

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS

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November 25, 2019
Start: 1:30 p.m.
Recess: 4:10 p.m.

HELD AT: 250 Broadway - Committee Room
14th Floor

B E F O R E: Fernando Cabrera
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Ben Kallos
Alan N. Maisel
Bill Perkins
Keith Powers
Ydanis Rodriguez
Kalman Yeger

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

Michael Ryan
Executive Director
New York City Board of Elections

Dawn Sando
Deputy Executive Director
New York City Board of Elections

Douglas A. Kellner
Co-Chair
New York State Board of Elections

Laura Wood
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Democracy NYC Initiative

Ann Montasano
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Winnie Chin
Senior Manager
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New York Immigration Coalition

Amy Torres
Director of Policy
Chinese American Planning Council

Perry Grossman

Jared Burg
Vote Early NY

Susan Lerner
Executive Director
Common Cause New York

Rachel Bloom
Director of Public Policy and Programs
Citizens Union

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2 ISRAEL MARTINEZ: This is a sound check
3 for the Committee on Governmental Operations, being
4 recorded by Israel Martinez, scheduled for 1:00 p.m.,
5 taking place 14th Floor, 250 Broadway, November 25,
6 2019.

7 CHAIRPERSON CABRERA: Thank you so much,
8 and I want to right from the beginning thank the
9 Sergeant at Arms for their quick efforts in getting
10 us to this room. We had a problem of another hearing
11 literally going overboard. I didn't want everyone to
12 be waiting another, at least another hour and a half
13 before we got started. Second of all, if you hear a
14 little muffiness, it's not the sound man. I'm
15 literally under the weather. But with that, let me
16 get started. Good afternoon. I am the chair of the
17 Committee on Governmental Operations, Council Member
18 Fernando Cabrera. Today we are having an oversight
19 hearing of the city's first-ever early voting period.
20 In January 2019 the New York State Legislature passed
21 legislation to enact early voting statewide.
22 Pursuant to state election law [coughs], excuse me,
23 early voting was held for nine days in November. The
24 City Board of Elections designated 61 early voting
25 sites across the city, 11 in the Bronx, 18 in

2 Brooklyn, 14 in Queens, nine in each Manhattan and
3 Staten Island. Thirty-three of the sites were
4 schools. Voters were assigned to a specific early
5 voting site based on where they live. They could not
6 go to any early voting sites in the borough or city,
7 although we would like to see that in the future.
8 The state legislature also authorized the use of
9 electronic poll books and passed legislation that
10 eased the adoption of ballot on demand printers. The
11 City BOE successfully used both e-poll's books and
12 ballot on demand printers for the early voting period
13 with only a few minor hiccoughs. The City Council
14 conducted our own poll site observation program
15 during the early voting period. Fifty-three
16 volunteers from the council central staff observed a
17 total of 48 early voting sites across all five
18 boroughs at different times and dates during the
19 nine-day period. Overall, we are happy to hear from
20 our staff and news reports that the city's first
21 experience with early voting went quite smoothly. But
22 there were some issues and concerns we would like to
23 discuss with the BOE, such as the selection and
24 accessibility of poll sites, particularly the use of
25 schools as poll sites, and power issues at some

2 sites. We will also want to hear from the BOE about
3 plans to scale up and make up early voting experience
4 even more convenient for voters in future elections.
5 We know that this election was a low turn-out
6 election with no highly contested races on the
7 ballots. However, we want to be confident that the
8 BOE is prepared for bigger elections in the future,
9 including the 2020 presidential election. We will
10 also hear from the BOE and the mayoral administration
11 regarding poll sites interpretation. Over 200
12 languages are spoken by New York City residents,
13 23.1% of whom are limited English proficient, meaning
14 they speak English less than "very well." Limited
15 English proficiency affects all aspects of life, but
16 especially New Yorkers' ability to engage in the
17 democratic process. Pursuant to federal law, the
18 City BOE has been required to provide poll site
19 interpretation in Spanish, Chinese, Korean, Asian,
20 Indian languages. Since 2017 the administration has
21 separately offered its own poll site interpreters on
22 election days. In this past November election these
23 interpreters offer assistance to voters in languages
24 not provided for by the City BOE - Russian, Haitian,
25 Creole, Italian, Polish, and Yiddish. Whether these

2 interpreters should be allowed within BOE poll site
3 has been the subject of litigation between the city
4 and the BOE and the city ultimately won the right to
5 continue its program. However, the administration
6 only conducted its interpreter program on Election
7 Day, not during the early voting period. At the 2018
8 general election voters also approved Ballot Proposal
9 Number 2, which established the Civic Engagement
10 Commission, tasked with establishing a program for
11 providing language interpreters at poll sites
12 beginning with the 2020 general election. We're
13 looking forward to hearing from the administration on
14 implementation and future plans for the poll site
15 interpreters program. Looking forward to a
16 productive conversation about their early voting
17 rollout in our city and the many ways in which the
18 BOE and the mayor's office are working to make voting
19 accessible and convenient for all New Yorkers. I
20 would like to thank the committee staff whose work
21 made this hearing possible - Daniel Collins,
22 Elizabeth Cronk, Emily Forgone, with finance analyst
23 Sebastian Bacchi, as well as my own legislative
24 director, Claire McIlvane. They always do a
25 fantastic job. And let me recognize we've also been

2 joined by Council Member Powers. Now we will turn to
3 our first panel and be sworn in. Michael J. Ryan
4 for NYC BOE and Dawn Sando, Board of Elections.

5 COUNSEL: Do you affirm to tell the
6 truth, the whole truth, and nothing but the truth in
7 your testimony before this committee and to respond
8 honestly to council member questions?

9 MICHAEL RYAN: Yes I do.

10 DAWN SANDO: Yes.

11 COUNSEL: You can begin by introducing
12 yourselves. Good afternoon, Chair Cabrera and
13 Council Member Powers. I'm seated here today at the
14 table with, my name is Michael Ryan, I'm the
15 executive director of the board, and I'm seated here
16 at the table with Dawn Sando, the board's executive,
17 deputy executive director. We have prepared
18 testimony. The council is in receipt of same. So
19 rather than go through the entire testimony and read
20 it into the record, we'll rely on the written
21 submission and we will give some highlights and then
22 certainly open to any questions that the panel may
23 have. Although this has been termed to be a lightly
24 attended election, there were approximately 750,000
25 New Yorkers that cast ballots in this election, which

2 is about a half a million voter increase over the
3 same election four years ago. So while it is still
4 not nearing the top, it certainly is in keeping with
5 the recent trend of ever-increasing turnout. For
6 example, last November we had approximately 2.1
7 million voters when we typically would have in the
8 1.2 to 1.3 million voter range. So voting is on the
9 increase. Overall 60,000 New Yorkers availed
10 themselves of the opportunity to vote early in the
11 nine-day early voting period. What I was personally
12 surprised about was 12,000 voted on the last day of
13 early voting, which was the Sunday before, which also
14 turned out to be our highest citywide attendance
15 date, and that took me a little bit by surprise. We
16 had thought that the first day would be the most
17 well-attended day. In any event, the board is still
18 in the process of certifying the general election.
19 Ordinarily we would like to get that work done the
20 Tuesday before Thanksgiving. However, there have
21 been an additional three days added on to the back
22 end of the absentee and military ballot process. So
23 that used to be a seven-day mandated wait period.
24 That has been increased to a 10-day wait period. So
25 we'll be certifying this election on December 3.

2 Early voting was first passed by the state
3 legislature in January of 2019. Very early on in the
4 process the board recognized two things. One, it
5 would be virtually impossible to do ballot delivery
6 at the early voting locations and dispersed
7 throughout the city without some type of ballot on
8 demand process. To rely on pre-printed ballots in a
9 pick and post style would have been extremely
10 difficult. The other thing that we realized was that
11 doing that without the use of the electronic poll
12 books would also prove to be extremely difficult. We
13 worked very closely with the State Board of Elections
14 and the state legislature to fine tune some of the
15 implementation requirements and we also recognized
16 that the process to prevent double voting made it all
17 the more necessary for the City Board of Elections to
18 implement electronic poll books, not only for the
19 early voting period as some jurisdictions limited
20 their implementation to, but also for Election Day so
21 that we could have the most up-to-date information
22 and maintain the integrity of the Election Day
23 process and the double voting as well. So just to
24 give some high hit reminders. January 24, early
25 voting is enacted into law. April 12, electronic

2 poll books are enacted into law. So we had three
3 months on the front end that were slowing down that
4 process. The State Board of Elections worked as
5 expeditiously as possible to approve the e-poll book
6 vendors. That was done on June 6. And the City
7 Board of Elections made its vendor selection on June
8 11. So all of this was pulled together very, very
9 quickly. And, oh, by the way, we were in the process
10 at that point of conducting a, or getting ready to
11 conduct, the June primary, which represented also the
12 first in a very, very long time that New York, New
13 York City and New York State had a consolidated
14 primary date. So all of the details regarding the
15 vendor selection and such are in the printed
16 testimony. One thing I do want to stress is in the
17 lead up to early voting we worked very closely with
18 our public access, or I should say good government
19 groups and partners, to develop a public education
20 program and an overall media outreach and branding so
21 that we could get the word regarding early voting and
22 election day to as many individuals as we possibly
23 could. We duplicated the state required, state law
24 required annual mailer that was sent out in April and
25 updated it with all of the additional information

2 necessary for early voting and that went out to all
3 4.7 million voters in October. So we actually did
4 two mailers, the April mandated, which had been moved
5 from August, and an October mailer. To put that into
6 some context and some perspective, we increased our
7 digital footprint in a way that had never been done
8 before by the Board of Elections and we leveraged
9 outdoor advertising, as well as Link NYC and the
10 Staten Island Ferry and such. That allowed us to have
11 3.2 million viewers in the newspaper circulation as
12 well as over 64 million impressions over a myriad of
13 social media and other news digital platforms. So
14 the plan moving forward is then to, is to keep that
15 up and to keep that going election in, election out.
16 It worked very well for us. We also had some low
17 tech solutions in that process as well. Sidewalk
18 stickers with arrows that led the path to some maybe
19 hidden doorways and sandwich boards outside the early
20 voting facilities as well. So there are challenges
21 associated with introducing new technology and I know
22 there's going to be some questions. So I'll just say
23 that we had to bring in some auxiliary power to the
24 poll sites as well as we instituted cradle point
25 technology that could service over 100 devices each

2 at all of our early voting locations, as well as our
3 Election Day locations, and that allows uninterrupted
4 wireless connectivity so that we can fully support
5 the devices both during the early voting period and
6 during the Election Day period. And our digital
7 media presence also allowed us to recruit
8 approximately 14,500 new individuals into the process
9 of being assigned as poll workers. So when you think
10 about we typically have about 37,000-38,000 poll
11 workers, to have an infusion of 14,500 new
12 individuals is quite a remarkable undertaking for a
13 first effort. Overall, there were just shy of 5000
14 electronic poll books implemented over 1247 sites for
15 Election Day. A herculean task, to say the least.
16 We did get some benefit, though, however, for the
17 combining of the September primary into the June
18 primary, so that was a welcome change in the law, and
19 I'll close with this, although it has been said in
20 other forums. I as the executive director must
21 absolutely commend the staff at all levels, the Board
22 of Commissioners all the way down to the folks that
23 work in the warehouses and prepare all these machines
24 for election day. The commitment to the success of
25 this endeavor was apparent from the moment of the

2 passage of the legislation, and that carried all the
3 way through up to and including the general Election
4 Day. And as a reward, we get to do that over and
5 over and over again, year in and year out, you know,
6 with each passing election cycle. And it's easy to
7 talk about, but we really have to look at what early
8 voting meant. It meant that we took a single
9 Election Day event and added nine days to it. So we
10 took that workload and multiplied by 10. And it's
11 hard to express the stress level of everyone at the
12 Board of Elections when it is, to coin a phrase, show
13 time, and now we've taken show time and extended that
14 from one day to 10 days, and that really does stress
15 the process. That's a little bit the negative. The
16 positive is, ah, we've all been out to number early
17 voting poll sites and it created a very, very
18 positive energy amongst the voters and amongst the
19 poll workers. And I'm a firm believer that positive
20 energy breeds positive energy and it is our fervent
21 hope that the elections process in New York City,
22 between the modernization of the equipment and the
23 availability of alternative voting dates will allow
24 this process to turn a corner and we'll be able to
25 come before these hearings with good news year in and

2 year out. So with that I will turn it back to the
3 committee members for any questions you may have.

4 CHAIRPERSON CABRERA: Thank you so much,
5 and I have to say I had an opportunity to vote early,
6 as a matter of fact, on the very first day at 10
7 o'clock in the morning, right when it opened. I had
8 a rather smooth, pleasant experience, and stood
9 around for a couple hours asking people how was their
10 experience [coughs], excuse me, and overall people
11 were very pleased and they were very happy with their
12 experience. And I think for the workers it served as
13 rather kind of a relief valve. Instead of having
14 everyone coming, you know, on that, that Tuesday, to
15 be able [coughs] excuse me, to spread it out, you
16 know, the amount of voters coming in, and a good test
17 run for the presidential, which I think is going to
18 be, you know, we might have some precedent in the
19 amount of people coming. And so I'm glad that we
20 have early voting. We obviously have some questions,
21 there are, and some concerns, so I'm going to ask a
22 few questions and then turn it over to my colleagues,
23 and then I'll be coming back with some questions.
24 But just let me recognize that we've been joined with
25 Council Member Kallos and Council Member Yeger. I

2 wanted to ask you in regards to schools, is there any
3 way to avoid using schools? I know there were some
4 concerns by parents and we're going to hear more from
5 them. I know Council Member Powers will give it more
6 specific, so I don't want to get into the detail, but
7 I want to give the macro level question here. Is
8 there any way to avoid using schools in light of the
9 fact that, you know, we're talking about nine days
10 that it can interfere with the operation. And having
11 worked in a school myself some years ago, I know how
12 important every space within a school is.

13 MICHAEL RYAN: So the commissioners
14 recognize the imposition that the nine-day early
15 voting places on students and school administrators.
16 The best way to conduct voting of any kind would be
17 for the city and state government to leverage
18 facilities that are relatively under-utilized during
19 any given period throughout the year and stay away
20 from institutions that are over-utilized. I think
21 with respect to the schools in general this go-round,
22 the relatively short timeframe for implementation
23 created a certain, ah, you know, inability to
24 collectively think outside the box. But as now we
25 have more time on our side with upcoming election

2 events and as we now know exactly what equipment will
3 be going into these locations and what the needs are
4 for that equipment we can make better choices. But I
5 must say this, and I've said it before this committee
6 before, and I'll say it again for anyone within the
7 sound of my voice, the Board of Elections cannot do
8 it alone. We don't own any of the facilities that we
9 conduct elections in. We certainly are not going to
10 engage in a process where we will hand out gold
11 shovels and start groundbreaking on stand-alone
12 election facilities. We have to leverage those
13 facilities that are available to the City of New York
14 and to the State of New York. That said, we also
15 have worked with the law department to develop a
16 license agreement, which they said was the better way
17 to try to procure space for those facilities that we
18 can go into as-of-right, i.e. those with a tax
19 exemption or tax abatement. We would like to expand
20 potentially the use of that license agreement for
21 purely private sites, you know, with private
22 locations that want to be good citizens and want to
23 be good partners, and that would allow us to be in
24 their facilities on a, on a voluntary basis pursuant
25 to a license agreement, but in a stable way, so that

2 we're not finding ourselves doing a presidential
3 primary in April and then having to switch polling
4 locations for a June primary. We want stable
5 locations that we can use election in and election
6 out.

7 CHAIRPERSON CABRERA: So, you know, I've
8 been pushing for, for a while, to say the least, to
9 be able to use, ah, to be able to contract, I don't
10 know what's the right word here, and to short-term
11 leases to use nonprofits, use other organizations
12 that have a building and they have good
13 accountability, where you don't even have to build
14 those accessibility ramps that are costly, to say the
15 least, and extra work. Can we envision perhaps a day
16 where we don't need to use the schools and we could
17 use the short-term leases with this other nonprofit
18 organizations?

19 MICHAEL RYAN: As long as we can put
20 together a list of locations that meet state law,
21 which includes commuter patterns and accessibility to
22 public transportation, and all of those things that
23 we all know, if we can come up with a dispositive
24 list of those locations, then certainly the Board of
25 Elections wants this very simply.

2 CHAIRPERSON CABRERA: So let me help you
3 out here.

4 MICHAEL RYAN: Sure.

5 CHAIRPERSON CABRERA: So for example do
6 you have in your website a site where nonprofits
7 could apply for to be able to make their sites
8 available and go into a short-term lease, and if you
9 don't are you open to doing so?

10 MICHAEL RYAN: We do not.

11 CHAIRPERSON CABRERA: OK.

12 MICHAEL RYAN: That is a very good idea
13 and it actually dovetails nicely with a recent effort
14 that the commissioners have approved. We have on our
15 website, we're going to close out the period December
16 the 17th, but it's prominently featured on our newly
17 redesigned website. We're seeking commentary and
18 feedback with respect to early voting and we're, we
19 want to elicit as much feedback as we can from the
20 general public and others so that we can plan better
21 for the future, to take that information, digest it.
22 I see no reason why we could not leave a feature like
23 that open all, you know, all year round for locations
24 that want to become poll sites. You know, it's a
25 little bit of a fishing expedition, but if you don't

2 drop your hook in the water you don't catch a fish,
3 right? So it's a great idea, and thank you for that
4 suggestion.

5 CHAIRPERSON CABRERA: I think you'll be
6 surprised how many nonprofits would, ah, you know,
7 obviously they have to be compensated for the light,
8 electricity, in light...

9 MICHAEL RYAN: Right.

10 CHAIRPERSON CABRERA: ...of the fact that
11 these, these machines, I didn't realize they pull a
12 lot of power, but, you know, if they're properly
13 compensated, which leads me to, ah, to the next
14 question regarding some of these machines that
15 require a tremendous amount of power. Is there a
16 portable power supply device that does not require,
17 you know, some kind of a gas generator outside of a
18 building? Have you explored to see if there is any
19 such device? I know in Dominican Republic I know they
20 have them. I don't if they're legal here, but have
21 you checked into those?

22 MICHAEL RYAN: We had to act very quickly
23 in order to get, ah, in order to get the power supply
24 to the early voting sites and we did. We contracted
25 for a maximum of 61. I think we ended up using 49 at

2 the various locations. We're in the process, based
3 on what we've learned, of putting together an RFP to
4 solicit a longer-term solution. We had to leverage
5 existing contracts given the timeframe that was
6 available to us. But certainly we're open to
7 whatever alternative means of providing readily
8 accessible power to the facilities.

9 CHAIRPERSON CABRERA: I'm hoping that
10 it's not something that is gas-powered, you know,
11 something, you know, is a device, you charge it
12 overnight and then it's useful for the entire day.
13 There has to be something out there.

14 MICHAEL RYAN: I'm not an expert in that
15 regard, but whatever we can do that gets the job done
16 we're certainly open to.

17 CHAIRPERSON CABRERA: I have a lot of
18 questions. I have 47 questions [inaudible] but I'm
19 not going to ask them all. But I know my colleagues,
20 they have questions, and I'll come back. I'm going
21 to turn it over to Council Member Powers.

22 COUNCIL MEMBER POWERS: Thank you. I
23 have 48, so I got you beat. Thank you, and thank you
24 for the testimony. Good afternoon. I want to pick
25 up on the Chair's discussions around school sites as

2 voting sites, something we've already discussed, and,
3 you know, my district, I think it was three different
4 schools that were used as early voting sites -
5 Clinton, the Clinton school on 15th Street, PS-116, I
6 know we were joined by members of the PTA there, ah,
7 in Murray Hill, and then the Wagner Middle School on
8 the Upper East Side. At least from two of those
9 schools I had heard from the PTA concerns around
10 safety and security issues and disruption to school,
11 school day and school usage as a result of having to
12 use the school sites. The, I think, 33 of the 61
13 early voting sites in the city were schools. I
14 understand why those are easy to use, because of the
15 time rush and the availability. But obviously the
16 parents are asking rightful questions about losing
17 cafeteria, gym school space, having strangers enter
18 their building, not knowing who those are. It's only
19 going to become worse with the presidential year
20 ahead and a higher turnout. So I understand the
21 answer given earlier, but I want to actually start
22 earlier, which is can you give us the process by
23 which the early voting sites were identified?

24 Obviously there's a part of this that I think is the

2 Board of Elections site selection process. The city
3 has property, including schools...

4 MICHAEL RYAN: Sure.

5 COUNCIL MEMBER POWERS: ...that are put
6 forward. Can you tell us how that list is made, then
7 how those sites are identified?

8 MICHAEL RYAN: So before we get to the
9 how we got to get back to the timing of all of this.

10 COUNCIL MEMBER POWERS: Sure.

11 MICHAEL RYAN: Early voting is passed
12 January 24. At that time the poll site designation
13 date was moved simultaneously from May 1 to March 15.
14 Any site that we could use as-of-right for an early
15 voting sites had to be so designated by March 15,
16 even though we did not have to make that list public
17 until May 1. So we had about six weeks to try to get
18 these sites together, and we had six weeks also
19 shaved off of the poll site designation time for
20 regular voting. So it was extremely abridged, and so
21 we had to throw a wide blanket over that. We did
22 designate some sites that we typically would not have
23 designated. And I'll pick on two boroughs, Brooklyn
24 and Manhattan. We designated the Davits Center in
25 Manhattan and the Barkley Center in Brooklyn. For

2 various reasons, including other contractual
3 obligations, neither of facilities were available to
4 us. So we started to very quickly lose sites that
5 were available to us and got some significant
6 pushback regarding sites that were going to be used.
7 With respect to the selection for this go-round we
8 went to the state statute that was some of the
9 elements that we had described, that I had described
10 earlier, ah, with respect to, you know, proximity to
11 the voters, commuter patterns, and also access to
12 public transportation, some of the factors that we
13 had to consider. On a regular election cycle, out of
14 the 1247 poll sites, about 57% of those are schools
15 and a little bit less of a percentage, it was about
16 53%, of those ended up being early voting sites, of
17 course from a far fewer number. But with respect to
18 the commitment to get away from schools for early
19 voting, I can say to this committee again we had
20 previously written to the chancellor in 2014 and then
21 again to the new chancellor in 2018 saying that we
22 wanted schools to be closed for election events for
23 primary elections, the same way they are in generals.
24 In keeping with that desire, it would be completely
25 incongruous to say we want the schools to be closed

2 for primary elections, but yet we want to use them,
3 you know, for early voting and then impose that over
4 a much longer period. So, again, I redouble my call
5 that this has to be an all-hands-on-deck approach.

6 COUNCIL MEMBER POWERS: Can I just stop
7 you there? I just was maybe hoping for some clarity
8 in terms of who nominates the school buildings to be
9 facilities for early voting? You use some of these
10 schools for voting on primary and Election Day, ah,
11 primary and general election in the past, but on a,
12 on a, for an early voting site location is that the
13 Board of Elections who is choosing that? Are you
14 going to the Department of Education or City of New
15 York and asking for a list? Who is nominating the
16 schools buildings?

17 MICHAEL RYAN: So there really is no
18 nominating process. The state election law indicates
19 that school facilities are a primary source of poll
20 sites, as well as any other facilities that receive
21 government funding or any other facilities that have
22 a tax abatement or exemption, and those are the sites
23 that we can go into what we say as-of-right. Ah, I
24 will say that there is no formal nominating process,
25 but we did receive a list in the springtime from the

2 administration with suggested sites. As it turned
3 out, the overwhelming majority of the sites on that
4 list were schools.

5 COUNCIL MEMBER POWERS: OK, so you have
6 as an as-of-right ability to go to use a school
7 building, a public school building...

8 MICHAEL RYAN: Correct.

9 COUNCIL MEMBER POWERS: ...as a voting
10 site, and in addition to that some sites are put
11 forward as suggested sites which you had to evaluate
12 to be compliant and then to meet the needs how many
13 sites you want and locations and things like that, is
14 that fair to say?

15 MICHAEL RYAN: That's fair, yes.

16 COUNCIL MEMBER POWERS: OK. And so then
17 when we take a specific school site, I have three, so
18 we can pick any single one of them, you're then
19 narrowing down that site based on matching the
20 geographical considerations of early voting, the
21 number of sites, resources, and other considerations,
22 is that fair?

23 MICHAEL RYAN: Yes.

24 COUNCIL MEMBER POWERS: OK. And you're
25 looking predominantly in this case, this year, let's

2 say, at least at as-of-right facilities because of
3 the difficulty with the timing, is that fair?

4 MICHAEL RYAN: Yes.

5 COUNCIL MEMBER POWERS: OK. And so as we
6 get into next year, we have more time now, we have a
7 little more time now, we're getting right back into
8 elections with, I think, April presidential primary.
9 I think that the schools that have been concerned
10 with the usage of their school, now those concerns
11 rise because of I think three potential, three
12 elections, although Queens I think may have five
13 elections in the coming year. So those schools,
14 Queens doesn't, I think, have any school sites right
15 now but Manhattan and others do. There's a concern
16 about lost time with regard, additional lost time and
17 additional security concerns. Can you tell us what
18 the next steps are in terms of the board's revisiting
19 those school sites and maybe, I'm, I'm happy to lend
20 my, myself to help with the search process in my
21 district to identify new sites in the area to serve
22 the, the similar needs, but outside of a school
23 building.

24 MICHAEL RYAN: First, anyone that's
25 willing to help is a welcome partner. That's number

2 one. Number two, internally we have a mapping
3 program from a vendor, Esri, that we purchased for
4 simply to draw maps. What we were not aware of when
5 we initially purchased it was the feature capability,
6 and they're in the process of customizing it for us.
7 So what they're doing is they're adding all of our
8 existing poll sites to what is now going to be a 3D
9 and interactive map and then mapping on that all
10 other government-owned buildings in the immediately
11 surrounding area. So if we were, to say, sit down
12 with you, Councilman, with respect to your district,
13 we will be able to bring your district up on a map,
14 3D interactive, as well as links to Google Street
15 View, and we're trying to get them to as well
16 overlay, but the information is a little bit more
17 difficult to extract, those locations that also have
18 tax abatements or exemptions so that they could
19 overlay that information onto it as well and we could
20 have a productive conversation as opposed to, you
21 know, a spitball conversation, saying well, what
22 about this location, what about that location. We'd
23 be able to actually see it. And the commissioners
24 are committed to this as well. So we also met on
25 Friday with the Department of Education up to the

2 deputy chancellor level to really sit down and try to
3 forge a team approach to moving away from the school
4 facilities in the same way that we've formed a team
5 approach with respect to the utilization of the
6 school facilities on Election Day because we actually
7 have a very good working relationship with the
8 Department of Education in terms of working out the
9 logistics separate and apart from the early voting
10 process.

11 COUNCIL MEMBER POWERS: What is your
12 deadline to select sites for the April presidential
13 primary?

14 MICHAEL RYAN: It is, it is a rolling
15 deadline, but the same. It's 45 days before each
16 early voting event. But as a practical matter we
17 still have to designate the poll sites by March 15
18 and really what the specter of the Queens special
19 election is going to do for us is ratchet all of that
20 up much more quickly, so it's going to have to be
21 done...

22 COUNCIL MEMBER POWERS: For Queens, at
23 least, but not necessarily for the other boroughs?

24 MICHAEL RYAN: Not necessarily for the
25 other boroughs, but we have to make some fundamental

2 operational adjustments, and keeping Queens in mind,
3 in advance of their special election. So that's
4 going to impact on the types of facilities that we're
5 looking to choose.

6 COUNCIL MEMBER POWERS: Are you looking
7 to expand early voting sites next year?

8 MICHAEL RYAN: Yes.

9 COUNCIL MEMBER POWERS: OK. And for the
10 specific sites that have raised issues, I again noted
11 three sites or schools in my district, I think two of
12 them predominantly have raised concerns. I would
13 love, maybe even starting next week, to look, be
14 looking at sites. I know you have some technology
15 you're trying to bring on board, but we are looking
16 at a short timeline here. You have my full
17 commitment to work with you in terms of my district
18 to help identify sites, to recommend places, and I
19 think we have some ideas, and I think the PTA would
20 share in that. And I do appreciate your ability to
21 put in, and the city as well, to safety and security
22 procedures. I voted at one of those. I was a last-
23 day voter as well. But the, you know, there was a
24 protocol for when you showed up, but I think moving
25 those away from the schools would be a wise idea.

2 MICHAEL RYAN: And I think that some of
3 the lessons that we've learned from using the non-
4 traditional sites, like some of the cultural
5 institutions, whereas we might not at first blush
6 appear to be a welcome tenant, we're also providing
7 those cultural institutions with an opportunity for
8 them to show off their facility to people who might
9 not otherwise have wandered in. We've gotten some
10 feedback from some of the museums that we've used in
11 Queens, as well as some of the executive directors
12 for the YMCA facilities that we've used. There's now
13 an influx of people coming inside that would have
14 just walked past the place and not given it a second
15 look. So there is that partnership aspect to it,
16 where it can be beneficial to both the Board of
17 Elections and the institution that we use that we're
18 getting people in there that might not have
19 otherwise.

20 COUNCIL MEMBER POWERS: OK, appreciate
21 it. I don't want to hog too much time, so I'm just
22 going to close it out here with just maybe one or two
23 more questions. But is there a plan, and if so when,
24 to move away from geographical early voting to
25 citywide early voting, meaning I actually potentially

2 might live closer to one early voting site than the
3 one I actually have to vote on, vote at, or my life
4 might take me, my job might take me to one place, I
5 want to vote on my lunch hour, but that's not where I
6 live. Is there a plan to move away from still having
7 to vote at a specific early voting site to moving to
8 a citywide voting, I can vote at whatever designated
9 early voting place?

10 MICHAEL RYAN: So I would put a
11 qualification around that. I don't envision a
12 circumstance where it would be vote anywhere in the
13 city. But we are working very closely with the
14 commissioners to digest and evaluate our experience
15 from this go-round and to seriously look at county-
16 wide voting. There are challenges associated with
17 that that's going to require interaction between the
18 city board and the state board, as well as working
19 with our electronics vendors to work out some issues
20 there as well.

21 COUNCIL MEMBER POWERS: OK. That would
22 be an improvement, I still think citywide. I mean, I
23 think you still should be able to go to some, if you
24 live in Brooklyn and work in Manhattan and you want
25 to go be able to vote, I think the reason people

2 voted on the last day is because they were on the
3 clock, and I know I particularly was that way, but I
4 think that, you know, being able to do, go vote at
5 any single place would be a vast improvement over
6 what's in place today.

7 MICHAEL RYAN: So although the City Board
8 of Elections operates under one umbrella with five
9 counties, the state election law still designates the
10 county as the basic unit of elections, because the
11 other 57 counties operate as individual counties. So
12 right now we're at a county-wide potential, not a
13 citywide potential. But I suppose as this process
14 moves forward and grows anything is possible.

15 COUNCIL MEMBER POWERS: OK, and just my
16 final question, and I thank the chair for giving me
17 so much time. For the, and for individuals who want
18 to recommend a polling place as at least an option
19 and it's, whether it's a parent who is concerned, or
20 whether it's a council member who has a particular
21 site that they think is geographically better or
22 serves some better reason, how do we do that? I
23 share actually the council, the chair's opinion there
24 should be actually a more public process to do that,

2 so I think you guys basically have a spreadsheet and
3 call. I've done it, too, with you...

4 MICHAEL RYAN: Right.

5 COUNCIL MEMBER POWERS: ...at the call
6 sites. But how does a site become, self-nominated or
7 become nominated? What is the process by which
8 somebody can rely a possible site to?

9 MICHAEL RYAN: So there's always the old-
10 fashioned way. It can be put in writing. But up
11 until the 17th we're keeping that early voting option
12 open on our, on our website, so certainly between now
13 and December 17 if somebody wants to recommend that
14 improvement it can be done by the website. I will
15 certainly take back Chair Cabrera's suggestion to the
16 commissioners that we keep that option open all year
17 round. It would be beneficial to the board as well,
18 and if I get the approval to do that then we'll keep
19 that open. Conferring with their local
20 representative and moving the information over to us,
21 any way that you can reasonably get the information
22 to us, we will consider every site. We always do,
23 ah, we don't always get back to everyone about what,
24 how their site was considered and what the reason why
25 it wasn't used. But we do consider every site and

2 some of them occasionally have been in our system as
3 no longer accountable, and even those we send people
4 out to see if there have been any updates or upgrades
5 to the location that would alleviate that problem.

6 COUNCIL MEMBER POWERS: I appreciate it.

7 I would actually recommend you give some of those
8 lists to council members. It was eye-opening to me
9 when I got to see the long list of sites that you had
10 at least considered as potential polling places,
11 because we actually, I think we found one, one of the
12 YMCAs, we got to serve as a polling place, but it
13 took some, it took some calling and some work. But I
14 think that with all the work that's being done by I
15 think a short, a few individuals to do that, I think
16 that actually you should actually employ us to be
17 part of the process.

18 MICHAEL RYAN: And the other thing, in
19 terms of the planning, is new software that we're
20 going to be utilizing will allow us to track sites
21 that were set aside, in a way that our current
22 system, which was a good system when it was designed,
23 but it was designed to let us know which sites were
24 active. And it doesn't really give us the ability to
25 go back in archaeologically and figure out well how

2 come this location wasn't used in the past. It's a
3 cumbersome process. This will, moving forward, make
4 it easier for us.

5 COUNCIL MEMBER POWERS: OK. Thank you
6 for the, thank you for the responses. Back to the
7 chair.

8 CHAIRPERSON CABRERA: Thank you so much.
9 Council Member Yeger.

10 COUNCIL MEMBER YEGER: Thank you, Mr.
11 Chairman. Good afternoon, Mr. Director. As I
12 recall, in one of your previous appearances here you
13 had a ream-size stack of paper of letters from
14 various entities and potential sites asking you to
15 please not consider them for voting. Is that
16 correct?

17 MICHAEL RYAN: Yes.

18 COUNCIL MEMBER YEGER: Ream-size is the
19 right description?

20 MICHAEL RYAN: It was a good stack.

21 COUNCIL MEMBER YEGER: I would, I would
22 like to urge the board, and if you can ask the
23 commissioners if they would be amenable to this, to
24 scan that document, those documents, those letters,
25 and put them up on your website so that New Yorkers

2 can see which agencies, which schools, which entities
3 have begged off participating in sites to be selected
4 for voting. Because, as I recall, last year the
5 conversation was you Board of Elections, you terrible
6 people, you're not providing enough sites for people
7 to vote. And then we had early voting, and in the
8 last couple of weeks what I've heard is you Board of
9 Elections, you terrible people, why are you putting
10 these voting sites in places where we don't like it?
11 So I'd like to, you know, I'd like New Yorkers to be
12 able to decide which side of the argument they'd like
13 to fall on and whether you're terrible people because
14 you're not providing enough, ah, poll sites for them
15 to vote or whether you're terrible people because you
16 chose the wrong ones, so. Or whether you're just
17 good people because you did the best you can...

18 MICHAEL RYAN: I was hoping you would get
19 to that. It's so important. [laughter]

20 COUNCIL MEMBER YEGER: ...to, ah, find as
21 many sites as possible. Because we engaged in this
22 line of questioning, Mr. Director, and one of the
23 questions I recall asking you was aren't you looking
24 for more sites, and the answer was always yes, but
25 they don't want to let us in. So I'd like New

2 Yorkers to be able to see who said no and so that
3 when we have these conversations of this school
4 doesn't want us anymore, this one doesn't want, this
5 one doesn't want, but Board of Elections you need to
6 do more sites, you need to do more sites, you need to
7 do more sites. I think those conversations shouldn't
8 be two separate and distinct conversations.

9 MICHAEL RYAN: Right.

10 COUNCIL MEMBER YEGER: They should be a
11 more combined conversation.

12 MICHAEL RYAN: And we've had this
13 conversation around early voting, but it applies to
14 Election Day as well.

15 COUNCIL MEMBER YEGER: Yes.

16 MICHAEL RYAN: And just to, you know, put
17 it out there, the City of Chicago has roughly 1.5
18 million voters, about the size of Brooklyn. They
19 operate 1500 poll sites on Election Day, 1.5 million
20 voters. We operate for Election Day 1247 this last
21 go-round for 4.7 million voters. So clearly we don't
22 have enough poll sites. We don't have enough poll
23 sites on Election Day and we're working two having an
24 appropriate number of poll sites for early voting,
25 and that of course goes with the caveat unless there

2 is some other way to conduct the voting process that
3 could make it as convenient, you know, with a fewer
4 number of sites. I don't know where that would be,
5 but it's a possible option.

6 COUNCIL MEMBER YEGER: And there are, by
7 my count, and you may have gone over this earlier,
8 and I apologize for being late, I had a committee
9 across the street, there are at least three elections
10 this coming year.

11 DAWN SANDO: At least.

12 COUNCIL MEMBER YEGER: And possibly four.

13 MICHAEL RYAN: Yes.

14 COUNCIL MEMBER YEGER: In question for
15 sure four, and then possibly five in Queens as well,
16 right?

17 MICHAEL RYAN: Correct.

18 COUNCIL MEMBER YEGER: And there may even
19 be more, depending on, you know, anybody in our line
20 of business who gets arrested. [laughter] So there's
21 36 days, and on this body it could be any day.

22 MICHAEL RYAN: Right [laughs].

23 COUNCIL MEMBER YEGER: So just pay
24 attention. There's 36 days of, of election need for
25 a site based on the three elections, right, because

2 you need 12, or you need, the nine, the one in the
3 beginning, the one...

4 MICHAEL RYAN: You would figure at least
5 11, possibly 12, when you consider delivery and
6 retrieval of the equipment.

7 COUNCIL MEMBER YEGER: OK, we were using
8 12 last year, isn't that right?

9 MICHAEL RYAN: Yeah, 12 is about right,
10 yep.

11 COUNCIL MEMBER YEGER: OK. So when, and
12 we don't want to switch around the sites once we
13 choose it.

14 MICHAEL RYAN: Correct.

15 COUNCIL MEMBER YEGER: So we have this
16 conundrum and with a little bit of a ticking clock
17 against your head because the first election is
18 probably going to be around February in Queens,
19 surely we have an election in April city, we have an
20 election in June, we have an election in November.
21 So what, um, and obviously Queens being the priority,
22 not because I want it to be, but because the calendar
23 requires it, you're going to have to choose this
24 sites. Is there any indication that you're not, or
25 any reason that you're not going to continue with the

2 sites that you've already used for this election or
3 are there some that you have to knock of right now?

4 MICHAEL RYAN: In Queens we did not
5 utilizing learning institutions. But in the other
6 boroughs we did by necessity. The calendar for April
7 has state math tests, the 21st, 22nd, and 23rd, and
8 the presidential primary is the 28th. So that would
9 be right in the middle of the...

10 COUNCIL MEMBER YEGER: Early voting.

11 MICHAEL RYAN: ...early voting session
12 and there are very specific rules that the schools
13 have to engage in when they do these tests and there
14 are protests that can be made in the event that the
15 children are disturbed during the, during the
16 testing. So that's, you know, a serious concern for
17 us. And then as early voting is the gift that keeps
18 on giving, we have a state and federal primary on
19 June 23rd and we have Regents exams on the 17th,
20 18th, and 19th, also right during that period of
21 early voting. Oh, and by the way, I missed the one,
22 Dawn just pointed out to me, Ms. Sando, there are
23 also Regents on the 23rd, and I think that's the last
24 day of Regents, in case anybody missed a test and for
25 rescheduling purposes.

2 COUNCIL MEMBER YEGER: And do the rooms
3 that you use for voting tend to be rooms necessary
4 for students? They use, these, they're cafeterias
5 generally, right?

6 MICHAEL RYAN: Right, but when they do
7 the testing there's requirements of spreading the
8 students out and so a lot more of the facilities are
9 used, a lot more square footage in the facilities are
10 used for students, ah, when testing is going on...

11 COUNCIL MEMBER YEGER: Do they use the
12 gyms during the test periods?

13 MICHAEL RYAN: ...and in, it depends on
14 the size of the school and the separation that's
15 required, you know, they want to prevent cheating and
16 make sure that the students have a, you know, quiet
17 environment to do that. That doesn't square with the
18 hustle and bustle of an election event.

19 COUNCIL MEMBER YEGER: OK.

20 MICHAEL RYAN: So we're mindful of that,
21 we're aware of it, and that was part of the reason
22 why we met with the Department of Education already
23 on this past Friday to try to come up with...

24 DAWN SANDO: Alternatives.
25

2 MICHAEL RYAN: ...alternatives and a, you
3 know, suitable game plan moving forward.

4 COUNCIL MEMBER YEGER: OK, so as, as the
5 gentleman said, obviously council members, elected
6 officials, and other offices can be helpful and if
7 there are things that you need just let us know, but
8 I will say for the record that your agency has
9 reached out to me in this voting cycle and in the
10 previous voting cycle that have been in office to ask
11 me for assistance in getting into sites in my
12 district. So I know that you are diligent about it
13 and we're all happy to be of help in any way you
14 need. I'd like to move on to another question,
15 something that got some press attention prior to the
16 election and that is the notification to voters of
17 the dates and locations of voting. And so just
18 preliminarily for background, correct me if I'm
19 wrong, you send out a notice and then there's also
20 another agency in the City of New York called the
21 Campaign Finance Board, you may have heard of it,
22 they send out a notice.

23 MICHAEL RYAN: Yes.

24 COUNCIL MEMBER YEGER: OK. So the
25 Campaign Finance Board sent out a notice, which I

2 speak only for my own mailbox, it hit my mailbox
3 after your notice hit. I don't know if that's the
4 experience of most New Yorkers, but I assume that my
5 mailman didn't treat me any differently than
6 everybody else's, so let's just say that the Campaign
7 Finance Board's notice hit after the Board of
8 Elections' notice. There have been reports, and
9 these are verifiable and demonstrably true, that the
10 Campaign Finance Board included on its literature a)
11 wrong information about where to vote for some voters
12 and b) for no voters did it include the early voting
13 information. And as I understand what they said is
14 that the Board of Elections didn't give them the
15 information in time for them to send out the
16 information. So you're nodding your head, you're
17 shaking your head no. You don't have to, because I
18 don't believe them anyway. So I'm with you. But my
19 question to you is as a government agency, now you
20 were sending out notices with the information on it.
21 Were your notices all correct?

22 MICHAEL RYAN: Yes.

23 COUNCIL MEMBER YEGER: OK. Is there an
24 instance where in the 2019 election where the Board
25 of Elections in the City of New York sent out a

2 notice notifying people of where to vote that the
3 voting information where to go vote was incorrect for
4 a particular voter?

5 MICHAEL RYAN: No.

6 COUNCIL MEMBER YEGER: OK. So the
7 Campaign Finance Board, a government agency, claims
8 that it received the information from the Board of
9 Elections and the Board of Elections having told them
10 this is accurate only as of the day we give it to
11 you, but it will not necessarily be accurate on
12 Election Day, don't print without talking to us, they
13 went ahead and sent out stuff after you sent out your
14 notices and they sent out wrong information. Is that
15 your understanding of what occurred?

16 MICHAEL RYAN: That is my understanding.

17 COUNCIL MEMBER YEGER: Do you see any
18 reason why a city agency should waste money the way
19 the Campaign Finance Board did in this election?

20 MICHAEL RYAN: I won't speak to that, but
21 what I will say is I think that elections should be
22 left to the Board of Elections. Now, there's other
23 information that might be valuable that could be
24 disseminated to the voters that we won't get involved
25 in, like descriptions of candidates' positions and

2 all of those things. But the business of elections
3 should be left to the people that conduct the
4 elections. That's what I will say.

5 COUNCIL MEMBER YEGER: OK, and to the
6 best of your knowledge nobody at the Campaign Finance
7 Board took an oath to conduct elections in a fair and
8 legally permissible way and to comply with the
9 provisions of the election law, they didn't take any
10 classes in election law that you know of. They're
11 not particularly expert in election. They do make a
12 nice little magazine that they send out. But they
13 are not elections experts in any way. Do you know
14 that to be true?

15 MICHAEL RYAN: Ah, there's no way for me
16 to know that, but what I will also add to that is
17 there's information that is incorrect with respect to
18 when any board of elections can ask for
19 identification at a poll site. It's contradicted
20 between information that's contained on page 6 and
21 information that's contained on page 30 in their, ah,
22 in their flyer.

23 COUNCIL MEMBER YEGER: Magazine, we call
24 it a magazine, I call it a magazine.

25 MICHAEL RYAN: And we let them know.

2 DAWN SANDO: We did.

3 MICHAEL RYAN: Ah, so I don't believe
4 that will be repeated in the future.

5 COUNCIL MEMBER YEGER: When you let, when
6 you let them know that, Mr. Director, did they put
7 out a press release letting the world know that they
8 sent out a, to your knowledge?

9 MICHAEL RYAN: I believe, with respect to
10 the improper information for poll sites there was
11 some subsequent mailer that went out, I think it was
12 a postcard. With this other information, obviously
13 we didn't fawn over it a couple of days before the
14 election, but they're aware of it now and I suspect
15 that it will be changed moving forward.

16 COUNCIL MEMBER YEGER: To your knowledge,
17 Mr. Director, did the Campaign Finance Board fire
18 anybody over this?

19 MICHAEL RYAN: I have no way of knowing.

20 COUNCIL MEMBER YEGER: OK, you haven't
21 heard that?

22 MICHAEL RYAN: No.

23 COUNCIL MEMBER YEGER: All right, I
24 hadn't either, just curious if anybody had. All
25

2 right. Thank you very much, Mr. Chairman. Thank
3 you, Mr. Director.

4 CHAIRPERSON CABRERA: Thank you so much.
5 I'm going to ask you if you could give me like the
6 short version of your questions, because I have a few
7 questions here.

8 MICHAEL RYAN: I'm sorry?

9 CHAIRPERSON CABRERA: No, actually, you
10 guys helped me, so I want to thank my colleagues for
11 addressing some of these already. So I wanted to get
12 to my first question here, what difficulty, if any,
13 has the BOE experienced in designating colleagues as
14 poll sites?

15 MICHAEL RYAN: It appears from the
16 outside looking in that CUNY facilities operate
17 individually rather than collectively. Certainly
18 they're generally pretty centrally located
19 neighborhoods. We'd like to use them. We get some
20 cooperation from some schools and other schools have
21 objected.

22 CHAIRPERSON CABRERA: How many, I meant
23 to ask you alongside of that, how many colleges were
24 you able to secure and how many public schools, that
25

2 question keeps ringing in my ear since last
3 [inaudible].

4 MICHAEL RYAN: So there were other 700
5 public schools out of the 1247 Election Day sites,
6 which represents about 57%, and I think we had 33 out
7 of 61 for early voting sites, and there's not that
8 many colleges, number one. We did use, I know, the
9 College of Staten Island for early voting.

10 DAWN SANDO: Monroe College.

11 CHAIRPERSON CABRERA: Monroe.

12 MICHAEL RYAN: Yep.

13 CHAIRPERSON CABRERA: I went to that one.

14 MICHAEL RYAN: We also, John Jay was
15 another facility.

16 CHAIRPERSON CABRERA: OK.

17 MICHAEL RYAN: There was, I know that
18 BMCC objected to being used.

19 CHAIRPERSON CABRERA: Is it, is it that
20 you're approaching them, they're saying pretty much
21 we don't have space, or is there another aspect here
22 that we're not looking at.

23 MICHAEL RYAN: The kinds of justification
24 we get for not using them is that, ah, their calendar
25 is set in advance and that they've earmarked the

2 space that we would like to use for other events.

3 That's the typical out clause, if you will, that they
4 tell us.

5 CHAIRPERSON CABRERA: How far in advance
6 did they say they had the schedule for?

7 MICHAEL RYAN: Some of them say, yeah, I
8 mean, Ms. Sando was just reminding me...

9 CHAIRPERSON CABRERA: Can you approach
10 them a year before?

11 MICHAEL RYAN: ...some of them say a year
12 in advance, but we have then...

13 CHAIRPERSON CABRERA: Just to take away
14 that argument, can you approach them a year before
15 since we already know when we're going to have
16 elections?

17 MICHAEL RYAN: We can approach them, but
18 then other events come up, like the special elections
19 and such.

20 CHAIRPERSON CABRERA: Oh, I see.

21 MICHAEL RYAN: So it really does become a
22 challenge because we want spots that the voters are
23 going to go back to time and time and time again.
24 Because that, you know, before we got to these
25 problems in years past that was always a big, you

2 know, complaint. Well, my poll site was here and now
3 it's over there.

4 CHAIRPERSON CABRERA: And this is why,
5 you know, you know I've been advocating this for a
6 long time, that I, I would love to see sites in which
7 the people running those organizations are eager to
8 have you and there's a reward system in place,
9 right? So right now what it seems is that many of
10 the sites, you know, the Board of Elections coming in
11 is intrusive. And so the more sites I think we could
12 secure through nonprofits or the such, I think the
13 less resistance you're going to experience or these
14 type of arguments.

15 MICHAEL RYAN: And I also think that
16 early voting required us to break down some of those
17 walls that perhaps we had created for ourselves, and
18 I'll use the College of Staten Island as an example.
19 We ended up using the, they have a theater in the
20 College of Staten Island. We ended up using the
21 common area outside the, outside the second floor
22 balcony as the area for early voting because it was
23 large enough that it could accommodate the equipment.
24 We were typically in the past looking for rooms.
25 Perhaps we don't need rooms. Perhaps there are large

2 enough, you know, area enough lobbies where we can
3 conduct the elections. We're looking for any place
4 that's potentially usable and that could be evaluated
5 and make a determination whether we can use.

6 CHAIRPERSON CABRERA: Ah, so...

7 DAWN SANDO: We're also working...

8 CHAIRPERSON CABRERA: Yes.

9 DAWN SANDO: Just so that you know, we're
10 working with the archdiocese as well and they've
11 reached out to us.

12 CHAIRPERSON CABRERA: Oh, fantastic.

13 DAWN SANDO: They have buildings and so
14 we're in the process of doing that as well.

15 CHAIRPERSON CABRERA: That's great,
16 that's great. And in terms of the leasing private
17 space as poll sites, can you give me more details of
18 this license agreement, what does it entail,
19 parameters?

20 MICHAEL RYAN: Right, so they, our agency
21 worked closely with, our legal department worked with
22 the city law department. They felt that the leasing,
23 even on a short term, was not the way to go in order
24 to comply with the PPB rules, and they came up with a
25 license agreement, so we would license the space for

2 12 days. We tailored that specifically to those
3 locations that we can as-of-right go into. But it is
4 my belief as a lawyer that we can tailor that
5 document now for purely private spaces. The question
6 that's always going to come out with the purely
7 private spaces is what's the appropriate rate of
8 compensation and how does that dovetail with the New
9 York State election law vis a vis what's permissible.
10 So I did ask the state legislature at the hearing
11 last week if we could work to try to come up with a
12 standard...

13 CHAIRPERSON CABRERA: OK.

14 MICHAEL RYAN: ...so that we know what our
15 parameters are, because we don't want to expose the
16 board to accusations that this site or that site was
17 given preferential treatment or received some type of
18 financial windfall.

19 CHAIRPERSON CABRERA: I would love to see
20 that. We need to standardize that way. Actually, it
21 protects both entities...

22 MICHAEL RYAN: Yes, absolutely.

23 CHAIRPERSON CABRERA: ...the Board of
24 Elections and also the nonprofit. And we don't want
25

2 a bad experience to become the branding that somehow
3 there's something, yeah.

4 MICHAEL RYAN: Right, the last thing we
5 would want is anybody to make an accusation that
6 something was done improper when all we're trying to
7 do is put on an election.

8 CHAIRPERSON CABRERA: Now Nassau and
9 Suffolk counties have demonstrated that county-wide
10 voting can be successful, and I know this question
11 was asked before, would we allow people to vote at
12 any poll sites in their borough going forward, so my
13 big question here is when do you foresee that we will
14 be ready to do this?

15 MICHAEL RYAN: So that analysis is
16 ongoing. We will be, the executive management team
17 will be attending a round table discussion at the
18 State Board of Elections on December 2nd. The State
19 Board of Elections is not allowing grass to grow
20 under its feet, either, and they have scheduled a
21 series of round table discussions with all of the
22 counties. We're going to the first one. That will
23 be at their offices in Albany. And we'll have an
24 opportunity to address, you know, the state board
25 regulations with respect to testing and the other

2 challenges that go full with that, and hopefully get
3 some information out of those counties that didn't
4 and find out maybe what they did that we may have,
5 can learn a lesson from.

6 CHAIRPERSON CABRERA: And what challenges
7 do you foresee that we'll be [inaudible] on?

8 MICHAEL RYAN: So there's, you know, a
9 couple right off the bat. One is the preelection
10 testing requirements and the sheer number of ballot
11 styles that we have in New York City. Let's say, for
12 example, Brooklyn 1800 ballot style potentially, and
13 then the other challenge that we have, which I'm sure
14 can be addressed, but the ballot marking devices that
15 we presently use are of a dated technology and have
16 insufficient memory to allow for the ballot styles,
17 ah, all of the ballot styles for a particular county
18 to be loaded onto those machines, particularly in
19 those, in Brooklyn, Queens, and Manhattan where they
20 have three language requirements, and then the audio
21 files for all of those languages have to be loaded
22 onto the, onto the ballot marking devices for those
23 individuals who need the ballot read to them. So we
24 probably can come up with something that allows us to
25 place multiple ballot marking devices at the

2 locations where we could break those files up and
3 then have them specially designated for specific
4 assembly in election districts, but that requires a
5 bit of analysis and some planning.

6 CHAIRPERSON CABRERA: We noticed that
7 three out of the five weekday poll site hours were
8 from 9 to 5. Any particular reason why this choice
9 was made? You know, a lot of people are working.
10 Why not do it from 2 o'clock moving forward so that
11 way you get people who are available during the day
12 and the evening?

13 MICHAEL RYAN: We tried to, we did try to
14 juggle it a bit and see what would ultimately work
15 the best. I will say that the early voting hours by
16 statute were requested to be 60 hours and New York
17 City conducted early voting for 74 hours. So we did
18 exceed by 14 hours the minimum.

19 CHAIRPERSON CABRERA: Very good.

20 MICHAEL RYAN: And it's a work in
21 progress. We're going to be able to take a look at
22 the check-in time trends because we have e-poll books
23 now and we can do a little better analysis, perhaps,
24 than...

2 CHAIRPERSON CABRERA: Do you have that
3 data already?

4 MICHAEL RYAN: It exists, yes.

5 CHAIRPERSON CABRERA: Have you looked at
6 it?

7 MICHAEL RYAN: We haven't analyzed it
8 just yet.

9 DAWN SANDO: The [inaudible] is in the
10 process of it.

11 CHAIRPERSON CABRERA: I know you'll
12 [inaudible].

13 MICHAEL RYAN: But the data exists, yes,
14 and so, but that will help us. It will confirm to
15 some extent that which we already knew for Election
16 Day, but early voting day is new, so we had no
17 specific data to analyze previously.

18 CHAIRPERSON CABRERA: Are you planning to
19 extend weekend hours?

20 MICHAEL RYAN: The weekend hours on the
21 Sunday, specifically the last, ah, Sunday. Maybe
22 that could go to 5 o'clock. But it gets a little
23 close, because we still have to put on that election
24 the following Tuesday. I will say this.

25 Everything's on the table. We're going to do the

2 analysis. We're going to gather the information from
3 the public, you know, off the website, and then also
4 we're going to feedback, not only in this formal
5 settings from elected officials, but I'm sure that
6 we'll get feedback from the elected officials as
7 well, and we'll, I'm also certain that there will be
8 some adjustments.

9 CHAIRPERSON CABRERA: Regarding e-books,
10 e-poll books, were there any concerns in the early
11 voting about people voting, trying to vote twice?

12 MICHAEL RYAN: Not that I'm aware of.

13 CHAIRPERSON CABRERA: OK, that's good
14 news.

15 MICHAEL RYAN: And it's typically not
16 something that we confront, but, and that was borne
17 out from the initial information. I don't know that
18 there was even one instance of it in any of the
19 counties.

20 DAWN SANDO: None, none in New York City,
21 [inaudible].

22 MICHAEL RYAN: Right.

23 CHAIRPERSON CABRERA: The previous, let's
24 say a year ago, did you had any?

2 MICHAEL RYAN: We had, there actually,
3 since I've been the executive director there's been
4 one prosecution that I'm aware of and that involved
5 an individual voting for somebody else. A woman
6 voted for her brother. We have had other
7 circumstances where somebody votes by affidavit and
8 votes on the, ah, on the machine as well, and usually
9 that involves somebody moving and then they want to
10 make sure their vote counts. Every one of those
11 instances has been referred to the appropriate law
12 enforcement authority. I'm not aware of any
13 prosecutions that resulted from it, but I am aware
14 that individuals, all of them, were interviewed by
15 detectives from the respective district attorney
16 offices.

17 CHAIRPERSON CABRERA: And if you could
18 talk about, quickly, the effectiveness of the e-poll
19 books. How would you characterize [inaudible]?

20 MICHAEL RYAN: I would say that it is
21 probably the most welcome changes to the elections
22 process.

23 DAWN SANDO: Yes.

2 MICHAEL RYAN: And then couple that with
3 the ballot on demand systems that worked very well
4 for the early voting process.

5 CHAIRPERSON CABRERA: So was there any
6 difficulty getting e-poll books ready with the
7 shortened time between the close of the voter
8 registration and the start of early voting?

9 MICHAEL RYAN: Yes [laughs].

10 CHAIRPERSON CABRERA: So can you talk
11 about it, quick, briefly, yes.

12 MICHAEL RYAN: Right. It's transferring
13 large amounts of data in a compressed timeframe and
14 doing that with connectivity in each of the 1247 poll
15 sites that we have throughout the city. So, yes,
16 it's a, it's a challenge. It's a doable challenge,
17 but it's a challenge nonetheless.

18 CHAIRPERSON CABRERA: How many poll sites
19 are you looking to have for early voting for April?

20 MICHAEL RYAN: As many as we can.

21 CHAIRPERSON CABRERA: [laughs]

22 MICHAEL RYAN: And I don't mean that to
23 be circumspect. We're still in the process of
24 evaluating what we've done and we want to, ah, have
25 as many as we can. We also understand that having

2 more means a different distribution of the equipment
3 as well.

4 CHAIRPERSON CABRERA: So it's not
5 inconceivable to, let's say a hundred?

6 MICHAEL RYAN: I answer to the Board of
7 Commissioners and they have to bless what we do, so I
8 don't really want to, ah, commit to a number, but I
9 can tell you, let's look at the, let's look at the
10 trend progression.

11 CHAIRPERSON CABRERA: Do you have the
12 capacity to get to a hundred? That's a better
13 question.

14 MICHAEL RYAN: If we find the suitable
15 sites. In light of the challenges that we spoke
16 about earlier with the sites that we don't want to
17 use, the answer is yes. But look at the trend line.
18 We announced 37 last May 1st, we ended up with 61.
19 Right? So we did raise it by 24 in a few months'
20 timeframe. If you look at that upward trend I would
21 say it's going to continue to trend upward, and we're
22 cognizant of the fact that we have a busy election
23 cycle coming up in the spring.

2 CHAIRPERSON CABRERA: Really quick here,
3 did the power issues in any of the sites prevent
4 voters from casting ballots?

5 MICHAEL RYAN: No.

6 CHAIRPERSON CABRERA: Would generate, no,
7 we talked about this already. What precautions were
8 taken to ensure neither Wi-Fi [inaudible] points nor
9 the e-poll books were vulnerable to attacks that will
10 compromise the integrity of either the voter roll or
11 scan of voted ballots?

12 MICHAEL RYAN: So it's, it is no
13 coincidence that the first three letters of security
14 and secret are the same. So in general terms I will
15 say that we have worked, and still have a very close
16 working relationship, with the city Cyber Command
17 office, as under CCO Jeff Brown, as well as we have
18 our own vendor, [Fire Imandiant] and every aspect of
19 our electronic process passes through that screening
20 process from the city Cyber Command office and our
21 own vendor, as well as our internal protocols. So I
22 can only speak for what Mr. Brown has told me, and he
23 says from his travels around the country that no one
24 else is as up to date in any jurisdiction as New York
25 City is.

2 CHAIRPERSON CABRERA: That's fantastic.
3 Two more questions, because I know we have more
4 panelists. What is the status of BOE's discussion
5 with administration on creating a municipal poll
6 worker program. Do you know if any municipal units
7 have been involved in discussion and what challenges
8 exists for setting up such a program?

9 MICHAEL RYAN: It's basically other than
10 a verbalized willingness to try to do something,
11 we're still in the same place that we were, ah, last
12 spring. I don't know if any of the unions have been
13 specifically contacted. We have engaged in
14 conversations with the teachers' union and
15 specifically trying to access some of the retired
16 teachers that might be able to serve as poll workers,
17 but, excuse me, there are no specific plans that I'm
18 aware of.

19 CHAIRPERSON CABRERA: Do you foresee that
20 we're going to be struggling getting poll workers for
21 this coming April election?

22 MICHAEL RYAN: No, actually we were very
23 pleasantly surprised at the numbers of individuals
24 that were available for early voting. In fact, we've
25 gotten the exact reverse. We've gotten complaints

2 from people that they weren't given enough early
3 voting days to work.

4 CHAIRPERSON CABRERA: Oh, wow.

5 MICHAEL RYAN: Which is not, you know, a
6 circumstance we usually find ourselves in.

7 CHAIRPERSON CABRERA: That's a good
8 program.

9 MICHAEL RYAN: That is a good program to
10 have, correct.

11 CHAIRPERSON CABRERA: Last question. The
12 state passed on a constitutional amendment to permit
13 same-day registration. Is the BOE prepared to
14 implement Election Day voter registration? If not,
15 what does the BOE need to do to be ready?

16 MICHAEL RYAN: So my understand is that
17 the constitutional amendment regarding same-day
18 registration has not happened yet. However, the
19 State Board of Elections is in the process of putting
20 together a plan for electronic voter registration,
21 which I would suspect needs to be in place before
22 same-day voter registration. We are ready to go.
23 We've had a process in place with the city for the
24 past several years. It is under-utilized. The only
25 piece of the puzzle that is left for us is how would

2 the electronic signature be transmitted to us.

3 Otherwise, the rest of the process is ready to go.

4 CHAIRPERSON CABRERA: Well, I want to
5 thank you both. I know you had a tremendous amount
6 of work to do in a very short amount of time and I,
7 this early voting experience that many of our
8 constituents had was a pleasant one. There are
9 things that obviously we need to work on and I
10 believe that we could become more precise, to have a
11 higher level of precision in what we're doing and
12 looking forward collaborating. I know the council
13 members are eager to help, and I want to thank those
14 in this committee that have helped the BOE. And with
15 that, again, thank you so much, and now we're getting
16 ready for the next panel.

17 MICHAEL RYAN: Thank you very much.

18 CHAIRPERSON CABRERA: Thank you. Douglas
19 Kellner, the co-chair and commissioner of New York
20 State Board of Elections. Mike, if it's possible,
21 Mike and Dawn, Mike, real quick. If you have a, if
22 possible, we didn't ask for this previously, but I
23 know there's some parents that want to testify, if
24 one of your staff could stay hear during so they
25 could hear the testimony.

2 MICHAEL RYAN: Absolutely.

3 CHAIRPERSON CABRERA: Thank you. All
4 right.

5 DOUGLAS KELLNER: Do I need to be sworn
6 in?

7 CHAIRPERSON CABRERA: You don't need to
8 be sworn in.

9 DOUGLAS KELLNER: All right. Thank you
10 very much, Mr. Chairman and members of the council.
11 I'm going to [inaudible]

12 CHAIRPERSON CABRERA: Is your mic on?
13 Just to be sure, is it red? If you could help him
14 out? OK, good. Now I can hear you.

15 DOUGLAS KELLNER: All right. Well, thank
16 you very much. My colleagues at the State Board of
17 Elections gave extensive testimony to the legislature
18 last week, so we've provided you with that extensive
19 data on the statewide implementation. In my remarks
20 today I've simply said that the city has done a great
21 job under tremendous pressure, and I realize that's
22 not typical when I come to speak with you. And in
23 keeping with that, let me give some things that I
24 would ask you to emphasize and think about as we go
25 forward. First of all, with respect to early voting,

2 recognize that it's expensive and that I would urge
3 you to be paying attention to the costs and weighing
4 those costs against the marginal benefits on
5 expanding early voting, so that think twice about how
6 much you want to spend for how many poll sites for
7 early voting, and I would urge you to go to a model
8 where there are larger sites that do handle at first
9 countywide and then eventually citywide and even
10 statewide voting. Now, the latter two require
11 changes in law. But if we had sites in downtown
12 Manhattan, midtown Manhattan, central Brooklyn, in
13 Jamaica, and the other large work centers in the city
14 that are also very accessible by public transit. You
15 have to scale those sites properly and I'm thinking
16 when I went to get my New York City ID at the Mid
17 Manhattan Library, they had an entire floor that was
18 set aside for that process and that worked. If we
19 have a downtown Manhattan site where anyone can go
20 vote it's going to have to be a pretty large site in
21 order to handle the volume for a presidential
22 election. And that segues into my next point, which
23 is that let's not get fooled about how well early
24 voting worked this November. The turnout in November
25 of 2020 is going to be five times the turnout that we

2 had in the last election. Right now our Election Day
3 poll sites are not scaled to handle five times the
4 turnout, even with the benefit of people voting
5 early. And New York City has never met the 30-minute
6 minute time-limit rule and I would urge you to pay
7 attention to the fact that the kinds of efforts that
8 the city board is making now are not going to bring
9 New York City into compliance with the 30-minute time
10 rule. They need more space to have more registration
11 books for the regular poll site. And then last thing
12 is just pay attention to the timeline for
13 implementing ranked-choice voting. The clock is
14 running now and there are things that need to get
15 done right away in order to be ready in June of 2021.

16 CHAIRPERSON CABRERA: Thank you so much,
17 useful information. Council Member Yeger.

18 COUNCIL MEMBER YEGER: Thank you, Mr.
19 Chair. Thank you, Mr. Chairman. I have a question
20 about the ranked-choice voting piece of your
21 testimony, particularly the more detailed part that's
22 included in your written testimony.

23 DOUGLAS KELLNER: Right.

24 COUNCIL MEMBER YEGER: The, you have
25 talked, I've heard you talk about before that you did

2 not, that you preferred getting rid of the run-off
3 primary and replacing it with ranked-choice voting.
4 Does the state election law, to your knowledge,
5 provide for ranked-choice voting?

6 DOUGLAS KELLNER: It does not.

7 COUNCIL MEMBER YEGER: OK. So if the
8 City of New York passes a charter amendment to allow
9 for ranked-choice voting is that contrary to state
10 law?

11 DOUGLAS KELLNER: Not in my view, that
12 the state constitution provides for municipal home
13 rule and the charter revision commission report
14 details the legal analysis supporting the charter
15 amendment. And I agree with it.

16 COUNCIL MEMBER YEGER: Is there any
17 manner of conducting elections that you know of
18 anywhere in the state that is not governed by state
19 election law?

20 DOUGLAS KELLNER: Well, there are..

21 COUNCIL MEMBER YEGER: And or of
22 conducting elections?

23 DOUGLAS KELLNER: If you're talking about
24 municipalities that have their own procedures with
25

2 respect to conducting elections, the answer is yes,
3 there are several municipalities.

4 COUNCIL MEMBER YEGER: Is there any city
5 in the State of New York that has its own procedure
6 for electing offices, that is not consistent with
7 state election law?

8 DOUGLAS KELLNER: The answer is yes, but
9 can I reel them off the top of my head? No. And the
10 charter revision report does indicate what the
11 precedents are.

12 COUNCIL MEMBER YEGER: OK. Thank you,
13 Mr. Chairman.

14 CHAIRPERSON CABRERA: Thank you so much.
15 Really appreciate your testimony. With that
16 [coughs], excuse me again. Laura Wood from Democracy
17 NYC, Mayor's Office, and Ann Montasano from the
18 Mayor's Office of Immigrant Affairs.

19 COUNSEL: And when you all are ready I'll
20 swear you in. All right, if you could both raise
21 your hands. Do you affirm to tell the truth, the
22 whole truth, and nothing but the truth in your
23 testimony before this committee and to respond
24 honestly to council member questions?

25 UNIDENTIFIED: Yes, I do.

2 COUNSEL: Great, and you can introduce
3 yourselves when you start.

4 CHAIRPERSON CABRERA: If you could speak
5 into the mic and make sure the mic is on. Thanks.

6 LAURA WOOD: Can you hear me?

7 CHAIRPERSON CABRERA: Yes.

8 LAURA WOOD: Thank you. Good afternoon,
9 Chair Cabrera, Council Member Yeger. My name is
10 Laura Wood and I'm a special counsel to the Democracy
11 NYC Initiative.

12 ANN MONTASANO: Good afternoon. My name
13 is Ann Montasano. I'm the executive director of
14 Interagency Initiatives and Language Access at the
15 Mayor's Office of Immigrant Affairs, and I've been
16 involved in the Poll Site Interpretation Program
17 since its inception.

18 LAURA WOOD: Good afternoon. As you, I
19 believe, have been made aware the chief democracy
20 officer is ill today and is unable to appear in
21 person before the committee. We have submitted
22 written testimony that she had prepared and I am, I
23 believe it's been distributed to everyone on the
24 committee, so I am available to answer any questions
25 that you might have, as well as my colleague, Ann.

2 CHAIRPERSON CABRERA: Oh, great. That
3 means we get to expedite the process here. So, as
4 you know, some schools complained that they were not
5 given enough warning that they will be an early
6 voting site. But the BOE says the DOE knew about 23
7 of the 33 sites since at least January of 2019. So
8 the question then is why didn't the DOE tell schools
9 about their poll site designation before October 5th?

10 LAURA WOOD: Thank you for your question,
11 Chair Cabrera. The Democracy NYC Initiative was not
12 involved in those initial communications, so we can't
13 speak to exactly the timeline of what transpired.
14 What we, what we can say, of course, is that the
15 minute we found out that there had been a lack of
16 communication we...

17 CHAIRPERSON CABRERA: When did you find
18 out?

19 LAURA WOOD: Ah, some time this fall, a
20 few weeks before the early voting period began. And
21 we immediately convened a working group of DOE
22 administrators to ensure that the schools that had
23 been selected were notified and that all of their
24 concerns and questions were met. I know that at that
25 point DOE visited each of the 33 sites, worked to

2 ensure that meals would still be provided, hot meals,
3 during the early voting period. And many, I think in
4 all sites, they added school safety agents and there
5 was, I can tell you, a very robust effort to ensure
6 that things ran as smoothly as possible.

7 CHAIRPERSON CABRERA: So was there any
8 way, do you have a system in place, maybe that's a
9 better question, a system in place, ah, whereby you
10 wouldn't have to wait to find out all the way into
11 the fall if there were going to be some
12 miscommunication or lack of communication between the
13 BOE, the DOE, ah, and the BOE?

14 LAURA WOOD: We, we are certainly putting
15 those systems into, into place. This has been a big
16 learning experience for everyone, um, the very first
17 time that early voting has taken place in New York
18 and we are prepared to work with the Board of
19 Elections, the Department of Elections, ah, the
20 Department of Education, and all agencies to make
21 sure it's a success going forward.

22 CHAIRPERSON CABRERA: Do you know when
23 you're going to have that system in place?

24 LAURA WOOD: Well, we're, we're working
25 on it, as the chief democracy officer testified in

2 last week's state legislative hearing. We are ready
3 to work with all partners, certainly at the city
4 level, the state level, to come together and
5 determine which are the most appropriate early voting
6 sites going forward to best meet the needs of New
7 Yorkers.

8 CHAIRPERSON CABRERA: Do you think that
9 we should be in public schools, using public schools
10 as poll sites?

11 LAURA WOOD: Um, for early voting, Chair?

12 CHAIRPERSON CABRERA: Yes.

13 LAURA WOOD: We, this is something that
14 we've thought long and hard about and certainly the
15 experience of the last few months has been extremely
16 informative and as the administration said last week,
17 we have come to the conclusion that although things
18 worked smoothly and there were no major incidents
19 during early voting, we think there are better
20 alternatives to using schools for early voting, and
21 we are committed to working with our partners,
22 especially the Board of Elections, of course, to come
23 up with suitable alternatives.

2 CHAIRPERSON CABRERA: Were there any
3 reports of disruption or safety concerns at any
4 schools?

5 LAURA WOOD: Fortunately, there don't
6 seem to have been any, any actually disruptions,
7 although we know that many schools did not have the
8 use of their gym or cafeteria. I'm aware of at least
9 one school that didn't use either for the entire
10 early voting period.

11 CHAIRPERSON CABRERA: Well, that's kind
12 of a disruption.

13 LAURA WOOD: Exactly, exactly, that seems
14 to be disruption enough. And as Mr. Ryan testified,
15 we are also aware that there will be testing in
16 schools in both April and June and we are just
17 concerned that the stakes for those students are too
18 high and that we, in a city like New York we can come
19 up with better alternatives.

20 CHAIRPERSON CABRERA: Is there a way not
21 to have, not to use them on Election Day unless the
22 school is closed, like for example general elections?
23 But I know for primaries schools are open. Is there
24 any way to find other sites so we don't have to use
25 public schools on Election Day?

2 LAURA WOOD: That's something we would
3 probably defer to the Board of Elections about. I
4 know they need a lot more sites on Election Day and
5 Primary Day, but we're certainly open to any
6 conversations that they want to have.

7 CHAIRPERSON CABRERA: Do you think we
8 have the capacity not to use the Board of Education?

9 LAURA WOOD: For Election Day sites?

10 CHAIRPERSON CABRERA: For Election Day.

11 LAURA WOOD: I would really, I think I
12 would have to defer to the Board of Elections on that
13 question.

14 CHAIRPERSON CABRERA: OK, but it wouldn't
15 be the Board of Elections to have that knowledge,
16 right? Wouldn't it be the city? We know what
17 buildings we have available.

18 LAURA WOOD: We can certainly sit down,
19 as we've said repeatedly, we are happy to sit down
20 with them and go over the list of building sites. I
21 believe Mr. Ryan testified that I think more than
22 half of their election day sites are schools, which
23 is why I think they are important participants in
24 that conversation.

2 CHAIRPERSON CABRERA: Yeah, 57%. Has the
3 administration helped with outreach to make sure more
4 college campuses are available in poll sites?

5 LAURA WOOD: We, we have and we will
6 continue to do so, yes.

7 CHAIRPERSON CABRERA: OK, thank you so
8 much, appreciate your testimony.

9 LAURA WOOD: Thank you.

10 CHAIRPERSON CABRERA: Give me one second.
11 Let me just ask you a couple more questions that
12 we're definitely going to need. Ah, the
13 administration decided not to provide poll site
14 interpreters during early voting. Why was this
15 choice made? Will interpreters be made available at
16 early voting poll sites going forward? Let's just
17 start with those.

18 ANN MONTASANO: I'm happy to take that
19 question.

20 CHAIRPERSON CABRERA: Yes.

21 ANN MONTASANO: Again, Ann Montasano from
22 the Mayor's Office of Immigrant Affairs. So, you
23 know, this was obviously, as you know, the first time
24 that the city did early voting and so we really
25 wanted to learn from that and understand what the

2 turnout would be, what the busiest days would be to
3 really be smart about what kind of plan made sense
4 and so we are looking at that data and we'll be
5 coming up with a plan and developing a strategy
6 informed by this last round of early voting to figure
7 out the plan going forward.

8 CHAIRPERSON CABRERA: When are you going
9 to have the plan ready by?

10 ANN MONTASANO: We are working on it now
11 and we will, we will keep you posted.

12 CHAIRPERSON CABRERA: I know you don't
13 like to give me dates because then we could hold you
14 to it.

15 ANN MONTASANO: Yeah.

16 CHAIRPERSON CABRERA: But we have, for
17 example, we have the February coming up so we don't
18 really have a whole lot of time. So do you foresee
19 before Christmas we're going to have a plan?

20 ANN MONTASANO: We are, we are working on
21 it and we will definitely keep you posted.

22 CHAIRPERSON CABRERA: Let me ask you in a
23 different way. What's the latest date where you
24 start asking yourself, well, we're going to be in
25 trouble if we don't have a plan?

2 ANN MONTASANO: Well, we are, we are
3 working on it now in the coming weeks.

4 CHAIRPERSON CABRERA: [laughs]

5 ANN MONTASANO: [laughs] And we will let
6 you know. We want to figure it out as soon as
7 possible as well.

8 CHAIRPERSON CABRERA: Oh boy, OK. How
9 many interpreters were deployed during the November
10 5th election?

11 ANN MONTASANO: Yeah, so we're, we're
12 really pleased, this was the sixth election that we
13 provided interpretation at and we've served over 3000
14 voters. That's from November 2017 until June. We're
15 still assessing November's numbers, and we deployed
16 over 200 interpreters on this past election.

17 CHAIRPERSON CABRERA: In what languages?

18 ANN MONTASANO: Russian, Haitian Creole,
19 Polish, Yiddish, and Italian.

20 CHAIRPERSON CABRERA: And how many
21 polling sites?

22 ANN MONTASANO: At a hundred locations.

23 CHAIRPERSON CABRERA: And where in the
24 city?

2 ANN MONTASANO: Um, so, we have all of
3 those sites. They're still on our website. I'm
4 happy to give you the list of each and every site.

5 CHAIRPERSON CABRERA: Did it cover all
6 five boroughs?

7 ANN MONTASANO: No, it was in Brooklyn,
8 Queens, and there was one in Staten Island.

9 CHAIRPERSON CABRERA: Staten Island,
10 nothing in the Bronx?

11 ANN MONTASANO: Ah, no, there was nothing
12 in the Bronx.

13 CHAIRPERSON CABRERA: Really? Oh, OK.

14 ANN MONTASANO: For, for the city's
15 interpreters.

16 CHAIRPERSON CABRERA: Is there, your
17 training for interpreters, what does it entail? Do
18 you have something that is in place that you use in a
19 systematic way?

20 ANN MONTASANO: Yeah, absolutely, so the
21 training is a really important piece of the project.
22 It mirrors the Board of Elections' training. It's a
23 really robust training. Every single interpreter
24 gets trained. It's a several-hour training. Even
25 interpreters who have worked previously do the

2 training again. And it goes over Election Day
3 operations, what time they need to be there, how they
4 should set up, the role of an interpreter. The
5 prohibition of electioneering is peppered throughout
6 the training. That's a really critical piece of the
7 training. The voting process...

8 CHAIRPERSON CABRERA: What does that look
9 like, because that was going to be my next question.

10 ANN MONTASANO: Yeah, so we define what
11 electioneering is, we explain that it's prohibited
12 and we kind of reiterate that point several times
13 throughout the training. We talk about the role of
14 the interpreter, what they're there to do, how they
15 are to assist a voter. We have some sort of, sort of
16 roll plays, Q&As at the end to go over all of the
17 information. It's a very in-depth training.

18 CHAIRPERSON CABRERA: OK. My last
19 question, voters approved the creation of the Civic
20 Engagement Commission to provide interpreters by the
21 2020 general election. What progress has been made
22 to transfer poll sites interpretation to the CEC?

23 ANN MONTASANO: Yeah, thanks for the
24 question. So we've been working very closely with
25 the Civic Engagement Commission and we'll be

2 continuing to work with the commission throughout
3 next year as we transition over. We've laid a really
4 good groundwork and infrastructure for the program in
5 terms of the training, in terms of a contract with a
6 vendor to hire the interpreters, in terms of, you
7 know, a pool of trained interpreters, and so we're
8 really kind of pleased to sort of hand that over to
9 the Civic Engagement Commission and continue advising
10 to ensure a smooth transition.

11 CHAIRPERSON CABRERA: There's a ligation
12 in progress right now.

13 ANN MONTASANO: There is.

14 CHAIRPERSON CABRERA: What's the
15 progress?

16 ANN MONTASANO: Yeah.

17 CHAIRPERSON CABRERA: The progress or the
18 lack of progress thereof?

19 LAURA WOOD: Sure, um, can you hear me?

20 CHAIRPERSON CABRERA: Yes.

21 LAURA WOOD: So, yeah, as you alluded to
22 the Board of Elections through the city over the poll
23 site interpreter program back in February of this
24 year, um, the city prevailed in the trial court with
25 the trial judge finding that the program was lawful

2 and did not violate the election law. And the Board
3 of Elections has indicated that they intend to, they
4 plan to appeal, and their appeal is expected some
5 time in 2020.

6 CHAIRPERSON CABRERA: So what will happen
7 in the case, and they have already indicated they're
8 going to appeal, what happens at that point?

9 LAURA WOOD: Well, right now the status
10 quo prevails.

11 CHAIRPERSON CABRERA: OK.

12 LAURA WOOD: So we are still legally
13 authorized to operate the program. And we'll see
14 what the, what the appellate courts decide.

15 CHAIRPERSON CABRERA: That's good to
16 know. Thank you so much. Thank you so much, really
17 appreciate your testimony today. And with that I'm
18 trying to get to everyone here as quick as possible.
19 Nick Smith from the Office of the Public Advocate.
20 You can begin.

21 NICK SMITH: Thank you, Mr. Chair
22 [inaudible].

23 CHAIRPERSON CABRERA: Thank you.

24 NICK SMITH: Good afternoon. My name is
25 Nick Smith. I'm the first deputy public advocate

2 policy in the office of Public Advocate Williams.

3 It's good to see you all. [inaudible] Chair Cabrera.

4 I'm going to read a brief statement. Happy to take

5 any questions. This was the first time early voting

6 was utilized in the city and there is now a chance to

7 build upon the successes and make improvements to

8 strengthen the election process for the future.

9 [inaudible] administrators and teachers have

10 expressed concerns to our office about security and

11 facility access during the eight days, or nine days,

12 of early voting. So it's [inaudible] non-school

13 sites, as we discussed earlier [inaudible] early

14 voting locations. Second, additionally, all the

15 early voting sites that are selected must be made

16 accessible to individuals with disabilities. The

17 city should expand public efforts to share where poll

18 sites are, how individuals check to see if they are

19 registered, the dates and times the poll sites are

20 open, and inform the public that early voting ballots

21 are the same as those used on Election Day. Voter

22 suppression, intimidation, and disenfranchisement

23 continues in this country and it is critical that the

24 state takes the necessary steps to protect our voters

25 and election integrity. Currently 21 states provide

2 same-day voter reg and New York should follow their
3 example by providing individuals the opportunity to
4 register during early voting or on Election Day.

5 Additionally, the affidavit ballot form needs to be
6 clarified to indicate that in New York City voters
7 can move between boroughs and are still eligible to
8 vote on the full ballot at their new polling place.

9 With the 2020 election rapidly approaching it is
10 essential that the Board of Elections and the state
11 act quickly with intention to clarify election phone
12 calls and put in place measures to enfranchise
13 voters. I encourage this body to take necessary
14 steps to expand and protect the ability of
15 individuals to [inaudible] their democratic right to
16 vote. Again, thank you to this committee and the
17 committee members for discussing this important
18 matter.

19 CHAIRPERSON CABRERA: Thank you so much.

20 Next panel, Michael Argia from PS-116 and Erica Rand
21 Silverman, also from PS-16 PTA. Are they both here?
22 Is Michael?

23 ERICA RAND SILVERMAN: [inaudible]

24 CHAIRPERSON CABRERA: OK. We understand.
25 Thank you. And thank you for your patience.

2 ERICA RAND SILVERMAN: Thank you.

3 CHAIRPERSON CABRERA: You can begin.

4 ERICA RAND SILVERMAN: OK. So I am
5 testifying. My name is Erica Rand Silverman. I am
6 the PTA co-president at PS-116. I have a first
7 grader and a third grader. Our school is in midtown
8 Manhattan and we are an elementary school. I am
9 testifying on behalf of the New York City public
10 school students and families at PS-116, some as young
11 as three years old, whose safety and education were
12 jeopardized during the recent early voting in
13 schools. The primary function of schools is to
14 provide a safe and effective learning environment for
15 children. To be clear, we support early voting.
16 However, commandeering schools for early voting
17 interferes with our children's safety and disrupts
18 their education. So I have now been at this hearing
19 and I was at the New York State Senate hearing and I
20 keep hearing the issue talked about as an imposition
21 or a burden on schools. This is not about it being
22 an imposition or burden. This is about the fact that
23 when you have early voting in schools it is an
24 infringement on the educational mandates and it's a
25 safety hazard. There is an unfortunate epidemic of

2 school violence in our country. New York City public
3 schools require all adults to show identification to
4 enter schools. We are outraged that this necessary
5 safety precaution needed to be suspended to
6 accommodate early voting. So when I go to my child's
7 school I have to take out my license, I have to give
8 it to the security agents, I have to sign in, and I'm
9 given a sticker. And when I leave that school I hand
10 the sticker back to the security agent and I go on my
11 way. As you can imagine, I'm a very recognized face
12 in that school and I do it anyway. But during early
13 voting any person can walk into our school, at all.
14 I'm going to skip around a bit because a lot has been
15 said today. What is our administration to do when a
16 child runs out of his or her classroom and can't
17 immediately be located in the building? This happens
18 a lot, in all the schools, especially elementary
19 schools. Protocol requires them to close all
20 entrances and exits. There are horror stories in our
21 own city breast what can happen when young children
22 flee a school building and immediate action is not
23 taken. A school administration must act quickly when
24 young children's lives are at stake. How can they do
25 that during early voting? They cannot, because they

2 cannot close the doors. And how can we put them in a
3 position to even question for a minute or have to
4 make a phone call? And these questions were asked to
5 both the BOE and the DOE and no answer was ever
6 given. Addressing the safety concerns led to
7 interference with the students' education. It's true
8 that they were, that it was a disruption. Kids were
9 sequestered in their classrooms for five straight
10 days. You have little kids not having gym, which is
11 a mandate. You have kids not having recess and they
12 are stuck in a room for five days, all day, for
13 class, for recess, for lunch. We invited the
14 Manhattan BOE commissioners to do a walk-through of
15 our building because we thought they must not realize
16 the educational, you know, disruption, and the safety
17 implications. But they said that they had been to
18 our school numerous times already. So it's not that
19 they don't realize. It's that they don't care. And
20 the issue on the state level is that legally it
21 doesn't really matter, does it, because of the
22 election law. So during the New York State Senate
23 hearing when Senator [Galab] questioned Todd
24 Valentine, the co-executive director of the BOE,
25 about the safety concerns of using schools as early

2 voting sites, ah, Director Valentine's answer is that
3 there's always a police officer at the site. In our
4 school that police officer is down in the basement
5 through the cafeteria and inside the gym. In any
6 school that officer is next to the polling machines,
7 not at the entrance to the school. So if people
8 entering our building have ill intent they are not
9 only entering directly into the gymnasium. They are
10 also entering onto the first floor, where our
11 youngest children area. They are entering into a
12 hallway with numerous stairwells leading up into the
13 rest of the school building. That police officer in
14 the basement is completely irrelevant to me. Robert
15 Brown, co-executive director of the BOE, mentioned
16 that the BOE actually keeps a record of all the
17 people who sign in to vote, as if this fact should
18 put parents at ease at all. How is that list
19 relevant after a tragedy has occurred? And why does
20 he assume that a perpetrator is ever going to
21 actually make it into the voting room to sign in?
22 Mr. Brown also mentioned that there is a process by
23 which schools or the administrations overseeing
24 schools can call commissioners for to request that a
25 different choice be made. It was said at the hearing

2 that sites were selected in May. This is still very
3 confusing to me. I assume it's also confusing to
4 you. We may have been told by the Department of
5 Education that they were not identified until
6 September 24th. How is it possible that to do as Mr.
7 Brown suggests when the schools weren't notified with
8 any advance notice? How is it possible to do that
9 when nobody calls you back? So perhaps communicating
10 with commissioners is a realistic option for
11 facilities like the Javits Center, which had plenty
12 of advance notice and the support from the governor's
13 office to call Director Brown and Director Valentine
14 directly, but who is calling on behalf of our
15 children? The gap between what is perceived to be
16 happening by the Board of Elections and what is
17 actually happening to and in the schools is making it
18 very difficult to actually protect the interests of
19 our children. It is diverting people's attention
20 away from what is true. That the city and state
21 government officials here in New York are placing
22 voting needs ahead of the safety and education of our
23 children. You know about state testing. You
24 understand it'll be 27 days, not just nine. We are
25 here today because the New York City government

2 officials we rely on to protect and advocate for our
3 children have failed us. We avoided a tragedy in
4 schools during early voting this time. It would be a
5 senseless risk to take again. You are on the front
6 lines between the government agencies involved in
7 these decisions. We need you to know that the city
8 and state buildings, libraries, veteran halls, town
9 halls, fraternal organizations, colleges, as well as
10 tax-exempt buildings in your districts that can be
11 used instead of schools. We need your support in
12 communicating that schools should not be used just
13 because the cost is free. There cannot be a price
14 put on the education and safety of our New York City
15 public school children. Everybody is ready to work
16 together. But who is going to orchestrate that?

17 CHAIRPERSON CABRERA: Thank you, and
18 that's a good question, and the answer is all of us.
19 And so this is an issue that I've been sounding an
20 alarm for quite a bit.

21 ERICA RAND SILVERMAN: I appreciate that.

22 CHAIRPERSON CABRERA: As stated earlier,
23 having worked in a public school as a school
24 counselor, recognize the needs and the pressure and
25

2 all of the things that you mentioned in your
3 testimony.

4 ERICA RAND SILVERMAN: Thank you.

5 CHAIRPERSON CABRERA: So we will
6 definitely continue to join the concerted voices.

7 ERICA RAND SILVERMAN: Thank you.

8 CHAIRPERSON CABRERA: To make sure that
9 we get it right.

10 ERICA RAND SILVERMAN: I appreciate that.
11 I appreciate your time.

12 CHAIRPERSON CABRERA: Thank you.

13 ERICA RAND SILVERMAN: Thank you.

14 CHAIRPERSON CABRERA: Thank you so much.

15 OK, with that we'll have Winnie Chin from the New
16 York Immigrant Coalition, Amy Torres from CPC NYC,
17 and Perry Grossman from [inaudible]. And just
18 identify yourself. And so we'll put the clock at 3
19 minutes and I'm sure we're going to have questions.

20 WINNIE CHIN: Try to do it in three
21 minutes.

22 CHAIRPERSON CABRERA: Go ahead.

23 WINNIE CHIN: So first...

24 CHAIRPERSON CABRERA: Is the mic on?

25 WINNIE CHIN: I think so.

2 CHAIRPERSON CABRERA: It is? OK.

3 UNIDENTIFIED: So first off thank you for
4 the opportunity to testify. My name is Winnie Chin,
5 senior manager of City Engagement at the New York
6 Immigration Coalition. The NYC is an umbrella policy
7 and advocacy organization representing over 200
8 immigrant organizations across New York State. And
9 to start I wanted to thank the poll workers and the
10 staff at the Board of Elections for their support in
11 making the very first early voting period in New York
12 so successful. Following the November 5th election
13 the NYC had administered a short survey to the
14 members of our member organizations to better
15 understand their experiences with the voting, the
16 early voting period and I just want to share some of
17 our findings. First off, early voting can have a
18 tremendous impact on everyone, but particularly
19 working families, persons with disabilities, and
20 those with a nontraditional schedule. However, those
21 benefits of early voting can only be fully enjoyed by
22 voters if the program itself is well implemented.
23 Fifty-four percent of our respondents who voted in
24 2019 reported having voted early. But only, but out
25 of those voters a third of those who said that they

2 voted on Election Day instead had noted that it is
3 because their early voting location was very
4 inconvenience from their homes. An additional 9% did
5 not vote early because their voting, early voting
6 poll site was less convenience than their normal
7 Election Day poll site. And about 87% reported
8 having a poll site for early voting that was
9 different from their pre-existing assigned early
10 election day poll site and they were confused about
11 the locations. But despite those challenges over 74%
12 of our members rated their experience with early
13 voting as positive and only 4% indicated that they
14 had a negative experience. There was an overwhelming
15 response of about 84% of respondents indicating their
16 intentions to vote early again in the next election,
17 and many of our respondents cited that this expansion
18 of the ballot access was quote unquote convenient or
19 fun. So that's really exciting. But as we prepare
20 for the 2020 election cycle the NYC has, wants to
21 offer a few recommendations, including 1) expanding
22 the number of poll sites. We've heard that schools
23 are not the optimal locations, but that being said I
24 think it is important that the Board of Elections
25 continues to expand their programs to make sure that

2 they are, the coverage is a convenience for the
3 electorate. But, more importantly, in their site
4 placement and the equity of those placements. The
5 purpose of early voting is rooted in making the
6 ballot box accessible and convenient. And this past
7 election, when we looked at the number of sites
8 across the boroughs you can see that there are about
9 1.3 million voters in Queens, with 14 sites
10 designated for the county, and when you, is that
11 three minutes? When you proportionate it out, that's
12 about 91,000 voters per poll site. In Staten Island
13 that ratio is only about 35,000. So really looking
14 at the equity of those site placements and also
15 looking at where they are placed. This past election
16 neighborhoods like College Point, downtown Flushing,
17 Jackson Heights, Elmhurst did not see localized early
18 voting location as well as in Brooklyn, Gravesend and
19 Brighton Beach did not have a local site. So really
20 looking at how can we reach voters where they are.
21 And lastly, really, something that I really want to
22 stress is that in our, in our past survey we noticed
23 that a lot of folks did not respond in using a ballot
24 in a different language and really understanding that
25 while we now have electronic poll books and that is

2 really exciting for us that in the prompts on the
3 electronic poll book they were not large enough for
4 folks to understand that they can request via the
5 early poll book a language, a ballot in a second
6 language, nor were they offered in person by a poll
7 worker. So really wanting to stress that technology
8 is important, but to not let that overshadow the need
9 for language access at the polls. And we hope that
10 with these changes, and I have more in the written
11 testimony, that we really consider the immigrant
12 community and their needs as they interface with the
13 ballot box and the electoral systems.

14 AMY TORRES: Good afternoon. My name is
15 Amy Torres. I'm the director of policy at the
16 Chinese American Planning Council, CPC. Before I
17 begin, I just to thank you, Chair Cabrera, for always
18 opening these meetings leading with the need for
19 greater language access. I think that sets the tone
20 very well for a lot of the things that CPC wishes to
21 bring to the table. I've submitted written
22 testimony, but I just want to go in a little bit of a
23 different order. I'd like to introduce CPC, why
24 we're weighing in on early voting, and then I also
25 want to respond to some of the comments earlier in

2 testimony, and we can amend our written submission at
3 a later point. So CPC, we are the nation's largest
4 social services organization for Asian Americans and
5 Pacific Islanders. We bridge our social services
6 work to social change. Next year is our 55th
7 birthday, which also happens to be the 55th
8 anniversary of the Voting Rights Act. So it's very
9 special for us to deliver testimony on voting reforms
10 issues during this historic time for the state. So
11 our testimony outlines some of the needs in the
12 communities and neighborhoods that we work in and our
13 recommendations for expanding sites, expanding funded
14 education and outreach efforts, and for countywide
15 voting. But I want to respond first to some of the
16 comments brought up earlier in today's hearings.
17 CPC, we have 33 sites throughout the city. We're
18 deeply rooted in the communities that we serve. I
19 don't know, and many of the sites are also public
20 school programs, where we're a large after-school
21 provider. We have high school programs as well. I
22 want to caution this committee when we talk about the
23 reconsideration of early voting sites 2019 was a
24 relatively small year and as we prepare for things in
25 2020 I think some of the findings that NYIC brought

2 up in their survey are reflective of things that
3 we've heard across the state, is that many folks were
4 surprised that their early voting site was different
5 from their Election Day site. To do that process all
6 over again in a few short months were we to radically
7 rearrange all of the early voting sites is going to
8 be a big lift on everyone's end, on the city's end,
9 on BOE's end, as providers and community advocates.
10 I also want to caution that a lot of the feedback
11 that we've heard both in today's hearing and at the
12 state hearing was that it seems to me, and again as
13 providers of after-school programming within the
14 public school system, there seems to be a lack of
15 coordination that is not necessarily tantamount to a
16 need to reject public schools as early voting sites.
17 Full stop. I appreciate the recommendation that
18 nonprofit providers could potentially be an
19 alternative early voting site, but at CPC across our
20 over 30 sites that is not something that we would
21 have capacity for and unless we're considering
22 nonprofits to also be, you know, the NYUs of the
23 nonprofit sector, when we talk about the need for
24 greater representation and greater access to poll
25 sites in low-income communities, in communities that

2 are part of transit deserts, a lot of time public
3 schools make the most sense, and public schools do
4 have the security staff. They do have the security
5 procedures that a lot of community-based and smaller
6 organizations lack. I think rather than, you know,
7 given the urgency of the elections that are coming up
8 in 2020 I think there needs to be coordination rather
9 than flat-out rejection of public schools as early
10 voting sites. I was a little surprised a lot of what
11 I heard today and we would love to work with this
12 committee, with the council, continue to work with
13 the Board of Elections on those recommendations, but
14 I just want to caution that when we talk about voting
15 violence of course there's fears and concerns,
16 especially when we talk about children, but we are a
17 country that has a long legacy of voting violence and
18 we should not be undoing the great progress that
19 we've made over the last year in voting rights reform
20 on some conditionals and things that may be what-ifs
21 or maybes. So we look forward to continuing to
22 partner with you on that. We will make sure that we
23 will amend our written testimony to reflect those
24 comments as well. Thank you very much.

2 PERRY GROSSMAN: Thank you so much, Chair
3 Cabrera and Council Member Yeger for sticking around.
4 Thanks as well to this committee's excellent staff.
5 We really appreciate everything that the Governmental
6 Operations Committee does for a really important
7 portfolio of issues, whether it's early voting or
8 census or civic participation, the city generally, I
9 think the name of the committee undersells a lot of
10 its very, very important issues. So thanks to its
11 members for their attention. Please read the written
12 testimony. There's a lot of important stuff in
13 there. We did strong quantitative analysis on the
14 site plan. I can't to get to all of in three
15 minutes, but I'll try to give you some of the
16 highlights, and then I'll try to reserve a few
17 seconds at the end to address a point that Council
18 Member Yeger raised about ranked-choice voting and
19 interaction with state and city law. So I won't
20 reiterate the good points about early voting. I
21 think we've hit on those, although I will recognize
22 Valerie Vasquez sitting over here, who really did an
23 excellent job with the communications plan and
24 deserves a lot of thanks. I would like to get to the
25 areas for improvement and that really involves taking

2 a hard looks at the site plan in New York City,
3 right? We had 61 early voting sites on a citywide
4 basis. We had the same number of early voting sites
5 in Manhattan that we had in Staten Island. There are
6 four times as many voters in Manhattan as there are
7 in Staten Island. And we saw some pretty yawning
8 gaps in Manhattan in particular. I'd like to note
9 that the, probably the most visible inequity is that
10 when you look closely at concentrations of low-income
11 minority voters in northern Manhattan, which is to
12 say census tracts where median income was under
13 \$35,000, in the whitest neighborhoods of Manhattan
14 the average distance to an early voting site was
15 about seven blocks. For low-income Hispanic census
16 tracts that data goes up to about 20 blocks, right?
17 When we're choosing early voting sites we should be
18 taking a strong look at the demographics underlying
19 the city map and choosing sites in order to give
20 better access to the franchise for groups that have
21 been historically marginalized from the political
22 process - low-income voters, communities of color,
23 disabled voters, students, the elderly. Making them
24 more a part of New York City's democracy is only
25 going to make us stronger as a whole. In the Bronx

2 there were no early voting sites south of 161st
3 Street and west of the Bronx River. For the
4 community that lives to travel opposite the direction
5 from Manhattan ignores prevailing commuting patterns
6 and public transportation routes. Hunt's Point, cut
7 off completely by the Bruckner Expressway would have
8 to travel all the way up to 161st St. No small
9 thing, as you know living in the Bronx. But even in
10 Staten Island, we can see that the largest Asian
11 community in Staten Island was largely cut off from
12 early voting. Had there been an early voting site,
13 perhaps at CUNY Staten Island, that would have been
14 really valuable, a really valuable site. If I can
15 just skip ahead to a couple of recommendations before
16 I get back to the point about state-level preemption.
17 One, I reiterate everybody's call that countywide
18 voting and ultimately citywide voting is really,
19 right important. A majority of outer borough
20 residents commute into Manhattan. But I would also
21 suggest that more sites is important generally and
22 making them more convenient to people in terms of
23 residential proximity. Voting is a cost-benefit
24 analysis. The reward, in a lot of respects, is
25 fairly low and the cost of taking half an hour, an

2 hour out of your day is fairly high. Everything you
3 can do to reduce the cost of voting, to make it
4 easier to get to a poll site is going to raise
5 turnout, and so I think by increasing residential
6 proximity as well as increasing occupational
7 proximity to piece of legislation sites you're going
8 to have a positive effect on participation. Every
9 once in a while I end up on the same page as the
10 Board of Elections and here's one of them. They need
11 more help designating early voting sites. An easy
12 start, every public college in New York City should
13 be an early voting site. They have space. They have
14 populations that attract from a diverse set of
15 groups, and keeping it open should not be a
16 particular hardship. So I would also suggest that
17 you investigate public libraries, transit facilities,
18 social service offices, and continue cultural
19 institutions as public buildings that can be more
20 available to the Board of Elections, because, again,
21 they're not an enormous agency and to negotiate with
22 a lot of different sites can be difficult. And then
23 just to reiterate briefly, you know, let's, lets make
24 early voting an opportunity to help raise the turnout
25 disparity for our historically marginalized groups,

2 right? If we're situating poll sites with an eye
3 toward increasing participation for low-income New
4 Yorkers, for naturalized citizens, for communities of
5 color, then we're really fulfilling the intention of
6 the early voting law, which is to bring more folks
7 into the field of our democracy, and then promised at
8 the end, the issue with respect to ranked-choice
9 voting or with municipal voting practices generally
10 is that where they're not inconsistent with state
11 law, the New York Constitution gives deference to
12 local governments to hold their elections in the way
13 that they see beneficial. So the issue is not
14 whether there's any, so there's nothing in New York
15 State law that conflicts with ranked-choice voting.
16 It prohibits...

17 COUNCIL MEMBER YEGER: I disagree with
18 that. There's, I mean, I don't want to have a legal
19 debate now on a different topic, but the State of,
20 the state election law provides a scheme in which a
21 primary for citywide offices conducted and if no
22 winner receives more than 40%, there is a run-off.
23 That provision of law still exists in state election
24 law. It can't be, it doesn't?

2 PERRY GROSSMAN: No, no, no, I'm just
3 saying that ranked-choice voting doesn't necessarily
4 conflict with that.

5 COUNCIL MEMBER YEGER: Absolutely it
6 does, because ranked-choice voting creates a
7 different method of voting than that which is
8 contained in state election law. State election law
9 provides for a choice between votes, a choice between
10 candidates. And one candidate receives a number of
11 votes, a percentage. If that candidate's percentage
12 is the most votes received, but less than 40% there
13 is then a run-off between the top-two vote-getters.
14 That method by which a winner of a primary is
15 determined is contained in the election law and as we
16 sit here today it's still in the election law,
17 notwithstanding that which the voters did a couple of
18 days ago.

19 PERRY GROSSMAN: OK.

20 COUNCIL MEMBER YEGER: So we can, we can
21 have this debate and I'm sure that wiser minds than
22 mind will have this debate in court one day, ah, but
23 I wouldn't start getting my number 2 pencils ready to
24 start marking numbers on the ballot yet, not
25 happening.

2 PERRY GROSSMAN: OK. Well, I appreciate
3 the, I appreciate the position and we'll look into it
4 further, but I think...

5 COUNCIL MEMBER YEGER: It's also racist.
6 But that's a whole different conversation for a
7 different time.

8 PERRY GROSSMAN: That, that sounds like
9 it's a conversation worth having, but I think we're
10 going to probably respectfully disagree on that one.

11 COUNCIL MEMBER YEGER: That's, that's why
12 a guy like me stands with the Black and Latino Caucus
13 of this council opposing [inaudible]. Because,
14 because marginalized communities know that ranked-
15 choice voting will destroy us. And on that I'll the
16 chairman have his time back. Thank you, Mr.
17 Chairman.

18 CHAIRPERSON CABRERA: Thank you, thank
19 you. Ah, quick questions. You had mentioned that
20 when someone goes to vote that they were not offered
21 the option to, to have the ballot in a different
22 language. How would you envision that? And is that
23 a question that should be asked of everyone that
24 comes into vote?

2 WINNIE CHIN: Ah, certainly. So, so in
3 the past election cycle, I think when folks go in
4 they submit their name on the, to, to the poll
5 workers and they search on the electronic poll books,
6 in which they have to sign and then receive their
7 ballot. Through that process there's no prompt on
8 the, or no visible prompt, on the electronic poll
9 book that implicates a, a choice for a ballot or a
10 different ballot, a ballot in a different language,
11 and while it is, it is in the New York Immigration
12 Coalition's perspective that the Board of Elections
13 and poll workers should not specifically target any,
14 any voter to offer the ballots in a different
15 language, we do believe that there needs to be clear
16 signage that you can request one in multiple
17 languages, to each poll site's language needs, and
18 that...

19 CHAIRPERSON CABRERA: Let me stop right
20 there. So how would that look like? I mean, it
21 would be in different languages, I mean, with so
22 many languages how do, I'm just trying to see the
23 pragmatic part of it.

24 WINNIE CHIN: I think when you look at
25 the iPad you can have multiple texts in multiple

2 languages, where you can have a drop-down box to
3 select the language in that language...

4 CHAIRPERSON CABRERA: I see, OK.

5 WINNIE CHIN: So then you can select your
6 ballot in your language preference, and if that
7 prompts can be made more visible...

8 CHAIRPERSON CABRERA: That's helpful.

9 WINNIE CHIN: ...and be more available to
10 voters, then we can at least improve or remind voters
11 that they have that access when they vote.

12 CHAIRPERSON CABRERA: Well I'll
13 definitely bring that up to the Board of Elections.
14 That's very useful. The other question I had was,
15 and I don't want to make any assumptions here, but it
16 sounded to me, based on both of the data that you
17 were presenting, which, by the way, how big was
18 sample?

19 WINNIE CHIN: So we are actually still
20 conducting that survey. These results were taken
21 today. I don't have the numbers off the top of my
22 head, but I'm happy to amend our, our written
23 testimony to reflect the data as of today.

24 CHAIRPERSON CABRERA: OK. So what I, I'm
25 curious to know is, and based on your data as well,

2 what I heard was northern Queens and then part of
3 Staten Island, when you have a concentration in the
4 Asian community that there was, is this the, let me
5 just go out on a limb here, is the one people group
6 that had the most difficult, they had the most
7 difficult trail to get to a polling site in early
8 voting?

9 PERRY GROSSMAN: So there were certainly
10 significant concerns that the Asian American
11 community had in Queens and Staten Island. I don't
12 know that I would say you can one group had the most
13 difficult, right? Certainly Hispanic voters in
14 northern Manhattan the South Bronx also had a
15 significantly harder time getting to an early voting
16 site than, for example, white voters in Manhattan or
17 white voters in the Bronx. But it's thought to make
18 a sort of a competition because, all the metrics by
19 which you look at access to polling places differ
20 from borough to borough, so for example an Asian
21 community on Staten Island is going to access its
22 polling place in a different way than an Asian
23 community in Queens, different from a Hispanic
24 community in the South Bronx. So I would certainly
25 say those are among the groups that have had the most

2 difficult times and special attention should be paid
3 to ensuring that they have access to early voting in
4 the upcoming cycle. And I think just in general,
5 based on turnout differentials that have persisted
6 over time, Hispanic voters and Asian voters in New
7 York City have traditionally lagged white voters by
8 about 20% in terms of turnout rates. So making a
9 special effort to ensure that early voting is
10 especially convenient for those communities is going
11 to go a long way towards closing that really
12 problematic gap.

13 CHAIRPERSON CABRERA: That's really
14 helpful.

15 AMY TORRES: If I could, on Queens.

16 CHAIRPERSON CABRERA: Yes, please do.

17 AMY TORRES: So, you know, I also don't
18 want to suggest that there was one voting group that
19 had a harder time than another, but, ah, when we were
20 looking at Queens, especially because of the borough-
21 wide race that was happening there, we did a
22 comparison of where our community members would be
23 commuting to their early voting site and, you know,
24 prior to the addition of the administration-suggested
25 sites, when you look at, you know, Queens as a

2 [bureau] in the east-west directional subway lines,
3 Queens as one of the most diverse places in the
4 world, but certainly as having, ah, going to be a
5 majority minority borough in 2020, we found that the
6 sites in eastern Queens in particular, which is where
7 the majority of [AIP] community lives, the sites were
8 along some of the slowest bus routes in the county,
9 ah, in the, yeah, in the borough. So you would need
10 to commute off of either the 7 line or one of the
11 other east directional lines to get to a bus, which
12 happened to be the slowest route, and there was one
13 that was north of, I will make sure and find it, but
14 there was one site in particularly that was actually
15 the slowest bus route in Queens.

16 CHAIRPERSON CABRERA: Wow.

17 AMY TORRES: And that was the only way to
18 access that site. So I think there are a few
19 different considerations. One is what does
20 accessibility look like within the sites, and
21 especially as we think through how do we expand
22 sites, we need to be considering accessibility within
23 them, but we also need to be considering
24 accessibility to and from those sites, especially
25

2 when they're against the majority commuting patterns
3 of voters in the various boroughs.

4 CHAIRPERSON CABRERA: So we'd love to
5 work with you and the Board of Elections to make sure
6 that we have enough sites and that they are not as
7 far apart as we see in other parts of New York City,
8 so looking forward to working together with you, and
9 probably the best thing is to sit down with the Board
10 of Elections, and I welcome the meeting if you're
11 interested in having that, the meeting take place.

12 WINNIE CHIN: And thank you for that. I
13 think that's really helpful. That's something we
14 really wanted to, I think a lot of our members really
15 wanted to work with the Board of Elections, not to
16 necessarily serve as an early voting site, but to
17 identify places in our community where it can be a
18 really good option for early voting, and also
19 something in our testimony that I wanted to highlight
20 is a vague suggestion...[background voice]

21 CHAIRPERSON CABRERA: Wow, what you said
22 was so good...

23 WINNIE CHIN: [laughs]

24 CHAIRPERSON CABRERA: That everybody
25 [laughter]...

2 WINNIE CHIN: That was our suggestion.

3 CHAIRPERSON CABRERA: Wow. [laughter]

4 PERRY GROSSMAN: There actually is a lot
5 of data on how baking parties at poll sites will
6 increase turnout.

7 CHAIRPERSON CABRERA: [laughs]

8 WINNIE CHIN: Certainly.

9 CHAIRPERSON CABRERA: And food, just
10 bring food. Bring the food, everybody will vote.

11 WINNIE CHIN: But we do have a grand idea
12 of potentially looking at creating mobile early
13 voting sites near mass transit hubs in Queens,
14 particularly in the community of Jackson Heights.
15 The 74th Street train station is a huge train and bus
16 terminal, as well as the Forest Hills locations on
17 those bus lines, and yet there were no immediate
18 early voting sites by those train stations, and
19 really visiting whether we can have, if we can have a
20 permit or physical site as some of the, the previous
21 testimonies that have identified, exploring mobile
22 ones. Since it is through the course of a number of
23 days we don't expect the turnout to be overflowing
24 lines, and really using creative spaces in our
25 communities to really reach them where they're at.

2 CHAIRPERSON CABRERA: That sounds great.
3 Looking forward to getting together. Thank you so
4 much. This is very helpful. We're going to look in
5 detail the data that you provided and with that to
6 the troupers, the ones who stayed all the way to the
7 end, Rachel Bloom from Citizens Union, Susan Lerner
8 from Common Cause, and Jared Burg from Vote Early New
9 York.

10 CHAIRPERSON CABRERA: You may begin.
11 Thank you so much. Welcome.

12 UNIDENTIFIED: We're going to let Jared
13 go.

14 JARED BURG: Thank you. Good afternoon,
15 Chair Cabrera and Committee on Government Ops.
16 Thanks so much for holding this hearing. It's
17 incredibly important that there be a light shined on
18 the voting process in the city and the state and this
19 is one valuable opportunity for that. So thank you
20 for your leadership.

21 CHAIRPERSON CABRERA: Thank you.

22 JARED BURG: My name is Jared Burg. I'm
23 the cofounder of a 501(c) education effort called
24 Vote Early NY. We're focused on making sure the
25 public is aware of their new access opportunities,

2 given that there was not a penny of state funding for
3 public education and publicity in this new early
4 voting law specifically for that. The second prong
5 of what we're focused on, on a statewide basis, is
6 working directly with boards and frankly bringing the
7 pro-voter cause to them to make sure that although
8 you can enact a good pro-voter law in Albany, it then
9 trickles down to 62 counties for implementation, with
10 various results. As we've seen from experience in
11 the past, we know that there's a lot of local
12 discretion in that process and this is a golden
13 opportunity as this program is being imagined in the
14 first year or so to get good pro-voter practices in
15 place, with the risk that if we don't do that, and I
16 think we've been largely successfully with our
17 amazing coalition partners at pushing that effort,
18 that then the bones are sort of set and we get a
19 bunch of default rules that may not be pro-voter in
20 nature. So, and with that I do want to congratulate
21 the city BOE on standing up a successful program and
22 just point out that in the course of this effort I've
23 had the opportunity to work with some incredibly
24 dedicated staff in the executive department of the
25 BOE and training staff, the folks that trained folks,

2 the staffers, for the early voting program. That
3 said, I think the commissioner structure is, is a
4 mess. There's very little accountability with regard
5 to decisions that are taken by these folks. They
6 are, I'm sure they're all great people individually,
7 but they do not work full-time at the BOE, so a lot
8 of time what I've seen is they're voting and
9 operating on staff recommendation, which is sort of
10 citywide in the votes. There's a lot of 10-nothing
11 decisions, I would have expected otherwise before I
12 started watching this processed closely. But, for
13 example, well, I'll get into a few examples. I want
14 to start with some quality innovations that the city
15 board put forth. There's a help desk model that I
16 think is great. They have a Friday night meeting
17 that they're now doing ahead of the Saturday first
18 day. That's awesome. A one-to-one ratio between the
19 printers and the scanners and any line any time is
20 the new model. That is the future of voting, instead
21 of a single ED table. Regardless of how many people
22 are there, you're stuck with that one line. So that
23 stuff is great. The top priority for the city should
24 be implementing county and then citywide vote
25 centers. The quick example, Chairman, is even if

2 there was not an additional site added, and of course
3 we think this program needs to expand in the Bronx,
4 if they expanded the program you still would be
5 limited to that one site. But if you had countywide
6 access you'd be eligible to use any site, at least in
7 the county. We think that this law needs to change
8 soon to make it citywide in nature. I think the site
9 quantity, the cap on the siting, is arbitrary. It
10 leaves the nine largest jurisdictions in the state
11 underserved potentially, and four or five boroughs
12 fall within that category. And it's a little quirky
13 that law uses county language, because our election
14 law, the rest of our election law, refers to, or the
15 City of New York, or the BOE of the City of New York.
16 So that's a place where we've seen some, some
17 undesirable results. For example, I doubt that the
18 eight other commissioners are going to reach into the
19 Bronx once those two commissioners decide on the
20 siting plan, and so that creates this 10-nothing
21 dynamic where there really isn't accountability for
22 the decisions taken on the borough level, as long as
23 those two commissioners agree, and I think that's
24 something we've seen across the board, and I think
25 the staff is laboring under that, unfortunately, and

2 they voted 10-nothing on the whole plan. I just
3 point out for folks that this law presumes county-
4 wide access. It requires six commissioners to rebut
5 that presumption. So if five commissioners were to
6 choose we want countywide access and five were to
7 oppose that, the rule in this law would require
8 countywide access. I know there are logistical
9 challenges to doing this in the City of New York that
10 are different than some of the smaller BOEs, but I do
11 want to point out 54 counties were successfully able
12 to stand up countywide vote center access in 2019
13 alone, including Nassau, including Erie. These are
14 large jurisdictions with sizeable amounts of voters
15 as well. I heard the bell go off. I do just want to
16 take the opportunity to mention the new data-rich
17 environment that we're living in. These e-poll books
18 have incredible data, everything from who's being
19 challenged in what communities, who's filling out
20 what affidavit ballots, in what sort of proportions,
21 how quickly do these machines print? Were we sold
22 machines as advertised. As long as that data is
23 included in the e-poll books, then that could be
24 extracted and there could be a lot of good social
25 science data for that. I will point out that the law

2 is completely silent, besides the presumption that
3 one D and one R at a given BOE has access to that,
4 ah, you know, what must collected, who it must be
5 shared with, on what sort of timely basis. I would
6 suggest that you folks would benefit from that data.
7 I would suggest that I and my colleagues would
8 benefit from that data, as would the attorney
9 general's office. So, and that's not a New York City
10 thing. That's a statewide thing. I think it's, one
11 opportunity is that we could coordinate these
12 incredible outreach efforts between the Democracy
13 NYC, BOE NYC, and New York City Votes. I read
14 somewhere that the charter commission spent between a
15 million and 1.4 million dollars on the five-question
16 promotion plan. I have no idea what these entities
17 were budgeted or spent collectively or separately.
18 But that's a lot of money and going into 2020,
19 especially this initial learning curve, I think we
20 would all benefit from having a coordinated plan so
21 we're not duplicating efforts, we can ensure
22 saturation across the city, hit a whole bunch of
23 communities. And I think the last thing worth
24 mentioning, besides private siting, and the new world
25 that we're living in with more permanent footprints,

2 ah, this goes to the point about schools. Every
3 single parent of a student in our schools, and I am a
4 parent of a student not yet in our schools, has a
5 stake in making sure that there is early voting
6 access in their community and close to whether they
7 spend their days, whether that's at home or work. So
8 we all have a shared outcome in figuring out a good
9 siting plan. And with that, thank you for the time,
10 the additional time. I'm here for your questions.

11 CHAIRPERSON CABRERA: Thank you.

12 SUSAN LERNER: Thank you very much. I'm
13 Susan Lerner. I'm the executive director of Common
14 Cause New York. My written testimony details the
15 extensive education efforts, which Common Cause and
16 the Let New York Vote Coalition engaged in to try and
17 inform voters about early voting. Particularly here
18 in New York City we were able to provide literature
19 and posters which were in all of the public libraries
20 and extensively distributed through coalition
21 partners in various languages. I want to join in on
22 the compliment to the New York City board for the
23 clarity of the mailing which they sent out. I think
24 it was clear. The language was really informative
25 and appropriate it's a challenge for all of us to get

2 voters to pay attention to some of the details. I
3 would suggest that it would be appropriate for the
4 city through the budget process to put aside some
5 money for early voting education in the 2020 voting
6 cycle, if it isn't too late already, ah, to be sure
7 that voters are aware of early voting and take
8 advantage of it, because it is a real benefit to
9 election administration when we know we're going to
10 have a really large turnout to encourage some portion
11 of the voters to vote early and to take the pressure
12 and the stress off Election Day, which is the primary
13 purpose of early voting, is the better election
14 administration, so that when problems arise there are
15 discovered in early voting and they don't end up
16 disenfranchising anybody on the election day. A
17 couple of recommendations. We join in on the call
18 for boroughwide, minimum of boroughwide voting
19 centers, and we urge the BOE to be much more
20 proactive. Instead of waiting for people to come to
21 them with lists, I'm eager to participate in the
22 promised round of tables to discuss how to improve
23 early voting. But there are a lot of potential
24 civically minded property owners who really need to
25 be engaged in this discussion, because it really is a

2 question of civic engagement. Everybody likes to
3 company about turnout, but then when you go to their
4 entity and say you have a gigantic convention center,
5 oh no, every single space is taken up for nine days
6 during the day. Frankly, I don't believe it. So the
7 election law has specific procedures which give the
8 BOE an opportunity to really get entities which have
9 tax-exempt status, and certainly the cultural
10 entities which are on city land, shame on them for
11 not making space for early voting, and we should make
12 this a civic engagement issue through, I think, more
13 PR and just requiring them to live up to what they
14 claim they want to see our society to be. In terms
15 of the data, reporting during early voting is, I
16 think, very significant. We were glad to see that
17 the BOE made the numbers of people voting available
18 on a public basis. But the e-poll books make it
19 possible for those of us who do Geo TV to know who
20 has voted early and to be able to marshal our
21 resources and not bother doing Geo TV during a nine-
22 day early voting period when, ah, addressing people
23 who have already voted early. It is my understanding
24 that here in the city some political organizations
25 and some campaigns were able to access that

2 information. It should be available as a matter of
3 course to any election-related activity, just as
4 access to the voter rolls is restricted to election-
5 related activities, but generally available. It'll
6 save all of us resources. And so that we don't have
7 to annoy people who voted already. Those are my, oh,
8 last thing is that the BOE does not take advantage of
9 state law which gives it flexibility in making poll
10 worker assignments, and particularly in terms of
11 setting up shifts. So a lot of voters who had a
12 fabulous experience voting early would come out and
13 say there were about 80 poll workers and there were
14 three of us. It's my understanding that during the
15 week the board did make adjustments and did reassign
16 people or let them go. But it is very predictable
17 when the turnout is going to go up. New York City's
18 experience was exactly consonant with what we see
19 across the country. You get more people voting on
20 weekends. There are certain hours when people are
21 much more likely to vote. That's when you should
22 have your poll workers really in full force and the
23 rest of the time you should take advantage of the
24 changes that we advocated for in state law and reduce
25 the number of people standing around. But generally

2 speaking, a very positive experience and we look
3 forward to working with you and with the board to
4 make it even better in the future.

5 CHAIRPERSON CABRERA: Thank you.

6 RACHEL BLOOM: Good afternoon, Chairman
7 Cabrera. My name is Rachel Bloom and I'm the
8 director of public policy and programs at Citizens
9 Union. Thank you so much for holding this oversight
10 hearing today and inviting us to testify. So the
11 first thing I will say is like many other people have
12 said today is that early voting was a big success,
13 and I think we criticize our elections a lot, so it's
14 important to commend ones that go well. And this
15 went well, especially considering the timeframe it
16 was in. E-poll books were a huge part of that, and
17 the funding from the mayor's office as well. One of
18 the things that, you know, we talked about when we
19 were urging people to pass early voting was that it
20 would allow us to troubleshoot programs on Election
21 Day and we saw that happen in the early voting
22 period. So, you know, on the Upper West Side one
23 polling location wasn't printing the backside of the
24 ballot on the first day of voting. They figured that
25 out and they were able to troubleshoot. It was only

2 the first of many days of voting and it was in
3 advance of Election Day. So I think some of the
4 problems that we have seen in recent years that we
5 are all well aware of, early voting, we are already
6 starting to see how that is going to fix some of
7 those issues. I just, I know everything I'm going to
8 say for the large, for the most part, has been said
9 by my colleagues, but we need more sites, obviously.
10 Um, more sites lead to more early voters. Erie
11 County, I know this is New York City Council, but
12 Erie County had 37 early voting polling sites and
13 they had the highest early voter turnout in the
14 state. You make it more accessible and more people
15 show up. As we all keep saying, sites need to be
16 centrally located, near mass transit. Information,
17 you know, should be available about that. We urge
18 you strongly, the City Board of Elections, to have
19 boroughwide voting, ah, boroughwide early voting, and
20 we urge you to push in the state and advocate to
21 amend the law so that we can have New York City-wide
22 polling, the New York City-wide early voting. Most
23 New Yorkers do not work in their home boroughs, and
24 so as we saw in, some of my colleagues, I think it
25 was the League, who did a statewide survey, most

2 people early voted and they went from their homes.

3 It was very few that people actually went from work.

4 If they could vote anywhere in New York City I think

5 that you would probably see more people voting on

6 their lunch break, after work, etc., as of instead of

7 just going straight from home. I'm going to talk a

8 little bit more about the sites. When we have sites,

9 we need to have better signage. So one of the things

10 that I heard from a lot of people I spoke to is that

11 they would go to early vote and it would be in a big

12 school. It might be on a college campus. It might

13 be in a school. It might be in a museum. And it's

14 not, they need, you know, especially because most of

15 these people have never voted at these sites before.

16 There really needs to be adequate signage. I know

17 someone who was, you know, walking around for 15

18 minutes trying to find their polling site within the

19 area they were. I'm going to be very quick in my

20 last few things. There need to be community

21 conversations. They need to be facilitated. We

22 encourage both City Council members and Assembly

23 members and senators to be part of those

24 conversations. You can reach into the community in a

25 way that the Board of Elections cannot, and we

2 really, really urge you take that lead and to partner
3 with them. And finally, Susan just said this. I
4 think, you know, this was an early, this was our
5 first time at early voting. They staffed it
6 accordingly. I think that in, we all know in 2020
7 there are going to be a lot more people showing up
8 for early voting. But sites were over-staffed and so
9 I think when we go through a few more cycles it will
10 be important for us to take the time and assess what
11 is an adequate staffing. When I early voted there
12 were, I don't know, 40 people for three voters. But,
13 you know, I, this is a great first step. There's
14 room for improvement. There's room for expansion.
15 We must, because we need to make sure that early
16 voting is accessible to the communities that need it
17 the most, people who can't time, you know, who are
18 going to be penalized for taking an hour off of their
19 job to work. So we need to put early voting sites,
20 expand them, and put them in the communities where
21 they are needed most. Thank you for your time.

22 CHAIRPERSON CABRERA: Thank you so much,
23 and I appreciate, I'm sure the people at Board of
24 Elections appreciate your comments, because we do,
25 when it's time to do so we do [inaudible] when it's

2 due, right? And so they do deserve the praises. I
3 wanted to ask a couple of questions. In terms of the
4 signs, I noticed the outside signage was very nice.
5 Actually the ones on the floor, on the walls, so I
6 think you're mainly referring to what I heard as
7 well, is once you get inside and if you've got to go
8 in a school, you got to go around and go through, you
9 know.

10 RACHEL BLOOM: Yeah, and then you might
11 have to go to the, you know, go to the third floor of
12 this building to vote...

13 CHAIRPERSON CABRERA: Right.

14 RACHEL BLOOM: ...at this museum and you
15 don't know where it is, and so I just think that, you
16 know, and I heard the Board of Elections at the
17 hearing last week say, you know, sometimes they put
18 up signs and people take them down. But I guess to
19 put up some sort of, you know, making sure multiple
20 times throughout the day that there are, there are
21 signs up or that there are people every 150 feet to
22 tell you where to go, especially 'cause, you know,
23 when I vote on Election Day, I've been voting there
24 for years, I know where to go in my school, I know
25 how to get there, but I voted, when I voted early I

2 voted at, I voted at a place I'd never been to before
3 and, you know, I actually put the specific address,
4 and so I was in the annex of the main school
5 building, but I think a lot of people just went to
6 the high school building and didn't realize it was
7 actually across the street. So especially because
8 it's a new...

9 CHAIRPERSON CABRERA: That's a good
10 point.

11 RACHEL BLOOM: A new place, they just
12 really need to have more signage even than there
13 normally is.

14 JARED BURG: If I could just add, a hat
15 tip to Ms. Vasquez and the city BOE. I told you
16 we're looking at this statewide, the city digital
17 toolkit and resources was unparalleled compared to
18 anything that went anywhere else in the state. I do
19 want to just add if we got to countywide vote
20 centers, you could imagine signs in bus and train
21 stations in a way that would be different than what
22 you can do now. You're just, far more people can
23 participate and you don't risk confusing people with
24 that sort of more permanent footprint, right? You
25 could imagine like an arrow that's just right over

2 there, like any of you, or like, you know, can early
3 vote. Ah, just creates a lot of opportunities.

4 CHAIRPERSON CABRERA: I wanted to ask
5 you, have you looked any data whenever you compare a
6 city where you could vote at any poll site versus
7 their county or specific site? What's the
8 percentage? What's the differential that we find?

9 SUSAN LERNER: You mean in terms of
10 turnout?

11 CHAIRPERSON CABRERA: In terms of
12 turnout.

13 SUSAN LERNER: Turnout is such a
14 complicated factor that it doesn't necessarily follow
15 the rubric of, um, a countywide voting center versus,
16 there are very few places that have assigned early
17 voting centers, to tell you the truth. So it's
18 really difficult to do that comparison. Across the
19 country what we see is a movement towards voting
20 centers and even super-voting centers. So Charlotte,
21 North Carolina, for instance, you can vote any place
22 within Mecklenburg County, whether it's near your
23 home or near your working place. Same thing without
24 [inaudible] Mexico.

2 CHAIRPERSON CABRERA: But don't they have
3 data prior to the institution implementation to
4 compare? I'm just trying to, for us to help our
5 argument, right? That...

6 SUSAN LERNER: Yeah, I would have to look
7 at that to tell you the truth.

8 CHAIRPERSON CABRERA: That would be
9 interesting.

10 SUSAN LERNER: Because these places have
11 had voting centers. So for instance, Albuquerque
12 went to voting centers right out of the box, as soon
13 as they got early voting. And North Carolina they've
14 had early voting, at this point it's close to 20
15 years, and I think Mecklenburg County has been using
16 voting centers for over 10.

17 CHAIRPERSON CABRERA: Wow.

18 JARED BURG: And so I, turnout is driven
19 primarily by compelling candidates, competitive
20 contents, collective concern. So I think there's a
21 danger in comparing even 2019 to 2015. A little bit
22 has changed in our politics, right?

23 CHAIRPERSON CABRERA: True.

24 JARED BURG: Although we did see a bump
25 this year. But I think there's, there's an

2 opportunity from the turnout site to look at
3 transportation patterns, right? We know that there
4 is sort of a citywide exodus every evening of people
5 that leave places like midtown and other, ah, work
6 hubs so to speak. So I would imagine that the
7 turnout pattern would follow that.

8 CHAIRPERSON CABRERA: In terms, I'm
9 sorry, go ahead.

10 RACHEL BLOOM: I was going to say, but
11 what we do see is with the voting centers the, it may
12 not be a larger, absolute larger turnout of the
13 number of voters, but we do see a better distribution
14 between early voting and Election Day.

15 CHAIRPERSON CABRERA: That's very
16 [inaudible].

17 RACHEL BLOOM: Because when you make it
18 more convenient more people take advantage of early
19 voting. There may be people who are planning to vote
20 anyway, but it releases the stress on Election Day
21 and over time, and especially with voting centers, we
22 see that there's almost an equal number of people who
23 vote early as people who vote on Election Day.

24 CHAIRPERSON CABRERA: In terms of e-
25 polling, this is my last question, ah, in terms of

2 like e-polling, the e-books polling, what kind of
3 data do you think the Board of Elections should make
4 readily available?

5 SUSAN LERNER: There's a lot of data in
6 the e-poll books because they track a tremendous
7 amount of things. I know, for instance, in some
8 counties, ah, they're able to tell you in real time,
9 within five minutes, of what the waiting time is.
10 Between when a ballot is issued and when it's read by
11 the scanner. So you can go on the website and you
12 can find out for your early voting location what's
13 the waiting time. You can find out for your Election
14 Day location, oh, there's a 15-minute line at that
15 place. I'm not going to go there. So that
16 information is there. Certainly who voted early,
17 what the patterns are when you have more people
18 showing up, just in terms of predicting when you need
19 staff, which days are most popular. There's a
20 tremendous amount of information in there.

21 CHAIRPERSON CABRERA: That's really good.

22 JARED BURG: Add a few others. So there
23 are certainly a lot of voter protection impacts, like
24 some of the ones I mentioned before. We should not
25 see a disproportionate amount of provisionals,

2 affidavits, or challenges in any given community more
3 than others. This is a thing on student campuses.
4 It's a thing in marginalized traditional communities.
5 But, as an example, right, it should be roughly in
6 proportion how many people are filling out affidavits
7 in a given site. Where that's way out of whack we
8 can know that instantly in a centralized location
9 what's going on, as opposed to needing to have eyes
10 and ears on the ground. I'd say both are useful.
11 But that's just a whole new world. On the
12 programmatic side, ah, what are the hours and days
13 that are most popular? We can guess. We have
14 assumptions. We actually, our assumptions were
15 pretty borne out that there would sort of be a ramp
16 as you get to that second weekend of early voting,
17 although I was surprised that the last Sunday turned
18 out to be as popular as it was. I sort of figured
19 the first Saturday might be more popular in the
20 cycle. But also where voters are coming from, right?
21 If we put a site in a given place, ah, in order to
22 get them their ballot, that's linked to their ballot
23 style, which is linked to their election district.
24 So we actually know, even if they turn out somewhere
25 else, where, what neighborhood they came from, and

2 so, you know, just the sheer numbers of a given site,
3 did it turn out that that site in Madison Square
4 Garden was or wasn't as popular as we might have
5 assumed, based on just the raw count and then where
6 people are coming from. So those are a few. There's
7 lots of others. Oh, and the last one that was
8 mentioned for Erie, how long does it take from the
9 moment someone checks in to the moment that ballot
10 spits out? In 2019 with low turnout it might not
11 have mattered as much how long that takes. But
12 certainly we want to know whether these vendors are
13 telling you folks and our friends at the board, ah,
14 you know, accurate info, and after a cycle or two we
15 should know that.

16 CHAIRPERSON CABRERA: That's good, that's
17 very good. So I want to thank you for your advocacy
18 for more sites, for early voting education funding,
19 and for boroughwide early voting, and for all that
20 you do to make sure our constituents do vote, because
21 their vote does matter, and with that I want to thank
22 the staff. They've done a marvelous job. You
23 mentioned that earlier that indeed they do a
24 fantastic job. And so with that we conclude today's
25 hearing. Thank you, everyone. [gavel]

1 COMMITTEE ON GOVERNMENTAL
OPERATIONS

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2 RACHEL BLOOM: Thank you.

3 SUSAN LERNER: Thank you.

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C E R T I F I C A T E

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



Date December 10, 2019