



Testimony to the New York City Council Committee on Governmental Operations Oversight: Evaluating the Board of Elections' Performance in the 2012 General Election

Wednesday, December 5, 2012

Good Morning. My name is Kate Doran. I serve on the Board of the League of Women Voters of the City of New York. As a multi-issue, non-partisan political organization we encourage informed and active citizen participation in government, work to increase understanding of major policy issues, and influence public policy through advocacy and education.

For over 90 years, voter education, voter service, and election administration have been priorities for the League of Women Voters in New York. Accordingly we appreciate this opportunity to comment today.

This was a remarkably challenging year for the NYC Board of Elections: four separate election events; redistricting; the first Presidential Election using the Optical Scan Voting System; and Hurricane Sandy. The Board is to be congratulated for truly heroic round-the-clock efforts to move, and safeguard essential equipment, and then finding alternative poll sites, with essentially no time to spare.

Since the launch of "Vote the New Way," in 2010 the Board has made significant efforts to communicate more efficiently with voters. The Poll Site Locator and Sample Ballot features on the Board's website are of inestimable value. All of us in the advocacy and good government community have praised these innovations, and have either linked to them, or expanded upon them.

We understand that the only legal requirement for a Notice to Voters is that one be sent out in August. We congratulate the Board for doing more this year. And we heartily thank Gale Brewer, the entire City Council and others in NYC government for assisting the Board of Elections in producing and mailing a 2nd Notice to Voters. At my own poll site we saw dozens of voters clutching those "postcards," as they came to vote. Much confusion was averted by the October mailing, but infuriating problems were everywhere. The core of most of the problems is that the Board has layered the new paper ballot system over top of the old lever system with no real analysis or planning, particularly with respect to poll workers.

There is a role to play for each and every one of the stakeholders in re-imagining and improving the voting experience in New York City. We join our colleagues at Citizens Union, Common Cause, and the New York Public Interest Research Group in encouraging the City Council to press ahead to adopt the local election related legislation

that you examined on October 15, 2012. Each one of the bills represents a unique and worthwhile step towards our shared goals of greater public participation, more transparency and accountability, and improved election administration.

The New York City Board of Elections **must** do better next year, and we at the League believe that there are changes that the Board can make right now that will make a significant and visible difference. Everyone agrees that recruiting and retaining competent poll workers is a problem. For the most dramatic and far reaching impact on the administration of elections the Board must revamp its system for recruiting and training poll workers; write rules to implement split shifts on Election Day; and demonstrate creative flexibility in staffing poll sites by function.

Specific Constructive Suggestions

1. Create a training procedure modeled along the lines of applying for driver's license in New York State, The DMV Model – The Board of Elections could make available all year long, at all times, copies of the Poll Worker's Manual. Citizens who want to be Inspectors could pick up hard-copies, or down load the Manual from the Board's website. After studying the manual, the prospective Inspector would come in to a Board office and take a written test. The test would be "Open Book," which is as it should be, because test takers are practicing what will be required of them at the poll site: being asked questions, and researching answers. When the prospective Inspector completes and passes the written test, he/she moves to hands-on training on the scanner and BMD, analogous to the would be driver being given a permit to practice driving a car after passing a written test. We believe that with this type of screening and pre-testing, the Board will have a pool of workers who have the basic skills to learn to "fix" simple paper jams that are common with the scanners. Currently the Board has no confidence in the ability of the Inspectors, hence the requirement that Voting Machine technicians be called each time a scanner "goes down." The signature virtue of DMV model is that individuals thinking about being poll workers will self select. The person who cannot, or does not want to read a manual, will not apply. This training model will cost less than the current training because the actual classes could be much shorter.
2. Overhaul the Standby Pool System – We recommend a dispatcher be available on the day and evening before an election event to take calls from Poll Site Coordinators, and to assign Standby workers to go to particular sites at 5:00 AM on the morning of the election. (By Monday evening, and usually days before, Coordinators know the number of vacancies to expect. Coordinators know this because they receive a "Site Coverage Report," listing the names of workers assigned. Coordinators are expected to telephone those assigned to confirm that they plan to work.) Knowing that there will be vacancies, and not being able to do anything about it until 5:30 or 6:00 on the morning of an election defies logic. It also makes no sense to send workers to a Standby location when they could go directly to a poll site.

3. **Collect and Use E-mail Addresses for Poll Workers** – The Board has been collecting e-mail addresses for some time now. I have seen a field for them in the Forms Booklet (the place where poll workers sign in) but never have I received an e-mail communication from the Brooklyn Poll Worker Department. The “Site Coverage Report” has a field for telephone number. Nearly 50% of the time however the telephone number is no good or the field is blank. E-mail addresses would make contact with poll workers vastly easier and more efficient. Commissioners at their meeting on November 27th noted that if they had had e-mail addresses for poll workers prior to November 6th, they might have been able to send a blast e-mail regarding the Governor’s Executive Order.
4. **Print a Poll Site Specific Street Finder and Map** – Print fewer copies of the bulky Borough wide book and create a smaller poll site specific Street Finder. Couple these with a clip board and you’ll have a simple useful tool for a roving poll worker to use to associate voters with their Election District. NYPIRG has made an excellent suggestion to “post a large map identifying the borders of EDs of area poll sites to assist voters without smart-phone technology to identify their proper site and table.” We whole heartedly concur. These maps should be prominently posted outside poll sites so that voters don’t wait on lines only to find that they are in the wrong place.
5. **Eliminate Voter Cards** – Voter Cards are a relic of the lever machine voting system, where they served the important function of being the voter’s “ticket” to go inside the curtain of the lever machine and served as a check on the Shoup machine’s Public Counter Number. In a crowded poll site during a high turnout election it would have been quite easy for a voter to stand on line to use the machine without signing the poll book. The poll clerk sitting beside the machine needed to collect a voter card or send the voter back to the table to sign in. Now that the voter signs in and receives a paper ballot, the Voter Card is redundant and a waste of time; not to mention a source of confusion for poll workers, most of whom do NOT understand the difference between a Voter Number and a Ballot Stub Number. Voter card numbers have no relevance in poll sites in NYC because we do not use one scanner per ED. (One scanner per ED is an idea that has been proposed by some at the NYC Board of Elections. It is a really bad idea that should be rejected for a host of reasons. One recent example - look at the data from Nassau County on the number of Emergency Ballots resulting from the fact that when an ED specific scanner “goes down,” ballots cannot be scanned through any other scanner at the site. Here’s what the Board can do instead of using Voter Cards, a solution that addresses issues of potential voter fraud, and the voters’ continuing desire for more privacy. Design and create a Privacy Sleeve that is specifically labeled and color coded for each Poll Site. This privacy sleeve will not be an “off the shelf” manila folder. It should be long enough to cover the entire ballot, and it will identify the bearer to the Scanner Inspector, as a voter who belongs at that poll site. In essence the Privacy Sleeve will be the voter’s “ticket” to use the Scanner, and it will be given only to voters who have

been identified by Inspectors and signed a poll book. Affidavit ballot voters will not be given a Privacy Sleeve because their ballots can be folded and are meant to be put into an envelope. We believe that this is a simple response to the Voter Card problem. It is intuitive, straight forward, and would require next to no training.

Ballot stub numbers would be recorded in the poll book. If a voter returns to an ED table with a spoiled ballot, the Inspector simply looks up the name, and records the 2nd or 3rd stub number.

The League of Women Voters is known for its Telephone Information Service (TIS) which for decades has answered voters' questions and recorded their complaints. We now also manage a local version of Vote 411.org and we field responses to our website. The New York State League of Women Voters conducted an Election Day survey. Responses from NYC voters have been analyzed and compiled, and we will shortly deliver a report to the NYC Board of Elections.

In the meantime here is a sampling of some specific complaints:

- 1. A Brooklyn voter reported that in her poll site there was no wait for most districts but in her election district "there was one desk and two poll workers, with one set of books. I arrived at 9:30 and voted at 12:30. Elderly people and parents with small children were kept outside in a line around the block. There was no wait for privacy booths or scanners. The entire bottle neck was the two elderly people very, very, very slowly trying to find names for district 86. My husband voted that evening and waited almost two hours. Many people left because of the line.*
- 2. A Manhattan voter reported "Mass chaos ensued. A few poll workers were competent and working hard. Many workers were lazy – or disaffected. One man's sole job was to tear the ballots from the pad – and he did it badly, causing ragged edges which led to the ballot being rejected and I had to do it all over again. 2 machines were broken and no one knew what to do.*
- 3. Another Manhattan voter reported that there were no scanners working. Voters had to "throw their ballots into a carton". Poll workers were abusive toward voter's complaints. Was at the poll site for 3 ½ hours and worries her vote will not be counted.*
- 4. In Brooklyn a voter made a mistake on her ballot and asked for a replacement. The poll worker told her to scan her spoiled ballot which would be rejected. The scanner did not reject her ballot and she felt that she lost her vote for all of the candidates she wanted to vote for.*

In each instance the voter was alarmed, and sufficiently motivated to write to us. The quoted problems occurred because the poll workers did not know how to do their jobs, or could not give correct answers.

Q. What is the most important job of a New York Poll Site Inspector on Election Day?

A. To compare the voter's signature to the signature reproduced in the poll book, and to look at the voter and quickly estimate the voter's age, so as to compare the apparent age to the birth date recorded in the poll book.

Q. Is this essential task emphasized, or even consistently taught in training classes.

A. No.

We believe that these procedures honestly and fairly implemented are the necessary safeguards against In Person Voter Fraud. These procedures not only protect the vote, but they preserve the rights of the voter.

Poll Worker training need not be long and complex. Workers must be recruited for appropriate common sense skills, and trained in legal and essential procedures that emphasize customer service. The vitally necessary task of comparing a voter's real time signature, to that printed in the poll book, should not be difficult to teach, but it has perhaps been underemphasized as other time consuming procedures have been added.

The League of Women Voters encourages every eligible citizen to register, and come out to vote on Election Day. We believe that poorly trained poll workers, and confusion at poll sites are disincentives to voting. Simply put – poor voter service translates into lower voter turnout.

The Board of Elections must call on, and create incentives for, the best and the brightest of our city's citizens to step up and work on Election Day. We believe that the Board can, and must create a work environment that is empowering instead of dehumanizing, well supported and well managed rather than confusing and disorganized.

We at the League recognize that the public deserves to be served by skilled and well trained poll workers. We have heard the outcry from elected officials that the voting process must be reformed. We acknowledge the great challenge of improving poll worker training and we stand ready to participate in the development of any sensible program. We are particularly well qualified to consult as training partners because we have a 90 year reputation for education and the promotion of active informed participation in government. We are non-partisan and universally recognized for our work ethic which involves thorough study of civic issues.

We appreciate all of the extraordinary and unique challenges that the Board of Elections has faced this year. We thank the City Council for its oversight, and the Governmental Operations Committee for its model leadership. We look forward, with you, to continuing to serve the voters of New York.