

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATION

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September 25, 2020

Start: 10:15 a.m.

Recess: 1:08 p.m.

HELD AT: Remote Hearing

B E F O R E: Fernando Cabrera  
CHAIRPERSON

COUNCIL MEMBERS:  
Keith Powers  
Ben Kallos  
Bill Perkins  
Ydanis Rodriguez  
Kalman Yeger  
Alan N. Maisel

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

Mike Ryan, Executive Director  
New York City Board of Elections

Dawn Sandow, Deputy Executive Director  
New York City Board of Elections

Amy Loprest, Executive Director  
Campaign Finance Board

Laura Wood, Special Counsel  
Democracy NYC

Doug Kellner, Co-chair  
New York State Board of Election

Sarah Goff, Deputy Director  
Common Cause New York

Megan Ahearn, Program Director  
New York Public Interest Research Group

Rachel Bloom, Director of Public Policy  
and Programs  
Citizen's Union

Kate Doran  
League of Women Voters of the State of  
New York

Hannah Claine, fellow  
Brennan Center for Justice  
NYU School of Law

Paul Westrick, Manager of Democracy  
Policy  
New York Immigration Coalition

Rob Ritchie, President and CEO  
Fair Vote

2 SERGEANT-AT-ARMS: PC recording has  
3 started.

4 SERGEANT-AT-ARMS: Cloud recorder started.

5 SERGEANT-AT-ARMS: Backup recording is  
6 good.

7 SERGEANT-AT-ARMS: Still waiting on the  
8 livestream.

9 SERGEANT-AT-ARMS: Ladies and gentlemen,  
10 please bear with us. We're experiencing some minor  
11 technical difficulties. We should be going in a  
12 couple of minutes. Thank you so much.

13 SERGEANT-AT-ARMS: All right, Sergeants,  
14 you can take it away now.

15 SERGEANT-AT-ARMS: Good morning. Welcome  
16 to the remote hearing on the Committee on  
17 Governmental Operations. Will Council members and  
18 staff please turn on their videos at this time? Once  
19 again, will Council members and staff please turn on  
20 their videos at this time? Please place also phones  
21 and electronics on library. You may send your  
22 testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). That's  
23 testimony@council.NYC.gov. Chair, we are ready to  
24 begin.

2 CHAIRPERSON CABRERA: Thank you so much  
3 and thank you to all the staff that made this  
4 possible today. I will gavel in today's meeting.

5 [gavel]

6 CHAIRPERSON CABRERA: Good morning. I am  
7 Council member Fernando Cabrera, Chair of the  
8 Committee on governmental operations. Today, the  
9 committee will be conducting an oversight on the  
10 administration of elections during COVID-19 pandemic.  
11 We will take this opportunity to reflect on the  
12 lessons learned from the June primary and plan ahead  
13 for the November election. I want to thank my  
14 colleagues joined us today, Council member Kallos,  
15 Maisel, Perkins, and Yeger. The June primary wasn't  
16 like any election our city has ever seen. Following  
17 a surge of COVID-19 infections, the governor issued a  
18 series of executive orders to ensure that all New  
19 Yorkers eligible to participate in the primary could  
20 vote absentee. As a result, the city's Board of  
21 Elections received nearly 800,000 absentee ballot  
22 applications. That's 12 times the number of  
23 applications received in the 2016 primary.  
24 Overwhelmed by the flood of requests and U.S. Postal  
25 Service delay, the board was placed in a situation

2 where they were delaying sending out many of the  
3 ballots so thousands of New Yorkers did not receive  
4 their ballots in time for the election.

5 Unfortunately, their problems did not end there.

6 Roughly one in five absentee ballots cast in the June  
7 primary were rejected by the Board of Elections. In  
8 some cases, ballots were rejected because of a  
9 missing signature or an unseal envelope. In other  
10 cases, they were rejected because the post office  
11 failed to stamp the envelope with a postmark.

12 Finally, due in part to the large number of absentee  
13 ballots cast, the board was delayed from canvassing  
14 other votes. As a result, unable to certify the  
15 primary results until six weeks after the election.

16 What we witnessed in June has already motivated the  
17 state legislature to make changes to the election  
18 laws that will hopefully make voting in the  
19 presidential elections there. But we are here to ask  
20 for a commitment from our local Board of Elections  
21 with the election date just 39 days away and the  
22 early voting starting in four weeks. New Yorkers  
23 need better planning, clearer messaging, and Moore's  
24 efficiency. They need to have confidence that their  
25 vote will count in the tremendously important

2 election. From Paul's sites, elections, and poll  
3 worker hiring, the administration and in person  
4 voting and the processing of absentee ballots, the  
5 board must rise to the challenge and I am hopeful  
6 that they will. In addition, the board must take all  
7 the necessary steps to ensure the [inaudible  
8 00:05:31] certification of the election results.  
9 Given the stakes of this election, the fragile state  
10 of our democracy, we cannot afford to be waiting for  
11 election results in December. I want to thank Mike  
12 Ryan of the Board of Elections for being available to  
13 myself and staff who, at this time, as issues have  
14 arisen, thank you for the administration and other  
15 stakeholders for raising the issues early and often  
16 with us as we conduct continuous oversight on the  
17 election process in New York City. Thank you know to  
18 the committee staff and the additional support staff  
19 behind the scenes today for the work on this hearing,  
20 including committee counsel CJ Murray, policy analyst  
21 Emily for John, Elizabeth Cronk, finance analyst  
22 Sebastian Bocce, community liaison John Blasco, and  
23 my own legislative and communications director Claire  
24 Maclivein. Let me also recognize that we have been  
25 joined by Council member [inaudible 00:06:39] to our

2 moderator, committee counsel CJ Murray to go over  
3 some procedural items.

4 COMMITTEE COUNSEL: Thank you, Chair.

5 I am CJ Murray, Council of the Committee on  
6 governmental operations. Before we begin testimony,  
7 I want to remind everyone that you will be on mute  
8 until you are called on to testify, at which point  
9 you will be un-muted by the host. I will be calling  
10 on panelists to testify. Please listen for your name  
11 to be called. The first panelists to give testimony  
12 today will be representatives from the New York City  
13 Board of Elections, the campaign finance Board, and  
14 the Mayors Democracy NYC initiative. For the Board  
15 of Elections, testimony will be provided by Executive  
16 Director Mike Ryan and Deputy Executive Director Dawn  
17 Sandow. For the campaign finance Board, executive  
18 director Amy Loprest will be providing testimony and  
19 for Democracy NYC, testimony will be provided by  
20 special counsel Laura Wood. I will call on you when  
21 it is your turn to speak. During the hearing, as a  
22 Council member would like to ask a question of a  
23 specific panelist, please use the zoom raise hand  
24 function and I will call on you in order. We will be  
25 limiting Council member questions to five minutes

2 which includes the time it takes the panelists to  
3 answer your question. Please know that for ease of  
4 this virtual hearing, there will not be a second  
5 round of questioning or set of questions from the  
6 committee chair. All hearing participants should  
7 submit and testimony to Testimony@council.NYC.gov.  
8 Before we begin testimony, I will administer the  
9 oath. Executive Director Ryan, Deputy Executive  
10 Director Sandow, Executive Director Loprest, and  
11 special counsel Wood, please raise your right hand.  
12 I will call on each of you individually for a  
13 response. Do you affirm to tell the truth, the whole  
14 truth, and nothing but the truth before this  
15 committee and to respond honestly to Council member  
16 questions? Executive Director Ryan?

17 EXECUTIVE DIRECTOR RYAN: Yes.

18 COMMITTEE COUNSEL: Executive Deputy  
19 Director Sandow?

20 EXECUTIVE DEPUTY DIRECTOR SANDOW: I  
21 do.

22 COMMITTEE COUNSEL: Executive Director  
23 Loprest?

24 EXECUTIVE DIRECTOR LOPREST: I do.

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2 COMMITTEE COUNSEL: Special counsel  
3 Wood?

4 SPECIAL COUNSEL WOOD: I do.

5 COMMITTEE COUNSEL: Thank you.

6 Executive Director Ryan, you may begin your  
7 testimony.

8 EXECUTIVE DIRECTOR RYAN: Thank you,  
9 Chair Cabrera and members of the New York City  
10 Council on government operations. Thank you for  
11 inviting the Board of Elections in the city of New  
12 York to participate in this important hearing. As I  
13 have just been sworn in, I am Michael Ryan. I am the  
14 executive director of the Board of Elections and I am  
15 joined during this testimony by the deputy executive  
16 director of the board Dawn Sandow. While it is  
17 included in our written testimony, I will forgo the  
18 reading of the legal authority under which the board  
19 ferry and get into the meat of testimony. The board  
20 recently, in August, completed the postelection  
21 processes of canvassing the votes of over 870,000  
22 voters. 50,000 of whom voted early and over 326,000  
23 who voted by the absentee ballot process within New  
24 York City. As we all are acutely aware, the spread  
25 of COVID-19 has brought with it many challenges.

2 Unfortunately, the Board was not spared from the  
3 effects of this virus and, tragically, suffer the  
4 loss of several employees due to the illness. I want  
5 to stress that the Board of Elections did not close  
6 its offices for one day during the entire emergency.  
7 Not one day. Staff continued to report to our office  
8 says every single day during the pandemic, albeit at  
9 a reduced rate, but we were open to the public and we  
10 continued to conduct our operations throughout the  
11 entire pandemic. The board and its staff-- and  
12 mostly the staff-- deserve credit and thinks for  
13 their dedication to the voting process and,  
14 tragically, in some circumstances, the sacrifice that  
15 was made in the service to the city of New York which  
16 has, unfortunately, gone largely unrecognized. The  
17 board will continue to persevere throughout the  
18 challenges faced to ensure safe access to the voter  
19 franchise. I think it is necessary to go back and  
20 take a look at June in the proper context. A state  
21 of emergency was issued on March 7th, 2020 by Gov.  
22 Cuomo. Or declared, I should say, to ensure that  
23 voters were provided an opportunity to vote safely.  
24 Two significant changes were made at that time to the  
25 absentee ballot process. The authorization of online

2 application portals, of which, the city of New York  
3 was one of two jurisdictions in the entire state that  
4 made such convenience available to its voters. And  
5 the mailing of absentee ballot applications to all  
6 eligible voters with postage-paid return envelopes.  
7 On April 27th, 2020, within three weeks of executive  
8 authorization, the board went live with its online  
9 application portal and began receiving applications.  
10 The online portal was active for 49 days and 53  
11 percent of all applications received, over 450,000,  
12 were processed through the online portal. An  
13 executive order issued May 7th, 2020 finalized to the  
14 absentee ballot application mailing process. The  
15 mailing of applications commenced on May 18th, one  
16 month before the election. A decidedly different  
17 circumstance then we find ourselves in now. And it  
18 was completed by May 21st to over 3.6 million  
19 eligible voters. So, that was the application  
20 mailing that was completed one month before the  
21 election. To accomplish this tremendous undertaking,  
22 the board outsourced the printing and mailing of the  
23 applications and the USPS reported to us that 99  
24 percent of those applications were delivered and home  
25 by May 26th. Inside of one month before the primary

election. As discussions began regarding potential changes to the process, the board immediately assessed operational needs and necessary changes. Once the orders were finalized, and there were numerous, the board implemented significant changes to its absentee ballot process. Most notably, the board secured a vendor to work around the clock, along with board staff, scanning all returned applications and to provide data files to the board for ease of processing. And to vendors to print and mail absentee ballots to voters. And the scanning was in addition to any applications that were received on the portal. In fulfilling its statutory obligations, the board processed and entrusted to the United States Post Office, the delivery of over 775,000 absentee ballots to eligible voters. In comparison, for the 2016 presidential primary, the board processed over 64,000 absentee ballots and, as the Chair rightly pointed out, that is a 12 fold increase with, by the way, no notice. To further the comparison, the board processed the combined total of 335,000 absentee ballots for the 2016 and 2018 general elections. More than double the total was processed in any week. In the middle of a pandemic

2 while short staffed. To ensure the accuracy and  
3 integrity of the election, New York State has one of  
4 the most comprehensive postelection canvas and re-  
5 canvas processes in the nation. The board processed  
6 all returned absentee ballots. The law pertaining to  
7 the canvas and re-canvas applies to absentee ballots  
8 and boards of election are mandated to process these  
9 ballots according to the law. When assessing the  
10 validity of an absentee ballot, both envelope boards  
11 cannot ignore the law. While the total number of  
12 invalid oaths have been subject to recent observation,  
13 the percentages are in keeping with previous  
14 elections. 2016, presidential primary, 21 percent  
15 invalid. 2016 presidential general election, 13  
16 percent invalid. 2018, citywide general, 18 percent  
17 invalid, and the 2020 presidential primary, and 23  
18 percent invalid. The overwhelming number of those  
19 invalid both envelopes are for missing signatures and  
20 we can get into, during the question-and-answer  
21 period, there been some changes to the state law that  
22 allow for some of that to be rectified. But this is  
23 directly analogous to election day. The signature is  
24 the gateway to the ballot. If you do not provide a  
25 signature, you do not get a ballot. The only

2 difference between election day and absentee  
3 balloting is the signatures captured in a different  
4 process. But it must be captured, nonetheless. And  
5 if it is not captured, it is not valid. The path  
6 forward as required significant changes and we will  
7 continue to make more changes, I am sure. Some of  
8 which are short-term and some of which are long-term.  
9 In the meantime, the board has made improvements to  
10 its online portal and related processes to streamline  
11 the processing of applications both for the voter and  
12 for the board who has to process it on the backend.  
13 The inquiry process has been streamlined to provide  
14 voters enhanced information regarding ballot  
15 processing and tracking. The ballot tracking system  
16 is up and running as we speak and voters will be able  
17 to avail themselves of that process as they so choose  
18 by accessing the board's website at [vote.NYC](http://vote.NYC). Given  
19 the number of absentee ballot applications, we have  
20 prominently featured both the absentee application  
21 portal and the tracker in the center of our website  
22 where the scrolling pictures of the cityscape is seen  
23 so that people will know exactly where to go for  
24 their absentee ballot information. And then, course,  
25 if they scroll down, there will be able to see other

2 information. This we, we announced that our Tuesday  
3 meeting that the board has sent out through its print  
4 vendors for printing and mailing this week over  
5 470,000 completed absentee ballot applications and  
6 those voters should be expecting to get their  
7 absentee ballots within the course of the postal  
8 delivery process over the next several days. In  
9 addition, as of the close of business yesterday, that  
10 number increased to 510,000. So, we have already  
11 sent out for mailing over a half 1 million absentee  
12 ballots to voters. We are encouraging the voters to  
13 return them back to us as quickly as possible. 10  
14 not set them aside. To not put them on the counter  
15 in the kitchen or on the coffee table. When they get  
16 them, vote them, send them back and that will help  
17 everybody. It will allow the voters a convenient way  
18 to vote to maintain social distancing at the polls  
19 sites by reduced volume, and it will also help us  
20 administratively to complete the tasks that we need  
21 to complete in order to accurately tabulate those  
22 votes. And, in addition, it will provide the maximum  
23 period of time to engage in the newly created cure  
24 process by state legislature because it imposes upon  
25 the board obligations to contact the voters. And it

2 is a step-by-step process, so I'm not going to buy  
3 labor all the points, but, simply said, we now have  
4 the legal way and an obligation to address any  
5 deficiencies in the absentee ballots with the voters  
6 in advance of election day. Clearly, the sooner that  
7 happens, the better. If it happens the day before  
8 election day, it is going to be very difficult for  
9 the process to be completed, but if it happens now  
10 and somebody made a mistake because they are  
11 unfamiliar with the process and forgot to sign their  
12 oath envelope, we have time to correct that to ensure  
13 that no voters disenfranchised. We have increased  
14 the system input threshold so that we can accept  
15 paper applications at a faster processing rate and we  
16 would ask that we get paper applications from those  
17 folks that don't have access to technology. If you  
18 have the access to the technology, please go to the  
19 website, process your absentee ballot request through  
20 the portal. That is the fastest, most effective and  
21 safest way for that process to be completed. We have  
22 a voter education campaign that is ongoing. We have  
23 titled it Vote Safe NYC which will, over the course  
24 of time, lay out all of the different options. The  
25 absentee ballot request process and the completion of

2 that. We have prepared a video that we expect to be  
3 out, if not by close of business today, by close of  
4 business on Monday. An instructional video on how to  
5 fill out your absentee ballot envelopes so that your  
6 vote counts and that we don't have to engage in a  
7 cure process. Bottom line is we want to give the  
8 information to the voters so that they submit it  
9 right the first time and we don't have a back-and-  
10 forth between us and the voters. And we are  
11 providing that information and there will be a series  
12 of such outreach in that regard moving forward.  
13 Enhancements have been made to the board's website to  
14 increase voter education and we will be engaging in  
15 aggressive media plan which will include all  
16 platforms. Praying, intentional, social media. We  
17 have worked with the city kiosks. Our information  
18 will be available on those locations, as well. And  
19 it was successful the last go around and we have  
20 built on it and we think it is going to be successful  
21 again. And, of course, anyone who voted in June will  
22 be aware of all of the changes that occurred at the  
23 poll's sites. The signage, all of the PPE equipment  
24 that is necessarily been distributed. Everything  
25 that we have now become used to as a society here in

2 New York City will be applicable to the Board of  
3 Elections. The decals on the floor indicating where  
4 to stand, the PPE, the masks that will be available.  
5 For June, very quickly, we were able to get antiviral  
6 wipes for people to wipe their hands. We will still  
7 have those. However, in addition to that, we will  
8 have ADA compliant hand sanitizer distribution  
9 devices with a foot pedal so that people could press  
10 the foot pedal and get their hand sanitizer in a  
11 contactless way. We have sent out our annual  
12 information notice which will include a fob and  
13 anyone who is gone to any one of the big chain  
14 grocery stores that have the little fob that you keep  
15 on your keychain with a bar code, you will be able to  
16 use that barcode at your early voting location or at  
17 your election day location to scan that with the pole  
18 pad and it will bring-- that is an individual  
19 barcode for the voter and it will bring up that  
20 particular voters record. So, that will obviate the  
21 necessity of a poll worker having to manually access  
22 the pole pad and look at information up. The key  
23 there is feed and contactless. So, we want the  
24 voters to be able to be processed quickly and safely.  
25 In addition, at the table, for anyone who voted, you

2 might have seen the green pens which were a  
3 combination pen stylus so that a pen can use the  
4 stylus on the pole pad and then take that pen with  
5 them to the privacy booth and mark their ballot and  
6 then leave with that pen. The green was the only  
7 color we could get on short notice for June, however,  
8 we now have one that will be branded with Board of  
9 All actions logo on it so it is clear that it came  
10 from us and we will be able to use those pens and  
11 give them as a voting souvenir, if you well. But all  
12 under the guise not of giving away tchotchkes, all  
13 under the necessity to maintain minimizing cross-  
14 contamination. Poll workers will also be wiping down  
15 the equipment is necessary pursuant to a specific  
16 protocol and we also purchased and installed, both  
17 for the June election, protective shields over the  
18 whole pads which are thin tempered glass so that they  
19 will not be TM managed with the alcohol wipes to  
20 maintain cleanliness. So, in June, the board, in the  
21 face of a pandemic, increased its early voting  
22 locations from 61 to 79. That represented about a 30  
23 percent increase of early voting locations. That is  
24 now further increased to 88. So, from November 2018  
25 to November 2019, the number of early voting

2 locations have increased 45 percent in the city of  
3 New York in the face of a national health crisis.  
4 That is a significant step forward and it cannot be  
5 overlooked. That will allow many more opportunities  
6 for people to vote early and vote at a time of their  
7 choosing. And if they happen to come and there is a  
8 line, they can come back later or different day of  
9 the week, is that is necessary. Unlike election day  
10 which is, that Tuesday, an all or nothing event.  
11 Either you are going to vote for you are not going to  
12 vote. This is all about options and safety and  
13 security and the health of all of the voters of the  
14 city of New York. In addition, there were issues, as  
15 we know, with the delivery in some respects. Now,  
16 keep in mind, four out of the five boroughs really  
17 did not have too many mail delivery issues. And I  
18 would attribute some of what happened on the backend  
19 to the compressed timeframe under which everyone had  
20 to act. So, first, what did the Board to  
21 proactively? The board took a look at this statute.  
22 The statute previously read that temporary absentee  
23 ballot applications could be processed no earlier  
24 than 30 days, no later than seven days before the  
25 election. Under the previous rules, that left a 23

2 day window to process absentee ballot applications.

3 When we saw that the statute extending the use of the  
4 portal and taking it out from under the umbrella of  
5 an emergency order by the governor-- or an executive  
6 order, I should say, by the governor, and putting it  
7 in this statute, that 23 day window was still in the  
8 statute. It was just leftover language. We spoke to  
9 the state Senate. We spoke to the state assembly and  
10 we said this statute is trapping us and a 23 day  
11 window that is going to make it impossible for us to  
12 process all of these applications if we get anywhere  
13 near the volume that we got in June. And, in fact,  
14 it appears as if we are on track to have more than we  
15 had in June. The state assembly and the state Senate  
16 acted swiftly and redacted the language of no earlier  
17 than 30 days and got a new statute on the governor's  
18 desk and that was signed into law. What that enabled  
19 us to do was immediately then go live with our  
20 absentee ballot application portal and to begin to  
21 receive those applications and process them and  
22 ensure that those voters that are applying are, in  
23 fact, the voters that should be getting those  
24 ballots. That cannot be overlooked either. That is,  
25 from an election's perspective, that is a really big

2 deal. That is the state legislature responding to a  
3 need of an agency, of an entity, recognizing that  
4 need, acting expeditiously, and getting a law onto  
5 the desk of the governor for changes. And that is a  
6 big deal. The second piece of that, though, is this  
7 box sitting next to me here which doesn't show up so  
8 well maybe on this video, but, in the era of social  
9 distancing, we are doing the best we can. One of  
10 these boxes will be at all of the early voting  
11 locations and it will be at all of our election day  
12 locations and it will be at all of our offices. This  
13 boxes for voters to drop their absentee-- completed  
14 absentee ballots into if they choose not to avail  
15 themselves of the services of the post office. Now,  
16 this is another effort to engage in contactless  
17 process of the voting locations. The process that  
18 the Board of Elections has engaged in prior to now  
19 has been that you can drop your absentee ballot at  
20 any of the early voting locations or at any of the  
21 election day site or at our offices. Given the  
22 previously relatively small volume of absentee  
23 ballots, and has been an underutilized process. But  
24 it has been in place. So, our polls sites are  
25 already aware of that and are reinforced that those

2 absentee ballots have to be returned in the case of  
3 early voting nightly and, in the case of election  
4 day, at the end of election night with the remainder  
5 of the violent material to the various offices for  
6 processing. We've been doing that for years. That  
7 is not a change. What's going to change here is the  
8 volume. The other thing, for anybody who is watching  
9 this hearing or participating in it, the other thing  
10 is you don't have to go to your own polls site to  
11 drop off your absentee ballot. You can go to any of  
12 the early voting site, any of the board offices, and  
13 any of the election day site. We consider all of the  
14 satellite offices of the Board of Elections and, if  
15 you happen to live in Queens and work in Manhattan  
16 and you dropped it off at a Manhattan location, we  
17 will take the responsibility of getting that ballot  
18 to Queens for the convenience and the safety of the  
19 voter. So, that is, you know, 1200 election day  
20 sites, plus another almost 100 early voting sites,  
21 plus our borough offices. We will have about 1300  
22 locations spread out over a period of the nine days  
23 of early voting and election day for voters to  
24 physically impersonally return their absentee  
25 ballots, if they choose to not go to the post office.

2 So, that is the high had kind of 5000 foot view of  
3 the elections during the pandemic and some of the  
4 changes that we have made moving forward. There is  
5 one thing almost forgot. When we talked about the  
6 volume of absentee ballots in June, one of the main  
7 challenges that we had was responding to requests for  
8 copies of envelopes. And, in primary elections which  
9 have a tendency to be more closely contested, we have  
10 a spike typically in requests for absentee ballot  
11 envelopes. More so than in a general election. And  
12 there was a lot. So, normally, in Queens, we would  
13 have about three photocopy machines and staff working  
14 on photocopy machines. The selection, we had 13.  
15 So, one of the things that we have done to aid in the  
16 processing of absentee ballots is we have purchased  
17 customized mail sorting machines that are sized  
18 appropriately for each borough. Those machines will  
19 date and time stamp the envelope once they are  
20 sorted. The public should know that, if they do not  
21 play [inaudible 00:34:02] with their ballot and they  
22 return those ballots early, the postmark or lack of  
23 the postmark is not significant. As long as we  
24 receive those envelopes before the deadline, we will  
25 mark them received and then the postmark will become

2 academic. So, it will be scanned, it will be opened.  
3 The outer envelope will be opened, and it will be  
4 sorted. And here is the best thing. When we get to  
5 the second phase of the process and we are going to  
6 go about the business in accordance with the  
7 postelection canvas rules to sort and process that  
8 both envelopes, those scanner machines will serve  
9 also an added function of-- well, too. One, they  
10 will be able to tell us if the signature is missing  
11 in the box. Right? So that we will be able to  
12 engage the voters very quickly to get their signature  
13 on an affidavit. That's going to be part of the new  
14 process. But, in terms of the busywork, if you will,  
15 or, really, the administrative work of trying to make  
16 all those photocopies, those scanner machines will  
17 serve as duplex scanners and will create PDF  
18 documents of all of those envelopes that pass  
19 through. So, if somebody does make a challenge and  
20 they want their envelopes, we don't have to have  
21 workers standing on the side making photocopies of  
22 150,000 absentee ballots which you then have, you  
23 know, two sides. That is 300,000 pages. We can,  
24 potentially, if requested, we can provide that  
25 information on a flash drive or thumb drive, if you

2 will. Or, if they want them printed, we can use  
3 high-speed printers to print them out as opposed to  
4 staffers standing by photocopy machines pressing  
5 buttons. Here is the significance of that. Alas  
6 staffers we need doing that type of busywork, the  
7 more tables we can open early in the process to  
8 complete the canvas of the election because they are  
9 still open to the public and they are still subject,  
10 potentially, the challenges. So, we still love to  
11 engage in that process, but this will streamline that  
12 much more than was done in June. So, then the  
13 question is going to be calm, well, why didn't you  
14 have them for June? There wasn't enough time. We  
15 attempted to get them for June. These machines are,  
16 basically, all the same, but they are component-based  
17 and name must be built for the size of your need.  
18 So, the machine that is going to be in Staten Island  
19 will be a drastically different size from the number  
20 of bins in Brooklyn or Manhattan or Queens. And we  
21 tried. The only potential option, which didn't work  
22 out, was to buy machines from the three vendors  
23 before June and that was just not going to work. So,  
24 we did what we could for June. We got through it.  
25 We recognized it in, before the June primary was

2 completed, we started a procurement process to get  
3 these machines so that we will have them in our  
4 offices for the first week of October. I think that  
5 is all I have and I am certain that there will be  
6 some questions.

7 CHAIRPERSON CABRERA: Thank you so much,  
8 Director Mike Ryan, for your testimony. I have quite  
9 a few questions and I'm going to ask you, whenever  
10 possible, if you could just give me the short answer?  
11 Because some of them-- it's just I have quite a few  
12 and we have--

13 DIRECTOR RYAN: You don't want me to  
14 take up your five minutes?

15 CHAIRPERSON CABRERA: There you go. No.  
16 I get more than five. So, my colleagues that are  
17 about-- we have CFB and Democracy NYC and--

18 DIRECTOR RYAN: I will certainly do my  
19 best to respect--

20 CHAIRPERSON CABRERA: Thank you. So, let  
21 me start. Let's go back to the June primary. How  
22 many absentee ballot applications was BOE expecting  
23 to process for the June primary just before it began  
24 accepting applications in late May?

2 DIRECTOR RYAN: 70,000 or less would've  
3 been our guest before. But, you know, varies from  
4 election to election.

5 CHAIRPERSON CABRERA: There you go, Mike.  
6 Yeah.

7 DIRECTOR RYAN: Already I'm breaking the  
8 rules.

9 CHAIRPERSON CABRERA: I have a lot of  
10 questions and I went again to them.

11 DIRECTOR RYAN: No. I got you. Yep.

12 CHAIRPERSON CABRERA: BOE reported  
13 receiving roughly 775,000 absentee ballot  
14 applications for the June primary. How many New  
15 Yorkers, if any, were not sent an absentee ballot due  
16 to a defect in their application form?

17 DIRECTOR RYAN: Due to the defect in the  
18 form? I'm not certain that I understand the  
19 question.

20 CHAIRPERSON CABRERA: So, was there  
21 anybody who was not sent their ballot due to the  
22 actual absentee ballot having a defect?

23 DIRECTOR RYAN: So, in the past, the  
24 defect would have been the lack of a signature would  
25 be the most overriding defect in the signature

2 requirement was waived for June. So, I'm not aware  
3 of any and all of the applications that we received,  
4 we processed all of them and everyone was sent an  
5 absentee ballot

6 CHAIRPERSON CABRERA: But if the form was  
7 missing a signature or an open envelope or missing  
8 postmark--

9 DIRECTOR RYAN: capital, that would've  
10 been later in the process. I think your question was  
11 directed towards the application process. Because,  
12 keep in mind, the executive order required us to mail  
13 an absentee ballot application to all voters and to  
14 provide them posted. Envelope for which to return  
15 the application. So, we did receive, you know, a lot  
16 of paper applications. But, in addition, even though  
17 we did that mailing, still, 53 percent of the people  
18 that requested absentee ballots did it by the portal.

19 CHAIRPERSON CABRERA: Got it. Let me  
20 move right along. I can always come back to that.  
21 According to numbers reported by BOE, roughly 50  
22 percent of the voters who requested an absentee  
23 ballot for the primaries ended up voting absentee.  
24 How does this percentage compare to prior elections?

2 DIRECTOR RYAN: There is always a  
3 percentage of voters, and it is a good percentage of  
4 voters, that do not-- they request their absentee  
5 ballot and then simply don't return them. Though it  
6 is comparable to past elections.

7 CHAIRPERSON CABRERA: It is comparable.  
8 Okay. How many of the roughly 400,000 absentee  
9 ballots cast in the June primaries were determined to  
10 be invalid?

11 DIRECTOR RYAN: As I testified earlier,  
12 it was about 23 percent of those total and certainly  
13 we can get you a borough by borough breakdown if that  
14 is something that you desire.

15 CHAIRPERSON CABRERA: Well, help me. I  
16 want to break it down a little further. Of those,  
17 how many were determined to be invalid based on  
18 signature deficiencies? Do you have that number?

19 DIRECTOR RYAN: I do not have the exact  
20 number, but I can tell you it is going to be the vast  
21 majority.

22 CHAIRPERSON CABRERA: Okay. If you could  
23 give me that number later on, I would appreciate it.

24 DIRECTOR RYAN: Certainly.  
25

2 CHAIRPERSON CABRERA: And how many were  
3 based on missing postmarks?

4 DIRECTOR RYAN: There was ultimately  
5 less than 100 in each of the four boroughs outside of  
6 Brooklyn and Brooklyn had about 4500, as I remember  
7 it-- and that was the subject of litigation and  
8 those there was a court order under certain  
9 parameters for the canvas of any of those that were  
10 received no later than the day after the June  
11 primary, which was the 24th. Incidentally, the  
12 state legislature that was in the process of changing  
13 the state law and the new rule is now if we get an  
14 absentee ballot returned with no postmark, and we  
15 receive it up to and including the day after election  
16 day which, in this case, would be November 4th, we  
17 are directed to canvas those ballots irrespective of  
18 postmarks.

19 CHAIRPERSON CABRERA: Were there any  
20 other common reasons ballots would be determined to  
21 be invalid?

22 DIRECTOR RYAN: There are, but they  
23 really don't occur all that often. If somebody  
24 makes an extraneous mark or makes a political  
25 statement handwritten on a ballot, then that would be

2 a reason. If there is extraneous paper that does not  
3 belong in the field ballot envelope, that would be a  
4 reason.

5 CHAIRPERSON CABRERA: Okay.

6 DIRECTOR RYAN: If the ballot envelope  
7 is sealed when we receive it, that would be another  
8 reason. However, to work toward better safety and  
9 security for our staff and for the voters, we have  
10 purchased self-sealing envelopes for the oath  
11 envelopes moving forward. So, they will have a peel-  
12 off sticker that they can close without having to  
13 lick the envelope in the traditional way.

14 CHAIRPERSON CABRERA: How many poll  
15 workers to the city Board of Elections hire for  
16 June's early voting?

17 DIRECTOR RYAN: For early voting, it was  
18 just shy of 30,000, as I recall.

19 CHAIRPERSON CABRERA: 30,000. And then,  
20 for election day--

21 DIRECTOR RYAN: Did you say early voting  
22 or for election day?

23 CHAIRPERSON CABRERA: Yeah. First early  
24 voting. The second [inaudible 00:44:00]

2 DIRECTOR RYAN: Oh. The early voting, I  
3 don't have off the top of my head, but we certainly  
4 are well staffed and we supplement the staff with our  
5 Ford employees, as well.

6 CHAIRPERSON CABRERA: So, just to be  
7 clear, the 30,000 words for election day.

8 DIRECTOR RYAN: Correct.

9 CHAIRPERSON CABRERA: And what was the--

10 DIRECTOR RYAN: Yeah. That would be too  
11 much for early voting.

12 CHAIRPERSON CABRERA: What was the no-  
13 show rate?

14 DIRECTOR RYAN: Typically, in the 15  
15 percent rate. I think what the borough offices had  
16 to do upon their return to work on May was they did a  
17 lot more outrage to the poll workers, given the  
18 circumstances, to determine whether or not there was  
19 a willingness to work. In the past, we would simply  
20 send out notices to work with people that have been  
21 poll workers before, but, in this particular case,  
22 the borough offices reached out and said, do you want  
23 to work? And the folks that said no or were afraid  
24 or might be out of the state, they were marked off.  
25 So, the borough offices really did their best to make

2 sure that the people that were hired to be the poll  
3 workers, in fact, wanted to work and would show up.

4 CHAIRPERSON CABRERA: Ben I know some of  
5 them had difficulty getting there due to the subways  
6 being shut down from one to five in the morning. How  
7 many voters participated in the early voting for the  
8 June primary?

9 DIRECTOR RYAN: It was only about  
10 52,000. And we would certainly like to see that  
11 number increase over the course of time. And it was  
12 slightly less-- well, it was about 63,000 in  
13 November and then about 52,000 in June, although the  
14 November turnout was higher.

15 CHAIRPERSON CABRERA: Okay. Let me move  
16 on to the November election. We're doing good here,  
17 Mike. We are moving. Okay? My compliments. So,  
18 let me talk about the BOE offices. Our BOE offices  
19 continuing to operate at lower in person capacity at  
20 this point?

21 DIRECTOR RYAN: No. We are operating at  
22 full capacity and we are adding temp workers to  
23 prepare for the postelection canvas mostly and some  
24 of the other prep work that needs to be done. Like  
25 everybody else, with had to add, you, screen shields.

2 Our front counter is now all have glass. There is  
3 plexiglass that is being installed all over the city.  
4 We are providing masks to all of our workers and hand  
5 sanitizer and gloves, like everyone else has been  
6 forced to do.

7 CHAIRPERSON CABRERA: You got it. You  
8 got it. I'm sorry. I just have a lot of questions.  
9 So, how many-- Which job responsibility can be  
10 conducted from home?

11 EXECUTIVE DIRECTOR RYAN: there's not  
12 many that can be done from home. For example, in the  
13 lead up to election now, a lot of what we do is  
14 related to the voter registration system. Whether it  
15 is actually registering voters or having to access  
16 the system. And, quite frankly, we cannot expose the  
17 system to potential cyber threat by allowing you to  
18 use wireless methods to access the voter registration  
19 system. If that were to be tampered with externally  
20 by a wireless mechanism, that would be a very  
21 difficult situation for us to overcome.

22 CHAIRPERSON CABRERA: And also regarding  
23 the November election, how many absentee ballots does  
24 BOE expects the process in the 20/20 presidential  
25 election?

2 EXECUTIVE DIRECTOR RYAN: Well,  
3 certainly more than 780,000. We might approach  
4 upwards, based on the numbers that we are seeing and  
5 the daily trends, parts of 1 million absentee ballots  
6 this go around.

7 CHAIRPERSON CABRERA: those who have  
8 requested absentee ballots for the general election  
9 so far, how many have requested ballots via the  
10 portal?

11 EXECUTIVE DIRECTOR RYAN: The majority.  
12 I would say it's got to be at least 70 percent. That  
13 would be about my guess, so far, which is an increase  
14 from June. And I think if it becomes part of the  
15 fabric of what we do moving forward, assuming the law  
16 gets renewed, and that will be the way to go.

17 CHAIRPERSON CABRERA: I mean, how do  
18 people learn about that? Is it a mailer or was there  
19 a public service announcement?

20 EXECUTIVE DIRECTOR RYAN: We did a  
21 mailer, but we also had a very successful social  
22 media-- you know, all of those various digital  
23 platforms that are out there. And I'm not as well  
24 versed in that it is maybe some of the younger folks  
25 are. But they are out there and we blanket the

2 digital media with back, as well as the kiosks in the  
3 city and the other old-fashioned forms of  
4 notification like print media and such.

5 CHAIRPERSON CABRERA: And how many  
6 requested ballots over the phone?

7 EXECUTIVE DIRECTOR RYAN: Minimal.  
8 Very, very few. And Ms. [inaudible 00:48:57] just  
9 told me that we also-- and I forgot this. We also  
10 sent out a blast mail in June to all the elected  
11 officials asking to share that information. And we  
12 would like to thank those Council members-- and I  
13 understand it was a large majority of the city  
14 Council the forwarded that information along to the  
15 voters because, at the end of the day, you folks are  
16 the eyes and ears of your constituents and getting  
17 that information out is important.

18 CHAIRPERSON CABRERA: Mike, a lot more  
19 questions, but I want to invite my colleagues. I  
20 know that we have members who have questions. I will  
21 ask my colleagues to please stick to the five-minute  
22 time slot and the reason why we have CFB, we have  
23 NYC Democracy, we have tons of groups, government  
24 groups, that are going to be speaking today. Going  
25 to be here for a while. And so, I really appreciate

2 if you could stick to that time and spot. I will be  
3 coming back with to my, again, my questions really  
4 required to short answers because they are mainly  
5 about numbers and statistics. So, with that, I'll  
6 turn it over to the counsel.

7 COMMITTEE COUNSEL: Thank you, Chair.

8 I'll now call on council members in the order that  
9 they have used the zoom raise hand function. Council  
10 members, if you would like to ask a question and you  
11 have not yet sure hand, please do so now. As the  
12 Chair mentioned, you will have a total of five  
13 minutes to ask your question and receive an answer  
14 from the panelists. The Sergeant-at-arms will keep  
15 the timer and we will let you know when your time is  
16 up. Once I called on you, wait until the Sergeant  
17 has announced that you may be again before asking a  
18 question. First, we will hear from Council member  
19 Powers followed by Council member Kallos. Council  
20 member Powers, you may begin.

21 COUNCIL MEMBER POWERS: Okay. Thank you.

22 SERGEANT-AT-ARMS: Time starts now.

23 COUNCIL MEMBER POWERS: Okay. Thank you.

24 Thank you, Chair. Nice to see everybody and thanks  
25 for the questions. I just want to talk about, just

2 very quickly-- and thank you to the board for that  
3 testimony. Just to go to the drop boxes and where  
4 you can drop-- can you just go back to that and just  
5 repeat for people watching? If I have an absentee  
6 ballot and I want to drop it off, where can I go to  
7 drop it off?

8 EXECUTIVE DIRECTOR RYAN: Any of the  
9 board offices in the five boroughs in the city of New  
10 York. And all of that information is available  
11 online for each county. And then, once early voting  
12 starts on the 24th of October and for the nine days  
13 thereafter, any of the early voting locations, of  
14 which there will be 88 in New York City-- and then,  
15 on election day, for those folks that really get to  
16 the end of the line, any of the almost 1200 polls  
17 sites that we are going to have an operation  
18 citywide. And I want to just reinforce, Councilman,  
19 it doesn't matter if you are in your borough of  
20 residence.

21 COUNCIL MEMBER POWERS: Right.

22 EXECUTIVE DIRECTOR RYAN: You can drop  
23 it to us anywhere and we will take the responsibility  
24 of getting it to the proper borough. The idea is to

2 make it as convenient for the voter as we possibly  
3 can.

4 COUNCIL MEMBER POWERS: Does that include  
5 on election day? I can go to a polling place that is  
6 not my polling place and drop it off and then it will  
7 get sent to the place that it is where it needs to  
8 go?

9 EXECUTIVE DIRECTOR RYAN: 100 percent.

10 COUNCIL MEMBER POWERS: Okay. So, if I get  
11 an absentee ballot, I can sit down, I can fill it out  
12 at home and, instead of mailing it, I can go drop it  
13 off and alternatively I can just mail it in. And if  
14 I am mailing-- This is an altered set. I think in  
15 June-- is it prepaid postage on that absentee ballot  
16 if you-- no. I see you shaking your head.

17 EXECUTIVE DIRECTOR RYAN: It's not  
18 prepaid postage for the absentee ballot return.

19 COUNCIL MEMBER POWERS: Okay. It was in  
20 June or it wasn't?

21 EXECUTIVE DIRECTOR RYAN: It was in June  
22 by executive order. That Executive Order was not  
23 extended and the statute was not amended.

24

25

2 COUNCIL MEMBER POWERS: Okay. So, this  
3 time you've got to pay for your own stamps. Is that  
4 fair to say?

5 EXECUTIVE DIRECTOR RYAN: Correct.

6 COUNCIL MEMBER POWERS: Okay. How many  
7 stamps to put on it?

8 DIRECTOR RYAN: It depends on the size  
9 of the ballot, but it would be in the order of 55  
10 cents, but it really depends. So, that would be post  
11 office would have to determine based on weight.

12 COUNCIL MEMBER POWERS: Oh. So, we don't  
13 know how many stamps somebody has got to put on it?  
14 What is the determining factor here?

15 EXECUTIVE DIRECTOR RYAN: Postage is  
16 determined by the weight of the package. So, for  
17 example, aliens have an app that has a two pager.  
18 So, the price in Queens is going to be different than  
19 the price in the other boroughs.

20 COUNCIL MEMBER POWERS: I understand the  
21 logic behind it, but I think we're going to get this  
22 question, actually, from folks who, as they are doing  
23 this and I didn't know this answer, so I would think  
24 that you would want to give them some guidance. I  
25 mean, I think, either tried to determine ahead of

2 time, you know-- I understand. You may-- But I  
3 think it's probably worth our time to figure out what  
4 the answer to that is for folks when we inevitably  
5 get the phone call from a dozen people asking how  
6 many stamps I put on this thing.

7 EXECUTIVE DIRECTOR RYAN: Well, it's  
8 going to be at least 55 cents, but, really, it's like  
9 anything else that you mail. You need to check with  
10 the post office when you are sending out an item that  
11 might be of a different way.

12 COUNCIL MEMBER POWERS: Okay. I'm just  
13 saying I think it is something the board might think  
14 about trying to provide guidance on. When do we--  
15 Switching topics, but thank you for that and I'll  
16 follow up with you guys on it. When do you  
17 anticipate that you have completed results for the  
18 selection?

19 EXECUTIVE DIRECTOR RYAN: Well, it  
20 depends on the volume that is received clearly. The  
21 other thing that we have to take into consideration,  
22 pursuant to a federal consent decree, I believe it  
23 was, between the DOJ and the state Board of  
24 elections, information has to be exchanged amongst  
25 all 62 counties regarding voter history. So, when--

2 COUNCIL MEMBER POWERS: Am I correct to say  
3 that you can send in your absentee ballot up until  
4 the day-- it's got to be postmarked the day of the  
5 election. Is that correct?

6 EXECUTIVE DIRECTOR RYAN: Yes. But now  
7 there is another layer to it. Vote by mail is one  
8 thing. Absentee balloting is something else. In New  
9 York State, if you choose to request an absentee  
10 ballot, and you are entitled to one, and the  
11 definition is expansive this go around-- you can do  
12 that. And you can also vote on election day.

13 COUNCIL MEMBER POWERS: Right.

14 EXECUTIVE DIRECTOR RYAN: So, what would  
15 happen as we check your voter history and if you  
16 voted by machine, we then invalidate your absentee  
17 ballot that you mailed in.

18 COUNCIL MEMBER POWERS: Even if my absent--

19 EXECUTIVE DIRECTOR RYAN: Go ahead.

20 COUNCIL MEMBER POWERS: Is it the first  
21 one-- Is it based on the order? Or you just  
22 invalidate the absentee one?

23 EXECUTIVE DIRECTOR RYAN: The absentee  
24 gets invalidated because there is no way to back a  
25 vote out of the machine once it is voted.

2 COUNCIL MEMBER POWERS: Okay. Okay. I got  
3 you. Okay.

4 SERGEANT-AT-ARMS: Time expired.

5 COUNCIL MEMBER POWERS: My last question  
6 because the five-minute is -- and I actually would  
7 appreciate an answer that's like an actual set of  
8 days-- I'm not holding you to this. How long do you  
9 anticipate it will be that it will take to process  
10 the absentee ballots for this? If you just did it,  
11 how many weeks--- how many weeks or how many days  
12 would it take for the Board of Elections to process  
13 the absentee ballots for this November's election?

14 EXECUTIVE DIRECTOR RYAN: Paul, we have  
15 to complete certification and order for the electors  
16 to be seated and the electoral college. So, I would  
17 say December 8th-- December 15 range is going to be  
18 about the right number, but we are working on all of  
19 that and the idea is to try to get it done as quickly  
20 as we possibly can. You don't want to play  
21 brinksmanship either.

22 COUNCIL MEMBER POWERS: Okay. So,  
23 December. Thank you, guys. Thank you. I'll hand it  
24 back over.

25 EXECUTIVE DIRECTOR RYAN: Thank you.

2 COMMITTEE COUNSEL: Thank you. Next,  
3 we will hear from Council member Kallos. Council  
4 member Kallos, you may be again.

5 SERGEANT-AT-ARMS: Time starts now.

6 COUNCIL MEMBER KALLOS: Thank you, Chair  
7 Cabrera, for your leadership and for securing a  
8 promise from the Board of Elections to give concise  
9 answers to questions. I have four questions. I hope  
10 we can get through all of them in the time allotted.  
11 I want to thank you, executive director Mike Ryan for  
12 your support for local laws 65 of 2016 when it was  
13 first heard in 2015 and your recent implementation of  
14 the absentee ballot tracking system. Just a quick  
15 question. And the reason it took four years and  
16 didn't get implemented in time for the mayoral race  
17 in 2017, let alone for the presidential primary in  
18 June 2020?

19 EXECUTIVE DIRECTOR RYAN: Councilman, I  
20 think you are well versed in the reason and the  
21 reason was the entire online application portal  
22 process was tied to the signature requirement and it  
23 was not possible for us to do that until the  
24 signature requirement was resolved. It has now been  
25 resolved at least temporarily to be no longer an

2 essential element of the online application process.

3 So, it was by no lack of well, but it was due to lack  
4 of legal support for doing it.

5 COUNCIL MEMBER KALLOS: I appreciate the  
6 clear, concise answer and I have long been frustrated  
7 by Albany, as well. According to [inaudible  
8 00:58:16] and WNYC, the schools Chancellor, Richard  
9 Carranza, sent you a letter on September 11th, of all  
10 days, refusing to let the Board of Elections use 20  
11 school buildings and nine learning bridges location  
12 for early voting, as well as election day itself when  
13 I seem to recall that students will have the day off.  
14 What would be the impact on voters if those schools  
15 restrict access on election day when students won't  
16 be in the building?

17 EXECUTIVE DIRECTOR RYAN: So, first and  
18 foremost, I would like to thank the staff at the  
19 Department of Education for the very close working  
20 relationship that we have with the Board of Elections  
21 and a very good communication that we have at a staff  
22 level back and forth regarding these matters. The  
23 sites that are in question were designated on March  
24 15, as required by state law. They were used in  
25 June. 15 of the 20 locations that are schools have

2 entrances that are directly from those streets to the  
3 polling location and don't require traversing  
4 anywhere else. The NYCHA sites were also designated  
5 by the Board in June and I would suggest-- I'm  
6 sorry. In March. And I would, somebody was going  
7 and alternative views or location was as important as  
8 involving the safety and security of the students,  
9 that they would find out what else was going on in  
10 those locations before they moved forward with a plan  
11 to designate. That would've been, I think, a good  
12 operational way to handle it, but far be it from me  
13 to tell others how to run their shops. But, in any  
14 event, we cannot conduct early voting in the way that  
15 we want to while maintaining the social distancing  
16 and providing as many convenient locations for the  
17 folks to vote without these 29 sites. And it is past  
18 the hour by which we can move along. We have to set  
19 the sites-- the ballots up for those locations and  
20 the machines that are going to be deployed have to be  
21 tested. These are not photocopy machines that we can  
22 just move from office to office. System integrity is  
23 paramount with these things and we can't deploy  
24 machines that haven't been to bed. Then we worked  
25 very closely all year long, but most particularly,

2 from June to now with the staff of the Department of  
3 Education and everyone was going on and nobody told  
4 us that there is a problem. And I'd also say that I  
5 have a phone that works and getting a phone call on a  
6 Friday, instead of a letter, might've been a letter  
7 way to have that initial communication.

8 COUNCIL MEMBER KALLOS: If there's anything  
9 that we can help resolve that does not seem to be an  
10 ideal situation, I'm happy to discuss it further. I  
11 do have two additional questions. On August 24th,  
12 2020, Gov. Cuomo issued an executive order 202.58  
13 requiring the New York City Board of Elections to  
14 send staffing plans and meets the state Board of  
15 Elections by September 20th, so that the state board  
16 can assist in ensuring adequate coverage. Did you do  
17 so? Well you have enough staff particularly to get  
18 timely results when Trump may refuse to accept the  
19 results of the election? Along a similar vein, on  
20 September 9th, 2020, Gov. Cuomo issued Executive  
21 Order 202.61 that all boards should develop a plan to  
22 allow registered voters to drop off a completed  
23 absentee ballot without requiring they wait in line  
24 within person voters. Was that plan submitted to the  
25 Board of Elections by September 21st, 2020 as

2 requested? And will the absentee ballot drop off  
3 locations be announced--

4 SERGEANT-AT-ARMS: Time expired.

5 COUNCIL MEMBER KALLOS: and where will they  
6 be located?

7 EXECUTIVE DIRECTOR RYAN: Okay. So,  
8 very quickly, we will not comment on any candidate  
9 for political office, especially one during an  
10 election. Number one. Number two, the box to my  
11 left over here is an element of the dropping off the  
12 ballots contactless way. We are working with the  
13 State Board of Elections to finalize the plans for  
14 the staffing plans for postelection canvas and that,  
15 in some respects, will be dependent upon what  
16 additional space may be available to us because we  
17 are finalizing larger venues to do the postelection  
18 canvas process outside of traditional office  
19 locations in at least four of the five boroughs were  
20 going to try to do that.

21 COUNCIL MEMBER KALLOS: And just to be  
22 clear, regardless of the name of the person, so  
23 taking out the name of the person, do you support  
24 that if there is an election, the elected officials

2 should leave that office if they do not win that  
3 election?

4 EXECUTIVE DIRECTOR RYAN: That's not for  
5 me to say.

6 COUNCIL MEMBER KALLOS: Well, I think it  
7 is. [inaudible 01:03:06] I pledge, if I ever lose an  
8 election, to leave that office.

9 EXECUTIVE DIRECTOR RYAN: Well, I--

10 DEPUTY EXECUTIVE DIRECTOR SANDOW:  
11 [inaudible 01:03:13] the elections.

12 EXECUTIVE DIRECTOR RYAN: I'll make this  
13 pledge, Councilman. If you lose an election, I will  
14 call for you to leave office.

15 COUNCIL MEMBER KALLOS: Thank you.

16 CHAIRPERSON CABRERA: Council member  
17 Kallos, you have one last question if you--

18 COUNCIL MEMBER KALLOS: That was it. I'm  
19 good.

20 CHAIRPERSON CABRERA: What was that,  
21 Council member Kallos?

22 COUNCIL MEMBER KALLOS: I'm done despite  
23 our agreement of whether or not the President should  
24 leave office.

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2 CHAIRPERSON CABRERA: No. No. No. You  
3 know you had four questions. Just get the last one  
4 quick.

5 COUNCIL MEMBER KALLOS: I got my fourth  
6 question. Thank you.

7 CHAIRPERSON CABRERA: Beautiful. Thank  
8 you, Council member Kallos. We appreciated about the  
9 time. Very good questions. Any other Council  
10 members, counsel?

11 COMMITTEE COUNSEL: No. No other  
12 Council members. Feel free to further questions,  
13 Chair.

14 CHAIRPERSON CABRERA: Thank you so much.  
15 And, Director Ryan, thank you for giving me those  
16 concise answers. So, we're going to continue on that  
17 vein. So, I wanted to ask you is the absentee ballot  
18 tracking system only available to voters who request  
19 their ballots through the online portal?

20 EXECUTIVE DIRECTOR RYAN: No. It's  
21 available to everyone.

22 CHAIRPERSON CABRERA: To everyone.  
23 Fantastic.

24 EXECUTIVE DIRECTOR RYAN: And there's  
25 pertinent information that you would need in order to

2 be able to get the information, but it is available  
3 to everyone.

4 CHAIRPERSON CABRERA: And let me just  
5 say, personally speaking, that has put me more in an  
6 assurance mode, the fact that we have this tracking  
7 system. Everything is online and even the media has  
8 reported that, in certain places, it comes in in the  
9 box and then disappears. The tracking system, I  
10 commend the board for having this on. So, thank you.  
11 In August, the New York Times reported that the BOE  
12 put 34,000 ballots in the mail just one day before  
13 the June primaries. When does BOE expect to have all  
14 the absentee ballots mailed out for the November  
15 election?

16 EXECUTIVE DIRECTOR RYAN: It depends on  
17 when the voters send them to us. In the purpose of  
18 including the other numbers in my testimony was to  
19 show how many we got very, very close to election  
20 day. In June, we got-- from June 16th to June 21st,  
21 we got almost 80,000 paper applications that were  
22 processed and, despite that 34,000 number, it was  
23 really 26,000 and we arranged for our vendors to  
24 hand-deliver those to the post office. We've got to

2 stressed to the voters, all of us, get your  
3 applications in early.

4 CHAIRPERSON CABRERA: So, if you get it  
5 on election day, do you still mail it?

6 EXECUTIVE DIRECTOR RYAN: Any timely  
7 application we get, we mail. We have to, by law.  
8 Even if we know that it's not going to get to the  
9 voter, we have to do it. We don't get to pick and  
10 choose.

11 CHAIRPERSON CABRERA: Got it. All right.  
12 How many absentee job boxes will be available at each  
13 polling site? In other words, can there be more than  
14 one?

15 EXECUTIVE DIRECTOR RYAN: Right. So,  
16 right now, the plan is to have one and to have it  
17 adjacent to the information table.

18 CHAIRPERSON CABRERA: Just one. Okay.  
19 And do think that is enough?

20 EXECUTIVE DIRECTOR RYAN: Yes. Because  
21 we have a process in place for those boxes to be  
22 emptied by a bipartisan team throughout the day, so  
23 that box will never fill up.

24

25

2 CHAIRPERSON CABRERA: So, once a job box  
3 will be filled to capacity, you will have a  
4 bipartisan team--

5 EXECUTIVE DIRECTOR RYAN: Correct.

6 CHAIRPERSON CABRERA: that comes in.

7 EXECUTIVE DIRECTOR RYAN: On the top of  
8 this box here-- and I know it is going to be  
9 difficult to see-- there will be a red seal like the  
10 red seals that are on the voting machines. And when  
11 we have to deal with the voting machine on election  
12 day, that Bransfield can be cut and the number is  
13 written down with the barcode and it's taken care of  
14 by a bipartisan team. If we have to do that for  
15 election day, we will have a red seal here. That red  
16 seal will be cut and then a new red seal will be put  
17 on. And then there's backdoor slides up and down and  
18 you can see on the backside it is clear. So, the  
19 side that faces the public will be private. The side  
20 that faces the staff will have a clear window so that  
21 they will be able to see if the bin is filling up.

22 CHAIRPERSON CABRERA: And their taken of  
23 the central office by who?

24 EXECUTIVE DIRECTOR RYAN: Yes. So,  
25 there is already a process in place for the

2 collection of absentee ballots and we've been doing  
3 it for years. They go into an envelope and, in this  
4 case, maybe envelopes, and then all of that is kept  
5 locked until the end of the voting day, whether it's  
6 early voting or election day and then the New York  
7 City Police Department transports all ballot  
8 materials from the poll sites to the board offices.  
9 And then they are dealt with accordingly at the  
10 offices.

11 CHAIRPERSON CABRERA: Okay. Under new  
12 state law, voters whose absentee ballots have a  
13 defective or a missing signature will be able to cure  
14 the defect, as you mentioned, by submitting a new  
15 affirmation. How does the board plan to notify  
16 voters that the ballot has a curable defect? Will  
17 the board expect to be able to notify most voters by  
18 email or phone? If the board contacts a voter via  
19 email, would it take steps to ensure the email has  
20 been received and could you please describe the  
21 board's plan for processing the affirmation it  
22 receives?

23 EXECUTIVE DIRECTOR RYAN: So, we're  
24 still in the process of finalizing that. Keep in  
25 mind, we only got the details of this last Friday,

2 although it's been brewing for a while. So, there's-  
3 - as you indicated, there's an email process and  
4 then there's a series of phone calls that need to be  
5 made and a mailer that needs to be made. So, we're  
6 automating the mailer so that we can off load that  
7 administrative responsibility from the Borough  
8 offices. We will have a centralized email and the  
9 phone calls will have to be done by the individual  
10 office.

11 CHAIRPERSON CABRERA: Great. Let me now  
12 move on to the election results. When will the board  
13 begin tallying absentee balance after the November  
14 election?

15 EXECUTIVE DIRECTOR RYAN: So, in some  
16 respects, that depends on when we get the  
17 notification from the state Board of Elections that  
18 it is okay to commence because all of the voter  
19 history for all 62 counties in New York must be  
20 completed before we can tally affidavit and absentee  
21 ballots. So that if somebody voted in one county on  
22 the machine and they voted in another county either  
23 by absentee or affidavit, that vote, the affidavit  
24 can't count and the absentee can't count. So, we are  
25 going to have to get the information from the state

2 Board of Elections which we are supposed to get  
3 within 48 hours and then you would figure would be on  
4 the order of the normal five days from election day  
5 to the day that we start opening. Keeping in mind  
6 that we will also probably have less numbers of  
7 contests that require photocopies of ballot  
8 envelopes, which was a big chunk of the slowdown in  
9 June.

10 CHAIRPERSON CABRERA: Got it. What was  
11 the percentage of the votes to as the Board expect to  
12 have counted when new reports and unofficial results  
13 on election night?

14 EXECUTIVE DIRECTOR RYAN: Well, we will  
15 process, you know, on the order of 96-97 percent  
16 always of what's on the machine and then we'll have a  
17 better sense of how much of the overall percentage  
18 that's going to be because we'll have close to final  
19 absentee numbers the closer we get to election day.

20 CHAIRPERSON CABRERA: Do you think it  
21 will resemble what we just saw in June? That  
22 percentage? I know you are guesstimating, but--

23 EXECUTIVE DIRECTOR RYAN: We are seeing  
24 a lot of requests now. But also, Councilmember, you  
25 also have to remember that just because somebody

2 requested an absentee ballot doesn't mean they are  
3 going to return it.

4 CHAIRPERSON CABRERA: Exactly.

5 EXECUTIVE DIRECTOR RYAN: And they also  
6 may vote which would then take them off-- It  
7 wouldn't relieve us of the administrative burden of  
8 processing their application and sending them a  
9 ballot, but it would ultimately invalidate their  
10 ballot, but for a good reason. The good reason would  
11 be that they already voted.

12 CHAIRPERSON CABRERA: Mike, let me ask  
13 you a question. Getting back to Council member  
14 Powers question, isn't it better just to tell  
15 everybody to put three stamps on the envelope. That  
16 way there is no question that it is going to get  
17 there? It actually saves you, you know, later  
18 headache. It is just as safe mode. You know, were  
19 talking about--

20 EXECUTIVE DIRECTOR RYAN: So, we  
21 discussed that administratively. And we print out  
22 millions of envelopes. Keep in mind, that for  
23 everyone request, it is three envelopes. Right? And  
24 so, one of those envelopes is the return envelope.  
25 The cost of postage will vary from election to

2 election and so we have a form ballot envelope that  
3 we want to be consistent from election to election.  
4 And then it is going to vary in this election from  
5 Borough to Borough. And with the advent of ranked  
6 choice voting, that variation may even be further if  
7 there is two and three page ballots.

8 CHAIRPERSON CABRERA: I get that, Mike.  
9 But we know that if you put three stamps, regardless  
10 of the size, it is going to get there. I don't see  
11 people pay more than-- you know, needing more than  
12 three stamps. So, the safe mode is to tell everyone,  
13 you know, put three stamps and you are safe.  
14 Because, you know, the average person is not going to  
15 go to the post office to get it waited. Yeah. They  
16 just go to their early voting site and go voter just  
17 put it in there.

18 EXECUTIVE DIRECTOR RYAN: I think what  
19 we can do is ask this question of the post office and  
20 see if there is a reasonable message that we can  
21 share, you know, on our website. I don't want to do  
22 anything that is going to mislead anybody either.

23 CHAIRPERSON CABRERA: Yeah. No.  
24 Definitely. And I will tell you that, if you had  
25 that on the record, then, you know, it is out of your

2 hands and now it is in the post office. You know?

3 They're the ones who would get the blame if something

4 were to go wrong. Right? Okay. Cyber security.

5 Briefly, what kind of measures do we have in place?

6 EXECUTIVE DIRECTOR RYAN: So, this will

7 be very brief. We work very closely with the cyber

8 command office in New York City as well as all levels

9 of government state Board of Elections, the

10 Department of Homeland Security both on the federal

11 and state level, as well as the FBI in the NYPD and

12 we are buttoned down and we are doing everything we

13 can, as well as everyone else is doing everything we

14 can to make sure that that is secured.

15 CHAIRPERSON CABRERA: Do you have people

16 try to infiltrate lately?

17 EXECUTIVE DIRECTOR RYAN: So, it's the

18 board's policy not to discuss any matters of cyber

19 security issues--

20 CHAIRPERSON CABRERA: Got it.

21 EXECUTIVE DIRECTOR RYAN: in a public

22 forum.

23 CHAIRPERSON CABRERA: I fully understand.

24 Really quickly, if you can give me some numbers. How

25

2 many poll workers does the BOE typically higher for  
3 presidential elections?

4 EXECUTIVE DIRECTOR RYAN: North of  
5 37,000.

6 CHAIRPERSON CABRERA: 37,000. How many--

7 EXECUTIVE DIRECTOR RYAN: And last time  
8 I think we have 42,000 in the presidential.

9 CHAIRPERSON CABRERA: Okay. How many  
10 poll sites interpreters does it typically hire?

11 EXECUTIVE DIRECTOR RYAN: It depends on  
12 the borough, but we certainly meet our interpreter  
13 requirements. I typically get those informations  
14 based on the percentage of vacancies, not on the  
15 overall number.

16 CHAIRPERSON CABRERA: Got it. Okay.

17 EXECUTIVE DIRECTOR RYAN: And so, we  
18 usually fill them without too much issue going up to  
19 election day, sometimes. Although we have got an  
20 more response. We've made some outreach. In the  
21 past, we had problems getting Korean interpreters in  
22 Queens, but that situation is greatly improved.

23 CHAIRPERSON CABRERA: So, how many poll  
24 workers are we sure as of today?

2 EXECUTIVE DIRECTOR RYAN: As of today,  
3 we're not sure. We're in the process of training and  
4 we have gotten a very, very good response to our  
5 overall outreach.

6 CHAIRPERSON CABRERA: That's great to  
7 hear. Would the borough offices be capable of  
8 processing the large number of new applications in  
9 time for poll worker training and--

10 EXECUTIVE DIRECTOR RYAN: We--

11 CHAIRPERSON CABRERA: on election day?

12 EXECUTIVE DIRECTOR RYAN: For poll  
13 workers?

14 CHAIRPERSON CABRERA: Yes. For the  
15 training including early voting and election day. I  
16 know you're going to use a lot of the people who  
17 already have the experience for early voting--

18 EXECUTIVE DIRECTOR RYAN: Right.

19 CHAIRPERSON CABRERA: in the most  
20 experienced people, but are we able to get it all  
21 done in time?

22 EXECUTIVE DIRECTOR RYAN: So, the answer  
23 is yes and we have gone to some nontraditional  
24 locations to provide larger space so that we could  
25 maintain social distancing, as well.

2 CHAIRPERSON CABRERA: That's great. Is  
3 there an application process infrastructure at the  
4 central office and, if so, is the infrastructure at  
5 the central office able to process the applications  
6 received by their borough offices?

7 EXECUTIVE DIRECTOR RYAN: So, we push  
8 people to the election day worker.com portal, so it  
9 has really streamlined the paper application process  
10 and, Ms. Sandow actually spearheaded an effort with  
11 our staff and NYCAPS to do--

12 DEPUTY EXECUTIVE DIRECTOR SANDOW: A  
13 data file.

14 EXECUTIVE DIRECTOR RYAN: a data file so  
15 that we can do the social security number screenings  
16 very quickly. That used to be a one by one process  
17 and now we're doing them in batches of 10,000.

18 CHAIRPERSON CABRERA: And for the 17-  
19 year-old, where do they apply and when would the  
20 application for the student poll worker be available?

21 EXECUTIVE DIRECTOR RYAN: So, they apply  
22 also through electiondayworker.com.

23 CHAIRPERSON CABRERA: That's available  
24 already, right?

2 EXECUTIVE DIRECTOR RYAN: It's already  
3 available and it's available all year round. It just  
4 really gets attention as the election events are  
5 showing up. Coming up.

6 CHAIRPERSON CABRERA: I'm glad we  
7 mentioned that today. Awesome. There are multiple  
8 national and local advocacy organizations promoting  
9 poll worker hiring opportunities. Some of these  
10 outreach efforts are coordinated with the city BOE.  
11 Our applications from third-party portals being  
12 routed to the board?

13 EXECUTIVE DIRECTOR RYAN: So, there was  
14 a national effort and I had spoken with Ms. Lorna  
15 from Common Cause and we are supposed to be getting a  
16 spreadsheet with additional workers. I was out of  
17 the office yesterday morning and I did not check my  
18 emails yet today for that particular thing. I might  
19 have it already, but it was supposed to be coming  
20 within the last few days in the form of an Excel  
21 spreadsheet of additional individuals.

22 CHAIRPERSON CABRERA: How many poll  
23 worker trainings have you had since March?

24 EXECUTIVE DIRECTOR RYAN: Well, since  
25 March it is actually been since now. And it is

2 underway and I would have to check with each  
3 individual borough. And we are also doing an  
4 enhancement with an online training process,  
5 particularly for poll workers who have already worked  
6 with us numerous selections.

7 CHAIRPERSON CABRERA: If your staff could  
8 send over that info, that would be really helpful.  
9 How is the BOE supporting disabled voters?

10 EXECUTIVE DIRECTOR RYAN: We actually  
11 got praised by the disability rights advocates for  
12 our quick response to the requirement for ADA  
13 accessible ballots in the June election and they  
14 pointed to the city of New York, DRA did, as a model  
15 for how these absent-- these applications should be  
16 processed. In June, we processed 44 ADA applications  
17 and we are already over 100 such applications.

18 CHAIRPERSON CABRERA: And thank you so  
19 much, Director Ryan, for that and continuing to  
20 moving quickly on that. What about those who don't  
21 have their own printers and don't have legal size  
22 paper?

23 EXECUTIVE DIRECTOR RYAN: Well, for the  
24 ADA, are you saying?

2 CHAIRPERSON CABRERA: Yes. Yes.

3 [Inaudible 01:20:20] electronic ballots?

4 EXECUTIVE DIRECTOR RYAN: We have the  
5 ballot marking devices at the poll's sites, but we--

6 DEPUTY EXECUTIVE DIRECTOR SANDOW: And  
7 the general office.

8 EXECUTIVE DIRECTOR RYAN: And at our  
9 general office. At our borough offices. But we did  
10 exactly what was asked to be done as a settlement of  
11 a lawsuit that was filed against the state Board of  
12 Elections. So, whatever process we are following for  
13 the ADA accessible ballots, we're following it  
14 because there was a settlement on a lawsuit by the  
15 advocacy groups and the state board.

16 CHAIRPERSON CABRERA: So, could trusted  
17 organizations provide support in printing and  
18 delivery of ballots?

19 EXECUTIVE DIRECTOR RYAN: I'm sorry?  
20 You came in a little muffled.

21 CHAIRPERSON CABRERA: Sure. Sorry.  
22 Could trusted organizations be provided-- provide  
23 support in printing and delivering ballots?

24 EXECUTIVE DIRECTOR RYAN: No. That  
25 needs to happen under the umbrella and under the

2 offices of the Boards of Elections throughout the  
3 state.

4 CHAIRPERSON CABRERA: Okay. Nursing  
5 homes quickly and the OC facility. How is the BOE  
6 ensuring that individuals living in nursing homes  
7 have access to absentee ballots in a timely manner  
8 and will the BOE provide an on site pickup of  
9 completed ballots?

10 EXECUTIVE DIRECTOR RYAN: The state  
11 Board of Elections completed the ballots on September  
12 the 9th and the following week, the Board of  
13 Elections met its obligations with respect to  
14 militaries oversees and nursing home residents and  
15 mailed out all of the applications that we had  
16 received to date to all of those folks.

17 DEPUTY EXECUTIVE DIRECTION SANDOW: And  
18 permanent.

19 EXECUTIVE DIRECTOR RYAN: Oh. And the  
20 permanent absentees, as well. Correct.

21 CHAIRPERSON CABRERA: That's great to  
22 hear. How is the city BOE ensuring that justice  
23 involved individuals in city jail have access to  
24 absentee ballots, when eligible, and how is BOE

2 coordinated with the Department of Corrections to  
3 ensure timely ballot casting?

4 EXECUTIVE DIRECTOR RYAN: So, in the  
5 past, we had received the, you know, requests for the  
6 Department of Corrections with respect to, you know,  
7 assisting them. We set up a process several years  
8 ago and, quite frankly, it hasn't bubbled to the  
9 surface, at least, to me in that time. And so my  
10 response to things like this is, if it's not coming  
11 to me as a problem, then the process that we  
12 established must be effective and working because I'm  
13 sure, if there was an issue, we'd hear about it.

14 CHAIRPERSON CABRERA: Okay. So, let me  
15 come to-- Let's go to post size real quickly.  
16 [inaudible 01:23:01] negotiation with any cultural  
17 institution to serve as early voting locations?

18 EXECUTIVE DIRECTOR RYAN: Yes. We have  
19 forged some partnerships with some of the cultural  
20 institutions and that's a great thing and I think  
21 some of them have been pleasantly surprised at what a  
22 boon to their institution, having people come in and  
23 see what they have to offer has been. I will say  
24 this. And I'm not going to publicly call out anyone,  
25 but, you know, you folks are-- you have your

2 districts. You know your districts. There have been  
3 some cultural institutions that exist largely with  
4 respect to tax breaks and government funds that have  
5 been less than charitable when it comes to hosting an  
6 election, whether it be for early voting or for  
7 election day. If we want this process to work, we  
8 need all of the players to chip in and, quite  
9 frankly, a lot of the cultural institutions have  
10 really not been good neighbors.

11 CHAIRPERSON CABRERA: One of the most  
12 sacred process for democracy to take place in this  
13 country of ours is the elections. My hope is that  
14 there will be a change of heart with these  
15 organizations and we, literally, are going to have  
16 to, at one point, call them into action, positive  
17 action to open the doors especially since they're  
18 getting city funding, state funding and, at times,  
19 federal funding. Would the board eventually offer  
20 universal polling locations for early voting or will  
21 they continue to assign poll sites based on voter's  
22 home address? And I know, Director Ryan, we have  
23 spoken about the challenge that the machines only  
24 have a certain amount of memory and this is why it  
25 makes it impossible at this point, but do you foresee

2 maybe later on-- obviously not for the November  
3 election-- that, you know, we could upgrade these  
4 machines and the state could help us in this manner?

5 EXECUTIVE DIRECTOR RYAN: I think that  
6 questions might be better posed to a later panelist  
7 because we can only use the equipment that's  
8 certified to use and the-- right now, I am certain  
9 that the ballot marking device is a good device in  
10 it's day, but its day has passed. And it doesn't  
11 meet the needs of a city with the volume of voters  
12 that we have and with the diversity that we have  
13 because one of the main challenges is the  
14 insufficient memory capacity to support the audio  
15 files that are required to be on those machines so  
16 that our blind voters can have the ballot read to  
17 them or sight challenged can have the ballot read to  
18 them. Those audio files take up a lot of room and  
19 there's insufficient memory on those machines to be  
20 able to read all of the various ballot styles that  
21 are required for each location. And that's why we're  
22 still in this regionalized early voting scenario. If  
23 we can overcome that challenge, I think that the  
24 board would like nothing less than to put that issue

2 to bed and move onto some other issues and make  
3 voting as convenient as we can for all the voters.

4 CHAIRPERSON CABRERA: Mike, you know for  
5 the June primary, some voters had their election  
6 booth poll sites changed at the last minute. Does  
7 the board expect last minute poll site changes for  
8 the November election and how would the board inform  
9 voters when their poll site has changed if they do  
10 change?

11 EXECUTIVE DIRECTOR RYAN: So the answer  
12 is we never expect last minute poll site changes, but  
13 they do happen and, in June, one of the main  
14 challenges, which does not seem to be presenting  
15 itself to us now, is we had a lot of places that  
16 weren't having any employees report to work. And we  
17 couldn't get people on the phone to confirm whether  
18 or not their sites were even going to be open for  
19 June. That has lessened throughout the summer and  
20 really isn't presenting a challenge. But if we do  
21 have an emergency poll site move like we did a few  
22 years back when JFK School had a gas leak or  
23 something, we have to move it and then we send out--  
24 the system generates, once that poll site move is  
25 processed, the system generates a notification to the

2 voter that gets mailed, but it is also available on  
3 the social media platforms as well as on our website.

4 CHAIRPERSON CABRERA: And we're almost  
5 done with the questions here, but I really need to  
6 talk about the BOE's budget. As you know, the BOE's  
7 fiscal 2021 adopted budget totals 135+ million  
8 dollars and does not include funding for early voting  
9 which was budgeted as 75 million for fiscal 2020.  
10 How much funding does BOE need to cover all expenses  
11 for early voting? Have you had conversations with  
12 OMB about it? What steps have you taken to make sure  
13 that estimated costs associated with early voting got  
14 covered for the November general election and do you  
15 anticipate BOE he will receive state and federal  
16 funding to cover operation costs associated with  
17 early voting in fiscal 2021?

18 EXECUTIVE DIRECTOR RYAN: So, on the  
19 last one, with respect to state and federal funding,  
20 to the extent that there are grant packages available  
21 for state and federal, we participate. And we  
22 complete all of that paperwork. Any of that money  
23 would not then come back to the Board of Elections  
24 general fund of the city of New York. So, most of  
25 those are on a reimbursement basis. So, with respect

1 to your first question, at the end of the fiscal year  
2 last year, by the end of the fiscal year last year,  
3 given the number of canceled elections and the  
4 adjustments that were made, the city Board of  
5 Elections returned the mid-40s. about 45 million  
6 dollars back to the coffers of the city of New York  
7 to be responsible fiscal partners with the city. The  
8 first cut was about \$31 million and then we did about  
9 12 or 13 more million after that, if my memory serves  
10 me correctly. And the Office of management and  
11 budget was very appreciative of that. So, we all  
12 know that the city is facing daunting fiscal  
13 challenges, so the process that we have worked out  
14 with the Office of Management and Budget is we are  
15 not in a typical budgeting year where you would get a  
16 certain amount of money and spend against it, so that  
17 we are not making obligations that end up not being  
18 utilized. And we are working with them in they are  
19 being informed of our expenditures and we are more or  
20 less operating, as I understand it, on a pay-as-you-  
21 go. So, money is not an issue for us in that sense,  
22 but I think we are there and that OMB justice to be  
23 there because we did our part to bail the city out of  
24

2 its fiscal difficulties towards the end of the fiscal  
3 year last year.

4 CHAIRPERSON CABRERA: Right. And let me  
5 just close by asking, regarding ring choice voting,  
6 can the board provide an update on its preparation  
7 for implementing ranked choice voting? Has the board  
8 procured the necessary tabulation software? If so,  
9 can you give us any specifics regarding what software  
10 was selected and what other steps do you need to take  
11 to ensure that, in times of special elections in  
12 2021, we are ready for ranked choice?

13 EXECUTIVE DIRECTOR RYAN: The other  
14 steps first. That is going to involve a public  
15 education plan. We engaged in a very effective  
16 public education plan for early voting which brought  
17 in all of the good government groups and other  
18 interested parties into the process so that we could,  
19 essentially, test our messaging and get feedback as  
20 to whether it was going to be effective. The early  
21 voting messaging was effective and, again, I had a  
22 conversation with Ms. Lerner recently and advised  
23 that we intend to engage in that same process for  
24 ranked choice voting so that, when we put our message  
25 out, it will be as effective as we can possibly make

2 it. And then partner to everyone to help share the  
3 load of distributing the message. With respect to  
4 the ranked choice voting we submitted-- we timely  
5 submitted the report that was required to the Mayor  
6 and to the Speaker of the city Council. I believe I  
7 shared a copy of that with the Chair of this  
8 committee. We had a recent conversation within the  
9 last several days with the executive staff at the  
10 state Board of Elections regarding the process of  
11 vetting potential vendors and how we move forward.  
12 So, the software that we need is not overly  
13 complicated, right? It's going to be a question of  
14 getting software that can take the election results  
15 and run the election results through the software so  
16 that the algorithm appropriately assigns the votes to  
17 the individual candidates. The vendor that we  
18 currently have has such a system, but we want to  
19 explore other options and we are working with the  
20 state Board of Elections to get a final answer on  
21 whether or not the state board will be required to  
22 either do an approval process similar to what was  
23 done with the poll pads or whether it is going to be  
24 a full certification. And depending on which way the  
25 state board plans to go in that regard, that will

2 adjust to what we do moving forward. But I can tell  
3 you we have discussed the various options and we  
4 have, you know, preference. You know, some backup  
5 contingency plans in the event that the procurement  
6 process is not completed by the time that we conduct  
7 our first ranked choice voting contest which, with  
8 all of the rumors that are going around in the city,  
9 it looks like it's getting closer and closer from the  
10 June date.

11 CHAIRPERSON CABRERA: Let me ask you a  
12 question. Why not use the software from the ESNS?

13 EXECUTIVE DIRECTOR RYAN: So, we want to  
14 make sure that we are using the most effective and  
15 most up-to-date version of the software and, since it  
16 is not something that we have a particular area of  
17 expertise in, we didn't just want to default and,  
18 essentially, take the lazy way out and say , if we  
19 run out of time and, as a backup, we have to use the  
20 ESNS version-- and I'm not saying there's anything  
21 wrong with it. We just don't have any other basis of  
22 comparison.

23 CHAIRPERSON CABRERA: Got it.

24 EXECUTIVE DIRECTOR RYAN: And so, the  
25 other thing that, you know, we have discussed is, if

2 we used an outside software, it will serve like a  
3 quasi-audit becomes you'll have a completely  
4 independent software not related to the tabulation  
5 system. Now, it won't be a legal audit and it won't  
6 have any authority in that regard, but it will give  
7 us, potentially, greater confidence that it was done  
8 accurately.

9 CHAIRPERSON CABRERA: Mike, Dawn, thank  
10 you so much for your testimony. Thank you for your  
11 answers to this voluminous amount of questions that I  
12 had. We'll have a few more that I'll send to you and  
13 if you could get back to the ones that you didn't  
14 have readily available. I know you have a challenge  
15 before you. I know that the good news is you have  
16 more time now to do-- here in crunch time now. 30  
17 days to do what you had to do last time back in June.  
18 So, we're looking forward to working together.  
19 Whatever we can be of support, please let us know.  
20 We want to make sure that no one candidates  
21 disenfranchised during this voting season and it will  
22 be an expeditious and as efficient as possible. And  
23 so, with that, I am going to turn it now to our  
24 moderator, committee counsel, because we have other  
25 testimonies coming.

2 EXECUTIVE DIRECTOR RYAN: Thank you.

3 CHAIRPERSON CABRERA: Thank you.

4 COMMITTEE COUNSEL: Thank you, Chair.

5 next, we will hear testimony from Amy Loprest,  
6 Executive Director of the Campaign Finance Board.  
7 Executive Director Loprest, you may begin when ready.

8 EXECUTIVE DIRECTOR LOPREST: Good morning,  
9 Chair Cabrera and members of the Committee on  
10 Governmental Operations. My name is Amy Loprest and  
11 I am the executive director of the New York City  
12 Campaign Finance Board. Thank you for the  
13 opportunity to testify on the administration of the  
14 June primary election in New York City. In the  
15 middle of the COVID-19 pandemic, the New York City  
16 Board of Elections was tasked with administering an  
17 election, building an absentee ballot infrastructure  
18 for all voters in a society where, historically,  
19 boats are mostly cast in person presented a massive  
20 administrative burden for the Board of Elections.  
21 The Board of Elections had no clear guidance from the  
22 federal government about how to safely conduct an  
23 election and dealt with last-minute administrative  
24 changes from the state legislature, Gov., and New  
25 York State Board of Elections. The BOE and its staff

2 should be applauded for their hard work throughout  
3 these trying circumstances and for detecting a safe  
4 and socially distanced election. As you know, the  
5 CFB is mandated by the New York City charter to  
6 encourage and facilitate voter registration and  
7 voting by all eligible residents of New York City and  
8 particularly among underrepresented populations.  
9 Since the onset of the COVID-19 pandemic, we have  
10 focused on providing New Yorkers with accurate  
11 election information. As of the date of the  
12 election, the voting method, what races would be on  
13 the ballot, and other factors were constantly  
14 changing to reflect state legislation, breaking court  
15 decisions, and executive orders issued by Gov. Cuomo.  
16 In order to respond to these constant changes, the  
17 CFB, along with the Mayor's Democracy and wise the  
18 initiative formed and elections Consortium with good  
19 government groups, community-based organizations, and  
20 voting advocates to disseminate accurate and  
21 consistent information to voters. Our analysis shows  
22 that the community is the hardest hit by COVID-19 are  
23 the same neighborhoods were turned out is  
24 historically lower. We are working to ensure that  
25 these same communities are engaged for the November

election. The CFB expects voter turnout to reach 70 percent in November, meaning as many as 3.3 million New Yorkers will cast a ballot this fall. With paper-based registration options less liable throughout the pandemic and no universal voter registration for a New York City voters, NYC Votes has teamed up with Turbo Vote to create a platform to get more New Yorkers registered to vote and does not require access to a printer. The Turbo Vote platform is simple and easy to use, and we hope it will allow many New Yorkers to register and change the registration ahead of the October 9th registration deadline. It is essential that we continue to provide New Yorkers with up-to-date and accurate information. In an election year filled with uncertainty and misinformation. With no end to the pandemic insight, we can use our experiences from the June primary election and apply them to November and beyond. We have heard from voters at our July 1st Voters Assistance Advisory Committee hearing about their experiences voting in June. Many voters noted their frustration regarding the absentee ballot process. Thankfully, the BOE and state legislature had already taken steps to improve this process ahead

2 of the November election. Many absentee ballots were  
3 invalidated due to the issues not entirely the fault  
4 of the voter such as Postal Service delays or  
5 inconsistent post marking procedures. Voters have  
6 also indicated on social media that they did not have  
7 a way of fixing absentee ballots that were  
8 invalidated for not having a signature or being in  
9 properly sealed. Others mentioned that election law  
10 did not allow the BOE flexibility to count ballots  
11 that were mailed timely, but did not have a postmark.  
12 The state legislature address these concerns by  
13 passing legislation requiring the BOE to accept  
14 ballots missing a postmark and received the day after  
15 the election. And permitting voters to fix an  
16 invalid absentee ballot. These are vital pieces of  
17 legislation that make the absentee ballot clearer for  
18 the BOE while also helping voters ensure their vote  
19 is counted. And we congratulate all the state  
20 legislatures-- legislators, many from New York City,  
21 who helped make those laws a reality. Many voters  
22 that are [inaudible 01:41:00] hearings said that they  
23 had submitted an application and never received an  
24 absentee ballot or their ballot arrived too late to  
25 send back to the BOE. The BOE has independently

2 taken steps to improve the experience of voting by  
3 absentee ballot. Alongside their excellent online  
4 absentee ballot request portal, they have recently  
5 implemented an online absentee ballot tracking system  
6 that allows voters to track the status of their  
7 absentee ballot. The tracking website will allow  
8 voters to have up to date information about when  
9 their absentee ballot application was received and  
10 processed and the date the BOE mail their absentee  
11 ballot. Through the tracking systems, voters will  
12 now be able to proactively address issues related to  
13 their absentee ballot requests. Also, as a result of  
14 the new state law allowing voters to fix certain  
15 invalidated absentee ballots, the BOE's tracking  
16 system will also indicate whether a voter's ballot  
17 was accepted as valid or invalid. Previously, voters  
18 would have to call the BOE office for this  
19 information. Providing this information online is an  
20 enormous improvement for the voter and save time on  
21 the phone for BOE staff, as well. This level of  
22 transparency gives voters information that will help  
23 them advocate for themselves and make sure their vote  
24 is counted. The BOE has also introduced specially  
25 created absentee ballot boxes that will be located at

2 every early voting and election day poll site and  
3 every BOE office. Voters will now have more  
4 flexibility with regard to transmitting their  
5 absentee ballot to the BOE, given that the United  
6 States Postal Service, as indicated, expect a huge  
7 volume of election related mail. Many voters have  
8 also voiced their concerns regarding the uncertainty  
9 and lack of trust regarding the USPS. Physical  
10 absentee ballot boxes allow voters this in person  
11 delivery option which so ensuring limited exposure  
12 for other voters and poll workers. These changes  
13 will make the process more efficient and transparent  
14 which will hopefully limit the number of questions  
15 that BOE receives in the weeks leading up to the  
16 election and vastly improves the absentee ballot  
17 process for New Yorkers. While the record-breaking  
18 number of voters chose to vote via absentee ballot in  
19 June, majorities still chose to vote in person on  
20 election day. The BOE has done a great job of  
21 publicizing poll worker recruitment efforts to  
22 reflect the increased turnout in November. They are  
23 in the process of training these new poll workers.  
24 It is vital that poll workers are properly and  
25 completely trained on how to interact with voters

2 ahead of election day. We believe that early voting  
3 is the safest and most effective way for New Yorkers  
4 to cast a ballot in person. The CFB, through our New  
5 York City Election Consortium, cofounded with the  
6 Mayor's Office of Democracy NYC initiative, are  
7 planning a robust advertising and social media  
8 campaign to encourage early voting. Early voting  
9 provides a chance for voters to properly socially  
10 distance and minimize the wait time associated with  
11 presidential elections. Assuring the ballot it is  
12 accessible to all New Yorkers must remain a priority.

13 [Inaudible 01:43:59] hearings voters with  
14 disabilities testified that accessible absentee  
15 ballot was burdensome and required voters to own a  
16 printer and obtain legal printing paper. While the  
17 June election was the first time and accessible  
18 absentee ballot was available, we encourage the state  
19 BOE to improve the accessible absentee ballot process  
20 for voters with disabilities to better meet voters  
21 needs that allow accessible means to receive, Mark,  
22 and submit an absentee ballot privately and  
23 independently from home. The state legislator and  
24 BOE have taken significant steps to improve the  
25 electoral process ahead of the November election

2 based on what we saw in June. Under historically  
3 different circumstances, the BOE has found ways to  
4 deliver meaningful administrative solutions to  
5 challenges that could not have been predicted when  
6 2020 started. The work is not yet done, but they  
7 have made changes that will make a practical  
8 difference for voters in the fall. The work has not  
9 gone unnoticed and we hope to work with them to  
10 further improve the absentee ballot voting process  
11 for future elections. While this hearing is  
12 dedicated to the 2020 election, I would like to add  
13 that we have fielded many questions about the CFB's  
14 plans for ranked choice voting voter education and  
15 outreach for the 2021 elections. We have created a  
16 planning roadmap and have already begun preparing  
17 content. Our staff will use 2020 to conduct research  
18 and create materials to roll out to our community  
19 partners in early 2021 including a trainer  
20 presentation, tool kit, one pager, and voter FAQ.  
21 And an explainer video about why this new method of  
22 voting benefits voters. We will also work with our  
23 partners in the New York City Election Consortium to  
24 create a field plan for community outreach to be sure  
25 we can effectively educate every community in advance

2 of the first ranked choice voting election. Thank  
3 you for the opportunity to provide testimony today.  
4 I am happy to answer any questions you might have.

5 CHAIRPERSON CABRERA: Thank you so much.  
6 I only have two quick questions. I think I got ahead  
7 of the counsel of the committee. Did I, CJ?

8 COMMITTEE COUNSEL: Feel free to  
9 proceed.

10 CHAIRPERSON CABRERA: Thank you.  
11 Director Loprest, thank you for all that you do.  
12 Thank you for your leadership and the Campaign  
13 Finance Board, CFB. I only have literally actually  
14 just one question. You did so good in your  
15 presentation, you literally answered my questions.  
16 And it comes down to OMB. Have you had discussion  
17 with OMB regarding the current budget shortfall for  
18 CFB?

19 EXECUTIVE DIRECTOR LOPREST: Yes. We've  
20 adapted-- I mean, as with everyone in the city, we  
21 know that the budget shortfall is a serious matter  
22 and we have adjusted and adapted our plans to meet  
23 the changes to our budget that were adopted by the  
24 Council and implemented by OMB. So we are ready to  
25 continue to do the good work that we do, perhaps in a

2 reduced way, but we are certainly preparing to do the  
3 voter education and outreach and the work that we do  
4 for the candidate says we have always done in all  
5 past elections.

6 CHAIRPERSON CABRERA: So, we are fully  
7 confident that you'll have the funding for the  
8 matching program that is going to be taking place?  
9 In light of the fact that we have so many elections  
10 next year, do you feel confident?

11 EXECUTIVE DIRECTOR LOPREST: Yes. As you  
12 know, there are special powers in the charter,  
13 provisions of the charter, allowing for protection of  
14 the public fund. We requested the public funds from  
15 OMB. We are providing them with quarterly estimates  
16 of what we expect to need for each quarter in the  
17 terms of public funds and the results of special  
18 budgetary authority in the charter that allows us to  
19 require the Department of Finance and OMB to provide  
20 additional public funds within a short period of time  
21 if the need ever arises. But as we anticipate,  
22 preparing for the 2021 elections and the series of  
23 special elections that will likely occur in 2021  
24 before the June primary, we will be adjusting our  
25 estimate and providing those estimates to OMB in

2 advance of the first early payment that will happen  
3 on December 15 of this year.

4 CHAIRPERSON CABRERA: Wow, thank you so  
5 much. I'm going to turn it over now back to  
6 committee counsel in case there's any other questions  
7 by my colleagues. If not, we will go to the next  
8 panelist. But thank you again.

9 EXECUTIVE DIRECTOR LOPREST: Thank you very  
10 much.

11 COMMITTEE COUNSEL: Thank you, Chair.  
12 As the Chair mentioned, we will now turn to Council  
13 member questions. Council members, if you would like  
14 to ask a question and then you have not yet raised  
15 your hand, please do so now. Seeing no hands  
16 raised, we will now turn to testimony from Laura  
17 Wood, special counsel to the Mayors Democracy NYC  
18 initiative. Special Counsel Wood, you may begin your  
19 testimony when ready.

20 LAURA WOOD: Thank you. My name is Laura  
21 Wood and I work at the Democracy NYC initiative at  
22 the Mayor's office. Thank you so much to the  
23 Government Operations Committee and to Chair Cabrera  
24 for holding this hearing and for the opportunity to  
25 testify. The Democracy NYC initiative aims to

2 increase access to our electoral system for all New  
3 York City residents. From voter registration to the  
4 act of voting itself, we believe that participation  
5 in our democracy must be as simple as possible. This  
6 has become particularly important now given the  
7 complex burdens that the COVID-19 pandemic has placed  
8 on our communities. For that reason, on behalf of  
9 the administration, I think everyone who played a  
10 part in what is been a very intense effort this year  
11 to run a primary election and gear up for the general  
12 election in the middle of this public health crisis.  
13 The written testimony I have submitted goes into  
14 detail about what we observed during the June  
15 primary, both with respect to absentee and in person  
16 voting. Much of which was already covered by Mr.  
17 Ryan and Ms. Loprest and I want to commend the city  
18 Board of Elections and echo Mr. Ryan's thanks to the  
19 BOE staff who we know have worked incredibly hard  
20 under very challenging circumstances these past  
21 several months. Since the Committee has already  
22 addressed these issues in depth with the BOE, I will  
23 focus on what efforts Democracy NYC undertook for the  
24 June primary and what we are planning for the  
25 remaining 39 days before the general election. In

1 light of the pandemic, Democracy NYC focused  
2 primarily on ensuring that New Yorkers didn't feel  
3 like they had to choose between their safety and the  
4 right to vote in, that is, for the primary, we  
5 focused on encouraging all eligible New Yorkers to  
6 vote by absentee ballot and distributed educational  
7 materials on absentee voting. In early April, in  
8 response to the financial and practical limitations  
9 of conducting election outreach during COVID-19, and  
10 as Ms. Loprest alluded to, we partnered with the  
11 Campaign Finance Board and other good government  
12 groups and advocates to form an elections consortium  
13 whose goal is to produce and disseminate consistent  
14 and accurate voting information and respond to the  
15 ever-changing elections environment. And we have  
16 been pleased that members of this committee staff  
17 have participated in some of those conversations.  
18 For the primary, the consortium was able to produce  
19 public service announcements, social media toolkits,  
20 and FAQ documents. We shared these materials with  
21 the city and state Board of Elections to ensure  
22 accuracy and consistency with their messaging.  
23 Additionally, in partnership with the Civic  
24 Engagement Commission, the Mayors of Immigrant  
25

2 Affairs, the Mayors Public Engagement Unit, and the  
3 Campaign Finance Board, Democracy NYC was able to  
4 hold texting days of action . We placed  
5 advertisements and PSA's on social media, on Link NYC  
6 kiosks, and on television streaming services such as  
7 Hulu. We sent a letter with voting information to  
8 public school parents via the Department of  
9 Education. We sent Notify NYC text messages about  
10 voting by mail and we developed reference materials  
11 and 13 languages to assist voters with requesting and  
12 completing absentee ballots. In the lead up to the  
13 general election, where, again, partnering with the  
14 Civic Engagement Commission to produce two new PSA's,  
15 including a know your rights PSA that covers language  
16 and ADA rights for those voting in person and an  
17 early voting PSA to encourage voters to utilize this  
18 option. The PSA's will be offered in 13 languages,  
19 shared with our advocacy and elected partners, and  
20 promoted on social media and video streaming  
21 services. We will also produce PSA's and educational  
22 graphics to educate voters on all three voting  
23 options, including voting absentee, voting early, and  
24 voting in person. In partnership with The Link NYC,  
25 Democracy NYC will showcase a graphic with all three

2 voting options citywide. We will be happy to share  
3 these materials with Council members for distribution  
4 to constituents. Additionally, we held a texting day  
5 of action using the peer to peer texting tool known  
6 as Possible to encourage people to sign up to become  
7 poll workers and language interpreters. Or to apply,  
8 I should say. Our team of volunteers reached out to  
9 voters between the ages of 18 to 29 in various  
10 neighborhoods in New York and over 300 of the people  
11 we texted that day indicated that they intended to be  
12 election day workers. Of course, the first step in  
13 participating in our democracy is registering to  
14 vote. Due to COVID-19, we have seen a severe drop  
15 off in voter registration so far this year and, in  
16 light of that, we are making a big push to help  
17 voters register ahead of the October 9 deadline for  
18 the general election. For national voter  
19 registration day, which was just this past Tuesday,  
20 we partnered with the Mayors Public Engagement unit  
21 to conduct a week of outreach. With the help of  
22 volunteers, we used the Hustle texting tool to reach  
23 thousands of unregistered eligible New Yorkers in  
24 neighborhoods with low registration and assist them  
25 in registering. We also worked with small business

2 services and the New York City Central Labor Council  
3 to partner with small businesses in neighborhoods to  
4 serve as voter registration hubs so that New Yorkers  
5 who visit those establishments can access voter  
6 registration materials. In later today we will be  
7 joining State Senator Zelnore Myrie and others at  
8 Medgar Evers College to conduct an in-person voter  
9 registration drive. Finally, we will soon roll out a  
10 voter registration PSA featuring the Campaign Finance  
11 Board's Turbo Food platform which allows users to  
12 begin their voter registration online. After the  
13 October 9th voter registration deadline, we will  
14 continue to use phone banking, peer to peer texting,  
15 and relational organizing tools to help New Yorkers  
16 make and commit to voting plans and provide absentee  
17 and early voting in education. And information.  
18 And, in particular, we will be emphasizing that early  
19 voting is a safe, effective, and convenient way to  
20 vote. I also want to touch on an issue that came up  
21 during Mr. Ryan's testimony in which we spoke about  
22 last year after the November general. As I'm sure  
23 the Chair recalls, since last fall, the  
24 administration has expressed concerns on multiple  
25 occasions, the use of DOE schools as early voting

2 sites, including at the hearing that this committee  
3 held last fall. And I want to be clear that the  
4 administration has no issue with the use of schools  
5 on election day itself. Our understanding is that  
6 there will be more than 700 schools that are used for  
7 voting that day. For the June primary, we consented  
8 to the use of schools for early voting because the  
9 school buildings were, sadly, empty. As everyone  
10 knows. We were very surprised in early September to  
11 learn that, despite repeated requests to select  
12 alternative sites, city BOE was actually planning to  
13 move forward and use 20s school buildings and 10  
14 learning bridges locations for early voting during  
15 the general election. We understand that the city  
16 BOE is facing the challenge of running a hugely  
17 important election during a pandemic, but we think  
18 there was ample time to select more appropriate  
19 locations. And one needs to look no farther than  
20 Queens to see that it is possible to have an early  
21 voting program without using school sites. With  
22 large institutions such as Madison Square Garden's  
23 and the Barclay Center stepping up to serve as early  
24 voting sites, it is clear that there are plenty of  
25 venues and that should be approached for early

1 voting. Buildings with children that are hosting  
2 school instruction should not top the list. Although  
3 the administration will do everything in our power to  
4 ensure that voting happens as smoothly and safely as  
5 possible, it is our position that the BOE can and  
6 should find alternatives to schools for early voting  
7 going forward. We have repeatedly offered our  
8 assistance in this regard and, although BOE has never  
9 been receptive to these offerings, we stand ready and  
10 willing to assist them. After the general election,  
11 Democracy NYC will continue our work to make  
12 collections as accessible as possible for all New  
13 Yorkers. As we look towards the implementation of  
14 ranked choice voting, special elections in early  
15 2021, and the citywide primaries in June, we plan on  
16 working closely with our government advocate partners  
17 to make sure voters have the tools they need to be  
18 informed and active participants in our democracy.  
19 In all of these efforts, the Administration is  
20 prepared to assist and support the Board of  
21 Elections. In conclusion, we are grateful for the  
22 opportunity to participate in this hearing and for  
23 the opportunity to hear feedback from all those  
24 contributing today. We will be listening closely for  
25

2 ways in which the administration can continue to  
3 assist in ensuring that election and administration  
4 goes smoothly. I would like to thank the committee  
5 members for their time today. Thank Chair Cabrera  
6 for his leadership, and thank the entire city Council  
7 for their attention to voting accessibility for New  
8 Yorkers. Thank you.

9 COMMITTEE COUNSEL: Thank you. Next,  
10 we will hear questions from Chair Cabrera. Special  
11 counsel Wood, please stay on muted, if possible,  
12 during this question-and-answer period. Chair?

13 CHAIRPERSON CABRERA: Thank you, special  
14 counsel, for your very detailed testimony. I really,  
15 really appreciate it. I just have two questions that  
16 hopefully I will get a good answer here. What has  
17 been the results of internal conversations between  
18 the Mayor's Office and the Department of Corrections  
19 to ensure that justice is involved eligible voters  
20 have access to the ballot and are able to vote in  
21 time for the November 3rd election?

22 LAURA WOOD: Thank you, Chair Cabrera. I  
23 know that our-- obviously the challenge has become  
24 even more intense, given the COVID pandemic and so,  
25 some of the work that we've done in the past to do in

2 person voter registration has not been possible due  
3 to new procedures put in place by the Department of  
4 Corrections, but we have been in close touch with  
5 them about making sure that anyone who is in one of  
6 those facilities has accurate information about  
7 voting and has the ability to cast an absentee  
8 ballot, assuming they are eligible. In our  
9 understanding is that voter registration forms are  
10 also being distributed to eligible residents who are  
11 not yet registered to vote. And I would be happy to  
12 follow up with more detail because I believe TOC has  
13 recently written a report on this subject. So, I  
14 would be happy to share it with the committee staff.

15 CHAIRPERSON CABRERA: Thank you. I  
16 really appreciate that detailed steps that you are  
17 taking. Let me just pause quickly here to recognize  
18 that we have been joined by Council member Ydanis  
19 Rodriguez from Manhattan. Director Ryan indicated  
20 that there were cultural institutions that were  
21 unwilling to serve as poll sites. Can the  
22 administration help us to put a healthy pressure in  
23 negotiating with the cultural institutions to step up  
24 in light of the fact of what you mentioned with the  
25 schools?

2 LAURA WOOD: Absolutely. We would be  
3 delighted to see more cultural institutions to step  
4 up to serve as early voting sites. You know, I  
5 understand that these institutions are facing huge  
6 challenges right now, but we all are in this city and  
7 now, when we have fewer people going to those  
8 institutions and some of those institutions still  
9 close to the public, it just makes logical sense to  
10 use more of them for voting. Illinois have had  
11 numerous conversations both with individual  
12 institutions, as well as our partners that the  
13 Department of Cultural Affairs about this topic. We  
14 will continue to keep advocating for that. And as  
15 I've shared with the Board of Elections, I hope that  
16 they will continue to try to make that work, as well.  
17 You know, they have the ability to designate whole  
18 sites under the election law. Some of those entities  
19 can then challenge the designation, but I know that,  
20 in the past, there been situations where an entity  
21 initially challenged it and, ultimately, the parties  
22 were able to work things out. And I'll just point  
23 again to the borough of Queens where we had the  
24 museum of the moving image serve as an early voting  
25 pulse site now for several elections. I think, you

2 know, at first they were nervous and they decided to  
3 take the leap and I think it is actually been a boon  
4 to the institution and I think voters really enjoy  
5 voting in a place like that. And so, we have seen  
6 that it can work. The Brooklyn Museum is another  
7 example. And so, yes. We are very hopeful that we  
8 can encourage more of our cultural institutions to  
9 participate.

10 CHAIRPERSON CABRERA: I agree with you,  
11 special counsel. I remember when that NYC ID came  
12 out and many people were able to go for the first  
13 time too many institutions for free and actually  
14 create a larger traffic. And they were able to, you  
15 know, economically speaking or fiscally speaking,  
16 turned out to benefit them. So, anything it would be  
17 wise for cultural institutions to do that. I had one  
18 last question before I turn it over. I know we have  
19 questions from at least one colleague that I can see.  
20 That is what conversations are you having with OMB to  
21 ensure that elections are fully funded in New York  
22 City?

23 LAURA WOOD: Well, our understanding is  
24 that, you know, although the city is, obviously,  
25 facing a very dire fiscal crisis, OMB has committed

2 to ensuring that the Board of Elections and the  
3 Campaign Finance Board and others who are involved in  
4 election administration and voter education and  
5 outreach have the resources that they need. And we,  
6 at Democracy NYC keep in close touch with OMB about  
7 those matters. So, you know, I think there is  
8 probably ways that we can achieve cost savings while,  
9 you know, still ensuring that we are not  
10 shortchanging voters. And, obviously, at this  
11 critically important moment for our democracy and  
12 elections, that must be our top priority, but, as of  
13 now, I am confident that the Board of Elections will  
14 have the resources that they need.

15 CHAIRPERSON CABRERA: Well, thank you for  
16 that report. That warms my heart. Especially  
17 something so important as elections. Let me turn it  
18 over to the committee counsel. I know we have at  
19 least one question from one of our colleagues.

20 COMMITTEE COUNSEL: Thank you, Chair.  
21 I will now call on Council members in the order they  
22 have used the zoom raise hand function. Council  
23 members, if you would like to ask a question and you  
24 have not yet raised your hand, please do so now.

2 First, we will hear from Council member Rodriguez.

3 Council member, please begin.

4 SERGEANT-AT-ARMS: Time starts now.

5 COUNCIL MEMBER RODRIGUEZ: Thank you.

6 What is it your take from Democracy NYC when it comes  
7 to the project an idea to allow New Yorkers with  
8 green cards and working papers to vote in municipal  
9 elections in 21? That is something that is already  
10 happening in towns and states such as Maryland.

11 LAURA WOOD: Thank you, Council member  
12 Rodriguez, for that question. I know that that is  
13 been a topic of interest to many New Yorkers for some  
14 time now. I think one of the challenges is that  
15 there is been a concern during the current federal  
16 administration about the use of certain data and how  
17 it might be used adversely to impact people who might  
18 not be citizens and would be registering to vote.  
19 But, you know, assuming that it can be done lawfully  
20 and without harm to any individuals, it is certainly  
21 something that should be-- you know, that can and  
22 should be discussed. But I think there are certainly  
23 precautions that we would need to make sure are in  
24 place before that happens. And my understanding is  
25 that there may need to be changes to either the state

2 law or the state constitution before that is  
3 permitted.

4 COUNCIL MEMBER RODRIGUEZ: Well, as you  
5 know, the federal law already established that the  
6 city in the state are the ones that have the right to  
7 decide who votes in the local elections and there are  
8 some towns already in Maryland where they already  
9 allow individuals that they have working papers or  
10 green card to vote in the election. But I'm happy to  
11 continue another conversation and I hope this is  
12 another legacy that we can see under this  
13 administration and make New York City a large  
14 municipality that will empower individuals who pay  
15 taxes to also to elect who are the leaders that will  
16 be picking up [inaudible 02:08:54] who make decisions  
17 in the education of their kids. So, this is about no  
18 taxation without representation. My other question  
19 is on relation to someone who's lived the experience  
20 of being a candidate in the election back in June.  
21 One of the concerns that I had or a suggestion is why  
22 don't we allow voters who vote in the early voting  
23 period of time to vote in any appalling site in the  
24 community where they live? Because by doing the way,  
25 is suppressed a voting rights.

2           LAURA WOOD: Yeah. We very strongly  
3 support the city Board of Elections moving to a  
4 countywide early voting system so that anyone who  
5 lives in, say, the borough of Manhattan, can vote at  
6 any poll site in that borough. My understanding is  
7 that there are some technical software-related issues  
8 relating to ballot testing that make that challenging  
9 for the Board of Elections, but I know that that is  
10 certainly the preference of the election law statute  
11 that established early voting in the first place and  
12 we are talking with the BOE regularly about that and  
13 with members of the state legislature about whether  
14 changes to state law might be necessary, as well as  
15 the state Board of Elections. So, you know, I don't  
16 know how quickly it can be done, but it absolutely  
17 should be done. In my understanding is that almost  
18 every other county, if not every other county outside  
19 of New York City, now permits people to vote at any  
20 poll site in that county. I think Westchester just  
21 changed their system recently. So, I very much hope  
22 that we can get there, as well.

23           COUNCIL MEMBER RODRIGUEZ: I just hope  
24 that we know that we have enough time to do it. I  
25 got it when we brought it to their attention back in

2 June because it was like two months before. But  
3 knowing that this election is coming months from now,  
4 I hope that, and being New York City, the [inaudible  
5 02:11:09] after the Silicon Valley, I hope that we  
6 can get the software-- that the Board of Elections  
7 can get it so it's implemented and expand the voting  
8 right through each borough. So, thank you.

9 COMMITTEE COUNSEL: Thank you. We will  
10 now turn the public testimony. I would like to  
11 remind everyone that unlike our typical Council  
12 hearings, will be calling on individuals one by one  
13 to testify. Each panelist will be given three  
14 minutes to speak. Please begin once the Sergeant has  
15 started the timer. Council members who have a  
16 question for a particular panelist should use the  
17 zoom raise hand function and I will call on you after  
18 the panelist has completed their testimony. For  
19 panelists, once your name is called, a member of our  
20 staff will unmute you and the Sergeant-at-arms will  
21 set the timer and give you the go-ahead to begin.  
22 Please wait for the Sgt. to announce that you may  
23 begin before delivering your testimony. I would now  
24 like to welcome Douglas Kellner to testify. After  
25 Douglas Kellner, I will be calling on Sarah Goff and

2 then Megan Ahearn. Douglas Kellner, you may begin  
3 when ready.

4 DOUGLAS KELLNER: All right. Thank you--

5 SERGEANT-AT-ARMS: Time starts now.

6 DOUGLAS KELLNER: Thank you very much. As  
7 many of you know, I served as co-chair of the state  
8 Board of Elections and so I am just one of four  
9 commissioners for the state board. So, I am giving  
10 my own remarks and I don't necessarily speak for the  
11 entire bipartisan board. I submitted a fairly  
12 detailed memorandum to the city commissioners making  
13 recommendations for the November general election and  
14 I am pleased to see that, on one of those four  
15 topics, I think that there is been very, very good  
16 progress-- and I will commend the board-- and that  
17 is in dealing with the absentee ballots that I do not  
18 believe that we are going to repeat the problems that  
19 we had in June that the city Board of Elections, as  
20 Mike Ryan and Dawn Sandow reported earlier have  
21 brought in a number of positive innovations that are  
22 going to avoid repetition of those problems and it  
23 appears that they should be able to meet the very  
24 daunting challenge of the substantial increase in  
25 absentee ballots. As to the other two main issues

2 that I raised, though I have more concerns, in  
3 particular I have been concerned over the years with  
4 New York City's noncompliance with the 30 minute rule  
5 that no voters should have to wait more than 30  
6 minutes at a local poll site and, while the city has  
7 done some things that will make marginal  
8 improvements, they have not addressed the fundamental  
9 problems. In particular, they have not taken up the  
10 authority that they have two employee workers for  
11 part time shifts and change the organization of poll  
12 sites to make them more efficient and to reduce  
13 waiting in line. As to the canvas, I will simply  
14 remind the city Board that the statutory deadline for  
15 completing the canvas is November 28th which is a  
16 week earlier than what Mr. Ryan had talked about.  
17 And I point out that that is the Friday after  
18 Thanksgiving and the state board has made it very  
19 clear that the counties must gear up to meet them.  
20 Finally, I am somewhat disappointed to report that  
21 the New York City Board has not complied with the  
22 Governor's executive orders requiring reports to the  
23 state Board of Elections, Executive Order 202.58  
24 required to report on staffing needs in the state  
25 board has not received that report. 202.61 required

2 a report on drop boxes and, while it is very clear  
3 from Ms. Sandow's and Mr. Ryan's testimony that they  
4 do have the drop box program lit, and I'm pleased  
5 with their efforts on that, they have not provided  
6 the report which is required by the Governor. And it  
7 just raises another concern about the lack of  
8 attention to detail.

9 SERGEANT-AT-ARMS: Time expired.

10 DOUGLAS KELLNER: And I could report on  
11 what is going on with ranked choice voting from the  
12 state board's point of view, but, Mr. Chair, I  
13 recognize my time has expired.

14 COMMITTEE COUNSEL: Thank you. Will  
15 now turn to questions from Chair Cabrera.

16 CHAIRPERSON CABRERA: Thank you so much.  
17 Thank you for your testimony. I had a quick question  
18 in regards to something that I mentioned earlier to  
19 Executive Director Ryan and Council member Ydanis  
20 brought it up just about five minutes ago. Which is  
21 in red guards to having early voting countywide.  
22 Here in the Bronx we probably have 15 sites and 20--  
23 it sometimes convenient, as you know, to just go off  
24 to work or go to lunch and to a site that's even  
25 closer than their particular home. The explanation

2 that we have been given is that they are waiting on  
3 the state to grant them permission regarding the  
4 machine-- if I understood this right. Maybe you can  
5 clarify. Regarding the memory, there is a lack of  
6 memory in the current machines to be able to do so  
7 and so can you help us with that? Where are we? Can  
8 we move the needle so we could have it for June? It  
9 would be set up for June. It seems reasonable, I  
10 think, at this point to have it already for November.

11 DOUGLAS KELLNER: Right. Mr. Ryan's  
12 testimony is correct that the current ballot marking  
13 device does have limited memory and anyone given a  
14 ballot marking device cannot be used borough wide.  
15 Now, I have pointed out that an alternative solution  
16 is that, within an early voting site, to divide the  
17 ballot marking devices by localities so that you have  
18 ballot marking devices programmed-- you may need to  
19 have five or six ballot marking devices dividing up  
20 of the ballot styles for the County. Also, they  
21 could do a work around by, instead of having a  
22 separate ballot style for each election district, to  
23 change the programming slightly in order to have the  
24 election district as a separate factor in the  
25 software for aggregating the votes so that when-- to

2 substantially reduce the number of ballot styles.  
3 The city's solution is that they are proposing to  
4 purchase the ESNS express vote XL which is  
5 controversial. There are several election integrity  
6 advocates around the state who have been challenging  
7 that that machine does not have sufficient ballot  
8 security. It has been going through the state board  
9 certification process for more than a year now and  
10 not all of the issues raised by the technical experts  
11 at the state board have been addressed to certify  
12 that machine.

13 CHAIRPERSON CABRERA: Thank you for that  
14 informative answer. I know you wanted to talk about  
15 ranked choice voting. [Inaudible 02:26:22] that we  
16 will have that time right now. Will the city DOE  
17 require state certification for ranked choice voting  
18 software it plans to procure and, if so, when does  
19 the state board expect the certification will be  
20 made?

21 DOUGLAS KELLNER: Right. Notwithstanding  
22 my requests for almost a year now, the city has not  
23 requested any particular certification. That they  
24 have only submitted very generalized plans and we can  
25 respond by saying that, if they change the software

2 on the DS 200 that actually counts the votes, that  
3 has to go through the certification process and, at  
4 best, that certification process can be done in six  
5 months and it could take much longer if there are  
6 issues. If they are dealing only with software in  
7 the vote aggregation process-- in other words, the  
8 separate software that counts the votes once the  
9 balance have been scanned, that does not require  
10 state certification, but it still requires testing  
11 and review and that process can be done very  
12 promptly. But as of this date, the city has not yet  
13 submitted any particular proposal for the state to  
14 review and respond to.

15 CHAIRPERSON CABRERA: I will definitely  
16 follow up with the BOE Mike Ryan regarding that. I  
17 just wanted to question that they did. So, maybe  
18 they thought they did but it was [inaudible 02: 2A:  
19 08]

20 DOUGLAS KELLNER: Well, they submitted a  
21 general plan--

22 CHAIRPERSON CABRERA: Right.

23 DOUGLAS KELLNER: and the state board  
24 responded with questions asking for more particulars.  
25 But for the first time today I heard my cry and say,

2 no. We haven't locked into any particular plan yet  
3 and now we are thinking of going to other vendors.  
4 Well, ESNS has not submitted a specific package for  
5 the state board to review and it seems like the city  
6 board is still reviewing that process. And I think  
7 that it is a good idea for the city to look at the  
8 possibility of additional vendors, but we are running  
9 out of time.

10 CHAIRPERSON CABRERA: Two quick questions  
11 because I know we have more people who want to speak  
12 in the public session. Has the state board proposed  
13 providing postage-paid envelopes for absentee  
14 ballots? What was the reason against providing  
15 prepaid postage in the November election? And to  
16 what extent has the state DOE coordinated with the  
17 USPS?

18 DOUGLAS KELLNER: I think you need to talk  
19 to the Governor about why they did not include  
20 prepaid postage this time around.

21 CHAIRPERSON CABRERA: Were you consulted?  
22 Was the state BOE consulted by the Governor's office?

23 DOUGLAS KELLNER: Well, we're consulted,  
24 but the Governor decides.

25 CHAIRPERSON CABRERA: Right. Right.

2 DOUGLAS KELLNER: And my--

3 CHAIRPERSON CABRERA: [inaudible

4 02:29:41]

5 DOUGLAS KELLNER: My best guess is that it  
6 was really a budget issue. That the postage was an  
7 unfunded mandate on the County governments in many  
8 counties were objecting to that. And there is lots  
9 of coordination going on with the post office. The  
10 post office has been very responsive to this steep  
11 Board of Elections. There are lots of problems just  
12 like the difficulty it is for the city Board of  
13 Elections to train 37,000 inspectors, the supervisors  
14 at the post office had the same problem in making  
15 sure that their directives are actually followed  
16 throughout the system. And most recently, there was  
17 a court order requiring much more thorough compliance  
18 by the post office with its own guidelines and, as I  
19 say, we are working closely with them in doing the  
20 best we can.

21 CHAIRPERSON CABRERA: Well, thank you so  
22 much. I appreciate the updates. Very informative to  
23 hear, you know, someone who has direct information.  
24 The state board and thank you for all of the work

25

2 that you do there, as well, and let me turn it back  
3 to the committee counsel.

4 COMMITTEE COUNSEL: Thank you, Chair.

5 Next, we will hear from Sarah Goff followed by Megan  
6 Ahearn and then Rachel Bloom. Sarah Goff, you may  
7 begin upon the Sergeant's announcement.

8 SERGEANT-AT-ARMS: Time starts now.

9 SARAH GOFF: Hi. Good afternoon. I'm  
10 Sara Goff, Deputy Director of Common Cause New York.  
11 I would like to thank the committee Chair and members  
12 of this committee for convening today's hearing.  
13 Common Cause New York is a non-partisan citizen's  
14 lobby and a leading force in the battle for honest  
15 and accountable government for over 50 years.  
16 Continent with our overall mission, we have  
17 consistently worked to improve the accessibility,  
18 transparency, and verifiability in our democratic  
19 processes at the state, city, and national level. As  
20 other folks have testified earlier, we are largely in  
21 agreement that, while there was definitely unforced  
22 errors along the way, the Board of Elections did a  
23 credible job of navigating unparalleled circumstances  
24 in June and have done their best to rapidly scale  
25 [inaudible 02:32:13]

2 CHAIRPERSON CABRERA: Sarah, I think we  
3 lost you there.

4 COMMITTEE COUNSEL: Chair, if you would  
5 like, we can move on to the next panelist and--

6 CHAIRPERSON CABRERA: Yes. Please. And  
7 we can have her back when she is back on.

8 COMMITTEE COUNSEL: Okay. So, next we  
9 will hear from Megan Ahearn followed by Rachel Bloom  
10 and then Perry Grossman. Megan Ahearn, you may begin  
11 upon the Sergeant's announcement.

12 SERGEANT-AT-ARMS: Time starts now.

13 MEGAN AHEARN: Thank you. Good  
14 afternoon. My name is Megan Ahearn. I am the  
15 program director for New York Public Interest  
16 Research Group. Thank you for holding this hearing  
17 and for the opportunity to testify on this important  
18 issue. I will focus my time today on recent  
19 announcements and orders and what the city Council  
20 can do to help protect and expand the electorate's  
21 November. First, we commend the New York City Board  
22 of Elections for unveiling its ballot tracking tool.  
23 During the June primaries, the single biggest  
24 complaint we heard from voters is that they didn't  
25 receive their ballots in time. Voters who applied

2 together didn't receive ballots at the same time and  
3 some arrived after election day. We hope that the  
4 ballot tracking system can keep voters out of the  
5 dark and we also ask if it could be used to harness--  
6 if it could be used to shed light on any  
7 discrepancies or emerging problems so they may be,  
8 early unaddressed. Such information could be  
9 organized by borough and assembly district and  
10 separated from personally identifiable information  
11 made available to the public. The first absentee  
12 ballots have just been mailed out in NYC, so this  
13 status should be rolling in. We urge the city  
14 Council to explore this possibility. Second, thanks  
15 to our colleagues at the League of Women Voters,  
16 absentee ballot carrying procedures will give voters  
17 the opportunity to fix an error. Absentee voters  
18 don't have access in person live poll workers,  
19 obviously who might be able to spot or help correct  
20 administrative errors and simple fixes should be  
21 available to mail and voters also. Third, during the  
22 June primaries, a fair number of races took more than  
23 a month of ballot counting to call. Increased  
24 general election turnout could draw that month-long  
25 count, perhaps, into the new year, although we are

2 hearing mid-December from the BOE today, but late  
3 November from Commissioner Kellner. The city Council  
4 should seek to promote a nonpartisan postelection  
5 today election protection project. The project could  
6 watchdog the process, help to provide regular, public  
7 updates and perhaps certify whether or not the Board  
8 of Elections is properly and consistently counting  
9 balance across all five boroughs. We urge the New  
10 York City Comptroller to also produce an audit of the  
11 city Board of Elections and their performance in this  
12 year's elections. Of course, adding resources to the  
13 hand counting effort is badly needed and the New York  
14 State Board of Elections has urged the state to  
15 provide 15 million in additional funding so that  
16 November's elections run smoothly. As of now, it is  
17 not clear if the governor will provide this, but we  
18 hope that the city Council can do all it can to  
19 ensure the city Board has the resources to do its  
20 job. We finally urge the city Council to wage and  
21 compel the New York City Board of Elections to wage a  
22 massive voter education campaign that focuses on  
23 making a planned over early to allow for wiggle room  
24 or an option B. Promoting early voting as a way to  
25 avoid long lines and skip the post office.

2 SERGEANT-AT-ARMS: Time expired.

3 MEGAN AHEARN: Thank you very much.

4 Just to wrap up this one point, learning how to  
5 properly fill out stuff, sign and date, and return  
6 absentee ballots and awareness of voters rights and  
7 what resources and recourse voters have if they run  
8 into an issue. Thank you for the opportunity to  
9 testify today.

10 COMMITTEE COUNSEL: Thank you. Next,  
11 we will hear from Rachel Bloom followed by Perry  
12 Grossman and then Kate Doran. Rachel Bloom, you may  
13 begin upon the Sergeant's announcement.

14 SERGEANT-AT-ARMS: Time starts now.

15 RACHEL BLOOM: Good afternoon, Chair  
16 Cabrera and members of the New York City Council. My  
17 name is Rachel Bloom and I am the director of public  
18 policy and programs at Citizens Union. We thank you  
19 for inviting us here today. Citizens Union is an  
20 independent and nonpartisan democratic reform  
21 organization that brings New Yorkers together to  
22 strengthen our democracy and improve our city and  
23 state. Thank you for the opportunity to speak today  
24 about voting in the November election in the  
25 pandemic. I am going to be as brief as possible and

2 try not to repeat things that other people have  
3 spoken about. So, first off, I do want to extend my  
4 thanks to the BOE. They have been placed in an  
5 incredibly difficult process that they have been  
6 tasked with and, you know, we thank them for doing  
7 their best in working incredibly long hours to make  
8 sure that New Yorkers can cast their ballots safely  
9 both in June and in November. The first thing I want  
10 to talk about is postage-paid return, which has come  
11 up and some of you have asked questions about it.  
12 You know, I think there is a lot of confusion about  
13 this. As we know, in the June primary, Gov. Cuomo  
14 mandated that postage paid return be paid for all  
15 absentee ballots. And that same accommodation is not  
16 been made for the general election. We request that  
17 the New York City Board of Elections provide postage-  
18 paid return for absentee ballots. This is within  
19 their capacity and not heard of. New York City  
20 already provides postage-paid return on voter  
21 registration forms, which other counties do not. We  
22 strongly encourage the BOE to do so and we fear that,  
23 without it, people will send in their applications  
24 without postage-paid return. If that is not  
25 possible, which we hope it is, our second

2 recommendation which I know is also been talked about  
3 today is that the BOE tile every bar of the cost of  
4 mailing in their ballot. Commissioner Ryan said it  
5 was just going to be a 55-cent stamp to mail it back.  
6 You know, it's an oversized envelope. I don't think  
7 that that is accurate. In the other thing is that,  
8 you know, he suggested that people should just go to  
9 the post office and waited in line. I think the  
10 whole point right now is that people don't want to be  
11 in places. That is why they are requesting absentee  
12 ballots in record numbers. And so, we should be able  
13 to make-- we should ensure that they can cast their  
14 ballots remotely and safely. I only have 45 seconds  
15 left. I want to talk a little bit about poll worker  
16 recruitment of young people. The BOE has really been  
17 trying to get young people to work as poll workers  
18 and, as we've heard from many youth groups, that many  
19 of their members who want to sign up to work find the  
20 process unclear and discouraging. One of the things  
21 we recommend that the BOE tailor its messaging for  
22 one poll workers to add clear and informative  
23 explanations before voters apply about the steps  
24 ahead. The expected timeline and the kind of  
25 training they well-received. Applicants should also

2 be informed about the status of their application  
3 once they arrived. These changes have minimal costs  
4 and would increase the effectiveness of their  
5 recruitment process.

6 SERGEANT-AT-ARMS: Time expired.

7 RACHEL BLOOM: I just want to say that  
8 one thing now, we allow 17-year-olds to sign up to  
9 become poll workers, but they need to have a papers  
10 sign off from their school principal and working  
11 papers from guidance counselors to apply for poll  
12 work. During a pandemic when schools are shut down  
13 or function remotely, and educators are under  
14 tremendous pressure, this cumbersome paper process is  
15 an almost impossible task for teens. Thank you for  
16 your time.

17 COMMITTEE COUNSEL: Thank you. Next,  
18 we will hear from Perry Grossman followed by Kate  
19 Doran and then Hannah Claine. Perry Grossman, you  
20 may begin on the Sergeant's announcement.

21 SERGEANT-AT-ARMS: Time starts now.

22 PERRY GROSSMAN: Okay. Thanks so much to  
23 the Chair, to the committee. It's always a pleasure  
24 to be here and I appreciate you holding these  
25 hearings and showing a real interest in making sure

2 that New Yorkers are able to vote and can vote safely  
3 in these very challenging times. And I want to echo  
4 a lot of what other folks have said. I think we are  
5 all doing the best we can in these very difficult  
6 times and first I want to make sure that everyone  
7 gets credit because the pandemic has really  
8 accelerated a lot of innovations, especially as it's  
9 come to absentee voting. New Yorkers right now, they  
10 have more ways to apply for absentee ballots, more  
11 ways to return their absentee ballots, and more ways  
12 to make sure their absentee ballots get counted. And  
13 those are all positive things. I also want to  
14 highlight that we see the gradual expansion of early  
15 voting and I want to give the Board of Elections  
16 credit for expanding the number of early voting  
17 sites. Mike has been really adamant about wanted to  
18 get credit for that and he deserves it. It's hard to  
19 get early voting sites to commit to being involved  
20 and to providing a public service. And especially  
21 now, because the pandemic makes things so difficult.  
22 But the number of early voting sites is still not  
23 where it should be. The goal for 2020 was to have  
24 over 100 early voting sites and we are just not there  
25 and turned out of his way up. And as we are seeing

2 early voting is a critical tool. It's a critical  
3 tool even if we are not in a pandemic. It is a  
4 desperately critical tool when we are one because we  
5 want to alleviate some of the pressure on the  
6 absentee voting system and we also want to make sure  
7 that we don't have long lines and crowds on election  
8 day. So, you know, there are still neighborhoods  
9 that are really badly served by early voting. Inwood  
10 and Marble Hill, for example. You know, if you live  
11 in Marble Hill, your closest early voting site is on  
12 182nd or 168th Street and you're only assigned to one  
13 of those. So, you know, that's a pain, but the fact  
14 is we need to have a more stable supply of early  
15 voting sites and we need to have a more stable supply  
16 of poll workers to man those early voting sites. You  
17 know, the city Council should do what it can to place  
18 more pressure on potential early voting sites.  
19 Things that have ties to the city tax incentives and  
20 what not to offer themselves as early voting sites  
21 and to enforce penalties against those places that  
22 should be early voting sites, but aren't. The one  
23 place I am going to express some real upset though is  
24 the voter registration. Voter registration is way  
25 down and we have made absolutely no strides to make

2 it better with the exception of the remarkable effort  
3 by NYC Votes, the Campaign Finance Board department  
4 with Turbo Vote. But we are down to about 50 percent  
5 over 2016--

6 SERGEANT-AT-ARMS: Time expired.

7 PERRY GROSSMAN: [inaudible 02:43:10]  
8 nothing to remedy that.

9 COMMITTEE COUNSEL: Thank you. Next,  
10 we will hear from Kate Doran followed by Hannah  
11 Claine and then Paul Westrick. Kate Doran, you may  
12 begin upon the Sergeant's announcement.

13 SERGEANT-AT-ARMS: Time starts now.

14 KATE DORAN: Thank you. Good afternoon to  
15 all. My name is Kate Doran. I serve on the board of  
16 the League of Women Voters of the state of New York  
17 and, in New York City, my local league is the LWVNYC  
18 where I am the election specialist. We are entirely  
19 volunteer lead, so you are unlikely to meet anyone of  
20 us in New York who is not a volunteer. These are  
21 agonizing times for lawmakers and voters in New York.  
22 We have seen challenges and change in the last seven  
23 months that rival and, in some ways, exceed the  
24 changes we remember from 2010. When New York moved  
25 to voting on paper ballots. First, we thank you all,

2 the OMB and the taxpayers of the city of New York for  
3 fully funding the New York City Board of Elections  
4 and the Campaign Finance Board. We know that other  
5 jurisdictions in this state have not been so  
6 fortunate. Now, there is not much time left before  
7 voting begins. What is important now is to educate  
8 voters. Lines could be longer than they were in 2016  
9 because of social distancing and high turnout.  
10 Counting the unprecedented numbers of absentee  
11 ballots will take time, and we may not have results  
12 on election nights. So, please encourage your  
13 constituents to be patient. The League is working to  
14 get eligible citizens registered to vote. We will  
15 then shift of focus to voting early and reminders of  
16 how to complete absentee ballots. Chair Cabrera, you  
17 asked earlier Mike Ryan about how the public found  
18 out about the voting portal. Well, all of us in the  
19 voter coalition in the voter advocates, we did a heck  
20 of a job on our own websites and social media posts  
21 and we got the information out in the Ford is doing  
22 its job now. We applaud the New York City Board of  
23 Elections for the speedy and successful upgrades to  
24 its website. Now, it is the go-to website for all  
25 the necessary information voters need and it is voter

2 friendly. Hats off to Gail Brewer. She started all  
3 that off. Looking forward now, we challenge all of  
4 you to work with your Democratic and Republican  
5 County leaders to make suggestions for changes at the  
6 grassroots level. Specifically, we urge you to look  
7 at election Law section 3 - 404, election inspectors  
8 and poll clerks. Voters deserve to have elections  
9 transparently run by their well trained and not  
10 necessarily partisan neighbors. The League of Women  
11 Voters stands ready to participate and assist you in  
12 all of these efforts going forward. Thank you very,  
13 very much for inviting me to comment this afternoon.

14 COMMITTEE COUNSEL: Thank you. I  
15 believe Sarah Goff is back on the line, so we will go  
16 to Sarah Goff next and then, after that, I will be  
17 calling on Hannah Claine and then Paul Westrick.  
18 Sarah Goff, you may begin upon the Sergeant's  
19 announcement.

20 SERGEANT-AT-ARMS: Your time starts now.

21 SARAH GOFF: Apologies. The joys of  
22 technology. So, I will quickly resume where I assume  
23 I got cut off. But, in essence, we were incredibly  
24 pleased to see that several recommendations and  
25 lessons learned have been quickly implemented for the

2 November election and that included changes to  
3 improve voter confidence in absentee voting. As the  
4 director of the New York City Board mentioned, it's  
5 investing in the appropriate equipment to count  
6 absentee ballots, increasing public confidence and  
7 transparency by adding this new ballot tracking  
8 functions so voters can track their ballot in real  
9 time and then prominently displaying the absentee  
10 ballot drop off boxes at early voting sites and  
11 election day poll sites. As has already been  
12 mentioned, this is critically important for many  
13 voters who-- excuse me-- may expect return paid  
14 postage for their absentee ballots and may not be  
15 able to financially afford to do so or simply, quite  
16 frankly, uncomfortable heading to the post office in  
17 the middle of a pandemic. So, these changes will be  
18 incredibly helpful to voters. The other two things I  
19 just wanted to highlight quickly is an increased and  
20 concerted effort to engage the public and engage in a  
21 comprehensive voting education and outreach program  
22 to make sure that voters know about all of their  
23 options to vote in November and then we were also  
24 very pleased to see that there is been an intense  
25 campaign to boost young girl poll worker recruitment

2 for the November election cycle. We believe that  
3 these changes are steps in the right direction and  
4 will only serve to secure our elections in November.  
5 Since other folks have touched on ranked choice  
6 voting, I do just want to spend a minute on the work  
7 that Common Cause and our partners in city government  
8 and other nonprofits are doing at this point in time  
9 as this is obviously a topic of conversation as we  
10 head into 2021. We have been training community-  
11 based partners, candidates and campaigns who are  
12 running in the 21 cycle on rank choice voting, how  
13 they can use it for their campaigns and for their  
14 communities. Obviously, we are, basically, razor-  
15 focused on the November election and will switch into  
16 high gear as soon as we clear the November election  
17 to begin our boroughwide voter education plan. So, a  
18 lot of the feedback that we have been getting from  
19 community partners has been that they are very  
20 interested in rank choice voting. They are ready to  
21 go, but they want to wait until after the November  
22 election so everyone who can safely and securely cast  
23 their ballot is able to do so with zero confusion.  
24 So, that is, in part, why we have been waiting, but  
25 we are working closely with folks over at Democracy

2 NYC and the Campaign Finance Board along with a host  
3 of community--

4 SERGEANT-AT-ARMS: Time expired.

5 SARAH GOFF: Thank you for your time.

6 COMMITTEE COUNSEL: Thank you. Next,

7 we will be hearing from Hannah Claine followed by

8 Paul Westrick. Hannah Claine, you may begin upon the

9 Sergeant's announcement.

10 SERGEANT-AT-ARMS: Time starts now.

11 HANNAH CLAINE: Good afternoon,

12 Chairperson Cabrera and members of the committee. My

13 name is Hannah Claine and I serve as a fellow at the

14 Brannan Center for Justice at NYU school of Law in

15 the Democracy program. I'd like to thank the

16 committee for holding this hearing. The Brennan

17 Center and the Infectious Disease Society of America

18 have partnered to release guidelines for healthy in

19 person voting. A set of nonpartisan recommendations

20 which provide a blueprint for election administrators

21 so they can develop best practices for making polling

22 locations as safe as possible during the pandemic.

23 The following recommendations for safely

24 administering in the 2020 general election are based

25 on guidelines from the CDC and the Brennan Center and

2 IDSA guidelines. First, election administrators must  
3 ensure there are enough polling locations to meet  
4 voter demand. One account of the New York City  
5 primary election this year indicated voting sites in  
6 New York City had to be moved or closed at the last  
7 minute due to the COVID-19 pandemic. A recent report  
8 by the Brennan Center found that voters with fewer  
9 polling places per voter reported longer wait times  
10 to cast their ballot will. In the past, long wait  
11 times were disruptive and disenfranchising. Now,  
12 they can also be deadly. Longer wait times can mean  
13 a greater risk of exposure to COVID-19. Second,  
14 voting should occur in large, well ventilated areas  
15 that can accommodate physical distancing measures.  
16 Large arenas are among the optimal types of spaces  
17 for voting sites this year. The Brennan Center was  
18 encouraged to see the Board of Elections announce  
19 Madison Square Garden's and the Barclay Center will  
20 serve as polling places for early voting and on  
21 election day. This is a significant first step  
22 towards protecting voters in Manhattan and Brooklyn  
23 from COVID-19 exposure. Voters and other burros  
24 should also have access to voting locations that are  
25 adaptable to distancing, such as school gymnasiums,

2 community recreation centers, or convention centers.

3 For the best possible infection control, voting

4 locations should have one-way airflow with separate

5 points of entry and exit for voters. This will also

6 minimize crowd formation. Third, if a voting

7 location is changed, voters should immediately begin

8 an individualized and notice of a change with the

9 second notice to be given within weeks of the

10 election. Notice should be provided in multiple

11 languages, including those required under section 203

12 of the Voting Rights Act. If polling locations are

13 moved out of senior care facilities, vans should be

14 implemented to ensure residents at those facilities

15 are able to cast the ballot. Fourth, inside polling

16 locations, all voters should take proactive steps to

17 remain safe and healthy. This means maintaining

18 appropriate physical distancing of at least 6 feet,

19 wearing a mask that covers nose and mouth, and

20 practicing good hand hygiene. Polling places must be

21 appropriately cleaned to prevent transmission of the

22 virus with hand sanitizer provided to voters before

23 and after voting, voting booth surfaces and machines

24 sanitized after ease use. High touch surfaces such

25 as poll workers stations, door handles, and bathrooms

2 should be cleaned with an FDA approved disinfectant  
3 approximately every four hours. This fall, we are  
4 going to face many difficult choices, but no New  
5 Yorkers should have to choose between their  
6 fundamental right to vote and their health. Voting  
7 by mail should be encouraged as the safest option,  
8 but now is the time for thoughtful, advanced  
9 planning--

10 SERGEANT-AT-ARMS: Time is expired.

11 HANNAH CLAINE: on the part of the board  
12 to minimize risk of COVID transmission at the polls.  
13 Thank you again for your time and consideration and  
14 I'm happy to answer any questions.

15 COMMITTEE COUNSEL: Thank you. Next,  
16 we will hear from Paul Westrick followed by Rob  
17 Ritchie. Paul Westrick, you may begin upon the  
18 Sergeant's announcement.

19 SERGEANT-AT-ARMS: Time starts now.

20 PAUL WESTRICK: Thank you, Chair Cabrera  
21 and members of this committee. I am Paul Westrick,  
22 manager of democracy policy at the New York  
23 Immigration Coalition. Despite all the barriers, New  
24 Yorkers were determined to cast their ballots in the  
25 June primary. Unfortunately, we cannot say that the

2 New York City Board of Elections shares their  
3 commitment to a functional democracy. Once again,  
4 immigrant voters were disenfranchised because of the  
5 BOE's inability to run election. Each voter was  
6 supposed to have been mailed an absentee ballot. We  
7 know that every voter was not. Each voter who  
8 requested an absentee ballot was supposed to have  
9 received it in time to complete and mail back. We  
10 know that every voter did not. Whether absentee or  
11 in person, each voter was supposed to have received a  
12 complete ballot. We know that every voter did not,  
13 disenfranchising then told numbers by preventing them  
14 from voting in certain races. Poll sites open delete  
15 and poll workers who received little or no training  
16 did not know the procedure for accepting in person  
17 absentee ballots. Interpreters were not available at  
18 some poll sites and, no further insult, BOE decided  
19 to ignore the legally mandated date to even begin  
20 counting ballots. COVID-19 created hardships for the  
21 Board of Elections and we fully recognize that, but  
22 the pandemic alone is not to blame. Poorly run  
23 elections have become the norm in New York City.  
24 This is not how elections are run in other states.  
25 This is not how elections are run in other counties

2 of this state and, by allowing this to continue, we  
3 are undermining our cities democratic process. It is  
4 time to dissolve the current Board of Elections and  
5 begin anew. State election law allows that quote,  
6 and election Commissioner may be removed from office  
7 by the governor for cause, repeatedly failing to  
8 administer an election, the core function of any BOE,  
9 is cause for removal by any reasonable measure. NYIC  
10 requires the governor remove all 10 New York City  
11 Board of election commissioners which will allow this  
12 counsel to appoint 10 new commissioners with subject  
13 matter expertise in voting rights, civic engagement,  
14 and public administration. The commissioners must  
15 pledge to meaningfully address the problems voters  
16 experience every single election in New York City and  
17 the new commissioners must pledge to adhere to laws  
18 passed by the city Council and signed by the Mayor.  
19 New Yorkers deserve a functioning BOE that does not  
20 make excuses for repeated failures, can competently  
21 run an election, and actually empowers voters to cast  
22 their ballots. BOE has shown that they will not  
23 reform themselves, so it's time to create a new Board  
24 of Elections. Thank you.

2 COMMITTEE COUNSEL: Thank you. Rob  
3 Ritchie, you may begin your testimony upon the  
4 Sergeant's announcement.

5 SERGEANT-AT-ARMS: Time starts now.

6 ROB RITCHIE: Thank you. Let me go to my  
7 written remarks here. I appreciate the opportunity.  
8 And here we go. So, I am the president and CEO of  
9 Fair Vote, an organization I have directed since  
10 1992. We work on a lot of different issues over the  
11 years, including voter pre-registration for 16-year-  
12 olds and automatic voter registration, but a constant  
13 threat of our work has been the issue of rank choice  
14 voting. And I know that this hearing is covering  
15 these pressing issues involving the November  
16 elections, but I did want to take this opportunity to  
17 talk about the next set of elections coming up with,  
18 I gather, could be as soon as January is special  
19 elections for city Council are scheduled then and are  
20 under the new charter proposal passed last year  
21 should have rank choice voting. I will say that Fair  
22 Vote has been deeply involved in implementation of  
23 rank choice voting in several jurisdictions and we  
24 are particularly involved in the run-up to the first  
25 use in San Francisco back in 2004 which was the

1 first, you know, new adoption in the modern era. A  
2 big city. A lot of diversity. A lot of challenges.  
3 And I think a lot of lessons learned. And so, in my  
4 written testimony, I am going to share excerpts from  
5 a report that we did in 2005 that highlighted  
6 important steps to take and I think that the city has  
7 time to take those steps but that time, of course, is  
8 getting shorter and shorter and there are so many  
9 pandemic associated challenges in this year that I  
10 just want to make sure that people are aware of the  
11 steps that need to be taken. I will say that, once  
12 you have a good ballot design, we keep seeing a very  
13 helpful fact that rank choice voting is easy for  
14 voters. Sensible poll worker training and timely  
15 voter education make it all the better, but, if you  
16 go back, say, just the last three years of elections  
17 with rank choice voting, it has been used in the  
18 state of Maine for the first time for big elections  
19 there. 17 cities, five Democratic presidential  
20 primaries this year. Then, in every single instance,  
21 all of those uses for three years, voter turnout has  
22 exceeded what was expected and voter success with the  
23 rank choice voting balance have, as well. So, there  
24 is a lot of models for it and we know what works.  
25

2 And I will also say that you will experience the  
3 benefits. You know, you have, it's looking like, a  
4 lot of crowded fields. A lot of big elections next  
5 year with a lot of people running and what we are  
6 seeing is that voters, and that environment, really  
7 good at something special from their opportunity.  
8 They don't have to look at polls. They don't have to  
9 know who is up or who is down. They can just  
10 indicate who they most want and who they most want as  
11 their second choice and so on. And they have cast  
12 the most powerful vote that they can. Candidates  
13 don't need to do anything special either beyond the  
14 fact of something we hope they all do, as well, which  
15 is just to engage with voters effectively. And that  
16 is what rank choice voting creates incentives for.  
17 In the written remarks, I will just summarize the  
18 steps that I think we saw work well--

19 SERGEANT-AT-ARMS: Time expired.

20 ROB RITCHIE: in San Francisco. And I'll  
21 stop my remarks on that. Thanks.

22 COMMITTEE COUNSEL: Thank you. At this  
23 time, if your name has not been called and you wish  
24 to testify, please raise your hand using the zoom  
25 raise hand function. Seeing no hands raised, I will

2 now turn it over to Chair Cabrera for closing  
3 remarks.

4                   CHAIRPERSON CABRERA: Thank you,  
5 committee counsel. Thank you for your great work.  
6 And to all the Sergeants-at-arms. All the staff. I  
7 want to personally thank the advocates. You make us  
8 better. Literally, your suggestions, observations,  
9 they have a healthy pressure that you put on on  
10 government on how to function better because our  
11 people deserve better. I salute you. I think you.  
12 Please don't stop. Thank you for pointing out  
13 improvements that were made and, at that same time,  
14 where we can get better. So, thank you. I want to  
15 think also the administration, the BOE, CFB for  
16 joining us today and looking forward to reviewing all  
17 of the testimonies so we could take the proper next  
18 steps that we need to take in order so we could have  
19 a democratic process that is efficient, effective,  
20 fair, and just. And, with that, he closed today's  
21 hearing and have a wonderful day.

22                   [gavel]

23                   CHAIRPERSON CABRERA: Thank you, staff,  
24 Sergeants-of-arms, everyone. Great job.

25

C E R T I F I C A T E

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



Date October 12, 2020