



**TESTIMONY**  
**of**  
**NEAL ROSENSTEIN, GOVERNMENT REFORM COORDINATOR, NYPIRG**  
**and**  
**ROB KORNBLUM, VOTER EMPOWERMENT COORDINATOR, NYPIRG**  
**before the**  
**VOTER ASSISTANCE ADVISORY COMMITTEE**  
**regarding**  
**PUBLIC HEARING ON THE 2016 ELECTIONS**  
**New York, N.Y.**  
**December 6, 2016**

Good evening. Thank you for the opportunity to testify this evening. I'm here representing the New York Public Interest Group, (NYPIRG). Our full-time staff engages New Yorkers in campaigns designed to produce policies that strengthen democracy, enhance the rights of consumers and voters, and protect the environment and public health. We have offices on colleges and universities across the city and state. We're a statewide non-partisan and non-profit organization that has long followed the administration of elections here in New York City. I'm also very proud to say we're run by a student Board of Directors. They're central to everything we do.

This year, NYPIRG students and staff registered or updated the registrations of more than 32,000 New Yorkers across the state, including more than 22,000 right here in New York City. Additionally, we distributed many thousands of forms to students and New Yorkers to complete and return on their own. We're particularly proud of the role NYPIRG staff and students played working with NYC Votes on National Voter Registration Day this year deploying teams to transit hubs across the five boroughs and campuses across the state that assisted more than 3,337 New Yorkers to complete voter registration forms. Our efforts across the city continued with intensive voter participation drives at campuses and culminated with our annual voter helpline and a poll monitoring project on Election Day.

**Business As Usual at the New York City Board of Elections.**

The good news is that Board of Elections staff did a decent job running the elections this year. More than 30,000 poll workers were trained and deployed to oversee the longest election day of any state in the country. For most voters, that worked just fine and the Board deserves credit for this vast undertaking and implementing improvements to training and its procedures. We also thank and credit the Board for its earnest efforts to work with organizations like ours to rectify problems uncovered on Election Day.

The bad news is that it was business as usual at the Board. That meant that there were many problems at poll sites again this year. NYPIRG finds it deeply troubling that there were too many long lines for too many voters across the city. When voters at multiple sites need to wait more than two hours to vote, but the line is negligible at a poll site nearby, something is obviously wrong. It's inexcusable to occur so frequently. However, no serious follower of the city's election machinery was surprised at the waits experienced by many voters. This is a chronic problem, returning every four years. When the Board knows what the problems will be and refuses to institute a cure, they're guilty of electoral malpractice. The fault lies at the feet of our patronage-based, balkanized system of administering elections and archaic state election laws.

We also heard of sites where multiple scanners malfunctioned at some point during the day. When one scanner at a site breaks down, it might be something relatively innocuous, such as becoming misaligned during a particularly bumpy transport to the site. But when clusters of scanners break down at one location, (especially after being properly set-up in the morning), that's a cause for concern. And according to some reports, scanners were down at some sites for hours. That's an indication that the Board's plans for repairing systems are also insufficient.

The Voter Assistance Advisory Committee and City Council should help get to the bottom of what's contributing to these and other problems. It's disgraceful that the Board won't voluntarily comply with efforts to include meaningful performance metrics in the Mayor's Management Report. The Board must be prodded to supply more useful analytical data about their successes and problems. For example, the Board should be reporting on the number and types of trouble calls about scanners and analyze that data to come up with an answer about why certain machines went down. Was it due to poor poll worker training? Poor maintenance by particular technicians? Low-quality scanner components? Poor programming by administrative staff?

Similarly, what metrics can be applied to analyze why sites had longer lines? Did the same number of poll workers and Poll Site Coordinators work at these sites? Did they all attend training? Were they as experienced as poll workers at other sites? Were they patronage appointees or recruited from the general population? Do larger sites with more EDs lead to longer lines and longer waits? Did the Board's ongoing illegal purging practices contribute to unnecessary and time-consuming Affidavit Ballots being completed?<sup>1</sup> It's time for the Board to take their obligation to the taxpayers and voters of the city more seriously and to do this type of introspective analysis.

The result of the long lines at poll sites, both with and without a full complement of voting scanners, is serious. We're convinced that thousands of voters standing in or viewing those lines left without voting this year. The Board owes it to New Yorkers to answer these and many more questions. However, regardless of the Board's uneven performance, we should not forget that primary responsibility for the

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<sup>1</sup> <https://lawyerscommittee.org/press-release/civil-rights-groups-achieve-emergency-relief-purged-voters-lawsuit-new-york-city-board-elections/>

failure to improve our state's election machinery lies squarely on the steps on the State Legislature and Governor's mansion.

### **New York's Abysmal System for Elections Leads to our Abysmal Participation Rates.**

Despite a hotly contested election with two New Yorkers leading the national tickets of the Democrats and Republicans, participation levels in New York barely budged from past Presidential years. Turnout was down in the city this year compared to 2008, but it was up slightly from 2012<sup>2</sup>. Regardless of this slight uptick from 2012, New York remains in the participation doldrums, becalmed towards the bottom of the 50 states when it comes to the participation of the eligible population.

Why do so few New Yorkers register and turnout on Election Day? The answer is clear: we have a system of institutionalized voter suppression in New York State.

Barriers to greater participation, and solutions, are clear:

1. **When voters need to wait 2-3 hours to vote** at poorly run poll sites, and many walk away because of work, school or frustration and we don't enact early voting for high turnout elections... That's voter suppression due to legislative inaction;
2. **When we retain needless barriers to registration and participation in our primary and general elections...** and don't enact common sense solutions like same day registration or shortening the deadlines to change party enrollment...that is an intentional decision by Albany that equals voter suppression;
3. **When we have purposely, hopelessly-gerrymandered districts, restrictive ballot access laws and a state campaign finance system with no meaningful limits...**all systems that lead to extraordinary incumbent advantage and non-competitive elections, that's a form of voter suppression;
4. **When we have no standardized, uniform procedures for the purging of voters in NYC...**and 126,000 voters get purged (though re-instated due to public scrutiny) and more continue to get purged in violation of the National Voter Registration Act's prohibition on purging voters who have cast ballots within the past two federal elections...we have bureaucratically sponsored voter suppression;
5. **When the City Board of Elections refuses 20 million dollars in supplemental funding** that would have helped cut down those lines on Election Day...that's institutionalized, business as usual, voter suppression; and
6. **You can now register to vote online in New York State ...if you have a driver's license or ID from DMV.** That's fantastic, but very limited. Think that it favors the suburbs and rural areas, wealthier voters, white voters, and men? You're right! Even New York's one real recent advancement in registration represents the de facto disenfranchisement and suppression of huge sections of our population, particularly here in New York City;

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<sup>2</sup> [http://nypirgstudents.org/pubs/2016\\_Voter\\_Turnout\\_Analysis.pdf](http://nypirgstudents.org/pubs/2016_Voter_Turnout_Analysis.pdf)

The sad thing is we could go on and on. From the lack of an Automatic Registration system and universal on-line registration to the uncomprehending failure of the State Legislature to pass ballot simplification reform, the silence and failure of our legislative and electoral institutions is stunning.

We'd like to end on a lighter note by giving kudos to the CFB and Board of Elections for their "I Voted" sticker efforts. We heard of bars in the city that offered drink specials on Election Day if you had that sticker, and of voters frustrated that their site had run out of them. At my site in the evening, they were in such demand, they had to start distributing hand-made versions of the sticker on masking tape. I suppose we should be happy that the drinks were for folks who already voted and not vice-versa.

This is peer power on a massive scale. Folks sharing that they voted in the streets, and posting those photos online – undoubtedly contribute to a positive voting environment and increased turnout. One study of Facebook users who saw such pictures of friends who voted significantly increased turnout. Before the 2010 midterm: 60 million got a single message at the top of their feeds: It included links to a polling place locator, but more importantly they placed a person's Facebook friends who voted at the top of the page. Facebook also gave 600,000 viewers the same message, but with no pictures of their friends at the top of their page. This one banner ad increased turnout by 344,000 for the 2010 midterm or about .57%.<sup>3</sup>

When Facebook put pictures of close friends up at the top of viewer's pages, they voted in even higher numbers than when pictures of less close friends were posted. That power is a bit scary, but the impact of Facebook, Snapchat, Twitter and Instagram is here to stay. We hope that you'll continue to explore the use of technology and the city's tech infrastructure to build on successes like this. This also holds the greatest potential for NYPIRG's primary electoral focus, youth voters. Because they tend to vote in lower numbers and because they are such avid consumers of social media, even media campaigns focused on something as simple as a sticker can have an impact in our dismal electoral climate.

Thank you for the opportunity to testify this evening. NYPIRG looks forward to continuing to work with NYC Votes on your hands-on and election advocacy initiatives.

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<sup>3</sup> <http://www.nature.com/news/facebook-experiment-boosts-us-voter-turnout-1.11401>