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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
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EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

Testimony of
Dawn Sandow
Deputy Executive Director
Pamela Perkins Administrative Manager
Board of Elections in the City of New York
Before the
Committee on Governmental Operations
Council of the City of New York
On the
Fiscal Year 2014 Preliminary Budget

March 14, 2013

Chair Brewer and members of the Council's Committee on Governmental Operations, I want to thank this committee for giving us the opportunity to appear before you on behalf of the Board of Elections. For the record, my name is Dawn Sandow and I am the Deputy Executive Director of the Board.

I want to take a moment and acknowledge this Committee's Chair, Gale Brewer. During the past few years, first as a member and now as Chair of this Committee, she has listened to our concerns and has always been a vocal defender of the voting rights of all New Yorkers and a strong supporter of the Board of Elections in the City of New York.

Joining me here at the table are the Board's:

- Administrative Manager Pamela Perkins,
- Finance Officer John Ward,
- Deputy General Counsel Raphael Savino

Also present at today's hearing are the Board's

- -Director of Communications and Public Affairs Valerie Vazquez
- -Director of Electronic Voting Systems John Naudus
- -Director of Management Information Systems Steve Ferguson
- -Chief Voting Machine Technician John P. O'Grady
- -Coordinator of Customer Service Danny Lavelle
- -Coordinator of Ballot Management Tom Sattie
- -Coordinator of Language Assistance Rachel Knipel
- -Training Specialist Stephen Thompson
- -Agency Chief Contracting Officer John Luisi

Before I begin my Fiscal Year 2014 (FY14) preliminary budget testimony, I would like to address Fiscal Year 2013 (FY13). The Board of Elections greatly appreciates the necessary additional funding that is contained in the pending citywide Modified Need (MN). This additional funding covers the structural Personal Services (PS) deficit for staff and poll workers as well as the costs of the Special Election in the 31st City Council district.

We still have unfunded needs for FY13, including an estimated interagency telecommunications deficit for the Department of Information Technology and Telecommunications (DoITT) of approximately \$400,000.

In addition, the Program to Eliminate the Gap (PEG) estimated at \$8.8 million for Other Than Personal Services (OTPS) may not be achieved and should be removed from the current budget.

Mayor's Preliminary Budget for Fiscal Year 2014

Looking forward to the coming year, I would now like to address the budgetary needs of the Board of Elections in the City of New York for the Fiscal Year ending June 30, 2014. In order for the Board to fulfill its constitutional and statutory mission successfully, the City Board is requesting that the City of New York **provide significant additional resources**.

The Mayor's Preliminary Budget for FY14 contains a projected shortfall of at least \$36 million in PS funding and \$26.5 million in OTPS funding including \$8.8 million in a non-itemized PEG reduction. This \$62.5 million shortfall is particularly alarming in light of the fact that during FY14 the Board must conduct three citywide elections (Primary, General, and Federal Primary) during which New York City voters will elect their Mayor, Public Advocate, Comptroller, five Borough Presidents, all the members of the City Council and vote in the potential Run-Off and Congressional Primaries.

As we stated in previous testimonies, virtually all of the Board's duties, responsibilities, and activities are prescribed by Federal, State, and Local law. The Board does not have the discretion to postpone or cancel an election based on municipal budget shortfalls.

The Board urges the City to again re-appropriate for FY14, the approximately \$3 million remaining from the funds that have been allocated to the Board for reimbursement under the recently extended HAVA grants, funded by both the Federal and State governments. These grants enable the Board to improve poll site accessibility, both on a permanent and temporary basis, as well as add modifications to our poll worker program and public education activities.

I am going to take a few minutes to briefly highlight the key areas where the Board requires additional resources to ensure successful elections during FY14.

Poll Workers and Election Day Activities

As you know, our poll workers (due to an IRS ruling) are considered New York City employees and as a result are paid out of the PS allocation. The FY14 allocation for poll workers is \$14.7 million. The Board estimates that this is \$15.6 million less than the \$30.3 million needed to train and deploy over 36,000 poll workers for each event during FY14. Please note, in the past, the Board has been fiscally responsible regarding the number of poll workers needed at each site by combining election districts for each election where appropriate. (Please see Attachment 1)

Training

As we have previously testified, the Board of Elections anticipates several changes to our Poll Worker training program.

- Retaining expert training consultants who will:
 - o revise and conduct our annual "Train the Trainer" program,
 - revise all training materials with the aim of making them more user-friendly and readable,
 - developing a troubleshooting guide for use by the poll workers at each poll site.
- Strengthen poll worker testing by:
 - o utilizing multiple forms of the examination,
 - o raising the passing grade,
 - including a section to ensure the statutory mandate that all poll workers read, write and speak English.

The Board anticipates utilizing the HAVA grant to fund this initiative.

Election Day Compensation

Given the dramatic changes in the way that voting is conducted in the City of New York, it is vital for the Mayor to heed the Board's call to increase the compensation for all poll workers by \$100. A dozen years have passed since the last increase in poll worker compensation; this adjustment is long overdue.

The case in support for this increase is clear. Poll workers are now required to work longer hours with additional responsibilities in connection with the new voting system. With the enhanced testing standards envisioned, such an increase is fundamental for the Board to recruit and retain qualified poll workers year after year. You should note that the Asian American Legal Defense and Education Fund (AALDEF) recently wrote to the Mayor expressing support for this proposal. (Please see Attachment 2)

We urge the Council to support this request and petition the Mayor to issue an executive order to increase the poll worker compensation.

Performance Incentive

The current baseline funding of our performance incentive, at \$35 per poll worker, is inadequate. We ask the Council to increase funding to pay for a more realistic \$100 performance incentive. To be eligible for this incentive, poll workers must attend appropriate training, pass the exam, and work at **least** two elections per year.

If funding is received, the Board can improve its program to retain qualified poll workers from event to event and help ensure that all poll sites are staffed with trained and experienced poll workers on each Election Day.

Training Sites

In addition to the compensation for poll workers, the Board has incurred additional costs relating to facilities used for training. Working with the New York City Department of Education the Board utilizes public schools as poll worker training sites. However, these facilities are not cost-free. Last year, the Council provided an additional \$400,000 to secure these training sites. This cost should be base lined in our poll site/training site budget. At a

minimum, the same \$400,000 must be added to the FY14 budget. Please note these funds are being redirected to another city agency.

Poll workers and poll sites are obviously an essential part of the voting experience. The Board continues to ask the City for support to ensure that it has the resources in advance to adequately train our poll workers.

Information Technology

The Board's Management Information Systems (MIS) department continues to maintain, develop and operate most of the Board's information systems. The Board depends on these systems to meet its mandated responsibilities to the voters of the City of New York. The applications, which are integrated in the S-Elect/AVID system, are listed below:

Voter Registration, Candidate Processing, Poll Worker Personnel and Payment Applications, Facilities (Poll & Training Sites) Management, Election Operations – Ballots & Results Processing & Certification, Affidavit and Absentee Ballots Tracking and Reporting, Candidate Financials Tracking & Reporting, Voting Equipment and Supplies Inventory and Distribution Application, Inventory Management, Election Day Problem Reporting and Resolution and the electronic information interface with the voting public.

The following essential components within the Board's Management Information Systems are not funded in the Mayor's Preliminary Budget for FY14.

All the Board's systems require continuing maintenance, upgrades, expansion and new application development to meet changing requirements. Some major examples are implementing changes to comply with the MOVE ACT, modifying the Statewide Database Interface, enhancing the Inventory Control Management System, and deploying a new version of the Election Day Call Center application. In addition, the implementation of our on-line poll worker application system (ElectionDay Worker.com) and the major components of M-Elect (mobile applications). MIS accomplishes this with a small dedicated staff and the support of highly knowledgeable, expert technical consultants (IMI, Sage Smith and n-Tier). The annual cost for these three contracts is \$1.4 million.

Last year we were funded for the installation of a 50 Megabit (Mb) Ethernet Private Line (EPL) high speed network at all Board facilities. Annually, the EPL lines cost approximately \$264,000.

It is vital for the Board to obtain Microsoft software upgrade licenses agency wide at an approximate cost of \$400,000.

Transportation

The number and types of Election Day staff and equipment that the City Board has to transport for each election has increased with the introduction of the new voting system. In addition to delivering 3,689 scanners to all poll sites, the Board also has to transport an increased number of Monitoring Teams and Technicians, thousands of ballot marking devices, supply carts, privacy booths, tables and chairs to each of the 1,256 poll sites located in every corner of this City. For the FY14 elections, (Primary, General, and Federal Primary in June) the estimated cost to the Board for contracted transport, delivery vendors, and staff deployment transportation will be approximately \$6.2 million. The Mayor's Preliminary Budget allocates only \$2.75 million for this need. This leaves the Board with a shortfall in the amount of \$3.45 million.

Educating the Voters

Educating the public about voting is a critical element of successful elections and a necessary component of a relatively new voting system which changes each year due to modification to the system. It is imperative that the Board have an ongoing public education effort to ensure an informed voting public, and also recruit a larger poll worker pool through outreach activities.

Given the potentially large voter turnout for the 2013 Municipal Election Cycle, the Board needs to engage in an education campaign that serves as both a <u>refresher</u> for those voters who used the new system in recent elections and also as an <u>introduction</u> for voters who have not voted since the new voting system was rolled out in 2010. The Board would like to continue our successful voter education campaign to include leasing three trucks so that our outreach staff can conduct citywide mobile demonstrations for a total cost of approximately \$300,000. In addition, this

mobile outreach will allow for the Board to specifically target the Bengali community in advance of the upcoming Election.

In addition to the legally required notices, for the 2013 Election Cycle with the potential for a Run Off, the Board would like to prepare various advertisements in citywide, local community and ethnic newspapers at an estimated cost of \$300,000.

No funding for any of these efforts to educate the voters is included in the Mayor's Preliminary Budget for Fiscal Year 2014.

Election Day Poll Site Monitoring

In FY13 we asked for funding to acquire 450 poll site reporting tablets. This funding was approved and we successfully piloted a limited number of the tablets. The Board now plans to purchase the remaining tablets with existing allocated FY13 funding and launch them citywide in the Municipal Primary. These tablets allow our AD monitors and field staff to electronically report all issues at our poll sites in real time and eliminate the need for Board staff to transfer written information into our system.

The tablet features include:

- check in/out at a poll site a feature that would allow us to track real time resolutions properly;
- complete, save and submit operations monitoring forms or incident reports per poll location & site visit;
- alerts/push notifications To alert techs in the field of site issues in real time;
- take, store and submit photos on site (vital to our poll site accessibility unit).

The Board will incur a cost each year of approximately \$105,000 for six months of service for these tablets. This cost for wireless service has not been funded in the budget for Fiscal Year 2014.

Funding to support the Electronic Voting Systems

With a relatively new system that continues to go through numerous modifications, the Board believes that it is essential to continue having the vendor, Election Systems and Software (ES&S) provide expert training and support to key personnel including our Voting Machine Technicians (VMT) and Electronic Voting Systems (EVS) programmers.

While our staff continues to become more efficient in preparing the poll site scanners and Ballot Marking Devices (BMDs), the Election Management System (EMS) software and the voting equipment firmware will once again be upgraded for use in the FY14 elections requiring training and support from ES&S. The modifications include but are not limited to, adding Bengali Language support and enhancing the voter alert messages (over vote, double vote, etc.).

This support for the September Primary, the November General and the Federal Primary in June costs a total of \$7.3 million.

In addition, Dominion Voting Systems support and supplies for the central ballot scanning system, which counts absentee, special, military, federal and affidavit ballots will cost \$270,000 for the September Primary, the November General and the Federal Primary in June.

To support the Board's new Election Night Reporting (ENR) process, the Board will incur a service cost of approximately \$80,000 annually.

Lastly, there is a reoccurring need for scanner seals, paper rolls, replacement parts and ancillary supplies for each election event and periodic testing with an estimated yearly cost of \$300,000.

Additional Permanent Staff

I must remind the members of this Committee that we have previously requested 104 new, full-time permanent positions. Board management identified the need for these positions to improve our ability to conduct an increasing number of elections (multiple primaries) utilizing the new voting technology and fulfill other mandates such as, poll worker outreach, voter

registration, and poll site accessibility. Those positions included 81 supervisory, clerical and office support positions and 23 voting systems technicians.

Regrettably, this need has not been addressed, but still exists. City Government, having not favorably acted on this request, shares in the responsibility for some of the less than expected performances in recent elections. This year's municipal elections which includes, Mayor, Public Advocate, Comptroller, Borough President and all the Members of the City Council, requires this Board to complete many significant tasks, including redistricting, a potential citywide Run-Off, and an anticipated increase in the number of candidates which will also increase the amount of work during our petition filing period.

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 as staff is forced to work 12 to 15 hours a day, at times seven days a week. While some may say the Board hires temporary workers to alleviate our understaffing issues, I must state for the record that this is no way to run an agency. With the additional permanent staff we have requested, the Board would be better positioned to serve the voters of this city in a more effective and efficient manner.

Funding the Run-Off

As you are aware, in the event that no candidate in any Party Primary for Mayor, Comptroller, or Public Advocate receives 40% of the votes cast in the September 10th Primary Election, the Election Law mandates that the two candidates receiving the most votes in that particular contest have to face each other in a Run-Off Primary Election held two weeks later. The Board staff must be prepared for different potential scenarios.

In preparation for a potential Run-Off, different units of the Board, such as, Voting Machine Facilities, Voting Equipment Operations, and Electronic Voting Systems, have to hire temporary staff at various skill levels. These staff members have to be appointed for an extended period of time to ensure proper training and to be able to perform their specific functions and tasks.

Additional space has to be obtained for secure ballot storage and post election activities. Also, various equipment and materials have to be procured well in advance of the potential Run-Off, such as, additional ballot bin liners, seals, and Election Day supplies.

With respect to the printing of the ballots for the potential Run-Off Primary, the Commissioners are scheduled to meet the day after the Primary Election to determine if a Run-Off Primary may be required. If they conclude that a Run-Off may be required, the Commissioners will decide on how many variations of the possible Run-Off Primary ballot must be printed to enable the Board, utilizing its best efforts, to endeavor to meet the mandated narrow statutory timetable. Since all of the scanners must be tested using actual Election Day ballots, it is essential that the printing and testing process begin as soon as possible. The longer we wait to prepare, the less chance we will have for conducting a successful Run-Off Primary.

For each ballot style the Board will print poll site ballots in the amount equal to 65% of the eligible voters in each potential Run-Off. For example, each Democratic Run-Off ballot style (consisting of different combinations of candidates) will cost approximately \$1 million. For a Republican Run-Off, each ballot style will cost approximately \$200,000. The cost for the other parties would be (except in one instance) less per ballot style. The actual number of ballot styles that may need to be printed can not be known until after the Primary. The ballot printing cost for the Run-Off Primary exponentially increases based on the number of ballot styles that are deemed possible for the Run-Off. Additionally, the Board will order a sufficient number of absentee and affidavit ballots for each ballot style.

The Run-Off, just like any other election, will incur costs related to transportation, voter education, poll worker payroll, poll sites and Election Day vendor support.

Conclusion

The conduct of fair, honest, and open elections is a fundamental right in our democracy and the constant underfunding for not just our Board but for Election Administrators around the state is alarming. The cuts proposed in the Mayor's Preliminary Budget for Fiscal Year 2014, a Municipal Election year, sets this agency up for failure.

We are aware of the City's fiscal situation and identified our essential needs based on feedback from the voters of this City, good government groups, elected officials across the City as well as our staff's collective experience and expertise. For your reference, we have included Attachment 3 summarizing the Board's unfunded budgetary needs.

I respectfully request that this committee take the time to fully review our testimony and attachments and take our requests into consideration for the benefit of all the voters in the City of New York.

I thank you again for your time and for allowing us to come before you on behalf of the Board of Elections in the City of New York today. As always, my colleagues and I are available to answer any questions that you may have and we are always available by phone or via email if anyone should need further information at a later date.

ATTACHMENT 1

FY2014 Election Day PS Compensation (Primary, General, Federal Primary)

Category	Sub-Category	Number of Poll Workers	I	ection Day it Cost	Ince	rmance entive Cost		riefing Cost	Ele	ection Day and Debriefing Total Cost	Ī	erformance Incentive Total Cost
	AD Monitors	396	\$	300	\$	-	\$	150	\$	415,800	\$	-
Flootion	Coordinators	1,750	\$	300	\$	75	\$	25	\$	1,618,750	\$	131,250
Election Day	Inspectors/Poll Clerks	28,000	\$	200	\$	75		N/A	\$	16,800,000	\$	2,100,000
(3 Events)	Door Clerks, Information Clerks, Interpreters	6,425	\$	200	\$	35		N/A	\$	3,855,000	\$	224,875
			•	•			То	otal	\$	22,689,550	\$	2,456,125

Total Election Day PS Expenditure	\$ 25,145,675

FY2014 Training PS Compensation

Category	Sub-Category	Rate of Pay	Number of Trainers/Poll Workers	Cost	
	Attending Training				
	Lead Adjunct 5 Days	\$200 per diem	12	\$	12,000
	Adjunct Trainer 5 Days	\$200 per diem	150	\$	150,000
	Assistant Trainer 2 Days	\$100 per diem	380	\$	76,000
Trainer	Conducting Training				
Pay	Lead Adjunct (Adjunct & Assistant Trainer Classes)	\$33.33/Hr	12	\$	40,000
	Adjunct Trainer (Poll Worker Classes)	\$33.33/Hr	150	\$	400,000
	Assistant Trainer (Poll Worker Training Classes)	\$22.22/Hr	380	\$	1,070,000
Poll	Coordinator (8 Hours)	\$100	1,750	\$	175,000
Worker	Inspector/Poll Clerk (6 Hours)	\$100	28,000	\$	2,800,000
Attending	AD Poll Site Monitor (8 Hours)	\$150	396	\$	59,400
and Passing	Door Clerk (2 Hours)	\$25	1,400	\$	35,000
Class	Information Clerks (6 Hours)	\$100	2,525	\$	252,500
Stipend	Interpreters (2 Hours)	\$25	2,500	\$	62,500
		-	Total Cost	\$	5,132,400

ATTACHMENT 2



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

99 HUDSON STREET, 12th FL • NEW YORK, NY 10013 • TEL 212.966.5932 • www.aaldef.org • info@aaldef.org

February 20, 2013

Mayor Michael Bloomberg New York City Mayor City Hall (260 Broadway) New York, NY 10007

Dear Mayor Bloomberg:

We are writing to express our support of the Board of Elections in the City of New York's (the Board) proposal to increase compensation for all poll workers, including coordinators, inspectors, and interpreters.

AALDEF is a non-partisan organization that promotes and preserves the civil rights of Asian Americans. We have monitored poll sites for compliance with the Voting Rights Act, including the provision of interpreters, Asian-language ballots, signs, and voting materials, in every major New York City election since 1988. In the 2012 Presidential Elections, we inspected 187 election districts at 24 poll sites and polled over 4,000 Asian American voters.

We support the Board's budget request to raise the per diem compensation for poll workers (including interpreters) to \$300 and Coordinators to \$400. We also support the Board's budget request to continue paying poll workers at the same rate to attend trainings. Currently, interpreters, information clerks, and door clerks are paid \$25 for a 2-hour class, and coordinators and inspectors are paid \$100 for a 6-hour class.

In addition, we support the Board's budget request to continue performance incentive bonuses of \$75 for coordinators and inspectors and of \$35 for door clerks, information clerks, and interpreters. Continuing to offer financial incentives to attend trainings and continue to work increases the quality of poll workers and helps retain the pool of candidates. We urge that the City adopt the plan to increase funds to improve the Board's work.

Of the Asian American voters we surveyed in New York City, 44% identified as limited English proficient. Our survey found that specific Asian language minority groups (Korean, Chinese, and Bengali) had higher rates of limited English proficiency and preferred to use interpreters or translated voting materials in order to vote:

	Limited English Proficient	Language Assistance Preferred
New York City	44%	27%
Queens		
- Korean	71%	38%
- Chinese	45%	27%
- Bangladeshi	48%	28%
Brooklyn		
- Chinese	56%	42%

Manhattan		
- Chinese	56%	45%

In the 2012 Presidential Election, we found that several sites did not have the required number of interpreters, causing many voters to encounter difficulties while voting. According to our exit poll, 74 voters complained that no interpreters or translations were available when they needed the help. A third of Korean-speaking interpreters assigned were missing. Similarly, more than a quarter of the Bengali- and Hindi-speaking interpreters assigned were missing. Of the 53 Chinese-speaking interpreters assigned, 4 were missing. Many voters experienced barriers due to insufficient language assistance at their poll sites.

	Interpreters Missing	Interpreters Assigned	Rate Missing
Chinese	4	53	7.6%
Korean	11	33	33.4%
Bengali	9	34	26.5%
Hindi	6	22	27.3%

While AALDEF commends the Board on its efforts to staff poll sites with adequate numbers of interpreters, problems regarding adequate coverage persisted on Election Day. Interpreters are significant in helping limited English proficient voters participate more effectively in our electoral process. It is crucial that working conditions, including monetary compensation, of all poll workers be improved so that limited English proficient voters can vote without barriers.

We understand that, in 2001, the Mayor increased poll workers' per diem rate from \$130 to \$200 and Coordinators' rates from \$200 to \$300. We are aware that over a decade has passed since the last increase in poll worker compensation, while duties and responsibilities of poll workers have increased significantly.

We hope you will consider these recommendations to improve the quality of elections in New York City. If you have any questions or concerns, please contact me at gmagpantay@aaldef.org or 212-966-5932 x206. We look forward to working with you to ensure that limited English proficient Asian Americans have equal access to our democratic electoral process.

Sincerely,

Glenn D. Magpantay

Democracy Program Director

Chi-Ser Tran

Voting Rights Organizer

cc: Frederic M. Umane, President, Commissioner, Board of Elections in the City of New York Gregory C. Soumas, Secretary, Commissioner, Board of Elections in the City of New York Jose Miguel Araujo, Commissioner, Board of Elections in the City of New York Naomi Barrera, Commissioner, Board of Elections in the City of New York Julie Dent, Commissioner, Board of Elections in the City of New York Maria R. Guastella, Commissioner, Board of Elections in the City of New York

Michael Michel, Commissioner, Board of Elections in the City of New York Juan Carlos "J.C." Polanco, Commissioner, Board of Elections in the City of New York Simon Shamoun, Commissioner, Board of Elections in the City of New York J.P. Sipp, Commissioner, Board of Elections in the City of New York Dawn Sandow, Deputy Executive Director, Board of Elections in the City of New York Pamela Perkins, Administrative Manager, Board of Elections in the City of New York

ATTACHMENT 3

Board of Elections FY13 - Additional Funding Needed

	Expense
Personal Services	
Personal Services structural deficit	\$23,500,000
(Pending Citywide MN)	(\$23,500,000)
	\$0
Other Than Personal Services	
OMB "Program to Eliminate Gap" Reduction	\$8,800,000
DOITT Telecommunications Deficit	\$400,000
Total OTPS Needed	\$9,200,000
TOTAL EXPENSE BUDGET SHORTFALL FY13	\$9,200,000

Board of Elections FY14 - Additional Funding Needed

	Expense
Personal Services	
Normal Staff Payroll	\$17,000,000
Poll Worker Payroll	\$15,600,000
Additional Staff (104 heads)	\$3,500,000
Total PS Needed	\$36,100,000
Other Than Personal Services	
OMB "Program to Eliminate Gap" Reduction	\$8,800,000
ES&S (Voting Assistance)	\$7,300,000
Dominion (Voting Assistance)	\$270,000
Scanner Parts & Seals/Elections & Testing	\$300,000
Poll Site and Training Site Increase	\$400,000
Transportation	\$3,450,000
Public Education	\$600,000
Election Day Poll Site Monitoring	\$105,000
Election Night Reporting	\$80,000
Information Technology	\$2,100,000
Reimbursable Grant Funding	\$3,000,000
Total OTPS Needed	\$26,405,000
TOTAL EXPENSE BUDGET SHORTFALL FY14	\$62,505,000
CITYWIDE RUN-OFF (without ballot printing)	\$16,000,000