



VIA FAX & EMAIL

November 19, 2013

Attorney General Eric T. Schneiderman
The Capitol
Albany, NY 12224

District Attorney Cyrus R. Vance, Jr.
One Hogan Place
New York, NY 10013

District Attorney Charles J. Hynes
350 Jay St.
Brooklyn, NY 11201

District Attorney Robert T. Johnson
198 East 161st Street
Bronx, NY 10451

New York City Board of Elections
31-42 Broadway, 7th Fl
New York, NY 10004

Re: Pattern of Improper General Election Poll Worker Conduct

Dear Attorney General Schneiderman, District Attorneys Vance, Hynes and Johnson and Board of Elections Commissioners:

Common Cause/NY and NYPIRG are writing jointly to bring to your immediate attention credible complaints alleging a pattern of improper poll worker conduct at five polling places in Manhattan, the Bronx and Brooklyn that, if true, rise to the level of violations of civil rights and fundamentally undermine our electoral democracy. As good government groups dedicated to assuring that New York's elections are fair and efficiently run and co-facilitators of the NY Voters Coalition, we have long collaborated on providing assistance to voters on election days, jointly running the Voter Helpline in New York City for over 20 years.

In the course of operating the Voter Helpline on November 5th, we received multiple complaints of pollwork misconduct. According to contacts to the Voter Helpline, in each instance a poll worker instructed voters to vote only for candidates for a particular party. When challenged, the poll workers reportedly stated that they were trained to tell voters that they must vote only for candidates from the same party. Despite the fact that the complainants all appear to be independent of one another and that the complaints alleged misconduct in three different boroughs, the allegations are virtually identical. Common Cause/NY poll monitors heard and

observed poll workers at one polling place in Manhattan so instruct voters and were informed by the poll workers that they were instructed to so advise voters.

We believe that this conduct constitutes an illegal infringement of the right to vote under the New York State Constitution Article I, Sec.1 and Article II, Sec.1, violates voters rights under the 1st Amendment and 14th Amendment Equal Protection Clause of the U.S. Constitution, the U.S. Voting Rights Act as well as Article 17 of New York's Election Law.

We received these reports through PollWatchUSA, the mobile website developed by Common Cause/NY, ReBoot and Websava to crowd source poll monitoring, and through the Common Cause/NYPIRG Voter Helpline. We have verified each report directly with the voter for each complaint and are authorized to confidentially provide you with the voter's name and contact information upon your request. A summary of each allegation is as set forth in the attachment to this letter.

We believe each of the allegations is credible and detailed. The fact that each of the complaining voters is willing to step forward without requesting anonymity, as well as the fact that a staff member of Common Cause/NY assisting one of our voluntary poll monitor teams confirmed the conduct directly with pollworkers involved, strengthens our trust in their statements. While we cannot determine the reason such misconduct may have occurred, whether motivated by pure political manipulation or a failure to train and supervise pollworkers, it is immaterial to the voter's experience.

We urge you to conduct an immediate investigation into this matter and report back to us within 30 days of receipt of this letter.

Susan Lerner,
Executive Director
Common Cause/NY

Neal Rosenstein,
Government Reform Coordinator
New York Public Interest Research Group

cc: City Council
NYS Legislative Chairs
NYCLU
Bar Committees

REPORTS:

311 E.82nd St., Manhattan – 9:30 a.m. PollWatchUSA report

A distraught voter informed Common Cause/NY poll monitors at PS 290 located at 311 E.82nd St. that the poll worker distributing ballots told the voter that she is required to vote only for the candidates running in the party with which she is registered (i.e., vote “straight ticket”). When the voter corrected the poll worker, the poll worker reasserted the original instruction, which was then confirmed by additional poll workers. The Election Protection poll monitor enlisted the assistance of the Poll Site Coordinator and the poll worker was instructed not to give this improper instruction.

202 Graham Ave., Brooklyn, morning PollWatchUSA report

A poll worker approached the privacy booth occupied by a voter to look at the ballot being filled out and informed the voter that she was filling out the ballot “incorrectly” as the voter was voting for candidates in more than one party.

1865 Morris Ave., Bronx- 3 p.m.PollWatchUSA report

Voter reported that a poll worker told him that he could only vote for candidates in the party he was registered with.

7th Ave. and Prospect Ave., Brooklyn – evening PollWatchUSA report

The voter reported that the poll workers were instructing voters, “If you want to vote Democratic, vote Democratic down the whole line. Same with Republican, etc. Otherwise it will come back ‘void’ at the scanner.”

1880 Valentine Ave., Bronx – evening Helpline report

Poll workers were instructing voters that they had to vote the straight party line or the scanners would not accept the ballots, which instruction was confirmed by the Poll Site Coordinator as well. At this location, poll workers were visually checking ballots before they were placed in the scanners to insure “straight party line” voting.