



**Testimony to the New York City Council Committees on
Government Operations and Oversight and Investigations:
Evaluating the Board of Elections' Performance in the
2010 General Election Monday, December 6, 2010**

Good afternoon. My name is Kate Doran and I am the City Affairs Chair of the League of Women Voters of the City of New York. The League of Women Voters is a multi-issue, non-partisan political organization which encourages informed and active citizen participation in government, works to increase understanding of major policy issues, and influences public policy through advocacy and education.

For 90 years voter education and election administration have been priorities for the League of Women Voters in New York; accordingly we sincerely appreciate this opportunity to comment on the performance of the Board of Elections in the 2010 General Election.

For many years the League's Telephone Information Service has operated an Election Hotline receiving voters' concerns and complaints and transmitting them to the Board of Elections immediately on Election Day -- if they involve such issues as a broken machine or lack of access for a disabled voter -- or in a subsequent report. For the past three elections we have also conducted an online Voter Survey, the results of which we will also transmit to the Board.

The results of the November 2nd Election Survey indicate that the Board succeeded in addressing many of the critical problems that arose in the September primary. A majority of voters who completed our survey had little or no difficulties with the optical scanners (78%), and felt that the privacy booths provided adequate privacy (67%). However, the comments from survey respondents and from voters who called our office on Election Day evidence a continuing concern about the training and adequacy of poll workers.

We acknowledge that the transition from lever machines was an enormous undertaking and we applaud the many adjustments that the Board made between the September Primary and the November General Election. We believe however, that the Board of Elections did not fully address the significant changes in operations and poll site management required to successfully implement the new voting system. We understand that real and substantive change to staffing at poll sites will require an overhaul of Article 3, Title IV of the New York State Election Law. We encourage the City Council to support changes in the law that will

define a team of election employees who work together in a poll site, rather than the current structure which is defined by ED.

Even failing additional changes to election law by September 2011, The Board of Elections of the City of New York is not without certain tools it can use to improve poll site operations. Chief among them is the ability to implement half-day shifts as authorized in state legislation enacted on March 16th of this year. We continue to urge the Board to write rules and procedures to employ election inspectors to work half-day shifts. The League of Women Voters and other "good government" groups are ready to assist the Board in any way that they deem appropriate.

Those of us who monitor the weekly meetings of the New York City Commissioners have heard concerns that half- day shifts would mean training twice as many workers. While more people may have to be trained, training time could be halved inasmuch as early shift workers would be trained in opening procedures, and late shift workers in closing procedures. This is already true in the case of the Police Officers, as is described in the 2010 Poll Worker's Manual.

The 8-hour day would make much more efficient use of the board's "Standby Pool." As presently constituted the standby pool of workers cannot be accessed until 6:00 AM, or later, on the day of an election. We envision a standby pool of trained individuals who could be contacted the day before an election event to report to work at 5:00 AM, and another pool which could be available during the late morning and midday to fill in for second shift workers.

Since 2006, I have been a poll site coordinator at PS 282 in the 52nd AD in Brooklyn. There are 16 EDs at that site. It is the largest in the 52nd AD, and typically has the second highest voter turnout in the State of New York. I and others at PS 282 walked out of the site at 12:30 AM on the morning of November 3rd: after 19 and ½ hours. Several workers told me after the Primary that they would not work the General Election because of the 5:00 AM start and the uncertainty of when the day would end.

We encourage the Board to embrace the 8- hour work shift and to develop an open, public, skills-based recruitment plan. The 16- hour day that disappeared with the lever machine was a deterrent to civic minded individuals who otherwise would have appreciated an opportunity for public service. Now word is out that the day is guaranteed to be 16 and ½ hours, and in most cases much longer. This is an insurmountable disincentive.

Another tool that the City Board could take advantage of immediately is more efficient use of the optical scanners. In addition to being photocopiers the scanners are counting and tallying machines. And, as we all will agree, computers are much better at arithmetic than are human beings no matter what time of day or night.

Jerry Koenig, former Chief of Staff of the York State Assembly Election Law Committee has considerable experience in election law and procedure. He met with a group of our members on November 11, 2010. Mr. Koenig pointed out that the time consuming closing procedure, of

hand recording the total votes for each candidate by ED is a procedure that is a holdover from the lever machine world and is done because the Police Dept. computers are set up to receive the information by election districts.

His suggestion is: "change the police computer system to one which takes the total from each scanner, then the Board of Elections can compile the results by Election District at the time of the re-canvass." Mr. Koenig's solution is elegantly simple and addresses the concerns of many stakeholders, including the Board of Elections, the Police Department and the press.

The procedure that poll workers had to follow after the close of the polls in September and November was to wait for the scanner to print reports and for inspectors to use scissors to cut the scanner tape into strips, separating the records for each ED.

The scanner inspectors, who had cut the tapes, then carried the tape strips to the respective ED tables where other inspectors transcribed the vote totals onto Return of Canvass sheets that were similar in most respects to the form used in the old lever system. Poll site inspectors, on the job since 5:00 AM, waiting for reports that appear at perhaps 10:00 PM, have been working for 17 hours. Now they are being asked to do what is arguably the most important work of the day, not to mention work which requires accuracy and close attention to detail. This is not a good system.

We suggest that the Board of Elections henceforth define the printed tape record that comes from the scanner as the "Return of Canvass." We believe that the Board will continue to be in compliance with New York State Law and can jettison a system that creates work and invites error. The New York Times on Friday, December 3, 2010 reports just the sort of problem that is bound to occur again and again. The writer accurately describes the end of day process: except for the part about the calculator. Unless an individual poll worker brought a calculator, the tallying was done by hand.

New York City police officers are important partners in the poll site closing procedures. In the lever world, police officers worked two 8 hour shifts at the poll sites: 5:30 AM to 1:30 PM and 1:30PM to 9:30 PM. Now they are being asked to arrive at poll sites at 5:00 AM and stay much later than 9:30 PM. They are frustrated, waiting for poll workers to sort and transcribe data and then feel unfairly blamed for mistakes. Ending the hand written Return of Canvass would save hours of police overtime, and just makes sense now that we have reliable copying and counting machines.

Machines and systems are only part of running an election. The other is the people part, and to get that right the Board of Elections should start by sharing with the City Council and voters, its methods for recruiting, training and retaining poll workers, and, the trainers who teach the poll worker classes. Currently the Board of Elections looks to District Leaders to provide names of registered voters who can be appointed to poll worker positions. We believe that City Council members can be helpful by working with District Leaders inside, and outside of the Council to

assist in the recruiting of poll workers, and the tracking of their subsequent appointment and placement."

The jobs of Poll Site Inspector, Information Clerk, Interpreter, and even door clerk are first and foremost customer service jobs. Candidates for these jobs should have strong communication skills. They should have problem solving skills, and demonstrated reading comprehension skills.

Much was said after the September Primary about the lack of training as an explanation for poll site problems; untrained workers did receive Notice to Work cards, and did show up to work. The Board did a good job in advance of the General Election to make sure that no untrained person was assigned to work. 75 people were assigned to my site for the Primary; 8 untrained. 68 people were assigned for the General Election; none untrained. One element of the training deserves honorable mention: The booklet titled 2010 Poll Worker Procedures – Summary Guide. This was new and very helpful. It is in color and consists almost entirely of illustrations.

But what of this training – reports came to me of crowded unruly classes dominated by questions about "how much and when will we be paid?" Many trainers may have wanted to convey information, but not as much as they wanted the classes to end on time or early. The test given to candidates at the end of the class is multiple choice and open book. This is appropriate inasmuch as test takers are practicing what will be required of them at the poll site. Questions will be asked and poll workers are expected to use their manuals and other materials to look up the answers. The test is meaningless however, because in most cases trainers give out the answers.

We envision a system that also has an online component providing all training materials, including the test on-line. Individuals who want to be poll workers will read, and study and look up the answers to test questions. At certain times these prospective workers could come into offices of the Board of Elections and take written tests under supervision. If they pass the written test they could move to hands-on instruction in opening the scanners and BMDs.

There was one issue in this election which generated more public outrage and press coverage than any other and that was that the "print was too small "and the ballot hard to comprehend. We know that this is out of the control of the New York City Board of Elections or this City Council. However, we ask you to join us in calling for state action and legislation to eliminate the current legislative requirement for the full-face ballot and support efforts to secure a voter-friendly ballot design.

We are delighted that the Board passed a motion at its last meeting to begin the process of putting ballots on line in coordination with the poll site locator. Enabling voters to see their ballots before they arrive at the poll site will significantly improve the voting process.

We suggest consideration of another technological innovation: printing ballots as needed at poll sites. This is already the practice in other states. The hardware is available. After initial investment, the savings could be significant. No costly printing contracts; no need to transport and safeguard blank ballots; and our important and valued partners, the NYPD would no longer have to haul hundreds of pounds of blank ballots out of poll sites in the middle of the night. Another advantage of printing ballots on site is that ballots could be printed in the language preferred by the voter. Think of the space that would be freed up on the ballot face if it features only one language.

One final recommendation we make to you in the City Council is to seriously explore the concept of offering full time NYC employees the option of working as poll workers in exchange for a different compensatory day off. This is not a new idea. We believe that it has been proposed several times by others, and we endorse it. There will never be a better time than now as we prepare for the 2011 elections.

We are convinced that combining and implementing these initiatives, will address most of the problems that were identified by voters and others on September 14th and on November 2nd. There will never be a better time – for any of these changes – than now as we begin to prepare for the 2011 elections.

We thank you and the members of your committees and staff for the consistent leadership you have shown in holding these hearings, and in finding ways to better serve the voters of the City of New York.

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