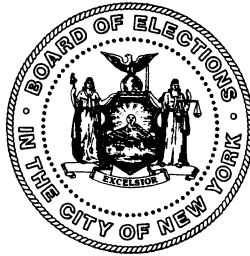


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BOARD OF ELECTIONS

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**Testimony of
Dawn Sandow,
Deputy Executive Director,
Board of Elections in the City of New York
before the
Committee on Governmental Operations
The New York City Council
on the
2011 Primary and Special Elections**

September 22, 2011

Chair Brewer and members of the New York City Council Committee on Governmental Operations:

First, I want to take a moment and thank you, the Chair of this Committee and your colleagues of the New York City Council for convening this Public Hearing to review the manner in which the Primary and Special Elections held on September 13, 2011 were conducted in the City of New York.

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

- President Juan Carlos Polanco, Republican Commissioner, Bronx County
- Julie Dent, Democratic Commissioner of Kings County

In addition, our Administrative Manager Pamela Perkins and our General Counsel Steven H. Richman join me at this table. Finally, I want to acknowledge the presence of several additional staff members who are here to help us answer your questions:

- John Naudus, Director, Electronic Voting Systems
- Steven Ferguson, Director, Management Information Systems
- Raphael Savino, Enforcement Counsel
- 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 Coordinator
- Rachel Knipel, Coordinator, Language Assistance Program
- John Ward, Director of Finance
- Troy Johnson, Coordinator of Candidates Records Unit
- Nicholas Squicciarini, Facilities Manager
- John Luisi, Agency Chief Contracting Officer
- Ryan Deahn, Administrative Assistant in the Candidate Records Unit

On September 13, 2011, the Board conducted Special Elections in the 9th Congressional District and in the 23rd, 27th, 54th, and 73rd Assembly Districts.

The Board conducted various Party Primaries for public offices in Queens, Manhattan, and Brooklyn. In addition, primaries for party positions, such as State Committee, District Leader, Judicial Delegates and Alternates, and County Committee were held. No Primaries or Special Elections held in the Bronx and Staten Island.

I would like to report that since the close of the polls the Board's staff has been engaged in the process of canvassing and recanvassing all of the votes cast in the Special and Primary Elections, including ballots scanned at the poll sites, as well as affidavit, emergency, absentee, special and military ballots. That process continues as we speak and we anticipate certifying the results of the September 13th elections at next Tuesday's Commissioners Meeting.

I want to take a moment and highlight some of the information relating to the September 13, 2011 Elections:

- Overseas Ballots – The Board met the deadline for mailing all Military and Special Federal Ballots for the Special Elections
- The Board deployed over 40,000 pieces of voting equipment to 753 poll sites and assigned 18,218 poll workers to work
- The borough call centers received a total of 2,132 calls on Election Day
- The Board's phone bank received a total of 2,563 calls on Election Day
- Over 3,000 affidavit ballots were cast citywide
- To date the Board has received over 10,000 voted absentee ballots citywide.

In accordance with Election Law, Manhattan, Brooklyn, and Queens have started the following Post Election tasks:

- 3% Audit
- Reading of all Portable Memory Devices (PMDs) into the Election Management System (EMS)
- Recanvass of Election night preliminary results with the results reported on each of the PMDs
- Review of write-in votes
- On September 21 the canvass of all ballots not scanned at the poll site (affidavit, absentee, military, and special). After the canvass is completed, the staff will begin updating each voter's history for those who voted in the September 13, 2011 Elections.

In addition, multiple tasks are underway in all Voting Machine Facilities.

In accordance with the Chairs request, attached to this testimony is the Board's response to the specific questions presented in Chair Brew's August 22nd letter.

After a thorough review of last year's Election Day operations including a cooperative evaluation of feedback submitted by outside groups, community organizations, other agencies and voters we undertook these steps to better prepare for the 2011 Election. Key highlights of these new changes include:

Election Day Operations:

- Enhanced Concentration on Voter Privacy – In recognition of the importance of assuring voters of the privacy of their votes, all privacy booths were placed with the voter's back to the wall where space permitted. In addition, all voters were offered privacy sleeves for their ballots, and all site coordinators received a detailed schematic showing the recommended layout of the poll site.

- Call Center II Implemented – The Board recognizes that Call Center procedures are essential to ensure prompt issue resolution on Election Day. The Board has conducted several mock election exercises during the year to improve the accuracy of entering information and dispatching calls on Election Day.
- Implementation of Formalized Survey Guidelines & Training – The Board staff established guidelines on conducting poll site surveys. In addition, BOE staff members including members of our poll site accessibility unit attended the Surveyors Certification Class and Exam conducted by the State Board of Elections.
- Inventory Management and Control System – The Board’s staff has implemented the first phase of our Inventory Control System relating to Election Day supplies and equipment. This system enables the Board to track delivery of supplies, usage on Election Day as well as the return of unused supplies. This system will assist the Board with monitoring cost and cut down on waste.
- Transportation of Equipment – Last year, the Board of Elections implemented a more comprehensive tracking system to confirm the delivery of poll site voting system equipment. This year, the Board continued with the same comprehensive program to ensure timely delivery of all equipment.
- Car Service Database & Guidelines – The Board has implemented a new tracking system and procedures to monitor all vouchers for Afterhours Car Service usage. Each voucher is tracked according to usage and charges and then matched to the appropriate invoice for accurate payment. This database has helped the Board ensure proper use of the after hour car service, as well as accurate billing.

Poll Worker Preparedness:

- Key revisions to the Poll Worker Training Plan – The Board’s review of the 2010 Election Day operations resulted in an initiative to revise the poll worker training plan. The 2011 poll worker-training plan, available now on the Board’s website, includes an emphasis on voter

privacy such as reminding poll workers to provide all voters with privacy sleeves for their ballots and instructing poll workers to position poll site privacy booths so that the voter's back is to a wall while using the privacy booth, where possible.

- Creation of a “Train the Trainers” Edition of the Poll Worker Training Guide – Recognizing the key role that poll worker trainers play in a successful Election Day process, this training guide highlights key points and materials trainers use in conducting poll worker training sessions.
- Conducted Additional Training for Trainers – The City University of New York (CUNY) held a series of workshops that provided Board adjunct trainers with additional training skills. These workshops focused on strengthening the trainer's presentation skills as well as strategies to manage conflicts and encourage teamwork.
- Revised Training Schedule – To allow for adequate preparation time for Election Day staff, the Board conducted early training sessions in May for information clerks, door clerks and interpreters to ensure the Board had adequate time to train all poll workers assigned to work on Election Day.
- Poll Worker Recruitment – The Board has been proactively engaging with local community groups and organizations throughout the city to recruit poll worker and interpreter applicants. To date, the Board's efforts have resulted in more than 4,000 applicants.

The City Board has a long established protocol governing its interaction with those City agencies that play a significant role in the conduct of elections. The Board has maintained effective working relationships with the Police Department (NYPD), the Department of Education (DOE), the Department of Citywide Administrative Services (DCAS), the Law Department and the New York City Housing Authority (NYCHA). Prior to an Election Day, the Board and these entities engage in regular communications to ensure that all essential elements are in place for a successful election. On Election Day, the Board through both the Executive Office and our Borough Chiefs and Deputies are in constant

communication with NYPD through the Operations Center at headquarters and each of their Patrol Borough Commands.

With respect to DOE, DCAS and NYCHA we are in continuing contact with their facilities management staff to ensure that the public facilities under their control serving as poll sites would be open both for equipment deliveries prior to September 13, 2011 as well as on the day of the Primary and Special Elections. The Board has ensured that all poll sites located in publicly owned facilities are designated by May 1st of each year in the manner prescribed in Section 4-104 of the Election Law.

The Law Department has always provided assistance in insuring that all City agencies are aware of their legal obligations with respect to Election Day activities. The Mayor's Office and the Chair of this Committee took an active role in assisting the Board in coordinating with other City agencies.

Resolution 671 – A

At the Committee's request, the Board has reviewed Council Resolution 671-A relating to a more user-friendly ballot design. Attached to this testimony is a copy of the Board's proposed revisions to the State Election Law that was transmitted to the leaders of the State's Executive and Legislative Branches on June 10, 2011. Many of the Board's recommended revisions are similar to the provisions of the proposed Council Resolution.

However, there is one specific item of concern relating to mandating by statute the specific size of the font (12 point). Using the 2010 General Election ballot as our reference, last year's General Election ballot would have consisted of three (3) pages instead of one (1). The printing cost for the ballots used in the 2010 General Election was \$6,108,966.84. The Board projects that the printing cost for the same 2010 General Election ballots using a 12 point font would have been \$18,326,900.52, since the ballot would then consist of three pages. It would also take significantly longer and result in additional costs to the Board to test the scanners using the three page ballots prior to their use in an election. Moreover, the time it would take a voter to cast such a ballot at the scanner would also increase.

Conclusion

The transition to a new voting method has presented numerous challenges for the conduct and administration of elections in America's largest city. Our experience to date confirms that fact.

The City Board is committed to do whatever is possible and practical to mitigate the on-going concerns and has sought to address them to prevent reoccurrence in future elections. To date, our recommended revisions in the New York State Election Law have not been enacted into law. The Board continues to work with our colleagues at the other County Boards of Elections throughout the State, the State Board and the Election Law Committees of the New York State Senate and Assembly to change the statutory framework and improve the experience for our voters and our poll workers. The City Board hopes that you will continue to work cooperatively with the Board to help us all meet the challenges that will occur in the future.

Before, I conclude, I just wanted to take a moment and update you on the filing made by the U.S. Department of Justice in Federal District Court in Albany Monday evening. The Federal Government is seeking to change the date for the primary election for non-presidential federal office from the current September date to one at least 80 days (mid-August) before the November 2012 General Election. The Justice Department notes the inaction by the State of New York to enable compliance with the Military and Overseas Voter Empowerment Act with respect to next year's primary elections for U.S. Senator and Member of Congress. You should be aware that if the Federal Government is successful and the State of New York takes no action, the City Board could end up with having to conduct three primary elections in 2012:

- one for President and national convention delegates and alternates in April;
- one for U.S. Senator and Member of Congress in August; and
- one for State and local public offices and party positions in September.

I want to close by re-emphasizing that for the City Board of Elections --- protecting the rights of the voters of this city is paramount.

I thank you again for your time and for allowing me 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.

Appendix

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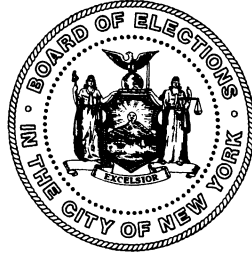
**Testimony of
Dawn Sandow
Deputy Executive Director
BOARD OF ELECTIONS
IN THE CITY OF NEW YORK**

**before the
Committee on Governmental Operations
on the
2011 Primary & Special Elections**

September 22, 2011

Attachment 1

Response to New York City Council
Committee on Governmental Operations
Questions



JUAN CARLOS "J.C." POLANCO
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For the 2010 Primary Election, 2010 General Election and the 2011 Primary Election, respectively:

(1) The number of poll sites that opened or began processing ballots after 6 a.m. on Election Day

For the 2010 Primary Election, it was reported that 90 poll sites opened late.

For the 2010 General Election, it was reported that 3 poll sites opened late.

For the 2011 Primary Election, it was reported that 16 poll sites opened late.

(2) The number of calls made to the BOE Call Center on Election Day, the percentage of queries that were resolved, and the average time before resolution

On the September 2010 Primary Election, the actual number of calls received by the Board of Elections Call Center was 4,822.

On the November 2010 General Election, the actual calls received by the BOE Call Center was 5,175.

For the September 2011 Primary Election, the preliminary estimate of calls received by the BOE Call Center were 2,132 calls. All of these queries were resolved with varying resolution times.

(3) The average voter wait time at poll sites, sorted by poll site and hour of the day

We do not and cannot maintain this data.

(4) The number of optical scanners deployed for the election, sorted by poll site

The number of optical scanners deployed, sorted by poll site, for the 2010 Primary Election and 2010 General Election and 2011 Primary Election are contained on the enclosed CD.

To briefly summarize:

Primary Election 2010: 2,843 scanners deployed

General Election 2010: 3,921 scanners deployed

Primary Election 2011: 2,086 scanners deployed

(5) The number of technical problems with optical scanners rendering an optical scanner temporarily or permanently inoperable or requiring repair by a technician during the election

Primary Election 2010: 1,128

General Election 2010: 1,839

Primary Election 2011: 286

(6) The number of ballot marking devices deployed for the election, sorted by poll site

The number of ballot marking devices (BMDs) deployed, sorted by poll site, for the 2010 Primary Election and 2010 General Election as well as the specific poll sites for the 2011 Primary Election are contained in the enclosed CD.

To briefly summarize:

Primary 2010: 1,376 BMDs

General Election 2010: 1,446 BMDs

Primary Election/Special Election 2011: 873 BMDs

(7) The number of technical problems with ballot marking devices rendering a ballot marking device temporarily or permanently inoperable or requiring repair by a technician during the election

Primary Election 2010: 333

General Election 2010: 473

Primary Election 2011: 81

(8) The average time to resolve problems, and causes of problems, with voting machinery on Election Day

The Board does not have an average time to resolve problems because the time needed to resolve a problem depends on the specific nature of the problem. For example, some problems may be resolved during a phone call between a poll worker and a technician at the Call Center such as the inability to open a scanner using the election password. Others require the dispatching of a BOE technician to the poll site. In order to improve response time the BOE deploys its voting machine technicians to locations throughout each borough and to the extent of available funds we have supplemented our technicians with technical support personnell from our vendor ES&S.

In the most serious instances, after a technician arrives at the poll site and examines the inoperative equipment, he or she may determine that the equipment cannot be repaired at the site and therefore, replacement equipment is needed. (Either two scanners or one BMD). That replacement equipment has to be configured and tested before it is loaded on a delivery truck and brought to the affected poll site.

Measures to Improve Election Day Operations

(1) Specific measures taken since the 2010 Primary Election to improve voter privacy when marking and casting a ballot

For the 2011 Primary Election privacy booths were positioned in all poll sites (where space permits) with the voter's back facing the wall to ensure increased voter privacy.

In addition, information has been enhanced in the 2011 Poll Worker Summary Guide and emphasized in all training classes to ensure that poll workers are instructed on Voter Privacy.

- Making sure the BMD & Privacy Booths are set-up properly, so the voter's back is to the wall
- The Scanners are to be set-up with the privacy screens on each side of the Scanner
- A "Wait Here for Scanner" sign is set-up 5 feet in front of the Scanners
- Privacy Sleeves are given to every voter with their ballot
- The Poll Worker is never to handle the voter's ballot unless he or she is asked for assistance

(2) Specific measures taken since the 2010 Primary Election to address optical scanner and ballot marking devices performance

In 2010 one problem with the DS200 was not directly with the scanning of the ballot, but rather with the path in which the ballot traveled once it was scanned. Prior to the 2011 Primary Election a finger like device was installed in the ballot bin which allows the ballot to float evenly into the ballot bin liner.

To address another problem the back flap of the DS200 was reengineered and installed on all scanners.

(3) Specific measures taken since the 2010 Primary Election to ensure poll sites open on time

The Board of Elections in coordination with the NYPD has taken proactive steps to ensure poll sites open on time during Election Day. For the 2011 Primary Election these actions included the delivery of

equipment keys to each NYPD borough command no later than the Friday before Election Day. In addition, police officers assigned to each poll site were instructed to be on location starting at 5:00 AM. The poll site custodian/property manager was also requested to be present at 5:00 am to ensure that their poll site was open and functioning.

(4) Specific measures taken since the 2010 Primary Election to ensure the safety and integrity of paper ballots cast in the case of inoperable voting machinery

No additional specific measures were taken by the Board since the September 2010 Primary Election because lawful and comprehensive procedures were established prior to that Election. The Board, in accordance with the specific requirements of the New York State Election Law contained in Sections 9-102 and 9-110 as amended in 2010, adopted detailed procedures which were pre-cleared by the Attorney General of the United States and set forth in the Poll Worker Manual.

Please note, the only modifications that occurred was in the method or means of training the poll workers on these comprehensive procedures.

Please also note that following the 2010 Election Cycle and our first experiences with the new voting system, the Board submitted several State Legislative Proposals that would improve Election Day Operations.

On April 5, 2011 the Board submitted the following proposals to the Governor and the State Legislature for their consideration and action:

Proposal #11-03 clarifies the instructions to the voters on how to properly mark a paper ballot and permit Boards of Elections to utilize accurate instructions applicable to their ballot format.

Proposal #11-04 modifies the procedures used following the close of the polls by eliminating the requirement in the City of New York that the New York City Police Department transport back to the Board of Elections hundreds of thousands of unused paper ballots. Instead, those unused paper ballots will be placed in a securely locked supply cart at the poll site and then transported back to the Board of Elections by our transportation vendors when the scanners, ballot marking devices and related equipment is retrieved from the poll site during the days following an election.

Proposal #11-06 mandates Primary Election day as a non-instructional day for students.

Proposal #11-07 specifically provides that public facilities used as poll sites must be open in order to permit the delivery and retrieval of equipment before and after Election Day as well as on Election Day itself, for such time as needed to both open and close the polls.

Proposal #11-08 more clearly defines the responsibility of the police officer to be at the poll site one hour before it opens and to deliver the keys needed to operation the new voting systems.

Proposal #11-09 makes it a felony for any person or group to interfere with election equipment and poll sites during the conduct of an election.

(5) Specific measures taken since the 2010 Primary Election to make ballots more legible

To assist voters on Election Day, the Board moved voting instructions to the back of the ballot and increased the font size of the instructions to make them easier to read. While we increased the width of the contest columns, to make the ballot information easier to read, the additional space was used for the legally required numbers and brackets and therefore could not be used to increase the font size.

In addition, the Board submitted to the Governor and State Legislature on June 10, 2011 additional proposal to improve the ballot design and layout for both Primary and General Election ballots.

Additionally, the Board has requested changes to the Election law to improve ballot design. We have opened up a greater line of communication with the good government and advocacy groups and worked with them for Primary and General Election ballot design suggestions.

(6) Specific measures taken since the 2010 Primary Election to improve coordination with City agencies prior to and during elections

In addition to the long standing Pre-Election meeting between the NYPD and the BOE, we have had a continued dialog throughout the year to further our ongoing efforts to improve and enhance the operations and activities that both agencies conduct on each Election Day.

In addition, on each Election Day there is constant communication between the BOE's Executive Office and NYPD's Operations Division, as well as the NYPD's borough commands and each of the Board's borough offices. With respect to the Department of Education the Board's staff has maintained and on-going relationship with the leadership of the Department of Education Bureau of School Facilities.

The Board has continued its operating liaison with other City agencies that host poll sites such as NYCHA, DCAS, and the Parks and Recreations Department. We have also worked with other agencies in support of our Election Day Operations. These include, the Mayor's Office, this Committee, DOITT/311 and of course the New York City Law Department.

(7) Specific measures taken since the 2010 Primary Election to formalize and test policies and procedures ensuring that Election operations run smoothly, including contingency plans

The Board has taken steps to ensure Election operations run smoothly, including expanding the Poll Site Summary Guide, which provides step by step closing procedures. Also, an exercise was added to the Poll Worker training class to further enhance procedures in place to assist during the closing of the polls. In addition, return of canvass and ballot control sheets were updated to be more poll worker friendly.

The modifications requested by the Board have not been approved by the State Legislature at this date. (See specifics set forth in response to question number 4).

(8) Specific measures taken since the 2010 Primary Election to assess and improve closing procedures

In addition to expanding the Poll Site Summary Guide we have revised our laminated cards showing step by step closing procedures, pre-printed seals report and added instructions on how a poll worker should properly change a paper roll.

The Commissioners have requested that Board staff prepare a comprehensive revision of Title 1, Article 9 of the Election Law which governs the closing procedures at the poll sites.

(9) Specific measures taken since the 2010 Primary Election to improve the accuracy of preliminary election results

When the NYPD receives the return of canvass from the poll site and they deem it inaccurate or illegible NYPD enters a sum of zero into the NYPD system. NYPD informs the Board that a number of returns have not been correctly entered.

The NYPD offered to provide the BOE Executive Office with a list of EDs/ADs for which a zero result was entered in accordance with NYPD practice. Its first use indicated that some additional coordination is needed to make this procedure more effective.

Additionally, changes made on the return of canvass now require poll workers to add figures vertically rather than horizontally. This change was requested by poll workers to reduce confusion when calculating tallies from scanner tapes printed at the end of the election.

Since the 2010 General Election, The Board has worked side by side with the NYPD to develop an improved method of providing preliminary and unofficial election night reporting to the press. The BOE and NYPD conducted a real-time exercise to test the procedures and system that will be used in the pilot project during this year's November General Election.

In addition, the Board has asked the vendor (ES&S) to explore making modifications to their hardware, software and firmware to produce unofficial Election Night results in real-time.

For the 2010 Primary Election, 2010 General Election, and the 2011 Primary Election, respectively

(1) The number of poll workers trained

The total number of poll workers trained for the 2010 Primary Election was 27,616.

The total number of poll workers trained for the 2010 General Elections was 35,568.

The total number of poll workers trained for the 2011 Primary Election was 32,535.

(2) The number of poll workers deployed

For the 2010 Primary Election, 32,078 poll workers were deployed.

For the 2010 General Election 32,796 poll workers were deployed.

For the 2011 Primary Election 18,218 poll workers were deployed.

(3) The percentage of poll workers deployed who passed required poll worker test(s)

Percentages of Poll Workers who passed the required test in order to work and participate are as follows:

Primary 2010:	85%
General 2010:	98%
Primary 2011:	Not Yet Available

(4) The number of poll workers deployed on Election Day from the stand-by pool

2010 Primary:	1,707 deployed
2010 General:	2,000 deployed
2011 Primary:	Not Yet Available

(5) The percentage of poll workers who did not show up on Election Day

Fourteen percent of Poll Workers assigned to work during the 2010 Primary Election were absent.

Six percent of Poll Workers were absent for the 2010 General Election.

Information is not yet available for the 2011 Primary Election.

(6) The number of complaints about poll workers

Number of complaints concerning Poll Workers received by the Board of Elections Call Centers on Election Day are as follows.

Primary 2010:	1,210
General 2010:	1,223
Primary 2011:	606

(7) A description of the BOE's recruitment efforts to hire poll workers

Since March 2010, the Board conducted an aggressive poll worker and interpreter recruitment campaign which resulted in over 4,000 new applications. Eligible voters were encouraged to apply through the Board's participation in public events and engagement with local community groups and organizations.

The Board hosted roundtable discussions with community organizations, as well as hosted their first Poll Worker Open House in order to recruit poll workers and interpreters. The Board engaged in constant communication with hundreds of community organizations, including e-mail blasts and an E-Newsletter, the Election Connection. The Board also dedicated the month of August as Poll Worker Awareness Month, noting this effort through a press release, advertisements on Craig's List and Idealist.org, and communications with community partners. To reinforce the importance of this recruitment effort, the Board developed new collateral materials and assembled a public outreach team to attend community events throughout New York to meet directly with potential poll workers.

The Board also engaged elected officials by e-mail to encourage them to reach out to their constituents to promote the need and importance for New Yorkers to apply to be poll workers. The Board also worked with the Mayor's Office to record public service announcements on 311 about this public service opportunity.

In total, the Board participated in 114 events throughout New York City to recruit poll workers.

Update on coordination with DOITT to provide online sample ballots.

With the support of Chair Brewer and extensive collaboration with DOITT, the ability to post sample ballots on the website was developed. The Commissioners approved the final plan on August 30th, 2011 and the submission to the U.S. Department of Justice for Pre-Clearance by the Attorney General of the United States under Section 5 of the Voting Rights Act was filed that day. The Board is awaiting a response from the Department of Justice with the hope that the Board will be granted authorization to place sample ballots on the website prior to the November 2011 General Election.

Attachment 2

Additional Recommended Revisions in the New
York State Law



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June 10, 2011

*TO: Hon. Andrew M. Cuomo, Governor of the State of New York
Hon. Dean G. Skelos, Temporary President of the New York State
Senate
Hon. Sheldon Silver, Speaker of the New York State Assembly
Hon. Joan Millman, Chair, Assembly Standing Committee on Election
Law
Hon. Thomas F. O'Mara, Chair, Senate Standing Committee on
Elections*

**RE: ADDITIONAL RECOMMENDED REVISIONS IN THE NEW YORK
STATE ELECTION LAW**

By letter dated April 5, 2011, The Board of Elections in the City of New York ("Board") respectfully submitted the first segment of its 2011 legislative proposals for your consideration and action. In that letter we indicated that the Board intended to submit to you additional recommended legislative changes that we believe are required to conduct a more efficient election and better serve the voters. The recommended changes have been identified as we continue to review how elections are actually conducted using the new voting system.

At their meeting held this Tuesday, June 7, 2011, the Commissioners of Elections in the City of New York unanimously adopted the following outline of statutory changes with respect to the form of the election day ballot for both the primary and general elections. The Board has received a

significant level of comments concerning the current form of the paper ballots that the Election Law now requires the Board to use. The staff of the Board, working with various civic and community groups has identified multiple elements of the current statutory framework that should be modified to enable Boards of Elections throughout the State of New York to prepare ballots that would be easier for the voters to read and understanding. Pursuant to their direction and given the brief time period remaining in the current session, I am submitting them in outline form. The Board would appreciate the opportunity to work with your respective staffs to take the changes suggested in the outline and put them in the form of a bill.

**OUTLINE OF
PROPOSED STATUTORY CHANGES
TO IMPROVE THE DESIGN AND APPEARANCE OF
THE ELECTION DAY BALLOT
AS APPROVED BY THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
ON JUNE 7, 2011**

1. Repeal the current Section 7-106(8) of the Election Law in its entirety.
2. Add a new Section 7-106(8) of the Election Law with the following provisions:
 - (a) Provide that the candidates names and offices are printed in a uniform size;
 - (b) Include the column designation (i.e. letter), party designation, and party emblem in each column heading;
 - (c) For single office contests include vote for direction “vote for [insert numeral]” (i.e. - Vote for 1);
 - (d) Codify that voting ovals or squares (as applicable) are to appear in the “write in box”;
 - (e) Include in each candidate’s box the column letter and row number (i.e. – 1A for the Democratic Candidates for Governor

& Lt. Governor; 1B for the Republican Candidates for Governor & Lt. Governor, etc.).

3. Amend Section 7-106(9) of the Election Law to provide that the "Write in box" can appear to the right of the candidates' name (last column of the portrait layout) [in addition to below as now provided for].
4. Amend Section 7-106(2) of the Election Law to permit the printing of candidates' names in mixed case letters.
5. Amend Section 7- 106(7) of the Election Law to permit for the bolding of lines between each contest on a General Election Day paper ballot.
6. Repeal Sections 7-114(2) (d), (e), (f), (g) and (h) of the Election Law.
7. Enact new subdivisions in Section 7-114(2) to:
 - (a) Authorize the printing of shading in unused portions of the voting area of a ballot;
 - (b) Permit the use of bold lines to define different portions of the ballot (public office or party position);
 - (c) Allow the use of the word "Group" to indicate that several candidates for the same position (i.e. – judicial delegates/ alternates/county committee) are running as a group;
 - (d) Direct that the names of candidates and public offices/ party positions be printed in a uniform size;
 - (e) Authorize the printing of the party color on the front and back of the ballot in a manner that will still allow the ballot to be canvassed by the optical scanner.

We ask that the Executive and Legislative branches urgently review this matter and promptly develop a bill that would enact the changes and provide a more voter friendly ballot in time for this year's September 13th Primary and November 8th General Elections.

In addition, the Commissioners want to take this opportunity to remind you of the urgent need to promptly address issues presented in Part 1 of our Recommended Revisions in the Election Law.

* * * * *

I thank you in advance for your consideration of our proposals. The Commissioners and staff of the Board of Elections in the City of New York look forward to working with you during the coming weeks. If you have any questions or require additional information, please call me at (212) 487-5338, or our Deputy Executive Director Dawn Sandow at (212) 487-5412 or our Administrative Manager Pamela Perkins at (212) 487-5406.

Respectfully submitted,

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK

By: _____
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General Counsel

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