

1 NEW YORK STATE SENATE

2 STANDING COMMITTEE ON ELECTIONS

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4 Public Hearing in the Matter of

5 Election Law Issues

6 -----

7 Theodore Roosevelt
8 Executive Legislative Bldg.
9 1550 Franklin Avenue
10 Mineola, N.Y.

11
12 October 28, 2009
13 Wednesday
14 2:08 p.m. - 4:10

15
16 PRESIDING: Senator Joseph P. Addabbo
17 Chair

18
19 STAFF: David Kogelman
20 Legal Counsel

21 Vicky Clarke

Bernadette Oliver

Frank Saduto

Alison Kerlick

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1 SENATOR ADDABBO: Good afternoon,
2 everyone.

3 We would like to get the hearing
4 started, so please find a seat.

5 Thank you very much. Good afternoon.

6 My name Joe Addabbo, state senator for the
7 15th District in Queens. I have the
8 privilege and honor of chairing the State
9 Senate Elections Committee, and I welcome
10 you all to the hearing today.

11 This is the fourth of a series that
12 started in April. These hearings have taken
13 us to Buffalo, Syracuse, to Rochester,
14 Manhattan, Albany, and, of course, today
15 Nassau County, Mineola. It is a pleasure
16 being here in this beautiful room.

17 What we have tried to do in the
18 Elections Committee is obviously to go
19 forward with the notion that our State
20 Senate and the work that we do should be
21 more transparent, more accountable. And

- 22 under that premise, go forward with how do
- 23 we perceive our election process? How do we
- 24 facilitate that process? How do we make

1 more feasible the idea that qualified people
2 should register and vote? How do we look at
3 our candidates and ballot access, that's
4 basically the topic for today.

5 Again, I welcome you all here. We have
6 examined the barriers that are set up not
7 only for the voter, but also for the
8 candidate, and try to eliminate those
9 barriers throughout the state, both
10 legislatively and administratively. And
11 this hearing today is a step forward in that
12 process. So, again, I appreciate you being
13 here today.

14 One bill that we will look at at this
15 hearing is Senate Bill 2554-A, the first of
16 its kind sponsored by State Senator Andrew
17 Stewart-Cousins. And it makes it a crime to
18 disseminate false information, to
19 disenfranchise voters, makes it a crime for
20 voter intimidation and voter suppression.
21 Again, the bill is the first of its

22 kind,which is currently in my committee.

23 And, again, we look forward to a good hearty

24 discussion regarding these and any other

1 election-related issue.

2 At this point I would like to do a
3 little housekeeping.

4 I want to thank those who were involved
5 for allowing us to be here today at the
6 Nassau County Executive Building. I want to
7 thank Alison Kerlick and the other Senate
8 staff who are with us today for helping me
9 out.

10 I want to thank my own staff. To the
11 left here is our legal counsel to the
12 Elections Committee, Mr. David Kogelman. I
13 thank David. I thank Vicky Clarke,
14 Bernadette Oliver and Frank Saduto from my
15 office. Our stenographer today is Margaret
16 Eustace, and I thank you very much for being
17 here today as well.

18 We are going to be calling panels,
19 roughly about seven panels, consisting of
20 two individuals each, if they are here.
21 What I would like to do is this, because we

22 want to get the panels and have a good
23 discussion, which would include questions
24 and answers, I don't have a clock, a timer,

1 buzzers, no electric shock will go off if
2 you go over your time. But I am going to
3 request that you keep your comments to about
4 five minutes if you could to allow enough
5 time for everyone to speak and time for
6 questions and answers.

7 So if I ask you to wrap it up and
8 summarize, I would appreciate if you could
9 at that point so that we can keep the
10 hearing moving.

11 I will call the first panel. Again, I
12 welcome you hear. The first panel is Kevin
13 Abrahams, Nassau County Legislator, and
14 Chris Bastardi. Please step forward to the
15 witness table here. I want to thank both
16 gentlemen for being here today and for your
17 time.

18 Please state your name for the record
19 and give your testimony.

20 MR. ABRAHAMS: Kevin Abrahams, Nassau
21 County Legislator.

22 MR. BASTARDI: Chris Bastardi, I am
23 the former communications director to
24 Senator Campana.

1 KEVIN ABRAHAMS

2 MR. ABRAHAMS: First I want to thank
3 you, Senator, for doing this today. This is
4 a tremendous effort, to go to every
5 particular part of the state to make sure
6 that the practices that many New York
7 residents have seen for many, many years is
8 working towards eradicating that type of
9 practice.

10 I first want to start by saying that
11 the voter suppression tactics that we have
12 seen more recently have become more
13 sophisticated, more cunning, more deceptive.
14 Usually we would be able to see the types of
15 voter suppression outright, if you go back
16 to the '60s and '70s, but now we have
17 organizations and particular people that are
18 using organizations that are in our
19 communities, working for the benefit of our
20 communities, and deceptively using those
21 agencies and perpetrating them as someone

22 who is giving falsehoods to the community.

23 Generally, what that means is that by

24 using community-based organizations that are

1 already trusted and that are already doing
2 good in the community and basically putting
3 out propaganda that states that particular
4 votes will be casted and if it comes from
5 that particular agency, most people will
6 trust it.

7 That being said, I think there are
8 three major steps that need to be done to
9 work toward ending voter suppression. The
10 first and utmost is we need to put more
11 dollars into some of our community-based
12 organizations that are already here in this
13 county towards voter education. I think
14 more people that go to the polls and more
15 people that call my office are frustrated by
16 the process because at the end of the day,
17 they don't know their rights.

18 When they are hear they are not on a
19 list or when they hear they have to provide
20 ID or when they hear basically that they
21 have to vote in another polling site when

22 they know clearly they don't have to do

23 that. That type of information, I think

24 that people have to know their voter

1 educational rights. Just like we learn to
2 drive a car, we have to teach people what
3 their constitutional voter rights are.

4 Two, tremendously important, it can be
5 small, there needs to be proper either
6 signage or a proper delivery system of
7 information once people walk into a poll
8 site. I think right now people walk in, by
9 not having any information, they will accept
10 what someone will tell them to be factual in
11 regards to what they can and cannot do and
12 what they need to provide. Whether it be on
13 an index card or the size of an index card
14 but something that clearly states in bullet
15 points what voters rights are so that there
16 is no ambiguity once they get to the desk
17 looking up name and they are told they are
18 not in the book, not on the list. A lot of
19 people don't realize that they can still
20 vote that day and usually just the accept
21 answer once they hear that from the

22 inspector.

23 Last but not least, there needs to be a

24 structure or there needs to be some type of

1 agency, whether we charge that with our
2 local Board of Elections, but there needs to
3 be some type of agency that is working and
4 has combat teams that are going to be able to
5 swoop in and try to eradicate some of the
6 things that we have seen, particularly that
7 happen in minority communities, whether it
8 be voter machines that go down, whether it
9 be intimidation practices that we have seen
10 in regards to people saying you need to go
11 to another poll site or you don't vote at
12 this site or it's changed in the last year,
13 which is possible but unlikely. It could be
14 a good possibility where we have seen many
15 individuals that come back and said they
16 asked for ID and I didn't have it, which we
17 definitely see in the younger population or
18 things we have seen where people are told
19 clearly they need to provide a bill or some
20 other type of identification other than a
21 driver's license.

22 From that standpoint, I think we can
23 incorporate these three points, I think it
24 will send us a long, long way in regards to

1 this process. I look forward to any
2 findings that your committee comes back
3 with.

4 And I thank you again for this
5 opportunity.

6 SENATOR ADDABBO: Thank you, Mr.
7 Abrahams.

8 CHRIS BASTARDI

9 MR. BASTARDI: Thank you for holding
10 this hearing and inviting me to speak this
11 afternoon regarding the necessities of every
12 American to be able to cast a ballot.

13 This opportunity has been a long time
14 coming and I appreciate the chance to
15 discuss the events that took place one year
16 ago regarding the 2008 election.

17 I have been involved in politics since
18 I was 16 years old first serving as a
19 volunteer during high school before being
20 more active in the Republican party. I have
21 been president of the Valley Stream

22 Republican Club and Nassau County Young

23 Republicans, also involved either in a

24 volunteer or professional capacity in

1 numerous Senate and Gubernatorial races,
2 campaigns for Congress, and those for local
3 offices. Currently my wife is seeking
4 election as a local representative in Nassau
5 County as a Democrat.

6 My most recent position in politics was
7 as director of public affairs and
8 communications for Senator Campana.

9 A lot goes on in a campaign. Decisions
10 are made about tactics and strategy, field
11 operation and ad buys. Within these fields,
12 even more choices are made about what issues
13 to use, whether or not to go negative and be
14 liked. I have sat in on these meetings and
15 discussed strategies and concepts for most
16 of my adult life. But in all of these
17 meetings, one is to have the ability to say
18 that if something goes too far or if
19 something is immoral or illegal and needs to
20 be stopped.

21 I found myself in just this situation

22 last year. Some will say I am here today
23 because I have an axe to grind or that I am
24 testifying to help my wife's election. To

1 them I say that the 2008 location was not
2 fodder or an unplanned run for elective
3 office, but was rather the final straw that
4 broke the camel's back and my disdain for
5 the Republican party in Nassau County. A
6 party which has mistreated its rank and file
7 members to seize voters and bankrupt one of
8 the wealthiest counties in the nation, all
9 to serve the benefit of a select few who
10 personally benefit from their friends and
11 family members holding elected and appointed
12 office.

13 There have been many members of the
14 Nassau County Legislature which have changed
15 parties, five out of 19. Over a quarter of
16 the current Legislature are party changers.
17 None have generated the controversy, vitriol
18 and contempt as my wife and I have. None
19 have endured what amounted to a riot at
20 their campaign announcement and none have
21 been the subject of what amounts to an

22 extreme and unwarranted amount of hatred for
23 such a local position. That hatred is not
24 planted from a seed that grows upward but

1 spawns from the top down heavy handed
2 Tammany Hall-like approach of the Republican
3 establishment here in Nassau County. It is
4 organized, it is implanted in people and it
5 is only done so by those who have something
6 to fear to or have something to hide.

7 This year has been extremely difficult
8 but I will not be intimidated in the face
9 these tactics because I know and those in
10 the Republican party know what the truth is.
11 Am I angry with the Republican party for
12 putting me in this position and for what has
13 occurred, yes, but it would have been much
14 easier for me to retreat from today's
15 hearing and go on with my life. The facts
16 are the facts regardless of what people
17 think of me.

18 Last year at this time I was asked to
19 take part in an effort to suppress voters in
20 the communities of Hempstead, Uniondale and
21 Lakeview. If that wasn't bad enough, the

22 person who attempted to entangle me in this
23 effort was someone who I had at that time
24 considered a friend and mentor. My coming

1 forward to shed light on this matter and
2 what I feel may be an unfortunate and
3 customary practice in the local Republican
4 organizations is costing me relationships,
5 resulted in harassment of me and my family,
6 led to an active whisper campaign of ad
7 hominem attacks and made me the prey of the
8 politics of personal destruction.

9 Despite them I am here today before
10 this committee as I will not be deterred
11 from putting an end to racist tactics of
12 voter suppression and harassment in
13 non-white communities of Nassau County.

14 One year ago this week I received a
15 phone call from a high-ranking member of the
16 Republican party asking me to meet him the
17 parking lot outside the campaign office of
18 Senator Hannon. It was not odd to be asked
19 to meet outside the offices because there
20 were people picking up and dropping off
21 material, however the person calling me

22 seemed extremely nervous on the phone as I
23 had never heard him before. I asked him if
24 everything is okay. He replied everything

1 is fine but that he needed me to meet him
2 the parking lot, he would be there in a few
3 minutes.

4 He pulled up in a minivan and I
5 approached his vehicle. At that time he got
6 out, opened the side sliding door now
7 actually appearing nervous and showed me a
8 box. He opened the box which had delivery
9 stickers on it addressed to the Board of
10 Elections and showed me envelopes and labels
11 inside. He then said there was a letter
12 inside to be copied and stuffed in these
13 envelopes, which I did not have the
14 opportunity to read at the time, but he said
15 this is a suppression piece. And then said
16 you need to buy the stamps and mail the
17 letter. He then told me to get in his van
18 and said he would drive me to my car. He
19 did this and put the box in my trunk, closed
20 it and drove off.

21 I then went back to the campaign office

22 and called the candidate. I told him that I
23 was asked to do something which was supposed
24 to help his race, but which I believe is

1 wrong and could jeopardize myself and him.

2 He indicated to me he didn't want to know
3 anything further.

4 I went back into the headquarters to
5 deal with the day's activities and a little
6 while later I was able to go to my car and
7 see exactly what this letter stated, which
8 made its deliverer so flustered. The letter
9 had fraudulent letterhead from ACORN and the
10 State Board of Elections informing voters
11 that if they were a registered Republican,
12 their vote would be cast for John McCain,
13 and if they were a Democrat their vote would
14 be cast for Barack Obama.

15 It was apparent by other text in the
16 letter that it was being sent to newly
17 registered voters. Then I saw the label
18 which only contained addresses for
19 Hempstead, Uniondale and West Hempstead.
20 Addresses in Lakeview use the post office
21 address of West Hempstead of Rockville

22 Centre.
23 Worse than the fact that voter
24 suppression was being attempted was that it

1 was being asked of me by someone whose duty
2 it is to ensure that every eligible voter
3 has access to the polls and that elections
4 are conducted in a fair and honest manner.

5 That Sunday, November 2, 2008, I was
6 the honoree at the local Republican Party's
7 fund raiser. At that function, which took
8 place at the Sandcastle Catering Hall in
9 Franklin Square, I was approached by a man
10 who I did not know and have not seen since.
11 He came up to me and asked me if I got the
12 package. It was at that moment I knew this
13 was larger than something I was prepared to
14 handle at the time. I stepped into a back
15 hallway of the hall and called my boss and
16 explained to him what happened and asked him
17 if he could intervene by contacting the
18 party and call off the dogs. He replied to
19 me that the election was almost over and I
20 shouldn't worry. My gut told me otherwise,
21 and it appeared that nobody was going to

22 help this situation.

23 My testimony here today will surely

24 ignite more harassment against me and my

1 family. My wife and I have been followed,
2 have had property damage and we have
3 received harassing phone calls and hang up.

4 The Republican organization in Nassau
5 County has been trying to prevent this day
6 from occurring but I am relieved to finally
7 be afforded this opportunity to explain the
8 types of activities that go on to harass and
9 suppress voters. If what happened last year
10 was a test of my loyalty to the Republican
11 party, it was a test I am proud to have
12 failed.

13 I come from a family of veterans and
14 currently have family and friends fighting
15 in the Armed Forces. My grandparents fought
16 in Europe so that tyrannical regimes would
17 fall and the citizens there would be able to
18 have a government of their choosing. My
19 family and friends today are putting their
20 own lives on the line so that citizens in
21 the Middle East can choose their leaders

22 without threats or intimidation.

23 The right to vote is essential, for

24 without it we are not the democracy on a

1 pedestal and the beacon of hope to the
2 world. Our leaders of all parties should do
3 everything in their power to protect this
4 right that so many have died for.

5 I hope you will do all you can as
6 legislators to create laws which deter this
7 type of behavior and open up system of
8 government to all those eligible to
9 participate.

10 Thank you.

11 SENATOR ADDABBO: Thank you, Mr.

12 Bastardi.

13 A question for both of you. Given
14 today's technology and ease of which we can
15 reach hundreds of thousands, if not millions
16 of voters with the push of a button, Mr.
17 Abrahams, you mentioned it, that it may be
18 more a prevalent issue now, even today, over
19 suppression or voter intimidation.

20 Do you think this is a rising cause for
21 concern amongst our voters throughout the

22 state as we go towards election year after

23 year?

24 MR. ABRAHAMS: Absolutely. I think

1 right now, like I said before, and I am glad
2 to hear the testimony from Mr. Bastardi,
3 because what the case is is basically, like
4 I said before, it has become more
5 sophisticated and more cunning, and I think
6 by using organizations such ACORN our
7 trusted organizations, I think what happens
8 is people tend to believe it. And obviously
9 you are hitting a greater mass of people
10 touching a lot more than in thea past,
11 whether dropping or mailing a letter because
12 it is becoming an electronic age, it's
13 becoming more and more prevalent that people
14 read e-mail and Facebook and so on and so
15 forth.

16 So I think from that standpoint we need
17 to ensure that we put in the right monitors,
18 we put in the right safety gaps so that we
19 will be able to address the situation and be
20 able to counter any type of illegal action
21 or actions that take towards voters

22 suppression.

23 MR. BASTARDI: I think that, yes, it

24 is becoming more and more prevalent.

1 Walking door to door with my wife, we have
2 heard from people. These aren't older
3 people or younger people, these are people
4 in their 30s and 40s who have experienced
5 problems at the polls. I think a lot of it
6 stems from the fact of, at least my
7 perception, that the Republican party has
8 done very little to reach beyond their base
9 and that as the country, state and county
10 becomes more diverse, it becomes more
11 difficult for them to win an election based
12 upon just bringing out their people,
13 therefore they have to stop other people
14 from voting.

15 SENATOR ADDABBO: Mr. Bastardi, aside
16 from the property damage and everything
17 else, the issue of intimidation and
18 suppression, and your specific matter, is
19 that under pending investigation?

20 MR. BASTARDI: My understanding it is
21 currently under investigation by the U.S.

22 Department of Justice.

23 SENATOR ADDABBO: So on a federal

24 level by the U.S. Department of Justice?

1 MR. BASTARDI: Yes. The District
2 Attorney handed it over to the U.S.
3 Attorney.

4 SENATOR ADDABBO: You nailed it on
5 the heads by what you said about educating
6 our voters. Because that was an issue that
7 the Election Committee heard that in Yonkers
8 about educating voters are very important
9 both on election days and prior to election
10 day in the various forms that you had
11 mentioned.

12 You also mentioned funding of
13 non-profits and people who could help out.
14 And also, Mr. Bastardi, you mentioned ACORN
15 was used in this falsified suppression issue
16 that you have.

17 Other than ACORN, are there any other
18 groups that you know that are being used or
19 manipulated possibly to promote suppression
20 or intimidation, any other non-profits or
21 other organizations that you can think of?

22 MR. ABRAHAMS: To my recollection,
23 not in the manner that this particular
24 incident happened with ACORN. However, I am

1 sure there are main trusted organizations
2 that are here today, Nassau County EOC,
3 among one, and many others that exist which
4 we don't want to make them vulnerable.
5 Based on what I have seen, the letter was
6 done very cheaply and very unprofessional.
7 If I saw that letter, and I am a resident of
8 Hempstead, I would just discard it, I would
9 think this is campaign fodder.
10 Unfortunately a lot of people may not do
11 that. Because they have a trusted
12 relationship with someone from ACORN, they
13 may take that letter and assume their vote
14 had been casted based on their party
15 affiliation. So from that standpoint, I
16 think we need to make sure that even though
17 this may be the one particular incident I
18 can remember in recent history, I think we
19 need to make sure that even though we may
20 not see with others, we need to protect all
21 our community-based organizations doing

22 benefits for communities.

23 MR. BASTARDI: I don't know any other

24 organization.

1 SENATOR ADDABBO: Lastly, laws or
2 proposed bills that the State Senate,
3 Assembly ultimately signed by the governor
4 like the one I spoke about earlier, Senator
5 Andrew Stewart-Cousins has a bill that we
6 make it a crime. These laws are only as
7 good as enforcement.

8 Mr. Abrahams, you brought up in your
9 testimony enforcement. Who do you think in
10 your estimation, and again our staff is
11 looking into it as well, who do you think
12 would be in a better position to implement
13 or enforce bills like this, the Board of
14 Elections or should there be another
15 separate entity, who do you think should
16 enforce?

17 MR. ABRAHAMS: It depends on what
18 aspect we are talking about. Obviously
19 intimidation that happened at the polls
20 where somebody is being turned away, it
21 would be great to have a particular portion

22 of the Board of Elections act on those
23 people's behalf. But sometimes from what I
24 am hearing and talk about today, sometimes

1 the stuff gets quite violent. People are
2 going back and forth. It could get
3 argumentative. Generally, the police
4 department is usually the department you
5 would want to call to ensure safety and that
6 the person gets the opportunity for the
7 right to vote. But obviously the right
8 direction would be to go to the hand of the
9 Board of Elections and have an agency that
10 or a committee that on the county level
11 similar to what we are seeing here on the
12 state level that is the checks and balances
13 to ensure that the Board of Elections is
14 carrying out the best interest of all the
15 voters in Nassau County.

16 MR. BASTARDI: I think part of the
17 problem regarding this case specifically was
18 the fact that the District Attorney in
19 Nassau County could only go so far. The
20 Voting Rights Act, which I believe that this
21 incident was an attempt to violate, falls

22 under the jurisdiction of the Attorney
23 General, so, therefore, it made it difficult
24 for the local prosecutor's office to

1 properly look into it; as far as properly,
2 to prosecute it to the full point that it
3 could have been.

4 I guess the other crime here would have
5 been mail fraud, which is a federal crime.
6 But the federal government has too many
7 cases to leave every incident up to such a
8 branch, I think would be a lack of
9 enforcement, it has to more local, whether
10 it be at the Board or in the D.A.'s office
11 or something like that.

12 SENATOR ADDABBO: Gentlemen, I thank
13 you for your time and testimony and for
14 speaking at this hearing today.

15 Our second panel is Ali Masri, a former
16 County Legislator Candidate and Nassau
17 County employee, and Jack Prophet.

18 Good afternoon, gentlemen. Please
19 state your names.

20 MR. PROPHET: My name is Jack
21 Prophet.

- 22 MR. MASRI: Ali Masri.
- 23 JACK PROPHET
- 24 MR. PROPHET: My name is Jack

1 Prophet. I live in Rockville Centre, New
2 York and before being blessed with the
3 opportunity to work in the schizophrenic
4 world of government employment, for ten
5 years I worked for the NAACP as the
6 assistant regional director for Long Island,
7 under Mr. James Davis.

8 Recently I heard about this commission
9 coming to Long Island with your specific
10 intention to evaluate possible occurrence of
11 voter intimidation on Long Island.

12 Today, I say with sadness, I wish you
13 were here four years ago. Before I go into
14 what I mean by this statement and what I
15 want to say to you about voter intimidation
16 on Long Island, I want to understand
17 something first. I want you to know what a
18 subject likely arouse and means to person
19 like myself who comes from the civil rights
20 movement. Subjects like this, it birth
21 people like me, and we get up early in the

22 morning to fight conditions or situations
23 like this. We fear nothing and we don't
24 expect pay or reward for anything that may

1 be demanded of us to eradicate the
2 conditions like voter intimidation from our
3 community. Because at the end of the day,
4 we just want one simple thing and that's an
5 even playing field and our community for
6 ourselves. I hope do understand me.

7 Well, upon my hearing about your coming
8 to Long Island, I reflected on what is very
9 dear to me, that's a person's civil rights.

10 You may not know it or think it but it's not
11 many civil rights marches that were held in
12 this country that I did not participate in.

13 But one of them stands out and I wish to
14 indulge you for a moment to highlight this
15 moment in history because it is so germane
16 to what we are speaking about today.

17 The march was in Port Gibson,
18 Mississippi. The situation was white
19 business owners refusing to hire
20 African-Americans in their stores; yet, they
21 expected African-Americans to buy their

- 22 goods and crazily also expected
- 23 African-Americans not to derive any benefit
- 24 or even consider the African Americans as

1 having any value in their commercial
2 activity.

3 In NAACP's effort to counter injustice
4 NAACP brought truck loads of food and
5 clothing goods to Port Gibson to sell to the
6 African-American community and as a
7 consequence the African-American did not
8 have to go to the white store owner. As a
9 consequence to this effort by the NAACP
10 white merchants sued NAACP under the claim
11 that NAACP was operating a monopoly in the
12 African-American community. Oddly the NAACP
13 lost the case and NAACP was threatened with
14 the organization going bankrupt because of
15 expected reward in the case.

16 The reason I bring the situation of
17 Port Gibson, Mississippi up is the sense of
18 entitlement the Chamber of Commerce of Port
19 Gibson seem to possess. I recall their
20 emblazed eyes as they look at us selling
21 goods and services, as they watched the

22 local African-American community come to
23 purchase from us. For some reason they felt
24 they were being robbed because we refused to

1 cow down to their tactics and what they
2 thought was their privilege and their
3 privileged alone.

4 I find it no different from those who
5 imposed their will on another by voting
6 intimidation. For some reason the actor
7 believe their right to vote or their
8 character, their set of rules are superior
9 to anyone else's and therefore, they believe
10 you have no rights.

11 A few years back I worked on a campaign
12 to elect Ali Masri to Nassau County
13 Legislature. To the surprise of many Mr.
14 Masri's campaign began to gain appeal to the
15 African-American, Haitian, Caribbean and
16 Hispanic voter and the temperature of the
17 campaign became very competitive and
18 intense. From this activity I started
19 hearing claims that many of the Haitian,
20 Caribbean and Hispanic voters weren't
21 registered and people should check their

22 registration. And, as these false claims
23 and accusations began to pick up more
24 intensity for the first time in a long

1 while, I began to see again in certain
2 people those emblazed eyes and their
3 heightened sense of personal entitlement
4 developed towards the electoral process.
5 Suddenly, as far as they were concerned,
6 they were the only group legally registered
7 in the county or they were the only group
8 that followed the law as citizens by being
9 registered and everyone else did not. I was
10 stunned at first because over the years I
11 had forgotten about this fight, and well,
12 for a moment, I thought I did not need to
13 fight this fight any more because I did not
14 for so long.

15 But there it was right in front of me
16 again. I recall how I began to tense up as
17 I saw Mr. Mirza as a candidate having to
18 engage in the ugly act to protect and obtain
19 what was his right, the right for people who
20 favored him as a candidate to enter a poll
21 site and vote. I also recall observing and

22 finding out later that several Hispanic
23 supporters were arrested and were taken
24 aware in handcuffs because they felt

1 violated and showed their protest.

2 At this time instead of you hearing my
3 perspective I would like to introduce to you
4 my friend, Mr. Ali Mirza the first Pakistani
5 and Muslim candidate to ever run for Nassau
6 County Legislature.

7 I introduce you to Mr. Mirza.

8 SENATOR ADDABBO: Sure, Mr. Mirza.

9 ALI MASRI

10 MR. MASRI: Thank you, Judge
11 Kogelman, and thank you, Senator, for
12 conducting this hearing and giving me the
13 opportunity to testify in front of you.

14 Good afternoon, my name is Ali Masri.
15 I live in Elmont.

16 I was the Democratic candidate for the
17 Nassau County Legislature in 2005 and again
18 in 2007 in LD 3 comprising of Elmont, North
19 Valley Stream, South Floral Park, Bellrose
20 Terrace, Franklin Square and West Hempstead.
21 The first four towns have a very sizable

22 minority population that includes not just
23 African Americans but also new Americans
24 from Haiti, Latin America, South Asia and

1 Guyana. Unfortunately, being originally
2 from Pakistan, I am no stranger to
3 witnessing unfair and illegal processes and
4 practices. But the ugliness I experienced
5 during my campaigns here in 2005 and 2007
6 was far more than what I remember from the
7 election cycles in Pakistan during my teen
8 years.

9 Some of what I experienced in 2005 and
10 2007 is as follows:

11 I was constantly harassed on Internet
12 and in person as a terrorist and/or friend
13 of terrorists and Al-Qaeda.

14 When I was registering new voters as
15 part of my election campaign and my
16 volunteers were doing this, we were accused
17 of registering illegal aliens and
18 non-citizens as voters.

19 I was constantly harassed and made fun
20 of for being from immigrant communities.

21 I was physically attacked, pushed and

22 shoved twice by the people belonging to my

23 opponents' campaign and my election

24 literature was snatched from my hands in

1 broad daylight in front of the Pathmark
2 grocery store in Franklin Square. These
3 were not just campaign volunteers, these
4 were -- some were employees of the
5 Sanitation Department controlled by the
6 party of my opponent.

7 My campaign volunteers were constantly
8 harassed, threatened and constantly followed
9 on the road. One of my neighbors and
10 campaign volunteers, Ms. Patricia Gonzalez's
11 car was almost hit as they tried to bump her
12 off the road because she was very active in
13 my campaign and wrote letters to local
14 newspapers.

15 My campaign signs were constantly
16 stolen and removed from private properties
17 of my supporters and friends.

18 On Sunday before the election in 2005,
19 my opponents' supporters came to my house in
20 a motorcade that included over a dozen cars
21 and vans. And one van, a truck, that

22 carried my opponent, Mr. John Ciotti's, huge
23 picture. They shouted and cursed at me
24 while I was inside my home and then they

1 vandalized my car and garage and posted
2 their paraphernalia on my car and at my
3 garage door. The night before the election,
4 they again vandalized my car and election
5 office and a police report was filed, but to
6 no avail.

7 In 2007 false and fraudulent mail was
8 sent to voters on my behalf asking them not
9 to cast their vote.

10 Many voters, especially from Pakistani,
11 Haitian and Hispanic communities were
12 discouraged from voting by the well-built
13 gangs of my opponents' volunteers who
14 continuously hung around almost all voting
15 sites in large numbers ranging from seven to
16 30 in total at any one polling site at one
17 time. They all constantly campaigned for my
18 opponent and intimidated minority voters
19 within feet from voting machines. In one
20 case, they, including at least two or three
21 elected officials from my opponents' party,

22 were campaigning even inside the polling
23 room. A dozen of them were having lunch
24 inside the room near the voting machines

1 staring at the voters who thought would be
2 my voters trying to intimidate them and also
3 continuously campaigning to the voters and
4 greeting them.

5 One of my campaign volunteers, Mr. Luis
6 Mendez, was handcuffed just for asking to
7 get the reading of the voting machine at the
8 close of the polls.

9 I can go on and on but I think my five
10 minutes are up, so I end with thank you all
11 for listening.

12 SENATOR ADDABBO: Thank you, Mr.
13 Mirza.

14 I do have at least one question, and
15 Mr. Prophet as well.

16 The tactics that you explained
17 obviously were during the campaign.

18 Did you have any sense of candidate
19 suppression because we are talking about
20 voter and candidate suppression or
21 intimidation. Did you experience any of

22 that while you were getting petition
23 signatures? Did they harass you during the
24 petition process as well?

1 MR. MASRI: The volunteers were
2 constantly harassed, so wherever they go
3 they will be followed, they would write down
4 the license plate numbers of the volunteers,
5 they would try to follow them.

6 Luckily -- I was lucky enough to have
7 young volunteers mostly school and college
8 students, so these guys will come in vans
9 and trucks and with their huge bodies and
10 stare them down. It was very intimidating.

11 SENATOR ADDABBO: Mr. Prophet, you
12 have been involved and active for many, many
13 years and we appreciate your activism.

14 As I asked the previously panel, have
15 you seen this type of voter suppression and
16 voter intimidation as you described over the
17 years?

18 MR. PROPHET: Like Abrahams said,
19 there is a subtlety, and after a while you
20 see something, and you try to endure. And
21 unless you have some sort of source that you

22 can put it in and make sure it's an activity

23 that is done, you just endure.

24 SENATOR ADDABBO: Again, I would like

1 to thank both of you for your time and
2 testimony today as well.

3 Thank you very much.

4 MR. MASRI: Thank you.

5 MR. PROPHET: Thank you.

6 SENATOR ADDABBO: Our next panel is
7 Claudia Swansey, President of the NAACP
8 Roosevelt Freeport branch.

9 She is not here. David Stonehill. Is
10 David here? Cindy Kouril? Go ahead, David.

11 DAVID H. STONEHILL

12 MR. STONEHILL: Good afternoon. My
13 name is David H. Stonehill. I am the
14 Communications Chair of the New York
15 Academic Lawyers Council. I am here to
16 speak in favor of S2554-A. I would like to
17 thank Senator Addabbo, the Committee and its
18 staff for convening the hearing and coming
19 to Long Island today. My own experience in
20 election law and election monitoring stems
21 from the 2000 elections. Since then I have

22 been a field election monitor as well as
23 organizer and administrator of election
24 monitoring projects on Long Island. Next

1 Tuesday I will be in New Jersey working on
2 voter protection issues.

3 The NYDLC is a coalition of lawyers and
4 other advocates who work on Election Day and
5 throughout the year to foster participation
6 and trust in the electoral process by
7 ensuring that all eligible persons register
8 to vote easily, that voters are able to vote
9 simply, fairly and without intimidation,
10 that all votes are counted and that all
11 voting systems are open and reliable.

12 In our representative democracy no
13 civic duty is more fundamental than voting.
14 As Thomas Paine observed back in 1795 the
15 right of voting for representatives is the
16 primary right by which other rights are
17 protected. Citizens select their
18 representatives who then make decisions for
19 us all of us. That's why the process for
20 the selection of public officials must be
21 one that citizens can view as fair and

22 honest.

23 Today's witnesses will provide ample

24 evidence of dishonest election tactics.

1 Rather than repeat their testimony, I will
2 briefly provide an example for my own
3 experiences in the field. In September
4 2008, I was in charge of the election
5 monitoring program of Assemblyman Phil Ramos
6 in Suffolk County. I was there in the
7 capacity of a volunteer because the NYDLC
8 does not involve itself in Democratic
9 primaries. GOTV, Get Out the Vote, staffers
10 reported that a Latino woman in Central
11 Islip had tried to vote at her regular
12 polling place and had been simply turned
13 away by the election inspectors. We checked
14 the woman's name on our database of voters
15 and she was definitely listed at the same
16 election district she had attempted to vote
17 from. Moreover, she was not a new voter.

18 Since I had a veteran election attorney
19 with me at Ramos headquarters, I put on my
20 raincoat and drove out to the polling place.
21 I insisted to the inspectors that the woman

22 was a registered voter and deserved to vote
23 in the Democratic primary. The inspectors
24 adamantly stated that the woman was not in

1 their book and would not be permitted to
2 vote. None of the four inspectors appeared
3 to be of Latino descent. Finally I
4 suggested that the inspectors check both the
5 last and first name of the woman in their
6 book. The inspectors had thought that the
7 woman's last name was her first. They had
8 made no effort to check out different
9 variations of her name and had not mentioned
10 affidavit ballots to the voter. They were
11 annoyed at me for pointing out their
12 mistake. This was a clear case of cultural
13 bias against a minority voter. Cases like
14 this unfortunately occur all too frequency.
15 In this situation, GOTV contacted the woman
16 and she returned in triumph to vote her
17 choice for Assembly.

18 The value of S2554-A is several fold.
19 Presently, Election Law 17-150 refers to
20 intimidation or fraudulent device without
21 identifying what behavior is covered. This

22 leaves the question subject to
23 interpretation. The bill helps clarify the
24 type of behavior that is prohibited. Two,

1 it clarifies and increases the punishment
2 under Election Law 17-166 for intimidation
3 or deception of voters to a Class A
4 misdemeanor for the first violation, to a
5 Class D felony for a second, and then to a
6 Class B felony thereafter.

7 For those involved in campaigns, there
8 should be a clear statement as to what is
9 permitted and what is not permitted. In
10 this way, well meaning people will have a
11 better understanding of the election
12 process. Similarly, by clarifying, we avoid
13 dishonest people claiming that the law is
14 unclear in order to try to avoid
15 responsibility for their actions.

16 Voter protection bills have passed
17 other states because it is the right thing
18 to do. State Senate should pass this bill
19 because it restores to politics a
20 recognition that it is a profession, and
21 that the legislature respects the voting

22 public.

23 The NYDLC commends the Senate for

24 taking up this important issue. Thank you

1 again for letting me speak on this matter.

2 We have Cindy Kouril.

3 SENATOR ADDABBO: Good afternoon, Ms.

4 Kouril.

5 CINDY KOURIL

6 MS. KOURIL: Good afternoon. I would

7 like to thank the members of the Committee

8 for the opportunity to be here today and to

9 lend my support to Senate Bill S2544 and to

10 describe some of the deceptive practices and

11 voter intimidation techniques I have seen in

12 nearly a decade in election monitoring in

13 this state.

14 My name is Cynthia Kouril. I am a

15 partner in the firm of Robert L. Folks &

16 Associates, LLP.

17 I am also the national committee woman

18 and one of two Long Island regional

19 coordinators for the New York Democratic

20 Lawyers Council, NYDLC.

21 I am an immediate past member of the

22 Election Law Committee of the Association of
23 the Bar of the City of New York and the
24 Election Law Committee of the New York State

1 Bar Association. I have been CLE presenter
2 on many occasion on the topic of election
3 law.

4 I began election monitoring when I
5 formed a group of attorneys and built an
6 organization from scratch in conjunction
7 with the campaign of Tom Suozzi for Nassau
8 County executive in 2001. When NYDLC was
9 formed in 2005, I folded my existing
10 organization into it and we expanded our
11 Long Island efforts into Suffolk County. I
12 am also a former Special Assistant United
13 States Attorney in the Southern District of
14 New York where I worked in the public
15 corruption unit.

16 I was one of five examining attorneys
17 at the New York City Department of
18 Investigations, who, unlike District
19 Attorneys who are geographically limited to
20 a single county, enjoyed a five-county
21 citywide jurisdiction.

22 As a result of these experiences, my
23 interest in both clean elections and in the
24 prosecution of fraud makes the legislation

1 proposed by Senator Stewart-Cousins

2 especially interesting to me.

3 In 2008 I was deputy statewide attorney

4 for Obama for America. The statewide

5 attorney had to be in Chicago for most of

6 Election Day, so we knew weeks before I

7 Election Day that I would be the in-state

8 litigator for the Obama campaign in New York

9 State. In the weeks that led up to that

10 election, we discovered and attempted to

11 mitigate the effects of a number of

12 disenfranchisement efforts. For example, in

13 Harlem word began to spread via fliers and

14 forwarded e-mail messages that because of

15 anticipated increased voter turnout on

16 Election Day, Republican voters were going

17 to vote on the regular Election Day and

18 Democratic party votes would vote on a

19 different day. Had we not been able to

20 correct this misinformation via a public

21 information campaign, thousands of voters

22 might not have turned out on Election Day

23 and missed the chance to cast their ballots.

24 Over the years I have witnessed

1 everything from disinformation campaigns
2 telling voters they cannot vote if they had
3 unpaid parking tickets or owed back child
4 support, to false rumors that Immigration
5 officials would be at the polling places to
6 check people's, quote unquote, identity
7 papers, to thugs showing up at the polls to
8 challenge a voter under Section 8-502 of the
9 Election Law.

10 One of the challenges for those of us
11 trying to make clean elections are reality
12 is that the District Attorneys have found
13 little guidance in the Election Law about
14 what to prosecute or how to charge it.
15 Senate Bill S2544 clears up the how to
16 charge it part of the problem of makes a
17 first offense of violating the elective
18 franchise a Class A misdemeanor, and a
19 subsequent violation a Class D felony, with
20 additional violations escalating all the way
21 to a Class B felony.

22 It is my hope that this legislation
23 along with other updates to the election law
24 currently under consideration by this

1 Committee, such as outlaying voter caging
2 with result in cleaner, fairer and more
3 transparent elections.

4 I, in my personal capacity, and not as
5 the representative of any organization,
6 would urge the Committee to consider some
7 small appropriation to provide training to
8 District Attorneys in this area of law. I
9 believe that some of the reluctance on the
10 part of law enforcement to effectively deal
11 with criminal violations of the Election Law
12 stems from sheer ignorance of the role that
13 law enforcement has to play. I can tell you
14 there was no unit in Election Law violations
15 in my criminal law class. Murders, yes,
16 robberies, but Election Law violations did
17 not show up in my criminal law class in law
18 school.

19 The mission statement of NYDLC is that
20 every voter who is entitled to vote and
21 wishes to vote should be able to vote and

22 have that vote counted accurately. This
23 legislation is one very important step on
24 the road to making that goal come true.

1 I thank the Committee for the
2 opportunity to be here today and I am happy
3 to answer any questions you may have.

4 SENATOR ADDABBO: Thank you. I thank
5 both for your testimony. Let me go no
6 further before I state that I appreciate the
7 Academic Lawyers Council, and all they have
8 done election related materials and issues.
9 They have certainly worked with this
10 committee, and I thank them both for their
11 work.

12 The question to both of you, and I
13 appreciate your support to the Bill 2544,
14 enforcement or implementation, becomes a
15 large issue here. It's a good bill. Who,
16 in your estimation, should be the one to
17 implement it or to enforce it as far as we
18 address voter intimidation or voter
19 suppression?

20 MS. KOURIL: Clearly as a state law
21 issue, your first line of defense is going

22 to be the District Attorney. If it's a
23 localized event, it would naturally happen
24 through the District Attorney's office,

1 because whatever arrests are made are going
2 to be made by the local police process in a
3 normal way.

4 For something that is statewide and
5 systemic, your second line of defense is
6 obviously going to be the State Attorney
7 General. I do know that there have been
8 some issues discussed in recent days about
9 the role that federal prosecutors have to do
10 play. Although then Senator Obama then
11 introduced an excellent piece of legislation
12 relating to this issue on the national
13 level, it wasn't passed while he was still a
14 senator, and I believe it's being circulated
15 for new sponsorship. Consequently most of
16 what you have available for you in the way
17 of enforcement on the federal level will
18 come to you through the mail fraud and the
19 wire fraud statutes.

20 MR. STONEHILL: As an individual, let
21 me respond that I think that however it is

22 structured, and I have heard thing about
23 setting up an independent body to do the
24 enforcement, that it definitely should not

1 be done by a local Boards of Elections.

2 SENATOR ADDABBO: Should not?

3 MR. STONEHILL: Should not.

4 SENATOR ADDABBO: I appreciate that

5 point of view.

6 Reason?

7 MR. STONEHILL: Frankly, because

8 although, of course, they are government

9 agencies, local Boards of Election are

10 highly politicized. We have it set up in

11 terms of commissioners, et cetera, staffers

12 by party, and you really can't rely on them

13 to do the enforcement work.

14 SENATOR ADDABBO: Okay, thank you. I

15 appreciate that point of view and the work

16 that you have done throughout the years on

17 those related issues.

18 Thank you so much for your time today.

19 The next panel, Claudia Swansey, is she

20 here yet? No.

21 Marianella Jordan, Nassau County

22 employee, is she here? No, okay.

23 Steve Anchin and Terry Tietjen,

24 Founder, Citizens for an Informed

1 Hicksville.

2 MS. TIETJEN: I would like to make a
3 special request. Somebody from panel four
4 needs to leave, I would like to give that
5 person the opportunity to speak before me.

6 SENATOR ADDABBO: Step forward
7 please, that's fine.

8 STEPHEN ANCHIN

9 MR. ANCHIN: My name is Stephen
10 Anchin. I thank you very much for having me
11 here. I have never spoken in front of a
12 government committee before, so although it
13 started intimidating, it looks kind of
14 friendly and we appreciate it.

15 I am employee of Nassau County Off
16 Track Betting.

17 This is a statement that I had written
18 basically in a stream of consciousness after
19 this event occurred almost a year ago so
20 that I would remember everything that had
21 happened.

22 It took place on November 4, 2008,
23 Election Day. Between 2:15 and 2:30 I
24 arrived at the Herber Middle School on Ocean

1 Avenue in Malverne. I had volunteered to
2 hand out a palm card promoting the candidacy
3 of Kristen McElroy for New York State Senate
4 and Barack Obama, which was on one side of
5 the reprint, and on the other side was a
6 reprint of a Democratic line for Nassau for
7 that district.

8 As instructed, I immediately went into
9 the voting area of the gymnasium and
10 identified myself to the people on Board of
11 Elections as a poll watcher and to let them
12 know that I would be outside distributing
13 campaign literature outside the minimum
14 100-foot marker.

15 Shortly thereafter I was on the
16 sidewalk outside the school, beyond the pole
17 identifying the 100-foot mark, leafleting,
18 when a man wearing a security hat came
19 outside and asked me to move a little
20 further down the block nearer to a corner.
21 I complied with his request.

22 Not long after that, I think another
23 member of one of the election district
24 boards came outside and asked me go to the

1 corner, with which I again complied.

2 A short time after that yet a third
3 person who identified himself as someone
4 working on one the election district boards
5 came outside the school and asked me to move
6 across that corner, across the street, but
7 at the same corner, which again I complied.
8 Now I was about 200 feet from the polling
9 place entrance as the marker on the pole
10 indicated.

11 Somewhere around 3:00 a woman voter
12 passed me on her way to the polling place.
13 I gave her a palm card. And she said to me
14 you shouldn't be doing this next to a
15 polling place, it's against the law. I told
16 her I was well outside the 100-foot limit,
17 this was a legal activity. She proceeded to
18 the school.

19 Shortly thereafter I saw her walking in
20 and out of the building looking in my
21 direction. A little later I saw her on her

22 cell phone and then she continued to walk up
23 and down the sidewalk looking up and down as
24 if looking for something.

1 About 4:00 p.m., a Malverne police car
2 arrived and two officers approached me. A
3 second and a third car shortly arrived
4 afterwards. One of the two police officers
5 told me I could not stay where I was
6 standing, that I was not far enough from the
7 polling place. He instructed me that I had
8 to go across Ocean Avenue to the opposite
9 side of the street, which is a large
10 four-lane road with parking spaces at the
11 curb in addition to the two lanes on each
12 side if I wanted to hand out literature. I
13 told the officer I was a poll watcher
14 legally allowed to be there. I pointed out
15 to him the white sign on the telephone pole
16 demarking the 100-foot line all the way down
17 the block far away from me.

18 No matter. He said if I did not go
19 across Ocean Avenue he would have to take
20 action or arrest me, I don't remember
21 exactly which. He also said that there had

22 been three phone complaints about handing
23 out campaign literature and he had seen me
24 in the area near the polling place door

1 handing out campaign literature to voters.

2 I replied that that wasn't true, that I
3 have not single piece of lit near the
4 gymnasium door and at no time prior to this
5 had I seen any police vehicles driving past
6 the school. He demanded, Are you calling me
7 a liar? No, I said, but I know at no time
8 had I done what he had said. However, I
9 complied with his order, walked across Ocean
10 Avenue to the other side of the street. At
11 this point it was evident there was an
12 effort to prevent me from my right to reach
13 out to voters and suppress voter support for
14 my political party's candidates.

15 Nearly no voters were using that side
16 of the street and therefore I was in that
17 isolated location.

18 I called Democratic headquarters and
19 transferred to an election attorney. He
20 told me that I had the right to distribute
21 campaign literature and that the sign on the

22 pole was the official marker for the
23 100-foot boundary but I should go inside to
24 the gymnasium where the Election Boards were

1 and ask an Election Board official and
2 please come outside with me and show me the
3 exact 100-foot boundary.

4 I also called the Malverne police
5 station, spoke to a sergeant and complained
6 about the police officer threatening to
7 arrest me and falsely accuse me of passing
8 out literature near the school gym door when
9 it was not true. The sergeant was also
10 nasty telling me there had been many
11 complaints and then he hung up on me.

12 At this point I went to my car, took
13 off my sports coat, which I had candidates
14 buttons on it and put on a plain blue zipper
15 sweat shirt so as not to have any campaign
16 ID on me. I also left the campaign
17 literature in my car. Following the
18 attorney's advice, I went into the gymnasium
19 to find an Election Board official to
20 confirm the 100-foot distance.

21 One of the officials agreed but first

22 took me to a small side office to call the
23 Nassau County Board of Elections. She spoke
24 to someone and then I did. I was told that

1 the local Board must indicate with the pole
2 signs, where the 100-foot marker was. She
3 walked with me around the gymnasium and
4 asked who had put the sign on the pole that
5 morning and an older man pushing the buttons
6 on the machine for each voter, he said he
7 had put up the sign and had done so for many
8 years in this location. At that point a
9 Republican poll watcher, I think, I never
10 saw his poll watcher certificate started
11 loudly arguing with me in the midst of
12 voters waiting on lines that I shouldn't be
13 handing out political literature near the
14 polling place. I told him I said the right
15 to do so outside the 100-foot mark. He
16 started shouting and calling people from
17 your party chiselers and who tried to steal
18 elections. I asked him not to argue, to
19 quiet down and go with me and a second
20 self-identified Republican poll watcher to
21 go outside and go walk 100 feet from the gym

22 door to determine where it was. And the

23 three of us proceeded to do so.

24 As we were pacing out the distance to

1 the pole marker the same two police offers
2 who had been there earlier suddenly arrived
3 again. The officers started shouting at me
4 that he had warned me to stay across the
5 street. I tried to tell him what the three
6 of us -- all pole watchers were doing,
7 measuring the 100 foot distance. He said we
8 couldn't do that and if I didn't again move
9 across the street, he would arrest me.
10 Again I told him I had a right as a citizen
11 to exercise my free speech outside the
12 100-foot distance. He became more agitated,
13 started yelling at me and accused me of
14 distributing literature near the polling
15 place door. I denied that I had done so and
16 that he should show some respect to a
17 citizen's right to exercise free speech and
18 asked him to stop shouting at me.
19 At which point he grabbed my right
20 wrist and twisted my arm behind back saying
21 really? I'll show you some respect. You

22 want to create an incident, well you are
23 going to get what you want. A second
24 officer seemed to be ready to interfere or

1 something else, suddenly I was ordered to
2 put my left hand behind my back.

3 I was handcuffed and the two officers
4 continued to be nasty, embarrassing me,
5 publicly humiliation of being handcuffed and
6 continued saying, "Is this what you want,
7 did you want to create an incident? You
8 want to get arrested? Is this what you
9 want?" He also accused me of changing my
10 jacket which had a number of campaign
11 buttons on the lapels. Because he said I
12 was in disguise. I told him I was not
13 allowed to wear or take paraphernalia into
14 the election place and that I didn't want to
15 break the law.

16 Some time after that they made me walk
17 to their police car around the corner,
18 putting me in the back seat and closing the
19 door.

20 At no time up to this point had anyone
21 read me my Miranda rights or nor told me I

22 was even arrested. I was locked in the car
23 in the back seat for about 20 minutes. One
24 of the officers told me that they were going

1 to the polling place to get witness
2 statements. Then the officer returned to
3 the car, opened the door and finally asked
4 me my name, address and telephone number.
5 He then stuck his face close to mine and
6 again said, "So this is what you wanted, to
7 create an incident, to cause a problem? We
8 may have to close the polling place because
9 of you." He then hissed at me, You are a
10 disgrace as an American, a disgrace as a
11 citizen and a disgrace as a poll watcher."
12 And then closed the police car door locking
13 me in the back seat again.

14 Still at no time no one read me my
15 Miranda rights. This had been going on now
16 for 45 minutes.

17 I was moved to another police car
18 behind us and driven to the Malverne police
19 station. My hands were handcuffed behind my
20 back the entire time I was in both police
21 cars, although I told them my wrist was

22 started to hurt.

23 I was taken into the station to what is

24 identified as a holding room. There the

1 handcuffs were removed and my right hand was
2 manacled to the bench. I was told to empty
3 all my pockets onto a chair next to me and
4 everything was left on that chair.

5 Time passed during which another
6 officer who had been at the scene at the
7 time said, "Is this what you wanted?" The
8 first time he did this he shoved a chair
9 next to me across the room hard, hitting the
10 wall. I didn't answer him.

11 Some time later he again came in and
12 asked, "Is this what you wanted? Did you
13 get what you want?" When I responded I
14 didn't think it was a good idea for to us to
15 speak, which he repeated, "You don't think
16 we should speak," and then left the room
17 again. He came into the room a couple more
18 times and just stared at me.

19 Eventually the sergeant came in, asked
20 me some questions, name, et cetera. He told
21 me that I would be getting some sort of

22 warrant because he didn't want to put this
23 through the system, but that he would have
24 to have bail to release me. He asked me how

1 much money I had. I told him it was about
2 \$25 and he said it wouldn't be enough.
3 Apparently he stood there and made up a
4 number, bail will be \$150. He told me that
5 my wife would need to bring \$150 for bail
6 before I would be released.

7 Again, no one had ever read me my
8 Miranda rights. My wife arrived a while
9 later. The sergeant came back again and
10 asked me some more "procedural" questions
11 including where I work, address, social
12 security number, names of my children, my
13 wife, et cetera.

14 Finally he took me out to the front
15 desk, gave me a Nassau County Police
16 Department appearance ticket, told me to
17 sign it mentioning that I would get my \$150
18 bail returned when I appeared at First
19 District Court in Hempstead.

20 My wife and I left the police station
21 at 7:30 p.m. and returned to the school so I

22 could pick up my car. At this point the
23 polls were closed or closing and efforts to
24 suppress the vote at this location and to

1 suppress me obviously had been successful.

2 Thank you very much. I appreciate the
3 opportunity to relay this incident.

4 SENATOR ADDABBO: Thank you.

5 LAURA MALLAY

6 MS. MALLAY: Thank you for the
7 opportunity to speak today.

8 My name is Laura Mallay and I am the
9 Executive Director of Residents for
10 Efficient Special Districts, otherwise RESD,
11 which will make things go much faster.

12 I am here today to urge you to take
13 into consideration special taxing districts
14 and their critical need for election reform.
15 RESD is a non-partisan grassroots
16 organization devoted to the provision of the
17 best public service at the lowest possible
18 rate.

19 One of RESD's main issues is election
20 reform within special taxing districts. I
21 am here not only representing RESD but as a

- 22 taxpayer with firsthand experience of how
- 23 special taxing district elections work in
- 24 Nassau County and throughout New York State.

1 In July of 2005, I ran for Sanitation
2 Commissioner in Sanitation District #2.
3 During my campaign I realized that these
4 elections are a perfect example of the fox
5 watching the hen house. What many people do
6 not realize is that special taxing districts
7 run their own elections. They determine
8 when and where the election will take place,
9 they hire their own staff people to run the
10 elections. The special taxing districts are
11 also responsible to notify the public about
12 these elections. This absolute control
13 gives special taxing districts massive
14 potential for abuse in this elections.

15 Third-world countries have more oversight
16 and legal safeguards in place than special
17 taxing districts elections in Nassau County.

18 During my campaign in 2005, certain
19 unethical, possibly illegal events took
20 place.

21 The Board the Commissioner of

22 Sanitation District #2 as well as the entire
23 workforce ardently campaigned against me.
24 On the day before the election, Sanitation

1 District #2 used tax dollars to print a
2 flyer denouncing me and my tax cutting ideas
3 and workers, while being paid by the
4 taxpayer were told to deliver these flyers
5 to the electorate.

6 Sanitation District #2 Commissioners,
7 workers and supervisors were positioned
8 outside polling places to intimidate votes
9 and electioneers.

10 Many residents who should have been
11 able to vote were turned away.

12 Sanitation District #2 election rules
13 changed depending on where one voted.

14 The Nassau Count Board of Elections,
15 Nassau County Police Department and the
16 Nassau County District Attorney's office
17 were all contacted various times throughout
18 the day of my election, yet they were unable
19 to help us. No one oversees these
20 elections. No one is there to make these
21 elections are run in a fair and legal manner

22 and no governmental entity is protecting the
23 civil rights of voters within these special
24 taxing districts.

1 RESD has some recommendations that we
2 believe will help fix this problem:

3 Number one, we would like to see
4 special taxing district elections held on
5 Election Day in November in an effort to
6 increase voter turnout.

7 Two, we would like to see the Nassau
8 County Board of Elections be given authority
9 over these special taxing district elections
10 in an effort to prevent voter fraud and
11 protect the civil rights of voters.

12 Three, we would like to see the
13 availability of absentee ballots and we
14 believe that they should be mandated in
15 these special taxing district elections.

16 Four, and registered voters should have
17 the right to vote on budgets within special
18 taxing districts, similar to their right to
19 vote on school district budgets that you
20 see.

21 I leave here today looking forward to

22 the help of the New York State Senate and

23 your protection of civil rights of

24 registered voters within these special

1 taxing district elections here in Nassau
2 County.

3 SENATOR ADDABBO: Thank you, Ms.
4 Mallay.

5 Something I will ask Counsel Kogelman
6 is the jurisdiction of the State Legislature
7 on special taxing district elections. We
8 will definitely take a look at that and take
9 your suggestions under advisement. Thank
10 you very much.

11 And, Mr. Anchin, I appreciate your tale
12 and what happened specifically to you, and
13 every other witness who tells that kind of a
14 story, because it definitely puts a face on
15 the issue of what we were to propose here,
16 on the issue of voter suppression and poll
17 workers, volunteers and candidates, as well
18 as actual candidate suppression as well. So
19 you being here and you telling that story
20 definitely puts a face on the issue of why
21 legislation like the one we are proposing

22 here is so important. So thank you for your

23 time.

24 MR. ANCHIN: Thank you. I want to

1 add what was shocking to me most of all was
2 that a local police force which obviously
3 did not know what the Election Law was, but
4 was for some reason suddenly involved in
5 this kind procedure and this action against
6 me, it just amazed me to get to be my age
7 assuming America is a free country and that
8 we have constitutional rights and you are
9 told you are allowed to do these various
10 things. And yet the police come and do
11 things like that, never even officially
12 arresting me, or if they did, it is this
13 appearance thing, it shocks me that
14 something like that goes on.

15 Someone asked the question before, so
16 who should enforce the Election Law? Asked
17 that question. Who is suppose to make sure
18 that the law is really followed when even
19 police can be manipulated this way
20 obviously?

21 SENATOR ADDABBO: Did you speak to an

22 attorney regarding your legal rights?

23 MR. ANCHIN: Yes, I have been

24 involved with that.

1 SENATOR ADDABBO: Is it still
2 pending?

3 MR. ANCHIN: Part of it was an
4 adjournment in contemplation dismissal, at
5 least a charge of violation of this
6 particular law. But I was advised for
7 depriving me of my civil rights a few other
8 charges, and that is pending now with the
9 New York Civil Liberties Union.

10 SENATOR ADDABBO: Okay, again thank
11 you for your time and informing us of that
12 situation. Thank you very much.

13 Our next panel, Terry McNiff Tietjen
14 and Jeff Guillot, Long Island Progressive
15 Coalition.

16 If I mispronounce your name, please
17 forgive me.

18 Thank you for being here. Please state
19 your name for the record and begin.

20 TERRI McNIFF TIETJEN

21 MS. TIETJEN: Thank you for the

22 opportunity to testify about the need for

23 election reform.

24 My name is Terri Tietjen and I am the

1 founder of a community networking
2 organization called Citizens for an Informed
3 Hicksville. Our primary goal is to increase
4 voter turnout in special district elections
5 for fire commissioners, water commissioners,
6 school board trustees and school district
7 budgets.

8 Imagine if on Tuesday, November 3rd,
9 Election Day, only 3 percent of registered
10 voters exercised their right to vote and the
11 majority of the remaining 97 percent did not
12 even know that there was an election?

13 Well, that's what special district elections
14 in New York State are like. Particularly
15 water and fire districts because they are
16 not held on Election Day, participation
17 isn't promoted and the window of opportunity
18 to vote is sometimes just three hours on a
19 cold December night in a single location.

20 I would like to talk specifically about
21 what has brought me here today, which is my

22 experience with fire district elections.
23 I have been a resident of Hicksville
24 most my life. I appreciate the volunteer

1 firefighters and the sacrifices they make to
2 serve us, which is why I had no reservations
3 whatsoever about purchasing a home directly
4 across the street from Hicksville fire
5 station #2. Imagine my shock to learn that
6 a fire commissioner suggested condemning my
7 home and my neighbor's in order to make that
8 fire house bigger.

9 That was seven years ago. But it
10 didn't just affect me and my neighbor. It
11 captured the attention of many people in my
12 community, most of whom had no idea that
13 there is an annual election for fire
14 commissioner every December in which they,
15 as taxpayers and registered voters, are
16 entitled to vote.

17 There was a lot we didn't know. We
18 didn't know Hicksville had the highest
19 volunteer fire district budget on Long
20 Island, perhaps even in all New York State,
21 at 6.1 million in 2005. We didn't know our

- 22 district had more vehicles than any other
- 23 Long Island and five new trucks at over \$2
- 24 million plus plans to rebuild a fire house.

1 We didn't know we could have voted in the
2 election of commissioners who made these and
3 other multi-million dollar decisions
4 affecting taxpayers.

5 Of Hicksville's 25,000 registered
6 voters, of those voter maybe 700 people came
7 out to vote in fire commissioner elections
8 prior to 2003. This should be no surprise
9 because statewide only 1 to 3 percent vote
10 in these elections. But when some of us
11 supported a candidate for fire commissioner
12 that year, the incumbent who was vying for a
13 fourth five-year term referred to us
14 taxpayers as outsiders in a letter mailed to
15 department members. Even though the
16 candidates we supported were or had been
17 members of the fire department.

18 Every year our efforts to increase
19 voter turnout in fire district elections
20 were met with greater resistance.

21 FOIL requests to obtain voter logs were

22 repeatedly denied by the Board of Fire
23 Commissioners, even though incumbents had
24 access to these logs.

1 Taxpayer funds were used to publish and
2 mail a fire district newsletter that helped
3 promote the incumbents shortly before the
4 election.

5 Our group members were intimidated at
6 public meetings, even my children were
7 followed, intimidated and subjected to
8 bullying. Lawn signs for our candidate were
9 slashed, which frightened a lot of people,
10 especially our senior citizens.

11 Voters were intimidated by the presence
12 of candidates at the polls and, as a result,
13 many did not come back to vote in future
14 elections.

15 Most unfair and disturbing of all is
16 the ongoing practice of having fire
17 department members working as clerks at the
18 poll where they smile and welcome their own
19 but force others to wait and show ID. This
20 practice also gave department members access
21 to the names of those who had already voted

22 there and, therefore, those who might need a
23 reminder call to come down and vote before
24 the polls closed. This is a gross conflict

1 of interest and opens doors to voter fraud.

2 Although many local public officials
3 agreed with us they wouldn't help us for
4 fear of being accused, like we were, of
5 being anti-fire service. This is why the
6 help of the New York State Senate is crucial
7 to election reform.

8 Our efforts have resulted in electing
9 two new commissioners, reducing our fire
10 district budget, increasing voter turnout,
11 extending voter hours, putting an end to
12 electioneering, forcing our fire district to
13 comply with FOIL requests for voter logs and
14 convincing the local CSEA to discontinue the
15 practice of endorsing candidates for fire
16 commissioner.

17 While we are proud of our
18 accomplishments, this effort has taken such
19 a toll on everyone involved and it is still
20 not enough. Allowing special district
21 elections to continue as they are is a

22 violation of civil rights.

23 In closing, on behalf of Citizens for

24 Informed Hicksville, I would like to offer a

1 few recommendations:

2 Making special district elections part
3 of the general election in November would
4 serve the public far better.

5 Public officials should stop using the
6 excuse that special districts that sometimes
7 do not conform exactly to the district at
8 every polling place, and, instead, find a
9 way to enable voters to choose special
10 district commissioners when they vote in the
11 general election in November.

12 If special district elections cannot be
13 immediately incorporated in the general
14 election, then a comprehensive water, fire,
15 school, library special district Election
16 Day should be designated.

17 Registered voters in New York State
18 deserve an equal opportunity to cast their
19 vote, which is why if a special district
20 election date is instated, standard and
21 consistent election hours must be

22 established to allow for fairness to all
23 regardless of work schedule and where you
24 live in New York State. Additionally,

1 absentee ballots must be made available
2 under the same rules and criteria used for
3 general elections in the State of New York.

4 All special district elections should
5 be monitored by the Board of Elections, fire
6 commissioner elections run by the district
7 and department give appearance of a conflict
8 of interest and make voters very uneasy.

9 Give the public the opportunity to vote
10 on fire and water districts budgets as they
11 do for school district budgets.

12 Also fire commissioners are for elected
13 five-year terms, longer than terms for
14 almost any other public office. Perhaps
15 shorter terms or a two-term limit should be
16 considered.

17 Finally, the Board of Fire Commissioner
18 meeting minutes and many other types of
19 information should be posted on a district
20 website so that information is available
21 without requiring a FOIL request.

22 I thank you again for the opportunity
23 to express the urgency for election reform
24 in New York State. Please keep us posted on

1 the progress of your efforts.

2 SENATOR ADDABBO: Thank you. Mr.
3 Guillot.

4 JEFF GUILLOT

5 MR. GUILLOT: My name is Jeff
6 Guillot. You were very close to getting my
7 name right.

8 I represent the Long Island Progressive
9 Coalition, which is a community-based
10 organization which is dedicated to promoting
11 sustainable development, vitalizing local
12 communities, enhancing human dignity,
13 creating an effective democracy and
14 achieving social, racial and economic
15 justice.

16 The campaign that I specifically worked
17 for is the Nassau County Government
18 Efficiency Project, who stated goals to
19 reduce Nassau County's enormous tax burdens
20 by streamlining, eliminating or
21 consolidating special taxing districts

22 county wide.

23 In the interest of time, I am going to

24 try to keep my testimony somewhat because

1 what has been said about special taxing
2 districts is unilaterally true, and I think
3 we made our point about lot of the abusive
4 practices. So I am going to go through this
5 and just hammer out some details that are
6 independent to that.

7 In addition to fair elections, the LIPC
8 has long been involved in the process of
9 improving the way people elect their
10 leaders. We have lobbied successfully in
11 both counties to get optical scanners and we
12 hope they are up and running as soon as
13 possible both here and in Nassau County and
14 Suffolk County.

15 Among the topics covered during today's
16 hearing is the concept of voter suppression
17 and deceptive practices during elections.
18 In a bill that deals with voter suppression,
19 Senator Andrew Stewart-Cousins makes
20 reference to numerous actions that infringed
21 upon individual liberties of voters who are

22 trying to cast their votes. I am pretty
23 sure after reading the memo, she was making
24 reference to the Stewart-Cousins, Spano

1 elections that took place in Westchester.

2 And on a personal note, I worked for
3 Jim Gennaro during the election in Queens,
4 just north of your district in Howard Beach,
5 and I am sure you are aware there was plenty
6 of other deceptive practices there. So this
7 is a very real need, and to criminalize this
8 kind of behavior certainly has merit.

9 Moreover, Nassau County is home to this
10 kind of intimidation as we have already
11 heard today that has grown to pandemic
12 proportions as well as its own brand of
13 voter disenfranchisement which has been in
14 existence for nearly a century in special
15 taxing districts.

16 Just to clarify and add some more
17 detail because Nassau County has the
18 distinction of being the first suburban
19 region of the United States, its political
20 structure that led itself to special
21 districts spreading to pandemic proportions.

22 Currently Nassau County is crisscrossed with
23 hundreds of small independent government
24 entities that provide various services. In

1 many cases homes on the same block or even
2 across the street from each other are part
3 of different districts, therefore they pay
4 different tax rates. As a result these
5 districts, these affected areas range in
6 size from a few hundred homes to tens of
7 thousands have the ability to the collect
8 tax dollars at a rate they wish to charge.
9 In some cases exponentially higher than what
10 municipal governments have depending on the
11 districts.

12 Also as has been stated already, a lot
13 of these districts have some of the most
14 undemocratic elections that you will ever
15 find in the United States that are often
16 held at strange times of the year at
17 inaccessible places with as little as or no
18 public notice.

19 A published report in 2007 by the
20 Nassau County executive revealed that in
21 total there are 71 special taxing districts

22 that hold their elections in Nassau County

23 but there is no uniform election day. In

24 fact, elections for these districts is so

1 disjointed that there is an average of one
2 special district election for every 10.9
3 business days. What's more, of the 71
4 districts that the county executive tried to
5 pole to create this report that I am happy
6 to give to you, only 63 were they able to
7 actually determine when those dates were.
8 Even the Nassau County executive couldn't
9 figure out when those dates were held.

10 To go over some other points,
11 Comptroller Howard Weitzman's office has
12 determined the turnout for these elections
13 is abysmally low, looking at 1 to 3 percent
14 depending on the election and the size of
15 the elections. Newsday has reported that
16 some of these elections have taken place at
17 some of the most inaccessible places
18 possible, including the basements of a
19 private home, and as you have heard before,
20 fire elections taking place in fire houses,
21 doesn't exactly instill the Democratic

22 process. Not exactly what the founders
23 thought about when they dreamed up how
24 exactly elections should be run.

1 Election monitoring should be said and
2 done by individuals hired by incumbent
3 commissioners and that notifications of
4 these elections is acquired only once,
5 typically in a weekly newspaper and very
6 often that ad is buried in the back page.
7 So these are advertised about as minimally
8 as is humanly possible by following the
9 parameters of the law.

10 All of these things, all the
11 intimidation and practices that were talked
12 about earlier that took place, for example,
13 in Elmont, those are horrific, but imagine
14 those being quantified and exponentially
15 growing because these are taking place in
16 unregulated regulation. That's why
17 regulation is so important.

18 In addition to this, it becomes clear
19 to special taxing districts elections are
20 not merely in violation of every conceivable
21 statute put forth by the New York State

22 Board of Elections and is governed by the
23 Committee that you chair, but a violation of
24 international law as well. The member

1 countries of the states and conference on
2 the security and cooperation in Europe of
3 which the United States is a member have
4 their own statutes for fair and balanced
5 elections. I will not go through these, but
6 they are in the testimony. If you read
7 through them you will see just about every
8 international standard for fair and balanced
9 elections is wantonly violated and moreover
10 some of the elections that are governed by
11 the Board of Elections probably fall under
12 that box too.

13 In light of this evidence, it becomes
14 abundantly clear once again that special
15 taxing district elections must be regulated
16 by the Board of Elections to make sure the
17 Democratic process takes place. As you
18 said before, these people are making
19 decisions about multimillion dollar budgets
20 and our taxes, which Nassau County is some
21 of the highest in the nation are levied.

22 Moreover, all elections should be
23 subject to all procedural by-laws that all
24 other elections are subject to and you must

1 have one uniform Election Day that is
2 publicized extensively. It's not. These
3 districts are in violation of state, federal
4 and international law governing fair
5 elections.

6 In addition to this, there have been
7 attempts at uniforming this in the past.
8 The Nassau County Executive put forth a bill
9 at one point that was carried in the
10 Assembly by Chuck Levine but they had
11 trouble finding a Senate sponsor. That bill
12 would uniform special taxing district
13 election days countywide. Might not be a
14 bad idea to do it statewide as well.

15 In addition, the Stewart-Cousins bill
16 goes very far for criminalizing a certain
17 kind of voter suppression that involves some
18 of the intimidation tactics that we heard of
19 before.

20 I think that kind of suppression, the
21 definition of suppression to include the

22 kind of suppression that takes place when
23 you don't tell anyone about elections at
24 inaccessible places at odd hours isn't a bad

1 idea.

2 Moreover, the need to do something like
3 this becomes more and more apparent because
4 Senator Andrew Stewart-Cousins, once again,
5 who chairs the Senate's local government
6 committee was the prime Senate sponsor of
7 the New New York Government Reorganization
8 Citizen Empowerment Act, which is the
9 Attorney General's program bill, that you,
10 Senator Addabbo, so graciously voted for,
11 which we appreciate.

12 That bill uses the process by which
13 people can consolidate districts and get
14 ballot initiative to consolidate a special
15 taxing district that the electorate feels
16 has abused their power and should be either
17 consolidated or dissolved. So what you
18 would have is an election governed by the
19 Board of Elections to consolidate a
20 district. And some of these districts, as
21 we know and have explained, practice a lot

22 of intimidatory practices so the need to
23 criminalize voter intimidation becomes even
24 more apparent with this bill taking effect

1 in March.

2 With that, I wrap up my testimony, and
3 thank you very much for taking the time to
4 hear me.

5 SENATOR ADDABBO: I appreciate your
6 testimony, Mr. Guillot.

7 I request a report that you mentioned,
8 if you could forward as well as copy of your
9 testimony as well. I would appreciate a
10 copy of your testimony because it does have
11 some suggestions for both, Ms. Tietjen as
12 well, an issue that we are going to have
13 take up and examine in the State Senate with
14 regards to the elections that are held on
15 off days.

16 Obviously throughout state voter
17 population and who of that population votes,
18 we want to increase that percentage
19 throughout the state for every election, so
20 certainly I look forward to working with you
21 to see what we can do with special taxing

22 districts elections.

23 Ms. Tietjen, one question, and I

24 appreciate your efforts, because of your

1 efforts you have increased, it looks like
2 you have increased voter participation in
3 Hicksville.

4 MR. TIETJEN: Yes.

5 SENATOR ADDABBO: In 2003 it was 3
6 percent.

7 Do you have a more accurate up-to-date
8 number?

9 MR. TIETJEN: We have worked up to
10 about 11 percent. However, I am glad you
11 brought up the point because I understand
12 this legislation is designed to make it a
13 crime to disseminate false information about
14 a candidate who is up for election; is that
15 correct?

16 SENATOR ADDABBO: That's true.

17 MS. TIETJEN: This is exactly what
18 has been occurring since regular outsiders
19 like myself became involved in these
20 elections. And unfortunately, several years
21 after we were successful in several of these

22 elections, what occurred was regularly
23 disseminating information against our
24 candidates by those opponents and it has

1 brought the voter participation all the way
2 back down to the sad level that it was at
3 before we got involved. And that is a big
4 part of why I am here today, because
5 whatever we have done and we have worked so
6 hard and hundreds of families have been
7 involved in our efforts, but intimidation
8 level has gotten so outrageous that people
9 can't put their heart in it any more
10 basically.

11 We do have a case that was sent into
12 the Nassau County D.A.'s office that is
13 being reviewed based on last year's
14 election.

15 Thank you.

16 SENATOR ADDABBO: I join you in your
17 appreciation for the volunteer fire fighters
18 in the Southern District and Queens. I do
19 have volunteers in the fire department so I
20 join you in your appreciation of the
21 volunteer fire fighters.

22 MS. TIETJEN: Thank you.

23 SENATOR ADDABBO: Thank you both for

24 your testimony today.

1 Next panel, Mimi Johnson, President of
2 Argo Civic Association and Doug Thomas.

3 I thank you both for being here today.

4 Ms. Johnson.

5 MIMI JOHNSON

6 MS. JOHNSON: Good afternoon. My
7 name is Mimi Johnson. I am a community
8 leader in the City of Elmont. I thank you
9 for allowing me to speak today.

10 I am in favor of a change for my
11 community because the community that I work
12 with it is very hard to get people out to
13 vote. About five years ago when I became a
14 civic president I went in it all the way and
15 I recently, about two years ago, started
16 helping out in campaigns where two years ago
17 I found out what a problem this was in
18 Elmont.

19 I helped with a Senate campaign. I was
20 the campaign office manager for the day of
21 the election and I was in charge of the

22 youth, which I really wanted to work with

23 because they don't come out to vote, so I

24 really went after the youth to come in and

1 participate. And we had a lot volunteers
2 from high school and college that came in
3 and spent the entire day from 6:00 in the
4 morning until the polls were closed. This
5 is when my eyes opened to what a problem we
6 have.

7 So I witnessed many activities of an
8 Election Day that was shameful. Many people
9 were misinformed as to the rules of voting
10 at the polls. A woman was told if her name
11 was not on the record that she could not
12 vote. She came to tell me this and I said,
13 "Well, did you ask them to look in another
14 book to see if your name was written in
15 there? Have you voted before?" She said,
16 "Yes, I have voted before and I never had
17 problem, but seems today they said no, your
18 name is not on the records so you have to go
19 home."

20 I asked her, did you insist on them
21 looking through the books, and I said you

22 need to go back and insist on that
23 happening. She did go back and her name was
24 there and she was able to vote that day.

1 But had she not spoken to me that day, we
2 would have lost a vote.

3 Some of the workers from the Election
4 Board instead of working for the interest of
5 the people in a non-partisan effort had
6 their own agenda for their parties. And so
7 you trust that the Election Board will send
8 people that are able to work for the people,
9 but instead because anyone can work on the
10 day of the election, you don't really know
11 who you are getting until they are actually
12 in the polling places and not for the best
13 interest of the people.

14 My youth campaign volunteers were told
15 by opposing parties where they can stand and
16 where they cannot stand even though they
17 were within the area to stand by law. One
18 volunteer's campaign sign was pulled out of
19 his hands. So many times police had to be
20 called that day because they felt threatened
21 by the opposing sides. That was something

22 that was very painful to me because here I

23 am, I got all these kids excited, we are

24 going to do this, you will see what a

1 privilege it is to be part of the election,
2 and here they are calling me every five
3 minutes, this man said get out of here, go
4 down two blocks, I don't want to be by
5 myself. I had to try to find other
6 volunteers to pair up the volunteers, and
7 that's not fair.

8 I can go on about voter suppressed
9 actions that went on that day, but I will
10 say this: There has to be a clear
11 regulation against violations at the voting
12 stations where anyone who wants to vote will
13 not feel intimidated or fear for their
14 safety. This is America where it is our
15 privilege and honor to vote for anyone we
16 wish to support without fear. That is our
17 right.

18 It is my hope that this panel will find
19 the legislation that will stop voter
20 suppression, including laws to implement at
21 that polling station that day.

22 And as a new citizen myself, I am very
23 proud this year that I am going to able to
24 vote, not just encourage others. And I

1 would hate to feel intimidated by anyone
2 when I walk into a polling place because I
3 don't agree or may not support someone
4 else's candidate.

5 So I thank you very much, Senator
6 Addabbo, for coming down to Nassau County
7 and help us with this issue.

8 I have more people to encourage to come
9 out and vote.

10 SENATOR ADDABBO: Thank you.

11 DOUG THOMAS

12 MR. THOMAS: Good afternoon. Most of
13 the accounts that I am going to give today
14 are somewhat anecdotal, even though I do
15 have my own experiences.

16 But before we delve into that, I would
17 just like a little clarity.

18 You gentlemen are familiar with the
19 Voting Acts Right of 1965?

20 SENATOR ADDABBO: Certainly, Mr.
21 Goldman. I was only one year old at the

22 time.

23 MR. THOMAS: And it was recently

24 passed by Congress in January of '08 to be

1 reratified or reestablished; am I correct?

2 SENATOR ADDABBO: That I am unsure
3 of.

4 MR. THOMAS: I think W signed off on
5 it.

6 My question, and this is in the bigger
7 sense, why does the Voting Rights Act of
8 1965 have to continue to be reratified and
9 reapproved? Why can't it be something where
10 whatever the language is or whatever the
11 document is set in stone much like the way
12 that the Constitution or the Bill of Rights,
13 so forth and so on, are, why every so often
14 does it have to be brought up for
15 reratification?

16 That's the question I give to you guys,
17 our elected officials, and maybe on some
18 level or another you can get back to me and
19 let me know why we have to continue going
20 through that process when, in fact, in my
21 opinion voting is one of our inalienable

22 rights and we should be allowed to continue

23 on the road to progress.

24 Did you see the look of glee and joy on

1 this woman's face when she said that she was
2 a new citizen and now she has the right to
3 vote. How dare anybody try to take that
4 away from her or anybody else. My ancestors
5 died trying to get us to the polls and give
6 us the right to vote and then you've got
7 people in local municipalities with their
8 colloquial point of view who will
9 disenfranchise or disallow someone who wants
10 to come out and exercise that right to vote,
11 I think it's travesty, I think it's a
12 horrible shame. And I have colleagues not
13 here today who are of Latino descent who
14 have been embarrassed and disrespected and
15 just made to feel very small as it relates
16 to the voting process in certain communities
17 here in Nassau County.

18 There should be a level playing field
19 all across the Board for those who want to
20 exercise this right, if not someone like
21 yourself, which I am happy to see, are

22 looking into the inconsistencies as it

23 relates to voter regulation.

24 SENATOR ADDABBO: Mr. Thomas, you

1 brought up a good point that the state
2 legislature should ask on the federal level,
3 the question why the 1965 Voter Rights Act
4 has to be ratified. And that is certainly
5 something we can bring to their attention
6 and get an answer for you.

7 MR. THOMAS: Not just me for but for
8 all concerned because I think when you have
9 that inconsistency at the federal level, it
10 allows for inconsistency at the state and
11 the local level, especially in a place like
12 Nassau County, which is the most segregated
13 place in New York State, if not the country.
14 And you have people who have their own
15 duplicitous disingenuous agendas that seek
16 power and seek to control and maintain
17 power.

18 SENATOR ADDABBO: I appreciate that
19 point of view.

20 I want to piggyback on what you said
21 about Ms. Johnson, we do appreciate her

22 being a new citizen and a voter. We
23 congratulate her on that status and for her
24 volunteerism as a civic president, which is

1 a volunteer job. And I was a former civic
2 president years ago, and we appreciate Ms.
3 Johnson really working with the hardest
4 group to get involved our younger residents
5 who find such disattachment from elected
6 officials.

7 We are over here and the younger
8 residents are all the way over here. We
9 appreciate you working with them and showing
10 them that their efforts do matter. It's an
11 effort, it's a hard group to convince and we
12 appreciate your efforts in trying to
13 convince the younger residents to get
14 involved. With such a high rate of
15 volunteerism with the presidential campaign
16 last year, we don't want to lose that
17 enthusiasm especially with the younger our
18 residents throughout the time state. So we
19 appreciate your efforts with that, Ms.
20 Johnson. Thank you.

21 Mr. Thomas, anything else?

22 MR. THOMAS: Well, I appreciate you
23 bringing that instance up, that is one of
24 the major concerns that I have in working

1 with youth, the disenfranchisement that they
2 experienced or hear about when these
3 elections come up serves to have them be
4 able to say you see, I told you it wasn't
5 worth it; you see, we come down here and we
6 get dumped on; you see, we are never going
7 to be able to access the process so it makes
8 our job that much more difficult absolutely.

9 And I appreciate you being able to observe
10 that.

11 Thank you for having us here today.

12 You guys have a good trip back up north.

13 SENATOR ADDABBO: Thank you. Our
14 last panel, panel of the day.

15 We have Diane Coleman, Rosalie Hanson
16 and Claudia Price.

17 Good afternoon. I thank you all for
18 being here today. Please come forward and
19 please state your name and give your
20 testimony, please.

21 DIANA COLEMAN

22 MS. COLEMAN: My name is Diana

23 Coleman.

24 Today I represent EOC and an

1 organization named VREC, which the Voter
2 Education Registration Committee of Nassau
3 County. I serve as the chair of that group.
4 That group was formed over 20 years ago.
5 The reason for it is the exact type of
6 things that you are trying to legislate, the
7 disenfranchisement of many voters in the
8 minority community.

9 Doug Thomas alluded to racism being a
10 problem in Nassau County. I am going to put
11 it directly into the record. Many of the
12 minority communities, including Roosevelt,
13 Freeport, Hempstead, Uniondale, areas of
14 Glen Cove, Port Washington, Lakeview,
15 Rockville Centre, Long Beach, Westbury all
16 have and always will have a lower voter
17 turnout than other areas. It is has been
18 purposefully done that way, that anything
19 that can be done to make sure that the
20 minority population, and not just the new
21 Hispanics, I am going back to old the black,

22 to make sure that they do not get to the
23 poll, do not understand the necessity of
24 getting to the polls and that they remain

1 miseducated on the electoral process and
2 where they fit into that has been a problem
3 in Nassau County, whether it be Republican
4 or whether it be Democratic. Nassau County
5 was Republican for years. Things were not
6 great then either. They are now Democratic
7 and things are still a problem.

8 The job of VREC is not to tell anyone
9 who to vote for but for them to understand
10 their rights and responsibilities as
11 citizens to get to the polls and to vote and
12 to make it part of their annual and almost
13 daily process because that's how you change
14 a community. That's how you change a
15 county. That's how you change a government.

16 We cannot allow people to sit on the
17 sidelines and say that person is bad.
18 Unless you came out that day when you could
19 to vote that person in or out, you are also
20 part of the problem.

21 We believe in making sure that

22 everyone, not just young or old, black or
23 white, Hispanic or national have the
24 opportunity to be informed and a responsible

1 citizen. That is the charge of the Voter
2 Education and Registration Committee. We
3 have worked with NAACP, ACLU, many minority
4 groups to make sure that there is a
5 partnership in making sure that that happens
6 in all communities, because there are also
7 areas that are predominantly one party that
8 make sure that those votes are also
9 suppressed. We cannot allow that to
10 continue to happen.

11 I would like to say that no one calls
12 me, I wish that were true. Too many people
13 call me and tell me about what has happened
14 at their polling sites. Luckily I have
15 enough staff and I have enough VREC
16 volunteers, because it is purely a volunteer
17 group, that are able to go to the polls,
18 able to stand with individuals who have been
19 turned away and to make sure that their
20 process of being able to vote is done. I
21 have been called on many occasions similar

22 to the man said who said he was put into a
23 police car, he should have called me, he
24 would not have ended up in a police car,

1 because I am a big girl, first of all.
2 Second off all, I do know my rights and I
3 make sure everyone who works with us
4 understands that yes, we can pace this out,
5 call the police department, we will walk and
6 do this hundred feet together. It is not a
7 line that I have drawn. It's a line that we
8 are going to draw together. And usually
9 with the spirit of partnership things can be
10 accomplished, but there is severe
11 intimidation when you talk about big burly
12 white men in a black community trying to
13 stop an election, it goes back to the days
14 of Jim Crow, it lets you know that racism is
15 alive and well in Nassau County. It brings
16 back a fear and it's almost a guttural fear
17 that makes an individual of color say is
18 this really worth it? What are the next
19 steps? Are they going to come and effect my
20 job? Are they going to effect my home?
21 Is there going to be some kind of reprisal

22 set in place because I want to exercise my

23 right to vote and because in many of our

24 areas, we don't see the gains of it, we are

1 not willing to risk our lives for it. That
2 has to change.

3 I don't know how we change it, Kavon
4 said maybe the police should be involved. I
5 will say police are involved and it is not
6 in a good way. They are in many cases part
7 of the problem because there is a lot to
8 gain. We are talking about a multi-billion
9 dollar class system that exists in Nassau
10 County and the police department is part of
11 that. They are not looking out for my best
12 interest. They are not looking out for the
13 voters best interests, so that's why there
14 has to be another way to do this.

15 Community groups have to be involved
16 and funded because we do have to give these
17 people coffee and donuts and food or else
18 they are not going to work all day long.

19 Getting the vote out is the most important
20 thing that we can and have to do and it has
21 to be done in a way that empowers each

22 individual to understand why they are doing

23 it, why they must do it again no matter how

24 hard it is and not just a one-day thing that

1 we do, that every day we must be looking at
2 the political process and making sure we are
3 talking about it to our families, to our
4 community residents and that we are also
5 talking about it with our children.

6 I know I have already done my time but
7 I need to talk briefly about the fear of the
8 optical scanners.

9 When we are talking about a system that
10 already doesn't work where machines, voting
11 machines have been broken on purpose, and I
12 know it has happened, oh, it was an
13 accident, in your district that machine
14 never worked. If it never worked, don't
15 bring it to my site. If it was broken
16 yesterday, don't bring it there, don't close
17 down three machines where there should be
18 four and only one is working. Don't create
19 something that I can't get in half-hour and
20 get back out. Those situations are created
21 with regular machines.

22 With optical scanners we do not believe
23 that as they are scheduled to go now that
24 they would work. I believe it will be

1 another suppression of the vote unless we
2 make sure that we piloted that program
3 properly, that the votes are properly
4 counted and that the ability to create
5 fraud, which is so easy right now, is just
6 completely removed or at least brought down
7 to 95 percent. Unless that happens, we are
8 afraid of the optical scanners. And to have
9 people who are in control of the party as it
10 is, whether it be Democratic or Republican
11 in charge of those scanners, we believe it
12 is just another mess waiting to happen.

13 For now that's what I have to say.

14 SENATOR ADDABBO: Thank you, Mrs.
15 Coleman. Well done.

16 ROSALIE HANSON

17 MS. HANSON: My name is Rosalie
18 Hanson.

19 I am a victim of voter intimidation.
20 Unfortunately I just found out about this
21 hearing, therefore I am not prepared with a

22 written speech. However, I would like to

23 speak from the heart.

24 First of all, I would like to say I

1 agree with everything that Laura, Terry and
2 Jeff said before me. They made some very
3 valid points.

4 Today I am here to represent my
5 community, the Gordon Heights.

6 On December 9, 2008 while I was
7 attempting to vote at the Gordon Heights
8 Fire District, our fire commissioner, along
9 with 25 other members of my community were
10 harassed and intimidated and blocked from
11 entering the polling site. The polling site
12 was supposed to open at 5:00 p.m. They did
13 not open until 5:15. We were kept outside
14 while fire district members called jackass,
15 if you look to get rid of us who is going to
16 come in here and save your, excuse me, ass
17 because we had filed a petition to dissolve
18 our fire district, they knew who signed and
19 they were deliberately harassing the people
20 who had signed the petition against them.

21 I do not think that this voter

22 intimidation is racial. I believe that
23 people are harassed and intimidated across
24 the board by those who wish to maintain

1 power or control. We, along with voter
2 intimidation found out that there was voter
3 fraud also that night. As you know in
4 special taxing districts voter turnout is
5 small. And every vote counts. And as Laura
6 said before us, they have access to the
7 records so they know who has come to vote,
8 they know who to call. We discovered that
9 three people who do not live in Gordon
10 Heights fire district came down and voted in
11 the district. The next day we found out
12 that we lost by three votes, the same amount
13 and number that the three people voted
14 against us.

15 Claudia Price and myself went to the
16 Board of Elections 9:00 the next morning and
17 asked to have the polling both impounded.
18 And they told us the only people that can
19 make that recommendation are fire
20 commissioners themselves. Well, those are
21 the people that we have a problem with, so

22 you are asking the same people to go against
23 themselves, it is not going to happen. We
24 have files of letters with the Attorney

1 General, Tom Spota, District Attorneys, the
2 Board of Elections, the Gordon Heights fire
3 district commissioners. And to date the
4 only resolution that we have to our problem
5 was Mr. Spota said he would make a phone
6 call to the Gordon Heights District Attorney
7 William Glass and issue a warning. We asked
8 if we could have it in writing. He said no,
9 we do not put anything in writing. Of
10 course not, they do not want a paper trail.

11 On a side note, William Glass was being
12 illegally paid by the Gordon Heights fire
13 district which the residents discovered via
14 a FOIL request and we discovered that he was
15 collecting W-2 and we were paying for his
16 pension points.

17 As you can see, we were trying to
18 change our commissioners so that we could be
19 the watch dog of our own community but to
20 change commissioners is almost impossible.
21 We need Election Day to be on a certain day

22 like the regular Election Day. We need to
23 have them held outside of the fire
24 departments, maybe school districts or at

1 the town and we do not need the fire
2 commissioners and their families overseeing
3 the elections where they can have access to
4 the information, make the phone calls to the
5 people they need to get down there and the
6 cycle the continues.

7 I appreciate this hearing and I hope
8 that something can be done in the future,
9 otherwise it will be the same old, same old.

10 Thank you for your time.

11 SENATOR ADDABBO: Ms. Price.

12 CLAUDIA PRICE

13 MS. PRICE: My name is Claudia Price.

14 I also live in the Gordon Heights fire
15 district.

16 We just found out about this about noon
17 today, so I thank you and I am here talking
18 off the cuff.

19 I just want to make an observation
20 about voter suppression and voter
21 suppression especially in the suburbs is

22 basically built into the system because of
23 the day of the election. So many people in
24 the suburbs leave at 6:30 in the morning,

1 they don't get home until 7:30 at night,
2 they don't have time to vote. That in
3 itself is a type of voter suppression.

4 Where we live in Brookhaven Town all of
5 a sudden on Election Day the school
6 districts are closed and the town is closed,
7 so this enables the party that is in power
8 to really turnout their vote, make phone
9 calls, chauffeur people and other people
10 just can't even get to polls. I think
11 that's something to consider. I know
12 Tuesday is the day for nation, but does
13 Tuesday have to be the day of state? This
14 is on the street the main complaint that I
15 hear, why do we have to vote on Tuesday?
16 Why can't we vote on Saturday or Sunday like
17 many foreign countries?

18 That was one point I wanted to make.
19 Another point is about voter intimidation
20 being 100 feet from the poll. Why don't
21 they just pass a blanket law of quarter of a

22 mile away. That would solve that whole
23 problem because we did have in Gordon
24 Heights a lot of voter intimidation. We

1 have the highest fire taxes in the State of
2 New York. I myself pay \$2,300 in fire taxes
3 while a comparable home in other districts
4 pays \$600. We did circulate this petition
5 and as a result, I was very aware of the
6 district lines. So before the election I
7 went to the Board of Elections and I
8 acquired the registration roll and I noticed
9 that people were on the roll who did not
10 live in the district. I went to the
11 district clerk and told her, I said these
12 people are on your rolls, could you please
13 adjust your rolls accordingly.

14 Well, when it came time few days before
15 the election, I went down to get a new set
16 of the rolls and I found their names were
17 still on there, so I went to up to the
18 district clerk and this is what she said to
19 me, she said -- her reply was, it wasn't my
20 responsibility, why don't I contact the
21 Brookhaven Town Assessor or better yet, Mrs.

22 Price, why don't you go knock on their doors
23 have them take the names off themselves.
24 Anyway, on election night people not in the

1 district were allowed to vote.

2 We filed a complaint, as Rosalie said,
3 and nothing was done, nothing was done. The
4 three votes, that's what we lost by. It was
5 a very important vote to us and, of course,
6 Thomas Spota has no jurisdiction. He said
7 we have to prove that there was intent of
8 fraud.

9 But the point that I want to make is if
10 there is no oversight of special districts,
11 it enables them to continue with these
12 fraudulent practices. I know in Suffolk
13 County there have been many instances of
14 fraudulent practices, but they get away with
15 it. The more they know they get away with
16 it, the more arrogant they become. They
17 just snicker in your face, ha ha, there is
18 nothing you can do to us.

19 So if the Board of Elections can really
20 be in charge of special district elections
21 or at least have maybe an old-fashioned nun

22 with the big ruler slap the table. More
23 than just being there. Right now they are
24 only there because they have machines but

1 they have no jurisdiction.

2 MS. HANSON: I would like to add one
3 quick thing that I forgot to mention.

4 That night there was over 30 phone
5 calls to the Board of Elections on December
6 8, 2008 because there was confusion about
7 who was in the book and who wasn't in the
8 book. But again they allowed three people
9 to vote illegal. There was also two phone
10 calls to the Suffolk County Police
11 Department that people called the police
12 because they felt harassed.

13 The next day there was a huge story in
14 Newsday, so we made headline news. And
15 again Thomas Spota, who was supposed to be
16 the District Attorney did nothing. The
17 Board of Elections said they have no
18 oversight. The town cannot help you. All
19 you can do is the residents dealing with
20 commissioners and when you have a problem
21 with the commissioners and when you find the

22 problem -- and we do have the facts that
23 there was voter fraud because we have the
24 sign-in sheet, nobody did anything. So what

1 are all these layers of government that are
2 supposed to be helping us? They are doing
3 nothing.

4 SENATOR ADDABBO: Again, I thank you
5 all for your testimony.

6 MS. COLEMAN: Before you thank me, I
7 have to take off a hat for a moment. I work
8 for the EOC, and that's voter education
9 registration, and that hat is off,
10 technically I am out to lunch.

11 I am also the co-chair of Nassau County
12 Working Families Party. I am also the
13 co-chair of Long Island Progressive
14 Coalition. I also sit on the ACLU Board of
15 Directors and I am also the vice chair of
16 the Nassau County Board of Health. So when
17 I say I have been around, I have been
18 around.

19 Most people know me, too many people
20 know me. When I go vote and I am being
21 clear and my name is not in the book, and I

22 am 55, I have been voting since I was 19
23 years old, basically in the same address,
24 same area. When my name is not in the book,

1 then you have to understand that must be
2 multiplied by a thousand that many names are
3 not there that should be there. And
4 without other groups and other
5 organizations, other individuals that are
6 willing to come forward and say what is
7 going wrong with the process, we have to be
8 very, very careful, we must pass those laws
9 but those laws must be real. It should not
10 be just another layer of government, another
11 place to report a problem to. It must be a
12 way of being engaging, responsive,
13 respectful and solution driven. Because
14 unless it does all those things, you are
15 wasting everyone's time and that the ACLU,
16 while we may have various attorneys that are
17 able to poll watchers and legal observers
18 are not able to do anything. The lawyers
19 who are sitting and waiting for the calls,
20 they do no good. There are too many things
21 at the bottom line that prohibit voter

22 activation, so that has to be part of this

23 process.

24 And you have to make us believe,

1 because we will help you, that once it gets
2 right we will help you spread that word and
3 make sure people will be involved through
4 various organizations. People understand
5 how important this vote is.

6 SENATOR ADDABBO: Ms. Coleman, I want
7 to ask you to put your other hat back on.

8 For record, clearly I am going to ask
9 you do commercial, you said the gentleman
10 earlier would have called you to help. I
11 want you to give us the name of the
12 organization and number please for those
13 watching so that they would know.

14 MS. COLEMAN: I work for EOC, which
15 is the Economic Opportunity Commission of
16 Nassau County. And a part that does most of
17 the street work on Election Day and for
18 election options is the Voter Education
19 Registration Committee. And my number is
20 516-292-9710.

21 They should call us, we have

22 individuals, and it is all volunteerism on
23 VREC. They will make sure that there is
24 transportation, assistance through the

1 collaboration with all these other groups
2 and organizations to make sure that their
3 vote is counted on that day. Even going so
4 far as to intervene with police officers in
5 Lynbrook, Rockville Centre and other
6 communities where we know there is a
7 problem.

8 SENATOR ADDABBO: Thank you, Ms.
9 Coleman, for your volunteerism.

10 I also ask that at a later date if you
11 can forward to my office the committee, if
12 not written testimony, certainly bullet
13 points testimony. We greatly appreciate you
14 being here.

15 Ms. Hanson and Ms. Price, I appreciate
16 you being here as.

17 Even though you don't have written
18 testimony, I will request from you as well
19 you made interesting points regarding your
20 issue, if you have them we will take them.
21 This helps the Committee as when they digest

22 what was mentioned and discussed at this
23 hearing as we go forward to legislation and
24 administrative issues that have to be taken

1 up throughout the state.

2 So I want to thank this panel, being
3 the last panel, thank you very much.

4 I thank all our participants today for
5 the Elections Committee, as myself and my
6 colleagues in the Senate go forward in
7 curing the issues that affect our voters,
8 our candidates, voter suppression, voter
9 intimidation, and all barriers that relate
10 to voting and Election Day operations.

11 Once again, I thank you all for being
12 here.

13 I hereby call this hearing adjourned.

14 (Time Noted: 4:10 p.m.)

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