

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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September 8, 2010  
Start: 10:05am  
Recess: 11:55am

HELD AT: Council Chambers  
City Hall

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

COUNCIL MEMBERS:  
Council Member Eric Martin Dilan  
Council Member Peter F. Vallone, Jr.

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

George Gonzalez  
Executive Director  
Board of Elections in the City of New York

Valerie Vasquez  
Director of Public Affairs and Communications  
Board of Elections in the City of New York

Juan Carlos "J.C." Polanco  
Bronx Republican Commissioner and Secretary  
Board of Elections in the City of New York

Marjorie Kelleher-Shea  
Member  
Women's City Club of New York City

Kathleen Doran  
City Affairs Chair  
New York City League of Women Voters

Alex Camarda  
Director for Public Policy and Advocacy  
Citizens Union of the City of New York

Jane Kalmus  
Vice Chair  
Voter Assistance Commission

CHAIRPERSON BREWER: Matt, you ready? [pause] Good morning, I'm Gale Brewer, City Council Member and Chair of Governmental Operations. And I'm delighted to be joined by Council Member Dilan, who is here from the great Borough of Brooklyn and an active member of this Committee. And we're here to talk about the Board of Elections and oversight of the machines.

First, before we even start, I want to thank you, Madam, Valerie Vasquez, for bringing the machines to this Council, that was a big hit. So, thank you so much. That was great. The Committee is meeting today to conduct an oversight hearing to discuss the implementation of new voting machines throughout the five boroughs by the Board of Elections, including, we're also going to talk about related voter education and outreach programs. I think we all know that in March 2010, the Board of Elections voted to purchase optical scan voting machines. These machines, which will be used for the first time in the September 14, 2010 primary election, will replace traditional lever voting machines throughout the City. And I understand today that it's been seconded by a

1 Court, because somebody in Nassau wanted to do  
2 something different. And so we are going to, as  
3 is Nassau and everyone else, stick with the new  
4 machines. The Court determined that Nassau has to  
5 do it also. The Committee is anxious to hear from  
6 the Board and staff on the implementation of new  
7 machines. Some specific oversight areas that we'd  
8 like to discuss: one, voting machine  
9 implementation and related changes to election  
10 administration; two, voter education and outreach  
11 conducted by the Board; three, voter education and  
12 outreach conducted by third party firms; and four,  
13 other areas, including poll site staffing poll  
14 worker training and outreach to communities of  
15 color. I know you've been working hard,  
16 particularly on the training, 'cause people have  
17 come to the district office and say, "I have to go  
18 to training," and I say, "Yes, and you have to  
19 pass a test, too." Preconsidered Resolution which  
20 will also be discussed today, and the Committee  
21 will consider a Resolution sponsored by me to  
22 approve the pay raise set by the Board for the  
23 compensation of individuals serving as party  
24 representatives for performing machine inspection  
25

1  
2 duties. Election law provides that the pay rate  
3 be set by the Board, and approved by the local  
4 municipality, which is the City Council. So,  
5 today, we will hear testimony from representatives  
6 of the Board, including the wonderful new  
7 Executive Director. Good government groups and  
8 advocacy groups and those who are interested from  
9 the public, and I want to thank all of those who  
10 put so much time and effort into making sure our  
11 system for public participation and voting is one  
12 that we can be proud of. And of course, you all  
13 can pick up a copy of the briefing document. And  
14 I want to thank particularly Matt Gewolb, who was  
15 the attorney for this Committee and who is doing  
16 double duty today, and is always terrific. Thank  
17 you all very much, and I would like to start with  
18 the representatives of the Board. And please come  
19 up and introduce yourself. [pause] Thank you.  
20 Go ahead, whenever you'd like, and thank you for  
21 being here. [pause] I think push again. Try, it  
22 doesn't--or bring it closer to you.

23 GEORGE GONZALEZ: Like that?

24 Testing, oh, okay. Good morning, Chair Brewer and  
25 Council Member Dilan. Thank you for giving me

1  
2 this opportunity to appear before you today. It  
3 really is a pleasure, and I do have some good news  
4 with regard to the implementation of the new  
5 voting systems. As you know, back in January of  
6 this year, the Commissioner selected the ES&S  
7 AutoMARK Scanner System, and our Board staff has  
8 been working diligently to ensure that this system  
9 is rolled out in time for the September 14<sup>th</sup>  
10 primary election. The staff has been working to  
11 ensure that every aspect of the system is tested  
12 and ready for--to be deployed for September 14<sup>th</sup>.  
13 In addition to that, we have been recruiting and  
14 training all of our poll workers, every one, every  
15 poll worker that's assigned to work for the  
16 primary election must attend a training class, and  
17 also pass an exam before they are to work. If the  
18 poll worker does not attend the class, they cannot  
19 work. The--the poll worker training, as, as we  
20 have stated earlier, has been an intensive  
21 training. We have extended the training class  
22 from the usual three hours to now a six hour  
23 class, with the focus of the training being the,  
24 with the hands--hands-on approach, and where we  
25 give the poll workers and opportunity to sit and

1  
2 play with the system, to ensure that the  
3 confidence level with the system, and that they  
4 understand how the system works, is there so when  
5 the voters get to see this system on the 14<sup>th</sup> of  
6 September, the poll workers will be able to ease  
7 the voters' concerns and guide them through the  
8 process and make sure that their ballots are cast  
9 properly and in an orderly fashion. So I think  
10 that is good news, I can't wait for the system to  
11 be deployed on September 14<sup>th</sup>. I think the hype  
12 that it's an, it's an automated system and are  
13 people going to be intimidated, I think once the  
14 world sees the way how the system works, their  
15 attitude's going to change because in reality, at  
16 the end of the day, this system is really as easy  
17 as 1-2-3. And with that said, I would just like  
18 to briefly go over our public education campaign  
19 that we have had in place to ensure that the  
20 voting public, and everyone else, gets an  
21 opportunity to test the system, as well as be  
22 educated as to how the system works and how the  
23 process go. Just one quick reminder, the, the  
24 procedure as to when you first walk into the  
25 polling place has not changed. Every voter is

1 still going to be required to sign in at their  
2 EDAD table, sign the poll book, and then from that  
3 point, they will be issued a voter card and then  
4 be directed to privacy booth to cast their ballot;  
5 and then, scan the ballot at the appropriate  
6 voting machine. So, as you know, to remind  
7 everyone here, back in 2002, Congress passed the  
8 Help America Vote Act; in 2005 the New York State  
9 Legislature passed the Election Reform and  
10 Modernization Act; in 2008, the ES&S AutoMARK was  
11 used in elections at all poll sites for the first  
12 time, that's when we had one ballot marking device  
13 at each of the City's 1,358 polling places. In  
14 2009, the New York State Board of Elections  
15 certified two systems for use in the elections in  
16 2010. In, like I stated earlier, in January of  
17 this year, our Commissioner selected the current,  
18 the voting system that will be implemented in, for  
19 September. And we will be using that system, you  
20 know, from September 14<sup>th</sup> and all future elections.  
21 The poll worker procedures have all been, had to  
22 be revised, because of the new way that we will  
23 become casting a ballot in this City. Everything  
24 has changed from the way the person cast their  
25



1 ballot to the canvassing of the votes at the  
2 election, after the election, I should say. That  
3 all has changed and we've, like I said, we've  
4 increased our poll worker training from a three  
5 hour class to a six hour class, and it covers  
6 everything from, like I said, signing the voter in  
7 to casting a ballot to closing the polls. The  
8 focus is, like I said earlier, is going to be on  
9 hands-on to ensure that every poll worker is  
10 comfortable with how the system works, and also to  
11 ease any voter's concerns that may come up. The  
12 public education and outreach, as we have  
13 mentioned on numerous occasions, we have obtained  
14 the services of a nationally recognized  
15 communication firm known as Burson-Marsteller, who  
16 have been helping us to get the word out, in which  
17 we, they have assisted us in getting some  
18 advertisement, as well as a website, and where  
19 voters can visit, to get some information as to  
20 how the new voting system works. That, Valerie  
21 will touch a little bit further on the aspects of  
22 what Burson-Marsteller is doing for, for the Board  
23 of Elections, to get the word out. In addition to  
24 that, we have put a process in place to ensure  
25

1  
2 that voter security is in place, and where the  
3 process of internal controls of each vote cast is  
4 in safe and secure, and is counted accurately.

5 The testing, we have been doing all the testing  
6 that is required by State law and/or State  
7 regulations, and that is ongoing as we speak. The  
8 Election Management System for the record is on,  
9 is on a closed, stand-alone network, and ballots  
10 are being designed by one department, and also  
11 being proofed by another department, to ensure  
12 that the ballot is an accurate ballot that's going  
13 to be used for the elections. And with that said,  
14 I would like to introduce Valerie Vasquez, our  
15 Director of Public Affairs and Communications, who  
16 will guide you through the rest of the public  
17 education and outreach effort that the Board of  
18 Elections has been doing for quite some time now.

19 CHAIRPERSON BREWER: Thank you.

20 VALERIE VASQUEZ: Thank you. If  
21 the Committee wants to follow along with our  
22 presentation, I'm actually on page six. On  
23 election day, voters will follow a simple process.  
24 It's a three-step process. First, get your paper  
25 ballot from the poll worker. Second, mark it with

1  
2 a pen, filling in the ovals for your candidate you  
3 choose. And for voters who need assistance  
4 marking the ballot, we'll have ballot marking  
5 devices at each poll site. And that BMD allows  
6 for voters to mark their ballot using either the  
7 touch screen, a Braille keypad, a sip and puff  
8 device, or rock--rocker paddle. It also has audio  
9 headphones for voters who would prefer to listen  
10 to the ballot. And lastly, you insert that marked  
11 ballot into the optical scanner, which stores your  
12 votes on a memory drive, and then deposits that  
13 paper ballot into a locked box. In terms of how,  
14 what we're doing for public education, in order to  
15 help voters feel as comfortable and as confident  
16 as they, as possible, when they come to vote on  
17 September 14<sup>th</sup>, and on the November 2<sup>nd</sup> general, the  
18 Board is conducting a comprehensive voter  
19 education campaign to inform the voters about the  
20 new systems and encourage them to learn how to use  
21 it firsthand, with a major focus on a hands-on  
22 approach. Over the next few slides, we'll go  
23 through each, each outreach mechanism in detail.  
24 One of the most important aspects is really mobile  
25 outreach, and that's conducting demonstrations

1 throughout the City of New York. To-date, we have  
2 conducted over 275 demonstrations with over 16,000  
3 participants. We have attended events with  
4 upwards of 20,000 people, allowing them for hands-  
5 on voter practice. We have attended senior  
6 centers, street fairs, large festivals, block  
7 associations, any organization that really  
8 requests a demonstration, we at the Board, as long  
9 as they meet the minimum criteria in terms of  
10 being an accessible location, being open to the  
11 public, we really do our best to accommodate them.  
12 To launch this effort and build the schedule, the  
13 Commissioners have contacted all elected officials  
14 in the City of New York requesting that they work  
15 with us to spread the word to their constituency,  
16 have demonstrations in their communities. We have  
17 contacted every community board throughout the  
18 City of New York; we've worked with CUNY good  
19 government groups, and also contacted every senior  
20 center, again asking that they host a  
21 demonstration. In terms of how do we get there,  
22 we have a mobile outreach team, and you have  
23 photos in the slide of our trucks that we've  
24 procured. The trucks literally transport the  
25

1 system and the staff to and from each site.  
2 They're also wrapped consistent with our campaign  
3 theme serving as moving billboards, and hoping to  
4 generate buzz. And as people see them, while  
5 they're along, driving along the street, that  
6 they'll see that there's a new way to vote,  
7 hopefully drive them to our website or call our  
8 phone bank for more information. We have also  
9 distributed thousands of pieces of collateral  
10 material, and that's flyers that we have,  
11 brochures. All of them are produced in five  
12 languages: English, Spanish, Chinese and Korean--  
13 in the four languages, English, Spanish, Chinese  
14 and Korean--where we have Chinese Mandarin and  
15 Chinese Cantonese, as required by law. We also  
16 have conducted a comprehensive advertising  
17 campaign to heighten voter awareness of the new  
18 way to vote, and so hopefully so everyone can get  
19 more information on that. The, this summer we  
20 have ads that appeared in newspapers, radio,  
21 public transit and on TV. We have worked with  
22 the, we procured space on the MTA, so that you'll  
23 see our ads on subway car cards and on the busses  
24 themselves. We also took full page ads in over 88  
25

1  
2 community newspapers, over five daily newspapers,  
3 and a variety of online outlets. We also have  
4 developed a PSA, and that PSA will be running on  
5 local TV. We've also, as well as cable. We also,  
6 the Taxi and Limousine Commission has recently  
7 informed us that they will be running our PSA in  
8 in-taxi TV, free of charge. So, every taxi, if  
9 you ride one of our new City taxis--

10 CHAIRPERSON BREWER: That's the  
11 thing I turn off as soon as I get into the taxi.

12 VALERIE VASQUEZ: [laughs] Well,  
13 now you can't turn it off, so that way you can see  
14 the new way to vote. We also have really, again,  
15 we've also our advertising in the Staten Island ad  
16 vans and Staten Island Ferry, State Island Rapid  
17 Transit, to make sure that Staten Island residents  
18 also get the information. These ads were designed  
19 to heighten voter awareness, to let individuals  
20 know the 4.3 million registered voters know that  
21 there is a new way to vote this year, it's as  
22 simple as 1-2-3, hoping that they get more  
23 information. And more importantly that they  
24 really go to a demonstration, visit our website,  
25 or call our phone bank. Transitioning to our

1  
2 website, we now have a dedicated public education,  
3 multi-lingual voter education site, that was  
4 developed using accessibility guidelines from  
5 WebAIM and Lighthouse International. When we were  
6 developing this website, we brought in members of  
7 various good government organizations and  
8 disability organizations, specifically we had some  
9 individuals from CIDNY, for Center for Independent  
10 and Disabled New York, as well as Baruch School  
11 for--there's a Department for the Visually  
12 Impaired, where they actually came in and tested  
13 our website for accessibility. We also have some  
14 features that we're excited about where voters, or  
15 anyone who visits our website, rather, can go  
16 online, put in their zip code and find the  
17 demonstration nearest them. You can also request  
18 a demonstration directly from the website, and you  
19 can download voter education materials. We found  
20 that some organizations that just did not get a  
21 chance to host a demonstration, but really were  
22 interested in reaching out to their, to their  
23 consumers, to their members, wanted the  
24 information, our flyers or whatever brochures that  
25 we have, and we encouraged them by creating a

1  
2 community outreach link. So from that, from that  
3 link, you can download every single brochure or  
4 pamphlet that we have available, and you can  
5 distribute to their members. We also have  
6 Frequently Asked Questions, and a demonstration  
7 calendar, as well. And to-date, the site has had  
8 4,768 visits, with over 3,000 unique visitors. We  
9 also are using emerging media, specifically social  
10 media networks such as Facebook. We created a  
11 Facebook page where everyone can go on and find  
12 information on the new way to vote; also, links to  
13 videos, Frequently Asked Questions, and the  
14 demonstration calendar, as well. And then we have  
15 learning centers, and learning centers are, allows  
16 for anyone to go into any of the five borough  
17 offices in the Board of Elections, we have one in  
18 each borough. And we have a learning center where  
19 it's, which is an office space literally designed  
20 as a, as a mock poll site, so to speak, where  
21 anyone can come in, with no appointment necessary,  
22 and have time with the machines, as well as  
23 trained staff that can walk them through the  
24 process. The hours are Monday through Friday,  
25 9:00 to 5:00. Every borough has evening hours



1 where they're open one day a week until 7:00. And  
2 we have alternating weekends, as well. We also  
3 sent out a multi-language mailer, a legally  
4 required information notice, to the 4.3 million  
5 registered voters in early August, that we decided  
6 to capitalize on this available space and  
7 completely redesign it, to include information on  
8 how to vote, on the new way to vote, and the  
9 process being as simple as 1-2-3. You have a  
10 screen shot as what, as to what the mailer look  
11 like, but everyone here who's a registered voter  
12 would've received this mailing by now. And I'll  
13 also like to state specifically that this does,  
14 this mailer was a collaborative effort designed  
15 with a lot of people in this room today,  
16 specifically League of Women Voters, we had  
17 representatives from CIDNY, and it was a  
18 roundtable discussion where everything from font  
19 size to paper type was discussed. And I think at  
20 the end they were all very happy with the ultimate  
21 end result. And that speaks to our ongoing  
22 dialogue with a variety of good government groups  
23 and disability organizations. We have included  
24 the AALDEF, the Asian-American Legal Defense and  
25

1  
2 Education Fund, CIDNY, Citizens Union, Common  
3 Cause--I mean, I don't want to list everyone  
4 'cause I don't want to leave anyone out, but  
5 they're all included in, in the packet. And that  
6 really speaks to how we at the Board want to  
7 spread our message through our own networks and  
8 capitalize on the networks of other organizations  
9 to spread the word and get our message out to the  
10 4.3 million voters. And that's, that's--that  
11 essentially captures our entire public education  
12 campaign.

13 CHAIRPERSON BREWER: You, are you  
14 finished? Do you want to add anything?

15 GEORGE GONZALEZ: Well, actually,  
16 yes, to, to reiterate, we are in the process of  
17 training about 36,000 poll workers. We have  
18 already city acceptance tested more than 5,700  
19 optical scanners and BMDs. We have evaluated all  
20 the poll sites in the City of New York to ensure  
21 that they meet all the requirements for the  
22 implementation. We have been working closely with  
23 the NYPD to ensure that the police also at every  
24 site, and all the responsibilities that are  
25 required by law and the NYPD to perform, we've

1  
2 been on the same page with them. We have  
3 renovated our voting machine facilities to ensure  
4 that all this new equipment is in a climate  
5 control environment, as well as meet all the other  
6 requirements as specified by the, by the State  
7 Board. We have already programmed over 10,000  
8 portable memory devices. In addition to that we  
9 have printed over 4.8 million pieces of ballots,  
10 paper ballots for this election. In addition,  
11 too, we have purchased over 16,000 privacy booths  
12 to ensure that the voters, when they go to the  
13 poll site, are able to cast a ballot in private.

14 VALERIE VASQUEZ: And I'll also  
15 like to state, at each of our demonstrations we,  
16 we have available poll worker applications as well  
17 as, as well voter registration forms, and we  
18 encourage, at the end of our presentation, we  
19 always encourage, if anyone is interested in  
20 becoming a poll worker, we have applications  
21 available.

22 CHAIRPERSON BREWER: Okay. All  
23 right, finished?

24 GEORGE GONZALEZ: Yes.

25 CHAIRPERSON BREWER: Thank you very

1  
2 much. We've been joined also by Council Member  
3 Vallone from Queens. I have a couple of  
4 questions, and I'd love to turn it over to my  
5 colleagues who are extremely knowledgeable, I'm  
6 sure. How many days and sessions of machine  
7 inspections--the reason I'm asking this, 'cause  
8 we're going to be working and voting on a  
9 Resolution today--have been held to-date? And  
10 what has been the cost? In other words, you've  
11 had to make sure the machines, perhaps less  
12 onerously than the old lever machines, but you've  
13 had to inspect them, I assume, before they go out?  
14 And I wanted to know if that's, if there's any  
15 cost involved in that? And then I just didn't  
16 know, do these funds come from your budget? From  
17 the HABE [phonetic] budget? How does that work?

18           GEORGE GONZALEZ: Okay, before I  
19 answer that question, I would like to introduce  
20 J.C. Polanco, who is the Bronx Republican  
21 Commissioner as well as the Secretary of the Board  
22 for Calendar Year 2010.

23           CHAIRPERSON BREWER: Welcome.

24           JUAN CARLOS POLANCO: Thank you.

25           GEORGE GONZALEZ: And to answer

1  
2 your question, the, the party representatives that  
3 are at the voting machine facilities, they're  
4 required to be present at these facilities to, to  
5 view the process. And what I mean by viewing the  
6 process is, they're entitled by law to be at all  
7 of our facilities, the five voting machine  
8 facilities, to view the setting up of the voting  
9 machines, the testing process, the pre-election  
10 testing, and so on and so forth. They have been  
11 there since some time in the middle of August, and  
12 they're entitled to be at our facilities from the  
13 beginning of the process until the end. Like for  
14 example, they are still there now because we are  
15 still sealing up the machines and making sure that  
16 all the items that are required to be used on  
17 election day are put in the proper containers, and  
18 the machines, they get a chance to look at the  
19 ballots, and everything else that's related for  
20 the elections, well they're there now. And they  
21 are required to be there, and we have to pay them  
22 \$200. With regard to the payment, that money  
23 would come out, come out of our, out of our  
24 budget, the, the City budget. But at the end of  
25 the day, right now our budget, the, the funding

1  
2 that we have in place, would bring us through the  
3 November election. Anything after the, the  
4 November election, we're not sure how we're going  
5 to do our statutory obligations.

6 CHAIRPERSON BREWER: So, basically,  
7 you have machines in how many sites? Is it per  
8 borough? In other words, there are machines in  
9 all five boroughs?

10 GEORGE GONZALEZ: That is correct.  
11 We have, as you know, we have five borough  
12 offices, one in each county. We have an executive  
13 office within New York County. In addition to  
14 that, we have five voting machine facilities, one  
15 for each borough.

16 CHAIRPERSON BREWER: All right.  
17 [background noise] Council Member Dilan has  
18 questions, and I'll keep going after him--

19 GEORGE GONZALEZ: Sure.

20 CHAIRPERSON BREWER: --and after  
21 Council Member Vallone.

22 COUNCIL MEMBER DILAN: Thank you,  
23 Madam Chair, and I, I promise to be brief. I just  
24 want to open by thanking you, Mr. Gonzalez, for  
25 all your years of service to the voters of the

1  
2 City of New York, in your former role as Deputy  
3 Director of the Board, and to congratulate you and  
4 commend your Board members for selecting you to  
5 become the new Executive Director at the Board of  
6 Elections. I'm personally proud of your  
7 appointment. I'm sure that you will conduct  
8 yourself and run the agency in a manner that I  
9 expect, and that's to be highly competent and very  
10 knowledgeable, and very good on behalf of not only  
11 the voters of the City, but all the employees at  
12 the Board. You know, I know you have some  
13 detractors, and I would say, you know, this is New  
14 York. It wouldn't be any other way. So, I would  
15 hope that you only look at the detractors and  
16 smile and continue and do your job in an admirable  
17 fashion, which is what we all expect. I just have  
18 a couple of brief questions. Now, I know the  
19 Chair said that I might be knowledgeable on that,  
20 and I would say, I'd say it's totally the  
21 opposite. I need to be educated just like every  
22 other voter, 'cause I've grown accustomed to the  
23 other voting machines which, you know, despite  
24 they're, they're, they're getting a little up  
25 there in age, I thought served this City great. I

1  
2 felt very comfortable with them. But I sit here  
3 and I look at, at, you know, this new ballot  
4 process, which has, which generates now a lot of  
5 paper, which is what I think the voters of this  
6 City, through several hearings have requested,  
7 they wanted a ballot marking device, so I'm glad  
8 that some sort of ballot marking device was  
9 selected. But now I sit back and wonder how all  
10 this paper's going to be secured. Because my fear  
11 is that, and maybe you could help allay this fear,  
12 and I'm sure you can, that now with so much paper  
13 and so much access to ballots that the inspectors  
14 would have, that there's potential for fraud to be  
15 committed. So maybe, if you could just explain to  
16 me how the ballots are secured prior to when a  
17 voter comes in to vote, and what prevents, say, an  
18 inspector, and I know this will be a rare case,  
19 but what prevents an inspector to maybe select  
20 someone to vote for and pass the ballot through  
21 the machine on their own, without an actual voter  
22 having voted?

23                   GEORGE GONZALEZ: Sure. The  
24 ballots, before they get shipped to the polling  
25 place, they come wrapped, shrink wrapped. In



1  
2 addition to them being shrink wrapped, each ballot  
3 is numbered sequentially. They come in bundles  
4 of, packs of 100, so from one to 100, 101 to  
5 whatever. Each person at the voting machine  
6 facility, where these ballots are stored, which by  
7 the way everything in, in our agency's done in a  
8 bipartisan manner, including storing the ballots.  
9 Every, every piece of paper, every ballot that we  
10 have in our possession, is stored in a room within  
11 the warehouse, with a double lock key. Meaning,  
12 that in order for me to get access, as a Democrat,  
13 I would use my key, and, and for, for, to gain, to  
14 gain the access, I would need a Republican to use  
15 his key to get me into that room. So that room,  
16 no one could enter that room unless they have the  
17 two keys. So, and the two keys are never with one  
18 person. So, for example, if, if Valerie and  
19 Democrat and Repu--she would have her key, I would  
20 have my key, and we'd have to go in there  
21 simultaneously to, to look for any type of ballot  
22 that we need to look for. Once those ballots are  
23 at the poll site, it's another mechanism in place  
24 and where the inspectors are taught that they must  
25 check every ballot that they have in their

1 possession, and account for each ballot, and  
2 account for each ballot. In addition to that,  
3 once they start giving out the ballots,  
4 everything, like I said, has, has a, a sequential  
5 number to it. At the end of the day, we have--by  
6 law, we are required to reconcile all the ballots.  
7 Meaning that whatever ballots that we, we've given  
8 out, must be accounted for. Your question asks so  
9 can somebody take a ballot and come run it through  
10 a scanner, it's highly unlikely that's, that that  
11 is going to happen, because the scanner is at  
12 another location within the polling place, and in  
13 order for you to access that scanner, the, the  
14 voter must provide their voter card. I talked  
15 about that earlier, that process in the day, that  
16 voter card, it's what gives you the access to go  
17 to that voting, to that scanner, and, and insert  
18 your ballot. So somebody's trying to go in there  
19 and, and stuff the ballot for lack of a better  
20 word. I don't see that, how is that going to  
21 happen because at the end of the day, every ballot  
22 that was given out, whether it was a used ballot  
23 or spoiled ballot--'cause remember, every voter  
24 has an opportunity to get up to three ballots, and  
25

1  
2 any unused ballots, before that poll site is  
3 closed, every ballot must be accounted for.

4 COUNCIL MEMBER DILAN: Okay, and  
5 then obviously, you, you mentioned the role of the  
6 Police Department in elections, I guess they would  
7 also have to be there watching to make sure that  
8 any rare attempt like this would--

9 GEORGE GONZALEZ: Right.

10 COUNCIL MEMBER DILAN: --be  
11 monitored as well?

12 GEORGE GONZALEZ: The, the role of  
13 the Police Department is to, to be at the polling  
14 site, to maintain law and order. The other  
15 responsibilities fall within our jurisdiction, we  
16 need the responsibility of the coordinator and  
17 their work, as meaning they'll bring the other  
18 poll workers to ensure that the poll site is run  
19 in a properly and orderly fashion. If there is  
20 some sort of disruption, yes, of course, the  
21 police officer will be, be called in to intervene  
22 and, and take action in, in accordance with the  
23 law. Once the poll sites are closed, and like I  
24 just said, the process of reconciliation takes  
25 place, everything that gets put into the, into an

1 appropriate box on or an envelope, where  
2 everything is sealed and accounted for and  
3 recorded. And once that process is completed,  
4 everything that needs to come back to the board of  
5 elections after the polls are closed, are handed  
6 over to the police officer who he then has to sign  
7 that he took possession of those items, whether it  
8 be the memory device, or the ballots, and the poll  
9 box, whatever items it is that we're giving him  
10 that are required to be back in our possession  
11 within 24 hours, it gets turned over to him, he  
12 signs for them, and then he brings it to our  
13 respective borough offices. And at the respective  
14 borough offices, we then have a team waiting for  
15 the police officer to arrive, so that when they  
16 get to our, our offices, there's a process in  
17 place that they have to stop at our desk, and then  
18 we open up the contents of those envelopes, and we  
19 have like a checklist to ensure that everything  
20 that's supposed to come back that night, does come  
21 back with that police officer. So there's a  
22 process in place there to ensure that everything  
23 that we're supposed to get, is there, and before  
24 he leaves, if everything checks out, we will issue  
25

1  
2 him a receipt that he turned everything over that  
3 was, that he was required to turn in at the end,  
4 at the close of the polls.

5 COUNCIL MEMBER DILAN: Okay, and  
6 then last question along this line, the party  
7 officials are still allowed to send poll watchers,  
8 as has always been the past - -

9 GEORGE GONZALEZ: [interposing]  
10 That, that is correct. That really has nothing to  
11 do with us, per se.

12 COUNCIL MEMBER DILAN: Yes.

13 GEORGE GONZALEZ: The New York  
14 State Election Law mandates that each candidate or  
15 county leader can appoint up to three poll  
16 watchers, and--

17 COUNCIL MEMBER DILAN: No, no, I'm  
18 not--Oh, okay, yeah.

19 GEORGE GONZALEZ: Poll watchers.

20 COUNCIL MEMBER DILAN: Yeah, you're  
21 right.

22 GEORGE GONZALEZ: They're entitled  
23 to be at the poll site to view the entire process,  
24 meaning they could be there at least 30 minutes  
25 before the opening of the polls, to ensure that

1  
2 the machine--you know, watch the inspectors open  
3 up the machine and count the, you know, and check  
4 that all the supplies are there. They're there to  
5 be, you know, to monitor the activities of the  
6 poll site throughout the election day, as well as  
7 be at the poll site at the close of the polls to  
8 obtain any unofficial numbers that may come up,  
9 that come up after the election.

10 COUNCIL MEMBER DILAN: Okay. And  
11 then last question for me, Madam Chair. Just  
12 procedurally, when someone goes into vote and I, I  
13 have to commend what the Board has done, and with  
14 public outreach, I really want to commend that.  
15 But I think there's something that maybe I need  
16 confirmed. So, say I'm, it's a election day, and  
17 it's my turn to vote, you know, obviously this  
18 year there's, you know, primaries for, for  
19 attorney general, state comptroller. So say I  
20 want to vote for attorney general, but don't want  
21 to vote for anyone, state comptroller, I submit my  
22 ballot only with a vote for attorney general.  
23 I've heard that the ballot gets returned to the  
24 voter. Is that accurate, inaccurate? Or could  
25 you just explain that, that part to me?

2 VALERIE VASQUEZ: No, if, if you  
3 were to under vote, then, then no, there would be  
4 no notification, because you have that right to  
5 choose to omit from voting in a particular  
6 contest.

7 COUNCIL MEMBER DILAN: Okay.

8 VALERIE VASQUEZ: So, if you, you  
9 would submit, you would insert your marked ballot  
10 into the scanner, the scanner would scan your  
11 ballot, and then you would see that a screen image  
12 would come up that says, "Thank you for voting,  
13 you vote has been counted," and you would see that  
14 the public counter would go up by increments of  
15 one, to ensure that your vote has been counted.

16 COUNCIL MEMBER DILAN: Okay, good,  
17 I'm glad that--

18 VALERIE VASQUEZ: So, no, there  
19 would be no - -

20 COUNCIL MEMBER DILAN:  
21 [interposing] I'm glad that's true, 'cause I heard  
22 rumor that, that it would spit the ballot back  
23 out, give the voter maybe an opportunity to, to  
24 vote, and then the voter would then have to return  
25 it, so I'm glad that that's not--

1  
2 VALERIE VASQUEZ: The, the only  
3 time that occurs is in an instance of either a  
4 voter inserting a ballot in which there is an over  
5 vote, or if you insert a completely blank ballot.  
6 So if you insert, if you have a ballot on which  
7 you've over voted in a particular contest, and you  
8 insert that ballot, a screen image will come up to  
9 tell you that you have in fact over voted, and  
10 then you have two options: to either cast your  
11 ballot as is, knowing that in that particular  
12 contest your vote would not be counted; or you can  
13 choose to have the ballot be returned to you, the  
14 poll worker would void out that ballot, put it  
15 into a void envelope, and then you would be issued  
16 another ballot to mark properly.

17 COUNCIL MEMBER DILAN: All right,  
18 so, so then, a voter would still have the right to  
19 submit a completely blank ballot--

20 VALERIE VASQUEZ: Yes.

21 GEORGE GONZALEZ: That's right.

22 COUNCIL MEMBER DILAN: --ballot if  
23 they wanted to.

24 VALERIE VASQUEZ: You have to make  
25 that choice, though.



2 COUNCIL MEMBER DILAN: Okay.

3 VALERIE VASQUEZ: Once you insert  
4 that marked ballot--that blank ballot, the screen  
5 image would come up to tell you that you've  
6 inserted a blank ballot, do you want to cast it or  
7 do you want to return it?

8 COUNCIL MEMBER DILAN: Okay, great,  
9 thank you, Madam Chair.

10 CHAIRPERSON BREWER: Thank you.  
11 Council Member Vallone?

12 COUNCIL MEMBER VALLONE: Thank you.  
13 Valerie, you and I had this discussion at the  
14 actual demonstration. So if I voted twice for  
15 attorney general, let's say--

16 MALE VOICE: Let's hope not.

17 COUNCIL MEMBER VALLONE: [laughter]  
18 Let's hope, let's hope not.

19 COUNCIL MEMBER DILAN: Got to  
20 interrupt, 'cause I would've loved to have voted  
21 for Peter, but [laughter] that's by the - - that  
22 me and Peter have.

23 COUNCIL MEMBER VALLONE: I don't  
24 even know why I picked that office, but okay. I  
25 voted twice for some office. Now, it comes back

1  
2 to me with the option to accept or reject. I  
3 think most people who get the option to accept,  
4 you know, many people may hit that, thinking  
5 that's, you're going to fix it, or thinking  
6 that's, the ballot will be acceptable the way it  
7 is, but it's not. They hit the accept button, but  
8 their vote is not tallied for the one that they  
9 voted twice. They don't even know, are they told  
10 why it's, why, what the problem is when it comes  
11 back? Are they told, "You've double voted for the  
12 attorney general race"?

13 VALERIE VASQUEZ: Yes.

14 COUNCIL MEMBER VALLONE: They are.

15 VALERIE VASQUEZ: It will tell, you  
16 image will, there will be a screen image and the  
17 text would read that you have over voted, and then  
18 it would list the particular contest, yeah, so it  
19 would say "Attorney General," or whatever contest  
20 in which you over voted, it would be listed, yes.

21 COUNCIL MEMBER VALLONE: I still do  
22 not think that the public should be given the  
23 option to accept that, that's--and I think we have  
24 a resolution calling on the State to change that.  
25 Council Member Brewer, is that your resolution?

2 COUNCIL MEMBER BREWER: [off mic] -

3 -

4 VALERIE VASQUEZ: I--

5 COUNCIL MEMBER VALLONE: Right,  
6 okay.

7 VALERIE VASQUEZ: Yeah.

8 GEORGE GONZALEZ: Councilman, just,  
9 just to clarify, that op--that concern that you  
10 have with regard to the over vote and, and giving  
11 the voter, you know, the opportunity to cast a  
12 ballot as is, that is a requirement that is set by  
13 the State Board of Elections Rules and  
14 Regulations, and we, the City Board, does not have  
15 the option or the luxury of changing that message  
16 in any way, because that will, if we, if we do  
17 change the, the message, that will mean that the  
18 system is, has changed, and then that we will have  
19 to resubmit the, the, the change to the State  
20 Board for another recertification process.

21 COUNCIL MEMBER VALLONE: Right, I--  
22 maybe I should've been clearer, that's why we did  
23 a Resolution to the State to change that.

24 CHAIRPERSON BREWER: And we did a  
25 letter, too.

1  
2 COUNCIL MEMBER VALLONE: Okay, you  
3 have--

4 CHAIRPERSON BREWER: We did a - -

5 COUNCIL MEMBER VALLONE:  
6 [interposing] And a letter because you don't have  
7 control over that, but that's not the optimal way  
8 to, to do this.

9 GEORGE GONZALEZ: No, understand.

10 VALERIE VASQUEZ: But, Council  
11 Member, if I may add, just to, just, just segue-  
12 waying from what our Executive Director stated,  
13 what we have done in terms of, in all our  
14 materials, and we've gone through everything in  
15 terms of what we've done, how we've been  
16 proactive, to educate our voters, in all of our  
17 printed materials, we do address the over vote, to  
18 address the fact that you have to make a decision,  
19 conscious, consciously understand that your vote  
20 would not, if you choose to cast it, then in that  
21 particular contest, your vote would not be  
22 counted. And, and--and Commissioner Polanco, who  
23 is also a member of the Public Education  
24 Committee, that's one of the most important things  
25 that we've been doing, as well, is educating

1 voters of the over vote.

2  
3 COUNCIL MEMBER VALLONE: Thank you,  
4 that's, that's a good idea, I'm glad you're doing  
5 that. But let me discuss something you probably  
6 do have control over, and that I have another  
7 serious problem with: the fact that you've  
8 combined in question two, seven separate questions  
9 into one that must be answered with one answer.  
10 For example, one of the questions is: Shall we  
11 reduce the number of petition signatures needed?  
12 Very good thing, I support that wholeheartedly.  
13 Right after that is: Shall we merge the voter  
14 Assistance Advisory Committee into the Campaign  
15 Finance Board? I could care less. I don't know,  
16 perhaps I think that's a horrible thing. I don't  
17 know, maybe somebody has a real opinion on that.  
18 I have to vote yes to, to make ballot access  
19 easier, and lower the amount of petitions, and I  
20 have to vote yes on six other completely separate  
21 questions. Now, that makes no sense to me.  
22 Democracy is one man, one vote, not one vote,  
23 separate questions. Has this been  
24 constitutionally challenged yet? And under, and  
25 who made that decision and why?

1  
2                   GEORGE GONZALEZ: Council Member  
3 Vallone, we respectfully ask for clarification as  
4 to what you've itemized.

5                   COUNCIL MEMBER VALLONE: Yes, okay.  
6 Valid question two. City question two.

7                   CHAIRPERSON BREWER: This came from  
8 the Charter Revision Commission.

9                   COUNCIL MEMBER VALLONE: The  
10 Charter--

11                   GEORGE GONZALEZ: We, we,  
12 Councilman, we don't have any control over the  
13 wording that the Charter Commission has utilized.  
14 What we will promise the City Council is that  
15 whatever that wording is, will be placed on the  
16 ballot as is. We, we have no say over the Charter  
17 Commission's questions that they are proposing for  
18 the City to vote on at all.

19                   COUNCIL MEMBER VALLONE: [off mic]  
20 - - Charter Commission, Charter Commission - -  
21 seven questions in one have no say--

22                   GEORGE GONZALEZ: Well, the Charter  
23 Commission hasn't given us any questions yet, but  
24 the process is once the Charter approves and  
25 certifies the, either the ballot, I mean, sorry,

1  
2 the proposition, the question of the - - whatever  
3 the issue is, they give us the verbiage and the  
4 text, and our obligation is to print the verbiage  
5 as is. We do not have the luxury to change the  
6 verbiage or show the questions. The way they  
7 prepare the question, that's how we put them on  
8 the ballot.

9 COUNCIL MEMBER VALLONE: [off mic]

10 Okay, well I'm being told - - that [on mic] I'm  
11 being told that one of the reasons the Charter  
12 Commission voted to do this was an issue of space  
13 on the ballot. And tell me the discussions you  
14 had that you're allowed to go into with the  
15 Charter Commission involving space on the ballot  
16 and how that may have affected the decision to put  
17 seven questions into one answer.

18 GEORGE GONZALEZ: Well, I was not  
19 privy to any of the conversations that the Charter  
20 may have had with anybody at the Board of  
21 Elections, but here is the situation. I'm going  
22 to use this 8½ x 11 sheet of paper. The ballot  
23 is, let's just say, 8½ x 11 inch. We can only fit  
24 but so much onto this sheet of paper. Okay? What  
25 the Charter doesn't want to understand is that

1  
2 they want to squeeze as many questions as they can  
3 into this sheet of paper, which affects font size.

4 As you know, the font size that we put on our  
5 paper ballot is mandated by State law, by State  
6 law. So, in, in order to accommodate any

7 questions that, that the Charter may putting on  
8 the ballot in the November election, will be

9 placed on the ballot. So if it means that they

10 have seven questions, and the seven questions do

11 not fit on this 8½ sheet, 8½ x 11 sheet of paper,

12 we would go onto the second part of the ballot.

13 And all the, and on a, on a second page of the

14 ballot. All those questions will be printed on

15 the backside of the ballot, and we'll use as many

16 pieces of paper that we need, known as the

17 perforated ballot, to ensure that the propositions

18 are accommodated on the ballot. We have used

19 perforated ballots in the past, as you know,

20 Councilman, in Queens, in the four language

21 editions in the 22<sup>nd</sup> Assembly Districts, there's

22 been plenty of times where, in the past where

23 we've got to our standby ballots, we had to use a

24 perforated ballot because there was just no room

25 on the standard sized ballot that we had, to



1  
2 accommodate all the candidates on the ballot, so  
3 we were forced to use a second page to the ballot.  
4 So it's the same concept here with the Charter  
5 Commission. Whatever questions that they, they  
6 give us, whatever we can fit on that size paper,  
7 in accordance with the law, will be printed. If  
8 it has to spill over into a second sheet, it will  
9 go onto a second sheet, and so on and so forth,  
10 until all the questions are printed on the ballot.

11 COUNCIL MEMBER VALLONE: I  
12 understand that, but I think you started out by  
13 saying, "This is what the Charter Commission  
14 refuses to understand." So you're saying you  
15 could've easily used a second piece of paper.

16 GEORGE GONZALEZ: Yes.

17 COUNCIL MEMBER VALLONE: Okay. So,  
18 there was no--

19 GEORGE GONZALEZ: But I also, but I  
20 also said I wasn't privy to any conversation that  
21 the Charter Commission member had with anybody in  
22 my staff.

23 COUNCIL MEMBER VALLONE: Neither  
24 was I, I'm going to published reports, and what  
25 I've read.

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GEORGE GONZALEZ: Okay.

COUNCIL MEMBER VALLONE: So, you and I agree, then, in that there is no space issue involved here--

GEORGE GONZALEZ: Correct.

COUNCIL MEMBER VALLONE: --that you could've put a second page on.

GEORGE GONZALEZ: Correct.

COUNCIL MEMBER VALLONE: And so there's no space reason--

GEORGE GONZALEZ: Correct.

COUNCIL MEMBER VALLONE: --for the Charter Commission to force people to vote yes once on seven completely separate questions.

GEORGE GONZALEZ: Correct.

COUNCIL MEMBER VALLONE: Okay. So we're, I guess we're all in agreement on that.

GEORGE GONZALEZ: Yes, we are.

COUNCIL MEMBER VALLONE: I don't agree that's the right way to do things, and I think that that opens us up for a, for a constitutional challenge and a court case which could completely negate the work that the Charter Commission did, and that you guys have done. And

1  
2 you guys have done some great work, so that's  
3 unfortunate.

4 GEORGE GONZALEZ: Yeah, but keep in  
5 mind that we only produce what they give us. We  
6 have no say in, in the language.

7 COUNCIL MEMBER VALLONE: I, I  
8 understand. Thank you for the job you've done.

9 VALERIE VASQUEZ: Thank you.

10 GEORGE GONZALEZ: Okay.

11 CHAIRPERSON BREWER: [off mic]  
12 Thank you [on mic] Thank you very much. Before,  
13 while we have a quorum, I'd like to be able to ask  
14 my colleagues to vote on the Resolution. It's a  
15 Preconsidered that would approve the rates set by  
16 the Commissioners that we heard about earlier, of  
17 the, to compensate party representatives for their  
18 time spent monitoring the preparation of voting  
19 machines and devices. And we need this Resolution  
20 as the Local Municipality. So I will vote aye.  
21 Call, call the roll, sorry.

22 COMMITTEE CLERK: William Martin,  
23 Committee Clerk, roll call vote on the Committee  
24 on Governmental Operations, Preconsidered  
25 Resolution. Council Member Brewer.

2 CHAIRPERSON BREWER: I vote aye.

3 COMMITTEE CLERK: Dilan.

4 COUNCIL MEMBER DILAN: I vote aye,  
5 and Madam Chair, if, if you permit, I'd like to  
6 make a clarification on something.

7 CHAIRPERSON BREWER: Please, go  
8 ahead.

9 COUNCIL MEMBER DILAN: What I said  
10 earlier was example. I do intend, and I want to  
11 state for the record, that I do intend to vote for  
12 all contested races this year. [laughter] The  
13 primary and general, so I just wanted that  
14 clarification for the record. Thank you, Madam  
15 Chair.

16 COMMITTEE CLERK: Vallone.

17 COUNCIL MEMBER VALLONE: As do I.  
18 Aye.

19 COMMITTEE CLERK: By a vote of  
20 three in the affirmative, zero in the negative, no  
21 abstentions, items is adopted.

22 CHAIRPERSON BREWER: Thank you.  
23 Thank you very much. I want to just pick up on  
24 Council Member Vallone, because it's even more  
25 complicated. Just so you know, and for the public

1  
2 to know, by last Friday we had to submit to the  
3 Campaign Finance Board so that they could print in  
4 their mailer, whether we supported the Charter  
5 Revision Commission recommendations. So we had  
6 question one, and whether we're for or against,  
7 which was regarding term limits; and then question  
8 two was this bundling of seven. And I must admit,  
9 picking up on what Council Member Vallone, I  
10 submitted by 5:00 o'clock last Friday, because we  
11 had to, and I said "No," because I agree with  
12 Council Member Vallone, how could all seven be  
13 lumped into one, when they are substantively  
14 slightly different. So, I would rec--now, if this  
15 changes in the next discussions, if that's  
16 possible, then I don't know how the Campaign  
17 Finance Board material resolves itself. So, I  
18 just throw this out because it's very complicated,  
19 not just for you but I'm also concerned as we all  
20 are about the voters. So, I think it's, either  
21 ongoing negotiations about these seven, or is it  
22 kind of stopped? Can you update us?

23 GEORGE GONZALEZ: I have no idea  
24 where they are with this. Again, our obligation  
25 is to make sure we put 'em on the ballot and to

1  
2 conduct the election honestly and fair. So I  
3 cannot comment on that. But one thing everybody  
4 should keep in mind is, that we do have a State  
5 requirement as well as a federal requirement that  
6 we have to get military ballots out a certain  
7 amount of days before the election, so if this  
8 thing is going to wind up in court, it can  
9 jeopardize us printing out general election  
10 ballots in time for distribution.

11 CHAIRPERSON BREWER: Okay. All  
12 right, I just wanted the public to understand all  
13 the complications involved, it's not just a one  
14 discussion situation. You had mentioned earlier  
15 that you would talk about Burson-Marsteller, and  
16 some of the work that they've done. Can you be  
17 more specific?

18 GEORGE GONZALEZ: Sure.

19 VALERIE VASQUEZ: Burson-Marsteller  
20 has created, essentially their design team has  
21 created the adds that we've, that we discussed,  
22 both the MTA and all, all print ads. They are  
23 assisting us with the production of the PSA, as  
24 well as procuring and outfitting our trucks that  
25 we use for mobile outreach. They have also, they

1  
2 were in charge of preparing the photo shoot that  
3 would require, so that we could get each of these  
4 steps that are listed on our advertisements. I'd  
5 also like to state that we have, and especially  
6 myself as the project manager of Burson-  
7 Marsteller's contract, we've been very fiscally  
8 conservative, and in or--in any way in which we  
9 can cut the, each budget for each pass code we  
10 have. For example, just as I mentioned, the--

11 CHAIRPERSON BREWER: Talk into the,  
12 into the mic.

13 VALERIE VASQUEZ: Just as I  
14 mentioned, the photo shoot, to minimize costs, we  
15 use, we had Board staff serve as the models. We  
16 had a poll site serve, an actual poll site in The  
17 Bronx, as our photo shoot location, versus  
18 securing studio space, in order to decrease--  
19 minimize costs of the production of the, of the  
20 PSA, versus working with a larger network we're  
21 actually having New York--NYC TV product the PSA.  
22 So again, although Burson-Marsteller, we are  
23 working with Burson-Marsteller, the bulk of their,  
24 the bulk of the, the contract really is, in terms  
25 of a media buy, our media buy is over \$2 million.

1  
2 And Burson-Marsteller has helped us secure that at  
3 reduced rates.

4 CHAIRPERSON BREWER: Thank you.

5 VALERIE VASQUEZ: Thank you.

6 CHAIRPERSON BREWER: The other  
7 question I have is I know you've gotten many  
8 requests for machine demonstrations, you talked  
9 about them earlier. Can you describe step-by-step  
10 how you receive and process the requests? And are  
11 there, maybe because of time, requests that might  
12 be denied? And is there a formal system, you  
13 know, for these requests? And is this something  
14 that goes on a waiting list? Is it a public  
15 waiting list? And what would cause a request to  
16 be denied?

17 VALERIE VASQUEZ: Okay. Well, the,  
18 there are two ways. We created a, a dedicated  
19 email address, which is demo@boe.nyc.ny.us. So an  
20 individual, we had that, that made, that email  
21 address listed in all of our materials. So, an  
22 individual, an organization, could request a  
23 demonstration by simply sending an email to that  
24 email address. But now, we have also included a  
25 feature on our website in which you could request



1  
2 a demonstration online. So really those are the  
3 two most popular ways to request a demonstration,  
4 by either emailing us directly or going through  
5 our website. However, we also receive requests, I  
6 personally receive requests, you know, individuals  
7 or the government organizations or electeds, that  
8 would call me, but the process remains the same.  
9 I still forward them to that email address, or  
10 the, the website, to request a demonstration.

11 CHAIRPERSON BREWER: Okay, and then  
12 is that a public list? In other words, can we see  
13 the list of those that have been--obviously, I  
14 know, I've looked at your website, so a list where  
15 you're going? Or is there a public waiting list  
16 that is available if one is interested in that?

17 VALERIE VASQUEZ: Right--we do, I  
18 can provide that to you. It's not a list that we  
19 have on our website. But I will say that I, we  
20 have, to my knowledge, of the 275 demonstrations  
21 that we've conducted, there have only been less  
22 than five demonstrations that have been outright  
23 canceled, or, or denied. And the reasons that  
24 they were denied either was because the site was  
25 inaccessible, or because they were not open to the

1  
2 public.

3 CHAIRPERSON BREWER: Okay.

4 VALERIE VASQUEZ: For every other  
5 organization, if you request, hypothetically if  
6 they, if an organization requests a demonstration  
7 on a Wednesday, from 5:00 to 7:00, and we're  
8 unavailable, then we contact them with available,  
9 with other alternatives. And most organizations  
10 always are, are accommodating to that, to that  
11 request.

12 CHAIRPERSON BREWER: [interposing]  
13 Okay, so if you could provide that list--

14 VALERIE VASQUEZ: Yes.

15 CHAIRPERSON BREWER: --that'd be  
16 great. And then I assume it'll go right into the  
17 general, because not everything can be--

18 VALERIE VASQUEZ: Yes, it runs  
19 straight to the general.

20 CHAIRPERSON BREWER: All right,  
21 that would be helpful, because there are some  
22 people who've complained, and I'd like to see the  
23 list, and then we can decide whether they're  
24 complaint is justified or not.

25 VALERIE VASQUEZ: Definitely, I

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will get that to you.

CHAIRPERSON BREWER: Okay. Can you talk about contracts you've entered into for voter education? And is it just Burson-Marsteller or have there been others?

VALERIE VASQUEZ: It is, it is just Burson-Marsteller, and within that contract there are subcontractors. So, for example, within that Burson-Marsteller contract, we have a subcontractor with JRG, who is the trucking company that gets us from point A to point B throughout the City of New York. So we have subcontractors within the contract.

CHAIRPERSON BREWER: Okay. And then, for the staffing, I should know this, and, but will it be the same as it was for the lever machines? Will there be more people, fewer people? And do you have different kinds of trainings? Obviously, you need the same people to sign in, etc. But in other words, when you, we're so used to, as Council Member Dilan said, the old system, how will it be different just in terms of poll workers on the site itself?

GEORGE GONZALEZ: Well, the poller-

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2 -

3 CHAIRPERSON BREWER: And the, and  
4 the roving and so on.

5 GEORGE GONZALEZ: Well, the poll  
6 workers would be the same, the same group of  
7 individuals. However, the only difference that  
8 what we're doing now is we're specifically  
9 assigning them to specific tasks at the polling  
10 place, where you'll still have your EDAD table  
11 manned by four poll workers. You will also have  
12 poll workers at the privacy booth, at the scanner  
13 station, you'll have relief, relief work--I'm  
14 sorry, relief workers, etc. All the inspectors  
15 that go to training are being trained on all  
16 aspects of the election operation. So this way,  
17 every poll worker that goes to work on, on  
18 election day, should be able to do any function or  
19 any job at the polling place. Commissioner.

20 JUAN CARLOS "J.C." POLANCO:

21 Chairwoman, in, in addition, we've increased the  
22 number of poll workers, so that we provide as much  
23 help as possible to the voters in the City. And  
24 in addition to that, it's important to note that  
25 our training has also developed at very high, at a

1  
2 very high speed. We've modernized our training to  
3 match the new systems, we have our adjunct  
4 trainers working longer hours and training for  
5 longer, a longer period of time, so that they can  
6 further train our poll workers. So, it is a, it  
7 is a three-prong on which we consider to train the  
8 people that we used to have, bring new people to  
9 work the polls, and then we've modernized our  
10 training so that it could meet the new system  
11 requirements.

12 CHAIRPERSON BREWER: And last, when  
13 we had the lever machines, the training was  
14 shorter, was there also a test? And this time are  
15 people failing the test? Passing the test? Is  
16 there any kind of number along those lines?

17 GEORGE GONZALEZ: [off mic]  
18 Actually, Chairwoman, I--Can you hear me? [on  
19 mic] Chairwoman, actually, I don't have those  
20 statistics now, because we're focusing on  
21 implementing this new system in the primary  
22 election, but I'm sure that after the primary  
23 election I'll be able to get you that information.  
24 But I do know that training is going on, we're  
25 doing three classes a day. There are six hour

1  
2 classes.

3 CHAIRPERSON BREWER: Three, three  
4 classes a day during every single day, five days a  
5 week.

6 GEORGE GONZALEZ: Correct, correct.  
7 The last class for the primary election is  
8 scheduled for Saturday, September 11<sup>th</sup>. And then,  
9 we'll do the election, then we'll begin training  
10 that Wednesday the 15<sup>th</sup> through the Saturday before  
11 the, the general election.

12 CHAIRPERSON BREWER: Okay. Talk a  
13 little bit about the font as set by the State. I  
14 heard you say that. Where you have, sort of, I  
15 call them paper magnifying glasses. Maybe there's  
16 a fancier name for them. I know that people in my  
17 neighborhood have purchased, at the, the local  
18 stores, magnifying glasses for people. So I'm  
19 just wondering, do you think this will be a  
20 challenge? How do you address it? Etc.

21 GEORGE GONZALEZ: No, I do not  
22 think it's going to be a challenge. The  
23 magnifying glass--

24 CHAIRPERSON BREWER: You don't wear  
25 glasses, sir. Go ahead, I'm just teasing.

2 GEORGE GONZALEZ: Actually, I do--

3 CHAIRPERSON BREWER: You're young  
4 enough, you don't, you can see.

5 GEORGE GONZALEZ: Actually I do  
6 wear glasses, I'm just not wearing them today,  
7 but--

8 CHAIRPERSON BREWER: Oh, okay.

9 GEORGE GONZALEZ: The magnifying  
10 glass, as you may know, actually is not the--this  
11 is not an idea that we're using now for the first  
12 time. We've had that magnifying sheet--

13 CHAIRPERSON BREWER: Paper, yeah.

14 GEORGE GONZALEZ: --in place for  
15 the stand-by ballots that were used in conjunction  
16 with the mechanical lever machine. I've,  
17 basically I, to my knowledge, I have not heard  
18 anybody complain about the use of the magnifying  
19 glass against the paper ballot. I actually think  
20 that is a good idea for people who have difficulty  
21 in seeing the, the ballot. That magnifying sheet  
22 actually does make a huge difference for any voter  
23 who needs to see the ballot, you know, enlarged in  
24 some way, shape or form.

25 VALERIE VASQUEZ: Oh, and I will

1  
2 say, because of the various demonstrations that we  
3 conducted, and many of them are in senior centers,  
4 I will say that when we go to the senior center  
5 and I, and I passed out the demonstration ballot,  
6 that probably is one of their first reactions,  
7 that the font size is small. But to alleviate  
8 that, we have the, we will have the magnifying  
9 sheets. And not only will they be available at  
10 the poll site, but they'll actually be tethered to  
11 the privacy booths, to make them readily  
12 accessible.

13 CHAIRPERSON BREWER: Okay. The  
14 other question I have is this over vote situation.  
15 I know you think it won't be a problem. There's a  
16 lawsuit, I guess that'll be settled after the  
17 election. Is that your, your understanding?

18 GEORGE GONZALEZ: [off mic] Well,  
19 Chairwoman, the lawsuit that you're referring to  
20 regarding [on mic] the over vote, I believe is the  
21 Brannan Center [phonetic], it was really against  
22 the State Board.

23 CHAIRPERSON BREWER: Right,  
24 correct.

25 GEORGE GONZALEZ: Because they're



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the ones that have authority over that issue.

CHAIRPERSON BREWER: Correct,  
correct.

GEORGE GONZALEZ: Over the over  
vote. I'll tell you this, Chairwoman, we are,  
we're preparing relentlessly for Tuesday. We  
expect, for every issue that you can think of,  
Chairwoman, we are, we've been preparing for the  
last two years to address it. The issue with the  
over vote that you referred to is one that we  
continue to talk about in our public education  
campaign, so that voters are aware of the over  
vote issue, and are able to cast their vote  
accordingly. But until then, we promise you,  
we'll do the best we can, on primary and election  
day, within the rules that we have to abide by.

CHAIRPERSON BREWER: Okay. And  
just finally, I know you work with CIDNY and  
Lighthouse and other groups--

VALERIE VASQUEZ: Mm-hmm.

CHAIRPERSON BREWER: --that are so  
well respected. So, if one requests a different  
kind of machine, or there's one per voting site,  
is that correct? In other words, for those who

1  
2 need an assisted machine of some kind, is it one  
3 per site? What is the--?

4 VALERIE VASQUEZ: Well, no, in--  
5 for, for demonstration purposes?

6 CHAIRPERSON BREWER: No, for the,  
7 if you want to, if you want to have special, a  
8 different kind of machine, in other words one that  
9 has--

10 VALERIE VASQUEZ: The ballot  
11 marking device?

12 GEORGE GONZALEZ: We will have a  
13 ballot marking device in each of the City's 1351--  
14 58 polling places.

15 CHAIRPERSON BREWER: Okay, so  
16 there'll be one--

17 GEORGE GONZALEZ: That, that has  
18 not changed since 2008, so--

19 CHAIRPERSON BREWER: Okay, I'm just  
20 checking to be sure that there--

21 GEORGE GONZALEZ: Yes.

22 CHAIRPERSON BREWER: --that that  
23 continues.

24 GEORGE GONZALEZ: It's--

25 CHAIRPERSON BREWER: And people are

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trained, poll workers are trained on those, also?

GEORGE GONZALEZ: Yes.

CHAIRPERSON BREWER: Okay. All right. Do you have any questions? All right, thank you all very much.

VALERIE VASQUEZ: Thank you.

CHAIRPERSON BREWER: I mean, look, I know it's, hopefully it will go well and I congratulate you on your support.

GEORGE GONZALEZ: Thank you.

VALERIE VASQUEZ: Thank you.

CHAIRPERSON BREWER: We're going to call Kate Doran, who's the League of Women Voters; Alex Camanda, from Citizens Union; and Marjorie Shea, from Women's City Club. [background noise]

MALE VOICE: I'm fine.

[background noise]

CHAIRPERSON BREWER: Whomever would like to begin, feel free to start, we're delighted to have you all here.

MARJORIE KELLEHER-SHEA: Okay, I guess, since I'm the oldest up here [laughs] I will start. I'm Marjorie Kelleher-Shea from the Women's City Club of New York City. And you have

1  
2 my testimony. I'm reading from a green copy, I  
3 also have a cherry colored copy, and a yellow and  
4 a gray copy, for the primaries. The voter cards  
5 are color coded, so that the voter gets the right  
6 color, the right ballot. So, I just wanted to  
7 point that out, that's a little aside. But first  
8 of all, I guess the people from the Board of  
9 Elections are so busy they've left, but I do want  
10 to applaud them for their efforts. The Board of  
11 Elections is conducting an excellent public  
12 education program, under the leadership of  
13 Communications Director Valerie Vasquez, and the  
14 public relations firm of Burson-Marsteller. It's  
15 been a cooperative effort and indeed the Board of  
16 Elections Commissioners Education Committee, and  
17 has been involved in making decisions; also DOIT  
18 and the Mayor's other agencies. And they've  
19 involved the civic organizations, which is a good  
20 thing. In terms of the accountability for the  
21 purchasing of the equipment, we've been notified  
22 weekly how many scanners are in and tested, how  
23 many privacy booths have arrived, are the BMDs--  
24 the ballot marking devices--being tested, and so  
25 forth. So, there's public accountability, but

1  
2 there's one area that we have little public  
3 accountability, and Chairwoman Brewer you hit the  
4 nail on the head when you were asking about poll  
5 workers. And that's in the area of human beings,  
6 to operate all this physical equipment. We have  
7 anecdotal evidence this year that many of our  
8 experienced pool workers aren't going to show,  
9 they're opting out of the system. We need those  
10 members. You asked for the numbers and Executive  
11 Director Gonzales said he would give them to you.  
12 I'm saying we need those numbers between now--they  
13 already know how many people have been showing for  
14 the training classes. They, they've got to give  
15 us those numbers, so we have evidence based  
16 decision making here. There's been no reporting  
17 on the number of people who have been called to  
18 attend poll worker training, because for one thing  
19 there's a 5:00 a.m. show up time for poll workers.  
20 Which means that people have to get up at at least  
21 4:30, like my friend Catherine Duran [phonetic].  
22 Well, but also there's a six hour training class  
23 mandated. Plus, there's the new wrinkle of IRS  
24 ruling on the pay that they get. So, these are  
25 scaring off a lot of our experienced poll workers.

1  
2 And I think the Board has to recognize this, and  
3 come to an agreement about a better program to  
4 increase the quality and quantity of, of poll  
5 workers. And so, it's been a long term problem.  
6 And I know we're not going to solve it, between  
7 now and, and November 2<sup>nd</sup>. But in the past, we've  
8 had a working group to supervise by the Board of  
9 Elections, to attack these problems and go over  
10 the training manuals and the recruitment program,  
11 and so forth. And so, after the election, on  
12 December 1<sup>st</sup>, I think we need a new training  
13 program. In terms of short term, what can we do  
14 now between September 14<sup>th</sup> and November 2<sup>nd</sup>. I  
15 think there are some things we can do, and I've  
16 put 'em on bullet points here in my testimony.  
17 Provide statistics on election day operations. We  
18 need to know the number of workers in the  
19 categories. There are several categories of poll  
20 workers. They're not all just inspectors. We  
21 have assembly district teams, that's three teams  
22 per assembly district, in New York City. We have  
23 coordinators, inspectors, poll clerks, information  
24 clerks, door clerks, interpreters in the three  
25 languages. We need to know how many poll workers

1  
2 were called and how many no-shows there were, and  
3 get some evidence about the reason for the no-  
4 show. Second, I think we need to have training  
5 classes, and I think they do plan to go on and  
6 have training classes, but also recruitment  
7 between September 14<sup>th</sup> and November 2<sup>nd</sup>. We need to  
8 increase the college student program. This, the,  
9 one of the federal election commissioners was at a  
10 meeting last spring, Gracia Hillman, and she  
11 advocated in a public meeting that the Board  
12 needed to do, take advantage of the money  
13 provided, HAVA, for the college education program.  
14 And so, and I would also like to say that the 196  
15 page poll worker manual, which anybody can find on  
16 the internet, is too lengthy and cumbersome. We  
17 need a cliff notes, or we need some kind of user  
18 guide and Gonzales and Sandow have done that in,  
19 in some form, but I--on the website, you'll  
20 notice. And so, but I would also, as I hand over  
21 the mic to my friend and colleague from the League  
22 of Women Voters, like to support, Women's City  
23 Club supports the efforts that the League of Women  
24 Voters is making on getting us a sample ballot.  
25 It's something that we've been asking for, not

1  
2 this year, because it's so confusing, as you  
3 mentioned, with the charter questions on the back,  
4 but it's particularly important this year. And  
5 so, I will hand over the mic to Catherine Doran.

6 CHAIRPERSON BREWER: Thank you.

7 KATHLEEN DORAN: Thank you very  
8 much, Madam Chairwoman. My name is Kate Doran,  
9 and I am the current City Affairs Chair of the New  
10 York City League of Women Voters. And we very  
11 much appreciate this opportunity. Thank you very  
12 much for inviting us. For 90 years, the League  
13 has been in the forefront of promoting voter  
14 education. At no time is this more vital than  
15 when a whole new way of voting is being introduced  
16 to the public. The New York City Board of  
17 Elections has developed and implemented an  
18 extensive outreach and education program,  
19 including well designed, hands-on demonstrations,  
20 which they're taking to community and civic  
21 organizations around the City. The League hosted  
22 one of these public demonstrations where over 100  
23 voters had an opportunity to fill out sample  
24 ballots and feed them into scanners, and they were  
25 able to use the AutoMARK ballot, AutoMARK ballot



1 marking device. Many of those who participated  
2 said their fears were allayed and their comfort in  
3 the new system was increased. We were, we, the  
4 Board of Elections actually was so pleased with  
5 what we'd done, that they, someone contacted our  
6 Executive Director and it's on a link to the Board  
7 of Elections website--the video, that is, of the,  
8 of our demonstration. So, these demonstrations  
9 are reaching thousands of voters; however, we have  
10 millions of voters in the City of New York, many  
11 of whom were confused by the ballot, even back  
12 when they saw it on the lever machine. We believe  
13 that the Board of Elections could greatly improve  
14 service to voters by adding to its website samples  
15 of the actual ballots that voters will see when  
16 they go to the polls. Voters should not be  
17 surprised or confused on Election Day. Confusion  
18 leads to disengagement and erodes turnout  
19 ultimately. Ballots could be linked to the Board  
20 of Elections current poll site locator, allowing  
21 voters to see just who is running for what office.  
22 Now we understand that the Board's poll site  
23 locator was developed with the assistance of the  
24 City's Department of Information, Technology and  
25

1  
2 Telecommunications, and we would hope that DOIT  
3 could help the BOE with a sample ballot  
4 initiative, as well. Governor Patterson signed an  
5 amendment to New York State Election Law effective  
6 March 16, 2010, that's many, many months ago. It  
7 authorized the Board of Elections to employ a  
8 election inspectors to work half-day shifts. That  
9 is, eight hours rather than 16 hours. The new law  
10 requires County Boards of Election to prescribe  
11 rules and procedures to ensure proper poll site  
12 operation. Now, we have heard concerns that half-  
13 day shifts would mean training twice as many  
14 workers. That may be true, but training time  
15 could be halved inasmuch as early shift workers  
16 would be trained in opening procedures, and late  
17 shift workers in closing procedures. And the two  
18 are very different. And we, I think we could  
19 accept that people who would like to work the  
20 polls are going to self-select. The morning  
21 people versus the, the night people. All poll  
22 workers, however, would continue to be trained in  
23 voter service procedures. Expanding the pool and  
24 training more poll workers is a critical component  
25 of outreach. While we are disappointed that the

1 Board of Elections hasn't written rules in time  
2 for the September 14<sup>th</sup> primary, we do understand  
3 that this is been a very busy and difficult year  
4 for them. We suggest, however, that a pilot  
5 project be designed for certain select poll sites  
6 that could be run on November 2, 2010. We believe  
7 that the 16 hour day has long been an  
8 insurmountable disincentive to civic minded  
9 individuals who might otherwise appreciate the  
10 opportunity for a day of public service.

11 Furthermore, we predict that recruiting and  
12 retaining competent, professionally minded workers  
13 will become much easier for the Board of Elections  
14 when they begin to adver--when they begin to  
15 advertise an eight hour workday. We urge the  
16 Board of Elections to design a pilot project for  
17 the November election. Finally, mindful that this  
18 Committee has a tremendous interest in increasing  
19 efficiency and accountability in the delivery of  
20 government services, we suggest that the Board of  
21 Elections be encouraged and assisted in exploring  
22 initiatives which are used in other municipalities  
23 and maybe possible and desirable now that we are  
24 using paper ballots and optical scanners. In  
25

1  
2 addition to online sample ballots, the Board  
3 should look into the feasibility of online--pardon  
4 me, the feasibility of onsite printing of  
5 individual ballots, which in the long run would  
6 radically reduce printing and transportation  
7 costs. Frankly, I was astonished to hear that  
8 number of 4.8 million ballots printed. And all  
9 the trouble to take to secure them and protect  
10 them, before they're delivered to the poll sites.  
11 In some localities, electronic poll books are used  
12 so that voters can go to any poll site to vote,  
13 and have their names and identities verified. Of  
14 course, any new initiative can only be introduced  
15 after rigorous testing and assurances that all  
16 procedures are secure, and that they would protect  
17 the voter and the ballot. Online and real time  
18 voting records would entail a significant  
19 commitment to upgrading technology, but we believe  
20 that this is the future, and it is an appropriate  
21 use of the Board of Elections and the City's  
22 resources. While this is the first time voters in  
23 the City of New York will be using this new voting  
24 system, voters in 18 other states use the optical  
25 scan system, and voters in more than 40 upstate

1  
2 counties used paper ballots, optical scanners, and  
3 ballot markers in the 2009 elections. Exit  
4 surveys conducted by the New York State League of  
5 Women Votes found that there were few problems and  
6 for most voters it was a good experience. We  
7 sincerely hope it will go as smoothly in New York  
8 City, and we will be monitoring the elections and  
9 urge you to do so, as well.

10 CHAIRPERSON BREWER: Thank you very  
11 much.

12 KATHLEEN DORAN: Thank you, thank  
13 you very kindly.

14 ALEX CAMARDA: Good morning, Chair  
15 Brewer and members of the Council Government  
16 Operations Committee. My name is Alex Camarda,  
17 and I'm the Director for Public Policy and  
18 Advocacy for Citizens Union of the City of New  
19 York. We thank you for holding this public  
20 hearing on assessing voting machine implementation  
21 and outreach efforts by the Board of Elections,  
22 and giving Citizens Union the opportunity to  
23 present its views on this matter. Citizens Union  
24 has over the last several years monitored the  
25 Board's efforts to implement the provisions of the

1  
2 federal Help America Vote Act of 2002. During  
3 that time, Citizens Union has suggested criteria  
4 for the selection of new voting machines,  
5 advocated for increasing funding to implement  
6 HAVA, and issued opinions on the training of poll  
7 workers and educating the public about the new  
8 machines. Citizens Union Foundation, or sister  
9 organization, worked in 2001, and from 2004 to  
10 2008 to recruit poll workers for the City and  
11 reported on the experiences of some of those  
12 applicants in training or while working on  
13 election day. One week from today, the voters of  
14 New York City will experience the most dramatic  
15 change in voting in over 50 years. It is a change  
16 that was set in motion by the issues arising from  
17 the controversial 2000 election, and a change that  
18 every other state and locality in the country has  
19 already experienced, given New York's dubious  
20 distinction of being the last state to implement  
21 the Help America Vote Act. The Board has, to its  
22 credit, made efforts to prepare the public for  
23 this watershed Election Day. Through some  
24 creative programs, particularly the demonstration  
25 of the new machines across the City, it has

1 provided the opportunity for some voters to become  
2 familiar with the new machines by casting mock  
3 votes on them prior to Election Day. The Board,  
4 since the program's beginning in May, has  
5 conducted over 200 of these demonstrations in  
6 collaboration with organizations and elected  
7 officials, and has scheduled over 270 more.

8 Demonstrations are prominently posted on a section  
9 of the Board's website devoted to the new  
10 machines, so that members of the public wishing to  
11 attend them can easily find one locally. Citizens  
12 Union will be holding such a demonstration this  
13 Friday evening, in partnership with the Board and  
14 St. Francis College. Additionally, the Board has  
15 made its learning centers widely available. While  
16 this program is an innovative, collaborative  
17 initiative to educate voters about the new  
18 machines during tight fiscal times, its impact  
19 should not be overstated. According to the  
20 Board's Executive Director, 10,000 people have  
21 attended these demonstrations, but this is a small  
22 proportion of the 330,659 residents who voted in  
23 the Democratic primary last year for mayor, and a  
24 miniscule proportion of the 1.1 million people who  
25

1  
2 turned out to vote in last year's general election  
3 for mayor. The demonstration of the new voting  
4 machines is part of a larger public education  
5 effort by the Board, which it is carrying out  
6 through a \$6.7 million contract with Burson-  
7 Marsteller, a public relations firm. The public  
8 education effort has, involves an advertising  
9 campaign incorporating ads on city busses and  
10 subway cars, mobile billboards, in addition to  
11 placements in daily and community newspapers,  
12 radio stations and TV spots. Citizens Union  
13 commends the Board for these needed promotions  
14 about the new machines, but notes the ad campaign  
15 only began on August 31<sup>st</sup>, just one week ago.  
16 While there is much debate for any campaign  
17 seeking to reach voters as to the optimal time to  
18 expend its resources, particularly given the  
19 diminished attention during summer months,  
20 Citizens Union believes two weeks of  
21 advertisements to alert primary voters to the  
22 changes in the voting process is likely  
23 insufficient to resonate. The larger pool of  
24 voters should, however, be better prepared for  
25 participating in the general election. The Board



1  
2 also sent a multi-language mailer in August, to  
3 all of the City's 4.3 million registered voters,  
4 about the new machines, which Citizens Union  
5 participated in providing feedback on as to the  
6 messaging and presentation, as well as the other  
7 good government groups. We appreciate the Board's  
8 efforts in collaborating with our organization and  
9 others on the mailing, and believed it resulted in  
10 a higher quality product, which was of great  
11 importance given that it was the only mailer done  
12 by the Board on the new machines, given the \$2.5  
13 million expense. It is evident that the Board's  
14 public education efforts regarding new voting  
15 machines can only be evaluated in light of the  
16 amount of available funds, something the new  
17 Executive Director, George Gonzalez has stated  
18 publicly has been inadequate during his entire 22  
19 years of service to the Board. Yet the Board's  
20 belief that the, that it is underfunded to  
21 robustly conduct needed education campaigns like  
22 this one is in part the result of its own failure  
23 to be more transparent and accountable for its  
24 spending. While Citizens Union has advocated  
25 several times to this Committee and others that

1  
2 the Board needed adequate funds to implement the  
3 requirements of HAVA, it has also been reluctant  
4 to be a forceful voice for the Board on this  
5 matter, because the Board fails to report details  
6 of its operations the Mayor's preliminary and  
7 final management report. Disclosures like those  
8 made possible through the creation of the  
9 Comptroller's Checkbook NYC initiative revealed  
10 that the Board spent nearly a half million dollars  
11 on car expenses for staff, during a six month  
12 period ending in June 2010. This, in addition to  
13 the Board's spending opaqueness raises questions  
14 about how the Board spends taxpayer dollars.  
15 Citizens Union is aware that the Board is not a  
16 mayoral agency, their funding comes from City  
17 dollars, and for this reason we believe that  
18 reporting should be standard among bodies that  
19 receive City taxpayer money. The Board should go  
20 beyond what is included in its annual report,  
21 which highlights voter registration totals, and  
22 also provide information on the number of  
23 affidavit ballots cast, the number of those deemed  
24 invalid, the traffic received by the Board  
25 website, the number of calls received by the voter

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2 hotline, comprehensive poll worker statistics, and  
3 other information that would help the public  
4 understand how the Board operates. This  
5 disclosure will assist with future budget requests  
6 and create the confidence that may allow the City  
7 to allocate more funding so the Board can robustly  
8 wage education campaigns, like preparing the  
9 public for new voting machines. The Board's own  
10 archaic two-party structure also continues to  
11 hamper its ability to effectively conduct  
12 operations that would adequately prepare voters  
13 for the use of new machines, among other things.  
14 It is the two-party structure which caused an  
15 extended vacancy only just filled for Executive  
16 Director. It is hard to imagine any company or  
17 organization embarking on its most significant  
18 changes in over 50 years, while leaving a top  
19 position vacant for six months. Only in a system  
20 that appoints its entire staff based on party  
21 affiliation and patronage, rather than merit and  
22 qualifications is this possible, to the detriment  
23 of its operations. While a State matter, the  
24 City's residents continue to face the negative  
25 consequences that come from the structure of a

1 Board that is more antiquated than the old lever  
2 voting machines. It is only one of two states in  
3 the nation with an even numbered, bipartisan  
4 Board. The Board has also missed the opportunity  
5 to take simple measures that would better prepare  
6 the public for use of the new voting machines.  
7 The Board could, for example, as others have  
8 mentioned, post sample ballots on its website,  
9 educating the public on the new machines,  
10 something long requested by Citizens Union and  
11 other good government organizations, and done by  
12 numerous other election bodies throughout the  
13 country. And I think the fact that they spoke to  
14 the issues of font size and visiting senior  
15 centers and the seniors having difficulty with  
16 that, you know, only lends support to the reason  
17 to do it. The Board should also create a dynamic  
18 online application form for the public to apply to  
19 become poll workers instead of the static PDF  
20 download, thereby reducing the obstacles to  
21 applying to work at the polls and the time and  
22 effort needed to process handwritten requests. We  
23 urge this Committee, which we believe has  
24 jurisdiction over these matters, to pass  
25

1  
2 legislation requiring these simple but important  
3 measures. Thank you again for providing the  
4 opportunity for Citizens Union to provide its  
5 thoughts on matters related to the new voting  
6 machines and the campaign to prepare the public  
7 for their use. I'm happy to answer any questions  
8 you might have.

9 CHAIRPERSON BREWER: Thank you very  
10 much for your extensive, all three of you, and all  
11 your years of work, either personally or as part  
12 of your organizations. Couple of issues, this  
13 sample ballot makes perfect sense. You think  
14 there's a fraud possibility if people have--can  
15 you just describe it, 'cause that's what we hear  
16 from the Board. I'm not saying that I agree with  
17 either, with them, but I just want to understand,  
18 if other jurisdictions are doing it, I don't know  
19 why it would be a challenge. So can you just talk  
20 about other jurisdictions, or maybe your upstate,  
21 if it's being upstate, and--or where it's being  
22 done, and if there--or the lack of problems?

23 MARJORIE KELLEHER-SHEA: Chairwoman  
24 Brewer, yes, other jurisdictions are doing it. If  
25 you go into the, just Google "sample ballot" and

1  
2 you will find that some states mandate a sample  
3 ballot be mailed to all voters, so many days  
4 before the election. Now, I'm not advocating  
5 that, but other states, California does that, but  
6 California has a lot of propositions, so they need  
7 the sample ballot. But other states, and I have  
8 'em listed--Florida, Arizona, there are other  
9 states--that you, and, and Chairwoman Brewer, you  
10 know because of your technology, that it's a  
11 simple thing for DOIT to help the Board, link it  
12 to the website. So right now you go into the  
13 "Find Your Poll," you type in your address, and it  
14 comes up where, what your EDAD is, and where your  
15 poll site is. Those states that use it, another  
16 thing that you get, is a sample ballot. And so,  
17 it's used in a lot of places, and New York is  
18 technologically savvy enough to be able to do it,  
19 if these other states can.

20 CHAIRPERSON BREWER: Okay, thank  
21 you. Anybody else want to comment?

22 KATHLEEN DORAN: [off mic] Well--

23 CHAIRPERSON BREWER: You need to  
24 use the microphone.

25 KATHLEEN DORAN: Oh, I beg your

1  
2 pardon. Last week, in fact, Adrienne Kivelson  
3 [phonetic] and Marjorie Shea and I, stood up at  
4 the Board of Elections Commissioners regular  
5 meeting, and we asked them if they would look into  
6 this. And Commissioner Umane was concerned about  
7 fraud, he said, but he wasn't able to very  
8 specifically describe the kind of fraud that  
9 worried him. And he actually said that they would  
10 put up the demo ballot on the website, he  
11 committed to doing that. It's their, what they  
12 call the "ice cream ballot." And he--

13 CHAIRPERSON BREWER: I'm, I'm  
14 familiar with the ice cream ballot.

15 KATHLEEN DORAN: Right. And he--

16 CHAIRPERSON BREWER: I've seen it  
17 many times.

18 KATHLEEN DORAN: And, and my  
19 understanding of, of his, of his comments to us  
20 was that he, that the Board, the Commissioners  
21 would look into this. I don't believe that  
22 they're as worried about fraud as they, they may  
23 perhaps have been in the past. And that we, we  
24 suggested that they could easily write a big block  
25 letter "SAMPLE"--

2 CHAIRPERSON BREWER: Like a  
3 watermark.

4 KATHLEEN DORAN: Exactly, exactly.  
5 So that even if someone down, were to download the  
6 ballot--

7 CHAIRPERSON BREWER: A watermark.

8 KATHLEEN DORAN: --and take it to  
9 the poll site with them, they wouldn't be able to  
10 use it to, to, in the scanner.

11 CHAIRPERSON BREWER: Okay. The  
12 other question I have is to pick up on do we think  
13 we will have enough staffing. Now, you mentioned  
14 that, Marjorie, as a concern. So I'm wondering if  
15 others or if you want to comment on the staffing.  
16 I wasn't able to get a pass/fail, and obviously I  
17 wasn't able to get any numbers. And we will be  
18 following up on that. But are you worried about  
19 it? You indicated as such.

20 MARJORIE KELLEHER-SHEA: Yes,  
21 definitely, because Deputy, I mean, Executive  
22 Director now, Gonzalez, told you, that his first  
23 statement here today, was that poll workers would  
24 not be allowed to work if they had not passed the  
25 test. There is no way that all the inspectors



1  
2 that are needed are going to pass the test,  
3 because there are two kinds of tests this year.  
4 There's a practical test, to see if you can--it's  
5 like a driver's license, you get a written test  
6 and a practical test. And the numbers just are  
7 not there. Furthermore, one of the Women's City  
8 Club vice presidents, who normally works at a poll  
9 said, "I'm not going to do it this year because of  
10 the list of things that I told you." So, but she  
11 was still, last week in Manhattan, received a card  
12 to show up at her poll site, where she normally  
13 works. So, this whole management, which is now  
14 all computerized, of the poll workers, they're  
15 just going in there and, and taking the list.  
16 Technically, according to the State Election Law,  
17 the county leaders of each of the major two  
18 parties are supposed to have their list of poll  
19 workers handed in last June. And so, are those  
20 lists in? Do, do we have the number of workers?  
21 Furthermore, there's one exception in the State  
22 Election Law. If I'm a Democrat and I'm working  
23 at the poll site, and I get over to my poll site,  
24 and I open it up at 5:30, considering that the  
25 police is there to give me the keys to open it up,

1  
2 and the Republican doesn't show, I still have to  
3 open up that poll and I'm allowed to call up my  
4 borough office and say, "Look, nobody's here from  
5 the Republican Party, I need to open the poll." I  
6 get permission to take the first Republican that  
7 enters and agrees, I deputize them, and they can  
8 fill that position until the stand-by pool  
9 provides me with somebody.

10 CHAIRPERSON BREWER: Right.

11 MARJORIE KELLEHER-SHEA: So, it's  
12 not a clear cut situation. And they know it,  
13 they've known it, this should've been anticipated.  
14 They were concerned about privacy booths, they've  
15 spent more time on the supply carts and the  
16 privacy booth decision, and little time on trying  
17 to figure out how manage 30,000 people on, on this  
18 situation.

19 CHAIRPERSON BREWER: Thank you. Go  
20 ahead, you want to comment?

21 KATHLEEN DORAN: Well, I happen to  
22 also to work as a poll site coordinator, which  
23 I've done now for six years. And at the training  
24 that I attended--

25 CHAIRPERSON BREWER: Thank goodness

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you're there.

KATHLEEN DORAN: --at the training that I attended, we were encouraged when we get our list, they call it a "site coverage report," we were encouraged when we get this list--I haven't received it yet--to call every name on the list and make sure that person planned to show up, on primary day. Now, my question is, why aren't they checking to make sure that that person was trained and that person plans to show up? I--

CHAIRPERSON BREWER: Do we, do we know if the person who has been trained, did you get a certificate or any kind of acknowledgement that you have taken the course and passed?

KATHLEEN DORAN: No. They didn't give us anything when we left that day - -

CHAIRPERSON BREWER: So you have no i--I mean, in other words, somebody could say they've been there, but you have no verification.

KATHLEEN DORAN: When I get my site coverage report, it will typically show a name and then over on the right side, that they attended a class. Passed training class, and then give the date. But it--my experience has been that more

1  
2 than half of the people on my site coverage report  
3 haven't been to a class.

4 CHAIRPERSON BREWER: Does it say,  
5 it doesn't have anything in that column that you  
6 just described? In other words, you said you have  
7 a list and it says, "Gale Brewer," would it say  
8 that I've been to a class and the dates and the  
9 passage?

10 KATHLEEN DORAN: Yes, it would say  
11 "training," "passed training," and it would give  
12 the--"passed the class" and then it would give the  
13 date of the class that--

14 CHAIRPERSON BREWER: And the test,  
15 supposedly.

16 KATHLEEN DORAN: Supposedly.

17 CHAIRPERSON BREWER: Okay. All  
18 right, so we'll see whether--so in other, when you  
19 call those people, first of all that's a real  
20 burden on you.

21 KATHLEEN DORAN: It's very  
22 difficult.

23 CHAIRPERSON BREWER: Very  
24 burdensome on you--

25 KATHLEEN DORAN: It's extremely

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difficult.

CHAIRPERSON BREWER: And I don't know that everybody's going to be as conscientious about it as you are. So, that's a problem. And then the second is, what you're saying is, even though it may say that in the column, there's no verification that that person has been to class, you're sort of taking the word of what is on that spreadsheet.

KATHLEEN DORAN: That's, that's entirely true, and but, but more worrisome is that many of the names have no training indicated next to it, which means they're sending people to work at the polls who have not been trained.

CHAIRPERSON BREWER: Okay, that's helpful. Thank you. Not helpful to the system, but helpful for knowledge. Do you want to add anything?

ALEX CAMARDA: I would just add on the, on the sample ballots, with regard to fraud, I mean, you can take a PDF and easily make it such, you know, encrypt it so that a) it can't be printed, and b) that you can't cut and paste it. So, I mean, there are safeguards you can put in

1  
2 place that would allow for this very easy proposal  
3 to be implemented.

4 CHAIRPERSON BREWER: Exactly.

5 ALEX CAMARDA: Give people advance  
6 notice--

7 CHAIRPERSON BREWER: Okay.

8 ALEX CAMARDA: --of what the ballot  
9 looks like.

10 CHAIRPERSON BREWER: One, only  
11 final question is, I know that we have many more  
12 voters than have been reached in terms of voter  
13 education. Do you have the sense that if you call  
14 and you are asking for a time and place to have  
15 voter education, that you get a good response?  
16 That it is put into a queue, that you have a sense  
17 that it's actually something that would be taking  
18 place? Have you had any experience with that? I  
19 know that you're doing it at St. Francis, you've  
20 done it at the League. Do you have any comments  
21 or anecdotal on that issue?

22 KATHLEEN DORAN: It was all  
23 extremely positive. Absolutely, the team--

24 CHAIRPERSON BREWER: Talk into the  
25 mic.

1  
2 KATHLEEN DORAN: I beg your pardon.  
3 It was, it was extremely positive, from beginning  
4 to end. They, we talked about the dates, they  
5 worked with us very carefully, the team who was  
6 sent were very, very knowledgeable and  
7 hardworking, and they allowed everyone to, to  
8 participate in every way they cared to, and  
9 answered all of our questions. I, I believe  
10 they're, they should be commended, they're doing a  
11 wonderful job with the demonstrations.

12 CHAIRPERSON BREWER: Great. Okay,  
13 and the over vote issue, do you think is this  
14 going to be a problem? Or do you think that it's  
15 clear if you over vote that, which button to push  
16 and then it'll be something that the poll workers  
17 can worth with if there is confusion?

18 MARJORIE KELLEHER-SHEA: The story  
19 on the over vote, many of our organizations  
20 cooperated with the Brennan Center on their  
21 lawsuit on this. The Brennan Center had litigated  
22 cases in Florida, and so we supported their  
23 efforts to get the over vote notification on the  
24 ballot. The State Board, and I, and I really  
25 don't know why, said they couldn't do it for this

1  
2 year. So our hope is that maybe next year and the  
3 years coming forward. Now, to their credit, the  
4 City Board did, on their educational material--the  
5 answer to this over vote situation is there's also  
6 the factor that candidates in New York State are  
7 cross endorsed. So many candidates run on the  
8 Democratic and working family party line,  
9 Republican and conservative line. Now, if I go in  
10 and over vote for Governor, and on two lines, that  
11 vote will get counted, if it's the same candidate.  
12 And the rule is that the count for that vote goes  
13 to the left hand, the most left hand line. Which  
14 means that the two major parties in this crucial  
15 year when you have to get 50,000 votes to be a  
16 recognized political party, is in favor of the two  
17 major parties getting the count on that line.

18 CHAIRPERSON BREWER: That's  
19 troubling. Thank you. Any other comment? Go  
20 ahead.

21 KATHLEEN DORAN: With respect to  
22 the over vote, I was very disturbed at my  
23 coordinator's training class when our trainer said  
24 that we were not supposed to respond to voters who  
25 are confused about an over vote message on the



1  
2 optical scanner. I--I suggested that if a voter  
3 came to us and said, "What does this screen mean?"  
4 we should tell them that they have an option and  
5 their vote would not count in that contest. And  
6 not encourage them to do one thing or the other  
7 but tell them the facts. And the particular  
8 trainer at our class said very specifically that  
9 we were to say nothing, that this was a legal  
10 issue, and something for lawyers to sort out. And  
11 I was, I was very disturbed about that, because I  
12 knew that the printed material, in fact that the  
13 Board of Elections was sending, alerted voters  
14 that if they over voted, their vote would not  
15 count in that contest. So, I, I plan at my poll  
16 site to instruct my inspectors to, to help a voter  
17 out, to interpret that message; and if they can't,  
18 then they can send the voter to me and I will help  
19 them out.

20 CHAIRPERSON BREWER: That'd be  
21 great, and you should do that, because obviously  
22 the green and the red I find confusing, when  
23 you're try, when you over vote.

24 KATHLEEN DORAN: Right.

25 CHAIRPERSON BREWER: It's not

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intuitive.

KATHLEEN DORAN: No, it's true.

Absolutely.

CHAIRPERSON BREWER: Go ahead.

ALEX CAMARDA: I would add that, and I don't want to speak for the Brennan Center, but my understanding is that the parties to that lawsuit, which Citizens Union is not part of but supports, believe that the City has jurisdiction over that, and that they can make the change. And it's not something as the Board presented today that it's, they're following the orders of the State. And I would also add that, you know, there was clearly a discrepancy between the testimony of the, the Board and the Charter Revision Commission, where, at the Charter Revision Commission's public hearings, they've indicated that the ordering of the questions and just having two questions for those proposals on the ballot, is being driven by the space on the ballot. And clearly if additional pages can be added, you know, the testimony they're giving is in conflict with each other.

CHAIRPERSON BREWER: Yeah, we're

1  
2 aware of it, that's why we kept asking questions  
3 today. So, and it's even more complicated for  
4 those of us who had to respond to the Campaign  
5 Finance Board and put something in for voters with  
6 a deadline that was a week or so ago. And we--  
7 anyway, that's another issue. We had to respond,  
8 tell people how to vote, and I said, "No, because  
9 you are not--doesn't feel right to pick seven  
10 topics that are different and tell the voter one  
11 lump sum." Anyway, thank you all very much. I  
12 appreciate your extensive testimony, and I'm sure  
13 we'll be talking often. Our last is, our panelist  
14 is Jane Kalmus from the VAC Commission.

15 [background noise]

16 JANE KALMUS: Madam Chairwoman,  
17 thank you so much for everything that you did  
18 today, to try and save what is going to be a  
19 disaster, first on September 14<sup>th</sup> and then again  
20 hopefully not quite as bad on November 2<sup>nd</sup>. And  
21 I'm here today just to speak about the fact that  
22 the Voter Assistance Commission is going to be  
23 holding a public hearing, not just a public  
24 meeting, but a public hearing, for all the  
25 citizens who voted on September 14<sup>th</sup>, to come and

1  
2 explain what their experiences were on September  
3 14<sup>th</sup>. And we have the good fortune of having all  
4 of the good government groups, many of whom spoke  
5 here today, who are assisting us in this public  
6 hearing, which is going to be held on Wednesday,  
7 September 29<sup>th</sup>, at 10:00 a.m., at the Veterans  
8 Affairs Offices at 346 Broadway, and it's on the  
9 8<sup>th</sup> Floor Conference Center. And we are going to  
10 be spending all our efforts to get this public  
11 information out so it--we can't do anything about  
12 what's happening to them on September 14<sup>th</sup>, but  
13 possibly because of the interest that will be  
14 generated, and the fact that VAC is going to have  
15 this public hearing, we'll get some answers. Oh,  
16 I should introduce myself, I'm Jane Kalmus, Vice  
17 Chairman of the Voter Assistance Commission, a  
18 position I've held since 1989.

19 CHAIRPERSON BREWER: Thank you very  
20 much, and I want to thank VAC for all the work  
21 that they are doing and will do, and we will  
22 certainly publicize this not only to our  
23 colleagues, who should then publicize to their  
24 constituents--

25 JANE KALMUS: Right.

CHAIRPERSON BREWER: --but make sure that people know about it in general.

JANE KALMUS: Fine.

CHAIRPERSON BREWER: And thank you very much.

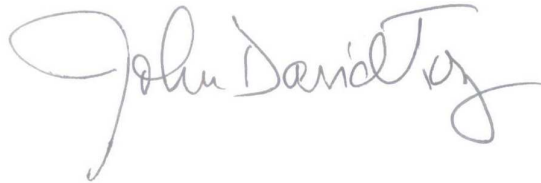
JANE KALMUS: Thank you.

CHAIRPERSON BREWER: All right, with that, this hearing concludes. We have lots to follow up and we will make sure that in the coming days we will request from the Board some of the issues that were brought to our attention. And I'm sure that between September 14<sup>th</sup> and November 2<sup>nd</sup>, we will continue to get information and to make sure that the public is aware of every step that we take. Thank you all very much.

[gavel]

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line.

Signature\_\_\_\_\_

Date September 23, 2010