

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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December 7, 2020
Start: 11:40 a.m.
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HELD AT: Remote Hearing

B E F O R E: Fernando Cabrera
CHAIRPERSON

COUNCIL MEMBERS:
Ben Kallos
Alan Maisel
Bill Perkins
Keith Powers
Ydanis Rodriguez
Kalman Yeger
I. Daneek Miller
Laurie Cumbo

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

Michael Ryan, Executive Director
Board of Elections

Dawn Sandow, Deputy Executive Director
Board of Elections

Amy Loprest, Executive Director
New York City Campaign Finance Board

Eric Friedman, Assistant Executive
Director for Public Affairs
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Susan Lerner, Executive Director
Common Cause New York

Chris Hughes, Policy Director
Rank Choice Voting Resource Center

Sean Dugar, Education Program Director
Rank The Vote NYC

Pedro Hernandez, Senior Policy
Coordinator
Fair Vote

Josue Pierre, Member
Democratic State Committee

L. Joy Williams, President
Brooklyn NAACP

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

Kirsten John Foy, Reverend

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

Rob Richie, President and CEO
Fair Vote

Lurie Daniel Favor, Interim Executive
Director
Center for Law and Social Justice
Medgar Evers College

Benny Poy, Northeast Program Coordinator
NALEO Educational Fund

Mona Davids, President
Social Impact Strategies

2 SERGEANT-AT-ARMS: Good morning. And at
3 this time, will sergeants please start their
4 recordings?

5 SERGEANT-AT-ARMS: Recording to PC started.

6 SERGEANT-AT-ARMS: Recording the cloud all
7 set.

8 SERGEANT-AT-ARMS: Backup is all set. And,
9 Sergeant Hannah, would you please start with your
10 opening?

11 SERGEANT-AT-ARMS: Good morning. And
12 welcome to today's remote New York City Council
13 hearing of the Committee on Governmental Operations
14 at this time, would all panelists please turn on
15 their videos? Please place electronic devices on
16 vibrate or silent mode. If you wish to submit
17 testimony, you may do so at
18 testimony@council.nyc.gov. Again,
19 testimony@council.nyc.gov. Thank you. Chair, we're
20 ready to begin.

21 CHAIRPERSON CABRERA: Good morning. My
22 name is Fernando Cabrera and I am the Chair of the
23 Committee on Governmental Operations. We been joined
24 by our colleagues and members of the committee; quite
25 a few, so let me go down the list. Council member

2 Majority Leader Cumbo, Council member Powers,
3 Cornegy, Lander, Adams, Ampry-Samuel, Kallos, Louis,
4 Maisel, Miller, Rodriguez, and Yeger. Today, the
5 committee will be holding an oversight hearing on the
6 implementation of ranked choice voting, also known as
7 RCV in New York City. In 2019, New York City voters
8 approved with 74 percent of the vote a ballot
9 proposal to implement a ranked choice voting system
10 for all local primaries and special elections. This
11 includes races for Mayor, Public Advocate,
12 Comptroller, borough president, and city Council.
13 Well this is a new voting system for New Yorkers, it
14 is not new. It exists in jurisdictions of different
15 sizes across the United States. Beginning in 2021,
16 New York City voters will be asked to rank up to five
17 candidates in the order of preference, instead of
18 selecting just one candidate in each contest. If one
19 candidate receives more than 50 percent of the first
20 choice votes, that candidate will be the winner. If
21 no candidates receive more than 50 percent of the
22 first choice votes, the candidate with the fewest
23 numbers of first choice votes will be eliminated and
24 voters who ranked their candidate first will have
25 their second choice candidate counted instead. This

2 process will repeat as necessary until two candidates
3 remain, at which point, the remaining candidate with
4 the most votes is declared the winner. Today, the
5 committee expects to hear an update from the board of
6 elections on their preparations to implement this
7 system. 2021 is the biggest year for local races in
8 recent memory with open contests for all citywide
9 offices and two thirds of the city Council seats. We
10 cannot afford to get this wrong. Community outreach
11 and voter education will also be critical to the
12 success of the RCV rollout and I am pleased that the
13 campaign finance board has already begun planning
14 their outreach campaign. In September, the board
15 testified before this committee and shared a roadmap
16 detailing its efforts to engage community partners
17 and prepare simple materials in multiple languages so
18 that voters in next year special and primary
19 elections are informed when they cast their first RCV
20 ballots. I look forward to hearing updates from the
21 board today on their voter outreach campaign. I also
22 hope to hear a commitment from the board of elections
23 to collaborate with the campaign finance board around
24 RCV in 2021 and beyond. Additionally, we will be
25 hearing to bills, introduction number 1994 sponsored

2 by Council member Arika Ampry-Samuel in relation to a
3 voter education campaign regarding ranked choice
4 voting and pre-considered introduction sponsored by
5 Council member Lander in relation to the reporting of
6 unofficial election night results for ranked choice
7 voting. I will let the bill sponsors give more
8 details in their statement, however, I want to thank
9 them both for their commitments to the voters of New
10 York City. Change is hard, but I believe we can
11 ensure that voters are equipped to face these
12 changes. These bills will help us get there. Thank
13 you to my colleagues for joining today's hearing and
14 the many staff working behind the scenes to ensure
15 this remote hearing runs smoothly. I also want to
16 thank my committee staff for the work on this issue.
17 I called them the dream team. Committee counsel CJ
18 Murray, senior policy analyst Emily Fort John,
19 Elizabeth Cronk and senior finance analyst Sebastian
20 Bocce in my communications and legislative director,
21 Clare Michael Vane. I would be remiss if I did not
22 acknowledge that BOE is dealing with the coronavirus
23 outbreak in my own borough the Bronx. To those BOE
24 employees who have gotten sick, please note that we
25 are thinking of you and we wish you a speedy

2 recovery. I would like now to write Council member
3 Lander to give a statement on his bill.

4 COUNCIL MEMBER LANDER: Let me defer to
5 Council member Ampry-Samuel if she wants to go first.

6 CHAIRPERSON CABRERA: What was that,
7 Council member?

8 COUNCIL MEMBER LANDER: Oh. I was just
9 deferring to Council member Ampry-Samuel's bill. I
10 think it was ahead of mine.

11 COUNCIL MEMBER AMPRY-SAMUEL: Is that
12 okay, Chair?

13 CHAIRPERSON CABRERA: Absolutely.
14 Absolutely.

15 COUNCIL MEMBER AMPRY-SAMUEL: I
16 appreciate that, Council member Lander. Thanks,
17 Chair Cabrera for holding this hearing and the
18 opportunity to speak on my ranked choice voting voter
19 education bill, Intro number 1994 that was introduced
20 in July. As we look at election role for around the
21 state and country, we have to keep historical voting
22 rights at the forefront of this reform. A robust
23 multifaceted voter outreach and education campaign is
24 an essential best practice. Voters in other states
25 like Greek choice voting, but we must do our part to

2 set up every voter for success. The transition to
3 ranked choice voting from the current system is a
4 major change. We have been using paper ballots since
5 2007 and confusion persists at polling sites
6 throughout the city today. A new tally system
7 invites the level of analysis that can be absolutely
8 intimidating in an already fraught system. With this
9 knowledge, it is our responsibility to provide
10 purpose and all-embracing education to voters.
11 Anything less is voter suppression. The city tried
12 to call for a plan for timely implementation of
13 ranked choice voting. Today, we are just weeks
14 before the first special election and the board of
15 elections and scrambling to find a vendor. It is
16 imperative that we, the New York City Council, step
17 into ensure that voters aren't further adversely
18 affected. My bill, Intro 1994, highlights the
19 requirement for a comprehensive public education
20 campaign that is necessary and it needs to happen
21 now. We are looking at special elections and he news
22 and world dominating pandemic that required ramped up
23 and significant efforts to ensure that all voters are
24 reached. This is a very difficult time. Through
25 partnerships, there is an opportunity to raise

2 awareness through traditional media, including local
3 papers, radio spots, print materials available at
4 public libraries, but I also want to say that funding
5 for small, community based operations will go a long
6 way in education efforts. As this bill highlights,
7 and out lies, mobilizing New York City's extensive
8 public infrastructure like NYC kiosks, city agencies,
9 bus subway ads, and social media will benefit the
10 voter education campaign. We can use the New York
11 City's Census outreach as a best practice model on
12 how to reach New Yorkers, but we know that that too
13 is a challenge. This is not about whether we should
14 have ranked choice voting. That's a whole other
15 story. That has already been decided. This is
16 simply about making sure that voters in districts
17 that have been historically disenfranchised are not
18 further pushed out and left behind. That is the
19 purpose of this bill. To educate the voters. And
20 how do we do that into ensure that the agencies are
21 doing what they are supposed to do. So, thank you,
22 Chair, for the time and I look forward to today's
23 discussion.

24 CHAIRPERSON CABRERA: Thank you so much,
25 Council member, and thank you for your leadership on

2 this issue. Before we hear from Council member
3 Lander, let me recognize that we have also been
4 joined by Council member Eugene and Council member
5 Perkins. With that, let me turn it over to Council
6 member Lander.

7 COUNCIL MEMBER LANDER: Thank you very
8 much, Chair, for convening this hearing and for
9 allowing me to differ to Council member Ampry-Samuel
10 this bill was introduced before mine. Honestly, I
11 support my bill for reasons I will say, but, of the
12 two, I think hers is even more important on today's
13 calendar and I am proud to be a cosponsor and also I
14 knew she would give an eloquent opening statement.
15 You know, as she said last year, the voters in the
16 city of New York voted overwhelmingly by referendum
17 to adopt ranked choice voting. Let's remember was
18 almost three quarters of New Yorkers across all the
19 boroughs with overwhelming majorities in the Bronx,
20 Brooklyn, and Queens and Manhattan. And I think they
21 made a good decision. You know, my read on ranked
22 choice voting around the country is more people
23 participate. More women and people of color are
24 elected. You get better, less hostile and nasty
25 elections and you certainly avoid the need for

2 expensive runoffs. But, as Council member Ampry-
3 Samuel said, whether you agree with what the voters
4 voted last year or not, ranked choice voting is now
5 here and it is in our collective interests to make it
6 work as well as at possibly can to make sure that no
7 one is disenfranchised, to provide good information,
8 to make sure the results are reported clearly, and to
9 do our job in oversight to make sure it is being
10 implemented effectively. So I'm grateful for you,
11 Chair, for convening this hearing so that we can make
12 sure it is. I completely support Council member
13 Ampry-Samuel's bill to ramp up and increase outreach
14 across all communities. Everyone that is capable of
15 ranking their preferences, but that doesn't mean that
16 everyone knows what it is going to look like on the
17 ballot, how to do it, that this is the first
18 opportunity to understand and then think about in
19 advance. We can achieve that. You know, we can help
20 people understand what it is and make sure that it is
21 a successful election. So I really support her bill.
22 My bill relayed-- which is a pre-considered bill on
23 the agenda for the first time today, would require
24 the New York City Board of elections to report on
25 election night not only the first place tallies,

2 which is what may well happen otherwise if we don't
3 pass this bill, but the round by round tallies. The
4 tabulation of what is happening in round one, round
5 two, round three until there is a winner. That is
6 how the final results are going to be tabulated.
7 That is what is going to determine who wins these
8 races and, if we only, on election night, report the
9 first-place votes without showing the counting, I
10 think we are going to confuse people. I think some
11 days later when they get the results, they're going
12 to-- you know, we are not going to a been
13 transparent. We also have the challenge that we will
14 have more absentee ballots to count, in all
15 likelihood, in the elections this year, just as we
16 did in this past year. But I think that is even more
17 reason to make sure that the election night results
18 that we report look like what is reported
19 subsequently. It's my understanding and we will hear
20 about it today, that the tabulation machines are
21 perfectly capable of doing that and that you can see
22 the results tabulated by columns so you know all the
23 first-place votes, but then you will also see what
24 happens in the subsequent rounds and, ultimately, who
25 the winner is and, even if, on election night, we

2 only have 70 or 75 or whatever percent of the vote it
3 will be, it is still better to count all the votes,
4 provide all the information so that we are
5 transparent and giving all the we can to people
6 rather than having the kind of barrage of first-place
7 votes replaced by the leader information of the
8 ranked choice tabulation. Thank you very much. I
9 look really forward to the hearing.

10 CHAIRPERSON CABRERA: Thank you so much,
11 Council member and I will now turn it over to our
12 moderator, Council member CJ Murray to go over some
13 of the procedural items.

14 COMMITTEE COUNSEL: Thank you, Chair
15 Cabrera. I am CJ Murray, counsel to the Committee on
16 Governmental Operations. Before we begin testimony,
17 I want to remind everyone that you will be on mute
18 and you are called on to testify, at which point, you
19 will be unmuted by the host. I will be calling on
20 panelists to testify. Please listen for your name to
21 be called. The first panel last to give testimony
22 today will be representatives from the New York City
23 Board of elections and the New York City campaign-
24 finance board. For the Board of Elections, executive
25 director Mike Ryan will be providing testimony and

2 Deputy Executive Director Dawn Sandow will be
3 available to answer questions. For the Campaign-
4 Finance Board, testimony will be provided by
5 executive director Amy Loprest and assistant
6 executive director for public affairs Eric Friedman.
7 Panelists, I will call on you when it is your turn to
8 speak. During the hearing, if a Council member who
9 would like to ask a question of a specific panelist,
10 please use the zoom raise hand function and I will
11 call on you in order. We will be limiting Council
12 member questions to five minutes which includes the
13 time it takes the panelists to answer your question.
14 Please note that, for ease of this virtual hearing,
15 there will not be a second round of questioning
16 outside of questions from the committee Chair. All
17 hearing participants should submit written testimony
18 to testimony@council.nyc.gov. Before we begin
19 testimony, I will administer the oath. Executive
20 Director Ryan, Deputy Executive Director Sandow,
21 Executive Director Loprest, and assistant Executive
22 Director Freedman, please raise your right hand. And
23 then call on each of you individually for a response.
24 Do you affirm to tell the truth, the whole truth, and
25 nothing but the truth before this committee and to

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2 respond honestly to Council member questions.

3 Executive Director Ryan?

4 EXECUTIVE DIRECTOR RYAN: Yes.

5 COMMITTEE COUNSEL: Deputy Executive

6 Director Sandow?

7 DEPUTY EXECUTIVE DIRECTOR SANDOW: Yes.

8 COMMITTEE COUNSEL: Executive Director

9 Loprest?

10 EXECUTIVE DIRECTOR LOPREST: Yes.

11 COMMITTEE COUNSEL: Assistant Executive

12 Director Freedman?

13 ASSISTANT EXECUTIVE DIRECTOR FREEDMAN:

14 Yes.

15 COMMITTEE COUNSEL: Thank you.

16 Executive Director Ryan, you may begin your

17 testimony.

18 EXECUTIVE DIRECTOR RYAN: Yes. Chair

19 Cabrera and Council members, thank you for the

20 opportunity to testify on behalf of the board on this

21 very important issue. Chair Cabrera, I understand

22 that this committee has quite a robust agenda. Time

23 is limited. With respect to Intro 994, that details

24 responsibilities of that Campaign-Finance Board, not

25 the New York City Board of Elections and, in fact,

2 1057 G places the public education aspects of ranked
3 choice loadings into the ambit of the Campaign
4 Finance. That said, the board is, in fact, standing
5 at the ready to partner with the Campaign Finance
6 Board to provide any information and assistance that
7 the Campaign Finance Board needs in order to complete
8 its mission. As in reverse under other
9 circumstances, the Campaign Finance Board assists the
10 city board when necessary. I know that there been
11 conference calls. Everything is a Zoom conference
12 these days. I know that there is been several of
13 those between their respective entities. The board
14 has also established its landing page on its website
15 will be ready to be populated with content once that
16 is all completed. So, then we get to the, as yet,
17 numbered Intro introduced by Council member Lander.
18 And I just would like to defer to the Chair on how
19 would we make best use of our time with respect to
20 that. If it makes more sense to get right to the
21 questions and answers so that we make sure that we
22 are answering the city Council questions
23 specifically, but certainly I would like to do that.
24 I would also like to say that the board shares with
25 Council member Ampry-Samuel's concerns that the

2 public education piece of this is a very, very
3 foundational a little bit about the success of RCV
4 and also the ability of individual voters to
5 participate effectively in the voting process and to
6 have meaningful access to the voting process. So,
7 that underscores our readiness, as well, to stand
8 shoulder to shoulder with the Campaign Finance Board
9 to make certain that all of that work gets done.
10 That said, it is a concern, as well, that that gets
11 done effectively and it must dovetail neatly you with
12 the poll worker education piece these ballots will
13 look different at the poll sites and we want to make
14 sure two things: one, that there is no actual
15 interference with the voters right to vote and also
16 that there is no. It's a good interference. And
17 that could even come in the form of a well-meaning
18 coworker trying to explain the ballot to the voter
19 and have it look like they are guiding them in a
20 particular direction. These are the sensitivities
21 that we all must deal with. CFP, the board, and the
22 Council and the public at large. So, that said,
23 Chair Cabrera, I please would take direction from you
24 in that regard.

2 CHAIRPERSON CABRERA: I thank you so
3 much, Director Ryan. Feel free to address Lander's--
4 Council member Lander's bill. That way it will make
5 it easier for her questions and where to director
6 questions.

7 EXECUTIVE DIRECTOR RYAN: Yes.
8 Certainly. The other thing I would be remiss if I
9 did not mention we begin our official communication
10 with the state Board of Elections regarding ranked
11 choice voting on December 19th, 2019 by way of
12 written communication seeking to have the messaging
13 and the processing of potentially two or multipage
14 ballots at the poll sites and some changes to the
15 election system that the city board is not permitted
16 to do of its own volition. So, that communication
17 began last December. In February, we met with our
18 election machine vendor, ESNS, to discuss ranked
19 choice voting and then shall we say and then Covid 19
20 which created a pause for everyone. We resumed our
21 communication with the state Board of Election on
22 June-- written communication, not just verbal, on
23 June the 17th and there have been numerous written
24 communications back-and-forth. Last week it seems as
25 if the state to a decision on whether or not approval

2 or certification of the algorithm software necessary
3 to process the election results, that did not happen.
4 So, we are proceeding at pace with respect to our
5 process. Coincidentally, today's the last day to
6 answer the request for proposals that was published
7 on November the 16th. And we already have some
8 vendors that have responded. We also have a backup
9 plan because the current vendor that we use has a
10 utility that allows for the processing of the
11 results. So, there is a plan in place for that.
12 Getting to the substance of Councilman Lander's
13 proposal-- or intro, we share the transparency goal,
14 but we must say that, under the present
15 circumstances, in order for us to process round one--
16 beyond round one, we need access to what is called
17 the castable record. The cast will record resides on
18 the portable memory devices on each of the individual
19 DS 200 machines that are deployed in the field. What
20 we get on election night are the aggregate results by
21 election district, not the individual cast will
22 record. And in order to effectively process what
23 happened in round one, who gets to move on and around
24 to, and beyond, we need those cast votes records in
25 order to be able to make that process complete. So,

2 leaving off to the side the other issues associated
3 with not a simple plurality, but at 50 percent plus
4 one, which is the way the ranked choice voting must
5 work, we need to be able to do that each round with a
6 level of specificity. I'm week, under the present
7 circumstances, we don't have-- literally did not
8 have the ability to have access to the castable ballot
9 records on election night. Now, moving on to
10 somebody other concerns, we have recently seen a
11 remarkable uptick in absentee balloting and, when you
12 are doing that-- and I don't mean to be overly
13 elementary about this, but when you are doing that
14 and you are seeking to establish a percentage, having
15 the full universe of numbers available to establish
16 the percentage is an essential aspect of that. So,
17 if we have a large number of absentee ballots and
18 particular campaigns are better at conducting an
19 absentee ballot operation and others who appeared to
20 be in third place on election night could very well
21 leapfrog in the first place and then that
22 transparency may become murky to the general public.
23 Like how could this happen? We want full faith in
24 the process and I think that that is going to include
25 an effective public education program, but also that

2 the board does not put out results that ultimately
3 are potentially more confusing to the voters than
4 they would be if we take it in stride and step-by-
5 step. So, I think, when you look at the results on
6 election night, it all seems kind of easy. You get
7 votes and you do math and there they are. But we
8 have worked very diligently to be extremely
9 transparent in our election night results by making
10 sure that we sped up the process of completing that
11 work on election night so people aren't waiting until
12 three or 4 o'clock in the morning to find out who has
13 prevailed apparently. And we do a very good job at
14 that. This is introducing an entirely new layer do
15 that and the system is designed to process aggregate
16 results based on election districts, not the
17 individual votes cast on election night. So, we need
18 access to those individual cast ballot records in order
19 to be able to process each subsequent round because
20 this is a different way to go vote tabulation. It
21 makes it to the next round will affect the outcome.
22 So, having a full complement of all of the votes cast
23 is the cleanest way to do it, for sure, and on
24 election night, the way that the system is set up, we
25 just don't have the ability to do that presently.

2 And I know I said a lot, so, perhaps it would be best
3 that we pause there and then we can, hopefully, get
4 into a more technical exclamation of that such as a
5 lawyer and a non-tech person can give under these
6 circumstances.

7 CHAIRPERSON CABRERA: Thank you so much,
8 Director Ryan. Let me just share with my colleagues.
9 I'm probably only going to be asking questions just
10 for about 10 minutes. I know we have a lot of
11 colleagues that have questions, so I want to defer to
12 them quickly so you won't have to be waiting long and
13 then I will come back with wrapping up with a set of
14 questions before we go to CFB. I want to focus on
15 first, Director Ryan, on the software. We understand
16 that, in October, the state board provided BOE with a
17 draft testing plan for the CRP tabulation software.
18 What testing will be required under the draft plan
19 and how long is such a test expected to take?

20 EXECUTIVE DIRECTOR RYAN: So, based on
21 our current understanding of the position that the
22 state board has taken, the state board met on
23 December the 3rd and this issue was brought up. The
24 state board commissioners did not come to a consensus
25 on whether or not they will require testing either

2 for approval or certification for the algorithm
3 software. So, I probably glossed over it in my
4 statement, but that is what I said when I-- that is
5 what I meant when I said we will be proceeding at
6 pace. If the state Board of Elections is going to
7 remain with its current position, which is no
8 position, then the city Board of Elections is going
9 to keep moving forward and do what needs to be done
10 in order to complete implementation. We have, as I
11 said, we have the RFP out. We are getting responses
12 back. We have the projected contract date of January
13 the 15th and we have a fallback position in the event
14 that that is not completed for February, which is to
15 utilize the utility that ESNS presently has. That is
16 not our long-term goal, but it is been demonstrated
17 to us. It works and we would prefer to have a
18 separate vendor provide that for us. And we also
19 understand that it is possible that there is at least
20 one entity out there that has a software that might
21 be available at no cost, based on general
22 availability and their interest in seeing RCV be more
23 widely used.

24 CHAIRPERSON CABRERA: So, what would
25 happen if the state board determines the

2 certification requires, how would he conduct
3 the upcoming special election? Let's say it would
4 take a bit longer than you expected it which I would,
5 to be honest with you, be hopeful that they were
6 already have told you either way. I don't understand
7 why can't they just tell you either way so you can go
8 ahead because we are running out of time here. But
9 what would happen in such a case?

10 EXECUTIVE DIRECTOR RYAN: It does not
11 appear that the state board is going to take action
12 in that regard and we are going to be able to choose
13 a vendor of our choice or, in the worst case
14 scenario, use the backup, which can work. I can't
15 speak for the state Board of Elections, nor could I
16 speak for what actions they may take to attempt to
17 prevent the city Board from moving forward. We have
18 our mandate. The city charter is our guidepost in
19 this regard and we are going to proceed forward with
20 implementation unless and until all some higher power
21 and authority tells us not to.

22 CHAIRPERSON CABRERA: So, Director Ryan,
23 just so we can have it on record, you are confident,
24 then, that we would have the software ready and
25 selected by January 15th?

2 EXECUTIVE DIRECTOR RYAN: Yes. And, if
3 not, we have a backup plan, as well.

4 CHAIRPERSON CABRERA: Okay.

5 EXECUTIVE DIRECTOR RYAN: As I said,
6 that was already demonstrated to us last February
7 and, as I have been want to say, that the Howsian
8 [sp?] days when we thought that RCV was going to be
9 our biggest challenge for 2020, we had a meeting in
10 February to get ready for, you know, more than a year
11 later and, unfortunately, for everyone, the, you
12 know, circumstances took it turned into a completely
13 unpredicted and, in some respects, tragic direction.

14 CHAIRPERSON CABRERA: Director Ryan, I am
15 going to direct attention to the point that you made
16 as to the cast will record. For the average layman
17 person who don't understand what the cast vote
18 records are, what would be the process? What do you
19 anticipate will be a fair amount of time to be able
20 to put forth the result, the rank-- the RCV results
21 and then follow up with that? Why in some other
22 cities or stat, for example Maine and other states,
23 they are able to be rather quick about it and they
24 are able to be able to bring those results rather
25 quickly?

2 EXECUTIVE DIRECTOR RYAN: Well, in terms
3 of the overall results, that can this process we able
4 become very familiar with. The one thing I will say
5 and perhaps we might be seeing some relief in that
6 regard and get us closer to where Council member
7 Lander wants us to land, it appears that the state
8 legislature is in the process of taking a critical
9 look on how we process all Boards of Elections, not
10 just the city of New York, but all 62 counties, how
11 we process absentee ballots and the timing of when we
12 can process those absentee ballots. If some of those
13 changes that we have heard rumor might be happening
14 are made, we can canvass absentee ballots up to, you
15 know, the days leading up to election day. In which
16 case, it may very well be that those totals will be
17 included in the results that we report out on
18 election night and get us much closer to where
19 Council member Lander wants to land. So, that's a
20 piece of the puzzle and I would say that this is one
21 of those moments where we, as the board, even though
22 we already ministerial agency, we would, you know,
23 implore the city Council and the state legislature to
24 work hand in glove so that whatever changes are made
25 squared nicely with the requirements on the state law

2 and also the requirements on the 1057 G and that we
3 don't move headlong here to do something and it
4 doesn't square well with, you know, what the state is
5 proposing as further changes to the process.

6 CHAIRPERSON CABRERA: I'm going to finish
7 a little earlier than anticipated because I really--
8 we have a lot of Council members that have questions
9 and I know they are very eager. It's a very
10 important issue to them. And so, with that, I want
11 to pass it to the committee and then I'll come back
12 wrapping up with some questions. Thank you so much.

13 COMMITTEE COUNSEL: Thank you, Chair.
14 I will now call on Council members in the order they
15 have used the zoom raise hand function. Council
16 members, if you would like to ask a question and you
17 have not yet raised your hand, please do so now. You
18 will have a total of five minutes to ask your
19 question and receive an answer from the panelist.
20 The sergeant-at-arms will keep a timer and will let
21 you know when your time is up. Once I have called on
22 you, please wait until the sergeant has announced
23 that you may begin before asking your question.
24 First, we will hear from Majority Leader Cumbo
25 followed by Council member Powers and then Council

2 member Cornegy. Majority Leader Cumbo, you may begin
3 upon the sergeant's announcement.

4 SERGEANT-AT-ARMS: Time starts now.

5 MAJORITY LEADER CUMBO: Thank you. I want
6 to thank everyone that is here. I want to thank my
7 colleagues for putting forth this legislation, but,
8 in all due respect to my colleagues, I have to go off
9 the grid for a moment on this because this is such an
10 incredibly important issue to with one of the largest
11 transfers of power as far as elected leadership and
12 seats. This is a really important issue and I feel
13 very passionately. What we see in the national
14 elections of the role that African-Americans
15 specifically played, particularly women and our
16 seniors, and I believe that there is an impossibility
17 to educate people in the amount of time necessary on
18 what ranked choice voting will mean. Sure, it is
19 simple to just say, fill out the bubble, but, at the
20 same time, individuals that will be voting will not
21 understand the calculus and the conversations of the
22 ability to fill out those bubbles and what those
23 bubbles will mean as far as they fill out the rank
24 choice voting forms. So my question, in many ways,
25 is how much is the city prepared to pay to even

2 educate people on rank choice voting, given into
3 consideration that the census that the city put in
4 over 40 million and I believe the state, somewhere in
5 the ballpark of 70 million dollars. Are we prepared
6 to do that? I would also like to know what is
7 NYCHA's plan? How are we going to reach out to our
8 NYCHA residents in order to inform them that also
9 have one of the largest black and brown populations
10 in the city of New York? I also want to know
11 everything from when individuals have to turn in
12 their ballot, what percentage of them actually turned
13 over the ballot because they have been educated to
14 know to do that? When it comes to the judge is and
15 you have to rank maybe three or four out of six, how
16 many actually complete that process? They say all
17 throughout the country that rank choice voting is
18 working well for communities of color. While, New
19 York City is a totally different city and I would
20 also add that we don't know, in those cities, how
21 much the city spends on education. We don't know the
22 percentage of black and brown communities there. We
23 don't know what was the outreach plan. We don't know
24 any of those factors. And given the pandemic, I have
25 no confidence in our ability to reach our seniors, to

2 reach those who are sheltering in place, and I do not
3 feel that it is a good use of our funds at this time.
4 Somewhere in the ballpark of 40 million dollars when
5 we have food insecurity, when we can't get food to
6 our seniors right now. We need to have our
7 priorities placed in other ways. So my first
8 questions really are what is the NYCHA plan at this
9 moment? What has been the community engagement
10 process thus far? And I know with the census, the
11 elected officials had a huge role and responsibility
12 in getting out the vote. We have not been educated
13 on rank choice voting at all. There has not been one
14 seminar. No one has asked us to participate. How
15 much money is being invested in rank choice voting?

16 EXECUTIVE DIRECTOR RYAN: Majority
17 Leader Cumbo, was your question directed to me?

18 MAJORITY LEADER CUMBO: I would say on
19 both-- for the Board of Elections. Yes.

20 EXECUTIVE DIRECTOR RYAN: So, we engaged
21 in a very--

22 MAJORITY LEADER CUMBO: Or anyone qualified
23 to answer those questions.

24 EXECUTIVE DIRECTOR RYAN: Right. I
25 think, under the circumstances, that question would

2 be more aptly directed to the Campaign Finance Board,
3 respectfully.

4 MAJORITY LEADER CUMBO: All right. I need
5 them to jump in quick because I'm on a timer.

6 EXECUTIVE DIRECTOR RYAN: Right.

7 CHAIRPERSON CABRERA: Um--

8 MAJORITY LEADER CUMBO: Campaign Finance
9 Board, are you here?

10 EXECUTIVE DIRECTOR LOPREST: Okay. Thank
11 you very much. So we have been planning and doing
12 research for about a year on how to educate voters
13 about rank choice voting. I haven't given my
14 testimony yet to explain the plan, but we have a
15 robust plan to partner with--

16 MAJORITY LEADER CUMBO: But you are still
17 formulating the plan? And we are six or seven
18 months out of the election with special elections
19 coming up. So we're formulating a plan at this
20 point?

21 EXECUTIVE DIRECTOR LOPREST: We have a
22 plan. I mean, we've spent the past year formulating
23 the plan. We have a plan for how to implement the
24 education campaign or break choice.

2 MAJORITY LEADER CUMBO: You're
3 contradicting what you're stating. You're stating
4 that you have-- that you're creating a plan, that
5 you have a plan, and that the plan has been . It can
6 only be one of the three.

7 EXECUTIVE DIRECTOR LOPREST: We're in the
8 process of creating-- we have a plan and we're in
9 the process of--

10 MAJORITY LEADER CUMBO: You're creating or
11 you have a plan? That's what this hearing is about.
12 You have a plan or you're creating a plan?

13 UNIDENTIFIED: So--

14 EXECUTIVE DIRECTOR LOPREST: We have a plan
15 and we are in the process of implementing that plan.
16 Well, that's insufficient with an election, a special
17 election, a month or two away and a citywide
18 election--

19 SERGEANT-AT-ARMS: Time expired.

20 ERIC FRIEDMAN: One thing I'll say,
21 Council member-- And we appreciate the question.
22 And there are many details of the plan and how it's
23 being implemented in our testimony. But I would like
24 to note that NYCHA is one of community partners that
25 we worked with over the years throughout this year

2 and we'll be working with thru next year to provide
3 information to voters about how to cast their votes
4 with confidence.

5 MAJORITY LEADER CUMBO: It's an
6 impossibility to begin the process of reaching out to
7 NYCHA at this time. If you had not already had a
8 plan and had been working a plan for the last year to
9 reach out to our NYCHA constituents and others. You
10 know, this is going to be an issue of broadband.
11 This is going to be an issue of accessibility. This
12 is going to be an issue of how do you educate people
13 during a pandemic where they have to social distance?
14 People shouldn't be coming into people's homes as
15 they did for census. It is an impossibility to
16 educate those that are most disenfranchised, that
17 don't have computer access. We have seen what the
18 breakdown in our education system that do not have
19 access to computers, to the Internet, that are not
20 able to be visited by people. The people that are
21 going to benefit the most from this are those with
22 Internet access, those that are younger, those that
23 can download apps and those are not what we have seen
24 the voter base that impacted national elections.
25 Those individuals, African-Americans, Latinos, there

2 is no way to effectively communicate-- because I
3 have run a campaign-- there is no way to effectively
4 communicate to those individuals between now and
5 election day. This is going to be away for those
6 that have the ability to understand the calculated
7 same teach a complicated calculus to individuals to
8 say either you should rank choice vote, either you
9 should only vote for three people, either you should
10 vote for five people. Of manipulation that, for
11 those that are most in tune, will understand how to
12 operate. Those that are essential workers that are
13 fighting for their lives, that are trying to educate
14 their children that are single parents at home are
15 not going to have the time, capacity, or energy to
16 learn about the new calculus for rank choice voting.
17 It is an impossibility. This needs to be suspended
18 by the charter and, in addition to that, it needs to
19 be postponed for another election year. When the
20 voters voted for this, we were not in the middle of
21 the pandemic. This is an emergency and this is not
22 the best use of our time or our resources. So,
23 essentially, you have answered all of my questions
24 because I was, at least hoping that you would say
25 that, over the last year we have been educating

2 people about break choice voting, but there is still
3 a plan that is being thought of, that is being
4 written out, that is about to be implemented. I
5 didn't even hear what is the budget amount that is
6 being put forward for rank choice voting. That is my
7 final question.

8 ERIC FRIEDMAN: Appreciate the comments
9 and happy to talk more after we give provided
10 information in our testimony.

11 MAJORITY LEADER CUMBO: I'd like to know
12 the budget amount.

13 EXECUTIVE DIRECTOR LOPREST: Right now, the
14 budget for just particularly for rank choice voting
15 is \$1 million. It's also--

16 MAJORITY LEADER CUMBO: Is how much?

17 EXECUTIVE DIRECTOR LOPREST: It's also--

18 MAJORITY LEADER CUMBO: Is how much?

19 EXECUTIVE DIRECTOR LOPREST: includes-- a
20 million dollars.

21 MAJORITY LEADER CUMBO: A million dollars.

22 And we spent \$40 million on the census and didn't
23 even get a huge turnout in that way. So, you are
24 going to utilize \$1 million to implement a plan that
25 is still in the thought process? This is like--

2 this is like the most flagrant injustice that I have
3 seen politically ever. This is a political injustice
4 to our people and will finish my comments and
5 questions there. Thank you.

6 CHAIRPERSON CABRERA: Thank you so much,
7 Council member.

8 COMMITTEE COUNSEL: Thank you. Next,
9 we will hear from Council member Powers followed by
10 Council member Cornegy and then Council member
11 Lander. Council member Powers, you may begin upon
12 the Sergeant's announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 COUNCIL MEMBER POWERS: Thank you for the
15 testimony. I'm just going to go back to the Board of
16 Elections for a minute year. I might have heard
17 this, but I wanted to just clarify again. After
18 election night, how long-- or on election night, how
19 long do you believe under rank choice voting it will
20 take for the Board of Elections to tabulate-- we
21 know there will be paper afterwards, but how long do
22 you think there will be to take to tabulate the
23 results for election day under new rank choice
24 voting?

2 EXECUTIVE DIRECTOR RYAN: Well, I think
3 that is going to make a-- it'll be a difference
4 between what we can do for February and what we would
5 do for a full citywide, right? The smaller the
6 contests, the more concentrated it is, the quicker we
7 get the machines back in the quicker we can do the
8 uploads and we can do that, presuming that we have
9 access to the facilities the next day, we can do that
10 within several days. 4 to 5 days. But you also have
11 got to keep in mind that we have to receive the
12 absentee ballots, as well, up to seven days after the
13 elections for primaries. Thankfully, it doesn't
14 apply to-- rank choice doesn't apply to generals
15 because, for militaries, that would be 13 days. So
16 we need to need the full-- and I know we want to
17 separate it between absentee ballots and election day
18 ballots, but a ballot is a ballot is a ballot. A
19 vote is a vote is about. Everyone has their right to
20 have their vote not only counted, but meaningfully
21 counted. And so, we need that full 100 percent
22 universe of votes so that, when we are tabulating the
23 rounds, we are doing it with transparency and not
24 using the rubric of transparency to create a lack of
25 transparency because results will seemingly change,

2 you know, from minute to minute as more votes get
3 added to the process.

4 COUNCIL MEMBER POWERS: Yeah. I recognize
5 that, but that happens now also when the city changes
6 in outcome based on-- like this year that happened
7 in a number of races. What I want to know is-- let's
8 take February, for example. On election night, what
9 do you anticipate we will know in terms of where the
10 race stands under rank choice voting? And I'm using
11 [inaudible 00:47:10] since that is the most--

12 EXECUTIVE DIRECTOR RYAN: So, based on
13 our reading about 1057 G as it presently stands, we
14 would publish the first position votes for each of
15 the candidates. But, Council member Powers-- and I
16 don't mean to be overly argumentative, so please
17 don't take it away.

18 COUNCIL MEMBER POWERS: No. That's okay.

19 EXECUTIVE DIRECTOR RYAN: Why rank
20 choice voting is different is because the results
21 are-- who was in the next round depends on the
22 results from the previous rounds. Right?

23 COUNCIL MEMBER POWERS: So, am I right to
24 say your concern is that we are going to publish the
25 first place votes on election night and then it is

2 going to take Q a sequence of days to do round two
3 and round three or the other subsequent rounds and
4 you are concerned about the changing of the race and
5 the results as a result of that?

6 EXECUTIVE DIRECTOR RYAN: No. It's the
7 reverse. If we were trying to make an effort to
8 publish the rounds unofficially on election night and
9 then we add the paper in, who survived the first
10 round may change based on the paper.

11 COUNCIL MEMBER POWERS: Oh, I got you. I
12 got you.

13 EXECUTIVE DIRECTOR RYAN: In each
14 subsequent round. So, that is our concern. So, you
15 might have a candidate that you think survived to the
16 round two and, ultimately, when we had the paper in,
17 didn't survive around two and that is going to happen
18 with multiple permutations and we don't know how many
19 candidates are ultimately going to be in the mix.

20 COUNCIL MEMBER POWERS: Okay. I got it.

21 EXECUTIVE DIRECTOR RYAN: The more
22 candidates we had, the more difficult the math
23 becomes.

24 COUNCIL MEMBER POWERS: Just based on
25 timing, just wanted--

2 EXECUTIVE DIRECTOR RYAN: I got you.

3 COUNCIL MEMBER POWERS: I'm sorry. I want
4 to ask two questions. One is poll worker training.
5 When do you expect you will be doing poll worker
6 training for this? I do think that's going to be an
7 important-- in addition to education, getting the
8 people into the polling place to be able to explain
9 this to folks-- and I am asking this because also,
10 in Manhattan, for instance, we have the state race,
11 which is the district attorney's race happening
12 concurrently with the citywide races when we get to
13 June. So, how will the voting work for the two
14 different races? That particularly might include the
15 poll worker aspect of it. But I want to know timing
16 of poll worker training and what type of training you
17 expect will happen in and then also how do you deal
18 with a district attorney race happening concurrently
19 with a citywide race or the city races?

20 EXECUTIVE DIRECTOR RYAN: So, the timing
21 of the training is right after the first of the year.
22 We are going to have to engage the poll workers.
23 That would be utilized for the February 2nd, but I
24 also want to throw out a couple of dates just so that
25 the record is clear. We have to mail out the

2 military balance for the February 2nd special
3 election by December the 18th and we have to commence
4 conducting early voting for the February 2nd on
5 January 23rd.

6 SERGEANT-AT-ARMS: Time.

7 EXECUTIVE DIRECTOR RYAN: So, we have a
8 very limited window to do some training for February
9 and then, after that election was concluded, we would
10 then turn our attention to the training of the poll
11 workers that we need for the fall citywide election
12 in June the city charter does not permit rank choice
13 voting contests to be on the same side of the ballot
14 as no one rank choice voting. So, if you want, you
15 know, a series of contests, they would be on one
16 side. Anything implicating rank choice would be on
17 the other, but the other thing that you also have to
18 factor into this is that several of the parties have
19 reorganization years which also make for a busier
20 ballot because of all of those party positions that
21 are assembly district and then ultimately election
22 district based. So we have a lot more-- potentially
23 a lot more candidates on the ballot for those party
24 positions than we would under other circumstances.

2 COUNCIL MEMBER POWERS: Okay. So, you're--
3 I will and they are, but you're answer, basically, on
4 the state and city thing is that you will have to put
5 them on different sides, but--

6 EXECUTIVE DIRECTOR RYAN: Yes.

7 COUNCIL MEMBER POWERS: we'll have to
8 educate folks on what they're doing in you will have
9 the poll workers being able to do, I think, sub
10 aspect of this which is, you know, instruct and
11 educate folks.

12 EXECUTIVE DIRECTOR RYAN: Correct. And,
13 in doing that, we want to be sensitive to the
14 instructions to the poll worker to make sure that
15 they don't appear to be telling people who to vote
16 for as opposed to simply just, this is a new process
17 and this is how you have to vote. And those two
18 things are very different, but also very significant.

19 COUNCIL MEMBER POWERS: Okay. Thanks for
20 the answers. Thanks for the--

21 EXECUTIVE DIRECTOR RYAN: Thank you.

22 COUNCIL MEMBER POWERS: Thanks.

23 CHAIRPERSON CABRERA: Thank you so much.

24 Let me just give a point of order for my colleagues
25 to reserve any questions regarding CFB after their

2 testimony just in fairness to them. They haven't
3 testified yet. And then we will have another five
4 minutes for everyone to ask any questions, if you
5 choose to do so. So, you will actually have more
6 time than you thought you had. Okay. All right.
7 Let me give it back to the committee counsel.

8 COMMITTEE COUNSEL: Thank you, Chair.
9 Thanks, we will hear from Council member Cornegy
10 followed by Council member Lander and then Council
11 member Adams. Council member Cornegy, you may begin
12 upon the Sergeant's announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 COUNCIL MEMBER CORNEGY: So, I couldn't
15 help after that first testimony being a little bit
16 angry, so I am going to stick to my prepared remarks
17 is not to get too emotional. Good morning. Good
18 afternoon. Thanks to Chair Cabrera and the Committee
19 on Governmental Operations for holding this oversight
20 hearing on the implementation of rank choice voting.
21 Shirley Chisholm became the first black woman in
22 Congress because she mobilized women voters in bed's
23 dying Crown Heights. Those powerful visionaries
24 changed the country. If a voter was, say, 21 years
25 old during this selection in 68, she would be 73

2 years old today. While our country had the vision to
3 empower African-American voters with the Voting
4 Rights Act of 1965, we are in danger of doing the
5 opposite with disempowering that 73-year-old voter
6 because we have failed to meet the benchmarks to
7 inform her about the new rake the choice of voting
8 process. Because of Covid 19, the voter education
9 essential to the success of rank choice voting never
10 happened. That mobilization of awareness, phrasing,
11 and education is absolutely necessary to ensure that
12 Shirley Chisholm voters are aware of rank choice
13 voting. How it works, what it means, and how to
14 participate. We have to recognize the reality of the
15 digital divide. Not everyone has access to the
16 online resources that most tech savvy voters' access.
17 We need to be sure we are reaching people attending
18 community Board meetings, block Association meetings,
19 precinct Council meetings, and their family, friends,
20 and neighbors. That is websites, videos, fact
21 sheets, ballot samples, outreach and engagement
22 programs, promotional materials, language
23 accessibility. That is why Intro 1994 is so
24 important. That we are now less than two months away
25 from the first planned election with rank choice

1 voting, one would hope the Board of Elections would
2 have provided more detail. On July 28th, 2020, the
3 Council discussed Intro 1994, which I believe is
4 necessary for the success of rank choice voting.
5 Back then, we called for a November 15 deadline for a
6 Q key benchmarks by the Board of Elections. A brief
7 video explaining how rank choice voting works, a fact
8 sheet explaining how rank choice voting works, and an
9 example of how the rank choice ballot would look. If
10 you look on the Campaign Finance Board website, none
11 of these three benchmarks have been accomplished.
12 Not only that, but if we search for the words rank
13 choice voting on the Board of Elections website, you
14 get zero results, except for some minutes from
15 February 2020. So the Board of Elections was aware
16 of the challenges in February, but took no concrete
17 action. We are required to follow the city charter.
18 Do we really want to have an election that doesn't
19 fully include women who voted for Shirley Chisholm?
20 We need participation of all of our communities. By
21 not completing the necessary steps for rank choice
22 voting to succeed, we are failing these women and we
23 are failing all New Yorkers. Let's do all the steps
24 laid out during the implementation of rank choice
25

2 voting and let's face the fact that we will not be
3 ready for the elections in February and during the
4 elections in June. Thank you. I yield the rest of
5 my time.

6 COMMITTEE COUNSEL: Thank you, Council
7 member. Next, we will year from Council member
8 Lander followed by Council member Adams and then
9 Council member Yeger. Council member Lander, you may
10 begin upon the Sergeant announcement.

11 SERGEANT-AT-ARMS: Time starts now.

12 COUNCIL MEMBER LANDER: Thank you very
13 much. For this panel, I am going to really focus on
14 the legislation and I think there are some broader
15 issues after we hear from the CFB and the things that
16 my other colleagues were talking about. So, I guess
17 a couple of things and I will just put them all out
18 there. First, it is my understanding that the DS
19 200s could submit their cast vote records via a
20 secure mode. I understand that that is separate from
21 the election district level data, but, at least as I
22 understand it through Fair Vote and some other folks
23 that the DS 200s are able to do that. So, I guess I
24 want to understand. I assume we are submitting the
25 election night data on secure modems. Anyway-- and

2 not just on old dial-up accounts. So, I guess I am
3 not sure why that sick your modem can't provide that
4 cast vote records. But my real issue here is, you
5 are right. That things will change from election
6 night to a few days later. You gave the example that
7 someone who is in third place could go into first
8 place, but we still report those results on election
9 night and we know it might change when the absentee
10 ballots come and, a few days later, the if the
11 absentee ballots put the third place voter or the
12 third place candidate in first place, then those are
13 the results and they come out when those ballots get
14 counted. By the logic that we wouldn't want to do
15 that because it would confuse people, we just
16 shouldn't report anything on election night. We
17 should wait until all the absentee ballots are
18 counted and then we should tell people when we have
19 counted all the votes, here are the results. And
20 that would be the best way to make sure we didn't
21 provide any misleading information up front. So, if
22 you want to say, let's do that. Let's just wait and
23 not give any election night data in order not to
24 confuse people that things would change. And when we
25 have counted all the absentee ballots, then we can

2 tabulate the rank choice results and then we will
3 tell people who want. And you will have some very
4 anxious candidates for a couple a weeks, but, you
5 know, you have that anyway because the results are
6 going to change. But it doesn't make any sense to me
7 to say-- it's not as if you just going to say, here
8 is who won. You are going to show in columns, years
9 around one. All the first-place votes in around
10 what. Then, in column two, you are going to show all
11 of that first-place votes with the last place
12 candidate eliminated and now who got the most. And,
13 sure. It subsequently is a result of absentee
14 ballots, a different candidate is in last place bad
15 when you show the do column two, the column two will
16 change and you will have a different wide candidate
17 eliminated just like if the third place voter had
18 moved up to second place before they moved up to
19 first-place. That would change over time, too. But
20 to me, what you want to do is show people the same
21 thing on election night that you show them when you
22 update the votes a few days later, that you show
23 people when you update the boats when all the
24 absentee ballots are counted. And what is more
25 confusing is shifting like totally what you are

2 showing people and it just doesn't make sense to me
3 that you would go ahead and give people first-place
4 results and then you know the tabulations, but you
5 are going to withhold it until all the absentees are
6 counted. Like show people something that is much
7 more different than those initial results. So, if we
8 can't do it, we can't do it, but I did is my
9 understanding that the cast vote records can be
10 submitted by secure modem and that we could show
11 people on election night that, yes, we have only
12 counted 70 percent of the votes so far. The
13 absentees are coming. But based on the ones we have
14 counted,. So all the data we have. We are giving it
15 to you in a chart. It's going to change over the
16 next few days and, as it changes, the chart will look
17 different in which candidates are in the final two,
18 which candidates are eliminated in the first round.
19 That is going to change. Just like it might've
20 changed that the third place candidate might now be
21 in second place or might now be in first. I guess,
22 maybe, just I have a little more optimism. Yes, we
23 absolutely have to do good outreach. Council member
24 Ampry-Samuel's bill is essential, but I really
25 believe that the reason New Yorkers in every borough

2 voted for this is that they liked the idea of
3 ranking. They know how to do it. They know how to
4 make their preferences and, with some good education
5 and outreach, they are going to be able to rank their
6 preferences on this ballot. They're going to like
7 they have this opportunity. They are going to, I
8 think, intuitively, understand that it actually
9 supports a broader and more diverse array of
10 candidates and then, when you show them the chart,
11 they are going to be like, oh, that is interesting.
12 That is different than I thought before, but I
13 understand, with some good education, how that
14 counting takes place. And we could give them to that
15 on election night and then we could give them the
16 updated results once all the absentee ballots are
17 counted. So, my time is up. I guess I want to
18 mostly ask about the cast vote records and why they
19 can't be transmitted by sick your modem because I
20 think on just what to present, we just have a
21 disagreement rather than a set of questions.

22 EXECUTIVE DIRECTOR RYAN: So, to answer
23 that first question, Council member, it is very
24 simple. New York State law does not allow the
25 publishing of election results by secure modem.

2 COUNCIL MEMBER LANDER: How do we do it on
3 election night, then? What are you--

4 EXECUTIVE DIRECTOR RYAN: Well, what
5 happens on--

6 SERGEANT-AT-ARMS: Time expired.

7 EXECUTIVE DIRECTOR RYAN: Well, let me
8 get to the first piece of it to really answer that
9 question. The DS 200 machines have the capability of
10 either being hooked up to hardwired network or use an
11 air card feature. New York State election law does
12 not allow that to avoid any potential tampering with
13 the election results. So, what we do on election
14 night is there are two portable memory devices in
15 each DS 200. We remove the unofficial results stick
16 on election night and upload those results via the
17 tablets that we deploy at the polls sites and we rely
18 on the encryption and that air firewall wireless
19 firewall that we have in place. So, those results
20 are not the official results. The other sticks, the
21 other portable memory device, remains with the DS 200
22 locked and secured and sealed in place and, when
23 those machines are retrieved, they are brought back
24 to our various warehouse facilities and, as they are
25 received and processed, those results are then

2 uploaded into the election management system
3 separately by an entirely separate process from
4 election night. And the reason it is done that way
5 is if something were to happen to alter the results
6 from election night or sticks were not completely
7 read, the official results would still be in place
8 and, if something goes wrong with the official
9 results stick, we have the ability to process the
10 paper ballots that are in-- that are securely in the
11 blue ballot been lines. So, it is sequential and
12 separated for a reason and that is to maintain system
13 integrity. So, what you are suggesting, Council
14 member, it is not possible in the way that the
15 unofficial results are presently captured in the
16 system are in the aggregate by election district.
17 So, right this minute, it is not set up to
18 accommodate what you are suggesting. Now, once the
19 vendors are-- the vendor is finally selected and we
20 get back together with ESNS and we talked to the
21 algorithm software vendor, if there is a way for us
22 to change the process moving forward to make sure
23 that it is more transparent, we are certainly-- we
24 are happy to do that and we are happy to work with

2 the city Council to make sure that we can include
3 whatever accommodations we can.

4 COUNCIL MEMBER LANDER: Okay. So, just for
5 this year-- And this will be my final question. I
6 appreciate the indulgence, Chair. It sounds like you
7 could do it in the few days after election night once
8 you have got all the sticks back at DOE, but you are
9 proposing not to do that. You are proposing to put
10 up first-place ballots on election night and people
11 would just know first-place from in person in early
12 voting and then you are going to wait however long it
13 takes to, you know, the mandated days, plus however
14 long it takes to count them and wait until the end of
15 that process not only to add the absentee votes when
16 they come, but then to provide for the first time the
17 tabulation by round. And I just-- I mean, to me,
18 that feels like people really are, then, going to
19 feel more bait and switch that if they had in the
20 results earlier in time. I think it is going to be
21 more confusing for people to understand what happened
22 in these elections if they are waiting that long to
23 see what happens in the ranked choice rounds. And,
24 you know, it may be that anxious candidates are going
25 to be gnawing their knuckles, but that is not the

2 purpose of this hearing. The purpose of this hearing
3 is what gives the voters the most transparent clarity
4 about how the accounting is working and, for my mind,
5 you do a lot better when you provide people with the
6 information that you have when you have it and treat
7 them as adults who are able to understand what is
8 going on. To say we don't really trust them.
9 Getting all this new information is just going to
10 confuse them more, I mean, that is government being
11 here again about the intelligence of its voters and I
12 think it is so, anyway, I am going to leave it there.
13 I have a lot of colleagues who want to testify and I
14 appreciate all the--

15 EXECUTIVE DIRECTOR RYAN: And just to
16 put a fine point on it-- I will speak to the last
17 portion of your comments, Council member, but, with
18 respect to a reference and comfort level, one of the
19 things that caused us a bit of concern was that the
20 Intro was to be effective immediately which would
21 then affect the February election. And we do have
22 some time between now and June to really work
23 collaboratively together with people that have--
24 Majority Leader Cumbo, I know what you are talking

2 about in a public education. I am simply talking
3 about the mechanics of tabulation.

4 COUNCIL MEMBER LANDER: I would be totally
5 open-- If you could implement this bill for the June
6 primary I couldn't do it for the specials before
7 then, I would be certainly glad to talk with you
8 about amending the bill to have this covered the June
9 elections when the vast majority of the city is going
10 to experience its first round of ranked choice
11 voting.

12 EXECUTIVE DIRECTOR RYAN: Right.

13 COUNCIL MEMBER LANDER: And live with the
14 first place tabulation for the couple of elections
15 that we have coming up.

16 EXECUTIVE DIRECTOR RYAN: Well, I just
17 want to be clear. The city charter made a bright
18 line division between the responsibilities that the
19 Campaign Finance Board and not Board of Elections and
20 what is happening here is those separate
21 responsibilities are becoming mixed in this
22 conversation and I don't want to step on the Campaign
23 Finance Board's ability to make their own case for
24 what they need to do.

2 COUNCIL MEMBER LANDER: And I am
3 speaking primarily to my bill about collection--

4 EXECUTIVE DIRECTOR RYAN: Right.

5 COUNCIL MEMBER LANDER: which is
6 exclusively about the Board of Elections.

7 EXECUTIVE DIRECTOR RYAN: Got you. And
8 so, I just-- and I am just talking, as well, about
9 the mechanics of what we have to do, the work that we
10 can control. And all I am saying is we are happy to
11 work with others to see if adjustments can be made to
12 assumptions that we may mechanically. Not public
13 education. Not any of those other things. Just the
14 mechanics of vote tabulation which is a little bit
15 more esoteric than the other, you know-- and largely
16 more important issues I think that some of the other
17 Council members are addressing.

18 COUNCIL MEMBER LANDER: I agree on that
19 which is why I wanted Council member Ampry-Samuel to
20 go first and I don't want to spend more time talking
21 about tabulation year when I agree that education is
22 more important. So, I willing to hear and we can
23 follow up this conversation off-line and afterwards.
24 Thank you.

2 COMMITTEE COUNSEL: Thank you, Council
3 member Lander. Next we will hear from Council member
4 Adams followed by Council member Yeger and then
5 Council member Miller. Council member Adams, you
6 may begin upon the Sergeant's announcement.

7 SERGEANT-AT-ARMS: Time starts now.

8 COUNCIL MEMBER ADAMS: Thank you very
9 much. Thank you so much for your testimony so far.
10 I will be amplifying the sentiments of my Majority
11 Leader later on in this hearing, however, Director
12 Ryan, just getting back to you today, today is the
13 deadline for vendors to submit the RFP in today. Has
14 that BOE ever, in recent history, issued an RFP for a
15 vendor to provide a vote counting software for an
16 election with a deadline of only three weeks? I'm
17 going to move on to the next one. Think about that.
18 And I am also interested in your answer about the
19 free software. And what citywide elections,
20 comparable to New York City's population has the free
21 software that you referenced, the universal ranked
22 choice voting tabulator been used? How do we compare
23 that to the population of New York City? Also, and
24 taking a look at district 24 and the elections coming
25 up in Queens right now, a subject very, very near and

2 dear to my heart, we know that Council member
3 Lancman's seat was projected-- it was rumored to be
4 vacated shortly, so I am just wondering about the
5 failure to respond in a timely manner that election
6 coming up as quickly as it is coming up. We are
7 looking at it that BOE suspected that a special
8 election would be scheduled at the beginning of the
9 year, why did it not move more quickly to contract
10 with its in-house vendor, ESNS, to acquire the ranked
11 choice voting tabulation software instead of waiting
12 to issue an RFP 10 days after the Mayor declared the
13 February 2 special election? And also I will ask
14 this and I will let you respond. I've got a couple
15 more, but the clock goes really fast in these
16 hearings. BOE representative told the Queens Borough
17 board-- I was in that meeting in October-- that it
18 would focus on the implementation of ranked choice
19 voting following the November general election. And
20 a spokesperson later said in a statement that, quote,
21 Board of Elections is ready to implement ranked
22 choice voting and begin a public education campaign
23 and poll worker training immediately following the
24 December 22 city Council special election in Council
25 District 12. If the BOE won't be ready to implement

2 the ranked choice voting public education campaign
3 until 22 December, would its failure to not educate
4 the absentee military voters in Council District 24
5 by that time served to, in effect, disenfranchise
6 them? I will stop there. I've got more, but I will
7 stop there and, if the clock allows, I will ask for
8 more. Thank you.

9 EXECUTIVE DIRECTOR RYAN: So, with
10 respect to your first question, Council member, the
11 software, firmware, that we use presently to tabulate
12 is approved by the State Board of Elections. So we
13 have not issued an RFP with respect to tabulation
14 ever before because we were never called upon to do
15 so. We used the state process. We have been working
16 with the state Board of Elections for a determination
17 whether or not they were going to require some type
18 of approval process or certification process of the
19 algorithm software. So, if you're asking why it
20 didn't happen until now, we did not get an answer
21 from the state Board of Elections whether they were
22 going to impose their authority. And if we were
23 going to expect that a fair process would be utilized
24 for the vendors, the vendor has the right to know
25 what is going to cause them to be eliminated from

2 contention and, if the state certification process
3 was going to eliminate a vendor from contention, they
4 would have a right to know about before putting a bid
5 together. And that is why this process trilled as
6 far as it did. But the other thing is we are in the
7 middle of the pandemic, too. And the Board of
8 Elections has enclosed its doors not one day. Not
9 one day. And so, we have not stopped working this
10 pandemic started and, at one point, we had about 75
11 employees reporting to work every day and we still
12 got through the petition process in June and had
13 candidates on the ballot because people stayed here
14 and worked tirelessly. So, if we are going to talk
15 about delay and not getting things done, we can talk
16 about that delay as if it is happening under normal
17 circumstances. It's happening instead of a pandemic
18 and I share Leader Cumbo's concerns in that regard
19 because we went straight from the middle of the
20 pandemic to conducting a presidential primary. The
21 presidential primary was thrown back on the table
22 with no notice. Two weeks' notice. Then we had to
23 go through the whole summer of certification with an
24 unprecedented amount of absentee ballots. We put the

2 infrastructure in place in order to process those
3 absentee ballots---

4 SERGEANT-AT-ARMS: Time.

5 EXECUTIVE DIRECTOR RYAN: better for the
6 November general election and, in the meantime now,
7 as Chair Cabrera said-- and we have and we certified
8 on time and, as Chair Cabrera said, we have a special
9 election going on in the Bronx right now and we are
10 dealing with a Covid outbreak in the Bronx. And
11 having to come up with a staff rotation that all of
12 those things. And, by the way, we are all, too.
13 Then we had family and we have concerns and we of
14 health concerns and pre-existing conditions and all
15 of those things. So, you know, please don't mistake
16 my passion for my employees as disrespect to others
17 proceeding, but all of us here are employee's
18 management at the Board of Elections. The safety and
19 security of our employees has weighed heavily on us
20 for many months now and we are all looking for that
21 light at the end of the tunnel and we are all on the
22 same team and I would hope that we can all grow
23 together to make the process work as best as it can
24 for all voters in the city of New York and also, you
25 know, understand that our staff are not robots. That

2 they are human beings when we are doing the best we
3 can under very, very difficult circumstances. In the
4 type of work that we do to put on elections does not
5 lend itself so much to the remote work and, you know,
6 we had a decision to make in the lead up to June. We
7 cannot allow VPN, Virtual Private Network, access to
8 our voting records because, if there was some type of
9 outside interference, than the voting records could
10 be potentially corrupted and then we wouldn't have an
11 election to conduct. So, you know, voting machines
12 cannot be programed in the living rooms of employees.
13 They have to be done at warehouses. They voting
14 records have to be managed in a closed network
15 environment with utmost security. These are all
16 challenges that other agencies don't necessarily
17 face. They can do some of their public, you know,
18 contact remotely. The Board can't do that. We have
19 to be open to receive petitions. We have to clock
20 the men. You know, and it is a very, very difficult
21 and challenging time that we are all in. And so,
22 thank you for indulging me in that regard, you know,
23 but that is where I land on that, Council member.

24 COMMITTEE COUNSEL: Thank you. Next,
25 we will hear from Council member Yeger followed by

2 Council member Miller and then Council member Ampry-
3 Samuel. Council member Yeger, you may begin upon the
4 Sergeant's announcement.

5 SERGEANT-AT-ARMS: Time starts now.

6 COUNCIL MEMBER YEGER: Thank you, Mr.
7 Chairman. I appreciate the reflection you made
8 earlier about observing questions for the Campaign
9 Finance Board until they testify, but I have no
10 questions for them. I will address their testimony,
11 which I've already read, notwithstanding. But before
12 I do that, I would first remind my colleagues and my
13 fellow New Yorkers that we have had ranked choice
14 voting in the city with school board elections and I
15 remember spending hours and hours as a teenager in
16 the public schools after the ballots were counted day
17 after day after day after day, you know. This person
18 thought they got elected until the next box was
19 opened and counted. Now, I recognize that electronic
20 systems today would necessarily result in a different
21 method of counting in a different time for that to
22 happen, but we still are encumbered by state law
23 which requires a week to wait until absentees are
24 received and opened and the like. I will, without
25 quoting, but I will align myself with the Majority

2 Leader, with Councilman Cornegy, with Council member
3 Adams on the words that they said and the questions
4 that they have about this new process. I will also
5 say something that hasn't been said yet. Maybe it
6 doesn't get [inaudible 1:17:24] company, but this is
7 the city Council. Ranked choice voting use recessed.
8 It is designed to be racist and its intent is racist
9 and its result in New York City will be racist. It
10 is designed to prevent minorities from electing their
11 own. I say that as somebody who spent my entire life
12 in public service and in political service trying to
13 like black and Latinos to public office, including
14 the first Democratic nominee for Mayor of the city.
15 The idea that we would now, in the midst of
16 everything that is going on in the city, try to
17 create a system that restricts, that changes the way
18 people about and, frankly, the idea that is coming
19 from the sector of our politics that raised so much
20 umbrage to the idea of New York City being removed
21 from the voting Rights Act precertification
22 requirements and yet seem to have no problem with
23 changing the manner in which an enormous number of
24 New Yorkers will cast their ballots is ridiculous to
25 me. But, at the same time, it is understandable. If

2 you look to who is supporting it, you will understand
3 why they are doing it. I understand it and we will
4 hear later from people who will testify and you will
5 understand from them, as well, while they are
6 supporting it. To institutionalize the type of
7 government that they want at the expense of the type
8 of government that most of New Yorkers want. Now, a
9 lot has been said about 74 percent of New Yorkers
10 voting yes on ballot question one, which the Campaign
11 Finance Board mentions on page 1 of its testimony.
12 The Campaign Finance Board also spent three or four
13 pages lauding the virtues of ranked choice voting
14 which, frankly, with two respect, Madam Director, is
15 not your job here today. You are not here to tell us
16 why ranked choice voting is a good thing. You are
17 here to tell us how you are going to get that message
18 out to New Yorkers and explain how ranked choice
19 voting works. But notwithstanding, I am not
20 encumbered in any way by your notion of 74 percent of
21 New Yorkers having voted that way because my
22 community rejected ranked choice voting. My district
23 rejected it. In my district rejected all five of
24 those bad questions last year and my district
25 overwhelmingly rejected ranked choice voting because

2 they understood. Now, speaking of understanding, you
3 devote time, Campaign Finance Board Madam Director,
4 in your testimony, your eight pages you will read for
5 20 minutes in a few minutes, but I've already read
6 it, so you can save me the time and I will save you
7 the time, to the focus groups that you have had. And
8 I will read one quote. Because of the anticipation
9 of ranked choice voting, I see more candidates be
10 nice to each other-- lovely thing-- and socialize
11 with each other and talk about their similarities and
12 differences instead of being negative or divisive
13 which we can all appreciate. That is wonderful.
14 That doesn't sound like anybody I represent. That
15 sounds like you spoke to some folks in Park Slope.
16 It doesn't sound like the communities I represent. I
17 would love to know the demographics of the people you
18 had your focus groups. Now, to your voter guide
19 which I read every year, I read every election, I
20 will also tell you that, in my life in two decades,
21 almost three-- I look younger than I am, perhaps, I
22 have never met anyone who wasn't a candidate for
23 public office who read the magazine you send out.
24 Not a single person. The idea that you are going to
25 promote the education of this new system for your

2 magazine and follow it up by-- and I quote from page
3 four-- the online RCV resources which are core part
4 of your outreach plan to the voters--

5 SERGEANT-AT-ARMS: Time.

6 COUNCIL MEMBER YEGER: behind. You are
7 leaving behind-- Mr. Chairman, I know I have another
8 five minutes coming up when they subject themselves
9 to the victim chair, and I will wrap up quickly, but
10 you are leaving behind the people of New York who
11 Councilman Cornegy is talking about. The people who
12 voted for Shirley Chisholm. You are leaving behind
13 people of other languages. You are leaving behind
14 people who are new to voting. There leaving behind
15 people who are finally getting their arms around
16 marking a paper ballot after years on a lever
17 machine. You are leaving those people behind because
18 we are going to be online. And this will be my last
19 point before I move on because I think this is very
20 important. As you indicate, we have two elections
21 immediately scheduled. We have true elections
22 potentially scheduled in March. The first election
23 being, I think, February 5th-- February 2nd followed
24 by February 23rd followed by two more in March,
25 special elections. Yet, you recommend that-- and I

2 quote from page seven-- the implementation date be
3 moved to June 1st, 2021. How can we do that? We
4 have people about to vote in mostly minority
5 neighborhoods in New York City. In Far Rockaway. We
6 have people who are getting ready to vote in a couple
7 weeks. And you are not going to be in a position to
8 tell them how to do this. And I will yield back to
9 the Chair because I know the time is pressing, but I
10 want-- the board to please ponder these as you get
11 ready to do this and, please, I beg you, do not waste
12 our time. Do not waste our time today by telling us
13 what a wonderful system the ranked choice voting
14 system is. That is not your job. Thank you very
15 much. Mr. Chairman, I yield back.

16 CHAIRPERSON CABRERA: Thank you.

17 COMMITTEE COUNSEL: Thank you, Council
18 member. Next, we will hear from Council member
19 Miller followed by Council member Rodriguez.
20 Council member Miller, you may begin upon the
21 Sergeant's announcement.

22 SERGEANT-AT-ARMS: Time starts now.

23 COUNCIL MEMBER MILLER: Thank you, Mr.
24 Chair. Thank you, Council member Yeger, for your
25 testimony. Let me also say I think I would be remiss

2 because we are talking very specifically about the
3 importance of implementation around choice voting,
4 education, and the preparedness of such
5 implementation. I would be remiss if I did not say,
6 if not for the request with the black, Latino, Asian
7 Caucus and its allies Council, we would not be having
8 this hearing here today. The fact of the matter is
9 that this hearing was scheduled for Friday, the 11th.
10 Many people who are on this call for us today, we
11 were on a call Wednesday night preparing for next
12 Friday and we got an email on Thursday morning at
13 9:30 saying that it had been pushed up. So, we are
14 talking about preparation. There seems to be
15 preparation or the lack of moving ranked choice
16 voting for word. And so, to the detriment of so many
17 New Yorkers, it is so obvious that communities of
18 color are going to be disenfranchised, but there are
19 so many other reasons I go around the city of New
20 York. I have prefaced the hundreds of zooms that I
21 have been on since this pandemic. There is probably
22 not been want that have not asked about ranked choice
23 voting and less than 10 percent of any of those
24 calls-- and most of the time the people that attend
25 these zooms sophisticated elected and they, for the

1 most part, don't know what ranked choice voting is.
2
3 In fact, 10 percent dips even lower when you ask them
4 to explain it. And so, outreach and education is
5 just super important. The one thing that I do agree
6 with the Chair over here is that the integrity of any
7 election it is vitally important and what we have
8 seen and what we are coming out of in the general
9 election certainly we don't want to duplicate that.
10 And before I get on and asked my question, this thing
11 that about inclusiveness and getting people to
12 participate, the fact of the matter is 13 percent of
13 the registered voters in New York participated in
14 this off year election that implemented ranked choice
15 voting. And of that 13 percent, 70 percent of that
16 actually turned the pallet over. So, there is your
17 mandate for ranked choice voting. So, if we can talk
18 about preparation a bit here, now, I am super
19 disappointed that the BOE did not provide testimony
20 in advance or even read testimony which talked about
21 preparedness that I was on the same core with my
22 colleague borough board call in October talking about
23 preparedness for-- with the BOE talking about
24 preparedness and they lauded their ability to roll
25 this out and, clearly, we have not seen that. So,

2 implementation-- in their implementation plan, it
3 did not provide any details of public education
4 campaign it intends to develop, but it would conduct
5 outreach, engagement efforts with community-based
6 organizations, conduct round table discussions, and
7 planning sessions with such groups in public
8 messaging-- around public messaging and is
9 appropriately targeted to reach the highest number of
10 voters. The question would be, to date, how many of
11 these RCV roundtables, discussions, and planning
12 sessions have occurred and what community-based
13 organizations were involved in those. And I know
14 that in the past, this line of questioning had been
15 passed off to the Campaign Financing, but the fact of
16 the matter is this is in your implementation plan, so
17 we would like to hear that. Furthermore, the city
18 did not provide a statement on the Board of Elections
19 fiscal needs as far as the implementation during the
20 21 budget. Presumably, it was due to the pandemic
21 that we are facing, but certainly the budget
22 implications would certainly have an outcome on this
23 and we would like to know about that. And then we
24 certainly would like to know about those roundtable
25 discussions and those target audiences. And let me

2 in, before you answer, just say and reiterate what
3 was said time and time again--

4 SERGEANT-AT-ARMS: Time.

5 COUNCIL MEMBER MILLER: that with targeted
6 audiences are black and brown communities of color.
7 Just look at Atlanta. Look at Arizona. Look at
8 Detroit. Look at Philadelphia and look Milwaukee.
9 Not just say the Democratic Party just saved America.
10 I think we got this democracy down pat. If you want
11 to answer those questions and based on the roundtable
12 discussions, as well as the budget, please, sir.

13 EXECUTIVE DIRECTOR RYAN: So, in terms
14 of the prepared testimony, we were anticipating that
15 this would be on December 11. We had just completed
16 certification of the presidential election. We are
17 operating shorthanded and on short notice. The
18 hearing date was moved job. So--

19 COUNCIL MEMBER MILLER: I'm sorry. We were
20 told it was moved up because this was the day that
21 the Board of Elections would be available.

22 EXECUTIVE DIRECTOR RYAN: Absolutely 100
23 percent incorrect. The date was moved having nothing
24 to do with the Board of All actions. The only thing
25 that we asked for was that, if it had to be on the

2 seventh, that it be later in the day than 10 o'clock
3 in the morning and in an hour and a half
4 accommodation was made. So, this was absolutely not
5 our choice to anyone that we would not be available
6 on December the 11th. As a matter of fact, just so
7 that we are clear, I was having a medical procedure
8 on December the 10th and still coming in on December
9 the 11th to be ready to testify. So, no. That is
10 not correct. But, in any event, I am going to
11 reiterate what I said earlier which is the public
12 education piece of this falls within the ambit of the
13 Campaign Finance Board. That is where it lands. Our
14 role here is mechanical. We are certainly happy to
15 assist the Campaign Finance Board in any way that we
16 can and provide them all of the information that they
17 need for the implementation of the public education
18 plan. By the design of the city charter, it falls
19 within the ambit of the Campaign Finance Board, not
20 the Board of All actions. Other than the fact that
21 we are in the board and they are outboard, we are not
22 the same. And so, we have to limit our discussions
23 here to our role and I'm sure that you will have an
24 opportunity to address that--

2 COUNCIL MEMBER MILLER: Could we talk
3 about-- could we talk about your budget, then, and
4 how this is impacting implementation and I will
5 substitute that question out, then, for absentee
6 ballots.

7 EXECUTIVE DIRECTOR RYAN: All right.
8 So, the budget really doesn't change all that much
9 for us except for the acquisition of the software
10 that is going to happen and some additional poll
11 worker training, but it is not-- it's not a budget
12 breaker for us in the way that a robust public
13 education program would be having just come off one
14 where we spent quite a bit of city resources to make
15 sure that everybody was educated about the
16 presidential election. So, we are talking about
17 limited resources from our end because it's not all
18 hardware acquisition. The hardware that is presently
19 in place can tabulate the votes accordingly. We
20 build ballots anyway and they are printed on the same
21 paper, irrespective of how many candidates there are
22 or how many choices there are in the balance of it is
23 training for us and the software. And from what I
24 have seen are the software potentially and I don't
25 want to get too far ahead of the RFP process the

2 software costs are minimal in comparison to our
3 overall budget and maybe even nonexistent if one of
4 the vendors that provides, you know, public access to
5 their software is made available to us. So, you
6 know, we will be engaging in some, you know, public
7 education with respect to videos and how to fill out
8 the ballot and such and we will supplement what the
9 Campaign Finance Board does, but it is not a major
10 budgetary impact. And you are right, Council member
11 Miller, that everyone's, I think, budget testimony in
12 the lead up to the budget process in March and April
13 and May was truncated, in some cases, eliminated
14 because of Covid.

15 COUNCIL MEMBER MILLER: In absentee
16 ballots, what is your responsibility there?

17 EXECUTIVE DIRECTOR RYAN: Oh. Well, the
18 absentee ballots, we would have to process them and
19 mail them out the same way that we would whether rank
20 choice of voting is implemented or not.

21 COUNCIL MEMBER MILLER: So, as far as this-
22 - the timeline for the February 2, what did that
23 look like in terms of Board of Elections
24 responsibility in getting out the materials to those
25 absentee voters?

2 EXECUTIVE DIRECTOR RYAN: We have to
3 mail them out by December the 18th to the military
4 voters and to the temporary federal voters, that
5 being individuals who may be residing overseas who
6 indicate that they intend to return to the United
7 States.

8 COUNCIL MEMBER MILLER: And then that other
9 absentee voters?

10 EXECUTIVE DIRECTOR RYAN: Other absentee
11 voters would be processed upon request of the
12 absentee voter. I think the entire universe of
13 potential voters for the-- this first one coming up
14 in Queens is about 90,000 voters total.

15 COUNCIL MEMBER MILLER: And the entire
16 universe, they would have to-- those ballots would
17 get to them by when? When is the last absentee
18 ballot going out? When is the first of the last
19 group that would qualify for absentee ballots? When
20 does that go out?

21 EXECUTIVE DIRECTOR RYAN: So, the first
22 group has to go out by December the 18th. Then we
23 would turn our attention to what we call our
24 permanent absentees. Anybody who has--

25 COUNCIL MEMBER MILLER: Right.

2 EXECUTIVE DIRECTOR RYAN: said that they
3 have a disability and they want that-- and he would
4 get processed admitted we process requests as they
5 come in and theoretically you could-- you know, up
6 until election day, coming in and vote in office in
7 person which is technically in absentee about. So,
8 but it could continue right up and through, you know,
9 to election day.

10 COUNCIL MEMBER MILLER: And are we taking
11 into consideration this Covid universe? This second
12 wave that we find ourselves in currently in going
13 into the next--

14 EXECUTIVE DIRECTOR RYAN: Well, so--
15 You still--

16 COUNCIL MEMBER MILLER: What provisions are
17 happening?

18 EXECUTIVE DIRECTOR RYAN: We are still--
19 the current state of the law is that voters have to
20 request an absentee ballot. So, if they requested,
21 we will fulfill the request as we did with upwards of
22 a million absentee ballot requests before this past
23 general election and, you know, there was like over
24 700,004 June. So, we become fairly well-versed in
25 the processing of absentee ballots on a large-scale

2 recently and by necessity. And so, this would be a
3 much more limited universe of potential requesters.
4 You know, right around 90,000 as a full universe and
5 then some lower number of them would request absentee
6 ballots.

7 COUNCIL MEMBER MILLER: Okay. So, could
8 you explain that through June?

9 EXECUTIVE DIRECTOR RYAN: So---

10 COUNCIL MEMBER MILLER: What that absentee
11 ballot might look like in the current Covid
12 environment.

13 EXECUTIVE DIRECTOR RYAN: Well, it
14 really does come down to voter choice. The voters
15 have to request absentee ballots. I know that there
16 are some proposals in the state legislature that may
17 change how that--

18 COUNCIL MEMBER MILLER: Based on what we--

19 EXECUTIVE DIRECTOR RYAN: occurs.

20 COUNCIL MEMBER MILLER: Based on what we
21 saw for the general election.

22 EXECUTIVE DIRECTOR RYAN: Right. So, I
23 don't know if I necessarily understand the question.
24 All right? Because temporary illness under Covid was
25 extended through the end of the year. I think it can

2 be extended again by Executive Order, but executive
3 orders are only good and 30 day chunks from the
4 Governor. So, we just have to continue to monitor
5 the process. I will tell you---

6 COUNCIL MEMBER MILLER: I'm sorry, Mr.
7 Chair. But based on what you just said, without an
8 executive order we would have to revert back to
9 normal absentee process and you cannot check the
10 temporary illness Covid box.

11 EXECUTIVE DIRECTOR RYAN: I would have
12 to double check. I think that there was definitely
13 some legislative action that extended that through
14 the end-of-the-year, but I think it expires December
15 31 of 2020, I believe. But--

16 COUNCIL MEMBER MILLER: Okay.

17 EXECUTIVE DIRECTOR RYAN: But I wasn't--
18 I didn't prep-- have that at the ready, but I
19 believe it is December 20-- 31st, 2020 and then
20 after that additional either legislative change or
21 executive action would be required to-- with regard
22 to the signature requirement for an absentee ballot
23 and also using Covid 19 as and under the temporary
24 illness designation on the application.

2 COUNCIL MEMBER MILLER: Thank you so very
3 much. Thank you, Mr. Chair for the indulgence.

4 EXECUTIVE DIRECTOR RYAN: Thank you,
5 Councilman.

6 COMMITTEE COUNSEL: Thank you. Next,
7 we will hear from Council member Ampry-Samuel
8 followed by Council member Rodriguez and then Council
9 member Kallos. Council member Ampry-Samuel, you may
10 begin upon the Sergeant's announcement.

11 SERGEANT-AT-ARMS: Time starts now.

12 COUNCIL MEMBER AMPRY-SAMUEL: Hi.
13 Thanks. Just because of all of the different
14 questions, I literally had my questions lined up and
15 clearly things have been a little bit all over the
16 place and my emotions have gotten the best of me as
17 I've been sitting here. I just wanted to-- like
18 just first say that I really wish that CFP and BOE
19 would have been able to testify together because, if
20 we are talking about the machines and the process and
21 training poll workers and everything else and were
22 talking about just like a custom experience and what
23 is happening now, it just makes sense that CFP and
24 BOE the would have testified together so that we
25 could have a real conversation as to how the overall

2 voter is going to be able to go through this process.

3 And I think that is a problem in New York City.

4 Every agency, every board works in silos. That is a

5 huge problem and I really wish we would get to a

6 point where that is not the case because it allows

7 for what agency to say or use the excuse, that is not

8 my role. That's not what I am doing. That's not my

9 focus. When, indeed, with everything that happens

10 with the Board of Elections definitely goes hand-in-

11 hand with what is happening at Campaign Finance

12 Board, especially when we are talking about voting

13 and training and education and everything else. And

14 that is from my experience. I was a district leader

15 20 years ago. And this was before CFD. And so, you

16 know, CFB wouldn't claim this role in educating

17 voters. It was the Board of Elections that was, you

18 know-- that took on that role and responsibility in

19 making sure that the poll workers knew what to say to

20 the workers. So, anyway, again, that is my feelings.

21 Council member Lander, you said good education,

22 resources, and outreach is what is really needed and

23 I just want to, you know, highlight that. Good

24 education, resources, and outreach. That is key.

25 That is true. But what does that look like today,

2 right? We had this whole conversation about what is
3 going to happen on the day of the election and the
4 day after the election, but a big piece of it is how
5 do we get people to the polls during the damn
6 pandemic? Right? And, you know, Board of Elections
7 talked about safety and security for all New Yorkers.
8 How do we make that happen today? During the
9 pandemic, you know, it's-- I read through CFP's
10 testimony. Like the first four pages is talking
11 about why RCV is appropriate and why it is important.
12 That is not what we are talking about. You know,
13 were talking about the fact that we need to make sure
14 that voters are educated and that they know what they
15 are doing and community based organizations have the
16 resources that they need to get people to the polls,
17 right? And when they get there, they know what they
18 are doing at the polls. That's what this is about.
19 We are kind of like dancing around in the real
20 question is do we have a system in place that speaks
21 to the fact that not only were we in a pandemic, but
22 we also see these racial tensions that led to pure
23 violence in the city. And around the state. So, I
24 don't want to get to a point where we are-- election
25 reform is important and that is what this is. You

2 know, we've always been, you know, advocating in
3 voting for and talking about election reform, but
4 let's not rush reform at the detriment of real change
5 in making sure that people can actually get to vote.
6 Like we talked about the fact that we were in a
7 pandemic as if we are not in one right now. As if
8 the numbers are not on the rise. Right? So, how can
9 we even go forward without really speaking to whether
10 the Board of Elections, with all your lessons learned
11 with canvassing ballots and everything else, with all
12 those lessons learned, can you really make sure that
13 this new system is implemented in the way that speaks
14 to safety and security? That speaks to a real
15 education, and that speaks to making sure that people
16 are not disenfranchised? Because, again, there is a
17 real difference in New Yorkers. You talk about the
18 tale of two cities. We know what it is. And so, to
19 just like move forward and disregard that whole big
20 piece of it is disrespectful within itself and so,
21 you know, whereas I had this list of questions, you
22 know, I really-- I'm just kind of paste off that we
23 had to wait. You know, it is almost 1:30 before CFB
24 can even speak to what they are doing. Right? And
25 that is a big piece of all of this. You know? The

2 timing of it. And so, I will just end with that, but
3 I also-- I also want to just highlight the fact
4 that, in the CFB report-- and I'll say this and then
5 I have to jump off because I have an appointment--

6 SERGEANT-AT-ARMS: Time.

7 COUNCIL MEMBER AMPRY-SAMUEL: at 1:30,
8 but, in the CFB report, it actually speaks to all of
9 the planning, right? But this planning took place
10 during the pandemic and so, how do you incorporate
11 all of what has to happen if we are in the middle of
12 it? And how can you be assured-- like you can't.
13 I'm not even going to ask that question. You can't.
14 There's no certainty. Everything is different. The
15 world is different as we know it. And so, we are
16 just simply saying that, you know, in my bill, there
17 is an education piece of it, but can you
18 realistically be able to pull together that
19 education? Those resources in the amount of time
20 that is needed. And so, those are my questions and,
21 after reading these testimonies, I know what the
22 answer is and just from this conversation, I know
23 what the answer is. I don't think we are there, but
24 it is necessary and that is why this legislation is
25 so important. To ensure that that happens. Because,

2 clearly, city Council always has to step in to make
3 the-- I wish we could just rely on agency policies,
4 but sometimes we have to put things in the bill and
5 the law to make sure that people are doing what
6 they're supposed to be doing. They are acting in the
7 way that they are supposed to be acting. So, just a
8 comment. But, as a question, BOE, can you tell me
9 what you are doing with rank choice-- what are you
10 doing with CFB right now as far as just a training
11 piece of it?

12 EXECUTIVE DIRECTOR RYAN: First, Council
13 member, we share the concerns. We are members of the
14 community, too. We share the concerns that every
15 would has stated here today and we want-- whenever
16 this is implemented, we want it to be implemented
17 effectively. Right now, we are acting under a
18 mandate, both us and the CFB have been mandated by
19 the city charter to put our best efforts to move
20 forward to do this. And I can tell you we have had
21 our respective staffs have interfaced with respect to
22 implementation. We, as I stated in my testimony
23 earlier, have created a landing page on our website
24 to populate that with information. But, again, in
25 terms of the public education piece of it, we cannot

2 infringe on the city charter's mandate of the
3 Campaign Finance Board.

4 COUNCIL MEMBER AMPRY-SAMUEL: Just to
5 be clear, just one real quick question that is yes
6 and no. You are operating under a mandate, but right
7 now, today, do you think that we should move forward
8 with implementing rank choice voting in the 2021
9 primary and special elections? Based on what you
10 have in front of you. If we were not acting under a
11 mandate, do you think that we should be moving
12 forward with implementing rank choice voting in 2021?

13 EXECUTIVE DIRECTOR RYAN: So, the
14 difficulty with answering that question is we are
15 acting under a mandate. That's the problem.

16 COUNCIL MEMBER AMPRY-SAMUEL: No. No.
17 No, sir. So, in a pretend world. We are not. Just
18 that's the question.

19 EXECUTIVE DIRECTOR RYAN: I understand
20 that we might be testified virtually, but we are
21 testifying for posterity and we are not in a pretend
22 world. Were in a real world and the real world as it
23 is mandated to do this and we don't have the
24 authority one way or the other to say that we are

2 going to do it or we are not going to do it. Were
3 mandated to do it unless--

4 COUNCIL MEMBER AMPRY-SAMUEL:

5 [inaudible 01:46:25] we were to change the
6 mandate. Let's say that we, you know, implemented a
7 lawn we were able to put a policy in place that says
8 that this should be postponed. Would you be able
9 to-- would you say that we should not be moving
10 forward with the election because, you know, thank
11 God, we are national-- there's a mandate in place
12 that postpones it?

13 EXECUTIVE DIRECTOR RYAN: We would go
14 back to business as usual which, from a practical
15 perspective, is certainly more straightforward for
16 us. But there's been other mandates that have been
17 thrown at us. Like we had to spend out mailing
18 absentee ballot applications to all voters in the
19 city of New York that were eligible to vote in the
20 June primary on no notice. So we're very--

21 COUNCIL MEMBER AMPRY-SAMUEL: Because
22 of the pandemic, right?

23 EXECUTIVE DIRECTOR RYAN: Because of the
24 pandemic. Right.

2 COUNCIL MEMBER AMPRY-SAMUEL:

3 Everything that has been changed as been because
4 of the pandemic that we are still in, correct?

5 EXECUTIVE DIRECTOR RYAN: Correct.

6 Absolutely. So, we would be-- we have enough
7 alacrity to adjust to changes in circumstances and,
8 if a higher authority changed the circumstance and
9 told us to begin marching in a different direction,
10 that we would do that, certainly. The same way that
11 we are going to make every effort to make sure that
12 RCV is implemented if there are no changes. And we
13 don't have a choice because we are doing this by
14 legal mandate.

15 COUNCIL MEMBER AMPRY-SAMUEL: Thank

16 you, Chair for the opportunity. I wish people could
17 just speak on what their opinion is as opposed to,
18 you know, the legalese around what the-- it is what
19 it is.

20 EXECUTIVE DIRECTOR RYAN: I understand,

21 but I am also an employee of the board and I answer
22 to 10 commissioners, as well, so, you know, we have a
23 legal mandate. We are going to fulfill that legal
24 mandate and if that mandate gets changed and there is
25

2 a new mandate, we will fulfill that mandate. Thank
3 you.

4 CHAIRPERSON CABRERA: Thank you so much.

5 In Council member, the reason why we didn't have CFB
6 and the BOE testify at the same time is because we
7 wanted to give Council members that extra time. As
8 it is, every member has gone over the five minutes
9 and, imagine if I had had CFB and there, as well.

10 It's not perfect either way. You, chair, as well,

11 committee. But we are trying our best. I knew this
12 was going to be a hearing that everyone is passionate
13 about. So, we wanted to give really the Council

14 members as much time as possible. And so, with that-

15 - And thank you. Thank you for your questions.

16 With that, let me pass it on to Council member

17 Rodriguez.

18 SERGEANT-AT-ARMS: Time starts now.

19 COUNCIL MEMBER RODRIGUEZ: Thank you,

20 Chair. My first question, if you can give me like

21 the right answer is. So, who has the right to make a
22 decision on postponing the implementation of the rank
23 choice voting?

24

25

2 EXECUTIVE DIRECTOR RYAN: Honestly, I'm
3 not certain. I know that there was a charter
4 revision commission and panel.

5 COUNCIL MEMBER RODRIGUEZ: Okay.

6 EXECUTIVE DIRECTOR RYAN: ultimately,
7 the charter revision commission made a recognized
8 station on what the proper should be on the ballot.
9 The voters voted. The city Council acted to take the
10 proclamations that were passed and come up with
11 language so that 1057 She could be, you know,
12 appropriately detailed and ultimately implemented and
13 then 1057 And she said the CFB does the public
14 education piece and the Board of Elections does the
15 operational piece. I don't know under whose
16 authority that could be suspended, but if it were
17 suspended properly, then the Board of Elections would
18 act under the new mandate.

19 COUNCIL MEMBER RODRIGUEZ: So, but,
20 basically, this is a local law so the Council is--
21 beside the referendum, the legislative body is the
22 Council. So, you are saying that the Port of
23 Elections executes the Campaign Finance Board, too,.
24 So, could we say that the Council is the one that has
25 the authority to decide between from here to this

2 election a decision to postpone the ranking choice
3 voting happens?

4 EXECUTIVE DIRECTOR RYAN: I think that
5 that question would be better posed to the attorneys
6 for the Council than to the--

7 COUNCIL MEMBER RODRIGUEZ: but this is a
8 city-- But this is a city matter, right?

9 EXECUTIVE DIRECTOR RYAN: Yes. This is
10 a city-- this is the city charter matter and the
11 Council, that New York City has attorneys that could
12 pass on to what its authority is. It is certainly
13 not for me to-- for me, as the executive director of
14 the board--

15 COUNCIL MEMBER RODRIGUEZ: I know, but--

16 EXECUTIVE DIRECTOR RYAN: to state--

17 COUNCIL MEMBER RODRIGUEZ: I know, but
18 you know that this is not a state. This is you just
19 say we cannot make the decision. We have executed as
20 the Campaign Finance Board, too, and if a decision is
21 made to change it, we will execute the right
22 regardless of the direction we take. I just want to
23 be sure that you, as an agency and Campaign Finance
24 board, also recognize that this is the city matter,
25 right?

2 EXECUTIVE DIRECTOR RYAN: Yes. It's a
3 matter of the city charter. Correct.

4 COUNCIL MEMBER RODRIGUEZ: Okay. Thank
5 you.

6 EXECUTIVE DIRECTOR RYAN: Thank you.

7 COUNCIL MEMBER RODRIGUEZ: And question.
8 Which community can you say is the one that has a
9 higher voting turnout in the city of New York?

10 EXECUTIVE DIRECTOR RYAN: Honestly, the
11 last month or so has been double R and we really
12 have-- I personally haven't dived into the numbers.
13 I can tell you that we had record turnout in the city
14 of New York. I would imagine that is fairly evenly
15 distributed, but I do not have those numbers right in
16 front of me.

17 COUNCIL MEMBER RODRIGUEZ: But, can we
18 agree that underserved communities have lower
19 turnout, voting turnout, the middle class and upper
20 class communities?

21 EXECUTIVE DIRECTOR RYAN: That has often
22 been the case, but I think your question was
23 specifically for the selection did that pan out that
24 way and I don't know the answer.

2 COUNCIL MEMBER RODRIGUEZ: No. In
3 general. In general. Usually in city elections, can
4 we agree that the underserved community, Bronx, upper
5 Manhattan, even though they're doing better, other
6 places in Brooklyn. The underserved community has
7 lower turnout than middle-class and upper-class?

8 EXECUTIVE DIRECTOR RYAN: I don't think
9 I can answer that question with any level of
10 specificity, but what I can say is city only
11 elections, Mayoral elections of the big three, as I
12 will call it: presidential, general-- presidential,
13 general, gubernatorial, and Mayoral--

14 COUNCIL MEMBER RODRIGUEZ: Okay.

15 EXECUTIVE DIRECTOR RYAN: Mayoral are
16 the least attended which then--

17 COUNCIL MEMBER RODRIGUEZ: Okay.

18 EXECUTIVE DIRECTOR RYAN: and then
19 there's the city Council races, as well.

20 COUNCIL MEMBER RODRIGUEZ: Okay. If you
21 don't mind-- I'm sorry to cut you off, but because
22 of the time.

23 EXECUTIVE DIRECTOR RYAN: Yep. No
24 problem.

2 COUNCIL MEMBER RODRIGUEZ: All my respect
3 to the work that you are doing and you and the team
4 at the Board of Elections and Campaign Finance Board.
5 Look, it's clear. Where do we have the highest
6 turnout? Upper West side. Middle-class, upper-
7 class. Where do we have the lowest turnout? The
8 Bronx and other places where underserved community
9 people live. Our people are very smart. They know
10 how to make decisions, but I feel that, if the city
11 doesn't invest the resources and if we don't have the
12 time to educate voters from here to the next few
13 months, we would put voters in disadvantage
14 communities and in underserved communities in
15 disadvantage because those members of the community
16 with a high academic skills, those in the upper
17 middle-class, they will know how to navigate the
18 system of their rank choice voting--

19 SERGEANT-AT-ARMS: Time.

20 COUNCIL MEMBER RODRIGUEZ: if we don't
21 educate. Can we agree with that?

22 EXECUTIVE DIRECTOR RYAN: Council
23 member, you are and have been will be a very
24 effective advocate for your constituency and I
25 applaud you for that. But, again, we have to follow

2 the legal mandates of what we are required to do and
3 we will do that unless the new mandate is given to us
4 and tells us to do something different. And I hope--

5 COUNCIL MEMBER RODRIGUEZ: [interposing]

6 And I do agree 100 percent and I understand your role
7 and I also appreciate all the hard work that you have
8 done in even dealing with people like us backend for
9 pushing you guys. It's not easy to be in your shoes
10 right now.

11 EXECUTIVE DIRECTOR RYAN: Right.

12 COUNCIL MEMBER RODRIGUEZ: Especially
13 during this pandemic. So, I know that you will
14 execute what I'd ever is the direction that we are
15 giving you. I just want to share with the voters, I
16 just want to share to the progressive New Yorkers
17 that we are heading towards putting together a New
18 York City election where we don't have the time,
19 where we have not put in the resources to educate all
20 voters across the board. They are smart. I know my
21 people. However, there is a reason why do we have to
22 invest much more in half the time in order to execute
23 the rank choice voting across the five boroughs so we
24 don't put in election in June putting voters in
25 disadvantage in the working class community that they

2 have more challenges to learn how to navigate the
3 system. [Speaking foreign language] Thank you.

4 CHAIRPERSON CABRERA: Thank you so much.

5 COMMITTEE COUNSEL: Thank you, Council
6 member. Next, we will hear from Council member
7 Kallos and then we will go back to Council member
8 Adams who was inadvertently muted at the end of her
9 five minutes. Council member Kallos, you may begin
10 upon the Sergeant's announcement.

11 SERGEANT-AT-ARMS: Time starts now.

12 COUNCIL MEMBER KALLOS: I want to thank
13 everyone for coming out. I want to thank my brothers
14 and sisters at the NAACP for coming out. I was
15 talking to the president, Dr. Hazel Dukes, about just
16 the issues with the Commission. The second charter
17 commission and the fact that the first time a lot of
18 folks heard about rank choice voting was when I was
19 going around the borough of Manhattan telling people
20 about what was actually going to be on the ballot.
21 And so, I want to make sure that NAACP gets all their
22 answers from the Board of Elections and the Campaign
23 Finance Board today because of, as we are moving
24 forward with this, we need to make sure that their
25 concerns are addressed. So, I guess, the first

2 question, Mike, I just need a quick yes or no. If,
3 as of today, this very moment, can you guarantee that
4 we are able to move forward with rank choice voting?

5 EXECUTIVE DIRECTOR RYAN: From the
6 mechanics of conducting election, yes.

7 COUNCIL MEMBER KALLOS: Okay. The thing
8 that you are still waiting for is just how to count
9 the rank choice voting ballots?

10 EXECUTIVE DIRECTOR RYAN: Right. Which
11 is a limited portion of this and it is in the
12 background. It really doesn't call the questions
13 that are being asked here today. How we tabulate
14 votes on a machine is one thing, but there is a lot
15 of larger questions that are being asked here today
16 that have nothing to do with how the votes are
17 counted.

18 COUNCIL MEMBER KALLOS: My next question
19 is, when you send out your material-- because I've
20 been getting better and better materials from the
21 city Board of Elections. I went from getting an ID
22 card to now I get a card that I can just put on my
23 keychain with a barcode that tells me where to vote.
24 Does the city Board of Elections intend to include
25 information on rank choice voting as part of the

2 materials you will send out to voters ahead of the
3 election anyway?

4 EXECUTIVE DIRECTOR RYAN: Yes. We have
5 our annual information notice that is mandated to go
6 out around the middle of April by state law, but we
7 also have to do education for the voters that are
8 coming up that will be voting potentially by January
9 23rd.

10 COUNCIL MEMBER KALLOS: And will there be
11 information on rank choice voting on the vote.NYC
12 platform?

13 EXECUTIVE DIRECTOR RYAN: Yes.

14 COUNCIL MEMBER KALLOS: If anyone in here
15 wants presentations, wants Q and A, wants you to come
16 into communities, particularly communities of color,
17 as the Board of Elections, do you have a unit that
18 can come out into that education?

19 EXECUTIVE DIRECTOR RYAN: Well, we have,
20 honestly, a suspended in person appearances, like a
21 lot of--

22 COUNCIL MEMBER KALLOS: Can you do it over
23 so?

24 EXECUTIVE DIRECTOR RYAN: Certainly.
25 But, again, I want to go back to it. The mandate for

2 the public education piece of it is with the Campaign
3 Finance Board. We are happy to supplement their
4 efforts, but we can't step on them. So--

5 COUNCIL MEMBER KALLOS: Sure. I know--

6 EXECUTIVE DIRECTOR RYAN: But hear me
7 out. If the city charter wanted the Board of
8 Elections to conduct the public outreach, it would
9 have mandated that the Board of Elections conduct the
10 public outreach. It did not. It mandated that--

11 COUNCIL MEMBER KALLOS: I know.

12 EXECUTIVE DIRECTOR RYAN: The Campaign
13 Finance Board would do it.

14 COUNCIL MEMBER KALLOS: I want to respect
15 the Chairs questions. Other members had asked the
16 CFB. So, will the CFB agree to come and do outreach
17 anywhere that residence-- let the record reflect
18 that Eric Friedman from the CFB has nodded yes. So,
19 I guess the last piece-- there was a lot of
20 arguments about modem sources VPN verse is this,
21 that, or the other thing. I think it is incredibly
22 important that, during rank choice voting, the
23 information comes out to who exactly chose first,
24 second, third, fourth, fifth and had their ballots
25 foiled at the end but not other five choices got

2 chosen in races with more than five candidates.

3 Currently, you transmit the election results over
4 tablet devices that read cards from machines. Why
5 can't we use that same technology in the same way of
6 transmitting information as we do currently?

7 EXECUTIVE DIRECTOR RYAN: So, it's not
8 the technology that is the ratio. It's the set up
9 and, as I indicated, that we transmit aggregate vote
10 totals based on election districts, not cast vote
11 records. And I know that sounds like it is in the
12 weeds and it is also the weeds because--

13 COUNCIL MEMBER KALLOS: I am a software
14 developer, so the question is whether or not you send
15 a record where it says the serial number of the
16 ballot and how the machine read each piece versus the
17 aggregate number which is less data admittedly. We
18 are still talking about very small text based data
19 and we are talking about kilobytes, not megabytes or
20 gigabytes. Why not just be able to--

21 SERGEANT-AT-ARMS: Time.

22 COUNCIL MEMBER KALLOS: each voting record?

23 EXECUTIVE DIRECTOR RYAN: So, as I
24 indicated to Council member Lander, our immediate

2 concert with that Intro was that it is effective
3 immediately.

4 COUNCIL MEMBER KALLOS: Okay. That's fine.
5 I want to respect the time and I don't want to go too
6 far over the five minutes. I just want to say I-- I
7 hear my brothers and sisters in the Council. I hear
8 the concerns of the NAACP. ICU and I will be doing
9 everything I can to support you in the community and
10 make sure that folks know what is going on so that no
11 one is disenfranchised. Thank you.

12 COMMITTEE COUNSEL: Thank you, Council
13 member. Next, we will turn back to Council member
14 Adams to finish up her questioning.

15 COUNCIL MEMBER ADAMS: Thank you very much
16 for coming back to me. Director, thank you for
17 hanging in there with us. I was actually trying to
18 speak back to you. The clock was still running on me
19 and I was unable to unmute myself. I truly
20 appreciate your passion in your concern for your
21 workers and I wanted to jump back in there just to
22 say that I appreciated that and we don't disagree on
23 that. And I think that the whole purpose of this is
24 to amplify the cause of all of this and the reason
25 why we have to pause this and that is because of the

2 effect of Covid 19. Not just on your staff, but also
3 on the New York City Council. On all of our voters.
4 On everybody across this country. And I think that
5 that really is the point to be made today. We have
6 to cut this thing on pause for exactly what you have
7 been relating. Covid has changed everything. Your
8 staff can't be in the field. My staff can't be in
9 the field. New York City can barely be in the field
10 right now. We have no business going forward with
11 this without the proper education to all of our
12 citizens. So, with that said, I'm going to go back
13 to my question about district 24 and that is where I
14 am going to end it. Has the Board of Election begun
15 recruiting rank choice voting poll workers for both
16 early and election day voting in Council District 28?
17 If so, how many poll workers have been recruited for
18 rank choice voting for the February 2nd election in
19 district 24 in Queens? Thank you.

20 EXECUTIVE DIRECTOR RYAN: So, the poll
21 worker recruitment calendar runs from, but basically,
22 July 1st through June 30th. So, we have our pool of
23 poll workers that we use for the general election and
24 those would be the same individuals that we would
25 draw from. In addition, there were some numbers of

2 poll workers that received training, but we didn't
3 have enough positions to have them work for the
4 general election. So, that is the group that we
5 would be pulling from. Are the folks that are
6 already trained and then we would have to give them
7 some supplemental training with respect to the ballot
8 layout and the manner in which rank choice voting
9 works largely to prevent the poll worker from giving,
10 Inc., false information to the voters, but also not
11 to become too active in assisting the voters in that
12 regard. Because we do get a lot of-- when we get
13 criticism about poll workers, you know, in special
14 elections or primary elections, it is that the voters
15 say that sometimes the poll workers seem to be
16 telling them who to vote for women, often, it is just
17 trying to assist in the mechanics. So, this requires
18 even more sensitivity than normal circumstances to
19 make sure, you know, the poll workers are effectively
20 communicating with the voters to make sure that they
21 are not overstepping any lines that they shouldn't.

22 COUNCIL MEMBER ADAMS: So, you are saying
23 that recruiting has already been done and that the
24 pool is already set to begin and the training will
25 still take place over the next few weeks?

2 EXECUTIVE DIRECTOR RYAN: Yes.

3 COUNCIL MEMBER ADAMS: I did also, before
4 stop, thank you, again, Mr. Chair, for letting me
5 come back in and I would just also like to give a
6 special thanks to my colleague, Kalman Yeger.

7 Council member Yeger for his sentiments that were
8 spoken in so much truth for a lot of us. He said a
9 lot of it in authority and power. Some of us are
10 going to wait until we come back around to the
11 question CFB on the items, but you said it
12 wonderfully. So, I think my colleague, Council
13 member Yeger, for his statement today. Thank you so
14 much, Mr. Chair. Thank you, Mr. Executive Director,
15 as well. Thank you.

16 EXECUTIVE DIRECTOR RYAN: Thank you,
17 Council member. And I would like to say I really
18 believe that we are all on the same page. We want
19 our elections to work and if I appeared to be
20 circumspect with some of my answers, it's because I
21 am respecting the mandated and recognizing that we
22 don't get to make the mandate, but we have to
23 implement the mandate. And if the mandate changes,
24 we will implement whatever the changes are. So,
25 thank you.

2 COMMITTEE COUNSEL: Thank you. We will
3 now go back to Chair Cabrera for any further
4 questions.

5 CHAIRPERSON CABRERA: Thank you so much,
6 Director Ryan. I'm going to give you a series of
7 rapid fire questions so we can wrap up and then we
8 can move into a session with CFB. So, if you could
9 give me a short answer to this question, I would
10 really appreciate it. So, let's talk about training
11 poll workers on RCV. Will you be relying on CFB
12 provided materials to train them and, if not, would
13 you rely on other materials? Or both?

14 EXECUTIVE DIRECTOR RYAN: So, we have
15 been working on our own training materials, but,
16 certainly, if we are not-- you know, no prior
17 authorship if there is other materials that can be
18 helpful and that can clarify things for the poll
19 workers, we are certainly happy to incorporate those
20 into our training process. But we had developed to
21 the ballot, the sample ballot and then it is largely
22 going to be our focus of emphasis.

23 CHAIRPERSON CABRERA: Yeah. Let me
24 encourage you to coordinate with CFB in terms of
25 getting the material. That way we have not only the

2 same spirit, but technically the same information. I
3 think we need to be united in terms of information.
4 With the training be conducted remotely or in person?
5 I assume it is going to be remotely, right?

6 EXECUTIVE DIRECTOR RYAN: It will
7 probably be remotely. That would be the likely
8 outcome for all of the reasons that everyone stated.
9 It we were able to implement online training in the
10 lead up to the presidential and it went very well.

11 CHAIRPERSON CABRERA: interpreters, how
12 will they be trained in RCV?

13 EXECUTIVE DIRECTOR RYAN: In the
14 same way.

15 CHAIRPERSON CABRERA: what kind of
16 instructions will poll workers be giving the voters
17 regarding how to complete their RCV ballot?

18 EXECUTIVE DIRECTOR RYAN: Well, we would
19 have to tell them the ranking system, the way it
20 works. What I have been privy to from other
21 jurisdictions is that they have short little palm
22 cards, if you will, that can be handed out that give
23 a very supplement a very specific script that should
24 be crafted for the poll workers to make sure that
25 they stick to the script and then, if the voter needs

2 a little refresher, that material can be given to the
3 voter to take with them to the privacy booth as they
4 go through the process.

5 CHAIRPERSON CABRERA: So, there will not
6 be any explanation taking place-- When I go vote,
7 will go to the table, right? Would there be an
8 explanation taking place there or, basically, here is
9 the handout. You can look at it. Is there a
10 question that is going to be asked regarding RCV? Do
11 you understand how the rank choice-- I'm just trying
12 to figure out--

13 EXECUTIVE DIRECTOR RYAN: So, in terms
14 of implementation, there are two aspects to it.
15 There is what are the poll workers going to say and
16 then there is when are they going to say it? In the
17 past, if a voter is not asked for any additional
18 information, they get their ballot and they go about
19 their business. But I know that our respective staff
20 at CFB and ours have been talking about the voter
21 education piece and, under these circumstances, it
22 may very well be necessary to be a little bit more
23 proactive in that regard when the voters, not because
24 they might not even be aware that the rank choice of
25 voting is happening until they get to the polls sites

2 we all pay very close attention to this, but, you
3 know, the voting public has other things on their
4 minds besides elections.

5 CHAIRPERSON CABRERA: So you anticipate
6 the waiting will be a little longer, right? Because
7 it's the first time were dealing with RCV.

8 EXECUTIVE DIRECTOR RYAN: I would say,
9 you know, certainly that is a potential issue.
10 Unfortunately for us, we have one breathing down our
11 neck in a few weeks. But were paying more attention
12 to February right this minute than we are June. You
13 know, we also have December 22 going in the Bronx
14 which doesn't implicate RCV in early voting is
15 starting this coming Saturday. So, we have a lot on
16 our plate. We have an election coming up. We have
17 another election coming up in February the 2nd,
18 another one coming up February 23rd. And then,
19 depending on some of the life choices that some of
20 your colleagues make, we made for after that. And
21 seemed to be disproportionately affecting the Bronx
22 and Queens.

23 CHAIRPERSON CABRERA: So, let's talk
24 about that February special election. When would the
25 board post a sample ballot? When do you anticipate?

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2 EXECUTIVE DIRECTOR RYAN: For the
3 February 2nd?

4 CHAIRPERSON CABRERA: Yes.

5 EXECUTIVE DIRECTOR RYAN: So, we intend
6 to get the final ballot approval from the
7 commissioners on tomorrow so that we can be ready to
8 mail out the militaries and the overseas. And then,
9 once that is done, then the staff goes about the
10 business of building the election day ballots, once
11 the election day ballots are built, then they are
12 posted to the website.

13 CHAIRPERSON CABRERA: And do you
14 anticipate that will be, what? In a couple weeks?

15 EXECUTIVE DIRECTOR RYAN: Next week or
16 so.

17 CHAIRPERSON CABRERA: Okay. And when
18 will the sample ballots be posted for the June
19 primaries?

20 EXECUTIVE DIRECTOR RYAN: We are not
21 there yet. We have to know who is running first and,
22 if what is happening in February is a be example of
23 what candidate interest is going to be for June, we
24 had over 10 candidates put in petitions for February.
25 And now, those hearings are not completed, so I don't

2 know how many of them will be left standing after the
3 hearing process is completed, but there was a lot of
4 interest in the February special. I presume there is
5 going to be a lot of interest in the primaries in
6 June and, the more candidates there are, the more
7 complex the ballots become. The more complex the
8 ballot be countenanced, the more the voters are going
9 to have to consider when they go to vote.

10 CHAIRPERSON CABRERA: Let's talk about
11 the election night results. Does the board plan to
12 bring all the memory sticks from all sites to the
13 main office or are they going to go by borough
14 office?

15 EXECUTIVE DIRECTOR RYAN: No. All of
16 those unofficial results get collected and dropped
17 off at each respective borough office. Typically, we
18 have upwards of 90-- somewhere in the neighborhood
19 of 96, 97, 98 percent of those results are processed
20 through on election night. The official results
21 sticks remain with the DS 200 scanners and then get
22 picked up on a scheduled basis after election day.

23 CHAIRPERSON CABRERA: So, when Brad
24 Lander, Council member Lander was talking about his
25 bill, wouldn't to simple solution would be just to

2 bring the memory sticks to the main office-- or you
3 could do it, actually, by borough, as well, and there
4 be able to get all the tabulations and then put out
5 the raw info? There's nothing stopping us from doing
6 that, right?

7 EXECUTIVE DIRECTOR RYAN: There are,
8 typically, in the citywide election, upwards of 1200
9 locations that have a minimum of two scanners per
10 location. And often have been more. Which is why we
11 do the unofficial results total upload from the polls
12 sites on election night and those are published
13 results based on aggregate totals for election
14 districts. The result totals that are taken off of
15 the official sticks, once we collect those machines
16 back, those are the ones that have the individual
17 castor vote record and that is where the tabulation
18 nutrients to be done for the rank choice and the
19 tabulation for each round. And I know it sounds
20 technical and it is technical and I am telling you
21 that the system is not set up presently for that
22 intro to be able to be implemented. Now, not telling
23 you that we couldn't put tech heads together on our
24 staff and: the machine vendor staff, ESNS and then
25 this other vendor that we are going to bring into do

2 the tabulation. And, maybe, when all those texts get
3 together, there is a different way to do it. Right
4 now, I'm saying that, right now, it's not set up that
5 way and when I saw the implementation date of
6 immediately implement, you know, upon signing, that
7 caused us concerned.

8 CHAIRPERSON CABRERA: I agree.

9 EXECUTIVE DIRECTOR RYAN: You know, you
10 can always evaluate-- You can always evaluate and
11 say, hey, down the road, can we do something
12 different? Of course we can look at that.

13 CHAIRPERSON CABRERA: Yeah. And I think
14 the sponsor of the bill is more than willing to look
15 at the June elections rather than the special
16 elections, so he is looking to accommodate. Maybe we
17 should look at what San Francisco is doing and get,
18 you know, they are bit ahead of us or this, not
19 because of BOE's fault. It's because they've been at
20 it longer than we have with RCV. But we can learn
21 from them how they are able to get it done while they
22 are--

23 EXECUTIVE DIRECTOR RYAN: And, Chair, in
24 that regard, there's a couple things. Right? One,
25 one of the-- the vendor that is ultimately chosen

2 may bring some operational knowledge, technical
3 knowledge to the table that we didn't consider.

4 CHAIRPERSON CABRERA: Good point.

5 EXECUTIVE DIRECTOR RYAN: And,
6 secondarily, there may be changes to how absentee
7 ballots are processed coming from the state
8 legislature that will compress the timeframe for the
9 processing of those documents more than what is
10 presently done. So, all of those things, I think,
11 you know, need some time to breathe a little bit and
12 play themselves out before we look to change
13 something before implementation even happens.

14 CHAIRPERSON CABRERA: Let me jump
15 quickly-- And thank you for that answer. Let me
16 move quickly to voter education. And I know when we
17 are going to talk to CFB now, but in the mailer that
18 you do prior to this 2021 special and primary
19 election, would it be any information there-- and,
20 so, just to be clear, regarding RCV?

21 EXECUTIVE DIRECTOR RYAN: Yes, there
22 well, and I think we really need to work with the
23 Campaign Finance Board on content and what is the
24 best way to deliver at that message. You know, I'm
25 certain, you know, if they have links and such, we

2 can include those links, you know, in the mailer as
3 well as any hardcopy information that needs to be
4 included. But, yes. And then the mandate is we have
5 to do that in the middle of legal mandate. We have
6 to do that in the middle of April by state law that
7 mailer has to go out and there are other implications
8 to it other than voter information. It's another way
9 that the list maintenance of the voters is conducted
10 because, if there is returned mail that comes back,
11 we have certain other obligations besides just
12 informing the voters of the information they need.

13 CHAIRPERSON CABRERA: I think also it
14 would be helpful just to resound what Council member
15 Cornegy-- I believe it was him. I think he made a
16 good suggestion. That to put forth a video, you
17 know, a to the point video on the website. I think a
18 lot of people are very-- you know, we are a video-
19 centered society, so I think that we-- that will be
20 helpful and maybe a Q and A section for that.
21 Regarding how would the board train its telephone
22 operators to the field regarding questions from the
23 public?

24 EXECUTIVE DIRECTOR RYAN: I'm sorry,
25 Mrs. Sandow stepped away.

2 CHAIRPERSON CABRERA: Is she okay?

3 EXECUTIVE DIRECTOR RYAN: Yeah. She was
4 just--

5 CHAIRPERSON CABRERA: I could jump from
6 that question to another on.

7 EXECUTIVE DIRECTOR RYAN: Okay. She
8 needs her inhaler. I apologize.

9 CHAIRPERSON CABRERA: No. No. We want
10 to make sure she's okay.

11 EXECUTIVE DIRECTOR RYAN: Yeah. Are you
12 okay? All right. They're going to get her asthma
13 inhaler.

14 CHAIRPERSON CABRERA: Yeah. Please. I
15 was asthmatic, so I know what that's like.

16 EXECUTIVE DIRECTOR RYAN: Yes. So, she
17 just stepped out. I'm sorry, Chair--

18 CHAIRPERSON CABRERA: Yeah. The question
19 was with the board train its telephone operators to
20 field questions from the public regarding RCV?

21 EXECUTIVE DIRECTOR RYAN: The answer to
22 that is yes and also we had tremendous success-- and
23 I'd like to give a little-- a shoutout, as they
24 say--

2 CHAIRPERSON CABRERA: I'm sorry. Rather
3 than will, how? How will you do that?

4 EXECUTIVE DIRECTOR RYAN: So, what we do
5 with the way that we always do it. We give them
6 scraps, but we have also worked very closely this
7 last go round and very successfully, with 311 and
8 they assisted us and they also gave us some tips on
9 how to be more effective on our end and the deputy
10 commissioner whose name is escaping me right now at
11 311 was very, very helpful to us and we expect to be
12 able to continue to tap into that resource for the
13 good of the city. The New York City citizens.

14 CHAIRPERSON CABRERA: Great. And will
15 the board respond to the voter's questions via social
16 media and email?

17 EXECUTIVE DIRECTOR RYAN: Yes. Yes. We
18 do. I realize I am a bit of a dinosaur in the social
19 age kind of escapes me, but Ms. Velasquez and the
20 other members of our staff seem to be up to speed on
21 that and we've got very broadly based complements for
22 our social media efforts in the lead up to this past
23 election, as well as the videos and such and the
24 links that we provided online primarily with respect
25 to filling out the absentee ballots because that was

2 the big question that needed to be addressed in the
3 selection.

4 CHAIRPERSON CABRERA: Let me ask you the
5 last two questions on the state election law in
6 certain instances. Ballots must be hand counted.
7 The charter requires the board, as you know, to
8 promulgate rules for handing-- forehand counting RCV
9 ballots when necessary and so here are the two
10 questions. How would the board and count RCV
11 ballots, if necessary, and when will the board
12 promulgate rules on hand counting RCV ballots?

13 EXECUTIVE DIRECTOR RYAN: So, this has
14 been an element of the elections process where the
15 board of commissioners here in New York City have
16 been a leader. We had one half of one percent -- if
17 the contest is within one half of one percent, New
18 York City has a long-standing policy of doing an
19 automatic and recount and we already have detailed
20 procedures in place that would just need a little bit
21 of tweaking to accommodate how you tabulate after
22 each round. So, we are already doing that and the
23 state legislature recognized the utility of that
24 process and has now mandated that it be done
25 statewide across all 62 counties. And that law goes

2 into effect January 1st, 2021. So, it already exists
3 and what is in the city charter is supplemental to
4 the board's processor policy, I should say and now
5 the current state law.

6 CHAIRPERSON CABRERA: Director Ryan, I
7 want to thank you. I know we had two hours. We've
8 been at it for two hours and now we are going to hear
9 from CFB, but I want to thank you for answering the
10 questions. I want to thank you because you don't
11 have an easy job and I recognize that you basically
12 execute whatever the losses and if it is up to us
13 legislators to be able to change the laws and to
14 literally push the agenda of the people through
15 legislation. And so, looking forward to continuing
16 working with you and to look closely at what is going
17 to happen in February and March and to be in
18 preparation for June. So, thank you so much.

19 EXECUTIVE DIRECTOR RYAN: So, thank you.
20 And in the spirit of the holidays, thank you for
21 putting that nice little bow on that package at the
22 end of the questioning and, to Councilman Yeger and
23 my fellow practitioners of Judaism, happy Hanukkah.
24 I know that is coming up for you and, to everyone

2 else, happy holidays. Merry Christmas and all those
3 things. Thank you.

4 CHAIRPERSON CABRERA: Thank you so much.
5 And, with that, I will turn it back to the committee
6 counsel.

7 COMMITTEE COUNSEL: we will hear
8 testimony from Amy Loprest and Eric Friedman of the
9 Campaign Finance Board. Executive Director Loprest,
10 you may begin your testimony when ready.

11 EXECUTIVE DIRECTOR LOPREST: Good
12 afternoon, Chair Cabrera, and members of the
13 Committee on Governmental Operations. I am Amy
14 Loprest and I'm the executive director of the New
15 York City Campaign Finance Board. With me is Eric
16 Friedman who is our assistant Executive Director for
17 public affairs. Thank you for the opportunity to
18 testify today on the legislation before us and on the
19 CFB's plans for ranked choice of voting education and
20 outreach. In November 2019, 74 percent of New
21 Yorkers voted yes on ballot question one, bringing
22 ranked choice voting to New York City in primary and
23 special elections for municipal office. The New York
24 City charter requires the CFB to conduct a robust
25 public education campaign to inform voters of the new

2 election system. As you know, the CFB is already
3 mandated by the charter to encourage voter
4 registration and engagement by all eligible voters,
5 but particularly among underrepresented populations.
6 Currently, 19 other jurisdictions across the United
7 States use ranked choice of voting. While there is
8 an understandable concern about introducing an
9 unfamiliar form of voting to a new audience, this is
10 not the first time, New York City has been a leader
11 in building stronger, more inclusive local democracy.
12 In 1988, New York City adopted its landmark financing
13 program, becoming one of the first cities in the
14 country to do so. When New York City successfully
15 implements RCV next year, we will be the largest and
16 most diverse jurisdiction in the country to implement
17 this important reform. In doing so, New York City
18 can build on the positive results we've seen in those
19 jurisdictions that have implemented RCV elections.
20 Research shows the jurisdictions that have adopted
21 RCV elect more diverse representatives who are more
22 reflective of their population. In its first year
23 implementing RCV, Minneapolis elected its first two
24 transgender council members. Seven cities that use
25 RCV have either achieved or surpassed gender parity

2 in their city legislature. In cities in the San
3 Francisco Bay Area, candidates of color won 62
4 percent of RCV races, compared to 38 percent before
5 the change. In the 13 largest municipalities that
6 use RCV, six have female mayors and four have Black,
7 Latino, or Asian mayors. Other studies show that RCV
8 encourages candidates to campaign differently.

9 Through RCV, voters will ultimately hear from more
10 candidates, who are not only campaigning for first
11 place votes, but also second, third, fourth, and
12 fifth place votes. This complements the City's
13 matching funds program, which gives opportunities to
14 more candidates to run for office and also encourages
15 them to reach out directly to individual voters.

16 Notably, campaigns become more civil in elections
17 that use RCV. A 2014 study of California RCV cities
18 indicated that voters in RCV cities perceived less
19 negativity in campaigns than in plurality cities.

20 Further, RCV would eliminate the need for costly
21 runoff elections, which could cost up to \$20 million
22 per election. In addition, RCV gives voters more say
23 in who represents them by allowing them to help
24 choose the winner even if their first choice does not
25 win. Therefore, candidates who win in RCV elections

are the candidates with the broadest support among the electorate and who then have the broadest mandate to lead their constituents. Along with our partners inside and outside of government, the CFB's voter engagement efforts during this past year were aimed at helping voters understand unfamiliar methods of voting. New York, and the rest of the country, was forced to rethink election administration entirely in order to make voting safe and accessible.

Disseminating consistent and accurate information was a unique challenge in 2020, as state legislation, court decisions and executive orders changed elections on what felt like a daily basis in the early stages of the pandemic. For many voters, 2020 was their introduction to two new forms of voting: voting by mail and early voting. In order to maximize public safety and introduce these voting methods to many voters for the first time, the CFB, along with the Board of Elections, the Mayor's Democracy NYC initiative, and other civic groups, led education and mobilization campaigns encouraging voters to vote before Election Day. These efforts resulted in 36 percent of general election voters voting early and 23 percent voting by mail, compared

2 with six percent voting early and 36 percent voting
3 absentee in the 2020 primary. CFB staff successfully
4 provided accurate and consistent messaging to voters
5 throughout this challenging year. Introducing RCV to
6 2021 primary voters alongside these efforts to
7 familiarize more voters with vote-by-mail and early
8 voting, many months before RCV would be implemented,
9 would have increased voter confusion and uncertainty
10 during a uniquely confusing time. Our focus was on
11 providing voters with the information they needed to
12 participate in the November general election for
13 president, federal, and state offices that do not use
14 RCV. Additionally, there is a special election in
15 Council District 12 on December 22nd, which will
16 precede the implementation of RCV. We do not believe
17 it is wise or appropriate to begin a broad-based RCV
18 education campaign as New Yorkers are preparing to
19 cast ballots in traditional plurality elections. The
20 CFB remains dedicated more than ever to giving voters
21 the timely and accurate information they need to cast
22 a ballot safely and effectively, including a robust
23 educational campaign about ranked choice voting.
24 Eric Friedman will explain our education plans and
25 discuss the bills before the committee.

2 ERIC FRIEDMAN: Thanks, Amy. As noted,
3 the CFB is responsible for a robust educational
4 campaign to inform voters about rank choice voting.
5 We have been actively planning for the implementation
6 of rank choice voting throughout this year, and as
7 the Chair noted at the start of the hearing, we have
8 previously shared an overview of our plans as part of
9 our testimony to this committee at its September
10 25th, 2020 hearing. Though it is new to New York
11 City, we have every confidence that voters will
12 understand RCV. Indeed, voters make ranking
13 decisions every single day. If the item they want is
14 not available at a grocery store, they pick their
15 next choice. Research in other cities demonstrates
16 that simple, clear education campaigns can and do
17 prepare voters to participate successfully. For
18 instance, exit polling of voters in Minneapolis
19 showed more than 90 percent of voters understood rank
20 choice voting well their first time voting under the
21 new system. In addition to our long-standing voter
22 education efforts--including the city's official
23 Voter Guide--the CFB has been conducting successful
24 voter engagement and get-out-the-vote initiatives
25 ahead of special, primary, and general elections for

2 a decade. We are confident our outreach for rank
3 choice voting will provide the simple, clear
4 information all in New York City voters need to vote
5 with confidence. As we have for previous outreach
6 efforts, we will rely heavily on our partnerships
7 with community organizations who know their
8 neighborhoods best. We've successfully registered
9 New Americans at naturalization ceremonies with
10 DominicanosUSA and registered voters in partnership
11 with NYCHA and with individual NYCHA developments and
12 registered students on National Voter Registration
13 Day with CUNY Votes and Brooklyn Voters Alliance and
14 we plan to leverage these partnerships, among others,
15 to spread the word about rank choice voting. We will
16 implement a 'train-the-trainer' system, so our
17 partners have the tools to best communicate with
18 their own audiences. Already, the Department of
19 Youth and Community Development, Department of
20 Education, several of the library systems, YVote, and
21 the Citizens' Committee for Children are working with
22 us to incorporate RCV into their training programs
23 through the train-the-trainer approach. We'll also
24 supply partners with a one-pager explaining the
25 essentials of rank choice voting translated into the

2 officially recognized citywide languages. Our first
3 goal is to educate voters who will use rank choice
4 voting in special elections this February and March.
5 The special election in Council District 24 scheduled
6 for February 2nd will be the first opportunity to
7 roll out our initial communications and outreach
8 materials to the 85,000 registered voters in that
9 district. We plan to mail a postcard to every
10 household with a registered voter in Council District
11 24, and to all registered voters in Council Districts
12 11, 15, and 31 prior to special elections scheduled
13 or anticipated in those districts. It will also
14 direct voters to our online RCV resources, which is a
15 core part of our outreach plan to voters. As we did
16 for the 2020 elections, we are preparing to publish a
17 Frequently Asked Questions page on our website for
18 the 2021 rank choice voting elections. The FAQ will
19 serve as an all-encompassing resource to answer RCV
20 questions and will be updated regularly over the
21 course of 2021 in response to voter questions and
22 comments. Like our other materials, the FAQ will be
23 available in the federal Voting Rights Act languages.
24 Our website will also host an explainer video, an
25 example of a rank choice voting ballot, and visual

demonstrations of how winners will be determined through rank choice voting tabulation. These materials will all be shared on social media through organic posts and targeted paid advertising, and distributed by community partners. For the June primary elections, our 2021 citywide Voter Guide will also include information on how to mark an RCV sample ballot. The voter guide is mailed to every household in New York City, giving us the ability to educate all 4.8 million registered voters about rank choice voting. Best practices from other jurisdictions show us that it is crucial to provide voters with accurate, timely, and accessible information. Our messaging will be voter-centric: easy to understand and responsive to voter needs. We are working with the Center for Civic Design, which has hands-on experience with rank choice voting communications efforts around the country, and knowledge of best practices in design and usability. They are testing out designs for our Voter Guide and other materials based on usability studies, and they will be making recommendations that reflect the lessons learned in other jurisdictions and help us introduce rank choice voting in the most accessible way possible. To help

us meet the specific needs of New York City voters, CCD is conducting interviews with a diverse cross-section of New Yorkers from all five boroughs, with a specific focus on under-represented populations that comprise our charter mandate. 100 percent of respondents are voters of color, and 84 percent speak English as a second language. We included a small sample of what we've heard from voters during these interviews in our written testimony. I will share a quote from a voter who noted straightforwardly that this is new to me, but it's just another way of voting. While we anticipate the CCD's work will be essential to ensuring our rank choice voting outreach will be as impactful as possible, their research suggests that New Yorkers may quickly understand the benefits and the process of ranked choice voting. The CFB has concerns with the substance of both pieces of legislation before the committee, and we appreciate the opportunity to address them here today. I will speak first briefly about Council member Lander's bill which aims to require the New York City Board of Elections to report the complete ranked-choice tabulations with the unofficial results on election night. We will absolutely defer to the

2 Board of Elections for their analysis of the
3 practical considerations which were just discussed at
4 length. We will reiterate that the counting of
5 absentee ballots does not start until a week after
6 Election Day, and is not finalized until weeks later.
7 Due to Covid 19, nearly 25 percent of voters voted by
8 mail in November. If this trend continues, as is
9 likely, the unofficial election night results will
10 only reflect the choices of 75 percent of voters who
11 cast ballots in person--increasing the likelihood
12 that results will shift between the unofficial
13 results and the final, certified count. We propose
14 that the Council's focus should be on providing
15 resources to the Board of Elections and supporting
16 changes to state election law that will help make the
17 process of counting absentee ballots more efficient.
18 As is clear from our testimony, we fully share the
19 goal of Intro 1994: to educate as many New Yorkers
20 about rank choice voting as effectively as possible.
21 Our staff are already carrying out most of the work
22 this bill requires. For example, Local Law 29
23 agencies will be included in our education campaign,
24 and we are currently planning to train LL 29 agency
25 staff and provide the agencies with public education

2 materials. As discussed in detail, we are fully
3 incorporating rank choice voting education content
4 into our website and social media plans for 2021, as
5 well as the online, print, and video Voter Guides.
6 We are going beyond the requirements of this bill and
7 asking our potential debate sponsors to incorporate
8 elements of our rank choice voting education into
9 their plans for the CFB-sanctioned debates for
10 citywide offices. Noting that, we have some
11 suggestions that will align Intro 1994 with the
12 planning we have underway. First, we propose that
13 the implementation date be moved to June 1st, 2021.
14 Having some of these items completed entirely by
15 January 1st, 2021--less than one month away--is
16 impractical. As we mentioned earlier, most of our
17 written and digital rank choice voting education
18 materials will be ready in time for the District 24
19 special election, but the projects that will reach
20 the most voters will take longer to produce.
21 However, we do propose striking the bill's sunset
22 provision. We intend to integrate rank choice voting
23 educational content into our regular get-out-the-vote
24 and voter education campaigns for city primary and
25 special elections--particularly because other

1 elections will continue to be conducted under the
2 traditional plurality-winner rules. As such, we do
3 not believe it is necessary to limit the requirements
4 in the bill only to elections in 2021 and 2023.

5 Second, we suggest that the bill grant more
6 flexibility for CFB to adopt best practices based on
7 research and observation of what has worked in other
8 jurisdictions. For example, requiring at least two
9 pages of the Voter Guide to be dedicated to rank
10 choice voting is overly prescriptive. As noted
11 earlier, we are working with the Center for Civic
12 Design to solicit feedback from a diverse subset of
13 New York City voters to ensure the Voter Guide and
14 rank choice voting messaging will best meet their
15 needs. It's possible that a requirement to devote
16 two pages of the Guide solely to rank choice voting
17 will run counter to what we learn from CCD's
18 usability studies. We are planning to fully
19 incorporate RCV education into our Voter Guide, but
20 need the flexibility to determine how best to do it
21 based on our research and feedback from voters.

22 Third, we must highlight that the translation
23 services required in this bill would require a
24 significant amount of additional funding. Currently,
25

2 we have budgeted for translation services covering
3 the four languages required by the federal Voting
4 Rights Act: Spanish, Chinese, Korean, and Bengali.

5 The CFB would need substantially more funding to
6 contract with translation services providers for the
7 six additional designated citywide languages. Like
8 many other City agencies, the CFB has worked with OMB
9 to make difficult but necessary cuts to our agency
10 budget during this difficult year, and this is one
11 requirement we cannot meet without additional
12 resources. We have passed along comments about
13 improving both bills to Council staff, and we are
14 happy to discuss them further as the bill moves
15 through the legislative process. There is no doubt
16 that we have a tremendous undertaking ahead of us.
17 Successful implementation of rank choice voting will
18 require assistance from all corners of New York City.
19 As we've described in our testimony, the CFB has a
20 strong, sound plan to fulfill our Charter mandate and
21 provide New Yorkers the information they need to
22 confidently and successfully cast a ballot. We thank
23 you for the opportunity to testify today and we're
24 happy to answer any questions you might have.

2 CHAIRPERSON CABRERA: Thank you so much
3 for your testimony. I'm going to do for the usual
4 practice of me starting with questions. What I'm
5 going to do is I'm going to allow for the other
6 Council members, my colleagues, to ask questions and
7 then I'll come back and asked my questions and then
8 we can continue the hearing. With that, I will turn
9 it back to the committee counsel.

10 COMMITTEE COUNSEL: Thank you, Chair.
11 I will now call on Council members in the order they
12 have used the zoom raise hand function. Council
13 members, if you would like to ask a question and you
14 have not yet raised her hand, please do so now.
15 Panelists, please stay on muted, if possible, during
16 this question and answer period. First, we will be
17 hearing from Council member-- Majority Leader Cumbo
18 followed by Council member Cornegy and then Council
19 member Kallos. Majority Leader Cumbo, you may begin
20 upon the sergeant's announcement.

21 SERGEANT-AT-ARMS: Time starts now.

22 MAJORITY LEADER CUMBO: Thank you. I just
23 want to continue with the line of questioning from
24 the last hearing. Mr. Friedman, I heard your
25 testimony in terms of rank choice voting been

2 synonymous with grocery shopping. If you want
3 something and you know it is not there, you can pick
4 something else. This is a very condescending
5 because, as we all know, rank choice voting is not
6 simply about voting your preferences. It is a very
7 complex where, if you vote through the rank choice
8 voting process or if you don't, if you vote for two
9 candidates versus three candidates versus five
10 candidates, you can come up with completely different
11 outcomes depending on how you utilize this system and
12 those that are more sophisticated that have greater
13 resources, deeper pockets, and greater bandwidth into
14 the Internet and other forms of social media are
15 going to be the victors throughout the system. So,
16 let's be clear about this. It's not just simply
17 ranking your choices. It's about understanding the
18 complex calculus and strategy of how are you now have
19 to win elections. That is one. Number two, you
20 spoke also about the community partners. I didn't
21 hear any community partners from any black or Latino
22 communities. Do you have any black or Latino
23 communities confirmed and contracted with at this
24 time to implement rank choice voting?

2 ERIC FRIEDMAN: So, let me take the
3 second part of that first. So, we have, as noted in
4 our testimony, been working with the broad range of
5 civic organizations around the city from every
6 community in New York City to help spread the word
7 about--

8 MAJORITY LEADER CUMBO: I'm asking for a
9 specific contract with organizations at this time.
10 Because you are talking about rolling out a process
11 in two months and then, later on in six months. Do
12 you have a contract signed that I could then speak to
13 that provider and say, tell me more about your
14 contract in the work that you are going to be duly
15 used in the next couple weeks?

16 ERIC FRIEDMAN: So, I'm happy to follow
17 up with you-- actually, I don't have a--

18 MAJORITY LEADER CUMBO: I'll take that
19 answer is no.

20 ERIC FRIEDMAN: Council member, I'm
21 happy to follow up with you after the hearing with
22 the complete list of the organizations we been
23 working with. A lot of the work we are doing is in
24 partnership and we are not putting contracts-- we
25 have not been putting contracts out--

2 MAJORITY LEADER CUMBO: Which further goes
3 to amplify what is been the theme throughout this
4 conversation or this hearing. You are not ready.
5 You are not prepared. You also testified here both
6 that the amount of money for rank choice voting is a
7 mere \$1 million, okay? Compare that to the census
8 which was \$40 million in all the work that went into
9 that. Do you think that we could have spent \$1
10 million on the census and Sibley bailed a postcard
11 and that that would have been sufficient to get the
12 turnout that we received?

13 ERIC FRIEDMAN: So, I am happy to have
14 the opportunity to elaborate a little bit on the
15 answer we provided earlier because I think our voter
16 education campaign is, frankly, working at different
17 model than is usually--

18 MAJORITY LEADER CUMBO: Okay. You also
19 spoke about other cities that are using rank choice
20 voting. Minneapolis and many others that you named.
21 Can you go down the line and tell me how much their
22 cities spent on rank choice voting and how long their
23 educational campaigns went on for specifically city
24 by city?

2 ERIC FRIEDMAN: That is not information
3 I have at my fingertips, but what I will tell you
4 about--

5 MAJORITY LEADER CUMBO: Well, the net was
6 an irrelevant part of your testimony because, if we
7 don't know how much money they spent, we don't know
8 what their educational plan was or their timeline,
9 nor do we know the percentage of African-American and
10 Latino voters, and that is a very unfair comparison
11 for you to include in your testimony at this time.
12 So, I'm just going to conclude with that. You've
13 also not been able to answer the NYCHA plan. I am
14 also just going to assume that you have no concrete
15 plan for how to reach our seniors, those in our
16 hospice, those in our nursing homes, and many others
17 that are on lockdown right now. We can't even get
18 into our nursing home during this pandemic. So, this
19 particular program, I am just going to say, this is
20 the greatest gross negligence that I've ever seen
21 governmental malpractice and I'm going to do
22 everything in my power to fight against this with the
23 power of all of my ancestors behind me because too
24 many people fought and died for the right to vote and
25 it is going to be too difficult to explain to our

2 communities, similar to the electoral college, how
3 the person with the most votes did not win the
4 election. So, this is something that we are going to
5 have to account for an answer in our communities and,
6 for many of these good governmental groups, many of
7 them do not come from the communities that look like
8 me, how they can explain and justify spending \$1
9 million, a mere \$1 million, a token that is not even
10 going to cover the cost of the mailing to every New
11 York City motor. How old that is justifiable. That
12 is political malpractice. I am going to continue to
13 work with my colleagues--

14 SERGEANT-AT-ARMS: Time.

15 MAJORITY LEADER CUMBO: and I am going to
16 utilize my time in office to do everything to have
17 that May suspend this portion of the charter which is
18 how we would get this done and across the finish
19 line. Our voters deserve the opportunity to have
20 every right to vote in a fair, transparent, well-
21 educated election. Thank you.

22 ERIC FRIEDMAN: So, I appreciate your
23 comments and your questions, Council member. The one
24 thing I just want to add about that for care, so the
25 \$1 million is devoted to our marketing and

2 promotional budget. There is an additional \$1
3 million that is been budgeted for improving our print
4 and voter guides to help us use them and develop them
5 as a tool that is built around helping voters make
6 their ranking decisions.

7 EXECUTIVE DIRECTOR LOPREST: Right. And
8 that, of course, does not include the cost of the
9 voter guide.

10 ERIC FRIEDMAN: So, the total cost of
11 printing, translating, mailing the voter guide,
12 producing the videos that go with the voter guide,
13 and advertising to promote the voter guide is about
14 eight and a half million dollars. So, want to make
15 sure that figure is located in the context of our
16 broader voter outreach and engagement efforts. Thank
17 you for that.

18 MAJORITY LEADER CUMBO: Please don't insult
19 my intelligence with the addition of an additional \$1
20 million and I voter guide. What I've explained to
21 you before is that there is a complex calculus
22 strategy on how to win elections that will not be
23 covered in that government voter guide, as well as
24 the fact that \$2 million is also not ample or
25 sufficient to do the level of outreach where black

2 and brown communities, particularly those of our
3 seniors and those in our nursing homes and those in
4 hospice care and others need that additional level of
5 support that will not be covered by \$2 million. So,
6 I will just close there. I have a Democratic
7 conference to lead at this time and I will continue
8 to fight with each and every one of my colleagues
9 alongside them to overturn this. Thank you.

10 ERIC FRIEDMAN: Thank you, Majority
11 Leader Cumbo.

12 COMMITTEE COUNSEL: Thank you. Next,
13 we will hear from Council member Cornegy followed by
14 Council member Miller and then Council member Adams.
15 Council member Cornegy, you may begin upon the
16 Sergeant's announcement.

17 SERGEANT-AT-ARMS: Time starts now.

18 COUNCIL MEMBER CORNEGY: Okay. Good
19 afternoon. Thank you, again. I want to start by
20 echoing the sentiments of my colleague, Kalman Yeger,
21 who-- I'm really surprised that there was so much in
22 your testimony about the advocacy-- it almost seemed
23 like advocating for rank choice voting instead of
24 explaining to us about its implications and its
25 applications. That's a little disturbing to me.

2 Secondly, I want to talk about the fact that a lot of
3 the organiza-- you were asked if contracts have been
4 signed with major black and brown organizations. A
5 lot of those organizations are on the call and have
6 already sent me a text saying that they haven't been
7 reached out to. So, some of the prominent black
8 organizations who are responsible for the
9 dissemination of information in black and brown
10 communities are, literally, on the call and have not
11 gotten reached out to you in terms of disseminating
12 information. So, I don't know who you are reaching
13 out to, but I can look at the panel here right now
14 and see so many prominent organizations that stand in
15 the gap for black and brown people in terms of
16 advocacy and they have not been reached out to. So,
17 that is concerning to me. Now, the question I have
18 for you is is it true that the outreach that was
19 prescribed to be done and milestones that were
20 prescribed to be met were not reached because of
21 Covid?

22 ERIC FRIEDMAN: I just want to make sure
23 that I understand the milestones you're speaking
24 about, Council member. Are you speaking about the
25 items in the bill that is under discussion today?

2 COUNCIL MEMBER CORNEGY: Yes. And
3 the-- There were milestones that were supposed to be
4 reached in terms of videos, in terms of all those
5 kinds of things that I have detailed within the
6 context of my testimony earlier. I know the answer
7 is no. How is it that you feel that you can't go
8 forward with this program knowing that those
9 milestones weren't met? Milestones for education?
10 In my committee, I am the Chair of Housing and
11 Buildings. There were milestones that were supposed
12 to be met in terms of legislation that was put
13 forward that we didn't meet and we had to push it out
14 because we weren't able to get the education process
15 done in Housing and Buildings, right? Around a lot
16 of very important issues in terms of information.
17 How is it that we wouldn't-- so, I'm not even here
18 to argue the merits of rank choice voting as a
19 practice. I'm saying that there's no way, having
20 missed the milestone for education and, by the way,
21 having six kids, I know that if you miss the
22 milestone, you don't make it up, right? It's not
23 like you can double up to get to a milestone. We've
24 missed considerable milestones that were prescribed
25 in the education package. What is your response to

2 that? Like we can't make it out. We don't have
3 enough time to make up the robust education. A lot
4 of us who are progressives and who believe that we
5 should be moving forward with the voting system that
6 is inclusive to all voters stood by and fought for,
7 actually, the ability to be progressive, but we had a
8 reasonable expectation that education would be the
9 cornerstone by which we move forward with rank choice
10 voting or any monumental changes. And that,
11 literally, has not happened. By your own estimation,
12 how do we move forward?

13 ERIC FRIEDMAN: So, as noted in her
14 testimony, a lot of the planning around the items
15 that you're speaking about is underway. You know, we
16 have started our plan to produce a video, as
17 mentioned. We are including rank choice voting
18 throughout the voter guides that we have planned for
19 this year. We have mailings that we have planned in
20 those Council districts that have special elections
21 coming up. So, you know, I think one of the things
22 to point out is that we really look at, you know, the
23 efforts that we have been engaged in throughout this
24 year as a success story and a demonstration of how we
25 can be successful and impactful in talking about rank

2 choice voting with city voters. We-- you know, we
3 saw between June and July more than 20 times as many
4 people utilize early voting as did in in June. You
5 know, so we were, despite many challenges of this
6 year, we are confident that we will be able to meet
7 these benchmarks. You know, we are on track with
8 rolling out our campaign. The plan that we shared
9 with that Gov Ops Committee back in September and
10 that will begin January 1st. So, I'm not sure if
11 that answers your question, if that's--

12 COUNCIL MEMBER CORNEGY: No. What I'm
13 saying is you've already missed of the benchmarks.
14 Now you are setting new benchmarks, but you have
15 already missed the ones during the period of Covid.
16 I'm saying that you can't just make them up. You
17 can't just start all over. You can't start all over
18 with election that is in February. And have
19 realistic benchmarks--

20 SERGEANT-AT-ARMS: Time expired.

21 COUNCIL MEMBER CORNEGY: that you can
22 reach to educate voters. That's what I'm saying.
23 Like you've already missed the benchmark. So, to
24 tell me that, in January, but you will, because
25 really that's what it is. You missed two significant

2 benchmarks because of Covid. Not your fault. Not my
3 fault. Mother nature. And a pandemic caused you to
4 miss those. You don't just make it up is what I am
5 saying. Like you don't just now say in January you
6 had a prescription that was, in some estimation, not
7 the best prescription, but it was a prescription and
8 those of us who worked within the context of talking
9 to our voters about a new system gave them a
10 reasonable assurance that they would be educated to
11 the fullest extent. Nine out of 10 prime voters,
12 which are seniors in my district, have not even heard
13 of rank choice voting, let alone how to implement it.

14 ERIC FRIEDMAN: So, I just want to be
15 clear, again, just so we understand. There are no
16 benchmarks included in the charter as far as we are
17 aware. You know, the provision of the charter that
18 governs rank choice voting takes effect January 1.
19 So, we are on track with our plan to start
20 implementing January 1. The products that we have
21 talked about, you know, the production is underway.
22 So, I want to-- if there's more detail that you can
23 provide us with about the benchmarks leading up to
24 January 1, I would be happy to take that back and
25 look at it, but, you know, our planning is on track

2 and you will start to see the results of it as soon
3 as January 1st.

4 COUNCIL MEMBER CORNEGY: So, you say to
5 this body that there were no educational milestones
6 that needed to be met a year ago before you went
7 through with this?

8 ERIC FRIEDMAN: We are not aware of any
9 charter provisions that implement rank choice voting.

10 COUNCIL MEMBER CORNEGY: Okay. So, I
11 am told and I believe that that is patently false.
12 That there were no education milestones. That you
13 didn't have to begin the education process until
14 January would certainly fly in the face of my support
15 for rank choice voting.

16 ERIC FRIEDMAN: So--

17 COUNCIL MEMBER CORNEGY: I--

18 ERIC FRIEDMAN: Sorry. Go ahead.

19 COUNCIL MEMBER CORNEGY: That just
20 seems patently false to me that there were no
21 milestones, no benchmarks that needed to be met over
22 a year ago in order to move this forward. You may
23 say the chartered didn't include it, but certainly
24 you are prescription and movement of education was a

2 portion of getting us to a place where this was even
3 implementable. I have no more questions.

4 COMMITTEE COUNSEL: Thank you, Council
5 member. Next, we will hear from Council member
6 Miller followed by Council member Adams. Council
7 member Miller, you may begin upon the Sergeant's
8 announcement.

9 SERGEANT-AT-ARMS: Time starts now.

10 COUNCIL MEMBER MILLER: Thank you. Good
11 afternoon. So, obviously, I think that we don't want
12 to rehash all of the questions around planning and
13 preparedness that was the questions that were asked
14 during the first round that we know was more specific
15 to the role of Campaign Finance. And, as Council
16 member Cornegy just indicated that there were certain
17 benchmarks, which included reporting whether it was
18 Board of Elections or whether it was CFB for this all
19 to get underway. In late December is really a
20 travesty, but it is really consistent on what this
21 is. Inconsistent with what we been saying. Let me
22 just-- Let me just contradict some your data a
23 little bit. And we talked about the Minnesota's of
24 the world and the San Francisco's of the world. The
25 fact of the matter is we know what took place in San

2 Francisco with an African-American Mayor up by 20 in
3 the high double digits and barely one by one percent
4 because of rank choice voting. We also know that
5 last year, at the same time that we were enacting
6 rank choice voting here in New York, California
7 Governor Newsom, through executive order, vetoed an
8 attempt to expand rank choice voting throughout the
9 land of California. Let me also read from the
10 Minneapolis Somali-American candidate who said that,
11 after he lost, that he was in favor and he was
12 favored to win rank choice voting, but lost to a
13 candidate that was supported by wealthier white
14 voters. He said I was promised that it would
15 increase the voter turnout and encourage communities
16 of color and more diverse communities to get out and
17 vote and more civil discourse, but that was not the
18 case. There is one commonality in the places that
19 you mentioned, also, and some of those places that
20 differ from really. New York City and the democracy
21 that we now. The fact of the matter is that those
22 communities that-- the majority of the community
23 here in New York City is far from that of San
24 Francisco, certainly, where African-Americans make up
25 less than four percent of the population.

2 Minneapolis and places like that where folks of color
3 are the majority here in the city of New York. So,
4 just, you know, this process in general, to apply
5 that logic, I just don't see it. This is, as my
6 colleagues have called it a number of things, you
7 know, it is, you know, really circumventing the
8 democracy that we have come to administer and without
9 the type of education. Could you just talk about,
10 again, how we reach those marginalized only because
11 they are the senior population, those who speak
12 second languages, those who were outreach generally
13 happened in churches, synagogues, and mosques and
14 senior centers. How do we make up for that? How do
15 we, in particular, when we have seen in most recent
16 times the school reopening that 50 percent of
17 African-American in communities of color did not have
18 access to technology, nor really access to broadband.
19 How, then, as the primary function of achieving these
20 goals, do we rely on technology? Keeping in mind
21 that we are in the midst of a second wave of this
22 pandemic.

23 ERIC FRIEDMAN: So, I want to start out
24 by saying I think we share a lot of the same goals
25 here. I mean, we want, you know-- Since rank choice

2 voting was adopted by the charter referendum, you
3 know, we are committed and really, I think, share
4 this goal of making sure that it is adopted evenly in
5 every community across the city. Evenly, completely,
6 and fully. So, to your question about the digital
7 divide, I think, you know, a lot of us were forced
8 when the pandemic struck to read think a lot of the--
9 you know, the outreach strategies that we are relying
10 on before the pandemic hit. We have, you know, in
11 response to restrictions on gathering in public
12 spaces, certainly build out our digital capacity and
13 relied on it pretty heavily through this year. But I
14 think we have also relied--

15 SERGEANT-AT-ARMS: Time expired.

16 ERIC FRIEDMAN: just as heavily on our
17 partnerships with communities around-- with
18 organizations around the city. I mean, we have to--

19 COUNCIL MEMBER MILLER: Again, I'm sorry.
20 Eddie organizations in Southeast Queens which happens
21 to be a top three voting block in the state of New
22 York consistently and, if so, what are those
23 organizations?

24 ERIC FRIEDMAN: So, we are happy to
25 provide the Committee with the complete list of

2 organizations that we are working with. And I
3 encourage you-- because, look, we, again, have to
4 approach this work with humility. That Campaign
5 Finance Board is not going to be the best messenger
6 and every community in New York City and that is why
7 it is so important--

8 COUNCIL MEMBER MILLER: That is true. And
9 what communities are they the best messenger?

10 EXECUTIVE DIRECTOR LOPREST: I think, I
11 mean also-- I think what Mr. Friedman is trying to
12 say is that we, I mean-- We have a group, list, and
13 we are happy to share the list that we are working
14 with, but we also welcome any organizations, you
15 know, that you are associated with or no to also
16 provide additional train the trainer and outreach
17 work and develop partnerships with them, too. That
18 is--

19 COUNCIL MEMBER MILLER: Okay.

20 EXECUTIVE DIRECTOR LOPREST: absolutely
21 part-- you know, welcome that from all of the
22 Council members because you know your communities
23 better. You know, we have done outreach. We have a
24 list of organizations that we are working with, but,
25 again, we are happy to collect names of

2 organizations, big and small, that you are work--
3 that are in your communities that we can also reach
4 out to and provide training programs and materials to
5 them.

6 COUNCIL MEMBER MILLER: Okay. Thank you.
7 So, and finally, as you aggregate and disaggregate
8 the data of rank choice voting throughout the
9 country, could tell where-- in some of the states
10 where rank choice voting had been instituted and
11 repealed such as Vermont, North Carolina, Michigan,
12 Washington state, and Colorado. Why, in fact, was
13 rank choice voting repealed in those states?

14 ERIC FRIEDMAN: So, I don't have all the
15 information about the events on those dates at hand.
16 But, again, I am happy to come back and discuss
17 further at another time. I do want to add, just to
18 what Amy said in response to your last question. For
19 communities that are reliant on broadband in the
20 Internet to get all their information, we do have the
21 voter guide that is mailed to every household. We
22 are, you know, investing in out of home advertising,
23 including with local businesses in communities across
24 the city. So, we have--

2 COUNCIL MEMBER MILLER: [inaudible
3 03:07:07] are closing now in the midst of Covid.
4 This is paramount to poll tax at this day and time.
5 And I yield the time. Thank you so much for
6 attending.

7 ERIC FRIEDMAN: Thank you, Council
8 member.

9 COMMITTEE COUNSEL: Thank you. Next,
10 we will hear from Council member Adams followed by
11 Council member Yeger. Council member Adams, you may
12 begin upon the Sergeant's announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 COUNCIL MEMBER ADAMS: thank you very
15 much. Thank you for your testimony so far. Thank
16 you for being here and, again, hanging out with us
17 pretty much all day. You know, I am concerned. I
18 think that is an understatement. I am very
19 concerned. The farther we go along in this hearing
20 today, the farther many of us know about rank choice
21 voting, the implications of rank choice voting. We
22 understand the law perfectly in that the law must be
23 enacted. That is no question. Our stance, pretty
24 much, is that we are not ready for this in New York
25 City. We are not ready for this and I think that it

2 was a little disingenuous to hear about the virtues
3 of rank choice voting more than hear about what we
4 need to make rank choice voting successful right now.
5 And I think that that is the piece that we have been
6 missing throughout this hearing, quite frankly.
7 Again, I am just very, very concerned. Let me just
8 go back to something that my colleagues-- If the
9 reach of online voter education campaigns is
10 typically limited to already engaged audiences, how
11 exactly does the CFP plan to target hard to reach
12 communities in the middle of a worsening dark winter
13 pandemic to inform them about rank choice voting?
14 How are you going to make that happen? How do you
15 intend to target the cities black voters with a
16 digital rank choice voting education campaigns when
17 nearly half of all black households don't have
18 Internet access due to a lack of reliable broadband
19 and almost 1/4 of them can only do so with a smart
20 phone? How are you going to do that? You also let
21 us know the voter analysis report indicated that the
22 CFP would conduct focus groups to get messaging
23 feedbacks from underrepresented communities. To
24 date, it would be nice to know how many focus groups
25 with underrepresented communities in mind. Has the

2 CFP conducted and which neighborhoods were
3 represented? And also does the CFP believe that in
4 person outreach to underrepresented communities will
5 be possible while the pandemic is searching right
6 now? I am concerned. I'm very, very concerned. How
7 are we going to get to our senior centers? Our
8 houses of worship? The key places where people of
9 color get their information about voter education.
10 How are we going to do that when those institutions
11 have been shattered for months and months and months?
12 How are we going to do that? How will the CFP be
13 able to reach out to our seniors in a significant way
14 about rank choice voting, whether you-- you know, I
15 am concerned. I am very, very concerned. I'm just
16 going also throughout their there are some terms out
17 there that are voters need to be aware of. They need
18 to know about valid exhaustion. We are looking at a
19 number of candidates right now coming into these
20 elections, particularly in Queens. And I'm going
21 back to district 24, again. So, according to the
22 2019 city charter commission final report, ranking a
23 larger number of candidates can help ameliorate the
24 issue of valid exhaustion and if the number of
25 candidates the voter can rank is increased from 3 to

2 5, the risk of valid exhaustion naturally declines.
3 The commission saw fit to, rightfully so, to the
4 maximum number of candidates that can be ranked in a
5 rank choice voting election at five. Now, listen.
6 There are reportedly 11 candidates running in the
7 special election for Council District 24 in Queens
8 right now. This is happening on February 2. 11
9 candidates. We are capped at five and at least nine
10 in Council District 30 would coming up in February,
11 as well. What is the risk of valid exhaustion in a
12 rank choice voting election if the number of
13 candidate's running exceeds the number that a voter
14 can rank? I am concerned. I am very, very
15 concerned. How does CFP proposed to educate rank
16 choice voting election voters about valid exhaustion
17 and about anything else that I just brought up?
18 Thank you very much.

19 ERIC FRIEDMAN: So, I will try to take
20 some of those comments in reverse. And thank you for
21 the question. So, I mean, you talked about the
22 Deborah voters being larger than five in some of
23 these special elections coming up. I mean, look.
24 One of the things that-- One of the things about
25 rank choice is you can rank more than one voter which

2 provides a broader look at voter preference than we
3 have currently in the winner take all system. So,
4 again--

5 SERGEANT-AT-ARMS: Time.

6 ERIC FRIEDMAN: I think what we have
7 learned as we look at the way this is rolled out in
8 other jurisdictions is that keeping it simple is
9 really important good information that is simple and
10 clear and straightforward is the best way to get
11 voters the information that they need in order to
12 participate fully and meaningfully. I do want to add
13 one thing about your comments about kind of access to
14 broadband. A lot of the material that we are
15 producing is not meant to just be viewed at home on a
16 laptop or desktop. We are producing materials online
17 that are accessible and really mobile first. So, for
18 folks who rely on smart phones, you know, our
19 materials will all be accessible to them. In one of
20 the things we've done during this year as we really
21 tried to shift towards a way from the in person
22 outreach is text out the vote thanks before this
23 year's election. So, this is another way to reach
24 voters who aren't reliant on broadband Internet while
25 still maintaining, you know, physical distance and

2 public safety requirements. Which, again, I think
3 we've heard a few times. We would anticipate that
4 those will still be an issue throughout this coming
5 year.

6 COUNCIL MEMBER ADAMS: I appreciate that.
7 Again, what I'm hearing, again, is the tone of just
8 minimizing how important this is. And, again, I
9 disturbed. I am very disturbed about a comparison of
10 rank choice voting with grocery shopping. I just
11 mentioned 11 candidates on about it. What that means
12 to the voting public in the way that our voting
13 public, particularly in one of the largest voting
14 blocks in Southeast Queens, we have been educated
15 voting block. We will now have to, among other
16 things, educate voters on a number of candidates
17 unheard of because of the number of seats that will
18 be vacated in the New York City Council. We're going
19 to have to make sure that our voting public is
20 educated on our May oral candidates who are coming
21 out every day, it seems like someone else jumps in
22 the race. So, we are not just saying look at your
23 favorite person. One person, one vote. Which, by
24 the way, is the way civil rights history teaches us
25 how to vote as a people. One person, one vote. We

2 are now pretty in front of the voting population of
3 color. You must educate yourself on upwards of five
4 candidates now to make you our best choice into hope
5 that your candidate wins with 50 percent or more of
6 the vote. I am very, very concerned, but thank you
7 very much for your testimony today.

8 ERIC FRIEDMAN: So, one thing I would
9 just add is that we absolutely--

10 COUNCIL MEMBER ADAMS: Sure.

11 ERIC FRIEDMAN: Sherry urgency and what
12 you have said. We are keenly aware of the high
13 volume of candidates getting ready to run in next
14 year's election. You know, we are seeing them come
15 through the match your funds program. We are
16 preparing the voter guide to communicate and help
17 those candidates communicate to voters effectively
18 about what they do want in office. And, again, I
19 do-- please don't mistake my answers as an
20 indication that we don't share the urgency that I
21 think you are showing.

22 COUNCIL MEMBER ADAMS: Thank you.

23 COMMITTEE COUNSEL: Thank you. We will
24 now hear from Council member Yeger. Council member

2 Yeger, you may begin upon the Sergeant's
3 announcement.

4 SERGEANT-AT-ARMS: Time starts now.

5 COUNCIL MEMBER YEGER: Thank you, Mr.
6 Chairman. Just to be clear and to follow up on my
7 previous time, I don't think anybody in this
8 committee-- I don't think anyone in the Council
9 holds the Campaign Finance Board accountable for the
10 results of last year's referendum, but I also think
11 that it is important to note what the results were.
12 That is one of my colleagues indicated earlier,
13 approximately 500,000 people in the city of well over
14 8 million voted yes on this question. To put that in
15 perspective, that is far less people they had voted
16 by absentee ballots in this year's election in the
17 city. It was a tiny minority of New Yorkers and, in
18 many of the communities of the members that you are
19 hearing from today, there was a low turnout.
20 Traditionally, the year before the presidential
21 election in New York City is an off year cycle, we
22 call it here, and there is really nothing of great
23 import on the ballot in many people's estimation, so
24 they don't come out. There was a tiny, tiny turnout.
25 And that is the result that we are dealing with

2 today. So, it is not to hold the Campaign Finance
3 Board accountable for the adoption of the measure,
4 but I think it is necessary for us to talk about what
5 we are seeing. And, you know, when I hear
6 colleagues, frankly, who don't look like me talking
7 about things like poll taxes, things like voter
8 suppression, and, you know, thinking about what that
9 means in a city like this, they have the credibility
10 that I don't to talk about these topics, but my
11 family also came here from countries where they could
12 not exercise their right to vote to choose their
13 leaders. It is a sensitive topic for a lot of people
14 in the city, regardless of where you come from and
15 regardless of who you represent. Like I said, in my
16 community, I am comfortable defending the position of
17 my voters who chose to reject this question, but,
18 having said all that, you know, I want to go back to
19 the education aspect because I think it is important.
20 You know, Eric, Madam Director, we have known each
21 other for a long time and, you know, I can't recall
22 if the director and I ever had these conversations,
23 but Eric, I think you and I have had conversations
24 about the voter guide. And I don't want to put words
25 in your mouth, but I'm pretty sure in her many times

2 of talking and coffee, talked about that, you know--
3 and I'll say it for myself. I really-- I've said
4 this before. I don't believe anybody reads that
5 magazine and I don't think you disagree. And you may
6 not want to worded the same way, but people are not--
7 it is junk mail when it shows up and, to the Majority
8 Leaders point about the million dollars and, you
9 know, quibbling over whether it is a million, 2
10 million, 3 million-- whatever the case may be, the
11 idea that we can educate the voters of New York City
12 in a way that you yourself in your testimony, Madam
13 Director , said that you were not comfortable
14 beginning the education campaign in this current
15 calendar year because, and I know page 3, because of
16 the confusion and uncertainty you didn't want to
17 create. And now we have these four elections right
18 up against us, but at the same time, you are saying
19 you don't want to have the rollout be written into
20 law until June, just several weeks before the
21 citywide primaries. So, these things don't all mesh
22 and when Councilman Miller talks about his concern
23 and when Councilman Cornegy talks about his concern
24 about the seniors in their district, you know, I have
25 the same concern about seniors in my district not

2 been able to get the information that they need
3 because, A, they are not getting this magazine. They
4 are not opening it up. They don't have the access to
5 the Internet that we have all learned is the only way
6 we are functioning today, but so many New Yorkers
7 don't have that access. How often our conversations
8 at this Council on these floors take place about the
9 idea that we have people in New York that do not have
10 access to the Internet we are constantly trying to
11 figure out ways to get them access to the Internet.
12 How are we going to educate folks? And I don't know
13 if this is a question that even has an answer because
14 you have taken the position that you can do it and,
15 throughout your testimony, Director, you expressed
16 confidence that you are going to be able to
17 accomplish it. I'm not saying you're not going to do
18 everything you can. What I'm saying is that, if you
19 do everything you can, it is still set up to fail.
20 It is just not enough time and, Madam Director, I
21 would suggest that the same powerful voice that you
22 are giving us today to tell us what you believe, but
23 is it agency, ranked choice voting is good, ranked
24 choice voting can happen, ranked choice voting is
25 fair, all the wonderful things you have to say about

2 it, I think you could recognize the obvious that no
3 matter what the CFP does, no matter how hard you work
4 to make this a reality in terms of your mandate to
5 provide the education, it will fail. It will be New
6 Yorkers who are not going to understand it, not
7 because they are not smart, but because of the nature
8 of the way they have voted for so many years, because
9 of the age demographic difference. Frankly, the--

10 SERGEANT-AT-ARMS: Time expired.

11 COUNCIL MEMBER YEGER: Mr. Chair, if I may
12 for a few moments. The differential between what the
13 race of the average younger voter in New York City
14 and the average older voter in New York City is, I
15 think, is relevant and I think those are the things
16 that Councilman Cornegy and Council member Adams and
17 Council member Miller are talking about. The
18 Majority Leader is talking about. I'm not in a
19 position to invoke my ancestors into this battle like
20 the Majority Leader did, but I think the passion by
21 which some of my colleagues are bringing to this
22 conversation all to give you pause and whether or not
23 your confidence is well-placed. And that is the
24 suggestion I make, Mr. Freeman. You know, I am an
25 honest guy when I talked to you. I have always been.

2 Madam Director, you know I believe in your work.
3 We've had many conversations about it, but I think
4 that you have to look really deep into whether or not
5 you can and faithfully represent the city you are
6 going to be able to accomplish this in a way that we
7 all ought to just say, okay. It is going to be good.
8 Don't worry about it. And, with that, I yelled back
9 because I'm not really sure I gave your question, but
10 please, Madam Director, Eric, if there's anything
11 that you want to add, feel free.

12 EXECUTIVE DIRECTOR LOPREST: No. I will
13 reiterate what I said. You know, this is the mandate
14 that the voters have given eyes and we well, you
15 know, do everything we can to meet that mandate and,
16 you know, I think that Eric has outlined what our
17 plans are extensively. Again, as this moment, the
18 charter requires size to educate voters that we will
19 be doing that. For the implementation of ranked
20 choice voting, you know, starting with the February 2
21 special election.

22 COUNCIL MEMBER YEGER: Yeah. But Madam,
23 Director, my question is really-- I know you are
24 going to do it. I don't believe there is a task that
25 you have never been charged with in the charter in

2 your 15 years as director that you have said, I'm not
3 going to do it. I know you are going to do it. I
4 know you are going to work hard at it and you are
5 going to do it in a very strange environment where
6 many of your staff are working remotely. It's
7 complicated. You are not all sitting in a meeting.
8 I know you're going to do it. My question is whether
9 you can faithfully represent that, when you and John
10 what you can do, will it be the past possible result
11 or does it make sense that so many of my colleagues
12 in the BLAC have suggested that there may be a
13 conversation necessary to postpone this for at least
14 election cycle so that the board, the Board of
15 Elections, the Council, the city can get their arms
16 around this in a better way? Is it your belief,
17 without regard to the fact that a charter mandate has
18 taken place, is it your belief that, when you have
19 done everything in your power to do it in your tools
20 to do it, that the voters of New York City will be as
21 educated as most possibly can and that this will be a
22 success? And if yes is yes, then yes is yes. I
23 mean, I can't answer for you. I can only ask.

24 ERIC FRIEDMAN: So, I appreciate the
25 question and I appreciate you speaking as you always

2 do. I will say this. Again, I want to look at this
3 past year is kind of the example and not proof of
4 concept of how we can successfully communicate
5 confusing and sometimes changing circumstances around
6 elections to voters. Of the budget that we had to
7 devote to this effort, it is greater than the budget
8 we had to help promote early voting during this past
9 year. When we saw, as noted, again, 20 times
10 increase in early voting between the June primary and
11 the November general election. We believe we can
12 successfully fulfill our mandate and ensure that
13 communities around the city are participating evenly
14 and fully in choosing the direction of the city going
15 forward and, you know, again, I appreciate the
16 opportunity to respond, but, you know, we have what
17 we believe is a strong record at this task and
18 believe that we are set. Again, I dismissed none of
19 the comments that we've heard today. We appreciate
20 them all and understand the urgency. That is why we
21 are focused, as the charter directs us, on those
22 voters who are underrepresented among the voting
23 population at large. And so, we feel confident going
24 forward. We are more than happy and eager to work
25 with any member of this body or any organizations

2 that you feel might help us best communicate in your
3 communities because, again, I don't come before you
4 to represent that the CFP knows the landscaping each
5 and every district around the city. We will rely on
6 many hands to help us in this task.

7 COUNCIL MEMBER YEGER: All right. I just
8 want to-- Mr. Chair, if I could just make one final
9 point and then I will yield back. I just want also
10 point out that, you know, the Voting Rights Act
11 language that you referencing page eight of your
12 testimony and you suggest that more funding is
13 necessary for translation services, there are
14 hundreds of languages in the city that are spoken
15 that are not reflected in the obligations of the
16 board-- not your report. The other board to
17 translate on the ballot and then your old board to
18 translate the voting material. And on a vast, really
19 monumental change in voting like this, we are talking
20 about, you know, hundreds-- I mean, in my community,
21 for example, Hebrew, Yiddish, Farsi, Arabic, Russian.
22 I mean, there are some languages that are covered.
23 There are some languages that are it. You're talking
24 about hundreds of languages and the ability to get
25 this message out into a, literally, hundreds of

2 papers throughout the city. Hundreds of different
3 methods. Thousands, possibly, of different methods.
4 Are you able to estimate what you would need? Forget
5 about what you designed to spend, but can you come--
6 I mean, you may not be able to do it right now, Eric,
7 Mdm. Director, you may not know the numbers, but
8 could you actually come to an estimate of what
9 [inaudible 3:27:07]. 10? 20? 30 million? I mean,
10 what is the number that you think for such a vast
11 education campaign? I'm not suggesting I'm okay
12 spending that kind of money. I'm just asking what
13 you think it could be. Because, I think, obviously,
14 as the Majority Leader indicated, \$1 million is a
15 pittance on this conversation.

16 EXECUTIVE DIRECTOR LOPREST: I think, I
17 mean, there is two questions there and I think we are
18 happy to get back to you on kind of our thoughts on
19 those. But if I could parse which the two questions
20 is-- what is the question of language access and
21 translation which are necessarily and the population
22 that speaks them, it becomes more expensive. And so,
23 that is-- you know, we budgeted for the languages
24 that we are mandated to cover. So, we would-- There
25 is language translation. And then there is also, I

2 think, built into your question, the access to--
3 excuse me-- to local media and newspapers that are
4 the ethnic media that is across the city and that is
5 another matter of, you know, additional expense.
6 The, obviously, let us get back to you with an
7 estimate of what that number would be.

8 COUNCIL MEMBER YEGER: Thank you, Mr.
9 Chairman, for your indulgence. Thank you, Madam
10 Director, Mr. Friedman, for your time and the great
11 thought that you put into this. We really appreciate
12 it.

13 COMMITTEE COUNSEL: Thank you, Council
14 member. We will now turn it back to Chair Cabrera
15 for further questions.

16 CHAIRPERSON CABRERA: Thank you so much.
17 Director, I have a few questions, but let me just say
18 that right off the onset your, I think one of the
19 takeaways from today's hearing is that we need a
20 larger investment. My own humble recommendation is
21 98 percent-- and I believe-- of Americans, actually,
22 this data-- it's not what I believe. Have a
23 television. 50 percent of the people my community
24 don't have access to the Internet, but just about
25 every household has a television. We need to do a

2 big TV campaign. I know we rely a lot on social
3 media, but there's something to be said about
4 television outreach. If you could get us back with
5 that number, we want to be helpful. We want to get
6 it right. This is the first time that we are going
7 to be implementing our CVM we wanted to be a good
8 experience. We want the credibility factor to be
9 there. We don't want anybody to feel disenfranchised
10 throughout the process. And I am conservative about
11 spending where we don't need to, but we're talking
12 about democracy year and most likely most of the--
13 if I could keep it real-- most of the people who are
14 going to be elected now in June, most of them, 97
15 percent of them, will be there for the next eight
16 years due to the data that we all know about
17 regarding the power of the incumbency. So, if you
18 could get back to us, again, we want to be helpful
19 regarding that issue. So, let me get into some
20 questions regarding-- by the way, I wanted to ask
21 you, based on what you've seen in the other cities,
22 the rollout of the educational piece, what normally--
23 how long that usually takes? Why take I talked
24 early-- how early do they tend to start? You have
25 seen cities start in providing the education for RCV.

2 ERIC FRIEDMAN: So, I'm happy to come
3 back with more details on some of those campaigns
4 that are-- as they went in other cities. As I said,
5 we are, through our work with Center for City Design,
6 you know, working with them to kind of collect and
7 gather the best practices from around the country, in
8 addition to doing specific research on the particular
9 needs of New York City voters that they are
10 conducting through those focus groups that were being
11 discussed earlier.

12 CHAIRPERSON CABRERA: When did you start
13 a conversation with them?

14 ERIC FRIEDMAN: Yeah. For sure. You
15 know, I think, generally, the sort of best practice
16 to keep in mind is that, you know, the vast majority
17 of voters really tune into the election and the
18 process of making their choice very close to that
19 election. Within that last month. I mean, something
20 to keep in mind as we have these discussions. Again,
21 I want to be clear that we understand the urgency
22 that everybody has spoken about today. Most of New
23 York City doesn't vote in the ranked choice voting
24 election until June and so, I think we can, you know,
25 keep both of those ideas together at the same time.

2 You know, as we discussed in detail, our plans are
3 underway. You know, look. You know, you spoke about
4 resources, you know, and I think we have made some
5 suggestions that may help us manage this-- you know,
6 the push to do kind of some additional work within
7 the budgetary constraints that we, and really much of
8 city government, are dealing with right now. And
9 that is something that, again, in light of the
10 pandemic, you know, the city's fiscal situation is
11 out of our hands. You know, but if there are
12 resources, you know-- those additional translations
13 we were talking about before require resources. A
14 broad-based campaign, you know, on television would
15 require resources in the plans that we do have going
16 into this year, we are happy to share with the
17 committee. You know, there is some television
18 involved in addition to social media and other
19 marketing and promotional efforts that we have
20 envisioned and we would be happy to share details
21 with the committee.

22 CHAIRPERSON CABRERA: And so, the design
23 group that you are working with, have they made
24 suggestions as to how early RCV education should take
25 place?

2 ERIC FRIEDMAN: You know, I think,
3 again, they are-- What I've said about voters paying
4 attention one month before the election is something
5 that we have heard from them, as well. It is
6 something that, I think, they have observed in other
7 jurisdictions. If you would like some more detail,
8 we are happy to kind of talk to the Center for Civic
9 Design and provide that information to you.

10 CHAIRPERSON CABRERA: Yeah. We will look
11 to get those details because they are going to matter
12 and they are going to, but later on. So, we want a
13 plan that makes sense. So almost-- to be honest
14 with you, this is almost like a political campaign,
15 right? How you would run a political campaign, you
16 are running an educational campaign. It's almost the
17 same tools that you are going to be utilizing. And
18 so, we want to make sure that our voters are
19 definitely well-informed. Let me turn-- you know,
20 as you know, the bill requires CFB to provide
21 information regarding ranked choice voting in 10
22 designated citywide languages. What are the
23 languages that CFB already plans to provide this
24 information in? Are you adding the new languages?
25 Are you sticking to the 10 that we have right now?

2 CHAIRPERSON CABRERA:

3 ERIC FRIEDMAN: So we--

4 EXECUTIVE DIRECTOR LOPREST: Right now, we
5 plan to translate into the five languages that we
6 have always-- languages-- provide the material for
7 the languages we have always provided materials and:
8 English, Spanish, Chinese, Korean, and Bengali. But,
9 additionally, as with the comment which Council
10 member Yeger, you know, there will be additional
11 costs that we have not budgeted for to expand those
12 translation services and you will get back to you on
13 the precise information.

14 ERIC FRIEDMAN: So, I want to add one
15 thing to the answer provided. You know, some of the
16 discrete materials that are proposed in the bill,
17 that we already have as part of our plan like the one
18 pager and some of the materials that frequently asked
19 questions for the website. We do anticipate working
20 with our partners, you know, through city government
21 to help us get those additional citywide languages
22 covered. When it comes to the biggest ticket items
23 that we have in the plan, when it comes to, you know,
24 video production, when it comes to the voter guide
25 that, you know, that will provide information about

2 the hundreds and hundreds of candidates that we
3 anticipate running in this year's primary, you know,
4 those materials will be very, you know, expensive and
5 time-consuming to translate. And so, those are not
6 currently in our plans.

7 CHAIRPERSON CABRERA: How are the
8 translations vetted for quality?

9 ERIC FRIEDMAN: So, you know, we-- when
10 we work on those-- you know, there's materials such
11 as the voter guide, you know, we work with two
12 separate vendors to prepare those materials. We work
13 with one vendor that does translation for us and
14 another that does quality assurance to ensure that
15 those translations are accurate.

16 CHAIRPERSON CABRERA: That's good.

17 ERIC FRIEDMAN: So, you know, we have--
18 you know, that applies to the videos that we produce
19 for candidate statements through our-- the scripts
20 that are provided for candidates are provided through
21 that same method. You know, we have been, you know,
22 as of last year, maybe earlier, including ASL
23 translation in statements to make them more
24 accessible for more, you know, to the extent that's
25 possible, we are working with cities, the Mayor's

2 Office for People with Disabilities to ensure that,
3 you know, the vendor materials we are producing are
4 as accessible to as many of their constituents as
5 possible. So, like we are, you know, putting as much
6 thought as we can into, you know, ensuring that the
7 materials that we produce can reach as many voters as
8 possible. Again, you know, part of the box that I
9 think we are all in-- and I don't mean that this
10 just applies to us--you know, we run up against the
11 limits of what is available to us in terms of
12 resources.

13 CHAIRPERSON CABRERA: I know I brought
14 this up when I spoke to Director Brian. Can you
15 share with us how you are coordinating with New York
16 City BOE to ensure that there is adequate training
17 materials to train poll workers and interpreters on
18 RCV?

19 ERIC FRIEDMAN: So, as Executive
20 Director Ryan noted in his testimony, we have,
21 throughout this year, developed a very strong
22 collaboration at the staff level. It has absolutely
23 been a necessity this year to ensure that, you know,
24 we are providing voters with information that is
25 accurate and timely. And so, you know, we have

2 always kind of relied on each other through the
3 years. This year, we've really found, I think-- we
4 have found it essential that we, you know, improve
5 those channels of communication and strength and
6 then. So, you know, as he noted, we are more than
7 willing it will provide the BOE with our materials as
8 they are developed. We will be sharing within the
9 results of our-- of the interviews and the focus
10 groups that the Center for Design is conducting. You
11 know, speaking to the voters with a single unified
12 voice is really important. It is what is going to
13 sure that message penetrates and gets everywhere and
14 to every community and we are looking forward to
15 continuing that working partnership with them. You
16 know, one other thing I do want to mention and add
17 just in terms of kind of the channels that we have
18 available to us, you know, I want to make sure that I
19 include our candidate services unit. You know, which
20 has direct communications with candidates pretty
21 regularly. You know, the information that we, and
22 communication materials that we are putting together
23 will be available and shared with candidates. That
24 they are ready to share, you know, to talk with
25 candidates about how kind of manage their approach to

2 these ranked choice voting elections from the
3 perspective of the campaign finance program. So,
4 that is also material and information and guidance
5 that we have available.

6 CHAIRPERSON CABRERA: How will CFB
7 evaluate its outreach efforts during the special
8 elections to inform the primary election voter
9 education campaign?

10 ERIC FRIEDMAN: So, when we-- you know,
11 when we started this planning and we looked at what
12 metrics we wanted to use to judge our success and
13 kind of done this will, at the end of the day, we
14 wanted to look at how many candidates rank at least a
15 second choice. I'm sorry. How many voters rank at
16 least a second choice. You know, one of the-- I
17 think, you know, the number of special elections,
18 certainly, was-- you know, it just missed with
19 everybody's timetable for certain, but it also
20 provides us with an opportunity to, you know, improve
21 and generate our efforts, you know, through the
22 winter and early spring as we get ready for June
23 2021. So, in addition to those interviews and focus
24 groups we are conducting, you know, we have
25 opportunities to communicate to voters and see what

2 the results are. You know, so we are looking closely
3 at how many candidates actually utilize the ranking
4 in the special elections. We are also speaking with
5 groups about the possibility of conducting surveys in
6 those districts to, again, help us to refine into
7 ensure that, you know, the messages that we are
8 bringing in June when we are speaking to the broadest
9 possible number of voters is going to be as effective
10 as they can possibly be.

11 CHAIRPERSON CABRERA: It would be
12 interesting to find out in a survey and in a special
13 election how many of them more aware of RSV prior to
14 voting. That way you could get a good ratio, right?
15 And whether the tools that we are using right now
16 were effective. I think that is probably going to be
17 your best measure and help us for June. In some
18 ways, these February elections-- I know that, you
19 know, we have to get on top of them, but they are
20 going to be helpful for our June election and get
21 some good data there. Let me close with this
22 question before I pass it along. I see Council
23 member Lander and Miller, they have questions. But,
24 as you know, the city campaigns to achieve complete
25 calendar 2020 census, how to create outreach to LEP

2 immigrant communities and, in those communities, I
3 found they are not as-- you don't find is often as
4 other communities on Facebook and Instagram and
5 Twitter. They are more likely to be found a lot of
6 times in We Chat, Whats App, and such. What kind of
7 outrage are you going to be doing on social media
8 channels like those? And when would you begin that
9 type of outreach if you are reaching out for the June
10 2021 primary?

11 ERIC FRIEDMAN: So, I don't have, you
12 know, all of the details of what we are devoting to
13 every specific platform, you know, and, but, again,
14 I'm happy to come back and share those with the
15 committee as we are able to pull them together. You
16 know, I appreciate the comment. I think, you know,
17 we are-- as the charter directs, you know, certainly
18 keenly focused on communicating with communities with
19 large proportions of limited English proficiency
20 voters. It is something the charter directs us to
21 do. You know, we've come into 2020 and 2021 with a
22 plan to target those communities and make sure that
23 we are, you know, again, providing them with all the
24 information they need to vote. You know, and really
25 starting with why to vote and why local elections

2 matter and providing it with all of the information
3 they need to know how to vote. It is something we
4 overworked at through this year, again. It's a
5 challenging year. It really kept us from doing some
6 of the in person outreach that we wanted to do. But
7 that will be a continued focus for us going forward.
8 So, appreciate the question. Happy to come back with
9 more details. More specific details.

10 EXECUTIVE DIRECTOR LOPREST: And, also,
11 that is why our strategy also incorporates this
12 important component of working with our partners
13 because, again, you know, we, you know, what we can
14 provide, you know, trusted, reliable, clear, concise,
15 and accurate information and but, really the way that
16 that is best communicated to any particular
17 community, in particular the underserved communities,
18 really is, you know-- will be benefited by hearing
19 that information from, you know, community
20 organizations that they already have a trust in. So,
21 you know, that partnership model is really very
22 important to reaching those particular communities
23 because, again, we can produce clear, concise, and
24 trusted information but getting it in a way that
25 people receive and understand it and the way it is

2 best received by them. You know, I don't want to
3 speak for every single community in the city of New
4 York. I think that we have incredible community
5 organizations throughout the city who will be much
6 better to give that information and get into their
7 hands and have them reach out to those communities.

8 CHAIRPERSON CABRERA: you know, let me
9 just share that my first language was Spanish. All I
10 knew how to say was yes and no. That was it. It was
11 a scary experience. Just to communicate. Forget
12 about voting. Just to communicate with anyone. To
13 be honest with you, at the beginning, I would just
14 answer no to everybody just to play it safe. And
15 part of the reason I believe in some of our
16 communities with this limited English proficiency,
17 there is a low voter turnout is because of that fear.
18 And rank choice, what I think in those districts
19 where you have the lower turnout, each vote is going
20 to mean even more in terms of, you know, pushing
21 somebody up who might not have started first. And I
22 think this is part of the fear that has been spoken
23 about today. Personally, I agree with Council member
24 Yeger. You have been given a responsibility. You
25 don't get to determine whether we have RSV. And I

2 want to be clear about that. And anybody who puts
3 that on you, it's unfair. It was put up for voters
4 and, unfortunately, happening in a year that there
5 was low voter turnout. Maybe that was done by
6 design. Maybe that was not, but we just want to get
7 it right. We want to make sure that the process was
8 fair. That everyone would get the right information.
9 And I know you have the same goals and I just want to
10 make sure that you get all the tools that you have so
11 that your hands are not tied at the end of the day.
12 And so, with that, I know we have-- I want to turn
13 it back to the committee counsel because we have two
14 more questions and then we are going to turn to the
15 public.

16 COMMITTEE COUNSEL: Thank you, Chair.

17 Next, we will hear from Council member Lander.

18 Council member Lander, you may begin upon the

19 Sergeant's announcement.

20 SERGEANT-AT-ARMS: Time starts now.

21 EXECUTIVE DIRECTOR LOPREST: Council member

22 Lander is still muted.

23 CHAIRPERSON CABRERA: Do we need to

24 unmute him or he--?

25

2 COUNCIL MEMBER LANDER: All right.
3 How is this? All right. I know some people would
4 like if I were kept muted much longer, but I
5 appreciate the opportunity to go ahead and asked my
6 question. And I know that some folks on here have
7 been waiting all day, so I'm just going to ask one
8 question because it does seem to me-- and this goes
9 actually to the Chair, to your point about, you know,
10 television. I think actually goes to Eric's point
11 that actually the vast majority of voters don't start
12 paying attention until the election still ride up
13 before it is on and, you know, they look across a
14 number of traditional channels to get their
15 information. Now, the Campaign Finance Board is in
16 the best position to know at least how the candidates
17 thank. That what are the best channels for reaching
18 the voters? You are providing matching funds and in
19 exchange for the matching funds. You collect a lot
20 of information about where candidates spend money to
21 communicate with constituents across platforms to
22 reach their voters. That is not a perfect proxy and,
23 you know, I mean we don't have necessarily evidence-
24 based, but it is, at least, what good cast as to
25 where folks who are trying hard to win elections

2 thank voters are looking. And I wonder what
3 opportunities there would be. I mean, you have
4 prepared good materials. I know you are working on
5 that. There is a set of ways the bill requires that
6 you put them out on the website and through the voter
7 guide. You know, what it seems like I would love if
8 we could do is take the information that we have
9 about how candidates spend to reach of voters and
10 tried to use that for, you know, as strong a campaign
11 as we can. To reach voters across the different
12 languages. You know, that's ethnic media, but it is
13 also television. It takes money, for sure. We are
14 going to spend, as I think we rightly shed, lots of
15 public dollars on campaign-finance matching funds to
16 enable voters to communicate without relying on
17 millionaires and billionaires. So, we are going to
18 take public funds to do that. So, I am all for using
19 some public funds more than we have allocated so far
20 and then do we need across the set of platforms where
21 we think voters are looking for their voting
22 information. So, I love the idea of us using that
23 census, you know, platform. I like the idea of using
24 your platforms, but I just wonder if it is possible
25 to also use the channels that candidates are using as

2 a guest that that is the place on television and on
3 certain Forbes media that candidates themselves are
4 using in their districts. You know, you guys,
5 luckily, have the ability to do that. So, what's the
6 possibility if there is an adequate budget provided
7 of, you know, putting some ads up on TV and looking
8 across the other platforms, ethnic media, and the
9 way-- based on the way that candidates are spending
10 their dollars, assuming that is sort of the best
11 place to go to reach the voters.

12 ERIC FRIEDMAN: So, I appreciate the
13 question and, again, you know, I know that there are
14 many, many demands on the city budget at the moment
15 and I don't know that I-- that we, you know, are in
16 the position to make a case that one is more
17 important than the other. I do appreciate that, you
18 know, TV is the medium that allows candidates or the
19 CFB through our NYC Votes campaign to reach a lot of
20 voters quickly. I mean, what other kind of piece of
21 wisdom that you kind of learned that I've kind of
22 absorbed by watching campaigns over the years and
23 certainly through our work is that, you know,
24 reaching voters just wants, you know, it is not
25 always the most effective thing and, again, it is not

2 to dismiss, but to suggest that, like the most
3 effective forms of outreach, the ones that you are
4 touching voters multiple times. Three, four, five,
5 six, seven times to ensure that the message is
6 absorbed and understood, you know, and so that, you
7 know-- in that vein, we have invested in platforms
8 like, you know, promotional and social media, like
9 building out, you know, text campaigns, you know,
10 such as multiple mailings and kind of building
11 strategy on the voter guide. So, I appreciate the
12 suggestion. Analysis of candidate spending can be
13 helpful in making the case that, you know, if there
14 is a discussion about more resources, it certainly is
15 a way to help make the case of how they can be
16 affected. I would also say that, you know, given the
17 constraints that, I think, all of us face on our
18 budgets. You know, we have really worked hard to
19 identify those media that allow us to conduct
20 multiple outreach to-- you know, multiple waves of
21 outreach to voters to ensure they are not just
22 hearing from us once, but hearing from us two, three,
23 four, five, six times.

24 COMMITTEE COUNSEL: Thank you. Next,
25 we will hear from Council member Miller. Council

2 member Miller, you may begin upon the Sergeant's
3 announcement.

4 SERGEANT-AT-ARMS: Time starts now.

5 COUNCIL MEMBER MILLER: Okay. Thank
6 you. And I do want to hear from our next panel, so
7 I'm going to try to be brief. I just want to say
8 that I do recall some of the messaging that came out
9 of the media around the referendums, which included
10 ranked choice voting and that they were not
11 subjective at all. They were definitely leaning in a
12 particular way. So, I hope that we can do a better
13 job in the future, but two things. There's been a
14 lot of talk around diversity here in underserved
15 communities and how do we reach target audiences and
16 stuff like that. And I often preface that many of
17 the-- my questioning around testimony, agency
18 testimony with the specific demographics of agencies
19 and I see that this would be as appropriate time as
20 any to talk about the diversity of campaign-finance.
21 So, what is staffing, particularly executive
22 policymaking folk at Campaign Finance look like?

23 EXECUTIVE DIRECTOR LOPREST: Well, we have
24 a five member executive team, three of whom are
25 minority and, I mean, I can get you more detail on

2 the breakdown of the rest of the leadership of the
3 organization. You know, but the leadership of the
4 organization, the rest of the organization, but, you
5 know, to give you an answer right now, we have an
6 executive team that is, you know, five members and
7 three of them are minorities.

8 COUNCIL MEMBER MILLER: Okay.
9 Definitely because I'm not seeing much diversity
10 coming out of this or any policy that really
11 represents the voice of the communities of the 5
12 million that we represent from the caucus here. And,
13 finally, in your deep dive to take a look nationally
14 of the impact of rank choice voting throughout the
15 country, and some of the places in my reading, and
16 seen that, often times where people are not as
17 familiar with five candidates or whatever the
18 determined amount of candidates to be ranked, that
19 they often go with their first choice and then the
20 safe second choice is the second choice, and what
21 I've been able to determine, has often been a white
22 male. Have you found that in your studies, as well?

23 ERIC FRIEDMAN: You know, again, I think
24 I would want to do a little bit-- you know, collect a
25 little bit more of the research before I speak more

2 about the specific questions like that about what is
3 happened in other jurisdictions.

4 COUNCIL MEMBER MILLER: I know. You
5 guys have just spoken so willingly about it, I
6 figured that you guys had really analyzed all this
7 information leading up to it and that was the reason
8 why you are able to take such a position. As my
9 colleagues said, I think that the duties of CFB is
10 merely education and implementation and not to really
11 take a position that-- I think that you clearly have
12 demonstrated to be overwhelmingly in favor. So, that
13 being said, I want to thank you all for a very long
14 day. I look forward to the list of questions that we
15 will be sending over, as the Chairs indicated, being
16 answered and making sure that that happens
17 expeditiously so that we can really come to a head to
18 see what our next steps are for a community as to how
19 we will be addressing this rank choice voting. Thank
20 you. Thank you, Mr. Chair.

21 ERIC FRIEDMAN: Thank you, Council
22 member. I appreciate the opportunity to talk about
23 our work.

24 CHAIRPERSON CABRERA: Thank you, Council
25 member. And I want to thank CFB again for coming.

2 Looking forward to working together and bringing
3 those resources so you can execute the mandate that
4 has been given and doing it effectively and
5 efficiently. So, thank you, again.

6 EXECUTIVE DIRECTOR LOPREST: Thank you. .
7 Thank you very much.

8 ERIC FRIEDMAN: Thank you, Chair
9 Cabrera.

10 CHAIRPERSON CABRERA: Thank you. And,
11 with that, I will turn it back to the committee
12 counsel.

13 COMMITTEE COUNSEL: Thank you, Chair.
14 We will now turn to public testimony. I would like
15 to remind everyone that, unlike our typical Council
16 hearings, we will be calling on individuals one by
17 one to testify. Each panelist will be given three
18 minutes to speak. Please begin once the Sergeant has
19 started the timer. Council members who have
20 questions for a particular panelist should use the
21 zoom raise hand function and I will call on you after
22 that panelist has completed their testimony. For
23 panelists, once your name is called, a member of our
24 staff will unmute you and the sergeant-at-arms has
25 set the timer and give you the go-ahead to begin.

2 Please wait for the Sergeant to announce that you may
3 begin before delivering your testimony. I would now
4 like to welcome Susan Lerner to testify followed by
5 Chris Hughes and then Sean Duggar. Susan Lerner, you
6 may begin upon the Sergeant's announcement.

7 SUSAN LERNER: Thank you.

8 SERGEANT-AT-ARMS: Time starts now.

9 SUSAN LERNER: Thank you very much. I
10 am Susan Lerner. I am the Executive Director of
11 Common Cause New York and I am one of the members of
12 the Board of Directors for the Committee for Rank
13 Choice Voting which you may know is Rank The Vote
14 NYC. I wanted to talk a little bit about the
15 election efforts, the education efforts that we have
16 been involved in. I going to do for two some of the
17 panelists who follow after me who have detailed
18 information about how rank choice voting works in
19 other cities and we will be able, I think, to shed
20 some light on the amount of time which other cities
21 take and how rank choice voting has really performed
22 in the cities that have it like Oakland, San
23 Francisco, Santa Fe, Milwaukee, and now the state of
24 Maine. And I would like to focus my remarks on the
25 specific bills which are in front of us after talking

2 a little bit about our education efforts. We have
3 been hosting candidate and campaign staff trainings
4 since the beginning of March which we started in
5 person with an African American consultant from
6 Minneapolis to come in and work with the two people
7 that we have retained from the community here to be
8 our trainers. Debbie Lewis and Audre Richardson.
9 And, on a weekly basis, we have been providing
10 training free of charge primarily to candidates and
11 campaign staff because what we learned in discussions
12 with our colleagues who support ranked choice voting
13 in those cities is that, for rank choice voting
14 education effort to be successful, we really need to
15 have engagement from three different entities. First
16 you need good engagement from the election
17 jurisdiction itself. The city, the election
18 officials and, here it be, the Campaign Finance
19 Board. But in all of the other cities what we
20 learned is that that was not sufficient. That a very
21 important part of education is engaging advocacy and
22 community groups, but equally important is engaging
23 candidates and campaign staff because, as has been
24 mentioned in the questioning, they engage with the
25 voters on a very regular basis and are able to answer

2 questions and, frankly, it is a in their own self-
3 interest to be educating the voters about rank choice
4 voting. So, on a weekly basis, providing that
5 training, we have reached out to community groups
6 across the city to provide those trainings. We did
7 actually provide an online training for the women's
8 Caucus of the city Council. Apparently, many of the
9 questioners from the Council chose not to attend that
10 training and we have learned what exactly people ask
11 about rank choice voting and how to explain it very
12 succinctly and--

13 SERGEANT-AT-ARMS: Time expired.

14 SUSAN LERNER: [inaudible 04:02:33]

15 Okay. Sorry. I didn't realize I had that type of a
16 time deadline. May I just say that we strongly
17 support Intro 1994 and I hope that the energy that we
18 see in this hearing will be devoted to educating the
19 voters. I think having a clear instruction to
20 agencies to be sure that they pick up and disseminate
21 the material so that, for instance, the Department of
22 Aging ensures that all of the agencies that they deal
23 with, Meals on Wheels and other agencies that provide
24 direct information to seniors have large print
25 information about rank choice voting. And I'm

2 looking forward to further discussions about Council
3 member Lander's proposal with the Board of Elections
4 and figuring out the best way in which to go forward
5 and being sure that the results of rank choice voting
6 is that is clear and transparent to the voters as
7 possible. Thank you.

8 COMMITTEE COUNSEL: Thank you. I would
9 now like to welcome Chris Hughes to testify followed
10 by Sean Duggar and then Pedro Hernandez. Chris
11 Hughes, you may begin upon the sergeant's
12 announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 CHRIS HUGHES: Hi. My name is Chris
15 Hughes. I am the policy director at the Rank Choice
16 Voting Resource Center and thanks so much for the
17 opportunity to present today to the Council. I am
18 going to keep this fast. I have a couple slides I
19 was hoping to share, so I am going to attempt-- oh.
20 I don't have screen sharing. That is fine. So, the
21 Rank Choice Voting Center is a national nonpartisan
22 501©(3) nonprofit that educates voters, election
23 administrators, and election officials and anyone
24 else who is interested about rank choice voting. In
25 the interest of full disclosure, we have also applied

2 to that RFP that was discussed earlier today offering
3 up our universal ranked choice voting tabulation
4 software which is open sourced election software to
5 count the round by round election results for New
6 York City's selection starting January 1, 2021 four
7 any rank choice voting elections. So, I am happy to
8 answer questions about that, as well. I only have
9 two minutes left. So, one major service we provide,
10 one major thing we research and studies the display
11 of rank choice voting results and timelines followed
12 in different jurisdictions to actually produce rank
13 choice voting results. This was discussed in a lot
14 of detail earlier. I'm just going to cover this
15 quickly. Different jurisdictions to follow quite
16 different timelines for how they produce rank choice
17 voting results. Some jurisdictions, like Maine,
18 produce just first choice total results starting on
19 election night and wait until all ballots are counted
20 which, in Maine, takes about a week and a half to run
21 their round by round count. Other places, like San
22 Francisco, beginning on election night producing
23 round by round election results using those cast vote
24 record files that were discussed earlier. And cast
25 vote records files that were discussed earlier and

2 cast vote files are essentially just digital
3 representations of how every voter rank to each
4 candidate on their ballots. So, there is just a
5 lot-- there is quite a bit of variation and we have
6 seen different jurisdictions have different comfort
7 levels with different levels of information depending
8 on the timeline and the speed of their results
9 reporting. San Francisco does things quickly because
10 they have been using rank choice voting for about 16
11 years now and their voters have gotten more
12 comfortable with, you know, seeing early round by
13 round results in ways that the main election
14 administrators feel their voters are not yet ready
15 for. There is also other implementation challenges
16 related to how quickly they can centralize ballots.
17 This was another thing that was discussed earlier.
18 One of the major bottlenecks with reporting rank
19 choice voting results is just getting all of that
20 data into one place. And so, we are happy to work
21 with the BOE on developing best practices for
22 producing those rank choice voting results and--

23 SERGEANT-AT-ARMS: Time expired.

24 CHRIS HUGHES: Thank you and I am happy
25 to answer any of the questions people have.

2 COMMITTEE COUNSEL: Thank you. First,
3 we will hear questions from Council member Miller
4 followed by Council member Yeger. Council member
5 Miller, you may begin upon the sergeant's
6 announcement.

7 SERGEANT-AT-ARMS: Time starts now.

8 COUNCIL MEMBER MILLER: Thank you. Again,
9 implementation. Susan, always a pleasure. You
10 testified it was a great deal of confidence about the
11 merits of rank choice voting. Do you feel the same
12 way about implementation for January, February, and
13 beyond?

14 SUSAN LERNER: Okay. I am on muted.
15 Yes. I do. We have devoted substantial time and
16 energy. We have already started doing outreach in CD
17 24. We had an online RCV seminar last Thursday
18 evening that was sponsored by Assembly members Rozek
19 and Rosenthal--

20 COUNCIL MEMBER MILLER: Yep.

21 SUSAN LERNER: to publicize within that
22 Council District. We formed an affiliation with the
23 Queens public library. They are going to start
24 including large print RCV explanations with the books
25 by mail program that they run sometime after the

2 first of the year and we are doing aggressive
3 outreach to community Board eight and to groups on
4 the ground and we partner with a large number of
5 groups in various different communities. So, yes. I
6 think this can get--

7 COUNCIL MEMBER MILLER: You think that is
8 sufficient?

9 SUSAN LERNER: Well, I think that there
10 are a lot of different things that are planned. For
11 instance, ensuring that social service agencies
12 include material in all of the discussions which they
13 have. We have a fully featured campaign plan for CB
14 24 that we are now going to expand to the second
15 Queens--

16 COUNCIL MEMBER MILLER: Okay. Having
17 considered that CB 24 is my neighbor, I share
18 community Board with them and parents are there and
19 all that good stuff there, I hope that you are right.
20 I would submit that that is not the case, right.
21 But, as we move forward, Chris, your software, which
22 is the voting tabulator and universally rank choice
23 voting, how successful has this software been in the
24 other municipalities throughout the country?

2 CHRIS HUGHES: Yeah. So, we have been
3 used in two other municipalities to produce official
4 election results. We have also been used in the
5 state of Michigan and in the state of Utah. We were
6 also used to produce results in statewide Democratic
7 primaries earlier this year for Kansas, Wyoming, and
8 Alaska.

9 COUNCIL MEMBER MILLER: Okay. What is
10 the-- What is the largest demographic that you work
11 with?

12 CHRIS HUGHES: Yeah. The largest that
13 the tabulator has ever been used in is the state of
14 Kansas where there were--

15 SERGEANT-AT-ARMS: Time expired.

16 CHRIS HUGHES: I believe 350,000 votes
17 cast in the election.

18 COUNCIL MEMBER MILLER: Okay. Thank you.

19 COMMITTEE COUNSEL: Thank you, Council
20 member. Next, we will hear questions from Council
21 member Yeger. Council member Yeger, you may begin
22 upon the sergeant's announcement.

23 SERGEANT-AT-ARMS: Time starts now.

24 COUNCIL MEMBER YEGER: Good afternoon, Ms.
25 Lerner, Mr. Hughes. Thank you for being here and

2 thank you for taking the time to stick around for
3 this very long, but, I guess, educational hearing.
4 Ms. Lerner, I have great respect for your work. You
5 are legendary New York for your advocacy all in good
6 government or what you believe is good government and
7 sometimes I agree with you. And, particularly, focus
8 on campaign finance and campaign-finance reform and
9 the cleanliness of money and politics and the
10 transparency. That money ought to be in politics and
11 when it ought to be, how transparent it needs to be
12 so that the voters know. We can all agree that that
13 is the most important. So, now I have a question
14 about last year's election. Last year's election,
15 the committee that you referenced spent 2.2 million--
16 raised and spent \$2.2 million to advance this
17 referendum on the ballot which received, as I stated
18 earlier in my question, 500,000 votes in New York
19 City, a city of eight and change million people. Of
20 the \$2.2 million that came from approximately 20
21 donors, five donors alone contributed two the \$2.2
22 million. My question to you is do you believe that
23 that reflects good government?

24 SUSAN LERNER: Well, the fact that you
25 have all of those figures and are able to question

2 me, I think, speaks for itself. Yes. I think that
3 there are various orders who contribute and there is
4 complete transparency to it. Our education efforts
5 this year are being supported by the Revson [sp?]
6 Foundation and by the New York Community Trust
7 because they are concerned, as is everybody, I think,
8 on this call, to be sure that New Yorkers have
9 accurate information about rank choice voting so that
10 they have the benefits of the system when they cast
11 their votes either in the special election or in
12 June.

13 COUNCIL MEMBER YEGER: All right. So, the
14 same question, but looking for a different answer.
15 \$2.2 million from 20 donors to advance a measure in
16 in off fear election where the majority, the heavy
17 majority of New Yorkers-- in other words, more than
18 90 percent of New Yorkers didn't vote and now we have
19 this question for this measure that is supposed to
20 take effect this year. Given-- and I know you are
21 here for the earlier part of the questioning. Given
22 the concerns of a number of members of whether or not
23 the city is ready for this, do you believe that there
24 is any merit to delaying the implementation in this
25 election cycle? Do you believe-- and I guess part

2 of that question is the question that I asked
3 Director Loprest and Mr. Friedman. Do you believe
4 that the Campaign Finance Board, no matter how hard
5 they work-- I think you and I agree that they work
6 incredibly hard and do an incredibly good job. No
7 matter how hard they work over the next several
8 weeks--

9 SERGEANT-AT-ARMS: Time.

10 COUNCIL MEMBER YEGER: to get ready to
11 give the education necessary to teach New Yorkers and
12 election-- two elections in February, two elections
13 in March, and obviously the citywide primaries in
14 June how to use this system in the proper way and how
15 to actually expand, not to attract, from the number
16 of voters participating in the system.

17 SUSAN LERNER: So, I disagree. I do
18 believe that there is time. I agree that the
19 February time deadline is coming upon us, but when I
20 look at the experience in East Point, Michigan where
21 the Department of Justice entered into a consent
22 agreement with the city, requiring it to run its next
23 election in ranked choice voting in the city had
24 approximately six weeks. Oh, and that was the
25 settlement of the civil rights claim, by the way.

2 That the city had approximately six weeks to figure
3 out then run ranked choice voting there and all
4 reports are that the public was able to use that
5 system. As you will hear from the people who are
6 going to testify after me, it would be highly unusual
7 and I'm not aware of any jurisdiction which started
8 its education for RCV voters on average, it appears
9 to be four to six months, the most, that
10 jurisdictions start their discussions about RCV. And
11 that is borne out by our experience in reaching out
12 to different communities and, frankly, to different
13 elected officials told us that RCV was later and they
14 would think about it later when we offered trainings
15 to them. I also have had the personal experience of
16 talking to the voters that I know of. Acquaintances
17 says that they have asked what are you working on? I
18 have explained ranked choice voting in September and
19 October. They got very excited and they said, can I
20 use that in November? And the answer is no. You
21 can't use that in November. So, there is a very good
22 reason why things are sequential here because the
23 truth of the matter is, as much as we wish voters
24 were paying attention the way the political class
25 pays attention all the time, they just are not going

2 to pay attention until we are closer to the election.
3 That is why we chose to concentrate on outreach to
4 political clubs, to community groups, and, most
5 importantly, the campaigns and candidates and the
6 response there has been very strong. That is why we
7 chose to concentrate there during 2020 knowing that
8 we were going to have to figure out very quickly for
9 a very broad campaign in 2021.

10 COUNCIL MEMBER YEGER: With the Chair's
11 indulgence, just a follow up on this. You know,
12 given the number of people-- and, Ms. Lerner, again,
13 as I said earlier, your work is legendary on getting
14 people to vote and campaign finance and you are
15 right. Your answer on the transparency on my being
16 able to discover the information may be speaks to it,
17 but it is still, you know-- we can agree to disagree
18 on 2.2 million from 20 people being good government
19 or not. But I do have a different question that is
20 totally related, but unrelated topic. Given the
21 number of people that are going to vote, we
22 anticipate, and are hopeful, on paper in advance
23 because, the more people do it that way, particularly
24 February and March, the more likely we will get more
25 voters out and, frankly, I think that we all know

2 that February and March people are just not going to
3 be ready to be voting in person the way we use to at
4 this point. There is not going to be-- when people
5 get to the ballot, there's not going to be anybody to
6 ask how to do this. Do you believe that there is any
7 merit to the question of pushing this off until the
8 next election cycle or is it absolutely imperative
9 that it has to happen in 2021 starting February?
10 There is no merit whatsoever to having this
11 conversation [inaudible 04:17:29].

12 SUSAN LERNER: I think if we were to
13 push it off, we would be having exactly the same
14 conversation if there were a special election that
15 came up in anticipation of whatever at a later date
16 would be. The truth of the matter is there are a lot
17 of different modalities to communicate with the
18 voters. Text has been mentioned. Followed services
19 have been mentioned. There are direct services which
20 are provided and I know from my own experience
21 talking with community partners across the city, that
22 there are numerous groups that are focused on how we
23 get this information out to voters and what resources
24 we need to be able to get the information out and to
25 answer the questions in any way possible, including

2 the possibility, frankly, just having people
3 canvassing right outside polling places, providing
4 information to voters as they go in to vote to be
5 sure that, if there are people who are planning to
6 vote and they haven't gotten the information, that
7 they will get it. There will be following outreach.
8 There will be advertising and, if anything, I think
9 there may be a bit more of that in CD 24 and in CD--
10 I think it's 31, which is the February special
11 elections because they are the first and we want to
12 be sure that the communication modalities that we are
13 all using, reach the maximum amount of people. I do
14 agree with Chairman Cabrera that, although, you know,
15 if anybody had asked me would you have chosen a
16 special election in February? I probably would've
17 said, hey, can we start in March? The February and
18 March special elections give us an opportunity to
19 really get the system type to be sure that the
20 education and outreach takes place the way it should
21 and that if there aren't any unexpected adjustments
22 that need to be made, that we can make them after a
23 single Council District election, rather than having
24 the first run for the system in June which, as
25 everybody is pointed out, is an extremely large

2 election and, frankly, I, personally, am going to be
3 grateful to have ranked choice voting when I'm
4 looking at the multiplicity of candidates that I am
5 going to need to wade through.

6 COUNCIL MEMBER YEGER: Okay. I'm going to
7 turn it back to Chair, but my last point, just on the
8 education that you have been talking about, texting,
9 the phone calls, etc., you are referring to the
10 government's work. You're referring to the work that
11 nonprofits and organizations like yours are going to
12 be doing the check been. But the government, but
13 itself, is not actually at the point where it is
14 committed to doing this kind of outreach, as we heard
15 from the earlier testimony. The Director Loprest is
16 going to get back to me on how that education is
17 going to work, what the budget she thinks she would
18 need. All these things are talking about our
19 wonderful, but they are happening because you are
20 putting together the resources and that planning.
21 The government needn't rely on the nonprofit sector,
22 the public education sector, the good government
23 sector to make these things happen. It ought to be
24 the government doing it and that's the point of this
25 hearing is that is the government ready to actually

2 do it? That you can ship and, wonderful. I think
3 it's great. You know the respect I have for your
4 work. We've spoken many times about it. But the
5 idea that we're relying on you to do it, I don't
6 think it's the best possible plan. Good that we have
7 it, not the greatest thing that we have. That we
8 have to rely on it. And, with that--

9 SUSAN LERNER: No.

10 COUNCIL MEMBER YEGER: you can answer if
11 you need to, but I just-- this is my last question
12 and I appreciate that Chair.

13 CHAIRPERSON CABRERA: Thank you so much.
14 Yeah. Go ahead.

15 SUSAN LERNER: I would like to say that
16 I don't believe, as I said, that the voters are
17 relighting all the nonprofits. It's a collaborative
18 effort between the city resources, candidates,
19 campaigns, and the nonprofit community and that is
20 what you need for a successful education campaign,
21 not one or the other, but all of them working
22 together.

23 CHAIRPERSON CABRERA: Thank you so much,
24 Council member. I do have a question, but I want to
25 remind the Council members that are still on that we

2 still have 13 panelists that have been waiting
3 patiently now for four and a half hours, so really
4 quickly, Susan and Chris, thank you for coming. I
5 wanted to ask you a question. I don't know if you
6 have the data that I had asked previously regarding
7 exit polls. Anybody done any exit polls to see how
8 many new about RCV prior to coming to the polling
9 site?

10 SUSAN LERNER: So, off the top of my
11 head, I can't answer that question, but I suspect
12 that Pedro Hernandez from Fair Vote is going to be
13 testifying shortly is probably the right person who
14 has that information I can help shed some light on
15 that.

16 CHAIRPERSON CABRERA: Fantastic. I will
17 definitely keep him in mind. And just for Chris real
18 quick here, your software is the one that you said
19 open source, meaning free? Just--

20 CHRIS HUGHES: Yeah. Yeah.

21 CHAIRPERSON CABRERA: free 99, as we say?

22 CHRIS HUGHES: Yeah. Yeah. The
23 software itself is free. We have also offered
24 support and training services in the RFP, as well, at
25 cost.

2 CHAIRPERSON CABRERA: And how secure is
3 the software?

4 CHRIS HUGHES: It's very secure. We
5 have had it tested by Pro V and B which is an EAC
6 certified testing lab multiple times and we had
7 passed every security audit security tests that they
8 have put us through.

9 CHAIRPERSON CABRERA: In your knowledge,
10 have you ever had an experience of anybody trying to
11 break into the system in any of the races?

12 CHRIS HUGHES: We have not ever
13 experienced any sort of intrusion attempt. No.

14 CHAIRPERSON CABRERA: Okay. That's good
15 to know. Well, thank you so much. Thank you for
16 your insight and let me pass that along to the
17 committee counsel because we do have 13 more
18 panelists, but thank you and we are going to be
19 leaning on both of you.

20 COMMITTEE COUNSEL: Thank you, Chair.
21 I would now like to invite Sean Dugar to testify.
22 After Sean Dugar, I will be calling on Pedro
23 Hernandez and then Josh Pierre. Sean Dugar, you may
24 begin upon the sergeant's announcement.

25 SERGEANT-AT-ARMS: Time starts now.

2 SEAN DUGAR: Good afternoon and thank you
3 for allowing me the opportunity to speak to you. My
4 name is Sean Dugar. I am the education program
5 director for Rank The Vote NYC and I hail from the
6 Bay Area of California where, for the last two years,
7 I have advocated for, done education campaigns
8 allied, but and helped local candidates get elected
9 under rank choice voting. I have also spent over a
10 decade and a half working for the NAACP at all levels
11 of the organization and I am here to say that, in the
12 Bay Area and in California, we've seen that voters of
13 color, especially black voters, understand rank
14 choice voting once it is explained to them. Same as
15 anyone else. In fact, a 2019 peer-reviewed study
16 published by Social Sites Quarterly analyzed data
17 from five Bay Area cities that have RCV: Berkeley,
18 Oakland, San Leandro, and San Francisco and compared
19 that to no one RCV cities of Alameda, Richmond,
20 Stockton, Anaheim, Santa Ana, and San Jose,
21 California to examine whether there were any racial
22 disparities in voter understanding. In terms of
23 understanding voter instructions for RCV, there were
24 no differences between whites and people of color.
25 There were also no differences in RCV cities and how

whites, African-American, and Latin X respondents reported understanding of the system. Let's dive in a little bit deeper. In San Francisco-- Mr. Chair, you asked about this a 2004 exit survey done by San Francisco State University found that after RCV was first implemented that 87 percent of voters said that they understood the system while. That 61 percent of voters said they preferred RCV to the old system and that 69 percent said they knew how to rank candidates even before coming to vote. What we have seen is that, with RCV, we have more women, more people of color are elected to office, including the first black woman to be Mayor of San Francisco who would not have been able to get into that position without rank choice voting having been implemented. So, just quickly. What are we doing at Rank The Vote NYC? Susan talked a little bit about our education plan. In addition to that, we are bringing union organizers in every borough, we are doing small grants to community organizations that are already on the ground and have networks. We are providing libraries with cards and other services so that they can be included in the book deliveries and we have been doing training. We have had trainings of the Women's

2 caucus of the city Council. We have done training
3 for three--

4 SERGEANT-AT-ARMS: Time expired.

5 SEAN DUGAR: and we have done trainings
6 for 55 current candidates and campaigns. We are on
7 the ground doing the work and are ready to go. Thank
8 you.

9 COMMITTEE COUNSEL: Thank you. Next,
10 we will hear questions from Majority Leader Cumbo.
11 Majority Leader Cumbo, you may begin upon the
12 sergeant's announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 MAJORITY LEADER CUMBO: Hi, Sean. How are
15 you?

16 SEAN DUGAR: Good. Thank you.

17 MAJORITY LEADER CUMBO: Good. Sean, I just
18 wanted to ask you-- because that is part of the
19 comparative that we are making. How much money did
20 they spend in San Francisco and they initially rolled
21 out ranked choice voting and how long was the
22 education period? And up until the point of when
23 rank choice voting began.

24 SEAN DUGAR: Sure. So, San Francisco
25 actually rolled out their education plan three months

2 before ranked choice voting was implemented. So,
3 they started-- they adopted their campaign plan in
4 July and ran August through November. During that
5 time period, they spent a total of \$776,000. 210,000
6 of that work grants that went to community
7 organizations. During that time period, they did
8 over 700 outreach events and ensured that all of
9 their materials, including billboards and signs, were
10 translated into five languages.

11 MAJORITY LEADER CUMBO: So, you would say
12 they did about 700 events?

13 SEAN DUGAR: They did 700 community
14 outreach events and spent a total of \$776,000.

15 MAJORITY LEADER CUMBO: work went into
16 this?

17 SEAN DUGAR: I think it was really the
18 main focus was providing community organizations that
19 were already on the ground with the tools and
20 resources they need to reach out to their
21 constituents. But also, as Susan mentioned, it's
22 kind of a trifecta. You have to have government
23 outreach. You have to have nonprofit and community
24 outreach, then you also to make sure that candidates
25 are doing education and outreach, as well.

2 MAJORITY LEADER CUMBO: Uh-hm. No. I
3 appreciate that information. I mean, the ability to
4 have that level of community outreach is a large part
5 of what we are talking about today. I mean, New York
6 City is much larger than San Francisco with the much
7 larger black population than San Francisco and
8 communities of color, but also the fact that a main
9 aspect of what we are talking about is that, for
10 black and brown communities, we generally do benefit
11 from those types of community forums such as those
12 700. We will be in an unpredictable way of knowing
13 whether those types of events could take place or
14 not. So, you know, I would just-- because we are in
15 the heart of the pandemic, it's hard to say what it
16 would look like. I think at this point, from what
17 I'm hearing, it's more-- I don't know how it is in
18 other cities, but I imagine it is everywhere.
19 Sometimes the slam dunk of a legislative process
20 becomes more exciting than the actual work that it
21 will do and so I feel like this is, you know, one of
22 those it was a good idea, people are excited about it
23 and we just want to make it happen whether it is a
24 good idea or bad idea--

25 SERGEANT-AT-ARMS: Time.

2 MAJORITY LEADER CUMBO: or it is
3 problematic and I kind of feel like that is where we
4 are at. But I appreciate you sharing practices from
5 San Francisco with the body.

6 SEAN DUGAR: Can I just- just a quick
7 response.

8 MAJORITY LEADER CUMBO: Sure.

9 SEAN DUGAR: I will say we did-- Susan
10 mentioned it. We had last Thursday the community
11 training, if you will, with two assembly members and
12 just in the couple of days since then, we've had a
13 dozen organizations reach out to us.

14 MAJORITY LEADER CUMBO: Uh-hm.

15 SEAN DUGAR: [inaudible 04:30:47] CD 24
16 say will you do another training for us? So, there
17 is definitely the desire by community organizations.
18 They are still meeting. They may be meeting in a
19 different format and in a different way, but these
20 community events are still happening then we are
21 committed, as Rank The Vote NYC, to go anywhere that
22 we are asked to go. We would be more than happy to
23 conduct train the trainer of events with the Council.
24 We are doing the same with the Queens Public Library.
25 We are going to be training all of their librarians

2 on rank choice voting so that they can explain it to
3 people. We are here and we are committed to the
4 process and to making sure that all communities, but
5 especially the communities that the BLAC has
6 highlighted. Have the education and the tools that
7 they need to understand RCV.

8 MAJORITY LEADER CUMBO: No. I appreciate
9 that. I just want to reiterate again that those
10 types of events and, you know, you being so open to
11 going wherever we need you to go is wonderful except
12 that you can't go where we need you to go because we
13 are in the heart of the pandemic. So, you know, that
14 is a huge part of the challenge here and it is also a
15 huge part of the challenge that, as elected officials
16 who participated greatly in census in early voting,
17 we are now scrambling at this time to get food to our
18 shut-ins and our seniors with food and resources
19 trying out. So, the majority of my day is spent
20 around getting food to seniors. It would not be able
21 to be bifurcated with information on how to the rank
22 choice about fall I am trying to get people signed up
23 to the Mayor's food program. So, I will just leave
24 it at that.

2 CHAIRPERSON CABRERA: Thank you so much.
3 I have a few questions, Sean. Thank you for the data
4 that you have provided. We had Council member Miller
5 mentioned that, in some states, RCV legislation was
6 repealed and they turned back to popular vote. Do
7 you know why that took place in the states?

8 SEAN DUGAR: you know, I am not quite
9 sure. My experiences have been more so California-
10 based where we have seen ranked choice voting
11 expanding. And so, yes.

12 CHAIRPERSON CABRERA: Okay.

13 SEAN DUGAR: Pedro Hernandez--

14 CHAIRPERSON CABRERA: So, case in point,
15 so, California. Council member Miller also mentioned
16 that the governor put in an executive order, if I
17 understood him right, regarding stopping the
18 expansion of it. Do you know anything about that?

19 SEAN DUGAR: So, the governor vetoed a
20 piece of legislation that was introduced that would
21 have allowed-- We have charter cities the non-
22 charter cities. It would have allowed non-charter
23 cities to implement ranked choice of voting. My
24 understanding is that it is more so because of the

2 personal preferences of the Governor on rank choice
3 voting. But, again--

4 CHAIRPERSON CABRERA: Which is for the
5 record?

6 SEAN DUGAR: Huh?

7 CHAIRPERSON CABRERA: Which is, for the
8 record?

9 SEAN DUGAR: You would have to ask him
10 that.

11 CHAIRPERSON CABRERA: Okay. All right.
12 He hasn't made that public. All right.

13 SEAN DUGAR: Yes. But we have seen his
14 allies. London Breed is a close friend of his,
15 elected, again, as the first black woman as the Mayor
16 of San Francisco and, without ranked choice voting,
17 she wouldn't have been elected as supervisor, which
18 allowed her to become elected as Mayor of San
19 Francisco.

20 CHAIRPERSON CABRERA: Now, Council member
21 Miller mentioned that the Mayor of San Francisco was
22 elected of 20 percent margin and then it went down to
23 one percent. Is there a correlation there to the
24 RCV? Or causation, rather?

25

2 SEAN DUGAR: Give me one moment. So I
3 believe-- my understanding of that race is that once
4 ranked choice of voting was-- once the process went
5 through with rank choice voting, she actually came
6 out with a much higher percentage of the vote.

7 CHAIRPERSON CABRERA: After the rank
8 choice?

9 SEAN DUGAR: After the rankings. Yes.

10 CHAIRPERSON CABRERA: Interesting.

11 SEAN DUGAR: Yes.

12 CHAIRPERSON CABRERA: Interesting. Let
13 me ask you, do you believe that \$1 million is enough
14 for CFB to be able to execute the mandate that they
15 have in terms of public education with RCV?

16 SEAN DUGAR: Again, I just you San
17 Francisco as the example. And so San Francisco,
18 which is a city roughly about 1/4 of the size of New
19 York, spent \$776,000 to do education over a three-
20 month period. The current proposal for New York is
21 to do it over a six-month period and so I think that
22 is double the time frame. I think it is doable. I
23 think, you know, as long as all sides of that
24 trifecta are working together, that you have the
25 government agencies doing outreach and you have the

2 nonprofits doing outreach and that you have the
3 candidates. Again, we trained 55 of them so far on
4 how to do education and how to campaign under rank
5 choice voting that, yes. It can be done.

6 CHAIRPERSON CABRERA: And so, based on
7 what you just mentioned, 700,000 with a quarter of
8 our population, that would be more like 3.5. We're
9 talking about two-- almost \$3 million that, in order
10 to make it compatible unless there is some kind of
11 our economy of scales involved here.

12 SEAN DUGAR: I would just add in on
13 that, again, it was John in a three-month. Which is
14 a very condensed timeline--

15 CHAIRPERSON CABRERA: Right.

16 SEAN DUGAR: With six months, you have a
17 little bit more time to spread that out and to more
18 targeted outreach.

19 CHAIRPERSON CABRERA: Got it. And, well,
20 that was my last question. I know there are couple
21 other Council members that have their hands raised,
22 so I am going to give it back to the committee
23 counsel. Thank you so much, Sean. Very valuable
24 information.

25 SEAN DUGAR: Thank you.

2 COMMITTEE COUNSEL: Thank you, Chair.

3 Now, we will hear questions from Council member
4 Miller followed by Council member Cornegy. Council
5 member Miller, you may begin upon the sergeant's
6 announcement.

7 SERGEANT-AT-ARMS: Time starts now.

8 COUNCIL MEMBER MILLER: Thank you,
9 counselor. Sean, we've actually-- I guess we first
10 got acquainted about a year ago when you came to New
11 York on behalf of ranked choice voting by then?

12 SEAN DUGAR: I was the staff member of
13 California Common Cause.

14 COUNCIL MEMBER MILLER: And how long have
15 you been in New York City?

16 SEAN DUGAR: I've been helping out in
17 New York for the last couple months on this project.

18 COUNCIL MEMBER MILLER: Okay. And how do
19 you quantify your-- How do you quantify your ability
20 to kind of move and understand the political dynamics
21 of neighborhoods throughout New York City in
22 comparison to San Francisco?

23 SEAN DUGAR: I think that is why we have
24 our team is being led by locals, by folks who are on
25 the ground. That is why we are hiring organizers in

2 every borough who understand the local dynamics. For
3 me, really my role is one of coordinating the best
4 practices for voter education, RCV voter education
5 and messaging and tools from across the country and
6 ensuring that New York City has all the resources and
7 tools that they need at their disposal for the
8 education process.

9 COUNCIL MEMBER MILLER: So, in terms of--
10 there's a lot of talk about San Francisco. During
11 its rollout, on public education, particularly around
12 senior centers that there were 14 different centers
13 that were being engaged and that they had regular--
14 that there were a regular education around ranked
15 choice voting at each one of these centers. How do
16 you make up for that during-- is any of this-- and
17 this is for you, as well as Susan. We talked about
18 some of the education that went and what the
19 timelines were. Are we considering that we are in
20 the midst of a pandemic and intend to do what we have
21 seen nationally? In some places, obviously, with the
22 10th of the population? That we can do this in New
23 York City considering our current circumstances?

24 SEAN DUGAR: I think, you know, we are--
25 our campaign plan is one of meeting voters where they

2 are. So, that means whether it is Meals on Wheels
3 and whether it is the library book delivery services,
4 whether it is organizations that are providing meals
5 in their communities, whether it is churches that are
6 still doing social distant visits, whatever it may be
7 that we are providing the tools and resources to
8 those organizations--

9 COUNCIL MEMBER MILLER: Are you here in
10 March and April?

11 SEAN DUGAR: I was not.

12 COUNCIL MEMBER MILLER: May?

13 SERGEANT-AT-ARMS: Time expired.

14 COUNCIL MEMBER MILLER: Were you here in
15 May?

16 SEAN DUGAR: I was not.

17 COUNCIL MEMBER MILLER: Then you have not
18 really felt the might of Covid 19. New York City and
19 the impact that it had on these communities. And
20 then, finally, let me just say that, you know, I
21 think you are being a little disingenuous when you
22 talk about Mayor London Breed in her ascent into
23 Mayor from her leadership position that she had taken
24 over and was clearly the favorite. The fact is that
25 she pulled that high double digits and one by nearly

2 a single one percent. And the person that nearly
3 bested her as the person that introduced the
4 legislation that was vetoed by Governor Newsome. So,
5 there seems to be some inside baseball happening here
6 and we are very cognizant of that and were not trying
7 to see that here in New York, so, forgive us if we
8 are little overbearing in this process your because
9 we don't believe that some of the things that have
10 occurred in the way they occurred in San Francisco
11 and other places are going to protect the integrity
12 of the democracy that we, particularly people of
13 color, have come to know in master here in New York
14 City.

15 SEAN DUGAR: Council member Miller, I
16 will say London is a close personal friend of mine.
17 Going back to our days in NAACP in the college
18 division together. I say with all authenticity that,
19 had it not been for rank choice voting, she would not
20 have been elected to the Board of Supervisors in San
21 Francisco.

22 COUNCIL MEMBER MILLER: Were talking about
23 Mayor.

24 SEAN DUGAR: Huh?

25

2 COUNCIL MEMBER MILLER: We are talking
3 about Mayor.

4 SEAN DUGAR: But she wouldn't have
5 become Mayor had she not been on the Board of
6 Supervisors--

7 COUNCIL MEMBER MILLER: But she was on the
8 board. She was the Mayor and she became-- upon the
9 death, she became the interim. So, clearly, she was
10 the favorite. She was the favorite by high numbers
11 and the fact, because of rank choice voting, the
12 person that architect this and architect the
13 legislation to expand it throughout the state of
14 California nearly bested her. I think you left that
15 out.

16 SEAN DUGAR: No, sir. So, I am talking
17 specifically about her being elected to the Board of
18 Supervisors which, at the time, there was an open
19 seat that was filled by Mayor Ed Lee and someone else
20 was appointed because her mentor, her best friend in
21 the world decided that she wasn't ready to be a
22 supervisor. That person was Willie Brown. It was
23 through her using a rank choice voting strategy and
24 ranked choice of voting messaging that she was able
25 to best the person who was the appointed incumbent

2 into that seat, and when her rates to become a
3 supervisor on the Board of Supervisors. It was that
4 coalition that she built during that campaign that
5 got her elected by her colleagues on the Board of
6 Supervisors as the president of the Board of
7 Supervisors.

8 COUNCIL MEMBER MILLER: And---

9 SEAN DUGAR: And the president of the
10 Board of Supervisors---

11 COUNCIL MEMBER MILLER: And what turned the
12 corner on that when she ran for Mayor? What was
13 different?

14 SEAN DUGAR: I'm saying that it was that
15 process that led her to the point of being--

16 COUNCIL MEMBER MILLER: Thought what was
17 different when she became Mayor?

18 SEAN DUGAR: It was that process that
19 led her to being able to become Mayor.

20 COUNCIL MEMBER MILLER: Yeah. But she was
21 interim and when she ran, right? Because she was
22 interim, correct?

23 SEAN DUGAR: Yes. She became interim
24 because she was President of the Board of
25 Supervisors.

2 COUNCIL MEMBER MILLER: When the Mayor, the
3 previous Mayor-- upon his demise, correct?

4 SEAN DUGAR: Correct.

5 COUNCIL MEMBER MILLER: And, obviously, if
6 you do a very good job, you're going to win. And
7 based on this strategy, she nearly lost--

8 SEAN DUGAR: So--

9 COUNCIL MEMBER MILLER: I don't want to
10 belabor that. Just move on. I just think it was a
11 little disingenuous how it was presented. Okay.
12 Thank you, Mr. Chair, for indulging me.

13 CHAIRPERSON CABRERA: Thank you.

14 COMMITTEE COUNSEL: questions from
15 Council member Cornegy. Council member Cornegy, you
16 may begin upon the sergeant's announcement.

17 SERGEANT-AT-ARMS: Time starts now.

18 COUNCIL MEMBER CORNEGY: Hello? Did I
19 lose you? Sean?

20 SERGEANT-AT-ARMS: You are on muted.

21 SEAN DUGAR: No. We can hear you.

22 COUNCIL MEMBER CORNEGY: So, I don't
23 know if I missed some very poor and demographical
24 information for San Francisco. If you could just
25 indulge me. If I did miss that, I apologize. Can

2 you tell me what the demographic numbers are for the
3 African-American community, in particular, and San
4 Francisco?

5 SEAN DUGAR: So I can say San Francisco
6 have had a drastic drop in their black population.
7 So, the city of San Francisco, overall, is 66.7
8 percent people of color, but, of that total
9 population, the black community, as of the last
10 census, not the current one, was at 6.1 percent. But
11 you have a 33.3 percent API population and a 15.1
12 percent Latino population.

13 COUNCIL MEMBER CORNEGY: So, I will
14 just go out on a limb and say our numbers here in New
15 York, the city, in particular, are significantly
16 higher. So, we consider the ability to
17 disenfranchise with the new system without robust
18 education, it's a little different. So, it's not
19 really apples to apples in this instance. It's
20 probably more apples to oranges or something even-- a
21 smaller fruit. Apples or grapes or something, but I
22 just wanted to make that. Because, while I
23 appreciate your testimony and all the hard work
24 you've done around rank choice voting-- I don't want
25 to take that away from you. The demographics are

2 just so seismically different. Plus, the external
3 factors like redlining on black folks here in New
4 York. Like the crack epidemic, like being the most
5 segregated school system. So, there are these
6 extenuating factors that actually have been
7 exacerbated by the pandemic and then, on top of this,
8 so in and of itself, the narrative around rank choice
9 of voting, like they say in the hood, might sound
10 flawed, but with all of those mitigating
11 circumstances that are compounded, it conspires to
12 disenfranchise folks. Right now I am dealing with
13 the lien sale, third-party transfer, deed theft
14 epidemic while there is a health epidemic going on.
15 We have that disenfranchisement, we have redlining.
16 So, all of these things conspire to disenfranchise
17 voters. We have the Voters Rights Act of 1968 which
18 was designed to protect voters. So, somewhere in our
19 history, they understood that we were disenfranchised
20 and attempted to right the ship. It didn't do
21 everything it was supposed to do and, clearly, it's
22 nonexistent at this point and now, the compound that
23 history. So, just wanted to give historical context
24 to why the Black, Latino, and Asian Caucus, which is
25 on this call, feel so vehemently opposed to moving

2 forward without the robust education that is
3 necessary because of the historical context of what
4 is happened to black people--

5 SERGEANT-AT-ARMS: Time.

6 COUNCIL MEMBER CORNEGY: in the city of
7 New York. So, thank you for your testimony, but I
8 needed to just jump in and give some historical
9 context and all of the mitigating factors that are
10 found list disenfranchised as the people through
11 education, for healthcare, and how the pandemic has
12 exacerbated all of that. And then you have this on
13 top. So, thank you.

14 SEAN DUGAR: Thank you, Council member.
15 I will just briefly say San Francisco is probably
16 more so to scale population wise, but if you're
17 talking about demographics, you have places like
18 Oakland that have implemented RCV, have followed a
19 very similar timeline and educational plan to what
20 was done in San Francisco and, again, you know, you
21 continue to see people of color get it. You have the
22 most African-Americans on the city Council there in
23 its history. You have the most African-Americans on
24 the school board now coming in in its history and all
25 of that is because of rank choice voting and the

2 strategies that they have been able to utilize under
3 RCV. You are muted.

4 COUNCIL MEMBER CORNEGY: Somebody
5 unmute me. I would debate that they have the most
6 amount of city Council members because of ranked
7 choice voting and I would argue that, because it is a
8 large-- the largest African-American County and
9 there, that may have an impact on it. So, again, I
10 am not going to, you know, get into an argument. And
11 then I would compound what I didn't mention was the
12 onset of gentrification in communities of color, as
13 well, which is another mitigating factor that seeks
14 to disenfranchise people, black people in particular,
15 from homeownership, from quality education, and now
16 from the one thing that they have held sacred, which
17 is the ability to choose their leaders in a fashion
18 that makes sense. One person, one vote. So, thank
19 you, again, for your testimony. You seem very
20 knowledgeable about what is happening in San
21 Francisco and, as somebody who does a tremendous
22 amount of resource, some of it meaningless, I can
23 appreciate your work. Thank you.

24 SEAN DUGAR: Thank you.

2 COMMITTEE COUNSEL: Thank you, Council
3 member. Next, we will hear questions from Council
4 member Adams. Council member Adams, you may begin
5 upon the Sergeant's announcement.

6 SERGEANT-AT-ARMS: Time starts now.

7 COUNCIL MEMBER ADAMS: Thank you so much.
8 Sean, it has been a pleasure to listen to you. I
9 just want to say that. It really has. Thank you for
10 the work that you have done around New York City and
11 really in your efforts across the country to get this
12 message out. Again, I just want to reiterate, you
13 know, we are about-- and I am cochair of the BLAC
14 for the Council with cochair Miller and this is just
15 so vitally important to us in so many ways. It has
16 the potential to make or break their backs,
17 literally, of the people that have been
18 disenfranchised historically, quite frankly. So, we
19 take this very seriously. I just want to say, you
20 know, at the top of the testimony, it sounded a
21 little like we were staying the, you know, black
22 folks can't get it, they're not going to get it. And
23 that is not the message that I want to relay in this
24 hearing. We are not saying that black people do not
25 have the capacity to understand ranked choice voting.

2 I think that what we're saying is that people of
3 color, black and brown people, need to have the same
4 opportunity to get the education that is afforded
5 everyone else that has had this system implemented in
6 their jurisdiction. So, I think it is one thing to
7 say, oh, people of color can get it. We are in the
8 middle of the pandemic right now. We are up against
9 a brick wall right now. As Majority Leader Cumbo
10 said, we are right now trying to feed, you know, my
11 district is hundred 77,000 people, you know, and that
12 is just me alone. We are trying to feed families.
13 We are trying to educate children. We are trying to
14 make, you know, bring Wi-Fi where there has never
15 been Wi-Fi and to have this-- I'm going to call it
16 an obstacle. To have this obstacle right now at this
17 particular time-- and it's not to say that we want
18 to return the law. The law is the law, but what we
19 are saying is that now is not the time and the
20 preparedness is a concern, you know, and, again, your
21 efforts are terrific. I'm just going to ask, and
22 the-- and maybe Susan can answer this, as well. In
23 the outreach to district 24, what was the turnout as
24 far as the electorate is concerned? We know that we
25 were there with our colleagues in government, but as

2 far as the turnout to get the education last week, I
3 believe the training was, what was the turnout like?
4 Thanks.

5 SEAN DUGAR: There we go. I am on muted
6 now. So, I believe we had, at the peak, 170
7 participants on the conversation last Thursday. And
8 this was just, again, the first of many of these.
9 You know, we would invite every member of the city
10 Council to host a--

11 SERGEANT-AT-ARMS: Time expired.

12 SEAN DUGAR: in their community and we
13 would be more than happy to provide the education. I
14 know we have offered to the BLAC a couple of times
15 the opportunity to do a train the trainer event so
16 that you all are as first on RCV as possible. We are
17 still committed to doing that with you all. We are
18 here for whoever wants that training, however, needs
19 that training. Again, specifically in CD-- Sorry.
20 Specifically, in CD 24, since that event last
21 Thursday, we had a dozen organizations reach out to
22 us and say we want to host trainings in our
23 community. Can you do it for us? And what you said
24 yes to everyone.

25 SUSAN LERNER: I have nothing to add.

2 COMMITTEE COUNSEL: Thank you. Say no
3 more hands raised, we will move on to the next
4 panelists. I would now like to invite Pedro
5 Hernandez to testify. After that, I will be calling
6 on Josh Pierre and then Rachel Bloom. Pedro
7 Hernandez, you may begin upon the Sergeant's
8 announcement.

9 SERGEANT-AT-ARMS: Time starts now.

10 PEDRO HERNANDEZ: Good afternoon. My name
11 is Pedro Hernandez. I am the senior policy
12 coordinator at Fair Vote. Fair Food is a nonpartisan
13 elect all reform organization that has been around
14 since 1992 and is been a leading resource on rank
15 choice voting. Since 2016, I have been active in the
16 Bay Area doing voter education and have worked with
17 the Department of Elections here in the city to
18 improve its education materials and have worked with
19 the community partners to educate voters on rank
20 choice voting, as well as changes to the ballot. Our
21 organization has provided rank choice voting
22 resources in English, Spanish, Chinese. Locally, our
23 organization has presented to thousands of voters in
24 the Bay Area. And not just San Francisco. Oakland
25 and San Leandro in Berkeley, as well. In 2019, I

2 helped craft the education plan that was used in East
3 Point, Michigan that was referred to earlier. I
4 appreciate the opportunity to testify today. There
5 are some things that I wanted to cover, mostly around
6 the implementation of ranked choice of voting where
7 we have seen it be implemented across the country.
8 And I can start just kind of adding to some points
9 that Sean made earlier about San Francisco. In 2004
10 when San Francisco first implemented ranked choice
11 voting, it finalized its plan in July 2004, five
12 months before that November election and, it said in
13 that plan that, over a three-month period, the
14 Department of Elections was going to work with 11
15 community based organizations on an outreach
16 strategy in the supervisor districts that they were
17 having ranked choice voting elections. All the ranked
18 choice voting materials were translated into Chinese,
19 Spanish, Tagalog, Russian, and Vietnamese to assist
20 those English language proficiency efforts. The
21 department outreach also dedicated efforts to educate
22 those who are disabled, the elderly, and first-time
23 voters. The education mostly needs, what we've seen
24 in San Francisco and other places, an emphasis on the
25 actual ballot layout. A picture of the ballot. What

2 the ballot looks like and then some graphics that
3 kind of show how you mark the ballots in order of
4 preference and, in San Francisco, but it's also
5 included kind of a graphic showing the application of
6 ranked choice voting to eliminate candidates and
7 transfer votes. And, you know, the impact on over
8 voting and under voting would have in those contests.
9 I also can speak to the voting experience in Santa
10 Fe. They had about two months to implement the
11 ranked choice voting plan and the experience was
12 overall positive. Turnout increased from 28 percent
13 in 2014 to 38 percent. I know that doesn't seem like
14 a huge jump, but it was significant because we didn't
15 see a large turnout in Santa Fe typically. And in
16 that election, only 40 voters Stated under vote
17 meaning they skipped out that ranked choice voting
18 contests and that, you know, 26--

19 SERGEANT-AT-ARMS: Time expired.

20 PEDRO HERNANDEZ: cascaded over vote
21 meaning that 99.9 percent of voters cast at a valid
22 ballot in that election. Thank you so much for your
23 time and I could also just add about election
24 reporting in San Francisco and some of the questions
25 that folks have about that, but we generally see San

2 Francisco put out a report on election day. For
3 reports. The first and so forth being the ranked
4 choice voting Out and what it has led us to greater
5 understanding and just more transparency to the voter
6 process. The Department of Elections actually
7 releases a press release outlining how it will roll
8 out the election results and that has been really
9 helpful and informative for the press, as well.

10 CHAIRPERSON CABRERA: I have a quick
11 question. Have you had any research done on the
12 percentage of candidates that were first hired RCV
13 and then, when the RCV tabulation came in, there was
14 a change?

15 PEDRO HERNANDEZ: Yeah. We call those
16 from behind winners and there have only been about 15
17 of those elections in their outlined on the Fair Vote
18 website, actually. And I can put that in my notes in
19 written testimony and said that over. It doesn't
20 happen too often. That doesn't mean it is not going
21 to happen, but, just like in any runoff election,
22 someone who comes in in second place in a first-round
23 could eventually end up pointing in the final round.

24 CHAIRPERSON CABRERA: And if you could
25 talk about, because this came up earlier by my

2 colleague, out of those 15, was there a person-- what
3 percentage of people of color where I had and then
4 they end up losing the election or they were behind
5 in the ended up winning?

6 PEDRO HERNANDEZ: Actually see a lot of
7 the from behind winners be candidates of color. I
8 only know of one election where we saw a candidate
9 come in second place and end up losing in the final
10 incident runoff and I think that was a judge
11 election, but we have generally actually candidates
12 of color recently when because of ranked choice
13 voting from behind, as well, just in the last 2020
14 election that we just conducted. And that was the
15 election than a Mirna Milgar as District 7
16 Supervisor.

17 CHAIRPERSON CABRERA: Thank you so much.
18 Let me give it back to the committee counsel. I know
19 there is one question at least by one of my
20 colleagues.

21 COMMITTEE COUNSEL: Thank you, Chair.
22 Next, we will hear questions from Council member
23 Miller. Council member Miller, you may begin upon
24 the sergeant's announcement.

25 SERGEANT-AT-ARMS: Time starts now.

2 COUNCIL MEMBER MILLER: Okay. I am
3 unmuted. So, I have no questions for the panel. I
4 simply was wondering where are our New Yorkers. I
5 know they have been on the line since about 11
6 o'clock here. I saw them when I came on. We had not
7 San Francisco insight. We want to talk about the
8 people who are really being impacted and we want to
9 hear their voice, with all due respect, Mr. Chair.
10 So, I'm going to yield my time and that we hear from
11 the New York panel. Thank you.

12 CHAIRPERSON CABRERA: Well, your wish is
13 about to come true. You must be a prophet. Back to
14 the committee counsel. Believe we have a New Yorker
15 coming on right now.

16 COMMITTEE COUNSEL: Thank you, Chair.
17 I would now like to welcome Josue Pierre to testify.
18 After Josue Pierre, I will be calling on Joy Williams
19 and then Rachel Bloom. Josue Pierre, you may begin
20 upon the Sergeant's announcement.

21 SERGEANT-AT-ARMS: Time starts now.

22 JOSUE PIERRE: Okay. Now. Good
23 afternoon, Chairman Cabrera, committee members, and
24 BLA Caucus members. My name is Josh Josue Pierre,
25 candidate for New York City Council in the 40th

2 district in Brooklyn and Democratic state committee
3 member.. I am here to testify today to ask the city
4 Council and the city itself to immediately fund a
5 robust public education campaign on rank choice
6 voting. If our goal is to increase voter turnout and
7 participation, then it is absolutely crucial that
8 voters understand how to interact with rank choice
9 ballot, understand that elect toil system, and be
10 able to cast a meaningful vote for the candidate of
11 their choice. We must intentionally include
12 historically disenfranchised communities of color
13 like mine in Flatbush, and every part of our
14 electoral process as we transition into ranked choice
15 elections. Despite the pandemic and
16 disenfranchisement efforts by the Trump
17 administration, we had what would be considered a
18 successful 2020 census outreach effort. The effort
19 was funded by the city, had a dedicated team, and
20 partnered with local organizations to ensure outreach
21 was intentional and inclusive. Without these
22 strategic investments, we would not have achieved an
23 increase in response rates. To put it in
24 perspective, about \$40 million was invested in the
25 2020 census effort and the current budget, as I heard

2 stated earlier in this five hour long sitting for
3 rank choice voting is \$1 million. I want to be clear
4 as it relates to rank choice voting. It is all in
5 all of us: the government, candidates for office, and
6 community organizations to engage all voters as part
7 of the democratic process, but the city should be the
8 leader in this effort. So, similar to the 2020
9 census, and education campaign for ranked choice
10 voting should include direct mail to voters,
11 television, radio ads, digital advertising, radio
12 advertising, and an on the ground outreach effort,
13 especially in those communities where English as a
14 second language. When leaders and communities of
15 color say they don't feel that the residence are
16 being invested in, please do not dismiss them and
17 please do not dismiss that, I should say. Instead,
18 partner with us and take immediate action.

19 Community-based nonprofits, minority women business
20 enterprises and ready to do the necessary work
21 related to educate historically disenfranchised
22 residents in our electoral process as we transition
23 into ranked choice selections. The implementation,
24 funding of a robust education campaign is New York
25 City's opportunity to ensure that the success of our

2 new voting system comes to fruition, but they have to
3 take action right now or else they will, in fact, be
4 excluded--

5 SERGEANT-AT-ARMS: Time expired.

6 JOSUE PIERRE: portion of the
7 population. I urge you all to work towards a
8 strategic plan immediately fund that plan. Thank
9 you.

10 CHAIRPERSON CABRERA: Mr. Pierre, really
11 quick here, have you had the opportunity-- has
12 anybody reached out to you for many of the good
13 government groups regarding ranked choice training?
14 Any emails or correspondence or have you reach out to
15 them? He is muted. Can we put him--

16 JOSUE PIERRE: Yes. So, I should
17 state clearly that I did work with Common Cause last
18 year to push for the effort. I have worked with my
19 local Democratic club this year to help educate some
20 of our residents and there been a number of MWBE's
21 the daughter in that space that have offered to come
22 into the community and do that. But resources are a
23 major impediment to that.

24 CHAIRPERSON CABRERA: Good point. Good
25 point. Thank you so much.

2 JOSUE PIERRE: Thank you, sir.

3 COMMITTEE COUNSEL: Thank you. Next, I
4 would like to invite joy Williams to testify. After
5 joy Williams, I will be calling on Rachel Bloom and
6 then Kirsten John Foy. Joy Williams, you may begin
7 upon the sergeant's announcement.

8 SERGEANT-AT-ARMS: Time starts now.

9 L. JOY WILLIAMS: Good late afternoon. I
10 am L. Joy Williams, president of Brooklyn NAACP and
11 also the legislative coordinator for the New York
12 State NAACP and I should start by saying that the
13 NAACP as the national organization does not have a
14 position specifically on rank choice voting, that
15 they leave it up to the state conference is in the
16 branches an individual states and localities to
17 decide based upon implementation and education
18 whether or not they will support ranked choice
19 voting. During the charter revision, we raised some
20 of the very same concerns that we are talking about
21 during this hearing today was the reason why we
22 ultimately decided, as the organization, not to
23 support the ballot question. It was not, as we been
24 characterized, I know is myself has personally been
25 characterized, as being against rank choice voting

2 because I believe rank choice voting, like any other
3 tool, is a tool that you can use in terms of
4 expanding democracy. However, like any tool, if
5 people do not have the proper information on how to
6 effectively use it, then it can disenfranchise them.
7 So, NAACP of New York State's position has been to
8 answer these questions about education and
9 implementation. Now, setting aside and talk about,
10 real quickly, the education and implementation, I
11 actually agree with a number of the folks on today,
12 some of whom we are often in coalition with, that if
13 funding is given to organizations, particularly in
14 the areas that this needs to be directed to, we can
15 do in education campaign. In fact, Brooklyn NAACP
16 began our education of our members so we will then be
17 training as the trainers to go out in the community
18 in July during a pandemic. So, the issue is not
19 whether or not community organizations will be fit to
20 be able to educate the community. It's will we be
21 backed up with the resources necessary to do it
22 because Brooklyn NAACP and our other coalition
23 members that particularly services communities of
24 color and, particularly black folks-- I'm just going
25 to speak for us, right? There are no other

2 organizations that are going to be in the internal of
3 the community to work on these issues. Our larger
4 concern, which were the list of questions that we
5 have larger concerns, including some of the
6 questions, the direct questions I asked Sean about
7 this before and, you know, he put some of this in his
8 testimony and I'm about to run out of time was
9 specifically on implementation. Particularly on
10 ballot design. Yes, there are other cities that have
11 rank choice voting and implement that, but New York
12 City would be the largest and the most diverse. So,
13 if you're talking about ballot design, which people
14 already had a problem, if you remember, of how small
15 the text was for the ballot design in the first place
16 when we voted on those charter--

17 SERGEANT-AT-ARMS: Time expired.

18 L. JOY WILLIAMS: questions. So, we had
19 questions about ballot design. We have questions
20 about funding necessary to properly do in education
21 campaign. You know, in the context-- you're talking
22 about \$10 million overall. \$10 million, I believe,
23 if I'm not mistaken, is how much the city put in just
24 to ethnic media for the census. So, when we are
25 talking about the context of what education campaign,

2 were going to do what we're going to do because we
3 know city and the federal government, state
4 government or whoever is never going to penetrate as
5 deep in the community as organizations like ours
6 work. We are going to do that. But you're asking us
7 to put and take on the full weight of education when
8 you also-- you, meaning the city, have not met the
9 benchmarks in terms of actual implementation. The
10 last thing I will say, and I'm sorry for the time.
11 I've been waiting for four and a half hours, so I
12 imagine that you'll can deal, is as the Executive
13 Director of the Board of Elections as mentioned, as
14 an adjuvant trainer for poll workers, I understand
15 deeply the amount of education that needs to also
16 happen for poll workers and making sure the materials
17 are designed in a way, the training is designed in a
18 way that actually will be effective to implement a
19 complete overhaul and change of our elections
20 process. And so, if we can just think about that for
21 a minute, that there is 197 days as of today, not to
22 take into account the special elections, 197 days to
23 not only educate voters about this process, but also
24 to get the implementation and the nuts and bolts that
25 needs to be done for Board of Education, from CFB,

2 and others to make the trains run on time so that
3 there is not a problem where we will be suing at the
4 end of the election process because you did not get
5 it right.

6 CHAIRPERSON CABRERA: Thank you so much.
7 Thank you for the insight and we will certainly
8 follow through. Thank you for the forecasting. Some
9 of us were saying the same thing, as with Council
10 member Miller in a press conference during-- prior
11 to the vote. I was one of our biggest concerns.
12 So, thank you for lending your voice. I do believe
13 that we have a question by Council member Cornegy.

14 SERGEANT-AT-ARMS: Time starts now.

15 COUNCIL MEMBER CORNEGY: Thank you,
16 Chair. I just wanted to ask the NAACP a question.
17 Has the Campaign Finance Board reached out to you for
18 support and offered any resources to do this work?

19 L. JOY WILLIAMS: I can say that, partly
20 because we are in coalition with groups like Common
21 Cause and others, while they specifically have not
22 reached out about the rank the vote campaign, partly
23 because, again, I think we have been-- NAACP has
24 been characterized as sort of being against it, we
25 are privy to more information because we are in

2 regular coalition with voting rights groups. Now, in
3 terms of the CFB, you know, we receive their
4 information. I'll just put it-- we have not been
5 asked or invited to be part of how they are designing
6 their education campaign. You know, if I missed an
7 email, please let me know, but in terms of the
8 cultural competency of what the CFB has put together
9 in terms of their plan, we have not been invited to
10 the table to be a part of that. And to your-- to
11 that point, I think it is important to note that,
12 quite often, organizations like ours who actually
13 have the, you know, closeness to the voters that
14 people want to reach, but we are often the last to be
15 invited to the table and to the conversation about
16 how to execute something effectively. You know, we
17 welcome all and we make it very plain what our
18 position is. And, even here, as I publicly stated on
19 behalf of not only Brooklyn NAACP, but New York State
20 NAACP, while at the same time you know, we were
21 against the question particularly because of the
22 timing and working out the logistics of
23 implementation. That does not at all mean that we
24 will not do our job of educating our community about
25 the best way that they can participate in this

2 process. And so, both things can happen at the same
3 time. As some of the Council members on this zoom
4 will know, I've been texting them and calling them
5 about rank choice voting for a very long time and so,
6 while at the same time to advocate that the city and,
7 in this case, the city Council who was oversight,
8 actually do a process that would be implemented
9 fairly for people, we can educate people as well.
10 Look, we don't believe of usurping voters who voted
11 for this. That is not our place and I don't think
12 that is what we believe, but the voters also have
13 this understanding that the city will do the best of
14 its ability to not only educate, but implement this
15 process in a way that doesn't disenfranchise people.
16 Then I remind you that voter suppression does not
17 require some evil recess person to be trying to pull
18 strings or stand out in front of the door to prevent
19 people from voting. The mismanagement of
20 information--

21 SERGEANT-AT-ARMS: Time expired.

22 L. JOY WILLIAMS: and education is also a
23 form of voter suppression.

24 COMMITTEE COUNSEL: Thank you so much.

25 Next, we will hear from Rachel Bloom followed by

2 Kirsten John Foy and then Kate Doran. Rachel Bloom,
3 you may begin upon the sergeant's announcement.

4 SERGEANT-AT-ARMS: Time starts now.

5 RACHEL BLOOM: Good afternoon, Chairman
6 Cabrera and members of the New York City Council. My
7 name is Rachel Bloom and I am the director of public
8 policy and programs at Citizens Union. We are an
9 independent and nonpartisan democratic reform
10 organization. Thank you for the opportunity to speak
11 today. So, we at Citizens Union worked very hard to
12 put ranked choice of voting in front of the Charter
13 Revision Commission. We worked hard to get it passed
14 and we remain supportive of a as do most New Yorkers.
15 Last fall, over 73 percent of New York City voters
16 voted to approve ranked choice voting and to suspend
17 the implementation of reform that was passed with
18 such overwhelming margins only a year ago would be
19 overturning the will of the voters. I know there's
20 been a lot of talk today about the amount of people
21 that voted in the November 2019 election and, you
22 know, we, in fact, many advocates suggested at the
23 beginning that it wasn't the right timing, but this
24 was, I remind, the charter-- this charter revision
25 was actually called by the New York City Council and,

2 when they called it, they knew the timing would lead
3 to the questions of the charter being put forward on
4 the 2019 ballot when everyone knew there was a going
5 to be a lot of people out voting. So, you know, we
6 remain-- as I said, we are supportive of rank choice
7 voting and we are incredibly supportive of Intro
8 1994. I think what was part of the charter and \$1
9 million as everyone is been talking is not quite
10 enough for education when you look at what the census
11 got and when you look at the outreach that other
12 things have had, that is a floor, not a ceiling. I
13 think everyone probably at this hearing would be
14 supportive of more money and more resources be put
15 towards this and I think that, you know, there are,
16 as a lot of people have spoken before this, there is
17 what is happening with the city, there is what is
18 happening with the campaigns, and then there is what
19 is happening through community organizations and
20 through government reform organizations. We, at
21 Citizens Union, are planning a giant project for the
22 2021 election called Elect NYC to serve as a one-stop
23 shop for people looking for information about the
24 hundreds of candidates about who will be running and
25 as well as how rank choice voting will be working.

2 And we are just one of many organizations who are
3 looking to fill that role across the city. We
4 believe that there isn't enough time-- that there is
5 more than enough time for that BOE and that CFB to
6 conduct a robust public education campaign. You
7 know, realistically, people, first of all, aren't
8 paying that much attention to an election, you know,
9 a year out. The average person who we are talking
10 about educating how to cast their ballot, but they
11 couldn't have started sooner with a presidential
12 election. To do this amid a presidential election
13 would've been a waste of time and money. So, in
14 close, we support it. We support more education, we
15 support funding for education and--

16 SERGEANT-AT-ARMS: Time expired.

17 RACHEL BLOOM: as many resources as can
18 be put forward to making sure all New Yorkers
19 understand how to cast a ballot.

20 COMMITTEE COUNSEL: Thank you. Next,
21 we will hear questions from Council member Miller
22 followed by Council member Yeger and then Council
23 member Cornegy. Council member Miller, you may begin
24 upon the sergeant's announcement.

25 SERGEANT-AT-ARMS: Time starts now.

2 COUNCIL MEMBER MILLER: Thank you. You
3 mentioned that you and your organization, as well as
4 other advocates, were well aware of the potential
5 that this was an awful election year that, despite
6 the narrative overwhelming, that less than 10 percent
7 of all New Yorkers had voted for this referendum.
8 Understanding this premise, was it a matter of
9 strategy to move forward with this to-- obviously,
10 you were in favor of it and you and others who may be
11 on the zoom, this current resume, when you were in
12 the room, was that is considered as a matter of
13 strategy as to how you best move this forward?

14 RACHEL BLOOM: I am going to answer for
15 myself, although I know there are other people, but
16 absolutely not. In fact, we worked extraordinarily
17 hard in 2018 to have that charter revision commission
18 take up ranked choice voting. I would have to check
19 my files, but I testified and I know other people
20 that are here that this hearing testified multiple
21 times in front of the 2018 Charter Revision
22 Commission urging them to put ranked choice voting.
23 People were extremely disappointed that they did not
24 put it on the ballot for 2018 and, you know, when--
25 I think know any than expected third of the Charter

2 Revision Commission in 2019. So, the idea that we
3 had the foresight to think ahead like that is just--
4 you know, especially because this was the first
5 Charter Revision Commission that was at the behest of
6 the city Council and actually have a voice of, you
7 know, not just the city Council, but the Mayor in the
8 Comptroller in the Public Advocate. So, we were
9 hoping to see it on the ballot in 2018, to be quite
10 honest, and pushed extremely hard for it then.

11 COUNCIL MEMBER MILLER: Okay. And those
12 members who supported it, I don't see them here on
13 this zoo this afternoon at all. Leadership,
14 colleagues, right otherwise, so, thank you. I know
15 we need to move on, so I am going to and my
16 questioning there. Thank you.

17 COMMITTEE COUNSEL: Thank you, Council
18 member Miller. We will now hear questions from
19 Council member Yeger followed by Council member
20 Cornegy and then Majority Leader Cumbo. Council
21 member Yeger, you may begin upon the Sergeant's
22 announcement.

23 SERGEANT-AT-ARMS: Time starts now.

24 COUNCIL MEMBER YEGER: Thank you, Mr.
25 Chairman. Ms. Bloom, it's good to see you again. I

2 feel unencumbered by the notion that the city Council
3 passed a this because I was the one no vote and I was
4 the one no vote at the committee, I was the one no
5 vote in that Council on the floor in May at the
6 hearing this was I specifically recall asking this
7 question to a panel that consisted of then Public
8 Advocate James and my hero, borough president Gale
9 Brewer who I think is a giant in government. Even
10 though she supported this, I still think she is a
11 giant in government. My question was specifically
12 what you indicated. That it was going to happen, it
13 was likely going to happen in an off year election
14 because, even if we enacted in 18, the Mayor had his
15 own business going on with Charter Revision, so this
16 was likely to happen in 19 and, sure enough, happened
17 in 19 and in an off year election. And, as you
18 indicated and as we have talked earlier today in this
19 hearing, the turnout was abysmal. The number of yes
20 votes were about a half a million and, in fact,
21 100,000 people who came out to vote didn't even
22 bother appointing on this question. They just
23 ignored the question. Maybe they didn't flip over
24 the ballot. Maybe they skipped the question. I
25 don't know, but 100,000 people came out to the voting

2 didn't answer the question. And so, here I am going
3 to ask the same question that I asked Ms. Lerner
4 which were repeats of the question that I asked
5 Director Loprest. Even assuming the Campaign Finance
6 Board does everything that it can and it works as
7 hard as possible, given the circumstances that we see
8 today, the fact that we change the way we vote in
9 many respects, the fact that we are now facing more
10 in the midst-- not facing-- in the midst of a
11 pandemic second wave. Who knows, God help us all,
12 and I hope that there is a third, but who knows what
13 happens until there is a vaccine and things go back
14 to the relative normal that we once had. We know
15 what February and March elections are going to look
16 like. We don't know yet what June is going to look
17 like, but we have to assume that it will look more
18 like the present than it does the very past. So,
19 given all that, isn't it just a good idea to put a
20 pause on this and say, let's do this the rightist way
21 possible. Let's pass on doing it this year in 20--
22 this coming year in 2021 and let's get it right so
23 that we can do it in the next election cycle. Is
24 there no validity whatsoever to having that is a
25 conversation?

2 RACHEL BLOOM: I mean, look, I'm going
3 to say the people voted, they had a deadline.

4 COUNCIL MEMBER YEGER: To the people
5 vote--

6 RACHEL BLOOM: The people didn't know
7 about the pandemic, of course not, but, you know,
8 just the same way that we figured out how to get
9 people-- we had to totally, you know, if you look at
10 what happened in the primary and the general election
11 in 2020, we had to respond. We had to adapt and we
12 did. And I think we--

13 SERGEANT-AT-ARMS: Time expired.

14 RACHEL BLOOM: will be done for rank
15 choice voting.

16 COUNCIL MEMBER YEGER: Mr. Chair, just one
17 more quick-- you know, Ms. Bloom, I didn't mean to
18 cut you off. I apologize, but did the people really
19 vote? You know, we keep saying the people voted.
20 The people made a choice. The people? The people of
21 New York? We are talking about a half a million out
22 of close to 9 million people. 100,000 people who
23 voted didn't even bother checking the question. Did
24 the people really speak? We heard from the-- Look.
25 I know I'm defending the people in my district who

2 voted against this, so I feel very comfortable doing
3 that, but did the people really make that choice in
4 the city of New York? Are we comfortable saying that
5 we are going to throw out the way we vote because a
6 half 1 million out of 9 million-- eight and change
7 million people-- 9 million people have made this
8 decision in an off year election where even then
9 100,000 people didn't even bother answering the
10 question and, therefore, is given everything-- I'm
11 just asking for your opinion. I'm not asking for you
12 to change the law, but given everything that is going
13 on, is there no validity to saying pause. Take a
14 break. Let's get this done right and let's put it
15 off until the next time. The next cycle being only
16 two years later where we don't have a Mayoral race at
17 stake, where we don't have Comptroller and the
18 borough president's at stake, where we can do the
19 test drive that Ms. Lerner talked about. You know,
20 testing it on a small council race here and then
21 another one there. We could test it on just the
22 Council races in 23. But getting it right. Putting
23 the time and effort and the money necessary to
24 educate the people of New York in getting it done

2 right if this is what the people really chose. Is
3 there no validity to that?

4 RACHEL BLOOM: I mean, my response to
5 that question, I think there is-- my response to
6 that question is how many people are going to vote in
7 a runoff if there is a runoff? You know, we have
8 runoffs that are decided by, I think, potentially
9 even less people that voted for this ballot
10 referendum for citywide elected officials. So, if we
11 look at the election of Tish James back in 2013 was
12 her runoff, you know, I don't know the specific
13 number. I'm sure someone in this zoom does, but it
14 was quite likely less than 500,000 voters and she
15 represented the city of New York and she was elected
16 as a citywide elected and we might have those runoffs
17 this coming spring without this.

18 COUNCIL MEMBER YEGER: Your point is very
19 valid. Your point is well taken. I will say that,
20 with respect to Tish, who is a good friend, I think
21 the public record is clear about what I think about
22 the Public Advocates job. I am more concerned with
23 the Mayor, with the Comptroller, with the city
24 Council. And, yes. You are right. A runoff is
25 concerning, but a runoff requires 40 percent not

2 having chosen a candidate and that has-- that is in
3 the state election law and that has worked to give us
4 Mayors in the past and it hasn't completely failed,
5 although in some of those runoffs I would've chosen
6 otherwise and, I hope-- but, yes. Even with the
7 runoff being a possibility, here we are taking an
8 absolute certainty over the possibility maybe there
9 is a runoff and saying, let's choose the absolute
10 certainty of what I anticipate to be chaotic and
11 disenfranchisement of because they are actually the
12 majority New York and, you know, it's a funny term,
13 but there the majority. They're not the minority.
14 But the way it is caught up in the city. There are
15 districts in the city that are currently represented
16 and you can come back to me in a year if this happens
17 the way it is set up right now and we do this system
18 and tell me that I'm wrong and I think I will be
19 right. There are districts in the city that are
20 currently represented by black and Latino Council
21 members which will not be if this election is held
22 this way. They will be-- those districts will
23 change and they will be represented by white members
24 and majority districts where the majority of the
25 residents are black and Latino. That is not, I

2 believe-- and I think that the members of the Black
3 and Latino and Asian Caucus believe is of good thing
4 for the city. I'll leave it at that. I don't think
5 that was really a question. That was just my chance
6 at the mic, but it is really good to see you, Ms.
7 Bloom, thank you.

8 RACHEL BLOOM: Always a pleasure.

9 CHAIRPERSON CABRERA: Thank you so much,
10 Council member. I believe we have two other Council
11 members, committee counsel.

12 COMMITTEE COUNSEL: Yes. Next, we will
13 hear from Council member Cornegy followed by Majority
14 Leader Cumbo. Council member Cornegy, please begin
15 upon the sergeant's announcement.

16 SERGEANT-AT-ARMS: Time starts now.

17 COUNCIL MEMBER CORNEGY: Hey, Ms.
18 Bloom. How are you?

19 RACHEL BLOOM: I'm good. How are you?

20 COUNCIL MEMBER CORNEGY: Good. Thank
21 you. So, in my committee, the Housing and Buildings
22 Committee, we had a site safety training for the
23 safety of to get the proper education, we had to push
24 that out to 2021 and not impose the required fines
25 and fees on people who couldn't do the site safety

2 training because there was just no ability to do it
3 based on the closing of sites, based on the pandemic.
4 So, what was not a factor in any of this in 2019 was
5 the pandemic which had the city frozen for between
6 six to eight months to date and, you know, it hasn't
7 thought quite yet. So, with that as a backdrop, the
8 ability to disenfranchise is so large it seems to me
9 that, like Council member Yeger said, that there
10 should be a conversation around a pause in getting it
11 right, I would think that the greater concern would
12 be to get it right than it would be just to stay with
13 the prescription that is in front of us because we
14 heard from CFB said, listen. This is the referendum
15 and we are going to stick to the referendum. And I
16 get that and appreciated respect when there is a
17 referendum, but sometimes there are mitigating
18 factors that make you go back to the table or go back
19 to the drawing board to so that you don't
20 inadvertently disenfranchise people or, as the NAACP
21 Chair said, we are not now in a lawsuit because it
22 wasn't implemented correctly. So, I am just
23 confused, as somebody who deems themselves to be on
24 the progressive side, why are more progressives up in
25 arms about the possibility of disenfranchising

2 voters? The slight possibility of implementing a
3 program of site safety training was too large for us
4 to even do and that law wasn't even under my
5 chairmanship. That was under Jumaane's chairmanship,
6 so several years prior to that, but we went back to
7 the drawing board because of Covid to make sure no
8 one was unnecessarily hurt on construction sites and
9 we had to revamp that. So, I don't know why, with
10 something as large as voting, right? And we talked
11 about the Voter Rights Act. We talked about all the
12 things that were put in place to protect black people
13 in a climate that this is-- I'm not making this up.
14 That we were disenfranchised in. Right? So there's
15 nobody-- I'm not making it up. We have had-- the
16 federal government literally had to step into ensure
17 that our about was precious enough to be covered.
18 I'm not here to argue the merits of ranked choice
19 voting. You never heard me say that.

20 RACHEL BLOOM: Um-hm.

21 COUNCIL MEMBER CORNEGY: You know, I'm
22 not even saying that. I'm saying that the
23 education--

24 SERGEANT-AT-ARMS: Time expired.

2 COUNCIL MEMBER CORNEGY: component is
3 not robust enough for us to move forward. I just
4 wanted that on the record. I am not saying-- I'm
5 not arguing the merits. I don't want to be confused
6 with arguing the merits of ranked choice voting.
7 That is a conversation for another time. I'm here
8 saying that I am scared that my seniors will be
9 disenfranchised with a system that is not conducive
10 for them on top of everything else that has happened
11 and all of the other changes that have happened to
12 them through the pandemic. So, that was, again, Ms.
13 Bloom, it wasn't a question, but it was like-- I
14 don't know what the conventional wisdom is on making
15 sure that people are taken care of. And I haven't
16 heard any real robust education system that would
17 debunk what I am saying and I have been on this call
18 for four hours and I haven't heard a real robust
19 pathway to people being educated and a satisfaction
20 for the education that is necessary.

21 CHAIRPERSON CABRERA: You been on this
22 call for five and a half hours.

23 COUNCIL MEMBER CORNEGY: Yeah. I was
24 hoping that wasn't the case, but--

25 RACHEL BLOOM: It started at 11:30.

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2 COUNCIL MEMBER CORNEGY: I'm lost. At
3 this point, I'm lost, but it's like a train wreck. I
4 can't turn away.

5 CHAIRPERSON CABRERA: Yes. We appreciate
6 your input to my colleague. I believe we have a
7 couple more questions.

8 COMMITTEE COUNSEL: That's right.
9 Next, we will hear from Majority Leader Cumbo
10 followed by Council member Miller. Majority Leader
11 Cumbo, you may begin upon the sergeant's
12 announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 MAJORITY LEADER CUMBO: I will defer my
15 questions. I would like to be the first on the list
16 following Rev. Kristin Foy's testimony. So, I will
17 go right after that because I know he is been also on
18 the call for five and a half hours.

19 CHAIRPERSON CABRERA: Thank you.

20 COMMITTEE COUNSEL: Thank you, Majority
21 Leader. Next, we will hear from Council member
22 Miller. You may begin upon the sergeant's
23 announcement.

24 SERGEANT-AT-ARMS: Time starts now.

25

2 RACHEL BLOOM: Councilman Miller, you
3 are muted.

4 COUNCIL MEMBER MILLER: I will also defer.
5 I simply wanted to qualify what my colleague, Council
6 member Cornegy said about the construction safety
7 act. The fact that more than 60 construction workers
8 over the last three years before that bill, that
9 legislation was passed and enacted, had lost their
10 life on construction worksites. That legislation was
11 predicated on training, additional training,
12 outreach, and education, which could not and did not
13 happen because of Covid. Certainly, we cannot
14 diminish the voices of those who lost their lives but
15 we use that of the parallel to highlight the impact
16 on communities that can be potentially
17 disenfranchised because of their vote and, if he was
18 good enough for the Construction Safety Act, it is
19 certainly good enough for us to do the same here.
20 Thank you.

21 CHAIRPERSON CABRERA: Thank you.

22 COMMITTEE COUNSEL: Thank you. I would
23 now like to welcome Kirsten John Foy to testify.
24 After that, I'll be calling on Kate Dorinda followed

2 by Robert Ritchie. Kiersten Jon Foy, you may begin
3 upon the sergeant's announcement.

4 SERGEANT-AT-ARMS: Time starts now.

5 KIRSTEN JOHN FOY: Good day to all. Mr.
6 Chairman and Majority Leader Cumbo and Council member
7 Cornegy and Miller and everyone here. I feel like
8 this is one big family, so I'm just going to speak as
9 I would from the heart and from the pulpit. First
10 and foremost, I want to thank Council member Yeger
11 for his very heartfelt impassioned, authentic, and
12 courageous statement on behalf of black and brown
13 voters in the people of the city of New York. I am
14 quite disappointed at what I heard and I'm sorry that
15 they are not here to receive my disappointment. The
16 grotesque ineptitude and incompetence that was
17 articulated or and articulated by the CFB and the
18 Board of Elections with respect to the implementation
19 into the rank choice voting is not only
20 disheartening, it is at the core of why many black
21 and brown voters in communities feel disenfranchised
22 and disenchanting with government. They are tone deaf
23 and totally unresponsive to the reality that are
24 bearing down on the majority of the city of New York.
25 Let me just give you some of my own facts. The last

12 years we've had three governors, one of whom was black, two US senators, one of whom was a woman, three attorney generals, one of whom was a black woman. In New York City, we have had to comptrollers of color, two black Public Advocates, several borough presidents who are black and/or Latino, several district attorneys who are black and/or Latino. Four out of the five County leaders are black. We elect black and brown men and women to all levels of government in very high numbers. Our congressional delegation is one of the most diverse in the nation. We elect state representatives. Women, people of color, women of color at higher rates than anywhere else in the nation and so it is reflected in our city Council. Can we do better? Yes. But to throw the baby out with the bathwater is simply folly. It seems to me that ranked choice voting is a solution in search of a problem. What we are doing now as the black and brown community and a collection of leadership is imploring those of us, those of our friends and allies who we stand shoulder to shoulder with on reinforcing and strengthening our democracy, like Susan, who is a friend, like Citizen Union. To

2 hear the voices of those who are on the margins right
3 now, Covid change everything.

4 SERGEANT-AT-ARMS: Time is expired.

5 KIRSTEN JOHN FOY: It is folly to ignore
6 the impact that a global pandemic, which, by the way,
7 has called our governor to enact one Executive Order
8 after another, suspending privileges and rights, and
9 powered are Mayor to enact one Executive Order after
10 another, to suspend privileges and rights, that we
11 would not find it incumbent upon ourselves to protect
12 the sanctity of the vote in the midst of the pandemic
13 whereby you have 40 percent of New Yorkers who are
14 going to bed every night food insecure or. Where you
15 have food lines wrapped around the block. You can
16 huff and puff, but those who are huffing and puffing
17 at that reality I guarantee you are not out there
18 serving the people the food.. They are not out there
19 trying to meet that need. This is a very elitist
20 conversation and debate that we are having, but what
21 I am imploring our allies to do is consider the cries
22 of your friends. What we are saying now-- and I'm
23 not here to debate the efficacy of ranked choice
24 voting, although I do believe it may be a duplicitous
25 subversion of the voters will to replace the direct

2 system with an algorithm that might Brad Lander's
3 very own words, round by round tabulation will choose
4 the winner. Not the will of the people. Not the
5 will of the voters. Round by round tabulation. So,
6 that means that the will of the voter, the direct
7 will of the voter is being replaced by an algorithm
8 and were supposed to just be quiet about that. So,
9 what is the next step? It's just not have an
10 election at all. Let's just plug in Watson and have
11 artificial intelligence choose our leadership. Over
12 what is this? The prologue to nonpartisan election?
13 I mean, we're not stupid about what is going on here,
14 so what we need to do is, if you are truly
15 authentically, sincerely committed to protecting
16 voting rights, it's to hear the cries of those who
17 will be most impacted. You can point to individuals
18 who may have benefited from low turnout election.
19 We're not talking about an individual here or there.
20 We are talking about offending the system. We are
21 talking about replacement of an entire system which,
22 by the way, proved in the last election to be good
23 for voters of color. We had one of the highest
24 voting turnouts in modern history under this last--
25 under the old system. So, all of the fluff around

2 why it is important to have rank choice voting does
3 not bear fruit in New York City. New York City does
4 not have a problem electing black and brown people to
5 office. We do not have a problem electing women into
6 office. What we do have a problem with it is
7 grappling with the pandemic which has
8 disproportionately impacted black and brown people.
9 Put us in the graves more, put us on food lines more,
10 check more of our children from a place of schooling
11 and education and put them on the street or put them
12 behind some in active or ineffective device. So,
13 instead of having a conversation that lasted almost 6
14 hours about the pending election system that most
15 black and brown people will not pay attention to, why
16 don't we spent five or six hours talking about how to
17 strengthen their hand is voters today? Spend the
18 last six hours talking about how to educate people.
19 If you take a thousand people a day from now until
20 the election, you will not reach a critical mass. If
21 you take 10,000 identity and educate them, you will
22 not reach a critical mass of the electorate that is
23 competent enough to benefit off of ranked choice
24 voting, not to mention you're not eliminating the old
25 system. You are bifurcating it, to borrow a word

2 from my Majority Leader. You not saying we are going
3 to do away completely with the old system. You're
4 saying we are going to apply the old system to the
5 Council and leave all the district attorneys. we
6 are going to apply rank choice voting to the Council
7 and to the executives and leave the district
8 attorney's and others under the old system. So, now
9 we are saying to voters well, no. No. No. You've
10 got to get this right. It is ranked choice for this
11 selection, but it's the old way for that election.

12 We are imposing too much of a burden on an
13 overburdened need. The most basic need of the
14 electorate today is food, education, and not being
15 evicted from their housing. Not trying to retrain
16 them about how to exercise the vote that they are
17 already competent in exercising. So, until you can
18 justify to us the potential injury that is going to
19 be caused to the black and brown communities, then
20 you need to be prepared for a lawsuit on the federal
21 level for intervention. You need to be prepared for
22 a push for an executive order. If we can have
23 children ripped out of schools, 70 percent of whom
24 are now remotely learning, if we can help bars and
25 restaurants in our entire lifestyle up and it in

2 changed by the stroke of a pen, then we can certainly
3 take a breath, pause, and say, this is not the right
4 time to implement an entirely new system of voting on
5 people that are trying to figure out how to feed
6 themselves and educate their children. This is a
7 very elite debate we are having here and I guarantee
8 you none of us are going to bed hungry tonight. I
9 guarantee you not about us are going to bed-- or
10 maybe some of us are going to bed trying to figure
11 out whether or not we are going to be evicted, but I
12 doubt it. None of us are figuring out, oh, my God.
13 Are my kids going to get an education? We are
14 figuring that out, but that is not the reality for
15 the majority of New Yorkers. So, we need to get off
16 the pedestal, calm down into the real world where
17 people are living and realize that is not the time to
18 up into the election system. We can have a debate,
19 as Council member Cornegy said, about the efficacy of
20 ranked choice voting. We could talk about that at a
21 different time. But, right now, for people to say,
22 man, you know what, no. We're not pausing. It's not
23 only tone deaf, it's injurious and it shows a lack of
24 respect and regard for the pain that your neighbors
25 and your allies are feeling right now. I would

2 implore those who I fight alongside to strengthen our
3 democracy to hear the cries of your allies. Every
4 single person who is gotten up today to speak
5 against, with the exception of Counsel member Yeger,
6 to speak against rank choice voting right now, has
7 been a person of color. Yet, still, there's been no
8 response. Yet, still, there is-- and I'm sure
9 there's somebody out there from New York that
10 believes and that is, but I guarantee you are going
11 to bed hungry tonight and I guarantee you haven't
12 been on the food line serving nobody there. So, why
13 don't we take a breath. Take a step back and say,
14 now is not the time for this? What is the rush with
15 this. I'm a Pentecostal preacher. You shouldn't
16 have gave me the mic. You should maybe wait for five
17 hours. I'm going to close with this. If we do not
18 recognize the potential injury that is caused to
19 voters of color, communities of color, then we ought
20 to not be out here pretending to be good government.
21 We ought to not be out here pretending to be civil
22 rights advocates. Good government people would be up
23 in arms against an incompetent Board of Election,
24 against an incompetent Campaign Finance Board that is
25 ill-prepared to execute the election. That is ill-

2 prepared to answer a direct question of any of the
3 questioning. Not one question was answered directly
4 about the educational campaign. Not one question was
5 answered directly about how much money is going to be
6 spent or how it is going to happen. Not one. So,
7 where is the good government outrage against the
8 failures of the Campaign Finance Board and the Board
9 of Elections to be properly prepared for this moment?
10 So now we have to take it upon ourselves. It is
11 incumbent upon us to educate ourselves about the
12 system that we didn't implement, that we didn't
13 execute. 90 percent of New York did not vote on this
14 question. 90 percent. There is no mandate. There
15 is zero mandate to implement this and there is
16 certainly no mandate to implement it in the midst of
17 a global pandemic which, by the way, struck New York
18 harder than anywhere else in the country and could do
19 so again. I'm done.

20 COMMITTEE COUNSEL: Thank you.

21 Majority Leader Cumbo, you may begin upon the
22 sergeant's announcement.

23 SERGEANT-AT-ARMS: Time starts now.

24 MAJORITY LEADER CUMBO: Thank you, Rev.
25 Foy. And that is certainly why I wanted to wait.

2 You have summed it up completely in terms of
3 everything and I just want to say, in the first
4 election cycle, the voters that voted for rank choice
5 voting, were neither educated about the dynamics and
6 the intricacies of the program when it appeared on
7 the ballot in the first place. There was no
8 education. There was no pro or con. People that
9 were going voted for the same way they may vote for
10 the 4/6 judges that they don't know who they are
11 either and choose a name that most identifies with
12 one that they are familiar with from their ethnic
13 perspective. So, I want to be clear about that.
14 I think what Rev. Foy also has brought forward as the
15 need for us to have some black and Latino good
16 government groups because what we are seeing on this
17 call is that you are seeing black and Latino
18 leadership speaking truth to power about the
19 realities of our community and good government groups
20 that are represented by white individuals speaking
21 about protecting this particular referendum that was
22 placed on the ballot without any kind of
23 consideration about the fact that it is underfunded.
24 As you can see with the San Francisco model, per
25 person, San Francisco got far more money than New

2 York City then we had. So, that is a reality there.
3 And everybody that I want to say when we talk about
4 we are electing black and brown and women and the--
5 everybody that is black and brown is not representing
6 black and brown interests, so we need to be clear
7 about that. I've seen that particular instance in my
8 own district. Not everybody that is black and brown
9 is representing black and brown interests. And was
10 stated, as well. We have closed our educational
11 system. We have close to local businesses. We have
12 closed houses of worship. We have changed the way we
13 are doing business in order to accommodate the fact
14 that we have a pandemic. And I just want to say, you
15 know, in the long run, what I believe that this is
16 going to do, rank choice voting, is that, sure, we
17 will be able to educate people to pick their
18 preference, but those that are more into with
19 Internet, broadband, social media, those individuals
20 will be able to, at the drop of a dime, change up the
21 dynamic and say, I need my people to vote for me in
22 this way. Pick me one, pick this 12, pick this
23 person number three. And if they decide to change
24 it, at the drop of a dime at night, they can put it
25 out on twitter or Instagram or whatever services that

2 they are utilizing to get the word out to change the
3 whole course of an election while our seniors and
4 many other disenfranchised groups will not be able to
5 move as quickly. And you are going to see through
6 process over the course of the next couple years.
7 You're going to see this process further
8 disenfranchise and eliminate many good and positive
9 and powerful candidates right from our community. So
10 I just wanted to, you know, close with that. And,
11 again, it's like Council member Cornegy. I've been
12 on this zoom call for five and a half, going on six
13 hours. My son has been watching Paw Patrol for most
14 of it. I just cannot stop watching this because of
15 how critically important this is to our future. And
16 if we don't get this right, we can't just say were
17 going to experiment on what election in February and
18 whatever comes of it, comes of it. Every single
19 election in every single seat is critical. We can't
20 just let one go. In this election cycle coming up,
21 this is going to be the largest transfer of power
22 ever in our history and, if we don't get this right,
23 if our communities are disenfranchised, we will never
24 get that back. Once a new paradigm shift has come
25 into place, we will never get our footing back to be

2 able to bring it back to the level of success of
3 black and brown and women in LGBTQ candidates that
4 were elected, as Rev. Foy pointed out. We will never
5 get that momentum back. And I just say that we are
6 electing black and brown faces has nothing to do with
7 where those black and brown faces come from, whose
8 backing them, who is supporting them, and how they
9 represent our communities and our people. Thank you.

10 COMMITTEE COUNSEL: Thank you. Council
11 member Yeger, you may begin upon the sergeant's
12 announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 COUNCIL MEMBER YEGER: Thank you, Mr.
15 Chairman. I'll be brief. Rev. Foy, good to see you.
16 First of all, thank you for-- you know, I guess a
17 photo know that you were going to do that, I guess
18 none of us needed to come. I could've just let you
19 do it. But, you know, first of all, before even get
20 into that, I do want to say that my first. Today was
21 10 o'clock and I came straight into this one at
22 11:30, so this is not a winner takes all system, but
23 I appreciate very much my colleagues who-- really,
24 you know, I'm riding on the shoulders of the BLAC,
25 who have been leading this battle. When we stood

2 together outside City Hall a year ago in advance of
3 the election and we talked about it in my words then
4 were, you know, it's wrong to call a particular
5 community in New York City that is the majority of
6 New York, minority, but if we are going to call
7 anybody minority, we are all minorities. You know,
8 as much as Council member Cumbo looks as she does and
9 I look as I do, if you look at how we are represented
10 in the city and government, we have always been a
11 minority and it is hard for folks to get elected
12 except in these drawn districts and that it relies on
13 the system that there are going to be for five or six
14 or eight or 12 of the Robert Cornegy running in his
15 neighborhood and then somebody you just moved in
16 from, as my borough president-- I'm going to get in
17 trouble for saying this. But as my borough president
18 referred to, somebody just moving in and running and
19 that being the one who wins. And that's why we have
20 the system we have because it has worked. That is
21 why the Council has expanded from 35 to 51 seats.
22 Because it works. That is why the Board of Estimates
23 was disbanded in 1989. To give Council
24 representation to communities that hadn't been
25 getting it, but for the Board of Estimates and

2 rolling the dice and hoping for the best. So, with
3 that, when ask Rev. Foy-- I said before and I
4 recognize the hindrances that come with this. I
5 maybe don't have the best credentials to talk about
6 the challenges of fair representation for black and
7 Latino communities. I've spent my entire life, since
8 I was a teenager, my entire professional life trying
9 to elect black and Latinos to office and I have
10 worked on historic races that I've talked about
11 earlier today, but I don't have those credentials and
12 I know that. So, what I'm going to ask you, and I
13 only have 30 seconds, but you can keep on going after
14 the sergeant calls you out--

15 KIRSTEN JOHN FOY: To tell me that.

16 COUNCIL MEMBER YEGER: why do you suppose
17 this is so important to a certain segment of New York
18 City? You should see the things that are being set
19 on twitter right now about me because of the things I
20 said today about this being a system as I've
21 described it. Why do you suppose it is so important
22 to those folks in New York City who are pushing this
23 so hard? And I'll leave it to you.

24 SERGEANT-AT-ARMS: Time expired.

2 KIRSTEN JOHN FOY: Majority Leader Cumbo

3 said it best. This is probably one of the most
4 critical local election in modern New York City
5 history. I think every time black people, brown
6 people, people of color have ascended in the city,
7 they change the rules. We saw Linear thinking get
8 elected and then, all of a sudden, we had to have
9 term limits. Now we see that the majority of
10 political power in your city is held by people of
11 color and so we've got to do something about that. I
12 think there is a great deal of fear and consternation
13 via the upper elites of the city, the one percent of
14 the city who are afraid of what they see. Who are
15 afraid that the city is moving beyond their direct
16 control. Powerful interests are becoming less
17 powerful. And so, this is a response that a reaction
18 to, I believe, the diminishing political power of New
19 York's political and financial establishment. I also
20 think that we have been gentrified out of our
21 communities geographically and demographically in
22 this is a natural extension of that. This is a
23 function of political gentrification which seeks to
24 do to us politically what was done to us financially
25 and geographically. We have been moved out of our

2 homes. We have been moved out of our communities.
3 What makes us think that we won't be moved out of our
4 political power? And so, it is really an affront to,
5 I believe, all things Democratic, big D and small D
6 democratic, to embrace a system where you cannot have
7 a clear determination by the will of the voter who
8 the winner of the election is. That's like saying to
9 me-- and I heard this announced earlier by, again,
10 Council member Cumbo. This is akin to the electoral
11 college for the city of New York. It is replacing
12 the direct will of the voter with the process. The
13 process isn't exactly the same as the electoral
14 college, but it is a process that now adjudicates the
15 winner of the election, not the counting of votes.
16 Not be expressed will of the voter, the majority of
17 voters who are forced to make a decision and then, if
18 there is a runoff, forced to make another decision.
19 This is an algorithm which will interpret for us what
20 our will is and then make a decision on our behalf we
21 must now learn to accept. What they're saying to us
22 is we need an education process that will ameliorate
23 your indignation just in case you don't understand
24 the outcome of an election. Well, why would we
25 understand the outcome of an election? An election

2 is you have a bunch of people running. The one that
3 gets the most votes, wins. That's the election.
4 So, if we are complicating the process, we are doing
5 so at the expense of the integrity of the vote and
6 that the expense of the competence of the electorate.
7 I hope that answers your question.

8 CHAIRPERSON CABRERA: Reverend, thank you
9 so much. It's so good to see you. Thank you for
10 your voice. I consider you not just a friend, but a
11 close friend.

12 KIRSTEN JOHN FOY: Yes, sir.

13 CHAIRPERSON CABRERA: Thank you for
14 pointing out the ills and so, I'm going to have to
15 move on. As you say, if you give a pulpit to
16 preacher, we could go on forever. We have much to
17 say. We have eight people left. Eight panelists.
18 When ask my colleagues to please adhere-- we have
19 been beyond gracious today with the time. We did
20 have a clock, but largely ignored because, for the
21 sake of those eight people that have been waiting, in
22 fairness to them, please adhere to the three minutes.
23 And so, with that, going to get back to the committee
24 counsel.

2 COMMITTEE COUNSEL: Thank you, Chair.

3 I would now like to welcome Kate Doran to testify.

4 After Kate Doran, I will be calling on Rob Richie and
5 then Lurie Daniel Favors. Kate Doran, you may begin
6 upon the sergeant's announcement.

7 SERGEANT-AT-ARMS: Time starts now.

8 KATE DORAN: Hello. I am Kate Doran. I
9 serve on the board on the League of Women Voters of
10 the state of New York and, in New York City for the
11 city league, I am the election specialist. We have
12 several recommendations for the New York City Board
13 of Elections that we believe will serve voters and
14 make for effective implementation of ranked choice
15 voting. I am speaking principally here because I
16 have been a poll worker since 2004 and I worked at
17 the recent election early voting and on election day.
18 So, number one, created a new rank choice voting
19 specific privacy sleeve. This sleeve should feature
20 simple, graphic instructions prominently on the front
21 cover. Poll workers should be introduced to this new
22 privacy sleeve in training classes, but should not be
23 expected on election day to explain RCV to voters.
24 Number two, set up a tablet were laptop in each pole
25 site with the video illustrating how to fill out a

2 ballot using RCV. Information clerks can advise
3 voters that this is available. Ballot station
4 election district poll workers can direct voters to
5 this video and let them know that clear instructions
6 are on that privacy sleeve. Number three. Reach out
7 to the vendor knowing who manufacturers the
8 electronic poll sign in box to fix the screens for
9 voters who wish to avoid ballots. On election day, I
10 learned that the electronic poll book has no clear
11 way to indicate that the voter has been given more
12 than one ballot. As you know, voters are entitled to
13 a maximum of three ballots and we expect a higher
14 than usual number avoid ballots until the RCV process
15 becomes familiar to voters. Number four.

16 Transparency is critical. We have an open meetings
17 law in New York State. The New York City Board of
18 Elections is to be commended for live streaming their
19 commissioner's meetings and they have even introduced
20 sign language interpreters for hearing disabled
21 voters. What that BOE must do is to make public
22 their committee meetings, in particular, the ballot
23 design committee and the voter outreach and education
24 committee. Announcements of these meetings should be
25 on the board's website and the committee meetings

2 should be live streamed. Voters have a right to have
3 a transparent view of how the Board of Elections is
4 designing the ranked choice voting ballot. Number
5 five, we understand the need to drive voters to all
6 the electronic media, specifically the Board of
7 Elections website and the Campaign Finance Board
8 website, but there are regular active voters we have
9 heard about--

10 SERGEANT-AT-ARMS: Time expired.

11 KATE DORAN: who do not own smart phones
12 make phone calls. What is the Board of Elections
13 planning to do to train these employees about rank
14 choice voting? Will they take the names and
15 addresses, for example, and mail the information to
16 the voters? So, we thank you very much at the league
17 for inviting us to comment today and good luck to all
18 of us.

19 COMMITTEE COUNSEL: Thank you. I would
20 now like to welcome him Rob Richie to testify. After
21 that, I will be calling on Lurie Daniel Favors and
22 then Benny Poy. Rob Richie, you may begin upon the
23 sergeant's announcement.

24 SERGEANT-AT-ARMS: Time starts now.

2 ROB RICHIE: Okay. Thanks so much.

3 Thanks for your stamina. My name is Rob Richie. I
4 am Pres. and CEO of Fair Vote. We are a nonpartisan
5 electoral reform think tank that, since 92, has been
6 the nation's leading resource on rank choice voting
7 and we have also played a leading role on a number of
8 other electoral reforms like voter preregistration
9 for 16-year-olds an automatic voter registration. In
10 New York City, we worked back in the 90s with a range
11 of civic groups on voter education about the
12 proportional form of rank choice of voting for the
13 local school board elections. That included
14 providing information to the voting section at the
15 Department of Justice about the use of RCV when, in
16 1998, the DOJ reviewed a state law that would have
17 replaced that form of RCV in order for the city
18 school board elections to be held on the old lever
19 voting machines. The DOJ voting section denied
20 [inaudible 06:05:20] to this change, meaning that
21 they kept rank choice voting. And that was really
22 based on how effectively voters from BIPOC
23 communities were using RCV and how often they were
24 electing candidates of choice with it. That was the
25 last time the DOJ blocked such a change of a law or

1 procedure in New York City, which shows kind of what
2 the data was indicating to them. Last year, rank
3 choice voting won support from 74 percent of New York
4 City voters. You've been hearing that. It did also
5 have a higher share of support from people of color
6 voters than white voters. As a broad point, all
7 evidence from a growing number of implementation of
8 RCV suggests that New York City does still have
9 sufficient time and know how to implement RCV. It is
10 been introduced in major cities with a BIPOC majority
11 like Oakland, San Francisco, and New Mexico's second
12 largest city of Las Cruces and insignificant
13 statewide uses a multiple places. This year, it was
14 used in five presidential primaries that we had a big
15 role in the voter education and these were Democratic
16 primaries. Four of them were held during the
17 pandemic. It had to be all vote by mail. About 99.8
18 percent of voters cast valid ballots. In Nevada,
19 which is, I know, has a heavy number of voters who
20 are nonwhite, they had to rank three people, three
21 candidates, to have their ballot be validated in 99.7
22 percent of people did that amount with rank choice
23 voting. The principle of RCV is a simple one,
24 really. We have been hearing some suggestion that,
25

2 you know, voters may be told to vote in certain ways.
3 It really is any other way of voting than just saying
4 for your first choice is and who your second choice
5 is and how your third choice is really is in a smart
6 way to vote and so, getting that information out is
7 key and having a ballot design that is good for that.
8 The ballot design that is being planned for New York
9 City is based on a precedent used on that machine
10 that is good and is tested. And it really does solve
11 problems that we are seeing with crowded fields like
12 you are going to have in New York City next year.
13 I'll say that was common in the Bay Area cities that
14 my colleague, Pepper Hernandez, was.

15 SERGEANT-AT-ARMS: Time expired.

16 ROB RICHIE: I will just finish that
17 thought which is that there were 53 seats in the Bay
18 Area that were elected with rank choice voting and,
19 during the time after its adoption, the number of
20 people of color and those seats were for 40 percent
21 to 60 percent within a decade and the greatest growth
22 was in the white plurality nonwhite majority
23 districts where, essentially, was allowing the
24 majority preference to express itself in voters to
25 have their freedom to do so. So, thank you.

2 COMMITTEE COUNSEL: Thank you. Next, I
3 would like to invite Lurie Daniel Favors to testify.
4 After that, I will be calling on Benny Poy and then
5 Mona Davids. Lurie Daniel Favors, you may begin upon
6 the sergeant's announcement.

7 SERGEANT-AT-ARMS: Time starts now.

8 LURIE DANIEL FAVORS: Good evening.
9 Thank you so much for the opportunity to present for
10 you today. My name is Lurie Daniel Favors and I am
11 the interim Executive Director at the Center for Law
12 and Social Justice at Medgar Evers College, also
13 known as CLSJ. CLSJ is a racial justice law center
14 explicitly focused on advancing the needs of black
15 New Yorkers and, because of our unique combination of
16 research, public policy, advocacy, and litigation
17 from a community-based perspective, we are a focal
18 point for progressive activity. In fact, one might
19 call us a racially justice motivated good government
20 group that centers the needs of black New Yorkers.
21 We have consistently worked to defend the voting
22 rights of New Yorkers of African descent and other
23 racial minorities in our city and state in our
24 support for rank choice voting is one that has been a
25 matter of principle and consistency. And while rank

2 choice voting certainly may be less advantageous for
3 incumbents and candidates, the history and the data
4 suggest that systems like RCV are simply more
5 beneficial to the voters, particularly black and
6 brown voters, than our other systems. It is a voting
7 system that better centers the needs of groups and
8 communities that traditionally see their electoral
9 issues frequently discounted or paid only lip
10 service. Then, during the early years of the
11 Bloomberg administration, CLSJ both testified and
12 sent a letter to the Department of Justice in an
13 effort to preserve the voting-- a voting system that
14 was very similar, as was just mentioned by fellow
15 panelist that was very similar to the rank choice
16 style of voting elections that was then used during
17 community school boards. And we did so when we
18 indicated our support because of the phenomenal ways
19 that that type of voting intended to impact voters
20 from these communities. More parents participated in
21 those school board elections than they did in their
22 local PTA associations because there were vigorous
23 campaigns that were run that were specifically
24 designed to speak to their needs and the candidates
25 had to clearly articulate what it was that they were

2 going to do to meet the vast electoral issues that
3 the parents presented. It was highly effective and,
4 in fact, several of the first New Yorkers of black
5 and Asian descent to be elected into public office
6 actually came from that ranked choice voting style of
7 school board election, including notable giants like
8 bed Stuy's old beloved assembly member, net Robinson.
9 And these are the same types of elections that were
10 championed by none other than that great Shirley
11 Chisholm herself. CLSJ's continued support for rank
12 choice voting today is consistent with our historical
13 support for expanding the franchise for black voters.
14 For more than 30 years, we have been a part of a
15 national push to advocate for alternative election
16 means, including rank choice voting for the benefits
17 that I just mentioned. Now, while today's
18 conversation has seemed to center more on the merits
19 of RCV, the time for that conversation has passed.
20 This conversation would've been perfect in the lead
21 up to the 2019 referendum. Many of those in
22 opposition today did not necessarily make their same
23 concerns known at that time and or with enough time
24 to impact the referendum outcome. In the voters have
25 spoken in history tells us that, in choosing RCV, New

2 York City voters selected a system that is more
3 likely to produce better results for traditionally
4 marginalized voters. Again, even if it is not ideal
5 for candidates. And, frankly, if only 500,000 people
6 participated in that referendum, that is certainly a
7 reminder that the current voter system doesn't work
8 as well as it needs to.

9 SERGEANT-AT-ARMS: Time expired.

10 LURIE DANIEL FAVORS: Our question today
11 is about how to properly prepare voters to engage in
12 electoral system that they chose over a year ago.
13 Yes, Covid is a factor. We thought we had planned
14 for everything in our senses campaign and we did. We
15 planned for everything except the global pandemic and
16 so, we had to adjust our education campaign. That's
17 why, as leaders, the demand is properly placed upon
18 you, our elected officials, to work in partnership
19 with city agencies, communities, and faith-based
20 organizations to actually lead and create solutions
21 to the challenges that we are facing. And, whether
22 it is having to go from a full in person senses
23 campaign to doing census outreach at food
24 distribution centers while we are passing out food
25 and passing out census information, we are able to do

2 this if we have the partnership that we need. And,
3 in fact, the Center for Law and Social Justice
4 actually began in spring of 2020 earlier this year to
5 prepare an education campaign that was designed to do
6 exactly that. However, we are small and we need them
7 light and the power and the partnership of our
8 elected officials and those who are in positions of
9 power are able to partner with us to ensure that
10 there is a full and robust infusion of dollars that
11 seeks to ensure the electorate is properly educated
12 about the nature of ranked choice voting, what it is,
13 how it works, how winners are determined, and, most
14 importantly, how they, the voters, can best engage.
15 And I have frequently said to many constituents
16 within my own community, if you can play spades or
17 bid which is, you can certainly learn how to do
18 ranked choice voting. It's not that black voters
19 don't have the capacity to understand the system.
20 It's that we need to ensure that there is going to be
21 an investment in research-- excuse me. An
22 investment in education so that are voters are best
23 prepared to engage and embrace a system that has
24 shown in the past to be far more beneficial to

2 centering black needs than have systems that we are
3 currently in place. Thank you.

4 COMMITTEE COUNSEL: Thank you. Council
5 member Cornegy, you may begin upon the sergeant's
6 announcement.

7 SERGEANT-AT-ARMS: Time starts now.

8 COUNCIL MEMBER CORNEGY: Hey, Lurie.
9 So, everything Lurie said, plus time. That's it.
10 Ain't no more to say about that. Everything Lurie
11 said, plus time. Thank you.

12 CHAIRPERSON CABRERA: Thank you, Council
13 member. Thank you for the brevity and parsimonious
14 response.

15 COMMITTEE COUNSEL: Thank you. Next, I
16 will be calling on-- I will be inviting Benny Poy to
17 testify. After that I will be calling on Mona Davids
18 and then Rakiah Lee. Benny Poy, you may begin upon
19 the sergeant's announcement.

20 SERGEANT-AT-ARMS: Time starts now.

21 BENNY POY: All right. Great. Thank
22 you. My name is Benny Poy and I am the northeast
23 program coordinator with the NALEO Educational Fund.
24 We are the national Association of Latino elected and
25 appointed officials. The nation's leading nonprofit

2 nonpartisan organization that facilitates full Latino
3 participation in the American political process and
4 we do this from citizenship all the way to public
5 service. We thank Chair Cabrera and the esteemed
6 members of the committee on governmental operations
7 for the opportunity to testify on this very like the
8 meeting. So, thank you so much for your stamina, you
9 know, to talk about some of the issues regarding New
10 York City's implementation of rank choice voting.
11 Full transparency, and offering you something that
12 the other speakers have not offered you, I am
13 probably going to go over about 40 to 50 seconds.
14 Next year, New York City will become the jurisdiction
15 with the largest and most diverse electorate,
16 including the largest Latino electorate in which rank
17 choice of voting will be implemented. We fervently
18 believe that low propensity Latino voters would
19 benefit from a robust, culturally competent, and
20 linguistically accessible outreach and education
21 campaign to increase their awareness on the new
22 method of voting and to increase excitement about
23 voting in general. Empowering the Latino community
24 to be actively engaged in elections is even more
25 important now due to the Covid pandemic and its

disproportionate effects on the Latino community in terms of fatalities, infection rates, and job loss. City leaders elected in 2021 will be responsible for policymaking decisions that will facilitate recovery efforts and it is essential that Latinos have a voice in the election of those leaders at this crucial time. Latino voters still face significant obstacles to accessing the ballot. For example, on election day 2020, 87 percent of the 2633 calls to our national election information and election protection hotline, 1888 [speaking foreign language] containing basic inquiries about voting. This shows the persistence in the way Latino voters receive information and education from election administrators. Long-standing information in accessibility gaps coupled with the implementation of the new method of voting could lead to Latinos being further disenfranchised. The measures and Intro 1994 are good start, but the city needs to do more. Because of the complexity of RCV, educational materials which do not provide voters with an opportunity to ask questions about the specific issues they may encounter when using RCV will not be sufficient. From our own community engagement

2 efforts on census, naturalization, voting, we know
3 that community members raise questions when provided
4 with trainings or materials and the ability to have
5 live, real-time interactions is critical. This type
6 of engagement was critical to San Francisco's
7 implementation of RCV. The city partnered with
8 community organizations to conduct face-to-face
9 workshops, as we heard before, where voters could
10 actually--

11 SERGEANT-AT-ARMS: Time expired.

12 BENNY POY: Thank you. I am almost
13 wrapping up. Hands-on experience with RCV, voting
14 procedures such as a mock election. In conclusion,
15 this cannot be done without the on the ground civic
16 organizations to do this very important work. The
17 city should work with trusted local organizations to
18 offer community members live, real-time interaction
19 that offers them opportunities to raise questions.
20 While this kind of face-to-face education may not be
21 possible under current public health conditions,
22 community organizations who have experienced incenses
23 2020, to echo the point made by Council member Ampry-
24 Samuel, in nonpartisan voter engagement in election
25 2020 have an enormous expertise in using visual tools

2 to reach underrepresented communities and the city
3 should partner with them as much as possible during
4 the implementation of rank choice voting. Thank you,
5 again, for this opportunity to share testimony and I
6 look forward to working with you all to educate our
7 communities. Thank you.

8 COMMITTEE COUNSEL: Thank you. Council
9 member Miller, you may begin upon the sergeant's
10 announcement.

11 SERGEANT-AT-ARMS: Time starts now.

12 COUNCIL MEMBER MILLER: Benny, I just
13 wanted to say that I didn't get this memo, as a
14 member of the Latino legislative Association, so I
15 probably need to pay my dues, right? So, certainly,
16 I think that this would be worthy of a really robust
17 conversation amongst our community and it is also--
18 but I would say that we have, monks the Caucus
19 members here in New York City, that we have been
20 engaged and we are not monolithic on this, but have--
21 certainly we have taken into account all of the views
22 of those members and, clearly, what we have seen is
23 those that are impacted by the emerging changes in
24 communities hold different views and so we want to
25 take that into account. But also ensure that the

2 voice of the community is being heard. So, certainly
3 make sure that I'm on the mailing list in the future
4 so that we can have this really robust conversation.
5 So, that said and I will throw it back to the Chair
6 so he can continue to get us out of here
7 expeditiously. Thank you for your time, Benny.

8 BENNY POY: Thank you so much, Council
9 member.

10 COMMITTEE COUNSEL: Thank you. I would
11 now like to invite Mona Davids to testify. Mona
12 Davids, you may begin upon the sergeant's
13 announcement.

14 SERGEANT-AT-ARMS: Time starts now.

15 MONA DAVIDS: Ami unmuted? Yikes.

16 SERGEANT-AT-ARMS: Yes. You are.

17 MONA DAVIDS: Okay. All right.

18 fantastic. Good afternoon, everyone. Thank you to
19 Chair Cabrera, to the Council members, and especially
20 BLAC for conducting this hearing and providing me the
21 opportunity to testify. My name is Mona Davids. I
22 am the president of Social Impact Strategies, a black
23 African immigrant women-owned business in the Bronx.
24 We are not a non-profit. Allow me full disclosure to
25 state my company launched a rank choice voting voter

2 education service at the end of this past October
3 because I was deeply concerned about the lack of RCV
4 voter education in my community and throughout the
5 city. Our RCV voter education is an approved
6 campaign related expense for candidates and their
7 campaigns. We do not charge the general public for
8 our trainings. We seek sponsors to cover those
9 costs. Testimonials for attendees speak to the high
10 quality of our trainings. We are committed to
11 providing information to the public with the greatest
12 integrity and in full compliance with the letter and
13 intent of the law. In November 2019, I voted no on
14 the referendum for rank choice voting. I was
15 outspoken about my concerns on the lack of education,
16 about this new electoral system that was being voted
17 on in a low turnout election without enough education
18 to the public on what it is or how it works. The
19 voters in Massachusetts just voted no on their
20 referendum to switch to rank choice voting. When the
21 Massachusetts voters were interviewed, they simply
22 voted no because they did not understand it and there
23 was not enough information providers to voters to
24 educate them about RCV. New York City voters need to
25 know the layout of the new ballot. How to market

2 completely and successfully, how to avoid ballot
3 errors, and how their vote will be counted. The
4 election in which rank choice voting was voted on how
5 to now turn out, so voters in 2021 may be shocked to
6 see a new configuration on their ballot. I fully
7 understand the position of those who say rank choice
8 voting must be delayed because the majority of New
9 Yorkers do not know what it is or how it works. I
10 understand why they say the lack of rank choice
11 voting voter education will disenfranchise their
12 communities. That is their reason, that's precisely
13 the reason why I started this voter education in late
14 October. I expected a robust, comprehensive, massive
15 citywide--

16 SERGEANT-AT-ARMS: Time expired.

17 MONA DAVIDS: public awareness campaign.

18 Please bear with me. I've waited six hours to say my
19 peace. Public education awareness campaign, once
20 ranked choice voting was passed in November 2019, but
21 there was none. I expected the proponents of rank
22 choice voting to have zoom webinars when Covid 19 hit
23 and then to launch a mix of citywide, in person, and
24 virtual trainings on rank choice voting when
25 restrictions were lifted. But there was none to our

2 communities, for our senior citizens, or our
3 immigrants in their language is. I understand the
4 Board of Elections was dealing with a Herculean task
5 of conducting primary and general elections during a
6 pandemic. I think and applaud the BOE staff and poll
7 workers for the extraordinary work they did. I have
8 worked as the poll worker and coordinator for the
9 BOE. That Campaign Finance Board, which is mandated
10 under the city charter to provide voter education,
11 has done a great job through their program NYC Votes
12 engaging New Yorkers to vote in this year's primary
13 and general election and with managing the historic
14 number of 2021 candidates registering in their
15 matching funds program. However, I also do believe
16 there still should have been RCV voter education
17 during 2020. The Campaign Finance Board, the Board
18 of Election, rank choice voting proponents that
19 pushed for this new electoral system, and you, city
20 Council members and the city all dropped the ball on
21 engaging the public in providing RCV voter education
22 through a public awareness campaign. There is no
23 reason for 00 voter education and information to our
24 communities. These agencies and the city could have
25 hired additional staff were contracted out the voter

2 education campaign. There could have been mailings,
3 digital campaigns, and information distributed at
4 poll sites in June and November titled ranked choice
5 voting is coming to NYC in 2021. What you need to
6 know. The same vigor that went into passing this new
7 electoral system should have been applied to
8 educating voters throughout this year. New York
9 City's first RCV races will be to special elections
10 in Queens--

11 CHAIRPERSON CABRERA: If you could start
12 wrapping up, I would appreciate it.

13 MONA DAVIDS: I'm starting to wrap up.
14 Yes. I do-- I lost my train of thought. I'm about
15 to finish. New York City's first RCV elections will
16 be to special elections then followed by special--
17 in Queens and followed by special elections in the
18 Bronx. I do believe that the city can prepare New
19 Yorkers for RCV working together with stakeholders on
20 the ground, but-- and this is the most important
21 part. Stakeholders must properly understand how RCV
22 works. Two examples that people need to understand
23 that was brought up before. For example, absolutely
24 nobody who claims to provide RCV education should
25 tell voters that it is acceptable to rank just one

2 candidate unless that statement is immediately
3 followed by the warning that ranking just one
4 candidate, bullet voting, is the fastest and easiest
5 way to get your ballot exhausted and no longer
6 included in the election. The very problem RCV is
7 supposed to solve. Another example is voters being
8 told you need 50 percent to when with RCV. That is
9 incorrect. Candidates need 50 percent plus one. In
10 closing, lack of voter education equals voter
11 disenfranchisement and voter suppression. Next
12 year's municipal elections are too important. We
13 need all hands on deck. No more excuses. No more
14 delays in educating voters about RCV. Thank you for
15 your time.

16 CHAIRPERSON CABRERA: Thank you. I
17 believe Council member Miller has a question.

18 SERGEANT-AT-ARMS: Time starts now.

19 COUNCIL MEMBER MILLER: Okay. Thank you.
20 Thank you, Mona, for waiting. Thank you so much for
21 your testimony. And I will say that this bill was
22 first introduced in July, understanding the urgency
23 of it. And so, you see we are just here today and
24 all of the nuances of the hearing being changed and
25 so forth. But we are here and we are addressing it.

2 One of the things that I just want, specifically, to
3 ask you about the services that you are providing and
4 you said that you had a tremendous response to your
5 outreach, is a culturally competent in a way that it
6 really speaks to the needs and values of the Bronx
7 constituency as opposed to some of the cookie-cutter
8 and generic stuff that may come from Campaign Finance
9 and, again, not sure whether or not they have the
10 type of voice that could put together a package that
11 could relevant to communities of color? That being
12 said, but--

13 MONA DAVIDS: Yes. Cultural intelligence
14 is very important when it comes to our presentation
15 and, with us, we model and we target our presentation
16 and give examples, interactive examples, for our
17 attendees that relate to their community, their
18 district. Because we are New Yorkers, we are based
19 here, we are from these various communities
20 throughout the city, we customize our presentations
21 according to the attendees of our presentations. And
22 I would like to just add, Councilman, we have
23 conducted presentations were members of the Board of
24 Elections have attended, as well as members of the
25 Campaign Finance Board and we have conducted

2 attendees for the media because they need to also
3 understand and we would be happy to conduct a
4 training for members of the city Council.

5 COUNCIL MEMBER MILLER: Thank you so much.
6 Thank you, Mr. Chair.

7 CHAIRPERSON CABRERA: Thank you so much.

8 COMMITTEE COUNSEL: Thank you. At this
9 time, if your name is not been called and you wish to
10 testify, please raise your hand using the zoom raise
11 hand function. Seeing no hands raised, I will now
12 turn it over to Chair Cabrera for closing remarks.

13 CHAIRPERSON CABRERA: Thank you so much.
14 I want to give a special thanks to my colleagues,
15 many who stayed throughout six and a half hours. Or
16 six and a half hours on this hearing. I want to
17 thank the staff who did a marvelous job here today
18 and all the panelists on both sides of this issue.
19 What is clear is that we have much work to do. We
20 have to properly fund RCV if, in this limited amount
21 of time that we have left. We've got much work to do
22 before us. We've got to get this right in light of
23 the fact that we have a limited amount of time and we
24 have people who place their trust in a government
25 system and democracy in New York City. And so, we

2 are going to be reviewing all of your testimonies and
3 we are going to put into action and to work. And,
4 with that, we conclude to this hearing.

5 [gavel]

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C E R T I F I C A T E

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



Date _____ December 29, 2020 _____