



CITIZENS UNION OF THE CITY OF NEW YORK

Testimony to the NYC Council Governmental Operations Committee on Evaluating the Board of Elections' Preparedness for the 2012 General Election and Various Proposals for Improving Elections in New York City

October 15, 2012

Good afternoon Chair Brewer and members of the Council Governmental Operations Committee. My name is Dick Dadey, Executive Director for Citizens Union and I'm joined by Alex Camarda, the Director for Public Policy and Advocacy for Citizens Union of the City of New York. 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.

In recent years, this committee has held several oversight hearings related to the challenges faced by the Board of Elections in the City of New York (Board) in administering elections and the diminishing participation by voters in our democracy. Citizens Union and our good government partners, like the City Council, have been examining these issues. Beginning in 2011, Citizens Union identified a number of proposals supported by the good government community that we sought to introduce as legislation that we believed would help address long-standing and new issues that have surfaced since the transition to the new voting machines. Over the past eighteen months, we worked closely with a number of Councilmembers to draft and introduce these needed pieces of legislation.

New Yorkers deserve a democracy that is run more professionally and encourages participation by the voters. Too few voters have turned out in recent elections and when they do, their experience has not always been what it should be. Voters are too often confused about which poll site to go to and don't always receive correct information from poll workers. By using modern technology and leveraging city resources, we can better disseminate vital information about voting and candidates, offer more opportunities to register, utilize the city's workforce at the polls and hold agencies accountable for providing a 21st Century democracy."

We are thankful to the councilmembers who provided leadership by sponsoring the bills, and Chair Brewer and Speaker Quinn for providing a forum for their vetting today. We also wish to thank the 15 organizations who wrote memos of support for the legislative package including the unions SEIU1199, SEIU32BJ, RWDSU and community organizations like Minkwon and the United Chinese Association. **Citizens Union believes that these six bills, five of which have 34 or more sponsors, will both improve election administration in New York City and encourage – if not increase – voter participation.**

IMPROVING ELECTION ADMINISTRATION IN NEW YORK CITY

1. **Int. No. 721 (Councilmember Lappin)** – This bill will create a municipal poll worker recruitment program, enabling the City Board of Elections to more effectively tap into the municipal work force that is already off on Election Day, and employ civic-minded employees as poll workers. An adequate number of qualified poll workers are integral to a well-run election. Yet, the Board faces a monumental undertaking for Election Day: it needs to fill 36,000 poll worker positions for a typical general election. Citizens Union knows how challenging this can be, having recruited 15,000 new poll workers between 2001 and 2008. The Board in 2011 deployed 30,000 poll workers at the polls on Election Day. Only about half of those, according to the Board, are recruited by district leaders. The remainder is acquired by the Board's central office. This bill will help provide assistance to the Board to recruit qualified poll workers who already interface with the public. It will also provide city workers with an opportunity to make a few hundred extra dollars on their day off if they choose to. It's a win-win proposal that should be expanded to Primary Day as well.
2. **Int. No. 778 (Councilmember Lander)** – This bill requires the Board to report data to the City Council conforming to the performance metrics in the Mayor's Management and Preliminary Management Reports. The Board currently does not report data to the MMR and PMMR because it believes it is not a city agency. This bill is respectful of the Board's perceived independence while ensuring the agency is driven by performance and outputs, a vital requirement during this time of fiscal restraint. The Board reported this data to the Council during the budget process this year, and so this bill will simply codify this recent practice. We believe the Board's annual report, while a good source of information, is not an adequate substitute because it is not aligned with the budget cycle and does not compare data to benchmarks. Citizens Union is open to other approaches in which the City Board would provide information adhering to MMR and PMMR requests on its website aligned to the budget cycle, but for now this is a very good first step for transparent reporting and public accountability for the Board.

ENCOURAGING AND IMPROVING VOTER PARTICIPATION IN NEW YORK CITY

Voter participation in New York City has been declining for years and is currently abysmal. During the 2012 June federal primary election, turnout was just 9.7 percent of registered voters, and even contested elections in congressional districts 6 and 13 had turnout less than 16 percent.¹ Beyond the recent June primary, fewer New Yorkers voted in mayoral elections in the 2000s than did in any other decade since the 1920s, even though New York City has 3 million more people now than it did then.² Furthermore, New York State ranks 47th in the nation in voter registration, with fewer than 64 percent of eligible voters registered to vote.³

¹ New Map Details Voter Turnout in New York City's Congressional Primary Elections. New York City Campaign Finance Board. Available at:

<http://us2.campaign-archive1.com/?u=1ca4345833ae3d798009ebb05&id=dc7d48f13a&e=d1af321bbb>

² Voter Access, Office of the Mayor of the City of New York. Available at:
http://www.nyc.gov/html/om/pdf/2010/pr492-10_proposal.pdf, p. 2

³ Governor Cuomo Announces Reforms to Expand Access to Voter Registration. Available at:
<http://www.governor.ny.gov/press/08162012-voter-registration-reform>

Registrants in New York City are also disproportionately white in every congressional district in the city. Fewer Latinos are registered in every congressional district in the city as compared to their proportion of the population.⁴

There are many reasons for dismal voter participation in New York City, and most major reforms would need to be achieved through changes to state law. The City Council and local Board, however, have the authority to make changes that will encourage greater voter registration and participation by passing Int. Nos. 613, 769, 760 and 728.

3. **Int. No. 613 (Councilmember Dickens)** – This bill would enable New Yorkers to voluntarily sign up for email updates to receive reminders to vote on election day and of the deadlines to register or request an absentee ballot. We believe this proposal would encourage New Yorkers to participate in our democracy. To their credit, both the Board of Elections and Campaign Finance Board (CFB) have begun to implement provisions of this bill. The Board recently redesigned its website which allows for voters to provide email addresses for updates, although they have yet to send out any email blasts. The CFB has sent out alerts reminding New Yorkers to register to vote. Citizens Union recommends the Board administer this proposal because more New Yorkers are likely to go to the Board's website and recognize that entity as being responsible for the administration of elections. However, if the Board is not interested in doing this voluntarily in a meaningful way, we suggest the CFB administer it with the cooperation of the Board in providing emails collected by the Board. Our full recommendations for amendments to this bill are included in the appendix of our testimony.
4. **Int. No. 769 (Councilmember Eugene)** – This bill, like Int. No. 613, would help generate awareness among New Yorkers of upcoming elections by requiring the CFB's Voter Guide to be published not only during years in which city contests are held, but also for state and federal contests. It will also expand coverage of city contests so that less widely known races, like those for judicial and party positions, are made known through the CFB's Voter Guide. This will serve as useful non-partisan resource and reminder to registrants to vote. The bill also importantly provides the option for voters to receive the guide via email if they opt-out of receiving the print version, which will help to offset the increased cost.
5. **Int. No. 760 (Councilmember Williams)** – Citizens Union believes that voter participation can also be increased by holding agencies accountable for collecting and transmitting to the Board, voter registration forms as required for different agencies under the National Voter Registration Act of 1993 (NVRA) and the city's Pro-Voter Law of 2001. In 2011, the Board reports giving out 149,550 voter registration forms to agencies pursuant to the Pro-Voter Law. The Board reports receiving only 2,376 registration forms from all 19 agencies. By tracking which agencies register voters through coded forms, Int. No. 760 would identify which agencies are not adequately promoting voter registration opportunities so measures

⁴ Early New York City Voter Registration Date Dampens Turnout, City and State. October 12, 2012. Available at: <http://www.cityandstateny.com/early-voter-nyc-registration-date-perpetuates-lower-turnout/>

could be taken to improve completion of forms. Alternatively, if the agencies are complying with the law, the bill will surface measures needed to improve the Board's tracking of agency registration. Citizens Union recommends this bill be amended to make the coded forms scannable, and for agencies subject to NVRA to be included (see addendum with amendments for all bills).

6. **Int. No. 728 (Councilmember Greenfield)** – This bill will require the city's public schools to provide voter registration forms to parents when they enroll their students in school, as well as receive completed forms. Citizens Union supports this bill because it provides another point of contact with the parents of 1.1 million children attending New York City schools that will encourage voter registration, and by extension, voter participation. This bill can be made more effective by requiring coded scannable forms be submitted to schools distributing registration forms so compliance can be tracked. Likewise, schools should be required to collect and transmit coded forms to the Board of Elections to ensure more people are registered (see addendum with amendments for all bills)

Int. No. 764

Beyond the election reform package that Citizens Union helped introduce and built support for, we also support Chair Brewer's bill, Int. No. 764, which would allow for small-dollar contributions to campaigns via text message. We recognize that there are a number of technical and implementation issues that have arisen around this bill. Citizens Union believes all efforts in administration of Int. No. 764 should be made simple and accountable. We therefore suggest that the Campaign Finance Board consider the following recommendations:

- a. Increase the maximum contribution that can be sent via text message to \$175 from \$100. This will allow for the maximum public match possible under the city's campaign finance system. While we understand there are concerns a text message contribution over \$100 may violate Article 14-118(2) of Election Law, we believe the intent of that law is to prevent cash contributions of more than \$100, and text message contributions should be consistent with the language of the section as they will ultimately be linked to a credit or debit card from which they are drawn to pay a wireless carrier.
- b. Match the full amount of the donation made by the contributor to the vendor;
- c. Provide public matching funds only after final reconciliation is made;
- d. Count text messages contributions toward the office threshold for receipt of public funds by the candidate;
- e. Assume contributions made via text message originate with the primary account holder of the cell phone;
- f. Allow contributions from personal phones only, not business phones;
- g. Negotiate with vendors or establish standards for acceptance for vendors participating in the program in NYC to keep vendor fees reasonable; and

h. Ensure that vendor fees not count as campaign expenses.

Thank you again for conducting a hearing on this package of election reform legislation. We look forward to continuing to work on these proposals with the Council and interested stakeholders to ensure their passage.

We are happy to answer any questions you might have.

Addendum

**Citizens Union
Common Cause
New York Public Interest Research Group
League of Women Voters of the City of New York**

Proposed Amendments for Local Election Reform Legislation

1. **Intro 613** (Councilmember Inez Dickens) – would require email notifications of election dates, registration deadlines and sample ballots to registered voters who voluntarily sign up for such updates.
 - a. **Add language allowing voters in signing up for email notifications to only sign up for particular, targeted notifications.** For example, a registered voter may only sign up for a notification about the deadline for an absentee ballot but not for notifications related to registration deadlines. This would take the form of an electronic checklist when users initially provide their email. Users should be able to change the types of emails they want to receive on an ongoing basis.
 - b. **Expand notifications to include text messages in addition to or as an alternative to email notifications.**
 - c. **Expand the information that can be offered through email notifications to include not only alerts about significant dates but also to receive voter education material.**
 - d. **Charge the Board of Elections in the City of New York (City Board) to implement the provisions of the bill.** The Board appears to be willing to do so as it is preparing to administratively do so in its website redesign. Having the Board implement this is more favorable than the CFB because it is the go-to source by the public for voting information, it already has 16,000 emails of registered voters, and it can administratively ask for emails on the voter registration form.
 - i. **If the CFB implements the provisions of the bill, amend the following:**
 1. **Change 8(d) to require the CFB to make email notifications available to the Board so they can send an email to their list rather than uploading emails to the CFB database (this change was in the original CU draft)**
 2. **Create flexibility in the email notifications sent for each “significant date.”**

Proposed revised language:

“Email notifications shall be sent twice prior to or on the significant date. More than one significant date may be addressed in a singular email provided the notification is not too far in advance of the significant date.”

Strike this language currently in the bill: “Email notifications shall be sent for each significant date (i) ten business days prior to such date; (ii) three business days prior to such date; and (iii) for a primary, general, or special election, on election day commencing with the opening of the polls.”
 - e. **Assuming the bill is amended to charge the City Board with implementation, require the City Board to coordinate with the CFB to provide notices for the digital Voter Guide and other charter-mandated activities of the Voter Assistance Advisory Committee (VAAC).**

2. **Intro 721** (Councilmember Jessica Lappin) – would establish a poll worker program that will give incentives to municipal employees to work on Election Day in order to enhance the pool of competent and able poll workers.
 - a. **Expand participating agencies beyond those subject to the Pro-Voter Law of 2001** to those local participating agencies subject to Election Law section 5-211.
 - b. Expand the municipal poll worker program to **include the primary election.**
 - c. Require the **inclusion of municipal poll worker data in section 2(f) in the annual report of the City Board.**
 - d. Require **notification of poll worker opportunities in paychecks** to municipal employees three months prior to a primary in which local, state or federal races are occurring citywide.

3. **Intro 728** (Councilmember David Greenfield) – would require voter registration forms to be provided to parents enrolling children in school.
 - a. **The voter registration forms distributed with school enrollment forms by the Department of Education should be uniquely coded by the City Board of Elections so that when forms are processed it is clear registrants received them from the Department of Education.** The Young Adult Voter Registration Act (YARVA), which passed in 2005, requires the city’s high schools to provide voter registration cards to graduating seniors in the same manner and at the same time it provides a diploma. Yet because the registration cards distributed are not coded, the extent of compliance by city high schools with YARVA is unknown.
 - b. **The Department of Education should be required to collect completed forms and transmit them to the City Board of Elections within two weeks of the receipt of such completed forms. If a completed form is accepted within five days before the last day for registration to vote in a citywide election, such completed forms should be transmitted by the Department of Education to the Board not later than five days after the date of acceptance.** This amendment will ensure that voter registration forms are processed in a timely manner, and prevent submissions in bulk to the board of elections just before an election which may delay processing, resulting in voters not being registered in time for the next election.
 - c. **Ensure forms distributed to schools are in the languages that reflect languages on the ballot at poll sites serving the school community.**
 - d. **Add National Voter Registration Act (NVRA) language ensuring that:**
 - i. Information collected for the purposes of voter registration, including citizenship information, can’t be used or disclosed for another purpose;
 - ii. Voter registration is voluntary and receipt of services is not conditioned upon completion of a voter registration form;

4. **Intro 760** (Councilmember Jumaane Williams) – would require the City Board of Elections to report for particular city agencies the number of New Yorkers who completed voter registration forms while seeking city services.
 - a. **Mandate codes be provided on agency forms** as well as forms provided by the City Board.

- b. Require scanners at the City Board to read codes** so they do not have to be manually entered.
 - c. Require city agencies to report their promotion** of and procedures for implementing the Pro-Voter Law to the Voter Assistance Advisory Committee and the City Board of Elections.

- 5. Intro 778** (Councilmember Brad Lander) – would require the City Board of Elections to report data required by the Mayor's Management Report to the City Council. This will better measure the Board's performance against key metrics for evaluating its administration of elections.
 - a. We support alternative versions to this proposal, such as the Board reporting the data conforming to the MMR on its website** and setting its own performance targets or doing so jointly with the mayor.
 - b. If online reporting is done, we support contemporaneous reporting on Election Day** of complaints, resolutions to those complaints, and the amount of time taken to reach resolution.