



Voter Assistance Advisory Committee

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June 29, 2016

Michael J. Ryan
Executive Director
New York City Board of Elections
32-42 Broadway, 7th Floor
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Dear Mike Executive Director Ryan:

I'm sorry that you weren't able to attend the May 17th meeting of the Voter Assistance Advisory Committee, which as you know, was followed by the Charter-mandated semi-annual public hearing. The Committee received testimony from voters, poll workers, and community members who encountered problems at the polls. This hearing drew a larger-than-usual attendance from members of the public who wanted to share their experiences at the April 19 primary. The Committee passed a resolution to compile their stories and relay them to the Board of Elections, the City Council, and various agencies investigating the administration of the presidential primary election. A transcript of the hearing follows this memo, but we have identified some of the major themes that we heard throughout the evening.

Voter registration problems

A number of voters had issues with their voter registrations, and were unable to vote by regular ballot in the primary. One attendee had moved from Rockland County to Queens, where she was staying in a city shelter. She and her husband changed their voter registrations at the same time. When they went to the polls to vote in their respective party primaries, her husband was in the poll books and she was not. Another attendee was a high school student who signed up to be a poll worker at the same time she registered to vote. She was accepted as a poll worker and attended a training, but when she went to cast her ballot in the primary, she was not in the poll books and had to vote by affidavit ballot. She pointed out that you cannot be a poll worker if you are not a registered voter – but somehow her registration had gone missing even though her poll worker application was processed.

Two attendees who conducted voter registration drives found registration issues among the new voters they registered. One Cardozo Law student worked with NYC Votes to conduct nonpartisan voter registration drives, registering students on campus in March 2016. She estimated that approximately one third of people who filled out voter registration forms and submitted them were not registered by the April primary, even though they had met the registration deadline. She pointed to the lack of accountability and absence of a tracking system. Another student held registration drives at

Hunter College, registering over 1,200 students and following up with a GOTV effort. At least 50 of those students were unable to vote in the primary because their names were not in the poll books. Additionally, students who had registered with the Democratic Party found they were listed as not affiliated with a party or affiliated with the Green Party, preventing them from voting in the presidential primary.

One speaker pointed to inadequacies of the voter registration form, stating that it is too easy for voters to skip the section where they enroll for a political party. The speaker made a suggestion that there needs to be a clear option to decline to enroll in a party, and that the form should clearly state that if you are not enrolled in a party, you cannot vote in any party's primaries.

There was also a lot of confusion about the purge of people from the voter rolls. Technical terms like "inactive status" or "archived voter" are not easily understood by voters. Attendees wanted more education about the process, including information about what happened with the voter purge, a plain language explanation of how people can be removed from the voter rolls, and what voters can do to remedy it if they were erroneously removed.

Affidavit ballots

Several attendees who served as poll workers commented on the high volume of affidavit ballots cast in the primary. One poll worker commented that while typically she hands out one or two affidavits at her table, this election she gave out 20 to 25. She pointed out that once voters fill out the envelope for their affidavit ballot, they do not receive a receipt or tracking number to find out how their ballots are handled. Voters have no easy way to learn if their votes were counted, and only find out when they receive notice from BOE – which is typically too late for remedies. NYC Votes has been provided by more than one voter with copies of the letter from the BOE notifying them how their ballots were handled. These letters were dated and postmarked after the deadline to appeal the determination and get their ballots counted.

Some who attended were working to get information to voters about how to get their votes counted. They were informing people of the deadline to check on whether their affidavit votes counted, and let people know they could challenge the outcome in court if they paid a \$310 filing fee. A common finding was that voters who called BOE were given incomplete or inaccurate information about the proper procedure to follow.

Poll worker issues

Attendees mentioned a number of poll site issues, particularly with regard to poll workers. A number of poll sites were understaffed; notices about working on primary day were sent to poll workers only two weeks before the election, and poll workers were not required to confirm that they would be available.

One attendee mentioned the difficulty of training poll workers with only a two-hour class, and some poll workers did not appear to understand proper procedures. One recommendation was to have tracking and evaluation sheets for poll workers in order to know which poll workers should be rehired

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and which should not be retained. A proposal to attract poll workers was to offer Continuing Legal Education (CLE) credit for attorneys required by the New York Bar to fulfill a certain number of hours per year.

Some attendees who worked during the primary as poll workers also pointed to issues around translation and language access. These poll workers staffed sites in Prospect-Lefferts Gardens, which has a large Haitian community, and testified that many voters in that community do not speak or read one of the five covered languages and were not aware they could be assisted in voting by a person of their choice, such as a friend or family member. While we understand that poll workers, even those who speak French or Creole, are not allowed to translate for these voters or explain the ballot to them in their native language, there is no reason why poll workers cannot tell Haitian voters that they can be assisted by a person of their choice when voting. The lack of translation leads to void ballots and voter frustration.

Communication with voters

Voters who attended the hearing also generally felt that communication between the BOE and voters should be improved. Voters felt strongly that there needs to be clear information located on the BOE's website, particularly educating people about issues like the voter purge or other voting changes. Some identified lack of notification about polling place changes as a problem, particularly for senior citizens. One attendee referenced the mailing that the Board of Elections sent out with the date of only the September primary and general election while leaving off the April and June primary dates. Another attendee said that the BOE advises voters to call the elections office with problems on Election Day, but the phones were down and voters were not able to get through. Voters should be able to access clear information and instructions on the website, through the phone lines, and through print mailings.

As always, we stand willing and able to help the Board of Elections improve the voter experience.

Sincerely,



Art Chang

- c. Hon. Maria R. Guastella, President NYC BOE (w/o Attachment)
- Hon. Eric Schneiderman, NYS Attorney General
- Hon. Scott Stringer, NYC Comptroller
- Hon. Melissa Mark-Viverito, Speaker NYC Council (w/o Attachment)
- Hon. Ben Kallos, Chair NYC Council Committee on Governmental Ops (w/o Attachment)
- VAAC Committee Members (w/o Attachment)

Attachment