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**Testimony of
Dawn Sandow, Deputy Executive Director,
and Pamela Perkins, Administrative Manager,
Board of Elections in the City of New York
before the New York City Council
Committee on Governmental Operations
to review the November 6, 2012 General Election**

December 5, 2012

Good morning. I would like to begin by thanking the Committee Chair, Councilmember Brewer, and all the members of the New York City Council Committee on Governmental Operations, for giving the Board of Elections in the City of New York the opportunity to briefly review with you the General Election which was held on November 6, 2012.

My name is Dawn Sandow and I am the Deputy Executive Director of the Board of Elections in the City of New York. Joining me here today are Commissioners from the New York City Board of Elections:

Maria Guastella, President 2012, Democratic Commissioner, Richmond County

Juan Carlos Polanco, Republican Commissioner, Bronx County

Julie Dent, Democratic Commissioner, Kings County

In addition to our Administrative Manager, Pamela Perkins, I want to acknowledge the presence of several additional staff members who are in attendance to answer any questions regarding their units:

- Steven H. Richman, General Counsel
- Raphael Savino, Enforcement Counsel
- John Naudus, Director of Electronic Voting Systems
- Steven Ferguson, Director of Management Information Systems
- Valerie Vazquez, Director of Communications
- Tom Sattie, Ballot Coordinator
- Daniel Lavelle, Phone Bank Coordinator
- John O'Grady, Chief Voting Machine Technician
- Stephen Thompson, Poll Worker Training Specialist
- Rachel Knipel, Language Assistance Program Coordinator
- John Ward, Finance Officer
- Robert Hornak, Director of Equipment
- John Luisi, Agency Chief Contracting Officer

OVERVIEW OF NOVEMBER 2012 GENERAL ELECTION

On November 6, 2012, the Board conducted the General Election and we are still in the process of canvassing the results. The Board operated 1,206 poll sites in the five boroughs of the city. We deployed 3,689 scanners 1,285 ballot marking devices, 5,187 ED supply carts, 15,484 privacy booths, 32,182 chairs and 7,048 tables – 64,875 pieces of voting equipment in total.

Please note, that all statistics relating to poll workers are preliminary and subject to revision. The total number of poll workers assigned on Election Day was 33,830, of which 14,618 were recommended by the county organizations and 19,212 were assigned through recruitment efforts by the Board and other organizations. Of the 30,186 poll workers who reported for work on Election Day, 4,171 were working for the first time.

Every poll worker is required to attend a training class and take an exam. 99.88% passed the required exam. Of the poll workers assigned to work the General Election, 89.33% reported for work, leaving a 10.77% vacancy rate. The Board assigned 1,671 trained and qualified poll workers to its stand-by pool, of which 1,221 were deployed to poll sites on Election Day.

The Board's Call Center received 7,857 calls citywide. A summary of the calls by borough is attached.

Of the 2,069 calls relating to problems with poll workers, 145 were related to poll worker behavioral issues and 267 were regarding poll workers not following procedures. Our Assembly District (AD) and Executive Office Monitor Teams were dispatched to these sites to make certain that the poll workers were following proper procedures and to address any behavioral issues. Some poll workers were immediately dismissed from their duties.

All poll worker issues encountered by the public, community organizations, and Board staff will be addressed in future training sessions as part of our continuing effort to improve poll worker performance.

The Board created an information poster telling voters that everything they need to know about voting can be found in the palm of their hand, either by calling our Phone Bank or scanning our new QR Code with their Smartphone or tablet which takes them directly to the BOE website. The poster was placed in various locations and poll sites throughout the city.

On Election Day, the Board launched a pilot program to allow Executive Office Monitor teams to remotely complete a poll site survey using a wireless digital tablet for every site they visit. This program provided us with valuable data that will allow us to develop an updated version to be deployed in our next pilot that will be expanded to include AD Monitor teams.

POLL SITES AND ACCESSIBILITY

In accordance with the requirements of both applicable Federal and State Law, the Board had undertaken a program to ensure that all poll sites are accessible to persons with disabilities, pursuant to the Federal Americans with Disabilities Act, the United States Department of Justice guidelines for ADA-compliant poll sites and relevant sections of the New York State Election Law. [4-104 (1a-c)]

The Board has made the accessibility of poll sites; paths of travel, ingress, and egress; and voting areas a priority on Election Day. Borough office staff, poll workers, coordinators, and poll site surveyors received training and direction to best promote access and participation for individuals with disabilities.

Prior to the September 2012 Primary Election, several plaintiffs commenced a proceeding against the Board in the United States District Court for the Southern District of New York alleging that poll sites within the City of New York did not comply with the applicable provisions of federal law.

The District Court granted partial summary judgment in favor of the plaintiffs and entered an interim remedial order which was applicable to the September 13, 2012 Primary Election. For the Primary Election, the Board developed Special ADA Instructions and an ADA Journal for each poll site coordinator to monitor the accessibility of each poll site throughout the day. New signage was developed along with updated schematics for use in poll sites that require Alternate Accessible Entrances; permanent or temporary ramps; and door bells for ADA compliance.

Prior to the General Election, Judge Deborah Batts of the Southern District of New York entered another Order which mandated for the 2012 General Election and all subsequent Elections, that the Board must designate for each poll site, an On-Site Accessibility Coordinator. The Board assigned this duty to the existing Coordinator(s) in each poll site. Each Coordinator was to receive poll site accessibility training from the Center for Independence of the Disabled (CIDNY), and an ADA Supplies Envelope containing the ADA Journal, Special Instructions, and tools to ensure that the placement of BMDs, ADA privacy booths, and pathways inside the poll site are clear of obstructions.

Further, each AD Monitor Team member was scheduled to receive poll site accessibility training from CIDNY prior to the General Election. Hurricane Sandy adversely impacted the Board's and CIDNY's ability to train some of the Coordinators and AD Monitor Teams prior to November 6th.

The cost of this additional training is to be paid by the Board, pursuant to the Federal Court Order. In addition, such training will have to be conducted prior to each election by a court-approved qualified training agent.

For the AD Monitor Teams, the Board made as a condition of employment, the proper completion of their Poll Site Reports. Under the Commissioners' adopted plan, if a team failed to complete their Poll Site Reports for their assigned sites on Election Day, they will not be paid. In addition, the failure to complete these essential tasks may also result in additional penalties being imposed by the Commissioners, including barring those team members from working as AD Monitors at future elections.

The Board also enhanced its call center process so that reports of accessibility problems are highlighted and can be promptly resolved. Based on recommendations, the Board's Poll Sites Accessibility procedures and survey forms have been updated.

The District Court's Order also designated a Federal Magistrate to oversee compliance with its Order and directed the parties to the proceedings to designate a qualified independent professional to conduct surveys of all poll sites used in the City of New York and make a determination if that site is in compliance with the statutory and regulatory accessibility requirements. If it is not, the independent professional will recommend what steps are needed to make the site compliant or if a new site is needed. The cost of this independent professional will be paid by the Board.

One of the consequences of this Order may be that a significant number of locations currently used as poll sites may not be compliant. This will require the Board to seek alternative compliant locations, based on the Federal Court order and the requirements of the State Election Law that any new location designated as a poll site after December 15, 2012 must be fully accessible.

ELECTION NIGHT REPORTING

As in the September Primary, the Board's new process for election night reporting of unofficial returns performed as intended. Electronic results were gathered from the 1,206 poll sites throughout all five boroughs and made available within hours of the polls closing. On Election Day, 3,726 portable memory devices were used in scanners throughout the city, of which 3,619, or 97%, had its data remotely uploaded to the Executive Office on election night. Once again the NYPD proved to be an invaluable partner in this process.

The old process of compiling unofficial election night results using the Return of Canvass form was also performed. Compared to the old process,

there was an increase of 9.8% in the number of votes reported in the new process.

This process for election night reporting of unofficial results will be used again for the upcoming 2013 Elections. We have conducted a full debriefing and review of the activity from the Primary and General elections and have identified ways to improve the reporting process. The planned improvements include:

- All Election Night Reporting “ENR” Staff will be brought in for additional training.
- ENR laptop software will be upgraded to improve performance.
- ENR server software will be upgraded to improve performance.

With the new process we have achieved our initial goal of increasing accuracy. The unofficial results from the new process and the re-canvass election results showed a less than 1% difference whereas the unofficial results from the old process showed an almost 9% difference.

Our goal for 2013 is to improve upon the time to return unofficial results. On Election Day, the last of the unofficial results were returned at 3:42 AM while for the Primary it was 2:43 AM. We have recently begun the development of a poll site based process to eliminate the travel time of the PMD from the Poll Site to the Precinct.

OUTREACH AND VOTER REGISTRATION

The Board continued its highly successful mobile outreach program where we deployed staff and voting equipment for demonstrations throughout all five boroughs as well as our efforts to recruit new poll workers during 2012. As a result of these efforts over 27,000 new poll worker applications were processed of which almost 9,000 received training and worked. As part of its program, the Board conducted significant recruitment activities at public and private colleges throughout the City.

Since the introduction of the new voting system in 2010 the public demand for demonstrations continues to grow. Our current dedicated staff of three is insufficient to meet the ongoing need. Additional funding for increased outreach staff will assist the Board in meeting the overwhelming number of requests to educate the public about our electoral process.

Voter interest was extremely high in 2012. The Board processed 642,460 registration forms in 2012. Almost half of that came in after the Primary with 297,290 voters submitting registration forms between September 14 and October 13. The service of a temp agency was enlisted to work from 9 PM to 9 AM while Board staff worked from 9 in the morning to 9 in evening. This enabled the Board to process every form.

VOTER INFORMATION UPDATE

As a result of concerns expressed by the City Council and others, the Board requested funding from the City to send an additional notice to all voters with their poll site information. Thanks in large part to the efforts to this council, that funding of \$1.6 million dollars was authorized by the Office of Management and Budget (OMB). In addition, the Board expanded the availability of the Poll Site Locator application to all major platforms. Again, the Board wants to acknowledge the assistance of Chair Brewer in facilitating the expansion of this new technology.

LEGISLATION PENDING

The Board submitted a series of legislative proposals to the State Legislature and Governor earlier this year. Unfortunately, none of these proposals or other needed reforms were enacted prior to the Legislature's recess in June. The Commissioners and Board staff will begin the process of compiling our 2013 recommended revisions to the State Election Law shortly.

MODIFICATIONS FOR POLL WORKER TRAINING AND RECRUITMENT

As part of the Board's ongoing evaluation of its operations and procedures, the Commissioners have authorized, subject to sufficient funding, the following changes in the process for recruiting and training poll workers.

The first step is to improve the poll worker training curriculum by selecting an independent professional to design an effective program.

The Board will enhance the poll worker training process by using standardized testing techniques to assure qualified poll workers meet the language skill requirements set forth in the NYS Election Law. As part of these modifications, the passing score for the new testing process will be set at 80%. This will require additional OTPS funding for the necessary contracts for the independent professionals. As with all of the Board's contracts, these vendors will be selected in accordance with the PPB rules.

Upon evaluating some of the concerns expressed regarding Election Day, the Commissioners have determined that effective with the 2013/2014 poll worker appointments, all Information Clerks will have to meet the qualifications for an inspector of elections and receive the same full regimen of training. The Board estimates that this change will increase the Personal Service cost by \$300,000 for each election cycle.

With these changes, the Board anticipates that it will need to recruit new poll workers who meet these enhanced standards. In addition, as a result of the introduction of the new voting system, the length of time a poll worker must be at the poll site on election day has increased from approximately 16 hours (with the lever voting machine) to at least 18 hours (with the poll site voting system).

In 2001, in response to the Board's demonstrated need for new poll workers, the Mayor pursuant to the authority vested in him by the Election Law, increased the poll workers' daily per diem rate from \$130 to \$200, and Coordinators' rates from \$200 to \$300. Over a decade has passed since the last increase in poll worker compensation.

The duties and responsibilities of these poll workers has changed dramatically with the introduction of the poll site voting system, new statutory and judicial mandates, as well as changes in the process of qualifying voters on election day.

Therefore, the Commissioners call upon the Mayor to issue an Executive Order raising the per diem compensation for poll workers to \$300 and Coordinators to \$400.

The Commissioners will ask the appropriate governing bodies of this State's institutions of higher education to include in the requirements for graduation a civic engagement component. Under the Board's plan, college students would be required, as a prerequisite for graduation, to serve as a paid poll worker for a full election cycle (Primary and General Elections). This would provide a new source of poll workers who are more familiar and comfortable working with electronic systems such as the new poll site voting system and poll site locator. In addition, if a specific year of study is designated, the pool of students would be replenished annually.

As we testified before you on October 15, 2012, the Board has long supported the effort to encourage municipal workers to serve as poll workers. Intro 721 is an effort to enact a modification of this Board's proposal to authorize City employees to serve as poll workers. As we have testified before this Committee on prior occasions, a form of this proposal is used in Los Angeles.

The Board recommends that this Intro be modified to apply to all elections (General, Primary and Special), that it provide for mandatory leave with pay for any city employee who qualifies to serve as a poll worker and provide mandated time off for the required training as a poll worker under the New York State Election Law.

PLANNING AND RESPONSE TO SUPERSTORM SANDY

Upon learning of the approaching storm, the Board began to develop and implement a contingency plan that was approved by the Commissioners on October 29th.

All poll sites in "Zone A" were identified and their locations reported to Con Edison and Long Island Power Authority (LIPA) so that any power outages at designated poll sites could be addressed prior to the election.

The planned delivery of equipment and poll worker training classes for Monday and Tuesday were rescheduled. In anticipation of losing access to critical computer files, senior staff made copies of all pertinent documents essential to election operations such as poll site lists, poll worker contact information and delivery schedules. Backup files for essential computer services like the voter database were brought to the disaster recovery location at our Queens office. A backup email system was established to assure internal communications could be maintained.

Aware of the potential for severe flooding at our Staten Island facility, we sought and received permission from the State of New York to move all voting equipment out of the Staten Island facility to the Armory. This move proved to be vital in our efforts to conduct the election since we would not have been able to deploy our equipment from our Staten Island facility.

The storm hit the City on Monday evening, October 29th, and continued into Tuesday October 30th one week before the General Election. The electrical power and telecommunications capability were lost at the Executive office disabling our main computer servers and restricting access to critical data. The Manhattan borough office was similarly affected. The dedicated members of our staff reported to whatever borough office or VMF facility they were able to get to, allowing the agency to resume some operations on Wednesday morning, October 31st.

Board staff immediately began the process of confirming that each poll site could still be used for the election. This proved to be quite difficult due the damaging effects of the storm.

Initially we learned that there were as many as 120 poll sites that may have to be relocated due to damage, loss of power and other issues that made them unsafe or otherwise unsuitable. During this time, working with the Mayor's and Governor's staff, the Board sought alternative sites to enable voters to exercise their most fundamental right.

In the end, we moved 61 poll sites, rescheduled deliveries, reassigned poll workers, and notified voters, all within less than a week of the election.

The Poll Site Locator was updated, newspaper advertisements were placed, and we notified community groups and media outlets in an effort to inform the voters of these emergency poll site changes. In addition, we posted this information on our website and distributed an informational flyer in storm affected areas regarding the poll site changes.

Since many of our poll workers were in affected areas and were either overwhelmed with personal recovery efforts or had left their homes, we mobilized every resource possible to recruit replacement poll workers and made sure they received training prior to the election.

RESPONSE TO EXECUTIVE ORDER 62

Expecting a larger than normal turnout for the 2012 General Election, the Board ordered 250 affidavit ballots for each Election District. With over 5,200 Election Districts in the City, more than 1.3 million affidavit ballots were printed.

Just before 5 PM on Monday, November 5, 2012, the Board received the Governor's Executive Order allowing voters in New York City (and four other designated counties) to vote by affidavit ballot at any poll site in the State of New York.

In response, the Board printed over 60,000 additional affidavit ballots in-house. The Board received and fulfilled over 120 requests from poll sites for additional affidavit ballots, with the first request received at 8 AM on Election Day.

To date, we have over 300,000 affidavit ballots for the November 6th General Election and more affidavit ballots are still being received from other counties on a daily basis. By comparison, we had fewer than 190,000 affidavit ballots for the 2008 General Election.

ADDITIONAL STAFFING

I must remind the members of this Committee that we have previously requested 104 new full time permanent positions in anticipation of the work needed to conduct the 2012 elections, which included 3 primary elections, the General Election, as well as Congressional and State Legislative redistricting.

Those positions included 81 supervisory, clerical and office support positions, and 23 voting systems technicians that would have been assigned to our voting machine facilities.

Regrettably, this urgent need has not been addressed, but the need still exists. The upcoming 2013 municipal elections, including Mayor, Comptroller, Public Advocate, Borough President and Member of the City Council, requires this Board to complete many significant tasks, including Council redistricting, a potential citywide runoff, and an anticipated increase in the number of candidates.

In order to meet our current obligations, the Board has and will continue to incur significant overtime expenses while pushing our dedicated staff to their limits. With additional staff, the Board would be better positioned to address the concerns that have been raised.

CONCLUSION

We have many to thank for helping us conduct a General Election within a week of a devastating storm. These include many City, State and Federal agencies: the Mayor's Office, OEM, NYPD, DoITT, the public school

system; the Governor's Office, the State Division of Homeland Security and Emergency Services, the State Board of Elections; and the Federal Emergency Management Agency. We would also like to thank the utility workers who tried their best to restore power to our poll sites, the Board's vendors, and the good government groups who went above and beyond to assist the Board.

Most importantly, we want to recognize our dedicated staff and poll workers, who persevered to protect the rights of New York City's 4.2 million voters to cast a ballot in this election; as well as the over 2 million voters who participated in last month's election.

As always, my colleagues and I are available to answer any questions that you may have. I thank you again for your time and for allowing us to come before you today on behalf of the Board of Elections in the City of New York.

ATTACHMENT

Call Center
Summary of Calls Received
General - 11/6/2012

New York County – 2423

- ED Supply Cart/Privacy Booth - 16
- BMD - 111
- Scanner - 696
- Supplies - 710
- Procedural Questions – 41
- Other - 30
- Poll Worker - 696
- Poll Site – 110
- Accessibility – 4

Kings County – 2608

- ED Supply Cart/Privacy Booth - 38
- BMD - 120
- Scanner - 960
- Supplies - 548
- Procedural Questions – 49
- Other - 30
- Poll Worker - 627
- Poll Site – 219
- Accessibility – 17

Bronx County – 1119

- ED Supply Cart/Privacy Booth - 6
- BMD - 51
- Scanner - 295
- Supplies - 406
- Procedural Questions – 7
- Other - 10
- Poll Worker - 301
- Poll Site – 39
- Accessibility – 4

Queens County – 1239

- ED Supply Cart/Privacy Booth - 3
- BMD - 38
- Scanner - 457
- Supplies - 268
- Procedural Questions – 21
- Other - 20
- Poll Worker - 365
- Poll Site – 59
- Accessibility – 8

Richmond County – 468

- ED Supply Cart/Privacy Booth – 14
- BMD – 19
- Scanner – 87
- Supplies – 159
- Procedural Questions – 71
- Other – 6
- Poll Worker – 80
- Poll Site – 26
- Accessibility – 6

Total Calls Citywide – 7857
Average Resolution Time – 190 min

Note: The foregoing reflects the actual calls received by the Board on Election Day.