

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATION

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September 25, 2020

Start: 10:15 a.m.

Recess: 1:08 p.m.

HELD AT: Remote Hearing

B E F O R E: Fernando Cabrera
CHAIRPERSON

COUNCIL MEMBERS:

Keith Powers

Ben Kallos

Bill Perkins

Ydanis Rodriguez

Kalman Yeger

Alan N. Maisel

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

Mike Ryan, Executive Director
New York City Board of Elections

Dawn Sandow, Deputy Executive Director
New York City Board of Elections

Amy Loprest, Executive Director
Campaign Finance Board

Laura Wood, Special Counsel
Democracy NYC

Doug Kellner, Co-chair
New York State Board of Election

Sarah Goff, Deputy Director
Common Cause New York

Megan Ahearn, Program Director
New York Public Interest Research Group

Rachel Bloom, Director of Public Policy
and Programs
Citizen's Union

Kate Doran
League of Women Voters of the State of
New York

Hannah Claine, fellow
Brennan Center for Justice
NYU School of Law

Paul Westrick, Manager of Democracy
Policy
New York Immigration Coalition

Rob Ritchie, President and CEO
Fair Vote

SERGEANT-AT-ARMS: PC recording has started.

SERGEANT-AT-ARMS: Cloud recorder started.

SERGEANT-AT-ARMS: Backup recording is good.

SERGEANT-AT-ARMS: Still waiting on the livestream.

SERGEANT-AT-ARMS: Ladies and gentlemen, please bear with us. We're experiencing some minor technical difficulties. We should be going in a couple of minutes. Thank you so much.

SERGEANT-AT-ARMS: All right, Sergeants, you can take it away now.

SERGEANT-AT-ARMS: Good morning. Welcome to the remote hearing on the Committee on Governmental Operations. Will Council members and staff please turn on their videos at this time? Once again, will Council members and staff please turn on their videos at this time? Please place also phones and electronics on library. You may send your testimony to testimony@council.nyc.gov. That's testimony@council.NYC.gov. Chair, we are ready to begin.

2 CHAIRPERSON CABRERA: Thank you so much
3 and thank you to all the staff that made this
4 possible today. I will gavel in today's meeting.

5 [gavel]

6 CHAIRPERSON CABRERA: Good morning. I am
7 Council member Fernando Cabrera, Chair of the
8 Committee on governmental operations. Today, the
9 committee will be conducting an oversight on the
10 administration of elections during COVID-19 pandemic.
11 We will take this opportunity to reflect on the
12 lessons learned from the June primary and plan ahead
13 for the November election. I want to thank my
14 colleagues joined us today, Council member Kallos,
15 Maisel, Perkins, and Yeger. The June primary wasn't
16 like any election our city has ever seen. Following
17 a surge of COVID-19 infections, the governor issued a
18 series of executive orders to ensure that all New
19 Yorkers eligible to participate in the primary could
20 vote absentee. As a result, the city's Board of
21 Elections received nearly 800,000 absentee ballot
22 applications. That's 12 times the number of
23 applications received in the 2016 primary.
24 Overwhelmed by the flood of requests and U.S. Postal
25 Service delay, the board was placed in a situation

where they were delaying sending out many of the ballots so thousands of New Yorkers did not receive their ballots in time for the election.

Unfortunately, their problems did not end there.

Roughly one in five absentee ballots cast in the June primary were rejected by the Board of Elections. In some cases, ballots were rejected because of a missing signature or an unseal envelope. In other cases, they were rejected because the post office failed to stamp the envelope with a postmark.

Finally, due in part to the large number of absentee ballots cast, the board was delayed from canvassing other votes. As a result, unable to certify the primary results until six weeks after the election.

What we witnessed in June has already motivated the state legislature to make changes to the election laws that will hopefully make voting in the presidential elections there. But we are here to ask for a commitment from our local Board of Elections with the election date just 39 days away and the early voting starting in four weeks. New Yorkers need better planning, clearer messaging, and Moore's efficiency. They need to have confidence that their vote will count in the tremendously important

election. From Paul's sites, elections, and poll worker hiring, the administration and in person voting and the processing of absentee ballots, the board must rise to the challenge and I am hopeful that they will. In addition, the board must take all the necessary steps to ensure the [inaudible 00:05:31] certification of the election results. Given the stakes of this election, the fragile state of our democracy, we cannot afford to be waiting for election results in December. I want to thank Mike Ryan of the Board of Elections for being available to myself and staff who, at this time, as issues have arisen, thank you for the administration and other stakeholders for raising the issues early and often with us as we conduct continuous oversight on the election process in New York City. Thank you know to the committee staff and the additional support staff behind the scenes today for the work on this hearing, including committee counsel CJ Murray, policy analyst Emily for John, Elizabeth Cronk, finance analyst Sebastian Bocce, community liaison John Blasco, and my own legislative and communications director Claire Maclivein. Let me also recognize that we have been joined by Council member [inaudible 00:06:39] to our

moderator, committee counsel CJ Murray to go over some procedural items.

COMMITTEE COUNSEL: Thank you, Chair.

I am CJ Murray, Council of the Committee on governmental operations. Before we begin testimony, I want to remind everyone that you will be on mute until you are called on to testify, at which point you will be un-muted by the host. I will be calling on panelists to testify. Please listen for your name to be called. The first panelists to give testimony today will be representatives from the New York City Board of Elections, the campaign finance Board, and the Mayors Democracy NYC initiative. For the Board of Elections, testimony will be provided by Executive Director Mike Ryan and Deputy Executive Director Dawn Sandow. For the campaign finance Board, executive director Amy Loprest will be providing testimony and for Democracy NYC, testimony will be provided by special counsel Laura Wood. I will call on you when it is your turn to speak. During the hearing, as a Council member would like to ask a question of a specific panelist, please use the zoom raise hand function and I will call on you in order. We will be limiting Council member questions to five minutes

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2 which includes the time it takes the panelists to
3 answer your question. Please know that for ease of
4 this virtual hearing, there will not be a second
5 round of questioning or set of questions from the
6 committee chair. All hearing participants should
7 submit and testimony to Testimony@council.NYC.gov.
8 Before we begin testimony, I will administer the
9 oath. Executive Director Ryan, Deputy Executive
10 Director Sandow, Executive Director Loprest, and
11 special counsel Wood, please raise your right hand.
12 I will call on each of you individually for a
13 response. Do you affirm to tell the truth, the whole
14 truth, and nothing but the truth before this
15 committee and to respond honestly to Council member
16 questions? Executive Director Ryan?

17 EXECUTIVE DIRECTOR RYAN: Yes.

18 COMMITTEE COUNSEL: Executive Deputy
19 Director Sandow?

20 EXECUTIVE DEPUTY DIRECTOR SANDOW: I
21 do.

22 COMMITTEE COUNSEL: Executive Director
23 Loprest?

24 EXECUTIVE DIRECTOR LOPREST: I do.
25

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2 COMMITTEE COUNSEL: Special counsel
3 Wood?

4 SPECIAL COUNSEL WOOD: I do.

5 COMMITTEE COUNSEL: Thank you.

6 Executive Director Ryan, you may begin your
7 testimony.

8 EXECUTIVE DIRECTOR RYAN: Thank you,
9 Chair Cabrera and members of the New York City
10 Council on government operations. Thank you for
11 inviting the Board of Elections in the city of New
12 York to participate in this important hearing. As I
13 have just been sworn in, I am Michael Ryan. I am the
14 executive director of the Board of Elections and I am
15 joined during this testimony by the deputy executive
16 director of the board Dawn Sandow. While it is
17 included in our written testimony, I will forgo the
18 reading of the legal authority under which the board
19 ferry and get into the meat of testimony. The board
20 recently, in August, completed the postelection
21 processes of canvassing the votes of over 870,000
22 voters. 50,000 of whom voted early and over 326,000
23 who voted by the absentee ballot process within New
24 York City. As we all are acutely aware, the spread
25 of COVID-19 has brought with it many challenges.

Unfortunately, the Board was not spared from the effects of this virus and, tragically, suffer the loss of several employees due to the illness. I want to stress that the Board of Elections did not close its offices for one day during the entire emergency. Not one day. Staff continued to report to our office says every single day during the pandemic, albeit at a reduced rate, but we were open to the public and we continued to conduct our operations throughout the entire pandemic. The board and its staff-- and mostly the staff-- deserve credit and thanks for their dedication to the voting process and, tragically, in some circumstances, the sacrifice that was made in the service to the city of New York which has, unfortunately, gone largely unrecognized. The board will continue to persevere throughout the challenges faced to ensure safe access to the voter franchise. I think it is necessary to go back and take a look at June in the proper context. A state of emergency was issued on March 7th, 2020 by Gov. Cuomo. Or declared, I should say, to ensure that voters were provided an opportunity to vote safely. Two significant changes were made at that time to the absentee ballot process. The authorization of online

application portals, of which, the city of New York was one of two jurisdictions in the entire state that made such convenience available to its voters. And the mailing of absentee ballot applications to all eligible voters with postage-paid return envelopes. On April 27th, 2020, within three weeks of executive authorization, the board went live with its online application portal and began receiving applications. The online portal was active for 49 days and 53 percent of all applications received, over 450,000, were processed through the online portal. An executive order issued May 7th, 2020 finalized to the absentee ballot application mailing process. The mailing of applications commenced on May 18th, one month before the election. A decidedly different circumstance then we find ourselves in now. And it was completed by May 21st to over 3.6 million eligible voters. So, that was the application mailing that was completed one month before the election. To accomplish this tremendous undertaking, the board outsourced the printing and mailing of the applications and the USPS reported to us that 99 percent of those applications were delivered and home by May 26th. Inside of one month before the primary

election. As discussions began regarding potential changes to the process, the board immediately assessed operational needs and necessary changes. Once the orders were finalized, and there were numerous, the board implemented significant changes to its absentee ballot process. Most notably, the board secured a vendor to work around the clock, along with board staff, scanning all returned applications and to provide data files to the board for ease of processing. And to vendors to print and mail absentee ballots to voters. And the scanning was in addition to any applications that were received on the portal. In fulfilling its statutory obligations, the board processed and entrusted to the United States Post Office, the delivery of over 775,000 absentee ballots to eligible voters. In comparison, for the 2016 presidential primary, the board processed over 64,000 absentee ballots and, as the Chair rightly pointed out, that is a 12 fold increase with, by the way, no notice. To further the comparison, the board processed the combined total of 335,000 absentee ballots for the 2016 and 2018 general elections. More than double the total was processed in any week. In the middle of a pandemic

while short staffed. To ensure the accuracy and integrity of the election, New York State has one of the most comprehensive postelection canvas and re-canvas processes in the nation. The board processed all returned absentee ballots. The law pertaining to the canvas and re-canvas applies to absentee ballots and boards of election are mandated to process these ballots according to the law. When assessing the validity of an absentee ballot, both envelope boards cannot ignore the law. While the total number of invalid oaths have been subject to recent observation, the percentages are in keeping with previous elections. 2016, presidential primary, 21 percent invalid. 2016 presidential general election, 13 percent invalid. 2018, citywide general, 18 percent invalid, and the 2020 presidential primary, and 23 percent invalid. The overwhelming number of those invalid both envelopes are for missing signatures and we can get into, during the question-and-answer period, there been some changes to the state law that allow for some of that to be rectified. But this is directly analogous to election day. The signature is the gateway to the ballot. If you do not provide a signature, you do not get a ballot. The only

difference between election day and absentee balloting is the signatures captured in a different process. But it must be captured, nonetheless. And if it is not captured, it is not valid. The path forward as required significant changes and we will continue to make more changes, I am sure. Some of which are short-term and some of which are long-term. In the meantime, the board has made improvements to its online portal and related processes to streamline the processing of applications both for the voter and for the board who has to process it on the backend. The inquiry process has been streamlined to provide voters enhanced information regarding ballot processing and tracking. The ballot tracking system is up and running as we speak and voters will be able to avail themselves of that process as they so choose by accessing the board's website at vote.NYC. Given the number of absentee ballot applications, we have prominently featured both the absentee application portal and the tracker in the center of our website where the scrolling pictures of the cityscape is seen so that people will know exactly where to go for their absentee ballot information. And then, course, if they scroll down, there will be able to see other

information. This we, we announced that our Tuesday meeting that the board has sent out through its print vendors for printing and mailing this week over 470,000 completed absentee ballot applications and those voters should be expecting to get their absentee ballots within the course of the postal delivery process over the next several days. In addition, as of the close of business yesterday, that number increased to 510,000. So, we have already sent out for mailing over a half 1 million absentee ballots to voters. We are encouraging the voters to return them back to us as quickly as possible. 10 not set them aside. To not put them on the counter in the kitchen or on the coffee table. When they get them, vote them, send them back and that will help everybody. It will allow the voters a convenient way to vote to maintain social distancing at the polls sites by reduced volume, and it will also help us administratively to complete the tasks that we need to complete in order to accurately tabulate those votes. And, in addition, it will provide the maximum period of time to engage in the newly created cure process by state legislature because it imposes upon the board obligations to contact the voters. And it

is a step-by-step process, so I'm not going to buy labor all the points, but, simply said, we now have the legal way and an obligation to address any deficiencies in the absentee ballots with the voters in advance of election day. Clearly, the sooner that happens, the better. If it happens the day before election day, it is going to be very difficult for the process to be completed, but if it happens now and somebody made a mistake because they are unfamiliar with the process and forgot to sign their oath envelope, we have time to correct that to ensure that no voters disenfranchised. We have increased the system input threshold so that we can accept paper applications at a faster processing rate and we would ask that we get paper applications from those folks that don't have access to technology. If you have the access to the technology, please go to the website, process your absentee ballot request through the portal. That is the fastest, most effective and safest way for that process to be completed. We have a voter education campaign that is ongoing. We have titled it Vote Safe NYC which will, over the course of time, lay out all of the different options. The absentee ballot request process and the completion of

that. We have prepared a video that we expect to be out, if not by close of business today, by close of business on Monday. An instructional video on how to fill out your absentee ballot envelopes so that your vote counts and that we don't have to engage in a cure process. Bottom line is we want to give the information to the voters so that they submit it right the first time and we don't have a back-and-forth between us and the voters. And we are providing that information and there will be a series of such outreach in that regard moving forward. Enhancements have been made to the board's website to increase voter education and we will be engaging in aggressive media plan which will include all platforms. Praying, intentional, social media. We have worked with the city kiosks. Our information will be available on those locations, as well. And it was successful the last go around and we have built on it and we think it is going to be successful again. And, of course, anyone who voted in June will be aware of all of the changes that occurred at the poll's sites. The signage, all of the PPE equipment that is necessarily been distributed. Everything that we have now become used to as a society here in

New York City will be applicable to the Board of Elections. The decals on the floor indicating where to stand, the PPE, the masks that will be available. For June, very quickly, we were able to get antiviral wipes for people to wipe their hands. We will still have those. However, in addition to that, we will have ADA compliant hand sanitizer distribution devices with a foot pedal so that people could press the foot pedal and get their hand sanitizer in a contactless way. We have sent out our annual information notice which will include a fob and anyone who is gone to any one of the big chain grocery stores that have the little fob that you keep on your keychain with a bar code, you will be able to use that barcode at your early voting location or at your election day location to scan that with the pole pad and it will bring-- that is an individual barcode for the voter and it will bring up that particular voters record. So, that will obviate the necessity of a poll worker having to manually access the pole pad and look at information up. The key there is feed and contactless. So, we want the voters to be able to be processed quickly and safely. In addition, at the table, for anyone who voted, you

might have seen the green pens which were a combination pen stylus so that a pen can use the stylus on the pole pad and then take that pen with them to the privacy booth and mark their ballot and then leave with that pen. The green was the only color we could get on short notice for June, however, we now have one that will be branded with Board of All actions logo on it so it is clear that it came from us and we will be able to use those pens and give them as a voting souvenir, if you will. But all under the guise not of giving away tchotchkes, all under the necessity to maintain minimizing cross-contamination. Poll workers will also be wiping down the equipment is necessary pursuant to a specific protocol and we also purchased and installed, both for the June election, protective shields over the whole pads which are thin tempered glass so that they will not be TM managed with the alcohol wipes to maintain cleanliness. So, in June, the board, in the face of a pandemic, increased its early voting locations from 61 to 79. That represented about a 30 percent increase of early voting locations. That is now further increased to 88. So, from November 2018 to November 2019, the number of early voting

locations have increased 45 percent in the city of New York in the face of a national health crisis.

That is a significant step forward and it cannot be overlooked. That will allow many more opportunities for people to vote early and vote at a time of their choosing. And if they happen to come and there is a line, they can come back later or different day of the week, is that is necessary. Unlike election day which is, that Tuesday, an all or nothing event.

Either you are going to vote for you are not going to vote. This is all about options and safety and security and the health of all of the voters of the city of New York. In addition, there were issues, as we know, with the delivery in some respects. Now, keep in mind, four out of the five boroughs really did not have too many mail delivery issues. And I would attribute some of what happened on the backend to the compressed timeframe under which everyone had to act. So, first, what did the Board to proactively? The board took a look at this statute. The statute previously read that temporary absentee ballot applications could be processed no earlier than 30 days, no later than seven days before the election. Under the previous rules, that left a 23

day window to process absentee ballot applications.

When we saw that the statute extending the use of the portal and taking it out from under the umbrella of an emergency order by the governor-- or an executive order, I should say, by the governor, and putting it in this statute, that 23 day window was still in the statute. It was just leftover language. We spoke to the state Senate. We spoke to the state assembly and we said this statute is trapping us and a 23 day window that is going to make it impossible for us to process all of these applications if we get anywhere near the volume that we got in June. And, in fact, it appears as if we are on track to have more than we had in June. The state assembly and the state Senate acted swiftly and redacted the language of no earlier than 30 days and got a new statute on the governor's desk and that was signed into law. What that enabled us to do was immediately then go live with our absentee ballot application portal and to begin to receive those applications and process them and ensure that those voters that are applying are, in fact, the voters that should be getting those ballots. That cannot be overlooked either. That is, from an election's perspective, that is a really big

deal. That is the state legislature responding to a need of an agency, of an entity, recognizing that need, acting expeditiously, and getting a law onto the desk of the governor for changes. And that is a big deal. The second piece of that, though, is this box sitting next to me here which doesn't show up so well maybe on this video, but, in the era of social distancing, we are doing the best we can. One of these boxes will be at all of the early voting locations and it will be at all of our election day locations and it will be at all of our offices. This boxes for voters to drop their absentee-- completed absentee ballots into if they choose not to avail themselves of the services of the post office. Now, this is another effort to engage in contactless process of the voting locations. The process that the Board of Elections has engaged in prior to now has been that you can drop your absentee ballot at any of the early voting locations or at any of the election day site or at our offices. Given the previously relatively small volume of absentee ballots, and has been an underutilized process. But it has been in place. So, our polls sites are already aware of that and are reinforced that those

absentee ballots have to be returned in the case of early voting nightly and, in the case of election day, at the end of election night with the remainder of the violent material to the various offices for processing. We've been doing that for years. That is not a change. What's going to change here is the volume. The other thing, for anybody who is watching this hearing or participating in it, the other thing is you don't have to go to your own polls site to drop off your absentee ballot. You can go to any of the early voting site, any of the board offices, and any of the election day site. We consider all of the satellite offices of the Board of Elections and, if you happen to live in Queens and work in Manhattan and you dropped it off at a Manhattan location, we will take the responsibility of getting that ballot to Queens for the convenience and the safety of the voter. So, that is, you know, 1200 election day sites, plus another almost 100 early voting sites, plus our borough offices. We will have about 1300 locations spread out over a period of the nine days of early voting and election day for voters to physically impersonally return their absentee ballots, if they choose to not go to the post office.

So, that is the high had kind of 5000 foot view of the elections during the pandemic and some of the changes that we have made moving forward. There is one thing almost forgot. When we talked about the volume of absentee ballots in June, one of the main challenges that we had was responding to requests for copies of envelopes. And, in primary elections which have a tendency to be more closely contested, we have a spike typically in requests for absentee ballot envelopes. More so than in a general election. And there was a lot. So, normally, in Queens, we would have about three photocopy machines and staff working on photocopy machines. The selection, we had 13. So, one of the things that we have done to aid in the processing of absentee ballots is we have purchased customized mail sorting machines that are sized appropriately for each borough. Those machines will date and time stamp the envelope once they are sorted. The public should know that, if they do not play [inaudible 00:34:02] with their ballot and they return those ballots early, the postmark or lack of the postmark is not significant. As long as we receive those envelopes before the deadline, we will mark them received and then the postmark will become

academic. So, it will be scanned, it will be opened. The outer envelope will be opened, and it will be sorted. And here is the best thing. When we get to the second phase of the process and we are going to go about the business in accordance with the postelection canvas rules to sort and process that both envelopes, those scanner machines will serve also an added function of-- well, too. One, they will be able to tell us if the signature is missing in the box. Right? So that we will be able to engage the voters very quickly to get their signature on an affidavit. That's going to be part of the new process. But, in terms of the busywork, if you will, or, really, the administrative work of trying to make all those photocopies, those scanner machines will serve as duplex scanners and will create PDF documents of all of those envelopes that pass through. So, if somebody does make a challenge and they want their envelopes, we don't have to have workers standing on the side making photocopies of 150,000 absentee ballots which you then have, you know, two sides. That is 300,000 pages. We can, potentially, if requested, we can provide that information on a flash drive or thumb drive, if you

will. Or, if they want them printed, we can use high-speed printers to print them out as opposed to staffers standing by photocopy machines pressing buttons. Here is the significance of that. Alas staffers we need doing that type of busywork, the more tables we can open early in the process to complete the canvas of the election because they are still open to the public and they are still subject, potentially, the challenges. So, we still love to engage in that process, but this will streamline that much more than was done in June. So, then the question is going to be calm, well, why didn't you have them for June? There wasn't enough time. We attempted to get them for June. These machines are, basically, all the same, but they are component-based and name must be built for the size of your need. So, the machine that is going to be in Staten Island will be a drastically different size from the number of bins in Brooklyn or Manhattan or Queens. And we tried. The only potential option, which didn't work out, was to buy machines from the three vendors before June and that was just not going to work. So, we did what we could for June. We got through it. We recognized it in, before the June primary was

completed, we started a procurement process to get these machines so that we will have them in our offices for the first week of October. I think that is all I have and I am certain that there will be some questions.

CHAIRPERSON CABRERA: Thank you so much, Director Mike Ryan, for your testimony. I have quite a few questions and I'm going to ask you, whenever possible, if you could just give me the short answer? Because some of them-- it's just I have quite a few and we have--

DIRECTOR RYAN: You don't want me to take up your five minutes?

CHAIRPERSON CABRERA: There you go. No. I get more than five. So, my colleagues that are about-- we have CFB and Democracy NYC and--

DIRECTOR RYAN: I will certainly do my best to respect--

CHAIRPERSON CABRERA: Thank you. So, let me start. Let's go back to the June primary. How many absentee ballot applications was BOE expecting to process for the June primary just before it began accepting applications in late May?

2 DIRECTOR RYAN: 70,000 or less would've
3 been our guest before. But, you know, varies from
4 election to election.

5 CHAIRPERSON CABRERA: There you go, Mike.
6 Yeah.

7 DIRECTOR RYAN: Already I'm breaking the
8 rules.

9 CHAIRPERSON CABRERA: I have a lot of
10 questions and I went again to them.

11 DIRECTOR RYAN: No. I got you. Yep.

12 CHAIRPERSON CABRERA: BOE reported
13 receiving roughly 775,000 absentee ballot
14 applications for the June primary. How many New
15 Yorkers, if any, were not sent an absentee ballot due
16 to a defect in their application form?

17 DIRECTOR RYAN: Due to the defect in the
18 form? I'm not certain that I understand the
19 question.

20 CHAIRPERSON CABRERA: So, was there
21 anybody who was not sent their ballot due to the
22 actual absentee ballot having a defect?

23 DIRECTOR RYAN: So, in the past, the
24 defect would have been the lack of a signature would
25 be the most overriding defect in the signature

requirement was waived for June. So, I'm not aware of any and all of the applications that we received, we processed all of them and everyone was sent an absentee ballot

CHAIRPERSON CABRERA: But if the form was missing a signature or an open envelope or missing postmark--

DIRECTOR RYAN: capital, that would've been later in the process. I think your question was directed towards the application process. Because, keep in mind, the executive order required us to mail an absentee ballot application to all voters and to provide them posted. Envelope for which to return the application. So, we did receive, you know, a lot of paper applications. But, in addition, even though we did that mailing, still, 53 percent of the people that requested absentee ballots did it by the portal.

CHAIRPERSON CABRERA: Got it. Let me move right along. I can always come back to that. According to numbers reported by BOE, roughly 50 percent of the voters who requested an absentee ballot for the primaries ended up voting absentee. How does this percentage compare to prior elections?

DIRECTOR RYAN: There is always a percentage of voters, and it is a good percentage of voters, that do not-- they request their absentee ballot and then simply don't return them. Though it is comparable to past elections.

CHAIRPERSON CABRERA: It is comparable. Okay. How many of the roughly 400,000 absentee ballots cast in the June primaries were determined to be invalid?

DIRECTOR RYAN: As I testified earlier, it was about 23 percent of those total and certainly we can get you a borough by borough breakdown if that is something that you desire.

CHAIRPERSON CABRERA: Well, help me. I want to break it down a little further. Of those, how many were determined to be invalid based on signature deficiencies? Do you have that number?

DIRECTOR RYAN: I do not have the exact number, but I can tell you it is going to be the vast majority.

CHAIRPERSON CABRERA: Okay. If you could give me that number later on, I would appreciate it.

DIRECTOR RYAN: Certainly.

2 CHAIRPERSON CABRERA: And how many were
3 based on missing postmarks?

4 DIRECTOR RYAN: There was ultimately
5 less than 100 in each of the four boroughs outside of
6 Brooklyn and Brooklyn had about 4500, as I remember
7 it-- and that was the subject of litigation and
8 those there was a court order under certain
9 parameters for the canvas of any of those that were
10 received no later than the day after the June
11 primary, which was the 24th. Incidentally, the
12 state legislature that was in the process of changing
13 the state law and the new rule is now if we get an
14 absentee ballot returned with no postmark, and we
15 receive it up to and including the day after election
16 day which, in this case, would be November 4th, we
17 are directed to canvas those ballots irrespective of
18 postmarks.

19 CHAIRPERSON CABRERA: Were there any
20 other common reasons ballots would be determined to
21 be invalid?

22 DIRECTOR RYAN: There are, but they
23 really don't occur all that often. If somebody
24 makes an extraneous mark or makes a political
25 statement handwritten on a ballot, then that would be

a reason. If there is extraneous paper that does not belong in the field ballot envelope, that would be a reason.

CHAIRPERSON CABRERA: Okay.

DIRECTOR RYAN: If the ballot envelope is sealed when we receive it, that would be another reason. However, to work toward better safety and security for our staff and for the voters, we have purchased self-sealing envelopes for the oath envelopes moving forward. So, they will have a peel-off sticker that they can close without having to lick the envelope in the traditional way.

CHAIRPERSON CABRERA: How many poll workers to the city Board of Elections hire for June's early voting?

DIRECTOR RYAN: For early voting, it was just shy of 30,000, as I recall.

CHAIRPERSON CABRERA: 30,000. And then, for election day--

DIRECTOR RYAN: Did you say early voting or for election day?

CHAIRPERSON CABRERA: Yeah. First early voting. The second [inaudible 00:44:00]

2 DIRECTOR RYAN: Oh. The early voting, I
3 don't have off the top of my head, but we certainly
4 are well staffed and we supplement the staff with our
5 Ford employees, as well.

6 CHAIRPERSON CABRERA: So, just to be
7 clear, the 30,000 words for election day.

8 DIRECTOR RYAN: Correct.

9 CHAIRPERSON CABRERA: And what was the--

10 DIRECTOR RYAN: Yeah. That would be too
11 much for early voting.

12 CHAIRPERSON CABRERA: What was the no-
13 show rate?

14 DIRECTOR RYAN: Typically, in the 15
15 percent rate. I think what the borough offices had
16 to do upon their return to work on May was they did a
17 lot more outrage to the poll workers, given the
18 circumstances, to determine whether or not there was
19 a willingness to work. In the past, we would simply
20 send out notices to work with people that have been
21 poll workers before, but, in this particular case,
22 the borough offices reached out and said, do you want
23 to work? And the folks that said no or were afraid
24 or might be out of the state, they were marked off.
25 So, the borough offices really did their best to make

sure that the people that were hired to be the poll workers, in fact, wanted to work and would show up.

CHAIRPERSON CABRERA: Ben I know some of them had difficulty getting there due to the subways being shut down from one to five in the morning. How many voters participated in the early voting for the June primary?

DIRECTOR RYAN: It was only about 52,000. And we would certainly like to see that number increase over the course of time. And it was slightly less-- well, it was about 63,000 in November and then about 52,000 in June, although the November turnout was higher.

CHAIRPERSON CABRERA: Okay. Let me move on to the November election. We're doing good here, Mike. We are moving. Okay? My compliments. So, let me talk about the BOE offices. Our BOE offices continuing to operate at lower in person capacity at this point?

DIRECTOR RYAN: No. We are operating at full capacity and we are adding temp workers to prepare for the postelection canvas mostly and some of the other prep work that needs to be done. Like everybody else, with had to add, you, screen shields.

Our front counter is now all have glass. There is plexiglass that is being installed all over the city. We are providing masks to all of our workers and hand sanitizer and gloves, like everyone else has been forced to do.

CHAIRPERSON CABRERA: You got it. You got it. I'm sorry. I just have a lot of questions. So, how many-- Which job responsibility can be conducted from home?

EXECUTIVE DIRECTOR RYAN: there's not many that can be done from home. For example, in the lead up to election now, a lot of what we do is related to the voter registration system. Whether it is actually registering voters or having to access the system. And, quite frankly, we cannot expose the system to potential cyber threat by allowing you to use wireless methods to access the voter registration system. If that were to be tampered with externally by a wireless mechanism, that would be a very difficult situation for us to overcome.

CHAIRPERSON CABRERA: And also regarding the November election, how many absentee ballots does BOE expects the process in the 20/20 presidential election?

2 EXECUTIVE DIRECTOR RYAN: Well,
3 certainly more than 780,000. We might approach
4 upwards, based on the numbers that we are seeing and
5 the daily trends, parts of 1 million absentee ballots
6 this go around.

7 CHAIRPERSON CABRERA: those who have
8 requested absentee ballots for the general election
9 so far, how many have requested ballots via the
10 portal?

11 EXECUTIVE DIRECTOR RYAN: The majority.
12 I would say it's got to be at least 70 percent. That
13 would be about my guess, so far, which is an increase
14 from June. And I think if it becomes part of the
15 fabric of what we do moving forward, assuming the law
16 gets renewed, and that will be the way to go.

17 CHAIRPERSON CABRERA: I mean, how do
18 people learn about that? Is it a mailer or was there
19 a public service announcement?

20 EXECUTIVE DIRECTOR RYAN: We did a
21 mailer, but we also had a very successful social
22 media-- you know, all of those various digital
23 platforms that are out there. And I'm not as well
24 versed in that it is maybe some of the younger folks
25 are. But they are out there and we blanket the

digital media with back, as well as the kiosks in the city and the other old-fashioned forms of notification like print media and such.

CHAIRPERSON CABRERA: And how many requested ballots over the phone?

EXECUTIVE DIRECTOR RYAN: Minimal. Very, very few. And Ms. [inaudible 00:48:57] just told me that we also-- and I forgot this. We also sent out a blast mail in June to all the elected officials asking to share that information. And we would like to thank those Council members-- and I understand it was a large majority of the city Council the forwarded that information along to the voters because, at the end of the day, you folks are the eyes and ears of your constituents and getting that information out is important.

CHAIRPERSON CABRERA: Mike, a lot more questions, but I want to invite my colleagues. I know that we have members who have questions. I will ask my colleagues to please stick to the five-minute time slot and the reason why we have CFB, we have NYC Democracy, we have tons of groups, government groups, that are going to be speaking today. Going to be here for a while. And so, I really appreciate

if you could stick to that time and spot. I will be coming back with to my, again, my questions really required to short answers because they are mainly about numbers and statistics. So, with that, I'll turn it over to the counsel.

COMMITTEE COUNSEL: Thank you, Chair.

I'll now call on council members in the order that they have used the zoom raise hand function. Council members, if you would like to ask a question and you have not yet sure hand, please do so now. As the Chair mentioned, you will have a total of five minutes to ask your question and receive an answer from the panelists. The Sergeant-at-arms will keep the timer and we will let you know when your time is up. Once I called on you, wait until the Sergeant has announced that you may be again before asking a question. First, we will hear from Council member Powers followed by Council member Kallos. Council member Powers, you may begin.

COUNCIL MEMBER POWERS: Okay. Thank you.

SERGEANT-AT-ARMS: Time starts now.

COUNCIL MEMBER POWERS: Okay. Thank you.

Thank you, Chair. Nice to see everybody and thanks for the questions. I just want to talk about, just

very quickly-- and thank you to the board for that testimony. Just to go to the drop boxes and where you can drop-- can you just go back to that and just repeat for people watching? If I have an absentee ballot and I want to drop it off, where can I go to drop it off?

EXECUTIVE DIRECTOR RYAN: Any of the board offices in the five boroughs in the city of New York. And all of that information is available online for each county. And then, once early voting starts on the 24th of October and for the nine days thereafter, any of the early voting locations, of which there will be 88 in New York City-- and then, on election day, for those folks that really get to the end of the line, any of the almost 1200 polls sites that we are going to have an operation citywide. And I want to just reinforce, Councilman, it doesn't matter if you are in your borough of residence.

COUNCIL MEMBER POWERS: Right.

EXECUTIVE DIRECTOR RYAN: You can drop it to us anywhere and we will take the responsibility of getting it to the proper borough. The idea is to

2 make it as convenient for the voter as we possibly
3 can.

4 COUNCIL MEMBER POWERS: Does that include
5 on election day? I can go to a polling place that is
6 not my polling place and drop it off and then it will
7 get sent to the place that it is where it needs to
8 go?

9 EXECUTIVE DIRECTOR RYAN: 100 percent.

10 COUNCIL MEMBER POWERS: Okay. So, if I get
11 an absentee ballot, I can sit down, I can fill it out
12 at home and, instead of mailing it, I can go drop it
13 off and alternatively I can just mail it in. And if
14 I am mailing-- This is an altered set. I think in
15 June-- is it prepaid postage on that absentee ballot
16 if you-- no. I see you shaking your head.

17 EXECUTIVE DIRECTOR RYAN: It's not
18 prepaid postage for the absentee ballot return.

19 COUNCIL MEMBER POWERS: Okay. It was in
20 June or it wasn't?

21 EXECUTIVE DIRECTOR RYAN: It was in June
22 by executive order. That Executive Order was not
23 extended and the statute was not amended.

2 COUNCIL MEMBER POWERS: Okay. So, this
3 time you've got to pay for your own stamps. Is that
4 fair to say?

5 EXECUTIVE DIRECTOR RYAN: Correct.

6 COUNCIL MEMBER POWERS: Okay. How many
7 stamps to put on it?

8 DIRECTOR RYAN: It depends on the size
9 of the ballot, but it would be in the order of 55
10 cents, but it really depends. So, that would be post
11 office would have to determine based on weight.

12 COUNCIL MEMBER POWERS: Oh. So, we don't
13 know how many stamps somebody has got to put on it?
14 What is the determining factor here?

15 EXECUTIVE DIRECTOR RYAN: Postage is
16 determined by the weight of the package. So, for
17 example, aliens have an app that has a two pager.
18 So, the price in Queens is going to be different than
19 the price in the other boroughs.

20 COUNCIL MEMBER POWERS: I understand the
21 logic behind it, but I think we're going to get this
22 question, actually, from folks who, as they are doing
23 this and I didn't know this answer, so I would think
24 that you would want to give them some guidance. I
25 mean, I think, either tried to determine ahead of

time, you know-- I understand. You may-- But I think it's probably worth our time to figure out what the answer to that is for folks when we inevitably get the phone call from a dozen people asking how many stamps I put on this thing.

EXECUTIVE DIRECTOR RYAN: Well, it's going to be at least 55 cents, but, really, it's like anything else that you mail. You need to check with the post office when you are sending out an item that might be of a different way.

COUNCIL MEMBER POWERS: Okay. I'm just saying I think it is something the board might think about trying to provide guidance on. When do we-- Switching topics, but thank you for that and I'll follow up with you guys on it. When do you anticipate that you have completed results for the selection?

EXECUTIVE DIRECTOR RYAN: Well, it depends on the volume that is received clearly. The other thing that we have to take into consideration, pursuant to a federal consent decree, I believe it was, between the DOJ and the state Board of elections, information has to be exchanged amongst all 62 counties regarding voter history. So, when--

2 COUNCIL MEMBER POWERS: Am I correct to say
3 that you can send in your absentee ballot up until
4 the day-- it's got to be postmarked the day of the
5 election. Is that correct?

6 EXECUTIVE DIRECTOR RYAN: Yes. But now
7 there is another layer to it. Vote by mail is one
8 thing. Absentee balloting is something else. In New
9 York State, if you choose to request an absentee
10 ballot, and you are entitled to one, and the
11 definition is expansive this go around-- you can do
12 that. And you can also vote on election day.

13 COUNCIL MEMBER POWERS: Right.

14 EXECUTIVE DIRECTOR RYAN: So, what would
15 happen as we check your voter history and if you
16 voted by machine, we then invalidate your absentee
17 ballot that you mailed in.

18 COUNCIL MEMBER POWERS: Even if my absent--

19 EXECUTIVE DIRECTOR RYAN: Go ahead.

20 COUNCIL MEMBER POWERS: Is it the first
21 one-- Is it based on the order? Or you just
22 invalidate the absentee one?

23 EXECUTIVE DIRECTOR RYAN: The absentee
24 gets invalidated because there is no way to back a
25 vote out of the machine once it is voted.

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2 COUNCIL MEMBER POWERS: Okay. Okay. I got
3 you. Okay.

4 SERGEANT-AT-ARMS: Time expired.

5 COUNCIL MEMBER POWERS: My last question
6 because the five-minute is -- and I actually would
7 appreciate an answer that's like an actual set of
8 days-- I'm not holding you to this. How long do you
9 anticipate it will be that it will take to process
10 the absentee ballots for this? If you just did it,
11 how many weeks--- how many weeks or how many days
12 would it take for the Board of Elections to process
13 the absentee ballots for this November's election?

14 EXECUTIVE DIRECTOR RYAN: Paul, we have
15 to complete certification and order for the electors
16 to be seated and the electoral college. So, I would
17 say December 8th-- December 15 range is going to be
18 about the right number, but we are working on all of
19 that and the idea is to try to get it done as quickly
20 as we possibly can. You don't want to play
21 brinksmanship either.

22 COUNCIL MEMBER POWERS: Okay. So,
23 December. Thank you, guys. Thank you. I'll hand it
24 back over.

25 EXECUTIVE DIRECTOR RYAN: Thank you.

2 COMMITTEE COUNSEL: Thank you. Next,
3 we will hear from Council member Kallos. Council
4 member Kallos, you may be again.

5 SERGEANT-AT-ARMS: Time starts now.

6 COUNCIL MEMBER KALLOS: Thank you, Chair
7 Cabrera, for your leadership and for securing a
8 promise from the Board of Elections to give concise
9 answers to questions. I have four questions. I hope
10 we can get through all of them in the time allotted.
11 I want to thank you, executive director Mike Ryan for
12 your support for local laws 65 of 2016 when it was
13 first heard in 2015 and your recent implementation of
14 the absentee ballot tracking system. Just a quick
15 question. And the reason it took four years and
16 didn't get implemented in time for the mayoral race
17 in 2017, let alone for the presidential primary in
18 June 2020?

19 EXECUTIVE DIRECTOR RYAN: Councilman, I
20 think you are well versed in the reason and the
21 reason was the entire online application portal
22 process was tied to the signature requirement and it
23 was not possible for us to do that until the
24 signature requirement was resolved. It has now been
25 resolved at least temporarily to be no longer an

essential element of the online application process.

So, it was by no lack of well, but it was due to lack of legal support for doing it.

COUNCIL MEMBER KALLOS: I appreciate the clear, concise answer and I have long been frustrated by Albany, as well. According to [inaudible 00:58:16] and WNYC, the schools Chancellor, Richard Carranza, sent you a letter on September 11th, of all days, refusing to let the Board of Elections use 20 school buildings and nine learning bridges location for early voting, as well as election day itself when I seem to recall that students will have the day off. What would be the impact on voters if those schools restrict access on election day when students won't be in the building?

EXECUTIVE DIRECTOR RYAN: So, first and foremost, I would like to thank the staff at the Department of Education for the very close working relationship that we have with the Board of Elections and a very good communication that we have at a staff level back and forth regarding these matters. The sites that are in question were designated on March 15, as required by state law. They were used in June. 15 of the 20 locations that are schools have

entrances that are directly from those streets to the polling location and don't require traversing anywhere else. The NYCHA sites were also designated by the Board in June and I would suggest-- I'm sorry. In March. And I would, somebody was going and alternative views or location was as important as involving the safety and security of the students, that they would find out what else was going on in those locations before they moved forward with a plan to designate. That would've been, I think, a good operational way to handle it, but far be it from me to tell others how to run their shops. But, in any event, we cannot conduct early voting in the way that we want to while maintaining the social distancing and providing as many convenient locations for the folks to vote without these 29 sites. And it is past the hour by which we can move along. We have to set the sites-- the ballots up for those locations and the machines that are going to be deployed have to be tested. These are not photocopy machines that we can just move from office to office. System integrity is paramount with these things and we can't deploy machines that haven't been to bed. Then we worked very closely all year long, but most particularly,

from June to now with the staff of the Department of Education and everyone was going on and nobody told us that there is a problem. And I'd also say that I have a phone that works and getting a phone call on a Friday, instead of a letter, might've been a letter way to have that initial communication.

COUNCIL MEMBER KALLOS: If there's anything that we can help resolve that does not seem to be an ideal situation, I'm happy to discuss it further. I do have two additional questions. On August 24th, 2020, Gov. Cuomo issued an executive order 202.58 requiring the New York City Board of Elections to send staffing plans and meets the state Board of Elections by September 20th, so that the state board can assist in ensuring adequate coverage. Did you do so? Well you have enough staff particularly to get timely results when Trump may refuse to accept the results of the election? Along a similar vein, on September 9th, 2020, Gov. Cuomo issued Executive Order 202.61 that all boards should develop a plan to allow registered voters to drop off a completed absentee ballot without requiring they wait in line within person voters. Was that plan submitted to the Board of Elections by September 21st, 2020 as

requested? And will the absentee ballot drop off locations be announced--

SERGEANT-AT-ARMS: Time expired.

COUNCIL MEMBER KALLOS: and where will they be located?

EXECUTIVE DIRECTOR RYAN: Okay. So, very quickly, we will not comment on any candidate for political office, especially one during an election. Number one. Number two, the box to my left over here is an element of the dropping off the ballots contactless way. We are working with the State Board of Elections to finalize the plans for the staffing plans for postelection canvas and that, in some respects, will be dependent upon what additional space may be available to us because we are finalizing larger venues to do the postelection canvas process outside of traditional office locations in at least four of the five boroughs were going to try to do that.

COUNCIL MEMBER KALLOS: And just to be clear, regardless of the name of the person, so taking out the name of the person, do you support that if there is an election, the elected officials

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2 should leave that office if they do not win that
3 election?

4 EXECUTIVE DIRECTOR RYAN: That's not for
5 me to say.

6 COUNCIL MEMBER KALLOS: Well, I think it
7 is. [inaudible 01:03:06] I pledge, if I ever lose an
8 election, to leave that office.

9 EXECUTIVE DIRECTOR RYAN: Well, I--

10 DEPUTY EXECUTIVE DIRECTOR SANDOW:
11 [inaudible 01:03:13] the elections.

12 EXECUTIVE DIRECTOR RYAN: I'll make this
13 pledge, Councilman. If you lose an election, I will
14 call for you to leave office.

15 COUNCIL MEMBER KALLOS: Thank you.

16 CHAIRPERSON CABRERA: Council member
17 Kallos, you have one last question if you--

18 COUNCIL MEMBER KALLOS: That was it. I'm
19 good.

20 CHAIRPERSON CABRERA: What was that,
21 Council member Kallos?

22 COUNCIL MEMBER KALLOS: I'm done despite
23 our agreement of whether or not the President should
24 leave office.

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2 CHAIRPERSON CABRERA: No. No. No. You
3 know you had four questions. Just get the last one
4 quick.

5 COUNCIL MEMBER KALLOS: I got my fourth
6 question. Thank you.

7 CHAIRPERSON CABRERA: Beautiful. Thank
8 you, Council member Kallos. We appreciated about the
9 time. Very good questions. Any other Council
10 members, counsel?

11 COMMITTEE COUNSEL: No. No other
12 Council members. Feel free to further questions,
13 Chair.

14 CHAIRPERSON CABRERA: Thank you so much.
15 And, Director Ryan, thank you for giving me those
16 concise answers. So, we're going to continue on that
17 vein. So, I wanted to ask you is the absentee ballot
18 tracking system only available to voters who request
19 their ballots through the online portal?

20 EXECUTIVE DIRECTOR RYAN: No. It's
21 available to everyone.

22 CHAIRPERSON CABRERA: To everyone.
23 Fantastic.

24 EXECUTIVE DIRECTOR RYAN: And there's
25 pertinent information that you would need in order to

be able to get the information, but it is available to everyone.

CHAIRPERSON CABRERA: And let me just say, personally speaking, that has put me more in an assurance mode, the fact that we have this tracking system. Everything is online and even the media has reported that, in certain places, it comes in in the box and then disappears. The tracking system, I commend the board for having this on. So, thank you. In August, the New York Times reported that the BOE put 34,000 ballots in the mail just one day before the June primaries. When does BOE expect to have all the absentee ballots mailed out for the November election?

EXECUTIVE DIRECTOR RYAN: It depends on when the voters send them to us. In the purpose of including the other numbers in my testimony was to show how many we got very, very close to election day. In June, we got-- from June 16th to June 21st, we got almost 80,000 paper applications that were processed and, despite that 34,000 number, it was really 26,000 and we arranged for our vendors to hand-deliver those to the post office. We've got to

2 stressed to the voters, all of us, get your
3 applications in early.

4 CHAIRPERSON CABRERA: So, if you get it
5 on election day, do you still mail it?

6 EXECUTIVE DIRECTOR RYAN: Any timely
7 application we get, we mail. We have to, by law.
8 Even if we know that it's not going to get to the
9 voter, we have to do it. We don't get to pick and
10 choose.

11 CHAIRPERSON CABRERA: Got it. All right.
12 How many absentee job boxes will be available at each
13 polling site? In other words, can there be more than
14 one?

15 EXECUTIVE DIRECTOR RYAN: Right. So,
16 right now, the plan is to have one and to have it
17 adjacent to the information table.

18 CHAIRPERSON CABRERA: Just one. Okay.
19 And do think that is enough?

20 EXECUTIVE DIRECTOR RYAN: Yes. Because
21 we have a process in place for those boxes to be
22 emptied by a bipartisan team throughout the day, so
23 that box will never fill up.

2 CHAIRPERSON CABRERA: So, once a job box
3 will be filled to capacity, you will have a
4 bipartisan team--

5 EXECUTIVE DIRECTOR RYAN: Correct.

6 CHAIRPERSON CABRERA: that comes in.

7 EXECUTIVE DIRECTOR RYAN: On the top of
8 this box here-- and I know it is going to be
9 difficult to see-- there will be a red seal like the
10 red seals that are on the voting machines. And when
11 we have to deal with the voting machine on election
12 day, that Bransfield can be cut and the number is
13 written down with the barcode and it's taken care of
14 by a bipartisan team. If we have to do that for
15 election day, we will have a red seal here. That red
16 seal will be cut and then a new red seal will be put
17 on. And then there's backdoor slides up and down and
18 you can see on the backside it is clear. So, the
19 side that faces the public will be private. The side
20 that faces the staff will have a clear window so that
21 they will be able to see if the bin is filling up.

22 CHAIRPERSON CABRERA: And their taken of
23 the central office by who?

24 EXECUTIVE DIRECTOR RYAN: Yes. So,
25 there is already a process in place for the

collection of absentee ballots and we've been doing it for years. They go into an envelope and, in this case, maybe envelopes, and then all of that is kept locked until the end of the voting day, whether it's early voting or election day and then the New York City Police Department transports all ballot materials from the poll sites to the board offices. And then they are dealt with accordingly at the offices.

CHAIRPERSON CABRERA: Okay. Under new state law, voters whose absentee ballots have a defective or a missing signature will be able to cure the defect, as you mentioned, by submitting a new affirmation. How does the board plan to notify voters that the ballot has a curable defect? Will the board expect to be able to notify most voters by email or phone? If the board contacts a voter via email, would it take steps to ensure the email has been received and could you please describe the board's plan for processing the affirmation it receives?

EXECUTIVE DIRECTOR RYAN: So, we're still in the process of finalizing that. Keep in mind, we only got the details of this last Friday,

although it's been brewing for a while. So, there's - as you indicated, there's an email process and then there's a series of phone calls that need to be made and a mailer that needs to be made. So, we're automating the mailer so that we can off load that administrative responsibility from the Borough offices. We will have a centralized email and the phone calls will have to be done by the individual office.

CHAIRPERSON CABRERA: Great. Let me now move on to the election results. When will the board begin tallying absentee balance after the November election?

EXECUTIVE DIRECTOR RYAN: So, in some respects, that depends on when we get the notification from the state Board of Elections that it is okay to commence because all of the voter history for all 62 counties in New York must be completed before we can tally affidavit and absentee ballots. So that if somebody voted in one county on the machine and they voted in another county either by absentee or affidavit, that vote, the affidavit can't count and the absentee can't count. So, we are going to have to get the information from the state

Board of Elections which we are supposed to get within 48 hours and then you would figure would be on the order of the normal five days from election day to the day that we start opening. Keeping in mind that we will also probably have less numbers of contests that require photocopies of ballot envelopes, which was a big chunk of the slowdown in June.

CHAIRPERSON CABRERA: Got it. What was the percentage of the votes to as the Board expect to have counted when new reports and unofficial results on election night?

EXECUTIVE DIRECTOR RYAN: Well, we will process, you know, on the order of 96-97 percent always of what's on the machine and then we'll have a better sense of how much of the overall percentage that's going to be because we'll have close to final absentee numbers the closer we get to election day.

CHAIRPERSON CABRERA: Do you think it will resemble what we just saw in June? That percentage? I know you are guesstimating, but--

EXECUTIVE DIRECTOR RYAN: We are seeing a lot of requests now. But also, Councilmember, you also have to remember that just because somebody

requested an absentee ballot doesn't mean they are going to return it.

CHAIRPERSON CABRERA: Exactly.

EXECUTIVE DIRECTOR RYAN: And they also may vote which would then take them off-- It wouldn't relieve us of the administrative burden of processing their application and sending them a ballot, but it would ultimately invalidate their ballot, but for a good reason. The good reason would be that they already voted.

CHAIRPERSON CABRERA: Mike, let me ask you a question. Getting back to Council member Powers question, isn't it better just to tell everybody to put three stamps on the envelope. That way there is no question that it is going to get there? It actually saves you, you know, later headache. It is just as safe mode. You know, were talking about--

EXECUTIVE DIRECTOR RYAN: So, we discussed that administratively. And we print out millions of envelopes. Keep in mind, that for everyone request, it is three envelopes. Right? And so, one of those envelopes is the return envelope. The cost of postage will vary from election to

election and so we have a form ballot envelope that we want to be consistent from election to election. And then it is going to vary in this election from Borough to Borough. And with the advent of ranked choice voting, that variation may even be further if there is two and three page ballots.

CHAIRPERSON CABRERA: I get that, Mike. But we know that if you put three stamps, regardless of the size, it is going to get there. I don't see people pay more than-- you know, needing more than three stamps. So, the safe mode is to tell everyone, you know, put three stamps and you are safe. Because, you know, the average person is not going to go to the post office to get it waited. Yeah. They just go to their early voting site and go voter just put it in there.

EXECUTIVE DIRECTOR RYAN: I think what we can do is ask this question of the post office and see if there is a reasonable message that we can share, you know, on our website. I don't want to do anything that is going to mislead anybody either.

CHAIRPERSON CABRERA: Yeah. No. Definitely. And I will tell you that, if you had that on the record, then, you know, it is out of your

hands and now it is in the post office. You know?

They're the ones who would get the blame if something were to go wrong. Right? Okay. Cyber security.

Briefly, what kind of measures do we have in place?

EXECUTIVE DIRECTOR RYAN: So, this will be very brief. We work very closely with the cyber command office in New York City as well as all levels of government state Board of Elections, the Department of Homeland Security both on the federal and state level, as well as the FBI in the NYPD and we are buttoned down and we are doing everything we can, as well as everyone else is doing everything we can to make sure that that is secured.

CHAIRPERSON CABRERA: Do you have people try to infiltrate lately?

EXECUTIVE DIRECTOR RYAN: So, it's the board's policy not to discuss any matters of cyber security issues--

CHAIRPERSON CABRERA: Got it.

EXECUTIVE DIRECTOR RYAN: in a public forum.

CHAIRPERSON CABRERA: I fully understand. Really quickly, if you can give me some numbers. How

many poll workers does the BOE typically higher for presidential elections?

EXECUTIVE DIRECTOR RYAN: North of 37,000.

CHAIRPERSON CABRERA: 37,000. How many--

EXECUTIVE DIRECTOR RYAN: And last time I think we have 42,000 in the presidential.

CHAIRPERSON CABRERA: Okay. How many poll sites interpreters does it typically hire?

EXECUTIVE DIRECTOR RYAN: It depends on the borough, but we certainly meet our interpreter requirements. I typically get those informations based on the percentage of vacancies, not on the overall number.

CHAIRPERSON CABRERA: Got it. Okay.

EXECUTIVE DIRECTOR RYAN: And so, we usually fill them without too much issue going up to election day, sometimes. Although we have got an more response. We've made some outreach. In the past, we had problems getting Korean interpreters in Queens, but that situation is greatly improved.

CHAIRPERSON CABRERA: So, how many poll workers are we sure as of today?

EXECUTIVE DIRECTOR RYAN: As of today, we're not sure. We're in the process of training and we have gotten a very, very good response to our overall outreach.

CHAIRPERSON CABRERA: That's great to hear. Would the borough offices be capable of processing the large number of new applications in time for poll worker training and--

EXECUTIVE DIRECTOR RYAN: We--

CHAIRPERSON CABRERA: on election day?

EXECUTIVE DIRECTOR RYAN: For poll workers?

CHAIRPERSON CABRERA: Yes. For the training including early voting and election day. I know you're going to use a lot of the people who already have the experience for early voting--

EXECUTIVE DIRECTOR RYAN: Right.

CHAIRPERSON CABRERA: in the most experienced people, but are we able to get it all done in time?

EXECUTIVE DIRECTOR RYAN: So, the answer is yes and we have gone to some nontraditional locations to provide larger space so that we could maintain social distancing, as well.

2 CHAIRPERSON CABRERA: That's great. Is
3 there an application process infrastructure at the
4 central office and, if so, is the infrastructure at
5 the central office able to process the applications
6 received by their borough offices?

7 EXECUTIVE DIRECTOR RYAN: So, we push
8 people to the election day worker.com portal, so it
9 has really streamlined the paper application process
10 and, Ms. Sandow actually spearheaded an effort with
11 our staff and NYCAPS to do--

12 DEPUTY EXECUTIVE DIRECTOR SANDOW: A
13 data file.

14 EXECUTIVE DIRECTOR RYAN: a data file so
15 that we can do the social security number screenings
16 very quickly. That used to be a one by one process
17 and now we're doing them in batches of 10,000.

18 CHAIRPERSON CABRERA: And for the 17-
19 year-old, where do they apply and when would the
20 application for the student poll worker be available?

21 EXECUTIVE DIRECTOR RYAN: So, they apply
22 also through electiondayworker.com.

23 CHAIRPERSON CABRERA: That's available
24 already, right?

EXECUTIVE DIRECTOR RYAN: It's already available and it's available all year round. It just really gets attention as the election events are showing up. Coming up.

CHAIRPERSON CABRERA: I'm glad we mentioned that today. Awesome. There are multiple national and local advocacy organizations promoting poll worker hiring opportunities. Some of these outreach efforts are coordinated with the city BOE. Our applications from third-party portals being routed to the board?

EXECUTIVE DIRECTOR RYAN: So, there was a national effort and I had spoken with Ms. Lorna from Common Cause and we are supposed to be getting a spreadsheet with additional workers. I was out of the office yesterday morning and I did not check my emails yet today for that particular thing. I might have it already, but it was supposed to be coming within the last few days in the form of an Excel spreadsheet of additional individuals.

CHAIRPERSON CABRERA: How many poll worker trainings have you had since March?

EXECUTIVE DIRECTOR RYAN: Well, since March it is actually been since now. And it is

2 underway and I would have to check with each
3 individual borough. And we are also doing an
4 enhancement with an online training process,
5 particularly for poll workers who have already worked
6 with us numerous selections.

7 CHAIRPERSON CABRERA: If your staff could
8 send over that info, that would be really helpful.
9 How is the BOE supporting disabled voters?

10 EXECUTIVE DIRECTOR RYAN: We actually
11 got praised by the disability rights advocates for
12 our quick response to the requirement for ADA
13 accessible ballots in the June election and they
14 pointed to the city of New York, DRA did, as a model
15 for how these absent-- these applications should be
16 processed. In June, we processed 44 ADA applications
17 and we are already over 100 such applications.

18 CHAIRPERSON CABRERA: And thank you so
19 much, Director Ryan, for that and continuing to
20 moving quickly on that. What about those who don't
21 have their own printers and don't have legal size
22 paper?

23 EXECUTIVE DIRECTOR RYAN: Well, for the
24 ADA, are you saying?

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2 CHAIRPERSON CABRERA: Yes. Yes.

3 [Inaudible 01:20:20] electronic ballots?

4 EXECUTIVE DIRECTOR RYAN: We have the
5 ballot marking devices at the poll's sites, but we--

6 DEPUTY EXECUTIVE DIRECTOR SANDOW: And
7 the general office.

8 EXECUTIVE DIRECTOR RYAN: And at our
9 general office. At our borough offices. But we did
10 exactly what was asked to be done as a settlement of
11 a lawsuit that was filed against the state Board of
12 Elections. So, whatever process we are following for
13 the ADA accessible ballots, we're following it
14 because there was a settlement on a lawsuit by the
15 advocacy groups and the state board.

16 CHAIRPERSON CABRERA: So, could trusted
17 organizations provide support in printing and
18 delivery of ballots?

19 EXECUTIVE DIRECTOR RYAN: I'm sorry?
20 You came in a little muffled.

21 CHAIRPERSON CABRERA: Sure. Sorry.
22 Could trusted organizations be provided-- provide
23 support in printing and delivering ballots?

24 EXECUTIVE DIRECTOR RYAN: No. That
25 needs to happen under the umbrella and under the

2 offices of the Boards of Elections throughout the
3 state.

4 CHAIRPERSON CABRERA: Okay. Nursing
5 homes quickly and the OC facility. How is the BOE
6 ensuring that individuals living in nursing homes
7 have access to absentee ballots in a timely manner
8 and will the BOE provide an on site pickup of
9 completed ballots?

10 EXECUTIVE DIRECTOR RYAN: The state
11 Board of Elections completed the ballots on September
12 the 9th and the following week, the Board of
13 Elections met its obligations with respect to
14 militaries oversees and nursing home residents and
15 mailed out all of the applications that we had
16 received to date to all of those folks.

17 DEPUTY EXECUTIVE DIRECTION SANDOW: And
18 permanent.

19 EXECUTIVE DIRECTOR RYAN: Oh. And the
20 permanent absentees, as well. Correct.

21 CHAIRPERSON CABRERA: That's great to
22 hear. How is the city BOE ensuring that justice
23 involved individuals in city jail have access to
24 absentee ballots, when eligible, and how is BOE
25

coordinated with the Department of Corrections to ensure timely ballot casting?

EXECUTIVE DIRECTOR RYAN: So, in the past, we had received the, you know, requests for the Department of Corrections with respect to, you know, assisting them. We set up a process several years ago and, quite frankly, it hasn't bubbled to the surface, at least, to me in that time. And so my response to things like this is, if it's not coming to me as a problem, then the process that we established must be effective and working because I'm sure, if there was an issue, we'd hear about it.

CHAIRPERSON CABRERA: Okay. So, let me come to-- Let's go to post size real quickly. [inaudible 01:23:01] negotiation with any cultural institution to serve as early voting locations?

EXECUTIVE DIRECTOR RYAN: Yes. We have forged some partnerships with some of the cultural institutions and that's a great thing and I think some of them have been pleasantly surprised at what a boon to their institution, having people come in and see what they have to offer has been. I will say this. And I'm not going to publicly call out anyone, but, you know, you folks are-- you have your

districts. You know your districts. There have been some cultural institutions that exist largely with respect to tax breaks and government funds that have been less than charitable when it comes to hosting an election, whether it be for early voting or for election day. If we want this process to work, we need all of the players to chip in and, quite frankly, a lot of the cultural institutions have really not been good neighbors.

CHAIRPERSON CABRERA: One of the most sacred process for democracy to take place in this country of ours is the elections. My hope is that there will be a change of heart with these organizations and we, literally, are going to have to, at one point, call them into action, positive action to open the doors especially since they're getting city funding, state funding and, at times, federal funding. Would the board eventually offer universal polling locations for early voting or will they continue to assign poll sites based on voter's home address? And I know, Director Ryan, we have spoken about the challenge that the machines only have a certain amount of memory and this is why it makes it impossible at this point, but do you foresee

maybe later on-- obviously not for the November election-- that, you know, we could upgrade these machines and the state could help us in this manner?

EXECUTIVE DIRECTOR RYAN: I think that questions might be better posed to a later panelist because we can only use the equipment that's certified to use and the-- right now, I am certain that the ballot marking device is a good device in it's day, but its day has passed. And it doesn't meet the needs of a city with the volume of voters that we have and with the diversity that we have because one of the main challenges is the insufficient memory capacity to support the audio files that are required to be on those machines so that our blind voters can have the ballot read to them or sight challenged can have the ballot read to them. Those audio files take up a lot of room and there's insufficient memory on those machines to be able to read all of the various ballot styles that are required for each location. And that's why we're still in this regionalized early voting scenario. If we can overcome that challenge, I think that the board would like nothing less than to put that issue

to bed and move onto some other issues and make voting as convenient as we can for all the voters.

CHAIRPERSON CABRERA: Mike, you know for the June primary, some voters had their election booth poll sites changed at the last minute. Does the board expect last minute poll site changes for the November election and how would the board inform voters when their poll site has changed if they do change?

EXECUTIVE DIRECTOR RYAN: So the answer is we never expect last minute poll site changes, but they do happen and, in June, one of the main challenges, which does not seem to be presenting itself to us now, is we had a lot of places that weren't having any employees report to work. And we couldn't get people on the phone to confirm whether or not their sites were even going to be open for June. That has lessened throughout the summer and really isn't presenting a challenge. But if we do have an emergency poll site move like we did a few years back when JFK School had a gas leak or something, we have to move it and then we send out-- the system generates, once that poll site move is processed, the system generates a notification to the

voter that gets mailed, but it is also available on the social media platforms as well as on our website.

CHAIRPERSON CABRERA: And we're almost done with the questions here, but I really need to talk about the BOE's budget. As you know, the BOE's fiscal 2021 adopted budget totals 135+ million dollars and does not include funding for early voting which was budgeted as 75 million for fiscal 2020. How much funding does BOE need to cover all expenses for early voting? Have you had conversations with OMB about it? What steps have you taken to make sure that estimated costs associated with early voting got covered for the November general election and do you anticipate BOE he will receive state and federal funding to cover operation costs associated with early voting in fiscal 2021?

EXECUTIVE DIRECTOR RYAN: So, on the last one, with respect to state and federal funding, to the extent that there are grant packages available for state and federal, we participate. And we complete all of that paperwork. Any of that money would not then come back to the Board of Elections general fund of the city of New York. So, most of those are on a reimbursement basis. So, with respect

to your first question, at the end of the fiscal year last year, by the end of the fiscal year last year, given the number of canceled elections and the adjustments that were made, the city Board of Elections returned the mid-40s. about 45 million dollars back to the coffers of the city of New York to be responsible fiscal partners with the city. The first cut was about \$31 million and then we did about 12 or 13 more million after that, if my memory serves me correctly. And the Office of management and budget was very appreciative of that. So, we all know that the city is facing daunting fiscal challenges, so the process that we have worked out with the Office of Management and Budget is we are not in a typical budgeting year where you would get a certain amount of money and spend against it, so that we are not making obligations that end up not being utilized. And we are working with them in they are being informed of our expenditures and we are more or less operating, as I understand it, on a pay-as-you-go. So, money is not an issue for us in that sense, but I think we are there and that OMB justice to be there because we did our part to bail the city out of

its fiscal difficulties towards the end of the fiscal year last year.

CHAIRPERSON CABRERA: Right. And let me just close by asking, regarding ring choice voting, can the board provide an update on its preparation for implementing ranked choice voting? Has the board procured the necessary tabulation software? If so, can you give us any specifics regarding what software was selected and what other steps do you need to take to ensure that, in times of special elections in 2021, we are ready for ranked choice?

EXECUTIVE DIRECTOR RYAN: The other steps first. That is going to involve a public education plan. We engaged in a very effective public education plan for early voting which brought in all of the good government groups and other interested parties into the process so that we could, essentially, test our messaging and get feedback as to whether it was going to be effective. The early voting messaging was effective and, again, I had a conversation with Ms. Lerner recently and advised that we intend to engage in that same process for ranked choice voting so that, when we put our message out, it will be as effective as we can possibly make

it. And then partner to everyone to help share the load of distributing the message. With respect to the ranked choice voting we submitted-- we timely submitted the report that was required to the Mayor and to the Speaker of the city Council. I believe I shared a copy of that with the Chair of this committee. We had a recent conversation within the last several days with the executive staff at the state Board of Elections regarding the process of vetting potential vendors and how we move forward. So, the software that we need is not overly complicated, right? It's going to be a question of getting software that can take the election results and run the election results through the software so that the algorithm appropriately assigns the votes to the individual candidates. The vendor that we currently have has such a system, but we want to explore other options and we are working with the state Board of Elections to get a final answer on whether or not the state board will be required to either do an approval process similar to what was done with the poll pads or whether it is going to be a full certification. And depending on which way the state board plans to go in that regard, that will

adjust to what we do moving forward. But I can tell you we have discussed the various options and we have, you know, preference. You know, some backup contingency plans in the event that the procurement process is not completed by the time that we conduct our first ranked choice voting contest which, with all of the rumors that are going around in the city, it looks like it's getting closer and closer from the June date.

CHAIRPERSON CABRERA: Let me ask you a question. Why not use the software from the ESNS?

EXECUTIVE DIRECTOR RYAN: So, we want to make sure that we are using the most effective and most up-to-date version of the software and, since it is not something that we have a particular area of expertise in, we didn't just want to default and, essentially, take the lazy way out and say , if we run out of time and, as a backup, we have to use the ESNS version-- and I'm not saying there's anything wrong with it. We just don't have any other basis of comparison.

CHAIRPERSON CABRERA: Got it.

EXECUTIVE DIRECTOR RYAN: And so, the other thing that, you know, we have discussed is, if

we used an outside software, it will serve like a quasi-audit becomes you'll have a completely independent software not related to the tabulation system. Now, it won't be a legal audit and it won't have any authority in that regard, but it will give us, potentially, greater confidence that it was done accurately.

CHAIRPERSON CABRERA: Mike, Dawn, thank you so much for your testimony. Thank you for your answers to this voluminous amount of questions that I had. We'll have a few more that I'll send to you and if you could get back to the ones that you didn't have readily available. I know you have a challenge before you. I know that the good news is you have more time now to do-- here in crunch time now. 30 days to do what you had to do last time back in June. So, we're looking forward to working together. Whatever we can be of support, please let us know. We want to make sure that no one candidates disenfranchised during this voting season and it will be an expeditious and as efficient as possible. And so, with that, I am going to turn it now to our moderator, committee counsel, because we have other testimonies coming.

2 EXECUTIVE DIRECTOR RYAN: Thank you.

3 CHAIRPERSON CABRERA: Thank you.

4 COMMITTEE COUNSEL: Thank you, Chair.

5 next, we will hear testimony from Amy Loprest,
6 Executive Director of the Campaign Finance Board.
7 Executive Director Loprest, you may begin when ready.

8 EXECUTIVE DIRECTOR LOPREST: Good morning,
9 Chair Cabrera and members of the Committee on
10 Governmental Operations. My name is Amy Loprest and
11 I am the executive director of the New York City
12 Campaign Finance Board. Thank you for the
13 opportunity to testify on the administration of the
14 June primary election in New York City. In the
15 middle of the COVID-19 pandemic, the New York City
16 Board of Elections was tasked with administering an
17 election, building an absentee ballot infrastructure
18 for all voters in a society where, historically,
19 boats are mostly cast in person presented a massive
20 administrative burden for the Board of Elections.
21 The Board of Elections had no clear guidance from the
22 federal government about how to safely conduct an
23 election and dealt with last-minute administrative
24 changes from the state legislature, Gov., and New
25 York State Board of Elections. The BOE and its staff

should be applauded for their hard work throughout these trying circumstances and for detecting a safe and socially distanced election. As you know, the CFB is mandated by the New York City charter to encourage and facilitate voter registration and voting by all eligible residents of New York City and particularly among underrepresented populations. Since the onset of the COVID-19 pandemic, we have focused on providing New Yorkers with accurate election information. As of the date of the election, the voting method, what races would be on the ballot, and other factors were constantly changing to reflect state legislation, breaking court decisions, and executive orders issued by Gov. Cuomo. In order to respond to these constant changes, the CFB, along with the Mayor's Democracy and the initiative formed and the Elections Consortium with good government groups, community-based organizations, and voting advocates to disseminate accurate and consistent information to voters. Our analysis shows that the community is the hardest hit by COVID-19 are the same neighborhoods where turnout is historically lower. We are working to ensure that these same communities are engaged for the November

election. The CFB expects voter turnout to reach 70 percent in November, meaning as many as 3.3 million New Yorkers will cast a ballot this fall. With paper-based registration options less liable throughout the pandemic and no universal voter registration for a New York City voters, NYC Votes has teamed up with Turbo Vote to create a platform to get more New Yorkers registered to vote and does not require access to a printer. The Turbo Vote platform is simple and easy to use, and we hope it will allow many New Yorkers to register and change the registration ahead of the October 9th registration deadline. It is essential that we continue to provide New Yorkers with up-to-date and accurate information. In an election year filled with uncertainty and misinformation. With no end to the pandemic insight, we can use our experiences from the June primary election and apply them to November and beyond. We have heard from voters at our July 1st Voters Assistance Advisory Committee hearing about their experiences voting in June. Many voters noted their frustration regarding the absentee ballot process. Thankfully, the BOE and state legislature had already taken steps to improve this process ahead

of the November election. Many absentee ballots were invalidated due to the issues not entirely the fault of the voter such as Postal Service delays or inconsistent post marking procedures. Voters have also indicated on social media that they did not have a way of fixing absentee ballots that were invalidated for not having a signature or being in properly sealed. Others mentioned that election law did not allow the BOE flexibility to count ballots that were mailed timely, but did not have a postmark. The state legislature address these concerns by passing legislation requiring the BOE to accept ballots missing a postmark and received the day after the election. And permitting voters to fix an invalid absentee ballot. These are vital pieces of legislation that make the absentee ballot clearer for the BOE while also helping voters ensure their vote is counted. And we congratulate all the state legislatures-- legislators, many from New York City, who helped make those laws a reality. Many voters that are [inaudible 01:41:00] hearings said that they had submitted an application and never received an absentee ballot or their ballot arrived too late to send back to the BOE. The BOE has independently

taken steps to improve the experience of voting by absentee ballot. Alongside their excellent online absentee ballot request portal, they have recently implemented an online absentee ballot tracking system that allows voters to track the status of their absentee ballot. The tracking website will allow voters to have up to date information about when their absentee ballot application was received and processed and the date the BOE mail their absentee ballot. Through the tracking systems, voters will now be able to proactively address issues related to their absentee ballot requests. Also, as a result of the new state law allowing voters to fix certain invalidated absentee ballots, the BOE's tracking system will also indicate whether a voter's ballot was accepted as valid or invalid. Previously, voters would have to call the BOE office for this information. Providing this information online is an enormous improvement for the voter and save time on the phone for BOE staff, as well. This level of transparency gives voters information that will help them advocate for themselves and make sure their vote is counted. The BOE has also introduced specially created absentee ballot boxes that will be located at

every early voting and election day poll site and every BOE office. Voters will now have more flexibility with regard to transmitting their absentee ballot to the BOE, given that the United States Postal Service, as indicated, expect a huge volume of election related mail. Many voters have also voiced their concerns regarding the uncertainty and lack of trust regarding the USPS. Physical absentee ballot boxes allow voters this in person delivery option while so ensuring limited exposure for other voters and poll workers. These changes will make the process more efficient and transparent which will hopefully limit the number of questions that BOE receives in the weeks leading up to the election and vastly improves the absentee ballot process for New Yorkers. While the record-breaking number of voters chose to vote via absentee ballot in June, majorities still chose to vote in person on election day. The BOE has done a great job of publicizing poll worker recruitment efforts to reflect the increased turnout in November. They are in the process of training these new poll workers. It is vital that poll workers are properly and completely trained on how to interact with voters

ahead of election day. We believe that early voting is the safest and most effective way for New Yorkers to cast a ballot in person. The CFB, through our New York City Election Consortium, cofounded with the Mayor's Office of Democracy NYC initiative, are planning a robust advertising and social media campaign to encourage early voting. Early voting provides a chance for voters to properly socially distance and minimize the wait time associated with presidential elections. Assuring the ballot it is accessible to all New Yorkers must remain a priority. [Inaudible 01:43:59] hearings voters with disabilities testified that accessible absentee ballot was burdensome and required voters to own a printer and obtain legal printing paper. While the June election was the first time and accessible absentee ballot was available, we encourage the state BOE to improve the accessible absentee ballot process for voters with disabilities to better meet voters needs that allow accessible means to receive, Mark, and submit an absentee ballot privately and independently from home. The state legislator and BOE have taken significant steps to improve the electoral process ahead of the November election

based on what we saw in June. Under historically different circumstances, the BOE has found ways to deliver meaningful administrative solutions to challenges that could not have been predicted when 2020 started. The work is not yet done, but they have made changes that will make a practical difference for voters in the fall. The work has not gone unnoticed and we hope to work with them to further improve the absentee ballot voting process for future elections. While this hearing is dedicated to the 2020 election, I would like to add that we have fielded many questions about the CFB's plans for ranked choice voting voter education and outreach for the 2021 elections. We have created a planning roadmap and have already begun preparing content. Our staff will use 2020 to conduct research and create materials to roll out to our community partners in early 2021 including a trainer presentation, tool kit, one pager, and voter FAQ. And an explainer video about why this new method of voting benefits voters. We will also work with our partners in the New York City Election Consortium to create a field plan for community outreach to be sure we can effectively educate every community in advance

2 of the first ranked choice voting election. Thank
3 you for the opportunity to provide testimony today.
4 I am happy to answer any questions you might have.

5 CHAIRPERSON CABRERA: Thank you so much.
6 I only have two quick questions. I think I got ahead
7 of the counsel of the committee. Did I, CJ?

8 COMMITTEE COUNSEL: Feel free to
9 proceed.

10 CHAIRPERSON CABRERA: Thank you.
11 Director Loprest, thank you for all that you do.
12 Thank you for your leadership and the Campaign
13 Finance Board, CFB. I only have literally actually
14 just one question. You did so good in your
15 presentation, you literally answered my questions.
16 And it comes down to OMB. Have you had discussion
17 with OMB regarding the current budget shortfall for
18 CFB?

19 EXECUTIVE DIRECTOR LOPREST: Yes. We've
20 adapted-- I mean, as with everyone in the city, we
21 know that the budget shortfall is a serious matter
22 and we have adjusted and adapted our plans to meet
23 the changes to our budget that were adopted by the
24 Council and implemented by OMB. So we are ready to
25 continue to do the good work that we do, perhaps in a

reduced way, but we are certainly preparing to do the voter education and outreach and the work that we do for the candidate says we have always done in all past elections.

CHAIRPERSON CABRERA: So, we are fully confident that you'll have the funding for the matching program that is going to be taking place? In light of the fact that we have so many elections next year, do you feel confident?

EXECUTIVE DIRECTOR LOPREST: Yes. As you know, there are special powers in the charter, provisions of the charter, allowing for protection of the public fund. We requested the public funds from OMB. We are providing them with quarterly estimates of what we expect to need for each quarter in the terms of public funds and the results of special budgetary authority in the charter that allows us to require the Department of Finance and OMB to provide additional public funds within a short period of time if the need ever arises. But as we anticipate, preparing for the 2021 elections and the series of special elections that will likely occur in 2021 before the June primary, we will be adjusting our estimate and providing those estimates to OMB in

2 advance of the first early payment that will happen
3 on December 15 of this year.

4 CHAIRPERSON CABRERA: Wow, thank you so
5 much. I'm going to turn it over now back to
6 committee counsel in case there's any other questions
7 by my colleagues. If not, we will go to the next
8 panelist. But thank you again.

9 EXECUTIVE DIRECTOR LOPREST: Thank you very
10 much.

11 COMMITTEE COUNSEL: Thank you, Chair.
12 As the Chair mentioned, we will now turn to Council
13 member questions. Council members, if you would like
14 to ask a question and then you have not yet raised
15 your hand, please do so now. Seeing no hands
16 raised, we will now turn to testimony from Laura
17 Wood, special counsel to the Mayors Democracy NYC
18 initiative. Special Counsel Wood, you may begin your
19 testimony when ready.

20 LAURA WOOD: Thank you. My name is Laura
21 Wood and I work at the Democracy NYC initiative at
22 the Mayor's office. Thank you so much to the
23 Government Operations Committee and to Chair Cabrera
24 for holding this hearing and for the opportunity to
25 testify. The Democracy NYC initiative aims to

increase access to our electoral system for all New York City residents. From voter registration to the act of voting itself, we believe that participation in our democracy must be as simple as possible. This has become particularly important now given the complex burdens that the COVID-19 pandemic has placed on our communities. For that reason, on behalf of the administration, I think everyone who played a part in what is been a very intense effort this year to run a primary election and gear up for the general election in the middle of this public health crisis. The written testimony I have submitted goes into detail about what we observed during the June primary, both with respect to absentee and in person voting. Much of which was already covered by Mr. Ryan and Ms. Loprest and I want to commend the city Board of Elections and echo Mr. Ryan's thanks to the BOE staff who we know have worked incredibly hard under very challenging circumstances these past several months. Since the Committee has already addressed these issues in depth with the BOE, I will focus on what efforts Democracy NYC undertook for the June primary and what we are planning for the remaining 39 days before the general election. In

light of the pandemic, Democracy NYC focused primarily on ensuring that New Yorkers didn't feel like they had to choose between their safety and the right to vote in, that is, for the primary, we focused on encouraging all eligible New Yorkers to vote by absentee ballot and distributed educational materials on absentee voting. In early April, in response to the financial and practical limitations of conducting election outreach during COVID-19, and as Ms. Loprest alluded to, we partnered with the Campaign Finance Board and other good government groups and advocates to form an elections consortium whose goal is to produce and disseminate consistent and accurate voting information and respond to the ever-changing elections environment. And we have been pleased that members of this committee staff have participated in some of those conversations. For the primary, the consortium was able to produce public service announcements, social media toolkits, and FAQ documents. We shared these materials with the city and state Board of Elections to ensure accuracy and consistency with their messaging. Additionally, in partnership with the Civic Engagement Commission, the Mayors of Immigrant

Affairs, the Mayors Public Engagement Unit, and the Campaign Finance Board, Democracy NYC was able to hold texting days of action . We placed advertisements and PSA's on social media, on Link NYC kiosks, and on television streaming services such as Hulu. We sent a letter with voting information to public school parents via the Department of Education. We sent Notify NYC text messages about voting by mail and we developed reference materials and 13 languages to assist voters with requesting and completing absentee ballots. In the lead up to the general election, where, again, partnering with the Civic Engagement Commission to produce two new PSA's, including a know your rights PSA that covers language and ADA rights for those voting in person and an early voting PSA to encourage voters to utilize this option. The PSA's will be offered in 13 languages, shared with our advocacy and elected partners, and promoted on social media and video streaming services. We will also produce PSA's and educational graphics to educate voters on all three voting options, including voting absentee, voting early, and voting in person. In partnership with The Link NYC, Democracy NYC will showcase a graphic with all three

voting options citywide. We will be happy to share these materials with Council members for distribution to constituents. Additionally, we held a texting day of action using the peer to peer texting tool known as Possible to encourage people to sign up to become poll workers and language interpreters. Or to apply, I should say. Our team of volunteers reached out to voters between the ages of 18 to 29 in various neighborhoods in New York and over 300 of the people we texted that day indicated that they intended to be election day workers. Of course, the first step in participating in our democracy is registering to vote. Due to COVID-19, we have seen a severe drop off in voter registration so far this year and, in light of that, we are making a big push to help voters register ahead of the October 9 deadline for the general election. For national voter registration day, which was just this past Tuesday, we partnered with the Mayors Public Engagement unit to conduct a week of outreach. With the help of volunteers, we used the Hustle texting tool to reach thousands of unregistered eligible New Yorkers in neighborhoods with low registration and assist them in registering. We also worked with small business

services and the New York City Central Labor Council to partner with small businesses in neighborhoods to serve as voter registration hubs so that New Yorkers who visit those establishments can access voter registration materials. In later today we will be joining State Senator Zelnore Myrie and others at Medgar Evers College to conduct an in-person voter registration drive. Finally, we will soon roll out a voter registration PSA featuring the Campaign Finance Board's Turbo Food platform which allows users to begin their voter registration online. After the October 9th voter registration deadline, we will continue to use phone banking, peer to peer texting, and relational organizing tools to help New Yorkers make and commit to voting plans and provide absentee and early voting in education. And information. And, in particular, we will be emphasizing that early voting is a safe, effective, and convenient way to vote. I also want to touch on an issue that came up during Mr. Ryan's testimony in which we spoke about last year after the November general. As I'm sure the Chair recalls, since last fall, the administration has expressed concerns on multiple occasions, the use of DOE schools as early voting

sites, including at the hearing that this committee held last fall. And I want to be clear that the administration has no issue with the use of schools on election day itself. Our understanding is that there will be more than 700 schools that are used for voting that day. For the June primary, we consented to the use of schools for early voting because the school buildings were, sadly, empty. As everyone knows. We were very surprised in early September to learn that, despite repeated requests to select alternative sites, city BOE was actually planning to move forward and use 20s school buildings and 10 learning bridges locations for early voting during the general election. We understand that the city BOE is facing the challenge of running a hugely important election during a pandemic, but we think there was ample time to select more appropriate locations. And one needs to look no farther than Queens to see that it is possible to have an early voting program without using school sites. With large institutions such as Madison Square Garden's and the Barclay Center stepping up to serve as early voting sites, it is clear that there are plenty of venues and that should be approached for early

voting. Buildings with children that are hosting school instruction should not top the list. Although the administration will do everything in our power to ensure that voting happens as smoothly and safely as possible, it is our position that the BOE can and should find alternatives to schools for early voting going forward. We have repeatedly offered our assistance in this regard and, although BOE has never been receptive to these offerings, we stand ready and willing to assist them. After the general election, Democracy NYC will continue our work to make collections as accessible as possible for all New Yorkers. As we look towards the implementation of ranked choice voting, special elections in early 2021, and the citywide primaries in June, we plan on working closely with our government advocate partners to make sure voters have the tools they need to be informed and active participants in our democracy. In all of these efforts, the Administration is prepared to assist and support the Board of Elections. In conclusion, we are grateful for the opportunity to participate in this hearing and for the opportunity to hear feedback from all those contributing today. We will be listening closely for

ways in which the administration can continue to assist in ensuring that election and administration goes smoothly. I would like to thank the committee members for their time today. Thank Chair Cabrera for his leadership, and thank the entire city Council for their attention to voting accessibility for New Yorkers. Thank you.

COMMITTEE COUNSEL: Thank you. Next, we will hear questions from Chair Cabrera. Special counsel Wood, please stay on muted, if possible, during this question-and-answer period. Chair?

CHAIRPERSON CABRERA: Thank you, special counsel, for your very detailed testimony. I really, really appreciate it. I just have two questions that hopefully I will get a good answer here. What has been the results of internal conversations between the Mayor's Office and the Department of Corrections to ensure that justice is involved eligible voters have access to the ballot and are able to vote in time for the November 3rd election?

LAURA WOOD: Thank you, Chair Cabrera. I know that our-- obviously the challenge has become even more intense, given the COVID pandemic and so, some of the work that we've done in the past to do in

person voter registration has not been possible due to new procedures put in place by the Department of Corrections, but we have been in close touch with them about making sure that anyone who is in one of those facilities has accurate information about voting and has the ability to cast an absentee ballot, assuming they are eligible. In our understanding is that voter registration forms are also being distributed to eligible residents who are not yet registered to vote. And I would be happy to follow up with more detail because I believe TOC has recently written a report on this subject. So, I would be happy to share it with the committee staff.

CHAIRPERSON CABRERA: Thank you. I really appreciate that detailed steps that you are taking. Let me just pause quickly here to recognize that we have been joined by Council member Ydanis Rodriguez from Manhattan. Director Ryan indicated that there were cultural institutions that were unwilling to serve as poll sites. Can the administration help us to put a healthy pressure in negotiating with the cultural institutions to step up in light of the fact of what you mentioned with the schools?

LAURA WOOD: Absolutely. We would be delighted to see more cultural institutions to step up to serve as early voting sites. You know, I understand that these institutions are facing huge challenges right now, but we all are in this city and now, when we have fewer people going to those institutions and some of those institutions still close to the public, it just makes logical sense to use more of them for voting. Illinois have had numerous conversations both with individual institutions, as well as our partners that the Department of Cultural Affairs about this topic. We will continue to keep advocating for that. And as I've shared with the Board of Elections, I hope that they will continue to try to make that work, as well. You know, they have the ability to designate whole sites under the election law. Some of those entities can then challenge the designation, but I know that, in the past, there been situations where an entity initially challenged it and, ultimately, the parties were able to work things out. And I'll just point again to the borough of Queens where we had the museum of the moving image serve as an early voting pulse site now for several elections. I think, you

know, at first they were nervous and they decided to take the leap and I think it is actually been a boon to the institution and I think voters really enjoy voting in a place like that. And so, we have seen that it can work. The Brooklyn Museum is another example. And so, yes. We are very hopeful that we can encourage more of our cultural institutions to participate.

CHAIRPERSON CABRERA: I agree with you, special counsel. I remember when that NYC ID came out and many people were able to go for the first time too many institutions for free and actually create a larger traffic. And they were able to, you know, economically speaking or fiscally speaking, turned out to benefit them. So, anything it would be wise for cultural institutions to do that. I had one last question before I turn it over. I know we have questions from at least one colleague that I can see. That is what conversations are you having with OMB to ensure that elections are fully funded in New York City?

LAURA WOOD: Well, our understanding is that, you know, although the city is, obviously, facing a very dire fiscal crisis, OMB has committed

to ensuring that the Board of Elections and the Campaign Finance Board and others who are involved in election administration and voter education and outreach have the resources that they need. And we, at Democracy NYC keep in close touch with OMB about those matters. So, you know, I think there is probably ways that we can achieve cost savings while, you know, still ensuring that we are not shortchanging voters. And, obviously, at this critically important moment for our democracy and elections, that must be our top priority, but, as of now, I am confident that the Board of Elections will have the resources that they need.

CHAIRPERSON CABRERA: Well, thank you for that report. That warms my heart. Especially something so important as elections. Let me turn it over to the committee counsel. I know we have at least one question from one of our colleagues.

COMMITTEE COUNSEL: Thank you, Chair. I will now call on Council members in the order they have used the zoom raise hand function. Council members, if you would like to ask a question and you have not yet raised your hand, please do so now.

First, we will hear from Council member Rodriguez.

Council member, please begin.

SERGEANT-AT-ARMS: Time starts now.

COUNCIL MEMBER RODRIGUEZ: Thank you.

What is it your take from Democracy NYC when it comes to the project an idea to allow New Yorkers with green cards and working papers to vote in municipal elections in 21? That is something that is already happening in towns and states such as Maryland.

LAURA WOOD: Thank you, Council member Rodriguez, for that question. I know that that is been a topic of interest to many New Yorkers for some time now. I think one of the challenges is that there is been a concern during the current federal administration about the use of certain data and how it might be used adversely to impact people who might not be citizens and would be registering to vote. But, you know, assuming that it can be done lawfully and without harm to any individuals, it is certainly something that should be-- you know, that can and should be discussed. But I think there are certainly precautions that we would need to make sure are in place before that happens. And my understanding is that there may need to be changes to either the state

law or the state constitution before that is permitted.

COUNCIL MEMBER RODRIGUEZ: Well, as you know, the federal law already established that the city in the state are the ones that have the right to decide who votes in the local elections and there are some towns already in Maryland where they already allow individuals that they have working papers or green card to vote in the election. But I'm happy to continue another conversation and I hope this is another legacy that we can see under this administration and make New York City a large municipality that will empower individuals who pay taxes to also to elect who are the leaders that will be picking up [inaudible 02:08:54] who make decisions in the education of their kids. So, this is about no taxation without representation. My other question is on relation to someone who's lived the experience of being a candidate in the election back in June. One of the concerns that I had or a suggestion is why don't we allow voters who vote in the early voting period of time to vote in any appalling site in the community where they live? Because by doing the way, is suppressed a voting rights.

LAURA WOOD: Yeah. We very strongly support the city Board of Elections moving to a countywide early voting system so that anyone who lives in, say, the borough of Manhattan, can vote at any poll site in that borough. My understanding is that there are some technical software-related issues relating to ballot testing that make that challenging for the Board of Elections, but I know that that is certainly the preference of the election law statute that established early voting in the first place and we are talking with the BOE regularly about that and with members of the state legislature about whether changes to state law might be necessary, as well as the state Board of Elections. So, you know, I don't know how quickly it can be done, but it absolutely should be done. In my understanding is that almost every other county, if not every other county outside of New York City, now permits people to vote at any poll site in that county. I think Westchester just changed their system recently. So, I very much hope that we can get there, as well.

COUNCIL MEMBER RODRIGUEZ: I just hope that we know that we have enough time to do it. I got it when we brought it to their attention back in

June because it was like two months before. But knowing that this election is coming months from now, I hope that, and being New York City, the [inaudible 02:11:09] after the Silicon Valley, I hope that we can get the software-- that the Board of Elections can get it so it's implemented and expand the voting right through each borough. So, thank you.

COMMITTEE COUNSEL: Thank you. We will now turn the public testimony. I would like to remind everyone that unlike our typical Council hearings, will be calling on individuals one by one to testify. Each panelist will be given three minutes to speak. Please begin once the Sergeant has started the timer. Council members who have a question for a particular panelist should use the zoom raise hand function and I will call on you after the panelist has completed their testimony. For panelists, once your name is called, a member of our staff will unmute you and the Sergeant-at-arms will set the timer and give you the go-ahead to begin. Please wait for the Sgt. to announce that you may begin before delivering your testimony. I would now like to welcome Douglas Kellner to testify. After Douglas Kellner, I will be calling on Sarah Goff and

then Megan Ahearn. Douglas Kellner, you may begin when ready.

DOUGLAS KELLNER: All right. Thank you--

SERGEANT-AT-ARMS: Time starts now.

DOUGLAS KELLNER: Thank you very much. As many of you know, I served as co-chair of the state Board of Elections and so I am just one of four commissioners for the state board. So, I am giving my own remarks and I don't necessarily speak for the entire bipartisan board. I submitted a fairly detailed memorandum to the city commissioners making recommendations for the November general election and I am pleased to see that, on one of those four topics, I think that there is been very, very good progress-- and I will commend the board-- and that is in dealing with the absentee ballots that I do not believe that we are going to repeat the problems that we had in June that the city Board of Elections, as Mike Ryan and Dawn Sandow reported earlier have brought in a number of positive innovations that are going to avoid repetition of those problems and it appears that they should be able to meet the very daunting challenge of the substantial increase in absentee ballots. As to the other two main issues

that I raised, though I have more concerns, in particular I have been concerned over the years with New York City's noncompliance with the 30 minute rule that no voters should have to wait more than 30 minutes at a local poll site and, while the city has done some things that will make marginal improvements, they have not addressed the fundamental problems. In particular, they have not taken up the authority that they have two employee workers for part time shifts and change the organization of poll sites to make them more efficient and to reduce waiting in line. As to the canvas, I will simply remind the city Board that the statutory deadline for completing the canvas is November 28th which is a week earlier than what Mr. Ryan had talked about. And I point out that that is the Friday after Thanksgiving and the state board has made it very clear that the counties must gear up to meet them. Finally, I am somewhat disappointed to report that the New York City Board has not complied with the Governor's executive orders requiring reports to the state Board of Elections, Executive Order 202.58 required to report on staffing needs in the state board has not received that report. 202.61 required

a report on drop boxes and, while it is very clear from Ms. Sadow's and Mr. Ryan's testimony that they do have the drop box program lit, and I'm pleased with their efforts on that, they have not provided the report which is required by the Governor. And it just raises another concern about the lack of attention to detail.

SERGEANT-AT-ARMS: Time expired.

DOUGLAS KELLNER: And I could report on what is going on with ranked choice voting from the state board's point of view, but, Mr. Chair, I recognize my time has expired.

COMMITTEE COUNSEL: Thank you. Will now turn to questions from Chair Cabrera.

CHAIRPERSON CABRERA: Thank you so much. Thank you for your testimony. I had a quick question in regards to something that I mentioned earlier to Executive Director Ryan and Council member Ydanis brought it up just about five minutes ago. Which is in red guards to having early voting countywide. Here in the Bronx we probably have 15 sites and 20-- it sometimes convenient, as you know, to just go off to work or go to lunch and to a site that's even closer than their particular home. The explanation

that we have been given is that they are waiting on the state to grant them permission regarding the machine-- if I understood this right. Maybe you can clarify. Regarding the memory, there is a lack of memory in the current machines to be able to do so and so can you help us with that? Where are we? Can we move the needle so we could have it for June? It would be set up for June. It seems reasonable, I think, at this point to have it already for November.

DOUGLAS KELLNER: Right. Mr. Ryan's testimony is correct that the current ballot marking device does have limited memory and anyone given a ballot marking device cannot be used borough wide. Now, I have pointed out that an alternative solution is that, within an early voting site, to divide the ballot marking devices by localities so that you have ballot marking devices programmed-- you may need to have five or six ballot marking devices dividing up of the ballot styles for the County. Also, they could do a work around by, instead of having a separate ballot style for each election district, to change the programming slightly in order to have the election district as a separate factor in the software for aggregating the votes so that when-- to

substantially reduce the number of ballot styles.

The city's solution is that they are proposing to

purchase the ESNS express vote XL which is

controversial. There are several election integrity

advocates around the state who have been challenging

that that machine does not have sufficient ballot

security. It has been going through the state board

certification process for more than a year now and

not all of the issues raised by the technical experts

at the state board have been addressed to certify

that machine.

CHAIRPERSON CABRERA: Thank you for that

informative answer. I know you wanted to talk about

ranked choice voting. [Inaudible 02:26:22] that we

will have that time right now. Will the city DOE

require state certification for ranked choice voting

software it plans to procure and, if so, when does

the state board expect the certification will be

made?

DOUGLAS KELLNER: Right. Notwithstanding

my requests for almost a year now, the city has not

requested any particular certification. That they

have only submitted very generalized plans and we can

respond by saying that, if they change the software

on the DS 200 that actually counts the votes, that has to go through the certification process and, at best, that certification process can be done in six months and it could take much longer if there are issues. If they are dealing only with software in the vote aggregation process-- in other words, the separate software that counts the votes once the balance have been scanned, that does not require state certification, but it still requires testing and review and that process can be done very promptly. But as of this date, the city has not yet submitted any particular proposal for the state to review and respond to.

CHAIRPERSON CABRERA: I will definitely follow up with the BOE Mike Ryan regarding that. I just wanted to question that they did. So, maybe they thought they did but it was [inaudible 02: 2A: 08]

DOUGLAS KELLNER: Well, they submitted a general plan--

CHAIRPERSON CABRERA: Right.

DOUGLAS KELLNER: and the state board responded with questions asking for more particulars. But for the first time today I heard my cry and say,

no. We haven't locked into any particular plan yet and now we are thinking of going to other vendors. Well, ESNS has not submitted a specific package for the state board to review and it seems like the city board is still reviewing that process. And I think that it is a good idea for the city to look at the possibility of additional vendors, but we are running out of time.

CHAIRPERSON CABRERA: Two quick questions because I know we have more people who want to speak in the public session. Has the state board proposed providing postage-paid envelopes for absentee ballots? What was the reason against providing prepaid postage in the November election? And to what extent has the state DOE coordinated with the USPS?

DOUGLAS KELLNER: I think you need to talk to the Governor about why they did not include prepaid postage this time around.

CHAIRPERSON CABRERA: Were you consulted? Was the state BOE consulted by the Governor's office?

DOUGLAS KELLNER: Well, we're consulted, but the Governor decides.

CHAIRPERSON CABRERA: Right. Right.

2 DOUGLAS KELLNER: And my--

3 CHAIRPERSON CABRERA: [inaudible

4 02:29:41]

5 DOUGLAS KELLNER: My best guess is that it
6 was really a budget issue. That the postage was an
7 unfunded mandate on the County governments in many
8 counties were objecting to that. And there is lots
9 of coordination going on with the post office. The
10 post office has been very responsive to this steep
11 Board of Elections. There are lots of problems just
12 like the difficulty it is for the city Board of
13 Elections to train 37,000 inspectors, the supervisors
14 at the post office had the same problem in making
15 sure that their directives are actually followed
16 throughout the system. And most recently, there was
17 a court order requiring much more thorough compliance
18 by the post office with its own guidelines and, as I
19 say, we are working closely with them in doing the
20 best we can.

21 CHAIRPERSON CABRERA: Well, thank you so
22 much. I appreciate the updates. Very informative to
23 hear, you know, someone who has direct information.
24 The state board and thank you for all of the work
25

that you do there, as well, and let me turn it back to the committee counsel.

COMMITTEE COUNSEL: Thank you, Chair.

Next, we will hear from Sarah Goff followed by Megan Ahearn and then Rachel Bloom. Sarah Goff, you may begin upon the Sergeant's announcement.

SERGEANT-AT-ARMS: Time starts now.

SARAH GOFF: Hi. Good afternoon. I'm Sara Goff, Deputy Director of Common Cause New York. I would like to thank the committee Chair and members of this committee for convening today's hearing. Common Cause New York is a non-partisan citizen's lobby and a leading force in the battle for honest and accountable government for over 50 years. Continent with our overall mission, we have consistently worked to improve the accessibility, transparency, and verifiability in our democratic processes at the state, city, and national level. As other folks have testified earlier, we are largely in agreement that, while there was definitely unforced errors along the way, the Board of Elections did a credible job of navigating unparalleled circumstances in June and have done their best to rapidly scale [inaudible 02:32:13]

2 CHAIRPERSON CABRERA: Sarah, I think we
3 lost you there.

4 COMMITTEE COUNSEL: Chair, if you would
5 like, we can move on to the next panelist and--

6 CHAIRPERSON CABRERA: Yes. Please. And
7 we can have her back when she is back on.

8 COMMITTEE COUNSEL: Okay. So, next we
9 will hear from Megan Ahearn followed by Rachel Bloom
10 and then Perry Grossman. Megan Ahearn, you may begin
11 upon the Sergeant's announcement.

12 SERGEANT-AT-ARMS: Time starts now.

13 MEGAN AHEARN: Thank you. Good
14 afternoon. My name is Megan Ahearn. I am the
15 program director for New York Public Interest
16 Research Group. Thank you for holding this hearing
17 and for the opportunity to testify on this important
18 issue. I will focus my time today on recent
19 announcements and orders and what the city Council
20 can do to help protect and expand the electorate's
21 November. First, we commend the New York City Board
22 of Elections for unveiling its ballot tracking tool.
23 During the June primaries, the single biggest
24 complaint we heard from voters is that they didn't
25 receive their ballots in time. Voters who applied

together didn't receive ballots at the same time and some arrived after election day. We hope that the ballot tracking system can keep voters out of the dark and we also ask if it could be used to harness-- if it could be used to shed light on any discrepancies or emerging problems so they may be, early unaddressed. Such information could be organized by borough and assembly district and separated from personally identifiable information made available to the public. The first absentee ballots have just been mailed out in NYC, so this status should be rolling in. We urge the city Council to explore this possibility. Second, thanks to our colleagues at the League of Women Voters, absentee ballot carrying procedures will give voters the opportunity to fix an error. Absentee voters don't have access in person live poll workers, obviously who might be able to spot or help correct administrative errors and simple fixes should be available to mail and voters also. Third, during the June primaries, a fair number of races took more than a month of ballot counting to call. Increased general election turnout could draw that month-long count, perhaps, into the new year, although we are

hearing mid-December from the BOE today, but late November from Commissioner Kellner. The city Council should seek to promote a nonpartisan postelection today election protection project. The project could watchdog the process, help to provide regular, public updates and perhaps certify whether or not the Board of Elections is properly and consistently counting balance across all five boroughs. We urge the New York City Comptroller to also produce an audit of the city Board of Elections and their performance in this year's elections. Of course, adding resources to the hand counting effort is badly needed and the New York State Board of Elections has urged the state to provide 15 million in additional funding so that November's elections run smoothly. As of now, it is not clear if the governor will provide this, but we hope that the city Council can do all it can to ensure the city Board has the resources to do its job. We finally urge the city Council to wage and compel the New York City Board of Elections to wage a massive voter education campaign that focuses on making a planned over early to allow for wiggle room or an option B. Promoting early voting as a way to avoid long lines and skip the post office.

2 SERGEANT-AT-ARMS: Time expired.

3 MEGAN AHEARN: Thank you very much.

4 Just to wrap up this one point, learning how to
5 properly fill out stuff, sign and date, and return
6 absentee ballots and awareness of voters rights and
7 what resources and recourse voters have if they run
8 into an issue. Thank you for the opportunity to
9 testify today.

10 COMMITTEE COUNSEL: Thank you. Next,
11 we will hear from Rachel Bloom followed by Perry
12 Grossman and then Kate Doran. Rachel Bloom, you may
13 begin upon the Sergeant's announcement.

14 SERGEANT-AT-ARMS: Time starts now.

15 RACHEL BLOOM: Good afternoon, Chair
16 Cabrera and members of the New York City Council. My
17 name is Rachel Bloom and I am the director of public
18 policy and programs at Citizens Union. We thank you
19 for inviting us here today. Citizens Union is an
20 independent and nonpartisan democratic reform
21 organization that brings New Yorkers together to
22 strengthen our democracy and improve our city and
23 state. Thank you for the opportunity to speak today
24 about voting in the November election in the
25 pandemic. I am going to be as brief as possible and

try not to repeat things that other people have spoken about. So, first off, I do want to extend my thanks to the BOE. They have been placed in an incredibly difficult process that they have been tasked with and, you know, we thank them for doing their best in working incredibly long hours to make sure that New Yorkers can cast their ballots safely both in June and in November. The first thing I want to talk about is postage-paid return, which has come up and some of you have asked questions about it. You know, I think there is a lot of confusion about this. As we know, in the June primary, Gov. Cuomo mandated that postage paid return be paid for all absentee ballots. And that same accommodation is not been made for the general election. We request that the New York City Board of Elections provide postage-paid return for absentee ballots. This is within their capacity and not heard of. New York City already provides postage-paid return on voter registration forms, which other counties do not. We strongly encourage the BOE to do so and we fear that, without it, people will send in their applications without postage-paid return. If that is not possible, which we hope it is, our second

recommendation which I know is also been talked about today is that the BOE tile every bar of the cost of mailing in their ballot. Commissioner Ryan said it was just going to be a 55-cent stamp to mail it back. You know, it's an oversized envelope. I don't think that that is accurate. In the other thing is that, you know, he suggested that people should just go to the post office and waited in line. I think the whole point right now is that people don't want to be in places. That is why they are requesting absentee ballots in record numbers. And so, we should be able to make-- we should ensure that they can cast their ballots remotely and safely. I only have 45 seconds left. I want to talk a little bit about poll worker recruitment of young people. The BOE has really been trying to get young people to work as poll workers and, as we've heard from many youth groups, that many of their members who want to sign up to work find the process unclear and discouraging. One of the things we recommend that the BOE tailor its messaging for one poll workers to add clear and informative explanations before voters apply about the steps ahead. The expected timeline and the kind of training they well-received. Applicants should also

be informed about the status of their application once they arrived. These changes have minimal costs and would increase the effectiveness of their recruitment process.

SERGEANT-AT-ARMS: Time expired.

RACHEL BLOOM: I just want to say that one thing now, we allow 17-year-olds to sign up to become poll workers, but they need to have a papers sign off from their school principal and working papers from guidance counselors to apply for poll work. During a pandemic when schools are shut down or function remotely, and educators are under tremendous pressure, this cumbersome paper process is an almost impossible task for teens. Thank you for your time.

COMMITTEE COUNSEL: Thank you. Next, we will hear from Perry Grossman followed by Kate Doran and then Hannah Claine. Perry Grossman, you may begin on the Sergeant's announcement.

SERGEANT-AT-ARMS: Time starts now.

PERRY GROSSMAN: Okay. Thanks so much to the Chair, to the committee. It's always a pleasure to be here and I appreciate you holding these hearings and showing a real interest in making sure

that New Yorkers are able to vote and can vote safely in these very challenging times. And I want to echo a lot of what other folks have said. I think we are all doing the best we can in these very difficult times and first I want to make sure that everyone gets credit because the pandemic has really accelerated a lot of innovations, especially as it's come to absentee voting. New Yorkers right now, they have more ways to apply for absentee ballots, more ways to return their absentee ballots, and more ways to make sure their absentee ballots get counted. And those are all positive things. I also want to highlight that we see the gradual expansion of early voting and I want to give the Board of Elections credit for expanding the number of early voting sites. Mike has been really adamant about wanted to get credit for that and he deserves it. It's hard to get early voting sites to commit to being involved and to providing a public service. And especially now, because the pandemic makes things so difficult. But the number of early voting sites is still not where it should be. The goal for 2020 was to have over 100 early voting sites and we are just not there and turned out of his way up. And as we are seeing

early voting is a critical tool. It's a critical tool even if we are not in a pandemic. It is a desperately critical tool when we are one because we want to alleviate some of the pressure on the absentee voting system and we also want to make sure that we don't have long lines and crowds on election day. So, you know, there are still neighborhoods that are really badly served by early voting. Inwood and Marble Hill, for example. You know, if you live in Marble Hill, your closest early voting site is on 182nd or 168th Street and you're only assigned to one of those. So, you know, that's a pain, but the fact is we need to have a more stable supply of early voting sites and we need to have a more stable supply of poll workers to man those early voting sites. You know, the city Council should do what it can to place more pressure on potential early voting sites. Things that have ties to the city tax incentives and what not to offer themselves as early voting sites and to enforce penalties against those places that should be early voting sites, but aren't. The one place I am going to express some real upset though is the voter registration. Voter registration is way down and we have made absolutely no strides to make

it better with the exception of the remarkable effort by NYC Votes, the Campaign Finance Board department with Turbo Vote. But we are down to about 50 percent over 2016--

SERGEANT-AT-ARMS: Time expired.

PERRY GROSSMAN: [inaudible 02:43:10]
nothing to remedy that.

COMMITTEE COUNSEL: Thank you. Next, we will hear from Kate Doran followed by Hannah Claine and then Paul Westrick. Kate Doran, you may begin upon the Sergeant's announcement.

SERGEANT-AT-ARMS: Time starts now.

KATE DORAN: Thank you. Good afternoon to all. My name is Kate Doran. I serve on the board of the League of Women Voters of the state of New York and, in New York City, my local league is the LWVNYC where I am the election specialist. We are entirely volunteer lead, so you are unlikely to meet anyone of us in New York who is not a volunteer. These are agonizing times for lawmakers and voters in New York. We have seen challenges and change in the last seven months that rival and, in some ways, exceed the changes we remember from 2010. When New York moved to voting on paper ballots. First, we thank you all,

the OMB and the taxpayers of the city of New York for fully funding the New York City Board of Elections and the Campaign Finance Board. We know that other jurisdictions in this state have not been so fortunate. Now, there is not much time left before voting begins. What is important now is to educate voters. Lines could be longer than they were in 2016 because of social distancing and high turnout. Counting the unprecedented numbers of absentee ballots will take time, and we may not have results on election nights. So, please encourage your constituents to be patient. The League is working to get eligible citizens registered to vote. We will then shift of focus to voting early and reminders of how to complete absentee ballots. Chair Cabrera, you asked earlier Mike Ryan about how the public found out about the voting portal. Well, all of us in the voter coalition in the voter advocates, we did a heck of a job on our own websites and social media posts and we got the information out in the Ford is doing its job now. We applaud the New York City Board of Elections for the speedy and successful upgrades to its website. Now, it is the go-to website for all the necessary information voters need and it is voter

friendly. Hats off to Gail Brewer. She started all that off. Looking forward now, we challenge all of you to work with your Democratic and Republican County leaders to make suggestions for changes at the grassroots level. Specifically, we urge you to look at election Law section 3 - 404, election inspectors and poll clerks. Voters deserve to have elections transparently run by their well trained and not necessarily partisan neighbors. The League of Women Voters stands ready to participate and assist you in all of these efforts going forward. Thank you very, very much for inviting me to comment this afternoon.

COMMITTEE COUNSEL: Thank you. I believe Sarah Goff is back on the line, so we will go to Sarah Goff next and then, after that, I will be calling on Hannah Claine and then Paul Westrick. Sarah Goff, you may begin upon the Sergeant's announcement.

SERGEANT-AT-ARMS: Your time starts now.

SARAH GOFF: Apologies. The joys of technology. So, I will quickly resume where I assume I got cut off. But, in essence, we were incredibly pleased to see that several recommendations and lessons learned have been quickly implemented for the

November election and that included changes to improve voter confidence in absentee voting. As the director of the New York City Board mentioned, it's investing in the appropriate equipment to count absentee ballots, increasing public confidence and transparency by adding this new ballot tracking functions so voters can track their ballot in real time and then prominently displaying the absentee ballot drop off boxes at early voting sites and election day poll sites. As has already been mentioned, this is critically important for many voters who-- excuse me-- may expect return paid postage for their absentee ballots and may not be able to financially afford to do so or simply, quite frankly, uncomfortable heading to the post office in the middle of a pandemic. So, these changes will be incredibly helpful to voters. The other two things I just wanted to highlight quickly is an increased and concerted effort to engage the public and engage in a comprehensive voting education and outreach program to make sure that voters know about all of their options to vote in November and then we were also very pleased to see that there is been an intense campaign to boost young girl poll worker recruitment

for the November election cycle. We believe that these changes are steps in the right direction and will only serve to secure our elections in November. Since other folks have touched on ranked choice voting, I do just want to spend a minute on the work that Common Cause and our partners in city government and other nonprofits are doing at this point in time as this is obviously a topic of conversation as we head into 2021. We have been training community-based partners, candidates and campaigns who are running in the 21 cycle on rank choice voting, how they can use it for their campaigns and for their communities. Obviously, we are, basically, razor-focused on the November election and will switch into high gear as soon as we clear the November election to begin our boroughwide voter education plan. So, a lot of the feedback that we have been getting from community partners has been that they are very interested in rank choice voting. They are ready to go, but they want to wait until after the November election so everyone who can safely and securely cast their ballot is able to do so with zero confusion. So, that is, in part, why we have been waiting, but we are working closely with folks over at Democracy

NYC and the Campaign Finance Board along with a host of community--

SERGEANT-AT-ARMS: Time expired.

SARAH GOFF: Thank you for your time.

COMMITTEE COUNSEL: Thank you. Next, we will be hearing from Hannah Claine followed by Paul Westrick. Hannah Claine, you may begin upon the Sergeant's announcement.

SERGEANT-AT-ARMS: Time starts now.

HANNAH CLAINE: Good afternoon, Chairperson Cabrera and members of the committee. My name is Hannah Claine and I serve as a fellow at the Brannan Center for Justice at NYU school of Law in the Democracy program. I'd like to thank the committee for holding this hearing. The Brennan Center and the Infectious Disease Society of America have partnered to release guidelines for healthy in person voting. A set of nonpartisan recommendations which provide a blueprint for election administrators so they can develop best practices for making polling locations as safe as possible during the pandemic. The following recommendations for safely administering in the 2020 general election are based on guidelines from the CDC and the Brennan Center and

1 IDSA guidelines. First, election administrators must
2 ensure there are enough polling locations to meet
3 voter demand. One account of the New York City
4 primary election this year indicated voting sites in
5 New York City had to be moved or closed at the last
6 minute due to the COVID-19 pandemic. A recent report
7 by the Brennan Center found that voters with fewer
8 polling places per voter reported longer wait times
9 to cast their ballot will. In the past, long wait
10 times were disruptive and disenfranchising. Now,
11 they can also be deadly. Longer wait times can mean
12 a greater risk of exposure to COVID-19. Second,
13 voting should occur in large, well ventilated areas
14 that can accommodate physical distancing measures.
15 Large arenas are among the optimal types of spaces
16 for voting sites this year. The Brennan Center was
17 encouraged to see the Board of Elections announce
18 Madison Square Garden's and the Barclay Center will
19 serve as polling places for early voting and on
20 election day. This is a significant first step
21 towards protecting voters in Manhattan and Brooklyn
22 from COVID-19 exposure. Voters and other burros
23 should also have access to voting locations that are
24 adaptable to distancing, such as school gymnasiums,
25

community recreation centers, or convention centers.

For the best possible infection control, voting

locations should have one-way airflow with separate

points of entry and exit for voters. This will also

minimize crowd formation. Third, if a voting

location is changed, voters should immediately begin

an individualized and notice of a change with the

second notice to be given within weeks of the

election. Notice should be provided in multiple

languages, including those required under section 203

of the Voting Rights Act. If polling locations are

moved out of senior care facilities, vans should be

implemented to ensure residents at those facilities

are able to cast the ballot. Fourth, inside polling

locations, all voters should take proactive steps to

remain safe and healthy. This means maintaining

appropriate physical distancing of at least 6 feet,

wearing a mask that covers nose and mouth, and

practicing good hand hygiene. Polling places must be

appropriately cleaned to prevent transmission of the

virus with hand sanitizer provided to voters before

and after voting, voting booth surfaces and machines

sanitized after ease use. High touch surfaces such

as poll workers stations, door handles, and bathrooms

should be cleaned with an FDA approved disinfectant approximately every four hours. This fall, we are going to face many difficult choices, but no New Yorkers should have to choose between their fundamental right to vote and their health. Voting by mail should be encouraged as the safest option, but now is the time for thoughtful, advanced planning--

SERGEANT-AT-ARMS: Time is expired.

HANNAH CLAINE: on the part of the board to minimize risk of COVID transmission at the polls. Thank you again for your time and consideration and I'm happy to answer any questions.

COMMITTEE COUNSEL: Thank you. Next, we will hear from Paul Westrick followed by Rob Ritchie. Paul Westrick, you may begin upon the Sergeant's announcement.

SERGEANT-AT-ARMS: Time starts now.

PAUL WESTRICK: Thank you, Chair Cabrera and members of this committee. I am Paul Westrick, manager of democracy policy at the New York Immigration Coalition. Despite all the barriers, New Yorkers were determined to cast their ballots in the June primary. Unfortunately, we cannot say that the

New York City Board of Elections shares their commitment to a functional democracy. Once again, immigrant voters were disenfranchised because of the BOE's inability to run election. Each voter was supposed to have been mailed an absentee ballot. We know that every voter was not. Each voter who requested an absentee ballot was supposed to have received it in time to complete and mail back. We know that every voter did not. Whether absentee or in person, each voter was supposed to have received a complete ballot. We know that every voter did not, disenfranchising then told numbers by preventing them from voting in certain races. Poll sites open delete and poll workers who received little or no training did not know the procedure for accepting in person absentee ballots. Interpreters were not available at some poll sites and, no further insult, BOE decided to ignore the legally mandated date to even begin counting ballots. COVID-19 created hardships for the Board of Elections and we fully recognize that, but the pandemic alone is not to blame. Poorly run elections have become the norm in New York City. This is not how elections are run in other states. This is not how elections are run in other counties

of this state and, by allowing this to continue, we are undermining our cities democratic process. It is time to dissolve the current Board of Elections and begin anew. State election law allows that quote, and election Commissioner may be removed from office by the governor for cause, repeatedly failing to administer an election, the core function of any BOE, is cause for removal by any reasonable measure. NYIC requires the governor remove all 10 New York City Board of election commissioners which will allow this counsel to appoint 10 new commissioners with subject matter expertise in voting rights, civic engagement, and public administration. The commissioners must pledge to meaningfully address the problems voters experience every single election in New York City and the new commissioners must pledge to adhere to laws passed by the city Council and signed by the Mayor. New Yorkers deserve a functioning BOE that does not make excuses for repeated failures, can competently run an election, and actually empowers voters to cast their ballots. BOE has shown that they will not reform themselves, so it's time to create a new Board of Elections. Thank you.

COMMITTEE COUNSEL: Thank you. Rob Ritchie, you may begin your testimony upon the Sergeant's announcement.

SERGEANT-AT-ARMS: Time starts now.

ROB RITCHIE: Thank you. Let me go to my written remarks here. I appreciate the opportunity. And here we go. So, I am the president and CEO of Fair Vote, an organization I have directed since 1992. We work on a lot of different issues over the years, including voter pre-registration for 16-year-olds and automatic voter registration, but a constant threat of our work has been the issue of rank choice voting. And I know that this hearing is covering these pressing issues involving the November elections, but I did want to take this opportunity to talk about the next set of elections coming up with, I gather, could be as soon as January is special elections for city Council are scheduled then and are under the new charter proposal passed last year should have rank choice voting. I will say that Fair Vote has been deeply involved in implementation of rank choice voting in several jurisdictions and we are particularly involved in the run-up to the first use in San Francisco back in 2004 which was the

first, you know, new adoption in the modern era. A big city. A lot of diversity. A lot of challenges. And I think a lot of lessons learned. And so, in my written testimony, I am going to share excerpts from a report that we did in 2005 that highlighted important steps to take and I think that the city has time to take those steps but that time, of course, is getting shorter and shorter and there are so many pandemic associated challenges in this year that I just want to make sure that people are aware of the steps that need to be taken. I will say that, once you have a good ballot design, we keep seeing a very helpful fact that rank choice voting is easy for voters. Sensible poll worker training and timely voter education make it all the better, but, if you go back, say, just the last three years of elections with rank choice voting, it has been used in the state of Maine for the first time for big elections there. 17 cities, five Democratic presidential primaries this year. Then, in every single instance, all of those uses for three years, voter turnout has exceeded what was expected and voter success with the rank choice voting balance have, as well. So, there is a lot of models for it and we know what works.

And I will also say that you will experience the benefits. You know, you have, it's looking like, a lot of crowded fields. A lot of big elections next year with a lot of people running and what we are seeing is that voters, and that environment, really good at something special from their opportunity. They don't have to look at polls. They don't have to know who is up or who is down. They can just indicate who they most want and who they most want as their second choice and so on. And they have cast the most powerful vote that they can. Candidates don't need to do anything special either beyond the fact of something we hope they all do, as well, which is just to engage with voters effectively. And that is what rank choice voting creates incentives for. In the written remarks, I will just summarize the steps that I think we saw work well--

SERGEANT-AT-ARMS: Time expired.

ROB RITCHIE: in San Francisco. And I'll stop my remarks on that. Thanks.

COMMITTEE COUNSEL: Thank you. At this time, if your name has not been called and you wish to testify, please raise your hand using the zoom raise hand function. Seeing no hands raised, I will

now turn it over to Chair Cabrera for closing remarks.

CHAIRPERSON CABRERA: Thank you, committee counsel. Thank you for your great work. And to all the Sergeants-at-arms. All the staff. I want to personally thank the advocates. You make us better. Literally, your suggestions, observations, they have a healthy pressure that you put on on government on how to function better because our people deserve better. I salute you. I think you. Please don't stop. Thank you for pointing out improvements that were made and, at that same time, where we can get better. So, thank you. I want to think also the administration, the BOE, CFB for joining us today and looking forward to reviewing all of the testimonies so we could take the proper next steps that we need to take in order so we could have a democratic process that is efficient, effective, fair, and just. And, with that, he closed today's hearing and have a wonderful day.

[gavel]

CHAIRPERSON CABRERA: Thank you, staff, Sergeants-of-arms, everyone. Great job.

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 October 12, 2020