19        SPEAKER QUINN:  [Interposing] I'm

20    just not sure it's quite an endorsement of a new

21    system given probably the very low turnout, and it

22    is my point.

23        DAWN SANDOW:  I believe that and we

24    feel working with the NYPD as well after

25    discussions this is something that is going to be

implemented city wide.  I think my predecessor,

John Ravitz [phonetic], when these new machines

were going to be put into place and implemented, I

believe that he wanted to start with one borough

and then move to another borough and not go full

force.  That never happened.  It went full force

in all five boroughs.  We feel that this is going

to happen city wide, and we feel that we should

have a safety net.  The NYPD agrees.  Now if all

goes well, we would like to do away with that

safety net and move forward for the November

election.  I also feel that although we did

analysis for the Queens' pilot, this would also

help us to do a more accurate analysis because it

will be city wide, looking at the PMDs and the

unofficial results and taking the return of

canvass.

SPEAKER QUINN:  But what change did

you make specifically—

DAWN SANDOW:   [Interposing] From

the pilot to now?

SPEAKER QUINN:  What changes were

made specifically as a result of the June federal

primary?

2         PAMELA PERKINS:  Madam Speaker, my

3    name is Pamela Perkins.  I'm the administrative

4    management for the Board of Elections.  Just to

5    kind of clarify some of the issues—

6         SPEAKER QUINN:  [Interposing] I'm

7    sorry 'cause I don't want to take up too much

8    time.  Were any changes made as a result of the

9    June primary?  If the answer is no—

10         PAMELA PERKINS:  There were changes

11    that were made—

12         SPEAKER QUINN:  [Interposing] Okay.

13    Which ones?

14         PAMELA PERKINS:  Well, we're doing

15    this election night reporting.  That's a change

16    that we've made.

17         SPEAKER QUINN:  And you didn't do

18    that in the Queens' pilot?

19         DAWN SANDOW:  We did it

20    differently.

21         PAMELA PERKINS:  We did it

22    differently in the Queens' pilot.

23         SPEAKER QUINN:  [Interposing] So

24    tell us how it's different?

25         PAMELA PERKINS:  Well… Oh, I'm

sorry.  One of the things that is different

instead of going to one location what we're going

to be doing is we're going to be spreading out

city wide.  We're going to have the PMDs read and

uploaded at the 75 police precincts throughout the

city of New York.  And just to get back to your

question—

SPEAKER QUINN:  [Interposing] Is

that the only change?  I'm not saying it's

insignificant, but is that the only change from

the Queens' pilot to what you presented today,

which would have been based on what you learned

and the June primary?

DAWN SANDOW:  There is another

significant change from the Queens' pilot, which I

think, you know, is great.  When we did the

Queens' pilot, we realized when the NYPD did come

back with the bags and they had to fill out the

forms, it did cause a backlog; thus, the RFID

tags.  That will—these bags will be coming in and

it will automatically be scanned into the system.

In that supply cart will be a form that will be

printed out doing away with any handwriting to

make the flow much quicker, so that's a major

change.  And we feel that having the police

department and doing this in the precincts is

going to make it quicker.  If we keep it in just

the borough locations that means that the NYPD is

going to have to travel like—for Manhattan for

example, you have north and south.  Brooklyn,

there's north and south.  So having it at the

precincts is going to make it quicker.

SPEAKER QUINN:  Thank you for those

two points that have been changed.  Look, I just

want to say I'm concerned that you're continuing

to have as your safety net a system that by your

own admission led to big discrepancies on election

night and notwithstanding the Queens' pilot and

the two changes you have made—and I do think the

last one you said was significant.  I agree with

that.  I am still concerned that the safety net is

a system that by your own admission led to big

discrepancies.  I also have to be honest.  I'm

concerned that you entered kind of the analysis of

the June federal primary with the mindset that you

had done well.  As we're seeing reports today in

some of the newspapers of potential problems in

other districts that we hadn't even heard of

1

2  before, so I think if when you don't have any of

3  us—a belief that we made a mistake, you can't then

4  figure out how to fix those mistakes, so that to

5  me, those two things notwithstanding other good

6  changes like the two you just noted from the

7  Queens' pilot, leave me very concerned about

8  whether we're going to see the breadth and depth

9  of reform and change that we need, but thank you,

10  Madam Chair.

11            DAWN SANDOW:  I think that there

12  has been reform and change in the past few years

13  at the Board of Elections and I—

14            SPEAKER QUINN:  [Interposing] I'm

15  speaking specifically of since the June primary.

16  I think we could debate that and that's another

17  topic and I'm not sure we would be in full

18  agreement.  Let's not forget the last September

19  primary when my wife and I went to vote our

20  ballots were disqualified because the poll workers

21  at that poll had the wrong affidavit ballots.

22  They had the general election affidavit ballots—

23            DAWN SANDOW:  [Interposing] As I

24  said, no election is going to be perfect--

25            [crosstalk]

2    SPEAKER QUINN: [Interposing] But

3    let's—

4    DAWN SANDOW: --but we strive for

5    it.

6    SPEAKER QUINN: But I'm just saying

7    for the  record, I don't think I would agree with

8    you probably - - of your whole assessment of the

9    past three years—that being case and point, but

10    let's just stick on this election for this hearing

11    and we can have others on others.

12    PAMELA PERKINS: Madam Chair, may I

13    respond to some of your inquiries?  I just wanted

14    to let you know one of the things you said is why

15    we changed and we changed because of what happened

16    in the June 26th primary—

17    SPEAKER QUINN: [Interposing] No, I

18    asked you what changed you had made because of it,

19    not if you did.  I wanted to know if you had made

20    any just because of June 26th.

21    PAMELA PERKINS:  I wasn't just

22    because of June 26th.  I wanted—

23    SPEAKER QUINN: [Interposing] Oh,

24    okay. - - important clarification.  So you didn't

25    see anything then on June 26th that led you to

1

2      believe you needed to make change?

3                      DAWN SANDOW:  We already started

4      making the changes.

5                      PAMELA PERKINS:  No, what I'm

6      trying to explain to you is that we have been

7      working on trying to bring this new practice into

8      fruition for quite some time.  It's been over a

9      year.  One of the problems that we have had at the

10     Board was that we were told that this was a legal

11     issue and we were told that we could not do it and

12     we had to go outside of the Board and work with

13     like Commissioner Kellner for the State Board so

14     that we could make sure that our commissioners

15     could be made clear that this process that we

16     wanted to change for over a year now was something

17     that was within the election law, that it was in

18     compliance with the election law, and it was a lot

19     of back and forth—

20                     SPEAKER QUINN:  [Interposing] No,

21     we know.  I mean we passed a resolution at the

22     Board's request.  We're going to do resolution - -

23     Board's request then we were told by the Board you

24     didn't need the state legislation, so there has

25     clearly been back and forth.  My only question

really at this point was—and I want to turn the

mic over so others can go—wasn't to say you

haven't been working, but I just wanted to know in

the kind of focusing on one thing, what did you

learn from June 26th and what changes did you make

just because of that, separate and apart from

anything else you've been working for a year plus

because obviously, we have a number of hearings

since the new system before Gale's Committee—some

very, very good hearings, research projects that

Gale and her staff did, so I know you've been

working on it since before Day 1.  My question

today was just on June 26th, but let me turn the

mic back over to Chair Brewer, so other people can

ask questions.  Thank you.

CHAIRPERSON BREWER:  Thank you very

much, Madam Speaker.  I have lots of questions,

but I want to turn it over to my colleagues.

First is Council Member Jackson and then Council

Member Rodriguez.

COUNCIL MEMBER JACKSON:  Thank you,

Madam Chair.  I'm interested in hearing the

response from Speaker Quinn's question as to what

has been learned from June 26th and what changes

1

2    are going to be made from that.  I have not heard

3    the answer.  I would love to hear the answer to

4    that before I really get into my questions.

5                    JUAN CARLOS POLANCO:  If I may,

6    Councilman Jackson.  It's important—my name is

7    J.C.  Polanco.  I am the Bronx Commissioner, the

8    Republican Bronx Commissioner.  I think it's

9    important for everyone here to understand that the

10   commissioners have had to work within the election

11   law and the way that we provide unofficial tallies

12   it's important that the so called back up method

13   that we continue to hear about is actually what is

14   prescribed by the election law.  For quite some

15   time we have been advised by our legal team

16   comprised of four dedicated attorneys to election

17   law that considering the construction of the

18   statute, it would be impossible for New York City

19   to go forth and change the manner in which they

20   provide unofficial tallies to the police and to

21   the media.  After the June 26<sup>th</sup> election, we saw

22   that there were some major discrepancies within

23   the numbers that we were collecting at the poll

24   site and the number that was reported to the

25   media.  It is important, Speaker Quinn, that you

understand that the Board of Elections does not

provide numbers of any kind unofficial to the

media itself.  That is by election law a duty of

the NYPD.  If you read the legislation—excuse me,

the statute as is in election law, we are required

to perform this in an arcane fashion.  It is

ridiculous.  It is absurd.  It is something that

many good government groups have worked in Albany

to change.  It is something that Assemblyman

Kavanagh and Senator Golden [phonetic] of Kings

County have introduced legislation to change so

that we can clarify the election law and that New

York City can best provide a more accurate

unofficial tally to the NYPD so that the members

of the public and the media can get a more

accurate unofficial tally.  What happened after

the June 26th election in New York 13 was that

there was a groundswell of stories and of

complaints and I was watching a lot and read a lot

of media regarding the problems that candidates

and the media had with the unofficial tally

reporting.  What we did at the Board—

CHAIRPERSON BREWER:  [Interposing]

You're doing fine, but try to keep it short.

1

2    CARLOS JUAN POLANCO: --what we did

3    is important because I think some things were

4    missed and I hope that the Speaker gets all the

5    answers before she leaves today. What we noticed

6    is that there was a pilot program that the Board

7    has been working on in Queens for quite some time

8    trying to perfect it before we launched it city

9    wide. As of the June 26th election, it was clear

10   to me and to the other commissioners at the Board

11   that the way that the legislation was being

12   interpreted could no longer be the case in New

13   York City and we had to liberalize the

14   interpretation of that election law. Thankfully,

15   I - - seen Professor Goldfetter [phonetic] and

16   many good government groups tell us that New York

17   City can interpret this law and not be in

18   violation of the law, which was a concern that we

19   had as commissioners. We could not administer the

20   election law in violation of the law, so what we

21   decided to do that night was to go off and

22   liberalize and have the political courage that it

23   takes so that we can implement a city wide project

24   as big as this one will be for the September

25   primary so that the press, the members of the

public and the good government groups can get

results that are more accurately representative as

to what was voted in those specific scanners.

That's why we have the safety net that the Speaker

refers to and unfortunately is not a good term

because that safety net is what the election law

provides, and many lawyers that are here with us

today remember they - - law school when you read

the legislation, New York City is clearly itemized

along with Nassau County as having a different

method of closing procedure, which is why

Assemblyman Kavanagh and Senator Golden introduced

that legislation, and which is why the Speaker has

helped us with a proposal from the City Council, a

resolution, allowing for us to go ahead and do

this.  So what we see now is a city wide attempt

to get this done because of the June 26th election.

It gave us the opportunity because of the support

that we had from the public, from the City

Council, from the press and good government groups

to actually try to launch this city wide, and

that's what you have.

CHAIRPERSON BREWER:  Council

Member, does that help answer your question?  And

2    then go to your other questions.

3                    COUNCIL MEMBER JACKSON:  He

4    responded at least to the question that has been

5    asked and I wanted to hear the answer, so now let

6    me ask a couple of questions.  With respects to

7    that, what was the pilot project—was that a

8    congressional district or what?  Or was it all of

9    Queens?

10                   DAWN SANDOW:  It was all of Queens.

11                   PAMELA PERKINS:  The whole borough.

12                   COUNCIL MEMBER JACKSON:  It was the

13   entire borough of Queens is where the pilot… And

14   so you have your results on that, which is why

15   you're now implementing this new process as far

16   as, you know, moving the unofficial tallied votes

17   in a more expedited manner.  Is that correct?

18                   JUAN CARLOS POLANCO:  That's

19   correct, Councilman.  We want to take that city

20   wide.

21                   COUNCIL MEMBER JACKSON:  So my

22   question is knowing that you're going to move to

23   this, - - arcane system of counting the votes—

24                   DAWN SANDOW:  [Interposing] It's

25   not our arcane system.  It's New York State's.

COUNCIL MEMBER JACKSON:  It is because that's the law.

DAWN SANDOW:  It's New York State's, and I think that should be said because when—

COUNCIL MEMBER JACKSON: [Interposing] No.  Excuse me.  Excuse me.  Excuse me.

CHAIRPERSON BREWER:  Let him finish.  Let Council Member Jackson finish.

COUNCIL MEMBER JACKSON:  Thank you.  It is yours because you're following the law.  You don't have a choice.  Is that correct?

DAWN SANDOW:  Exactly, but that's—

COUNCIL MEMBER JACKSON: [Interposing] So it belongs to you.  You're the Board of Elections.  You don't have a choice.

DAWN SANDOW:  The law belongs to us.

CHAIRPERSON BREWER:  Robert, ask a question.

COUNCIL MEMBER JACKSON:  I understand that, but she is saying it's not hers.  It is yours 'cause you're the Board of Elections.

Like it or leave it.  You're the Board of

Elections and you have to implement the law.  So

now with respects to that, so you're going to be

moving forward with the mobile devices and also

the regular process as the backup just in case

something happens with this mobile device.  Is

that correct?

DAWN SANDOW:  It's correct, but

like he said, maybe safety net is a wrong word.

COUNCIL MEMBER JACKSON:  That's why

I didn't use safety net.

JUAN CARLOS POLANCO:  - -

DAWN SANDOW:  Your own word, but it

should be when we're implanting something this

large, this important, city wide—

COUCNIL MEMBER JACKSON:

[Interposing] You have to have a backup.

DAWN SANDOW:  We should for the

first time have a backup.

COUNCIL MEMBER JACKSON:  I agree.

DAWN SANDOW:  And it will also give

us the information that we would like to look at

the analysis and to see the difference.

COUNCIL MEMBER JACKSON:  Yeah, I

think that everyone realistically anyone with

common sense would say that you need a backup if

you're going to move to a new system.  That's a

given.  Let me ask a couple of questions.  How

long do you believe under the new system it's

going to take as far as time wise from the time

the election closes at 9 p.m.  until the time that

you, meaning Board of Elections, is going to hand

to NYPD and to give the AP the results?  By 10

o'clock, by 11 'o clock?  Let me finish please.

By 12 a.m.?  Or the next day?  You must have a

time frame.

DAWN SANDOW:  Well, I wouldn't say

it's going to be the next day, but the results

will be continuous.  They will be ongoing.

COUNCIL MEMBER JACKSON:   I

understand.

DAWN SANDOW:  As the PMDs are

coming into the precincts and getting uploaded and

transferred, those files periodically whether it

will be every 15 minutes or every half hour—that

has not been determined with NYPD yet—they will be

sent to the press, so it will be continuous.

We're not going to wait for all of the PMDs to be

2    uploaded to give results.

3              COUNCIL MEMBER JACKSON:  So it's

4    going to be ongoing results.  Okay.

5              DAWN SANDOW:  Here's an example.  I

6    just want to—

7              COUNCIL MEMBER JACKSON:

8    [Interposing] You don't need to give me an

9    example.  That is pretty clear.  I'm pretty clear

10   on that.  So I guess the question is when I head

11   the presentation as to, you know, the bags and the

12   seals and all that - - type of stuff.

13             DAWN SANDOW:  That's what we do

14   now.  There's no difference.

15             COUNCIL MEMBER JACKSON:  Why if in

16   fact, why are you giving the results to NYPD at

17   the end for NYPD to give it the press?  Why is

18   that?

19             JUAN CARLOS POLANCO:  That's a good

20   question, Councilman, if I may.  The election law

21   requires us to do it that way.

22             COUNCIL MEMBER JACKSON:  Okay.

23   That's clear then.  The election law 'cause quite

24   frankly, I haven't read the election law, and I

25   don't think that I am, but I just asked a very

simple question because if in fact you've got

results are coming from the computer, I don't know

why you have to hand it to NYPD and then hand it

to the press.

JUAN CARLOS POLANCO:  Councilman,

if I may, the reason why—

COUNCIL MEMBER JACKSON:

[Interposing] So maybe the law should be changed.

JUAN CARLOS POLANCO:  Well,

Councilman, that's one of the things, but the

reason why the police is involved believe it or

not is actually was—and I'm not giving you a

history lesson—but this was a reform movement by

which we were going to protect the integrity of

the ballot and that's why we have the NYPD—it's

just one of those things that stayed from the

olden days, but maybe perhaps, like other counties

across the state—

COUNCIL MEMBER JACKSON:

[Interposing] Maybe too old.  But listen, how many

precincts are there?  Because you indicated in the

presentation that it's going to move from all of

the polling locations to every precinct who then

is going to after everything is transmitted

2  electronically down at the headquarters.  How many

3  precincts?

4            DAWN SANDOW:  There are 75.

5            PAMELA PERKINS:  We're using 75

6  precincts.

7            COUNCIL MEMBER JACKSON:  Alright.

8  75 or 76.

9            DAWN SANDOW:  We have 76 precincts

10  city wide.  We're using 75.

11            CHAIRPERSON BREWER:  Nobody lives

12  in Central Park.

13            COUNCIL MEMBER JACKSON:  Okay, so

14  75 precincts, so that's what we're dealing with.

15  We're not dealing with 250 or 300.  75.

16            DAWN SANDOW:  You have to

17  understand that you might have some poll sites

18  that are right across the street from the

19  precincts.

20            COUNCIL MEMBER JACKSON:  Sure.

21            DAWN SANDOW:  That policeman might

22  walk out - - .

23            COUNCIL MEMBER JACKSON:  I'm sorry,

24  Chair.  I wanted to ask about the allegations that

25  I've read in the press and heard on the news with

2    various people speaking about the fact that in the

3    13th Congressional District, you know, Hispanic

4    dominant poll workers were removed from that area,

5    alleging certain things were being handled

6    inappropriately.  Can you respond to that?  Is

7    that true or not true?

8                     DAWN SANDOW:  Councilman Jackson,

9    everyone here, the press and the public, we have

10   put together a media book with all press

11   inquiries, our responses and documentation to back

12   up the allegations.

13                     COUNCIL MEMBER JACKSON:  Is that

14   this one here?

15                     DAWN SANDOW:  That is the media

16   book.

17                     COUNCIL MEMBER JACKSON:  You mean,

18   all of this?

19                     DAWN SANDOW:  Yes, it is.  That's

20   what we went through from the day of Election Day

21   forward.  Now I would just like to say—

22                     COUNCIL MEMBER JACKSON:

23   [Interposing] You answer my question though.  Did

24   you reassign Latino poll workers or interpreters

25   so—the allegation is that you did that

intentionally or that happened.  Did it happen?

JUAN CARLOS POLANCO:  Councilman Jackson, the answer is no.

COUNCIL MEMBER JACKSON: The answer is what?

JUAN CARLOS POLANCO:  The answer is absolutely not.

COUNCIL MEMBER JACKSON:  It did not happen?

JUAN CARLOS POLANCO:  It did not happen.

COUNCIL MEMBER JACKSON:  But there were allegations that - - is that true?

JUAN CARLOS POLANCO: [Interposing] Those allegations—I have to tell you, Councilman Jackson, we all know as members of the public and working in government, you can pick up the paper on any day of the week and read a new allegation about any one of us.

COUNCIL MEMBER JACKSON:  True.

JUAN CARLOS POLANCO:  And those allegations as it pertains to New York's 13th are absolutely false.  In the Bronx for example, Commissioner Barrera [phonetic] and I made sure

that wherever there was Spanish translators

assigned, they were assigned to that district.

These are things that we did throughout the entire

day.  We received no complaints regarding lack of

translators.  We guarantee the City Council that

every single poll site that had Spanish

translators assigned had those Spanish

translators—

COUNCIL MEMBER JACKSON:

[Interposing] But what about districtly

[phonetic]?  Districtly, there's a point poll

worker.  I've hear allegations that both democrat

and republican, but that some of the poll workers

assigned to normally assigned to northern

Manhattan were moved to other locations.  True or

not true.

JUAN CARLOS POLANCO:  That is not

true.  Throughout—

COUNCIL MEMBER JACKSON:

[Interposing] That is not true either?

JUAN CARLOS POLANCO:  That is not

true, Council Member.

COUNCIL MEMBER JACKSON:  I'm just

asking—

2          JUAN CARLOS POLANCO:  [Interposing]

3    No, thank you for asking.

4          COUNCIL MEMBER JACKSON:  --'cause I

5    heard the allegations.

6          CHAIRPERSON BREWER:  Alright.  So

7    we have an answer.  We just have so many different

8    speakers.  That's the problem, so… and I know

9    Council Member Rodriguez may have some similar

10   questions.

11         COUNCIL MEMBER JACKSON:  so the

12   answer is that's not true.

13         DAWN SANDOW:  Absolutely not.

14         CHAIRPERSON BREWER:  Okay.

15         COUNCIL MEMBER JACKSON:  Okay.

16   Thank you, Council Member.  I'd like to go to a

17   second round if there is a second round.

18         CHAIRPERSON BREWER:  Will do.

19         COUNCIL MEMBER JACKSON:  Thank you.

20         CHAIRPERSON BREWER:  I just want to

21   get one thing clear that so called Kavanagh bill

22   that is something that the New York City Board of

23   Elections supports.  Is that correct?  Okay, and

24   then the other quick question is the cut and paste

25   what I call insanity that will hopefully go away

2     once you have your discussions and analysis of a

3     good procedure that you've outlined here today.

4     Is that a correct statement also?

5                         PAMELA PERKINS:  That is correct.

6                         DAWN SANDOW:  [Interposing] I think

7     that has to go before the Commission.

8                         CHAIRPERSON BREWER:  Council Member

9     Rodriguez?  And then Council Member Halloran after

10    that.

11                        COUNCIL MEMBER RODRIGUEZ:  I just

12    hope that the Board of Elections understand that,

13    you know, that you are an important institution,

14    but at the end of the day you are accountable to

15    all New Yorkers.

16                        DAWN SANDOW:  Excuse me, I didn't

17    understand what you said.

18                        COUNCIL MEMBER RODRIGUEZ:  I said

19    that I hope the Board of Elections should

20    understand that you are responsible for organizing

21    and conducting the elections in the city—

22                        DAWN SANDOW:  [Interposing] Fair

23    and honest elections.  Yes.

24                        COUNCIL MEMBER RODRIGUEZ:  --I

25    don't have any questions yet, but you are

accountable to us.  First of all, I have - - .  We

have unfortunately what happened on June 26th will

be recorded as another Florida in New York City.

What I hope is that we learned from what happened

on June 26th and that will not happen on September

13th.  It's not a false allegation that my

legislative person Carmen de la Rosa [phonetic],

who is sitting back there, went to vote and her

mother, father, everyone weren't allowed to vote.

Suddenly, her vote, she did not appear in the

book.

DAWN SANDOW:  [Interposing] She

didn't appear in the book.  I have her—

CHAIRPERSON BREWER:  One person has

to talk.  One person has to talk.  Council Member,

do you want to put that into a question?  Fine,

but otherwise you finish and then the Board will

answer.

DAWN SANDOW:  I am not going to be—

the Board is—here's her signature.

[crosstalk]

CHAIRPERSON BREWER:  Hold on.  Let

him finish, and then you can answer.  Go ahead.

But ask a question would be great if you could do

that, so that you can get an answer.

COUNCIL MEMBER RODRIGUEZ:  Yeah, -

- straight to the question, but I want for you to

understand, you should not come here saying there

was just false allegations.  They are fact of

things that wrong on Election Day.

DAWN SANDOW:  [Interposing] You

show me the facts and I'll—

CHAIRPERSON BREWER:  Please wait

until he finishes.

COUNCIL MEMBER RODRIGUEZ:  And

we're approaching this hearing with a nonpartisan

interest.  We are not here just because the

candidate that we were supporting that day.  We

are here because we have to correct what happened

that day.  My first question is, isn't that true

that we don't need the NYPD, that on Election Day,

September 13th, the report for each polling site

can be sent directly from where the elections take

place to a central computer without the NYPD being

intimidated [phonetic]?

CHAIRPERSON BREWER:  Okay, that's

the question.

JUAN CARLOS POLANCO:  Well, if I

2       may, Council Member Rodriguez, to answer your

3       question, first of all, those allegations are

4       false, and let's be clear.

5                       COUNCIL MEMBER RODRIGUEZ:

6       [Interposing] First of all, I did not ask you that

7       question.  My question is—

8                       JUAN CARLOS POLANCO:  [Interposing]

9       - - .

10                      CHAIRPERSON BREWER:  Hold on.  The

11      question is about NYPD.  That's the question.

12      Let's answer that first.

13                      JUAN CARLOS POLANCO:  Well,

14      Speaker—I mean Chairwoman, we have a Councilman

15      who makes an allegation and then asks a question.

16      I mean the allegation was raised.  It opens the

17      door.

18                      CHAIRPERSON BREWER:  Why don't you

19      answer NYPD and then somebody could—

20                      JUAN CARLOS POLANCO:  [Interposing]

21      Absolutely.  The NYPD has a very important role

22      vis-à-vis the election law here in New York.  By

23      law, they are responsible for providing that

24      number to the media.  It is very important,

25      Councilman Rodriguez, that you take the

opportunity to read the election law and you will

clearly see that New York City is responsible for

providing the tallies to the police, and the

police in turn will provide it to the Associated

Press.  The reason for that, Councilman, is to

protect the integrity of the election.  It is a

reform minded movement that took place in the

early 1900s to protect the integrity, we will

allow the NYPD to hold the tallies at the end of

night, and that's exactly what happens here, and

that's what the election law represents.  Now it's

important to note that Senator Espaillat—and I

have a great deal of respect for him—voted for

this law here that we have to follow, this law

here that we're handcuffed to that arcane as it

is, was voted by the legislature and is something

that we have to follow, and I know that sometimes

election law is not sexy and it's not interesting

for many.  Councilman Jackson, it's going to be

very boring for you to read, but it effects all of

us when election nights like the one on June 26th

come up and we have Councilmen that represent

150,000 people asking us if the NYPD is part of

the election process.

1

2          CHAIRPERSON BREWER:  Okay.  We have

3    an answer to the police issue.  And do you want to

4    also ask about the other issue?

5          JUAN CARLOS POLANCO:  Well, there's

6    another issue.  There's another issue, if I may,

7    Chairwoman.  Councilman Rodriguez mentions in a

8    press conference outside of this building to the

9    press, to the members of the public and good

10   government groups there that he has a specific

11   staffer that didn't find her name on the voter

12   rolls, and she has been voting there forever, and

13   how could it be that she was unable to vote, and

14   she needed an affidavit ballot?  And oh my

15   goodness, ladies and gentlemen, she voted.  Her

16   name was in the book.  She signed the book.  This

17   is what we're dealing with.  We're dealing with

18   false allegations, and if I may introduce this,

19   Chairwoman, for your record, the staffer voted.

20          CHAIRPERSON BREWER:  The Council

21   Member may have other questions, go ahead, Council

22   Member.

23          JUAN CARLOS POLANCO:  But it's

24   important for us to—

25          CHAIRPERSON BREWER:  So we have an

individual situation.  Council Member, do you have other questions?

COUNCIL MEMBER RODRIGUEZ:  I will appreciate if you understand that you don't come here to lecture us.  You come here to answer—you come here to give a specific answer to a specific question.  I haven't finished.  I would prefer that you go straight to the answer when I ask you any question and yes, Carmen de la Rosa was not able to vote on Election Day when her father and her brother did not appear on the books.  She had to vote on affidavit that day.

JUAN CARLOS POLANCO:  [Interposing] That's not true.

COUNCIL MEMBER RODRIGUEZ:  Second—

JUAN CARLOS POLANCO:  That's not true.

CHAIRPERSON BREWER:  Let's not discuss this specific right now because we're not going to resolve it, but Council Member, you may have other questions.  Go ahead.

COUNCIL MEMBER RODRIGUEZ:  I do. How many—and of course like I would like to continue also working with Chairman - - and my

colleagues to be sure, but if we have a wireless

system and there's computers which you say - - a

computer to send those reports from the polling

site to a central computer, we should be able to

centralize that information without sending those

informations [phonetic] to the NYPD and then it

goes to the Board of Elections, but now - - go

back on how many bilingual poll workers did you

have on June 26th?

MALE VOICE:  Where?

COUNCIL MEMBER RODRIGUEZ:  I'd like

to have the number, how many poll workers did you

have on June 26th in Congressional District 13?

JUAN CARLOS POLANCO:  - - we have

those numbers here.

DAWN SANDOW:  --a list of all

interpreters, Bengali, Chinese, Korean and

Spanish.  They're all here.  It's in front of you.

Everyone received a packet and how many—

COUNCIL MEMBER RODRIGUEZ:  How many

bilingual poll workers did you have on

Congressional District 13?

DAWN SANDOW:  I will get you that

answer, but I don't have it.

2    PAMELA PERKINS:  Dawn, we have it.

3    Councilman, we have the information.  It's in the

4    book.  The press book.  In the 13<sup>th</sup> Congressional

5    District, there was 160 interpreter positions.

6    They were filled.  In the Bronx there were 29, and

7    in Manhattan, there were 131.

8    COUNCIL MEMBER RODRIGUEZ:  Did you

9    make any change two or three months before the

10   election on June 26<sup>th</sup> from bilingual workers

11   replaced by non-bilingual workers?

12   DAWN SANDOW:  Are you talking about

13   interpreters or poll workers, sir?

14   PAMELA PERKINS:  Yeah.

15   DAWN SANDOW:  Are you talking about

16   interpreters that we--

17   COUNCIL MEMBER RODRIGUEZ:

18   [Interposing] Both.

19   PAMELA PERKINS:  Interpreters and

20   poll workers.  Did we make any change—

21   COUNCIL MEMBER RODRIGUEZ:  Did you

22   make any change two or three months before the

23   election of bilingual poll workers and

24   interpreters by non-bilingual workers?

25   PAMELA PERKINS:  No, not to my

knowledge.  No, we did not.

COUNCIL MEMBER RODRIGUEZ:  Do you have any case about—

DAWN SANDOW:  [Interposing] The only change that could have come about is if—just so you understand—if anyone is taken out it's because they weren't trained.  If anyone is taken out, they did not pass the test.  Other than that, I mean, we can look into it further, but I don't know of any changes.  We also combined DDs, so when we combined election districts that reduces the amount.  The amount of poll workers are reduced in every poll site, so we did combined election districts.

COUNCIL MEMBER RODRIGUEZ:  I just hope that you can provide more detailed information to Chairman Gale Brewer on that, and of course, I continue inviting the Justice Department to look on what happened on June 26th to determine if what happened was made by human error or there was someone behind what happened that day.  Thank you.

DAWN SANDOW:  What specifically do you want—

CHAIRPERSON BREWER: [Interposing] I think what he is trying to figure it out was anybody moved. Maybe it was a combination of EDs, the specifics. I don't want to get into all the specifics—

PAMELA PERKINS: [Interposing] Chair Brewer—

CHAIRPERSON BREWER: --right now.

PAMELA PERKINS: The only change that could have been made is maybe like Dawn said if the person didn't train—

CHAIRPERSON BREWER: [Interposing] Didn't pass the test or there was a merger.

PAMELA PERKINS: --or the leaders for spot, those poll worker positions could have made changes.

CHAIRPERSON BREWER: I assume you have that information and you can get it.

PAMELA PERKINS: We do have that information.

CHAIRPERSON BREWER: Okay. Okay. Next, Council Member Halloran.

COUNCIL MEMBER HALLORAN: Thank you, Madam Chair. Thank you for your testimony.

I appreciate it.  I know you guys have done a

tremendous job in fixing many of the issues that

were identified by this Committee and by your own

internal ones.  I do have a couple of concerns.

One is with regards to new voter registrations.

It's my understand and of course correct me if I'm

wrong, that when a new voter registration comes in

and its screened, both parties do a screening and

then it's entered into the system and assuming

they've included the I.D.  information, which is

either a driver's license or social security

number, it's entered into the system.  If they

don't have that information, you then notify and

request that they provide the information;

however, they can still show up on Election Day

and vote and the types of I.D.  that you require

at the poll site are neither those two things.  In

other words, those two items which you're

requesting to verify to ensure that this person is

entitled to vote are not necessarily the things

you require at the poll sites.  So someone

theoretically could not—and tell me if this is

accurate—theoretically, someone who did not

provide you with social security number or

driver's license number to verify their

eligibility to vote could then show up at the

polls with a non-driver's license or social

security as I.D. and vote. Is that accurate?

MALE VOICE: Council Member, the

statue enacted by New York State provides a whole

series of acceptable forms of I.D. If you do not

provide us with your voter registration form, the

last four digits of your social security number,

driver's or non-driver's I.D. number, you can

include any one of those others with the

application, so a utility bill, a copy of a

government I.D., a student I.D. card and then

you'd be processed and there's no problems either

in advance or when you get the letter from the

Board. If you send nothing in, you get a letter

saying in order for us to process you at

registration and have it completed, please provide

us with that information. When you mail it in,

it's done. If you still don't do that on Election

Day if you provide that information and you will

vote by affidavit and then it will be confirmed,

but that is set forth by state law. The Board

does not have any discretion on that. That is the

1

2    default provision for what is known nation-wide as

3    provisional voting.  Here in New York State we've

4    had it for almost 100 years called affidavit

5    ballots.

6                    JUAN CARLOS POLANCO:  Councilman,

7    to add to that, one of the things that we heard

8    after June 26th were people asked for I.D.  That's

9    exactly why.  They didn't provide those last four

10   digits of a non-driver's I.D.  or social security

11   number, so they would have to legally by the

12   election law be asked to provide some sort of

13   identification.

14                    COUNCIL MEMBER HALLORAN:  Well, I

15   know a lot of the media tried to turn it into you

16   guys were trying to I.D.  people, but in fact,

17   what you were trying to do was on new

18   registrations fill in the gap that doesn't exist

19   because that information wasn't provided.  That's

20   correct?

21                    MALE VOICE:  We followed the

22   election law to the T.

23                    COUNCIL MEMBER HALLORAN:  I have no

24   doubt that you did.  All I'm saying is that much

25   was made of I.D.-ing [phonetic] of voters, and the

reason they were being I.D.ed [phonetic] is they

were new voters and it was required for you to do

that in order to ensure that those were valid,

registered voters.

MAE VOICE:  In the poll list book,

if a voter has that situation, it says I.D.

required, so the inspectors are instructed to ask

for them to do that, to get the affidavit filled

out and to note the information that they're

providing, and that was done as a failsafe

provision by the state legislature to ensure that

no one who is properly registered but didn't meet

the administrative requirements is denied the

opportunity to vote and have that vote counted if

they comply with the law.

COUNCIL MEMBER HALLORAN:  Now

there's just two other areas I wanted to quickly

touch on.  There were a number of absentee ballots

sent out in this federal primary, and a large

portion of them were rejected by the Board for a

variety of reason—affidavits, sorry—affidavit

ballots were taken on site.  A large number of

them were rejected and that happens.  My

understanding is there's lots of reasons—you're in

the wrong district, you're enrolled in a different

party; however, there was a significant number of

people who filled out an affidavit ballot who were

actually not registered at all to vote.  Now my

understanding of the law is on that affidavit

ballot there is language saying you're swearing

that you are in fact, a registered, enrolled voter

of whatever party.  Okay, did the Board of

Elections make any referrals for prosecution to

the people who committed perjury in filling out

those documents?

MALE VOICE:  Council Member, the

election law has been changed, so if you file an

invalid affidavit because you're not registered,

if you check the right box, it becomes a voter

registration application and you can become

registered.  The legislature changed the policy.

In the past when the affidavit ballot was rejected

because you were not registered, you got a notice

in the mail.  The legislature changed that to

provide that - - single set of forms.  It's the

voter registration form and the affidavit, so if

it's not a valid affidavit, it becomes a valid

registration form, so that's the oath they're

taking at that point to say they are qualified to

be registered as opposed to being registered.

COUNCIL MEMBER HALLORAN:   Okay.

Now the last question area I wanted to just touch

on was absentee ballots.  It was reported that in

Florida alone there are 46,000 voters who are

registered there as well as New York—46,000

people.  They have been able to document at least

1700 them voted both in Florida and New York this

year.  These are people who are getting an

affidavit ballot either from Florida or from New

York—absentee ballot, sorry—absentee ballot from

Florida and New York and voting in both

jurisdictions.  Now my understanding was based on

some federal rules by 2006 every state was

required to have a database of all of its eligible

voters, and I would presume much like driver's

licenses those are cross reference able

[phonetic]… Oh they're not?

MALE VOICE:   No, they're not.  Each

state is required to maintain a state wide voter

registration list and that's the process that we

use to do list maintenance, so that for example if

a voter registration form is submitted in Eerie

County and the name happens to be similar with the

date of birth as the voter here let's say in

Manhattan, even if they didn't put the former

address in, it goes on a list of potential

duplicates.  What the City Board does is to follow

the letter of law as we send a notice of intent to

cancel to that voter saying we have now reason so

believe that you may no longer be eligible to vote

in the city of New York; however, if you have

evidence to the contrary respond, and we do do

that, and some cases it's simply not having

appropriate list maintenance being done at the

other jurisdiction.  Without mentioning names,

something came to my attention this week that one

of those intent to - - letters went out to a high

ranking member of the clergy who realized that his

last registration was in Westchester and

Westchester still carried them on the rolls.

COUNCIL MEMBER HALLORAN:  Right.

MALE VOICE:  He responded to us

properly.  He is going to be correct and we

notified the system that he now claims he is in

New York and it becomes Westchester's job to

cancel him there, but there is no interstate

sharing of information.  It is an in state system and the other ways we cancel people is notification from the postal service.  If we get under the national change of address system, if they move within the city of New York, it's a change of address and their address is changed. If they move outside the city of New York, they are then cancelled.  The other ways we process it is death notices, which again, writing requested by the voter, national change of address, return of a confirmation notice to put you in the inactive status and then not voting in two successive federal elections we can then cancel you.  Everything else we send out the notice of intent to cancel, including those persons convicted of felonies who do lose their right to vote, but they are given the opportunity to state that the times the court system may have reported it inaccurately or there is a mismatch.

COUNCIL MEMBER HALLORAN:  Now are you aware of the cross registration of Florida voters—the 46,000?  Has the Board been made aware of that in any way?

[background conversation]

1        COMMITTEE ON GOVERNMENTAL OPERATIONS       98

2            CHAIRPERSON BREWER:   - - mic.  Turn

3    it on.

4            DAWN SANDOW:  Intent to cancel

5    letters just went out recently.  I mean, we do get

6    a statewide dupe list.  That comes from the State

7    of New York—

8            COUNCIL MEMBER HALLORAN:

9    [Interposing] But not an interstate?

10            DAWN SANDOW:   - - .  No.

11            COUNCIL MEMBER HALLORAN:  Okay.

12    And you mentioned the death registers as being

13    another source.  In the description of the invalid

14    absentee ballots there are more than one request

15    for an absentee ballot by a deceased person.  How

16    is that possible?  How can you—

17            CHAIRPERSON BREWER:  [Interposing]

18    Council Member, this is your last question.

19            COUNCIL MEMBER HALLORAN:  Sure.

20            MALE VOICE:  Very simply.  The

21    Board can act only upon the receipt of either an

22    official notification from the city or state

23    health department or in a copy of a death

24    certificate, so for example, in the case of my

25    late father, he died in Florida.  The death

1

2    certificate was issued in Florida.  If I didn't

3    take it upon myself to file it with the Board,

4    he'd still be on the rolls until the mail got

5    returned that he no longer lives there and then it

6    would wait for two successive federal cycles.  We

7    cannot act on media reports.  In other words, if

8    you put an obituary ad in the Times, we won't

9    cancel you for that.  So the fact is we're limited

10   to people who die within the state of New York,

11   who have death certificates filed either with the

12   city or state health departments.  It is processed

13   through the state and comes in.  The other way we

14   receive that is by communications usually from the

15   family advising us that their loved one has passed

16   away and usually, we will accept a copy of the

17   death certificate if it's out of state.

18                   COUNCIL MEMBER HALLORAN:  But an

19   absentee ballot, you have to request it, right?

20                   MALE VOICE:  It may be a permanent

21   absentee.  You may qualify—

22                   [crosstalk]

23                   CHAIRPERSON BREWER:  Council

24   Member?

25                   MALE VOICE:  It's still an absentee

1

2   ballot.  It's the same thing.  It will go out

3   until we have reason to stop.

4                       CHAIRPERSON BREWER:  Alright.

5   Council Member Lappin and then Council Member

6   Garodnick.

7                       COUNCIL MEMBER LAPPIN:  Thank you,

8   Madam Chair.  I have to say that my head is

9   spinning from all of the finger pointing and blame

10  shifting.  Despite your testimony that you

11  performed well on June 26th, you screwed up.  You

12  screwed up in the Bronx.  You screwed up in

13  northern Manhattan, and what you have done in the

14  last hour and a half, hour and forty minutes is

15  blame the statute, blame the poll workers, blame

16  the police officers, blame the media and not said

17  that you take responsibility for almost 900 votes

18  that went missing, for days of tallies going back

19  and forth and then you presented a new plan that

20  is incredibly complicated and confusing, and so I

21  want to know these scanners were supposed to be

22  faster and more efficient.  You're shaking your

23  head no.  You think that we should not be using

24  electric scanners?

25                      MALE VOICE:  - - .

1

2          COUNCIL MEMBER LAPPIN:   I'm

3    interested in your personal opinion—

4          MALE VOICE:   [Interposing] My

5    personal opinion—

6          COUNCIL MEMBER LAPPIN:   - - sitting

7    here waiting to hear it for an hour and forty

8    minutes, but what's your personal opinion?   We

9    should go back to the lever machines or what?

10         JUAN CARLOS POLANCO:   [Interposing]

11   You mentioned different things.   Do you want me to

12   answer that question regarding the lever machine?

13   Ideally, I think that we had a better experience

14   across the city with the old lever machines, I

15   mean, clearly, but Councilwoman, this was not a

16   decision by the New York City Board of Elections—

17         COUNCIL MEMBER LAPPIN:

18   [Interposing] I don't want to hear - - .

19              [crosstalk]

20         JUAN CARLOS POLANCO:   - - it's not

21   blaming, Councilwoman.   Wait.

22              [crosstalk]

23         CHAIRPERSON BREWER:   One person at

24   a time.

25         COUNCIL MEMBER LAPPIN:   I don't

want to hear any more excuses.

JUAN CARLOS POLANCO:  Councilwoman—

COUNCIL MEMBER LAPPIN:

[Interposing] No more excuses.  The law is the

law.  You are responsible for carrying out your

duties.  My vote is sacred.  I want it to count.

That is the whole—

JUAN CARLOS POLANCO:  [Interposing]

It does count, Councilwoman.

COUNCIL MEMBER LAPPIN:  I don't

have faith in that.

CHAIRPERSON BREWER:  Council

Member, why don't you—

COUNCIL MEMBER LAPPIN:

[Interposing] I want to finish - - .

CHAIRPERSON BREWER:  Finish your

question, so that they can answer - - question.

COUNCIL MEMBER LAPPIN:  This is the

foundation of our democracy and I don't want

excuses.  I want you to do your jobs well.  I want

the people that we represent to have faith that

when we go to the polls, our votes count.  I want

to know is this new system going to be faster and

more efficient between the poll workers to the

police to the poll workers to the police to the

press.  I think the police have an important role

to play.  I'm going to state that.  But I want to

know is it going to be faster?  Is it going to be

more efficient and are people going to have faith

in this system?

JUAN CARLOS POLANCO:  Well, we hope

people have faith in the system, but the answer to

your question is no, Councilwoman Lappin.  This is

not a faster system.

COUNCIL MEMBER LAPPIN:  So then why

are you moving to this new program?  You did your

pilot in Queens—

JUAN CARLOS POLANCO:  [Interposing]

Because, Councilwoman, if—

[crosstalk]

JUAN CARLOS POLANCO:  That's

another question.  Okay.  This new method is much

more accurate, Councilwoman, and it's not finger

pointing or blaming in any way—

COUNCIL MEMBER LAPPIN:

[Interposing] Did you blame - - ?

JUAN CARLOS POLANCO:  Can I finish?

Wait, wait, if I may, if I may, Councilwoman.

COUNCIL MEMBER LAPPIN: - - transcript, you did. You blamed - - .

JUAN CARLOS POLANCO: Councilwoman, with all due respect, can I answer the question at all? If I may? Or else I can be quiet out of due respect.

CHAIRPERSON BREWER: Why don't you be specific as to how it's going to be more accurate, so if—

JUAN CARLOS POLANCO: [Interposing] Absolutely.

CHAIRPERSON BREWER: --be specific.

JUAN CARLOS POLANCO: We are eliminating within the election law, we are eliminating the realities of human error, Councilwoman Lappin. That is what we are doing with this new system. By eliminating having to tally the figures at the poll site and then providing that to the police and then the police manually entering the numbers in the database, right, we eliminate each one of those successive steps and statistically, have proven to be filled with error. Now what we have done is now taken the numbers straight from the scanner and put it

into a machine, into a laptop that will provide

the public with the numbers more accurately

reflecting the tally from the scanner.  Now

election law as we have been interpreting it and

as you should interpret it would not allow for us

to do that officially and it mandates us to have

an entire other system acting on - - same time.  I

hope I answered your question.

COUNCIL MEMBER LAPPIN:

[Interposing] We've heard your thoughts about

that.

JUAN CARLOS POLANCO:  I hope I

answered your question on that.

COUNCIL MEMBER LAPPIN:  You did and

you didn't.

JUAN CARLOS POLANCO:  I apologize.

COUNCIL MEMBER LAPPIN:  You have a

system that you think worked great, except you did

a pilot program because you wanted to explore

doing it differently.  You have said very clearly

that you think this new system will be more

accurate.  We're going to hold you to that, and I

don't want to hear after the next election if we

have another hearing, that it was the fault of the

poll worker, who didn't hand it to the police

officer right, who didn't download it

appropriately to the media, who then misreported

on the results.  So you think it's going to be

more accurate?  Is it going to be faster?

JUAN CARLOS POLANCO:  I do not

believe it will be as fast as we would like,

Councilwoman Lappin, and that is the honest answer

because you saw the process.  It still involves

the transporting of the flash drive to a precinct.

There's a transportation element that I want you

to take into account.  I'm not going to come here

at the next hearing and blame transportation.  I'm

going to put it on the record that we still have

to take that flashcard to a local precinct and

download that information, so we will get much

more accurate information from the tallies—the

unofficial tallies—but I don't believe that it

will be as fast as we want.  Officially, the

Board, if I may, Councilwoman, to add to your

question—to answer your question, the Board has

taken the position unanimously to ask the

legislature to allow for New York to provide the

numbers in a wireless system right from the

scanner.  That way we eliminate all of this—every

element of human error and transportation by

directly providing the public with that

information--

CHAIRPERSON BREWER:  [Interposing]

Is there legislation to that effect that is

pending?

JUAN CARLOS POLANCO:  No, the

legislature has no sponsor in either house yet,

but we're not legislators.  Our job is to

represent the voters and we think that this will

be the best thing for the voters, so that is what

we have done, Councilwoman.  I hope that answers

your question.

COUNCIL MEMBER LAPPIN:  The last

question, Madam Chair—and I appreciate the

indulgence—is in the old system, which was done

manually, we got results much faster, so I don't

understand why this new—let me finish my question—

why the new system wouldn't be at least as fast as

the old one.

JUAN CARLOS POLANCO:  Councilwoman,

I didn't interrupt while you were asking a

question.  I probably coughed or something so I

apologize for that.  To answer your question under

the old system, Councilwoman Lappin, we had one

machine for every election district.  Under the

new system, we have several election districts in

each single scanner as opposed to, for example,

Nassau County, where they have one scanner for

every election district.  It makes the results

that much faster.  They don't have to tally or cut

and there's much fewer ballots.  Here in New York

City, we have several, so at the end of the night,

we literally have to abide by the election law,

which requires all of this arcane cutting that you

don't like and neither do we, but we have to make

sure that we represent each single election

district that was within that scanner, and that is

cumbersome.  Ideally, it would be great to have

one for each election district, but that is

another $50 million at least.

CHAIRPERSON BREWER:  Hold on.

Let's answer her question, the Council Member's

question.  I want you to describe why we can't do

as some others have suggested, which is not to

have to cut and paste, but just listing all of the

EDs from that scanner.  It has a weird name called

consolidation of return of canvass, which the

general public will not even begin to understand,

so I'm trying to describe it in layperson's terms

because I think the Council Member has a

legitimate question why it can't go like that and

then it would be faster.

MALE VOICE: Council Member, the

reason is is we do have a responsibility in the

law to do ballot accountability, which means

accounting for each ballot. Ballots are still

provided as mandated by law by election district,

so if your election district has 500 ballots given

out at the beginning—delivered to them in the

morning, we've got to account for that at the end

of the night, and one of the ways you do that is

called arithmetic. You take 500 ballots, you get

to results tapes, you look at the public counter

for that election district and you say 100 ballots

from scanner A, 100 from scanner, deduct the 200.

You have then 25 emergency ballots, which have

been accounted for. That should leave you if my

arithmetic is right with 175 on the pads, but you

have to go through that arithmetic. You just

can't close it and sent it out.

1

2          CHAIRPERSON BREWER:  I know we'll

3    hear perhaps different testimony from others, but

4    I just wanted to bring it up.  I understand that

5    that's your position.  Council Member, go ahead.

6    I'm sorry.

7          JUAN CARLOS POLANCO:  Chairwoman,

8    Chairwoman, Councilwoman, dis we have answers for

9    your questions?  I didn't want to leave anything

10   unanswered at all.

11         COUNCIL MEMBER LAPPIN:  Well, I'm

12   going to move back to the Chair because I

13   appreciate the opportunity to speak.  I know

14   people are very passionate about this subject

15   because this is something that is incredibly

16   important and I think that comes through

17   sometimes, but that's why we're all here because

18   we're here defending our constituents.

19         CHAIRPERSON BREWER:  Council Member

20   Garodnick and then Council Member Recchia.

21         COUNCIL MEMBER GARODNICK:  Thank

22   you, Madam Chair, and to the panel, I only have

23   two questions.  A lot of the questions that I had

24   have already been asked.  One question that I have

25   is on the subject of potential for human error in

the new system.  It seems like you're cleaning up

most of the potential, but I want to explore where

there still could be any, if any, that you can see

because as we all have experienced elections in

our own districts or helped people running for

office, we have seen that if there is an

opportunity for human error, human error will be

exercised.  So my question for you is under the

system that you described that you will have

recently adopted for future elections with the

PMDs and with the transmission from poll site to

precincts to Associated Press, where in your view

is the potential for human error?

MALE VOICE:  Because we are still

relying on that PMD to be taken from—rely on the

PMD basically to be taken from the scanner and

brought to the precinct, there is still that

logistical issue that the poll workers or someone

else might put the PMD in the wrong place and then

we won't get it back to be able to - - .  One of

the other potentials we have with the PMDs is when

the scanner shuts down, it's a couple minute

process.  If the PMD is taken from the scanner

while it's still shutting down, that will corrupt

the data on the PMD, so even if the PMD does make

it to our precinct, there won't be anything on the

PMD stick for us to read on election night.  So

there is still that potential for human error.

We're trying to eliminate a lot of it.  We're

getting rid of the math that they need to do to

put the numbers together or the key entries from

the police, but because we're still moving

something physically, there is still that

potential.  As Commissioner Polanco stated, one of

the aims for the Board is we're trying to move to

a world where the scanners themselves transmit the

results directly, eliminating completely that need

for transferring the PMD, moving it around and

hoping that it gets to where it needs to be to be

read, so at that point, as much as possible

eliminating human error.  Unfortunately, the Board

of Elections hires in 33,000 plus temporary day

workers to conduct this election.  We balloon from

350 full-time employees to 33,000 employees for

that day alone and unfortunately, not all of them

are the best and the brightest and occasionally

some of them will make mistakes.

COUNCIL MEMBER HALLORAN:  Okay, so

as I hear you, it is 1) the potential loss of PMD

from when it's being moved from the poll site to

the precinct and 2) the technical challenge of

loss of data from the PMD if it's taken out while

the machine is shutting down for example.

MALE VOICE:   That is correct.

COUNCIL MEMBER HALLORAN:   Okay.

Now in terms—

DAWN SANDOW:   [Interposing] I just

want to make sure that everybody is aware that

there is a backup PMD.   There are two PMDs, and

there is also the results tape, so if that does

happen and the poll worker does pull the PMD

before it is completely closed, there is the

results tape and the backup PMD and these are

unofficial results, and the ballots themselves.

COUNCIL MEMBER HALLORAN:   Got it.

Okay, and let's just talk about the possibility of

transmission directly from the scanner elsewhere.

You noted that you and Commissioner Polanco noted

that that is something which would be appealing.

Is that somewhere in the process or consideration

or something that the Board is proposing?

JUAN CARLOS POLANCO:   The

commissioners have unanimously made the

recommendation to the State Board.  Now there's a

long process involved and that involves the state

legislature approving it, the governor signing it,

the State Board of Elections coming up with a new

system of certifying these machines and the

Department of Justice clearance, but the first

step has been taken and that is us recommending it

because the election law does not allow for us to

transmit any information from those scanners.  So

we took the first step necessary.  Any assistance

that you can provide us, Councilman, will be

greatly appreciated.

COUNCIL MEMBER HALLORAN:  And the

data that's transmitted from police precincts

directly to the AP is done wirelessly or is that

right?  How exactly is it communicated?

MALE VOICE:  The data will be--from

the police precincts will be using laptops to

wirelessly transmit back to our general office and

we'll be handing an XML file to the NYPD and

they'll be transmitting wirelessly from our office

to One Police Plaza and then they have a direct

line to the AP.

COUNCIL MEMBER HALLORAN:  Okay.

Wait.  Sorry.  Let me just make sure I understand

that.  So it goes from precincts to you guys to

police to AP?

MALE VOICE:  Correct.

COUNCIL MEMBER HALLORAN:  Okay.  So

you essentially physically hand to the police in

your main headquarters a file which has the

results and then the police transmit it to—how

will the police transmit to the AP at that point?

MALE VOICE:  Well, they transmit

wirelessly back to One Police Plaza and then from

One Police Plaza they have a hardline to the AP.

COUNCIL MEMBER HALLORAN:  Okay.  So

it goes precinct to the Board of Elections

headquarters, handed to the police, transmitted to

One Police Plaza, which then directly communicates

it to the AP?

MALE VOICE:  Correct.

COUNCIL MEMBER HALLORAN:  No room

for human error there?

MALE VOICE:  There is certainly

room for human error.

COUNCIL MEMBER HALLORAN:  I think

we have identified maybe one more area, but

anyway, I hear you.  Let me just ask one more

question about the state law.  It sounds like

there was some question that was pending—this is

from Commissioner Polanco—about whether or not the

City Board of Elections had the power to do what

we're discussing today.  It sounds like there was

some question internally, some maybe mixed signals

sent by the State Board of Elections.  What was it

exactly that happened and what was the point of

interpretation, which allowed you to feel like

this was a possibility to move forward?

JUAN CARLOS POLANCO:  Well,

Councilman, we were advised by our esteemed

general counsel sitting to my left and his staff

of billing [phonetic] attorneys after a lot of

debate that the election law had to be interpreted

conservatively and if you interpret the law

conservatively you're actually doing it legally,

Councilman.  You're reading the law from a

position where a specific section of the law

trumps a general section of the law, and - - and I

don't want to sound confusing 'cause I try my best

to be clear—if you follow the law and the

interpretation and the reading of the law as

you're supposed to, New York City and Nassau

County as the law is drafted is specifically

removed and put in a different category of how we

are going to close poll sites and provide

unofficial tallies.  What we did after June 26th

was looked at what the staff had been working on

in Queens through their pilot program and tried to

figure out how can we best avoid the issues of

providing numbers to the police and waiting for

the police to transmit that information vis-à-vis

their mechanism following election law without

there being a large discrepancy.  And we arrived

to the conclusion that we would have to interpret

the legislation under subsection 2 like the rest

of the state, so what we did in essence,

Councilman, is take ourselves having been

specifically removed from the law and said we are

now going to adhere to subsection 2 and subsection

2 gives us the leverage to be able to carry out

this new method that we're carrying out city wide

that our staff has been working on in Queens for a

couple of years now—subsection 3.

COUNCIL MEMBER HALLORAN:  The

1

2  subsection 3 is the general section that you

3  referred to, which was not the specific one for

4  New York City and for Nassau, and is there at this

5  point any debate or dispute with your colleagues

6  at the State Board of Elections about the legality

7  of this step?

8  JUAN CARLOS POLANCO:  The State

9  Board supports our actions and there has been a

10  lot of support of our actions not looking at

11  subsection 1 anymore from many good government

12  groups and elected officials across the city.

13  COUNCIL MEMBER HALLORAN:  Thank you

14  very much.

15  CHAIRPERSON BREWER:  One quick

16  question before we get to our next Council Member.

17  Of the 39 Election Day investigations that you

18  conducted in this last election, 8 related to

19  faulty PMDs.  How are you ensuring that there

20  isn't a high rate 'cause there will be more

21  obviously used of PMD errors for the September

22  primary?  Just technology wise, what are you

23  doing?

24  MALE VOICE:  What we have done is

25  we have bought - - a certain quality, a high grade

PMD that is supposed to last and unfortunately,

like all pieces of technology, they are prone to

failure and the only thing that we can do is as

the PMDs fail is take them out of service and

replace them with newer ones.  We operate a system

that relies on something like 12,000 flash cards

for a city wide election.

CHAIRPERSON BREWER:  Flash cards is

the same thing as a PMD.

MALE VOICE:  I'm sorry, a PMD.

CHAIRPERSON BREWER:  Okay.

MALE VOICE:  PMDs for a city wide

election.  No matter what system we put in place,

you're not going to get 12,000 of them to all work

perfectly for each election, so there will always

be technological failures and one of the reasons

we bought the system that were put forward, these

optical - - systems, was the realization that

technology can fail, but the piece of paper will

always be there in the end to provide the results

of the election.

CHAIRPERSON BREWER:  I understand.

So what is the gigabyte, so what's the size of

that PMD?

2          MALE VOICE:   The current ones we

3    have are four gig.

4          CHAIRPERSON BREWER:   Four gigs.

5    Okay.  Council Member Recchia.

6          COUNCIL MEMBER RECCHIA:   Thank you,

7    Madam Chair and I actually have one or two quick

8    questions.  So when they pull out the chip, the

9    PMD, and they take it to the precinct, right, at

10   that time, then the paper receipt comes out and

11   the poll watchers will know the results?

12         MALE VOICE:   No, no.  The canner

13   itself produces a results tape that will have the

14   results.  That results tape at the poll site will

15   be the first copy of the three results tapes that

16   are produced by the scanner, will be hung on the

17   wall and the poll watchers will at the poll site

18   immediately have the results.  So you don't need

19   to wait for it to be moved to the precinct or

20   anywhere else.

21         COUNCIL MEMBER RECCHIA:   You said

22   you take the chip with you as soon as the poll

23   closes, the chip leaves—

24         MALE VOICE:   [Interposing] When the

25   polls close, the first thing—before it actually

physically closes and shuts down it produces three

copies of the results tape.

COUNCIL MEMBER RECCHIA:  Right.

MALE VOICE:  The first copy of the

results tape will be hung on the wall for the poll

watchers to see the results.  The second copy and

the PMD go back to the police precinct.  The third

copy goes to the EDAD table so they can do their

ballot accounting.

COUNCIL MEMBER RECCHIA:  Okay.

MALE VOICE:  So it's at the

precinct level, the poll watchers will be able to

know those results.

COUNCIL MEMBER RECCHIA:  Okay.

MALE VOICE:  I'm sorry.  The poll

site.

COUNCIL MEMBER RECCHIA:  At the

poll site, and then the chip goes back to the

police precinct?

MALE VOICE:  Correct.

COUNCIL MEMBER RECCHIA:  And who is

taking it there?

MALE VOICE:  The police—right now

by law, the police have to transport the PMDs to

2    whatever location we designate.  We're designating

3    the precincts, so police will bring it to our

4    staff that will be stationed at the precinct.

5    COUNCIL MEMBER RECCHIA:  At the

6    local precincts?

7    MALE VOICE:  Correct.

8    COUNCIL MEMBER RECCHIA:  And then

9    it will be input into the machine and it goes

10   straight—

11   MALE VOICE:  [Interposing] Right.

12   Basically, the laptop will read the results off of

13   the stick and be transmitted back to the general

14   office and then software on the backend will

15   accumulate all the results across - - that we will

16   be receiving from all the precincts.

17   COUNCIL MEMBER RECCHIA:  And the

18   second chip will stay in the machine?

19   MALE VOICE:  The second backup PMD

20   stays in the machine and will be transported back

21   when the machines are trucked [phonetic] the

22   following day.

23   COUNCIL MEMBER RECCHIA:  Okay.  I

24   just wanted to make it clear that that's what—

25   MALE VOICE:  [Interposing] Right

1

2    and - - there's another copy - - copy of the state

3    that goes back with the return of canvass.

4    There's also the ballots themselves, which are

5    transported by the police from the poll sites back

6    to the Board of Elections on that night to secure

7    the results.

8    COUNCIL MEMBER RECCHIA:  I got a

9    little scared when before she testified there was

10    two chips.

11    MALE VOICE:  Well, there is two

12    PMDs in each scanner.

13    COUNCIL MEMBER RECCHIA:  Okay.

14    Alright.  Thank you very much.

15    CHAIRPERSON BREWER:  Three other

16    quick questions.  One is when you do your

17    affidavit ballot, my understanding—'cause I've

18    never done this—you have to check if you're

19    Republican or Democrat or Independent or whatever

20    you are, so the question is but you should know

21    that I would assume from the fact that you're

22    registered, so if you don't check off that is that

23    invalidated and can we change that or is that

24    something that you think needs to continue?

25    MALE VOICE:  Council Member, that

1

2  is state law.  What the state law provision is is

3  that for example if you're registered in a

4  different party you ask for an affidavit in

5  another party, fill it out, it will be invalid as

6  an affidavit, but that serves now as a change of

7  enrollment for you.

8  CHAIRPERSON BREWER:  If you don't

9  check anything because you're rushed, the poll

10  worker is rushed, you had a bad day and then that

11  means that you're invalidated for voting?

12  MALE VOICE:  Because for example if

13  you look at June 26th, you had democratic

14  congressional primaries and a republican senate

15  primary.  You should know which party you're

16  running in—

17  CHAIRPERSON BREWER:  [Interposing]

18  People don't know it.  They get all confused.

19  They come into my office.  They say, "Gale, they

20  asked me if I was a Democrat or Republican.  I

21  don't understand why I can't vote." I explain it's

22  because it's a Republican primary.  The voter is

23  not as smart as you.

24  MALE VOICE:  But the Supreme Court

25  has said that the parties have a right to restrict

1

2    it and in New York State, you have to be an

3    enrolled member to vote in the primaries.

4                    CHAIRPERSON BREWER:  Okay.  But I'm

5    just saying—I'm giving you a suggestion.  Is there

6    something that could work on along those lines

7    that would make the experience of the voter

8    better?  Otherwise you end up with affidavits that

9    are invalidated, upset people, et cetera.  You get

10   the picture.

11                   JUAN CARLOS POLANCO:  Chairwoman

12   Brewer, the legislature would be responsible for

13   changing that and we would administer it—

14                   CHAIRPERSON BREWER:  [Interposing]

15   I think you might make some suggestions along

16   those lines because it does infuriate the voter

17   and I'm back to Laura Altschuler, League of Women

18   Voters, "What about the experience of the voter?"

19   Something to think about.

20                   JUAN CARLOS POLANCO:  Thank you.

21   Thank you, Chairwoman.

22                   CHAIRPERSON BREWER:  The data that

23   you provided to the Council on Monday—'cause I

24   know you kindly answered out letter—shows that

25   there were a little under 29,000 poll workers

1

2     assigned, which 25,000 were filled, making a 12%

3     vacancy rate.  This 12% vacancy rate conflicts

4     with the statistics you provided in your testimony

5     today, where you stated that there was a 4%

6     vacancy rate for 32,000 positions, so I'm just

7     wondering if you could explain this discrepancy.

8                     DAWN SANDOW:  Yes, the statistics

9     in the chart—the long chart that you received—is

10    what the Board assigns.  The statistics that you

11    have is after payroll is finished and who actually

12    showed up to work.

13                    CHAIRPERSON BREWER:  There's a

14    difference in timing in a sense.  Okay.

15                    DAWN SANDOW:  Yes.

16                    CHAIRPERSON BREWER:  Okay--

17                    DAWN SANDOW:  [Interposing] That's

18    before and after.

19                    CHAIRPERSON BREWER:  Go ahead.

20    Before and after.  Okay.  It has been reported

21    that voters have been told that if they did not

22    vote four years ago then they need to reregister

23    in order to vote.  What are you doing this correct

24    this misinformation?

25                    MALE VOICE:  Council Member, we can

talk about the PR stuff, but legally that is not correct.  You first have to be placed in inactive status, which means that the Board receives from the postal service a return mail of a communication we sent saying that this person no longer lives there.  You were then placed in inactive status and then it has to be after two successive federal elections.  Valerie, I believe we issued a statement to correct that.  The law is clear and we're working with our partners.  Any information you can give out to people.  There's a way to check it.  It's very easy.

CHAIRPERSON BREWER:  I think just in general 'cause we have such complicated laws along this issue, we all need to work on communicating them a lot better.

DAWN SANDOW:  It was also sent to the community board from which it originated from.

CHAIRPERSON BREWER:  Okay.  And then just finally, something that I love, the whole issue of the website, the app and so on. You mentioned September in your testimony, it will be up and running.  Obviously if you go to it now to the poll locator or to sample ballot, it's not

1

2       up.  Under construction.  You indicated the whole

3       new website.  Can you just give us—September is

4       soon.  The primary is soon.  Can you give us some

5       dates that are specific as to when it's going to

6       be complete?  Obviously it's of great interest to

7       the public, who will have no clue who is on the

8       ballot in September unless they have something to

9       go with.

10             VALERIE VAZQUEZ:  Valerie Vazquez,

11      director of communications.  As you have before

12      you some screen shots, we have been working with

13      DUIT, our partners in government.  They have been

14      working hand in hand with us to really update the

15      Board's website to be both more user friendly as

16      well as have some interactive components.  One of

17      the things that we're very proud to report that

18      Alex Camarda of Citizens Union has been requesting

19      that we actually have the capability to have e-

20      mail subscriptions, so we will be proactively

21      sending out our messages of coming dates, the last

22      day to register, things like that to those who

23      subscribe.  We will also have a ticker on there,

24      updating the residents of New York City voters

25      that there is in fact an upcoming election.  As

1

2  far as the app, you also have before you some - -

3  ups of the app.  If you'd like I can actually—

4                 CHAIRPERSON BREWER:  [Interposing]

5  No, it's okay.  Go ahead 'cause people are going

6  to kill me on time.

7                 VALERIE VAZQUEZ:  So the app allows

8  the user - - experience for a voter to on various

9  mobile platforms, including iPhone, Android,

10  Blackberry and Google Apps in general to have a

11  user experience where they can put in their

12  address, tap to find their poll site location.

13  From there it will give them all their poll site

14  data as well as the EDAD, date of the election and

15  they have an availability to view their sample

16  ballot.  They can view their sample ballot in an

17  interface that's designed for a mobile phone or

18  they can e-mail it to themselves to view it at a

19  later date.  We also have turn by turn directions,

20  so they can locate their poll site via Google Maps

21  as well as a user interface where we can

22  proactively send out push out messages, so those

23  who have this app, we can send them—ask that they

24  engage with us via Twitter and Facebook, send them

25  messages, again, encouraging them to become poll

workers—another form of the Board reaching out to

voters—

CHAIRPERSON BREWER: [Interposing] And when will all this be available?

VALERIE VAZQUEZ: For the September primary, we will have it on our Android, Blackberry and Windows phones—

CHAIRPERSON BREWER: By when though?

VALERIE VAZQUEZ: Our target date is the first week of September.

CHAIRPERSON BREWER: First week in September. Okay.

VALERIE VAZQUEZ: Correct. As is the target date for our website review.

CHAIRPERSON BREWER: Okay. The first week of September should be at the very latest because people start getting anxious--as Council Member Lappin said how important the vote as. And finally, the telephone, WNYC I think ran a radio discussion when you after hours business hours, they couldn't get any answer from the telephone. I'm an app person. I get the computer. Not everybody has one, so the phone is

incredibly important. What are the hours of your

phone service if people have questions?

DAN LAVELLE: Good afternoon,

Chair. Dan Lavelle. I am an associate staff

analyst. We are open nine to five with live

operators, and then after hours we have an

automated voice service and we had a little bit of

a technical glitch, but that has been fixed, so we

are 24 hours.

CHAIRPERSON BREWER: The phone is

24 hours.

DAN LAVELLE: Yes.

CHAIRPERSON BREWER: Okay.

Alright. Thank you all very much. Unless there

are any other questions—

FEMALE VOICE: [Interposing] I just

want to announce that the poll site locater will

be up next week.

COUNCIL MEMBER RODRIGUEZ: I just

would like to for record - - because Carmen de la

Rosa - - that's his mother, date of birth in 1952,

so Carmen de la Rosa did not vote on June 26th.

CHAIRPERSON BREWER: Thank you very

much, Council Member. We'd like to thank the

2    panel very much.

3                    [background conversation]

4                    CHAIRPERSON BREWER:  Council Member

5    Dickens, I'm sorry.  Wait a minute.

6                    COUNCIL MEMBER DICKENS:  Thank you

7    so much, Chair Brewer, and I contrary to most of

8    my colleagues am not here to do the popular thing

9    and to jump all over the Board of Elections.  I do

10   have questions.  I do have recommendations because

11   as a district leader, I take the course that you

12   give so that I can learn what it is that you're

13   teaching the poll workers so that I can 1)

14   recommend good workers, intelligent workers that

15   can follow procedure and 2) be able to make

16   recommendations before we get to this point.  The

17   system is not the best definitely, but is one that

18   has worked and I have not complained about it when

19   I ran in the past elections even though I've made

20   recommendations in the past.  So I'm not here to

21   jump all over you.  I'm here to listen and to work

22   with you and to be able to be the liaison that I'm

23   supposed to be between my constituents that have

24   complaints and you, a city agency.  Having said

25   that, the Speaker brought up an issue about where

in the 13<sup>th</sup> Congressional District the police

department failed to transcribe and turn in

numbers, and she asked you in what ADs was that

done and in some instances the EDs.  I don't have

the EDs in front of me, but I can tell you in the

69<sup>th</sup> and the 70<sup>th</sup> and the 70<sup>th</sup>, we had at least five

election districts, or poll sites, where the

police department failed to turn in numbers and

therefore was reflected as 0, 0, 0.  That is not

the Board's fault.  That is not the poll workers'

fault.  That is the police department's fault, and

they have not exercised anything that will dictate

to the police that there is repercussions for not

doing the job you're hired to do and getting paid

overtime.  Now that's not that I'm jumping all

over them, but that is a statement of fact.  So

even though they were hired to do a job and they

did not do the job, there was no repercussions

done, but that is not the poll workers, that is

not the voters and that is not your fault.  That

is the fault of the police department and maybe

you being able to get them to enforce what they

are supposed to do.  Now that's the first thing.

The second thing is and having taken the course

and having before I got elected worked as a poll

worker myself and know some of the problems

inherent, in this new system, it takes longer to

close out your polling site than it did in the old

system, and what happens is the poll workers then

in some instances, especially those that operate

much slower, then don't fulfill what they are

supposed to do that you have taught them to do and

that is to do the numbers that they are supposed

to fill out, and maybe if we—because it's very

cheap—used flash drives and let them download onto

the flash drives and turned them in, it would be

more accurate, number one, because they wouldn't

transcribe the numbers where it's 70 votes and it

becomes 07 votes, and it would be a lot faster.  I

don't have the answer for the police department.

I don't know where they were fit in with all of

this and the supposedly fairness of this because

like my colleague, Jessica Lappin, I'm concerned

about the fairness and those that are legally

entitled to vote according to the law as it's

written today by the State of New York that

everyone is allowed to vote.  Now also the issue

came up about people not being allowed to vote.

One of the issues—and I asked this question prior to June 26<sup>th</sup>—was about notification to the voters about where they were supposed to go to vote, and I was told by the Board that a mailing was not going to be done for the federal election.  That became problematic because in many instances because of the redistricting people went to the wrong polling site and instead of being given an affidavit ballot or in some instances where people are afraid to vote by the affidavit ballot or the paper ballot, they either weren't given it or they refused to vote on it.  So I think part of it would have been had we sent out a mailing—had the Board sent out a mailing to alert voters where their new polling site was—because in some instances, it changed—that if they had given the notice, they could have then gone to the correct polling site in the first place.  And I say that because there was a judge here in New York City that her entire building at least half of them called my club because they apparently were at the wrong site and they went to where they had been voting and she's a resident of the 70<sup>th</sup> Assembly District and she was told she couldn't vote, and

the other people in her building.  So I'm just

bringing out some of the problems that I have

found personally having worked over the years as a

poll worker and been a district leader and having

taken your course, so that I could be

knowledgeable in the course that you give, so that

I can intelligently talk to my club members or

those that I'm recommending to work in the polls

and not just complain, but recommend and work with

you to make the changes that is best for the

voters and the city of New York.  So I'm bringing

up these couple of problems that I found inherent

because I do find you to be basically fair, but I

do know that there's problems with this system.

Thank you.

CHAIRPERSON BREWER:  Thank you very

much, and I know that we didn't' get to the issue

of the ballot marking devices 'cause of time--

PAMELA PERKINS:  [Interposing]

Madam Chair, may I respond to Council Member?

CHAIRPERSON BREWER:  Yep.  Just go

ahead.

PAMELA PERKINS:  Thank you, Council

Member Inez.  I just thank you for your support.

1

2  I just want to respond to a couple of things.

3  First about the poll site changes.  In the 13$^{th}$

4  Congressional District, there were no poll site

5  changes.  There were none.  Due to redistricting

6  there were no poll site changes.  Now in hindsight

7  we have discussed perhaps where there were

8  instances that people's election districts may

9  have changed and they remained at the same poll

10  site; maybe in hindsight, we should have done

11  something.  Maybe we should have sent out a

12  notice, and you learn, but poll site change

13  notices went out throughout the city of New York

14  prior to the June 26$^{th}$ Election in every instance

15  where there was a poll site change.  There were 18

16  city wide.  They went out.  So we could have done

17  better, but we did what we could do in terms of

18  letting the voters whose poll sites were changing

19  to let them know where to go to vote, to exercise

20  their right to vote.

21              COUNCIL MEMBER DICKENS:  I'm sorry.

22  I just wanted to say to you, Pam, that that may be

23  true, but however, I have a whole complaint from

24  an entire building, one building.

25              PAMELA PERKINS:  I'm aware of the

building.

COUNCIL MEMBER DICKENS:  --where they had problems with everyone who lives in that building.

PAMELA PERKINS:  [Interposing] Council Member, I'm aware of that building.  I'm aware of the judge that you're talking about and I did look up.  Her name was in the book.

COUNCIL MEMBER DICKENS:  And sometimes because even my name, I have to insist they don't put it under D-I-C.  It's under D-I-N.I just happen to know it, but I mean most voters are not supposed to have to go in and say, "Don't look under D-I-C, look under D-I-N." They're supposed to be able to go in and say, "My name is Dickens. This is how it's spelled." And I know a lot of it is sometimes how we write—

CHAIRPERSON BREWER:  [Interposing] We've got to move on.

COUNCIL MEMBER DICKENS:  I'm sorry, Chair, but in addition, that is not the poll workers' problem.  What happens is when we register and it's mailed into you or turned into you, who puts that registration form in the book?

Is it the Board?

PAMELA PERKINS:  We print it in the book.  We give the vendor a file with all of the voters' names and information and we produce the poll book.

COUNCIL MEMBER DICKENS:  So sometimes human error could put it under D-I-N instead of D-I-C?

PAMELA PERKINS:  The vendor produces the poll book.

DAWN SANDOW:  Whatever is entered onto the registration is what the vendor receives.

COUNCIL MEMBER DICKENS:  Well, mine says D-I-C and it's under D-I-N.

PAMELA PERKINS:  We should look into it because we need to - - .

CHAIRPERSON BREWER:  [Interposing] Alright.  Let's not got into the specifics.

PAMELA PERKINS:  May I respond—

CHAIRPERSON BREWER:  We really have to move on.  We have hundreds of speakers.

PAMELA PERKINS:  I just want to say—

CHAIRPERSON BREWER:  [Interposing]

Quickly.

PAMELA PERKINS:  --about the NYPD. We have a good working relationship with the NYPD. This issue was not a blame game thing.

CHAIRPERSON BREWER:  We have to move on.  We really have too many people.  I understand your concern.  Anybody else?

PAMELA PERKINS:  I just wanted to let everyone know that although there were errors by the poll workers who we are responsible for, there were instances where the NYPD went out of their way to look at the return of canvass and input numbers even though it wasn't totaled correctly—

CHAIRPERSON BREWER:  [Interposing] Okay.  Thank you.

PAMELA PERKINS:  So I just want to be - - .

CHAIRPERSON BREWER:  Yes.  Quickly.

JUAN CARLOS POLANCO:  Quickly, Chairwoman, I want to be clear we have been talking a great deal about the unofficial tallies throughout the night, but the voters and people here and your Committee have to make sure you

understand that we have the most comprehensive re-

canvassing process in the country and that every

single valid ballot that is counted on Election

Day is actually recounted before we certify any

election.

CHAIRPERSON BREWER: I appreciate

knowing that.

JUAN CARLOS POLANCO: Thank you.

CHAIRPERSON BREWER: Okay. Thank

you all very much. Thank you, this panel, and our

next will be Doug Kellner, co-chair of the State

Board of Elections and please come up quickly and

after that will be Senator Espaillat. I'm sorry

to keep you all waiting.

DOUGLAS KELLNER: Good afternoon.

I'm Douglas Kellner, co-chair of the State Board

of Elections. I know you are in a hurry, so I

have my printed testimony and let me just make a

few quick comments.

First of all, the City Board does

lots of things right and they actually do deserve

a lot of credit for implementing the new

technology and it really was a major, massive

logistical project in order to do it, and they did

it and they've pulled off the last elections.

That being said, there is still a lot more to do,

and I address specifically concerns about the

coming presidential election in November where the

City Board really has to do more in order to make

sure that the polls are operated efficiently.

When you look at the numbers, there were 2.6

million New York City residents who voted in the

general election in 2008.  That compares to 1.6

million who voted in the gubernatorial election

two years ago and only 360,000 who vote in a

typical primary, so to put it in context, seven

times as many people vote in a presidential

election as vote in a typical primary election, so

just because we're able to run primary elections

and special elections well doesn't mean we're

prepared for the extraordinary turnout that

happens in November, and I really wish people

would pay more attention to focusing on how there

will be special procedures and special projects in

place to meet the turnout that is expected in

November.  In particular, there is a new

regulation by the state Board of Elections that

basically says staffing has to be done so that no

voter has to wait more than half an hour.  Four

years ago, there were hundreds of thousands of New

York City voters who had to wait more than half an

hour, and that was the case eight years ago and

twelve years ago, so my question today is what are

we doing to make sure that there is special

staffing done to accommodate the rush of voters

that will occur on the morning of the November

presidential election.  As to some of the other

issues, I disagree strongly with the City Board's

interpretation of a number of statutes.  As to the

election night reporting procedures, subdivision 3

of section 9126 of the election law has always

authorized the use of the portable memory devices

for the election night tallying.  Similarly the

law does not require the use of police officers

for this election night tallying process, and I

seriously question whether it is efficient or a

good use of police resources for the police to be

involved in that election night tallying process

at all.  Certainly, my recommendation is that the

Board of Elections do that on their own without

the use of the police.  There are very few

counties—no counties in the state use the police

for their election night reporting except New York

City and there are very few counties that use the

police for the transporting of election materials;

only a handful outside of New York City, and I

just don't think it's a good use of police

resources.

As to the city canvass procedures,

there is one part that I do agree with

Commissioner Polanco and that is while the city

may have the worst election night reporting

process in the state, they have the best set of

official canvass procedures.  In other words, the

procedures that the city Board uses to actually

count the votes and reach the finally tally in my

view at the best of the 58 boards in the state and

they should be commended for that and we should

recognize it.  In my written testimony I've

explained why that's the case.

I also strongly disagree with the

recommendation of the City.  Commissioner Polanco

said they have unanimously adopted a resolution

asking that they be allowed to report the election

night results wirelessly by modem from the

election machines.  Election vendors have been

proposing that, but that proposes major security

risks to the integrity of the voting machine and

is prohibited by New York Law and certainly, I

would oppose any change in New York law that would

expose our voting machines to that increase risk

to the integrity of the machines from viruses and

other external threats that could be introduced by

introducing wireless communications.

The last issue of interest I think

to the Council is that the Election Commissioners

Association of the state still strongly backs

moving the primary to June even for the coming

elections in 2013 because right now we are

discriminating against our military and overseas

voters by not giving them sufficient time to get

their absentee ballots as the federal law requires

for federal races and there is no reason why those

same protections for military and overseas voters

should not apply in state and local elections.

Also the City Board of Elections has altered

people to special difficulties that we will have

if there is a New York City run off.  I agree with

their analysis that there are many laws that they

can't comply with.  There are contradictions built

into the laws with respect to the New York City

runoff and that it is costly and has potential

administrative problems that I would strongly urge

the legislature to eliminate the runoff.  I do

however support Senator Krueger's bill which would

replace the runoff with instant runoff voting in

the primary election so that voters could rank

their choices and still the candidate with the

major support would actually get the nomination of

the party.  So I apologize for going so quickly,

but—and there is so many other issues we could

talk about, but I hope you find that helpful.

CHAIRPERSON BREWER:  As always, it

is extremely helpful and I have two questions.

One is just in terms of this wireless issue.  I

completely understand not having the scanner go

directly into any other system.  If we had a

laptop and we'd have to think about whether - -

schools had the correct accessibility and you

could go on and on about the technology, but say

for instance the technology was possible, laptop

in the school.  I won't get into all the school

issues, then would that be possible?

DOUGLAS KELLNER:  Yes, and not only

that, they could just do a very small cheap, not

even a whole laptop, just a cheap attachment that

you could plug into a cellphone so you can take

the results, plug the portable memory device into

this device to transmit it over the cellphone, but

not a direct hookup between the machine and the

wireless—

CHAIRPERSON BREWER:  [Interposing]

- - I just want to be sure just because - - more

in the space issue.

DOUGLAS KELLNER:  And indeed that

could be done probably less costly than buying 150

laptops for 75 police precincts, but look, I'm

very happy that the city is moving forward with

the step that they are.  There are just additional

things that could be done and done a lot more

efficiently and less costly than the way they're

doing it.

CHAIRPERSON BREWER:  One other

quick question.  You head the back and forth on

the return of canvass issued by election district

and scanners, if you could comment on that.  - - .

DOUGLAS KELLNER:  The State first

of all we absolutely reject the City Board's

interpretation of the statutes.  They are

unnecessarily complicating the process.  The State

Board has recommended procedures, which provide

for a consolidated canvas sheet for the whole poll

site.  There has been no judge or any challenge on

the legality to those procedures that have been

recommended by the State and frankly, we view the

City procedures are unnecessarily complicated and

indeed introduce potential errors into the

election night process and certainly prolong the

agony for the poll workers who have already worked

a 15 hour day, and it's simply unnecessary to do

the very complex procedures that the City has in

place now.

CHAIRPERSON BREWER:  Thank you.

Council Member Rodriguez and then Council Member

Dickens.

COUNCIL MEMBER RODRIGUEZ:  Thank

you.  Why does the state law say - - state law

give the New York City Board of Elections the

right to invalidate a vote of someone who has a

party affiliation, but when he or she votes on

affidavit vote did not mark that party

affiliation?

DOUGLAS KELLNER:  Yeah.  The law

requires that in a primary election they indicate

what their party affiliation is.  I think that you

are right that that's really unnecessary because

you have the—well, the inspector needs to know

because the inspector has to give them the ballot,

so it's really an inspector error, and one could

argue that because it's the inspector error for

not asking the voter to mark that because the

inspector still gave them a ballot for that party

that that inspector error should be ignored.  So

that's a litigation issue.  You could argue it

both ways.

COUNCIL MEMBER RODRIGUEZ:  So

great.  And my question is how does the New York

State Board of Elections follow on the New York

City Board of Elections complying with providing

language access to the voter?

DOUGLAS KELLNER:  The City is in

full compliance.  The City has very good

procedures.  The one comment that I personally

have—it isn't necessarily State Board policy—is

that the City should be tracking the language that

the voter wants to communicate in so that the City

does not send out its materials in all five or six

languages, but only in the language the voter has

asked for, and similarly, with the ballots, where

there are three or more languages on the same

ballot, they should print the ballots separately

for each language which is allowed by federal law

and which also is the practice in most other

jurisdictions like Los Angeles and Phoenix, where

multiple languages have to be used on the ballots,

in order to avoid having the ballots and mailings

to the voters be so cluttered.

COUNCIL MEMBER RODRIGUEZ:  Are you

aware that Latino Justice [phonetic] formed a

complaint to the Justice Department on many cases

of a voter not being able to have language access?

DOUGLAS KELLNER:  I can't say,

Council Member, that I've actually read the

complaint, but in my experience as a city

commissioner and also going around on Election

Day, I think the City Board of Elections does a

pretty good job on language assistance.  That's my

view, but there are individual problems they

should be addressed and I agree that a voter in a

protected language area has an absolute right to

2    have that language assistance and where it isn't

3    being provided, that should be investigated and

4    followed up.

5                    COUNCIL MEMBER RODRIGUEZ:  And

6    there were many in fact - - .

7                    DOUGLAS KELLNER:  If we get a copy

8    of that complaint, the State Board will also take

9    a look at it, and as you know, the State Board did

10    make a formal request to the city to follow up on

11    complaints regarding the canvass in the 13<sup>th</sup>

12    Congressional District primary and indeed, I

13    expect to personally go and audit the audits

14    myself to determine whether or not some statistics

15    on the final canvas are anomalies or whether they

16    were in fact errors that should have been picked

17    up and corrected.

18                    CHAIRPERSON BREWER:  Thank you.

19    Council Member Dickens.

20                    COUNCIL MEMBER DICKENS:  Thank you

21    and thank you, Commissioner, for your specific

22    recommendations on some of the things that could

23    be done for the BOE here in the city to make

24    changes that would be for the best.  In talking

25    about where there are multiple languages, for

instance in my district there is Spanish, there is

Creole, there is French, there is Swahili, various

Cantonese, there's Chinese dialects, Mandarin.

Would you or are you recommending—what you have

said under testimony here—are you recommending

that all of those languages be made available?

For instance in my district I have a lot that are

from Africa, and it's not Spanish that may be the

highest, but an African dialect—

DOUGLAS KELLNER:  [Interposing]

Well, it's something to look at.

COUNCIL MEMBER DICKENS:  -- - -

wanted in their dialect and not in that of Spanish

or English or French.

DOUGLAS KELLNER:  The federal

voting rights act has special language assistance

requirements that are really the driving force of

that.  The state legislature two years ago added

Russian for some election materials.  Within the

New York City board of Elections, we actually

found one election district where almost all of

the voters were Korean and so we added that

election district to the Korean language

assistance even though it wasn't required.  So I

think it's something you look at on a case by case

basis and see what you can do reasonably to make

it work, but of course, we have to comply with the

federal law.

COUNCIL MEMBER DICKENS:  Alright

because in my district we have—many of our polling

sites has Spanish interpreters, but a lot of my

voters are not Spanish speaking; they are from

Africa, and so I wanted to know what was in place

to protect my constituents?

DOUGLAS KELLNER:  Alright.  Well

right now that's not covered by the federal voting

rights act so that's something to look at.

COUNCIL MEMBER DICKENS:  Alright.

Thank you.

CHAIRPERSON BREWER:  Thank you very

much.  I'm sure there are many more questions, but

of all we appreciate your perseverance and your

summary and all the work that you do for all of

us.  Thank you very much.  Senator Espaillat.

SENATOR ESPAILLAT:  Good afternoon.

I want to thank New York City Council, Speaker

Quinn and Chairwoman Gale Brewer for holding this

hearing on this very important issue.  Before I

read my testimony, I do want to express my concern

for what I found to be a collective denial of the

members of the New York City Board of Elections

that testified here opening this hearing.  I think

that we have to work together.  The New York City

Council, the State Legislature, the New York City

Board of Elections and the New York State Board of

Elections, we all have to work together to ensure

that the voting process, the election process is

improved and simply by adopting a collective

denial won't get us very far.  I want to start by

also thanking Co-Chair, Doug Kellner, for it was

his memo on interpretation of the election law

that actually assisted the Board of Elections in

changing some of its processes and adopting some

of the reforms that they eloquently presented here

before the City Council today.

The troubles with the Board of

Elections are well-documented.  While the problems

did not start this year, they certainly came to

head on June 26th during the congressional primary

election.  From the reporting of results to the

placement of poll workers to the treatment of

voters who showed up at the polls, the election

was mishandled just every step.  With each error

story coming out including independent reporting

by journalists, who uncover cases of impropriety,

it became clearer and clearer that we need swift

and immediate reform.

Let me first address the missing

election districts, and I will depart from my

formal statement to say that a week after the

election I addressed the media and I called the

election on the 26th of June a phantom election,

and I did so because on the morning of the 27th of

June, there were 74 election districts that were

at 0 that you couldn't see, and since you cannot

see a phantom, there were 74 election districts

that you cannot see.  I therefore called it

appropriately a phantom election.  It was in three

or four election districts that were at 0 perhaps

within the margin of error, but 74 of them, most

of which were in the 72nd Assembly District or 71st

Assembly District and the Bronx.  In fact, only

seven of them were in east Harlem and Harlem.  74

of these districts reported a grand total of 0

votes on election night, and the Board of

Elections proceeded as if that was normal even as

the race was prematurely called thanks to the

skewed and misleading numbers issued to the

Associated Press.  The morning after the election,

the numbers began to change drastically and we

found out that this was in fact a razor thin race.

One reason the missing EDs were especially

suspicious and troubling is the fact that a

disproportionate number of them came from the 72nd

Assembly District and - - the insurgent candidate

did my best.  If you compare Washington Heights,

Inwood [phonetic] to east Harlem and central

Harlem, which had far fewer missing EDs.  Blame

game by the BOE.  The Board of Elections tried to

blame the poor handling of the election on

district leaders in the areas like the 72nd

Assembly District, which raised even more

questions about the Board of Elections' conduct

when it was revealed that the Board of Elections

moved a substantial number of poll workers who

were regularly assigned to these areas.  I have

some numbers that I would like to share with you

that perhaps can shed light on what I am trying to

explain.  They are exclusively within the 72nd

Assembly District where I am also a Democratic

district leader.  For example on the poll site

located on 185 Wadsworth Avenue, there was one

interpreter in 2012; whereas, there were two

interpreters in 2008.  There was less poll workers

appointed by the Democratic district leaders in

2008, eight, and four in 2012, but at another

location on 1370 St.  Nicholas Avenue, again,

there was only one interpreter; whereas, in 2008,

there were two interpreters appointed and more

poll workers were appointed by the Board of

Elections in 2012 than there were in 2008; five

were appointed by the Board of Elections in 2008,

ten in 2012.  And this pattern continues across

the board and poll sites at 99 Hillside, 560 West

169th Street, 2580 West 169th Street, 2301 Amsterdam

Avenue, 515 West 182nd Street, 1525 St.  Nicholas

Avenue, 4360 Broadway, 3064 Washington Avenue,

3782 10th Avenue, 650 Academy Street.  The patterns

are consistently there of more poll inspectors

being appointed by the Board of Elections in those

electoral districts than there were in the past in

2008 and less interpreters were appointed by the

Board of Elections in those poll sites than they

did in 2008.  You could have expected perhaps that

because this was a redistricting year, because

there was a keen interest in this race and other

congressional races across the city that the Board

of Elections would have prepared for that, but in

fact, the numbers that I have seen show otherwise.

In addition to that, uncounted votes; according to

the Board of Elections as well as independent

reporting, there were thousands of votes that were

not counted in the 13th Congressional primary.

This includes more than 2,000 affidavit ballots

that were tossed out by the Board of Elections for

various reasons. The 13th Congressional District

had by far the highest number of affidavit ballots

of any of the four congressional races in the

city, but it also had the highest percentage of

invalidated affidavit ballots of any of the four

congressional races in the city as well.

Additionally, 436 votes cast in the machines and

78 write in votes were declared invalid.

According to an investigation by the Daily News

and overwhelming proportion of these votes came

again from the 72nd Assembly District. The fact

that in a hard fought race where only one contest

was on the ballot over 500 people did not mark

their choice of a candidate on ballots cast on the

machine is truly alarming, so these are some of

just many concerns that we have brought to your

attention during this hearing.  In addition, pre-

game meeting; according to an investigative report

published by the New York Daily News, a top Board

of Elections official who will be in charge

overseeing the hand counting of the vote held a

meeting with one of the campaigns just three days

before Election Day.  Although there were four

other candidates in the race, only one campaign

was afforded this kind of meeting raising serious

questions about the impartiality of the Board of

Elections in this election.  No notification, it

has already been stressed that no voter received

any notification of this election in the 13th

Congressional District in a year of redistricting,

in a year where voters obviously were voting in a

different cycle, a different date for the first

time on June 26th.  No voter got a letter, a notice

from the Board of Elections stating or telling

them that in fact this election was being held on

June 26th and that in fact, there was an election.

Let me just remind you that on September 13th, the

1

2  election for the first time will also be held on

3  Thursday in a while—it's usually on Tuesdays, and

4  voters are accustomed to expect an election to be

5  held on Tuesday, but for the first time this

6  election in a while will be held on Thursday, so

7  this is another change in the voting pattern of

8  thousands of New Yorkers and I feel very strongly

9  that it's the responsibility of the Board of

10  Elections to instruct the voters as to when there

11  is an election and where they should go voter.  So

12  these are some of the concerns that I have

13  regarding what actually occurred on June 26th.

14                    Now reforming the Board of

15  Elections, I feel very strongly that there needs

16  to be a major overhaul of the Board of Elections.

17  What's disconcerting is the fact that mishandled

18  elections rob our society of its faith in

19  democracy.  To be clear, this is not about who

20  wins or who loses; it's about protecting the

21  integrity of the election process, which is the

22  bedrock of our democracy.

23                    Although there are many serious

24  problems with the Board of Elections, one

25  underlining issue that is perhaps the most glaring

is the participation of the political bosses in

the handpicking of the Board.  Now in the

testimony put forward by the Board of Elections

they referred to the participation of the police

as being a reform measure implemented in the early

1900s by the Tammany Hall political machine--which

by the way I may dare to say also ran the police

department back then—so we must take the political

bosses out of this process.  Even though they have

it that--this is akin to a pitcher handpicking the

home plate umpire before a baseball game.  For all

we know, the umpire might call the balls and

strikes fairly, but we don't want to allow the

pitchers to pick the home plate umpire because the

integrity of the game would be shattered.  If we

don't want our national pastime to become a joke,

what about our democracy?  I think we need to very

strongly consider taking out the political bosses

out of this process.  I will be introducing

legislation in Albany, which will enact swift

reforms of the makeup and the appointment of the

Board of Elections.  The goal is to remove as much

of the incumbent protection program and to help

establish truly neutral referees in the democratic

1

2    - - a system that functions independently and

3    without bias.  The legislation we are drafting

4    will amend the election law to take the following

5    measures: to consider the process of appointments;

6    the Board of Elections will be comprised of five

7    members, party leaders from each county will no

8    longer be able to appoint.  Board members instead

9    will be appointed by the mayor and the speaker

10   with the minority - - of the City Council and the

11   mayor shall have two members of the Board, the

12   speaker will have two members as well, and the

13   fifth member of the board should be appointed

14   jointly by the mayor and the speaker.  Of these

15   two members appointed by the mayor, each member

16   must be registered in different political parties

17   to ensure impartiality.  The two members appointed

18   by the speaker, each member would also be

19   registered in different political parties than the

20   other.  The member appointed jointly by the

21   speaker and the mayor who shall be the chairperson

22   must be registered to a different political party

23   than the immediate previous member appointed

24   jointly by the mayor and the speaker.  Term of

25   length and limit, each member of the Board shall

be appointed to a three-year.  No member should

serve for more than four terms.  Vacancy; in the

event of a vacancy, the position shall be filled

in the same manner as the original appointment

with respect to whether the mayor or speaker

appointed the member previously holding the

position or whether the member was appointed

jointly by the mayor and the speaker.  Rules and

procedures; the Board of Elections - - promulgated

rules and procedures for the conduction of

elections and general operations of the Board of

Elections in accordance with state law.

Qualifications; when appointing members of the

Board of Elections, the mayor and the speaker

shall take into account relevant qualifications

including experience with campaigning and

elections and government reform efforts.  Each

member shall be registered to vote in the city of

New York.  No member shall be an officer in a

political party or be a candidate for election to

office of mayor, public advocate, comptroller,

borough president, or member of the City Council

or participate in an electoral - - for such

offices.  No member shall be a lobbyist required

to file a statement of registration or be employed

by such lobbyists.  Notifications; the Board of

Elections shall issue written notification

information to each voter the day of the upcoming

election and the polling place where each voter

may vote at least 30 days prior to the election.

The Board of Elections shall issue such

notifications electronically in instances when the

e-mail address is available to the BOE.  These

measures are common sense steps in line with many

good government practices and models after

structures that already exist like the Campaign

Finance Board of New York City.  Whether it's

Mayor Michael Bloomberg calling it an easily

corruptible system or the City's major editorial

pages finally finding something to agree upon in

the form of the BOE's massive failure, there is

strong consensus in New York City that the time

for reform has come.  Let's ensure that what

happened on the 26th again does not happen on

September 13th and let's adopt these changes.

Thank you.

CHAIRPERSON BREWER:  first of all,

thank you for your patience and thank you for

waiting.  I really appreciate it.  I know others

have questions.  I have just one question which is

I was particularly upset about just generally the

number of affidavits that had to be filled out,

and that's why I asked earlier about this you have

to fill out your party, so how do you think that

could be reformed if it should?  Because it does

seem to me it was explained to us that, you know,

you pick up a ballot from a democratic, but in

your situation at least in that one race there

were only Democrats running.  I don't think there

was a Republican primary.  So people would

obviously be there who were Democrats who don't

need to have—it would be clear, so I'm just

wondering if that is something that you think

should be reformed or how you--

SENATOR ESPAILLAT:  [Interposing]

Absolutely.  I think first and foremost that folks

working at a poll site should do everything

possible to ensure that they review all the books

and ensure that in fact, that person has to

finally resort to voting by affidavit, and that

doesn't always happen.  If a person regularly

comes in to vote and goes to a particular poll

site and a particular ED that may be the wrong ED,

they won't find his or her name there.  He or she

will get pushed to another table.  They won't find

her or her ED there.  That person will have two

choices; either that person will go home, in many

cases that occurred on the 26<sup>th</sup> or that person will

now vote by affidavit ballot and we found that 2/3

of those affidavit ballots of over 3,000 affidavit

ballots that were cast in the 13<sup>th</sup> Congressional

District were deemed invalid.  A disproportionate

level of them were deemed invalid when compared to

other congressional races across the city, so I

think the first step is try to prevent the person

from having to vote by affidavit ballot, but once

that person has voted by affidavit ballot, I think

that it is very complicated, very complex.  The

rules are very onerous on the voter and any minor

mistake will lead to a disqualification of that

vote, and I think that needs to be reformed

dramatically.  Yes.

CHAIRPERSON BREWER:  I agree.

Council Member Dickens, you had a question?

COUNCIL MEMBER DICKENS:  Thank you,

Madam Chair, and thank you, Senator, for coming

1

2  down to provide testimony and share your

3  recommendations on where you said that supposedly

4  would be able to improve the system.  I have just

5  a few short questions.  In any of the assembly

6  districts, 72$^{nd}$, 71$^{st}$, 70—any of them, any assembly

7  district and since you did say that under

8  testimony here that you are a district leader, do

9  the district leaders recommend and put in poll

10  applications for the workers that work in their

11  assembly districts?

12              SENATOR ESPAILLAT:  That's correct,

13  Council Member.

14              COUNCIL MEMBER DICKENS:  So then in

15  the 70$^{th}$ for instance as a district leader, I put

16  in - - 72$^{nd}$, it would be your poll inspectors at

17  least in your part or in other parts where you

18  work with the district leaders of other parts, you

19  would have a recommendation for the workers.  You

20  would know who the workers are so that it helps

21  the voters to vote.  I know that's how I do it.  I

22  put in those who, you know, have taken the class,

23  know the system and they're able to assist in

24  helping the people in my district to be able to

25  vote.  Do you do the same in the 72$^{nd}$?

2        SENATOR ESPAILLAT:  The district

3   leaders are entitled by party rule to make

4   nominations to nominate poll inspectors and

5   interpreters and in fact that did occur in the—

6        COUNCIL MEMBER DICKENS:

7   [Interposing] And coordinators.

8        SENATOR ESPAILLAT:  And

9   coordinators and clerks, poll site clerks.  In

10  fact, that did occur and the numbers that I read

11  in my testimony clearly show that a significant

12  number of the folks that regularly worked in those

13  poll sites did not work on the 26th and were

14  replaced by Board of Elections appointed

15  inspectors.

16        COUNCIL MEMBER DICKENS:  So you're

17  saying that the poll workers that you had put in

18  historically that on this election, the June 26th

19  election of this year, your poll inspectors were

20  not allowed to work.  Is that what your testimony

21  is?

22        SENATOR ESPAILLAT:  Not my poll

23  inspectors—

24        COUNCIL MEMBER DICKENS:

25  [Interposing] When I say yours I mean as a

1

2      district leader, you are able to put in.

3                    SENATOR ESPAILLAT:  There are four

4      district leaders in the 72$^{nd}$ and 70$^{th}$ district.  I'm

5      one of those four and what I'm saying is that the

6      inspectors that regularly worked in those poll

7      sites whose applications were submitted, a good

8      significant number of them--and I read some of the

9      statistics—did not work on the 26$^{th}$ and were

10     replaced by inspectors appointed by the Board of

11     Elections.  If you'd like—

12                    COUNCIL MEMBER DICKENS:

13     [Interposing] No, excuse me, Senator, and I'm

14     sorry.  I'm just doing this because I know my

15     Chair wants to move on.  I just want to—you can

16     really only testify to that to your part of the

17     72$^{nd}$ that you are the district leader of, so I'm

18     going to ask again, so your inspectors that you

19     historically signed—where you signed the bottom of

20     their application or your appointee from your

21     club, they were not allowed to work?

22                    SENATOR ESPAILLAT:  I will again

23     read some of the poll sites that are included in

24     that part, which is - - .  You asked me a precise

25     question, so I want to give you if you may, a

1

2     precise answer.  The poll site located on 185

3     Wadsworth Avenue—

4                     COUNCIL MEMBER DICKENS:

5     [Interposing] Is that in your site?

6                     SENATOR ESPAILLAT:  That's in my

7     part.  Yes.  You know, had one interpreter in 2012

8     and two interpreters in 2018 [phonetic].  It had

9     less poll workers appointed by democrats, district

10    leaders.  In 2008, we appointed eight and in 2012,

11    we appointed four.  I can go further—

12                    COUNCIL MEMBER DICKENS:

13    [Interposing] No, I read your testimony and I

14    listened to you.

15                    SENATOR ESPAILLAT:  This is not in

16    my testimony by the way.  This is an added report

17    that I have.

18                    COUNCIL MEMBER DICKENS:

19    [Interposing] Let me ask you then about you're

20    saying then.  The Board of Elections historically

21    when they make a change they send to the district

22    leaders a complete listing of who has been

23    assigned to a poll site and it gives the district

24    leader an opportunity to reject whoever they've

25    put in and you put in your own.  So are you saying

that the Board failed to send that to you?  - - ?

SENATOR ESPAILLAT:  I'm saying that

we contacted the Board of Elections and asked for

a meeting to review the appointments of poll

inspectors and whereas, the Board of Elections met

with one campaign.  They refused to meet with all

other four candidates.

COUNCIL MEMBER DICKENS:  Well, I'm

not talk about as a campaign.  I'm talking about

as a district leader.

SENATOR ESPAILLAT:  I said district

leader.  That's correct.  They failed to meet as a

district leader.

COUNCIL MEMBER DICKENS:  Because as

a district leader, I got my list from the Board

and there were people on there I didn't know, and

I didn't ask for a meeting.  I e-mailed them and

told them that these people can't work.  I don't

know who they are and they weren't put in by me,

and I put in my applications and that's who-- - -

I wasn't running for any campaign.  I was a

district leader, and seen to it that my

constituents had people from the community that

the community knew as a district leader, so I

didn't ask for a meeting.  I just e-mailed them

and said, "What are you doing?  Who are these

folks?"

SENATOR ESPAILLAT:  Obviously,

Council Member, they were a lot more generous to

you than they were to I.  Perhaps that is why we

are here today.

[crosstalk]

COUNCIL MEMBER DICKENS:  Did you

send the e-mail?  'Cause you just testified you

asked for a meeting.  I didn't ask for a meeting.

I did just what a district leader does every year

and that's review the list and send it in because

historically, the district leaders put in the poll

site workers, so when there is infractions, I

complain to my own poll workers and not to

somebody else's poll workers.  So alright, I'll go

on to the next question.  In the—under your

testimony and I was just reviewing this—I

apologize.  I was looking at this.  You were also

speaking about the number of affidavit ballots

that had to be utilized that was in inordinate

amount than say past prior years.

SENATOR ESPAILLAT:  [Interposing]

That's correct.

COUNCIL MEMBER DICKENS:  And so again, that goes back to the poll workers because in some instances the poll workers there was names in the book and they said they didn't find them and they gave them a paper ballot, et cetera or where as you indicated, they said, "Well, you're at the wrong table," and some people may have left and other people may have decided to go ahead and utilize the affidavit ballot, but when I see a lot of affidavit ballots, I look at my own inspectors, such as you as a district leader.  Now the last question I have is the issue about the June primary.  Are you going to also put in legislation that says state elections should also be of the same date as the federal elections and therefore, beginning next year, they would be in June?

SENATOR ESPAILLAT:  No, I believe that legislation has already been introduced.

COUNCIL MEMBER DICKENS:  Are you supporting that?

SENATOR ESPAILLAT:  I will have to consider that.

COUNCIL MEMBER DICKENS:  I'm sorry.

2    I didn't hear you.

3              SENATOR ESPAILLAT:  I will have to

4    consider that.  I will have to - - Co-Chair, Doug

5    Kellner, presented that as one of his

6    recommendations, and I will evaluate it, but thank

7    you, Council Member Dickens, for your questions

8    and now that the election is over, I think that we

9    are able to see things a little bit more clearly

10   and just to clarify some of your concerns, close

11   to 80% of those inspectors that were submitted by

12   district leaders in the 72$^{nd}$ Assembly District were

13   eventually rejected, were not placed to work on

14   Election Day on June 26.  That was concerning.  To

15   hear that the Board of Elections says that 9,000

16   affidavit ballots were registered in the entire

17   city and 3,000 of them a third of them, came from

18   that congressional district, that is additionally

19   concerning to me that a disproportionate number of

20   affidavit ballots are being registered just in one

21   small portion of the city is concerning to me as

22   well, but more concerning than that is the high

23   percentage of those affidavit ballots that were

24   invalidated.  I think our job here is to ensure

25   that every vote counts and that every voter that

goes to vote gets a fair shot at expressing his or her willingness as to who should represent—

COUNCIL MEMBER DICKENS: [Interposing] Well, thank you, Senator.

SENATOR ESPAILLAT:  And I thank you for the opportunity to testify.

COUNCIL MEMBER DICKENS:  Thank you so much and one correction, not just every vote is counted.  Every legal vote under the law of the state of New York is counted.  There is a difference.  Thank you.

CHAIRPERSON BREWER:  Senator, thank you, and I look forward to working with you on the affidavit ballot issue--

SENATOR ESPAILLAT:  [Interposing] Thank you so much, Council Member.

CHAIRPERSON BREWER:  --I would love to get your input on that.

SENATOR ESPAILLAT:  Thank you.

CHAIRPERSON BREWER:  Thank you very much.  Assembly Member Kavanagh.  While he is coming up, I just want to indicate that we received testimony—

[applause]

1

2        CHAIRPERSON BREWER:   Excuse me.

3   Excuse me.   I received testimony from Joan

4   Millman, who is a member of the Assembly for the

5   52$^{nd}$ Assembly District, will be entered into the

6   record, but generally what she stated is that she

7   is the former chair of the Assembly standing

8   committee on election law, and she wanted to talk

9   about a couple of bills.   One is a bill that

10  passed.   It was signed into law in 2010.   It

11  permits certain students enrolled in school with

12  their parents' consent to serve as election

13  inspectors or poll clerks, and she talks about the

14  need because there is such a shortage.   The second

15  bill was signed into law in 2010.   This

16  legislation authorized Board of Election to

17  employee election inspectors to work half day

18  shifts and the federal help America vote act to

19  have an - - required that local board of election

20  have flexibility and she talks about the

21  importance of that law, and she wants the New York

22  City Board of Elections to start utilizing these

23  two pieces of legislation.   Thank you very much,

24  and we look forward to the testimony from Assembly

25  Member Kavanagh.

1

2    ASSEMBLY MEMBER KAVANAGH:    Thank

3    you, Council Member Gale Brewer and Council Member

4    Rodriguez and other members of the Committee, who

5    may be watching from other locations.    For the

6    record, I am Brian Kavanagh.    I represent the 74th

7    Assembly District on the east side of Manhattan.

8    I'm a member of the Assembly Committee on Election

9    Law and I also chair the Assembly's Subcommittee

10    on Election Day Operations and Voter

11    Disenfranchisement, which gives me the second

12    longest title in all of the state legislature.

13    First I want to thank you all for the opportunity

14    to testify today and for your attention and

15    oversight over the important details of election

16    procedures and for your dedication to making

17    elections in New York run more effectively.    I'd

18    particularly like to acknowledge and thank you for

19    your approval earlier this year of Council

20    Resolution 1343 in support of my bill, the

21    election night poll site procedure act of 2012.

22    Your support was a valuable contribution that

23    helped us pass the bill in the Assembly and gain

24    bipartisan support in the Senate.    As I'll discuss

25    in a minute, I believe that it is still critical

that we enact this bill into law, and I am

optimistic that with your continued support and

that of the many advocates for fair and effective

election procedures, who have joined us in

advocating for the bill, will be able to do so.

I know today's hearing is intended

to cover a wide range of issues related to the

performance of the New York City Board of

Elections and the June 26th congressional primary

and assessing their readiness for the upcoming

September 13th state primary.  I'd be happy to

share my perspective on any of the issues you are

considering today, but my prepared testimony is

focused mostly on the procedures for closing poll

sites and reporting unofficial results.

In reviewing the closing procedures

and how they worked on June 26th and in recent

elections - - important to focus on two key facts.

First, the problems with producing the unofficial

election night results required by law have

existed for many years.  They do not originate

with the elimination of levered voting machines

and the introduction of optical scanners and paper

ballots.  There have been significant inaccuracies

in the hand tallied [phonetic] election results

for years, long before the new machines were

introduced.  If anything, the introduction of new

voting machines with their capacity to produce

election night results electronically should have

allowed us to address this longstanding problem

rather than exacerbating it.  Second, it's

important to recognize that the extent to which

the Board's interpretation of the election law has

hampered the Board's effectiveness in this area.

For a long time, the Board has interpreted the law

in a manner that has prevented the use of portable

memory devices, the PMDs, two of which are

included in each ballot scanner, for producing the

unofficial election night results.  As you

probably know virtually every other jurisdiction

has adopted procedures that allow the PMDs to be

used for this purpose.  I commend the Board for

resolving on July 17th to adopt new election night

procedures that will permit the use of the PMDs to

obtain more accurate and hopefully, faster

unofficial election night results.  Had these

procedures been in place on June 26th, it's likely

that the unofficial results in the 13th

Congressional District and elsewhere would have

been far more accurate.  The Board's new

procedures represent a major step forward for the

Board.  They represent a fundamental conceptual

change, the acknowledgement that the electronic

data is the most reliable source and that it is

permissible and feasible to use this data to

produce the results under current law.

Notwithstanding the step forward, it should be

emphasized that the new procedure is at best an

imperfect approach and an interim measure as the

Board has acknowledged.  I'm concerned that the

Board is not yet fully embracing the potential

benefits of the availability of the electronic

data or the most efficient approach to using it,

but one of the benefits from using the electronic

results ought to be that the Board need not create

results for each election district manually.  Now

that the members of the Board have agreed to use

the PMDs to provide the unofficial results, they

should also consider eliminating the manual

process of creating and ED by ED tally of votes.

This could be accomplished by adopting something

called the consolidated return of canvass that

would not require ED by ED tallies and would

eliminate the now infamous process of cutting the

results tapes into multiple pieces and much of the

arithmetic that is now done by hand by often

bleary-eyed poll workers and the manual data entry

by police officers.  Another way that the new

procedures did not fully capitalize on the

benefits of new technology results from the

decision to spread the process over 75 separate

police precincts throughout the city.  This

requires police and staff of the Board of

Elections at each of the 75 precincts, although

not in Central Park as Council Member Brewer

noted, and also requires the Board to purchased

150 laptops with expensive licensed software on

each of them just to upload unofficial results.

This is a very expensive way to accomplish the

task.  It would be much less expensive if PMDs

were taken to fewer central locations and probably

easier to staff and control quality.  I know the

Board has put this process together in a short

time and that negotiations with the police

department, transportation issues and many other

factors played into the decision to do this work

1

2    at the precinct level, but a longer term, more

3    effective and more efficient system would probably

4    involve fewer and more centralized locations.  I

5    would also note that the continued uncertainty

6    about this process, the role of the police

7    department versus the Board and other issues mean

8    that there is still a very strong need for

9    legislation to clarify and modernize the law in

10   this area.  It is vital that the State Senate pass

11   the election night procedure act, which the

12   Assembly already passed as I noted.  The bill

13   which the Board resolved to support on the 19th is

14   sponsored in the State Senate by Senator Marty

15   Golden.  It would streamline and clarify the

16   election night procedures to be used in New York

17   City, remove any ambiguity about the use of PMDs

18   for unofficial results and the permissibility of

19   consolidated canvas rather than the cut and paste

20   procedures, and it streamlined the procedure for

21   reporting results to the press and the public.

22               Aside from modernizing election

23   procedures for New York City elections, I want to

24   mention a few other issues briefly.  One issue

25   which this Committee has also held hearings on is

the usability of the ballots themselves.  It's

absolutely imperative that we present voters with

ballots that are clear and readable.  As has been

well reported, the ballots used currently in New

York City are confusing and often use a font so

small that even voters with healthy eyesight must

squint to read it or use a magnifying glass.  To

address this, I introduced the voter friendly

ballot act, a bill which would simplify ballot

instructions, implement an easier to read design

including larger fonts.  The bill passed the

Assembly and has been the subject of ongoing

negotiations and discussions with the governor's

office and the Senate.  I hope this Committee will

continue to work on this issue and support reform.

A final issue I want to mention is the need for

proper notification of voters about upcoming

elections.  With all the changes that are taking

place this year and next, particularly

redistricting, but also the separation of the

federal and state primaries to different dates, I

believe that some of the confusion voters

experienced in June resulted from inadequate and

unclear notice to voters about these critical

matters and notices that have already gone out

regarding the fall elections are unclear about who

is supposed to vote in primaries and changes in

districts and poll sites, and I'm happy to discuss

that further if you're interested.

In conclusion, I want to note that

although the City Board has principal

responsibility for administering effective and

fair elections and for producing results.  The

rest of us have an ongoing responsibility for

overseeing elections and particularly for ensuring

that they are adequately funded.  I look forward

to continuing to work with the Board and all of

you to achieve this.  Thanks again for the

opportunity to testify today and I'm happy to

answer any questions you may have.

CHAIRPERSON BREWER:  Well, first of

all thank you for all of your brilliant assessment

and introductions on this issue 'cause hopefully

they will all pass, and we'll certainly work with

you.  Earlier Steve Richman as you heard discussed

the tallying by election district that it is

necessary for ballot accountability, and I'm just

wondering if you could comment on that.  I think

1

2      we asked a somewhat similar question of Doug

3      Kellner.

4                    ASSEMBLY MEMBER KAVANAGH:    Yeah, I

5      believe that again, Steve and the Board's

6      interpretation of the law so far has concluded

7      that the only official result must come from—the

8      only unofficial election night result must come

9      from a paper tally.  I believe the decision they

10     made in July to use the PMD data should allow them

11     also to avoid ED by ED results of the ballots, so

12     there are some, as Steve testified, there are some

13     important pieces of data that ought to be counted

14     at the poll site manually; the number of ballots

15     issued, the number of spoiled ballots, the number

16     of emergency ballots and affidavit ballots that

17     were issued.  The machines don't count that.  None

18     of those ballots actually touch the machine, so

19     the machine doesn't know how many of those things.

20     Those counts should be made.  They need to be made

21     manually, but what Steve and the Board as I

22     understand it are proposing to continue to do is

23     to try to reconcile the number of ballots that

24     were fed into the machines with those paper

25     numbers and that is the thing that requires the

tapes of the machines to be cut into small pieces and redistributed.  I do not believe that if the process of producing the election night result is being done offsite already with the PMDs that it is necessary to go through such an elaborate process, and I would encourage the Board to avoid doing that, if possible.

CHAIRPERSON BREWER:  Council Member Jackson?

COUNCIL MEMBER JACKSON:  Thanks, Brian for coming and doing what you're doing to help clear this up for all of us, but what I heard the Board of Election people say was that they're going to move to these portable memory devices, but since they're moving in that direction, they need to have the backup in place for at least the first round to see if it works, and are you basically saying that should not occur or that it should occur?  Because I'm getting the impression that you feel that they should skip that and I don't see how they can skip it if in fact it has not been proven electronically to work yet.

ASSEMBLY MEMBER KAVANAGH:  I believe that it would be—I think that the

1

2       principal thing that should occur is that the

3       results should be produced as quickly and as

4       accurately as possible by the PMDs, but given the

5       resource constraints of the Board in order to do

6       that they are going to have multiple Board of

7       Election officials, at least two at every precinct

8       in the evening, means 150 Board staff that are not

9       in jobs that are currently being done.  The effort

10      that goes on at every poll site in the city to

11      manually figure out how many votes were cast is an

12      enormous effort, and I think unnecessary because

13      if you think about what they are trying to do,

14      they are trying to recreate what that machine has

15      already counted.

16                      COUNCIL MEMBER JACKSON:  - - /

17                      ASSEMBLY MEMBER KAVANAGH:  They are

18      trying to manually come up with that.  Now I

19      acknowledge what somebody said that perhaps a PMD

20      will be misplaced in transit to a precinct.

21      Perhaps it will take longer to get there, and that

22      will be a gap in those unofficial results, but

23      every jurisdiction in America that we know of is

24      using the PMDs to produce results directly and not

25      producing a manual backup, so I do not believe

1

2    that it is necessary.

3                    COUNCIL MEMBER JACKSON:   Yeah, but

4    what I heard them say is that in this transition

5    to that they are going to do the backup.  Now

6    probably the next year after, they will not do the

7    backup if it works well, and I also heard that if

8    in fact like in other municipalities if they had

9    one scanner for each ED, it would be so much

10   easier because the accountability is specifically

11   for that particular ED.

12                    [crosstalk]

13                    ASSEMBLY MEMBER KAVANAGH:   A

14   scanner per ED would be a very substantial

15   increase in the budget.  Another option is to make

16   EDs larger, which would involve some complicated

17   considerations - - .

18                    COUNCIL MEMBER JACKSON:

19   [Interposing] - - you guys - - pass the law into

20   that.

21                    ASSEMBLY MEMBER KAVANAGH:   We do

22   indeed, and I of course on many of these issues

23   have bills, but I just want to emphasize what they

24   are proposing to do is basically you have a

25   machine that with a high degree of reliability

counts ballots electronically.  What they're

proposing to do is have that machine in addition

to taking an electronic version of that and

bringing it to a central location and downloading

and reporting what's actually on the machine.

What they're proposing to do is create paper

records of that, chop them into pieces, transcribe

those numbers by hand onto another piece of paper,

add them up by hand, bring them to the same police

precinct where the PMD is going and then have a

police officer read that piece of paper and type

the numbers into another machine, and then submit

it and the odds that like to say that out is a

backup for the electronic system, it would be a

backup if the PMD just ceased to exist somehow,

but there is no reason to think that that number—

that number virtually can't be more accurate than

what's on the PMD.

COUNCIL MEMBER JACKSON:  I would

agree - - .

[crosstalk]

COUNCIL MEMBER JACKSON:  --would

agree with you on that, but you're damned if you

do, you're damned if you don't because if they

went to the electronic stuff and something

happened, what you didn't have a backup system in

place?

ASSEMBLY MEMBER KAVANAGH:  If they

lose the—

COUNCIL MEMBER JACKSON:

[Interposing] Look, come on.

ASSEMBLY MEMBER KAVANAGH:  Just to

be clear there are two PMDs.  One of them will

remain in the machine.  There is a big stack of

ballots that will also remain in the machines and

there's a paper tape, which is also a backup.

It's just that the arithmetic that is currently

being done will not be done at the poll site on

election night, and there is simply no reason to

think that that backup is necessary or sufficient.

COUNCIL MEMBER JACKSON:  Let's move

legislation to make it more simpler then.

ASSEMBLY MEMBER KAVANAGH:  Believe

me, I have been working on it.

CHAIRPERSON BREWER:  I agree with

you, Mr. Kavanagh.  Ballot fonts.  My

understanding I know you're working on this issue.

Your bill is incredibly sensible, but I don't know

if it's going to pass between September and

November of this year and we could end up I guess

in Manhattan with a 7.5 font, which is pretty

small, and I'm just wondering if you have any

other suggestions, interim measures on our

ballots' font size.

ASSEMBLY MEMBER KAVANAGH:  Yeah,

the bill is intended—some of the problems with

ballot design result from mandates in the election

law that are insensible [phonetic] and the bill

eliminates lots of those.  There is a very long

paragraph word by word of instructions that must

appear on every ballot, which are useless for most

voters and can be simplified and the bill does

that.  The bill also encourages the Board to do

various things that would streamline ballot

design.  Some of those things are discretionary

and could be done by localities.  The biggest

issue in New York City that makes our ballot

design distinct from other places is the

insistence by the New York City Board that each

ballot must contain all languages and most people

in the state believe that a simpler system is to

have ballots that are English plus one other

1

2    language and just make sure that the relevant

3    ballots with the relevant languages are available

4    at each poll site.  A ballot with two languages

5    rather than five is by definition easier to use,

6    and then also by the way, goes to the issue of

7    notices and other documents that are sent to

8    voters, so the current notice that is going out

9    has the words "your poll site is" in five

10   different languages and then your poll site, which

11   for many voters whatever their language connecting

12   one of those five phrases to the language below it

13   that is the actual address of the poll site is

14   challenging and all of the insistence that every

15   single document must be readable by virtually

16   anybody in the city is probably not sensible and

17   does create a significant and New York City

18   specific design challenge, which the Board could

19   change unilaterally.

20            CHAIRPERSON BREWER:  Okay.  To me,

21   I think the font issue you have some really

22   brilliant suggestions and I wish we could do some

23   of them even for September and November because I

24   can imagine the complaints that are going come in

25   when people see 7.5.

1

2          ASSEMBLY MEMBER KAVANAGH:   Those

3   ballots are going to be a little frightening, and—

4          CHAIRPERSON BREWER:   [Interposing]

5   And they're going to be complaining, so - - don't

6   have really explanation because they won't know

7   the discussion that we're having here now.

8          ASSEMBLY MEMBER KAVANAGH:   Right,

9   but the City Board could do some of those things

10  unilaterally.

11         CHAIRPERSON BREWER:   Okay.  Thank

12  you very much.  Unless there are any other

13  questions, I really appreciate your testimony and

14  all of your hard word.  Thank you.

15         ASSEMBLY MEMBER KAVANAGH:   Thank

16  you.

17         CHAIRPERSON BREWER:   The next panel

18  is Art Chang, who is with the Voter Assistance

19  Advisory Committee; Susan Lerner, Common Cause New

20  York, and Alex Camarda from Citizens Union.  I

21  want to thank everyone for their patience and let

22  you know that we're getting—I can't necessarily do

23  that, but in my - - computer people are sending

24  questions because they're watching webcasting, but

25  ironically the federal government where I have

some friends who work, they're illegally watching

this while they're working on the federal

government, but the federal government is blocking

our webcast.  I just want you to know.  Oh, also,

Election Protection, is Andrew Schickler here?

You're welcome to come up and join us.  Whomever

would like to start.  Andrew, come up whenever you

want.  Mr. Chang?

ART CHANG:  So nice to see you.

Thank you for conducting this hearing.  Chair

Brewer and members of the Committee, I am Art

Chang, chair of the New York City Campaign Finance

Board's Voter Assistance Advisory Committee, and

I'm joined today in the audience by Amy Loprest,

who is the executive director of the CFB.  I last

appeared in front of this Committee before the

June 26th elections and spoke in support of a

change to the law that would improve the way we

count votes on election night, making common sense

use of the technology we currently possess.  Quick

and accurate reporting of the preliminary election

results would provide a level of transparency and

comfort that is critical for a relatively new

voting system that still confounds many New

Yorkers.   Unfortunately, the June primaries showed

us what can happen when the initial reporting for

election results is neither quick nor accurate.

In Congressional District 13, the Byzantine

papers, scissors and pencil process used to tally

our machines' scanned votes led to days of

confusion.  Without timely or reliable information

available, partisans filled the vacuum with

speculation.  The confusion led to weeks of

accusations, court filings and press conferences

before the final official hand count was

concluded.  The problem was not limited in scope

to this single election.  Other districts with

elections that were not nearly as competitive saw

similar disparities between the election night

tallies and the official count of the votes cast

on Election Day.  Along with public officials and

good government advocates in July we wrote to the

Board of Elections to urge that they cast aside

the illogical six step process responsible for

these flawed counts.  To its credit, the Board

recognized a problem.  They identified changes to

their process that do not require a change to the

law and they have designed a solution that uses

the flash drives from the ballot scanning machines

to compile the initial count.  We commend them for

it.  We are hopeful the new process will provide

results that are delivered in a more accurate and

efficient manner.  Providing a timely and reliable

count however is only one of several systemic

changes—I lost my place here.  Providing a timely

and reliable count however is one of several

systemic challenges facing our election system.

This solution should not prevent the Board from

reviewing its operations thoroughly as it prepares

for elections this fall.  The overarching

fundamental problem remains to be addressed.  Most

New Yorkers aren't voting and problems under

government's control are compounding the basic

problem.  Collectively turnout among registered

voters in the June primaries was below 10%.  Just

4% of registered Republicans in New York City

voted in the primary for U.S.  Senate.  Even in

the most publicized and highly contested race

among the Democratic congressional primaries

turnout was a mere 15%.  The structural challenges

are clear.  The primaries in June happened for the

first time in 40 years, and if 85% of registered

voters are ignoring even the most compelling

elections, we simply need to be working harder to

engage New Yorkers in civic life, and technology

can and should play a greater role.  We should

amend the law, so that New Yorkers can register to

vote and update their voter information online.

States with online voter registration have brought

more voters, especially young adults onto the

rolls.   If voters can update their information

online, New Yorkers who change addresses can

continue to receive information they need to stay

engaged.  A study conducted for the CFB by

students at NYU's Wagner School of Public Service

found that residential mobility was a key factor

keeping New Yorkers from voting.  Many New Yorkers

want to be active participants in their

communities.  They are seeking information about

elections, but don't know where to turn.  When

good information is not readily available, bad

information can fill the void.  At our meeting of

the Voter Assistance Advisory Committee earlier

this week, we learned about misinformation

circulating via social media and through church

bulletins telling New Yorkers that they need to

re-register if they haven't voted since 2008.  We

know this is untrue and we are working with our

partners to counter this message.  Voters can

check their registration status through an online

- - lookup tool provided by the State Board of

Elections.  We've posted the link to this simple

tool on our Twitter feed at New York City Votes,

our Facebook page, and on our website.  We hope

you will help us spread this message.  We will

also continue to seek to develop new channels of

information for New Yorkers to receive official,

non-partisan information about the political

process.  Our voter assistance staff and summer

interns are out every day in communities across

the five boroughs registering new voters at events

of all kinds.  They are collecting voter pledge

cards from New Yorkers with a promise to contact

them with reminders about election dates.  We are

working with Code for Change, a program started by

NYU's Wagner School of Public Service to develop

online immobile tools that will help provide more

New Yorkers with authoritative information about

the political process at their fingertips,

including comprehensive information about the

1

2   elections and the candidates seeking their votes.

3   We know that more can be done.  We stand ready to

4   work with the Council, the Board of Elections, and

5   anyone who is interested in ensuring New Yorkers

6   stay informed and involved as this fall's election

7   is growing near.  Thank you for the opportunity to

8   testify.

9                   CHAIRPERSON BREWER:  Thank you very

10  much.  Next?  Andrew come up.

11                  ALEX CAMARDA:  Good afternoon,

12  Chair Brewer and members of the Council

13  Governmental Operations Committee.  My name is

14  Alex Camarda.  I'm the director for public policy

15  and advocacy for Citizens Union of the City of New

16  York.  Citizens Union is an independent non-

17  partisan, civic organization of New Yorkers, who

18  promote good government and advance political

19  reform in our city and state.  Thank you for

20  holding this hearing today on the administration

21  of the June 26$^{th}$ congressional primary and on

22  preparedness for the upcoming fall elections.  I'm

23  going to jump around in my testimony a bit just

24  for matters of time and to not repeat things that

25  have already been said—

2    CHAIRPERSON BREWER: [Interposing]

3    Thank you.

4    ANDREW CAMARDA: With regard to the

5    primary day performance, I think it's been well

6    established that there were issues with the

7    reporting of the unofficial election results. I

8    provided some data here that I think is

9    instructive in showing kind of how the results

10   were reported over a series of days. The night of

11   the election—this is for the 13th Congressional

12   District where many of the problems occurred—

13   Rangel was reported to have defeated Espaillat by

14   20 percentage points on the night of the election,

15   which caused Espaillat to concede and Rangel to

16   declare himself the victor. On Wednesday

17   afternoon the day after the election, this is with

18   100% of the precincts reporting results, the Board

19   indicated that Rangel had the lead by over 2300

20   voters, 45% to 39.1%. In subsequent days, the

21   margin of victory narrowed to as little as 802

22   voters or 1.96% and the margin of victory was

23   ultimately determined to be 990 votes. I think it

24   would be instructive going forward for whatever

25   process the Board ultimately uses to explain to

the public from the night of the election and the

days that follow the manner in which they report

these unofficial results to the point where they

get to be final because I think there is confusion

that a) they're preliminary and then why there are

these shifts that occur.  And as Dawn Sandow

highlighted in her testimony, this is something

that has been an ongoing issue I believe before

this body.  In 2010, it was reported that there

was a 17% discrepancy between the total votes that

were reported on election night and then

ultimately the certified results and that

accounted for a difference of 195,055 more votes

reported on election night than were ultimately

reported.  As far as the new proposal that has

been put forth, I do want to just highlight some

of the work that we did in order to try and make

this happen.  It really began as Assembly Member

Brian Kavanagh pointed out with his bill that he

worked on during the legislative session that we

made a hard push for the bill to pass in June.

Unfortunately, it only passed the assembly and not

the state senate and when the session ended, we

really were trying to look for a way to make it

happen administratively for the fall elections and

so, we went to the State Board, which the City

Board had previously sought a legal opinion on the

sections of law that were talked about earlier.

We asked them if they would be receptive to

providing that opinion.  It seemed as if they were

if the Board asked for it.  We then asked the City

Board at just the July 10<sup>th</sup> meeting of

commissioners to put forth that request.  They did

so and I think that helped to facilitate getting

the legal opinion that cleared the way for the new

process to go forward in addition to much work

done by the Board's own councils and others who

advocated for this cause dating back months, even

years.  As far as the plan itself that the Board

put forward today in greater detail, two

improvements that we would recommend we think

whether it's done for September or November

ultimately there should be a consolidated return

of canvass for all the reasons that Doug Kellner

laid out, and if there is much like the approach

to the reporting of the unofficial results, if

there is a legal justification that enables this

to go forward and it seems like the common sense

1

2    approach we would urge that the City Board adopt

3    that.  With regard to the actual plan that was

4    laid out today, we think the concerns we had were

5    just with the number of handoffs.  I counted six

6    different handoffs that I laid out in my testimony

7    between either members of the Board, staff to each

8    other or members of the Board staff to the police

9    or from the police to different police officers

10   and that includes electronic and physical

11   handoffs, and to the extent those can be

12   minimized, I think that would be beneficial.  I

13   will say that with only a few weeks to go and the

14   Board obviously receiving many suggestions today I

15   do think that we all have to acknowledge that

16   there's little time left.  They should do what

17   they can do that makes sense within the general

18   construct of their plan and really look at this

19   again after the September primary.  I think there

20   is a danger in trying to incorporate too much

21   feedback and doing it more at the last minute and

22   not thinking through everything and actually

23   making it worse than it may be.

24              Beyond the reporting of unofficial

25   election results, we did want to take the

opportunity to highlight some issues that are

perennial issues that need to be addressed that

are not necessarily tied to this election, but

could be issues in the fall elections.  First is

the recruiting of qualified and proficient poll

workers, which has come up multiple times today.

We have worked with Council Member Lappin on a

bill that's Intro number 721, which would allow

for a kind of systemized recruitment program that

would enable the City Board to better utilize poll

workers from our city agencies where there are

shortages from those provided by the district

leaders.  That bill has 24 co-sponsors.  We have

14 different organizations that have sent memos of

support for it.  It's based to some degree on our

own experience running a poll worker recruitment

program between 2001 and 2008 and so we urge the

Council to hold a hearing on that.  I would also

add and I want to take the opportunity here to

commend Council Member Dickens.  The district

leaders provide roughly—and the numbers were in

the Board's testimony today—it seems like about

45% of the total poll workers.  This is their

chief responsibility under the law and the Board

has the data as to which district leaders are

actually providing poll workers.  I mean I think

if it can be done in a discreet way by the Council

to share that information with the district

leaders and encourage them to be as proactive as

Council Member Dickens has been, I think that

would go a long way toward alleviating many of the

problems that we have heard about.  I can't speak

to the problems of district leaders appointing

people and them being placed or not.  I don't know

enough about that topic, but I think if the

district leaders really took this on as something

that they could own and improve upon and share

best practices, even if a hearing was done, I

think that would go a long way toward helping the

Board because we need to acknowledge that

recruiting 35,000 workers in what is really a

temporary one day job or a couple days job is a

monumental task, and those of you who worked on

campaigns know how hard that is.  So I think that

is something that we can help them with.  With

regard to voter participation, this hasn't been

talked about much today, but the turnout in the

September 2010 primary was 12% of registered

1

2  voters.  It's been on a decades long decline,

3  voter turnout in general and we really need to do

4  something to as much as we can given the city's

5  limited authority to improve upon this.  The Board

6  mentioned today their efforts to provide a mobile

7  app that could be downloaded.  The redesign of

8  their website will apparently incorporate an

9  opportunity for residents to provide an e-mail

10  address and be notified not only of updates for

11  election day, but last day to register, last day

12  to get an absentee ballot and so forth and that

13  proposal comes from as the Board mentioned

14  something that we have worked on with Council

15  Member Dickens, a bill, Intro 613 which actually

16  now has 41 co-sponsors, and whether it's done

17  administratively or through the passage of

18  legislation, we just would like to see it go

19  forward and we think if the Board is able to do

20  this—I don't know if they can without a change to

21  the state law, I believe it's not needed—to

22  include on the registration form, a space to

23  provide one's e-mail address that would help them

24  accumulate e-mail addresses and notify people of

25  these deadlines.  In addition, we think the

Campaign Finance Board should expand its voter

guide to not only put out a voter guide during

years of city elections, but also for the state to

improve voter awareness and turnout.  Another

issue that I think really needs to be looked at is

the issue of agency based registration.  You can

see this in the Board's 2011 annual report, but

they gave out almost 150,000 voter registration

forms to different agencies in the city, some

pursuant to federal law, some to local law.

According to their records—and this has been

consistent about two years that I've looked—they

received 2300 forms back, which is very, very low

considering you're talking about 19 different

agencies alone that are subject to this city's

pro-voter law.  So I think those numbers should be

able to come up.  I don't know to what extent the

agencies are really robustly implanting [phonetic]

this law, but it's something that should be looked

at.  Another area I would highlight again from the

Board's annual report is that 17 year olds are

able to pre-register to vote in the city.  There

is actually a law on the books passed by this

Council that requires that graduating seniors from

high school be given registration forms at the

same time and in the same form, same manner when

they graduate, so essentially graduation

ceremonies, many of which are attended by elected

officials.  The Board reported receiving 11 actual

preregistrations for all 17 year olds in the city

in 2011, so that number is obviously extremely low

and that would be a way to get young people

involved and I encourage all of the Council

Members to go to graduations to ask the principals

at the schools if they are actually passing out

registration forms.  I think hearings can be done

on this topic by the Council and we could bring

the agencies forth and ask exactly what they are

doing and see which ones are producing the most

registration forms and why.  So with that, I'll

conclude and welcome any questions you may have.

CHAIRPERSON BREWER:  Thank you very

much.  Next.

SUSAN LERNER:  Hi.  I'm Susan

Lerner.  I'm the executive director of Common

Cause New York, and thank you for the opportunity

to speak.  I am going to highlight two areas that

are in my written testimony and not repeat my—

CHAIRPERSON BREWER:  [Interposing]
Thank you.

SUSAN LERNER:  --written testimony,
and I'm also not going to talk about the closing
procedures I think that has been discussed.  We
subscribe to the concerns, but I would like to
focus on a situation that was surprising to us on
the June primary, and that is the fact how
difficult it was—and it's been alluded to, but we
had a specific concern—how difficult it was for
voters to find their polling place and to
determine whether or not their district was
holding a primary on that day.  And we were aware
of the problem.  We were aware that the Board had
said that given the timeframe they weren't sure if
they were going to be able to update their online
poll locater and indeed, they were unable to.  We
started to receive calls on June 26th from people
who were confused and angry that they were unable
to figure out where their current polling place
was and whether they had a primary.  So we went to
the website to see what information we could find
if we were an ordinary voter and we found was
really surprising 'cause what we found on the

Board's website was a notice which said, because

of time constraints—or whatever the language was—

this may not be updated by June 26$^{th}$, so call your

local Board of Election.  It's not even the voter

hotline that people were directed to, so we took

it upon ourselves to play the role of an average

voter and we called four out of the five county

Boards of Elections.  There are few changes in

Richmond County, so we weren't as concerned about

that, and we got very variable results on this

admittedly unscientific test to see what we would

find out.  In one county basically—first we found

that everybody who answered the phone at the

county Board of Elections were surprised to get

the questions, so they hadn't been informed by

central staff that the website was going to tell

people to call, and in one instance, we just got

moved into voicemail and couldn't get ourselves

out of voicemail—that was Brooklyn.  In Queens, we

ultimately were referred to the correct person and

after explaining a few times what it was we were

looking for, we were actually given accurate

information.  Unfortunately in the Bronx once we

finally located the right person to give us the

information, they gave us misinformation and

Manhattan was an easier time of it.  They knew

what we were calling about and they gave us

accurate information.  So while we were very

pleased to hear that the Board is upgrading its

website and is going to have apps and other ways

of communicating, what we saw on June 26<sup>th</sup> that

gave us pause was we fault indicative of a lack of

sensitivity to the need to provide real customer

service and that is a persistent problem we feel

with the Board.  They feel under siege.  They

feeling they're doing as good as they can and they

are doing a good job in many different areas, but

there isn't a sensitivity and a receptiveness to

the public and the public's need for information.

The second that concern us is the fact that if

things continue on the way they are when we hit

the November election, we will have passed the

second year anniversary of the resignation of the

last executive director of the Board.  And it's

really an indication of what a lot of people have

talked about, which is the political stranglehold

on our election administration and this is, I

think, a very clearly manifestation where good

government groups, ours and others have urged the

Board to conduct a national search for a capable

election administrator.  There has been a refusal

to do that.  There is a restriction basically that

the person who fills that position should be a New

Yorker with the right political credentials and

that seems to be the dominant job criteria.  It's

one of the reasons why we feel the Board has not

kept up with the public demands and the demands of

the technological switchover is because there is

not an attitude that there should be a

professionally administered election in this Board

of Elections and in our entire election system.

And of the things that I would echo is what—one

area I'd like to repeat is that several of the

earlier testifiers have said we need a wholesale

revision of our election law.  The Board is right

that in some ways there are archaic things in

election law.  The Board's insistence on

interpreting them in the most backwards way

possible doesn't help, but a lot of what we see is

in the law and we believe at Common Cause that

there should be a wholesale examination of our

election code.  It needs to be brought up to the

1

2    21st Century.  It needs to deal with the equipment

3    choices, which were made an taxpayer money spent

4    for and one large omnibus revision, tackling some

5    of the political problems as well as the

6    administrative problems and making

7    recommendations, which would bring our election

8    administration and our law into the 21st century

9    and we hope that the city would consider making

10   such a recommendation to the legislature and to

11   the governor.

12                CHAIRPERSON BREWER:  Thank you.

13   Next?  Push the button.  Push the button.

14                ANDREW SCHICKLER:  Hi, my name is

15   Andrew Schickler.  I'm here on behalf of Election

16   Protection, which is the nation's largest

17   nonpartisan voter protection coalition is led by

18   the Lawyers' Committee for Civil Rights under law.

19   We are very happy to join today and while we know

20   this hearing was especially prompted by the vote

21   counting issues that arose during the late June

22   primary, we hope you'll understand if we take this

23   opportunity to address a few other issues

24   concerning preparedness based on our experiences

25   particularly in the 2008 and 2010 elections.  To

1

2   that end, while we've submitted written testimony,

3   I'll just cover a few highlights from that

4   testimony in the interest of time.

5                      As an initial matter, while the

6   2008 and 2010 New York City elections were in many

7   ways a success, which is a credit to the city and

8   to all involved in election administration and

9   oversight, including this Council, we do not

10  believe that anyone would contend that those

11  elections were problem free.  In fact in both 2008

12  and 2010, our coalition received hundreds of calls

13  from New York City voters concerning among other

14  things registered voter names not appearing on

15  official registration lists, uncertainty about

16  where to vote, voting equipment breakdowns,

17  absentee ballots requested but not received,

18  confusion over voter identification requirements

19  and in 2010, issues with the new voting machines.

20  Additionally, we received reports of voters being

21  sent to incorrect locations by poll workers,

22  polling places opening up to 90 minutes late, poll

23  worker confusion of the use of emergency ballots

24  and missing registration books.  As a result, we

25  believe there are a number of steps this Council

can take to further election preparedness.  We

offer these recommendations while fully aware that

the Council has focused for years on voting issues

and is committed to contributing to smooth voting

process.  First we would urge that the Council

support steps such as the pending proposal of the

New York City Board of Elections versus - -

increase in funding for the training and hiring of

poll workers.  Second, we believe that

registration could be increased and improved if

the Council and other government bodies would

support automatic voter registration and the

updating of registration information with the

voter's consent when voters interact with

government agencies.  Third, while we recognize

this bill will not impact the upcoming election,

we would also recommend as has been previously

discussed this Committee and this City Council

continue working to pass Intro 613, which would

require the New York City Campaign Finance Board

to provide e-mail notifications regarding upcoming

dates related to voting.  Fourth, while Election

Protection has received few reports of deceptive

election practices and voter intimidation in New

York, we know from our broader experiences across

the country that such practices are increasingly

prevalent. We would recommend that the Council

and the Board of Elections work with the New York

attorney general and encourage investigation of

credible claims concerning deception and where

practical be sure that accurate information is

disseminated to counter such deception. And

finally, we believe that this Committee in the

City Council should join the Campaign Finance

Board's recent call for greater use of social

media to promote registration and distribute

voting information by passing resolutions

providing for such promotion as well as

advertising on - - TV. Although there will never

be an election day without difficulties and

hurdles, we believe that these and other things

can be done to improve access to the electoral

system for all eligible voters and to ease the

burden places on the Board of Elections. Thank

you very much, and I'd be happy to answer any

questions you have.

CHAIRPERSON BREWER: Thank you very

much. I have one question for Art Chang regarding

1

2 CFB.  I didn't know—we heard a suggestion that the

3 CFB mailings include all elections.  I didn't know

4 if either CFB or - - is supportive of that.

5                     ART CHANG:  I'm actually going to

6 refer the question to the Director, Amy Loprest.

7                     AMY LOPREST:  Well currently—I'm

8 Amy Loprest.  I'm the executive director of the

9 Campaign Finance Board.  In the past couple of

10 elections we have been expanding or coverage of

11 other elections on our website and linking to

12 candidates social media, their website, their

13 Twitter feed, their Facebook page, provided by the

14 candidates and also to some national nonpartisan

15 voter statement sites, and so we've been doing

16 that for the past couple of elections on our

17 website.  Printing and mailing of the voter guide

18 in the required languages as you well know from

19 our budget submission is quite costly for the

20 city-wide election.  We haven't really done an

21 analysis of how costly it would be to do that for

22 every election.  It is the printing and mailing

23 that is the costly part of it—mailing almost more

24 than printing, so if we can have a compromise

25 position on how to maybe distribute it in a method

other than mailing it to every registered voter,

that might save on some of the cost, but we are

open to investigating different ways to do this,

but really the primary obstacle is the cost.

ART CHANG:  So just to what Amy

said, one of the things that we're doing at the

Voter Assistance Advisory Committee is looking at

how we can use technology as a way to begin to

supplement and maybe eventually replace these

printed guides.  For example, we currently provide

the voter guide online via the web.  It's

currently right now not essentially tremendously

updated by any of the candidates, but it could be.

In a mobile format, we can imagine that without

the costs of printing these brochures and mailing

that we should actually be able to contemplate

bringing more of the candidates in our elections

at the state level and also at the federal level

into these kinds of guides.

CHAIRPERSON BREWER:  I mean, I

agree.  It's a ways before you get there because

your prime voter is still probably older and not

using the web the way you and I might, so I'm just

saying it's a ways before we get to that point.  I

want to just mention about this e-mail as somebody

that has an e-mail list of about 100,000 people

who spends my entire night redoing e-mails, I just

want to throw it out that that is going to be a

challenge for the Board of Elections—just

something to think about.  It's an immense amount

of work.  So when you get them, they often go bad

very quickly and nobody ever tells you their new

e-mails.  One other quick question again for VAAC

is the issue brought up again, the high school,

the registration, the motor voter, the city

equivalent of motor voter, who is monitoring that

in terms of making sure the agencies do or don't

do their job?  I know part is state, part is city.

I know the issue well.

AMY LOPREST:  That is one of the

mandates in the charter for the Campaign Finance

Board and the Voter Assistance Advisory Committee

is to monitor that local law.  It's not the motor

voter law, but it's local law 29 of 992 [phonetic]

I think.  We work with all of the agencies that

are covered under that law to establish voting

plans.  We've been working since we've taken over

this responsibility—working with them to develop a

1

2    plan that's unique for each agency, so things that

3    work for their particular constituency and for

4    their employees.  One of the things we talked

5    about at the last hearing was our voter

6    spotlights, which is a button that goes on the

7    websites of our partners at the city agencies.  We

8    are working with them and we are working with them

9    to increase their presence and our great head of

10   voter assistance, Onida Coward Mayers [phonetic],

11   is working very hard to establish a plan with

12   every single one of those agencies to optimize

13   that.

14                   CHAIRPERSON BREWER:  Alright.  I

15   want to thank you all.  We could ask questions all

16   day, but then we will be here all night.  Thank

17   you very much.  Our next panel is Ralph Andrew

18   [phonetic] and Londel Davis [phonetic], so that's

19   the next panel, and then the panel after that will

20   be—if you could get ready—would be Monica Bartley

21   from the Center for Independence of Disabled

22   CIDNY, Kate Duran from the League of Women Voters,

23   Juan Cartagena from Latino Justice and Teresa

24   Hommel.  That will be the panel after the one that

25   is coming up now.

RALPH ANDREW:  Thank you, Madam Chair.  For the record, I'm Ralph Andrew.  I was a volunteer on June 26th and frankly, involved before and after.  My comments today relate largely to the counting of paper ballots because I witnessed over a ten day period the counting and/or disqualification of every single one when both parties contested or didn't, and I have a slightly different perspective on the expletives and press interpretation of what has happened in this process.  One, it's always easy to jump on the little people at the end of the food chain, so somehow the anti-union, anti CW [phonetic] Communication Workers of America, Board of Election employees got the brunt of the criticism for slow reporting and counting.  I found incredible discrepancy today—if you drew an imaginary line about what was said on the said of that line and on this side of that line, to say that the Board sat here and denied any responsibility and only blamed others was absolutely untrue and I think your electronic record, Madam Chair, will substantiate that.  Mistakes were made.  They acknowledge same.  I

want to say a little bit about what happened.

Each and every single ballot was counted that was

valid.  It seems that the press has somehow

forgotten that word.  Not every ballot was counted

is the mantra.  After the election was certified,

a Daily News columnist is still saying, "Oh, there

are 500 uncounted ballots." Let me tell you, some

of those are precisely from the categories

mentioned by those people at the Board of

Elections—the deceased, and that person, the

lawyer with the straight face said, "We have a

right in court to produce that person," and they

of course, didn't choose to go to court to do

that.  The other is clearly responsibility of all

campaigns, it seems, to document their accusations

and assertions, but to suggest that because there

was a disproportion number of disqualified ballots

or even affidavit ballots submitted in one

particular part of a district when the other

person has testified that that did not happen

except in cases where they failed the test and/or

didn't show up.  Now I think if they're calling on

a federal investigation, then I want to see an

affidavit from both sides about which persons are

correct in their totally contradictory statements.

The rate of disqualification of affidavit ballots

at the Board of Elections that the Board had ruled

invalid, the reversal rate was as reported in the

press 1%, and some of those, it's a good thing we

have such a thorough process.  My bottom line is

that it was a bipartisan, thorough, fair process

in the counting of those ballots.  It went in

interminably.  There's a terrific trade off that

Council Member Lappin totally seems to fail to

understand in saying, "Why can't we get those

results quicker?" and the earlier statements that

she made about wanting accuracy and obviously

every—and I emphasize again—valid vote counted.

No, the new system is not necessarily going to be

that much faster.  It is certainly going to be

more accurate and I applaud that.  And then of

course comes it's - - after the press does its

thing, then the - - jump on.  The mayor decides

that one more time he should throw fuel on the

fire and saying, "Oh, it should be a mayoral

agency.  It's the most corruptible system on

Earth." Well, his answer to any issues that are at

the Board of Elections was to what?  "Cut the

1

2  budget" when they clearly need improvements and

3  need additional technology and about five people

4  testified to that today including our wonderful,

5  good government groups from Common Cause to those

6  who haven't testified, League of Women Voters and

7  others that clearly some equipment and some

8  additional resources are needed to make this

9  system right, and I applaud that, but the

10  political saying of "we'll just cut them further"

11  won't really cut it.  I had purposely chosen,

12  Madam Chair, because of the hour—it being five

13  o'clock—not to read testimony, not to go further.

14  I would ask however, on both sides of the island,

15  I wish they didn't have the hit and run style that

16  we had here to try and gain some headlines by some

17  members.  How many read each and every of the 22

18  proposals submitted by the Board of Elections

19  starting in March of this year and submitted for

20  three consecutive years to each of the leaders,

21  whether they be Dean Skellos [phonetic] or whether

22  they be Shelly Silver [phonetic] or whether they

23  be the chair of the two committees by the persons

24  who testified today from Sandow to Steve Richman

25  about proposals that are needed?  They include

yours, Madam Chair, of about the size of the font.

These were not acted on by the legislature, some

of whom are here and criticize those very ones

today, so I'm hopeful that many of these

recommendations that the Board has made will be

taken seriously as it was testified by the co-

chair of the State Board of Elections, Mr.

Kellner, and do so obviously very quickly.  But

frankly, just to blame the Board in this process—

'cause no one wanted to criticize the police, who

went ED after ED reporting zeros, no one dared

mention that—and the Board of Elections did not

call this election as was stated prematurely and

early.  The press did.  The AP did, and if they

had that many, and they did have ED by Ed results,

if they had that many—74 zeros as was testified

here today—one wonders why did they do that?  So I

think there is room for improvement, and I hope it

happens soon, but overall, I have found especially

the counting of the paper ballots to be a fair, a

thorough and impartial and incredibly bipartisan

process.  Every envelope was initialed that was

rejected, that was accepted by both parties and by

all levels in the Board of Elections organization.

1

2    Thank you for the opportunity to talk to you

3    today.

4                    CHAIRPERSON BREWER:  Thank you very

5    much.  Next?

6                    LONDEL DAVIS:  Thank you, Madam

7    Chair, for having me here today to testify.  My

8    name is Londel Davis.  I am a small business owner

9    and president of the Martin Luther King Democratic

10   Club in the 70th Assembly District.  I worked with

11   Congressman Rangel's 2012 primary campaign.  We

12   was focused on coordinating and developing a

13   positive and productive coalition amongst elected

14   leadership, labor and community stockholders - -

15   within the new 13th Congressional District.  I

16   personally worked throughout the 13th Congressional

17   District and monitored the implication of the

18   campaign strategy and strategy of a strong and

19   focus on one of the following three things:

20   reaching out to the community and identifying

21   likely voters throughout the 13th Congressional

22   District, expressing a message of support for the

23   Congressman Rangel's re-election and reminding

24   voters of the new election date June 26th and

25   encouraging voters to participate.  At no time

while executing the campaign and election day plan
did I observe campaign staff, volunteers or paid
workers engage in any form of voter suppression.
I believe that the Board of Elections operated
with integrity and impartiality and commend them
for the professionalism throughout the process.
Thank you.

CHAIRPERSON BREWER:  Thank you both
very much.  I appreciate it.  So the next panel is
Kate Duran from the League of Women Voters, Juan
Cartagena from the Latino Justice, Teresa Hommel
and unfortunately, the representative from CIDNY
had to leave, but she should know that her entire
testimony from the Center for Independence of the
Disabled--is a group that's very important to me,
but I know they have an event at Gracie Mansion
tonight—that it will be part of the record.  Thank
you very much.  Whomever would like to begin and
thank you all for waiting.  I'm sorry for the late
hour.

TERESA HOMMEL:  Hi, my name is
Teresa Hommel.  I am a coordinator of a poll site
that has five EDs.  I am an adjunct trainer of
poll workers, which means I am responsible for

1

2    conducting the six hour class that you heard about

3    and as Councilwoman Brewer knows for six years, I

4    was a full-time activist on the issue of voting

5    equipment.  Where is the gentleman that is

6    supposed to pick up my testimony?  Thank you.  I

7    urge you to read my testimony because I am

8    addressing as usual the issue of computer

9    security.  I am extremely distressed, but not

10   surprised that we now are hearing the Board of

11   Elections being urged to put communication

12   capability into our voting equipment.  I call to

13   your attention that one company in this country

14   has sold or is in control of 50% of the voting

15   equipment in this country, almost all of which has

16   electronic communication capability so that we

17   have now an infrastructure for national cheating,

18   and that doesn't mean that every vote is going to

19   be converted to something else, but it means that

20   here and there in a careful way, votes can be

21   switched to control the outcome of national

22   elections, state elections and local elections in

23   50% of our jurisdictions.  Any communication

24   capability in voting equipment will be a hacking

25   magnet.  There is no such thing as computer

1

2    security and in my testimony, which I'm not

3    reading, I detail for you that if you go on the

4    Internet and do a search on online banking fraud,

5    it is measured in the billions of dollars.  That

6    is considered a cost of doing business by banks,

7    but I don't think that we want to subject our

8    elections to that kind of cost of doing business.

9    You would never know whether or not the tallies

10    that you get from a computerized voting machine

11    that has communication capability whether those

12    tallies come from the voters, or from a hacker or

13    an insider who has access to the computer network

14    and can modify not only the tallies, but the

15    ballot images so that the only thing that you can

16    look at is the paper ballots to see what the

17    voters actually have done.  Transactions that are

18    done online with banks, through ATMs, or in a bank

19    proper are audited 300-500%.  That is to say there

20    are three to five auditing checks on every

21    transaction.  There are transaction numbers,

22    account numbers, pin numbers and so on and so on.

23    All of that allows banking transactions to be

24    verified and yet still we have billions of dollars

25    of fraud every year.  None of that is possible in

1

2    voting because we have a secret ballot.  Howard

3    Stanislevik [phonetic], a computer network

4    engineer in Queens, has done statistical analysis

5    showing that our pathetic in computer terms, but

6    excellent in terms of national what other

7    jurisdictions are doing we have a 3% audit, not a

8    300 or 500% audit of our vote counting through

9    computers, which means that 97% of our vote

10   counting is secret, invisible, trust me, and I

11   urge this City Council to remember Robert

12   Jackson's resolution, which the City Council

13   passed unanimously, Resolution 228-A, which was

14   passed I think three to four years ago, which

15   requested our Board of Elections to run a hacking

16   test on any new equipment that we acquire and the

17   vendors would not allow that to be done.  I would

18   predict that within ten minutes a reasonably

19   skilled hacker or computer science professor could

20   hack into our equipment via any communication

21   equipment that that equipment might hold.  What I

22   would suggest based on my observation of what goes

23   on in my poll site is that the voting machines,

24   the scanners rather, be altered so that

25   immediately upon close of polls that they would

write to either read only compact disc or a read

only memory device or any kind, which then can be

given to the police immediately by five after nine

with all of the tallies or whatever it is on them,

and not to take out the PMDs and not to forgo the

paper print outs.  There is a reason why the

original use of paper going back 5,000 years ago

as to record contracts and every transaction of

finance that is conducted worldwide is always

record on paper because it cannot be tampered with

as easily as computer transactions, and we need

those paper printouts whether or not we get the

poll workers to copy the numbers onto another

form--I don't know if that's necessary—but we need

those paper printouts, and if we go to an

electronic reporting system, then we need 100%

audit from the paper to what the electronic memory

device says to make sure that tampering has not

occurred.

CHAIRPERSON BREWER:  I got it.

Thank you very much, Teresa.  Next.  You need a

microphone.

KATE DURAN:  Thank you.  My name is

Kate Duran.  I serve on the board of the League of

Women Voters of the city of New York.  I have also

for many years been a poll site coordinator at a

very large site in Brooklyn.  Thank you very much

for inviting me to testify.  We acknowledge that

the transition from the lever machines was an

enormous undertaking, that in many respects the

transition is ongoing, but machines and systems

are only part of running an election.  Today we

plan to emphasize the people part.  The voter

deserves welcoming, knowledgeable customer service

and poll workers deserve a training program that

adequately prepares them for the job.  Every voter

comes in contact with poll workers, information

clerks, inspectors and possibly translators.

Every poll worker can expect to perform routine

procedures and to face the occasional challenging

situation.  Now since we know that the Board

relies first on county political committees to

supply poll workers, The League of Women Voters

devised a grass roots study.  We undertook s

survey of the Democratic and Republican district

leaders regarding the role in recruiting poll

workers and in election day oversight.  Our survey

was open from January through March of this year

when we e-mailed or mailed surveys to more than

400 district leaders.  We heard back from an equal

number of Democrats and Republicans from all

boroughs save for Staten Island.  91% of the

respondents said that they do recruit poll workers

and 75% of respondents said that they find it very

difficult to do.  The top suggestions from the

district leaders for improving election

administration were poll worker related--better

training and the implementation of half day

shifts.  Now we shared our results and the

analysis with the commissioners and the executive

staff at the Board of Elections, who dismissed

them because of the 5% response rate, which they

characterized as too small to be meaningful.  So

we encourage the New York City Board of Elections

to do its own study and analysis of the reasons

for the shrinking pool of perspective poll

workers, which we know is the fact and we would

encourage them to share their results, results of

any study that they do with the City Council and

the public.  Now we at The League of Women Voters

receive complaints oftentimes about the operation

of elections and I'm just going to give you an

excerpt or two from some things we received in

connection with June 26.

This is a voter from Queens and she

says, "I was the first voter at this poll site and

the volunteers at this poll site were not

prepared." She thinks they are volunteers.  I

think that's very interesting.  I wonder how many

voters believe that the poll workers are

volunteers.  "The two volunteers at my district

table did not know what to do from having me sign

the voter registration book to filling out the

voter card.  I coached them.  My biggest complaint

is that my ballot became jammed in the scanner

ballot machine and displayed the message in the

screen that my vote was not counted and no one

volunteer at this poll site knew what to do.  I

waited 20 minutes in hopes that someone would know

what to do.  There was no poll site supervisor or

a manager.  After 20 minutes, I had to leave to

get to work.  I left with my ballot stuck in the

scanner and had to trust that the volunteers at

this site would eventually get my ballot out of

the machine and count it." She goes on.  She says,

"A poll site can be manned with a dozen volunteers

and not one of them knows what to do from

registering voters to addressing a ballot machine

problem." Now another voter—and we got a lot of

this in connection with the 26th—"I went to my

polling location this evening and could not

remember my election district, went to the poll

worker who looked up my address in their road

guide to find out that my district was number 26.

I went to district number 26 to register.  They

could not find my name.  They double checked,

confirmed that my address was 26, had me fill out

a ballot, an affidavit.  I was a bit surprised.  I

went home and I found my voter registration card,

which shows that I'm actually in District number

2, so I went back to my poll site and had them

check again.  As to be expected, I was listed in

District 2.  I had no problem voting normally and

they voided the provisional ballot and affidavit I

had previously submitted." And there are others.

So in each of these instances, the voter was

alarmed and sufficiently motivated to write to us.

The problems occurred because the poll workers did

not know how to do their jobs or could not give

correct answers.  Now I don't know; were they

1

2  lacking in skills or were they just not properly

3  trained and tested?  The League of Women Voters

4  encourages every eligible citizen to register and

5  to come out to vote on election day and we believe

6  that poorly trained poll workers and confusion at

7  poll sites are disincentives to voting.  Simply

8  put, poor voter service translates into lower

9  voter turnout.

10             Now the current procedure for

11  training poll workers, mainly inspectors, is very

12  costly and I believe having been through it many

13  times that it is of very limited value.  We

14  question why it has not been revisited alongside

15  the new voting system and we suggest a system

16  modeled along the longs of applying for a driver's

17  license in New York.  The Board of Elections

18  without taking on any new personnel could make

19  available at all times copies of the poll worker

20  manual.  Individuals who wanted to be inspectors

21  could pick up hard copies or download from the

22  Board's website.  The poll worker manual and the

23  more recent procedures summary guide are excellent

24  tools and I commend the Board of Elections for the

25  preparations.  I don't think there is any manual

that is as good in the state.  A motivated reader

learner can essentially teach themselves the poll

worker job.  After studying the manual the

perspective inspector could come into a board

office and take a written test.  The test would be

open book, which is as it should be because the

test takers are practicing what would be required

of them at the poll site, which is being asked

questions and researching the answers.  If the

perspective inspector completes and passes the

written test, he or she moves on to hands on

training on the scanner and the PMD, analogous to

the would be driver who gets a permit to practice

driving after passing a written test.  Now the

signature virtue of the motor vehicle model reads

study and test without classroom instruction is

that the individual thinking about being a poll

worker will self select.  The person who does not

want to read a manual will not apply and those who

appoint poll workers will likewise have to keep in

mind that reading comprehension and communication

skills will be tested.  Perhaps, the county

committees will then begin to recruit individuals

having these particular skills and desires.  Hands

1

2    on training could be less costly because the

3    classes would be much shorter.  Training could

4    include role playing of challenging  situations

5    that arise at poll sites and be an opportunity for

6    the Board to pass on new information that may or

7    may not be in manual.  Now it makes sense to—

8                    CHAIRPERSON BREWER:  [Interposing]

9    You're doing great, but if you could sum up a

10   little bit that would be great.

11                   KATE DURAN:  Sure.  We again urge

12   split shifts, coupling the training procedures

13   with the split shifts and I would recommend that

14   the Board—something very simple the Board could do

15   is to fix the standby pool.  There is no reason

16   why we as coordinators at poll sites have to wait

17   until 6 a.m.  to get a standby worker.  There

18   should be a way to get a standby poll worker the

19   day before the election so that we could have a

20   person show up at 5 a.m.  when they are needed.

21   We would really, really appreciate another notice

22   to the voters between now and November.  I think

23   the Board should be able to find the money.  I

24   just in their agenda packet the other day, they

25   want to spend $200,000 to put coordinators in

1

2  single ED poll sites.  I think that's money that

3  would be better spent notifying voters.  We

4  believe e-mail should be used going forward and we

5  don't see any reason—I don't—I've done a lot of

6  research now and I don't think there is anything

7  in the law that says they couldn't put an e-mail

8  address on the voter registration form.  Lastly,

9  what about phoning voters between now and—

10  designing a robo call [phonetic] to voters who

11  have already given a phone number and let them

12  know that their ED has changed, their AD has

13  changed.  I don't know what that would cost, but

14  many voters have put a phone number on their

15  registration form.  So we do applaud the staff of

16  the Board of Elections in New York.  They have had

17  a very difficult year and they have done a lot of

18  hard work and we thank you, Chair Brewer, very

19  much for allowing us to speak to you today.

20          CHAIRPERSON BREWER:  Thank you very

21  much.  Next?  Sorry to keep you all waiting.  I

22  really appreciate it.

23          JUAN CARTAGENA:  Thank you.  I

24  commend all of you who are still there.  Thank

25  you.  My name is Juan Cartagena.  I am the

president general counsel of Latino Justice - - .

Our interest in the events of June 26 particularly

Congressional District 13 stem very clearly from

the interests of the Latino community to create an

additional opportunity to elect a person to

Congress [phonetic].  It's an interest that has

been ongoing in the Latino community in New York

City for quite some time.  My organization was

part of a series of lawsuits that were filed to

create that district and when a district was

created, we were very happy that it gave an

opportunity for Latino voters to express their

will.  As you know, the voter - - require that

anybody from any particular race or ethnicity be

election.  It does require an equal opportunity to

elect a candidate of choice.  Our interest

therefore was piqued in the events of June 26th,

when we learned subsequently about concerns about

bilingual assistance, and I'm going to limit the

few points I'm going to make about that here.  I

have sat through this entire afternoon and learned

quite a bit about what the Board of Elections has

said today.  I learned as well about what other

advocates and good government groups have said as

well, and it looks like we have a blueprint for

you, Chairman Brewer.  In a year from now, the

City Council itself will be redistricted.  In a

year from now in 2013, we will have elections for

a new City Council based on new lines.  - - the

lessons that I'm learning today and this afternoon

are very clear.  The Board of Elections should be

mandated, held to task to notify people of changes

in their election districts.  If there is ever an

election in a cycle of ten years in which the

premium is really held to have accurate

information, good customer service, information

and a language we can understand if you're a voter

from a language minority background, it would be

in the first election after redistricting.  You

would expect the Board of Elections to understand

that by now.  Unfortunately, we just heard from

the Board of Elections today that notifications

regarding changes in election districts did not

occur.  There was some changes in polling sites,

but apparently not in CD 13, but nonetheless, the

issue about how many affidavit ballots were

actually cast in CD 13 all stem from the source of

confusion.  Confusion is highest in these

elections and that's when we need the best

available assistance in the language these voters

can understand.  I would urge the Council to look

at that 'cause your constituents in your current

districts will either remain in your current

districts or will be in someone else's districts

and you will have additional new constituents,

each of whom has the right to understanding where

they are supposed to be voting.  We were able to

as a result of making it known through the press

that we were interested in issues about bilingual

assistance for June 26$^{th}$ to actually field in my

office about 60 some odd reports of concerns about

what happened.  We shared the information with the

Department of Justice and our request to the

Department of Justice to look into what occurs.

With their authority, they can get answers much

faster than we can from the Board of Elections.

Of the 60 some odd complaints, we heard quite a

number of concerns about bilingual assistance.

I'm not going to read them to you now, but they

occurred in multiple places, P.S.  176, P.S.  52,

99 Fort Washington, the Amistad School, 20 58$^{th}$

Avenue, P.S.  29, 3681 Broadway, P.S.  115, 725

1

2    Brady [phonetic] Avenue, and 1145 University

3    Avenue.  I'm just giving you a smidgen.  Each one

4    of those complaints had to do with either not

5    enough election interpreters or none at all.  It

6    is clear however that when I saw the listing of

7    assignments from the Board of Elections for

8    Spanish interpreters that there seem to be quite a

9    large list of coverage for that day.  We have made

10   a separate request to the Board of Elections for

11   payroll data.  I understand the documentation they

12   gave you today perhaps indicates the payroll data,

13   which would indicate of course, who actually

14   worked that day, not who was assigned.  And we

15   will also look at that.  But I want to share with

16   you one thing preliminarily.  At least with

17   respect to the number of interpreters assigned in

18   Spanish-- and this is very preliminary because we

19   don't have the payroll data yet—we are very

20   concerned about what appears to be when we started

21   geocoding [phonetic] the - - where they were

22   located that you had quite a high number of people

23   being assigned for Spanish interpreter assistance

24   in parts of Harlem that had relatively low number

25   of total population of Latinos.  There are about

32,000 Latinos in City Council 9.  They had

assigned about 44 Spanish interpreters, yet

108,000 Latinos living in City council district

10, they were assigned 30.  So this begs one

question, and I'll leave it at this, I'm not

exactly clear about the decision making about

assignment for interpreters whether it is based on

total population of Latinos or it's based on the

language characteristics of Latinos, which would

obviously - - more sense or whether it's based on

any other criteria that we can document.  All of

these questions will lead me to understand better

why we received so many complaints about lack of

bilingual assistance.  It has nothing to do with

malfeasance.  It has nothing to do with

intentionality.  It just has to do with compliance

with the law and more importantly for this

Council, making sure that these mistakes that

occurred in this election do not get repeated next

time around.  Thank you very much.

CHAIRPERSON BREWER:  I thank all

three of you very much.  It was very different,

very informative and very helpful and I thank you

for your testimony.  Next is April Tyler

2    [phonetic], Keen Berger [phonetic], Phyllis

3    Gunther [phonetic], Anna Corey [phonetic],

4    Constance Lesshold [phonetic], and Ebilise

5    Herasme.

6                    MALE VOICE:  Do you have any copies

7    of statements?

8                    FEMALE VOICE:  Yes, I do.  Here.

9    Can I start?  Just get going.  I'm going to be

10   really quick 'cause I'm a district leader and they

11   talked a lot about district leaders.  Thank you.

12   I'm also a developmental psychologist, which I

13   brought two of my books, so you could see I'm

14   telling the truth.  This is me.  The problem that

15   people have talked about so much is that the Board

16   of Elections doesn't understand people.

17   Developmental psychologists understand people, and

18   so they talk about the human factor.  It's the

19   human factor, so the voters, the human factors of

20   the poll workers who we appoint—the poll workers

21   complain to me correctly that the Board of

22   Elections treats them like scum and blames them

23   for everything and trains them in ways that are

24   ridiculous, and I get complaints a lot from poll

25   workers that I appoint saying the training is

awful, so my two things in my testimony say fix

the training and as an educator, I am appalled—I

have been to four trainings—I am appalled with the

quality of the training sometimes.  Teresa is an

exception.  The other thing is the closing is

designed to have errors in it.  It really is.

It's like the Florida hanging chad.  It's like

Katrina.  I mean there are things, natural

disasters like Katrina, like the Board of

Elections that made worse by the procedures in

place.  So that's my testimony.

CHAIRPERSON BREWER:  Thank you very

much.  Are you able to find lots of poll workers

though, right?

FEMALE VOICE:  Well, I find them

and they say, "Really?  From 5 a.m.  to 10 p.m.?"

and they try and then they say, "This is hell."

And I say, "It's for America."

CHAIRPERSON BREWER:  Okay.  Thanks.

FEMALE VOICE:  They sort of say,

"Well, you know, I could be in Iraq, but instead

I'm in New York City, so I'll do it."

CHAIRPERSON BREWER:  Go ahead.

CONSTANCE LESSHOLD:  My name is

Constance Lesshold, and I reside at 340 Marine

Avenue in Bay Ridge, and my testimony today is a

bit different from the others as it relates to the

appropriateness of some poll sites.  Where I am

required to vote is called the Church of the

Generals, and inside the voting site are the

portraits of Robert E.  Lee and Stonewall Jackson,

very big, and no other portraits.  That is because

they were assigned to Fort Hamilton nearby and

attended the church in the 1840s.  Now this is not

the 1840s.  It's 150 years since the Civil War.

We are celebrating the Civil War and the victory

of the union all over this country now, yet I'm

expected to go down and vote and others are too

under these portraits.  It's not going to happen.

I have—I might say that I have spoken to most of

the elected officials in that area, and I'm

totally in sympathy to tell you the truth with

those who have spoken out about the

politicalization [phonetic] of the Board of

Elections.  I have gotten nowhere with talking to

the Board of Elections or to the people in the

district.  I lived for 40 years in Crown Heights,

and get listened to there a little bit, but after

three years in Bay Ridge, I have not found that

the case and certainly in the case of Marty

Golden, who is most familiar with my

dissatisfaction, he has told me to my face, well,

I can vote absentee ballot.  No way.  Now this

site must be moved.  It is not fair to others in

the district.  Just outside and we do have laws

about politicking within a certain radius is a

plaque put up by the Daughters of the Confederacy

in 1912 replanting a tree that Robert E.  Lee had

planted.  1912 was a great year for the Ku Klux

Klan—

CHAIRPERSON BREWER:  [Interposing]

You need to sum up, if you can.

CONSTANCE LESSHOLD:  Well, what I'm

summing up is I'm asking you support in whatever

way you can changing this poll site.

CHAIRPERSON BREWER:  Thank you very

much.

CONSTANCE LESSHOLD:  Thank you.

Oh, and by the way, I must say I have been a poll

worker for 40 years and the Board of Elections

continues to try to get me to work for them

thinking that in this way I will quit fighting

1

2    over this poll site.

3         CHAIRPERSON BREWER:  Thank you.

4         APRIL TYLER:  Good afternoon.  My

5    name is April Tyler.  I'd like to thank you,

6    Council Member and your staff for putting together

7    this hearing and for ensuring the long hours on

8    this very important issue and as Council member

9    Lappin said, that this is a sacred right for

10   people to be able to vote, to have their votes

11   counted and to be ensured that the process is

12   fair, understandable, clear and just.  What I

13   wanted to talk about was my experience as a former

14   district leader for almost 20 years and I was the

15   person who appointed people to poll sites, so I

16   bristle a little at the notion that was stated by

17   Senator Espaillat as well as other people who

18   spoke that they had no jurisdiction over

19   appointing people to poll sites.  As a district

20   leader, we are one given activity lists of people

21   who we appointed who actually worked, vacancies

22   that the Board had to fill that we didn't fill.

23   We are then given the sheets for workers who we

24   appointed before for us to reup [phonetic] them

25   and if we don't return those sheets in a timely

1

2    manner, the Board of Elections calls us and tells

3    us that we should—that we need get on the ball if

4    we want to appoint people.  If not, then they will

5    start appointing people.  So there are multiple

6    opportunities and multiple levels of information

7    that district leaders are given every single year

8    in order that they can appoint people who they

9    want at the poll sites, people who are either

10   their club members or people who they know who

11   want to work and need to work, and so I just

12   thought that I needed to speak on that issue and

13   Council Member Dickens eloquently spoke on the

14   issue also because it's not the faults—or I do not

15   see it as the fault of the Board of Elections.  I

16   think that it's either—I don't want to go so far

17   as to say negligence on the part of the district

18   leaders who didn't fulfill their duty, but they

19   have a responsibility and that is one of the

20   primary roles that a district leader plays and

21   it's also a way that we get to for a couple of

22   days employ people in our neighborhoods to make a

23   few dollars as well as—like I agree with you the

24   training needs to be improved, but it's a way for

25   people to be employed for even a short period and

1

2    I guess I'll end there just in the interest of

3    time, and I thank you again for having this

4    important hearing.

5                CHAIRPERSON BREWER:  Thank you all

6    very much.  I really appreciate it.  I really do.

7    Thank you for waiting.  Anna Corey is coming.  - -

8    Vargas [phonetic], Alan Feinbloom [phonetic],

9    Kenneth Barr [phonetic].  I don't know who is

10   still here, Brynn - - [phonetic].  You two can

11   come together if you want.  Okay, come with him.

12   Bring a chair, two chairs.

13                [background conversation]

14                CHAIRPERSON BREWER:  Alright.  Go

15   ahead, whoever would like to start.  Go ahead.

16                ALAN FEINBLOOM:  Okay.  My name is

17   Alan Feinbloom.   I live in Brooklyn, 72.  I have

18   a wife of 50 years and a family, grownups, and

19   grandchildren.  In the area I live they had to

20   replace Senator Krueger, so they had an election

21   between Lew Fidler and a Republican named

22   Storobin.  There was such a foul up with the

23   election and the counting and recounting, by the

24   time they finally decided who won, it was like two

25   days or three days and - - anymore.  That was like

having no representation, so I thought that was

pretty unfair. That pointed out how the election

was fraught [phonetic] with a lot of mistakes. I

just want to quote from Martin Luther King in his

speech. This is what he said, "We cannot be

satisfied as long as the negro in Mississippi

cannot vote and a negro in New York believes he

has nothing to wish to vote for." This might be a

little bit off of topic, but as a person who

votes, it seems like you either have a Republican

or a Democrat. When we have a democratic

president, the republicans don't want to go along

with what he says. They have to make sure that he

is defeated. If Governor Romney gets elected, the

same thing will happen. Whatever they propose,

nothing will be done. The average person feels

that this is helpless in a hopeless situation. I

know we're talking about machines and balloting—

CHAIRPERSON BREWER: [Interposing]

We have to talk about machines and balloting

today.

ALAN FEINBLOOM: Okay. So as far

as what we were discussing before, what we should

do is eliminate the NYPD because they cannot be

trusted anymore.  The election that is coming up

for Mayor will involve getting rid of the present

police department commissioner and we don't want

to have any thoughts that the police department

will influence the election.  Thank you very much.

CHAIRPERSON BREWER:  Thank you very

much.  Next?

KENNETH BARR:  Madam Chair, members

of the Committee, my name is Kenneth Barr.  On 26

June, 2012, I was assigned as a Democratic scanner

inspector for the 85$^{th}$ election district, 71$^{st}$

assembly district, located at the Good Shepherd

School, 110 Cooper Street in Inwood, Manhattan.

That is a polling place that is within the 13$^{th}$

Congressional District.  I have been a poll

inspector since 2001; first in Queens and now in

Manhattan and I have been appointed for various

elections as both Republican and Democratic

inspector even though I have never been a

registered Republican.  The most immediate

problems that occur during and after the 26 June

federal office primary were caused by a lack of

training.  A poll worker's year begins in July and

ends the following June; therefore, the last

formal training for most, if not all the

inspectors occurred in July or August of 2011.  At

that time, a primary in June 2012 was not

expected.  Had the Board of Elections devised a

program of refresher training once it was known a

primary would be held in June 2012, the problems

encountered might have been averted, and I might

add I believe the Deputy Executive Director of the

Board mentioned retraining.  That was only for

inspectors they felt were deficient.  Most

inspectors we had to rely on 10-11 months before.

Specifically the report of canvass form for the 26

June primary was printed in a different format

than the one we trained on and was different from

the sample form provided in our supply envelope,

and it's the same one we got in our training now.

I just went for my 2012 training on Monday.  This

caused confusion at polls closing.  I also wish to

comment on the call by several media organizations

specifically the editorial board of the New York

Daily News, calling for electronic transmission of

scanner results.  I do not necessarily object to

this even though electronic transmission does

cause security problems, specifically hacking;

however, I must point out that there is a much

more cost efficient way for the taxpayer of

reporting returns by the media.  For several

years, the Associated Press has asked members of

the New York City League of Women Voters to go to

the polls at closing time and call in results from

many polling places across the city.  I ensure

that the Daily News owned by multi-millionaire,

Mortimer Zuckerman, can find enterprising high

school students throughout the city or as the AP

does make a donation to the League or other good

government groups and get the results in a

timelier manner than waiting for the report of

canvasses.  After all, the first results tape is

the one posted on the wall of each polling place

for the media and poll watchers, while the report

of canvass is done from the third and will

continue to be done that way.  I will also point

out that quicker is not necessarily more accurate

as we saw when the U.S.  Supreme Court issued its

ruling concerning the affordable health care act—

CHAIRPERSON BREWER:  [Interposing]

Can you sum up?

KENNETH BARR:  Yes, I have one more

1

2 point. Finally, I wish to suggest a change in the

3 way inspectors are hired. It is absurd in the 21st

4 century that only voters registered in either the

5 Democratic or Republican parties are allowed to be

6 inspectors. We presently have six parties on the

7 ballot and many more voters choose not to register

8 in any party. There is also a chronic shortage of

9 inspectors, mainly due to inability of the

10 district leaders to find people willing to put in

11 a more than 16 hour day for low pay. Now before

12 Mr. Richman or Commissioner Polanco pontificates

13 on election law and Commissioner Kellner or - -

14 tells us they're wrong, I believe the mayor and

15 the City Council should send a home rule message

16 to the state legislature, which would authorize

17 the Board of Elections and the city of New York to

18 train upon direct application to it, and hire once

19 qualified any registered voter regardless of party

20 affiliation. I believe that by allowing any

21 qualified registered voter to serve at the polls,

22 we will once again be able to administer our

23 elections in a competent manner.

24 CHAIRPERSON BREWER: Thank you very

25 much.

1

2      KENNETH BARR:  Thank you for your

3  kind attention.

4      CHAIRPERSON BREWER:  Next, sir.

5      MALE VOICE:  Republican, Kings

6  County.  I showed up at the poll site and was

7  given a ballot to vote for the Honorable Charles

8  Barron - - or the Honorable - - as a Republican,

9  so my question to—and my recommendation to the

10  City Council and the State Board of Elections,

11  scrap the New York City Board of Elections now.

12  On 2005 [phonetic], I got myself with my

13  colleagues  - - and - - in Brooklyn.  We picked up

14  50,000 voter registration forms and we registered

15  voters from the 40th Assembly district to the 59th

16  Assembly District in the city of New York.  We

17  asked the Board of Elections of the city of New

18  York for money to train the poll workers and

19  coordinators - - by ourselves, train 82 poll

20  workers and coordinators and we had the most

21  competent trained worked—I'm speaking for Kings

22  County and the Board of Elections of the City of

23  New York, who removed some of these trained

24  workers, I can prove to you right now, - - most

25  competent worker, coordinated Board of Election of

the city of New York to - -of being sent her a

package on the 21st day of June to work on the 26th.

It's not fair.  It's not right.  So that means

incompetency starts at the Board of Elections and

not in their district.  We have good, competent

people to do the work, but the Board of Elections

of the city of New York must use the competent

people to train the poll workers.  If not, you

will have crisis, especially in Bed-Stuy, east New

York, Brownsville, Flatbush, where confusion is

the number one issue in those poll sites and

please, Madam Chair, I'm going to ask you, and I

can prove to you Mayor Michael Bloomberg in 2005

when his election time saw our operation, they

used our office as their poll watchers operation

for the entire Kings County and they could have

gotten - - result from each poll in place within

half an hour - - campaign headquarters—

CHAIRPERSON BREWER:  [Interposing]

If you could sum up—

MALE VOICE:  --I'm recommending to

you to you the City Council to please let us have

competent workers so the people will get the

results and not be angry.

1

2          CHAIRPERSON BREWER:  I think we all

3  agree.  It's a question of how we're getting

4  there, so I look forward to working with you on.

5          MALE VOICE:  Thank you, Madam

6  Chair.

7          CHAIRPERSON BREWER:  Thank you both

8  very much, and these two want to come up?  You can

9  give your name when you come up, but you don't

10  have to if you don't want to, so come on up.

11          MALE VOICE:  [off mic]

12          CHAIRPERSON BREWER:  No problem.

13  Go ahead, whomever would like to go ahead.  Push

14  the button again, and then you'll be all set.

15          RUBEN VARGAS:  My name is Ruben - -

16  Vargas [phonetic].  I wrote my name on the sheet.

17  I don't know why my name cannot be pronounced by

18  the Chair.

19          CHAIRPERSON BREWER:  I couldn't

20  read it.  I apologize.

21          RUBEN VARGAS:  My name is?

22          CHAIRPERSON BREWER:  Ruben Vargas.

23          RUBEN VARGAS:  Thank you, Madam

24  Chair.  I'm here because two things.  June 26$^{th}$,

25  2012, the elections in the 13$^{th}$ Congressional

District. I was assigned—I was working on the

perimeter of the area of the 69th Assembly

District, the part of the district that all the

election districts that's part of the 13th

Congressional District of the 69th Assembly

District. I observed myself—I saw, I was a

witness, I had to be present when at 6:32 in the

morning after one of the people that was working

for the same candidate that I was working, Mr.

Fernando Baptista [phonetic], had called me to the

side because he observed some irregularities. I

arrived at 6:32 as I mentioned and at 6:35 right

after me arrived a lady who is the district leader

of the 69th Assembly District, a person who as I

was campaigning for one candidate, that lady was

campaigning for the opponent, the candidate that

was campaigning as we were on the street

campaigning prior to the elections. That lady was

able to come into the - - cut the seal where the

affidavit ballot were placed and ordered the

election workers to sign that as you cut it. At

that point I raised a question, how can that

happen? How can do this and the lady said, "Oh,

that's where the affidavit ballots are placed and

when a person going to bring the paper ballot to

be scanner, is going to get confused and that

person may place the paper that was to be in the

scanner on the affidavit ballot." - - the other

person to sign as that other person cut the seal.

That was something that I do not - - .  That was

one of the things that I don't know what was the

reason, - - changing the seal - - seal is very,

very, very important is very important items in

the quality and the integrity of any evidence--the

seal being changed.  A person that is not working-

--my understanding is not working for the Board of

Elections at that moment.  The identification of

that person she is representing the Democratic

party and she could do that.  She was just

suggesting that.  That happened on West 106th

Street in the poll place which is the senior

center across from West 120th Street---I mean 120

West 106th Street across the street on the north

side of the street, that senior center.  In the

afternoon as I'm continuing the duty in the

evening right around 20:00 hours, 8 p.m., a female

that resides in the projects from 103rd Street,

102nd Street, was going to vote in the high school

located on West 102nd Street and - - Avenue.  It

was the third time that she was trying to vote and

three other people that came here had come with

her previously had come back, had gone back

without being able to vote, but she decided she

was determined to vote and she came for the third

time.  It happened to be that third time, I was

there and then she went to the place, now I'm

following her as a poll watcher, but I follow her,

and then as she is - - the gentleman to vote, the

person said no, you're not here [phonetic].  She

said, "But I voted here.  I voted for Bill Clinton

here.  I voted for Obama." And the person - -

finally the person who was going to vote - -

placed her finger onto her name and said, "That's

my name.  Here That's me." Finally, a paper ballot

was given to her.  I mean a document to sign as a

voter.  The person filled out the - - that she has

chosen; it happened to be a Dominican descendent

and when she went to vote to the machine, the

person who was next to the voting machine, took

the ballot, and after she saw it, said "No, no.

That has to be on affidavit.  That's no good.  Go

and return the affidavit back to the person.  You

have to vote by affidavit." And then the person

voted by affidavit.  Those are the things—

CHAIRPEROSN BREWER:  [Interposing]

Those are horrible stories.  Did you report those?

In other words, are these stories—

RUBEN VARGAS:  Yes, I did, and I

was - - to the Daily News present there.  I don't

know why - - .

CHAIRPERSON BREWER:  Did you report

it to the process?

RUBEN VARGAS:  No, I was wind up

being taken out as I was claiming to the election

workers, "Why are you refusing the person from

putting their paper"—

CHAIRPERSON BREWER:  [Interposing]

No, let me ask you, is there a process when you

are there for making complaints?  In other words—

RUBEN VARGAS:  No, there was no

place.  What I was told you are a watcher, you are

only to look, you are not to do nothing, and they

were telling me outside.

CHAIRPERSON BREWER:  Okay.

RUBEN VARGA:  So I go, "How can I

see from outside?"

CHAIRPERSON BREWER:  Did you report these to the Board of Elections after?

RUBEN VARGA:  No, right there. Right at the time to the people that - - .  They just sent me out.

CHAIRPERSON BREWER:  Okay.  I mean, this is all on tape today, so we as the City Council will bring these complaints to the Board of Elections, and if there is more needed information, somebody could be in touch with you.

RUBEN VARGA:  This is the thing. I'm a retired member of the Air Force, served 24 years in the military.  Upon my 24 years of service, I followed every instruction that was given to me pursuant the protection to the government, the Constitution, the way of life of America and especially democracy.

CHAIRPERSON BREWER:  I—

RUBEN VARGAS:  [Interposing] We have so many people fighting for democracy and I'm one of those that have been fighting for democracy for 24 years, and then I have to observe that these people are depriving—

CHAIRPERSON BREWER:  [Interposing]

2    No, I understand that, but I have a different

3    approach.

4                         RUBEN VARGAS:  --preventing these

5    people from voting.

6                         CHAIRPERSON BREWER:  But we have to

7    complain the way it needs to be complained.

8                         RUBEN VARGAS:  - - intend to

9    complain - - to me because—

10                        CHAIRPERSON BREWER:  [Interposing]

11   But we can do it for you and then we can get the

12   Board of Elections to do follow up and take the

13   appropriate action.

14                        RUBEN VARGAS:  And I - - more

15   people that get to know what was happening there.

16                        CHAIRPERSON BREWER:  I appreciate

17   it, and thank you for being here today.  I really

18   do—it's very helpful.

19                        RUBEN VARGAS:  Thank you.

20                        CHAIRPERSON BREWER:  Ma'am, go

21   ahead.

22                        SARAH PAUL:  Thank you.  My name is

23   Sarah - - Paul [phonetic].  I live in my

24   neighborhood for more 20 years.  That is more than

25   enough years to know my neighborhood.  My

1

2    neighborhood - - .  - - 32-A and the other one is

3    37-B.  - - the borough elections - - .  These

4    sites have enough experience.  What happened in

5    both poll sites open late, very late.  One opened

6    37-B that's - - 72 opened a quarter to 7, and the

7    other one 32-A opened almost at 7.  That's at

8    6:58.  When I asked - - what happened because my

9    borough user go voting early, why because - - .  -

10   - go - - the train.  That's the transportation.

11   They go vote early because they go to work and

12   they have to do two things at a time and - - time

13   - - .  For me, - - this is not right for our right

14   to vote.  If the borough elections say that the

15   polling had to be open at 6 o'clock, doesn't have

16   any excuse to be open late.  Why?  Because - -

17   it's organized many months ago or years ago to - -

18   every people in there at the time.  Also, there is

19   very discrimination in the area.  The percentage

20   of people voting is more than 85% and - - the

21   people can't understand them.  That's not right

22   for the voting people because the take a - - to

23   get to vote.  And the other thing is that's the

24   least - - to those machines, there is irregularly

25   because the people have to go there - - .  The

people have to vote in those different poll that

haven't - - .  The people usually vote in 32-A, -

- in 37-B.  I know that because I have more - -

voting I'm watching in this same machine because

they are together in the same place.  In this

irregularity, they do - - many people not appear

in any.  What happened?  They say, "Okay, you have

your paper.  You vote here because the list not be

in your name." What's happened?  - - .  - - .  The

affidavit never in ten years - - voting here, I

saw any affidavit.  In this time, June 26, we get

29 affidavits, where the people have their paper

right to vote there, but their name is not on the

list.  That's - - .  The coordinator is very

nasty.  The coordinator not - - the people and the

group of them does not understand the other

languages except - - language.  It's not right

too.

CHAIRPERSON BREWER:  You need to

wrap up, if you can.  Finish up.

SARAH PAUL:  - - .  We have a big

complaint about that you and the Board of

Elections - - more than 80% live in this area, why

does it all only in your language?

CHAIRPERSON BREWER:  I think your point is well made, and it came up from other people and it needs to be investigated.

SARAH PAUL:  Yes, that's what we need—

[crosstalk]

CHAIRPERSON BREWER:  --want to make sure it does not happen again.

SARAH PAUL:  You know something because many times - - go in front of the people reading the list, they don't know - - .  Maybe they can't read it very well, and they can see them telling the people you are not here.

CHAIRPERSON BREWER:  Okay.  You need to conclude, but we will take both of your suggestions and follow up 'cause it's really important.

SARAH PAUL:  Thanks so much 'cause we need to solve the problem and the other problem I have is the - - why not let you know the voting what day to go voting and when?  Because the special election never was on 26 in June.  The next election never have on Thursday; now it's on Thursday.

1

2          CHAIRPERSON BREWER:  No, we're

3    aware—

4          SARAH PAUL:  [Interposing] We have

5    to receive information.

6          CHAIRPERSON BREWER:  I agree with

7    you.

8          SARAH PAUL:  We have to receive

9    information where we are going, if they change our

10   name from the list in our poll, if they change the

11   regular day forever, but where are we going - - --

12         CHAIRPERSON BREWER:  We agree with

13   you and the point has been made.  Thank you both

14   very much.

15         SARAH PAUL:  Thank you so much.

16         CHAIRPERSON BREWER:  Alan Flacks,

17   would you like to testify?  Mr. Ecks [phonetic],

18   do you want to come up also?  I assume there is no

19   one else who wants to testify.

20         ALAN FLACKS:  Now it's one.  Alan

21   Flacks, A-L-A-N, Flacks F-L-A-C-K-S.  I reside at

22   313 West 100<sup>th</sup> Street, Manhattan.  I am a voter.

23   I'm a super prime voter, which means I vote in all

24   elections; primaries, runoffs, specials and

25   general.  This is my fourth attempt to bring the

1

2    issue of the appointment of the commissioners of

3    elections, who are part of the problem to your

4    Committee, Gale.  I have timed almost every

5    speaker since I arrived and they take six or more

6    minutes.  I can make my points with four, and I'd

7    appreciate if you'd just let me rattle on to get

8    it on the record.

9              The Council Members are all gone.

10   You remain.  The press is all gone.  It's too bad

11   'cause many of the speakers from the invited civic

12   groups and - - made excellent points and knew more

13   about things than others and the press should

14   listen to them.  My angle as I said deals with the

15   commissioners, but first I want to point out

16   something here.  You interrupted Ruben Vargas.  I

17   was with him once at the Board of Elections about

18   a half hour before closing.  He runs for office

19   and he scrupulously obeys the rules, regulations

20   and requirements and they didn't want to give him

21   something he was entitled to see, and he explained

22   to me, "I just returned from Iraq where we're

23   supposed to be fighting to bring democracy to the

24   Iraqis and this is what I experience here." So his

25   point is well taken.  Kate Duran, I think made a

mistake.   The New York State election law and

Commissioner Kellner is here and I believe he will

substantiate it, permits the inspectors of

election from an election district to appoint

someone to fill any vacancy in their election

district, preferably from who reside from within

the election district—very hard to do.   The Board

of Elections in the City of New York says, "No,

you're not allowed to do it." Well, they're in - -

of the New York State statute which permits a

local table to make an appointment.   I might

interrupt myself to say that pay much attention to

what Kellner has said, even though I wasn't here.

He is always right, and Teresa Hommel has been

right from the beginning—miss paper trail

[phonetic], and deficiencies in using electronic

methods of voting, but Hommel is on point.   I also

want to mention that Mr. Ralph Andrew when he

referred to the police department and the zero

tallies, wrong.   The police reported zero because

the workers, the poll workers, the inspectors of

election, failed to take from the scanner cash

register tapes and record them on the big tally

sheets, and if they did do it, but failed to sum,

1

2  then the police had to report zero because the

3  police department—I'm told this is correct—they

4  are not going to add up the votes on the tally

5  sheets and put in the totals.  They will not touch

6  that.  You'll accuse the police of—they could be

7  accused of tampering, so the zeroes came from the

8  poll workers who failed to complete their task.

9  Now with regard to the commissioners of election,

10  a point I've been trying to make and strangely

11  last year, bombast Barron [phonetic] agreed with

12  me.  When you get him alone, he is quite on point.

13  The commissioners of elections for the city of New

14  York, two from each borough, one from the party

15  that had the most votes for governor and one from

16  the party that had the second highest votes for

17  governor, not Republicans Democrats but the party

18  with the most votes and second most votes, are

19  political appointees.  The county leaders of the

20  various parties select these people and they are

21  usually - - and this year's crop—not this year,

22  the current Board with the exception of Republican

23  Manhattan has been there a decade, seem to pool

24  their ignorance and show that they really don't

25  know what they're doing.  Mortimer—Uncle Mort's

newspaper, The Daily News, has properly attacked

them for their deficiencies.  Strangely although

they are political appointees and they come from

being activists in their party, they seem to be

collectively and singularly ignorant of the

election law and the procedures, and it's the City

Council which approves these commissioners, so we

have to look at the City Council members as to why

they are approving people who may not be

qualified.  Why - - political appointment.  And

you have to do that because if you don't at worst

your county leader will not endorse you for

reelection or election for something else—and I'm

not referring to Councilwoman Brewer, but all you

and all of you at City Council, and at the very

worst run someone against you.  So I think the

blame falls on City Council in failing—maybe

because they can't oppose the political county

leaders—in failing to adequate vet the people put

forth for commissioner of election, and it can be

done quietly behind the scenes where you say, "No.

Couldn't you find someone better?" But then you

would be going against the grain of what politics

is about since 1898 when we incorporated it.

2    Thank you.

3    CHAIRPERSON BREWER:  I think your

4    four minutes are almost up.

5    ALAN FLACKS:  Yes.  Thank you.

6    CHAIRPERSON BREWER:  Go ahead.

7    MR. ECKS:  Mr. Ecks.  I have some

8    suggestions.  Rather than a newspaper why can't we

9    use a computer?  Why can't we just type the

10   information using Microsoft Word, type the

11   information first, proofread it second, save, use

12   a flash memory disk third and print it forth, fax

13   it fifth if needed.  That's what I do if I want to

14   submit paperwork to a politician like Gale Brewer,

15   I use Microsoft Word, I type the letter first, I

16   proofread it second, I print it third, I fax it

17   fourth.  I'm about to fax documentation to Debbie

18   Rose regarding an incident that occurred in her

19   City Council District recently.  As far as the New

20   York City Police Department goes, why are they

21   transporting documents?  They should be more

22   concerned about saving lives and solving crimes,

23   not transporting election documentation.  I find

24   that disturbing.  I really do.  First of all, it

25   should be up to the Elections Board employees and

the board members to transport the documentation

to wherever it should be transported to.  What

does that have to do with the New York City Police

Department?  Some of these cops can't even save

lives and solve crimes, but can treat us like

stereotypes - - like - - from Good Times

[phonetic].  They don't need to transport their

documents, and - - thing is, they're transporting

their documentation because they are too lazy to

do it themselves, which I find humorously funny.

The other thing I didn't appreciate is this baffle

[phonetic] between the City Council Members and

the Election Board employees.  I thought I was

watching two things.  When I saw that battle

between you two, the two teams, it reminded me of

the 1990 Great American Bash, which featured dudes

with attitudes [phonetic] versus the four horsemen

[phonetic], but also reminded of the Survivor

series.

CHAIRPERSON BREWER:  Are you

summing up?

MR. ECKS:  Yes, I am.  I thought

that was - - funny.  It might have been more of

the Survivor series.

2        CHAIRPERSON BREWER:  That was a

3    very good sum up.

4        MR. ECKS:  But no.  But my

5    suggestion is to those who wish to know where

6    their polling sites are, they can just come to me

7    because I can log onto the Election Board website,

8    I could print it for them, and afterwards, I can

9    fax it to them if they have a fax number.  I can

10   bring it to their home address or their job

11   address since I like to travel.  And also, when I

12   vote, I submit that first of all there's no reason

13   why they shouldn't have photo I.D., a legitimate

14   photo I.D.  like this.  That's totally

15   unacceptable 'cause if you purchase alcohol, you

16   have to be 21.  These stores want to see I.D.  If

17   you don't have I.D., we can't sell you alcohol; we

18   can't sell you cigarettes.  The rule should apply

19   to the vote to elections.

20       CHAIRPERSON BREWER:  Thank you both

21   very much, and I want to thank the staff for

22   putting this together, the sergeant at arms,

23   people who stayed the whole time, particularly

24   Doug Kellner and others and I want to let you know

25   that we will follow up on every piece of testimony

1

2    that was delivered here today.  Thank you very

3    much.  This hearing is concluded.

4                    [gavel]

# C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings.  I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.


Signature _Kimberley Uhlig_

Date 8/15/12