

Although I am not able to testify in person in Brooklyn on Wednesday July 28th in Brooklyn, I am submitting comments below in hopes they will be helpful in continuing to upgrade and improve our election processes.

Background: I began as a Manhattan Election Day Poll Worker at the School of the Deaf poll site in November 2016. I attended a 4-hour in-person training class ahead of time in order to be certified to work at the polls. Since then I have been annually trained and worked at several Manhattan poll sites on both Election Days and Early Voting Days (including during the unprecedented 2020 General Election), and recently was appointed an Election Day Coordinator. Additionally, I have worked twice on the Manhattan Post-Election Canvass at the Voting Machine Facility on West 33rd Street.

1. Election Day Poll Working – a work in progress:

Presidential Election Day November 2016 there was a very, very busy and sometimes chaotic time. Several scanners broke down, a nearby poll site had closed down – apparently without timely or posted notice to voters - thus there were lines around the block on East 23rd Street and onto the 2nd Avenue sidewalk for both of these reasons - and we were still using paper voter registration books.

In the fall of 2019 the NYC Board of Elections BofE transitioned from paper voter registration log books to I-Pad E-Poll books which was a significant improvement -- logistically easier (no more leaning onto the table to sign one's name on a giant paper log) and also allowing for quicker and more efficient processing of voters. I applaud this move towards a more technologically efficient system.

However, in my opinion, several areas need correction/improvement as we go forward into the future, including full Election Day staffing and more equitable daily pay.

- Inadequate Election Day Staffing: More than half of the assigned poll workers did not show for Primary 2021, which often resulted in late poll site openings and made for a less fully staffed poll site. (I understand this situation was citywide.) When I called assigned poll workers the night before (per BofE procedure for Coordinators), some poll workers said they had told the BofE they wouldn't be there. Some had moved, some couldn't get time off at the last minute, but to a person those who might have long ago indicated yes they'd serve, said they had not been notified in a timely fashion in order to make alternate arrangements. *(We get a bulk-rate postage-paid postcard a few months ahead of time to fill out and return signaling our availability, but I wonder how quickly that is able to be turned around to find more poll workers?)*
- Inadequate Election Day Staffing (cont'd): Because of this too-low staffing, only a few ED tables were fully staffed. We did what we could to help each other out, but it was way less staffed than needed, especially since this goal is to have bi-partisan teams at each ED table. Coverage at lunch and dinner breaks was a feat. Somehow our long-time coordinator managed to not have a line outside or even in the hallway, except on a few rare occasions. (For this, she deserves many kudos!)

1. Election Day – cont’d:

Clearly, reach-out calls to poll workers need to be made at least a couple of weeks beforehand (and then probably again via text or phone a day or two before) in order to get substitutes and a better chance of a recommended fully staffed poll site.

- Better Election Day Poll Worker Pay: Election Days are very long (14 - sometimes 18 hrs. until the site is finished) and there is lot to closing each inspector table and scanner on Election Night (verifying the scanner tapes, verifying the number of ballots used, signing and filling out the many table site envelopes, the final closing of the scanners, etc.) – more than what poll workers need to do at the end of each Early Voting Day -- (although Early Voting Days tend to have more voters and more “poll worker/voter interface”).

However, It is the same \$250 daily poll worker and \$350 coordinator pay for the much longer Election Day as for Early Voting Days! Therefore, it stands to reason that poll workers might not want to work Election Day - a longer day which translates into less pay. Therefore, raising the Election Day per diem to at least \$50 more than Early Voting (after EV daily poll worker and coordinator pay is raised of course as well) might also help get more experienced good people interested and working on Election Days.

2. Early Voting – an important advancement, but another forward step needed:

- Early Voting was, and continues to be, a huge and good step forward - more and varied times to vote, more voter-convenient (no more searching for one’s ED/Ad table), signing directly into the E-Poll books, and getting one’s ballot right from where one signs in is a big time saver. We are able to process more voters and keep lines shorter. (Voters like this plus of course they like the pens too!)
- Another excellent thing about Early Voting is that there is one dedicated Affidavit Table per poll site – poll workers there are dedicated solely to solving voter questions and problems not solvable at the poll station tables. This not only keeps the voting lines shorter, but also gives voters a chance to deal with just one group of people to resolve any issues.
- *However, in my opinion, the Continued Diminishing Daily Pay for Early Voting Poll Workers and Coordinators does not seem fair, especially with our having worked 3 times (June 2020, November 2020 and June 2021) during the COVID-19 pandemic. Early Voting poll worker hours have been extended a little bit each year (from 7 hours to 9 hours on some days and from 9 hours to 11 hours on other days) with no increase in pay for poll workers!. Yes, there is a daily bonus of \$25 per day, but that’s been in place since the start of Early Voting in 2019. Yes, there was an extra bonus in November 2020 when 3 days of emergency extra hours were added, but I’m referring to the “regular” poll worker hours being made a little longer each election cycle. (We understand the state controls the daily pay for non-BofE staff, but that sometimes the city can help with more \$\$ and bonuses until pay raises authorized by the state It would be nice to get that assistance, now.)*

3. Post Election Canvass – long hauls, but seems well organized and secure:

- On both occasions I was glad to be selected to work to assist in this daily process – a chance to see what happens after the polls close and participate in the opening and verifying of absentee, military and affidavit ballots. Though the days are consistently very long (9-9/9-8 and 9-5 on weekends), to me, the methodology felt sound and secure.

4. Online vs. In-Person Training – my choice is the latter:

- Although I participated in a ranked choice and refresher course online this spring, I believe that new training and refresher in-person training is MUCH better:
- *There is an opportunity for Q and A, you have a chance to see and feel the equipment, you can get a better sense if everyone in the room is actually there and paying attention to the subject, you can find inaccuracies and/or things that need correcting in the printed materials.*
- *Also, the digital divide continues: Not everyone can spend two hours or more at a computer screen, and/or has the resources to print out numerous pages of instructions.*
- *I understand the pandemic has changed things, and taught us lots of new ways of doing things, but the voting process is almost entirely an in-person process, so training in person just seems to make sense.*

5. Poll Worker/Coordinator Feedback – needed and could be so helpful!

- One of my biggest concerns (and I have heard this often from other poll workers) is that after each election, it seems there's no time (or \$\$) for poll worker feedback so that the real time on-site learnings and experiences could help prevent the same problems from re-occurring. (I designed and led many consumer evaluations over the years and learned very quickly that this is the time and place where you learn what works and what doesn't work.) Lots of details are involved and it seems the BofE staff is busy recovering from working daily for months so there is not much chance to do this in an organized methodical manner. They always seem to be needing to get ready for the next Election cycle (and granted, they should have a break after all these hours!)
- *I believe Feedback meetings with the "front line" workers and ensuing analysis, corrections and upgrades should happen right after each election cycle with concerted time and staff and poll worker resources (\$\$) devoted to doing this so as to continue to upgrade and repair the NYC election process.*

Thank you and here's hoping things continue to improve ahead of time for November.

Faith Fraser, 7/25/21



Downstate New York ADAPT

DNYADAPT@gmail.com | DNYADAPT.com | (732) 955-7072

Image description:

"Downstate NY ADAPT" text over & under image of PWD in wheelchair with arms raised, breaking handcuffs' chain overhead, under arching text "Free Our People"



July 16, 2021

National Institute of Standards and Technology
100 Bureau Drive,
Mail Stop 8970
Gaithersburg, MD 20899-8970
VIA ELECTRONIC SUBMISSION

Re: "Promoting Access To Voting" - NIST-2021-0003

Dear Sir/Madam:

The Greater New York Council of the Blind, Disabled In Action of Metropolitan New York Inc. and Downstate New York ADAPT submit these comments in response to the National Institute of Standards and Technology's ("NIST") request for information, dated June 16, 2021, (referred to herein as "RIF") on "Promoting Access to Voting", also known as NIST-2021-0003.

The Greater New York Council of the Blind ("GNYCB") is a chapter of the American Council of the Blind of New York State ("ACBNY") which is a nationwide member - driven advocacy organization that strives to increase the security, independence, economic opportunity, and quality of life for people who are blind and experiencing vision loss.

Disabled In Action of Metropolitan New York, Inc. ("DIA") is a fifty-one (51) year old, 501(c) (3), grassroots, civil rights organization run by and for people with disabilities. DIA's mission is to eliminate discrimination for people with all kinds of disabilities.

Downstate New York ADAPT ("DNY ADAPT") is a grass roots, non-hierarchical community of people with all types of disabilities advocating for the civil rights of people with disabilities, including, but not limited to, the right to live and fully participate in the larger community. Downstate New York ADAPT covers the five counties in New York City, the two counties on Long Island as well as Westchester, Dutchess, Orange, Rockland, Putnam, Ulster and Sullivan counties in New York State.

Herein we have set forth the questions stated in the RIF and our responses.

Question Number 1: Describe concerns regarding accessing the right to vote privately and independently for people with disabilities.

Response to Question Number 1:

People with disabilities have experienced and continue to experience difficulties with exercising their right to vote privately and independently. It has been only within the last few years that poll sites in some areas have been made more accessible to voters with disabilities and voters with disabilities have been given the opportunity to privately and independently read/hear the ballots contents and to mark the ballot and cast their vote privately and independently. Although voting has vastly improved in the past thirty years since the enactment of the Americans With Disabilities Act ("ADA") and its implementing regulations, there are still many areas in which improvements need to be made.

First and foremost, we are concerned that there is a movement that voting should be limited to paper ballots as demonstrated by the "paper ballot mandate" set forth in the proposed "For the People Act". Specifically, as presently written, the proposed legislation would prevent innovation in election technology which would bar accessibility gains in the future and

silence the voice of millions of American voters who are disabled, including, but not limited to, voters who are amputees, blind, visually impaired, paralyzed, dyslexic, as well as many Americans who speak English as a second language.

It is well known that access to equal transportation services for voters with disabilities has not been achieved and that this fight continues since it impacts so many facets of voters with disabilities' lives including traveling to poll sites. With the option to electronically receive and return an accessible absentee ballot in the 2020 election, many voters with disabilities who could not visit a poll site were able to vote independently and, at times, privately. Significantly, electronic voting at poll sites through Ballot Marking Devices ("BMDs") and at home gives so many voters with disabilities the opportunity to vote with the same ease as voters without disabilities. If voters with disabilities are forced to use a paper ballot, we will not only be returned to second-class citizen status, but more importantly, many voters with disabilities will be forced to make a Hobson choice to not vote or to exercise their right to vote without the privacy and independence enjoyed by other voters.

We strongly recommend that any proposed standards, guidelines or regulations dealing with voting ensure that voters with disabilities retain their legal right to cast a private and independent ballot through the use of BMDs. We also request that the flexibility of using digital access be included in any standards, guidelines or regulations dealing with voting to ensure that voters with disabilities receive full and timely access to voting and the ability to cast their vote. Further, we recommend that any standards, guidelines or regulations dealing with voting include remote, accessible ballot marking systems in the definition of the voting system, since this will bring remote voting systems into the HAVA-mandated requirements for published standards, independent compliance testing by federally accredited test labs, and the national certification of systems deemed compliant with published standards.

Additionally, any proposed standards, guidelines or regulations dealing with voting should not limit voters with disabilities to "one accessible machine per polling place" since such a requirement has resulted in segregated voting for voters with disabilities. Instead, there should be included in any standards, guidelines or regulations concerning voting a requirement that accessible voting systems be sufficient in number to be the primary method of voting for in-person voting. NIST and the United States Access Board should issue

proposed standards, guidelines or regulations that include a sufficient number of accessible voting systems.

Further, any proposed standards, guidelines or regulations dealing with voting need to require that all polling places be accessible to people who use wheelchairs, canes, crutches, walkers and other mobility devices and that proper accessible signage is provided throughout the polling place and paths of travel to and from the polling place for voters with all types of disabilities so that they can safely navigate through the polling place and the paths of travel to and from the polling place.

Since many voting machines as well as BMDs are at or near the end of their useful lives, states should be directed to purchase new fully accessible voting equipment that provides for in-person voting as well as remote voting by voters with disabilities. Of course, funding needs to be provided for such purchases as well as for research and development and pilot projects that could be implemented by elections administrators to ensure that progress is made in implementing better technology as it develops.

Question Number 2: Describe effective strategies, techniques, and technologies for addressing the barriers faced by voters with disabilities throughout the voting process.

Response to Question Number 2:

Some effective strategies, techniques, and technologies for addressing the barriers faced by voters with disabilities throughout the voting process include, but are not limited to:

1-better training of election officials and poll workers on how to set up, test, operate and do simple troubleshooting to make simple fixes to BMDs.

2-we recognize that poll workers move and not be available to be a poll worker continuously at the same poll site, however, the poll worker who is in charge of the BMD should be the same from year to year, if possible. This would lead them to learning how to handle many problems and thus, have the experience to quickly solve the many issues they encounter during each election. With such hands-on and historical knowledge, these poll workers would be able to update the site reports as well as make changes to the site reports which should improve the accessibility at the polling place.

3- better communication as to who can use a BMD, how you can mark your vote on a ballot using the BMD and the various formats through which you can access the ballot on a BMD. It would be helpful if there was available a one-page sheet in various accessible formats explaining this information as well as a social media, television, radio and print campaigns providing voters with this information.

4-Place prominent accessible signage (both print and audio) at all entrances to the polling place that explains what the BMD is as well as how a voter can mark their ballot using it.

5-have line managers at polling places that can make sure the line for waiting to vote moves along in an efficient manner and can direct voters with disabilities to a shorter line as well as provide answers to simple questions that voters may ask when they arrive at their poll site.

6-provide more seating at poll sites for voters with disabilities to use while waiting to vote.

7-make sure that software developers of accessible vote by mail ("AVBM") systems, online forms, online information, websites and any other online systems providing information to voters are cognizant of the fact that there are over 90 combinations of browsers, screen readers and operating systems that voters use on their personal computers and devices and thus, such ballots, online forms, online information, websites and other online systems must be thoroughly tested to make sure that they meet all the various combination of browsers, screen readers and operating systems before such are placed into use.

8-when an AVBM system is used the Board of Elections need to make sure that all ballots for the county have been pre-loaded, tested and are accessible in advance of each election. By having all the ballots pre-loaded and tested in advance of the election, this ensures that both voters and elections staff will not have to worry about waiting for ballots to be remediated or made accessible later; 8-also when an AVBM system is used, the Board of Elections must be cognizant of the fact that voters with manual dexterity disabilities may use assistive devices such as sip and puff to navigate through their personal devices and computers, therefore before any online system, online form, online information and website is used it should be proven to work with these and other assistive devices;

9-when new and improved technology and procedures are implemented to give voters greater access to each stage of the voting process, Boards of Elections need to promote and communicate this information in more than one accessible format so that this important information reaches voters with disabilities who would directly benefit from such changes.

10-all polling places and paths of travel need to be made accessible so that all voters with disabilities, including, but not limited to, voters who use mobility devices, voters who have low vision and who are blind, voters who have difficulty hearing and who are deaf, voters with learning disabilities, voters with sensitivities, voters with cognitive disabilities, voters with verbal disabilities and voters with manual dexterity disabilities, can independently navigate to, from and through their polling place as well as sign-in, mark their ballot and vote independently and privately knowing that their vote will be counted.

Question Number 3: Describe barriers that people with disabilities encounter in getting useful information about the voting process.

Response to Question Number 3:

The greatest barrier is communication. Specifically, the lack of providing the vast majority of information in formats other than print and English. With the use of computer technology and the availability of screen readers and closed captioning on computers this issue has declined but has not been eliminated. Many voters with disabilities do not have free or very cheap access to the internet as well as screen readers and AI that can convert verbal communications to reliable closed captioning. Thus, these voters are left out of the various stages of the voting process from registering to vote all the way to voting.

The communication needs of voters with disabilities who have English as a second language must be addressed so that they will have access to information about all aspects of the voting process. Too many times this voter population is overlooked. More information explaining what a BMD is, how a BMD works, how to request paper and accessible electronic absentee ballots, how to register to vote, who is running for office, what is on the ballot as well as what are their rights as voters and how they can make complaints needs to be provided in various accessible formats in languages other than English.

Further, voters with disabilities in institutional settings such as homeless shelters, nursing homes, assistive living homes, group homes, hospitals and correctional facilities are outright denied access to information about the voting process as well as their right to vote. So too, many voters with disabilities who are incarcerated in these institutions when provided with the opportunity to vote are nevertheless denied their right to vote independently and privately.

Another barrier is a lack of accessible, affordable, safe, on demand transportation to poll sites. Further, for those voters with disabilities who lack access to smart phones, computers and tablets as well as internet service or have unreliable internet service, due to a myriad of reasons, to take actions such as registering to vote and requesting an accessible absentee ballot, it is difficult to access information other than in print, which can exclude these voters with disabilities.

Question Number 4: Describe barriers that people with disabilities encounter with ballots, and in getting useful information about the items on the ballot.

Response to Question Number 4:

When information is sent to voters by candidates it usually is not provided in any other format than print. People with low vision and who are blind, as well as people with learning disabilities cannot access printed information. Further, at private and public debates and other functions at which candidates may appear, many times the sponsors fail to provide closed captioning, American Sign Language ("ASL") interpreters and audio descriptions for people with disabilities.

In New York City, during the 2021 Primaries, the New York City Campaign Finance Board did provide a Voter's Guide, not only in a paper format, and large print, but also online with closed captioning, audio descriptions, and an ASL interpreter.

Further, as of January 2021, in New York State, when sample ballots are provided online they must be screen readable.

Question Number 5: Provide recommendations for improving voter access for people with disabilities.

Response to Question Number 5:

A. The name, telephone number and email address of the ADA Coordinator for the state's Board of Elections and each county's Board of Elections office needs to be posted on the state's Board of Elections' website as well as on any website of the local city or county Board of Elections. Here, we are assuming that there is an ADA Coordinator designated in the state's Board of Elections' office as well as in each city's and county's Board of Elections office and that their websites are accessible. If this assumption is incorrect, we strongly recommend that such a position be established at every state, city and county Board of Elections office in the United States of America.

B. The poll worker who is in charge of the BMD should be the same from year to year and/or there should be more thorough training of poll workers on the use and basic troubleshooting of BMDs. This would lead them to learning how to handle many problems and thus, have the experience to quickly solve the many issues they encounter during each election. With such hands-on and historical knowledge, these poll workers would be able to update the site reports as well as make changes to the site reports which should improve the accessibility at the polling place.

C. Create and promote campaigns to educate voters with disabilities about their right to privately and independently vote and what options are available to them to vote privately and independently. More specifically, we need better communication as to who can use a BMD, how you can mark your vote on a ballot using the BMD and the various formats through which you can access the ballot on a BMD. It would be helpful if there was available a one-page sheet in various accessible formats explaining this information as well as social media, television, radio and print campaigns providing voters with this information. Also, at all entrances to the poll site a large poster/sign in both print and audio format should be displayed that provides information about the BMD and how to use it.

D. One or more designated poll workers should be charged with managing the line on which voters wait to vote. Additionally, such designated poll workers should be able to answer many simple questions regarding ways to vote. For instance, the many ways a voter can use the BMD to make a ballot larger, audible, available in several languages and the fact that you

can mark the ballot without a pen or even the use of your hands. It would be helpful if there was seating interspersed on both the shorter and longer lines during elections where lines do develop so that voters will have a place to sit at various points along the lines.

E. Of course, more funds need to be allocated to train election officials and poll workers to ensure they are advocating for and protecting the rights of voters with disabilities. Further, we need improved disability etiquette training for election officials and poll workers. For example, not to talk to an aide instead of talking to the person with a disability and not to say handicapped.

F. We need more accessible early voting poll sites, available on more days and for longer hours and they all need to be accessible as well as safe and easy to get to. More specifically, we need more early voting poll sites since people are more reluctant to go to early voting poll sites when they have to use public transportation, which includes paratransit, to reach their early voting poll sites. Further, it is too difficult for many voters with disabilities to travel on foot for more than a few blocks to a poll site. With respect to safety, the path of travel, such as the sidewalk immediately adjacent to the early voting sites and Election Day polling places as well as parking lots and bus stops near the sites need to be smooth and properly paved with properly installed curb ramps and not have the paths of travel filled with cracks and potholes which can make it hazardous to walk and wheel to the front door of the polling site. Significantly, any accessible website that lists where an accessible entrance for a poll site is located should mention the safest entrance and exit for the poll site as well as where the nearest bus stops and accessible parking are located. Further, the website should show a sample ballot. At a minimum, all the information provided on the accessible website should be shown in those languages that the ballot is required to be provided in. However, it would be better if such information was provided for several additional languages.

G. BMDs need to be set up in spots that are truly accessible. The BMDs need to be placed in a location where it is quiet enough for the voters to easily hear the audio instructions as well as in a place where sufficient lighting exists for the voter to see the information provided on the BMDs. So too, BMDs need to have better noise cancelling headphones through which a person can hear the instructions.

H. Better signage that would identify how many BMDs were available at the polling place as well as where the BMDs are located at the polling place needs to be provided at both early voting poll sites and poll sites used on Election Day. Further, providing this information concerning these facts on an accessible website that displays the information in a clear and simple manner would be very helpful to voters with disabilities.

I. When the BMDs and scanners are not contained in one voting machine, the two machines should be located near each other so that voters can easily access the scanner after they mark their ballots using the BMD. Of course, the privacy of a voter must not be compromised when placing the BMD and scanner near each other.

J. When the BMDs and scanners are not contained in one voting machine, poll workers should be located near (but not so close as to compromise a voter's privacy rights) to assist voters who request assistance with moving from the BMD to the scanner to insert the completed ballot into the scanner. Further, scanners need to be accessible so that a voter with a disability can easily cast their vote.

K. People with disabilities need to be made aware of the fact that they can request reasonable accommodations when they apply for a poll worker position. In addition to people who are blind or have low vision, there are people with disabilities that have difficulty completing a written test. Thus, we request that the option to go through the same training that people who are blind or have low vision be available to people with other types of disabilities, such as, but not limited to, people with cognitive disabilities.

L. The voter registration tablets should have accessible technology so that people with low vision or who are blind can know what it says as well as be able to navigate the controls. Further, these tablets need to provide more than one way that a person can sign-in on the tablet, like the BMD already provides to voters. This would bring about greater access for both voters and poll workers with visual and manual dexterity disabilities.

M. Another recommendation that could be implemented after the coronavirus pandemic is over is making independent living centers into polling places.

N. The writing on the ballot needs to be larger for all voters and the ballot needs to be designed to be easier to read and understand so that voting becomes an easier experience to many more voters. Of course, the format, size and appearance of the ballot must be the same whether it is marked manually, electronically, with a BMD or through the mail, that is, through the use of an absentee ballot.

O. With respect to when Ranked Choice Voting ("RCV") is available to voters, first, there needs to be uniformity in how candidates are displayed. More specifically, a voter should be given the opportunity to mark their ballot on a BMD completely for one office, like what was done for the office of Mayor in the recent primaries in New York City, before being asked to mark their ballot for another office. More specifically, when RCV is used the ballot on the BMD needs to group all the possibilities for one office together rather than mix them up, as happened on certain parts of the ballot shown on the BMD in the New York City 2021 Primaries. Second, how the candidates to which RCV is available to voters will be displayed on the BMD needs to be correctly and clearly communicated to the voters using a BMD. By implementing these changes, the process for marking a ballot on a BMD when RCV is used would be much simpler and easier for a voter using a BMD to navigate through the ballot.

P. With respect to online Voter Guides, it would make it easier to navigate it if you only had to input your address once and not every time you wanted to look at the candidates for a different office.

Q. Most importantly, there needs to be a way to check whether a BMD is working properly early on the morning of the first day of the early elections and on Election Day, such as possibly through the use of a mock or test ballot. It would be even better if such an operational check could be done first thing in the morning every day of early voting as well on Election Day so that problems would be identified and corrected before voters need to use the BMDs to mark their ballots. In sum, the number of accessible voting systems/equipment at polling places needs to be increased to avoid the scenario where voters with disabilities are denied the right to vote privately and independently due to a lack of working BMDs in operation. Many times, the one or few BMDs in the polling place stop working during the day and are not repaired or replaced.

R. Many voters with disabilities do not drive and may need to use paratransit or be driven to the poll site. Thus, we need more on demand paratransit as well the right to be driven by others to poll sites. Further, a voter should have the option to have a person they trust drop off their completed ballot which is in the sealed return envelope.

S. Voters with disabilities should be able use a consistent mark that they have adopted as their own in place of the standard signature.

T. The accessibility of the current vote by mail systems as well as the option for all voters to vote by mail and the option to use electronic remote balloting needs to be increased. With respect to the accessible electronic absentee ballot currently used in New York State, presently, many voters with disabilities do not have access to a printer to print out the marked ballot or the capability to place the marked ballot into the oath envelope and return envelope. The best solution would be for all voters to be able to securely mark their ballot online as well as vote online through a secure portal.

U. Make all polling places wheelchair accessible by using accessible locations, temporary ADA-compliant ramps, changing an entrance for everyone, or moving a polling place to another location.

V. The voting process and elections must be secure and designed to be fully accessible for people with disabilities. Further, voting accessibility must not be an afterthought when designing secure voting systems; these two considerations must be made together from the inception.

W. The options available to voters to vote such as online, automatic, and/or same day voter registration, early voting, curbside voting, and ballot drop boxes need to be increased.

X. When running for an office, many times candidates have to get petitions signed in person which can be difficult for voters with disabilities to be able to run for office. Thus, candidates should be permitted to get petitions signed online or eliminate this requirement completely.

Y. Candidates with a disability should be permitted to use campaign funds to cover campaign-related expenses incurred such as an assistant to take notes for a candidate with a manual dexterity disability, provide assistance getting to events, provide visual descriptions of places and people for a candidate

with a visual disability, ASL interpreters and CART or closed captioning for a candidate with a hearing disability, etc. so that candidates with disabilities are placed on a level playing field with other candidates (See, campaign funds have been allowed to be used to cover campaign-related child care expenses on the federal level and in NYC, see Campaign Finance Board Handbook p. 28, link annexed http://www.nyccfb.info/PDF/candidate_services/Handbook_2021.pdf).

Z. In sum, the rights of voters with disabilities need to be made a priority to ensure that policies and systems enable voters with disabilities the ability to exercise their right to vote privately and independently. Of course, "Nothing About Us, Without Us". Thus, people with disabilities must be included in decision making processes from the start. Thus, an Office of Accessibility within the Election Assistance Commission, headed and staffed by knowledgeable voters with disabilities needs to be established and funded to support and oversee state efforts to expand voter accessibility and serve as a resource for advocates and voters with disabilities. Finally, a national resource center on accessible voting needs to be established to conduct cultural competency trainings for election officials and poll workers in order to create truly accessible voting systems.

Question Number 6: Identify what has had the most impact enabling people with disabilities to vote privately and independently.

Response to Question Number 6:

One of the greatest innovations has been the creation of the BMD which allows a voter to see and/or hear what is contained on a ballot and provides several different ways for a voter to mark their ballot. We believe that in addition to the BMD, the Americans With Disabilities Act requirements that polling places and voting machines be accessible has had the most impact enabling people with disabilities to vote privately and independently.

However, many of our members have encountered problems using the BMDs located at their polling places because they are not set up properly and tested at the polling place before the voting starts during the early voting period in New York and on Election Day or the BMDs stop working during the day and are not repaired or replaced. This needs to be rectified.

Another great innovation is the partially accessible electronic absentee ballot which sends an email containing the ballot to a voter. After the voter receives the ballot, the voter can mark the ballot on their computer or smartphone and then print out and mail back or drop off the ballot themselves or have a person they trust drop off the ballot. Presently, printing the marked ballot as well as placing it in the oath envelope and in the return envelope can be difficult for voters with disabilities. So too, presently, mailing the completed ballot in the envelopes as well as dropping it off at a poll site can be difficult, and in some instances impossible, for voters with disabilities.

Question Number 7: Identify gaps that remain in making voting accessible to people with disabilities.

Response to Question Number 7:

First, and most importantly, many times ballot marking devices are not set up properly to provide a voter with a disability the ability to independently and privately mark their ballot. Further, the voter with a disability may not be able to independently locate the scanner, the actual voting machine, to privately and independently feed their marked ballot into the scanner to cast their vote. As previously mentioned, the BMDs may get jammed or not work at all and thus, prevent a voter with a disability from being able to "read/hear" the ballot privately and independently as well as prevent a voter with a disability from being able to mark the ballot privately and independently.

Additionally, obstacles can block accessible entrances and exits to polling places and the paths of travel leading to and from the entrances and exits can lack curb ramps and be in serious disrepair. Further, websites providing information identifying accessible entrances and exits do not also identify the best accessible entrance or exit. At times, there are not sufficient parking spots available to voters with disabilities near the accessible entrance to a poll site. So too, there is not adequate accessible signage to accessible parking, accessible path of travels and entrances at poll sites as well as to where the BMDs and voting machines/scanners are located. When "signing in" at the polling place, voters with low vision and who are blind as well as voters who find it difficult to write or cannot write are put in an uncomfortable position to put it mildly. Unlike the BMD, the tablets that are presently being used to sign in for voting do not provide for other methods to mark your signature on the tablet. Of course, when a voter with a

disability has to sign in on paper they may face the same issues as raised by the existing sign in tablets in New York City.

Please refer to our other responses herein which also discuss the many barriers faced by voters with disabilities.

Question Number 8: Describe barriers that people with disabilities encounter with completing online forms for the voting process.

Response to Question Number 8:

For voters with low vision and who are blind as well as voters with learning disabilities and other cognitive disabilities, online forms can be confusing. Thus, a simple, streamlined form that is also screen readable would assist all voters. The form should be able to be made larger on the screen for people who need larger print to read a form. Additionally, online forms should allow a person to complete the form online and return it online. Of course, a person should also have the option to print out the online form and fill it out manually and either scan it in and submit it online, or mail it, or have it dropped off at an office.

Question Number 9: Describe barriers that people with disabilities encounter in getting useful information about their eligibility to vote.

Response to Question Number 9:

The same communication barriers identified in our response to question numbered "3", which request information on the barriers that people with disabilities encounter in getting useful information about the voting process, are also applicable here.

Question Number 10: Describe barriers that people with disabilities encounter with registering to vote.

Response to Question Number 10:

The same communication barriers identified in our response to question numbered "3", which request information on the barriers that people with disabilities encounter in getting useful information about the voting process, are also applicable here.

Further, voter registration websites are not always completely accessible. Finally, signature requirements as well as government issued identification card requirements many times make it difficult, and, in some instance, impossible for voters with disabilities to register to vote.

Question Number 11: Describe barriers that people with disabilities encounter using technology for the registration or voting process, whether online, in person, or via mail.

Response to Question Number 11:

When using online technology, the barriers can be incompatibility with screen readers, the lack of closed captioning, audio descriptions and ASL interpreters. Additionally, material can be confusing to understand to voters with disabilities and websites may be difficult to navigate and not accessible. Further, if you have to print out forms to complete and send them, voters without printers are disadvantaged. When a voter with a disability has to use mail, which may mean exclusively print, as previously stated this can bar many people with disabilities access to information and forms (See our responses herein and more specifically our responses to questions numbered "3", "4" and "10").

Question Number 12: Describe the availability of accessible voting equipment.

Response to Question Number 12:

In New York State, in some instances the voting machine, that is the scanner, is separate and independent from the BMD; in other instances, the two functions, that is marking a ballot and casting a vote, are in one machine that contains a BMD and scanner. Where the scanner and BMD are separated, usually there are one or two BMDs available, thus, if there is a problem with a BMD, voters with disabilities are placed in an untenable position of having to give up their right to vote privately and independently and have someone assist them or not vote at all.

Further, in New York City and many other areas throughout the State, the BMDs are aging out and will soon need to be replaced. Thus, we support greater transparency in the certification of BMDs, as well as in the process for bidding for the contracts to provide BMDs and the accessories used with these BMDs. We know that certification of BMDs is done by the Board of Elections in each state, however, we believe that there should be greater

transparency in these processes for the benefit of all their voters. Additionally, a cross section of organizations run by people with disabilities as well as organizations representing people with disabilities need to be a part of this certification process from the very start. In sum, processes and procedures need to be implemented to ensure that BMDs are reliable, secure, accessible and allow voters to exercise their right to vote independently and privately.

Question Number 13: Describe barriers that people with disabilities encounter with voting by mail.

Response to Question Number 13:

The major barrier with voting by mail is that those with low vision or who are blind as well as those with certain cognitive disabilities cannot read a paper ballot. Further, certain voters with disabilities who have difficulty with manual tasks will not be able to fill out a paper ballot. Finally, those voters with disabilities who may be able to both read and complete a paper ballot as well as insert into an envelope and seal it may still have difficulty getting that envelope with the ballot into a mailbox or may be unable to deliver it to a post office or poll site due to a mobility disability. Further, there are still post offices that are not accessible or are difficult for voters with disabilities to enter and access services at, including mailing envelopes.

Where AVBM solution are used ballots must be thoroughly tested to meet all the various combination of browsers, screen readers and operating systems that can be used to mark such ballots (See our answers in response to question numbered "2").

Question Number 14: Describe security considerations relevant to existing and potential technologies used by people with disabilities in the voting process.

Response to Question Number 14:

With respect to security of voting, voters with disabilities right to vote privately and independently should not be denied on the purported claim that BMD are unsecure. It must be remembered that today we do our banking online, pay bills, apply for mortgages, shop and make reservations online as well as enter into contracts on a daily basis over the internet. Today, encryption and other security procedures such as two-step verification can be implemented in the voting process to ensure the security

and integrity of our voting system. Finally, as new technologies are discovered the voting process should continuously be updated to incorporate such advances in security to guarantee voters with disabilities their right to independently and privately vote securely.

Question Number 15: Describe barriers that people with disabilities face at polling locations.

Response to Question Number 15:

The greatest barriers voters with disabilities experience at polling places is a lack of sufficient training of poll workers on 1-the placing of BMDs in a location that is as flat as possible and as near as possible to the scanner-voting machine while guaranteeing that the voter with a disability can mark the ballot and vote privately and independently, 2-communicating with voters with disabilities where everything is located at the poll site, how the BMD works and the possibility of seating on the waiting line as well as the availability of a shorter waiting line; 3-how to fix simple problems encountered when operating the BMDs. (See our responses herein and more specifically our responses to questions numbered "5" and "7").

Question Number 16: Describe the accessibility of polling places.

Response to Question Number 16:

The location of polling places is too often a function of limited available space and limited funds in Boards of Elections. First, and foremost, we need more accessible poll sites available with accessible paths of travel, accessible public transportation and accessible parking closer to where people live since many voters with disabilities cannot drive themselves nor can they walk long distances. Such voters with disabilities have to rely on public transportation and paratransit, which is limited and does not provide on demand service to them, or family and friends to get to their "local" polling place.

Second, polling places must not be placed in buildings that are not completely accessible and have elevators that do not work on the day of the early voting or Election Day. When such obstacles and clear violations of the law exist voters with disabilities are prevented from getting to where the BMDs and voting machines are located and from being able to vote privately and independently.

Third, there needs to be better accessible signage to the accessible parking, accessible public transportation, accessible entrance/exit, the applicable sign-in tables, the BMDs and voting machines/scanners.

In sum, not only do we need more accessible poll sites near where voters live, but also, information about such poll sites need to be distributed to the public in several accessible formats. (See our responses herein and more specifically our responses to questions numbered "5" and "7").

Question Number 17: Identify areas where poll worker training can address barriers experienced by people with disabilities.

Response to Question Number 17:

Turning to better poll worker training, we congratulate the many poll workers who do a wonderful job especially with us using Ranked Choice Voting for the first time in New York City. However, we believe there is still room for improvements based on feedback from our organizations' members.

We still need better training for poll workers with respect to their interactions with voters with disabilities as well as with respect to their interactions with their fellow poll workers who are disabled. We need poll workers to understand that voters with disabilities have the civil right to expect and consistently be able to vote independently and privately in a safe and secure environment. For instance, a poll worker handed one of our members a pen and several times told her, a person with low vision, that she could use the pen to touch the screen. He kept repeating himself until she had to ask him to leave her alone so that she could hear what the BMD was telling her through her headphones so she could vote. Sadly, next she found the BMD was confusing with respect to RCV and would not let her mark her ballot for the New York City Council candidates in her Council District. In the end, after marking her ranked choice votes for Mayor, Public Advocate and Comptroller and having the BMD not mark her New York City Council selections, this voter had the BMD print out her ballot so that she could have at least these votes scanned into the scanner.

So too, poll workers with disabilities need to be respected. We need more education of poll workers and the public on how BMDs work, as well as the fact that any voter can use them even if they do not consider themselves to be disabled.

More hands-on training of poll workers on how to set up, operate and trouble shoot small problems with BMDs needs to be done.

The Board of Elections are required by law to comply with the ADA in selecting and setting up polling places and setting up BMDs and thus, need to be made more aware of these requirements. In sum, 1-the training of election officials and poll workers needs to better address the civil rights of voters with disabilities as well as poll workers with disabilities, 2-the training of election officials and poll workers to provide simple instructions on how to correctly set up the BMD, check the operation of the BMD and fix small problems with BMD as well as when to contact someone outside the immediate polling place to assist in repairing a BMD, and 3-the Board of Elections need to select and set up poll sites that follow the ADA and are safe.

Question Number 18: Identify areas where clearer or better policies can address barriers experienced by people with disabilities.

Response to Question Number 18:

There are many areas where clearer and better policies can and should address and, in turn, ameliorate or eliminate barriers experienced by people with disabilities. First, every Board of Elections needs to have a designated ADA Coordinator whose job is only to deal with making sure that all parts of the voting process are accessible to voters with disabilities. This person's name, title, address, telephone number as well as TDD number and email address should be set forth on the Board of Elections' website as well as in all materials sent to all voters.

Second, many BMDs are aging out and will soon need to be replaced. Thus, we support greater transparency in the certification of BMDs, as well as in the process for bidding for the contracts to provide BMDs and the accessories used with these BMDs. We know that certification of BMDs is done by the Board of Elections in each state, however, we believe that there should be greater transparency in these processes for the benefit of all their voters. Additionally, a cross section of organizations run by people with disabilities as well as organizations representing people with disabilities need to be a part of this certification process from the very start. In sum, processes and procedures need to be implemented to ensure that BMDs are reliable, secure, accessible and allow voters to exercise their right to vote independently and privately.

Third, implementing policies and practices that better communicate the fact that any voter can use a BMD, as well as how a voter can mark their vote on a ballot using the BMD and the various formats through which you can access the ballot on a BMD would demystify the BMD and help promote greater use of BMDs. It would be helpful if there was available a one-page sheet in various accessible formats explaining this information as well as public service announcements and campaigns on social media, television, radio and print providing voters with this important information.

Question Number 19: Describe any barriers that people with disabilities face to voting that disproportionately impact communities of color, persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

Response to Question Number 19:

The lack of reliable, low-cost accessible public transportation in urban and rural areas makes it difficult for voters with disabilities to get to poll sites. Further, the lack of dependable, and in some instances, lack of any internet connections impacts on voters with disabilities ability to register to vote online, to request an absentee ballot or accessible electronic absentee ballot online, to learn about candidates, and to receive and mark an accessible absentee ballot online. Also, the prohibited high cost to purchase smartphones, computers and tablets as well as the high cost to access the internet can impact voters with disabilities ability to access the internet to participate in the many aspects of the voting process.

Question Number 20: Of the concerns and barriers noted, identify the most serious and impactful barriers faced by voters with disabilities throughout the voting process.

Response to Question Number 20:

The three greatest concerns and barriers facing voters with disabilities are: 1- a lack of access to voting information, including, but not limited to, information on how to register to vote, how to find out about who is running for what office/position and how to mark a ballot and where to vote, that is, where is the voter's poll site, the accessible entrance, the place to sign in and where the BMD and voting machines are located, 2- a lack of access to accessible on demand transportation to the polling place and proper curb ramps on local streets where one could theoretically walk/wheel to a poll site, 3-laws that prohibit driving people to poll sites or not allowing someone

else to drop off a completed ballot, 4-laws that require voters to have the exact same signature, 5-laws that require showing identification to vote, 6-a lack of greater access by voters with disabilities to be able to run for office without having to get petitions signed in person and 7- a failure to allow candidates with a disability to use campaign funds to cover campaign-related expenses incurred such as an assistant to take notes for a candidate with a manual dexterity disability, provide assistance getting to events, provide visual descriptions of places and people, ASL interpreters, etc. so that candidates with disabilities are placed on a level playing field with other candidates (See, campaign funds have been allowed to be used to cover campaign-related child care expenses on the federal level and in NYC, see Campaign Finance Board Handbook p. 28, link annexed http://www.nyccfb.info/PDF/candidate_services/Handbook_2021.pdf).

In sum, it is time that new standards, guidelines and regulations be established so that all Americans with disabilities are guaranteed the opportunity to fully participate in elections on the national, state and local level and the opportunity to equally exercise their right to vote privately, independently, securely and safely.

Very truly yours,

Michael Ring, Marilyn Tucci, Terence B. Page and
Kathleen Collins,
Co-Coordinator,
Voter Engagement Working Group
Downstate New York ADAPT
Email address: dnyadapt@gmail.com

Terence B. Page,
President,
Greater New York Council of the Blind of
American Council of the Blind of New York State
Email address: TerenceBPage@gmail.com

Jean Ryan,
President,
Disabled In Action of Metropolitan New York, Inc.
Email address: pansies007@gmail.com

July 24. 2021

To:
Senate Elections Committee Chair Sen. Zellnor Myrie,

Poll worker testimony:

My name is Stacy Bergener, I am a poll worker in the 44th Assembly district. I am mostly assigned to the John Jay HS polling site but I have also worked at other polling sites.

This year was the first year John Jay was an early voting polling site.

I worked 5 days and the primary at John Jay - these are some of the issues that I encountered:

The police officer on the first day of early voting did not receive all the information he needed to do his job at our poll site. Some of the important duties of the police officer at polling sites are to note the public count and protected counts on all scanners and electronic poll books. The officer on our first day of voting took the information from all the electronic poll books but seemed surprised when I asked him to do the same for the scanners. He had to call his precinct to make sure I gave him the right info.

Our Co-coordinator for our early voting site was switching our positions every day because she stated that we all had to know how to do all positions - it was very disruptive and mistakes were made. I realize that all poll workers need to know how to work as many positions as possible but this election was an important election where I felt we needed to make sure that we were as careful as possible.

One of the mistakes made was on a scanner - a poll worker who had never worked the scanners before left the black support frame in the ballot bag with all of the cast ballots zipped it shut and locked the bag. After the Coordinator realized what she had done he broke the seal, took the support frame out and locked the bag with a new plastic lock - all of this without another witness or police officer witnessing the procedure. This is not how we are trained, we are all trained that the ballot bags are VERY important and if we make mistakes there are steps to be followed.

Every scanner has a scanner book. This is where all public and protected counts are entered every morning and then at closing in the evening. During the day the book is stored in a plastic holder behind the scanner but at closing it should be locked inside a plastic sleeve in the ballot box door. I discussed the incident with the ballot bag and the scanner books with the co-coordinator and was told that it was her job to worry about these issues and I should not worry. I do worry about these things, our elections and voting rights are under attack, we need to be very vigilant about how we run our elections and how we handle the ballots. I was very upset about how casual she was about the mistakes.

On another day a voters ballot got jammed in a scanner and it took the coordinator 10 min. to get the ballot out of the scanner. He then straitened the ballot out, went to another scanner and scanned it in. In the mean time the voter had left, and again no police officer/ coordinator to witness what happened.

We had to have a generator at our site during early elections because the HS electrical grid was not capable of supporting the printers and poll book at the ballot stations. on the 4th day the generator ran out of gas and voters had to wait until the coordinator got a tech to the site. Who is in charge of making sure the generators have enough gas? I know when I worked at other sites the generators never ran out of gas.

These issues are just the issues that upset me the most and I felt were important. Sadly, the Board of Elections does not pay attention to any complaints made by poll workers and polling sites can be a very abusive place for poll workers. I have seen some very ugly scenes between coordinators at sites and poll workers, also coordinators yelling at voters and making them cry. Last year the coordinator was extremely abusive to a handicapped poll worker, and all of the female poll workers. When some female poll workers complained they were told " go ahead and complain, I'm untouchable, I have someone protecting me at the Board" Sadly, this is very common that employees at the Board are abusive to the poll workers and nothing happens to them. Every year I swear I won't work again because of how the Board of Elections treats poll workers, but I know that there is a shortage of poll workers. It is not surprising that the board can not recruit or keep more poll workers.

There are other issues that I would like to discuss with you - if you would like to reach out to me I can be reached at:

sbergener1@gmail.com
917-671-6962

Respectfully,
Stacy Bergener
401 8th Ave,
Brooklyn, NY 11215

To: New York State Senate Committee on Elections

From: Damiano F. Camporeale (Resident of Brooklyn, NY – Independent)

RE: Independents Right to Vote in Primary Elections

Good Day,

While I am unable to recite this in person, I feel nevertheless compelled to write this letter regarding the lack of voting rights granted to NY State Citizens who are labeled as Independents.

As a 30-plus year NYC resident, now living in Sunset Park, Brooklyn, it continues to boggle my mind that the most liberal state in the country is now one of 9 states who do not grant Primary voting rights to Independents. It has never been explained nor is there any sort of satisfactory explanation for why tax-paying residents of this state need to be categorized as Democrats or Republicans. This restriction is antiquated and smacks of a desire to force NY State Citizens to align with one of two parties, or else be deemed a non-entity in the eyes of the state.

Independents account for millions of lost votes in Primary elections – lost because Independents are literally, and inexplicably, prohibited from voting. They are also prohibited from working at Primary polls, which also deprives Independents of an employment opportunity.

I ask this committee and every of other facet of the state government that has jurisdiction in this matter to care less about two-party categories and more about the interested tax-paying citizens of this state who care enough about elections to vote in Primaries, be they mayoral, gubernatorial or presidential.

This is 2021, and a citizen being a self-proclaimed Independent should not be relegated to pariah status.

Please undue this restriction so that Independents will be granted every right that is awarded to Democrats and Republicans.

This should not be considered a special request – but a right that has been too long withheld.

Thank you for your consideration in this matter.

Sincerely,

Damiano F. Camporeale

damiano_daniel@yahoo.com

Senator Myrie:

Thank you for the opportunity to submit testimony concerning reform of the New York State and City Boards of Election.

I am a retired attorney who worked for more than 39 years in New York City government. I worked for three elected City Comptrollers and am familiar with the NYS and NYC Boards of Elections from my 17 years as General Counsel to the New York City Campaign Finance Board.

The Campaign Finance Board works closely with the NYC BOE, which requires both cooperation at the top levels of the two agencies and good relationships among the staffers. There is no comparison between the culture and work ethic at the two agencies, which I believe emanates from the structure at the top: the Board of Elections, with a bipartisan board, is a bastion of political patronage, and the Campaign Finance Board, with a nonpartisan board, is professionally run.

New York City is the laughingstock of our country because of the Board of Elections' repeated bungling. Well-publicized examples include the thousands of incorrect absentee ballots sent to Brooklyn voters last year and the inclusion of test ballots in the preliminary ranked choice count in the June primary. There is a solution to the problem: amend the New York State Constitution Art. 2, § 8, so that State and City elections are no longer run by bipartisan Boards of Elections. Right now, Democratic and Republican Party chairs choose an equal number of State and local commissioners, and virtually all staff jobs are duplicated, because these Democratic and Republican Party bosses choose an equal number of staffers. According to the New York Times, New York is the only state in the country with a structure like this.

The current system is all about power and patronage: New York State's political parties and the elected officials supported by them don't want to give up their power and the patronage jobs they control. We should not have political parties running our elections and we should not have staffers who owe their jobs to political patronage supervising our elections. New Yorkers deserve better.

To keep the Constitutional change simple, I recommend having an elected or appointed Secretary of State supervise elections at the State level and a Mayoral agency head appointment for the City. This has worked well in other states and will provide for the accountability which is sorely lacking with the current Boards of Election. It is important, too, that the staff supervising elections be civil servants free from any political pressure and that hiring be based on "what you know," not on "who you know." There are plenty of people with expertise in election administration in our country and they can be recruited to these non-partisan jobs. Qualifications can be set forth in the legislation enacted by the State Legislature.

Some say that agencies that are headed by appointees of an elected official would be just as problematic as the current Boards of Election, but in fact, we saw from the 2020 federal elections that most states, no matter whether the election process was supervised by Republican officials, Democratic officials, or nonpartisan boards, conducted fair and timely elections. And in New York City, we have seen mayors appoint excellent commissioners of, for example, Health, Housing, or Investigation, agencies which require substantial expertise. Administering elections demands an equal level of expertise and fairness.

An alternative would be to emulate the structure of the New York City Campaign Finance Board, a non-partisan board where two board members are appointed by the Mayor, two are appointed by the Council Speaker, and the chair is appointed by the Mayor with the approval of the Council Speaker. Or you could look at the structure of nominating commissions that recommend judicial appointments to the Governor or Mayor. But however the Legislature chooses to amend the Constitution, it is critical that the boards of election not remain bipartisan patronage entities.

I recognize that amending the State Constitution to eliminate the dysfunctional bipartisan Boards of Elections will take some time: the State Legislature needs to pass the amendment in 2022 and 2023 and then have the amendment placed on the ballot for voter approval. But, as we reflect on the state of our democracy, threatened as it is on so many fronts, is there anything more important than fair elections?

I look forward to your leadership on reform of the Boards of Election.

Sue Ellen Dodell, Esq.

5901 Delafield Avenue

Bronx, NY 10471

Written Testimony of
Alexander Duchin
(914-374-0925)
alexander.duchin@gmail.com
National Youth Rights Association

Submitted to the New York State Senate Committee on Elections "To Review Elections Administration and Voting Rights in New York State."

July 28th, 2021

I would like to thank Brendan Cushing, the Director of Programming for Generation Vote (GenVote), the National Youth Rights Association for helping me testify today, and this committee for letting me testify. Generation Vote sparks an intersectional youth-led movement that fights for our right to vote and a just democracy for all. At NYRA, we are working on creating a movement and spreading awareness on the importance of youth rights, including the lowering of the voting age to 16. As a 17 year-old, I have found it to be difficult to express myself because voting for what I believe in is simply not possible. I am in support of lowering the voting age to 16 because I think that it is a crucial step in maintaining a fair democracy.

Voting is one of the most important aspects of democracy, yet a large population of able teens are left out of this because they can't vote. According to Vote16USA¹, young people who are 16 to 17 years old have the necessary civic knowledge to vote, and there is not much of a difference in these skills from voters of the age of 18. Lowering the voting age will also increase the civic discipline and education among people who are 16 and 17 because they will need to learn what they are voting for and who they think best represents their ideas.

Starting to vote at the age of 16 would also start a good habit for youth to know how to vote and continue this habit for the rest of their lives. Voter turnout among the age group of 18-29 in New York City increased by 3.4% from the 2016 to the 2020 elections, despite the profound difficulties that COVID-19 presented, according to *Amny Newsletter*². However, only 48% of eligible voters of this age group voted in the 2016 elections, according to the *New York Times*³. That poor turnout could be the result, at least in part, of not knowing how to vote and not understanding basic procedures. If teens were empowered with this basic knowledge about voting procedures, once they were away in college, voting would not be as difficult for them and therefore turnout for college-age students would likely be much higher. In Takoma Park, a suburb of Washington D.C., the voting age was lowered to 16 and the turnout rate exceeded every other demographic in the city's 2013 and 2015 elections, and quadrupled the overall average of voter turnout, according to vox⁴. This bodes very well for long term commitment for long term responsibility.

Teens of the age of 16 and 17 are also impacted by political issues just like eligible voters are. They can work untimed hours and pay taxes, a clear case of taxation without representation. In New York teens can also start driving when they turn 16, and can be tried in court as an adult. 16 and 17 year olds are required to be in school, yet they cannot vote on school policies.

In school elections for student-held positions, I have seen everyone voting excitedly to vote for the people they believe in and interested in finding out who stands for what. Since 16 and 17 year olds cannot vote, this has been the only time I have experienced voting, but I think the enthusiasm that teens have when casting their school ballots will carry over to official elections and voting. Also, during my Syracuse University Project Advance American history class, my teacher asked us students why we should not be able to vote. None of us were able to come up with any reasons, and the entire class got excited because we felt like we should have say in legislation that actually affects us.

I want to thank the committee for giving me this opportunity to testify. In conclusion, I think that 16 year olds are fully capable of voting, and given the chance would strengthen our democracy in terms of voting. 16 year olds would be able to start the habit of voting at an easier time in their life, and could have an actual decision on policies and who they believe should be in power. I urge the committee to vote in favor of the NY Senate Bill A611 / S478

1: <https://vote16usa.org/reasons-for-lowing-voting-age-16/>

2 :

<https://www.amny.com/news/young-new-york-city-voters-went-to-the-polls-in-2020-election-analysis-finds/>

3 : <https://www.nytimes.com/2020/10/08/upshot/youth-voting-2020-election.html>

4 : <https://www.vox.com/policy-and-politics/2016/11/7/13347080/voting-age-election-16>

Testimony of Charlotte Carrington Baltimore

Good morning members of the New York Senate Elections Committee. My name is Charlotte Carrington Baltimore, I am a senior citizen, a lifelong New Yorker and a proud resident of Brooklyn.

My comments are directed towards my experiences in the 2020 and 2021 elections.

In regards to the exceptional 2020 election cycle, due to the toxic political climate, I chose to stand online for however long it took in spite of my very painful arthritic knees, so I could personally cast my ballot for president in light of all of the irregularities happening with the United States Postal Service.

With that said, now I am commenting on the current 2021 election cycle, focusing on the recent primary races. I like the ease of applying for a absentee ballot; I also feel all specific circumstances to use a absentee ballot should be eliminated. Additionally, where signatures are required on the ballot and envelope, those should be clearly and boldly indicated, so that vote will have a opportunity to be counted. This observation is from personal experience, I forgot to sign the outside of the envelope and I was notified that my vote was not counted. I am happy it was a primary and not the actual election.

I am an avid proponent of early voting, if the hours could be extended from 6 AM to 8 PM, I would be in favor of that.

As to Rank Choice Voting, I have mixed feelings on that; it caused me to research the candidates more in depth however, I fear some citizens may not be as diligent. Additionally, the accuracy of the account may be questioned because of the mix-up when the votes were initially counted but quickly corrected; this could undermine the public's confidence in elections specifically because one of our major political parties have floated that the 2020 election was "rigged."

In closing, I hope New York State will continue to be progressive in extending the vote to all those New Yorkers that are eligible to vote. I pray New York's legislators will not fall subject to out right lies and fantasies and not embrace voting restrictions that would serve to disenfranchise certain communities that are home to the mosaic that makes New York the great state that it is.

Thank you for your time and attention.

July 25, 2021

Dear Chair Zellnor Y. Myrie and the other members of the Senate Committee on Elections

I am a resident in Queens, NY who has voted in all primary and general elections in NYC since 1996. I became a poll worker for the General Election of 2020 as I was concerned with the COVID Pandemic that there would not be enough people to handle the number of voters. I enjoyed my experience and worked the recent June 2021 primary election - the first using Ranked Choice Voting throughout NYC. Also, back in 2021 I volunteered to be poll watcher for a candidate for municipal office to see if there were shenanigans by any of the other campaigns. I have been cynical about the system and have now seen it as both voter, advocate and poll worker.

I want to start off by stating that my experience as poll worker demonstrated to me the care and concern for proper voting procedures and the efforts by the people working at election sites. At my poll site at PS 174 in Queens, there was great care to make sure voters had the proper information without guiding them to a candidate. It was a very long day and the rules to maintain security and account for ballots, while I thought onerous at first, gave me assurances of the legitimacy of the results.

Here are some comments on the process at the polling site:

- The use of the electronic tablets to find voters and keep track of who had registered worked well. It was even better when voters had their plastic BOA Provided cards to scan. As more elections are conducted using this method, voters will be prepared and it will become more efficient.
- The RCV Ballot was NOT confusing for many people. The democratic ballot was confusing only because it was so many pages with candidates. But not many people came back to ask questions or have spoiled ballots where they made errors and needed to redo.
- Many of the Poll workers are elderly and they and some others were not very competent with the technology or process to handle unusual situations when someone wanted an affidavit ballot or spoiled their ballot. This caused delays but not errors. The short time frame following NYS approval of the machines to use for election and COVID safety concerns made in person training impractical to prepare to the RCV process changes. I think it is important to make sure there is time for proper training.
- There were not enough poll workers on primary election day. Please note, there were plenty of workers for Nov. 2020 election day in the middle of the pandemic with no one vaccinated. The importance of the June primary was not felt so people didn't show up - even when they were registered to work that day. Even with the fewer voters coming on June 22, there were not enough workers. I took only one 1/2 hour break because there was no one really to fill in. There should be more recruiting for poll workers.

- There were voters who changed address and polling sites and the NYC BOE records didn't keep that updated. BOE needs to focus on maintaining registration updates during the year.

Comments on Election Changes done or to be proposed

- Make mail in ballots the rule. Why not just send every voter a mail in ballot by default? This is done in 5 states (Washington, Oregon, Utah, Nevada and Colorado) Why are we not doing this? At a minimum, I applaud efforts to allow anyone to request a mail in ballot and feel the period of time should be up to 10 days before an election to request. If it was easier to request on line it would be even better. This allows a voter to sit at home and make careful choices on voting. It also makes the work on election day much easier and quicker. I cannot imagine the crowds and chaos on Nov 2020 election day without people mailing in ballots.
- Allow mail-in ballots to be counted prior to election day as they come into the Board of Election. It is fine to make sure all ballots arrive and can be cured after election day. There should not be a sacrifice of accuracy and fairness for speed. Why is there no drama in Colorado or Oregon who have been using mail in balloting for years? They don't wait to start and they understand the whole process. We should review what works there and emulate it.
- Make Election Day a Holiday - (give up Columbus Day or President's Day if people don't want another holiday) This will make sure people understand the importance of the day, allow some to work as poll workers and allow us to focus on it.
- Provide more money to handle elections. It is extremely important that the different municipal Boards of Elections have enough funds to do this work timely and have enough staff - full and part time.

Ranked Choice Voting (RCV)

- I want to reiterate the RCV Ballot was NOT confusing for the vast majority of voters I know personally and those who appeared on election day at my polling site. I think the voices trying to eliminate RCV are seeking to make sure people with a limited constituency can be elected and reelected each time.
- I would like to see Ranked Choice Voting used at the State and Federal Level as well. It is done in Maine on the state and Federal Level (except President) In NYC there will be more representative NYC Council partially due to campaign finance support allowing candidates to stay relevant but also because people could effectively choose multiple candidates that share their views.
- I think as voters are more engaged in elections when they see candidates sharing their views on important issues. RCV allows them to feel they have role in outcome as the candidate with 35% of vote won't just win by default as the holder of plurality of votes in multicandidate race.

Thank you for your time and attention

Frank F. Lang
11108 76 Drive
Forest Hills, NY 11375

Testimony of Isabelle Verdini

I voted at around 12:30 pm on Saturday, June 12, at my voting site at Our Lady of Perpetual Help school in Sunset Park. A poll worker at table #2, for ED #31, AD #51, asked me for additional ID *AFTER* I gave her my voting card from the BOE that had my name and address.

She asked me if “I wanted to submit further ID of address because I could be voting for someone else”! She accused me of fraud, while she illegally asked me for further ID.

I can only describe what she looked like because she was not wearing her nametag, deliberately I suppose. She was a white woman, in her 50s, with partially dyed hair, and her mannerisms were rough around the edges. I tried to make a complaint with the Board of Elections when I returned home that day, but to no avail. The Board’s phones rang continuously, and the voice mailbox, when I tried another number, was full! Needless to say, no one got back to me.

We really need a new board of elections, made up of professional civil servants.

Thank you for your attention to this serious matter.

Isabelle Verdini

Testimony of Joseph Lali

On the matter of the Board of Elections, WE NEED SUBSTANTIVE REFORM! The NYS Legislature needs to address this issue with urgency. Something so utterly vital and central to our democracy such as the administration of our elections should not be in the hands of personnel put in place on the basis of political patronage. In an era where ne'er-do-wells are working overtime to sow doubts over the legitimacy of elections and indeed our very democracy, we cannot afford to ignore the very real damage that poor election administration does to the people's confidence in our system of governance.

We need a professional BOE staffed by personnel with the training, experience, and qualifications needed to competently handle the enormous responsibility they have been given.

Joseph Lalli
Bronx, NY

Testimony of Scott Avidon

Dear Senators,

New York has made some progress in election administration. The best development is early voting. Instead of rushing before and after work, sometimes in the rain, to a crowded polling site, New Yorkers can vote early at their leisure.

Making Election Day a state or federal holiday would help turnout even more. Being off from work on Election Day is a lot more important to our democracy than being off from work on Columbus Day.

Absentee voting by mail is helpful too. But there is a problem when counting of absentee ballots is delayed. Prolonged uncertainty about results leads to loss of confidence in the results. We saw this problem in the 2020 Presidential election. The law should change so votes begin to be counted right after election day.

The Board of Elections is structured in a partisan way. Instead of competence, there is patronage. It was a mistake to split up the Board by Democrat and Republican as if independents and smaller parties don't matter. Any restructuring will still have some politics but at least there will be accountability in the appointing official. Parties are not accountable.

Thank you.

Scott Avidon
8420 Austin St, Apt 4D
Kew Gardens, NY 11415
347-952-5918

Testimony for NYS Committee on Elections
BROOKLYN PUBLIC HEARING
JULY 28, 2021, 10:00AM
FOUNDERS AUDITORIUM, MEDGAR EVERS COLLEGE
1650 BEDFORD AVENUE, BROOKLYN NY 11225

As a voter in New York City I am embarrassed by the performance of the Board of Elections. While I am concerned about the ill effects of the patronage system whereby staff of the Board of Elections is appointed by elected officials, I am far more concerned about the level of incompetence demonstrated by the Board. Members of the Board, from the very top administrators to the poll workers, should need to be part of the civil service and independent of political pressure. They should all have to qualify via a civil service test on election law. In an age when people are concerned about the validity of elections, we cannot afford incompetent administrators.

Helen Meltzer-krim
Bronx, New York 10471

Written Testimony of
Alexander Duchin
(914-374-0925)
alexander.duchin@gmail.com
National Youth Rights Association

Submitted to the New York State Senate Committee on Elections "To Review Elections Administration and Voting Rights in New York State."

July 28th, 2021

I would like to thank Brendan Cushing, the Director of Programming for Generation Vote (GenVote), the National Youth Rights Association for helping me testify today, and this committee for letting me testify. Generation Vote sparks an intersectional youth-led movement that fights for our right to vote and a just democracy for all. At NYRA, we are working on creating a movement and spreading awareness on the importance of youth rights, including the lowering of the voting age to 16. As a 17 year-old, I have found it to be difficult to express myself because voting for what I believe in is simply not possible. I am in support of lowering the voting age to 16 because I think that it is a crucial step in maintaining a fair democracy.

Voting is one of the most important aspects of democracy, yet a large population of able teens are left out of this because they can't vote. According to Vote16USA¹, young people who are 16 to 17 years old have the necessary civic knowledge to vote, and there is not much of a difference in these skills from voters of the age of 18. Lowering the voting age will also increase the civic discipline and education among people who are 16 and 17 because they will need to learn what they are voting for and who they think best represents their ideas.

Starting to vote at the age of 16 would also start a good habit for youth to know how to vote and continue this habit for the rest of their lives. Voter turnout among the age group of 18-29 in New York City increased by 3.4% from the 2016 to the 2020 elections, despite the profound difficulties that COVID-19 presented, according to *Amny Newsletter*². However, only 48% of eligible voters of this age group voted in the 2016 elections, according to the *New York Times*³. That poor turnout could be the result, at least in part, of not knowing how to vote and not understanding basic procedures. If teens were empowered with this basic knowledge about voting procedures, once they were away in college, voting would not be as difficult for them and therefore turnout for college-age students would likely be much higher. In Takoma Park, a suburb of Washington D.C., the voting age was lowered to 16 and the turnout rate exceeded every other demographic in the city's 2013 and 2015 elections, and quadrupled the overall average of voter turnout, according to vox⁴. This bodes very well for long term commitment for long term responsibility.

Teens of the age of 16 and 17 are also impacted by political issues just like eligible voters are. They can work untimed hours and pay taxes, a clear case of taxation without representation. In New York teens can also start driving when they turn 16, and can be tried in court as an adult. 16 and 17 year olds are required to be in school, yet they cannot vote on school policies.

In school elections for student-held positions, I have seen everyone voting excitedly to vote for the people they believe in and interested in finding out who stands for what. Since 16 and 17 year olds cannot vote, this has been the only time I have experienced voting, but I think the enthusiasm that teens have when casting their school ballots will carry over to official elections and voting. Also, during my Syracuse University Project Advance American history class, my teacher asked us students why we should not be able to vote. None of us were able to come up with any reasons, and the entire class got excited because we felt like we should have say in legislation that actually affects us.

I want to thank the committee for giving me this opportunity to testify. In conclusion, I think that 16 year olds are fully capable of voting, and given the chance would strengthen our democracy in terms of voting. 16 year olds would be able to start the habit of voting at an easier time in their life, and could have an actual decision on policies and who they believe should be in power. I urge the committee to vote in favor of the NY Senate Bill A611 / S478

1: <https://vote16usa.org/reasons-for-lowing-voting-age-16/>

2 :

<https://www.amny.com/news/young-new-york-city-voters-went-to-the-polls-in-2020-election-analysis-finds/>

3 : <https://www.nytimes.com/2020/10/08/upshot/youth-voting-2020-election.html>

4 : <https://www.vox.com/policy-and-politics/2016/11/7/13347080/voting-age-election-16>

Testimony of Trish Anderton

Inwood needs an early voting site -- this year Washington Heights had three (!) but Inwood still had none. Yes, we can take the train down to 168th, but a local site would be more accessible to more voters.

1. I requested an absentee ballot bc i am a parent of two unvaccinated children under age 5 and i didn't want to have to worry about them being exposed to the virus indoors at the polls.
2. The process was really easy and, as long as nys will allow it, i will vote by mail in every election going forward regardless of whether i am in town or not.
3. RCV in NYC was great. I devoted more time to candidate research than I have in the past.

Jason Atkins

849 Lincoln Pl

Brooklyn, NY 11216

Age 37

Married father of 2

Works in Corporate Strategy

Member of Bridge Church NYC

Born in Brooklyn, NY

Stopped being a kincks fan after they traded John Starks in 1998

July 20, 2021

To whom this may concern,

I have been voting for many years in my district and I am dismayed that such little voter verification is done. Frankly, all they did to me is match my signature to the one they have in their book under my name. My signatures didn't even match. Yet, I was not asked to show picture ID.

My daughter who voted for the first time, did not have a signature on file. She was not asked to show ID either.

It's basic to show ID in so many places nowadays. Every New Yorker can get ID through the DMV. In my opinion, it should be mandatory to show government issued ID when voting.

Thank you,

Tzipora Chananashvili, MS Ed.

Matthew Cueter

124 15th street, Apt. 3
Brooklyn, New York 11215

July 24, 2021

Dear New York State Senate Committee on Elections,

I write to share my experience with ranked choice voting. It was a welcome change to have the option of ranking my preferred candidates in the recent primaries. This made voting much simpler for me. I could devote my candidate research time to looking for the candidate that most closely aligned with my values. I did not have to worry about the much more difficult issue of trying to determine which candidate was closest to my issues **and could also survive a primary**. With the ranked choice system, I had ample opportunity to let my voice be heard while still having the chance to impact the final outcome of the primary. This system made my vote much more meaningful and saved me time. While I would prefer the opportunity to rank candidates in general elections, the system we have now was a positive step in the right direction. I hope the state would consider adopting a ranked choice system for it's elections.

Sincerely,

Matthew Cueter