

**TESTIMONY**  
presented by  
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**Office of the Deputy Mayor for Strategic Policy Initiatives**  
before the  
**New York State Senate Committee on Elections and**  
**New York State Assembly Committee on Election Law**  
on  
Wednesday, November 20, 2019 at 10:00am

My name is Rini Fonseca-Sabune, and I am the Chief Democracy Officer for New York City. Thank you to the Assembly and Senate Election Committees for holding this hearing and for the opportunity to submit testimony. Thank you to Senator Myrie and Assembly Member Lavine for your leadership, as well as to Senate Majority Leader Stewart-Cousins and Assembly Speaker Heastie.

The DemocracyNYC initiative aims to increase voter registration, participation, and civic engagement in New York City. DemocracyNYC was created with the guiding principle of making civic engagement more accessible to all New Yorkers, including making the act of voting easier. For that reason, on behalf of the Administration, I thank and congratulate you for bringing early voting to New York State. Thank you as well for the other historic election reforms you brought to New York this year, including allowing 16 and 17 year olds to pre-register to vote, consolidating the state and federal primary, and taking steps to enact no-excuse absentee voting and same-day voter registration. Thank you so much for all you have done to improve democracy in New York.

The Administration worked closely with the City Board of Elections and other stakeholders on the historic implementation of early voting for the 2019 General Election. We also rolled out a robust communications campaign across New York City, including advertisements in the subway, Staten Island Ferry, local and ethnic media, social media, and LinkNYC; as well as robo calls to all registered New Yorkers.

Congratulations and thank you to everyone who played a part in what was a very intense effort these last few months – thank you to the Legislature, the State and City Boards of Elections, advocates and others for all you have done to make voting easier and more accessible for New Yorkers.

I personally voted early on a weekend - with my children and at our leisure. It was a great opportunity for us as a family to share a stress-free civic engagement experience, and I look forward to taking advantage of early voting during future elections.

Building on the smooth initial roll out of early voting in 2019, the Administration recommends that the City BOE further improve early voting for the 2020 elections by:

- Increasing the number of early voting sites;
- Moving to county-wide voting;

- Moving toward a combination of large voting centers and smaller neighborhood sites;
- Increasing early morning and late evening hours; and
- Finding alternatives to NYC Department of Education sites.

We view these recommendations as consistent with both the letter and spirit of the early voting law, and in particular the Legislature’s clear preference for county-wide early voting and for high-population areas to have a sufficient number of early voting poll sites.

The Administration looks forward to continued work with the BOE and our state legislative partners to build upon the great work that has already been done.

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### Review of Early Voting 2019

As a whole, early voting in New York City went well and was appreciated by those who were able to take advantage of it. Reports from those that voted early included that the roll out of new technology, and the nine extra days to vote, together made early voting a relatively quick and easy process.

Preliminary data for the election indicates that the percentage of New York City residents who voted in 2019 was more than double the percentage from 2015 – the most recent comparable election year. Turnout in 2015 was 6%, compared with nearly 14% in 2019. Of the 2019 turnout, more than 8% is attributable to early voting. Given that there was limited interest in this particular election, and that early voting was brand new, we feel these preliminary numbers are encouraging. We look forward to doing further data analysis as additional information from the BOE is available and as election results are certified.

According to the check-in data BOE reported, weekends and weekdays with extended early morning and evening hours were the most popular times to vote early in NYC. In 2019, average turnout between 9 a.m. and 5 p.m. on Monday, Wednesday and Thursday was 4,558 people, while average turnout between 7 a.m. and 8 p.m. on Tuesday and Friday was 6,650 people, and between 10 a.m. and 4 p.m. on Saturday and Sunday was 8,284 people. We believe it would be beneficial to increase hours during these periods, and to staff sites based on demand. Based on this information, the Administration encourages the BOE to extend early voting hours in 2020, especially on evenings and weekends.

The electronic poll books and ballot-on-demand systems are a necessary and welcome addition to allow for early voting, and we thank the Legislature for making them a reality for New Yorkers. However, one of the biggest complaints we heard throughout the City was about poll workers improperly asking voters for “identification,” when in fact they meant the optional voter cards BOE sent to voters. While we appreciate the BOE’s intent in distributing these cards, we are concerned that they may have caused unnecessary confusion. We would also be interested to know how many voters actually used their cards when voting and whether BOE has any information on that. Another issue voters had concerns with was the check-in tables, most of which had multiple poll workers but only one e-poll book. To increase efficiency in future elections, BOE could add additional e-poll books to the check-in tables. Finally, the ballot-on-

demand printers generally worked well, though some glitches were reported with ballots sometimes taking more than five minutes to print or printing from a printer across the poll site at a different station. The Administration hopes and expects that these issues can be addressed in advance of the upcoming elections in 2020.

### Looking Ahead to the 2020 Elections

While early voting in New York City was mostly smooth for this first run in 2019, turnout in the upcoming April Presidential Primary, the June State and Federal Primary and the November General Election will likely be significantly higher than this past election. For reference, more than 1.1 million New York City voters turned out in the 2016 Presidential Primary, and nearly one million New York City voters participated in the 2018 State Primary. Given our expectation of higher turnout, it is important to take what we've learned from this first implementation and improve upon several factors.

First, the BOE should move toward increasing the number and accessibility of early voting sites in the City, and create more equity between counties in terms of the number of sites per number of registered voters. For example, Staten Island's nine early voting sites served 33,000 voters per site, while Manhattan also had nine sites, but 113,000 voters per site. The Administration worked with BOE to try to prevent these types of disparities, budgeting \$75 million for early voting for fiscal year 2019 to ensure that the City could get as close as possible to the standard of one site per 50,000 active registered voters, as set forth in the early voting statute. The BOE should continue to move toward this standard, and county-wide early voting sites, moving forward. We also encourage BOE to contemplate moving to citywide super sites.

Additionally, when selecting its 2020 early voting sites, it is imperative that BOE consider communities that may not have had sufficient access to early voting in 2019, including immigrants, those with nontraditional work schedules and people with disabilities who require equitable access to the polls. Although we don't have specific data on early voting turnout other than daily check-ins by borough – and look forward to receiving more granular data from the BOE – it is evident that immigrant communities in Jackson Heights, Fresh Meadows, Brighton Beach and Washington Heights were up to two miles or more away from the nearest early voting site. People with disabilities had few sites that were near accessible transit, with one site, George Washington High School, serving all of Inwood and Washington Heights, located on an extremely steep hill.

Second, the BOE should implement county-wide early voting for the 2020 elections. In a city where people are constantly on the go, county-wide voting would allow more people to fit early voting into their schedule, such as on the way to work, to school, or to shop. Many counties allowed people to vote early at any of the sites within their county, including populous counties such as Nassau and Erie that use the same technology as New York City. Erie had 37 county-wide sites and reported no significant implementation issues in terms of technology required. We understand that the BOE believes this will be challenging due to the number of ballot styles in the City and ballot testing requirements, but we are also aware of a number of proposed solutions

to this challenge. BOE should pursue these right away, and we are happy to partner with them in that effort.

Relatedly, moving toward county-wide early voting would lend itself to having a combination of large voting centers and smaller neighborhood sites in each borough. The flexibility of having large “super sites,” near accessible transit hubs in each borough, and smaller neighborhood sites, such as in branch libraries or community centers, would make finding sites much easier.

As we look ahead to 2020 – which will have at least four early voting periods in New York City – the Administration’s view is that the BOE should pursue alternatives to schools for early voting. This fall, 33 schools served as early voting sites, and we applaud these school communities for their efforts to make early voting work. We were pleased that the DOE and BOE were able to work together before and during the early voting period to make it run as smoothly as possible.

But as hard as everyone worked to make sure things ran smoothly, we have come to the conclusion that nine days of early voting – at least five of which will usually fall on school days – is simply too much to ask of our City’s public schools. In most of these sites, schools lost access to their gymnasium or cafeteria – or both – for the entire early voting period. To require schools to close off their gym, cafeteria or other large common spaces for an entire week of school is disruptive and not realistic going forward.

In addition to schools losing large communal spaces where essential services and instruction are provided - looking ahead to 2020, we are concerned that the Presidential Primary on April 28, with early voting dates from April 18 to April 26, will take place during the New York State mathematics testing for elementary and middle school students. Similarly, the State and Federal Primary on June 23, with early voting dates between June 13 and June 21, falls during the New York State Regents exams. We do not believe hosting early voting during an already stressful examination period is in the best interest of our students.

The Administration is ready to work with the BOE and other partners to identify appropriate locations for early voting during these periods. We have previously identified more than 60 non-school sites that could work for early voting, and we are prepared to roll up our sleeves with the BOE to find more. Indeed, we already know early voting in the City can work without school sites because Queens County has already achieved this. Looking to the constellation of early voting sites utilized in Queens, including cultural institutions, community centers and CUNY campuses, is informative. Other large counties across the State have also made early voting work without using schools – Erie County had 37 early voting sites this fall, and Nassau had 15 locations. And as we have recommended, moving toward large voting centers and smaller neighborhood sites should further reduce the BOE’s need to rely on schools for early voting. We can and must work together to come up with better options.

## Conclusion

In conclusion, the Administration again thanks the Legislature for bringing early voting to New York, and for having the wisdom to make early voting effective in 2019, which proved to be an excellent trial run so we can better prepare for 2020 when much higher turnout is expected.

In order to improve access to early voting for all New Yorkers, BOE must move toward implementing county-wide early voting, having a combination of large voting centers and smaller neighborhood poll sites, finding alternative sites to schools and expanding morning, evening and weekend hours. This work should start right away, and the Administration is prepared to assist and support the BOE in these efforts.

We are grateful to participate in this hearing, and for the opportunity to hear feedback from all those contributing today. We will be listening closely for ways in which the Administration can continue to assist in ensuring future early voting implementation goes smoothly. I would like to thank the Committee members for their time today, thank Chair Myrie and Chair Lavine for leading the way as co-sponsors of this law, and thank the Legislature for delivering this historic expansion of voting accessibility to New Yorkers.