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**THE COUNCIL
 OF
 THE CITY OF NEW YORK**

September 22, 2011

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Statement for Governmental Operations Committee Hearing-September 22, 2011

Good afternoon everyone,

I would like to thank Chair Brewer and the rest of the Governmental Operations Committee for allowing me to express my opinions on the performance of the Board of Elections in the recent September 2011 primaries and special elections.

I would like to voice my disappointment with voting irregularities that took place at numerous polling sites. More specifically, there were broken BMD machines at the Riverbend Housing Co-operative, which is located in my district at 2289 Fifth Avenue.

Voting irregularities, such as the one previously mentioned cannot possibly allow constituents to exert one of their guaranteed rights, which is the right to vote. If constituents cannot vote in an orderly fashion, then there is a greater chance that their vote might not be counted. Thus, constituents could become disenfranchised people, if their votes are not counted due to voting irregularities.

It is time for the Board of Elections to fully rectify the problems associated with voting procedures.

Very yours truly,

Inez E. Dickens





BMD

Cart Serial Number

10949

Riverbend Housing

2301 5 Avenue

New York, NY 10037

Poll Site ID M0132

Zone 02

Class 2, Manhattan East

In case of Emergency Call

212-886-2199



1121U

COMMITTEES

Housing
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Corporations, Authorities, and Commissions
Election Law
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TASK FORCE

Puerto Rican / Hispanic Task Force

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**Testimony of New York State Assemblymember Brian Kavanagh
Before the City Council Governmental Operations Committee
Regarding Proposed Res. No. 671-A**

September 22, 2011

My name is Brian Kavanagh. I represent the 74th District on the East Side of Manhattan in the State Assembly and I chair Assembly's Subcommittee on Election Day Operations and Voter Disenfranchisement.

I want to thank Chair Gale Brewer and the members of the Committee for your leadership in many areas related to making government more efficient and more effective for the public, and particularly for your leadership on the question of what we can do to make that most basic aspect of our democratic system operate more smoothly and with greater fairness: Our elections. And thanks for the opportunity to testify today and for considering two of the bills I've introduced in the Assembly as part of Resolution 671A.

Although my subcommittee covers a wide range of issues that fall within the subject matter of today's oversight hearing, I will focus my testimony mostly on the two bills referenced in the proposed Council resolution, relating to the usability of ballots. I would like to mention that I expect to co-chair hearings later this Fall, with Assembly Election Committee chair Mike Cusick, to consider a statewide perspective on many of the issues you're considering today with regard to election operations. Although I'll focus my testimony on the ballot design bills, I'm happy to discuss any other aspects of election operations that the Committee would like to discuss.

The two bills referenced in the resolution, A04696A and A07492A, the latter of which is commonly known as the Voter Friendly Ballot Act, and the rest of your proposed resolution deal with one of the most common concerns we've heard from voters and election administrators. My staff and I have surveyed voters on Election Day on-site at polling places across the state, and complaints about the ballots themselves are frequent and ubiquitous.

And the State Board of Elections and the statewide election commissioners association—the people who run the elections in every part of the state—have acknowledged a need for changes in legislation and regulations in this area, to bring about better ballot design.

The City Board, as you've already heard this afternoon, also acknowledges that there are concerns that need to be addressed.

And of course this Committee and the Council have played an important role in highlighting this issue—finding, for example, in your 2010 voter survey that difficulty reading and using the ballot was one of the most common complaints following the 2010 election cycle, with voters citing ballot design and font size as particular concerns and more than 30 percent of respondents saying that the ballot was confusing or difficult to read. The League of Women Voters found similar results statewide, with about 20 percent of voters participating in a 2010 General Election survey saying they had difficulty completing the ballot. The League concluded that designing the paper ballot for easier use should be a top priority.

So New Yorkers have issues with our ballots. What is to be done to address this?

The first step is to recognize that difficult-to-use ballots are not an inevitable result of the move from lever machines to paper and optical scanners. We can improve ballot design, just as we can better design, tax forms, public service announcements, and other essential tools the general public is supposed to be able to use freely to communicate with their government.

Second, we must recognize that many of the problems come from adherence by local boards of elections to laws and regulations that may have been sensible when they were written, but have not kept up with the times and no longer make sense, if they ever did.

The first of the two bills on this subject I've introduced— A04696A with Senator Joe Addabbo of Queens, who is of course a former member of the Council—would do three things: It would eliminate the requirement that names of candidates be printed in ALL CAPS. It would require a reasonable size font. And it would require that the State Board of Elections and local boards of larger jurisdictions including New York City have staff trained in ballot design. The second bill is significantly broader. Commonly known as the Voter Friendly Ballot Act, bill A07492A represents some of the best thinking available on how to create an effective, voter-friendly ballot. It would make ballots easier for voters to read and easier for machines to accurately scan, and has been drafted with input from many of groups testifying before you today including the Brennan Center for Justice, the League of Women Voters, Citizens Union, NYPIRG, AIGA Design for Democracy, the Usability Professionals Association, Election Commissioners from around the state, and many others.

In addition to dealing with the issues covered in A04696, the Voter Friendly Ballot Act would provide for easier to read and more succinct instructions. To give just one example, the current instructions mandated in State law, must include the following:

If you tear or deface or wrongly mark this ballot, return it and obtain another. Do not attempt to correct mistakes on the ballot by making erasures or cross outs. Erasures or cross outs may invalidate all or part of your ballot. Prior to submitting your ballot, if you make a mistake in completing the ballot or wish to change your ballot choices, you may obtain and complete a new ballot. You have a right to a replacement ballot upon return of the original ballot.

This is just one of eight mandated instructions in current law. We think these 85 words can be replaced by simply saying:

If you make a mistake, or want to change your vote, ask for a new ballot.

That's 16 words, far clearer, and it leaves more room for names of candidates and other key elements of the ballot.

The Act would address issues relating to the readability and clutter of current ballots by concentrating on the layout, font, and format of ballots. It would encourage print on ballots to be uniform in size and font, and as the bill I discussed earlier would do, it would encourage the use of standard capitalization, rather than the current ALL CAPS font. It would remove the requirement of a pointing index finger and party emblems, a relic of past symbols of political parties that the average voter cannot identify. In my experience, even elected officials are surprised to learn that the official symbol in New York for the Democratic party is a 5-point star and the Republican party is identified with an eagle. I think the only symbol the general public might recognize at this point is the marijuana leaf of the Anti-Prohibition Party.

The bill takes a nuanced approach to many of the other issues of ballot design and I know you're going to hear later from some of the true experts on this subject, particularly from the Brennan Center, which has done extraordinary work in this area. By encouraging best practices, requiring the State board to produce ballot templates to guide local officials in designing their ballots, and eliminating overly restrictive—and often counterproductive—requirements, the Voter Friendly Ballot Act will go a long way toward improving the voter experience.

Citizens have a right to expect that we'll do everything we can to make voting convenient and accessible. That means a far more reliable system, and ballots that are easy to read and use. I'm confident that we can get these reforms done.

Thanks again for considering these bills in the context of your resolution and for the opportunity to speak with you today. I look forward to continuing to work with you on this issue here and in the State Capitol.

**BRENNAN
CENTER
FOR JUSTICE**

**Testimony of
The Brennan Center for Justice at NYU School of Law**

**Before the
New York City Council Committee on Governmental Operations**

**Regarding Resolution No. 671-A calling on the New York State Legislature to pass
and the New York State Governor to sign into law legislation that would require
that paper ballots be designed in a more user-friendly manner**

September 22, 2011

The Brennan Center for Justice at NYU School of Law thanks the Committee on Governmental Operations for the opportunity to comment on Resolution No. 671-A. The Brennan Center is a nonpartisan think tank and advocacy organization that focuses on democracy and justice. For the last several years, in collaboration with the nation's leading technologists, security professionals, usability and accessibility experts and election officials, the Brennan Center has worked to make the country's voting systems as secure, reliable and accurate as possible.

We are pleased that the Committee is seeking public comment to address current ballot design problems in New York, with an eye toward identifying the election laws that make it impossible for local election officials to design the most user-friendly ballots. As members of this committee surely know, a survey conducted by the New York City Council following the 2010 general election found that ballot design and font size were among the most frequent subjects of complaints from New York voters, and more than 30 percent of respondents said "yes" when asked if the ballot was confusing or difficult to read.¹ A statewide poll by the League of Women Voters found that up to 20 percent of voters had problems completing the paper ballot.²

¹ Press Release, City Council's Online Voter Survey Shows Ballot Design as Prevailing Complaint at the Polls, OFFICE OF COMMUNICATIONS, THE COUNCIL OF THE CITY OF NEW YORK, Nov. 9, 2010, http://council.nyc.gov/html/releases/eday_voter_survey_11_9_10.shtml.

² AIMEE ALLAUD ET AL., 2010 ELECTION SURVEY REPORT, LEAGUE OF WOMEN VOTERS OF NEW YORK STATE, Dec. 13, 2010, http://lwvny.org/advocacy/ElectionSurveyReport_121310.pdf.

We are grateful for the chance to show our support of Resolution No. 671-A, calling for the enactment of legislation to require a more user-friendly paper ballot. In particular, we join the Committee in calling for the passage of the Voter Friendly Ballot Act of 2011 (A7492-A). This bill, introduced by Assemblymembers Brian Kavanaugh and Andrew Hevesi, would simplify and shorten ballot instructions, leave more space for larger type, and allow for a more usable ballot design.

Designing Better Ballots

The Voter Friendly Ballot Act of 2011 would address a variety of problems that are created by outdated requirements in the current election law:

1) Eliminating Clutter from the Ballot

- ***End Requirement for the “Closed Fist”***: The Voter Friendly Ballot Act would remove the requirement that the black-ink “image of a closed fist with an index finger” be printed to point towards a party row. While these images may have been relevant to the mechanics of the old lever machines, they have no place on the paper ballot and, instead, take up a lot of space, create clutter, and make it more difficult to read the party names. The current law makes it mandatory that these antiquated images appear on the ballot, and below them a party emblem – some of which are unrecognizable and indicate nothing to the voter about how to cast their vote.
- ***Eliminate Requirements for All Caps***: In its Ballot Design Guidelines the federal Election Assistance Commission recommends that localities follow best practices by employing mixed case for all words that appear on the ballot, as all capital letters are hard to see and difficult to read.³ All capital letters also take up more space. Mixed-case lettering makes it easier to distinguish characters and identify letters and words. The Voter Friendly Ballot Act eliminates the requirement that candidate names appear in all-capitals letters.
- ***Move Ovals to the Left of Candidate’s Names***: To the extent practicable, voting ovals should be to the left of a candidate’s name to avoid confusion and spatially convoluted ballots. This is consistent with best practices, as recommended by the Election Assistance Commission’s Ballot Design Guidelines, among others.⁴

³ U.S. Election Assistance Commission, *Effective Design for the Administration of Federal Elections*, June 2007, available at http://www.eac.gov/assets/1/Page/EAC_Effective_Election_Design.pdf.

⁴ *Id.*

- ***Eliminate Requirements for Party Emblems:*** Party emblems, which are no longer immediately recognizable as party symbols, add clutter to the ballot and make it more difficult to read the ballot in its entirety.

2) Mandating Simpler, Clearer Instructions

- ***Eliminate Legalese in Instructions:*** The currently mandated eight part instructions are unnecessarily lengthy and full of legalese and technical election terms that most New Yorkers don't understand. The Voter Friendly Ballot Act would replace these with four (4) straightforward instructions that are simple and easy for voters to understand and follow.
- ***Place Instructions Where Voters Will Find Them:*** Instructions placed on the upper left hand corner are more likely to be read. Situated immediately before the action to which they refer, these instructions provide more support to the voter.
- ***Allow Useful Illustrations:*** The Voter Friendly Ballot Act proposes guidelines to provide, at a minimum, an illustration to show how to properly mark a paper ballot. This amendment is aimed to cure the problem of voters misinterpreting the instructions and marking their choice with an "X" or a "√", instead of the proper practice (a completely filled-in oval).
- ***Allow Shading:*** Local election boards like the City Board should be able to use shading to differentiate instructions from voting choices when their systems allow them to do so.

3) Giving Local Boards Guidance

- ***Require A Master Template:*** The bill would require the State Board of Elections to publish and distribute a master template for local boards, like the New York City Board of Elections. This would make it easier for local boards to ensure they adopt the best ballot design practices. This is a common practice in other states.

The amendments proposed by the Voter Friendly Ballot Act were developed in consultation with election officials around the state, as well as with experts in voting technology, usability, and design from the Brennan Center, the Usability Professionals Association (UPA), and AIGA, the professional association for design. Incorporating best practices, the bill would amend requirements originally written for the old, mechanical voting machines to ensure that New York prints ballots that are easier for New Yorkers to read. We urge the City Council to call on the State Legislature and Governor to pass it as soon as possible.

BRENNAN CENTER FOR JUSTICE

at New York University School of Law

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Brennan Center Finds "Full Face Ballot" Law in New York Does Not Limit Election Officials' Choice of

PRESS RELEASES

– 11/16/05

For Immediate Release

Wednesday, November 16, 2005

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Brennan Center Finds Full Face Ballot Law in New York Does Not Limit Elections Officials Choice of Voting Systems

Calls on State Board of Elections to Allow Local Elections Officials to Choose from Full Array of Available Voting Machines

New York, NY Today, the Brennan Center for Justice at New York University School of Law released a [legal memorandum](#) analyzing the actual requirements of the provision of New York State law often referred to as the full-face ballot law.


New York State is on the verge of replacing every one of its voting machines across the State to comply with the federal Help America Vote Act. Tragically, the choice of available voting machines is being severely and unnecessarily constrained by the State Board of Elections misinterpretation of New York State election law known as the full-face ballot law. Unless the State Board changes its interpretation immediately, New Yorkers will all be hurt by inferior and less user-friendly voting machines that cost two to three times as much as other voting machines.

It is commonly believed that the full-face ballot law requires all voting systems certified and purchased within the State to present the candidates for all offices and ballot questions on a single face or display at one time. This understanding of the law has led the State Board of Elections to include a version of such a requirement in the draft Voting System Standards issued on November 2 of 2005. The State Board plans to finalize those Standards after a 45-day comment period that started this month. The State Board will only certify for purchase by county elections

officials those voting machines that comply with these Voting Systems Standards.

A careful review of both the original legislative purpose and the language of the statute establishes, however, that no such requirement exists in New York law. Rather, a proper reading of the statute indicates that it merely requires the contents of the ballot to be presented in such a way as to make certain that any given screen or page does not exceed the boundaries of the frame. This requirement ensures, for example, that the voter has before her at one time all of the candidates for an office, and no candidate is disadvantaged by being left off the same display as the other candidates.

If the State Board does not adopt this proper interpretation of the statute, New York States choice of voting machines will be severely limited to those few machines that present the candidates for all offices at once on a single surface. This will hurt New Yorkers in five important ways.




First, research by the leading political scientist in this field, Dr. David Kimball, to be published by the Brennan Center has demonstrated that voting machines with full-face ballot designs cause voters to commit errors in voting that lead to invalid votes far more often than other types of ballots. For example, full-face Direct Recording Electronic or DRE systems employ a ballot that displays all of the offices and candidates on a single screen, rather than in consecutive, scrolling screens that the voter touches to select her preferred candidates. The nationwide residual vote or lost vote rate for full-face DRE systems of 1.2% exceeds that for scrolling, touch-screen DREs and precinct-count optical scan systems by 0.2% and 0.5%, respectively. In other words, in any given jurisdiction, purchasing a full-face machine virtually guarantees that many voters will unnecessarily lose their votes in every election.

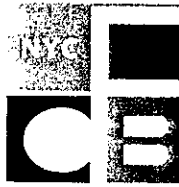
Second, voting machine manufacturers have already indicated that, in order to comply with the full face ballot requirement, they will be required to design and produce specially-designed machines for New York State. As a result, manufacturers indicate that the cost of each machine will be much higher than the cost of those machines that they sell in other states (which would not comply with the full face ballot requirement). The New York City Board of Elections has estimated that full-face DREs will cost between two to three times more than scrolling touchscreen DREs i.e., as much as \$5,700 more per machine. If the New York State Board of Elections does not change its full ballot display requirement, Precinct Count Optical Scans, the other voting system New York is likely to consider, will probably cost New York States cities and counties an extra 20% per machine i.e., as much as \$1,500 more per machine.

Third, the unnecessary limitation of choice imposed by this requirement will leave both the State Board and, in turn, county elections officials in the unenviable position of having to certify or purchase machines that have never been used in any election in any jurisdiction in the country. New Yorkers will not know how well these machines work, and how often or in what ways they are likely to present usability problems or otherwise malfunction, until the day after the first statewide election.

Fourth, counties and municipalities across New York State will be forced to choose from an extremely small pool of voting machines that may not be the best fit for voters in a particular jurisdiction. The ultimate consumers the voters and taxpayers will thus be harmed by an unnecessary and unjustified constraint on competition.



Finally, advocates for voters with cognitive disabilities have asserted for many years that these voters face significant barriers to voting on machines that use a full-face ballot format. Many rows and columns of information presented on a single surface can cause substantial and unnecessary confusion to these and other voters, leading to voter errors, loss of independence, or failure to come to the polls at all.



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**Testimony of Amy Loprest
Executive Director
New York City Campaign Finance Board**

**City Council Committee on Governmental Operations
September 22, 2011**

Good Afternoon Chairwoman Brewer and Committee members. I am Amy Loprest, Executive Director of the New York City Campaign Finance Board. With me today is Art Chang, Chair of the Voter Assistance Advisory Committee. We're also joined by Shauna Tarshis Denkensohn, Director of Operations and Budget and Onida Coward Mayers, Director of Voter Assistance. Thank you for the opportunity to testify before you today.

The Campaign Finance Board and Voter Assistance Advisory Committee strongly support changes to state law that allow the Board of Elections (BOE) more flexibility in designing the paper ballot to be more easily read and understood by voters. We support the Council's resolution calling on the New York State Legislature to require paper ballots be designed in a more user-friendly manner.

We've received public comment on the difficulty in reading the new paper ballot both at the December 2010 Voter Assistance Commission hearing and the Voter Assistance Advisory Committee's public meetings earlier this year. The ability for citizens to read the ballot, understand how to mark their vote, and have confidence that they did so correctly is crucial to the healthy functioning of our democracy. A ballot designed with the user in mind is essential so that everyone can have confidence that the ballot accurately reflects the intent of the voter. We appreciate the Council's support for the provision that requires the BOE to retain a design professional and offer a further

suggestion: the public should be engaged in the redesign process to ensure a variety of viewpoints are considered and the most accessible ballot is designed.

That said, ballot redesign represents only part of the challenge. Lack of information about the process and perceived inefficiencies are two important aspects that we hope the Council and BOE address.

Education

Lack of easily available information about the voting process and the candidates running may keep some New Yorkers from voting. We are pleased that the city Board of Elections unanimously passed a motion in November 2010 to post sample ballots on their website prior to an election. This will help voters become more familiar with the still new voting system, as well as learn more about what contests they will vote for when they go to the polls. Once at the polls, it would be helpful to have a poster size sample of the ballot available. In addition, the system is still new to many voters, many of whom will vote for the first time with the new ballots in the upcoming presidential elections. Therefore, continued efforts to train the public on how to use the system, similar to what was done in 2010, would be helpful. We look forward to working with the BOE to enhance each other's voter education efforts in future elections. I will speak in a few minutes about our outreach efforts this election.

Efficiency

Any changes to make the ballot less confusing should also employ technology to assist the user in finding and accessing ballot information. Available technology should be used to make information about ballot status available to New Yorkers as early as possible. In addition, we strongly urge the BOE to consider any technological advances that would ease the perceived burden of the entire process, from registering to updating registration information to voting.

2011 Primary Recap

While out-year and special elections historically have low turnout, the CFB, with our newly expanded voter assistance mandate, worked hard during this election to provide nonpartisan education to voters about candidates and voting. We continued our good working relationship with the Board of Elections, including assisting in the effort to recruit poll workers. The CFB referred more than 230 individuals to the BOE to sign up for poll worker training sessions. We look forward to continuing to assist the BOE in this and future outreach efforts.

The September 13 election was the first election since the Charter change that expanded the CFB's voter assistance and education mandate. A print voter guide was mandated for the election in City Council District 28. Therefore, we focused much of our efforts on expanded voter education in that district, including voter awareness presentations to community organizations explaining how to run voter registration drives and providing access to the CFB's voter education materials.

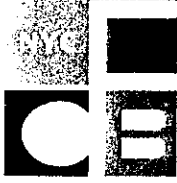
For the first time ever, the CFB coordinated a video voter guide for candidates in a non-citywide election. Queens Public Television (QPTV) produced and aired the video guides, which were also available on our website, with the online voter guide.

In addition to working with QPTV on the video voter guides, the CFB also coordinated voter education efforts in other races as well. QPTV and the Queens Courier, with assistance from the CFB, hosted candidate forums for candidates in other elections in Queens, including Congressional District 09, Assembly Districts 23 and 27, and City Council District 28. These forums aired on QPTV during the first two weeks of September.

As mandated, we will continue to provide a platform for New Yorkers to air their concerns about the election and continue to work with the BOE. There has been little reported about problems at the polls this Election Day; this is a good sign. However, we

are still deeply troubled by low turnout in the city, and look forward to opportunities to work with the BOE that will help encourage higher turnout.

Thank you again for the opportunity to testify about the proposed resolution and ways to make the voting process more accessible. We hope the state finds a way to provide the BOE with the flexibility to make the ballot clear and legible and look forward to future discussions on this matter. With that, I will conclude, and I am happy to answer any questions you may have.



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Testimony of Art Chang

Chair

New York City Voter Assistance Advisory Committee

City Council Committee on Governmental Operations

September 22, 2011

Good Afternoon Chairwoman Brewer and Committee members. I am Art Chang, Chair of the Voter Assistance Advisory Committee (VAAC). With me today is Amy Loprest, Executive Director of the New York City Campaign Finance Board. Thank you for the opportunity to testify before you today.

As you may know, the Voter Assistance Advisory Committee was created by an amendment to the city Charter last November. I also serve as a member of the Campaign Finance Board. I thought it might be helpful for me to tell you a little about myself to help provide context for the comments I will offer shortly on the ballot and voting process. I formed my company, Tipping Point Partners, in 2005 to bring together entrepreneurs and investors to incubate Internet companies from concept to commercialization in mobile, media, and enterprise applications. But you don't have to be a professional to recognize the tremendous potential of technology as a vehicle for change.

In the last fifteen years, we've witnessed a revolution in the way people access, receive, and share information. Technology has fundamentally transformed American life, making it easy to connect with old friends, share opinions with strangers and simplify and streamline our lives from shopping to banking to filing our taxes electronically. No institution touches our daily lives as much as city government, yet the ease and

accessibility of technology has yet to transform the way citizens connect with their representatives and leaders at the local level. The opportunity for city government to apply the user-friendly principals of technology now widely available in the consumer sphere to improve the New York voting experience is ripe.

Technology is not a *solution*; it is a *vehicle* to this end. Ballot design, for example, is a critical aspect of improving the voting process. But it must be supported by a system that accurately and efficiently records our votes. If votes are cast electronically, we should not have to count paper ballots. Imagine a system that enabled us to count electronic votes as they are cast, thus reporting results to the public more quickly. This would be a great step forward, increasing efficiency and transparency in the voting process.

While I understand that this issue is largely out of the purview of the City Council and the city's Board of Elections, I'd be remiss not to take this opportunity to publicly comment that the city deserves a voting system that offers its citizens the same ease and accessibility that they may find elsewhere in their everyday lives. The potential to apply simple technology to invigorate and inspire more citizens to register to vote and to participate in local elections is great. We must leverage our city's technology expertise to explore new ways to simplify and streamline the most fundamental elements of voting, from voter registration, to casting votes, to counting ballots. We, as a community, must pressure the state to allow for flexibility to easily incorporate new tools and technologies that will drive these improvements.

Thank you again for the opportunity to testify about the proposed resolution and to share my thoughts on setting a course that will ultimately make the voting process more accessible. We hope the state finds a way to provide the BOE with the flexibility to make the ballot clear and legible, and further urge the Council to continue the conversation about how to employ cutting edge technology to our voting process. With that, I will conclude. I am happy to answer any questions you may have and I look forward to continuing this conversation in the future.



**Testimony by
Deanna Bitetti, Associate Director of Common Cause/New York
to the
New York City Council Committee on Governmental Operations
Re: Resolution 671-A
September 22, 2011**

Good morning Chair Brewer and members of the New York City Council Committee on Governmental Operations. Thank you for the opportunity to speak today. My name is Deanna Bitetti, and I am the Associate Director of Common Cause/New York. Common Cause/NY is a non-partisan, non-profit citizens' lobby and a leading force in the battle for honest and accountable government. Common Cause fights to strengthen public participation and faith in our institutions of self-government and to ensure that government and the political processes serve the general interest, and not simply the special interests.

Thank you for this opportunity to discuss Resolution 671-A calling on the New York State Legislature to pass and the New York State Governor to sign into law legislation that would require that paper ballots be designed in a more user-friendly manner. The orderly administration of elections and insuring that our elections are accessible and fair, is part of our core mission to promote civic engagement and accountability in government. We thank the City Council for providing the attention and spotlight that this issue so urgently needs.

Common Cause is actively engaged in efforts to encourage voting and protect voter participation and access to the ballot in numerous states across the nation. Common Cause/NY has been actively engaged in voter education initiatives and co-hosted several trainings of the new optical scanner machine throughout the city last year. We visited various polls on election day in order to garner feedback from voters about their experiences. Our first hand experience speaking with voters highlighted many of the issues being raised here today: that the ballot layout was confusing; the font too small to read; and many voters were afraid that they had filled out the wrong ovals and that their vote would be discarded or miscast.

The ballot design for the 2010 election was set by state laws some of which were originally written for the old, mechanical voting machines. In a survey conducted by the New York City Council following the 2010 general election, ballot design and font size were one of the most frequent subjects of complaints, and more than 30 percent of respondents said 'yes' when asked if the ballot was confusing or difficult to read. A statewide poll by the League of Women Voters found that up to 20 percent of voters had problems completing the paper ballot.



After frequent complaints from New York voters about confusing or hard-to-read ballots, Assemblymember Brian Kavanagh and State Senator Joseph Addabbo introduced A4696-A and S609-A respectively to simplify the design of paper ballots, making them easier to use and thus making it easier for people to vote. In addition, the Voter-Friendly Ballot Act, sponsored by Assemblymember Kavanagh, provides straightforward, common sense fixes to a problem that is obvious to anyone that voted in the last election and seeks to make ballots easier for voters to read and easier for the new machines to accurately scan. Common Cause/NY has been strong supporters of all these bills in the legislature and we commend the work of Assemblymember Kavanagh and State Senator Addabbo in addressing these issues.

This is a good beginning to correcting serious problems faced by voters using paper ballots. In addition we hope that New York revisits the issues associated with the full face ballot.

We thank the New York City Council Committee on Governmental Operations for holding this important hearing and increasing the attention paid to improving the way voting is conducted in New York State and hope that the state legislature moves quickly to pass these important reforms.



Testimony of
Neal Rosenstein
Government Reform Coordinator
of the
New York Public Interest Research Group
before the
New York City Council Governmental Operations Committee
Oversight Hearing on
**The New York City Board of Elections Post Primary Recommendations
& Ballot Re-Design**
September 22, 2011

Good afternoon. Thank you for the opportunity to testify at this timely and important oversight hearing regarding the performance of the Board of Elections for this month's primary election and on Resolution 671-A, calling for improved ballot design at the state level. Oversight hearings like this one are essential to monitoring and improving the election process in New York and we commend the interest and commitment from the Chair and committee.

NYPIRG is a non-partisan group concerned with the electoral process. We register thousands of voters each year, run Election Day helplines, monitor the work of the New York City Board of Elections, and organize for reforms to increase voter registration and participation at the local and state level.

This election and the past year has been a mixed bag for the voters of New York City and the Board of Elections. Our testimony today will focus on this election mix of, The Good, The Bad and The Ugly.

The Good.

Too many voters, the Board hit a low-point during and after the 2008, 2009 and 2010 elections. We'd like to start by acknowledging what we believe has been an ongoing effort by the Board to improve its communication and relationship with the voters and voting rights community here in New York in the past two years.

The Board of Elections has its challenges and problems, but it has also made some good decisions that deserve mention. We are particularly pleased that the Board,

working along with the City and this Committee, are on the verge of going live with an on-line sample ballot tool on the Board's website. This common sense service to voters was a long time coming, and one that NYPIRG and many others have been advocating for years. To many, the lack of an on-line sample ballot symbolized the worst of the Board - refusing to adopt a meaningful reform that was directly under their control. The Board deserves credit for moving forward with sample ballots and we look forward to their debut in November.

We're hopeful that the Board will soon adopt another web-based technology and start to web-cast and archive its meetings on-line. We believe the minimal cost is small to pay for a more open and transparent government. To help push the Board along, we believe the Council should include a modest \$5,000 appropriation for web-casting in the Board's budget, along with a Term and Condition specifying its use.

The Board has also wisely continued a policy to provide postage-paid registration forms to New Yorkers. We believe that this decision also has a real direct impact on New Yorkers and we're thankful to the Board for this commitment.

The Bad

New technology should mean an improvement to old problems. It shouldn't mean unnecessary procedures on election night that can both lead to more mistakes and delays in reporting preliminary results. The New York City Board deserves criticism for creating a Rube Goldberg system of printing and cutting and calculating and entering and reporting results. Our understanding is that the City is alone in the state for complicating reporting to such a degree, and has resisted repeated State Board of Elections concerns about election night procedures.

NYPIRG is not a fan of speed over accuracy however, and have concerns over merely transporting flash drives to a terminal for downloading results – especially without improved audit requirements at the state level. The Board itself should be holding public hearings with representatives of the state, other counties and jurisdictions to come up with procedures that reduce the time to produce, and the chance for mistakes, in reporting preliminary results. We call for such public hearings and new procedures to be publicly vetted and put in place before next year's Presidential Election.

NYPIRG strongly supported the introduction of optical scan voting systems rather than ATM computerized machines. Across the country, they've been shown to be accessible, verifiable and to improve the voting experience. Unfortunately, implementation of this new technology has been lacking at times here in New York. We remain convinced that this new technology can and should result in a secure and improved Election Day experience for the voter.

The Board has also improperly resisted a simple reform to enfranchise voters on Election Day that need to fill out affidavit ballots. State law requires the affidavit to be redesigned to enable it to count as a new, updated voter registration form. The Board has unexplainably refused to introduce an integrated affidavit/voter registration form. As a result, many voters that could have their records updated, don't and they end up

ineligible to vote in future elections. That also needs to be changed and we urge the Board to do so before any of next year's elections.

Finally, it's time for the Board to hire a new Executive Director. We believe it's time to professionalize that process with a public national search, advertising, detailed written job descriptions, a commitment to hire someone without direct partisan ties to city politics and a fixed term contract. With a Presidential Election year on the horizon, the Board needs to move quickly and the Council, along with its members own ties to party leaders should be pressuring for action.

The Ugly

Let's face it. New York State's optical scan ballots are ugly. They're meaninglessly complex and lack good ballot design. This isn't an issue for the City Board, but the State Legislature. We commend the Committee for considering Resolution 671-A and urge its passage.

We're convinced that thousands upon thousands of voters are disenfranchised because of poor ballot design. If a voter doesn't understand his or her ballot, can't distinguish the races or candidates, can't read because of small fonts, doesn't know to turn the ballot over for propositions & referenda or can't access easy simple instructions, civic participation suffers.

The number one complaint that NYIRG has heard in recent years since the introduction of optical scan is the poor design of the ballot. New York's ballot design is inexcusable, when simple remedies are available. We've seen a sample mock-up of what an improved ballot could look like and it is a tremendous improvement. The state needs to go back to the drawing board and with consultation of usability experts start from scratch. That includes revisiting New York's needless full face ballot. We hope that the Legislature will move quickly on your recommendations and commend the Council for considering this resolution.



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the NYC Council Governmental Operations Committee
on Primary Day and Election-Related Issues
September 22, 2011

Good afternoon Chair Brewer and members of the Council Governmental Operations Committee. My name is Alex Camarda, and I am the Director for Public Policy and Advocacy for Citizens Union of the City of New York. Citizens Union is an independent, non-partisan, civic organization of New Yorkers who promote good government and advance political reform in our city and state. For more than a century, Citizens Union has served as a watchdog for the public interest and an advocate for the common good.

We thank you for holding this hearing on the September 13th primary and special elections and issues related to the Board of Elections in the City of New York (City Board).

Primary Day Feedback

It appears that primary day largely went smoothly. This year's primary was less challenging than other years due to the few offices up for election, although there were a number of special elections that made administration more complicated than a usual off-year election. Citizens Union received two anecdotal reports of issues that don't necessarily indicate a trend but we ask the City Board to look into. First, we received a report that a ballot marking device (BMD) did not function correctly, forcing a senior to vote without using it despite her interest in doing so. The ballot got jammed in the BMD resulting in a tremendous noise but no paper ballot to be scanned. This account is similar to ones we documented with regard to malfunctioning BMDs during last year's troubled primary. We also learned of two instances in which voters moving to a new address changed their registration by dropping off the appropriate form in person twenty days prior to the election at the Manhattan borough office during normal business hours. When these two people went to vote at their new poll site on primary day, they were not in the voter book, and had to vote via affidavit ballot. Apparently their change of address submission was not processed.

We also note that many voters were not aware there was an election in their district, particularly when only judges were on the ballot. The City Board's notification through an August mailing with poll site information was therefore inadequate, as voters need more frequent reminders of elections, particularly when elections are not covered by the press. For this reason, we ask this committee to consider holding a hearing on Int. 613, introduced by Councilmember Inez Dickens and supported by Citizens Union. The bill would enable voters to sign up for emails from the Voter Assistance Advisory Committee so they can be reminded to vote on Election Day, alerted to registration or absentee ballot deadlines, and receive other election-related information.

Resolution 671 Calling on the State Legislature to Pass Legislation Creating More User-Friendly Ballots

Citizens Union commends the Council for calling on the state legislature to pass legislation creating a better designed ballot. We believe, however, that changes to the ballot should go beyond font size as addressed in the Addabbo legislation, S.609-A. Furthermore, action to realize change should build on the foundation this resolution establishes. One way forward would be to reconcile the extensive recommendations the City Board has put together through an open process at its weekly meetings, for which they deserve praise, and the Brennan Center's equally extensive recommendations in this area. That reconciled proposal could be shared with the Council and mayor's office to finalize a solution to be advocated for in the state legislature for the 2012 session. A proposal backed by the City Board, good government groups, as well as the Council and mayor's office would have significant weight in the state legislature and greatly increase the likelihood of passage, particularly if all parties jointly lobbied for it.

Performance of the City Board

Citizens Union would like to take the opportunity to comment on the performance of the City Board since the last Council hearing in December 2010. The City Board has made strides in several areas in 2011 for which they deserve more credit than is acknowledged.

Positive Steps

- 1) As mentioned above, the **City Board engaged in an open process to improve the ballot** for the 2011 elections despite the constraints of state law, as well as developed proposals for further changes to state law to improve ballot design.
- 2) **The City Board passed a resolution to put sample ballots online**, a proposal long advocated for by Citizens Union and other good government groups. We commend Steve Ferguson, Manager, MIS at the City Board and the Department of Information Technology and Telecommunications (DoITT) staff for working to develop a quality model sample ballot. We hope that preclearance will be promptly granted by the U.S. Department of Justice, and ballots will be online for the general election in November.
- 3) **The City Board has engaged in a months-long poll worker recruitment drive that has produced over 4,000 new applicants.** We commend Valerie Vasquez, the City Board's Director of Communications and Public Affairs, who has led the effort, and Commissioner Soumas for creatively using city resources in making a public service announcement (PSA) to bring in more applicants. The City Board visited every community board, high schools, and colleges in seeking poll workers. They also wisely notified those applicants who were not registered and needed to be for the positions for which they applied, and created coded forms to track their progress.
- 4) **The City Board improved its transparency by more quickly placing minutes of its weekly minutes online**, especially in recent months. The Open Meetings Law in section 106(3) requires that meeting minutes be made publicly available within two weeks of a meeting. Citizens Union requested the City Board comply with the law in its testimony in December 2010 before this committee.

5) **The City Board followed the example of the Council and good government groups, posting a Voter Survey on its homepage** to collect valuable feedback on the election experience of voters. We hope they will market this aggressively to acquire substantial feedback for the general election in 2011, and the elections in 2012.

6) **The City Board discontinued an outdated policy (required by state law) mailing instructions pertaining to voting on the old lever machines to voters who had a change of address or poll site.** Citizens Union requested the Board end this practice in its testimony in December 2010 before this committee.

Despite these achievements, the Board fell short in other areas:

Areas in Need of Improvement

1) **The City Board's poll worker recruitment drive could have been more effective if it had enabled applicants to apply online.** Unnecessary requests on application forms like signatures and Social Security numbers of prospective poll workers, for which there are no requirements in state election law or by the Department of Citywide Administrative Services (DCAS) to process payments, were self-created obstacles that prevented the recruitment effort from utilizing 21st century tools that could have leveraged its efforts and resources. There are early indications the Board may act on creating an online poll worker application process.

2) **The City Board refuses to report to the Mayor's Management Report (MMR).** Citizens Union believes the City Board's concern about its independence can be addressed by reporting the data requested in the MMR to the Council, which at its discretion can provide it to the mayor for placement in the MMR, thereby preserving the reporting structures specified in state law. Reporting data in the annual report is helpful, but the public benefits from having all agency performance data in one document, namely the MMR.

3) **The City Board does not webcast its meetings.** Despite efforts by Citizens Union and the City Board's own executive staff to identify and offer low and no-cost alternatives to the Commissioners in this area, it has incomprehensively balked at making its meetings accessible to those who are not always able to attend in person. Further, webcasting meetings and providing archived video on the City Board website would allow the public and Council to more easily hold it accountable for its actions and perform oversight.

4) **The Executive Director position has been vacant for most of the last two years but for the few months it was permanently held by George Gonzalez.** Dawn Sandow has been an impressive Deputy Executive Director that has made us at times forget the need for an Executive Director altogether, but with a busy election year ahead, this position should be filled. At minimum, a formalized, meaningful citywide – if not a nationwide – search should be done that goes beyond conversations between commissioners and borough party chairs. The formal job description created by the City Board should also be posted.

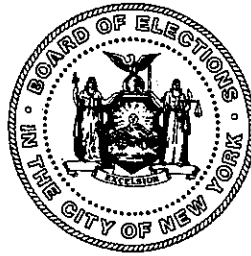
Thank you again for providing the opportunity for Citizens Union to provide its thoughts on Primary Day and election-related issues.

I am happy to answer any questions you might have.

JUAN CARLOS "J.C." POLANCO
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO
NAOMI BARRERA
JULIE DENT
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**Testimony of
Dawn Sandow,
Deputy Executive Director,
Board of Elections in the City of New York
before the
Committee on Governmental Operations
The New York City Council
on the
2011 Primary and Special Elections**

September 22, 2011

Chair Brewer and members of the New York City Council Committee on Governmental Operations:

First, I want to take a moment and thank you, the Chair of this Committee and your colleagues of the New York City Council for convening this Public Hearing to review the manner in which the Primary and Special Elections held on September 13, 2011 were conducted in the City of New York.

For the record, my name is Dawn Sandow and I am the Deputy Executive Director of the Board. Joining me here today are Commissioners from the New York City Board of Elections:

- President Juan Carlos Polanco, Republican Commissioner, Bronx County
- Julie Dent, Democratic Commissioner of Kings County

In addition, our Administrative Manager Pamela Perkins and our General Counsel Steven H. Richman join me at this table. Finally, I want to acknowledge the presence of several additional staff members who are here to help us answer your questions:

- John Naudus, Director, Electronic Voting Systems
- Steven Ferguson, Director, Management Information Systems
- Raphael Savino, Enforcement Counsel
- Valerie Vazquez, Director of Communications
- Tom Sattie, Ballot Coordinator
- Daniel Lavelle, Phone Bank Coordinator
- John O'Grady, Chief Voting Machine Technician
- Stephen Thompson, Poll Worker Training Coordinator
- Rachel Knipel, Coordinator, Language Assistance Program
- John Ward, Director of Finance
- Troy Johnson, Coordinator of Candidates Records Unit
- Nicholas Squicciarini, Facilities Manager
- John Luisi, Agency Chief Contracting Officer
- Ryan Deahn, Administrative Assistant in the Candidate Records Unit

On September 13, 2011, the Board conducted Special Elections in the 9th Congressional District and in the 23rd, 27th, 54th, and 73rd Assembly Districts.

The Board conducted various Party Primaries for public offices in Queens, Manhattan, and Brooklyn. In addition, primaries for party positions, such as State Committee, District Leader, Judicial Delegates and Alternates, and County Committee were held. No Primaries or Special Elections held in the Bronx and Staten Island.

I would like to report that since the close of the polls the Board's staff has been engaged in the process of canvassing and recanvassing all of the votes cast in the Special and Primary Elections, including ballots scanned at the poll sites, as well as affidavit, emergency, absentee, special and military ballots. That process continues as we speak and we anticipate certifying the results of the September 13th elections at next Tuesday's Commissioners Meeting.

I want to take a moment and highlight some of the information relating to the September 13, 2011 Elections:

- Overseas Ballots – The Board met the deadline for mailing all Military and Special Federal Ballots for the Special Elections
- The Board deployed over 40,000 pieces of voting equipment to 753 poll sites and assigned 18,218 poll workers to work
- The borough call centers received a total of 2,132 calls on Election Day
- The Board's phone bank received a total of 2,563 calls on Election Day
- Over 3,000 affidavit ballots were cast citywide
- To date the Board has received over 10,000 voted absentee ballots citywide.

In accordance with Election Law, Manhattan, Brooklyn, and Queens have started the following Post Election tasks:

- 3% Audit
- Reading of all Portable Memory Devices (PMDs) into the Election Management System (EMS)
- Recanvass of Election night preliminary results with the results reported on each of the PMDs
- Review of write-in votes
- On September 21 the canvass of all ballots not scanned at the poll site (affidavit, absentee, military, and special). After the canvass is completed, the staff will begin updating each voter's history for those who voted in the September 13, 2011 Elections.

In addition, multiple tasks are underway in all Voting Machine Facilities.

In accordance with the Chairs request, attached to this testimony is the Board's response to the specific questions presented in Chair Brew's August 22nd letter.

After a thorough review of last year's Election Day operations including a cooperative evaluation of feedback submitted by outside groups, community organizations, other agencies and voters we undertook these steps to better prepare for the 2011 Election. Key highlights of these new changes include:

Election Day Operations:

- Enhanced Concentration on Voter Privacy – In recognition of the importance of assuring voters of the privacy of their votes, all privacy booths were placed with the voter's back to the wall where space permitted. In addition, all voters were offered privacy sleeves for their ballots, and all site coordinators received a detailed schematic showing the recommended layout of the poll site.

- **Call Center II Implemented** – The Board recognizes that Call Center procedures are essential to ensure prompt issue resolution on Election Day. The Board has conducted several mock election exercises during the year to improve the accuracy of entering information and dispatching calls on Election Day.
- **Implementation of Formalized Survey Guidelines & Training** – The Board staff established guidelines on conducting poll site surveys. In addition, BOE staff members including members of our poll site accessibility unit attended the Surveyors Certification Class and Exam conducted by the State Board of Elections.
- **Inventory Management and Control System** – The Board's staff has implemented the first phase of our Inventory Control System relating to Election Day supplies and equipment. This system enables the Board to track delivery of supplies, usage on Election Day as well as the return of unused supplies. This system will assist the Board with monitoring cost and cut down on waste.
- **Transportation of Equipment** – Last year, the Board of Elections implemented a more comprehensive tracking system to confirm the delivery of poll site voting system equipment. This year, the Board continued with the same comprehensive program to ensure timely delivery of all equipment.
- **Car Service Database & Guidelines** – The Board has implemented a new tracking system and procedures to monitor all vouchers for Afterhours Car Service usage. Each voucher is tracked according to usage and charges and then matched to the appropriate invoice for accurate payment. This database has helped the Board ensure proper use of the after hour car service, as well as accurate billing.

Poll Worker Preparedness:

- **Key revisions to the Poll Worker Training Plan** – The Board's review of the 2010 Election Day operations resulted in an initiative to revise the poll worker training plan. The 2011 poll worker-training plan, available now on the Board's website, includes an emphasis on voter

privacy such as reminding poll workers to provide all voters with privacy sleeves for their ballots and instructing poll workers to position poll site privacy booths so that the voter's back is to a wall while using the privacy booth, where possible.

- Creation of a "Train the Trainers" Edition of the Poll Worker Training Guide – Recognizing the key role that poll worker trainers play in a successful Election Day process, this training guide highlights key points and materials trainers use in conducting poll worker training sessions.
- Conducted Additional Training for Trainers – The City University of New York (CUNY) held a series of workshops that provided Board adjunct trainers with additional training skills. These workshops focused on strengthening the trainer's presentation skills as well as strategies to manage conflicts and encourage teamwork.
- Revised Training Schedule – To allow for adequate preparation time for Election Day staff, the Board conducted early training sessions in May for information clerks, door clerks and interpreters to ensure the Board had adequate time to train all poll workers assigned to work on Election Day.
- Poll Worker Recruitment – The Board has been proactively engaging with local community groups and organizations throughout the city to recruit poll worker and interpreter applicants. To date, the Board's efforts have resulted in more than 4,000 applicants.

The City Board has a long established protocol governing its interaction with those City agencies that play a significant role in the conduct of elections. The Board has maintained effective working relationships with the Police Department (NYPD), the Department of Education (DOE), the Department of Citywide Administrative Services (DCAS), the Law Department and the New York City Housing Authority (NYCHA). Prior to an Election Day, the Board and these entities engage in regular communications to ensure that all essential elements are in place for a successful election. On Election Day, the Board through both the Executive Office and our Borough Chiefs and Deputies are in constant

communication with NYPD through the Operations Center at headquarters and each of their Patrol Borough Commands.

With respect to DOE, DCAS and NYCHA we are in continuing contact with their facilities management staff to ensure that the public facilities under their control serving as poll sites would be open both for equipment deliveries prior to September 13, 2011 as well as on the day of the Primary and Special Elections. The Board has ensured that all poll sites located in publicly owned facilities are designated by May 1st of each year in the manner prescribed in Section 4-104 of the Election Law.

The Law Department has always provided assistance in insuring that all City agencies are aware of their legal obligations with respect to Election Day activities. The Mayor's Office and the Chair of this Committee took an active role in assisting the Board in coordinating with other City agencies.

Resolution 671 – A

At the Committee's request, the Board has reviewed Council Resolution 671-A relating to a more user-friendly ballot design. Attached to this testimony is a copy of the Board's proposed revisions to the State Election Law that was transmitted to the leaders of the State's Executive and Legislative Branches on June 10, 2011. Many of the Board's recommended revisions are similar to the provisions of the proposed Council Resolution.

However, there is one specific item of concern relating to mandating by statute the specific size of the font (12 point). Using the 2010 General Election ballot as our reference, last year's General Election ballot would have consisted of three (3) pages instead of one (1). The printing cost for the ballots used in the 2010 General Election was \$6,108,966.84. The Board projects that the printing cost for the same 2010 General Election ballots using a 12 point font would have been \$18,326,900.52, since the ballot would then consist of three pages. It would also take significantly longer and result in additional costs to the Board to test the scanners using the three page ballots prior to their use in an election. Moreover, the time it would take a voter to cast such a ballot at the scanner would also increase.

Conclusion

The transition to a new voting method has presented numerous challenges for the conduct and administration of elections in America's largest city. Our experience to date confirms that fact.

The City Board is committed to do whatever is possible and practical to mitigate the on-going concerns and has sought to address them to prevent reoccurrence in future elections. To date, our recommended revisions in the New York State Election Law have not been enacted into law. The Board continues to work with our colleagues at the other County Boards of Elections throughout the State, the State Board and the Election Law Committees of the New York State Senate and Assembly to change the statutory framework and improve the experience for our voters and our poll workers. The City Board hopes that you will continue to work cooperatively with the Board to help us all meet the challenges that will occur in the future.

Before, I conclude, I just wanted to take a moment and update you on the filing made by the U.S. Department of Justice in Federal District Court in Albany Monday evening. The Federal Government is seeking to change the date for the primary election for non-presidential federal office from the current September date to one at least 80 days (mid-August) before the November 2012 General Election. The Justice Department notes the inaction by the State of New York to enable compliance with the Military and Overseas Voter Empowerment Act with respect to next year's primary elections for U.S. Senator and Member of Congress. You should be aware that if the Federal Government is successful and the State of New York takes no action, the City Board could end up with having to conduct three primary elections in 2012:

- one for President and national convention delegates and alternates in April;
- one for U.S. Senator and Member of Congress in August; and
- one for State and local public offices and party positions in September.

I want to close by re-emphasizing that for the City Board of Elections --- protecting the rights of the voters of this city is paramount.

I thank you again for your time and for allowing me to come before you on behalf of the Board of Elections in the City of New York today. As always, my colleagues and I are available to answer any questions that you may have.

Appendix

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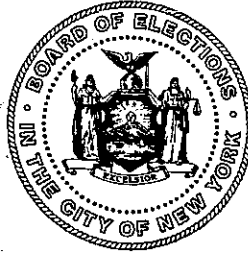
**Testimony of
Dawn Sandow
Deputy Executive Director
BOARD OF ELECTIONS
IN THE CITY OF NEW YORK**

**before the
Committee on Governmental Operations
on the
2011 Primary & Special Elections**

September 22, 2011

Attachment 1

Response to New York City Council
Committee on Governmental Operations
Questions



JUAN CARLOS "J.C." POLANCO
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

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EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

For the 2010 Primary Election, 2010 General Election and the 2011 Primary Election, respectively:

(1) The number of poll sites that opened or began processing ballots after 6 a.m. on Election Day

For the 2010 Primary Election, it was reported that 90 poll sites opened late.

For the 2010 General Election, it was reported that 3 poll sites opened late.

For the 2011 Primary Election, it was reported that 16 poll sites opened late.

(2) The number of calls made to the BOE Call Center on Election Day, the percentage of queries that were resolved, and the average time before resolution

On the September 2010 Primary Election, the actual number of calls received by the Board of Elections Call Center was 4,822.

On the November 2010 General Election, the actual calls received by the BOE Call Center was 5,175.

For the September 2011 Primary Election, the preliminary estimate of calls received by the BOE Call Center were 2,132 calls. All of these queries were resolved with varying resolution times.

(3) The average voter wait time at poll sites, sorted by poll site and hour of the day

We do not and cannot maintain this data.

(4) The number of optical scanners deployed for the election, sorted by poll site

The number of optical scanners deployed, sorted by poll site, for the 2010 Primary Election and 2010 General Election and 2011 Primary Election are contained on the enclosed CD.

To briefly summarize:

Primary Election 2010: 2,843 scanners deployed

General Election 2010: 3,921 scanners deployed

Primary Election 2011: 2,086 scanners deployed

(5) The number of technical problems with optical scanners rendering an optical scanner temporarily or permanently inoperable or requiring repair by a technician during the election

Primary Election 2010: 1,128

General Election 2010: 1,839

Primary Election 2011: 286

(6) The number of ballot marking devices deployed for the election, sorted by poll site

The number of ballot marking devices (BMDs) deployed, sorted by poll site, for the 2010 Primary Election and 2010 General Election as well as the specific poll sites for the 2011 Primary Election are contained in the enclosed CD.

To briefly summarize:

Primary 2010: 1,376 BMDs

General Election 2010: 1,446 BMDs

Primary Election/Special Election 2011: 873 BMDs

(7) The number of technical problems with ballot marking devices rendering a ballot marking device temporarily or permanently inoperable or requiring repair by a technician during the election

Primary Election 2010: 333

General Election 2010: 473

Primary Election 2011: 81

(8) The average time to resolve problems, and causes of problems, with voting machinery on Election Day

The Board does not have an average time to resolve problems because the time needed to resolve a problem depends on the specific nature of the problem. For example, some problems may be resolved during a phone call between a poll worker and a technician at the Call Center such as the inability to open a scanner using the election password. Others require the dispatching of a BOE technician to the poll site. In order to improve response time the BOE deploys its voting machine technicians to locations throughout each borough and to the extent of available funds we have supplemented our technicians with technical support personnell from our vendor ES&S.

In the most serious instances, after a technician arrives at the poll site and examines the inoperative equipment, he or she may determine that the equipment cannot be repaired at the site and therefore, replacement equipment is needed. (Either two scanners or one BMD). That replacement equipment has to be configured and tested before it is loaded on a delivery truck and brought to the affected poll site.

Measures to Improve Election Day Operations

(1) Specific measures taken since the 2010 Primary Election to improve voter privacy when marking and casting a ballot

For the 2011 Primary Election privacy booths were positioned in all poll sites (where space permits) with the voter's back facing the wall to ensure increased voter privacy.

In addition, information has been enhanced in the 2011 Poll Worker Summary Guide and emphasized in all training classes to ensure that poll workers are instructed on Voter Privacy.

- Making sure the BMD & Privacy Booths are set-up properly, so the voter's back is to the wall
- The Scanners are to be set-up with the privacy screens on each side of the Scanner
- A "Wait Here for Scanner" sign is set-up 5 feet in front of the Scanners
- Privacy Sleeves are given to every voter with their ballot
- The Poll Worker is never to handle the voter's ballot unless he or she is asked for assistance

(2) Specific measures taken since the 2010 Primary Election to address optical scanner and ballot marking devices performance

In 2010 one problem with the DS200 was not directly with the scanning of the ballot, but rather with the path in which the ballot traveled once it was scanned. Prior to the 2011 Primary Election a finger like device was installed in the ballot bin which allows the ballot to float evenly into the ballot bin liner.

To address another problem the back flap of the DS200 was reengineered and installed on all scanners.

(3) Specific measures taken since the 2010 Primary Election to ensure poll sites open on time

The Board of Elections in coordination with the NYPD has taken proactive steps to ensure poll sites open on time during Election Day. For the 2011 Primary Election these actions included the delivery of

equipment keys to each NYPD borough command no later than the Friday before Election Day. In addition, police officers assigned to each poll site were instructed to be on location starting at 5:00 AM. The poll site custodian/property manager was also requested to be present at 5:00 am to ensure that their poll site was open and functioning.

(4) Specific measures taken since the 2010 Primary Election to ensure the safety and integrity of paper ballots cast in the case of inoperable voting machinery

No additional specific measures were taken by the Board since the September 2010 Primary Election because lawful and comprehensive procedures were established prior to that Election. The Board, in accordance with the specific requirements of the New York State Election Law contained in Sections 9-102 and 9-110 as amended in 2010, adopted detailed procedures which were pre-cleared by the Attorney General of the United States and set forth in the Poll Worker Manual.

Please note, the only modifications that occurred was in the method or means of training the poll workers on these comprehensive procedures.

Please also note that following the 2010 Election Cycle and our first experiences with the new voting system, the Board submitted several State Legislative Proposals that would improve Election Day Operations.

On April 5, 2011 the Board submitted the following proposals to the Governor and the State Legislature for their consideration and action:

Proposal #11-03 clarifies the instructions to the voters on how to properly mark a paper ballot and permit Boards of Elections to utilize accurate instructions applicable to their ballot format.

Proposal #11-04 modifies the procedures used following the close of the polls by eliminating the requirement in the City of New York that the New York City Police Department transport back to the Board of Elections hundreds of thousands of unused paper ballots. Instead, those unused paper ballots will be placed in a securely locked supply cart at the poll site and then transported back to the Board of Elections by our transportation vendors when the scanners, ballot marking devices and related equipment is retrieved from the poll site during the days following an election.

Proposal #11-06 mandates Primary Election day as a non-instructional day for students.

Proposal #11-07 specifically provides that public facilities used as poll sites must be open in order to permit the delivery and retrieval of equipment before and after Election Day as well as on Election Day itself, for such time as needed to both open and close the polls.

Proposal #11-08 more clearly defines the responsibility of the police officer to be at the poll site one hour before it opens and to deliver the keys needed to operation the new voting systems.

Proposal #11-09 makes it a felony for any person or group to interfere with election equipment and poll sites during the conduct of an election.

(5) Specific measures taken since the 2010 Primary Election to make ballots more legible

To assist voters on Election Day, the Board moved voting instructions to the back of the ballot and increased the font size of the instructions to make them easier to read. While we increased the width of the contest columns, to make the ballot information easier to read, the additional space was used for the legally required numbers and brackets and therefore could not be used to increase the font size.

In addition, the Board submitted to the Governor and State Legislature on June 10, 2011 additional proposal to improve the ballot design and layout for both Primary and General Election ballots.

Additionally, the Board has requested changes to the Election law to improve ballot design. We have opened up a greater line of communication with the good government and advocacy groups and worked with them for Primary and General Election ballot design suggestions.

(6) Specific measures taken since the 2010 Primary Election to improve coordination with City agencies prior to and during elections

In addition to the long standing Pre-Election meeting between the NYPD and the BOE, we have had a continued dialog throughout the year to further our ongoing efforts to improve and enhance the operations and activities that both agencies conduct on each Election Day.

In addition, on each Election Day there is constant communication between the BOE's Executive Office and NYPD's Operations Division, as well as the NYPD's borough commands and each of the Board's borough offices. With respect to the Department of Education the Board's staff has maintained and ongoing relationship with the leadership of the Department of Education Bureau of School Facilities.

The Board has continued its operating liaison with other City agencies that host poll sites such as NYCHA, DCAS, and the Parks and Receptions Department. We have also worked with other agencies in support of our Election Day Operations. These include, the Mayor's Office, this Committee, DOITT/311 and of course the New York City Law Department.

(7) Specific measures taken since the 2010 Primary Election to formalize and test policies and procedures ensuring that Election operations run smoothly, including contingency plans

The Board has taken steps to ensure Election operations run smoothly, including expanding the Poll Site Summary Guide, which provides step by step closing procedures. Also, an exercise was added to the Poll Worker training class to further enhance procedures in place to assist during the closing of the polls. In addition, return of canvass and ballot control sheets were updated to be more poll worker friendly.

The modifications requested by the Board have not been approved by the State Legislature at this date. (See specifics set forth in response to question number 4).

(8) Specific measures taken since the 2010 Primary Election to assess and improve closing procedures

In addition to expanding the Poll Site Summary Guide we have revised our laminated cards showing step by step closing procedures, pre-printed seals report and added instructions on how a poll worker should properly change a paper roll.

The Commissioners have requested that Board staff prepare a comprehensive revision of Title 1, Article 9 of the Election Law which governs the closing procedures at the poll sites.

(9) Specific measures taken since the 2010 Primary Election to improve the accuracy of preliminary election results

When the NYPD receives the return of canvass from the poll site and they deem it inaccurate or illegible NYPD enters a sum of zero into the NYPD system. NYPD informs the Board that a number of returns have not been correctly entered.

The NYPD offered to provide the BOE Executive Office with a list of EDs/ADs for which a zero result was entered in accordance with NYPD practice. Its first use indicated that some additional coordination is needed to make this procedure more effective.

Additionally, changes made on the return of canvass now require poll workers to add figures vertically rather than horizontally. This change was requested by poll workers to reduce confusion when calculating tallies from scanner tapes printed at the end of the election.

Since the 2010 General Election, The Board has worked side by side with the NYPD to develop an improved method of providing preliminary and unofficial election night reporting to the press. The BOE and NYPD conducted a real-time exercise to test the procedures and system that will be used in the pilot project during this year's November General Election.

In addition, the Board has asked the vendor (ES&S) to explore making modifications to their hardware, software and firmware to produce unofficial Election Night results in real-time.

For the 2010 Primary Election, 2010 General Election, and the 2011 Primary Election, respectively

(1) The number of poll workers trained

The total number of poll workers trained for the 2010 Primary Election was 27,616.

The total number of poll workers trained for the 2010 General Elections was 35,568.

The total number of poll workers trained for the 2011 Primary Election was 32,535.

(2) The number of poll workers deployed

For the 2010 Primary Election, 32,078 poll workers were deployed.

For the 2010 General Election 32,796 poll workers were deployed.

For the 2011 Primary Election 18,218 poll workers were deployed.

(3) The percentage of poll workers deployed who passed required poll worker test(s)

Percentages of Poll Workers who passed the required test in order to work and participate are as follows:

Primary 2010:	85%
General 2010:	98%
Primary 2011:	Not Yet Available

(4) The number of poll workers deployed on Election Day from the stand-by pool

2010 Primary:	1,707 deployed
2010 General:	2,000 deployed
2011 Primary:	Not Yet Available

(5) The percentage of poll workers who did not show up on Election Day

Fourteen percent of Poll Workers assigned to work during the 2010 Primary Election were absent.

Six percent of Poll Workers were absent for the 2010 General Election.

Information is not yet available for the 2011 Primary Election.

(6) The number of complaints about poll workers

Number of complaints concerning Poll Workers received by the Board of Elections Call Centers on Election Day are as follows.

Primary 2010:	1,210
General 2010:	1,223
Primary 2011:	606

(7) A description of the BOE's recruitment efforts to hire poll workers

Since March 2010, the Board conducted an aggressive poll worker and interpreter recruitment campaign which resulted in over 4,000 new applications. Eligible voters were encouraged to apply through the Board's participation in public events and engagement with local community groups and organizations.

The Board hosted roundtable discussions with community organizations, as well as hosted their first Poll Worker Open House in order to recruit poll workers and interpreters. The Board engaged in constant communication with hundreds of community organizations, including e-mail blasts and an E-Newsletter, the Election Connection. The Board also dedicated the month of August as Poll Worker Awareness Month, noting this effort through a press release, advertisements on Craig's List and Idealist.org, and communications with community partners. To reinforce the importance of this recruitment effort, the Board developed new collateral materials and assembled a public outreach team to attend community events throughout New York to meet directly with potential poll workers.

The Board also engaged elected officials by e-mail to encourage them to reach out to their constituents to promote the need and importance for New Yorkers to apply to be poll workers. The Board also worked with the Mayor's Office to record public service announcements on 311 about this public service opportunity.

In total, the Board participated in 114 events throughout New York City to recruit poll workers.

Update on coordination with DOITT to provide online sample ballots.

With the support of Chair Brewer and extensive collaboration with DOITT, the ability to post sample ballots on the website was developed. The Commissioners approved the final plan on August 30th, 2011 and the submission to the U.S. Department of Justice for Pre-Clearance by the Attorney General of the United States under Section 5 of the Voting Rights Act was filed that day. The Board is awaiting a response from the Department of Justice with the hope that the Board will be granted authorization to place sample ballots on the website prior to the November 2011 General Election.

Attachment 2

Additional Recommended Revisions in the New
York State Law



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PRESIDENT

GREGORY C. SOUMAS
SECRETARY

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June 10, 2011

TO: *Hon. Andrew M. Cuomo, Governor of the State of New York*
Hon. Dean G. Skelos, Temporary President of the New York State
Senate
Hon. Sheldon Silver, Speaker of the New York State Assembly
Hon. Joan Millman, Chair, Assembly Standing Committee on Election
Law
Hon. Thomas F. O'Mara, Chair, Senate Standing Committee on
Elections

RE: ADDITIONAL RECOMMENDED REVISIONS IN THE NEW YORK
STATE ELECTION LAW

By letter dated April 5, 2011, The Board of Elections in the City of New York ("Board") respectfully submitted the first segment of its 2011 legislative proposals for your consideration and action. In that letter we indicated that the Board intended to submit to you additional recommended legislative changes that we believe are required to conduct a more efficient election and better serve the voters. The recommended changes have been identified as we continue to review how elections are actually conducted using the new voting system.

At their meeting held this Tuesday, June 7, 2011, the Commissioners of Elections in the City of New York unanimously adopted the following outline of statutory changes with respect to the form of the election day ballot for both the primary and general elections. The Board has received a

significant level of comments concerning the current form of the paper ballots that the Election Law now requires the Board to use. The staff of the Board, working with various civic and community groups has identified multiple elements of the current statutory framework that should be modified to enable Boards of Elections throughout the State of New York to prepare ballots that would be easier for the voters to read and understanding. Pursuant to their direction and given the brief time period remaining in the current session, I am submitting them in outline form. The Board would appreciate the opportunity to work with your respective staffs to take the changes suggested in the outline and put them in the form of a bill.

**OUTLINE OF
PROPOSED STATUTORY CHANGES
TO IMPROVE THE DESIGN AND APPEARANCE OF
THE ELECTION DAY BALLOT
AS APPROVED BY THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
ON JUNE 7, 2011**

1. Repeal the current Section 7-106(8) of the Election Law in its entirety.
2. Add a new Section 7-106(8) of the Election Law with the following provisions:
 - (a) Provide that the candidates names and offices are printed in a uniform size;
 - (b) Include the column designation (i.e. letter), party designation, and party emblem in each column heading;
 - (c) For single office contests include vote for direction "vote for [insert numeral]" (i.e. - Vote for 1);
 - (d) Codify that voting ovals or squares (as applicable) are to appear in the "write in box";
 - (e) Include in each candidate's box the column letter and row number (i.e. – 1A for the Democratic Candidates for Governor

& Lt. Governor; 1B for the Republican Candidates for Governor & Lt. Governor, etc.).

3. Amend Section 7-106(9) of the Election Law to provide that the "Write in box" can appear to the right of the candidates' name (last column of the portrait layout) [in addition to below as now provided for].
4. Amend Section 7-106(2) of the Election Law to permit the printing of candidates' names in mixed case letters.
5. Amend Section 7-106(7) of the Election Law to permit for the bolding of lines between each contest on a General Election Day paper ballot.
6. Repeal Sections 7-114(2) (d), (e), (f), (g) and (h) of the Election Law.
7. Enact new subdivisions in Section 7-114(2) to:
 - (a) Authorize the printing of shading in unused portions of the voting area of a ballot;
 - (b) Permit the use of bold lines to define different portions of the ballot (public office or party position);
 - (c) Allow the use of the word "Group" to indicate that several candidates for the same position (i.e. – judicial delegates/ alternates/county committee) are running as a group;
 - (d) Direct that the names of candidates and public offices/ party positions be printed in a uniform size;
 - (e) Authorize the printing of the party color on the front and back of the ballot in a manner that will still allow the ballot to be canvassed by the optical scanner.

We ask that the Executive and Legislative branches urgently review this matter and promptly develop a bill that would enact the changes and provide a more voter friendly ballot in time for this year's September 13th Primary and November 8th General Elections.

In addition, the Commissioners want to take this opportunity to remind you of the urgent need to promptly address issues presented in Part 1 of our Recommended Revisions in the Election Law.

* * * * *

I thank you in advance for your consideration of our proposals. The Commissioners and staff of the Board of Elections in the City of New York look forward to working with you during the coming weeks. If you have any questions or require additional information, please call me at (212) 487-5338, or our Deputy Executive Director Dawn Sandow at (212) 487-5412 or our Administrative Manager Pamela Perkins at (212) 487-5406.

Respectfully submitted,

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK

By: _____
Steven H. Richman
General Counsel

Copy: The Commissioners of Elections in the City of New York
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
John Owens, Esq., Director of Campaign Financial Reporting
Enforcement
Steven Denkberg, Esq., Counsel to the Commissioners
Charles Webb, Esq., Counsel to the Commissioners

The Board of Elections in the City of New York



Plan for Election Night Results Reporting

September 15, 2011

Proposal



The Board of Elections seeks to improve the accuracy of unofficial Election Night Results through a new Election Night Reporting process

- By reading in PMDs on Election Night with the new Election Night Reporting (ENR) process, the BOE will be utilizing the scanners in the manner in which they are intended to be used
- The overall ENR process was originally approved by the Commissioners on March 8th and the Commissioners' subcommittee for the project has met on May 24th and June 28th
- Conducting a pilot* of the process is recommended in Queens county for the 2011 General Election and, if successful, apply the lessons learned and experience gained from the pilot to all five (5) counties for the 2012 Presidential Primary Election
- Conducting a pilot will mitigate the risk of the new EMS and firmware upgrades will likely not being certified in time for the 2011 Election Cycle

Proposal

Proposed ENR Pilot outlines in appendix, pgs 9 & 10



An ENR pilot implementation in one borough for the General Election will allow for greater success in the Pres. Primary Election

- The size of the 2011 General Election, lacking any high-profile citywide contests, will make this year's election ideal for a pilot
- EVS and Executive office staff will be able to supervise and observe the process in one location for the General Election
- Borough leads can all be assembled together in one county to gain critical experience and insight during the pilot ENR implementation that can be taken back to their respective boroughs
- EVS and borough leads will be able to document and apply lessons learned from the pilot to improve the ENR process and procedure before it is tested Citywide for the Presidential Primary Election
- Boroughs not involved in the pilot will still conduct the intake aspects of the ENR process to prepare for the full implementation in a "live" setting

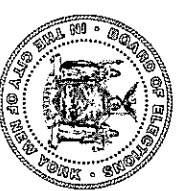
Proposal



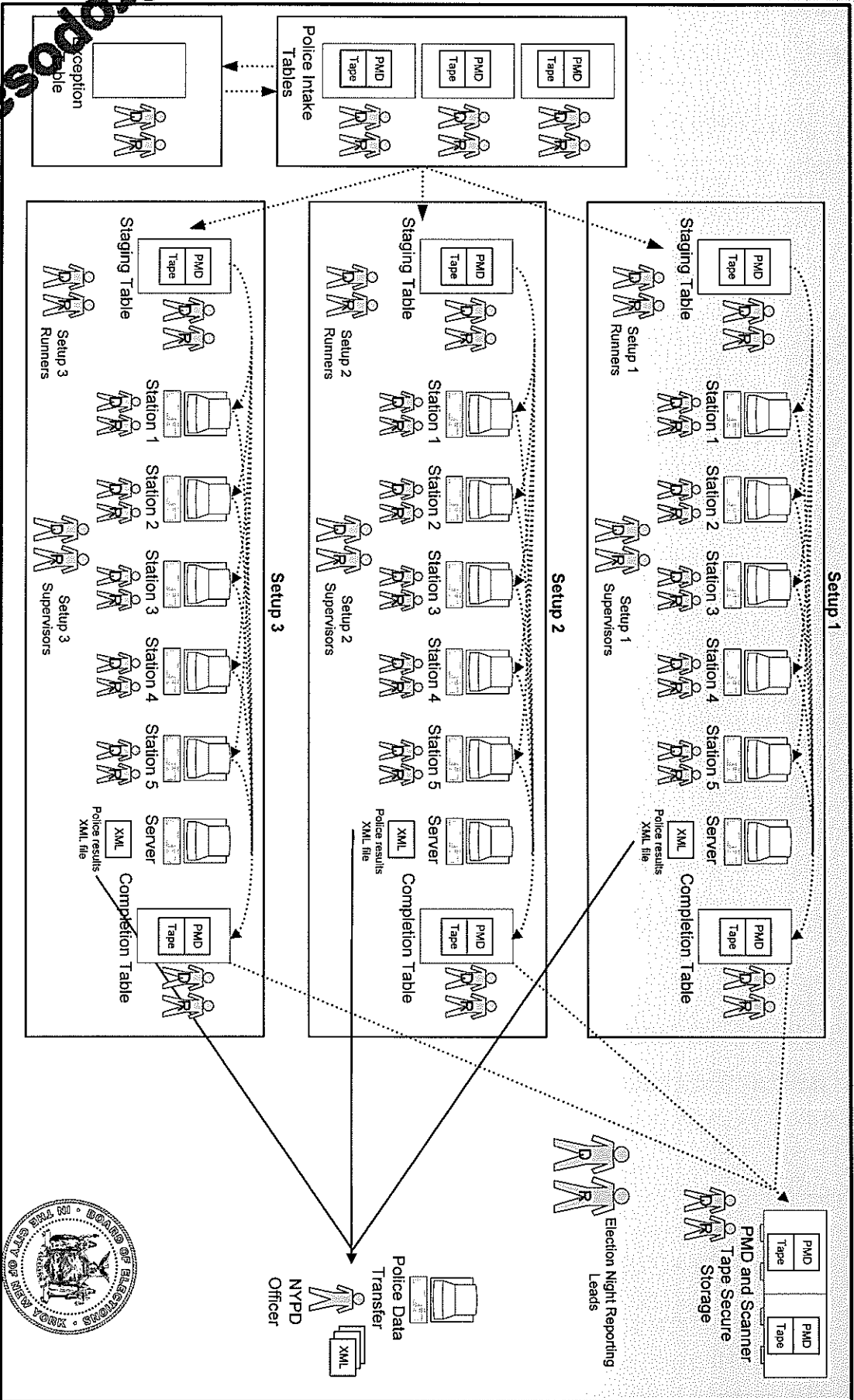
The ENR Process is a complex operation, relying on close coordination between the NYPD and hundreds of staff working at BOE facilities on Election Night

- All BOE staff assigned to Election Night Reporting will require prior technical training/experience
- ENR tasks include (sample process diagram on following slide):
 - Overall ENR Leads (1 bipartisan team of perm staff per borough)
 - Police Intake Tables (1 bipartisan team of perm or temp staff per EMS setup)
 - Exception Table (1 bipartisan team of perm staff per borough)
 - EMS Setup Supervisors (1 bipartisan team of perm or temp staff per EMS setup)
 - Staging Table (1 bipartisan team of perm or temp staff per EMS setup)
 - EMS Station Staff (5 bipartisan teams of temp staff per EMS setup)
 - Completion Table Staff (1 bipartisan team of perm or temp staff per EMS setup)
 - Runners (1 bipartisan team of temp staff per EMS setup)
 - Storage Table (1 bipartisan team of perm or temp staff per borough)
- To ensure more productivity ENR staff will arrive later on Election Day to work an evening shift

Proposal



Election Night Reporting – Sample Process Diagram



Proposal



In the event that the BOE cannot hire enough temps that meet the requirements to perform ENR Tasks...

- It is suggested that Election Night Reporting (ENR) staff would be obtained through a contract with New York State Industries for the Disabled (NYSID)
 - NYSID is a preferred source vendor with right of first refusal in accordance with NYS Finance Law §162 “Preferred Sources”
 - See references in Appendix pgs 12 & 13
- All temps would be identified, interviewed, and vetted by NYSID for ability to perform the required technical tasks outlined in the BOE’s “Technical Temporary Staff” position description (see appendix pg 13)
- The BOE would verify that each temp is registered to vote in NYC and enrolled in one of the two major parties
 - NYS Election Law § 9-126 3. (b) allows for BOE “clerks or other agents” of opposite political parties to handle PMDs on Election Night (see appendix pg 16 for full text)
- Staff would be trained by EVS on all procedures pertaining to assigned tasks

Proposal



Projected ENR costs cover all training/mock events and coverage for the General and Pres. Primary Elections

■ Total General and Pres. Primary Election Night Reporting Staff Cost - \$186,109

- 5 work days total
 1. General Election training
 2. General Election mock exercise
 3. General Election Night
 4. Pres. Primary Election training/mock exercise
 5. Pres. Primary Election Night

Borough	EMS Setups	Cost per Borough
Bronx	3	\$20,495
Brooklyn	5	\$33,718
Manhattan	5	\$33,718
Queens	5	\$33,718
Staten Island	2	\$13,884
Election Night Reporting Cost		\$ 135,533
General Pilot County Cost		\$ 50,576
Total ENR Cost		\$ 186,109

- Costs assume an 8 hour work-day, at \$20.66/hr
- General Pilot County Cost includes extra 102 staff for reading PMDs on Election Night

Proposal



Next Steps

- Coordinate with NYPD to confirm the following:
 - Transport of Election Night Returns of PMDs and Scanner Tapes to all boroughs will continue as planned
 - Ensure Return of Canvass results will be entered into existing system and transmitted to the press and BOE according to previous procedure

Proposal



Appendix

Proposal



Proposed Pilot Implementation of the Election Night Results Reporting Process for the General Election

- **Conduct a pilot program in Queens County for the November 2011 General Election with the existing version of the EMS**
 - PMDs will be read in on Election Night for the pilot county only, results from the pilot county EMS, while collected
 - NYPD will continue to enter Election Results from the Return of Canvass sheet and transmit results to the press for ALL counties as mandated by Election Law.
 - Boroughs outside the pilot program will receive and verify Yellow Poll Site Return Bags according to ENR procedures but will not read in PMDs on Election Night
 - This proposal is contingent on procuring additional EMS equipment and staff
 - Three NYPD transport details are required
 - The first will deliver PMDs and results tapes directly to the VMF
 - The second will deliver the Return of Canvass to Police Precincts
 - The third will deliver remaining poll site materials to VMFs

Proposal



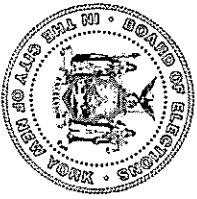
Proposed Pilot Implementation of the Election Night Results Reporting Process for the Pres. Primary Election

- **Conduct a Test in all counties for the Pres. Primary Election with the new version of the EMS**
 - PMDs will be read in on night of the Pres. Primary Election for all counties
 - Transmitting the EMS results to the NYPD on Election Night is contingent on a successful General Election Pilot
 - NYPD will continue to collect the Return of Canvass sheets as required by law.
 - This proposal is contingent on procuring additional EMS equipment and staff
 - Two NYPD transport details are required
 - The first will deliver PMDs directly to the VMF
 - The second will deliver remaining poll site materials to VMFs after delivering the Return of Canvass forms to precincts

Proposal



Technical Temporary Staff Requirements



BOARD OF ELECTIONS IN THE CITY OF NEW YORK

Election Night Reporting Staff

Summary of Position

This is semi-skilled technical work involving preparation of poll site voting system components, recording and reporting of Election Night results, and organization of election-related materials for New York City. Work is performed under direction of the Commissioners of Elections in the City of New York and in accordance with Election Law, State Board rules and regulations, standard electronic voting machine maintenance and repair practices, Election Management System (EMS) practices and procedures, and general work instructions.

Typical Work Activities

Typical work activities are fundamental, core functions common to all positions of this description and are not intended to be an exhaustive list of all job duties for any one position of this description. Since position specifications are descriptive and not restrictive, incumbents can complete job duties of similar kind not specifically listed here.

- Attend training on procedures for assigned tasks
- Inspect poll site voting system components prior to and returned after election for proper operation and functioning
- Create Test Decks for use in testing of optical scanners
- Test poll site voting system components for proper operation for use in public demonstrations and on Election Day
- Prepare privacy booths, packs ballots and supplies for shipment to poll sites
- Adjustments and procedural support for poll site voting system components at polling places on Election Day as required
- Report any unusual events during an election cycle to the Commissioners of Elections in the City of New York
- Maintain records of all work performed on voting machines
- Prepare election certification reports for the Commissioners of Elections in the City of New York

- Receive and inspect election-related materials delivered to NYC borough facilities
- Ensure chain of custody for election-related materials delivered to NYC borough facilities through verification of serial numbers, seals, etc.
- Record detailed information for items and events via tracking and log sheets
- Oversee and report status of activities to various Board of Elections officials
- Transmit unofficial Election Results data to the EMS and to the New York City Police Department (NYPD) via the use of Portable Memory Device (PMD) USB drives
- Troubleshoot incidents that may arise during the Election Night Results Reporting process
- Maintain record of all work performed on Election Night
- Perform a variety of related activities as required

Knowledge, Skills, Abilities and Personal Characteristics

The intent of the listed knowledge, skills and abilities (KSAs) is to give a general indication of the core requirements for all positions; therefore, the KSAs and personal characteristics listed are not exhaustive or necessarily inclusive of the requirements of this position.

- Knowledge of the principles covering the operation of poll site voting system components
- Knowledge of the methods, materials and tools used in the maintenance, adjustment and repair of poll site voting system components
- Knowledge of the Election Law of the State of New York
- Knowledge of the political subdivisions in the applicable counties of New York City
- Skill in the setup of poll site voting system components
- Skill in the setup and oversight of Election Night Reporting components
- Skill in the care and use of equipment used in the process
- Ability to keep records and prepare written reports
- Ability to follow oral and written directions
- Personal characteristics of dependability; initiative; manual dexterity; a high ethical standard.

Job Requirements

Applicants must have three (3) years of work experience in addition to training and/or experience demonstrating competence in each of the following areas:

- P.C. training
- Experience in troubleshooting
- Experience in record keeping; including completing paperwork, maintaining records, logs, and filing systems

Proposal

NYSID and GoodTemps – References

- NYC Dept of Investigation
 - "Please be advised that I was extremely pleased with the four (4) temporary workers assigned by NYSID/GoodTemps. They were all respectful, punctual, followed directions well, and just plain a pleasure to work with."
 - NYC Dept of Housing Preservation & Development
 - "HPD has worked with the NYSID/GoodTemps Agency for several years. Goodtemps is an Excellent Temporary Agency, which provides HPD with High quality, professional and reliable Temporary Staffing Services. Goodtemps provides HPD with candidates who are well qualified with excellent customer service skills. HPD highly recommends Goodtemps as a Vendor for your Organizations Temporary Service Needs."
 - NYC DOT
 - "New York City Department of Transportation(NYC DOT) has been utilizing temporary office personnel services rendered by "GOODTEMPS" (GT) for a good number of years (more than 10 years). During all my tenure in managing this contract (eight years at least) GT has proved to be a reliable and efficient vendor; they promptly respond to our temporary personnel requests, most of temporary employees arrive with sufficient skills and qualifications to meet the positions requirements. It worth to mention that in numerous instances temporary employees from GT were hired by NYC DOT to fill it's vacancies when they became available.
- In order to simplify temporary personnel weekly pay checks processing GT recently computerized weekly time sheet submission.
- The overall experience dealing with GT staff is very positive."

Proposal



NYSID and GoodTemps – References continued

■ NYC Dept of Health and Mental Hygiene

- “The Department of Health and Mental Hygiene has been utilizing GoodTemps for over ten years and I have been personally involved with them for the past four years. We use GoodTemps to provide temporary staff to perform administrative tasks with varying levels of complexity and have a series of titles available to us under our contract. It has been our experience that the candidates referred to us are always appropriate for the titles requested and usually exceed the requirements that they are contractually obligated to meet.

From an administrative standpoint GoodTemps has placement specialist who are always willing to work with you to find the appropriate candidates especially when the assignment requires special skills from the candidate. The placement specialists are quick to respond and will expedite placements when necessary and work with you to find replacements if you believe a candidate is not the right fit.

I would rate both the quality of candidates and the agency’s administrative protocols as good and recommend them to you without reservation.”

■ NYC MTA

- “We at the Metropolitan Transportation Authority first requested the services from NYSID/GoodTemps in January 2011 and have been very satisfied with the staff that was supplied to us. The staffing that was supplied offered various levels of work experience and demonstrated an excellent level of professionalism. We’ve developed a great working relationship and look forward to a continuous working relationship with NYSID/GoodTemps. I would highly recommend NYSID/GoodTemps to anyone who is seeking personnel services.”

Proposal



Election law § 9-126 3. (b) – Return of canvass; delivery of results to police and unofficial tally of election results

§ 9-126

ELECTION LAW

inspectors, upon completion of the return of canvass and the announcement thereof, in a general or primary election, shall immediately communicate such results by telephone, or delivery, to the county board of elections. Such results shall include the number of votes received by each person voted for and the number of votes cast for and against each ballot proposal.

(b) The county board of elections shall remain open after the close of the polls and shall receive and tabulate the voting results from throughout the county as they are received. The board shall post running totals in a public place as the results become known to it.

(c) The results made public pursuant to this section are to be released as the unofficial tally and shall not be admissible in evidence in any action or proceeding contesting the result of any election.

(d) Any police department of a city outside the city of New York and the county of Nassau receiving statements as provided in subdivision one of this section shall immediately communicate the contents thereof to the county board of elections at a location designated by it. In lieu of requiring the delivery of statements to the police in cities outside of the city of New York and the county of Nassau as provided in subdivision one of this section, a county board of elections may require the chairman of the board of inspectors in each election district within such a city to make a return of the vote pursuant to the provisions of this subdivision.

3. (a) The board of elections of counties in which voting machines which have removable electronic or computerized devices which record the total of the votes cast on such machines are used, may establish procedures by which such devices may be used after the close of the polls to provide the unofficial tally of results required by this section.

(b) Such procedures may include: the installation, at the board of elections or at town or city halls, police stations, sheriff's offices or other public buildings, of machines which record and transmit the totals recorded in such devices to the board of elections or directly to a representative of the press; the delivery of the devices from the polling places to such locations and the removal of such devices, by at least two clerks or other agents of such board of elections of opposite political parties, from the containers or envelopes in which they were sealed at the polling places and the insertion of such

(b) Such procedures may include: the installation, at the board of elections or at town or city halls, police stations, sheriff's offices or other public buildings, of machines which record and transmit the totals recorded in such devices to the board of elections or directly to a representative of the press; the delivery of the devices from the polling places to such locations and the removal of such devices, by at least two clerks or other agents of such board of elections of opposite political parties, from the containers or envelopes in which they were sealed at the polling places and the insertion of such

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Proposed



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Amy Loprest Executive Director

Address: NPC Campaign Finance Board

I represent: 40 Rector Street, NY, NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brian Karanagh, NYS Assemblymember

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 671 Res. No. 611

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Neal Rosenstein

Address: 9 Murray St NYC 1027

I represent: NYPIRG

Address: 9 Murray St NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jerome A Koelnig

Address: 370 West End Ave

I represent: _____

Address: 370 West End Ave NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ART CHANG

Address: 384 STEELING PL, BROOKLYN 11238

I represent: VOTER ASSISTANCE ADVISORY COMMITTEE

Address: 40 RECTOR ST, NYC 10006

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. oversight Res. No. _____

in favor in opposition

Date: 9/22/11

(PLEASE PRINT)

Name: Rima McCoy

Address: _____

I represent: CIDNY

Address: 841 Bway, NY, NY 10005

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alex Camarda

Address: _____

I represent: Citizens Union

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kate Doran 11 Polhemus Pl. Bklyn

Address: 4 W 43rd St NY NY

I represent: League of Women Voters

Address: 4 W 43rd St NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Deanna Bietti

Address: 74 Trinity Place NY NY 10002

I represent: Common Cause NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9-22-11

Name: John WARD (PLEASE PRINT)

Address: 39-75 48 St

I represent: BOARD OF ELECTION

Address: 32 Broadway, N.Y. N.Y.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/22/11

Name: Pamela PERKINS (PLEASE PRINT)

Address: _____

I represent: New York City Board of Elections

Address: 32 Broadway, 7th Floor NY, 10007

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/22/11

(PLEASE PRINT)

Name: STEVEN H. RICHMOND

Address: Grand Canal

I represent: NYC Bd of Elections

Address: 32 Bl, My way

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAWN SANDOZ

Address: 42 Broadway

I represent: Bd of Elections

Address: same

Please complete this card and return to the Sergeant-at-Arms