

**THE LEAGUE OF WOMEN  
VOTERS OF THE CITY OF NEW YORK**

4 WEST 43rd STREET, SUITE 615, NEW YORK, NY 10036  
PHONE: (212) 725-3541 • FAX: (212) 725-3443  
WWW.LWVNYC.ORG • OFFICE@LWVNYC.ORG



**The League of Women Voters of  
New York State**

62 Grand Street, Albany, NY 12207  
Phone: 518-465-4162  
www.lwvny.org / lwvny@lwvny.org

**Testimony of The League of Women Voters of New York City and The League of Women  
Voters of New York State  
Before the NYS Assembly Standing Committee on Election Law and  
the NYS Assembly Subcommittee on  
Election Day Operations and Voter Disenfranchisement  
December 1, 2011  
Assembly Hearing Room, 250 Broadway  
Room 1923, 19<sup>th</sup> floor, New York City**

**NYC is singled out in New York State Election Law**

My name is Kate Doran and I appreciate the opportunity to address this Committee because as you know the city of New York is specifically named and singled out in many sections of the Election law.

**Monitoring the New York City Board of Elections**

My portfolio on the board of the LWV of the City of New York includes observing the weekly meetings of the Commissioners of the NYC Board of Elections. I regularly hear and record the comments and recommendations of the Commissioners and others. In a public meeting of the Commissioners on September 20, 2011, Steven H. Richman, General Counsel to the Board said, "Article 9, Title I needs a total rewrite." The League of Women Voters agrees.

**Poll Site Experience in Kings County New York**

I worked as an Election Inspector in 2004 and 2005 and since 2006 I have been a Coordinator, all at the same large site in Brooklyn, NY. In my role as a Poll Site Coordinator I have observed first-hand the implementation of the new voting system over the course of 4 election events. The September 2010 Primary in NYC was essentially their pilot project. Adjustments have been made since then, but the closing procedures continue to be a tremendous stress point.

The NYC Board insists that it is strictly following the law but the result is a procedure that is tortuous, time consuming, and an invitation to serious error. The problem is that the NYC board equates Election District with Poll Site and requires poll workers to report out unofficial results by Election District rather than by scanner. The board has essentially overlaid the old lever system Return of Canvass procedures onto to the new optical scan system. Tapes generated by scanners must be cut up into tiny pieces ED by ED. The tiny pieces of tape are then distributed to the corresponding ED tables, where poll workers must add, by hand, the votes from the multiple scanners.

After adding the results from the tapes, the poll workers must transfer, again by hand, those sums onto a paper Return of Canvass. Anyone who has seen this process, heard about it, let alone participated in it, recognizes it as a breathtaking absurdity.

The role of the NYC Police Department is specifically described in Section 9-126. The NYPD are important stakeholders in the closing procedures, and valued team players in safe guarding the chain of custody of the vote. They are **not** happy.

The Board of Elections of the City of New York is under legal obligation to release unofficial returns on election night. This obligation was not burdensome in the old lever machine world. Now however, it creates extra, unnecessary work for poll workers who have to transfer the results of an efficient calculator – the scanner – by hand, onto a drafting board size Return of Canvass.

In the “Lever World” the police officers in NYC could expect to collect Returns of Canvass somewhere around 9:15PM, 9:30 at the latest. Now they have to wait, and wait, and wait. At my particular site it was after midnight in 2010, before the last workers were able to leave. The NYC Board insists on reporting out the Return of Canvass by hand because the police computers are still set up to receive results in the way they did in the “Lever World,” and, because the City Board’s General Counsel claims that the law says that reporting must be done by ED on Election night.

We believe that the electronic results from the scanners are more accurate. They are certainly easier and faster to produce. They are available as soon as the tapes print, or quicker still, on one of the PMDs aka, memory sticks inside the scanner.

We recommend to the Committee that it draft revisions to Section 9-126 that would unambiguously relieve the NYC BoE of the obligation to report a **paper** Return of Canvass tally by ED, on Election night.

Revisions to Article 9, Title I, should be made so that procedures take into account the capabilities of the optical scanners and the fallibility of exhausted human beings. Revisions to Article 3, Title IV, which describes staffing for Election Districts, should also be considered. Significant cost savings and efficiencies are possible by analyzing the tasks now performed in an optical scan election. For example, the number of required inspectors per ED could be reduced from four to two.

### **Split Shifts for election inspectors**

Permitting the employ of election inspectors for half-day shifts is a tremendous tool for improving election-day operations. It is now our task to convince the NYC Board of Elections to write appropriate rules and put the tool to use.

Thank you for the opportunity to comment.