

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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April 30, 2019  
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HELD AT: 250 Broadway - Committee Rm.  
14<sup>th</sup> Fl.

B E F O R E: FERNANDO CABRERA  
Chairperson

COUNCIL MEMBERS: Ben KALLOS  
Alan N. Maisel  
Bill Perkins  
Keith Powers  
Ydanis A. Rodriguez  
Kalman Yeger

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

Ayirini Fonseca-Sabune, Chief Democracy Officer,  
Democracy NYC, Office of the Deputy Mayor for  
Strategic Policy Initiatives

Bitta Mostofi, Commissioner, Mayor's Office of  
Immigrant Affairs, MOIA

Michael Ryan, Executive Director, New York City  
Board of Elections

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

Pamela Perkins, Administrative Manager  
New York City Board of Elections

George Kontzamanis, Operations Manager  
New York City Board of Elections

Steven Richman, General Counsel  
New York City Board of Elections

Raphael Savino, Deputy General Counsel  
New York City Board of Elections

Valerie Vazquez, Director of Communications  
New York City Board of Elections

Eric Friedman, Assistant Executive Director for  
Public Affairs, New York City Campaign Finance  
Board

Kate Doran, Election Specialist, League of Women  
Voters of New York State

Avi Rosen, Language Services, Big Word

Kevin Skoglund, Co-Founder, Citizens for Better Elections, Member, VVSG Cybersecurity Working Group

Rachel Bloom, Director of Public Policy, Citizens Union

Amy Torres, Director of Policy and Advocacy Chinese-American Climate Council

Lulu Friesdat, Communications Director, Smart Elections

Jerry Vattamala, Director. Democracy Program Asian-American Legal Defense and Education Fund, AALDEF

2 [sound check] [pause] [gavel]

3 CHAIRPERSON CABRERA: Good morning. I am  
4 the Chair of the Committee on Governmental  
5 Operations, Council Member Fernando Cabrera Today we  
6 are having an oversight hearing on the preparations  
7 for early voting made by New York City Board of  
8 Election, the administration of poll sites,  
9 interpretation services by BOE, the New York City's  
10 Mayor Office Immigrant Affairs in conjunction with  
11 Democracy NYC. The Committee will additionally hold  
12 a first hearing on Introduction 1282 sponsored by  
13 Council Member Mark Treyger in relation to the Voter  
14 Assistant Advisory Committee providing pole sites,  
15 interpreters in all designated citywide languages.  
16 In 2019, the New York State Legislature passed  
17 legislation to enact early voting statewide. The  
18 State Legislature Fiscal Year 2020 Budget also  
19 included \$10 million for implementing early voting as  
20 well as \$14.7 million for boards—for Board of  
21 Election—for the Board of Election to purchase  
22 electronic pollbooks. In March, this committee heard  
23 testimony from New York City Board of Elections  
24 Executive Director Michael Ryan. During that hearing  
25 he said that the cost of implement early voting will

2 be substantial and that numerous issues regarding  
3 implementation still needed to be resolved. This  
4 committee is interested in receiving and update from  
5 the City BOE on its continuing plans to implement  
6 early voting. We will also hear from the city's BOE  
7 and the administration regarding poll sites'  
8 interpretation. Over 200 languages are spoken by New  
9 York City residents, 23.1 of whom are limited English  
10 proficient meaning they speak less than quote/unquote  
11 "very well." Limited English proficiency affects all  
12 aspects of life, but especially New Yorkers' ability  
13 to engage in a democratic process. Pursuant to  
14 federal law, the city BOE has been required to  
15 provide poll site interpretation in Spanish, Chinese,  
16 Korean, and the ancient Indian languages. Since 2017  
17 the Administration has separately offered its own  
18 poll sites interpreters most recently offering  
19 interpreters from the Mayor's Office of Immigrant  
20 Affairs at 100 poll sites during the 2018 General  
21 Election. These interpreters offers assistance to  
22 voters in language not provided by the city's-by the  
23 City BOE, Russian, Haitian Creole, Italian, Arabic,  
24 Polish, Yiddish. Whether these interpreters should  
25 be allowed with the BOE poll site has been the

subject of litigation between the City and BOE. At the 2018 General Election voters also approved Ballot Proposals No. 2, which establish a Civic Engagement Commission tasked with establishing a program for providing language interpreters at poll sites beginning with the 2020 General Election. Intro 1282 will amend the New York City's Charter to require the Voter Assistance Advisory Committee, an independent body that advises the Campaign Finance Board to provide interpreters at poll sites in designated citywide languages. These ten languages are: Spanish, Chinese, Korean, Bengali, Russian, Haitian Creole, Polish, French, Urdu and Arabic. However, under the bill that would not provide interpreters for those languages with the city-city's BOE is already providing interpreters. Let me just advise everyone that next door in the cafeteria, we have demonstration also from ESS and Dominion System over an electronic voting machines, ballots on the main system, and electronic poll votes, which will be discussed in this hearing. So, feel free. You can test them yourself. I'm looking forward to a productive conversation about the many ways in which the city's BOE, the Mayor's Office, City Engagement

2 Commission and the CFB are working to make voting  
3 accessible for all New Yorkers. I would like to  
4 thank committee staff. I really do whose work made  
5 this hearing possible: Daniel Collins, Elizabeth  
6 Kronk, Emily Forgione, Charlotte Martin, and our  
7 Finance Analyst Sebastian Bacchi, as well as my own  
8 Legislative Director Claire McLeveign. I will turn  
9 it over to my colleague Council Member Treyger to  
10 make a statement on his bill.

11 COUNCIL MEMBER TREYGER: Thank you, thank  
12 you, Chair. Good morning. [coughs] I am pleased to  
13 be here testifying on my bill Intro 1282, a Local Law  
14 to amend the New York City Charter in relation to  
15 providing poll site interpreters in all designated  
16 citywide languages. Thanks to Chair Cabrera for  
17 holding this hearing oversight on voting  
18 implementation and poll site interpretation in New  
19 York City. Voting is such an important right, and  
20 everyone who is able to vote should be able to do so.  
21 There is a narrative in New York City after election  
22 where folks shout voting rates in New York City are  
23 abysmal. More people should vote, but why aren't  
24 people voting? For many New Yorkers it comes down to  
25 the fact that the Board of Elections has failed to

2 provide language accommodations that reflect the  
3 linguistic diversity of our city. This service gap is  
4 reflected starkly in low voter turnout in  
5 neighborhoods with high concentration of limited  
6 English proficient naturalized citizens. If we want  
7 people to vote, we have to make sure voting is  
8 accessible. My will would make sure that where  
9 appropriate and necessary interpreters would be  
10 provide at poll sites for the ten most commonly  
11 spoken languages in New York City, which includes  
12 adding interpreters for New Yorkers who speak  
13 Russian, Haitian-Creole, Arabic, Urdu, French and  
14 Polish. The Board of Elections provides interpreters  
15 in four languages: Chinese, Spanish, Korean, and  
16 Bengali as mandated by Section 203 of the Federal  
17 Voting Rights Act, but I want to make it clear that  
18 the Voting Rights Act is the floor, the bare minimum  
19 that is required. Because the Voting Rights Act has  
20 an arcane and exclusionary definition of a language  
21 minority, thousands of people suffrage rights in our  
22 city have been ignored. Voters have been repeatedly  
23 disenfranchised especially in boroughs like mine.  
24 Other cities readily provide language support. Our  
25 city can and should be providing interpretation for



2 at least the top 10 languages spoken in our city. In  
3 addition to adding interpreters, my bill also makes  
4 it that interpreters should be stationed inside of  
5 poll sites. Let me repeat. Interpreters should be  
6 stationed inside of poll sites not outside in the  
7 freezing cold rain. As folks may know, the Board of  
8 Elections is currently suing the city to keep  
9 interpreters 100 or more feet away from the polling  
10 site entrance. Why is that? Because the Board of  
11 Elections has falsely classified language access,  
12 which is already happening at a much more robust  
13 level in many cities throughout our nation to be  
14 electioneering. Language access is not  
15 electioneering. In 2017, I worked with the Speaker  
16 Melissa Mark Viverito, and the Mayor's Office to  
17 launch a pilot program for Russian and Haitian Creole  
18 translators at 15 poll sites in Southern Brooklyn.  
19 In 2018, the program was expanded and interpreters  
20 were 101 poll sites, but interpreters again were  
21 forced to be 100 feet away from polling sites, and  
22 had to wait in the cold rain. Other cities have a  
23 humane, common sense approach to language access.  
24 Why can't New York City integrate language access in  
25 a humane and logical way? In 2018, one of the ballot

2 proposals was to create a civic engagement  
3 commission. One of the requirements was that the  
4 commission establish a program to provide language  
5 interpreters at city poll sites to be implemented for  
6 the general election in 2020. I just want to note  
7 for the record that I have been working on this issue  
8 and on my bill for several years. Currently, my bill  
9 would amend in the New York City Charter in relation  
10 to the Voter Assistance Advisory Committee providing  
11 poll site interpreters in all designated citywide  
12 languages. But I want to be clear, wherever this  
13 program is housed there needs to be clear  
14 methodology. This is clear methodology extrapolated  
15 from the Voting Rights Act. In a city where hundreds  
16 of languages are spoken, where 40% of the population  
17 is made up of immigrants, and where nearly half of  
18 the population speaks a language other than English  
19 or English and another language at home. Failing to  
20 provide adequate language access at polling places is  
21 nothing short of voter suppression. Providing  
22 increased language access and interpreter services at  
23 poll sites is a step toward a more inclusive  
24 Democratic process one that leads to higher voter  
25 turnout rates and making voting easier and more

2 accessible for more New Yorkers, and I look forward  
3 to this hearing. Thank you, Chair for your time.

4 CHAIRPERSON CABRERA: Thank you so much  
5 and thank you so much for your leadership in this  
6 issues. You've really been a vanguard. Let me just  
7 recognize we have been joined by Council Members  
8 Maisel, Chaim and Powers. This morning we'll have  
9 our first panel from Democracy NYC Ayirini Fonseca-  
10 Sabune and from the Mayor's Office of Immigrant  
11 Affairs Bitta Mostofi, and we'll have the Counsel  
12 swear them in. [pause]

13 LEGAL COUNSEL: Hi. If you could both  
14 raise your right hand. Do you affirm to tell the  
15 truth, the whole truth and nothing but the truth  
16 before this committee, and to respond honestly to  
17 Council Member questions? [pause]

18 AYIRINI FONSECA-SABUNE: I do.

19 BITTA MOSTOFI: I do.

20 AYIRINI FONSECA-SABUNE: Good morning  
21 Chair Cabrera and members of the Committee on  
22 Governmental Operations. My name is Ayrini Fonseca-  
23 Sabune, and I'm the Chief Democracy Officer for the  
24 city of New York where I work on Democracy NYC in the  
25 Office of the Deputy Mayor for Strategic Policy

1 Initiatives. I'd like to thank you for holding this  
2 hearing and for the opportunity to testify before you  
3 today on early voting, and the Proposed Poll Site  
4 Interpreter Bill. I'm joined by my colleague  
5 Commissioner Bitt Mostofi of the Mayor's Office of  
6 Immigrant Affairs. The Democracy NYC Initiative is  
7 aimed at increasing voter registration, participation  
8 and civic engagement in New York City. Democracy NYC  
9 was first announced by Mayor de Blasio in his 2018  
10 State of the City Address detailing a robust 10 point  
11 plan to make New York City the fairest, most  
12 civically engaged big city in America. Democracy NYC  
13 was founded with the guiding principle of increasing  
14 public engagement in the democratic process. We have  
15 to make elections more fair and accessible to all New  
16 York City residents. Early voting is a major  
17 critical step toward achieving this goal and one that  
18 they mayor has long championed including in both his  
19 2018 and 2019 State of the City Addresses. The  
20 Administration is extremely please that is past  
21 January the New York Legislature passed legislation  
22 enacting early voting, and then followed up by  
23 allocating funds for its implementation in the State  
24 Budget earlier this spring. In time for the November  
25

20–2019 general election, early voting will be a reality for New Yorkers joining 37 other states and the District of Columbia, which already provides one form or another of early voting. New York is finally catching up. We anticipate that if it well implemented, early voting can and will help in alleviating some of the election date issues that have historically arisen in New York City particularly in major federal election years. Nationally in 2016, roughly one-third of all votes in the Presidential Election were cast before Election Day. Even though not all states had early voting. In some states more than half of voters turn out early. Youth voters, a traditionally low participating group are particularly engaged by early voting. If a significant percentage of New York City voters vote during the early voting period, we may be able to reduce some of the strain that we see on our Election Day systems that has led to breakdowns at polling places. Lines will be shorter, poll sites will be less crowded, voters will have the privacy they deserve, and which is required by law. The impact of machine malfunctions will be ameliorated since voters will have flexibility about when they

2 vote and poll workers will be better able to provide  
3 the assistance requested in a timely fashion.

4 Further, there is evidence that early voting is

5 correlated with an increase in voter participation,

6 one of the key aims of Democracy NYC. In last

7 November's Midterm elections, the 13 highest voting

8 states had some form of early voting, or are

9 exclusively vote by mail jurisdictions. Allowing

10 people to vote on their own time will hopefully

11 result in more New York City voters casting ballots.

12 Democracy NYC believes that New York City should a

13 robust Early Voting Program from its inception. At

14 minimum, this means guaranteeing that there are

15 enough sites in each borough located in a logical way

16 to serve as broad and diverse an array of New York

17 City voters as possible. Early voting sites must be

18 located as close as possible to accessible public

19 transportation keeping commuter traffic patterns in

20 mind. Of course, early voting poll sites must also

21 comply with all legal requirements for accessibility,

22 and privacy for eligible voters and must be staffed

23 with well trained election inspectors and poll

24 clerks. Consistent with the mission of Democracy

25 NYC, we are pleased that the guiding principles of

2 the new state law appear to be equity and  
3 accessibility. The City Board of Elections is due to  
4 announce the locations of its 2019 early voting poll  
5 sites by May 1<sup>st</sup> tomorrow. The Administration has  
6 made itself available as a partner to work as closely  
7 as possible with the Board to help ensure the success  
8 of early voting in New York City. Just last week the  
9 Mayor announced an allocation of \$75 million for  
10 early voting for the FY20 election cycle in his  
11 Executive Budget Plan. This would support a robust  
12 early voting program for New York City. We believe  
13 that the minimum number of sites of seven per county  
14 is not sufficient to accommodate the needs of voters  
15 in New York City. For example, under this  
16 formulation, Kings County the most populace county in  
17 the state would have the same number of poll sites as  
18 Update counties, which have five times as few  
19 registered voters. Regardless of the initial number  
20 of poll sites selected, we hope that as specifically  
21 contemplated the Board will consider expanding the  
22 program in future years adding more poll sites,  
23 expanding voting hours, taking other appropriate  
24 steps to ensure that the program can best meet the  
25 needs of New York City voters. The Administration

1 looks forward to the release of a thorough and  
2 ambitious communications plan from the Board to  
3 ensure public awareness of early voting and to  
4 maximize voter participation in the program and  
5 alleviate the long line and broken machines that have  
6 become all too common on Election Day in New York  
7 City. Early voting will ensure access to the ballot  
8 by allowing the flexibility to vote that our busy  
9 lives require. We expect that many New Yorkers will  
10 be eager to take advantage of this new opportunity  
11 and hope that the number of poll sites will be  
12 sufficient to accommodate a high volume of voters.  
13 Democracy NYC applauds the state government for  
14 finally making early voting a reality and we pledge  
15 to work closely with our partners in government non-  
16 profits and community based groups to make the  
17 program a success in our city. As you are all aware,  
18 the Administration is also deeply committed to  
19 supporting voters with limited English proficiency,  
20 and as Commissioner Mostofi will describe in greater  
21 detail, has established a poll site interpreter  
22 project to provide interpreters at poll sites  
23 throughout the city beyond the languages currently  
24 provided by the Voting Rights Act. Democracy NYC and  
25



2 MOIA have worked closely with our government partners  
3 on this project including the Campaign Finance Board,  
4 with whom we regularly collaborate on Voter  
5 Registration and Voter Access Initiative. We are  
6 very pleased that Civic Engagement Commission  
7 established pursuant to the Charter Revision  
8 Commission last year passed by an overwhelming  
9 majority of voters, and we will work to expand—we  
10 will work with the CDC on expanding interpretation—  
11 expanding the Interpretation Program. The  
12 Administration remains fully committed to Language  
13 Access for All limited English proficient voters and  
14 to bring the value of this bill to life. Voting in  
15 New York City has been far too hard for far too long.  
16 We look forward to partnering with the Council, the  
17 Board and other partners to successfully implement  
18 much needed reform to vote—to voting in our city. I  
19 appreciate the Council's focus on this issue, and  
20 which are critically important to the health of  
21 democracy in our city, and I look forward to  
22 answering your questions. Thank you.

23 BITTA MOSTOFI: Thank you Ayirini and  
24 thank you to the Chair Cabrera and members of the  
25 Committee on Governmental Operations. My name is

2 Bitta Mostofi. I'm the Commissioner for the New York  
3 City Mayor's Office of Immigrant Affairs. I'm  
4 honored to be able to testify today about the work  
5 that MOIA has done to further civic engagement in  
6 immigrant communities particularly our work with our  
7 partners to expand access to voting among New Yorkers  
8 who have limited English proficiency. We are all  
9 stronger when all New Yorkers have the opportunity to  
10 engage with the city, to raise our voices and to  
11 participate fully. As part of the city's commitment  
12 to ensuring that New Yorkers including immigrant New  
13 Yorkers can participate in the civic process, MOIA  
14 engages in a variety of projects. For example, we  
15 have translated voter registration forms into 11  
16 languages to supplement the registration forms  
17 already translated by the New York City Board of  
18 Elections. We've also translated Know Your Rights  
19 information from the Campaign Finance Board into  
20 additional languages, and created and distributed  
21 multi-lingual materials about registering to vote and  
22 other civic engagement opportunities. My testimony  
23 today, however, will focus one of our major  
24 initiatives in partnership with Ayrini and her team  
25 and many throughout the Administration and the

1 Council, increasing access to voting and the topic of  
2 today's hearing a pilot project to expand language  
3 interpretation services at poll sites, and to  
4 facilitate greater access among voters who have  
5 limited English proficiency. I look forward to  
6 sharing more details of the project and some of our  
7 learnings with you. In 2017, recognizing that  
8 language access can empower voters with LEP, MOIA  
9 worked with the City Council to launch a pilot  
10 project to expand interpretation services at poll  
11 sites starting with the November 2017 general  
12 election. The pilot is meant to supplement existing  
13 interpretation services already provided by the BOE  
14 as part of their obligation under federal law  
15 specifically the Voting Rights Act, which requires  
16 access to interpretation in Spanish, Mandarin,  
17 Cantonese, Korean, Bengali and Hindi. Using census  
18 data, the city developed a mutual data driven  
19 approach to identify additional languages for which  
20 there was a need for interpretation, but for which  
21 the BOE did not provide the service. The city also  
22 identifies locations where voters with LEP who speak  
23 those languages vote. During this pilot, MOIA  
24 limited selection of poll sites to two neighborhoods  
25

with the largest population of eligible voters with LEP who speak the top two languages among eligible voters specifically Russian and Haitian Creole.

Accordingly, in the November 2017 election, we placed 52 bilingual English, Haitian Creole and English Russian interpreters outside 20 poll sites. The interpreters offered interpretation assistance to voters, and upon request answered voter questions about the process, assisted voters in navigating their poll site and interpreted between BOE poll workers an orally translated voter ballots. MOIA used a vendor to recruit, screen, and hire interpreters and developed and conducted a four-hour training based on BOE's own training materials on the role of interpreters, the day-to-day operations, the voting process and how to provide the services, the non-partisan nature of the project and the prohibition on electioneering. Due to objections from the BOE the interpreters for the Poll Site Project were placed outside of the polling location. Nevertheless, throughout this work, we were able to serve approximately 500 voters with LEP on Election Day. For the November 2018 general election building on our experience from the prior year we expanded the

1 project with additional resources from the  
2 Administration. MOIA analyzed the languages spoken  
3 by the greatest concentration of eligible voters with  
4 LEP by poll site and identified six additional  
5 languages for which we could provide assistance with  
6 additional interpretation. MOIA then identified 101  
7 poll sites with the highest concentration of eligible  
8 voters with LEP. Again, we used a vendor to recruit,  
9 screen and hire interpreters, which were then  
10 trained. Due to renewed objections from the BOE, the  
11 interpreters were once again stationed outside of  
12 polling locations. Nevertheless, we were able to  
13 serve four times as many voters with LEP with 198  
14 interpreters serving about 2,000 New Yorkers. Most  
15 recently we continued this project for the February  
16 2019 citywide special for public advocate. The  
17 special election was announced in January of 2019  
18 giving the city only a shortly time [laughter] to  
19 work with our vendors to hire and train the  
20 interpreters, and to ensure an effective operation.  
21 Ultimately, we placed 98 interpreters at 48 sites  
22 covering four different languages: Russian, Haitian  
23 Creole, Yiddish and Polish, and served approximately  
24 350 voters with LEP. In addition, having identified  
25

2 visibility of our interpreters as a key obstacle to  
3 utilization of the services in the two prior  
4 elections. We're happy to say that our interpreters  
5 offered services from inside the poll sites buildings  
6 for the very first time. In February of 2019, the  
7 BOE filed a lawsuit challenging the Poll Site  
8 Project. The BOE also saw a preliminary injunction  
9 to prevent the project from placing interpreters  
10 inside poll site buildings during the special  
11 election. The preliminary injunction was denied and  
12 as I noted, we went forward, but the lawsuit remains  
13 ongoing. Turning to our learnings and plans for the  
14 future, our focus from the beginning of this project  
15 has been to identify how we can address the language  
16 needs of voters with LEP most effectively. To that  
17 end, we've worked closely with our agency partners in  
18 the implementation of this pilot project, including  
19 the Mayor's Community Affairs Unit, the Law  
20 Department, the Mayor's Office of Operations, and  
21 Democracy NYC, and we look—we look toward the  
22 upcoming special election in May where we will  
23 provide interpreters again at there poll sites in  
24 Council district 45, the Primary in June and the  
25 General Election in November. We remain committed to

2 working to establish an effective, reliable program  
3 that expands access for our votes who are LEP.  
4 Additional interpretation services are crucial for  
5 voters who have LEP. Data demonstrates that while  
6 the Voting Rights Act provides a necessary for--for  
7 the provision of interpretative--interpreters--  
8 interpretation to voters for LEP. There were many  
9 eligible voters with LEP who are not served. This  
10 project has offered a service that voters want. We  
11 firmly believe in increasing access to civic  
12 participation and a meaningful exercise of voting  
13 rights for New Yorkers. Accordingly, it is incumbent  
14 upon us to evaluate the needs of our incredibly  
15 diverse naturalized immigrant community and to work  
16 towards addressing ongoing barriers to access to our  
17 democratic process including English proficiency. In  
18 November 2018, New York City voters overwhelmingly  
19 approved the a proposal for the New York City Charter  
20 Revision Commission to establish a civic engagement  
21 commission whose mission includes institutionalizing  
22 this work to expand language access at poll sites.  
23 The Commission is required to consult with MOIA in  
24 developing a methodology to select languages and poll  
25 sites. The Charter lays out the neutral criteria

1 that the Commission can consider when developing this  
2 methodology and direct the Commission to consider the  
3 Local Law 30 designated citywide languages in its  
4 analyses. The criteria to consider include relevant  
5 data from the most recent American Community Survey,  
6 from the U.S. Census Bureau, the locations of poll  
7 sites, and boundaries of election districts, and  
8 voter turnout information. We are excited to be  
9 working with the Commission as they take the Pilot  
10 Project we've overseen for the past few years and  
11 shape it into a full fledged program. We've laid a  
12 solid infrastructure for this program by creating a  
13 pool of trained interpreters in developing training  
14 and operational plans all of which the Commission can  
15 build on. Through overseeing the post-date  
16 interpretation project, MOIA has seen first hand the  
17 increased barriers that voters with LEPC. As the  
18 city works to eliminate barriers for all voters  
19 through the work of Democracy NYC and the Civic  
20 Engagement Commission, the Poll Sites Interpretation  
21 Project will be crucial in helping to address  
22 barriers for voters who are LEP. Moving to Intro  
23 1282, MOIA is grateful for the collaboration we have  
24 had with the Council and civic engagement and  
25



2 connecting immigrants to democracy. Intro 1282 is a  
3 declaration of the Council's commitment to the needs  
4 of voters with LEP, and we support the intent behind  
5 the bill. We agree that the CFB's Voter Assistance  
6 Advisory Committee holds great expertise on the  
7 issues of voter engagement and access to voting. We  
8 fully expect the Civic Engagement Commission to  
9 engage with the CFB and with the Voter Assistance  
10 Advisory Committee as the Commission works to fulfill  
11 its mandate to increase civic engagement in the city  
12 including for the creation of Poll Site  
13 Interpretation Project. In addition, MOIA is  
14 committed to working with the Commission and CFB to  
15 ensure that the methodology developed by the  
16 Commission in line with neutral criteria--I laid out  
17 above--fully serves the needs of New Yorkers with  
18 LEP. We look forward to further discussion on this  
19 bill. Ensuring access to voting is crucial to the  
20 health of our Democracy. I want to thank this  
21 committee again for holding this hearing on this  
22 important topic and I am happy to take any questions.  
23 Thank you.

24 CHAIRPERSON CABRERA: Thank you. Thank  
25 you both for you for your testimony. Let me begin

2 with Bill 1282 because from both of the testimonies—  
3 Oh, by the way, let me just recognize we have been  
4 joined by Council Member Yeger, but I'm—I'm just, you  
5 know, I'm happy to hear that you support the spirit  
6 of it, but I'm—I'm a little baffled as to why not  
7 give support of it since you agree and install  
8 intentionality. We need it. It's—I'm just wondering  
9 why not give the full support right that my colleague  
10 right now could use so we can make sure that other  
11 LEPs are receiving—as you stated, there are many,  
12 many that were not served. So why not just get the  
13 full support right now?

14 BITTA MOSTOFI: Sure. So, I can start.  
15 So, again, I want to reiterate how grateful we are  
16 and alarmed (sic) we are in the work that the Council  
17 has done to increase access to the—for Limited  
18 English Proficient New Yorkers. Council Member  
19 Treyger being the initial champion of this work. So  
20 thank you for that. I think a few things around the  
21 bill. As I said, we support the intent of it, of  
22 course, and—and obviously want to work with the  
23 Council on further discussions around the bill  
24 itself. I think some of the learnings that we've had  
25 and obviously what we've seen from New Yorkers is the

2 overwhelming support for our CEC to undertake this  
3 project. Obviously the Voter Advisory Committee is  
4 not an established entity that undertake the project.  
5 It's a committee. It's just that, an advisory  
6 committee. We worked closely with the CFB, and hope  
7 to continue in that conversation as we seek to cement  
8 this work within the CEC and establish it. I think  
9 the other thing that we note is some of our  
10 learnings, right, in the last two years indicate the  
11 importance of being able to develop a methodology  
12 that takes a number of things into consideration.  
13 Local Law 30 we would say would be one of those  
14 things, but there should be other factors that are  
15 taken into consideration when establishing where the  
16 services should be, and those services should be.

17 CHAIRPERSON CABRERA: Well, it's my hope  
18 that the discussion will continue, and that those  
19 concerns that you have, which sounds to be a few they  
20 could definitely work that way, and there could  
21 progress if they perhaps even go in stages. I'll  
22 leave that to the sponsor of the bill to work it out,  
23 but I'm happy to hear that you—you support the intent  
24 of it, and hopefully sooner rather than later we can

2 get to the finish line. We have elections coming up-  
3 -

4 BITTA MOSTOFI: Yes.

5 CHAIRPERSON CABRERA: --and very  
6 significant ones indeed. In terms of the Mayor—I was  
7 happy to hear the Mayor had allocated \$75 million for  
8 the increase of poll sites for the early voting. How  
9 many sites are you calculating? Is that near 100  
10 that we will have?

11 AYIRINI FONSECA-SABUNE: Yes.

12 CHAIRPERSON CABRERA: And how did we come  
13 up with that number? Why—why 100? Why not 150 or—

14 AYIRINI FONSECA-SABUNE: Sure.

15 CHAIRPERSON CABRERA: --or 75?

16 AYIRINI FONSECA-SABUNE: Yes, thank you  
17 for that question. The State Legislation sets out  
18 50,000 voters per poll site up to seven. When we look  
19 at the 50,000 voters per poll site number, we also  
20 saw that recommended by several good government  
21 groups, groups in the advocacy community, and we also  
22 looked at other cities around the country. We do  
23 early voting including Boston and Chicago, and looked  
24 at what we thought would make early voting accessible  
25 to New Yorkers. So, looking at that, guiding number

2 of 50,000 voters per poll site, gets us to the 100  
3 poll sites.

4 CHAIRPERSON CABRERA: Do you—have you  
5 calculated how long it would take and average person  
6 to—from beginning to end to go through the whole  
7 process if we have these 100 poll sites--

8 AYIRINI FONSECA-SABUNE: It depends--

9 CHAIRPERSON CABRERA: --and what are the  
10 voter numbers?

11 AYIRINI FONSECA-SABUNE: Yes, of course,  
12 and one of the things that is important to consider  
13 as we look at early voting is when people are going  
14 to vote. For example, on weekends, on lunch hours,  
15 people will be voting more than—than at other times.  
16 So, the—the hours is another important part of the  
17 calculations. So, looking at all of that, you know,  
18 we believe that there should be a reasonable—it  
19 should take a reasonable amount of time to vote, but  
20 in terms of the specifics you would have to look at  
21 the, you know, actual numbers and the—the different  
22 locations of the poll sites and the hours to -to  
23 figure that out.

24 CHAIRPERSON CABRERA: I think that will  
25 be helpful, and have you had a discussion with the—

2 with BOE regarding this injunction--this infusion of  
3 \$75 million?

4 AYIRINI FONSECA-SABUNE: We have shared  
5 the information with the Board, and I went to their  
6 meeting last week to share it, and the-the Mayor has  
7 made that--that clear, and so, we look forward to  
8 partnering with the Board.

9 CHAIRPERSON CABRERA: Have you had any  
10 feedback?

11 AYIRINI FONSECA-SABUNE: Not at this  
12 time.

13 CHAIRPERSON CABRERA: None at all?

14 AYIRINI FONSECA-SABUNE: No.

15 CHAIRPERSON CABRERA: Okay. Did they  
16 share with you when they will get back to you?

17 AYIRINI FONSECA-SABUNE: No.

18 CHAIRPERSON CABRERA: No. Okay.

19 Alright, I'm going to--what I'm going to do, I'm going  
20 to pass it now to the sponsor of the bill, Council  
21 Member Treyger and then for the rest of my  
22 colleagues. We'll start with five minutes

23 COUNCIL MEMBER TREYGER: Thank you very  
24 much, Chair for--again for your leadership and support  
25 on this Intro. I thank the Commissioner and the

2 Chief Democracy Officer, thank you for your support  
3 as well. I just want to note for the record that I  
4 actually don't see conflict or any type of contention  
5 with regards to the Commission and—and the spirit in  
6 it of our bill because we've been working on this for  
7 quite some time, and the Commission says, which we  
8 respect, the will of the voters says that it should  
9 establish a program. That program has not been set  
10 up yet, and we're kind of in the process of baking a  
11 full fledged program. So, I think there's  
12 opportunity for alignment here. I want to just also  
13 note for the record that for the public to share  
14 what—what I observed and experienced in—in the recent  
15 Special Election for Public Advocate. When I visited  
16 a poll site in Coney Island, PS 188 where the  
17 bilingual interpreters were initially told again to  
18 stay outside in the cold, and this is after the BOE  
19 lost its, you know, injunction suit. So, they were—  
20 they should have been housed inside. They were told  
21 to stay outside if—and if it was not for the super—  
22 for their superiors and—and the Administration, they  
23 were allowed to go—come back inside into the lobby,  
24 but they lost precious time in the morning after the  
25 initial confusion about whether to be outside or

2 inside. But I want to just note for the record what  
3 kind of questions they fielded from immigrant voters.  
4 There were some questions that we heard about, you  
5 know, someone said I am Democrat. Am I allowed to  
6 vote today? That's a fair question to ask on a—  
7 during a special election because all voters are  
8 allowed to vote in a special election, and they were  
9 not sure. They also were not sure if they were in  
10 the right place because in years past there have been  
11 many changes to their poll sites, and so they are  
12 able to take their street finder and make sure that  
13 they are in the right place. So, questions that were  
14 very predictable were asked on that day, and if were  
15 not for these—these critical—these critical services,  
16 these language access interpreters, we would have  
17 lost those votes, and turn out as—as it was. In a  
18 special election, it's always that great, but it  
19 makes even that much more I think important to  
20 increase turnout to the extent that we can, and to  
21 help—to help people. So, I—I want to share that  
22 experience where I actually saw the promise of that  
23 program assisting our immigrant communities. I saw  
24 that first hand, but I also heard stories where in  
25 some poll sites the interpreters were told to go to



2 like a second or third floor classroom of a school  
3 where no one could find them. That's unacceptable.  
4 That's unacceptable and the Board of Elections may  
5 now wants to engage n a debate about what does inside  
6 of a poll site mean? That's—that's—this is unreal to  
7 me in the 2019 we're having a debate about vocabulary  
8 over what electioneering is and isn't. Language  
9 access and not electioneering and housing  
10 interpreters in poll sites does not mean putting them  
11 in the third floor classroom away from the voting  
12 site. This is—this is lunacy to me, but I just want  
13 to kind of get some questions on the record to the  
14 Administration. I'm curious to hear your thoughts.  
15 Why do you believe the Board of Elections sued the  
16 city to block the Language Access Program at poll  
17 sties?

18 AYIRINI FONSECA-SABUNE: You know, I  
19 won't speculate as to the intention of the Board. I  
20 think we've made our position clear. We believe  
21 strongly that this is an important initiative to  
22 increase meaningful access to voting and democracy.  
23 The voters overwhelmingly agreed in the last election  
24 cycle. We remain in having kind of channels of  
25 communication open with the board to ensure that we

2 are being responsive to any concerns or challenges  
3 that they might express. We do not believe that  
4 there is a barrier to our ability to have our  
5 interpreters inside the polling, and that litigation-  
6 poll sites, and that remains ongoing, that  
7 litigation.

8 COUNCIL MEMBER TREYGER: And-and what can  
9 you say about the current litigation where it stands  
10 and where-where you see it going?

11 AYIRINI FONSECA-SABUNE: All I can  
12 indicate is as you rightly noted, the Preliminary  
13 Injunction was denied. We were permitted to proceed  
14 in placing interpreters inside the polling buildings.  
15 We will proceed as such in the upcoming May Special  
16 Election and the-the broader kind of issues that the  
17 Board has brought remain ongoing as a part of the  
18 litigation.

19 COUNCIL MEMBER TREYGER: Right and  
20 forgive me for asking this question, but what is the  
21 Administration's definition of inside the polling  
22 placements? Because the Board of Elections probably  
23 needs some assistance on this question.

24 BITTA MOSTOFI: Sure, you know, I'll-I'll  
25 speak to sort of our experience in the prior

2 elections where we were outside. We—we markedly  
3 noticed a difference across poll locations where we  
4 less visible. We were, yeah, providing assistance at  
5 locations where residents who were voting actually  
6 live in the polling location, seniors and so had no  
7 visibility or knowledge or our presence to provide  
8 the service. We had challenging weather, severe  
9 weather conditions for very long days resulting in  
10 the need to be accommodating to obviously the  
11 workers, and acknowledge how difficult the situations  
12 were. So, our—our learnings were—have been clear in  
13 the necessity to not only provide the service, but to  
14 do so in in such a way where you're visible,  
15 accessible, and the accommodations for the workers  
16 are ones that are respectful and dignified as well.  
17 So, really that is the—the goal, and I think sort of  
18 working out what that looks like will obviously be a  
19 part of ongoing conversation, and is a part of the  
20 litigation.

21 COUNCIL MEMBER TREYGER: But would you  
22 agree with me that if the voting poll site is inside  
23 of a school cafeteria, placing the interpreters in a  
24 third-floor classroom is not really access?

2 BITTA MOSTOFI: I would say our  
3 fundamental goal is to be as visible and as easily  
4 accessible as possible.

5 COUNCIL MEMBER TREYGER: Which means  
6 inside the poll site? Are you aware of any legal  
7 barriers why they cannot be inside the poll site?

8 BITTA MOSTOFI: We're not aware of  
9 barriers that would prohibit us from—from being in  
10 the polling location, and I would say, you know, the—  
11 the law acknowledges that people might need to bring  
12 interpreters with them into a polling location and it  
13 allows for voters to make that determination even  
14 independently. So, I think it's important for New  
15 Yorkers broadly to know that you have the right to  
16 bring somebody with you into your poll site to  
17 provide voter assistance—voter interpretation  
18 assistance, and what we are seeking to do is—is no-no  
19 different, rather expanding that service.

20 COUNCIL MEMBER TREYGER: Right, and the  
21 reason why I think there really is no legal issue  
22 here is because the—the interpreters that are  
23 mandated by federal law, which the Board of Elections  
24 seems to comply with or wants to comply with are  
25 housed inside the poll sites. By placing the

2 additional interpreters in a completely different  
3 location that's far from voters, to me is creating a  
4 separate and unequal system. I also want to note for  
5 the record that the Board of Elections might testify  
6 later on to—to complain about communication  
7 breakdowns or might complain about, you know, that  
8 this is a—that this is not their program. This is a  
9 city program. The Board of Elections was offered the  
10 opportunity from the beginning of our efforts to  
11 develop its own program funded by the city of New  
12 York. We've been going in circles because they keep  
13 moving the goal posts. It was a funding issue then  
14 we paid for it. Then it became well, the state  
15 didn't tell us we have to do this, but the law  
16 doesn't say you can do it. So, I don't think there's  
17 any legal barrier from having this language access  
18 program and from housing them inside the poll site  
19 accessible to voters. A couple last questions. How  
20 would you characterize the communication between the  
21 city administration and the Board of Elections over  
22 the implementation of this program so far?

23 BITTA MOSTOFI: I'll start and then I'll  
24 ask Ayirini to jump in. So, you know, I think as you  
25 rightly noted we—we have engaged the board at the

2 sort of inception thinking of wanting to expand  
3 language services. I think we are open and sort of  
4 welcoming to as much communication as—as they would  
5 like, and—and ensuring that we're aligned that  
6 there's clarity, that everybody is on the same page.  
7 We have tried to ensure that we're keeping them up to  
8 date on our goals and intentions, and I would say  
9 even on day of sort of challenges we have regular  
10 communication. If anything arises, we ask that they  
11 let us know if there are any issues to address and  
12 have been able to work collegially to address things.

13 AYIRINI FONSECA-SABUNE: I will echo what  
14 Bitta and, you know, from the beginning of our  
15 offices' involvement in this, even before the date of  
16 the February Special Election was set we were in  
17 touch with the board regarding our intention to move  
18 forward with the interpreters, and throughout the  
19 planning process, the Board once the sites are set  
20 for a Special Election—for an election, as you—as you  
21 all are aware that take time. Once the sites are set  
22 that's provided to us, and then once we know where  
23 we're going to be providing interpreters, we send  
24 that back to them, and then day of exactly with the  
25 issues you identified, we're able to be back and

2 forth to make sure we're dealing with any issues that  
3 arise efficiently.

4 COUNCIL MEMBER TREYGER: To be clear, you  
5 supply the Board of Elections with that information  
6 as far as--what--what kind of information did they ask  
7 of you that's--that's--did they ask any questions prior  
8 to implementation of the program or do you just  
9 volunteer that information over to them?

10 AYIRINI FONSECA-SABUNE: We provided them  
11 with a list of where our interpreters would be.

12 COUNCIL MEMBER TREYGER: And when? What  
13 was that day, as far as the Special Election of the  
14 Public Advocate, how--how soon before or--?

15 AYIRINI FONSECA-SABUNE: I can't recall  
16 exactly, but we, you know the Special Elections are  
17 challenging--

18 COUNCIL MEMBER TREYGER: [interposing]  
19 Yes.

20 AYIRINI FONSECA-SABUNE: --because of the  
21 timeline, and they set--select the site, and then as  
22 quickly as possible after that, we provided them  
23 with--with the list. I can get back to you with the  
24 specific.

2 BITTA MOSTOFI: Sorry, I would add two  
3 things, which is to say we have told them in--well,  
4 well, kind of further in advance of the intention to  
5 do the work.

6 COUNCIL MEMBER TREYGER: Right.

7 BITTA MOSTOFI: The sort of narrowing  
8 where we will be has been kind of dictated in part by  
9 when they--when they do the poll site selection. So,  
10 once they've done that selection, and we've been able  
11 to receive it and do our analysis and overlay our  
12 methodology, then we've communicated with them where  
13 our intention is to be. So, it's been a back and  
14 forth. Both Ayrini and myself have been before the  
15 Board informally and done meetings to talk about this  
16 work, and again, have welcomed ongoing communication  
17 and questions.

18 COUNCIL MEMBER TREYGER: On scale of 1 to  
19 10, 10 being the most cooperative and 1 being the  
20 least, how would you--how would you rate the Board of  
21 Elections' cooperation with you on this effort?

22 BITTA MOSTOFI: I mean I would simply  
23 note, of course, that they sued us to stop the  
24 expert, and--and potentially leave it at that.



2 COUNCIL MEMBER TREYGER: I'll take that  
3 as a 1 or a zero, and that—that really speaks volumes  
4 to us. It really speaks volumes to us to because  
5 there is no excuse other than a lack of just will and  
6 an intentional effort in my view to suppress votes in  
7 New York City because it's not an unfunded mandate.  
8 I am a big supporter of early voting, but New York  
9 State basically passed the law without adding money  
10 in the budget to New York City. So, the city is  
11 picking up the tab, but rightfully so as we should,  
12 and in this case the language access programs this is  
13 not an unfunded mandate. The City of New York is  
14 putting its money where its mouth is, and they still  
15 refuse to cooperate with us on this issue. It's  
16 unacceptable. The last question I have is how much  
17 money has been spent so far in this last year  
18 program? Do you have data on that and how much has  
19 not been spent?

20 BITTA MOSTOFI: Sure. I could speak to  
21 what's been allocated for the year given that we're  
22 going to do an election in May as well as the June  
23 Primary—Primary. So, we've allocated \$940,000 for  
24 this fiscal year, Fiscal '19.

2 COUNCIL MEMBER TREYGER: Okay, alright.

3 I-I look forward to continue working with the  
4 administration to finally see this become a reality  
5 once and for all in a permanent setting. Thank you  
6 very much, Chair.

7 CHAIRPERSON CABRERA: Thank you, and  
8 we're going to put the clock at five minutes because  
9 we have the BOE right after this panel. So, we'll  
10 start with Council Member—we'll continue with Council  
11 Member Powers--

12 COUNCIL MEMBER POWERS: Thank you.

13 CHAIRPERSON CABRERA: Followed by Council  
14 Member Yeger.

15 COUNCIL MEMBER POWERS: That's right he's  
16 less five minutes, but I can't promise you anything.  
17 I just wanted to get a better idea understanding of  
18 the--both the announcement of the Mayor's saying (sic)  
19 that we will be voting relative to what's required  
20 under state law. So, the--as I understand the  
21 statutory requirement in the State Law is that every  
22 county has to have--have no more than--does not require  
23 it to have more seven locations. Is that correct?

24 BITTA MOSTOFI: That's correct.

2 COUNCIL MEMBER POWERS: In this case, New  
3 York City sometimes is counted as one county and/or  
4 one sort of entity. As state laws this is every  
5 borough in this case would--so 35 would be the maximum  
6 required or the--the minimum required.

7 BITTA MOSTOFI: Exactly and--and the way  
8 the--the confusion is--it's a--it's a floor and a  
9 ceiling, you know--

10 COUNCIL MEMBER POWERS: [interposing]  
11 Right, right.

12 BITTA MOSTOFI: --but I would say except  
13 for Richmond County, which has a lower population,  
14 six would be the minimum required.

15 COUNCIL MEMBER POWERS: Because of the  
16 population?

17 BITTA MOSTOFI: [interposing] Yes.

18 COUNCIL MEMBER POWERS: So, that's it.  
19 Well, got it and the Mayor's announcement is to put  
20 in \$75 million to then get to 100 sites so that  
21 beyond the 35 that are that--that are the sort or  
22 minimum or whatever the requirement is of the law--

23 BITTA MOSTOFI: [interposing] Right.

24

25

2 COUNCIL MEMBER POWERS: --that the--the  
3 city would then have a--would have a hundred? Is that  
4 correct?

5 BITTA MOSTOFI: I would say at least a  
6 hundred. You know, the--

7 COUNCIL MEMBER POWERS: [interposing]  
8 Okay, at least a hundred, and--and--and is that  
9 determined by how many in each borough? Is there a  
10 decision--was there a decision made about how that  
11 would be geographically spread?

12 BITTA MOSTOFI: I think that, you know,  
13 approximately based upon the 50,000 or if you think  
14 about it two per Council District is another way to  
15 think about it.

16 COUNCIL MEMBER POWERS: Okay, and there's  
17 also the population, like my issue is the high  
18 population transit centers like Grand Central Station  
19 and it, the workforce in New York City and Midtown.  
20 So, is it per-is it-is it-is it-is one-is the idea  
21 here that you might have some in some really high  
22 volume areas, and more into some high volumes areas  
23 that are transit rich and a higher population  
24 centers?

2 AYIRINI FONSECA-SABUNE: I think the idea  
3 is that we would want to—that that the early voting  
4 sites should be responsive to the needs of the voting  
5 public, and so, looking at transit, looking at hours,  
6 all of those are important factors to take into  
7 consideration.

8 COUNCIL MEMBER POWERS: And I—it does not  
9 matter where I vote or where I live to go—to go to—  
10 what center I vote in? Is that correct?

11 AYIRINI FONSECA-SABUNE: The state law  
12 provides for countryside voting. So within the  
13 county if—if someone lives in Washington Heights,  
14 they could vote at Grand Central. However, there an  
15 exception in the State Law if the is deemed  
16 impractical we would urge the Board of Elections to  
17 provide for Countywide voting.

18 COUNCIL MEMBER POWERS: Okay. So, if I  
19 lived in Brooklyn I can't vote in Manhattan. Is that—  
20 —?

21 AYIRINI FONSECA-SABUNE: That's not  
22 provided for in the State Law.

23 COUNCIL MEMBER POWERS: Okay and so you  
24 have put—and where did it—how did the number \$75

2 million become the number to fund 100 sites, 100 or  
3 more locations?

4 AYIRINI FONSECA-SABUNE: That was based  
5 upon looking at previous stocking levels, rent,  
6 security. Obviously looking at nine days of voting  
7 is different than looking at single day. So, kind of  
8 providing for what that could look like. That's  
9 where the \$75 came from.

10 COUNCIL MEMBER POWERS: Okay and I know  
11 the Board of Elections. I've actually worked with  
12 them on this as a difficulty actually finding  
13 locations for site, and, in fact, I had to relocate  
14 sites in my district, and it's had difficulty because  
15 of not-not finding willing partners to be able to  
16 host sites, and even-even the difficulty around one  
17 day of having to bring the equipment in the day  
18 before has led the challenges. I've talked to the  
19 libraries and cultural institutions, and community  
20 centers in my district, and it's been increasingly  
21 difficult to find ones that are willing to do it for  
22 one day. I will, I mean just any-can you tell us  
23 about any work that's being done to try to encourage  
24 our places to serve as regular polling sites, but  
25 certainly a nine-day commitment, maybe 10 days if you

2 have to bring your equipment in? Add the challenge  
3 to them that I—I recognize from the existing  
4 difficulties, and—and so to find a 100 that are  
5 willing to take ten days seems like a task that's  
6 going to be difficult. I'm wondering what efforts  
7 are being done to locate and incentivize places of  
8 server as early voting sites.

9 AYIRINI FONSECA-SABUNE: Yes, thank you  
10 for that question Council Member. That's something  
11 that the Administration has worked with the Board on  
12 previously around locating poll sites for the special  
13 election. I know—I appreciate that's a challenge.  
14 We know that's a challenge, and we are engaged  
15 actively with our agencies that are currently poll  
16 sites to figure out exactly what that could look  
17 like. So, we are open to working together to figure  
18 that out. We have already engaged our agencies and  
19 they know that we are eager to—to make this work as  
20 well as possible.

21 COUNCIL MEMBER POWERS: Okay. I just  
22 have like one or two final questions here. You—you  
23 have—you have—the city and the Mayor has allocated  
24 \$75 million to the board. Tomorrow the Board will  
25 announce where those locations are. Is that correct.

2 BITTA MOSTOFI: By tomorrow but any time.  
3 It could now.

4 CHAIRPERSON POWERS: [interposing] It  
5 could be.

6 BITTA MOSTOFI: Any time yes.

7 CHAIRPERSON POWERS: Maybe—maybe they're  
8 going to tells now. [laughter] I've—I've seen their  
9 testimony, and that's fine. [laughter] But they—but  
10 they—but they're going to come out with these. My-my  
11 only point is and I just want to be fair here. I  
12 agree with the Mayor that more access points and  
13 more, and the money put in is a very positive step.  
14 The only—I actually have seen the difficulty of  
15 finding a place. I've actually called myself through  
16 the list with the Board of Elections to find places  
17 and to push them, and some are really unwilling to do  
18 it, and that the—if you're going to put them the  
19 money in, and you ought to be part of the process of  
20 helping to identify them, and because they are going  
21 to find themselves probably tomorrow or beyond, they  
22 may be not getting to 100 because of difficulties  
23 with this, and I hope they are. I hope they're going  
24 to have good news for us, but—but there is actually a  
25 logistical challenge here that we need to tackle.



2 I'm happy to be part of it in my district in any way,  
3 but the—but there is a real difficulty and it can  
4 create an impossible—not impossible, but an  
5 expectation that's a tension with the actual reality  
6 of finding of.

7 BITTA MOSTOFI: We are an eager and eager  
8 partner in that, you know, and previously my staff  
9 has gone to poll sites with the Board staff to—to  
10 work out what it needs to look like. So, I think  
11 that's something that the Administration will engage  
12 in to make sure we are able to get the sites that are  
13 needed.

14 CHAIRPERSON POWERS: Okay, thank you for  
15 that.

16 CHAIRPERSON CABRERA: And—and so I  
17 brought up this issues. I discussed this issue  
18 before Director Ryan at a previous hearing as well.  
19 I think the fundamental problem that we have is the  
20 dismal amount of funding that is given especially to  
21 non-profits, \$250 for the day. I mean that—that's  
22 just an incentive. We should be giving them at least  
23 a thousand dollars a day to be able to incentivize  
24 places. For example, houses of worship. During the  
25 day a lot of them are—are not being used during the

2 day, but to be honest with you, they got to—they've  
3 got to have somebody there all day long to man the  
4 place, clean the bathrooms and \$250 for a lot of the  
5 places, you know, regardless of what non-profit or  
6 any other venue, it's just not incentive enough, and  
7 I think that's very little money that will solve a  
8 big huge problem that we have. So, if we could put  
9 that in into consideration in the \$75 million I think  
10 it will go a long ways, and with that, let me pass it  
11 to—to Council Member Yeger.

12 COUNCIL MEMBER YEGER: Thank you, Mr.  
13 Chairman. Good morning. In November the voters of  
14 New York created a Civic Engagement Commission with  
15 the supposed goal of enhancing civic participation,  
16 promoting civic trust, strengthen democracy. You're  
17 familiar with this I'm sure. Okay. The bill that  
18 we're discussing today Introduction 1282 would create  
19 an interpreter program similar to what you're  
20 currently running out of the Mayor's Office, and put  
21 it under the Voter Assistance Advisory Committee. Is  
22 that the place that is best designed to handle such a  
23 program?

24 BITTA MOSTOFI: Thank you Council member  
25 for the question. I think as I reiterated--

2 reiterated earlier, you know, our—we—we believe that  
3 it's important that the CEC and my office and  
4 Ayrini's team continue to consult with the CFB to  
5 continue to consult with the Voter Assistance  
6 Advisory Committee. As I've indicated by the Charter  
7 Revision and passed by voters overwhelmingly. Really  
8 the goal here is to establish and codify—and codify  
9 and institutionalize the program under the CEC, and  
10 we believe that that makes sense, but certainly want  
11 to work with our partners to make sure we're  
12 identifying the right program, and we're taking into  
13 consideration all of the—the important feedback and  
14 understanding that the Commission should have as it  
15 establishes that program. Our intention has already  
16 been, and we are already engaging with the newly  
17 appointed CEC Chair on the initiative to make sure  
18 that they're ready to fully take it over as we  
19 continue to support and advise.

20 COUNCIL MEMBER YEGER: Does the CFB  
21 currently do any work at poll sites? [background  
22 comments/pause]

23 BITTA MOSTOFI: I can speak for how we  
24 worked with the CF—CFB on it.

2 COUNCIL MEMBER YEGER: To the best of  
3 your knowledge, it's a yes or no. To the best of your  
4 knowledge does CFB currently do work at poll sites on  
5 election days?

6 BITTA MOSTOFI: To the best of my  
7 knowledge no.

8 AYIRINI FONSECA-SABUNE: That's also my  
9 understanding.

10 COUNCIL MEMBER YEGER: Okay. So, we'd be  
11 creating a new program and giving it to an agency  
12 that is--does not have in its mission to do this where  
13 we currently have a commission created that does have  
14 in it's mission to do this, and yet we're basically  
15 inventing something to ask the CFB to run a program a  
16 poll sites? That's your understanding of the bill?

17 BITTA MOSTOFI: I can't speak directly  
18 for the full intention. As I said, this is an area  
19 across the board--

20 COUNCIL MEMBER YEGER: [interposing] I'm--  
21 I'm not asking about the intention. I'm asking about  
22 your understanding of the--of the bill. It's--it's  
23 very clear that it puts this program into the Voter  
24 Assistance Advisory Committee. It says the committee  
25 shall provide the committees, not the commission.

2 BITTA MOSTOFI: Yeah, and as I previously  
3 noted, that's an area where we would seek to have  
4 further discussions around the bill, and certainly  
5 with--

6 COUNCIL MEMBER YEGER: [interposing] So,  
7 the bill is not ready yet?

8 BITTA MOSTOFI: We would—we have concerns  
9 that I raised today that we look forward to  
10 continuing the conversations around.

11 COUNCIL MEMBER YEGER: You picked up on  
12 something else that has—has been asked, but perhaps  
13 not addressed from your table, but it's been asked  
14 here in this room today. Do you believe, and would  
15 you characterize the Board of Election as engaged in  
16 an illegal effort to suppress votes in the city of  
17 New York?

18 BITTA MOSTOFI: All I can--

19 COUNCIL MEMBER YEGER: [interposing] That  
20 phrase was used here today. Do you believe that the  
21 Board of Elections engages in an effort to illegally  
22 suppress votes in the city?

23 BITTA MOSTOFI: All I can speak to is  
24 what we believe is not a barriers, which is that it's

2 not a barrier for us to want to increase and to  
3 increase voter interpretation at polling locations.

4 COUNCIL MEMBER YEGER: But we all, but we  
5 all, Commissioner--

6 BITTA MOSTOFI: [interposing] We look  
7 forward to working with BOE.

8 COUNCIL MEMBER YEGER: [interposing]  
9 Commissioner, we all--we all want to do that. We all  
10 want to create favorable experiences, and we all  
11 support the interpreter program. I support it. I  
12 think everybody at this table supports it. Most of  
13 the members of the Council I believe support it. The  
14 question that I'm asking is whether or not you can  
15 say yes or no whether or not you believe that the  
16 Board of Elections is engaged in an illegal effort to  
17 suppress votes. I think it's an important question  
18 because you are the Commissioner of the Mayor's  
19 Office of Immigrant Affairs. You are the Chief  
20 Democracy Officer of the City of New York. In this  
21 room today a statement was made that the Board of  
22 Elections engages in an illegal effort to suppress  
23 votes. I'd like to know if the position of the  
24 Administration is that the Board of Elections of the

2 City of New York engages in an illegal effort to  
3 suppress votes.

4 BITTA MOSTOFI: I can speak to the  
5 legality of something that's been speculated without  
6 looking at it, and obviously consulting with our  
7 lawyers.

8 AYIRINI FONSECA-SABUNE: We believe the  
9 city's Interpretation Program is legal. The Board  
10 has to us they have a different opinion. We're in  
11 front of a judge right now on that question.

12 COUNCIL MEMBER YEGER: Okay. Do you  
13 believe that the City of New York—you're a lawyer—do  
14 you believe that the Board of Elections is engaged in  
15 an illegal effort to suppress votes? [bell] You can  
16 take out the word 'illegal' if you want. Do you  
17 believe that that Board of Elections is trying to  
18 suppress votes in the city of New York?

19 AYIRINI FONSECA-SABUNE: Again, I think  
20 our mission is to increase voter accessibility,  
21 increase voter participation and the efforts that we  
22 have undertaken are to do that, and the board  
23 obviously disagrees with some of those.

24 COUNCIL MEMBER YEGER: Okay, thank you,  
25 Mr. Chairman.

2 CHAIRPERSON CABRERA: Thank you. Council  
3 Member Treyger.

4 COUNCIL MEMBER TREYGER: Thank you, Mr.  
5 Chair. I just want to just briefly remind the public  
6 of how—why we got here in the first place. Because I  
7 witnessed something illegal in a poll site many years  
8 ago prior to being in office. I witnessed a poll  
9 worker who was both a Holocaust survivor and World  
10 War II veteran having the audacity to get up and to  
11 assist a senior citizen to find out if she was in the  
12 right place or not because she spoke Russian, but no  
13 one there spoke Russian in the poll site, and the  
14 coordinator said, I'm having the police reprimand  
15 you, potentially arrest you for speaking an  
16 unauthorized language inside of a poll site, and this  
17 person was mortified. That is illegal. No voter, no  
18 person should be intimidated or chilled in the United  
19 States of America in a poll site in New York City for  
20 simply asking am I in the right place in their—in  
21 their language. No one. That's how we got here in  
22 the first place, and I've also heard from poll  
23 workers and coordinators who have attended trainings  
24 conducted by the Board of Elections that they are  
25 enforcing some sort of rule that you could only speak



2 authorized languages inside of poll site. Of course,  
3 they won't produce that in writing because they know  
4 that is blatantly illegal, but that has been repeated  
5 to me by a number of folks in a variety of assembly  
6 districts. That's how we got here. There is nothing  
7 against the law to add additional language services  
8 inside of poll sites. The only barrier that's been  
9 put up is one by the Board of Elections. It's an  
10 artificial barrier. It's a political barriers. So,  
11 yes, there have been illegal efforts to suppress  
12 voters in New York City, a city made up of  
13 immigrants, strengthened by immigrants, and we all  
14 keep hearing the phrase every vote counts. It's time  
15 to put actions behind those words. This needs to be  
16 an applied practice not just a slogan, and I thank  
17 the Chair again for his time.

18 CHAIRPERSON CABRERA: Thank you. I'm  
19 going to take just three more minutes, and then we'll  
20 have BOE but I have some cleanup questions here. Can  
21 you address what would be the—what is or what would  
22 be the methodology for selecting LEPs that get  
23 interpreters?

24 BITTA MOSTOFI: So, I-I can talk sort of  
25 broadly about this, and if you're interested, can get

2 into the nerdy data with our statisticians on how we  
3 land where we do but, you know, broadly what we've  
4 looked at is, as I noted, how to—how to have an  
5 approach that's data driven, and that's news for all—  
6 that the city can rely on in selecting both the  
7 languages and the locations that we provide the  
8 service. That's relied primarily on census data  
9 that's not unlike what the BOE itself does in looking  
10 at its obligations under the Voting Rights Act, and  
11 for us the kind of goal has been looking at polling  
12 locations where you have the highest concentration of  
13 limited English proficient eligible voters. So that  
14 we're effectively deploying the resources that we  
15 have for the maximum number of potential voters.

16 CHAIRPERSON CABRERA: And let me ask you  
17 one last question. The Charter also requires the  
18 Commission to put forth rules in consultation with  
19 MOIA regarding—related to minimum standards and  
20 training requirements for poll sites, interpreters.  
21 Can you describe what would be included in these  
22 rules? How would these rules along with existing NYC  
23 BOE rules and the Voting Rights Act related to the  
24 poll sites and languages assistance and what  
25 safeguards would the Administration employ to prevent

2 electioneering by interpreters or the appearance of  
3 electioneering?

4 BITTA MOSTOFI: Yeah, so thank you for  
5 the question. So a big goal of ours has been  
6 honestly consistency with what the BOE is doing with  
7 its interpreters ensuring that the interpreters go  
8 through robust training that identifies for them what  
9 the voting process looks like. Of course, what the  
10 operations are, but also indicates what they are and  
11 what they are not permitted to do. So, by way of  
12 example, there is clearly prohibited, and this a big  
13 part of the training from doing any electioneering,  
14 they're—they're obligated to assist in answering  
15 questions to assist folks in navigating the polling  
16 location to ensure that they have the support and  
17 interpretation between a poll worker and the voter,  
18 and to just strictly translate the ballot as it—as it  
19 appears. You know, for many of us who are voters,  
20 obviously reading referendum question or something  
21 can be complicated and technical and so having the  
22 assistance of somebody who can translate that  
23 directly into your language is hugely helpful and  
24 meaningful and going through the process. We have,  
25 as I said, emphasized all of these points with the

2 training. We've indicated that some somebody would  
3 be--will be immediately dismissed if they are in  
4 violation of any of those--

5 CHAIRPERSON CABRERA: And how would  
6 somebody know? If somebody is interpreting--

7 BITTA MOSTOFI: Sure.

8 CHAIRPERSON CABRERA: --a language in  
9 Spanish, and there's nobody else around who speaks  
10 Spanish, I guess that's the fundamental fear that  
11 some people have. How do you address that?

12 BITTA MOSTOFI: Yeah, and I think a  
13 couple of things. One, our structure has put into  
14 place a number of sort of layers of supervision. So,  
15 both on the ground and then available to be  
16 responsive. We have obviously notified the BOE that  
17 that's what they're there to do in terms of providing  
18 the service, and as I said, indicated to worker that  
19 should we--we learn any differently that, of course,  
20 they would be immediately dismissed. The signs that  
21 the interpreters have simply say: Interpretation.  
22 Right? That is what they're there to do, and to  
23 provide, and our hope is that, you know, the--the  
24 experience of the voters is just that. I will say  
25 we've now run this program for three elections. We

2 have neither heard and allegation of electioneering  
3 happening, nor heard anything negative about the  
4 experience of interpreters in the process and  
5 recognize that this is an issue that exists across  
6 the board even with the--the BOE's own sort of  
7 structure of interpretation, and so I think we have  
8 to fundamentally believe in doing proper training,  
9 proper supervision and proper accountability and  
10 ensuring that we're doing that effectively, and that  
11 will be a part of what we will promote.

12 CHAIRPERSON CABRERA: So, you have 100%  
13 track record for the last three years. So, I was  
14 very happy to hear that. Well, I want to thank you  
15 both, and I want to say congratulations. It is time  
16 and to--and I appreciate your testimony today.

17 BITTA MOSTOFI: Thank you.

18 CHAIRPERSON CABRERA: And with that--

19 AYIRINI FONSECA-SABUNE: Thank you.

20 CHAIRPERSON CABRERA: --we're going to  
21 invite now the NYC BOE. My Co-Director Michael Ryan  
22 and Dawn Sandow also from the Board of Elections.  
23 [background comments/pause] Director, we're ready  
24 whenever you are. I know you've been waiting  
25 anxiously

2 MICHAEL RYAN: Yes. Sorry about that.

3 CHAIRPERSON CABRERA: I know you couldn't  
4 wait to be here today and you're very excited.

5 [background comments/pause]

6 LEGAL COUNSEL: Were you ready to be  
7 sworn in? [coughs]

8 MICHAEL RYAN: [off mic] Yes I am.

9 LEGAL COUNSEL: Okay, if you could both  
10 raise your hands. Do you affirm to tell the truth,  
11 the whole truth and nothing but the truth in your  
12 testimony before this committee, and to respond  
13 honestly to Council Member questions?

14 MICHAEL RYAN: [off mic] Yes, I do.

15 FEMALE SPEAKER: Yes, I do.

16 CHAIRPERSON CABRERA: You may begin.

17 MICHAEL RYAN: [off mic] Yes, good  
18 morning Chair Cabrera.

19 CHAIRPERSON CABRERA: If you could turn  
20 the mic on, please.

21 MICHAEL RYAN: [off mic] Alright.

22 CHAIRPERSON CABRERA: Thank you.

23 MICHAEL RYAN: [on mic] Good morning  
24 Chair Cabrera and members of the New York City  
25 Council Committee on Governmental Operations. I am

2 Michael Ryan. I am the Executive Director of the  
3 Board of Elections in the City of New York and seated  
4 next to me to my left is the Deputy Executive  
5 Director Dawn Sandow. Also present here today are  
6 Administrative Manager, Pamela Perkins; Operations  
7 Manager George Kontzamanis; General Counsel Steven  
8 Richman; Deputy General Counsel Raphael Savino; and  
9 Valerie Vazquez our Director of Communications. I  
10 have submitted detailed testimony, but if it's okay  
11 with you and your members of the committee, I'm  
12 prepared to give an overview of that testimony, and  
13 not read it line by line, and then we can get to the  
14 question and answer period of this exercise, which is  
15 always the most lively portion of the program in any  
16 event.

17 CHAIRPERSON CABRERA: We appreciate that.

18 MICHAEL RYAN: Yes. The first four  
19 months of 2019 has seen sweeping and dramatic changes  
20 in the New York's election system. As I sit here  
21 today, I would like to point out that the early  
22 voting process shall we say in New York is only in  
23 existence since January 24 of 2019. Next to me in a  
24 box is binders from multiple jurisdictions throughout  
25 the country where we've already done research to

1 determine now early voting is conducted in other  
2 jurisdictions. I'll note from earlier testimony that  
3 Chicago was the city that was mentioned as—as an  
4 example. We have dispatched staff to Chicago to  
5 watch their early voting process be conducted in  
6 February. We were advised by Chicago that they get  
7 the most bang for the buck, if you will, out of  
8 absentee, which—which is essentially a vote by mail  
9 system in Chicago, which is the largest numbers of  
10 their early voting process. That is not something  
11 that is that is presently possible under the New York  
12 State Constitution, but at some point down the road  
13 it may be another action available for voters, and if  
14 it comes that way, we will certainly have no qualms  
15 in implementing such a program. In any event, on  
16 January 24<sup>th</sup>, there we four bills that were signed  
17 into law. Consolidating the September and June  
18 primaries that was a welcome change to the Board  
19 moving forward although it did provide some  
20 logistical and operational challenges in the early  
21 part of 2019 early voting. Pre-registration of 16  
22 and 17-year-olds, which is a relatively easy  
23 implementation for us since we already pre-registered  
24 17s. So, it's just a matter of adding the 16-year-



2 olds to that, and then the statewide voter  
3 registration and enrollment transfer, which is really  
4 more or less a behind-the-scenes aspect of the  
5 changes, but certainly one that presents its own set  
6 of logistical challenges. In order to provide some  
7 significant context on where we are presently, I  
8 would like to point out that at the time that early  
9 voting was established on January 24<sup>th</sup>, the  
10 infrastructure to conduct early voting in New York  
11 City or in New York State for that matter did not  
12 exist. If it in the process of coming into  
13 existence, but we are at the very early stages of  
14 this process. So, if we were to hit the rewind  
15 button and go back to January 23<sup>rd</sup> 2019 before any  
16 other changes happened, the way that you would  
17 conduct early voting is on paper pollbooks, and  
18 having double the amount of paper ballots available  
19 at early voting sites throughout the state. We are  
20 in the process of evolving. In the Budget Bill there  
21 was money made available for electronic pollbooks,  
22 which are going to be an essential element of one of  
23 the tasks that the New York State Board of Elections  
24 has been required to ensure against, which is making  
25 sure that somebody doesn't vote early and vote on

2 election day, and that ability to communicate with  
3 technology back and forth between the poll sites and  
4 and the over voter roles is an essential element to  
5 make sure that that manipulation of the system does  
6 not occur. In addition, we expect that we will be  
7 able to use a Ballot on Demand system to deliver  
8 ballots at the early voting sites. The reason that I  
9 say that we expect to be able to use Ballot on  
10 Demand, our Ballot on Demand system is presently, the  
11 New York State law does not comport with the use of  
12 Ballot on Demand systems in all elections. For  
13 example, under 7-106 of the New York State Election  
14 Law, ballots are not only required to have stubs, and  
15 in the case of a single page ballot we could buy pre-  
16 perforated stubbed paper and reduce the amount of  
17 space available for candidates and meet that  
18 requirement. The requirement that we cannot meet and  
19 no Ballot on Demand vendor can do this, is if we were  
20 to go to a 2-page ballot requiring the center  
21 perforation and have another one of those 38-inch  
22 ballots like we had in November, no Ballot on Demand  
23 system meets that requirement. So, what did we do  
24 when we first hear about early voting? We  
25 immediately contacted the State Board of Elections,

1 and said, Folks, is the ballot that we're going to  
2 deliver on a—at and early voting site the equivalent  
3 of an absentee ballot or is it the equivalent or an  
4 Election Day ballot? The legislation ultimately  
5 clarified that, and it is the equivalent of an  
6 election day ballot, and the reason that that  
7 question was asked was to pose this question vis-à-  
8 vis Ballot on Demand, and so we were told it's an  
9 election day ballot. So, we're still in the present  
10 moment at the stub perforation requirement at a  
11 minimum for a one-page ballot and potentially at a  
12 center perforated stub for a two-page ballot. So,  
13 what's the good news? The good news is we hear that  
14 the New York State Legislature is working closely  
15 with the State Board of Elections, and we've had our  
16 feedback with the State Board of Elections, and the  
17 expectation is that the stub requirement and the  
18 center perforation requirement is going to be retired  
19 as an anachronistic leftover from the way that we  
20 used to vote. It hasn't happened yet, but based on  
21 those assurances, we are moving forward with looking  
22 at Ballot on Demand systems in conjunction with—in  
23 conjunction with electronic pollbooks. The other  
24 little wrinkle with the electronic pollbooks,  
25

2 however, is under the State Law the New York State  
3 Elections--Board of Elections must authorize the  
4 vendors that you can use for electronic pollbooks.  
5 Now our understanding is it stop about a dime short  
6 of a full blown certification, but it still requires  
7 an authorization, and it's our understanding that  
8 that authorization is going to come sometime in June,  
9 and that the State OGS Contract, which will allow for  
10 the procurement of electronic pollbooks will come  
11 sometime in July. Given the number of poll workers  
12 that we must train in advance of a November general  
13 election, which is not shortened until October the  
14 26<sup>th</sup>. So, it's really no--no longer a November  
15 election. It's a--it's an October election now in New  
16 York State. We must engage in that training  
17 commencing in July. So, either of those two  
18 scenarios is too late for the City Board of Elections  
19 to--to choose a vendor and to procure that, right, and  
20 then to train our poll workers. So, we had  
21 discussions with the State Board of Elections and the  
22 State Board of Elections has given us assurances that  
23 if we put language in our procurement that says if  
24 they're not--if the vendor is ultimately not approved  
25 by the State Board of Elections then we have the

2 ability to get out of the contract. Our agency Chief  
3 Contracting Officer has coordinated within the city  
4 PPB Rules numerous demonstrations at the Board  
5 offices for staff to take a look at these—to take a  
6 look at these systems. Several of the vendors  
7 combined the Ballot on Demand with the electronic  
8 pollbooks. There was one vendor that you have to  
9 make a separate procurement, but in any event, we've  
10 taken a look at these systems. We have a pretty good  
11 idea of what they can do, and we will be presenting  
12 our findings to the commissioners in the coming weeks  
13 so that we can go about the business of procuring the  
14 electronic pollbooks and the Ballot on Demand  
15 systems. Acco has also made a determination as to  
16 those vendors that we could piggyback off of a  
17 contract from another jurisdiction, and—and somewhat  
18 condense the procurement time as opposed to a full  
19 blow RFP process, which would not be something that  
20 we could engage in and expect to make any of these  
21 deadlines. So, to do a pick and pull, you know,  
22 paper ballot system at the early voting sites with  
23 stockpiles of paper ballots was absolutely  
24 unworkable. So, we looked for other options. At the  
25 Direction of the Board of Com—of Commissioners, a

2 letter was sent to the State Board to make an inquiry  
3 under 7-201 Subdivision 4 of the New York Works  
4 Election Law, which would permit the use of a system  
5 uncertified voting system on an experimental basis,  
6 and had the State Board granted that approval, the  
7 City Board could have potentially used a system for  
8 the purposes of marking and/or tabulating the ballots  
9 in a different way. Under those circumstances, and  
10 in that limited window that his request was made, the  
11 only way that the law would provide for use of such a  
12 system is on a borrow or rent basis. It would not be  
13 a procurement, and that is a significant point to  
14 make because that is not the way that this has been  
15 portrayed by some in-in the public conversation of  
16 this. So, the city commissioners directed that that  
17 letter be sent. It was sent. We ultimately received  
18 a response back from the State Board of Elections on  
19 April 19<sup>th</sup> indicating that they were not comfortable  
20 in moving forward in that regard. So we have turned  
21 the page and we're moving forward with the Ballot on  
22 Demand system. So, that is one option that we were  
23 exploring that we were looking potentially to do, and  
24 it was not approved by the State Board of Elections  
25 as is their right and authority to do so. We're not

2 quarreling with that at all. The reason that we  
3 didn't make a similar request of another vendor and  
4 please be reminded that there are only two election  
5 system tabulators in New York State. The reason that  
6 such a request was not made from—for the other vendor  
7 is their most recent system is already certified by  
8 New York State. Therefore, no such requests for  
9 experimental use was required under the law. In our  
10 zeal to look for all options, we sat here—not here,  
11 but virtually here in November and we went back and  
12 forth for 3-1/2 hour, and one of the overriding  
13 frustrations that we heard from the City Council,  
14 which we took back and discussed with our  
15 commissioners is we need to modernize the way that we  
16 conduct voting in New York City. And we heard that,  
17 and we understood it, and then we went about the  
18 business of having our—ourselves and our vendor  
19 conduct a—a review of what happened in November, and  
20 our vendor tells us, and we're not experts in what  
21 the voting technology can do. Vendors in this regard  
22 whether it's the vendor that we presently use or any  
23 other vendor have to serve a dual purpose role in  
24 this process. One is they've got to provide you with  
25 the equipment. Two, is they have to serve as your

2 technical-technical consultant. They have to tell  
3 you what their system does and what it's capable of  
4 doing. So, we got feedback from them that says that  
5 in a similar circumstance with the amount of volume  
6 that we had with the center perforated two-page  
7 ballot and ballot pages with perforations on both  
8 ends, that if we're in that situation again with the  
9 current voting system, we should expect that we will  
10 be at a very similar situation, and I believe that  
11 that information we shared with the Chair and the  
12 Speaker through proper channels. So, that kind of  
13 puts a little bit of a bulb around where we are and  
14 and what we were doing up to this point. Now, let's  
15 turn to the early voting sites themselves. The early  
16 voting sites themselves what the commissioners  
17 directed be done is that all voting locations by  
18 March the 15<sup>th</sup> in this city. So, I may back up a  
19 second. It used to be May the 1<sup>st</sup> when we had  
20 designated poll sites because of the movement of the  
21 primary from September to June. We now have to  
22 designate by March the 15<sup>th</sup>. So, we had about six  
23 weeks notice that six weeks of our designation time  
24 was going to cut off at the back end while all at the  
25 same time conducting a citywide Special Election, and



2 now immersed in the petition process that just  
3 concluded last Thursday—last Friday that the petition  
4 for the June Primary—oh, and by the way, there's  
5 another special election coming up on March the 14<sup>th</sup>  
6 in the 45<sup>th</sup> Council District. So, we have all of  
7 that going on, and we're planning for early voting.  
8 So what we did was we designated all of the sites in  
9 the city that presently could be identified as  
10 potential sites for early voting, and we—and we and  
11 all of our Election Day sites. So, it's over 1,200  
12 sites. So, we did that so that we have a panoply of  
13 sites, a menu, if you will, to pick from in  
14 conjunction with working with elected officials and  
15 the Administration with respect to this plan. So,  
16 where are we today? Today, we have so far identified  
17 37 sites that we could use as suitable locations for  
18 early voting. Where else are we today? This is a  
19 stack of letters that we have from sites that are now  
20 just starting to getting a whiff of the fact that  
21 early voting is coming, and that election day is no  
22 longer one day, but it's really 12 days potentially.  
23 Election day plus the nine days of early voting,  
24 which must run consecutively we can't break it up,  
25 and then a day to deliver before early voting starts

2 and a day to pick up the equipment after early voting  
3 starts, and these are the folks that are objecting to  
4 being poll sites, the likes of which we've never  
5 seen. We do a pro forma. It's a pro forma letter  
6 that goes out every year, and everybody that's  
7 designated at a poll site, every once in a while  
8 somebody says they had an event or they rented out  
9 their space and they didn't realize the primary was  
10 going to be on a certain day, but for general  
11 elections we—we almost get no objection whatsoever.  
12 But now, we get a stack, and they're coming in on a  
13 daily basis. So, I am heartened to hear that the  
14 Administration and the—and the Council is willing to  
15 work with us, and, you know, I'm a little bit  
16 disappointed that Councilman Powers has left the room  
17 because he hit the nail really on the head. Anybody  
18 and actually Councilman Yeger, we've worked on poll  
19 sites as well, and we all know the challenges  
20 associate with—with the poll sites, and finding them,  
21 and having willing partners in this process. I've  
22 also, and it's not in my written testimony, but I've  
23 heard some other suggestions that we should be  
24 thinking outside the box and looking at other types  
25 of locations for example, you know, storefronts. You

2 know, you have some of these storefronts that are not  
3 being utilized and you might be able to use them for  
4 early voting. One of the hurdles that we have  
5 confronted and we've only had preliminary  
6 conversations with the Law Department and with the  
7 Department of Citywide Administrative Services is:  
8 There presently is not a short-term procurement for  
9 that type of location. So, it will require---and I'm  
10 not saying by any stretch of the imagination that  
11 it's insurmountable and that some legal minds can't  
12 get together and put some, you know, put some pen to  
13 paper and amend the leasing process for New York  
14 City, but if we're going to go to private sites, and  
15 we're going to ask them to be poll sites, right,  
16 presuming that we don't have the legal authority to  
17 designate them, but there's an empty place and it's  
18 convenient, we need to remedy the procurement process  
19 so that Chair Cabrera your suggestion to, you know,  
20 sweeten the pot, if you will, to make it more  
21 financially attractive for some of these locations to  
22 do this, we must have a mechanism to pay them and a  
23 procurement mechanism that meets the PPB Rules in  
24 order to do that. So, we have flagged that issue to  
25 the--to the Law Department and to DCAS. The

1 preliminary word that we got back so far keeping in  
2 mind that all this unbinding, you know, evolving that  
3 right now the rules don't exist in order to make that  
4 happen. So, those are some of the challenges that we  
5 have associated, not the least of which is—as Sandow  
6 just pointed out that we do have always the specter  
7 of finding sites that are accessible within the  
8 definition set forth in the Americans With  
9 Disabilities Act. So, I've—I've hit some of the high  
10 points in terms of what we've done so far with  
11 dispatch staff to—to Chicago observe early voting.  
12 We've consulted with numerous other early voting  
13 jurisdictions to get guidance and feedback including  
14 Chicago, L.A., Miami-Dade County, Harris-Harris  
15 County, Texas, which has been doing early voting  
16 since 1984. Miami-Dade doing it since I believe  
17 2002. Our legal team is working together with the  
18 State Legislature and the State Board to do the work  
19 necessary for some of these clean-up bills, and I can  
20 shed a little bit more light with respect to some of  
21 the financial numbers that have been put out into the  
22 stream of commerce recently. Our staff—our Finance  
23 staff has worked very closely with the Office of  
24 Management and Budget to begin to round out what an  
25

2 early voting budget will look like keeping in mind  
3 that a lot of it is—is a bit of guesswork presently  
4 because it's still evolving, but it was important to  
5 stake out a number so that the city would not find  
6 itself and the Board would not find itself caught  
7 short because now the budget has been completed, and  
8 we didn't have an appropriate placeholder and—and  
9 then we'll find ourselves in the middle of next year  
10 asking for a new need that will be hard to come by as  
11 we all know, in the middle of a fiscal year if you're  
12 looking for a big number. So, we've been researching  
13 and identifying locations that will be suitable over  
14 a 9 through 11-day period, and as well as evaluating  
15 the impact of conducting early voting on the NYPD,  
16 and what our security needs will be 24 hours a day 7  
17 days a week for an 11-day period with respect to  
18 securing the voting machines. So, that's some of the  
19 challenges, and we make that statement to temper  
20 expectations as to what an early voting experience is  
21 going to look like first coming out of the gate, and  
22 the reason that all of this material is here is to  
23 drive home the point that each one of those  
24 jurisdictions to a—to a jurisdiction, cautioned  
25 against biting off too much in the initial phase of

2 early voting implementation. Every one of them has  
3 told us you want to make sure that the voters that  
4 use early voting have a positive experience, and that  
5 they develop an ever increasing faith in that process  
6 and that the system will work. The worst thing that  
7 we could do is get overly ambitious, and then not  
8 have it not work, and then undermine the-the voting  
9 public and the voter pass it. (sic) So-pardon.  
10 [background comments] And-and so we-we-they-they have  
11 all counseled on a phased-in process. As a matter of  
12 fact, I know in one conversation with Miami-Dade  
13 where the administrator said well, I actually feel  
14 bad for you guys because when we started doing early  
15 voting nobody was doing it. So, nobody had any real  
16 expectations. Now, that it's been happening in other  
17 jurisdictions and New York is a little bit late to  
18 the game, there's this, you know, sense of well this  
19 should just, you know, be and water and stir. Put a  
20 little something in the-and-and drink it and it's all  
21 going to be happy and magic, but it won't. It's going  
22 to be tough work, but I'm heartened to hear that  
23 everybody is on board in trying to make it work. We  
24 discussed the OGS contract. We discussed the PPB  
25 Rules. I just gave you the caution. [background

2 comments] Yes. So, the following issues that we must  
3 address moving forward, which will continue. I know  
4 that there was eagerness to have this hearing today.  
5 What that did for us a little bit was shift our—our  
6 focus. We were focused on having more of these  
7 answers ready for May the 17<sup>th</sup>, which is our Budget  
8 testimony day, and we were looking at that as the—  
9 that's the real date that we have to go to that, and  
10 then this came up. So, in any event we—every  
11 jurisdiction has told us we need to establish a  
12 completely separate unit for early voting, and we  
13 have been cautioned against mixing the apples with  
14 the oranges, and that that the early voting folks  
15 should be the early voting folks, and the election  
16 day folks need to be the election day folks, because  
17 if you to it the other way we've been told it's going  
18 to—it's going to become very messy very quickly.  
19 What's that's going to do, though, is it's going to  
20 require us to complete our analysis for a new needs  
21 staffing request, and it's going to also require us  
22 to have additional space made available so that these  
23 people can sit down in front of computers and work,  
24 right and so there's staffing needs, securing  
25 additional OSHA/ADA compliant office space,

2 evaluating and establishing the infrastructure  
3 requirements necessary for the Early Voting Program  
4 both in the office and at the—the storage facility  
5 where the machines are going to be stored. Working  
6 with the Law Department to amend the—the process for  
7 the non-governmental sites that we might get feedback  
8 from and—and find that they're necessary to be used.  
9 So, until the passage of the Primary Consolidation  
10 Bill, the Board was required to make poll site  
11 designations by May 1<sup>st</sup>, as I said. Now, it's May  
12 15<sup>th</sup>. All of the poll sites were designated as  
13 legally required on March 15<sup>th</sup> including any sites to  
14 be used for early voting. On April 29<sup>th</sup>, yes April  
15 29<sup>th</sup>, yesterday, the State Board of Elections  
16 approved early voting rules and regulations. We have  
17 not received them officially yet. We have an  
18 understanding of what's going to be in them once we  
19 have them and we've had the opportunity to go over it  
20 with staff and our legal staff as well. We will  
21 understand in more detail the impact that it will  
22 have on early voting. [background comments] No,  
23 okay. Alright, so that concludes the early voting  
24 portion of-of the program, and I will turn my  
25 attention to the poll site translation services, and



2 I—and I—and I would like to say I've—I've heard  
3 everything that was said here today, and—and I know I  
4 have said this before. I don't think it's  
5 necessarily fully appreciated or believed, but I will  
6 say it again: There really is no daylight  
7 specifically Council Member Treyger between your  
8 position and the Board's position. The—the  
9 difference of opinion comes from who should be  
10 administering the—ultimately, who should be  
11 administering the Translation Services, and what's  
12 the criteria for choosing who gets services? One of  
13 the fears and I—and I—and I know it's not a fear  
14 that's widely shared, but it has to be a fear that  
15 the board takes seriously because if you offer  
16 outside the bounds of a legal structure a language  
17 service to a group that is not presently covered by  
18 either federal law or state law, without any  
19 understanding of how that criteria is made or even  
20 with an understanding of how that criteria is made,  
21 the Equal Protection clause of the Constitution  
22 applies equally to people who are disenfranchised as  
23 they are to people who are enfranchised. So, if we  
24 go ahead and offer services outside the bounds of  
25 that important structure, other groups are going to

2 come and say, well, you gave it to them. How come  
3 you're not giving it to us, and at some point there  
4 becomes a--and I don't know what that line is, but at  
5 some point there is a--a line that you cannot go  
6 beyond that you don't have the unlimited resources,  
7 and our experience has been with the courts. Believe  
8 me, we have experience with the courts. Our  
9 experience has been with the courts when a federal  
10 court issues an order you better follow it, and it  
11 doesn't matter if you have the resources or your  
12 don't have the resources, you got to get the  
13 resources, and you've got to make it happen, and you  
14 have consent decrees, and all of those other things.  
15 So, what we're simply asking for is a structure, a  
16 legal structure, some authority to tell us legally  
17 this is what you need to do. Where we have a  
18 difference of opinion with the City Council not only  
19 on this issue, but on many issues is does the City  
20 Council have the authority to give that authorization  
21 and our consistent position, the Commission's  
22 consistent position is that the appropriate venue for  
23 this discussion to be had is in the New York State  
24 Legislature. This is our Bible. It is the New York  
25 State Election Law. If you've read it, I feel bad

2 for you because it's very confusing, but I read it  
3 all the time. So, if a change to the New York State  
4 Election Law is made and placed into this book, we  
5 will do everything humanly possible to make sure that  
6 that happens. So, for your perusal and consideration  
7 we have attached two bills: Senate Bill 4036-A  
8 presently pending and introduced on February 26, 2019  
9 and Assembly Bill 6075 also introduced on February  
10 26, 2019. Now, these are not same-as bills so we  
11 can't sit here and say that there's an absolute that  
12 they will pass, but they are companion bills, and  
13 they are very similar, and interestingly enough they  
14 specifically reference the City Board of Elections  
15 in-in the Senate Bill and says that we should be  
16 guided by 23-1101 of the Administrative Code. That  
17 provides clear direction that we can follow, and then  
18 meet needs of the other as yet uncovered language  
19 services, but what it also does I think perhaps even,  
20 you know more significantly from a-from a practical  
21 standpoint is if these two bills are consolidated,  
22 and with-and the-and the-the daylight is-is-is  
23 closed, and the Governor signs it into law, then  
24 we're going to be in the position of the State Law  
25 preempting the city action as a-as a field occupying

2 event. And—and so to avoid that confusion, we would  
3 prefer to wait until the conclusion of the—of the  
4 State process, and let that happen, and if it becomes  
5 law, we will be mandated to—to cover the languages  
6 that are pursuant to the City Planning as interpreted  
7 by 23-1101 of the—of the Administrative Code, and  
8 then under those circumstances I would hope that at  
9 least for a short period of time that issue would be  
10 put to rest understanding that New York City is a  
11 migrant population. People move all over the place,  
12 and they come in and go out. So, I would suspect  
13 that at some point down the road even if we resolve  
14 this there will be another group that comes in behind  
15 the groups that are here presently and—and want the  
16 answers to those same questions, but as long as we  
17 have a beacon to follow, which would be City Planning  
18 as interpreted by the, you know, the Administrative  
19 Code 23-1101 signed into law by the Governor then  
20 we're all on firm footing and we don't have to worry  
21 about being dragged into federal court over the  
22 issue. That's what I have to say on those issues and  
23 I certainly welcome any questions that the panel may  
24 have.

2 CHAIRPERSON CABRERA: Thank you so much.  
3 Thank you for all your testimony. Let me recognize  
4 that we have been joined by Council Member Rosenthal  
5 and Council Member Rodriguez, which they also will be  
6 having questions after Council Member Treyger, but I  
7 have a few questions here. Number 1, have you-I'm  
8 sure that you heard testimony from the Democracy NYC,  
9 you receive communications from the Mayor's Office  
10 regarding the \$75 million. What's your present  
11 position regarding the \$75 million for poll sites and  
12 early voting?

13 MICHAEL RYAN: So, that number was  
14 initially presented to the commissioners last  
15 Thursday in between the petition hearings that were  
16 going on all day from 9:30 in the morning 'til after  
17 5:00 at night. We then had petition hearings again  
18 on Friday. Our next meeting-what time is it now? I  
19 don't even-I don't have my watch, but our meeting is  
20 at 1:30. So, in an hour and a half that will be my  
21 first face-to-face opportunity to have a conversation  
22 with the Commissioners, but I will say this that the  
23 Board of Elections understands what an undertaking  
24 this is. We also understand that this is not  
25 something that the Board of Elections should or could

2 be expected to do on its own without assistance from  
3 all corners of—of the universe in New York City.

4 The—the citizens and various government entities are  
5 making government facilities available, and then at  
6 the end of it, staffing those early voting sites, and

7 I want to also out very, very clearly we're not  
8 talking about an additional 11 days. We're not.

9 We're talking about an additional 11 days per  
10 election event including special elections. So,

11 we're talking about an additional 11 days for

12 Presidential Primary in 2020 an additional 11 days

13 for the June Primary next year. Oh, and by the way,

14 there may be a special election depending on how

15 things work out in one of the counties because a

16 countywide official is running for another countywide

17 office, which is going to lead us potentially into a

18 special election after the first of the year. So,

19 when we're talking about designating these poll sites

20 as early voting sites, it's not asking them to do an

21 additional 11 days. It's asking them to do an

22 additional 11 days time every election event that is

23 happening in a year, which in some years could be 44

24 days or 55 days.

2 CHAIRPERSON CABRERA: But do you  
3 recognize that—do you recognize that we need more  
4 than 35 sites?

5 MICHAEL RYAN: As I said, the Board is  
6 committed to establishing a process, moving forward,  
7 coming with a base number of sites that everybody  
8 agrees on we can reasonably accomplish November, but  
9 not expecting that that's going to be the last stop  
10 on the train. Okay, we did our job. Let's move on.

11 CHAIRPERSON CABRERA: Right.

12 MICHAEL RYAN: This process must evolve  
13 as being cautioned by other jurisdictions that have  
14 vast experience in this area and phase in over the  
15 course of time, and so, yes, we agree that we must do  
16 everything we can do collectively to make sure that  
17 the early voting process works in—in New York City,  
18 but by the same token, as I said earlier, we have to  
19 do it in a reasonable and measured way to make sure  
20 that it works. The first going out of the box and  
21 provides a solid foundation that cannot be undermined  
22 upon which we can build to establish a—an early  
23 voting process that is worthy of the greatness of the  
24 city of New York.

2 CHAIRPERSON CABRERA: I-I-I'm glad that  
3 you look other-other states, municipalities. Based  
4 on your analysis-I'm sure you completed that  
5 analysis, how many poll sites do you normally need  
6 per how many people, 100,000 people, 50,000 people?

7 MICHAEL RYAN: Well, typically we-we  
8 deploy one scanner presently for every 1,400 voters.  
9 So, that analysis doesn't really work for us, and  
10 other jurisdictions have told us that the early  
11 voting process is going to evolve. You'll see it low  
12 in the-in the initial rollout, and it will build over  
13 the course of time, but the only way it's going to  
14 build over the course of time is if we do it right,  
15 and we-and we have confidence-and we establish  
16 confidence that it can work. The other thing that I  
17 thought was interesting, from most of you--

18 CHAIRPERSON CABRERA: [interposing] But-  
19 but what I don't want is people going and waiting and  
20 waiting and waiting, and it's--and it then it ends up  
21 being a bad experience. I'm also making an  
22 assumption, and I recognize assumption is the lowest  
23 form of knowledge, but I'm making an assumption here  
24 that you're going to have more than usual a line of  
25 people, constituents going out to-to-to experiment



2 and to try to this early voting, and the reason why I  
3 say this is we have the Presidential race coming up,  
4 the Primary. The turnout I believe is going to be  
5 unprecedented in New York State and New York City,  
6 and so what I don't like (sic) is that we have a very  
7 small amount of sites, and I don't know if you're  
8 prepared to let us know right now.

9 MICHAEL RYAN: I said—I said we've so  
10 far--

11 CHAIRPERSON CABRERA: [interposing] You  
12 identified 37.

13 MICHAEL RYAN: --we identified 37.

14 CHAIRPERSON CABRERA: But what do we  
15 know?

16 MICHAEL RYAN: Well, our—our goal is to  
17 provide as many sites as we can, and reasonably  
18 conduct the early voting process, but-but 37-37--

19 CHAIRPERSON CABRERA: [interposing] So  
20 you welcome the 100?

21 MICHAEL RYAN: Well, here's—here's the  
22 problem. We don't know exactly how that's going to  
23 look just yet because we haven't made a vendor  
24 selection with respect to the Ballot on Demand  
25 system, and the integration of the electron

2 pollbooks, and what those vendors have told us in our  
3 initial feedback with them is that once that  
4 selection is made, we need to get with them and come  
5 up with a plan on how that's going to work. Now, one  
6 of the—and training. So, all of that's going to come  
7 into play.

8 CHAIRPERSON CABRERA: They have been  
9 giving you that already? I mean I would thing that--

10 MICHAEL RYAN: [interposing] We have it.

11 CHAIRPERSON CABRERA: --this early on  
12 there should be giving that to you.

13 MICHAEL RYAN: We have it to an extent,  
14 but it's like anything else: Show me the money.  
15 Until they're your—you're their customer, you're only  
16 going to get but so much information out of them.

17 CHAIRPERSON CABRERA: What I would  
18 think if they want you to be their customer that  
19 they would provide-

20 MICHAEL RYAN: [interposing] Yes.

21 CHAIRPERSON CABRERA: --this data so you  
22 can see what they're able to produce. I mean I don't  
23 want to provide funding—I don't want to provide  
24 funding and then later on, oh, by the way, this is  
25 all we can do. I want to know what you're able to

2 produce because both companies have certain claims  
3 right now how fast--

4 MICHAEL RYAN: [interposing] I'm sorry.  
5 I want—I want to be clear. Let's separate out the  
6 election tabulation system companies from the Ballot  
7 on Demand and the electronic poll book.

8 CHAIRPERSON CABRERA: Right.

9 MICHAEL RYAN: Yes, some of those vendors  
10 are in that mix as well, but there are also vendors  
11 out there that just do electronic pollbooks, and  
12 quite frankly, the ones that specialize in the  
13 electronic pollbooks, we've looked at those and we  
14 are more impressed with the ease of use and, you  
15 know, what they have to offer in terms of  
16 implementation and consultation services. So, we do  
17 have some rough sketch of what we think it might look  
18 like, and we're thinking something along the lines of  
19 two, potentially two electronic pollbooks for every  
20 one Ballot on Demand printer at these sites, but  
21 it's—it's so preliminary that it would be  
22 irresponsible to try to paint that picture. It's  
23 only been in—this process has only been unfolding for  
24 the last couple of months and we just got the real

2 guidance from the state yesterday, which we haven't  
3 been able to digest since they have provided it.

4 CHAIRPERSON CABRERA: But I know you've  
5 been anticipating--

6 MICHAEL RYAN: Right.

7 CHAIRPERSON CABRERA: --and like you  
8 stated, in all fairness to the NYC BOE, is that  
9 you're running out of time, and very soon you have to  
10 provide the training. You're going to have to--you're  
11 going to have to make special adaptation to the  
12 procurement process. We've got to get moving.

13 MICHAEL RYAN: Yeah.

14 CHAIRPERSON CABRERA: And so--

15 DAWN SANDOW: It happened and we've met  
16 with our--Mr. Ryan explained there are three different  
17 types of vendors. It's not the same vendor, and we  
18 have already received presentations not just  
19 executive management, but the Chief and Deputies in  
20 every borough have come to the presentations. We've  
21 gone through about 17 presentations. While we are in  
22 the process of doing that, we are also in the process  
23 of having weekly meetings setting up discussing the  
24 poll sites, the staffing. There's many different  
25 elements to this. Aside from meeting with the Chief

2 and Deputies, they also have come in and there's been  
3 demonstrations for the Commissioners as well. We  
4 have our procurement already on the—the vendors that,  
5 you know, we have given feedback on, and we have  
6 discussed also with the State Board. We're working  
7 very closely with the State Board. They're  
8 understaffed as well, and they're trying their best.  
9 I mean they just came through with rules and  
10 regulations yesterday, but we have extended our help  
11 with the State Board to say we would be happy to come  
12 up and sit with you, and other different  
13 jurisdictions to come and sit to help with. We have  
14 to go through reconciliation at the end of the  
15 evening. It will be different from what we do on-on  
16 election night. So, there's different procedures  
17 that have to be written that the State Board is still  
18 in the process of doing. We have begun writing our  
19 own procedures. Of course, we would gladly and we  
20 have been giving our ideas to the State Board as well  
21 as other jurisdictions I heard, but this is not just  
22 finding poll sites, getting vendors, having training.  
23 A lot of different aspects, and that's why we are  
24 looking to phase in. What we have for our early  
25 voting now is not what it's going to be for our

2 Presidential. That's going to be a whole different  
3 ballgame. We're—we're looking at a—a turnout this  
4 year that is not going to be what we're going to have  
5 for the Presidential Primary.

6 CHAIRPERSON CABRERA: Absolutely.

7 DAWN SANDOW: And so yes this came very  
8 quickly to everyone, and everyone was shocked. Oh,  
9 my God, how are we going to do this, but then, you  
10 know, taking a step back and looking at everything  
11 this is probably the best year to do it. If—if we—  
12 they would have told us we had to do this for a  
13 presidential election, I—I think there would have  
14 been mass hysteria. So, we are looking to phase in  
15 every aspect of election law. We want the voters to  
16 have a great experience. We are looking forward to  
17 working with the Mayor's Office, the City Council,  
18 every aspect of government to ensure this is a  
19 success. There will be obstacles. Nothing will be  
20 perfect. Every jurisdiction that we have spoken to  
21 has said we hit this obstacle, we hit that obstacle,  
22 and, of course, we're taking what they're giving and  
23 we're—we're saying okay, this is great, you know,  
24 we're learning from another jurisdiction, but guess  
25 what? We're going to hit our own obstacles. There's

2 going to be many lessons learned. If everyone  
3 remembers 2010 when we rolled out the Electronic  
4 Voter System. Does everybody remember the primary?  
5 It was chaos. There were lessons learned. We rolled  
6 out that system in eight months, eight months, and we  
7 predicted this year—we don't want chaos, but we  
8 predicted there will be lessons learned.

9 CHAIRPERSON CABRERA: I appreciate that  
10 we're trying to get rid of the perforated ballots. I  
11 think they are antiquated. I think they are—we all  
12 know here the nightmare that we went through the two  
13 previous elections. Are all these vendors—are all  
14 the vendors prepared to have 32-inch paper ballots.  
15 What—what do you see in the next one?

16 MICHAEL RYAN: No, the—the—the biggest  
17 ballot that can be produced is a 19-inch ballot.  
18 That's with the stub. I—I suspect that if the stub  
19 requirement goes away--

20 CHAIRPERSON CABRERA: [interposing] Yes,  
21 but it has the solid clamp? (sic)

22 MICHAEL RYAN: --that we'll—we'll reclaim  
23 that H at the top and we can go up to a—to—I'm not  
24 sure if it's 20 or 21 inches, but that will help. I  
25 mean ever little bit of room on those big paper

2 ballots makes a difference, but the other thing that  
3 I did want to--

4 CHAIRPERSON CABRERA: [interposing] Hold  
5 on a second. Just for like our-our, you know, right  
6 next to us we--there's two vendors.

7 MICHAEL RYAN: Right.

8 CHAIRPERSON CABRERA: They gave a  
9 demonstration and if I understood it right, if you  
10 have a paper ballot that could be up to 20 something  
11 inches, 30 inches.

12 MICHAEL RYAN: I see--

13 CHAIRPERSON CABRERA: [interposing] Is  
14 that--is that allowed by state law? I mean if--if we  
15 were to change the state law--

16 MICHAEL RYAN: [interposing] If--

17 CHAIRPERSON CABRERA: --would that be  
18 something that you're looking for?

19 MICHAEL RYAN: If the machine, if the--I'm  
20 not familiar with that particular ballot length, but  
21 if the machine can tabulate it, then there is no  
22 restriction on the length. When--when I say that  
23 we're restricted to their length, we've been  
24 restricted to the length by the technology, by the



2 ability of the scanner to scan a ballot of a certain  
3 length not by statutory function.

4 CHAIRPERSON CABRERA: Well, I saw the-if  
5 the dominion--

6 MICHAEL RYAN: Okay.

7 CHAIRPERSON CABRERA:--the one by the  
8 dominion, I believe evolution.

9 MICHAEL RYAN: Yes, the image cast  
10 evolution.

11 CHAIRPERSON CABRERA: Evolution and I  
12 was told that it could go to the--they have the  
13 ability--if I remember right, up to 32 inches. So,  
14 that--that would sound to me that even if based on  
15 what you told me right now that it could avoid all  
16 the problems that we had last time even if there was  
17 not a change of rules by the State--the rules.

18 MICHAEL RYAN: Right.

19 CHAIRPERSON CABRERA: Is that correct?

20 MICHAEL RYAN: That--that is presently not  
21 our vendor, and the--our vendor contract runs through  
22 2021. So, as I stated back in--

23 CHAIRPERSON CABRERA: [interposing] Are  
24 you allowed to have two vendors?

2 MICHAEL RYAN: You can have no more than  
3 two vendors. That-that is correct.

4 CHAIRPERSON CABRERA: Right now you only  
5 have one?

6 MICHAEL RYAN: Right now we-we-we only  
7 have one. The-a decision was made by the  
8 Commissioners to-to make sure that we had one unified  
9 operating system because at the end of it, the piece  
10 of the puzzle the kind of gets lost in the source or  
11 taken for granted is ERM, which is the Elections  
12 Results Management portion of this. It's h ow we  
13 report results out at the end of the night, and we  
14 have for all of the criticism that the Board gets, we  
15 have that piece of the puzzle pretty well down. I-I  
16 know that we've taken a lot of the mystery and angst  
17 out of election nights with how well we're doing  
18 that. So, one of the reasons we were able to do it  
19 that way was because we have now a wholly integrated  
20 system. That contract is due to expire in the early  
21 part of 2021. The State Board I am sure is going to  
22 engage in other vendors. Right now we only have two.  
23 We don't know as a city board how many other vendors  
24 may be ultimately available for consideration as this  
25 contract ages out. So, you know, we have to let that

2 process play itself out, but I also want to point  
3 out, when I sat before this committee back in  
4 November, I pointed out the fact that--that those  
5 choices get made at the state level, and then  
6 ultimately the 62 counties are told the parameters of  
7 with--within they must act, and so right now, there  
8 are two potential vendors, but the other piece of the  
9 puzzle that kind of got glossed over a little bit  
10 earlier, yes the Mayor has made \$75 million  
11 available, but there's also an additional \$21 million  
12 made available for the acquisition of electronic  
13 pollbooks, which kind of separates those two things  
14 out. One is the space and the people, and the other  
15 is a little bit the technology. So, my understanding  
16 it's --

17 CHAIRPERSON CABRERA: [interposing] And  
18 is that going to be enough?

19 MICHAEL RYAN: --a total of \$96.

20 CHAIRPERSON CABRERA: Is that \$20 going  
21 to be enough for the poll voters?

22 MICHAEL RYAN: Um--

23 CHAIRPERSON CABRERA: [interposing]  
24 Because I know we talked about it last time.

25 MICHAEL RYAN: Yes.

2 CHAIRPERSON CABRERA: You weren't sure.  
3 If you think that that's going to be enough?

4 MICHAEL RYAN: It's \$21 million and we  
5 think that that would be a sufficient number for full  
6 implementation of electronic pollbooks not just for  
7 early voting, and as Ms. Sandow suggested a few  
8 moments ago, it's a lot to get through, but there is  
9 some wisdom, and value in having—making the  
10 transition to electronic pollbooks now, and getting  
11 that under our belts in November, and then moving  
12 forward into the presidential year that we will have  
13 had elections where they're used.

14 CHAIRPERSON CABRERA: But those  
15 electronic pollbooks whoever you select now is going  
16 to be kind of tied into who you're selecting in 2021,  
17 right?

18 MICHAEL RYAN: No.

19 CHAIRPERSON CABRERA: No?

20 MICHAEL RYAN: That's what I was saying  
21 earlier the--

22 CHAIRPERSON CABRERA: [interposing] I  
23 know you mentioned that.

24 MICHAEL RYAN: --electronic pollbooks  
25 vendors we have are electronic—identify the

2 electronic poll book vendors that are voting  
3 tabulation system agnostic.

4 CHAIRPERSON CABRERA: Okay.

5 MICHAEL RYAN: They will work with  
6 whatever you have and make it happen.

7 CHAIRPERSON CABRERA: That's great.

8 MICHAEL RYAN: And that's their job is to  
9 make it happen. So, that's a--

10 CHAIRPERSON CABRERA: [interposing] Let  
11 me make this last point, and I'm going to pass-pass  
12 it onto my colleagues, and starting with the sponsor  
13 of the bill, which I-I want to make it-actually a  
14 personal point here. I was raised in-I was born here  
15 in the Bronx, went to Puerto Rico. I was four years  
16 old. All I knew how to say in English was Yes  
17 [laughter] enough and I would tell people no all the  
18 time because I was always afraid that that I would  
19 say yes to something illegal or somebody was asking  
20 me to do something bad. I know my colleague  
21 Rodriguez fully understands because he went through  
22 the same experience. It is a very scary-yeah a bit  
23 emotional because it's a big-you-you carry like this  
24 embarrassment, shameful because, you know, people  
25 make fun of your accents, and people. So, to avoid

2 all that especially when you're young, you just avoid  
3 things. I heard the heart of my colleagues speaking  
4 and my story. There are a lot of people in my  
5 district who, you know, in a different district  
6 especially in districts where we don't have language  
7 interpreters who they feel they can identify with,  
8 that they would just avoid an election altogether  
9 because of that awful, awful feeling. It's hard to  
10 describe if you have not gone through it. Mainly,  
11 you know, it's not like you're go on vacation. You  
12 don't speak the language. You know, you're coming  
13 back to the United States and speak the language.  
14 You have to live here, and so I-it is my hope that we  
15 will come to the meeting of the minds, and-and to do  
16 it soon because we cannot allow what we-the status  
17 quo that we have right now to continue, and-and I'm-  
18 I'm going to-and I know you had comments, but I'm  
19 going to pass it onto my colleague because really  
20 that's where the discussion is really taking place.  
21 So, let me pass it onto--

22 MICHAEL RYAN: [interposing] Mr.  
23 Chairman, if-if I may have a personal moment as well.

24 CHAIRPERSON CABRERA: Sure.

2           MICHAEL RYAN: I want to be clear like  
3 you, I have a personal story, and part of my personal  
4 story is my wife is first generation American. My  
5 in-laws came after World War II and didn't speak  
6 English. The first election that my father-in-law  
7 voted in was in November of 2007 when I ran for  
8 District Attorney of Staten Island--

9           CHAIRPERSON CABRERA: Uh-hm.

10           MICHAEL RYAN: --and the reason he voted  
11 in that election and hadn't voted previously was  
12 exactly all of the reasons that you're talking about.  
13 So, I understand that not only as a professional, but  
14 from a personal perspective as well and that's why I  
15 said earlier that there's not daylight in the  
16 positions. It's a question of how are we going to  
17 use the tools available to us to get the job done?  
18 So--

19           CHAIRPERSON CABRERA: Thank you. Council  
20 Member.

21           COUNCIL MEMBER TREYGER: Thank you.  
22 Thank you again, Chair and I--I will try to be very  
23 brief because we have a lot of--I have a hearing  
24 myself coming up very soon. Welcome back, Director  
25 Ryan, and I appreciate that you brought copies of the

2 state bills that are working its way through-through  
3 Albany. Just a point of information they were born  
4 out of our efforts. I have been in contact with  
5 those sponsors every step of the way, and they are  
6 equally as frustrated as we are that this has not  
7 been already implemented in the City of New York, but  
8 On the topic of the state bills, has the Board of  
9 Elections taken the position on those state bills and  
10 do you plan to testify in favor of them when they  
11 hold hearings?

12                   MICHAEL RYAN: We have been in contact  
13 with the state Legislators and we take—we will, I  
14 presume, and I can't get out in front of the  
15 Commissioners on this, but the position that we  
16 typically take with respect to legislation that is  
17 legitimate on its face and doesn't, you know, really  
18 create onerous operational difficulty is that if it  
19 is passed into law, we will implement it, and our  
20 role in that legislative process is to typically  
21 state what needs we would require, in order to do  
22 implementation. And so we stay out of the-the-the  
23 yay or nay merits of the bill, and we stick to the  
24 operational side of it, and we can certainly provide  
25 information to the State Legislature on what our



2 staffing needs would be based on what we already do  
3 for other language services and just expanding that  
4 in that regard. But you—everyone should have  
5 assurances that if that is passed into state law and  
6 the governor signs it, the City Board of Elections  
7 will obey state law without question.

8 COUNCIL MEMBER TREYGER: But has the  
9 Board of Elections provided any opinion on this issue  
10 before?

11 MICHAEL RYAN: In-in a formal way no, but  
12 in a way that government works where there are  
13 conversations back and forth amongst staff, amongst—  
14 amongst principals. Yes.

15 DAWN SANDOW: I—I do believe that  
16 Commissioner Shamone (sp?) if I'm not mistaken.

17 COUNCIL MEMBER TREYGER: Is your  
18 microphone on?

19 DAWN SANDOW: Commissioner Shamone during  
20 one of our hearings when our Democracy also came to  
21 speak, basically said from the very beginning that if  
22 this is passed and it is state law, we will move  
23 forward and do everything that is stated in that bill  
24 to ensure that we require the languages or what's in  
25 the bill, and it was stated.

2 COUNCIL MEMBER TREYGER: Right and if I  
3 heard correctly, you're saying that the only entity  
4 that you're interested in complying with is the State  
5 Legislature. We heard earlier testimony from our  
6 city administration, and you are aware that a  
7 referendum was passed in the City of New York  
8 establishing a Civic Engagement Commission to  
9 establish a program that has not been fully baked  
10 yet. But, so are you—are you stating that the Board  
11 of Elections is not looking to comply?

12 MICHAEL RYAN: No. What I'm saying is we  
13 would like this state process to be completed. If  
14 the state process is completed, and it view a  
15 favorable passage on this legislation, then the  
16 question of what's left to do for the Civic  
17 Engagement Commission vis-à-vis language and  
18 translation services becomes a moot point as far as I  
19 see it. Now, I—I could be wrong about that. If it's  
20 not a moot point then we will have further  
21 conversations with the Civic Engagement Commission.  
22 Once it's fully constituted and we can engage them  
23 in—in meaningful conversation, and if they make  
24 proposals, I'm sure that those proposals will be—will  
25 be properly considered by the Board of Commissioners,

2 and if six out of ten of them say to do a certain  
3 thing, then we'll—we'll do whatever that thing is,  
4 but we're hopeful that we will get a state resolution  
5 with clarity that gives the ability to move forward  
6 and be in a—in a legal and reasonable way that would  
7 insulate the Board from lawsuits, you know,  
8 successive lawsuits from other groups that, you know,  
9 that they have not been properly served by the  
10 process.

11 COUNCIL MEMBER TREYGER: Director Ryan--

12 MICHAEL RYAN: Yes, we'll okay this for  
13 that matter.

14 COUNCIL MEMBER TREYGER: Historically,  
15 the only lawsuits that—that have been—that have come  
16 about is when the Board of Elections failed to  
17 provide additional languages. I am cognizant of the  
18 history of Bengali being added in queens. That was  
19 not because the Board of Elections suddenly added  
20 languages. It's because you did not add languages,  
21 and the Board of Elections actually was contesting  
22 this in court--

23 MICHAEL RYAN: [interposing] Well--

24 COUNCIL MEMBER TREYGER: --and--and it  
25 required a Federal Court decision, a Federal Court

2 decision to—to force the Board of Elections to  
3 provide additional language services under the Voting  
4 Rights Act, and I want to also just say if I'm  
5 hearing you correctly, that you believe the Equal  
6 Protection Clause of the Constitution prohibits the  
7 city of New York to add additional languages?

8 MICHAEL RYAN: No, that's not what I  
9 said.

10 COUNCIL MEMBER TREYGER: More services?

11 MICHAEL RYAN: And I'll and I—and I  
12 appreciate the fact that that I think like a lawyer.  
13 So, I'll try to say it not thinking like a lawyer.  
14 If—if you give a service to a particular group that  
15 gives—it doesn't prevent you from giving service to  
16 that group, but what it does is it gives the ability  
17 of other groups similarly situated to say hey, you  
18 gave services to those folks over there, how come  
19 you're not giving those same services to me, and  
20 that's the snowball effect that we're concerned about  
21 moving forward--

22 FEMALE SPEAKER: [interposing] But you  
23 can today.

24 MICHAEL RYAN: --voluntarily and—and—and-  
25 and I'll use, you know, your expression from earlier,

2 voluntarily moving the goal post to include a  
3 particular group gives rise to other groups saying  
4 hey, what about me and then where does that stop?  
5 How do we stop that—that avalanche of services that  
6 are going to be provided potentially by virtue of  
7 Court order on short notice. Anything could be  
8 accomplished by this government and by this Board of  
9 Elections with the proper amount of planning and lead  
10 time. So, those are the concerns that we have. It's  
11 not over a question of whether or not voters should  
12 get services It's how are those services going to be  
13 provided and who is going to provide them, and what's  
14 the standard and criteria we're going to use in order  
15 to establish those groups that are going to get  
16 services, and I—I know you made some issues—  
17 statements with respect to the Bengali. Mr. Richman  
18 is prepared to address the historical issue related  
19 to the Bengali litigation if you—if you so wish to  
20 hear that.

21 COUNCIL MEMBER TREYGER: All I'm  
22 interested in hearing about is did it require a court  
23 decision for the Board of Elections to add Bengali?

24 MICHAEL RYAN: No.

2 COUNCIL MEMBER TREYGER: Why was there a  
3 lawsuit?

4 MICHAEL RYAN: So, there you go. Now  
5 it's down on this page.

6 COUNCIL MEMBER TREYGER: [laughter]

7 LEGAL COUNSEL: [background comments] Do  
8 you swear to tell the truth, the whole truth and  
9 nothing but the truth in your testimony before this  
10 committee, and to respond honestly to Council Member  
11 questions?

12 STEVEN RICHMAN: I do. My name is Steven  
13 Richman. I'm the General Counsel for the Board.  
14 Councilman, when the Director of the Census made the  
15 designation, he did not designate Bengali. He  
16 designated Asian and Indian and artificially created  
17 an accommodation. The Board has a concern because  
18 the official language of India that they use for  
19 voting and all other purposes as English, and there  
20 was no guidance coming from the Department of  
21 Justice. So, the Board initially engaged in a  
22 discussion with the Department of Justice. The next  
23 step is when they thought the board made the  
24 determination to implement that by using Bengali.  
25 There was a concern that we were not providing the

2 additional services in terms of a formal language  
3 assistance plan that was created when preclearance  
4 existed and covered for Chinese and Chinese language  
5 assistance, specifically, the advisory groups, et  
6 cetera. What the litigation was and was resolved was  
7 that the Board by adopting the program that it did to  
8 implement the Asian and Indian designation met the  
9 requirements and without doing a formal negotiation—a  
10 formal agreement between the parties or a formal  
11 language assistance plan so there was no compulsion  
12 there. The problem was there was no guidance coming  
13 from the Department of Justice or the Director of the  
14 Census when they made the designation of Asian-Indian  
15 for Queens County because there is no language called  
16 Asian-Indian, and as I said, the official language of  
17 India happens to be English.

18 COUNCIL MEMBER TREYGER: Why did these  
19 concerns rise to the level of the a Federal Court?

20 STEVEN RICHMAN: Because certain groups  
21 were not satisfied with the way the board implemented  
22 it, and yet the court found that the board  
23 implemented it properly, and this is not federal  
24 court order in place with respect to Asian-Indian  
25 language assistance in the city of New York.

2 COUNCIL MEMBER TREYGER: So, why wasn't  
3 Bengali added prior to the court—the court decision?

4 STEVEN RICHMAN: The Board had a problem  
5 in terms of determining--

6 COUNCIL MEMBER TREYGER: [interposing]  
7 Mr. Richman, it's a very simple question. If—f what  
8 you're saying or if these technicalities on language,  
9 geography, nations why wasn't Bengali added prior to  
10 the court decision?

11 STEVEN RICHMAN: Bengali was added prior  
12 to the court decision. How we implemented it was the  
13 question. The problem was first determining what  
14 does Asian-Indian language assistance mean, and that  
15 took over a year of discussions including the  
16 Department of Justice because there is no such  
17 language as Asian-Indian. It's relatively easy when  
18 the Department—the Director of the Census designated  
19 Chinese that language is very clear. When they  
20 designated Korean, there's one Korean language. There  
21 is not language as Asian-Indian, and that's the  
22 problem that the Board had engaged and the Department  
23 of Justice provided the Civil Rights, the voting  
24 section of the Department of Justice, the Civil



2 Rights Division basically said make it up, and that's  
3 what we did.

4 COUNCIL MEMBER TREYGER: So, Mr. Richman,  
5 to be clear, there was no such service prior to the  
6 court decision. I understand--

7 STEVEN RICHMAN: [interposing] There was  
8 no such service until the Director of the Census  
9 designated Asian-Indian in Queens County because  
10 there was no legal obligation for the board to  
11 provide it.

12 COUNCIL MEMBER TREYGER: It-it warranted  
13 a court decision to actually move this process  
14 forward. Am I am right.

15 STEVEN RICHMOND: No.

16 COUNCIL MEMBER TREYGER: Well, my point,  
17 well--

18 STEVEN RICHMAN: [interposing] That's not  
19 correct. There is no court decision requiring  
20 Bengali in the city of New York. That was a  
21 voluntary action taken by the board.

22 COUNCIL MEMBER TREYGER: I'm sure Al Deck  
23 (sic) and others was-was-

24 STEVEN RICHMAN: Was-was questioning and  
25 again there is no court order either.

2 COUNCIL MEMBER TREYGER: Mr. Richman,  
3 sir, the point is we heard from Director Ryan that if  
4 you add more languages it opens up more lawsuits.  
5 We've seen historically there's lawsuits when you  
6 don't add more languages. There's nothing in federal  
7 law or state law or city law that prohibits the BOE  
8 from adding more languages today. Nothing. There's  
9 nothing against the law. The city-city agencies we  
10 have passed a number of Local Laws in this Council  
11 and this body adding more language access across  
12 agencies. I am not aware of a threat of lawsuit that  
13 were filed the next day. So, we are in the business  
14 of trying to help and empower people and nothing  
15 prohibits the Board of Elections from doing the same,  
16 and unlike the early voting measure, this then  
17 unfunded mandate we offered to-my-my colleagues  
18 mentioned before about the different agencies  
19 involved in here. We've been going in circles  
20 because the goal posts have been shifting. We-we  
21 heard that there was-there was a lack of resources.  
22 The city is willing to pay for it. There's-we  
23 thought of MOIA because MOIA has Immigrant affairs in  
24 it. We want to help our immigrant communities, but  
25 the Board of Elections has a problem with MOIA

2 because it has the word Mayor in it. So, CFB has  
3 Voter Assistance Advisory Committee, which has  
4 enormous credibility. CFB does good work on this  
5 issues, and yes, we would have to establish a new  
6 program because no program like this exists right now  
7 because the BOE refuses to accept city resources and  
8 establish its own. So, that's why we're going in  
9 circles here, and now you have a referendum that  
10 passed, and if I'm hearing you correctly, you don't  
11 intend to comply the referendum--

12 MICHAEL RYAN: [interposing] That question  
13 honestly has been asked and answered already and I-  
14 and I disabused of that nation a few moments ago, and  
15 I would appreciate you not repeating that. I did not  
16 say we would cooperate. What I said was, and I  
17 encourage patience on allowing the state process to  
18 complete itself because if the state process  
19 completes itself favorably to your position, then the  
20 rest of the conversation is moot. That was something  
21 that I said very clearly not that long ago. So I  
22 appreciate the tussle back and forth over Asian-  
23 Indian, but I don't appreciate the tussle back and  
24 forth over misconstruing what I said because I didn't  
25 say that. So, and I don't want that to be the-the

2 narrative that we walk out of here with. Please, I'm  
3 asking you as respectfully as I can. We will engage  
4 with the Civic Engagement Commission at the  
5 appropriate time. We are hopeful that the State  
6 Legislative process will resolve itself, and we'll  
7 have clear guidance. If we don't, we'll be off in a  
8 different direction with the Civic Engagement  
9 Commission.

10 COUNCIL MEMBER TREYGER: I—I am not—I am  
11 not clear in your answer, Director Ryan, respectfully  
12 as well because if I heard your testimony correctly,  
13 you're—you're waiting on the state to act. We'd love  
14 for the state to act immediately as well. Let me  
15 tell you why they didn't act for many years? Because  
16 tenant Republicans blocked our efforts every step of  
17 the way, but there is a new day in the Senate thank  
18 goodness and now we have leadership with some with  
19 that who cares about voters, all voters in New York.  
20 That's why we couldn't get things passed in the  
21 state, but again just to close off—close off here,  
22 Director Ryan, we have disagreements on language  
23 access that is—is not electioneering. We have  
24 disagreements on the definition of inside of poll  
25 station and quite frankly, it's disappointing that

2 there's a disagreement on the application of the  
3 Protection Clause of the Constitution. Nothing  
4 prohibits the BOE from doing this now, and just to  
5 wrap up, Mr. Chairman, I heard a testimony and I read  
6 your testimony here about early voting and I  
7 appreciate, you know, the predicament that you're in  
8 that this was passed recently and the Board has to  
9 now—has to now adopt the program, but early voting  
10 has been existence in this country since the—since  
11 the first half century of its—of its existence.  
12 Nothing stopped the BOE from preparing at least a  
13 study or some sort of analysis done on how do we  
14 operationalize this should this move forward in New  
15 York? Nothing and I'll close on that note. Thank  
16 you, Mr. Chair.

17 CHAIRPERSON CABRERA: Thank you so much.  
18 Let me pass it on to Council Member Rodriguez  
19 followed by Council Member Rosenthal.

20 COUNCIL MEMBER RODRIGUEZ: First of all,  
21 I agree with my colleague. I think that it is our  
22 responsibility to as a city to provide the services  
23 to every single groups. The city and the majority is  
24 not the one that we have in the 1900 census. The  
25 1900 Census in New York City was 96% white, 2% Black.

2 Latino we were not counted, and today in the 2019,  
3 the New York City population is 38% of all born and  
4 raised in other countries. The rest of you guys as  
5 many others have a grandfather born and raised here  
6 and other places. We also carry on this story about  
7 being discriminated, all of us Irish, Italian,  
8 Jewish, South American, Latino. So, I believe that  
9 it a great day today that we have as leaders that we  
10 leave our fingerprints, you know, taking the city to  
11 another level. We are New York City, and I feel that  
12 as you have said this is our responsibility to learn  
13 from other places that we need to take the lead and  
14 we have and we are striving to be, but we have a lot  
15 of resources, and we have the commitment, you know,  
16 to be the role model of the nation that we would like  
17 to see. So, you know, the city changed, and I think  
18 that providing the services should have started from  
19 the rational, but it's only about what can we do with  
20 the services about their rights to be sure that  
21 every—the 8.5 million New Yorkers feel and they know  
22 that they are entitled to get their right respect,  
23 and I think that one of those, and again, it's not up  
24 to me. It's not about individuals. It's about we as  
25 a city that had to move and to change the culture. I

2 think that translation is something that not only  
3 because of the many who are Spanish speaking and they  
4 have my accent, and the media they have to listen  
5 very careful to listen to what I said, but that's---  
6 I'm one of those New Yorkers, you know, that not only  
7 pay my taxes and contribute to the city and therefor  
8 do my contribution. So, as the great City of New  
9 York that as I've been able to move myself for being  
10 as washing dishes to be what I am today. Here in the  
11 five boroughs of New York City there's so many New  
12 Yorkers that they're their taxes, that they expected  
13 the services to be provided, and one of those is  
14 about how this--the best experience to vote. One of  
15 my concern for me is about how does the vote election  
16 hire the polling sites workers. I think that that  
17 culture has to stop. You know, that experience where  
18 the--the workers they are referred by the district  
19 leaders, and then to the whole establishment that  
20 they control many of those jobs, we need to continue  
21 making changes. You know, because when I see any  
22 particular district, you know, the workers the  
23 polling workers, the--the workers sites they should  
24 reflect the community where those elections are  
25 taking place. We should not have issues with people

2 who speak their language in those neighborhoods, and  
3 I think that for me, and you can name it, I am  
4 seeking too (sic) a growing economy, and yet you say  
5 great workers, but they don't speak the language of a  
6 community that is mainly Hispanic speaking. So, how-  
7 what is the process of hiring the workers? How can  
8 we do better? How can we guarantee that 100% of the  
9 polling sites also are covered with real quality  
10 translation? That for me is a big concern. I also  
11 feel that we as a city should put other resources.  
12 We should allow, we should open polling sties toe be  
13 open at hospitals, high schools.

14 DAWN SANDOW: They are.

15 COUNCIL MEMBER RODRIGUEZ: No, they're  
16 not.

17 DAWN SANDOW: At high schools?

18 COUNCIL MEMBER RODRIGUEZ: They're not.

19 I can name but one. I say in the Hudson. Sorry. I  
20 know that we address it. They say we don't have that  
21 as a policy to say the places where there is like a  
22 big gathering of people, we end, come back to us.  
23 Let's put the resources, let's look at Columbia and  
24 New York Hospital. Let's look at—I'm not talking  
25 about one, okay. I'm talking about we planning



2 together. Let's look at high schools. Let's  
3 incentivize the high school, the seniors who already  
4 can vote to also say we open polling sites. Let's  
5 open polling sites in the detention centers. You  
6 know, let's open polling sites in colleges. No, I  
7 don't—I know we—I got the answer. That's fine. You  
8 came in and wanted to place, and I said we as a city.  
9 Yes, imagine that the 19 or 20 accountable (sic) at  
10 CUNY also open polling sites. We will see a larger  
11 participation of people voting in those places.

12 MICHAEL RYAN: Correct.

13 COUNCIL MEMBER RODRIGUEZ: So, how can we  
14 expand voting participation and, of course, I want to  
15 end hoping that you already start planning together  
16 because I wasn't pushing big. The effort to allow  
17 New Yorkers with Green Cards and working permits to  
18 also vote in municipal elections.

19 DAWN SANDOW: [off mic] Well that has to  
20 be both. (sic) [bell]

21 MICHAEL RYAN: We—we don't have—we don't  
22 have—we don't have the authority to--

23 COUNCIL MEMBER RODRIGUEZ: [interposing]  
24 No, for that. I know that's what is coming. (sic)

2 MICHAEL RYAN: That's right. [laughter]  
3 Okay, okay.

4 COUNCIL MEMBER RODRIGUEZ: I just want it  
5 on the record. Offer me translation.

6 MICHAEL RYAN: So, so the poll workers—so  
7 the poll workers I can't speak for every single poll  
8 site clearly throughout the city, but I can tell that  
9 as an overall proposition, election law requires that  
10 we consider poll workers that come from the party  
11 apparatus built into election law. However, that  
12 having been said, it used to be that the vast  
13 majority of our poll workers came from party  
14 organizations. However, that's no longer the case.  
15 That number tipped lower than 50% several years back,  
16 and has been dropping every year since then. So we  
17 get the majority of our poll workers through election  
18 day, our election day worker or in our—in our website  
19 and we weren't able to pull it off last year because  
20 of some contracting difficulties, but you might  
21 remember there a couple of years back we had with the  
22 Department of Health we piggybacked off the their  
23 contract and we did ads on the bus *Become a Poll*  
24 *Worker* ads on the subway *Become a Poll Worker*, and—  
25 and we did the same thing for interpreters as well.

2 That's an expensive proposition, but it's a worthy  
3 one. I mean we ended up probably getting a grand  
4 total of about 1,500 or 1,600 poll workers from that  
5 ad campaign, which doesn't sound like a lot except if  
6 you juxtapose that up against the 30,000 poll  
7 workers, it's a full five percent, and when you're  
8 talking about needing all the bodies that you could  
9 possibly use, 5% makes a difference. So, encourage  
10 anyone that you know to go to election day worker,  
11 sign up to become a poll worker. They'll be included  
12 in the—in the training process, and—and, you know,  
13 they'll be able to serve their communities, and we do  
14 make a valued effort to place those workers as close  
15 to home as possible, because we recognize that if  
16 we're asking them to come there at 5:00 in the  
17 morning, and leave sometime after 10:00 at night, to  
18 then ask them to get on a train and—and take a 40-  
19 minute train ride some place, is a—is merely  
20 unrealistic. So, we—we do make those efforts, and  
21 there was a—was there another--?

22 COUNCIL MEMBER RODRIGUEZ: Opening—  
23 opening polling sites in hospitals, detention  
24 centers, and colleges.

2           MICHAEL RYAN: Well, so-so detention  
3 centers I could dispense with very quickly. It's  
4 against the law. So, that's in, you know, unless the  
5 law has changed, you can't open a-a vote center in a-  
6 in a detention center, but moving to the other sites,  
7 we will consider and we consider all poll sites. If  
8 there's-and it really does come down to where a  
9 district by district, block by block exercise I know  
10 Councilwoman Rosenthal, we-we've-we've dealt with  
11 this process, and we looked at the maps and, you  
12 know, we do all of that. So, if individuals have  
13 sites that they want considered for poll sites,  
14 they're unaware.

15           COUNCIL MEMBER RODRIGUEZ: Oh, yes. So,  
16 Chairman, think about--

17           MICHAEL RYAN: Oh, please, if-if--

18           COUNCIL MEMBER RODRIGUEZ: [interposing]  
19 You know the college, all the colleges, if we were to  
20 have--

21           MICHAEL RYAN: [interposing] If-if-if  
22 you-if you have the ability to get us into those CUNY  
23 facilities, and-and-and-and-and break down those  
24 doors and let us in, then I'm certainly happy because  
25

2 you're right. They're often very centrally located.  
3 They're big locations. We—we—

4 DAWN SANDOW: [off mic] [interposing] We  
5 do Columbia Presbyterian. We do—

6 STEVEN RICHMAN: [interposing] Right, I—  
7 I—we're doing at the hospitals. (sic)

8 COUNCIL MEMBER RODRIGUEZ: None in my  
9 district. Not at the Presbyterian, and not the---

10 STEVEN RICHMAN: Yes. Columbia  
11 Presbyterian, the Health Science Center opposite the  
12 Armory we use as a poll site. We use—I'm trying to  
13 remember. On Roosevelt Island, I think it's either  
14 Collier or Goldwater, which has a big area there.  
15 So, the colleges. CUNY that makes available sites we  
16 do. I know we have a poll site at Medgar Evers. We  
17 have a poll site at Brooklyn College at Roosevelt  
18 Hall.

19 MICHAEL RYAN: It's not as across the  
20 board as we'd like. Let's put it that way. We do  
21 get some cooperation—

22 DAWN SANDOW: [off mic] At John Jay.

23 STEVEN RICHMAN: Which I—I—and

24 COUNCIL MEMBER RODRIGUEZ: [interposing]

25 And so—

2 STEVEN RICHMAN: [interposing] Which I and  
3 I and John Jay in the past have given us concern  
4 about using some of the largest spaces given their  
5 athletic activities and the others, but Mr. Ryan  
6 referred to earlier the stack of letters we got of  
7 objections. They included not far—SUNY actually  
8 objected to the designation in the Manhattan site,  
9 but we've also had objections from private colleges  
10 that have tax exemptions and large spaces because  
11 it's going to interfere with everything from the  
12 basketball tournament to the—to the physical  
13 education activities, and in terms of high schools,  
14 the Department of Ed has been very cooperative  
15 recently. In the last five elections every borough  
16 that I've been into there's at least one or two. We  
17 were in most of—most of the high schools because they  
18 have bigger space, but again, we're also in  
19 elementary schools, intermediate schools as well.  
20 The Department of Ed has the least legal right to say  
21 no to us except when there's physical construction  
22 that takes place in facilities for example in a site  
23 in Brooklyn where we had a great cafeteria right off  
24 the entry from the first floor, and then they redid  
25 the cafeteria and built these permanent tables, and

2 like, you know, I call them dyno booths and now guess  
3 what? We can't put voting in there.

4 CHAIRPERSON CABRERA: Right, you know,  
5 as—I know my colleague as the former chair of the  
6 Higher Education Committee will—will be definitely  
7 getting into that conversation, and calling the  
8 Chancellor.

9 COUNCIL MEMBER RODRIGUEZ: We have 30  
10 seconds, and the whole thing if we want our youth to  
11 participate in election, and I'm pretty sure that  
12 when CUNY comes to our budget, we should be able to  
13 engage CUNY also. I'm happy to hear that you are  
14 open, but I feel it's only about to identify one or  
15 two sites. If we are able to say that brought you to  
16 the Board of Elections, again, we need to do our  
17 part, and say we can be able to facilitate polling  
18 sites and needs promised.

19 MICHAEL RYAN: Alright.

20 COUNCIL MEMBER RODRIGUEZ: I think that  
21 then we can also go and talk to the President and be  
22 able to--

23 MICHAEL RYAN: One of the challenges that  
24 we've found—we faced a little bit with CUNY as well  
25 is that the individual facilities although they

2 operate under the umbrella of CUNY they seem to from  
3 the outside looking in operate a little bit more  
4 independently. So, if we can get, you know, a foot  
5 in the door to have a conversation, you know, at a  
6 higher level, and get some assistance and—and we  
7 break down some of the resistance because—and it's  
8 not resistance I don't think always for the sake of  
9 resistances.

10 CHAIRPERSON CORNEGY: I want to—I want to  
11 get to Council Member Rosenthal.

12 MICHAEL RYAN: Sure.

13 CHAIRPERSON CABRERA: Okay, yes.

14 COUNCIL MEMBER ROSENTHAL: [off mic] I  
15 just would have [on mic] Thank you so much, Chair.  
16 Sorry. I'm chairing a hearing on gender equity in  
17 our schools so I just had to run out and talk at the  
18 rally. I'm going to ask you a few questions, and  
19 then I'll go chair the hearing. I love the way  
20 Council Member Rodriguez framed the language issue,  
21 and—and it was really powerful hearing Council Member  
22 Cabrera's question as well. The same argument is  
23 made everyday by the disabilities community. So, we  
24 know that at least 11% of our population self-  
25 identifies as having a disability. We know that as



2 our population even grows the growing percentage are  
3 those who are older, and what I don't see and haven't  
4 heard anything about in your testimony is what we're  
5 doing to ensure that there are ASL interpreters. The  
6 deaf community is not taken care of. I'm not hearing  
7 your--your path to test out the new devices with  
8 people with disabilities and getting their feedback  
9 and incorporating their feedback into what the  
10 devices can do. Currently, the one thing that--that  
11 the board does is test them out at the Disability  
12 Pride Parade in July. That's going to be after you  
13 purchase the devices, more likely than not. How can  
14 you get to the disabilities community prior to  
15 purchase of the devices? And finally, what's--oh,  
16 sorry. You--why don't you start by answering those?

17 MICHAEL RYAN: Alright, so we do have,  
18 and it was prior to the 2016 General Election the  
19 board and I believe we were the first city entity  
20 that did this. We hired two ADA Coordinators to work  
21 not only on making sure that our poll sites are fully  
22 ADA compliant in terms of the ability to get inside,  
23 but also to address some of the concerns.

24 COUNCIL MEMBER ROSENTHAL: [interposing]  
25 Can I just--

2 MICHAEL RYAN: [interposing] Sure.

3 COUNCIL MEMBER ROSENTHAL: --stop you  
4 right there and ask you and what did they do with all  
5 the machines that were broken and unusable? Do you  
6 know how many sites where that happened? Because my  
7 feedback from the community--

8 DAWN SANDOW: [interposing] Yes.

9 MICHAEL RYAN: Are you talking about--are  
10 you talking about the ballot marking devices?

11 COUNCIL MEMBER ROSENTHAL: Yes.

12 MICHAEL RYAN: The ballot marking--

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 The devices that are there for them.

15 MICHAEL RYAN: The ballot marking devices  
16 are a challenge because they're very old.

17 COUNCIL MEMBER ROSENTHAL: But you see,  
18 that's not good enough.

19 MICHAEL RYAN: Alright.

20 COUNCIL MEMBER ROSENTHAL: So, what's  
21 your plan moving forward?

22 MICHAEL RYAN: So, they have been--

23 DAWN SANDOW: [off mic] Taken out of  
24 service.

2           MICHAEL RYAN: --taken out. The ones  
3 that have been broken have been taken out of service.  
4 We've been much more on top of that since the  
5 bringing on the ADA compliance staff, but they-they  
6 aging machine and we stay on top of them, and it's  
7 like having an old car. You try to keep it going as  
8 this--

9           COUNCIL MEMBER ROSENTHAL: [interposing]  
10 Let's just stay on going forward with our new  
11 devices? What do you do for--?

12           MICHAEL RYAN: So, there are no--there are  
13 no new devices.

14           COUNCIL MEMBER ROSENTHAL: For people  
15 with disabilities?

16           MICHAEL RYAN: Correct. The--we made a  
17 request of the State Board of Elections to use a new  
18 device potentially experimentally. That request was  
19 denied. That process is still moving forward in  
20 terms of its overall certification. If that process  
21 is ever completed, we'll--we'll--

22           COUNCIL MEMBER ROSENTHAL: [interposing]  
23 when you say process, you mean a new device?

24           MICHAEL RYAN: Correct.

2 COUNCIL MEMBER ROSENTHAL: So, there are  
3 new devices out there--

4 MICHAEL RYAN: Correct.

5 COUNCIL MEMBER ROSENTHAL: --and the  
6 State Board of Elections has denied the city the  
7 ability to use them?

8 MICHAEL RYAN: Not--

9 DAWN SANDOW: [off mic] They're not  
10 certified.

11 MICHAEL RYAN: It's--it's not a certified  
12 machine. We may we--I--I

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 If it's not certified--

15 MICHAEL RYAN: Right.

16 DAWN SANDOW: [interposing] It's in the  
17 process of being certified, probably.

18 COUNCIL MEMBER ROSENTHAL: Well, wait.  
19 Has been denied certification--

20 MICHAEL RYAN: No.

21 COUNCIL MEMBER ROSENTHAL: --or it's in  
22 the process of being certified?

23 MICHAEL RYAN: [interposing] It's in the  
24 process of being certified.

25 DAWN SANDOW: [off mic] And it's two.

2 COUNCIL MEMBER ROSENTHAL: It's two very  
3 different things.

4 MICHAEL RYAN: So, there are--there--there  
5 are two vendors, only two vendors in New York State  
6 that can serve as vendor tabulators, right.  
7 [background comments] So they're the only ones that  
8 so far have wanted to do business in New York. I  
9 can't imagine why, but we asked the state for  
10 consideration to use one of the newer devices that's  
11 not as yet certified. There is another new valid  
12 marking device from another vendor that is not  
13 presently our vendor, and our current vendor contract  
14 runs through 2021.

15 COUNCIL MEMBER ROSENTHAL: And you can't  
16 ask the current vendor to have a subcontract in order  
17 to get the device? I mean isn't this all hands on  
18 deck? We're talking about 11% plus as a population.

19 MICHAEL RYAN: First, that would be a  
20 commissioner level decision number one. So, I-I--

21 COUNCIL MEMBER ROSENTHAL: [interposing]  
22 But what actions have you taken to make it better for  
23 11% of our population? It's not good enough. I just  
24 want to hear from you a strategy.

25 MICHAEL RYAN: We-we present---

2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 What's your strategy? What--when you go to your

4 commissioners and beg for people with disabilities to

5 have [bell] access to vote, what's your strategy with

6 them? How do they respond? Have they given you

7 authority to more--

8 MICHAEL RYAN: [interposing] Well, first--

9 COUNCIL MEMBER ROSENTHAL: --how do

10 people who are adults--

11 MICHAEL RYAN: [interposing] Council

12 Member--Council Member you're--

13 COUNCIL MEMBER ROSENTHAL: --get ASL

14 translators?

15 MICHAEL RYAN: You're--you're missing--

16 DAWN SANDOW: [off mic] We meet with DRA

17 Rights Advocates.

18 MICHAEL RYAN: well pardon?

19 DAWN SANDOW: We meet with the DRA Rights

20 Advocates.

21 MICHAEL RYAN: We meet with the

22 Disability Rights Advocates on a regular basis, but

23 you're--you're making an anecdotal assertion. I'd be

24 happy to have this conversation with you in detail as

25 we had other conversations in detail, but that's

2 making it sound as if we've done nothing with respect  
3 to the disability community, and I would say that  
4 that is absolutely not true. We have over 500—over  
5 500 of our 1,200 poll sites have accessible ramps  
6 that we've contracted with over 17—I think it's 17—I  
7 think it might be up to as many as 20 vendors to  
8 provide access to facilities that they previously  
9 would not have had access to and that has been an  
10 ongoing process since 2014, and it is now in the—in  
11 the tune of millions of dollars that—that have been  
12 spent for this.

13 COUNCIL MEMBER ROSENTHAL: I mean you  
14 know that for people who don't have access what  
15 you're saying is irrelevant. For people who in the  
16 same way that somebody who speaks one of the 154  
17 languages in Danny Dromm's district is not satisfied  
18 with all the answers, but here we're talking about  
19 11% of the population, and what I'm hearing from you  
20 is that 40% of your poll sites have special features.  
21 What about the other 60%?

22 MICHAEL RYAN: The—the other--

23 COUNCIL MEMBER ROSENTHAL: [interposing]

24 Look--

25

2 MICHAEL RYAN: --the other sites don't  
3 require them. Every one of our poll sites--

4 COUNCIL MEMBER ROSENTHAL: [interposing]  
5 Does every site have an ASL interpreter?

6 MICHAEL RYAN: No, the-the purpose of the  
7 ballot marking device, which was put into place by  
8 the Board prior to the electronic voting machines,  
9 the purpose of that ballot marking device is to  
10 provide access to the individuals who have sight,  
11 hearing and manual dexterity and-and speech issues,  
12 but it has all of the functionality--

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 Do your poll workers, are they trained? Because I'm  
15 hearing that people show up and get no help and  
16 similarly just are embarrassed and turn around.

17 MICHAEL RYAN: So, yes, the answer is the  
18 poll workers are trained with respect to the-to the  
19 ballot marking device.

20 COUNCIL MEMBER ROSENTHAL: Are they  
21 tested and can I have the results of the tests? Do  
22 they really know what they're doing?

23 DAWN SANDOW: [off mic] They pass the  
24 test. They all have to pass the test in order to  
25 learn, but if there's a specific issue that you want



2 to discuss with us so that we can then maybe if you  
3 bring it to our attention, we can then look up and  
4 see who was the poll worker working on that BMD, and  
5 remove them, and see if they need extra training or  
6 maybe they should be put into a different position,  
7 and not taking care of Ballot Marking Device.

8 COUNCIL MEMBER ROSENTHAL: I-I hear you  
9 say we're meeting with the disabilities community all  
10 the time.

11 DAWN SANDOW: Yes, we have to do that.

12 COUNCIL MEMBER ROSENTHAL: [interposing]  
13 I hear you say that if you give us a specific example  
14 we'll fix it. What I'm not hearing is a proactive  
15 commitment to making sure that those with  
16 disabilities are welcomes into poll sites, and yes,  
17 I'm happy to meet with you afterwards and pursue  
18 this, but the feedback that I've gotten from the  
19 disabilities community is that all those meetings and  
20 all those efforts, of course, extraordinary are not  
21 good enough, and -and--

22 MICHAEL RYAN: Okay, so-so the sooner  
23 after an election event that we get notified with  
24 respect to an issue, the better off we'll be-

2 COUNCIL MEMBER ROSENTHAL: [interposing]  
3 Well on election day as well.

4 MICHAEL RYAN: --in-in terms of fixing it  
5 and we will (sic), but I want to--but I want to stress  
6 something. We have two ADA Coordinators. One of our  
7 ADA Coordinators is, in fact, hearing impaired, and  
8 requires the use of translation services in order to  
9 do his job. So--so the point is that there are  
10 specific examples of places we're acting in a  
11 deficient manner. We're happy to bring you in and  
12 sit down with our ADA Coordinators. These folks know  
13 this stuff. This is their job, and I believe that  
14 they've been doing a very good job up to this point,  
15 but if something--if--if we're not aware or something,  
16 we can't fix it, and so we remain available to have  
17 these conversations. You and I have had  
18 conversations. You've been to our office about other  
19 things. We're certainly happy if you--if you see that  
20 there's a glaring issue some place--

21 COUNCIL MEMBER ROSENTHAL: [interposing]  
22 I know, yeah, I appreciate that. I really do.

23 MICHAEL RYAN: Right and bring to our  
24 attention and we'll--and we'll--and we're doing it now,

2 but let's—let's have a conversation about the  
3 specifics and you can also record it.

4 COUNCIL MEMBER ROSENTHAL: I appreciate  
5 that, and I need to turn it back to the Chair.

6 MICHAEL RYAN: Yep.

7 COUNCIL MEMBER ROSENTHAL: So, we'll  
8 definitely follow up because--

9 MICHAEL RYAN: [interposing] Alright.

10 COUNCIL MEMBER ROSENTHAL: --there are  
11 hundreds of thousands of people with disability who  
12 are excluded from voting today--

13 MICHAEL RYAN: Right.

14 COUNCIL MEMBER ROSENTHAL: --and we need  
15 to increase accessibility for everyone.

16 MICHAEL RYAN: Right, but I—I think if  
17 you have an opportunity to meet our ADA staff, you'll  
18 have a different impression about the office.

19 COUNCIL MEMBER ROSENTHAL: I don't—I  
20 don't—I assume you're doing you job well--

21 MICHAEL RYAN: Right.

22 COUNCIL MEMBER ROSENTHAL: --and they're  
23 doing their job well. That's—that's my assumption.

24 MICHAEL RYAN: Right.

25

2 COUNCIL MEMBER ROSENTHAL: We're all  
3 public servants doing the best we can.

4 MICHAEL RYAN: Right.

5 COUNCIL MEMBER ROSENTHAL: What I'm  
6 saying is there are hundreds of thousands of people  
7 with disabilities who don't have access--

8 MICHAEL RYAN: Got you.

9 COUNCIL MEMBER ROSENTHAL: --to poll  
10 sites, and to voting, and what are we doing about  
11 them.

12 MICHAEL RYAN: Right. Okay.

13 COUNCIL MEMBER ROSENTHAL: Thank you.

14 MICHAEL RYAN: Thank you very much.

15 CHAIRPERSON CABRERA: Thank you so much.

16 Let me pass it on to Council Member Yeger, followed  
17 by Council Member Kallos.

18 COUNCIL MEMBER YEGER: Thank you, Mr.  
19 Chairman. So, Director good afternoon.

20 MICHAEL RYAN: good afternoon.

21 COUNCIL MEMBER YEGER: If you have some  
22 friends when you come before this Council, it's  
23 helpful if you would start off with some basics. So,  
24 let's just start off with some basics. Are you  
25 created by the New York City Charter?

2 MICHAEL RYAN: No.

3 COUNCIL MEMBER YEGER: Okay, what--what  
4 authority are you created your--?

5 MICHAEL RYAN: Well, primarily the New  
6 York State Constitution.

7 COUNCIL MEMBER YEGER: Alright, this  
8 Council went to legislate that saying, you know, the  
9 Board of Elections can only buy--buy black pens, and  
10 the Mayor signs that bill. You get the bill. Can you  
11 rip it up and throw it in the garbage and ignore it?

12 MICHAEL RYAN: Well, when it comes to  
13 procurement, that's a little bit of a different  
14 issue, but if you stay away from the money, then you  
15 guys--

16 COUNCIL MEMBER YEGER: [interposing] You  
17 still have to go--

18 MICHAEL RYAN: --still have the power  
19 over the party. [laughter]

20 COUNCIL MEMBER YEGER: We have to fund  
21 you. I get that.

22 MICHAEL RYAN: Yes, you do have to.

23 COUNCIL MEMBER YEGER: Okay.

24 MICHAEL RYAN: You have to fund our basic  
25 funds.

2 COUNCIL MEMBER YEGER: If we choose not  
3 to fund you--

4 MICHAEL RYAN: Right.

5 COUNCIL MEMBER YEGER: Right, then you  
6 can't operate. That's pretty much what's on us but--

7 MICHAEL RYAN: Right.

8 COUNCIL MEMBER YEGER: --we can't direct  
9 your operations. Is that correct?

10 MICHAEL RYAN: Correct, and--and the  
11 election law actually puts a little bit of a  
12 parameter around that, and says within the amounts  
13 appropriated by the local legislative government, by  
14 the local government.

15 COUNCIL MEMBER YEGER: We give you a  
16 little less, you do a little less. We give you a  
17 little more, you do a little more.

18 MICHAEL RYAN: Correct.

19 COUNCIL MEMBER YEGER: Okay, I just  
20 wanted to make sure that we understand, because is  
21 seems to me that--that what I often hear at this table  
22 and across the street is you're going to do what we  
23 tell you to do, and you're going to like it, and I'm  
24 not really sure that that book to your right backs  
25 that up.

2                   MICHAEL RYAN: The New York State  
3 Constitution requires that Boards of Election  
4 function as bipartisan entities. Now it doesn't have  
5 to be Democrat and Republican. Whatever two parties  
6 get the most number of votes first place and second  
7 place in a gubernatorial election, that's who runs it  
8 and—and that's done for a reason and it's done to  
9 keep as much of the politics of the day out of the  
10 operation of the Board of Elections.

11                   DAWN SANDOW: So you're 100% correct.

12                   COUNCIL MEMBER YEGER: I like that.

13                   MICHAEL RYAN: She's better at—she's  
14 better at this than I am like the director.  
15 [laughter]

16                   COUNCIL MEMBER YEGER: I don't hear that  
17 I'm 100% correct for that that often so I appreciate  
18 that. [laughter] The—so let me get something else  
19 out of the way. Do you not want people to be able to  
20 vote? [background comments]

21                   MICHAEL RYAN: We want every person who  
22 is registered and has a desire to vote on election  
23 day to be able to vote absolutely.

24                   COUNCIL MEMBER YEGER: There's no chance  
25 that you're rolling around, Mr. Director and Madam

2 Deputy and engaging in an illegal effort to suppress  
3 votes.

4 DAWN SANDOW: No.

5 COUNCIL MEMBER YEGER: [interposing]  
6 Illegal or otherwise?

7 DAWN SANDOW: No, we have their polls  
8 together. [laughter] We have Democrats and all the  
9 Republicans--

10 COUNCIL MEMBER YEGER: That's right.  
11 I've heard about those.

12 DAWN SANDOW: --but they still won't be  
13 able to come out and vote also.

14 MICHAEL RYAN: Correct.

15 COUNCIL MEMBER YEGER: So, but-but just  
16 to be-just to be very clear, no efforts to suppress  
17 votes?

18 MICHAEL RYAN: I don't-No, absolutely not  
19 and-and I'm a lawyer by trade, and despite the  
20 reputation of lawyers, we get attracted to the-to the  
21 profession because it is this-it is the bastion  
22 between organization and anarchy--

23 COUNCIL MEMBER YEGER: Okay.

24 MICHAEL RYAN: And I respect the law and  
25 the Board respects the law.



2 COUNCIL MEMBER YEGER: There was a  
3 question by a gentleman here earlier, and you  
4 responded to set the record straight. I want sure  
5 the record is set even straighter, if you will. Is  
6 there a single city agency that you wouldn't work  
7 with if they picked up the phone and wanted to have a  
8 conversation about your work?

9 MICHAEL RYAN: Absolutely not and for  
10 those that know me conversing is something I-I do. I  
11 don't know if well, but certainly accessible.

12 COUNCIL MEMBER YEGER: So--[laughter] Fair  
13 enough. All that may be your inner lawyer.  
14 [laughter] The Civic--once the Civic Engagement  
15 Commission gets its--gets feet wet, then gets its  
16 business going, you'll work with them to the extent  
17 that you are legally able to pursuant to your  
18 governing documents, which are the State Constitution  
19 and the State Election. Was the correct?

20 MICHAEL RYAN: Correct.

21 COUNCIL MEMBER YEGER: Okay, alright and  
22 the Mayor's Office of Immigrant Affairs you haven't  
23 ignored their phone calls either, right?

24 MICHAEL RYAN: No.

2 COUNCIL MEMBER YEGER: Okay, so basically  
3 what I've seen, what I've read in the paper, there's  
4 a policy dispute, if you will. I'm a strong  
5 supporter of the—of the translation programs. I've—  
6 I've said that here across the street. The number of  
7 hearings that you've been at I support what MOIA is  
8 trying to do. I support what the mayor is trying to  
9 do, and—but obviously there's within the parameters  
10 of what you're allowed to do. I am not an expert in  
11 your work. I assume that you're maybe not an expert  
12 in my work. Maybe you are, but I don't—I don't tell  
13 you how to do something. The way I look at it is I  
14 want to be able to support the Administration's  
15 desire to provide as many translation services in as  
16 many locations as are legitimately possible, in as  
17 many languages as are possible. For example, in my  
18 community, you know, Bengali may not be the issue of  
19 the day, but we have the addition. We need Russian,  
20 we need Arabic, we need Italian, we need—we're  
21 getting that not necessarily out of the—out of the  
22 federal requirements that you were already  
23 undergoing, but we—we're getting that through the  
24 MOIA operation.

25 MICHAEL RYAN: Yes.

2 COUNCIL MEMBER YEGER: Okay. I know that  
3 was longwinded, but that was a yes. That was good.  
4 Did you—did your agency engage in any way to stop  
5 MOIA's work from occurring in the last election or  
6 the election prior thereto?

7 MICHAEL RYAN: No, and we are status quo  
8 in that regard, you know, pending the resolution of  
9 the—of the current litigation. [bell]

10 COUNCIL MEMBER YEGER: Okay, and to be  
11 clear about something else that I heard you say  
12 because there was some confusion about what you meant  
13 when you referred to the Equal Protection Clause.  
14 You weren't saying that the Equal Protection Clause  
15 stops you from--you know, correct me if I'm  
16 mischaracterizing what you said—stops you from  
17 providing translation services. What you were saying  
18 if I understood it correctly is that the Equal  
19 Protection Clause requires that if you offer a  
20 service to a particular group and then do not offer  
21 that service to other groups, which then may have a  
22 lawful Constitutional claim, you would then by having  
23 offered it to the first group be violating the  
24 Constitution.

25 MICHAEL RYAN: Potentially.

2 COUNCIL MEMBER YEGER: Yes.

3 MICHAEL RYAN: And--and so the simplest  
4 phrase that you can--that you can hear and digest to  
5 make it Equal Protection Clause determination is  
6 likes must be treated alike. That is the guiding  
7 premise of Equal Protection, and when you look at  
8 through that prism, you understand that the expansion  
9 could become unwieldy, and--and that litigation could  
10 become plentiful.

11 DAWN SANDOW: Especially for the  
12 candidate. I mean if there's--if there's two  
13 candidates running and one of them is Polish, and  
14 we're only putting Polish interpreters in the poll  
15 sites for that election, and the other candidate is  
16 Italian, that candidate can say that we're--not us,  
17 but the Mayor's Office is trying to sway the  
18 election.

19 COUNCIL MEMBER YEGER: Well, that  
20 candidate would be right if that candidate--in my  
21 estimation if that candidate would go to court  
22 because you put your thumb on the scale, and the  
23 entire process is--

24 DAWN SANDOW: [interposing] It has to be  
25 there.

2 COUNCIL MEMBER YEGER: Is set up to  
3 require that your agency not put its thumb on the  
4 scale.

5 MICHAEL RYAN: Right.

6 COUNCIL MEMBER YEGER: I want to ask-

7 MICHAEL RYAN: [interposing] You know,  
8 Ms.

9 COUNCIL MEMBER YEGER: [interposing] Go  
10 ahead.

11 MICHAEL RYAN: --Ms. Sandow did point out  
12 that, you know, that there are candidates involved as  
13 well.

14 DAWN SANDOW: Yes.

15 MICHAEL RYAN: You know, I was focusing  
16 on the voters, but she's absolutely right.

17 DAWN SANDOW: They're our candidates.

18 MICHAEL RYAN: You know, there are  
19 candidates that could take a look at a program. If  
20 it doesn't have clear-clearly defined rules and say  
21 wait a second. You know, you-you heard me because  
22 this-this other group got services and-and my group  
23 didn't get services, and then you could be in a  
24 position of having to redo an election.

25

2 DAWN SANDOW: Especially if the services  
3 are not consistent. So if you're going to provide  
4 services for specific languages, and this is a  
5 citywide election, and let's just for example it's in  
6 March and we're providing services for Yiddish in a  
7 specific area, and then there's another citywide  
8 special six months later. All of a sudden there's no  
9 Yiddish in that poll site any more where there was  
10 six months, but now it's some place else.

11 COUNCIL MEMBER YEGER: Well, you'll here  
12 from me then. [laughter]

13 DAWN SANDOW: Well, we--we can't conduct  
14 elections that way. If-if we're going to provide  
15 services, they need--there needs to be a formula and  
16 it needs to be consistent. The services cannot  
17 change from election to election. That does not look  
18 well.

19 COUNCIL MEMBER YEGER: Well, thank you.  
20 Thank you, Madam Deputy. I-I love something that  
21 when you were talking about your governing documents,  
22 which is as I referred to as the State Constitution  
23 and the State Election Law, but there's something  
24 else that--that from time to time governs your  
25

2 operations and that's a court order. Is that  
3 correct?

4 MICHAEL RYAN: That's correct.

5 COUNCIL MEMBER YEGER: Okay, so every  
6 once in a while a court order is issued and not  
7 necessarily in compliance with our current  
8 understanding or even the letter of the law as it's  
9 written, but a judge has the right to issue a  
10 directive to the board and the board then has an  
11 obligation and it's either state or federal court has  
12 an obligation to follow that order to the T.

13 MICHAEL RYAN: Correct.

14 COUNCIL MEMBER YEGER: Okay. So, I-I  
15 support, as I said, the--the Mayor's program that's  
16 currently run out of MOIA and I know you're engaged  
17 in litigation over it, but at the end result of that  
18 litigation it's anticipated because you can't settle  
19 election law cases, is going to be in order--

20 MICHAEL RYAN: Yes.

21 COUNCIL MEMBER YEGER: --and the order is  
22 going to say either the Board or Elections is right,  
23 or the Mayor is right, or someone in the middle is  
24 where it meets, but it's going to set--usually,  
25 that's the way orders are written--it's going to set

2 up guidelines. This is what the board is obligated  
3 to do. This is what MOIA is obligated to do, and  
4 then you're going to have a set of rules.

5 MICHAEL RYAN: Correct.

6 COUNCIL MEMBER YEGER: So, engaging in  
7 the litigation is not in and of itself an effort to  
8 suppress to votes is it?

9 MICHAEL RYAN: No.

10 COUNCIL MEMBER YEGER: Okay.

11 MICHAEL RYAN: It's to establish rules.

12 COUNCIL MEMBER YEGER: Okay, rules—rules  
13 are good.

14 MICHAEL RYAN: Correct.

15 COUNCIL MEMBER YEGER: I'm violating one  
16 right now. [laughter] I've gone over my time. The  
17 Chairman is glaring at me. Mr. Chairman, if I could  
18 just have a moment or two, but then you—then you get  
19 my good colleague from Manhattan, and—and that will  
20 be as enjoyable at least. We were talking earlier—  
21 Mr. Director, you were talking earlier with some of  
22 my colleagues about poll sites and poll locations,  
23 and I've had this experience. I've only been in  
24 office for a few months, but I've—almost since the  
25 day I started—been on the hunt for poll sites in my



2 district. In your experience how easy is it to  
3 identify a poll site that meets the obligations and  
4 to be clear, those obligations are that it has to be  
5 available to receive the equipment and to store the  
6 equipment for three-day period, and also to conduct  
7 an election and open the doors up from 5:00 in the  
8 morning 'til whenever after 9:00 at night. How or-  
9 how easy is it to find that?

10 MICHAEL RYAN: It is challenging and  
11 it's—and it's increasingly challenging.

12 COUNCIL MEMBER YEGER: Yeah.

13 MICHAEL RYAN: We're—we're like when your  
14 front doorbell rings, and you realize it's somebody  
15 that you don't want to let in for a cup of coffee and  
16 you dive under the couch and shut the lights off.

17 COUNCIL MEMBER YEGER: Well, I would  
18 never do that to you, Mr. Director.

19 MICHAEL RYAN: That's part of the way  
20 that we're treated—that's the way we're treated by a  
21 lot of locations. They—they—they want to talk a good  
22 game about civic engagement and civic responsibility,  
23 but when it comes to putting their—their—their  
24 facilities available, they don't do it.

2 COUNCIL MEMBER YEGER: They probably are  
3 the first to line up outside your door criticizing  
4 you, too.

5 MICHAEL RYAN: There's some of that.

6 COUNCIL MEMBER YEGER: Let me ask you  
7 [laughter] let me ask you another question, and I  
8 don't know if you have this information at your  
9 fingertips, but has it—has in recent memory over the  
10 last year or two or three let' say, has there come a  
11 time that you have identified a location that meets  
12 all the criteria for a poll site to be located there  
13 with a legal criteria, and then said no, no we don't  
14 need it?

15 MICHAEL RYAN: No. I mean if—if—if we're  
16 going to about the business of identifying a poll  
17 site and it meets the criteria, we intend to use it.

18 COUNCIL MEMBER YEGER: Okay.

19 MICHAEL RYAN: Now, you know, depending  
20 from election to election, you know, Sometimes sites  
21 roll in and roll out, but what more often happens is  
22 we identify a perfect site, and then the person or  
23 entity that has that perfect site contacts people to  
24 put pressure on us not to use it.

2 COUNCIL MEMBER YEGER: Say for example  
3 you identify a wonderful hospital right smack in the  
4 middle of the neighborhood, and you say well, we're  
5 going to—we're get our way in there, because it's a  
6 non-profit. We can get it, and then the hospital's  
7 board starts reaching out to all its elected  
8 officials and says hey you can't let these guys in  
9 here because they're going to shut down our cafeteria  
10 for three days.

11 MICHAEL RYAN: Everybody has a phone.

12 COUNCIL MEMBER YEGER: Okay, there we go.  
13 Very good. You identified, Mr. Director, 37 sites to  
14 date as potential early voting sites.

15 MICHAEL RYAN: Yes.

16 COUNCIL MEMBER YEGER: Okay. How many do  
17 you anticipate needing at the minimum per the state  
18 statute right now?

19 MICHAEL RYAN: Well, the minimum per  
20 state statute is---

21 DAWN SANDOW: [off mic] 34.

22 MICHAEL RYAN: --34.

23 COUNCIL MEMBER YEGER: 34. So, you've  
24 exceeded the minimum requirement required by State  
25 Law.

2 MICHAEL RYAN: So, far. Yes.

3 COUNCIL MEMBER YEGER: Okay, but as we  
4 discussed at the last hearing, you're looking to  
5 actually do bigger and better.

6 MICHAEL RYAN: Correct.

7 COUNCIL MEMBER YEGER: If that's  
8 possible.

9 MICHAEL RYAN: Right.

10 COUNCIL MEMBER YEGER: Okay, the—I'm  
11 sorry, Madam Deputy.

12 DAWN SANDOW: The next phase.

13 COUNCIL MEMBER YEGER: The next phase,  
14 okay, and we're—we're looking to have early voting by  
15 November.

16 MICHAEL RYAN: October 26<sup>th</sup>.

17 COUNCIL MEMBER YEGER: Right, October 26<sup>th</sup>  
18 and November elections. Okay, the 37 sites that  
19 you've identified, those are signed, sealed and  
20 delivered in the sense that they are—well, you're  
21 shaking your head no. I didn't even finish the  
22 question. [laughter]

23 DAWN SANDOW: We don't speak to that.

24 MICHAEL RYAN: Well, well I hope—hope--

25

2 COUNCIL MEMBER YEGER: In the sense that  
3 they are able to be used leaving aside whether or not  
4 the--the premises has--has granted you the okay, and  
5 they're interested in doing this, but in that they--  
6 they meet year requirements--

7 DAWN SANDOW: [interposing] Yes, they do.

8 COUNCIL MEMBER YEGER: --They meet the  
9 time period requirements, they give you the 12 days.

10 MICHAEL RYAN: These are all sites that  
11 would be good for our use barring any resistance from  
12 the site owners.

13 COUNCIL MEMBER YEGER: So, Mr. Director,  
14 but I'd be very interested in--in knowing of these 37  
15 sites. I don't know where any of them are. I have  
16 not secret list. I assume at some point you're going  
17 to put that out.

18 MICHAEL RYAN: Yes.

19 COUNCIL MEMBER YEGER: Okay, I'd be  
20 interested in knowing if there is a package of  
21 letters like you waved around earlier received from  
22 any of those 37 sites. I hope you put that  
23 information out as soon as you get it publicly so  
24 that that the world understand the complexity of  
25 finding a place the is not able--not only able to

2 house the 12 days prior to the selection, we don't  
3 want to roll around the city and pick 37 different  
4 sites every election. We want to find a place--

5 MICHAEL RYAN: Right.

6 COUNCIL MEMBER YEGER: -that can--that can  
7 do the 12 days of an election and the 12 days of the  
8 next one or the 12 days of the next one, and it could  
9 be four or five a year sometime.

10 MICHAEL RYAN: Right. You know, what  
11 we've been told is that, you know, with early voting  
12 you're going to have some sites that drop off and--and  
13 additional sites that move forward, you know, in--in a  
14 new election, but the ideal is to have stable,  
15 consistent sites where a voter can predictable where  
16 it's going to be so that election in and election out  
17 they--if that's going to have it to vote early, they  
18 know where to go, and we don't have to, you know,  
19 constantly engage in the re-education process so of  
20 the voters certainly. Stability is a good thing.

21 COUNCIL MEMBER YEGER: Thank you, Mr.  
22 Director. I agree to vote is a good thing. Thank  
23 you, Mr. Chairman.

24 CHAIRPERSON CABRERA: Thank you so much  
25 and again I think my suggestions that I've been

2 making that we need to fund it, for our-to our  
3 organizations, and not on the rest of the-rest of the  
4 commitment 13 days.

5 MICHAEL RYAN: Yes.

6 CHAIRPERSON CABRERA: We're going to have  
7 to fund it, and we're going to have to fund it well,  
8 with that attractive.

9 MICHAEL RYAN: It would-it's unfair  
10 otherwise.

11 CHAIRPERSON CABRERA: Indeed. Council  
12 Member Ben Kallos. [background comments]

13 COUNCIL MEMBER KALLOS: Hi. How are you  
14 doing?

15 MICHAEL RYAN: Hi, how are you?

16 COUNCIL MEMBER KALLOS: Good.

17 MICHAEL RYAN: Mr. Councilman.

18 COUNCIL MEMBER KALLOS: Let's start off  
19 and I want to thank my Chair Fernando Cabrera for  
20 this important hearing, and my colleague Council  
21 Member Yeger for digging into the questions and  
22 leaving some for me. So, the state minimum is 34.  
23 You are doing 37. Is that correct?

24 MICHAEL RYAN: We have identified 37 up  
25 to this this point.

2 COUNCIL MEMBER KALLOS: And—and Staten  
3 Island is only getting 6. Is that correct?

4 MICHAEL RYAN: Correct.

5 COUNCIL MEMBER KALLOS: Which boroughs  
6 are getting the extra poll sites?

7 MICHAEL RYAN: Well, the—what time is it?  
8 [laughter] We are—we are not prepared to—t make that  
9 announcement presently. I cannot—I want to be clear.  
10 I'm not trying to be evasive. It's due tomorrow  
11 number one. Number two, I had—I still remain at  
12 least as of 1:15 an employee of the Board of  
13 Elections and I have ten commissioners that I answer  
14 to, and they will be passing on this issue later  
15 today. So, it's an unfair position to be put me  
16 quite frankly to get out ahead of my bosses, and I  
17 was given guidance and direction as to what I could  
18 say today, and I've said what I can say. You're  
19 trying to trap me off on the Staten Island question.  
20 [laughter] I wasn't really expecting that, but the  
21 37 is where we can—we can land for now and then, you  
22 know, in the—in the coming days, all of this will  
23 start to become more clear and we're—we're expecting  
24 to engage in ongoing conversations with elected  
25 officials, with various groups, with the



2 Administration to say, Okay, this is what we got up  
3 to this point. What can we collectively, reasonably  
4 make work for October the 26<sup>th</sup> and to establish, and  
5 I know you weren't here earlier, but the point that I  
6 drove home is we need to establish a firm foundation  
7 upon which we can build the remainder of the Early  
8 Voting Program.

9 COUNCIL MEMBER KALLOS: New York City has  
10 some of the longest elections in actually the state.  
11 Our-our primary day is-is longer than-not any more.  
12 We switched it--

13 MICHAEL RYAN: [interposing] Not any  
14 more, and new-new legislation made.

15 COUNCIL MEMBER KALLOS: Yes, by the  
16 state.

17 MICHAEL RYAN: The rest of the state is  
18 happy that we've dragged them along to our point of  
19 view.

20 COUNCIL MEMBER KALLOS: Great. So in a  
21 standard situation that is from 6:00 a.m. to 9:00  
22 p.m. and now that is a statewide. So that is a-a 15-  
23 hour primary day and general election. However, the  
24 legislation only calls for a minimum of eight for on  
25 only early voting. The minimum of eight during the

2 weeks and a minimum of five. Is the Board of  
3 Elections planning to do the minimum of eight and  
4 five or will you be doing more particularly on  
5 weekends where people might be likely to vote early.

6 DAWN SANDOW: I don't recall primary.  
7 (sic)

8 MICHAEL RYAN: That is also a question  
9 that is going to be--it's one of the three legs of  
10 this three legged stool that need to be resolved this  
11 afternoon. So, again, not to step on my-my-my boss's  
12 fur--

13 COUNCIL MEMBER KALLOS: [interposing] You  
14 can't share the resolutions that will be considered?  
15 Under Open Meetings Law typically, if we're hearing  
16 legislation in the Council we make it public before  
17 the hearing. You have a--apparently a public meeting  
18 later today. What materials are being voted on? Has  
19 that been publicly noticed?

20 MICHAEL RYAN: There--

21 DAWN SANDOW: [off mic] There are no  
22 materials.

23 MICHAEL RYAN: There--there are no  
24 materials. It's going to be a publicly conducted  
25 conversation and deliberation under the Open Meetings

2 Law, and I'm certain anybody who's got access to  
3 Webex by virtue of one of the—one of the rules that  
4 we actually paid attention to I might have you recall  
5 that we were the first city entity to comply with the  
6 public airing of the meetings when that went into  
7 effect. So, I'm sure, you know, if I ever get back  
8 there and we have a conversation with them, some of  
9 these important questions will be addressed.

10 COUNCIL MEMBER KALLOS: So the number—  
11 you—you know the number is 37

12 DAWN SANDOW: That's fine.

13 COUNCIL MEMBER KALLOS: -but that has—but  
14 the locations of those poll sites remain a secret  
15 despite the fact that you know and in a couple of  
16 hours your commissioners will be taking the positions  
17 on it.

18 DAWN SANDOW: In the public for, though,  
19 it is not.

20 MICHAEL RYAN: It's—it's not a secret.  
21 We're complying with—we're comply with the—the law.

22 COUNCIL MEMBER KALLOS: If it's not a  
23 secret, then will you please tell us.

24 MICHAEL RYAN: I don't have the authority  
25 to tell you because it's not real until the—until the

2 bosses say it's real. So when six commissioners vote  
3 and six commissioners--

4 COUNCIL MEMBER KALLOS: [interposing]  
5 Every--everyday people in the City Council introduce  
6 legislation. Quite often I agree with it. Some days  
7 I want nothing to do with what somebody introduced,  
8 but the public process of government is when you're  
9 considering something, it is good government, it is  
10 Open Meetings Law that you're supposed to make it  
11 available for the public to weigh in on so that folks  
12 can come prepared--

13 MICHAEL RYAN: Right.

14 COUNCIL MEMBER KALLOS: --versus just  
15 knowing that [bell]-- I'm sorry I did not realize I  
16 was on a clock. May I--

17 CHAIRPERSON CABRERA: [off mic] Of  
18 course. (sic)

19 COUNCIL MEMBER KALLOS: Thank you.

20 MICHAEL RYAN: I was kind of hoping you  
21 were going to say no. [laughter]

22 CHAIRPERSON CABRERA: It's not  
23 appropriate. [laughter]

24 COUNCIL MEMBER KALLOS: So, but in all  
25 seriousness--

2 MICHAEL RYAN: Right.

3 COUNCIL MEMBER KALLOS: --if it isn't a  
4 secret, would you please tell us or if you say you  
5 don't have the authority, can you please bring a  
6 resolution today and saying hey the Council Member  
7 brought up a point that we're actually supposed to be  
8 publicly noticing what we're going to vote on before  
9 we vote on it as soon as we know what we're voting  
10 on? [background comments]

11 MICHAEL RYAN: It is--it is on the agenda  
12 and then if you bear with--

13 DAWN SANDOW: [interposing] They're  
14 listed on our website.

15 MICHAEL RYAN: If you've ever watched our  
16 meetings, these--these exchanges can get quite lively,  
17 and at the end of them things happen. When six  
18 people say they're going to happen, and if that  
19 doesn't happen, then all we had a lively discussion.  
20 So, it's six votes carry all the weight and five  
21 votes carry no weight, and that's the way it goes.  
22 It's--it's a--it's a legislative process performing an  
23 executive function. It doesn't always dovetail so  
24 neatly, but that's the reality of the circumstances.

25

2 COUNCIL MEMBER KALLOS: Okay. So, today  
3 is—thank you for telling me to find it. So, I did  
4 find the agenda, and it's says: Today's agenda one  
5 item, and all it says on it is: Designation of Early  
6 Voting poll sites and related matters for the  
7 November 5, 2019 General Election. It has one item.  
8 I doesn't list the number 37. It doesn't say 34. It  
9 doesn't have a list of them. It has nothing on it  
10 that the public can access.

11 DAWN SANDOW: [off mic] You can't access  
12 that until May 1<sup>st</sup> when it comes out. That's when it  
13 come out.

14 CHAIRPERSON CABRERA: If you could have  
15 your mic on, please.

16 DAWN SANDOW: It will be voted on today.  
17 The list will be given to the Commissioners today,  
18 and there will be a vote, and if there is a vote of  
19 six and it is decided that those 37 sites are going  
20 to move forward plus what we phase in, that's what  
21 will be.

22 COUNCIL MEMBER KALLOS: And—and you see  
23 nothing wrong with the fact that we have government  
24 officials voting on something that the public has not

2 see, will not see when it's voted on, and it will not  
3 be public until May 1<sup>st</sup>?

4 DAWN SANDOW: They will be there today.  
5 They will—they will vote today.

6 MICHAEL RYAN: It's a—it's a public  
7 meeting.

8 COUNCIL MEMBER KALLOS: Okay.

9 DAWN SANDOW: A public meeting--

10 COUNCIL MEMBER KALLOS: So, I appreciate--  
11 -

12 DAWN SANDOW:--and that's actually the  
13 public. (sic)

14 COUNCIL MEMBER KALLOS: --the--the chair.  
15 I'm sorry I got sidetracked. I actually was not  
16 expecting this part to be so difficult. [laughter]  
17 I--I am--so in terms of the phase-in, are you--are you  
18 aware of the Mayor's offer of \$75 million?

19 MICHAEL RYAN: Yes.

20 COUNCIL MEMBER KALLOS: Have you taken up  
21 the Mayor on his offer for \$75 million for additional  
22 poll sites?

23 MICHAEL RYAN: Well, we--we had quite--  
24 quite a bit of colloquy on that earlier, and--and our  
25 Finance officer has worked closely with the Office of

2 Management and Budget to make sure that the city is  
3 in the best position to plan financially for the  
4 early voting process moving forward so-

5 COUNCIL MEMBER KALLOS: [interposing] You  
6 mentioned phase in. Are you open to having more than  
7 37 locations? You know I've been asking you that  
8 forever.

9 MICHAEL RYAN: [interposing] Yes, and I-  
10 and I-I appreciate you asking that question because  
11 you're sitting here for the first time, but this has  
12 been said--

13 COUNCIL MEMBER KALLOS: Sure.

14 MICHAEL RYAN: --over and over throughout  
15 the meeting.

16 COUNCIL MEMBER KALLOS: And the answer is  
17 yes?

18 MICHAEL RYAN: Yes.

19 COUNCIL MEMBER KALLOS: Great. Now the  
20 next thing. So, are you open to doing a 100?

21 MICHAEL RYAN: We are open to doing  
22 whatever is reasonable to be able to do within the  
23 parameters of reality.

24 COUNCIL MEMBER KALLOS: Okay, so--

25 MICHAEL RYAN: So-so--



2 COUNCIL MEMBER KALLOS: [interposing]  
3 I'm just—I'm over my time.

4 MICHAEL RYAN: But Council Member, I know  
5 you're over your time but—but you're—you're asking,  
6 you're asking a question based on a—on a number of  
7 100. Now, I apologize that you missed the earlier  
8 conversation, but we have to know that these early  
9 voting sites are going to look like. We haven't even  
10 finalized what the ballot delivery system is going to  
11 look like.

12 COUNCIL MEMBER KALLOS: Sure. So, on  
13 that next question. [background comments] So are  
14 you planning on having—are you planning for an  
15 election where every possible voter votes, which  
16 would be according to the New York State Board of  
17 Elections there are 5.1—sorry 5.2 million people  
18 registered to vote in New York City or are you  
19 focusing on the number of people who voted in the  
20 General in 2018, which is 2.1 million, which—which  
21 is—what—what is our goal? Do we want everyone who's  
22 registered to be able to vote or just the previous?  
23 What is—what do we use as a predictor?

24 MICHAEL RYAN: We—we plan for a 100%  
25 attendance. What we can't plan for is how long folks

2 would have to wait because the one thing that  
3 everybody that—I understand you can get frustrated,  
4 but you know what frustrates me? We can't do voting  
5 by appointment. People show up when they show up.  
6 If everybody happens to show at 6:00 in the morning,  
7 they show at 6:00 in the morning, would it be nice?  
8 When we plan for a poll site that they spread  
9 themselves out and come—some come at 6:00, some come  
10 at 7:00 some come at 2:30. We don't get to do that.  
11 So some of the lines that we discussed in New York  
12 City happen to be that the voters of the City of New  
13 York have the freedom to come when they feel like it.

14 COUNCIL MEMBER KALLOS: So--

15 MICHAEL RYAN: [interposing] So, we'll be  
16 there. We'll be waiting with ballots and hopefully  
17 they'll have a good experience.

18 COUNCIL MEMBER KALLOS: Many—many of my  
19 previous questions were perfunctory just because I  
20 needed to ask them to get to this next point. So,  
21 you were talking about impossibility. How—how long  
22 did it take to scan about with the current machines?

23 MICHAEL RYAN: The current machines have  
24 a throughput of 15 seconds or less.

2 COUNCIL MEMBER KALLOS: Okay. So, I'm  
3 going to wrap up because I see the--the chair is  
4 growing impatient with both of us. So, assuming that  
5 there's 5,180,155 voters in New York City, which is  
6 according to the State Voter Registration tally as of  
7 February.

8 DAWN SANDOW: You're including the  
9 inactives I guess.

10 COUNCIL MEMBER KALLOS: I'm including the  
11 inactives because we're assuming 100% of everyone can  
12 turn out. That is--

13 DAWN SANDOW: They can't vote on the  
14 scanners. You know that the inactives will have to  
15 vote on affidavit, Right?

16 COUNCIL MEMBER KALLOS: Yes.

17 DAWN SANDOW: Okay.

18 COUNCIL MEMBER KALLOS: So--

19 MICHAEL RYAN: [interposing] So, with  
20 that 4.6.

21 COUNCIL MEMBER KALLOS: Sure. I will--I  
22 put in--I can plug in 4.6 and it's my little equation  
23 here.

24 DAWN SANDOW: Okay.

2 COUNCIL MEMBER KALLOS: So, let's just  
3 say 4.6 even because what have you? So, for nine  
4 days that's 511,000 votes give or take per day, and  
5 if we do it a poll sites, that come out to 13,813  
6 voters per poll site per day, and let's just assume  
7 eight hours everyday, which you still haven't assured  
8 because you—you may do less on weekends at five, but  
9 that comes out to 1,726 voters per hour, which comes  
10 out to 20 voters per minute, which comes out to two  
11 voters a second, and that's just not possible at 37  
12 poll sites.

13 MICHAEL RYAN: So-so is it your—I want  
14 makes you get your premise correct. Your expectation  
15 that is that all of the 4.6 million will vote early  
16 and nobody is going to show up on Election Day?

17 COUNCIL MEMBER KALLOS: You—you just said  
18 we're assuming 100% turnout. I'm just trying to work  
19 from your assumptions to back end how we get to  
20 something that works that is possible where we don't  
21 have two people voting a second. So, if the  
22 assumption isn't 40—isn't 100%, if our assumption is  
23 50% whatever it is, we just need to know our  
24 assumptions because let's be—let's be very honest.  
25 In a democracy and even in corporations in the

2 private sector sometimes we fail, but if we agree on  
3 what the goal post is, then we can work our way from  
4 there. So, that's it.

5           MICHAEL RYAN: So, so and again I know you  
6 weren't here earlier, but we have discussed this  
7 issue with respect to early voting with numerous  
8 other jurisdictions who have vast experience with  
9 this that are similarly situated to New York. For  
10 example, Miami-Dade is about the size of Brooklyn.

11           COUNCIL MEMBER KALLOS: Uh-hm.

12           MICHAEL RYAN: They—they all tell us the  
13 same thing that early voting takes a while to catch  
14 on, and they've also told us do not bite off more  
15 than you can chew because the last thing that you  
16 want to do is create a plan that fails and that  
17 creates suspicion and doubt and lack of confidence on  
18 the part of the voters. So, you can overbuild  
19 something and it won't fly. So--

20           COUNCIL MEMBER KALLOS: So, so is perhaps  
21 the 2.1 number a better number? Is it 1 million and  
22 even in all the cases, when you do the math with—  
23 let's just assume the 4.6 million because you said  
24 100%, it—it drops the number of voters by a third.

2 You're talking about having to do 10 voters and many  
3 of them said it's--

4 MICHAEL RYAN: [interposing] Right.

5 COUNCIL MEMBER KALLOS: --28.

6 MICHAEL RYAN: [interposing] And then  
7 multiply and then you multiply it by .2 and now you  
8 maybe have a real number. Multiply your 2.1 by--  
9 because you--you--you're speaking as if no math  
10 calculations have been done at the Board of Elections  
11 and that we came here today waiting for some pearl of  
12 wisdom to be dropped on--on our desk, but take 2.1 and  
13 multiply it by .2 and now maybe you start to approach  
14 a number and then multiply that .2 and spread that  
15 number out over you nine days and wee what your  
16 calculations are.

17 COUNCIL MEMBER KALLOS: We're stilling  
18 looking at 2.63 voters per minute and--

19 MICHAEL RYAN: Right.

20 COUNCIL MEMBER KALLOS: --a lot of--

21 MICHAEL RYAN: 2.63 voters per minute.

22 Now, if we had set up an early voting site, I don't  
23 know, that had 20 check-in stations and 10 Ballot On  
24 Demand systems and you had 2.3 voters a minute, would

2 there be 20 check-in stations that could accommodate  
3 2.3 voters a minute?

4 COUNCIL MEMBER KALLOS: If they're going  
5 to--

6 MICHAEL RYAN: [interposing] There's 900  
7 minutes in a voting day, because we can do math, too.

8 COUNCIL MEMBER KALLOS: Yes.

9 MICHAEL RYAN: So, there's 900--

10 COUNCIL MEMBER KALLOS: [interposing] This  
11 is what I've actually wanted to do with you for five  
12 years so--

13 MICHAEL RYAN: [laughter] Can we do it  
14 then across a desk. [laughter]

15 COUNCIL MEMBER KALLOS: I-I sure. So,  
16 but I guess the question is could we do it at 100  
17 locations instead of 37 because the throughput issue  
18 I have in my district is you can only have 300 people  
19 in most rooms at a time. So, even if you had 20 of  
20 them--20 machines, you can't put more than 300 people  
21 in that room to go through those voting machines.

22 MICHAEL RYAN: Right. Manhattan being  
23 the center of the universe as we know it is, is going  
24 to present us with the biggest challenges.

2 COUNCIL MEMBER KALLOS: [interposing] I  
3 would actually say Brooklyn because it's a—it has  
4 more voters.

5 MICHAEL RYAN: Well, actually, it's  
6 really Staten Island, but we're not going to get into  
7 that. I was being deferential, but—but Manhattan is  
8 going to provide us with the biggest challenges in  
9 terms of identifying suitable locations just by its  
10 very makeup. Not, that having been said, we know  
11 unfortunately that there's been some retail flight  
12 out of Manhattan, and there might be sites that we  
13 are presently not thinking that we can use, but we  
14 might be able to use and as we discussed earlier, one  
15 of the challenges that we have in that regard is we  
16 need to work with the Law Department and Department  
17 of Citywide Administrative Services to change the  
18 leasing procurement process to accommodate short-term  
19 leasing for—for early voting purposes. Now, all of  
20 that can happen. It all can happen. The question is  
21 and this is what I would ask everybody to focus on:  
22 What is reasonably likely for October 26<sup>th</sup>, Not  
23 where do we end, where do we start? And that's what  
24 this conversation needs to focus around: Where do we  
25 start and what's reasonable for a starting point, and



2 then what's reasonable for a phased-in 100% upon  
3 completion. (sic)

4 COUNCIL MEMBER KALLOS: I don't think 37  
5 is reasonable. I think 100 is far more. My  
6 nightmare is you--are you considering like Barclays  
7 and Javits Center and just trying to do that--

8 MICHAEL RYAN: Yes--

9 COUNCIL MEMBER KALLOS: --because that's  
10 my nightmare.

11 MICHAEL RYAN: --yes and yes.

12 COUNCIL MEMBER KALLOS: That's my  
13 nightmare.

14 DAWN SANDOW: And these are all  
15 individuals.

16 MICHAEL RYAN: Wow.

17 COUNCIL MEMBER KALLOS: [interposing] I  
18 know--

19 MICHAEL RYAN: [interposing] But it's not  
20 gong to work out because the Javits Center has  
21 already given us pushback on--on being a potential  
22 site.

23 COUNCIL MEMBER KALLOS: Thank you to the  
24 Chair for his indulgence.

2 CHAIRPERSON CABRERA: No problem and--and  
3 just for a point of clarity, you haven't--there's not  
4 a determination. As a matter of fact, you have 37.  
5 You're looking to see what's going to be the  
6 reasonable numbers.

7 MICHAEL RYAN: Correct. It's a work--it's  
8 a work in progress.

9 CHAIRPERSON CABRERA: Okay.

10 MICHAEL RYAN: We're--we're--

11 CHAIRPERSON CABRERA: [interposing] Got  
12 you.

13 MICHAEL RYAN: --eleven weeks into a--into  
14 a very, very complicated process.

15 CHAIRPERSON CABRERA: I have some clean-  
16 up questions here but being that Council Member  
17 Yeger, you have a 30-second statement that you want  
18 to make.

19 COUNCIL MEMBER YEGER: [interposing]  
20 Thank you. Just first, this wasn't a planned  
21 statement. Just to be clear, though, Brooklyn is the  
22 center of the universe. Alright. [laughter]

23 CHAIRPERSON CABRERA: I think the Bronx  
24 is.

25 MICHAEL RYAN: Any particulars--

2 DAWN SANDOW: I stated that.

3 MICHAEL RYAN: Any particular—

4 CHAIRPERSON CABRERA: [interposing] The  
5 Bronx is the promised land.

6 MICHAEL RYAN: --section of Brooklyn that  
7 goes to the center?

8 COUNCIL MEMBER YEGER: Oh, I think you  
9 know. I think you know, but I do—I do want to state  
10 for the record just to make sure that it's—it's very  
11 clear and you can go back and—and tell your  
12 commissioners this that here in the Council when we  
13 vote at a State Meeting of the City Council, and  
14 today you're having a stated meeting of the Board. Is  
15 that correct.

16 MICHAEL RYAN: Yes.

17 DAWN SANDOW: Yes.

18 COUNCIL MEMBER YEGER: Okay, we don't put  
19 our agenda out early. I'm a Council Member. I walk  
20 in. I have no idea what we're voting on or I can  
21 guess on most of them but [interposing] but at—Yes,  
22 that could be. It's funny, but surely at least a  
23 third of the agenda is not locked in stone until we  
24 walk in and look at our desks and see the agenda  
25 sitting there, and anybody who tells you otherwise is

2 not-is not being completely accurate. We get hints  
3 about certain things that we're going to-may  
4 potentially vote on. The public has no idea what  
5 we're voting on until they turn on the tape-the video  
6 and start watching us do it, and I just want to make  
7 sure that your commissioners are aware that they  
8 don't have such great disappointment here. If  
9 anything, they're just simply emulating us--

10 MICHAEL RYAN: Yes.

11 COUNCIL MEMBER YEGER: --and on that I'm  
12 sorry that we've kept you beyond the start of your  
13 meeting, but I hope they're waiting for you.

14 MICHAEL RYAN: So, one of the thing. We  
15 talked about this-the challenges. I would like to  
16 say one thing I didn't mention is the state did make  
17 available in the Chapter 53 \$10 million in aid to  
18 localities money that will be divided according to a  
19 formula established by the State Board of Elections  
20 as well as \$14.7 million in capital projects  
21 earmarked towards electronic pollbooks again pursuant  
22 to a formula established by the State Board of  
23 Elections. All of that to be done via a  
24 reimbursement program.

2 CHAIRPERSON CABRERA: I want to come back  
3 to that--

4 MICHAEL RYAN: Okay.

5 CHAIRPERSON CABRERA: --because that was  
6 going to be first question. We know we have another  
7 30-second--you know, you know, what it is.

8 MICHAEL RYAN: Our rebuttal? (sic)  
9 [laughter]

10 CHAIRPERSON CABRERA: Of course, of  
11 course. I got to let you go.

12 COUNCIL MEMBER KALLOS You're off the  
13 hook.

14 MICHAEL RYAN: Okay. [laughter]

15 COUNCIL MEMBER KALLOS: So, what I'll say  
16 is that the city--the City Charter does mandate that  
17 any legislation the City Council votes on has to be  
18 laid upon the desks for at least seven days. That is  
19 the ageing deadline. The Charter also allows the  
20 Council to post what is being aged on the Internet.  
21 It does get posted. That being said, I do think that  
22 the Council could do a better job of being  
23 transparent. If you are interested to know what the  
24 Council will be voting on at the stated, things have  
25 to be voted on through the committees. Those

2 committee hearings I believe usually have at least  
3 seven days notice for what will be voted on in the  
4 committee and then it is generally the fair  
5 conclusion that if it passes committee, it will come  
6 to the floor for a vote.

7 MICHAEL RYAN: My point is--my same  
8 question--

9 CHAIRPERSON CABRERA: [interposing] Can I  
10 let you guys have fun afterwards. [background  
11 comments] Because I have--

12 COUNCIL MEMBER KALLOS: Chair if I may?

13 CHAIRPERSON CABRERA: --I have--the  
14 problem is I have--

15 COUNCIL MEMBER KALLOS: Okay.

16 CHAIRPERSON CABRERA: --other panels here  
17 that they've been waiting patiently. You know, we  
18 started here at 10:00. So, I'll let you two have  
19 some fun after today, but I'm--I'm--if you could give  
20 me the short version of--we just--you just finished  
21 talking about the \$10 million reimbursement from The  
22 Board Relations for costs relating to--

23 DAWN SANDOW: The State Board.

24 MICHAEL RYAN: From the State Board,  
25 yeah.

2 CHAIRPERSON CABRERA: From the State  
3 Board. I'm sorry and it includes the \$14.7 million  
4 for the Electronic Poll--

5 MICHAEL RYAN: [interposing] It's an  
6 additional--an additional \$14.7.

7 CHAIRPERSON CABRERA: So, we-it won't  
8 cover the whole \$21 million?

9 MICHAEL RYAN: Well, that's \$14.7 for the  
10 entire state.

11 DAWN SANDOW: State.

12 CHAIRPERSON CABRERA: For the entire  
13 state?

14 MICHAEL RYAN: Correct, on--

15 CHAIRPERSON CABRERA: [interposing] So  
16 how much are you expecting to get out of that?

17 MICHAEL RYAN: We're expecting that it's  
18 going to be a portion based on the number of  
19 registered voters, which puts us in about the 40%  
20 range.

21 CHAIRPERSON CABRERA: Forty percent.  
22 Okay

23 MICHAEL RYAN: Right. You're correct  
24 about that 40%.

25

2 STEVEN RICHMAN: 38 depending on which  
3 numbers they use.

4 CHAIRPERSON CABRERA: Alright. So, let  
5 me move on quickly because this should take three of  
6 our minutes. Can you please explain why prior to the  
7 passage of the State Budget NYC BOE did not engage in  
8 any pilot programs for electronic pollbooks such as  
9 small one on Staten Island to minimize the cost of  
10 having to use paper pollbooks. Doing the pilot was a  
11 state law.

12 MICHAEL RYAN: Right. So one of the  
13 problems that we have is we get criticized all the  
14 time for not processing voters quickly enough. The  
15 state Board did authorize or does authorize the Pilot  
16 Program for electronic pollbooks. However, you must  
17 use—you must use them in tandem with a paper poll  
18 book. So, if we were going to pilot a—an electronic  
19 poll book, you would have to sign in on the  
20 electronic poll book, and sign in on the paper poll  
21 book. Now, as, you know, fetching as that may seem  
22 to some, in New York City where people want to get in  
23 and get out, could you imagine? We have a tough  
24 enough time getting people in and our signing on one  
25 device.



2 CHAIRPERSON CABRERA: The city, we're  
3 just kinds of (sic) of people that we're doing a  
4 pilot. We're trying to make the system better. I  
5 think most New York City.

6 MICHAEL RYAN: Right.

7 CHAIRPERSON CABRERA: I think most New  
8 Yorkers, you know--

9 MICHAEL RYAN: [interposing] I-I-just  
10 wish we could have-

11 CHAIRPERSON CABRERA: --and just do it in  
12 one borough and come to the Bronx.

13 MICHAEL RYAN: --picked a particular  
14 election that was not very well attended. My  
15 experience as life long resident of New York City is  
16 that people have a tendency to be impatient, and  
17 asking them to duplicate their efforts is not--

18 CHAIRPERSON CABRERA: [interposing]  
19 Alright, let me move quickly. As you're aware,  
20 critics of this touch screen devices whether they are  
21 not secure. So you believe safeguards could be  
22 implemented such as requiring such machines also  
23 record a paper ballot that could address these  
24 concerns?

2           MICHAEL RYAN: So, the particular device  
3 that we had made a request of the State Board to  
4 consider does have a paper ballot of backup, and—but  
5 the security issues is part of the certification  
6 process with the state.

7           CHAIRPERSON CABRERA: Okay.

8           MICHAEL RYAN: I will note that both of  
9 these vendors, both of the—the two vendors that are  
10 presently in New York State have their devices  
11 certified in multiple states. So, you know, whether  
12 it be federal or other jurisdictions.

13           CHAIRPERSON CABRERA: Talk to me about,  
14 you know, the state law requires to create a  
15 communication plans to inform eligible voters of  
16 early voting. So, talk to me quickly about has the  
17 work already began? How much money will be  
18 allocated? How much such plans will cost and funds  
19 to ask the city to implement such a plan? Do you  
20 intend to host any public forums for standing votes,  
21 mailing, social media? What additional marketing are  
22 you going to be doing?

23           MICHAEL RYAN: So, in advertising along,  
24 we have over a million dollars earmarked for that.  
25 we're also putting into our—even though it's not into

2 our budget, even though it's not required, the annual  
3 information notice that got mailed out now in April  
4 covers it. We're talking about doing a voter  
5 notification card regarding early voting as it gets  
6 close to that. And so, between that and other  
7 printing, we're talking about another probably close  
8 to \$3 million in that regard as we'll as a robust  
9 media and social media plan. We'd like to do  
10 advertising along the lines of—who was it? Was it  
11 the—when they did the City Council—the City Charter  
12 plan where they did the foot to ballot? We—we  
13 thought that that was a very interesting program that  
14 they did, you know, a public service that they did,  
15 and we're exploring all of that, and we also have—  
16 we're well on our way with a good chunk of the  
17 artwork that's already been mocked up and we have  
18 different things that we our vendor has given back to  
19 us with respect to--

20 CHAIRPERSON CABRERA: [interposing] Okay,  
21 and the last several questions related to one issue  
22 because I know the media can't wait to talk to you,  
23 and you have the next meeting. Hopefully, you get to  
24 go over to the bar in between. (sic)

25 MICHAEL RYAN: I had one this morning.

2 CHAIRPERSON CABRERA: Oh.

3 MICHAEL RYAN: And a banana—and a banana

4 CHAIRPERSON CABRERA: So, in February,  
5 you know, the—the NYC BOE published their website—to  
6 their website the name, addresses and party  
7 affiliations for all of New York City's 4.6 million  
8 active voters. State election laws and rules  
9 prohibit information contained to the statewide voter  
10 registration from being used for non-election  
11 purposes and federal requires that both the State and  
12 the City Boards of Election prevent unauthorized  
13 access to voter registration Lexis. (sic) So, does  
14 releasing the full voter file for the whole world to  
15 see violate these laws and rules? Do you have anyway  
16 of knowing that these individuals are only using the  
17 city's list for election purposes as required by law?  
18 Please explain why you believe the consolidation with  
19 state and federal primaries in June require these  
20 publications in order for timing this to pedestrians—  
21 petitions? Could you—could you not have found  
22 another election—another electronic means of  
23 transmitting the voter files to a campaign.

24 MICHAEL RYAN: So, 5-604 of the Election  
25 Law require the publication—it says—it says the word:

2 Publication of enrollment lists. The enrollment  
3 lists are similar to what you would find in a street  
4 finder if you go to a poll site, except it also has  
5 the voter's name and the party affiliation. The  
6 reason—well, it's the address obviously, and then the  
7 name and then the party affiliation, and it's  
8 organized by assembly district and then by election  
9 district within—within that document. We typically  
10 publish those books. We have to have five full sets  
11 in the general office and each of five borough  
12 offices. So, for 4.6 million voters you can imagine  
13 stacking those books up is pretty cumbersome. What  
14 happened was when the State Legislature consolidated  
15 the primary from June—from September to June, they  
16 moved the enrollment list publication date from April  
17 the 1<sup>st</sup> to February the 1<sup>st</sup>. Keep in mind that  
18 petitions for new—for the June primary were hitting  
19 the street on February the 26<sup>th</sup>, and we found out  
20 about this changes on about January the 25<sup>th</sup>, the  
21 24<sup>th</sup>?

22 STEVEN RICHMAN: 25.

23 MICHAEL RYAN: 25. So, they signed the  
24 bill on the 24<sup>th</sup>. I think we found out the 25<sup>th</sup>. Our  
25 MIS Department immediately contacted our print

1 vendor. They let me know around February the 1<sup>st</sup> and  
2 they told us ten days to two-week turnaround time in  
3 order to print all of those books. Now, a  
4 determination was made to put that information  
5 available on the website so that those individuals  
6 that were going to begin circulating petitions by  
7 February the 26<sup>th</sup> would have access to that  
8 information to create the walk lists. So-so that's  
9 problem number one. The other piece of it is it's  
10 all public information. So, it was not the full  
11 voter file, but if someone were to request the full  
12 voter file, we would have to by law, turn over that  
13 full voter file either in the printed version, but  
14 people don't do that any more. They-they get it on a  
15 disk, and the only information that we're presently  
16 permitted to shield from public consumption is the  
17 last four digits of your Social Security Number, and  
18 the votes should understand that we don't have your  
19 full Social Security Number. We only have the last  
20 four digits. So the last four digits of Social  
21 Security Number, your non-driver or driver ID Number  
22 from the Department of Motor Vehicles, and because  
23 the Election Law is so progressive, we cannot give  
24

2 out fax number, right. Any other information that in  
3 our files is subject to public consumption.

4 CHAIRPERSON CABRERA: To this day, right?

5 MICHAEL RYAN: To this day.

6 CHAIRPERSON CABRERA: And then what are  
7 you going to do moving forward?

8 MICHAEL RYAN: Well, so-so what we did,  
9 we put that information up, and we—we had seen up  
10 until a media inquiry into this matter, we had seen  
11 no complaints from anyone that this information was  
12 there. As a matter of fact, it's kind of cumbersome—  
13 it was kind of cumbersome to—to review. You have to  
14 know the Assembly District that the person was on,  
15 click on that and then scroll--

16 CHAIRPERSON CABRERA: [interposing] I'm  
17 trying to get you out of here. So, what are you  
18 going to do next? [laughter]

19 MICHAEL RYAN: So, what happens next is—  
20 alright. So, yesterday we conducted a conference  
21 call with the Commissioners with respect to this  
22 matter and some other matters, and the Executive  
23 Committee directed that we remove the lists from the  
24 website so as to given that the other need for the  
25 list was no longer present, the petition process is

2 concluded, and since their people were getting upset,  
3 we took it down and we put a notification If you  
4 click onto the enrollment list section of our  
5 website, it says that these lists are available at  
6 the general office, and at the five borough offices,  
7 and all of that information has been removed. (sic)

8 CHAIRPERSON CABRERA: And that's for  
9 sale?

10 MICHAEL RYAN: Yes.

11 CHAIRPERSON CABRERA: I'm just curious  
12 what are they trying to do.

13 MICHAEL RYAN: What is it again?

14 MALE SPEAKER: For the Dem—for the  
15 Democratic and Republican parties it's broken up, and  
16 each party book is \$10.00 per AD. For the smaller  
17 parties that are by county and that's at \$15.00. So,  
18 you can get the Independence Party in the Bronx for  
19 \$15.00.

20 CHAIRPERSON CABRERA: And that indicates  
21 triple primers, double primers?

22 MICHAEL RYAN: No.

23 CHAIRPERSON CABRERA: It's just a  
24 straight up?

25 MICHAEL RYAN: It's just a straight list.



2 CHAIRPERSON CABRERA: Okay.

3 MICHAEL RYAN: It's not filtered in any  
4 way.

5 CHAIRPERSON CABRERA: Okay, right.

6 MICHAEL RYAN: It's just—

7 MALE SPEAKER: It's just a list of  
8 enrolled voters of that political party.

9 CHAIRPERSON CABRERA: Okay. So, listen,  
10 I know you have another meeting, and our media have  
11 been waiting very patiently here and so glad they're  
12 here to cover this important issue. Thank you for--

13 MICHAEL RYAN: Okay.

14 CHAIRPERSON CABRERA: I know you were  
15 swamped with a lot of questions. But very informative  
16 and looking forward to sitting down with you so we  
17 could know what—what our next steps are going to be.  
18 Thank you so much.

19 MICHAEL RYAN: Thank you, Chair. Always  
20 appreciate your approach to these things. Thank you.

21 CHAIRPERSON CABRERA: From the Campaign  
22 Finance Board Eric Friedman. Eric, I didn't know you  
23 were here all this time.

24 ERIC FRIEDMAN: Yes. [background  
25 comments/pause]

2           LEGAL COUNSEL: I can swear you in  
3 whenever you're ready. Do you affirm to tell the  
4 truth, the whole truth and nothing but the truth in  
5 your testimony before this committee, and to honestly  
6 respond honestly to Council Member questions?

7           ERIC FRIEDMAN: Yeah, I do. [coughs]  
8 Good afternoon, Chair Cabrera and my name is Eric  
9 Friedman. I am the Assistant Executive Director for  
10 Public Affairs in the New York City Campaign Finance  
11 Board. Thank you for the opportunity to provide  
12 testimony on the implementation of early voting and  
13 Intro No. 1282 sponsored by Council Member Mark  
14 Treyger, which would require the CFB and its Voter  
15 Assistance Advisory Committee to provide interpreters  
16 at poll sites in designated citywide languages. In  
17 2010, a Charter amendment approved by New York City  
18 voters reconstituted the Voter Assistance Commission  
19 a 16-member body with a small staff located inside  
20 the Mayor's Office as the Voter Assistance Advisory  
21 Committee situated within the CFB. The VAC is a  
22 nine-member advisory board with appointees from the  
23 Mayor and the Council Speaker along with the  
24 Comptroller and the borough presidents. The Public  
25 Advocate and Executive Director of the New York City

2 Board of Elections serve as ex officio members. The  
3 City Charter directs the CFB with the advice and the  
4 assistance of the VAC to increased registration in  
5 voting particularly among under-represented  
6 populations and eligible voters of limited English  
7 proficiency. The CFB's dedicated staff engages New  
8 Yorkers through non-partisan voter registration  
9 drives, get out to vote efforts and voter education  
10 programs. VAC meets every other month and holds two  
11 public hearings a year during which we hear from New  
12 Yorkers about their voting experiences. As required  
13 by the Charter, the CFB publishes a report each year  
14 taking a close look at voter participation throughout  
15 New York City. Our 2018-2019 report which was  
16 released today—I hope everyone will take a look,  
17 includes an in-depth analysis of voter turnout along  
18 with several recommendations aimed at increasing  
19 voter participation. Again, we would like to thank  
20 you for providing the opportunity today to discuss  
21 two important ways to increase voter participation  
22 and make city elections more accessible and  
23 inclusive. The CFB and VAC has long supported early  
24 voting and we applaud the State Legislature for  
25 passing and the Governor for signing the legislation

2 to provide an early voting period for elections in  
3 New York State. Allowing New Yorkers to cast a  
4 ballot on a schedule that works for them is not only  
5 logical, it is also good policy. Enacting early  
6 voting legislation is an important step forward, but  
7 it is only the first step. The decisions we make  
8 about implementation will be key to ensuring this  
9 important reform will increase access to voting for  
10 all New Yorkers. At our April 3<sup>rd</sup> VAC meeting, we  
11 heard ideas from voters and advocates about how best  
12 to implement early voting. We'd like to share some  
13 of those thoughts and suggestions before the  
14 committee today, and we've also highlighted these in  
15 a letter to the Board of Elections. We heard from  
16 numerous groups about using a vote centered model at  
17 the citywide level, which would allow voters to cast  
18 a ballot at any one of several convenient and easily  
19 accessible locations across the city. States like  
20 Texas and Nevada currently have early voting  
21 locations in grocery stores, libraries and shopping  
22 malls. In addition to being an efficient use of  
23 space, placing early voting sites in heavily  
24 trafficked locations also serves as a reminder for  
25 voters to cast their ballot. The Board of Elections

2 may want to consider using spaces like borough  
3 offices, major transit terminals, libraries, or other  
4 public locations that many New Yorkers already  
5 frequent. Vote centers will require Ballot on Demand  
6 technology to ensure each voter gets the options on  
7 their ballot that correspond to their home address.  
8 We heard suggestions that any Ballot on Demand we  
9 adopt should be able to integrate with the BOE's  
10 existing optical scanner machines. The Ballot on  
11 Demand system integrated with the existing scanners  
12 would help voters access their individual ballot with  
13 ease, while enabling voters and poll workers alike to  
14 continue using the interface with which they are  
15 already familiar. Many questions remain regarding  
16 how to recruit and train poll workers within the  
17 early voting system including the length of shifts,  
18 costs and additional training needs. What is clear  
19 is that poll workers will need hands-on comprehensive  
20 training well in advance of the early voting period.  
21 Finally, we heard from voters about the need to  
22 educate New Yorkers about early voting. To this end,  
23 the CFB plans to couple-to publish comprehensive  
24 information about early voting including dates, times  
25 and locations as soon as they are available, and the

2 official Voter Guide. We are glad to hear the Board  
3 of Elections is discussing a robust public outreach  
4 program to New Yorkers navigate the polls seamlessly  
5 and efficiently during the early voting period, and  
6 we urge the Council to ensure that these  
7 implementation efforts are sufficiently funded. We  
8 still must do more as a city to make sure that all  
9 eligible citizens can cast their vote. Our analysis  
10 of voter turnout data in the past few elections shows  
11 that this is particularly true for our immigrant  
12 population. The CFB has taken several steps to  
13 better reach our immigrant communities. In  
14 conjunction with the Mayor's Office of Immigrant  
15 Affairs, as you heard a few hours ago, we offer voter  
16 registration forms in 16 different languages, and  
17 we've been increasing our outreach efforts in  
18 immigrant communities across the city. We believe  
19 the Voting Rights Act, as you've heard should act as  
20 a floor not a ceiling for helping all New Yorkers  
21 cast a ballot with ease. In our public hearings,  
22 we've heard stories from voters who turned away at a  
23 poll site or forced to fill out an affidavit ballot  
24 because of the language barrier. Last summer, we  
25 testified before Charter Revision Commission about

1 the need for more poll site interpreters and  
2 increased language assistance. The data presented in  
3 our Voter Analysis Report of today highlights the  
4 need for a poll sites interpreter program and better  
5 language access. Our analysis shows that turnout is  
6 especially low in neighborhoods with high populations  
7 of naturalized citizens. It's clear we need to do  
8 more to meet the needs of our LEP New Yorkers. As you  
9 know, one of the Charter amendments approved by  
10 voters in November 2018 created a civic engagement  
11 commission. One of that commission's key tasks is to  
12 develop a citywide poll site interpreter program.  
13 Intro No. 1282 will strengthen this requirement in  
14 the charter by creating a clear methodology to get  
15 interpreters to the polls on election day. Our  
16 initial analysis shows that over 3,700 election  
17 districts have at least 50 voting age residents of  
18 limited English proficiency. They speak one of the  
19 non-Voting Rights Act designated citywide languages,  
20 which would require new interpreters in more than  
21 one-half of the poll sites throughout the city.  
22 Ideally, a program of this magnitude will be managed  
23 by the Board of Elections. However, given the clear  
24 mandate in the Charter Management—the Charter  
25

2 Amendment approved by the voters last November,  
3 moving strongly the Civic Engagement Commission  
4 should administer this important program. Many  
5 cities across the country as you've heard such as Los  
6 Angeles and Boston go above and beyond what is  
7 required in the Voting Rights Act to reach voters in  
8 languages other than English. A city as diverse as  
9 New Yorker has a responsibility to do more than just  
10 the bare minimum to guarantee that every American  
11 citizen no matter where they were born has an equal  
12 ability to participate in our democratic process.  
13 We've very happy to continue working with the Council  
14 to reach eligible voters throughout the city. We're  
15 supportive of any program that engages more New  
16 Yorkers, and we stand ready to assist the Council,  
17 the Civic Engagement Commission and any and all  
18 interested parties in achieving this important  
19 objective. Thank you again for the opportunity to  
20 provide testimony today, and I'm happy to answer any  
21 questions you may have.

22 CHAIRPERSON CABRERA: Thank you. Thank  
23 you so much, and let me take a moment to thank you  
24 for all your work. Since I have known you for some  
25 years now, your work is one of precision. You're



2 very attentive to the concerns that this committee  
3 has brought forth to the City Campaign Finance Board.  
4 I have a few questions here. I'm going to read them  
5 to—actually to really save time. VACS' 2018 Annual  
6 Report that recommends that translation services be  
7 available in languages beyond what is required by the  
8 Voting Rights Act. So, here's my question: What  
9 methodology do you recommend the use to determine  
10 both languages covered in poll sites chosen for  
11 expanded language access?

12 ERIC FRIEDMAN: Well, I—we-we support the  
13 recommendation in the legislation we're here to  
14 discuss. You know, it, look, as we heard from the  
15 folks from the Board of Elections it's a federal  
16 leader, you know, we need a strong methodology to  
17 ensure that like is being treated as like, right.  
18 So, so, you know, the first preference would be, you  
19 know, to match precisely what's in the Voting Rights  
20 Act, but what we have in the bill before us would  
21 ensure that—that in communities where there is a  
22 critical mass, and a defined need, interpreters will  
23 be placed there. So, you know, it relies on the  
24 existing list that' prepared by the city. You know,  
25 again, you know, the methodology is—it would be an

2 important principle I think as you've heard from  
3 again, from BOE is that we have a clear well defined  
4 methodology going in. This should not be a political  
5 decision. It should be based on need. So, we  
6 support the way that this is defined in the  
7 legislation.

8 CHAIRPERSON CABRERA: Has VAC been in  
9 communication with the Mayor's Office or the Civic  
10 Engagement Commission about shared goals related to  
11 civic engagement and voting and/or voting access?

12 ERIC FRIEDMAN: Most certainly. We have  
13 a very good working relationship with the team  
14 working on Democracy NYC and I think it's-as, you  
15 know, as-and with-and with the Mayor's Office of  
16 Immigrant Affairs, they both testified earlier.  
17 We've collaborated on a number of projects. We have  
18 consulted with them on their pilot program to place  
19 interpreters at the polls, and so we expect going  
20 forward as the Civic Engagement Commission gets off  
21 the ground that we will enjoy a close working  
22 relationship with them as well.

23 CHAIRPERSON CABRERA: Has VAC hired or  
24 worked with language interpreters in any of its  
25 current activities.

2           ERIC FRIEDMAN: So, we-we work with-with  
3 translators to help us prepare a lot of our print  
4 materials and other voter engagement material we  
5 prepared for voters. We, and you know, translate the  
6 Voter Guide into languages required by the Voting  
7 Rights Act. We are discussing ways to translate more  
8 of our materials into additional languages as we gear  
9 up for this critical period going into the  
10 presidential election next year, and then the  
11 citywide election the year after. It is-it is  
12 something that is a priority to us. We have not  
13 previously been involved in poll site operations or  
14 providing interpretation at the poll sites, but I  
15 think, you know, language-again, as I've said in our  
16 testimony, language access is-is-is an important  
17 issue and we-we dedicate significant resources.

18           CHAIRPERSON CABRERA: Which leads me to  
19 my last question. Does VAC anticipate needing  
20 additional staff in light of the fact that this, you  
21 know, this is going to be your first experience.  
22 What is that hiring process going to look like?

23           ERIC FRIEDMAN: You know, we have not to  
24 date done a thorough, you know, resource assessment  
25 of what do need to meet the-the program as defined by

2 the legislation, but to be clear, you know, VAC---VAC  
3 itself does not have dedicated staff, the staff  
4 funding towards staff is advised by-by the VAC, and I  
5 think it's important to note the scale that will be  
6 involved in this with the program that is defined by  
7 the legislation, and I-I think and then as I've heard  
8 in--

9 CHAIRPERSON CABRERA: [interposing] Well,  
10 how many staff are you anticipating you will need?

11 ERIC FRIEDMAN: Well again, I don't-I  
12 don't have a number to propose.

13 CHAIRPERSON CABRERA: Okay.

14 ERIC FRIEDMAN: I think that-again, I  
15 think we-while we note that, you know, that-that the  
16 organization would require translators in half the  
17 poll sites in the city. I mean this is--

18 CHAIRPERSON CABRERA: [interposing] Do  
19 you know by when that you will have to know?

20 ERIC FRIEDMAN: I'm sorry.

21 CHAIRPERSON CABRERA: Do you know by when  
22 do you have to know? You know, by--

23 ERIC FRIEDMAN: [interposing] I will just  
24 have to make sure. (sic)

2 CHAIRPERSON CABRERA: [interposing] By-by  
3 when do you have to know this is how many additional  
4 staff I'm going to need to be able to hire? So, a  
5 month, two months after the passing of the bill,  
6 three months?

7 ERIC FRIEDMAN: Well--

8 CHAIRPERSON CABRERA: What are we looking  
9 at?

10 ERIC FRIEDMAN: If-if the bill were to-if  
11 the bill were to pass as-as is written, we would have  
12 to come-come up with an answer pretty quickly.  
13 Again, I think that the preference that we've stated  
14 in our testimony and I think as we've heard from  
15 others, it is, you know, we-you know, our position is  
16 that will of the voters as expressed last November  
17 delegated this task to the Civic Engagement  
18 Commission. You know, the Mayor's Office of Immigrant  
19 Affairs, you know, testified, you know, Commissioner  
20 Mostofi testified earlier to the experiences that  
21 they-they have-they've instructed for them in-in kind  
22 of running that pilot program and getting out and  
23 around the city. What would be required by this bill  
24 is certainly the different scale than -that the

2 efforts they've had to date, would certainly require  
3 a dedicated staff.

4 CHAIRPERSON CABRERA: Indeed.

5 ERIC FRIEDMAN: It would require not-not  
6 only-not only the-the interpreters of the site, but a  
7 staff to-to manage and recruit those-those  
8 interpreters, and staff to run a training program  
9 that would ensure that the folks who are at the poll  
10 sites were able to provide the information the voters  
11 need in order to-to cast their votes. So, the short  
12 answer is we don't not-I do not have a precise answer  
13 to your--you know, in terms of the numbers of  
14 specific staff and I-I can certainly say that this is  
15 a program of significant scale that is being  
16 proposed, and-and certainly requires dedicated  
17 resources and funding.

18 CHAIRPERSON CABRERA: So, let me pass it  
19 on to Council Member Yeger.

20 COUNCIL MEMBER YEGER: Thank you very  
21 much, Mr. Chairman. Mr. Friedman, good afternoon.

22 ERIC FRIEDMAN: Good afternoon

23 COUNCIL MEMBER YEGER: Earlier-how are  
24 you? Earlier today, I asked this very question to  
25 the Administration with regard to Introduction 1282,

2 which is drafted to require the VAC to do-to  
3 administer the Interpreter Program, which I support  
4 except for the part that VAC administers it because  
5 as you've testified, the voters approved a Civic  
6 Engagement Commission, and I agree with you that this  
7 program I believe is a good program, and I do believe  
8 that it needs to exist--

9 ERIC FRIEDMAN: Agreed.

10 COUNCIL MEMBER YEGER: --and I don't  
11 believe that the Board of Elections can or should  
12 manage the additional piece of it because that's not  
13 in their mandate per se. So, therefore, MOIA has  
14 been doing, which I thought was great. Now, we're  
15 going to give it over to a player to be named later.  
16 In the bill is says the VAC. I think it ought to be  
17 the Civic Engagement Commission, but that leads me to  
18 my actual next questions. The Civic Engagement  
19 Commission's purpose as defined in the--in the  
20 amendment to the Charter is to enhance civic  
21 participation and promote civic trust and strengthen  
22 democracy, and I would assume a lot of that has to do  
23 with registering people to vote, informing them of,  
24 you know, of required information about elections and  
25 things have of the nature that the VAC is now doing,

2 and which brings me to my actual question. Do we  
3 still need a VAC and if so, why? Why can't the VAC  
4 be folded—why can't the VAC's work be folded into the  
5 new Commission and the Campaign Finance Board go  
6 about administering the Campaign Finance Program as  
7 it's done for 30 years and the VAC, which has only  
8 been under the CFB''s umbrella for the last several  
9 years, be under this new commission, which is now a  
10 permanently enshrined part of our Charter?

11 ERIC FRIEDMAN: Well, having—having been—  
12 having been at the Campaign Finance Board through  
13 those years, I—what I will say is that the VAC I  
14 think represents a very important—plays a very  
15 important role in the discourse around voting. You  
16 know, I think we heard a lot earlier about the  
17 administrative needs and realities around getting a  
18 massive and significant reform like early voting off  
19 the ground, and all of that is—that is an important  
20 discussion. The conversations and the efforts that  
21 I've been a part of through the—through the VAC it  
22 allows a forum through which the perspective voter  
23 can enter that conversation. You know, we—we do a  
24 lot of work. Just—just those committee meetings I  
25 think has—has provided a place for voters to come,



2 and-and have their feedback raised up, and relented  
3 (sic) to the Board of Elections.

4 COUNCIL MEMBER YEGER: Agree with  
5 everything you said 100%. VAC is important and VAC  
6 plays an important role. VAC does important work.  
7 No dispute. Why does it need to exist as a part of  
8 the CFB and not be folded into the new Civic  
9 Engagement Commission?

10 ERIC FRIEDMAN: Well, I'll say this, the  
11 voters back in 2010 in their wisdom approved the  
12 Charter Referendum that placed VAC and CFB, and I  
13 think part of the purposes as stated by that Charter  
14 Revision Commission, as I recall them, were--were that  
15 the mission, which was strictly underneath the  
16 Mayor's Office, it is important for that mission to  
17 be housed in a place that was not only non-partisan  
18 and independent from the political structure of the  
19 city, but where it would have the resources to grow  
20 and flourish, and I--I would--I believe and I'm here to  
21 say that it has grown and flourished during its time  
22 at CFB. We have engaged in--we have built new  
23 programs, engaged in non-partisan voter registration  
24 drives throughout the city, reached out to voters  
25 through our--through non-partisan Get out the Vote

2 efforts have been proactively speaking to voters and  
3 then reminding them about important deadlines and  
4 efforts and—and election dates. It is—it is really  
5 joined up with the previously existing voter  
6 education requirements that the board had previous to  
7 VA coming over as you I know are aware through most  
8 of its existence, the CFB has managed the city's—the  
9 city's—the Data (sic) Program for citywide  
10 candidates. We have always since our inception had  
11 the requirement to post the Voter Guide. So the work  
12 of voter engagement and outreach as it came over to  
13 CFB has found I think a really—it has found synergy  
14 with those requirements and—and again has grown and  
15 flourished during that time.

16 COUNCIL MEMBER YEGER: Right and we're  
17 saying—again, we're still saying the same thing. You  
18 think VAC is great. I think VAC is great. You think  
19 they do goo work. I think they good work. You think  
20 they've performed a valuable service to New Yorkers.  
21 I think they've performed a valuable service to New  
22 Yorkers. Why should it exist under the Campaign  
23 Finance Board and not be moved into the Civic  
24 Engagement Commission, and specifically with  
25 reference to the 2010 Referenda where the voters did

2 move it from being a freestanding agency to under the  
3 umbrella of the CFB, I would point out that the  
4 voters also once created a Board of Estimate until  
5 they uncreated it, and they once had a 35-member City  
6 Council until they made it a 51 member Council.  
7 We've had Board of Alderman until we didn't any more.  
8 So, the question that I have is irrespective of the  
9 fact that in 2010, the voters were wise enough, if  
10 you will, to move the VAC back where, you know, over  
11 to CFB. They were also I believe the same referenda  
12 was then itching to put term limits back because it  
13 had been stolen from them. So, important to note  
14 that that was the same series of events. So getting  
15 a yes vote was probably not a real hard shake there.  
16 I think, you know, at last year's overwhelming vote  
17 to the point where if—if we are to assume that the  
18 voters understand what they're voting for, they  
19 created the Civic Engagement Commission to do all the  
20 work that is currently being done by VAC. Same  
21 question: Why should VAC exist under the CFB and not  
22 be moved over to the new commission?

23 ERIC FRIEDMAN: So, it's a—

24 FEMALE SPEAKER: [off mic] Speak into your  
25 mic.

2 ERIC FRIEDMAN: Sure. You have to speak  
3 to—to the folks who do—the members of the Commission  
4 who deliberated last year precisely what you're  
5 contemplating and in the end, created a safe  
6 Engagement Commission that is distinct and separate  
7 from the Voter Assistance Advisory Commission  
8 Committee and the CFB. Now again, I know that you as  
9 I do believe in the—in the NYCHA (sic) Funds Program  
10 in the way that the potential it has to engage more  
11 New Yorkers and bring them into the democratic  
12 process. The underlying mission and goals of the  
13 Campaign Finance Program align naturally with the  
14 efforts of the Voter Assistance Advisory Committee to  
15 conduct outreach and engage more New Yorkers in the  
16 democratic process and ensure that in city elections  
17 in the—in the voice of the voters and not the power  
18 of—of large contributions, that decides city  
19 elections.

20 COUNCIL MEMBER YEGER: Okay. Alright,  
21 thank you, Mr. Chairman.

22 CHAIRPERSON CABRERA: Thank you. Alright,  
23 so with that, we're done. Thank you so much--

24 ERIC FRIEDMAN: [interposing] Thank you.  
25

2 CHAIRPERSON CABRERA: --for the  
3 information and we'll move to the next panel. Kevin  
4 Skype?

5 KEVIN SKOGLUND: [off mic] Skoglund.

6 CHAIRPERSON CABRERA: Skoglund. Thank  
7 you so much. Citizens for Better Elections, Kate  
8 Durant-Durant from L&D New York State; Susan Lerner  
9 from Common Cause and I want to say Janet Berg--

10 JANET JARRETT: [off mic] Jarrett.

11 CHAIRPERSON CABRERA: Jarret. Alright,  
12 Berg from--sorry. I don't have my glasses today,  
13 Voter Early NY. [background comments/pause]

14 CHAIRPERSON CABRERA: I don't think Susan  
15 is here, right?

16 FEMALE SPEAKER: We only have two.

17 CHAIRPERSON CABRERA: We only have two so  
18 we'll take the next two. [background comments]  
19 Okay, Abbie Rossman from the Big Word and Lulu  
20 Friesdat from Smart Elections. [background  
21 comments/pause] We have a three-minute clock on and  
22 then we'll ask questions.

23 FEMALE SPEAKER: I'm sorry.

24 MALE SPEAKER: I'm sorry. Is Lulu here?

25 CHAIRPERSON CABRERA: Is Lulu here?

2 LULU FRIESDAT: Yes, I'm here.

3 CHAIRPERSON CABRERA: Okay. [background  
4 comments] No, no it's up to--[background  
5 comments/pause] Rachel Bloom, are you here.

6 RACHEL BLOOM: Yes, I'm here.

7 CHAIRPERSON CABRERA: Welcome. There is  
8 hope. Thank you for waiting. Everybody has been so  
9 patient. If you have testimony, you could give it to  
10 the sergeant-at-arms. [background comments] You  
11 have done a fantastic job all day long. Okay, you  
12 may begin whoever--yes, make sure the mic is on and--  
13 and when you speak that the mic is close to you.

14 Thank you very much.

15 CHAIRPERSON CABRERA: Thank you. Thank  
16 you for your patience.

17 KATE DORAN: Oh, well you--you gentlemen  
18 and ladies seem to have all the patience. My name is  
19 Kate Doran. I am the Election Specialist here today  
20 representing League of Women Voters of New York  
21 State, but my usual hat is representing the city of  
22 New York the League of Women Voters of the city of  
23 New York. I'm also a long time poll worker, poll  
24 site coordinator, and I am--I'm usually monitoring the  
25 Commissions meeting. So, I'm familiar with the

2 operations of the Board of Elections. The league is  
3 a non-partisan political organization, which is  
4 working to promote civic responsibility to inform an  
5 active participation of citizens of government. In  
6 New York State we have 48 local leagues actively  
7 engaged in their communities and working to help  
8 voters understand and participate in elections. The right  
9 of every citizen to vote has been a basic League of  
10 Women Voters principal since our founding in 1920.  
11 Preparing for early voting might be compared to the  
12 change from the lever machines to the scanners that  
13 some of us experienced back in 2010. It seems,  
14 though, that in that case the preparation went on for  
15 many, many months if not years selection of machines,  
16 et cetera. Now, we're only—we're not even six  
17 months away and most of the preparation is pretty  
18 much invisible to—to public. I mean what we heard  
19 today, this morning. We have many more questions  
20 than answers. Many of New York State's 62 counties  
21 will need only one early voting poll site according  
22 to Azona Myri (sp?) and the registration that the  
23 State Board keeps. This is certainly not the case in  
24 New York City and we understand that the legislative  
25 funding underlying the early voting statute is that

1 one or early voting polling site should meet the  
2 needs of up to 50,000 people, but then it limits the  
3 maximum number mandated by statutes just seven. So  
4 we believe that if the board just sites—just selects  
5 seven sites in each of the four boroughs and then one  
6 at—six in Staten Island that there are going to be  
7 many, many voters underserved, but I did listen  
8 carefully to Mr. Ryan this morning, and I do  
9 understand the need to roll things out slowly, and do  
10 a good job. Not to really mess it up out the gate.  
11 So, we're concerned that are all the New York City  
12 counties going to have equitable access between them.  
13 I think Council Member Kallos is trying to get to  
14 that. Will Queens have more than Brooklyn for  
15 example? Several months ago I stood up in front of  
16 the Commissioners and asked them to involve the  
17 public the site selection process. Mostly, I was met  
18 with a kind of stony silence, but one commissioner  
19 said to me that he thinks that the legislators in  
20 Albany didn't really understand the process and that  
21 it a logistical nightmare for them. Now, we  
22 understand that 2019 is likely to be a low turnout  
23 year, but we would really, really urge the board to  
24 designate the largest number of sites possible given  
25



2 the constraints of ADA compliance voting equipment  
3 and available poll workers. So, I just—just—we've  
4 heard nothing at all about poll worker training. So,  
5 we're concerned about recruitment, training and  
6 compensation. What are they going to do? Now they  
7 pay poll workers by the day. I don't think they can  
8 do that. We look forward to the plans for  
9 communication. The statute says that each board shall  
10 create a communications plan to inform eligible  
11 voters of the opportunity to vote early. We have not  
12 seen a plan of any sort, and we hope—we have  
13 confidence that the Board will comply with the  
14 statute, which does not say when such a plan must be  
15 made public. So, we urge them to do a draft very,  
16 very quickly and incorporate public input and I hope  
17 Council input in any final version. Machines and  
18 systems are a really tricky, tricky part of this  
19 whole process. The League of Women Voters strongly  
20 supports full and equal voting rights for an  
21 eligible—eligible citizens including persons with  
22 disabilities. We heard Council Member Rosenthal talk  
23 about that, and we in the League have been involved  
24 in this since way back in the harbor (sic) days, and  
25 back in 2005, we adopted a statement of criteria on

2 the subject, which came down to secure, accurate, re-  
3 countable and accessible. In 2010, we added the word  
4 transparency to the standards and in 2005 we endorse  
5 the optical scan machines because we believe it best  
6 meets the criteria. That machine coupled with a  
7 ballot marking device for voters who need such a  
8 device, and we hope that we're going to get a system,  
9 which is just as secure. Now, I have a couple of  
10 other things, very specific things that we stand for  
11 with regard to testing and protection machines, but I  
12 won't—I won't read any of that. I'll let—and I just  
13 hope that the New York City Board of Elections will  
14 take advantage of the support that you ladies and  
15 gentlemen are offering and that we in the government  
16 world are offering as well. [background  
17 comments/pause]

18 Good afternoon. Thank you for your  
19 patience and your time. My name is Avi Rosen. I'm a  
20 native New Yorker. I grew up in Flushing currently  
21 residing in Nassau County. I love raising my family  
22 in this great mosaic of New York. I'm here  
23 representing a company called the Big Word. I work as  
24 the Language Service sleeve in New York City. We're  
25 an international interpretation and translation

2 company. The Big Word is a pioneer in this industry  
3 starting nearly 40 years ago currently helping  
4 students throughout the New York City public school  
5 system gain access to important interpretation  
6 services that further education. We are working in  
7 all the languages that have been mentioned here. You  
8 know, Spanish, Chinese, Korean, Bengali, Russian,  
9 Haitian Creole, Polish, French, Urdu and Arabic. We  
10 do also have access to close to 200 languages. You  
11 have my written testimony in front of you. What I  
12 would say, you know, listening to the last few hours  
13 of testimony from the various Council Members and the  
14 questions and answers that came back and forth, what  
15 I would suggest is, and there was one comment that  
16 people do they wish to do business here in New York,  
17 we do and we currently do wish to continue. One of  
18 the things and we understand the RFP process and  
19 we're happy to participate. We're happy to advise on  
20 what is available out there as far as translation, as  
21 far as interpretation. One of the things that's on  
22 my phone now is an app that we have developed call  
23 the Word Sync App where if I touch a button I can get  
24 in about 30 to 45 seconds an interpreter in over 100  
25 languages right here, right now. The logistical

2 nightmare that of setting up having actual people who  
3 will understand who-what language needs to be spoken  
4 at hundreds of different polling site across a city  
5 like New York is very, very cumbersome. Embracing  
6 the-obviously you know where you need Spanish. You  
7 know where you need Yiddish, you know where you need  
8 Bengali, but if somebody walks in who is new to that  
9 neighborhood and that person can't vote that day, and  
10 you have a machine there, you have an app, you have  
11 an I-pad that can push a button and access something  
12 for that particular voter then you've exceeded what  
13 you were expecting. That's currently available, and  
14 that's, you know, this is in the pre-planned world.  
15 In my personal life I volunteer as an EMT. I've had  
16 people in the back of my ambulance and I've wished  
17 that I can communicate with the. I have very strict  
18 protocols. I can't administer life-saving  
19 medications as a basic EMT unless I first confirm  
20 certain things, but they don't speak the language.  
21 Asking a 12-year-old boy to transit on behalf of  
22 their father is not something that I want to be doing  
23 in an ambulance, but that's life and death. That's  
24 what we do, and that's what's currently happening in  
25 non-pre-planned situations. So, on the broader

2 spectrum trying to get language access as it's a hot  
3 button topic, which really doesn't get addressed  
4 often enough. It's across the country where, you  
5 know, we should be leading the world in this  
6 particular topic, and right now we can offer you a  
7 video remote interpretation where ASL can be set up  
8 in advance [bell]. It's very challenging to get that  
9 done to have—I think someone mentioned having ASL  
10 available at every single polling location. That's a  
11 challenge because that's one of the most finite  
12 resources you have, but once you embrace the  
13 technology that's available, you know, we would be  
14 happy to advise, to partner and to participate in any  
15 sort of RFP, and help New York City, you know, move  
16 this process forward.

17 KEVIN SKOGLUND: Hello. My name is Kevin  
18 Skoglund. I work as a cyber security consultant and  
19 the Co-founder of Citizens for Better Elections. I'm  
20 also a member of the VVSG Cybersecurity Working  
21 Group, which is setting the standards for the next  
22 generation of voting machines, and I'm here today to  
23 offer three recommendations: That hand-marked paper  
24 ballots should remain New York's preferred voting  
25 method, that New York should use the equipment it

2 already owns for early voting, and that New York  
3 should develop a ballot inventory plan for early  
4 voting, which includes both the pre-printing of paper  
5 ballots and the purchase of Ballot On Demand  
6 Printers. Now, I only have three minutes. I'm going  
7 to cut a lot out of this, but I was heartened to hear  
8 Mr. Ryan say that Ballot on Demand printers is now  
9 something that they're seriously considering and the  
10 path they seem to be headed on, and I'm glad to see  
11 that there are Ballot on Demand printers next door  
12 for you to take a look at. That's something that you  
13 should be doing so that you can stick a pen marker  
14 for that distance. But at the same time I'm very  
15 concerned that there's also touch screen ballot  
16 marking devices next door and that they pursued this  
17 as a possible avenue as a solution to early voting,  
18 and the factor that the contract for voting machines  
19 is up in 2021 and you're going to be looking  
20 potentially for new systems at that point, makes me  
21 think that these points still need to be made. The  
22 gold standard for resilient evidence-based elections  
23 is hand-marked paper ballots for most voters, counted  
24 by an optical scanner inside the polling place with a  
25 Ballot Marking Device or BMD in every polling place

2 for any voter who wants assistance marking a ballot  
3 and routine risk limiting audits of the results to  
4 provide assurance that the outcome is correct. Why  
5 is it the best? A hand-marked paper ballot system  
6 produces reliable evidence, which can be recounted  
7 and audited. It costs less, has shorter lines and is  
8 more secure and resilient to problems. The Voting  
9 system is less dependent on technology, which is  
10 vulnerable to malfunction and manipulation. Most  
11 voters do not have to trust a machine to mark their  
12 ballot or need to verify that it was done correctly.  
13 It is also more universally accessible because many—  
14 because voters can choose the voting method that they  
15 prefer. A Ballot Marking Device may be preferred by  
16 voters with disabilities, but hand marking may be  
17 preferred by voters who are less comfortable with  
18 technology, and shorter voting lines are better for  
19 many voters with physical limitations. New York, of  
20 course, already uses this kind of system and over the  
21 last eight years has become familiar to New Yorkers.  
22 During early voting with the new challenges it  
23 doesn't change the fundamentals that I described.  
24 Hand-marked paper ballots are still the preferred  
25 voting method. It's also familiar to voters and to

2 poll workers, and it is not necessary to spend a lot  
3 of money to make your current system suitable for  
4 early voting. The optical scanners being used  
5 currently can be configured to scan ballots for  
6 multiple precincts or for multiple ballot styles.  
7 Multiple languages are also easily supported.  
8 Ballots printed in two different languages seem  
9 different to a human, but to an optical scanner  
10 they're similar. The optical scanner observes the  
11 position of a marked oval to record a vote and, in  
12 fact, if you look at the current ballots there are  
13 already multiple languages on there, and it's the  
14 position of the oval that matters [bell] not the-the  
15 text that's next to the oval. As I mentioned, you  
16 should invest in Ballot on Demand printers, and also  
17 pre-print ballots. I was a little concerned that he  
18 was talking about having Ballot on Demand printers,  
19 and not also the other component. I think it's  
20 important to have both for resilience. So, if  
21 something does happen to the Ballot on Demand  
22 printer, you have the paper ballots or if you pre-  
23 printed paper ballots and you run out, you have the  
24 Ballot on Demand--Ballot on Demand printer as well.  
25 So, having both is an important component. Each



2 Ballot on Demand printer would be capable of printing  
3 ballots for multiple precincts in a variety of  
4 languages that reduces waste and provides flexibility  
5 and resilience. It can replenish ballots. It can  
6 infrequently request languages to accommodate all  
7 voters and a ballot inventory plan should also  
8 include procedures to ensure that voters are given  
9 the correct ballot for their precinct. I just  
10 briefly want to list some of the other cities to my  
11 knowledge that are doing something similar:

12 Albuquerque, Boston, Baltimore, Cleveland, Denver,  
13 Los Angeles, Phoenix, Raleigh, San Diego and San  
14 Francisco. Boston is noteworthy because they use the  
15 same ES&S DS 200 and Automark and early voting was  
16 recently added for the 2018 General Election. They  
17 pre-print ballots in the most commonly requested  
18 language, and then offer support for other languages  
19 on the Automark. They don't do Ballot on Demand.  
20 They should, and then as I mentioned, I'm very  
21 concerned about the ballot marking devices and the  
22 the possibility of using those because there are  
23 major, major differences between that and the—the  
24 ballot that is currently being used. First, the  
25 expense is much higher, and the number of voters who

2 may vote at one time is going to be limited by the  
3 number of machines that you have. So, you're going  
4 to have a slow voter that holds up the line for  
5 everyone else, and long line, of course, frustrate  
6 voters, cause voters to feel rushed when voting and  
7 can depress turnout. All computers are vulnerable to  
8 hacking and malfunction, power outages. Requiring  
9 BMDs puts vulnerable technology between votes and  
10 their ballots. If machines fail, then ballot marking  
11 has to stop, and touch screens commonly suffer from  
12 problems like vote flipping where you touch for one  
13 candidate and it flips to another candidate, and  
14 hacking is a significant threat not just by foreign  
15 nations states, but also by local adversaries and  
16 insiders and then there's this additional step of  
17 verifying your ballots. This is what the—the express  
18 vote ballot that they were considering, going to it  
19 looks like, and you can see that it has barcodes at  
20 the top. Those are actually your votes. So, when  
21 you—when you choose your candidates it prints it as  
22 barcodes here, and it also prints a summary down  
23 here. Of course, humans can't read or verify these  
24 barcodes to make sure that they are correct. So, it  
25 make a lot of voters very uncomfortable. How do I

2 know that it's counting my vote correctly? And you—  
3 if you go online, you'll find lots and lots of voters  
4 expressing a lot of concern about that. But the  
5 ballot summary is also a problem as well. The ballot  
6 summary can be hard to verify. It uses  
7 abbreviations. Some of them will say Proposition 1:  
8 Yes. Proposition 2: No, and you have to remember,  
9 and that's challenging for anyone, but especially for  
10 people where English is not a first language or they  
11 are, you know, have less education. Maybe they—they  
12 even have a hard time just reading. So, the—the  
13 National Academies of Science and Medicine  
14 recommended against Ballot Marking Devices—against  
15 these kinds of vote summaries. They say unless a  
16 voter take notes while voting, BMDs that print only  
17 selections with abbreviated names and descriptions of  
18 the contents are virtually unusable for verifying  
19 voter intent. So, more expensive, longer lines,  
20 vulnerable technology. Voters dislike the ballots  
21 and experts say it's poor evidence of voter intent.  
22 So, I think that would be a step backwards for New  
23 York. So, just in closing, early voting is an  
24 exciting step forward for New York. It will make  
25 voting more accessible to all residents, and make

2 government better reflect their voices. It's  
3 essential that New York not take a step backwards at  
4 the same time. My hope is that you'll build on the  
5 progress and invest in ballot marking--Ballot on  
6 Demand printers to supplement your existing hardware.  
7 Thank you.

8 RACHEL BLOOM: Good afternoon Chairman  
9 Cabrera, Council Member Yeger. My name is Rachel  
10 Bloom. I'm the Director of Public Policy at Citizens  
11 Union. We are an independent and non-partisan  
12 democratic reform organization that brings New  
13 Yorkers together to strengthen our democracy and  
14 improve our city. WE thank you for the opportunity  
15 today to hear common talk about how we should best  
16 implement early voting in New York City. We are  
17 heartened and delighted that early voting and  
18 electronic pollbooks have passed and signed into all  
19 statewide and that the Mayor has recently offered up  
20 so much funding in order to properly implement it.  
21 I'm going to try and be brief. I know there's a lot  
22 of people still waiting. So, I'm just going to hit  
23 on our--our biggest things. So, we strongly favor  
24 expanded polling sites. The legally allowed minimum  
25 number of poll sites is simply not enough to

2 facilitate robust early voting. There should be a  
3 framework for expanding the number of early polling  
4 sites that ties the placement of early polling sites  
5 to districts. We believe that there ideally should  
6 be one early voting site per Assembly district, and  
7 in addition to that we think that poll sites should  
8 be prepared for search times, and be adequately  
9 staffed. They need to be centrally located, and  
10 close to public transit that is running when early  
11 voting is taking place, which is actually something  
12 we need to think about in New York City. This is  
13 especially going to be true if people are assigned to  
14 early voting locations and not just then allowed to  
15 vote anywhere in the borough that they choose.

16 Another thing that we want to talk about, and which  
17 we have heard my colleagues talk about is—is a little  
18 bit about the machines and generally pacing  
19 ourselves. We recommend that the Board of Elections  
20 not introduce new machines during the same election  
21 or elections as early voting commences. We have  
22 strong reservations about procuring an entirely new  
23 system of voting machines at the same time that New  
24 York must be recruiting and training poll workers on  
25 how to run early voting, and use electronic pollbooks

2 for the first time. In addition, new machines would  
3 require a substantial amount of public education to  
4 the voters at large about how to cast their ballots.  
5 In general, when it comes to machines and how we best  
6 think we should implement early voting in New York,  
7 we support Ballots on Demand, and believe that all  
8 votes cast must have a paper record, and that moves  
9 some into—I talked a little bit about—before is about  
10 robust public education. As we've known from past  
11 experiences in New York, New Yorkers aren't the best  
12 when things change about how they vote. We've heard  
13 today about some of the problems that happen when we  
14 switched the lever machines to the scans, to the  
15 ballot marking devices. So, we've already--New  
16 Yorkers are clamoring for early voting. This is  
17 incredibly popular. People are so excited for it,  
18 but they need to be educated about how it's going to  
19 be run, how it's going to operate. This is  
20 especially going to be true [bell] if people are  
21 going to have to be assigned in early voting location  
22 in their borough. So, we need to hear more about  
23 what is going to be happening with that early voting  
24 education, and that's part of also what I was saying  
25 about, you know, we need to focus on one thing at a

2 time with the voters. We can't be giving all of  
3 these new things at once. It's just going to add  
4 more complications, and finally I just want to hit  
5 upon poll worker training and recruitment. We have a  
6 real problem with recruiting enough poll workers in  
7 the city as it is. We need to be thinking and really  
8 pushing and doing that recruitment now. We're going  
9 to need people for many more days, and that needs—and  
10 they also really need to be trained, and—and as I  
11 said, you know, between the electronic pollbooks and—  
12 and early voting, it's going to be—it's going to be  
13 substantial. A lot of these people it's going to be  
14 a big shift for them, and a lot of them, you know,  
15 aren't as technologically savvy as other people. So,  
16 how we're going to make sure we have enough recruits,  
17 whether we could look at city workers is something  
18 that's been discussed. We think, you know,  
19 potentially it should be looked at again, but overall  
20 we just want to make sure that when early voting is  
21 introduced and implemented it runs as smoothly, as  
22 safely, and people understand how it's going to work,  
23 that they aren't surprised on an election day or on  
24 the days running up when they can vote early, and

2 that is as positive an experience as it can be for  
3 all New Yorkers.

4 CHAIRPERSON CABRERA: Thank you so much.  
5 As a matter of fact, I was just thinking right now  
6 it's an excellent suggestion that maybe the Board of  
7 Elections should have a video that they will have  
8 online that people in their website and even put it  
9 in YouTube and all those—all those social media and  
10 it could be part of their communications campaign on  
11 how to actually use the machines, and so that—that,  
12 you know, I could see that taking place. I'm just  
13 wondering if we keep postponing, my fear is next year  
14 is going to be the general election. That would be  
15 like the worst year to—to work out the kinks. This  
16 coming election in November, which is usually the  
17 least—the least participation that we see probably  
18 will be the ones that will make sense, but I agree  
19 with you a 100%. We have to be prepared and that's—  
20 that's what I was pounding on all day long.

21 KATE DORAN: When you say 'keep  
22 postponing', sir, what is it that you mean?

23

24

25



2 CHAIRPERSON CABRERA: No, I thought I  
3 heard you mention that we are doing this perhaps a  
4 bit too fast. So, maybe I misunderstood.

5 RACHEL BLOOM: No, what I was saying we  
6 support Ballot on Demand machines. What we don't  
7 support is procuring like some-like the electronic  
8 touch screens in the room next door-

9 CHAIRPERSON CABRERA: Oh, I've got you.

10 RACHEL BLOOM: --which is that we  
11 minimize the changes to the way we vote as we are  
12 introducing early voting, and we try and keep the  
13 system as similar to the one we have--

14 CHAIRPERSON CABRERA: I agree with you. I  
15 agree with you.

16 RACHEL BLOOM: --one change at a time.  
17 [laughter]

18 CHAIRPERSON CABRERA: And--and I heard you  
19 and that's one of my concerns cybersecurity.  
20 Dominion is the one that I saw, and I was able to,  
21 you know, before this hearing started where you have  
22 the ballot. You actually fill it out. You have the  
23 record there because I'm always afraid, you know, of  
24 hacking and that was going to be my next question.  
25 How--how real is hacking? Are this--are these systems

2 in a network and if it's not how would somebody be  
3 able to hack if-if you don't have, you know, kind of  
4 a network kind of a system.

5 KEVIN SKOGLUND: Yeah, good questions and  
6 those are common questions that you hear all the  
7 time. So, I would say first of all that any voting  
8 machine is vulnerable to hacking, any computer is  
9 vulnerable to hacking, and as a cybersecurity person  
10 you sort of start with that premise. The question  
11 is, you know, what tools did your adversary have?  
12 How motivated are they to-to get involved and do  
13 they-do they gain something out of it? And I think  
14 with elections and the vast resources for our nation  
15 states especially, you have to look at that as a real  
16 legitimate risk factor. The-as far as how machines  
17 react, none of-none of the actual voting machines are  
18 on the Internet all the time. There are some states  
19 that allow machines to go onto cellular modems to  
20 communicate results at the end of the night, and  
21 that's something that is discouraged, and we're  
22 actually asking to have-become a-a part of the  
23 Voluntary Voting Guidelines that you can't do that.

24 CHAIRPERSON CABRERA: [interposing] There  
25 is something there that you could---

2 KEVIN SKOGLUND: Yes.

3 CHAIRPERSON CABRERA: --understand this.  
4 If you don't have that option, let's say we decide  
5 it's just in-house--

6 KEVIN SKOGLUND: [interposing] And never  
7 connected. Yes.

8 CHAIRPERSON CABRERA: --and never  
9 connected, can it be hacked?

10 KEVIN SKOGLUND: Yes.

11 CHAIRPERSON CABRERA: How-how--

12 KEVIN SKOGLUND: [interposing] So, there  
13 are a number of--

14 CHAIRPERSON CABRERA: --is it hacked if,  
15 you know, there's--there's a distance.

16 KEVIN SKOGLUND:

17 CHAIRPERSON CABRERA: You know, you have  
18 police officers looking around. You know, if  
19 somebody is on their laptop, I would imagine--

20 KEVIN SKOGLUND: Sure.

21 CHAIRPERSON CABRERA: --that would be  
22 kind of a flag.

23 KEVIN SKOGLUND: Yeah, there--there are a  
24 number of--of kind of main pathways that--that you  
25 would look at. The first would an insider, an

2 insider throughout, right and who's—who's in charge  
3 of maintaining custody of these machines and how easy  
4 it is to, you know, slip them some money to get them  
5 to give you access or something. The other thing is  
6 often these machines are left unattended in polling  
7 places overnight for elections, and in some places  
8 that can be as much as two weeks ahead of time. In  
9 some places it's, you know, only overnight, but  
10 often they're unattended and they're put in places  
11 that are not particularly secure locations. They're  
12 in schools and, you know, other places that have been  
13 rented for a short period of time.

14 CHAIRPERSON CABRERA: Are those systems  
15 encrypted where, you know, you have a security  
16 system. I mean we—

17 KEVIN SKOGLUND: [interposing] There are  
18 protections.

19 CHAIRPERSON CABRERA: -- we find it very  
20 difficult, right?

21 KEVIN SKOGLUND: There are protections but  
22 those protections are software protections, and it  
23 does, I mean--

24 CHAIRPERSON CABRERA: Tell me about it.

2 KEVIN SKOGLUND: There would be no  
3 hacking if—if software was a solution. There would  
4 be no hacking, right?

5 CHAIRPERSON CABRERA: Got you.

6 KEVIN SKOGLUND: So, so that there are  
7 ways around it. You can build walls and that's good.  
8 You should build those walls and you should build  
9 multiple layers of walls to protect you, but that  
10 doesn't meant that you're going to repel every  
11 defender. One of the—the truisms of cybersecurity is  
12 if you're the defender, you have to win every single  
13 contest to keep them out, but if you're the attacker,  
14 you only have to win once.

15 CHAIRPERSON CABRERA: Once.

16 KEVIN SKOGLUND: And then you—you  
17 mentioned other ways for hacking. Phishing emails is  
18 another common one that you get an election official  
19 to click on an email. They download a virus. It's  
20 not in the—the system. If that computer ever goes on  
21 the network even a local network, it can potentially  
22 be infected, the polling machine can be infected and  
23 then the media, the removable media from those  
24 machines also gets moved from the voting machine back  
25 to a main computer, bac the voting machines, and

2 potentially can spread things, and then the last one,  
3 which we really don't know how to secure well is  
4 supply chain the fact that these machines could be  
5 arriving, you know, with chips that were manufactures  
6 overseas. Most chips are manufactured overseas and,  
7 you know, it's a tough one. It's a tough problem to  
8 solve. So, we assume that they can be hacked, but  
9 that shouldn't discourage us because that's why we  
10 have paper. That's the whole idea behind having  
11 paper is that you can take paper, you can feed it  
12 into an optical scanner that's full of malware, and  
13 then you can do an audit at the end and detect that  
14 there was a problem--

15 CHAIRPERSON CABRERA: [interposing] That's  
16 beautiful.

17 KEVIN SKOGLUND: --and that's the  
18 fundamental reason that--that we're so insistent that  
19 we have to go to paper, and get rid of the paperless  
20 machines.

21 CHAIRPERSON CABRERA: Got you. Very  
22 good. I wanted to ask you a question regarding you--  
23 the app that you have. My question is if I were to  
24 cite and I--and before me, and I passed it before me.  
25 Nobody else speaks the languages, how am I able to

2 communicate. Does your app does voice recognition  
3 into language? Because I—I hear that we're not there  
4 yet. When we had the hearings regarding 311, that—  
5 that issue came up.

6 AVI ROSEN: Currently the app is set up  
7 by your nation's flag, your home nation's flag. So  
8 somebody would be able to find the flag of their own  
9 nation, click on that and then pick the particular  
10 language that might be spoken in that language.

11 CHAIRPERSON CABRERA: That's a lot of  
12 flags. [laughter]

13 AVI ROSEN: Yes, this goes right through.  
14 You know, if we were working, you know--[background  
15 comments/laughter] if we were working, you know, on  
16 developing something particular to New York City, you  
17 know, we could work with our development team to say  
18 hey we want these, the pen on top. We want the  
19 search bar to say this, you know, it can vary. You  
20 know, right now out of the box that's how it is. You  
21 know, let's say I only spoke, you know, one language  
22 and you can't, you know, you're in drafting with me  
23 and you can't even guess the language. I don't speak  
24 Spanish, but I hear it. I don't hear Yiddish very  
25 well but I hear it. So, those are—I can identify

2 those languages. What happens when you can't  
3 identify the dialect? That's how we've--that's how  
4 we've gotten to that point.

5 CHAIRPERSON CABRERA: Have you spoken to  
6 the Board of Election about your problem?

7 AVI ROSEN: Not as yet. We will, though.

8 CHAIRPERSON CABRERA: Okay. Great-great.  
9 Council Member Yeger, do you have questions?

10 COUNCIL MEMBER YEGER: [off mic] No.

11 CHAIRPERSON CABRERA: No, oh fantastic,  
12 and I want to thank you all. We have one more panel,  
13 and we have [background comments] -Wacca (sic) Lulu  
14 and actually Jarret. Thank you, thank you so much.  
15 Jarret Byrd [background comments] feel free to come  
16 forward. Did you have--[background comments/pause]  
17 Oh, yeah. Also, Amy-Amy Torres, Chinese-American  
18 Climate Council. Great. Fantastic. If anybody else  
19 wanted to testify, make sure you see the sergeant-at-  
20 arms because this is the last panel. Great. You may  
21 begin.

22 LULU FRIESDAT: Now can you hear me.  
23 This one is better. Okay. My name is Lulu Friesdat.  
24 I'm the Communications Director for Smart Elections.  
25 It's an organization the coordinates election



2 security groups as well as other election reform  
3 communities and we work with some of the top security  
4 experts—election security experts in the country, and  
5 what I want to talk to you today about specifically  
6 is security, election security because I heard a lot  
7 of enthusiasm here today for early voting and I heard  
8 a lot of information about 100 polling sites, 37  
9 polling sites, polling sites in grocery stores, and  
10 it's—it's exciting, but it's also concerning. I've  
11 covered election security for over ten years and I  
12 can tell you that it's going to be extremely  
13 challenging to secure a voting machine in a grocery  
14 store. So, these voting machines some of them have  
15 USB ports on the front of them. For example the  
16 Dominionized (sic) that you were looking at that you  
17 were excited about has a USB port right on the front  
18 of it, and literally what that means is that any  
19 person could walk up to that and put a USB drive in  
20 there. Literally 10 seconds later the machine would  
21 have malware on it, and that malware would not just  
22 be—would not just be on that machine for that  
23 election. That malware would remain on that machine  
24 for every election that that machine was used in here  
25 from there forward, and the machines have devices

2 that go in and out of them. For every election  
3 there's memory cards that put Firmware on them that  
4 update the Firmware, memory cards that take the  
5 election results off of them. Malware travels on  
6 those media on those memory cards. So, if someone  
7 puts a malware program on one machine, then that  
8 malware program can travel from machine to machine in  
9 the course of normal election procedures, and by the  
10 end of that election cycle, you could have malware on  
11 every machine in the county from one person having  
12 access to one USB port in one location. So, this is  
13 just to say to you that this is very, very serious,  
14 and as Kevin said to us the attacker only has to win  
15 once. So, I really—there was something else that  
16 happened here today that really concerned me. When  
17 Michael Ryan spoke to you, he said that they are  
18 using vendors not only as sales people but he said,  
19 of course it's important that they have to use those  
20 vendors as technology experts, and that is actually a  
21 major problem. Think about it. When you go to Best  
22 Buy and you buy a new cellphone, do you just trust  
23 that salesperson to tell you about the problems with  
24 that cellphone or do you go on Amazon and look at the  
25 reviews and see maybe there were some other problems?

2 Yes, we all do that. So, we don't want to be buying  
3 millions of dollars worth of voting equipment without  
4 checking in with someone besides the vendors for  
5 those security problems, and I really—I want to be in  
6 touch with you. I'd like you to work with our  
7 organization. As I said, we have really great  
8 security experts working with us. There are people  
9 in the city like Harry Hursti. Harry Hursti was in  
10 New York. He is one of the hacking experts [bell] in  
11 the country, and we want to be involving people like  
12 that as we pick voting equipment, as we establish  
13 security protocols because that type of testing, it's  
14 called red hat testing of penetration testing.  
15 That's really what tells us whether or not a machine  
16 is secure and in general the vendors do not want you  
17 to do that type of testing on their machines. That's  
18 why you have to talk to election security experts,  
19 and I just want to tell you a few words of warning  
20 about these machines next door. The Dominionized  
21 machine in particular has a very serious security  
22 problem with it that experts have identified where  
23 the machine is both a printer and a scanner in one.  
24 So, the ballot from somebody who just fills our their  
25 paper ballot travels under the printer head after

2 that person already cast their ballot, which means  
3 that if Malware is planted on that machine the ballot  
4 could literally print extra votes on that paper  
5 ballot making that paper ballot no longer a valid  
6 reflection of the voter's choices, and you understand  
7 how incredibly serious that is. Yes, and we have  
8 that same problem with the other ballot marking  
9 devices on the market the Express Vote Excel in it's  
10 -the hack works in a different way, but it's the same  
11 problem and the Express Vote Hybrid. So, newer is  
12 not always better, right. Sometimes handmarked paper  
13 ballots and some of the older systems actually can  
14 have fewer security problems. So we want to really  
15 be working with our security expert so ferret out  
16 those problems. And also, our group is very  
17 interested and we work with members of the  
18 Disabilities Rights Community. We have Disability  
19 Advisory Teams and our Disability Advisory Team, and  
20 one thing that we found out is that they—the  
21 disability community does not like the Dominonized  
22 machine, and actually it's for the same reason that  
23 it holds up traffic. It's because that machine is a—  
24 it's a ballot marking device and a scanner in one.  
25 So, if you have somebody voting on it, a voter with a

2 disability, right. Maybe it takes them 15 or 20  
3 minutes to use that machine to vote. Meanwhile the  
4 line is backing up because people need that machine  
5 to scan their ballots, and that makes the voter with  
6 a disability uncomfortable and nervous. They know  
7 people are waiting on them. So that machine actually  
8 there were—there was a letter from five separate  
9 disability organizations to the State Board of  
10 Elections in October asking that the machine not be  
11 certified they were so against it. And I understand  
12 similarly with the Express Vote Excel, which is  
13 another one of the ballot marking devices that were  
14 many, many problems from the disability community  
15 with that machine. So, I look forward to being in  
16 touch with. Please take a look at our website. It's  
17 smartelections. Us and we have a video investigation  
18 there now, five minutes to watch, and it will show  
19 you some of the problems with that Dominion and the  
20 other Hybrid voting machines. It's a three-part  
21 series. We have two more parts coming out and I look  
22 forward to sharing those with you. Thank you so much  
23 for the work that you're doing here.

24 AMY TORRES: Good afternoon, Chair  
25 Cabrera and Council Member Yeger. Thank you for

1 continue to hold this space. I know it's been a long  
2 day. I'll speak briefly because I don't have my  
3 testimony in front of me. Amy Torres, Director of  
4 Policy at the Chinese-American Planning Council, CPC.  
5 CPC is the nation's largest social services  
6 organization for Asian-Americans Pacific Islanders in  
7 the country. Each year we serve 60,000 New Yorkers  
8 across our 30 sites. One of the big activities that  
9 CPC does across our range of human services is voter  
10 outreach, education and engagement. This is a yearly  
11 activity that we imbed—thank you—that we imbed into  
12 our services, and we even use our community  
13 volunteers to reach other Asian-American Pacific  
14 Islander voters across the nation for communities  
15 where we know that the AAPI community is growing, but  
16 does not have a place like CPC to do sustained voter  
17 outreach and education. This fall for the Mid-term  
18 Elections we engaged our youth volunteers to be  
19 calling districts in Houston to do non-partisan  
20 outreach and language, and a number of our youth  
21 volunteers said I can't believe all the people that  
22 were calling and said that they voted early in Texas  
23 and we don't have early voting here in New York.  
24 And so, we are very grateful to see that this session  
25

2 you know, early voting passed, that there was funding  
3 included for it, but CPC still holds very grave  
4 concerns about implementation many of which we were  
5 happy to see you bring up in your questioning of the  
6 BOE today. So, I don't want to fully rehash  
7 everything, but the number of sites and the  
8 positioning of sites is critically important. We  
9 know that for early voting implementation to truly be  
10 successful, I understand the security concerns, but  
11 it really needs to reach the hardest to reach  
12 communities, and those that are least likely to vote  
13 on actual election days. We know there's a  
14 misperception that AAPIs are apolitical, but after  
15 the 2016 election in a national voter survey only 33%  
16 of Asian-Americans said that they had been reached  
17 out to by either a partisan or non-partisan  
18 affiliated organization to remind them to get out to  
19 vote. So, really placing these early voting sites in  
20 the places that people habitually frequent where  
21 people already go to find community is very, very  
22 important, and in order to do that, we need far above  
23 the minimum number of sites. So, we really hope that  
24 the BOE feels compelled to take up the Administration  
25 on their offer to fill that gap, but even once that

2 happens, we know that the existing experience on  
3 Election Day remains subpart for non-native English  
4 speakers, and I want to thank you, Chair Cabrera that  
5 each time you speak about language access and, you  
6 know, accent stigma that it really speaks to an  
7 experience that people still have today here in New  
8 York City despite our language access plan, and  
9 trying to fill out them here (sic), we know that  
10 there still is a lot of stigma and a lot of work to  
11 be done to improve language access. CPC is a  
12 recruitment partner for the BOE positions and so we  
13 have [bell] members of the community who have filled  
14 those positions, but we know that the amount of  
15 training and the scheduling is sometimes challenging  
16 in addition to the payment to go out on election days  
17 is insufficient. We've heard from the BOE a number  
18 of times that they would like advocates to push for  
19 higher rates for—so that they can recruit and retain  
20 those interpreter positions, which is why we are  
21 shocked that when the city stepped in to provide its  
22 own interpreters that they would turn them down. So,  
23 you know, we want to thank the city, and then we also  
24 want to thank the Administration for their—their work  
25 to fill that gap, but we also want to make sure that



2 any implementations for early voting really need to  
3 have both the language—both the locations that are  
4 meeting the community where they are staffed  
5 appropriately because if someone decides to go to an  
6 early voting site, and has a worse experience than  
7 they already have on election day, that experience  
8 gives us a very short turnaround time to the April  
9 2020 Primary. It's just under six months. So, the  
10 amount of time that we have to look through those  
11 problems hold the oversight hearings like had  
12 happened earlier this year, and actually turn that  
13 round into one of the most contentious primaries that  
14 we're—we're going to have regardless of party  
15 affiliation is really critically important. So, we  
16 want to see a robust plan put in place for the  
17 election this fall. Thank you very much and I'm  
18 sorry I have to run.

19 JERRY VATTAMALA: Good afternoon. Thanks  
20 for sticking around. My name is Jerry Vattamala.  
21 I'm the Director of the Democracy Program at the  
22 Asian-American Legal Defense and Education Fund,  
23 AALDEF. AALDEF was founded in 1974. Our mission is  
24 to protect the civil rights of Asian-Americans  
25 through litigation, advocacy, community education

2 organizing. We do a multi-lingual Asian-America exit  
3 poll every major election. We've been doing this  
4 since 1988. Ours by far are the largest number of  
5 voters that we survey right here in New York City. We  
6 also monitor poll sites for compliance with the  
7 Voting Rights Act, Help America Vote Act and the  
8 provisions of law. One thing that we've noticed  
9 through exit polling we surveyed over 8,000 Asian-  
10 American voters in 14 states and Washington D.C. in  
11 the last Midterm Election. About a third of all  
12 Asian-Americans that we survey, self-identify as  
13 limited English proficient, and that varies depending  
14 on which ethnic group we're talking about. South  
15 Asians typically have much lower LEP rates so they  
16 don't need interpreters as often with the exceptions  
17 of with the Bengali population. They are just sort  
18 of one outlier among the South Asian population, but  
19 then you have the Korean community with LEP numbers  
20 as high as 60% or some of them depending where we are  
21 above 60%. So, it really varies depending where we  
22 are and also which ethnic group we're talking about.  
23 You know, we've done a lot of work around language  
24 assistance, language access. I litigate case  
25 revolving around Section 203 of the Voting Rights Act

2 and Section 208 of the Voting Rights Act. Nationally  
3 as well as here in New York City we support all  
4 efforts to expand language assistance. So, we  
5 support this legislation. There's one specific  
6 thing, though that I—you know, I noted this in my—in  
7 my written remarks. There's a line here in the  
8 proposed legislation where it says: The Committee  
9 shall provide interpreters for all designated city  
10 languages pursuant to Section 23-1101 of the  
11 Administrative Code. This is the important part her:  
12 Excluding those languages for which the Board of  
13 Elections and the city of New York provide  
14 interpreters. That is problematic to us because yes  
15 for countries that are covered under Section 203 that  
16 provide interpreters that's fine. The city doesn't  
17 need to provide additional interpreters, but it  
18 shouldn't exclude those languages in other counties  
19 where it's not covered, right. Our example here has  
20 Bengali. Bengali is covered in Queens County, but  
21 it's not covered in the Bronx and Brooklyn, and I  
22 provided the attachments here to you and made 20  
23 copies, but these are the letters that were sent over  
24 the years to the various Boards of Elections pleading  
25 with them to provide Bengali interpreters at targeted

2 poll sites. Not every polling site, just targeted  
3 polling sites. So, in the Bronx we listed out there's  
4 four poll sites there, right? Yeah, Park Chester,  
5 East Chester. In Brooklyn [bell] we listed I think  
6 it was three sites, right. So, we've been asking for  
7 years to please provide Bengali interpreters because  
8 we do--we're doing the exit polls. We know that  
9 there's a demonstrated need for language assistance  
10 there. So for this legislation we support providing  
11 interpreters, but this one line here is very  
12 problematic. We're asking that that be altered or  
13 amended so that you could close that loophole here,  
14 and provide interpreters for Bengali as well as  
15 possibly Chinese or Korean, which are also covered  
16 for only specific counties here in New York City. I  
17 did need to correct the record also here on the  
18 Bengali Ballot Lawsuit that was brought up earlier.  
19 We brought that lawsuit. I was the lead attorney for  
20 that case. It's one of the attachments here. It's  
21 the second, second to last attachment. I urge you  
22 please read that complaint. It flies in the face of  
23 what was testified here earlier. We sued  
24 specifically because the Board was not complying with  
25 Section 203 to provide Bengali ballots. They just

2 did not provide them. Mr. Richman brought up the  
3 fact that Asian-Indian is not a language. That's  
4 correct. We sent numerous letters to the Board  
5 urging them to designate a specific Indian language.  
6 There were numerous meetings. In April of 2012, the  
7 Board designated Bengali as the covered language  
8 under Section 203. We had one, two, three, four  
9 consecutive elections without Bengali ballots, and  
10 that's why we sued. Alright, only after we sued did  
11 we actually obtain Bengali ballots for the first time  
12 in New York City. So, it was through the legal  
13 action, that's why we sued. That Board was not  
14 providing the language assistance, which was  
15 required. We also attached another lawsuit back in  
16 2006 for failure to provide with Chinese and Korean  
17 requirements under Section 203. It's-it's a good  
18 read. You can read of all the-the violations of law  
19 that took place over the course of numerous  
20 elections, which we were able to document through our  
21 Poll Monitoring of Enter and Exit Polling. So,  
22 there's a lot of issues here in New York City with no  
23 complying with what's required of the Federal Voting  
24 Rights Act, which is the floor. There's nothing  
25 preventing the city from providing more interpreters.

2 The last point--I know I'm over the time--the argument  
3 that there will be an equal protection lawsuit  
4 brought is--is pretty outrageous and pretty  
5 ridiculous. I don't see that happening. The key here  
6 is similarly situated groups and you address that  
7 concern by having a formula, which looks you have a  
8 formula here in the legislation. So, with that, I  
9 thank you.

10 CHAIRPERSON CABRERA: Thank you so much.  
11 Actually, let me start with and then I'll come to you  
12 Lulu. Thank you for the suggestion. Number one we're  
13 going to look into that and regarding the bill. I  
14 work very closely as I said in my district, but I  
15 have many friends in Port Chester with the Bengali  
16 Community very close friends, and I was assuming--I  
17 shouldn't not assumed that the same provisions that  
18 are given in Queens would have been given in the  
19 Bronx.

20 JERRY VATTAMALA: [off mic] [interposing]  
21 Yeah, actually they haven't. (sic)

22 CHAIRPERSON CABRERA: Thank you for  
23 giving us light to that issue. Second, if you could  
24 relay this litigation information to Council Member

2 Treyger, I know he will be very, very grateful to  
3 you.

4 JERRY VATTAMALA: Yes.

5 CHAIRPERSON CABRERA: He'll pass it onto  
6 his--

7 JERRY VATTAMALA: [interposing] It's  
8 right. It's all in the attachments here.

9 CHAIRPERSON CABRERA: If you could just,  
10 you know, get it to his office.

11 JERRY VATTAMALA: Yes.

12 CHAIRPERSON CABRERA: Plus meeting with  
13 him, I know that he will be more than glad to hear.  
14 Especially you're primary source. You're right  
15 there.

16 JERRY VATTAMALA: Right and I'm going to  
17 tell you I actually included an email with the Board  
18 also in my attachments where we're--we forward our  
19 letters that we've repeatedly begging for Bengali  
20 Interpreters in the Bronx and in Brooklyn. Their  
21 response was: The Board only covers what is fairly  
22 funded. As you know, Asian-Indian is only covered  
23 for Queens covered. So, this is a problem we've had  
24 for a long time.

25 CHAIRPERSON CABRERA: I see.

2 JERRY VATTAMALA: And this legislation we  
3 support it, but it doesn't address the problem that  
4 we have. It actually kind of exacerbates it, and  
5 says well, you're covered, it's covered under 203 so  
6 it's going to exclude that language, which is a  
7 problem.

8 CHAIRPERSON CABRERA: And I think Council  
9 Member Treyger will be more than glad to look at that  
10 because of the unintended--

11 JERRY VATTAMALA: [interposing] Yes,  
12 right.

13 CHAIRPERSON CABRERA: --outcome that we  
14 intend to having. Really, I wanted to ask you  
15 regarding--is there like data out there in terms of  
16 how many times nationwide have we seen hacking that  
17 actually took place. That they were successful or  
18 attempted.

19 LULU FRIESDAT: We were actually talking  
20 about the survey to data. Those numbers fluctuated  
21 radically. At one point they were saying I think two  
22 of the voter registrations. They--they knew details  
23 did actually release the fact that two voter  
24 registration databased in the states. It was  
25 Illinois and New Mexico I believe were successfully



2 attacked. The were—and that's been documented in  
3 actually 16 minutes to the program on that. There  
4 were, the number varies. Sometimes you'll see 21 and  
5 sometimes you'll see 39 states that DH said also were  
6 probed usually I the word that's used, and those  
7 were—that was the voter registration databased, which  
8 we under—which is what we're getting now. Now, we're  
9 moving to those electronic pollbooks. So for example  
10 I know that they said they were looking—Michael Ryan  
11 said they were looking at a vendor for voter  
12 registration database. I worry is it VR Systems? Is  
13 that the vendor they're looking at because VR Systems  
14 isn't—was known to be hacked. DHS said that they  
15 were hacked and then there was a known incident in  
16 Durham, Carolina where a client using VR Systems  
17 Voter Registration—Voter Registration Database had an  
18 incident that the New York Times reported seemed very  
19 much like a hack, and that was where voters came to  
20 vote, and when they signed in to register, they were  
21 told that they had already voted. You know, they  
22 hadn't and this was just "Glitch" right in the  
23 electronic pollbook, but that glitch actually caused  
24 hours and hours of lines and what happened in Durham,  
25 this was in the 2016 Presidential Race, because they

2 had so many problems they decided to switch to paper  
3 registration. Again, they were not prepared. They  
4 wound up with one like paper registration pollbook,  
5 which backed up the lines even more. They had paper  
6 forms that people had to fill out. They wound up  
7 actually literally like going to a copy center during  
8 voting hours making copies of that form that people  
9 have to send out to fill out and bring it back.  
10 There were like hours and hours of lines, and many,  
11 many people left the polls, and what happened in  
12 North Carolina was a race that was supposed to be  
13 neck-in-neck between Clinton and Trump. Trump won by  
14 4% and which they think was quite possibly because of  
15 this problem in a Democratic stronghold in Durham,  
16 North Carolina, which is understood to be most likely  
17 from a hack. So, now with the voting machines there  
18 is very little known about whether or not voting  
19 machines have been hacked because nobody really does  
20 that sort of forensic analysis. If you parse the DHS  
21 language very closely of the report, you will see  
22 that it says that's not their job. They basically  
23 say not a job. So, they say as far as we know no  
24 results were changed, but basically nobody looked.  
25 One thing that was kind of mentioned, which is

2 incredibly important is about audits, and I work with  
3 the Democratic Lawyers, the New York Democratic  
4 Lawyers Council and the head of the Audits Working  
5 Group, and we've been working for two years to  
6 develop Risk Limiting Audit Legislation, and we're  
7 really interested in starting a risk limiting audits  
8 Pilot and maybe, you know, some of the precincts or  
9 some of the districts here in New York could be part  
10 of that, and it's something to really think about.  
11 We really need to be moving past the—the 3% audit  
12 that we do right now. That 3% audit only tests—it's  
13 3% of the machines. It's not 3% of the ballots. It  
14 doesn't audit provisional ballots. It doesn't audit  
15 absentee ballots. So, it's very faulty, and what we  
16 really need especially when we're moving into more  
17 dangerous territory is with more machines out, is we  
18 need more testing to make sure that those machines  
19 are counting accurately. So, we need—there's another  
20 bill at the state legislation that's been presented  
21 now. That's a bill to allow automatic recounts for  
22 close elections. I encourage you to support that,  
23 and again to maybe work with our group with the New  
24 York Democratic Lawyers Council to bring risk  
25 limiting audit pilot here to New York and move to a

2 strong statistical audit of every election of race so  
3 that we can have—that's the point of a good audit is  
4 to do that test, and see were—was the correct winner  
5 declared? That's what we want to know.

6 CHAIRPERSON CABRERA: Is there a way that  
7 a third part—I know this is a task, but it's worth  
8 the value of democracy that at the end of the night  
9 before—before we get the data, the count that we  
10 could quickly verify that there was no malware that was  
11 installed in the machine

12 LULU FRIESDAT: If only we—when you're  
13 talking about these machines, you're talking about  
14 some real challenges. One is that its proprietary  
15 software, and the vendors don't want anybody looking  
16 at that code, and even if you could look at that  
17 code, it's thousand and thousands of lines of code,  
18 and you could be looking for like one little tiny  
19 line of code.

20 CHAIRPERSON CABRERA: Yes.

21 LULU FRIESDAT: It's something-it  
22 actually-it can be a very simple program that moves  
23 folks from one candidate to another. So, it's—it's  
24 actually not the kind of thing that you could do like  
25 literally following an election. Kevin is probably

2 better. He's a computer expert. I'm just a computer  
3 screen journalist, but it's very tricky. It's very,  
4 very hard. That's one reason why we want to go to  
5 protect these machines so carefully. I really  
6 recommend you look into video taping the like  
7 surveillance cameras of the machines at all times and  
8 also the ballots. What are we doing to protect those  
9 paper ballots? Because an audit is meaningless if  
10 you haven't had strong chain of custody of those  
11 paper ballots. The Ballot on Demand machines they  
12 need to have very careful security protocols that  
13 show every single time a ballot is printed. Those  
14 Ballot on Demand machines can print ballots that are  
15 already filled in with ovals for a candidate. So you  
16 could a print hundred thousands of ballots already  
17 printed out and slip those into the--into their other  
18 ballots and you might have a problem with you count  
19 and somebody would go like, Oh, that's Mr. Botts here  
20 and people would be confused, but at the end of the  
21 day those ballots might be counted so--

22 CHAIRPERSON CABRERA: So, that's a big  
23 issue. If you have a different count or just--

24 LULU FRIESDAT: Right.

2 CHAIRPERSON CABRERA: --that--that's a big  
3 red flag.

4 LULU FRIESDAT: But maybe you go through  
5 and you pull out a thousand ballots that aren't your  
6 candidate and you slip in a thousand votes that are  
7 you candidate. If you don't have a strong chain of  
8 custody, you have no way of knowing. So, these are  
9 the challenges that early voting is going to bring to  
10 us. There are already challenges even within an  
11 election day system of protocols. Early voting makes  
12 these issues much more difficult. So, yeah, we  
13 really want to look at that chain of custody, the  
14 Ballot on Demand technology and as you said, like.  
15 you know, what can be done to see if the machines if  
16 there's a problem with them. That's again a question  
17 I would refer to somebody. I would say let's talk to  
18 Harri Hursti, you know, because he's really a  
19 brilliant hacker, and he might be able to tell us  
20 what we can to look at them and, you know, and set up  
21 some protocols with this. So, let's be working with  
22 people like that.

23 CHAIRPERSON CABRERA: Okay. Well, thank  
24 you so much. This was very informative, and this is  
25 actually information that we could use.

2 LULU FRIESDAT: Thank you. Can I get  
3 your card afterwards and we continue to talk?

4 CHAIRPERSON CABRERA: Yes, afterwards  
5 absolutely. Okay, and with that I want to thank the  
6 staff that's worked so hard to in preparation during  
7 and the thereafter and for everyone who participated,  
8 with that and with that, of course the sergeant-of-  
9 arms both of them. They do an excellent job. With  
10 that, we conclude today's hearing. [gavel]

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C E R T I F I C A T E

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



Date June 5, 2019