

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEES ON GOVERNMENTAL OPERATIONS AND OVERSIGHT AND INVESTIGATION

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B E F O R E:  
  
BEN KALLOS  
VINCENT J. GENTILE  
Chairperson(s)

COUNCIL MEMBERS:

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

1 COMMITTEE ON GOVERNMENTAL OPERATIONS AND OVERSIGHT AND INVESTIGATION3

2 [gavel]

3 CHAIRPERSON GENTILE: Welcome to the  
4 first committee, joint committee on Governmental  
5 Operations and Oversight and Investigations. I'm  
6 Councilman Vincent Gentile Chair of Oversight and  
7 Investigations and I'm pleased to introduce my  
8 colleague who for the first time is chair of  
9 Governmental Operations Mr. Ben Kallos. Councilman  
10 Kallos.

11 CHAIRPERSON KALLOS: Thank you to the  
12 chair of the Oversight and Investigations Council  
13 Member Vincent Gentile. I'm looking forward to  
14 working closely with you on getting democracy  
15 running smoothly in New York City. Welcome to the  
16 first hearing of Government, Governmental  
17 Operations Committee. My name's Ben Kallos and I  
18 represent District 5. If you're the tweeting sort  
19 you can tweet me @BenKallos. Before we begin the  
20 hearing I'd like to say a few words to introduce  
21 the committee. This committee has a history under  
22 my predecessor Gale Brewer of increasing  
23 engagement, transparency, and efficiency in  
24 government. That's a legacy we plan to continue.  
25 We're tasked with making New York City's government

2 accessible, comprehensible, and above all useful to  
3 millions of people who live and work here. New York  
4 City has a particularly active group of independent  
5 organizations laboring passionately to make our  
6 city's management more perfect. Having led groups  
7 like New York Democratic Lawyers Council that did  
8 voter protection and New Roosevelt [sic] that  
9 focused on good government it's my privilege to  
10 serve on the city council committee that is at its  
11 core an activist and solutions oriented as these  
12 laudable independent groups, some of which are  
13 represented here today. With such extensive recent  
14 turnover and local government we are in midst of  
15 necessary conversations about how to best introduce  
16 reforms to systems that have been static for too  
17 long. As with any changes such reforms will take  
18 time and they may be challenging to implement. But  
19 we won't shy away from the necessary and difficult  
20 conversations because these are the ones that will  
21 move New York forward. To that end we are here  
22 today to discuss the report of the Department of  
23 investigation released in December concerning the  
24 board of elections. As the agency responsible for  
25 running all elections in the city it is critically

2 important that the board of Elections is managed  
3 professionally and efficiently and that we provide  
4 all the tools it needs to effectively do its job.  
5 The board... the board has received no shortage of  
6 criticism in recent years for long lines. Poorly  
7 trained poll workers, patronage based hirings and  
8 many other issues. The DRE report discusses all  
9 these issues and makes over 30 recommendations, all  
10 of which... [pause] we'll discuss today. Before we  
11 discuss ways in which the board needs to improve  
12 however I'd like to thank those commissioners and  
13 staff who have worked to implement reforms improve  
14 the system. Recent steps to improve closing  
15 procedures, moved to a tri-lingual ballot,  
16 increased font size, save money on ballot printing,  
17 and more will make a real difference in our  
18 elections. And I think the change, agents at the  
19 board who are responsible for making these  
20 improvements. But there's much more to be done  
21 before we can say the board is a fully effective  
22 and professional agency. We must discuss how to  
23 improve hiring practice, accountability at the  
24 board, poll, poll worker recruitment and training  
25 remain a serious issue in need of improvement. And

2 issues like the use of voter cards and buff card  
3 retention may seem minor but they are real issues  
4 and are indicative of inertia and resistance to  
5 change... the board that requires improvement.  
6 Council Members will have three minutes for  
7 questions of each panel and should try to limit to  
8 one round of questions per panel. The DOI and BOE  
9 may each give up to 15 minutes of testimony while  
10 testimony from the public will be limited to two  
11 minutes. Thank you again to my co-chair. I also  
12 want to recognize Council Member Richie Torres,  
13 Council Member Danny Dromm, and Council Member  
14 Matteo who are members of our committees. With that  
15 I will turn it back to the Chair of the Oversight  
16 and Investigations Committee.

17 CHAIRPERSON GENTILE: Thank you Mr.  
18 Chair on this cold Friday afternoon. I'm Council  
19 Member Vincent Gentile, Chair of the New York City  
20 Council's Committee on Oversight and  
21 Investigations. Today is also our committee's first  
22 hearing of the session and I'm pleased to have been  
23 appointed chair of this committee. I would like to  
24 thank Council Member Ben Kallos the Chair of the  
25 Governmental Operations Committee for inviting the

2 Committee on Oversight and Investigations to  
3 participate in this important hearing. The  
4 Committee on Oversight and Investigations is  
5 responsible for conducting oversight of the  
6 Department of Investigation and more broadly  
7 investigating any matters within the jurisdiction  
8 of the council relating to the property affairs or  
9 government of New York City. Although we did not  
10 conduct our own investigation for today's hearing  
11 it is important to note that in 2010 the Committee  
12 in oversight investigation together with the  
13 committee on governmental operations and in  
14 partnership with good government organizations  
15 develop the council's own survey to collect the  
16 information from voters about their voting  
17 experiences on the day of the 2010 general  
18 election. Ultimately the council received more than  
19 1,000 completed surveys from more than 300 poll  
20 sites citywide and the results of the survey were  
21 highlighted in an oversight hearing in evaluating  
22 the Board of Election's performance. Over the years  
23 DOI has investigated various complaints lodged  
24 against the Board of Elections using inspectors  
25 general and investigators also assign two other

2 agencies. Upon investigating BOE's staffing levels  
3 for the 2011 off year election DO, DOI found that  
4 it had devoted such extensive resources to the  
5 investigation that it ultimately requested was  
6 granted 2013. Additional resources to creating  
7 inspector general unit specifically dedicated to  
8 the DOE. This unit oversees and investigates the  
9 board in an effort to curb waste, promote  
10 efficiency, and to implement preemptive corruption  
11 measures. This afternoon we are here to discuss the  
12 findings in the first report generated by this  
13 unit. It is worth noting that many of the findings  
14 in DOI's December 2013 report echo the findings in  
15 the council's December 2010 report from our voter  
16 survey. Identical issues were raised concerning  
17 the, the poor training and performance of poll  
18 workers, lack of voter privacy, incorrect voting  
19 instructions by poll workers, voters unaware of  
20 ballot proposals and font sizes. I know that the  
21 board has taken steps to address some of these  
22 issues and today we hope to discuss what, what more  
23 needs to be done. So this afternoon I look forward  
24 to hearing from the Department of Investigation to  
25 learn more about the new unit and to discuss the



2 recommendations discussed in the December 2013  
3 report. Additionally I look forward to hearing from  
4 the board of elections and advocates about what we  
5 can do to address the issues outlined in the DOI's  
6 report. So I'd like to thank everyone here come,  
7 for coming today. And before we begin I also want  
8 to recognize that we have been joined by Council  
9 Member Chaim Deutsch. Thank you for joining us  
10 Council Member, great. And while I see our first  
11 panelist already in place. So our first panel will  
12 be the Commissioner of the New York City Department  
13 of Investigation the honorable Mark Peters and  
14 Andrew Brunsden the Inspector General for the New  
15 York City Department of Investigation. Welcome  
16 gentleman and Commissioner congratulations.

17 COMMISSIONER PETERS: Thank you. Good  
18 afternoon Chair Gentile, Chair Kallos, members of  
19 the Committee on Governmental Operations and the  
20 Committee on Oversight and Investigations. I'm Mark  
21 Peters, Commissioner of the New York City  
22 Department of Investigation. I want to thank you  
23 for the opportunity to testify here regarding the  
24 Department's December 2013 report about serious  
25 problems within the New York City Board of

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2 Elections. Joining me is Andrew Brunsdon, Inspector  
3 General for our Board of Elections' Inspector  
4 General Unit. Our investigation of the Board of  
5 Elections uncovered many disturbing and illegal  
6 activities that require swift action. We found  
7 gross nepotism in hiring, promoting, and  
8 supervising family members, substantiating four  
9 cases of nepotism in violation of the conflicts of  
10 interest law including a Board of Elections  
11 Commissioner who admitted to hiring his wife to  
12 obtain health benefits he was not entitled to  
13 receive on his own. Board of Elections managers and  
14 employees reported that most jobs are not  
15 publically posted but are filled based simply upon  
16 recommendations of the county political committees.  
17 Such a process has no place in city government. We  
18 documented reports by Board of Elections Employees  
19 who believed that staff are pressured to engage in  
20 political activities such as petitioning for a  
21 candidate or paying to attend political fundraisers  
22 as a condition of keeping their jobs. During the  
23 2013 elections our investigators went undercover as  
24 poll workers and as ineligible voters to observe  
25 Board of Elections operations first hand. What they

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2 found was troubling. Deficient voter rolls and  
3 poorly trained poll workers who improperly  
4 instructed voters in some instances to quote vote  
5 down the line close quote for a single party and  
6 ignored voters privacy rights by looking at votes  
7 cast. These problems undermine the voting process  
8 and confidence in our election system. Further  
9 investigation revealed the Board of Elections' use  
10 of inadequate outdated procedures that increase  
11 cost and decrease efficiency. This included bored  
12 employees days before the 2013 mayoral election  
13 manually updating voter registration cards that are  
14 already available for updating on a computer. The  
15 illegalities, misconduct, and antiquated operations  
16 detailed in the report are deeply corrosive and  
17 must end. These significant problems can be  
18 overcome if the Board of Elections is open to  
19 change. Despite our attempt to work with the Board  
20 of Elections at the most senior level we have met  
21 more resistance than reform. Indeed we have made  
22 more than 40 recommendations for strengthening  
23 operations at the Board. Just last week I sent a  
24 letter to the Board of Elections, copy of which  
25 I've provided to this committee calling for, a

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2 corrective action plan by February 25<sup>th</sup>. I still  
3 await a response. Much is at stake here. Elections  
4 are at the core of a robust democracy. Integrity of  
5 a process relies on the Board of Elections good  
6 governance. New Yorkers are counting on the board  
7 to get it right. And with that I'm happy to take  
8 your questions.

9 CHAIRPERSON GENTILE: Thank you  
10 Commissioner. Thank you very much and I just want  
11 to recognize that we have been joined also a member  
12 of my committee Councilman Rory I. Lancman. Thank  
13 you so much. Almost called you Assemblyman. Almost  
14 called you Assemblyman. Anyhow let me start off by  
15 first saying Commissioner that I'm impressed that  
16 he didn't, though you are just taking the helm of  
17 the agency what eight days ago, nine days ago...

18 COMMISSIONER PETERS: Day nine.

19 CHAIRPERSON GENTILE: Day nine. And that  
20 this report was done by the staff and the  
21 Commissioner previous to, to your, to your helm  
22 that you're here today speaking on, on behalf of  
23 the agency. And certainly taking, taking charge of,  
24 of what this report says. But obviously if there's  
25 some substance stuff Inspector General please feel

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2 free to jump in there okay. Let us start then with  
3 first the issue of the letter that you recently  
4 sent. You sent... when was the letter sent?

5 COMMISSIONER PETERS: The letter was  
6 sent on February 19<sup>th</sup>, and I provided a copy to the  
7 members of the committee and what the letter said  
8 was we, we made 40 recommendations for, for reforms  
9 at the Board of Elections. When I, well I assumed  
10 the Commissionership I met with the staff who did I  
11 should say a, the entire staff , many of whom are  
12 here today did a phenomenal job putting this report  
13 together and deserve tremendous credit for it. And  
14 I met with them and I said well have we received  
15 responses from the Board of Elections. If we  
16 received what's known in the monitoring world as a  
17 corrective action plan which is essentially a plan  
18 that says for each specific recommendation, here's  
19 the recommendation, here's how we intend to address  
20 it, here's the timeline. I said do we have one of  
21 these and I was told no and indeed for most of the  
22 recommendations we received no response. And so I  
23 sent a letter on February 19<sup>th</sup> to the Board of  
24 Elections requesting that they provide a corrective  
25

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2 action plan by February 25<sup>th</sup>. To date we have not  
3 received that corrective action plan.

4 CHAIRPERSON GENTILE: So, alright.

5 We'll, we'll, we'll inquire when, when they are  
6 here in the next panel I assume to testify. But are  
7 you, are you willing to meet with the Board of  
8 Elections and their staff to further explain your  
9 findings and recommendations.

10 COMMISSIONER PETERS: I'm certainly  
11 willing, I am willing to meet with the Board of  
12 Elections and their staff. My staff has been clear  
13 that they are willing to meet with them. Having  
14 done this kind of monitoring reform work for close  
15 to two decades what I found is if you want to  
16 seriously get at the problems once you've got a  
17 report like this the first thing you need to do is  
18 put together what's called a corrective action  
19 plan. Now certainly if there's a particular  
20 recommendation or a particular issue that somebody  
21 doesn't understand we should talk about it but I  
22 think that the report was fairly clear and in most  
23 instances it's , the recommendations were pretty  
24 clear. So yes I'm willing to meet, yes, my  
25 Inspector General has been willing to meet. But

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2 more to the point the first step if you're serious  
3 about this is a corrective action plan. Because  
4 what that does is it breaks each recommendation  
5 down so that you're dealing recommendation by  
6 recommendation right rather than trying to bite off  
7 more than you can chew. And it says here are the  
8 very specific steps we will take to deal with this  
9 recommendation and here's our timeline. And that's  
10 what, that's your blueprint that allows you to  
11 begin fixing problems. And it's been my experience  
12 that all the meetings and conversations in the  
13 world don't get you very far if you don't start off  
14 first with that blueprint.

15 CHAIRPERSON GENTILE: Okay let's, let's  
16 then talk about, a little bit about the IG's office  
17 within your, within your agency. The Board of  
18 Elections IG's office was formed after the eight  
19 ball 2013 report. Am I correct on that?

20 COMMISSIONER PETERS: Yes.

21 CHAIRPERSON GENTILE: What, what is the  
22 size of the Board of Elections IG's office now?

23 COMMISSIONER PETERS: I believe there  
24 are... there are... okay, I'm glad I asked. I was about  
25 to say there are seven staff, there are six staff.

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2 Somebody snuck into a staff meeting improperly I  
3 guess. There are six staff including Mr. Brunsden  
4 who's here with me who's the, who is the Inspector  
5 General, there's a council, and then there are  
6 lawyers and other investigative staff. In addition  
7 obviously because this is part of the Department of  
8 Investigation we are able to and indeed in doing  
9 this report we're able to borrow other staff and  
10 other investigators from other parts of the agency  
11 as needed. And of course there are senior people in  
12 the agency who are involved in helping to supervise  
13 this.

14 CHAIRPERSON GENTILE: ...the reason I ask  
15 because it strikes that for, for an agency of what  
16 350 people to have 7 investigators from DOI seems,  
17 seems like a large group of investigators for 350,  
18 an agency of 350 people.

19 COMMISSIONER PETERS: I agree. This  
20 isn't, this not being the budget hearing I don't...  
21 [crosstalk]

22 CHAIRPERSON GENTILE: ...discuss that...

23 COMMISSIONER PETERS: Right. This not  
24 being the budget hearings I won't observe that  
25 perhaps the solution to this is to increase the



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2 overall size of the agency by several hundred  
3 headcount because this is not a budget hearing. It  
4 is a sizable use of resources and I believe the  
5 reason for, and was specifically directed to this  
6 purpose, and that is because there were considered  
7 to be some very significant systemic problems at  
8 the Board of Elections that required essentially a  
9 fairly intensive approach. So yes it is a big chunk  
10 of resources. I think it's a well spent chunk of  
11 resources given the problems that need to be  
12 remedied. And frankly given the very central place  
13 that the Board of Elections and that elections have  
14 in all of our government.

15 CHAIRPERSON GENTILE: Okay. So tell us a  
16 little bit about how for the December 2013 report  
17 the agency and the IG devised the investigative  
18 initiatives that, that was, that were only taken  
19 for that December 2013 report. How did, how did you  
20 devise the investigative basis of what you were  
21 doing?

22 COMMISSIONER PETERS: Sure. A number of  
23 things were done. First there were extensive  
24 interviews done with staff at the Board of  
25 Elections, some 40 interviews were done. Second,

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2 there was a great deal of data analytics that was  
3 done, probably the most important piece of this is  
4 a data search was won comparing the last names of  
5 people working at the Board of Election, at the  
6 Board of Elections which reveal... and then from that  
7 where there were matches of last names and there  
8 was two employees with the same last name. We then  
9 did additional searches to see whether or not those  
10 two people were related. The result of this is that  
11 we found that in a staff of 890 people, that's the  
12 full, that's both full time and part time staff at  
13 the Board of Elections, of 890 people 69 of them  
14 are related to one another. And that's probably an  
15 undercount because that assumes that everybody  
16 who's related to one another has, shares a last  
17 name. If we assume there are obviously people  
18 related to one another who don't the numbers are  
19 higher. So that data analytics demonstrated to us  
20 that close to 10 percent of the staff at the Board  
21 of Elections is related to one another which  
22 suggest significant problems in terms of nepotism  
23 and hiring. We then reviewed. We did interviews and  
24 we viewed hiring practices and finally as the last  
25 step we did an undercover operation in which two

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2 things happened. First, we had undercover  
3 investigators get jobs as poll workers which  
4 allowed them to go to the poll worker training and  
5 to be there on election day. And that uncovered a  
6 number of concerning events including potentially  
7 cheating on the poll worker exams, including  
8 overhearing instances of people being told to vote  
9 down the line. And then lastly we did an analysis  
10 of the actual voter rolls. And we did that to see  
11 whether there were ineligible voters on the rolls.  
12 And then we sent undercover investigators in to, to  
13 quote vote, and I put the word in quotations as  
14 those people. The purpose here and I want to really  
15 emphasize this was not about voter fraud. It was  
16 about inefficiency. The use of undercover  
17 investigators as poll workers was about  
18 inefficiency. This was not an investigation to,  
19 particularly concerned with voter fraud. It was an  
20 investigation concerned about lack of training,  
21 about lack of efficiency, about political hiring,  
22 and about nepotism. And I think that it is  
23 important not to get distracted from these very big  
24 issues by the question of, by the question of voter  
25 fraud.

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2 CHAIRPERSON GENTILE: ...used to cover and  
3 I am not going to go through all of them and run  
4 through our membership but I'm curious. You  
5 mentioned in the voter roll deficiencies that you  
6 checked multiple databases at random. Could you  
7 describe how you came upon those databases what  
8 they were?

9 COMMISSIONER PETERS: Sure. I mean there  
10 are a number of databases. Some of them are  
11 available to law enforcement. But there are  
12 multiple databases, probably the most commonly used  
13 is what's called the Social Security Death Master  
14 List which is not quite as ominous as it sounds.  
15 The Social Security Death Master List is a list  
16 maintained by the Social Security Administration of  
17 everybody who's died. And it's used by numerous  
18 different commercial organizations. Insurance  
19 companies use it, financial services companies use  
20 it, lots of different entities use it so that they  
21 can determine when people have died. It's  
22 commercially available. It's commercially available  
23 on computer so that the Board of Elections if it  
24 wanted could subscribe to the Death Master List and  
25 would then have a computer, an ability to

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2 essentially get a list of everybody living in the  
3 five, the five counties who had died over you know  
4 like one week, one month period and compare that to  
5 their voter rolls. We actually used a different  
6 database ourselves because there's a separate one  
7 that's available to law enforcement but it's the  
8 same process.

9 CHAIRPERSON GENTILE: It, it, it has  
10 come to my attention... at least as I understand it  
11 that one of the deficiencies with the Social  
12 Security Death Master List I guess it's called is  
13 that at least from, from a voter roll perspective  
14 is that if someone for example lives in Queens but  
15 then moved to Florida and then dies while they're  
16 in Florida but they're registered in Queens there's  
17 not necessarily when, when that person gets put on  
18 the Social Security Death database there's not  
19 necessarily a match for BOE to see that person as  
20 the same person in Queens.

21 COMMISSIONER PETERS: I mean it's a good  
22 point but I would say this. I mean, I mean you  
23 raise a good question Council Member. One, let us  
24 assume that by using the Social Security Death  
25 Master List you catch 90 percent of the people who

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2 died. That's still 90 percent better than not doing  
3 it at all. And so I don't, I don't think we want to  
4 say that because some people may not be caught it's  
5 an excuse not to do what we should be doing.

6 Obviously there a way, there are all sorts of  
7 things you can do. You could of course run the  
8 national list against the Board of Elections list.  
9 That's probably more cumbersome. But it's possible  
10 you could also say that we know that there are  
11 certain, you know we could run the list against  
12 those places when we know there are a larger of  
13 retirees. There are way, there are ways of doing  
14 that. But even if we accept that the Social  
15 Security Death Master List will not catch 100  
16 percent, if it's going to catch 90 percent we ought  
17 to be... if it's going to catch 90 percent and we can  
18 do it at low cost and with low, and with relative  
19 ease we ought to be catching 90 percent at low cost  
20 with relative ease.

21 CHAIRPERSON GENTILE: And you know for a  
22 fact that the Board of Elections does not use that  
23 database.

24

25

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2 COMMISSIONER PETERS: Certainly at the  
3 time that we did our investigation that's what we  
4 were told.

5 CHAIRPERSON GENTILE: I see. Okay. On  
6 the poll worker training I'm curious, how did you  
7 determine what poll sites to, to visit.

8 COMMISSIONER PETERS: We picked a random  
9 group of poll sites. We obviously could not, we  
10 could not get workers to every single poll site. We  
11 had a random group of poll sites throughout the  
12 five boroughs.

13 CHAIRPERSON GENTILE: So it was just  
14 random... [crosstalk]

15 COMMISSIONER PETERS: ...yeah, it was a...  
16 yeah, it was a random group of sites.

17 CHAIRPERSON GENTILE: Okay. And were  
18 there any attempts by investigators to correct the  
19 instructions the poll workers were giving to  
20 voters.

21 COMMISSIONER PETERS: The answer is yes  
22 there were instances where poll workers did say to...  
23 where our undercover poll workers did say to  
24 supervisors hey wait a minute ar3e you sure we're  
25 supposed to be saying x. So yes there were some

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2 instances where our undercover people did in fact  
3 try to actually correct things where they saw them.

4 CHAIRPERSON GENTILE: Okay. And, and I  
5 didn't remember, is that detailed in the report.

6 COMMISSIONER PETERS: Yes it is.

7 CHAIRPERSON GENTILE: It is, okay.

8 COMMISSIONER PETERS: It is, some of the  
9 instances are yes.

10 CHAIRPERSON GENTILE: Okay. And you also  
11 conducted a voter survey as part of this report.  
12 Were the results of that survey ever shared with  
13 the Board of Elections?

14 COMMISSIONER PETERS: The results of the  
15 survey were, were in the report yes... [crosstalk]

16 CHAIRPERSON GENTILE: ...that's... it's in  
17 the report... [crosstalk]

18 COMMISSIONER PETERS: Yeah, absolutely...  
19 [crosstalk]

20 CHAIRPERSON GENTILE: ...but... so... it's the  
21 extent of, of what they know is what's in the  
22 report?

23 COMMISSIONER PETERS: Yes.

24 CHAIRPERSON GENTILE: From the voter  
25 survey? Okay. I just want to quickly finish up with



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2 some of the recommendations you need like, for  
3 example standardizing the hiring process. Are those  
4 recommendations based on just regularly accepted  
5 operating procedure or is it based on some other  
6 jurisdictions best practices. I, well both. It is,  
7 it is based on... First of all it's based on standard  
8 procedures throughout the city which is in every  
9 city agency or at least, it should be in every city  
10 agency that there are standard hiring practices. It  
11 is also best practice at every other similarly  
12 situated kind of agency that you've got these kinds  
13 of standard practices. I mean bluntly standard  
14 hiring practices including making, hiring public is  
15 not a particular, you know is not as you know Mr.  
16 Chairman not a revolutionary concept. To be honest  
17 it's somewhat regrettable that we even have to put  
18 that as a recommendation in a report. But it isn't  
19 happening so we have to put it as a recommendation  
20 in the report.

21 CHAIRPERSON GENTILE: Okay. Again you  
22 made a lot of recommendations. I'm sure some of the  
23 colleagues will pick up on it. I'm curious we know  
24 as you said the voter registration card retention  
25 is, seems to be an unnecessary practice but I'm

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2 curious about the voter card issue. Could it be a  
3 caveat that with so many voter roll books that are  
4 moving around throughout the city that in the event  
5 that one of those voter roll books for that day is  
6 misplaced or lost, the only way to recreate the,  
7 the... or one of the ways to recreate who voted from  
8 that site on that day would be those voter cards?

9 COMMISSIONER PETERS: Well it would be a  
10 potential way to recreate it. I'm not sure that it  
11 is the only way but one, we've not received reports  
12 that it is a problem of these books being lost. It  
13 is very inefficient to use. It is both inefficient  
14 costly to use the cards. In fact the state Board of  
15 Elections has said that they think that this is an  
16 antiquated way to proceed. And so to go through  
17 both the cost and the inefficiency, inefficiency  
18 for the, for the possibility that maybe a book  
19 might get lost and if it does this might be a way  
20 to reconstruct, doesn't see, did not seem to us to  
21 be a good use of, to be a good use of resources.  
22 And the state Board of Elections comes out in the  
23 same place.

24 CHAIRPERSON GENTILE: Okay. Let me just  
25 finish up. You, you mentioned state Board of

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2 Elections. Did, have you seen the letter that the  
3 state Board of Elections sent to the, to the city  
4 Board of Elections dated February 24<sup>th</sup> in regard to  
5 some of the issues that you brought up in your  
6 report?

7 COMMISSIONER PETERS: No I have not.

8 CHAIRPERSON GENTILE: Okay. And, and  
9 this just came to our attention also. But they  
10 indicate that, that in, in terms of deceased voters  
11 they have looked at what you have said and they  
12 said, this is from the state Board of Elections, of  
13 the 39 voters reported as having been found, I  
14 guess deceased voters that have been, have been  
15 found in the poll books the state board had no  
16 record of ever receiving a death notice from the  
17 Department of Health for 26 of the 39. And of the  
18 remaining 13 voters, 10 voters were not flagged due  
19 to a mismatch in the data for the voter's middle  
20 name. And three voters were flagged as potential  
21 matches from the, as, as a deceased voter. And that  
22 information was provided to the Board of Elections,  
23 New York City Board of Elections for processing on  
24 late October. And all three voters that remained  
25 were subsequently encouraged by the Board of

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2 Elections on December 5<sup>th</sup> and December 6<sup>th</sup> of 2013.

3 That, this coming from the board, the State Board  
4 of Elections.

5 COMMISSIONER PETERS: Right, I, I have  
6 not seen the letter.

7 CHAIRPERSON GENTILE: Okay.

8 COMMISSIONER PETERS: I have two  
9 thoughts about it if I may. The first is as to  
10 reports from the Department of Health, part of the  
11 reason for using a Social Security Death Master  
12 List is that is a remarkably accurate listing. But  
13 second of all I think it is important not to lose  
14 focus here That, the problem here is not and the  
15 report never suggested that the major problem we  
16 have here is either A, voter fraud generally or B,  
17 the fact that there are people who've died who are  
18 on the voter rolls. That is to be honest a very  
19 small piece of this issue. The issues here really  
20 are nepotism in hiring, politics in hiring, hiring  
21 a staff that is having inefficient overly costly  
22 elections in which voter privacy sometimes is  
23 breached and of which there are long lines. And  
24 those are the issues that were front and center in  
25 the report. And I know that there's been a lot of

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2 discussion of the you know dead folks on the rolls  
3 issue. But that is a really small piece of this.  
4 The bigger issue and the one that I think we need  
5 to all stay focused on is the idea that the hiring  
6 practices at the Board of Elections have are in  
7 violation of the law in some instances. And they're  
8 leading us to a deeply inefficient system.

9 CHAIRPERSON GENTILE: So those, those  
10 other issues that we just talked about are well the  
11 board is, the state board is addressing you really  
12 don't see as the, the, the primary focus of, of  
13 this report.

14 COMMISSIONER PETERS: Absolutely. That's  
15 exactly right.

16 CHAIRPERSON GENTILE: Right. Okay. I  
17 have other questions but I'm going to pass it over  
18 to my co-chair here. But before I do I want to  
19 mention that we've been joined by Council Member  
20 Costa Constantinides and Council Member David  
21 Greenfield. Thank you for joining us. Okay, Mr.  
22 Chairman.

23 CHAIRPERSON KALLOS: Thank you. Thank  
24 you for joining us on day nine. I'm on day 59 and  
25 so I'm, I'm very impressed that you got the letter

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2 out on your first day so, so thank you for that.

3 How, how long should it take the Board of Elections  
4 to come back with a corrective action plan?

5 COMMISSIONER PETERS: I think that you  
6 can easily do a corrective action plan in a week if  
7 you are really working at it. Certainly you can get  
8 part of a correction action plan done in a week if...  
9 I mean frankly if the Board of Elections had come  
10 back and said we have a corrective action plan for  
11 items one through 10 and we propose to get you the  
12 corrective action plan for the other 30 items in  
13 the next two weeks I would have considered that to  
14 be an entirely good faith way to proceed. But  
15 frankly I've done, I've seen corrective action  
16 plans done in under a week.

17 CHAIRPERSON KALLOS: Thank you. One item  
18 I do want to call your attention to as your, your  
19 colleagues at the Morlan Commission who have been  
20 tasked with a similar duty as yours on the state  
21 level have submitted written testimony. They are  
22 unable to provide testimony in person so I  
23 encourage you to review the record for their  
24 testimony is, it provides a lot of great  
25 information about where statutory mandates have

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2 diverged specifically with regard to patronage and  
3 partisanship where there are not those same  
4 requirements on the state level but they are on the  
5 city level which indicates that there is not  
6 constitutional requirement for some of the items  
7 that you've identified. With regards to just one,  
8 with regards to the, the necessity of you having  
9 sent that letter how cooperative has the Board of  
10 Elections been with your investigation report and  
11 corrective action?

12 COMMISSIONER PETERS: Sadly they have  
13 not been anything near as cooperative as is, as is  
14 necessary or frankly as is appropriate. To the  
15 extent that they have been cooperative it has been  
16 on smaller issues, not on the main issues of  
17 question. On the main issues of question we've  
18 gotten as I said no corrective action plan, not  
19 even informal proposals to us on how they're going  
20 to be fixed. And in some instances my staff has  
21 actually encountered from some very senior people  
22 there outright hostility.

23 CHAIRPERSON KALLOS: Thank you. I'd like  
24 to recognize Council Member Matteo.

25

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2 COUNCIL MEMBER MATTEO: Commissioner  
3 congratulations.

4 COMMISSIONER PETERS: Thank you.

5 COUNCIL MEMBER MATTEO: I look forward  
6 to working with you. I just want to touch base on,  
7 on the training which is been an issue that you  
8 brought up. Does DOE have an issue with the actual  
9 blueprint of the training, how they're being  
10 trained and what are they finding on election day  
11 that, that people what just aren't trained, don't  
12 know how to deal with the, with the normal issues  
13 or the problems? Can you just go into... a little bit  
14 more detail on the training?

15 COMMISSIONER PETERS: Sure. I'm happy  
16 to. And I think it's, I think it's a great  
17 question. The issue is with the way the training's  
18 being carried out as opposed to with you know the  
19 quote blueprint for the training right. So the  
20 question is how are they, we actually carrying it  
21 out. There were a number of deficiencies in the  
22 training. They're all listed here but I'll, I'll  
23 categorize a couple of them. You know for example  
24 in many of the... And by the way the other issue is  
25 the training was uneven. In other words if you're



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2 doing a good training program then it ought to be  
3 the same training program in all five boroughs at  
4 all, at all the training sessions. And what we  
5 found is that the quality of the training programs  
6 and the kind, and the, even in some instances what  
7 people were being told varied from training to  
8 training. And as a general rule whenever you see  
9 that kind of variance from training to training in  
10 and of itself that's a red flag that there's an  
11 issue. For example in some poll, in some training  
12 the poll workers were actually given hands-on  
13 ability to see how the voter machines worked to do,  
14 to see the mechanical stuff so that if there was a  
15 problem with the machine they knew what they were  
16 doing. In others somebody just stood up and  
17 described it. And so unless you're really, really  
18 good at hearing people describe mechanical failures  
19 and translating that into what to do you're going  
20 to be left out. There is an exam that gets  
21 administered at the end of the training.

22 Disturbingly there were a number of instances, and  
23 this is why we sent undercover investigators in,  
24 there were a number of instances were, you know  
25 basically the people running the training were

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2 essentially helping people through the exam  
3 including... I think in one instance a trainer said  
4 well I can't tell you what the right answer is on  
5 the exam but I'll tell you the one you put down is  
6 wrong. So it's those kinds of issues with training  
7 that, and the, and the result of that is we saw a  
8 lot of poorly trained poll workers. You know when  
9 you have poll workers who do things like say well  
10 just vote down the line I'm not suggesting a venal  
11 motive there necessarily I don't know, but at the  
12 very least it's poor training to be saying that. At  
13 the least if you're walking into the polling booth  
14 with somebody, except under some very limited  
15 circumstances where people need help and there are  
16 a whole bunch of special rules on that. If you're  
17 doing that at the very least that's bad training.  
18 And that's the kind of thing, and as I said there  
19 are lots of other examples in the report but that's  
20 the kind of thing that we saw. What you need is a  
21 standardized training and you need to make sure  
22 that it's the same training, sent the same way each  
23 time to everybody.

24 COUNCIL MEMBER MATTEO: Just a follow  
25 up. So the...

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2 COMMISSIONER PETERS: Sure.

3 COUNCIL MEMBER MATTEO: Now I understand  
4 the standard in all the boroughs should be the same  
5 but as, as it relates to the content... [crosstalk]

6 COMMISSIONER PETERS: Mm-hmm.

7 COUNCIL MEMBER MATTEO: ...content the  
8 right material that poll workers are being trained  
9 during that one day or... And they should be, and I  
10 think they do it every... to do it every year I may  
11 be mistaken, but is it, is it just one time a year  
12 and maybe the Board of Elections will handle that  
13 but...

14 COMMISSIONER PETERS: Right, there will,  
15 there are... there are... there's more than one  
16 training session... they do it... it's a one day  
17 session for poll workers... you know each, for each  
18 year... (crosstalk) of elections. I don't believe  
19 that we had a concern with the sort of the content  
20 of what's being covered. I don't know, that was an  
21 issue. I think the issue was going from okay, we've  
22 all agreed the content is okay to what's actually  
23 happening in the classroom.

24 COUNCIL MEMBER MATTEO: Thank you.

25

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2 CHAIRPERSON KALLOS: I'd like to  
3 recognize Council Member Torres.

4 COUNCIL MEMBER TORRES: Thank you  
5 Commissioner for your testimony. If I'm going to  
6 ask you an, an obvious question I apologize but I  
7 imagine DOI has done reports on city agencies  
8 across the government. And I imagine there might be  
9 levels of patronage everywhere but is BOE unique,  
10 does it have levels of patronage and nepotism that  
11 just simply does not exist elsewhere in city  
12 government or is...

13 COMMISSIONER PETERS: Yes. And there are  
14 two thoughts. Yes, the answer's yes it does. I am  
15 not suggesting that any place is perfect but yes.  
16 Part of this I will say in, is due to the statutory  
17 construct. Remember that the way the Board of  
18 Elections is constructed; there are ten  
19 commissioners, five from each party, two from each  
20 county, with you know input from the county  
21 committees. So you're starting out with a construct  
22 that in, that in fact lends itself to some of these  
23 issues because you've got a large board which is  
24 deliberately listed by, and then in fact much of  
25 the staff is you know also assigned by parties. So

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2 you're creating opportunities for this problem at  
3 the outset but yes the level of, the level of, of  
4 nepotism and the level of politics in hiring that  
5 we saw here is greater than certainly... Well for me  
6 to say to greater than anything I've seen in my  
7 tenor as Commissioner doesn't really tell you much,  
8 it's only been nine days. But it's greater than  
9 anything we've reported on in past memory.

10 COUNCIL MEMBER TORRES: It sounds like  
11 you feel it's an inherently patronage institution  
12 is that...

13 COMMISSIONER PETERS: I think that the  
14 way the law is created creates opportunities for  
15 problems but I don't believe that those problems,  
16 and I, and I believe that, and we recommend in fact  
17 that there ought to be changes in the law. But I  
18 also believe that 3even without changes in the law  
19 there are things that we can do to fix this  
20 problem. If you had a standardized hiring  
21 procedure, if you had public hostings for jobs,  
22 standardized procedure for interviews, and a  
23 rigorously enforced anti-nepotism policy and a  
24 transparent hiring policy I think that would get us  
25

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2 a long way towards preventing some of the problems  
3 we've seen.

4 COUNCIL MEMBER TORRES: And I had  
5 trouble believing what I hear earlier. But you said  
6 of the 40 recommendations...

7 COMMISSIONER PETERS: Mm-hmm.

8 COUNCIL MEMBER TORRES: ...that DOI has  
9 made you've gotten a commitment to corrective  
10 action on not a single one of those  
11 recommendations?

12 COMMISSIONER PETERS: I've received no  
13 written corrective action plan on any. I'm told one  
14 of them involving buff cards is under consideration  
15 by the board for solving but hasn't been solved...  
16 [crosstalk]

17 COUNCIL MEMBER TORRES: But that's one  
18 out of 40.

19 COMMISSIONER PETERS: That's...

20 COUNCIL MEMBER TORRES: Maybe.

21 COMMISSIONER PETERS: ...one out of 40  
22 maybe.

23 COUNCIL MEMBER TORRES: Okay.  
24  
25

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2 COMMISSIONER PETERS: Oh, I'm sorry. I'm  
3 told there's one... I'm told, I'm told there's one  
4 other, so two out of 40.

5 COUNCIL MEMBER TORRES: There's two out  
6 of 40?

7 COMMISSIONER PETERS: Yeah, two out of  
8 40.

9 COUNCIL MEMBER TORRES: Have you, now  
10 you've only been in your position for nine days but  
11 have you had conversations with either a  
12 Commissioner or the Executive Director... Is my time  
13 up?

14 COUNCIL MEMBER KALLOS: You can  
15 continue.

16 COUNCIL MEMBER TORRES: ...with the  
17 commissioners or, or the Executive Director.

18 COMMISSIONER PETERS: Sure, fair  
19 question. My staff has had a lot of conversations  
20 with the Executive Director. I sent a letter asking  
21 for a corrective action plan. I didn't then have a  
22 follow-up conversation. Because having done this  
23 for two decades now those conversations are a lot  
24 more productive once you got a corrective action  
25 plan in front of you because then you can have a

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2 structured conversation with a blueprint for what  
3 you're going to do. I'm not sure that what's needed  
4 here is a bunch more conversations. What's needed  
5 here is a corrective action plan with a bunch of  
6 specific steps and a timeline. And then we can  
7 start ticking through those things.

8 COUNCIL MEMBER TORRES: And what's your,  
9 what's your... Can I ask one more question? Okay.  
10 What, what's your impression? I'm curious to know  
11 what's the BOE's attitude. Is the BOE in denial  
12 about these problems or do they acknowledge that  
13 they exist but they're resigned to it, it's just  
14 the nature, and what's their attitude?

15 COMMISSIONER PETERS: I will tell you  
16 that their attitude has not been cooperative in  
17 many instances. And in fact my staff has actually  
18 met with outright hostility on a couple of  
19 instances. As to the reason for it if it's okay  
20 with you Councilman but I'm going to take a pass on  
21 speculating as to the motives.

22 COUNCIL MEMBER TORRES: Fair enough. So  
23 I appreciate your testimony though thank you.

24 COMMISSIONER PETERS: Thank you.  
25



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2 CHAIRPERSON KALLOS: Council Member

3 Lancman. Sorry to interrupt.

4 COUNCIL MEMBER LANCMAN: Good afternoon.

5 COMMISSIONER PETERS: Good afternoon.

6 COUNCIL MEMBER LANCMAN: I want to ask  
7 you about this separating the nepotism from the,  
8 from the politics if you can.

9 COMMISSIONER PETERS: Mm-hmm.

10 COUNCIL MEMBER LANCMAN: The nepotism  
11 there's no excuse for but in terms of the politics  
12 I mean the agency, the entity it was set up with a  
13 structure that is inherently political. And, and  
14 based on a belief that through the adversarial  
15 process if you will, democrats and the republicans  
16 watching each other at the, at the macro level in  
17 terms of commissioners all the way down to the, you  
18 know election in, inspectors that you know many of  
19 the people in the City Council have had the, the  
20 opportunity to have a roll in, in, in picking that  
21 they would by watching each other ensure a, a fair  
22 process or at least the extent that, that no party  
23 was... gain... the, the system at the expense of, of  
24 the other. Is there a way to, to take politics, or  
25 the politics that, that, that you object to out of

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2 that process, out of that structure but still  
3 maintain a system whereby the two parties have  
4 their folks in there watching each other?

5 COMMISSIONER PETERS: Absolutely. I  
6 think what we need to sort of tweeze out and it,  
7 and it's a solid point that you raise but a good  
8 one. We need to tweeze out the idea that the law  
9 says five democrats, five republicans on the board  
10 at... in fact also says you need equal numbers of  
11 democrats and republicans steps below that in the  
12 organization. And we could have a discussion about  
13 whether or not that's a wise law and in fact we  
14 recommend some changes to the law. But let's assume  
15 for the moment we're accepting the law as written  
16 as it is right now. There's a difference between  
17 saying we need democrats and republicans watching  
18 each other. And saying that at a staffing level  
19 we're not going to have a merits based hiring  
20 process. It may be that we know that a certain  
21 number of staffers have to be democrats and a  
22 certain number have to be republicans. But in a  
23 city of 8.5 million people there are lots of  
24 tremendously qualified democrats and republicans

25

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2 from whom to choose. And if we had an open hiring  
3 process we would have access to that. And then...

4 COUNCIL MEMBER LANCMAN: Let me just...  
5 interrupt you if I may. It, it's not enough to  
6 maintain this kind of adversarial system where this  
7 model where one side's watching the other possibly  
8 that the staff people or that the employees are of,  
9 of, of opposite parties. It's not enough that they  
10 be a democrat or republican but that they be  
11 partisans, that they be committed to their side and  
12 they zealously guard their side's prerogatives and,  
13 and interests, and they watch that the other side  
14 is not going to interfere with that. So it's, it's  
15 more than just having two different parties. It's,  
16 it's having two different sides who like lawyers  
17 are representing their interests, the interests of  
18 their principals if you will with, with some  
19 zealousness.

20 COMMISSIONER PETERS: Well...

21 COUNCIL MEMBER LANCMAN: I throw that  
22 out there.

23 COMMISSIONER PETERS: Sure. And, and,  
24 and with respect I might accept that premise when  
25 we're talking about board members who are making

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2 policy but I'm not sure there's a republican or  
3 democratic way to do data entry. And so at a lower  
4 level I don't know that you need, I don't know that  
5 sort of zealous advocacy is called for. Two things;  
6 one, I don't know that zealous advocacy is called  
7 for when we're talking about a midlevel staffing  
8 position. I think at that point we're really  
9 talking about just getting the work done.

10 COUNCIL MEMBER LANCMAN: What about  
11 where the rubber meets the road. The inspectors out  
12 in the, at the poll sites?

13 COMMISSIONER PETERS: Well several  
14 things. One is we do have republicans and  
15 democrats.

16 COUNCIL MEMBER LANCMAN: I, I want my  
17 guys there watching their guys.

18 COMMISSIONER PETERS: I have a couple of  
19 observations on this. The first of course that the  
20 polling sites are supposed to be non-partisan non-  
21 election year-ing. So to the extent that we have  
22 candidates who are concerned about what's going on  
23 at polling sites that's why candidates have  
24 election lawyers and election volunteer teams who  
25 ride... as I expect many people has rumored done ride

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2 around the polls doing this work. That's one point.

3 And that's part of what keeps this honest. But two,

4 this country has a lot, this country and this city

5 for that matter have a long tradition of civil

6 service and government workers who are scrupulously

7 honest and who do the right thing and who we rely

8 upon to do the right thing. And so I don't that I

9 accept the premise that unless I've got a zealous

10 democrat and a zealous republican sitting there at

11 the polls I've got no way of knowing that election

12 fraud isn't going to go on. I think...

13 COUNCIL MEMBER LANCMAN: And in fact

14 during the primary process if it's just democrats

15 or it's just, if it's just a democratic party one

16 side could have just their guys and the, and the

17 insurgen... he or she's got nobody.

18 COMMISSIONER PETERS: That's absolutely

19 right. And so again... so I don't, yes I accept, I, I

20 accept potentially the premise that when we're

21 talking about policy you may need people who can

22 zealously advocate for one side or another although

23 I could make an argument that that's not so there...

24 either. But even if we accept that for a minute

25 once we're at positions somewhat farther down I

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2 just don't, I don't think, I don't think it works  
3 and the proof is that... the proof is that this  
4 system isn't working. Setting aside whether or not  
5 politics and hiring is... [pause]

6 COUNCIL MEMBER LANCMAN: I'm listening,  
7 I'm multitasking.

8 COMMISSIONER PETERS: ...I don't want to...  
9 Setting aside whether politics in hiring...  
10 (crosstalk)

11 COUNCIL MEMBER LANCMAN: ...blackberry... I  
12 mean...

13 COMMISSIONER PETERS: I, I was never  
14 good at multitasking. Setting aside whether  
15 politics in government is you know as a platonic  
16 ideal a good fin[phonetic] as an Aristotelian what  
17 happened on the ground we see it isn't working  
18 because we got long lines at polls. We've got  
19 inefficient vote counts at, on election day. We got  
20 massive costs we don't need. So we know it's not  
21 working.

22 COUNCIL MEMBER LANCMAN: It, it, the,  
23 the challenges as I see it is to try to find a way  
24 to, to maintain an appropriate level of, of, of  
25 partisanship where the sides are watching each

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2 other with, with competency. And, and we obviously  
3 are not striking the right balance. Mr. Chairman I  
4 know that... I have another question but I know some  
5 people have to go so if I can come back to it later  
6 I'd appreciate the opportunity.

7 CHAIRPERSON KALLOS: Absolutely but I'm  
8 afraid you've used up all of Council Member  
9 Greenfield's time but we, we will, we will have to  
10 give it to him in honor his, his son's birth. And  
11 congratulations I'll take this moment as my  
12 prerogative to congratulate you on that. And  
13 please...

14 COUNCIL MEMBER GREENFIELD: I appreciate  
15 that. Commissioner thank you for your testimony  
16 today and thank you for getting us all up to speed  
17 on the work that Department of Investigations has  
18 done regarding the Board of Elections. I guess some  
19 of my questions are in a similar vein which is why  
20 Rory and I were chatting. And I guess sort of the  
21 overall concern that we have and you know I've  
22 instituted this week maybe I'll, maybe I'll start  
23 doing it next week as well which is what I'm  
24 calling the line of the week. And this week the  
25 line that I borrowed is for my colleague Council

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2 Member Brad Lander, Council Member Gentile's

3 nodding because he's heard me say this before.

4 Council Member Lander had a... [static] this week

5 when asked about a certain issue. And he said it's

6 very difficult to take the politics out of politics

7 right. And so I'm a little bit concerned and I sort

8 of want to break this down into the sense of how

9 much of this is politics, how much of this is

10 incompetence, and how much of this is illegality

11 right. I mean because politics is not illegal yet.

12 But, but certainly, certainly... and neither is

13 incompetence but certainly illegality is illegal.

14 So I just sort of want to break it down. And I do

15 actually want to focus on the, on the overall

16 structure because I personally believe in the

17 former assembly member and myself were chatting

18 about this is that the structure that currently

19 exists necessarily creates, and I personally

20 believe that structure is flawed, and that

21 structure that, that, that as it exists right now

22 which is where you have those five members on each

23 side and they come through the political process,

24 that necessarily creates a political system. And

25 I'm concerned specifically and I'll tell you why;



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2 because I happen to know a lot of the folks who  
3 work for the Board of Elections. And I think that  
4 most of the folks that I know, they work very hard,  
5 they're very honest, and they're very sincere and  
6 good about their work and I think that perhaps  
7 they're getting blamed for a political process  
8 right. So if there's a commissioner who's  
9 political, then there's a job that's open, and then  
10 you're an employee and you're instructed by a  
11 commissioner who for all... purposes is one of your  
12 bosses and says hey you know I'd like Ann  
13 Seity[phonetic] to get this job, what are you going  
14 to do right. I mean so I do want to sort of tease  
15 that out because I do believe that possibly all  
16 three's happening. But I think it's important that,  
17 sort of reflect that from the records. So can we  
18 sort of break it down? In terms of the structure  
19 would you agree with me that the structure itself  
20 is faulty as it exists right now? And if we were to  
21 repair that structure which is, exists under state  
22 law that perhaps for example if we had one person  
23 in charge, I'm not making any particular  
24 suggestion, just giving an example, that we might  
25 have a system that has less politics in it.

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2 COMMISSIONER PETERS: I absolutely do  
3 agree with you. And indeed one of the  
4 recommendations that we made was the idea that this  
5 ten, the idea of a ten person board you know based  
6 on political parties along with requirements that  
7 even below the board level you need democrats and  
8 republicans. I agree with you, I think it's a  
9 faulty structure. It is as I think I said to the  
10 Council Member earlier it is a faulty structure  
11 that is an invitation to many of the problems that  
12 we've seen. I think, I think because I'm also  
13 trying to take a practical, to, to follow up on the  
14 second half of your question to take a practical  
15 approach and not merely suggest sort of pie in the  
16 sky solutions there are things that we can do even  
17 with this faulty structure to ameliorate the  
18 process. If all of the hiring has to be done with a  
19 job posting, a transparent process, and various  
20 other things that are in our report that will make  
21 it better. Yes, you are right, end of the day  
22 structure is causing a lot of problems. We should  
23 fix it but I also think that since that may not  
24 happen immediately there are stop gap proposals  
25 that will make it better that we shouldn't ignore

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2 simple, we shouldn't lose sight of if that makes  
3 sense.

4 COUNCIL MEMBER GREENFIELD: I certainly  
5 agree on that. I want to focus specifically. I  
6 think you mentioned in your testimony, illegality.  
7 I want to, I want to, that's a very strong word  
8 obviously and it's...

9 COMMISSIONER PETERS: Mm-hmm.

10 COUNCIL MEMBER GREENFIELD: ...a serious,  
11 it's a serious charge. Can you flesh that out a  
12 little bit. Are we talking about intentional acts,  
13 unintentional acts, are we talking about  
14 corruption, fraud, racketeering. I'm being very  
15 serious about this because I think there's a  
16 significant distinction like I said between  
17 incompetence, sometimes underfunding, and by the  
18 way I want to be clear. I'm not excusing any of  
19 this and I'm with you in agreeing and I'm taking  
20 the stronger approach which is I think that we  
21 should change the entire structure of the Board of  
22 Election and therefore take, take that politics out  
23 of it and therefore have a system that's more  
24 combatant. But I, I do think in fairness to the I  
25 guess nearly a thousand employees that work there I

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2 do want to sort of tease that out. Whether we're  
3 talking about a system that permeates because of  
4 the politics or whether you can say well you know  
5 what Mr. X is corrupt and should be edited  
6 tomorrow. And I think that's an important  
7 distinction. And I think you can appreciate that a  
8 former prosecutor yourself.

9 COMMISSIONER PETERS: I absolutely do  
10 and when I used the word illegal in my testimony I  
11 spent some time with my staff discussing it. And I  
12 used the word deliberately. This is an ongoing...

13 COUNCIL MEMBER GREENFIELD: I'm, I'm  
14 sure you have which is why I'm asking, yes.

15 COMMISSIONER PETERS: And let me say  
16 Councilman this an ongoing investigation. So there  
17 are aspects of it that I am not prepared to discuss  
18 now for obvious reasons.

19 COUNCIL MEMBER GREENFIELD: Fair enough.

20 COMMISSIONER PETERS: We have made  
21 several referrals already to civil authorities for  
22 violations of the law that we are very very  
23 comfortable occurred. Those, that is ongoing and I  
24 obviously cannot discuss those deliberations by  
25 those civil authorities until they're resolved But

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2 we have already made a number, we've already made  
3 four referrals to civil authorities. In addition  
4 there are aspects of this ongoing investigation  
5 that could lead us to make criminal referrals. It  
6 is too early to tell at this stage.

7 COUNCIL MEMBER GREENFIELD: Go it. My  
8 final question because I'm going to, I've, I've  
9 already run out of time is do you find that part of  
10 the problem, I think this is part of the problem,  
11 is that especially when it comes to the poll  
12 workers I believe that they're underpaid and  
13 undertrained and I think the training has to do  
14 with the fact that not enough funding exists as  
15 well in terms of the, the poll workers and the  
16 payment that they lack in terms of the training. Is  
17 that something that's sort of fear, I, I don't want  
18 to, you see, you see what I'm getting at right. I  
19 just think that there's a, there's a very big  
20 distinction. I'm always really loathed to say okay,  
21 if a thousand people who work here, they're all bad  
22 people right. I think that we sort of need a, we  
23 need a separate between the structure, how it came  
24 to this, who's good, who's bad, and when it comes  
25 to the poll workers... I mean these folks are barely

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2 getting paid a living wage. I mean, you know it's a  
3 little bit bizarre that you know in the council we  
4 always advocate living wage, prevailing wage,  
5 minimum wage, we're, we're basically paying these  
6 folks little bit over minimum wage to do a job that  
7 we believe is the highest responsibility in  
8 government. And we're saying come apply for a job  
9 where you work for 15 hours a day, you only get  
10 paid for 15, you're probably going to work for 17,  
11 now you're working 19 hours because god knows they  
12 don't know how to close out these complicated  
13 machines. And this is the most important civic  
14 responsibility and we're going to pay you bupkis. I  
15 mean that's not a technical term for those who are  
16 listening but I'm sure you're familiar with the  
17 term bupkis... [crosstalk]

18 COMMISSIONER PETERS: Actually if you  
19 look... dictionary you'll find bupkis under B well  
20 defined.

21 COUNCIL MEMBER GREENFIELD: Okay.

22 COMMISSIONER PETERS: It, I agree with  
23 you. And let me be clear if, if I wasn't before.  
24 There are 890 workers at the Board of Elections.  
25 Many of them are clearly hardworking well

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2 intentioned folks. I'm, I'm fairly certain that I  
3 have not said anything to suggest otherwise but  
4 I'll make it quite clear because I agree with you.  
5 Yes, we do not pay a great deal for poll workers as  
6 we've discussed. We're not doing a great job of  
7 training them. We ought to fix that, I agree.

8 COUNCIL MEMBER GREENFIELD: So I think  
9 part, part of that really would be our  
10 responsibility in terms of funding which is  
11 something that the, the city can do and the council  
12 and the administration which is to provide more  
13 funding specifically to, to, to pay higher wages  
14 to, to poll workers. And in fact I, I actually  
15 would, would consider, I actually, I know, that's  
16 my republican colleague says we should unionize the  
17 poll workers.

18 UNKNOWN MALE: They are unionized.

19 COUNCIL MEMBER GREENFIELD: That's an  
20 idea. But I personally actually would consider  
21 putting in legislation to raise the, the wages of,  
22 of poll workers. Because I, I do think that that  
23 honestly is part of the challenge. I, I don't know  
24 many people who are willing to work that many hours  
25 for that little wage. And I think that's part of

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2 what leads to it right. When you hire people at the  
3 last minute, and you're not really paying them  
4 well, you're not going to have, you're not going to  
5 really have great, great results.

6 COMMISSIONER PETERS: It's a fair point.

7 COUNCIL MEMBER GREENFIELD: I certainly  
8 appreciate the work that you're doing here. I think  
9 it's important work and I hope you'll, you'll join  
10 me perhaps and make a trek up to Albany or try to  
11 convince our much wiser legislators than us to  
12 change the structure so that we can actually fix  
13 the structure, top structure of the Board of  
14 Elections which I think would lead to more changes  
15 as well.

16 COMMISSIONER PETERS: Thank you.

17 COUNCIL MEMBER GREENFIELD: Thank you.

18 CHAIRPERSON KALLOS: Thank you. I want  
19 to recognize Council Member Inez Dickens, Council  
20 Member Eric Ulrich and Council Member Mark Levine,  
21 and Council Member Rosenthal who have all just  
22 joined us. I'm going to direct the staff to please  
23 get as many chairs from wherever you can get them  
24 because we have a huge number of people standing  
25 and wherever we can fit them at, other rows,



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2 whatever it is it's been an hour and they should be  
3 able to sit. We are, we're being joined by  
4 commissioners for the state Board of Elections so  
5 they at least deserve to sit along with everyone  
6 else. I also want to remind my, my colleagues that  
7 this is just the first panel. We have the Board of  
8 Elections next and the, the suggestion for three  
9 minutes is, if we can all maintain that self-  
10 control we can get out of here before Shavuot. So  
11 please it's, it's a suggestion and if you can hold  
12 your comments 'till the next panel, and then the  
13 next panel after that, and the next panel after  
14 that, and next panel after that. And, and that  
15 being said Eric Ulrich, Council Member Ulrich  
16 you're recognized.

17 COUNCIL MEMBER ULRICH: Thank you Mr.  
18 Chairman and thank you for your indulgence. As you  
19 know I am not a member of this Committee. I'm  
20 actually a member of the Housing and Buildings  
21 Committee which I was in next door and I heard that  
22 there was a party in this room so I decided to, to  
23 come over here.

24 [laughter]  
25

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2 COUNCIL MEMBER ULRICH: It's not a  
3 democratic party, it's a bipartisan party Helen  
4 but... it's bipartisan now because me and Steve are  
5 here.

6 UNKNOWN MALE: That's right... (crosstalk)

7 COUNCIL MEMBER ULRICH: Anyway... So by  
8 virtue of the fact that we're here... Commissioner  
9 thank you for your testimony and I'm sorry that I  
10 was not here to listen to it but I, I did read this  
11 report when it came out. And [static] you may not  
12 know but I am a former Board of Elections employee.  
13 Actually when I was in college I worked as a clerk  
14 in the Queens office and, and I know personally  
15 very, a good number of the people that work both in  
16 the Queens Office still and some of the Manhattan  
17 employees and executives at the board. And I have  
18 to tell you from what I know based upon my personal  
19 experience I am more at ease now knowing that we  
20 have a very confident executive director at the  
21 helm and Mike Ryan who happens to be a Democrat.  
22 And, and Don Sandell long time board employee  
23 republican as a deputy executive director. Both of  
24 whom I believe are geared towards reforming the way  
25 the Board of Elections has been working or not

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2 working for that matter for a number of years. For  
3 the simple fact that we didn't have an executive  
4 director for so long showed the level of inherent  
5 dysfunction that existed at the Board of Elections.  
6 When we were able to finally... we meaning the city  
7 and the county leaders, the commissioners, the, the  
8 good government groups were able to convince the  
9 powers that be to actually come to the table and  
10 agree upon somebody that in itself I think was a  
11 major step forward. I do want to focus on one part  
12 of your testimony that was discussed at some point.  
13 And that is with respect to the role of the county  
14 political committees in the hiring practices very,  
15 very important. I can speak to this from personal  
16 experience in that as a former district leader and  
17 as an elected official at some point I ran for  
18 higher office. I was at odds with several people in  
19 my own county some of whom are now under federal  
20 indictment. And coincidentally when I was running  
21 in a republican primary for the seat that I was  
22 seeking there were many poll workers who had worked  
23 for many years, 20 and 30 years who were told that  
24 they would not be able to work on election day, on  
25 primary day in the site where they vote and where

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2 they had worked for many many years for the simple  
3 fact that they had either carried my petition,  
4 signed my petition, given me money, or indicated at  
5 some point that they were supportive of me and not  
6 the person that the county wanted them to support.

7 And that the only way that they would have that job  
8 that they've held for so long was if they would go  
9 to my opponents campaign headquarters and sign up  
10 there. And that was a big problem. They were denied  
11 training and if they don't get trained they

12 couldn't be assigned to work on that day. If I  
13 didn't have, if I didn't get Don Sandell other  
14 people involved in that to intervene and say this  
15 is wrong, this is probably not even legal, and you  
16 must retain these employees and assign them a class

17 so they can be trained and get them to work on  
18 election day. They wouldn't be working. But the  
19 problem is, is really statutory. And, and the

20 interpretation of the stature. And I know Steve  
21 Richman is here. Maybe he could speak you know

22 better to this than I can when he testifies. But

23 the fact is that the law really speaks to the

24 appointment of commissioners. But for whatever

25 reason the commissioners give very wide latitude to

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2 the preferences of the county leaders. And the  
3 county leaders are in fact appointing people in  
4 some cases, not all cases, who are incompetent or  
5 are not qualified, and quite frankly who are, you  
6 know who are not in any way or shape prepared to,  
7 to do a very important job. And, and so I would  
8 hope that whatever reports come out of this and  
9 whatever testimony that this committee is able to  
10 draw out of today's hearing that we would really  
11 put the burden on Albany to change whatever laws  
12 necessary to give real teeth to the law so that the  
13 people in the Manhattan office can do the job, can  
14 root out bad behavior, can fire incompetent people,  
15 can make sure that we can implement the necessary  
16 reforms that we need to implement that should have  
17 been implemented years ago but also to get as my  
18 colleague David Greenfield mentioned the partisan  
19 politics outside of the Board of Elections where it  
20 has no place. And that's really where the change  
21 needs to happen is in Albany. Unfortunately our  
22 hands are tied. But I have a bill that I put in  
23 before, I'm going to put in a blog, a plug before I  
24 wish my friends good.. [static]. I put in a bill  
25 because I know personally when I worked at the

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2 Board of Elections that there were people who were  
3 on city time doing consulting on city time,  
4 political consulting, working on campaigns. And how  
5 they got around it was they brought their laptop to  
6 work. So they weren't doing the work on the city's  
7 computer but they might have been looking up an  
8 avid voter registrations or they might have been  
9 looking up enrollment figures or they might have  
10 been using the poll site locator to determine how  
11 many voters were in a particular election district  
12 or poll site. And then they were doing the work on  
13 their laptop and they were getting paid as  
14 consultants on the side from, from, from a  
15 political campaign. So I put in the law, I said  
16 let's amend the conflicts of interest law that says  
17 if you are a Board of Elections employee in the  
18 city of New York you cannot work for a city  
19 campaign, you cannot work for and get paid for, not  
20 volunteer, you can certainly volunteer, but you  
21 cannot get paid for someone running for city  
22 council, borough president, public advocate, mayor,  
23 any city office. In essence the spirit of, of that  
24 conflict of interest amendment would be that you  
25 cannot influence the votes at the same time you are

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2 in charge of counting those votes. There should be  
3 something inherently wrong with that. That's not  
4 the case currently. I mean yes, you're not supposed  
5 to do it on city time, that is against the law but  
6 there's, but there's nothing that bars someone from  
7 working and getting, getting paid by a, by a city  
8 campaign and also working for the City Board of  
9 Elections. I think that's a problem. And I would  
10 hope that that's something that you also  
11 investigate and that this committee would consider  
12 at some point. Thank you.

13 CHAIRPERSON KALLOS: Thank you. Council  
14 Member Lancman.

15 COUNCIL MEMBER LANCMAN: So... I thought  
16 you had somewhere to go otherwise I... I mean... stay  
17 it's going to be good.

18 UNKNOWN MALE: I was trying to be kind  
19 because your my colleague but...

20 COUNCIL MEMBER LANCMAN: Okay.

21 UNKNOWN MALE: ...now that you called me  
22 out... [crosstalk]

23 COUNCIL MEMBER LANCMAN: It's a routine  
24 that we do. So you know election days are, are  
25 pretty hectic and where I see the board falling

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2 down on, on the job most often is on election day  
3 at the poll sites where the poll workers don't  
4 really know how to handle situations that arise  
5 that are you know outside the, the, the straight  
6 black and white cookie cutter, someone shows up,  
7 their name is in the book, no problem. I don't see  
8 anything fundamentally changing in terms of the  
9 structure to the board or, or, or much of what you  
10 are talking about. This council hearing that we're  
11 having now could have happened any number of times  
12 over the last number of years. I don't want to  
13 dissuade you from trying to affect change and, and  
14 on, on many of the things you're talking about I'm  
15 there with you. But I have an idea for something  
16 that could be really potentially helpful and I'd  
17 like you to, to consider it. And that is on  
18 election day when something funky is going on at a  
19 poll site it's very very hard to get someone above  
20 the level of the, the local poll site coordinator  
21 who truth be told rarely knows more than the people  
22 that, that they're supervising to come in and say  
23 this is being done incorrectly. You know we, we try  
24 to track down the, the Board of Elections but  
25 they're really busy that day. The police officers



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2 god bless them they keep us safe 365 days a year  
3 but they don't know anything about election law.  
4 You get three cops at a polling site on election  
5 day. They'll have different ideas about how many  
6 feet you're supposed to stand from the entrance and  
7 I mean you name it. So one of the things that would  
8 be really really helpful and make a difference in,  
9 in having election day run smoother and more  
10 efficiently, more transparently, more, more  
11 honestly would be if somehow the Department of  
12 Investigation could make itself or its people  
13 available that day, maybe have a certain number of  
14 people assigned to each borough that could be  
15 called upon to come in. And I don't know if you  
16 have jurisdictional authority for this, maybe  
17 that's something we need to, to talk about but at  
18 least come in and, and somehow be an honest  
19 arbitrator. On, on the day of the, the vote as to  
20 whether or not a poll site is conducting itself  
21 appropriately. That's something that would be very  
22 very helpful, it'd be a change from, from the way  
23 things are now. And if it's something that you have  
24 the authority to do, it's something that you can do  
25 without you know going up to Albany and, and trying

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2 to achieve changes that, that have been talked  
3 about for probably decades. And, and I don't see  
4 that they are in any way on the cusp of, of, of  
5 changing.

6 COMMISSIONER PETERS: I would be  
7 reluctant to suggest that the Department of  
8 Investigation with finite resources sort of become  
9 the you know super, supervisor of elections. We  
10 probably have jurisdiction to do that. We have, we  
11 have extremely broad jurisdiction but I would be  
12 reluctant to suggest that we should become the sort  
13 of super arbiter of elections. Frankly we've been  
14 having elections in this city for 300 years. We've  
15 been having elections of the type we have now for  
16 decades. The problems that come up each year on  
17 election day are rarely new problems. They're the  
18 same problems that came up last year. And so a good  
19 training program ought to be able to deal with them  
20 because it's not like the problems that come up are  
21 new ones that somebody designing a training program  
22 couldn't anticipate. And I think the solution is  
23 that we need to have a good training program  
24 designed by good professional folks that in fact  
25 get poll workers ready for the problems that come

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2 up year after year after year. And I think that, I  
3 mean while certainly there should be some ability  
4 of the, for the central board to respond to issues  
5 I really believe that that's more than anything  
6 what we need to do to deal with that part of the  
7 problem. As I said I think there are bigger and  
8 broader problems about hiring that we identified.  
9 But on that I think that it's not hard to figure  
10 out how to train workers when we're doing it every  
11 year.

12 COUNCIL MEMBER ULRICH: Thank you. And  
13 just actually as a comment on what you were saying.  
14 There actually is an arbiter of justice that is  
15 there and having done a lot of poll watching it's  
16 the NYPD officer who is there and, and one of the  
17 number one rules of poll watching is don't get  
18 arrested we're not bailing you out on election day.  
19 But did, did, sorry to go out of turn but did the  
20 DOI have any experience with seeing what the  
21 interaction with the NYPD officers are on that day  
22 and if there's any room to work with NYPD so that  
23 their officers are better equipped to handle the  
24 fact that day in, day out, every election day on  
25 that very long day that they are working outside of

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2 what they would normally do every single poll site  
3 that when the poll workers and the coordinator, and  
4 a poll watcher, and a candidate are all there  
5 yelling and screaming at each other that they're  
6 equipped to, to deal with that problem instead of  
7 just trying to do the best that they can right then  
8 and there without any support.

9 COMMISSIONER PETERS: We did not  
10 specifically look at the training the police  
11 officers get. Obviously police officers get some  
12 training on this, they get a huge amount of  
13 training on many things they do... as Council Member  
14 Lancman pointed out they do a remarkable job 365  
15 days a year... You know is it conceivable that there  
16 could be things that are done there? Sure. And it's  
17 something that we will look at.

18 CHAIRPERSON KALLOS: Great. I'd like to  
19 pass it on to Council Member Rosenthal and then I  
20 will be passing it back to the Chair of the  
21 Oversight and Investigations Committee.

22 COUNCIL MEMBER ROSENTHAL: Thank you.  
23 Congratulations to you if this is your first  
24 hearing, your second, your eighth. Congratulations,  
25 great hearing, great topic. Commissioner I just had

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2 two quick questions. I have gotten through page two  
3 of your report so apologies if you've already taken  
4 care of this. But there are a couple of issues that  
5 came up, that have come up in my district that I'm  
6 wondering if you've explored or if you would  
7 consider exploring. One is to follow-up on Council  
8 Member Kallos' issue about safety. Many of our poll  
9 sites are in our schools and the cafeteria where  
10 the election work happens is far away from the  
11 front door. And what happens between the front door  
12 and the actual place where people vote is  
13 classrooms and young kids and bathrooms. And we've  
14 had just horrible experiences of people coming in  
15 and they shouldn't be in a school. And, and there's  
16 not enough police coverage. Is that something you  
17 looked at at all, would you consider...

18 COMMISSIONER PETERS: We, we didn't look  
19 at that issue specifically but I'm happy, as I said  
20 this is an ongoing investigation, and so I'm happy  
21 to have my staff take a look at that. And...

22 [crosstalk]

23 COUNCIL MEMBER ROSENTHAL: Thanks.

24 COMMISSIONER PETERS: ...and we'll get  
25 back to you.

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2 COUNCIL MEMBER ROSENTHAL: Thanks. I'd  
3 be happy to chat with them about the details. And  
4 the second is did you explore the funding of each  
5 of the elections to think about how we can get away  
6 from the problem of being overstaffed at small  
7 elections and understaffed at large elections.  
8 Could you, can, look into what is the appropriate  
9 amount of staff for an upcoming election and urging  
10 the Board of Elections to staff appropriately and  
11 then tagged onto that considering... with new  
12 technology finding a way for the, the voter rolls  
13 not to be only on paper but for there to be iPads  
14 where you can look up someone's name very quickly.  
15 Because with the changing around of all the poll  
16 sites people get sent back and forth to three or  
17 four different sites do you know what I mean.

18 COMMISSIONER PETERS: Sure... to take the  
19 first part of that question first there were a  
20 number of recommendations in the report that  
21 pointed to inefficiencies, there were discussions  
22 of things like instant runoff voting that could  
23 avoid having to have as, you know having to have an  
24 election with... you know for a very small number of  
25 things on the ballot. So in fact we did address

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2 that there are inefficiencies. If you clean those  
3 inefficiencies up there's more money left over than  
4 to have additional staff as needed at, you know  
5 what, what you termed big elections by, by which I  
6 assume you mean elections where there's a very high  
7 turnout. So the answer's yes we did address that  
8 actually in some detail in the report and in the  
9 recommendations.

10 COUCIL MEMBER ROSENTHAL: Okay, thanks.

11 COMMISSIONER PETERS: Sure.

12 CHAIRPERSON GENTILE: Thank you Council  
13 Member. And we've heard a lot already so far and in  
14 a couple of minutes we'll have the Board of  
15 Elections come and give their testimony. But just  
16 want to reiterate and underscore a point that we  
17 brought up before. And it, you know it's good to  
18 see that the DOI and the BOE are in the room  
19 together today. But I just want underscore you are  
20 willing to meet with, with the, the Board of  
21 Elections and staff to discuss with them whatever  
22 it is that you think is important for them to know  
23 in priority order?

24 COMMISSIONER PETERS: Yes, we've been  
25 very clear that we're prepared to meet with them.

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2 My staff has offered to meet with their staff and  
3 has in fact met with their staff on many occasions.  
4 Yes we're prepared to meet with them. I would  
5 underscore though that the most important thing to  
6 do now is to put together a proper corrective  
7 action plan. Having taken over governmental  
8 agencies that were in crisis, having investigated  
9 governmental agencies that were in crisis on dozens  
10 of occasions without that blueprint everything else  
11 ends up as wheel spinning. So yes of course we're  
12 willing to meet with them, we have met with them  
13 but we'll meet with them again. But I want to  
14 underscore the real importance of, of, of a, a  
15 corrective action plan and a blueprint so that we,  
16 we actually get things moving.

17 CHAIRPERSON GENTILE: And, and, and made  
18 based on that, on that...

19 COMMISSIONER PETERS: Yes.

20 CHAIRPERSON GENTILE: ...on that...

21 COMMISSIONER PETERS: My experience has  
22 been the best way to do this is have that and then  
23 meet. But of course we're prepared to meet them. We  
24 have met in the past.

25



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2 CHAIRPERSON GENTILE: Great.

3 Commissioner again thank you so much for, for  
4 coming here today and testifying on the report that  
5 preceded your commissionership and to the inspector  
6 general thank you for your work also. And certainly  
7 we'll, we'll, we'll be back in touch. Thank you.

8 COMMISSIONER PETERS: Thank you.

9 CHAIRPERSON GENTILE: Mr. Chairman you  
10 want to call the next panel?

11 CHAIRPERSON KALLOS: I would. Thank you  
12 again for joining us and hopefully we can get those  
13 additional chairs. And the next panel will be the  
14 Board of Elections. So... Mike Ryan the Executive  
15 Director, Don Sandell the Deputy Executive  
16 Director, and Steve Richman the General Council  
17 could please join us.

18 [pause]

19 CHAIRPERSON KALLOS: There are seats in  
20 front for those of you who are still standing. And  
21 thank you all for joining us from the public. We're  
22 ready whenever you are. And sorry if the Sargent  
23 could bring the Board of Election's testimony to  
24 the members of the Committee. If you don't mind  
25

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2 distributing we'll take it. Thank you. Thank you.

3 We're ready for your testimony.

4 [pause]

5 CHAIRPERSON GENTILE: Director Ryan is,  
6 is your mic on? We're not sure... [static].

7 DIRECTOR RYAN: There we go.

8 CHAIRPERSON GENTILE: There... [crosstalk]

9 DIRECTOR RYAN: That better?

10 CHAIRPERSON GENTILE: Okay.

11 DIRECTOR RYAN: I tend to speak loud but  
12 understand the importance recording appropriately.  
13 In any event... Seated to my right is Deputy Director  
14 Don Sandell. Seated to my immediate left is  
15 Administrative Manager Pamela Perkins, seated to  
16 her left is General Council Steve Richman. Also  
17 today here are Deputy General Council Raphael  
18 Savino, our Director of Communications and Public  
19 Affairs Valerie Vazquez, Director of Personnel Nina  
20 Crispino, and the Coordinator of Customer Service  
21 Daniel Lavelle. We have prepared extensive  
22 testimony and, and I understand that there's going  
23 to be some time constraints here so I, I'll, I'll  
24 be as brief as I, as I possibly can. I will say  
25 this. With all due deference to, to Chair Gentile

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2 I, he kind of took away a good chunk of the intro.

3 So that actually saved us some time. We are going

4 to speak... while I appreciate that Commissioner

5 Peters is only on the job nine days and it was six

6 short months ago that I took the helm of the Board

7 of Elections on August the 26<sup>th</sup>, 2013. I understand

8 what baptism by fire is. I less than two weeks

9 after he's... on the job he has to come here and

10 testify about a report that he did not participate

11 in the preparation of. About two weeks after I

12 started I had to preside over a citywide primary

13 election. And then three weeks after that over a

14 runoff. And then a few weeks after that over a

15 general election. So in a very short period of time

16 we were very busy and certainly that did not give

17 ample opportunity for me and executive staff to

18 dive into a lot of the administrative issues

19 associated with it. Because after all what is the

20 Board of Elections without elections. So we had to

21 do the elections first and now we're turning our

22 attention to the administrative processes. And, and

23 while I appreciate Commissioner Peters' statements

24 that it was not the intended thrust of the report

25 to expose voter fraud. As the person the front

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2 lines that had to answer all of the questions with  
3 regard to the dead voters. And all of the other  
4 issues making it appear as if the Board of  
5 Elections is tripping over itself and unable to do  
6 its job. I can tell you whether that was the  
7 intended consequence or not and I will take him at  
8 his word that it certainly was not. It was the  
9 consequence. And I believe that the focus on that  
10 gave the false impression that elections as  
11 administered by the New York City Board of  
12 Elections are inherently flawed. We have a  
13 difficult enough time combatting against voter  
14 apathy in, in, not only in the city but in this  
15 country. And when things like this happen I think  
16 that the, the way that they're handled sometimes in  
17 the public discourse leads to further apathy. And I  
18 don't think that that serves anyone's purpose. In  
19 any event to follow up on Chair Gentile's point all  
20 39 of the deceased, quote unquote deceased voters  
21 for which votes were cast. And I will quarrel with  
22 the quotes put around the word vote by commissioner  
23 Peters because those votes are in the system and  
24 we're currently waiting for an opinion from the  
25 City Law Depart, Department. Understandably we did

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2 not get one as, as the cooperation council Mr.  
3 Zachary Carter is still getting his feet wet in his  
4 agency and I'm sure in due course we will receive  
5 an appropriate response from, from the corporation  
6 council. In any event further down the list they,  
7 they raised the issue of felons that were in the  
8 system that should not have been in there.

9 According to the state Board of Elections report  
10 there were 42 felons that were identified by the  
11 DOI report. 15 remained in the books. That means  
12 that 27 were already taken out in the necessary  
13 process. Four were not received by the Office of  
14 Court Administration, from the Office of Court  
15 Administration by the state Board of Elections and  
16 therefore could not have been transmitted to us. An  
17 additional eight were not transmitted by the State  
18 Board of, of Elections properly because there was  
19 an insufficient name match likely related to a  
20 middle initial or middle name not matching with the  
21 records in the city board records. And with respect  
22 to the, the other three one was a no match on the  
23 date of birth, another was properly reviewed by the  
24 bipartisan team of individuals twice and determined  
25 not to be able to be removed from the rolls. And

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2 the third one there was an issue of a, a mix-up on  
3 the gender in the system somewhere along the lines  
4 so we couldn't take that person out. With respect  
5 to the non-residents there were 48 non-residents  
6 identified by the, the Department of Investigation.  
7 Of the 48, 39 were properly removed from the rolls  
8 leaving nine in the books. The State Board of  
9 Elections reviewed those nine and determined that  
10 all nine only had addresses within New York state  
11 within the five boroughs of the City of New York.  
12 So with respect to those issues there was truly  
13 nothing we could do. There is a difference in, in...  
14 dictionary of the definition between explanation  
15 and excuse. I do not offer that as an excuse for  
16 the frailties of the voter rolls. But I would bring  
17 to this committee's attention as I have been  
18 required to do by virtue of my position I have read  
19 the American Voting Experience Report and  
20 Recommendations of the Presidential Commission on  
21 Election Administration that was distributed by  
22 that Committee, Bipartisan National Committee in  
23 January of 2014. That report indicates that these  
24 problems that we're talking about with respect to  
25 the voter rolls occur nationally. Presently there

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2 does not exist a national voter registration  
3 database. So when folks move out of New York State  
4 and go elsewhere it is virtually impossible unless  
5 the voter tells us that they moved or the  
6 jurisdiction where they arrive diligently sends us  
7 a notice telling us that they've arrived there.  
8 Within New York State there is a process for that  
9 and it seems to be working pretty well based on  
10 recent modifications. And like, likewise with  
11 people who become deceased out of state. These are  
12 difficult and vexing problems that are detailed in  
13 the presidential report. Now there are several  
14 things that can be done. One is the subscribing to  
15 the Social Security Death Master file index which  
16 was something that I discussed immediately within  
17 the first week of me being on the job the Queens  
18 Chief Ms. Kinachio [sp?] brought to my attention at  
19 the first meeting of the chiefs and deputies. So  
20 just so there's no misconception that this report  
21 prepared by DOI contains findings. See, the way I  
22 look at a finding is I don't get, you don't get to  
23 say you found my wallet or my cell phone if I hand  
24 it to you. And I was extremely and have been and  
25 will continue to be extremely cooperative with the

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2 Department of Investigation so that they can  
3 conduct their lawful function. As evidence by the  
4 fact if nobody wants to take my word for it if  
5 you'll look at the press release, former  
6 commissioner Gill Hern [sp?] thanked me and other  
7 members of my staff for our cooperation during that  
8 process. So a week on the job, a week and a half  
9 before an election I'm meeting with chiefs and  
10 deputies and they're telling me that the voter  
11 rolls are a problem so much so that this particular  
12 chief had a on her own expense purchased  
13 ancestry.com so that we could start to weed out  
14 some of these folks. In any event I instructed my  
15 staff to investigate obtaining the Social Security  
16 Death Master File. After some back and forth with  
17 that I took it upon myself to call the local Social  
18 Security Office and I found out that the Department  
19 of Commerce actually administers that. And for the  
20 sum of 1,850 dollars we are, we are in the process  
21 of purchasing the entirety of the Social Security  
22 Death Master Index File. That will be a CD with a  
23 database attached to it. And it will give us the  
24 software capabilities to interface. And we made a  
25 value judgment. I believe it was 2,730 dollars or



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2 it might have been 2,470 dollars... it, in any event  
3 under 3,000 dollars we could got, we could have  
4 received monthly updates with respect to this data.

5 Oh, we elected to purchase and we're in the process  
6 of getting it, the weekly updates for the cost of  
7 7,500 dollars for the first year. If that turns out  
8 to be not workable and it makes more fiscal sense  
9 to, to go with a, the monthly updates we'll do  
10 that. But we're certainly taking a look at that.

11 The presidential report also talks about two  
12 systems, the IDRC which is in use in 29 states and  
13 Eric which is operated through the PEW [sp?]  
14 institute which I believes shows a lot of promise.  
15 But right now that's only in existence in nine  
16 jurisdictions I believe. So there is no mechanism  
17 in place for national data. And that creates a  
18 problem certainly for the New York City Board of  
19 Elections. But as we move forward and I think there  
20 are good government groups here. They will, they  
21 will be able to testify to some of the good things  
22 that we do. I'm not saying that we're perfect but  
23 we've certainly brought them into the process. And  
24 we are in regular communication with the good  
25 government groups and we have meeting with them

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2 most, mostly in and around election time but some  
3 of them come to our meetings on a regular basis.

4 The other thing I would like to note is that the  
5 Department of Investigation in fact comes to our  
6 meetings on a weekly basis. So even if there is not

7 a direct phone call or a, a direct correspondence  
8 we comply with the open meetings law. And, and I

9 got to tell you we found out quite by accident of  
10 the statute that was passed requiring public, the  
11 meetings to be webcast. And we found that out when

12 I and Mr. Richman attended a breakfast where now  
13 Borough President Brewer and former Chair of Gov.

14 Ops said oh, and by the way one of the last things  
15 we did on the way out the door is we're, we're

16 doing this open meetings law. We have acted  
17 expeditiously. We, for a relatively modest

18 expenditure purchased a, a camera that will in the  
19 short term allow us to video, video the, the

20 meetings and post them to a YouTube account within  
21 72 hours after, after the meeting. That camera

22 arrived I will believe it was yesterday afternoon  
23 and it will be on a tripod in our office on the 6<sup>th</sup>

24 floor in our, in our meeting... room and we will be

25 digitally recording in compliance with the statute,

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2 our meeting this week right after Sunday is the 2<sup>nd</sup>  
3 which is when the statute technically goes into  
4 effect. So on the 6<sup>th</sup> the New York City Board of  
5 Elections at its earliest possible moment will be  
6 at least minimally in compliance with the statute.  
7 And secondarily we have information from a number  
8 of vendors to give us a better way to do it. But  
9 certainly we respect the law and we will be  
10 complying with it as best we can, as soon as we  
11 can. I would like to close with closing from the  
12 presidential commission report. And then certainly  
13 I, I'm guessing that this panel might have a couple  
14 of questions for me afterwards. But the  
15 presidential commission report says the country's  
16 elections officials find themselves second guessed  
17 and heavily criticized when elections run into  
18 problems. And praise is not forthcoming in  
19 comparable volume or at all when the process runs  
20 smoothly. At the same time these officials are all  
21 too often given inadequate resources with which to  
22 carry out this critical function. Although the  
23 months of its preparation of this report the  
24 Commission arrived at a renewed appreciation of how  
25 hard, diligently, and effectively the vast majority

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2 of the country's elected officials work to provide  
3 well run elections and how difficult that job is  
4 end quote. And I would close on my remarks on  
5 behalf of the board. It remains the fervent hope of  
6 the board that all those who have responsibilities  
7 with respect to the election process either  
8 directly or indirectly will heed the sentiment set  
9 forth in the presidential report and begin a new  
10 dialogue with a renewed spirit of cooperation and  
11 work together with the board so that we may  
12 collectively serve the voters of the city of New  
13 York as effectively as possible. I recognize before  
14 I took this job as a former commissioner that it  
15 would come with its fair share of criticism and I  
16 am certainly willing to shoulder that criticism.  
17 But I would simply ask that those who are going to  
18 levy criticism, level criticism at this agency do  
19 so fairly and with a mind towards the fact that  
20 whatever we say, either as elected officials or  
21 election administrators, or oversight agencies, or  
22 members of good government groups affects the way  
23 the voting public views the election process and  
24 that we should do it with a renewed sensitivity to  
25 that fact so that we don't give the false

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2 impression or the misimpression that the system is  
3 broken beyond repair because quite frankly the  
4 Board of Elections, while it faces challenges, puts  
5 elections on every year and the exercise of  
6 democracy is, is accomplished because of the work  
7 that we do. And so with that having been said  
8 respectfully I would certainly open the, up to any  
9 questions that you may have.

10 CHAIRPERSON KALLOS: Thank you for your  
11 testimony and thank you for all that you've already  
12 been doing. Your, your reputation has preceded you  
13 and you have been proactively taking on so many  
14 improvements to the, the franchise of voting and  
15 democracy. One request is as you respond to  
16 questions. If you can please make sure you identify  
17 who you are talking about so it is not we, it is  
18 not ours, it is I as executive director, my  
19 council, the commissioner, the county chairs... it  
20 says... we understand the identities of who, what  
21 otherwise might be an ominous we would otherwise  
22 be. The first question is nine days ago you  
23 received a letter requesting a corrective action  
24 plan. How long will it take the Board of Elections  
25 to... most of the answers are in, in your testimony

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2 but how long will it take the Board of Elections to  
3 put together a corrective... action plan.

4 DIRECTOR RYAN: Well I would also point  
5 out that nine days ago I received a notice from  
6 this committee that this hearing was coming today.  
7 And I sent Commissioner Peters a letter. Apparently  
8 it didn't bubble up to the surface yet but I did  
9 send him a letter in accordance with his timeframe  
10 indicating to him that I would be happy to respond  
11 as soon after this hearing was concluded as is  
12 reasonably possible. I would also say that it, for  
13 our internal time frame we put off preparing for  
14 our budget testimony which I've also now received  
15 a, a notice that that's coming on March the 24<sup>th</sup> or  
16 25<sup>th</sup> I believe. And we did so because we received  
17 this notice. So certainly it is not any intention  
18 to, to hide or run away. We had a copy of our  
19 testimony today hand delivered to Commissioner  
20 Peter's office this morning as soon after the  
21 completion of the testimony was done, as soon as  
22 the ink was dry I had staff go over and personally  
23 hand deliver it. I presume that that task was  
24 accomplished. Perhaps when they read this testimony  
25 they will have some understanding. But I will say

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2 this, and I know that the Commissioner, and I'm  
3 sensitive to the fact that the Commissioner's only  
4 been there nine days, but the election process is  
5 accomplice, a complex one. And while that protocol  
6 that he set forth earlier may work for many other  
7 agencies I believe that the DOI report, and it's  
8 not just my opinion, I've spoken to people that  
9 follow the election process... they know, more expert  
10 in the election process than I. I believe that that  
11 report does not accurately reflect the reality when  
12 it comes to certain of the recommendations. As a  
13 result it's going to be very difficult to come up  
14 with a corrective action plan when we have an  
15 executive agency making recommendations for  
16 statutory change that have not as yet occurred and  
17 certainly cannot occur by fiat of me or anyone at  
18 the Board of Elections. So there are some  
19 structural problems and I think that before we  
20 would endeavor to run down all of those 40  
21 recommendations, many of which have no bearing on  
22 the operation of the Board of Elections and have  
23 bearing elsewhere, perhaps a conversation would be  
24 in order so that we can clarify specifically what  
25 we need to answer and what would be a relevant use,

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2 you know and an efficient, and you know and the, to  
3 promote efficiency, what would be an efficient use  
4 of our time.

5 CHAIRPERSON KALLOS: Council Member  
6 Torres earlier in his questions to Department of  
7 Investigation asked how many they had received  
8 response on. They indicated two. Today you've  
9 responded to all 40 in, in your testimony. How soon  
10 can you sit down, have a meeting with them? They,  
11 they are happy to come to the table. And how soon  
12 can you have a corrective action plan on the items  
13 that are, are not statutorily or constitutionally  
14 barred?

15 DIRECTOR RYAN: I'm willing to meet at  
16 any time. I was up at Assembly member Rosenthal's  
17 office last night to discuss problems with public  
18 schools. I've made myself available to Council  
19 Member Williams. He invited me out to Brooklyn. I  
20 spent many hours away from my family more so than  
21 my wife, maybe not my kids so much, but more so  
22 than my wife would like. And I'm happy to meet with  
23 them at, at any time.

24 CHAIRPERSON KALLOS: Can, can we agree  
25 to a corrective action plan in the next month?



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2 DIRECTOR RYAN: I, I think, I think a  
3 month's time would be, would be reasonable. But,  
4 but I also think that you know if the understanding  
5 is that anything that has to do with statutory or,  
6 or constitutional construct is exempted from that  
7 corrective action plan then certainly that's,  
8 that's a reasonable request.

9 CHAIRPERSON KALLOS: I, I, I think the,  
10 the statutory and constitutional interpretation  
11 will be something that will be between your council  
12 and their council and our council and even back to  
13 even the, the Morlan Commission and everybody else  
14 says we all have different readings of the law.  
15 Diving into the heart of this... one of the huge  
16 issues is that there are fundamental problems with  
17 the Board of Elections where the, the franchise  
18 isn't working, democracy isn't working the way  
19 people would like it to. There's always room for  
20 improvement. But it seems to stem from the  
21 employment practices. What can the Board of  
22 Elections start doing immediately improve hiring  
23 and have open, transparent processes? The DOI  
24 recommends that the, cease the practice of hiring  
25 individuals based on primarily on county committee

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2 recommendations and open BOE employments to the  
3 public. Can we start that? Okay can you, can the  
4 Board of Elections please start?

5 DIRECTOR RYAN: Well I would say this.  
6 I, I respectfully disagree with, with Commissioner  
7 Peters that the down the rung employees somehow  
8 are, are less important to be bipartisan than the,  
9 than the higher ups. I would suggest that the down  
10 the rung employees are the ones that are in the  
11 best position to create the most mischief if they  
12 were so inclined to create mischief. And so it's  
13 more important that the down the rung employees  
14 check and balance each other since I and the  
15 remainder of executive staff cannot be everywhere  
16 all the time keeping our eyes on all five boroughs  
17 of the City of New York. So I think that's one of  
18 those questions that really requires a conversation  
19 across a table between reasonable minds that would  
20 allow us to conclude how we can collectively move  
21 forward to serve the best interest of the City of  
22 New York. Now that having been said there are  
23 certain positions technical and some of the other  
24 positions that are purely away from who's on the  
25 voter rolls or not. And we have posted those in the

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2 New York Times, on Monster, on, on Craigslist. And  
3 we've done those things in those limited positions  
4 that we feel based on our interpretation of the law  
5 that we can do. The problem when you have a  
6 statutory and a, and a constitutional construct  
7 that requires a bipartisan agency is the process is  
8 never going to be open. In quotes it's going to be  
9 open to democrats and it's going to be open to  
10 republicans so long as they remain the two majority  
11 parties in the State of New York. But it will  
12 necessarily be closed by statutory and on  
13 constitutional construct to the remainder of the,  
14 the citizens. And that is monumentally different  
15 from the way every other city agency operates. So  
16 in that sense we are different. Now, the other  
17 thing that we have said consistently is we are a  
18 ministerial agency. We make our legislative  
19 proposals not on the front of City Hall steps press  
20 conferences. Or, or with some grandstand way. We  
21 package a bunch of legislative proposals every year  
22 that we give to the state legislature because we  
23 don't think that we should appear in publically or  
24 actually do in private sway the system. While we  
25 are affected by politics we must operate at a

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2 management level and down the, the ranks  
3 essentially and politically when it comes to those  
4 decisions. So I would leave the politic, the  
5 political decisions to the legislatures. And we  
6 will enact, we will enforce any law that is  
7 lawfully enacted that affects our agency.

8 CHAIRPERSON KALLOS: For the positions  
9 that you're not openly noticing that require  
10 democrat or republican or whichever are the two  
11 major parties for this state can you please notice  
12 those positions publically, openly?

13 DIRECTOR RYAN: The other ones?

14 CHAIRPERSON KALLOS: That, you indicated  
15 that you've only noticed publically technical  
16 positions for democrat or republican positions, can  
17 those be publically noticed?

18 DIRECTOR RYAN: There are, there are  
19 several million democrats, several...

20 DIRECTOR RYAN: Right.

21 CHAIRPERSON KALLOS: ...million  
22 republicans. I'm sure they'd like to apply to  
23 positions.

24 DIRECTOR RYAN: As Chair Kallos you are  
25 aware under election law section 3-300 I will, the

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2 commissioners have ultimate authority to hire, and  
3 at their pleasure remove all employees of the Board  
4 of Elections including me, I hope they won't do  
5 that, but they, they could if they wanted to. And I  
6 will certainly bring this committee's request back  
7 to the commissioners and I, and I presume at some  
8 point if this committee does not get an answer you  
9 will demand an answer down the road. But I  
10 certainly will bring your concerns back to the  
11 commissioners and I suspect at least a few of them  
12 may actually have heard it already watching the  
13 webcast of this hearing.

14 CHAIRPERSON KALLOS: But, but that, that  
15 being said the, the, do the commissioners engage in  
16 day to day hiring of all 36,000 people who, who,  
17 sorry not... do the commissioners hire and fire all  
18 36,000 people or do they occasionally ask for  
19 positions to be filled and, and... So is it within  
20 your discretion to post the democrat and republican  
21 jobs online and in the New York Times and elsewhere  
22 so that you can come to the commissioners and say  
23 here are some people or... Who, who has the, the  
24 power to hire and fire.

25

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2 DIRECTOR RYAN: The power to hire and  
3 fire rests solely with the commissioners pursuing  
4 to election law section 3-300. Presently we have  
5 approximately 630 full time employees which  
6 consists of approximately 350 permanent employees  
7 and 280 temporary employees. The 36,000 number that  
8 the Chair is referring to is, includes poll workers  
9 that we hire seasonally for, for the, for the  
10 various elections. So we operate typically with  
11 between 500 and 1,000 employees at any given point  
12 in the year full time to run the agency. That  
13 having been said we do, we are the largest Per Diem  
14 employer in the city. And we do have to take up  
15 36,000 employees on, into our payroll system and  
16 then close them out sometimes three or four times a  
17 year which is a herculean task to say the least.  
18 But when it comes to the hiring and firing, the  
19 hiring and firing rests with the commissioners.

20 CHAIRPERSON KALLOS: So section 3-300  
21 reserves that to them. They've retained that power  
22 and all 1,000 people are, they, they sign off on  
23 the hiring and they sign off on the firing for all  
24 1,000? There's going to be a signature on all of  
25 those and you can provide that to our committee?

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2 DIRECTOR RYAN: It would not be a  
3 signature typically, it would be in the form of an  
4 email. But we're talking about that six... 630  
5 employees is central office and borough facilities.  
6 And what happens is we hire and fire the same  
7 people over and over again.

8 CHAIRPERSON KALLOS: Who, who is we?

9 DIRECTOR RYAN: The Board of Elections.  
10 Meaning ultimately it's the commissioner's fiat  
11 that does that. I'll phrase it differently. Often  
12 the same employees are hired and fired in a given  
13 year because they're only there for, for a  
14 temporary period. For example we staff up around  
15 June or July for the training and the, and the  
16 upcoming election. Those employees will typically  
17 be retained through the end of the year. But  
18 through the end of the year meaning election  
19 certification. They'll be let go. Some of them  
20 might migrate into a permanent job if they've, if  
21 they've done well. But often they come back to work  
22 again in June. And so the cycle continues the  
23 following year. So yes, the answer is whether it be  
24 by email communication or by direct signature  
25 appointment the commissioners do that. Mostly by

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2 today's standards it's, it's done by email. And  
3 sometimes it's a list of people that are prepared  
4 by us since we're the ones there working every day,  
5 the executive staff and, and, and clerks. And we  
6 send it to the commissioner; these are the names  
7 that we received subject to your approval  
8 commissioner, do you approve. And the commissioners  
9 by a bipartisan team in each borough will, will  
10 give their, their approval or say yes to some and  
11 no to others.

12 CHAIRPERSON KALLOS: And, and so I guess  
13 that the question is for those positions that are  
14 recommended can the, can you as Executive Director  
15 have an open process, bring people in who are both  
16 democrat and republican as necessary who are going  
17 through an open and transparent application process  
18 so that it can go before the commissioners for them  
19 to give their approval if that is the current  
20 system? And can that be noticed to the public so  
21 that all of know how to get a job at the Board of  
22 Elections?

23 DIRECTOR RYAN: My duties as I  
24 understand them, and I certainly will address this  
25 concern with the commissioners...



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2 CHAIRPERSON KALLOS: Mm-hmm.

3 DIRECTOR RYAN: ...is that, that province  
4 is within the commissioner's authority, not within  
5 my authority as the Executive Director or Don's  
6 authority as the Deputy Executive Director. So any  
7 change to the hiring process would necessarily in  
8 my opinion require commissioner approval. So I  
9 cannot unilaterally promise to this committee that  
10 I will do that. What I can promise to this  
11 committee is that I will bring this concern back to  
12 the commissioners, raise it with them since  
13 ultimately the Board of Elections is answerable to,  
14 to the, to the city Council. I will do that and,  
15 and I will endeavor as with great dispatch to get  
16 this committee an answer probably by email.

17 CHAIRPERSON KALLOS: Thank you. In terms  
18 of standardization what is the process for, for  
19 getting a job at, at the Board of Elections? How  
20 does one apply? How are those applications  
21 processed? And how are they hired?

22 DIRECTOR RYAN: Well the process to...

23 CHAIRPERSON KALLOS: From start to  
24 finish.

25

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2 DIRECTOR RYAN: Right. Typically when it  
3 comes to staff at the, at the Board of Elections we  
4 end up hiring often poll workers that are  
5 interested in it and they're, and they're good poll  
6 workers and they, and they are a, a breeding ground  
7 for our future employees. And also we have  
8 temporary employees that come through the borough  
9 often through...

10 CHAIRPERSON KALLOS: How does somebody  
11 find out about an opening? Let's start from the  
12 very very beginning. How does somebody even find  
13 out about...

14 PAMELA PERKINS: All openings are listed  
15 at our weekly meetings. It's in our agenda every  
16 week.

17 CHAIRPERSON KALLOS: So a member of the  
18 public has to go to a, or, or watch one of the  
19 weekly meetings to, to find out about openings.

20 PAMELA PERKINS: Yeah it's on...  
21 [crosstalk] ...the board's website...

22 DIRECTOR RYAN: And it's also... a vacancy  
23 report is published weekly on the board website.

24 CHAIRPERSON KALLOS: Sure.  
25

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2 DIRECTOR RYAN: But, but often positions  
3 generate from an individual borough. And there is a  
4 borough level communication which commences with  
5 the commissioners. There is a bipartisan committee  
6 established by a vote of the full board that deals  
7 with the hirings and firings in each borough. And  
8 then for employees that are employees of the  
9 central office 4232 Broadway then the full board  
10 would pass on those decisions.

11 CHAIRPERSON KALLOS: And, and... that's  
12 put up as a PDF or how is that...

13 PAMELA PERKINS: PDF on our website  
14 weekly... [crosstalk]

15 CHAIRPERSON KALLOS: Can that be posted  
16 in computer readable format and I promise that the  
17 open government community of the city will be  
18 taking that and distributing it widely, far and  
19 wide somewhere people will find out about it. And...  
20 [crosstalk]

21 DIRECTOR RYAN: Certainly.

22 CHAIRPERSON KALLOS: ...consider taking  
23 those same pieces of information that you're  
24 putting up on a PDF on your website and being  
25 proactive and putting it on, online elsewhere I, it

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2 would be greatly appreciated. I've worked with the  
3 federal government and in order to do so I needed  
4 to have a, a background check. What type of... and,  
5 and the DOI has actually volunteered to do so. And  
6 as, as far as I'd be concerned if the DOI would  
7 give background checks for as many people as  
8 possible I'd love that because it might help remove  
9 some of the, the bad actors in, in government. What  
10 is the BOE's plan to, to work with the DOI to have  
11 background checks for managerial positions, people  
12 earning more than 80,000, people directly involved  
13 in contracts or working on sensitive computer  
14 programs?

15 DIRECTOR RYAN: Certainly that is, is  
16 our concern as well. We want to make sure that the  
17 folks that work for us don't have anything in their  
18 background that would otherwise exclude them from  
19 city employment. It is a question that's asked on  
20 our, on our application. But clearly if someone  
21 doesn't tell the truth that's a hole in the system,  
22 there's no question about that. And any of you, and  
23 I believe some of you do know my background. I  
24 started out in, in law enforcement and you know I  
25 am very sensitive to the fact that I don't want

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2 somebody sitting next to me that, that should be  
3 excluded from employment because of a, of a  
4 criminal background. That having been said I kind  
5 of thought that that issue was going to be  
6 something that we raised next month in, in the  
7 budget hearings because we have been a historically  
8 underfunded agency and we do the best with what we  
9 have under the present set of circumstances. We  
10 simply do not have the resources to investigate the  
11 employee, the full time employees let alone the  
12 36,000 poll workers that we, we bring up  
13 temporarily during election cycles. So I guess it's  
14 certainly worthy of a conversation with the  
15 Department of Investigation. And if they have some  
16 ideas that they would like to share with us on how  
17 we could accomplish that within the resources that  
18 we have that is certainly a, a welcome  
19 conversation. And as I said I, I will continue to  
20 work with the Department of Investigation or any  
21 other relevant agency to improve not only the  
22 process of voting but the agency itself. And I  
23 believe that it might as you said you know since I  
24 came in here my, my track record does kind of speak  
25 for itself at the risk of tooting my own horn.

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2 CHAIRPERSON KALLOS: Absolutely. In your  
3 response you indicated that you've had an  
4 antinepotism policy going back to 2001. And yet  
5 they still found multiple instances of nepotism.  
6 How can, how can you actually...

7 DIRECTOR RYAN: Well...

8 CHAIRPERSON KALLOS: ...have a policy that  
9 will work?

10 DIRECTOR RYAN: Well I think that there  
11 are two in particular that along the same lines as  
12 Commissioner Peters indicated that I should not be  
13 discussing those publically because they are  
14 ongoing investigations. With respect to multiple  
15 family members that does not... working for the Board  
16 of Elections that does not necessarily bespeak of  
17 quote unquote nepotism. You know I have a side of  
18 my family that there's multiple fireman. They work  
19 in adjoining firehouse, police department, you know  
20 people often gravitate to the career paths of the  
21 people that they, that they emulate, often your  
22 parents. So the fact that we might have multiple  
23 people from the same family is, is not what I find  
24 troubling. There were two other instances that are  
25 in that report and when it came to my attention

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2 that it was a problematic and, and ongoing and, and  
3 in consultation with the commissioners there were  
4 two instances where family members were not  
5 directly supervising one over the other but within  
6 the chain of command. One of those employees was  
7 transferred to, to the borough office to make sure  
8 that that line of direct oversight was severed and  
9 the other individual, if it hasn't happened  
10 already, and I believe it was supposed to happen  
11 this week, the other individual was terminated. So  
12 with respect to the four, two we can't talk about  
13 and, and two we've dealt with. And the purpose of  
14 putting the board's policy in our response was to  
15 indicate that it doesn't require a change in  
16 policy. What it requires is for the policy that  
17 it's in, in existence to be adhered to. And, and  
18 that is certainly something that if people learn a...  
19 a foul of the COIB rules they will do so at their  
20 own peril.

21 CHAIRPERSON KALLOS: With regard to  
22 performance evaluations were perform, annual  
23 performance evaluations conducted prior to your  
24 term as executive director? Are they going to be  
25 conducted more than just annually? And what will

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2 happen if somebody has a negative performance  
3 review?

4 DIRECTOR RYAN: Well we've been making a  
5 host of administrative changes and I know that  
6 there's been some issues raised in this report with  
7 respect to time and leave and we over the last few  
8 months effective January 1<sup>st</sup> we changed the, the  
9 board's time and leave policy which I believed was  
10 an ineffective one. But with respect to... what, what  
11 was your question again now specifically?

12 Performance evaluations?

13 CHAIRPERSON KALLOS: Yes.

14 DIRECTOR RYAN: I, I do not believe that  
15 performance evaluations have been performed on as  
16 regular a basis as, as they need to be. We have a  
17 brand new director of personnel who's with us today  
18 and she has been charged with the task of finding  
19 exactly where we're at with those that should have  
20 been done in the past and coming up with an  
21 appropriate way to do this moving forward. I can  
22 tell you from my prior experience with the, you  
23 know with the city probation department this is a  
24 problem for all agencies. That's not a passing the  
25 buck but we certainly have to do better. And again



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2 everybody seems to be new at what they're doing and  
3 Ms. Crispino is on the job I believe about three  
4 of, three weeks or four weeks now. So she's  
5 definitely looking into it and we will get back to  
6 this committee with respect to our, our plans  
7 moving forward. But performance evaluations are a  
8 necessary management tool and, and we're aware of  
9 the utility and we'll make sure they happen.

10 CHAIRPERSON KALLOS: So I just want to  
11 thank you for your testimony. Before I pass it over  
12 I, I would request that the Board of Elections keep  
13 me up to date and as well as my colleague and Chair  
14 of the DOI, sorry I'm the, Committee on Oversight  
15 and Investigations ON...

16 [laughter]

17 CHAIRPERSON KALLOS: O and I on your  
18 ongoing work with the DOI. I want to know that you  
19 guys are working with them and that they are also  
20 being responsive to you and that things are moving  
21 ahead smoothly. I also want to just note with  
22 regards to 3-300 there are a lot of things that the  
23 laws empower a lot of people to do. I, I have, I  
24 have the right to a lulu. I have the right to 8,000  
25 dollars but I don't agree with it so I'm not taking

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2 it. That's 8,000 dollars out of my pocket. I, I  
3 have the right to distribute my capital funds  
4 however I want but I'm doing participatory  
5 budgeting because I want to empower my, my  
6 residents. So the, the only message I would take to  
7 the commissioners please is just, just because they  
8 have that, that inherent power doesn't mean it's  
9 something that they have to use to appoint that we,  
10 we have dysfunction. And by allowing a little bit  
11 of openness and transparency so that people can  
12 apply and we have better applicants and people know  
13 about the jobs and more people to choose from.  
14 That, their releasing just a little bit of that  
15 power might allow for some functionality that is  
16 necessary. And without further ado I'd like to pass  
17 it over to Chairman Gentile.

18 CHAIRPERSON GENTILE: Thank you Chairman  
19 Kallos and good afternoon to the entire panel.  
20 Thank you for being here. So Mr. Ryan you've talked  
21 about the digital recording and that, that it's  
22 becoming a reality that you're now purchasing the  
23 Social Security Death database I guess it's called  
24 right?

25

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2 DIRECTOR RYAN: Death Master index file,  
3 yes.

4 CHAIRPERSON GENTILE: Okay. So are, are,  
5 are these all budgetary issues that you're able to  
6 handle currently? Well with respect to the camera  
7 it was, it was a low end purchase. It was less than  
8 2,000 dollars and I believe I gave the total  
9 expenditure earlier of the Social Security Death  
10 Master file, that will be... [crosstalk]

11 DIRECTOR RYAN: Less, less than 10,000  
12 for the year because the first year we're going to  
13 have an acquisition cost and we'll reevaluate next  
14 year. It could be under 3,000 dollars so, so yes  
15 we're absorbing those costs not because we're flush  
16 with funds but because we recognize that a, we have  
17 to comply with the law as passed... by the city  
18 council and signed into law by the mayor and, and  
19 b, we also recognize and I, I have had this  
20 conversation privately with Chair Kallos. You know  
21 there are, there are things that are affected by  
22 the voter lists that have nothing to do with  
23 elections. For example this council, often members  
24 of this council run for election using publically  
25 financed campaign moneys. Often campaigns get those

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2 lists from the Board of Elections and now may be  
3 sending out campaign literature to folks based on  
4 faulty information that's contained within the  
5 database. That is a trickledown effect of these  
6 lists. So we, it's a larger problem than just  
7 what's stated in the report. The quarrel that I had  
8 with the, the report and the way it was done was  
9 the fact that these votes were cast, they weren't  
10 fake votes. They might have been for a fake person  
11 but they weren't fake votes. They have now created  
12 an administrative problem for us... how we get them  
13 out of the system. So yes we're looking at a lot of  
14 things. At the requested executive management we  
15 had an individual from the PEW [sp?] institute.  
16 This meeting was planned in the early part of  
17 December. He came to our offices in the early part  
18 of January. ...think it was David Blain we met with I  
19 believe is his name. And what we found with this  
20 Erich [sp?] system, the electronic voter  
21 information sharing system that's showing a lot of  
22 promise is that they want one licensee per  
23 jurisdiction. So while the City of New York  
24 technically could ask this council for a, access  
25 of, you know money to access this database in

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2 reality practically it should lie with the State  
3 Board of Elections. Not as a question of passing  
4 off the funds to someone else but they're the  
5 keeper of the gate of all the other information  
6 that's going to be distributed to the 62 counties.  
7 If we purchased it and became a participant it will  
8 then be the responsibility of the New York City  
9 Board of elections to disseminate that information  
10 to the other 57 counties and we don't think that  
11 that's the way to work.

12 CHAIRPERSON GENTILE: Okay... and, and  
13 again this is not a budget hearing so we won't get  
14 into that but I, I, I'm just curious that the, the  
15 funding was there but the knowledge of the Social  
16 Security database was not there. No, before your,  
17 before your tenor no one knew about this...

18 DIRECTOR RYAN: They, they knew about  
19 it. I think there was a misconception as to the  
20 availability of it. I think that there was perhaps  
21 people who under the false impression that under  
22 the federal privacy act that this information would  
23 somehow be guarded by the federal government. I  
24 found out in my investigation that not only could I  
25 buy it as the you know authorize the purchase of

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2 it... as the Executive Director of the Board of  
3 Elections, anybody could buy it. Anybody in the  
4 world could buy it. And matter of fact they have on  
5 their price list costs outside you know  
6 jurisdictions in, in North America. So if somebody  
7 was sitting in, you know in a foreign country they  
8 could buy it and, and have the Social Security  
9 Death Master File.

10 CHAIRPERSON GENTILE: So it was just a  
11 misconception on part of, of, of the staff?

12 DIRECTOR RYAN: I believe so, yes. But  
13 that having been said after my conversation with  
14 the Department of Commerce it's also not  
15 necessarily the panacea that everybody thinks it  
16 is... [crosstalk]

17 CHAIRPERSON GENTILE: So you, you are  
18 disagreeing with the commissioner's estimation that  
19 you might get 90 percent success rate?

20 DIRECTOR RYAN: I don't think that  
21 there's any way to say what the outcome would be.  
22 Because until we get it, until we start, until it  
23 actually arrives... although the purchase order has  
24 already been signed, I can tell you that because I  
25 signed it myself. Until it actually arrives and we

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2 start manipulating the data in a good way you know,  
3 playing around with the fields, we really won't be  
4 able to say. But I will tell you that the  
5 representative that I spoke from the Department of  
6 Commerce says look it only contains about 60  
7 percent of the data fields that it used to contain.

8 Because apparently the, the Social Security  
9 Administration made a value judgment to reduce  
10 their storage capability and not dedicate as much  
11 storage capability to deceased persons. So we're  
12 not going to have all of the data fields to pull  
13 from. If we can't make a match, because ultimately  
14 what this index is going to do for us, it's going  
15 to give us a list of potential folks to cancel.

16 It's not going to automatically be imported into  
17 the system and, and, and start purging people.

18 You're still going to have to have a, as under the  
19 law as presently constituted we're still going to  
20 have a bipartisan team of folks review this  
21 information and see if there is a consensus  
22 republican and democrat on the match. If there's a  
23 consensus on the match, they come out, the good  
24 thing about cancellation of diseased folks is we  
25 are not required to send a notice of intent to

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2 cancel. We can remove them if there's consensus.

3 Now what it may also do and this is going to be the  
4 subject of next month's meeting is, well or later  
5 this month, so you know it's a month from now...

6 Anyway we may find ourselves in the position of  
7 identifying a whole bunch of potential folks that  
8 we can't purge because of the rules or cancel  
9 because of the rules. And we may have to send out  
10 letters to those individuals of an intent to  
11 cancel. And if they don't respond within 14 days  
12 then we can go ahead and, and cancel them from,  
13 from the voter rolls. So it's... [crosstalk]

14 CHAIRPERSON GENTILE: That's an  
15 unbudgeted expense.

16 DIRECTOR RYAN: Right, it's a unbudgeted  
17 expense presently and until we get the data and see  
18 what it is and identify this potential universe  
19 it's going to be impossible for us to say what the  
20 budgetary impact will be.

21 CHAIRPERSON GENTILE: Just quickly  
22 because we have a number of colleagues who want to  
23 ask questions. On the issue of background checks  
24 aren't the background checks typically in the city  
25 conducted by Department of Investigation so it



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2 would be less a matter of, of Board of Elections  
3 resources than, than really DOI resources.

4 DIRECTOR RYAN: The short answer is I'm  
5 not certain. The longer answer is that wasn't the  
6 case when I was in the, in the position to oversee  
7 such things. It may have changed over the years but  
8 I have not admittedly as we sit here today looked  
9 into the, the, the nitty-gritty nuance of, of  
10 conducting background checks and how they're done.  
11 Again I would certainly welcome a conversation with  
12 the Department of Investigation. I would assume  
13 that they're more knowledgeable in that regard than  
14 I am. We certainly have a difficult enough time  
15 conducting elections and I don't want to presume to  
16 tell the Department of Investigation how to do its  
17 job.

18 CHAIRPERSON GENTILE: Well that may be  
19 on the list that...

20 DIRECTOR RYAN: Yes.

21 CHAIRPERSON GENTILE: ...or should be on  
22 the list... [static] Quickly in 2010 the City Council  
23 conducted a survey as, as I mentioned earlier on  
24 the general election of that year. And we conducted  
25 a hearing and Board of Elections testified. And it,

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2 it, it just appears that based on that, that, the  
3 results of that survey that the City Council did  
4 back in two, December 2010. It, it, as I said at  
5 the beginning it, the 2013 DOI report echoes some  
6 of the very same concerns that we went over back in  
7 2010; privacy for voters, denial, you know voters  
8 being denied the opportunity to scan their own  
9 ballots. That was 2010. In 2013 we have the same  
10 problem. What happened to the, to, to the, to the  
11 intent to change that, that, that, those  
12 procedures?

13 DIRECTOR RYAN: Well Mr. Chair you just  
14 said a mouthful because there are so many different  
15 layers to that question. I'll, I'll try to, I'll  
16 try to take the space issue and the, and then the  
17 kind of voter interference issue. The space issue  
18 was a vaccine problem. We simply do not have enough  
19 poll sites. So there are areas I, as I said earlier  
20 I was in the, a meeting last night with Assembly  
21 member Rosenthal when she called us up to the  
22 office last night to discuss various problems in,  
23 in the upper west side with respect to congestion  
24 of poll sites. We have, we're looking into the  
25 process of, the prospect I should say of creating a

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2 buffer zone, you know like no voters beyond this  
3 point kind of, you know kind of thing because we  
4 have the Americans with Disabilities Act to comply  
5 with. And that requires sufficient space for  
6 circulation in those poll sites where we have  
7 upwards of 16 election districts you know and...  
8 [crosstalk]

9 CHAIRPERSON GENTILE: No I, I hear what  
10 you're saying... [crosstalk]

11 DIRECTOR RYAN: So that's, that's an  
12 issue but, but clearly it's a problem. Now I, I  
13 will say I had the opportunity to testify before an  
14 assembly committee hearing and both the assembly  
15 representatives from Westchester and Nassaw [sp?]  
16 indicated that they have similar problems. So now  
17 get to the, So we have a space issue which we're  
18 constantly looking for ways to overcome. And if  
19 anyone within earshot of my voice or if, if you  
20 folks can reach out to your constituents know of a  
21 place that is willing to become a poll site we are  
22 certainly willing to, to explore that provided that  
23 it meets the strict requirements of the Americans  
24 with Disabilities Act. Now with respect to the over  
25 interference of, of the poll workers I think that

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2 the, there was some particular problems associated  
3 with this past election that will not present  
4 themselves again in the future if we are not mixing  
5 lever machines and, and scanners. So we had to do a  
6 combined training this year which trained the poll  
7 workers on lever machines and on scanners because  
8 on lever machines the, the poll worker has to set  
9 the machine right. And they're instructed to tell  
10 the, the voter that they can only vote for one  
11 party. I think that that's where it's coming to the  
12 vote down the line... during a primary we're talking  
13 about, not during a general election. So you know  
14 if a voter complains I can't press this lever well  
15 you can't press the lever on a lever machine if  
16 it's set for a democrat and you're trying to vote  
17 for a republican or vice versa. So I think that  
18 that's where some of that confusion occurred. That  
19 does not happen when we conduct a primary with scan  
20 machines because there's a different ballot. You  
21 get a republican ballot or a democratic ballot. And  
22 so we don't have that issue. But with respect to  
23 the machines themselves we had a five hour meeting  
24 after election day with ESNS [sp?] our vendor on  
25 these machines. And I joke about it but I say it

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2 was a five hour meeting that felt like a two hour  
3 meeting. And for those of us that are in government  
4 that know how long these meetings go you know what  
5 I'm talking about right. And we discussed with them  
6 a myriad of problems. One of the problems seems to  
7 be that there was a timeout message. So in other  
8 words if a voter goes up to the voting machine and  
9 puts the piece of paper in and is not, is not  
10 pushing it in far enough the rollers will begin to  
11 roll and I think it was a two or three second time  
12 out. And if you didn't get the rolls to grab the  
13 ballot within that two or three seconds the machine  
14 said it was an error and it shut down and then the  
15 poll worker would have to come back and reset that.  
16 Then people get nervous and then poll workers get  
17 exasperated, then they say I'll just do it for you  
18 because I know how to do it. We've extended the  
19 time. And I believe it's going to be 15 seconds now  
20 if my memory serves me correctly so that we can  
21 eliminate some of those things as well as other  
22 technical fine tunings of these machines that we've  
23 communicated with ESNS and, and, and hopefully they  
24 will live up to their promises and, and, and we'll  
25 have a better experience for the voters in June and

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2 we can build off that and, and, and do better again  
3 in September and, and November.

4 CHAIRPERSON GENTILE: It, it's good to  
5 hear that that's going to be the case but if you  
6 take it on the face of it the concerns that were  
7 mentioned and brought up in the December 2010 and  
8 the concerns and problems that were mentioned in  
9 the December 2013 DOI report seems to suggest that  
10 really in that period nothing really improved. Am I  
11 reading that incorrectly?

12 DIRECTOR RYAN: It, it's not the case.  
13 In matter of fact our instances of, of ballot jams  
14 have been reducing a, you know with each passing  
15 year and, and, and quite precipitously. But I, but  
16 I do think that I would like to remind this, these  
17 committees that we work with essentially a  
18 volunteer workforce. 36,000 practically volunteers.  
19 They make 200 dollars a day unless they're a  
20 coordinator they make 300 dollars for the day and  
21 they work as one of the members of the committee  
22 stated earlier, you know 15 hours a day at a  
23 minimum, add in travel time. It's, you know it's,  
24 it's 17, 18 hours that they're working. And so they  
25 do the best they can and we do the best we can with

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2 what we have. Certainly there are training issues  
3 that could help with this and what we've, what  
4 we're in the process of doing now and again we're  
5 coming back to you next month so when we talk about  
6 what we need... But we have in the process of  
7 conducting a review for a negotiated acquisition to  
8 have a vendor, an outside vendor come in and help  
9 us audit our training process at the first. And  
10 then beyond that we'll expand it as we have  
11 available funds to see what we're doing right but  
12 to also point out to us what we're doing wrong.  
13 What we've learned from this process is one of the  
14 failures of not only the New York City Board of  
15 Elections but, but of election administrators  
16 nationwide. It, and I think it's owing to a lack of  
17 resources is an inability to effectively debrief  
18 the poll workers so that the ideas that we think  
19 make sense from 42 Broadway are actually  
20 translating into practical reality in the various  
21 poll sites throughout the city.

22 CHAIRPERSON GENTILE: So the audit  
23 process is, is in progress... [crosstalk]

24 DIRECTOR RYAN: The procurement process  
25 is, is in process yes and we're waiting for

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2 finalized... we asked one of the, the vendors to, to  
3 give us more specific information about what their  
4 intentions are and once we've finalized on the, the  
5 appropriate vendor through negotiated acquisition  
6 and... And by the way that brings me to another  
7 point. We do comply with the, the PPRB [sp?]. That  
8 was a misconception in the, in the report. And as a  
9 matter of fact we're required to do it by election  
10 law. So you know we are doing a negotiated  
11 acquisition under the PPB [sp?] rules and you know  
12 provided that we can come up with the funding to do  
13 it whether through a new need or some alternative  
14 source of funding that, that's already available to  
15 us, it remains to be seen. But we know it and I  
16 think that's kind of one of the, the things that  
17 when you're sitting in my chair and, and nobody  
18 likes to be criticized. But certainly we don't like  
19 to be criticized for things that we're already in  
20 the process of doing or have anticipated over and  
21 over and over again you know sometimes I...

22 CHAIRPERSON GENTILE: I have other  
23 questions but I'll hold them... [crosstalk]

24 PAMELA PERKINS: Can I just respond to...

25 CHAIRPERSON GENTILE: Sure.



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2 PAMELA PERKINS: ...your 2010 survey. In  
3 2010 that was the rollout of the new electronic  
4 voting system. And we welcomed that survey, it was  
5 a great help. There were many things that we did at  
6 the board that we wish would have made it into the  
7 paper because it would have helped so many voters.  
8 Ballots on the web, poll site locator... We designed  
9 our website... Election night results reporting where  
10 we took the PMD [sp?] and uploaded and had the  
11 accuracy of results. We also have pollworker.com  
12 where people can sign up to be a poll worker right  
13 on the website. It doesn't have to be done through  
14 an application. These were a lot of the issues that  
15 we felt we had to prioritize. And there, there are  
16 more and executive management is working very  
17 closely to continue to address the issues that we  
18 hear from the everyday voters, the good government  
19 groups, and the elected officials.

20 CHAIRPERSON GENTILE: With that we'll go  
21 to questions from Councilman Steve Matteo.

22 COUNCIL MEMBER MATTEO: Thank you Chair.  
23 Mr. Executive Director thank you for coming. Thank  
24 you for your testimony. As a fellow Staten Islander  
25

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2 and a member of the Other party I do thank you for  
3 your, your service and your commitment to reform.

4 DIRECTOR RYAN: And if I might thank you  
5 as well for your efforts with respect to the  
6 victims of hurricane Sandy of which I am one. And,  
7 and I, and I couldn't say how much those of us who  
8 were affected appreciate that.

9 COUNCIL MEMBER MATTEO: Thank you. I  
10 appreciate that very much. In the essence of time  
11 I, I'll try and be brief. I just want to ask you a  
12 few questions. We, we, we just spoke about the  
13 rolls of, with, with people who have, who have been  
14 deceased, what about people and as probably many of  
15 my colleagues know has walked door to door, what  
16 about the people who have moved and they're not  
17 updated on the rolls? Is that the same process  
18 [crosstalk], different process or... And is it, is  
19 the Board of Elections aware that it's the you know  
20 same sort of issue... [crosstalk]

21 DIRECTOR RYAN: It's, it's a similar  
22 problem. As I was saying earlier there's no  
23 national voter registration database. So if  
24 somebody moves outside of, of New York State it is  
25 difficult, almost impossible unless they're

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2 diligent and they tell us. Or the jurisdiction in  
3 which they now reside is diligent and does a search  
4 to see where they were previously registered and  
5 then lets us know. So there is a way to do it but  
6 it is remarkably, remarkably inefficient. And I  
7 think that the, the presidential commission report  
8 spells that out with, with a lot more clarity than,  
9 than I can even do it. So yeah it's, it's a  
10 problem, we, we know about it. But I will say  
11 something else. One of the things that the  
12 presidential commission reports which allows me to,  
13 to, to give some other information which was not  
14 part of my previous testimony. They say that  
15 electronic registration is going to help immensely  
16 moving forward with respect to the cleaning up if  
17 you will of the voter rolls. New York City is going  
18 to be the first jurisdiction in the state to quote  
19 unquote go live with direct electronic transmission  
20 of registration, voter registration data from the  
21 New York State department of motor vehicles. We  
22 have been working closely with them and we have  
23 been transmitting data electronically but still  
24 receiving the paper backup until all the kinks were  
25 worked out. And I approved last week with, worked

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2 with, and Scott from the State Department of Motor  
3 Vehicles and the last day that the New York City  
4 Department of Elections will receive a paper voter  
5 registration form from the State Department of  
6 Motor Vehicles is March the 7<sup>th</sup>. And the following  
7 Tuesday, because we get them every Tuesday and  
8 Friday as data dumps, the following Tuesday on the  
9 11<sup>th</sup> we will, we will get our first electronic only  
10 transmission of, of, of voter registration forms  
11 which we hope will, will start the process. But  
12 clearly this is a national problem not just one  
13 confined to the city of New York.

14 COUNCIL MEMBER MATTEO: My, my other  
15 question is you heard my questioning before about  
16 training. And is training in your opinion is the  
17 way that the process is, coming in the one day, is  
18 it working, is there room to improve, is the  
19 training not in correlation with what's happening  
20 on the ground election day when there are issues  
21 and their confusion and someone's on the voter roll  
22 and they don't know how to deal with it. So how  
23 better in your opinion can we, can we handle  
24 training?

25

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2 DIRECTOR RYAN: Short answer; all of the  
3 above. Longer answer, 2013 was probably the worst  
4 year to evaluate the training process because of  
5 the fact that we had to combine, we, we had the  
6 same training budget and had to combine training  
7 for both the lever machines and the, and the scan  
8 machines. For those poll workers that have done  
9 this over and over again it's, you know it's kind  
10 of performing to these folks. They've been doing it  
11 for 20, 30, 40 years some of them and it's, and  
12 it's easy. For the new ones that come in combining  
13 the training into one lump certainly created  
14 problems. And so yes, we acknowledge that the  
15 training is deficient. Sometime, in some instances  
16 the instructions are unnecessarily complex. We've  
17 also worked with ESNS [sp?] to give more direction  
18 through the error messages that come out on the DS  
19 200 to make it less intuitive and more direct so  
20 that they know specifically what the problem is.  
21 But yes, we need to work corroboratively with the,  
22 with a whole bunch of different entities within our  
23 own agency and without the good government groups  
24 as well. But the other piece of it is I think that  
25 this circumstance that I described earlier where

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2 we're looking to bring in an outside auditor to  
3 help us is going to be essential. Because sometimes  
4 you know we're all guilty of it, you can't see the  
5 forest for the trees. It might, it, it's better I  
6 think to have it, an outside set of eyes that's  
7 going to look at more critically and be able to  
8 interface with the poll workers and, and with no  
9 sense of you know am I giving the right answer or  
10 not giving the right answer. And, and, in addition  
11 we're, we're going forward with a system that we  
12 call internally amelect[phonetic] that is going to  
13 enhance the tablet based system that we have out in  
14 the field with respect to troubleshooting on  
15 election day. And I will say that since I've been  
16 here, I'm out in the field on election day and I  
17 have been able to deal with some of these problems  
18 hands on. But clearly the, the problem most easiest  
19 solved is the one that never occurs in the first  
20 place. So the training is certainly an issue.

21 COUNCIL MEMBER MATTEO: In essence of  
22 time and you getting home to your kids I appreciate  
23 it and keep up the good work.

24 [static]

25

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2 CHAIRPERSON GENTIL: ...Councilman. Our  
3 next question will come from Councilwoman Inez  
4 Dickens.

5 COUNCIL MEMBER DICKENS: Thank you  
6 Chairs and, and I want to thank the Board of  
7 Elections for your testimony and for coming down  
8 and, and spending time answering the needs of the,  
9 the City of New York. I, I also want to state that  
10 I commend the Board of Elections employees because  
11 most of the employees are great employees. They try  
12 to do the best they can on their, their jobs. As in  
13 any industry there may be people that need to be  
14 weeded out and people that need to be fired. But  
15 for the most part the employees, the staffing of  
16 the Board of Elections, they work very hard,  
17 they're dedicated, and they try to do a lot of  
18 research and answer the questions when people call  
19 in or, or email in, or write in with their  
20 concerns. So I, I wanted to just state that the  
21 first. The other thing is that I wanted to, to also  
22 state is that many of, all of us sitting here that,  
23 that are asking questions, we all utilized politics  
24 and the Board of Elections to get elected. Once  
25 we're elected we, we become... sitting on the throne

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2 and we decide we want to remove politics out of the  
3 system that elected us and gave us these positions.  
4 And until our term nears the end and then we  
5 suddenly become political again.

6 [laughter]

7 COUNCIL MEMBER DICKENS: You know it's,  
8 it's amazing. But, but having stated that I wanted  
9 to talk about that, that, the purchase database  
10 that you talked about. I, I admit I did not read in  
11 totality the recommendations of former DOI  
12 Commissioner Gill Hern [sp?] and as testified  
13 effectively to, by now Commissioner Mark Peters  
14 which I congratulate him on his new position, but  
15 in what I did read it talks about nepotism,  
16 ineffective poll workers, poorly trained poll  
17 workers, convicted felons on the rolls, A Ballots  
18 use and abuse, machine breakdowns, deceased voters  
19 remaining on, on the, on the rolls for years,  
20 etcetera, etcetera. But there are other, other ways  
21 of being ineligible voters that I did not hear or  
22 see so far as I've read that addressed. Does this  
23 database at all address not only if they moved or  
24 didn't move but the ineligible voters that, that  
25 sometimes vote... And by the way I, I want to refer



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2 to something that you said under testimony here  
3 when you talked about the abuse and, and whether  
4 there should be so many democrats, so many  
5 republicans etcetera. On the lower levels sometimes  
6 when there is abuse at, at, at the board it is done  
7 on the lower level and not by the administration  
8 because the administration may not even be aware.  
9 So it says two years ago there were ballots flowing  
10 in the street and that was not done by the  
11 administrators it was done by the lower level  
12 employees. But I do want to ask about that database  
13 that you, you purchased. Because I said last year  
14 at Gov. Ops. that Atlanta implemented a system and  
15 I don't know whether it's doable here and whether  
16 it's even cost effective because there are a lot  
17 of, of reasons why a... a... including by the  
18 constitution of America and the constitution of the  
19 State of New York whether a person is eligible to  
20 vote as well as being a convicted felon whether  
21 they've moved etcetera etcetera.

22 DIRECTOR RYAN: Right. The database that  
23 we're referring to with the Social Security Death  
24 Master file index simply is a listing of people who  
25 the Social Security Administration has identified

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2 as being deceased. All that does is provide us with  
3 a starting point. We'll get that data ultimately  
4 and it will have to be, for lack of a better term,  
5 scrubbed by our employees to make sure that we have  
6 sufficient points of match that would allow us to  
7 cancel those voters. That only deals with the dead  
8 people. The people that have moved we have a  
9 problem with because unless the individual tells us  
10 that they moved or that they, the ascending  
11 jurisdiction notifies us we also do get a, a file  
12 from the post office once a year but that often is  
13 inaccurate. So there is no one size fits all, fix  
14 all thing that we can point to that says here's the  
15 magic database that lets us clean up the voter  
16 rolls. We're forced to try to grab this information  
17 from disparate spots through, throughout the  
18 process.

19 COUNCIL MEMBER DICKENS: So it means  
20 that this database is really going to weed out  
21 those that died and, and no longer eligible to vote  
22 because they're dead.

23 DIRECTOR RYAN: Right.  
24  
25

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2 COUNCIL MEMBER DICKENS: But, but, but  
3 there are other reasons such as convicted felons  
4 that have not gotten their right to vote back...

5 DIRECTOR RYAN: Right.

6 COUNCIL MEMBER DICKENS: ...that may still  
7 be on the rolls. It doesn't help with that at all.

8 DIRECTOR RYAN: No but I, but I think  
9 if, if you refer back to the State Board of  
10 Elections' report with respect to the individuals  
11 identified in, in, in this report I think that  
12 it'll demonstrate to you that the present system at  
13 least with respect to the elections administrators  
14 and I can't speak to other agencies in the process  
15 it worked as well as it could under the  
16 circumstance for us. We were left out of those 176  
17 names cited in that report, we were left with a  
18 potential of one name, one that might have been our  
19 fault and we can't say whether it was our fault or  
20 not our fault because it was a flip in the gender  
21 in the system. So all of the other 175 that are  
22 named in there we dealt with appropriately and  
23 accordingly.

24 COUNCIL MEMBER DICKENS: No... the  
25 database is going to... refer really to, or rely upon

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2 the Social Security Number because people can have  
3 the same name. And we've run into that where they  
4 had a same name and they might not use middle  
5 initials to, to distinguish themselves and yet one  
6 is deceased and one is not. And, and I don't... I  
7 don't remember I registered so many years ago, but  
8 does the registration form require, and I don't  
9 think it should, a, a social security number? Is  
10 that what...

11 DIRECTOR RYAN: Now it's, it's the last  
12 four digits of the Social Security Number or if  
13 somebody provides us with their driver's license  
14 number or their non-driver identification number we  
15 don't require the last four digits of the social.

16 COUNCIL MEMBER DICKENS: So that...

17 [background comments]

18 DIRECTOR RYAN: But that's only been in  
19 place since 2007. Our resident historian Mr.  
20 Richman has informed me of that.

21 COUNCIL MEMBER DICKENS: Oh alright  
22 because that's a concern of removing people off the  
23 rolls who are indeed very much alive...

24 DIRECTOR RYAN: Absolutely.  
25

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2 COUNCIL MEMBER DICKENS: ...but because of  
3 the similarity in names they're being, the, the,  
4 their names are being pulled unfairly..

5 DIRECTOR RYAN: Right.

6 COUNCIL MEMBER DICKENS: ...and unjustly.

7 DIRECTOR RYAN: Council Member I think  
8 you just hit the nail on the head in terms of the  
9 danger of disenfranchisement. The Board of  
10 Elections needs to be careful. While we want the  
11 votes, voter rolls to be as accurate as possible we  
12 also don't want to take people off the voter rolls  
13 because we make a mistake. And that level of care  
14 must not be sacrificed for some expedience to, to  
15 make ourselves feel better that the voter rolls are  
16 completely accurate.

17 COUNCIL MEMBER DICKENS: Alright, now  
18 the last thing I want to ask about is on some  
19 applications I've seen at the bottom of, of it, it  
20 says are you interested in working as a poll  
21 worker. Does that still exist and on which  
22 applications is that?

23 DIRECTOR RYAN: Yes.

24 COUNCIL MEMBER DICKENS: Which  
25 applications can that be seen?

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2 DIRECTOR RYAN: On the voter  
3 registration form.

4 COUNCIL MEMBER DICKENS: So now that,  
5 that's anyone that's using that application can  
6 sign and is that turned over to you? Because as I  
7 recall maybe four years ago under testimony it was  
8 said that for instance Motor Vehicle Bureau didn't  
9 turn it over regularly. Has that changed?

10 DIRECTOR RYAN: Pardon? Right, well  
11 we're going to... with the DMV we're going to  
12 electronic on March the 7<sup>th</sup> so we'll have an  
13 electronic image.

14 COUNCIL MEMBER DICKENS: Right that's on  
15 that one but I'm... [crosstalk] really asking about  
16 on, on everything... [crosstalk] when someone's  
17 filling out a application they check the box I  
18 would, I'm interested in working the polls.

19 DIRECTOR RYAN: Right.

20 COUNCIL MEMBER DICKENS: They're not  
21 identified with any county committee.

22 DIRECTOR RYAN: Right.

23 COUNCIL MEMBER DICKENS: They're not  
24 identified with any political club or any district  
25 leader. They just are signing an application and

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2 they check the box I would like to work. Is that,  
3 are those records turned over to...

4 DIRECTOR RYAN: Yes.

5 COUNCIL MEMBER DICKENS: ...follow up on  
6 regularly so that...

7 DIRECTOR RYAN: Yes.

8 COUNCIL MEMBER DICKENS: ...those people  
9 are allowed to participate in the, in, in being  
10 able to work as poll workers?

11 DIRECTOR RYAN: Yes, the answer to that  
12 question is yes and it, they'll be a poll worker if  
13 they, if they pass the test. We also have a large  
14 standby pool every election day because we don't  
15 get enough poll workers. I mean I, I think there's  
16 a misconception out there that people are chomping  
17 at the bit to become poll workers and that you know  
18 we have to you know bar the, you know Katy bar the  
19 door to stop all the, the poll workers from coming  
20 in and breaking, breaking down to volunteer. The  
21 fact of the matter is we have a shortage of poll  
22 workers... [crosstalk]

23 COUNCIL MEMBER DICKENS: Director Ryan  
24 you don't have to convince me.

25 [laughter]

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2 COUNCIL MEMBER DICKENS: I know that  
3 there is a standby pool. I know about the, the  
4 application process so that it's open to the entire  
5 public. I just wanted to ensure that those records  
6 are turned over because a few years ago you  
7 testified just to the opposite. So I wanted to  
8 ensure that those records were being turned over to  
9 you so that those people could be sought. Because I  
10 know that there's a shortage of poll workers and  
11 that, and now in order to save some money if  
12 there's no opposition the poll is closed at, at, at  
13 many locations. If there's no race to be run it's  
14 no longer even open. So it causes a lot of  
15 confusion by the way you know in, in notifying  
16 those that are working, those that are not, who's  
17 been transferred, who's not. You know... so I just  
18 wanted you know to ask that question to see if  
19 though, that was still being put on many of the  
20 applications that I formerly saw it on.

21 PAMELA PERKINS: Yes there are, it's on  
22 all, it's on, it's on all registrations and when  
23 the registrations come into the Board of Elections  
24 if they do check off that box they receive a white  
25 application in the mail. We now have where people



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2 can actually go onto pollworker.com and sign up  
3 right online which was asked for two years ago.

4 COUNCIL MEMBER DICKENS: Mm-hmm.

5 PAMELA PERKINS: And it was implemented  
6 last year. We did a major, major poll worker  
7 recruitment drive in 2011 with the help of the  
8 mayor's office back then. And it, while it looked  
9 that we were, we were excited and while it looked  
10 like we recruited over 14,000 poll workers when it  
11 came down to training and them showing up to be  
12 trained and actually getting into the nitty-gritty  
13 of the application where people giving us proper  
14 information and being able to reach, reach them to  
15 call them in for training it, it really dwindled  
16 down significantly which was very disheartening  
17 because we, we put so much into having our staff  
18 out there they were in train stations, libraries,  
19 if there was an event going on with elected  
20 officials we were sending our Harvard staff out  
21 there to recruit poll workers. It, I, I feel that  
22 I, and I think it was Council Member Greenfield or...  
23 that mentioned the, the poll worker stipend. It's,  
24 they're putting in 15 hours a day. Their  
25 responsibilities have significantly increased with

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2 the new electronic voting system. Even as far as... I  
3 mean we, we used to have poll sites that had one  
4 coordinator and we went according to the amount of  
5 election districts. We, we have started discussing  
6 that there should really be two coordinators in  
7 every poll site. Now they're doing ADA compliant  
8 logs... the opening is more difficult, the closing is  
9 difficult. There's now schematics and where to hang  
10 the signs. It's, it's, there's a great deal  
11 involved and they deserve more credit than, than  
12 they get.

13 COUNCIL MEMBER DICKENS: No, I realize  
14 it because before I even, when, when we first...  
15 [crosstalk]

16 DIRECTOR RYAN: Council Member

17 COUNCIL MEMBER DICKENS: ...that sent them  
18 in, I took the training on those new machines so  
19 that I would personally be aware of what poll  
20 workers would have to go through for opening,  
21 closing, and for assisting voters. So as someone  
22 elected I decided that I needed to take the  
23 training as well as, as those who were going to be  
24 working the polls even though I wasn't working it I  
25 wanted to know how those machines worked

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2 personally. But on the training is that a open book  
3 test by the way?

4 PAMELA PERKINS: Yes it is. What we did  
5 this past election cycle because we already knew  
6 there were issues where poll workers came in and  
7 they took the test and they took the training and  
8 of course they see their friend in the courtyard  
9 and I just took the test and hey here's the  
10 answers. So you know, we got wind of that last year  
11 so we did four different types of tests and four  
12 different types of tests were to be handed out at  
13 every, in every class. If you remember in 2010, I'm  
14 sure you remember there was a big issue where  
15 people were coming in, getting trained, and they  
16 were put in to vote without even passing. We, we  
17 redid our whole system so that that is impossible.  
18 If somebody comes in to get trained if they did not  
19 pass the system will not generate a report to work.  
20 We've tried to take different measures and, and I  
21 think that after consulting with all of executive  
22 management, our Harvard team, LEDO Manager, a  
23 consultant which is why we are in the process of  
24 procuring one, should come in and, and, and help  
25 with the training.

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2 [crosstalk]

3 CHAIRPERSON GENTILE: Okay... [crosstalk]

4 COUNCIL MEMBER DICKENS: Alright well  
5 thank you so much for the testimony.

6 CHAIRPERSON GENTILE: Yes. Thank you.

7 COUNCIL MEMBER DICKENS: Thank you Chair  
8 so much.

9 CHAIRPERSON GENTILE: Thank you. Council  
10 Member Richie Torres.

11 COUNCIL MEMBER TORRES: Mr. Ryan I thank  
12 you for your testimony. I'm just, for my own  
13 benefit I wanted to be sure that I'm following your  
14 testimony, it's full of detail, but if I'm  
15 correctly understanding your thoughts on DOI's  
16 findings, DOI's recommendations, BOE's cooperation  
17 with DOI, and then the accusations of patronage  
18 against BOE's. So I'll start with the findings.  
19 You, you're rejecting the notion of DOA findings. I  
20 believe your analogy was a wallet right?

21 DIRECTOR RYAN: Well yes because I got  
22 to tell you I came to the process August the 26<sup>th</sup>,  
23 2013 and I will say that as far as executive staff  
24 goes, and I cannot speak for the experiences that  
25 happened in the field because quite frankly during

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2 the pending investigation DOI doesn't share that  
3 stuff with you and understandably so. But in terms  
4 of the tone that was set when I walked in the door  
5 that tone was one of extreme cooperation. And you  
6 know there was a time when I used to oversee the  
7 Department of Investigations. And I understand what  
8 their roll is and I respect their roll and I would  
9 never do anything to be disrespectful of that roll  
10 and I roundly and soundly reject the notion that  
11 anyone in executive management has been anything  
12 less than 100 percent cooperative or with  
13 information sharing. And because of that and  
14 because of the fact that we shared details of our  
15 plans moving forward and the in, the incidents of  
16 the issues that we recognize were there. I don't  
17 think you get to take my idea as your idea and then  
18 say it's a finding. That's where I quarrel with the  
19 findings and recommendations of much of the  
20 operational needs of this report. I can't come to  
21 you and offer myself open and make myself an open  
22 book and then have you say oh look at all the  
23 things you're doing wrong when I was the one that  
24 taught you about the things that I was doing wrong.  
25 And I, I soundly reject that as a philosophy and a

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2 foundation for any investigative report. And I also  
3 believe in all due deference to Commissioner you  
4 know Peters he's only on the job nine days so I  
5 don't quarrel with him making that assertion  
6 because I'm sure that's what he was told.

7 COUNCIL MEMBER TORRES: So those  
8 comments are in line with what... I'm reading an  
9 article from DNA Info about two months ago  
10 immediately following the release of the report.  
11 And you're quoted as describing the findings done  
12 of it as a surprise which seems to be in line with  
13 what you're saying.

14 DIRECTOR RYAN: Right.

15 COUNCIL MEMBER TORRES: But then you go  
16 on to say there isn't one observation that the DOA,  
17 DOI has made that we are not already looking at or  
18 have a plan to address. If there are plans to  
19 address these problems why not submit them to DOI?  
20 It's the easiest way to show cooperation.

21 DIRECTOR RYAN: Absolutely. But when I  
22 get a notice from, from this...

23 COUNCIL MEMBER TORRES: So have you  
24 submitted plans to DOI?

25

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2 DIRECTOR RYAN: Not yet. We, we  
3 discussed that earlier. But my point is when I get  
4 a notice from this committee telling me that I have  
5 to come here today and all of the hours that it  
6 takes. And I don't know that folks that are on the  
7 giving end of these notices appreciate what those  
8 of us on the receiving end of these notices have to  
9 go through in order to come here and be ready to  
10 testify in great detail and avoid public  
11 embarrassment if we're ill prepared. There are  
12 hours and hours and hours of preparation. So my  
13 point is when I get a notice from the city council,  
14 excuse me for breeching protocol, that tells me I  
15 got to come here and testify you know on the 28<sup>th</sup>,  
16 if I get a letter the same day from an agency that  
17 tells me I got to give them an answer three days  
18 before I'm coming to the city council indeference  
19 [phonetic] to you, you folks and your committee,  
20 I'm answering to the city council and I'm answering  
21 to the agency second.

22 COUNCIL MEMBER TORRES: No I...

23 DIRECTOR RYAN: I think that's the way  
24 it's... [crosstalk]

25

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2 COUNCIL MEMBER TORRES: I, I understand  
3 Mr. Ryan but we're not talking about a nine day  
4 time frame right. You, you said it yourself DOI's  
5 findings is stating the obvious, we know these  
6 problems, we have plans for these problems, we've  
7 had plans since the beginning of your tenor I  
8 imagine so why haven't you submitted plans to DOI  
9 yet? It's not a nine day time frame, this has been  
10 months in the works.

11 DIRECTOR RYAN: Because we were not  
12 preparing to respond to DOI in writing. And while  
13 their report came out December the 30<sup>th</sup> they didn't  
14 send out a concomitant notice to us on December the  
15 30<sup>th</sup>, hey by the way give us your action plan. They  
16 waited until the February the 19<sup>th</sup> when we got the  
17 notice to come here to ask for it. Now perhaps you  
18 know it was kismet or fate that those two things  
19 happened to come on the same day, as Commissioner  
20 Peters would not speculate as to how these things  
21 work, I'm not going to speculate as to how they  
22 work either. But suffice to say the timing was  
23 curious.

24 COUNCIL MEMBER TORRES: Okay, and I do  
25 feel like you make a, a fair point that some of



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2 these recommendations require statutory changes  
3 beyond your ability to implement it... that is a fair  
4 point. But something you said about accusations of  
5 patronage. If I understood you correctly you said  
6 that what is described as the patronage of the BOE  
7 is no different from the family heritage of the  
8 fire department, did you say something to that  
9 effect?

10 DIRECTOR RYAN: What I said was without,  
11 what, what I... [crosstalk]

12 COUNCIL MEMBER TORRES: Because it left  
13 me incredulous...

14 DIRECTOR RYAN: Right.

15 COUNCIL MEMBER TORRES: ...and I'm not  
16 sure if I... [crosstalk]

17 DIRECTOR RYAN: Right. No... The, the  
18 nepotism not the patronage aspect... [crosstalk]

19 COUNCIL MEMBER TORRES: I'm nepotism I  
20 apologize yeah.

21 DIRECTOR RYAN: My, my point is simply  
22 this. A blanket assertion that more than one member  
23 of the same family works for a city agency is not  
24 evidence flat by itself of nepotism.  
25

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2 COUNCIL MEMBER TORRES: DOI is alleging  
3 more than, at least 10 percent of your full staff  
4 is, is related. That's not, just one, more than one  
5 employee, that's 10 percent of your...

6 DIRECTOR RYAN: But, but DOI also said  
7 that we had 890 employees and we have 630. So, so  
8 I...

9 COUNCIL MEMBER TORRES: So 69 out of  
10 630...

11 DIRECTOR RYAN: Well one, one second. I  
12 would suppose then we're just supposed to take  
13 everything that DOI says at face value and with 100  
14 percent accuracy and I just pointed out a, a, an  
15 incident where they said we had over 800 employees  
16 and we have less than 700 employees. So I can't  
17 tell you what the validity of their numbers are  
18 because they haven't shared that information with  
19 us and how they arrived at those conclusions. And  
20 from what we're hearing today from the commissioner  
21 and that may change after this meeting that they  
22 don't want to tell us how they arrived at it until  
23 we tell us what, we tell them what we're going to  
24 do to fix it. Well if we don't know how they  
25 arrived at their conclusions how can we possibly

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2 come to a conclusion on how to fix it? That's a  
3 rhetorical question that I've been kicking around  
4 in my, in my head since this report was issued. And  
5 nobody's lived and breathed with this report more  
6 than I have. I've read every inch of it numerous  
7 times and all the footnotes. And you know there is  
8 stuff in there that, that is, that is accurate.  
9 Most, almost all of it is stuff that we shared with  
10 them ahead of time. And I think that's where I part  
11 company with the conclusions that their findings.  
12 And we can quibble over that but that's where I  
13 stand on the position.

14 COUNCIL MEMBER TORRES: Okay, so you're  
15 skeptical about the accuracy of their findings or  
16 you're unsure about the basis for those findings is  
17 that... [crosstalk]

18 DIRECTOR RYAN: I'm skeptical with the  
19 fact that they are findings.

20 COUNCIL MEMBER TORRES: No the,  
21 regarding the nepotism.

22 DIRECTOR RYAN: There's no way for me to  
23 conclude one way or the other. I don't know how  
24 they based their conclusion on what qualifies as  
25 nepotism. And by the way I've also read the COIB

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2 rules and there does not appear to be an absolute  
3 prohibition against family members from, you know  
4 multiple family members working for the same  
5 agency. So I, I don't know what they found that  
6 leads them to conclude that there was some improper  
7 way that these employees were handled. And if they  
8 share that with us then we can certainly work with  
9 them to, to, to try to root it out.

10 COUNCIL MEMBER TORRES: So if there are  
11 no COIB rules prohibiting nepotism as far as you're  
12 concerned it's not a problem?

13 DIRECTOR RYAN: I don't know what  
14 they're defining as nepotism.

15 COUNCIL MEMBER TORRES: Okay I'll, I'll  
16 be... forget about it. Setting aside DOIs do you  
17 believe nepotism is a problem at the Board of  
18 Election apart from DOI's findings?

19 DIRECTOR RYAN: Again, what is the  
20 definition of nepotism? Does that mean that a  
21 brother and a sister can't work in the same agency?  
22 Does that mean a mother and a son can't work...

23 [crosstalk]

24

25

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2 COUNCIL MEMBER TORRES: Based on how you  
3 define it do you see it as a problem in the agency  
4 that you manage day to day?

5 DIRECTOR RYAN: I believe that the two  
6 instances that I am aware of that were problematic  
7 in terms of the reporting structure have been  
8 rectified. I'm only there for six months. I don't  
9 have my eyes and ears out in, in all five boroughs.  
10 I, I can't be everywhere all the time. If the DOI  
11 knows something that can improve the way that we do  
12 things they should share it with us. And they  
13 should share it with us within the context of the  
14 way government agencies communicate with each  
15 other. They shouldn't share it with us on December  
16 the 30<sup>th</sup> by having a press release and a press  
17 conference and issuing a report and telling us that  
18 we're not doing things and, and then have it, have  
19 a big old' press conference and, and, and kick us  
20 around at their expense, at our expense and then  
21 say okay, you know what, we really didn't want it  
22 to be about the dead voters and the felons and the,  
23 and, and the people who moved when in fact that was  
24 the only thing that got any press coverage. So I  
25 would prefer as I said earlier that we all work

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2 collaboratively. I get paid, as does everyone here,  
3 by the hard working taxpayers of the City of New  
4 York. And public grandstanding is never something  
5 that I engage in. And anyone can tell you that,  
6 anyone that attends our meetings and now when  
7 they're webcast you'll have an opportunity to see  
8 them yourself or you can come up to the 6<sup>th</sup> floor  
9 at 42 Broadway and I say all the time let's ratchet  
10 down the rhetoric and work collaboratively. Me  
11 pointing my finger at you or you pointing my, your  
12 finger at me does nothing to advance the cause of  
13 the board of elections or to serve the voters of  
14 the city of New York. And that's where I have a  
15 problem with the manner in which this is done, not  
16 necessarily all of the substance.

17 COUNCIL MEMBER TORRES: And again if I'm  
18 repeating myself I apologize. But as far as you  
19 know there were two cases that you corrected...

20 DIRECTOR RYAN: And two were referred to  
21 COIB for further, for further... [crosstalk]

22 COUNCIL MEMBER TORRES: As you define  
23 it, nepotism as you define it is not a systemic  
24 problem in the Board of Elections? I just want a  
25 clear answer on that because I'm not clear from

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2 everything you've said. It sounds to me the  
3 answer's no. As you define... [crosstalk]

4 DIRECTOR RYAN: ...is no. But again...

5 COUNCIL MEMBER TORRES: Is no okay.

6 DIRECTOR RYAN: ...I'm not privy to all of  
7 the information that the, that the Department of  
8 Investigation has in, in this regard. So it's a  
9 qualified no. If, if they present to us evidence  
10 that there is some systemic problem that they've  
11 uncovered that I'm as yet unaware in my six months  
12 on the job certainly will act swiftly and  
13 decisively to deal with that.

14 COUNCIL MEMBER TORRES: You mean... I, I  
15 don't know if I'm... You made one more observation, I  
16 know you said we, we, maybe and I'm part of the  
17 problem is that we should temper our criticism of  
18 the Board of Elections because it affects the  
19 public's perception of the BOE and the election  
20 process. I'm just curious to know your opinion. Do  
21 you believe that the BOE is more discredited by  
22 outside criticism than it is by its own internal  
23 structure?

24 DIRECTOR RYAN: I think that the  
25 presidential commission report bears that out and

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2 you don't have to take my word for it. It says that  
3 often election administrators, not just the city of  
4 New York, nationally are criticized roundly when  
5 things go wrong and in that report it says and  
6 praise is not forthcoming when things go well. So  
7 yes there is a, a, ample opportunity to criticize  
8 but I don't want to create the misimpression when  
9 we operate over 13 hundred poll sites, or about 13  
10 hundred poll sites throughout the city of New York  
11 that there were some you know massive breakdown in  
12 the ability of people to, to vote on election day.  
13 By and large the, the, the system works and it  
14 works very well. They were of course instances of,  
15 of times when it doesn't work well. And I think the  
16 fact that you know we conduct weekly open meetings  
17 you know perhaps gives people more of an  
18 opportunity to say hey look what these guys are  
19 doing, they're doing this right, they're doing that  
20 wrong. Most of the other city agencies don't  
21 conduct weekly and public meetings. Certainly DOI  
22 doesn't conduct weekly and public meetings so we  
23 could know what's going on at 80 Maiden Lane. We  
24 have to take their word for it. And because the  
25 election process is, is that sensitive the public



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2 doesn't have to take our word for it. They can come  
3 to a meeting on the 6<sup>th</sup> floor and they can see what  
4 we're doing. And we report it every week. And if... I  
5 don't know if anyone was going to question with  
6 respect to the buff cards. But if you're not I, I,  
7 I'd like to make a statement on that as well.

8 CHAIRPERSON KALLOS: It's on my cleanup  
9 list...

10 COUNCIL MEMBER TORRES: I just have one,  
11 yeah one quick question. So you're familiar with  
12 the problems, you have plans for addressing these  
13 problem... [pause] unless the Chairman objects can  
14 you submit those plans to the committee?

15 DIRECTOR RYAN: There are... absolutely.  
16 The, the city council is the representatives of the  
17 citizens right? So you guys are entitled I'm sorry  
18 to be so informal but this body is entitled to any  
19 information that it demands and certainly we will  
20 be happy to share that with, with all of you. And I  
21 think you can see from the level of detail that we  
22 put in our response that we don't take that  
23 responsibility lightly and we've provided this  
24 committee on relatively short notice with, with a  
25 lot of information and we'll certainly continue to

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2 do that in, in an ongoing way. I would only hope  
3 that whatever timeframe is set it doesn't interfere  
4 with my ability to prepare my budget testimony so  
5 that we can come back here in a month and do this  
6 all over again.

7 CHAIRPERSON KALLOS: We look, we look  
8 forward to that. I just want to follow-up on  
9 Council Member Torres' question. In your response  
10 you indicated that you're in compliance with the  
11 COIB law. The DOI recommended that the DOI required  
12 perspective employees to disclose any relatives  
13 working for the City of New York and current  
14 employees to update disclosure on a regular basis,  
15 will you do that yes or no?

16 DIRECTOR RYAN: First of all that would,  
17 that would be something, a policy change that would  
18 be required by the commissioners. But I question  
19 the utility of that. What, and, and, and this is  
20 something that I, I would have rather had this  
21 discussion with DOI so I could come to a greater  
22 understanding of where they were going with this.  
23 But quite frankly that provision confused me  
24 somewhat. If somebody works let's just say as a  
25 school teacher or works for the New York City

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2 Department of Health what baring does that have in  
3 any way shape or form on whether they should be  
4 hired, whether their relatives should be hired as a  
5 employee of the New York City Department of Board,  
6 of Board of Elections? I, I don't know what  
7 relevance it has. If they can, if they can tie it  
8 into some factual need and, and some way that it's  
9 somehow rooting out corruption. If, if somebody  
10 works in Far Rockaway you know for a city owned  
11 hospital why they can't work at 42 Broadway, why  
12 their cousin can't work at 42 Broadway for, you  
13 know for the Board of Elections. And to what degree  
14 of sanguinity do we cut off what relative means?  
15 What's a relative? Is a relative a first cousin,  
16 second cousin, mother, father, aunt, uncle?

17 CHAIRPERSON KALLOS: So, so throughout  
18 the city I have to fill out these disclosures  
19 myself. I have to tell people who my relatives are,  
20 it defines it and, and we can go by the COIB  
21 definition of it, but the, the, the yes or no  
22 question, the quicker we can get the questions and  
23 the answers through the quicker all of us can enjoy  
24 our weekends is require the perspective employees  
25 to, to disclose their relatives and we, we can do

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2 what we will with that. And whether it, it's school  
3 teachers or other people at the Board of Elections  
4 it will save the DOI a lot of trouble, it will save  
5 you a lot of trouble on identifying whatever's  
6 going on there.

7 DIRECTOR RYAN: But again my, my problem  
8 was not with the concept, my problem with, was with  
9 the way it was worded in the report left us with no  
10 ability to determine where they were going with  
11 this. So an \$11.90 an hour employee... [crosstalk]

12 CHAIRPERSON KALLOS: But it's, but it,  
13 but it's just a plain request, it's just this is  
14 the best practice if you do it you, you'll be able  
15 to deal with nepotism, where they're going is  
16 nepotism, they want to root out nepotism, and, and  
17 obviously you, you and they all know the conflicts  
18 of interest law. So it, it is a simple request.  
19 You, you mentioned that you need the commissioner's  
20 approval, how soon can you go to the commissioners  
21 and get their approval... [crosstalk]

22 DIRECTOR RYAN: We're meeting next  
23 Tuesday.

24 CHAIRPERSON KALLOS: Perfect.  
25

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2 DIRECTOR RYAN: And, and in, within 72  
3 hours it'll be on the website.

4 CHAIRPERSON KALLOS: And I apologize for  
5 the, thank you for this indulgence. I'd like to  
6 pass it onto Council Member Lancman who's been  
7 waiting patiently.

8 COUNCIL MEMBER LANCMAN: Thank you. Good  
9 afternoon.

10 DIRECTOR RYAN: Good afternoon.

11 COUNCIL MEMBER LANCMAN: So I, I want to  
12 just talk a little bit about what is of most  
13 interest to, to me. I, I mentioned this in my, in  
14 my questioning of the, the commissioner. And that  
15 is what goes on in, in, in election day. I, I  
16 certainly don't want any people on the rolls who  
17 shouldn't be on the rolls. Although the amount of  
18 time that we're spending over 175 individuals who  
19 shouldn't be on, on, on the rolls none of whom have  
20 been shown to have either tried to vote when  
21 they're not allowed to vote or someone voting in,  
22 in, instead. But what goes on on election day can  
23 sometimes be troubling or, or difficult both for  
24 voters and, and, and candidates alike. And I know  
25 you were here earlier so you, you heard my, my

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2 question to Commissioner Peters about the  
3 Department of Investigation maybe playing a roll  
4 on, on election day and, and maybe he, his  
5 observation was correct but that's not really  
6 realistic and, and maybe not really even,  
7 appropriate. And by the way Mr., Mr. Chairman if  
8 you've got anyone in the upper east side who wants  
9 to have a job with the Department with the Board  
10 of, of Elections on election day as a poll watcher  
11 I've got plenty of vacancies every year...

12 [laughter]

13 COUNCIL MEMBER LANCMAN: ...that we need  
14 to, to fill. We struggle to fill those. I think  
15 both because as Councilman Greenfield said the,  
16 the, the amount of money that we give people... but  
17 also, I mean who has a day to, to leave their,  
18 their work or their family and be stuck at a poll  
19 site for 15, 17, 18, 19 hours. So what, what can we  
20 do to train the people that we do hire as poll  
21 watchers and coordinators and information clerks  
22 and all those positions those of us who are  
23 district leaders get to, get to fill every year so  
24 that they can run their poll sites efficiently and  
25 be able to, to deal with questions that, that,

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2 that, that arise beyond the plain vanilla you know  
3 are you registered to vote, okay, go to that booth.

4 DIRECTOR RYAN: Well one thing that I  
5 think is tangentially related to that and doesn't  
6 directly deal with training but it was something  
7 that was brought up at my meeting yesterday with  
8 the assembly member. We have been advocating as a  
9 Board in our legislative package to have the  
10 schools be closed on election days. That would  
11 eliminate a lot of confusion and a lot of the  
12 traffic. And I think that it's something that as  
13 we're moving forward and we're watching these  
14 various incidents that happen throughout the  
15 country in our, in our schools. I think that we  
16 have been very, very fortunate that on days when we  
17 allow members of the general public into the  
18 schools during school hours that something hasn't  
19 happened...

20 COUNCIL MEMBER LANCMAN: Yeah but let  
21 me, let me stop you... [crosstalk] ...but... that's fine...

22 DIRECTOR RYAN: ...but now getting to the  
23 training...

24 COUNCIL MEMBER LANCMAN: Yeah I mean  
25 that's not going to make the election workers who I

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2 love dearly you know smarter or more familiar with  
3 election law or more able to, to handle things  
4 that, that occur. I mean just you know for example  
5 on, on I think it was the general election. You  
6 know we had different poll workers coming out and  
7 telling us how many feet we could stand, where you  
8 start measuring... I mean...

9 DIRECTOR RYAN: Right.

10 COUNCIL MEMBER LANCMAN: ...we're in the  
11 business, we know right...

12 DIRECTOR RYAN: Yep, absolutely.

13 COUNCIL MEMBER LANCMAN: So you know one  
14 voter came out and said that she was being given a  
15 hard time because the, the palm card that we handed  
16 her was too openly displayed where as other poll  
17 sites, you know as long as you're not in there  
18 handing it...

19 DIRECTOR RYAN: Gotcha.

20 COUNCIL MEMBER LANCMAN: Like what do  
21 you think about that? That where, where the workers  
22 know how to handle that or someone is readily and  
23 immediately available to resolve those things.

24 DIRECTOR RYAN: One of the things I  
25 think we need to do is expand the horizons of who



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2 comes to us as poll workers. So one of the  
3 proposals that, that, that we have been talking  
4 about internally and excuse me I'm only here six  
5 months I don't know if it's ever been stated  
6 publically by the Board of Elections or not is city  
7 workers as poll workers. You know... [crosstalk]

8 COUNCIL MEMBER LANCMAN: I think...  
9 [crosstalk] Steve will correct me if I'm wrong but  
10 I think David was telling me he had a bill for  
11 that.

12 DIRECTOR RYAN: Right.

13 COUNCIL MEMBER LANCMAN: Is that, if  
14 that's something that the Board would come out and  
15 support I think that'd be great.

16 DIRECTOR RYAN: Partnering, partnering  
17 with the city so that we can you know get qualified  
18 poll workers. One of the things that the  
19 presidential election report indicates that as  
20 this, this process becomes more complex with these  
21 you know computer based machines that the workforce  
22 needs to get younger. Not to dislocate the older  
23 workers that we have, but to have them work in  
24 partnership with, with some younger folks so that  
25 the, the techies as I'll call them, the younger

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2 people, my daughter's 19 and she knows a lot more  
3 about this stuff than I do, you know can work hand  
4 in hand and, and utilize the skills of, of the  
5 different age groups you know more effectively. I  
6 would seek to, and I had a very, very, very  
7 preliminary in passing conversation with Vice  
8 Chancellor Hershison [sp?] about partnering with  
9 CUNY to see if we could get college students to  
10 come in and, and start to work as poll workers.  
11 Another thing that I would like to see done if it  
12 cannot be an actual course...

13 COUNCIL MEMBER LANCMAN: Law students.

14 DIRECTOR RYAN: Right, law students. And  
15 I was, I was going to mention that. We had actually  
16 a preliminary conversation with Dean Crowell [sp?]  
17 at New York Law School. If, if it can't be an  
18 entire course on election administration perhaps we  
19 can work with CUNY and the local area law schools.  
20 I know, I went to New York Law School they have a  
21 course, state and local government make an element  
22 of that cost election administration and, and, and  
23 perhaps give credit to internship type credit to,  
24 internship type credit to, to folks that, that work  
25 either at the Board of Elections or on a volunteer

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2 basis or, or you know at the Poll sites as, as, as  
3 poll watchers. There's a lot that we can do and I  
4 think that if we open up the dialogue and we get  
5 feedback, more importantly in less formal settings  
6 than this you know between our respective, my  
7 agency and this body, and we can sit across the  
8 desk from each other and, and hammer out you know  
9 some ideas. And, and as like to say sometimes in  
10 the meeting you know you got to get the crazy out  
11 because... you know brainstorm with the ideas and  
12 filter out the bad ones and, and leave yourself  
13 with the good ones. But there's a lot that could be  
14 done and I think the, the ground is fertile for  
15 that kind of stuff.

16 COUNCIL MEMBER LANCMAN: 'Cause, 'cause  
17 my interest has, has shifted and I think that's  
18 part true of most political figures from hey, this  
19 is a great source of patronage jobs on election  
20 day, 200 dollars a clip which we no longer are even  
21 able to fill to I just want to make sure that it's  
22 run well and at my interest. Obviously as I was  
23 talking about earlier my partisan interests are  
24 protected and balanced against whoever else is  
25 participating in the elections, partisan, partisan

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2 interests at some point and, and if, if so what is  
3 that point? Are, do you plan to come out with the  
4 Board of Elections proposal for upgrading the  
5 Election day up or like, like when, when are you,  
6 there's a lot of ideas, can we get a date certain  
7 by when you're coming out with your proposal?

8 PAMELA PERKINS: Well what, what we did  
9 last year in 2013 which we're going to continue in  
10 2014 because we think it was successful we had bi,  
11 bipartisan attorneys as poll workers. And our goal  
12 was to, to recruit even more this year because it  
13 is a great help to have an attorney as a poll  
14 worker at the poll sites... [crosstalk]

15 COUNCIL MEMBER LANCMAN: Were they  
16 compensated? These, they were poll workers just  
17 compensated like regular poll workers?

18 DIRECTOR RYAN: Yes and they also  
19 received COE credit if they went through, you know...  
20 [crosstalk]

21 COUNCIL MEMBER LANCMAN: ...that's good...  
22 [crosstalk]

23 DIRECTOR RYAN: ...the training and, and...  
24 [crosstalk]

25

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2 COUNCIL MEMBER LANCMAN: How many, how  
3 many poll sites are there in the city?

4 PAMELA PERKINS: Over 13 hundred.

5 COUNCIL MEMBER LANCMAN: 13 hundred?

6 DIRECTOR RYAN: Yes.

7 COUNCIL MEMBER LANCMAN: 13.

8 DIRECTOR RYAN: About 13 hundred and it,  
9 and it, it varies from time to time because  
10 sometimes in the smaller elections we do combines  
11 and etcetera but it's, it's 1250 to 13 hundred.

12 COUNCIL MEMBER LANCMAN: 'Cause, 'cause  
13 right now as you know you have a coordinator at  
14 each poll site, that person is if anything you know  
15 only marginally more prepared and trained than,  
16 than that regular poll person. And at some point if  
17 things get really ugly you turn to the local police  
18 officer...

19 DIRECTOR RYAN: Correct.

20 COUNCIL MEMBER LANCMAN: They do a  
21 terrific job of protecting us against street crime  
22 and terrorism and all that stuff...

23 DIRECTOR RYAN: Right.

24 COUNCIL MEMBER LANCMAN: ...they don't  
25 know the election law. And, and you're going to

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2 get, you ask six different cops you know how many  
3 feet you should be from the poll site on election  
4 and you're going get six different, different  
5 answers.

6 DIRECTOR RYAN: Right.

7 COUNCIL MEMBER LANCMAN: I really would,  
8 would urge you to think about you know what it  
9 would cost and what it would take to have... maybe  
10 an, an attorney at each or as poll sites or  
11 covering three poll sites, not one per borough. You  
12 know something so we can get on the phone and, and  
13 in a very, very short answer get a, get a ruling. I  
14 mean people don't know when they should or should  
15 not do affidavit ballots. I mean it's, sometimes  
16 it's awful.

17 DIRECTOR RYAN: We have AD monitor teams  
18 that go out as well. Election, Assembly District  
19 monitoring teams that go out to troubleshoot. And I  
20 will tell you I, myself walked into a poll site  
21 where we were having a problem with a coordinator.  
22 Interestingly enough she did not want New York 1 to  
23 be present in the poll site which according to the  
24 constitution they're allowed to be... [crosstalk]

25

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2 COUNCIL MEMBER LANCMAN: ...New York 1 has  
3 been here all day but she just stepped out...

4 DIRECTOR RYAN: Right.

5 COUNCIL MEMBER LANCMAN: ...she just  
6 stepped out.

7 [laughter]

8 DIRECTOR RYAN: Well further, of further  
9 interest they were there to interview me. And  
10 despite the fact that I identified myself as the  
11 Executive Director of the Board of Elections and  
12 was...

13 COUNCIL MEMBER LANCMAN: Hold on.  
14 Courtney we're talking about New York 1. New York 1  
15 is making the news right now. No not at all...

16 [background comment]

17 COUNCIL MEMBER LANCMAN: Not at all.

18 DIRECTOR RYAN: And despite the fact  
19 that I told her that they were there to interview  
20 me it took me quite a few minutes to convince her  
21 A, that I was the wrong person to challenge with  
22 respect to the authority in the, in the, in the  
23 Board of Elections and B, that the constitution of  
24 the United States permits freedom of the press  
25 which allows them access you know to the poll

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2 sites. So I'm hands on, face to face aware of some  
3 of the problems that we have with for lack of a  
4 better term obstreperous individuals who don't know  
5 as much as they should and think they... think that  
6 they know more than they do.

7 COUNCIL MEMBER LANCMAN: Alright. Well I  
8 would urge you to use the June congressional  
9 primary, there's going to be at least one in the  
10 city, to you know try out and expand some of these  
11 ideas in terms of you know at least having someone  
12 at the poll sites that's got some more training.  
13 And, and if you can have lawyers and you can tie it  
14 to CLEs that would be...

15 PAMELA PERKINS: Wait, that's what we  
16 did last year and...

17 COUNCIL MEMBER LANCMAN: ...I, I think  
18 that would be terrific and I would love to work  
19 with you on that.

20 DIRECTOR RYAN: It, it worked well last  
21 year but I you know sent Councilman Matteo's not  
22 here... one of the problems that we did have was we  
23 had a shortage of republican attorneys. And if  
24 we're going to put attorneys at a poll site, in the  
25 bipartisan nature of things we'd like to have two



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2 you know so that they can watch each other's backs  
3 so to speak.

4 COUNCIL MEMBER LANCMAN: For the  
5 congressional primary coming up I don't think there  
6 are any republicans in that district anywhere so  
7 it's not...

8 [laughter]

9 COUNCIL MEMBER LANCMAN: ...problem. Last  
10 question. Who does train the police officers who  
11 are doing duty that day? Is that the Board of  
12 Elections? Do they take some special training or...  
13 [crosstalk]

14 DIRECTOR RYAN: ...they do not take  
15 special training with us. The police department's  
16 responsible for that training but I can say that  
17 since I've been here Deputy Inspector Wallace [sp?]  
18 of the police department, we've met numerous times.  
19 Matter of fact the first meeting that I attended  
20 with the, with the NYPD regarding the upcoming  
21 elections was, in fact occurred before I collected  
22 my first paycheck. Because once I got named and I  
23 was closing down my practice Don Sandell [sp?]  
24 called me and said I really think you need to be at  
25 this meeting because you need to you know get going

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2 on developing or continuing this already well  
3 developed partnership that we have with the NYPD.

4 COUNCIL MEMBER LANCMAN: Have you  
5 evaluated their training program of their office's  
6 officers? Have you ever...

7 PAMELA PERKINS: Their, they work with  
8 us... We, we receive a hundred percent cooperation  
9 from NYPD. We, we have really... our relationship has  
10 really tightened the last three years. We meet even  
11 if there is no election going on we will have a  
12 meeting... [crosstalk]

13 COUNCIL MEMBER LANCMAN: No, no, no that  
14 I understand...

15 DIRECTOR RYAN: Right.

16 COUNCIL MEMBER LANCMAN: ...and I respect...

17 PAMELA PERKINS: ...and we give them... I  
18 just want to finish...

19 COUNCIL MEMBER LANCMAN: Yeah.

20 PAMELA PERKINS: ...if we give them all  
21 our training material and it goes to I, I believe  
22 Queens did oversee because each borough is  
23 different but Queens did oversee their training  
24 process... But they receive all our training  
25 materials; laminated cards, and to me I, I feel

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2 they've done a great job. I mean I know that last  
3 year what they did do and it may change now the  
4 administration has changed. They did put in, they  
5 weren't NYPD officers, they were school safety  
6 officers in some of the sites. And we did receive  
7 some complaints because they were not as aware of  
8 the rules and the laws like NYPD was in the past.  
9 So we did have some instances last year where there  
10 were issues.

11 DIRECTOR RYAN: Now with respect to your  
12 specific question, the police function at the poll  
13 site is there to keep and maintain order. In  
14 reality they're not supposed to be giving out  
15 instructions unless it's at the direction of, of a,  
16 a BOE employee. So it really comes back to the  
17 question of are we training our staff well enough  
18 to interact with everyone. It's not the police  
19 department's responsibility so...

20 COUNCIL MEMBER LANCMAN: I think that's  
21 right. And that makes...

22 DIRECTOR RYAN: Right. It, it's...  
23 [crosstalk]

24

25

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2 COUNCIL MEMBER LANCMAN: ...I've never  
3 seen a police officer on his or her own say you  
4 know...

5 DIRECTOR RYAN: Right.

6 COUNCIL MEMBER LANCMAN: ...go do this.  
7 [crosstalk] They've always been...

8 PAMELA PERKINS: ...they go above and  
9 beyond.

10 COUNCIL MEMBER LANCMAN: ...been...

11 DIRECTOR RYAN: Now...

12 COUNCIL MEMBER LANCMAN: ...told what to  
13 do.

14 DIRECTOR RYAN: ...to go back to a  
15 previous hat that I used to wear in the criminal  
16 justice coordinator's office, albeit pre 9/11 so  
17 things have changed greatly since then... You know we  
18 had over 40 thousand police officers in the city of  
19 New York when I was working in the criminal justice  
20 coordinators office and there's 35 thousand now. So  
21 I think that the police department finds themselves  
22 like everyone stretching their resources very thin.  
23 And when they have to make a value judgment about  
24 you know counterterrorism efforts that may be going  
25 on on a daily basis that we don't know about versus

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2 having somebody at a school to sit at a desk to  
3 provide order. You know I'm not troubled by the  
4 fact that they have a school safety officer there  
5 because they have to make the judgments that they  
6 need to make with the resources you know that, that  
7 they have you know.

8 COUNCIL MEMBER LANCMAN: I'm, I'm not  
9 either. I think if they had...

10 DIRECTOR RYAN: Right.

11 COUNCIL MEMBER LANCMAN: ...an auxiliary  
12 cop that means someone there with uniform is going  
13 to just impose order. So that's...

14 DIRECTOR RYAN: Right.

15 COUNCIL MEMBER LANCMAN: ...you know I  
16 don't have a problem with that. It's what training..  
17 [crosstalk]

18 DIRECTOR RYAN: I think that really does  
19 fall back to us which is why we discussed all of  
20 those things earlier. The negotiated acquisition,  
21 you know with, with an outside vendor to help us  
22 audit our process to make, to make us more  
23 effective. The other thing that I want to,  
24 ultimately would like to do, and I'm not afraid to  
25 announce it here because we really haven't spoke

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2 about this publically, is not just partner with  
3 CUNY or SUNY [sp?] with respect to students but  
4 partner with them with respect to either current  
5 and or retired professors, professional educators  
6 that could teach us how to educate people in a more  
7 effective way rather than just have our trainers  
8 you know simply regurgitating... You know we've all  
9 been to school, we've all, we're all well-educated.  
10 And you know quite frankly some, we've had some  
11 great teachers along the way otherwise we wouldn't  
12 be here. But we've also had some folks that you  
13 know maybe should have chosen a different  
14 profession and I would suspect that the same is  
15 true with the trainers at the Board of Elections...  
16 [crosstalk]

17 CHAIRPERSON GENTILE: Council Member  
18 thank you.

19 COUNCIL MEMBER LANCMAN: I'd love to  
20 come back if, if possible, if the chairs would,  
21 would do it after the June primary and, and see  
22 what progress was made before we go into September.  
23 Thank you very much.

24 CHAIRPERSON KALLOS: I'm going to try to  
25 get through this as quickly as possible. So I'm

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2 going to try to throw a ten questions at you in ten  
3 minutes so that's 10 minutes for me to ask the  
4 questions, ten minutes, within that same ten  
5 minutes you answer the more brief we can be...

6 DIRECTOR RYAN: Okay.

7 CHAIRPERSON KALLOS: ...the, the better.

8 The DOI recommended that the Board stop hiring  
9 employees based primarily on county committee  
10 recommendations. Your testimony says that this  
11 recommendation quote does not comport with either  
12 the New York State constitution or the election  
13 law, end of quote. Is it your position that the  
14 board is legally required to hire full time  
15 employees based on primarily county committee  
16 recommendations?

17 DIRECTOR RYAN: No and, and if, and if,  
18 if that state, sentence was unartfully drafted it  
19 was not intended to mislead. What it simply was  
20 meant to convey again the broad authority of  
21 section 3-300 of the election law rests that  
22 authority with the, the commissioners. I can't  
23 speak...

24 [interpose]

25

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2 CHAIRPERSON KALLOS: Perfect... Will the  
3 commissioners consider in addition to the other  
4 things we've discussed today civil service exams  
5 for some of the positions.

6 DIRECTOR RYAN: Certainly we'll bring  
7 that to, to, to their attention. And, and, and  
8 again that's going to be a March 25<sup>th</sup> issue as  
9 well.

10 CHAIRPERSON KALLOS: Perfect. Council  
11 Member Eric Ulrich underscored this hugely about  
12 political activity as a necessity for being  
13 involved for certain positions. In your experience  
14 have you seen anyone, any of your employees  
15 pressure to engage in political activities?

16 DIRECTOR RYAN: I have not personally  
17 witnessed that. I am aware of you know like every  
18 other place there's the, the rumor mill. My  
19 understanding was that the Department of  
20 Investigation was looking into some of these  
21 instances and there were some specific instances  
22 that I know that they're aware of. Obviously  
23 nothing has come to light from their investigation  
24 with respect to that. But I would say that if  
25 employees are found to engage in political activity



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2 on city time when they're collecting a paycheck  
3 that they should be swiftly and severely  
4 disciplined for that. And I'm aware of at least one  
5 instance within the last couple of years where it  
6 was found to have existed and the employee was in  
7 fact terminated after a hearing.

8 CHAIRPERSON KALLOS: If, if one of your  
9 employees or anyone even at the executive level is  
10 telling an employee that in order for them to keep  
11 their job or the reason for their discharge is  
12 because of political activity or fail to take  
13 political activity or supporting my colleague Eric  
14 Ulrich will that person be terminated?

15 DIRECTOR RYAN: If that's made aware up  
16 the chain of command an employee advisory will be  
17 drafted and a hearing will be set down. Keep in  
18 mind that temporary employees are not entitled to  
19 hearings. However we do have a good chunk of our  
20 workforce that are permanent employees, many of  
21 them members of the Communication Workers of  
22 America 1183 union and I believe one of our  
23 employees here is a member of that union. They are  
24 entitled to hearing, a hearing on that... issue. And  
25 if they do it they'll get terminated.

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2 CHAIRPERSON KALLOS: And again I  
3 apologize for the brevity. I'm just trying to...

4 DIRECTOR RYAN: Yep.

5 CHAIRPERSON KALLOS: ...get through  
6 things. In your response the review of ballot  
7 security and county procedures in borough offices  
8 your response was the internal review of the  
9 procedure has been completed in strict adherence to  
10 the adopted policies and procedures have been  
11 stressed to each borough.

12 DIRECTOR RYAN: Yes.

13 CHAIRPERSON KALLOS: In the report it  
14 said that in Manhattan these avadavat ballots were  
15 misplaced. Why did that happen and how do we avoid  
16 that in the future beyond what... stressing the  
17 rules.

18 DIRECTOR RYAN: Why it happened as I  
19 understand it and I was deeply involved in, in, in  
20 the issue was the fact that the employees did not  
21 adhere to the policy. The policy which I could  
22 share with the committee so you could see how it's  
23 written. Literally it's step by step. It says do  
24 this, do this, do this, do this, and do it in that  
25 order because if you don't do it in that order you

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2 start to have ballot accountability problems. And  
3 what happened in, in that particular situation was  
4 they began to open the envelopes that the, the  
5 paper envelopes before they finished the inventory  
6 of all of the envelopes. So in other words if you  
7 don't know what universe you're starting with  
8 there's no way to go back and figure out if you, if  
9 you accounted for all of them. So it was a, it, it  
10 was an issue.

11 CHAIRPERSON KALLOS: We would, we would  
12 love to, if you can just forward that over...  
13 Cancellation requests, I, I don't have a chance to,  
14 I, I can't find it exactly in your testimony, the  
15 suggestion was proactivity can... I, I recently had  
16 my, my father pass away and it, it was, it was  
17 earlier this month and, sorry last month. And it's,  
18 it's one of those things where if you're going to  
19 send me something about my, my relative who's  
20 passed away and I don't want to see it because  
21 it's, it's pouring salt in a wound and I pick up  
22 the phone and I call, the person telling me that I  
23 have to go buy a, a, a death certificate and then,  
24 or, and make a copy of it and send it in when you,  
25 you have access, you will now have access to this

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2 Social Security Death Index. And I'm able to tell  
3 you that person, that, that my father died in  
4 Florida even though he was born in New York and so  
5 on and so forth and you're able to proactively  
6 verify it. Can the Board of Election please begin  
7 creating a process where reports of somebody dying  
8 are proactively verified so that when somebody's  
9 doing it improperly that's one thing but you guys  
10 are actually verifying it and then cancelling the  
11 person out.

12 DIRECTOR RYAN: Once we have access on a  
13 weekly basis to the Social Security Death Master  
14 File that process will get better. The, the problem  
15 that you run into, what if you're not who you say  
16 you are and you're calling up and saying yeah, I'm  
17 Joe Smith's son and he died and he didn't die?  
18 First of all it's a resource issue... [crosstalk]

19 CHAIRPERSON KALLOS: ...start tracking  
20 down those kinds of things and, and investigate  
21 them.

22 DIRECTOR RYAN: Sure. It is a resource  
23 issue but secondly you know we have to adhere to a,  
24 to a process. Now what should happen is that person  
25

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2 should be, a record should be made of the fact that  
3 we got the phone call.

4 CHAIRPERSON KALLOS: Yep.

5 DIRECTOR RYAN: And there should be a  
6 follow up. Now I'll tell you something else. I joke  
7 at the Board of Elections that I'm waiting for Fred  
8 and Wilma to come over and, and, and have some  
9 bronto [phonetic] burgers because we're backwards  
10 in terms of technology. We don't have a  
11 correspondence tracking system...

12 CHAIRPERSON KALLOS: Mm-hmm.

13 DIRECTOR RYAN: ...which would include a  
14 telephone call tracking system within, within the,  
15 within the Board of Elections. And when I asked  
16 initially DoITT when I first came in they said  
17 their licenses were all used up and they didn't  
18 want to give us a license for their tracking  
19 system. So I took a value judgment, said you know  
20 what this administration is unsettling perhaps  
21 we'll raise this issue with the new administration  
22 when they come in and maybe we'll get a different  
23 answer.

24 CHAIRPERSON KALLOS: So just really  
25 quickly for the client relationship management I, I

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2 can give it to you, it's called CiviCRM it'll take  
3 me an hour to set up and it's free.  
4 DIRECTOR RYAN: Okay.  
5 CHAIRPERSON KALLOS: And it's  
6 enterprise.  
7 DIRECTOR RYAN: Excellent.  
8 CHAIRPERSON KALLOS: What I'm asking is  
9 just if a voter calls can there please be a  
10 procedure set up where you ask them what is the  
11 Social Security Number of the person who passed,  
12 where did they pass, what is your name... And then if  
13 all the stuff matches...  
14 DIRECTOR RYAN: Right, absolutely.  
15 CHAIRPERSON KALLOS: ...we're good. On DOB  
16 currently it is just the birthdate that is listed  
17 versus actually having the math done for the poll  
18 worker with the age, is that correct?  
19 DIRECTOR RYAN: Yes in the poll list  
20 book.  
21 CHAIRPERSON KALLOS: Could, could the  
22 poll book include the, the, the enumerated, Arabic  
23 numeral of the age which would make it easier for  
24 the poll worker?  
25

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2 DIRECTOR RYAN: I don't see that as  
3 being a problem. We're also looking into, it may  
4 not happen with this contract but the contract is  
5 up for renewal soon...

6 CHAIRPERSON KALLOS: Mm-hmm.

7 DIRECTOR RYAN: We, we're looking into  
8 tabbing the poll books, alphabetabing [phonetic] so  
9 that if you come in and you're Kallos the, they'll  
10 know to turn to K and that should hopefully speed  
11 up the process as well.

12 CHAIRPERSON KALLOS: And the training  
13 start to not direct people to, not let people vote  
14 but actually just say hey you're a, you're a man,  
15 it says here you're a woman do you mind signing  
16 here so we can update here or updating your age  
17 because you're obviously not 101 you're, you're 33.  
18 Can we instruct our poll workers to update the, the  
19 information as, as should have happened? So when  
20 the DOI investigator showed up and they were the  
21 wrong age the person should have said you're the  
22 wrong age let me fix that right?

23 DIRECTOR RYAN: There, no there is a,  
24 there is a challenge process that wasn't followed.

25 CHAIRPERSON KALLOS: Okay.

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2 DIRECTOR RYAN: I, you know I don't know  
3 other than enhancing the training what remedial  
4 steps could be taken when people don't follow the  
5 rules that are set forth. That was clearly you know  
6 a, a breakdown in the process. They, that voter  
7 should have been challenged.

8 CHAIRPERSON KALLOS: In, in order to  
9 deal with some of the challenges with training will  
10 the Board of Elections consider certifying poll  
11 workers by tasks so that the, the people at the  
12 check in tables aren't being certified to work the  
13 machines and the people working the machines don't  
14 have to be certified to work the, the tables and so  
15 on and so forth so that people can, theoretically  
16 yes, they can get all of the certifications but  
17 that people can get specific training. It, it's  
18 what the industrial revolution and modern society  
19 is founded on.

20 DIRECTOR RYAN: Yes, if we had across  
21 the board a, a reliable work force that would  
22 definitely show up on election day then we could  
23 decrease the instances of cross training at the  
24 poll sites. The problem that we have and the reason  
25 why we cross train everyone is because we



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2 acknowledge that a good chunk of these folks don't  
3 show up. And then if you are only trained in one  
4 particular area and you happen to be the good  
5 person that shows up you don't know the other  
6 things. So it's a problem and that's why we want to  
7 audit the training process as well.

8 CHAIRPERSON KALLOS: For the poll worker  
9 applications the DOI noted that your staff in  
10 charge of accepting poll worker applications  
11 weren't familiar with it. And, and with all due  
12 deference I actually went to pollworker.com during  
13 this testimony and it didn't take me to somewhere  
14 where I could apply. So if, if we can make sure  
15 that all the staff is aware of how one applies for  
16 a poll worker, to become a poll worker and that is  
17 shared, we have a, what's the correct...

18 PAMELA PERKINS: NYCpollworker.com

19 CHAIRPERSON KALLOS: Thank you,  
20 nycpollworker.com

21 PAMELA PERKINS: If I knew you were  
22 going to go to it immediately I would have...

23 [crosstalk]

24 [laughter]

25 CHAIRPERSON KALLOS: ...go to it.

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2 [background comments]

3 CHAIRPERSON KALLOS: No problem we're,  
4 we're, we're rounding the bend ballot printing, can  
5 we please print fewer ballots that are more related  
6 and can we have a time table on a transparent  
7 process where that equation is released ahead of  
8 time and we in the council and everyone else are  
9 able to say instead of printing 90 percent it's 80  
10 percent or 70 percent or 60 percent so that we as a  
11 city can share in, in the burden of making that  
12 very difficult decision?

13 DIRECTOR RYAN: It, it is shared ahead  
14 of time. The question I guess becomes how far ahead  
15 of time does it need to be shared in order to be  
16 effective. That decision is made in an open and  
17 public meeting and we had quite a bit of discussion  
18 at one of our public meetings with respect to that.  
19 I, I can tell you that we've ordered as many as 115  
20 percent of the ballots and one of the problems that  
21 Don could speak to more than I could is hurricane  
22 Sandy and executive order 62. Had we not ordered  
23 all of those ballots, we in fact ran out of  
24 ballots. And I recognize that that's an exceptional  
25

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2 circumstance but it does happen from time to time  
3 so it's... [crosstalk]

4 CHAIRPERSON KALLOS: ...where were the  
5 ballots ordered from?

6 DIRECTOR RYAN: The ballots were ordered  
7 from our vendor but, but...

8 CHAIRPERSON KALLOS: Is located where?

9 DIRECTOR RYAN: There's... in, in  
10 Rochester and then the other one is in, in Albany  
11 but they do the, the absentees.

12 CHAIRPERSON KALLOS: Possible to do the  
13 printing locally at DCAS [sp?] or in house so that  
14 when we run out of ballots we can just print them  
15 immediately.

16 PAMELA PERKINS: [off mic] You know, it  
17 would be great if you can come and visit us at the  
18 Board so that we could... I'm sorry. [on mic] There's  
19 a complexity to the ballot. It's going into an  
20 electronic voting machine and there's track marks  
21 that have to be lined up correctly, there's paper  
22 quality, there's a lot that goes into the ballot  
23 that people really don't understand. And it, I  
24 think it would great if we had an open house one  
25

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2 day and had all the elected officials that wanted  
3 to come and we can go over each and every aspect...

4 CHAIRPERSON KALLOS: Right.

5 PAMELA PERKINS: ...of the election  
6 process, one being the ballots.

7 CHAIRPERSON KALLOS: Right.

8 PAMELA PERKINS: It's not, you can't  
9 just go to anyone and order ballots. We, we can't  
10 do that. There's a procurement process number one.  
11 And number two...

12 DIRECTOR RYAN: We, but we also have  
13 test like requirements that have to be done from  
14 the same ballot run so that we're ensuring ink,  
15 consistency of ink, the perforations... you know the  
16 timing marks all have to line up. There, there is a  
17 complexity to this process.

18 CHAIRPERSON KALLOS: I, I, I'm very  
19 aware, I'm keenly aware, I, I've participated in  
20 selecting voting machines and, and printing things.  
21 So I, I'm just saying that I, I know that other  
22 counties do their own printing. So I, I know that  
23 that is something that we can do and if the  
24 commissioners would investigate whether or not  
25 there's a cost savings of the city doing it versus

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2 sending it to Rochester and whether or not the, it  
3 allows us to be in better shape if we run over.

4 Voter privacy; at my poll site I saw them  
5 inspecting the ballots and looking at how people  
6 were voting. That was noted by the DOI. I, I don't  
7 think any of us disagree if we can focus on that.

8 And then voter instructions, the vote down the line  
9 was, was almost fatal in my own personal election  
10 where I had a third party candidate previously  
11 democrat running on a third party line in hopes of  
12 trying to get everyone to vote republican. And at  
13 the poll site I was standing at I had to instruct a  
14 worker, I had to go and find them and work with the  
15 coordinator to convince the poll worker that they  
16 did not have to tell people to vote down the line  
17 and actually get them out of the booth because  
18 their, their marching orders were apparently take  
19 every voter, walk them into the booth, tell them to  
20 vote all the way down the line for republican.

21 Because on the upper east side the republicans won  
22 on the top of the ticket. So what I would ask which  
23 is above and beyond what the DOI asked is for there  
24 to be included in the educational materials during  
25 a general election that you actually, since we know

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2 what happens let's educate the voters and the  
3 workers to say you don't have to vote down the  
4 line.

5 DIRECTOR RYAN: Okay.

6 CHAIRPERSON KALLOS: And then just to go  
7 over the things it seems we've agreed on. We will  
8 receive updates on progress. Posting of all  
9 openings will be something you bring to the  
10 commissioners. An estimate on, you're going to get  
11 an estimate on the DOI background checks. You're  
12 going to start performing regular performance  
13 evaluations. You are going to go to the  
14 commissioners about nepotism disclosure. You have  
15 already subscribed to the Social Security Death  
16 Master Files. Font size is something you've already  
17 taken on. You will be eliminating buff cards or at  
18 least taking that proposals to the commissioners  
19 this Tuesday.

20 DIRECTOR RYAN: Well, well actually the  
21 commissioners have told me to develop a plan to  
22 eliminate the buff cards. Because there's over five  
23 million of them in the different counties store the  
24 cards in different ways. But, but yes we've, we've  
25 analyzed that. We were in the process of analyzing

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2 it and I could tell you they take up over 10,000  
3 square feet of office space throughout the city  
4 because we did a space analysis. And you know I  
5 anticipate that shred ability will be getting a  
6 call from us over the course of this year to make  
7 large scale pickups and we'll be moving forward  
8 with that.

9 [background comment]

10 CHAIRPERSON KALLOS: I'd like to  
11 recognize our Council David Seitzer.

12 DAVID SEITZER: This is David Seitzer  
13 council to the committee hello. [crosstalk] Just  
14 wanted to ask if you had done any estimates of the  
15 personnel costs for updating the buff cards beyond  
16 the two year window. We're interested in what those  
17 would be if you have them.

18 DIRECTOR RYAN: We haven't, we haven't  
19 got to that point yet. But the fact of the matter  
20 is I don't know that the buff cards in, increase  
21 our personnel cost. What I, what I think we would  
22 become is more efficient and allow the personnel  
23 that had been dealing with these large you know  
24 file cabinets to do, be doing other things..  
25 recognizing already and I know this is next month's

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2 thing that we're already underfunded and  
3 understaffed we'd be better utilizing and be, our  
4 staff in being more efficient in that regard.

5 CHAIRPERSON KALLOS: And then just to  
6 continue down the list of things. In your testimony  
7 you indicated that you were going to be addressing  
8 timekeeping, professionalization of training, hands  
9 on and roleplaying for training, answering on photo  
10 cards privacy screens, and filtering write ins.

11 Those items were all listed as things you are  
12 working on. I'd like to see dates certain for  
13 those. And then last but not least just a proposal  
14 on standardizing the hiring and screening process  
15 so at least it's an open process even if that  
16 process is the ten commissioners will be the, the  
17 people who personally review every single  
18 application in which case I'd like to make sure  
19 that that's actually what happens. I think that's  
20 everything that you've agreed to. Is that correct?

21 DIRECTOR RYAN: I, I don't, I think that  
22 was a pretty comprehensive list of things  
23 certainly.

24 CHAIRPERSON KALLOS: I want to, I just  
25 want to take a moment. Thank you for bearing with



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2 us. You just did two hours and 15 minutes of being  
3 under fire and I really appreciate that. Thank you  
4 for coming before us. Thank you for being  
5 proactive, thank you for addressing so many of  
6 these issues and that we did not give you  
7 sufficient notice. And we'll do, endeavor to give  
8 you a lot more and I just really appreciate that  
9 we're able to have a constructive working  
10 relationship. You're preaching to the choirs on  
11 having CLE for voting and expanding the pool of  
12 people who can work. But the fact that we can walk  
13 out of this hearing with a punch list this long of  
14 things that are happening in response to this 40  
15 question, 40 suggestions is, is great.

16 DIRECTOR RYAN: The, the other thing  
17 though I would be remiss if I didn't say because  
18 it's a very important thing. One of the big  
19 criticisms of the Board of Elections that's not  
20 addressed in the, in the report is the lack of the  
21 ability to get the results on election night and as  
22 timely as everybody would want. And I guess our  
23 cutoff is the 11 o'clock news right? So...

24 [crosstalk]

25

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2 CHAIRPERSON KALLOS: ...sleep not knowing  
3 that I won.

4 [laughter]

5 DIRECTOR RYAN: And you woke up and  
6 thought you had, was it a dream or a nightmare that  
7 you woke up from I don't know right... But in any  
8 event we have worked very closely and I know  
9 commissioner Kelner [sp?] was here, he's still here  
10 we worked very closely with the State Board of  
11 Elections to make a significant amendment to the  
12 closing procedures and we're in the process of  
13 doing the technical testing of that. And the, and  
14 the change would be that we would download the  
15 information from the primary portable memory device  
16 to the backup portable memory device, remove the  
17 primary portable memory device, and then print the  
18 results tapes from the backup. That would allow the  
19 primary to be given to the police officers within  
20 you know 10 to 15 minutes of the polls closing and  
21 get into the stream of commerce. That was no small  
22 endeavor because it requires a vote of the state  
23 board which they did on February the 4<sup>th</sup>. And now  
24 it has to go through the certification process. But  
25 we expect that that will be done well in advance of

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2 July so that we can incorporate that new procedure  
3 into our training materials and change it for the  
4 November general election. And, and I would like to  
5 thank the New York State Board of Elections for  
6 acting very expeditiously on this request. I had  
7 sent a letter out in December, the early part of  
8 December saying you know we, we need this done and  
9 they got the initial piece of their work done by  
10 February the 4<sup>th</sup>. And I think everyone could  
11 acknowledge that that's record time for any  
12 election administrator to you know to act that  
13 quickly. And to, to that I think the State Board  
14 owes our great thanks and the voters of, of the  
15 city and the State of New York will be indebted to  
16 them you know in November when we get the results  
17 substantially quicker than we have been getting  
18 them in the past.

19 CHAIRPERSON KALLOS: I, I appreciate  
20 your hard work on it. As a software developer I'm  
21 incredibly scared of having the election results  
22 reported by computers where a, a simple error in  
23 code could have very drastically different results  
24 than in a manual process. But that again you, you  
25 are doing your best to improve something. And I

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2 just want to close by just saying in your ongoing  
3 correspondence in reporting in I, I am directing  
4 you as the Executive Director to make sure to  
5 identify whether it is you as Executive Director or  
6 it is you as the commissioners or, or whomever that  
7 is taking which positions. And I will want whomever  
8 it is that is not complying with the DOI  
9 recommendations that we all agree on or that you're  
10 able to work through to come back here to make sure  
11 that we're all complying. So if it is you I will be  
12 happy to see you again. And if it is, if it is at  
13 the direction of the commissioners I will want the  
14 commissioners to come back to explain where they  
15 disagree with the DOI report and what the council  
16 is requesting.

17 DIRECTOR RYAN: Thank you very much.

18 CHAIRPERSON KALLOS: Thank you so very  
19 much for...[static] [crosstalk] Director Ryan and  
20 Board of Elections members that are here. Thank you  
21 so much.

22 DIRECTOR RYAN: Thank you Chairs.

23 CHAIRPERSON KALLOS: Thank you all for  
24 hanging, staying with us...

25

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2 CHAIRPERSON GENTILE: We still have two  
3 panels if...

4 CHAIRPERSON KALLOS: ...we have three...

5 CHAIRPERSON GENTILE: Yeah, three  
6 panels.

7 CHAIRPERSON KALLOS: ...we have three  
8 panels.

9 CHAIRPERSON GENTILE: So...

10 CHAIRPERSON KALLOS: So the first... so  
11 thank you all for staying. We're going to try to  
12 make these as quickly as possible and I will give  
13 it to my...

14 [background comments]

15 CHAIRPERSON KALLOS: ...my Chair of...

16 CHAIRPERSON GENTILE: We'll ask our, our  
17 next, our next witness to be Amy Loprest from the  
18 New York City Campaign Finance Board.

19 CHAIRPERSON KALLOS: Okay. On deck is  
20 Susan Learner from Common Cause, Neal Rosenstein  
21 from NYPIRG, Kate Doran for League of Women Voters  
22 and Alex Camarda from Citizens Union. That will be  
23 our, our next panel. The panel after that will be  
24 New York Democratic Lawyers Council, Election  
25

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2 Protection, Center for Law and Justice, and Women  
3 City Club.

4 [background comments]

5 CHAIRPERSON KALLOS: Thank you for your  
6 patience. Begin whenever you wish.

7 AMY LOPREST: Good afternoon Chairs  
8 Kallos and Gentile, honored members of the  
9 committee. I, my name's Amy Loprest. I'm the  
10 Executive Director of the New York City Campaign  
11 Finance Board and I thank you for the opportunity  
12 to testify here. Elections provide opportunities  
13 for New Yorkers to express their collective will on  
14 the direction of our city, state, and nation. It is  
15 important that each New Yorker feels he or she can  
16 participate easily and be heard clearly so we thank  
17 you for this hearing. The Department of  
18 Investigation issued two reports in 2013 that took  
19 a close look at the New York City Board of  
20 Elections. Together these reports raised serious  
21 and troubling concerns. Many of us who care about  
22 democracy in New York City are familiar with the  
23 troubles we've had with our elections. We've heard  
24 many of these stories from the public or we  
25 witnessed them ourselves over the years. The DOI's

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2 work helps to make, make them concrete and brings  
3 them into the spotlight for public discussions like  
4 today's hearing. This is a valuable service to  
5 voters and anyone who cares about the democratic  
6 process in New York City. The crucial next step is  
7 to not focus on the past mistakes but to identify  
8 it in implementing concrete solutions. Making  
9 better use of existing tools and adopting widely  
10 available technologies to modernize our election  
11 system will resolve many of them. We need to work  
12 together now to rebuild it, a reliable and  
13 accessible voting system that offers New Yorkers  
14 many of the conveniences they're accustomed to in  
15 their daily lives. One area where progress can be  
16 made, can and should be made is improving the  
17 accuracy of the voter rolls. And we've talked a lot  
18 about this today. The CFB had some insight into the  
19 serious challenges of this task. We work with the  
20 same voter rolls to mail our, print our voter  
21 guides to millions of households before each  
22 citywide municipal election. In the past 20 year...  
23 over the past months we've heard personally from  
24 Executive Director of the Board of Elections Mike  
25 Ryan briefing this campaign finance board staff on

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2 their efforts to improve the accuracy of the voter  
3 list. And I agree that it, every precaution needs  
4 to be take, from mistakenly removing voters from  
5 the rolls but they should use every available  
6 database to improve the list of registered voters.

7 In the past 20 years new technologies have  
8 revolutionized almost every aspect of the way New  
9 Yorkers navigate daily life. Unfortunately the  
10 revolution has failed to improve the way the New  
11 Yorkers vote. To provide New Yorkers with a better  
12 voting experience we should better incorporate  
13 modern technology into the administration of poll  
14 sites as well. This was a key recommendation of the  
15 presidential commission on election administration  
16 which report, released its report last month. Using  
17 tablets instead of paper poll books to check in  
18 voters would alleviate long lines and help quickly  
19 resolve questions about voter registration status  
20 and give voters more confidence in electoral  
21 process. We also urge law makers and elected  
22 administrators to take concrete steps and improve  
23 poll worker training. Our response... include a  
24 renewed effort to push on the state legislatures to  
25 make the changes in state election law that will



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2 ensure New York City has the voting system it  
3 deserves. CFB and New York City votes campaign will  
4 continue to make the case for these simple common  
5 sense proposals to bring election law into the 21<sup>st</sup>  
6 century. We've... spoken about these many times such  
7 as adopting early voting, better design ballots,  
8 and universal online voting registration. We  
9 commend the Board of Elections for making important  
10 strides in this direction. Adopting assemblyman  
11 Brian Cavanaugh's [sp?] voter friendly ballot act  
12 would allow them to accomplish even more. Finally  
13 we believe that New York should adopt a nonpartisan  
14 independent model for a statewide election  
15 administration. This model is a proven way to avoid  
16 gridlock that can be a result of the current  
17 bipartisan structure. We believe the CFB's strong  
18 tradition of nonpartisan independent administration  
19 has enabled a robust campaign finance program that  
20 is effective, fair, and accountable to the public.  
21 Together we believe that these recommendations can  
22 put New York City on the path to providing a  
23 reliable efficient voting process that New Yorkers  
24 can approach with confidence. Thank you for the

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2 opportunity to testify. And I'm happy to answer any  
3 questions.

4 CHAIRPERSON KALLOS: Thank you for  
5 waiting so many hours to provide your testimony.

6 CHAIRPERSON GENTILE: It's a long day  
7 but thank you for...

8 AMY LOPREST: No, no problem.

9 CHAIRPERSON GENTILE: Thank you so much.

10 CHAIRPERSON KALLOS: I just want to take  
11 this privilege to say without your program I  
12 wouldn't be sitting here. So thank you and have an  
13 amazing weekend.

14 AMY LOPREST: Well thank you and  
15 congratulations on your first hearing.

16 CHAIRPERSON KALLOS: Thank you. You're,  
17 you're excuse and if we can please...

18 AMY LOPREST: Okay.

19 CHAIRPERSON KALLOS: ...have Common Cause,  
20 NYPIRG, League of Women Voters, and Citizens Union.

21 [background comments]

22 SUSAN LEARNER: Good afternoon. I'm  
23 Susan Learner from Common Cause New York. And first  
24 I want to thank both of the chairs for the  
25 opportunity to testify but more specifically for

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2 holding this hearing. Because unfortunately our  
3 experience with the Board of Election has been that  
4 it takes sunlight and pressure to get them to open  
5 up regarding their procedures and to consider the  
6 reforms that all of our groups have been advocating  
7 for, for quite some time. So I think this is a  
8 historic occasion. We are delighted with the length  
9 of the hearing frankly because it means that there  
10 was a lot of vigorous back and forth and very  
11 pleased to see such a good turnout from your  
12 colleagues on the council which indicates the high  
13 level of interest in really improving the Board of  
14 Elections. Aside from saying we are strong  
15 proponents for a nonpartisan election  
16 administration. I'm not going to address any of the  
17 topics in the report. I've briefly mentioned our  
18 positions in our written testimony. But I'd like to  
19 emphasize two things. One, it seems to me that a  
20 lot of the Board of Elections explanations boil  
21 down to well we'll retrain the people. Like the  
22 root problem of what we see at the polling place is  
23 year after year after year is that the training is  
24 just not up to par. And until the training itself  
25 is changed, improved then we're just going to see

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2 the same problems. Because saying well this person  
3 didn't understand so we brought them back in and we  
4 told them the same things, they didn't understand  
5 the first time we trained them is really not an  
6 adequate response to the fact that poll workers are  
7 confused. Yes, it is the case that training poll  
8 workers is difficult and that there are poll worker  
9 knowledge problems across the country but our  
10 perception here is that we have a significant  
11 amount of confusion in New York City. The second  
12 thing I'd like to suggest is when, as I, I was, and  
13 actually I'd like to thank Chairman Kallos for his  
14 last instruction to the staff of the board which is  
15 you need to be talking to the commissioners. They  
16 set policy, the staff is not responsible or has an  
17 ability to sidestep by saying well the  
18 commissioners made the decisions. So I hope you  
19 follow through on your requirement that the policy  
20 makers should come and answer your questions under  
21 subpoena if necessary. Thank you.

22 NEAL ROSENSTEIN: Good afternoon. My  
23 name is Neal Rosenstein. I'm the Government Reform  
24 Coordinator for NYPIRG. We commend the chairs as  
25 well and the committee for their efforts on behalf

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2 of the voters of the city. You know this report  
3 highlights an appalling list of shortcomings at the  
4 board. And we support the vast majority and bulk of  
5 their recommendations. But I also would just like  
6 to focus on two. And something was brought up  
7 earlier. We reject the notion that a bipartisan  
8 patronage control board is necessary. For example  
9 there are a wealth of states which have civil  
10 service models and out of the ways of doing things  
11 at the polls. Now this is state law, it's the  
12 constitution but we think there's an important role  
13 of the council. As the chair said earlier the  
14 commissioners can voluntarily decide they want to  
15 have more of a civil service system. We would  
16 suggest that the council speak to your compatriots,  
17 take a look and not appoint and question  
18 commissioners to the Board of Elections unless they  
19 are willing to commit themselves to certain reforms  
20 at the board. Many of the reforms that are  
21 mentioned in this report as well as many others. We  
22 should have those commissioners on the record  
23 saying yes, we support civil service type of hiring  
24 system, we're against nepotism, we're for providing  
25 whistle pro-it detections [sic] what have you and

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2 other things mentioned in the report. The other  
3 thing is that the council could also be very  
4 persuasive and use terms and conditions to drive  
5 that point home to the Board. They're coming to you  
6 for new resources or a new staff line or a new  
7 computer program where you say okay, term and  
8 condition, new money, you're going to get that new  
9 line if it is a central hire. The board has done it  
10 before for these technical positions and I think  
11 the council could encourage them to do it more in  
12 the future. And they can't just hide behind this,  
13 it's a state constitution we're not able to. The  
14 other thing is as Susan mentioned so much of this  
15 boils down to training. We think it's time to  
16 professionalize training at the Board. We  
17 understand they're bringing in outside consultants.  
18 We think there should be outside trainers. We don't  
19 think it's right for partisan patronage folks, a  
20 lot of them are very well qualified who may be  
21 trainers out there but it's inappropriate. Alright.  
22 And, and it's leading to problems and it's opening  
23 up a can of worms, these should be outside folks  
24 who don't have involvement in the outcome of the  
25 process and don't have a connection to the people

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2 or the district leaders who may be suggesting these  
3 people to be poll workers, to grade their tests. We  
4 think the board in terms and conditions once again  
5 should be looking at professionalizing with genuine  
6 outside trainers and testers and providing comp  
7 time for city workers to supplement the rolls so  
8 they can work the polls on election day. Thanks.

9 ALEX CAMARDA: Good afternoon chairs  
10 Gentile and Kallos. I echo the, the thoughts of my  
11 colleagues on holding this hearing and, and making  
12 the first hearing of this joint committee the  
13 election issues that we care about so much. I'm  
14 just going to highlight a few things from my  
15 testimony. I do want to say while the focus today  
16 is on the DOI's report that Citizens Union  
17 generally backs the, the DOI's involvement that's  
18 occurred over the past year. Back in April 2013  
19 they issued their first report. This is actually  
20 their second which called for the consolidation of  
21 election districts in relation to the 2011  
22 elections. They also created the IG office which  
23 was discussed earlier with the six employees. We  
24 support that and we support many of the  
25 recommendations of which I counted 32 in this

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2 report. I'm just going to highlight a few today  
3 that we think should be top priorities of the board  
4 and also the council which can provide a lot of  
5 assistance pertaining to some of these issues. The  
6 first which was discussed in detail during the  
7 testimony is the issue of merit based hiring and  
8 trying to diminish patronage in the hiring as much  
9 as possible. And I think that starts with the most  
10 fundamental things that were discussed which is  
11 actually having a hiring process that reflects that  
12 of pretty much every other agency in the city that  
13 post resumes, or I'm sorry that post job vacancies  
14 online on NYC.gov. You can go to the site for every  
15 agency in the city. You can see their openings. The  
16 Board of Elections should do the same. There was  
17 much discussion here today about posting positions  
18 that are republican or democrat or technical or  
19 otherwise. None of that really matters. There's  
20 nothing in the constitution or state law that  
21 prohibits every position from being posted as far  
22 as the vacancy notice goes. And then the resume can  
23 go whom, go to whomever is making the decision. But  
24 every position should be posted and there's nothing  
25 in the law that prevents that. As far as the



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2 constitution goes itself and the state law this is  
3 section 3-300, that was a reference, I think it's  
4 important to realize that what it calls for is the  
5 equal representation of two political parties in  
6 the constitution and the equal representation of  
7 the two major parties in state law. Again that, all  
8 that's saying is that there has to be balance. It's  
9 not saying that for every position that the board  
10 has that there has to be a republican and a  
11 democrat which has been expressed by the board to  
12 this committee back in two, 2010 when George  
13 Gonzalez was the executive director he stated just  
14 that. And I provided as an appendix to my testimony  
15 a listing of all the...

16 [music playing]

17 ALEX CAMARDA: ...I always like some  
18 patriotism accompanying my testimony. I did provide  
19 as an appendix to my testimony the 360 full time  
20 positions that the board has. And that's from the  
21 February budget, preliminary budget submitted by  
22 the mayor. It details for every type of position  
23 and how many there are in the salaries. I think the  
24 council should ask the Board of Elections for each  
25 of those positions is there a republican or a

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2 democrat, how are they fulfilling the equal  
3 representation requirement that's in the  
4 constitution and, and in section 3-300. Because  
5 it's very possible that there are, may be positions  
6 that we don't really need a republican and a  
7 democrat for but we can still have the balance  
8 that's called for overall. Moving onto the 172  
9 ineligible voters that were apparently on the rolls  
10 that the DOI cast votes for. I think this is really  
11 the tip of the iceberg. And the bigger issue that  
12 was discussed somewhat is modernizing the voter  
13 rolls. And I would urge that the council and, and  
14 also the mayor look at the 19 city agencies under  
15 the 2001 pro voter law that are involved in a very  
16 manual paper based process of voter registration  
17 and submitting that information to the Board of  
18 Elections. I think the Mayor and the Council ought  
19 to take on working with those city agencies and the  
20 Board to digitize, make electronic that entire  
21 process as the DMV has done under Governor Cuomo's  
22 executive order. I think that would actually do  
23 more to clean up the rolls then kind of focusing on  
24 what happened with these 172 instances that are  
25 really very small by comparison to the larger issue

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2 of, of digitizing voter registration coming from  
3 city agencies. And then lastly, lastly on the, on  
4 the poll worker training, I mean first I would say  
5 training's a big issue but you're now going to  
6 train your way out of the fact that we need 36,000  
7 poll workers on a given day and these are temporary  
8 workers who are only working you know one, one or  
9 two days and then going to a training. We really  
10 need to deploy the municipal workers of the city to  
11 assist the board in recruiting poll workers. It's  
12 something that every good government group up here  
13 backs. We've all worked on this for years. We help  
14 to introduce legislation, that Council Member  
15 Lappin had last council. The City Board of Election  
16 backs it, the Campaign Finance Board backs it. It  
17 really is just dependent upon the council and the  
18 mayor to do it. And with the contracts now open 150  
19 of them it really should be worked into the  
20 collective bargaining so that we can turn to the  
21 workforce of the city to be the poll workers that  
22 provide the quality we need. We can improve  
23 training all we want but if we don't have the  
24 recruitment in place and 36,000 workers to turn to  
25

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2 I, I don't think it's something that we can train  
3 our way out of. Thank you.

4 KATE DORAN: Hi, I'm Kate Doran. I'm the  
5 election specialist for the league of women voters  
6 here in New York City and I serve on the Board of  
7 Directors. I've also been working at poll sites  
8 since 2004 and have been a poll site coordinator  
9 since 2006. So I've given the Board of Elections  
10 10, 10 years. I think I'm going to start at the  
11 back of my testimony to Segway with what my  
12 colleague Alex Camarda has said. And I have  
13 discussed this actually off the record with, with  
14 Executive Director Ryan. I think one of the ways  
15 the, the, the board could solve its problems is to  
16 include in their legislative recommendations a  
17 rewrite of Title 4 which describes the poll site  
18 configuration. I think the board really needs to  
19 get to a place where they don't have to hire 36,000  
20 election workers. I think that they could probably  
21 configure the poll sites in such a way that they  
22 would need fewer than four inspectors per ED. And  
23 I, I think that, that the, the legal staff at the,  
24 at the New York City Board could draft some  
25 legislation that might be model for the rest of the

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2 state. We, I concur with my colleagues here  
3 although it's a little known fact that the League  
4 of Women Voters does not have a position in support  
5 of nonpart, a nonpartisan Board of Elections.  
6 Perhaps if we studied it more we would but we  
7 don't. I, I want to focus today really on the  
8 training because that's the thing that I know most  
9 intimately having been a, a poll worker for such a  
10 long time. I included in my testimony specific  
11 constructive suggestions which are practically  
12 verbatim, those that I wrote about in 2012,  
13 December 5<sup>th</sup>, 2012, a different configuration of  
14 this committee held a hearing and I made specific  
15 suggestions for changing the training that they  
16 should be hands on with simulated roleplaying. And  
17 I wrote specifically what is the most important job  
18 of a New York poll site inspector on election day.  
19 The answer to that question is to compare the  
20 voter's signature to the signature reproduced in  
21 the poll book and to look at the voter and quickly  
22 estimate that voter's age so as to compare the  
23 apparent age to the date of birth recorded in the  
24 poll book. This is never taught. This is the  
25 simplest and most important job of a poll worker.

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2 It is never taught in training class I'm here to  
3 tell you. Maybe it's because they think that there  
4 are too many more complicated clerical things that  
5 they have to, they have to convey. But I, I, I  
6 would posit the, the theory that if the poll  
7 workers had been doing that then perhaps we  
8 wouldn't have had the, the, the Department of  
9 Investigation inspectors being able to pose as  
10 people who were four and five times their, the ages  
11 of the voters. I think the standby system needs to  
12 be improved. I don't, I've written about that in  
13 the past. I believe we should be eliminating voter  
14 cards. That takes an enormous amount of time. And I  
15 think that to, to the credit of the, of the New  
16 York City Board of Elections I think they're about  
17 to do that. Lastly there's a general agreement that  
18 recruiting training and retaining competent poll  
19 workers is an important goal. And we believe the  
20 Board of Elections is particularly vulnerable to  
21 criticisms, criticism in this regard. Because we at  
22 the, we in particular at the League of Women Voters  
23 in other good government groups have been talking  
24 about the inadequate training for years not just  
25 since 2010 but before that. And I really believe

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2 that the Board of Elections really has to own that  
3 one. I mean the training is not anything that they  
4 have to go to the legislature to, to, to design and  
5 it really will make a difference. And the very last  
6 thing is we conducted a survey of district leaders  
7 who are the people who are on the front lines who  
8 hire poll workers. And we ask them to talk to us  
9 about what they do and if it's difficult to find  
10 poll workers. They said yes indeed that it is. And  
11 we think that the, we would hope that your  
12 committee would urge the Board of Elections to  
13 conduct their own survey of the county committees  
14 and the people on the front lines and find out what  
15 is really going on and why there's such a difficult  
16 time finding poll workers and retaining the good  
17 ones. Thanks very much... appreciate...

18 CHAIRPERSON GENTILE: Appreciate your  
19 suggestions and recommendations. You've all been  
20 well versed in this and you all read the DOI  
21 report. I'm just curious if there was anything that  
22 surprised you in today's testimony either from DOI  
23 or, or Board of Elections. Yeah... words you heard  
24 today or anything you heard today.

25

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2 KATE DORAN: Unfortunately not a lot of  
3 it was way too familiar both in terms of the  
4 problem with the, which the DOI outlined and the  
5 defensive response of the Board.

6 NEAL ROSENSTEIN: A few things surprised  
7 me. One of which I did mention when I was  
8 highlighting my testimony. I'm surprised the  
9 Board's reluctant to post their positions online  
10 because I actually had forgotten that we worked  
11 with the Board in the last few years to create a  
12 poll worker recruitment tool that's online. It's  
13 actually the address is NYC.electiondayworker.com  
14 It's two tabs deep within their poll site, within  
15 their web, website. And you can actually apply to  
16 be an inspector or any other poll worker position  
17 online. So these are patronage positions, these are  
18 positions that you know are republican are a  
19 democrat needs to apply to... so if they're doing it  
20 for those positions some of which are you know  
21 first nominated by district leaders I don't  
22 understand why they wouldn't do that for every  
23 position.

24 ALEX CAMARDA: There was just one, one  
25 for me. I was very surprised. I, I thought they



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2 would, board would come in with some, and they did,  
3 with some easy solutions for things that everyone  
4 agrees to. I cannot comprehend why they're still  
5 holding on to this notion, these voter cards that  
6 are filled out. We are the only county in the state  
7 where election jurisdiction in the state that uses  
8 them. They are virtuatelly [phonetic], virtually  
9 useless. In the presidential election I time my  
10 worker, took about 30 seconds. I, that was probably  
11 about average or some they probably take longer.  
12 Presidential election, 700 voters, half a minute  
13 each, 350, 306 minutes, six hours of poll workers  
14 filling out these cards, holding up lines, probably  
15 disenfranchising voters with the 30 minute wait  
16 rule because of it. I think, I'm not sure what the  
17 rational is behind it but it's, it surprised me and  
18 baffled me for a while.

19 1<sup>st</sup> female: And actually there was one  
20 other thing which was the underestimation of how  
21 much time the poll worker spent at the polling  
22 place and the fact that nobody was talking about  
23 the fact that our groups were successful in getting  
24 a change in state law which allows there to be  
25 split shifts at the polls. And that is something

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2 which I hope actually could be discussed as part of  
3 the budget as a condition for some budget item that  
4 there be money set aside for exactly setting up  
5 split shifts and requiring the Board of Elections  
6 implement that plan.

7 CHAIRPERSON KALLOS: First I just want  
8 to thank all of you for, for waiting through the,  
9 the, the four hours of previous testimony and just  
10 thank you. And I, I hope that you find this  
11 committee did not be the governmental operations  
12 committee per say but the good government committee  
13 moving forward. One thing that seems to, to be  
14 prevalent is avoiding the necessity of a  
15 constitutional amendment which requires that the  
16 commissioner is at least to be partisan relating to  
17 the two major parties in, in this state. I was at  
18 the election law committee of the Association for  
19 the Bar of the City of New York and literally we,  
20 we had the entire room arguing over whether or not  
21 there is a requirement of partisanship all the way  
22 down the lines versus just in certain locations. So  
23 I think one thing might be very helpful is to well,  
24 well we have the, the Board of Elections' position  
25 quite clear if there was another opposing legal

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2 position on that that might be incredibly useful to  
3 have. So that, just a little bit of homework...

4 [laughter]

5 CHAIRPERSON KALLOS: ...if you'll take it.

6 That being said I, I'd love to ask a million  
7 questions but I, recognize the late hour so I...  
8 love, love to excuse you unless there's something  
9 particularly useful from the DOI or whatnot that  
10 came out that necessarily wasn't surprising but you  
11 wanted to just highlight and make sure that  
12 everyone took notice of in terms of a concession or  
13 something where they didn't go far enough, where  
14 they could go farther so that we can do follow-up.

15 SUSAN LEARNER: I alluded to it in my  
16 written testimony. And that was the follow-up on  
17 the pattern which we discerned through our poll  
18 watch app. We were, Common Cause was the first  
19 group actually to see that there was a pattern of  
20 poll workers instructing voters to vote down,  
21 straight down the line. Because we, we're getting  
22 different reports of that from different boroughs.  
23 And none of the phone lines apparently picked it  
24 up. But we picked it up on our crowd sourcing  
25 mobile website. And we were unfortunately

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2 disappointed with the board's response which was to  
3 call in the poll workers for one polling place and  
4 retrain them as opposed to following through and  
5 going back up and seeing okay, we have reports from  
6 X number of polling places that's now showed up in  
7 the Common Cause and NYPIRG letter it showed up in  
8 the DOI report. Is there any commonality in the  
9 trainer? Can we figure out how this misinformation  
10 got out? And how can we go back up through the  
11 training process to be sure that the one or two or  
12 three trainers who were so confused themselves are  
13 not going to continue to tell people that it's  
14 easier to tell people that it's easier for the  
15 scanners if the voter votes a straight party line.  
16 Without that it could happen again.

17 SUSAN LEARNER: The trainers are  
18 patronage hires as our, as is everyone else. And  
19 they have no education credentials for the most  
20 part, none that I've been able to discern. They  
21 read the manual in the classes and hand out the  
22 answers because... and I believe they do that because  
23 they know that they have an obligation to get as  
24 many poll workers as possible. They can't get  
25 enough poll workers if they fail everyone.

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2 CHAIRPERSON KALLOS: Thank you very much  
3 for you testimony today. And special recognition to  
4 Susan at Common Cause because today their offices  
5 were moving.

6 [laughter]

7 CHAIRPERSON KALLOS: I, it is, it is an  
8 honor to call up Jerret Berg from New York  
9 Democratic Lawyers Council which is an organization  
10 that I helped lead prior to being a member of this  
11 city council. I'd also like to call up Mathew  
12 Rolland from Election Protection, Esmeralda Simmons  
13 from the Center for Law and Social Justice, and  
14 Barbara Zucker [sp?] from the Women's City Club and  
15 did we, did Sydney leave? Okay. Did they submit  
16 testimony. So we, we had the Center for the  
17 Independence of the Disabled for New York. They are  
18 a, a strong advocacy group and we will, their,  
19 their testimony will be part of the record. Jerret  
20 if you wouldn't mind taking it from the top.

21 JERRET BERG: Thank you Chairman Kallos,  
22 Kallos and Gentile for holding this important  
23 hearing. And good afternoon. My name is Jerret  
24 Berg, 2013 New York City Voter Protection Director  
25 for the New York Democratic Lawyers Council. I'm

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2 joined by Executive Director Alex Voetsch who's in  
3 the building. In this testimony we'll offer a few  
4 specific solutions for improving the administration  
5 of New York City elections. In 2013 NYDLC recorded  
6 data points from monitors at more than 200 poll  
7 sites across New York State, conducted exit surveys  
8 of 150 voters in New York City. We share our  
9 observations and offer solutions to problems that  
10 arise before, on, and after election day. Executive  
11 Director Ryan said that we should not give the  
12 impression that the system is broken beyond repair.  
13 And I agree with that sentiment. But it's also  
14 pretty clear that the system must be repaired. Poll  
15 worker training and recruitment are at the core of  
16 many election day problems. All poll workers should  
17 have hands on scanner machine training so that they  
18 can quickly fix the vast majority of scanner issues  
19 with regard to affidavit ballot use. Our findings  
20 indicate that poll workers either willfully ignored  
21 or more likely are not trained well enough on the  
22 distinction between affidavit ballots and emergency  
23 ballots. So as part of poll worker training the  
24 following bright line rules should generally apply.  
25 If there's an alleged problem with the voters

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2 registration, names not in the book, refusal to  
3 take a challenge oath then the voter must be given  
4 an affidavit ballot. But if there's a problem with  
5 the scanner like a jam, the machine's broken down,  
6 or the machine never opened and operated to begin  
7 with the voter must be given an emergency ballot.

8 And this message is somehow not getting through.

9 Poll workers must better understand certain global  
10 aspects of voting rights and the voting process.

11 Telling a voter to leave and come back later occurs  
12 far too often is completely unacceptable. This is a  
13 major cause of inadvertent voter suppression

14 because that voter is unlikely to return. This rule

15 which is part of training must be reinforced. Also

16 failing to offer an affidavit ballot to a voter

17 whose registration status is unclear is another

18 recurring issue. Additional poll worker recruitment

19 would enable the Board of Elections to select from

20 a larger and more diverse pool of applicants

21 improving poll worker quality. Many of these

22 suggestions were raised prior. Executive Director

23 Ryan raised city workers as poll workers. We

24 recommend and strongly support attorneys as poll

25 workers. In 2013 the board implemented a program

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2 to... to recruit attorneys as poll workers.

3 Participants proved to be excellent poll workers

4 and we recommend this program be expanded and

5 continued. We recommend that the BOE partner with

6 CUNY and other colleges to establish credit

7 programs for serving as poll workers. Since pro

8 bono activity is now required for New York City,

9 for New York City bar admission the BOE should

10 explore having election day poll work, workers

11 qualify. Current law allows 16 and seven year old,

12 17 year olds to be poll workers. We recommend that

13 the BOE work with the Department of Education to

14 engage New York City high school students. And Ms.

15 Learner indicated her support for half day poll

16 worker shifts. NYDLC certainly supports this

17 because a full shift of 16 hours is a major barrier

18 to participation. 16 hour work shifts invite

19 fatigue based errors. New York State law already

20 permits half day shifts. And we urge the city to,

21 to consider funding the BOE in a way that's

22 specifically geared toward increasing poll worker

23 recruitment and half day shifts. NYDLC consistently

24 observes poll sites with multiple machine

25 malfunctions particularly at the open of, opening



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2 of election day. Machine breakdowns lead to  
3 cascading problems. Longer lines lead to voters to  
4 leave without voting, to be told to come back  
5 later, or to be erroneously handed affidavit  
6 ballots. This results in increased mistrust and a  
7 negative civic experience. Pre-election day scanner  
8 testing should be reviewed so that there are less  
9 surprised at 5:30 a.m. on election day when  
10 remedial resources are least available. Hardware  
11 issues should be included in a troubleshooting  
12 guide and one worker in each site must be trained  
13 and designated to fix the majority of scanner  
14 problems. This is the goal but it's not happening  
15 in practice. New York must enact early vote.  
16 Systemic scanner breakdowns are just one problem  
17 that highlight the most straightforward and often  
18 ignored reason why election day should be refrained  
19 as the last day to vote and not the first and only  
20 day. Early action should be welcome because it  
21 alleviates systemic pressure. Many of the cascading  
22 problems I mentioned are exacerbated by squeezing  
23 the election into one day for millions of people to  
24 vote. By doing so we invite these small issues to  
25 have outsized negative influences on the process

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2 and ultimately the outcome. With regard to ballot  
3 readability NYDLC has long supported the voter  
4 friendly ballot act which would update and  
5 modernize the rules that restrict ballot design in  
6 New York. And you know because fair and credible  
7 elections and positive civic engagement are better  
8 ops of our democracy we want to thank the City  
9 Council for, and the Board of Elections for taking  
10 a proactive posture toward improving election  
11 administration and our city. NYDLC offers our  
12 expertise to the Board of Elections and the City  
13 Council in advancing these solutions. And with  
14 regard to the suggestion that was just made about  
15 training we would like to offer our resources for  
16 conducting training at, at BOE trainings. Thank  
17 you.

18 BARBARA ZUCKER: I'm Barbara Zucker. I'm  
19 with the Women City Club of New York. In the  
20 interest of time I'll, I'll jump... I'll jump to poll  
21 worker. I've been a poll worker since 2001. I've  
22 experienced any number of training sessions and  
23 they're horrible. They're boring and they're wrong.  
24 I've heard a five minute lecture on how to tell the  
25 difference between an odd and an even number which

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2 is really truly important because if you're to  
3 help... a voter... see what district he's in well  
4 clearly we draw the lines somewhere. So sometimes  
5 one district ends in let's say 20<sup>th</sup> street with  
6 even numbers and if it has odd numbers you might be  
7 in another district. But really if... we need people  
8 to learn, to hear long lectures on this I question  
9 whether they really should be poll workers. We  
10 would like to see half day shifts. Inspectors,  
11 interpreters, and door, door clerks. The, the work  
12 day is far too long. I stopped being a poll worker  
13 when the time to arrive was changed to 5:00 a.m. I  
14 mean it's just ridiculous. Because you come in at  
15 5:00 and then the polls close at 9:00 so you get  
16 out whenever you get out even with, even if you've  
17 take an hour for lunch and an hour for dinner  
18 that's more than a 15 hour shift. We think you  
19 should do something really dramatic and have a half  
20 day of eight hours. I mean most people think a day  
21 is seven hours, or many people do. But you will get  
22 a far better pool of poll workers. You might get,  
23 you might get senior citizens. You might get kids  
24 who are in college who have classes and can't spend  
25 a whole day, that, you know that many hours but

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2 could take a half day. Or just people who want to  
3 do, do well by the city and do their bit but can't  
4 feel, deal with the 15 hour day. Training as I said  
5 before really needs so much improvement. May, many  
6 instructors are not school teachers. The acoustics  
7 are usually bad. The manuals have improved over the  
8 years but the, but that's not true of the training.  
9 It's vitally important to learn these machines by  
10 touching the machines, by doing it. If you sit in a  
11 room with 25 other people and one person is  
12 learning, is, is doing it you haven't learned  
13 anything and then it shows up on election day when  
14 you have to deal with the machines. Unlike what I  
15 heard other people say I really can't say enough  
16 for the importance of a coordinator. I've worked  
17 under terrible coordinators and then one year we  
18 had a, a good one, an efficient one who said gee  
19 I'm sorry I didn't know your names the day before.  
20 I would have called you and given you assignments.  
21 That would be a wonderful thing. The poll, the  
22 coordinator is very important. And we need more  
23 better ones. Going back to the half day shift. I  
24 have to find my notes. Well one of the problems of  
25 course with the poll workers is you want to

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2 register democrat and you registered republican.  
3 Until a couple of years ago when they preprinted  
4 cards with your registration people would say at  
5 the polls we're short republicans, you'll be a  
6 republican today or we're short democrats. I mean  
7 it was just totally meaningless. If we, we would  
8 enlarge the pool of candidates so much by opening  
9 the positions to members of minor parties and even  
10 to voters who aren't affiliated with any particular  
11 party. I don't know why that can't happen. So... I  
12 was sure it would be... Anyway that's the major part  
13 of what I wanted to say.

14               ESMERALDA SIMMONS: Good afternoon. My  
15 name is Esmeralda Simmons. I'm from the Center for  
16 Law and Social Justice at Medgar Evers College,  
17 CUNY. And I am very grateful for both Chair Gentile  
18 and Chair Kallos for having this hearing today. The  
19 Center for Law and Social Justice has been involved  
20 in voter protection for over 25 years. Today the  
21 center call, joins in the call for major overhaul  
22 at the Board of Elections. First the Board needs to  
23 be adequately funded in the city budget. I put that  
24 up front because the last thing we want to have is  
25 the board to have a valid excuse for why it's not

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2 adequately performing not that the budget should be  
3 across the board. Intelligent budget increase with  
4 some of the suggestions made before is in line.

5 Secondly, and this has been stated over and over  
6 again today, the board must be staffed entirely by  
7 professionals not by a collage of appointees

8 beholding to the New York City's democratic and  
9 republican parties. I've required by a court order

10 in Ashford since the Board of Elections, a 1988

11 case brought by my center... it was an election

12 practice reform case that we won... and the

13 inspectors are, were required by that case not only

14 to be trained but for the first time to be tested

15 and to pass a test. Well we've heard in the report

16 and today that the testing does not seem to be all

17 it should be. In fact there may be some true

18 irregularities going on with the way the inspectors

19 are testing. And that shows up in the, in, on

20 election day. The hiring and bipartisan structure

21 of the board staffing leads to the office and the

22 decisions becoming extremely politicized. And to

23 the obvious, and I mean obvious duplication of

24 staff rolls and employees, two of everything does

25 not make anything better. We agree, or maybe I

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2 should say we like the question that was posed by  
3 one of the Chairs about whether or not the  
4 constitution of this state requires across, across  
5 the board and all the way down the line  
6 duplications. That doesn't even exist in today's  
7 board. So for them to hide behind the constitution  
8 and say that it does exist and we do have two of  
9 everything does not go along with what the exact  
10 practice is going on in the board. Third, the board  
11 must advance to the 21<sup>st</sup> century by employing best  
12 practices and the latest technology. For example,  
13 for example why can't inspectors check a voter's  
14 registration status or polling site electronically  
15 at the polls? I've raised this now for 10 years.  
16 The information is available online, the technology  
17 is simple yet it is not used. Some of these obvious  
18 changes that have been resisted, some of them  
19 appear to be on the verge of being implemented  
20 after release of the subject report. That includes  
21 the font size and the voter card practice which I  
22 heard is about, rumor heard was, is about to be  
23 eliminated at the next board meeting. I hope that's  
24 true. The voter card practice has consumed much of  
25 the poll inspector's time during elections and it

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2 dramatically slowed down the voting process. I'm  
3 not going to go into what it is since I presume to,  
4 that you know what it is. Other changes that are  
5 recommended by the Department of investigations can  
6 also be affected immediately such as the printing  
7 of sufficient ballot, paper ballots based upon the  
8 history of a turnout, not the last election, a  
9 history. And eliminate, elimination of nepotism and  
10 elimination of cheating on inspector exams. Another  
11 change recommended by the Center for Law and Social  
12 Justice is for the board to publically broadcast  
13 any change in voting practice prior to and  
14 additionally on election day. Until June 19, of  
15 last year 2013 the board was required to pre-clear  
16 any voting practices or procedures through the  
17 Justice Department. And the proposed changes  
18 publicized in the process. Since the Shelby case,  
19 United States Supreme Court Shelby Case struck down  
20 and effectively eliminated section five... clearance,  
21 that requirement is gone. We are now, we are now  
22 advocating that the board strive to inform voters  
23 and that voters be notified of all changes in  
24 voting practices and procedures such as posting  
25 poll site relocations at the old polls and the new



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2 polls prior to and on election day. Finally we are  
3 very well aware that the New York City Department  
4 of, of I'm sorry, not the New York City, that the  
5 Board of Election in New York City is codified in  
6 state law and that state action is also needed to  
7 make changes. Further the agency of, although  
8 funded locally is an appendage of the New York  
9 State Board of Election. At this point in history  
10 we ask the city council not only to do the great  
11 work they've done today by putting feet to the fire  
12 in terms of recommendations but also to flex your  
13 political muscle with the governor and the state  
14 legislature and form legislation that would make  
15 major changes to create a truly functional 21<sup>st</sup>  
16 century Board of Elections. Thank you.

17 MATT ROLLAND: Hello, my name is Matt  
18 Rolland and I'm here on behalf of the, the Election  
19 Protection Coalition and the Lawyers Committee for  
20 Civil Rights Under Law. We thank you for holding  
21 this hearing. I echo a lot of the comments that  
22 have been made today about the importance of these  
23 issues. Just as a quick overview our coalition is  
24 the largest nonpartisan voter protection coalition  
25 in the nation. And we work across the country. I

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2 have been volunteering here in New York City  
3 specifically for New York City and state elections  
4 for the past about six years. And in the past two  
5 elections I was the coordinator for one of the call  
6 centers which is staffed by volunteered lawyers  
7 here in the city. We also run mobile fueled legal  
8 volunteer program which goes out to the poll sites  
9 to assist voters when they have problems. And we  
10 report problems back and collect all that  
11 information centrally. I'm going to limit the  
12 testimony that I'm giving today just to a couple of  
13 issues that we thought we could add value on based  
14 on our experience as I just described it. I also  
15 want to comment that we have been very happy over  
16 the past... at least the past six years that I've  
17 been working and I think longer than that that  
18 we've built a relationship with the City Board of  
19 Elections that has been really productive and, and  
20 I think it's continued to improve over time. So I  
21 do think that there is a dedication on their part  
22 to, to improving the process. Although that's the  
23 case we do support a number of the enhancements  
24 recommended by DOI in its report; improved ballot  
25 design, further improvements in the reliability of

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2 voting machines, and I think the most important one  
3 is enhanced funding for improved poll worker  
4 recruitment and training leading to better  
5 performance. I note that the DOI also made  
6 recommendations regarding voter rolls and we  
7 recommend that the BOA, BOE should comply with the  
8 federal list maintenance procedures under section  
9 eight of the national voter registration act. I'm  
10 going to skip around a little bit from what's in my  
11 written testimony. I just want to move to the last  
12 topic which I think, I think there's a general  
13 consensus that this is one of the most important  
14 topics which is the recruitment in training of poll  
15 workers. So many of the issues that voters  
16 experience on election day could be alleviated with  
17 better poll worker training and performance. And so  
18 many of the problems that are unavoidable at least  
19 from the poll worker point such as machine problems  
20 could be corrected more quickly with better  
21 performance. I think we've heard a lot of testimony  
22 today about the need to expand the pool of  
23 people who are recruited to be poll workers and to  
24 increase the professionalization of the pool and to  
25 have better training. One of the things that we

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2 particularly would, would echo based on our  
3 experience is the need to have split shifts to  
4 allow not only for I think more people and maybe  
5 more qualified people to actually volunteer or  
6 participate, not volunteer since they're paid, but  
7 to participate as poll workers. And that would,  
8 and... we also believe that many of the problems  
9 we've seen are the result of poll worker fatigue  
10 toward the end of the day. And it really is an  
11 exceptionally long day. I was manning our call  
12 center from 5:00 in the morning until about 9:30 at  
13 night and it was not easy. And to, I know that they  
14 are often on their feet and dealing with voters so  
15 it's a very long day. I think split shifts would go  
16 a long way towards improving that. We also would be  
17 in favor of increasing the compensation for poll  
18 workers. I know that would require budget changes  
19 which may be difficult but we would, you know we  
20 would advocate for that. In terms of the training  
21 we think that we heard today from the board that  
22 they believe, and from DOI that they believe the  
23 training, the substance of the training is okay but  
24 that the, the way that it's actually working in  
25 practice is not as effective as it could be. We

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2 would recommend that the board should hire a  
3 consultant to review all of the training materials  
4 to make sure that they're, the training materials  
5 themselves are as effective as they can be to  
6 standardize them. And then that the actual process  
7 of training needs to be improved and standardized  
8 as well. And among other things the, it needs to be  
9 required that all poll workers go through the  
10 training and complete it successfully which we  
11 understand is not always the case. Just I'll jump  
12 back and very briefly touch on a couple other  
13 issues. I think all of our testimony on ballot  
14 design has been already given by other people but  
15 I'll just say that we also are in favor of  
16 improving the ease of use and, and user  
17 friendliness of the ballots and among other things  
18 in, increasing the font size limiting the number of  
19 languages and giving the board more flexibility in  
20 the design so that they can do things that are  
21 smarter in terms of how the ballot is laid out so  
22 that voters can understand it more equal, more  
23 easily. With respect to the voting machines the,  
24 the one thing I wanted to mention which I haven't  
25 heard from anyone else today. In this, we actually

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2 put in testimony I think in November during the  
3 prior hearing held by the, the Government Oversight  
4 Committee is that we heard from many voters and  
5 from poll workers who would get on the phone with  
6 us when people called in with problems that they  
7 had no way of contacting the Board of Elections  
8 during the election day. There's, many of the poll  
9 sites don't have phones available. Some poll  
10 workers don't have cell phones or they don't have  
11 cell phone service. A lot of the poll sites are in  
12 school cafeterias or libraries or things like that  
13 which don't often have good cell phone coverage.  
14 And so just the, the ability to actually get on the  
15 phone and report for example a broken lever machine  
16 problem and, and get assistance right away we were  
17 acting as an intermediary for poll workers who  
18 couldn't get any help from the Board of Elections.  
19 And so that's something we would advocate for. I  
20 mean it, it seems common sense that every poll site  
21 should have at least one person equipped with a  
22 phone and if we need to give them a phone for that  
23 day that would be a relatively low cost solution  
24 that could probably alleviate a lot of problems.  
25 The last thing I'll, I'll just say is that in, in

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2 our written testimony we refer to several other  
3 reports that we wanted to bring to the attention of  
4 the committees we published last year a report on  
5 emergency preparedness in elections that discussed  
6 specifically the experience with super storm, super  
7 storm Sandy. And while we were impressed with the  
8 performance of the board and the state and the city  
9 government in that, in that instance I think it  
10 really exposed a lot of problems that we could do  
11 better on in the future. We also wanted to refer to  
12 a report from the Brendon Center on better design  
13 and better elections which addresses ballot design  
14 and voter instruction issues. And thirdly I wanted  
15 to refer to the presidential commissions report  
16 which Commissioner Ryan also, or Director Ryan  
17 sorry, also referred to. And with that I'll, I'll  
18 end. Thank you.

19 CHAIRPERSON GENTILE: Just curious. I  
20 think it was Mr. Berg. You had mentioned the  
21 attorneys that, that were part of a pilot project  
22 working as poll workers. That was a, a BOE  
23 initiated program, Board of Elections initiated?

24 JERRET BERG: Yes.  
25

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2 CHAIRPERSON GENTILE: It was okay. And,  
3 and how extensive was that?

4 JERRET BERG: My understanding is it was  
5 a pilot program based on a recommendation that  
6 NYDLC supported and I'm not sure exactly how  
7 extensive but I, I've only heard positive you know  
8 reviews from that. And we're just hoping they'll  
9 expand.

10 CHAIRPERSON GENTILE: And, and that  
11 component was for licensed attorneys who received  
12 CLE credit?

13 JERRET BERG: CLE credit in lieu of  
14 payment during the training. But then they were  
15 paid for their service on election...

16 CHAIRPERSON GENTILE: But for the day,  
17 for the day. I see. And, but, now the other  
18 component is for, for law students. You, you were  
19 saying that, is that to be, has that been realized  
20 yet?

21 JERRET BERG: So the New York State Bar  
22 relatively recently put in a pro bono requirement  
23 as a component of admission. So  
24 graduating...[crosstalk]  
25



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2 CHAIRPERSON GENTILE: Right, that's  
3 right.

4 JERRET BERG: ...are scrambling to figure...

5 CHAIRPERSON GENTILE: Right.

6 JERRET BERG: ...out if they haven't done  
7 it during their prior years how to get that credit  
8 and...

9 CHAIRPERSON GENTILE: Right.

10 JERRET BERG: ...this is just a perfect  
11 you know good government sort of service where they  
12 should, that should be eligible and, we'd like to  
13 see more collaboration between frankly the board  
14 and CUNY and it doesn't have to be limited to CUNY  
15 but that's a good place to start.

16 CHAIRPERSON GENTILE: Good fit, yes.  
17 Thank you all.

18 MATT ROLLAND: Sorry, if I could just  
19 comment on that. After super storm Sandy because of  
20 the problems that so many poll workers and others  
21 faced because of the storm there was a, a shortage  
22 of poll workers because many people who had signed  
23 up couldn't do it. And we actually helped the board  
24 at that time and we coordinated with the, the New  
25 York City Bar and the New York State Bar

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2 Associations to help them recruit lawyers and  
3 others to be poll workers. And so that, you know  
4 working with those groups as well, you know other  
5 nonpartisan or legal professional groups is another  
6 way of recruiting attorneys. And I think they...  
7 [static] people had a good experience.

8 CHAIRPERSON GENTILE: And did you know  
9 how many were, were actually recruited to work?

10 MATT ROLLAND: I, I don't know the exact  
11 numbers. I think it was somewhere in the tens, less  
12 than 100. I know personally a couple people from my  
13 firm who volunteer and, and said that they had a  
14 great experience and you know that they would  
15 consider doing it again in the future.

16 CHAIRPERSON KALLOS: Election protection  
17 and Democratic Lawyers Council you are, you are  
18 literally preaching to the choir. Much of these  
19 things are things I've... had a hand in start,  
20 getting the start on... I, I actually have a question  
21 for Esmeralda Simmons at the Center for Law and  
22 Social Justice. Yours was the only testimony that  
23 talked about the voting rights act and the fact  
24 that a part of it was struck down.

25 ESMERALDA SIMMONS: Right.

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2 CHAIRPERSON KALLOS: You, you talked a  
3 little bit about notice but is there anything that  
4 I, as a City Council person or we, as a city can do  
5 to restore any of those protections that were  
6 previously afforded us?

7 ESMERALDA SIMMONS: Well yes. There, but  
8 it's, yes you can. Number one as elected officials  
9 there will be a hearing that's being put on with  
10 the Lawyers Committee for Civil Rights, my center,  
11 and the N double ACP Legal Defense Center, Latino  
12 Justice and Asian American Legal Defense Center all  
13 together coming up with a unofficial hearing on how  
14 the voting rights act could be strengthened in the  
15 future and problems that have been existing in New  
16 York City. We are coming out with data... sometime in  
17 June. We're looking for a, a forum and we would  
18 like all of you to come and be expert testifiers at  
19 that hearing to talk about the experiences. One of  
20 the things I'd like to mention without taking too  
21 much time... aware of it, but if there had been a, a  
22 section five in place it would not have been as  
23 easy for the Board of Election to switch back to  
24 the manual machines. We all love them, some of us  
25 hate them. But and there would be a question right

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2 now about whether or not, about why a special  
3 election has not been called. That's a change in  
4 practice in New York City. So yes there are things  
5 that you could do, follow what's happening with the  
6 revision bill that's currently in congress. But we,  
7 I will assure you that you will get an invitation  
8 to come and speak to the voting rights lawyers  
9 about what has happened since then and why we think  
10 we do need the voting rights act in New York City.  
11 Thank you.

12 CHAIRPERSON KALLOS: Thank you all for  
13 spending so much time with us today. I, I hope that  
14 when I come to your event you do not make me wait  
15 four hours to testify. And just again a, a warm  
16 welcome and thank you to my friends and colleagues  
17 at Democratic Lawyers Council. And again all of you  
18 thank you for spending so much time with us today  
19 on this issue. We look forward to having more of  
20 these hearings as we make sure that the Board of  
21 Elections complies with the DOI's report and please  
22 enjoy your weekend and we look forward to working  
23 with you for the next three years and ten months.

24 [collective thank you]

25

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2 CHAIRPERSON GENTILE: The meeting has

3 been adjourned.

4 [gavel]

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C E R T I F I C A T E

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



Date March 28<sup>th</sup>, 2014