

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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HELD AT: Committee Room-City Hall

B E F O R E: BEN KALLOS
Chairperson

COUNCIL MEMBERS:
Steven Matteo
David G. Greenfield
Jumaane D. Williams
Mark Levine
Brad Lander
Ritchie Torres

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

Mindy Tarlow
Director
Mayor's Office of Operations

Henry Berger
Special Counsel to the Mayor

Bonda Lee-Cunningham
Senior Policy Advisor
Mayor's Office of Operations

Michael Ryan
Executive Director
NYC Board of Elections

Dawn Sandow
Deputy Executive Director
NYC Board of Elections

Pamela Perkins
Administrative Manager
NYC Board of Elections

Beth Fossella
Coordinator Voter Registration
NYC Board of Elections

Steven Ferguson
Director of Management Information
Systems
NYC Board of Elections

Steve Richman
General Counsel
NYC Board of Elections

Raphael Savino
Deputy General Counsel
NYC Board of Elections

Amy Loprest
Executive Director
NYC Campaign Finance Board

Art Chang
Board Member/Chair
Voter Assistance Advisory Committee
NYC Campaign Finance Board

Eric Friedman
Executive Director of Public Affairs
NYC Campaign Finance Board

Onida Coward Mayers
Director of Voter Assistance Unit
NYC Campaign Finance Board

Steven Carbo
Voting Rights and Democracy Director
NYC Center for Popular Democracy

DeNora Getachew
Campaign Manager/Legal Counsel
Brennan Center for Justice
NYU School of Law

Neil Rosenstein
Government Reform Coordinator
NY Public Interest Group

Kate Doran
Election Specialist
NYC League of Women Voters

Rachel Fauss
Director of Public Policy
Citizens Union

1
2 CHAIRPERSON KALLOS: [gavel] Good morning
3 and welcome to the hearing of the Committee on
4 Governmental Operations. I'd like to start off by
5 recognizing that we are joined by Council Member
6 Steve Matteo, Council Member David Greenfield and
7 Council Member Jumaane Williams, who has a bill
8 before this committee. I am Ben Kallos. You can
9 tweet me @benkallos.

10 We're here today to talk about voter
11 registration. We all know that New York City lags
12 behind in voter turnout and registration is a key
13 part of this problem. For too many New Yorkers,
14 registering to vote is simply too cumbersome. Put
15 simply, the process currently requires three steps:
16 printing out a voter registration form, filling it
17 out and mailing it in. We should be looking at ways
18 to reduce the friction in each of these three steps.

19 The Council took a step towards reducing
20 the burden of the first step, printing out a form,
21 when it passed Local Law 29 of 2000. This law
22 required 19 city agencies to print and distribute
23 voter registration forms as part of their normal
24 application forms. Although this law is 14 years
25 old, it isn't clear that it has ever been fully

1
2 implemented. So I look forward today to hearing from
3 the administration about their plans to ensure that
4 agencies are complying with this important mandate,
5 but we should do more than simply comply with
6 existing law. We should take steps to reduce the
7 burden of the second and third steps as well:
8 filling out the form and mailing it in.

9 That is why we're considering two pieces
10 of legislation today, Introduction 356 by Council
11 Member Williams and Introduction 493, which I
12 introduced. Together these bills would require
13 agencies in this program to help New Yorkers fill out
14 these forms, then mail it in if requested. These
15 bills would also expand the program and improve
16 oversight. But even this is not enough. We should
17 be moving towards a fully electronic system, in which
18 city agencies can send voter registration
19 information, including a signature to the Board of
20 Elections. New Yorkers should also be able to
21 register to vote online through the city's website.

22 As of last year, New Yorkers with a
23 driver's license or state non-driver ID can register
24 online or through a paperless process at the DMV.
25 This is a great first step and I commend Governor

2 Cuomo for his leadership on this issue. We should
3 expand this program at the city level to include city
4 agencies and city issued documentation for those New
5 Yorkers who don't have a driver's license or a state
6 non-driver ID.

7 I look forward to publically beginning
8 the conversation on these ideas today. I'd like to
9 recognize Council Member Jumaane Williams for an
10 opening statement.

11 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
12 Chair. Good morning. My name is Council Member
13 Jumaane Williams. I can be tweeted @jumaanewilliams,
14 provided you can spell my name properly. I'd first
15 like to thank Chairman Kallos.

16 CHAIRPERSON KALLOS: Can you spell that
17 for us, please?

18 COUNCIL MEMBER WILLIAMS: It is J u m a a
19 n e. Thank you, sir.

20 CHAIRPERSON KALLOS: The two a's always
21 trips us up. Thank you.

22 COUNCIL MEMBER WILLIAMS: I would first
23 like to thank Chairman Kallos for hearing my bill
24 today, along with his on this important topic and
25 thank you all for coming to testify on these

1
2 important bills. I'd also like to thank Citizens
3 Union, the Center for Popular Democracy, who have
4 been instrumental in pushing these bills and other
5 good government groups who have shown support on
6 these bills.

7 The bill I have today is Intro 356. It's
8 in response to the fact that our city's agencies
9 unfortunately have failed to do their part to make
10 voter registration easier, even though they're
11 required to by law. Some of it, I believe, may be
12 failings in what the law currently says; some of it
13 may be just ways that we help improve and these bills
14 are just a nudge to try to get us in the right
15 direction. This bill would work to improve
16 compliance from city agencies by individually coding
17 each registration form assigned to participating
18 agencies. Each participating agency would be
19 assigned a code that designates such forms as
20 originating from such agencies... such participating
21 agencies. Once these forms are returned to the city,
22 we're going to be able to identify agencies that are
23 not doing their part in making sure voters are being
24 registered with ease and on the flip side, we'll be

1 able to identify agencies who are doing a fantastic
2
3 job.

4 Government has the responsibility to try
5 maximize the potential of voters coming out and
6 voters registering, and I think for right now we are
7 definitely not maximizing what we could be doing and
8 it seems like we're doing just the minimum amount of
9 work. New York is 47th in the nation in terms of
10 participation, so we definitely should do more in the
11 administration to try to bump up New York City's
12 part.

13 In a report by the Center for Popular
14 Democracy released just yesterday, they found that 84
15 percent of visitors to government agencies were never
16 even offered a chance to register. 60 percent of the
17 agencies didn't even have a voter registration form
18 in their office. Further, 95 percent of the clients
19 were never even asked if they wanted to register to
20 vote. This is clearly a huge problem 'cause all New
21 Yorkers should be able to register to vote with the
22 minimum of ease. This common sense bill would
23 basically let us get a better accounting of which
24 agencies are giving out the forms, which agencies are

2 getting a great amount back so we can increase
3 participation. Thank you very much.

4 CHAIRPERSON KALLOS: Thank you. I'd like
5 to call for our first panel from the administration.
6 Mindy Tarlow, Director of the Mayor's Office of
7 Operations; Henry Berger, Special Counsel to the
8 Mayor and Bonda Lee-Cunningham, Senior Policy Advisor
9 in the Mayor's Office of Operations.

10 [Pause]

11 CHAIRPERSON KALLOS: And before you
12 start, I'll just ask do you affirm to tell the truth,
13 the whole truth and nothing but the truth in your
14 testimony before the committee and to respond
15 honestly to the council member questions?

16 MINDY TARLOW: I do.

17 HENRY BERGER: Yes.

18 BONDA LEE-CUNNINGHAM: Yes.

19 CHAIRPERSON KALLOS: Thank you very much.
20 Please begin.

21 MINDY TARLOW: Thank you. Good morning,
22 Chair Kallos and members of the Committee on
23 Governmental Operations.

24 CHAIRPERSON KALLOS: Can you check to
25 make sure your mic is on...

2 [crosstalk]

3 MINDY TARLOW: Yeah, I just...

4 [crosstalk]

5 CHAIRPERSON KALLOS: And the red light is
6 on?

7 MINDY TARLOW: I have a red light.

8 CHAIRPERSON KALLOS: Perfect.

9 MINDY TARLOW: I'll just bring it closer.
10 I'm very tiny. 'Kay, let's try that again, alright.
11 Good morning. Better? Alright, Chair Kallos and
12 members of the Committee on Governmental Operations,
13 my name is Mindy Tarlow and I am the Director of the
14 Mayor's Office of Operations, so we kind of have the
15 same last name from the same family. I'm joined here
16 by Henry Berger, Special Counsel to the Mayor and
17 Bonda Lee-Cunningham, Senior Policy Advisor in my
18 office at the Mayor's Office of Operations. We
19 really appreciate the opportunity to testify before
20 you this morning on agency-based voter registration.

21 As you said in your opening remarks,
22 Councilman, voting is the foundation of a healthy
23 democracy and yet, we live in a time where fewer and
24 fewer New York City residents are going to the polls.
25 Mayor de Blasio is deeply committed to reducing

2 barriers to voter participation and making it simple
3 and easy to register to vote is the first step in
4 realizing this important goal. This administration
5 is in the process of developing a broad election
6 reform agenda and improving agency-based voter
7 registration is the first item on this list.

8 As you know, City Charter 1057-A, which
9 was enacted as Local Law 29 of 200, requires certain
10 city agencies and their contractors to assist and
11 implement a program of distribution of voter
12 registration forms to clients who are applying for,
13 renewing or seeking recertification of services. The
14 agencies are required, among other things, to provide
15 and distribute voter registration forms to clients
16 together with application for services, renewal or
17 recertification for services and changes of address.
18 The agencies may provide assistance in completing the
19 voter registration forms and may transmit the form to
20 the Board of Elections.

21 Consistent with Mayor de Blasio's
22 commitment to reducing barriers to voter
23 participation and to increase compliance with
24 existing policies, the Mayor issued Directive 1 to
25 the designated agencies in Local Law 29. Directive 1

1 requires the designated agencies to develop a plan to
2 ensure compliance with Local Law 29 and to submit
3 this plan to my office. It also requires the
4 agencies to submit semi-annual reports regarding
5 implementation. This directive was critical to
6 refocus agency attention on this important law, but
7 it is not just a piece of paper sent to agencies. We
8 have committed significant resources to making sure
9 that this works.
10

11 To that end, a working group comprised of
12 representatives from the Mayor's Counsels Office,
13 community Assistance Unit, Legislative Affairs Unit
14 and my office are working together on a number of
15 fronts to ensure and support agency compliance with
16 Local Law 29 and Directive 1. I've assigned a senior
17 member in my office, Bonda Lee-Cunningham, to
18 coordinate this effort.

19 The 17 mayoral agencies covered by the
20 current law have submitted their plans to the Office
21 of Operations for facilitating voter registration for
22 those who seek or renew services, either in person or
23 online. The working group has already convened a
24 meeting with select responding agencies to learn from
25 them about the challenges they've faced and solutions

1 they've developed to become fully compliant. That
2 meeting assisted the working group in identifying
3 some systemic actions that would support the
4 agencies' efforts, particularly with regard to
5 increased use of technology to reach potential voters
6 and facilitate the registration process for them.
7 The plans submitted by the agencies have been
8 reviewed by members of the working group and agencies
9 have received feedback on those plans. Where
10 additions or modifications were called for, we've
11 advised the agencies and the agencies are in the
12 process of submitting revised plans to meet the terms
13 of the directive and its precursors.
14

15 Further, each agency head has designated
16 a high level coordinator for its voter registration
17 efforts and that person will be the primary contact
18 for the Office of Operations going forward. We see
19 this as an ongoing collaborative process to ensure
20 that each agency plan is sufficient to meet the
21 requirements of Local Law 29.

22 In addition, members of the working group
23 have met with the Voting Rights advocacy community to
24 discuss best practices. The New York City Board of
25 Elections regarding logistics of registration and

1 introduction of electronic interfaces wherever
2 feasible and with the Campaign Finance Board, with
3 regard to its online links to registration and
4 providing training to agency personnel who will be
5 responsible for implementing the initiative. We've
6 also begun discussions with the Mayor's Office of
7 Technology and Innovation to explore how best to
8 leverage technology in this effort for making sure
9 that agency websites have clear links to voter
10 registration materials to the ultimate goal of online
11 voter registration.

12
13 In the coming months, between approval of
14 agency plans and the submission of the first semi-
15 annual reports from agencies, agencies will implement
16 the initiative, communicating with the Office of
17 Operations if there are challenges and the working
18 group will continue to pursue systemic changes in
19 support of Directive 1 and voter registration in the
20 city. In addition, it is our intention to expand the
21 agencies covered by Directive 1. We intend to do so;
22 however, once we have evaluated our efforts to
23 improve compliance among the currently designated
24 agencies and have had an opportunity to evaluate our
25 overall performance. We are hopeful about our

1
2 efforts, but I also want to be clear that this a
3 major undertaking that will take time and significant
4 attention. However, this Mayor is committed to this
5 project and we look forward to working with the
6 Council, the advocacy community and our other
7 government partners to get this right.

8 The Council is also hearing two bills
9 today, and while we support their objectives, mainly
10 ensuring greater compliance with Local Law 29 and
11 expanding its scope, we're not ready to fully support
12 these bills and we'd like to share briefly some
13 concerns that we have. Intro 356 would require that
14 the Board of Elections assign codes to the forms used
15 by each designated agency in Local Law 29, as opposed
16 to the general Code 9 Form that is used for all forms
17 distributed by city agencies.

18 There's a policy concern we'd like to
19 share about having individual codes for each agency.
20 Although the specific section of law does not
21 directly apply here, the New York State Election Law,
22 in its comparable agency assisted voter registration
23 provisions, has a prohibition on identifying the
24 source of voter registration cards that individuals
25 receive from state agencies. This is to protect the

1 privacy of individuals who receive services from
2 government that they may not wish to be disclosed.
3 We believe there are similar concerns here about
4 potentially violating the privacy of an individual
5 who registers to vote and we're also concerned that
6 this kind of agency specific designation might have
7 the unintended consequence of deterring voters from
8 registering.
9

10 In addition, we want to make sure that
11 the way we measure success makes sense, which is way
12 Directive 1 has established a reporting mechanism for
13 the agencies that captures both the number of
14 registration cards distributed and collected and also
15 gives us the flexibility to include additional
16 metrics and develop a thoughtful reporting structure.
17 We hope to continue to have conversations with the
18 Council about these metrics and how we measure the
19 success of this program.

20 Finally, Intro 493 adds several more
21 agencies to the list of designated agencies subject
22 to Local Law 29, including the Department of
23 Buildings, the Fire and Police Departments, OATH and
24 the Landmarks Preservation Commission. While as I've
25 mentioned, we are supportive of expanding the scope

1 of Local Law 29, we would like to be thoughtful about
2 the timing of expanding the scope and also make sure
3 that any new agencies have the highest potential
4 possible to reach prospective voters and provide the
5 kinds of services that are conducive to coupling with
6 voter registration. We would like time to make sure
7 we get Directive 1 right with the currently
8 designated agencies fully complying before adding a
9 significant number of new agencies.
10

11 Intro 493 also changes some of the
12 permissive language in the law to require that the
13 agencies provide assistance in filling out the form
14 if it is requested and transmit completed forms to
15 the Board of Elections. In Directive 1, we are
16 requiring that agencies provide assistance with the
17 completion of forms if such assistance is requested
18 and if we are requiring that if the forms are
19 completed at the agency, the agency must transmit
20 them to the Board. We would like to be able to
21 evaluate this administrative effort before
22 legislating it and we look forward to discussing with
23 the Council our assessment of how the agencies have
24 fared in coming into compliance.
25

1
2 So to conclude, we are deeply committed
3 to getting agency-based voter registration right, but
4 to get it done, we're going to need time and some
5 space to manage the agencies and correct longstanding
6 behavior. We look forward to working with the
7 Council to making full compliance with Local Law 29 a
8 reality. Thank you for your time and we're happy to
9 answer any questions you may have.

10 CHAIRPERSON KALLOS: Thank you very much
11 for your testimony. What a difference a year makes
12 and having a progressive Mayor and a progressive
13 Council where we're actually all just trying to get
14 the same thing done, so it's refreshing, as always,
15 to hear your testimony. I want to recognize that
16 we've been joined by a committee member, Council
17 Member Mark Levine and Council Member Brad Lander.
18 I'm very excited to know that the Mayor had already
19 issued Directive 1 and I was apprehensive and eager
20 to get the results of the study on September 9th.
21 What do you believe the expected timeline? Is it a
22 month, multiple months? How far out do you believe
23 we are?

24 MINDY TARLOW: [off mic] Do you want to
25 take that?

1
2 HENRY BERGER: The question is when will
3 we get...

4 MINDY TARLOW: [interposing] Yeah.

5 HENRY BERGER: When will we get the first
6 results?

7 CHAIRPERSON KALLOS: When will you have
8 the report ready...

9 HENRY BERGER: Well...

10 CHAIRPERSON KALLOS: [interposing] From
11 Directive 1?

12 HENRY BERGER: Well, the agencies are
13 required to do semi-annual reports. We will get a
14 report hopefully in a reasonable time after the 1st
15 of the year. It will cover from you know, the last
16 six months of this year and based on that, we will
17 give all the information that we get to you. We see
18 that really as a working document for us because our
19 concern is to make sure that each of the agencies are
20 complying and as we're working with them and working
21 with them to get their plans together, you know,
22 there are some weaknesses. We're working on
23 strengthening them and we're also working with the
24 Board of Elections. One of the things the Board of
25 Elections has promised us within the next few weeks

2 is a fillable PDF Code 9 registration form that will
3 be electronically available to each of the agencies
4 and we're hoping that that will make life a little
5 bit easier. You know, there are a lot of incremental
6 steps, but we won't have any hard numbers until right
7 after the 1st of the year when the agencies start
8 returning their reports to us.

9 MINDY TARLOW: [off mic] Right, mm-hm.

10 CHAIRPERSON KALLOS: That's good to in
11 one request, in terms of the fillable form. If that
12 fillable form encoded into the print button, could
13 include an electronic submission and when the person
14 pressed the button they could actually submit the
15 text of the voter registration at the same time as
16 they're printing, as long as they're connected
17 online, and what that would mean is the New York City
18 Board of Elections wouldn't actually have to do any
19 of the data entry once the voter registration form
20 came in. They'd look at it, look at the list of
21 folks that had already registered through the form
22 and we'd be one step closer to online registration
23 and we'd save some money.

24

25

1
2 HENRY BERGER: Well, as you're aware the
3 major issue with that; the legal issue that we're
4 pursuing now is the web signature requirement.

5 CHAIRPERSON KALLOS: Yes.

6 HENRY BERGER: And in a fillable form
7 where you can type in all the information, the
8 signing becomes an issue. We're excited about it and
9 the Board of Elections is excited about it for the
10 reasons you've stated. It takes one step out of
11 their entering the material into their database and
12 also deals people like me, whose handwriting is
13 barely legible. The other problem we have is that we
14 have 40 some odd agencies, each of which has one or
15 more of its own computer systems, some of which are
16 more than 30 years old. Some of the agencies still
17 do most of their intake on paper forms; some are
18 doing it on computers and trying to rationalize that
19 system really becomes very difficult, so we're doing
20 it on an agency-by-agency basis and it's part of a
21 larger problem that, of course, the city is looking
22 at that I think Mindy can talk to better, but you
23 know, the goal is to move it forward and we've met
24 with the Board of Elections already on electronic
25 interfaces and we're working with our technical

2 people on the same issue and it's going to move
3 forward. I can't give you a timeline on it.

4 CHAIRPERSON KALLOS: No worries and I
5 think that one additional added benefit is with the
6 print and submit online feature, when the voter
7 registration form doesn't come in signed, the Board
8 of Elections has a list of people they can follow up
9 with and say hey, we know you started the process,
10 but you didn't finish it. It's actually something
11 that rocked the both on the DNC we're doing when they
12 did their online voter registration. With regard to
13 a working document, I applaud that. I'm a huge
14 follower of something called Agile, which is what is
15 used in the private sector versus Waterfall. So
16 Waterfall would be somewhere in January we get a
17 finalized report and either we're happy or we're sad
18 and that there's a hearing or there isn't. In the
19 interest of continuing the working document and the
20 working relationship between the Council and the
21 Mayor's Office, would it be possible to share some of
22 the responses you're getting as you get them so that
23 we can work in partnership with you?

24 MINDY TARLOW: Well, right now in terms
25 of the agency plans themselves, as I said in my

1 testimony, we've been going back and forth internally
2 just about the plans themselves and we expect that to
3 happen by the end of November; however, we would like
4 to at least finalize internally our own internal
5 agreement on the plans themselves and I think at that
6 point we could share them with the Council just so we
7 sort of have a little bit of an internal dialogue
8 with the agencies and the working group so that we're
9 all of one mind about each agency plan. But I take
10 your point. It doesn't have to have you know, some
11 signed, sealed and delivered. You know, we just want
12 to make sure we have our little house in order and
13 then we can start coming back around to you.

14
15 CHAIRPERSON KALLOS: With regard to
16 Introduction 493, it is refreshing that nearly all
17 the bills we are introducing in the Council are often
18 supported by the Mayor's Office. Often... this isn't
19 the first time I've had a hearing on a bill where the
20 answer is, "We're incredibly supportive. We love it,
21 but we aren't sure and we want to make sure we have a
22 proper implementation timeline." Would it be
23 possible to give a ballpark for when the
24 administration would be comfortable mandating and
25 committing to a timeline with regard to Introduction

2 493 of expanding to other agencies assisting and
3 providing transmittal?

4 MINDY TARLOW: Yeah, I think it's
5 difficult, frankly, to put some end date on that. I
6 think, as we've been talking about today, and I think
7 we have a mutual appreciation for this, this is hard
8 and we're trying really diligently to bring a number
9 of agencies along. I think there's been very good
10 faith efforts internally around this. I think we
11 just want a chance to really feel like we've made
12 some real inroads before we can commit to going
13 forward, and as my colleague said, if we're not going
14 to really get the first round of reports until after
15 January, I think it would be at that time that we can
16 start thinking about next steps, but it's very hard
17 to commit to a timeframe without having a sense of
18 how much progress we can make in the next couple of
19 months.

20 CHAIRPERSON KALLOS: Thank you very much.
21 I will reserve my questions and I'd like to recognize
22 Council Member David Greenfield for questions.

23 COUNCIL MEMBER GREENFIELD: Thank you,
24 Mr. Chairman and thank you all for your testimony.
25 Just out of curiosity, Directive 1, was that the

1 first directive? Is that why they call it Directive
2 1 or it just happened to be named that way?

3 HENRY BERGER: Mayors in the past have
4 issued directives to agencies and they get numbered
5 sequentially and this is the first one this Mayor has
6 issued and this is the first one this Mayor has
7 issued and I think that's significant.

8 COUNCIL MEMBER GREENFIELD: It's great,
9 absolutely and it's certainly welcome news that you
10 should get credit for the fact that the first
11 directive is a good government directive to increase
12 voting in New York City. We're certainly... voter
13 registration in New York City we're certainly
14 grateful for that. I'm just... I'm curious about a
15 couple of things that you said in your testimony,
16 Mindy, and specifically, I just want to focus on the
17 issue of you have some concerns about Council Member
18 Williams' bill, which deals with the coding, and you
19 were concerned about the idea that somehow I guess
20 the Board of Election would know where it came from.
21 Because I mean when you talk about privacy concerns,
22 this information is not going to the public, right, I
23 mean so all we're saying, just to be clear, right, I
24 mean the Board of Elections does disclose basic data
25

1 that you fill out on your form as upon request, but
2 they certainly, I would imagine, would not disclose
3 where that registration, in fact, came from, so would
4 you agree with that?
5

6 HENRY BERGER: Not entirely. The voter
7 registration forms themselves become significant
8 elements at several stages in the process, including
9 one that I used to be involved with, which was
10 election law litigation, where we frequently pulled
11 out the voter registration forms to check party
12 enrollment signatures and other information. They're
13 maintained by the Board. By law, they have to
14 maintain for at least two years. They're scanned;
15 you know, the information is available and as long as
16 that information I think the policies as expressed in
17 the state law are significant. The other thing is,
18 you know, people know that that information is
19 available and the possible discouraging effect of
20 that we think creates problems. The purpose of the
21 bill is most significantly to be able to know what
22 agencies are cooperating and what agencies are doing
23 their work and that's why we put into Directive 1 the
24 requirement that reports be issued and the Office of
25 Operations is very good at evaluating metrics and we

1 want to be able to collect a broad range of metrics
2 on this, which we think will be even more effective
3 than simply coding the registration forms.
4

5 MINDY TARLOW: And just to underscore
6 that point, I think the spirit of the bill is exactly
7 right, that you want to have an accountability
8 structure built in so that we know agencies, just as
9 you said, Councilman Williams, who are doing a great
10 job and maybe a less than great job so that we're
11 able to kind of track that back, but I think there
12 are unintended consequences here in the way it's
13 proposed and we would have other ways, as we do with
14 other agencies operations of... you know, have
15 building and accountability structure and reporting
16 mechanisms that would meet the spirit of what you're
17 trying to get to.

18 COUNCIL MEMBER GREENFIELD: I want to go
19 down on this issue 'cause obviously, it's the crux of
20 your argument against this particular piece of
21 legislation. So just to be clear, Council Member
22 Williams is introducing a bill because he... by
23 coding it, we are 100 percent sure, right, that
24 these, in fact, are the folks who have registered
25 from these specific agencies. How accurate are your

1 numbers based on Directive 1? How are you going to
2 get that data? Is it self-reporting or not;
3 implying, of course, that God forbid any agency would
4 give you inaccurate information. I'm just trying to
5 understand that how exactly what the metrics look
6 like and how exactly would you know what agency is
7 giving you what and in fact, how would you verify
8 that information because the council member's bill is
9 pretty foolproof, right? I mean you got a code; it
10 comes in; you know exactly where it came from. You
11 can tell down to the day literally and the month. I
12 mean that data actually would be quite helpful,
13 alright, I mean so folks, you could see that at the
14 end of the year, for example, there might be a push;
15 they're trying to hit some sort of number. I mean
16 that information actually would be quite helpful, so
17 when you're saying... and certainly once again, we
18 applaud you for Directive 1 and we're very grateful
19 for it, but when you're saying that you're going to
20 get that data from the agencies, how are you getting
21 it; how do you know it's accurate; how do you know
22 what months they're coming in? I mean how do you
23 really drill down in a way that the Council Member's
24 bill would do that for you?
25

2 BONDA LEE-CUNNINGHAM: Mm-hm. Well, thus
3 far, the agencies have all stepped up.

4 COUNCIL MEMBER GREENFIELD: [interposing]
5 I'm sorry, who are you? I apologize.

6 BONDA LEE-CUNNINGHAM: I'm Bonda Lee-
7 Cunningham.

8 COUNCIL MEMBER GREENFIELD: Okay.

9 BONDA LEE-CUNNINGHAM: Office of
10 Operations.

11 COUNCIL MEMBER GREENFIELD: Thank you.

12 BONDA LEE-CUNNINGHAM: The agencies have
13 all stepped up in terms of appointing significantly
14 responsible people in their agencies to be
15 responsible to us with regard to this implementation
16 and they have really been thoughtful about putting
17 their plans together. Our reporting, yes, it is
18 self-reporting. There are some cross checks that are
19 in the whole thing in terms of the overall number of
20 Code 9 forms that are filed at the Board of Elections
21 versus the number of forms that are ordered by
22 agencies that they then are responsible for mailing,
23 understanding that the ones that they mail are going
24 to be a subset of the ones that they distribute
25 because some people take them away; some people won't

2 complete them even if they've been offered the forms.
3 So yes, you're right. There is some level of trust
4 in here, but there has also been expressed real
5 commitment. We've seen that in terms of the time and
6 the effort the agencies have put into developing
7 their plans and structuring a way to report back to
8 us, so we'll be doing our own verification and we'll
9 be doing our own checking. We'll also be talking
10 with them to submit reports to ask them to drill down
11 into those reports as to you know, the basis for them
12 so...

13 COUNCIL MEMBER GREENFIELD: [interposing]
14 I hear you. I'll tell you my concern honestly, and
15 that is that I understand that's it a priority now
16 and I understand that for this administration it's a
17 priority. The reason we make laws, however, and I
18 want to take you at your word and trust that all of
19 you good folks will do the best of your abilities to
20 make sure this is enforced, but the reason we make
21 laws is because we try to do things in perpetuity.
22 The next administration comes along and, in fact, as
23 we've seen for the last 14 years, not a lot has
24 happened on this particular issue, so I think... I do
25 think it's a compelling reason. I do just want to

1
2 get back to your point, Henry, about the tracking
3 issue and the fact that it would be coded. So your
4 concern I guess is that the coding system would be
5 public somehow; that people would figure out that
6 code 14 means HRA and then when they're reviewing the
7 forms that they would be able to figure out if you
8 registered at HRA and therefore you'd use it to...
9 the political whiz kids would use it for some sort of
10 malicious purpose and see, Henry is nodding his head,
11 so I think that's sort of the concern. So my
12 question for that particular question is and you, in
13 your past life, and still are, although it's not what
14 you practice, one of the foremost election experts
15 and we're happy to have you here to ask you these
16 questions at less than \$1,000 an hour, so we're
17 pleased about that, but [laughter] you're not doing
18 this for this, are you, Henry? Oh, yeah, I'm just
19 making sure.

20 HENRY BERGER: Are you offering me a...

21 COUNCIL MEMBER GREENFIELD: No, No.

22 [laughter] I think we already pay his salary in the
23 city as taxpayers, but I'm teasing you and we
24 appreciate the service that you provide to the city,
25 but seriously speaking, in your expertise, is there a

2 way to block out that particular piece of the code,
3 right? I mean could you sort of you know, put a
4 marker over it, so that it comes in and then before
5 it's scanned, because I think that's the common
6 practice today; that they scan them, so before it
7 gets scanned, you slap a marker over the entire code,
8 so then it gets scanned and it's an additional step,
9 but and then it gets scanned and therefore, we're
10 sort of able to have the best of both worlds.

11 HENRY BERGER: I think that's really a
12 question for the Board of Elections, so then you
13 know, it sounds logical, but...

14 CHAIRPERSON GREENFIELD: Well, I guess my
15 question for you is would there be any legal
16 impediment to do that in terms of is there any
17 requirement that says that you have to keep the voter
18 registration form intact, so that would prevent you
19 from crossing it out?

20 HENRY BERGER: Not that I'm aware of, no.

21 COUNCIL MEMBER GREENFIELD: Okay.

22 HENRY BERGER: But let me take the
23 process one step forward. As Chairman Kallos
24 discussed, the goal is really to computerize the
25 system and one of the wonders of computers is that as

1 more and more of this is done either online or on
2 computers, the tracking becomes that much more easy.
3 With forms online, we not only know how many are
4 downloaded, we know how many times they're clicked
5 on; how many people look at them. We'll know how
6 many are downloaded; we'll know how many are filled
7 out and as we move more and more towards
8 computerization, the gathering of metrics for us is
9 going to become easier and easier and more
10 comprehensive, even beyond I think what this bill is
11 proposing, so you know, we're moving there. A lot of
12 is technical, but we're moving in that direction
13 because the metrics are as important to us I think as
14 they are to you.

16 COUNCIL MEMBER GREENFIELD: Got it. The
17 Chair has informed me he doesn't want me asking you
18 anymore election questions, even though it's exciting
19 to have your expertise, so I'm going to pass back my
20 questions to the Chair and thank you for your
21 indulgence.

22 CHAIRPERSON KALLOS: I'd like to
23 recognize the bill sponsor, Jumaane Williams, and
24 apologize for not having given him the first bite of
25 the apple on his bill.

2 COUNCIL MEMBER WILLIAMS: That's
3 alright. Thank you, Chair. Thank you, Council
4 Member Greenfield, for actually a lot of the line of
5 questioning that I had. I want to back into it a
6 little bit. One, I'm also appreciative that we have
7 a new administration, one that shares a lot of the
8 ideas that we have. We do run into a little bit of a
9 problem, because one, as a Council, we still have
10 oversight to do and two, a lot of the requests,
11 understandably, from the administration side to just
12 give us time basically to fix some of the things we
13 should have, so those two things sometimes aren't
14 going to work together 'cause I think we still have a
15 job that we kind of need to do. So first, I want to
16 know when Directive 1 was put into place.

17 MINDY TARLOW: I think it was July 11th.

18 COUNCIL MEMBER WILLIAMS: July... okay
19 and second, I think your testimony said... we are not
20 ready to fully support this bill, so I wanted to back
21 into it by finding out which parts of the bill you
22 are willing to support.

23 MINDY TARLOW: Well, just speaking
24 generally, I think we support the overall notion that
25 we want to expand the scope and we want to expand the

2 spirit of this law, so things that... and we are also
3 deeply committed to reporting. I mean that's... you
4 know, that's what we do at the Office of Operations.
5 It's our charter mandate, so certainly agreeing with
6 the accountability structure that you're seeking and
7 with the expansion of the law itself, but if you want
8 to speak...

9 COUNCIL MEMBER WILLIAMS: So it sounds
10 like the spirit you're willing to support, if not
11 what's actually in the bills. Let's talk about the
12 reporting up to the single... 'cause with Directive 1
13 there's a lot of reporting. So would you be willing
14 to support a bill that codified the reporting that
15 you were already planning to do?

16 MINDY TARLOW: I think that's a very
17 helpful line of discussion and one of the things that
18 I think is really helpful about Directive 1 is that
19 it does add this reporting component and that
20 operations, as I think we all know, we put out the
21 Mayor's Management Report; we have the Citywide
22 Performance Reporting System. We do a whole lot of
23 public facing reports to the city about what's
24 happening in the city, so we are a very good place
25 for this to sit. We have a lot of experience and

2 expertise within the agency about thinking about
3 reporting and thinking about getting at some of the
4 things that you're looking for and I think that we
5 want to work collaboratively with you about thinking
6 what that could look like. That's what we do and
7 that's you know, in a lot of ways, what we're in this
8 for, is to really make sure that we're effectively
9 monitoring what we do; that we have a good
10 accountability structure in place for this, as well
11 as for many, many, many other things in the city, so
12 we are anxious to work with you and think through
13 what that could look like.

14 HENRY BERGER: And let me just add, as
15 the reports come in, we're creating metrics. We're
16 going to learn from the reports where we need more
17 information and where some of the information we are
18 getting just isn't helpful information, so you know,
19 the reporting is very, very important, but I think we
20 need the flexibility...

21 [crosstalk]

22 COUNCIL MEMBER WILLIAMS: Mm-hm.

23 [crosstalk]

24

25

1
2 HENRY BERGER: To watch it develop over
3 time because this is a great source of information
4 for us.

5 COUNCIL MEMBER WILLIAMS: But so if I was
6 to just kind of sum up the actual answer to the
7 question, it would be no; that you would not today
8 want to support codifying some of the reporting that
9 you're either doing or is being asked for in the
10 bill.

11 HENRY BERGER: No, I think we would
12 support codifying as long as there is the flexibility
13 to make sure that the metrics we're collecting...

14 [crosstalk]

15 COUNCIL MEMBER WILLIAMS: I see.

16 [crosstalk]

17 HENRY BERGER: And the information is the
18 right information and is useful information.

19 COUNCIL MEMBER WILLIAMS: I see, and then
20 just to get back to some of the privacy concerns,
21 because this is completely different and we had a
22 hearing last year... two years ago, so it's
23 completely different than the pushback we got from
24 the other administration. So the privacy concerns,
25

1
2 so I'm clear, are that you want to be able to tell if
3 people came and got city services. Is that correct?

4 HENRY BERGER: Yes, the concern is that
5 whether a person registers through Homeless Services
6 or ACS or Social Services or any other agency, that
7 source, for some people, is information they just may
8 not want revealed.

9 COUNCIL MEMBER WILLIAMS: So a few
10 questions, because it's a general code 9 is used for
11 all forms distributed by city agencies, so we
12 don't... we're not concerned about people asking for
13 city services in general; that's no privacy issue
14 because the code already says that you got it from
15 the city agencies.

16 HENRY BERGER: That's correct.

17 COUNCIL MEMBER WILLIAMS: So we're only
18 concerned with specific type of services that we are
19 worried about; people not wanting to provide it
20 publically.

21 HENRY BERGER: I think that's what raises
22 the policy issue, yes, Councilman.

23 COUNCIL MEMBER WILLIAMS: So I'm not sure
24 that I agree that the state law prohibits this, but
25 I'm going to ask this question and assuming that I

1
2 agree. So would there be some services that you
3 would want that would be helpful that is not a part
4 of this as opposed to not doing it in all of the city
5 agencies?

6 HENRY BERGER: Well, I think there are
7 some that are you know, more generic and would create
8 less problems. I think working through that list
9 becomes a bit of a problem, but...

10 COUNCIL MEMBER WILLIAMS: Well, so I mean
11 I have trouble with that because if we're not worried
12 about them publically saying they got city services,
13 then we shouldn't be worried about necessarily all of
14 the services that they asked for. I can see some of
15 the services maybe, but the fact that we already have
16 a form; that it already says that you've gotten city
17 services to me kind of negates some of the privacy
18 concerns that you're talking about.

19 HENRY BERGER: But the 17 agencies that
20 are covered now run from ACS, Correction, Parks; you
21 know, there are a variety of services and people go
22 to these agencies for different reasons and some of
23 them are to enjoy the benefits of the city...

24 COUNCIL MEMBER WILLIAMS: [interposing]
25 Mm-hm.

1
2 HENRY BERGER: And some are because they
3 require assistance that you know, for some people is
4 very, very private and...

5 COUNCIL MEMBER WILLIAMS: [interposing]
6 So...

7 HENRY BERGER: I think we have to respect
8 that.

9 COUNCIL MEMBER WILLIAMS: But to... my
10 question went to that exactly. Assuming that I
11 agree, we can maybe separate out some of the ones
12 that we felt people were... would be a little more
13 shy about providing publically, but the response
14 wasn't yes, we can try to do that.

15 HENRY BERGER: Well, I think we ought to
16 have discussions about it because you know, I think
17 once you start dividing out, you end up saying yes,
18 well, there are some private services. Why are they
19 private? There are some that aren't private. I mean
20 you're already beginning to make those kinds of
21 distinctions once you start doing that, but you know,
22 let's have some further discussions on it and see
23 where we go and let's take a look at the metrics
24 we're collecting and see if it actually satisfies you
25 know, the existing problem that we have.

1
2 COUNCIL MEMBER WILLIAMS: Alright and
3 I... by the larger figure of what you're saying, if
4 someone is applying for Homeless Services, then we
5 would... by this law, it would be people would not
6 want to register because they didn't want to reveal
7 that they were getting the services, which means we
8 may get less people. My guess, without looking at
9 the data, is that we don't have a lot of people
10 applying to register to vote at Homeless Services to
11 begin with, so it would be hard for me to believe
12 that we would have even less if we did this push. I
13 think we can only go up from here, especially if we
14 have only five percent even being asked by city
15 agencies.

16 HENRY BERGER: Except that we're going to
17 be so effective that we're going to be talking about
18 a larger and larger universe, Councilman.

19 COUNCIL MEMBER WILLIAMS: And too, some
20 questions that my colleague was also asking. Well, I
21 think he just asked it, but kind of seeing if we can
22 just use the information for tallying, but not
23 providing the BOE with the information of where it
24 came from, so we can just get a kind of blanket tally
25 without any information being forwarded to BOE to

2 where it came from. Is that something that you would
3 be supportive of if it is legally allowed?

4 HENRY BERGER: I'm just not sure how
5 you'd do it. I mean, you know, if we can resolve the
6 policy issue and the potential unintended
7 consequences of discouraging people, the answer is
8 yes, but I'm not sure how we actually can get there
9 and do what you're trying to do.

10 COUNCIL MEMBER WILLIAMS: And the Chair
11 has pointed out, I think, a very good issue here.
12 The voter registration has a phone number, the email,
13 the DMV number in full and the last four digits of
14 the social security that are not shared in a public
15 way or in a way that we have worries about privacy
16 concerns while we have this worry about the code.

17 HENRY BERGER: I think those are
18 different issues. Yeah, I don't think the last four
19 digits of your social security number reveal very
20 much, nor does your DMV...

21 COUNCIL MEMBER WILLIAMS: [interposing] I
22 have known some people who would love to have a
23 combination of the last four digits of your social
24 security, your DMV number, your email and your phone
25 number and your address. There are wonders that can

1
2 be done with those pieces of information collectively
3 on one sheet with your name, your suffix, your middle
4 initial and any address that you may have had
5 beforehand.

6 HENRY BERGER: I really think that's a
7 different issue, you know.

8 COUNCIL MEMBER WILLIAMS: Well, help me
9 understand, please.

10 HENRY BERGER: Well, you know, there is
11 so much public information available even currently
12 that can lead to a lot of fraud problems that we're
13 dealing with. I think the issue about this coding
14 raised an entirely different set of issues. Now and
15 we want to make sure... well, our bottom line is how
16 do we register the most people...

17 COUNCIL MEMBER WILLIAMS: [interposing]
18 Mm-hm.

19 HENRY BERGER: To vote? And we don't
20 want to do anything that interferes with that or
21 discourages people from registering to vote.

22 COUNCIL MEMBER WILLIAMS: Well, we had
23 an...

24 HENRY BERGER: [interposing] So that's
25 really a different issue.

1
2 COUNCIL MEMBER WILLIAMS: We had an
3 additional bottom line, if you can have two bottom
4 lines; I don't know. Well, one was to increase...
5 well, I should say two results we want to see;
6 obviously, increase voter participation and the other
7 one was to hold agencies accountable, so that code
8 was toward the second one. I'm just still not clear,
9 particularly based on this; thank you, Chair, for
10 bringing it up, how the code privacy issue is not
11 dissimilar to the information that you know we're
12 filling out on the ballot... on the registration form
13 itself in terms of getting that information
14 transmitted and possibly providing privacy problems.

15 MINDY TARLOW: So just speaking to the
16 accountability issue, which we share, we agree that
17 we want to have ways of you know, making sure that we
18 get underneath self-reporting and make sure that we
19 have some ways of double checking; ways of making
20 sure that we have some sort of fact-based independent
21 way of verifying what agencies are doing. We're
22 working on that. We do that on a lot of other issues
23 throughout the city and appreciate the opportunity to
24 think through that because we think that it's very
25 important full-stop. With respect to the privacy

1
2 issue that you're raising, I mean the fact that there
3 is a lot of identifying information about a person is
4 sort of a widely understood and held issue throughout
5 all kinds of things that we do in our lives. This
6 does create a separate distinction though about
7 rather than saying who I am: I'm Mindy Tarlow, this
8 is where I live, et cetera, it also says the services
9 that I seek, which I may or may not want to be
10 disclosed, and that really is a separate issue. It's
11 not just about who I am. It goes a step further and
12 starts to reveal things about myself personally that
13 I may not want to reveal and again, if the whole
14 purpose of this is to... two things, as you say,
15 double bottom line, to both increase voter
16 registration and not create any unintended barriers
17 to people wanting to register with an accountability
18 structure so that we really know what's actually
19 happening and have we moved the needle and the other
20 kinds of ways that we want to hold ourselves
21 accountable. I think we can meet those two goals.

22 COUNCIL MEMBER WILLIAMS: So I'm going to
23 start wrapping up. I did want to ask if you have the
24 text of the part of the election law that you're
25 referring to.

2 HENRY BERGER: I don't have the text, but
3 it's Section 2-511 Subsection 8.

4 COUNCIL MEMBER WILLIAMS: Sorry, Section
5 2... I'm sorry...

6 [crosstalk]

7 HENRY BERGER: 5-211... 5-211...

8 COUNCIL MEMBER WILLIAMS: 5-211...

9 HENRY BERGER: Of Subsection 8.

10 COUNCIL MEMBER WILLIAMS: Subsection 8.

11 Thank you very much.

12 HENRY BERGER: You can see how I've
13 wasted my youth. [laughter]

14 COUNCIL MEMBER WILLIAMS: But...

15 MINDY TARLOW: [interposing] We've held
16 Henry accountable so...

17 COUNCIL MEMBER WILLIAMS: It explains
18 some of the numbers that Council Member Greenfield
19 discussed earlier actually. But I don't know that
20 I've been persuaded that we're asking for putting
21 additional privacy concerns. I don't know if I've
22 been persuaded that people who are going to be asking
23 for services and are probably not registered to vote
24 and are not part of our civic lives will then not
25 register to vote because there's a code that someone

2 might say this particular ballot came from this
3 particular agency, but I thank you for the testimony
4 and I look forward to continuing the discussion and
5 thank you, Chair, for allowing me the time.

6 CHAIRPERSON KALLOS: Thank you, Council
7 Member Williams, for introducing this amazing
8 legislation that I hope we can pass as soon as
9 possible once we deal with the concerns that have
10 been raised by the administration. I'd like to
11 recognize that we've been joined by Council Member
12 Ritchie Torres. Now I'd like to recognize Council
13 Member Brad Lander.

14 COUNCIL MEMBER LANDER: Thank you very
15 much, Mr. Chairman, for convening the hearing and
16 Council Member Williams for the bill and it's
17 wonderful to have you guys here. I think I'm going
18 to start in sort of a similar way to where Council
19 Member Williams started out. It's wonderful that the
20 de Blasio administration has made such a priority of
21 stepping up here and that Directive 1 was issued and
22 that you moved forward on this. I think part of the
23 challenge is there's also... we want to recognize the
24 magnitude of how far we have to go and your language,
25 understandably, is about the good steps you've taken,

1 but I wonder if you would just kind of join us in
2 acknowledging the steps you know, and I think you
3 know, Council Member Williams in his opening
4 statement cited some of the data from the recent
5 report by the Center for Popular Democracy and others
6 that in their interviews 84 percent of the
7 individuals didn't receive the voter registration;
8 that about two-thirds of the agencies didn't even
9 have the forms available according to their own staff
10 and the stat from the work that the Council staff put
11 together was even in some ways more staggering to me.
12 They looked at the sort of 2010 to 2013 period and
13 found that in the time that DMV had submitted 464,000
14 applications to BOE that the city... BOE had given
15 the city 527,000 forms for its agency distribution,
16 but fewer than 25,000 of them; fewer than five
17 percent came back; were returned and completed. So I
18 just want to start there. I mean were you joined...
19 do you share our assessment that in recent years
20 agency compliance with the local law here has been
21 woeful and needs dramatic improvement?
22

23 MINDY TARLOW: Yes, we do. I mean...

24 [crosstalk]

25 COUNCIL MEMBER LANDER: Great.

[crosstalk]

MINDY TARLOW: And we... I think so much of what's happening speaks for itself: the directive itself, the effort that we're putting into it and you know, we're aware of the concern raised by the advocates and by your body. We're sort of following that lead and the Mayor has had a deep and longstanding commitment to this issue and I think it is you know, reflected in what we're doing here.

COUNCIL MEMBER LANDER: So I agree with that and I think it is reflected. I just think it isn't something that goes without saying and I think part of the tone here is that you guys rightly come in with well, yeah, we're working on it; we're doing all these good things; give us some time and I think a good starting place... a slightly better starting place is we have a big problem to solve. Agency-based voter registration has not lived up to the promise of the local law. We have significant work to do to get there and now it is very good that you're taking a set of agency-based steps and that we want to work together at the legislative level to figure out what we need to do to make that significant improvement and I do think it's implicit

1 in the work you've already done and I appreciate your
2 willingness to make it explicit. I wonder if you
3 could take one step back and also give me your
4 analysis thus far on why agency-based compliance has
5 been so poor or you know, what accounts for the
6 difference between the relative success DMV has had
7 in registering people and the relative failure that
8 city agencies have had in registering people.

10 MINDY TARLOW: We are... I'm going to
11 turn it over to Bonda, who has been directly involved
12 with all of the agencies, but in general, we are, you
13 know, asking people about the challenges that they
14 face; then you know, some of the systemic issues and
15 I think they fall into a couple of buckets that are
16 not going to be a surprise. One is just about
17 training; you know, having the commitment to train
18 staff to do the things that they need to do.
19 Agencies have very different issues. You know, some
20 are just one free-standing place. Others have you
21 know, branches all over the city and coordinating
22 that kind of effort can be difficult. I know you
23 know the multiple languages that are required with
24 Local Law 29 and with the... you know, all of the
25 voter registration issues. Language access is

1 something that we are also deeply committed to in
2 this administration, also a complex issue, hard to
3 manage, especially in situations where there are
4 many, many, many branches of a given office and many
5 different people coming in to be served, so I would
6 say those are probably the things: training and
7 technology, difference among agencies, language
8 access overall, but I'll turn it to Bonda for any
9 more particulars.
10

11 BONDA LEE-CUNNINGHAM: Yeah, well, I just
12 wanted to add that one of the things that we're
13 really focusing on is really working with the agency,
14 where it is and how it operates. I think lots of
15 times regulations are promulgated strict across the
16 board that don't really take into consideration that
17 each agency has different functions; operates in
18 different ways. Just for an example, in terms of
19 asking for the plans for agencies we did not. Some
20 asked do you have a template; we said no, you need to
21 hit all of these points in terms of what the
22 directive calls for, but provide us with the way that
23 your agency can best do this because the frontline is
24 where the rubber hits the road and if the frontline
25 staff are not prepared and properly oriented and if

2 there's not a structure for getting forms out to
3 remote location; getting them back; calculating all
4 of this in terms of how an agency operates, I think
5 you're doomed to have you know, less than you know,
6 stellar results, so we're trying to work with
7 agencies in ways that are best... are most likely to
8 result in their being able to do this in a way that
9 is not disruptive to their operations. We're trying
10 to give them that courtesy and that respect.

11 COUNCIL MEMBER LANDER: So let me follow
12 up a little bit on that and I guess I'm curious as
13 you get the reports back some of the issues that
14 you're talking about are really... it makes a lot of
15 sense to me that it's about working individually with
16 an agency. Some of the issues that you're talking to
17 me sound more citywide, so...

18 BONDA LEE-CUNNINGHAM: [interposing] Some
19 of them are.

20 COUNCIL MEMBER LANDER: Staff training,
21 certain protocols. Yeah, making sure that in the
22 standard intake application there is a... so are you
23 planning to promulgate kind of comprehensive
24 protocols or do training out of the Mayor's Office of
25 Operations? You know, what are the things that

2 you're imagining you will centralize in addition to
3 this ongoing work with agencies to help them each one
4 by one?

5 BONDA LEE-CUNNINGHAM: Well, for
6 instance, in terms of training, one of the things we
7 intend to do is say to agencies you must provide
8 training for your staff. The Campaign Finance Board
9 offers training in a number of different formats.
10 We're not going to say to agencies you must do in-
11 person training or you must do online training.
12 We're saying that you must train your staff; you must
13 show us that you have trained your staff; when, who,
14 how many.

15 COUNCIL MEMBER LANDER: And that'll be
16 part of their semi-annual report...

17 [crosstalk]

18 BONDA LEE-CUNNINGHAM: That'll be part of
19 their report.

20 [crosstalk]

21 COUNCIL MEMBER LANDER: To disclose to
22 you when, who, how many...

23 BONDA LEE-CUNNINGHAM: [interposing]

24 Exactly.

25

2 COUNCIL MEMBER LANDER: What the nature
3 of the substance of the training was; who did it,
4 those basic...

5 BONDA LEE-CUNNINGHAM: [interposing]
6 Right, exactly.

7 COUNCIL MEMBER LANDER: 'Kay.

8 BONDA LEE-CUNNINGHAM: So that in
9 addition to the metrics that are already in the
10 directive, you know, we see our role as adding any
11 others that we think will ensure success. Training
12 is one of those.

13 COUNCIL MEMBER LANDER: And so on this
14 question of sort of other protocols, I assume... I
15 mean I know this only came out a few days ago, so you
16 probably haven't had time to exhaustively look at the
17 broken promises report, but it calls for the
18 establishment of additional protocols beyond what's
19 included in the directive and I'm curious whether you
20 agree that those are necessary, whether that's
21 something that you're working on whether you disagree
22 with that recommendation of the report.

23 MINDY TARLOW: I think it's very
24 interesting and you made an excellent point about how
25 some of what we're talking about is systemic, and I

1 think I said several times... I think I used that
2 word several times in the testimony about that we're
3 looking for things that cut across all of the
4 agencies, while recognizing that it isn't like we're
5 talking about 17 DMVs, right? We're talking about 17
6 agencies that do very different things in very
7 different ways. So by allowing them to develop their
8 own plans based on their own agency circumstances and
9 yet setting up a working group that's working
10 collaboratively with them, getting all the
11 information back, hearing about the challenges,
12 thinking them through, looking for systemic issues
13 that cut across, we will certainly be seeking ways of
14 creating best practices once we get all the
15 information back and once we realize where there are
16 common things that we can do that will support this
17 entire effort; what all folks have in common.
18 Whether we're going to promulgate some specific rules
19 associated with that, we haven't quite thought all
20 the way through to that end game, but we are deeply
21 committed to making sure that we work together as a
22 group, together with the agencies to help build a
23 system of best practices around this issue.
24

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2 COUNCIL MEMBER LANDER: 'Kay, that's
3 helpful. I'm sure when you know, the folks who did
4 that report testify they'll go into this a little
5 more and I can see it being valuable to have the
6 agency reports. I guess it makes some intuitive
7 sense to me, given what we've heard, that there are
8 some things that aren't in the directive; that aren't
9 in the law; that aren't in the directive that are a
10 little more than best practices and that we are
11 probably going to want to tell every agency that they
12 need to do and what the form in which you do that is
13 and that it comes once you've got the plans done I
14 think makes sense, but I just would like to urge you
15 to keep that on the table. Let's see, a couple other
16 things that are just from the report. I guess the
17 biggest thing in the report to me is its discussion
18 of two agencies that would be some dispute. Well, in
19 one case, I'm sure we wouldn't and in one case
20 there'd be some debate around whether we had the
21 ability to do it by local law, but obviously the New
22 York City Department of Education and the New York
23 City Housing Authority are enormous institutions
24 with... you know, I think you know, with many, many,
25 many unregistered New Yorkers and to me one of the

1 biggest things that we could do is start moving
2 forward to have both those agencies doing
3 registration and on the one hand, I hear you that you
4 want to learn... you know, make sure it's working at
5 the agencies you've got. On the other hand, those
6 are two places it's going to take a while to make it
7 work, make it comprehensive and I would hope we could
8 just get started. We know we need to; we know we
9 want to, so you know, can we move forward together to
10 get agency-based registration happening in those
11 places, whether by directive or by law, and with some
12 understanding you want to learn from what you're
13 doing, but without saying what the timetable is by
14 when it should be in place saying that the timetable
15 to get started should be today.

17 MINDY TARLOW: Well, we certainly agree
18 that DOE and NYCHA are very high potential agencies
19 to achieve our goal of increasing voter registration
20 by the sheer number alone, but also because they are
21 places where many, many, many people go to be served.
22 You pointed out the differences in relationship
23 structurally between the Mayor's Office and those
24 agencies, right, so that's one issue.

2 COUNCIL MEMBER LANDER: I was pointing
3 out the Council's different relationship. The Mayor
4 could make it...

5 [crosstalk]

6 MINDY TARLOW: No, No, I'm saying...

7 [crosstalk]

8 COUNCIL MEMBER LANDER: Happen in both of
9 those agencies.

10 MINDY TARLOW: No, no, no, no, no, I'm
11 talking about just within the directive itself about
12 you know, when it's a specific mayoral agency. There
13 are different kind of categories is my only point,
14 but I... we are supportive of thinking that through.
15 We understand the potential that's there. I would
16 simply go back to what I said earlier, which you
17 underscored, about the distance that we have to
18 travel with what we're doing with the agencies that
19 are under the law currently.

20 COUNCIL MEMBER LANDER: Alright, I'm
21 going to... I will push back a little further on
22 that. I don't think it makes sense to have... you
23 know, it makes sense to do sort of iterative learning
24 with what's going in those agencies. It does not
25 make sense to start planning for agency-based

2 registration in NYCHA and DOE until we get some
3 number of semiannual reports from other agencies. It
4 makes senses to commit to doing it and start the
5 planning process in both those agencies and have that
6 planning process informed by what we're learning from
7 the others I would think. I know this is a topic
8 that's near and dear to the Chair, so I will let him
9 follow up on it unless... Henry has something...
10 good, alright. Well, I have a couple other
11 questions, but I've asked quite a few, so I'll defer
12 to the Chair to ask them.

13 CHAIRPERSON KALLOS: We're now on round
14 two and I'll be batting cleanup, so I'll recognize
15 David Greenfield and thank him for having ended his
16 line of questioning earlier a little early as a
17 courtesy.

18 COUNCIL MEMBER GREENFIELD: I don't mess
19 with the chairs, Mr. Kallos. The chair tells me to
20 do something, believe me, I listen. I just have a
21 quick follow-up question for you. I'm just trying to
22 understand the exact process. For example, in my
23 office, you come into the office. On the front desk
24 we have voter registration forms. We encourage
25 people. You know, when they come in we ask them,

1 "Did you register to vote?" We try to sort of push
2 it along. Is there a similar formal process when
3 dealing with the agencies? Are they required to have
4 it at a certain location? After they provide the
5 service are they supposed to say, "Thank you for
6 coming into HRA. By the way, are you registered to
7 vote?" I mean or is it sort of just more informal
8 "loosey goosey?" I'm trying to sort of understand if
9 it was an actual... in that directive does it
10 actually say here's what we have to do and here's how
11 you do it and here's how we get it done?

13 HENRY BERGER: Well, under both the law
14 and the directive the voter registration form has to
15 be part of the certification/recertification package
16 when people come in for services. Now, one of the
17 questions that we have been discussing is in some
18 cases it should be a printed part of the package,
19 which is what the law requires. In other cases, it
20 might be more effective to have it as a self-mail.
21 The problem is if it's printed within the package,
22 first of all, it's only going to be in one language
23 or at most two and we're talking about language
24 accessibility, which expands that, and the other
25 issue is for people who may not fill it out in the

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office, but who take it home with them, a self-mailer is much more effective than taking a page out of a package of applications. But it has to be part of; whether it's attached to or printed within; it has to be part of the application package.

COUNCIL MEMBER GREENFIELD: Sure and that's great. I'm just curious about the... many times people reach out to city agencies and they're not necessarily certifying something, right? They're just interacting or they have a question and they're coming in. Is there any directive or direction for that or is it really just limited to when you are recertifying; specifically recertifying as opposed to simply interacting with an agency when you are not necessarily recertifying a particular program?

HENRY BERGER: That's interesting. The law and directive speak to applications for certifications, recertification or change of address. You know, I think you're talking about people who drop in and ask a question. You know, it's an interesting issue that I hadn't even gotten to yet, but I think it's worth pursuing. The other thing is since a lot of this sort of just inquiry stuff may be happening online we're working on beefing up the

2 online availability, including having agencies
3 putting links and access to voter registration forms
4 right on the front page of their websites and having
5 it available with all of their information on the
6 website, which will have it there. Once again, that
7 would either link them directly to a voter
8 registration form or have a form itself; since we're
9 going to get these fillable PDFs; have them
10 immediately available on the websites.

11 COUNCIL MEMBER GREENFIELD: Okay, great.
12 I would love it if you would internally consider that
13 question of folks who are not necessarily going in to
14 complete something like a complete recertification
15 and they may have a question or an issue or simply a
16 more minor task that doesn't get to that level and
17 whether there is the possibility of you know, having
18 the forms be present or even you know, at the end of
19 the conversation, "By the way, are you registered to
20 vote?" Or something to that effect. I think it
21 might actually increase it even more than simply just
22 slipping it into the package, which we're doing now,
23 and obviously we're trying to improve, but thank you
24 very much.

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2 CHAIRPERSON KALLOS: Great point. I'd
3 like to recognize Council Member Brad Lander for his
4 second round of... sorry.

5 COUNCIL MEMBER LANDER: I just have one.
6 One of things that the report looks at is the
7 decision to use subcontractors and I wonder whether
8 you've looked at that issue. Obviously, quite a lot
9 of government work at this point is obviously done
10 through subcontractors and making sure that they are
11 on board as well. Have you looked at that and how
12 are you planning to address it?

13 BONDA LEE-CUNNINGHAM: Alright, sure.
14 Because these are the requirement, to provide
15 assistance and access to voter registration in the
16 contracts, they are... this is an auditable and a
17 reportable process in that contractual relationship.
18 So just as an agency that contracts with a
19 subcontractor can ask about the primary performance
20 metrics, they're also expected to inquire about this
21 particular contractual obligation as well. So it is
22 a reporting back to the contracting; original
23 contracting agency.

24 COUNCIL MEMBER LANDER: And if I may, I
25 got to actually look at some contractual language

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2 yesterday on the specific issue and one, it was
3 extensive, but two, the most important thing was at
4 the very end it says, "This is a material part of the
5 contract," so that it's not an add-on; you got to do
6 it. It's... you know, it's a material part. It's
7 subject to performance audit like anything else.
8 It's got to be and for a lot of those agencies that
9 do direct services on behalf of the agencies. So and
10 how will that relate to the report? I mean it's
11 great that it is auditable. Obviously, the agencies
12 were already supposed to be doing it, but they
13 weren't reporting on it, so you now have the agencies
14 reporting and they presumably will be giving you
15 metrics of volumes and numbers, but do the contracts
16 contain a reporting obligation? You know, how will
17 we achieve information; the metrics on the
18 subcontractors?

19 BONDA LEE-CUNNINGHAM: One of the things
20 that we're going to have to look, and I have to say
21 we haven't done that yet, is look at the clauses in
22 all of the standard contracts that our agencies have.
23 Some of them have provided us with that language and
24 we can see what the reporting requirement is. In
25 some, it may not be as robust as we'd like it to be

1 and we will ask that it be upgraded if that's
2 necessary. So that's something we'll be looking into
3 and then the contract; the city contracting agency
4 will then be responsible to report back to us because
5 of course, there are certain instances where agencies
6 contract substantial amounts of their mandated
7 responsibilities, so this is really a key part of
8 their responsibility under this directive.
9

10 COUNCIL MEMBER LANDER: So the idea is
11 that the contractors will be obligated to report the
12 information that the agencies need to be reporting to
13 you and that if the contracts don't currently provide
14 for that, that they'll be amended upon renewal to do
15 so, so that the agencies get that information and
16 then you get that information. Okay and one last
17 question is about whether you plan to set targets and
18 goals. The Mayor's Management Report is a document
19 which involves reporting, but it then involves goals
20 as well. We want it to be that 100 percent of the
21 agencies have the reports available; that we
22 anticipate 70... well, you can imagine the... do you
23 plan to have goals and targets as part of the agency
24 reporting process so that what's being reported is
25

1
2 against you know, goals that we can measure progress
3 toward?

4 BONDA LEE-CUNNINGHAM: Yes, however, I
5 think that experience will tell us how to structure
6 them.

7 COUNCIL MEMBER LANDER: Of course.

8 BONDA LEE-CUNNINGHAM: One of the things
9 that it should be based on is some sense of the
10 volume of traffic that an agency... you know, the
11 broad universe that they're operating in, the
12 potential candidates for voter registration. So what
13 we'll be looking for certainly is 100 percent
14 offering of the opportunity to register to everyone
15 who comes in for the categories of services that are
16 covered by the directive. In terms of completion
17 rates and that kind of thing, that can play any
18 number of ways and certainly depending on the
19 circumstances; depending on what someone is coming to
20 the agency for; depending on how much time they have,
21 closing that loop in terms of whether we actually
22 capture the forms and send them in ourselves and can
23 physically count those forms, we will have to depend
24 to a great degree on the Board of Elections capturing
25 the final outcome of the number of forms that are

2 completed of those that are distributed because some
3 will be done there; some will be taken away and done
4 at a person's leisure, so.

5 COUNCIL MEMBER LANDER: So I'm compelled
6 to point out that certainly speaks to having some way
7 of their knowing which agency forms they're reporting
8 back to us on, but that's good. I understand that
9 you might want to get some baseline data before you
10 set the targets so that you couldn't have them on the
11 very first report, but I do hope that you'll then
12 have established goals that people have to work to
13 move forward and improve on the baselines that we
14 currently have, so thank you.

15 CHAIRPERSON KALLOS: Council Member
16 Williams.

17 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
18 Chair. Just a couple follow up questions. I just
19 want to know if you're aware of any agency forms that
20 have similar tracking codes on it.

21 HENRY BERGER: The only one I'm aware of
22 is that the City University has its own separate
23 tracking code.

24 COUNCIL MEMBER WILLIAMS: Okay, that's...

25 [crosstalk]

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2 HENRY BERGER: But the Board of Elections
3 may have more information on that.

4 COUNCIL MEMBER WILLIAMS: And I also just
5 wanted to make clear, the privacy concerns aside, I'm
6 not sure I fully agree, but to the parts that I do I
7 think it is something that we can work through so
8 that they are not a concern, so assuming we can do
9 that, the public accountability of knowing how many
10 forms go to an agency and how many come back, is that
11 something you are supportive of?

12 HENRY BERGER: Yes, we do get information
13 from the Board of Elections now as to how many forms
14 they distribute to each agency and we get that and I
15 can follow that in terms of what's coming back.
16 That's what our metrics are going to have to look at.

17 CONCIL MEMBER WILLIAMS: Thank you and
18 then just following on one thing that Council Member
19 Lander had said. Why would it be beneficial to wait
20 for an agency like NYCHA? I mean there were very
21 compelling statements made that I think make a lot of
22 sense and I see why you'd want to kind of get some
23 empirical data I guess, but something like NYCHA,
24 which is going to be massive and actually probably
25 has one of the biggest needs and kind of a captive

1 audience there, why would that want to be an agency
2 that you wait to move on?

3 HENRY BERGER: Well, I think with both
4 NYCHA and the Department of Education, the issue
5 wasn't whether we can do it. The issue is how we're
6 going to do it. I mean I see the Department of
7 Education as 1,700 registration sites, but the
8 problem is it's 1,700 registration sites similar
9 kinds of problems, so you know the issues we have to
10 work through and you know, we're not thinking about
11 this for the first time hearing it from you today.
12 We have been thinking about this and you know, and
13 having discussions as to how are we able to implement
14 it in an agency such as the Department of Education
15 and in NYCHA and it's complex, but... it's a complex
16 problem, but we are going to work it through.

17 COUNCIL MEMBER WILLIAMS: So I see the
18 bill that would include NYCHA more as a nudge to help
19 thinking through that as opposed to making it more
20 prohibitive to actually accomplish it.

21 HENRY BERGER: I will leave it to your
22 attorneys as to what your authority is to tell NYCHA
23 what to do or not do something. I mean it...
24

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2 COUNCIL MEMBER WILLIAMS: [interposing]
3 Okay.

4 HENRY BERGER: That... it's a very
5 complex legal issue. Operationally for us, you know,
6 that issue is easier for us.

7 COUNCIL MEMBER WILLIAMS: Okay.

8 HENRY BERGER: But the issue is the
9 implementation, which is much tougher.

10 COUNCIL MEMBER WILLIAMS: Thank you very
11 much. Thank you, Mr. Chair.

12 CHAIRPERSON KALLOS: Batting cleanup. On
13 July 11th Directive 1 was issued. On September 9th
14 on or about, 17 of the mayoral agencies submitted
15 their plans. Would it be possible to get copies of
16 those plans even if they were among those that
17 required revision?

18 MINDY TARLOW: Well, as I said earlier,
19 we're still working with the agencies even to get
20 the... you know, some of the revisions done that we
21 expect back in November. Our preference would be to,
22 again, coordinate that amongst ourselves and then
23 share the plans with the Council at that time.

24 CHAIRPERSON KALLOS: To the extent that
25 there are plans that are not... do not require

2 revision out of the 17 could we have copies of those
3 plans?

4 MINDY TARLOW: By the end of November
5 we're going to have a lot more information. I think
6 that would be... even if they're not final then, I
7 think it would be a better time for us to sift
8 through them, if that's appropriate. It's kind of
9 around the corner.

10 CHAIRPERSON KALLOS: Great, so could I
11 have the plans to read through over my Thanksgiving
12 holiday in between bites of...

13 [crosstalk]

14 MINDY TARLOW: Uh-huh.

15 [crosstalk]

16 CHAIRPERSON KALLOS: Turkey?

17 MINDY TARLOW: To your point, if at the
18 end of November when we have things back yeah, if
19 there's some of those plans that were really well-
20 baked at that time, I think we can share them with
21 you then.

22 CHAIRPERSON KALLOS: Thank you. with
23 regard...

24 MINDY TARLOW: [interposing] Happy
25 Thanksgiving. [laughter] I hope to have a happy one

1 and to feed as many New Yorkers as possible while I
2 am enjoying as well. Since the requirement was
3 instituted 14 years ago, as opposed to simply
4 attaching the form, but it was actually supposed to
5 integrated voter registration and was supposed to be
6 integrated into the form, not just you got a 50-page
7 form for benefits and then at the end of it you have
8 stapled to the back a voter registration form that
9 you kind of just tear off and then hand in your
10 application. How many of these 17 agencies actually
11 did more than just... did anything, whether it was
12 just staple it on the back or do more?

14 MINDY TARLOW: I don't think we know the
15 answer to that question.

16 CHAIRPERSON KALLOS: Okay, in terms of
17 for Directive 1 is there a goal to... is it just the
18 stapled form on the back of the applications and
19 documents or is it to actually get the true
20 integration we were seeking 14 years ago?

21 HENRY BERGER: The problem with simply
22 printing the form as part of the application is one,
23 the language accessibility issue and two, the issue
24 of are people with that particular agency actually
25 filling them out as part of the application form or

2 is it a take-home where a self-mailer is more
3 effective? I think we've got to work that through
4 with each agency and with those agencies that have it
5 computerized I think it's going to be a lot easier
6 because we're going to get the fillable PDFs from the
7 Board of Elections and that could be part of...
8 that's easy to do as part of the package because
9 those come in multiple languages. So you know, it's
10 not a simple answer to a simple question.

11 CHAIRPERSON KALLOS: Okay, I guess it's
12 been a long time since I've renewed or applied for a
13 driver's license. It took me 'til I was 21, but
14 still it's... I look young, but it seems like with
15 the motor voter, I just fill out my driver's license
16 application and there's a check box like would you
17 like to register to vote and then pick a party and
18 you're done. Is that possible for as many of the
19 agencies as possible? Is that part of the Directive
20 1 rollout?

21 HENRY BERGER: Well, one, it's not quite
22 that simple on the DMV form, but it's... it ends up
23 you know, if you say yes, it finally kicks you down
24 at the end to a separate form, which then has to be
25 filled out and also signed. The DMV has an advantage

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2 over us. One, they're all computerized and one, they
3 have a single computer system, so operationally...
4 it's a goal, but operationally it's also a challenge.

5 CHAIRPERSON KALLOS: With regard to
6 Introduction 493, you indicate we'd like to be
7 thoughtful about timing of expanding the scope, which
8 was already asked and then making sure any new
9 agencies so on and so forth conducive to coupling
10 with voter registration. Can you comment at this
11 time if they are any agencies that we're seeking to
12 add that are agencies that you're concerned about
13 adding?

14 MINDY TARLOW: [off mic] Or me? You want
15 to take it?

16 HENRY BERGER: I think the better way to
17 look at it is there are several agencies that we're
18 looking at, which have specific problems that we're
19 going to work through that we will add. So, for
20 example, there is an agency that provides services,
21 including legal services. The legal services are
22 funded by the federal government. There's a
23 restriction on that agency using non-attorneys for
24 doing voter registration. It's an issue that has to
25 be worked through. Several of the agencies are

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2 currently covered by the National Voter Registration
3 Act. They have their own requirements and their own
4 reporting requirements. We have to work with them
5 how we integrate those so that there's not
6 duplication, so that there's a single set of
7 standards that applies across the board. So some of
8 the agencies we think are agencies that don't deal
9 directly with the public and adding them really
10 doesn't add any you know, significant opportunity to
11 register more voters, but we're going to work through
12 them you know, and it's not just the ones you know,
13 you've recognized. There are 44 city agencies,
14 something like that and there are only 17 that are
15 covered by Local Law 29. We really have to look at
16 all of the others and see which ones are appropriate
17 to add here and we're going to do that.

18 MINDY TARLOW: Right and if I could just
19 underscore that was kind of the conversation
20 Councilman Lander and I were having before, right,
21 when there are agencies that have really high
22 potential with tremendous numbers of people seeking
23 services and others where they'll have fewer people
24 seeking services you know, we're trying to balance
25 that out and get the most high potential that we can.

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2 CHAIRPERSON KALLOS: As a kid in a candy
3 store, I think that we started with 19 in the statute
4 and we're adding 15, getting us to 34. Hearing the
5 number of 44 is just... if you could forward us the
6 next 10 we'd love to include them in the next version
7 so that we codify it so that whoever the next Mayor
8 might be after all of us are long since gone, it's
9 still something that's mandated. So is that
10 something that could be shared?

11 HENRY BERGER: In principle yes, but
12 you've got to remember several of these agencies
13 don't provide services directly to the public. They
14 don't interact with the public on a regular basis.
15 There are other agencies that are specifically
16 excluded under Local Law 29 under the public safety
17 exception. There's a reason for that and we've got
18 to work through that with each of the agencies that
19 we deal with.

20 CHAIRPERSON KALLOS: As...

21 [crosstalk]

22 COUNCIL MEMBER LANDER: I...

23 CHAIRPERSON KALLOS: Yeah.

24 COUNCIL MEMBER LANDER: I was just going
25 to say I really like the idea of the NYPD offering

2 voter registrations in all its interactions with the
3 public. I think that would go a long way to solving
4 many problems all at once.

5 CHAIRPERSON KALLOS: Thank you, Council
6 Member Lander. It would go a long way towards
7 building a stronger relationship as we move towards
8 community policing. Going towards the... Council
9 Member Williams' bill and the voter registration
10 forms, I am dying to get the phone numbers and emails
11 off those voter registration forms, but I can't get
12 them because those are protected by privacy. DMV
13 number, social security number also protected by
14 privacy and so my understanding is that those pieces
15 of information are available, but the Board of
16 Election keeps the voter registration on file, but
17 just members of the public if we want to see it, we
18 don't really get to see it an unredacted [sic]
19 version unless I guess in litigation. Is that
20 correct?

21 HENRY BERGER: You know, i... you know,
22 from my own experience I know that they have been
23 accessible when they have been needed. As to what
24 those accessibility requirements are I think the
25 Board of Elections can answer it better, but I know

2 that when I've been involved in matters and we need
3 access to the voter registration forms, the form is
4 there and it is entirely accessible.

5 CHAIRPERSON KALLOS: With regard to the
6 tracking number, is the concern the privacy of the
7 registrant from the general public or from the Board
8 of Elections employees themselves?

9 HENRY BERGER: Well, even though they're
10 Board of Election employees, they're members of the
11 public. I mean you know, I think it's a broad issue,
12 but you know, I also think you know, we've mentioned
13 it before that one of the unintended consequences of
14 this is that it will discourage some people from
15 registering to vote at some agencies and that's not
16 what we want to do. The goal is to register
17 everybody who's eligible to vote.

18 CHAIRPERSON KALLOS: If a person who is
19 homeless were to register they would register at
20 their homeless shelter. That's legally allowed, so
21 would the address of their homeless shelter... is
22 that public record?

23 HENRY BERGER: Yes, but it's a street
24 address.

25 CHAIRPERSON KALLOS: And so...

[crosstalk]

HENRY BERGER: It's just a street address.

CHAIRPERSON KALLOS: Anyone who's looking at a voter registration form or voter registration data right now knows who is receiving services from NYCHA, Homeless Services and various other places where the services are residency-based. Is that correct?

HENRY BERGER: In some cases yes; in some cases no.

CHAIRPERSON KALLOS: Oh, okay, I think... oh, one last piece. I almost forgot this. Back in 2008, we did a DNC site where we actually did this tracking on voter registration where the voter registration forms were embedded and on the website, so we did it on the state party website and elsewhere and it was great because when you did it one of the first things it asked you for was an immediate email capture and once you did that, if you didn't fill out the form it emailed you and said hey, did you fill out your form? Do you need help filling out the form? Can somebody call you and help you fill out the form? Once you filled out the form they'd send

2 you an email saying hey, did you remember to print
3 the form? Did you remember to mail the form? And
4 then when... if it didn't get received by the Board
5 of Elections and updated in the voter registration
6 system they would then follow up with hey, your form
7 wasn't received. Can you do something about it? So
8 that software already exists; it's already been done.
9 It's six years old at this point and I'm happy to
10 make it available. Barring any further questions, I
11 want to thank you for taking questions for an hour
12 and a half.

13 MINDY TARLOW: Okay, thank you very much.

14 CHAIRPERSON KALLOS: Thank you. I'd like
15 to call up the next panel. We have Mike Ryan and
16 Dawn Sandow from the New York City board of Elections
17 and Amy Loprest and Art Chang from the New York City
18 Campaign Finance Board.

19 [Pause]

20 CHAIRPERSON KALLOS: While we wait for
21 our next panel to be seated, I did want to take a
22 moment to thank and publicly acknowledge one of the
23 Commissioners for the New York City Board of
24 Elections for being the audience today. It is not
25 something that we're quite used to, but we hope that

1
2 it is behavior that continues and we encourage other
3 Commissioners to join us when the Board of Elections
4 is testifying, so I just want to thank Al Schulkin
5 for being here and for putting elections as a top
6 priority for him as a Commissioner. And if I may,
7 before you give your testimony, do you affirm to tell
8 the truth, the whole truth and nothing but the truth
9 in your testimony before this committee and to
10 respond honestly to council members' questions?

11 ALL: I do.

12 CHAIRPERSON KALLOS: Thank you very much.
13 Mr. Ryan, if you could begin.

14 MICHAEL RYAN: Good morning, everyone.
15 Chair Kallos, Council Member Williams and members of
16 the Council's Committee on Governmental Operations.
17 I'd like to thank the committee for giving us the
18 opportunity to appear before you on behalf of the
19 Board of Elections. My name is Michael Ryan and I am
20 the Executive Director of the Board. Joining me here
21 at the table is... for the Board of Elections is
22 Deputy Executive Director Dawn Sandow. We also have
23 several of our staff members present here today as
24 well, Administrative Manager Pamela Perkins;
25 Coordinator of Voter Registration Beth Fossella; MIS

2 Director Steven Ferguson, as well as General Counsel
3 and Deputy General Counsel Steve Richman and Raphael
4 Savino, respectively.

5 Before I start my testimony proper, I
6 would like to point out that this matter was
7 discussed with the Commissioners of the Board of
8 Elections in the City of New York and while there was
9 no consensus amongst the Commissioners whether to
10 support or not to support either piece of
11 legislation, I think that's in keeping with the
12 tradition of the Board of Elections and its exercise
13 of its ministerial duties. Nonetheless, we're here
14 today to offer some testimony with respect to the two
15 proposals and hopefully give some guidance to the
16 City Council as it makes its decisions moving
17 forward.

18 As has been stated previously, Local Law
19 29 went into effect on August 23rd, 2000. The
20 identified agencies were required to distribute voter
21 registration materials to person utilizing their
22 respective services. A version of the New York state
23 voter registration form was created bearing the
24 legend "Code 9." These forms are identical to the
25 standard registration forms issued by the New York

1 State board of Election in all other respects.
2 Agencies make these coded forms available along with
3 any of their own documents to service users. To
4 clarify, the purpose of the Code 9 legend is to allow
5 for the tracking of both distribution and receipt of
6 these forms.
7

8 The two Intros, 356 and 493, pertain
9 mainly to enforcing and increasing the number of city
10 agencies who solicit and promote voter registration
11 by including these coded voter registration forms
12 along with other distributed documents. If any
13 agency or service user completes the form and returns
14 same to an employee of one of the 22 required
15 agencies or by mail, said voter registration
16 application is forwarded to the Board.

17 Addressing Intro Number 493, I stated
18 previously the Board takes no position as to the
19 additional agencies proposed to be included in the
20 requirement to distribute voter registration forms or
21 materials. Should this Intro become law, the Board
22 will work closely with these agencies and the Office
23 of the Mayor to ensure compliance and as was
24 previously testified earlier, we have been doing so
25

1
2 already with respect to the currently covered
3 agencies.

4 As stated, presently there is one code
5 for the mandated agencies. Election Law Section 5-
6 211, subdivision 8 states in pertinent part "such
7 voter registration application shall be designed so
8 as to ensure the confidentiality of the source of the
9 application." It is the considered opinion of the
10 Board that the current use of the general "Code 9"
11 for all mandated agencies complies with the New York
12 State Election Law. The proposed distinguishing of
13 individual agencies set forth in Intro Number 356
14 requires a comprehensive analysis of the effects
15 thereof to determine whether such proposal adheres to
16 the requirements of Election Law Section 2011,
17 subdivision 8 whether in spirit or in actuality. In
18 any event, the Board will comply with any legally
19 mandated requirements.

20 I recognize that our testimony is brief.
21 We are available for questions and answers. Given
22 the timing of this hearing, we have an election... a
23 General Election to put on in a week and a half, so I
24 will admit that we did not dive into this particular
25 issue as deeply as we might have under other

1
2 circumstances, but I'm certainly you know, willing to
3 answer any questions and hopefully provide additional
4 guidance.

5 CHAIRPERSON KALLOS: Campaign Finance
6 Board.

7 AMY LOPREST: Good morning, Chair Kallos
8 and members of the committee. My name is Amy
9 Loprest. I'm the Executive Director of the New York
10 City Campaign Finance Board. I'm joined today with a
11 member of our board, Art Chang, who is also the Chair
12 of our Voter Assistance Advisory Committee. I, too,
13 have a number of staff members here who might be able
14 to answer questions if needed: Eric Friedman, our
15 Executive Director of Public Affairs; Onida Coward
16 Mayers, who's the Director of our Voter Assistance
17 Unit.

18 I thank you for the opportunity to
19 testify here today. With an important election less
20 than two weeks away, there should be renewed focus on
21 improving New York's low voter participation rates.
22 New Yorkers who demand better performance from their
23 government can start with their own behavior. The
24 starting point is voting. By simply casting a
25 ballot, citizens can ensure government is accountable

1 to their needs, but government needs to do its part
2 as well. Healthy democratic governments encourage
3 civic participation by enabling the broadest possible
4 access to the electoral process. While the voter
5 registration deadline is past for this year's General
6 Election on November 4th, the effort to involve more
7 New Yorkers in our democracy will continue. For that
8 reason I am pleased the Council is holding this
9 hearing and considering the two bills we are
10 discussing today.

12 Increasing voter registration is a core
13 mission for the CFB. Through the work of our Voter
14 Assistance Advisory Committee and our NYC Votes
15 Campaign, we reach thousands of New Yorkers at events
16 around New York City each year to help them register
17 to vote. A central element of this work is helping
18 our partners, both public and private organizations,
19 build their own programs to educate and engage their
20 constituents in the electoral process. Our popular
21 "Train the Trainer" sessions provide these
22 organizations with the tools to build a voter
23 engagement program that is consistent with their own
24 culture. These efforts have been very successful.
25 In collaboration with more than 100 community and

1 corporate partners, we collected more than 15,000
2 voter registration forms in 2013.

3
4 The City Charter requires the CFB to
5 coordinate the activities of the 18 city agencies and
6 59 community boards that are required to help
7 register voters under Local Law 29 of 2000. We have
8 taken an active role in helping these agencies meet
9 the goals of the law. Our Voter Assistance Staff
10 works directly with each agency to develop and
11 implement a voter action plan. Earlier this year, we
12 held the training sessions at our offices attended by
13 representatives of 14 of the 18 covered agencies and
14 13 of the community boards. We train agency staff to
15 conduct on site voter registration drives. We
16 provide graphics spotlighting upcoming elections and
17 deadlines for agencies to post on their websites, on
18 social media and in emails to their clients. These
19 trainings and VAAC regular public meetings, provide a
20 forum for these agencies these agencies to discuss
21 their voter assistance efforts and compare notes on
22 best practices. Our next VAAC meeting will be held
23 next Tuesday evening at our offices at 100 Church
24 Street and I invite everyone here and who's watching
25 this hearing to attend.

1
2 Clearly, there are challenges in
3 implementing the law and there are areas where
4 agencies compliance can improve. We have seen a
5 renewed push from this administration to make those
6 improvements. In the course of our work, we have
7 also seen a deep commitment among city agency staff
8 to the broader goals of increasing voter registration
9 and participation. Programs developed by our agency
10 partners have made important contributions to
11 increasing voter participation in New York City. We
12 encourage these efforts and offer city agencies some
13 flexibility to meet their pro-voter mandate in ways
14 that mesh with their own mission and culture.

15 Many of the agencies we work with go
16 above and beyond the law's requirement and I'd like
17 to highlight a few examples. The Department of Youth
18 and Community Development has long been an active
19 participant in our Youth engagement initiatives.
20 DCYD hosted Youth Voting Workshops conducted by CFB
21 staff at 16 of its Summer Youth Employment Program
22 sites and invited the young poets from the NYC Votes
23 Youth Poet Laureate Program to perform. DYCD has
24 also been a big participant in National Voter
25 Registration Day. In recognitions of these efforts,

1
2 the CFB awarded DYCD with our First Annual NYC votes
3 Award for Excellence in Public Outreach last year.

4 The Taxi and Limousine Commission has
5 aired voting themed public service announcements in
6 taxicabs throughout the years. They've also
7 conducted NYC Votes Election Day surveys on Taxi TV
8 and yellow and green borough cabs, with more than
9 16,000 participants from 2012 to the present.

10 The Administration for Children's
11 Services invited NYC Votes to register and talk to
12 teenagers in its housing works who are approaching
13 voter eligibility. ACS is also a regular participant
14 in National Voter Registration Day, holding a
15 registration drive at its office on Williams Street.

16 In addition, we've worked with city
17 agencies which are not covered by Local Law 29, but
18 participate in our programs voluntarily. One example
19 is the Health and Hospitals Corporation, which
20 routinely partners with us to hold voter registration
21 drives in its hospitals and other facilities
22 throughout the city. In 2013, HHC aired our Video
23 Voter Guide in some facilities for two weeks leading
24 up to the Primary and General Elections. HHC has

1 registered over 2,000 citizens since first partnering
2 with us in 2012.

3
4 Other agencies have been fantastic
5 voluntary partners, including the Department of
6 Aging, the Human Resources Administration and New
7 York City Housing Authority. These agencies are
8 helping create a voting culture that fits with their
9 own missions and their efforts are to be commended.

10 Intro 493 would significantly expand the
11 scope of agency-based voter registration mandate to
12 cover new agencies. The bill covers some of the
13 voluntary partners I mentioned and we suggest you
14 would consider expanding the bill to the extent the
15 Council is able to include other willing partners
16 like HHC and NYCHA. We should encourage all of these
17 agencies to go further and provide more New Yorkers
18 with the opportunity to register to vote.

19 As I mentioned, agencies face some real
20 challenges implementing Local Law 29. One concern we
21 consistently hear is how to best provide voter
22 registration forms to their clients. Incorporating
23 the voter registration form into their own forms, as
24 the Charter requires, can be cumbersome. We've heard
25 a lot about that from the administration. We are

1 working with the new administration on ways to help
2 agencies more readily provide voter registration
3 forms to clients and make those efforts more
4 effective. We are developing webinars and video
5 resources to extend the reach of our training to
6 agency staff who may not be able to attend in person.
7 We are working to develop annotative voter
8 registration forms to guide agency staff and their
9 clients on how to successfully complete the forms and
10 we are creating brochures to elevate the profile of
11 this important mission among frontline agency staff.
12 These programs should help agency staff highlight
13 voter registration opportunities for their clients,
14 which should make those clients more likely to
15 register and vote.

17 As more and more New Yorkers interact
18 with their government online, establishing true
19 universal online voter registration would absolutely
20 enhance agency's efforts to meet the goals of the
21 pro-voter law. Currently, access to online voter
22 registration is available only to customers of the
23 State Department of Motor Vehicles. We commend the
24 Chair of this committee for his bill to establish an
25 online voter registration portal for New York City.

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2 Just think, one stop site where New Yorkers can
3 transact all business of democracy would be a game
4 changer. Electronic registration would also enable
5 more thorough real time tracking of agencies' efforts
6 to help New Yorkers register.

7 As a simple step in this direction, we
8 have asked the City Board of Elections, and I'm happy
9 to have heard from the testimony previous that
10 they're going to make available the electronic PDF
11 form that will include the tracking code for city
12 agencies. Providing an electronic voter registration
13 form for these agencies that they can make available
14 on their websites would help the agencies better
15 serve their clients.

16 We support Intro 356, which will allow
17 better tracking of agencies' voter registration
18 efforts. Agency specific codes would allow agencies
19 to evaluate which of their programs work best and
20 allow others to hold the agencies accountable when
21 they fall short. Better tracking will help the CFB
22 recommend specific ways our partner can help and
23 improve their voter registration efforts. Clear,
24 trackable data about the agencies' voter registration
25 efforts will also make it possible for the agencies

1
2 and their staff to see that their work in this area
3 is making a difference. We would suggest that other
4 agencies not covered by the charter mandate may
5 benefit from agency specific tracking codes. The
6 Department of Education, for instance, has a separate
7 mandate to provide voter registration forms for
8 students as they graduate from high school, but we
9 cannot track the success of these efforts. The CFB
10 is also mandated to assist in voter registration and
11 a unique tracking code would allow us to more
12 precisely quantify the impact of our own extensive
13 voter registration programs.

14 I'd like to thank you again for the
15 opportunity to testify today and I look forward to
16 hearing from the agency representatives today about
17 their experience with Local Law 29 and of course, I
18 welcome any questions.

19 CHAIRPERSON KALLOS: Thank you
20 particularly to the Board of Elections, who kind of
21 have the biggest deal you get all year coming up, so
22 thank you for being here and glad that you've brought
23 any testimony, given everything else, and I know you
24 do have an election to run. I...

2 MICHAEL RYAN: [interposing] And I'm
3 sorry I wasn't able to make you smile as broadly as
4 Miss Loprest. [laughter]

5 CHAIRPERSON KALLOS: No worries. I'd
6 also like to acknowledge...

7 [crosstalk]

8 AMY LOPREST: It's not a competition.

9 [crosstalk]

10 CHAIRPERSON KALLOS: That we have... we
11 usually do these hearings at 1:00 and that means we
12 can go as long as we want, which tends to be long.
13 Today we will be kicked out of this room at 1:00, so
14 we will be a little bit briefer than usual. With
15 regard to Board of Elections, just understand there's
16 the Code 9 and then can non-profits that do voter
17 registration get a tracking code as well?

18 MICHAEL RYAN: We have another tracking
19 code that we use for CUNY, which is Code D. Those
20 are the two tracking codes that we have presently and
21 typically, my understanding is that CUNY, and I could
22 be stepping out of turn and I know that Mr.
23 Rosenstein is here as well, but my understanding is
24 that they partner with NYPIRG on that issue as well

2 in terms of the voter registration. We do a Code D
3 and a Code 9.

4 CHAIRPERSON KALLOS: And how easy is it
5 to add additional codes as necessary?

6 MICHAEL RYAN: Oh, anytime you do
7 anything additional it requires an additional
8 administrative burden. There's some programming that
9 goes along with that as well, but again, I think our
10 additions we keep an eye on 5-2011 as well, so while
11 we understand that the tracking is a useful
12 administrative tool, by the same token, parsing that
13 out of what we distribute to the public is presently
14 not possible, as has been previously suggested, as we
15 understand the law. Again, we didn't scratch very
16 deeply below the surface, but Election Law Section 3-
17 220, subdivision 1 allows us when we give information
18 back to the public that's been filed with us to
19 exempt voter driver's license identification... I
20 mean a voter's driver's license identification
21 number, a non-driver's license identification number,
22 a social security number and a fax number.
23 Everything else that's on that form goes out.

24 CHAIRPERSON KALLOS: I can get emails and
25 phone numbers?

2 MICHAEL RYAN: Whatever else is on that
3 form other than those categories goes out.

4 CHAIRPERSON KALLOS: I'm holding you to
5 this 'cause you're 'bout to... I'm going to go buy a
6 CD after this.

7 MICHAEL RYAN: Come by and we'll let
8 you... we'll go... we'll put you on public public and
9 you can run all the stuff you need.

10 CHAIRPERSON KALLOS: That sounds great.
11 We hear a lot about printing voter registration
12 forms. There's a wonderful thing that folks are
13 doing now of print on demand and just did the Climate
14 March. Do you think there's any reason why the BOE
15 needs to print and send out how many hundred thousand
16 voter registration forms in order...

17 [crosstalk]

18 MICHAEL RYAN: Well...

19 [crosstalk]

20 CHAIRPERSON KALLOS: To get 25,000 back
21 and...

22 [crosstalk]

23 MICHAEL RYAN: It's interesting.

24 [crosstalk]

25

2 CHAIRPERSON KALLOS: Do you believe it
3 might be better to let the agencies just print on an
4 as needed basis?

5 MICHAEL RYAN: In 2013, we distributed
6 over 100,000 forms, so slightly over. It was like...
7 I think it was 106,250.

8 CHAIRPERSON KALLOS: Mm-hm.

9 MICHAEL RYAN: Already in 2014, and I
10 think this is indicative of a sea change not only in
11 the City Council, but in the administration as well,
12 we've already distributed over 280,000 and the year's
13 not over. So there's a lot of paper going out, but I
14 think you're right. We're not getting a large
15 return. I don't have the return numbers for 2014,
16 but the return numbers for 2013 were 4,339 based on
17 the 106,000 distributed. What we don't know and what
18 we can't track is whether or not the inventory that's
19 going out to the individual agencies is right sized
20 or whether they're simply having enough available in
21 case anybody asks for them. So that's a piece of the
22 puzzle that we can't track and quite frankly, we'd
23 prefer, although we would follow any statutory
24 mandate, we would prefer not to be in the business of
25 overseeing city agencies in terms of their compliance

2 with the law. We prefer to impart our information on
3 the back end, which would be a success rate, keeping
4 in mind that the mere fact that a voter registration
5 form is transmitted to us doesn't mean that they
6 automatically go on the voter rolls because there's a
7 clearing process that must be done. The person might
8 already be registered to vote, in which case they
9 wouldn't be included. They might not... they might
10 be ineligible or if they missed information, we do
11 send out a missing information notice.

12 CHAIRPERSON KALLOS: And at the risk of
13 embarrassing myself, I know that my office has voter
14 registration forms. I'd love to make sure all the
15 other... all of my colleagues have them. Could I get
16 like 10 voter registration forms in English, Spanish,
17 Bengali, Korean and Chinese and 10 per office, so if
18 you could drop off 510 at 250 Broadway we'd love to
19 get that distributed to my colleagues and then make
20 sure that they know not only can they have them on
21 hand, but they can just print them out and that's
22 perhaps why I'm going to ask for fewer, so that's a
23 yes?

24 MICHAEL RYAN: Yes.

25 CHAIRPERSON KALLOS: Perfect.

2 MICHAEL RYAN: And we have 500 on hand.
3 With the agencies the way we handle this there's
4 about a two-week turnaround. We have an outside
5 vendor.

6 CHAIRPERSON KALLOS: Yep.

7 MICHAEL RYAN: And when they ask for a
8 certain number of forms, we get them printed and
9 they're distributed. The difference though I think
10 with the printing on demand that does change the
11 dynamic. The one that we distribute to the agencies
12 is a self-contained self-sealable form requiring no
13 postage and I think... and I'm not a printing expert
14 and I'm not an MIS expert, but what I've been told is
15 that there are challenges, technology challenges
16 associated with that and perhaps Mr. Chang or some
17 others can speak to those things better than I, but
18 making it foldable, sealable, self-contained with a
19 stamp; you know, no postage necessary presents
20 challenges and I know that we have had challenges
21 with those envelopes even doing them well in advance
22 because there is a plastic template that we have to
23 put over these envelopes that is provided by the post
24 office to make sure that all of the various codes
25 that the Post Office needs to process these things

2 electronically is all in the proper place. So
3 there's a lot more detail to these things than
4 otherwise might seem and so you know, the way it's
5 been handled up to this point is to distribute the
6 forms to the agencies.

7 CHAIRPERSON KALLOS: I am actually very
8 familiar with mail house operations [laughter] and
9 exactly what you're talking about and I'd be
10 committed to working with our members of Congress and
11 the Post Office to ensure that when it comes to a
12 voter registration form whatever regulations could be
13 waived so if somebody printed out wrong it could
14 still get mailed for free. But yes, the one that you
15 print out online from the... that I just printed out
16 online from your website says that it's no postage
17 necessary, so...

18 MICHAEL RYAN: [interposing] Right.

19 CHAIRPERSON KALLOS: There are probably a
20 lot of people who just take it, fold it, put it in
21 the mail and hope it gets there.

22 MICHAEL RYAN: Right.

23 CHAIRPERSON KALLOS: Can you explain a
24 little bit to me, and perhaps this is for Mr.
25 Ferguson, but can you explain a little bit about how

1
2 electronic voter registration process works between
3 your agency, the DMV or perhaps if any agencies do it
4 or did it, what's the process? Does it save you
5 time? Does it save money? Is it more popular and
6 have there been any challenges to implementation?

7 MICHAEL RYAN: Well, in terms of
8 popularity, we made a cutover on March 11th of 2014,
9 so there really is no way to gauge the popularity.
10 We changed the way business was done. We're not...
11 clearly if somebody picked up a voter registration
12 form out of the DMV office they could mail it into
13 us, but if they go through the DMV process it comes
14 to us electronically. How that worked, and
15 apparently it wasn't all that complicated, since we
16 don't really need to talk in the computer language,
17 they developed a program to do this; they meaning
18 DMV. We then had to do some interface work on our
19 end, which was completed and there was data testing
20 and on March the 11th, a Tuesday, 'cause we get a...
21 I know this is not necessarily an attractive term,
22 but we get a data dump every Tuesday and Friday and
23 then what happens with that is it goes into a queue
24 and then our bipartisan team of employees have to
25 work that to make sure that the people that go on the

1 rolls ultimately are eligible to be on the rolls and
2 for example, if somebody... I know there's been some
3 talk recently about birth dates. If somebody's
4 missing their birth date on their form now, we send
5 them a voter... a missing information notice to the
6 voter; potential voter and when they send that
7 information back to us, their record is then complete
8 and we put them onto the rolls. So, but in terms of
9 the DMV, the challenge here is the capturing of the
10 signature. The DMV is considered to be a custodial
11 agency for the purposes of the signature. We have
12 not looked at whether any other city agency might
13 also qualify to be considered a custodial agency for
14 the purposes of us, BOE, being able to accept an
15 electronic version of their signature. But even if
16 we stopped short of that, having an electronic... a
17 way for voters to input their information
18 electronically, even if that still meant ultimately
19 that they had to print up a form and sign it back and
20 get it to us, that information would be already in
21 the system and all we would have to do is scan the
22 form in, clip the signature out and put the signature
23 into the completed record and then have it be
24 examined by our bipartisan team. So not having to
25

1
2 decipher handwritings by bleary-eyed employees who
3 are trying to get everybody on the rolls you know,
4 leading up to an election event would be a very, very
5 helpful thing and it would eliminate a tremendous
6 amount of data entry for us.

7 CHAIRPERSON KALLOS: With regards to some
8 of the comments that I offered to the Mayor's Office
9 of Operations, would you agree to reach out to me and
10 this committee and this body to provide assistance,
11 whether it's software that's already been built and
12 six years old or other processes that have already
13 been built and would probably be available for free
14 in order for the Board of Elections to better improve
15 their process, including having that button do two
16 things at once?

17 MICHAEL RYAN: One of the things that our
18 staff is currently working on to make sure that our
19 version ultimately is system independent and doesn't
20 necessarily have to interface with other agencies
21 that way that ours does with the DMV is they're
22 developing a web-based application that will be a
23 separate application for the city agencies; you know,
24 under the present circumstance, those Code 9s and
25 then the same exact thing for the general public

2 except it won't have the Code 9 attachment to it and
3 that's I would say about six months in the offing,
4 but it's under development now and we expect to be
5 able to roll that out and we're targeting 2015 for a
6 lot of things because 2016's going to be a bit of a
7 bear in terms of election events.

8 CHAIRPERSON KALLOS: For what it's worth,
9 the software's already built and you can probably put
10 it up tomorrow or consider it. And then just I'd be
11 remiss if I didn't say thank you for distributing
12 your conflict of interest... sorry, your conflict of
13 interest and close family relative policy. I would
14 love to see a explanation of the difference between
15 what you have and what DOI had provided and then I
16 would remiss if I didn't have you in front of me and
17 didn't ask when the Board of Elections will be voting
18 on posting its... all of its available positions
19 online or for the public.

20 MICHAEL RYAN: Well, first of all, the
21 thanks, and I will accept the thanks on behalf of the
22 Commissioners, but the thanks goes to the
23 Commissioners on the issue of the COIB and the close
24 relative policy. With respect to the job postings, I
25 know that this has been an issue that has been

1
2 discussed in great detail amongst the Commissioners
3 and I'm certain if there is a consensus on exactly
4 how that should be done amongst the Commissioners,
5 then they will vote on that and that will be taken
6 care of.

7 CHAIRPERSON KALLOS: Three of them came
8 in and swore under oath that they would do it at the
9 next meeting.

10 MICHAEL RYAN: I understand and as I've
11 stated here before, it still remains more of a
12 legislative process and you know, you need six and
13 when six Commissioners agree on any policy, whether
14 it be the posting of jobs or any other such policy,
15 then that's the mandate that the Board follows and
16 until that happens, it's not the mandate.

17 CHAIRPERSON KALLOS: Thank you very much
18 and my last question I'm getting older and perhaps
19 more vain, can I put I'm 30-plus so that I can just
20 keep celebrating my 29th birthday or...

21 MICHAEL RYAN: That used to be the case.
22 It is no longer the case. If you do not give us a
23 complete date of birth now when you go to register,
24 you will get a missing information notice and you
25 will not be added to the voter rolls until such time

2 as you provide that information. That was not the
3 case historically. It does have its roots, believe
4 it or not, in what was considered to be a polite
5 question to ask primarily women years ago and if you
6 look at that list of voters to which you refer, it is
7 overwhelmingly, although not exclusively, women, but
8 in terms of its percentage versus the number of
9 registered voters, it's a very, very small percentage
10 and ultimately, while I have a moment and a
11 microphone, a non-story. [laughter]

12 CHAIRPERSON KALLOS: Well, I hope to make
13 it to 169, [laughter] legitimately on the voter
14 rolls.

15 MICHAEL RYAN: If you're interested in
16 technology, perhaps that's going to come to fruition.

17 CHAIRPERSON KALLOS: Thank you. For the
18 Campaign Finance Board, I'm... as a person who tends
19 to be a little bit proactive, I really appreciate how
20 proactive you are and as somebody who tries to be
21 proactive and sometimes still things don't end up
22 happening, in your testimony you did training
23 sessions. You offered it to 18 city agencies, 59
24 community boards. You only had 14 agencies show up,
25 which is actually pretty great and 13, which is

2 slightly disappointing and now I have oversight over
3 community boards and perhaps we should ask them to
4 come by and explain; get a little compliance. But
5 one question is seems like you're doing what you're
6 supposed to be doing and in fact, you're going above
7 and beyond on being proactive, but the Center for
8 Popular Democracy's recent report finds that those 14
9 agencies didn't seem to get the results from what you
10 tried to achieve. What can we do to support it?
11 Would this legislation help or what should Mayor's
12 Office of Operations be considering?

13 AMY LOPREST: I think one thing that's
14 very positive is just the commitment of the current
15 administration to encourage agencies to develop their
16 plans and work the plans and I think that we'll see a
17 lot of result from that. Again, it is disappointing
18 that the results have not been as one would have
19 hoped, but there's always room for improvement in any
20 system and I really... I'm encouraged by the Mayor's
21 commitment to this issue. I think that will help.

22 CHAIRPERSON KALLOS: Thank you for your
23 commitment. In your recent report, you noted that
24 many people have donated that never had before and
25 you also came out with a new report that I really

2 liked and your blog that I'm on the top 10 for most
3 public contributions. I wish I was a little bit
4 higher. I will endeavor for next election cycle.
5 How many of our donors in the CFB are registered to
6 vote?

7 AMY LOPREST: You know, it's interesting.
8 That's actually one of the... a research project that
9 we are starting to engage in to compare the voter
10 registration rolls and contributors. We are in the
11 process of starting that data comparison, so I don't
12 have the answer for you right now, but you know, in a
13 month or so we should have an answer to that
14 question.

15 CHAIRPERSON KALLOS: Perfect. It's my
16 sequel interjoined and it should take about one line
17 of code to compare the folks and take a very short
18 time off the voter file.

19 AMY LOPREST: [interposing] there's a lot
20 of you know, address matched to make...

21 [crosstalk]

22 CHAIRPERSON KALLOS: Yes.

23 [crosstalk]

24 AMY LOPREST: You know, make sure the
25 addresses are the right people.

2 CHAIRPERSON KALLOS: I recommend matching
3 by zip code, first name, last or first initial last
4 name and then doing additional... Art and I can geek
5 out about it later. [laughter] Would the CFB be...
6 it's funny 'cause I was thinking about this. It
7 would be odd to have a candidate running for office
8 that wasn't registered to vote, but as this body has
9 learned, you need to update your voter registration
10 forms sometimes; otherwise, what have you. So is
11 there an opportunity to try to register people who
12 are donors; perhaps through New York City Votes
13 application or what not and allowing people you know,
14 if we can get this fillable PDF to say hey, we can
15 register you and what have you and even mail your
16 voter registration form as part of the New York City
17 Votes app or other point in voting.

18 AMY LOPREST: Well, the app actually does
19 point you now; I mean you can go right to the form
20 that you can fill out on... that's on our website,
21 but, of course, again, it's you know, the kind that
22 you have to print out and sign and mail in. If we
23 develop this portal, which you know, that would be
24 great and so we could always just link into the

2 online portal, which would be a wonderful enhancement
3 you know, and put that right in the app.

4 CHAIRPERSON KALLOS: Yeah, would the
5 Voter Assistance Commission be open to assist in the
6 Board of Elections in the city with an online portal?

7 MICHAEL RYAN: Absolutely.

8 AMY LOPREST: We're always happy to help
9 them.

10 CHAIRPERSON KALLOS: Would the Board of
11 Elections be friendly to assist in some...

12 MICHAEL RYAN: [interposing] With
13 finances as well. [laughter] Yes, absolutely and as
14 you may know, I'm... as my position as Executive
15 Director, I'm a de factor member of the Board of the
16 Voter Assistance Advisory Committee and I certainly
17 enjoy a close and cooperative relationship Miss
18 Loprest and Mr. Chang and I'd make every effort to be
19 at those meetings when my schedule allows. Sometimes
20 when election events occur it's not possible, but
21 yes.

22 CHAIRPERSON KALLOS: And with my
23 apologies; I've gone a little long because I enjoy
24 working with the panel, I'd like to recognize Council
25 Member Williams.

2 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
3 Chair. Thank you so much for your testimony. I
4 think most of my questions will probably be for the
5 Board of Elections, but anyone can chime in. I do
6 want to focus on... it seems I think you have some of
7 the similar privacy concerns that the Mayor's Office
8 has. Is that correct?

9 MICHAEL RYAN: Yes.

10 COUNCIL MEMBER WILLIAMS: Uh-huh. Now,
11 first I wanted to ask... this is probably a strange
12 question, but do the registration cards expire at any
13 point? Like 10 years ago if I found one can I fill
14 it out and send it in or what's the deal?

15 MICHAEL RYAN: No, the registration forms
16 don't expire, but some of the older forms, depending
17 on how far you go back might not have all of the
18 information that we collect now, but if you filled it
19 out and sent it in and it meets the... you know,
20 otherwise met the requirements we would send you a
21 missing information notice in the event that you left
22 something off or that something wasn't on that form
23 that's on the current forms.

24 COUNCIL MEMBER WILLIAMS: So out of the
25 hundred and some odd thousand last year, for example,

2 that were given to the agencies, do we know how many
3 they actually sent out?

4 MICHAEL RYAN: We don't know that. what
5 we do know is how many we got back and that number is
6 4,339.

7 COUNCIL MEMBER WILLIAMS: Do... is there
8 a count of like do we know if they have 10,000 left
9 so we don't have to give them another 10,000 or we
10 just give it to them anyway?

11 MICHAEL RYAN: We respond to the agencies
12 based on request, so when they request additional
13 forms, we process the request and we give it to them.
14 You know, interestingly enough, I don't know that we
15 necessarily need to be in the voting form
16 distribution businesses. The vendor that is used is
17 a vendor that's commonly used amongst many city
18 agencies and perhaps it could be done more directly
19 and we don't need to be the middle man necessarily
20 and that would be a more efficient system in my
21 opinion, but again, being clear, those are just
22 operational concerns. Whatever is mandated by the
23 City Council, we will certainly follow.

24 COUNCIL MEMBER WILLIAMS: And I just
25 wanted to understand again. I think... and I missed

2 some of it, but there are some parts that I think
3 you're saying of the information on the form that
4 does become public or doesn't, so can you repeat that
5 again?

6 MICHAEL RYAN: There's only... as we
7 understand it, there's only four items pursuant to
8 Election Law Section 3-220, subdivision 1. If a
9 voter has a driver's license, their driver's license
10 ID number does not get made public. If they're a
11 non-driver and they have a DMV issued non-driver ID,
12 that doesn't get made public. The last four digits
13 of the social security number do not get made public
14 and if you have a fax number... I don't know why a
15 fax number is differentiated from an email, but it
16 is. I guess they don't want people's you know fax
17 machines running out of paper.

18 AMY LOPREST: [interposing] So you can't
19 have an update of the election.

20 MICHAEL RYAN: But... right? But in any
21 event, those are the four items that we're presently
22 precluded from giving out, so based on the
23 conversation that happened earlier, we believe that
24 we would be required to publish any other information
25 and there may be some sensitive agencies obviously.

1
2 COUNCIL MEMBER WILLIAMS: How do you cull
3 that information?

4 MICHAEL RYAN: It's a Code 9 and it's
5 called Automated Way by the computer.

6 COUNCIL MEMBER WILLIAMS: Mm-hm. So
7 we're just saying that if we put this code on, even
8 if we said don't make it public, you believe you
9 would have to make it public.

10 MICHAEL RYAN: Based on the current
11 iteration of State Election Law. Again, with
12 respect, Council Member, we have an election coming
13 up in a week and a half. We got this notice last
14 week. We didn't really dive deep into it or reach
15 out the State Board of Elections to see whether they
16 had an opinion, so I don't want to make an
17 authoritative statement today when I'm really not
18 prepared to do so. It's simply a concern and I know
19 that we have lawyers that work for us and the Council
20 has lawyers and I think we could all put our heads
21 together and I think the conciliatory tone that is
22 struck here between the administration and the
23 Council; there's a lot of smart people; we should be
24 able to figure out a way to make this problem go
25 away.

2 COUNCIL MEMBER WILLIAMS: Okay, thank you
3 very much.

4 MICHAEL RYAN: Okay.

5 CHAIRPERSON KALLOS: Last question to
6 Campaign Finance Board. There's an electronic Voter
7 Guide, an online Voter Guide this year. What is the
8 URL where anyone watching this or anyone from the
9 press can report so that any New Yorker; anyone in
10 New York City can find out what's going to be on the
11 ballot and who's going to be on the ballot, the
12 various propositions and all sorts of links to the
13 candidates and further information?

14 AMY LOPREST: Well, the main URL is
15 www.nyccfb.info. I have to check. Usually there is
16 a separate URL that's just nycvoterguide.org, but I
17 have to check on that, but if you go to our main page
18 you would be able to link right to the Voter Guide.

19 CHAIRPERSON KALLOS: How long before we
20 have nycfb.nyc?

21 AMY LOPREST: Well, you know, now we
22 have... we own those... we registered for those URLs
23 when they first proposed them, so we will be adopting
24 them soon.

1
2 CHAIRPERSON KALLOS: Thank you very much
3 for your participation. As always, it's a pleasure.
4 I'd like to call up the last panel. It consists of
5 our brothers and sisters in the good government, from
6 which I recently no longer get to serve quite. I am
7 just perhaps an honorary member. Steven Carbo from
8 the Center for Popular Democracy; Denora Gatitu from
9 Brennan Center for Justice at NYU School of Law; Neil
10 Rosenstein from New York Public Interest Rights
11 Group; Kate Dorin from the League of Women Voters of
12 the City of New York and Rachel Fauss from Citizens
13 Union. While we are all getting seated and moving
14 about, I would like to take a moment to thank them
15 for their recent report that came out this week. I
16 do not comment as to whether or not we timed this
17 hearing to coincide with that report, but we do thank
18 them for that. This report follows up on a report
19 originally done by the City Council several years
20 back and the City Council no longer has an Oversight
21 and Investigations team in the same way that we once
22 did before. I also want to apologize for the fact
23 that the previous two panels were a little bit longer
24 than they should have been or could have been and I
25 just want to ask everyone who is watching on

2 television or online to please take a look at the
3 report put out by all of these agencies. You can
4 find it at populardemocracy.org. It's entitled, "A
5 Broken Promise: Agency-based Voter Registration in
6 New York City," and without further ado, I'd like to
7 ask for the panel to please go and the only thing I'd
8 request is we have a whopping 20 or so minutes left,
9 so to the extent you're able to abbreviate your
10 testimony and give quick summaries, that will allow
11 us to have conversation, but otherwise, I'm happy to
12 let you guys and gals go until we get kicked out at
13 1:00. [background voices] I will not be swearing you
14 in, but I [laughter] hope that you will be truthful
15 in your statements.

16 STEVEN CARBO: Thank you for that level
17 of trust. Good morning, Mr. Chairman. My name, of
18 course, Steven Carbo, Center for Popular Democracy
19 and I want to thank you for the opportunity to appear
20 before the committee today and thank the committee
21 for convening this hearing on an issue, which I think
22 it's crucial to the vibrancy of our democracy, which
23 is the extent to which voter registration
24 opportunities are being offered in New York City and
25 we, of course, know that voter registration is the

1
2 number one barrier to the vote, with about 25 percent
3 of Americans across the country unable to vote; case
4 a ballot November 2012 simply because they weren't
5 registered to vote.

6 Agency-based voter registration is, of
7 course, a critical resource around the country and
8 particularly in New York City, where so many New
9 Yorkers don't have a driver's license, are not going
10 to the DMV and are not being offered voter
11 registration opportunity there, as so many other
12 Americans do around the country. Agency-based voter
13 registration is particularly effective we know
14 because of data that's come out of the NVRA, the
15 federal requirement for public agencies under the
16 federal statute. Good programs are registering 15 to
17 20 percent of agency applicants. I stress that
18 because I think that's the kind of goal and the kind
19 of outcome that I would hope that we would set for
20 ourselves here in New York City.

21 We've heard a lot of reference to the
22 report, of course, today and I don't know that I need
23 to belabor the point about how poor performance was
24 across a whole range of measures in our
25 investigations and in our interviews of clients

1 outside of agencies; in our interviews of agency
2 staff inside in the 14 sites that we visited over the
3 summer, but it is clear that the pro-voter law up
4 until that point has been an abject failure. And so
5 fast forward, certainly to July 11th and the Mayor's
6 Directive Number 1; our conversations with folks in
7 the Mayor's Office since then; our conversations with
8 your office and others on the Council, we are very
9 hopeful that we can turn the page and perhaps for the
10 first time in 14 years actually have the pro-voter
11 law implemented.
12

13 We, of course, have a number of specific
14 recommendations and ideas on how the promise of the
15 law can be realized and myself and my colleagues will
16 highlight them in a time that we have today, but
17 certainly look forward to continuing our
18 conversations with you; your staff; with the Mayor's
19 Office about those specific recommendations that can
20 make all the difference in terms of voter
21 registration opportunities here in this city. We've
22 got to train all the employees effectively and that
23 the training protocols need to get down to the level
24 of the frontline staff, which we found was not the
25 case. 11 of 11 such people that we talked to

1 admitted that there was no training for personnel at
2 the agencies. We need to establish comprehensive
3 protocols on how it'll all be implemented and we
4 think that that should happen by the end of the year.
5 There is some urgency. It was a tremendous lost
6 opportunity under in the city; in the agencies this
7 year when over 30 percent of the people that we
8 talked to were not registered to vote and now at this
9 point in time have missed their opportunity. If they
10 have not otherwise registered through some other
11 means besides the... apart from the agency
12 interactions, they've lost their opportunity now to
13 vote on November 4th. So there is some urgency that
14 we move expeditiously to turn around the ship and
15 certainly by the next election cycle we would hope
16 that we would be singing a different tune, but we can
17 make a lot of progress before then and we need to see
18 some progress I think by the end of the year on some
19 of these issues.
20

21 Subcontractors need to be providing the
22 services. We need... agencies need to be asking for
23 the metrics from the subcontractors so that we know
24 that they're fulfilling their legal requirement. We
25 need physical integration of voter registration forms

1 into the agency application forms. I would highlight
2 that the ACS was one we... through our Freedom of
3 Information Law request we found that ACS is using an
4 integrated form. That integrated form originates
5 from the state because they are providing some of the
6 services that are required for which a voter
7 mandate... voter registration or mandate is triggered
8 under federal law. I think the fact that ACS and the
9 federal law... I think we should look at it as a
10 model for what the city agencies can do in the
11 future.
12

13 A number of our recommendations directly
14 track what is required under federal law. Data
15 collection and data reporting, for instance, for
16 which there was a conversation earlier. There are
17 specific mandates in federal law, which apply to HRA,
18 a city agency today, because they provide a service
19 that triggers the federal statute that where they're
20 tracking the number of people who are offered voter
21 registration; the number of people who are accepting
22 that offer; the number of people who are declining
23 that offer and that data must be maintained for
24 certain periods of time. So to the previous
25 conversation about metrics, we can actually look to a

1 city agency today and look to see how they're
2 capturing the data and how they're maintain the data,
3 which goes directly to whether people are being
4 offered voter registration or not. So we don't need
5 to reinvent the wheel on much of this and certainly
6 data collection is one of those issues.

8 One of the recommendations that we've
9 suggested was a mayoral appointment. A city level
10 coordinator on this program I think will be helpful.
11 We heard that there agencies who are designating
12 people at the agency levels to coordinate. I think
13 that's a step in the right direction. Voter
14 Assistance Advisory Commission can perhaps play a
15 stepped up role in terms of being an independent
16 monitor of what's happening at the agencies. So my
17 colleagues will touch on some of the other issues
18 around metrics and around comprehensive monitoring
19 programs; mandating the kind of assistance that
20 should be offered, not only as Chairman Kallos, you
21 suggest in your bill. I think it... the pro voter
22 law canon should follow the federal statute in terms
23 of offers of assistance, electronic transmission of
24 forms and, of course, expansion of the law to reach

2 some high traffic agencies, as was discussed earlier,
3 like NYCHA and the Department of Education.

4 So in closing, agency-based registration
5 and the pro-voter law, is a very, very powerful tool
6 to help Americans... residents of the City of New
7 York access to vote. I think we have an opportunity
8 here to not only realize the promise of the pro-voter
9 law in New York City, but to really serve as a model
10 for the rest of the country in terms of what forward
11 thinking progressive municipalities can do to try to
12 help engage citizenry in elections. Thank you.

13 CHAIRPERSON KALLOS: Thank you.

14 DENORA GETACHEW: Good afternoon, Chair
15 Kallos and Committee Council and members of the
16 audience. My name is DeNora Getachew. I am the
17 Campaign Manager and Legislative Counsel at the
18 Brennan Center for Justice. I thank you for the
19 opportunity to testify today and in light of the
20 timing, I will keep my remarks brief, but I can
21 guess... I bet you can guess what I'm going to talk a
22 lot about during my testimony.

23 As you are probably familiar with, the
24 Brennan Center is a nonpartisan law and policy
25 institute that focuses on issues of democracy and

1 justice. Among other things, we work to ensure fair
2 and accurate voting procedures and systems and that
3 every eligible American can participate in elections.
4 We work on these goals nationally, as well as in New
5 York, where we're based.

6
7 As I alluded to, my testimony today will
8 focus on efforts to expand voter registration
9 opportunities at city agencies, including most
10 notably, the Brennan Center's Voter Registration
11 Modernization proposal to establish electronic
12 registration at agencies that are already supposed to
13 be conducting voter registration. I will
14 specifically request that this Council expand voter
15 registration opportunities at city agencies by
16 electronically transferring voter registration
17 information directly to the Board of Elections. And
18 as you heard Mike Ryan talk about today, while the
19 Board didn't empower him to come out and support that
20 proposal, he did say that it would help ease
21 operations at the Board of Elections offices.

22 Our research shows that implementing
23 electronic registration at agencies reduces long
24 lines and Election Day chaos, as well as increases
25 voter registration rates, reduces the cost of

1 administering the system and curbs the potential for
2 fraud. While our work nationally on this issue
3 relates to agencies that are bound by the NVRA, which
4 has been in effect much longer than the city's pro-
5 voter law, there is still some work that can be done
6 at the city level to improve this effort. In
7 particular, I would highlight you know, to date that
8 our agencies both as we were trying... I mean our
9 organizations as we were trying to engage in the
10 investigations and research related to our joint
11 report, "The Broken Promise," we came across a lot of
12 information that Steve talked about; that agencies
13 are actually not you know, registering voters in the
14 ways they should be doing it and in fact, are
15 squandering that opportunity.

17 As we think about how to move this
18 forward, we engaged both the Council and the
19 administration in a dialogue about our
20 recommendations and I'm you know, dissatisfied I
21 think to the point today that we still haven't gotten
22 much clarity from the administration; one, about the
23 contents of the plans, when they plan to release them
24 to the public, how they're going to hold agencies
25 accountable for you know, putting forward their best

2 effort with those plans and actually registering
3 voters in a meaningful way. So I would say that
4 hopefully our allies are in agreement about the fact
5 that this hearing should have presented an
6 opportunity for some concrete answers that still
7 remain unaddressed.

8 So consistent with the Brennan Center's
9 work nationwide to encourage states to modernize
10 voter registration, Council Member Kallos, I would
11 strongly encourage you to amend Intro 493 to require
12 agencies that conduct voter registration to do so
13 through an electronic system and that updates to
14 voter registration should just go directly from the
15 agencies to the Board of Elections in a seamless and
16 electronic way. Similarly, any future Council
17 legislation that you consider should include a
18 mandate to develop electronic registration at
19 agencies and incorporate the other recommendations
20 included in our joint report.

21 I'll just give you a quick summary about
22 the benefits of electronic registration, although I'm
23 sure you're already familiar. As I mentioned, it
24 would ease the voter registration process for the
25 agencies that are already doing this. It would make

1 it a seamless part of the transaction, so instead of,
2 as the Board of Elections and the administration
3 spent a lot of time talking about, offering someone a
4 piece of paper in 2014 when they're already
5 conducting business with a government agency that has
6 the underlying information, you would instead say,
7 "DeNora, you know, you completed this transaction
8 today. Do you mind if I use this information on file
9 for voter registration purposes?" "Yes, I would
10 greatly appreciate that." They'd capture the
11 signature in a way that you know, is consistent with
12 the Board mandates in that regard or as Mike Ryan
13 said in his testimony, sign a piece of paper which
14 the Board can later scan. I think that was a good
15 step forward on his part to making sure that we can
16 find ways to embrace this use of technology and
17 implement this user-friendly solution. And then I
18 would just note that this is not a new idea. One, as
19 Steve mentioned, the NVRA's been in place since 1993
20 and there are 28 states that are already doing
21 electronic voter registration at agencies, so this is
22 not... you know, while I respect greatly the City
23 Council and the work they're doing and the
24 administration as well, this is not a new idea. If a
25

1 majority of the states nationwide can get this right,
2 we can get this right here at the city level and more
3 importantly, there's a precedent already for doing
4 this. The DMV is transferring all of its voter
5 registrations that it receives electronically
6 throughout the city and so that's a big step forward.

7
8 And so I would just note that you know,
9 we continue to look forward to working with you and
10 your Council colleagues, as well as the
11 administration to bring all the reforms that we've
12 identified to a future piece of Council legislation
13 and to most importantly bringing electronic
14 registration to the city.

15 CHAIRPERSON KALLOS: Thank you. I admire
16 your speed reading and I [laughter] apologize to the
17 transcriptionist.

18 RACHEL FAUSS: Hi, good afternoon, Chair
19 Kallos. I'm also going to be as brief as I can. My
20 name is Rachel Fauss. I'm the Director of Public
21 Policy at Citizens Union.

22 We're pleased that the hearing is being
23 held today to discuss both compliance, as well as
24 legislative solutions. I think given that our report
25 pointed out widespread failure by agencies, and I

1 won't belabor you with the statistics. We all know
2 how bad voter registration is, but you know, 48th in
3 the nation in 2010; 43rd in the nation in 2012. In
4 the Democratic Primary for Mayor only 21 percent of
5 registered voters turned out and so many more were
6 not even registered to vote. I think while we're
7 encouraged by the directive, the staggeringly low
8 voter participation rates indicate that we can and we
9 must do better on this issue to address the lack of
10 voter participation in our democracy.

12 Citizens Union and our colleagues have
13 outlined a path forward with our report to address
14 comprehensively how to fix this problem. It's our
15 hope that these recommendations will inform both the
16 administrative action, but as well as a Council
17 response to update and codify our recommendations to
18 ensure that New York City's program is a national
19 model. The two bills on the agenda for today help
20 embody some of the important components in a
21 comprehensive program.

22 I wanted to address Intro 356 a little
23 bit, given that Citizens Union worked with Council
24 Member Williams in drafting that bill. The
25 accountability there is I think is extremely

1 important, especially if we're going to move to an
2 approach where self-mailers are attached to forms for
3 agencies. That's going to encourage voters to take
4 those home. That's not going to encourage them to
5 give them back to the agency to then send to the
6 Board where that tracking would be possible. If
7 we're going with an approach in the interim as we
8 move toward electronic registration of self-mailers
9 attached separately, there's not going to be an
10 incentive for voters to fill out yet another piece of
11 paper; give it back to the agency staff. I think
12 it's a missed opportunity to not explore the ways we
13 can code those forms to track by agency because we're
14 missing an important piece of data if the voter takes
15 that home. We have no idea what agency that form
16 came from if we only have a simple Code 9.

17
18 And obviously your bill, Council Member
19 Kallos, I think it's also another important marker
20 that there's more we can do on this issue. You know,
21 I think Steve and others have talked about the
22 accountability metrics. I'm not going to belabor the
23 point, but I think what's important is that we're not
24 reinventing the wheel. NVRA has some important
25 metrics that are done. The declinations, for

1
2 example, that are done at some city agencies already
3 to find out if someone who came in decided actually I
4 don't want to register to vote. That's another
5 important part of data that's not in the city system
6 that could be.

7 Another reason why legislative
8 codification of these recommendations is important is
9 that the Mayor's directive doesn't address two
10 agencies. It doesn't address the City Clerk because
11 of the role of the City Council in that appointment
12 and it also doesn't address the community boards. So
13 without their... we don't have plans from the City
14 Clerk's office and we don't have plans from the
15 community boards on how they're planning to implement
16 the law.

17 So lastly, I just you know, indicate that
18 you know, while we are working with the
19 administration you know, we haven't yet seen the
20 plans and I think a Council legislation would be very
21 helpful to ensure that there are minimum standards
22 for those plans.

23 NEIL ROSENSTEIN: Thanks. I'll also be
24 very brief. Good afternoon. My name is Neil
25 Rosenstein. I'm the Government Reform Coordinator

1
2 for NIPIRG. It's a pleasure to be speaking before
3 you today. I was here 14 years ago speaking at the
4 advent of pro-voter and it's good to see some of the
5 provisions that were weakened by Mayor Giuliani and
6 the threat to the Council being considered for re-
7 inclusion in the law and the legislation that you
8 have before us today.

9 I just want to say some important things
10 to put in context. One, another set of stats about
11 why pro-voter is so important when we have motor
12 voter and the answer is clear: 52 percent of city
13 residents have driver's licenses. For the rest of
14 the state that number is 92 percent. There's a
15 tremendous gender gap as well. 63 percent of male
16 residents in New York City 18 and over have a
17 driver's license. 43 percent of women do. 450,000
18 more women living in New York City; 400,000 less
19 driver's license holders than men for women. That's
20 what pro-voter is supposed to address. That's why
21 strengthening it in the way the Council's considering
22 is so important.

23 I must tell you we're hopeful the de
24 Blasio administration will properly implement the law
25 and Mayoral Directive 1 is a great opportunity to

1 right past wrongs and we're heartened by the
2 testimony today from Commissioner Tarlow, but minimal
3 Compliance isn't enough. The city needs to integrate
4 each of the optional improvements allowed under
5 current law like verbal assistance or it will be a
6 grave disappointment, and within a year DOE and NYCHA
7 need to be added to the list of agencies. That's
8 enough time. If the Mayor is serious about boosting
9 voter participation, he needs to figure out how to
10 get that done.
11

12 Focusing on verbal assistance, as early
13 as '86, Mayor Koch issued an Executive Order, which
14 required that designated employees would assist the
15 public in filling out voter registration forms.
16 We're now what, 30 years later and we still haven't
17 figured it out, despite 14 years of the pro-voter law
18 on the books. Our old report showed 84 percent of
19 agency officials even failed to provide voter
20 registration forms, so how were they going to provide
21 verbal assistance? We need verbal assistance. We
22 need training. We're going to take the Mayor at
23 their word, but it was pointed out earlier by a
24 member, this Council needs to put it into law because
25 maybe the next Mayor may not be so accommodating.

1
2 I'd just like to end in reflecting on
3 this whole debate that was going back with coding,
4 coding, coding and privacy. Privacy is very
5 important. We want nothing that will detract from
6 folks filling out voter registration forms. There's
7 an easy answer. That says coding. It's doesn't say
8 give them a Code A; it doesn't say give them a Code
9 B; it doesn't say give them a Code C. Bar code the
10 forms, a simple solution or you add the word bar
11 coding to it. A bar code is virtually
12 indecipherable. It will protect the individuals'
13 identities if there's a petition challenge and we
14 will get the kind of reporting; we will get the kind
15 of information and metrics about exactly how many
16 people register through that kind of a system. And I
17 should say the Board of Elections, though they've
18 improved, doesn't always enter the codes if you
19 physically put them on the form. It takes a worker
20 to do and they concentrate on the name, the address
21 and that information and we know that those codes
22 aren't always entered and they haven't been in the
23 past. So I just wanted to end with that and
24 realize... I want to hand it over to Kate so she has
25 some time too.

2 KATE DORAN: Thank you.

3 CHAIRPERSON KALLOS: A just quick yes/no
4 from Citizens Union. Would you be friendly to adding
5 the word bar code?

6 RACHEL FAUSS: [off mic] Absolutely.
7 Absolutely.

8 CHAIRPERSON KALLOS: Perfect. Thank you
9 and thank you all for being so brief and thank you to
10 the folks who are waiting for the 1:00 hearing. We
11 are wrapping up a hearing on agency-based voter
12 registration and expanding the franchise.

13 KATE DORAN: Okay. [applause] Okay, good
14 afternoon, Chair Kallos. Good afternoon, David. I
15 am Kate Doran from the League of Women Voters. For
16 over 95 years now, voter registration has been a real
17 big priority for the League of Women Voters, so we're
18 very happy to be here.

19 Assuming that it's fully consistent with
20 all state and federal laws designed to protect the
21 privacy of citizens registering to vote, we would be
22 in support of Intro Number 356 to amend the New York
23 City Charter in relation to improving compliance with
24 the city's pro-voter law. The use of coded voter
25 registration forms can be viewed as reasonable and

1 necessary for the collection of data in order to
2
3 determine compliance related sections of the charter.
4 We would certainly endorse bar codes. We are pleased
5 to see the additional requirement that the Board of
6 Elections and the city provide a listing of the
7 number of coded registration forms distributed and
8 returned, but we would hope that they ultimately
9 would not have to be distributed.

10 We support Intro 493, local law in
11 relation to expanding agency-based voter registration
12 to additional city agencies, assuming it can be done
13 through a local law. We endorse the mandating
14 language of "shall" replacing "may" in connection
15 with providing assistance to applicants and
16 transmitting forms; however, we believe, as my
17 colleagues have said, that these proposed laws can be
18 better and can do more.

19 The League of Women Voters has previously
20 testified before this committee December of 2013 that
21 we strongly support online voter registration and the
22 expansion of it. It's more accurate, more secure,
23 less expensive than paper registration and we know
24 that the Board of Elections is no longer receiving
25 any paper from the DMV and they're very comfortable

2 with that process. We suggest that these laws be
3 amended to include a provision for... explicit
4 provision for collaboration between the agencies and
5 the Board of Elections to transition from paper to
6 electronic within a reasonable period.

7 And I want to just say quickly that I
8 really appreciated DeNora's comment about the being
9 asked when encountering or engaging with a city
10 agency and Neil's comment about the verbal assistance
11 being essential. In a conversation just Tuesday with
12 an executive member of the Board of Elections, I
13 learned that thousands and thousands of these paper
14 registrations come back from the city agencies and
15 the box is checked that says I'm not a citizen. Now,
16 why should that even be happening? So we need to get
17 away from all this paper and we need certainly to
18 have a mandate of verbal interaction between the
19 citizen who wants to vote and the agency rep who's
20 speaking with them. Thank you very, very much and...

21 CHAIRPERSON KALLOS: I just want to thank
22 this panel. I want to apologize that we won't be
23 able to engage in full vigorous conversation as part
24 of this hearing. For members of the public, people
25 watching on television, you can comment on my bill on

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 10/29/2014