



CITIZENS UNION OF THE CITY OF NEW YORK

Testimony to the New York City Council On the NYC Department of Investigation's 2013 Report On the Board of Elections in the City of New York

February 28, 2014

Good afternoon Chair Kallos and members of the Governmental Operations Committee. My name is Alex Camarda. I am the Director of Public Policy and Advocacy at Citizens Union. Citizens Union is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform. Thank you for the opportunity to testify today on the New York City Department of Investigation's (DOI) report on the New York City Board of Elections ("the Board") released on December 30, 2013.

DOI's Increased Engagement in Monitoring the Board

Citizens Union commends the DOI for issuing a comprehensive report this past December that provides a blueprint for improving election administration and voter participation in New York City. We also appreciate the collaborative manner in which the DOI has gone about identifying issues at the Board. Citizens Union met and spoke with then Commissioner Rose Gill Hearn and the DOI staff on multiple occasions while it conducted research and investigations related to issues in the December report. The report therefore includes many issues we and other good government and advocacy groups have long worked on, and have been highlighted by the news media, in particular by the New York Daily News.

More generally, Citizens Union supports the DOI's increased monitoring of the Board that began in earnest in 2013. The DOI established on April 24, 2013 an Inspector General office devoted to monitoring the Board of Elections in the City of New York and rooting out any waste, fraud or unethical conduct.¹ The office was created by the Bloomberg Administration and was also advocated for by then Councilmember James Oddo, and Councilmember Eric Ulrich. The establishment of the IG office specifically related to the Board came three weeks after the release of DOI's first report on the Board, which found that it could have saved \$2.4 million by consolidating election districts and reducing needed poll workers by 50 percent.²

¹ DOI ESTABLISHES INVESTIGATIVE UNIT TO EXPAND OVERSIGHT OF THE CITY BOARD OF ELECTIONS ON FRAUD, WASTE AND CORRUPTION ISSUES, April 24, 2013. Available at:

http://www.nyc.gov/html/doi/downloads/pdf/2013/apr13/pr18boe_42413.pdf

² DOI ISSUES REPORT FINDING CITY BOARD OF ELECTIONS COULD HAVE SAVED TAXPAYERS \$2.4 MILLION BY CONSOLIDATING STAFFING FOR NOVEMBER 2011 OFF-YEAR GENERAL ELECTION, April 1, 2013. Available at: http://www.nyc.gov/html/doi/downloads/pdf/2013/apr13/pr12boerpt_40113.pdf

Citizens Union believes the DOI's establishment of an IG office and its publication of two reports in 2013 has helped to advance issues Citizens Union and other good government organizations have long worked on.

The DOI Report's Recommendations

The DOI's report includes 32 recommendations which the Board has the authority to do on its own to improve administration and voter participation. To the Board's credit, they have already made several reforms since the report was issued, most notably redesigning the ballot to include no more than three required languages on any single ballot thereby increasing the font size for the 2014 general election by 67 percent, from 6 to 10 point. The Board also ended its practice of manually counting write-in votes, is getting rid of buff cards that record voter registration information after two years, and is poised to webcast its weekly Commissioner meetings. While the Board's performance in recent years is in need of improvement, the Board has also made reforms since 2010 advocated for by Citizens Union, the Council and other stakeholders but not in the DOI report. Those reforms include providing online sample ballots, establishing electronic transmission of election results after the polls close, creating an online poll worker recruitment platform, offering poll site locator mobile applications, providing unprecedented operational transparency in the NYC Board of Elections' annual report, and reducing contracting costs for printing ballots and car services.

Even with these improvements, **the Board can make further changes that will improve election administration and the Council can assist the Board in doing so. Citizens Union supports many of the DOI's 32 recommendations and believes the Board should prioritize the following reforms:**

1. Implement Hiring Reforms to Reward Merit and Diminish Patronage

As noted in the DOI report, the state constitutional requirement that the boards of election be bipartisan does not extend down the line to every last Board position. Therefore, the Board can reform its employee hiring practices by:

- a. not using referrals from county commissioners as the sole source of potential employees;
- b. opening up the hiring process by posting applications online on the nyc.gov jobs website;
- c. requiring the submission of resumes; and
- d. conducting interviews to evaluate prospective candidates.

This should be done at the central Board offices as well as borough board offices. The Council can do its part to encourage this practice because it confirms the nominations of Board commissioners by county party chairs. The Council's Rules, Privileges and Elections committee can therefore query newly nominated commissioners or commissioners seeking reappointment

about whether they will open up the hiring process for positions within the Board, or whether nominees will continue the current patronage-based approach. Continuing with the status quo should give the Council pause in confirming a nominee as Commissioner.

Citizens Union has long advocated for a merit-based approach, noting in its 2009 report *New York Needs Election Reform Now: Industrial Age Patronage to Information Age Accountability* and before this committee on September 29, 2010 that the Board should, “end patronage hiring and implement merit-based hiring for most administrative and poll worker positions.”³ There is no greater example of the need for hiring reform than the Executive Director position, which was vacant for nearly 3 years (October 2010 to August 2013) because of partisan gridlock, and for which the Commissioners during the period of vacancy failed to second a motion put forth by former Commissioner J.C. Polanco to simply post the Executive Director vacancy on *Monster.com*. While we are pleased thus far with the performance of new Executive Director Michael Ryan and felt Dawn Sandow made some improvements as Acting Executive Director, their performance does not negate the structural flaws in the system.

Citizens Union in past testimonies before this committee has called for the Board to provide or the Council to request a Board listing of each and every full-time position and its responsibilities at its central and borough offices to determine both what the position entails and whether the number of positions are inflated because – unnecessarily in our view – a Democrat and Republican are both hired for the same position, as former Executive Director George Gonzalez conveyed to this committee in 2010. According to the *Departmental Estimates* document in the *February 2014 Financial Plan* (the most recent available budget documents), the Board has 360 positions, not including poll workers (see attached document for a full listing of every position and the number of employees occupying those positions).⁴ The Board should indicate, or the Council should request, for each and every one of these positions whether there is Democrat and Republican duplication and, if so, whether the number of positions can be reduced through merit-based hiring rather than applying the bipartisan constitutional mandate beyond what is required.

Along with these reforms, the Board should also implement an anti-nepotism policy for hiring and refrain from encouraging its employees to engage in political activity as is required by the city’s ethics laws.

³ Citizens Union, “*New York Needs Election Reform Now: Industrial Age Patronage to Information Age Accountability*,” May 2009, Page 8. Available at: http://www.citizensunion.org/www/cu/site/hosting/Reports/CUF_Election_ReformExSummaryandRecommndation_s0509.pdf

⁴ NYC Office of Management and Budget. 2014 Financial Plan. Departmental Estimates. Board of Elections, pages 104-106. Available at: http://www.nyc.gov/html/omb/html/publications/finplan02_14.shtml

2. Modernize the Voter Rolls

The DOI report has many useful recommendations the Board should implement to ensure the voter rolls are kept up to date, including better coordination with the State Board of Elections, subscribing to the Social Security Death Master Index, and pro-actively communicating with voters to remove voters from the rolls rather than putting the burden on voters or voters' family members to communicate their current status to the Board.

The City should also do its part to assist the Board to clean up the rolls. As Citizens Union indicated to this committee in its August 8, 2012 testimony, the Council or the Mayor can require agencies implement automatic voter registration modeled on the State Department of Motor Vehicle's efforts to streamline the receipt and transmission of voter registration data put in effect by Governor Andrew Cuomo. Signature requirement issues surrounding the electronic transmission of voter registration data can be overcome through a variety of means. Agencies, many of which are already responsible for voter registration and updating voter registration information, could digitally notify the Board if a constituent's address or other information changes on the voter registration form. This ought to be a top election-related priority of the de Blasio administration and this Council, as it a proven method of making voting easier for residents, particularly low-income and minority voters, and makes administration easier and less error-prone for the Board.

Citizens Union appreciates the DOI's engagement in election issues. The casting of votes by undercover investigators as felons and out-of-state residents is a tactic should be employed with great care and restraint. While noted in a footnote in the DOI report that voter fraud is extremely rare, the DOI's tactics have already been cited by some who wish to raise the specter of voter fraud for political purposes. The DOI may have wanted to prove a point about the lack of updated voter rolls and hold the board accountable for its lack of due diligence in ensuring accurate voter rolls, but its actions have prompted a discussion by those who want to add hurdles to voter participation under the guise of rooting out fraud that could further suppress turnout.

3. Reform Poll Worker Training

Citizens Union agrees with the DOI's recommendations to professionalize poll worker training by increasing hands-on instruction through the use of the voting machines to make instruction more engaging. Citizens Union prescribed some of these approaches ourselves in our February 2013 testimony to the Council. We noted then "the courses for poll worker training rely on an instructor largely reading for six straight hours from an overly lengthy 200-page manual. The City Board should hire education professionals, create an interactive online course that enables prospective poll workers to go at their own pace through the manual with intermittent testing to ensure comprehension before proceeding to the next chapter. This will ensure students are engaged and better comprehension occurs." Citizens Union has also called for enforcement of existing state law that bans poll workers from serving at the polls that year if they fail the poll worker exam after training.

Citizens Union, however, acknowledges that even the best poll worker training can't overcome the dearth of quality poll workers. The Board must recruit for a general election about 36,000 workers willing to work a 16-hour day. It is a great challenge to even reach the target number, let alone obtain quality workers for what is effectively a temporary job. The Board's own records show that even with recruitment programs in place vacancy rates for inspector positions for all elections in 2012 were 10.95 percent. We have therefore recommended three measures to improve poll worker recruitment:

- 1) The Council should pass Int. No. 721 of 2012 that establishes a program to recruit municipal workers as poll workers, and expand it to the primary election in addition to the general election for which city workers are already have a vacation day;
- 2) The Board should track and release for every district leader the number and names of poll workers they referred so we can learn which district leaders are recruiting the most and least poll workers, and identify best practices so all district leaders can employ effective techniques for recruiting poll workers;
- 3) Poll site coordinators should be provided accurate lists of poll workers and their contact numbers at their poll sites the weekend before Election Day so they can reach out and ensure their attendance in advance of Election Day; and
- 4) The Board should implement split shifts to attract more poll workers who may not want to work a 16-hour day.

Thank you for the opportunity to testify today. I welcome any questions you may have.