

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.  
Recess: 12:31 p.m.

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 21<sup>st</sup> 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 25<sup>th</sup> 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 1<sup>st</sup> 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 mill 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 19<sup>th</sup>. 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 8<sup>th</sup>. 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