

**Common Cause/New York
New York Public Interest Research Group, NYPIRG**

**Election Experiences and Possible Solutions
to Improve Voting In New York City**

TESTIMONY of Susan Lerner & Neal Rosenstein
before Governmental Operations Committee,
New York City Council, December 17, 2008

Long lines at poll sites, voting machines that remained broken for hours, voters given incorrect information about their registration status and rights; these are just a few of the many problems New Yorkers faced at the polls during the Presidential Election. While some problems are unavoidable – we are realistic enough to understand that there are always likely to be *some* broken machines and unexpected problems created by human error – we believe that these problems can and should be minimized more effectively. Some problems, such as those caused by poll worker ignorance or lack of adequate training, should not be happening at all. Many of the solutions which we propose, we have recommended in prior testimony, in discussions with the staff of the Board of Elections and the Mayor's Office, and in letters and at press conferences and other events. Some have been adopted, many have not, primarily we believe because of timing or budgetary issues. We commend the Committee for holding this hearing shortly after the election, while details of problems are still fresh, but in plenty of time to implement at least some of our recommendations before the City primary and general elections that will take place next year.

Our two organizations, Common Cause/NY and The New York Public Interest Research Group are non-partisan non-profits which work on a variety of reform issues, including election administration and voter education and empowerment. Jointly, we co-facilitate the New York State Citizens Coalition for Voter Participation and Fair Elections, a non-partisan ad-hoc coalition dedicated to enfranchising the electorate and improving the conduct of elections. Our testimony this morning is a summary of a more detailed discussion of possible election reforms which we have submitted to the Secretary of State, as she prepares the report requested by the Governor regarding possible means of modernizing elections and removing barriers to participation. Many of the improvements which we recommend in that letter, a copy of which we have provided, require legislative action in Albany. This Committee heard testimony about some of those reforms last month. However, other recommendations that can be effected at the local level will be quite familiar to the members of this Committee. We will address those recommendations following a brief discussion of the problems experienced on Election Day.

**Review of NYPIRG/Common Cause New York Voter Helpline Calls,
November 4th, 2008 Presidential Election**

This past November 4th, the New York Public Interest Research Group (NYPIRG) and Common Cause/New York operated our annual voter helpline. The helpline has multiple goals. These include: to provide useful information to voters such as the location of their poll site; inform callers of their rights; identify Election Day problems and press the Board of Elections for quick remedial action; and to gain an understanding of conditions across the city to help identify areas in need of improvement and reform.

This year, the Helpline received more than 1,400 calls from across the City. The majority of calls came from voters inquiring about their poll site location, an indication of how insufficient current efforts are to inform voters of basic information before the election. The Helpline also logged in 245 detailed complaints from voters encountering more serious problems with casting their ballots. Many of these complaints indicated a variety of problems at a particular site. For example, long lines as a result of broken machine or a voter's name not appearing in a poll book, as well as voters also experiencing a problem with poll workers. The primary problems reported for each complaint category were:

Primary Complaint	Number of Calls
• Voting Equipment Problem, Broken Machines	90
• Registration Problem, Affidavit Ballot Problem	68
• Poll Worker Problem	45
• Long Lines	16 ¹
• Improper ID Checks	9
• Absentee Ballot Problems	6
• Miscellaneous	11

The vast majority of detailed complaints were immediately followed-up with direct contacts with the Board of Elections where remedial action was possible. Helpline complaints were also entered into the national Our Vote database. A review of sample complaints follows.

Broken Machines

Riverside House, 158th Street, Manhattan, ED 94 AD 71
 Broken machine, no paper(i.e., emergency) ballots at site

Central Harlem Services Coalition, 120 W. 140th Street, Manhattan ED 41 AD 70
 Broken machine, lines over 2 hours, paper ballots not being offered

PS 221, 900 Montgomery, Brooklyn, ED 39 AD 43
 Broken machine in morn, still broken at 3:45

339 8th Street, Brooklyn ED 3 AD 52
 Machine broken 5 ½ hours, voter disconnected from BOE phone call

Touro College, Brooklyn, ED 32 AD 42
 Broken machine , 4 ½ hour minimum

Long Lines

PS 92, 222 West 134th Street, Manhattan, ED 38 AD 70
 Four hour line

River Place 1, 650 West 42nd Street, Manhattan, ED 76 AD 75
 Four hour wait, only 2 poll workers at ED, voters leaving

Supreme Court Lobby, 360 Adams Street, Brooklyn, ED 104 AD 52
 2 ½ hours on line and nowhere near voting

¹ Many complaints about long lines are primarily listed under the Poll Worker or Voting Equipment problem categories

Poll Workers

Church, 661 Linden Blvd, Brooklyn, ED 31 AD 58
Voter moved within city, incorrectly told to return to old site

PS 107, 1301 8th Avenue, Brooklyn, ED 17 AD 44
Voter not informed of right to seek Court Order when not in book

PS 282, 180 6th Avenue, Brooklyn, ED 52 AD 52
Voter told she had to vote Democratic down the line, poll worker would not leave booth

PS 213, Brooklyn, ED 83 AD 40
Poll worker cursing voters, not informed

20 W.64th St. & 211 E. 79th St. – poll workers telling all voters that id required

Registration, Poll Site List Problems

Church 414 80th Street, Brooklyn, ED 98 AD 60
Voter rec'd August mailing of poll site, but name not at site, poll worker said a problem all day long

PS 187, 349 Cabrini Blvd, Manhattan ED 76 AD 71
Long term voter shares same name with voter in same bldg, different dates of birth yet stricken from rolls

PS 9, 80 Underhill Avenue, Brooklyn, ED 39 AD 57
Voter wife and daughters names missing from rolls, not directed to other table/site, voted affidavit

11 ED, 48 AD
Many long term voters not in poll book

Miscellaneous

PS 75, 735 West End Avenue, Manhattan, ED 114 AD 67
No ballots available for accessible ballot marking device, unusable

IS 145, 33-34 80th Street, Queens, ED 28 AD 34
No private location to cast Affidavit Ballot

POSSIBLE SOLUTIONS

Many of these solutions are discussed in greater detail in our recommendations to the Secretary of State, attached. The solutions which follow are those which we believe could be adopted before the City election next year.

1. **Poll Worker Issues.** Recruiting and training an adequate number of poll workers is a most persistent problem which our organizations have testified to on numerous occasions. Solutions to this on-going problem that we recommend are:

- a. Require that those who do not attend training or fail the poll worker test are not permitted to work the polls on election day
- b. Institute greater financial incentives for poll workers to take and successfully complete the training
- c. The Board of Election should enforce the statutory cut-off date for patronage appointment of poll workers and populate the poll worker lists with alternates much earlier in the process, to insure adequate staffing
- d. Experiment with allow poll workers to work in 2 shifts, rather than requiring all poll workers to work the entire time the polls are open
- e. Require that there be poll workers who are solely dedicated to staffing the new ballot marking devices
- f. Actively recruit college students and city employees to serve as poll workers
- g. Change staffing and tasks for poll workers to cut down lines and be more efficient, especially if new voting technologies are adopted
- h. Develop plans for expediting voting whenever lines are likely to require more than a 40 minute wait before voting and to accommodate people with disabilities waiting on long lines
- i. Insure that poll workers do not make those who need physical or language assistance feel like second class citizens.

2. **Better Informed Voters.** A major contributing factor to long lines at polling places is the fact that voters do not know their election districts or assembly districts and must stand on line to be assisted at the information desk before they can present themselves at (or line up for) the appropriate table to actually vote. The vast majority of calls to voter help lines, whether run by non-governmental agencies such as NYPIRG-CommonCause/NY or Election Protection or official help lines run by the Board, seek information on where the caller's polling place is and what the polling hours are. Further, voters must take additional time in the voting booth to familiarize themselves with the candidates and any initiatives or referenda on the ballot, which slows down the process and leads to confusion and undervoting. Solutions which we recommend are:

- a. Provide voters with poll site notices before each election or primary day, not simply once a year in the summer.
- b. The City should work with the Board of Elections to insure that readability/usability experts and representatives or groups from communities which face challenges in understanding voting materials are involved in the design of notices, ballots, and voter education material, to insure that they are readable and accessible to the largest number of voters
- c. The Board of Election should make sample ballots and instructional materials readily available on its website and to the public generally, in accessible formats and a multiplicity of languages
- d. The Board should institute a broader and more aggressive voter education program to provide information about the Ballot Marking Devices and new voting machines and technologies as they are adopted, as well as basics such as locating your poll site and knowing your ED/AD before going to the polls.
- e. Preparation and dissemination of the Voters Guide should be expanded to include all elections, not just City elections, and should provide a summary and

the language of any propositions or referenda that may be on the ballot , as well as list all candidates, federal, state or City, who will appear on the ballot.

- f. Increase access for limited English proficiency voters and people with disabilities.
- g. The Board and Council should develop means for utilizing the expertise and skills of the non-profit and community groups that work on election issues.

3. **Minimize registration errors and related problems at the polls through appropriate procedures.** We have previously raised concerns that the City Board of Elections was following procedures that inappropriately removed properly registered voters from the rolls. Unfortunately, experience on November 4th indicated that our concerns were well-founded. There were more problems with voters missing from the rolls than we have recently experienced in other elections for which we ran our helpline.

- a. Improve coordination with the DMV and other agencies to insure that registration forms collected by these agencies in the City are forwarded to the Board before the registration deadline.
- b. Insure that proper procedures are followed and safeguards instituted to insure that voters are not improperly purged or classified as inactive.
- c. Institute better intake and tracking procedures to insure that all registration forms are properly and timely processed.
- d. Affidavit ballot envelopes should be used to correct errors and register voters for future elections.

4. **Greater Accountability and Reporting.** We renew our earlier recommendations regarding reporting and accountability by the Board of Elections, urging the release of statistics previously provided to the public and requiring that the Board provide information as part of the Mayor's Management Report.

5. **The Council Should Be More Assertive in its Dealings with the Board.** The same party leaders that many Council Members owe allegiance to also nominate appointees to the Board. That shouldn't interfere with the Council's responsibility. The Council should insist that all future nominees submit a written statement detailing their positions on important issues and thereby increasing their accountability. This could include: details of their election experience; changes they'd like to see at the Board; and positions on various issues such as voting systems or being included in the Mayor's Management Report. The Government Operations Committee has held good hearings on the Board, but the body needs to follow-up on problems revealed.

We appreciate the opportunity to be heard and look forward to the day when our testimony will be less repetitious of prior recommendations because procedures have been improved and fewer problems experienced.