



**Testimony to the New York State Senate
Standing Committee on Elections:**

**Introduction of Optical Scan Voting Machines in the 2010 Primary Elections
Wednesday, September 29, 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. With the passage of the federal Help America Vote Act (HAVA) and the state's Election Reform and Modernization Act (ERMA), the League worked to ensure that New Yorkers had a secure, accurate, reliable and accessible voting system. We strongly supported replacement of our antiquated lever voting machines with paper ballots, optical scanners and ballot marking devices. We appreciate this opportunity to comment on the September 14th introduction of the new voting system in New York City.

In 2009 municipalities in 47 upstate counties participated in a pilot project using the new voting equipment. The New York City Board of Elections did not opt to participate in that project because it was the year in which we elected all of our citywide officials and the 51-member City Council. While the Board had purchased ballot marking devices, it would have had to purchase a large number of scanners before they were certified by the state. The New York City League understood and supported that decision. But we did assume that the City's Board would have carefully observed the upstate pilot and learned from the participants' experience.

League branches in the participating counties conducted voter surveys and found that for most voters using the new system was a pleasant experience and that the problems which emerged were related more to poll worker training and privacy issues than to the efficacy of the equipment.

The New York City League conducted a similar survey in New York City after the close of the polls on September 14th. The results, combined with information we received through our Telephone Information Service and from our members who observed poll closings, identified the same problems and virtually the same concerns as those experienced in the 2009 pilot

project. For most New York City voters using the new system was quick and easy. With few exceptions the equipment worked when poll workers knew how to operate it. However, privacy remained a primary concern of the voters.

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 I learned recently that it typically has the second highest voter turnout in the State of New York.

While our 16+ hour day went quite well and most voters had no problems with the ballot or the scanners, we did experience some serious problems which could have been avoided with more accurate information from the Board of Elections and better training for our poll workers. For example:

Poll Site Management and Poll Worker Training Issues

- The Site Coverage Reports that list the names of the workers assigned to the poll sites is a relic of the old lever machine world. It even listed the title Poll Clerk which is a job specific to the lever machine. The Site Coverage Report is meant to be a planning tool for coordinators and others, but it is full of inaccuracies and wrong information. I may spend hours trying to contact the individuals whose names appear on the report, but often I can't reach people because phone numbers are incorrect or missing. (21% in the case of the information in my report for the Primary) Even armed in advance with information about the number of workers who won't be coming, I have no recourse except to WAIT UNTIL 6:15 AM on the day of the election to call for standby workers. To get polls open on time we need poll workers at their sites at 5:00 AM.
- In his public testimony on September 8th Executive Director George Gonzalez promised that no individual who hadn't been trained would be allowed to work the polls. My Site Coverage Report included 8 untrained workers. Furthermore the report listed 75 employees assigned. 32 people or 43% did not report to work. Voter turnout was light. We didn't need 4 inspectors per ED, so we were able to serve our voters responsibly.
- In previous years the Brooklyn Borough office included a memo in the package with the Site Coverage Report which provided direct phone numbers to be used by coordinators in the event of emergencies, or if workers were needed from the Standby Pool. There was no memo this year, and no phone numbers.
- It was our understanding that each scanner and each election district supply cart had unique keys so that if the key to a scanner was missing, it couldn't be opened. Scanners serve multiple EDs and have secure Emergency Ballot repositories, so even an unpowered, inert scanner is not an immediate problem. However, being unable to open a supply cart is an immediate problem because the ballots for each election district are in the election district's supply cart and if you can't open the cart no one in that election

district can vote. I had one ED cart without a key. I couldn't reach anybody at the Board of Elections. The number provided to us was the public number at the Brooklyn Board of Elections office. It was only after a Police Officer from another poll site arrived at my site at approximately 7 a.m.. to borrow my scanner keys, and told me that the keys to the scanners were generic, that it occurred to me that maybe the ED Supply Cart keys were also generic. They are. However, since I had not been given this information in advance nobody who lived in that election district could vote for more than an hour after the polls opened.

I have to assume that other late opening problems resulted from the same lack of information and inability to contact the Board.

- The other machine related problems that occurred at PS 282 were also training related. We were told in class that, "You will never run out of paper!" Pretty much immediately we ran out of paper. In class, trainers printed reports using the "Ice Cream" ballot. In the real world of printing the Zero Report on a scanner programmed for 16 EDs, we were soon standing in a pool of swirling paper tape. We weren't trained for the process to take more than ½ hour. Fortunately the Scanner Booklet had a phone number for ES&S in case of problems.
- Again, at approximately 10:00 PM we experienced a scanner problem. I got on the phone and was patiently talked through a procedure to shut the scanner down and boot it up again. I was told that it would take at least twenty minutes for the scanner to produce a report. Pre-Primary training did not prepare us for such a long wait. That may explain why some of those closing polls thought the scanners were broken because they couldn't get instant reports. And the press reported excessive poll site delays in closing, when instant results should not have been the expectation.

Split Shifts for Poll Workers

We thank you Senator Addabbo, and the members of your committee for your work in amending the state election law to authorize the BOE to employ election inspectors to work half day shifts. We understand that the law requires county boards of election to prescribe rules and procedures to ensure proper poll site operation, and we believe that there is no better time than now to begin this job. We recommend a pilot project be designed for the November 2nd general election.

Those of us who monitor the weekly meetings of the NYC Commissioners have heard concerns that half day shifts would mean training twice as many workers. That may be so, but 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.

We believe that the 16-hour day has long been an insurmountable disincentive to civic minded individuals who might otherwise appreciate the opportunity for public service.

Furthermore, we are confident that recruiting and retaining competent, professionally minded workers will become much easier for the Board of Elections when they begin to advertise an 8-hour work day.

Many experienced and dependable poll workers decided that last year would be their last. A work day that was guaranteed to be longer than 16 hours; a newly taxable employee status and anxiety over the new voting system all contributed to their decisions.

Assure Voter Privacy

We received a number of complaints from voters about inadequate privacy. They reported privacy booths that were placed where passersby could look over their shoulders as they filled out their ballots. They described overzealous poll workers who wanted to be helpful and checked to see if the ballot was filled out correctly, or took the ballot away from them and placed it in the scanner. 42% of our survey respondents never received a privacy sleeve. These are virtually the same complaints which were reported in the 2009 pilot programs. We had assumed that the New York City Board would have stressed the importance of assuring voter privacy. We hope this message will be re-stated and emphasized to poll workers before the November election.

End the Full Face Ballot

Finally, with regard to the biggest complaint - THE PRINT ON THE BALLOT IS TOO SMALL - we look to you for assistance. The size of type and layout of the ballot is directly tied to state election law which requires that the names of all candidates must fit in the frame of the ballot - otherwise known as the "full face" ballot. The law includes very specific requirements on relative type size and placement of candidates' names and parties. We believe it is time to revisit these requirements. Now that we have a new voting system with paper ballots and the possibility of designing multiple page ballots, we urge the Legislature and the State Board of Elections to explore best practices for the design of election materials and to pursue efforts to produce more voter friendly ballots.

While paper ballots and optical scanners have been used successfully throughout the country for years, it is a new system for New York. Machine related problems, as reported to the League of Women Voters, were isolated and promptly resolved. The Board's Voter Education Program was well-designed and publicized. However, poll worker training and poll site personnel management is much more troubling, and thus far unaddressed. We believe that the Board of Elections can legitimately characterize Primary Day as a citywide pilot project and make adjustments so that Election Day runs more smoothly.