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NYC COUNCIL COMMITTEE ON GOVERMENTAL OPERATIONS HEARING ON EARLY VOTING IMPLEMENTATION

Testimony of Susan Lerner, Executive Director, Common Cause/NY

November 25, 2019

Thank you for the invitation to testify at this hearing on early voting implementation. I am Susan Lerner, Executive Director of Common Cause/NY. Common Cause is a nonpartisan, nonprofit organization founded to serve as a vehicle for citizens to make their voices heard in the political process. We fight to strengthen public participation and faith in our institutions of self-government and lead the grassroots component of the nationwide Election Protection effort. Common Cause/NY is among the largest and most active state chapters and is a founder and leader of the statewide Let NY Vote coalition. Accordingly, the orderly administration of elections and insuring that our elections are accessible and fair is part of our core mission to promote civic engagement and accountability in government. I submit this written testimony to supplement and expand on my oral testimony.

EARLY VOTING WAS SUCCESSFULLY IMPLEMENTED

Passing Early Voting has been a priority of Common Cause/NY, as well as the Let NY Vote coalition, so we have been most happy to help New York become the 39th state to implement early voting. Our coalition mobilized our grassroots and organizational membership to educate voters throughout the state to the availability of early voting and participated in surveying the public and our members regarding their experiences voting early. The League of Women Voters will be submitting the results of the survey, but conversations with our coalition grassroots activists, as well as personal experience speaking with voters in New York City, indicate that the roll-out of early voting was a resounding success.

Page 8 of this testimony contains the photos and transcripts of the videos of 3 voters who I personally recorded after they voted at the early voting location in Brooklyn Heights in New York City. Their comments ("Seamless" "It was really quick. People were very helpful and friendly. I was in and out.") were indicative of the comments I uniformly heard from voters leaving the polling place throughout the day on Sunday, November 3. While there is always room for improvement and this testimony and the testimony of our coalition partners will make suggestions for improvement, we want to emphasize the success of early voting and to compliment the boards of election for their diligence in acquiring electronic pollbooks and ballot on demand systems to properly implement this popular reform.

VOTER EDUCATION EFFORTS

Thanks to the generous support of the Patti and Everett B. Birch Foundation, honoring the legacy of Mrs. Birch, a lifelong supporter of strengthening our democratic institutions, Common Cause/NY and the Let NY Vote coalition was able to launch an extensive public education campaign to inform voters of the availability of 9 days of early voting, branded as Vote Early NY.

We engaged the Let New York Vote Coalition to solicit feedback and insights on what materials would be most useful for engaging their communities in early voting education efforts. Those conversations led to the development and printing of palm cards, stickers, posters and individual county specific one-pagers in multiple languages.

The materials clearly communicated when early vote is happening, provided phone number (the 1-866-OURVOTE national hotline) and website to obtain additional information and encouraged New Yorkers to be part of history by voting early. Our educational efforts were greatly benefited by the mostly donated expertise of Order Design, an award winning design firm, who developed the branding and graphic look of the campaign, and designed palm cards, posters, social media, subway and LinkNYC ads. Materials were made available on our website and on the VoteEarlyNY website to download and print so anyone with internet could access them.

In all, we printed over 200,000 pieces to distribute to coalition partners and organizations in 38 counties across the state, including palm cards and posters in Haitian Creole, Spanish, and Chinese, as well as English, and material on demand in Bengali. Arabic, and Russian. We were pleased to provide numerous legislators' district offices with our materials. Over 20,000 copies of the Vote Early NY literature was provided to the New York City public library systems, including materials and posters in English, Spanish, Chinese and Haitian Creole in the quantities requested so as to enable placement in every public library in each of the 5 boroughs.

Examples of the materials produced and photos of their use are provided as an Addendum to this testimony starting at page 7.

Material Distribution: We provided the early vote materials free of charge to any coalition partner and activist that wanted them. We received over 120 orders for materials from partners and activists to distribute in 38 counties across the state.

In New York City, the Chief Democracy Officer has placed special versions of our advertising in subway cars (see photo in Addendum) and on the LinkNYC electronic kiosks throughout the city. We distributed Halloween candy to families in New York City and Yonkers through tenant associations, and through our base-building partners in Buffalo, as well as provided candy to partners to distribute as part of tabling efforts.

Our coalition partners and activists represent a diverse set of organizations and communities. Materials were distributed to a diverse set of communities and networks. Some examples:

- **Advocacy Organizations:** Make the Road, New York Immigration Coalition, Chinese American Planning Council, United Neighborhood Housing, Citizens Union, NY Civic Engagement Table, and Community Votes and individual voter rights activists across the state
- **Civic Institutions:** All New York City Libraries, All YMCA of New York City, Erie County Libraries, Beacon Libraries and over 20 Universities across the state through Generation Vote, Elected Officials across the state
- **Civil Rights organizations:** NAACP, Urban League, LGBTQ Center of New York, Council on American-Islamic Relations
- **Community Organizations:** Harlem Defender Services, Brooklyn Defender Services, Brooklyn Voters Alliance, Voice Buffalo, Push Buffalo
- **Unions:** SEIU, RWDSU and CWA

GOTV Activities: Events across the state took place in the two weeks before early voting to give voters information on how and where to vote early. We supported those events with materials development and attendance recruitment. We also helped to facilitate groups early voting together, including support of Souls to the Polls efforts on early voting Sundays in Brooklyn, NY.

The Let NY Vote coalition is seeking foundation support to continue and expand its early voting educational efforts in 2020.

Official Education Efforts

We want to commend the New York City Board of Elections for the Vote NYC early voting mailer that went out, which was clear and well designed, as well as the Majority Conference of the State Senate, which provided its members with a clear and well designed mailer to send to constituents about early voting. Both mailers used a calendar graphic to effectively communicate the dates for early voting. We hope that these official educational efforts will continue and be expanded in 2020.

Areas of Voter Confusion

Even with the extensive education outreach undertaken by election and elected officials and our coalition and others, we found that there were still some voters who needed additional information. Our activists and coalition partners reported that voters were most confused about the following:

- The location of their early voting sites and whether it differed from their election day polling place.
- Whether they could vote at countywide locations that were convenient or only 1 assigned location.
- Whether they had to sign up for early voting separately

- Whether they were required to have voter id, and in New York City, whether the card mailed to each voter was an id card and whether they could vote without it.[1] Pollworkers, in some cases, added to the confusion, referring to the card as a voter id or informing voters they needed the card to vote. We understand that the pollworker training in NYC emphasized the actual, non-ID function of the card but apparently that training needs further emphasis.

NEW YORK CITY CAN DO BETTER

We want to emphasize that the experience with the number of voters using early voting and the limited amount of voter areas of confusion is consonant with experience in other states. As voters gain more familiarity with early voting, the number of voters using it is highly likely to increase and questions or confusion about it diminish.

Borough-Wide Voting Centers Must Be Established

New York City was one of the very few jurisdictions[2] in the state that insisted on assigning each voter to only one early voting location. This caused unnecessary confusion and discouraged some voters from voting early, due to the inconvenient location of their assigned early voting location. At a minimum, voters should be able to choose any convenient location within their borough of residence in which to vote early in 2020.

More and Better Early Voting Locations

While we were pleased to see the NYC Board of Elections set up more than the inadequate statutory minimum of 7 polling places per county, the number of early voting sites set up will not be adequate for the number of voters expected in next year's presidential election cycle. It is important to note that Erie, the county with the most voters who voted early, was also the county with the largest number of early voting sites. A key purpose of an early voting system is to encourage a more even distribution of voters across all the days in which voting is available, so as to relieve the bottleneck effect on Election Day. Failing to provide an adequate number of early voting sites defeats this purpose.

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[1] Precisely how to communicate this information more effectively is difficult to determine, as the language of the New York City mailer was clear in explaining the purpose of the card was to help the voter "skip the information table".

[2] The other jurisdictions were Westchester, Albany and Orange Counties, although voters residing anywhere in Albany County couod vote at the county Board of Elections.

It became clear during this first early voting period that NYC public schools are not an ideal location for early voting. Taking over a cafeteria or gymnasium for an entire school week – much less 3 different weeks in 2020 – is very disruptive for the school and its students. Luckily, in New York City, many alternative appropriate sites exist. We note that no public schools were used for Early Voting in Queens. The New York City Board of Elections must be more creative and more insistent in locating appropriate polling places. There is no good reason why cultural and other institutions which are located on city land should be permitted to refuse to host early voting locations. The Board of Elections must not hesitate to avail itself of the procedure set forth in Election Law Sec. 4-104(3) which places an obligation on buildings exempt from taxation to be used for polling.

The Board's request that the public provide suggested polling places by email by a date in mid-December is a step in the right direction. But it continues to place the onus on the public to submit ideas to a secret process. The Board has not provided any guidance regarding the specifications its seeks in an appropriate early voting site. The entire procedure which the NYC Board follows in setting early voting polling locations must be more collaborative and transparent in order to be truly successful.

Reporting During Early Voting

We very much appreciated the daily reporting of the number of voters who voted early in different boroughs. With the use of e-pollbooks, even more information can be made available on a daily basis. Organizations engaged in GOTV efforts should be given daily access to lists of those voters who have already voted early, so as not to waste resources contacting voters who have already voted. It is our understanding that, at least in New York City, that information was available to some campaigns or partisan political organizations on a selective basis. Such information should be freely and promptly available to any organization that agrees to use it solely for election purposes, as with the general voter list.

Official Education Efforts

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However, more government resources should be devoted to educating voters to the availability of early voting and dispelling the areas of confusion experienced by some voters. We recommend that this committee seek to provide city resources for a more extensive citywide education campaign for 2020.

Improved Pollworker Assignments

We join in the recommendations of coalition partners who point out that too many pollworkers were assigned to early voting locations. We continue to urge the Board of Elections to avail itself of the scheduling flexibility afforded it by recent changes in state law for which we supported that allows for split shifts. The week days and times of greatest voter turn-out during early voting in New York City were completely consonant with the patterns we see in other states and predictable. Pollwork assignments should reflect the expected peaks and lolls in voter turn-out through thye 3 early voting periods in 2020.

VOTER HOTLINE ISSUES

The 1-866-OURVOTE national hotline, the Election Protection hotline maintained by the Lawyers Committee for Civil Rights, received 74 calls from New York voters, of which 30 were during the early voting period. 35 of the total calls received were from New York City. Most calls, both during the early voting period and election day, were questions regarding verifying registration and locating the voter's polling place. 7 calls indicated confusion about voter ID, including 3 which referred to poll workers requesting voter's ID. One caller from Queens indicated that a pollworker was turning away voters. That complaint was marked resolved.

Material Distribution

We provided the early vote materials free of charge to any coalition partner and activist that wanted them.

Material Design

Print and digital materials were designed to communicate:

- Dates and times of early voting
- Voting rights
- Contact information to find your poll site

Statewide palm card in English

Translations

Materials were translated into Spanish, Haitian Creole, Chinese, as well as Russian, Bengali, and Arabic upon request.

	"It was fantastic. Well first of all, it was convenient to come out and vote and not be beholden to a very tight window. The service was really good and everyone seemed really happy to support the vote"
	"It was really quick. People were very helpful and friendly. I was in and out. Very easy to understand what was on the ballot and there are even magazines in there to tell you if you're confused at all so it was a good experience."
	"It was seamless. Just walked in, they got my information, they gave me a ballot, and I voted. So that was two seconds."

WHERE Can I Vote Early?

Website Development

We provided support for the re-branding of the VoteEarlyNY web page. The website allows users to find their polling location, download materials, host events and report their early voting experience.

On the G Train

Subway and Ferry Ads

In New York City, the Chief Democracy Officer placed special versions of our advertising in subway cars, on the Staten Island Ferry, and on the LinkNYC kiosks throughout the city.

On the Staten Island Ferry

Link NYC kiosk on 14th Street

	Ivelisse Gilestra from College & Community Fellowship speaking at the Let NY Vote Early Voting Rally.