

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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October 26, 2016
Start: 10:11 a.m.
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HELD AT: Committee Room - City Hall

B E F O R E: BEN KALLOS
Chairperson

COUNCIL MEMBERS: David G. Greenfield
Mark Levine
Carlos Menchaca
Antonio Reynoso
Ritchie J. Torres
Joseph C. Borelli

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

Mike Ryan, Executive Director
New York City Board of Elections

Rachel Bloom, Director
Public Policy and Programs
Citizens Union

Neal Rosenstein, Government Reform Coordinator
New York Public Interest Rights Group, NYPIRG

2 [sound check, pause]

3 CHAIRPERSON KALLOS: I now convene this
4 Committee of Governmental Operations meeting. I'm
5 Council Member Kallos. I am the Chair of the
6 Committee. You can Tweet me @ben kallos. For those
7 of you from the Fourth Estate who are here today,
8 please feel free to submit questions over Twitter or
9 feel free to email me with specific questions you're
10 interested in having asked. This is a longstanding
11 ongoing practice. Today, we have a three-part agenda.
12 First, we have an oversight hearing with the City
13 Board of Elections seeing how prepared we are for the
14 main event. That isn't the hearing next door on
15 street vendors. If you're here for that, please go
16 next door. This is actually the presidential
17 election that which everyone in America has been
18 paying attention to, and hoping for a quick
19 conclusion. Second, we'll be holding a hearing on
20 Proposed Introduction 508-A, sponsored by myself in
21 relation to allowing online voter registration
22 following an advisory opinion from New York State
23 Attorney General Eric Schneiderman, and third we're
24 voting on two bills for resolutions.

25

2 Proposed Introduction No. 464-A,
3 sponsored by Council Member Wills with my co-
4 sponsorship--and we've been proud to work together on
5 this--relating to the Department of Corrections
6 promoting absentee voting among jailed individuals,
7 which, in fact, is the law in New York State. You
8 can vote from jail while you are awaiting your trial
9 because you are innocent until proven guilty.

10 Proposed Introduction No. 796-A,
11 sponsored by Council Member Costa Constantinides with
12 my support as a co-sponsor in relation to requiring
13 assistance if requested for individuals signing up to
14 be an organ donor as part of the agency-based voter
15 registration program. There's only one of two ways
16 to become an organ donor. That's either by signing
17 up through DMV, the City ID or through voter
18 registration. This would instruct and train all the
19 city agencies that currently do voter assistance to
20 also be able to answer questions and assist with
21 organ donations.

22 Proposed Resolution No. 232-A, sponsored--
23 that I've sponsored calling upon the state government
24 to amend New York State election law to consolidate
25 the federal, state and local primaries into one

2 primary to take place on the fourth Tuesday of June,
3 which would save our city hundreds of millions, the
4 state quite more, and make a more sensible election
5 season. In-in years like this, you end up with a
6 presidential primary, a congressional primary, an
7 assembly and State Senate primary followed by a
8 general election, and democracy is great, but that's
9 a lot of elections to coordinate through the city of
10 New York.

11 Resolution 281-A, sponsored by Council
12 Member Rosenthal as well as myself is something we've
13 been working on together, which is our annual student
14 voter registration day, which is an initiative
15 through the Council. It's something that I was doing
16 prior to being elected as a council candidate, which
17 is just seeking to register every single one of our
18 high school seniors. If we do this right within the
19 next eight years, we could actually have more public
20 high school graduates voting than anybody else. We
21 also have Resolution No. 870 by Council Member
22 Rodriguez calling up the state government to amend
23 the New York State Election Law—the New York State
24 Correction Law to allow parolees to vote. All the
25 items on our agenda today are the common theme that

2 this committee and this Council place great
3 importance on encouraging civic engagement and
4 removing the barriers that keep people from
5 participating in our democracy. This committee has
6 placed priority on these issues holding multiple
7 hearings, but especially including decrease-
8 discussing the decrease in voter turnout in city
9 elections, passing legislation aimed at improving the
10 voter experience. We continue to build on these
11 efforts today, and will continue to do so for the
12 remainder of the session. That is why we believe it
13 is so important to have discussions today on the
14 efforts of the City Board of Elections to prepare for
15 this upcoming election as well as discussing the
16 events of this past year, a mistake during election
17 or in the lead up to an election if not like a
18 mistake in other areas. There can be real and
19 lasting consequences. We must ensure that no active
20 voters are removed from our rolls, that allegations
21 of fraud not be made frivolously, and be investigated
22 when they are serious, that absentee ballots be made
23 available to the public, and that the resources and
24 staff of our city needs are being put in place
25 properly. Transparency and openness in these vita-

2 is—on these issues is vital to securing the public's
3 faith in our upcoming elections especially when there
4 are candidates calling to question whether or not
5 elections are rigged. For the record, they are not.
6 I believe I'm proof positive of that having run
7 against an incumbent. Additionally, we must make the
8 voting process more accessible to the public so that
9 we can empower them. Proposed Introduction 508-A
10 proposed to do that by making online voter
11 registration easier. Currently, the only online
12 voter registration systems for residents in the city
13 is run by the State Department of Motor Vehicles.
14 Although the system is laudable, it also has
15 shortcomings. First, the only people with New York
16 State issued driver's license permit or a non-driver
17 ID may use the system, and for a city where so many
18 residents use mass transportation over driving, that
19 means millions of people who cannot utilize the
20 State's system. I for one did not get my driver's
21 license until well after I was 18, and very few of my
22 even staff members have driver's licenses. Second,
23 in the days and hours leading up to registration
24 deadline, the DMV system has become overburdened and
25 crashed on multiple occasions. While this shows the

2 demand the public has for Online Registration Portal,
3 it also shows the potential benefit for a city portal
4 to relieve some of that burden. Our city would be
5 far better served by two stable options for online
6 registration. Since its introduction, this bill has
7 been amended to incorporate recent advisory panel of
8 New York State Attorney General Schneiderman. On
9 legality of the fixing an electronic signature to a
10 voter registration form, we believe that from a both
11 practical and legal standpoint Intro 508-A is a much
12 stronger bill. Attorney General Eric Schneiderman
13 wasn't able to attend today's hearing so I'll read a
14 brief statement on his behalf. [pause]

15 Dear Committee on Governmental
16 Operations: I want to thank the committee for
17 conducting an oversight hearing regarding elections
18 and proposed reforms, and also giving a first hearing
19 to a bill that would establish a system of electronic
20 voter registration in New York City. As you know, in
21 April of this year, my office issued an opinion
22 advising Suffolk County that electronic voter
23 registration including use of electronically affixed
24 signatures is legal in New York State. The
25 determination was in response to a letter sent by

2 Suffolk County to my office requesting an opinion as
3 to whether implementing electronic registration would
4 be permitted by State Election Law. Voting is the
5 cornerstone of our democracy and I applaud you for
6 proposing this legislation, which if enacted would be
7 an exciting step to make this election process more
8 accessible and simpler for all. I'm enclosing a copy
9 of the Informal Opinion No. 2016-1M that we sent to
10 Suffolk County. In the event you wish to read its
11 contents into the record at your hearing. I hope that
12 we can partner with you and the entire City Council
13 to help develop an electronic registration system
14 that can bring our democracy into the 21st Century.
15 The Advisory Opinion will be added to the record for
16 this hearing, as will this letter. I encourage
17 everyone to read the Attorney General's opinion in
18 full. It will be included in the official record as
19 noted. I also want to thank Executive Director New
20 York City Board of Elections Mike Ryan for joining us
21 today especially on short notice, especially with the
22 most important event of his career as Executive
23 Director coming up. It is the Super Bowls of
24 elections. I'd like to acknowledge that we've been
25 joined by the always prompt and early Council Member

2 Joe Borelli. We've also been joined by committee
3 member Carlos Menchaca, and we'd like to welcome our
4 guest Council Member Brad Lander. We will—as soon as
5 we do have quorum, call a vote on our bills.
6 However, I'd like to now move over to the hearing
7 portion. [pause] So we—we have Executive Director
8 Mike Ryan, and we'd like to ask him to open his
9 opening—limit his opening statement to 15 minutes.
10 You do not have to use all 15 minutes, but we will
11 have a 15-minute clock. I'll ask my colleagues to
12 limit each round of questioning to five minutes.
13 That's combined five minutes for questions and
14 answers. Anything that we don't get to on the first
15 round, a member can address in as many subsequent
16 rounds as we need for all members to get their
17 questions asked and answered. We do lose the room at
18 1:00 o'clock, and we do have others here to testify.
19 That being said, I will turn it over to our committee
20 counsel, and welcome to Brad Reed. We're glad to
21 have him to administer the oath.

22 LEGAL COUNSEL: Do you affirm to tell the
23 truth, the whole truth and nothing but the truth in
24 your testimony before this committee, and to respond
25 honestly to council members questions?

2 CHAIRPERSON KALLOS: Please begin.

3 MIKE RYAN: Good morning, Chair Kallos,
4 Deputy Leader Lander, Minority Borelli, and
5 Councilman Menchaca. Thank you all for giving us
6 this opportunity to testify today. I will say that
7 Chair Kallos stole two of my lines inadvertently I'm
8 sure, one being the Super Bowl, and I don't know if
9 it's necessarily my line, and also about the notice
10 of the meeting, which explains the lack of-of formal
11 written testimony, but we-my presence here today is a
12 further affirmation of the Board's commitment to
13 improvements, and for respect of this institution and
14 the important role that the New York City Council
15 plays with respect to the elections process, and the
16 reporting out to the-to the general public.

17 I'd like to start out with-with a bit of-
18 of good news, and a bit of good news that Councilman
19 Lander had a hand in-in helping with. These posters
20 are going to be placed in the poll sites as well as
21 are going to be the subject of legal ads in the near
22 future, and these are going to be with the QR codes a
23 gateway to the polls-to the E.D. table to hopefully
24 aid in speeding the lines. I will leave copies of
25 these samples if-if it's okay with the Chair with-

2 with Councilman Lander as this was one of his
3 suggestions, and it was a good one, and we did our
4 best to-to implement it. We're using it for the
5 first time. So I'm not necessarily expecting that
6 we'll have results by leaps and bounds, but every
7 step forward, every incremental bit of progress is-is
8 a good thing for the elections system. The other bit
9 of good news, and for those of you that that do not
10 have your driver's licenses, and rely on mass
11 transit, you may have also seen our subway and bus
12 ads recruiting poll workers and I'll report on the
13 numbers of-of those. But the-through a partnership
14 with the administration and the City Council, we
15 secured funding necessary to utilize the rolling
16 advertisements space in the buses. And the subways,
17 and this is a picture of a subway ad actually in
18 place, and we've gotten quite bit of response back
19 from that, and you may have seen a report on one of
20 the news outlets. NBC News did a report on poll
21 worker training, and in that poll worker training was
22 a 22-year-old law student who became a poll worker
23 because of seeing the subway ad. So we're doing what
24 we can, and we're utilizing the resources that the
25 Council and the Administration have given us for the

2 greater good of the citizens of the city of New York.

3 Now, I want to—some more nuts and bolts or pieces.

4 This as Chair Kallos indicated is the Super Bowl.

5 It's a busy event for us. It's a citywide event

6 clearly. So, we have 1,205 poll sites that are going

7 to be utilized, up recently from 1,204. We had a

8 poll site in Staten Island where we moved a couple of

9 E-Ds out, and split that into two different

10 locations. At those 1,205 poll sites, we are going

11 to have a total of 6—68,001 pieces of individual

12 equipment. Of that, almost 4,000 or almost 3,600, I

13 should say, will be scanners and 1,253 ballot marking

14 devices as well as all of the other pieces of

15 equipment that are necessary to deploy on election

16 day for—being used by the voters, and to set up

17 the poll sites. The other thing that I neglected to

18 mention in my lead-in there has been quite a bit of

19 attention paid to compliance of the poll sites with

20 the Americans with Disabilities Act, and as this

21 Council is aware, we are under a—a federal court

22 order with respect to ADA compliance, and—and—and

23 Title 2. In furtherance of those efforts, and again

24 in partnership with the—with the Administration and

25 the Council, we secured the funding to hire an ADA

2 Coordinator. Now our initial assessment was that we
3 were going to hire one ADA Coordinator, but as we
4 started to peel back, we realized that the effort
5 between the ramp delivery, the assessment of all
6 1,205 poll sites, the operation of the agency from a,
7 you know, from an ADA perspective, because at the end
8 of the day, we still are an agency. We ended up
9 hiring two ADA coordinators to share that
10 responsibility. We're in the process post-election
11 of establishing a full ADA compliant unit that will
12 serve as both the agency and the poll sites. I am
13 also proud to say that one of our ADA coordinators is
14 a member of the disability community, and is a third
15 generation for Family Deaf Command(sic). So we are
16 taking that even one step further where we're
17 reaching out into the disability community to have an
18 individual on staff that can truly understand in a
19 real way what the barriers are to access to not only
20 poll sites, but all public buildings. I think it will
21 be truly an asset, and then that would be Sean
22 Gurliss and Aerial Merkel got her start in the ADA
23 advocacy and then working for FEMA when in a prior
24 relationship she was connected to somebody who had a
25 hearing impairment. So she is conversationally—she

2 has conversation ability in sign language, and we're
3 very excited to have those two individuals on board.
4 The other thing that the—the Administration and the—
5 the Council have been instrumental in is the
6 introduced—the introduction of additional technology
7 to the poll sites. Our Table project has moved well
8 past a pilot into a—into a full blown unit, and it is
9 fully integrated and—and enmeshed into the elections
10 process. And we will be deploying between the poll
11 sites and out in the field a grand total of 2,952
12 Tablets on election day that will serve as a—a myriad
13 of issues, and not the least of which at the end of
14 the night will allow us to wirelessly communicate the
15 election results to our—our central server from all
16 of the poll sites. We have not disabled the backup
17 system, which used to be the main system, which is
18 having Tablets deployed to the precincts. We're
19 still going to have them there so that in the event
20 that there's any connectivity problems at a
21 particular poll site, we'll still deliver the—the
22 portable memory devices back to the precincts at the—
23 at the end of the night to catch any sticks that were
24 not uploaded. As I said, we have 1,205 poll sites
25 throughout the city. We have the breakdown if

2 anybody is interested in that, and our poll workers
3 recruitment efforts, as of October 25th are going
4 well. We have a total of 4,793 recruited as of the
5 transit ads. Out of 36,000 slots that we have
6 available. So 5,000 out of 36,000 is a pretty good
7 number for a first effort with the transit ads, and
8 right now we have 3,400 of them assigned to training,
9 but training will be ongoing up to and including
10 election day, and we'll evaluate vacancies to
11 determine whether or not we need to continue those
12 efforts right up to, you know, even a couple of days
13 before election day.

14 We are ahead of our "normal" poll worker
15 assignments. We have as of yesterday 86% of the
16 positions filled in the Borough of Manhattan, and
17 keep in mind we always have vacancies, and we always
18 people that don't show up. There's about a 20% no
19 show rate. So we want to pack those totals as much
20 as we possibly can, and then, you know, limit the use
21 of the stand-by pool on election day. The Bronx is
22 at 81% filled. Kings County is doing very well.
23 They're at 93% of their poll worker assignments
24 filled. Queens is at 86% and I believe Staten Island
25 is—is bringing up the rear, but they certainly—we—we

2 certainly never have an issue in Staten Island. It's
3 about 79%. In terms of the ballots, and I know that
4 running out of ballots is always a question. The
5 Commission has authorized the purchase of 115% of the
6 total voter registration for the city in terms of
7 ballots throughout all of the poll sites. The way
8 that that was calculated was we took the highest
9 attendance rates at-at poll sites, which is about
10 70%, and keep in mind that any voter as of right can
11 use up to three ballots, and can petition the court
12 for an additional ballot. So if there's any
13 spoilers, they make a mistake the ballot gets jammed
14 in the machine, and-and tears, they can get up to
15 three without a court order. So that's why we
16 exceeded the 100% of-of the-of the total voter
17 registration, and we want to make sure that we don't
18 run out of ballots in the poll sites on election day.
19 We also have, if necessary, a Ballot on Demand system
20 that could print in an emergency circumstance ballots
21 for-for particular poll sites. We have absentee
22 ballots, a total of-so far 34,145 absentee ballots
23 distributed for federal and military only, and to
24 date we have 11,432 of those have been returned. And
25 I'll end it on a-on a little bit of a-a low note, but

2 a plea not only to the City Council, but to anyone
3 within earshot of my voice whether it be this room
4 or-or on the web, we need Chinese interpreters and we
5 need Korean interpreters. Those are-in-in order to
6 meet not only our legal mandate, which is-which is
7 always a goal, but to properly service the voters of
8 the city of New York, we do have a shortage of both
9 Chinese and Korean, and we want to make sure that we
10 hit those marks. It is not unusual for a shortage to
11 be present. You know, in the couple of weeks leading
12 up, sometimes we get a rush at the end, but we have
13 been making every effort in all of our outreach forms
14 to-to make sure that we fill all those vacancies and
15 there are shortages there. So if anyone could hear
16 this, they can-they can contact us and-and make
17 arrangements to become an interpreter. It's a good
18 public services. It-the clock is showing two minutes
19 and 12 seconds now, and I have stayed within my 15
20 minutes, and that concludes my opening remarks. This
21 might actually be a record.

22 CHAIRPERSON KALLOS: Thank you very much.

23 So, let's just open up with, I think some recent
24 controversy and questions. So, Executive Director

2 Ryan, do New York State residents need an
3 identification to vote?

4 MIKE RYAN: No.

5 CHAIRPERSON KALLOS: Oh, do I—do you need
6 a New York City ID to vote?

7 MIKE RYAN: No.

8 CHAIRPERSON KALLOS: Do you need a
9 driver's license to vote?

10 MIKE RYAN: No, but it eases your
11 registration if you have driver or a driver—a non-
12 driver ID.

13 CHAIRPERSON KALLOS: Okay, so and--

14 MIKE RYAN: [interposing] And—and I just
15 want to clarify that in a—in a—in a very small way
16 particularly leading up to an election event, we have
17 a cut-off date. And if people submit their
18 registration very close to the cut-off date, we
19 cannot—we do not have enough time to send out the
20 info—the missing information notice, and have it be
21 returned in order for that information to get in the
22 Poll Worker's Book. So, if you fail to give us the
23 last four digits of your Social Security Number, or
24 your non-driver or driver ID number, you will go in
25 the poll book as ID required.

2 CHAIRPERSON KALLOS: And what are
3 accessible IDs? Is the only ID a driver's license, a
4 passport or a city ID?

5 MIKE RYAN: No. Pursuant to State
6 Statute any government issued ID that contains three
7 things: A photo, a-your address, and-it's your
8 photo, your address and your name. I almost forgot
9 the name. The name is important, yes. So those
10 three things: photo, address and name, if they're on
11 the ID, that is an acceptable identification.

12 CHAIRPERSON KALLOS: Are there other
13 forms of acceptable identification under New York
14 State Election Law 8-3022-A-A2--

15 MIKE RYAN: [interposing] Yes, apart--

16 CHAIRPERSON KALLOS: --A-double I.
17 Sorry.

18 MIKE RYAN: --apartment leases, utility
19 bills, anything that's going to tie you to--

20 CHAIRPERSON KALLOS: [interposing] Bank
21 statements--

22 MIKE RYAN: [interposing] Right.

23 CHAIRPERSON KALLOS: --a government
24 check, paycheck or other government document.

2 MIKE RYAN: Correct. So, but I-I want
3 to-I-I-I think that that particular issue has gotten
4 a disproportionate amount of attention in that this
5 only applies to first-time voters who fail to provide
6 a piece of information, but--

7 CHAIRPERSON KALLOS: [interposing] And so
8 if-if you're a returning voter, what is the singular
9 item that is used to verify whether or not the person
10 is who they say they are?

11 MIKE RYAN: Your face and your signature.
12 So it's actually two things. You have to actually
13 appear at a poll site, and you sign in the book.
14 There are procedures for poll workers and poll
15 watchers who may be there on behalf of local
16 political parties or particular campaigns to
17 challenge a voter if the voter does not appear to be
18 who they are, if their signature is-is wildly
19 different. But how that is overcome is the voter
20 simply signs a challenge oath and proceeds to vote
21 normally, and we take that affidavit oath as-as the
22 voter's representation that they are not doing
23 anything they're not supposed to.

24 CHAIRPERSON KALLOS: Are you aware or has
25 it ever be-come to your attention or reported in an

2 unofficial manner of widespread voter fraud, and
3 individuals voting in multiple locations and being
4 bussed from multiple locations regardless of
5 ethnicity?

6 MIKE RYAN: Those issues have never come
7 to my attention not during my time as a commissioner
8 going back to 2010 nor in the three plus years that
9 I've been Executive Director of the Board.

10 CHAIRPERSON KALLOS: And what is your
11 current procedure for allegations that are brought to
12 your attention around voter fraud?

13 MIKE RYAN: Any issue of misconduct that
14 has criminal consequences is referred to the
15 appropriate law enforcement entity.

16 CHAIRPERSON KALLOS: And--

17 MIKE RYAN: [interposing] Which-which is
18 generally the-the-the local district attorney in the
19 county where an occurrence may have happened.

20 CHAIRPERSON KALLOS: And I guess just to
21 follow-to end this line of questioning, there is a
22 video of one of the democratic commissioners for the
23 Board of Elections for the Borough of Manhattan
24 making-concerning allegations. To your knowledge has
25 this person's personal point of view reflected in

2 this reporting by the New York Post and this video
3 had any impact on the conduct of an election? Had
4 they instructed people that they work for—that work
5 for them in Manhattan to treat people differently
6 based on their ethnicity based on what they wear,
7 based on how they get to a poll site? Has there been
8 any impact in the conduct and oversight of elections
9 based on the statements that we've—that have come to
10 our attention?

11 MIKE RYAN: Not from—not from my
12 perspective.

13 CHAIRPERSON KALLOS: Okay.

14 MIKE RYAN: We have been proceeding with
15 business as usual with the exception of any outside--

16 CHAIRPERSON KALLOS: If we can have Mark
17 Levine return to the room so we can get quorum?
18 [laughter] Okay, we will continue with opening
19 questions. So, and I see—and I just want to
20 recognize that we've been joined by Council Member
21 Ruben Wills who has a bill before us, and as soon as
22 we have quorum, we will take—take a pause to—Okay, we
23 have quorum. We've been joined by Council Member
24 Antonio Reynoso. I'd like to just pause on
25 questioning and turn it over to any council members

2 with bills to be heard that would like to make a
3 statement on their bill. So I'd like to recognize
4 Council Member Ruben Wills to speak on his
5 legislation. We are not doing questions. We are now
6 just pausing the questioning to go over our bills and
7 vote on them.

8 COUNCIL MEMBER WILLS: Good morning.
9 Thank you, Mr. Chair. I am grateful that the
10 committee will be voting on a bill that we are
11 sponsoring today, Intro 464, which would require the
12 Department of Corrections to promote absentee voting
13 among jailed individuals. This bill would require
14 the Department of Corrections to provide absentee
15 ballot applications and forms for inmates registered
16 to vote, and forward them to the City Board of
17 Elections in five days. Materials must be provided
18 no later than two weeks prior to any primary,
19 special, or general elections. In 1974, the United
20 States Supreme Court ruled a jailed individual
21 waiting trial or convicted of a misdemeanor is
22 eligible to vote via absentee ballot. Yet, most of
23 these people are not aware of this Constitutional
24 right. A criminal justice system that already
25 disproportionately tilted against persons of color

2 should neither obstruct nor completely sever any last
3 means by which the incarcerated can maintain their
4 place in society. For generations people are waiting
5 trial. They were too poor to secure bail, had been
6 denied their Constitutional right to vote. The
7 Detainee Absentee Voting bill, which will be begin to
8 change that course, but after today more work to
9 provide even greater equality must be done as nearly
10 100,000 individuals in New York have a felony
11 conviction continue to be deprived of their basic
12 right. Voter disenfranchisement infringes on ones
13 right to actively participate in our democracy, and
14 that right should--must be preserved for everyone
15 including those who are jailed. I would just like to
16 thank my staff, my Chief of Staff Leslie Ann
17 Patterson; Director Jihad Rose; and my Legislative
18 Director Brandon Clark for all of the work that they
19 have done, and I think you Chair for the work that
20 you've done with us. I also thank Council Member
21 Brad Lander for his push so the nature of this
22 legislation becomes a reality. Thank you very much,
23 and I-I will urge my colleagues to vote aye.

24 CHAIRPERSON KALLOS: Any other discussion
25 on the legislation before the Committee? Hearing

2 none, I will now instruction the Committee Clerk to
3 call the roll.

4 CLERK: Committee Clerk Matthew
5 Destefano, Committee on Governmental Operations.
6 Roll call on Intro Nos. 464-A, 796-A, Resolutions
7 232-A, 281-A, 695 and 870. Chair Kallos.

8 CHAIRPERSON KALLOS: Aye on all.

9 CLERK: Levine.

10 COUNCIL MEMBER LEVINE: Aye on all.

11 CLERK: Menchaca.

12 COUNCIL MEMBER MENCHACA: Aye on all.

13 CLERK: Borelli.

14 COUNCIL MEMBER BORELLI: Aye on all

15 except Resolution 695 and 870.

16 CLERK: Okay, and by a vote of 4 in the
17 affirmative, 0 in the negative and no abstentions,
18 the items have been adopted with the exception of
19 Resolutions 695 and 870, and it's passed by a vote 3
20 in the affirmative, no in the negative and no
21 abstentions. Excuse me, 1 in the negative and no
22 abstentions. Correct.

23 CHAIRPERSON KALLOS: We will leave the
24 committee—we will leave the roll open to the
25 conclusion of the hearing, and thanks to those who

2 are here to have voted. Back into the questioning,
3 with regard to registration, how many registrations
4 have received? Are we—have we processed all of the
5 registrations received by the deadline? How many
6 registrations were received after the deadline, and
7 if you can share that information with us?

8 MIKE RYAN: Yes, I—I have —I—I brought
9 the email. Let me see if I can locate it. Here it
10 is. From January 1, 2016 to September 30, we
11 received 350,854 voter reg-- From October 1st to the
12 cut-off date there was an additional 105,079. All of
13 the voter registrations that could have been
14 processed by the deadline that were received by the
15 deadline were in fact processed. So what that means
16 is that whatever registrations we have that had
17 contained complete enough data that allowed us to
18 register those individuals, they were all registered.
19 In terms of the breakdown, that second piece, I can
20 provide that information to you outside this hearing.
21 I don't have that information with me.

22 CHAIRPERSON KALLOS: Okay, so we—we got
23 roughly one-quarter of all the registrations in the—
24 the month of October?

25 MIKE RYAN: Correct.

2 CHAIRPERSON KALLOS: And so all those—and
3 you'll get us a list of folks who—how big a problem
4 we're looking at for people who had incomplete voter
5 registrations, and that does not include people who
6 just need an ID. This is just people who for
7 whatever reason their registration was defective, and
8 they will show up on election day--

9 MIKE RYAN: [interposing] Right.

10 CHAIRPERSON KALLOS: --not able to vote?

11 MIKE RYAN: Sometimes people forget to
12 sign their registrations. You know they leave
13 certain information off that's—that's pertinent, and
14 when that happens, we send them out a mission
15 information notice.

16 CHAIRPERSON KALLOS: And—and how did you—
17 so eight years ago, this was a—a huge subject of
18 controversy because the—the Board of Elections
19 couldn't actually handle the registrations. How did
20 you handle over—almost half a million registrations?

21 MIKE RYAN: Well, when we receive them in
22 the normal course of our, you know, activities, you
23 know, from January, you know through September, it's—
24 it's not as much of an issue although as you
25 rightfully pointed out earlier, there were several

2 election events this year. So any time we have a
3 deadline, you know, we're in crunch time. So we have
4 a—a temp contract that works on the overnight to do
5 all of the data entry for the voter registration. So
6 we're basically in the days and weeks leading up to
7 deadlines. We're running on almost a 24-hour
8 operation in terms of data entry.

9 CHAIRPERSON KALLOS: And what types of
10 typos are we going to look at from the data entry
11 versus any other piece?

12 MIKE RYAN: Well, New York is a very
13 diverse city, and it has often has ethnically unique
14 needs, which present challenges for data entry as
15 well as your standard run of the million typing, you
16 know, handwriting interpretation. So, any time
17 someone has control over their own data, and can put
18 that data into a perfectly typed form that eases the
19 process for the Board of Elections.

20 CHAIRPERSON KALLOS: So, so you led me to
21 my question, which is do forms that are filled out
22 electronically or would online voter registrations
23 does—would that help deal with the issue of typos and
24 save the city in terms of having to hire external
25 people to do data entry?

2 MIKE RYAN: Yes, it would certainly save
3 on the data entry side, but as the chair is aware, we
4 are a ministerial agency and there is some question
5 at least in certain quarters about the total
6 viability of a fully online voter registration
7 system. So, I will stop to say anything that's
8 filled out by the individual that's typed and more
9 legible, from whatever source whether it be a PDF or
10 whether it be, you know, the computer will aid in our
11 ability to process voter registrations.

12 CHAIRPERSON KALLOS: Okay, I'd like to
13 touch on the—the purge, as it has come to be know.
14 The Affidavit Ballot recap, and then just go into
15 election day operations, and then turn it over to my
16 colleagues for questions. So, as you previously
17 testified the process—proper person process for
18 purging voters specifically that they first marked as
19 inactive, is not followed by the Brooklyn office when
20 around 120,000 were removed from the rolls. Has that
21 process been changed since the purge occurred? Have
22 more voters been purged since the presidential
23 primary? What is the current employment status of
24 the Chief Clerk and the Deputy Clerk that were
25 suspended? When the Chief Clerk and Deputy Clerk

2 obtained their jobs, was it through an interview
3 process, and were those positions publicly posted,
4 and what safeguards are now in place?

5 MIKE RYAN: Okay, the last question is
6 first. No, it was—those jobs were not publicly
7 posted. They—they were direct hires. Secondly,
8 their status is that they remain suspended without
9 pay, and that process has not been concluded. As
10 soon as it is concluded by the commissioners I will
11 certainly share that with everyone, and it will be
12 likely shared at a—a public meeting of the Board of
13 Elections in any event. With respect to the purge
14 itself, as I have previously stated, the New York
15 City Board of Elections is not the official
16 repository of the—of the voter rolls. The State
17 Board of Elections is through NYS Voter. Years back,
18 the New York City Board of Elections was not
19 participating in the NYS Voter system and as a result
20 was not getting information with respect to duplicate
21 entries, deaths, felonies, and certain categories of
22 individuals who moved. When the participation
23 commenced as near as I can piece back history since I
24 wasn't there, a manual process was required, a
25 flagging process, if you will, was required to make

1 up for these historical individuals that were not
2 removed at the time. That was an immense undertaking
3 from what I have been told, and it took more than a
4 year. And what I have been able to figure, and what
5 we've looked at, and not only myself but the
6 executive staff, is that that leftover process became
7 part of the way things were done, and the boroughs
8 kind of got used to using that to do periodic
9 adjustments to the voter rolls for folks that should
10 no longer be on the rolls. And as a response to the-
11 some of the issues that were raised in the DOI Report
12 that was published in 2013, the Brooklyn Office
13 endeavored to-to clean up the voter rolls, if you
14 will. The-the issue that was associated there was
15 that they did so as a-a deviation from the standard
16 process, which would be to not remove someone unless
17 we have received a piece of return mail back from
18 them, and then they subsequently fail to vote in two
19 success federal elections. An interesting thing
20 about the process that they used is that the State of
21 Ohio has engaged in a statewide process very similar
22 to what Brooklyn did, and the state actually
23 prevailed in the utilization of that process at the
24

2 trial court level, and it's in the court—Federal
3 Court of Appeals.

4 CHAIRPERSON KALLOS: But that prior we're
5 going to continue?

6 MIKE RYAN: It's—it's not a process that
7 the—that was an acceptable policy of the New York
8 City Board of Elections at the time that it was used.

9 CHAIRPERSON KALLOS: And how many voters
10 have been purged since the presidential election?

11 MIKE RYAN: Well, we restored 117,656
12 voters back to the rolls in Brooklyn and we did that
13 in advance of the Federal Primary in June to ensure
14 that nobody would be adversely affected. In
15 addition, what we did was we took a look citywide at
16 all of the Affidavit Ballots that were submitted, and
17 we double and triple checked those affidavits ballots
18 to make sure that any individual who was
19 "questionably removed from the voter rolls" had, in
20 fact, their affidavit ballot counted, and we did that
21 for the Presidential Primary on April the 19th. To
22 answer your question that you posed, I don't have
23 those specific numbers as we're sitting here right
24 now, but I can tell you the process. We still get
25 lists of duplicate entries, people who have passed

2 and felons as well as certain categories of
3 individuals that moved from the State Board of
4 Elections. We must continue that process because it
5 not only impacts the City of New York, but impacts
6 other jurisdictions. For example, if we have
7 somebody that moved from Westchester to--well from
8 New York City to Westchester, and we fail to act on
9 that move, that individual will be listed on our Poll
10 Worker's Book, and we'll also be listed on the--in the
11 Poll Worker's Book in Westchester. So to avoid those
12 kinds of duplications we follow the State process,
13 and I will get you those info--that information. It
14 was requested of staff this morning, and they're in
15 the process of compiling it. And as soon as I have
16 the numbers, we'll get it to you.

17 CHAIRPERSON KALLOS: Can we have it by
18 Friday?

19 MIKE RYAN: You'll have it by close of
20 business today.

21 CHAIRPERSON KALLOS: Great. Thank you.
22 I just want to open the roll for Council Member
23 Antonio Reynoso.

24 CLERK: Continuation of roll call.
25 Council Member Reynoso.

2 COUNCIL MEMBER REYNOSO: I vote aye.

3 CLERK: The vote now stands at 5 in the
4 affirmative, 0 in the negative and no abstentions
5 with the exceptions of Resolution 695 and 870 where
6 the vote stands are 4 in the affirmative, 1 in the
7 negative and no abstentions.

8 CHAIRPERSON KALLOS: Moving onto the
9 Affidavit Ballots, according to data supplied to the
10 committee by the Board of Elections regarding the
11 casting the Affidavit Ballots in 2008 and 2016, every
12 county in 2008, in every—in every county but one in
13 2016, there were hardly any invalidated Affidavit
14 Ballots classified as “other.” Yet, in Queens in
15 2016, over 25% of all Affidavit Ballots were
16 invalidated and classified as other. Can you please
17 explain the discrepancy? Do the borough offices use
18 these terms differently?

19 MIKE RYAN: I would have to check with
20 the Borough of Queen son that. I—I can tell that the
21 Affidavit Ballot tabulation process is an open and
22 public process in all—all five boroughs.

23 Representatives of--of the campaigns, can sit
24 literally at the table and—and—and go through that
25 process as well as members of the pubic can sit in a—

2 in an area, and observe it. But with respect to that
3 specific question for Queens, I will certainly check
4 with the Queens Borough office and—and see what their
5 explanation is for that apparent anomaly. I won't
6 say it's an anomaly. I'll say it's an apparent
7 anomaly.

8 CHAIRPERSON KALLOS: Okay, and just to
9 wrap up my first line before we got council member
10 questions, what assurances do we have that polls will
11 open on time, that people will be able to vote on a
12 paper ballot even if the machines aren't up and
13 running that we will actually get the machines up and
14 running. And, have you looked into having the
15 standby pool deployed in the field. So instead of
16 having to deploy somebody from the Board of Elections
17 in Queens, from one part of Queens and then sending
18 them an hour or two to another part of Queens because
19 this is a big enough city where that happens, people
20 are actually already in the field, and you can do
21 field redeployments as they do in other parts of
22 government.

23 MIKE RYAN: Well, with respect to the
24 polls opening, I would like to publicly thank the New
25 York City Police Department for their leadership in

2 this area as well. They have recently hosted in the
3 Situation Room, a meeting of all of our government
4 partners who have a hand in the election process, and
5 they have helped us underscore the requirement and
6 the necessity for all of the staff of the various
7 agencies that, you know, help us on election day to
8 make sure that they show up, and that they show up on
9 time, and help us open the—the poll sites. The other
10 that we—we have done with the—with the NYPD as well
11 is we—we have distributed master keys to the Parks
12 Department as well so that if there's an issue with
13 individual keys at the poll sites for the machines to
14 be opened up and started up, that has been overcome.
15 And from what I've been told from all parties that
16 that's been successful. So we're working with
17 everyone to make sure that the—the poll sites open up
18 on time. And the other thing that we've—we've, you
19 know, made a point in our—in our training, and we've
20 also shared it with the Parks Department so that they
21 can help pass it along and reinforce it. Should a
22 coordinator be sick in the morning or, you know, get
23 a flat tire on the way to the poll site, you don't
24 have to wait for the coordinator to get there to open
25 the poll site, and we've found that that's a bit of

2 an issue. But most of the issue is—is really the
3 opening of the doors to the facilities that we use,
4 and we're working together with our government
5 partners to make sure that—that everybody shows up,
6 shows up on time, and gets the doors open for us so
7 that we can set the poll sites up, you know, before 6
8 o'clock.

9 CHAIRPERSON KALLOS: And the standby pool
10 field deployment?

11 MIKE RYAN: The standby pool we have
12 heard that message. It presents a bit of a challenge
13 for us because of available suitable space to get
14 everybody into, you know--

15 CHAIRPERSON KALLOS: [interposing] Right.

16 MIKE RYAN: --different locations. We're
17 hoping that with the continued integration of the
18 Tablets, and our ability to look at that data, the
19 first thing in the morning on the dashboard, that
20 once we have that data, we can crunch it. Perhaps we
21 can begin the decentralization process of—of
22 deployment to standbys.

23 CHAIRPERSON KALLOS: And—and so in terms
24 of lines, how—how long can we expect to wait on

2 election day? Is it—is it 10 minutes? Is it half an
3 hour? Should be camp there overnight?

4 MIKE RYAN: Right.

5 CHAIRPERSON KALLOS: Can we actually have
6 a smooth process where folks don't have to wait to
7 vote?

8 MIKE RYAN: The State standard is that—
9 and it's an adoption of the—the recommendations from
10 the Federal EAC, is no longer than—than a half hour.
11 And then a recent MIT study has indicated that New
12 York City falls, you know, right into the up—upper
13 middle towards the good side of—of poll site wait
14 times, and that we're—in about the 12 minute range.
15 That doesn't mean that we're not going to have
16 outliers in different locations where, you know,
17 people might—might wait longer. But I will say this,
18 and—and it's something that I feel passionately
19 about. Not only historically, but presently we have
20 brave young men and women who are deployed all
21 throughout the corners of the globe who are much more
22 severely inconvenienced in their life for our greater
23 good. And people will camp out in sleeping bags in
24 front of an iPhone store to pick up the latest
25 technology for days. And yet, if they can't walk in

2 and—and fill out their ballot in 30 seconds of less,

3 there's a hue and cry. A democracy is important,

4 participation democracy is important, and we're

5 making as seamless as possible. So we've taken the

6 resources that the City Council and the

7 Administration have given us. We've deployed over

8 2,500 Tablets not only in the field, but at the poll

9 sites to try to speed up that process. We've

10 integrated, you know, some of the suggestions from

11 the City Council, and I'll give Councilman Lander

12 another accolade for—for helping us, but it's all

13 been a process, and it's all about voter education.

14 If the voters come to the poll sites, go to our

15 website, and go to the poll sites armed with the

16 information either through the information notice

17 that we've provided or go to a poll site. Go to the

18 poll site with your election district and your

19 assembly district handy. You can bypass the

20 information table, go right into the poll site, and—

21 and go to your table, and the voting process will be

22 sped up. We're also splitting the—the poll books.

23 It's not always possible in—in every location, but in

24 no event will a poll book have more than 800 voters

25 in it. If it has 801, it goes down to 400. Given

2 space concerns, we can't do that all across the board
3 in—in terms of, you know, us putting the poll books
4 down to, you know, like no more than 200 or no more
5 than 300 because it—it takes up room, but we're
6 doing, you know, everything that we can do to make
7 this process go as smoothly as it possibly can.

8 CHAIRPERSON KALLOS: So I agree with
9 everything you've just said. I would just love to
10 see it get down to less than ten minutes. I'm going
11 to open it up for a vote. We then have questions
12 from Council Member Wills, Lander followed by
13 Borelli. If you have additional questions, please
14 do, and please open the roll for Council Member
15 Torres.

16 CLERK: Continuation of roll call.
17 Council Member Torres.

18 COUNCIL MEMBER TORRES: [off mic] I vote
19 aye.

20 CLERK: The vote now stands at 6 in the
21 affirmative, 0 in the negative, and no abstentions
22 with the exceptions of Resolution 695 and 870 where
23 the vote stands at 5 in the affirmative, 1 in the
24 negative and no abstentions.

2 CHAIRPERSON KALLOS: Council Member
3 Wills.

4 COUNCIL MEMBER WILLS: Thank you, Mr.
5 Chair. Executive Director Ryan, first let me thank
6 you for the answer you gave the Chair. We've never
7 had anyone in my experience come in and say they will
8 have information for us that day. So I want to thank
9 you for that. Even if it doesn't happen, thank you
10 for the answer anyway, right.

11 MIKE RYAN: [laughs] Well, we're going
12 to make it happen. So thank you.

13 COUNCIL MEMBER WILLS: You mentioned that
14 you need Chinese and Korean interpreters. What are
15 the qualifications? Because we have a—the ability to
16 reach for them.

17 MIKE RYAN: They have—they have to pass
18 an interpreter exam.

19 COUNCIL MEMBER WILLS: Okay.

20 MIKE RYAN: And they—and—and this is the
21 one area at the poll sites where the bipartisan
22 nature of the Board of Elections kind of folds away.
23 Anyone—and you don't have to be a registered voter.

24 COUNCIL MEMBER WILLS: Okay.

2 MIKE RYAN: You—you have to be able to
3 effectively interpret in the language that we need.
4 Because this is purely voter assistance stuff.

5 COUNCIL MEMBER WILLS: Okay.

6 MIKE RYAN: It has nothing to do with
7 the, you know, with the politics or the operation of
8 the poll site. This is there really just for the
9 voter.

10 COUNCIL MEMBER WILLS: Okay. My second
11 question is during the—the primary election, one of
12 my poll sites, 223 is the largest poll site in my
13 district, and in district leader district of Tony
14 Andrews and the Assemblywoman. We had a staffer from
15 the Board of Elections come in in the middle of the
16 day with a map of how the equipment should be
17 positioned, and they came in and made everybody move
18 everything around. What happens is typically over
19 the last few years especially since President Obama's
20 first run, when we had a huge number of people that
21 came out to vote, we found that the—the schematic
22 that the Board of Elections wanted us to go by,
23 actually caused problems because we had so many
24 people inside the poll site. And we expect that to
25 happen at this time. The poll workers did exactly

2 what the Board of Elections wanted, but we did make
3 that notation that this would cause a problem. So
4 now with the general coming up, is there a way that
5 we can coordinate that so that these poll sites are
6 better organized so that we won't have people looking
7 over people's shoulders or have the disruption that
8 you—you—that you mentioned. (sic)

9 MIKE RYAN: The answer to that question
10 is a qualified maybe. What—what—and—and the reason
11 is we are under very strict constraints with respect
12 to the Americans with Disabilities Act compliance.
13 So, the federal court has ordered that all 1,205 of
14 our poll sites and any other sites that we might
15 contemplate using, have to be surveyed using a court
16 appointed surveyor.

17 COUNCIL MEMBER WILLIS: Uh-huh.

18 MIKE RYAN: They provide to us a layout
19 for the poll sites, and that layout consists of a
20 myriad of things, but not the least of which is
21 making sure that there's appropriate setbacks from
22 each piece of equipment--

23 COUNCIL MEMBER WILLIS: [interposing]

24 Okay.

2 MIKE RYAN: --to allow for a five-foot
3 circulation around the equipment so that particularly
4 wheelchair users can--can maneuver through the poll
5 site without obstruction. So, we have under those
6 circumstances been given strict instructions to our
7 poll site coordinators to make sure that the
8 schematic that we provide is the one that is
9 utilized. What we have done, though, and I'm
10 certainly willing to do this for you or any of--anyone
11 else that--that asks. If there's a particular problem
12 at a poll site, reach out to us. You know, myself
13 particularly and Ms. Vasquez are most of the time
14 we'll make field trips and we've met with, you know,
15 various elected officials and community leaders and
16 citizens to say okay, this is the way you used to do
17 it. This is the way the overseer told us we had to
18 do it, and maybe there's a healthy compromise in
19 between those two situations that can work for
20 everyone as opposed to, you know, a--a cookie cutter
21 approach.

22 COUNCIL MEMBER WILLS: Okay. I appreciate
23 that. We'll be reaching out to you. My last
24 question is within three miles of my office there are
25 upwards of 4 or 500 people that are homeless being

2 placed in hotels overnight and different things like
3 that. We've had a couple of people come in with
4 notifications from the Board of Elections that they
5 went to go vote in the primary, filled out the paper
6 ballot, and because that wasn't their place to vote,
7 this is because of life circumstances where they've
8 been placed, they then received a letter saying that
9 their vote wouldn't be counted. What are we doing?
10 I'm really concerned about these people especially
11 the ones that are in my councilmanic district. What
12 are we doing to make sure that especially in this
13 election that these votes are counted? Are we going
14 out to the hotels to make sure that these people—I
15 mean I would offer my staff up? Myself and the Chair
16 have discussed this, along with Eric Ulrich, who is
17 the Republican counterpart of mine, to make sure that
18 these were the next district. To make sure these
19 individuals their votes are counted. How—how do we
20 do this in such a short time, and in an effective
21 manner?

22 MIKE RYAN: Well, I want to just be clear,
23 you have to be a resident of the city of New York to
24 vote, but that doesn't mean you have to have an
25 address. There is a process that if you can—and even

2 for the person who is not in the shelter system who
3 is truly homeless who may be, you know, spending time
4 at a particular intersection, if you can tell us the
5 nearest intersection to where you typically reside,
6 we will—we will assign a—a poll site to that location
7 even if it doesn't have a "legal address." In terms
8 of the—the population that is transient, it is a
9 challenge for us when the population is transient
10 even when they're moving from a street address to a
11 street address. Just—just that hopping around of-of
12 people, and some people move more than others. I've
13 only moved twice in my life, but other people haven't
14 been so fortunate. It—it is a challenge. We
15 certainly would be, you know, willing to meet with
16 you and your staff to—to try to come up with some
17 creative ways that—that we can service folks. You
18 know, voting is not just a right, but it certainly
19 contributes to an individual's sense of participation
20 in the community and of worth. [bell] And for those
21 folks that are challenged in that regard, we don't
22 want to add insult to injury.

23 COUNCIL MEMBER WILLS: Okay. So I'll ask
24 the Chair to please can you facilitate the meeting

2 with us as soon as possible so that we would be able
3 to get this going?

4 CHAIRPERSON KALLOS: Ab-~~absolutely~~.

5 Thank you for your--

6 COUNCIL MEMBER WILLS: [interposing] Very
7 much.

8 CHAIRPERSON KALLOS: --first in making
9 sure that every single person is enfranchised. I
10 would like to--

11 MIKE RYAN: [interposing] And Councilman,
12 I'll-I'll have-I'll have Ms. Vasquez from my staff
13 reach out to your staff as well.

14 CHAIRPERSON KALLOS: And we are joined by
15 Council Member--

16 MIKE RYAN: [interposing] Thank you.

17 CHAIRPERSON KALLOS: --Ydanis Rodriguez.
18 Now to Council Member Lander.

19 COUNCIL MEMBER LANDER: Thank you, Chair
20 Kallos, and Executive Director Ryan for being here,
21 and I'm excited to see the poster. So thank you for
22 bringing those, and I know that I'll note that those
23 came from a suggestion I made at a hearing chaired by
24 Chair Kallos, and of this Council. And that's a good
25 step forward. I guess I want to-I have a-a list of

2 questions so I may need to two rounds, but one other
3 thing just like this that would really I think
4 potentially reduce wait times. It's a little harder
5 than putting a poster, is that, you know, and text
6 notifications voluntary. You would still mail, but
7 you'd let people sign up for email and text
8 notifications, and then I—I don't know about others,
9 but—but bringing that piece of paper I forget every
10 time, and I'm a pretty active voter, and I forget my
11 ED has changed a couple of times. If I could just
12 have it on my phone, it would be a lot easier. So
13 the QR code will get me there, but not nearly as
14 easily as having gotten an email or a text
15 notification. As you know, the Council passed
16 legislation. You guys can test our authority to
17 direct you to do it, but everybody thinks it's a good
18 idea. So, where do we stand on the board's moving
19 toward providing email and text notification and vol-
20 as a voluntary option for voters?

21 MIKE RYAN: Well, I think that I have
22 previously testified, and if I haven't, I'll—I'll say
23 it anew, whatever we didn't get to by the end of 2015
24 was almost impossible to get to and to be in place.

2 COUNCIL MEMBER LANDER: [interposing] I
3 understand it's not going to be in place. I'm not
4 saying will you have it by the general election.

5 MIKE RYAN: [interposing] So-so if you,
6 you know--

7 COUNCIL MEMBER LANDER: You won't have it
8 by the general election, but when will you have it?

9 MIKE RYAN: But-but just-just to recap,
10 we did a-in addition to the four elections that the
11 Chair mentioned, we also did a special in-in
12 February. So--

13 COUNCIL MEMBER LANDER: [interposing] I
14 mean-I don't mean it as God, why don't you have it
15 already?

16 MIKE RYAN: [interposing] Oh, no, no-and-
17 -and

18 COUNCIL MEMBER LANDER: I really mean
19 when's it coming?

20 MIKE RYAN: Councilman, you-you and I
21 have a-a good working relationship, and I'm not
22 taking it that way. What I am saying is our staff
23 has been running ragged basically from February and
24 March. We're going to lift our heads up after
25 November the 8th. We'll get through certification.

2 I'm hopeful that there won't be any specials between
3 January and September--

4 COUNCIL MEMBER LANDER: [interposing]

5 Well, there will be at least one. I think that--

6 MIKE RYAN: --and that will give us a
7 window of opportunity to look at all of these
8 additional improvements, and--and with the influx of
9 technology into the poll sites with the Tablets and--
10 and et cetera, it makes sense to take a--take--take a
11 look at all of that. To sit here today and--and just
12 make up a--a, you know, a prescribed time that it's
13 going to happen, I think would be disingenuous, and I
14 don't want to do that, but--but I also am telling you
15 that those conversations are ongoing, and when we can
16 turn our attention to that, we certainly will among
17 other improvements.

18 COUNCIL MEMBER LANDER: Alright, we often
19 do a post-election hearing as well as the pre-
20 election hearings. So whenever that happens, I'll
21 bring this up again. A pre-election issue, though,
22 is absentee ballots. I am hearing from my
23 constituents that they're having trouble from
24 Brooklyn folks who have called that the ballots have
25 not arrived in the mail. There were some problems as

2 reported on WNYC on the first couple of days when
3 people went in person, mostly recently, people who
4 have--

5 MIKE RYAN: [interposing] Right.

6 COUNCIL MEMBER LANDER: --gone in person
7 have said they've been able to get one pretty
8 quickly, but you have got folks who are waiting to
9 see if they're going to come in the mail in time.
10 They may be leaving town soon, and they don't know
11 what to do. If they go in person are they going to
12 have two ballots because you sent them one?

13 MIKE RYAN: [interposing] The-the--

14 COUNCIL MEMBER LANDER: What-what are we
15 doing?

16 MIKE RYAN: The-the WNYC report I--I
17 don't want to say it was inaccurate or-or
18 intentionally misleading because it-it certainly was
19 not, but it-but-but-but there is a nuance here. We
20 have the 45-day requirement on the federal and
21 military with respect to federal offices, and we have
22 the 32-day pre-election requirement when it comes to
23 State and local offices. That's to mail to federal
24 and military overseas voters. So, anyone else, the
25 regular absentees, if you will, we have to do that as

2 soon as practicable after that 45-day deadline or
3 after that 32-day deadline. So, all of the mailing
4 based on the forms that we had received a request
5 that we received, in every borough it went out. But
6 it's a rolling process leading up to election day.
7 So, what I encourage, you know, your folks to do is--
8 is contact us, or if they want to contact us through
9 you, I can follow up on specific instances where an
10 individual might be having some difficulty. But in--
11 in terms of the overall process, those--those ballots
12 by and large went out.

13 COUNCIL MEMBER LANDER: How and how long
14 does it take? If someone has called within the last
15 month, because I have several people, and we'll
16 follow up on them individually one by one, but I
17 think part of the problem is they're confused about
18 how long it's supposed to take. If they've called,
19 how long should it be before--and they're no military,
20 they're--they're going to be away on election day for
21 a range of reasons, and they're waiting for their
22 ballot to come.

23 MIKE RYAN: I can say that if they [bell]
24 called, you know, well advance, they certainly-- You
25 know, if they were in that first wave, they should

2 have certainly gotten them by now. You know, it is a
3 big undertaking and, you know, our absentee ballot
4 staff is also the same people that we're using to
5 process voter registrations as well, but we're two
6 weeks out. So—so if—if somebody, you know, gave their
7 request in a month ago, they—they should have gotten
8 it by name, and—and if they haven't then there's a
9 reason for us to follow up.

10 COUNCIL MEMBER LANDER: So I'll follow up
11 on the individuals. I know that this is more broadly
12 the system of absentee ballot tracking, and making it
13 easier and ultimately in state law moving to vote by
14 mail, our passions of the Chair, and I'll let him
15 pick this up, and I'll ask to go on a—on the stack
16 for my second round of questions.

17 CHAIRPERSON KALLOS: It may be sooner
18 that you expect. Council Member Borelli. So we'll
19 do—we'll finish the first round. You've been
20 incredibly patient, and then we'll go to statements
21 on legislation, and then we'll go to second round.
22 [banging door]

23 COUNCIL MEMBER BORELLI: Well, thank you.
24 Thank you, Director Ryan and—and thank you for
25 coming. I just want to point out that I—I do respect

2 the job that you do, and I-I like you very much on a
3 personal level, as you know, and unfortunately, I
4 wish Commissioner Schulkin could have been here to-to
5 answer for some of the questions that I have. Based
6 on his comments, can you confirm that a story that
7 ran in yesterday's media is accurate that the New
8 York State Board of Elections subpoenaed him and
9 interviewed him regarding his statements?

10 MIKE RYAN: With respect to issues
11 related to any of my superiors, I would prefer not to
12 engage in that-in that discourse back and forth
13 because at-at the end of the day I still answer to
14 the ten commissioners, and if-if any of that type of
15 investigation is going on, then I would think it
16 would be appropriate for the investigators to-to
17 discuss that publicly, and not-and-and not me. I'm
18 not trying to be evasive, but I-I--

19 COUNCIL MEMBER BORELLI: [interposing] Oh,
20 no.

21 MIKE RYAN: --I just don't think it's my
22 place to answer the question.

23 COUNCIL MEMBER BORELLI: Can you answer
24 them whether or not the City's Department of
25

2 Investigation was notified about the Commissioner's
3 comments and hi beliefs?

4 MIKE RYAN: To my knowledge, there--there
5 was no formal notification other than what may have
6 been, you know, reported in the media.

7 COUNCIL MEMBER BORELLI: Okay. Is-is
8 there--and is there a need (sic) to report this to DOI
9 in--in the same sense that if this was perhaps like
10 a--a City Planning Commissioner who alleged fraud in
11 her or her agency, there would be an obligation to
12 report it.

13 MIKE RYAN: Well, I--I think under these
14 circumstances the--the Commissioner, and I'll leave
15 his statements to--to--to themselves, there--there was
16 the media coverage, right, and there was the tape.
17 And then there was the statements that the
18 Commissioner made at a recent public meeting where he
19 indicated that he was not personally aware of--of any--
20 of any instances of voter fraud. So, I would say any
21 city employee, myself, you know, members of the
22 Council if you're aware of some type of corruption,
23 you do have a duty to report it, but I do believe
24 that there was some clarifying remarks that dialed
25 that situation back quite a bit.

2 COUNCIL MEMBER BORELLI: So I mean to be
3 clear, the agency doesn't stand by its comments that
4 there were—that there is some sort of higher
5 propensity of voter fraud in certain communities of
6 color, and based on color and a region (sic)
7 basically.

8 MIKE RYAN: The Board of Elections is a
9 quasi legislative body. It takes official positions
10 when six commissioners vote on—on--on official
11 positions. So, I—I'm not going to—to comment on the—
12 on the musings of any one individual, but I will say
13 things, at least from a professional perspective
14 there have been two studies that I'm—that I'm aware
15 of. One was done by the Bipartisan Commission that
16 was established by the president that examined voter
17 fraud national, and it concluded that instances of
18 in-person voter fraud are, you know, extremely and
19 exceedingly rare. And then there was a more recent
20 study that was done by Loyola University that got
21 some coverage. They claim to have reviewed over a
22 billion ballots and only found 31 instances of voter
23 fraud, and I would—and I would reiterate to everyone
24 again within ear shot it is a felony in the State of
25 New York to participate in voter fraud whether it be

2 actually participating by doing it yourself, or
3 directing some type of voter fraud operation. And so
4 I would strongly discourage anyone who's thinking
5 about doing something nefarious to not do it unless
6 they have plans for prison in their future.

7 COUNCIL MEMBER BORELLI: Do you I think
8 Commissioner Schulkin's comments undermine the
9 legitimacy of some elected officials?

10 MIKE RYAN: You know, again I-I don't
11 want to read into, you know, too much of what the
12 effect of the comments were, or-or what the overall
13 effect of-of any individual's comments are. I think
14 the system is bigger than the individual. I think
15 that I'm sitting in the City Council of the City of
16 New York, and I believe that every single member of-
17 of this Council, not only the ones that are sitting
18 here before us today were elected in a legitimate
19 process. And I-I feel a degree of sadness when
20 anything happens that undermines the appearance of
21 the honesty and integrity of the election laws.

22 COUNCIL MEMBER BORELLI: [interposing]
23 Right. So, a-a commissioner who's-part of their roll
24 is to certify an election. When they're making
25 comments that in my opinion undermine the legitimate-

2 legitimacy of some elected officials, I-I think the
3 question has to go in the direction that the Mayor
4 and other elected officials have--have gone where this
5 person probably should resign. Is there a procedure
6 to remove a Commissioner from the Board of Elections?

7 MIKE RYAN: My understanding is that the
8 only person that can remove a commissioner [bell]
9 from the Board of Elections is the governor, and it's
10 limited to a circumstance where good cause is found.

11 COUNCIL MEMBER BORELLI: Thank you.

12 CHAIRPERSON KALLOS: I'd like to open the
13 roll and recognize that we've been joined by Council
14 Member Greenfield.

15 CLERK: Continuation of roll call Council
16 Member Greenfield.

17 COUNCIL MEMBER GREENFIELD: Thank you. I
18 vote aye on all with the exception of Resolution 232-
19 A, which I abstain from. Thank you.

20 CLERK: The--the vote now stands at 7 in
21 the affirmative, 0 in the negative and no abstentions
22 with the exceptions of Resolution 695 and 870 where
23 the vote now stands at 6 in the affirmative, 1 in the
24 negative and no abstentions, and Intro 232-A where
25

2 the vote stands at 5 in the affirmative, 0 in the
3 negative and 1 abstention.

4 CHAIRPERSON KALLOS: As usual,
5 resolutions continue to be very controversial.
6 [laughter] The next on the first round of questions
7 is Council Member Torres.

8 COUNCIL MEMBER TORRES: How are you? I
9 have actually a few questions about voter fraud.
10 Apart from those two studies that you referenced,
11 does the Board of Elections have its own data on
12 voter fraud or--?

13 MIKE RYAN: I'm the Executive Director
14 three years, and I have not seen any evidence of any
15 widespread voter fraud. I will tell you that
16 recently, and I--and I--and I don't want to make solely
17 that of an individual, but recently there was an
18 incident at a poll site where an individual who
19 happened to be a poll worker received a call--she
20 received a call during the day and--and voted, signed
21 her brother's name into the book and voted. When
22 that came to our attention, we reported that to the
23 local prosecutorial authority. That matter was
24 investigated, and that individual has been arrested
25 and the charges are currently pending before the

2 court. So I—I don't want to say anything that would
3 influence, you know, the outcome of the case, and
4 that's why I'm being circumspect with respect to the
5 name of the individual, and I'm certainly not looking
6 to make this person the poster child, you know, for
7 voter fraud. But, we take these things very
8 seriously, and any time there's any kind of questions
9 with respect to the integrity of the system whether
10 it be related to voter fraud or anything else, we
11 report it to the appropriate authority.

12 COUNCIL MEMBER TORRES: But in your three
13 years serving as the Executive Director, you are only
14 aware of one allegation under investigation?

15 MIKE RYAN: One specific allegation where
16 an arrest was made and there—there have been a, you
17 know, a couple of others where referrals were made,
18 but once the referral was made, the appropriate law
19 enforcement entity in their judgment elected not to—
20 not to proceed.

21 COUNCIL MEMBER TORRES: You maintained—you
22 have data on voter fraud?

23 MIKE RYAN: No, but I—but I will say and—
24 and with respect to something—I'm speaking with
25 respect to stuff that came directly to me. There is

2 also an incident in the Bronx County where an
3 individual was accused of manipulating the absentee
4 ballot process, and that individual was indicted and
5 my understanding is that those charges are pending as
6 well. The difference there was the investigative
7 authority learned of that circumstance on their own
8 through a direct complaint, and that didn't come, you
9 know, it funneled through my office to the--to the law
10 enforcement, you know, investigators for the Bronx
11 DA's Office, and there was an individual that was
12 employed by the Board of Elections who was related to
13 the individual who was so charged, and that
14 individual was dismissed for cause for what we deemed
15 to be an inappropriate accessing of computed data,
16 most notably--

17 COUNCIL MEMBER TORRES: [interposing] But
18 it sounds like your knowledge of voter fraud is at
19 the level of accusation, anecdote. Is there a
20 substantial enough problem that it's led the Board of
21 Elections to maintain data on it?

22 MIKE RYAN: No, we--you--this is the way it
23 comes up. It comes--it kind of comes up on a, you
24 know, an in--individual case-by-case basis, then--

2 COUNCIL MEMBER TORRES: [interposing] And
3 I would imagine that if the Board of Elections
4 thought it was a sore thumb, you would have data on
5 it.

6 MIKE RYAN: Correct, and—and quite
7 frankly, trying to find it is a, you know, a
8 monumental undertaking that would require a
9 substantial investigation.

10 COUNCIL MEMBER TORRES: [interposing] So
11 would you—would you describe it as a statistically
12 insignificant problem?

13 MIKE RYAN: I rely on the Presidential
14 Commission Report from 2014 and—and the Loyola, the
15 recent Loyola Study that describes it that way.

16 COUNCIL MEMBER TORRES: And—and those—and
17 those studies are compatible with your own experience
18 of voter fraud here in New York?

19 MIKE RYAN: They—they seem to—they seem
20 to line up, yes.

21 COUNCIL MEMBER TORRES: Okay, that's the
22 extent of my questions.

23 CHAIRPERSON KALLOS: Thank you. Onto
24 Council Member—sorry—the Committee Clerk to make a
25

2 quick correction followed by Council Member David
3 Greenfield.

4 CLERK: Revised—revised final vote on
5 Resolution 232-A 6 in the affirmative, 0 in the
6 negative and 1 abstention. Thank you.

7 CHAIRPERSON KALLOS: Council Member
8 Greenfield.

9 COUNCIL MEMBER GREENFIELD: Thank you,
10 Mr. Chairman. Thank you Director. I just have one
11 quick technical question. It seems like every—every
12 election cycle we get feedback from our constituents
13 in the some cases to be fair the feedback is good. I
14 want to just give you the complaint. (sic)

15 MIKE RYAN: [interposing] That's a good
16 thing certainly.

17 COUNCIL MEMBER GREENFIELD: Things do—
18 things do go smoothly. At first you only get the
19 negative. I find the same thing in my business as
20 well, right. You know, people don't tend to call us
21 and say good job, everything is perfect. They tend
22 to call and say what's going on over here. So, I—
23 obviously I'm going to recognize that, but also just
24 ask a technical question, which does seem to come up
25 rather frequently in election cycles, which is that

2 there seem to be changes of polling locations. And
3 in some cases these are sites that have been there
4 for 20, 30 or whatever amount of years, and
5 obviously, as you can imagine, folks are used to
6 voting at the same place. They get frustrated that
7 from their perspective what is—what is viewed as a
8 last minute change in their polling location. Can
9 you explain that process, how frequent that occurs,
10 frequently that occurs? And specifically, whether
11 there's any consultation with the community before
12 you engage in a change beyond simply one letter that
13 notifies you that says congratulations. You now have
14 to go, you know, X blocks out of your way to vote on
15 primary election day.

16 MIKE RYAN: Well, the main process is
17 that we are continuing under federal court order to
18 have to re-evaluate—evaluate and re-evaluate our poll
19 sites to ensure compliance with the Americans with
20 Disabilities Act. That is the main reason why a poll
21 site would be relocated. When we first engaged in
22 this process, we were kind of doing it at—at the tip
23 of a spear after some protracted litigation, and the—
24 the knee-jerk reaction when I—when I first came in
25 was to move the poll site if there's anything ADA

2 related. What we've done in the meantime is we've
3 invested a substantial amount of time and resources
4 into not moving the poll sites, and to placing
5 temporary ramps that meet ADA compliance. We had
6 one. I believe it was in Upper Manhattan that the
7 ramp itself was over 180 feet long. We've recently
8 hired two ADA coordinators to assist us in our
9 assessment of the sites, and to work not only within
10 our own staff, but with the attorneys for the United
11 Spinal that report back to the—to the federal court
12 to say okay is the fix, if you will, worse than the
13 underlying problem? And we're having those ongoing
14 conversations, and others if it's a private site,
15 sometimes the private site no longer wants to do it.
16 We try to do it as far as in advance in an election
17 as possible, and there is strict instructions to the
18 staff to engage the local elected officials when
19 those poll sites are being moved in advance of that
20 so that there's as much advance notice as we can
21 possibly give in addition to the mailing. If that's
22 not happening and—and Councilman, if that's not
23 happening in your district, I really need to know
24 about that specifically so we can go back to the
25 borough office.

2 COUNCIL MEMBER GREENFIELD: It's-it's
3 not happening in my district.

4 MIKE RYAN: Right, okay. So, when, you
5 know--

6 COUNCIL MEMBER GREENFIELD:
7 [interposing] I think-I think what may be happening
8 is we're certainly getting a heads-up that a poll
9 site is being moved, but is more of an informational
10 detail rather than a request for information, right.
11 We're not getting calls saying hey we have an issue
12 with this particular site, which may or may not be
13 ADA compliant, and can you help us find a different
14 site that may be convenient? Instead you will get a
15 notification next week there's going to be a letter
16 that goes out to X amount of, you know, voters
17 letting them know that there's going to be a new
18 site. So we did this to sort of just to be fair,
19 just to parse the difference. So it could be that
20 half of what you want has happened, and the other
21 half has not.

22 MIKE RYAN: Got you.

23 COUNCIL MEMBER GREENFIELD: We're
24 getting notification. We're not getting
25 consultation, right?

2 MIKE RYAN: I would agree.

3 COUNCIL MEMBER GREENFIELD: And so
4 that's—that's frustrating because in many cases we
5 would have other suggestions or better suggestions or
6 ways to improve the situation that you may not be
7 aware of because we're obviously more familiar with
8 our constituency and our district than you might be.

9 MIKE RYAN: No question, and that is
10 understandable. I—I will tell you in my tenure I
11 have spent quite a bit of time in Upper Manhattan,
12 and—and that's not because we're trying to be
13 Manhattan centric or—or ignore the rest of the
14 boroughs, but the typography of Upper Manhattan
15 presents very specific challenges, and I have spent
16 quite a bit of time with elected officials, you know,
17 in the heights working with them to try to come up
18 with poll sites doing field trips. I am happy to do
19 that with every, you know, elected official and
20 community organizations because you're right. You
21 are our eyes and ears, and you know your
22 neighborhoods better than we do, and you can help us
23 find more suitable locations, you know, not only
24 maybe we could break up a large poll site and do it
25 into several poll sites. That's even more

2 convenient. We're happy to do that, and I'm ready,
3 willing and able to do it [bell] and if there's a
4 reach out, we're ready.

5 COUNCIL MEMBER GREENFIELD: Great. I
6 mean my—the final point I would conclude with is that
7 it would helpful if the Board of Elections would sort
8 of have some sort of comment period right before a
9 change is made. So rather than just saying a change
10 is being made, a notice could be sent to the local
11 elected officials, and the community board and saying
12 hey, we're making—we're planning, we're thinking of
13 making a change. You have three—three weeks,
14 whatever is a reasonable amount of time to get back
15 and just let us know this okay or this is not. That—
16 that might formalize that process. Thank you.

17 MIKE RYAN: And when we were pre-
18 clearance there was a manda—mandatory consultation
19 with the local elected officials, and I think what
20 happened was once the pre-clearance got lifted, some
21 of that technical procedure fell by the wayside, and
22 I think we need to revive that.

23 COUNCIL MEMBER GREENFIELD: Right.

24 MIKE RYAN: It technically already exists
25 and—and—and we certainly can, but again I want to

2 stress if there's a specific instance that you have
3 an issue with--

4 COUNCIL MEMBER GREENFIELD: [interposing]
5 I'll follow up with you absolutely.

6 MIKE RYAN: --just let me know.
7 Absolutely and I'll be happy to come out to Brooklyn.

8 COUNCIL MEMBER GREENFIELD: Thanks.

9 CHAIRPERSON KALLOS: Thank you and just
10 to follow up along those lines, I've-I've actually
11 heard from district leaders and also constituents in
12 my district, which is there is different
13 disabilities, and now one of the concerns is with
14 the-the consolidation of poll sites because of ADA
15 accessibility, and now there's concerns about having
16 to walk longer distances. Is there a threshold that
17 you use for when you consider deconsolidating or
18 splitting one of the new mega poll sites in order to
19 restore previous poll sites so that-or-or adjacent
20 poll sites in working with the community? Is it one
21 of those things where if members come to you with hey
22 we'd like to add one here, and take home other
23 locations?

24 MIKE RYAN: Absolutely elected officials
25 reach out to us and-and let us know when they think

2 that we've moved the poll site to an inconvenient
3 location, and when they do, we—we certainly respond
4 to that, and—and it's really not a—there's no science
5 to it. It's a site visit. It's bringing our staff
6 there. It's bringing our—our surveyors there, and
7 really just eyeballing the location and—and have it
8 be—and have it be assessed for, you know, potential
9 usage. One of the issues that we have especially in
10 areas where there's large buildings, we may be
11 assessing the main entrance, and be unaware that is—
12 there is a convenient entrance into the building, you
13 know, on—on the other side that's maybe more adjacent
14 to the room that's going to be used for the poll
15 site, and we can assess that. And that's why it gets
16 back I think to Councilman Greenfield's point. The
17 elected officials and the—and the residents of
18 particular neighborhoods know their neighborhoods
19 much better than we could ever know them looking on
20 a—on a flat piece of paper map. So, if there's
21 specific instances, we're happy to—to oblige the City
22 Council and any other groups that—that want to help
23 improve the—the election process.

24 COUNCIL MEMBER GREENFIELD: So there's a
25 question I ask you every single hearing since we've

2 met [laughter] and so this--this has an added change.

3 So three--four commissioners, John Flateau of

4 Brooklyn; Bianca Perez and now Rosanna Vargas of the

5 Bronx and Alan Schulkin of Manhattan have sworn under

6 oath that at the Rules Committee, chaired by Council

7 Member Lander, that they would push for public

8 posting so that they would I believe motion and vote

9 in favor of public posting positions at the Board of

10 Elections; support background checks for potential

11 hires making more than \$80,000 a year; and follow

12 other recommendations laid out in their--our report.

13 Have these proposals been discussed internally,

14 motioned and/or voted upon and--?

15 MIKE RYAN: We are certainly not publicly

16 posting all of the jobs at the Board of Elections. I

17 can tell you---

18 CHAIRPERSON KALLOS: [interposing] Have--

19 have the--the four of them made motion, voted on?

20 MIKE RYAN: Not recently, and I don't

21 want to say they haven't because I would have to go

22 back and check the minutes. I--I know that there was

23 some public discussion on it. I don't know that it

24 went to a formal vote, but that doesn't mean it

25 didn't. So I'll--I'll double check the minutes and

2 get—and get back to you on that. But I will say, you
3 know, that there are technical positions that we do
4 publicly post and the two ADA compliance folks that
5 we just brought on we brought on as a result of a—a
6 robust public posting and cooperation with the
7 attorneys for United Spinal that posted it to the
8 list serve to get us some qualified individuals.

9 CHAIRPERSON KALLOS: So and—and within
10 that so there are these positions that aren't
11 publicly posted. They're appointed through a
12 political apparatus through political parties those
13 positions?

14 MIKE RYAN: The—they can be appointed in
15 a—in a couple of different ways. If it's—if it's a—
16 if it's a position that's wholly contained within a
17 borough that is not either a chief or deputy position
18 the borough committee of commissioners can vote on
19 that to bring the—you know, an up vote from the
20 Republican and the Democrat in each borough can bring
21 somebody on. If it's a central office position or a
22 chief or deputy of one of the boroughs that's done by
23 a vote of all six commissioners or all ten
24 commissioners with a minimum of six.

2 CHAIRPERSON KALLOS: And do-do you have-
3 are those people selected based on merit? Are they
4 selected based on political affiliation? Are they
5 selected by patronage? What is-how are they
6 selected?

7 MIKE RYAN: Well, for the positions that
8 come to the central office, the typical standard
9 practice is for the commissioners to share a resume
10 with their fellow commissioners and discuss the
11 qualifications of the individual prior to
12 appointment.

13 CHAIRPERSON KALLOS: And are they
14 interviewed or they just share the resume and then
15 vote?

16 MIKE RYAN: Well, typically, if it's
17 going to be a central office, a position particularly
18 of one of-of importance, at least myself and Ms.
19 Sandow will do a joint interview of the-of that-those
20 folks similar to the process that we utilized for the
21 hiring of the ADA Coordinators.

22 CHAIRPERSON KALLOS: And how many times
23 have you done that interview, and been able-and
24 successfully rejected an applicant?

2 MIKE RYAN: Usually, we get two or three,
3 you know, resumes that come to us and—and we pick
4 one. So by definition, you know, you know, 50—
5 somewhere between 33% and 50% of the applicants get
6 rejected depending on how many resumes come up for a
7 particular position.

8 CHAIRPERSON KALLOS: And how often is it
9 just one resume that comes up for the position?

10 MIKE RYAN: Well, in those situations,
11 the—the commissioners still do reserve their right to
12 hire those individuals directly, and typically those
13 are for, you know, more staff level positions. If
14 it's somebody that I'm not going to interface with on
15 a regular basis then those appointments are usually
16 made directly by the commissioners without—without
17 too much--

18 CHAIRPERSON KALLOS: [interposing] And—
19 and with the rolls that's—who does those interviews
20 or who--?

21 MIKE RYAN: In the boroughs that's—those
22 positions but for the Chief and—and deputy positions,
23 those are—are wholly contained within the borough
24 operation, which would mean the—the two borough
25 commissioners would handle that process in the—

2 CHAIRPERSON KALLOS: [interposing] And
3 the—and the chief and deputy who—who is responsible
4 for those?

5 MIKE RYAN: The chiefs and deputies
6 because their positions have citywide implication are
7 approved by a vote of six commissioners. So any time
8 there's a turnover in—in one of those positions, that
9 individual has to come before the full board for a
10 vote.

11 CHAIRPERSON KALLOS: And which employees
12 can you terminate?

13 MIKE RYAN: None.

14 CHAIRPERSON KALLOS: You're the Executive
15 Director. You have to run an agency. It starts at
16 the top, it ends at the top.

17 MIKE RYAN: Correct.

18 CHAIRPERSON KALLOS: Can you—can you
19 terminate any employees?

20 MIKE RYAN: No.

21 CHAIRPERSON KALLOS: How can you hold
22 them accountable?

23 MIKE RYAN: We have a disciplinary
24 process. It's called an Employee Advisory Report
25 that gets done. We file disciplinary charges against

2 employees I don't want to say all the time, but on a
3 regular enough basis I'm sure consistent with what
4 other agencies do, and the disciplinary process takes
5 its course. Keep in mind as well that roughly half
6 of our workforce are union members, and they're
7 members of CWA I think it's Local 1183, and they have
8 union rights. So there is a very specific and
9 distinct process similar to civil servants that must
10 be filed for termination.

11 CHAIRPERSON KALLOS: But so for the--the
12 union members--so is it easier to terminate a union
13 member than a person who has been hired by the
14 commissioners?

15 MIKE RYAN: No, a person who's hired by
16 the commissioners such as myself serves at the will
17 of the commissioners. So if the commissioners are--

18 CHAIRPERSON KALLOS: [interposing] For
19 you--for you?

20 MIKE RYAN: Right.

21 CHAIRPERSON KALLOS: Do you have more
22 power to remove a--a member who is from CWA who isn't
23 doing their job properly once you go through that
24 process versus if somebody isn't doing their job, but
25 they were hired by the commissioners?

2 MIKE RYAN: Right. It's just a different
3 process. If-if it's a union member, we go through
4 the Employee Advisory that-that whole situation. If
5 the person does not have union rights, there is an
6 incident memo that is prepared, and given to the
7 Commissioners for consideration.

8 CHAIRPERSON KALLOS: Is there an incident
9 memo for the Chief Clerk and Deputy Clerk in
10 Brooklyn?

11 MIKE RYAN: They were rapidly suspended
12 immediately after that incident arose. There has
13 been no formal report prepared with respect to their
14 actions, and they remain suspended without pay.

15 CHAIRPERSON KALLOS: But you can't fire
16 them?

17 MIKE RYAN: I do not have the unilateral
18 authority to fire either of those two individuals.

19 CHAIRPERSON KALLOS: And so are-how in
20 terms of-so we-we're talking about high level, but
21 also let's just talk about our-our poll workers. Do
22 you keep records on poll worker performances? Are
23 they rejected from future elections if they did
24 poorly? It seems like I think any elected official
25 and I mean just here and my many voters have a story

2 of this one or two or whomever at the poll site
3 that's always been a problem. How are you—how do you
4 deal with those?

5 MIKE RYAN: Yeah, we—and we're—we're
6 looking to utilize the tablets to make this a more
7 uniform process, but we rely on the Coordinated
8 Journals to report that. If there's an extreme form
9 of misconduct, we have had, you know, poll workers
10 act out at the poll sites on election day you know
11 the same that employees act out in any other
12 location. Those individuals are dealt with swiftly
13 on election day, and the commissioners have the
14 absolute authority to remove a poll workers for cause
15 on election day. And that has happened, you know,
16 on—on some occasions. So we keep the Coordinated
17 Journal logs for the more run of the mill, you know,
18 mundane misfeasance, if you will, and then if—if
19 there's absolute malfeasance or we've actually had—
20 It—it doesn't happen that often, but we had an
21 incident where a poll worker was arrested at the poll
22 site during the past election cycle apparently for an
23 outstanding bench warrant. So that does happen, and—
24 and I'm sure, you know, as—as someone who once
25 arrested the bus driver on—on Governor's Island while

2 he was on his bus route, I know that people do fail
3 to show up to court from time to time.

4 CHAIRPERSON KALLOS: With regards to
5 that, how many current and this--this is something
6 that I think Council Member Ulrich has been somewhat
7 interested in. How many current employees of the
8 Board of Elections are also elected officials such as
9 district leaders or State Committee members?

10 MIKE RYAN: I would have to--I would have
11 to check on that. I'm--I'm sure there are some. We
12 do have a policy with respect to, you know, people
13 who are in elected positions of notifying the board,
14 and refraining from--refraining from engaging in such
15 activities, but I don't have specific statistics on
16 that, and in part because the Board policy let's
17 stick with a district leader for a second. If you
18 are in an uncontested district leader contest where
19 your name is just going to appear on the petitions,
20 but you--but--but it's not going to appear on a ballot,
21 then that's not considered to be an internal conflict
22 because it doesn't affect the administration of an
23 election. But if you are in a contested district
24 leader position, then there is a mandatory recusal

2 from participation in all things with respect to that
3 district.

4 CHAIRPERSON KALLOS: And just wrapping
5 up, this is a question on behalf of Council-Council
6 Member Treyger, and just anyone from a community that
7 represents a community that does not contain one of
8 the six voting rights languages for which
9 interpreters must five voting right languages for
10 which interpreters must be provided. If I show up at
11 a poll site, and I do not speak English, and the poll
12 workers speak the same language as I do, are they
13 able to assist me in that language? For instance
14 Russian or--

15 MIKE RYAN: [interposing] Right.

16 CHAIRPERSON KALLOS: --Ukrainian or any
17 of those types of languages?

18 MIKE RYAN: The State--

19 CHAIRPERSON KALLOS: [interposing] Not
20 those, but just any type of language that isn't one
21 of the five?

22 MIKE RYAN: The State law is very clear
23 that a voter can receive assistance from an
24 individual of their choosing provided that the
25 individual is not a representative or agent of their

2 employer or their union, and I think that
3 prohibition/restriction is—is a wise one that should
4 continue to prevent, you know, employers or unions
5 from exercising undue influence over individuals.
6 Other than that, if they request assistance, they
7 can—they can receive assistance at the poll site.

8 CHAIRPERSON KALLOS: Has that training
9 been provided to the Brooklyn Borough specifically
10 poll workers, and have they been reassured that they
11 can provide assistance in any language of their
12 choosing provided it is asked of the person—of them
13 by a voter. They can't voluntarily provide it, but
14 that they can provide it in the language asked if
15 they speak it?

16 MIKE RYAN: It is certainly an—an
17 element, you know, contained with the—within the poll
18 worker manual, and—and it probably is in the manual
19 more as a—as an absence than—than an affirmative
20 statement, and it was discussed that it would be part
21 of the training. I will get back to you--

22 CHAIRPERSON KALLOS: [interposing] And
23 Council Member Treyger.

24 MIKE RYAN: And Council Member Treyger
25 with respect to how much of the additional language

2 assistance has been incorporated into the—into the
3 current training, but I can tell you that we are
4 constantly refining the training and we're working
5 with Election Center who is one of our consultant
6 partners on it, and the current training materials
7 and the current training has received markedly better
8 reviews in the past training materials, in the past
9 training classes. That's not to say that there's not
10 room for improvement. We still want to do other
11 things like, you know, video presentations on the web
12 for refreshers and—and such, but we're working in—in
13 that direction to make it as—as smooth and as perfect
14 as we possibly can.

15 CHAIRPERSON KALLOS: Okay. We're about
16 to go into second round. Council Member Lander, but
17 still waiting on any questions we have from
18 journalists or anyone watching online who wants to
19 send over a question by Twitter.

20 COUNCIL MEMBER LANDER: And I'll begin
21 with one of those because since my last round, you--

22 MIKE RYAN: [interposing] So—so, you
23 Tweet then? [laughs]

24 COUNCIL MEMBER LANDER: Oh, yeah. Well,
25 they find me whether I do or I don't, but—but as you

2 know, Bridgette Bergen, in fact, Tweeted at me since
3 your-your prior answer. And she just pointed me to
4 the link on the BOE website, which says that absent-
5 in-person absentee ballots will be available as soon
6 as the ballots are available at least 32 days before
7 an election in way, which sure would say to a reader
8 of your website that you could down then.

9 MIKE RYAN: Uh-huh.

10 COUNCIL MEMBER LANDER: So, if you're
11 saying your website is not accurate to the law, then
12 at a minimum address their website.

13 MIKE RYAN: What I was talking about
14 would be as soon as practical is the mailing. There
15 was, and I know that this particular reporter made
16 some phone calls. The-the 32 day was I believe a
17 Saturday, and she made some phone calls that Monday.
18 The ballots were, in fact, available, but some of the
19 call takers did not provide accurate information. So
20 the website is accurate. We made the-the ballots
21 available. It didn't trickle down to all of the call
22 takers. I think two out of the five boroughs had the
23 right information and three didn't, and that issue
24 was rectified by the close of business that first
25 Monday. So we certainly, you know, we redirect that-

2 that information wasn't immediately available for
3 those eager beavers that wanted to get their absentee
4 ballot first--that first Monday when they were
5 available, but that's since been rectified.

6 COUNCIL MEMBER LANDER: Okay, thank you
7 for clarifying that, and that yes that's certainly
8 how I understood the story was indeed that not all of
9 the staff knew what the policy was and, therefore,
10 people who weren't--weren't able to get them. Some
11 did and some didn't. I appreciate your rectifying
12 it, and---

13 MIKE RYAN: [interposing] Right so--

14 COUNCIL MEMBER LANDER: --I appreciate
15 your offer to follow up with individuals, and I've
16 put it out now already on Facebook and Twitter. So
17 we'll have a list for you--

18 MIKE RYAN: [interposing] Oh, I'm sure,
19 but--

20 COUNCIL MEMBER LANDER: --probably by the
21 end of the day.

22 MIKE RYAN: --but it wasn't a question of
23 the policy. We have recently undergone a change in
24 the way that we process absentee ballots with walk-
25 ins. We use the Ballot On Demand system. That--those

2 ballots have to be uploaded to the system in order to
3 be available, and it was the information with respect
4 to the uploading of those ballots to the system that
5 wasn't as readily available to the staff as they
6 should be because it's a little bit of a change from
7 what we've done in the past where we had literally a
8 room full of every conceivable ballot. And everybody
9 knew when they arrived because there was a bit
10 truckload of ballots coming in, you know. So, there
11 was never a question.

12 COUNCIL MEMBER LANDER: And look, I
13 appreciate that you need a system. Look, I'm glad
14 that you can come in person. I'm glad that you can
15 call. I'm glad that you can mail. Of course, you
16 should be able to apply for it online. We'll save
17 that for the post-election hearing, and you need a
18 system that can track which of those things happened
19 across the whole system so you don't give somebody
20 two ballots. Obviously that's right. I have heard
21 good reviews of the new training that it's—you know,
22 that are putting a lot of energy into it. This will
23 be something that, you know, it's important that
24 everyone knows how to use that—that system so that is
25 obviously important.

2 I want to follow up a little on the
3 Chair's questions about it because I—I think he put
4 it well. I think we all have accepted that the
5 hiring is something that the commissioners take a—
6 have a strong point of view on. I mean I guess I
7 will under one—let me ask this first, because I think
8 sometimes state law provides five Democratic and five
9 Republican commissioners. It does not require that
10 for every hire of a Democrat there be a hire of a
11 Republican. That is essentially a policy that those
12 ten people have consistently adopted at a board
13 level, but just let me start there, right? So the—
14 the state law provides five Democrat, five Republican
15 commissioners. It does not provide that at the staff
16 level there must be a Noah's Ark where there always
17 has to be one Democrat for one Republican under the
18 state law.

19 MIKE RYAN: Right, that—that is basically
20 true, and we have deviated from that bipartisan
21 requirement particularly in sort of--

22 COUNCIL MEMBER LANDER: [interposing]
23 You're the Chief Technology Officer.

24 MIKE RYAN: Right.
25

2 COUNCIL MEMBER LANDER: It would be odd
3 to have a Chief Democratic Technology Officer and
4 Chief Republican Technology Officer.

5 MIKE RYAN: And—and—and that is phrase
6 that you'll hear often inside the four walls of 43
7 Broadway. It's a tech position, and that means to us
8 that there's no bipartisan requirement.

9 COUNCIL MEMBER LANDER: But let's speak
10 plainly here.

11 MIKE RYAN: Right.

12 COUNCIL MEMBER LANDER: I mean does—does
13 the law requires five Democrats and five Republicans
14 at the Board level? It absolutely does, and it gives
15 those ten individuals the power then to set all these
16 other policies and they have reasons that we know
17 well consistently acted in a way that—that matches
18 positions whether it's needed or not needed, whether
19 we need to have two staff people or whether one
20 person could do the job. In Brooklyn, you know, I—
21 you know, you talk to mine, you know, we have ten to
22 one Democrats to Republican registration, but we
23 still have about 50/50 on staff. But that's not
24 required by law. That's a policy that the
25 commissioners—

2 MIKE RYAN: [interposing] But-but it's
3 not--

4 COUNCIL MEMBER LANDER: --have enacted.

5 MIKE RYAN: It's-it's-it's not
6 necessarily as fully required by the law that there
7 has to be 50/50 down the line. However, things that
8 touch elections, which is almost all we do, I-I think
9 it's understood in the Constitution and in the
10 statutory construct that the things that touch
11 elections will be handled in a bipartisan--

12 COUNCIL MEMBER LANDER: [interposing]
13 Well--

14 MIKE RYAN: --will be handled in a
15 bipartisan manner, and-and the--

16 COUNCIL MEMBER LANDER: [interposing]
17 Wait. Let's-let's take the processing of absentee
18 ballots. I want you to have a system that's fraud
19 proof. So no one can get two absentee ballots. Once
20 you have a good system in place where a request is
21 logged, it goes in the system, and one ballot goes
22 out. Do we really need-I'm not-this rhetorical
23 question.

24 MIKE RYAN: Okay.

2 COUNCIL MEMBER LANDER: We do not need
3 [laughter] a Democratic and a Republican clerk
4 answering the phone. Do you have two people on every
5 phone call? I don't think you do, right? So you
6 shouldn't need to two people at the desk taking every
7 application. That's a waste of our money. It's a
8 bad system. I'm—I'm going to stop here because I
9 just wanted to establish and you agree, the board-two
10 things are true—the board has to be 50/50 and we want
11 an effect bipartisan system, but we do not—we're not
12 required by state law to have it be Noah's Ark and it
13 doesn't produce a good system. And you guys, you-
14 you—you've recognized it in some cases like
15 technology, and not in others. That's a selective
16 approach. We—we'll talk about it more later, but now
17 when you get to the second point, the state law also
18 doesn't—it doesn't require--well, under state law, it
19 would be permissible for accountability, oversight,
20 discipline where staff, you know, need to be, you
21 know, as what happened in Brooklyn or might happen
22 elsewhere, for you to have a clear role in—in that
23 process, which might be separate from hiring. There
24 could be one hiring process, and a different process
25 for supervision, discipline, and termination, right?

2 MIKE RYAN: Right.

3 COUNCIL MEMBER LANDER: Okay. So I just
4 want to establish that as well. I think the Chair
5 got to this as well because--

6 MIKE RYAN: [interposing] But I--but I
7 would say this: Except in appearance, ultimately
8 when it comes to the discipline piece of it, we're
9 not all that dissimilar from any other city agency
10 that's--that's managed by a single commissioner. In
11 that, you'll have an internal disciplinary process,
12 right, and at the end of the internal disciplinary
13 process, the city commissioner can either override
14 the--the--the internal disciplinary process because
15 they thought it was too lenient, or they could
16 override it because it's too harsh. Ultimately, the--
17 the Commissioner has the--the authority to keep people
18 on staff or remove them from staff. The only
19 difference with us is we have a--a vote of, you know,
20 of ten and with a vote of six.

21 COUNCIL MEMBER LANDER: I think about it
22 differently. I think about it as you being the
23 Commissioner.

24 MIKE RYAN: Right.

2 COUNCIL MEMBER LANDER: You are like
3 those agency commissioners, and to my mind if we were
4 like those other agencies, you would have line
5 authority, and even if people got hired through the
6 door of the commissioners, per state law, if you have
7 the authority to hold people accountable, discipline
8 them and fire them when they didn't do their job,
9 that would be a much better system of accountability
10 than having to go to a board of 10 people and getting
11 the majority vote on termination. You would still be
12 subject to being fired by those ten people, which
13 would mean that you were--

14 MIKE RYAN: [interposing] You had to
15 bring that up, did you? [laughs]

16 COUNCIL MEMBER LANDER: So, but [bell]
17 that would be a lot better since right now it seems
18 to me the lines of accountability even leaving the
19 hiring aside, once you're in the jobs the lines of
20 accountability are totally unclear, and that's not a
21 good system for having people do a good job and feel
22 accountable.

23 MIKE RYAN: Like I said, in--in terms of
24 the individuals that are members of the union, there
25 is a--a hearing process. That hearing is typically

2 done before a bipartisan team of commissioners, and-
3 and at the conclusion of the hearing, the-the person
4 has counsel. They have, you know, there's a court
5 reporter there. It-it is a full hearing where they
6 could present, you know, the both aggravating and
7 mitigation evidence that's-that's presented, and at
8 the conclusion of it, the commissioners make a
9 decision. If-and if it's a type of position that has
10 to go to a full vote, the Committee decision will be
11 ratified. So I-I don't want to leave the impression
12 that there's--

13 COUNCIL MEMBER LANDER: [interposing]
14 I'm going to my last question and then I'm done. It
15 would be consistent with state law if

16 CHAIRPERSON KALLOS: [interposing] Brad,
17 do-do you mind if we just go to the next and then we
18 can--?

19 COUNCIL MEMBER LANDER: I'll finish this
20 question and then I promise [laughter] I will thank
21 you.

22 CHAIRPERSON KALLOS: Alright.

23 COUNCIL MEMBER LANDER: It would be
24 consistent with state law if the commissioners gave
25 you the authority to terminate people without each

2 action requiring the vote of the board subject to
3 union rules, but for either non-union positions--
4 that's just correct?

5 MIKE RYAN: Subject to a vote of at least
6 six commissioners that agreed with that position--

7 COUNCIL MEMBER LANDER: The problem.(sic)

8 MIKE RYAN: Yes.

9 COUNCIL MEMBER LANDER: Yes. Great.

10 Thank you.

11 MIKE RYAN: They--they could do it if--if
12 they--if they wanted to, but I do want understand the
13 structure and some of the reasons why it's not done.

14 COUNCIL MEMBER LANDER: Understood.

15 Thank you very much.

16 CHAIRPERSON KALLOS: Even if they give
17 him the hiring authority, wait until he fires the
18 spouse of somebody that was put on the payroll so
19 that they could get health insurance. [laughs]
20 Which has been reported--

21 MIKE RYAN: [interposing] I--

22 CHAIRPERSON KALLOS: --and fined by the
23 Conflicts of Interest Board.

24 MIKE RYAN: I prefer not to engage in
25 such speculation.

2 COUNCIL MEMBER LANDER: I'm just looking
3 for a broad system of good accountability.

4 CHAIRPERSON KALLOS: [interposing] I-I-

5 COUNCIL MEMBER LANDER: That's my only
6 goal here.

7 CHAIRPERSON KALLOS: I-I agree and
8 there's fierce debate on Twitter as we speak between
9 Michael Benjamin and others. Council Member Borelli.

10 COUNCIL MEMBER BORELLI: Thank you. You
11 mentioned earlier that there was one case of voter
12 fraud on Staten Island where the poll worker was
13 accused, and then--

14 MIKE RYAN: [interposing] Right, I-I
15 didn't say Staten Island, but okay but I'll agree
16 with you. [laughter]

17 COUNCIL MEMBER BORELLI: Thank you.
18 Thank you, and that case was referred to the DA. The
19 person was fired. The DA pressed charges. Was that
20 the only case referred to the DA on Staten Island?

21 MIKE RYAN: There were other referrals
22 made.

23 COUNCIL MEMBER BORELLI: But to-to my
24 knowledge there was--there was four cases that were
25 referred to the DA from Staten Island. Do you know

2 if any other charges were filed in any of those other
3 four?

4 MIKE RYAN: Not to my knowledge.

5 COUNCIL MEMBER BORELLI: Do you—do you
6 know the circumstances around the other three?

7 MIKE RYAN: Yes.

8 COUNCIL MEMBER BORELLI: Okay, can you—
9 can you explain to us how they were caught, or how
10 that—how it was uncovered?

11 MIKE RYAN: The—the other situations
12 involved Affidavit Ballots and voting at the—at the
13 machine at the DS200.

14 COUNCIL MEMBER BORELLI: So basically
15 voting twice?

16 MIKE RYAN: Uh-huh.

17 COUNCIL MEMBER BORELLI: Okay. Did the
18 second votes from those people counted? Did the
19 second vote count from those people?

20 MIKE RYAN: My understanding is yes.

21 COUNCIL MEMBER BORELLI: Okay.

22 MIKE RYAN: And that it was caught after
23 the—the process. So there's some competing interest
24 there, right.

25 COUNCIL MEMBER BORELLI: Sure.

2 MIKE RYAN: We—we can't back a vote out
3 of the DS200. Once that vote is cast, it's cast and
4 there's no way to undo that, and then with respect to
5 the affidavits, if—if it's not caught before the
6 Affidavit Ballot envelopes are opened, those ballots
7 get separated from the envelope and—and—and shuffled
8 to preserve the secrecy of the ballots. So once—if
9 it's not caught at a specific juncture, it—it gets
10 into the vote totals, and—and there's really no way
11 to pull it back out.

12 COUNCIL MEMBER BORELLI: Understood.
13 You—you mentioned a number from the Presidential
14 Study that was conducted a couple of years ago about
15 voter fraud, and they found there was 31 instances.

16 MIKE RYAN: No, that was actually Loyola.

17 COUNCIL MEMBER BORELLI: Oh, I'm sorry.
18 Loyola.

19 MIKE RYAN: Yes.

20 COUNCIL MEMBER BORELLI: Does that mean
21 that Staten Island on average has 15% of the
22 country's voter fraud? If there were four cases that
23 were referred to law enforcement of people voting
24 twice? Does that mean Staten Island has 15% of the
25 country's voter fraud?

2 MIKE RYAN: No, and I—and I would say
3 that these incidents that—that occurred in—in Staten
4 Island recently was the first time that something
5 like that, you know, was—was—was brought to my
6 attention. Now, I—I will say that trying to conduct
7 such an analysis is a very difficult, very, you know,
8 subjective thing, and if you don't catch somebody in
9 the act, it's—it's hard—it's hard to assess. But I
10 will say that based on the information that we have
11 available to us, anecdotal and empirical, it just
12 doesn't seem to be a widespread problem, but—but
13 saying it's not a widespread problem, doesn't mean
14 it's not serious.

15 COUNCIL MEMBER BORELLI: Right.

16 MIKE RYAN: And it's not something that
17 that we don't take seriously.

18 COUNCIL MEMBER BORELLI: [interposing]
19 Right and I agree with you. I don't think it's as
20 widespread as the commissioner had—had said, and I
21 want—I want to be clear in that. Is it easier for
22 you as an agency to combat any cases of fraud when
23 the allegation is based around Affidavit Ballot?

24 MIKE RYAN: Well, there's more of an
25 opportunity to catch it because if something happens

2 on-on election day, and it's not caught until after
3 the fact, you know, the horse has kind of left the
4 barn at that point. If it's—if it's dealing with
5 absentee ballots or it's dealing with Affidavit
6 Ballots you have a bit of lag time post election to
7 be able to—to intervene. But—but I will say the—the
8 one thing that the information that is out there, and
9 again it's you're relying on experts from, you know,
10 from other disciplines. There seems to be a higher
11 incident of fraudulent activity related to non-in-
12 person voting than there does when there's in-person,
13 and I would suspect that when you're in-person, if
14 you're trying to impersonate someone else, there's a
15 greater degree that could get caught as opposed to
16 dropping a document in an envelope at—you know, at a—
17 at a mailbox and have it be delivered to—to an
18 election department.

19 COUNCIL MEMBER BORELLI: But that goes to
20 my next point is that one percent, if not less, votes
21 in many elections in New York City are voted via
22 affidavit, and that seems like it's the easiest for
23 the agency to combat and, in fact, it seems as though
24 the agency did find incidences in this particular
25 case for them in one county. But what about the, you

2 know, the other 90%, and the reason I ask this is
3 because is the DOI's investigation of a couple years
4 ago where 61 or 63 undercover, you know,
5 investigators [bell] were able to cast votes
6 fraudulently. What is the procedure to safeguard the
7 other 99% of votes that are cast when a person just
8 shows up and alleges to be the other person?

9 MIKE RYAN: Well, there's--there's several
10 safeguards. One, obviously New York State law
11 requires that you affix your signature. That could
12 be challenged by a poll workers, and there is a
13 challenge process and a--and an individual who refuses
14 to execute a challenge oath will be refused a ballot.
15 Concomitantly, you can have poll watchers. Typically,
16 they are either from a local party or--or--or a
17 local campaign that can also through the procedure
18 challenge a voter. New York is--is not an ID voter
19 law state. So I won't comment on---on the validity--

20 COUNCIL MEMBER BORELLI: So, I-I-I--

21 MIKE RYAN: --of--of that

22 COUNCIL MEMBER BORELLI: I didn't want
23 to-- You know, when a commissioner showed up and
24 said about different neighborhoods and stuff, I
25 didn't want to get engaged in that. So I-I sampled

2 my own election district, and I examined the polls.

3 My AD, my ED from the last presidential year, and out

4 of 609 people voted, there were 14 signatures. So two

5 percent of the people whose signatures absolutely did

6 not match. I have them with us. It's not about

7 embarrassing the people, but their signatures did not

8 match remotely, and I understand that—that Board of

9 Elections staff are not handwriting experts, and

10 people's signatures don't change. But these

11 signatures are completely non-matching to the

12 person's name. None of those 14 people were asked to

13 vote via affidavit. So, is the system effective,

14 though, in—in triggering that next level of

15 identification?

16 MIKE RYAN: Well, they would not have

17 been asked to vote by affidavit just for the purposes

18 of clarification. If the name is in the Poll

19 Worker's Book they're going to get an election day

20 ballot. What we're talking about, and I think, you

21 know, more to—to your point there is—is the challenge

22 process, and the demanding that a challenge oath be-

23 be completed, is—is that as effective, you know, as

24 it needs to be? I really can't answer that question.

25 We'd be happy to take a—a look at the information

2 that you gather, and I—I think we're in the position
3 when you're talking about 36,000 poll workers and
4 1,205 poll sites, we respond ultimately to specific
5 complaints and specific things that may be occurring
6 at—at particular poll sites. And so if we're not
7 getting that information coming to us, and there's no
8 complaint, you know, there's no way for us for really
9 know that it's happening.

10 COUNCIL MEMBER BORELLI: I just have a
11 couple more questions here. So, take me through the
12 registration process real quick. What form of ID is
13 acceptable to give someone or register someone at a
14 specific address?

15 MIKE RYAN: So, you—you fill out a voter
16 registration form whether you do it, you know,
17 through the Department of Motor Vehicles or—or you
18 handwrite it the old fashioned way, it-it comes into
19 us, and it's either scanned into the system or
20 accepted ultimately, you know, through the Motor
21 Vehicle Department.(sic)

22 COUNCIL MEMBER BORELLI: [interposing] So
23 you need either a Social Security number--

24 MIKE RYAN: [interposing] Right.

2 COUNCIL MEMBER BORELLI: --or a driver's
3 license.

4 MIKE RYAN: So it's--so it's--it's four
5 digits of the Social Security number, a non-driver or
6 driver ID. We're not the official repository. As I
7 said earlier, voter registrations the State Board of
8 Elections is. Those potential names are--are--there's
9 a screening process that goes through the state, and--
10 my understanding is that there is a search, a name
11 and numeric data match. I can't speak to the
12 efficacy or--or the completeness of that data match,
13 because it's not a system that we maintain. But
14 assuming that that match occurs, it then goes into a
15 queue on our end where a Democrat or Republic--
16 Republican does an initial review. If the Democrat
17 does the initial review, then the Republican does
18 the--does the confirmation, and vice versa. If
19 there's a disagreement on whether or not that
20 individual should make it to the voter rolls, it goes
21 into escalation. If the supervisors can't resolve,
22 it goes to the chief and deputy, and if the chief and
23 deputy can't resolve it, it goes to the borough
24 commissioners for ultimate resolution. So, it--it
25 kind of follows that certain kind of things. (sic)

2 COUNCIL MEMBER BORELLI: [interposing]

3 So, if the overwhelming majority of voters who are
4 registered to vote in the state have to at some point
5 produce an identification number whether it's their
6 driver's license number or Social Security Numbers,
7 does the agency believe that that could be an
8 effective tool in verifying the identified---the
9 identity of a person voting regardless of whether-or
10 as a -as a secondary backup to the signature method?

11 MIKE RYAN: Well, the ones that come
12 through the Department of Motor Vehicles, and we're
13 getting those in increasing numbers now, that goes
14 through the entire DMV vetting process. Whatever the
15 requirements are and they haven't been a new driver
16 in quite some time, but I know we had-you had to, you
17 know, submit a lot of documentation to prove who you
18 were, and-and that's deemed, you know, to be an
19 effective reliable way of identifying someone. As I
20 said, the questions with respect to the-the
21 verification process through the NYS Voter System are
22 questions that are better posed to representatives
23 from the New York State Board of Elections. It's
24 just not an area I'm well versed in.

2 COUNCIL MEMBER BORELLI: [interposing]

3 But in your opinion though, and--and--and so the
4 practicality, though, do you feel that asking people
5 to show documentation that they've already had the
6 burden of producing to--in order to vote in the state
7 would be somehow more burdensome to actually show at
8 the poll site to vote?

9 MIKE RYAN: As the Executive Director, I
10 am required to put forth as public--for public
11 consumption positions that are ratified by a vote of
12 six commissioners. The six commissioners have not
13 indicated to me one way or the other whether they're
14 for or against such a circumstance. So while I might
15 have my personal views on such a matter, it would be
16 inappropriate for me to share my personal views in a
17 professional capacity without clear direction from
18 the commissioners.

19 COUNCIL MEMBER BORELLI: Okay, but to--to
20 be clear, most people when they register to vote, do
21 have to meet the burden of providing some form of
22 identification or documentation to prove who they
23 are?

24 MIKE RYAN: Correct, and--and so--
25

2 COUNCIL MEMBER BORELLI: And--and adding--
3 so adding that layer to the actual poll site location
4 wouldn't necessarily be adding a burden on the
5 individuals that they already met in the past?

6 MIKE RYAN: Well, and--and I want to also
7 be clear that the commissioners unilaterally even if
8 they voted 10 to 0, they--they heard this hearing
9 today and they thought that this was a great idea.
10 It's still not a state law requirements, which
11 ultimately would---

12 COUNCIL MEMBER BORELLI: [interposing]
13 Right, but there--there are bills pending in this--

14 MIKE RYAN: [interposing] Right.

15 COUNCIL MEMBER BORELLI: --in this case,
16 and I think this is an angle that people haven't
17 really discussed.

18 MIKE RYAN: Right, and--and--and if those
19 bills mature into bi-camera legislation that results
20 in a gubernatorial signature, we will certainly
21 follow that without question.

22 COUNCIL MEMBER BORELLI: I'm sure, I'm
23 sure. [laughter] Thank you very much for my testy
24 questions.

2 MIKE RYAN: No, no, it's—listen, I—I—I
3 like the public discourse and—and—and the process.

4 CHAIRPERSON KALLOS: And just to clarify—

5 -

6 MIKE RYAN: [interposing] I don't know
7 what that says about me, though, but—

8 CHAIRPERSON KALLOS: And just to clarify,
9 under New York State Law Section 8-302-2(a), this is
10 subsection A, there are two provisions. The I allows
11 for a state ID and II requires two: A current
12 utility bill. So you show up with at Con Ed bill,
13 that's your ID. You don't need a driver's license.
14 You don't need a Social Security Number. You just
15 need your utility bill, a bank statement that's from
16 any bank there is, a government check. So if—whether
17 it's an EBT card or—or some other statement from the
18 government or if you work for the government, that's
19 good enough. A paycheck. So anyone who has cut you
20 a paycheck whether that's a handwritten paycheck or
21 what have you, you show up with your paycheck, that
22 counts or other government documents that shows the
23 name and address of voter. So you show up with a
24 piece of mail that you received from the Board of
25

2 Elections saying that these--these pieces. So is it
3 accurate that those items would be accepted?

4 COUNCIL MEMBER BORELLI: Whatever is
5 listed in the statute and I--and I have to start
6 coming here with a laptop. [laughs]

7 CHAIRPERSON KALLOS: We--we--we can also
8 bring a copy of the New Your State Election Law. So
9 one question we didn't have submitted it seems like
10 Bridgette Bergen from DIV (sic)NYC is submitting
11 questions to different members to ask. Does the Board
12 of Election know how many forms it received in--in the
13 11 new languages being produced and offered by the
14 Mayor's Office of Immigrant Affairs and the Campaign
15 Finance Board?

16 MIKE RYAN: In the rush and crush to get
17 all of the voter registrations processed, I do not
18 have that information handy, but I suspect I will be
19 asked about it from the Administration and from
20 representatives at the Campaign Finance Board as
21 well. So that's something that I think in the
22 aftermath of the election we'll be able to take a
23 look at, but we don't have it presently in.

24

25

2 COUNCIL MEMBER BORELLI: Okay, so not
3 something for the close of business or this week, but
4 after the election you'll have that--those answers?

5 MIKE RYAN: Correct. I-I just want to
6 double check on--

7 CHAIRPERSON KALLOS: [interposing] And
8 you can also-if you can also contemporaneously share
9 that with Bridgett Bergen, that would--and--and as well
10 as our committee.

11 MIKE RYAN: I-I just to got to double
12 check. I know that let's say for example there were
13 certain generic codes that we put on--on the election
14 forms, and I just have to double check to make sure
15 that those were included on these multiple languages
16 for that--that would substantially increase our
17 ability to--to track them down.

18 CHAIRPERSON KALLOS: Okay. I think
19 that's all the questions that we have. Just please
20 make sure that election day runs smoothly, that the
21 sites are open on time, that the machines work, that
22 people don't have to wait more than 10 minutes. I
23 can--I can handle 12 minutes, and thank you.

24

25

2 MIKE RYAN: I—I believe that that
3 characterization of my omnipotence is—is somewhat
4 overstated, but we'll do our best.

5 CHAIRPERSON KALLOS: Thank you. Our next
6 panel includes Neal Rosenstein from New York Public
7 Interest Rights Group; Rachel Bloom and Ethan from
8 Citizens Union.

9 MIKE RYAN: Thank you guys,
10 [background comments, pause]

11 RACHEL BLOOM: I think we're just two.

12 CHAIRPERSON KALLOS: Okay. Please
13 proceed. Is—is five minutes good?

14 RACHEL BLOOM: Quite enough time. (sic)

15 CHAIRPERSON KALLOS: Perfect. Thank you.
16 Who would like to go first?

17 RACHEL BLOOM: [off mic] Is this on? [on
18 mic] Is this on? Okay. Hello. Good afternoon,
19 Chair Kallos and members of the Government—
20 Governmental Operations Committee. My name is Rachel
21 Bloom, and I'm the new Director of Public Policy and
22 Programs at Citizens Union. I look forward to
23 working with you on this and other issues in the
24 coming months and years. Citizens Union is a non-
25 partisan good government group dedicated to making

2 democracy work for all New Yorkers. Citizens Union
3 serves as a civic watch dog combatting corruption and
4 citing for political reform. A modern and
5 streamlined voter registration process is vital to
6 the mission of Citizens Union, and we thank you for
7 this opportunity to present our thoughts on the
8 creating of a New York City online voter registration
9 website, and mobile application. We know voter
10 registration and participation is central to this
11 committee and applaud the work you've undertaken on
12 this issue. Citizens Union has long been a leader in
13 the push for comprehensive online voter registration
14 in New York City and the State. With the second
15 lowest voter turnout in the country, we firmly
16 believe New York must do as much as it can to make
17 voting and voter registration as accessible as
18 possible. For several years, Citizens Union has been
19 urging city and state elections officials to
20 institute true online voter registration without the
21 requirement of the wet signature, and this
22 legislation is a step in that direction. We have
23 maintained that only in select instances, the State
24 Election Law require an original signature, and does
25 not define-explicitly define an original signature as

2 a wet or handwritten signature. We made this point
3 to the attorney general back 2013 unleashing the
4 review process and legal analysis that results in
5 Suffolk County requesting a form advisory opinion on
6 this very topic. Consequentially, Attorney General
7 Schneiderman agreed with Citizens Union and earlier
8 this year issued an advisory opinion stating that
9 online registration including use of electronically
10 affixed handwritten signatures is legal in New York
11 State. We, therefore, believe a digital signature
12 could be provided by registrants by an electronic
13 stylist, a finger on one's phone or as outlined in
14 this proposed legislation through the uploading of an
15 electronic file containing a copy of the handwritten
16 signature or the approval of a signature previously
17 provided to the city or state. We also urge the
18 Council to amend the bill to include making this
19 portal available to non-profit organizations and
20 other public sector institutions, which may wish to
21 post the program or application on their website or
22 send out to the supports in digital communications.
23 While we are very happy to see any legislation that
24 would make it easier for New Yorkers to register to
25 vote, Citizens Union believes that the broader online

2 voter registration system can and should be
3 simplified. Upon passage of 508-A, New York City
4 will have an online voter registration system that
5 consists of three steps. First the individual
6 registering to vote online must fill out the online
7 application form and provide an electronic signature.
8 Second, the Office of Operations must print an
9 electronically affix the signature, and mail it to
10 the New York Board of Elections. Third, the New York
11 City Board of Elections must receive and process the
12 hard copy application form. In the future, Citizens
13 Union hopes that this process can be condensed into a
14 single step as a result of a needed state legislative
15 change where the online application form is sent
16 directly to the New York Board of Elections to be
17 processed like physical copy would be. This bill is
18 an excellent step in the direction of true online
19 voter registration for citizens of New York—for
20 residents of New York City. While we strongly
21 support this legislation, we also urge the City
22 Council to press the state to implement true online
23 voter registration. Online voter registration will
24 not only make registering to vote considerably
25 easier, it will save New York City a considerable

2 amount of time and money. In Maricopa County,
3 Arizona, which includes Phoenix, the most popular
4 city, processing of paper voter registrations from
5 cost 83 cents a voter, compared to an average of 3
6 cents for applications received electronically from
7 the DMV or through the online system. Additionally,
8 a true system of online voter registration will
9 eliminate a considerable amount of human error, some
10 of which we heard about earlier this morning in
11 testimony as registrants will be entering their
12 information themselves as opposed to individuals and
13 putting information by hand in the voter registration
14 form. We strongly support this legislation with our
15 proposed amendment and thank you for the opportunity
16 to testify today. Thank you.

17 NEAL ROSENSTEIN: Hey, good afternoon or
18 is it still good morning? I'm sure, but thank you
19 very much for the opportunity to testify today. I
20 want to thank the—the committee also for their
21 fantastic questions that were given by the Chair and
22 by committee members to the—to the Director of the
23 Boards of Elections. It's really refreshing to see
24 this really renewed attention to the workings of the
25 Board and particularly the inner workings of the

2 Board. I'm NYPIRG's Government Reform Coordinator,
3 and NYPIRG is a statewide student led research and
4 advocacy organization. This year our Millennial's
5 Vote Campaign has registered more than 25,000 updated
6 registrants and new registrants in the six weeks
7 prior to the deadline. We've been running our Voter
8 Help Line, and pulling monitoring effort from than 25
9 years, and we'll be out there primarily with college
10 students through the basic CUNY system and Pratt
11 University here in New York and volunteers. And-and
12 I mention that because we've had a pretty good handle
13 on the pulse of elections in New York, and we've
14 heard a lot of good news from the Board, but I've
15 also got some bad news. Many voters are definitely
16 going to be in for big trouble this election day.
17 There will be broken machines. There will be late
18 poll site openings. There will be too many
19 affidavits, there will be too many long lines, and
20 unfortunately, that's par for the course. Now, there
21 are many dedicated professionals of the board like
22 Ryan, Valerie Valazquez, many other folks who work
23 there, many of the poll workers are very dedicated to
24 what they're doing. But as Council Member Lander was
25 saying, the patronage structure has weighted down

2 this board with too many folks who potentially are
3 not as qualified as they should be, and an example of
4 how that patronage structure is going to directly
5 impact on voters this election day is the board's
6 unconscionable refusal to consider the Mayor's Office
7 of \$20 million in additional funding for this
8 election. \$10 million additional dollars for poll
9 worker training and recruitment that the Board
10 basically ignored. Now, a lot of the problems on
11 election day that voters have is they'll—they, you
12 know, may have gone to the wrong poll site, and they
13 may not sure if they're registered or not, but the
14 vast majority of problems that happen at the polls, a
15 large amount of them are caused by poll workers. And
16 for the Board to sit here, and to say that things are
17 going great with poll workers, right, when there's—in
18 the 80s in terms of less than two weeks before the
19 election, in terms of positions billed, that's
20 unconscionable. The Board has never been able to get
21 a complement of poll workers on election day, and
22 certainly not a full complements of trained poll
23 workers. So, a message for New Yorkers, and in the
24 past we used to be able to say well, the Mayor should
25 be offering more support. It's going to be the

2 Mayor's problem if he's not giving additional
3 resources to the Board. The Board had that
4 opportunity. They turned them down because in
5 essence of their vanity and selfishness and the wish
6 to protect their patronage structure form any outside
7 monitoring or oversight, and that's a shame. And as
8 I said, there's a lot of poll workers and there's a
9 lot folks at the board who work very, very hard, but
10 that structure is weighting them down, and this is
11 just one example of it. Another example of the
12 Board--and I'll get to the legislation in just a
13 moment, and I-I will brief within my time limit--is,
14 you know, the Voter purge is unacceptable, and it
15 highlights. We have a principle in this country of
16 one person, one vote, and in New York City a voter in
17 the Bronx shouldn't be treated different than a voter
18 in Brooklyn. A voter in St. Albans shouldn't be
19 voted--treated differently than a voter in St. George,
20 and unfortunately we have five independent items of
21 patronage appointees who are borough chiefs and
22 borough clerks who have different systems in all five
23 boroughs. And I think one of the things we've called
24 for and it might be great for Council to consider, is
25 ask in writing is there a single written standard,

2 and what is that standard for how the Board treats
3 and goes about purging the voter. Is there a single
4 written standard for all five boroughs about when a
5 voter is registered? When they request for more
6 information? You had a great point today about how
7 affidavits are classified. I—I think that's a Queens
8 example as the other. It doesn't make sense that 25%
9 or other in Queens, and it might be 5 of 10%,
10 whatever the numbers are in another borough. There
11 should be a single standard and we hope that the
12 Board will also consider that.

13 I want to just move quickly to the
14 legislation. We salute 508-A and 464. We think
15 these are fantastic continuations of the Council's
16 commitment to reaching out and encouraging voter
17 participation and registration through your [bell]
18 previous work on this pro voter law—

19 CHAIRPERSON KALLOS: [interposing] And
20 you can—you can finish up. You don't worry about it.

21 NEAL ROSENSTEIN: Alright. And these are
22 great opportunities to expand that opportunity to the
23 electorate. You know, the State now is registering
24 folks and we've heard it, and we've seen the news
25 releases electronically on the DMV website. That DMV

2 website is inherently disenfranchising to the folks
3 in New York City. Outside of New York City 92% or so
4 of folks have driver's licenses or non-driver IDs.
5 Inside New York City it's more like 54%. There are
6 300,000 more women in New York State, but 300,000
7 less had DMV identification. So, the proposal right
8 now at the state level, excuse me, the system is
9 inherently disenfranchising to women, to city
10 residents, to people of color and class differences.
11 And that's one of the reasons why we salute what
12 you're trying to do to try and remedy, and to
13 equalize that imbalance with both of these pieces of
14 legislation. So I just want to thank you very much
15 for allowing me to testify.

16 CHAIRPERSON KALLOS: Thank you. With
17 regards to Citizens Union testimony, you're—you urge
18 the Council to amend the bill to include making the
19 portal available to non-profit organizations, and
20 other public sector institutions, and wish to post
21 the program and the application on their websites or
22 send out their supporters. Can you expand on that?
23 Are you looking at having a Rock the Vote template
24 or--

2 RACHEL BLOOM: You mean as in the Rock
3 the Vote widget that you can put in on different
4 websites? I-I think we're open to how it is, but we
5 would like it so that, you know, people could host it
6 on their--on their own websites. You can register to
7 vote, you know, if you're at your, you now, you
8 sorority or your local neighborhood kind of, you
9 know, organization that they can have a link that
10 they can embed on their website to drive people to
11 register to vote. So it's one less, you know, click
12 to a click to a click.

13 CHAIRPERSON KALLOS: And should they be
14 able to have the names of people who register through
15 them or not?

16 RACHEL BLOOM: I don't think that's what
17 we're advocating for. I mean I think it's more just
18 trying to make sure that the voter registration
19 information. If we're going to be creating an app
20 onto a website for New York City voters that it's
21 broadly accessible, and that it's not just living on
22 city websites, which aren't necessarily as trafficked
23 as highly as other websites.

24

25

2 CHAIRPERSON KALLOS: Okay. So having an
3 open API around submitting that information would be
4 of value?

5 RACHEL BLOOM: Uh-huh.

6 CHAIRPERSON KALLOS: Okay, and in terms
7 of your—your testimony in terms of pushing for true
8 online voter registration and the reduction of costs
9 of 80 cents per registration do you believe that if
10 per chance the City Board of Elections were to accept
11 a database export—sorry—or even just an Excel file
12 with the pieces that are coming from the city, that
13 they could save some of those costs if they took the
14 electronic file and then compared it to whatever gets
15 mailed or hand delivered?

16 RACHEL BLOOM: I would imagine so. I
17 don't know that it would necessarily be quite as
18 intense of a savings as Servicing America would, but
19 it would be a saving on the printing, and the
20 mailing. You'd be saving on the staff time of the
21 inputting of that data together. We definitely would
22 be saving, but I couldn't say that that would quite
23 as much, but there would definitely be cost savings,
24 and also savings of human error. You know, we heard—
25 you know, we heard testimony today about how it's

2 difficult or complicated names, and—and when you're
3 looking at a paper ballot, people are, you know, it's
4 handwritten and they don't always have the best—
5 you're trying to decipher someone's handwriting, and
6 in the midst if you have true online voter
7 registration, it eliminates that process.

8 CHAIRPERSON KALLOS: And in terms of
9 taking on the patronage system we do have a
10 constitutional convention coming up. There may be an
11 opportunity to do something on a state level. That's
12 just for those in the Twitter world who are having
13 conversations around this hearing, and perhaps we
14 have an opportunity to amend the Constitution to
15 change that requirement. But we could also just
16 change our state laws because the Constitution gives
17 the State Legislature the power around that, and we
18 do have resolutions for this. But, what—what can we
19 do in the hearing now around reducing the patronage
20 at all levels, and what is a better system than a
21 bipartisan system for elections, if you're ready to
22 answer that question.

23 NEAL ROSENSTEIN: Sure, great questions.
24 We try to think of this creatively, and I think the
25 Mayor's approach, the one with the carrot and stick,

2 so to speak, was a good one. Tie in additional
3 resources to reforms at the board and one thing we
4 think the Council should look into is the notion of
5 terms and conditions. Now, you're not going to be
6 able to term and condition a budget allotment for
7 folks who are already there for paying their salary.
8 But perhaps for new hires, the Council could look
9 into that. Mike Ryan was just saying they hired two
10 new ADA folks in their Compliance Unit. Term and
11 condition new hires to say they have to post them.
12 They have to submit resumes, and that they have to be
13 in essence those technical hires that are not subject
14 to the patronage process. So we think that's
15 something else for another area that the Council
16 could look into, and Councilman Lander indicated four
17 commissioners that are using privileges that he got
18 to commit to certain types of reforms or bringing
19 them up. They may not have been as aggressively.
20 When those folks come up for reappointment, it's hard
21 to go up against county leaders, and we realize that.
22 But those folks should be taken to task. They should
23 be on the record so it's not four commissioners. The
24 next time it's six or eight, and that's the kind of I
25 think an additional question—

2 CHAIRPERSON KALLOS: Ten.

3 NEAL ROSENSTEIN: --the Council can put
4 on to push it.

5 CHAIRPERSON KALLOS: It's-it's ten.

6 NEAL ROSENSTEIN: Yeah, I know there are
7 ten commissioners. He said there are four
8 commissioners that had already committed to certain
9 types of reforms--

10 CHAIRPERSON KALLOS: [interposing] Right,
11 those and they actually have--

12 NEAL ROSENSTEIN: --as for the rest
13 they're appointed.

14 CHAIRPERSON KALLOS: We have all ten
15 coming up.

16 NEAL ROSENSTEIN: Oh, for the appointment
17 and each of them should be subject to a series of
18 questions that gets them on the record about hiring
19 procedures, about patronage practices, about their
20 feelings about voter fraud, and people who bust in
21 perhaps. (sic) I think it will be very refreshing,
22 and the Council has been more assertive in this area,
23 and got one person to cut their lobbying ties last
24 times who is going to be a commissioner. To let it
25 be known to the county leaders that you're looking

2 for certain folks, and you'll be taking that
3 appointment power very seriously and looking at these
4 folks very closely. So those are creative ways we
5 can do it here in the city. Of course, we're
6 chartered under State Election Law. Very hard to get
7 around that. Compound is one way. There may be
8 changes in the State Legislature. The State Senate
9 who has been part of the entity most resistant to
10 certain changes in the law, but I tell you Democrats
11 and Republicans both love the patronage system, and
12 that probably isn't something we're going to get even
13 if the State Senate changes to Democrats.

14 CHAIRPERSON KALLOS: Do you—in terms of
15 the —has—has NYPIRG or Citizens Union taken a look at
16 the different ways that elections are administered in
17 this country whether it's administered by Executive
18 branch, by the Board or others or by bipartisan as
19 we do in this state. Is there a model out there that
20 is—is the best or do we have—what is—what are the
21 options?

22 NEAL ROSENSTEIN: You know, there are lot
23 of models out there. A lot of people point to oh,
24 you should have a person who is independently elected
25 or appointed in charge of elections and supposedly

2 the bipartisan approach, and people will say well
3 look at Kathleen Harris in Florida in 2000, and
4 perhaps she wasn't as non-partisan or bipartisan as
5 she should be. What's clear is that any reform
6 should start with solidifying what Council Member
7 Lander was kind of alluding to is that the workers
8 are at the Board should be Civil Service. They
9 should have Civil Service protections, but they
10 should also have to have the qualifications to meet
11 those varied positions. At the very top of the
12 leadership you look at the Campaign Finance Board as
13 a model. You have multiple appointment authority.
14 You have requirements that individuals from each of
15 those appointment authorities are representing
16 different parties, and that's something we're very
17 interested in. We at NYPIRG are not wed to a
18 particular model like at top, but when the Executive
19 Director has that authority over the employees, I
20 think that is going to be one of the—the biggest and
21 most important pieces of it.

22 RACHEL BLOOM: I mean I—I would second
23 that. It's not that we're advocating for a specific
24 system, but—but, you know, election officials
25 there's—there's a lot of technical components to it,

2 and—and we're not advocating for one system over
3 another, but we are advocating for change because the
4 system that we have right now is not working, and---

5 CHAIRPERSON KALLOS: To—to the extent
6 that other organizations are interested in the—doing
7 the research, I—I'd be very interested because at the
8 end of the day, localities have the ability to
9 conduct their own elections, and if the Board of
10 Elections can't get to where it needs to, we've got
11 this election coming up in 2017, and another one in
12 2021. And if the city needs to run its own
13 elections, maybe that's the only way we actually get
14 the elections we want in a system that works without
15 the lines, without all the corruption and patronage
16 and problems that we've seen. I want to thank
17 everyone who testified. I want to thank all the
18 members who participated. This is—I had more
19 participation than many hearings. It was also a lot
20 smoother, and I just also want to thank the media for
21 watching online and for being here as well as members
22 of the public. I hereby adjourn this meeting of the
23 Committee on Governmental Operations. [gavel]

24

25

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 November 2, 2016