

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES & ELECTIONS

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January 7, 2009
Start: 10:53 am
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HELD AT: Council Chambers
City Hall

B E F O R E:

DIANA REYNA
Chairperson

COUNCIL MEMBERS:

JOEL RIVERA
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LEWIS A. FIDLER
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MELINDA R. KATZ
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CHRISTINE C. QUINN
GALE A. BREWER
MARIA DEL CARMEN ARROYO
LETITIA JAMES
SIMCHA FELDER
VINCENT IGNIZIO

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

Lauvienska Polanco
NYC Taxi and Limousine Commission

Elias Arout
NYC Taxi and Limousine Commission

Gregory Soumas
Commissioner
NYC Board of Elections

Juan Carlos Polanco
Commissioner
NYC Board of Elections

Chris Keeley
Associate Director
Common Cause/NY

Andrea Senteno
Program Associate
Citizens Union

2 CHAIRPERSON REYNA: Good morning to
3 all and welcome to the Committee on Rules,
4 Privileges and Elections. My name is Diana Reyna,
5 and I chair the Committee.

6 Before we begin, I'd like to
7 introduce the other members of this committee.
8 We're joined by Council Member Inez Dickens,
9 Council Member Robert Jackson, Council Member Joel
10 Rivera, Council Member Gale Brewer, Council Member
11 Melinda Katz, Council Member Vincent Gentile,
12 Council Member Daniel Garodnick, Council Member
13 Maria Baez, Council Member Leroy Comrie, Council
14 Member Lewis Fidler.

15 Today, the Rules Committee will be
16 considering the following matters: four candidates
17 for our review: two reappointments to the Taxi and
18 Limousine Commission; two reappointments to the
19 Board of Elections; and a vote to seat our new
20 Council Member Elizabeth Crowley on the Aging,
21 Environmental Protection, Public Safety,
22 Waterfronts, and Youth Services committees.

23 We will begin with the candidates
24 for reappointment to the TLC. Lauvienska Polanco,
25 Manhattan delegation recommendation for

2 reappointment by the Mayor to the Taxi and
3 Limousine Commission. If Ms. Polanco, a resident
4 of Manhattan receives the advice and consent of
5 the Council, she will be eligible to serve the
6 remainder of a seven-year term that expires on
7 January 31st, 2015.

8 And Elias Arout, Staten Island
9 delegation recommendation for reappointment by the
10 Mayor to the Taxi and Limousine Commission. If
11 Mr. Arout is a--

12 [Off mic]

13 [Pause]

14 CHAIRPERSON REYNA: Mr. Arout is a
15 resident of Staten Island, if he receives the
16 advice and consent of the Council, he will be
17 eligible to serve the remainder of a seven-year
18 term that expires on January 31st, 2015.

19 I will briefly explain the
20 functions of the TLC. The TLC consists of nine
21 members appointed by the Mayor, all with the
22 advice and consent of the Council. Five of said
23 members, one resident of each of the five boroughs
24 of the city, are recommended for appointment by
25 majority vote of the Council Members of the

2 respective borough. Commission members are
3 appointed for terms of seven years and can serve
4 until the appointment and qualification of a
5 successor. Vacancies other than those that occur
6 at the expiration of a term shall be filled for
7 the unexpired term. The Mayor may remove any such
8 member for cause upon stated charges. The Mayor
9 designates one member of the Commission to act as
10 the Chairperson and brief Executive Officer. The
11 chairperson shall have charge of the organization
12 of his or her office and have authority to employ,
13 assign, and superintend the duties of such
14 officers and employees as may be necessary to
15 carry out the provisions of Chapter 65 of the
16 Charter.

17 The Charter provides that the
18 chairperson shall devote his, her full time to
19 this position and as such receive compensation as
20 set by the Mayor. The chair currently receives
21 \$177,698 annually. Other members on the TLC are
22 not entitled to the compensation. The
23 Commissioner is responsible for the continuance,
24 further development and improvement of taxi and
25 limousine service in the city. It shall be the

2 further purpose of the commission consonant with
3 the promotion and protection of the public comfort
4 and convenience, to adopt and establish an overall
5 public transportation policy governing taxi,
6 coach, limousine, and wheelchair accessible van
7 services as it relates to the overall public
8 transportation network of the city. The
9 commission is also responsible for establishing
10 certain rates, standards and criteria for the
11 licensing of vehicles, drivers and chauffeurs,
12 owners and operators engaged in such services, and
13 for providing authorization to persons to operate
14 commuter van services within the city.

15 Welcome, Ms. Polanco and Mr. Arout.
16 Would you please raise your right hand and be
17 sworn in by counsel?

18 COUNSEL: Do you swear or affirm to
19 tell the truth, the whole truth, and nothing but
20 the truth?

21 [Pause]

22 CHAIRPERSON REYNA: I'd like to ask
23 ladies first, Mr. Arout? Ms. Polanco, if you have
24 a statement to share with us at this moment.

25 [Pause]

2 MS. LAUVIENSKA POLANCO: Thank you.

3 Well, good morning, Madam Chair and members of the
4 Council, I'm honored to be here today before you
5 seeking my reappointment before the Taxi and
6 Limousine Commission.

7 For your information, I was first
8 approved by Council back in 2007 and I will say
9 since that time I have had the opportunity to work
10 on various regulations and policies, such as the
11 implementation and approval of the taxi cab
12 technology program, which involved GPS and credit
13 cards in yellow cabs, as well as implementing a
14 pilot program to address the wheelchair
15 accessibility community and so forth.

16 I'm happy to inform you--I know
17 that has been a concern for many members--that I
18 was instrumental in securing hearings, commission
19 hearings for the different boroughs, the Bronx,
20 Brooklyn, Queens, and Staten Island, we'll be
21 holding our first Bronx Commission meeting,
22 hopefully this March, if not April, we're trying
23 to secure a location, so I'm happy to inform you
24 of that.

25 And I'm privileged to have the

2 opportunity to basically be part of the TLC as I
3 have had the opportunity to work on regulations
4 and policies that seeks to protect riders, owners,
5 and drivers of an industry that serves 1.2 million
6 passengers and employs more than 30,000 drivers.
7 So I thank you for your attention.

8 CHAIRPERSON REYNA: Thank you very
9 much, Ms. Polanco. Mr. Arout?

10 MR. ELIAS AROUT: Thank you very
11 much. She said most of the stuff I was going to
12 say, but that's quite all right.

13 If I may, just to give you some
14 information and... Public service has always been
15 an important part of my life and I am proud of the
16 work I had done with the Taxi Limousine Commission
17 over the years. I believe that I have represented
18 my borough well as a Council-appointed commission
19 member. I also believe that I have effectively
20 balance the needs and conditions of riders in a
21 TLC's regulations industries. I have been an
22 independent voice on a commission and have never
23 shed away from speaking my mind on many issues
24 that come before us. I have learned much over my
25 years on the board and I would like to continue to

2 use my experience for the good of the borough and
3 for the city of New York. Thank you.

4 CHAIRPERSON REYNA: Thank you, Mr.
5 Arout. Are there any questions from my colleagues
6 on the reappointment of the two TLC? Council
7 Member Gale Brewer.

8 COUNCIL MEMBER BREWER: Thank you
9 very much. I know that you're both esteemed
10 members of the TLC, I certainly know that, but I
11 have a question, because obviously, as somebody
12 who represents drivers and certainly many, many
13 constituents who ride and use taxis, I guess my
14 question is, as the result of some of the
15 technology and some of the changes that are taking
16 place, how--do you get complaints? Do you get
17 positive feedback? Do you have any way--or maybe
18 the hearings are going to be at of assessing how
19 the riders and how the drivers are impacted or not
20 impacted by some of the changes and what do you do
21 as commission members to try to respond to some of
22 those issues if there are any? Or is everything
23 fine and dandy and we have no problems at TLC?

24 MS. POLANCO: You mean with respect
25 to the technology program?

2 COUNCIL MEMBER BREWER: Technology
3 and obviously I know there are issues regarding
4 drivers, I'm probably the most taxi-prone member
5 of the City Council, so I know that drivers have
6 issues, too. I'm just wondering, do you hear any
7 complaints from anybody at any time, ever? And
8 what you do about them.

9 MS. POLANCO: Well generally at the
10 commission meetings, which are open to the public,
11 we have representatives especially from the
12 representing drivers and also the owners, but the
13 driver industry that, which you have pointed out,
14 the major concerns, they do attend the commission
15 meetings and they will let us know.

16 And also every month we get a
17 reports. There is a Information Center at the TLC
18 where people will call in with complaints.

19 And that I know of, I suppose one
20 of the major concerns that drivers have had based
21 on the hearings that I have been part of have been
22 with the credit cards, where tips with credit
23 cards and based on the statistic that have been
24 provided to me, drivers have had an increase in
25 tips because of the usage of credit cards. So

2 that's basically the only concern that I can
3 remember right now that have been brought before
4 me, which is drivers complaining about tips and
5 credit cards.

6 MR. AROUT: I must agree, we do have
7 these meetings every month and we do get some
8 complaints from passengers, but they're taken care
9 of right away. We have no problems with them,
10 they understand when they're coming forth unto our
11 board, and we take care of it immediately. We're
12 also setting up a satellite out in Staten Island
13 office where they can use a satellite to come--let
14 me rephrase myself. Most of the time we get a lot
15 of visitors come to New York City and have
16 problems, but they can't appear at any hearings,
17 so what we're doing, we're having, especially on
18 Staten Island, a satellite program where they can
19 go via TV to that person wherever that--which
20 person he or she is, so she could at least make a
21 complaint if she wishes.

22 But our complaints have dropped
23 drastically, I would say at least 75% of
24 complaints for the TLC.

25 COUNCIL MEMBER BREWER: Just one

2 follow-up, do you get information on the 311 calls
3 that come--

4 MR. AROUT: Yes.

5 COUNCIL MEMBER BREWER: --in? Is
6 that something that is brought to the commission
7 meetings--

8 MR. AROUT: Definitely [crosstalk]--

9 COUNCIL MEMBER BREWER: --every
10 meeting?

11 MR. AROUT: Yes, we do--

12 COUNCIL MEMBER BREWER: So you get a
13 listing of what they are and how they've been
14 resolved.

15 MR. AROUT: Yes, we do.

16 COUNCIL MEMBER BREWER: Okay.
17 'Cause one of the issues is if you lose something
18 in the taxi on the weekend and you call 311,
19 nothing happens until Monday because the TLC is
20 closed, just to give you an example--

21 MR. AROUT: Yes.

22 COUNCIL MEMBER BREWER: --of some of
23 the issues.

24 MR. AROUT: Right.

25 COUNCIL MEMBER BREWER: And also

2 when you, as you know, when you turn off the
3 television, they don't all turn off in the back
4 and there's absolutely no news whatsoever, just
5 for your information.

6 MR. AROUT: Well we'll try to take
7 care of that.

8 COUNCIL MEMBER BREWER: Okay. I
9 think it's a tough one, but I'm just saying is I
10 just think that we need to be very aggressive,
11 continue to be very aggressive in support of the
12 riders and the drivers.

13 MR. AROUT: Which we are,
14 definitely.

15 COUNCIL MEMBER BREWER: All right.
16 Thank you.

17 CHAIRPERSON REYNA: Thank you,
18 Council Member Brewer. I wanted to just ask our
19 TLC reappointments the complaints that have
20 drastically reduced, real-time complaints as far
21 as your log is concerned, what is the, perhaps the
22 number one complaint that you're still tackling
23 with?

24 MR. AROUT: We have a few, but I
25 just really can't pin any particular one because

2 everything gets taken care of.

3 CHAIRPERSON REYNA: One particular
4 that I know years prior, not as much perhaps now,
5 but I want to confirm through you as commissioners
6 of the TLC, the access to yellow cabs in the
7 boroughs outside of Manhattan. Has that been
8 improved, do we have equal amount of complaint
9 cases regarding the same issue? Has that
10 drastically reduced or is there a net gain of
11 complaints?

12 MR. AROUT: Are you referring to
13 taxis or liveries?

14 CHAIRPERSON REYNA: Access to yellow
15 cabs.

16 MR. AROUT: The yellow cabs, no,
17 ma'am, yeah, as you know, outer boroughs cannot--
18 outer boroughs have no Medallion cabs because they
19 really can't make any money in boroughs and we
20 just don't have any complaints on it, that's far
21 as that's concerned. Is that what you're
22 referring to? I'm sorry.

23 CHAIRPERSON REYNA: [Crosstalk] in
24 the outer boroughs.

25 [Pause]

2 MS. POLANCO: Just basically to
3 follow up on your question, they--one thing that
4 has been done is to have yellow cab basically or
5 post at, for example, different station, train
6 stations or major hubs as they are called in
7 Brooklyn and in Queens to attract yellow cabs to
8 those particular areas, so that's one way that
9 I've seen that has improved. Now it's still a
10 concern in, which is something that we will
11 continue to address 'cause it's a major concern,
12 but at least that's a step that has been taken to
13 have at major hubs in Brooklyn and Queens where
14 there's a large amount of people coming in and out
15 that are basically either heading to Manhattan or
16 wherever else they're heading to at least have an
17 area where yellow cabs could go and pick up
18 passengers, instead of just driving around and
19 just wearing for someone to stop them. At least
20 they could go to a central location and pick up
21 passengers as they come, like Port Authority
22 terminals and so forth.

23 CHAIRPERSON REYNA: I understand
24 that there was the incentive of a sticky voucher,
25 which allows for the driver of a Medallion cab,

2 yellow cab to be able to have access first in line
3 priority to the airports is an incentive for
4 yellow cabs to be able to travel into the other
5 boroughs outside of Manhattan. I'm looking to see
6 if this is something that you're exploring, the
7 transportation hub stands are--for instance, one
8 was implemented in John Liu's district in Flushing
9 Queens, expanding that program, making it work so
10 that there is access to yellow cabs. We can't
11 penalize the livery drivers for, you know, trying
12 to pick up passengers who are hailing them down
13 and they think they're being ignored by the
14 livery, but are just unaware that livery cannot
15 pick up on hills. But incentivizing so that our
16 yellow cab industry is going into the other
17 boroughs outside of Manhattan and encouraging them
18 and coming up with ways to encourage them. So I
19 just wanted to raise that--

20 MR. AROUT: We'll look into that,
21 yeah.

22 CHAIRPERSON REYNA: --as a high
23 priority amongst the Council for the benefits of
24 all New Yorkers, not just if you're in Manhattan
25 traveling to--

2 MR. AROUT: [Interposing] It's
3 funny, you know, about two years ago, I used to
4 monitor some of the cabs coming to Staten Island
5 and I have a tendency when I see them pull over
6 for some reason, I'd go over and talk to them and
7 introduce myself and I'll ask them why they come
8 here on Staten Island, he said, well, sir, I tried
9 coming here, but I couldn't make it so we had to
10 leave and I can understand that.

11 CHAIRPERSON REYNA: Right.

12 MR. AROUT: You're talking a \$1.50
13 for a drop plus all mileages and--

14 CHAIRPERSON REYNA: Right.

15 MR. AROUT: --they really can't make
16 because they have all these for-hire vehicles all
17 over the outer boroughs and very difficult to make
18 a living for their cabs out there. So we're doing
19 the best we can.

20 CHAIRPERSON REYNA: But every
21 passenger has the right to travel outside of--

22 Mr. root: Absolutely.

23 CHAIRPERSON REYNA: --Manhattan and
24 so we should not deny them--

25 MR. AROUT: No, absolutely not.

2 CHAIRPERSON REYNA: --that
3 opportunity so--

4 MR. AROUT: Thank you.

5 CHAIRPERSON REYNA: --thank you very
6 much. I'd like to call upon Council Member Comrie
7 to follow Council Member Garodnick.

8 COUNCIL MEMBER COMRIE: Thank you.
9 I had a question about the TLC's role as far as
10 commuter vans are concerned. I represent
11 Southeast Queens, Jamaica, the Parsons/Archer
12 subway hub where we have a major problem with
13 illegal commuter vans that are now coming into the
14 area on a regular basis and actually pushing out
15 the legal commuter vans. Looking at both of your
16 statements regarding the commuter vans, you seem
17 to think that TLC's role is sufficient and I need
18 to take umbrage with that. TLC has not done
19 enough to monitor and regulate the illegal
20 commuter vans to allow even the police department
21 to go after the illegal ones and I think that TLC
22 needs to step up its role in terms of enforcement,
23 in terms of putting better labeling on the vans,
24 and in terms of making sure that there is a
25 [pause] more effective monitoring on a quarterly

2 or at least a monthly basis to ensure that the
3 vans that are operating up and down the streets
4 are legal. We have too many vans especially in
5 our areas that are operating illegally because
6 they know there is no oversight, they know that
7 even if a police department wants to try to do
8 enforcement, they can't because the stickers on
9 the vans are not discernible for a police
10 department to make a decision on whether or not a
11 van is legal or not.

12 And so I would take--I would ask
13 you to re-look at your issues with commuter vans,
14 to re-look at the ability of TLC to monitor and
15 inspect and do the enforcement, and not just leave
16 it to the police department. Right now there is
17 no way--

18 CHAIRPERSON REYNA: [Interposing]
19 I'm sorry, Council Member Comrie? We have a group
20 of third-graders and fourth-graders up in the
21 balcony I wanted to recognize and they're leaving
22 now.

23 COUNCIL MEMBER COMRIE: Oh.

24 CHAIRPERSON REYNA: I think they
25 didn't hear me, but we wanted to welcome them--

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2 COUNCIL MEMBER COMRIE: I made the
3 third-graders leave?

4 CHAIRPERSON REYNA: --to Council
5 Chambers.

6 COUNCIL MEMBER COMRIE: I'm sorry
7 [off mic] but you know, I just--

8 CHAIRPERSON REYNA: There we are.

9 COUNCIL MEMBER COMRIE: Oh, all
10 right.

11 CHAIRPERSON REYNA: So welcome to
12 City Hall. To Council Chambers, we hope you
13 enjoyed this wonderful hearing. Council Member
14 Comrie, thank you, I apologize.

15 COUNCIL MEMBER COMRIE: [Off mic]
16 work, work--

17 CHAIRPERSON REYNA: P.S. 79,
18 fabulous.

19 COUNCIL MEMBER COMRIE: Right.

20 CHAIRPERSON REYNA: Thank you.

21 MALE VOICE: In Manhattan?

22 COUNCIL MEMBER COMRIE: Manhattan
23 or--

24 MALE VOICE: Brooklyn Bronx.

25 COUNCIL MEMBER COMRIE: In the

2 Bronx?

3 FEMALE VOICE: That's me.

4 CHAIRPERSON REYNA: That's--

5 COUNCIL MEMBER COMRIE: That's you?

6 FEMALE VOICE: That's me.

7 COUNCIL MEMBER COMRIE: Oh, okay.

8 MALE VOICE: Maria's district.

9 [Off mic]

10 COUNCIL MEMBER COMRIE: I'll see if
11 I can get everybody else to fall asleep now since
12 the... But, you know, I think that there is some
13 clear problems that TLC really has not stepped up
14 to the plate in their role to be the
15 administrative arm, to allow either DOT or the
16 police department to do their job--

17 MR. AROUT: Right.

18 COUNCIL MEMBER COMRIE: --and I
19 think that's a major problem and since TLC is the
20 agency that is licensing the vans and supposedly
21 creating the opportunity for the vans to exist,
22 it's up to them to do more to make sure that the
23 industry is safe. Right now, the industry is not
24 safe, even the legal van operators are afraid to
25 operate because of the harassment from the illegal

2 van operators and they need to have some
3 protection.

4 MS. POLANCO: I hear you and in the
5 short time that I've been at TLC, I must say that
6 it has been an issue that has not been addressed
7 yet while I've been there, but I imagine it has
8 been addressed in the past and I do understand
9 that there is some issues with state law that
10 preempts the TLC to enforce its regulation, but I
11 really--I will say I'm not too knowledgeable of it
12 in order to give you an answer, but I hear your
13 concern and it's something that I will basically
14 address at our future meetings.

15 COUNCIL MEMBER COMRIE: Well since
16 TLC again is doing the licensing on the city
17 level, they can also do the enforcement and that's
18 they can do that with without going across state
19 purview, and I think that it's important that TLC
20 does more to make sure that there is a clear-cut
21 way that you can discern legal vans from illegal
22 vans.

23 MR. AROUT: I sympathize with you
24 and we're trying to do the best we can, but
25 unfortunately, members of the Council, we just

2 don't have enough people on the road, let's face
3 it, inspectors and we try to locate all inspectors
4 in difficult areas, but unfortunately, and I've
5 always said that, and we need more inspectors on a
6 job. I know the problem is with difficulty
7 justifying monies to go to them but we will do the
8 best we can, we'll look into that very seriously.

9 COUNCIL MEMBER COMRIE: Well, again,
10 the issue is not just the inspectors and the lack
11 of enforcement, it's the lack of a clear-cut
12 labeling system, a clear-cut--

13 MR. AROUT: [Crosstalk]

14 COUNCIL MEMBER COMRIE: --monitoring
15 system. You could bring the vans into your
16 location on a monthly basis or a quarterly basis
17 to check whether or not they are meeting their
18 legal obligations, you don't have to have the
19 inspectors running after vans, that's not what I'm
20 saying. I'm saying that we can create a system
21 where it's easy for anybody to discern what's an
22 illegal van from an illegal van and we don't have
23 that now. [Pause] Thank you, Madam Chair.

24 CHAIRPERSON REYNA: Thank you,
25 Council Member. Council Member Garodnick.

2 COUNCIL MEMBER GARODNICK: Thank
3 you, Madam Chair. My questions are specifically
4 for Ms. Polanco, because she is the representative
5 of Manhattan and I wanted to follow up on the
6 questions from Council Member Brewer, who is
7 concerned, as you heard, about the complaints that
8 you get from various sources and she asked you
9 whether you ever get any complaints and what you
10 do about them and if I heard your response
11 correctly, you said that there are open meetings
12 that people can come to and that there is an
13 information center. But--

14 MS. POLANCO: [Interposing] I'm
15 sorry, and also the TLC staff will inform us
16 because, you know, I do communicate with the TLC
17 staff. I wouldn't say every single day, but I do
18 call and they call me and so forth and they do
19 have a system where people will, if they have any
20 complaints and so forth, and they will let us know
21 at the monthly meetings, they will have monthly
22 reports.

23 COUNCIL MEMBER GARODNICK: Okay.
24 And I appreciate all of that, and I think what
25 Council Member Brewer was getting at, and

2 certainly the point that I want to make here is
3 that, I don't think that that is enough for a
4 Commissioner of the TLC. I think that there is a
5 responsibility for you to reach out, to gather
6 your own information, not just from what's coming
7 in passively through sitting through meetings.
8 You know, I think we would very much like to hear
9 from you as the representative of Manhattan, you
10 know, Council Member Brewer and I are the co-
11 chairs of the Manhattan delegation, we get
12 complaints frequently that we pass along through a
13 variety of means, we would like for you to reach
14 out to us and the other members of the Manhattan
15 delegation on a regular basis to solicit feedback
16 from us and also to make sure that you're
17 gathering information independently of just the
18 passive sources that exist out there and the ones
19 that you cited. Can we count on you to do that?

20 MS. POLANCO: Of course.

21 COUNCIL MEMBER GARODNICK: Okay. I
22 also wanted to get your view and also the view of
23 Mr. Arout of a piece of legislation that I
24 recently introduced on the subject of a Bill of
25 Rights for for-hire vehicle passengers. As you

2 both know, when you enter into a yellow cab, you
3 sit in the back seat and you look at a 10 point
4 Bill of Rights for riders of a yellow taxi cab,
5 there is no comparable Bill of Rights for for-hire
6 vehicles and, as a result, passengers frequently
7 do not know where they should make a complaint or
8 what they should do or what their rights are, the
9 fact that they are entitled to a quote that equals
10 what they got on the telephone when they actually
11 get into a cab if they're actually reserving in
12 advance and a number of other comparable rights
13 that are out there. And I just wanted to get your
14 sense as to whether you think that is a good idea
15 or whether you think it's necessary or appropriate
16 or what your feeling is on that.

17 MS. POLANCO: I agree with you 100%.

18 With the livery cab industry, there hasn't been
19 much regulation on the livery cab industry and I
20 think a Bill of Rights, basically place it in the
21 back of the livery vehicle would be an excellent
22 idea.

23 And I do believe that it is an
24 issue that will be addressed this year, it's
25 coming up in one of our commission meetings in

2 terms of at least starting with that, with having
3 a Bill of Rights and then moving on to other
4 issues that are particular to the livery industry.

5 COUNCIL MEMBER GARODNICK: So did I
6 hear you say that you were taking this up
7 specifically at the TLC--

8 MS. POLANCO: [Interposing] Yes,
9 that was something that was discussed back in
10 March of '08--

11 Customer Garodnick: Great.

12 MS. POLANCO: --at one of our
13 commission meetings.

14 COUNCIL MEMBER GARODNICK: Delighted
15 to hear that [crosstalk]--

16 MR. AROUT: Yes, we started this
17 process I think a year ago and we're supposed to
18 come up with sort of new rules and regulations for
19 the for-hire vehicles and all the information that
20 you addressed and we should be collecting that
21 within the next three or four months I think.

22 COUNCIL MEMBER GARODNICK: Terrific.

23 MR. AROUT: But, yes, we are working
24 on it, we do have problems, and we want to try to
25 overcome them. Thank you.

2 COUNCIL MEMBER GARODNICK: Thank
3 you, and, Ms. Polanco, back to you just for one
4 last question, and I'm sorry to have to bring this
5 up, but I do note that in 2008, there was a total
6 of 10 meetings and that you attended 6 of them and
7 I just wanted to see if you could explain the four
8 absences.

9 MS. POLANCO: I will have to see
10 the--which particular month. I do know that in
11 two of those--at least three of those meetings, I
12 had conflict with work as I'm an attorney, I work
13 for the courts and I do have some work
14 obligations, which I have--I've given advance
15 notice to the TLC.

16 COUNCIL MEMBER GARODNICK: Okay.
17 With that, thank you and we look forward to
18 continued communication and wish you both the best
19 of luck. Thank you.

20 MS. POLANCO: Thank you.

21 CHAIRPERSON REYNA: Thank you,
22 Council Member Garodnick. Council Member Fidler.

23 COUNCIL MEMBER FIDLER: Yeah, I just
24 want to briefly follow up on Council Member
25 Comrie's comments. I represent the district that

2 includes Kings Plaza, where we had three blocks
3 where the residents chose to barricade their
4 street rather than tolerate the operations of both
5 the illegal dollar vans and the licensed vans
6 operating illegally, which, as in my view, is as
7 big a problem as the illegal vans altogether as
8 they compete and take ridership away from our MTA
9 buses, which is, of course, we know every time
10 they do ridership survey and people aren't getting
11 on the buses, they take away another bus and just
12 encourage more use of the illegal vans and
13 Commissioner Dallas [phonetic] has been extremely
14 cooperative and extremely aware of the huge
15 problem that we have in that part of Brooklyn.
16 But I just want to encourage you to think outside
17 the box and think of solutions that can be
18 accomplished within the constraints of your
19 staffing. You know, I have heard ideas that sound
20 silly, but really might really have a great deal
21 of merit like requiring the vans to be a
22 particular color the way we do with yellow taxis,
23 so that it is clear to people when they get into a
24 van that they are licensed and insured and they
25 might even know the driver has been vetted because

2 the conduct of some of these drivers is just
3 outrageous, both for their passengers and for the
4 communities that they are driving through.

5 So I know that the primary mission
6 of the TLC always seems to be taxis, but I want to
7 point out to you that most of the city where we do
8 not have yellow cabs, that the primary problem we
9 have is with the illegal vans and the licensed
10 vans. So I just want to bang that point home and
11 encourage you both when you go back to put this on
12 the agenda in a proactive way. Thank you.

13 MS. POLANCO: Thank you.

14 [Pause]

15 CHAIRPERSON REYNA: [Off mic]

16 COUNCIL MEMBER DICKENS: Thank you,
17 Madam Chair and good morning and thank you, Ms.
18 Polanco, for coming in.

19 In your testimony, you state that
20 there are currently 236 accessible Medallion cabs
21 for disabilities. Are you saying 236 that are the
22 Toyota Sienna and the Dodge Caravan that are ADA
23 approved or other--are you including in that
24 other--

25 MS. POLANCO: I know recently, we

2 just approved two other vehicles as well, but no,
3 I was--that statistic is based on the two vehicles
4 that you mentioned.

5 COUNCIL MEMBER DICKENS: So there's
6 236--can you tell me and where the distribution of
7 them are in which boroughs? Do you know how many
8 are in each of the boroughs? Are there any, for
9 instance, in Staten Island? Are they mostly in
10 Manhattan?

11 MS. POLANCO: Well they're yellow
12 cabs so basically they--I know, I cannot tell
13 specifically whether--'cause some of them are
14 fleets, so generally they do cater to certain
15 areas I imagine Manhattan and so forth.

16 COUNCIL MEMBER DICKENS: That's why
17 I'm asking that--

18 MS. POLANCO: Yeah.

19 COUNCIL MEMBER DICKENS: Yes, and
20 the central dispatch system, the pilot program,
21 can you tell me something about that and how it's
22 working?

23 MS. POLANCO: Well the pilot program
24 was approved and this--in mid-2008 and now what
25 we're--since it was approved now where the

2 passenger will call 311 and they will send a
3 information through the technology system that is
4 basically installed right now in yellow cabs and
5 they will go to that location to pick up the
6 passenger. Now we don't have the data back as to
7 how long does it take for the yellow cab to go
8 there--

9 COUNCIL MEMBER DICKENS: That was my
10 next question.

11 MS. POLANCO: --whether the
12 passenger's still there waiting for the cab and so
13 forth. So that information, we don't have yet,
14 but we're supposed to have it pretty soon.

15 COUNCIL MEMBER DICKENS: All right.
16 Would you be able to give my Chair that
17 information as soon as you get it--

18 MS. POLANCO: Sure.

19 COUNCIL MEMBER DICKENS: --because
20 I'd like to know how long it takes from the time a
21 call is made by a disabled passenger 'til the time
22 of pickup.

23 MS. POLANCO: Sure, yes.

24 COUNCIL MEMBER DICKENS: All right.
25 Thank you, thank you so much.

2 MS. POLANCO: Thank you.

3 CHAIRPERSON REYNA: Thank you,
4 Council Member Dickens. And my last questions, if
5 my colleagues have no other questions--I know
6 we've been joined by Council Member David Weprin.
7 I wanted to just refer to the hybrid vehicles, I
8 know that courts have mandated that the
9 legislation would be struck down so, therefore,
10 the date for hybrid vehicles conversions will no
11 longer be in effect, but there is an incentive.
12 Would either of you be able to elaborates on what
13 decisions have been made to continue the hybrid
14 conversions or the incentive to use hybrid
15 vehicles in the yellow cab industry?

16 [Pause]

17 MR. AROUT: Really can't give you
18 definite answer on it [off mic] trying to go out
19 in the air, but I can get that information for you
20 very quickly.

21 CHAIRPERSON REYNA: And, Mr. Arout,
22 there were no votes that took place at the TLC
23 commission to increase fares for vehicles that are
24 hybrid.

25 MR. AROUT: No, not yet.

2 [Pause]

3 [Off mic]

4 MS. POLANCO: I'm sorry, to increase
5 fares?

6 CHAIRPERSON REYNA: To increase--so,
7 for instance, it's my understanding that there a
8 thought in order to deal with the issue that no
9 longer is the date set forth for a deadline to
10 convert all yellow cabs into a hybrid vehicle to
11 then encourage dispatchers of fleet vehicle owners
12 to be able to deploy green vehicles by allowing
13 them to charge a little more. Was this something
14 that was discussed at the TLC and was there a vote
15 to increase the fare for those types of vehicles?

16 MR. AROUT: No, what we--it was [off
17 mic] as far as your lease prices, I think you're
18 talking about, for the lease to the Medallions,
19 no, there hasn't been a voted on, but it has been
20 discussed already.

21 CHAIRPERSON REYNA: It has been
22 discussed.

23 MR. AROUT: Yes, yeah.

24 CHAIRPERSON REYNA: Okay.

25 MS. POLANCO: Yeah, it was

2 discussed, but there was no--

3 CHAIRPERSON REYNA: No vote.

4 MR. AROUT: No vote.

5 MS. POLANCO: --no, no vote.

6 CHAIRPERSON REYNA: Okay.

7 MS. POLANCO: There hasn't been a
8 proposal put forth, it's information--

9 CHAIRPERSON REYNA: Correct.

10 MS. POLANCO: --I believe, about
11 incentive and disincentives for lease cab.
12 Basically for fleet owners, which are the majority
13 of those who are opposing, I imagine, this
14 legislation. But there has not been--it has not
15 come up before us, no.

16 CHAIRPERSON REYNA: Correct. And
17 the fare increase for a particular vehicle versus
18 a regular mileage vehicle would have to be
19 increased by the commission, correct?

20 MR. AROUT: Well, we would have to--

21 CHAIRPERSON REYNA: That would not
22 be able to be a decision made by the executive.

23 MR. AROUT: No.

24 MS. POLANCO: No.

25 MR. AROUT: No.

2 CHAIRPERSON REYNA: Thank you very
3 much. I believe we have one more question--

4 COUNCIL MEMBER DICKENS: Yes--

5 CHAIRPERSON REYNA: --Council Member
6 Dickens.

7 COUNCIL MEMBER DICKENS: --thank
8 you. Also, when can we expect that information to
9 be given to my Chair? That's one, and I'd like
10 you to include with that where the fleets are
11 located, I'd like to know where these 236
12 accessible vehicles are in the city. How many per
13 borough, in other words. [Pause] And when can we
14 expect that information, please?

15 MS. POLANCO: I could find--I can
16 make some phone calls today to find out exactly,
17 but I know that in terms of wheelchair accessible
18 vehicles, fleets are generally locating on Long
19 Island, Long Island City. And as yellow cabs,
20 they generally will cater strict--they cater the
21 Manhattan. In terms of the data as to where they
22 pick up most of the passengers, where most
23 passengers that call are from Manhattan or Queens
24 or the Bronx, that information I have to wait for
25 the pilot program to see what the result is. But-

2 -

3 COUNCIL MEMBER DICKENS: Madam
4 Chair, would you please see that you get this
5 information?

6 CHAIRPERSON REYNA: Absolutely,
7 Council Member Dickens, thank you.

8 MS. POLANCO: Okay. Thank...

9 CHAIRPERSON REYNA: We have our last
10 question from Council Member Brewer.

11 COUNCIL MEMBER BREWER: I'm sorry,
12 very quickly. When I am on the streets, I see
13 non-Medallion taxis that say TLC with New Jersey
14 license plates. Are you aware of that? And I'm
15 just wondering why--

16 MR. AROUT: Yes, we are.

17 COUNCIL MEMBER BREWER: --they have
18 New Jersey license plates.

19 MR. AROUT: Yes, we are.

20 COUNCIL MEMBER BREWER: They tell me
21 when I get in them, which I do illegally, is that
22 they are cheaper to license in New Jersey and I
23 don't say who I am, I just get out and then I ask
24 you. Thank you.

25 MR. AROUT: That is a problem, and

2 I've already addressed it to the TLC about that,
3 we're looking into it. They are legal, all the
4 TLC requirements are, but as far as the license
5 itself, I was told they can use it, they can get a
6 license plate in Jersey, come to Staten Island and
7 use the car. I'm totally against that--

8 COUNCIL MEMBER BREWER:

9 [Interposing] We need to change that, sir--

10 MR. AROUT: Well, I--

11 COUNCIL MEMBER BREWER: --because
12 we're losing revenue and in my neighborhood
13 they're all New Jersey plates.

14 MS. POLANCO: Wow.

15 MR. AROUT: And you're losing
16 revenue.

17 COUNCIL MEMBER BREWER: Well, the
18 city of New York, the state--

19 MR. AROUT: Oh, I see.

20 COUNCIL MEMBER BREWER: --of New
21 York. It's going to New Jersey. So I would like
22 to see how we could work together to change that
23 because obviously if you buy a license and pay the
24 fee, it's a New Jersey fee, they tell me that's
25 why they're doing it, it's less expensive--

2 [Crosstalk]

3 COUNCIL MEMBER BREWER: --than New
4 York.

5 MR. AROUT: Yes, it is.

6 COUNCIL MEMBER BREWER: Okay. Let's
7 work to change that.

8 MR. AROUT: I am looking into it
9 myself. Thank you very much--

10 COUNCIL MEMBER BREWER: Thank you.

11 MR. AROUT: --asking that question.

12 CHAIRPERSON REYNA: Thank you,
13 Council Member Brewer. We also would have to, in
14 the same fashion, speak to the Department of
15 Insurance--

16 MR. AROUT: Yes, that [crosstalk]--

17 CHAIRPERSON REYNA: --with the state
18 of New York--

19 MR. AROUT: I've already addressed
20 that.

21 CHAIRPERSON REYNA: --because it is
22 abusive, the amount of insurance--

23 MR. AROUT: Thank you.

24 CHAIRPERSON REYNA: --that these
25 drivers have to pay.

2 MR. AROUT: I'm glad you mentioned
3 that because I'm on top, where especially Staten
4 Island, I see a lot of it and we're addressing
5 that issue right now.

6 CHAIRPERSON REYNA: And I will join
7 that effort to address this issue--

8 MR. AROUT: I appreciate it.

9 CHAIRPERSON REYNA: --but it has to
10 be cohesive, where both ends are being addressed
11 because drivers are paying as much as \$10,000 in
12 insurance cost.

13 MR. AROUT: I know.

14 CHAIRPERSON REYNA: Thank you.

15 MR. AROUT: Thank you very much.

16 CHAIRPERSON REYNA: So now we will
17 move forward to the next appointees, the Board of
18 Elections, Gregory Soumas is being considered for
19 reappointment as the Democratic Commissioner from
20 New York County. His appointment is for a four-
21 year term that ends on December 31st, 2012. For
22 the record, his Certificate for Party
23 Recommendation was properly formatted and
24 submitted.

25 Juan Carlos Polanco is being

2 considered for reappointment as the Republican
3 Commissioner from Bronx County. His appointment
4 is for a four-year term that ends on December
5 31st, 2012. For the record, his Certificate for
6 Party Recommendation was properly formatted and
7 submitted.

8 I will briefly describe the
9 functions of the Board of Elections. The Board of
10 Elections consists of 10 commissioners, two from
11 each of the city's five counties who are directly
12 appointed by the New York City Council. Not more
13 than two Commissioner shall be registered voters
14 of the same county. Each Commissioner serves a
15 term of four years or until a successor is
16 appointed. Commissioners shall be registered
17 voters from each of the major parties in the
18 county for which they are appointed.

19 The board and its commissioners are
20 responsible for the maintenance and administration
21 of voting records and elections. The board also
22 exercises quasi-judicial powers by conducting
23 hearings to validate nominating petitions of
24 candidates for nomination to elective office. The
25 board is required to make an annual report of its

2 affairs and proceedings to the New York City
3 Council once every 12 months and no later than the
4 last day of January in any year.

5 Commissioners receive a \$300 per
6 diem for each day's attendance at meetings of the
7 Board or any of its committees with a maximum of
8 30,000 per year.

9 Welcome, Mr. Soumas and Mr.
10 Polanco. Will you please raise your right hand
11 and be sworn in by Counsel.

12 COUNSEL: Do you swear or affirm to
13 tell the truth, the whole truth, and nothing but
14 the truth?

15 COMMISSIONER GREGORY SOUMAS: I do.

16 COMMISSIONER JUAN CARLOS POLANCO: I
17 do.

18 CHAIRPERSON REYNA: At this time,
19 I'd like to ask Mr. Soumas and Mr. Polanco to
20 please share your statement, if you have one to
21 share with us. Thank you.

22 COMMISSIONER SOUMAS: Now we go with
23 age before beauty?

24 CHAIRPERSON REYNA: You choose
25 between the two.

2 COMMISSIONER SOUMAS: Thank you,
3 Madam Chair and members of the Committee. I
4 appear before the Committee today upon this
5 Committee's consideration of my reappointment as
6 the New York Democratic Commissioner to New York
7 City Board of Elections. I was first appointed to
8 the position by the City Council on December 21,
9 2005, the second day of the 2005 transit strike.
10 As I walk into the Council Chamber this morning,
11 the only apparent inconvenience was the driving
12 rain and sleet, so my appearances before this
13 august body are trending upward.

14 At the outset, I feel compelled to
15 state that it has been a privilege to serve the
16 people of the city of New York as one of the
17 city's 10 election commissioners. I recall that
18 at my December 21, 2005, confirmation hearing, I
19 stated my belief that the singularly most
20 important issue facing the Board of Elections was
21 the transition from the well-known and well-worn
22 mechanical lever voting machine to the statutorily
23 mandated electronic voting system of the future.
24 Although a large part of the last three years, the
25 Board of Elections has been devoted to the process

2 of the contemplated replacement of our current
3 voting machines with the voting systems of the
4 future, including the introduction in 2006 of the
5 use of ballot marking devices accessible for
6 individuals with disabilities. I can now state
7 with certainty that this singularly most important
8 issue facing the Board of Elections remains the
9 transition from the well-known and well-worn
10 mechanical lever voting machine to the statutorily
11 mandated electronic voting system of the future.

12 In spite of the mechanical
13 transitional posture of elections in our city,
14 life goes on and at the general election of 2008,
15 approximately 2.64 million people voted during the
16 course of a 15-hour voting day. That breaks down
17 to 2,889 people voting every minute or 48 people
18 per second--historic high voter turnout numbers.

19 Amazingly of the hundreds
20 mechanical lever voting machines in use on
21 November 4th, only 16 machines from removed from
22 service. This fact is a true testament to the
23 wonderful performance of our voting machine
24 technicians, a more than capable group deserving
25 of positive notice and public thanks.

2 It must be noted that the November
3 4th, 2008, general election was the fourth
4 election event in the city of New York in calendar
5 year 2008--having been preceded by the
6 presidential primary, a city Council special
7 election, and the party primary. In all, more
8 than 4 million votes were cast by New Yorkers in
9 2008.

10 As a native New Yorker, the numbers
11 and accomplishments are important to me. However,
12 important work remains to complete the harbor
13 [phonetic] transition process and it is my desire
14 to be a part of this important work that brings me
15 here today. [Pause] Thank you.

16 CHAIRPERSON REYNA: Thank you. Mr.
17 Polanco.

18 COMMISSIONER POLANCO: Good morning,
19 Council Members, Speaker Quinn, Leader Oddo,
20 Majority Leader Rivera, and Chairwoman Reyna. I
21 thank you for the honor of speaking with you this
22 morning in hopes of earning your trust for
23 reappointment to serve as Commissioner of
24 Elections of the city of New York. I want to
25 thank Charles Davis and Reginald Guiteau from

2 investigation for their professionalism in what is
3 a very tough and personal investigation process,
4 so thank you.

5 For the last 18 months, I have had
6 the honor of serving the city as a Commissioner of
7 Elections. In this time I have spearheaded the
8 Board's Public Education Committee and traveled
9 the city speaking to thousands of young people on
10 the importance of democracy in action. Whether it
11 was a speech to students in the primary, middle,
12 and high schools, or to the countless
13 organizations that invited me to speak on the
14 importance of civic involvement and participating
15 in the process, it has been an experience I will
16 always be proud of and always thankful to those
17 committee for.

18 I've had the fortune of registering
19 thousands of New Yorkers to vote and had led the
20 effort to increase the number of new Americans
21 registering for the first time and it was a feat
22 that I was proud of and look forward to
23 participating in the future with vigor.

24 As someone who has dedicated their
25 professional life to public service for almost a

2 decade as an educator in both our high schools and
3 at the CUNY system, there is nothing close to
4 earning the trust of the elected representatives
5 of New York City to safeguard the democratic
6 process and I've had the honor of working with
7 some fantastic commissioners, like Commissioner
8 Soumas sitting beside me. It is a responsibility
9 and an oath that I take very seriously, because of
10 this, I promise to you that I will never
11 compromise my oath to the city of New York for any
12 organization, any individual, any assembly member,
13 any senator or Council Member, any Congressman or
14 Chair or party or a faction thereof, and the list
15 continues.

16 You may not agree with me on a
17 vote, I may not make you happy, I may not make
18 your party chair happy, but that's not my job and
19 it's not what I'm here to do. My goal is to make
20 sure that I protect the democratic process in the
21 city of New York.

22 I do promise you that every vote I
23 take, rest assured that it's done with the utmost
24 integrity and free of any potential conflict of
25 interest. I understand that there were some valid

2 concerns 18 months ago when you entrusted me as to
3 how I could work for an assembly member from
4 Saratoga County and fulfill my obligations as a
5 Commissioner of Elections. I promised you then
6 and I promise you today that I will in fact never
7 compromise my vote and my oath to you and the city
8 of New York. The assembly has never, and will
9 never, interfere with this important role that I
10 have been entrusted to execute.

11 Furthermore, I have a track record
12 of minimizing any appearance of impropriety. For
13 example, I have not campaigned in any campaigns
14 for elective office for any New York City office
15 at all; I have not donated a dollar to any
16 campaign in New York City to eliminate the
17 appearance of impropriety. Furthermore, we've
18 recently had an issue with the City University of
19 New York. We recently had an issue with the City
20 University of New York in a contract before the
21 Board of Elections, I decided to recuse myself
22 because I'm a member of the faculty at CUNY. And
23 I thought it may be an appearance of impropriety.

24 Unfortunately, if there ever was a
25 situation where I would be presented with a

2 conflict of interest, I will make sure to notify
3 the Conflict of Interest Board and follow whatever
4 vehicle is set forth for me to make sure that I
5 address that matter accordingly.

6 One more important note, this year
7 I'm proud of the accomplishments of the Board of
8 Elections, and we heard of them from Commissioner
9 Soumas. We did a fantastic job. This year, we
10 registered record numbers of new voters and this
11 year we had record turnout--over 2.6 million New
12 Yorkers decided to participate in the democratic
13 process. It was exciting to witness so many
14 citizens and so many of your constituents come out
15 to register and vote in record numbers.

16 Having said that, I am aware that
17 there are some articles and complaints to the
18 Board of Elections and many to the inefficiencies
19 of the Board. Some of those articles are in fact
20 correct, there are some issues that we must
21 address. However, I would say that there is not
22 an agency in city government or an organization on
23 Wall Street that can go without some sort of
24 improvement in its efficiency. And we continue to
25 learn from our mistakes and continue to provide

2 free and fair elections to the members of the city
3 of New York's voting rolls and we continue to
4 assure that New Yorkers will have safe and
5 democratic elections.

6 We will always have room for
7 improvement and we will always continue to
8 improve, and we'll continue working to create a
9 more transparent Board of Elections so that the
10 public and the City Council can trust us.

11 Improving the annual report is something that is
12 very important, allowing for the public to be
13 aware of vacancies of positions at the Board of
14 Elections is something that I consider of
15 paramount importance, and also I would urge
16 members of the City Council to also think about
17 posting some of the vacancies that are available
18 in the City Council and in government so that the
19 public is aware that we serve them and not the
20 other way around.

21 Improving poll worker recruitment
22 and training will be a team effort between the
23 Board of Elections, the City Council, and the many
24 Good Government groups that we have with us today.

25 Transparency is key, I would ask

2 that we consider possibly televising our meetings,
3 either on public access television or on the
4 Internet.

5 And educating the public on the new
6 voting machines and the electoral system is going
7 to be something that's going to create
8 efficiencies in the future.

9 I'm thrilled to be here today and
10 even more excited to complete the work you
11 entrusted me to start 18 months ago. And thank
12 you again for the opportunity to speak to you this
13 morning.

14 CHAIRPERSON REYNA: Thank you, Mr.
15 Polanco, fabulous ideas there. You jumped the
16 gun, I will, for the record at least, because
17 there are housekeeping matters, I will ask for--

18 FEMALE VOICE: Yeah, okay.

19 [Off mic]

20 [Pause]

21 CHAIRPERSON REYNA: I will read a
22 statement and I'd just like you to answer it for
23 the record. Mr. Polanco, you are currently
24 employed with the state legislature. Though there
25 are no statutory prohibitions or incompatibility

2 issues arising from your employment with the
3 legislature and your simultaneous service as a
4 Commissioner on the Board of Elections, there
5 remains the potential appearance of impropriety.
6 For the record, if reappointed, is it your
7 intention to abide by all conflicts of interest
8 laws and to seek and follow the advice and of the
9 Conflicts of Interest Board and the Board of
10 Elections council in order to avoid even the
11 appearance of a conflict?

12 COMMISSIONER POLANCO: I think that
13 is of paramount importance and I absolutely agree
14 with that.

15 CHAIRPERSON REYNA: Thank you. I'd
16 like to call for a vote for two of my colleagues
17 who have been asked to be excused early. We have
18 been joined by Council Member Vincent Ignizio.
19 Billy?

20 MR. WILLIAM MARTIN: Which two?

21 CHAIRPERSON REYNA: There are five
22 matters that we will be voting on: the
23 reappointments of [pause] It's Lew Fidler and
24 Melinda Katz, and we will be voting on [pause] the
25 reappointments of [off mic] Mr. Arout, Ms. Polanco

2 for the TLC commission reappointment; Mr. Soumas
3 and Mr. Polanco on the--

4 FEMALE VOICE: Board of Ed.

5 CHAIRPERSON REYNA: --Board of
6 Election Commission and the resolution approving
7 the membership changes to the committees for
8 Council Member Elizabeth Crowley.

9 MR. MARTIN: Council Member Fidler.

10 COUNCIL MEMBER FIDLER: Aye on all.

11 MR. MARTIN: Katz.

12 COUNCIL MEMBER KATZ: Aye on all.

13 CHAIRPERSON REYNA: Thank you very
14 much. I'd like to call on Council Member Jackson.

15 COUNCIL MEMBER JACKSON: Thank you,
16 Madam Chair, and good morning, everyone. I have
17 one or two questions for the reappointment for the
18 Commissioners for the Board of Elections. I gave
19 them copies of resolution number 228-A, which is a
20 resolution urging the Board of Elections in the
21 city of New York to take various measures to
22 ensure public input and inspire public confidence
23 in any election systems procured pursuant to the
24 Help America Vote Act of 2002. And this
25 resolution was passed by the City Council in

2 August of 2006 with 50 members out of 51--50
3 members, including the public advocate, voting in
4 favor of it, including the Speaker. I gave them
5 copies of this so that they're aware that this is
6 still an issue as of today. I also gave them
7 copies of a document that was submitted in the
8 record by advocates in the field concerning the
9 HAVA Act.

10 My questions to them today, I have
11 three questions, I'm going to try to be as quickly
12 as possible. The first question is that the New
13 York City Council is aware of federal requirements
14 established in the Help America Voting Act of 2002
15 for an accessible voting device in each poll site.
16 Is it true now that New York City has achieved
17 compliance with that requirement? And if the
18 answer is yes, can you just expand on that? And I
19 ask that of both of you.

20 COMMISSIONER SOUMAS: If I may, Mr.
21 Jackson, the answer is yes. As you might be
22 aware, there is litigation in the United States
23 District Court for the Northern District of New
24 York where the state board was sued by the Justice
25 Department to compel compliance with HAVA.

2 Pursuant to a stipulation in that court, there was
3 a requirement that at least one ballot marking
4 device be in every poll site throughout the state
5 and the city has at all points been in compliance
6 with that requirement.

7 COUNCIL MEMBER JACKSON: And do you
8 think, and I ask this of the other Commissioner,
9 do you think that that compliance--compliance is
10 like passing an exam, 65 is passing or in some
11 places, 50. What percentage of compliance do you
12 think is currently in place at the Board of
13 Elections citywide on that? Hundred percent?
14 Seventy-five percent or what?

15 COMMISSIONER POLANCO: Well,
16 Councilman, as far as the implementation of making
17 sure that every poll site in the city of New York
18 has a ballot marking device, we're at 100%.
19 That's without question.

20 COUNCIL MEMBER JACKSON: And I'll
21 leave other questions relating that to my
22 colleagues. Let me go to my next question, the
23 New York City Council expressed concerns about the
24 board's acquisition of new computerized voting
25 equipment when it unanimously passed resolution

2 22-A in August of 2006. And paragraph 6 of that
3 resolution urged the board to confirm that the new
4 computerized machines when delivered are correctly
5 configured and consists of only legal components.
6 Are you aware of that, and, if so, where are we at
7 in that respect? Because the New York State has
8 banned wireless communications in our voting
9 equipment. Will the board be able to afford to
10 inspect all new computerized equipments when
11 delivered to make sure that each unit does not
12 contain wireless hardware and software that could
13 be manipulated outside of the Board of Elections?
14 And, if so, how many computer experts would be
15 required in order to ensure that our equipment is
16 not tampered with from any experts in the field?

17 COMMISSIONER SOUMAS: If I may
18 handle this one, the two types of machines that
19 were considered are the ATM-style machine known as
20 a DRE, and that was really not at any point
21 available for use in the city of New York for the
22 reason that no manufacture complied with the full-
23 face ballot requirement of the State Election law,
24 nor did it comply with the language requirements
25 that are necessary in the city of New York to

2 comply with the Voting Rights Act. So no DRE was
3 ever truly considered, although they were
4 considered in counties outside the city of New
5 York and that leaves us only with the optical scan
6 for a paper ballot.

7 And currently there are only two
8 vendors that have even submitted to the State
9 Board their machines for consideration, and the
10 State Board is in the process of doing testing on
11 those machines. So as far as the city is
12 concerned, there is no machine available yet for
13 its use and whatever has been scheduled, I
14 suppose, is somewhat irrelevant to the extent that
15 when I came here in December of 2005, I thought
16 that the selection process was then imminent so
17 I'm now in the fourth year of a 30-day project.

18 So in terms of full disclosure, I
19 truly believe we'll still be using the mechanical
20 lever voting machines in the party primary and the
21 general election of 2009. So to answer your
22 question, we don't know yet what will be available
23 to us, but I can tell you that the State Board is
24 only considering two manufacturers of optical
25 scanners.

2 COUNCIL MEMBER JACKSON: Thank you,
3 Madam Chair.

4 CHAIRPERSON REYNA: Thank you,
5 Council Member. I'd like to call upon Council
6 Member Dickens.

7 COUNCIL MEMBER DICKENS: Thank you,
8 Madam Chair, and good morning and thank you to
9 both the commissioners. Commissioner Soumas, on
10 the BMDs, there was one at every polling site, one
11 BMD at each polling site?

12 COMMISSIONER SOUMAS: That's
13 correct. If I may, an issue came up with them
14 because the budget for the Board of Elections was
15 slashed by \$6 1/2 million this year. The city
16 board never made a point of it, although the state
17 Commissioner did, in fact, write letters to the
18 Mayor and to various members of the City Council.
19 We simply, in the words of recently deceased,
20 Danny DeFrancesco, got over it and just got the
21 job done. But part of that budget reduction was
22 for payroll personnel specifically earmarked for
23 monitors for the ballot marking devices. One was
24 at every site and people were trained to use them.
25 The number of people that use them

2 was [pause] well it's statistically available, but
3 they were available for use and I heard of only
4 one problem actually in Brooklyn, where it really
5 was not available for use based upon dereliction
6 of duty by the poll workers.

7 COUNCIL MEMBER DICKENS: Thank you.

8 Because at P.S. 180, where I experienced several
9 problems, I never even saw the BMD. I'm not
10 saying it wasn't there, I just never found it and
11 I had to wind up working at that particular site.

12 But I want to really talk to you or
13 ask you a question about the purging of the
14 registration lists. One, frequency,
15 determination, how is it determined? The outreach
16 before the lists are purged? Is there a
17 predetermined and is it strictly adhered to time
18 frame in terms of number of years before a record
19 is actually pulled?

20 COMMISSIONER SOUMAS: Well, if I
21 may, the purge of voter registrations was
22 something that we at the Board of Elections
23 thought was a real problem for the reason that the
24 State Board of Elections promulgated rules that we
25 believed violated, not only the Help America Vote

2 Act, but violated the National Voting Rights Act.

3 We took the extraordinary step of filing a
4 complaint against the state board. The problem
5 is, pursuant to the statute, you have to file that
6 complaint with the state board.

7 So while they were sitting on our
8 complaint, we took the step of promulgating our
9 own rules, which essentially followed the
10 requirements of the National Voting Rights Act to
11 confirm with a voter in writing that in fact a
12 duplicate registration, or a presumed duplicate
13 registration, was in fact a duplicate. So only
14 upon a confirmation in writing did we ever purge a
15 voter registration.

16 COUNCIL MEMBER DICKENS: So there is
17 no predetermined frequency where you look at a
18 record and if a person hasn't voted in a certain
19 number of years, those voting records are purged
20 from the system.

21 COMMISSIONER SOUMAS: Well the
22 answer to your question is, yes, we do in fact do
23 that if a voter has not voted over a period of
24 years, we do in fact do a written confirmation and
25 if there's no response, then they are not purged,

2 but they're placed into an inactive status.

3 COUNCIL MEMBER DICKENS: But they're
4 not in the book if that voter were to show up.

5 COMMISSIONER SOUMAS: That's
6 correct, but if in fact they do show up at their
7 poll site, the proper poll site, they can vote in
8 an Affidavit ballot and their status will be
9 returned to active.

10 COUNCIL MEMBER DICKENS: What's the
11 frequency that that is done?

12 COMMISSIONER SOUMAS: I--

13 COMMISSIONER POLANCO: [Crosstalk]
14 Federal elections. Every two federal elections,
15 if you've missed two federal elections, you
16 haven't registered, you haven't come out and
17 voted, you will receive a notification in the mail
18 and the mail is going to basically try to--we're
19 going to do everything we can to make sure that
20 you are in fact the voter, that you're alive, and
21 that you haven't moved, and we do this to protect
22 the process and to protect our voter rolls. And
23 if you do not answer, then you won't find your
24 name on the books.

25 However, after that, when you do

2 come and vote on election day and you don't find
3 your name on the book, you will then automatically
4 be reregistered to vote at that time.

5 COUNCIL MEMBER DICKENS: Now when
6 you say federal election, are you talking about
7 presidential, are you talking about congressional,
8 are you talking about United States Senate
9 [crosstalk]--

10 COMMISSIONER POLANCO: [Crosstalk]
11 We're looking at presidential.

12 COUNCIL MEMBER DICKENS: So you're
13 talking about eight years.

14 COMMISSIONER POLANCO: Yes.

15 COUNCIL MEMBER DICKENS: So if a
16 person hasn't voted in eight years in any election
17 or is it you're just looking at federal--

18 COMMISSIONER POLANCO: Federal
19 elections.

20 COUNCIL MEMBER DICKENS: --so if
21 they haven't--if they've been voting in all of the
22 local elections and state elections, and did not
23 vote for two presidential elections, then their
24 records would be pulled? That's why I'm asking,
25 that's why I ask, yeah.

2 COMMISSIONER POLANCO: No, no, I'm
3 sorry for the confusion, but if you voted in a
4 local election, then you're an active voter.
5 We're looking at the people that haven't voted for
6 a period of time, where we are going to consider
7 mailing them and try to reach out to them as much
8 as possible to give them a heads up to come in and
9 vote this time around.

10 COUNCIL MEMBER DICKENS:
11 Commissioner Soumas, that outreach, if they
12 haven't voted in two federal election cycles, is
13 one letter sent? Two letters sent? What is sent,
14 is it a postcard, what is sent? Can you tell me?
15 Do you know?

16 COMMISSIONER SOUMAS: Yeah, it's a
17 letter, I don't know if it's one or two, I can't
18 answer that question.

19 COUNCIL MEMBER DICKENS: All right.
20 And also just lastly, quickly, there was an
21 extraordinary amount of registrations in 2008, as
22 you have already spoken about in your testimony,
23 and you did a great job in trying to input as many
24 as possible. However, there were many that did
25 not get into the book. What was done to ensure

2 that those votes were--because if they voted by
3 paper ballot, many people were very fearful that
4 that was not counted. One, what steps were taken
5 to ensure that those votes were actually counted?
6 Two, what happened if you found that a
7 registration was not proper, either because they
8 didn't live there or whatever, and what did you do
9 to determine that? And lastly, those that were
10 correctly registered, have they now been put into
11 the book?

12 COMMISSIONER SOUMAS: Well the only
13 registrations that did not make it into the book
14 were the voter registrations that were reported in
15 the press to have been delivered by Federal
16 Express to the wrong address.

17 COUNCIL MEMBER DICKENS: Just stop
18 you there, what about the ones that reportedly
19 were done through the Department of Motor Vehicle,
20 where they delivered them to you late?
21 Purportedly. That was from prior to hearing
22 testimony. So I'm asking--

23 COMMISSIONER SOUMAS: I believe that
24 the Governmental Operations Committee, it was the
25 issue of the state board had sent voter

2 registrations, but not from Motor Vehicles, they
3 were registrations submitted pursuant to the
4 National Voting Rights Act, I believe on the
5 website from Rock the Vote and Rock the Vote had
6 taken a national form that is uniformly accepted
7 by all the states, but, unfortunately, they were
8 addressed to the state board and we're as you
9 know, we do a local registration in the state of
10 New York. So they were addressed to the 7th floor
11 at 32 Broadway and were somehow delivered to the
12 17th floor at 32 Broadway and that is why they
13 ended up being delivered to us late.

14 However, since those are the only
15 ones that I'm aware of, we did in fact enter those
16 and we did produce approximately 3,500 copies of
17 those voter registrations along with the history
18 to the Governmental Operations Committee. So we
19 had a history, some of them were duplicates, some
20 of them did in fact vote on an Affidavit ballot,
21 and at the time their Affidavit ballot was
22 received, they were already inputted into the
23 system as a registered voter and their vote did in
24 fact count, and some others didn't bother to show
25 up at all.

2 COMMISSIONER POLANCO: Now it's
3 important, Councilwoman Dickens, in addition to
4 the answer from Commissioner Soumas, there is a
5 quality control process at the Board of Elections
6 to assure that those individuals that registered
7 to vote are in fact worthy, and what I mean by
8 that is, should be enfranchised. We want to make
9 sure that the person is eligible to vote, and the
10 way we do this is by having a bipartisan team
11 enter that information into our database to have
12 ready on election day, and we do this to protect
13 the integrity of the rolls and to make sure that
14 everyone who should have the right to vote, has
15 the right to vote on election day.

16 COUNCIL MEMBER DICKENS: Thank you
17 so much and please--

18 COMMISSIONER POLANCO: Thank you
19 [crosstalk]--

20 COUNCIL MEMBER DICKENS: --I don't
21 like the use of the word worthy, I prefer some
22 other--

23 COMMISSIONER POLANCO: No, I mean,
24 either--

25 COUNCIL MEMBER DICKENS: I know what

2 [crosstalk]--

3 COMMISSIONER POLANCO: --but you
4 know what I mean.

5 COUNCIL MEMBER DICKENS: --but I
6 [crosstalk]--

7 COMMISSIONER POLANCO: How is
8 eligible, Councilwoman?

9 COUNCIL MEMBER DICKENS: That sounds
10 a lot better.

11 COMMISSIONER POLANCO: Thank you--
12 worthy, I want to say eligible.

13 COUNCIL MEMBER DICKENS: Thank you,
14 thank you.

15 CHAIRPERSON REYNA: Thank you,
16 Council Member Dickens. And I wanted to just
17 further clarify, for the individual voters
18 registered at the Board of Elections, upon death,
19 what happens to those deceased that still remain
20 in the registry? What is the procedure?

21 COMMISSIONER SOUMAS: Unfortunately,
22 the National Voting Rights Act has a specific
23 procedure and that is unless the voter notifies us
24 himself, which in this case is not going to
25 happen, we will ultimately end up doing a purge

2 when the voter fails to appear for a couple of
3 years.

4 CHAIRPERSON REYNA: And is there any
5 discussion at the commission level to lobby for
6 this to be changed?

7 COMMISSIONER SOUMAS: Well I think
8 statutorily it's going to happen because one of
9 the requirements of HAVA is a statewide database,
10 and once that is up and running, there will be
11 cross-reference with the Social Security database
12 and Motor Vehicles database and we'll be able to
13 figure out those things a lot more quickly.

14 CHAIRPERSON REYNA: So we would
15 still have to wait for the state legislature.

16 COMMISSIONER SOUMAS: Well no, the
17 state board, I think would monitor the statewide
18 database and update it as necessary.

19 CHAIRPERSON REYNA: But would it
20 require legislation?

21 COMMISSIONER SOUMAS: No.

22 CHAIRPERSON REYNA: Okay.

23 COMMISSIONER SOUMAS: The
24 legislation is in place.

25 CHAIRPERSON REYNA: Okay. I'd like

2 to call upon Council Member Ignizio.

3 COUNCIL MEMBER IGNIZIO: Yes, thank
4 you very much, Madam Chairwoman, I appreciate the
5 Committee for indulging me, as Minority Leader
6 Oddo is with the Speaker as we speak.

7 On behalf of the minority, we
8 wanted to both let the committee know from my own
9 personal experience with Mr. J.C. Polanco up in
10 Albany when I was an assembly member and now, the
11 gentleman is a man of impeccable integrity, and a
12 good person as you've seen by now. I'm happy to
13 recommend him to this committee and, as well, to
14 point out that he shares a diversity which I think
15 is lacking in city government and that is in the
16 youth being represented on this board and far too
17 often we see people as old as Simcha and on the
18 boards and I think to bring--

19 COUNCIL MEMBER FELDER: And as
20 heavy.

21 COUNCIL MEMBER IGNIZIO: --but to
22 bring the diversity of people who are getting
23 involved in a political system, in particular
24 young people, and to have that being a
25 representative, J.C. does that, he's been around

2 to colleges throughout this city on a nonpartisan
3 level and I think that serves our city well, as he
4 does, and I look forward to his reappointment.
5 Thank you very much.

6 CHAIRPERSON REYNA: Thank you,
7 Council Member Ignizio. We have been joined by
8 Council Member Arroyo, Council Member James, and
9 Council Member Felder. I'd like to call upon
10 Council Member Rivera.

11 COUNCIL MEMBER RIVERA: Thank you
12 very much, Madam Chair. I just want to echo the
13 remarks of my colleague Council Member Ignizio. I
14 think J.C. has been an exemplary example of the
15 type of representative we need in a Board of
16 Elections. He has been very proactive, been an
17 ambassador to ensure in a nonpartisan way that
18 people in the city of New York are well informed
19 of what the Board of Election does, its functions,
20 and how people can effectively participate in the
21 voting process, which we know is by far the most
22 important [off mic] we have here in the city of
23 New York. And the Board of Elections is coming
24 under some trying times when it comes to the
25 transfer of the voting styles and machines that it

2 will be utilizing and I think that it's now more
3 than ever that we need to empower the Board of
4 Elections with experience, which we currently
5 have, to make sure that they can get through the
6 tough times in the upcoming year and the year to
7 come afterwards. The voting process gets tougher
8 as times goes by, the technology gets re-
9 implemented in different ways and this is an area
10 that we need to pay particular attention to.

11 And I think that every Commissioner
12 has taken an oath to do their job in the best way
13 possible and to represent the voters of the city
14 of New York.

15 And I want to pretty much echo the
16 remarks of my colleague and to also state that we
17 need to ensure that we work in collaboration with
18 the Board of Elections to make sure that if there
19 are any issues that arise because of the change in
20 technology, that we will be an ally in supporting
21 them to make sure that the process runs smoothly
22 and efficiently in the years to come.

23 And I just got the opportunity to
24 meet Commissioner Soumas and I've heard some great
25 things about him and I look forward to having a

2 good relationship. And I want to just vote yes on
3 both of them.

4 [Pause]

5 CHAIRPERSON REYNA: Thank you,
6 Council Member Rivera. Council Member Garodnick.

7 COUNCIL MEMBER GARODNICK: Thank you
8 very much, Madam Chair. Let me start off by
9 saying that I consider these two commissioners on
10 the board two of the most open and accessible and
11 we thank them for that. I think it's an important
12 element of having that dialogue between the
13 elected officials of this city and also the
14 Commissioners on the Board and I want to thank you
15 both for that off the bat.

16 I also wanted to follow up on a
17 point made by Council Member Dickens before on the
18 subject of the Department of Motor Vehicles 'cause
19 there is actually an issue that surfaced at the
20 Government Operations Committee recently and the
21 issue was the fact that the Department of Motor
22 Vehicles apparently did not deliver to you guys
23 the registrations that they were getting for a
24 certain period of time, and we don't know what
25 period of time that was and this is not something

2 which has been identified as [off mic] fault of
3 the City Board of Elections. However, it's an
4 issue and it's an issue that we expect to take up
5 and one that we encourage you to take up as well,
6 because the most important part of a motor vote or
7 any connection between the board of--the
8 registration for motor vehicles and voting is the
9 communication of that information to you, so we
10 ask that you take a look at that and follow-up as
11 well.

12 Let me just pose a couple of
13 questions here, first, let me start with Mr.
14 Polanco, in the answers to the questions provided
15 by Council, you noted that you had taken steps to
16 bring on top-notch poll workers to assist New
17 Yorkers in their right to vote. And this is been
18 a point of frustration to many of us, the notion
19 that there is drop off from people who have been
20 trained to be poll workers who don't show up at
21 the polls on election day or that there are
22 deadlines that are missed where, I think it's the
23 July 17th deadline where poll workers are supposed
24 to be appointed and the names are not given to the
25 Board of Elections. I wanted to ask you first

2 what steps you've taken to bring new or top-notch
3 poll workers and how you think we should be
4 addressing those issues of drop off or late sign-
5 ups.

6 COMMISSIONER POLANCO: I think
7 that's one of the big problems that we have at the
8 Board of Elections is qualified poll workers and I
9 think that the Good Government groups do a good
10 job at that and I want to work closely with them
11 in the future in order to bring those top-notch--

12 CHAIRPERSON REYNA: [Interposing]
13 Mr. Polanco, I'm sorry, could we ask for some
14 silence in the chambers? If you--

15 SERGEANT-AT-ARMS: Quiet, please.

16 CHAIRPERSON REYNA: Thank you.

17 COMMISSIONER POLANCO: --in order to
18 bring those types of workers to the polls. Now it
19 is important to know that what I've done is I've
20 gone to many City University of New York campuses
21 in an effort to encourage many of those students
22 to submit their applications to the Board of
23 Elections and to at least have the opportunity to
24 be called to take those classes and pass the exams
25 and participate in the process as poll workers.

2 As we move on to more complicated machines and
3 voting machines, that is, we're going to need a
4 new type of poll worker, someone who understands
5 computer systems, someone with a skill set that I
6 think we'll find with the help of the City Council
7 and the Good Government organizations behind me,
8 and I look forward to working with them to bring
9 them aboard. I think it's important that we bring
10 in recruiters, many of those workers as possible.

11 COUNCIL MEMBER GARODNICK: Thank
12 you, I agree with that and I think you're spot on
13 when you talk about the need to have a level of
14 technological sophistication when it comes to new
15 voting machines, we saw it already with the ballot
16 marking devices in this past election. I had an
17 army of people helping me out or trying to figure
18 out that machine when I went to vote on it in the
19 primary election, that's fine and good when it
20 comes to me because I was prepared to let them all
21 experiment on my vote, which is fun, but I also
22 think that when it comes to people who really need
23 to use those machines and want to be able to use
24 them comfortably and quickly, we do need a level
25 of sophistication.

2 This a question for both of you and
3 it's a subject on election reform, overall
4 election reform and what your individual goals
5 are, what you'd like to see in terms of election
6 reform in the city, whether--just as a prompt
7 here, I'm thinking of ideas like early voting or
8 same-day registration or no-fault absentee
9 balloting.

10 I will just give you my
11 perspective, I think New Yorkers are among the
12 busiest people in the world and that they should
13 not have to struggle or have to give excuses as to
14 why they might not be able to physically show up
15 at the polls between six in the morning and 9
16 o'clock on a given day, and so I think we should
17 make it as easy as possible for them. And that's
18 my perspective, but I leave to you both to answer
19 what you think we should be looking at or what you
20 believe to be your priorities for the coming
21 years.

22 COMMISSIONER SOUMAS: I don't think
23 it's fair to state what our priorities are because
24 the law is particular and our hands are somewhat
25 tied. However, I think it's important to note

2 that the underlying thread throughout the election
3 law is the prevention of fraud. So if you start
4 making things too easy, there's always the
5 potential for some fraud.

6 But I think that when you're
7 addressing the issue of the poll workers, I had
8 put in my answers to questions presented to me by
9 this Committee that for my ideas of election
10 reform, I believe that not only early voting is
11 critical because 2.64 million voters went to the
12 poll on November 8th and the long lines were not
13 caused by anything that we did poorly 'cause the
14 lines started forming at 5 a.m. we didn't open our
15 doors 'til 6 a.m. So don't tell me we did
16 something wrong when I was out with the NYPD at 5
17 a.m. and the polls didn't open for another hour.
18 So, clearly, you're going to need some form of
19 early voting.

20 I think what had happened was--and
21 actually I had this conversation with Speaker
22 Quinn--people were showing up at board offices to
23 do absentee balloting and they were just making up
24 excuses and we're essentially forcing them in
25 order to cast an early ballot, to perjure

2 themselves, making up some lie about why they're
3 unavailable to go to the polls, which I think is
4 your point.

5 And I think that we need to
6 recognize that the type of people that are
7 available to work for the pittance that we pay
8 them for a 15 plus hour day on election day is
9 completely unfair. I think a lot of the mistakes
10 are made after you've already been awake for 15,
11 16 hours and you're just tired, and I think that
12 fatigue is a factor in anything that involves
13 human error.

14 So I think that that needs to be
15 addressed and that might be done by--and it would
16 require state legislation, but breaking the
17 election day into two days. I think an 15 hour
18 election day is too long, I mean just go to any
19 poll site and take a look into the eyes of the
20 police officer after he's been standing for 15
21 hours--it's a long day and I think that that needs
22 to be addressed as well.

23 It's not just an issue of the
24 quality of the people because whatever somebody
25 may say about the quality of the people, we don't

2 have enough of those people at any quality, we're
3 still short-staffed. So I think that something
4 needs to be done, whether it's early voting or
5 breaking the election day up into two days, but
6 something needs to be done.

7 COMMISSIONER POLANCO: No, Council
8 Member, I was--and I talk about it in my pre-
9 hearing questions and I know that I did a lot of
10 on-camera interviews regarding this, but I think
11 that the lines that we saw on election day were
12 exciting and I think they were good. I don't
13 think there was anything wrong, although we may be
14 line-adverse as a culture, I don't think there was
15 anything wrong about seeing our communities, your
16 constituents, come out in record numbers. The
17 fact that there may have been some inefficiencies
18 is something that we're going to address, but to
19 see so many people come out and vote is a good
20 thing.

21 I want everyone to know that
22 Commissioner Soumas mentions that our hands are
23 tied, well, they are to an extent. These poll
24 sites we have to abide by the American with
25 Disabilities Act, we have to make sure that

2 they're certified to be used by the Board of
3 Elections to make it available to the voters to be
4 able to come in and vote, and with the new
5 electronic machines, we have to make sure that
6 these poll sites have the proper electricity to be
7 able to maintain those machines, the right
8 environment so it gets rather complicated. In an
9 ideal world, we would have an unlimited number of
10 poll sites and just make voting a matter of a few
11 seconds, but to protect the integrity of the
12 process, to make sure that we are within the
13 guidelines of the American with Disabilities Act,
14 and the budgetary constraints which the City
15 Council puts us on because you have the power of
16 the purse, we are not going to have the 20, 30,000
17 poll sites available.

18 But I would like to say we did a
19 fantastic job this year and the issues of early
20 voting are those issues for the state assembly and
21 for the state Senate and for the governor to
22 consider, not for the Board of Elections. We are
23 ready to administer whatever the legislature
24 decides to do.

25 COUNCIL MEMBER GARODNICK: Okay.

2 Let me just take issue with two things. The first
3 is on the subject of advocacy, I do believe that
4 you both, and you are incredibly capable
5 individuals and you have opinions, and I do think
6 that there is a role for you all to share with us
7 or with the public what you think should happen,
8 even though you are confined by law, and I hear
9 that. But one of the things which I think is
10 important, particularly when it comes to
11 representatives like yourselves who have very
12 strong and clear views on these subjects, we need
13 you, we need you for this process to encourage
14 these reforms, and I hear very clearly from you
15 what you're saying today and in the answers to
16 your questions as to where you are.

17 So I just wanted to make that point
18 and as to Mr. Polanco's point about the long
19 lines, I agree with you, it is exciting in concept
20 and we do want the people to be turning out to
21 vote, but we also really want to make it as easy
22 as possible for them to do that. I mean if
23 there's long lines on election day, there may also
24 be long lines on early voting days as well, there
25 might be long lines at the Board of Elections. We

2 really just want to make this very, very easy for
3 people. So I hear you on excitement, but I also
4 think that we need to take these extra steps.

5 Let me just go to the point of
6 openness for a second, because Mr. Polanco
7 mentioned it in the budget context and Mr. Soumas
8 did as well on the \$6.4 million cut that the board
9 saw during the past fiscal year. There has been
10 some conversation about how best to evaluate the
11 board's activities in terms of what it's spending
12 its money on, how we should be able to sort out
13 what you need to a level of detail that we are
14 charged with as part of the budget process here,
15 but also which is somewhat separate from the
16 authority from which you come, which is the state
17 of New York. The question for you is--for both of
18 you is, should the budget of the board be included
19 in the Mayor's Management Report? And, if not,
20 what other means is available for us to make clear
21 determinations as to how much money you need, how
22 to sort out how much you're paying poll workers,
23 how many have showed up, and all of the daily
24 operations of the board. Help us, help me
25 understand what you think we should be doing.

2 COMMISSIONER SOUMAS: Well this is
3 really an easy one and I'm--but this year is a
4 mayoral election year. Now it is important to
5 remember that the Board of Elections in its
6 current form was created as a reform measure, I
7 don't think anybody would be happy if the Board of
8 Elections was underneath mayoral control in a year
9 when the Mayor was up for reelection, with the
10 possible exception of the Mayor. So as a result
11 of that, the Governmental Operations Committee of
12 the New York City Council has oversight. One of
13 the questions in the questionnaire was would the
14 Commissioner's be willing to work with the City
15 Council. Well I'm pretty sure they're sick and
16 tired of getting my phone calls. I'm not hard to
17 find and I have no compunction about calling
18 somebody when necessary, and in one instance, we
19 arranged a meeting with Council Member Felder
20 privately to let him know in the context of
21 purchasing ballot marking devices exactly what the
22 expenditures were going to be and to give him a
23 heads up on what was coming.

24 The answer to your question, rather
25 bluntly, is, unless somebody can tell me the

2 Governmental Operations Committee can't do the
3 job, I don't think it's necessary to discuss any
4 alternative. We answer directly to the
5 Governmental Operations Committee, I would imagine
6 it's up to Chairman Felder to say whether or not
7 we do in fact respond, but for my three years,
8 I've fought with a lot of people to make sure the
9 process is open. You've got to remember, I was
10 born and raised here, this is my town, and if I
11 wasn't the Commissioner, I'd be demanding the open
12 process as well. My wife, my sister, my mother,
13 and my grandmother who is approaching 102, all
14 live in Manhattan, so the people I have to answer
15 to are a higher authority. So I don't think that
16 the current system is in any way shortchanging the
17 people of the city.

18 COUNCIL MEMBER GARODNICK: Okay.

19 Let me just stop with that answer 'cause we have
20 our Charter-mandated meeting has to start shortly.

21 I'm just going to make one last
22 point or question here, this may be a very easy
23 one for you guys, which is, it sounds like you're
24 very willing, both of you, to reach out to and
25 work with the Government Operations Committee of

2 the City Council and show up to hearings if
3 invited, is that accurate?

4 COMMISSIONER POLANCO: Absolutely,
5 yes.

6 COUNCIL MEMBER GARODNICK: And also
7 on the subject of meeting with advocacy groups and
8 the openness there, either in terms of the
9 Executive Director of the Board or with the
10 Commissioners of the Board, are you willing to be
11 open and to be willing to meet with advocacy
12 groups when they have particular concerns?

13 COMMISSIONER SOUMAS: Yes, and as
14 you well know, in New York County, I know every
15 block and I go to every meeting, and my favorite
16 story was when Council Member James showed up at a
17 pre-election day function hosted by Congressman
18 Rangel at which the Board of Elections did its
19 presentation, Council Member James wanted to know
20 why we didn't do the same thing in Brooklyn. It's
21 pretty common in New York County, and I won't
22 speak to any other county, but as you well know in
23 New York County, it's what we do.

24 COUNCIL MEMBER GARODNICK: Thank you
25 very much. And I want to let you know that I am

2 supporting both of these candidates, I think they
3 are significant additions to the board and really
4 very smart and articulate and we look forward to
5 continuing our conversations and working to make
6 the Board of Elections work as well as it possibly
7 can, so thank [pause] --

8 COMMISSIONER POLANCO: Thank you.

9 CHAIRPERSON REYNA: Thank you,
10 Council Member. Council Member Brewer.

11 COUNCIL MEMBER BREWER: Thank you
12 very much. I'm here to also say the praises of
13 Greg Soumas, although both candidates are
14 terrific. I think everyone can see the honesty,
15 bluntness, and intelligence that he demonstrated
16 here today and when he says he goes to a lot of
17 meetings, I go to a lot of meetings and I see him
18 there and so proof is in the pudding and I
19 appreciate the time involved and the commitment.

20 I have three really quick questions
21 'cause time is of the essence. Mr. Soumas talked
22 about the database, as Chair of Technologies, love
23 databases, do you know the timing on that?

24 Second, for both of you, the voter assistance is a
25 small commission, I'm wondering how they can play

2 a role in the future. And then I think for more
3 people to participate, which is always our goal,
4 we have to obviously find sites for voting. In my
5 neighborhood because of ADA, understandably, or
6 buildings who no longer want the site in their
7 lobby, another challenge. There are fewer and
8 fewer sites, so I just want to know if you could
9 address those three issues. Database, VAC, and
10 sites, and then just finally, I always listen to
11 Council Member Dickens 'cause she knows what's
12 going on with voting. Thank you.

13 COMMISSIONER SOUMAS: If I may
14 address them in reverse order, you and I share a
15 poll site and I created that one for the reason
16 that I believe the poll site coordinator is the
17 best poll site coordinator I'd ever seen. It's
18 now an 11 district, election district poll site
19 and I think it's probably one of the more well-run
20 poll sites in this city and, again, it gets back
21 to the problem of how many people--

22 SERGEANT-AT-ARMS: Quiet, please.

23 COMMISSIONER SOUMAS: --do you have
24 to staff a poll site. And I had the conversation
25 with some district leaders in northern Manhattan

2 to see if they could consolidate poll sites 'cause
3 they simply were running out of people to staff
4 the poll sites.

5 So I'm certainly the one that's
6 guilty for making you poll site crowded, but,
7 again, my wife gave me the same complaint, so it's
8 something that was addressed.

9 What was--before we get to VAC--

10 COUNCIL MEMBER BREWER:

11 [Interposing] The VAC and the database, database.

12 COMMISSIONER SOUMAS: The database
13 is up and running, but I will confess--

14 CHAIRPERSON REYNA: [Interposing]
15 I'm sorry, Mr. Soumas, could we ask for some quiet
16 in chambers, please? Council Members in the back,
17 thank you.

18 SERGEANT-AT-ARMS: Quiet, please.

19 [Off mic]

20 [Pause]

21 CHAIRPERSON REYNA: We're in a
22 hearing right now.

23 [Off mic]

24 CHAIRPERSON REYNA: Thank you.

25 COMMISSIONER SOUMAS: The database

2 is current, but I will confess my technological
3 ignorance and I don't know the particulars of
4 that, and I apologize for that. If Commissioner
5 Polanco does, I simply don't.

6 COMMISSIONER POLANCO: What was the
7 database? Well as far as VAC is concerned,
8 Councilwoman, our Executive Director is an ex
9 officio member of that organization and just
10 recently they held a meeting at the Bronx--excuse
11 me, at the Borough Manhattan Community College to
12 address some of the issues that arose during
13 election day and that will arise in the future,
14 and I think that they're an important organization
15 as far as providing advice to the Board of
16 Elections and taking our input and working in a
17 collaborative fashion for the city of New York.
18 So I think we'll continue in that fashion.

19 COUNCIL MEMBER BREWER: Thank you.
20 Based on time, I will stop there. Thank you.

21 [Pause]

22 CHAIRPERSON REYNA: Thank you,
23 Council Member Brewer. I'd like to thank our
24 candidates for reappointment to the TLC and the
25 Board of Elections. I'd like to ask you for your

2 indulgence, we have two members of the public who
3 will be testifying. We will limit your
4 testimonies to two minutes and everything will be
5 entered into the record. Andrea Senteno from the
6 Citizens Union, and Chris Keeley from Common Cause
7 New York.

8 [Off mic]

9 FEMALE VOICE: Okay.

10 CHAIRPERSON REYNA: They know, we
11 already did that.

12 [Pause]

13 MR. CHRIS KEELEY: Good afternoon
14 Chair Reyna and members of the Rules, Privileges
15 and Elections Committee. Thank you for the
16 opportunity to speak today. My name is Chris
17 Keeley, Associate Director of Common Cause New
18 York, and I am joined today by Andrea Senteno,
19 Program Associate of Citizens Union. And we are
20 here on behalf of the New York State Coalition for
21 Voter Participation and Fair Elections.

22 We thank you for the opportunity to
23 speak today regarding the appointment hearings for
24 Commissioners of the Board of Elections in the
25 city of New York. Below is our testimony, we

2 would like to read a copy of the letter that our
3 coalition prepared and forwarded to the committee
4 for your consideration.

5 As 2008 is now behind us,
6 preparations are being made at all levels of the
7 government for the new year. Here in New York
8 City, district leaders of the major parties have
9 submitted names to the commissioners to be
10 appointed and they are now before the City Council
11 and this Committee for approval.

12 Given the significant role that the
13 City Board commissioners play in the city's
14 electoral process and the administration of
15 elections, the public and the coalition knows very
16 little about City Board commissioners, their
17 election experience, and positions on city
18 election issues. These approval hearings, these
19 review hearings are a very important moment where
20 the public can learn a lot about the appointments
21 put forward by party leaders. The coalition,
22 which deals with elections day in and day out and
23 deals with the commissioners themselves, urge you
24 and your colleagues to use the upcoming nomination
25 hearings as a way to gain better insight into the

2 candidates and create a record of their commitment
3 to upholding the integrity of our voters.

4 MS. ANDREA SENTENO: Along those
5 lines, we'd like to offer a list of recommended
6 questions or discussion areas that would be
7 relevant to explore with nominees during your
8 proceedings. And as you can see in front of you,
9 there's a list, I won't go through it because I'm
10 running out of time, but it includes previous
11 experience, priorities for reform, and certain
12 stances on positions that our coalition has tried
13 to push forward.

14 And just to wrap up, we are now
15 aware that the BOE commissioners are vetted
16 through the Rules Committee before hearing
17 proceedings through preliminary questions and
18 many, if not all, of our recommended discussion
19 areas are asked to BOE nominees.

20 We want to thank Chairperson Reyna
21 for her offer to meet with coalition members so
22 that we may learn about the appointment process in
23 greater detail and ways to make it more
24 transparent and open to the public and we look
25 forward to working with you in the future. Thank

2 you very much.

3 CHAIRPERSON REYNA: Thank you very
4 much. I'd like to ask Billy to call the vote.

5 MR. WILLIAM MARTIN: William Martin,
6 committee clerk. Roll call on Committee on Rules,
7 Privileges and Elections. Council Member Reyna.

8 CHAIRPERSON REYNA: I urge the
9 support of the four candidates. I am a yes vote
10 on all four.

11 And on the matter of committee
12 changes for our more recent colleague to the
13 council, Council Member Elizabeth Crowley to be
14 appointed to the Committee on Aging, Environmental
15 Protection, Public Safety, Waterfronts, and Youth
16 Services. Congratulations to Council Member
17 Crowley. Thank you.

18 MR. MARTIN: Rivera.

19 COUNCIL MEMBER RIVERA: Madam Chair,
20 if I can just make a brief statement.

21 CHAIRPERSON MEMBER REYNA: Of
22 course.

23 COUNCIL MEMBER RIVERA: There's been
24 some debate in the Bronx about who was the first
25 ever elected Dominican within the borough of the

2 Bronx and that actually has been J.C. Polanco, for
3 the record. So I think that was a great election
4 and we want it read in for that as well.

5 I vote aye for all four of the
6 candidates, two for the TLC, and both for the
7 Board of Elections.

8 MR. MARTIN: Baez.

9 COUNCIL MEMBER BAEZ: Aye on all.

10 MR. MARTIN: Comrie.

11 COUNCIL MEMBER COMRIE: Aye on all.

12 MR. MARTIN: Jackson.

13 COUNCIL MEMBER JACKSON: Aye on all.

14 MR. MARTIN: Weprin.

15 COUNCIL MEMBER WEPRIN: Aye on all.

16 MR. MARTIN: Gentile.

17 COUNCIL MEMBER GENTILE: Aye on all.

18 MR. MARTIN: Dickens.

19 COUNCIL MEMBER DICKENS:

20 Congratulations to all four of the candidates, and
21 particularly to my Commissioner from BOE to Greg
22 Soumas, and I vote yes on all and for the
23 committee appointments of our newly elected
24 Council Member Elizabeth Crowley and
25 congratulations to her.

2 MR. MARTIN: Garodnick.

3 COUNCIL MEMBER GARODNICK: May I?

4 Thank you. I also want to congratulate all of the
5 candidates, with special recognition of my
6 Commissioner of the BOE, Greg Soumas, and I vote
7 aye. Thank you.

8 MALE VOICE: So I think [off mic]
9 support.

10 [Off mic]

11 [Pause]

12 MR. MARTIN: Oddo.

13 COUNCIL MEMBER ODDO: Yes.

14 SERGEANT-AT-ARMS: Quiet, please.

15 [Pause]

16 CHAIRPERSON REYNA: Did he say the
17 vote?

18 [Off mic]

19 MR. MARTIN: By a vote of 11 in the
20 affirmative--excuse me, 12 in the affirmative,
21 zero in the negative, and no abstentions, all
22 items have been adopted. Members, please sign the
23 committee reports. Thank you.

24 CHAIRPERSON REYNA: This vote will
25 remain open for the Speaker of the City Council,

2 Christine Quinn, and I'd like to thank the
3 committee staff and members of the public who were
4 present here today, perhaps not on this hearing
5 matter, but for their presence. Thank you.

6 [Off mic]

7 MALE VOICE 1: J.C. see you a lot
8 now.

9 COMMISSIONER POLANCO: Yeah, thank
10 you very much.

11 [Off mic]

12 [Pause]

13 MALE VOICE 2: Thank you, brother.

14 MALE VOICE 3: Oh, you're welcome.

15 [Off mic]

16 SERGEANT-AT-ARMS: Quiet, please.

17 MR. MARTIN: Committee on rules--
18 Speaker Quinn.

19 SPEAKER QUINN: [Off mic]

20 MR. MARTIN: Vote now stands at 13
21 in the affirmative, zero in the negative, and no
22 abstention.

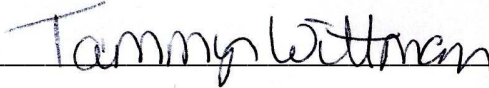
23 [Off mic]

24

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature _____

Handwritten signature of Tammy Wittman in cursive script, written over a horizontal line.Date January 14, 2009