



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the City Council Government Operations Committee
on the Public Education and Implementation of New Voting Machines
September 8, 2010

Good afternoon Chair Brewer and members of the Council Government Operations Committee. My name is Alex Camarda, and I am 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. For more than a century, Citizens Union has served as a watchdog for the public interest and an advocate for the common good.

We thank you for holding this public hearing on assessing voting machine implementation and outreach efforts by the Board of Elections in the City of New York (the Board) and giving Citizens Union the opportunity to present its views on this matter.

Citizens Union has, over the last several years, monitored the Board's efforts to implement the provisions of the federal Help America Vote Act (HAVA) of 2002, providing guidance and advice to this Committee, the Board itself, and the Voter Assistance Commission. During that time, Citizens Union has suggested criteria for the selection of new voting machines, advocated for increased funding to implement HAVA, and issued opinions on the training of poll workers and educating the public about the new machines. Citizens Union Foundation, our sister organization, worked in 2001 and from 2004 to 2008 to recruit poll workers for the City and reported on the experiences of some of those applicants, in training or while working on election day.

One week from today, the voters of New York City will experience the most dramatic change in voting in over 50 years, with votes being cast on paper ballots and run through an electronic scanner rather than via the traditional mechanical lever machines or "Shoup" machines. It is a change that was set in motion by the issues arising from the controversial 2000 election, and a change that every other state and locality in the country has already experienced given New York's dubious distinction of being the last state to implement the Help America Vote Act.

The Board has made efforts to prepare the public for this watershed election day, and deserves credit for the outreach it has done. Through some creative programs, particularly the demonstrations of the new machines across the City, it has provided the opportunity for some voters to become familiar with the new machines by casting mock votes on them prior to election day. The Board, since the program's beginning in May, has conducted over 200 of these demonstrations in collaboration with organizations and elected officials and scheduled over 270 more. Demonstrations are prominently posted on a section of Board's website devoted to the new machines, which is accessible from the home page, so that members of the public wishing to attend them can easily find one locally through the site's

useful zip code search function. Citizens Union will be holding such a demonstration this Friday evening in partnership with the Board and St. Francis College. Additionally, the Board has made its Learning Centers widely available, including on weekends, in each of the five boroughs to members of the public who wish to walk in and try out the new machines. While this program is an innovative collaborative initiative to educate voters about the new machines during tight fiscal times, its impact should not be overstated. According to the Board's Executive Director, 10,000 people have attended these demonstrations, but this is a small proportion of the 330,659 residents who voted in the Democratic primary for mayor last year and a miniscule proportion of the 1.1 million people who turned out to vote in last year's general election for mayor.

The demonstration of the new voting machines is part of larger public education effort by the Board, which it is carrying out through a \$6.7 million contract with Burson Marsteller, a public relations firm. The public education effort also involves an advertising campaign incorporating ads on city buses and subway cars, mobile billboards, in addition to placements in daily and community newspapers, radio stations, and TV spots. Citizens Union commends the Board for these needed promotions about the new machines but notes that the ad campaign only began on August 31st, just one week ago. While there is much debate for any campaign seeking to reach voters as to the optimal time to expend its resources, particularly given the diminished attention during summer months, Citizens Union believes two weeks of advertisements to alert primary voters to the changes in the voting process is likely insufficient to resonate. The larger pool of voters should, however, be better prepared for participating in the general election.

The Board also sent a multi-language mailer in August to all of the City's 4.3 million registered voters about the new voting machines, which Citizens Union participated in providing feedback on as to the messaging and presentation. We appreciate the Board's efforts in collaborating with our organization and others on that mailing, and believe it resulted in a higher quality product which was of great importance given that it was the only mailer done by the Board on the new machines given the \$2.5 million expense.

It is evident that the Board's public education efforts regarding new voting machines can only be evaluated in light of the amount of available funds, something the new Executive Director George Gonzalez has stated publicly has been inadequate during his entire 22 years of service to the Board. Yet the Board's belief that it is underfunded to robustly conduct needed education campaigns like this one is, in part, the result of its own failure to be more transparent and accountable for its spending. While Citizens Union has advocated several times to this Committee and others that the Board needed adequate funds to implement the requirements of HAVA, it has also been reluctant to be a forceful voice for the Board on this matter because the Board fails to report details of its operations to the Mayor's Preliminary and Final Management Report. Disclosures, like those made possible through the creation of the Comptroller's CheckbookNYC initiative, reveal that the Board spent nearly a half million dollars on car expenses for staff during a six month period ending in June 2010. This, in addition to the Board's spending opaqueness, raises questions about how the Board spends taxpayer dollars.

Citizens Union is aware that the Board is not a mayoral agency: Their funding comes from city dollars and for this reason we believe that reporting should be standard among bodies that receive city taxpayer money. The Board should go beyond what is included in its annual report which highlights voter registration totals, and also provide information on the number

of affidavit ballots cast, the number of those deemed invalid, the traffic received by the Board website, the number of calls received by the voter hotline, comprehensive poll worker statistics and other information that would help the public understand how the Board operates. This disclosure will assist with future budget requests and create the confidence that may allow the City to allocate more funding so the Board can more robustly wage education campaigns like preparing the public for new voting machines.

The Board's own archaic two-party structure also continues to hamper its ability to effectively conduct operations that would adequately prepare voters for the use of new machines. It is the two-party structure which caused an extended vacancy only just filled for Executive Director. It is hard to imagine any company or organization embarking on its most significant changes in over 50 years while leaving a top position vacant for six months. Only in a system that appoints its entire staff based on party affiliation and patronage rather than merit and qualifications is this possible - to the detriment of its operations. While a State matter, the City's residents continue to face the negative consequences that come from the structure of a Board that is more antiquated than the old lever voting machines. It is only one of two states in the nation with an even-numbered bipartisan Board.

The Board also missed the opportunity to take simple measures that would better prepare the public for use of the new voting machines. The Board could, for example, post sample ballots on its website educating the public on the new machines, something long requested by Citizens Union and other good government organizations, and done by numerous other elections bodies throughout the country. The Board should also create a dynamic online application form for the public to apply to become poll workers, instead of the static pdf download, thereby reducing the obstacles to applying to work at the polls and the time and effort needed to process hand-written requests. We urge this committee to pass legislation requiring these simple but important measures.

Thank you again for providing the opportunity for Citizens Union to provide its thoughts on matters related to the new voting machines and the campaign to prepare the public for their use.

I am happy to answer any questions you might have.