

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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B E F O R E:
BEN KALLOS
Chairperson

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

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[gavel]

[background comment]

CHAIRPERSON KALLOS: Good morning and welcome to this hearing of the Committee on Governmental Operations; I am Council Member Ben Kallos. You all know the drill; you can tweet me @BenKallos. Today we'll be discussing two bills relating to absentee voting in New York City. Unlike many states that have expanded the use of absentee voting and vote by mail, New York uses absentee voting in a relatively limited set of circumstances -- voters who are not physically present on election day or who are otherwise unable to get to the polls due to illness or some cases incarceration. This limited form of absentee voting is a missed opportunity; making voting more convenient by allowing no-fault absentee voting would allow New Yorkers to vote more easily and alleviate lines on election day and I hope the State will enact this reform this year.

In the meantime, there are improvements that can be made to the system as it exists. The two bills being heard today represent attempts to do just that -- Introduction No. 0536 would allow voters to

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2 apply for an absentee ballot at the same time as they
3 are registering, eliminating the current process of
4 submit your voter registration, wait to get
5 confirmation that your voter registration has been
6 accepted; perhaps you don't get it, so perhaps send
7 in a second voter registration or a third or a
8 fourth; then finally think you might be registered
9 and then sent in an application for an absentee
10 ballot, hope that that arrives; then perhaps get your
11 absentee ballot application and then make sure you
12 mail it so that it gets in on time. So hopefully by
13 allowing you to do the registration and the
14 application at once that will eliminate some of the
15 unnecessary steps in the process.

16 The second bill, Introduction No. 0659
17 would create a secure absentee ballot tracking
18 website where voters could see if the Board of
19 Elections has received their application, has
20 approved it, has sent the voter and absentee ballot
21 and finally, whether or not they've opened and
22 counted their ballot. New York State is in
23 compliance with Federal law; already provides this
24 for members of the military and overseas voters and
25 variations of a universal system for all voters

1
2 exists in over dozens of states. A tracking website
3 would add a needed dose of clarity and peace of mind
4 to the absentee voting process.

5 I look forward to hearing from the Board
6 of Elections, Campaign Finance Board and others on
7 these bills.

8 I'd like to thank my Committee Counsel,
9 David Seitzer, as well as my Committee Analyst, Lori
10 [sp?] Wynn [sp?] and my Legislative Director, Paul
11 Westrick for all of their hard work on this and so
12 much other legislation that we'll be considering
13 before this Committee.

14 At this time I'd like to recognize that
15 we've been joined by the Board of Elections and we
16 have Michael Ryan, the Executive Director of the New
17 York City Board of Elections, as well as Dawn Sandow.
18 And if you do not mind, please raise your right hand.
19 Do you affirm to tell the truth, the whole truth and
20 nothing but the truth in your testimony before this
21 committee and to respond honestly to Council Member
22 or Members questions?

23 MICHAEL RYAN: I do.

24 DAWN SANDOW: I do.

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2 CHAIRPERSON KALLOS: Thank you. You may
3 begin.

4 MICHAEL RYAN: Yes, Chair Kallos, as we
5 discussed, the Board did not prepare formal written
6 testimony and rather is coming today prepared
7 primarily to answer questions with a view toward
8 advancing the laudable efforts by this Committee.

9 Certainly with respect to Int. 0536 we
10 have drawn certain conclusions, and with respect to
11 0659, perhaps there are some more workable solutions
12 with some perhaps tweaks to the language toward the
13 tail end of the bill. If you want me to elaborate on
14 that, I can; if you want me to respond to direct
15 inquiries, I can do that as well.

16 CHAIRPERSON KALLOS: Well thank you for
17 coming; I think I'd like to focus a little bit on
18 Int. 0659. So currently when somebody sends in an
19 absentee ballot application, is that currently being
20 tracked internally?

21 MICHAEL RYAN: Yes.

22 CHAIRPERSON KALLOS: And then when the
23 absentee ballot is sent out, that's tracked
24 internally?

25 MICHAEL RYAN: That's correct.

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2 CHAIRPERSON KALLOS: And then when it's
3 received, that's also tracked internally, in terms of
4 also what date it's received?

5 MICHAEL RYAN: Yes.

6 CHAIRPERSON KALLOS: So what challenges
7 do you foresee, if any, in implementing an online
8 tracking system for those three steps of the process?

9 MICHAEL RYAN: For those three steps of
10 the process, the tracking process would not be
11 difficult. Where we saw some difficulty with 0659 is
12 at the very tail end of... [crosstalk]

13 CHAIRPERSON KALLOS: Uhm-hm.

14 MICHAEL RYAN: of the process, which
15 would be to inform the voter that their ballot had
16 been counted; that it was valid and counted. We
17 separate the return envelopes from the voted ballots
18 in the process, in a public process. So just so that
19 everyone understands, there is a preliminary
20 assessment done, with respect to valids and invalids,
21 and the reasons for invalidation, while less than
22 they would be typically for affidavit ballots from
23 the poll site, are not insignificant; often people do
24 not return the ballots on time, whether through their
25 fault or through the vagaries of the postal system,

1 as well as they forget to sign the attestation on the
2 envelope, which is an essential element that would us
3 to count. So we do an assessment as to valids and
4 invalids prior to the public counting, but the
5 envelopes are not opened until the public commences
6 on the Wednesday, a week later, following election
7 day. So once that happens, the envelopes are then
8 separated from the ballots and never the twain shall
9 meet, and that is to make sure that we maintain the
10 State Constitution, Article II, Section 7, secrecy
11 provisions of the ballot. So we separate them; we
12 certainly could advise a voter that their ballot was
13 received. If we're doing it electronically and
14 electronically only, it imposes limited cost, but if
15 it was going to be a hard mailing, then that was
16 something that would be a substantial cost, because
17 right now we provide the mailing only for those folks
18 whose ballot was invalid. So if there was a reason
19 to invalidate somebody, we let them know so that they
20 could potentially correct that in the future.

22 CHAIRPERSON KALLOS: So in terms of the
23 last step, a New Yorker sends in their absentee
24 ballot, however many days before the election; you
25 foresee that it would be something where they'd be

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2 and it... in terms of three scenarios, so in one
3 scenario I send in my absentee ballot, it's counted;
4 I never hear from the Board of Elections; in a second
5 scenario I submit my absentee ballot and for whatever
6 reason it is not counted and I get a letter from the
7 Board of Elections telling me at some point after the
8 election that my ballot wasn't counted and then the
9 third fact patten is, I send in my absentee ballot
10 but somehow between when I put it in the mailbox and
11 when it is delivered it does not make it to you and I
12 never hear from the Board of Elections.

13 MICHAEL RYAN: That is true. And the
14 third one does happen from time to time; we have
15 complaints on different types of mailings from some
16 voters; matter of fact, the last election cycle,
17 there was a cluster of complaints that came out of
18 the -- I believe it was the Marine Park section of
19 Brooklyn, if my memory serves me correctly, and what
20 they found out there was that a postman that was
21 assigned to that particular area was found to have
22 postal communications in his home dating back to 2008
23 that were undelivered. So there are gonna be those
24 types of cases as well and if we don't get it back,
25 whether there's a tracking system in place or not,

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2 there will be no ability for us to communicate on
3 things that we don't received; it's trying to like
4 prove a negative [sic].

5 CHAIRPERSON KALLOS: So in that case,
6 what challenges would you foresee in terms of
7 allowing somebody -- so if I'm a week out from the
8 election and I put something in the mail, first-class
9 mail, which means one or two or sometimes three-day
10 delivery, that I'm able to keep going to your website
11 and say ah, it's been a day, it's not there; it's
12 been two days, it's not there; it's been three days
13 -- okay, maybe I should reach out to the Board of
14 Elections and say hey, my absentee ballot hasn't
15 shown up on your system; can I get another one issued
16 and allow voters to actually make sure that their
17 absentee ballot is received?

18 MICHAEL RYAN: I would envision, if we
19 were going to implement something like this, that the
20 only way that it could work is if there was an
21 automation to the process. You know, a barcoding, a
22 QR coding that allows us to scan the envelopes when
23 they come back in. Given the amount of information
24 and all of the tasks that we have to complete leading
25 up to election day; having manual intervention

1 without significant additions to capable staff that
2 could do this, is not something that would be
3 possible, so we would have to develop an automated
4 tracking system that would generate the letters, and
5 even with that, the letters or emails would typically
6 go into a queue for some quality control. But if
7 it's all electronic we don't have an issue; if it's
8 manual intervention we'd have significant issues
9 trying to comply.
10

11 CHAIRPERSON KALLOS: My counsel, David
12 Seitzer has asked for a clarification. If you can
13 clarify the difference between notifying the voter
14 that their ballot has been counted and the existing
15 notice that their ballot was invalid; is the former
16 not just the opposite of the latter?

17 MICHAEL RYAN: No. Because we make the
18 determination based on the envelope; not based on the
19 contents. So if the envelope is stamped in late;
20 it's invalid, if the voter neglected to sign the
21 attestation; it's invalid. So those preliminary
22 assessments are made prior to the counting day on the
23 Wednesday after election day and then on that day,
24 when we open the process up to the public, we have
25 the presumptively valids and the presumptively

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2 invalids and those are all opened, then placed
3 facedown; the envelopes are separated and then they
4 move the various ballots around so that somebody
5 couldn't simply take this pile of paper, count it off
6 and match the ballot in this pile of paper to this
7 pile of envelopes, and that's the way that we've been
8 doing it to ensure compliance with the New York State
9 Constitution -- again, Article II, Section 7 -- to
10 maintain the secrecy of the ballot. And we hold that
11 to be not only the legal requirement, but the right
12 to the secrecy of your ballot is sacrosanct and we've
13 made efforts in other areas to try to ensure that as
14 best we can. So it's not the flip side of the same
15 coin, it's in fact something quite procedurally
16 different.

17 CHAIRPERSON KALLOS: The legislation does
18 not usually go into the specific details you're going
19 into, in which case you have a chance to draft your
20 own regulations for the implementation, but do you
21 think that you might be able to provide absentee
22 voters with a notice saying your absentee ballot was
23 received timely and was opened for counting and it is
24 likely it was counted; however, these are certain
25 reasons your ballot might not have been counted, such

1 as stray marks, over-votes or other items..

2 [crosstalk]

3 MICHAEL RYAN: Well...

4 CHAIRPERSON KALLOS: so that you can say
5 to them that in all likelihood their ballot was
6 counted?
7

8 MICHAEL RYAN: I think what we could say,
9 to even simply it, is -- unless you receive a
10 separate notification from the Board of Elections
11 that your ballot was invalid, then it was
12 presumptively and legally valid. 'Cause those
13 numbers have to match up at the end of the day; the
14 borough chiefs, chief clerks and deputies have to
15 square up the numbers of total ballots sent out,
16 total ballots received back, total invalids and total
17 valids; the total invalids and the total valids
18 should add up to the number received back. So if you
19 don't get a notice from us that your ballot was
20 invalid, then it was valid. [background comment]
21 And when you get a notice from us regarding the
22 invalidation of your ballot, it's not a generic
23 notice that say hey, your ballot was invalid; it says
24 why; missing signature, you know, received too late,
25 that kinda thing so the person has an opportunity in

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2 the future to correct the behavior that caused the
3 invalidation, 'cause the idea is we want people's
4 vote to count, we don't want them not to count.

5 CHAIRPERSON KALLOS: So it seems like
6 your distinction is between counted and valid, so
7 would you be open to just providing the notification
8 saying your absentee ballot was valid and opened for
9 counting? Or... or... or... [crosstalk]

10 MICHAEL RYAN: I would... I feel more
11 comfortable...

12 CHAIRPERSON KALLOS: Or at least just
13 saying, your ballot was valid?

14 MICHAEL RYAN: I feel more comfortable
15 saying that it was received; that we could
16 acknowledge that we received it and then have it be
17 in the negative. If you don't receive a notice from
18 us that it was invalid; it was by definition valid,
19 but we're not gonna marry up your valid ballot --
20 know because it's potentially invalid for some other
21 reason; right, [background comment] and we're not
22 gonna be able to -- if you filled in every oval,
23 we're not gonna be able to count it, so we can't
24 match that mistake up with that envelope without
25 violating the secrecy of the ballot under the New

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2 York State Constitution. I know that this stuff gets
3 a little bit into the weeds, but you know, sometimes
4 at the Board of Elections we live in the weeds, you
5 know... [crosstalk]

6 CHAIRPERSON KALLOS: And just because the
7 question has been begged, in terms of the lack of
8 secrecy that can sometimes occur, we all know the
9 anecdote of a state senator who was challenging
10 ballots and they decided not to challenge one of the
11 ballots of a neighbor and it turned out that the
12 neighbor had actually not voted for that state
13 senator; when we notify people of the fact that their
14 ballot -- is there any notification for somebody
15 saying, your ballot's been challenged in court, and
16 by the way, we all know how you voted?

17 MICHAEL RYAN: No, because those ballots
18 are -- the process is supposed to be conducted in
19 such a way that those... [background comment] the
20 challenged ballots will ultimately be anonymous.
21 Unless... [crosstalk]

22 CHAIRPERSON KALLOS: Right.

23 MICHAEL RYAN: you're challenging, you
24 know, the voter themselves... [crosstalk]

25 CHAIRPERSON KALLOS: Yes.

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2 MICHAEL RYAN: which there is a challenge
3 process, you know, at the poll site that we go by and
4 also a challenge process prior to the opening of the
5 envelope; the challenge process can be invoked if
6 someone were to say, you know, Mike Ryan's not a
7 registered voter, so they wanna challenge me; there's
8 a challenge process at the time that the ballots are
9 opened as well.

10 CHAIRPERSON KALLOS: So approximately
11 what proportion of absentee ballot applications are
12 rejected at each election?

13 MICHAEL RYAN: We have numbers on that,
14 Mr. Richmond, or even anecdotally? I mean it varies
15 from time to time. [background comments] Right.
16 [background comment] Right.

17 CHAIRPERSON KALLOS: You'll need to
18 repeat, Mr. Richmond, 'cause uh... [crosstalk]

19 MICHAEL RYAN: Yes, we... typically we see
20 it you know during primary season, if somebody is
21 attempting to get an absentee ballot for a party to
22 which they're not enrolled in, but the invalids that
23 we see on the absentees are usually strict
24 construction invalidation; it's received past the
25 date; it doesn't have a signature. It's not the same

1 situation that you find with the affidavit ballots
2 that are filled out on election day at a poll site.
3 So we're not seeing those types of challenges, other
4 than you know the rare challenge of so and so is not
5 registered to vote and therefore their vote should
6 not be counted. Those are rare, but the other ones
7 are more common and they're typically, you know
8 ministerial errors that people make when they're
9 filling out the form or that they just didn't get it
10 back to us in a timely fashion.

12 CHAIRPERSON KALLOS: Would you consider
13 creating an absentee ballot tracking system, public
14 facing in the absence of this legislation?

15 MICHAEL RYAN: Well I'd have to go back
16 to our MIS folks and find out what the cost is
17 associated with that and whether or not if it's
18 within our current financial allocations. Clearly,
19 from an agency perspective, when there's a mandate it
20 makes the request for funding that much easier. So
21 before I spoke and publicly committed to that, that
22 would be something that I would definitely wanna
23 touch base with our folks, because I think sometimes,
24 as a career operations guy, I think that I could

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2 oversimplify what the technical people face when they
3 have to do something along those lines.

4 CHAIRPERSON KALLOS: Based on my limited
5 interactions with your team and your MIS department,
6 I've been incredibly impressed with your ability to
7 take on new and proactive projects in-house, so I
8 have every faith in their ability to do so and so I
9 guess that the next question, which I believe you've
10 already slightly answered, is just how much you
11 estimate it would cost to build and maintain an
12 absentee ballot tracking system contemplated in Int.
13 0659?

14 MICHAEL RYAN: Well I think it would be a
15 subset ultimately of the system that we already have
16 in place. I mean we have the voter registration
17 system AVID, we have BATS, which is another system
18 that allows us to track all this; the question simply
19 then becomes -- we're gathering the information; the
20 real question from a programming perspective is; how
21 do we take the information that we're gathering and
22 make it publicly available on a web and accessible?

23 CHAIRPERSON KALLOS: Are AVID and BATS...
24 is that software developed in-house; is it licensed
25 or is it proprietary?

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2 MICHAEL RYAN: AVID is definitely
3 licensed; I'd have to check on BATS.

4 CHAIRPERSON KALLOS: So based on the fact
5 that I think 24 other states have online absentee
6 tracking, it may be as simple as just upgrading the
7 license to include that feature or turning on the
8 feature.

9 MICHAEL RYAN: Right.

10 CHAIRPERSON KALLOS: And so just to touch
11 on the other legislation; how long does it take to
12 process a new registration that comes in near the
13 deadline of 25 days before the election?

14 MICHAEL RYAN: Well any registrations
15 that are received prior to the deadline get
16 processed. So we have the public cutoff and then
17 within that we build in a few days at the back end to
18 make sure that it happens. Now clearly, when
19 something is happening, you know, throughout the
20 year, we're not authorizing, you know, round the
21 clock overtime to make sure that the voter
22 registrations make their way into the system, but
23 when it gets down to election time, which
24 unfortunately, you know for us, is when outside
25 parties typically do their voter registration drives

1 and other interested folks; we get a crush of
2 registrations up to and... you know, leading up to
3 election day; we have to make sure that all of those
4 folks get processed, so in terms of timing, I would
5 tell you, they get done as quickly as possible and
6 under those circumstances we authorize as much
7 overtime as necessary for the staff to get all of
8 those folks onto the rolls in time for election day,
9 any one that we receive, and although it was prior to
10 my tenure, I am aware of at least one extreme
11 instance where we had to engage the services of an
12 outside data entry company to do the data entry to
13 allow us to get all of those registrations
14 [background comment] in 2012, to get them all onto
15 the voter rolls. So... [crosstalk]

17 CHAIRPERSON KALLOS: And...

18 MICHAEL RYAN: the short answer is we do
19 whatever's necessary; sometimes it's a little
20 quicker; sometimes it's a little longer.

21 CHAIRPERSON KALLOS: So under the State
22 Constitution you have from 25 days out when the law
23 says voter registration forms are due until 10 days
24 when the voter list must be certified for the
25 election; do you use all 15 days for entry of the

1 voter registrations or is it 5 days or 10 days and
2 what was the circumstance in 2012, or in the hardest
3 instance you've had where -- how long did it take
4 from when somebody submitted their voter registration
5 on the 25-day deadline to it getting entered into the
6 system and then the notice to the voter saying hey,
7 you can go vote, here's your poll site...? [crosstalk]

9 MICHAEL RYAN: Right. We don't track
10 that information in that level of detail, but the one
11 step that's missing from your analysis is, we have to
12 get it done so we can get it to the printer; that's
13 really our big challenge, is to get all the voter
14 registrations processed so that we can get the
15 completed lists for each of the boroughs to the
16 printers so that we can get it back in time enough to
17 give at least an effort at review to make sure that
18 people aren't missing -- that it was... [interpose]

19 DAWN SANDOW: Spot checked.

20 MICHAEL RYAN: we do spot-checking to
21 make sure that the printer... [crosstalk]

22 CHAIRPERSON KALLOS: What's the...

23 MICHAEL RYAN: didn't make any gross
24 errors.

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2 CHAIRPERSON KALLOS: What's your printing
3 deadline; how many days before the election?

4 MICHAEL RYAN: [background comment] Yeah,
5 I would say, you know, [background comment] no later
6 than 15 days before.

7 DAWN SANDOW: 'Cause don't forget, those
8 books also then, once they're looked over, they have
9 to be inserted into all the supply carts; supply
10 carts go out two weeks before the election, so.

11 MICHAEL RYAN: So we need them back so
12 that we can get them loaded into the supply carts and
13 delivered to the poll sites. So we're really under a
14 tight, tight deadline, you know. And keep in mind,
15 that's when everything goes perfectly, and we had a
16 situation this last gubernatorial election where
17 there was quite a bit of litigation associated with
18 the top of the ticket; when that happens to us, that
19 puts our backs even further up against the wall
20 because we can't really take any action because
21 everything is affected by what's going on. So to the
22 extent that one portion of our process is backed up,
23 you know, other portions back up, [background
24 comment] because we don't have staff that just does
25 one task, you know, everybody's multi-tasking to get

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2 everything done you know leading up to election day,
3 so there are forces that are beyond our control.

4 CHAIRPERSON KALLOS: So the voter
5 registrations are due 25 days out, constitutionally
6 you have 15 days, it sounds like; based on the
7 constraints of printing, you have 10 days; do you use
8 all 10 days or are you only using 5 days or how many
9 of those days are you using to get all the voter
10 registration forms in?

11 DAWN SANDOW: Usually... That really
12 depends on the election and the amount of
13 registrations that come in. [background comment] In
14 2012 it was constant, it was nonstop; it was a
15 presidential year, so that was the reason why we
16 hired an outside vendor, so our staff went from 9 in
17 the morning to 9 at night; the vendor came in and did
18 9 at night to 9 in the morning, so it was a 24-hour
19 operation so that we met the deadline. If you have
20 an off year... [crosstalk]

21 CHAIRPERSON KALLOS: And that took all 10
22 days?

23 DAWN SANDOW: Yes. Yes... [crosstalk]

24 CHAIRPERSON KALLOS: Okay. And...
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2 DAWN SANDOW: 'Cause don't forget; it's
3 not just process a registration. So everyone is
4 aware, when a registration comes in, they come in in
5 bulk through the mail or a drop-off and they're
6 basically counted and they're scanned in the system.
7 We just don't rely on the machine; we make sure that
8 what was counted is what was scanned; that goes into
9 the system and then either a democrat or a republican
10 is processing that registration; once that
11 registration is processed it goes into a queue called
12 quality; if a dem process it; a republican is
13 reviewing it and vice versa; once it gets through
14 quality, then it is processed. There are some that
15 go into escalation; there are some where there's
16 information missing and our computers automatically
17 generate the letter to the voter that day stating
18 something is missing; there's not last four digits of
19 social security number or there's no motor vehicle
20 I.D. number. So there's a process to it, it's not
21 just that a registration comes in, we scan it and
22 it's in the system; hence, the reason for, you know,
23 bringing in an outside vendor in 2012. Then you may
24 have an election where there's really no voter
25 registrations coming in; it's very light for us, so

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2 it really depends on the race. We process
3 registrations as soon as they come in; there is a
4 queue that is monitored by the chiefs and deputies
5 and also by executive management, where we can go
6 into the system and basically see how many are in the
7 queue. We'll sometimes call and say, what's the
8 holdup, you know it looks like your queue's not going
9 down, especially during that period that queue is
10 monitored and tracked quite a few times during the
11 day.

12 CHAIRPERSON KALLOS: But regardless of
13 your process, all this is happening between day 25
14 before the election and day 15 before the election?

15 DAWN SANDOW: Yes.

16 MICHAEL RYAN: Well a lot of it and some
17 of it's happening... [crosstalk]

18 DAWN SANDOW: Yes.

19 MICHAEL RYAN: earlier. I mean we
20 process the voter registration forms as they come in,
21 we don't hold onto them and gather them up to
22 artificially create pressure at the end, it's just...
23 [crosstalk]

24 DAWN SANDOW: Yeah, they have to be
25 processed when they come in.

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2 MICHAEL RYAN: that's the way the system
3 works and the Presidential Commission Report from
4 January of 2014 bears that out as, you know, one of
5 the vagaries in election administrators; people wake
6 up to the fact that an election is coming and then
7 they [background comment] then they want to
8 participate or some other group wants to wake people
9 up to the fact that there's an election coming and
10 they want them to be available to participate. That
11 having been said, often people are cordial and they
12 say hey, would you register to vote and not to say
13 no, they fill out a voter registration form only to
14 find out when we get it that they're already
15 registered, so we have to also go through it to make
16 sure that the duplication checks are done and make
17 sure that somebody's not... we're trying our best to
18 make sure that people aren't on the rolls
19 redundantly, although we know that based on
20 particularly the mobility of New Yorkers, that often
21 we do have redundant names and we're working to try
22 to fix that problem. So introducing something else
23 into this mix while we're engaging in a large-scale
24 process to get the voter rolls right, you know at
25 least from my limited perspective -- although we

1
2 would cooperate in any legally passed legislation,
3 from my limited perspective, it's an unwanted or
4 unwelcomed administrative burden.

5 CHAIRPERSON KALLOS: Appreciate it. So
6 you get something during your heaviest season 25 days
7 out, it takes all 10 days to process 'cause it is the
8 voter registration form; it is the most difficult
9 ever, so 15 days out it finally gets signoff from
10 everyone; it is now going to be in the voter list; at
11 what point do you send the notice to the voter saying
12 that they are registered and this is their poll
13 site...? [crosstalk]

14 DAWN SANDOW: They're processed daily.

15 CHAIRPERSON KALLOS: It goes out daily..
16 [crosstalk]

17 MICHAEL RYAN: It's on a rolling basis
18 [background comment] and then they get their..
19 [interpose]

20 CHAIRPERSON KALLOS: and that goes out
21 first-class mail or both?

22 DAWN SANDOW: First-class.

23 MICHAEL RYAN: First-class.

24 CHAIRPERSON KALLOS: Okay. So then they
25 get that 2 or 3 days later, so that puts it at 12

1
2 days before the election; they can take that; they
3 can now submit their absentee ballot application, so
4 you're getting that absentee ballot application 2; 3
5 days later, so we're now minus 6 days, so we're now 9
6 days before the election and then theoretically the
7 person can then fill out the absentee ballot
8 application 'cause they're super excited and they get
9 that back in, so you've got it 9 days later and if we
10 have the tracking site up they can actually make sure
11 you actually get it. But so, from when they find out
12 about their voter registration, the whole process
13 takes about... is there a time that it... how long does
14 it take you to process the absentee ballot
15 application?

16 DAWN SANDOW: They do that daily.

17 MICHAEL RYAN: Again, that's... it...

18 [interpose]

19 DAWN SANDOW: And our absentee units are
20 on overtime before an election; they stay open till 9
21 p.m. and they're open the weekend before on Saturday
22 and Sunday... [crosstalk]

23 CHAIRPERSON KALLOS: So assuming the
24 person gets everything and this process runs very

25

1
2 smoothly and the absentee ballot app goes out the
3 same day the application is received..

4 DAWN SANDOW: Yes.

5 CHAIRPERSON KALLOS: we're cutting it
6 with like about 4 days for.. [background comment] for
7 error of margin.

8 MICHAEL RYAN: Yes, but it is also not
9 accurate to suggest that we are not working on ways
10 to try to shrink that process. Our staff, and we
11 expect to be rolling it out -- I don't have a firm
12 date, but it's in the not-too-distant future. Right
13 now if you go online we have a PDF form that you
14 could print up and hand-fill out and send it back in
15 the old fashioned way, and I might add, just so that
16 everyone understands, right now there's only one
17 agency that is legally recognized to be what's
18 considered a custodial agency for the purposes of a
19 signature; that is the New York State Department of
20 Motor Vehicles and that's by State Law. So we still
21 have to capture a signature because it is that
22 attestation on the voter registration form that
23 proves that you are who you say you are and under
24 penalty of felony you are who you say you are. So
25 what we are working to do is modify that PDF form and

1
2 make it into a fillable PDF, which would then allow
3 you -- we'd still need your printed signature back,
4 but by doing it that way we would eliminate all of
5 that data entry; you would fill it in; it would go
6 into our queue the same way that it would go in if we
7 did the data entry, except it's already there; now
8 when your form comes in, all we have to do is scan it
9 and do a signature clip and marry the signature clip
10 to your already completed form. Once that's in
11 place, which is coming soon, you know coming soon to
12 a theater near you; right, we'll be in a better
13 position to assess how much time will be shaved off
14 the process that we've spent quite a bit of time
15 you're describing [background comment] and if that
16 happens, you know we'll be in a lot better shape;
17 there'll be a lot less data entry. The process will
18 remain the same on the one hand, but we won't have to
19 be doing all of that bulk data entry under short
20 timeframe, and I think that'll be very helpful.
21 [background comment] Yeah. [background comments]

22 CHAIRPERSON KALLOS: I'd like to
23 recognize that we've been joined by Council Member
24 Mark Levine and it seems like he has a quick question
25 about affidavit ballots.

1
2 COUNCIL MEMBER LEVINE: Thank you so
3 much. There are some of the similar uncertainty when
4 voters file an affidavit ballot, because the machine
5 is broken or because their name doesn't appear in the
6 book or there's some other confusion... [crosstalk]

7 DAWN SANDOW: No, when a machine breaks
8 down, it's an emergency... [crosstalk]

9 COUNCIL MEMBER LEVINE: So that would be
10 an emergency ballot.

11 MICHAEL RYAN: Right.

12 DAWN SANDOW: Yeah.

13 COUNCIL MEMBER LEVINE: Okay, well that
14 would... the same question would apply; could there be
15 some mechanism for voters to learn whether that vote
16 counted; often it's the last they hear of it and
17 there's not way for them to know for sure?

18 MICHAEL RYAN: On the affidavit ballot,
19 if their vote is not counted, [background comment]
20 then they receive a notification that their vote...
21 they receive a notification of invalid. But they
22 also [background comment] then... [background comments]
23 let's say for example, somebody's registration... they
24 weren't registered; they thought they were...

25 COUNCIL MEMBER LEVINE: Right.

1
2 MICHAEL RYAN: or they attempted to vote
3 in a republican primary when they were in fact a
4 registered democrat... [crosstalk]

5 COUNCIL MEMBER LEVINE: Or came to the
6 wrong poll site.

7 MICHAEL RYAN: Right; whatever.

8 COUNCIL MEMBER LEVINE: Right, yeah.

9 MICHAEL RYAN: The good thing about the
10 way things are done now as opposed to the way they
11 were done years ago is; that affidavit, valid, now
12 counts as a new voter registration form. So even
13 though it might be a problem in the moment for that
14 particular election event, it fixes the problem
15 moving forward..

16 COUNCIL MEMBER LEVINE: Right.

17 MICHAEL RYAN: and they get notified. So
18 if you don't get a notification -- as we had a little
19 bit of conversation, Council Member, before you got
20 here -- if you don't get a notification you're good;
21 the only time you're not good is when we send you a
22 notification that there was a problem and obviously
23 we wanna correct those errors because we want
24 people's votes to count. Sometimes it could be as
25 simple as they forgot to sign the attestation on an

1 envelope and they did nothing wrong other than that,
2 but that happens to be a very important piece of the
3 puzzle; it's like filing an affidavit with court and
4 then not signing it; it's not gonna be accepted as
5 evidence if you don't sign it; right, so it can be
6 deemed to be cumbersome and hypertechnical, but there
7 are some good reasons why these hypertechnical rules
8 exist and it's really to prevent people... [interpose]

9
10 COUNCIL MEMBER LEVINE: And if their vote
11 does count, then they get no letter.

12 MICHAEL RYAN: Correct.

13 COUNCIL MEMBER LEVINE: So they assume
14 their vote is counted unless they hear otherwise.

15 MICHAEL RYAN: Right. And if you think
16 about it, given the way that we are required
17 presently under State Law to communicate with voters,
18 which is by first-class mail, we would be encumbering
19 a significant budgetary impact if we were ultimately
20 required to let everybody know that we got their
21 ballot. You know, they're presumptively valid unless
22 you hear otherwise. So... [interpose]

23 COUNCIL MEMBER LEVINE: What portion are
24 ultimately invalidated?

1
2 MICHAEL RYAN: It really depends. You
3 know, it depends on the election event, [background
4 comments] you now sometimes people are encouraged to
5 go to vote and they think, particularly in Staten
6 Island I can tell you, sometimes on the South Shore
7 of Staten Island people think they're registered
8 republican when in fact they're registered democrats
9 and they go to vote and they find out otherwise; do
10 you hear those things from time to time and it
11 really... there is a bit of a swing you know from
12 election event to election event.

13 COUNCIL MEMBER LEVINE: Alright. Thank
14 you.

15 MICHAEL RYAN: You're welcome.

16 CHAIRPERSON KALLOS: I wanna thank
17 Council Member Levine for his questions; you've
18 actually inspired -- if you would like to make a
19 motion to amend, we will proudly take a friendly
20 amendment to add reporting on the status of affidavit
21 ballots so that people can check whether or not
22 they're perfect and so accepted. So our counsel will
23 note that.

24 I wanna thank the Board of Elections for
25 joining us; for answering so many different

1
2 questions; I wanna thank Commissioner Alan Schulkin
3 for joining us, as well as their counsels, Steve
4 Richmond and Pam Perkins. Thank you all for joining
5 us and... [interpose]

6 MICHAEL RYAN: The Operations Manager, I
7 can... I think I can tackle this one, Georgia
8 Kontzamanis.

9 CHAIRPERSON KALLOS: I'll let the record
10 reflect that Georgia has also been... [laughter]
11 recognized. Thank you so very much for coming out
12 today.

13 DAWN SANDOW: Thank you.

14 MICHAEL RYAN: Thank you all for your
15 time.

16 CHAIRPERSON KALLOS: I'd like to call Amy
17 Loprest, the Executive Director of the New York City
18 Campaign Finance Board.

19 Thank you for joining us; if you could
20 please raise your right hand. Do you affirm to tell
21 the truth, the whole truth and nothing but the truth
22 in your testimony before this Committee and to
23 respond honestly to Council Member questions?

24 AMY LOPREST: I do.
25

1
2 CHAIRPERSON KALLOS: Thank you very much,
3 and if you do not mind providing your testimony.

4 AMY LOPREST: Okay. Good morning Chair
5 Kallos and Committee Members. My name is Amy
6 Loprest; I'm the Executive Director of the New York
7 City Campaign Finance Board. I'm joined today by
8 Eric Friedman, our Assistant Executive Director for
9 Public Affairs; I thank you for the opportunity to
10 testify.

11 Well it seems like the 2014 elections are
12 not that far behind us; it is already time to start
13 preparing for the 2016 elections. A presidential
14 election year brings greater interest and higher
15 participation and we should focus now on ensuring
16 that New Yorkers will have the smoothest possible
17 voting experience. It's simple, if we want to
18 encourage more New Yorkers to think of voting as a
19 habit, it should be our mission to make the active
20 voting as simple and meaningful as possible. In any
21 election, some voters will be unable to make it to
22 their poll site and will have to request an absentee
23 ballot to cast their vote. In the last presidential
24 election, more than 340,000 New Yorkers cast absentee
25 ballots around the state, according to the Election

1 Assistance Commission's 2012 Election Administration
2 and Voting Survey; of those, 16,534 were rejected for
3 reasons that were not reported. While this data is
4 for the entire state and not specific to New York
5 City, we imagine that a sizable number of those
6 ballots were cast by City voters. This means that at
7 least some City voters were effectively
8 disenfranchised due to problems with their absentee
9 ballot.
10

11 Current law requires that voter
12 registration forms be submitted no later than 25 days
13 before an election; applications for absentee ballots
14 may be submitted no later than 7 days before an
15 election. This window should provide enough time to
16 verify a voter's registration and allow the voter the
17 time to make an absentee request. However, it
18 creates a two-step process that can act as an
19 unnecessary barrier to participation.

20 Our experience in direct voter engagement
21 has provided further evidence on this point. In
22 November 2014, CFB staff and volunteers conducted a
23 GOTV phone bank under the auspices of our NYC Votes
24 campaign, reminding voters we registered a National
25 Voter Registration Day to cast their ballot. We

1 reached a number of newly registered voters who
2 planned to be out of town on election day and had
3 failed to request an absentee ballot. Compressing
4 these two steps into one transaction would simplify the
5 process, especially for new voters who are unfamiliar
6 with New York State's voting requirements. We
7 support making it easier to register to vote and
8 apply for an absentee ballot to the extent that
9 current State Law allows.

11 We support Int. 0659, which would provide
12 the ability for voters to track the status of their
13 absentee ballot application online. Widely available
14 technology can improve every step in the voting
15 experience and provide voters with the same level of
16 convenience and transparency we expect in everyday
17 lives. We can all track our packages online and we
18 should be able to track our votes the same way.
19 Online tracking would give absentee voters the
20 confidence that when they drop their ballot in the
21 mail they are casting a ballot that counts. For
22 those voters who mail in ballots that are later
23 rejected, this is gonna provide an explanation why,
24 whether the reason was a missing signature or a
25 missed deadline.

1
2 As the Chair noted, a handful of states
3 have online absentee ballot tracking systems modeled
4 after the 2009 Military and Overseas Vote Empowerment
5 Act, which allows overseas voters to track the
6 receipt of their absentee ballots. Florida, Iowa,
7 Massachusetts, Michigan and Virginia all allow
8 domestic absentee voters various tracking
9 capabilities. This legislation provides an
10 opportunity for New York City to be a local leader in
11 the use of technology to boost confidence in our
12 elections.

13 We support making the absentee voting
14 process simpler and more transparent; no voter who
15 needs an absentee ballot should forfeit their vote
16 due to a missed deadline. Voters who cast an
17 absentee ballot through the mail should have the same
18 certainty their vote counts as if they ran it through
19 a scanner at the polling place.

20 As always, we look forward to
21 communicating with the Council on these and other
22 issues; I thank you once again for the opportunity to
23 testify today and look forward to answering any
24 questions you may have.
25

1
2 CHAIRPERSON KALLOS: Thank you for your
3 great testimony on this and thank you for checking on
4 the exact numbers from the elections. I'm actually
5 fascinated by the proactive stance the Campaign
6 Finance Board and VAC is taking on National Voter
7 Registration Day; I was pleased to participate in
8 your efforts at City Hall Park with League of Women
9 Voters and CUNY and was pleased to participate; that
10 was absolutely amazing. So you actually reached out
11 to folks that were newly registered at those events
12 or citywide and do you have any of the data from your
13 phone banks?

14 AMY LOPREST: Well that was a pilot
15 program for the first time, so this year we did it;
16 our focus on those GOTV were namely on people that we
17 had newly registered in events at National Voter
18 Registration Day and around that time, so it wasn't a
19 huge population; we're planning on doing more
20 outreach in the future. We did both a phone bank and
21 also sent a reminder card to people who had
22 registered throughout the year with our events, so we
23 have their information; we sent them a card saying
24 you're a newly registered voter; remember that
25 election day is coming up, so we sent a postcard.

1
2 We're in the process, because the voter
3 rolls were just finished by the Board of Elections
4 under their regular timetable, just... I guess within
5 the past month or so. [background comment] Yeah.
6 So we are in the process of comparing how our
7 advocacy worked, you know to see if calling these
8 people and sending these cards actually resulted in
9 people actually going to the polls and we'll be happy
10 to report on the results of that review once we're
11 done with that.

12 CHAIRPERSON KALLOS: I'd like to just
13 thank you for your testimony. I had similar
14 experiences; so in 2013, which seems almost a
15 lifetime I know ago, I was sitting next to this
16 person here as we were calling voters and for those
17 of you who don't know, those of you watching at home,
18 the way elections work is, candidates literally ask
19 every voter in their district for their vote, so I
20 spent a considerable amount of time knocking doors
21 and on the phone talking to voters and saying, hi;
22 can I have your vote, and we have a ranking system,
23 if you're somebody who dislikes me and is voting for
24 my opponent, we give you a 5, if you're undecided
25 you're a 3 and if you're coming out to vote you're a

1
2 1. And think one of the more frustrating moments
3 was, as I finally got somebody from a 5 to a 3 to a
4 1, over multiple calls, I'd say yay, you're a 1; will
5 you go vote for me, and so the specific language you
6 have to say is; will you vote for me on this day and
7 at what time will you go; will you go to this poll
8 site and so many people would say; oh, I'm out of
9 town that day and these one calls, these GOTV calls
10 happen over a weekend we like to call GOTV Weekend,
11 by which point it is next to near impossible to try
12 to get them the absentee ballot because they need to
13 get that 7 days. So thank you for your testimony
14 just sharing that you had a similar experience in
15 your phone banks. I'd like to recognize Council
16 Member Levine for a question.

17 COUNCIL MEMBER LEVINE: Great to see you,
18 as always Amy, thank you. I'd like to ask you about
19 this notion as well of affidavit ballots and whether
20 there might be some benefit in tracking them online
21 in a similar way?

22 AMY LOPREST: We hadn't thought about it,
23 but I mean I think -- you know you brought up good
24 points; I think the Board of Elections had good
25 answers for that; I think it is important that

1
2 everybody know when they go and for whatever reason
3 have to file an affidavit ballot, that they know that
4 that ballot actually was counted; I think it's
5 important because it builds people's confidence in
6 their voting process. It's very discouraging to go
7 to your poll site, for whatever reason, and you're at
8 the wrong poll site or whatever and they say, oh no,
9 you have to fill out this paper. I can imagine that
10 you feel like, oh this is never going to count,
11 although the Board of Elections does count all those
12 ballots, and it would be nice for people to be able
13 to affirm that that happened.

14 COUNCIL MEMBER LEVINE: Well postage
15 would be prohibitively expensive because of how many
16 ballots there are; an online solution might be
17 relatively cheap and would satisfy people's hunger
18 for information.

19 AMY LOPREST: Yes.

20 COUNCIL MEMBER LEVINE: Alright. Thank
21 you.

22 AMY LOPREST: Thanks.

23 CHAIRPERSON KALLOS: So I guess along the
24 same lines, I'm inspired by my colleague. So you
25 were talking about something and so just for the

1
2 general public, so you did outreach to people and
3 what list are you talking about that you're gonna to
4 compare results?

5 AMY LOPREST: The list that the Board of
6 Elections produces to show who voted.

7 CHAIRPERSON KALLOS: And so there is a
8 voter list that has voter histories for every...
9 [crosstalk]

10 AMY LOPREST: Yes.

11 CHAIRPERSON KALLOS: single voter?

12 AMY LOPREST: Yeah.

13 CHAIRPERSON KALLOS: So is that widely
14 accessible to voters; can a voter find out whether or
15 not they are on this list?

16 AMY LOPREST: I'm actually not sure; I
17 assume. I leave it to the Board of Elections to
18 answer that question.

19 [background comments]

20 CHAIRPERSON KALLOS: Let the record
21 reflect that Steve Richmond, counsel for Board of
22 Elections, has testified from the audience as to the
23 fact that there are public access terminals at the
24 New York City Board of Elections and for those not
25 using the public access terminals, you may FOIA your

1
2 Board of Elections record from the State Board or the
3 City Board.

4 So I guess along the lines of allowing
5 you to see if your affidavit ballot was counted or
6 your absentee ballot counted, would it be appropriate
7 to also allow people to see whether their own ballot
8 was counted, to see their own voter history?

9 AMY LOPREST: Yeah, I mean I guess it
10 would be good to be able to see your voter history,
11 it's -- you always hear these stories, you know,
12 people are like, oh, I didn't realize that -- you
13 know they get appointed to something and there's a
14 story in the newspaper saying that they never voted
15 and they thought, oh I think I did vote and so you
16 know it would be good for people to be able to check
17 that to make sure that they can see it beforehand.

18 CHAIRPERSON KALLOS: Thank you very much.
19 Thank you very much for coming by to testify and..
20 [crosstalk]

21 AMY LOPREST: 'Kay. Okay.

22 CHAIRPERSON KALLOS: thank you for your
23 great work at the Campaign Finance Board.

24 AMY LOPREST: Thank you.
25

1
2 CHAIRPERSON KALLOS: I'd like to call our
3 last panel, Lauren George from Common Cause New York,
4 Kate Doran from the League of Women Voters and Seth
5 Flaxman, and if you can identify your affiliation, if
6 any when you give your testimony. [background
7 comments]

8 LAUREN GEORGE: Good morning... [crosstalk]

9 CHAIRPERSON KALLOS: Thank you for
10 joining us, you are members of the general public and
11 therefore our practice is to only swear in members of
12 the administration, so please proceed with your
13 testimony.

14 LAUREN GEORGE: Thank you so much for the
15 opportunity to testify this morning, Council Member
16 Kallos; Council Member Levine.

17 Common Cause, as you know, probably, is a
18 nonpartisan, nonprofit organization founded to serve
19 as a vehicle for citizens to make their voices heard
20 in the political process. Accordingly, it's our goal
21 to ensure that elections are accessible, efficient
22 and well-run for the maximization of voter
23 participation. Essentially we are discouraged in
24 this age of low-voter turnout, you know, about ways
25 to make our elections as efficient and participatory

1
2 as possible, so making voting easy and convenient for
3 citizens is of critical importance.

4 Given that roughly 1 in 5 Americans votes
5 absentee, protecting these voters' access to
6 democracy is essential and keeping track of their
7 ballots will help do that. The absentee ballot
8 tracking proposed by Int. 0659 is a welcomed
9 improvement to increase voter confidence in voting by
10 mail. As we've all heard today and all understand,
11 it's hard for voters to find information about their
12 absentee ballot and whether or not it was indeed
13 counted.

14 According to the annual report of the
15 City Board of Elections, only 2.6 percent of the
16 votes cast in the 2013 general election were by
17 absentee ballot, raising concern as to why the New
18 York City data is so different from nationwide
19 trends, which are on average about 20 percent of
20 votes are absentee; raising the question; could there
21 be thousands of voters out there trying to cast
22 absentee ballots that are not counted?

23 In this last election, as we have in
24 every general election for the past several years, we
25 received numerous calls from frustrated voters who

1 had not received their absentee ballot and had no way
2 of finding out where in the process their application
3 was. Many of them had requested an absentee ballot,
4 sometimes more than once, but received nothing from
5 the BOE; others who mail in their absentee ballots
6 can never be quite sure whether their vote was
7 counted or not. Voters often call us after they've
8 gotten no response from the BOE, reporting that
9 clerks tell people to just keep waiting.

11 Int. 0659 would increase voters'
12 confidence in casting ballots by mail and in our
13 elections overall. As several have mentioned here,
14 many states already have look-up and tracking
15 mechanisms in place; according to Pew there are 32
16 states that have look-up tools that allow voters to
17 track the status of their absentee ballot.

18 So we clearly support this legislation
19 and we think that it would be an administrative fix;
20 the technology exists already, as has been mentioned;
21 retail outlets like Netflix; Amazon use tracking with
22 barcode systems already; it should reduce call volume
23 and administrative burden on BOE staff as well, who
24 are fielding a lot of calls during the busy election
25 week, so we think that it could actually alleviate

1
2 some of the administrative burden on the BOE and
3 therefore could be a positive net benefit.

4 So a system to introduce barcodes on
5 absentee ballots in order to instantly track and
6 monitor them at each phase could be implemented at
7 relatively low cost. As we heard from Mike Ryan, we
8 need to find out exactly what the cost would be, but
9 we think that it would be a modest amount of
10 increased capital to implement this, which would in
11 the long run serve to save money and staff time.

12 In light of this, we're very eager and
13 encouraged to hear that there is internal tracking of
14 absentee ballots and we urge the public disclosure of
15 that information; if the metrics are already being
16 kept track of, the public should know and there
17 should be an easy way for the public to look up where
18 their ballot is.

19 One more thing that I wanted to mention
20 that I think would really support and lead to
21 alleviating administrative burdens, as Mr. Ryan
22 mentioned, would be introducing electronic poll
23 books, which I understand is a State issue, but
24 Common Cause and other advocates and reformers long
25 supported the use of electronic poll books and we're

1
2 working with the State Legislature to implement such
3 a policy, which would clearly shorten the window of
4 time needed to print, you know, because that seems
5 like the biggest burden as to why Int. 0536 might not
6 be reasonable with the contemporaneous absentee
7 ballot and registration, but if we had electronic
8 poll books, that would alleviate that problem
9 greatly.

10 So in terms of Int. 0536, we believe it's
11 a commonsense measure that would drastically increase
12 efficiency at the County Board offices; this change
13 is analogous to what has already been done at the
14 state level with affidavit ballots; in 2020 the State
15 Legislature amended Election Law Section 8302 to
16 assure affidavit ballots are treated as applications
17 to register to vote or change party enrollment. This
18 bill could increase voter participation and
19 administrative efficiency; the BOE would simply have
20 to design its own form that consolidates absentee
21 ballot application forms with the questions required
22 to gather information to register a new voter.

23 A concern raised by Int. 0536 is whether
24 the voter's registration in this instance would only
25 be valid for NYC elections; therefore we should

1
2 advocate at the State level to reform current
3 statutes if needed so that the law allows such
4 contemporaneous registration.

5 So that's it; we appreciate the
6 opportunity to speak today. Thank you.

7 CHAIRPERSON KALLOS: Kate.

8 KATE DORAN: Oh, thank you. Good
9 morning. My name is Kate Doran; I serve on the board
10 of The League of Women Voters; we're a multi-issue,
11 nonpartisan political organization; we encourage
12 informed and active citizen participation in
13 government and we work to increase understanding of
14 major policy issues that influence public policy
15 through advocacy and education.

16 So with respect to Int. 0536, assuming
17 that it's fully consistent with all State law,
18 including the New York State Constitution, we would
19 be in support of this intro to amend the New York
20 City Charter in relation to contemporaneous voter
21 registration and absentee ballot application.

22 We have a lot of questions though; I mean
23 we note, for example, that the absentee ballot
24 application form is a State form and it requires,
25 very clearly in big bold headlines, for the applicant

1 to affirm that they are a qualified registered voter.

2 So we're wondering; is the Council suggesting a

3 change in the New York State form; is the Council

4 intending to codify in the Charter language to be

5 used just in New York City and to require the New

6 York City Board of Elections to create an application

7 form of its own design?

8 The League supports measures that would

9 shorten and smooth the process of applying for an

10 absentee ballot. As you've heard this morning, from

11 nearly everyone, voters often find themselves

12 disenfranchised when their application is rejected

13 and returned, because they are otherwise qualified

14 but unregistered; even if the Board of Elections

15 mails a registration form to the voter with a letter

16 explaining why their application was rejected, the

17 time involved for all of this back and forth results

18 in missed deadlines and votes that are uncast or not

19 counted. So I agree with my colleague here, Lauren,

20 that we really need to explore an absentee ballot

21 application envelope which could double as a voter

22 registration form, the same way that the affidavit

23 ballot does for voters on election day.

1
2 I don't have to resort to the absentee ballot
3 process, I can stand on this short line.

4 So we urge you and the Department of
5 Information Technology and Telecommunications (DoITT)
6 to provide reasonable support in furtherance of the
7 Board's efforts. We know that the Board is engaged
8 in an effort to really clean up their voter
9 registration lists. DoITT successfully teamed with
10 the BOE in the past to produce sample ballots on the
11 Board's website; an accurate, reliable voter
12 registration list is a larger challenge, but we
13 believe that it should be the priority. So I thank
14 you very kindly for allowing us to testify today.

15 CHAIRPERSON KALLOS: I'd like to
16 recognize that we've been joined by Council Member
17 David Greenfield. I will just take a moment to
18 answer concerns brought by Common Cause and League of
19 Women Voters. The quick answers are that voter
20 registration forms are handled in one section of
21 Election Law and there is a State form that is
22 prescribed that we are largely bound but; however,
23 absentee voting is handled by Section 8400 of the New
24 York State Election Law and the applications, for
25 which we are speaking, is handled by Election Law

1 8-400 and the key difference at 8-400 is Section 10.
2 So 8-400.10 says: "The State Board of Elections shall
3 prescribe a standard application form for use under
4 this section." Uh but here is my favorite part of
5 Section 10. "The use of any application form which
6 substantially complies with the provisions of this
7 section shall be accessible and any application filed
8 on such a form shall be accepted for filing." And so
9 that is where we hang our hats on this one and so
10 that is why we are not contemplating merging the
11 voter registration form or changing the voter
12 registration form through State law to include a
13 checked box asking to be put on the permanent
14 absentee ballot area, we're just focused on the
15 application and making sure that it substantially
16 complies with the requirements of Section 8-400, but
17 also allows for the contemporaneous one-step
18 situation to avoid the 10-day process that was
19 alluded to in previous testimony.

21 And with regard to the voter registration
22 lists, at our first hearing with the Board of
23 Elections on the DOI report, we took a number of
24 their recommendations which have since been
25 implemented, including comparing to the Social

1 Security Death Index, the SSDI; if you're interested,
2 you can go onto the SSDI right now and look up people
3 and see when and where they passed away. So that has
4 been done, as well as other key items.

5 I'd like to recognize that we've been
6 joined by Council Member Steven Matteo. Thank you
7 for joining us and being at two hearing at once
8 [background comment].

9 And so I would like to now turn it over
10 to Seth Flaxman.

11 SETH FLAXMAN: Great, thank you. So
12 thank you, Chair Kallos and the rest of the Committee
13 and thank you to the staff of the Board of Elections,
14 who I think have one of the hardest and most
15 important jobs in City Government.

16 So my name is Seth Flaxman; I'm the Co-
17 Founder and Executive Director of Democracy Works;
18 we're a 501(c)(3) civic tech nonprofit and proudly
19 based in Brooklyn and dedicated to building
20 technology for election officials and voters, to help
21 make the process easier.

22 Many of you actually and your
23 constituents might have used our services, even
24 though you've never heard of us; last fall, with
25

1 support from Pew Trusts, we were the folks who
2 collected polling place data nationwide and then
3 worked with Google so that if you're googling, where
4 do I go, that data was actually coming from us,
5 working with election officials, including the
6 election staff in New York City. And we also do
7 other work helping election officials figure out how
8 to text and email their voters.
9

10 But this year our nonprofit is launching
11 a new piece of technology to tackle the exact problem
12 you're discussing today and it's an easy to use tool
13 that helps election officials and voters track their
14 absentee ballots in the same way you can track a
15 package on Amazon, and that's going actually a step
16 beyond tracking whether the ballot was sent and the
17 ballot was received and includes postal tracking. So
18 in the same way you can track a package on Amazon and
19 see oh, it's stuck at the sorting facility, you can
20 go that level of depth.

21 So why is tracking ballots important? I
22 think there's just one stat, and that's enough; 3.9
23 million absentee ballots sent by election officials
24 nationwide in 2012 never reached voters and in most
25 places there's no way for the election officials to

1
2 hold the post office accountable and know where those
3 ballots got stuck. And at the same time, like our
4 colleague from Common Cause said, nearly one-fifth of
5 domestic voters are now voting absentee.

6 But just to keep my testimony short, the
7 one thing I really would like to get across; you know
8 postal tracking of absentee ballots I think is
9 important, I think it's feasible to implement, we've
10 built the technology and we've worked with dozens of
11 election officials across the country on implementing
12 it; I'd be happy to talk about how that works, but
13 it's also affordable and it's one of the key reasons
14 that we decided to make Democracy Works a nonprofit,
15 is 'cause we wanted to ensure that good election
16 technology would always be affordable for government.

17 Again, my name is Seth Flaxman from
18 Democracy Works; I think New York City could take the
19 lead this year to become the largest city helping
20 voters track their ballots through the mail and I
21 would love to serve as a helpful resource to anyone
22 considering this I think important upgrade.

23 CHAIRPERSON KALLOS: Is your software
24 free and open-source?
25

2 SETH FLAXMAN: It is open-source; it is
3 not free. We're a nonprofit, so we try to be
4 sustainable [sic]... [crosstalk]

5 CHAIRPERSON KALLOS: When I say free, I
6 mean it's free libre... [crosstalk]

7 SETH FLAXMAN: Uh yes...

8 CHAIRPERSON KALLOS: and open-source? So
9 just so you know, software is never free, you have to
10 pay somebody to write it; when we speak about free
11 and open-source, we mean that you have the freedom to
12 modify, change and review the code yourself. So that
13 is what free and open-source means when I bring it up
14 at almost every single one of my hearings.

15 So you use free and open-source licenses
16 on your code base?

17 SETH FLAXMAN: Yeah and if it's not open
18 yet, it's because we haven't decided exactly which
19 open license to use yet.

20 CHAIRPERSON KALLOS: I recommend the GNU
21 GPL, Version 2. How much would it cost to implement
22 in the City of New York?

23 SETH FLAXMAN: Again, we're a nonprofit,
24 so it would cost what would be affordable for New
25 York City; we'd have to, you know, talk to the City

1
2 and figure out what they would like to do and what
3 their budget is for it. But you know, even in a
4 worst case scenario, we think there could be outside
5 funding, even potentially to upgrade the system.

6 CHAIRPERSON KALLOS: So public-private
7 partnership. And then the source for your 2.5
8 million absentee ballots that were lost?

9 SETH FLAXMAN: Uh 3.9 million and that
10 comes from the Presidential Commission on Election
11 Administration.

12 CHAIRPERSON KALLOS: Thank you very much.
13 And thank you Common Cause for your advocacy. In
14 terms of your review of the research in the 32 states
15 that have look-up tools, are they using a similar
16 tool or have you had a chance to do any deep dive
17 into this? And if you could share some of the
18 additional research.

19 LAUREN GEORGE: Right. As of right now,
20 I haven't personally been able to look at all of
21 these examples, but our research arm in D.C. has done
22 some analysis about what the look-up tools are and
23 there are some states also that have affidavit ballot
24 look-up, which is what Council Member Levine was
25

1
2 proposing as well, but we can provide you with
3 further information about that.

4 CHAIRPERSON KALLOS: What -- for Seth --
5 What is the added cost to do postal mail tracking?
6 So I'm assuming that's not a first-class mail; that's
7 first-class plus tracking?

8 SETH FLAXMAN: No. So the tracking is
9 free; IMB codes are a free service of the post office
10 and what our service does is, it works with the
11 election office; whether they do printing or whether
12 they do labels, they can easily put IMB codes on
13 their absentee ballots and then the post office scan
14 them and we help provide election offices with both
15 internal and external places to look up online where
16 the ballots are. But importantly... one of the real
17 important services we provide to election offices, in
18 terms of the internal data tracking, is being able to
19 see whether there's a flat of ballots stuck at some
20 postal facility and get an alert message so say, you
21 know, you might wanna call this postal facility
22 because there's a flat of ballots stuck there;
23 something like that.

24 CHAIRPERSON KALLOS: Thank you very much
25 for your testimony. I'm actually a registered postal

2 house; I did not know about the IMB, so that is... I
3 learn something new every single day. Thank you very
4 much for your testimony and for your coming out
5 today... [crosstalk]

6 SETH FLAXMAN: Thank you.

7 CHAIRPERSON KALLOS: I now adjourn this
8 meeting of the Governmental Operations Committee.

9 [gavel]

10 [background comments]

11 CHAIRPERSON KALLOS: I hereby reopen the
12 Committee on Governmental Operations.

13 [gavel]

14 I'd like to recognize that we've been
15 joined by Council Member Ritchie Torres.

16 COUNCIL MEMBER TORRES: I'm honored to be
17 recognized by you. Thank you.

18 CHAIRPERSON KALLOS: I hereby adjourn
19 the... [laughter] re-adjourn the Committee on
20 Governmental Operations.

21 [gavel]

22 [background comments]

23

24

25

C E R T I F I C A T E

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



Date March 7, 2015