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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
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**Testimony of
Dawn Sandow
Deputy Executive Director
Pamela Perkins Administrative Manager
Board of Elections in the City of New York
Before the
Committees on Finance and Governmental
Operations
Council of the City of New York
On the
Fiscal Year 2014 Executive Budget**

May 13, 2013

Chairs Recchia and Brewer and members of the Council's Committees on Finance and Governmental Operations, I want to thank these committees 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.

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

- Administrative Manager Pamela Perkins
- General Counsel Steven H. Richman
- Finance Officer John Ward

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

- Deputy General Counsel Raphael Savino
- 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 Election Day Operations Debra Leible
- Coordinator of Customer Service Daniel Lavelle
- Coordinator of Ballot Management Thomas Sattie
- Coordinator of Language Assistance Rachel Knipel
- Training Specialist Stephen Thompson
- Agency Chief Contracting Officer John Luisi

Mayor's Executive Budget for Fiscal Year 2014

I would like to take a moment to acknowledge and thank the Mayor for the additional funding added to the Executive Budget for Fiscal Year 2014 (FY14).

However, the Executive Budget for FY14 contains a projected shortfall of at least \$8.3 million in PS funding and almost \$13 million in OTPS funding including \$8.8 million in a non-itemized PEG reduction. This \$21 million shortfall is 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, judges and party offices, and vote in the potential Run-Off and Congressional Primaries.

As the Board has continuously stated in all 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.

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.

HAVA Grant Funds

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.

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 now \$22.7 million. The Board estimates that this is \$7.6 million less than the \$30.3 million needed to train and deploy over 36,000 poll workers for each event during FY14. (See Attachment 1)

Poll Worker 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 per diem 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 electronic voting system. With the enhanced testing standards envisioned, such an increase is essential 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) wrote to the Mayor expressing support for this proposal. (See Attachment 2)

We ask the Council to support this request by urging 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. The Board asks 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 two elections per year.

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

Transportation

The number and types of Election Day staff and equipment that the Board has to transport for each election has increased with the introduction of the electronic voting system.

For every citywide election, the Board delivers over 3,600 scanners to poll sites. The Board also transports a significant number of Monitoring Teams and

Technicians, thousands of ballot marking devices, supply carts, privacy booths, tables and chairs to more than 1,200 poll sites located throughout the city.

For the FY14 elections, the estimated cost to the Board for contracted transport, delivery vendors, and staff deployment transportation will be approximately \$6.2 million. The Executive Budget allocates only \$5.75 million for this need. This leaves the Board with a shortfall in the amount of \$450,000.

Voter Education Outreach

Educating the public about voting is a critical element of successful elections. Since the implementation of the electronic voting system in 2010, the Board has conducted hundreds of outreach events throughout the five boroughs providing hands on demonstrations in the community. These voter outreach events also serve as an opportunity to recruit poll workers and register voters. Therefore, an ongoing voter education outreach effort is imperative to help ensure an informed voting public.

The Board would like to continue our successful voter education demonstrations for a total cost of approximately \$300,000.

Funding for voter education outreach is not included in the Executive Budget for Fiscal Year 2014.

Additional Permanent Staff

In previous testimonies the Board has consistently requested an additional 104 permanent staff positions. The Executive Budget includes funding for 23 new Voting Machine Technicians (VMTs). While we are appreciative of the additional positions and understand the fiscal environment, an immediate and vital need was overlooked.

The Board is requesting funding for the formation of a new Borough Voting Systems Unit (BVS) for each borough office. The purpose of the proposed unit is to provide the Board with a core staff in each borough that will manage the operations of the electronic voting systems, participate in their upgrades and modifications, assist in the development and deployment of future electronic voting systems, and help ensure the accurate and timely completion of post-election tasks related to canvass, re-canvass and audit.

The new unit will initially consist of two (2) supervisors and two (2) clerks in each borough office for a total of twenty (20) citywide.

This dedicated staff will train year round on the changes to the electronic voting systems and the post election activities procedures.

Failure to fund this unit has forced the Board to reassign staff that are performing critical pre and post election activities leaving their respective units understaffed. This has led to delays in other essential election tasks as well as certification of the election. (See Attachment 3)

Funding the Run-Off

The Board's testimony to the Committee on Governmental Operations on March 14, 2013 detailed the significant additional funding the Board requires to conduct the potential Run-Off Primary. The potential Run-Off Primary is unfunded in the Executive Budget.

Although we understand the reluctance to fund an election event that may not take place, we believe it is imperative to include funding in the adopted FY14 budget.

We have included our prior testimony on this matter as an attachment, and reiterate that the longer we go without this funding the less chance we have of conducting a successful Run-Off Primary. (See Attachment 4)

Conclusion

We are aware of the City's fiscal situation and identified our essential needs based on feedback from the voters of this City, advocacy groups, elected officials across the City as well as our staff's collective experience and expertise. For your reference, we have included Attachment 5 summarizing the Board's unfunded budgetary needs.

We respectfully request that you fully review our testimony and attachments and support our requests for the benefit of all the voters of 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, and we are always available by phone or email if anyone should need further information.

ATTACHMENT 1

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

Category	Sub-Category	Number of Poll Workers	Election Day Unit Cost	Performance Incentive Unit Cost	Debriefing Unit Cost	Election Day and Debriefing Total Cost	Performance Incentive Total Cost
Election Day (3 Events)	AD Monitors	396	\$ 300	\$ -	\$ 150	\$ 415,800	\$ -
	Coordinators	1,750	\$ 300	\$ 75	\$ 25	\$ 1,618,750	\$ 131,250
	Inspectors/Poll Clerks	28,000	\$ 200	\$ 75	N/A	\$ 16,800,000	\$ 2,100,000
	Door Clerks, Information Clerks, Interpreters	6,425	\$ 200	\$ 35	N/A	\$ 3,855,000	\$ 224,875
Total						\$ 22,689,550	\$ 2,456,125

Total Election Day PS Expenditure	\$ 25,145,675
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FY2014 Training PS Compensation

Category	Sub-Category	Rate of Pay	Number of Trainers/Poll Workers	Cost
Trainer Pay	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
	Conducting Training			
	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 Worker Attending and Passing Class Stipend	Coordinator (8 Hours)	\$100	1,750	\$ 175,000
	Inspector/Poll Clerk (6 Hours)	\$100	28,000	\$ 2,800,000
	AD Poll Site Monitor (8 Hours)	\$150	396	\$ 59,400
	Door Clerk (2 Hours)	\$25	1,400	\$ 35,000
	Information Clerks (6 Hours)	\$100	2,525	\$ 252,500
	Interpreters (2 Hours)	\$25	2,500	\$ 62,500
Total Cost				\$ 5,132,400

ATTACHMENT 2



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.

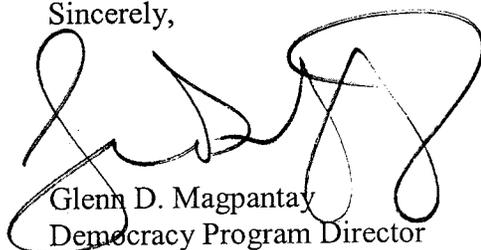
	Interpreters Missing	Interpreters Assigned	Rate Missing
Chinese	4	53	7.6%
Korean	11	33	33.4%
Bengali	9	34	26.5%
Hindi	6	22	27.3%

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

Proposed Borough Voting Systems Unit – BVS

The Board recommends the formation of a new component in each borough office. The mission of the proposed unit is to understand the electronic voting systems currently in use (TeamWork and Unity), participate in their upgrades and modifications, participate in the development of future electronic voting systems, and ensure the accurate and timely completion of post-election tasks related to re-canvass, canvass and audit.

The new borough unit will initially consist of two (2) supervisors and two (2) clerks. The total Citywide is twenty (20) new positions.

Responsibilities of BVS

A. Throughout the Year

BVS will, on a regular basis:

- Participate in the development and modifications of the electronic voting systems
- Participate in the testing of the systems
- Participate in changes to hardware and software that may be necessitated by the systems modifications
- Participate in developing changes to procedures resulting from the systems modifications
- Provide refresher training for staff that will be administering the procedures
- Research and examine future electronic voting systems (e.g., future central scanning system)
- Evaluate future systems' compatibility with Board requirements
- Participate in the development of modifications as needed to future systems
- Participate in the testing of the future system
- Participate in developing procedures related to the future system
- Provide training for staff
- Maintain an inventory of the hardware and software resources of the electronic voting systems located in each borough
- Maintain records related to use of the systems

Proposed Borough Voting Systems Unit – BVS

B. Prior to Election

- Ensure the readiness of the electronic voting systems
- Recommend location where post-election activities will occur
- Identify and obtain needed supplies
- Recommend staff who will be specifically assigned to perform post-election activities
- Provide refresher training for staff in post-election activities
- Generate reports and tracking sheets for post-election activities

C. Post-Election

For the Reading of PMDs, Re-Canvass, Canvass of Write-in Votes, and Required Audit, BVS will:

- Prepare location where activities will occur
- Gather, organize, and account for all needed materials for the specified activities
- Generate reports and tracking sheets for post-election activities
- Ensuring staff presence during the activity and accurate performance of the tasks
- Maintain tracking documentation and forward or archive as required
- Report at regular intervals on the status of the activity

ATTACHMENT 4

Excerpt from the March 14th 2013 City Council Testimony “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 cannot 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.

ATTACHMENT 5

Board of Elections FY14 - Additional Funding Needed

	Expense
Personal Services	
Poll Worker Payroll	\$7,600,000
Additional Staff (20 heads)	\$700,000
Total PS Needed	\$8,300,000
Other Than Personal Services	
OMB "Program to Eliminate Gap" Reduction	\$8,800,000
Transportation	\$450,000
Voter Education Outreach	\$300,000
Reimbursable Grant Funding	\$3,000,000
Total OTPS Needed	\$12,550,000
TOTAL EXPENSE BUDGET SHORTFALL FY14	\$20,850,000
CITYWIDE RUN-OFF (without ballot printing)	\$16,000,000