

My name is Dana Watters. I work for the National League of Cities and manage the Cities Vote program, which works to provide technical assistance and resources to city leaders in the area of elections and voting. In that capacity, I have the privilege of working with some of the leading experts on voting rights as well as dozens of municipal staff and elected leaders whose common goal is to ensure that every eligible voter is able to cast a ballot safely, fairly, and easily. I am also a proud New York City poll worker and have been serving my local voting site since 2016.

I want to take this opportunity to speak to a few key issues I've seen as a poll worker—and as a voter—and how I have seen them addressed in other jurisdictions. I want to stress that I am not speaking on behalf of anyone but myself and do not represent the views or positions of the National League of Cities.

In New York City, every poll site has a member of the NYPD stationed there. This has become an issue of concern to many New Yorkers, particularly after an incident last fall in which a member of the Department used his police equipment to electioneer for Donald Trump, as well as others in which police intervened at poll sites to stop volunteers from handing out personal protective equipment to voters. On the Saturday before Election Day, I went with several friends to a few early voting sites in Morningside Heights where we knew lines would be especially long in order to hand out snacks, water, PPE, and general nonpartisan encouragement. We saw other New Yorkers doing the same, including one gentleman who brought a microphone in order to perform comedy for voters in line. Unfortunately, the member of the NYPD stationed at that site did not have a firm command of the law he was there to enforce, which permits such activity so long as it does not constitute electioneering. While the jokes were often bad, they were entirely nonpartisan. The officer demanded that the comedian move across the street, and then, within earshot of myself and my two fellow volunteers, as well as two 866-OURVOTE election protection volunteers, a poll site staffer, and several voters, swore loudly and complained that he did not want to be dealing with this sort of thing.

Other cities have seen the problem with having police involved in or near election activities. Whether or not an officer would actually pose a threat to a voter is irrelevant—voters may perceive a threat, particularly voters of color who have historically been targets of police misconduct and violence. For this reason, the city of Madison, WI decided that it would no longer use police station community rooms as poll sites. This came about as part of their Voting Access Equity Plan, designed to ensure “that each eligible voter will be able to cast a ballot and have that ballot counted” and following the city clerk’s initiative to conduct a race equity analysis. Madison, it is worth noting, is 78% white and has a Black population of 7%, an Asian population of 9%, and a Latinx/Hispanic population of 7%. New York City is considerably more diverse, but has failed thus far to take the same initiative to ensure equity at the ballot box. In other states, including Pennsylvania and Tennessee, police are barred from poll sites altogether unless they are voting, are called upon by elections officials, or in order to make an arrest. Given the history of police intimidation, and frequently violence, towards Black voters, and the clear fact that the legacy of racism and anti-Black violence did not end in 1965, having police at

poll sites is extremely problematic. The fact that certain groups are more likely to feel intimidated than others also suggests that this policy would violate Section 2 of the Voting Rights Act, which Congress amended in 1982 to include a “results” test, prohibiting any law with a discriminatory effect, regardless of the intent.

I would also argue, as Elena Kagan did in her recent dissent in the Supreme Court case *Brnovich v. DNC*, that Section 2 ought to prohibit another hallmark of voting in New York—invalidation of ballots cast outside of a precinct. In *Brnovich*, Justice Kagan pointed out that such rules disproportionately impact voters of color, notably Black and Latinx voters.

New York, and in particular, New York City, throws out thousands of affidavit ballots cast by voters who show up to the wrong precinct. For some voters, it might be easy to walk five or ten blocks to the correct poll site, assuming the poll worker gives them the correct address. For New Yorkers with disabilities, who are juggling one or more full-time jobs, who live in precincts with long lines, this isn’t quite as easy. Imagine being a single parent working two jobs who already stood on line for two hours at what used to be their poll site, only to be told to go somewhere else. New York law only requires employers to grant employees two hours of leave time to vote, and requires that employees notify their employers at least two days in advance. If you’ve used up that time, you’re out of luck. Imagine being a college student who wants to vote in between classes—do you miss your political science lecture or vote? As a poll worker, I hate having to tell people they’re in the wrong precinct. I tell them they can cast an affidavit ballot, but that it is unlikely to count. Sometimes, people choose this option because it’s all they can do, and the resignation on their faces, knowing they took the time to do their civic duty but that it won’t mean a thing, is heartbreaking. Democracy is meant to apply whether or not you saw the notice of a change in polling place or whether or not your schedule that day allows for it.

There are two obvious fixes to this: first, the State Assembly has had a bill sitting idle since May that would require provisional ballots cast out of precinct to be counted for all races that they would be eligible to vote in were they at the correct location.

Second, the state could stop limiting voters to miniscule precincts subject to change. We saw with early voting in 2020 that this is entirely feasible; the sites accommodated voters from multiple precincts. Moreover, the switch from paper to electronic poll books means that poll workers can pull up the registration information for any voter in the borough. This does not mean that poll sites should be consolidated—that creates longer lines and exacerbates problems of resource distribution inequity. We saw in a number of states in 2020 that consolidated centers can result in suppression of votes, particularly impacting poor voters and voters of color. But New York could add vote centers to its election day plans, mitigating long lines at other sites and making it easier for someone who might live in one neighborhood but works several miles away to vote on their lunch break or before picking up their kids.

We saw in 2020 that vote centers located in sports arenas were big draws for voters. Many of them served not only as poll sites, but offered registration assistance, allowed people to cast in-

person absentee ballots, and prior to the election held information sessions. Some offered special “I Voted” stickers that people excitedly posted to social media—and we know how much New Yorkers value both sports and their “I Voted” stickers. Other cities have beaten New York to the punch—Detroit had all of its professional sports teams involved in its voting efforts, including providing staff the day off to serve as poll workers. In fact, the city shut down non-essential services for two days in order to put those employees at the disposal of the city clerk, and local businesses diverted workers to assist as well.

This brings me to another point, which is poll workers—first of all, every member of state and city government should take a turn serving as a poll worker, just to know what it’s like. It’s not easy—polls open at 6am and close at 9pm, and poll workers need to be there an hour early and usually stay at least an hour late. That’s a 17-hour day that starts *very* early, and those two hours on either side—opening and closing the polls—is chaotic and complicated, and something almost always goes wrong to throw off the procedures. If you’ve ever been at work for seventeen hours, you know that by the end of that, even the sharpest mind is foggy and close to the point of emotional break.

New York did a phenomenal job ahead of the 2020 election recruiting poll workers. The shortage in the June primary was brutal—I was doing the job of six people at once. But in November, so many people applied to be poll workers that the city began turning them down. That begs the question of *why*, if you have enough people willing to do the job, wouldn’t you split shifts? It’s already an impediment to recruiting poll workers that the day is so long, but when you have a surplus of people willing to do it, why not make it a little easier on poll workers? I’m in my thirties and can power through the day, although math does get a little more difficult by 9pm. But poll workers tend to be in their sixties and seventies and have less of a physiological ability to withstand sitting in a plastic chair for seventeen hours. New York could not only allow people to sign up for half shifts, but it could do what many states and cities across the country do and get high school students involved. Houston, TX has a program that recruited more than 4,500 high school students to serve as poll workers last November, and state law allows two excused absences per year specifically for election work. Imagine extending that opportunity to the single largest school district in the country, New York City. Not only would it help teach young people about the value of civic engagement, but it would shift some of the burden off the shoulders of older New Yorkers.

Given unlimited time, I would gladly argue for more reforms and delve into the history of voting in New York and in the United States. I would get into why signature matching is better than photo ID, but still falls short when it comes to racial equity. I would draw on my experience as a poll worker to lay out recommendations for better training and better poll site administration. I would talk about another poll worker who I served with for four years named Corinthians who wore a suit and tie to every election and greeted every voter like an old friend. I would emphasize the need for same-day voter registration and use the last election, when we ran out of new voter registration cards, as an example. I would ask why the city and state doesn’t ask their poll workers for feedback or thank them for their service.

I moved to New York City in 2012. Living here was always the plan. I love this city and this state, like most New Yorkers, it drives me up the wall. New Yorkers willingly put up with a lot in order to live here, from tiny apartments that require an income of 40x the monthly rent to an absolutely absurd system of trash disposal to waiting in long lines for everything from bagels to bookstores. We accept those as trade-offs for living here. We shouldn't have to envy Houston or Detroit or Madison when it comes to the ability to vote—New York should lead the way in every respect.

Thank you.