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Committee on Governmental Operation Council of the City of New York

Oversight Hearing – New York City’s Early Voting Rollout

November 25, 2019

Chair Fernando Cabrera and members of the New York City Council's Committee on Governmental Operations, thank you for the opportunity to appear before you on behalf of the Board of Elections (Board). I am Michael J. Ryan, the Executive Director of the Board. Joining me here at the table is the Board's Deputy Executive Director.

Also present at today's hearing are the Board's:

- Pamela Perkins, Administrative Manager
- Georgea Kontzamanis, Operations Manager
- Raphael Savino, Esq., Deputy General Counsel
- Valerie Vazquez, Director of Communications and Public Affairs

The Board, pursuant to New York's Constitutional and statutory mandates is a bipartisan ministerial agency headed by a 10 member Board of Commissioners, and is charged with managing the electoral process within the City of New York. The Board conducts elections and its other activities in accordance with the provisions of the New York State Election Law, State Rules and Regulations, applicable provisions of federal law and several judicial determinations. Given the Board's ministerial authority, the Commissioners have directed that input shall be directed to practical implementation, without endorsement of any particular legislative proposals.

This year has seen the enactment and implementation of the most dramatic and far reaching changes in New York's electoral system in at least a decade. On January 24, 2019 the Governor signed four bills into law including bills providing for 1) a consolidated primary and revised election calendar 2) early voting 3) pre-registration of 16 and 17 year olds and 4) state-wide voter registration and enrollment transfer.

The Board began to evaluate the operational impact of conducting early voting prior to the passage of the enabling legislation. Under New York State Election Law § 7-106 Election Day ballots must be printed on a "sheet with a stub...separated by a line of perforations extending across the entire ballot" and if consisting of two or more sheets they "are divided into perforated sections which can be separated at the time the ballot is scanned."

In addition, poll books must be printed on paper and made available at each polling location. The current practice is to print poll books specific to each election district.

The Board is presently engaged in the post-election process of casting and canvassing the votes of approximately 750,000 voters (over 60,000 of whom voted early) within the City of New York. The first period of Early Voting was conducted in the State of New York from October 26, 2019 through November 3, 2019 and the General Election was conducted on November 5, 2019. The completion the post-election canvass process and certification of the election is expected on December 3, 2019.

The City Board is committed to continue working with each of you in our mutual efforts to enhance the voting process and to improving the free and independent exercise of the voter franchise for those eligible in the City of New York. Your invitation asked the Board to provide with testimony relating to implementation of early voting for the 2019 General Election.

As the Committee members are aware, Early Voting was enacted into law on January 24, 2019. The timeframe to plan and implement early voting, considering its particular complexities was extremely compressed. The Board actually began initial planning as it became clear early voting was to become a reality. Immediately upon passage of the legislation the Board commenced development of a full early voting operations plan.

The Board determined that implementing Early Voting and the related requirements without utilizing electronic poll books and a ballot on demand system would be virtually impossible. The Board worked closely with the State Board on to ensure readiness to implement both upon statutory authorization.

The authorization for the use of electronic poll books was

enacted into law on April 12, 2019. On June 6, 2019 the State Board approved the list of authorized electronic poll book vendors. The close coordination with the State Board allowed the electronic poll vendor selection process to be completed by the Board on June 11, 2019. Without extensive planning and an aggressive implementation schedule, the Board would not have been able to successfully implement early voting.

Ultimately, the Board designated 61 locations for use as early voting poll sites, throughout the five boroughs, as follows: Brooklyn – 18, Bronx -11, Manhattan – 9, Queens – 14 and Staten Island – 9 (while no county was required to utilize more than 7 locations). The Board conducted Early Voting for 74 hours over the 9 day period (14 hours more than the statutory requirement and 8.3 hours more than the statewide average).

The Board procured electronic poll books from one of the vendors approved by the New York State Board of Elections. A total of 490 devices were deployed for early voting (an average of 8 per poll site). In addition, each e-poll book was paired with a Ballot on Demand (BOD) printer.

The pairing of these devices permitted the Board to provide ballots specific to the election district of the voter, avoided the unwieldy stockpiling and expense of pre-pre-printed paper ballots and the impossible task of distributing ballots in a “pick and pull” fashion to provide to voters.

The feedback from voters and poll workers regarding the electronic poll books and ballot on demand system utilized at early

voting locations has been overwhelmingly positive. The voters were impressed with the speed and convenience. The poll workers were impressed with the efficiency and ease of use.

In the lead up to early voting, the Board worked closely with interested stakeholders to create an effective poll worker recruitment/public education program. The Board engaged in a multi-dimensional public outreach effort and a complete overhaul of agency branding. The effort included comprehensive media advertising in citywide, local and various language-specific newspapers. This effort commenced in July 2019 for poll worker recruitment and resulted in an additional 14,500 individuals added to the poll worker pool.

In September 2019 the transition was made to voter education. The Board sent a mailing to all 4.7 million active voters to provide early voting and Election Day poll site information and other general information in October 2019. In addition, the Board expanded its digital media footprint to include a comprehensive media buy that blanketed available platforms (i.e Facebook, Twitter, News Publications and Community/Language Publications, etc.) The Board purchased outdoor advertising on subways, buses, the Staten Island ferry terminal and Link NYC kiosks. Here are some examples of the effectiveness of the Board's digital efforts:

- Newspaper circulation 32.9 million
- Digital media buy including Facebook, Twitter, Snapchat and Instagram had a total of 64 million impressions

These efforts were done in conjunction with the launch of Board's completely overhauled website. The new site is extremely user-friendly and includes a "voter lookup" feature. This feature

allows a voter to check their specific registration and directly links to the Board's poll site locator. All of the information a voter may require is quite literally a click away. It is worth noting that the website is now optimized for mobile use and complies with the Americans with Disabilities Act.

The introduction of new technology into the poll sites required increased wireless connectivity demands. To ensure uninterrupted connectivity the Board procured Cradle Point Routers for use at each of the 61 Early Voting locations. These devices have the capacity to service up to 100 devices and are equipped with SIM cards from 2 wireless devices to leverage redundant processing capacity and to ensure seamless connectivity. The Board staff worked closely with the vendor to customize a military grade pelican case that was both locked and tamper evident sealed to ensure security.

The increased technology presented additional electrical demands at the early voting locations. The Board worked closely with site partners to determine the electrical capacity of each location to ensure that all equipment would function properly during the hours of early voting. The Board procured electrical 61 generators to function as both primary and backup power sources at early voting locations as needed. There were electrical generators deployed for 9 days of early voting at 49 of the 61 early voting sites.

While the focus of this hearing is on early voting, the Board's remains responsible to conduct traditional Election Day voting. Toward that end, the Board trained 37,378 poll workers from August 5, 2019 through October 25, 2019. The Board also provided enhanced training for the 6,140 poll workers required for early voting

from October 1, 2019 through October 25, 2019.

The Board implemented the use of 4,714 electronic poll books distributed to all 1,247 poll sites on Election Day. Given the use of electronic poll books on Election Day, the Board addressed connectivity requirements by deploying the above-referenced Cradle Point routers to all 1,247 poll sites on Election Day.

As stated above, more than 60,000 New York City voters voted during the nine day early voting period – over 12,000 of which voted on November 3, 2019 – the last day of early voting.

Early voting was well-received by both the voters and the poll workers. The new equipment used to conduct early voting has been given positive reviews by the poll workers and the voters.

Apart from Early Voting, a recommendation of the Commissioners of the City Board of Elections to combine the Federal Office (in even years) and State and Local Office Primary Elections into one consolidated Primary Election Day and adjustments to the election calendar to provide adequate time for the administrative hearing process for ballot access and timely judicial review was enacted by the New York State Legislature was signed into law by the Governor.

I must extend a particular note of gratitude to all of the Board staff in the Borough Offices and the General Office for the hard work and dedication displayed to make both early voting and Election Day 2019 successful. Voting is not possible without the men and women who work long days over a period of months prior to each election planning for each event.

I must also recognize the poll workers, their collective enthusiasm and their embracing of the new technology at the poll sites which will continue to better serve the voters in the years to come.

The Board appreciates the outstanding working relationship enjoyed with the New York City Council and looks forward to continuing our cooperative work toward improving the electoral process, early voting and

increasing voter participation.

As always, we are ready to answer any questions you may have.

TESTIMONY
presented by
Rini Fonseca-Sabune, Chief Democracy Officer
Office of the Deputy Mayor for Strategic Policy Initiatives
New York City
before the
New York City Council
Committee on Governmental Operations
on the subject of Oversight - New York City's Early Voting Rollout
on **Monday, November 25, 2019 at 1:00pm**

My name is Rini Fonseca-Sabune, and I am the Chief Democracy Officer for New York City. Thank you to Chair Cabrera and members of the Committee on Governmental Operations for holding this hearing and for the opportunity to testify before you today on early voting.

The DemocracyNYC initiative aims to increase voter registration, participation, and civic engagement in New York City. DemocracyNYC was created with the guiding principle of making civic engagement more accessible to all New Yorkers, including making the act of voting easier.

The Administration worked closely with the City Board of Elections and other stakeholders on the historic implementation of early voting for the 2019 General Election. We also rolled out a robust communications campaign across New York City, including advertisements in the subway, Staten Island Ferry, local and ethnic media, social media, and LinkNYC; as well as robo calls to all registered New Yorkers. Additionally, we partnered with the Mayor's Office for People with Disabilities and the Campaign Finance Board to create the City's first-ever video voter guides American Sign Language (ASL).

Congratulations and thank you to everyone who played a part in what was a very intense effort these last few months – thank you to the Council, the State Legislature, the State and City Boards of Elections, advocates and others for all you have done to make voting easier and more accessible for New Yorkers.

I personally voted early on a weekend - with my children and at our leisure. It was a great opportunity for us as a family to share a stress-free civic engagement experience, and I look forward to taking advantage of early voting during future elections.

Building on the smooth initial roll out of early voting in 2019, the Administration recommends that the City BOE further improve early voting for the 2020 elections by:

- Increasing the number of early voting sites;
- Moving to county-wide voting;
- Moving toward a combination of large voting centers and smaller neighborhood sites;
- Increasing early morning and late evening hours; and
- Finding alternatives to NYC Department of Education sites.

We view these recommendations as consistent with both the letter and spirit of the early voting law, and in particular the clear preference for county-wide early voting and for high-population areas to have a sufficient number of early voting poll sites.

The Administration looks forward to continued work with the BOE and our city and state partners to build upon the great work that has already been done.

* * *

Review of Early Voting 2019

As a whole, early voting in New York City went well and was appreciated by those who were able to take advantage of it. Reports from those that voted early included that the roll out of new technology, and the nine extra days to vote, together made early voting a relatively quick and easy process.

Preliminary data for the election indicates that the percentage of New York City residents who voted in 2019 was more than double the percentage from 2015 – the most recent comparable election year. Turnout in 2015 was 6%, compared with nearly 14% in 2019. Of the 2019 turnout, more than 8% is attributable to early voting. Given that there was limited interest in this particular election, and that early voting was brand new, we feel these preliminary numbers are encouraging. We look forward to doing further data analysis as additional information from the BOE is available and as election results are certified.

According to the check-in data BOE reported, weekends and weekdays with extended early morning and evening hours were the most popular times to vote early in NYC. In 2019, average turnout between 9 a.m. and 5 p.m. on Monday, Wednesday and Thursday was 4,558 people, while average turnout between 7 a.m. and 8 p.m. on Tuesday and Friday was 6,650 people, and between 10 a.m. and 4 p.m. on Saturday and Sunday was 8,284 people. We believe it would be beneficial to increase hours during these periods, and to staff sites based on demand. Based on this information, the Administration encourages the BOE to extend early voting hours in 2020, especially on evenings and weekends.

The electronic poll books and ballot-on-demand systems are a necessary and welcome addition to allow for early voting. However, one of the biggest complaints we heard throughout the City was about poll workers improperly asking voters for “identification,” when in fact they meant the optional voter cards BOE sent to voters. While we appreciate the BOE’s intent in distributing these cards, we are concerned that they may have caused unnecessary confusion. We would also be interested to know how many voters actually used their cards when voting and whether BOE has any information on that. Another issue voters had concerns with was the check-in tables, most of which had multiple poll workers but only one e-poll book. To increase efficiency in future elections, BOE could add additional e-poll books to the check-in tables. Finally, the ballot-on-demand printers generally worked well, though some glitches were reported with ballots sometimes taking more than five minutes to print or printing from a printer across the poll site at a different station. The Administration hopes and expects that these issues can be addressed in advance of the upcoming elections in 2020.

Looking Ahead to the 2020 Elections

While early voting in New York City was mostly smooth for this first run in 2019, turnout in the upcoming April Presidential Primary, the June State and Federal Primary and the November General Election will likely be significantly higher than this past election. For reference, more than 1.1 million New York City voters turned out in the 2016 Presidential Primary, and nearly one million New York City voters participated in the 2018 State Primary. Given our expectation of higher turnout, it is important to take what we've learned from this first implementation and improve upon several factors.

First, the BOE should move toward increasing the number and accessibility of early voting sites in the City, and create more equity between counties in terms of the number of sites per number of registered voters. For example, Staten Island's nine early voting sites served 33,000 voters per site, while Manhattan also had nine sites, but served 113,000 voters per site. The Administration worked with BOE to try to prevent these types of disparities, budgeting \$75 million for early voting for fiscal year 2019 to ensure that the City could get as close as possible to the standard of one site per 50,000 active registered voters, as set forth in the early voting statute. The BOE should continue to move toward this standard, and county-wide early voting sites, moving forward. We also encourage BOE to contemplate moving to citywide super sites.

Additionally, when selecting its 2020 early voting sites, it is imperative that BOE consider communities that may not have had sufficient access to early voting in 2019, including immigrants, those with nontraditional work schedules and people with disabilities who require equitable access to the polls. Although we don't have specific data on early voting turnout other than daily check-ins by borough – and look forward to receiving more granular data from the BOE – immigrant communities in Jackson Heights, Fresh Meadows, Brighton Beach and Washington Heights were up to two miles or more away from the nearest early voting site. People with disabilities had few sites that were near accessible transit, with one site, George Washington High School, serving all of Inwood and Washington Heights, located on an extremely steep hill.

Second, the BOE should implement county-wide early voting for the 2020 elections. In a city where people are constantly on the go, county-wide voting would allow more people to fit early voting into their schedule, such as on the way to work, to school, or to shop. Many counties allowed people to vote early at any site within their county, including populous counties such as Nassau and Erie, which use the same technology as New York City. Erie had 37 county-wide sites and reported no significant implementation issues in terms of technology required. We understand that the BOE believes this will be challenging due to the number of ballot styles in the City and ballot testing requirements, but we are also aware of a number of proposed solutions to this challenge. BOE should pursue these right away, and we are happy to partner with them in that effort.

Relatedly, moving toward county-wide early voting would lend itself to having a combination of large voting centers and smaller neighborhood sites in each borough. The flexibility of having large "super sites," near accessible transit hubs in each borough, and smaller neighborhood sites,

such as in branch libraries or community centers, would make finding sites much easier. We were encouraged to hear the State Board of Elections testify at the joint Senate and Assembly Elections Committee Hearing on Early Voting that there is no statutory square footage requirement for poll sites. We believe this means that as long as ADA requirements for path to travel are met, the City BOE can implement this more flexible structure.

As we look ahead to 2020 – which will have at least four early voting periods in New York City – the Administration’s view is that the BOE should pursue alternatives to schools for early voting. This fall, 33 schools served as early voting sites, and we applaud these school communities for their efforts to make early voting work. We were pleased that the DOE and BOE were able to work together before and during the early voting period to make it run as smoothly as possible.

But as hard as everyone worked to make sure things ran smoothly, we have come to the conclusion that nine days of early voting – at least five of which will usually fall on school days – is simply too much to ask of our City’s public schools. In most of these sites, schools lost access to their gymnasium or cafeteria – or both – for the entire early voting period. To require schools to close off their gym, cafeteria or other large common spaces for an entire week of school is disruptive and not realistic going forward.

In addition to schools losing large communal spaces where essential services and instruction are provided - looking ahead to 2020, we are concerned that the Presidential Primary on April 28, with early voting dates from April 18 to April 26, will take place during the New York State mathematics testing for elementary and middle school students. Similarly, the State and Federal Primary on June 23, with early voting dates between June 13 and June 21, falls during the New York State Regents exams. We do not believe hosting early voting during an already stressful examination period is in the best interest of our students.

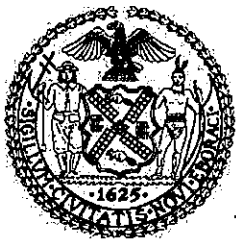
The Administration is ready to work with the BOE and other partners to identify appropriate locations for early voting during these periods. We have previously identified more than 60 non-school sites that could work for early voting, and we are prepared to roll up our sleeves with the BOE to find more. Indeed, we already know early voting in the City can work without school sites because Queens County achieved this in the 2019 General Election. Looking to the constellation of early voting sites utilized in Queens, including cultural institutions, community centers and CUNY campuses, is informative. Other large counties across the State have also made early voting work without using schools – Erie County had 37 early voting sites this fall, and Nassau had 15 locations. And as we have recommended, moving toward large voting centers and smaller neighborhood sites should further reduce the BOE’s need to rely on schools for early voting. We can and must work together to come up with better options.

Conclusion

In conclusion, the Administration again thanks the Committee for holding this hearing right after the first run of early voting, so we can better prepare for 2020 when much higher turnout is expected.

In order to improve access to early voting for all New Yorkers, BOE must move toward implementing county-wide early voting, having a combination of large voting centers and smaller neighborhood poll sites, finding alternative sites to schools and expanding morning, evening and weekend hours. This work should start right away, and the Administration is prepared to assist and support the BOE in these efforts.

We are grateful to participate in this hearing, and for the opportunity to hear feedback from all those contributing today. We will be listening closely for ways in which the Administration can continue to assist in ensuring future early voting implementation goes smoothly. I would like to thank Chair Cabrera and Committee members for their time today.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

TESTIMONY OF THE FIRST DEPUTY PUBLIC ADVOCATE OF POLICY NICK SMITH TO THE COMMITTEE ON GOVERNMENTAL OPERATIONS ON NEW YORK CITY'S EARLY VOTING ROLLOUT

Good morning. My name is Nick E. Smith, and I am happy to represent the Public Advocate as his First Deputy for Policy. I would like to thank Chair Fernando Cabrera and the Committee on Government Operations for holding an oversight hearing on New York City's Early Voting Rollout.

Early voting affords individuals the opportunity to cast their ballot during the eight days prior to an election. This past November, 61 polling sites were opened early and 60,110 New Yorkers took advantage of the expanded window, voting for key charter changes and selecting candidates to fill crucial government positions. On Election Day, congestion was relieved and poll workers had more freedom to assist constituents.

As this was the first time early voting was utilized in the city, there is now the opportunity to build upon its successes and make improvements to strengthen the election process for the future. Parents, school administrators, and teachers have raised concerns about security and facility access during the eight days of early voting so it is critical that non-school sites be identified to serve as early voting locations. Additionally, all of the early voting sites that are selected must be made accessible for individuals with disabilities. The City should also expand public education efforts to share where polling sites are, how individuals can check to see if they are registered, the dates and times which polling sites are open, and inform the public that early voting ballots are the same as those used on Election Day.

Furthermore, voter suppression, intimidation, and disenfranchisement continues in this country and it is critical that the State takes the necessary steps to protect our voters and election integrity. Currently, 21 states provide same-day voter registration and New York should follow their example by providing individuals the opportunity to register during early voting or on Election Day. Additionally, the affidavit ballot form needs to be clarified to indicate that in New York City, voters can move between boroughs and are still eligible to vote on the full ballot at their new polling place. With the 2020 election rapidly approaching, it is essential that the Board of Elections and the State act quickly with intention to clarify election protocols and institute measures to enfranchise voters.

As a representative from the Office of the Public Advocate, I encourage this body to take the necessary steps to expand and protect the ability of individuals to exercise their democratic right to vote. Again, thank you to this committee and the committee members for discussing this important matter.

Erica Rand Silverman
P.S. 116 PTA Co-President
November 25, 2019

City Council Meeting
on the implementation of early voting

I am testifying on behalf of the New York City public school students and families at P.S. 116, some as young as three years old, whose safety and education was jeopardized during the recent early voting in schools. *The primary function of schools is to provide a safe and effective learning environment for children.* To be clear, we support early voting. However, commandeering schools for early voting interferes with our children's safety and disrupts their education.

Given the epidemic of school violence, New York City public schools require all adults to show identification to enter schools. We are outraged that this necessary safety precaution needed to be suspended to accommodate early voting. Any unidentified person off the street was able to enter the school unchallenged and walk the hallways as children made their way to their classrooms and bathrooms. Any person claiming to need handicap accessibility was walking down the hallways where we our pre-k classrooms are. Any person could have walked into that hallway.

What is our administration to do when a child runs out of his or her classroom and can't immediately be located in the building? Protocol requires them to close all entrances and exits. There are horror stories about what can happen when young children flee a school building and immediate action is not taken. A school administration must act quickly when young children's lives are at stake. How can they do that when during early voting all doors must remain open?

Addressing the safety concerns led to interference with the students' education. In an effort to keep the students separate from the general public, students did not have access to their gym for physical education and after-school classes, to their cafeteria for breakfast and lunch, or to their school yard for recess. Arrival and dismissal needed to be completely rearranged. The children were sequestered in their classroom all day, every day for five days. The attention it took for school administration and staff to reorganize schedules and systems is time taken away from their attention to educating our children. This is a fact. We saw it firsthand.

We invited the Manhattan BOE Commissioners to do a walk-through of our school building with us. They must not have realized the safety implications here or the disruption to learning that would take place. They explained that they had already walked through our school numerous times.

To me, this implies it was not that they didn't realize, it is that they do not care.

During the NYS Senate Hearing when Senator Galef questioned Todd Valentine, Co-Executive Director of the BOE, about the safety concerns of using schools as early voting sites, Mr. Valentine's answer is that there is always a police officer at the site. In our school, that police office is down in the basement through the cafeteria and inside the gym. In any school, that officer is next to the polling machines, not at the entrance to the building. If people enter our school with ill intent, they are not only entering directly into that gymnasium. They are also entering into the first floor where our youngest children are. They are entering into a hallway with numerous stairwells that lead up into the rest of the school building.

Robert Brehm, Co-Executive Director of the BOE, mentioned that the BOE actually keeps a record of all the people who sign in to vote as if this fact should put parents at ease. How is that list relevant after a tragedy has occurred? And, why does he assume that the perpetrator will ever actually make it into the voting room to sign in?

Mr. Brehm also mentioned that there is a process by which schools or the administrations overseeing schools can call the Commissioners to request that a different choice be made. It was also said at the hearing that sites were selected in May. We have been told by the Department of Education that they were not notified until September 24th. How is it possible then to do as Mr. Brehm suggests when the schools weren't notified with any advance notice? How is that possible to do when no one calls you back?

Perhaps communicating with Commissioners is a realistic option for facilities like the Javits Center which had plenty of advance notice and the support from the Governor's Office to call Mr. Brehm and Mr. Valentine directly. Who is calling on behalf of our children?

This gap between what is perceived to be happening by the BOE and what is actually happening to and in the schools is making it very difficult to actually protect the interests of our children. *It is diverting people's attention away from what is true – that the city and state government officials here in NY are placing voting needs ahead of the safety and education of our children.*

As we all know, no school buildings in Queens and only one school building in all of New York State outside of the city were selected for early voting, while thirty three schools were selected among Manhattan, Bronx, Staten Island, and Brooklyn. Is it absolutely necessary that public school buildings in our boroughs be used for early voting? Why would we take such an unfathomable risk? If the BOE, in conjunction with the local government officials, can manage everywhere else in the state, can't they figure it out for us too?

In fact, if you allow early voting to continue in schools, our children's safety and education will be compromised for at least three weeks during 2020. There will be a minimum of three elections held in New York City, and the week of early voting during April 2020 will coincide with the New York State math test required for students in grades 3 - 8. I saw firsthand the stress on a school when it is housing early voting. Our children should not suffer the effects of that stress or distraction on top of the pressure already surrounding State standardized tests.

We are here today because the New York City government officials we rely on to protect and advocate for our children have failed us. Fortunately, we avoided a tragedy in our schools during early voting this time. It would be senseless to take this risk again.

You are on the front lines between all the government agencies involved in making these decisions. We need you to know the city and state buildings (Libraries, Veteran Halls, Town Halls, Fraternal Organizations, Colleges) as well as tax exempt buildings, in your districts that can be used instead of schools. We need your support in communicating that schools should not be used just because the cost is free. There cannot be a price put on the education and safety of our NYC public school children.

Thank you for very much for giving me time to speak today.

FOR THE RECORD

**Legislative Public Hearing:
New York City's Early Voting Rollout**

**Testimony for
The New York City Council
Committee on Governmental Operations**



Brooklyn Voters Alliance

Submitted by Jan Combopiano, Senior Policy Advisor

November 25, 2019
New York, NY

Brooklyn Voters Alliance: Early Voting was a success

The inaugural rollout of early voting in New York City was a resounding success.

Voters had positive experiences, there were little to no wait times and the entire process for the voters was smooth and efficient. In New York City, a huge part of that was due to the incredible work of the NYC Board of Elections who bought new equipment, secured new poll sites, designed new processes and hired and trained new poll workers in a short amount of time. While voting, voters were helped with where to go, what to do and how to do it. At each encounter, positivity radiated, making it a celebratory experience - something very new for most New York voters. Voters were thanked for coming, given “I Voted Early” stickers and wrist bands - and other swag while it lasted. While the swag was in the official NYC BOE procedures, the rest of it - the gratitude, the celebration - was a spontaneous effort on the part of poll workers to make the experience joyful.

And that is another major part of the successful implementation of early voting - the front-line contributions of poll workers. While voting is a right and the foundation of all other rights, it is also a transaction. Voters present themselves at polling sites, give their name or voter card to call up their record, sign an ePollbook, get a ballot, are shown to a privacy booth or ballot marking device and then to a scanner to cast their ballot. That is a lot of interactions in a short amount of time. It could all go horribly wrong. But in this first rollout of early voting, it did not. Instead, most voters shared that “I voted early and it was a joy!”

Early voting worked because legislators passed this law, election officials implemented it, grassroots groups like ours educated voters about it and yes, because poll workers did their jobs and more - they made it fun and a positive experience.

More sites—including voting centers—and training for poll workers needed

All of this is not to say there are no improvements to be had. We agree that reforms are needed to make the early voting experience even better for voters. One of the most important is instituting the voting center model that was used in most counties in NYS—making early voting poll sites borough-wide or even city-wide. This would better fit in with how people regularly move about the city: many people work in a different borough than they live and would probably find it convenient to vote near their workplace during the workweek. While there might be technical limitations that must be considered to establish procedures for city-wide voting centers, such as having ePollbooks/check-in tables that are specific to each borough at the voting center (due to the space limitations of the ePollbooks), rather than have the “any table” model that was used for the assigned early voting poll site model used this year for instance.

We are also advocating for more conveniently located poll sites, as well as just more poll sites themselves. For example, Brooklyn has the most registered voters and had the most designated polling sites—double that of Manhattan, in fact—yet did not have the most voters during early voting (see table below), probably due to the lack of easy transportation to all of the sites.

Figure 1

	A	B	C	D	E	F	G	H	I	J	K
1		Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Total
2	Brooklyn	2381	1173	1399	1754	1106	1067	2066	2818	4212	17976
3	Queens	1846	811	1293	1490	969	815	1540	1829	2536	13129
4	Manhattan	2849	1327	2044	2157	1580	1273	2389	2638	3608	19865
5	Bronx	840	260	498	468	353	285	567	674	948	4893
6	Staten Island	642	393	403	417	324	264	452	553	799	4247
7		8558	3964	5637	6286	4332	3704	7014	8512	12103	60110

(Source: calculated from NYC BOE “Total Number of Early Voting Check-ins” on vote.nyc website during the early voting period)

Making voting more accessible and convenient for voters is a goal of early voting and voting centers would help make that a reality for more voters. BVA is also advocating for increased voter outreach, especially by Boards of Election. Voter and poll worker interactions make or break the voting experience, so we are also advocating for increased and more targeted poll worker training.

Senator Comrie has a bill (S2800/A5142 - sponsored in the Assembly by AM Walker) that would establish a mandatory training curriculum for election commissioners, the staff of Boards of Elections and poll workers. We hope this bill will be taken up by the state legislature in the new session and ask for your advocacy in moving this bill forward. It will help future implementation efforts, especially for what is anticipated to be high-turnout elections in 2020, to have the Commissioners and BOE staff have a clear understanding of how the voting process works, so we applaud this effort to include them in the training.

While poll workers can make voting joyous, it also was obvious - at least to me, who worked as a poll worker during the early voting period - that not all poll workers were familiar with voter’s rights, sometimes mistakenly asking for “voter ID” when they meant the voter card mailed out by the NYC BOE, for example. This latest election period, I also was called to explain some basic civics knowledge - why are there different types of judges? Why are we voting to change the city charter? - that could and should be included in poll worker training.

This year’s poll worker training had to accommodate the very helpful hands-on training for the ePollbooks, so the focus on how to help voters with disabilities was extremely

limited, if not missing in its entirety. There is a voter's rights section in the poll worker manual, but due to time constraints, this section was not covered in the class I attended at all. And no basics civics knowledge has ever been covered in any class any BVA member who has worked as a poll worker has ever attended.

Conclusion

Brooklyn Voters Alliance is ready to continue educating the public on early voting in Brooklyn and the rest of New York City and we look forward to more election and implementation reforms that make voting more accessible in 2020 and beyond.

FOR THE RECORD

TESTIMONY

**COMMITTEE ON GOVERNMENTAL OPERATIONS
CHAIRMAN, FERNANDO CABRERA**

Oversight – New York City’s Early Voting Rollout

**Presented on
Monday, November 25th, 2019**



**The Council of School Supervisors and Administrators
Mark Cannizzaro, President
Henry Rubio, Executive Vice President
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Good afternoon, Chairman Cabrera, and distinguished members of the City Council. The Council of School Supervisors and Administrators (CSA) is Local 1 of the American Federation of School Administrators (AFSA). CSA represents some 16,000 In-service and retired Principals, Assistant Principals, Educational Administrators, Directors and Assistant Directors of city-funded early childhood centers. As school leaders, we are grateful for this opportunity to address the issue regarding early voting rollout.

CSA fully recognizes the importance of our city's early voting initiatives and encourages greater voter turnout for a healthy democracy. When schools serve as early voting sites, however, the necessary procedures increase security risks and present operational challenges that disrupt the educational process. We ask the City Council to join with us in strongly urging the Board of Elections (BOE) to avoid using schools as early voting sites in order to prevent the potentially harmful impact on our children.

Earlier this year, the Mayor's office provided the Board of Elections with potential early voting sites, and the BOE selected from among those with no input from the general public. The Department of Education (DOE) first began notifying school administrators that their buildings would be used as early voting sites just three short weeks before the October 26th start date. Thirty-three principals were suddenly informed that the BOE required use of the facilities for 10 straight days. Although students are always off on Election Day, they would be in class during the entire early voting period.

Our members immediately began to raise concerns, which we shared repeatedly with the DOE. We also expressed our frustration that affected school leaders weren't consulted sooner about the use of their facilities. In fact, according to city BOE executive director Michael Ryan, education officials knew about 23 of the schools as early as last spring. One principal learned that her building would be utilized when voting rights advocates and local representatives suddenly gathered outside of her building.

As our members had warned, early voting had a direct impact on critical school safety procedures. Protocols simply fell by the wayside. According to the DOE's protocols, anyone who visits a New York City public school must show photo identification when signing in during a school visit. They are then given a visitor's pass to display at all times. However, during early voting, everyone was permitted to enter a school as long as they indicated they were there to vote. No identification was required. In many instances, these visitors were only met by BOE poll workers and the NYPD officers assigned to the school site when they arrived at the voting booths. In many cases, they were able to walk freely through school halls, past classrooms and bathrooms.

Using schools as an early voting site also resulted in disruptive programming changes. If a school lost its cafeteria to the voting process, students were forced to eat boxed meals in classrooms. If a school lost its gymnasium, physical education suffered. School administrators had to work diligently to minimize voter access to children; this often required altering

schedules and restricting student access to common spaces that are usually relied upon. In many schools, dismissal procedures had to be reorganized, raising further safety concerns.

All in all, early voting in schools turned out to be a monumental task for school leaders, creating an unfair burden on already overburdened school administrators. We would like to publicly acknowledge and thank the school leaders who made early voting possible while minimizing the disruptions and protecting our children from harm. They also bore the brunt of assuaging understandably anxious parents.

Early voting should, of course, continue next year. It simply should not occur in our schools. It is worth noting that of the 248 early voting sites across the state, only one other school outside of NYC was used for these purposes. And while state election law allows other building leaders to opt out when they are designated as early voting poll sites, it does not allow school leaders to do so. We ask the City Council to help amplify the voice of our school leaders and urge the Board of Elections to find alternative early voting sites for next year and beyond.

Sincerely,

Mark Cannizzaro



**ADVANCING OUR
COMMUNITY**

Chinese-American Planning Council, Inc. (CPC)

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**New York City Council
Committee on Governmental Operations:
NYC's Early Voting Rollout
Monday, November 25th, 2019**

Good afternoon, my name is Amy Torres, Director of Policy & Advocacy at The Chinese-American Planning Council (CPC). CPC thanks the honorable chair Fernando Cabrera and members of the Committee on Governmental Operations for the opportunity to testify on New York City's inaugural Early Voting period. Our testimony includes recommendations to address the needs of low-income, immigrant, and Asian American and Pacific Islander (AAPI) communities that we serve in 2020.

CPC is the nation's largest social services organization for Asian Americans, bridging social services to social change for 60,000 low-income, immigrant, and AAPI New Yorkers each year. CPC's community members come from more than 40 countries, speaking 25 distinct languages and dialects. We provide over 50 contracted programs in 35 sites in Manhattan, Brooklyn, and Queens, ranging from family support, education, and economic and community empowerment. Often, CPC sites and programs fill gaps in language access, cultural competency, and community trust for seniors, parents, children, and new arrivals. In addition to our direct services, CPC conducts non-partisan civic engagement and voter registration and education with eligible voters across our sites each year. For these reasons, CPC is well-poised to comment on Early Voting in its inaugural year and appreciates the opportunity to share our recommendations.

CPC believes that Early Voting should make it easier for working, caregiving, and busy New Yorkers to cast their vote at a time that is convenient and accessible to them. Additional hours and sites should mean less time in line, more individualized support if needed, fewer strain on machines and poll staff, and a better experience for everyone at the polls. Indeed, much of the feedback our organization has received from community members is that Early Voting afforded more time in their personal schedules, less overall time in line, more time to read and make decisions within the booth, and more attention from poll workers. However, with party primaries for 2020 just a few short months away, we urge our City BOE and the City Council to consider our findings below and our recommendations to adapt increased funding, additional sites, and county-wide voting centers, allowing New York State to achieve record voter turnout next year.

AAPI Communities, Language Access, and Political Participation

CPC engages in non-partisan civic engagement and voting rights advocacy as part of our "Advancing Our CommUNITY" strategy to bridge our social services to social change. The neighborhoods that CPC serves are home to communities that have historically been marginalized and alienated from the political process, and their growth rate within the electorate demand the attention of the Board of Elections and policy makers. AAPIs are the fastest growing racial group in New York State¹ and are eligible to naturalize and register to vote at some of the highest rates compared to other immigrant groups.² Existing AAPI voters make up one of every three immigrant voters nationally and in New York State, one in four voters is a naturalized immigrant.³ Over 70% of the state's AAPI population resides here in New York City.⁴ Despite the growth of this electorate, several societal and systemic barriers prevent AAPI voters from fully exercising their influence at the polls. Reforms like Early Voting transform the ways busy New Yorkers are able to make and weigh

¹ Office of the State Comptroller, "Asian Community in New York State, 2016"

² Department of Homeland Security, "Legal Immigration and Adjustment of Status: Persons Naturalized Table 3, 2018"

³ American Immigration Council, "New Americans in the Voting Booth: The Growing Electoral Power of Immigrant Communities, 2014"

⁴ Office of the State Comptroller, "Asian Community in New York State"

decisions about family care, work, language support, and exercising their vote.

AAPIs and newly naturalized citizens are beginning to buck trends in voter turnout and are increasingly engaged in the electoral process⁵, but a lack of tailored language access services, as well as diminished attention from candidates serve as deterrents to full civic participation. From registration through to voting at the polls, a lack of tailored language access services continues to present barriers for AAPIs, where rates of Limited English Proficiency (LEP) run as high as 70 percent for Asian immigrants in NYC living in poverty.⁶ The language used on voter registration forms nears high school level - out of reach for new Americans with Limited English Proficiency or with little familiarity with the civic system. Even once barriers to registration are overcome, election literature is often highly technical, decreasing the likelihood that AAPI voters turnout in smaller, local elections, and thus, continue to be marked as low-propensity by campaigns (see section below). For comparison, the level of English required to pass the naturalization exam is third- and fourth-grade level⁷ but a 2011 report on “voter roll-off,” or the likelihood that voters skip key ballot questions because of complex language, found that in New York State, voters would need a mean of 19 years of formal education (equivalent to Ph.D.) in order to read, understand, and make decisions about ballot measures.⁸

Further, once registered and at the polls, many AAPI voters are hesitant to insist that a translator of their choice accompany them into the voting booth if a BOE translator is unavailable, a hesitation that is especially pronounced as AAPI voters increasingly report facing scrutiny at the polls over identification, naturalization status, and other perpetual foreigner myths.⁹ As a racial group, AAPIs are at times perceived as being monolithic and apolitical and thus, receive lower priority for tailored election services, despite originating from over 30 recognized nations and comprising over 100 languages and dialects.¹⁰ This group also receives a low share of direct campaign messaging. In the 2016 Post-Election National Asian American Survey, 74% of Native Hawaiians & Pacific Islanders and 71% of Asian Americans across the country received no contact about the election, either from political campaigns or non-partisan groups¹¹.

Early Voting should go a long way toward alleviating the disparities that prevent voters from casting their ballot on Election Day. Additional dates and hours expand the choices for working New Yorkers, and allow greater flexibility for friends, loved ones, and families to visit polls together -- a critical feature for newly naturalized and LEP voters who face real or perceived discrimination at the polls or who wish to bring a translator of their choice. However, the current NYC BOE Early Voting scheme will be insufficient to meet the expected turnout and demand in 2020's multiple election opportunities. An increase in staff, outreach and awareness, as well as additional sites and county-wide voting centers will alleviate many of the community-specific barriers outlined here, and the geographic hurdles outlined below.

Access to Early Voting Sites in Manhattan, Brooklyn, and Queens

CPC's neighborhoods and the community members who commute to our programs are predominantly AAPI (Asian American Pacific Islander), immigrant, and/or low-income and present complex and intersecting barriers to political participation. In NYC BOE's initial announcement, CPC raised concerns that the proposed

⁵ [Pew Research Center. "Historic highs in 2018 voter turnout extended across racial and ethnic groups, 2019"](#)

⁶ [Asian American Federation. "Hidden in Plain Sight: Asian American Poverty in NYC, 2018"](#)

⁷ [USCIS Study Guide: Writing Vocabulary for the Naturalization Test](#)

⁸ [Reilly, Shauna & Richey, Sean. "Ballot Question Readability and Roll-Off: The Impact of Language Complexity, 2011" Descriptive Statistics of Grade Level by State \(page 63\)](#)

⁹ [Asian American Legal Defense and Education Fund \(AALDEF\). "2018 Asian American Voters Exit Poll"](#)

¹⁰ [United Nations Member Nations Archive](#)

¹¹ [Karthick Ramakrishnan, Janelle Wong, Jennifer Lee, and Taeku Lee. "Post-Election National Asian American Survey, 2016"](#)

sites did not fully support communities in Brooklyn, Lower Manhattan, and Queens. While some additional sites identified and funded by the Mayoral Administration made their way into the final local NYC BOE plan, much more should be done in 2020 given the increase in election opportunities, the expected turnout, and the demographic makeup and composition of these neighborhoods. These neighborhoods face unique challenges for naturalized immigrant voters. The table below highlights borough-wide stats and neighborhood specific information about CPC's communities.

Manhattan ¹²	Brooklyn ¹³	Queens ¹⁴
28.9% foreign born 12.8% AAPI 16.3% living in poverty	36.9% foreign born 12.8% AAPI 19.8% living in poverty	47.5% foreign born 27% AAPI 12.2% living in poverty
Lower East Side / Chinatown ^{15,16}	Sunset Park ¹⁷	Flushing / Whitestone ¹⁸
36.04% foreign born* 36.1% AAPI 27.3% poverty rate	44.5% foreign born 32.7% AAPI 22.1% poverty rate	58.73% foreign born 54.5% AAPI 16.2% poverty rate*

CPC is concerned that the 2019 scheme will be insufficient to meet the needs of voters in 2020's cycle. Aside from the citywide Public Advocate race, Queens was the only NYC county with a borough-wide office on the ballot. In Queens, 56% of households report speaking a language other than English at home¹⁹ and in Eastern Queens, where a significant part of the borough's AAPI community lives, rail transportation is limited to East-West directional lines and local bus routes serving riders between or across rail lines. CPC expressed concern that many of NYC BOE's sites were on these North-South bus routes, some of which were the slowest in the borough (1 mph or less than the borough average).²⁰ While we were grateful that some additional sites were added in early fall, Queens remains the second most populous borough in the City and is slated to become a majority-minority borough by 2020, making the push for additional sites to serve this, and our city's other growing communities, more urgent than ever.

Citywide, CPC heard from staff and community members that several subways operated with service changes or disruptions on the two Early Voting weekends. The MTA alert archive shows that major East-West directional lines in Brooklyn and Queens and North-South lines in Manhattan had service changes, signal problems, and outages²¹. While the NYC has little jurisdiction at this time over MTA management, CPC urges an increase in funding to support additional and better placement of sites. We were thrilled that the Mayoral Administration included additional funding for sites, and hope that these and others are included and full in 2020. CPC also firmly believes that county-wide voting would greatly expand voter access, even if minimal new sites are added. NYC BOE's inaugural plan restricted choice between a single Early Voting site or an

¹² [US Census Bureau, "Quick Facts, American Community Survey 2018" New York County](#)

¹³ [US Census Bureau, "Quick Facts, American Community Survey 2017" Kings County](#)

¹⁴ [US Census Bureau, "Quick Facts, American Community Survey 2017" Queens County](#)

¹⁵ [NYU Furman Center, "NYC Neighborhood Data Profiles, 2017" Lower East Side / Chinatown](#)

¹⁶ [NYU Furman Center, "CoreData.nyc Map" Lower East Side / Chinatown](#)

¹⁷ [NYU Furman Center, "NYC Neighborhood Data Profiles, 2017" Sunset Park](#)

¹⁸ [NYU Furman Center, "NYC Neighborhood Data Profiles, 2017" Flushing / Whitestone](#)

¹⁹ [US Census Bureau, "Quick Facts, American Community Survey 2017" Queens County](#)

²⁰ [Regional Plan Association, "Overlooked Boroughs Technical Report, 2015": Connectivity](#)

²¹ [MTA Alerts Archive](#)

Election Day site, a scheme we hope will be left behind in 2020.

Recommendations for 2020

For these above reasons, CPC applauded the passage of Early Voting in January 2019, making New York the 38th state in the nation to offer this expansive practice. In other states, Early Voting has been particularly important to increasing political participation among marginalized racial and ethnic groups, as well as low-income voters and working families who may not have the flexibility to vote in-person on election day. CPC believes Early Voting would have a significant positive effect on political participation in New York City where low-income, immigrant, AAPI, and voters of Color are disproportionately left out of public and civic systems. We believe Early Voting could help improve political participation by increasing opportunities for working, commuting, and Limited English Proficient (LEP) voters to visit language accessible Early Voting sites that are within a short commuting distance of places where our communities are most likely to live, work, go to school, or visit for business, recreation, or services. CPC is pleased that in Early Voting's inaugural year, many of our community members have reported positive experiences, less waiting and standing time, and more patience and attention from poll workers and interpreters.

2019's Early Voting scheme was a positive and promising pilot. However, with increased turnout anticipated in 2020 and even more election opportunities in the year ahead, CPC presents three recommendations:

- Continued support for public awareness campaigns and interpreters
- Provide sufficient and convenient voting locations for voters in the Lower East Side, Chinatown, Sunset Park, and Flushing
- Permit registered voters to cast a ballot at any Early Voting site in their borough of residence

Public Awareness & Public Education

CPC is a proud member of several voting rights and civic engagement workgroups including Let NY Vote and APA VOICE (Asian Pacific Americans Voting and Organizing to Increase Civic Engagement). We commend our partners VoteEarlyNY and Common Cause for playing an active role in creating, designing, and distributing Early Voting awareness literature as well as updating maps and tools to direct voters to their assigned sites. These materials were incredibly helpful in guiding CPC's multi-lingual voter outreach and canvassing work and the process for creating them involved careful, collaborative input from stakeholders and translation from trusted, native speakers. Materials were large-print, easy to read and understand, and attractive (some materials included Halloween candies). CPC also applauds the Administration and the City for stepping in and filling the void in State-funded outreach. Early Voting reminders could be seen on charging kiosks, subway platforms, and busses all around our city, raising the general awareness of the public.

However, despite these incredible materials, CPC still faced voter questions about the new initiative, especially related to changes in locations, hours, and procedures. We would like to see a continued effort to create and distribute user-friendly outreach and awareness materials and coordinated multi-lingual media buys to raise public awareness, especially in advance of the Presidential primaries. This will allow organizations and coalitions like ours to increase our capacity to do the deep voter education and

engagement, rather than spread ourselves across both those and the public awareness efforts.

Site Selection

After the initial announcement over the summer, CPC compared BOE poll sites closest to our community center and service locations, alongside the BOE sites and Mayor's proposed locations, some of which were adopted by the BOE at a later date. We chose this comparison based on the number of constituents served annually at these sites and based them on Assembly District. We chose this calculation because CPC, like many other publicly-funded AAPI-led organizations²², is often one of the lone service providers with culturally competent and linguistically capable staff and programming throughout the city for AAPIs. As such, AAPI New Yorkers often commute to and from human services providers, like CPC, even if they live elsewhere or in another borough.

In addition to the public transportation findings outlined earlier in this testimony, we found that many of the sites proposed, and especially the ones adapted, were long walking distances from the businesses, services, and programs our community members frequent. For example, many of the proposed sites and the 3 chosen sites below 34th Street are at least 10-15 minutes away from CPC's Manhattan senior center locations (Open Door, Chinatown Senior Citizen Center, CPC Home Attendant Program). A 30+ minutes round trip walk is a significant distance to commute for our low-income seniors, seniors with disabilities, and seniors who are caretakers for grandchildren. Many of the seniors we serve also do not live on site due to ongoing gentrification and displacement, and commute long distances to get access to culturally competent and language accessible services that CPC offers. Asking these voters to take another 20-30 minutes to walk away, especially when commutes are against the grain of the subway, may not be feasible in their comfort or schedules, many seniors may not take the time to vote early. As outlined above, all of these barriers in addition to being historically marginalized from the political process present even more difficulty and access for low-income AAPI voters.

CPC urges the NYC BOE to reconsider the offers from the City and Administration to identify and fund additional sites. We are happy to again provide the NYC BOE with lists of appropriate sites as they consider 2020 plans. While we understand the challenges of selecting sites that prioritize accessibility internally, we also believe the distance to and from major cultural hubs is also an accessibility and mobility rights issue. Expanding the number of sites alleviates these commuting pains, ensuring that Early Voting maximizes convenience and accessibility for all voters.

County-Wide Voting Centers

Regardless of whether funding is included for additional sites or public awareness campaigns, the single most transformative way to relieve voter confusion and maximize convenience and participation is to allow county-wide or city-wide voting centers in NYC. NYC is in the minority of regions in the State that assigned voters to a single Early Voting site. Low-income, immigrant, and New Yorkers of Color disproportionately have longer commutes, live in transit deserts, and live in communities prone to displacement. New York City's AAPI communities also live in areas that are prone to gentrification and displacement and often commute back to Asian American communities for employment, business, healthcare, and other services and programs. The US Census Bureau found that between 1990 and 2020,

²² Coalition for Asian Children and Families, "Fiscal Year 2019 Budget Analysis"

Chinatown's population decreased by 7% overall but racial demographics show that the white population increased. During the same period, Chinatown and the Lower East Side, neighborhoods that have traditionally been home to immigrant communities, have become predominantly dependent on food and restaurant businesses.²³ These establishments, largely small businesses, often hire from and serve the community -- providing both gainful employment as well as important links to culture and heritage from home for consumers.²⁴ As a result, CPC finds that many of our members engage in daily "cultural commutes" wherein residents who can no longer afford to live in Chinatown or other ethnic hubs are displaced, but still commute daily for employment, business, recreation, culturally competent services, and language accessible programs. Indeed, in a recent audit, we found that though CPC sites are rooted in the three boroughs, we serve commuting constituents from all NYC State Assembly, Senate, and City Council districts.

Because commuting is a regular and significant part of working New Yorkers' daily lives, county- or city-wide voting would minimize the amount of time and scheduling spent commuting to a single Early Voting site. Early Voting should expand opportunities, but limiting voters to a single site is restrictive does not also take into account the ways that New Yorkers move around and work in our City, leading many to still choose their regular Election Day site or not participate at all. NYC's BOE structure is uniquely poised to be able to do this since the borough-based BOE's already work in close cooperation with each other.

Further, because Election Law § 8-600 provides certain criteria for selecting Early Voting sites, including sites that must be publicly available for the duration of the Early Voting period, we understand that the NYC BOE may be limited by the number of sites to choose from. For this reason, it is imperative that the Board of Elections fulfill its obligation to provide voters with an opportunity to cast a ballot at any poll site in their county of residence. A plan that only assigns voters to one Early Voting site based on proximity to their residential addresses cannot effectively account for where, when, and how New Yorkers move around the city.

CPC is thrilled to witness the continuing changes and reforms that expand democracy in our state. We believe all New Yorkers have a right to convenient and equitable voting access and look forward to working with the Board of Elections' on continuing to advise and support a scheme where all New Yorkers have equal opportunity to exercise their fundamental right to vote -- by being aware and informed, having more locations to cast their vote, and by being able to vote early at any location within their city or county of residence. With this opportunity to make historic changes to turnout and access in 2020, we urge the Board of Elections and our city leadership to continue to be thoughtful and timely. We appreciate the opportunity to testify at this historic moment, and look forward to continuing to partner with you on issues that advance and transform low-income, immigrant, and AAPI communities.

Further question or comment on CPC's testimony can be submitted to Amy Torres, Director of Policy and Advocacy at atorres@cpc-nyc.org and Frances Huang, Policy Associate at fhuang2@cpc-nyc.org.

²³ Asian American Legal Defense and Education Fund (AALDEF): "Chinatown, Then and Now"

²⁴ Asian American Legal Defense and Education Fund (AALDEF): "Chinatown, Then and Now"



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Implementation of Early Voting

Testimony of the New York Immigration Coalition (NYIC)
New York City Governmental Operations Committee Hearing

November 25, 2019

Good morning and thank you for the opportunity to testify. I am Wennie Chin, Senior Manager of Civic Engagement at The New York Immigration Coalition (NYIC). NYIC is an umbrella policy and advocacy organization representing over 200 immigrant and refugee rights groups throughout New York State.

To start, we would like to extend a thank you to the staff at the New York City Board of Elections as well as the poll workers who aided in the launch of our first Early Voting cycle in New York City.

Following the November 5th election, NYIC surveyed voters on their experiences with early voting.

Early voting has a tremendous impact on everyone, but especially working families, persons with disabilities, and those with a non-traditional schedule. However, the benefits of early voting can only be fully enjoyed by voters if the program is well-implemented. 54% of our respondents who voted in 2019 reported having voted early. One third of those who voted on Election Day, did so because their early voting location was inconvenient. An additional 9% did not vote early because their early voting poll site was less convenient than their Election Day poll site. 87% reported having a poll site for early voting different than the one assigned to them for Election Day.



Overall, 74% of our members rated their experience with early voting as positive; 22% neutral; and only 4% negative. There was an overwhelming response of about 84% of respondents indicating their intentions to vote early in the next election. Many of our respondents cited this expansion of ballot access as “convenient” and “fun”.

As we prepare for the 2020 election cycle, NYIC offers the following recommendations:

Expand the Number of Polling Locations

Early voting only works if there are enough sites, in convenient locations. Many board of elections looked at the off-year 2019 election as a pilot for early voting and started off with fewer sites than we should have had. This was particularly the case in New York City.

We hope, and expect, the New York City Board of Elections will significantly expand the number of polling locations for each of the 2020 elections. Both for the convenience of the voters, and also to accommodate the expected higher turnout.

Site Placement & Equity

The purpose of early voting is rooted in making the ballot box accessible and convenient for voters. We hope the Board of Elections’ plans in 2020 will be more inclusive of immigrant communities. We call for an equitable distribution of locations across the boroughs and neighborhoods to reflect voter density and proximity to accessible public transportation.

There are 1,282,887 voters in Queens, but, with 14 sites designated for the county, that is distribution of 91,635 voters per pollsite. In Staten Island, the ratio is 35,497 voters per pollsite. These site allocations are neither adequate nor equitable in distribution. Well placed sites will be hugely impactful for voter participation in the early voting program. Immigrant-rich neighborhoods like College Point, Downtown Flushing, Jackson Heights, and Elmhurst did not see a localized early voting site this past election. In Brooklyn, Gravesend and Brighton Beach similarly did not see a local site. The New York Immigration Coalition calls on the New York City Board of Elections to work with community-based organizations to identify sites that are accessible to their communities. Early voting sites needs to be located near public transit, be in densely populated neighborhoods, and be accessible to persons with disabilities.



County	Current Voters Registered	Number of EV Sites	Voters per Pollsite
Queens	1,282,887	14	91,635
Richmond	319,473	9	35,497
New York	1,197,797	9	133,089
Bronx	833,172	11	75,743
Kings	1,637,055	18	90,948

* Data collected from New York State Board of Elections, Voter Enrollment by County, 11/09/2019

We would like the NYC Board of Elections to follow the lead of Erie County and allow any voter to cast a ballot at any early voting location. Some of our most positive feedback in our survey was related to this feature in Erie County. The technology to allow countywide -or, in the case of New York City, citywide- early voting has now been successfully tested and the practice should be standard.

New Yorkers travel far and beyond the immediate vicinity of their homes in their daily lives. It is important that voters are not restricted to one early voting poll site. Countywide voting is especially important in areas where residents rely on public transportation. We recommend integrating mobile early voting stations that can be stationed near mass transit hubs to meet the needs of a commuting electorate.

Uniformed Operations and Improved Promotion of Early Voting

Owing partly to the first ever opportunity for early voting in New York and a lack of competitive races, we found that even among regular voters, early voting was not well known. There was also some additional confusion over polling locations that differed from early voting to Election Day, and the hours at early voting poll sites.

Among those who responded to our survey who were aware of early voting, 30% learned about early voting through social media; 13% from subway or print ads; 13% because they received mail about it; 13% from friends or family; 9% from television; and the remaining 30% through



some other means. While we anticipate an increase in voter interest in 2020's elections will improve awareness of early voting, we recommend New York City engage in a more robust outreach and education campaign, coordinating with community partners.

Language Access

The electronic pollbooks used this past election was hugely successful. However, when we surveyed voters, many responded that they did not ask for a translated ballot because the option was not visible or readily available for them on the electronic poll book nor were they offered by a poll worker in person. We recommend a more visible language prompt on the electronic poll books to ensure the technology does not overshadow language access at the polls.

The New York Immigration Coalition will continue to conduct community education, outreach, and awareness efforts on early voting and ensuring successful participation in forthcoming elections. We will look forward to working with city, state, and local partners to ensure that early voting can be more accessible to voters in 2020 and beyond.

Testimony of the New York Civil Liberties Union
before

THE NEW YORK CITY COUNCIL COMMITTEE ON
GOVERNMENTAL OPERATIONS

regarding

Oversight - New York City's Early Voting Rollout

Monday, November 25, 2019

NYCLU

ACLU of New York

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Donna Lieberman
Executive Director

Robin Willner
President

The New York Civil Liberties Union (NYCLU) respectfully submits the following testimony regarding the implementation of in-person early voting in New York. The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and over 190,000 members and supporters.

The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including the right to participate in the course of our democracy by voting, and the right of every New Yorker to engage with democratic institutions regardless of race, class, language proficiency, or any improper barriers that have historically impeded ballot access.

The enactment and implementation of early voting this year has been a critical and welcome step towards taking New York from one of the most hostile states for voting to one of the most hospitable. In January, the state legislature acted expediently to enact or initiate a host of long overdue reforms. Early voting was arguably the longest overdue. New York arrived as the 38th state to offer an election practice that has elsewhere expanded access to the franchise to all voters, but especially for the most vulnerable voters – low-income voters, minority voters, naturalized citizen voters, disabled voters, and student voters, among others.

On balance, these classes of voters often lack the flexibility to vote in-person on Election Day and, in New York, may be prohibited from applying for an absentee ballot due to the state's restrictive "good cause" requirement. The text and legislative history of the early voting law clearly reflect an intent to expand access to the franchise to those voters who historically, recently, and currently have turned out at lower rates. In New York City, these communities constitute a very large and often overlooked part of our electorate. The majority of New York City residents are members of a racial or ethnic minority group, over three

million are foreign born, and approximately one million self-identify as having a disability. Nearly twenty percent of all New York City residents live below the poverty line. The City is also home to approximately 600,000 college or university students at over 100 institutions of higher education, including 275,000 students of the City University of New York on the system's 26 campuses. With robust implementation, in-person early voting stands to increase participation among these groups and to make our democracy a stronger and more inclusive one. The NYCLU has been working with other civil rights groups, community partners, and scholars to study the implementation of early voting, to advocate for better early voting plans, and to develop recommendations to help the law better achieve these goals.



ACLU of New York

TAKEAWAYS FROM THE NOVEMBER 2019 IMPLEMENTATION OF EARLY VOTING ACROSS THE STATE

The good news is that New York State now has the infrastructure necessary for a successful early voting program. The law provides for a nine-day period of in-person early voting that includes two weekends, offering substantial time flexibility to voters.

Although other states have been able to implement early voting and election day registration without the use of electronic poll books or ballot on demand systems, the authorization and funding for electronic poll books and ballot-on-demand systems allowed boards of elections to set up early voting sites on an expedited timeline for the November 2019 election. The vast majority of counties – including Nassau and Suffolk, which rank fourth and fifth, respectively, among New York counties in the size of their electorate, with over 1 million registered voters each – were able to take full advantage of these technologies to offer voters the opportunity to cast a ballot at any site in their county of residence. The positive experience of these counties with all-access early voting centers should provide New York City with the confidence to implement early voting centers successfully no later than the April 2020 election.

Some boards of elections also went above and beyond the bare minimum requirements of the law to provide a significant number of early voting sites. For example, the Erie County Board of Elections provided voters with 37 sites, the most in the state by a wide margin; in turn, Erie County saw early voting turnout that was second only to Nassau County, which has nearly 400,000 more voters, and exceeded turnout in every New York City borough. Schenectady County provided four early voting sites in a county with just over 100,000 registered voters – double the number required by law. According to Erie County's Republican elections commissioner, on average, only 43 seconds elapsed between the time a voter signed in and when they were handed their



ballot. Both Erie County election commissioners estimated that the introduction of electronic poll books cut voter waiting time in half over paper poll books.

But there were also counties that flouted the law's mandate of equitable access to early voting sites. Few places were as hostile to equitable access in early voting as Rensselaer County. Rensselaer County provides a cautionary tale for the discrimination that can result without sufficient vigilance over the implementation of early voting.

The Rensselaer County Board of Elections designated only two early voting sites – the bare minimum required for a county with over 100,000 registered voters. The City of Troy is the largest municipality in Rensselaer County – about three times larger than any other in the County. According to the American Community Survey conducted by the United States Census Bureau, Troy is home to approximately 82 percent of the County's Black population, over 70 percent of its non-white population overall, and over 70 percent of all Rensselaer County residents without access to a vehicle. The American Community Survey also shows that Black and Hispanic residents in the area are five times more likely than white residents to lack regular access to a vehicle. Troy is also the location of the County's college student population at Rensselaer Polytechnic Institute, Hudson Valley Community College, and the Sage Colleges. Locating early voting sites in places that are not accessible by public transportation denies these groups access to early voting. Certainly, the spirit, if not the letter, of the early voting law called for an early voting site in the City of Troy.

But neither of the two sites designated by the Rensselaer County Board of Elections was located in the City of Troy. Instead, the two sites – Schodack Town Hall and Brunswick Town Office – were located in areas that are neither densely populated nor meaningfully accessible by public transportation. For voters living in minority neighborhoods in Troy to travel to Schodack Town Hall via public transportation, they would have had to take a 60-90 minute bus ride that routed over the Hudson River through Albany. Similarly, to travel to Brunswick Town Office, downtown Troy voters would have to walk for over 2 miles from the last bus stop, on a highway with spotty sidewalks.

Like most Rensselaer County residents, Troy residents generally commute within Troy or head west into the Albany-Schenectady area. Neither site was located on prevailing commuting routes for Troy residents. A site in downtown Troy would have provided an opportunity to make an early voting site a part of the commuting routes for most residents of northern Rensselaer County, including Troy. Instead, the two sites were located just outside the commuting patterns of Troy

voters, while remaining convenient for all other Rensselaer County voters.

A group of advocates including the League of Women Voters, the NAACP, Troy Area United Ministries, the Sage Colleges, the NYCLU and Unity House of Troy, worked together to identify and propose an early voting site that fulfilled the central purposes of the law: to expand access to the franchise in an equitable manner by providing a site in a densely populated area, accessible by public transportation, compliant with the Americans with Disabilities Act, and located along prevailing commuting routes for all Rensselaer County voters, including Troy voters. The Troy City Council – in a bi-partisan and unanimous vote – authorized the appropriation of \$15,000 to fund an early voting site in Troy. And yet, in spite of identifying a site that fit the law’s criteria and months of diligent advocacy, Rensselaer County and the Rensselaer County Board of Elections patently refused to consider extending equitable access to early voting for the citizens of Troy.



EARLY VOTING IN NEW YORK CITY – SUCCESSES AND OPPORTUNITIES FOR IMPROVEMENT

The case of New York City is neither as significant a success as Erie County nor as egregious a failure as Rensselaer. First, the successes: The Board of Elections deserves credit the successful implementation of new technology, including electronic poll books and ballot-on-demand printers, during early voting. Anecdotally, voters who cast ballots early generally reported good experiences at the poll site and poll workers reported favorably about their experience with the new technology. The Board of Elections should also be praised for working with community groups to devise its communications plan and we look forward to continuing that collaboration. The Board of Elections has indicated that it will increase public participation in the identification and selection of early voting sites for the 2020 election cycle, and we applaud that approach as well.

However, the November 2019 rollout of early voting in New York City also illustrates the need for a greater number of early voting sites overall, for paying closer attention to the demographics of where sites are located, and for ensuring that all voters have access to every site.

The Board of Elections designated a total of 61 sites to serve over five million registered voters. Kings County, the largest county in the state with over 1.6 million registered voters, had only 18 early voting sites – less than half as many sites as Erie County, which has 1 million fewer voters. And unlike Erie County, voters in Brooklyn were not able to cast their ballots at any early voting site in the county.



Instead, Kings County voters were each assigned to only one site. Bronx and Queens County voters were each assigned one of only eleven and fourteen sites respectively – leaving neighborhoods like Mott Haven, Hunts Point, Williamsbridge, College Point, Whitestone, and Elmhurst without equitable access to early voting. Richmond County’s 319,000 voters were assigned to nine sites – the same number as the nearly 1.2 million voters registered in New York County. Voters in Washington Heights, Central and North Harlem, and Inwood did not have access to early voting that was equal to voters living on the Upper East or Upper West Sides.

That inequity was even worse when looking closely at concentrations of low-income minority voters in Northern Manhattan, i.e., census tracts where the median income was under \$35,000 per year. For example, in white neighborhoods in Manhattan, the average distance to an early voting site was about 7 blocks. For low-income Hispanic neighborhoods in Manhattan, the average distance was about 20 blocks. In New York City, where the vast majority of residents typically travel by means other than personal automobile, public transportation routes can make cross-borough travel onerous, and neighborhood boundaries have real meaning, early voting site plans must be more closely tailored to the City’s unique needs. As we move forward into 2020, it will be critical to engage closely with a comprehensive set of demographic data and as well as public input to prevent disparities like this from occurring in the future.

To be sure, the Board of Elections deserves credit for implementing these reforms for the first time on an expedited timeline. Some growing pains were inevitable. We expect the Board of Elections to learn from the debut of early voting and to make improvements for each coming election cycle, beginning with the special election for Queens borough president and the April 2020 Presidential Primary. But legislators must continue to engage in diligent oversight to ensure that the Board of Elections can improve its performance and cannot backslide.

RECOMMENDATIONS FOR IMPROVEMENTS TO THE EARLY VOTING LAW

After monitoring the implementation of early voting and soliciting the input of community groups, scholars, and election administrators, the NYCLU has several recommendations for improvements to early voting in the New York City.

1. *Ensure that all voters cast can ballots at all sites.*



Currently, Election Law § 8-600(3) permits Boards of Elections to deny voters the opportunity to cast a ballot at any early voting site in their county of residence only if “if it is impractical to provide each polling place for early voting all of the election district ballots or if early voting at any such polling place makes ensuring that no voter has not previously voted early during such election. With the technology available today, and changes in the law to expressly permit the use of that technology, there is no reason for Boards of Elections to opt-out of offering county-wide vote centers going forward.

In November 2019, Nassau and Suffolk Counties, each with more than one million registered voters, successfully implemented county-wide voting at 15 and 10 sites respectively. Same for Erie County, which provided 37 early voting sites to approximately 636,000 registered voters, and Onondaga County, which offered 6 vote centers to over 300,000 registered voters. By contrast, New York City voted not to allow all voters to cast ballots at any early voting site in their county of residence. Because the majority of outer borough residents commute into Manhattan for work, city-wide voting would help fulfill the purpose of the early voting law to help New Yorkers better fit political participation into their daily routines. The City Council should ensure that the Board of Elections has the resources necessary to implement at least borough-wide voting, and preferably city-wide voting.

2. *Require certain public buildings to be designated as early voting sites.*

In our conversations with election administrators, we heard their concerns about some locations that resisted being designated as early voting sites, including some public institutions. One important way to reduce the number of moving parts and friction in the early voting process would be to require certain public facilities to be designated as early voting sites. For example, CUNY facilities should be required to host an early voting site. Doing so would guarantee election administrators a perennial group of locations and also ensure that student populations have greater access to early voting.

In New York City, designating early voting sites at CUNY-City College, Hostos Community College, Queens College, CUNY-Staten Island, and Borough of Manhattan Community College would have helped close critical gaps in early voting access. Moreover, it is only fitting that institutions dedicated to training New Yorkers to become active participants in our democracy take part in expanding access to the franchise. The City Council should also consider whether and to what extent additional classes of public buildings—including public libraries, transit facilities, social service offices, and cultural

institutions—would be good candidates to serve as perennial early voting sites.

3. Increase focus on locating early voting sites in low-turnout and low-income areas to help reduce turnout disparities correlated with income and race.

In New York City, early-voting sites in 2019 were disproportionately close to higher turnout areas, particularly in Brooklyn and Queens. In Brooklyn, low turnout areas tended to be about half a mile farther from an early-voting site than high turnout areas. In Queens, it was a little less than that. Placing early-voting sites in some of these areas would both make access more equitable and potentially boost turnout. In The Bronx, our preliminary analysis shows relatively large geographic gaps without an early voting site and that neighborhoods that were both poor and Black were particularly in need of more convenient early voting sites. Areas near Crotona Park, Claremont Park, St. Mary's Park, the Forest Houses, and the William McKinley Houses simply do not have a proximate early-voting site. It is also worth noting that the wealthier and more middle-income areas around Pelham Bay are also lacking an early-voting site, but this population is significantly more mobile and more likely to encounter a site elsewhere in the city. The Board of Elections and the City should look closely at a comprehensive set of demographic data and also solicit substantial public input to create an early voting plan that provides sites equally accessible to lower-income and minority voters as they are to affluent white voters, accounting for differences in scheduling flexibility and access to modes of transportation between the groups.





FOR THE RECORD

Testimony of VoteEarlyNY

at the

Oversight Hearing on New York City's Early Voting Rollout

Presented to the

New York City Council Committee on Governmental Operations

November 25, 2019

Contact:

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Good Afternoon Chairperson Cabrera and esteemed Members of the New York City Council Committee on Government Operations. Thank you for hosting this important hearing to assess the implementation and rollout of early voting in New York City.

My name is Jarret Berg, Co-Founder of VoteEarlyNY (VENY), a non-partisan education non-profit dedicated to raising awareness among the public about New York's new early voting access and working with boards of elections (BOEs) statewide to ensure proper pro-voter implementation of Chapter 6 of the laws of 2019 and related election reforms.

It has become a ritual for the Council to conduct an on-the-record post-election review of election administration in NYC with an eye toward reform and modernization, and I want to recognize your leadership in that regard. The application of our election law and voting rights safeguards in the field across the state is, as a general matter, traditionally subject to an undesirable level of real-time poll worker discretion when it comes to troubleshooting election administration anomalies by persons who work for local BOEs only a few days a year. Also, the siting, policy, and resourcing decisions that impact our fundamental civil rights are too often shrouded in too much secrecy and generally lack accountability.

Early Voting better protects and advances civil rights for voters in many ways by providing more time—literally more due process—for busy New Yorkers to exercise their rights. But the administration benefits are equally as significant, as they spread out the systemic pressure placed on staff and technicians over a far more reasonable election period that better allows for the detection, reporting, and resolution of many typical voting incidents. In many cases, the additional time voters now have to cast a ballot means both that voters are less at risk of having their rights infringed *during the duration* of a given incident-discovery and incident-resolution timeframe. The additional days and hours also reduce the systemic impact of foreseeable turnout distortions caused by: 1) naturally-occurring variables like inclement weather or transportation delays, and 2) reduces the temptation for, and impact of, bad-faith conduct and intentional election manipulation.

With my testimony today I hope to provide a topline of initial progress on implementation as well as to express several observations and a few voter access concerns. At the outset I want to commend the NYC Board of Elections executive staff, training team, and personnel for their diligent efforts this year under tight time constraints in standing up a successful 2019 early voting program. **The law, technology and NYC program successfully and directly improved: 1) access and due process; 2) the balloting process itself; and, 3) the voting experience.**

VENY is grateful to our LetNYvote coalition partners for their impressive work this year. The coalition's early voting evaluation group is ready to conduct further analysis of early voting turnout and demographic data if and when that is made available.

VENY is excited about the statewide rollout of the first-ever NYS early voting program, which dramatically expands the timeframe voters have to cast a ballot through the creation of a nine-day early voting period including two weekends preceding Election Day.¹ In 2019, VoteEarlyNY.org mapped and tracked early voting implementation developments statewide

¹ Ch. 6 of the Laws of 2019.

while pushing counties to adopt the highest standard of pro-voter policies in the many areas where the law defers to local discretion and decision-making. By the end of Early Voting over 54,000 users had visited our website, thanks to our amazing coalition partners who spread the word about early voting and made available a robust library of multilingual public education materials that anyone—including community leaders, elected officials and localities—may use to help raise awareness among residents about this historic expansion of our access to the ballot. **We invite more City officials and stakeholders to embrace these resources in 2020.**²

Despite the provision of 2019-20 state funding for operations and capital upgrades, there were actually no funds allocated by the State specifically for public education or publicity, which must primarily be viewed as a BOE responsibility. This would be especially impactful during the first few cycles of the program, to help raise awareness among voters about their new access.

Exciting and Notable 2019 Early Voting Implementation Developments

In 2019, the NYS early voting law required an aggregate minimum of 145 early voting locations statewide.³ However, localities reportedly deployed a total of 249 early voting sites with 18 BOEs including NYC exceeding the minimum required sites. While each locality must now provide voters with at least 60 additional hours of voting during the nine-day early voting period, 19 BOEs including NYC exceeded the minimum hours. Also, when fully implemented, the NYS early voting law intends and requires local BOEs to offer “countywide votecenters” that any resident voter may access. In 2019, voters in **54 of 62 counties had countywide votecenter access** (all localities except NYC, Westchester, Albany, and Orange). **NYC BOE—required by law to provide 34 early voting sites Citywide—deployed 61 assigned sites (for 74 hours).**

In total, over 256,000 New Yorkers voted early in 2019, including more than 60,000 NYC voters. According to initial turnout data, “[t]he six counties with the highest early voting turnout percentages differ in size, but they had one thing in common: They opted to have more early voting centers than the law requires.”⁴

NYC BOE led several noteworthy Early Voting innovations worth briefly mentioning. 1) NYC BOE directed all early voting personnel working four or more days of early voting to attend a mandatory “Friday meeting” at their respective early voting sites to prepare the site and go over the plan, so folks were warmed up ahead of the first day of early voting. This is a great practice that can only improve administration and performance and reduce or remediate staff “no-show” rates. 2) NYC BOE created a “red affidavit table” to serve as a help desk in each early voting site. This creates better capacity to keep the lines moving while having staff dedicated to troubleshooting, much like the system one encounters when attending a well-run conference. 3) NYC BOE embraced the phrase “Any Line Any Time” to describe the early

² NYS 2019 Early Voting Implementation Map, www.VoteEarlyNY.org; VENY-LNYV 2019 Early Voting Resources, <https://www.VoteEarlyNY.org/Resources/>.

³ NYS Election Law § 8-600(2); *NYS Voter Enrollment By County, Party Affiliation and Status*, NYS BOARD OF ELECTIONS, Feb. 1, 2019, <https://on.ny.gov/2JcH9iE>. Statewide Registered Voter data was updated in November, 2019.

⁴ Robert Harding, *Five Takeaways from New York's First Early Voting Period*, AUBURN PUB, Nov. 13, 2019, <https://bit.ly/2D3dDIS>.

voting e-poll book check in process. This improves election administration, as voters are not limited to checking in at a single Election District table; 4) NYC BOE ratios were 1:1 for e-poll books to ballot printers. This can reduce confusion and increase capacity. 5) NYC BOE designed hardened cradlepoint cases, ensuring connectivity and ease of setup at each early voting site.

Statewide, several counties large and small, blue, red, and purple successfully stood up an early voting program that exceeded the minimum requirements in the law. Although access is merely a prerequisite to turnout and does not guarantee increased participation, which is driven far more directly by competitive contests, New York’s initial early voting experience suggests what one may expect—that counties with more convenient programs (less barriers to access) actually performed better than similarly situated peers. That said, there is no perfect apples-to-apples comparison cycle-to-cycle or county-to-county, given how much has changed since 2015.

Public Engagement and Publicity

With respect to public engagement, NYC, through independent efforts by NYC BOE, DemocracyNYC, and NYC Votes put forth what was by far the most impressive and comprehensive early voting publicity campaign in the state. These entities each took noteworthy measures to help inform voters about their new early voting rights.

For example, the BOE launched a new website, developed a short video and made available a digital media kit, graphics, and undertook a public awareness campaign.⁵ This included ads in public places and local media and a digital ad campaign, and a few low-profile public demonstrations. NYC BOE also utilized sandwich board signage and branded floor-stickers outside and in proximity to early voting sites and provided early voters with stickers and durable wristbands, which are tools that organically harness the energy of the voting public to spread the word about early voting access among family, friends, and colleagues.

DemocracyNYC advertised the program in public spaces like subways and ferries, electronic kiosks, online via email, through City government communications, etc. NYC Votes continues to be a key partner for voting reform and raised awareness about the new program in its voting guide and through its ongoing civic engagement work with community stakeholders, including Charter question awareness efforts. **We hope citywide publicity can continue in a more coordinated manner in 2020**, since accurate and clear messaging and the need to raise public awareness about civil rights access is an area of completely aligned and overlapping interest across these entities, and others like partners engaged around the Complete Census Count issue.

In terms of budgeting, it is notable that the Charter Commission reportedly spent between \$1 million and 1.4 million in 2019 on advertising to publicize the Charter questions. While it is unknown how much the three aforementioned entities spent to publicize early voting separately or combined, it is submitted that a robust overall publicity budget is indispensable to helping the non-partisan coalition, community leaders, and 2020 candidates reach the voting public.⁶

⁵ NYC Early Voting Video and Digital Media Kit, <https://early-voting-community-outreach.webflow.io/>.

⁶ Rebecca Lewis, *Who Knows About the Charter Revision Proposals?*, CITY & STATE, Oct. 6, 2019, <https://bit.ly/2DhvxYd>.

Toward this end, despite the provision of 2019-20 state funding for early voting, there were actually no state funds allocated specifically for public education or publicity, which is especially needed during the first few cycles to help raise awareness about the new access rights and voting options. **These three entities and other interested stakeholders should have a forum for working together on publicity to ensure a generally consistent message, adequate saturation across NYC communities, languages, and media, and to avoid duplication.**

One opportunity for better coordination between NYC BOE, the LNYV coalition, and other public and private stakeholders is in the area of public demonstrations, tabling, meetings and briefings to bring information about the new technology and access options to the public.

New Technology Provides Objective Election Oversight Capability and Rich Analytics

The authorization for localities to adopt electronic poll books⁷ provides potentially transformative opportunities for objective oversight of New York elections. The new capabilities have not been explored in detail during implementation. The new e-poll book law merely authorized their use as an alternative to paper check-in books to reconcile voter check-ins in real time. KnowInk (e-poll book vendor) mostly engages directly with NYC BOE (rather than SBOE) for contracting, staff training, configuration, optimization, servicing, and troubleshooting.

Aside from the fact that a person has voted early, the recent voting reforms are silent on what data must be collected by the e-poll books during voting, how and when such data must be organized, stored, and shared, and with whom. For example, the law and the regulations don't set a uniform statewide standard for ensuring that the affidavit ballot process, the challenge oath process, the assistance oaths and language access happen as part of the e-poll book check-in process or that they are compliant with New York law. Instead, vendors are working directly with counties on local configuration preference, with no known state oversight post-certification.

That administrative patchwork raises civil rights concerns. While the residual election law applies, it bears recalling that each of the vendors' software has its own front-end workflow for use by poll workers to check in voters and a back-end "dashboard", presumably for use by county or state officials to gain a birds-eye view of administration. These tools have massive potential to advance or infringe rights.

In sum, this new data-rich environment can help gauge performance of election equipment, adequacy of early voting access and siting, election law compliance, and the ability to conduct more dynamic resource allocation and oversight by identifying trends or anomalies in real time.

However, there is also the potential for whitewashing, withholding, or deleting this data, so it is actually critical that some uniform rules be laid down to ensure that as much of the voting process as possible is captured by e-poll book records and that transparency and accountability prevail. It is submitted that absent a compelling reason for specific redaction, policymakers, voting rights advocates, campaigns, and the public all have a legitimate interest in this data.

⁷ Ch. 55 of the Laws of 2019, Part XX; Robert Harding, *NY Elections Board OKs Three E-Poll Book Vendors to Help Counties With Early Voting*, AUBURN PUB, Jun. 7, 2019, <https://bit.ly/2MQRouL>.

Troubling Implementation Issues: State Board of Elections Lacks Meaningful Oversight Power

The new early voting law and regulations place various reporting requirements and deadlines on local BOEs to provide greater transparency and so the State BOE may satisfy its “responsibility for administration and enforcement of all laws relating to elections in New York State.”⁸ This includes deadlines for: designating early voting locations and hours, and indicating whether site access is countywide or assigned; submitting state funding reimbursement requests; producing a modern communications plan; developing a security plan when a new early voting plan is announced; complying with a cyber-security checklist for counties adopting new technologies, and an ongoing implicit requirement that local BOEs keep SBOE aware of subsequent adjustments to these plans.

It is believed that two-thirds of counties missed the 2019 deadline for site designation; that several missed the communications plan deadline; that NYC still has not complied with the requirement that they publicize which election districts have been assigned to which early voting sites⁹ and that nearly all CBOEs failed to comply with the actual deadline for submitting security plans for approval, which makes oversight and accountability more difficult.

A cruel irony that those who prioritize voting rights will immediately recognize is that when a voter or candidate misses a procedural election-related deadline, that defect is fatal even as it undermines the fundamental right at stake, whereas it appears that New York’s local BOEs are too often permitted to run roughshod over election law deadlines, with complete impunity.

NYC Implementation Concerns and Ongoing Challenges

The quality of 2019 implementation of the NYS early voting law statewide spans a wide spectrum. Locality variation has primarily manifested within the discretionary aspects of the law, which were necessary because in a large, diverse, and populous state like New York, one principle pro-voter advocates noted as early as 2013 was “one size does not fit all counties.”¹⁰

As such, the new early voting law sets minimum standards of siting access (by providing due process floors for the quantity of locations and hours) and safeguards the discretionary elements of the law through an “adequate and equitable access” provision with objective, good-faith siting factors that must collectively be taken into account when developing an early voting plan.¹¹

⁸ *About the New York State Board of Elections*, <https://www.elections.ny.gov/AboutSBOE.html>.

⁹ 9 CRR-NY 6211.7(a)(4) and 6211.7(c) (requiring local BOEs to provide assignment information to State BOE and local media: “If early voting sites are specific to particular cities, towns or other political subdivisions, a statement describing the area served by each early voting site.”).

¹⁰ NYDLC, *Bringing Early Vote to the State of New York: Recommendations for Amendment of Early Vote Bills* (Apr. 2014), <https://bit.ly/2jtqdqW>; Common Cause/NY, *PEOPLE LOVE IT: Experience with Early Voting in Selected U.S. Counties 37-38* (2013), <https://bit.ly/33bXxHN>; see generally Sean Young, ACLU, *For Early Voting, One Size Doesn't Fit All*, May 2, 2014, <https://bit.ly/2Owe8Sp>.

¹¹ NYS Election Law § 8-600(2)(d) (“Polling places for early voting shall be located so that voters in the county have adequate and equitable access, taking into consideration population density, travel time to the polling place, proximity to other early voting poll sites, public transportation routes, commuter traffic patterns and such other factors the board of elections deems appropriate.”); 9 CRR-NY 6211.1(c)(1) (requiring early voting “accessibility

NYC BOE—required by law to provide 34 early voting sites Citywide—deployed 61 assigned sites (for 74 hours). Voters were assigned to one of the 61 sites for the full early voting period.

Lack of Countywide Votecenters. NYC BOE declined to provide countywide votecenter access for the five boroughs for 2019, apparently invoking the temporary “ballot style impracticality exception” in the law.¹² This represents the most significant and material programmatic restriction and runs counter the law’s intended early voting access, because it eliminates the ability to vote at multiple locations (perhaps dozens of additional locations!) that may be more convenient for the voter than the one site assigned.

For more-populous localities, achieving countywide votecenters are a more complicated undertaking due to the far greater volume of voters, far more ballot styles and language access needs. However, in light NYC BOE’s successful adoption and use of electronic poll books and ballot-on-demand printers during early voting in 2019, and the countywide votecenter access successfully demonstrated by 54 of their peer BOEs, it is submitted that localities like NYC that restricted access in 2019 are required to provide countywide votecenter access by April 2020 to comply with the early voting law, or they must at least revisit the prior decision restricting voters to assigned early voting sites, identify which exception they are invoking, and why.¹³

Although it may require a legislative change, city residents routinely travel inter-Borough to commute to and from work, and for family or social obligations, such that even when fully implemented, the existing law will not meet the access expectations and convenience needs of City residents. **As such, it is submitted that the top early voting reform priority left outstanding for NYC is countywide (and ultimately Citywide) votecenter access.**

Quantity of Early Voting Locations. The early voting law includes an arbitrary cap of seven required sites for populous counties with registered voters in excess of 350,000. This cap places NYC residents at risk of being underserved. Statewide, this applies to the nine most-populous counties which includes four of the five Boroughs. Even though NYC BOE went above the statutory siting minimums, the ratios of voters-per-site are disproportionate across the five Boroughs, and compared to the statutory framework utilized by most of the state, insofar as the law prescribes a graduated formula of one early voting site per full increment of 50,000 registered voters.

for voters with physical disabilities.”); 9 CRR-NY 6210.19(c)(3) and (d)(1) (“County boards shall deploy sufficient voting equipment, election workers and other resources so that voter waiting time at a poll site does not exceed 30 minutes. . . . If the voter waiting time at an early voting site exceeds thirty minutes the Board of Elections shall deploy such additional voting equipment, election workers and other resources necessary to reduce the wait time to less than 30 minutes as soon as possible but no later than the beginning of the next day of early voting.”).

¹² NYS Election Law § 8-600(3) (“Any voter may vote at any polling place for early voting . . . in the county where such voter is registered to vote; provided, however, *if it is impractical to provide each polling place for early voting all of the election district ballots* or if early voting at any such polling place makes ensuring that no voter has not previously voted early during such election, the board of elections may assign election districts to a particular early voting poll site.”) (emphasis added).

¹³ NYS Election Law § 8-600(3).

In Brooklyn, the BOE designated 18 early voting sites for its 1,607,640 registered voters (average of 1 per 89,314 voters); In Queens the BOE designated 14 early voting sites for its 1,258,019 Registered Voters (average of 1 per 89,859 voters); in Manhattan, the BOE designated nine early voting sites for its 1,181,425 registered voters (average of 1 per 131,270 voters); in the Bronx the BOE designated 11 early voting sites for its 819,141 registered Voters (average of 1 site per 74,468 voters). By contrast, in Staten Island the BOE designated 9 early voting sites for its 313,930 registered Voters (average of 1 site per 34,882 voters). However, because the NYC BOE has not made public the overall assigned early voting siting plan as it was required to do, these are estimates. It is unknown what the actual ratios per site were.¹⁴

The equity provision requires equitable siting for voters “in the county”,¹⁵ though it is submitted that in the case of the multi-county NYC BOE, that this provision must be read to mean “City” or “jurisdiction”. If for no other reason, it is submitted that the presence of Citywide races on the ballot in 2019 and future years support such a reading for equal protection purposes. In any case, the City may push Albany to have the law amended for citywide applicability, to ensure fairness.

In light of the foregoing, the current siting plan (with its disproportionate site-per-voter ratios in four of five boroughs) when coupled with the single-assigned-site restriction, significantly underserves City residents.

To safeguard meaningful and equitable **student access to early voting**, the City could prioritize a legislative change that requires early voting siting on campus or within easy reach of public transportation. Alternatively, the City or BOE NYC could attempt to place greater emphasis on prioritizing student voter access in its discretionary siting decisions.

The early voting equity provision and regs also requires dynamic resource re-allocation to ensure wait times and travel times are kept reasonable and do not deprive voters of meaningful access to early voting. There is actually an ongoing statutory obligation that administrators continue to optimize and tailor these programs over time, including during an early voting period.¹⁶

Transparency of BOE Decisions. There is also a risk, perhaps less likely in NYC but no less existent, that the politics of siting cycle-to-cycle will override the legislative intent of providing and maintaining fair and equitable access. For that reason, BOEs should be required to open up the siting process to include local stakeholders before major decisions or revisions are taken.

As we continue to push NYC BOE to open up the siting process to include stakeholders in government, potential site hosts, and the public, we want to recognize the unique challenge inherent in implementing this law in the densely populated urban setting. Aligning ideal siting factors like ADA accessibility, 24/7 secure facilities, cost-conscious spacious real estate located near public transportation, and doing this equitably as the law requires across NYC’s very diverse communities, transit system, and geography is an extremely difficult needle to thread.

¹⁴ 9 CRR-NY 6211.7(a)(4) and 6211.7(c) (requiring local BOEs to provide assignment information to State BOE and local media: “If early voting sites are specific to particular cities, towns or other political subdivisions, a statement describing the area served by each early voting site.”).

¹⁵ NYS Election Law § 8-600(2)(d), quoted in full, *supra* note 11.

¹⁶ NYS Election Law § 8-600(2)(d), quoted in full, *supra* note 11.

A better siting process may be one that includes submissions of ADA compliant public or private sites from Borough Presidents and Councilmembers, in addition to other stakeholders like Community Boards, NYCHA and City entities that serve large swaths of the public. In short, all of us have a stake in equitable and adequate early voting siting.

To the NYC BOE's credit, the bulk of feedback from voters and poll workers regarding NYC's initial early voting rollout presented an overwhelmingly positive civic engagement experience. Moreover, NYC BOE leadership has publicly committed to revisiting the countywide votecenters decision and expanding the siting plan ahead of the upcoming election events. However, the pushback from schools, PTAs, and other traditional poll site hosts is a new challenge that must be navigated for future early voting events, in light of the more permanent footprint created by the nine-day early voting period.

To balance these factors in a way that best meets the needs of the City's diverse landscape, BOE should consider a mix of sites in public and private locations, and of varying sizes. For example, Erie and Nassau sites had much smaller footprints (less check in tables at each site). This may permit more sites in more locations, albeit with less capacity per site.

Funding. Across the state, localities are reliant on state funding to administer early voting operations. With respect to future funding levels for operations beyond the minimum required by law, the state funding formula should be designed in a way that incentivizes innovation and quality siting. Given the large proportion of NYS voters who are NYC residents, NYC should continue to make adequate state funding of elections a priority.

Staff Training and Voter Challenges. One place where clearer guidance is desirable regards the capability of e-poll books to scan the bar codes on BOE-issued voter cards or documents like DMV-issued drivers licenses. This feature has the potential to speed up election administration, but may also jeopardize voting rights, depending on how the capability is applied in the field. This raises staff training and public messaging questions, but as noted above regarding the local configuration of e-poll books, localities are pursuing very different policies here. **NYC used this feature to scan the voter cards it mailed to voters.** That capability in and of itself is potentially very useful. However, there is a larger (national voting wars) context at play, and according to the League of Women Voters' survey results, in localities including NYC, some voters reported being asked to present an ID at the sign in table, which raises civil rights concerns in NYC.

The adoption of e-poll books, where signature check-ins occur using a stylus instead of a pen may give rise to a new wave of "signature challenges". However, challenging a voter's signature is actually a challenge to that voter's identity. Poll worker training should emphasize that voters be told to sign legibly as they would a document, and if anything, signature scrutiny should be *more* lenient, given that all voters are adapting to signing in on a new medium.

Thank you for the opportunity to testify today. We appreciate the City Council's continued leadership and interest in improving New York's voting experience in 2020 and beyond.

NYC COUNCIL COMMITTEE ON GOVERNMENTAL OPERATIONS HEARING ON EARLY VOTING IMPLEMENTATION

Testimony of Susan Lerner, Executive Director, Common Cause/NY

November 25, 2019

Thank you for the invitation to testify at this hearing on early voting implementation. I am Susan Lerner, Executive Director of Common Cause/NY. Common Cause is a nonpartisan, nonprofit organization founded to serve as a vehicle for citizens to make their voices heard in the political process. We fight to strengthen public participation and faith in our institutions of self-government and lead the grassroots component of the nationwide Election Protection effort. Common Cause/NY is among the largest and most active state chapters and is a founder and leader of the statewide Let NY Vote coalition. Accordingly, the orderly administration of elections and insuring that our elections are accessible and fair is part of our core mission to promote civic engagement and accountability in government. I submit this written testimony to supplement and expand on my oral testimony.

EARLY VOTING WAS SUCCESSFULLY IMPLEMENTED

Passing Early Voting has been a priority of Common Cause/NY, as well as the Let NY Vote coalition, so we have been most happy to help New York become the 39th state to implement early voting. Our coalition mobilized our grassroots and organizational membership to educate voters throughout the state to the availability of early voting and participated in surveying the public and our members regarding their experiences voting early. The League of Women Voters will be submitting the results of the survey, but conversations with our coalition grassroots activists, as well as personal experience speaking with voters in New York City, indicate that the roll-out of early voting was a resounding success.

Page 8 of this testimony contains the photos and transcripts of the videos of 3 voters who I personally recorded after they voted at the early voting location in Brooklyn Heights in New York City. Their comments (“Seamless” “It was really quick. People were very helpful and friendly. I was in and out.”) were indicative of the comments I uniformly heard from voters leaving the polling place throughout the day on Sunday, November 3. While there is always room for improvement and this testimony and the testimony of our coalition partners will make suggestions for improvement, we want to emphasize the success of early voting and to compliment the boards of election for their diligence in acquiring electronic pollbooks and ballot on demand systems to properly implement this popular reform.

VOTER EDUCATION EFFORTS

Thanks to the generous support of the Patti and Everett B. Birch Foundation, honoring the legacy of Mrs. Birch, a lifelong supporter of strengthening our democratic institutions, Common Cause/NY and the Let NY Vote coalition was able to launch an extensive public education campaign to inform voters of the availability of 9 days of early voting, branded as Vote Early NY.

We engaged the Let New York Vote Coalition to solicit feedback and insights on what materials would be most useful for engaging their communities in early voting education efforts. Those conversations led to the development and printing of palm cards, stickers, posters and individual county specific one-pagers in multiple languages.

The materials clearly communicated when early vote is happening, provided phone number (the 1-866-OURVOTE national hotline) and website to obtain additional information and encouraged New Yorkers to be part of history by voting early. Our educational efforts were greatly benefited by the mostly donated expertise of Order Design, an award winning design firm, who developed the branding and graphic look of the campaign, and designed palm cards, posters, social media, subway and LinkNYC ads. Materials were made available on our website and on the VoteEarlyNY website to download and print so anyone with internet could access them.

In all, we printed over 200,000 pieces to distribute to coalition partners and organizations in 38 counties across the state, including palm cards and posters in Haitian Creole, Spanish, and Chinese, as well as English, and material on demand in Bengali, Arabic, and Russian. We were pleased to provide numerous legislators' district offices with our materials. Over 20,000 copies of the Vote Early NY literature was provided to the New York City public library systems, including materials and posters in English, Spanish, Chinese and Haitian Creole in the quantities requested so as to enable placement in every public library in each of the 5 boroughs.

Examples of the materials produced and photos of their use are provided as an Addendum to this testimony starting at page 7.

Material Distribution: We provided the early vote materials free of charge to any coalition partner and activist that wanted them. We received over 120 orders for materials from partners and activists to distribute in 38 counties across the state.

In New York City, the Chief Democracy Officer has placed special versions of our advertising in subway cars (see photo in Addendum) and on the LinkNYC electronic kiosks throughout the city. We distributed Halloween candy to families in New York City and Yonkers through tenant associations, and through our base-building partners in Buffalo, as well as provided candy to partners to distribute as part of tabling efforts.



Our coalition partners and activists represent a diverse set of organizations and communities. Materials were distributed to a diverse set of communities and networks. Some examples:

- **Advocacy Organizations:** Make the Road, New York Immigration Coalition, Chinese American Planning Council, United Neighborhood Housing, Citizens Union, NY Civic Engagement Table, and Community Votes and individual voter rights activists across the state
- **Civic Institutions:** All New York City Libraries, All YMCA of New York City, Erie County Libraries, Beacon Libraries and over 20 Universities across the state through Generation Vote, Elected Officials across the state
- **Civil Rights organizations:** NAACP, Urban League, LGBTQ Center of New York, Council on American-Islamic Relations
- **Community Organizations:** Harlem Defender Services, Brooklyn Defender Services, Brooklyn Voters Alliance, Voice Buffalo, Push Buffalo
- **Unions:** SEIU, RWDSU and CWA

GOTV Activities: Events across the state took place in the two weeks before early voting to give voters information on how and where to vote early. We supported those events with materials development and attendance recruitment. We also helped to facilitate groups early voting together, including support of Souls to the Polls efforts on early voting Sundays in Brooklyn, NY.

The Let NY Vote coalition is seeking foundation support to continue and expand its early voting educational efforts in 2020.

Official Education Efforts

We want to commend the New York City Board of Elections for the Vote NYC early voting mailer that went out, which was clear and well designed, as well as the Majority Conference of the State Senate, which provided its members with a clear and well designed mailer to send to constituents about early voting. Both mailers used a calendar graphic to effectively communicate the dates for early voting. We hope that these official educational efforts will continue and be expanded in 2020.

Areas of Voter Confusion

Even with the extensive education outreach undertaken by election and elected officials and our coalition and others, we found that there were still some voters who needed additional information. Our activists and coalition partners reported that voters were most confused about the following:

- The location of their early voting sites and whether it differed from their election day polling place.
- Whether they could vote at countywide locations that were convenient or only 1 assigned location.
- Whether they had to sign up for early voting separately



- Whether they were required to have voter id, and in New York City, whether the card mailed to each voter was an id card and whether they could vote without it.¹ Pollworkers, in some cases, added to the confusion, referring to the card as a voter id or informing voters they needed the card to vote. We understand that the pollworker training in NYC emphasized the actual, non-ID function of the card but apparently that training needs further emphasis.

NEW YORK CITY CAN DO BETTER

We want to emphasize that the experience with the number of voters using early voting and the limited amount of voter areas of confusion is consonant with experience in other states. As voters gain more familiarity with early voting, the number of voters using it is highly likely to increase and questions or confusion about it diminish.

Borough-Wide Voting Centers Must Be Established

New York City was one of the very few jurisdictions² in the state that insisted on assigning each voter to only one early voting location. This caused unnecessary confusion and discouraged some voters from voting early, due to the inconvenient location of their assigned early voting location. At a minimum, voters should be able to choose any convenient location within their borough of residence in which to vote early in 2020.

More and Better Early Voting Locations

While we were pleased to see the NYC Board of Elections set up more than the inadequate statutory minimum of 7 polling places per county, the number of early voting sites set up will not be adequate for the number of voters expected in next year's presidential election cycle. It is important to note that Erie, the county with the most voters who voted early, was also the county with the largest number of early voting sites. A key purpose of an early voting system is to encourage a more even distribution of voters across all the days in which voting is available, so as to relieve the bottleneck effect on Election Day. Failing to provide an adequate number of early voting sites defeats this purpose.

¹ Precisely how to communicate this information more effectively is difficult to determine, as the language of the New York City mailer was clear in explaining the purpose of the card was to help the voter "skip the information table".

² The other jurisdictions were Westchester, Albany and Orange Counties, although voters residing anywhere in Albany County could vote at the county Board of Elections.



It became clear during this first early voting period that NYC public schools are not an ideal location for early voting. Taking over a cafeteria or gymnasium for an entire school week – much less 3 different weeks in 2020 – is very disruptive for the school and its students. Luckily, in New York City, many alternative appropriate sites exist. We note that no public schools were used for Early Voting in Queens. The New York City Board of Elections must be more creative and more insistent in locating appropriate polling places. There is no good reason why cultural and other institutions which are located on city land should be permitted to refuse to host early voting locations. The Board of Elections must not hesitate to avail itself of the procedure set forth in Election Law Sec. 4-104(3) which places an obligation on buildings exempt from taxation to be used for polling.

The Board's request that the public provide suggested polling places by email by a date in mid-December is a step in the right direction. But it continues to place the onus on the public to submit ideas to a secret process. The Board has not provided any guidance regarding the specifications it seeks in an appropriate early voting site. The entire procedure which the NYC Board follows in setting early voting polling locations must be more collaborative and transparent in order to be truly successful.

Reporting During Early Voting

We very much appreciated the daily reporting of the number of voters who voted early in different boroughs. With the use of e-pollbooks, even more information can be made available on a daily basis. Organizations engaged in GOTV efforts should be given daily access to lists of those voters who have already voted early, so as not to waste resources contacting voters who have already voted. It is our understanding that, at least in New York City, that information was available to some campaigns or partisan political organizations on a selective basis. Such information should be freely and promptly available to any organization that agrees to use it solely for election purposes, as with the general voter list.

Official Education Efforts

We want to commend the New York City Board of Elections for the Vote NYC early voting mailer that went out, which was clear and well designed, as well as the Majority Conference of the State Senate, which provided its members with a clear and well designed mailer to send to constituents about early voting. Both mailers used a calendar graphic to effectively communicate the dates for early voting.

However, more government resources should be devoted to educating voters to the availability of early voting and dispelling the areas of confusion experienced by some voters. We recommend that this committee seek to provide city resources for a more extensive citywide education campaign for 2020.



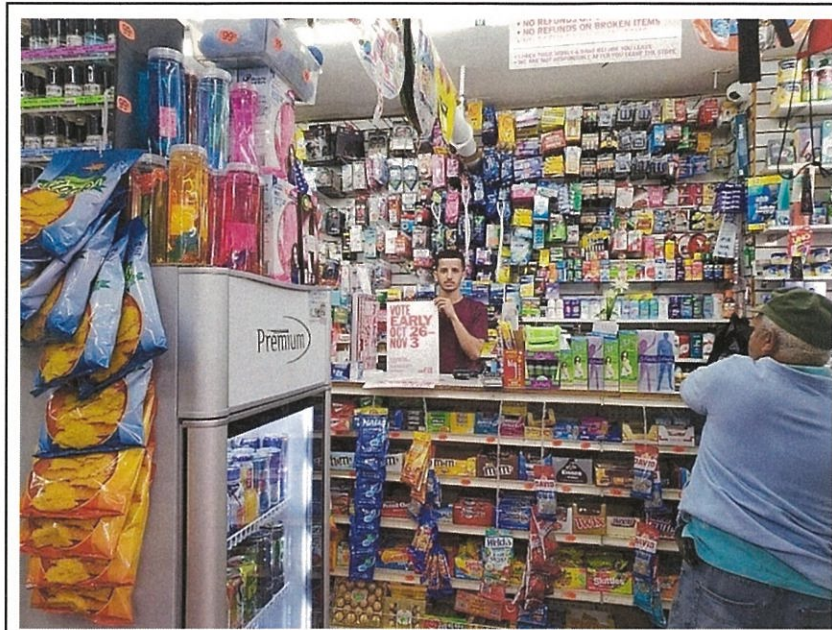
Improved Pollworker Assignments

We join in the recommendations of coalition partners who point out that too many pollworkers were assigned to early voting locations. We continue to urge the Board of Elections to avail itself of the scheduling flexibility afforded it by recent changes in state law for which we supported that allows for split shifts. The week days and times of greatest voter turn-out during early voting in New York City were completely consonant with the patterns we see in other states and predictable. Pollwork assignments should reflect the expected peaks and lulls in voter turn-out through the 3 early voting periods in 2020.

VOTER HOTLINE ISSUES

The 1-866-OURVOTE national hotline, the Election Protection hotline maintained by the Lawyers Committee for Civil Rights, received 74 calls from New York voters, of which 30 were during the early voting period. 35 of the total calls received were from New York City. Most calls, both during the early voting period and election day, were questions regarding verifying registration and locating the voter's polling place. 7 calls indicated confusion about voter ID, including 3 which referred to poll workers requesting voter's ID. One caller from Queens indicated that a pollworker was turning away voters. That complaint was marked resolved.





Material Distribution

We provided the early vote materials free of charge to any coalition partner and activist that wanted them.



Material Design

Print and digital materials were designed to communicate:

- Dates and times of early voting
- Voting rights
- Contact information to find your poll site

Statewide palm card in English



Translations

Materials were translated into Spanish, Haitian Creole, Chinese, as well as Russian, Bengali, and Arabic upon request.



“It was fantastic. Well first of all, it was convenient to come out and vote and not be beholden to a very tight window. The service was really good and everyone seemed really happy to support the vote”



“It was really quick. People were very helpful and friendly. I was in and out. Very easy to understand what was on the ballot and there are even magazines in there to tell you if you’re confused at all so it was a good experience.”

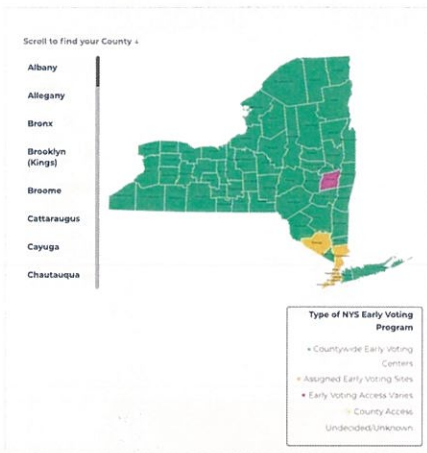


“It was seamless. Just walked in, they got my information, they gave me a ballot, and I voted. So that was two seconds.”





WHERE Can I Vote Early?



Website Development

We provided support for the re-branding of the [VoteEarlyNY](#) web page. The website allows users to find their polling location, download materials, host events and report their early voting experience.





On the G Train

Subway and Ferry Ads

In New York City, the Chief Democracy Officer placed special versions of our advertising in subway cars, on the Staten Island Ferry, and on the LinkNYC kiosks throughout the city.



On the Staten Island Ferry



Link NYC kiosk on 14th Street



Ivelisse Gilestra from College & Community Fellowship speaking at the Let NY Vote Early Voting Rally.

Hello again-

My apologies- please accept this Version of testimony for the record:

I'm a parent at PS116, which was designated as an early voting location. While I'm thrilled New York has finally instituted early voting and was happy to participate in the voting process a few weeks ago, the designation of NYC public schools as early voting locations lacked good decision-making, planning, and communication. It was disruptive to our children's learning environment and routines. It was a burden to school leadership and teachers who already are under-supported and under-resourced as they tried to accommodate this addition to their normal operations and maintain a safe, nurturing environment for our children. It took teachers' and administration's attention and energy away from the priority of each day: education. Additionally, this decision lacks a true strategy for accessibility so that everyone who is registered to vote can easily do so. The gymnasium at PS116, which was used for voting, is extremely difficult to get to for someone with mobility issues. The gym is one level below street level, and is very far from the entrance voters used to access the building. Should public schools continue to be early voting locations, these disruptions will only grow as early voting will conflict with more school days- some of which will be testing days when the schools will be hard-pressed to find alternate spaces to conduct these exams. NYS public schools need to be dedicated to education and should NOT be early voting sites moving forward. I urge you to support and pass legislation which excludes public schools as early voting sites.

Best,
Danielle King
danielle.monica.long@gmail.com

November 19, 2019

To Chairman Fernando Cabrera:

I am writing to strongly oppose the use of public schools for early voting sites. My first and foremost concern is for my children and all school age children who are the ultimate victims of this poorly-thought out decision. Their education and safety is compromised during each and every early voting session.

The Board of Elections (BOE) has mandated early voting sessions, so far for nine days that have disrupted the typical school for these young children. Each session allows a stream of unchecked individuals to enter the school at will while the children are trying to learn in their classrooms. In an age where these same children undergo lockdown drills to prepare for unwanted strangers who enter their schools with malicious intent, you are now actively opening the school doors multiple times a year for several days to these same potential strangers. Public schools have had security guards on premise every school day and have locked doors for a reason, to keep our children protected, sheltered and safe. Yet, during these voting sessions, the BOE completely disregards this need to limit access and entry to our public schools. The safety of our children should not ever be compromised, not for one day let alone weeks at a time.

These early voting sessions in the public schools do not only compromise the children's safety but their education. The school resources such as cafeterias and gymnasiums are usurped for the purpose of polling. Can you imagine these children, locked in their classrooms all day? Eating their lunches at their desks? Not able to expend any pent up energy because their gyms and playgrounds are off limits? This confinement is done all in the name of safety, to keep them away from strangers who have now taken priority in THEIR school.

Also, the next session for early voting will coincide with the New York state exams for the 3rd and 4th grades. The importance of these exams is reiterated time and again from the first day of school. The teachers prepare the children by tirelessly going over the material and teaching the students how to focus for the lengthy examinations. Yet, again, on the days of the test administration, the school doors are thrown wide open to strangers and the daily routine and any semblance of order and stability that these students need to concentrate on these important exams disappears.

The BOE and the City of New York cannot pretend that they put children and their education first if they continue to hold early voting sessions in public schools. There are many other sites where these sessions can be held such as the Park Avenue Armory, colleges like the Borough of Manhattan Community College and Columbia University and recreation/community rooms of religious organizations. All these sites were on the preliminary list for early voting, yet the BOE decided that public schools with small, young children would be the best location to accommodate an influx of the public during school hours. But these alternate sites would be far better options. I urge this committee to remove public schools, elementary to high school, from the list of early voting sites for the safety and education of our children.

Sincerely,

Wanda Chin

■ East 36th Street, NY, NY 10016

Early Voting at PS116

Hello,

I am writing this email to express my strong view that PS116 should NOT be used as an early voting site and should be removed for future elections. Having early voting at PS116 in November was extremely disruptive to all of the students, not to mention the very real safety risk of adults being able to enter the school without identification while the children are there.

And from my own personal experience, I have a son who is ADHD and has sensory processing disorder and desperately needs to run around and expend energy during the day. Without recess, the week was especially hard for him and made it nearly impossible for him to function in the classroom.

I implore you to please remove PS116 as an early voting site for all future elections.

Thank you,

Robin Bowers

<rjmilmine@gmail.com>

Early voting at schools

Thank you to the City Council for taking up the important issue of early voting locations. Specifically, the use of schools as early voting locations. As a parent of two students in PS 116 in Kips Bay, Manhattan, I have first-hand experience with how disruptive this effort is.

While I believe the school, political, and safety community came together extremely well to handle this year's early voting, I do not understand why it would be acceptable to stop youth from accessing cafeterias, gyms, schoolyards, and other portions of their building, any further.

Surely, any number of civic buildings would provide a better option. Libraries, senior centers, and even armories would seem to be locations that could accommodate the 5-7 day disruptions related to early voting. Especially as we look to the primaries and general election in 2020, how could we disrupt the learning - and testing - environment in our schools.

Early voting is a great asset and tool, but it shouldn't come at the cost of our children's learning.

Thank you,
Mike Hopper
East 36th Street
New York, NY 10016
<michaelahopper@gmail.com>

Early Voting at PS116

I am so disappointed to learn that they plan to continue use of PS116 for early voting in the Spring. Aside from the incredible disruption it caused for our students for an underwhelming turnout of voters, the spring dates coincide with the State Math Test for our 3rd-5th graders. These tests put extra pressure on the students already and are used to qualify our kids for middle school. This will certainly put our children in a disadvantaged position compared to their peers in other neighborhood schools when they apply to middle school. I am absolutely floored that the DOE and BOE aren't aware of these major issues and wouldn't do something to rectify this situation. There are plenty of other venues they can use for early voting. For example, there is a CUNY location on 5th Avenue between 34/35th which is used for general voting that could easily be used for early voting without any such disruption to young children. There has to be a better solution. I cannot fathom that anyone could think that early voting in a public elementary school while school is in session affecting a total of 3 weeks of learning, restricting access to the gym, cafeteria, yard, etc. not to mention anyone being able to enter a public elementary school is safe. Even government buildings and office buildings require ID to enter but here anyone off the street can walk into our children's school. It's insane!!! Please, we are begging you to do the right thing and stop early voting from occurring in public elementary schools where the effects are significant on our children.

Thank you for you consideration.

Regards,

Karen Arends

www.linkedin.com/in/karenarendscmp

Early voting

This is falguni shah a parent of a student who goes to PS 116. Our school has been selected for early voting during our main stage tests in March which disrupts our kids lunch, recess and gym during crucial examination time for fourth graders. Their grades count to which middle school they can go to. Kindly remove our school PS 116 early from the voting list. A lot of parents from our school share the same sentiment.

Thanks a lot for your consideration.

Warmly,

Falguni shah

<falumusic@icloud.com>

Early Voting Testimony- Sarenne Sutton-Benchimol

To Whom It May Concern:

I am writing because my children's school, PS 116, was used as an early voting site.

Thanks to our PTA presidents, there were some changes made to limit the disruption as much as possible, but I want to emphasize, the disruption was still massive.

Safety protocols that we were promised were not consistently enforced. On Sunday, October 27, a fellow parent went to vote, and the gym doors leading to staircases were wide open. When she indicated to security personnel that the doors are supposed to remain shut for the duration of voting, she was told that they were remaining open, and if she has a complaint, to write the BOE. After multiple meetings the week before, the parents were told by DOE and BOE officials that those doors would remain closed the whole time (since they lead directly to a staircase that allows access to all floors of the school), to deter and limit public access to the school, and during the week, to the children. It is unclear to me whether we were told this because officials did not want to hear complaints anymore, or if people simply didn't relay the message. Either way, this is unacceptable. It is my understanding that security promises were not implemented in full throughout the week- doors that should have been closed needed to be opened to allow for ramps, rugs need to be moved to allow wheelchair access which required opening other doors, this is what I heard in passing, but I was not downstairs, because I was upstairs. I had to take time off from work to help 'guard' the stairwells...

At our school, children lost access to the yard, gym, and cafeteria. Our school is not big, This does not leave any space other than classrooms for the children to occupy. My children are also in the after school program (which I pay for out of pocket) until 6 PM, so they were locked inside the classrooms from 8:20 AM-6:00 PM all week. Programs that parents paid for, which required more space than classrooms had to offer (e.g. tennis) were canceled, and children remained in classrooms from the dismissal time, 2:35 PM to 6 PM. I have a 6-year-old and an 8-year-old. No physical education and having students locked in classrooms for prolonged periods of time is unacceptable. This absolutely impacted their education and behavior that week. You can speak to any child development expert about the need for movement. There is even a physical education mandate authorized by the state. Unfortunately, that was not met due to early voting. The primaries in the spring overlap with state tests. The disruption that early voting caused in our school will most definitely put our students at a disadvantage as we are still a site moving forward as far as we know. Our government sent a loud and clear message that early voting is more important than what we have in place to guarantee the health, wellness, and education of our children. That message was sent not only in the commandeering of occupied school buildings, but with the egregious unresponsiveness of the officials involved as well.

An additional, significant concern is that there is nothing to stop a person with ill intent from entering the school and going somewhere they shouldn't. Due to the priority of early voting needs in the school building, the emergency protocols put in place for the school building had to be suspended for the duration of early voting. In case you don't understand what this means, all schools have emergency protocols to enact in case of emergencies. Lockdown and shelter in drills are part of this protocol. During early voting, the plan for locking the building down had to be suspended. That meant that in case of emergency, the school could not enact the lockdown or shelter in procedures to secure the building. The building would have, therefore, remained

open during an emergency. The predetermined protocols could not be followed because of the lack of training of the adults in the building, the multiple open access points during early voting.

For this reason, elections should never happen while the children are in the building. I have been denied access to the school by guards who know my face because I've forgotten my ID at home, and I didn't complain. It makes absolutely no sense to ignore all security measures that our school has in place in the name of early voting. Having an escort bringing people to the polling site is not a deterrent. Having an armed guard in the basement by the polls is not protection for the 5 floors above. I am not concerned about the people who are coming to vote- I am concerned about the possible one who has other plans. Being that there have been dozens of school shootings in our country already this year alone, this is a valid concern. You are also welcomed to walk around our neighborhood. Over the last two years, the homeless population has increased dramatically. There are often people either urinating, defecating, or masturbating on my walk to school with the children. Profanities being yelled out are a frequent occurrence. There was a stabbing around the corner from my house only three nights ago and a robbery at a garage two blocks away last night. This is not the place to open school doors to the public, and quite honestly, nowhere in America is right now.

We have a number of parents who did not send their children to school that week. Of course, it is the people who have the privilege of staying home with their kids or paying for 5 days of childcare who can do this. Many cannot. I don't think it's a coincidence that our school has, by far, the highest population of economically disadvantaged students in the area when compared to other public elementary schools (PS 40, PS 281, PS 59, PS 11, PS 33- the demographics are publicly available online at the NYSED website). This is undoubtedly not a coincidence... For a mayor who is so focused on equity and equality in education, this, surprisingly, doesn't seem to phase DeBlasio one bit. I assume that no elementary schools housing G&T programs are part of this ingenious pilot program.

Parents have been put in charge of handling this situation while elected officials and departments continue to pass blame, if they are responding at all. I called the Board of Elections multiple times prior to early voting with questions and concerns. No one responded. I had to call 311 to be patched through. I was told that there was nothing to be done. One representative said that each location is paid to be used and I should talk to my principal about my concerns. It was her decision to have our school used and she signed off on it. Our principal DEFINITELY did not know about this beforehand. Our vice principal even testified at the senate hearing about the roll-out of early voting last Wednesday. If, in fact, sites get paid, I'd love to know where the money went and who has it. That may help explain how this happened, being that our school was not on ANY of the initially publicized lists of locations and our administration was notified less than a month beforehand of the plan to use the school. Queens and the vast majority of New York State figured out a way to house early voting without disrupting a week of school. This was a poorly thought out choice made by certain Board of Elections commissioners, Mayor DeBlasio, and very possibly, officials at the DOE as well. I implore you, for the wellbeing of our children and the longevity and success of the early voting program, please move this out of public schools while they are in session.

Teachers began their day at 8 AM this morning (instead of 8:20). Children had to eat breakfast on the floor of the hallway. The cleaning supplies that parents purchased for classrooms were used to clean spilled milk from cereal that had dropped on the hallway floors, among other things. Kids were sequestered in classrooms for nearly 10 hours a day for a whole week. This

is RIDICULOUS. It's putting undue stress on students, parents, staff, the school's resources, and the food program workers.

I'm not expecting the BOE to care about our children's education, clearly, that is beyond their realm of ability and responsibility. What I am asking for is that the safety measures put in place by the school be followed (people entering a school building must show ID- really, THAT IS NOT too much to ask for), the education mandates placed by the state to be followed, and equity for all students in New York City public schools. The equity is, unfortunately, a stretch with this administration, but asking for security protocols and education mandates already in place to be followed should be common sense. Transparency would also be nice. As of now, it is still unclear who got paid to have voting at certain locations, when these decisions were made, and who was responsible for disseminating the information in a timely manner. I have written to the mayor's office, my senator, city council members, the DOE, the BOE- the only response I received were from my city council representative. No one is taking responsibility for the disruption to my children's education, they don't even care enough to respond or engage in a conversation. It took our PTA presidents achieving media presence to finally have someone respond to our community. If schools are being used, the BOE and DOE must be responsive to concerns of those occupying the schools, including families, faculty and staff. Simply not responding should not be an option.

I have heard all sorts of arguments from those pointing out that emergencies have not happened in schools while voting has occurred, therefore, the concern is alarmist, to the fact that voting has been housed in schools for decades, so why stop now? It's never been a problem before! DeBlasio himself stated that schools were open on election day, which simply isn't true. Elections have historically been a one day at a time disruption in New York State. This weekly mandate of surrendering occupied school buildings multiple times a year is a new phenomenon. So no, we haven't been doing this for decades and schools have historically been UNOCCUPIED on the first Tuesday in November, when the largest numbers of voters enter the building. In addition, I hate to be the one to point this out to those who don't yet know, but school safety in this country has deteriorated greatly over the last few decades. While there is much debate about why, no one can argue that keeping children safe in school buildings is problematic. In 2019 so far, there has been an average of one school shooting per week in the US. This is not the America I grew up in. Officials are excited about upgrading voting technology, getting rid of paper ballots in favor of more efficient systems but for some reason, people are digging their heels in and failing to recognize that our landscape has changed. As time passed, it was clear that we needed to take a look at how, when and where voting occurs. The how (using technology instead of paper) and when (for 10 days instead of one per election) are clear priorities, but for some godforsaken reason, the where doesn't seem to phase many politicians! Housing voting in occupied schools is a disaster waiting to happen, a preventable disaster if our officials use some common sense and open their minds to figuring out this real problem that they do not want to acknowledge or address.

Sincerely,
Sarenne Sutton-Benchimol
<sarenneamanda@gmail.com>



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

**City Council Committees on Governmental Operations and Oversight
November 25, 2019**

Thank you, Chair Torres and Chair Cabrera for the opportunity to submit testimony on New York City’s early voting implementation. My name is Amy Loprest and I am the Executive Director of the New York City Campaign Finance Board (CFB).

This past election was truly historic for New Yorkers. For the first time, New Yorkers were able to take advantage of a nine-day early voting period, beginning on Saturday, October 26th, and ending on Monday, November 5th. By expanding access to the polls, New Yorkers were able to cast a ballot with convenience and flexibility. Our initial analysis and observations indicate that the Board of Election’s (BOE) rollout of early voting was a success. We applauded them for their work on this enormous undertaking.

This past spring, at our April 3 Voter Assistance Advisory Committee (VAAC) meeting, we invited voting advocates to discuss early voting implementation. After that hearing, we compiled the many recommendations we heard into a letter we sent the BOE on April 25. We were pleased the BOE incorporated some of our recommendations into their plans to implement early voting in New York City.

In our April 25 letter, we suggested the BOE establish more than the minimum number of early voting poll sites. State election law only requires the BOE to provide a total of 33 early voting poll sites in New York City. The BOE ultimately provided far more than the minimum number of early voting poll sites, with 61 total, ensuring more voters have easier access to early voting.

Further, we suggested in our letter that the BOE incorporate a robust, hands-on comprehensive poll worker training program in advance of the early voting period. With this, and the recent addition of electronic poll books, our initial observation is that poll workers provided a smooth and seamless voting experiences for New Yorkers casting a ballot during the early voting period.

We also made recommendations in our letter to adopt vote-center models and ballot-on-demand technology. Specifically, we recommended a vote-center model to allow voters to cast a ballot at any early voting location in their home borough, regardless of their residential address. While the BOE didn't utilize vote-center models, they did integrate ballot-on-demand technology, allowing multiple ballots to be printed at each early voting poll site. The implementation of ballot-on-demand technology provides a strong framework to move to a county-wide vote center model in the future. BOE Executive Director Mike Ryan has made public comments indicating the BOE is moving in this direction, and we urge them to follow through.

Finally, our letter included recommendations for the BOE to provide an abundance of resources to New Yorkers about early voting. The BOE did conduct a thorough and comprehensive education campaign on early voting. Our letter also included a recommendation that the BOE update their website to clearly display early voting information, which they did in advance of the early voting period.

Throughout this election cycle, our own voter outreach and engagement highlighted New York's recent adoption of early voting. This fall's voter guide, including the cover, incorporated information on New York's first early voting period. This information included the dates and times for early voting, Election Day poll site locations, as well as a disclaimer that early voting poll sites would likely be different than Election Day poll sites. There were some important lessons learned for us from New York's first early voting implementation. The new election calendar requires us to communicate complete and authoritative election information to the public in time for the start of early voting. Our experiences from New York's first ever early voting period will help us better engage the public around elections moving forward.

Our regular, non-partisan GOTV phone banks began prior to the early voting period to ensure more New Yorkers were aware of early voting. During our GOTV phone banks we urged New Yorkers to take advantage of the early voting period.

Our initial observation based on voters' experience indicates that early voting implementation was successful. We look forward to using the certified election results as the basis for further analysis of how New Yorkers across the city participated in early voting. Administering a significant change to how we conduct our elections is no small undertaking, and the BOE should be acknowledged for their work.

We encourage the BOE to find ways to build on the successes of this year's early voting implementation, as 2020 will likely produce significantly higher voter turnout numbers in New York City.

On Wednesday, December 4, we will hold our annual VAAC hearing, where we will present a more detailed analysis of early voting participation and have a conversation with community groups about the lessons we can learn about mobilizing voters to vote early next year. We invite members of the committee and public to attend at our office at 100 Church Street in lower Manhattan, at 5:30 p.m.

Thank you for the opportunity to provide testimony today.

November 25, 2019

City Council Committee on Governmental Operations

Hearing on Oversight – New York City’s Early Voting Rollout

I am testifying on behalf of myself and other parents at PS116 regarding the use of our children’s public elementary school for Early Voting. We are angry about the lack of forethought, the lack of transparency, and the lack of accountability on the part of the Board of Elections and other governmental institutions involved in the selection of polling sites for Early Voting, and our goal is to have our school permanently removed from the list of Early Voting sites, and to support other schools in this effort.

There are two major issues with the use of schools for Early Voting while school is in session – security, and education.

Before I begin with our story, I want to acknowledge that we are in favor of Early Voting. Many of us took advantage of the opportunity to vote early ourselves. But that does not mean we will let the benefits of this legislation blind us to the serious problems with its implementation.

Back in January, the state law authorizing Early Voting in New York was signed. In May, a list of polling sites for Manhattan was released by the Board of Elections. Our school was not on that list. No elementary schools were on that list. After much discussion, it remains unclear to us what exactly happened to change that list, and when, but in any event, our local school administration was notified that we were in fact to be an Early Voting site less than 3 weeks before Early Voting was set to begin. Parents were informed at a subsequent PTA meeting. As major stakeholders in this decision, it is not lost on us that our school’s notification arrived extremely late in the process, when there was literally nothing that could be done to change the school’s designation – voters had already been notified of their polling sites. Many of us assume that this late notice was intentional. Regardless of whether this represents actual intent, or just poor organization and management, as you can imagine there is now a complete lack of trust in the Board of Elections and other governmental institutions that we had previously assumed are responsible and accountable to us as parents, as citizens, and as taxpayers. But I am getting ahead of myself.

At that PTA meeting the reality of the situation became starkly apparent. Our school, constructed some 70 years ago, was never built with Early Voting in mind. The building is small, and some say already only marginally able to fulfill its primary mission of educating young children. The Board of Elections would be installing their voting machines in the school gymnasium. There is only one gymnasium, used for physical education classes, school assemblies, after-school activities, and weekend school functions. Once the election machines were in place, the gymnasium was completely off-limits to the children for the duration of Early Voting; two weekends and 6 days of school. Given the school layout, routing people to the

gymnasium would require that random people from off the street would wander through the school cafeteria while it was full of children. I say random people, as these people would be unchallenged and unidentified, since potential voters cannot be asked for identification.

We all know the depressing news around school violence. While most of us realize that we cannot prevent every act of school violence no matter what precautions we take, it seems remarkably cavalier to throw ALL caution to the wind and offer up Early Voting as a Trojan Horse opportunity to people with malicious intent. And to be clear; we weren't worried about the voters. We were concerned about the other people who could stroll into the school under the guise of Early Voting. Not necessarily a neighborhood citizen. Not necessarily even a New Yorker. No one would have any idea whatsoever who was entering our school, all day long, every day, for a week. So now, all that cheery advertising extolling the benefits of Early Voting suddenly, for our school, looked more and more like advertising for some sort of reckless experimental invitation to random miscreants, to see what might happen.

If this last statement sounds like an overreach, I ask you all to just take a moment and picture YOUR 5-year-old child sitting in that cafeteria with their friends. Normal school operation requires security guards to be posted at any unlocked entrance to the building. Anyone entering the school, including myself as a school parent, must provide identification before being allowed to enter. With Early Voting, all of the usual security precautions were abandoned. There could be no questioning of people entering the school, and no identification could be requested. Unidentified people, on their way to the voting machines in the gymnasium, would walk through the cafeteria packed with kids. Or, on their way to other locations inside the school, as there was simply no way of tracking people once they entered. Now that you are picturing your own 5-year-old in that cafeteria, sitting there with hundreds of other young kids in a wide open room, with no barriers, with unidentified people wandering in - here's the next remarkable piece of information that was introduced to try to reassure us - the Board of Elections would have an armed guard in the adjacent gymnasium - watching over the voting machines. It was incredibly ironic. And, I don't know about you, but when I imagine some sort of problem occurring in a cafeteria full of elementary school children, it does not put me at ease to imagine a Board of Elections guard discharging a weapon into that room.

After that PTA meeting, parents understandably went ballistic. It became clear to all of us that the Board of Elections had never considered the actual full impact of their plan to use our children's school. Moreover, the security issues were so egregious that it was apparent to anyone with an average allocation of common sense that the Board of Elections must have not have even bothered to VISIT the school to consider the layout, prior to approving it as an Early Voting site. Or, if they had visited, then they clearly had no common sense.

That summarizes the security issues. Now let's look at the educational issues.

First, as a foundation for discussion, I think we can all agree that public elementary schools have a singular primary mission - to educate young children. We may not agree on the extent to

which public schools succeed in that mission, but the primary mission itself is not under debate. And for those who feel that public schools may already be challenged in the fulfillment of their primary mission, it is hard to argue that throwing up additional obstacles to effective education is somehow advantageous.

In our school, Early Voting hijacked the gymnasium for the week. Providing separation between the young children and the unidentified adults – people ostensibly on their way to the gymnasium to vote - required that the cafeteria be closed to children for the week. Providing for a separate entrance for potential voters, to minimize opportunities for co-mingling between unidentified adults and the children, also took the recess yard away for the week. The end result of this logistical nightmare was that some 500 children from pre-K through 5th grade were stuck inside of classrooms for the entire day, every day, for a week. They ate their breakfast in classrooms. They ate their lunch in classrooms. They remained inside classrooms with no physical education class or recess. There were no after-school sports or other activities in the gymnasium or recess yard. As an important aside, our school serves many children from nearby homeless shelters; for these children in particular, in addition to providing an escape from the difficulties of their lives through educational activities, school may offer the only daily opportunity for these children to run free in the pure physical sense.

For reference, the length of the regular instructional day is 6 hours. Many children participate in after-school activities to accommodate the schedules of working parents, with the length of the entire school day extending to up to 9-1/2 hours for these children. The lack of a physical outlet for pent-up energy for this duration of time has far-reaching effects on the primary mission of an elementary school. Teaching young children is a challenge on a good day; ask any teacher. And one does not need a degree in child development to understand what happens when you deprive young children of the opportunity to expend energy through physical activity during their educational day, keeping them cooped up inside their classrooms for 6 hours, and up to 9-1/2 hours. They become distractible and unable to focus. Behavior becomes a huge challenge. Teaching and learning become wishful thinking, and then a mythical goal.

In short, the primary educational mission of the school was disregarded for a full week while our school administrators and teachers struggled through the chaos of Early Voting.

Some of the comments we heard in reference to our concerns at the time were remarkable, and emblematic of deeper problems. Representatives of the Board of Elections were obviously uninformed about our school, yet at the same time stunningly able to be quite condescending. Our mayor himself made the unfortunate misstatement in a radio interview, which I will paraphrase here, that “this was just like any normal election day where voting is held in schools.” It most certainly was NOT like any other election day. Other elections occupy the duration of a single day. One school DAY. Not five days of a school WEEK. And many of those “normal” single election days are designated school holidays, when school is not in session. This is a major distinction, and again made it all the more apparent how little thought had gone into this poor implementation of Early Voting.

This brings me to my final points. There are three elections scheduled during this current academic school year. The election that just took place this month, a state primary next April, and a federal primary next June. There are 180 instructional days in the school year. With Early Voting, these three elections add up to some 30 days of occupation of our school by the Board of Elections. Forgetting the loss of school facilities for children's activities on the weekends, and just focusing on the instructional days during the week, that represents a serious disregard of the educational mission of the school for 10 percent of the entire school year. One-tenth of the school year. Moreover, the election next April coincides with New York state math testing; so in April, Early Voting will have the additional notable distinction of functioning to sabotage students' test results.

Parents, and taxpayers in general, are not going to sit idly by and let this misappropriation of our schools continue without a fight. And apparently, there was a successful effort in the borough of Queens to keep schools off their list of Early Voting sites, so it seems that the misuse of schools for Early Voting is not an absolute necessity.

In summary, we ask you, in your oversight role, to support our efforts and provide some much-needed guidance for the selection of polling sites for Early Voting, and keep schools off the list, at least while they are in session.

With all of the fanfare around Early Voting, we cannot lose sight of the fact that the "PS" in PS116 stands for Public School, not Polling Site. We're all for Early Voting, but we need to use common sense – no Early Voting in schools, while school is in session. This is not too much to ask. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Argilla', with a long horizontal flourish extending to the right.

Michael Argilla

Parent of student at PS116



40 NORTH PEARL STREET, SUITE 5
ALBANY, N.Y. 12207-2109

Douglas A. Kellner
Co-Chair

STATEMENT FOR THE NEW YORK CITY COUNCIL COMMITTEE ON GOVERNMENTAL OPERATIONS

DOUGLAS A. KELLNER
Co-Chair, New York State Board of Elections
December 13, 2017

The New York City Board of Elections has accomplished a great deal since the last time I appeared before your committee. The City Board performed well in introducing early voting, electronic poll books and ballot on demand printers. They did this under extreme time pressure and deserve recognition for a job well done

While I acknowledge that the City Board of Elections has made significant improvements, I still have a few recommendations where additional efforts are needed.

Implement Rank Choice Voting Promptly

I have urged the elimination of the runoff primary election for citywide contests for many years. The Charter amendment will now accomplish that with the introduction of rank choice voting in municipal primary and special elections. I have urged the New York City Board of Elections to begin the implementation process immediately, especially to identify an appropriate vendor and software so there can be a proper certification process at the State Board of Elections.

I still recommend that the runoff primary should be replaced with ranked choice voting or eliminated altogether. I also urge that the City use software that will allow them to report preliminary unofficial results on election night, without waiting for completion of the formal post-election canvass.

Compliance with the “30 Minute Rule” for waiting to vote for the November 2020 presidential general election

The voting systems regulations include a mandate on the counties that they have adequate staffing at each poll site. 9 NYCRR § 6210.19(c)(1) provides: "County boards shall deploy sufficient voting equipment, election workers and other resources so that voter waiting time at a poll site does not exceed thirty minutes."

New York City has not complied with this regulation in its presidential general elections, New York City still has a long way to come into compliance in 2020. A starting point is to recognize that the presidential election is not like other elections. The turnout is many times greater and imposes maximum stress on our system for administering elections. Therefore, the planning for administering a presidential election should be significantly greater than for other elections.

For example, approximately 2.5 million New York City residents vote in person at the presidential election. This is usually double the number of people who vote in the general elections for governor or mayor and many, many times the number of people who vote in primaries. The lessons from these statistics is that successfully running these elections with substantially smaller turnouts is not necessarily a prediction for success in administering a presidential election.

New York City has many more poll workers than needed for primary and special elections and is understaffed in many locations for the presidential election. It cannot be stressed enough—the turnout in a presidential election is seven times the turnout in a typical primary election.

The fundamental problem is that the most crowded poll sites that have lines hours long in presidential elections need more sign-in tables with multiple teams of inspectors to distribute ballots. This requires more space, which requires advance planning that needs to take place now.

Staffing of the Polls Needs to be More Efficient

The use of ballot scanning technology for the casting of votes affords much greater flexibility for the organization of poll sites. The city can do more to take advantage of that flexibility.

A lever voting machine could only show a single ballot style. Therefore, all voters who used that machine needed to live within the same geographical district for each of the contests appearing on the machine. That was the basis for the organization of election districts still found in Election Law § 4-100.

Ballot scanners can receive multiple ballot styles. Therefore, it is no longer necessary that all of the voters who use a particular scanner have the same ballot form. The “election district” as the unit for election administration is now an anachronism. I enlist your support to have the Legislature revise the Election Law

to change the unit of election administration from the election district to the poll site. There should be a single set of two or four bi-partisan “inspectors” for each poll site who have the legal responsibility for operating the poll site. Obviously most poll sites will require many additional personnel, but these can consist of many different job titles with varying functions as needed by that particular poll site for that particular election.

Many county boards of elections have already adopted the state board’s recommendation that the same set of four inspectors be appointed for each election district at a poll site. Admittedly this falls into a gray area of the Election Law, which should be amended to explicitly provide for this. Similarly the Election Law should explicitly provide for organizing the registration books to allow for division of the books at a poll site by alphabet rather than by election district. This can be accomplished without changing the requirement that the scanners continue to report results by election district

Even without changes in the Election Law, many boards of elections, including the New York City, have begun to differentiate job functions at the poll site to be more efficient. By differentiating job functions, newly recruited poll workers can be trained only for specific functions, making the training less cumbersome. The NYC board has already adopted more innovative training by abandoning the effort to train all poll workers on all procedures. Instead, quite properly, the NYC board has concentrating training of new poll workers on the particular functions that they would be expected to handle on election day. As poll workers gain seniority, they are trained on additional functions.

Poll workers should be paid for successfully completing training, but the fee needs to be increased to reflect the time needed for proper training.

The Legislature has amended the Election Law to explicitly authorize split shifts of poll workers as long as there is at least one Democrat and one Republican who work the entire day (see EL § 3-400(7)). While it is true that using split shifts will increase the number of poll workers and the attendant problems in recruitment, training and payroll, it will vastly increase the pool of persons who would consider serving as a poll worker. The current workday of 17 hours is too long for many potential poll workers. The New York City Board needs to be more flexible in order to recruit qualified poll workers.

The Mayor sets the rate of compensation for poll workers. When Mayor Giuliani increased the compensation to the current level, there was a substantial increase in the number of persons seeking to serve as a poll worker. An increase to account for inflation would have a similar beneficial effect. As a way to improve training there could be intermediate titles such as “senior clerk” for those who have been able to master specialized skills, such as the complex procedures for opening and closing the polls or to unjam scanners.

Similarly, there should be stated financial penalties for not performing all of the required functions. For example, many election districts fail to fill out the list of affidavit ballots with their returns, or fail to complete the canvass sheet properly. If modest financial penalties were assessed for failure to carry out assigned tasks, poll workers would learn that there are consequences for poor performance.

We have all observed that the bottleneck for almost all lines at poll sites is at the table processing the registration books. Many election district tables are very efficient in handling the tasks at the registration book table, while other districts are much slower. Part of this is training and organization, and part of this results from poll workers who have difficulty finding names in alphabetical order. Having an adequate number of people working the registration table is not complicated or mystical. It is simply a matter of arithmetic. The best teams of poll workers can process approximately two voters per minute or approximately 100 voters per hour. On the other hand, there are poll workers who take much longer. Perhaps the Board should have a test to qualify poll workers that include a hands-on performance of the registration table functions and that the poll workers be rated and assigned accordingly.

If the workers assigned can only process 30 voters in an hour and 150 voters per hour are anticipated during the morning rush, then there needs to be five sets of poll workers to process those voters in a timely manner. If the poll workers can process 100 voters in an hour, then there only needs to be two sets of poll workers.

In New York City there has been a shift in voting patterns over the last several decades so that a very high proportion of voters cast their ballot on their way to work in the morning. The NYC board should assign additional clerks for the morning rush. It has been very disappointing that the City Board has resisting implementing variable hours for poll workers, notwithstanding the passage of authorizing legislation.

Conclusion

I have limited my remarks to just a few issues which the City Council may be able to influence improvement in election administration.



CITIZENS UNION OF THE CITY OF NEW YORK

Testimony to the New York City Council Committee on Governmental Operations

250 Broadway
November 25, 2019

Good afternoon Chairman Cabrera and members of the Committee on Governmental Operations. My name is Rachel Bloom and I am the Director of Public Policy and Programs at Citizens Union. We thank you for inviting us here today and for giving Citizens Union the opportunity to testify.

Citizens Union is an independent and nonpartisan democratic reform organization that brings New Yorkers together to strengthen our democracy and improve our city and state. Nonpartisan and independent, we seek to build a political system that is fair and open to all – one that values each voice and engages every voter. We thank you for the opportunity to speak today about the implementation of early voting in New York City.

In 2019, legislation was enacted allowing for a 10 day period of early voting throughout New York, and to allow electronic pollbooks to assist with implementation. These laws were implemented for the first time beginning October 26 and running through November 3, 2019. Overall, the first set of early voting in New York City was a success. While there were some issues, we compliment the Board of Elections, as well as poll workers and administrators, for making the process work as well as could be expected.

Successful Practices

- **Adequate Funding.** We commend the Mayor and City Council for their robust support of early voting, and for adequately funding the Board of Elections to properly implement early voting. These funds were used to acquire new machinery, power poll sites, hire and train additional poll workers and launch a robust public education campaign. This funding was a significant reason why early voting was a success this fall. Continued financial support is a necessity as we head into a minimum of three rounds of early voting in 2020, where we anticipate significantly higher voter turnout.

- **Trouble Shooting.** As predicated, early voting allowed poll worker and the Board of Elections to identify and fix problems in advance of Election Day. This trouble shooting ensured that when most voters visited the polls on Election Day, elections ran more efficiently.

Recommendations for Improvement

- **Borough Wide Early Voting.** New York City must work toward borough wide early voting and eventually, with state reform, city wide voting. Almost all counties in New York allowed countywide early voting; New York City was an outlier with assigned early voting poll sites, which needlessly complicated and confused voters. New York City voters must be allowed to vote citywide, and we urge the state legislature to pass an amendment that would allow citywide voting in New York City. While limiting early voting to counties makes sense in other places, it does not in New York City, where most people work outside of their borough. Allowing voters in New York to vote not just anywhere in their county, but anywhere in New York City is a necessity to truly enfranchise voters.
- **Increased Poll Sites.** Experience shows that the more poll sites, the more accessible and successful early voting is. Erie County led the state with 37 early poll sites, and they had the highest early voting turnout in the state. While New York City had more than the legally mandated number of early polls sites, we offered the least amount of poll sites to registered voters throughout the state.
- **Community Input.** There were complaints throughout the City regarding the process by which early voting poll sites were located, with many schools unhappy to be selected. Moving forward, the Board of Elections and local elected officials should work in partnership to hold neighborhood meetings to identify potential early voting poll sites that would work most effectively for their communities.
- **Access to Poll Sites.** The largest overarching issue that voters encountered was confusion over their poll site. Most New Yorkers voted at locations different from where they normally cast a ballot. By and large, early voting sites were not as accessible, and once voters arrived it wasn't always clear where within the building early voting was taking place. Signage must be plentiful and accurate always, but especially at early voting sites where most New Yorkers have not previously voted. In New York City, it is of the utmost importance that early voting pollsites be located close to mass transit and that information should be relayed to voters.

We thank you for the opportunity to speak today and look forward to working with you to improve and increase early voting in New York City.

THE COUNCIL
THE CITY OF NEW YORK

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Appearance Card

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

in favor in opposition

Date: 11/25/19

(PLEASE PRINT)

Name: SUSAN LERNER

Address: 80 Broad St., Ste 2703

I represent: Brown Cause/NY

Address: 80 Broad St., Ste 2703, NY 10004

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

in favor in opposition

Date: 11/25/19

(PLEASE PRINT)

Name: Anne Montesano

Address: 253 Broadway, 4th fl.

I represent: Mayor's office of Immigrant Affairs

Address: 253 Broadway, 14th fl.

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Appearance Card

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

in favor in opposition

Date: 11/25/19

(PLEASE PRINT)

Name: Laura Wood

Address: City Hall

I represent: Democracy NY / Mayor's office

Address: City Hall

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rachel Born

Address: 570 Westminister

I represent: Citizens Union

Address: 299 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 11/25/2019

(PLEASE PRINT)

Name: Perry Grossman

Address: 125 Broad St., NY, NY 10004

I represent: NYCLU

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 11/25/2019

(PLEASE PRINT)

Name: DOUGLAS KELLNER

Address: Co-Chair and Commissioner

I represent: NYS Board of Elections

Address: Albany NY

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 11/25/19

(PLEASE PRINT)

Name: Dana Sandow

Address: 42 Broadway

I represent: Bd of Elections

Address: 42 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: NOV 25, 2019

(PLEASE PRINT)

Name: Michael Argilla

Address: _____

I represent: PS 116

Address: 210 E 33rd St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: NOV 25, 2019

(PLEASE PRINT)

Name: Tony DiLuzio and Silverman

Address: 300 E 34th St NY

I represent: Alshuler High School

Address: 210 E 33rd St

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Amy Torres

Address: 150 Elizabeth Street

I represent: CPC-MHC Chinese American Planning Council

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 11/25/19

(PLEASE PRINT)

Name: Nick Smith

Address: 1 Centre Street, 15th Floor

I represent: Office of the Public Advocate

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Wennie Chiu

Address: 131 W 31st St

I represent: New York Immigrants Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 11/25/19

(PLEASE PRINT)

Name: Jarnet Rerg - Vote Early New York

Address: 330 E 38th St

I represent: Vote Early NY

Address: 205 E 42nd St, NY NY 10017

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 11/25/19

(PLEASE PRINT)

Name: MICHAEL J. Ryan

Address: 42 BROADWAY

I represent: NYC BOE

Address: _____

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