

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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November 28, 2011  
Start: 11:45 a.m.  
Recess: 12:03 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
GALE A. BREWER  
Chairperson

COUNCIL MEMBERS:  
Inez E. Dickens  
Erik Martin Dilan  
Domenic M. Recchia, Jr.  
Peter F. Vallone, Jr.

CHAIRPERSON BREWER: Good morning.

My name is Gale Brewer, city council member for the west side of Manhattan, and we're here on the Committee on Governmental Operations to vote on resolution 671-A. We're joined by Council Member Tish James, Council Member Lew Fidler, who's the sponsor of the resolution, Council Members Dickens and the Finance chair, Domenic Recchia, who are members of the Committee.

Today this Committee, Governmental Operations, is meeting to vote on resolution 671-A, which calls upon the State to pass legislation that would require paper ballots be designed in a more user friendly manner. The Committee held a hearing on this resolution on September 22 as part of our Board of Elections oversight hearing, following the September 2011 Primary and Special Elections. The pending State legislation supported by reso 671-A would address a major area of concern expressed by the city voters in an election day exit survey conducted by the Council last year 2010. During the 2010 Primary Election, city voters expressed many difficulties related to the implementation of new voting machines. One of

1  
2 the most persistent complaints reported by voters  
3 was the form of the ballot itself both in terms of  
4 font size and layout. Indeed, as part of a voter  
5 exit survey conducted by the Council during the  
6 2010 General Election, little over 34% of those  
7 surveyed reported that they struggled to read the  
8 ballot as a result of small font size and a layout  
9 that was confusing. This problem has been  
10 attributed in large measure to the New York State  
11 Election Law, which prescribes the form of the  
12 ballot.

13           There are several bills pending to  
14 address this in the State legislature that seek to  
15 improve ballot design. First, S 609-A introduced  
16 by State Senator Joe Addabbo and A 4696-A  
17 introduced by Assembly Member Brian Cavanaugh  
18 would require 1) that candidates' names be printed  
19 in a bold type face with a minimum font size of  
20 12; 2) candidates' names be printed in mixed case  
21 rather than all caps; and 3) all other text  
22 relating to position, party affiliation and ballot  
23 questions be easily readable. The bills also  
24 require that the Boards of Election for the state,  
25 the city and Erie, Nassau, Suffolk and

1  
2 Westchester counties employ at least one full-time  
3 employee trained in ballot design. The other  
4 piece of legislation A 7492-A, otherwise known as  
5 the Voter Friendly Ballot Act of 2011, introduced  
6 by Assembly Members Cavanaugh and Andrew Hevesi,  
7 would significantly overhaul the current ballot  
8 layout by setting forth a series of specifications  
9 that would remove unnecessary clutter from the  
10 ballot, simplify the ballot instructions, provide  
11 for more consistent ballot design and require the  
12 state Board of Elections to publish and distribute  
13 a master template ballot for statewide elections.  
14 This legislation has been strongly endorsed by  
15 many good government groups, including the Brennan  
16 Center, Citizens Union - - Common Cause, - - and  
17 the League of Women Voters. The resolution urges  
18 the New York State Legislature to pass and the  
19 governor to sign into law this legislation that  
20 would further the important goal of improving  
21 ballot layout and design for the city voters. The  
22 Committee will vote but after we've heard from the  
23 sponsor. Council Member Fidler?

24 COUNCIL MEMBER FIDLER: Just  
25 briefly thank you, Madam Chairwoman, for your

1  
2 assistance in this and to Seth Grossman, our  
3 Committee counsel, for his work as well. I think  
4 it was Shakespeare--and I hope I'm right about  
5 this and I'm not going to sound like an ignoramus--  
6 --who said the law's an ass. In this particular  
7 case--it wasn't Shakespeare? Oh, whatever. If he  
8 didn't say it, he should have. The fact of the  
9 matter is state law is putting our Boards of  
10 Elections in an untenable [phonetic] position of  
11 putting unreadable print on our ballots, and the  
12 law should never stand in the law of common sense.  
13 I am glad that we're moving this resolution today,  
14 and I hope the State Legislature takes it to heart  
15 and does something.

16 CHAIRPERSON BREWER: Thank you very  
17 much, and will the clerk please call the roll?

18 COMMITTEE CLERK: William Martin,  
19 Committee Clerk. Roll call vote in the Committee  
20 on Governmental Operations. Council Member  
21 Brewer?

22 CHAIRPERSON BREWER: I vote aye.

23 COMMITTEE CLERK: Recchia?

24 COUNCIL MEMBER RECCHIA: I would  
25 like my name to be added to this resolution, and I

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vote aye.

COMMITTEE CLERK: Dickens?

COUNCIL MEMBER DICKENS: I

congratulate my colleague, Council Member Fidler,  
for taking the initiative to bring this to the  
forefront and for my Chairperson seeing to it that  
this was passed in our Committee, and hopefully, I  
agree that the New York State Legislature will  
take this to heart and pass this because the  
current paper ballot disenfranchises many, many of  
our voters. I vote aye.

COMMITTEE CLERK: By vote of three  
in the affirmative, zero in the negative and no  
abstentions, item is adopted. Members, please  
sign the Committee Report. Thank you.

CHAIRPERSON BREWER: Thank you. We  
will keep the vote open at the required amount of  
time. Hearing concluded. Thank you.

COMMITTEE CLERK: Council Member  
Vallone?

COUNCIL MEMBER VALLONE: I vote  
aye.

COMMITTEE CLERK: The vote now  
stands at four in the affirmative.

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COMMITTEE ON GOVERNMENTAL OPERATIONS

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[pause]

COMMITTEE CLERK: Council Member

Dilan?

COUNCIL MEMBER DILAN: I vote aye.

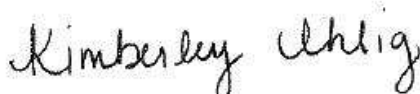
COMMITTEE CLERK: Final vote in the  
Committee on Governmental Operations is now five  
in the affirmative, zero in the negative and no  
abstentions.

CHAIRPERSON BREWER: We're closing  
this meeting of Governmental Operations.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature \_\_\_\_\_

Date           12/12/11