

# *SMARTelections.us*

## Brooklyn Transparency Pilot Project

June 2021

New York City Primary

[Online version of this report:](#)

SMART Elections conducted The Brooklyn Transparency Pilot Project as part of the June 2021 New York City primary. It is part of our ongoing [#CountTheVote](#) initiative to monitor, protect & verify election results. The goal of [#CountTheVote](#) is to improve our elections and increase public confidence in them.

The Brooklyn Transparency Pilot Project sought to compare the number of voters who voted, with the number of ballots cast and scanned in one City Council District in the 2021 Brooklyn Primary. We chose the 45th City Council District, partly because there is an ongoing civil court case here alleging corruption and poll workers "fraudulently feeding ballots into the scanner." We are not making those allegations, or taking a position on them. We are simply aware that allegations are moving forward in the courts, and they indicate that there is some lack of confidence in the process already. Nationally, there is also a lack of confidence in our elections. In a 2019 C-SPAN poll, only 50% of Americans said they believed the election would be "conducted openly and fairly."

We discovered discrepancies that raise concerns and deserve further exploration. These were reported to the coordinators at each poll site and directly to the Board of Elections. The Board of Elections responded by removing our project leader as a poll watcher and changing the information our poll watchers were allowed to view. We then could not collect the data necessary for the successful completion of the project.

In our opinion, we experienced hostility and obstruction from the New York City and the Brooklyn Board of Elections, as well as some coordinators at Early Voting poll sites.

We deeply respect the voters, candidates and poll workers who have committed so much time and effort to the election. They deserve to have confidence in it.

At this point, we cannot assure the public that the results in all these locations are accurate, because the process was not transparent and we were not allowed to check.

This lack of cooperation and transparency is unfortunate and unnecessary. We hope that the Board of Elections will examine these issues fully and whole-heartedly commit to a respectful, transparent partnership with those engaged in public oversight.



*Brooklyn District Leaders Emile Bazile, Shaquana Boykin, Kristina Naplatarski, Julio Peña III, & Jesse Pierce*

New York State Senate  
Standing Committee on Elections  
**Joint Public Testimony**  
**July 28, 2021**

New York State has always been home to some of the greatest and most innovative possibilities. From tenant protections, to climate change; we are leading with courage. It's time we started leading in the way we run our Elections.

First, we would like to acknowledge the hard work and dedication of the poll workers and staff at the Board of Elections; many of whom we have gotten to know over the past 18 months and have dedicated several years to ensuring our elections run smoothly. They have shown up during the pandemic and ensured our elections are run with integrity and we are immensely grateful.

As District Leaders, one of our key responsibilities is to work with the New York City Board of Elections to recruit poll workers and staff poll sites for Early Voting and Election Day. District Leaders do not have a lot of power or influence as a rule, but there is a lot of influence when it comes to the Board of Elections. We have seen first-hand how this poll worker recruitment is used to "pack the poll sites" with friends and family.

In the past two elections we have heard and seen reports of:

- Toxic and inappropriate behavior from poll site coordinators such as harassment, berating, and misinformation in the election process
- Disrespectful and inappropriate behavior from BOE trainers, lack of available trainings and disturbing reports of the state of facilities used for trainings
- A BOE staff member calling us to ask which [Democratic] club we belong to in order to recommend it to a poll worker

We have also witnessed the larger failings of election management including the 2015-16 voter purge of over 100,000 voters, many of them in Brooklyn, the 2018 and 2020 ballot scanner shortage that caused significant lines during early voting, the 2020 absentee ballot mailing fiasco to almost 100,000 Brooklyn voters, and more recently during the 2021 primary, failing to remove over 135,000 test ballots when releasing unofficial election results.

During the COVID-19 pandemic we witnessed a huge surge in public interest to serve neighbors and fellow voters by working the polls for the November 2020 elections. We



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heard over and over again at various poll sites in November about the positive influence of new energy, interest and talent at the polls. We also heard from many of our constituents who received no communication from the Board of Elections after signing up as interested in working the polls. Or who were sent to the holding warehouse area in Sunset Park with little to no communication on what that meant and what to expect. More recently, we witnessed the lack of retention of that November 2020 new poll worker energy for the June 2021 elections, to a distressing degree. As District Leaders, we are provided detailed staffing information of poll sites in our districts. A vast majority of poll site workers who were assigned to work on Election Day by the Board of Elections had either: (1) not taken a 'required' refresher course and/or (2) never confirmed their availability to the Board of Elections. Meaning, the personnel assignments data clearly indicated many of these assigned poll workers for June 22, 2021 Election Day made no positive indications to the BOE that they planned to work. To our knowledge, the leadership at the Board of Elections implemented no mitigation or late stage recruitment plans in order to fill the extensive staffing gaps. This lack of responsibility and preparedness directly and negatively impacts the temporary workforce that are Election Day poll workers. They are forced to come up with solutions and stop gap measures on the day of in order to do the necessary work on Election Day: get the site open on time, make sure people can vote and close the site correctly. We were forced to reach out and recruit untrained poll workers on Election Day in order to pitch in and get some sites to a functional state. A majority of the Election Day poll workers are not Board of Elections staff, they are our friends and neighbors who enjoy the work and performing their civic duty. These Election Day poll workers and New York voters are increasingly not served by the partisan dysfunction that we've come to accept as normal Board of Elections modus operandi.

There are common sense solutions we can implement, both in the short and long term to improve the way we run our elections in NYS:

#### *Short Term*

- Publicly post for positions and conduct national searches for senior level positions.
- More qualified training for BOE staff and poll workers that include real-world examples and common issues at poll-sites.
- Greater transparency in data collection and reporting that includes methodology for public feedback and input.

#### *Long Term*



*Brooklyn District Leaders Emile Bazile, Shaquana Boykin, Kristina Naplatarski, Julio Peña III, & Jesse Pierce*

- Professionalization of our Elections - civil service positions that are not appointed but merit based.
- A non-partisan Board of Election - removing political appointments out of the process is the single greatest way to remove patronage and corruption.
- Ensuring safeguards and accountability mechanisms are in place to hold senior staff accountable and change practices as needed.

The problems that plague the system are structural; it lies in the archaic ways in which the organization conducts its business, appoints its leaders, and to an extent, appoints election workers. Over our short time as District Leaders, we've witnessed the exciting implementation of progressive voting reforms like Early Voting, expansion of absentee voting and Ranked Choice Voting. We've also continued to witness the Board of Elections's reactive, operational attempts to implement these changes fail and cause incredible stress on the temporary poll worker workforce. It is a relic of Tammany Hall, "Boss Tweed", and a patronage system that we know leads to corruption, inefficient practices and voter suppression. It is also worth saying, we hold the Board of Elections Commissioners and executive leadership, local party bosses and the state legislature directly responsible for the continued failings of the Board of Elections. The accountability for the embarrassment of how NYC and NYS's elections are administered every cycle, sits with the people who hold the power to change how the organization is structured and operates.

July 20, 2021

Will Blomker  
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Dear Senators and whomever else this may concern,

This year my fiancée and I needed to vote in the June primary by absentee ballot. We both applied for absentee ballots at separate times. Neither of us received our ballots. We tracked them and the last time they registered in the system it labeled them “out for delivery.” This was almost two weeks before the election and they simply never arrived. This was deeply troubling for us, especially considering how close the mayoral primary was. Furthermore, this is not the first time I have applied for an absentee ballot and it just didn’t show up.

I strongly urge all state representatives to fully support the abolishment of the NYC Board of Elections. I understand that the state constitutional amendment process takes time, a three years to be precise. Well, get on it then. At a time in which we have sinister politicians with authoritarian aims questioning the trustworthiness of our elections it is especially imperative that we do everything we can to ensure competency, transparency and integrity wherever we can. The BOE has failed at all three for generations now. Abolish it and start over, for the sake of our democracy.

Sincerely,

Will Blomker

Chairman Myrie and Committee Members:

My name is Martin Ascher and I am an attorney living in Brooklyn and speaking in my personal capacity. In 2019, while still a law student at NYU I wrote an article on reforming New York City's Board of Elections. In that article, which I am happy to share with the committee or staff, I cited incidents such as the [illegal purging](#) of 120,000 voters before the 2016 Democratic primary and [Charter Revision Commission](#) proposals printed in 7.5-size font in 2019 due to board resistance to creating multiple ballots with a smaller number of languages. Unfortunately, the article stayed relevant, and I recirculated the piece in 2020 after the BOE sent many Brooklyn voters, myself included, the wrong interior envelope for their primary absentee ballot and of course after the debacle involving the faulty election results in the Mayoral primary.

While the problems each election were different, the root was always the same. The New York City Board of Elections is an agency in serious need of reform, and State legislation or even better, a Constitutional Amendment, are needed to take power away from political insiders and give it to a professional staff capable of administering elections for the people of New York City.

The structure of New York City's BOE is established in New York's State Constitution. Article II Section 8 of the Constitution requires that local Boards of

election have a bipartisan composition. According to the Constitution, these board members must be nominated by representatives of the parties. Today the board consists of one Democrat and one Republican from each borough, giving the board ten total members. These Commissioners are selected by the Democratic and Republican City Council caucuses respectively and are made in consultation with the county executive committee for each party. This means that Commissioners have a dual role, with obligations to both the public as government officials and the local political parties. Given that all election administration decisions, are made by the BOE this dual role has detrimental implications.

The bipartisan structure is based on the premise that since neither party could be trusted to be unbiased, an evenly divided BOE would ensure that the parties watch over each other and mischief is minimized. While this approach may have made sense in an era when political parties had traditionally taken the lead in administering elections, it does not make sense today. Many New Yorkers do not affiliate with either of the two major parties, and this structure prevents these voters from being represented on the BOE. Additionally, only 10% of New York City's voters are registered Republicans but they get the same amount of voting power on the BOE as the almost 68% of the City's voters who are registered

Democrats. Since BOE decisions must be made by majority vote, this gives the Republican Party's commissioners an effective veto over everyone else in the City if they vote as a block.

### **Proposal 1: Removing the Partisanship Requirement from the BOE**

Ideally, I propose removing the bipartisanship requirement from New York's State Constitution. While I would not require that all BOE Commissioners be unaffiliated with a major party, I would amend the State Constitution to allow unaffiliated people to serve as commissioners. In doing this the City's board could be restructured and based on the model of the City's Campaign Finance Board or merged into it. The City's CFB is a non-partisan city agency made up of five commissioners, two of whom are appointed by the Mayor, two appointed by the Speaker of the City Council, and one chosen by the Mayor in consultation with the Speaker. Each of these appointees have a staggered five-year term and the Mayor and Speaker cannot choose two board members from the same political party. Utilizing this structure would remove the dual loyalty problem as commissioners would have no direct incentive to protect county parties. Given this, the public interest side of the dual role will benefit at the expense of the partisan side, which is likely more interested in preserving the status quo. It would also remove both



the disproportionate power over City elections Republicans enjoy under the current system, and the required exclusion of those unaffiliated with the major parties.

Operational efficiencies would also be gained by merging the BOE into the CFB. Once partisanship requirements are eliminated, the election administration roles normally performed by the board could be performed by the CFB instead. Additionally, the odd number of CFB board members should prevent the deadlocks made possible by a BOE split evenly between two parties. Since the City already has an organizational structure in place to handle some aspects of election administration, it makes sense to give that agency more power rather than the BOE which has proven its incompetence repeatedly. Given the potential efficiencies that could be gained, I would recommend eliminating the City's BOE and placing its former functions under the direction of the CFB over retaining the BOE as a separate agency. There is already a sensible structure in place for election administration in New York City, so we should use it.

### **Proposal 2: Working within Constitutional Limits**

Given the difficulties of passing an amendment to New York's Constitution it is worth examining what could be done either instead, or while awaiting passage, of the amendment. This "damage-mitigation" approach would use legislation to strip

as much power away from the City's BOE commissioners as is legally possible and give this power to the board's Executive Director and staff. Since these staff members are not directly chosen by the party executive committees, they should at least in theory be less prone to the political pressures felt by the BOE commissioners themselves. Under this approach, the BOE would remain in place nominally, and with five members from each of the two major parties, though with significantly less power and less control over election administration.

If the professional staff of the City's BOE is to be given an expansive set of new powers, then it also makes sense to ensure that this staff is qualified. The Department of Citywide Administrative Services (DCAS) can work with the City's BOE to establish hiring criteria, that while allowing Democratic or Republican partisanship to be necessary requirements, also assess a candidate's election procedure knowledge or other abilities relevant to the job they will be performing. This could lead to a more uniform hiring process and a more qualified BOE staff. If the staff must remain bipartisan and evenly split, it could at least have clear hiring criteria designed to weed out the worst candidates.

This approach would require the passage of legislation at the New York State level and fortunately, there is already a bill in the State Senate to do so. Senator

Kreuger's Senate [Bill 6226](#) would take some of the non-essential powers of the City's BOE commissioners and give them to the BOE's Executive Director and Deputy Director. This bill removes the ability of the BOE Commissioners to make certain decisions while preserving the bipartisan structure of the BOE necessitated by New York's State Constitution. Kreuger's bill also advises the BOE commissioners to consult with DCAS in establishing written personnel policies. Sen. Kreguer's bill does not contemplate transfer of the unmandated powers to the CFB, but I believe this is an idea worthy of serious consideration.

By reforming the City's BOE we can improve our elections. It is essential that the public trust that elections are being administered competently. Given the City's recent experience under the current BOE structure, changes need to be made to keep or restore that trust. Thank you for holding this hearing today, and I hope you all will have the political courage to do what is right for the people of this City.

**Testimony prepared by Kim Moscaritolo, Democratic District Leader, 76<sup>th</sup> Assembly District, Part B**

**For the New York State Senate Committee on Elections Hearing**

**Date: July 28th, 2021**

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Thank you for giving me the opportunity to testify. My name is Kim Moscaritolo, I'm the female District Leader for the 76<sup>th</sup> Assembly District Part B, which includes parts of the Upper East Side and Yorkville in Manhattan.

I am here today to speak about the desperate need for reform at the New York City Board of Elections. I would like to focus on three areas: partisanship, oversight, and modernization.

According to an expose published by the New York Times last year, "New York is the only state in the country with local election boards whose staffers are chosen almost entirely by Democratic and Republican Party bosses..." As a District Leader I ostensibly play a role in this process, since we District Leaders, as members of the Manhattan Democratic executive committee, must vote to nominate the Manhattan Democratic BOE Commissioner. I can testify that the process is opaque, with almost no notice given prior to our vote, and no opportunity for a rigorous interview.

I want to clearly state that this is not a commentary on any specific former or current Commissioners, but rather an indictment of the process, which is set forth in our state constitution.

But the partisanship goes beyond the commissioners. So many BOE employees received their jobs either through political patronage, or nepotism. In 2013 the Department of Investigation released a scathing report in which it was revealed that 10 percent of BOE employees were related to another staffer! If we truly want to reform the BOE, we must remove partisanship from our elections administration.

We also need real oversight. With BOE leadership in the hands of party leaders, there appears to be no real accountability. I have watched year after year as the BOE has bungled elections, and yet the leadership has not changed. In that same New York Times article, it was reported that “Mike Ryan, the executive director, was not disciplined by the agency after NY1 reported that he sat on the advisory board of a voting machine company that did business with the city and paid for his travel.” While a bipartisan commission may have, at one time, seemed like a fair system, the outcome is total gridlock. With no one really in charge and no one able to effectively discipline employees who make egregious mistakes, it is impossible to enact any meaningful changes.

And worse still, the voters have no recourse. In other states, Elections Commissioners and Secretaries of State are elected. They are accountable to the voters, and can be voted out. Voters in New York City have no such ability. It would require a complete and total take over of both county parties for any real change to happen.

Finally, the Board of Elections must be modernized and professionalized. I will just share my experience as a District Leader and as someone who has spent more time than I care to admit sitting in a room at the Board of Elections looking at petition ledgers. Candidates for office must file petitions and submit them over a four day period. These petitions are entered into the system and onto what is known as the designating ledger. The only way to access these ledgers, which are updated several times a day, is to physically sit at the Board of Elections office and check their computers. If you’re lucky, you have a contact at the BOE who can email you the documents.

Now I ask why, in the year 2021, can the BOE not simply upload these ledgers to the BOE website, to be looked at by anyone who wants to? It’s a small thing, but indicative of so much that is wrong with the BOE. There are so many ways in which the BOE could make our elections process easier, and more accessible, but there appears to be no desire to do so.

In 2020, with the executive order allowing any New Yorker to apply for an absentee ballot, the BOE created a system to apply for and track absentee ballots

online. It was a huge improvement, and proof that the BOE, when pushed to make changes, can do good things for voters. But that should be the rule, not the exception.

Unfortunately, so much of what is wrong with the Board of Elections is enshrined in our State Constitution. The state legislature must begin the process of overhauling our elections system via a constitutional amendment. Ultimately, that is the only way we will ever truly fix it.

In the meantime, we can pass S.6226-A/A.5691-B, a bill to professionalize the BOE, sponsored by Senator Liz Krueger and Assembly Member Nily Rozic. The New York City Council should also take more responsibility in approving nominations for BOE Commissioner. Currently they act as a rubber stamp for the county parties, but they could demand more from the nominees.

For over 100 years people have tried to reform the city's Board of Elections. It will not be an easy task, but democracy demands it. I fully support this committee's efforts to improve our state and city's election processes, and I believe that now is the time to make it happen.



BROOKLYN VOTERS ALLIANCE  
SUBMITTED TESTIMONY TO THE NYS SENATE ELECTION COMMITTEE  
JULY 28, 2021  
FOUNDERS AUDITORIUM, MEDGAR EVERS COLLEGE  
1650 BEDFORD AVENUE, BROOKLYN, NY 11225

### **Voters deserve better**

Brooklyn Voters Alliance (BVA) is an all-volunteer, non-partisan organization that works to protect and expand voting rights in New York State. We believe democracy is strongest when everyone has a voice. We promote voter participation, education, and civic engagement to ensure fairness and equal access to our fundamental right to vote. What we consistently see and hear from voters across the borough is that registering (and/or updating their registration) is difficult, voting itself is unnecessarily complicated, and their trust that their votes are actually being counted is eroding. We as voters deserve better election administration in this city.

BVA believes an election system that conforms to fundamental principles that are rooted in fairness and accuracy will result in election administration that is

1. **Voter-Centric:** The mission of the Board of Elections (BOE) must center voter service by improving the experience of every voter. The systems, processes, and practices of the BOE should facilitate ease of voting in order to support high voter participation.
2. **Professional:** Election administrators should be supported and provided with the tools and resources needed to perform effectively. BOE commissioners and election staff should be expected to meet defined standards of knowledge, skills and experience to execute functional requirements of election administration.
3. **Transparent:** Information should be easily available, clear and usable to the public in regard to the election process, decisions, and officials involved. There should be a clear process for public input and participation.
4. **Accountable:** Voting access, security and accuracy should be ensured to promote fairness in election administration. The BOE, including its leadership, staff, practices, and processes, must be answerable to the interests of the voters.

After every election, our members and other Brooklyn voters share stories that demonstrate just how far we are from these core principles. In the June 2021 primary, many voters only found out

their Early Voting poll site changed when they went to vote and were notified they were in the wrong location. The mailing they received from the BOE with their fast-pass (a great innovation!) and Election Day poll site location and hours is mandated to be sent out prior to the deadline. BVA and others have long advocated that the NYCBOE explain how poll site locations are determined and that community input be solicited, but that is yet to occur. Furthermore, during the pandemic, the NYCBOE stopped allowing for the public to even ask questions during Commissioner's meetings, which indicated that they do NOT want community input.

While we are grateful for the expansion of absentee voting during this year, there are still numerous issues with voting by mail in NY. Because we do not have postage-paid return for absentee voting, in this most recent primary, many NYC voters took advantage of the opportunity to drop off their ballots at poll sites during Early Voting. This was good for most voters, but not for all. BVA members who were poll workers shared stories of poll site coordinators who actively prevented poll workers from asking voters dropping off their ballots if they signed their oath envelopes, which seems both anti-voter and not professional. We heard from a member who dropped off her Manhattan mother-in-law's absentee ballot at an Early Voting poll site in Brooklyn. She tried to track that ballot through the online system (another system that's great to have!) to no avail. She made repeated phone calls to the BOE to find out if the ballot was received. It appears the ballot never showed up in the Manhattan BOE office and there is no way to trace it or to know if her vote was counted. A Brooklyn Borough BOE worker told the voter she shouldn't have dropped it off in Brooklyn, even though we have a single Board of Election in this city and the BOE has repeatedly informed voters they may drop off ballots at any poll site in the city. This voter was disenfranchised by incompetence and a lack of transparency and accountability. This is unacceptable.

All is not lost - we want to end on a high note. In NYC, we used ranked choice voting for the first time in 2021, and though it was a major change in how we vote and once again resulted in a 2-page ballot for many voters, voters overwhelmingly understood how RCV worked and most chose more than 1 candidate in the RCV races. The education efforts from the BOE, NYC Votes, Democracy NYC, Rank the Vote NYC, and many grassroots groups like BVA made a difference.

BVA is advocating for a more inclusive democracy and a more voter-oriented election administration system. The foundational principles of an election system that is Voter-Centric, Professional, Transparent, and Accountable will boost trust in our elections and support the leadership and the staff of the BOE itself. It is better for voters if the people who are responsible for elections have clear and consistent standards to follow, are seen as professionals, and can build and receive trust.

Thank you.

Amanda Ritchie  
Co-Founder, Brooklyn Voters Alliance



Dear NY State Senate Elections Committee:

My name is Shelli Cohen and I've witnessed a variety of mishaps during the 2020 election. I reside here in Brooklyn, but I went to school at SUNY Binghamton, where I served as a Vote Everywhere Ambassador for the Andrew Goodman Foundation. Starting August 18<sup>th</sup> and continuing through September, my team and I helped many students register to vote. A week before the voter registration deadline, students were stopping by the Center for Civic Engagement, texting and calling me because their voter registration still wasn't showing up online. This demonstrated that the BOE was too overwhelmed. They were understaffed and were struggling to process the forms at same time as prepping all of the absentee ballots.

Students face many barriers to voting, most prominently, we frequently move. Therefore, many students tend to have to vote via affidavit ballot. For example, students tend to register to vote as freshmen, who live on campus, and forget to update their registration when they move off-campus as upperclassmen. So, we educated students to go to their polling place associated with their current address and vote via affidavit. Students followed our instructions and poll workers sent them to campus to vote. We sent them back, but some were so frustrated, they just gave up.

Even the students that managed to vote affidavit at an off-campus polling site faced problems. Poll workers instructed students to put their parents' address on the form, instead of their address in Broome County. This is obviously problematic because they were trying to vote in NY-22, not back home. These ballots were contested in the NY-22 congressional race and the judge threw out the ballots because students had signed a legal document that they lived outside the district in which they were voting. So, 20 students who simply followed directions did not have a voice in choosing their representation in 2020. These two experiences show poor training of poll workers.

The next issue I encountered was very poor communication from the State BOE, especially regarding absentee ballot drop-off. Many students decide to remain voters back home and vote via absentee ballot. We anticipated students bringing their absentee ballots from outside of Broome County to the campus polling site to drop them off because of the USPS slowdown. We were in close communication with the Broome County BOE to find out whether these ballots would be accepted. Our BOE was trying to find out from the protocol from the State BOE, but there was no protocol. Broome County decided to accept them, timestamped them as received on Election Day and mailed them out the following day, but what did other counties do? Some accepted the ballots, but arrived back at the BOE after midnight, so the timestamp listed the day after Election day. Because they weren't timestamped **by** Election day, the ballots were discarded.

In addition, due to the USPS delays, voters were receiving two different deadlines for absentee ballots (by when to apply/return the ballot): the legal deadline and the "real" deadline. Even so, people didn't get their absentee ballots in time and many ballots arrived too late, even though they postmarked them in time.

Lastly, there was and still is blatant student voter suppression. I worked on trying to bring an early on-campus polling site to SUNY Binghamton because there are over 20,000 students, staff and faculty that walk through the campus daily. When I contacted the BOE, I was informed that there was not enough funding nor resources to add a new early polling site in 2020. I had sympathy for the overworked BOE staff, but weeks before Election Day, the Broome County BOE opened a fourth early polling site, which was not on SUNY Binghamton's campus.

There is much to say about the NY-22 congressional race, sticky notes on contested ballots, voter registration forms not filed and the discovery of ballots a month after Election Day, but I want to focus on ways we can make our election system better, especially for students. The youth are the future leaders of this country and I believe it is your responsibility to make it easier for them to be active participants in our democracy.

I am very pleased that same day voter registration and vote-by-mail will be on the ballot in November, but we need more. Specifically, I urge you to mandate both Election Day and early on-campus polling sites. There are many advantages. One, the staff can work with the university to be more prepared to answer common questions from student voters. For example, at SUNY Binghamton's polling site, there is one person designated to helping voters fill out affidavit ballots properly. Two, it's been proven that student voter participation rates increase. Three, students tend to work the polling place. The existence of the polling place encourages civic engagement!

Next, students should have time off to vote just like everyone else. Friends of mine had many hours of class and tests on Election Day. Why are students expected to have the time to travel to vote? In general, the BOE needs more funding to be able to properly manage elections. They need better trainings for poll workers and we need to USPS to get back up to speed.

Thank you for taking the time to read my testimony and hear about the experiences of student voters. My testimony is only a small fraction of the obstacles students face to vote. I hope this letter encourages you to take steps to expand voter access, especially for students.

Sincerely,

Shelli Cohen  
392 Saint Marks Ave #4A  
Brooklyn, NY 11238

Chair Myrie and members of the Elections Committee,

My name is David Siffert, and I am the Chair of the Legislative Affairs Committee of the Village Independent Democrats. I currently work as the Director of Research & Projects at the Center on Civil Justice at NYU School of Law, though I am not here in that capacity.

New York's Boards of Elections are broken. It is one of the last major vestiges of political patronage in New York, and there is a reason our elections don't work. I want to highlight two major consequences of BOE incompetence:

First, there is a good chance that the loss of ballots from the 2020 Congressional race in the 22<sup>nd</sup> Congressional District actually swung the result in that race, resulting in a Republican elected rather than a Democrat.

Second, the BOE failures in the 2021 Mayor race have given fuel to the fire set by Donald Trump in casting doubt on the ability of elections administrators fairly and accurately to administer elections, allowing the Big Lie to live on, and allowing Republicans to justify voter suppression laws throughout the country. Make no mistake. Your failure to act on BOE incompetence, despite countless people blowing the whistle over the decades, makes you all personally responsible for the voter suppression that is happening around the country.

The question now is what can be done. You have likely heard from others about the pillars of good elections administration: Professionalism, Accountability, Transparency, and Voter Centricity. To your credit, over the last few years, you all have enacted significant legislation – and even Constitutional amendments – to increase the voter-centricity of our elections. There is more to be done, for example requiring that voters be allowed to vote at any polling place within their county, but I commend your work.

However, almost nothing has been done about the other three pillars.

With respect to accountability, local boards of elections are in the hands of unelected county party bosses. Statewide, the Board is under the control of the Governor, though he denies it. Both the State and each County should have its elections administration run by a non-partisan, elected head of elections. If the individual is required not to be registered to vote with any political party, then there would be no issue of running afoul of Constitutional rules regarding party parity. This individual would then be directly accountable to the voters to ensure that elections happen efficiently. Nationally, states with elected Secretaries of State have higher turnout rates than those without, and that's not an accident.

With respect to professionalism, Senator Krueger has a bill that allows the NYC BOE Executive Director to hire staff based on qualifications rather than patronage. This is a good start, but the ED is still appointed by the Commissioners, who still answer to the party bosses. Furthermore, the bill does not require full-time employees to be civil service, and it applies only to NYC, whereas we have seen problems state-wide. If the Senate decides to pass this bill, which I don't oppose as it is an improvement over the status quo, please do not expect radical change or act like your job is done.

Finally, with respect to transparency, voters need to have access to BOE plans before they are finalized. As an obvious example, absentee ballots over the previous two elections have been riddled with errors, including simple mistakes like leaving out a slash in "Military Absentee Ballot" or not making the need

for a signature on an envelope sufficiently clear. If these ballots had been showed to the public for comment prior to being finalized, these mistakes could have been easily avoided. In addition to structural changes, it is imperative that you pass legislation that increases the public's access to BOE decision-making to prevent the repeated mistakes we have recently seen.

I will conclude by saying that it's easy to take the easy way out, such as by holding a “very serious hearing,” and pat yourselves on the back. The NYS Legislature is notorious for it. But with respect to the integrity of our elections, the stakes are too high. I urge you to have the guts to stand up to the party bosses across the state and make real change. We need meaningful legislation across all pillars of good elections administration.

Respectfully submitted,

David Siffert  
Chair, Village Independent Democrats Legislative Affairs Committee

My name is Dana Watters. I work for the National League of Cities and manage the Cities Vote program, which works to provide technical assistance and resources to city leaders in the area of elections and voting. In that capacity, I have the privilege of working with some of the leading experts on voting rights as well as dozens of municipal staff and elected leaders whose common goal is to ensure that every eligible voter is able to cast a ballot safely, fairly, and easily. I am also a proud New York City poll worker and have been serving my local voting site since 2016.

I want to take this opportunity to speak to a few key issues I've seen as a poll worker—and as a voter—and how I have seen them addressed in other jurisdictions. I want to stress that I am not speaking on behalf of anyone but myself and do not represent the views or positions of the National League of Cities.

In New York City, every poll site has a member of the NYPD stationed there. This has become an issue of concern to many New Yorkers, particularly after an incident last fall in which a member of the Department used his police equipment to electioneer for Donald Trump, as well as others in which police intervened at poll sites to stop volunteers from handing out personal protective equipment to voters. On the Saturday before Election Day, I went with several friends to a few early voting sites in Morningside Heights where we knew lines would be especially long in order to hand out snacks, water, PPE, and general nonpartisan encouragement. We saw other New Yorkers doing the same, including one gentleman who brought a microphone in order to perform comedy for voters in line. Unfortunately, the member of the NYPD stationed at that site did not have a firm command of the law he was there to enforce, which permits such activity so long as it does not constitute electioneering. While the jokes were often bad, they were entirely nonpartisan. The officer demanded that the comedian move across the street, and then, within earshot of myself and my two fellow volunteers, as well as two 866-OURVOTE election protection volunteers, a poll site staffer, and several voters, swore loudly and complained that he did not want to be dealing with this sort of thing.

Other cities have seen the problem with having police involved in or near election activities. Whether or not an officer would actually pose a threat to a voter is irrelevant—voters may perceive a threat, particularly voters of color who have historically been targets of police misconduct and violence. For this reason, the city of Madison, WI decided that it would no longer use police station community rooms as poll sites. This came about as part of their Voting Access Equity Plan, designed to ensure “that each eligible voter will be able to cast a ballot and have that ballot counted” and following the city clerk’s initiative to conduct a race equity analysis. Madison, it is worth noting, is 78% white and has a Black population of 7%, an Asian population of 9%, and a Latinx/Hispanic population of 7%. New York City is considerably more diverse, but has failed thus far to take the same initiative to ensure equity at the ballot box. In other states, including Pennsylvania and Tennessee, police are barred from poll sites altogether unless they are voting, are called upon by elections officials, or in order to make an arrest. Given the history of police intimidation, and frequently violence, towards Black voters, and the clear fact that the legacy of racism and anti-Black violence did not end in 1965, having police at poll sites is extremely problematic. The fact that certain groups are more likely to feel intimidated than others also suggests that this policy would violate Section 2 of the Voting Rights Act, which

Congress amended in 1982 to include a “results” test, prohibiting any law with a discriminatory effect, regardless of the intent.

I would also argue, as Elena Kagan did in her recent dissent in the Supreme Court case *Brnovich v. DNC*, that Section 2 ought to prohibit another hallmark of voting in New York—invalidation of ballots cast outside of a precinct. In *Brnovich*, Justice Kagan pointed out that such rules disproportionately impact voters of color, notably Black and Latinx voters.

New York, and in particular, New York City, throws out thousands of affidavit ballots cast by voters who show up to the wrong precinct. For some voters, it might be easy to walk five or ten blocks to the correct poll site, assuming the poll worker gives them the correct address. For New Yorkers with disabilities, who are juggling one or more full-time jobs, who live in precincts with long lines, this isn’t quite as easy. Imagine being a single parent working two jobs who already stood on line for two hours at what used to be their poll site, only to be told to go somewhere else. New York law only requires employers to grant employees two hours of leave time to vote, and requires that employees notify their employers at least two days in advance. If you’ve used up that time, you’re out of luck. Imagine being a college student who wants to vote in between classes—do you miss your political science lecture or vote? As a poll worker, I hate having to tell people they’re in the wrong precinct. I tell them they can cast an affidavit ballot, but that it is unlikely to count. Sometimes, people choose this option because it’s all they can do, and the resignation on their faces, knowing they took the time to do their civic duty but that it won’t mean a thing, is heartbreaking. Democracy is meant to apply whether or not you saw the notice of a change in polling place or whether or not your schedule that day allows for it.

There are two obvious fixes to this: first, the State Assembly has had a bill sitting idle since May that would require provisional ballots cast out of precinct to be counted for all races that they would be eligible to vote in were they at the correct location.

Second, the state could stop limiting voters to miniscule precincts subject to change. We saw with early voting in 2020 that this is entirely feasible; the sites accommodated voters from multiple precincts. Moreover, the switch from paper to electronic poll books means that poll workers can pull up the registration information for any voter in the borough. This does not mean that poll sites should be consolidated—that creates longer lines and exacerbates problems of resource distribution inequity. We saw in a number of states in 2020 that consolidated centers can result in suppression of votes, particularly impacting poor voters and voters of color. But New York could add vote centers to its election day plans, mitigating long lines at other sites and making it easier for someone who might live in one neighborhood but works several miles away to vote on their lunch break or before picking up their kids.

We saw in 2020 that vote centers located in sports arenas were big draws for voters. Many of them served not only as poll sites, but offered registration assistance, allowed people to cast in-person absentee ballots, and prior to the election held information sessions. Some offered special “I Voted” stickers that people excitedly posted to social media—and we know how much New Yorkers value both sports and their “I Voted” stickers. Other cities have beaten New York to

the punch—Detroit had all of its professional sports teams involved in its voting efforts, including providing staff the day off to serve as poll workers. In fact, the city shut down non-essential services for two days in order to put those employees at the disposal of the city clerk, and local businesses diverted workers to assist as well.

This brings me to another point, which is poll workers—first of all, every member of state and city government should take a turn serving as a poll worker, just to know what it's like. It's not easy—polls open at 6am and close at 9pm, and poll workers need to be there an hour early and usually stay at least an hour late. That's a 17-hour day that starts *very* early, and those two hours on either side—opening and closing the polls—is chaotic and complicated, and something almost always goes wrong to throw off the procedures. If you've ever been at work for seventeen hours, you know that by the end of that, even the sharpest mind is foggy and close to the point of emotional break.

New York did a phenomenal job ahead of the 2020 election recruiting poll workers. The shortage in the June primary was brutal—I was doing the job of six people at once. But in November, so many people applied to be poll workers that the city began turning them down. That begs the question of *why*, if you have enough people willing to do the job, wouldn't you split shifts? It's already an impediment to recruiting poll workers that the day is so long, but when you have a surplus of people willing to do it, why not make it a little easier on poll workers? I'm in my thirties and can power through the day, although math does get a little more difficult by 9pm. But poll workers tend to be in their sixties and seventies and have less of a physiological ability to withstand sitting in a plastic chair for seventeen hours. New York could not only allow people to sign up for half shifts, but it could do what many states and cities across the country do and get high school students involved. Houston, TX has a program that recruited more than 4,500 high school students to serve as poll workers last November, and state law allows two excused absences per year specifically for election work. Imagine extending that opportunity to the single largest school district in the country, New York City. Not only would it help teach young people about the value of civic engagement, but it would shift some of the burden off the shoulders of older New Yorkers.

Given unlimited time, I would gladly argue for more reforms and delve into the history of voting in New York and in the United States. I would get into why signature matching is better than photo ID, but still falls short when it comes to racial equity. I would draw on my experience as a poll worker to lay out recommendations for better training and better poll site administration. I would talk about another poll worker who I served with for four years named Corinthians who wore a suit and tie to every election and greeted every voter like an old friend. I would emphasize the need for same-day voter registration and use the last election, when we ran out of new voter registration cards, as an example. I would ask why the city and state doesn't ask their poll workers for feedback or thank them for their service.

I moved to New York City in 2012. Living here was always the plan. I love this city and this state, like most New Yorkers, it drives me up the wall. New Yorkers willingly put up with a lot in order to live here, from tiny apartments that require an income of 40x the monthly rent to an

absolutely absurd system of trash disposal to waiting in long lines for everything from bagels to bookstores. We accept those as trade-offs for living here. We shouldn't have to envy Houston or Detroit or Madison when it comes to the ability to vote—New York should lead the way in every respect.

Thank you.



## **Written Testimony of Jasmine Cordero**

As a poll worker I have seen countless times as people who work in The Bronx cannot vote at their nearest polling station because they are registered in Brooklyn. It is a luxury to be within in 2 feet of your polling station unless you work that day. The working class must choose between their right to vote and their paycheck. The paycheck always wins. I want to see election day for both the primary and the general to be a federal holiday. When people are given a day off and are still receiving holiday pay, turn out to the polls will increase. HR1 bill must pass to make this easier for everyone.

JAN COMBOPIANO  
TESTIMONY BEFORE ELECTION COMMITTEE  
JULY 28, 2021, 10:00 am  
FOUNDERS AUDITORIUM, MEDGAR EVERS COLLEGE  
1650 BEDFORD AVENUE, BROOKLYN, NY 11225

We deserve an election administration system that is voter-centric, accountable, transparent, and professional - but we have to be intentional about building it, as it won't happen on its own.

Pollworking is the front line of our democracy. Pollworkers ensure that people can vote and that their vote is - or at least has the possibility of being - counted. Yet pollworking is often an afterthought when it comes to election administration. Pollworkers in this city rarely receive rigorous training nor are they given adequate systems which help them be successful in their vital roles.

Let me start by giving a shoutout to all the pollworkers I worked with this primary season - both during Early Voting and on Election Day - who were committed to helping people vote. They made sure everyone who dropped off their absentee ballot had signed it and voters knew how to put their ballots into the scanner correctly and wait for the message to pop up, "Congratulations! Your vote has been counted." These actions might not sound like much, but they are the difference between a vote being counted and a voter being disenfranchised - these behaviors center voters, not political parties or candidates.

I am so grateful to my team on Election Day - they got to our poll site at 5am and had to stay until 10:30pm - a 17 ½ hour day for which they received barely over minimum wage. But they served voters all day. And what a day it was - I was asked to be the Coordinator of this poll site the afternoon before because the previous Coordinator, who couldn't properly close the poll site in November, so the AD monitors had to do it for and all the pollworkers who worked under her complained to their District Leaders (Democratic AND Republican) that she was terrible, so they told the BOE that this woman cannot be a Coordinator again, yet the BOE staffed her for this position. After I took over, I asked her to do the most basic tasks that every pollworker should know how to do - open the scanner and set up the inspection table - she didn't know how to do either, so I sent her home. Where was the accountability for bad performance? And where was the transparency as to how this person got staffed over the objections of so many people who are responsible for pollworkers?

The reason I even let her stay at the beginning of the day was that I only had ⅓ of the pollworkers present that I should have - there were only 9 of us instead of 26. We started the day with 1 person at every inspector table and at every other role. I had to be a table inspector AND the Coordinator. Other pollworkers would have to jump over to my table to serve voters when I was needed elsewhere to help another pollworker or voter, but then had to jump back to their table when voters were in line there - it was chaotic and confusing for voters.

I asked the BOE repeatedly - as did the AD monitors - for more pollworkers for my site. They only sent one person to coach me about being the Coordinator who was great, but he could only stay a few hours. They never sent any other pollworkers. We were so short-staffed in the morning, it was not possible for anyone to take a break. I had to get help from the community - I asked Brooklyn Voters Alliance members and Gowanus Mutual Aid for help. And folks came - I got at least 5 people who we trained on the spot and who were open to helping, professional, and badly needed.

I also need to mention that the passwords I was given for the tablets - the Information Clerk/Coordinator and the ePollbooks were wrong. Luckily, I got the correct one for the ePollbooks through my District Leader (NOT the BOE), so we could open on time. But I didn't get the correct one for the Information Clerk until mid-day - he had to use the paper address lookup prior to that. And the tablet I was supposed to use as the Coordinator was never reset from the November election, so it was useless.

We shouldn't have to live with these problems every election - we keep doing the same things, but expecting different outcomes (isn't that the definition of insanity?). We need to shift our framework and the system itself. Here are some lessons learned:

- Update pollworker training and standards
- Redesign Election Day poll site staffing and procedures to more closely resemble Early Voting - use ballot-on-demand so less pollworkers can handle more EDs effectively
- Make the BOE use split shifts, so more people can be pollworkers - including high school and college students
- Let pollworkers of every affiliation be staffed for every needed function, not just in a crisis
- Mandate - through legislation - transparency and accountability from the BOE

Democracy takes work and we have ours cut out for us. Thank you.

## Testimony before the Senate Standing Committee on Elections

Julie Kerr

July 28, 2021

Thank you for the invitation to speak today. I appreciate the opportunity to share my recent experiences as a voter in New York City.

First, I want to say that my experience with Rank Choice Voting in this year's city primary election was very positive. I am a member of a Brooklyn-based community group and we did a lot of voter education and outreach around RCV, so although I had never voted in an election using RCV before, I was already very familiar with what it is and how it works. My experience when I voted last month could not have been better. I was first offered a card explaining RCV by a Board of Elections worker before walking into my Early Voting poll site. Once inside, information about RCV was available throughout the poll site. The same card I had been offered outside was available at my check-in table, too. As the poll worker was placing my ballot in the privacy envelope, she explained that the inside of the privacy envelope also included detailed instructions on how to fill out a ranked choice voting ballot. This is in addition to the RCV material I and other voters received from the Board of Election in April as well as a postcard from the NYC Campaign Finance Board in the weeks before the election. While there is always—always—more to be done on voter education and engagement, my own first experience with RCV was a positive one, as it was for friends and neighbors I have spoken with. And I will say as well that I could not be happier that the City Council in 2022 will be not just the most diverse council the city has ever had, but it will be majority female. I strongly believe RCV is a contributing factor in that outcome. I'm also grateful another \$15 million or more does not need to be spent on two runoff elections we would be having under the previous plurality system.

I also wanted to speak today about notification—or lack thereof—of poll site changes to voters. This is not a new problem. For this most recent primary, Brooklyn increased the number of Early Voting poll site locations from what were available last year. That's a great thing! Some locations that were sites last year were not sites this year. That's understandable. For both reasons, some voters were assigned to different Early Voting locations. I was one of those voters. To be clear, I'm not upset about the change of location. I learned about it weeks ahead of the primary because I used the online poll site locator tool. A tool other voters may not know about or has access to.

I did not, however, learn of the location change from the BOE's April mailing, the mailing sent to all NYC voters ahead of the primary election. Nor, therefore, would any of the voters in my neighborhood who would have also been reassigned to the new location. The BOE is required to send out a mailing to voters 65 to 70 days before an election.<sup>1</sup> That's a reasonable amount of time. However, the BOE has until early May to finalize the Early Voting poll site locations, a deadline, given the scheduling of the June primary, will always be after the BOE's mailer is required to be sent. That poll site location deadline is part of the Early Voting legislation passed in 2019, which is also when our June federal primaries and September state/local primaries were

consolidated to June. However, these two deadlines do not line up and, therefore, do not serve us, the voters.

I am so grateful New York now has Early Voting. It was long overdue. I'm equally grateful for the new, more modern elections laws the state legislature has passed in the last few years. These reforms are necessary to make it easier for New Yorkers exercise their franchise. I urge this committee and your colleagues in the Assembly to take a look not just at these two particular deadlines, but more broadly at all of the deadlines the BOE is working with, and adjust as needed to better serve us, the voters. It could also be more efficient for the BOE, too.

There's a lot about the way our elections are administered in New York that need to change. Some are structural changes that will take longer to achieve. Others are ones I hope the legislature will address in the interim, including but not limited to, the various deadlines imposed on the BOE within existing (and hopefully future) legislation and whether they conflict with providing voters the best information they need to cast their ballot—and where voters must go to vote is among the most basic of information.

Thank you.

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i § 4-117. Check of registrants and information notice by mail: 1. The board of elections, not less than sixty-five days nor more than seventy days before the primary election in each year, shall send by mail...a communication, in a form approved by the state board of elections, to every registered voter who has been registered without a change of address since the beginning of such year...The communication shall notify the voter of the days and hours of the ensuing primary and general elections, the place where he or she appears by his or her registration records to be entitled to vote...If the location of the polling place for the voter's election district has been moved, the communication shall contain the following legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT..."

RE: Solicitation of Testimony on Voting Experiences and Issues from Voters in New York City

Dear Senator Zellnor Y. Myrie,

After reviewing hundreds of rejected absentee ballots last year, and over many years of helping Brooklynites register to vote and run for county committee, members of New Kings Democrats have encountered shocking levels of deficiencies in the New York City Board of Elections (BOE). Voter roll purges and absentee ballot disqualifications are a few ways the BOE has disenfranchised voters and undermined faith in our election process. Consistently low voter turnout in NYC elections proceeds from the BOE's longstanding history of errors and its lack of clear communication to citizens.

During the 2021 primary election, there has been more attention on, and criticism of, the BOE with the implementation of ranked choice voting (RCV). The BOE's errors this year were actually less severe than in previous years, such as mailing thousands of misprinted absentee ballots. RCV was overwhelmingly adopted by NYC voters and has been implemented successfully in many cities — this voting system is not to blame for the BOE's failures.

The BOE is insulated from City Council and mayoral oversight, with litigation the only mechanism the public can use to hold the Board accountable. The lack of direct accountability is concerning to New Kings Democrats, as our work is centered on bringing transparency, accountability, and inclusionary democracy to the Kings County Democratic Party.

Unlike all other city agencies, the BOE is the only agency where county political parties appoint administrators. The partisan BOE leadership in NYC - 10 commissioners picked by party leaders in each borough - have failed workers and voters alike. It is a standing vestige of the city's 19th century patronage system and has resulted in a series of egregious failures. An analysis by New Kings Democrats during the 2020 primary found that more than 30 percent of all ballots were rejected in three Brooklyn Assembly Districts. These districts (55th, 58th, and 60th) also have the borough's lowest median income and the highest percentage of Black residents. The City's rejection rate, 22% during the last election, was immoderate compared to other states. Pennsylvania had less time to prepare for a mostly absentee primary but rejected only 1.4 percent of received ballots (3.9% in Philadelphia).

If the BOE is to carry out fair and inclusive elections, then it must operate as a fair and inclusive body. In the pursuit of electoral justice, New York should encourage and promote career civil servants for BOE leadership. The long term solution is to amend the New York State Constitution to ensure the State and County Boards of Elections are nonpartisan, rather than bipartisan, and include safeguards against partisan favoritism at all levels. Until we can achieve these changes to the constitution, County Parties should arrive at their recommendations for BOE Commissioner positions through a competitive, transparent process including the entirety of the County Committee. Right now Senate Bill 6226A, which prescribes qualifications for the commissioners of the Board of Elections, provides a good starting point.

Thank you for hearing our concerns,  
Genevieve Vaida  
Vice President of Policy  
New Kings Democrats

7/19/21

Poll Worker Experience Testimony:

I arrived at my assigned poll site in Brooklyn, NY at 5am on Election Day. As 5:30am approached and no one arrived as the coordinator I was asked by the tech person on-site assisting with our set-up if I would like to be the acting coordinator, I happily obliged even though I never took the “refresher course”. When I had called several times, prior to Election Day to request the email link for the poll worker refresher course it was never emailed to me. I was told by a representative, that it was unnecessary and I was assigned to my site even though I specifically asked to take the refresher. I was also told “just to show up at 5am” if I did not get a confirmation email. After discussing this experience with several other poll workers they expressed the same frustration and those that were able to take the course said it was only about the new rank choice voting process not the general poll worker responsibilities.

At 5:10 we first called the Board of Elections to inform them that our coordinator had not shown up. We then called again and never heard back from the Board of Elections at all throughout the day. Thankfully we did have a tech person at our site to help us with some set up and some closing, but his time was very limited as he told me he would be managing 21 sites that day and several others did not have coordinators on-site and were also short staffed. In total we had, I believe, 11 poll workers at our site only 4 had worked the polls in prior elections.

Our site was so short staffed we were only able to have one representative per table. My understanding is that legally we were supposed to have both a Democrat and Republican managing each poll worker table that was not the case. Due to being short staffed as acting coordinator, I was unable to allow my poll workers the full allotted 2 hour breaks they are supposed to receive and while they were all great and very understanding this should not have been the case particularly when we are working an almost 18 hour shift.

Throughout the day we did get 2 visits from a team of 2 women from the Board of Elections. They proceeded to yell at us and curse in front of voters when I was explaining to them a mistake that had been made. They berated, and antagonized one of our poll workers when they thought he made a mistake, which was actually not the case it was their misunderstanding. It was awful!

The above is a short detail of my experience. With the above said the day at our site went smoothly in the eyes of the voters. I had a great team and we all worked well together to make the voting process as smooth and comfortable for all the voters. I believe we all enjoyed the day together and look forward to being part of future elections, but it is clear that reform of the Board of Elections is necessary.

There are other details and issues that arose throughout the day and at closing that I am happy to discuss at your earliest convenience. Feel free to reach out to me.

917-364-5655

[dovesky222@gmail.com](mailto:dovesky222@gmail.com)

Laura Kleinman

**Testimony** "To Review Elections Administration and Voting Rights in New York State."

**BROOKLYN PUBLIC HEARING**

**Wednesday, JULY 28, 2021, 10:00AM**

**FOUNDERS AUDITORIUM, MEDGAR EVERS COLLEGE**

**1650 BEDFORD AVENUE, BROOKLYN NY 11225**

My name is Kate Doran. I am a registered voter, and an enrolled Democrat in the 52<sup>nd</sup> Assembly District in Brooklyn.

In 2004, Jo Anne Simon, who was at that time District Leader in the 52<sup>nd</sup>, appointed me to be an election inspector. In 2006 Ms. Simon appointed me poll site coordinator. I worked as a poll site coordinator in Brooklyn through 2016.

I have done the job of ENR (Election Night Reporting) from a police precinct in Brooklyn. In 2019 I returned to the job of election inspector for the roll out of Early Voting.

From the time we voted on lever machines until today certain issues persist.

1. Poll Workers should be transparently recruited, and must be better trained.

My specific suggestion is:

Create a training procedure modeled along the lines of applying for driver's license in New York State, The DMV Model – The Board of Elections could make available all year long, at all times, copies of the Poll Worker's Manual. Citizens who want to be Inspectors could pick up hard copies, or download the Manual from the Board's website. After studying the manual, the prospective Inspector would come in to a Board office and take a written test. The test would be "Open Book," which is as it should be, because test takers are practicing what will be required of them at the poll site: being asked questions, and researching answers. When the prospective Inspector completes and passes the written test, he/she moves to hands-on training on the scanner, BMD, and electronic poll book, analogous to the would be driver being given a permit to practice driving a car after passing a written test. The actual hands-on classes should also emphasize voter service by including simulations of common types of interactions with voters at poll sites.

One virtue of the DMV model is that individuals thinking about being poll workers will self select. The person who cannot, or does not want to read a manual, will not apply. Another virtue of this model is that the BOE could dispense with the lecture style of teaching. Trainers would be trained to create real interactive lessons. It will no longer be necessary or appropriate to read the manual to students.

2. The BOE should be encouraged to hire poll site inspectors to work Split Shifts.



The hours poll workers are asked to work have increased steadily since the days of the Lever Machines. Now we also have 9 days of early voting, and the hours on those days have been extended.

Election Law Section 3-400. 7. permits actual "Split Shifts." The BOE should calculate a reasonable hourly rate for poll workers and recruit and deploy inspectors for shifts shorter than the full day.

The long hours are a significant deterrent to recruiting capable folks who have a desire to serve their fellow citizens on the front lines of democracy.

3. The BOE should fully embrace the **Alternative poll site staffing plan**: EL 3-500

One alternative poll site staffing plan is the model that we presently have for early voting. On early voting days "Ballot Stations," take the place of ED tables. Voters are efficiently served in what we have begun to call "Any Line, Any Time."

The most experienced, and best trained employees staff the "Affidavit Table," handling all issues that go beyond identifying voters and distributing ballots.

The early voting model permits Coordinators to move inspectors from one job to another depending on situational needs.

An alternative staffing plan works hand in glove with split shift workers, since there are certain times of the day when more or fewer workers may be required.

The early voting model should be the standard for all election days.

The state legislature may want to consider amending the election law to allow unaffiliated voters to serve as poll site inspectors thereby increasing the pool of candidates for these essential jobs.

Respectfully Submitted,  
Kate Doran  
11 Polhemus Place  
Brooklyn, NY 11215-2203

Elections Committee  
Brooklyn Public Hearing  
July 28, 2021  
Testimony  
Bonnie R. Nelson

My name is Bonnie Nelson and I wish to testify about how poorly absentee ballots are handled by the New York City Board of Elections.

My mother-in-law, Ann Nelson, is 97 years old and has difficulty walking, so for the past several years she has voted by absentee ballot, with the ballot being automatically mailed to her home. During the primary election in June she was undergoing physical rehabilitation in a short-term rehab facility in Greenwich Village. I was collecting her mail and when her absentee ballot arrived I brought it to her since she was very anxious to vote—having rarely, if ever, missed an election.

With some difficulty (her eyesight is not great and her hand is a little shaky), she filled out her ballot and the ballot envelope during the Early Voting period and entrusted it to me to return. I decided that, rather than trust the mails, I would deliver her ballot to an Early Voting poll site. The Board of Elections website said that absentee ballots could be returned to any EV site. It turned out to be most convenient for me to deliver my mother-in-law's ballot to the EV site at Sanders Studios in Brooklyn late in the day on Thursday, June 17. A very nice poll worker met me, asked me if the envelope was filled out correctly and then checked herself. She then took the ballot—assuring me it would go to the right place.

A few days later I started checking to see if her ballot had been accepted, but the status never changed from “Out for Delivery.” That’s what it says to this day.

Finally, on Friday afternoon, July 2, I called the Board of Elections main office in Manhattan to see if I could find out what happened to my mother-in-law's absentee ballot. The person who answered the phone there told me I had made a mistake in bringing the ballot for a Manhattan resident to Brooklyn and that I should be contacting the Brooklyn BOE office, but when I insisted that I had done the correct thing, he transferred me to an extension where no one answered the phone. I decided next to call the Brooklyn BOE office. There, the person who answered the phone said that he thought that everyone was already “heading out” (it was about 3:30 or 4:00 on the Friday before the Fourth of July) but that he would transfer me to someone who could help who might still be around. Again, no one answered the phone. I did leave a telephone message on an answering machine either in Manhattan or Brooklyn, but no one ever got back to me.

I did not have time to call the Board of Elections again so I have no idea if my mother-in-law's ballot was ever counted. I haven't had the heart to tell her that maybe she wasted her time in filling out her absentee ballot.

It's distressing that this one ballot was apparently lost (if it was—perhaps the ballot was counted but the envelope was never scanned). It's concerning to think that perhaps there might be a whole box of missing absentee ballots from that polling place, or that perhaps some or all ballots delivered in the “wrong” borough never made it to the correct office to be counted. But it's perhaps even worse that there was no way for me to find out what happened to the ballot because the staff I communicated with could not or did not try to figure out what went wrong.

I am Judith Hertzberg, a registered voter in the 20th Senatorial district. I am also an active member of several community and grassroots groups including True Blue New York, Brooklyn Voters Alliance, Persist New York and Empire State Indivisible. My testimony specifically addresses my experience voting in New York City.

I would like to speak on three areas of concern:

1. Patronage at the Board
2. Need for Professionalism at the Board
3. Improving the Voter Experience

Remove patronage. Patronage and cronyism have no place in the election process. Commissioner and election worker positions are give-away jobs that currently carry no qualifications other than party loyalty. It does not support continuous improvement good government requires. It only perpetuates machine politics, county bosses and incumbents. The voter experience would be improved if election administration staff met skills qualifications that actually supported their ability to execute their job responsibilities and serve voters.

Professionalize the New York City Board of Elections to prevent so many of the mistakes we've seen in the past few years. Many current incumbents lack the skills and knowledge necessary to ensure that the various voting processes are established and executed appropriately to prevent problems evidenced in recent election cycles. The board commissioners and all employees should have job descriptions that include stated qualifications - skills and experience requirements commensurate with described responsibilities. Furthermore, practices, procedures and controls should be documented to uphold criteria for employment, improved training practices and working conditions. Board commissioners and Senior Administrators should have clear, codified accountability to some governing body other than the NYSBOE. A detailed stakeholder/ecosystem map would be helpful to explain all of these players, what current accountability might look like and where the gaps/opportunities are.

Some examples of processes needing review and better procedures include, but are not limited to

- Voter registration
- Poll worker training
- Absentee ballot processes, from ballot request through vote tabulation
- Ballot tabulation testing processes and machine reset, to prevent such problems as encountered in in tabulating primary results this past June,

Improving the Voter Experience - making voting easier and more accessible for voters

This includes, but is not limited to providing

- Postage paid envelopes for mailing absentee ballots is crucial. With variable length ballots and double envelopes, the voter has absolutely no idea how much postage is required. Short of going to the post office to weigh the packet, the voter is left to guess how much postage to affix to the outer mailing envelope.
- More early voting sites, especially to ensure that they are within reasonable walking distance for voters assigned to them. Voters should not have to pay for transportation to exercise their right to vote.
- Citywide voting centers during early voting, so registered voters can vote anywhere in the city that is best for them.

- Better signage at poll sites, especially for the in-person deposit of absentee ballots and for people who have questions or may have special circumstances.
- Better training for poll workers so they know how to direct voters, especially voters who may need an affidavit ballot, or have special needs.

Victor Jordan, Former Candidate for the NYC Council, District 40  
Primary Election on June 22, 2021

I would like to give testimony on:

1. My experiences visiting the poll sites in the 40th City Council District on Election Day
2. The views of voters in my district concerning Ranked Choice Voting.

## **FDR HIGH SCHOOL - 698 MORE BALLOTS THAN VOTERS**

Comparing the number of voters to ballots is a common reconciliation

The number of voters who check in must always be the same or close to the number of ballots scanned. This has nothing to do with affidavit or void ballots. Those are accounted for separately. Each voter who checks in successfully is given one ballot and is supposed to scan it themselves, unless there is a problem with the scanners. So the number of voters who check in is supposed to be close to the number of ballots scanned.

Sometimes voters leave without scanning their ballots - called "fleeing voters". Because of this, the number of ballots scanned can be lower than the number of voters who check in. But the number of ballots scanned is not ever supposed to be more than the number of voters who check in.

On June 16th, 2021 we found 698 *more* scanned ballots than voters who checked in. This occurred at the close of polls at FDR High School at 5800 20th Ave. in Brooklyn. At closing, there were 480 voters checked in, according to the numbers provided us by the coordinator, and one electronic poll book that we were allowed to view personally.

We examined the number of ballots scanned personally and it was 1178, meaning there were 698 more ballots scanned than voters checked in at that point in the Early Voting.

### Board of Elections Response

We told the coordinator about the discrepancy. In our opinion, she showed no concern. It was subsequently reported to the Board of Elections, in person, and also via an email thread that included members of the Campaign Finance Board and the Chief Democracy Officer from the Mayor's office.

The Board of Elections responded with an email that our "concerns may stem from the public count on scanners vs. pieces of paper. Public counter counts the first sheet of a ballot as it is representative of the number of voters, not the number of ballots."

We are aware that with a 2-page ballot, the public counter counts one ballot, but the protective counter counts two pages. If the discrepancy were due to that, then there would be 480 voters and 960 ballots scanned. But that is not the number that we found.

Furthermore, at other polling locations, the number of voters checked in and the number of ballots scanned was very close. So from our experience, this does not explain the problem.

### FURTHER DATA CREATES MORE QUESTIONS

On June 17th we returned to FDR High School. We had a different poll watcher review the data. At that point the number of total voters checking in more closely matched the number of total scanned ballots. There were 1505 voters checked in and 1491 ballots scanned. So there were 14 less ballots scanned than voters. But the number of new voters since the day before was 1025. According to the public counter on the scanners 313 voters cast their ballots since the day before. So this creates a 712 vote discrepancy between the number of new voters checking in and the number of new ballots scanned. Again, basic reconciliation of voters to ballots is not possible.

Input from experts

We consulted with an experienced high level election official from another state who has managed and reconciled polling locations for more than a decade. His response was, "Something is off because these numbers don't make sense. That's all I can say ... And it's weird they caught up."

### **PUBLIC COUNTER AND PROTECTIVE COUNTERS NOT IN SYNC**

The public counter shows how many voters have scanned their ballots during this session. The protective counter is like an odometer on a car and is supposed to show every page scanned for the life of the scanner.

In this election, the protective counter counts 2 pages because it's a 2-page ballot, but the public counter counts 1 for each voter. It is possible to reconcile these numbers by multiplying the number of ballots scanned (public counter) times two, then adding that to the previous protective counter number.

At this location, FDR High School, the public counter and protective counter did not reconcile. There was a 39-page difference between the public counter and the protective counter, when adding all scanners on 6/17 at the close of polls. That is concerning because, according to experts we consulted, it could indicate some sort of internal software malfunction, or misalignment of the paper handling mechanics. It could even be the device has been subjected to a heavy blow or a drop. It is possible this could be affecting the votes that are counted, and this type of problem might not show up in diagnostics.

A more harmless explanation is that voters are not feeding in both pages of their ballots. But that raises the question of why it is happening so often at this location. We found this pattern in at least one other location, but the discrepancies at this location were the largest.

### **OBSTRUCTION, HOSTILITY & NO INVESTIGATION**

Denial of Access

The level of information that we were able to access was quickly and severely restricted by the Board of Elections at almost every site. Within a few days of reporting our issues, we could no longer make the comparisons necessary to conduct the pilot, and verify the accuracy of this part of the count. Our lead poll watcher was removed and not allowed to collect data. This was despite the fact that everyone on our team had legitimate candidate poll watcher's certificates. We were also prevented from viewing the 3% audit, depriving the candidate of his right to have the election and the audit observed.

At one location, both the Brooklyn Chief Clerk, who makes over \$130,000 a year, and his Deputy came in person to a polling location to block access to one of our poll watchers, who had been working very cooperatively with the coordinators up to that time.

At some sites, we were treated with courtesy and cooperation, but at many locations we were met with hostility, obstruction, and at one location, yelled at.

These restrictions and treatment do not have a foundation in the statute governing poll watchers.

We have not been informed of any investigation regarding these discrepancies. We were told, "there is a process of reconciliation for these numbers." Our public records requests for further documentation have been ignored by the New York City Board of Elections.

We appreciate and value all of the poll workers, candidates and voters who are participated in the election. Their hard work and civic participation deserves a transparent, trustworthy process that they can take pride in and feel good about.

When allowed full access, poll watchers can increase public confidence and participation by helping to ensure a trustworthy election.

Due to the obstacles placed in front of us, we are unfortunately unable to report to candidates or the public that the primary election in Brooklyn New York was conducted fairly and accurately in all locations.

### **LACK OF CORRECT & TIMELY INFORMATION TO CANDIDATES AND VOTERS**

**Candidates were not given the location or number of the open Early Voting centers until 11am on the first day of Early Voting.**

Prior to the election, Cyril Joseph, a candidate for City Council, requested the locations in order to coordinate volunteer poll watchers. He was given a list of 20 locations by the Board of Elections and told they did not know which ones would be open. On 6/12, Early Voting started at 8am. Around 11am, Mr. Joseph was told which Early Voting sites would be open. This made it impossible to know in advance how many volunteers we needed for the pilot, or in what parts of the borough. He also received reports from voters that they went to as many as 5 of the locations before finding an open polling site to vote at.

### **UPCOMING LEGISLATIVE PROPOSALS**

We are grateful to the New York Assembly, and the Election Law Chair Latrice Walker for holding these hearing. SMART Elections sister organization, SMART Legislation, will be advocating for legislation in the upcoming session that can address some of these issues. We must increase competence at the Board of Elections by moving away from patronage toward a professional and technically trained staff. We must mandate more robust audits, that are transparent to the public and the media.

This report was prepared by SMART Elections Executive Director Lulu Friesdat. For more info please connect with me: Lulu@SMARTelections.us. 917.543.2125.