



## **CITIZENS UNION OF THE CITY OF NEW YORK**

### **Testimony to the New York City Council NYC Charter-Mandated Post General Election Hearing**

**December 5, 2012**

Good afternoon Chair Brewer and members of the Governmental Operations committee. My name is Alex Camarda. I am the Director of Public Policy and Advocacy at Citizens Union, a good government group. Citizens Union is an independent, non-partisan, civic organization of New Yorkers who promote good government and advance political reform in our city and state.

#### **Election Administration in Preparation for and on Election Day**

##### ***Context***

Election Day this year was unprecedented on many levels and the Board of Elections in the City of New York faced substantial challenges in running a smoothly administered election. Most difficult among these challenges was the impact of Hurricane Sandy, which wreaked havoc in coastal areas in New York City and by extension, on the Board's capacity to effectively administer Election Day. Most dramatically, Sandy made over sixty poll sites inoperable on Election Day causing the Board, in coordination with officials in city and state government, to scramble to identify new polling sites and arrange for busing to the new poll sites from the most heavily impacted areas by the storm. Hurricane Sandy also shut down the Board's headquarters in Manhattan and Staten Island in the days leading up to Election Day. Consequently, the Board's voter information phone number was disabled, impeding the ability of voters to identify their poll site and acquire other crucial election-related information. Limited computer functionality also delayed the processing of absentee ballot applications and forced Board employees to process them more manually than would typically be done. VAAC and Campaign Finance Board (CFB) employees lent a hand in this manual process, as did Citizens Union by volunteering at the Board's Brooklyn office. In the late afternoon of the day before Election Day, the Board learned as did the public of an executive order issued by Governor Andrew Cuomo that enabled voters in New York City to vote at any poll site in the city via affidavit ballot albeit only those contests for which the voter was eligible to vote would be counted. In addition to the challenges created by Hurricane Sandy, many voters were for the first time experiencing the new voting machines and process for voting that debuted in New York in 2010 as a result of the Help America Vote Act (HAVA). More unfamiliarity was created by redistricting which put voters in some instances in new districts voting in different contests.

##### ***Problems with Election Administration in Preparation for and on Election Day***

- 1. Long Lines.** This was arguably the most widespread and pervasive problem on Election Day with some voters reporting waiting in lines for several hours at poll sites throughout the city. Citizens Union has documented 46 poll sites of the estimated 1205 poll sites citywide with long lines ranging from 30 minutes to several hours. This is not, however, a new problem that was caused

by Hurricane Sandy or the new voting machines. Long lines at poll sites also occurred in 2008 during the presidential election. Most long lines were caused by large numbers of people who turned out to vote during peak hours. However, long lines were exacerbated by inefficient check-in processes in which voters waited on lines not only to obtain their election district and assembly district (ED/AD) numbers but also waited on lines again for a ballot, for a privacy booth, and for a scanner all in different areas of the poll site.

2. **Late and Contradictory Notification of Poll Site Changes.** While the City Board, along with city and state government, are to be commended for ultimately identifying and arranging for transportation to new poll sites to replace poll sites made inoperable by the storm, the final listing of new poll sites was not provided until the night before the election. At least three different lists were made public on the City and State Board's websites in the 48 hours preceding the election confusing voters as whether their poll site had changed, in part because campaigns and politicians were reviewing the changed poll sites thereby delaying finalization and notification to the public.
3. **Absentee Ballot Mailings.** Even before Hurricane Sandy the City Board was not processing absentee ballot applications in a timely manner. The storm made matters worse but the State Board responded by both extending the deadline for receipt of absentee ballot applications (by three days from one week before the election to the Friday before) and receipt by the boards of election to November 19<sup>th</sup> from November 13<sup>th</sup>. The State Board is to be praised for these deadline extensions, but the extensions failed to extend the postmark date by which the voter had to put a completed absentee ballot in the mailbox, which remained the day before Election Day. It remains unknown how many absentee ballots were received by boards of election that contained postmarks dated after November 5<sup>th</sup>, or how many voters received their absentee ballots after the election because, despite arrangements for overnighting absentee ballots with the U.S. Postal Service, mail trucks were unable to reach storm-impacted areas.
4. **Implementing Governor Cuomo's Executive Order.** Governor Cuomo's executive order issued in the late afternoon of the day before Election Day permitted voters to vote via affidavit ballot at any poll site in New York City. Citizens Union did not support the order. While intended to allow voters displaced by the storm to cast a ballot for contests they were eligible to vote in, it appears to have also caused some voters to unknowingly disqualify themselves from voting in local contests by voting at the poll site that was most convenient rather than their assigned poll site. The Governor's apparent failure to notify the City Board about the order contributed to a shortage of affidavit ballots at certain poll sites and has caused confusion as to which ballots to count at poll sites where voters cast ballots without affidavit envelopes or even ballots. Citizens Union commends Steve Richman for his skillful navigation of the issue at the City Board's Commissioners' meeting following the election.
5. **Perennial Issues.** Beyond long lines, which are not atypical for a presidential election, perennial issues arose at certain poll sites including equipment failures, uninformed poll workers (particularly in relation to the temporary change in the law related to affidavit ballots), and late poll site openings.

***Achievements related to Election Administration in Preparation for and on Election Day***

1. **Council Funding of Second Mailing of Poll Site Notification.** The Council allocated the funding for a second mailer approved by the City Board to provide for the first time an October reminder

regarding changes to poll sites. This was something that advocates have long called for and was made possible by the Council, in particular Chair Brewer, identifying the funds for.

2. **Font Size Increase.** At the urging of good government groups, the City Board found a way to administratively increase the font size on the ballot from 7 to 9 point. Ballot design was less of a concern on Election Day as a result.
3. **Election Night Reporting.** The City Board was able to proceed with electronic transmission of results on the night of the election, with 98.5 percent of data from scanners' memory sticks reported, an improvement over the 97 percent reporting during the September primary despite computer issues that overwhelmed the other operations of the Board. While virtually all the data is being transmitted on Election Night, the rapidity with which it is reported still needs to improve.
4. **Moving of Election Equipment in Staten Island.** The City Board's wise decision to move election equipment in Staten Island before Hurricane Sandy prevented even more poll site changes from occurring. The move was widely overshadowed by the damage wrought by Sandy.

### **Solutions to Election Administration Problems**

While Hurricane Sandy created unprecedented challenges unlikely to be experienced again on Election Day, there remain numerous issues that need to be addressed to improve election administration before the 2013 elections. Some of the most sweeping and needed changes are beyond the direct authority of the Council to change. But **the Council, like other government entities, must not only advocate for changes beyond its authority but use its charter-mandated powers to improve election administration and voter participation.**

#### ***What the Council Can Do***

1. **Pass Legislation.** The Council can pass the package of election reforms advocated for by Citizens Union and the good government community or propose other bills to better election administration. Three of the reform bills in our package of six directly impact election administration:
  - a. **Int. No. 721 (Lappin)**- By creating a structured program to recruit municipal workers to work on Election Day, the quality of poll workers will be improved by tapping into the city's civic-minded and customer service oriented employees. More quality poll workers will address virtually every issue that arose on Election Day.
  - b. **Int. No. 613 (Dickens)**- If voters can sign up for email alerts from the City Board, as this bill provides for, they can be aware of the last minute changes to poll sites like those that occurred with Hurricane Sandy. The Board has begun to voluntarily collect emails on its website but inexplicably did not send out an email alert regarding changes due to Hurricane Sandy. A change to the voter registration form should allow voters to voluntarily provide an email address so the Board can provide more timely and less costly communications with voters.
  - c. **Int. 778 (Lander)**- After each election, we assess how the Board did in administering it but have few benchmarks because of the lack of consistent year-to-year performance reporting to the Council using the metrics of the Mayor's Management Report. This bill would establish useful benchmarks for annual comparisons. If the Board committed to

providing this information administratively each year either to the Council or Mayor it would fulfill the intent of the legislation.

2. **Persuade the City Board to Act Administratively.** The Council has substantial leverage to compel the Board to act administratively through the budget, confirmation of Board Commissioners, and through oversight hearings like this one. In that vein, here are a few things the Board should do administratively to address issues arising from Election Day:
  - a. **Improve Poll Worker Training.** 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 educational 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.
  - b. **Streamline the Sign-In Process at Poll Sites.** The table at which voters learn their Election District and Assembly District should be eliminated. Election District and Assembly District tables should be eliminated and replaced with sign-in organized alphabetically. A voter will sign in based on last name and receive the ballot corresponding to their election and assembly district. Short of revamping the Election District and Assembly District Tables, have a Door Clerk with a tablet look up election district and assembly district information for voters waiting on line to get that information. This will speed up the process and potentially reduce long lines.
3. **Pass Council Resolutions & Lobby State Government on Council Positions.**
  - a. The Council should pass Res. No. 652-2011 (Reyna) in support of A293 (Lancman)/S1556 (Addabbo) establishing early voting beginning 14 days prior to election at county boards of elections. As the bill points out in its sponsors memo from 2011, "early voting results in shorter lines on election day." The Council held a hearing on a resolution in support of early voting in 2008 (Res. No. 1698-2008 (Felder)) but did not pass it. The Council should also lobby state legislators and the Governor's Office on resolutions it has passed- Res No. 671 (Fidler) in support of ballot redesign and Res. No. 1343-2012 (Brewer) in support of a consolidated canvass and electronic transmission of election night results. Having Speaker Quinn lobby on these issues as she did for same sex marriage would be a powerful statement in support of election reform by the City Council.

Citizens Union believes the Council has a number of tools at its disposal to better elections in New York City. This committee has now met 7 times since October 2010 in different capacities, and we commend it for playing a role in the Board's reforms to increase font size, post sample ballots online, change its election night reporting procedures, redesign its website, and do an October mailer to voters. We call on the Council to continue to highlight election issues, and work with the Board to achieve as many improvements as possible.

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