

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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October 1, 2015

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HELD AT: Council Chambers - City Hall

B E F O R E: BEN KALLOS
Chairperson

COUNCIL MEMBERS:
David G. Greenfield
Mark Levine
Ritchie J. Torres
Steven Matteo

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

Henry Berger
Special to the Mayor
NYC Office of the Mayor

Winette Saunders
Deputy Commissioner
Department of Correction

Eric Contreras
Executive Director of Social Studies
NYC Department of Education

Lora-Lynn Byfield
Senior Director of Communications
NYC Department of Education

Michael J. Ryan
Commissioner
Board of Elections

Amy Loprest
Assistant Executive Director
Campaign Finance Board

James Harkness (sp?)
Live On New York

Ellen Yoshiuchi
National Kidney Foundation

Iris Resto
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Talia Werber
Policy and Research Manager
Citizens Union in the City of New York

Prudence Katz
Research and Policy Manager
Common Cause New York

Kate Doran
Election Specialist
League of Women Voters of the City of New York

Amanda Seelman (sp?)
Student at New York Civil Liberties Union
Legislative Advocacy Clinic at new York Law School

Sarah Kerr
Staff Attorney
Prisoner's Rights Project

Penny Mentz
Assistant District Attorney, Retired
Member, Big Apple Coffee Party

David Pechefsky
New York City Site Director
Generation Citizen

Jonathan Reese
Member, Big Apple Coffee Party

2 [sound check, pause, sound check]

3 [gavel]

4 CHAIRPERSON KALLOS: Good morning to the
5 full room today for this hearing on the Committee of
6 Governmental Operations. I'm Ben Kallos, Chair of
7 the committee. You can Tweet me at Ben Kallos, and
8 we're joined today by Council Member Costa
9 Constantinides and have already been joined by
10 Council Member Ritchie Torres. Today, we'll be
11 discussing five pieces of legislation, three
12 introductions, two resolutions related to the
13 promotion of absentee voting, voter registration and
14 voter registration forms handed out by certain city
15 agencies. I want to thank our Committee Analyst
16 Laurie Wenn for her amazing work, and I'd like
17 welcome back David Seitzer our previous counsel, and
18 note that once you are Gov Ops Counsel it is hard to
19 leave.

20 According to the New York City Campaign
21 Finance Board only 20% of eligible New York City
22 voters cast their ballots in the 2014 general
23 election, which was at historic low. According to
24 the United States Election Project New York State had
25 slightly better, but still a dismal 29% of eligible

2 voters casting ballots last year, ranking the state
3 near the bottom in the nation for voter
4 participation. It's clear we are in the midst of a
5 crisis of civic engagement, and the legislation being
6 discussed today seeks to address this in several
7 ways.

8 Introduction 628, which I sponsored, will
9 improve access to voter registration materials among
10 our city's graduating high school seniors by
11 requiring the Department of Education and the BOE to
12 provide students with registration materials in
13 appropriate language and to track and report efficacy
14 of distributing registration materials. Those forms
15 are currently just handed out in bulk in English with
16 diplomas, and they do not make it back to the voter
17 registration system. A report by Rock the vote and
18 CIRCLE found that young voters are more diverse, and
19 the best thing that we can do to assist those voters
20 and prospective voters and get them to turn out is by
21 getting to them while they're still in school. We
22 have--we are registering all of our kids for the
23 draft, which has not happened in decades as they
24 graduate our schools, and as they turn into teens in
25 our schools. But we're not doing the same for

2 registration, which happens every single year, and
3 sometimes multiple times a year.

4 Along the topic of voter registration
5 there are two ways to become an organ donor. One is
6 when you get a driver's license, but in a city where
7 most people don't have driver's licenses, including
8 most of my staff, the best way is through voter
9 registration, and that's a bill introduced by Council
10 Member Costa Constantinides, Introduction 796, which
11 would add assistance with the voter registration
12 form. As previously noted, we have been joined by
13 Council Member Ritchie Torres.

14 In addition, we also have Resolution 695
15 sponsored by Council Member Helen Rosenthal, and
16 Resolution 848. One item that we've been advocating
17 for, for years at least personally, and I'm glad to
18 have Helen's resolution on point is 16 and 17 voter--
19 year-old voter registration. You can already
20 register to vote at 17. You just have to be turning
21 18 before December 31st of the year you register.
22 And so, the system will mark somebody as pre-reg.
23 Whether we change that from 17 to 16 for registration
24 would have no impact on the system. The system is
25 already built to accommodate it. The only change

2 would be that we'd have more time to get to the high
3 school students to get them registered while they are
4 in our schools.

5 With Resolution 848, which I sponsored,
6 it would allow--it calls on the state to allow online
7 and same-day registration. Last, but certainly not
8 least, is an issue of extreme importance, which is
9 enfranchisement. Intro 464 sponsored by Council
10 Member Wills would require the Department of
11 Correction to implement a program to assist eligible
12 jailed individuals to vote by absentee ballot. After
13 the absentee ballot applications have been submitted
14 and DOC receives the requested ballots, the agency is
15 to distribute the ballots and provide assistance in
16 completing them upon request. DOC is also required
17 to transmit completed applications and ballots the
18 New York City Board of Elections it requested. This
19 is actually already, a lot of this is already in the
20 State Elect Law and, in fact, it specifically
21 provides for absentee voting from jail. So this
22 would just make sure that as we address a lot of the
23 prison reform that our Council has been doing, that
24 we're able to assist those people. And I just want
25 to thank our Committee Analyst Laurie Wenn for her

2 particular advocacy on this issue, and to her
3 passion. And this time I'd just like to offer
4 Council Member Constantinides a chance to make some
5 opening remarks unless he'd like to wait for his
6 panel on this bill.

7 COUNCIL MEMBER CONSTANTINIDES: Thank
8 you, Chair Kallos. It is always a pleasure to be
9 here, and this whole package of bills to improve
10 voter participation and enfranchisement in the city
11 is--I know it's been your life's work something that
12 you have--we've worked on together for a long time so
13 I'm--I'm proud to see all these great things, and
14 proud to say you're my friend, (sic) and thank you
15 for your leadership. There are over 10,000 people in
16 the city--the City of New York Metropolitan Area and
17 120,000 total in the United States waiting for a
18 heart, a lung, a kidney or pancreas. We have
19 consistently had one of the lowest organ donation
20 rates in the country ranking 48 out of 50 on Donate
21 Life America's 2013 report card, and it's only gotten
22 worse. According to Live On New York, formerly the
23 New York Organ Donor Network, we are now 50 out of 50
24 on the national list. According to the Department of
25 Health and Human Services, 21 people die everyday

2 because they are unable to get an organ in time.
3 Tens of thousands of people are forced to spend their
4 years of lives wondering if today is the day that
5 they will get the phone call that saves their life,
6 or that today will be the day that they become one of
7 those 21 victims of this crisis. This is in spite of
8 the creation of the New York State Donor Life
9 Registry in 2006 that allows New Yorkers to legally
10 consent to organ donation without requiring
11 additional permission from the donor's family or
12 caregiver upon the donor's death.

13 Last year, Council Member Kallos expanded
14 a number of agencies that had--that had to
15 participate in the Voter Registration Program with
16 agency representatives working with constituents must
17 provide them with voter registration cards. The
18 agencies must then process the cards that they
19 receive back. My bill, Intro 796 amends this law and
20 directs agencies to also provide assistance to any
21 one who requires--inquires about the organ donation
22 card now attached to voter registration forms. By
23 signing up to be an organ donor, you can save up to
24 eight lives, and save--and save or heal up to 100
25 more through tissue donation. Again, I want to thank

2 Chairman Kallos for your leadership. I want to thank
3 the Administration. I want to thank Live On New York
4 for all of your wonderful work, and all of our
5 advocates who are here today to tell your stories.
6 And I look forward to hearing from all of you. Thank
7 you.

8 CHAIRPERSON KALLOS: Thank you very much,
9 Council Member for your partnership on election
10 issues going back as far as both of us have been
11 active. So, thank you for your career commitment to
12 expanding the franchise and as well as saving lives.
13 That is a rare thing to be able to be working on, and
14 thank you for your leadership on that. I'd like to
15 now call up the first panel of the Administration.
16 Henry Berger from City Hall representing the
17 Administration. Laura Lynn Byfield, New York City
18 Department of Education; Eric Contreras, New York
19 City Department of Education as well as Winette
20 Saunders from the Department of Corrections. [pause,
21 background comments] If you could please all four of
22 you raise your right--turn on your mics and then
23 raise your right hand. Do you affirm to tell the
24 truth, the whole truth, nothing but the truth in your
25

2 testimony before this committee, and to respond
3 honestly to Council Member questions?

4 PANEL MEMBER: I do.

5 PANEL MEMBER: Of course.

6 CHAIRPERSON KALLOS: Thank you.

7 HENRY BERGER: Good morning, Chairman
8 Kallos--Chair Kallos, Council Member Constantinides.
9 As you know, I share your passion on these issues.
10 My name is Henry Berger. I am Special Counsel to the
11 Mayor. I am joined by Deputy Commissioner Winette
12 Saunders from the Department of Correction, and Eric
13 Contreras and Lora Lynn Byfield from the New York
14 City Department of Education. Thank you for the
15 opportunity to testify before you today on the three
16 bills. (1) promoting absentee voting among jailed
17 individuals; (2) tracking the efficacy of
18 distributing voter registration materials to students
19 and providing students with registration materials in
20 appropriate languages; and (3) providing assistance
21 for individuals signing up to be an organ donor.
22 It's part of the agency based voter registration
23 program.

24 Voting and civic participation are
25 essential to a health democracy. The Administration

2 shares your concern regarding New York City's
3 extremely low voter participation rates. Not only is
4 the number of registered voters among eligible
5 citizens appalling low, but the number of registered
6 voters who actually go out and vote is only a
7 fraction of where it should be. Unfortunately, we
8 all know that voter turnout among young people is
9 even worse than the abysmal voter rate turnouts of
10 other adults. Mayor de Blasio is deeply committed to
11 reducing barriers to voting participation to make it
12 easy to register to vote and to get out to vote. The
13 Mayor's Office is working with other city agencies
14 and the Board of Elections in the City of New York to
15 make registration easier and more accessible, and
16 make voting more efficient. To operationalize our
17 committee we have created a working group that
18 consists of me, the Mayor's Office of Operations, the
19 Community Assistance Unit and the Mayor's Office of
20 City Legislative Affairs. As one example of the
21 efforts of the working group, his work with the New
22 York City Technology Development Corp to develop and
23 online voting registration pilot, which is being
24 tested at DCAS. It is not fully electronic because
25 the State Board of Elections still requires an ink

2 signature for voter registration, and has thus far
3 declined to accept electronic signatures.

4 As you know, City Charter Section 1074-A,
5 which was enacted as Local Law 29 of 2000 requires
6 certain city agencies and their contractors to assist
7 and implement the program of distribution of voter
8 registration amongst the clients who are applying
9 for, renewing or seeking recertification of services.
10 Last year the Council amended this section to add
11 seven additional agencies to the program consisting
12 of this Administration's commitment to reducing
13 barriers to voter participation and to increase
14 compliance with existing laws, the Mayor issued
15 Directive 1 in 2014, which requires the now
16 designated 24 agencies to develop plans to ensure
17 compliance with Local Law 29, and to submit semi-
18 annual reports regarding implementation.

19 Las fall, the original 17 participate--
20 participating agencies each designated a primary
21 coordinator for voter registration and submitted
22 plans to comply with the law and the directive. Over
23 the last year, the agencies have received in-person
24 and online training for frontline workers from the
25 Campaign Finance Board; have received an online

2 tracking tool to capture activity at dispersed sites,
3 which we created, obtained access to signage
4 developed by the Campaign Finance Board; received a
5 website button to electronically link to voter
6 registration for their home pages; and received
7 instructions on security registration forms from the
8 City Board of Elections. We have also begun
9 discussions with the Mayor's Office of Technology and
10 Innovation to explore how best to leverage technology
11 in these efforts. The first 17 agencies submitted
12 their first reports on July 15 of this year. The
13 reports were reviewed by the working group with
14 recommendations going back to the agencies when
15 needed. They were summarized and compiled in report
16 to the Council submitted on August 15, 2015, and the
17 next report is due to us on January 15 of 2016.

18 We are now in the process of integrating
19 the seven new agencies designated in the expansion of
20 legislation into the program. The Mayor's Office of
21 Operations has met with the seven new agencies.
22 Their implementations were due yesterday. Their
23 implementation plans were due yesterday with a start
24 date of no later than December 2015, and the working
25 group is following up with the agencies to ensure

2 that the plans are complete. The working group has
3 also met with voting advocates throughout the past
4 year. I will meet them again in a couple of weeks.
5 We are in the process of securing translation of the
6 voter legislation forms, a voter registration guide,
7 and a voting FAQ prepared by the Campaign Finance
8 Board so that they will be available in all languages
9 required by EO 120 and by the DOE. Those are Arabic,
10 Creole, Russian, French and Urdu, as well as
11 languages the Board of Elections uses, Chinese,
12 Spanish, Korean and Bengali. Thus, we are
13 aggressively pursuing ways to make it easier for NYC
14 residents to vote. We strive to make it as easy and
15 simple as possible. We firmly believe that
16 exercising the right to vote for elected officials is
17 the most effective way for people to make their
18 voices heard in representative government. We are
19 hopeful that our efforts are making real and lasting
20 changes with respect to voter participation.

21 And with that, I'd like to address the
22 specific pieces of the legislation that are before
23 you. First, on Intro 628. The Administration
24 applauds the City Council in its efforts to increase
25 civic participation among our young people. As the

2 committee is aware and in accordance with the Young
3 Adult Voter Registration Act, which we refer to YAVRA
4 enacted in 2004, the DOE provides voter registration
5 forms to every graduating senior, and to every high
6 school for placement in their respective central
7 offices. The registration forms are delivered to
8 schools along with a memo to school leaders, which
9 outlines the provisions of YAVRA, explains how the
10 registration form should be distributed, and
11 encourages students to register--to return their
12 registration forms to become active voters. In the
13 weeks before graduation, notice is also included in
14 the Chancellor's weekly newsletter to principals
15 regarding the requirements if YAVRA. In addition to
16 the distribution of voter registration forms, the
17 importance of voting is consistent and pervasive
18 content streamed throughout the grades K through 12,
19 New York City Social Studies Curriculum, and the New
20 York State Social Studies framework.

21 Intro 628 of amends this law to require
22 the City Board of Elections to assign a code to each
23 geographic school district and create voter
24 registration materials and include the relevant
25 geographic codes. Voter registration forms that

2 include the codes will then be distributed to
3 students at the same time and the same manner as it
4 delivers to departments.(sic) Further, the DOE would
5 need registration forms in any language authorized by
6 the State or City Board of Elections that the DOE
7 deems appropriate for students at each school. The
8 DOE would then issue reports by borough and school as
9 to the number of students who are 17 and 18 at each
10 school, and the manner in which the materials were
11 distributed. The City Board of Elections would be
12 required to add to its annual report in a detailed
13 description by geographic school district how the
14 forms were distributed, how many were distributed,
15 and what languages they were distributed and how many
16 were completed and returned to the Board.

17 While the Administration appreciates the
18 spirit of the bill, it has a number of concerns with
19 the legal and practical implications of these
20 requirements. As an initial matter, the City has
21 serious concerns about placing affirmative
22 operational mandates upon the City Board of
23 Elections, which performs a state function when it
24 administers voter registration. The bill's new
25 obligation to created many different codes of

2 registration forms and then track the distribution
3 and return of these forms in the Board's annual
4 report may well place an undue burden upon--and undue
5 burden upon the appropriate exercise of this state
6 function. Moreover, we find this bill as it relates
7 to coding school districts to be overly burdensome,
8 and essentially impractical. The city is divided
9 into 32 geographic districts. New York has over
10 70,000 seniors who attend more than 550 high schools,
11 public charter high schools, and District 79 programs
12 located throughout the five boroughs. Printing 32
13 district forms in what will eventually be 10
14 different languages with a total of 320 different
15 forms for 70,000 students and ensuring that the right
16 forms went to the right schools would be a huge
17 waste of paper and financial and operational
18 resources. The City would need to spend tens if not
19 hundreds of thousands of dollars to implement a
20 flawed system to find out merely whether schools are
21 or are not registering high school seniors to vote.

22 Additionally, assuming that our plots
23 will be ten or more schools in each geographical
24 district all using the same code, it will be
25 functionally impossible to identify or target the

2 schools that are in need or more oversight. The bill
3 would likely create many more problems procedurally--
4 procedurally, logistically and legally than it would
5 solve.

6 We are also concerned about the
7 effectiveness of the current program. Delivering the
8 voter registration forms to students at the same time
9 as receiving their diplomas is a misguided attempt to
10 highlight the importance of voting. Giving voter
11 registration forms to students as they walk out the
12 door rather than making it part of a broader
13 discussion of civic rights and responsibilities does
14 not seem to be the best way to register voters and
15 integrate students [bell] into our civil society. It
16 is unlikely that students are going to think about
17 voting on the day of their high school graduation,
18 which is one of the most important moments in their
19 lives. It is just very bad timing. It is more
20 effective to provide voter registration at a more
21 appropriate times--time, excuse me, during the school
22 year.

23 Last year the DOE worked with the City
24 Council--some City Council members on a pilot program
25 led by Council Member Rosenthal. Council Member

2 Torres was very involved in that. I know he was here
3 earlier. As the committee may be aware, the pilot
4 program included a day of civic engagement activities
5 culminating in a classroom voter registration drive
6 for our 17 and 18-year-old students. Fifteen Council
7 Members and 26 schools participated, and we are
8 looking forward to continuing our partnership in the
9 current school year, and hope more schools will join
10 this important program.

11 Because each high school is different, it
12 is important that the DOE and the high schools are
13 provided with the flexibility to develop their own
14 programs and implementation plan. The present law
15 already provides the flexibility in Subdivision B,
16 and we've asked and urged the Council Members to
17 continue and expand these voluntary efforts by
18 considering whether to afford greater flexibility in
19 the graduation day mandate of present Subdivision C,
20 while ensuring that DOE has the necessary discretion
21 to determine the appropriate means of incorporating
22 voter registration with the educational mission. The
23 Administration strongly support school based voter
24 registration programs, and looks forward to working
25 collaboratively with the Council Members on these

2 programs as I outlined above. In short, we look
3 forward to working with the Council to find a more
4 targeted solution in educating students about the
5 importance of voting. And Mr. Contreras and Ms.
6 Byfield are available with me to answer questions on
7 this Intro.

8 CHAIRPERSON KALLOS: [off mic] The intro
9 basically provides no funding. (sic)

10 HENRY BERGER: Intro 465, which requires
11 the DOC to implement and administer a program and
12 distribution and submission of absentee ballot
13 applications, and subsequently receive absentee
14 ballots for eligible inmates who are in the New York
15 City Jails, the Administration generally supports
16 this bill, though there may need to be a few
17 technical amendments to ensure that absentee ballot
18 applications are made available only to those who may
19 submit them under the Election Law. I'm going to
20 leave it to Deputy Commissioner Saunders to speak to
21 their specific concerns about the bill.

22 CHAIRPERSON KALLOS: [off mic] An updated
23 version is June next year.

24 HENRY BERGER: This is always fun, isn't
25 it, Mr. Chairman. Intro 796 would require the staff

2 of the 24 agencies to currently participate in agency
3 based voter registration programs to provide
4 assistance with respect to the section of the form
5 allowing individuals to register to become organ or
6 tissue donors if such assistance is requested or if
7 assistance is normally provided with the agency's own
8 forms. The value of this important program cannot be
9 overestimated, and the Administration is supportive
10 of this bill. We are--I will ask Commissioner
11 Saunders to speak on the--on her intro and then we
12 will be available to answer any questions.

13 DEPUTY COMMISSIONER SAUNDERS: So good
14 morning. Good morning Chairman Kallos and members of
15 the Committee on Government Operations. My name is
16 Winette Saunders--

17 CHAIRPERSON KALLOS: [interposing] If I
18 can--if I can interrupt for just a moment--

19 LORA-LYNN BYFIELD: Sure.

20 CHAIRPERSON KALLOS: --I'd just like to
21 recognize we've been joined by Council Member Mark
22 Levine, a member of this committee as well as the
23 Minority Leader of the City Council who is also a
24 member of this committee and has perfect attendance.
25 That is rare amongst us. We've also been joined by

2 Council Member Ruben Wills, who is the sponsor of
3 legislation. I'd like to give him a moment to
4 provide an opening statement.

5 COUNCIL MEMBER WILLIS: Sorry to interrupt
6 you. I do apologize for being late this morning, and
7 Mr. Chair I would ask that you just give me the break
8 down of the panel makeup because I did not have that
9 when I came in. And is anybody cold in here? It
10 seems like it. I'm cold? Is anybody else cold?
11 Maybe I'm having flashes. It's gold. Sergeant-at-
12 Arms could we get some heat turned up a little bit or
13 turned on. Um, thank, Ben Kallos, the Chair. You
14 have been pushing some tremendous things, and the
15 voter rights is something that we applaud you for
16 leading on this issue. Including among the
17 legislation that we've already discussed is Intro
18 464, a bill that will require the Department of
19 Corrections to promote absentee ballot voting among
20 jailed individuals. In New York State any jailed
21 individual awaiting upon an alleged offense or
22 convicted of a misdemeanor is eligible to vote. Our
23 city's jail population is largely made up of men and
24 women of color who lie in wait for months even years
25 before they are tried simply because they are mostly

2 poor and unable to post bail. Their hardship is
3 worsened by the loss of their ability to vote at the
4 polls, and their confinement hampers their ability to
5 obtain absentee ballots without proper assistance.

6 During this hearing we hope to learn from the
7 Administration, DOC and the City Board of Elections
8 what efforts are being undertaken to make voting
9 accessible to those in the city's custody. Whether
10 deliberate or unintentional voter disenfranchisement
11 infringes on an individual's right to cast a ballot,
12 and that right must be preserved in all settings
13 including in our correctional facilities. The
14 Council has a responsibility to ensure that their
15 right to exercise this basic liberty is not being
16 trampled on because of negligence. In this country
17 one is innocent until proven guilty and must be
18 afforded due process. Intro 464 would that principle
19 by requiring the department to encourage and to
20 facilitate absentee voting. I ask my colleagues to
21 support this bill, and I look forward to the
22 testimony we are about to hear. And again, thank you
23 Chair, for your leadership on this issue.

24 CHAIRPERSON KALLOS: Thank you. You may
25 now continue.

2 DEPUTY COMMISSIONER SAUNDERS: Okay.

3 Good morning. Good morning Chairman Kallos and
4 members of the Committee on Government Operations.

5 My name is Winette Saunders. I am the Deputy
6 Commissioner of Youthful Offender Programming at the
7 New York City Department of Correction. I'm

8 testifying before you today to discuss the

9 department's policy related to voter registration,

10 absentee ballots and specifically Intro 464, which

11 would require the department's implementation and

12 administration of a program for the distribution and

13 submission of absentee ballot applications. The New

14 York City Department of Correction strongly advocates

15 for all inmates to be educated on their rights to

16 vote and be given every opportunity to register

17 and/or vote. To that end, the department has worked

18 diligently to ensure that all inmates are aware of

19 these efforts. If any of their incarceration or on

20 their right to vote, and the absentee ballot process

21 that may be available. Pursuant to Local Law 29 of

22 2000, the Department of Correction provides for the

23 comprehensive distribution of voter registration

24 materials to inmates, individuals visiting inmates

25 and departmental staff. Voter registration forms

2 obtained from the New York City Board of Elections
3 are offered in several languages including English,
4 Spanish, Chinese and Korean. DOC uses a number of
5 avenues to ensure department wide availability of
6 voter registration information throughout the year
7 including posting information of flyers and posters
8 and distributing voter applications in congregate
9 areas such as facilities, law libraries, social
10 service areas, ministerial areas, barber shops,
11 beauty shops and visit areas. In addition, the
12 Inmate Handbook provided to each inmate upon entry
13 into the department's custody contains a section
14 dedicated to the topic of voting. This section
15 explains who may vote, the voter registration and
16 absentee ballot process. The handbook also informs
17 inmates how to obtain and mail back their voter
18 registration forms and absentee ballot forms and/or
19 applications. The department provides all materials
20 year round in all facilities including the Benjamin
21 Ward Visit Center. In addition, voter rights
22 awareness events are held before major general and
23 primary elections, around National Voter Registration
24 Day and during Voter Awareness Month. Voter rights
25 awareness events are conducted in collaboration with

2 partner agencies. During these events, inmates are
3 able to submit voter registration cards and absentee
4 ballot applications, which are then delivered to the
5 Board of Elections. These events are significant
6 efforts, which is why we partner with outside groups.
7 To effectively canvass all facilities requires
8 considerable staffing and training. During the last
9 election event, a group of 80 volunteers and DOC
10 staff were assigned within 10 departmental
11 facilities. Housing by housing area, the group made
12 announcements and assisted inmates as needed.
13 Absentee ballot applications were widely distributed
14 as part of these effort--efforts. Furthermore, the
15 department issues teletypes, which were read to all
16 staff at roll calls to inform all staff of voting
17 information, the applications and registration forms
18 and are placed in facility areas and related
19 application deadlines.

20 As mentioned earlier, the department
21 certainly recognizes the critical importance of the
22 right to vote, and the need for everyone not only to
23 be informed of their right to vote, but also to be
24 provided with the means to do so. The department has
25 taken steps to ensure that inmates have access to

2 voter information throughout the year, and not simply
3 leading up to an election. Currently, the department
4 provides voter information throughout the year, and
5 makes special efforts to ensure inmate accessibility
6 to voter registration forms, absentee ballot
7 applications, and assistance completing such forms
8 and applications prior to elections.

9 This legislation would require the
10 department to provide such information and assistance
11 within a set timeframe and would require the
12 department within five days after receipt of an
13 absentee ballot application or absentee ballot
14 transmitted to the City Board of Elections.
15 Currently, absentee ballot applications and absentee
16 ballots are considered privileged mail, and are
17 mailed by inmates in the same manner as they would
18 any other piece of mail. We believe this procedure
19 complies with the requirements of the bill, and there
20 would be no need to change these procedures. The
21 department's efforts to encourage voting are
22 exemplary.

23 DOC has served as a presenter of the New
24 York City Campaign Finance Board's Annual Local Law
25 29 training that focuses on how to raise awareness of

2 voting rights for New York City residents. DOC has
3 been selected because of the innovative and
4 collaborative practices we utilize to raise awareness
5 for this unique population. Thank you for the
6 opportunity to testify here today, and I'm happy to
7 answer any questions you may have.

8 CHAIRPERSON KALLOS: Thank you, and that
9 concludes the testimony from this panel?

10 DEPUTY COMMISSIONER SAUNDERS: Yes.

11 CHAIRPERSON KALLOS: So I'd like to now
12 recognize our Council Member Wills followed by
13 Council Member Constantinides if they have any
14 questions for this panel.

15 COUNCIL MEMBER WILLS: Good morning.

16 DEPUTY COMMISSIONER SAUNDERS: Good
17 morning. In your testimony you said that--well,
18 let's first go into the first testimony. You said
19 that the giving out of the--um, if I heard you
20 correctly. Giving out of the voter registrations
21 during the certificate of completion or your high
22 school diploma was misguided?

23 HENRY BERGER: Yes.

24 COUNCIL MEMBER WILLS: Um, and then you
25 said that it should be part of a broader discussion

2 as far as I'm assuming civic engagement or civics
3 classes in the schools. Is that what you meant by
4 that?

5 HENRY BERGER: Yes. I believe that giving
6 out the voter registration forms literally as the
7 students are walking out the door is not an effective
8 way to get students to register to vote.

9 COUNCIL MEMBER WILLS: Uh-huh.

10 HENRY BERGER: I mean one of the
11 questions is are they going to be good citizens and
12 put in the garbage can or is it just going to end up
13 on the floor? There's got to be a better way to do
14 it. You don't wait 'til literally as they're walking
15 out the door.

16 COUNCIL MEMBER WILLS: Right.

17 HENRY BERGER: And I think we have to
18 create programs, and I think one of the benefits of
19 this bill is that it's--it's-it's--it's forced us to
20 start internal discussions and say how can we make it
21 work? Because our goal is to get the students
22 registered.

23 COUNCIL MEMBER WILLS: Right.

24 HENRY BERGER: And the current program,
25 which may have been well-intentioned back in 2004 I

2 think when it was created or even earlier just
3 doesn't seem to be working. We're distributing, you
4 know, to the schools somewhere over 70,000, um, voter
5 registration forms each year, and the return rate is-
6 -is essentially non-existent. And so, waiting 'til
7 then doesn't work, and if we're going to look at that
8 section of the Administrative Code and say, you know,
9 how do we make it work, we ought to look at it and
10 say this doesn't work. What can work? And what we
11 would like to do is we'll work with the Department of
12 Law because there are constraints on our relationship
13 with the Department of Education. With the
14 Department of Education, with the Council to come up
15 with a program that actually gets the students to
16 register and gets them involved in the entire
17 process. Because it just isn't working now, and we
18 recognize that.

19 COUNCIL MEMBER WILLIS: The, um, the
20 second part of your testimony you said that the
21 Department of Corrections works diligently and
22 comprehensively to make sure that the requirements
23 are undertaken and that you brought up Law 29 of
24 2000. Do you have stats to show how many absentee
25

2 ballots were filled out before and after and the
3 trending after that?

4 DEPUTY COMMISSIONER SAUNDERS: Well, what
5 I do have is how many people were spoken to for each
6 event that we had, and how many were collected during
7 that time frame. As you may be aware, when the
8 individuals fill out absentee ballot applications the
9 absentee ballot is actually mailed back to the
10 individual if they're in our custody. So whatever
11 address is placed on the application is mailed back
12 to that address. So we don't necessarily have our
13 hands on the ballot itself, but we have the absentee
14 ballot applications and which we distribute.

15 COUNCIL MEMBER WILLIS: So the absentee
16 ballot applications you have the amount that were
17 distributed to the people, but we don't know how many
18 went back out to the City Board of Elections. So we
19 don't really have an effective number?

20 DEPUTY COMMISSIONER SAUNDERS:
21 [interposing] We know how many absentee ballot
22 application went along with voter registration forms,
23 but you don't know if the City Board of Election has
24 approved those applications and submitted

2 applications, I mean ballots back to those
3 individuals.

4 COUNCIL MEMBER WILLS: So then--then
5 those individuals may not have been able to vote?

6 DEPUTY COMMISSIONER SAUNDERS: We
7 wouldn't know because that is the decision that the
8 Board of Elections makes. They receive the
9 applications and then they make the decision whether
10 or not that application is approved. Then the
11 application--then the actual ballot if someone is
12 approved is mailed back to the address the individual
13 placed on the application.

14 COUNCIL MEMBER WILLS: And, if the
15 address was still--and the person is still in
16 custody, would it be mailed back there?

17 DEPUTY COMMISSIONER SAUNDERS: It would
18 be mailed back to the individual.

19 COUNCIL MEMBER WILLS: Now, you said that
20 the applications are effectively handled through this
21 Jail Mail system.

22 DEPUTY COMMISSIONER SAUNDERS: So--

23 COUNCIL MEMBER WILLS: [interposing]
24 That's what they call it, Jail Mail, right?

25

2 DEPUTY COMMISSIONER SAUNDERS: Yes and so
3 what happens is there's two ways this is done. Um,
4 if while we're doing the Voter Rights Awareness
5 Forum, and someone chooses to give it to us, we will
6 take it from them and deliver to the City Board of
7 Elections. But some people choose to take the
8 information and ponder on it later, and then mail it
9 on their own.

10 COUNCIL MEMBER WILLS: And you are aware
11 that most inmates don't trust the Jail Mail system?

12 DEPUTY COMMISSIONER SAUNDERS: I'm aware
13 that they don't trust a lot of different things that
14 are within the Department of Correction, and so that
15 is also the reason why we get a small number of
16 people responding. That's why we have to rely on
17 volunteers so that they can be more trusting, and
18 actually fill out the forms.

19 COUNCIL MEMBER WILLS: Okay. So that is a
20 problem in that posting (sic) area--

21 DEPUTY COMMISSIONER SAUNDERS:
22 [interposing] I just think--

23 COUNCIL MEMBER WILLS: --for that same
24 trust or the confidence that inmates have is a part
25 of the problem?

2 DEPUTY COMMISSIONER SAUNDERS: I just
3 think that the--the actual relationship between, um,
4 the actual uniform or someone who has a shield with
5 the population sometimes there's distrust, and not
6 because of the mail system, just because of society.

7 COUNCIL MEMBER WILLS: Okay. The, um--
8 I've spoken to a few corrections officers and, um, I
9 appreciate the, um, explanation of the outreach that
10 you explained in your testimony. But the
11 conversations I've had were actually corrections
12 officer saying that they're not really concerned
13 about the inmates, um, being able to vote or
14 explaining to them or anything else. This is not
15 something that they are really interested in doing.
16 They more secure--they're more worried about their
17 security and making sure that the jail is run. So
18 with that type of mentality and--and I'm speaking to
19 six or seven people, and, you know six or seven
20 people out of that six or seven are saying that, it
21 seems like that would something pervasive. So if
22 that is true, doesn't that bring into question how
23 they're getting it done and the low number. And, you
24 know, we're worried about it because these people do
25 have a fundamental right to make sure they can vote.

2 And if we see problems going on with confidence in
3 the Jail Mail system, with maybe the attitude of the
4 correction officers and everything like that,
5 wouldn't it be--wouldn't it be more beneficial for us
6 to examine it and work together to try to make sure
7 we come up with a process that would be more
8 beneficial to these people?

9 DEPUTY COMMISSIONER SAUNDERS: So I would
10 say that there are 10,000 individuals that work for
11 the Department of Correction. So I wouldn't say the
12 six or seven people--

13 COUNCIL MEMBER WILLS: [interposing] But
14 that's the reason I'm saying that.

15 DEPUTY COMMISSIONER SAUNDERS:
16 [interposing] I know.

17 COUNCIL MEMBER WILLS: --I don't have
18 the resources to make sure all of this is right.

19 (sic)

20 DEPUTY COMMISSIONER SAUNDERS:
21 [interposing] It doesn't really reflect everyone's
22 attitudes, but I will say that department and the
23 leadership of the department, um, feels very strongly
24 about this, um, issue, and this is why we do the
25 efforts that I've described to you every time there

2 are opportunities, and this is why we do it not only
3 leading up to elections, but this is why it's
4 available on any given day in every facility and
5 visit areas including our headquarters.

6 COUNCIL MEMBER WILLS: Does the CFB, um,
7 distribute the Voter's Guide?

8 DEPUTY COMMISSIONER SAUNDERS: Um, we
9 work very closely with the Campaign Finance Board,
10 and we actually--they actually partner with us in
11 some of our events. And sometimes we have along with
12 the required materials, we would have Voter Guides.

13 COUNCIL MEMBER WILLS: Sometimes--What
14 I'm asking does that something that every inmate who
15 gets an absentee ballot do the receive the CFB Voting
16 Guide.

17 DEPUTY COMMISSIONER SAUNDERS: No.

18 COUNCIL MEMBER WILLS: No. What
19 information is given to them to let them know about
20 the candidates or who they should vote for?

21 DEPUTY COMMISSIONER SAUNDERS: So we've
22 learned that we need to really do extensive training
23 especially when we, you know, collaborate with
24 partners, and we usually do a half day training. And
25 the training consists of the Bronx Defenders as well

2 as Legal Aid as well as the Campaign Finance Board
3 and we give people an opportunity to really
4 understand because we find that if we give a lot of
5 paper to individuals it becomes overwhelming. S o
6 it's really about having those one-on-one
7 discussions, having the broader discussion, having
8 the educational forum, and then giving people
9 opportunities to ask specific questions. But we get
10 very detailed about who is running where. There are
11 a lot of questions about, you know, what does this
12 role entail. It's--it's very extensive.

13 COUNCIL MEMBER WILLIS: You said you give
14 them--are they--you don't--you find out that they get
15 a lot of paper--

16 DEPUTY COMMISSIONER SAUNDERS:
17 [interposing] Well, they're getting voter
18 registration forms. They're getting the Inmate
19 Handbook upon entry into the department. They're
20 getting voter registration forms. They're getting a
21 flyer. They're getting--one sheet. Pretty much we
22 could try to keep it very simple so people can
23 understand the process, and try not to overwhelm
24 everyone who are in attendance.

2 COUNCIL MEMBER WILLIS: So the Jail Mail
3 system, the lack of confidence or the inmates in the
4 Jail Mail system and the fact that every inmate does
5 not get a CFB Voter Guide, but as you're testifying
6 does get some type of education on the candidates.

7 DEPUTY COMMISSIONER SAUNDERS: Yes.

8 COUNCIL MEMBER WILLIS: But those two
9 things don't bring any pause to you to say that maybe
10 we should--

11 DEPUTY COMMISSIONER SAUNDERS:

12 [interposing] We could include the CFB--

13 COUNCIL MEMBER WILLIS: --think about the
14 process? (sic)

15 DEPUTY COMMISSIONER SAUNDERS: --Voter
16 Guide and we can include that in the materials that
17 are distributed, but then we'd have to ensure that we
18 would be able to get them on a regular basis.

19 Because, as I mentioned, they are in the facility on
20 any given day not just during election periods.

21 COUNCIL MEMBER WILLIS: I do appreciate
22 your testimony. Mr. Chair, thank you for allowing me
23 to go first. I do have--as you know, I do have
24 another committee to attend. Thank you very much,
25 sir.

2 CHAIRPERSON KALLOS: My pleasure. Thank
3 you. Council Member Constantinides.

4 COUNCIL MEMBER CONSTANTINIDES: Thank
5 you, Chairman Kallos. I just want to thank the
6 Administration for your good testimony on Intro 796.
7 I'm really looking forward to--I appreciate your
8 support and look forward to working with you to make
9 this a reality and I also was remiss in my opening
10 statement. Um, you know, the omission of voter--
11 organ donation to IDNYC has helped register thousands
12 of New Yorkers. So that's been a hugely positive
13 step. So I want to thank the Administration for that
14 as well.

15 HENRY BERGER: It's so much easier to say
16 yes than to say no, isn't it. [laughter]

17 CHAIRPERSON KALLOS: Thank you Council
18 Member Constantinides. I think one piece that we
19 should disclose in the interest of full--full public
20 disclosure is that when Costa Constantinides and I
21 worked on expanding the franchise we actually worked
22 very closely with Henry Berger at a group called
23 Democratic Lawyers Council where I will say at least
24 myself I learned a lot about my election law and a
25 lot of the work that we do here out of Mr. Berger's

2 tutelage and mentorship. So just thank you for your
3 leadership on that and mentoring hundreds if not
4 thousands of lawyers to care about elections and
5 election law. Additionally, during your testimony,
6 you indicated--you made reference to Directive 1 and
7 I also want to thank you and the Administration for
8 your support and action and actual implementation of
9 Local Law 63 of 2014, which expanded the agency based
10 registration and the fact that the Local Law 1 Report
11 that has come out, and that you're actually moving
12 forward. Whereas, previously the agency based
13 registration had been ignored and then with regard to
14 Introduction 508, which we heard with relation to
15 electronic voter registration it's great to hear that
16 the Administration is moving forward in a pilot with
17 DCAS. So thank you for all of that, and then it's
18 also helpful that we're all standing with feet
19 planted in a firm reality of the fact that Young
20 Adult Voter Registration Act was created, but so far
21 it doesn't seem to be working. And as we're able to
22 actually approach the problem where everyone agrees
23 instead of just saying oh, no, of course it's
24 working, it's fine, but there's room for improvement.
25 I just appreciate that opportunity to work together,

2 and happy for the Council perhaps join into the
3 working group that you've discussed.

4 With regard to the YAVRA implementation
5 at the public schools, and I think most of my
6 questions will actually be directed to the public
7 schools. So I imagine that Eric Contreras should
8 probably grab the mic because I don't think any of my
9 questions are really for Mr. Berger, though he is
10 welcome to respond. My legislation seeks to make a
11 change require the DOE to determine languages. What
12 languages are the voter registration forms currently
13 distributed in?

14 ERIC CONTRERAS: So, I'm going to defer
15 two questions regarding the operational side of it to
16 my colleague Lora-Lynn. Um, instructional questions
17 as Executive Director of Social Studies I will take.

18 HENRY BERGER: Okay, but let me start
19 with that. At the moment, the law requires that they
20 be distributed only English and that's the current
21 practice. Um, one of the pieces you missed and one
22 the projects we're working on now it's expanding the
23 languages in which all voter registration matters are
24 available and we hope by the end of the year to have
25 them in up to 10 languages. Um, at that point, we're

2 going to have to work with the schools to make them
3 available. Um, we've worked with Board of Elections,
4 which has been amazingly cooperative on this and once
5 we get the translations done and approved, they're
6 going to make them available in PDF--fillable PDF
7 forms online, which means any school can access voter
8 registration materials in any of 10 languages. Um,
9 and that's going to be a big change. Um, you know,
10 fortunately through our education system, um, there's
11 a smaller need for other languages and sometimes with
12 other populations and other demographics, but to have
13 them available in 10 languages, have them available
14 online and have them available as PDFs as fillable
15 PDFs we think will make a difference. Meanwhile, the
16 schools will have to determine and will be able to
17 request printed forms in languages that they deem
18 appropriate. And that's going to have to be--You
19 know, the principal is going to have to do that on a
20 school-by-school basis because the demographics of
21 each school are just so different. There are 550
22 schools and they really change from school to school.

23 CHAIRPERSON KALLOS: According to the
24 legislation Introduction 628, everything you just
25 said is prescribed by the bill. So I guess the

2 question is does the Administration support
3 legislation that would actually enact the very
4 practices that you are working on.

5 HENRY BERGER: We didn't have any
6 problems with that section of the bill. There were
7 other sections of the bill that we thought imposed
8 burdens that may have been improper and, in fact,
9 unworkable. They don't get the information that you
10 need. Coding by district doesn't tell you what's
11 schools are working and what schools aren't working.
12 And that's what our problem was with the bill. But
13 we're working on making the language accessibility an
14 overarching principle in all the voter registration
15 stuff we do, and we're going to do that whether
16 there's legislation or not.

17 ERIC CONTRERAS: So, but--but to be clear
18 so you do support the language access component of
19 the legislation that would alter YAVRA from just
20 distributing 100,000 English voter registration forms
21 to including them in other languages as the schools
22 may request.

23 HENRY BERGER: We support the program.
24 We're just not sure that legislation is necessary if
25 it's happening.

2 CHAIRPERSON KALLOS: I--I think that's
3 just a question of what the next administration does,
4 and that is I think the familiar refrain at hearings
5 of why legislate when we can just do it
6 administratively. The other piece, which was not
7 touched on, is the Young Adult Voter Registration
8 Act, YAVRA had a Section C, which we've amended, but
9 previously it just said that voter registration forms
10 had to be made available in high schools. Does the
11 Department of Education have any data on how many
12 schools actually have them available for students?

13 HENRY BERGER: The forms are distributed
14 and are available in all of the schools. Um, we do
15 not have statistics on what the distribution is on
16 graduation day. But as I said, you know, since that's
17 such an imperfect program, in our mind, at least in
18 my mind I think that's less of a concern. They're
19 distributed to every school. They're available in
20 every school all 550 plus high schools. The question
21 is once you get them there, and once you put them out
22 on a desk, how do you incentivize the students to
23 participate in the program? And that's what's not
24 working there. I think that's what we have to work
25 on going forward.

2 CHAIRPERSON KALLOS: So as the law is
3 currently written--written the forms have to be
4 available. When my office did a survey of the
5 schools, um, and this was actually a priority coming
6 to office in 2012, we called a bunch of high schools
7 in the city and then did a pilot to personally
8 distribute about 750 voter registration forms
9 ourselves to the high schools that didn't actually
10 have them, didn't know how to get them. And when we
11 called and said can we drop off some voter
12 registration forms, they said of course. We would
13 love it, but we don't have any record and DOE has not
14 shared any records relating to their permanent apps
15 or anything showing that they're actually delivering
16 the voter registration forms to the schools ahead of
17 the diploma component. But actually just having them
18 in the buildings available for kids to register.

19 HENRY BERGER: Well, current--I don't
20 know what was happening back in 2012, but I can tell
21 you currently we are getting from the City Board of
22 Elections a 100,000 forms each year--

23 CHAIRPERSON KALLOS: [interposing] Uh-
24 huh.

2 HENRY BERGER: --and they are being
3 distributed to all 550 plus high schools around the
4 city with instructions on how to use them, and with a
5 follow-up from the chancellor in--in her newsletter
6 to the principals immediately prior to graduation.

7 CHAIRPERSON KALLOS: So, just to make
8 sure we just establish where we're coming from, and
9 I'll direct my Legislative Director to--Do they
10 already have them? Perfect. So you should have
11 copies of everything we referred to and we'll enter
12 this into the record. Um, in 2012, the Good
13 Governments Groups Brennan Center, DMOs, Asian-
14 Americans Legal Defense and Educational Funds,
15 Citizens Union, New York Public Interest Rights Group
16 and the Women's City Club wrote to Chancellor Van
17 Walcott inquiring about the compliance with the Young
18 Adult Voter Registration Act, and on May 18th they
19 received a response that was less than responsive.
20 Just mandating that they were continuing to obey the
21 law, but not providing any metrics. We're an
22 oversight body, and these organization hope to create
23 some oversight and transparency. Are we any closer
24 to--the legislation contemplates have codes so that
25 we can actually check what's going on whether it's 32

2 codes. Maybe you have a number of codes you'd like
3 to have so we can actually measure what's happening.
4 But without measurement, we can't have
5 accountability.

6 HENRY BERGER: I can't speak to 2012 and
7 I won't speak to 2012.

8 CHAIRPERSON KALLOS: Okay.

9 HENRY BERGER: I can tell you that we're
10 doing the distributions now, and the problem is the
11 program that exists doesn't work.

12 CHAIRPERSON KALLOS: Sure.

13 HENRY BERGER: So we have to sit down and
14 just come up with a program that works, but the
15 coding provisions having 32 codes in addition to the
16 administrative problems doesn't give you any
17 information. If you've got 10 or 12 or 15 or 20
18 schools in a district, you know, if one or two of
19 them are working and one or two of them aren't
20 working having a district live vote work,
21 implementing 550 codes, um, would be totally
22 unworkable. Um, you know, I--I'm not sure what the
23 answer to that is, but I do know that the current
24 program isn't working. You know, we've got to come

2 up with something to get the students involved
3 because that's the important piece.

4 CHAIRPERSON KALLOS: So I--I hope that
5 when the Board of Elections come up, they will
6 perhaps have a different point of view on the matter.
7 I can just share that coding is something that we do,
8 and if I send most of these people in this room and
9 many of them are actually on my mailing list an
10 email, I can code that email and I can tell whether
11 or not they read the email, whether or not they
12 clicked something on the email. I can even tell in
13 some cases how far they read in my email. So I guess
14 one piece is that the technology will surprise you.
15 But with regard to 2014--

16 HENRY BERGER: Excuse me, Mr. Chair, if I
17 can interrupt.

18 CHAIRPERSON KALLOS: Yes.

19 HENRY BERGER: We're not dealing with
20 emails. We're dealing with paper voter registration
21 forms.

22 CHAIRPERSON KALLOS: Got you.

23 HENRY BERGER: And stockpiling,
24 organizing, controlling 320 different forms for 550
25 different high schools, you know, is just--I'm not

2 sure what the budget items on that are, but we're
3 well into six figures on it. If we're going to do it
4 including staffing as well as printing, and, you
5 know, that doesn't solve the problem. The problem we
6 have isn't in the distribution of the forms. The
7 problem we have is that the students aren't filling
8 them out, and the reason they're not filling them out
9 is because the program isn't designed to work.

10 CHAIRPERSON KALLOS: So, Speaking to the
11 program, um, in April of 2014, I reached out to
12 Department of Education and asked them to start
13 working with us on a voter registration pilot in the
14 schools, and I just want to make sure that you have
15 that email. The Department of Education responded
16 with we're doing voter registration in schools, and
17 we're just fine. You can read the letter if you want
18 me to actually read it into the record, too. That
19 was followed by us asking a number of questions. Can
20 send any existing documents that outline the official
21 workflow or policies and procedures? How many
22 graduating seniors are there this year? How many are
23 eligible to register? How do you determine who needs
24 voter registration forms? How many have been order?
25 How many distributed? And so on and so forth, and

2 that--that's been un-responded to under this
3 Administration. Um, following that, Chair Dromm and
4 I sent an additional, um, letter directly to the
5 Chancellor requesting follow-up on these items with a
6 proposed pilot for doing voter registration in the
7 classroom in 2014, which also did not get a response.
8 And so, when 100,000 forms were order in 2014 after
9 they weren't ordered in 2013, we gave up and said
10 thank you. But can you speak to any of his and DOE's
11 unwillingness to share any information or respond
12 with regards to this committee's inquiries.

13 HENRY BERGER: Yeah, I'm sure the Chair
14 is aware that there are--that there are serious
15 limitations on what we can legislate in terms of
16 pedagogical issues, and requiring something to be
17 done in the classroom is actually, um, an issue that
18 has to be dealt with, with the State Department of
19 Education and not through us because we did not
20 control pedagogy under the current structure. We
21 would love that to be different, but that's not the
22 way it is. There are statistis now because, you know,
23 the program isn't working, and we're not going to
24 collect statistics on a non-functional program.
25 Let's put together something that works, but let's

2 concentrate on making the program work, and not
3 spending more time creating reports. At some point,
4 we're going to end up spending all our time doing
5 reports rather than, you know, actually getting--
6 actually getting the work done. But, you know, look,
7 we're saying we have to move forward on this.

8 CHAIRPERSON KALLOS: Yes.

9 HENRY BERGER: We're not working now.

10 CHAIRPERSON KALLOS: I--I guess the big
11 question is will DOE commit under oath to responding
12 to these more than year-old letters seeking
13 information and seeking to partner. Because I know
14 that you're interested. I know the Mayor is
15 interested. You've mentioned the Law Department.
16 You have not mentioned the ability to work with DOE.
17 I have them at the table, and I need something.

18 HENRY BERGER: On behalf of the
19 Administration we're not going to commit to that.
20 We're not going to respond to letters, which talk
21 about a non-functioning program. We've got to work
22 to create a program that works.

23 CHAIRPERSON KALLOS: So the letters speak
24 to a pilot and so we've since then in 2015 I was able
25 to work with Helen Rosenthal, Campaign Finance Board,

2 The Progressive Caucus, which sponsored it, and we
3 were able to roll it out in 15 schools. We were able
4 to register in 2012 seniors, but I guess the question
5 is will DOE respond to our initial request from 2014
6 around the pilot, and how can we work with the
7 existing pilot that is happening. And does DOE have
8 an answer for why they would work with on council
9 member, but not two other council members on the same
10 pilot?

11 HENRY BERGER: Well, I'm not sure what
12 you're talking about two other council members on the
13 same pilot. Council members went out, um, to schools
14 in their districts and worked with the principals.

15 CHAIRPERSON KALLOS: Right, and that--

16 HENRY BERGER: [interposing] This
17 Administration isn't fond of pilot programs. They
18 want to put together programs that work system wide,
19 and that's what we're looking to do.

20 CHAIRPERSON KALLOS: [interposing] And
21 that--

22 HENRY BERGER: We're hoping the council
23 members will continue to work with the schools in
24 their districts because it's an important

2 relationship at a lot of different levels. You know,
3 some of what council member done--has done.

4 CHAIRPERSON KALLOS: So, I've been doing
5 voter registration in my schools in my district since
6 2012 since before I was an elected official. Um, but
7 I can tell you is Council Dromm, Chair of the
8 Education Committee and I as Chair of Governmental
9 Operations have reached out to the Chancellor, have
10 asked to do a systematic program, as you're speaking,
11 but the answer we continue to get is do a pilot. Do
12 it on your own. Do it in the schools. Do it under
13 Council initiatives. So I really if, Mr. Berger,
14 you'd let the DOE respond, I'd like to hear from them
15 while they're here what's the story.

16 HENRY BERGER: I'm responding on behalf
17 of the Administration and that's the response we
18 have. We've got to move forward on this, Council
19 Member. We have to move forward on it, you know.

20 CHAIRPERSON KALLOS: Sure. So in terms
21 of moving forward, we have legislation. The
22 legislation changes the availability component to
23 the--a mandatory distribution during the school year,
24 not at the end. Section 2 and 3 speak to that.
25 Section 3 specifically speaks to handing it out

2 during graduation. But Section 1 specifically would
3 mandate that the forms be distributed during the
4 school at which point it's handed over to DOE to do
5 their pedagogy and figure out how they want to do it,
6 but within the bounds of or law we are improving it
7 from just making it available, to actually a
8 distribution requirement.

9 HENRY BERGER: Well, that's not what
10 Section 1 says. It says distribute the materials
11 published by the City Board of Elections relating to,
12 and Section--you know, we can parse this, but this
13 other section says distribute. They're being
14 distributed, but unfortunately being distributed at a
15 time when it's not effective. Yeah, we can pick and
16 choose little pieces that we do this differently, we
17 should do that differently. It's not going to work
18 unless we come up with a comprehensive program that
19 works, and we have to do that within the constraints
20 of the State Education Law--

21 CHAIRPERSON KALLOS: [interposing] Uh-
22 huh.

23 HENRY BERGER: --um, you know, within the
24 constraints of the State Election Law where, you
25 know, the City Board of Elections is not the City

2 Board of Elections. It's the Board of Election in
3 the City of New York, not of the City of New York.
4 We've got to work around all of that, and we're
5 working on it. But, you know, there are so many
6 other issues where we're so constrained where state
7 legislation would make our lives so much easier. And
8 we haven't spoken direction to the resolutions you
9 proposed, but let me just suggest that some of the
10 things that you want to do, and that we want to do
11 would be so much easier if the State Board would
12 allow us to use electronic poll books. If you've
13 ever had a discussion with the State Board about
14 electronic poll books, which opens up a whole range
15 of possibilities, part of the response we get is
16 well, we don't see a problem. So we're not going to
17 do anything. It would change the way we do it.
18 Electronic signatures, there's an Electronic
19 Signature Act in the State Law. The State Board
20 won't let us use electronic signatures. I mean these
21 are the kind of things that would change the entire
22 system.

23 CHAIRPERSON KALLOS: I--I agree and this
24 is advocacy that you, myself and Constantinides have

2 been working on for almost a decade. Actually, a
3 decade now. So, I--

4 HENRY BERGER: [interposing] It's come up
5 even before that, Mr. Chair.

6 CHAIRPERSON KALLOS: Yes, um, yes,
7 absolutely. I--with it in terms of if you have
8 suggestions on change the legislation to specifically
9 state the registration forms are saying that it must
10 be not on the last day of school or not say that
11 Section 1 of the--the proposed legislation will be
12 more constructive, we're open to that. I'd like to
13 go to Council Member Wills who had a second round of
14 questions.

15 COUNCIL MEMBER WILLIS: Mr. Berger, I
16 appreciate your testimony and as we all know your
17 authenticity is unparalleled and unquestioned. I
18 just can't get past that the Chair is asking about
19 the programs and you keep saying that we need to do
20 something that's comprehensive and something that
21 will work. But when does that conversation and that
22 work begin? If DOE is unwilling to answer a simple
23 letter, you know, DOE is not the greatest, most
24 cooperative agency in the city. But if they're
25 unwilling to answer letter and two letters from the

2 Chair asking about something that is so important
3 especially when they're looking at our new Americans
4 or our immigrant population spiking in schools, where
5 do we begin the conversation? When does this work
6 actually get done so that we can move forward and
7 have a comprehensive plan that does work? Because I
8 understand what you're saying, but when do we begin
9 to do it? Um, I don't--is it--is it your position
10 that this--this Administration is asking us to go get
11 this done Upstate? You have to explain that a little
12 clearer to me.

13 HENRY BERGER: I think we're asking a lot
14 of things, but the council members' letters and this
15 legislation have already started the conversations
16 internally.

17 COUNCIL MEMBER WILLS: Uh-huh.

18 HENRY BERGER: The process has begun.
19 It's not a simple process. We're going to do what we
20 can within the constraints of the law, or else we're
21 going to continue to advocate for changes in the law.
22 But there are things we believe we can do within the
23 constraints of the law. We've begun those
24 discussions. They're legally difficult discussions
25 because of the State Education Law or whatever, but

2 we're trying to work through those. Will we have an
3 answer tomorrow? No. Is it going to take a little
4 bit of time? You know, but, you know, there's still
5 a bit of a bureaucracy here, and we have to work this
6 through.

7 COUNCIL MEMBER WILLIS: Right.

8 HENRY BERGER: But the letters and this
9 legislation have provoked a response internally.
10 We've begun the work, and we're going to--we're going
11 to continue to work. And when we have something
12 where, you know, we feel we have a direction and a
13 package, we're going to come to the chair and tell
14 the members and try to work through how we--how we do
15 it. Does it require charter changes? Does it
16 require an Administration Code change? Does it
17 require an Executive Order? Does it require a
18 directive--legislation? How do we get it done? Um,
19 we're not there yet. We started the process. The
20 discussions have started. There are conflicting
21 needs, conflicting wants, conflicting demands, and
22 we've got to reconcile those. Um, you know, there
23 are a lot of--there are a lot of actors in this, you
24 know. You've been here long enough you'll
25 understand, you know, how city government works.

2 It's huge and it's complex, and we've got to--we've
3 got to get all the pieces put together. It's great
4 to have a piece of legislation. It's great to have a
5 program, but it's got to work. It's got to be
6 implemented. It's got to be implementable. It's got
7 to be implemented, and we've got to know it's
8 working. At the moment, we don't have that, but we
9 started trying to change that, and we're hoping we
10 can work with all of you to really make it move
11 forward. You know, it's that, you know--it's not
12 that you're not provoking any response at all.
13 You're not provoking any response that you've seen
14 yet, but you will see.

15 COUNCIL MEMBER WILLS: You all right with
16 that?

17 CHAIRPERSON KALLOS: [off mic] I'm fine.

18 COUNCIL MEMBER WILLS: You fine? [laughs]
19 Sure you are. All right, thank you very much.

20 CHAIRPERSON KALLOS: In the interest of
21 transparency will the Administration work with the
22 Council as it moves forward to let us know as you're
23 moving forward instead of just saying trust us.
24 We're working on it, and we'll get back to you?

2 HENRY BERGER: I think our IGO unit
3 always works with the Council and we're going to
4 continue to work with the Council, of course. But
5 we're not going to come to you, um, until we have
6 something to come to you with. At the moment there
7 are lots of ideas floating out there. We know what
8 the goal is. There are lots of pieces to how we get
9 to that goal, and until we can reconcile some of
10 those issues, we really can, you know, sit down and
11 say well maybe this and maybe that and maybe the
12 other thing. We've got to get our people on the same
13 page, and when we do that, of course, we're going to
14 be working with you. You're a legislative body.
15 You're the ones that make a lot of this happen. Um,
16 sometimes you do it behind the scenes, and sometimes
17 you do it by being a bit provocative and getting us
18 moving, and we appreciate that. We understand that
19 role, and it makes a difference, but we're going to
20 move forward on this, and you're going to be part of
21 it.

22 CHAIRPERSON KALLOS: Thank you and I'm
23 kind of a transparency person. So the more we can do
24 on public the better. And as we're doing it, I think
25 the more we're able to do our own tracking will help

2 us get where we need to go. Just one piece I wanted
3 to note. This has been entered into the record, and
4 unfortunately, the Commissioner couldn't join us, but
5 Commissioner Kellner did send a letter in support of
6 Introduction 628 from--in his role as the State Board
7 of Elections Co-Chair, which he signed it and he
8 says, quote, "Currently, high school students must
9 complete participation in government classes prior to
10 graduation in which voter registration and voter
11 participation should be focus points of successful
12 curriculum. The proposal's key tracking components
13 provided for in the proposal will serve to identify
14 program success or where there might be remaining
15 room for improvement." Can that be addressed?

16 [pause]

17 HENRY BERGER: Well, um, well, I don't
18 disagree with anything he's saying, except that I
19 don't think that he's dealing with some of the
20 details that we're dealing with here. You know,
21 Commissioner Kellner is a special individual, and
22 he's devoted his life to election law, I have a lot
23 of respect for him. You know, we'll pass him the
24 record. You know, we'll take a look at his comments,
25 but, you know--

2 CHAIRPERSON KALLOS: To the extent that
3 there's already a pedagogical requirement for quote,
4 unquote "participation in government" can the DOE use
5 that for doing voter and civic education?

6 HENRY BERGER: Yeah, yeah. I think my
7 testimony actually spoke to that. It's--it's part of
8 their ongoing program, but it's part of the pedagogy.
9 The isn't imposing upon the additional requirement of
10 making voter registration, you know, the active voter
11 registration part of that, and that's--you know,
12 that's where the conflict comes in. You know, the
13 State Department of Education deals with the
14 pedagogy. That's part of their piece, and yes it's
15 wonderful. I'm glad it's there. The question is
16 what does it really mean and how do you build on it?

17 CHAIRPERSON KALLOS: I'd love to
18 recognize Council Member Wills for questions.

19 COUNCIL MEMBER WILLS: Thank you. I just
20 wanted to quickly go back to Deputy Commissioner
21 Saunders. Did I pronounce it right?

22 DEPUTY COMMISSIONER SAUNDERS: Yes, you
23 did. Yes.

24 COUNCIL MEMBER WILLS: Okay, great. Um,
25 with the--I only have like two or three questions and

2 then I'm done. With the--the legislation that we are
3 discussing, we are obviously voting for Intro 464.
4 Could you just bullet point to me the issues that you
5 have with the legislation really quickly? Because
6 this is something that both of these pieces is
7 something that is very important not only to the
8 progressive but to the BLA Caucus. So we wanted to
9 make sure we have everything in order when we start
10 to you. And I'm particularly interested in the data
11 that's tracked. Um, I know you said that you really
12 can't do it or you haven't done it because it goes
13 back to the City Board of Elections. I'm just trying
14 to figure out--

15 DEPUTY COMMISSIONER SAUNDERS:

16 [interposing] Okay.

17 COUNCIL MEMBER WILLIS: --you know,
18 there's so many laws in this. So--

19 DEPUTY COMMISSIONER SAUNDERS:

20 [interposing] Sure.

21 COUNCIL MEMBER WILLIS: --if you can speak
22 to that. (sic)

23 DEPUTY COMMISSIONER SAUNDERS: Sure. So
24 to your point about what is--what are some of the

2 issues that we have with the introduction of this
3 bill.

4 COUNCIL MEMBER WILLS: Uh-huh.

5 DEPUTY COMMISSIONER SAUNDERS: One is we
6 rely on volunteers to assist with this because as you
7 mentioned, sometimes what I might say to someone in
8 our custody because I have a shield may not be
9 trustworthy. So we definitely rely on advocates, and
10 our partners to assist us with getting the message
11 out to the population because we just feel that this
12 collaborative approach gets the message out and
13 people understand that we're all on the same page. So
14 we do it together as a team. So that's one. We need
15 partners. And we don't have the staff to actually do
16 that work. So we have to rely on partners, and when
17 you rely on partners and volunteers, it is not going
18 to be something that is as consistent as you would
19 like. So for example our last event we got 80
20 volunteers. For National Voters Registration day,
21 which was September 22nd of this year a couple days
22 we got 25 volunteers, but we reached out to over 100.
23 So it all is right now contingent on the availability
24 of volunteers and some program staff that is limited.
25 So that's one.

2 Two, you--when you raise awareness about
3 voter registration, we provide voter registration
4 forms and applications, the absentee ballot
5 applications. The absentee ballot applications are
6 approved by the City Board of Elections and that is
7 then forwarded to the individual who filled it out.
8 So if the individual is still in custody--you know
9 our population is quite transient.

10 COUNCIL MEMBER WILLS: Right.

11 DEPUTY COMMISSIONER SAUNDERS: So if the
12 person is still in custody depending on the address
13 the person placed on that ballot that is where that
14 ballot is going to end up being mailed to. So that
15 is the point at which we don't have the ability to
16 track. We don't know where it went, and we don't
17 know if that person is still in our custody at the
18 point at which it's being mailed. And we don't know
19 how many people have been approved by the City Board
20 of Election. We know how many people filled it out
21 during those events, but remember, people take the
22 material and fill it out at their leisure, and on
23 every given day they can fill out the--any of the
24 documents because they're available in many different
25 places in all of our facilities.

2 COUNCIL MEMBER WILLS: Uh-huh.

3 DEPUTY COMMISSIONER SAUNDERS: So that's
4 the problem with the tracking.

5 COUNCIL MEMBER WILLS: Okay. So, um,
6 with your volunteers that means because it's--there
7 may be inconsistency. I'm not saying that there is a
8 huge inconsistency, um, that means we don't have
9 anyone monitoring, um, the voter registration or
10 absentees that are going out, correct?

11 DEPUTY COMMISSIONER SAUNDERS: We--no
12 because--

13 COUNCIL MEMBER WILLS: [interposing] Like
14 I just want to--I just want to understand.

15 DEPUTY COMMISSIONER SAUNDERS: Okay.

16 COUNCIL MEMBER WILLS: I just want to
17 because we want to make sure that when we come to you
18 the bills are strengthened and we can have a dialogue
19 that can make sure the bills are done. We don't just
20 want to do something and say we have the power to do
21 it. Deal with it. That would be the worst thing,
22 but personnel or staffing levels to deal with this
23 issue is something that would be--

24 DEPUTY COMMISSIONER SAUNDERS: In
25 addition, it's a private decision. So sometimes

2 people take advantage when you're discussing it with
3 them, and you can provide the assistance, but other
4 people want to think about it.

5 COUNCIL MEMBER WILLIS: Right.

6 DEPUTY COMMISSIONER SAUNDERS: And other
7 people will take advantage of it outside of the
8 events. So if I--I'm an individual in custody and I
9 decide that I don't want to go to the event, but I
10 want to go to the law library later and get a copy of
11 it and mail it out, I wouldn't know or my staff
12 wouldn't know that it was mailed out or done.

13 COUNCIL MEMBER WILLIS: Thank you very
14 much. Thank you Mr. Chair.

15 CHAIRPERSON KALLOS: Well, thank you. So
16 just in wrapping up, we--we have a system. It's
17 mandated by law. Um, I think the consensus is that
18 it's not working. I think having support around
19 tracking and administrating and just getting to the
20 bottom of what is and isn't work in the current
21 program is something that we must do under the law
22 and I'm hoping that we can count on your commitment
23 for that.

24 HENRY BERGER: [off mic] You can, yes.

25 [sic]

2 CHAIRPERSON KALLOS: Thank you.

3 HENRY BERGER: [on mic] I look forward
4 to working with you on it.

5 CHAIRPERSON KALLOS: With regard to doing
6 things administratively versus the law, if we're able
7 to work together on a program that actually does work
8 and where we can legislate for a program that will
9 actually get the kids registered where you do need
10 this body. And we would be willing to work with you
11 and removing the requirement that we hand it to them
12 with the diploma as long as we're actually able to
13 show that doing--removing the requirement won't
14 actually hurt voter registration. Is--does that
15 sound like a sensible compromise?

16 HENRY BERGER: It's the direction I think
17 we're going in.

18 CHAIRPERSON KALLOS: Fair enough and then
19 the other key pieces are it seems that we're agreed
20 that we want to get the voter registrations forms
21 into the hands of the kids before they graduate.
22 That's correct? [pause]

23 HENRY BERGER: I think it's more than
24 getting them into the hands of the kids. I mean, you
25 know, I think that's part of the issue. You know, I

2 think for the program to work, there's got to be more
3 than just handing somebody a piece of paper.

4 CHAIRPERSON KALLOS: Right.

5 HENRY BERGER: And that's what we're
6 trying to work through now.

7 CHAIRPERSON KALLOS: And in terms of
8 that, part of it is also to make sure that we have
9 coding. Whenever we can do that it's not burdensome,
10 but actually gives us valuable reporting data. So
11 that we know that when we hand it to somebody that
12 that person is eligible, and that once that person is
13 eligible, they are able to participate or not, and we
14 understand what's happening there.

15 HENRY BERGER: We have lots of issues
16 with coding. We expressed it in the bill that came
17 up last year. I know the City Board of Elections is
18 going to speak to that issue also. There are just a
19 lot of concerns about coding, and if it doesn't give
20 you usable information, and it imposes huge burdens
21 the question is why are we doing it. So, we'll argue
22 about coding with you on an ongoing basis I think.

23 CHAIRPERSON KALLOS: Honestly, if we pass
24 Introduction 508 with online registration and the
25 fact that young people tend to prefer online, we'll

2 actually be able to have data on everyone down to the
3 person. So hopefully, if we're able to pass
4 Introduction 508, and the DCAS pilot moves forward,
5 in stead of fighting over coding we can just everyone
6 registered and then pop that information into open
7 data.

8 HENRY BERGER: That's a brave ne world,
9 and I'm hoping somebody in Albany will listen to us
10 at some point.

11 CHAIRPERSON KALLOS: Thank you very much
12 to this panel, and I do hope that DOE that you were
13 not able to provide any answers will please respond
14 to our letters. I'd like to call up the next panel,
15 the Board of Elections as well as the Campaign
16 Finance Board. Mike Ryan and Amy Loprest. I want to
17 thank both of them for their partnership and working
18 on Young Adult Voter Registration. I also want to
19 thank Mike Ryan for really taking a lead on embracing
20 technology. When a city agency especially one that
21 you take on that did not have a positive reputation
22 and the organization starts to turn around and
23 employees feel empowered to propose new ideas and new
24 projects and they start things like electronic tablet
25 based pulse site locating that takes three to five

2 seconds even with people who are not technologically
3 savvy. And we are able to get voter registration
4 for--sorry--election results almost immediately. I
5 think we're headed in the right direction, and I just
6 want to thank both agencies for working with us on
7 YAVRA. If--who--who would like to go first?

8 MICHAEL RYAN: [off mic] Well, my name
9 is Michael Ryan.

10 CHAIRPERSON KALLOS: All right. I'm
11 sorry. [pause, background comments] Gotcha. Please
12 raise your right hand. Do you affirm to tell the
13 truth, the whole truth, and nothing but the truth in
14 your testimony before the committee, and to respond
15 honestly to Council Member questions?

16 MICHAEL RYAN: [off mic] I do. [pause]
17 Okay, thank you. So they said what do we do with
18 them. We process them like every other voter
19 registration form. Um, so if someone is incarcerated
20 and they direct us to--they want an absentee ballot,
21 say, we will forward it to whatever address they tell
22 us. If it happens to be an address on Hayden (sic)
23 Street, we'll send it there. If it's an address, um,
24 you at a home address where they want a family member
25 to take custody of it for them and deliver it to

2 them. Or, if they expect to have their term of
3 incarceration expire, but the time election day rolls
4 around, and they're going to be able to fill it out
5 themselves once they get home, we'll do it any way,
6 um, that they want us to. Um, and the same for voter
7 registration forms. We process them the same way
8 that we process any other voter registration form.
9 It's done by a bipartisan team that reviews
10 eligibility. There are certain things that people
11 need to provide to us, the last four digits of their
12 Social Security Number, a driver's license or a non-
13 driver identification number. The forms have to be
14 signed. If the forms come to us and are incomplete,
15 it is our part of our process to send out a missing
16 information notice. And again, that missing
17 information notice will be sent to wherever the
18 address is that is placed on the form. Um, with
19 respect to the absentee ballots, um, and we went into
20 this more with respect to primaries than we do with
21 generals. Sometimes people might think that they're
22 registered in a particular party, and they are, in
23 fact, not and they're registered in a different party
24 or they're a blank or an independent. And they ask
25 for an absentee ballot to vote in a particular

2 contest. Those have to be rejected and they get a
3 notice in that regard.

4 The good thing about what we have done in
5 terms of transitioning to that--a ballot on demand
6 system in addition to the reduction in paper waste is
7 the system will only generate an absentee ballot on a
8 specific voter. So when we get the request in and we
9 put the information in we say Ruben Will needs an
10 absentee ballot, it will only generate if the voter
11 that's requesting the absentee ballot is, in fact,
12 eligible to vote in that contest that they reside in
13 that district or that they're in the properly
14 registered party in the case of a--in the case of a
15 primary. So, 464 would change essentially nothing on
16 the part of the City Board of Elections except
17 perhaps increase volume. But I don't see even if
18 there was full 100% compliance in this process
19 amongst the Department of Corrections and all of the
20 person incarcerated at the time of the given election
21 event, I don't see that volume being so stressful as
22 to prevent us from processing the elections if--
23 processing the forms in the event that we receive
24 them in a timely enough manner to process them for
25 various--for various election events.

2 With respect to Intro 628, I believe that
3 the issues associated with coding and tracking have
4 been covered in prior testimony, and I believe that
5 they were covered again today. Those issues were
6 true then. They're true now, and I believe that we
7 are working--I know that we are working very closely
8 with the Administration to overcome a lot of the
9 difficulties. You know, I think it's a significant
10 point to remind everyone that Executive Order 1 of
11 2014 was not only Executive Order 1 of that year, it
12 was also a matter that was negotiated quite
13 extensively between the Administration and the
14 Council. And we're in the process now of bearing the
15 fruits of those efforts. It is the election process,
16 the registration process all of it is very
17 cumbersome, and everything interrelates to something
18 else. So every one thing that you're trying to fix
19 has a trickle down effect on other things within the
20 process. But I can tell you that we are moving
21 towards, and I think Chair Kallos said it
22 appropriately when we talk about electronic
23 registration as opposed to online registration.
24 Because those two things while similar are different.
25 Until there is a change in the state law with respect

2 to the wet signature, we call the wet signature, the
3 ink signature, that allows an electronic form of a
4 signature to be accepted from an agency other than
5 the New York State Department of Motor Vehicles, we
6 will be in the position that we're in presently,
7 which is establishing system that allows people to
8 do the manual data entry on their own. Print up the
9 form, sign it and mail it back to us. Under the
10 present system, what we will be doing when we get
11 those forms is scanning them into the system. All
12 right, so we'll have an electronic queue that says
13 somebody filled something out online. We'll then get
14 the paper. We'll scan it in. All the data entry has
15 been done. That is a significant savings for us
16 because it allows us to stop doing the manual data
17 entry. And to use our staff to actually prepare for
18 elections as opposed to, you know, constant data
19 entry. But more importantly, and I'll--I'll point to
20 an ethnically specific name, Costa Constantinides.
21 Your name would be more likely to be mis-entered in
22 the system than Mike Ryan. I mean that's just the
23 practical reality of life. So, when somebody has a
24 specific name with a more complex spelling and
25 they're filling out their own information, and we're

2 getting it electronically, that increases accuracy,
3 decreases the number of rejections. Increases the
4 accuracy of the poll books, decreases the number of
5 missing information or improper information notices
6 that are sent out. So all those things are positive
7 steps in the right direction. And we are working and
8 DCAS, the Department of Citywide Administrative
9 Services has been doing some electronic transmission
10 of data through the agencies. So we're using that
11 process to deal with the agencies on that, but also
12 to expand that to make it more available to the
13 general voting public. And I think that that more
14 than the paper distribution of electronic voter--of
15 voter registration forms is going to be something
16 that has the potential to raise voter registration
17 amongst people. I have a 20-year-old daughter.
18 She's at Hofstra University, and if I hand her a pen
19 and tell her to fill out a form, she looks at me like
20 I'm crazy. Because they're used to doing everything
21 on an app, and with two thumbs, right? So the more
22 that we can make this information available and the
23 efforts that were made with Executive Order 1, and
24 the efforts that have been put forth by the
25 Administration and by the City Board of Elections to

2 get all of that stuff done is the foundation on which
3 we can build the next steps of the process.

4 So also I think the National Student
5 Voter Registration Day that was done by Council
6 Member Rosenthal last year and others, I participated
7 in. Others participated in it. Through our efforts
8 it's moved up this year into the earlier part of the
9 year. So that whatever registrations we do will be
10 in time for the presidential primary for those
11 eligible voters. So all of these things rather than
12 looking at one thing in a vacuum, taking it all
13 together and putting it together into a--into a total
14 package I think makes--makes a big difference.

15 With respect to Intro 796 that again is
16 an Administration agency issue not a City Board of
17 Elections issue. With respect to--what is it? Which
18 is res--which is the res? Res number not--not 695.
19 My letter is missing the--the other number. The
20 resolution requiring same day voter registration.
21 The Board or Commissioners takes no positions with
22 respect to that, but I can tell you as a practical
23 matter this resolution is dead on arrival unless
24 there is a component of electronic poll books.

25 CHAIRPERSON KALLOS: [off mic] Of what?

2 MICHAEL RYAN: Electronic poll books.

3 Unless we can interactively interface with our system
4 on an election day assuming that the State
5 Legislature resolves its issues on this matter, if we
6 can't interface, say there's no electronic poll book
7 component, there is no same day voter registration.
8 That's just a fact. Now, the good news is and
9 Council Member Kallos mentioned the Tablets earlier.
10 Yep, the good news is with respect tot he Tablets we
11 have placed on the Tablets--we will be certainly
12 across the board for November the link to our voter
13 database and an app that allows it to be placed right
14 onto the Tablet. So in the event that this issue is
15 ever resolved, the Tablets are ready to go. And with
16 respect to 695, again that is an Administration
17 issue, not a City Board of Elections issue. So I
18 wrapped it up as quick as I could.

19 CHAIRPERSON KALLOS: Um, and in the--

20 MICHAEL RYAN: [interposing] And I'm
21 certainly available for any questions if anyone has
22 them.

23 CHAIRPERSON KALLOS: You got it.

24 AMY LOPREST: Okay. You have my written
25 testimony so I'm not going to read all of it, in the

2 interest of time, but I--good morning, Chair Kallos
3 and members of the Government Operations Committee.

4 I am Amy Loprest, Executive Director of the New York
5 City Campaign Finance Board, and that is the New York
6 Campaign Finance Board--[laughs]--the creature of New
7 York City government. I would like to thank this
8 committee for the opportunity to testify on the bills
9 under consideration today. As you know, the CFB
10 works to register voters and promote civic engagement
11 through the NYC Votes Campaign. Our Voter Assistant
12 Unit served as the lead coordinator in New York City
13 on National Voter Registration Day. While we're
14 still processing our final tally from NVRD--

15 MICHAEL RYAN: [coughs]

16 AMY LOPREST: --we registered over 3,000
17 new voters to date. Under both Local Law 29 and
18 Direct 1, we also work with the city agencies to
19 provide voter registration opportunities in their
20 public spaces. Turning to the bills under
21 consideration today, the CFB currently provides
22 training to Local Law 29 agencies on how to provide
23 voter registration forms in their offices and assist
24 voters in fill out these--these out. Um, Intro 796
25 would increase the current requirements s that

2 agencies would also assist voters to fill out the
3 optional section to donate their organs and tissues.
4 If the bill passes, the CFB will modify its training
5 to reflect these additional requirements. We urge
6 the City Council to work with the Administration
7 before implementing any changes for conducting voter
8 registration because there are a lot of complexities
9 in that work, and we work very closely with those
10 agencies and the Administration, and we encourage the
11 City Council to do the same.

12 The CFB supports Intro 464, which will
13 require the Department of Corrections to administer a
14 program distributing absentee ballot applications and
15 absentee ballot to jailed individuals. As you know,
16 the Department of Corrections is a covered
17 legislation agency under Local Law 29 and has a
18 longstanding commitment to increasing the number of
19 registrations at the sites they oversee. Because of
20 this commitment, they served as a model for the other
21 agencies and shared best practices at our trainings
22 that we administer to agency staff. We believe that
23 spending time in a corrections facility should not be
24 an additional barrier to exercising one's right to
25 vote. We urge the City Council to work with the DOE

2 to ensure that any program designed included in this
3 bill fits into the opportune needs but also act to
4 effectively promoting absentee voting.

5 But we found that the confusion of voting
6 rights does not end when people leave a correction
7 facility. This topic came up at our last Voter
8 Advisory Committee meeting. There's a lot of
9 confusion around when someone on parole or probation
10 can register or vote. We urge you to extend your
11 efforts to ensuring that the Department of Probation
12 continues to educate people on probation on this
13 issues as they reenter society. Intro 628 would add
14 a tracking ability by requiring the Department of
15 Education to distribute coder registration forms to
16 city students, which would allow us to optimize
17 efforts to get young people engaged in the political
18 process early. Amending Local Law 34 to add new
19 coded forms for the Department of Education would
20 allow us to track registration activity. We
21 currently do this with Code 9 forms for city agencies
22 and Code D forms for CUNY schools. These new
23 opportunities for data collection and reporting will
24 highlight areas of success as well as pointing to
25 place where more could be done. This level of

2 accountability will ensure that we commit to creating
3 the civic culture that welcomes young voters into the
4 fold. While all these bill will help create
5 registration and voting opportunities at the City
6 level, we need action from the state in order to
7 fundamentally overhaul our outdated voter
8 registration system that still mostly relies on pen
9 and paper.

10 The CFB supports Resolutions 695 and 848
11 to call upon Albany to pass pre-registration for 16
12 and 17-year-olds, expand online registration and
13 amend the State Constitution to allow for same day
14 registration. But we ask the City Council to go even
15 further and pass a resolution calling on the Assembly
16 and Senate to pass the Voter Empowerment Act. The
17 Voter Empowerment Act encompasses the measures in
18 Resolution 695 and 848 and additionally includes
19 automatic registration at the DMV and government
20 agencies unless voters opt out. This is the most
21 comprehensive voter registration pending in Albany.
22 On National Voter Registration Day, NYC Votes was
23 able to register 3,000 new voters in one day, a
24 fantastic number, but we could registered nearly one
25 million citizens who weren't registered practically

2 overnight with the Voter Empowerment Act. It is long
3 past time we discarded the paper--the pen and paper
4 registration system we currently use, and bring voter
5 registration into the 21st Century. This why NYC
6 Votes had made the Voter Empowerment Act as part of
7 its agenda. For the past two years, we have brought
8 concerned citizens to Albany to tell their
9 legislatures why voter reforms matter to them.
10 However, we have seen little momentum on this issue.
11 We're working to make a--to make voting reform a top
12 priority in 2016. In addition to bringing citizen
13 volunteers to Albany on May 3rd, we are collecting
14 petition signatures to support the Voter Empowerment
15 Act, Early Voting and the Voter Friendly Ballot Act.
16 We ask that everyone here today sign our petition to
17 send a message to our state legislatures and we ask
18 that the City Council members get the constituents
19 involved by asking them to sign these petitions or to
20 get on the bus to Albany with us in May. Again, I
21 thank you for the opportunity to testify today and
22 I'm happy to answer any questions.

23 CHAIRPERSON KALLOS: Thank you for being
24 here, and to sense you are able to bring written
25 testimony that is generally preferred. With regard

2 to codes, you put out an amazing annual report every
3 year where you pretty much tell us everything that
4 you're doing, which is pretty great and I appreciate
5 that. [coughs] You processed a number of Code 9
6 forms. You have them broken down by borough. You
7 have them broken down by different items with
8 compliance with Directive 1, Local 69 and Local Law--
9 Local Law 69 and Local Law 29. You're able to give
10 us breakdowns by agency. What are the costs involved
11 in that? How many codes do you currently have, and
12 what is your capacity for codes.

13 MICHAEL RYAN: We have the regular voter
14 registration form, which doesn't have a code. We
15 have Code D, which is CUNY and then we have Code 9,
16 which is the Local Law 2963 Directive 1 or Executive
17 Order 1 all that rolled into one. Um, and
18 essentially, you know, the capacity is the capacity
19 of the system. I mean, you know, computers can track
20 anything you want them to track as long as they're
21 programmed to do so. The--the problem that we had
22 with getting too specific on the tracking is it comes
23 back to an issue of potential voter identification.
24 Now, it may be more sensitive with respect to some of
25 the social services agencies because of the types of

2 services that they're given. Or, if you had a form
3 that was tracking somebody back to the Department of
4 Corrections that could be revealed either advertently
5 or inadvertently by the system. We certainly don't
6 want to do that. So we try to steer clear of that
7 minefield of getting too specific with respect to the
8 identification on the form. We think that that
9 tracking can be done on the school side as opposed to
10 on the--on the City Board of Elections side. So if
11 we gave out the numbers of the forms that are
12 distributed whether electronically or by paper, and
13 then the different agencies track them themselves.
14 And then those numbers were reconciled with what we
15 actually received back, then that give you the whole
16 picture.

17 CHAIRPERSON KALLOS: So what you
18 contemplate is a unique identifier, serial number, if
19 you will, on each form and then just let the agencies
20 hand them out, and then you would match them up based
21 on--

22 MICHAEL RYAN: But we don't handle them
23 any differently. It's just that we're able to
24 identify them after the fact.

2 CHAIRPERSON KALLOS: So you could just
3 put a barcode or serial number on each and every form
4 and then if you said okay barcodes 1 through 100 are
5 going to go to this public school, that--that's the
6 same for you as having a Code 9 or Code D.

7 MICHAEL RYAN: Yes, that--that is
8 potential use of the technology, but we are--we have
9 been working closely with the Administration to try
10 to determine what we should reasonably do. So as
11 we're sitting here today, clearly I'm not--much like
12 Mr. Berger, I'm not committing to a particular
13 solution for a particular problem. Clearly the
14 technology for tracking exists. The question is more
15 fundamental than that. Does it comply with state
16 law, and does it potential reveal the identity of the
17 voters. And those are things that we have to be very
18 sensitive to.

19 CHAIRPERSON KALLOS: I--I just want to
20 applaud you for your embrace of technology, digging
21 deep to understand it, and it's good to know that
22 technologically speaking it doesn't seem like coding
23 32 let alone each every day--each and ever forum
24 would be a barrier. So thank you. I'd like to now

2 call on Council Member Constantinides followed by
3 Council Member Wills.

4 COUNCIL MEMBER CONSTANTINIDES: Thank
5 you, Chairman Kallos. My question is directed to the
6 Campaign Finance Board. I just want to clarify your
7 statement.

8 MICHAEL RYAN: [coughs]

9 COUNCIL MEMBER CONSTANTINIDES: In the
10 Administration's testimony they state and I quote,
11 "The value of this important program cannot be
12 overestimated, and the Administration--Administration
13 is supportive of the bill." And then in your
14 testimony you're saying, "Well, we should work with
15 the Administration before implementing any changes."
16 And then you're talking about its complexity.

17 AMY LOPREST: Yes.

18 CHAIRPERSON CABRERA: CONSTANTINIDES: So
19 I mean does the Campaign Finance Board not share the
20 Administration's view that this is an important
21 program and it's something that we should move
22 forward on? I'm just trying to get some clarity
23 there.

24 AMY LOPREST: Well, because we wrote out
25 testimony before we heard the--the Administration

2 testimony, we didn't know that they were going to say
3 that they had no problem with the administrative
4 complexity. We were just anticipating that there
5 might be some. Um, we--as we said, we do the
6 training. We right now train on every line on the
7 form, and we'll amend out training to, you know,
8 obviously include information about how to fill out
9 those parts of the form that deal with organ donation
10 and tissue donation.

11 COUNCIL MEMBER CONSTANTINIDES: Okay
12 great. I mean that's something--

13 AMY LOPREST: [interposing] Yes.

14 COUNCIL MEMBER CONSTANTINIDES: That's
15 something that's going to save lives.

16 AMY LOPREST: Yes.

17 COUNCIL MEMBER CONSTANTINIDES: So we
18 want to make sure that we get that done. So I
19 appreciate that. Thank you.

20 CHAIRPERSON KALLOS: Council Member
21 Wills.

22 COUNCIL MEMBER WILLS: Yes, good
23 afternoon. I just have a couple of questions. The
24 Chair just presented to me the agency base vote, the
25 registration form and it shows that the BOE passively

2 gave out 20,000 to DOC, and at that time they had
3 11,000 people they were serving, not that filled out
4 the application. But when it comes back to how of
5 these came back to DOE, it was zero. Now, other than
6 the--it was explained to me that there's a
7 possibility that when they had these voter
8 registration events that they may not have come under
9 that guise. But I think there's a real problem with--
10 --and it looks like it falls within the DOE or maybe
11 they need assistance from BOE, I mean DOC and then
12 you have assistance from DOE in some of the measures.
13 So what I need to know is a few of the questions
14 would be does the Board facilitated the efforts by
15 the department to provide the detain--the detainees
16 with voter registration forms, and absentee ballot
17 forms? Throughout the entire process how active is
18 the DOE in how the DOC do these things?

19 MICHAEL RYAN: Well, the DOC operation is
20 wholly contained on Rikers Island. I can tell you
21 that nobody from the City Board of Elections since
22 I've been there as the Executive Directors in two
23 years has visited Rikers Island to participated in
24 any of those efforts. What we simply do is stockpile
25

2 Code 9 forms and the Department of Corrections is a
3 Code 9 agency.

4 COUNCIL MEMBER WILLS: Uh-huh.

5 MICHAEL RYAN: So we stockpile those
6 forms and on a regular basis we get calls from
7 various agencies at different intervals to replenish
8 their stock of voter registration forms. So we have
9 absolutely no interactive role with how the agencies
10 themselves are disseminating the information. We
11 provide them the access to the voter registration
12 forms, and then if those voter registration forms
13 are, in fact, returned either by the individual or by
14 the agency, we process them accordingly.

15 COUNCIL MEMBER WILLS: Okay, so--

16 AMY LOPREST: [interposing] Council
17 Member Wills, can I--can I--

18 COUNCIL MEMBER WILLS: Sure.

19 AMY LOPREST: [laughs] Because we do it I
20 mean as part of our mandate to work with the Local
21 R29 (sic) agencies, we do--do work with the
22 Department of Corrections, and in addition--

23 COUNCIL MEMBER WILLS: [interposing] This
24 is for CFB?

2 AMY LOPREST: Yes, for CFB, yes. For
3 CFB. That's right.

4 COUNCIL MEMBER WILLIS: I just wanted make
5 sure of that.

6 AMY LOPREST: So that we do--you know,
7 our NYC Vote staff works with the Department of
8 Correcters--Corrections not only in training, not
9 only in training, but also in participating in those
10 other events that the officer spoke about at the
11 Department of Corrections in getting, um, individuals
12 registered and informing them about their rights,
13 both to register and also to get absentee ballots.
14 So, um, I'm not sure how--again someone on my staff
15 might know more about how they track back, and also
16 why they've distributed to many, and comes back as
17 zero. But I know that they do those registration
18 events, and our staff is part of helping train the
19 people who do those events, and also participating in
20 those events.

21 COUNCIL MEMBER WILLIS: Okay. So that
22 sounds like something that maybe offline we could
23 have a discussion--

24 AMY LOPREST: [interposing] Yes.

2 COUNCIL MEMBER WILLS: --with both
3 agencies. The CFB I asked earlier to DOC if the CFB
4 actually gave a Voter's Guide because you have
5 incredible Voter's Guides, to every person that
6 requested the absentee ballot or voter registration.
7 And they told me no. So I wanted to find out what
8 are doing--what can we do in the future to make sure
9 that happens?

10 AMY LOPREST: Well, as you know, when we
11 produce the Voter Guide, we actually consider when we
12 do the distribution of, you know, the guides to
13 determine which election districts people are in, we
14 consider the population at Rikers as part of that
15 election--that council district. Um, when--

16 COUNCIL MEMBER WILLS: [interposing] I'm
17 sorry. Repeat that.

18 AMY LOPREST: When we--when we--we do
19 consider the people--the population of Rikers to be--
20 I can't remember which council district it is off the
21 top of my head to be part of that council district
22 when we prepare the Voter Guide. She's right that we
23 haven't done both distributions at Rikers, although
24 we do bring samples when we participated in these
25 voter registration events. What we can do in the

2 future is provide--because so many people--so many of
3 the inmate population are from different districts--

4 COUNCIL MEMBER WILLS: [interposing]

5 Right.

6 AMY LOPREST: --you can vote where you
7 live. And we can work with the Department of
8 Corrections to provide both distribution of the Voter
9 Guide from the--in the languages and in the--from the
10 districts that they would like, and deliver them to
11 Rikers that they're available to the inmates there.

12 COUNCIL MEMBER WILLS: Great. That would
13 be great. And to both--both agencies, who provide
14 the training to DOC personnel, and the processes of
15 voter registration, absentee ballots and education as
16 far as candidates or anything else?

17 AMY LOPREST: I--we--I mean that's part
18 of our mandate under Local Law 29. We train
19 obviously not ever single employee I mean as we do
20 with all the city agencies that are covered. We do
21 trainings and they do train the trainer events. So
22 that we teach the trainers how to--to train their--
23 the line staff that may be involved. We also have an
24 online training program. It's not really a video.

2 It's more of an online presentation that, um, staff
3 can view on site.

4 COUNCIL MEMBER WILLS: Is there a certain
5 segment of staff, supervisors or anything else that
6 have to manage that as a mandatory requirement.
7 Would they be trained in these processes, or is it
8 just, you know, they just pick and choose who or how
9 many they have? Because the Deputy Commissioner did
10 say that it would be an impediment on them as far as
11 staffing. But if your agency trained--I'm trying to
12 figure out how many people or what segment of their
13 personnel does your agency--or is it mandatory--
14 mandated to train those individuals so we can make
15 sure that this is being done?

16 AMY LOPREST: Well, I don't have the
17 exact answer to your question, but I do--Local Law 29
18 requires that the agencies covered provide voter
19 registration and information and materials to the--
20 their constituencies. And I'm not sure--it doesn't
21 really specifically say which level of staff needs to
22 be trained and which level of staff. It's a margin--
23 a general statement, but we can look into that, and I
24 don't know. The Department of Corrections would be

2 better at answering what level of staff they've had
3 trained.

4 COUNCIL MEMBER WILLIS: Okay, I just see
5 that there's a definite correlation to the civic
6 engagement in the DOE. It sucks, right. The classes
7 are horrible. [coughing] Because if it did, we
8 wouldn't have some of the young people coming out and
9 not thinking of civic engagement or participation is
10 something that is important in the community. And
11 then if you have a--a constituency that is on Rikers
12 Island, and it's not really being something that is
13 thoroughly spoken about or have a real robust program
14 to it, then it's just basically the City Board of
15 Elections giving out applications and nothing coming
16 back. So we want to make sure that that disconnect
17 is not being--happening in both places.

18 AMY LOPREST: And this is one of the
19 reasons why we support the Voter Empowerment Act
20 because, you know, it's--again, it's all of this work
21 and of these efforts it's great, but if everyone was
22 automatically registered, then you wouldn't have to
23 worry about that. And so, I mean that--I mean it's--
24 it's a great idea that's been automatic registration
25 has been adopted in a number of states. And it is,

2 you know, the wave of the future doing things more
3 electronically, making it more automatic. Making it
4 easier for citizens to vote is a really high
5 priority.

6 COUNCIL MEMBER WILLS: And the last
7 question. So, for the Board--the City Board of
8 Elections, and I've been a fan of what you've been
9 doing.

10 MICHAEL RYAN: Thank you.

11 COUNCIL MEMBER WILLS: I just wanted to
12 ask that if there's no really no way to track from
13 the Department of Corrections, if there's no way to
14 track what comes back to you from Rikers Island, then
15 we're going to really not being able to track how
16 many of these, um, ballots are rejected because of
17 any type of errors or anything like that. So then we
18 can't really say that it's being something that's--we
19 can't even say what's not being done correctly at
20 that point.

21 MICHAEL RYAN: Right and I think it does
22 go back to what we discussed earlier. It's that
23 tension between people's privacy--

24 COUNCIL MEMBER WILLS: [interposing]
25 Right.

2 MICHAEL RYAN: --and the--the sacrosanct
3 nature of the--the voting process, and then our
4 desire to improve the system.

5 COUNCIL MEMBER WILLS: Uh-huh.

6 MICHAEL RYAN: Clearly I think most
7 people who have spent time at Rikers Island wouldn't
8 necessarily want that advertised. So if we put an
9 agency specific code on the form that tracks it to
10 the Department of Corrections then de factor you know
11 that person spent time in jail. And that might
12 create other impediments, unintended impediments to
13 their ability to be productive members of society as
14 well. So it's--it really is, you know, a kind of a
15 push-pull under the circumstances. But as we
16 discussed, technology can track anything you wanted
17 to track. I think we have to make a fundamental
18 decision whether it's proper to do it or not.

19 COUNCIL MEMBER WILLS: Okay. Thank you
20 very much. I--the sergeant-of-arms has worked
21 diligently to give us some heat. So when you guys
22 feel a little warmer, you should thank him.

23 MICHAEL RYAN: [laughs]

24 COUNCIL MEMBER WILLS: Thank you, Mr.
25 Chair.

2 CHAIRPERSON KALLOS: So I just want to
3 wrap before we get to the next panel. And the next
4 panel actually has some time constraints. So I'm
5 just going to try to go quickly. So with regard to
6 the reporting that's currently being done with all
7 those coded forms for Directive 1, Local Law 63 and
8 Local Law 29 reporting, is that happening at the City
9 Board of Elections or is that happening at the
10 Administration level?

11 MICHAEL RYAN: Well, we track it.

12 CHAIRPERSON KALLOS: Okay.

13 MICHAEL RYAN: We do our own tracking and
14 we process the forms with those codes, and then the--
15 my understanding is the Administration has their own
16 separate, um, tracking of what they're doing. So
17 that they can monitor the progress of each individual
18 agency.

19 CHAIRPERSON KALLOS: With regard to--so
20 it seems like you're fine with us doing tracking. We
21 can actually do it even more fine grained as long as
22 you protect privacy. The second piece is as part of
23 our bill, we're asking you to provide some of the
24 reporting. So does that need to be modified to say
25

2 provide the tracking information, and/or what do we
3 need to do in order to--

4 MICHAEL RYAN: [interposing] As we had--

5 CHAIRPERSON KALLOS: --or is it fine as
6 is?

7 MICHAEL RYAN: As we had said in other
8 testimony on a similar issue, from an administrative
9 perspective [coughs} we're just not comfortable with
10 being the police agency for city agencies. And we
11 think that the individual commissioners in those
12 agencies can effectively police their staff. And I
13 think with the directive that's coming from the
14 Administration that that will happen as the various
15 systems improve, and they pay attention to it. I
16 just don't like to be in the position. I don't think
17 it's appropriate for the City Board of Elections or
18 the administrative agency to be a position of
19 policing mayoral agencies.

20 CHAIRPERSON KALLOS: So I guess we might
21 want to make a subtle change in saying that BOE shall
22 be responsible for tracking because that's something
23 you already do--

24 MICHAEL RYAN: [interposing] Right.

2 CHAIRPERSON KALLOS: --and that
3 information would be presented to another city
4 agency--

5 MICHAEL RYAN: [interposing] Right.

6 CHAIRPERSON KALLOS: --which would be--

7 MICHAEL RYAN: [interposing] I'm very
8 comfortable with our information being used to
9 reconcile information--

10 CHAIRPERSON KALLOS: [interposing]
11 Perfect.

12 MICHAEL RYAN: --collected by--collected
13 by another agency, but not necessarily that we're
14 saying this agency is performing or that agency is
15 under performing.

16 CHAIRPERSON KALLOS: And if--in terms of
17 non-profits, if a non-profit comes to you, are they
18 able to ask you-- If a non-profit doing voter
19 registration--is doing voter registration, are they
20 able to get a tracking code?

21 MICHAEL RYAN: Not individually. You
22 know, the only other--like I said, the only other one
23 we have is the--is the Code D. Um, again for the--
24 for the same reasons. Non-profits could have a
25 specific mission, and if they're a soup kitchen, you

2 know, you might not want people to know that you're
3 having financial difficulty, and you're not able to
4 purchase your own food and you have to go to a soup
5 kitchen, although they're necessary. So we're very
6 sensitive to those things.

7 CHAIRPERSON KALLOS: I'd like to
8 acknowledge we've been joined by Council Member David
9 Greenfield, and I want to thank both agencies for
10 your positive testimony today, and I'll excuse this
11 panel, if that's all right. David, are you good.
12 Okay, thank you very much to this panel. So, um, the
13 next panel I will share includes a member who has
14 known me for 20 years, and has to get on a train in
15 the next 15 minutes. So we will--we--we generally
16 will let the good government groups go after
17 government. But we're going to ask the advocates on
18 behalf of organ donation to please come up starting
19 with James Harkness (sp?) from Live On New York.
20 Ellen Yoshiuchi from the National Kidney Foundation
21 and Iris Resto from Trio Manhattan. [background
22 noise, pause]

23 CHAIRPERSON KALLOS: If you can grab a
24 seat we need to do the two-minute clock, if we can,
25 and if you bring the gentleman a witness slip, please

2 and we'll call you. If Ellen Yoshiuchi could begin
3 with your testimony, and you'll be on a two-minute
4 clock. Thank you.

5 ELLEN YOSHIUCHI: Thank you, Chairman
6 Kallos and thank you also to Councilman
7 Constantinides for creating this initiative. I am
8 here on behalf of the National Kidney Foundation to
9 wholeheartedly support this legislation. As a matter
10 of fact, as we speak, the National Kidney Foundation
11 is writing guidelines, which will be sent to all of
12 our offices throughout the country urging their staff
13 to reach out to the councils in their cities to see
14 if they can replicate this effort. So we are
15 wholeheartedly in support of this. Why is this so
16 important to us? As Councilman Constantinides
17 pointed out, the list is long. There are over
18 122,000 people waiting for organs as we speak, and
19 that increases as we speak because every ten minutes
20 another person is added to that list. Of that
21 122,000 people, 101,000 are waiting for kidneys, and
22 of the 101,000 people waiting for kidneys, 8,000 of
23 them are our fellow New Yorkers. There are 8,000 New
24 York City residents waiting for a kidney. Think
25 about that in terms of the Macy's Thanksgiving Day

2 Parade. That's about the same number of marchers in
3 the parade. So as you're watching that parade for a
4 couple of hours, all of those people going by, think
5 of them as waiting on a transplant list. The cost of
6 transplant is less than half of the cost of dialysis.
7 Dialysis costs about \$70,000 per year, and that is
8 17%, yes, I said 17% of the Medicare Budget. That
9 does not include the co-morbidities attached to
10 kidney disease. Most people who have kidney disease
11 will eventually develop anemia, osteoporosis, and
12 cardiovascular disease in addition to which they are
13 probably on dialysis [bell] because they have either
14 diabetes or hypertension or both. So there are many
15 ancillary costs to the actual dialysis care.
16 Transplant on the other hand once you are
17 transplanted requires anti-rejection medication. It
18 used to cost about \$30,000 a year. It is going down
19 simply because we are better diagnosing. In the
20 beginning we gave large amounts of anti-rejection
21 medication. We've learned from the research that we
22 don't need to do that. So the amount of medication
23 that people have to take and the cost is therefore
24 much lower than it used to be.

2 CHAIRPERSON KALLOS: We have the clocks
3 so that we can give everyone a chance to go and also
4 because of your time restraints. So if you wish to
5 continue we can, but otherwise if we can go to the
6 next person. It's up to.

7 ELLEN YOSHIUCHI: No, I'm almost done,
8 Mr. Kallos.

9 CHAIRPERSON KALLOS: Okay.

10 ELLEN YOSHIUCHI: Thank you. So
11 obviously, as I sad, we're totally in support of this
12 legislation for many reasons, not just the cost, but
13 the cost to patients and their families. Certainly,
14 last but not least I am a transplant recipient
15 myself. I have a degenerative eye disorder and was
16 losing my sight. I had a successful cornea
17 transplant in my left ear--in my left eye four years
18 ago and in my right eye three years ago. If it were
19 not for the people who signed that donor card, I
20 would be ale to talk to you today, but I would not be
21 able to see you. Thank you.

22 CHAIRPERSON KALLOS: Thank you.

23 JAMES HARKNESS: How are you? So I'm
24 going to try to abbreviate my statement given the
25 time constraints. As we've noted, just 25% of New

1
2 Yorkers are registered as organ donors. The national
3 average is over 50%. This, in part, is contributing
4 to a troubling fact: Every 18 hours someone in New
5 York dies waiting for an organ transplant. Despite
6 the survey's statistic, progress is being made. The
7 number of registered organ donors in New York States
8 is up 58% over the last 4-1/2 years. Over the same
9 period in Down State New York registered organ donors
10 have increased 76%. The important driver of the
11 notable progress in the addition--is the addition of
12 new organ donor enrollment portals. Two examples:
13 Voter registration and IDNYC stand out. In 2009,
14 organ donor was added to the registration forms in
15 New York. The impact has been strong. Voter
16 registration has accounted for 170,000 enrollments
17 over six years. This year IDNYC was introduced with
18 the organ donor option included on the form. The
19 result, in just eight months IDNYC has accounted for
20 46,000 organ donor enrollments or 30% of all Down
21 State enrollments in 2015. New organ enrollment
22 portals are clearly impactful. However, a key
23 ingredient to the success of a new portal is active
24 prompting and support. That is just adding the organ
25 donor question to a form is unlikely to produce the

1 strongest results. Instead, when those delivered in
2 their respective form actively call out the organ
3 donor enrollment option, and provide support, organ
4 donor increase. In fact, organ donor enrollment via
5 voter registration was not particularly successful
6 until 2012 when Live On New York began, among other
7 things work with NYC Votes and other groups promoting
8 voter registration to ensure optimal attention to the
9 organ donor enrollment option. Since 2012, voter
10 registration [bell] has delivered over 10% of all
11 organ donor enrollment Down State. Similarly, Live
12 On New York believes that one reason--one of the
13 reasons behind the success of IDNYC as an organ donor
14 enrollment portal is the training of Live On New
15 York--is the training that Live On New York provided
16 and the active role IDNYC appears to be taking as it
17 relates to the organ donor enrollment question. And
18 so, as a result--I'll just shorten my statement and
19 simply say that we are in complete support of the
20 legislation 796 introduced by Council Member
21 Constantinides and we're deeply appreciative of it,
22 and we believe it will deliver results. I'll also
23 mention very quickly, if I could, that although 796
24 is our focus, we also support the efforts related to
25

2 some of the other bills being considered today. And
3 ask that the committee consider, for example with
4 regard to Bill 628 and Resolution 695 that organ
5 donation materials be included along with the voter
6 registration materials. Again, remembering that the
7 voter registration form includes the organ donor
8 enrollment question that begs the need then for organ
9 donor enrollment information to be included as well
10 as the voter registration information.

11 CHAIRPERSON KALLOS: Thank you to the
12 panel. We've added Ira Kofferman from Live On New
13 York to the panel. Thank you for filling out this
14 slip. You may begin.

15 IRA KOFFERMAN: Good morning and thank
16 you for Live On New York and to all of you for
17 allowing me this time. I'm not a transplant
18 recipient. I still have my native heart, lungs,
19 kidneys and all of those other organs that modern
20 science can use for further work, and I hop that even
21 though they are still mine I have registered to be an
22 organ donor so that one day I will willingly give
23 them to someone who needs. I'm the lucky spouse of
24 someone who was the beneficiary of someone's good
25 wishes and commitment to life. Someone who thought

2 of life as an endless circle, whose generosity and
3 selflessness has given Glenda, my spouse, and me 17
4 more years of togetherness with friends, family,
5 grandchildren and colleagues such as I have here
6 today, and whom Councilperson Constantinides
7 understands this point of view directly. How
8 appropriate that this new measure from council person
9 Constantinides and his colleagues is linked to voter
10 registration. On the one hand the city is giving
11 help to people so they have the opportunity to
12 exercise the most fundamental right available in
13 America, the right to vote, the privilege to vote,
14 the obligation to vote. And so it is with
15 registering to be an organ donor, the ability to save
16 lives, to reaffirm the faith of doing one of the most
17 helpful, most altruistic, most beneficial acts that a
18 person can possibly do. How wonderful that the
19 people who work in these city agencies going about
20 their daily business will provide support to people
21 who want to register to vote and now have the
22 opportunity to register to become an organ donor. I
23 wholeheartedly support Council person Constantinides'
24 and his team with the proposal, and I'm ready to

2 provide direct assistance to him at these agencies if
3 asked. Thank you so very much.

4 CHAIRPERSON KALLOS: Thank you. [bell]

5 IRIS RESTO: [off mic] My name is Iris
6 Resto. I was on dialysis for five years. I am now
7 an eight-year--

8 CHAIRPERSON KALLOS: Is your mic on? And
9 if you could speak into the mic. It should be red.

10 IRA KOFFERMAN: Oh, it's on.

11 IRIS RESTO: Okay. I'll start over. My
12 name is Iris Resto. I was on dialysis for five
13 years. I am now an eight-year kidney recipient. I
14 am now able to do many things that I couldn't do when
15 I was on dialysis. My kidney transplant changed my
16 entire life, not only my life, but my entire family
17 as well. We are able to go on cruises, vacation. I
18 do a lot of volunteer work. I work at a high school.
19 Before I had my kidney transplant, I was weak and did
20 not feel well. I am so grateful to have received a
21 kidney transplant. I am here today representing the
22 New York Chapter of Transplant Recipients
23 International Organization. Like me, members of this
24 organization have had a second chance at life because
25 of the kindness of a stranger. Unfortunately, now

2 every patient waiting for a life saving transplant
3 gets a second chance. I am her on behalf of TRIO
4 Manhattan and myself to support Council Member
5 Constantinides Resolution 796 because implementing
6 this very process of assisting customers who need
7 clarification about organ and tissue donation has the
8 potential to increase enrollments and the donor
9 registry, and ultimately save more lives. Thank you.

10 CHAIRPERSON KALLOS: Thank you. I'd like
11 to recognize Council Member Constantinides for any
12 questions he may have. No clock.

13 COUNCIL MEMBER CONSTANTINIDES: First, I
14 want to thank each and every one of you for your
15 advocacy. You know, everyday--it's not often you get
16 to say that your work saves lives. Um, but you, each
17 and every one of you, your work does save lives. So
18 thank you for all your advocacy. As you know, 16
19 years ago, my wife was able to get a kidney
20 transplant from her mother, and 15 years ago because
21 someone filled out an organ donation form, my wife
22 was able to receive a pancreas. So I know all too
23 well, you know, what it is like to wait for that
24 phone call. You know, she has described in detail
25 what it was like waiting. Is that call going to come

2 today. I know that you know about that, what it feel
3 like, and all of your advocacy makes a real
4 difference. So I really appreciate each and every
5 one of you. That's really, you know, I guess my
6 question is really why do you think--You've heard
7 from the Administration that they're supportive of
8 the bill. You know, and I definitely appreciate
9 Councilman Kallos having this hearing today. Um, but
10 what do you think the difference is--I mean we talked
11 about it a little bit in your testimony, but having
12 someone having that discussion, explaining. Because
13 I remember when I brought up this topic someone said
14 to me, but Councilman, don't you understand if I'm an
15 organ donor then they're not going to take care of me
16 in the hospitals? What are some of the impediments
17 that you hear when you're there? I think that
18 education is such an important component to this.

19 JAMES HARKNESS: Organ donation is a
20 tough subject. It's one where people have to face
21 their own mortality. So, therefore, it's not a
22 subject that people seek out. So, simply because of
23 the nature of the subject, people need to have the
24 subject brought to them. They need to be prompted
25 and they need to be supported as they consider the

2 subject. So, we've seen as I mentioned in my
3 testimony direct evidence that in programs where
4 there's prompting and there's support, we see better
5 results. And at the very least three programs and we
6 hope that with a program like this that there's some
7 training component, too. And you can at least avoid
8 what we see in some other areas where people are
9 actually dissuaded from enrolling. And that's
10 because there's just a general lack of knowledge and
11 understanding on organ donation and myths and
12 misconceptions that--that we need to eliminate. So
13 at the very least we hope to eliminate people
14 dissuading others based on myths and misconceptions,
15 but on the positive side we hope that prompting and
16 support will encourage people to take that important
17 step and register.

18 COUNCIL MEMBER CONSTANTINIDES: I really
19 feel that having a conversation in the City of New
20 York on why organ donor is so important, and what you
21 can do to save some else's life is tantamount. As
22 you said, clearing up those misconceptions to
23 understand what organ donation is and what it's not
24 is such an important piece. So I appreciate your
25 work and again thank you, Chairman Kallos.

2 CHAIRPERSON KALLOS: Thank you very much.

3 I just want to note that this was the earliest we
4 could hear it. We introduced this in the last week
5 of may. We hit budget hearings, which was June, July
6 and August are off. This was previously scheduled
7 through September 21st. This was our first hearing
8 coming back from summer recess. So I don't think you
9 can do better than hearing a bill immediately after
10 introduction at your immediate next hearing. So,
11 thank you. We have an amazing champion in Costa.
12 I'm honored and privileged to be a co-sponsor, and I
13 will excuse this panel under the caveat that at least
14 one of you go to DC to continue advocacy on a
15 national level. Thank you very much.

16 IRIS RESTO: Thank you.

17 IRA KOFFERMAN: Thank you very much.

18 CHAIRPERSON KALLOS: Back to our
19 regularly scheduled programming, I'd like to call up
20 Talia Weber from Citizens Union; Prudence Katz from
21 Common Cause New York; Kate Doran from the League of
22 Women Voters; and Amanda Seelman (sp?) from New York
23 City--New York Civil Liberties Union, Legislative
24 Advocacy Clinic at New York Law School. I will note
25 that Citizens Union has a perfect attendance at the

2 Government Operations Committee. Though that was
3 attributed to one other person, we will excuse that
4 person for maternity leave, but I hope to have her
5 back as soon as possible. And we will continue on,
6 and just by a show of hands does anyone want the two-
7 minute clock, or would you prefer more time to go
8 through your testimony? It's up to you. Okay, we're
9 cool with the two-minute clock. So, we'll do the
10 two-minute clock.

11 TALIA WERBER: Good--good morning, Chair
12 Kallos or afternoon, Chair Kallos, and members of the
13 Government Operations Committee. My name is Talia
14 Werber and I'm the Policy and Research Manager for
15 Citizens Union in the City of New York, which is a
16 non-partisan good government group dedicated to
17 making democracy work for all New Yorkers. We want
18 to thank you for holding this hearing today, and for
19 all of your proactive work to address voter
20 registration rates in the city. I'll just speak to
21 the particular bills and Citizens Union's position on
22 them. First of all, with respect to Intro 638 and
23 Resolution 695 addressing voter registration for
24 young adults in New York, we wholeheartedly support
25 both pieces of legislation, and are excited about the

2 possibility to strengthen voter registration
3 materials. (sic)

4 With respect to the other provisions,
5 Intro 464 and 786 we are supportive of the intention
6 of both pieces, but are concerned about some of the
7 particulars especially the provisions related to the
8 existence of individuals registering to vote. We're
9 concerned that there's opportunity for partisan
10 influence when government employees are offering that
11 assistance. So we are hoping that there's a way to
12 look at the bills and ensure that that can be worked
13 on. And then lastly--oh, and with--with Intro 796
14 with respect to those who just spoke about organ
15 donation, we do appreciate that concern, but our
16 concern that the bill itself just is a restatement of
17 already existing legislation so, um, we--of local law
18 that is already on the books. So we'd like to talk a
19 little bit more about the particulars of that bill.
20 And then lastly, Resolution 848, which Citizens Union
21 [bell] has advocated in support of online legislation
22 at the state level. So, we support the resolution.
23 Thank you.

24

25

2 PRUDENCE KATZ: So Talia and I have to
3 book it so that's just why we're advocating for the
4 two-minute. I apologize--

5 CHAIRPERSON KALLOS: [interposing] No,
6 explanations.

7 PRUDENCE KATZ: --to the other people on
8 this panel.

9 CHAIRPERSON KALLOS: When will Reinvent
10 Albany come back to testify, too?

11 PRUDENCE KATZ: I'm not sure. I'm not--
12 they're going to testify at the Tech Committee later
13 so you can maybe swing by and say hi. Um, good mor--
14 oh, excuse me. Good morning. My name is Prudence
15 Katz. I'm the Research and Policy Manager at Common
16 Cause New York. As many of you know, New York State
17 currently has the dubious distinction of holding the
18 Bronze behind Texas and Indiana for the worst voter
19 turnout in the nation. And New York City did its
20 part in getting us towards this record low. Many of
21 you already know that only about a fourth of the
22 city's four million registered voters voted and cast
23 a ballot in the 2014 election. As the CFB put in a
24 recent report, this problem is larger than a passing
25 one. It's cynicism or waning commitment to civic

2 values. Low voter participation has reached crisis
3 levels. So a large component of this crisis can be
4 attributed to an inflexible and outdate electoral
5 administration system that creates a headache out of
6 the voter registration process. So we thank the
7 Council for bringing some of these voting admin bills
8 up for consideration.

9 In relation to Intro 464, it's disturbing
10 to think of an individual losing the right to vote
11 simply because they're being held in jail while
12 waiting trial. Distributing absentee ballots and
13 providing assistance in filling out these ballots is
14 a simple way for people to maintain their tie to
15 society while the government does its part in
16 maintaining the jailed individual's civil rights. We
17 are strongly in support of this bill. And about the
18 earlier DOC testimony, absentee ballots not--often
19 are not processed in a timely manner and mandating
20 the DOC process the absentee ballots in a swift yet
21 reasonable timeframe is imperative for the vote to be
22 counted. And so we glad to see that requirement in
23 the law, and we are glad to see that the law is
24 delineating what the DOC says that they are already
25 doing, but it's good to have that mandated. [bell]

2 I'm just going to zip through this a little bit. So
3 in Intro 628, we also know that young people are the
4 least likely to vote between the ages of 18 and 30.
5 Um, but the Council, the Department of Education and
6 the Administration has the power to turn the
7 statistic around by continuing to engage students.
8 Engaging students in school is very effective, as we
9 also know, and we support what this bill sets out to
10 do, and particularly welcome the reporting
11 requirements, which would encourage more active
12 school participation because it will be creating
13 useful benchmarks.

14 The CFB already mentioned this in their
15 testimony, but I wanted to speak earlier to what
16 Henry Berger spoke to about the Administration's
17 worries about undue burden. Already, there are
18 coding requirements for the 22 city agencies that
19 distribute ballots. There's coding requirements for
20 ballots that are distributed via CUNY. I was just
21 like quickly looking at some statistics generated by
22 the City Board of Elections, and there are thousands
23 of ballots that--Oh, it's not important there.
24 Anyway, there are thousands of ballots that are
25 distributed via Code D, which is CUNY. And there's

2 Code 9, which is the agencies, and then there's
3 others--there's regular code. So, we don't see how
4 it would be super hard to create another coding
5 system. We hope that the Administration and the City
6 Board of Elections can work with the Council in
7 figuring out how to make this bill workable. We
8 could potentially see some kind of compromise where
9 there's a code for school. It's a Code S, and then
10 it could be broken down by borough just to start
11 with. But to say that there's no reason to create
12 the codes is unreasonable because we don't know how
13 well we're doing until we have benchmarks. So we're
14 strongly in support of having codes.

15 And then the resolution on New York State
16 bills, we are totally in favor of Resolution 695, and
17 Resolution 848. I'm going to speak a little bit to
18 848. Currently, people can only register online to
19 vote with the DMV only if they already possess a New
20 York State license. But it should be as easy to
21 register to vote online as filing in your Social
22 Security when prompted by Turbo Tax, which I find
23 pretty easy to do. Expanding online voter
24 registration will allow--

2 CHAIRPERSON KALLOS: [interposing] You
3 asked for a two-minute time limit.

4 PRUDENCE KATZ: --I know--will allow any
5 potential voter to register and vote on the same day.
6 She asked for it. Will dramatically increase voter
7 turnout, as it already does in other states that have
8 same-day voter registration. Thank you.

9 CHAIRPERSON KALLOS: You got it. I--I
10 bring my laptop just for things--I actually have the
11 page pulled up. So we had last year in the 2014
12 report, 125,413 voter registration forms, 44,343 from
13 the DMV, 24,076 from agencies; 4,119 from Code 9; and
14 6,983 from Code D. And as the City Board of
15 Elections testified, they could actually put a
16 tracker on every single form. So we're not even
17 talking about 32. We're talking about hundreds of
18 thousands. But, thank you.

19 KATE DORAN: Oh, you're ready for me.
20 Um, good afternoon. My name is Kate Doran. I serve
21 as the Election Specialist on the Board of the League
22 of Women Voters of the City of New York. Um, the
23 League has testified many times before this committee
24 that we strongly support online voter registration.
25 It is more accurate, more secure, and less expensive

2 than paper registration. It has the potential for
3 shortening lines and increasing voter satisfaction at
4 the polls because of the greater accuracy of the poll
5 book. We urge the various city and state legislator
6 and election administrators to come together and
7 solve the recognized challenge of the wet signature.
8 We also encourage the City Council and the City Board
9 of Elections to explore the possibilities of linking
10 with the New York City Municipal ID Card for the
11 electronic transfer of voter registrations and wet
12 signatures. The extremely successful DMV/BOE
13 interface is now established protocols that could
14 possibly be replicated to create a similar Municipal
15 ID Card/BOE interface. I don't have a Municipal ID
16 Card yet, but I've seen them. They look very much
17 like a driver's license. They have a code. They a
18 photograph. They have a signature. Seems like a
19 good thing to take a look at. Furthermore, and this
20 is no trivial matter. Voter registration ten days
21 prior to election day is the standard in the New York
22 State Constitution. Currently, New York State
23 demands voter registrations not later than 25 days
24 prior to election day. Years and years of reliance
25 on the annual paper registration processes have

2 resulted in disenfranchised--disenfranchisement of
3 eligible voters in clear violation of Constitutional
4 mandates. Online voter registration offers a path
5 towards compliance with our New York State
6 Constitution. The League also supports same-day
7 voter registration as a proven method of increasing
8 voter participation with the understanding [bell]
9 that poll sites will have to have electronic devices
10 often referred to as electronic poll books. With
11 access to online registration, election
12 administrators should waste no time in pressing the
13 legislators--the legislatures to support and provide
14 funding--funding for electronic poll books.
15 Accordingly, we--we support City Council Resolution
16 848 calling for amendments and changes to New York
17 State election law. The League supports Resolution
18 No. 695 calling on the New York State Legislature to
19 pass and the Governor to sign the laws, the bills,
20 rather, allowing 16 and 17-year-olds to pre-register
21 to vote. Attached to my testimony and incorporate is
22 a memorandum from our State League from April, which
23 I will not read into the record now.

24 Now, lastly, the City League cannot
25 unreserved support Intro No. 628, a local law in

2 relation to approving the only adults' access to
3 voter registration materials by requiring various
4 actions be taken by the New York City Board of
5 Elections and the New York City Department of
6 Education. We are not troubled by coding and
7 tracking provisions as the DOE is, and we don't
8 believe that assigning a code to a geographical
9 school district will compromise anyone's voter
10 privacy. We do believe, however, that this local law
11 is only marginally better than what we have now,
12 Local Law 29 and others, and its generic Code 9
13 requirements. We were--I was very pleased to hear
14 Henry Berger's characterizations because this is the
15 sort of thing we've been saying amongst ourselves,
16 and I didn't want to be so stern about it, but he did
17 the job for us. [laughs] Intro 628 is only
18 marginally better than Local Law 29 because such data
19 as you collect may perhaps be more specific. The
20 City Board of Elections currently distributes, as you
21 know, 100,000 hard copy voter registration forms to
22 the DOE every year. If these forms were coded to
23 identify particular schools rather than the generic
24 nine, we might know how effective this distribution
25 effort really is, and we suspect not effective at all

2 as Mr. Berger has said. So before Local Law 29 and
3 with the resolution is that it does not call for
4 voter education. We understand that we're not--the
5 city is not peda--pedagogical standard. Students
6 need to know the importance, meaning and the value of
7 being a voting citizen. Earlier this year, as you
8 know, there was student registration--voter
9 registration day. The League of Women Voters
10 participated. New York City Votes created a great
11 little curriculum tool, and we have [laughs] Helen
12 Rosenthal was to be recognized. We understand that
13 there were over 2,000 students registered in various
14 high schools on that day, and this initiative should
15 be an annual event. And if you will--could find any
16 way to mandate it, we would be in full throttle (sic)
17 support.

18 Lastly, is it not inconsistent of the
19 Council to require the City Board of Elections to
20 provide voter registration forms--I'm quoting here--
21 either in printed form or in a form that's suitable
22 for printing? At the same time you make a strong
23 statement in Resolution 848 about the advantages of
24 online registration. Admittedly, we're not at a
25 point where high school students can register on

2 their phones unless they happen to have driver's
3 license or a non-driver ID. But what about
4 collaboration on the student voter registration day
5 with the Department of Motor Vehicles? Could you get
6 someone to come down from the DMV and talk to these
7 seniors? They might want to have a driver's license.
8 They might be interested in a non-driver ID and then
9 they could talk to them about registering to vote at
10 the same time. So, as we all know, young adults
11 typically ignore or reject paper transactions, and
12 Henry Berger described very graphically what happens
13 to all of those forms if they're distributed. So
14 since we have the DMV model, and the City Board of
15 Elections like said I think we should be trying to
16 more with it. So thank you very much for inviting us
17 here, and I'm grateful for everything that you're
18 doing to try to enfranchise every eligible citizen.

19 Good afternoon. Thank you for giving the
20 opportunity to talk to you today about an issue of
21 great concern. My name is Amanda Seelman and I'm a
22 student at the New York Civil Liberties Union
23 Legislative Advocacy Clinic at New York Law School.
24 The NYCLU is a state affiliate of the American Civil
25 Liberties Union is a not-for-profit, non-artisan

organization with eight offices across the state, and nearly 50,000 members. Securing and protecting the rights of all New Yorkers to vote is a core part of the NYCLU's mission. I am here today in support of Intro 628, which promises to enhance youth voter participation. Passing this amendment will help ensure that high school students are provided with the necessary voter registration and appropriate languages during the school year. It will improve tracking procedures to identify weak spots in current young voter registration outreach. The Department of Education and City Board of Elections will now be required to track and report on the efficacy of distributing registration materials to students. Until now, there has been no mechanism to monitor voter registration, but happens as a result of the Department of Education's outreach to students. This is a key missing metric between young people are an important voting constituency and they are often left out on election day. According to the U.S. Census, the proportion of young people registered to vote is 46.7%, the lowest it has been in the past 40 years. In addition, New York City residents between 18 and 30-year-olds have the lowest voter turnout of any age

2 or socio-economic group in the city. These startling
3 statistics demonstrate that youth are not taking
4 advantage of their fundamental right to vote. One
5 reason for this is that the process to register can
6 be complicated and inaccessible to teens. Providing
7 registration information to public schools will help
8 break down the accessibility barrier by meeting teens
9 in a familiar location where they have access to
10 trusting adults to answer any questions and guide
11 them through the process. Adding the tracking
12 mechanism will provide an important measure of
13 collectiveness (sic) [bell] of this program.
14 Ultimately, this bill can increase youth
15 registration, subsequently improving the electoral
16 process and the quality of life in the city. Thank
17 you.

18 CHAIRPERSON KALLOS: Thank you very much.
19 I also want to thank the panelists for the advocacy
20 that I mentioned from April 16, 2012 letter that all
21 the different groups from this panel had sent out,
22 and thank you for coming. We'd love to have more of
23 the clinic coming by. We have lots of hearings, and
24 it's grateful to have you. Does anyone have
25 questions for this panel? So, thank you very much.

2 You're excused. Before I call the next panel--
3 actually, I'll call them so that you can come up, and
4 then I'll go to Council Member Rosenthal for an
5 opening statement. David Pechefsky from Generation
6 Citizen; Jonathan Reese from Big Apple Coffee Party;
7 Penny Mentz from Big Apple Coffee Party; Sarah Care
8 from the Legal Aid Society; Deala Shabas (sp?) from
9 100 Black Men; and Suwumba Subuquay (sp?), if you are
10 still here. We will need five chairs for this
11 panel, and we'll recognize Council Member Rosenthal,
12 and thank you for your leadership and partner in
13 taking Student Voter Registration Day to 12 members,
14 22 schools, and then turning it into a City Council
15 initiative. We're lucky to have you on the team.

16 COUNCIL MEMBER ROSENTHAL: Thank you,
17 Council Member Kallos and I--I really just want to
18 start by commending you for holding hearing and
19 pulling together this package of bills and
20 resolutions that will help move the ball forward to
21 engaging young people and other of our citizens who
22 are otherwise disengaged from voting. So I think
23 it's a very clever hearing, and you're always having
24 your eyes on the prize with this one. Also because I
25 am clearly speaking to the converted, I'm not sure,

2 I'm not sure I need to read exactly from my opening
3 statement. And rather, I'd like to use the
4 opportunity to thank a number of people by name and a
5 number of groups that were instrumental in making
6 Student Voter Registration Day so successful. The
7 Campaign Finance Board and New York City Votes put
8 their heart and muscle into this, and I want to thank
9 them for that. Henry Berger from the Mayor's Office;
10 Eric whose last name I just forgot from the
11 Department of Education who is responsible for
12 writing the curriculum is to be commended. And then
13 to all my colleagues on the Council who voted to
14 support funding Student Voter Registration Day for
15 Fiscal Year 16. I think the measures that we're
16 putting into effect this year will be ones that can
17 be replicated so we may not need additional funding.
18 The groups who supported us as volunteers last year,
19 the League of Women Voters, the Next Gen Voting, all
20 the names that--I don't know if Big Apple Coffee was
21 involved. You are in spirit always. So it's always
22 a great group, and the Asian Coalition, the New York
23 Asian Coalition was the most instrumental group in
24 finding organizations to help out on Student Voter
25 Registration Day. But we couldn't do it without

2 everyone's support, and I really want to thank you
3 all for that. And specifically, as it has to do with
4 this resolution, I want to thank Assembly Member or
5 State Senator Kavanagh, and Assembly Member Cartucci
6 for having-- Is it the other way around, they demoted
7 Kavanagh?

8 CHAIRPERSON KALLOS: No, they promoted
9 him.

10 COUNCIL MEMBER ROSENTHAL: They promoted
11 him. Okay, well, you know, that's how I feel. Um,
12 for their leadership in the state and urge my
13 colleagues to support our resolution to get 16 and
14 17-year-olds given the ability to pre-register to
15 vote. We could definitely then bring them in to the
16 fold on Student Voter Registration Day. So thank you
17 so much for giving me the opportunity to talk, but
18 more importantly for pulling together this hearing,
19 Council Member Kallos.

20 CHAIRPERSON KALLOS: Thank you. If the
21 Legal Aid Society could start us off, followed by
22 Generation Citizen.

23 Hi. Thank you Chair Kallos and Council
24 Members. My name is Sarah Kerr. I'm a staff
25 attorney with the Prisoner's Rights Project of the

2 Legal Aid Society, and I'm here to testify for the
3 Legal Aid Society in favor of the bills and--oh, um,
4 464 and 628 and both resolutions. Thank you for the
5 opportunity to testify on these important efforts to
6 improve access to voting rights for all New Yorkers.
7 At the Legal Aid Society we are dedicated to ensuring
8 that no New Yorkers are denied access to justice
9 because of poverty. We represent people individually
10 in criminal and civil cases and work on legislative
11 and administrative policy reform as well. My unit
12 the Prisoner's Rights Project advocates for all New
13 York City in our city jails to improve the humanity
14 of our jails, and to improve the successful reentry
15 of our citizens after incarceration. We endorse the
16 proposed legislation, which will help to engage our
17 clients in exercising their civil rights for the
18 voting process making them part of the critical
19 policy discussions relevant to their communities
20 and/or cities. We fully support the measure for
21 registration and absentee voting from the city jails.
22 It adds to the city's current efforts to reform our
23 city jails by improving educational and other
24 programming creating connections to community and
25 decreasing violence and the use of solitary

2 confinement. It sends a clear message of inclusion
3 on community and value of participation. I'd like to
4 note that Legal Aid has participated in the past with
5 registration efforts on Rikers Island and in the
6 other jails, and we will do so in the future, of
7 course. O628, which is the Department of Education
8 providing voter materials and tracking efficacy,
9 these efforts will include all public schools, and we
10 hope it will include District 79. It talks about--
11 the bill talks about geographical districts, and I'm
12 not sure if District 79 is [bell] a geographical
13 district. It operates the Island Academy at Rikers
14 Island with Passages Academy School, which includes
15 students in secure and non-secure detention, and it
16 should be included in these efforts. And a note
17 about this bill. I think it's been addressed
18 somewhat earlier. It should not be limited to
19 seniors or graduating students. I think District 79
20 in particular probably has a lot of individuals who
21 will not be approaching those goals at the same time
22 they're approaching their eligibility vote, but they
23 should not be excluded from the voting process or
24 disenfranchised due to their--due to difficulties
25 they've had or interruptions they've had in their

2 education. We are in favor of the pre-registration
3 of 16 and 17-year-old. It will improve the ease of
4 voter registration, and encourage youth and all New
5 Yorkers to participate in the electoral--the
6 electoral process. Each person's vote no matter
7 their race, gender, religion or sexual orientation no
8 matter how privileged or disadvantaged counts
9 equally, but it can only be counted when cast. The
10 same-day registration will eliminate the
11 disenfranchisement of individuals who fail to meet
12 deadlines or who have recently moved or experiencing
13 a transition that interfered with the ability to
14 register or to provide a permanent address.
15 Specifically, our civil clients who experience
16 homelessness need to be included in the
17 enfranchisement process. So Legal Aid endorses the
18 proposed legislation and resolutions, which will help
19 to engage our clients in exercising their civil
20 rights through the voting process making them part of
21 critical policy discussions relevant to their
22 communities and/or city. Thank you.

23 PENNY MENTZ: All right. Good afternoon.

24 My name is Penny Mentz. I'm a retired Assistant
25 District Attorney. I'm not speaking for the

2 Assistant District--I mean the District Attorney's
3 Office, obviously. I'm here as a--as a private
4 citizen and as a Member of the Big Apple Coffee
5 Party. I was listening to the testimony that was
6 given earlier, and I was disturbed by the attitude of
7 both the person from the government--from the Mayor's
8 Office and the person from the Department of
9 Corrections. They were saying we're doing everything
10 we can and, you know, what more do you want from us?
11 And--and what I would offer is that there needs to be
12 a change in motivation both of the--of the government
13 agencies, and of the voters to get them to vote. And
14 in order to motivate voters you have to motivate the
15 Department of Corrections to change the culture
16 among, you know, the officials that are working
17 there. But she also mentioned that they don't trust
18 anyone with a shield. But there are people in the
19 prisons who are working there that don't--who are
20 civilians, civilian workers. And I would suggest
21 that they be the people who take over the program so
22 that there--there will be a culture of motivating the
23 prisoners to register and vote. And I just wanted to
24 end by saying that there are--there are five
25 rationales for incarcerating people which is like

2 protect society, retribution, reformation, deterrence
3 and just to hold somebody, you know, in pre--pre-
4 trial because, you know, because otherwise they won't
5 show up for-- [bell] One of those, reformation by
6 getting to take part in the electoral process it will
7 have some impact on--on one of the reasons to hold
8 people in jail in the first place. So, you know, I
9 very much support these bills.

10 CHAIRPERSON KALLOS: Thank you.

11 DAVID PECHEFSKY: Thanks. So thanks for-
12 -is it on? Yeah, Yeah, it is on. Okay. Thanks very
13 much Council Member Kallos for having this hearing.
14 I'm David Pechefsky, New York City Site Director for
15 Generation Citizen. As you know, we provide a--we're
16 working throughout the five boroughs in schools to
17 provide an action civics curriculum. I'm here to
18 testify for high school and New York school students.
19 I'm here to testify in support of 628 and of 695, the
20 bills that pertain directly the young population that
21 we work with. I think or I would say, you know, as
22 some of your council members alluded to that there
23 needs to be a long hand efforts such as these that
24 make voting easier. There also needs to be civic
25 education that explains to people why they are

2 voting. You know, so we think that the initiative,
3 you know, spearheaded by Council Member Rosenthal and
4 yourself and the other members putting money in on
5 the Youth Voter Registration Initiative is excellent.
6 You know, so we're doing both those things in
7 combination with devotion of resources and
8 legislation is the way to go. And, you know, on the
9 issue of--clearly there needs to be some tracking.
10 We would--we would love to be able to say, okay, the
11 impact of our program we could see it. You know,
12 it's something that we wrestle with, and it sounds
13 like there is a path to some kind of tracking. I
14 won't weigh into, you know, to work in progress. I
15 won't weigh into the details, but clearly that needs
16 to happen, and it seems like there is a path for some
17 kind of tracking. So we can see what the impact of
18 these efforts are. So thank you very much for your
19 work and also to members of the committee I look
20 forward to working with you in the future. Thank
21 you.

22 CHAIRPERSON KALLOS: Thank you.

23 JONATHAN REESE: Okay, thank you. Thank
24 you, Council Member Kallos for bringing these issues
25 forward and all that you're doing to try and get

2 people more engaged in the Democratic process. I'm
3 Jonathan Reese. I'm also a member of the Big Apple
4 Coffee Party. We would specifically like to--I'd
5 specifically like to speak to the, um, to the
6 Resolution 464 on the right to vote for people in
7 jail. There are unfortunately all too many people in
8 jail awaiting trial, and I personally urge you to
9 address that situation in more comprehensive ways.
10 But in the meantime, the least we can do is to make
11 sure that the people who have a right to vote in that
12 circumstance are able to. And so clearly we
13 appreciate this effort to make that actually happen.
14 As, Sally was saying it also gives them a message
15 that they are still valued members of our society
16 despite their--their circumstances. I also have a
17 short message from Sally Swisher, who is another one
18 of our members not able to be here. She says, I'm a
19 citizen of the City and State of New York in the
20 United States. I live by the results of the
21 elections and abide by the laws passed and other
22 actions taken by those who are elected. I understand
23 that to be representing democracy, but if a citizen--
24 if a citizen is unable to vote at his or her normal
25 polling place because he or she is being held in the

2 criminal justice system, it seems clear to me that
3 the system should provide that system with the
4 absentee ballot, and make sure that he or she has
5 every opportunity to vote. I want the society I live
6 in to be ruled by the people, all of the people. It
7 is the people's law I want to obey, and that law
8 should come from all of us even those accused of
9 crimes. Thank you.

10 CHAIRPERSON KALLOS: Thank you very much
11 for your patience. This is actually one of our
12 shortest hearings, and thank you for coming out in
13 support of the two bills, which really do a lot to
14 get more people registered and voting. Thank you. I
15 hereby adjourn this meeting of the Governmental
16 Operations Committee. [gavel]

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1 COMMITTEE ON GOVERNMENTAL OPERATIONS

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 4, 2015